

Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky July 8, 2008

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on July 8, 2008 at 6:00 P.M. Present were Mayor Jim Newberry in the chair presiding and the following members of the Council: Council Members James, Lane, McChord, Myers, Stevens, Stinnett, Beard, Blevins, Blues, Crosbie, DeCamp, Ellinger, Gorton, Gray and Henson.

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

Ordinances No. 162-2008 thru 172-2008 inclusive and Resolutions No. 397-2008 thru 427-2008 inclusive were reported as having been signed and published, and were ordered to record.

Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky

July 8, 2008

The Invocation was given by Associate Pastor Charles H. Thomas of First Baptist Church Bracktown.

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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 was on the docket for second reading.

Ms. Crosbie made a motion, seconded by Mr. Ellinger, and approved by unanimous vote, to amend the ordinance to remove the creation of the two positions of Deputy Director of Facilities and Fleet Management, Grade 122E and to change the title of the Director of Fleet Services to the Deputy Director of Fleet, Grade 120E, and the Director of Building Maintenance and Construction to the Deputy Director of Building Maintenance, Grade 121E. Ms. Crosbie stated that this was not a material change and did not require a new first reading.

Ms. Crosbie and Ms. Gorton asked questions of Ms. Kyna Koch, Commissioner of the Dept. of Finance and Administration, regarding the classification of positions.

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, 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 (11) positions of Custodial Worker, Grade 102N, in the Div. of Facilities and Fleet Management; amending Section 21-5(2) of the Code of Ordinances changing the name of the Director of Fleet Services, Grade 120E, to the Deputy Director of Fleet, Grade 120E, creating 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 changing the name of the Director of Building Maintenance & Construction, Grade 121E, to the Deputy Director of Building Maintenance, Grade 121E, abolishing 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 was given second reading as amended.

Upon motion of Ms. Gorton, seconded by Mr. Lane, the ordinance was approved by the following vote:

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

Nay: -----0
* * *

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

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

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 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 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 re-appropriating funds, Schedule No. 200.

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An Ordinance closing a walk way right-of-way located between the properties at 3336 Mt. Foraker Drive and 3340 Mt. Foraker Drive; determining that all property owners abutting the portion of the walk way 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 owners, subject to the reservation of easements for access and maintenance of existing utilities in the former right-of-way was given first reading.

Upon motion of Mr. Stinnett, seconded by Dr. Stevens, the rules were suspended by unanimous vote.

The ordinance was given second reading. Upon motion of Mr. Blevins, seconded by Mr. Ellinger, the motion was passed by the following vote:

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

Nay: -----0

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Upon motion of Ms. Henson, seconded by Mr. Stinnett and approved by unanimous vote, an Ordinance amending Section 21-5(2) of the Code of Ordinances abolishing eleven (11) positions of Custodial Worker, Grade 102N in the Div. of Building Maintenance and Construction, was placed on the docket and given first reading.

Upon motion of Mr. Stinnett, seconded by Dr. Stevens, the rules were suspended by unanimous vote.

The ordinance was given second reading. Upon motion of Mr. Blevins, seconded by Mr. Ellinger, the motion was passed by the following vote:

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

Nay: -----0

* * *

An Ordinance changing the zone from a Light Industrial (I-1) zone to a Planned Neighborhood Residential (R-3) zone for 15.21 net (17.10 gross) acres; and from a Light Industrial (I-1) zone to a Highway Business (B-3) zone subject to certain use restrictions imposed as conditions of granting the zone change, for 0.87 net (1.94 gross) acres, for properties located at 709-715 Byars Street; 701-870 DeRoode Street (excluding 757 and 763 DeRoode); 714-726 Deshort Circle; 906 West High Street (a portion of); 555-621 McKinley Street (odd addresses only); 800-833 Neville Street; 565-637 Patterson Street (portions of odd addresses only); and 812-820 Pine Street was given first reading and ordered placed on file until a public hearing to be held at a Special Council Meeting on September 9, 2008, at 6:00 p.m.

* * *

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 on the docket for second reading.

Upon motion of Mr. Blues, seconded by Mr. Beard, and approved by unanimous vote, the resolution was amended to change the number of council members required from 'three to five' to 'three to seven.'

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 seven 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 second reading as amended.

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

Aye: Lane, McChord, Myers, Stevens, Stinnett,
Beard, Blues, Crosbie, DeCamp, Ellinger,
Gorton, Gray, Henson-----13

Nay: James, Blevins-----2

* * *

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 was given second reading.

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

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

Nay: -----0

Upon motion of Dr. Stevens, seconded by Mr. DeCamp, and approved by unanimous vote, the Resolution was reconsidered.

The Mayor stated that the Resolution was back on the floor for consideration.

Upon motion of Mr. Lane, seconded by Mr. DeCamp, and approved by unanimous vote, the resolution was amended to add the language plus 8.99% of the construction costs.

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 plus 8.99% of the construction costs was given second reading as amended.

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

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

Nay: -----0
* * *

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

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

Nay: -----0

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 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 accepting the bid of Columbia Gas of Kentucky, 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 Kentucky, 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.

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.

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.

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

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

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

Nay: -----0

A Resolution ratifying the probationary civil service appointments of: Karen Confides, Telecommunicator, Grade 111N, \$18.237 hourly, in the Div. of Enhanced 911, effective July 7, 2008; Phillina Wingate, Telecommunicator, Grade 111N, \$14.643 hourly, in the Div. of Enhanced 911, effective July 21, 2008; Lori Susanka, Telecommunicator, Grade 111N, \$15.575 hourly, in the Div. of Enhanced 911, effective July 21, 2008.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Environmental Protection Agency and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of \$20,000.00 Federal funds, and are for health education and outreach to the underserved Medicaid pediatric population in Fayette, Bourbon, Clark, Jessamine and Madison Counties regarding exposure to lead-based paint poisoning.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Bluegrass Regional Mental Health-Mental Retardation Board, Inc., d/b/a Comprehensive Care Center, for mental health services for inmates at the Detention Center, at a cost not to exceed \$811,724.95.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Ky. Office of Homeland

Security, for extension of the Metropolitan Medical Response System (MMRS) 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 an Agreement with Marriott Griffin Gate Resort & Spa, for the Annual Police Awards Banquet, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with Cardinal Valley Elementary PTA, Inc. (\$500.00), Golfview Estates Neighborhood Association, Inc. (\$1,000.00) and Lexlinc (\$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 Change Order No. 2 to the Contract with Jarboe Construction, Inc., for the Gainesway Community Center, increasing the Contract price by the sum of \$4,420.00 from \$30,750.00 to \$35,170.00.

A Resolution amending Sections 1 and 2 of Resolution No. 330-2008 which accepted the bid of Alertus Technologies, LLC in the amount of \$85,825.00 for a FM Emergency Alert System, for the Div. of Environmental & Emergency Management to amend the dollar amount from \$85,825.00 to \$50,998.00 and reserve the right to purchase additional quantities at the unit prices bid.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a donation of up to 210 mattresses (value of \$1,199.00 each), from the Tempur-Pedic, Inc., for the Div. of Fire and Emergency Services, the acceptance of which does not obligate the Urban County Government for the expenditure of funds.

A Resolution authorizing and directing the Div. of Traffic Engineering, pursuant to Code of Ordinances Section 18-86, to install multiway stop controls at Sandersville Road and Bay Colony Lane and at Sandersville Road and Prichard Drive.

A Resolution expressing the support of the Mayor and the Council of the Lexington-Fayette Urban County Government for the Kentucky Horse Park's Application for Transportation Enhancement funds.

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Dr. Stevens asked that the Council self-nominate to be a part of the delegation to meet on the TIF for the CentrePointe developer. Mr. Gray, Mr. Blues, Mr. DeCamp, Dr. Stevens, Mr. McChord, Ms. Henson, and Mr. Beard all volunteered and there being no objection, were confirmed as the delegation.

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Mr. DeCamp made a motion, seconded by Ms. Gorton and approved by unanimous vote, to amend the communications from the Mayor by removing the Board of Adjustment and Planning Commission's appointments pending confirmation hearings on August 12, 2008 at 11:30 a.m.

Upon motion of Dr. Stevens, seconded by Ms. Gorton, and passed by unanimous vote, the following communications from the Mayor were approved and are as follows: (1) Recommending the appointments of the following individuals to the Alarm Advisory Board: Luther Deaton, with a term to expire 7-1-2011; Barbara J. Phillips, with a term to expire 7-1-2010; and Linda Moran, with a term to expire 7-1-2009, (3) Recommending the appointment of Susan L. Michael to the Explorium Board, with a term to expire 6-30-2012, and (5) Recommending the appointments of the following individuals to the Transit Authority Board: Chris A. Humphrey, with a term to expire 6-30-2009; and Tyrone Tyra, with a term to expire 6-30-2012. Mr. Humphrey will fill the unexpired term of Mary Fister Tucker.

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Mr. John Throckmorton, citizen of Versailles, Kentucky, and a Div. of Streets, Roads and Forestry employee, thanked the Council for the 2.3% civil service employees' wage increase, but also stated his concern that the Council could not find the funding to approve a 3.9% increase.

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Upon motion, the council recessed at 7:11 p.m.

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At 7:20 p.m. the Council returned with the same members present.

Vice-Mayor Gray was in the chair presiding in the absence of Mayor Newberry.

An Ordinance changing the zone from a Single Family Residential (R-1E) zone to a Neighborhood Business (B-1) zone for 0.267 net (0.347 gross) acres of property located at 135-139 East Third Street subject to certain use restrictions imposed as conditions of granting the zone change (GCL Properties, LLC) was given second reading with a public hearing being held.

The Vice Mayor explained the procedures of the public hearing and swore in the witnesses.

Mr. Jimmy Emmons, Div. of Planning, gave his presentation and filed the following exhibits: (1) Legal Notice, (2) Affidavit of Notices Mailed, (3) MARV 2008-12, Final Report and Minutes of the Planning Commission, (4) 2007 Comprehensive Plan, (5) Downtown Lexington Master Plan, (6) 1983 Zoning Ordinance with amendments, (7) Land Subdivision Regulations, (8) Aerial photographs of the subject property, (9) 2007 Comprehensive Plan Land Use Map, (10) Zoning Map of Existing Surrounding Properties, (11) Final Development Plan approved by Planning Commission, and (12) Excerpt of Zoning Ordinance with zoning allowances.

Ms. Rena Wiseman, attorney for the petitioner, gave the reasons for the requested zone change and filed the following exhibits: (1) Affidavit of signs posted, (2) Exhibit Book, which included the following: (a) Affidavit and Photograph re: Sign, (b) Photographs of the subject property, (c) Ordinance No. 240-2007 with text amendment/banquet facilities, (d) Photograph of Ashley's Wheel & Brake, (e) Ordinance No. 259-2006 {rezoning 135-139 East Third St. from B-1 to R-E}, (f) Deed to 135-139 East Third Street, (g) Notification Map, (h) Map of subject area, (i) Page 6-7 from 2001 Comprehensive Plan, (j) Pages 43-44 from 2007 Comprehensive Plan, (k) Recommendation of Planning Commission, (l) Letters of Support, and (3) Photographs of the subject property.

Ms. Jessica Case, attorney for neighbors surrounding Carrick House, gave the reasons against the requested zone change and filed the following exhibits: (1) Letters of concern from neighboring business and residents and (2)

Handout, including (a) Zone Change Request Application, (b) Letter, (c) Aerial photograph of the area, (d) Photographs of the subject property, (e) Excerpt from the 2007 Ky. Building Code and (f) Proposed action.

The following witnesses spoke against the requested zone change: (1) Mr. John Morgan, N. Limestone St. (2) Mr. David Helmers, E. Third St., (3) Ms. Marcia Gray, Market St., who filed the following exhibit, (a) Email to the Council.

Mr. Emmons made no rebuttal.

Ms. Wiseman gave her rebuttal, and filed the following additional exhibit: (4) Proposed Findings of Fact for Approval.

Ms. Case gave her rebuttal in which she addressed the definition of 'temporary structure', and stated that this issue could be easily addressed by including certain conditions in the zone change.

The Council asked questions of Ms. Wiseman, Mr. Emmons, and Mr. Jerry Lundergan, petitioner.

Ms. James made a motion, seconded by Ms. Gorton, to approve the following Findings of Fact of the Planning Commission with the additional prohibited use: prohibition of temporary structures which is appropriate to comply with the H-1 overlay zoning and to promote future development of the property in compliance with the Comprehensive Plan:

1. The proposed B-1 zoning is appropriate for the subject property and the existing R-1E zoning is inappropriate for the subject property, for the following reasons:
 - a. The Property is surrounded on all sides by business zones, including both B-1 and B-2A designations.
 - b. The proposed B-1 zoning would allow for a more substantive redevelopment of the site in the future that is in keeping with the vision of the 2007 Comprehensive Plan and the Downtown Masterplan.
2. This recommendation is made subject to the approval and certification of the applicable portions of ZDP 2008-58: Lederer Property (GCL Properties, Inc.), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following uses shall be prohibited via conditional zoning:
 - a. No freestanding liquor stores for the sale of liquor and/or wine as the principal use.
 - b. Establishments for the retail sale of merchandise, including: fabrics; yard goods; fixtures, furnishings; appliances; floor covering; furniture; kitchen and laundry equipment; hardware and wallpaper; lawn care products; paint and other interior or exterior care products; newspapers and magazines; flowers; music; cameras; jewelry and luggage; business supplies and machines; prescription and non-prescription medicines and medical supplies.

- c. Beauty shops, barber shops, shoe repair, self service laundry, or laundry pick-up stations, including clothes cleaning establishments of not more than 40 pounds capacity and using a closed-system process.
- d. Automobile service stations, provided such use conforms to all requirements of Article 16.
- e. Repair of household appliances.
- f. Retail sale of plant nursery or greenhouse products, except as prohibited herein.
- g. Outdoor miniature golf or putting courses.
- h. Quick copy services utilizing xerographic or similar processes, but not utilizing offset printing methods.
- i. Circuses and carnivals on a temporary basis.
- j. Indoor theaters.
- k. Rental of equipment whose retail sale would be permitted in the B-1 zone.
- l. Arcades, including pinball and electronic games.
- m. Pawnshops.
- n. Athletic club facilities.
- o. Temporary Structures

These restrictions are appropriate for the subject property due to the close proximity of residential and educational land uses in this neighborhood. The prohibition of temporary structures is appropriate to comply with the H-1 overlay zoning and to promote future development of the property in compliance with the Comprehensive Plan.

There was further discussion among the Council concerning the motion.

The Council asked additional questions of Mr. Emmons.

The motion was approved by the following vote:

Aye: James, Lane, McChord, Myers, Stevens,
Blues, DeCamp, Gorton, Henson-----9

Nay: Stinnett, Beard, Blevins, Crosbie, Ellinger,
Gray-----6

Ms. James made a motion, seconded by Ms. Gorton, and approved by unanimous vote, to amend the ordinance to include additional conditional use language.

An Ordinance changing the zone from a Single Family Residential (R-1E) zone to a Neighborhood Business (B-1) zone for a 0.267 net (0.347 gross) acres of property located at 135-139 East Third Street subject to certain use restrictions as amended imposed as conditions of granting the zone change as amended was given first reading as amended.

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

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

Aye: James, McChord, Myers, Stevens, Blues,
DeCamp, Gorton, Henson-----8

Nay: Lane, Stinnett, Beard, Blevins, Crosbie,
Ellinger, Gray-----7

* * *

Upon motion of Ms. Gorton, seconded by Mr. Ellinger, and approved by
unanimous vote, the meeting was adjourned at 9:06 p.m.

Clerk of the Urban County Council