

Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky July 3, 2008

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on July 3, 2008 at 7:00 P.M. Present were Mayor Jim Newberry in the chair presiding and the following members of the Council: Council Members Henson, James, Lane, McChord, Myers, Stevens, Stinnett, Beard, Blevins, Blues, DeCamp, Ellinger, Gorton and Gray. Absent was Council Member Crosbie.

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

Ordinances No. 136-2008 thru 161-2008 inclusive and Resolutions No. 327-2008 thru 396-2008 inclusive were reported as having been signed and published, and were ordered to record.

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The Invocation was given by Mr. Arty Green, Administrative Aide to the Mayor.

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The Mayor presented Keys to the City to the delegation from Lexington's Sister City, Shinhidaka, Japan, in celebration of the 20th anniversary of our status as Sister Cities. He introduced Mr. Steve Barnes, Lexington attorney, who interpreted, as well as the members of the delegation including: Shinhidaka Mayor Sakai, chairman of the town assembly Mr. Nakajima, Mr. Ishihara, Ms. Noro. Ms. Hashimoto, Ms. Fujiya, Ms. Inoue, Ms. Kawato, and Ms. Sugihara.

Through the interpreter, Mayor Sakai spoke to the Mayor and Council, thanking them for the Keys to the City and the twenty-year relationship the cities have shared. He also thanked the Mayor and Council for including them in the Independence Day parade and activities. He then gave a speech in English, further expressing his thoughts on Shinhidaka's relationship with Lexington, and the importance of such a relationship in the scope of world events.

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An Ordinance amending Section 21-5 of the Code of Ordinances, abolishing one (1) position of Director of Environmental Policy, Grade 122E, in the Div. of Environmental Policy was on the docket for second reading.

Upon motion of Mr. Blevins, seconded by Ms. Gorton, and approved by unanimous vote, the ordinance was amended to create the Director of Environmental Policy. This was a material change that required a new first reading.

An Ordinance amending Section 21-5 of the Code of Ordinances, creating one (1) position of Director of Environmental Policy, Grade 122E, in the Div. of Environmental Policy was given a new first reading as amended.

Upon motion of Mr. Blevins, seconded by Mr. Ellinger, the rules were suspended by unanimous vote.

The ordinance was given second reading. Upon motion of Mr. Beard, seconded by Ms. Gorton, the ordinance was approved by the following vote:

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

Nay: -----0

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

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

Nay: -----0

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 Juvenile Justice, 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 \$15,275.00 Federal funds under the Juvenile Accountability Block Grant Program, are for programs designed to promote greater accountability in the Juvenile Justice System, the acceptance of which obligates the Urban County Government for the expenditure of \$1,700.00 as a local match, appropriating funds pursuant to FY 2009 Schedule No. 17, 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 Supplemental Agreement No. 2 with the Ky. Transportation Cabinet, accepting a Grant in the amount of \$7,920.00 Federal funds and reallocating existing Federal funds in the amount of \$95,400.00 from the utilities phase to the right-of-way phase for the Loudon Avenue Improvements Project, the acceptance of which obligates the Urban County Government for the expenditure of \$1,980.00 as a local match, appropriating funds pursuant to FY 2009 Schedule No. 18, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance closing a portion of Davis Alley; 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 a Quitclaim Deed transferring the former right-of-way to the abutting owner, subject to the reservation of easements for access and maintenance of existing utilities in the former right-of-way.

An Ordinance amending Ordinance No. 87-2008 to change the name of the sole source provider and payee from Solacom Technologies, Inc. to AK Associates, the authorized sales agent for Solacom Technologies, Inc., effective retroactive to April 30, 2008.

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, 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 \$58,735.00 Federal funds, are for the purchase of equipment for the Crisis Negotiation Team and Emergency Response Unit and the Hazardous Devices Unit and the purchase of an Improvised Explosive Device (IED) Disablement Device, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to FY 2009 Schedule No. 22, 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 Bluegrass Area Development District, which Grant funds are in the amount of \$100,000.00 Federal funds, are for an Out-of-School Youth Program, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to FY 2009 Schedule No. 23, 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. Cabinet for Health and

Family Services, which Grant funds are in the amount of \$410,940.00 Federal funds, are for the New Chance Program (\$328,040.00), the Local Governance Council Project (\$57,900.00) and the Mentoring Project (\$25,000.00), the acceptance of which obligates the Urban County Government for the expenditure of \$120,600.00 for the New Chance Program, \$19,190.00 for the Local Governance Council Project and \$20,160.00 for the Mentoring Project as a local match, appropriating funds pursuant to FY 2009 Schedule No. 21, 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. Dept. of Juvenile Justice, which Grant funds are in the amount of \$46,410.00 Commonwealth of Ky. funds, are for support of the Lexington-Fayette Juvenile Delinquency Prevention Council, the acceptance of which obligates the Urban County Government for the expenditure of \$10,279.00 as a local match, appropriating funds pursuant to FY 2009 Schedule No. 19, and authorizing the Mayor to transfer unencumbered funds within the Grant budget, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Partners for Youth Foundation, Inc., for serving as the Local Delinquency Prevention Council, at a cost not to exceed \$45,278.00.

An Ordinance amending Section 22-5 of the Code of Ordinances, creating one (1) position of Program Manager Sr., Grade 120E, for a term of four years, ending July 1, 2012, in the Dept. of Environmental Quality, and appropriating funds pursuant to Budget Schedule No. 20.

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. 24.

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Upon motion of Mr. Blues, seconded by Mr. Beard and approved by unanimous vote, an Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures related to vehicle fuel, vehicle repairs, utilities, and personnel, and appropriating and reappropriating funds, Schedule No. 200 was placed on the

docket, given first reading, and ordered placed on file until July 8, 2008 for public inspection.

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The following ordinances were given first reading and ordered placed on file until July 8, 2008 for public inspection.

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, 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 \$94,065.00 Federal funds, are for Project Safe Neighborhoods Program, for the U.S. Attorney's Office for the Eastern District of Ky., the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to FY 2009 Schedule No. 27, 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. Housing Corporation, which Grant funds are in the amount of \$12,000.00 Commonwealth of Ky. funds under the Emergency Shelter Grant Matching Funds Program, are for the provision of essential services to the homeless and for homelessness prevention activities, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to FY 2009 Schedule No. 26, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance creating and establishing a non-exclusive electric franchise and providing for: the placement of facilities for the generation, transmission, distribution and sale of electrical energy within the public rights-of-way; the incorporation of the provisions of Code of Ordinances and the applicable zoning laws; definitions; a police power limitation; construction, installation, maintenance and facility standards; due regard for rights of Government and others; compliance with the Government's permitting process for projects; additional performance guarantees of up to \$200,000 on projects with construction costs

exceeding \$100,000; an indemnification and hold harmless provision; compliance with non-discrimination and affirmative action requirements; commercial general liability insurance policy in the amount of at least \$1,000,000 per occurrence and \$2,000,000 aggregate; access, inspection and auditing by the Government; notification of rate cases before the Public Service Commission and an agreement not to contest intervention by the Government; a three year duration; no vested rights for installation or emplacement of facilities and right to require removal of facilities at company's expense if no franchise exists; notification of assignment with consent not to be unreasonably withheld; no objection to Government intervention in a transfer of control case before the Public Service Commission; the following penalties recoverable for violations after company is provided the opportunity to present evidence to the Commissioner of Public Works and Development or his designee, with such decisions appealable to a court of competent jurisdiction: \$500 a day for failure to commence removal of a pending construction project upon expiration of the franchise, \$100 a day for failure to provide data and reports requested by the Government as required by the Ordinance, or for failure to timely pay the franchise fee or an itemized bill; a \$100 a day penalty appealable to a court of competent jurisdiction for a failure to comply within thirty days to a council resolution directing compliance with a provision of the Ordinance; non-waiver and continued performance and enforcement upon the Government's failure to insist on specific performance; the payment of penalties not an excuse for non-performance; reservation of rights to regulate rates and services with acknowledgment of Public Service Commission authority; rights of subscribers defined in customer bill of rights; company will abide by orders and tariffs pertaining to service and operations in Fayette County; company shall work to improve identification and replacement or repair of nonfunctioning street lights; termination upon willful violations of the franchise, willful evasion of provisions of the franchise, fraud and deceit upon the Government, knowingly making material misrepresentations, upon a foreclosure or judicial sale of all or a substantial portion of the company's facilities, or upon company's failure to provide regular and customary service, and procedures for

terminating the franchise; Government's right to cancel franchise thirty days after the appointment of a receiver or trustee unless certain conditions are met; sale at public auction of the franchise and due advertisement requirements thereon; written bids, right to reject, payment of five percent of the estimated cost of the system unless the company already has sufficient facilities to provide the franchise services, and payment of \$500 for advertisement and administrative costs with any excess amounts exceeding actual costs to be returned to bidder(s) within thirty days; payment of the sum of at least three percent of the company's gross annual revenues from the provision of electric service within Fayette County; agreement to work with the Government to provide certain redundant power sources; agreement to provide pole attachment space unless otherwise provided in an agreement; payment of permitting fees; the filing of an application or tariff with the Kentucky Public Service Commission within ten days of acceptance of the bid; suspension of payment of the franchise fee if no final determination regarding tariff approval is made and allowing the Government to terminate the franchise upon such condition; right to terminate if deregulation results in material shortfall in revenue; all payments to be made monthly or quarterly within thirty days of the preceding payment period; payment is not an accord and satisfaction, right to audit and to payment of costs if the company is found to have withheld five percent or more for any six month period; interest of eight percent on any late or recomputed payments and an adjustment for overpayments; bids must accept the conditions of this Ordinance and may include additional consideration payments; violations of the franchise shall be condition for forfeiture, law of Kentucky applies; venue in Fayette County; no third-party rights; any unlawful provision is severable; and franchise effective when the Council accepts the bid(s); all effective on date of passage.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Contract Addendum with the Lexington-Fayette County Health Dept., for additional State and Federal funds in the amount of \$74,329.00 for FY 2008 for the Home Network Project at the Family Care Center, and appropriating funds pursuant to Schedule No. 29.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Faith Community Housing Foundation, Inc., for HOME funds for the development of a rental housing project, at a cost not to exceed \$113,000.00, and appropriating funds pursuant to Schedule No. 30.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Fayette Fiscal Court and Sandra M. Varellas, Fayette County Judge/Executive, for the FY 2009 County Road Aid Fund Program for Fayette County, in the amount of \$1,343,240.98, and appropriating funds pursuant to Schedule No. 28.

An Ordinance amending Ordinance No. 104-2008, to change the name of the project from which the Grant Application is submitted and Grant funds accepted from the South Elkhorn Force Main Project to the South Elkhorn Pump Station Project, and appropriating funds pursuant to Schedule No. 25.

An Ordinance amending Sections 21-25, 22-22, 22-5, 22-53.2, and 23-28 of the Code of Ordinances providing a two and three tenths percent (2.3%) structure movement to the salary schedules applicable to classified civil service employees, unclassified civil service employees, including Council Staff, and Traffic School Guards, and two and three tenths percent (2.3%) increase to the maximum of the pay range of Program Assistant – P|T, providing that all classified and unclassified civil service employees, except seasonal employees in Account 332, who receive a satisfactory score on their performance evaluation, pursuant to Sections 21-29(d) and 22-26(5) of the Code of Ordinances, shall receive a two and three tenths percent (2.3%) pay increase; amending Section 23-28 of the Code of Ordinances modifying the existing step structure for the positions of Police Chief, Grade 324E, and Fire Chief, Grade 324E; increasing the salary by two and three tenths percent (2.3%) of one (1) position of Friend of the Court, Grade 000, within the Office of the Circuit Judges, one (1) position of ABC Administrator – P|T, Grade 000, within the Office of Alcohol Beverage Control, three (3) positions of Law Clerk – P|T, Grade 000, within the Dept. of Law, three (3) positions of Skilled Trades Worker – P|T, Grade

000, within the Div. of Community Corrections, and one (1) position of Park Patrol Coordinator – P|T, Grade 000, and thirty (30) positions of Park Patrol Officer – P|T, Grade 000, within the Div. of Parks and Recreation, replacing the existing salary structures for the Community Corrections Officers and Sergeants and Community Corrections Lieutenants and Captains be replaced pursuant to their respective Collective Bargaining Agreements, all to become effective retroactive to June 23, 2008.

An Ordinance repealing Chapter Two, Article XIX, Sections 2-246 through 2-248, of the Code of Ordinances to abolish the Horse Patrol Commission.

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. 31.

An Ordinance pursuant to Section 6.12 of the Lexington-Fayette Urban County Government Charter consolidating the Divs. of Environmental and Emergency Management and Enhanced 911 and creating the Div. of Emergency Management/911; consolidating the Divs. of Fleet Services and Building Maintenance and creating the Div. of Facilities and Fleet Management; and transferring the Div. of Risk Management from the Dept. of Law to the Dept. of Finance and Administration; amending Section 21-5(2) of the Code of Ordinances creating one (1) position of Staff Assistant, Grade 107N, two (2) positions of Information Officer, Grade 113E, one (1) position of Graphic Assistant, Grade 109N and one (1) position of Recreation Manager, Grade 114E, in the Div. of Government Communications; amending Section 21-5(2) of the Code of Ordinances abolishing one (1) position of Finance & Investment Analyst, Grade 116E and one (1) position of Financial Management Administrator, Grade 119E in the Dept. of Finance and Administration; amending Section 21-5(2) of the Code of Ordinances creating one (1) position of Financial Management Administrator, Grade 119E, one (1) position of Finance & Investment Analyst, Grade 116E, one (1) position of Accountant Sr., Grade 116E, one (1) position of Accountant, Grade 113E and one (1) position of Administrative Specialist, Grade 110N in the Div. of Accounting; amending Section 21-5(2) of the Code of

Ordinances creating six (6) positions of GIS Specialist, Grade 114N, three (3) positions of GIS Programmer/Analyst, Grade 117E, three (3) positions of Engineering Technician, Grade 111N, one (1) position of Telecomm Support Specialist, Grade 113N, one (1) position of Database Administrator, Grade 117E and one (1) position of Computer Analyst, Grade 115E in the Div. of Computer Services; amending Section 21-5(2) of the Code of Ordinances creating one (1) position of Accountant, Grade 113E, one (1) position of Administrative Specialist Sr., Grade 112N, one (1) position of Administrative Specialist, Grade 110N, and one (1) position of Staff Assistant Sr., Grade 108N, in the Div. of Revenue; amending Section 21-5(2) of the Code of Ordinances creating one (1) position of Buyer Sr., Grade 116E in the Div. of Central Purchasing; amending Section 21-5(2) of the Code of Ordinances abolishing two (2) positions of GIS Specialist, Grade 114N, one (1) position of Engineering Technician, Grade 111N, and one (1) position of GIS Programmer/Analyst, Grade 117E, in the Div. of Engineering; amending Section 21-5(2) of the Code of Ordinances creating one (1) position of Traffic Signal Technician Master, Grade 114N, one (1) position of Traffic Signal Technician Sr., Grade 112N, and one (1) position of Traffic Signal Technician, Grade 108N, in the Div. of Traffic Engineering; amending Section 21-5(2) of the Code of Ordinances creating one (1) position of Attorney Sr., Grade 121E, two (2) positions of Staff Assistant Sr., Grade 108N, one (1) position of Administrative Specialist Sr., Grade 112N, and one (1) position of Risk Manager, Grade 120E, in the Dept. of Law; amending Section 21-5(2) of the Code of Ordinances abolishing two (2) positions of Staff Assistant Sr., Grade 108N, one (1) position of Administrative Specialist Sr., Grade 112N, one (1) position of Risk Manager, Grade 120E, and one (1) position of Attorney Sr., Grade 121E, in the Div. of Risk Management; amending Section 21-5(2) of the Code of Ordinances abolishing one (1) position of Staff Assistant, Grade 107N, two (2) positions of Administrative Specialist, Grade 110N, one (1) position of Director of Environmental & Emergency Management, Grade 120E, one (1) position of DEEM Preparedness Coordinator, Grade 113N and two (2) positions of DEEM Program Manager, Grade 117E, in the Div. of Environmental & Emergency

Management; amending Section 21-5(2) of the Code of Ordinances creating one (1) position of Director of Environmental and Emergency Management, Grade 120E, one (1) position of Director of Enhanced 911, Grade 119E, one (1) position of Public Safety Answering P/T Manager, Grade 117E, one (1) position of DEEM Program Manager, Grade 117E, eleven (11) positions of Telecommunicator Supervisor, Grade 116E, thirty-five (35) positions of Telecommunicator Sr., Grade 113N, one (1) position of DEEM Preparedness Coordinator, Grade 113N, thirty-one (31) positions of Telecommunicator, Grade 111N, three (3) positions of Administrative Specialist, Grade 110N, and two (2) positions of Staff Assistant, Grade 107N, in the Div. of Emergency Management/911; amending Section 21-5(2) of the Code of Ordinances abolishing two (2) positions of GIS Specialist, Grade 114N, one (1) position of GIS Programmer/Analyst, Grade 117E, thirty-one (31) positions of Telecommunicator, Grade 111N, thirty-five (35) positions of Telecommunicator Sr., Grade 113N, eleven (11) positions of Telecommunicator Supervisor, Grade 116E, one (1) position of Public Safety Answering P/T Manager, Grade 117E, one (1) position of Director of Enhanced 911, Grade 119E, one (1) position of Staff Assistant, Grade 107N, and one (1) position of Administrative Specialist, Grade 110N in the Div. of Enhanced 911; amending Section 21-5(2) of the Code of Ordinances abolishing two (2) positions of Skilled Trades Worker Sr., Grade 112N, and one (1) position of Trades Supervisor, Grade 113N, in the Div. of Fire and Emergency Services; amending Section 21-5(2) of the Code of Ordinances abolishing two (2) positions of Eligibility Counselor, Grade 110E, in the Dept. of the Commissioner of Social Services; amending Section 21-5(2) of the Code of Ordinances creating two (2) positions of Eligibility Counselor, Grade 110E, in the Div. of Adult Services; amending Section 21-5(2) of the Code of Ordinances abolishing two (2) positions of Administrative Officer, Grade 118E, one (1) position of Telecomm Support Specialist, Grade 113N, seventeen (17) positions of Security Officer, Grade 106N, and one (1) position of Security Supervisor, Grade 112N, in the Dept. of the Commissioner of General Services; amending Section 21-5(2) of the Code of Ordinances creating one (1) position of Director of Facilities and Fleet

Management, Grade 123E, two (2) positions of Deputy Director of Facilities and Fleet Management, Grade 122E, one (1) position of Real Property Manager, Grade 121E, two (2) positions of Administrative Officer, Grade 118E, three (3) positions of Facility Manager, Grade 118E, one (1) position of Contract Manager, Grade 118E, two (2) positions of Fleet Operations Manager, Grade 116E, one (1) position of Fleet Systems Manager, Grade 116E, one (1) position of Operations Manager, Grade 116E, three (3) positions of Fleet Operations Supervisor, Grade 115E, two (2) positions of Administrative Specialist Principal, Grade 114E, one (1) position of Electrical Instrument Technician Sr., Grade 114E, one (1) position of Facilities Planner, Grade 114E, one (1) position of Capital Projects Coordinator, Grade 114E, sixteen (16) positions of Heavy Equipment Technician, Grade 113N, ten (10) positions of Trades Supervisor, Grade 113N, three (3) positions of Electrical Instrument Technician, Grade 113E, one (1) position of Engineering Technician Sr., Grade 113E, sixteen (16) positions of Skilled Trades Worker Sr., Grade 112N, eleven (11) positions of Vehicle & Equipment Technician, Grade 112N, one (1) position of Security Supervisor, Grade 112N, one (1) position of Information Systems Specialist, Grade 111N, five (5) positions of Public Service Supervisor, Grade 111N, two (2) positions of Body & Paint Mechanic – Certified, Grade 111N, eighteen (18) positions of Skilled Trades Worker, Grade 111N, one (1) position of Fleet Parts Specialist Sr., Grade 110N, one (1) position of Fleet Parts Specialist, Grade 109N, one (1) position of Service Writer, Grade 109N, three (3) positions of Staff Assistant Sr., Grade 108N, two (2) positions of Heavy Equipment Mechanic Apprentice, Grade 108N, two (2) positions of Vehicle and Equipment Mechanic – Apprentice, Grade 107N, two (2) positions of Public Service Worker Sr., Grade 107N, three (3) positions of Stores Clerk, Grade 107N, four (4) positions of Trades Worker, Grade 107N, five (5) positions of Public Service Worker, Grade 106N, seventeen (17) positions of Security Officer, Grade 106N and eleven positions of Custodial Worker, Grade 102N, in the Div. of Facilities and Fleet Management; amending Section 21-5(2) of the Code of Ordinances abolishing one (1) position of Director of Fleet Services, Grade 120E, two (2) positions of Fleet Operations Manager, Grade

116E, one (1) position of Fleet Systems Manager, Grade 116E, three (3) positions of Fleet Operations Supervisor, Grade 115E, one (1) position of Administrative Specialist Principal, Grade 114E, sixteen (16) positions of Heavy Equipment Technician, Grade 113N, eleven (11) positions of Vehicle & Equipment Technician, Grade 112N, two (2) positions of Body & Paint Mechanic – Certified, Grade 111N, one (1) position of Information Systems Specialist, Grade 111N, one (1) position of Fleet Parts Specialist Sr., Grade 110N, one (1) position of Fleet Parts Specialist, Grade 109N, one (1) position of Service Writer, Grade 109N, one (1) position of Staff Assistant Sr., Grade 108N, two (2) positions of Heavy Equipment Mechanic Apprentice, Grade 108N, two (2) positions of Vehicle and Equipment Mechanic – Apprentice, Grade 107N, and one (1) position of Public Service Worker Sr., Grade 106N, in the Div. of Fleet Services; amending Section 21-5(2) of the Code of Ordinances abolishing one (1) position of Director of Building Maintenance & Construction, Grade 121E, three (3) positions of Facility Manager, Grade 118E, one (1) position of Electrical Instrument Technician Sr., Grade 114E, one (1) position of Administrative Specialist Principal, Grade 114E, one (1) position of Engineering Technician Sr., Grade 113E, five (5) positions of Trades Supervisor, Grade 113N, three (3) positions of Electrical Instrumentation Technician, Grade 113N, seven (7) positions of Skilled Trades Worker Sr., Grade 112N, four (4) positions of Public Service Supervisor, Grade 111N, thirteen (13) positions of Skilled Trades Worker, Grade 111N, two (2) positions of Staff Assistant Sr., Grade 108N, two (2) positions of Stores Clerk, Grade 107N, one (1) position of Public Service Worker Sr., Grade 107N, and four (4) positions of Public Service Worker, Grade 106N, in the Div. of Building Maintenance & Construction; amending Section 21-5(2) of the Code of Ordinances abolishing one (1) position of Staff Assistant, Grade 107N, one (1) position of Staff Assistant Sr., Grade 108N, two (2) positions of Information Officer, Grade 113E, one (1) position of Graphic Assistant, Grade 109N, one (1) position of Public Service Worker, Grade 106N, one (1) position of Public Service Worker Sr., Grade 107N, one (1) position of Public Service Supervisor, Grade 111N, one (1) position of Stores Clerk, Grade

107N, four (4) positions of Trades Worker, Grade 107N, five (5) positions of Skilled Trades Worker, Grade 111N, four (4) positions of Skilled Trades Worker Sr., Grade 112N, four (4) positions of Trades Supervisor, Grade 113N, one (1) position of Operations Manager, Grade 116E, one (1) position of Recreation Manager, Grade 114E and creating one (1) position of Management Analyst, Grade 114E, in the Div. of Parks and Recreation; amending Section 21-5(2) of the Code of Ordinances abolishing two (2) positions of GIS Specialist, Grade 114N, in the Div. of Planning; amending Section 22-5(2) abolishing one (1) position of Administrative Aide to the Mayor, Grade 118E, in the Office of the Mayor; amending Section 22-5(2) of the Code of Ordinances creating one (1) position of Administrative Aide to the Mayor, Grade 118E, in the Dept. of the Commissioner of Social Services; amending Section 22-5(2) of the Code of Ordinances abolishing one (1) position of Administrative Specialist Sr., Grade 112N, in the Dept. of the Commissioner of Finance & Administration; amending Section 22-5(2) of the Code of Ordinances creating one (1) position of Administrative Specialist Sr., Grade 112N in the Div. of Accounting; amending Section 22-5(2) of the Code of Ordinances abolishing one (1) position of Program Supervisor, Grade 115E in the Dept. of the Commissioner of General Services; amending Section 22-5(2) of the Code of Ordinances creating one (1) position of Program Supervisor, Grade 115E in the Div. of Parks and Recreation; amending Section 22-5(2) of the Code of Ordinances abolishing one (1) position of Vehicle and Equipment Technician P/T, Grade 112N and two (2) positions of Public Service Worker P/T, Grade 106N, in the Div. of Fleet Services; amending Section 22-5(2) of the Code of Ordinances creating one (1) position of Vehicle and Equipment Technician P/T, Grade 112N, two (2) positions of Public Service Worker P/T, Grade 106N, and one (1) position of Custodial Worker P/T, Grade 102N in the Div. of Facilities and Fleet Management; amending Section 22-5(2) of the Code of Ordinances abolishing one (1) position of MMRS Project Coordinator, Grade 114E and one (1) position of CSEPP Planner P/T, Grade 113N in the Div. of Environmental and Emergency Management; amending Section 22-5(2) creating one (1) position of MMRS Project Coordinator, Grade

114E and one (1) position of CSEPP Planner P/T, Grade 113N in the Div. of Emergency Management/911; amending Section 22-5(2) of the Code of Ordinances abolishing one (1) position of Custodial Worker P/T, Grade 102N in the Div. of Building Maintenance and Construction; amending Section 22-5(2) of the Code of Ordinances creating one (1) position of Social Worker Sr., Grade 113E, in the Office of the Friend of the Court; transferring all incumbents and all vacant positions at their current job classification, pay grade and salary; amending Section 21-5(2) and 22-5(2) of the Code of Ordinances to renumber the affected Sections; effective upon date of passage.

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A Resolution ratifying the probationary civil service appointments of: Roger Cotton, Equipment Operator Sr., Grade 109N, \$13.242 hourly, in the Div. of Waste Management, effective July 7, 2008; Ed Hershey, Engineering Technician Sr., Grade 113E, \$1,936.64 bi-weekly, in the Div. of Water Quality, effective June 9, 2008; Charles Stine, Environmental Inspector, Grade 113N, \$21.294 hourly, in the Div. of Water Quality, effective July 7, 2008; Larry Leach, Environmental Inspector, Grade 113N, \$24.208 hourly, in the Div. of Water Quality, effective June 23, 2008; Stephen Mulligan, Accountant, Grade 113E, \$1,640.00 bi-weekly, in the Div. of Accounting, effective July 7, 2008; Rickie Hall, Engineering Technician Sr., Grade 113E, \$1,400.32 bi-weekly, in the Div. of Water Quality, effective June 23, 2008; Elizabeth Johnson, Telecommunicator, Grade 113N, \$17.493 hourly, in the Div. of Enhanced 911, effective July 7, 2008; Jennifer Begley, Telecommunicator Supervisor, Grade 116E, \$1,642.88 bi-weekly, in the Div. of Enhanced 911, effective July 7, 2008; ratifying the permanent civil service appointments of: Chris Cunningham, Computer Analyst, Grade 115E, in the Div. of Computer Services, effective May 26, 2008; Robert Ledford, Trades Supervisor, Grade 113N, in the Div. of Parks and Recreation, effective July 21, 2008; approving the unclassified civil service salary increase for Melynda Milburn, Aide to Council, Grade 000E, from \$1,878.24 bi-weekly to \$1,942.31 bi-weekly, in the Office of the Urban County Council, effective June 9, 2008 was on the docket for second reading.

Upon motion of Ms. Henson, seconded by Ms. Gorton, and approved by unanimous vote, the Resolution was amended to change the effective date of the probationary civil service appointment of Jennifer Begley, Telecommunicator Supervisor, Grade 116E, \$1,642.88 bi-weekly in the Div. of Enhanced 911 from July 7, 2008 to July 21, 2008 and to remove the probationary civil service appointment of Roger Cotton, Equipment Operator Sr., Grade 109N, \$13.242 hourly in the Div. of Waste Management, effective July 7, 2008.

A Resolution ratifying the probationary civil service appointments of: Ed Hershey, Engineering Technician Sr., Grade 113E, \$1,936.64 bi-weekly, in the Div. of Water Quality, effective June 9, 2008; Charles Stine, Environmental Inspector, Grade 113N, \$21.294 hourly, in the Div. of Water Quality, effective July 7, 2008; Larry Leach, Environmental Inspector, Grade 113N, \$24.208 hourly, in the Div. of Water Quality, effective June 23, 2008; Stephen Mulligan, Accountant, Grade 113E, \$1,640.00 bi-weekly, in the Div. of Accounting, effective July 7, 2008; Rickie Hall, Engineering Technician Sr., Grade 113E, \$1,400.32 bi-weekly, in the Div. of Water Quality, effective June 23, 2008; Elizabeth Johnson, Telecommunicator, Grade 113N, \$17.493 hourly, in the Div. of Enhanced 911, effective July 7, 2008; Jennifer Begley, Telecommunicator Supervisor, Grade 116E, \$1,642.88 bi-weekly, in the Div. of Enhanced 911, effective July 21, 2008; ratifying the permanent civil service appointments of: Chris Cunningham, Computer Analyst, Grade 115E, in the Div. of Computer Services, effective May 26, 2008; Robert Ledford, Trades Supervisor, Grade 113N, in the Div. of Parks and Recreation, effective July 21, 2008; approving the unclassified civil service salary increase for Melynda Milburn, Aide to Council, Grade 000E, from \$1,878.24 bi-weekly to \$1,942.31 bi-weekly, in the Office of the Urban County Council, effective June 9, 2008 was given second reading as amended.

Upon motion of Mr. Blues, seconded by Mr. Ellinger, the resolution was approved by the following vote:

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

Nay: -----0

* * *

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

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

Nay: -----0

A Resolution accepting the bid of Myers Fence, LLC, in the amount of \$76,178.00, for the Brighton East Rail Trail Fence Project, for the Div. of Community Development and the Div. of Engineering.

A Resolution accepting the bid of Cargill Deicing Technology, establishing a price contract for treated rock salt, for the Div. of Streets, Roads and Forestry.

A Resolution accepting the bid of CIM Audio Visual, in the amount of \$15,873.00, for a PTZ camera system for GTV3.

A Resolution accepting the proposal of M2D Design Group, in the amount of \$26,000.00, for administration of the Corridor Enhancement Grant for the Newtown Pike Landscaping Project.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Letter of Agreement Amendment with the Ky. Heritage Council, for extension of the Div. of Historic Preservation’s Survey and Planning Project through August 1, 2009, 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 the Ky. Office of Homeland Security, for extension of the wireless system for the Div. of Fire and Emergency Services Project through September 30, 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 the Ky. Office of Homeland Security, for extension of the Regional 911 System Project through November 30, 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 Amendments to Agreements with the Ky. Transportation Cabinet, for extension of the Bicycle Lane Restriping and Feasibility Study and the Wellington Area Bicycle-Pedestrian Facility Projects through June 30, 2009, 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 the Ky. Governor's Office of Local Development, for extension of the 2006 Recreational Trails Project through June 30, 2009, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Contract with Leak Eliminators, LLC, for construction of the Old Paris Road Sanitary Sewer and Pump Station Project, increasing the Contract price by the sum of \$2,765.00 from \$97,425.00 to \$100,190.00.

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 Lance and Karen Handel, for the property located at 415 Morgan Avenue, for the Meadows-Northland-Arlington Neighborhood Improvement Project Phase 3B, and authorizing payment in the amount of \$100.00, plus usual and appropriate closing costs.

A Resolution authorizing and directing the Dept. of Law, on behalf of the Urban County Government, to accept a Quitclaim Deed from Commonwealth Development Company, LLC and Ball Homes, LLC, for a detention area at 928 Calypso Breeze Drive and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute the Quitclaim Deed to certify the consideration, 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 Certificate of Consideration and a Deed conveying a permanent non-exclusive utility easement to AT&T Corporation over various tracts in the McConnell's Trace Subdivision for payment in the amount of \$38,000.00.

A Resolution accepting the proposal of Strand Associates, Inc., to prepare Sanitary Sewer Pumping Station Design & Equipment Condition Adequacy Evaluation and Pump Station Operation Plan for Outages Reports, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Engineering Services Agreement with Strand Associates, Inc., for performance of such services and authorizing payment of funds in an amount not to exceed \$265,000.00.

A Resolution accepting the proposal of Robert Charles Lesser & Co., LLC, to perform professional consulting services related to the preparation of a housing market study, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Robert Charles Lesser & Co., LLC, for performance of such services, and authorizing payment of funds in an amount not to exceed \$116,000.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Div. of Forestry and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of \$15,000.00 Federal funds, and are for support of public education and fire prevention efforts for citizens living in the rural and limited access areas of Lexington-Fayette County.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit an Application to the U.S. Dept. of Homeland Security, and to provide any additional information requested in connection with this Application, for an Advanced Vehicle Tracking System (AVTS) under the Commercial Equipment Direct Assistance Program (CEDAP).

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept the following as a donation from the Citizen's Police Academy Alumni Association (CPAAA) for use by the Div. of Police; framed motivational/character prints (\$1,200.00); digital cameras for West Sector, 2nd shift (\$2,000.00); new evidence markers and a "bootie box" for the Evidence Collection Unit (\$238.00); conference registration, travel, lodging and meals for two (2) Drug Recognition Expert Officers to attend the DRE Conference in Indiana (\$1,080.00); GPS device for detectives in Personal Crimes Unit to use when traveling out of Fayette County for investigations (\$400.00); and Ky. Criminal Law Pocket Guides for detectives (\$283.00), all at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute the Datacenter Hosting Services Contract with the Center for Rural Development, for hosting and management services for software and data for the Emergency Operations Center, at an annual cost not to exceed \$8,820.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Letter Agreement with Mountjoy & Bressler, LLC, for performance of professional financial auditing services of all FY 2008 Urban County Government funds, at a cost not to exceed \$115,450.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with the Ky. Div. of Emergency Management, for extension of the Tornado Safe Shelter at Suburban Mobile Home Park Project through June 30, 2010, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Purchase of Service Agreements with Baby Health Services (\$18,000), Big Brothers, Big Sisters (\$10,290), Bluegrass Community Action Agency (\$30,000), Bluegrass Domestic Violence Program, Inc. (\$75,000), Bluegrass Rape Crisis Center (\$75,000), Bluegrass Technology Center, Inc. (\$3,000), Center for Women, Children & Families (\$50,000),

Chrysalis House, Inc. (\$40,000), Bluegrass Comprehensive Care Center (\$234,750), Community Action Council (\$180,000), Hope Center, Inc. (\$740,000), M.A.S.H. Services of the Bluegrass, Inc. (\$158,000), Moveable Feast Lexington, Inc. (\$40,000), Nursing Home Ombudsman Agency of the Bluegrass, Inc. (\$50,000), Salvation Army (\$200,000), Sunflower Kids (\$25,000) and YMCA of Central Ky. (\$100,000) to provide services to the public, at a cost not to exceed \$2,029,040.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with the Lexington-Fayette County Health Dept., for extension of the Agreement for establishment of a Medical Reserve Corps through March 31, 2009, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Contract with Woodall Construction Co., Inc. for provisions of services and materials related to the Southend Park Redevelopment Temporary Housing Project, increasing the Contract price by the sum of \$7,587.53 from \$785,158.00 to \$792,745.53.

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 and permanent sanitary sewer easement from Ball Homes, LLC and Bruce Properties, Inc., located at 3393 Sanibel Drive, 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 Saron Drive and Forest Lake Drive.

A Resolution authorizing and directing the Dept. of Law to institute condemnation proceedings in Fayette Circuit Court to obtain fee simple title to the property located at 1426 Bryan Avenue for the Meadows-Northland-Arlington Phase 3B Improvements Project.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Expansion Area Development Exaction

Agreement with Silver Oaks Real Estate Investments, Inc., for system improvements related to the Hamburg Place (Central Baptist Hospital) development in Expansion Area 2-A involving sanitary sewer improvements, including construction of various sections of the sanitary sewer trunk system, 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 Expansion Area Development Exaction Agreement with Silver Oaks Real Estate Investments, Inc., and Cowgill Partners, LP, for system improvements related to the Hamburg Place (Central Baptist Hospital) development in Expansion Area 2-A involving roads, including construction of Polo Club Boulevard between Man O'War Boulevard and Winchester Road, 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 Agreement with the Lexington-Fayette Urban County Human Rights Commission, for purchase of services for FY 2009, at a cost not to exceed \$190,000.00 was given first reading.

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

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

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

Nay: -----0

* * *

The following resolutions were given first reading and ordered placed on file until July 8, 2008 for public inspection.

A Resolution accepting the bid of Southern Drywall Supply, establishing a price contract for drywall materials and ceiling tiles, for the Div. of Building Maintenance and Construction.

A Resolution accepting the bid of Pedal Power, establishing a price contract for police bicycles, for the Div. of Police.

A Resolution accepting the bid of Atom Chemical, establishing a price contract for water treatment for heating and cooling systems, for the Div. of Building Maintenance and Construction.

A Resolution accepting the bid of R & L Cleaning Service, establishing a price contract for custodial services for the Day Treatment Facility, for the Div. of Building Maintenance and Construction.

A Resolution accepting the bid of Spectrum Contracting Services, Inc., in the amount of \$828,520.00, for the Gainesway Pond and Educational Trail Project.

A Resolution ratifying the probationary civil service appointments of: Marcus Ashford, Equipment Operator Sr., Grade 109N, \$12.911 hourly, in the Div. of Waste Management, effective July 7, 2008; ratifying the permanent civil service appointments of: Martreshia Pendleton, Customer Service Specialist, Grade 110N, in the Div. of Government Communications, effective July 7, 2008; Jeffrey Estes, Customer Service Specialist, Grade 110N, in the Div. of Government Communications, effective July 7, 2008; approving the unclassified civil service appointment of: LaJoyce Mullins-Williams, Project Engineer Coordinator, Grade 119E, \$2,307.70 bi-weekly, in the Div. of Water Quality, effective June 30, 2008; Alicia Roddy, Social Worker Sr., Grade 113E, \$1,314.24 bi-weekly, in the Div. of Family Services, effective July 7, 2008.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Ross & Baruzzini, Inc., for professional services related to the system design and integration related to the Public Safety Operations Center (PSOC), at a cost not to exceed \$1,473,570.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Messer Construction Company, for professional services related to the construction management (at risk) of the Public Safety Operations Center (PSOC), at a cost not to exceed \$1,760,851.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Purchase of Service Agreement with Road to

Homeownership, Inc., for the provision of educational programs to economically disadvantaged and low to moderate income families, at a cost not to exceed \$33,750.00

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Purchase of Service Agreement with Urban League of Lexington-Fayette County, for support of initiatives designed to enable African-Americans and disadvantaged citizens to achieve social and economic equality, at a cost not to exceed \$70,000.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with Omni Architects, for additional design services related to the Public Safety Operations Center, at an additional cost not to exceed the sum of \$154,485.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Contract with Free Contracting, Inc., for Lower Glendover West Drainage Improvements, increasing the contract price by the sum of \$102,210.02 from \$469,853.00 to \$572,063.02.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 (Final) to the Contract with ATS Construction, for East Reynolds Road and Lansdowne Drive Improvement Project, increasing the contract price by the sum of \$3,510.10 from \$309,993.19 to \$313,503.29.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 2 to the Contract with Kenney, Inc., for Bracktown Sanitary Sewer Project, increasing the contract price by the sum of \$80,237.40 from \$1,185,293.15 to \$1,265,530.55.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 3 to the Contract with Leak Eliminators, LLC, for Wilderness Road Sanitary Sewer Project, increasing the contract price by the sum of \$27,142.12 from \$1,997,482.10 to \$2,024,624.22.

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 4024 Lilydale Court from Adolfo and Carol Dewitt, for the Whitemark Court Storm Water Improvements Project, and authorizing payment in the amount of \$306,700.00, plus usual and appropriate closing costs.

A Resolution amending Section 2 of Resolution No. 672-2007 which authorized and directed 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, increasing the amount of compensation from \$3,450.00 to \$7,600.00, plus usual and appropriate closing costs.

A Resolution authorizing and directing the Dept. of Law, on behalf of the Urban County Government, to accept a Deed from Ball-Bryant, LLC and Jason Justice for a temporary construction easement and a permanent sanitary sewer easement at 6600 Man O'War Blvd. and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute the Deed of Easement to certify the consideration, 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 Release of Easement, releasing a streetlight easement on property located on Lots 70, 71, and 76 in Gess Property, Unit 4-C, at no cost to the Urban County Government.

* * *

A Resolution of the Urban County Council encouraging developers with projects that meet the requirements for tax increment financing ("TIF") to work with the Lexington-Fayette Urban County Government to submit tax increment financing ("TIF") applications to the Commonwealth of Ky. to obtain financing for public improvements in Fayette County was given first reading.

Dr. Stevens made a motion, seconded by Ms. Gorton, to amend the resolution stating that a delegation from the Lexington-Fayette Urban County Government of the Mayor and 3-5 Council Members selected by the Council be created to meet with the CentrePointe developer to negotiate the tax increment financing ("TIF") elements in the project and such other matters that the parties

may agree to and that these discussions respect the history and heritage of our downtown and its enormous economic opportunity for the region.

Mr. DeCamp and Mr. Blues stated their concerns with the amendment.

Mr. Blevins asked questions of Mr. Logan Askew, Commissioner of the Dept. of Law, concerning procedure for dealing with tax increment financing and asked that the Mayor develop a policy or procedure for this issue.

Mr. Beard stated his concerns with the amendment and asked questions of Mr. Darby Turner, attorney for the CentrePointe development. Mr. Beard also asked if there should be a public meeting regarding the issue.

The Mayor responded to Mr. Beard's question indicating that there could be any sort of public forum that the Council wishes to hold.

Mr. Lane and Mr. Gray spoke about the amendment.

Ms. Gorton asked questions of Mr. Askew regarding any public forum or meeting.

Ms. Henson asked questions of Mr. Turner regarding building plans currently in place, and whether the plans were drawn up with tax increment financing in mind.

Ms. James asked a question of Dr. Stevens' amendment to the resolution, and what he intended for the 3-5 council members noted in the amendment to do. She asked if anyone in particular on the council wished to be a part of the delegation. She also asked questions of Mr. Turner regarding changes to the building plan if tax increment financing was implemented. She strongly urged the Council to proceed slowly and by following procedure and policy.

Dr. Stevens made a motion, seconded by Mr. Beard, to amend the language to his original motion to state that a delegation from the Lexington-Fayette Urban County Government of the Mayor and 3-5 Council Members selected by the Council be created to meet with the appropriate developers to negotiate the tax increment financing elements ("TIF") in a project and such other matters that the parties may agree to and that these discussions respect the history and heritage of our downtown and its enormous economic opportunity for the region.

Mr. DeCamp stated his concerns with the language in the amendment.

Dr. Stevens’ motion to amend his original motion **passed** by the following vote:

Aye: Henson, James, McChord, Myers, Stinnett
Beard, Blues, Ellinger, Gorton, Gray-----10

Nay: Lane, Blevins, DeCamp-----3

The Mayor stated that the original motion as amended was now open for discussion.

Mr. DeCamp made a motion, seconded by Mr. Gray, to amend the motion to include that the results of the delegation report back to the Council’s Committee of the whole.

Mr. Stinnett stated his concern with the motion.

Mr. DeCamp’s motion to amend **passed** by the following vote:

Aye: Henson, James, McChord, Stinnett, Blevins,
DeCamp, Ellinger, Gray-----8

Nay: Lane, Myers, Stevens, Beard, Blues,
Gorton-----6

Mr. Blevins asked for a point of order as to whether Dr. Steven’s original motion was to replace the resolution or was it an addition to the current resolution that was given first reading.

Dr. Stevens stated that his motion was an addition to the current resolution.

The Mayor clarified that the motion now before the Council was to amend the Resolution on the docket to add that a delegation from the Lexington-Fayette Urban County Government of the Mayor and 3-5 Council Members selected by the Council be created to meet with appropriate developers to negotiate the tax increment financing elements in a project and such other matters that the parties may agree to and that these discussions respect the history and heritage of our downtown and its enormous economic opportunity for the region and that the results of the delegation report back to the Council’s Committee of the whole.

Mr. Myers asked a question of Dr. Stevens and Mr. Turner regarding time frame of the discussions, and stated his concerns with the motion.

Dr. Stevens' motion to amend the Resolution **passed** by the following vote:

Aye: Henson, Stevens, Stinnett, Beard, DeCamp,
Ellinger, Gorton, Gray-----8

Nay: James, Lane, McChord, Myers, Blevins,
Blues-----6

The Mayor stated that the amendment to the Resolution was a material change and that it would need a new first reading as amended.

The Council Clerk stated that the Dept. of Law was going to take the language from Dr. Stevens' motion and prepare the Resolution as amended in order for it to be given a new first reading as amended. It was suggested to continue with other business until the Dept. of Law returned with the amended Resolution. (See Page 31 for first reading of amended Resolution.)

* * *

Upon motion of Mr. Lane, seconded by Mr. Myers, and approved by unanimous vote, the following resolutions were placed on the docket.

A Resolution accepting the bid of Columbia Gas of Ky., Inc., in accordance with the provisions of Ordinance No. 135-2008, creating and offering for sale a three-year franchise for the operation of a non-exclusive gas distribution system in Fayette County, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Franchise Agreement with Columbia Gas of Ky., Inc., incorporating the terms and conditions of Ordinance No. 135-2008.

A Resolution accepting the bid of Delta Natural Gas Company, Inc., in accordance with the provisions of Ordinance No. 135-2008, creating and offering for sale a three-year franchise for the operation of a non-exclusive gas distribution system in Fayette County, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Franchise Agreement with Delta Natural Gas Company, Inc., incorporating the terms and conditions of Ordinance No. 135-2008.

Mr. Beard asked a question of Mr. Joe Kelly, Senior Advisor for Management, regarding the franchise fee.

The resolutions were given first reading and ordered placed on file until July 8, 2008 for public inspection.

* * *
Upon motion of Mr. McChord, seconded by Mr. Lane, and approved by unanimous vote, a Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Release of Easement, releasing a storm sewer easement at 410 Sporting Court (Quest Community Church) at no cost to the Urban County Government was placed on the docket, given first reading and ordered placed on file until July 8, 2008 for public inspection.

* * *
Upon motion of Mr. Stinnett, seconded by Ms. James, and approved by unanimous vote, a Resolution accepting the bid of Jerry N. Grot Electric, Inc., in the amount of \$119,800.00, for a generator for the Coroner's Office was placed on the docket, given first reading and ordered placed on file until July 8, 2008 for public inspection.

* * *
Mr. McChord announced that the time of the Bluegrass 10,000, scheduled for July 4, 2008, had been moved back to 7:30 a.m. from 8:00 a.m.

* * *
Mr. Blevins offered to arrange a presentation explaining the basics of tax increment financing at the July 8, 2008 Work Session.

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Mr. Bernard McCarthy, Harry Street, spoke in opposition to the tax increment financing proposals, and urged the Council to use any funds available from these programs for infrastructure.

* * *
Mr. Bill Johnston, West Short Street, stated his concerns about the CentrePointe project and its impact on downtown.

* * *
Mr. Barry McNees, Manchester Street, spoke about the plans for the Lexington Distillery District, and invited Council Members to view the storyboards that have been placed on Manchester Street showing the concept for the area.

* * *
Mr. Louis Cobb spoke about racism and community issues.

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Chief Ronnie Bastin, Div. of Police, stated that Sergeant Gregory T. Marlin has committed the offense of Violating Any Rules of the Division; Treatment of Persons in Custody; Use of Force in violation of KRS 95.450 and General Order 73-2/H – Section 1.35, Section 1.22 and Section 1.23 in that on the 16th day of April, 2008 he mistreated arrestee Roy E. Kitchen, using unjustified force, by striking him in the face with a closed fist one or more times causing visible injury while Mr. Kitchen was handcuffed, in custody and attempting to spit on officers. This use of force is not consistent with training and policy of the Div. of Police. The force was more than reasonably necessary to overcome the resistance. Sergeant Marlin did not handle Mr. Kitchen in accordance with established Divisional procedures as far as how Mr. Kitchen was treated while handcuffed and after he was struck. Sergeant Marlin did not arrange transportation for and treatment of the injured Mr. Kitchen. In addition, Sergeant Marlin did not immediately notify his immediate supervisor, Lieutenant Raymond Roller, of the incident as required by policy and that the appropriate punishment for this conduct is 6 Month Suspension Without Pay and Demotion in Rank to “Officer” Upon Suspension.

Upon motion of Mr. Ellinger, seconded by Ms. Gorton, the disciplinary action was approved by unanimous vote.

* * *

The Council recessed at 9:15 p.m. until the time the Dept. of Law returned with the amended Resolution.

* * *

At 9:20 p.m., the council returned with the same members present.

* * *

A Resolution of the Urban County Council encouraging developers with projects that meet the requirements for tax increment financing (“TIF”) to work with the Lexington-Fayette Urban County Government to submit tax increment financing (“TIF”) applications to the Commonwealth of Ky. to obtain financing for public improvements in Fayette County; and providing that a delegation from the Lexington-Fayette Urban County Government consisting of the Mayor and three to five Council Members, selected by the Council, be created to meet with appropriate developers to negotiate the TIF elements in a project and such other

matters that the parties may agree to and that these discussions respect the history and heritage of our downtown and its enormous economic opportunity for the region, and providing that the delegation shall report the results to the Council was given first reading as amended and ordered placed on file until July 8, 2008 for public inspection.

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Upon motion of Mr. Blues, seconded by Mr. Blevins, and approved by unanimous vote, the meeting adjourned at 9:26 p.m.

Clerk of the Urban County Council