Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky December 11, 2007

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on December 11, 2007 at 6:00 P.M. Present were Vice Mayor Jim Gray in the chair presiding in the absence of Mayor Newberry and the following members of the Council: Council Members Crosbie, DeCamp, Ellinger, Gorton, James, Lane, McChord, Moloney, Myers, Stevens, Stinnett, Beard, Blevins and Blues.

The reading of the Minutes of the previous meeting was waived.

Ordinances No. 264-2007 thru 280-2007 inclusive and Resolutions No. 629-2007 thru 652-2007 inclusive were reported as having been signed and published, and were ordered to record.

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The Invocation was given by Rabbi Marc Aaron Kline, J.D., Temple Adath Israel.

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Vice Mayor Gray introduced Police Chief Anthany Beatty who was retiring.

Chief Beatty spoke to the Council thanking them for their support. He spoke about the Mayor's he has worked under since 1971 and thanked everyone for the opportunity to serve Lexington.

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The following ordinances were given second reading. Upon motion of Mr. Blevins, seconded by Ms. James, the ordinances were approved by the following vote:

Aye: Crosbie, DeCamp, Ellinger, Gorton, Gray,
James, Lane, McChord, Moloney, Myers,
Stevens, Stinnett, Beard, Blevins, Blues ---------------------- 15

Nay: -- 0

An Ordinance approving and adopting a program amendment for use of Community Development Block Grant Funds in the 2007 Consolidated Plan to establish a new project, the Open Channel on Bryan Avenue Project, and an amendment to the 2005 Consolidated Plan to provide a change in the scope of work for the Valley Park Project, appropriating funds pursuant to Schedule No. 99, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance amending Section 2 of Ordinance No. 215-2007, Section 21-5 of the Code of Ordinances, creating one (1) position of Deputy Director, Grade 120E, in the Office of Internal Audit, to change the effective date from January 7, 2008 to November 21, 2007.

An Ordinance expanding and extending Partial Urban Services District #3 for the Urban County Government for the provision of garbage and refuse collection, to include the area defined as certain properties on the following streets: <u>Millcreek</u>, Appian Crossing Way, Jones Trail; and <u>Longleaf Place Subd</u>, Longleaf Place.

An Ordinance expanding and extending Partial Urban Services District #5 for the Urban County Government for the provision of garbage and refuse collection and street lighting, to include the areas defined as certain properties on the following streets: <u>South Mill Commons Section 3</u>, Lawrence Street; <u>Cravens Property (The Lofts at 991)</u>, McClanahan Lane, Todds Road; and <u>Beaumont Centre</u>, Verandah Place.

An Ordinance expanding and extending the Full Urban Services District for the Urban County Government for the provision of street lighting, street cleaning and garbage and refuse collection, to include the area defined as certain properties on the following streets: Angela Court; Blackhorse Lane; Bracktown Road; Bradley Lane; Leestown Road; Rebecca Drive; Richardson Prop Unit 8 Sec 1, Stuart Hall Boulevard; Still Meadows LLC Prop Sec 1 (portion of 501 Chilesburg Road), Andover Creek Lane; Arnold Properties, LLC, Appian Crossing Way; Blackford Prop Phase 3 Unit 1B, Bay Springs Park; Blackford Prop Phase 3 Unit 1E, Bay Springs Park; Blackford Prop Phase 3 Unit 1G, Bay Springs Park; Blackford Prop Phase 3 Unit 1-I, Bay Springs Park; Blackford Prop Phase 3 Unit 1-J, Bay Springs Park; Beaumont Farm Unit 1, Beacon Street; Beaumont Farm Unit 1, Beacon Street; Beaumont Farm Unit 1, Beacon Street, Beaumont Centre Circle; Beaumont Farm Unit 1, Beaumont Centre Circle; Blackford, Blackford Parkway; Blackford Prop Phase 3 Unit 1B, Blackford Parkway; Newmarket, Unit 4-B, Brick House Lane; The Reserve and Tates Creek (5301 Tates Creek Road), Bridlewood Lane; Longleaf Subd., Unit 2, Broadleaf Lane; Burgess Avenue; Sebastian Property Unit 3C Section 2, Burnt Mill Road; Sebastian Property Unit 3B Section 2, Burnt Mill Road; Sebastian Property Unit 3E Sec 2, Burnt Mill Road; Ramsey-Sullivan, Creek Path Lane; Ramsey-Sullivan Prop Unit 1A Sec 1 (Kearney Ridge), Creek Path Lane; Masterson Station Central (Citation Village), Darenia Lane; Asbury, Dawson Springs Way; Newtown Springs, Unit 2B, Dawson Springs Way; Carroll, Rollie B., Sr, Eastway Drive; Masterson Station Central (Citation Village), Ferndale Pass; Blackford Prop Phase 3 Unit 1G, Hibernia Pass; Blackford Prop Phase 3 Unit 1H, Hibernia Pass; Still Meadows LLC Prop Sec 1 (Portion of 501 Chilesburg Road), Horsemint Trail; Scully Property, Kavenaugh Lane; Ramsey-Sullivan Prop Unit 1B (Kearney Ridge), Kearney Creek Lane; Ramsey-Sullivan Prop Unit 1C (Kearney Ridge), Kearney Creek Lane; Ramsey-Sullivan Prop Unit 1D (Kearney Ridge), Kearney Creek Lane; Ramsey-Sullivan Property Unit 3, Kearney Ridge Boulevard; Ramsey-Sullivan Prop Unit 1B (Kearney Ridge), Kearney Ridge Boulevard; Ramsey-Sullivan Prop Unit 1A Sec 1 (Kearney Ridge), Kearney Ridge Boulevard; Sunny Slope Farm Unit 3B, Sec 1, Kelli Rose Way; Woodward-Lander Property Unit 1A, Laguna Court; Woodward-Lander Property Unit 1C, Lander Court; Highland Lakes Unit 1H, Largo Lane; Scully Property, Lawson Lane; Masterson Station Central (Citation Village), Leestown Road; Sunny Slope Farm Unit

3A, Loblolly Court; Sunny Slope Farm Unit 3G Sec 1, Loblolly Way; Ramsey-Sullivan Prop. Unit 1C (Kearney Ridge), Locust Blossom Cv.; Blackford Prop Phase 3 Unit 1E, Mathern Trail; Blackford Prop Phase 3 Unit 1F, Mathern Trail; Blackford Prop Phase 3 Unit 1H, Mathern Trail; Ramsey-Sullivan Prop. Unit 1D (Kearney Ridge), Meadowsweet Lane; Ramsey-Sullivan Property Unit 3, Meadowsweet Lane; Johnson Prop Unit 1-J, Millbank Road; Johnson Property, Unit 1B, Sec.2, Millbank Road; Still Meadows LLC Prop Sec 1 (Portion of 501 Chilesburg Road), Mist Flower Lane; Beaumont Farm Unit 1, Monarch Street; Woodward-Lander Property Unit 1D, Movado Court; Newtown Springs, Unit 1, Sec 1, Newtown Center Way; Asbury, Newtown Springs Drive; Newtown Springs, Unit 1, Sec 1, Newtown Springs Drive; Sebastian Property Unit 3B Section 2, Old Woolen Mill Lane; Sebastian Property Unit 3A Section 2, Old Woolen Mill Lane; Denton Farms, Inc Unit 3 Section A (Ellerslie at Delong), Ormesby Place; Carroll, Rollie B. Sr, Pasadena Drive; Denton Farms, Inc. Unit 3 Section A (Ellerslie at Delong), Richmond Road; Woodward-Lander Property Unit 1G, Riney Road; Masterson Station Central (Citation Village), Robinson Way; Russell Cave Road; Johnson Property, Unit 1B, Sec. 2 Russell Cave Road; Woodward-Lander Property Unit 1A, Sandersville Road; Woodward-Lander Property Unit 1B, Sandersville Road; Woodward-Lander Property Unit 1C, Sandersville Road; Woodward-Lander Property Unit 1D, Sandersville Road; Newtown Spring, Unit 2B, Saunders Springs Way; Asbury, Saunders Springs Way; Masterson Station Central (Citation Village), Shell Court; Newton Springs, Unit 2B, Silver Springs Drive; Asbury, Silver Springs Drive; Sunny Slope Farm Unit 3G Sec 1, Silverbell Trace; Ramsey-Sullivan Prop Unit 1B (Kearney Ridge); Sullivans Trace; Ramsey-Sullivan Prop Unit 1A Sec 1 (Kearney Ridge), Sullivans Trace; Ramsey-Sullivan, Sullivans Trace; Pasadena Point Subd, Sun Seeker Court; Sunny Slope Farm Unit 3A, Sweetspire Drive; The Reserve and Tates Creek (5301 Tates Creek Road), Tates Creek Road; Woodward-Lander Property Unit 1E, Tiburon Court, Tiburon Way; Woodward-Lander Property Unit 1F, Tiburon Way; Woodward-Lander Property Unit 1G, Tiburon Way; Woodward-Lander Property Unit 1H, Tiburon Way; Sebastian Property Unit 3D, Trailwood Lane; Sebastian Property Unit 3B Section 2, Trailwood Lane; The Reserve and Tates Creek (5301 Tates Creek Road), Tykes Pass; Sebastian Property Unit 3A Section 2, White Oak Trace; Sebastian Property Unit 3C Section 2, White Oak Trace; and Sebastian Property Unit 3D, White Oak Trace, Whiteberry Drive.

An Ordinance providing, notwithstanding Section 21-33(a) of the Code of Ordinances, that employees in the Dept. of Finance and Administration, who because of STARS implementation will lose accumulated vacation leave, may carry over accumulated vacation leave in excess of one hundred sixty-eight (168) hours at the end of calendar year 2007; providing that the employee shall have his or her accumulated vacation hours reduced to one hundred sixty-eight (168) hours on June 30, 2008; and providing that if the employee separates from employment with the Urban County Government prior to June 30, 2008, then he or she shall be paid pursuant to Section 21-33(e) of the Code of Ordinances for no more than one hundred sixty-eight (168) hours plus those hours accumulated for service during calendar year 2008.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and reappropriating funds, Schedule No. 98.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and reappropriating funds remaining in FY 2007 into FY 2008 as approved at the December 4, 2007 Council Work Session, Schedule No. 111.

An Ordinance closing a portion of Owens Street; determining that all property owners abutting the portion of the street to be closed have been identified, provided with written notice of the proposed closing and consented thereto in writing; and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Quitclaim Deeds transferring the former right-of-way to the abutting owners, subject to the reservation of easements for access and maintenance of existing utilities in the former right-of-way.

An Ordinance amending Section 4-12.4(d) of the Code of Ordinances to increase the kennel license fee from $25.00 to $135.00, effective on the date of passage.

An Ordinance amending Section 4-19(e) of the Code of Ordinances to increase the fine for violations of the prohibition against dogs running at large to not less than $50 for a first offense, $100 for a second offense, $250 for a third offense, and $500 for a fourth and each subsequent offense occurring within a 36-month period.

An Ordinance amending Section 21-5 of the Code of Ordinances abolishing one (1) position of Clerical Assistant, Grade 104N, and creating one (1) position of Staff

Assistant, Grade 107N; abolishing one (1) position of Recreation Supervisor, Grade 110E, and creating one (1) position of Park Naturalist, Grade 113E; and reclassifying the incumbents, all within the Div. of Parks and Recreation; and pursuant to Ordinance No. 197-2002 adjusting the salary of one employee in the Div. of Revenue and one employee in the Div. of Traffic Engineering occupying the positions of Staff Assistant, after a review pursuant to the pay equity ordinance, all to become retroactive to October 1, 2007, and appropriating funds pursuant to Budget Schedule No. 107.

An Ordinance amending Section 21-5 of the Code of Ordinances abolishing one (1) position of Engineering Technician Sr., Grade 113E, creating one (1) position of Associate Engineering Technician Principle, Grade 114E, and reclassifying the incumbent, in the Div. of Engineering, effective retroactive to August 20, 2007, and appropriating funds pursuant to Budget Schedule No. 109.

An Ordinance amending Section 22-5 of the Code of Ordinances transferring one (1) position of Van Driver p/t, Grade 104N, from the Div. of Adult Services to the Office of Aging Services.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the U. S. Dept. of Justice, which grant funds are in the amount of $125,561.00 Federal funds under the State Criminal Alien Assistance Program (SCAAP), are for reimbursement of costs related to the incarceration of undocumented criminal aliens, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 101, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Office of 911 Coordinator/Commercial Mobile Radio Service Board, which grant funds are in the amount of $147,457.00 Commonwealth of Ky. funds, are for improvements to the Regional 911 System, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 102, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Office of Homeland Security, which grant funds are in the amount of $37,282.00 Federal funds, are for the purchase of a Portable Interoperable Communications Tower for the Div. of Environmental and Emergency Management, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 103, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Office of Homeland Security, which grant funds are in the amount of $98,304.00 Federal funds, are for improvements to the Regional 911 System, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 104, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Office of Homeland Security, which grant funds are in the amount of $217,844.00 Federal funds, are for expansion of the Mobile Data Computer Network in the Div. of Police, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 105, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Environmental and Public Protection Cabinet, which grant funds are in the amount of $5,000.00 Commonwealth of Ky. funds, are for participation in the Mercury Collection Program, the acceptance of which obligates the Urban County Government for the expenditure of $1,250.00 as a local match, appropriating funds pursuant to Schedule No. 106, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to the Franchise Agreement with Insight Ky. Partners, II, LP, as previously amended, to extend and renew the term of the non-exclusive franchise for a cable television system a term of five (5) years from fifteen (15) to twenty (20) years, with an affective date retroactive to September 3, 2007, in return for additional services and at no cost to the Urban County Government.

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The following ordinances were given first reading and ordered placed on file until January 10, 2008 for public inspection.

An Ordinance changing the zone from a Professional Office (P-1) zone to a Highway Services Business (B-3) zone for 1.16 net (3.57 gross) acres of property located at 2374 Lake Park Road, subject to a certain use restriction imposed as a condition of granting the zone change. (Value Place Real Estate Services (AMD))

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures and appropriating and reappropriating funds, Schedule No. 110.

An Ordinance amending Section 21-5 of the Code of Ordinances creating two (2) positions of Equipment Operator Sr., Grade 109N, and abolishing two (2) positions of Public Service Worker, Grade 106N, and reclassifying the incumbents, in the Div. of Waste Management, to become effective retroactive to October 15, 2007, and appropriating funds pursuant to Budget Schedule No. 112.

An Ordinance amending Section 21-5 of the Code of Ordinances abolishing one (1) position of Recreation Supervisor, Grade 110E, and creating one (1) position of Recreation Specialist Sr., Grade 113E, in the Div. of Parks and Recreation, and appropriating funds pursuant to Budget Schedule No. 114.

An Ordinance amending Section 21-5 of the Code of Ordinances abolishing one (1) position of Operations Manager, Grade 116E, and creating one (1) position of Facility Manager, Grade 118E and reclassifying the incumbent, in the Div. of Building Maintenance and Construction, to become retroactive to May 28, 2007; and abolishing one (1) position of Skilled Trades Worker, Grade 111N, in the Div. of Building Maintenance and Construction, and appropriating funds pursuant to Budget Schedule No. 115.

An Ordinance authorizing a 6.544% stipend for the position of permanent sworn Battalion Chief, Grade 319E, in the Div. of Fire and Emergency Services, making the base salary of this position equal to other positions of the same rank, retroactive to June 25, 2007, appropriating funds pursuant to Schedule No. 89.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Contract with Art's Electric, Inc., for a generator for the Government Center Building, increasing the contract price by the sum of $2,191.00 from $229,600.00 to $231,791.00, and appropriating funds pursuant to Schedule No. 113.

* * *

The following resolutions were given second reading. Upon motion of Ms. Gorton, seconded by Dr. Stevens, the resolutions were approved by the following vote:

Aye: Crosbie, DeCamp, Ellinger, Gorton, Gray,
James, Lane, McChord, Moloney, Myers,
Stevens, Stinnett, Beard, Blevins, Blues ---------------------- 15

Nay: --- 0

A Resolution accepting the bid of Pro-Tech Security Sales, establishing a price contract for tactical body armor, for the Div. of Police.

A Resolution accepting the bid of Pierce Manufacturing, Inc., in the amount of $726,559.00, for an aerial ladder fire truck.

A Resolution accepting the bid of Chapman Printing Company, in the amount of $26,512.50, for printing of the 2007 Comprehensive Plan.

A Resolution accepting the bid of Century Equipment, establishing a price contract for golf course utility vehicles, for the Div. of Parks and Recreation.

A Resolution accepting the bid of Radio Communications Systems, Inc., dba RCS Communications, establishing a price contract for emergency equipment, for the Div. of Police.

A Resolution accepting the bid of Saf-Ti-Co, Inc., establishing a price contract for radar traffic counters.

A Resolution accepting the bids of Recreonics, Inc., Leslie's Pool Mart, and EMSCO dba OP Aquatics, establishing price contracts for swimming pool supplies, for the Div. of Parks and Recreation.

A Resolution accepting the bids of Caudill Seed and Mid South Baseball Inc., establishing price contracts for baseball field drying conditioners, for the Div. of Parks and Recreation.

A Resolution accepting the bids of Clem's Refrigerated Foods and Somerset Food Service, establishing price contracts for food, for the Family Care Center.

A Resolution accepting the bid of Remotec, Inc./subsidiary of Northrup Grumman, in the amount of $120,456.00, for a hazardous duty robot, for the Div. of Police.

A Resolution accepting the bid of Boerger LLC, in the amount of $47,669.00, for rotary lobe sludge transfer pumps, for the Div. of Water and Air Quality.

A Resolution accepting the bid of Mason-Dixon Information Systems, Inc., in the amount of $5,250.00, for printing of the 2007 Land Use Map.

A Resolution accepting the bid of B&H Photo Video Pro-Audio, in the amount of $36,340.00, for Sony camera systems.

A Resolution accepting the bid of Arrow Electric Co., in the amount of $220,110.00, for installation of innerduct conduit, for the Div. of Traffic Engineering.

A Resolution accepting the bid of RJ Smith Controls and Consulting Inc., in the amount of $34,572.00, for variable drives for Town Branch Waste Water Treatment Plant, for the Div. of Water and Air Quality.

A Resolution accepting the bid of Loveline Industries, Inc., establishing a price contract for rain suits, for the Div. of Solid Waste.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a donation from Whayne Supply Company, for the use of one (1) excavator and/or bulldozer, for use at the Firearms Training Facility, at no cost to the Urban County Government.

A Resolution authorizing and directing the Div. of Traffic Engineering, pursuant to Code of Ordinances Section 18-86, to install multiway stop controls at Masterson Station Drive and Jacquelyn Lane.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute the 2008 General Term Orders for the Fayette County Clerk and the Fayette County Sheriff, establishing the number of deputies and assistants allowed to each and the compensation allowed to each deputy and assistant, subject to the limits for each category as specified in the General Term Orders and subject to the fees collected by the officers respectively in their seventy-five percent (75%) accounts pursuant to KRS 64.350(1).

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying permanent storm sewer and temporary construction easements from Jeffrey and Terry Lutz for property located at 224 Forest Park Road, for the Elizabeth Street Drainage

Improvement Project, and authorizing payment in the amount of $3,450.00, plus usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying a temporary construction easement from John and Jane Pappas, for the property located at 218 Floral Park, for the Elizabeth Street Drainage Project, and authorizing payment in the amount of $225.00, plus usual and appropriate closing costs.

A Resolution amending Resolution No. 50-2006 which authorized and directed the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying a temporary construction easement, permanent traffic signal easement and permanent right-of-way from Bluegrass Baptist Church, located at 812 East Loudon Avenue and 820 East Loudon Avenue, for the Loudon Avenue Improvements Project, to include 808 East Loudon Avenue.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Brandstetter Carroll, Inc., for design of the new Senior Citizen's Center, at a cost not to exceed $48,000.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Partners for Youth Foundation, Inc., for continued operation of the Truancy Assessment Center, at a cost not to exceed $75,691.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Lafayette Football Booster Club, Inc. ($600.00), South Lexington Youth Baseball, Inc. ($925.00), Elfs, Inc. ($1,025.00), Metropolitan Women's Club, Inc. ($600.00) and Central Kentucky Radio Eye, Inc. ($1,000.00) for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Engineering Services Agreement with Nesbitt Engineering, Inc., for White Mark Court Drainage Improvements Project, at a cost not to exceed $45,700.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Engineering Services Agreement with Strand Associates, Inc., for Appomattox Road Culvert Replacement design and contract documents, at a cost not to exceed $66,000.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Engineering Services Agreement with Fuller, Mossbarger, Scott, and May Engineers, Inc., for Loch Lomond Drive Drainage Improvements Project, at a cost not to exceed $60,000.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Purchase of Service Agreement with Midway College, for awarding an Associate of Arts Degree in Law Enforcement, at a cost not to exceed $60,000.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Purchase of Services Agreement with the University of Kentucky Research Foundation, to design and implement the Community & Support Services evaluation plan for the Bluegrass Aspendale Revitalization Hope VI Grant, at a cost not to exceed $27,498.00, retroactive to May 4, 2007.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Agreement with Art in Motion, Inc., and Transit Authority of the Lexington-Fayette Urban County Government, for a bus shelter to be located on the Versailles Road Corridor, at a cost not to exceed $14,000.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Client Engagement Agreement with Metaformers, Inc., for professional computer services related to the development and implementation of the EPM module for the STARS Program with an effective date retroactive to August 20, 2007, at a cost not to exceed $344,840.00.

A Resolution authorizing and directing the Div. of Traffic Engineering, pursuant to Code of Ordinances Section18-86, to install multiway stop controls at Summerhill Drive and Squire Oak Drive.

A Resolution compensating exempt employees who worked and continue to work on the implementation of the STARS software; providing that said employees who have reached the compensatory time cap shall receive compensation of twenty percent of their base salary; that said compensation shall be retroactive to October 15, 2007 and shall conclude on January 15, 2008.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a deed conveying a permanent sanitary sewer easement from Helen Sosby, for property located at 687 Woodward Lane, for the Wilderness Road/Woodward Lane Sanitary Sewer Project, and authorizing payment in the amount of $1,450.00, plus usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a deed conveying a permanent sanitary sewer easement from David Royse, for property located at 691 Woodward Lane, for the Wilderness Road/Woodward Lane Sanitary Sewer Project, and authorizing payment in the amount of $2,970.00, plus usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the U.S. Dept. of Homeland Security and to provide any additional information requested in connection with this grant application, which grant funds are in the amount of $44,603.00 Federal funds, and are for the Spanish Language Initiative Project ($38,315.00) and controllable propane fueled fire extinguisher training equipment and training videos ($6,288.00).

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Cabinet for Health and Family Services under the Prevent Child Abuse Ky. Initiative and to provide any additional information requested in connection with this grant application, which grant funds are in the amount of $36,000.00 Federal funds, and are for a child care assistance program at the Family Care Center.

A Resolution authorizing the Dept. of Chief Information Officer, on behalf of the Urban County Government, to purchase Quest Software for use in stat source control and configuration management related to certain elements of the STARS Program, from DLT Solutions, Inc., a sole source provider, at a cost not to exceed $204,999.92.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Lease Agreement with West End Community Empowerment Program (WECEP), for use of space at the Black and Williams Neighborhood Center.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Agreement with Murray State University, for academic instruction in the Spanish language, at a cost not to exceed $4,995.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Engineering Services Agreement with Lilly Wastewater Management, Inc., for operation of Blue Sky Wastewater Treatment Plant, at a cost not to exceed $36,000.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Cellco Partnership d/b/a Verizon Wireless, for the provision of 3-1-1 service, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Rental Agreement and Addendum #1 with Lexington Center Corp., for the Lexington Opera House, for the Kiddie Kapers Program, at a cost not to exceed $7,400.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Rental Agreement with Lexington Center Corp., for Heritage Hall Center and East, for the Martin Luther King, Jr. Memorial Program, at a cost not to exceed $9,975.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Service Agreement with Scheller's Fitness & Cycling, for Dunbar Community Center, at a cost not to exceed $600.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Client Engagement Agreement with Metaformers, Inc., extending the term of the Agreement through March 31, 2008, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with Community Ventures Corp., for extension of Community Ventures Corporation's FY 2005 HOME funded First-Time Homebuyers Program to October 21, 2008, and allocation of $258,533.15 in recaptured funds to Community Ventures Corp., at a cost not to exceed $258,533.15 in recaptured funds.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Contract with Past Respects, LLC, for the renovation of Cadentown School, increasing the contract price by the sum of $12,619.00 from $175,309.00 to $187,928.00.

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A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with REACH, Inc. for an additional $100,000.00 in HOME funds for the First-Time Homebuyers Program, at a cost not to exceed an additional $100,000.00 was given second reading.

Upon motion of Ms. Gorton, seconded by Dr. Stevens, the resolution was approved by the following vote:

Aye: Crosbie, DeCamp, Ellinger, Gorton, Gray, James, Lane, McChord, Myers, Stevens, Stinnett, Beard, Blevins, Blues -------------------- 14

Nay: -- 0
(Mr. Moloney disqualified himself when the vote was taken.)

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A Resolution clarifying the Urban County Council's position on the water supply deficit problem and stating that the future source of water supply for Lexington-Fayette County does not necessarily need to come from the Ky. River, and that the Council wants any and all options for addressing this issue fully explored and considered by the Ky. Public Service Commission in Case No. 2007-00134, regardless of whether the ultimate source of the additional water supply is obtained from the Ky. River was on the docket for second reading.

Mr. Lane made a motion, seconded by Mr. Myers, to table the resolution.

The motion **failed to pass** by the following vote:

Aye: Crosbie, Ellinger, James, Lane, McChord, Myers, Stinnett -------------------- 7

Nay: DeCamp, Gorton, Gray, Moloney, Stevens, Beard, Blevins, Blues ---------- 8

Mr. DeCamp made a motion, seconded by Mr. Moloney, to amend the Resolution which clarifies that the Council wants any and all options for addressing the water supply deficit issue fully explored and considered by the Ky. Public Service Commission in Case No. 2007-00134, to delete all mention of "Ky.-American Water Company" and to delete the third paragraph of the preamble in its entirety "Whereas, the Council believes that the Resolution has been, from time-to-time, erroneously interpreted by certain parties as requiring any solution to Central Ky.'s water supply problem to be focused solely on the Ky. River as the source of supply of water; and"

Mr. Ellinger asked to see a copy of the amended resolution in its entirety.

Mr. Logan Askew, Commissioner of the Dept. of Law, stated that he could get a copy of the amended resolution for the Council to preview before they voted on the motion.

Mr. McChord made a motion, seconded by Dr. Stevens, to postpone the motion to amend until Mr. Askew came back with a copy of the resolution.

The motion **passed** by a majority voice vote.

Discussion continued after all the resolutions except for #33 were given second reading.

Mr. Beard made a motion, seconded by Mr. Myers, to reconsider Mr. Lane's motion to table the resolution.

There was discussion among the Council concerning the motion to reconsider.

Mr. Myers called for the question.

Mr. Beard's motion **passed** by the following vote:

Aye: Crosbie, Ellinger, James, Lane, McChord, Myers, Stinnett, Beard --------- 8

Nay: DeCamp, Gorton, Gray, Moloney, Stevens, Blevins, Blues ------------------ 7

Vice Mayor Gray stated that the Council would now reconsider Mr. Lane's original motion to table the resolution which was not debatable.

There was discussion among the Council concerning the motion.

Mr. Lane's motion, seconded by Mr. Myers, to table the resolution **passed** by the following vote:

Aye: Crosbie, Ellinger, James, Lane, McChord, Myers, Stinnett, Beard --------- 8

Nay: DeCamp, Gorton, Gray, Moloney, Stevens, Blevins, Blues ------------------ 7

A Resolution clarifying the Urban County Council's position on the water supply deficit problem and stating that the future source of water supply for Lexington-Fayette County does not necessarily need to come from the Ky. River, and that the Council wants any and all options for addressing this issue fully explored and considered by the Ky. Public Service Commission in Case No. 2007-00134, regardless of whether the ultimate source of the additional water supply is obtained from the Ky. River was tabled.

* * *

The following resolutions were given first reading. Upon motion of Mr. Blues, seconded by Mr. Ellinger, the rules were suspended by majority vote.

The resolutions were given second reading. Upon motion of Ms. Gorton, seconded by Mr. Ellinger, the resolutions were approved by the following vote:

Aye: Crosbie, DeCamp, Ellinger, Gorton, Gray, James, Lane,
McChord, Moloney, Myers, Stinnett, Beard, Blevins, Blues -------------- 14

Nay: -- 0
(Dr. Stevens was absent when the vote was taken.)

A Resolution accepting the bid of Education Remedies, Inc. dba JDC Cleaning, establishing a price contract for custodial services for the Central Ky. Job Center.

A Resolution accepting the bid of L& N Commercial Cleaning, establishing a price contract for custodial services for Public Safety.

A Resolution accepting the bid of Municipal Equipment, Inc., in the amount of $229,985.00, for a street sweeper, for the Div. of Fleet Services.

A Resolution ratifying the probationary civil service appointments of: Shantelle Baker, Child Care Program Aide, Grade 107N, $11.278 hourly, in the Div. of Youth Services, effective December 17, 2007; Shirley Cruse, Staff Assistant, Grade 107N, $15.951 hourly, in the Div. of Police, effective January 7, 2008; James Hall, Information Systems Specialist Sr., Grade 114E, $1,422.64 bi-weekly, in the Div. of Police, effective January 7, 2008; ratifying the probationary sworn appointments of: Mark Brand, Police Sergeant, Grade 315N, $26.388 hourly, in the Div. of Police, effective November 11, 2007. Melissa Sedlaczek, Police Lieutenant, Grade 317E, $2,752.46 bi-weekly, in the Div. of Police, effective November 11, 2007; approving leave of absence for: Shauntae Moberly, Staff Assistant Sr., Grade 108N, in the Office of the Mayor, requests a 90 day Council approved leave without pay from January 9, 2008 to April 7, 2008; approving the unclassified civil service appointment of: Christopher Burlile, James Norris, Blake Quinn, John Robinson, Police Trainee, Grade 311N, $16.052 hourly, in the Div. of Police, effective December 10, 2007.

A Resolution supporting the efforts of Central Baptist Hospital, St. Joseph Healthcare, UK Healthcare Albert B. Chandler Hospital, UK Healthcare Good Samaritan and the other members of the Tobacco-free Healthcare Collaborative in their efforts to eliminate smoking from hospital campuses as well as facilities owned or leased by the hospitals.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a donation of improvements made to Shillito Park consisting of a special surface ball field (“Toyota Bluegrass Miracle League Field”), a concession/restroom facility (“BB&T Building”) and a picnic pavilion (“Mack Albright/Rotary Pavilion”) from Bluegrass Miracle League, Inc., and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Facility Agreement with Bluegrass Miracle League, Inc., for baseball facilities for a youth program and recreational opportunities for people with disabilities and the elderly.

A Resolution initiating for Planning Commission review and recommendation the re-zoning of approximately three (3) acres of property located at 898 Georgetown Street and a portion of 798 Georgetown Street from an Agricultural Urban (A-U) zone to a Planned Neighborhood Residential (R-3) zone.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a deed conveying a temporary construction easement from the Shetlands Homeowners Association, Inc., located at 889 Star Shoot Parkway, for the Star Shoot Parkway Extension, and authorizing payment in the amount of $1,310.00, plus usual and appropriate closing costs.

A Resolution accepting the bid of MA-COM, Inc (MBP #26369) establishing a price contract for hardware, software, engineering and installation services for 800 MHz radio communications equipment, for the Div. of Fire and Emergency Services.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit project profiles to the Ky. Infrastructure Authority and to provide any additional information requested in connection with the project profiles, which are for consideration of four wastewater projects for state funding by the 2008 Ky. General Assembly: the East Hickman Pump Station Expansion and Rehabilitation ($3,100,000.00), the Bluegrass Airport Pump Station Expansion ($1,974,000.00), the Wolf Run Pump Station and Expansion ($10,500,000.00) and the Comprehensive Sanitary Sewer Project, remaining unsewered areas, Phase III ($3,300,000.00).

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Software Product License Agreement with Granicus, Inc. for maintenance and support of the video web streaming and Council Chambers voting system for the remainder of FY08, and two additional years, subject to sufficient funds being appropriated in subsequent years, at a cost not to exceed $15,600.00 ($2,600.00 per month).

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Berea College ($150.00), Wyndam Downs Homeowners Association, Inc. ($800.00) and Copperfield Neighborhood Association, Inc. ($800.00) for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Volunteers of America of Ky., Inc., for the support of emergency housing for homeless families, at a cost not to exceed $8,000.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Subordination Agreement with Chase Bank, Edward Norman Wilson and Mary Kathryn Wendell Garner, for subordination of a financial assistance program mortgage on property located at 3109 Starling Drive, at no cost to the Government.

A Resolution accepting the proposal and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Professional Services Agreement with FM Solutions, Inc., for services related to the Downtown Facilities Evaluation, at a cost not to exceed $94,785.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Board of Emergency Medical Services and to provide any additional information requested in connection with this grant application, which grant funds are in the amount of $10,000.00 Commonwealth of Ky. funds, and are for the purchase of bicycles outfitted with advanced life support equipment, for the Div. of Fire and Emergency Services.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Federal Emergency Management Agency and to provide any additional information requested in connection with this grant application, which grant funds are in the amount of $1,395,000.00

Federal funds, and are for a Flood Hazard Mitigation Project for FY 2009, including the purchase of ten single family houses on Fort Sumter Drive and Gayle Drive.

A Resolution accepting the bid of CMH of Ky. Inc. dba Luv Homes #853, in the amount of $706,906.76, for temporary housing for the Newtown Pike Extension.

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Upon motion of Mr. Blevins, seconded by Ms. Gorton and passed by unanimous vote, the communications from the Mayor were approved and are as follows: (1) recommending the appointment of Marilyn Clark to the Lexington Center Corporation Board with a term to expire 2-28-2010 and (2) recommending the appointment of George J. Miller to the Transit Authority Board with a term to expire 6-30-2010.

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The following communication from the Mayor was received for information only: (1) Resignation of Adrienne Jones, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective December 9, 2007.

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Upon motion of Mr. Blevins, seconded by Ms. Gorton and passed by unanimous vote, the Council adjourned at 7:20 p.m.

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Deputy Clerk of the Urban County Council