Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky September 11, 2008

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on September 11, 2008 at 7:00 P.M. Present were Mayor Jim Newberry in the chair presiding and the following members of the Council: Council Members Beard, Blevins, Blues, Crosbie, DeCamp, Ellinger, Gorton, Gray, Henson, James, Lane, McChord, Myers, Stevens, and Stinnett.

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

Ordinances No. 189-2008 thru 202-2008 inclusive and Resolutions No. 467-2008 thru 510-2008 inclusive were reported as having been signed and published, and were ordered to record.

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The Invocation was given by Chaplain Stuart Dawson, Div. of Fire and Emergency Services.

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Council Member Gorton presented a Commemoration to Ms. Kayla Powell for the World's Longest Volleyball Game, as determined by the *Guiness Book of World Records*, and introduced Ms. Powell who organized the event. A Commemoration was given to each member of the team.

Ms. Powell thanked the Mayor and Council for the recognition and spoke about the organization and execution of the event.

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The following ordinances were given second reading.

An Ordinance levying ad valorem taxes for municipal purposes for the Fiscal Year July 1, 2008 through June 30, 2009, on the assessed value of all taxable property within the taxing jurisdictions of the Lexington-Fayette Urban County Government (all taxes on each $100.00 of assessed valuation as of the January 1, 2008 assessment date), as follows: <u>General Services District</u>, $.0800 on real property, including real property of public service companies, $.0990 on personal property, including personal property of public service companies, noncommercial aircraft, and noncommercial watercraft, $.1500 on insurance capital, $.0150 on tobacco in storage, and $.0450 on agricultural products in storage; <u>Full Urban or Partial Urban Services Districts</u> based on urban services available on real property, including real property of public service companies, $.1590 for <u>Refuse Collection</u>, $.0210 for <u>Street Lights</u>, $.0094 for <u>Street Cleaning</u>, $.0920 on insurance capital, $.0150 on tobacco in storage, $.0450 on agricultural products in storage; and levying an ad valorem tax for municipal purposes at the rate of $.0880 on each $100.00 of assessed value on all motor vehicles and watercraft within the taxing jurisdiction of the Lexington-Fayette Urban County Government as of the January 1, 2009 assessment date.

An Ordinance levying ad valorem taxes for purposes of support of the Soil and Water Conservation District for the Fiscal Year July 1, 2008 through June 30, 2009, on the assessed value of all taxable real property within the taxing jurisdiction of the Lexington-Fayette Urban County Government, including real property of public service companies, at a rate of $.0004 on each One Hundred Dollars ($100.00) of assessed valuation as of the January 1, 2008 assessment date.

An Ordinance, pursuant to a request received from the Lexington-Fayette County Health Department, levying an ad valorem tax for purposes of support of the Lexington-Fayette County Health Department for the Fiscal Year July 1, 2008 through June 30, 2009, on the assessed value of all taxable real and personal property within the taxing jurisdiction of the Lexington-Fayette Urban County Government, including real and personal property of public service companies, noncommercial aircraft, noncommercial watercraft, and inventory in transit, and excluding insurance capital, tobacco in storage, and agricultural products in storage, at the rate of $.028 on each $100.00 of assessed value as of the January 1, 2008 assessment date; and levying an ad valorem tax for purposes of support of the Lexington-Fayette County Health Department at the rate of $.028 on each $100.00 of assessed value on all motor vehicles and watercraft within the taxing jurisdiction of the Lexington-Fayette Urban County Government, as of the January 1, 2009 assessment date.

An Ordinance levying ad valorem taxes for purposes of support of the Agricultural Extension Office for the Fiscal Year July 1, 2008 through June 30, 2009, on the assessed value of all taxable real and personal property within the taxing jurisdiction of the Lexington-Fayette Urban County Government (all taxes on each $100.00 of assessed valuation as of the January 1, 2008 assessment date), as follows: $.0031 on all taxable real property, including real property of public service companies, $.0034 on taxable personal property, including personal property of public service companies, noncommercial aircraft, and noncommercial watercraft, and excluding inventory in transit, insurance capital, tobacco in storage, and agricultural products in storage; and levying an ad valorem tax for purposes of support of the Agricultural Extension Office at the rate of $.0032 on each $100.00 of assessed value on all motor vehicles and watercraft within the taxing jurisdiction of the Lexington-Fayette Urban County Government as of the January 1, 2009 assessment date.

The Mayor opened the public hearing.

Ms. Gorton asked if the Mayor could request audit information from the various public agencies, and asked if it would be possible to add the Lexington Public Library to the list of entities which provide a regular accounting to the Council.

There being no one to speak before the Council, the Mayor closed the hearing.

Upon motion of Mr. Blues, seconded by Mr. Ellinger, the ordinances were approved by the following vote:

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

Nay: --0

* * *

An Ordinance amending Section 18-124(3) of the Code of Ordinances related to the parking in yards to add an exception for University of Kentucky home football game days; amending Section 18-129(2) of the Code of Ordinances relating to parking in yards to add an exception for University of Kentucky home football game days was on the docket for first reading.

Upon motion of Dr. Stevens, seconded by Mr. DeCamp, and approved by unanimous vote, the ordinance was removed from the docket and referred to the Services Committee and to the Town & Gown Commission:

* * *

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

An Ordinance accepting the bid of Herrick Company, Inc., in the amount of $248,500.00 for chlorination equipment replacement for the Town Branch Waste Water Treatment Plant, and appropriating funds pursuant to Schedule No. 51.

An Ordinance accepting the bid of Arrow Electric Company, Inc., in the amount of $710,170.00 for traffic signal rebuild/signalization for a portion of Nicholasville Road, for the Div. of Traffic Engineering, and appropriating funds pursuant to Schedule No. 53.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Environmental and Public Protection Cabinet, to provide any additional information requested in connection with this Grant Application, and to accept this Grant if the application is approved, which Grant funds are in the amount of $144,556.00 Commonwealth of Ky. funds, are for the continuation of the Litter Control Program, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 42, 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. Justice and Public Safety Cabinet, which Grant funds are in the amount of $60,000.00 Federal funds, are for operation of a Ticketing Aggressive Cars and Trucks (TACT) Grant Program, and the acceptance of which obligates the Urban County Government for the expenditure of $15,000.00 as a local match, appropriating funds pursuant to Schedule No. 44, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance amending Ordinance No. 261-2007 which authorized and directed the Mayor, on behalf of the Urban County Government, to execute a Reimbursement Agreement with C Brothers, LLC and Hillenmeyer Properties, LLC, for developer reimbursement for construction of a sanitary sewer trunk line, to increase the cost for construction from $447,780.30 to $553,092.30, and appropriating funds pursuant to Schedule No. 43.

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 $44,619.00 Commonwealth of Ky. funds, are for support of juvenile delinquency prevention programming, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, and further authorizing and directing the Mayor to execute an Agreement with Croney and Clark, Inc., for the Truancy Reduction Initiative, at a cost not to exceed $44,619.00, appropriating funds pursuant to Schedule No. 52, 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 and to accept a Grant from the Ky. Transportation Cabinet, which Grant funds are in the amount of $770,000.00 Federal funds, are for the utilities phase of the Clays Mill Road Improvement Project, the acceptance of which obligates the Urban County Government for the expenditure of $192,500.00 as a local match, appropriating funds pursuant to Schedule No. 49, 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. 5 with and to accept a Grant from the Ky. Transportation Cabinet, which Grant funds are in the amount of $255,486.00 Federal funds, are for the design ($11,486.00), right-of-way acquisition ($152,000.00) and utilities ($92,000.00) phases of the Richmond Road Multi-Use Path Project, the acceptance of which obligates the Urban County Government for the expenditure of $194,472.00 (including for the construction phase) as a local match, appropriating funds pursuant to Schedule No. 48, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

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. 40.

An Ordinance authorizing payment in the amount of $1,408,100 to Kinzelman Kline Gossman, LLC, pursuant to the Agreement authorized by Resolution No. 579-2007, for the design of sidewalks and streetscape improvements for the downtown area, and appropriating funds pursuant to Schedule No. 47.

An Ordinance amending Section 21-5(2) of the Code of Ordinances, abolishing one (1) position of Staff Assistant, Grade 107N, and creating one (1) position of Landfill Inspector, Grade 108N, in the Div. of Waste Management, and appropriating funds pursuant to Schedule No. 45.

An Ordinance amending Section 21-5(2) of the Code of Ordinances, abolishing one (1) position of Telecommunicator Sr., Grade 113N, and creating one (1) position of Administrative Specialist Principal, Grade 114E, in the Div. of Emergency Management/911, and appropriating funds pursuant to Schedule No. 46.

An Ordinance amending Section Eight (8) of Ordinance 183-2008 to correct the authorized strength for the positions of Engineering Technician, Grade 111N, Skilled Trades Worker Sr., Grade 112N, and Public Service Worker, Grade 106N, amending Section Ten (10) of Ordinance No. 183-2008 to correct a division line number and amending Section 12 of Ordinance No. 183-2008 transferring the incumbents for certain positions from the Div. of Fire and Emergency Services to the Div. of Facilities and Fleet Management, retroactive to July 8, 2008.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept donations totaling $475.00 from Mr. & Mrs. C. B. Lovell III, Dr. Robert H. Spedding, Mr. & Mrs. E. T. Dillender, Mr. Richard E. Vimont, Dr. & Mrs. Raynor Mullins, Dr. Mary T. Unruh, Ms. Janet D. Ellinger, and Ms. Edna Land Naylor in memory of Ms. Hilda Ecton, to be used exclusively for improvements to Ecton Park, and appropriating funds pursuant to Schedule No. 50.

* * *

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

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

Nay: ---0

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Fayette County Commonwealth Attorney's Office, for a "Fast Track" prosecutor for the Street Sales Enforcement Project, at a cost not to exceed $49,331.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Fayette County Board of Education, for use of Bryan Station High School Auditorium, at a cost not to exceed $159.75.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Software License Agreement with New World Systems Corporation, for software licensing of fifty (50) mobile data computers, at a cost not to exceed $91,500.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Lease Agreement with Thoroughbred Hospitality, LLC, for lease of a cart barn, at a cost not to exceed $30,000.00 with future yearly payments subject to sufficient funds being appropriated in future fiscal years by the Urban County Council.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with Georgetown Street Neighborhood Association, Inc. ($1,350.00), Lexington Art League, Inc. ($1,200.00), NAMI Lexington (KY), Inc. ($850.00), Central Kentucky Hospital Foundation, Inc. ($1,900.00), Lexington Humane Society ($250.00), Highlands Neighborhood Association, Inc. ($400.00) and Russell Cave Church of Christ, Inc. ($600.00), for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution, pursuant to Code of Ordinances Section 18-66, designating the speed limit on Old Vine Street as 25 miles per hour and authorizing and directing the Div. of Traffic Engineering to install proper and appropriate signs in accordance with the designation.

A Resolution amending Section 2 of Resolution No. 294-2008 relating to the Neighborhood Development Fund Program to change the amount of the allocation to Independence Place, Inc. from $600.00 to $500.00.

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A Resolution directing the preparation of a Development Plan for the Phoenix Park/Courthouse Development Area, which includes all recommendations of the Delegation established pursuant to Resolution No. 434-2008, and scheduling a public hearing thereon on October ____, 2008 was on the docket for first reading.

The following citizens spoke in favor of the resolution: (1) Mr. Jamie Millard, Waterwild Lane, Lexington History Museum, (2) Mr. Robert Dalton, Douglas Ave., and (3) Mr. Eric Patrick Marr, Heartwood Road.

Upon motion of Mr. Myers, seconded by Mr. Stinnett, and approved by unanimous vote, the resolution was amended to schedule a Public Hearing on October 14, 2008, at 6:00 p.m.

A Resolution directing the preparation of a Development Plan for the Phoenix Park/Courthouse Development Area, which includes all recommendations of the Delegation established pursuant to Resolution No. 434-2008, and scheduling a public hearing thereon on October 14, 2008, at 6:00 p.m. was given first reading as amended and ordered placed on file one week for public inspection.

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

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

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

Nay: ---0

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Engineering Services Agreement with Stantec Consulting Services, Inc., for the Sanitary Sewer Assessment for Group I Sewersheds Field Activity required by the Consent Decree, at a cost not to exceed $5,297,896.10.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Purchase of Service Agreement with Blue & Co., LLC, for a comprehensive financial audit of the Div. of Family Services Health Care Clinic at the Family Care Center, at a cost not to exceed $47,500.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Engineering Services Agreement with CARMAN, for design services for construction of water quality improvements at McConnell Springs, at a cost not to exceed $76,800.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Engineering and Demolition Services Agreement with Judy Construction Co., for repair of Clarifier #8 at the West Hickman Creek Wastewater Treatment Plant, at a cost not to exceed $156,917.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with W.S. Farish, the Carnegie Literacy Center, Inc., and the Board of Trustees of the Lexington Public Library, for funding of the Carnegie Center, at a cost not to exceed $36,000.00.

A Resolution approving a Form Lease for Lease of Horses from the Friends of the Lexington Mounted Police, Inc. and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute such leases with the Friends of the Lexington Mounted Police, Inc. on an as needed basis.

A Resolution authorizing and directing the Div. of Traffic Engineering, pursuant to Code of Ordinances Section 18-86, to install multiway stop controls at Star Shoot Parkway and Pink Pigeon Parkway.

A Resolution authorizing and directing the Vice Mayor, on behalf of the Urban County Council, to appoint a Task Force to assist in determining the location, siting, and design of a new facility(s) to house the current downtown operations of the Urban County Government, including the preparation of any requests for proposals to perform such work.

A Resolution changing the street name and property address numbers of 3685, 3687, 3689, 3691, 3693, 3695, and 3697 River Park Drive to Suites 119, 120, 121, 122, 123, 124, and 125 Trent Boulevard, 991 Todds Road to 919 McClanahan Lane, 1420 Todds Road to 2885 Rio Dosa Drive, 2940 Todds Road to 2700 Palumbo Drive, 3061 Todds Road to 626 Caden Lane, 3105 Todds Road to 2985 Liberty Road, 3109 Todds Road to 2997 Liberty Road, 3280 Todds Road to 203 Forest Hill Drive, 644 Forest Hill Drive to 664 Golf Town Circle, 2500 Flying Ebony Drive to 2789 Liberty Road, 2801 Richmond Road to 200 Old Todds Road, and 639 Dodge Street to 179 Payne Street; changing the property address numbers of 1273, 1275, 1277, 1279, 1281, 1283, 1285, 1287, 1289, 1291, 1293, 1295, 1297, 1299, 1301, 1303, 1305, 1307, 1309, 1311, 1313, and 1315 Trent Boulevard to 1325 Trent Boulevard, Suites 103, 102, 101, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 128, 127 and 126, and 2891 Richmond Road, Unit A to 2887 Richmond Road; and changing the street name of 2838, 2852, 2922, 2926, 2930, 2933, 2935, 2937, 2939, 2941, 2943, 2945, 2947, 2949, 2950, 2951, 2953, 2955, 2957, 2959, 2963, 2968, 2981, and 2986 Liberty Road to 2838, 2852, 2922, 2926, 2930, 2933, 2935, 2937, 2939, 2941, 2943, 2945, 2947, 2949, 2950, 2951, 2953, 2955, 2957, 2959, 2963, 2968, 2981, and 2986 Cadentown Road, and 150, 162, 162 (Suites 110, 150, 220, 240, 260 and 280), 163, 209 (Suites 1101, 1102, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 3101, 3102, 3104, 3105, 3106, 4101, 4103, 4104, 4105, 4106, 4107, 4108, 4109, 4110, 4111, 4112, 5101, 5102, 5103, 6101, 6102, 6103, 6104, 6105, 6106, 7101, 7102, 7103, 7104, and 7105), 601, 901, 920, 1345, 1620, 1650, 2700, 3011, 3017, 3031, 3041, 3045, 3051, 3055, 3065, 3069, 3073, 3077, 3080, 3081, 3090, 3094, 3097, 3098, 3100, and 3110 Todds Road to 150, 162, 162 (Suites 110, 150, 220, 240, 260 and 280), 163, 209 (Suites 1101, 1102, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 3101, 3102, 3104, 3105, 3106, 4101, 4103, 4104, 4105, 4106, 4107, 4108, 4109, 4110, 4111, 4112, 5101, 5102, 5103, 6101, 6102, 6103, 6104, 6105, 6106, 7101, 7102, 7103, 7104, and 7105), 601, 901, 920, 1345, 1620, 1650, 2700, 3011, 3017, 3031, 3041, 3045, 3051, 3055, 3065, 3069, 3073, 3077, 3080, 3081, 3090, 3094, 3097, 3098, 3100, and 3110 Old Todds Road; all effective thirty days from passage.

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

A Resolution accepting the bid of Watermark Construction, LLC, in the amount of $185,502.70, for the Town Branch Trail Phase 2 Construction, for the Div. of Engineering.

A Resolution accepting the bid of Visual Image Systems, establishing a price contract for reflective vehicle decals, for the Div. of Police.

A Resolution accepting the bids of Orr Safety Corporation, Bluegrass Fire Equipment, and Bluegrass Uniforms, Inc., establishing price contracts for Wildland Firefighting Equipment, for the Div. of Fire and Emergency Services.

A Resolution accepting the bid of Logan Security, Inc., establishing a price contract for Gainesway Community Center Security, for the Dept. of General Services.

A Resolution accepting the bids of Environmental Resources, Inc., Superior Demolition, Inc., and Solid Rock Construction Services, establishing price contracts for the demolition of residential structures, for the Div. of Engineering.

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 $220,000.00 Federal funds, and are for the Empowering Lexington To Use Power Wisely Project.

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 Crime Analysts Symposium, at a cost not to exceed $2,263.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with U.S. Geological Survey, for the continuing and ongoing maintenance and operation of existing stream flow and precipitation gauges, at a cost not to exceed $86,910.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with M.A.S.H. Services of the Bluegrass, Inc., for operation of the M.A.S.H. Drop Inn Facility, at a cost not to exceed $173,458.00 in Grant funds from the U.S. Dept. of Health and Human Services.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Standard Software Maintenance Agreement with New World Systems Corporation, for software maintenance support, at a cost not to exceed $240,369.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with William Wells Neighborhood Association, Inc. ($150.00), American Cancer Society, Inc. ($50.00), Mothers of the Earth United, Inc. ($205.00), OWL Foundation, Inc. ($125.00), Martin Luther King Neighborhood Association, Inc. ($250.00) and American Lung Association of Ky., Inc. ($700.00) 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. 1 to the Contract with Strand Associates, Inc., for the Solid Waste Expansion Project, increasing the contract price by the sum of $44,504.00 from $408,600.00 to $453,104.00.

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 permanent sanitary sewer and temporary construction easements from DDD & W, LLC, for property located at 4615 Nicholasville Road, for the South Elkhorn Force Main Project, and authorizing payment in the amount of $13,500.00, plus usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying permanent sanitary sewer and temporary construction easements from Cassity Limited Partnership II, for property located at 5170 Harrodsburg Road, for the South Elkhorn Force Main Project, and authorizing payment in the amount of $12,000.00, plus usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying permanent sanitary sewer and temporary construction easements from Jeanette Germann, Christopher Germann and Logan Germann, for property located at 2725 Brannon Road, for the South Elkhorn Force Main Project, and authorizing payment in the amount of $10,900.00, plus usual and appropriate closing costs.

A Resolution ratifying the probationary civil service appointments of: David Wendling, Equipment Operator Sr., Grade 109N, $12.841 hourly, in the Div. of Water Quality, effective September 15, 2008; Darryl Baker, Equipment Operator Sr., Grade 109N, $18.664 hourly, in the Div. of Waste Management, effective September 15, 2008; Theresa Sanders, Equipment Operator Sr., Grade 109N, $13.774 hourly, in the Div. of Waste Management, effective September 15, 2008; Winford Lewis, Equipment Operator Sr., Grade 109N, $18.664 hourly, in the Div. of Waste Management, effective September 1, 2008; Jill Wilson, Recreation Specialist Sr., Grade 113E, $1,655.68 bi-weekly, in the Div. of Parks and Recreation, effective September 15, 2008; Jaclyn Phelps, Administrative Specialist Sr., Grade 112N, $16.120 hourly, in the Dept. of Environmental Quality, effective September 15, 2008; ratifying the permanent civil service appointments of: Robert Poage, GIS Specialist, Grade 114N, in the Div. of Computer Services, effective April 1, 2008; ratifying the probationary sworn appointments of: Jeremy Wheatley, Fire Lieutenant, Grade 315N, $16.261 hourly, in the Div. of Fire and Emergency Services, effective September 1, 2008; Kenneth Raglin, Fire Captain, Grade 316N, $21.497 hourly, in the Div. of Fire and Emergency Services, effective September 1, 2008; Shaun Brown, Fire

Major, Grade 318E, $3,381.38 bi-weekly, in the Div. of Fire and Emergency Services, effective September 1, 2008; probationary Community Corrections appointments: Stanley Anderson, Calvin Bennett, Jessica Bradley, David Brian, Aimee Bunton-Cornett, Kimberly Campbell, Christopher Canter, Henry Cottle, Stephanie Doss, Robert Dunn, Paul Gaines, John Gerardi, Trent Groce, James Harmon, Alfred Harris, Adam Hires, Michele Hunt, Daniel Keeling, Kevin Lawson, Jesse Little, Scott McCracken, Daniel Pedigo, Heather Ray, Ann Schultz, Richelle Walker, Community Corrections Officer, Grade 110N, $13.930 hourly, in the Div. of Community Corrections, effective September 2, 2008; permanent Community Corrections apppointments: Paul Oghia, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective August 20, 2008; Wendy Amburgey, Matthew Crawford, Jason Durham, Tonya Fairchild, William Green, Darrell Maggard, Levodis Meadows, Shawn Norman, Randolph Parker, Michael Rowe, Melody Shropshire, Michael Weller, Todd Young, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective September 3, 2008; **a**pproving leave of absence for: Lori Vanover-Segar, Probation Officer-Juvenile, Grade 112N, in the Div. of Youth Services, requests a 20 day Council approved leave without pay from September 4, 2008 through September 23, 2008; Bonnie Miracle, Social Services Supervisor, Grade 115E, in the Div. of Youth Services, requests a 60 day Council approved leave without pay from August 22, 2008 through October 20, 2008; Chelanda Holliday, Administrative Specialist, Grade 110N, in the Div. of Police, requests a 90 day Council approved leave without pay from August 1, 2008 to October 29, 2008; **a**pproving the unclassified civil service appointment of: Rickie Caldwell, Administrative Officer, Grade 118E, $2,839.44 bi-weekly, in the Dept. of General Services, effective September 8, 2008; Marie Deaeth, Staff Assistant Sr., Grade 108N, $11.252 hourly, in the Div. of Water Quality, effective September 1, 2008.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Purchase of Service Agreement with Simon and Company, Inc., for services related to Federal matters and funding as further provided in the 2008-09 Work Plan, at a cost not to exceed $39,000.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Mental Health Services Agreement with Bluegrass Regional Mental Health – Mental Retardation Board, Inc., for court ordered mental health evaluations of clients referred to the Div. of Youth Services, at a cost not to exceed $2,500.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Affiliation Agreement with the University of Ky. for its UK Healthcare Programs, for Paramedic Clinical Training, 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 Revised Group Sales Agreement with Hyatt Regency Lexington, for the Bluegrass Invitational Wheelchair Basketball Tournament, 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 Renewed Agreement of Affiliation with Bluegrass Crime Stoppers, Inc., for services and assistance, 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 Open Gates Neighborhood Association ($750.00) for the Office of the Urban County Council, at a cost not to exceed the sum stated.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Lease Agreement with Employment Solutions, Inc., for the East Sector Roll Call Facility beginning July 1, 2008 for a term of five (5) years, subject to sufficient funds being appropriated in subsequent fiscal years, at a cost not to exceed $2,812.00 per month.

A Resolution approving the Report of the Audit Examination of the Lexington-Fayette Urban County Government Sheriff’s Settlement – 2007 taxes, for taxes collected as of April 24, 2008, and granting the Sheriff a Quietus.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Special Warranty Deed conveying a certain tract or parcel of land known as the Julia R. Ewan Elementary School property to the Board of Education of Fayette County, Kentucky, in consideration of the payment in full of School Building Revenue Bonds issued by the Urban County Government for the construction of improvements to said property.

A Resolution specifying the intention of the Urban County Council to expand and extend Partial Urban Services District #3 to provide garbage and refuse collection; finding a need for this service in the area included; finding the ability of the Urban County Government to provide this service in this area, which area is defined as certain properties on the following streets: Sharkey Property, Unit 2-C, Section 1, Townley Park; Lexingtonian Estates, Section 2, Winners Circle; Sharkey Property, Unit 2-C, Section 2, Towne Square Park; Lochmere Estates (Maple Ridge), Unit 1-A, Lochmere Loop, Lochmere Place; Higbee Mill Reserve, Reserve Road; Lexingtonian Estates, Section 1, Versailles Road, Winners Circle; Richmond Woods, Todds Road; Newtown Springs, Unit 1, Lot 9, Russell Springs Drive, Newtown Springs Drive; Hamburg Place Farm, B-6P Area, War Admiral Way.

A Resolution specifying the intention of the Urban County Council to expand and extend the Full Urban Services District to provide street lighting, street cleaning and garbage and refuse collection; finding a need for these services in the area included; finding the ability of the Urban County Government to provide these Services in this area, which area is defined as certain properties on the following streets: Johnson Property, Unit 1-I, Burgess Avenue, Millbank Road, McCullough Drive; Johnson Property, Unit 1-H, Millbank Road, McCullough Drive; Ramsey-Sullivan Property, Unit 2-A, Sullivans Trace, Cherry Blossom Way; Blackford Property, Phase 3, Unit 1-D, Blackford Parkway; Masterson Hills, Unit 1-A, Our Tibbs Trail; Chesapeake Equine, Greendale Road; Writt Station Subdivision, Laclede Avenue; Mullikin Property (Shady Hills),Treeline Way; Clark Property, Unit 1-L, Ice House Way; Sharkey Property, Unit 3, Section 1, Towne Center Drive, Towne Square Park; Gess Property, Unit

5-C, Section 1, Honeycomb Trail; Gess Property, Unit 4-H, Section 1, Jouett Creek Drive; Tuscany, Unit 4-C, Summerfield, Battery Street; Blackford Property, Phase 3, Unit 1-C, Blackford Parkway, Dyer Cove, Flint Cove; Clark Property, Unit 1-H, Icehouse Way; Clark Property, Unit 1-I, Orchard Grass Road; Clark Property, Unit 1-J, Toll Gate Road, Orchard Grass Road; Ramsey/Sullivan Property, Unit 3, Lot 3, Section 2, Kitten Joy Circle, Meadow Sweet Lane, Kearney Ridge Boulevard; Tuscany, Unit 4-B, Summerfield, Patchen-Wilkes Drive, Sandhurst Cove; Johnson Property, Unit 1-M, Millbank Road, Elverton Road; Johnson Property, Unit 1-N, Section 1, Elverton Court, Elverton Road; Myers Property, Unit 1-C, Fieldrush Road; Myers Property, Unit 1-B, Fieldrush Road, Calendula Road, Crocus Court; Myers Property, Unit 1-A, Calendula Road, Fieldrush Road, Serviceberry Drive; Tuscany, Unit 4a, Summerfield, Patchen Wilkes Drive; Clark Property, Unit 1-F, Polo Club Boulevard, Pokeberry Park, Owls Head Lane; Fortune Business Center, Unit 1, Lot 11, Beasley Street; Clark Property, Unit 1-G, Polo Club Boulevard, Ice House Way; Johnson Property, Unit 1-L, Section 1, Millbank Road.

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Upon motion of Ms. Gorton, seconded by Ms. James, and approved by unanimous vote, the communication appointment from the Mayor for the Board of Adjustment was removed from the docket until the confirmation hearing could be scheduled.

Upon motion of Mr. Myers, seconded by Mr. Ellinger, and passed by unanimous vote, the communications from the Mayor were approved and are as follows: 1) Recommending the appointment of Dr. Kimberly Sears, veterinary representative, to the Animal Control Oversight Committee, with a term to expire 1-1-2012. Dr. Sears will fill the unexpired term of Malinda Suit; Also, recommending the appointment of Stephanie Bell, At Large representative, to the Animal Control Oversight Committee, with a term to expire 1-1-2012, (3) Recommending the appointments of Monica Sumner and Greg Hosfield to the Board of Architectural Review, with terms to expire 6-30-2012. Mr. Hosfield will fill the unexpired term of Stephen Byars. Also, recommending the appointment of Robert Magrish to the Board of Architectural Review, with a term to expire 6-

30-2010. Mr. Magrish will fill the unexpired term of Jack Ballard, (4) Recommending the appointment of Dr. Nat H. Sandler, At-Large representative, to the Board of Health, with a term to expire 6-30-2010. Also, recommending the reappointment of Dr. Patricia Burkhart to the Board of Health, with a term to expire 6-30-2010, (5) Recommending the appointment of Becky L. Reinhold to the Convention and Visitors Bureau Board, with a term to expire 9-9-2011. Also, recommending the reappointment of Kristi L. Yahn, to the Convention and Visitors Bureau Board, with a term to expire 9-9-2011, (6) Recommending the appointments of Mike Webb, Dept. of Public Works & Development representative; Arty Green, Office of the Mayor representative; and Carolyn Richardson, Planning Commission member, to the Exaction Appeals Committee, with terms to expire 00-00-00, (7) Recommending the reappointment of Kyle M. Lake, to the Explorium Board, with a term to expire 6-3-2012, (8) Recommending the appointment of J. Scott Benton, to the Human Rights Commission, with a term to expire 1-1-2012. Also, recommending the appointment of Tracy Dennis to the Human Rights Commission with a term to expire 1-1-2009. Ms. Dennis will fill the unexpired term of Andrea Coleman, (9) Recommending the appointment of John C.B. “Brack” Marquette to the Industrial Revenue Bond Review Committee, with a term to expire 9-27-2012, and (10) Recommending the appointment of Jeff Haselwood, citizen representative, to the Tree Board, with a term to expire 4-19-2012. Also, recommending the appointment of Rory A. Kahly to the Tree Board, with a term to expire 4-19-2012.

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The following communications were received from the Mayor for information only: (1) Resignation of David Anderson, Community Corrections Sergeant, Grade 112N, in the Div. of Community Corrections, effective September 17, 2008, (2) Resignation of Luke Elam, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective September 5, 2008, (3) Resignation of Clyde Fletcher, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective August 30, 2008, (4) Resignation of Christopher Hayes, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective July 27, 2008, (5) Resignation of

Cheryl Kelley, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective August 1, 2008, (6) Resignation of Darrell Maggard, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective August 28, 2008, (7) Resignation of Shawn Norman, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective September 3, 2008, (8) Resignation of Michael Rowe, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective September 11, 2008, (9) Resignation of Paul Brown, Eligibility Counselor, Grade 110E, in the Div. of Adult Services, effective August 8, 2008, (10) Resignation of Stephanie Gibson, Clinical Services Manager, Grade 117E, in the Div. of Youth Services, effective August 15, 2008, (11) Resignation of Shari Kawashima, Victim's Advocate, Grade 112N, in the Div. of Police, effective September 12, 2008, (12) Resignation of Larry Duncan, Police Officer, Grade 311N, in the Div. of Police, effective September 5, 2008, and (13) Termination of Probationary Appointment of Thomas Baker, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective August 17, 2008.

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The Mayor asked Mr. Joe Kelly, Senior Advisor for Management, to open the discussion on Urban Development Action Grant (UDAG) funds. Mr. Kelly commented briefly on the funding for the Streetscape project

Ms. Paula King, Director of the Div. of Community Development, spoke on UDAG allocations which were listed in an email distributed to the Council Members.

Mr. Blevins, Mr. Lane, Ms. Henson, and Ms. James asked questions of Ms. King regarding the figures listed in the email.

The Council asked questions of Ms. Kimra Cole, Commissioner of the Dept. of General Services, and Mr. Mike Webb, Acting Commissioner of the Dept. of Public Works and Development, regarding the Americans With Disabilities Act (ADA) compliant sidewalks involved in the streetscape and sidewalks design for downtown.

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Mr. Bernard McCarthy, Harry St., spoke on safety at four-way stop intersections as well as alternatives for those locations. He also stated his concerns about the possible replacement of a downtown arena.

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Mr. Lewis Cobb spoke about community development.

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Upon motion of Ms. Crosbie, seconded by Ms. Gorton, and approved by unanimous vote, the meeting adjourned at 8:45 p.m.

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Clerk of the Urban County Council