Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky April 24, 2008

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on April 24, 2008 at 7:00 P.M. Present were Mayor Jim Newberry in the chair presiding and the following members of the Council: Council Members Blevins, Blues, Crosbie, DeCamp, Ellinger, Gorton, Gray, Henson, James, Lane, McChord, Myers, Stevens, Stinnett, and Beard.

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

Ordinances No. 59-2008 thru 71-2008 inclusive and Resolutions No. 146-2008 thru 181-2008 inclusive were reported as having been signed and published, and were ordered to record.

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The Invocation was given by Pastor Frank McClanahan, Meadowthorpe Baptist Church.

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Police Chief Ronnie Bastin and Mr. Walter Berkowski of the Carnegie Hero Fund Foundation presented Carnegie Medals to Police Officer Bryan Jared and Jessamine County Sheriff's Deputy Jon R. Sallee. Chief Bastin stated that Officer Jared and Deputy Sallee were recipients of the Carnegie Medals - Hero Funds for saving the co-pilot of Flight 5191. A video about the Carnegie Hero Fund was shown. Chief Bastin introduced Mr. Berkowski who presented the medals to Officer Jared and Deputy Sheriff Sallee. Chief Bastin recognized other heros who were present.

Mayor Newberry thanked them on behalf of the Mayor and the Council.

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

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

Nay: ---0

An Ordinance accepting the bid of Garney Construction, Inc., in the amount of $11,431,431.00 for the North Elkhorn Force Main Project, and appropriating funds pursuant to Schedule No. 162.

An Ordinance accepting the bid of HMC Service Co. in the amount of $33,895.00, and the bid of TP Mechanical Contractors in the amount of $58,550.00 for boiler replacements for the Phoenix Building, Government Center Annex, and Downtown Arts Center, and appropriating funds pursuant to Schedule No. 161.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Transportation Cabinet, to provide any additional information requested in connection with this Grant Application, and to accept this Grant if the application is approved, which Grant funds are in the amount of $40,000.00 Federal funds, are for continuation of the Traffic Safety Program, for the Div. of Police, the acceptance of which obligates the Urban County Government for the expenditure of $40,000.00 as a local match, appropriating funds pursuant to FY 2009 Schedule No. 2, 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 and submit a Grant Application to the U.S. Dept. of Health and Human Services, to provide any additional information requested in connection with this Grant Application, and to accept this Grant if the application is approved, which Grant funds are in the amount of $173,458.00 Federal funds, are for operation of the M.A.S.H. Drop Inn Facility, the acceptance of which obligates the Urban County Government for the expenditure of $17,346.00 to be provided by the M.A.S.H. Drop Inn operating budget, appropriating funds pursuant to FY 2009 Schedule No. 1, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance amending Section 21-5 of the Code of Ordinances abolishing two (2) positions of Plant Operations Supervisor Sr., Grade 117E, and creating two (2) positions of Plant Operations Supervisor Sr. Water and Air Quality Control, Grade 118E, and reclassifying the incumbents, in the Div. of

Water and Air Quality, and appropriating funds pursuant to Budget Schedule No. 158.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Dept. of Education, Div. of School and Community Nutrition, to provide any additional information requested in connection with this Grant Application, and to accept this Grant if the application is approved, which Grant funds are in the amount of $155,580.00 Federal funds, are for the 2008 Summer Food Service Program, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 166, 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 and submit a Grant Application to the Bluegrass Area Development District, to provide any additional information requested in connection with this Grant Application, and to accept this Grant if the application is approved, which Grant funds are in the amount of $83,980.00 Federal funds, are for operation of the Senior Citizens Center in FY 2009, the acceptance of which obligates the Urban County Government for the expenditure of $139,390.00 as a local match, appropriating funds pursuant to FY 2009 Schedule No. 3, 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 and submit the 2008 Consolidated Plan/Grant Application to the U.S. Dept. of Housing and Urban Development, to provide any additional information requested in connection with this Grant Application, and to accept the Grant if the application is approved, which Grant funds are in the amount of $3,508,372.00 Federal funds, are for FY09 Community Development Block Grant Program ($2,045,837.00), HOME Program ($1,356,982.00), Emergency Shelter Grant Program ($91,408.00) and the American Dream Down Payment Initiative ($14,145.00), the acceptance of which obligates the Urban County Government for the expenditure of $319,323.00 from various funding sources as local cash match and $67,408.00 in-kind match; appropriating funds pursuant to FY09 Schedule No. 4; authorizing the Mayor to transfer unencumbered funds within the Grant budget; and authorizing the Mayor to execute Agreements for the approved plan.

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 $23,393.00 Federal funds, are for the purchase of a Rajant InstaMESH Breadcrumb deployable 2.4GHZ Wi-Fi wireless system, for the Div. of Fire and Emergency Services, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 160, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance amending Section 21-5 of the Code of Ordinances creating one (1) position of Municipal Engineer Sr., Grade 119E; and amending Section 22-5 of the Code of Ordinances creating one (1) temporary position of Municipal Engineer Sr., Grade 119E, and one (1) temporary position of Municipal Engineer Sr., Part Time, Grade 119E, both for a term of four (4) years, ending April 24, 2012, all within the Div. of Water and Air Quality, and appropriating funds pursuant to Budget Schedule No. 157.

An Ordinance amending Section 22-5 of the Code of Ordinances creating two (2) positions of Social Worker Sr., Part Time, Grade 113E, and abolishing one (1) position of Social Worker Sr., Grade 113E, and reclassifying the incumbent, in the Div. of Adult Services, and appropriating funds pursuant to Budget Schedule No. 159.

An Ordinance amending Section 5-1 of the Code of Ordinances to adopt the current edition of the Kentucky Uniform State Wide Mandatory Building Code and the Kentucky Residential Code and to provide that the Div. of Building Inspection is under the general supervision of the Commissioner of Public Works & Development.

An Ordinance amending Section 3 and 4 of Ordinance No. 34-2008 to provide that the thirty (30) percent discount program established therein shall be available to citizens receiving Social Security disability benefits who are otherwise qualified under this section, to limit eligibility to only one discount program, and to correct a clerical error.

An Ordinance requiring that no building permit for a new structure or expansion of any existing structure by more than twenty-five percent in floor area shall be issued for any structure on property abutting Newtown Pike, between West Main Street and the Urban Service Area Boundary ("USAB"), unless the plans submitted in conjunction therewith are in accordance with a particular landscape profile; requiring that each property owner be responsible for any and all landscaping and fencing required to be installed upon his property under the terms of this Ordinance requiring that whenever issuance of a building permit requires prior approval of a development plan or subdivision plat, that the requirements of this Ordinance be included on such development plan or subdivision plat; and authorizing the Corridors Committee, on recommendation from the Div. of Building Inspection, to approve an alternative landscape plan if the topography of the land, existing utility easements, and/or other unique factors would not permit the property owner to comply with the requirements of this Ordinance.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a donation from Kentucky-American Water Company in the amount of $5,000.00 for the Reforest the Bluegrass Project and appropriating funds pursuant to Schedule No. 165.

An Ordinance authorizing the Div. of Enhanced 9-1-1 to purchase two 9-1-1 routers and associated equipment, licenses, software and support from Solacom Technologies, Inc., a sole source provider, for implementation of a regional 911 system, at a cost not to exceed $195,835.00, and appropriating funds pursuant to Schedule No. 164.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and re-appropriating funds, Schedule No. 156.

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The following ordinances were on the docket for first reading.

An Ordinance waiving the provisions of Ordinance No. 112-97, which provided for a cost of living increase for the Mayor, during calendar year 2008.

An Ordinance waiving the provisions of Ordinance No. 95-97, which provided for cost of living increases for the Councilmembers, during calendar year 2008.

Mr. Blues made a motion, seconded by Ms. Gorton, and passed by unanimous vote, to amend the language in the second paragraph of the body of each of the above ordinances to replace the word ‘will’ with the word ‘may.’

The ordinances were given first reading as amended and ordered placed on file two weeks for public inspection.

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An Ordinance changing the zone from a Planned Neighborhood Residential (R-3) zone to a Light Industrial (I-1) zone for 13.63 net (13.63 gross) acres of property located at 2040 Sandersville Road (a portion of) subject to certain use and buffering restrictions imposed as conditions of granting the zone change (Woodall Realty Company, LLC) was given first reading and ordered placed on file until a public hearing to be held at a Special Meeting on June 10, 2008, at 6:00 p.m.

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The following ordinances were given first reading and ordered placed on file two weeks for public inspection.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Fifth Amendment to Agreement with the Ky. Transportation Cabinet, for $28,600.00 in additional Federal funds for design of the West Hickman Trail, the acceptance of which obligates the Urban County Government for the expenditure of $7,150.00 as a local match, and appropriating funds pursuant to Schedule No. 168.

An Ordinance creating Section 17-29.1(c) of the Code of Ordinances to provide for the removal of encroaching tables, chairs and other vestiges of an outdoor café by the Urban County Government from a business that is operating without a permit; to amend Sections 17-29.3(c) and 17-29.5 of the Code to provide for the Dept. of Public Works and Development instead of the Dept. of Public Safety; to create Section 17-29.5(c) of the Code to provide for automatic revocation of a permit in the event a business is noticed of three (3) or more violations related to encroaching upon pedestrian or vehicular traffic within any thirty (30) day period, and to renumber the existing subsections to be consistent with the above.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of $825.00 for the Div. of Police from Neighborhood Development Funds for boxing classes conducted by the Police Activities League, and appropriating and re-appropriating funds, Schedule No. 178.

An Ordinance 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 Justice, Community Oriented Policing Services (COPS) Office, to provide any additional information requested in connection with this Grant Application, and to accept this Grant if the application is approved, which Grant funds are in the amount of $327,355.00 Federal funds, are for the purchase of thermal imaging equipment, for the Div. of Police Air Support Unit, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 171, 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. Transportation Cabinet, Office of Highway Safety, which Grant funds are in the amount of $15,000.00 Federal funds, are for participation in the May 2008 Click It or Ticket Safety Belt Enforcement Mobilization Project, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 170, 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. Transportation Cabinet, which Grant funds are in the amount of $208,000.00 Federal funds, are for the Newtown Pike Landscaping Project, the acceptance of which obligates the Urban County Government for the expenditure of $52,000.00 as a local match, appropriating funds pursuant to Schedule No. 174, 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. Transportation Cabinet, which Grant funds are in the amount of $700,000.00 Federal funds, are for construction of the Coldstream Park Trail, the acceptance of which obligates the Urban County Government for the expenditure of $176,125.00 as a local match, appropriating funds pursuant to Schedule No. 176, 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. Transportation Cabinet, which Grant funds are in the amount of $650,000.00 Federal funds, are for construction of the Town Branch Trail Phase III, the acceptance of which obligates the Urban County Government for the expenditure of $247,950.00 as a local match, appropriating funds pursuant to Schedule No. 177, 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 donations of $2,000.00 from National City Corporation and $1,000.00 from M & M Sanitation, for the 2008 Senior Intern Program, and appropriating funds pursuant to Schedule No. 175.

An Ordinance amending Section 21-5 of the Code of Ordinances abolishing one (1) position of Director Water and Air Quality, Grade 122E, and creating one (1) position of Director Water Quality, Grade 123E, and reclassifying the incumbent, in the Div. of Water and Air Quality, and appropriating funds pursuant to Budget Schedule No. 172.

An Ordinance amending Section 21-5 of the Code of Ordinances abolishing four (4) positions of Electrical Instrumentation Tech, Grade 113N, and creating four (4) positions of Electrician, Grade 114N, and reclassifying the incumbents, in the Div. of Water and Air Quality, to become effective retroactive to September 3, 2007; and abolishing one position of Electrical Instrumentation Tech, Grade 113N, and creating one (1) position of Electrician, Grade 114N, and reclassifying the incumbent in the Div. of Water and Air Quality, and appropriating funds pursuant to Budget Schedule No. 173.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of $1,000.00 for the Div. of Historic Preservation from Neighborhood Development Funds for Historic Preservation Week activities, and appropriating and re-appropriating funds, Schedule No. 179.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and re-appropriating funds, Schedule No. 169.

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The following resolutions were given second reading. Upon motion of Mr. Blevins, seconded by Mr. Blues, the resolutions were approved by the following vote:

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

Nay: --0

A Resolution accepting the bid of Ford Contracting, Inc., in the amount of $99,500.00, for Wildwood Park and Johnson Heights Park bridge replacements.

A Resolution accepting the bid of Premium Pressure Washing, in the amount of $21,932.00, for pressure washing garages.

A Resolution accepting the bids of Davis H. Elliot Construction Company, Inc., and Arrow Electric Co. Inc., establishing price contracts for inductive loop vehicle detection and installation, for the Div. of Traffic Engineering.

A Resolution accepting the bid of Mary's Cleaning Service, establishing a price contract for janitorial services for the Gainesway Police Roll Call, PAL, Empowerment and Youth Centers.

A Resolution accepting the bid of R & L Cleaning Service, establishing a price contract for janitorial services for the Coleman House.

A Resolution accepting the bids of G & G Paving and Construction, Inc., L-M Asphalt Partners, Ltd. (dba ATS Construction), Randle-Davies Construction, Inc., The Allen Company, Inc., Tom Chesnut Excavation & Construction, LLC, Gooch Construction, Inc., Conn Hurst, LLC, ASL Excavation, Inc., Lighthouse Plumbing, LLC, Lenco Excavation, Jason Tate Contractor, Inc., Todd Johnson Constructing, Inc., and Bluegrass Contracting Corporation, establishing unit price contracts for construction, for the Div. of Engineering.

A Resolution accepting the bid of The Walker Company of Kentucky, Inc., establishing a price contract for operation of the construction and demolition debris landfill.

A Resolution authorizing the Div. of Fire and Emergency Services to purchase broadband communications equipment and related facilities from Natural Information Systems, Inc., a sole source provider, for the Mobile Command Post, at a cost not to exceed $25,225.00.

A Resolution approving the granting of an inducement to Braden Partners, LP d.b.a. Pacific Pulmonary Services pursuant to the Ky. Jobs Development Act, by allowing all of its employees whose jobs have been deemed by the Ky. Jobs Development Authority to have been created as a result of Braden Partners, LP d.b.a. Pacific Pulmonary Services relocating its operations to Fayette County and who are paying the service and technology job creation assessment fee, to have their occupational license fee reduced by one-fifth (1/5) of the assessment fee for a term of not longer than ten (10) years from the activation date established by Braden Partners, LP d.b.a. Pacific Pulmonary Services, subject to the limitations contained in the Ky. Jobs Development Act; and taking other related action.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Agreement with Blackburn Correctional Complex, for the provision of emergency response assistance to Blackburn Correctional Complex, 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 Purchase of Service Agreement with Bluegrass Comprehensive Care Center, for substance abuse treatment for adolescents, at a cost not to exceed $80,000.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Lexington Center

Corporation, for renovation of the Lexington Opera House, at a cost not to exceed $425,000.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with Glendover Elementary PTA, Inc. ($1,100.00) and Young Marines Captain Reginald Underwood Unit, ($875.00) 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 the Certificate of Consideration and to accept a General Warranty Deed, from William H. Flannery, for the property located at 400 Meadow Park, for the Meadows-Northland-Arlington Phase 3B Improvements Project, at a cost not to exceed $66,000.00, plus usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a donation of ninety (90) loads of fill dirt valued at four thousand fifty ($4,050.00) dollars for use in various parks locations.

A Resolution ratifying the probationary civil service appointments of: Cheryl Cross, Administrative Specialist, Grade 110N, $19.544 hourly, in the Div. of Revenue, effective April 14, 2008; Freddie Pensinger, Equipment Operator Sr., Grade 109N, $14.359 hourly, in the Div. of Streets, Roads and Forestry, effective March 31, 2008; Mitchell Knipper, Equipment Operator Sr., Grade 109N, $14.359 hourly, in the Div. of Streets, Roads and Forestry, effective April 14, 2008; David Price, Laboratory Supervisor, Grade 114E, $2,083.92 bi-weekly, in the Div. of Water and Air Quality, effective April 14, 2008; Jonathan Cole, Electrical Instrumentation Technician, Grade 113N, $19.318 hourly, in the Div. of Water and Air Quality, effective April 14, 2008; ratifying the permanent civil service appointments of: Tamara Aufderhaar, Staff Assistant Sr., Grade 108N, in the Div. of Police, effective March 17, 2008; Timothy Smith, Public Service Worker, Grade 106N, in the Div. of Parks and Recreation, effective April 15, 2008; Sharon Bradley, Customer Service Specialist, Grade 110N, in the Div. of Government Communications, effective April 1, 2008; Candice Byrd, Customer Service

Specialist, Grade 110N, in the Div. of Government Communications, effective April 1, 2008; Judy Higgins, Revenue Compliance Auditor, Grade 114E, in the Div. Of Revenue, effective March 17, 2008; Robert Riney, Revenue Compliance Auditor Supervisor, Grade 116E, in the Div. of Revenue, effective March 17, 2008; Susan Bowie, Revenue Compliance Auditor Sr., Grade 115E, in the Div. of Revenue, effective March 17, 2008; Linda Lannert, Administrative Specialist Sr., Grade 112N, in the Div. of Revenue, effective March 17, 2008; Joseph Davis, Public Service Worker Sr., Grade 107N, in the Div. of Parks and Recreation, effective April 29, 2008; ratifying the probationary sworn appointments of: Kevin Goldie, Police Sergeant, Grade 315N, $26.388 hourly, in the Div. of Police, effective March 14, 2008; Gary Sennett, Police Lieutenant, Grade 317E, $2,752.46 bi-weekly, in the Div. of Police, effective March 14, 2008; ratifying the permanent sworn appointments of: David Ades, Fire Major, Grade 318E, in the Div. of Fire and Emergency Services, effective March 17, 2008; Harold Miracle, Fire Captain, Grade 316N, in the Div. of Fire and Emergency Services, effective March 17, 2008; Christopher Whited, Fire Lieutenant, Grade 315N, in the Div. of Fire and Emergency Services, effective March 17, 2008; approving leave of absences for: Tammy Hayden, Telecommunicator, Grade 111N, in the Div. of Enhanced 911, requests a 30 day Council approved leave without pay from March 27, 2008 to April 25, 2008; Kenneth Kennedy, Public Service Worker, Grade 106N, in the Div. of Waste Management, requests a 30 day Council approved leave without pay from March 21, 2008 to April 19, 2008; Shelley Bendall, DEEM Preparedness Coordinator, Grade 113N, in the Div. of Environmental and Emergency Management, requests a 90 day Council approved leave without pay from April 25, 2008 to July 23, 2008; Arnold Sidney, Custodial Worker, Grade 102N, in the Div. of Building Maintenance and Construction, requests a 30 day Council approved leave without pay from April 1, 2008 to April 30, 2008; Wanda Webb, Staff Assistant Sr., Grade 108N, in the Div. of Engineering, requests a 90 day Council approved leave without pay from April 1, 2008, to June 29, 2008.

A Resolution authorizing the Div. of Enhanced 9-1-1 to purchase 9-1-1 channel bank and routing equipment from Adtran, Inc., a sole source provider, for implementation of a regional 9-1-1 system, at a cost not to exceed $23,272.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Contract for Environmental Services with Bluegrass Environmental, Inc., for remedial underground storage tank work, the cost to be reimbursed by the Ky. Div. of Waste Management.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Network Services Contract with Insight Kentucky Partners II, L.P., for provision of fiber optic connection, for the Div. of Fire and Emergency Services, at a cost not to exceed $11,400.00 per year for a three (3) year period, subject to sufficient funds being appropriated.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Ky. Transportation Cabinet, for installation of a mast arm system pole at the intersection of Star Shoot Parkway and Liberty Road, at a cost not to exceed $48,406.27.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with Isaac Scott Hathaway Museum, Inc. ($1,750.00) and YMCA of Central Ky. ($1,500.00) 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 Woodfield Homes Association, Inc. ($2,489.06) for a public project for the Office of the Urban County Council, at a cost not to exceed the sum stated.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Encroachment Agreement with the Fayette County Board of Education, in the right-of-way at 460 and 461 Springhill Drive.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Encroachment Agreement with G &J Pepsi-Cola Bottlers, Inc., in the right-of-way at 111 Trafton Avenue.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with the Ky. State Police, to participate in the Ky. Internet Crimes Against Children Task Force, 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 Amended Agreement and an Amended Deed of Permanent Easement with Keeneland Association, Inc., to provide sanitary sewer service to additional facilities owned by Keeneland Association, Inc.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 2 to the Contract with Todd Johnson Contracting, Inc., for Hamburg Force Main, increasing the Contract price by the sum of $8,007.20 from $375,390.59 to $383,397.79.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a donation from the Citizen's Police Academy Alumni Association of computer supplies, for use at the Div. of Police, Crimes Against Children Unit, at no cost to the Urban County Government.

A Resolution authorizing and directing the Dept. of Law to institute condemnation proceedings in Fayette Circuit Court to obtain permanent sanitary sewer and temporary construction easements at 1637 Old Paris Road for the North Elkhorn Force Main Project.

A Resolution authorizing and directing the Dept. of Law to institute condemnation proceedings in Fayette Circuit Court to obtain permanent sanitary sewer and temporary construction easements at 1645 Old Paris Road for the North Elkhorn Force Main Project.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and to accept a Deed for the property located at 905 N. Limestone from Anna F. Trowbridge (n/k/a Anna F. Miller), for the N. Limestone Storm Water Project, and authorizing payment in the amount of $81,700.00, 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 to accept a

Deed for the property located at 907 N. Limestone from Anthony R. and Karen A. Collins, for the N. Limestone Storm Water Project, and authorizing payment in the amount of $79,200.00, 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 to accept a Deed for the property located at 909 N. Limestone from Robert and Heather Walter, for the N. Limestone Storm Water Project, and authorizing payment in the amount of $99,200.00, 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 to accept a Deed for the property located at 1001 N. Limestone from Pedro and Magdalena Arambul, for the N. Limestone Storm Water Project, and authorizing payment in the amount of $71,700.00, plus usual and appropriate closing costs.

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The following resolutions were on the docket for second reading.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and to accept a Deed for the property located at 276 Derby Drive from James Deaton, for the N. Limestone Stormwater Project, and authorizing payment in the amount of $107,300.00, 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 to accept a Deed for the property located at 280 Derby Drive from Tommy and Kara Warner, for the N. Limestone Stormwater Project, and authorizing payment in the amount of $130,200.00, 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 to accept a Deed for the property located at 284 Derby Drive from Roger Dale and Sandra Collins, for the N. Limestone Stormwater Project, and authorizing payment in the amount of $108,700.00, 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 to accept a

Deed for the property located at 288 Derby Drive from Lionel J. Aucoin, for the N. Limestone Stormwater Project, and authorizing payment in the amount of $99,000.00, plus usual and appropriate closing costs.

Ms. Gorton made a motion, seconded by Ms. James, and approved by unanimous vote, to amend the resolutions to change the words ‘N. Limestone Stormwater’ to ‘Derby Drive Stormwater.’

The following resolutions were given second reading as amended.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and to accept a Deed for the property located at 276 Derby Drive from James Deaton, for the Derby Drive Stormwater Project, and authorizing payment in the amount of $107,300.00, 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 to accept a Deed for the property located at 280 Derby Drive from Tommy and Kara Warner, for the Derby Drive Stormwater Project, and authorizing payment in the amount of $130,200.00, 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 to accept a Deed for the property located at 284 Derby Drive from Roger Dale and Sandra Collins, for the Derby Drive Stormwater Project, and authorizing payment in the amount of $108,700.00, 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 to accept a Deed for the property located at 288 Derby Drive from Lionel J. Aucoin, for the N. Limestone Stormwater Project, and authorizing payment in the amount of $99,000.00, plus usual and appropriate closing costs.

Upon motion of Mr. Blevins, seconded by Mr. Blues, the resolutions were approved by the following vote:

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

Nay: ---0

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A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and to accept a General Warranty Deed for the property located at 408 Shawnee Avenue from Northwest Builders of Lexington, Inc., for the Meadows-Northland-Arlington Phase 3B Improvements Project, and authorizing payment in the amount of $34,000.00, plus usual and appropriate closing costs was on the docket for first reading.

Ms. James made a motion, seconded by Mr. Blues, and passed by unanimous vote, to amend the Resolution to increase the purchase price from $34,000 to $37,000 to reflect the current value.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and to accept a General Warranty Deed for the property located at 408 Shawnee Avenue from Northwest Builders of Lexington, Inc., for the Meadows-Northland-Arlington Phase 3B Improvements Project, and authorizing payment in the amount of $37,000.00, plus usual and appropriate closing costs was given first reading as amended.

Upon motion of Mr. Lane, seconded by Ms. James, the rules were suspended by unanimous vote.

The resolution was given second reading. Upon motion of Mr. Beard, seconded by Mr. Myers, the resolution was approved by the following vote:

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

Nay: ---0

* * *

The following resolutions were given first reading. Upon motion of Mr. Lane, seconded by Ms. James, the rules were suspended by unanimous vote.

The resolutions were given second reading. Upon motion of Mr. Beard, seconded by Mr. Myers, the resolutions were approved by the following vote:

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

Nay: ---0

A Resolution accepting the bid of Fritz Farms Services LLC, establishing a price contract for the lease of land for the West Hickman Waste Water Treatment Plant.

A Resolution accepting the bid of Independent Concrete Pipe Company, in the amount of $100,224.36, for prefabricated culvert - Appomattox Road, for the Div. of Water and Air Quality.

A Resolution accepting the bid of Asphalt Paving and Maintenance, Inc., in the amount of $69,987.75, for Southland Park parking lot modifications.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and to accept a General Warranty Deed for the property located at 407 Shawnee Avenue from Patsy B. Wells, for the Meadows-Northland-Arlington Phase 3B Improvements Project, and authorizing payment in the amount of $55,000.00, 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 Ky. Department of Juvenile Justice and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of $457,434.00 Commonwealth of Ky. funds, and are for operation of the Day Treatment Program ($307,434.00) and the Intensive Community Services Program ($150,000.00), for the Div. of Youth Services.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with AMS Planning & Research Corp., for the Lyric Theatre programming and business plan, at a price not to exceed $57,000.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Lease Agreement with Board of Education of Fayette County, Ky., for lease of Meadowbrook Golf Course until November 15, 2008 which shall supersede the term set forth in Resolution No. 115-2008.

A Resolution approving the transfer of the property at 560 East Third Street from Community Ventures Corporation to Community Ventures Properties, LLC, a subsidiary of Community Ventures Corporation, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Subordination of Mortgage Agreement with Community Ventures Properties, LLC, and Republic Bank and Trust Company, for subordination of the Urban County Government's Mortgage on the property at 560 East Third Street to the Mortgage of Republic Bank and Trust Company.

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The following resolutions were given first reading and ordered placed on file two weeks for public inspection.

A Resolution accepting the bid of Gulf States Distributors, establishing a price contract for patrol rifles, for the Div. of Police.

A Resolution accepting the bid of Brenntag Mid-South, Inc., establishing a price contract for swimming pool chemicals.

A Resolution accepting the bid of J. Edinger & Son, Inc., establishing a price contract for front loading refuse bodies, for the Div. of Fleet Services.

A Resolution accepting the bids of Bobcat Ent. Inc., Equipment Sales & Rental, Sunbelt Rentals, and Wilson Equipment Company, establishing price contracts for equipment rental without operator, for the Div. of Streets, Roads and Forestry.

A Resolution accepting the bid of EZ Go Textron, establishing a price contract for golf carts (single rider).

A Resolution accepting the bid of Global Protection, establishing a price contract, for hospital PPE kits.

A Resolution accepting the bid of D-C Elevator Co., Inc., establishing a price contract for elevator and lift maintenance.

A Resolution accepting the bids of Asplundh Tree Expert Co., Owen Tree Specialty Corp., and Lexington Tree Service Inc., establishing price contracts for tree removal and pruning, for the Div. of Streets, Roads and Forestry.

A Resolution accepting the bid of C & C Fire Sprinkler, in the amount of $87,700.00 for Kenwick Community Center fire suppression sprinkler.

A Resolution accepting the bid of Security Cameras Direct, LP, in the amount of $15,786.00, for PTZ camera system for GTV3.

A Resolution accepting the bid of SimplexGrinnell, in the amount of $58,296.00, for sprinkler system repairs.

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 Justice and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of $125,561.00 Federal funds under the State Criminal Alien Assistance Program (SCAAP), and are for reimbursement of costs related to the incarceration of undocumented criminal aliens.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Vision Internet Providers Inc. for website development and maintenance services and authorizing payment in an amount not to exceed $44,998.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Blue Grass Council of Boy Scouts of America, Inc. ($1,950.00) for the Office of the Urban County Council, at a cost not to exceed the sum stated.

A Resolution ratifying the probationary civil service appointments of: Anthony Owens, Public Service Supervisor, Grade 111N, $16.752 hourly, in the Div. of Water and Air Quality, effective April 14, 2008; ratifying the permanent civil service appointments of: Henry Measel, Program Coordinator, Grade 109N, in the Div. of Family Services, effective December 25, 2007; Danny Stevens, Public Service Worker, Grade 106N, in the Div. of Parks and Recreation, effective April 29, 2008; Amber Luallen, Recreation Supervisor, Grade 110E, in the Div. of Parks and Recreation, effective December 25, 2007; Elaine Dionne, Administrative Specialist Sr., Grade 112N, in the Div. of Revenue, effective May 26, 2008; G. Christine Wu, Staff Assistant, Grade 107N, in the Div. of Building Inspection, effective May 12, 2008; Allen Hinkle, Computer Analyst, Grade 115E, in the Div. of Computer Services, effective April 22, 2008; approving leaves of absence for: Patricia Prather, Customer Service Specialist, Grade 110N, in the Div. of Government Communications, requests a 90 day Council approved leave without pay from March 31, 2008 to June 28, 2008; Franklin Martin, Skilled Trades Worker Sr., Grade 112N, in the Div. of Building Maintenance and Construction, requests a 90 day Council approved leaved without pay from April 17, 2008 to July 15, 2008.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Lexington-Fayette County Health Department, for establishment of a Medical Reserve Corps under the Metropolitan Medical Response System (MMRS) Project, at a cost not to exceed $25,000.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement for services with the YMCA of Central Ky. for the Corporate Wellness Program, for the period of January 1, 2008 through December 31, 2008, at a cost not to exceed $62,690.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with Aylesford Place Association, Inc. ($1,000.00), Garden Springs Neighborhood Association Inc. ($500.00), Lexington Center Participants Council Inc. ($1,050.00), CASA of Lexington, Inc. ($2,150.00), Central Ky. Riding for Hope, Inc. ($1,925.00) and Zandale Neighborhood Association, Inc. ($540.00) 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 a Commercial Contract with the Lamar Companies, for production of vinyl artwork for disaster preparedness, for the Div. of Environmental and Emergency Management, at a cost not to exceed $954.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Contract with The Allen Company, Inc., for the Wellington Bike and Pedestrian Facility Project, decreasing the Contract price by the sum of $25,137.55 from $168,383.00 to $143,245.45.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and to accept a General Warranty Deed for the property located at 1651 Old Paris Road from Lurelene Thompson, Annette Lane and Ralph E. Lane, for the North Elkhorn Force Main Project, and authorizing payment in the amount of $17,000.00, 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 and temporary construction easement from James and Marcia B. Chism, located at 3077 Todds Road, for the Cadentown Sanitary Sewer Project, at no cost to the Urban County Government, with usual and appropriate closing costs.

A Resolution amending Section 1 of Resolution No. 764-2006 which made a Declaration of Official Intent with respect to reimbursement from subsequent borrowing of temporary advances made for capital expenditures for the site acquisition, design and construction of a Regional Emergency Operations Center, increasing the approximate aggregate amount from $1,435,000.00 to $6,500,000.00.

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Upon motion of Mr. DeCamp, seconded by Mr. Myers and approved by unanimous vote, the communications from the Mayor were approved and are as follows: (1) Recommending the appointment of Chief Ronnie Bastin as ex-officio to the Bluegrass Crimestoppers Board. Also, recommending the appointments of Douglas L. Vowels, and Charles T. Mateyoke to the Bluegrass Crimestoppers Board with terms to expire March 21, 2012; (2) Recommending the appointments of Cameron C. Shoaf, Armine P. Hutchens, Pamela L. Weeks, and Annemarie M. Vandervort to the CASA Board, with terms to expire June 11, 2009; (3)

Recommending the appointment of Elisa F. Smith to the Civil Service Commission with a term to expire April 1, 2012; (4) Recommending the appointments of Mary Wathen, At-Large representative; and Rich Johnston, Bluegrass Hospitality Association representative, to the Convention and Visitors Bureau Board with terms to expire September 9, 2010. Also, recommending the appointment of Bradley J. Swales, Bluegrass Hospitality Association representative, to the Convention and Visitors Bureau with a term to expire September 9, 2008. Mr. Swales will fill the unexpired term of Gerry van der Meer; (5) Recommending the appointments of Deborah Majeed and George W. Wilson to the Dunbar Neighborhood Center Board with terms to expire March 20, 2012; (6) Recommending the reappointment of Brenda Pettit to the Henry Clay Memorial Foundation Board with a term to expire April 12, 2012; (7) Recommending the appointment of Christopher Ford to the Human Rights Commission with a term to expire January 1, 2012; (8) Recommending the reappointment of Francis (Sandy) X. Camargo to the Infrastructure Hearing Board with a term to expire February 2, 2011; (9) Recommending the appointment of Andres Cruz, International Sports Community, to the Masterson Station Park Advisory Board with a term to expire May 1, 2012. Also, recommending the reappointments of Janet Cowen, Mike Massey, and Robert Russell-Tutty to the Masterson Station Park Advisory Board with terms to expire May 1, 2012; and (10) Recommending the appointments of Don Robinson, Kentucky Thoroughbred Association representative; and Bill Thomason, Commerce Lexington representative, to the Rural Land Management Board with terms to expire April 1, 2012.

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The following communications were received from the Mayor for information only: (1) Resignation of John Cubine, Senior Advisor, Grade 212E, in the Office of the Mayor, effective May 2, 2008; (2) Resignation of Nakoa Kirby, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective April 7, 2008; and (3) Termination of probationary appointment of Kimberly Huffman, Administrative Specialist Sr., Grade 112N, in the Div. of Revenue, effective April 10, 2008.

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Ms. Henson announced that there would be a clean-up effort with Friends of Wolf Run Creek on Sunday, April 27, 2008.

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Mr. David Hollingsworth, Vice-President of Civil Service Employees Association, stated his concerns about the morale of the government employees.

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Upon motion of Mr. Lane, seconded by Ms. Gorton, and passed by unanimous vote, the Council adjourned at 8:20 pm.

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Clerk of the Urban County Council