COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF TW TELECOM OF KENTUCKY, LLC UNDER KRS 278.020(4) FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY SHOWING A DEMAND AND NEED FOR TELECOMMUNICATIONS SERVICE IN FAYETTE COUNTY, KENTUCKY	)	CASE NO. 2008-00438

O R D E R

On October 10, 2008, tw telecom llc ("tw telecom")[1] applied to the Commission, pursuant to KRS 278.020, for a Certificate of Public Convenience and Necessity ("CPCN") to enter into a non-exclusive franchise agreement with the Lexington-Fayette Urban County Government ("LFUCG") to provide telecommunications services in Fayette County, Kentucky. Pursuant to an existing authorization granted by LFUCG, tw telecom's operations in Fayette County include fiber optic facilities occupying rights-of-way. The non-exclusive franchise agreement must be approved by LFUCG through the adoption of an ordinance.[2] Once the ordinance is approved and effective, tw telecom intends to apply for a franchise.

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[1] Formerly Xspedius Management Co. Switched Services, LLC, Xspedius Management Company of Lexington, LLC, Xspedius Management Company of Louisville, LLC and Time Warner Telecom of Kentucky, LLC. On June 27, 2008, tw telecom notified the Commission by letter of its corporate name change.

[2] See Appendix A to this Order. Docket-Regular Meeting Lexington-Fayette Urban County Government Council Meeting, Ordinance 240-2008, October 23, 2008. <ftp://ftp.lfucg.com/Council/Dockets/081023web.pdf> (accessed October 27, 2008).

Under the provisions of KRS 278.020(4), no utility may enter into a franchise agreement with any governmental agency until it has obtained a CPCN from this Commission based on a finding that there is a need and a demand for the services to be rendered.

Having reviewed the application and the LFUCG ordinance, the Commission finds that there is evidence of a need and demand for telecommunications services in Fayette County. As the Commission's authority is limited by statute to finding only whether there is evidence of a need and demand for such services, no finding or determination is made as to the qualification of tw telecom, the validity of any of the provisions of the franchise agreement offered by LFUCG, or the manner in which any franchise fee is to be treated for rate purposes.

IT IS THEREFORE ORDERED that:

1. tw telecom is granted a CPCN to enter into a franchise agreement with LFUCG to provide communications services.

2. tw telecom shall file with this Commission two copies of the franchise agreement within 20 days of execution.

3. This Order shall not be construed as granting a CPCN to construct utility facilities in Fayette County, Kentucky.

Done at Frankfort, Kentucky, this 29th day of October, 2008.

By the Commission

Vice Chairman Gardner Abstains.

ATTEST:

Executive Director

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION IN CASE NO. 2008-00438 DATED OCTOBER 29, 2008

✓ Ordinances and Resolutions approved and marked with the official ordinance or resolution number at the beginning of each item.

• Ordinances and Resolutions that were given first reading and are scheduled to get second reading at the next Council Meeting.

✓ Boards and Commissionappointments approved.

❑ = Ordinances and Resolutions tabled (taken off the docket) until such time the Council brings it back to the table (considered at a Council Meeting).

DOCKET-REGULAR MEETING-LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT COUNCIL MEETING

October 23, 2008 – 7:00 P.M.

I. ROLL CALL

II. INVOCATION

III. ORDINANCES –SECOND READING

✓ 227-2008 - An Ordinance amending Articles 1-11; 8-21(a), 8-21(b), 8-21(d), 8-21(o), 8-22(a), 8-22(b), 8-22(d) 5, 8, 12, 16, 17, 18, and 19; 8-23(a), 8-23(b) and 8-23(d) 34 of the Zoning Ordinance to create an adaptive reuse and to make adaptive reuse projects principal permitted uses in the Wholesale and Warehouse Business (B-4), Light Industrial (I-1), and Heavy Industrial (I-2) zones. Approval 10-0

✓ 228-2008 - An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Office of Homeland Security, which Grant funds are in the amount of $22,000.00 Federal funds, are for development of an "All Hazards" Disaster Preparedness Plan for the 2010 World Equestrian Games, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 59, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

✓ 229-2008 - An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the U.S. Dept. of Health and Human Services, which Grant funds are in the amount of $49,126.00 Federal funds, are for continuation of the Parent Resource Center for a Bright Future, a Healthy Tomorrows Project, at the Family Care Center, the acceptance of which obligates the Urban County Government for the expenditure of $100,874.00 as a local match, appropriating funds pursuant to Schedule No. 63, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

✓ 230-2008 - An Ordinance amending Section 21-5(2) of the Code of Ordinances, abolishing one (1) position of Claims Adjuster, Grade 115E, in the Div. of Risk Management and creating one (1) position of Claims Adjuster, Grade 115E, in the Dept. of Law, transferring the incumbent, and appropriating funds pursuant to Schedule No. 60.

✓ 231-2008 - An Ordinance amending Section 21-5(2) of the Code of Ordinances, creating two (2) positions of Program Manager Sr., Grade 120E, in the Div. of Environmental Policy.

✓ 232-2008 - An Ordinance amending Section 21-5(2) of the Code of Ordinances, creating two (2) positions of Engineering Technician Sr., Grade 113E, abolishing one (1) position of Engineering Technician, Grade 111N, and abolishing one (1) position of Engineering Aide Sr., Grade 109N, in the Div. of Water Quality and appropriating funds pursuant to Schedule No. 61.

✓ 233-2008 - An Ordinance amending Section 21-5(2) of the Code of Ordinances, creating one (1) position of Administrative Specialist Sr., Grade 112N, in the Div. of Environmental Policy and appropriating funds pursuant to Schedule No. 62.

✓ 234-2008 - An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Justice 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 $69,570.00 Federal funds, under the Violence Against Women Act (VAWA) Program, are for continuation of the Sexual Assault Nurse Examiner (S.A.N.E.) Program, the acceptance of which obligates the Urban County Government for the expenditure of $23,190.00 as a local match, appropriating funds pursuant to Schedule No. 64, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

✓ 235-2008 - An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Dept. of Military Affairs, Div. of Emergency Management, which Grant funds are in the amount of $55,133.00 Federal funds, are for the support of emergency preparedness activities in Lexington-Fayette County, the acceptance of which obligates the Urban County Government for the expenditure of $55,133.00 as a local match, appropriating funds pursuant to Schedule No. 65, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

✓ 236-2008 - An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Office of 911 Coordinator/Commercial Mobile Radio Service Board, which Grant funds are in the amount of $177,015.00 Commonwealth of Ky. funds, are for expansion of the Central Kentucky 9-1-1 network to include additional jurisdictions (Boyd, Casey, Garrard, Lincoln, Rockcastle and Taylor Counties), the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 67, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

✓ 237-2008 - An Ordinance amending Section 21-5 of the Code of Ordinances abolishing one (1) position of Heavy Equipment Mechanic, Grade 111N, and creating one (1) position of Heavy Equipment Technician, Grade 113E, in the Div. of Fire & Emergency Services, and appropriating funds pursuant to Schedule No. 66.

✓ 238-2008 - An Ordinance amending Section 21-5(2) of the Code of Ordinances, creating one (1) position of Program Manager Sr., Grade 120E, in the Div. of Environmental Policy.

✓ 239-2008 - An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and re-appropriating funds, Schedule No. 57.

IV. ORDINANCES – FIRST READING

- An Ordinance changing the zone from a Single Family Residential (R-1C) zone to a Professional Office (P-1) zone for 0.2259 net (0.2604 gross) acre, for property located at 223 Pasadena Drive (John P. Elias). Approval 9-0 (To be heard by December 24, 2008.)

- An Ordinance changing the zone from a Planned Neighborhood Residential (R-3) zone to a Neighborhood Business (B-1) zone for 1.79 net (3.66 gross) acres, for property located at 3380 Tates Creek Road (a portion of), subject to certain use restrictions imposed as conditions of granting the zone change (Towne Properties Asset Management Company). Conditional Approval 9-0 (To be heard by December 24, 2008.)

- An Ordinance adding a Neighborhood Design Character Overlay (ND-1) Zone for 134.50± net (171.77± gross) acres, to preserve existing neighborhood character for properties located at 310-395 Andover Drive; 201-299 Cassidy Avenue (odd addresses only); 300-356 Cassidy Avenue; 125-250 Chenault Road; 309-539 Chinoe Road; 180-346 Cochran Road; 401-435 Cochran Road (odd addresses only); 1394-1506 Cochran Road; 300-377 Colony Boulevard; 951-1245 Cooper Drive (odd addresses only); 323-325 Cross Lane; 305-436 Dudley Road; 300-335 Duke Road; 340-360 Duke Road (even addresses only); 131-191 Eastover Drive; 300-372 Garden Road; 201-505 Hart Road; 101-194 Louisiana Avenue; 100-165 Old Cassidy Avenue; 998-1144 Providence Lane (even addresses only); 1200-1237 Providence Lane; 303-440 Ridgeway Road; 300-315 and 340 Romany Road; 901-1015 Tates Creek Road (odd addresses only); and 1405-1491 Tates Creek Road (odd addresses only) (Urban County Planning Commission). Conditional Approval 6-0-4 OBJECTORS (To be heard by December 24, 2008)

- An Ordinance amending Section 22-5 of the Code of Ordinances abolishing one (1) position of Social Services Coordinator, Grade 114E in the Dept. of Social Services and creating one (1) position of Social

Services Coordinator, Grade 114E, in the Div. of Adult Services and appropriating funds pursuant to Schedule No. 69.

- An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with MASH Services of the Bluegrass, Inc., for improvements to shelters serving homeless and runaway youth, at a cost not to exceed an additional $3,800.00 in Community Development Block Grant funds and appropriating funds pursuant to Schedule No. 70.

✓ 240-2008 - An Ordinance creating and establishing a non-exclusive telecommunications franchise and providing for: the placement of facilities for the generation, transmission, distribution and sale of telecommunications services within the public rights-of-way; compliance with all applicable existing and future local laws and ordinances and regulations; incorporation by reference of the provisions of Section 253 of the Telecommunications Act of 1996, KRS 136.600, et seq., Chapters 17, 17B and 17C of the Code of Ordinances, Lexington-Fayette Urban County Government, and the applicable zoning laws; definitions; construction, installation, maintenance and facility standards; separate cable franchise required for cable services; compliance with various national and state standards and regulations; materials and equipment quality; due regard for rights of Government and others in performing work in the rights-of-way; placement of lights or signals; undergrounding of facilities in some instances; temporary moving of wires; tree trimming; additional performance guarantees of up to $200,000 on projects with construction costs exceeding $100,000; an indemnification and hold harmless provision; commercial general liability insurance policy consistent with the provisions of the Public Right-of-Way Ordinance; compliance with non-discrimination and affirmative action requirements; notice of filing for a general base rate increase or transfer of control before the Public Service Commission; a three year duration; no vested rights for installation or emplacement of facilities other than those provided in franchise or at law; notification of assignment with consent not to be unreasonably withheld; 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 complete construction projects by no later than the end of the franchise, with the option of providing suitable performance bond or other protection to Government in lieu of such penalty, and $100 a day for failure to provide data and reports requested by 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 Government's failure to insist on specific performance; the payment of penalties not an excuse for non-performance; system to be maintained in reasonable operating condition at all times absent excusing

condition or event; customer inquiries and business hours consistent with any Public Service Commission Order; termination upon willful violations of the franchise, willful evasion of provisions of the franchise, fraud and deceit upon the Government, or knowingly making material misrepresentations, and procedures for terminating the Franchise; thirty days advance written notice of foreclosure or judicial sale or lease termination involving all or part of company's facilities in Fayette County, with notification to be treated as transfer or assignment; 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; acknowledgement that Telecommunications Tax Act precludes collection of traditional franchise fee with an agreement to negotiate such a fee in good faith in the event that the act is found unlawful; payment of permitting and inspection fees with right to seek tariff approval from the Public Service Commission; agreement to enter into good faith negotiations on a pole attachment agreement; additional construction and notification requirements for new providers or for certain substantial rebuilds or expansions of facilities; additional performance and security requirements for construction by new providers; 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 amending Section 14-97(1) of the Code of Ordinances related to smoking indoors to amend the definition of building to include structures with forty percent (40%) or more of its perimeter permanently or temporarily enclosed; amending Section 14-97(2) of the Code of Ordinances related to smoking indoors to amend the definition of dwelling to include building; amending Section 14-97(3) of the Code of Ordinances related to smoking indoors to delete the definition for enclosed area and replace it with a definition for establishment and open to the public; amending Section 14-97(4) of the Code of Ordinances related to smoking indoors to amend the definition of private organization to delete establishment and not be open to the public and be income tax exempt; amending Section 14-97(5) of the Code of Ordinances related to smoking indoors to amend the definition of retail tobacco store changing fifty percent (50%) to twenty-five percent (25%); amending Section 14-97(6) of the Code of Ordinances related to smoking indoors to amend the definition of smoke or smoking to include burning or carrying of a tobacco product; amending Section 14-97(7) of the Code of Ordinances related to smoking

indoors to delete the definition for tobacco warehouse and replace it with a definition for workplace in buildings or a portion thereof; amending Section 14-98(1) of the Code of Ordinances related to smoking indoors to prohibit smoking in an establishment, workplace and public transportation vehicles; amending Section 14-98(1)(a) of the Code of Ordinances related to smoking indoors to include a business within a dwelling; amending Section 14-98(1)(b) of the Code of Ordinances related to smoking indoors to delete the word "in", add the word "rental", and move the remainder of Section (b) to Section (c); amending Section 14-98(1)(c) related to smoking indoors to allow for exceptions for treatment of nicotine addiction by licensed healthcare professionals independently ventilated rooms in hospital, hospice or nursing homes; amending Section 14-98(1)(d) of the Code of Ordinances related to smoking indoors to allow an exception for a retail tobacco store; amending Section 14-98(1)(e) of the Code of Ordinances related to smoking indoors to allow an exception for performers in a theatrical production and to delete the existing section; amending Section 14-98(1)(f) of the Code of Ordinances related to smoking indoors to allow an exception for buildings used by a private organization not opened to the public; deleting Section 14-98(1)(g) of the Code of Ordinances related to smoking indoors in a tobacco warehouse; amending Section 14-98(2) of the Code of Ordinances related to smoking indoors to include building or establishment; creating Section 14-98(4) of the Code of Ordinances related to smoking indoors making buildings or vehicles owned, leased or operated by the Lexington-Fayette Urban County Government subject to the provisions of Sections 14-97 to 14-104; amending Section 14-99(1) of the Code of Ordinances related to smoking indoors to include workplace; amending Section 14-99(2) of the Code of Ordinances related to smoking indoors to apply to any building or workplace; amending Section 14-99(3) of the Code of Ordinances related to smoking indoors to include ashtrays in establishments; amending Section 14-99(4) of the Code of Ordinances related to smoking indoors to replace the word "dwelling" with "building, establishment, workplace, and private organization"; amending Section 14-100(1) of the Code of Ordinances related to smoking indoors to include workplace; amending Section 14-100(1)(a) of the Code of Ordinances related to smoking indoors to add smoking materials; amending Section 14-100(1)(b) of the Code of Ordinances related to smoking indoors to include all persons in control of a building or workplace to demand persons who refuse to stop smoking to leave the premises; creating Section 14-100(1)(c) of the Code of Ordinances related to smoking indoors to allow refusal of service to persons who are smoking; creating Section 14-100(1)(d) of the Code of Ordinances related to smoking indoors to allow persons in control of buildings and workplaces to take legal means to stop smoking in the premises; amending Section 14-100(2) of the Code of Ordinances related to smoking indoors to include building, establishment or workplace; creating Section 14-100(3) of the Code of Ordinances related to smoking indoors exempting buildings, establishments, workplace and private organizations covered in Section 14-98; amending Section 14-101 of the

Code of Ordinances related to smoking indoors to allow enforcement of this subchapter by the Health Dept.; amending Section 14-102(1)(b) of the Code of Ordinances related to smoking indoors to establish a one year limit; amending Section 14-102(1)(c) of the Code of Ordinances related to smoking indoors to establish a one year limit; deleting Section 14-102(2) of the Code of Ordinances related to smoking indoors; amending Section 14-104 of the Code of Ordinances related to smoking indoors to allow any person aggrieved by a violation of this Section to apply for injunctive or other legal relief. An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Arts Council, which Grant funds are in the amount of $5,000.00 Commonwealth of Ky. funds, are for the Park Bench Sculpture Project, and the acceptance of which obligates the Urban County Government for the expenditure of $5,000.00 as a local match, appropriating funds pursuant to Schedule No. 74, 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 U.S. Dept. of Justice, which Grant funds are in the amount of $119,587.00 Federal funds under the State Criminal Alien Assistance Program (SCAAP), are for reimbursement of costs related to the incarceration of undocumented criminal aliens, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 73, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

- An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Lexington Children's Theatre, Inc., for implementation of "The Bully Show", an anti-gang juvenile outreach program, at a cost not to exceed $6,779.00, and appropriating funds pursuant to Schedule No. 72.

- An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to the Agreement with U.S. Geological Survey, for the continuing and ongoing maintenance and operation of existing stream flow and precipitation gauges, and authorizing acceptance of the sum of $7,800.00 from ATS Construction for the cost of removal and replacement of gauges on Winchester Road, increasing the cost of the Agreement from $86,910.00 to $94,710.00 at no additional cost to the Urban County Government, and appropriating funds pursuant to Schedule No. 71.

✓ 241-2008 - Ordinance of the Lexington-Fayette Urban County Council of the Lexington-Fayette Urban County Government (1) authorizing and approving the execution and delivery of a Lease Agreement between the Lexington-Fayette Urban County Airport Board as the Lessor and the Lexington-Fayette Urban County Government as the Lessee relating to the issuance and sale of an amount not to exceed $85,000,000 in aggregate principal amount of (a) Lexington-Fayette Urban County Airport

Board Variable Rate General Airport Revenue and Revenue Refunding Bonds, 2008 Series A (Lexington-Fayette Urban County Government General Obligation) (AMT); (b) Lexington-Fayette Urban County Airport Board Variable Rate General Airport Revenue and Revenue Refunding Bonds, 2008 Series B (Lexington-Fayette Urban County Government General Obligation) (Non-AMT); and (c) Lexington-Fayette Urban County Airport Board Variable Rate General Airport Taxable Revenue Refunding Bonds, 2008 Series C (Lexington-Fayette Urban County Government General Obligation) (Taxable), for the purpose of refunding all of the outstanding Bonds issued by the Lexington-Fayette Urban County Airport Corporation and financing the costs of constructing qualified airport facilities, including runway relocation, taxiway realignment, terminal drive relocation, sanitary sewer improvements and terminal renovations constituting additions, extensions and improvements to the existing airport facilities at the Blue Grass Airport in Fayette County, Kentucky.

- 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. 68.

V. RESOLUTIONS – SECOND READING

✓ 577-2008 - A Resolution accepting the bid of Nexgen Building Supply, establishing a price contract for ceiling tiles-supplemental, for the Div. of Facilities and Fleet Management. (2)

☐ A Resolution accepting the bid of Schroeder Construction, Inc., in the amount of $696,637.75, for Cadentown Sanitary Sewer Project, for the Div. of Engineering. (7)

✓ 579-2008 - A Resolution accepting the bid of Superior Demolition, Inc., in the amount of $12,400.00, for the Gainesway Community Building Demolition, for the Div. of Parks and Recreation. (8) Non-low

✓ 580-2008 - A Resolution accepting the bid of L-M Asphalt Partners, Ltd. dba ATS Construction, in the amount of $745,000.00, for the 2008 County Road Resurfacing, for the Div. of Streets, Roads and Forestry. (1)

✓ 581-2008 - A Resolution accepting the bid of Radio Communications Systems, Inc. dba RCS Communications, establishing a price contract for Communication System Maintenance, for the Div. of Police. (2)

✓ 582-2008 - A Resolution accepting the bid of Traffic Control Products, Inc., establishing a price contract for Traffic Signal and Control Equipment Supplemental, for the Div. of Traffic Engineering. (2)

✓ 583-2008 - A Resolution accepting the bid of Schiller Architectural Hardware, establishing a price contract for doors and steel hardware, for the Div. of Facilities and Fleet Management. (1)

✓ 584-2008 - A Resolution accepting the bid of Filtmore Technologies, LLC, establishing a price contract for Central Air Filters, for the Div. of Community Corrections. (5)

✓ 585-2008 - A Resolution accepting the bids of Advance Construction of KY, LLC and Bellos Painting LLC, establishing price contracts for painting services, for the Div. of Facilities and Fleet Management. (2)

✓ 586-2008 - A Resolution accepting the bids of Advance Construction of KY, LLC; C.R. Cable Construction, Inc.; and Wilhod, Inc., establishing price contracts for underground electrical service installation, for the Div. of Parks and Recreation. (5)

✓ 587-2008 - A Resolution accepting the bid of R & L Cleaning Service, establishing a price contract for custodial services – Versailles Road Campus, for the Div. of Facilities and Fleet Management. (6)

✓ 588-2008 - A Resolution accepting the bid of Mary's Cleaning Service, establishing a price contract for custodial services, for the Div. of Facilities and Fleet Management. (10)

✓ 589-2008 - A Resolution accepting the bid of Landmark Sprinkler, Inc., in the amount of $58,250.00, for a sprinkler system for the Div. of Police. (1)

✓ 590-2008 - A Resolution accepting the bid of Kron International Trucks dba Bluegrass International, in the amount of $136,202.45, for a Knuckle boom truck, for the Div. of Facilities and Fleet Management. (4) Non-low

✓ 591-2008 - A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Engineering Services Agreement with CDP Engineers, Inc., for design of the South Elkhorn Trail Section 3, at a cost not to exceed $33,500.00.

✓ 592-2008 - A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Facility Use Contract with the Fayette County Board of Education, for the use of the Bryan Station High School Auditorium, at a cost not to exceed $263.38.

✓ 593-2008 - A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with Bluegrass Greenworks, Inc. ($1,200.00), and Metropolitan Woman's Club, Inc. ($600.00), for the Office of the Urban County Council, at a cost not to exceed the sums stated.

✓ 594-2008 - A Resolution amending Section 1 of Resolution No. 479-2008 to amend the hourly rate for probationary employee Thad Scott, Engineering Technician, Grade 111N, from $16.108 hourly to $15.642 hourly, in the Div. of Water Quality, effective August 18, 2008.

✓ 595-2008 - A Resolution ratifying the probationary civil service appointments of: Andre Scott, Public Service Worker Sr., Grade 107N,

$15.954 hourly, in the Div. of Water Quality, effective October 13, 2008, India Thomason, Child Care Program Aide, Grade 107N, $14.078 hourly, in the Div. of Family Services, effective October 13, 2008, Christine Meyer, Hostler, Grade 104N, $11.810 hourly, in the Div. of Police, effective September 29, 2008, Shaun Gatewood, Public Service Worker Sr., Grade 107N, $13.231 hourly, in the Div. of Streets, Roads & Forestry, effective October 13, 2008; ratifying the permanent civil service appointment of: Susan Lamb, Council Clerk, Grade 118E, in the Office of the Council Clerk, effective October 1, 2008; ratifying the probationary sworn appointment of: Kevin Kidd, Police Sergeant, Grade 315N, $27.013 hourly, in the Div. of Police, effective October 13, 2008; approving leave of absence for: Angela Haley, Certified Medical Assistant, request 17 day Council approved leave without pay from September 19, 2008 through October 5, 2008; approving the unclassified civil service appointments of: Omelia Thorton, Clinical Services Manager, Grade 117E, $2,637.28 bi-weekly, in the Div. of Adult Services, effective September 29, 2008, Scott Kelly, Social Worker Sr., Grade 113E, $1,346.35 bi-weekly, in the Div. of Adult Services, effective September 29, 2008, Adrienne Shelby, Deputy Coroner, Grade 112N, $14.600 hourly, in the Office of the Coroner, effective October 13, 2008, Jessica Landham, Deputy Coroner, Grade 112N, $14.600 hourly, in the Office of the Coroner, effective October 13, 2008.

✓ 596-2008 - A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Ad-Success, for a mobility office marketing campaign, at a cost not to exceed $40,400.00.

✓ 597-2008 - A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Ky. World Trade Center Lexington, Inc., for the provisions of services, at a cost not to exceed $115,000.00 FY 2009.

✓ 598-2008 - A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Bryan Station Band Association ($625.00) for the Office of the Urban County Council, at a cost not to exceed the sum stated.

✓ 599-2008 - A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Lease Agreements with the National Alliance for the Mentally Ill (NAMI); Bluegrass Community Action Agency; National Association for the Advancement of Colored People (NAACP); Eldercrafters; Community Reinvestment Alliance (CRAL); Legal Aid of the Bluegrass; Lexington Fayette County Urban League, Inc.; LexCare; Area Health Education Center (AHEC); and West End Community Empowerment Program (WECEP), for use of space at the Black and Williams Neighborhood Center.

✓ 600-2008 - A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Facility Use Contract with the Fayette County Board of Education, for use of facilities for the Extended School Program and Recreational Enrichment and Learning Program, at no cost to the Government.

✓ 601-2008 - A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Contracts with Andover Neighborhood Association ($9,340.00), Ashland Park Neighborhood Association ($3,000.00), Charleston Woods Homeowners Association ($2,500.00), East Lake Neighborhood Association ($300.00), Firebrook Homeowners' Association ($3,000.00), Gratz Park Neighborhood Association ($4,995.00), Hamburg Homeowners Association ($8,000.00), Marehaven Homeowners Association ($8,630.00), Martin Luther King Neighborhood Association ($3,610.00), McConnell's Trace Neighborhood Association, Inc. ($7,822.00), Park Place Neighborhood Association ($350.00), Shriners Neighborhood Association ($4,975.00), Southern Heights Neighborhood Association ($3,000.00), The Cottage of Liberty Woods, Inc. ($1,138.00) and Westmorland Neighborhood Association ($9,340.00) for carrying out various neighborhood activities and improvements, at a cost not to exceed $70,000.00.

✓ 602-2008 - A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Engineering Services Agreement with Stantec Consulting Services, Inc. (formerly known as FMSM, Inc.), for additional work on the Loch Lomond Drainage Improvements Project, increasing the Contract price by the sum of $7,340.00 from $60,000.00 to $67,340.00.

✓ 603-2008 - A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying permanent sanitary sewer and temporary construction easements from George D. and Ann M. Robinson, for the property located at 2299 Brannon Road, for the South Elkhorn Force Main Project, and authorizing payment in the amount of $15,000.00, plus usual and appropriate closing costs.

✓ 604-2008 - A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying permanent sanitary sewer and temporary construction easements from RSCS, LLC, for the property located at 4454 Clays Mill Road, for the South Elkhorn Force Main Project, and authorizing payment in the amount of $20,000.00, plus usual and appropriate closing costs.

✓ 605-2008 - A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to approve renewal of Aircraft Liability Insurance for the term October 21, 2008 through October 21, 2009 with

ACE USA, at a cost not to exceed $19,000.80 and authorizing payment to Ky. League of Cities Insurance Agency, Inc. on behalf of ACE USA.

✓ 606-2008 - A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a donation from the Friends of the Lexington Mounted Police, Inc. for conference registration and lodging, for use at the 2008 North American Police Equestrian Championship, at no cost to the Urban County Government.

✓ 607-2008 - A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a donation from Windstream Communications of 100 First Alert WX-17 Radios, for use during National Preparedness Month, at no cost to the Urban County Government.

VI. RESOLUTIONS – FIRST READING

- A Resolution accepting the bid of RJ Corman Aircraft Maintenance, LLC, in the amount of $107,000.00, for helicopter main rotor blades, for the Div. of Police. (1)
- A Resolution accepting the bid of Critex, LLC, establishing a price contract for manhole leveling system and supplies, for the Div. of Streets, Roads and Forestry. (1)
- A Resolution accepting the bid of Wysong Enterprises, Inc., in the amount of $320,245.00, for a thermal imaging system, for the Div. of Police. (1)
- A Resolution accepting the bids of Advance Construction of KY LLC, Benjamin Franklin Plumbing, Light House Plumbing LLC, and Mulligan Plumbing, Inc., establishing price contracts for plumbing services for the sump pump redirection program, for the Div. of Water Quality. (6)
- A Resolution accepting the bid of Bill Waits Countryside Ford, in the amount of $55,146.00, for 2009 Ford F450 trucks, for the Div. of Facilities and Fleet Management. (6)
- A Resolution accepting the bid of L-M Asphalt Partners, LTD, dba ATS Construction, establishing a price contract for 2008-2009 city streets resurfacing, for the Div. of Streets, Roads and Forestry. (1)
- A Resolution accepting the bids of Polydyne, Inc., Atlanco of SC, and Ashland, Inc., establishing price contracts for polymer flocculants, for the Div. of Water Quality. (6)

✓ 578-2008 - A Resolution accepting the bid of Louisville Paving Co., Inc. in the amount of $148,000.00, for the Glendover Tennis Court Renovation, for the Div. of Parks and Recreation. (2)

- A Resolution accepting the bid of Republic Diesel, in the amount of $17,664.00, for a multi-use power unit, for the Div. of Facilities and Fleet Management. (1)

- A Resolution accepting the bid of Tom Chestnut Excavation & Construction, establishing a price contract for bulb out installation, for the Div. of Traffic Engineering. (1)
- A Resolution accepting the bid of Meyer Truck Equipment, establishing a price contract for a dump body, for the Div. of Facilities and Fleet Management. (5)
- A Resolution accepting the bids of GT Distributors of GA, Inc., and Galls, Inc., Aramark Co., establishing price contracts for police car consoles, for the Div. of Police. (3)
- A Resolution accepting the bids of Allied Technical Services, Inc.; ITT Flygt Corporation Dewatering Div.; and Service Pump and Supply Company, establishing price contracts for pumping services, for the Div. of Water Quality. (3)
- A Resolution accepting the bid of Graybar Electric, in the amount of $119,900.00, for replacement circuit breakers – West Hickman, for the Div. of Water Quality. (1)

✓ 608-2008 - A Resolution of the Lexington-Fayette Urban County Government relating to the issuance by the Ky. Economic Development Finance Authority of Revenue Bonds to finance and refinance, among other things, costs incurred by Baptist Healthcare System, Inc., in constructing and acquiring certain hospital facilities in the Urban County; and waiving review by the Industrial Revenue Review Board.

- A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Contract with the U.S. Dept. of Agriculture, for participation in the U.S. Dept. of Agriculture Commodities Program, at no cost to the Government.

✓ 609-2008 - A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Agreement with Fayette County Public Schools and the University of Ky. pertaining to the cooperative purchasing of environmentally friendly or green commodities as part of the Bluegrass Partnership for a Green Community, at no cost to the Government.

- A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Purchase of Service Agreement and a Lease Agreement with Lexington-Fayette Animal Care and Control, LLC, for animal control services, at a cost not to exceed $1,017,020.00.
- A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Purchase of Service Agreement with the Lexington-Fayette Animal Care and Control, LLC, for administration of the Spay and Neuter Grant Fund and Program.

✓ 610-2008 - A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Prescription Benefit Services

Agreement with Caremark, LLC to administer the pharmacy benefit from November 1, 2008 through October 31, 2011.

- A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Commonwealth of Ky., Ky. State Police, for viewing and selecting helicopter surplus parts at no cost to the Government.
- A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Internal Revenue Services Criminal Investigation, for reimbursement expenses to the Div. of Police, at no cost to the Government.
- A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Lease Agreement with AIDS Volunteers, Inc., for the lease of Urban County Government property located at 851 Todds Road.
- A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Lease Agreement with AIDS Volunteers, Inc., for the lease of Urban County Government property located at 1807 Dalton Court.
- A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with AIDS Volunteers, Inc., for extension of the Agreement for operation of a tenant based rental assistance program through June 30, 2009.
- A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to a Lease with Ikon Office Solutions, Inc., for additional copier items, at a cost not to exceed $456.10.
- A Resolution authorizing and directing the Dept. of Law, on behalf of the Urban County Government, to accept a Deed from Cowgill Partners, LP, for a permanent drainage easement at 2550 Winchester Road 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 changing the street name and property address number of 1205 North Broadway to 208 Legends Lane, of 501, 505, 509, 513, 517, and 521 Douglas Avenue to 751, 755, 759, 763, 767, and 771 Douglas Loop, of 501, 505, 509, 513, 517 and 521 Glen Arvin Avenue to 651, 655, 659, 663, 667, and 671 Glen Arvin Circle, of 2117 Fort Harrods Drive to 3401 Lyon Drive, of 779 Newtown Pike to 1 Imperial Court, of 370 Price Road to 955 Whitney Avenue, of 460 Price Road to 410 Greenwood Avenue, of 1300 and 1304 Trent Boulevard to 2813 and 2817 Styx Court, and of 3704, 3708, and 3712 Trent Circle to 2809, 2805, and 2801 Styx Court; and changing the property address numbers of 447-451 Ash Street to 451 Ash Street, of 3216 Bracktown Road to 3217 Bracktown Road, of 769-771 Breathitt Avenue to 771 Breathitt Avenue, of 935-937 Charles

Avenue to 937 Charles Avenue, of 737 Florence Avenue to 735 Florence Avenue, of 1408-1436 North Forbes Road to 1422 North Forbes Road, of 413-417 Georgetown Street to 417 Georgetown Street, of 371 Glen Arvin Avenue to 369 Glen Arvin Avenue, of 300-320 Hickory Street to 306 Hickory Street, of 657-679 Kennedy Road to 673 Kennedy Road, of 1437, 1445, 1401-1413, and 1417-1419 Leestown Road to 1439, 1441, 1401, and 1417 Leestown Road, of 320 Lima Drive to 250 Lima Drive, of 435-437 Lindberg Drive to 437 Lindberg Drive, of 736 Lochmere Place to 734 Lochmere Place, of 439, 331-333, and 501-503 Newtown Pike to 429, 333, and 501 Newtown Pike, and of 836 Whitney Avenue to 846 Whitney Avenue; all effective thirty days from passage.

✓ 611-2008 - A Resolution ratifying the probationary civil service appointments of: Lori Hammond, Accountant Sr., Grade 116E, $2,384.61 bi-weekly, in the Div. of Accounting, effective October 27, 2008, Betty Landrum, Buyer Sr., Grade 116E, $1,913.82 bi-weekly, in the Div. of Purchasing, effective October 27, 2008, Kenneth Johns, GIS Specialist, Grade 114N, $20.157 hourly, in the Div. of Computer Services, effective October 27, 2008, Anthony Welch, Radio/Electronics Specialist, Grade 117E, $2,115.38 bi-weekly, in the Div. of Fire and Emergency Services, effective October 27, 2008, Susan Bush, Director of Environmental Policy, Grade 122E, $3,733.76 bi-weekly, in the Div. of Environmental Policy, effective October 27, 2008, Jodey Evans, Heavy Equipment Technician, Grade 113N, $19.630 hourly, in the Div. of Fire and Emergency Services, effective October 27, 2008, David Poole, Treatment Plant Operator, Grade 113N, $21.163 hourly, in the Div. of Water Quality, effective October 27, 2008, Shepherd Avery, Equipment Operator Sr., Grade 109N, $12.336 hourly, in the Div. of Waste Management, effective November 10, 2008, Constance Kell, Revenue Compliance Auditor Supervisor, Grade 116E, $1,903.85 bi-weekly, in the Div. of Revenue, effective October 20, 2008; Meredith Nelson, Deputy Council Clerk, Grade 116E, $1,779.20 bi-weekly, in the Council Clerk's Office, effective October 28, 2008; ratifying the permanent civil service appointments of: Mitchell Knipper, Equipment Operator Sr., Grade 109N, in the Div. of Streets, Roads & Forestry, effective November 14, 2008, Freddie Pensinger, Equipment Operator Sr., Grade 109N, in the Div. of Streets, Roads & Forestry, effective October 31, 2008, Jonathan Cole, Electrician, Grade 114N, in the Div. of Water Quality, effective October 14, 2008; ratifying the permanent sworn appointments of: Mark Blankenship, Fire Major, Grade 318E, in the Div. of Fire and Emergency Services, effective October 14, 2008, Carl Haunz, Fire Captain, Grade 316N, in the Div. of Fire and Emergency Services, effective October 14, 2008, Brian Dawson, Fire Lieutenant, Grade 315N, in the Div. of Fire and Emergency Services, effective October 14, 2008; approving the unclassified civil service appointment of: Cheryl Mack, Custodial Worker, Grade 102N, $11.044 hourly, in the Div. of Family Services, effective October 20, 2008.

- A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with the Fayette County

Commonwealth Attorney's Office, the Kenton County Commonwealth Attorney's Office and the Commonwealth Attorney, 28th Judicial Circuit, for services under the 2007 Project Safe Neighborhood Program, at a cost not to exceed $19,371.00 for the Fayette County Commonwealth Attorney's Office, $20,000.00 for the Kenton County Commonwealth Attorney's Office and $12,000.00 for the Commonwealth Attorney, 28th Judicial Circuit.

✓ 612-2008 - A Resolution authorizing and approving the purchase of Excess General Liability, Excess Automobile Liability, Excess Public Official's Liability and Excess Law Enforcement Liability Insurance through the Ky. League of Cities from Insurance Company of the State of Pennsylvania (an AIG Group) for the term of November 1, 2008 to November 1, 2009 at a cost not to exceed $588,117.00 and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute all necessary documents to accomplish the same.

✓ 613-2008 - A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept the proposal from MXI Environmental Services, LLC, for Household Hazardous Waste Fall Haul, at a cost not to exceed $200,000.00.

✓ 614-2008 - A Resolution authorizing and directing the Dept. of Law, on behalf of the Urban County Government, to execute a letter engaging the law firm of Landrum & Shouse, LLP, to represent the interests of the Urban County Government in an insurance coverage dispute.

✓ 615-2008 - A Resolution authorizing and directing the Mayor on behalf of the Urban County Government, to execute the Internal Revenue Service Sponsor Agreements and Civil Rights Assurance, which are attached hereto and incorporated herein by reference, for Volunteer Income Tax Assistance Programs at the Gainesway Empowerment Center, the Central Ky. Job Center and the Family Care Center, 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 Windstream Ky. East, LLC, for relocation of utilities for the Clays Mill Road Improvements Project, at a cost not to exceed $77,358.39.
- A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Columbia Gas of Ky., for relocation of utilities for the Liberty/Todds Road Reconstruction Project, at a cost not to exceed $93,866.00.
- A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Windstream Ky. East, LLC, for relocation of utilities for the Liberty/Todds Road Reconstruction Project, at a cost not to exceed $69,353.00.

- A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with LexArts, Inc. ($1,750.00), YMCA of Central Ky. ($1,600.00), and Ky. Blood Center, Inc. ($1,000.00) for the Office of the Urban County Council, at a cost not to exceed the sums stated.

✓ 616-2008 - A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Federal Equitable Sharing Agreement and Certification with the Federal Government, Dept. of Justice, for participation in the Federal Equitable Sharing Program, at no cost to the Government.

- A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with the Fayette County Commonwealth Attorney's Office, for an additional $10,000.00 for the Cold Case Squad Project and extending the Agreement through June 30, 2009, at a cost not to exceed an additional $10,000.00.

- A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Facility Use Contract with the Fayette County Board of Education, for use of Norsworthy Auditorium, at a cost not to exceed $482.50.

- A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Facility Use Contract with the Fayette County Board of Education, for use of the Jesse Clark Middle School Gymnasium, at a cost not to exceed $4,304.76.

- A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 3 to the Contract with BDC, Inc., for Ecton Park Pavillion, increasing the contract price by the sum of $9,577.82 from $161,675.00 to $171,252.82.

- A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Partial Release of Easement, releasing a portion of a sanitary sewer easement on property just south of Patchen Wilkes Drive, at no cost to the Urban County Government.

- A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying a permanent sanitary sewer easement and temporary construction easement for the property located at 1812 Versailles Road, from the Catholic Diocese of Lexington, for the Cadentown/Versailles Road Sanitary Sewer Project, at no cost to the Urban County Government, with usual and appropriate closing costs.

- A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying a permanent sanitary sewer easement and temporary construction easement for the property located at 1808 Versailles Road, from Mark G. Smith, for the Cadentown/Versailles Road Sanitary Sewer

Project, at no cost to the Urban County Government, with usual and appropriate closing costs.

- A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying a permanent sanitary sewer easement and temporary construction easement for the property located at 1806 Versailles Road, from Mark A. Stell and Linda Stell, for the Cadentown/Versailles Road Sanitary Sewer Project, at no cost to the Urban County Government, with usual and appropriate closing costs.
- A Resolution amending Section 1 of Resolution No. 562-2007 which authorized and directed the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying a permanent sanitary sewer easement and temporary construction easement for the property located at 2852 Liberty Road, for the Cadentown Sanitary Sewer Project, to change the name of the Grantor from Dennis Anderson to Anderson Homes for Rent, LLC.
- A Resolution amending Section 1 of Resolution No. 571-2008 relating to a pay increase for all fulltime non-contract bargaining unit employees whose hourly rate of pay is less than the Living Wage, changing the rate of pay from $11.50 hourly to $11.15 hourly.
- A Resolution authorizing and directing the Mayor and the Director of the Div. of Budgeting, on behalf of the Urban County Government, to execute all necessary documents and to take all appropriate measures to transfer the positions of Director of Community Corrections, Assistant Director of Community Corrections, Community Corrections Major, Community Corrections Captain, Community Corrections Lieutenant, Community Corrections Sergeant and Community Corrections Officer, to hazardous duty pension coverage in the County Employees Retirement System ("CERS"), effective upon date of passage.
- A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a donation from the Lexington Legends of 3700 mini police toy cars, for use at the Div. of Police Community Services Section, at no cost to the Urban County Government.

VII. COMMUNICATIONS FROM THE MAYOR

✓ Recommending the appointment of Peter Everett Brown to the Board of Adjustment, with a term to expire 7-1-2010.

VIII. REPORT

1. Div. of Building Inspection for the 3rd Quarter (July-September) of 2008.

IX. ANNOUNCEMENTS

X. PUBLIC COMMENT

XI. **PUBLIC FORUM – Smoking Ordinance - 8:00 p.m.**