

**URBAN COUNTY COUNCIL
SCHEDULE OF MEETINGS
January 11-January 18, 2010**

Monday, January 11

Police Disciplinary Hearing..... **CANCELLED**
Council Chambers-2nd Floor Government Center

Tuesday, January 12

Affordable Housing Trust Fund Task Force Meeting..... 9:30 am
Conference Room-5th Floor Government Center

Corridors Commission Meeting..... 11:00 am
Council Chambers-2nd Floor Government Center

Inter Governmental Committee Meeting..... 1:00 pm
Council Chambers-2nd Floor Government Center

Council Work Session..... 3:00 pm
Council Chambers-2nd Floor Government Center

Mayor's Youth Council Meeting..... 6:00 pm
Conference Room-5th Floor Government Center

Wednesday, January 13

Tree Board Meeting..... 10:30 am
Conference Room-5th Floor Government Center

Noise Ordinance Task Force Meeting..... 5:00 pm
Conference Room-5th Floor Government Center

Thursday, January 14

Building Inspection Task Force Meeting..... 3:00 pm
Conference Room-5th Floor Government Center

Economic Development Task Force Meeting..... 5:00 pm
Council Chambers-2nd Floor Government Center

Council Meeting..... 7:00 pm
Council Chambers-2nd Floor Government Center

Friday, January 15

No Meetings

Monday, January 18

Human Right Commission Community Relations Meeting..... 4:30 pm
Conference Room-5th Floor Government Center

LEXINGTON-FAYETTE URBAN COUNTY COUNCIL

WORK SESSION AGENDA

January 12, 2010

- I. Public Comment – Issues on Agenda**
- II. Requested Rezoning / Docket Approval – Yes**
- III. Approval of Summary-Yes, December 8, 2009, pp.8-12**
- IV. Budget Amendments – Yes, pp.13-21**
- V. New Business, pp.24-72**
- VI. Continuing Business / Presentations**
 - A. Budget and Finance Committee, pp.73-75**
 - B. Attached: Lyric Theatre Monthly Report, pp76-77
(for information purposes only)**
 - C. Economic Outlook, Mr. Kenneth R. Troske,
William B. Sturgill Professor of Economic UK
Director, Center for Business & Economic Research**
- VII. Council Report**
- VIII. Mayor's Report – Yes**
- IX. Public Comment – Issues Not on Agenda**

ADMINISTRATIVE SYNOPSIS

New Business Items

- A. Authorization of a Deed of Acceptance for Property Located at 414 Hays Boulevard as a Dedicated Greenway. (001-10) (Rayan/Webb)
This request will authorize a deed of acceptance for property located at 414 Hays Boulevard in the Richardson Property Subdivision as a dedicated greenway. The parcel will be used as a bike / walking trail connection. An estimated annual maintenance cost is \$300 - \$500 and will be funded from the Water Quality Management Fee.**p.24**
- B. Authorization of Change Order No. 1 to Contract with Myers Fence, LLC Regarding the Brighton East Rail Trail Project – Phase 1. (FINAL) (002-10) (P. King/Webb)
This request will authorize change order no. 1 to decrease contract amount by \$2,771.73 to adjust bid quantities to quantities required for completion of the Brighton East Rail Trail Project – Phase 1. Original contract amount was a \$76,178. Final contract amount is \$73,406.27.**pp.25-27**
- C. Authorization to Accept an Award from the Kentucky Transportation Cabinet (KYTC) on Behalf of the Department of Public Works and Development, Division of Planning for the LexVan Rideshare Program. (003-10) (P. King/ Webb)
This request will authorize the acceptance of an award of federal funds in the amount of \$105,600 from the Federal Highway Administration and the Federal Transit Administration through KYTC for the purchase of six (6) new passenger vans for the LexVan Rideshare program. A local match of 20% (\$26,400) is required and will come from the revenue of participants in the program.**p.28**
- D. Authorization of Change Order No. 3 to Contract with MAC Construction & Excavating, Inc. for the Meadows / Northland / Arlington Public Improvements Project – Phase 3B. (FINAL) (010-10) (P. King/Webb)
This request will authorize change order no. 3 to decrease contract amount by \$6,673.54 with MAC Construction & Excavating, Inc. to adjust bid quantities to quantities required for completion of the Meadows / Northland / Arlington Public Improvements Project – Phase 3B. Original contract amount was \$1,176,755. Total of previous change orders is \$58,117.20. Final contract amount is \$1,228,198.75.**pp.29-33**
- E. Authorization to Create the *Keep Lexington Beautiful Commission* under Chapter 2, Article XI of the Code of Ordinances. (004-10) (Bush/Taylor)
This request will authorize the creation of the *Keep Lexington Beautiful Commission* under Chapter 2, Article XI of the Code of Ordinances. The Commission is to engage individuals, businesses and organizations within Lexington-Fayette County in litter prevention, community beautification and improvements, and waste reduction. The Commission would become a certified affiliate of Keep America Beautiful, Inc. to be eligible for grant funds.**p.34**

- F. Authorization to Accept an Award from the Kentucky Environmental and Public Protection Cabinet (EPPC) on Behalf of the Department of Environmental Quality, Divisions of Streets Roads & Forestry and Waste Management under the -- Control Program in Lexington-Fayette County – FY2010. (017-10) (P. King/Taylor)

This request will authorize the acceptance of state funds in the amount of \$141,451.69 from the Kentucky EPPC, Kentucky Pride Funds, on behalf of the Divisions of Streets Roads & Forestry and Waste Management to support personnel costs of employees who are required to pickup roadway litter; for contractual costs for litter pickup, and for the costs of participants in the Adopt-A-Spot program. No matching funds required.**p.35**

- G. Authorization to Amend Section 22-5 of the Code of Ordinances within the Department of Environmental Quality, Division of Waste Management. (025-10) (Allen/Taylor)

This request will authorize an amendment to Section 22-5 of the Code of Ordinances to create one (1) position of Administrative Specialist (Grade 110N) within the Division of Waste Management for a 4-year term. The fiscal impact for FY2010 is \$16,638.59. Total annual impact is \$43,260.33. This position will be funded by the Urban Services District Fund fund balance.**p.36**

- H. Authorization to Approve a Memorandum of Understanding (MOU) with Carnegie Center for Literacy and Learning on Behalf of the Department of Social Services, Division of Family Services. (005-10) (Helm)

This request will authorize the approval of a MOU with Carnegie Center for Literacy and Learning in the amount of \$1,500 on behalf of the Division of Family Services to obtain and utilize the resources of the Corporation for National and Community Service through the Ameri*Corps VISTA program. This program strengthens and supplements efforts to eliminate poverty and poverty-related human, social, and environmental problems. Funds are budgeted.**p.37**

- I. Authorization to Submit a Grant Application the Bluegrass Community Foundation, Inc. and Accept the Award on Behalf of the Department of Social Services, Division of Family Services. (022-10) (Helm)

This request will authorize the submission of a grant application for funds in the amount of \$12,429 to the Bluegrass Community Foundation, Inc. and accept the award on behalf of the Division of Family Services to provide parenting education and teen esteem building for 25 families.**p.38**

- J. Authorization to Amend Section 21-5 of the Code of Ordinances within the Department of Social Services, Division of Youth Services. (030-10) (Allen/Helm)

This request will authorize an amendment to Section 21-5 of the Code of Ordinances to create one (1) position of Administrative Officer (Grade 118E) to oversee the Day Treatment Center and the DSS partner agencies within the Division of Youth Services. There is no FY2010 funding impact.**p.39**

- K. Authorization to Amend Section 21-5 of the Code of Ordinances in the Chief Information Office, Divisions of Enterprise Solutions and Computer Services. (006-10) (Allen/Dhuwaraha)

This request will authorize an amendment to Section 21-5 of the Code of Ordinances to create one (1) position of Technical Manager Enterprise Solutions (Grade 120E), one (1) position of Financials Manager Enterprise Solutions (Grade 119E) and one (1) position of HCM Manager Enterprise Solutions (Grade 119E) in the Division of Enterprise Solutions and abolish one (1) position of deputy Director Computer Services (Grade 121E) in the Division of Computer Services. The fiscal impact for FY2010 is \$60,304.97. Total annual impact is \$156,729.91. **p.40**

- L. Authorization to Accept an Agreement Offered by the Kentucky Office of Homeland Security (KOHS) on Behalf of the Department of Public, Division of Police Regarding the Police Mobile Data Computer Project. (009-10) (P. King/Bennett)

This request will authorize the acceptance of an agreement offered by KOHS on behalf of the Division of Police to extend the performance period to March 31, 2010 for the completion of the Police Mobile Data Computer project. **p.41**

- M. Authorization to Accept an Award from the Factory Mutual Insurance Company on Behalf of the Department of Public Safety, Division of Fire & Emergency Services – FY2010. (015-10) (P. King/Bennett)

This request will authorize the acceptance of an award of \$1,600 from Factory Mutual Insurance Company on behalf of the Division of Fire & Emergency Services, Fire Investigation Unit, for purchase of cameras to document fire scene evidence to improve arson conviction rates. No matching funds required. **p.42**

- N. Authorization to Accept an Award Offered by the Department of Military Affairs, Kentucky Division of Emergency Management (DEM) on Behalf of the Department of Public Safety, Division of Fire & Emergency Services under the Search & Rescue Grant Program – 2010. (019-10) (P. King/ Bennett)

This request will authorize the acceptance of state funds in the amount of \$3,215 offered by the Kentucky DEM under the Search and Rescue Grant program on behalf of the Division of Fire & Emergency Services, Rescue Squad for purchase of equipment for a Search and Rescue project. A local match of 50% (\$3,215) is required and budgeted. **p.43**

- O. Authorization to Accept an Agreement Offered by the Kentucky Office of Homeland Security (KOHS) on Behalf of the Department of Public, Division of Police Regarding the Assessment of Critical Infrastructure in Fayette County. (021-10) (P. King/ Bennett)

This request will authorize the acceptance of an agreement offered by KOHS on behalf of the Division of Police to extend the performance period to May 31, 2010 for completion of the assessment of critical infrastructures in Fayette County. **p.44**

- P. Authorization to Accept and Acknowledge Donation Made by Mr. Raul F. Lagos to the Department of General Services, Division of Parks and Recreation. (007-10) (Hancock/Cole)
This request accepts and acknowledges the donation of 17 tennis racquets valued at approximately \$680 by Mr. Raul F. Lagos to the Division of Parks and Recreation, Athletic Section.**p.45**
- Q. Authorization of a Lease Agreement for Residential Property Located at 2075 Parkers Mill Road, Cardinal Run Park – North. (026-10) (Hancock/ Cole)
This request would authorize a 3-year lease agreement for residential property at 2075 Parkers Mill Road, Cardinal Run Park - North with Everett Hampton for \$238 per month with consideration that tenant performs certain duties. Tenant is also responsible for all utilities.**p.46**
- R. Authorization of Change Order No. 2 to Contract with Schaeffer Properties, LLC, Regarding the Coolavin Park Community Building Project. (008-10) (Hancock/Cole)
This request will authorize change order no. 2 to increase contract amount by \$9,960 with Schaeffer Properties, LLC, for the Coolavin Park Community Building project. The increase is for the removal and disposal of previous construction fill and replace the area with concrete for a footer location. Original contract amount was \$289,750. Previous change order amount was \$71,459.44. New contract amount is \$371,169.44. Funds are budgeted.**pp.47-49**
- S. Authorization to Appoint the Commissioner of General Services (or Designee) Authority to Sign Utility Connect and Disconnect Agreements on Behalf of LFUCG. (011-10) (Baradaran/Cole)
This request will authorize the appointment of the Commissioner of General Services (or designee) the authority to sign utility connect and disconnect services agreement on behalf of LFUCG.**p.50**
- T. Authorization of an Application for Special Connection Agreement, a New Tap Application and a Contract for New Service with Kentucky American Water (KAW) Regarding the Lyric Theatre. (012-10) (Baradaran/Cole)
This request will authorize an Application for Special Connection Agreement at an estimated cost of \$15,958 with KAW for the installation of a 4-inch fire service supply regarding the Lyric Theatre. This request also includes a New Tap Application and a Contract for New Service. Funds are budgeted.**p.51**
- U. Authorization of Commonwealth of Kentucky Lease Renewal Agreements for Space at 162 E Main Street. (013-10) (Baradaran/Cole)
This request will authorize the approval of Commonwealth of Kentucky Lease Renewal Agreements by the Kentucky Transportation Cabinet for space at 162 E Main Street utilized by the Kentucky State Police and the Driver Licensing Field Office for Fayette County. The renewals are for 1,341 square feet in the amount of \$18,195 for KSP and for 565 square feet in the amount of \$8,233.76 for the Driver Licensing Field Office at a rental rate of \$10.75 per square feet.

This also includes eleven (11) parking spaces at \$45 per space per month for total revenue of \$26,429.56 for FY2010.**p.52**

- V. Authorization to Submit Application to the Kentucky Division for Air Quality (DAQ) on Behalf of the Department of General Services, Division of Facilities and Fleet Management under the Kentucky Clean Diesel Grant Program. (018-10) (P. King/Rumpke)

This request will authorize the submission of an application for federal funds in the amount of \$150,000 to the Kentucky DAQ under the Kentucky Clean Diesel Grant program on behalf of the Division of Facilities and Fleet Management. Funds will allow retrofit of 56 refuse vehicles. The source of funds is the US Environmental Protection Agency. No matching funds required.**p.53**

- W. Authorization of Amendment No. 1 to Agreement with Georgetown Street Area Neighborhood Association under the Neighborhood Action Match Program. (014-10) (P. King/Rumpke)

This request will authorize an Amendment No. 1 to agreement with Georgetown Street Area Neighborhood Association under the Neighborhood Action Match Program to extend completion date of the project to June 30, 2010. There are no other changes associated with this amendment.**p.54**

- X. Authorization of Amendment No. 2 to Agreement with AIDS Volunteers, Inc. for use of HOME Investment Partnerships Funds for the Tenant Based Rental Assistance Project. (020-10) (P. King/Rumpke)

This request will authorize amendment no. 2 to agreement with AIDS Volunteers, Inc. for use of HOME Investment Partnership Funds for modifications to the scope of work and to extend the performance period through June 30, 2011 for the Tenant Based Rental Assistance project. There are no other changes associated with this amendment.**p.55**

- Y. Authorization of an Agreement for Occupational Wellness Administrator and Services with the Lexington Urgent Treatment Associates, PLLC (d/b/a) Urgent Treatment Clinics (UTC). (016-10) (Allen/Rumpke)

This request will authorize approval of an Agreement for Occupational Wellness Administrator and Services at a cost of \$250 per month (with a one-time fee of \$800) to develop a database of LFUCG employees with Lexington Urgent Treatment Associates, PLLC (d/b/a) UTC for occupational health services to include pre-employment physicals, annual physicals, drug and alcohol sample collection and testing, fit-for-duty examinations, hazardous materials worker examinations and other related occupational health services effective January 1, 2010. Funds are budgeted.**p.56**

- Z. Authorization to Advertise Positions in the Chief Information Officer, Division of Enterprise Solutions within the Urban County Government. (029-10) (Allen/Rumpke)

This request will authorize the positions of Manager Enterprise Solutions, Financials Manager Enterprise Solutions and HCM Manager Enterprise Solutions within the Division of Enterprise Solutions to be advertised within the Urban County Government.**p.57**

- AA. Authorization to Amend Ordinance No. 260-2009 Regarding the Schedule of Meetings for the Council for Calendar Year 2010. (023-10) (Langston)
This request will authorize an amendment to Ordinance No. 260-2009 to reflect changes approved by the Council at the December 8, 2009 work session.**pp.58-63**
- BB. Authorization of a Purchase of Service Agreement (PSA) with the Downtown Lexington Corporation. (027-10) (Wright/Kelly)
This request will authorize a PSA with the Downtown Lexington Corporation in the amount of \$51,300 for a 12-month period beginning July 1, 2009, for the marketing of Lexington as a place to work, visit, shop and live; provide office space at 101 East Vine Street to include services except telephone and internet connections; permit two (2) raffles for charity to be conducted under the Kentucky Office of Charitable Gaming; and for employees to participate in LFUCG's insurance coverage. Funds are budgeted.**p.64**
- CC. Authorization of a Purchase of Service Agreement (PSA) with the Kentucky World Trade Center Lexington, Inc. (028-10) (Wright/Kelly)
This request will authorize a PSA with the Kentucky World Trade Center Lexington, Inc in the amount of \$109,250 for a 12-month period beginning July 1, 2009, for the management and operation of the World Trade Center franchise in Lexington and for services of foreign trade and exporting to foreign countries, and assist foreign companies seeking opportunities in Kentucky. Funds are budgeted.**p.65**
- DD. Authorization of an Ordinance to Amend Chapter 12 of the Code of Ordinances Regarding Housing and Nuisance Violations. (031-10) (Askew)
This request will authorize an Ordinance to amend Chapter 12 of the Code of Ordinances regarding housing and nuisance violations. The amendment clarifies criminal penalty amount; increases criminal fines for nuisances; establishes an administrative fee; increases both housing and nuisance civil penalties for repeat violations; clarifies nuisance abatement civil penalty, and reduces the time to appeal a civilian penalty. The proposed changes will become effective March 1, 2010.**pp.66-71**
- EE. Authorization of an Affiliation Agreement with State University of New York on Behalf of the Department of Public Safety, Division of Police. (032-10) (Bastin/Bennett)
This request will authorize an Affiliation Agreement with State University of New York on behalf of the Division of Police for University to plan and execute the education program for the criminal investigations senior internship. The University will bear all costs and expenses for this program.**p.72**

URBAN COUNTY COUNCIL
WORK SESSION SUMMARY
& TABLE OF MOTIONS

December 8, 2009

Mayor Newberry chaired today's work session meeting. All Council Members were present except CMs Beard, Feigel, and McChord.

- I. Public Comment – Issues on Agenda-None
- II. Requested Rezoning / Docket Approval-Yes

A Police Disciplinary Hearing was scheduled for January 11, 2010 at 3 pm.

A motion by CM Ellinger to place on the docket without a hearing, an ordinance changing the zone from an Agricultural Urban (A-U) zone to a Mixed-Use Community (MU-3) zone, for 60.511 net (64.411 gross) acres; from a Single Family Residential (R-1C) zone to a Mixed-Use Community (MU-3) zone, for 0.539 net (1.249 gross) acre; and from a Wholesale & Warehouse Business (B-4) zone to a Mixed-Use Community (MU-3) zone for 0.967 net (1.042 gross) acres, for property located at 780 Red Mile Rd, 790 Red Mile Rd, and a portion of 1200 Red Mile Rd (Lexington Trots Breeders Association, LLC), seconded by CM Crosbie, passed without dissent.

A motion by CM Ellinger to place on the docket without a hearing an ordinance changing the zone from a Planned Neighborhood Residential (R-3) zone to a Professional Office (P-1) zone for a 2.22 net (2.26) gross acres, for property located at 1122 Oak Hill Dr, seconded by CM Gorton, passed without dissent.

A motion by CM Stinnett to place on the docket for the Tuesday, December 8, 2009 Council Meeting: (1) an ordinance authorizing the issuance of its (a) \$68,100,00 General Obligation Public Project bonds (Series 2010A-Build America Bonds), (b) \$7,785,000 General Obligation Refunding Bonds (Series 2010B-Tax Exempt), and (c) \$6,670,000 General Obligation Refunding bonds (Series 2010C-Tax Exempt), all of which may be increased or decreased by an amount not to exceed ten percent, and to take authorized actions related to the issuance; and (2) a resolution authorizing the advertisement for bids and the distribution of the preliminary official statement of these bonds and related authorized actions, seconded by CM Myers, passed without dissent.

A motion by CM Myers to place on the docket a resolution providing partner agencies currently participating in medical insurance plans provided by Urban

County Govt. should no longer be eligible to participate by the date specified in the resolution and providing that after December 31, 2010 only LFUCG employees and retirees will be eligible to participate in the medical insurance plans offered by Urban County Govt., seconded by CM Henson, passed without dissent.

A motion by CM Henson to place on the docket a resolution authorizing the Mayor to submit a grant application to the Cities of Service Coalition in the amount of \$100,000 for funding a Chief Service Officer position for two years for a program to increase volunteerism in the community, seconded by CM Ellinger, passed without dissent.

A motion by CM Lane to place on the docket a resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a change order to the contract with Schroeder Construction Inc. for pump station upgrade at Haley Pike Landfill, increasing the contract price by the sum of \$2,400 from \$356,416 to \$358,816, seconded by CM Martin, passed without dissent.

A motion by CM James to place on the docket a resolution supporting the adoption of Disadvantaged Business Enterprise goals consistent with and conforming to the requirements of the American Reinvestment and Recovery ASct of 2009, and any regulations, requirements, guidelines, or policies adopted or promulgated by the U.A. Department of Transportation, Federal Highway Administration and the Kentucky Transportation Cabinet, to the extent necessary to qualify for funding, with such goals being based upon an analysis and review of each project on an individual basis, and amending resolution no. 167-91 to the extent it is inconsistent with this resolution, seconded by CM Ellinger, passed without dissent.

A motion by CM Ellinger to approve the amended docket, seconded by CM Blues, passed without dissent.

III. Approval of Summary-Yes

A motion by CM Gorton to approve the summary from December 1, 2009, seconded by CM Lawless, passed without dissent.

IV. Budget Amendments-Yes

A motion by CM James to remove budget journal 39166-67 from consideration of Budget Journals because it was in the November 24, 2009 new business items and is on the Council Meeting agenda for second reading, seconded by CM Gorton, passed without dissent.

A motion by CM Gorton to approve the amended budget amendments, seconded by CM Myers, passed without dissent.

V. New Business

- A. Authorization to Amend Resolution No. 212-2009 Regarding Bid Contract with Claunch Construction, LLC for the Radcliffe Road Stormwater Improvements Project. (717-09) (P. King/Taylor)
- B. Authorization to Amend the HOPE VI Professional Service Agreement with the Lexington Housing Authority (LHA) on Behalf of the Department of Social Services. (718-09) (Helm)
- C. Authorization of a designation of Applicant's Agent for LFUCG under the Disaster Relief Act of 1974 (Public Law 93-288), as Amended. (715-09) (Dugger/Bennett)
- D. Authorization of an Agreement with Kentucky Office of Homeland Security (KOHS) on Behalf of the Department of Public Safety, Division of Police for the IED Training Project. (719-09) (P. King/ Bennett)

A motion by CM Stinnett to approve new business items A-D, seconded by CM Gorton, passed without dissent.

A motion by CM Martin to approve the NDF list for 12/8/09, seconded by CM Gorton, passed without dissent.

VI. Continuing Business / Presentations-Yes

A. Water Resources Oversight Committee Report

This report was given by Chair CM Blues. No motions came forward.

B. Special Inter Governmental Committee Report

This report was given by Chair CM James. No motions came forward.

C. Services Committee Report

This report was given by Chair CM Ellinger. There were 2 motions to come forward.

A motion by CM Ellinger to ask VM Gray to form a task force made up of representatives from LFUCG Solid Waste (Waste Mgmt), each private hauler company, seed leaf, and Council Members, seconded by CM Myers, passed without dissent.

A motion by CM Ellinger to move the revised ordinance of the address & firegate identification/numbering to the docket for Council approval, seconded by CM Gorton, passed without dissent.

D. Lyric Theatre Monthly Report (for informational purposes only)

E. Purchase of Development Rights Program Update

This update was given by Billy Van Pelt, Program Director. Several CMs asked questions.

VII. Council Report

CM Stinnett-A motion by CM Stinnett to add to the NDF list: Bluegrass Community Foundation \$1500 and Stonewall Community Assoc \$500, seconded by CM Myers, passed without dissent.

CM Crosbie-Asked the question about whether or not someone can speak if not on the agenda-Council Clerk Susan Lamb answered; looking forward to having Mayor on next ride along in her district; sent congratulations to Lexington Christian on state championship.

A motion by CM Crosbie to place into the Inter Governmental Committee the issue of option to speak when not on the agenda, seconded by CM Ellinger, passed without dissent.

CM Blues-Announced neighborhood meetings/holiday events: 12/9 at 6 pm-St Martins' Christmas party; 12/10 Georgetown St and St Martins meeting on the BCTC changes coming to their area; 12/10 Melrose Oakpark at 7 pm; 12/12 annual Sr Luncheon at Hollow Creek at 1 pm; at 6pm highlands Christmas party; 12/14 Radcliffe-Marlboro at 6 pm and at 7 pm property owners of Bracktown area at Bracktown Church.

CM Lawless-Announced South Hill meeting tonight at 6 pm; 12/13 on the porch of 54 Mentelle Park, there will be a cocoa sale.

CM Henson-Wished everyone a Happy New Year; gave results of Salvation Army's ringing bell contest-CM Myers was overall winner; can't find VM Gray's kettle.

CM James-Announced that tonight at 7 pm there will be a joint meeting with Living Arts and Science and MLK NA; reminded everyone that on 12/10 in the 5th floor conference room there would be a Paratransit stakeholders' meeting.

CM Myers-Announced on 12/15 at 6:30 pm there will be an 8th District potluck; thanked CM Henson for putting Bell Ringing event together.

VIII. Mayor's Report-Yes

A motion by CM Lane to approve the Mayor's Report, seconded by CM James, passed without dissent.

Mayor Newberry asked that all CMs get him the addresses in their district for inspections; stated that he left information in their mailboxes for them to go over during their recess. CM Crosbie asked Comm. Bennett a question about vacation times. Several other CMs asked questions.

A motion by CM Henson to place into the Inter Governmental Committee the review of the staffing process in E911, seconded by CM Crosbie, passed without dissent.

A motion by CM Henson to extend the availability to take vacation time off for E911 by 90 days, seconded by CM Crosbie, passed by a 9-3 vote.

A motion by CM Myers to extend for 90 days the availability to take vacation time off for all LFUCG employees who were denied the time, seconded by CM Crosbie, failed by a 2-10 vote. Several CMs spoke on this issue.

IX. Public Comment-Issues not on the agenda-None

A motion by CM Crosbie to adjourn, seconded by CM Martin passed without dissent.

Work session was adjourned at 5:14 pm.

BUDGET AMENDMENT REQUEST LIST

13

JOURNAL	39282-83	DIVISION	Streets, Roads, and Forestry	Fund Name	General Fund
				Fund Impact	2,179.25
					2,179.25CR
					.00

To provide funds for minor equipment by recognizing deposit for scrap steel and iron.

JOURNAL	39530	DIVISION	Computer Services/ CIO	Fund Name	General Fund
				Fund Impact	8,000.00
					8,000.00CR
					.00

To provide funds for cellphones for on-call employees by decreasing funds for repairs and maintenance.

JOURNAL	39798-99	DIVISION	Parks and Recreation	Fund Name	General Fund
				Fund Impact	277.79
					277.79CR
					.00

To recognize a deposit from BCD Inc. for replacement of urinal at Ecton Park and to recognize funds Kentucky High School Athletic Association for delivery and pickup of barricades.

JOURNAL	39802-03	DIVISION	Parks and Recreation	Fund Name	General Fund
				Fund Impact	240.17
					240.17CR
					.00

To recognize reimbursement from Fayette County Bar Association for overtime expenses in connection with their Staff Appreciation Picnic.

JOURNAL	39804-05	DIVISION	Parks and Recreation	Fund Name	General Fund
				Fund Impact	2,000.00
					2,000.00CR
					.00

To recognize revenue from Lexmark for sponsorship of Festival Latino.

JOURNAL	39806-07	DIVISION	Parks and Recreation	Fund Name	General Fund
				Fund Impact	3,790.75
					3,790.75CR
					.00

To recognize reimbursement from LYSA for park patrol services at Masterson Station Soccer Fields.

JOURNAL	39809-10	DIVISION	Council Clerk	Fund Name	General Fund
				Fund Impact	486.76
					486.76CR
					.00

To provide funds for operating supplies to cover Code of Ordinances supplements and publication expenses by recognizing deposits.

JOURNAL	39277-78	DIVISION	Social Services	Fund Name	Donation Fund
				Fund Impact	100.00
					100.00CR
					.00

To recognize donation made by Hunter Presbyterian Church to Cardinal Valley Center for propose of buying Christmas presents for the Centers clients childrens Christmas Party.

JOURNAL	39404-05	DIVISION	Social Services	Fund Name	Donation Fund
				Fund Impact	25.00
					25.00CR
					.00

To recognize donations made by Richard and Judith Flewelling to the Cardinal Valley Center for the annual Christmas Party for Center's clients.

JOURNAL	39406-07	DIVISION	Social Services	Fund Name	Donation Fund
				Fund Impact	50.00
					50.00CR
					.00

To recognize donations made by Elizabeth A. Sanders to the Cardinal Valley Center for the annual Christmas Party for Center's Clients

JOURNAL	39408-09	DIVISION	Social Services	Fund Name	Donation Fund
				Fund Impact	50.00
					50.00CR
					.00

To recognize donations made by Kevin Palley, Attorney At Law to the Cardinal Valley Center for the annual Christmas Party the center has for it's clients children.

JOURNAL	39766-67	DIVISION	Community Development	Fund Name	Homeland Security
				Fund Impact	80.00
					80.00CR
					.00

To amend budget for Hazardous Devices grant to reflect actual award amount.

JOURNAL	39531	DIVISION	Water Quality	Fund Name	Sewer Construction
				Fund Impact	1,000,000.00
					1,000,000.00CR
					.00

To provide additional funding for the Inflow and Infiltration Find and Fix Program. The Find and Fix Program addresses immediate minor problems identified during the sanitary sewer assessments.

BUDGET AMENDMENT REQUEST SUMMARY

Fund	1101	General Service District Fund	.00
Fund	1103	Donation Fund	.00
Fund	3200	US Department of Homeland Security	.00
Fund	4003	Sanitary Sewer Construction Fund	.00



Lexington-Fayette Urban County Government
DEPARTMENT OF GENERAL SERVICES

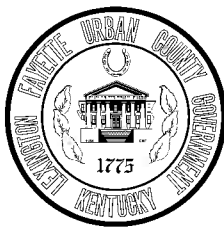
Jim Newberry
Mayor

Kimra Cole
Commissioner

Budget Journal Number 39798-99
Requesting Division Parks & Recreation
Fund Name General Fund
Fund Number 1101
Contact for Additional Information Becky Crawford

Description

To recognize reimbursement funds from BCD for replacement of Urinal at Ecton Park and reimbursement of funds from KHSAA for delivery and pick-up of bleachers.



Lexington-Fayette Urban County Government
DEPARTMENT OF GENERAL SERVICES

Jim Newberry
Mayor

Kimra Cole
Commissioner

Budget Journal Number 39802-03
Requesting Division Parks and Recreation
Fund Name General Fund
Fund Number 1101
Contact for Additional Information Becky Crawford

Description

To recognize reimbursement from the Fayette County Bar Association for overtime expenses in connection with the Fayette County Bar Association's Staff Appreciation Picnic



Lexington-Fayette Urban County Government
DEPARTMENT OF GENERAL SERVICES

Jim Newberry
Mayor

Kimra Cole
Commissioner

Budget Journal Number 39806-07
Requesting Division Parks & Recreation
Fund Name General Fund
Fund Number 1101
Contact for Additional Information Becky Crawford

Description

To recognize reimbursement from LYSA for Park Patrol services at Masterson Station Soccer Fields.



Lexington-Fayette Urban County Government
DEPARTMENT OF SOCIAL SERVICES

Jim Newberry
Mayor

Marlene Helm
Commissioner

Budget Journal Number 39277-78
 39404-05
 39406-07
 39408-09

Requesting Division Division of Adult & Tenant Services

Fund Name 1103

Fund Number Donations Fund

Contact for Additional Information Cheryl L. Talbert, Division Director
 Sheila Powell, Administrative Specialist

Description

To recognize donation made by Hunter Presbyterian Church, Richard and Judith Flewelling, Elizabeth A. Sanders, and Kevin Palley to Cardinal Valley Center for the purpose of buying Christmas presents for the Centers Clients children's Christmas Party.



Lexington-Fayette Urban County Government
DEPARTMENT OF ENVIRONMENTAL QUALITY

Jim Newberry
Mayor

Cheryl Taylor
Commissioner

Budget Journal Number 39531
Requesting Division Division of Water Quality
Fund Name Sanitary Sewer Construction Fund
Fund Number 4003
Contact for Additional Information Charles Martin or Julie Mantrom
Description

To provide additional funding for the I & I (Inflow and Infiltration) "Find and Fix" Program. The Find and Fix Program addresses immediate minor problems identified during the sanitary sewer assessments.

NEW BUSINESS ITEMS REQUIRING BUDGET AMENDMENTS

January 12, 2010 Work Session

20

If the New Business item listed below is on the Agenda, approval includes approval of the attached Budget Amendment. These Budget Amendments are not voted upon as part of section IV on the Agenda and are for information only.

NEW BUSINESS ITEM	BUDGET JOURNAL	DIVISION	DESCRIPTION OF REQUEST
003-10	BA 2613	Community Development	To establish grant budget for Lexvan Project.
C			<div>3160132,000CR</div> <div>3160132,000</div> <div>0*</div>
003-10	BA 2614	Community Development	To establish grant match for Lexvan Project.
C			<div>420526,400CR</div> <div>420526,400</div> <div>0*</div>
006-10	KC 0086	Human Resources	To reallocate personnel funds to the new Division of Enterprise Solutions from the Divisions of Computer Services and Human Resources.
K			<div>1101243,290CR</div> <div>1101243,290</div> <div>0*</div>
015-10	BA 2615	Community Development	To establish grant budget for Factory Mutual Insurance award.
M			<div>33001,600CR</div> <div>33001,600</div> <div>0*</div>
017-10	BA 2622	Community Development	To establish grant budget for KY Pride.
F			<div>3400141,451.69CR</div> <div>3400141,451.69</div> <div>0*</div>
017-10	BA 2623	Community Development	To budget personnel recovery for General Fund for Streets, Roads, and Forestry for KY Pride.
F			<div>110150,000CR</div> <div>50,000CR*</div>
017-10	BA 2628	Community Development	To budget personnel recovery for Urban Fund for Waste Management for KY Pride.
F			<div>111554,630CR</div> <div>54,630CR*</div>

022-10	BA 2565	Family Services	To provide funds for parenting classes and materials by recognizing a donation from Bluegrass Community foundation FCC "Making a Difference Fund".
I			1103 12,429
			1103 12,429CR
			0*
025-10	KC 0087	Waste Management	To provide funds for one new position of Administrative Specialist for a four-year term.
G			1115 16,640
			16,640*

EFFECT ON FUND BALANCES

FUND 1101	50,000*	INCREASE IN:	GENERAL SERVICES DISTRICT FUND
FUND 1103	0*	NO EFFECT ON:	DONATION FUND
FUND 1115	37,990*	INCREASE IN:	FULL URBAN SERVICES DISTRICT
FUND 3160	0*	NO EFFECT ON:	US DEPARTMENT OF TRANSPORTATION
FUND 3300	0*	NO EFFECT ON:	GRANTS - OTHER
FUND 3400	0*	NO EFFECT ON:	GRANTS - STATE
FUND 4205	0*	NO EFFECT ON:	LEXVAN PROGRAM FUND

Budget Information For New Business Items

January 12, 2010 Work Session

22

Item	Number	Amount	Fund	Name / Description
A	001-10	NA		
B	002-10	(2,771.73)	3160	US Department of Transportation
C	003-10	26,400 132,000	4205 3160	Lexvan Program Fund US Department of Transportation Budget Journals
D	010-10	(6,673.54)	3120	US Department of Housing & Urban Development
E	004-10	NA		
F	017-10	141,451.69 (54,630) (50,000)	3400 1115 1101	Grants – State Urban Service District Fund General Fund District Fund Budget Journals
G	025-10	16,638.59	1115	Urban Service District Fund Budget Journal
H	005-10	1,500	1103	Donation Fund
I	022-10	12,429	1103	Donation Fund Budget Journal
J	030-10	Budgeted	1101	General Service District Fund
K	006-10	60,304.97	1101	General Service District Fund Budget Journal
L	009-10	NA		
M	015-10	1,600	3300	Grants - Other Budget Journal
N	019-10	6,430	3400	Grants – State Budget Journal
O	021-10	NA		
P	007-10	NA		
Q	026-10	NA		
R	008-10	9,960	2518	2009 Bond Projects
S	011-10	NA		
T	012-10	15,958	2518	2009 Bond Projects
U	013-10	(26,429.56)	4022	PFC – General
V	018-10	NA		

Budget Information For New Business Items

January 12, 2010 Work Session

23

W	014-10	NA		
X	020-10	NA		
Y	016-10	3,800	1101	General Service District Fund
Z	029-10	NA		
AA	023-10	NA		
BB	027-10	51,300	1101	General Service District Fund
CC	028-10	109,250	1101	General Service District Fund
DD	031-10	NA		
EE	032-10	NA		



001-10

24

Lexington-Fayette Urban County Government
DEPARTMENT OF PUBLIC WORKS & DEVELOPMENT

Jim Newberry
Mayor

Mike Webb
Commissioner

MEMORANDUM

To: Mayor Jim Newberry
Urban County Council

From: James R. Wray
Engineering Technician Principal

Date: November 18, 2009

Re: Resolution Authorizing Acceptance of One Greenway Parcel Dedication
At 414 Hays Boulevard Richardson Property

The purpose of this memorandum is to request a resolution authorizing the acceptance of one parcel dedication for greenway at 414 Hays Boulevard in the Richardson Property Subdivision. This parcel was identified in the development plats and is part of the Expansion Area Master Plan. The parcel is to be used for a bike/walking trail connection. Annual cost of maintenance is expected to be \$300.00 to \$500.00 and to be funded out of the Water Quality Management Fee. Trail construction will be funded through the Trail Bond money.

Acceptance of the deed is recommended.

Approved by:

Marwan A. Rayan, P.E.
Urban County Engineer

James M. Webb, Commissioner
Department of Public Works & Development

c/with att: Yvonne Stone File
c/wo att: Robert Bayert, P.E. Keith Lovan, P.E.

09.P000.406.blue sheet req 414 hays blvd revised



002-10 25

Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATIONJim Newberry
MayorWilliam O'Mara
Acting Commissioner

**TO: JIM NEWBERRY, MAYOR
URBAN COUNTY COUNCIL**

**FROM: PAULA KING, DIRECTOR
DIVISION OF COMMUNITY DEVELOPMENT**

DATE: DECEMBER 10, 2009

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE CHANGE
ORDER NUMBER 1 WITH MYERS FENCE, LLC FOR THE BRIGHTON
EAST RAIL TRAIL PHASE I PROJECT**

On July 3, 2008 (Resolution No. 397-2008), Council approved the award of Bid # 102-2008 to Myers Fence, LLC, in the amount of \$76,178 for the Brighton East Rail Trail Phase I Project. Approval of Change Order No. 1 is requested, reducing the total cost by the amount of \$2,771.73 to a new total of \$73,406.27.

Funds were budgeted as follows:

FUND	DEPT ID	SECT	PROJECT	BUD REF	ACCT	ACTIVITY
3160	303201	3211	BRIGH EAS 2005	2005	90311	FED GRANT

Council authorization to execute Change Order No.1 with Myers Fence, LLC, is hereby requested.


Paula King
Director

Xc: James M. Webb, Commissioner of the Department of Public Works and Development




CONTRACT HISTORY FORM

Project Name: Brighton East Rail Trail Fence Project
Contractor: Myers Fence, LLC
Contract Number and Date: _____
Responsible LFUCG Division: Engineering

CONTRACT AND CHANGE ORDER DETAILS

A. Original Contract Amount:	\$	<u>76,178.00</u>	
Next Lowest Bid Amount:			
<u>\$86,425.00</u>			
B. Amount of Selected Alternate or Phase:	\$	<u>0.00</u>	
C. Cumulative Amount of All Previous Alternates or Phases:	\$	<u>0.00</u>	
D. Amended Contract Amount:	\$	<u>76,178.00</u>	
E. Cumulative Amount of All Previous Change Orders:	\$	<u>0.00</u>	<u>0.0%</u> (Line E / Line D)
F. Amount of This Change Order:	\$	<u>-2,771.73</u>	<u>-3.6%</u> (Line F / Line D)
G. Total Contract Amount:	\$	<u>73,406.27</u>	

SIGNATURES

Project Manager:	<u></u>	Date: <u>11/19/09</u>
Reviewed by:	<u></u>	Date: <u>12/01/09</u>
Division Director:	<u></u>	Date: <u>11/30/09</u>

**LEXINGTON-FAYETTE URBAN COUNTY
GOVERNMENT CONTRACT CHANGE ORDER**

Page 1 of 2

Date:	November 19, 2009
Project:	Brighton East Rail Trail Fence Project
Location:	Brighton
Contract No.	
Change Order No.	1

To (Contractor): Myers Fence, LLC

You are hereby requested to comply with the following changes from the contract plans and specification;

Item No.	Description of changes-quantities, unit prices, change in completion date, etc.	Decrease in contract price	Increase in contract price
1	(INCREASE) CLEARING & GRUBBING, @ A LUMP SUM OF \$1,200.00		\$1,200.00
2	(DECREASE) WOOD PLANK FENCE, BY 281 LINEAR FEET, @ A COST OF \$10.38 PER LINEAR FEET	\$2,916.78	
3	(DECREASE) DITCH, BY 39 LINEAR FEET, @ A COST OF \$3.05 PER LINEAR FEET	\$118.95	
7	(DECREASE) REGRADE AREA, BY 2750 SQUARE FEET, @ A COST OF \$0.50 PER SQUARE FEET	\$1,375.00	
8	(INCREASE) PAINTING FENCE AT ENTRANCE, FOR A LUMP SUM OF \$439.00		\$439.00
	Total decrease	\$4,410.73	
	Total increase		\$1,639.00
	Net increase (decrease) in contract price	(\$2,771.73)	
	Current total contract price		\$76,178.00

The sum of \$ **- \$2,771.73** is hereby ~~added~~ reduced to the total contract price, and the new total contract price thereby is **\$73,406.27**

The time provided for the completion in the contract and all provisions of the contract will apply hereto.

Recommended by	<u>[Signature]</u> RAB 12/01/09	(Proj. Engr.)	Date <u>11/19/09</u>
Accepted by	<u>[Signature]</u> / <u>[Signature]</u>	(Contractor)	Date <u>11-30-09</u>
Approved by	<u>[Signature]</u>	(Urban Co. Engr.)	Date <u>11/30/09</u>
Approved by	<u>[Signature]</u>	(Commissioner)	Date <u>12/9/09</u>
Approved by	<u>[Signature]</u>	(Mayor or CAO)	Date <u> / / </u>



003-10

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Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

William O'Mara
Acting Commissioner

**TO: JIM NEWBERRY, MAYOR
URBAN COUNTY COUNCIL**

**FROM: PAULA KING, DIRECTOR
DIVISION OF COMMUNITY DEVELOPMENT**

DATE: DECEMBER 9, 2009

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT AWARD FROM
THE KENTUCKY TRANSPORTATION CABINET FOR THE LEXVAN
PROGRAM**

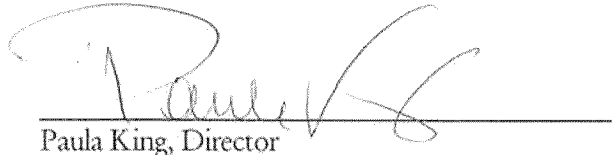
On February 7, 2008, (Resolution No. 52-2008), Council approved the submission of an application to the Kentucky Transportation Cabinet requesting federal funds for the purchase of six new passenger vans to expand the LexVan fleet. The Kentucky Transportation Cabinet has approved federal funding in the amount of \$105,600 from the Congestion Mitigation/ Air Quality Program for this project.

The expansion of the LexVan fleet will improve air quality by reducing traffic, fuel consumption, and road maintenance. Mobility Office continues to receive requests for new vanpool routes coming in and going out of Lexington.

The approved federal amount for the project is \$105,600. Project requires a minimum 20% match. Matching funds (\$26,400) are being budgeted in Fund 4205, which is comprised of project proceeds collected from users of the LexVan program. All funds will be used for purchase of up to six new vans for expansion of the fleet.

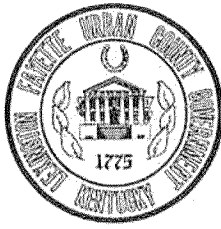
Total project cost is \$132,000. Federal funds are from the federal Congestion Mitigation/ Air Quality Program (CMAQ) allocation.

Council authorization to accept the award is hereby requested.



Paula King, Director

XC: James M. Webb, Commissioner of Public Works and Development



010-10 29

Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

William O'Mara
Acting Commissioner

**TO: JIM NEWBERRY, MAYOR
URBAN COUNTY COUNCIL**

**FROM: PAULA KING, DIRECTOR
DIVISION OF COMMUNITY DEVELOPMENT**

DATE: DECEMBER 10, 2010

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE CHANGE ORDER
NO. 3 WITH MAC CONSTRUCTION & EXCAVATING, INC. FOR A
DECREASE OF \$6,673.54 FOR MEADOWS/NORTHLAND/ARLINGTON
PUBLIC IMPROVEMENTS DESIGN PHASE 3B**

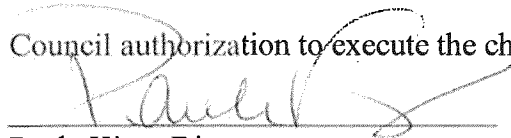
The Division of Engineering has recommended the execution of a change order to decrease the contract by \$6,673.54 with MAC Construction & Excavating, Inc. for the Meadows/Northland/Arlington Public Improvements Project, Phase 3B. The new contract total is \$1,228,198.75.

The change order will adjust the bid quantities to the final installed quantities. The Division of Community Development concurs with the Division of Engineering's request.

The change order will adjust the following account:

FUND	DEPT ID	SECTION	ACCOUNT	PROJECT	BUD REF	ACTIVITY	AMOUNT
3120	303202	3211	91713	CDBG_2009	2009	C03	-\$6,673.54

Council authorization to execute the change order is requested.


Paula King, Director

Cc: Division of Engineering
James M. Webb, Commissioner of Public Works and Development

CONTRACT HISTORY FORM

010-10 30

Contractor:

MAC Construction & Excavating, Inc.

Project Name:

Meadows - Northland - Arlington Neighborhood Improvement Project, Phase 3B: Storm Water and Roadway Improvements

Contract Number and Date:

Contract #935 (April 10, 2008)

Responsible LFUCG Division:

Engineering

CHANGE ORDER DETAILS

- A. Original Contract Amount: \$ 1,176,755.00
- Next Lowest Bid Amount:
\$ 1,298,952.00
- B. Amount of Selected Alternate or Phase: \$ 1,176,755.00
- C. Cumulative Amount of All Previous Alternates or Phases: \$ N/A
- D. Amended Contract Amount: \$ 1,176,755.00
- E. Cumulative Amount of All Previous Change Orders: \$ 58,117.29 4.94 %
(Line E / Line D)
- F. Amount of This Change Order: \$ 6,673.54 (MINUS) -0.57 %
(Line F / Line D)
- G. Total Contract Amount: \$ 1,228,198.75

SIGNATURE LINES

Project Manager:

William A. Bowie, Jr.

Date: 16 NOVEMBER 2009

Reviewed by:

Rod A. Bayart

Date: 11/16/09

Division Director:

MAE [Signature]

Date: 11/23/09

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT CONTRACT CHANGE ORDER Page 1 of 4		Date: November 10, 2009	
		Project: MNA-3B 010-10	
		Location: Meadow Park	
To: Mac Construction & Excavating, Inc P.O. Box 6787 New Albany, IN 47151-6787		Contract No. 935	
		Change Order No.(3-Final)	
You are hereby requested to comply with the following changes from the contract plans and specification;			
Item No. (1)	Description of changes-quantities, unit prices, change in completion, etc. (2)	Decrease in contract price (3)	Increase in contract price (4)
5.	Remove Tree (36" Dia. And up), decrease by 1 @ \$3,000	3,000.00	
16.	4 ½ " Concrete sidewalk, decrease by 70 SY @ \$45/SY	3,150.00	
17.	6" concrete sidewalk and entrances, increase by 327.8 SY @ \$49/SY		16,062.20
19.	LFUCG conc. Curb and gutter Type 1, increase by 15 LF @ \$10/LF		150.00
20.	LFUCG header curb, increase by 167 LF @ \$16/LF		2,672.00
21.	Class "A" concrete for steps, decrease by 33.5 CY @ \$95/CY	3,182.50	
22.	Handrail Type "1" aluminum, decrease by 34 LF @ \$175/LF	5,950.00	
23.	Replace 4' chain link fence, decrease by 43 LF @ \$15/LF	645.00	
24.	Replace 3' chain link fence, increase by 44 LF @ \$15/LF		660.00
25.	Replace 4' wood picket fence, decrease by 13 LF @ \$14/LF	182.00	
26.	Replace 3' wire fence, decrease by 10 LF @ \$10/LF	100.00	
27.	Replace 3' vinyl picket fence, decrease by 12 LF @ \$50/LF	600.00	
28.	Remove, store, replace rail fence, decrease by 26LF @ \$10/LF	260.00	
29.	Replace 4' x 4" chain link man gate, decrease by 1 @ \$200/ea	200.00	
35.	Remove and replace entrance walk with no steps, increase by 13 @ \$415/ea		5,395.00
36.	Remove and replace entrance walk with one step, increase by 1 @ \$565/ea		565.00
37.	Remove and replace entrance walk with	5,190.00	

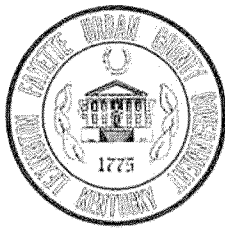
	two steps, decrease by 6 @ \$865/ea		
38.	Remove and replace entrance walk with three steps, decrease by 5 @ \$1,165/ea	5,825.00	010-10
39.	Remove and replace entrance walk with four steps, decrease by 2 @ \$1,735/ea	3,470.00	
40.	Remove and replace entrance walk with seven steps, decrease by 1 @ \$2,460	2,460.00	
41.	Remove and replace entrance walk with eight steps, decrease by 1 @ \$3,060/ea	3,060.00	
42.	Remove, store and replace flag stone walk, decrease by 6 SY @ \$135/SY	810.00	
45.	Sod, increase by 94 SY @ \$3.00/SY		282.00
50.	4" headwall, increase by 7 @ \$350/ea		2,450.00
74.	TRM for channel lining, increase by 3000 SY @ \$4.50/SY		13,500.00
83.	Sanitary sewer cleanout, relocate and reconstruct, increase by 1 @ \$990/ea		990.00
84.	Handicap sidewalk ramps, Type 1, increase by 9.3 SY @ \$200/SY		1,860.00
85.	Detectable warning tiles, increase by 24 SF @ \$30/SF		720.00
87.	Bryan Ave. milling, increase by 31.71 tons @ \$75/ton		2,378.25
88.	Woven coir fiber blanket, decrease by 25 SY @ \$3.25/SY	81.25	
91.	Resetting property corners, decrease by 4 @ \$675/ea	2,700.00	
94.	Asphalt surface for driveways, increase by 10.47 tons @ \$165.85/ton		1,736.45
95.	DGA base for roadway, increase by 951.16 tons @ \$20.89/ton		19,869.73
96.	No. 2 stone base, decrease by 1,143.33 tons @ \$23.68/ton	27,074.05	
97.	1 ½" asphalt surface for Bryan Ave., increase by 10.61 tons @ \$73.35/ton		778.24
98.	2" asphalt surface, decrease by 239.87 tons @ \$73.35/ton	17,594.46	
99.	Asphalt base, decrease by 31.99 tons @ \$67.52/ton	2,159.96	
100.	24" sump drum basin assembly, increase by 13 @ \$455.36/ea		5,919.68
101.	6" ductile iron casing class 51, increase by 312 LF @ \$27.22/LF		8,492.64
103.	18" circular RCP class III, decrease by 35 LF @ \$49.24/LF	1,723.40	

105.	24" circular RCP class III, decrease by 63 LF @ \$58.20/LF	3,666.60	010-10	33
106.	30" circular RCP class III, decrease by 7 LF @ \$71.59/LF	501.13		
110.	12' x 4' reinforced concrete box culvert, decrease by 4 LF @ \$1,294.00/LF	5,176.00		
111.	10' curb box inlet Type B, decrease by 1 @ \$3,663.40/ea	3,663.40		
115.	15' curb box inlet Type B for oversized pipe, decrease by 1 @ \$5,413.40/ea	5,413.40		
119.	Message boards, increase by 1 LS @ \$610/LS		610.00	
120.	Alter storm sewer for water line, increase by 1 LS @ \$1,661.11/LS		1,661.11	
121.	Connection of house sump pump lines, increase by 1 LS @ \$4,668.02/LS		4,668.02	
122.	Alter sanitary manhole, increase by 1 LS @ \$890.93/LS		890.93	
123.	Median restoration, increase by 1 LS @ \$5,668.49/LS		5,668.49	
124.	Adjust storm sewer junction box, increase by 1 LS @ \$1,147.04		1,147.04	
125.	Restocking fee for returned material, increase by 1 LS @ \$795.83/LS		795.83	
126.	Replace fence @ 1414 Bryan Ave., increase by 1 LS @ \$1,242/LS		1,242.00	
	Change in contract price due to this Change Order:			
	Total decrease	107,838.15	XXXXXXXXXXXX.XX	
	Total increase	XXXXXXXXXXXX.XX	101,164.61	
	Net (decrease) contract price	6,673.54		

The sum of **\$6,673.54** is hereby decreased from the total contract price, and the total adjusted contract price to date thereby is **\$1,228,198.75**.

The time provided for completion in the contract and all provisions of the contract will apply hereto.

Recommended by *William A. Bowie, Jr.* ^{1 DEC 2009} (Proj. Engr.) Date
 Accepted by *[Signature]* (Contractor) Date
 Approved by *[Signature]* ^{12/1/09} (Urban Co. Engr.) Date
 Approved by *[Signature]* ^{12/9/09} (Commissioner) Date
 Approved by _____ (Mayor or CAO) Date



004-10 34

Lexington-Fayette Urban County Government
DEPARTMENT OF ENVIRONMENTAL QUALITY

Jim Newberry
Mayor

Cheryl Taylor
Commissioner

Memorandum

To: Mayor Newberry
Joe Kelly, Sr. Advisor for Management
Urban County Council

Through: Cheryl Taylor, Commissioner *CT*
Department of Environmental Quality

From: Susan Bush, Director *Susan Bush*
Division of Environmental Policy

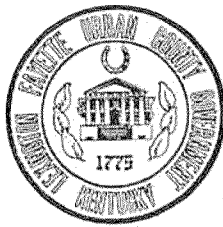
RE: Keep Lexington Beautiful Commission

Attached is a proposed ordinance that creates the Keep Lexington Beautiful Commission and designates this commission as the official affiliate of Keep America Beautiful, Inc. The primary mission of this commission is engage individuals, businesses and organizations within Fayette County in litter prevention, community beautification & improvement and waste reduction.

Litter prevention has been a long standing issue within our community and this commission will spearhead educational and outreach anti-litter efforts and organize broad-based community alliances for cleanup campaigns, such as the Great American Clean-up Campaign.

As an official affiliate of Keep America Beautiful, Inc., the commission will be eligible to apply for grants and use programmatic material for various anti-litter and public education events. The commission has been administratively attached to the Department of Environmental Quality for the purpose of providing administrative support.

If you have any questions concerning the attached please contact Susan Bush at 425-2888.



017-10

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Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

William O'Mara
Acting Commissioner

**TO: JIM NEWBERRY, MAYOR
URBAN COUNTY COUNCIL**

**FROM: PAULA KING, DIRECTOR
DIVISION OF COMMUNITY DEVELOPMENT**

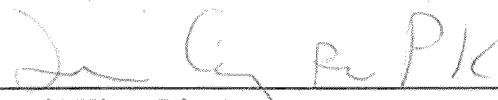
DATE: DECEMBER 21, 2009

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT AWARD
FROM THE KENTUCKY ENVIRONMENTAL AND PUBLIC
PROTECTION CABINET FOR THE CONTINUATION OF THE
LITTER CONTROL PROGRAM IN FAYETTE COUNTY—FY
2010**

The 2002 Kentucky General Assembly enacted legislation (House Bill 174) providing for litter cleanups to be conducted two times each year on city streets as part of each county's solid waste management plan. The bill created a source of revenue for eligible cities and counties to address roadside litter. The source of funds is the Kentucky Pride Fund. The revenue to each county is based upon a formula using the county's miles of public roads, the county's rural population, and the county's total population as a proportion of the state's total miles of public roads, rural population, and total population.

On October 15, 2009 (Resolution No. 672-2009), Council authorized the Mayor to submit application to the Environmental and Public Protection Cabinet for the 2010 Litter Abatement Grant. The Kentucky Environmental and Public Protection Cabinet has offered the LFUCG an award in the amount of \$141,451.69 for Fiscal Year 2010. These funds will be used to support personnel costs of employees whose jobs include the picking up of roadway litter (Divisions of Waste Management and Streets, Roads, and Forestry), contractual costs for litter pick-up, and the costs of inner-city and rural Adopt-A-Spot programs.

Council authorization to accept the award is hereby requested.



Paula King, Director

Xc: Cheryl Taylor, Commissioner, Department of Environmental Quality



025-10

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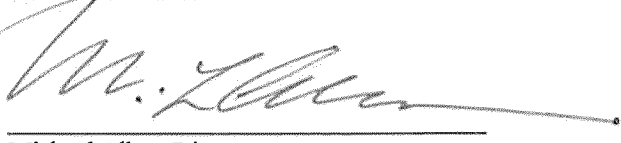
Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

William O'Mara
Acting Commissioner

MEMORANDUM

TO: Mayor Jim Newberry
Joe Kelly, Senior Advisor
Council Members

FROM: 
Michael Allen, Director
Division of Human Resources

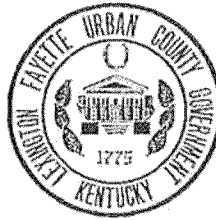
DATE: January 4, 2010

RE: Create Position— Division of Waste Management

The attached action amends Section 22-5 of the Code of Ordinances, creating one (1) position of Administrative Specialist (Grade 110N) in the Division of Waste Management for a four (4) year term effective upon passage of Council.

The Division requests this action in order to better support the transition through the design, construction and re-organization phases of the new MRF facility. The duties include overseeing the automated scale systems, monitors scale computer to generate records and create reports, set up automated cards, check inventory log, complete shipping manifests, compiles and runs statistical reports. In addition this position prepares complex worksheets and tables from computations on materials assembled.

The fiscal impact for FY2010 is \$16,638.59 (10 pay periods) and includes benefits. This will be funded by the Urban Services Districts fund balance.



005-10

37

Lexington-Fayette Urban County Government
DEPARTMENT OF SOCIAL SERVICES

Jim Newberry
Mayor

Marlene Helm
Commissioner

TO: Jim Newberry, Mayor
Joe Kelly, Senior Advisor of Management
Urban County Council Members

THROUGH: Marlene Helm by AG
Marlene Helm, Commissioner
Department of Social Services

FROM: Sarah Hendrix
Sarah Hendrix, Director
Division of Family Services

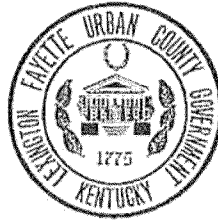
DATE: January 7, 2010

RE: AmeriCorps VISTA Memorandum of Understanding

The purpose of this memo is to request Council approval for a Memorandum of Understanding with the Carnegie Center for Literacy and Learning and LFUCG Department of Social Services, Division of Family Services to obtain and utilize the resources of the Corporation for National Services through the AmeriCorps VISTA program to benefit the clients of the Division of Family Services. If this MOU is accepted, VISTA workers will be used in capacity building functions by improving participation rates of parents with Division of Family Services offered parent support programs. The Division of Family Services/LFUCG will contribute \$1500 to the consortium as invoiced to cover the cost share or other activities agreed upon by the group. No matching funds are required. Funds are budgeted in account #1103-60640-6401-71299.

The goal of the AmeriCorps VISTA program is to strengthen and supplement efforts to eliminate poverty and poverty-related human, social, and environmental problems in accordance with the approved and agreed upon VISTA Project Work Plan.

Thank you.



022-10

38

Lexington-Fayette Urban County Government
DEPARTMENT OF SOCIAL SERVICES

Jim Newberry
Mayor

Marlene Helm
Commissioner

TO: Jim Newberry, Mayor

Joe Kelly, Senior Advisor of Management

Urban County Council Members

THROUGH: *Marlene Helm*
Marlene Helm, Commissioner
Department of Social Services

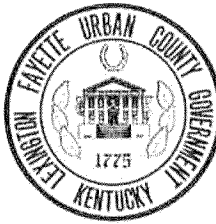
FROM: *Sarah Hendrix*
Sarah Hendrix, Director
Division of Family Services

DATE: January 6, 2010

RE: Bluegrass Community Foundation Grant

This is to request approval to apply and accept a grant from the Bluegrass Community Foundation, "FAMILY CARE CENTER MAKING A DIFFERENCE FUND: A PROPOSAL FOR PARENTING MIDDLE SCHOOLERS" on behalf of the Lexington-Fayette Urban County Government in the amount of \$12,429 to provide parenting education and teen esteem building at the Division of Family Services for 25 family units.

Thank you.



030-10 39

Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

Linda L. Rumpke
Commissioner

MEMORANDUM

TO: Mayor Jim Newberry
Joe Kelly, Senior Advisor
Council Members

FROM: *Leslie F. Jarvis for Michael Allen*
Michael Allen, Director
Division of Human Resources

DATE: January 5, 2010

RE: Create Position in the Division of Youth Services

The attached action amends Section 21-5 creating one position of Administrative Officer (Grade 118E) in the Division of Youth Services that was funded and approved in the FY 10 budget process, to become effective June 22, 2009, the first day of the first pay period in Fiscal Year 2010.

This approved Administrative Officer position is needed to provide administrative oversight of the Day Treatment Center and the DSS partner agencies. This position was being staffed by a part time person but he work load requires full time attention. The Division of Human Resources has reviewed the PAQ for this position and has concluded it to point factor at the Administrative Officer (Grade 118) level of responsibilities.

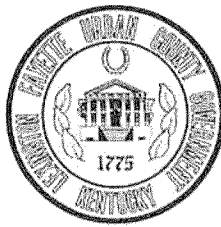
The fiscal impact for FY2010 (26 pay periods) will be budget neutral. All funding for the new positions was included in the FY 2010 approved budget.

If you have questions or need additional information, please contact Daniel H. Fischer at 258-3030.

Attachment

cc: Marlene Helm, Commissioner – Department of Social Services
Darrylyn Combs, HR Senior Manager, Division of Human Resources
Jim Dodson, HR Analyst, Division of Accounting

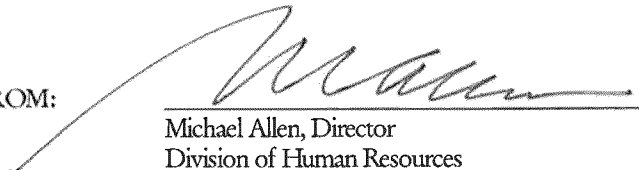
10-0003b



006-10 40

Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATIONJim Newberry
MayorLinda Rumpke
Commissioner

MEMORANDUM

TO: Mayor Jim Newberry
Joe Kelly, Senior Advisor
Council MembersFROM: 
Michael Allen, Director
Division of Human Resources

DATE: December 8, 2009

RE: Create Positions— Division of Enterprise Solutions
Abolish Position – Division of Computer Services

The attached action amends Section 21-5 of the Code of Ordinances creating one (1) position of Technical Manager Enterprise Solutions (Grade 120E), one (1) position of Financials Manager Enterprise Solutions (Grade 119E) and one (1) position of HCM Manager Enterprise Solutions (Grade 119E) in the Division of Enterprise Solutions and abolishes one (1) position of Deputy Director Computer Services (Grade 121E) in the Division of Computer Services effective upon passage of Council.

This action is one of the many steps in creating the Division of Enterprise Solutions work force.

The fiscal impact for FY2010 is \$60,304.97 (10 pay periods) and includes benefits. Funds are budgeted in the adopted FY 10 budget.

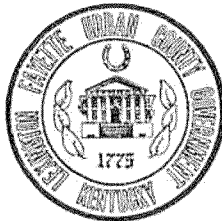
Name	Position Title	Annual Salary Before	Annual Salary After	Annual Increase/(Decrease)
Vacant	Technical Manager Enterprise Solutions	\$0	\$65,771.68	\$65,771.68
Vacant	Financials Manager Enterprise Solutions	\$0	\$60,837.14	\$60,837.14
Vacant	HCM Manager Enterprise Solutions	\$0	\$60,837.14	\$60,837.14
Vacant	Deputy Director Computer Services	\$71,220.24	\$0	(\$71,220.24)
Total Annual Impact/ Salary and Benefits \$156,729.91				

If you have questions or need additional information, please contact Daniel H. Fischer at 258-3030.

Attachment

cc: Rama Dhuwaraha, Senior Advisor
Mike Nugent, Director, Division of Computer Services
Darrylyn Combs, HR Manager, Division of Human Resources
Jim Dodson, HR Analyst, Division of Human Resources

Log # 10-0018



009-10 41

Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

William O'Mara
Acting Commissioner

TO: JIM NEWBERRY, MAYOR
URBAN COUNTY COUNCIL

FROM: PAULA KING, DIRECTOR
DIVISION OF COMMUNITY DEVELOPMENT

DATE: DECEMBER 10, 2009

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE
AGREEMENT WITH THE KENTUCKY OFFICE OF
HOMELAND SECURITY EXTENDING THE PERFORMANCE PERIOD OF
THE POLICE MOBILE DATA COMPUTER PROJECT

On November 19, 2009 (Ordinance No. 242-2009), Council approved acceptance of federal funds from the Kentucky Office of Homeland Security for the enhancement of the Division of Police's communications system through the purchase of mobile data computers, handheld mobile data computers, and related equipment. Performance period for these funds ends December 15, 2009.

Kentucky Office of Homeland Security has offered the LFUCG a modification to the agreement extending the performance period through March 31, 2010.

Council authorization to execute the modification to the agreement is hereby requested.

Paula King, Director

Xc: Tim Bennett, Commissioner, Department of Public Safety



015-10 42

Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

William O'Mara
Acting Commissioner

**TO: JIM NEWBERRY, MAYOR
URBAN COUNTY COUNCIL**

**FROM: PAULA KING, DIRECTOR
DIVISION OF COMMUNITY DEVELOPMENT**

DATE: DECEMBER 14, 2009

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT AWARD
FROM FACTORY MUTUAL INSURANCE COMPANY FOR
DIVISION OF FIRE AND EMERGENCY SERVICES— FY 2010**

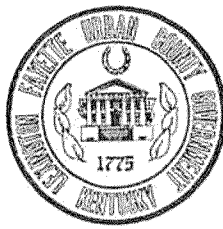
Lexington-Fayette Urban County Government has been offered an award of \$1,600 from Factory Mutual Insurance Company for the Division of Fire and Emergency Services. These funds will be used by the Fire Investigation Unit for purchase of cameras to document fire scenes. The objective is to better document fire evidence and to improve arson conviction rates. No matching funds are required.

Council authorization to accept the award is hereby requested.



Paula King, Director

XC: Tim Bennett, Commissioner of Public Safety



019-10

43

Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

William O'Mara
Acting Commissioner

**TO: JIM NEWBERRY, MAYOR
URBAN COUNTY COUNCIL**

**FROM: PAULA KING, DIRECTOR
DIVISION OF COMMUNITY DEVELOPMENT**

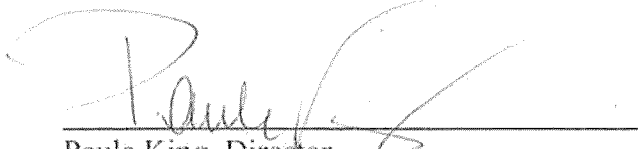
DATE: DECEMBER 22, 2009

**SUBJECT: REQUEST COUNCIL AUTHORIZATION ACCEPT AWARD FROM THE
KENTUCKY DIVISION OF EMERGENCY MANAGEMENT FOR A
SEARCH AND RESCUE PROJECT IN THE DIVISION OF FIRE AND
EMERGENCY SERVICES--2010**

The Kentucky Division of Emergency Management/Department of Military Affairs has offered the LFUCG an award in the amount of \$3,215.00 to be used by the Division of Fire and Emergency Services Technical Rescue Team for purchase of equipment for the division's rescue squad. The Rescue Grant Program is established by KRS 39F to develop, train, and equip local emergency management rescue squads. The Division of Fire and Emergency Services will use funds for the purchase of six drysuits, six safelines, and plastic stokes.

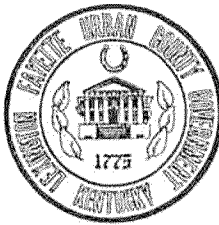
Matching funds in the amount of \$3,215 (50%) are required. Matching funds are budgeted in the Division of Fire and Emergency Service's 2010 general fund budget in account 1101-505702-5714-78201.

Council authorization to accept the award is hereby requested.



Paula King, Director

Xc: Tim Bennett, Commissioner, Department of Public Safety



021-10 44

Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

William O'Mara
Acting Commissioner

**TO: JIM NEWBERRY, MAYOR
URBAN COUNTY COUNCIL**

**FROM: PAULA KING, DIRECTOR
DIVISION OF COMMUNITY DEVELOPMENT**

DATE: DECEMBER 28, 2009


**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE
AGREEMENT WITH THE KENTUCKY OFFICE OF
HOMELAND SECURITY EXTENDING PERFORMANCE
PERIOD FOR ASSESSMENTS OF CRITICAL
INFRASTRUCTURE IN FAYETTE COUNTY**

On February 12, 2009 (Ordinance No. 18-2009), Council authorized acceptance of federal funds from the Kentucky Office of Homeland Security in the amount of \$10,000 for the purpose of enhancing community security and overall preparedness by completing information collection and assessments for identified critical infrastructure/key resources within Fayette County.

On September 3, 2009 (Ordinance No. 192-2009), Council authorized acceptance of additional federal funds to complete assessments of critical infrastructure/key resources. This project expires December 31, 2009.

The Kentucky Office of Homeland Security has offered the LFUCG an extended performance period for completion of activities through May 31, 2010.

Council authorization to execute agreement is hereby requested.



Paula King, Director

Xc: Tim Bennett, Commissioner, Department of Public Safety

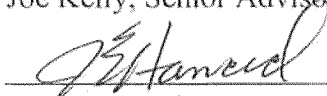


007-10 45

Jim Newberry, Mayor
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Division of Parks & Recreation
Jerry Hancock, Director

MEMORANDUM

To: Jim Newberry, Mayor
Urban County Council Members
Joe Kelly, Senior Advisor to the Mayor

FROM: 
Jerry Hancock

RE: Donation

DATE: November 30, 2009

This is a request for Council approval of a donation to Parks and Recreation and acknowledge donor, Mr. Raul F. Lagos for his generous donation of 17 tennis racquets to the Athletic Section.

The tennis racquets are valued at approximately \$40.00 each, for a total donation of \$680.00.

Please contact me if there are any questions.

CC: Kimra Cole, Commissioner of General Services

JEH/bac



026-10

46

Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Division of Parks & Recreation

Jerry E. Hancock, Director

To: Mayor Jim Newberry
Urban County Council Members
From: Jerry Hancock, Director, Division of Parks and Recreation
Date: January 4, 2010
Subj: Residential Leases for Private Residences within Parks
Cc: Kimra Cole, Commissioner of General Services

RECEIVED
DEC 23 2009
JERRY HANCOCK
DIRECTOR

This is a request for the Urban County Council to approve a residential lease for the single family home located at Cardinal Run Park, North.

This home had a council approved tenant in the home who has recently decided to move elsewhere.

The lease has been prepared by the Law Department, and is for a period of 3 years unless terminated by the government. The proposed tenant is a Division of Parks and Recreation employee who has responsibility for Cardinal Run Park, so that his emergency and/or call out duties will be further expedited by his experience and adjacency to the ball field complex.

The value of the lease was determined in a two step process. First, an independent Realtor® was hired to determine the fair market value of the property. Second, the Parks assigned duties and requirements for security, property maintenance and programming requirements, were outlined and these duties were valued at current LFUCG hourly rates, which was subtracted from the fair market rental value of the property. The result was the net effective rental value which is illustrated as Addendum 1 to the lease. Tenants are required to submit verification of monthly performance of the required duties.

Utilities will be paid by the tenant by direct agreement between the utility and the employee, and are included as Addendum 2 to the lease.

We have followed the same procedure for the last 9 years and believe that it is a reasonable means of assuring that the properties are maintained and that additional duties are performed in our parks. Please call me directly with any questions.

H O R S E C A P I T A L O F T H E W O R L D



008-10

47

Jim Newberry, Mayor
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Division of Parks & Recreation
Jerry Hancock, Director

MEMORANDUM

To: Jim Newberry, Mayor
Urban County Council Members
Joe Kelly, Senior Advisor to the Mayor

FROM: 
Jerry Hancock

RE: Change Order Request

DATE: November 30, 2009

This is a request for Council approval of Change Order #2 to increase the amount of contract no. 893-2006 with Schaeffer Properties for excavation and disposal of construction debris encountered under the footer location at Coolavin Park Community Building. This increase request is in the amount of \$9,960.00 for a total contract amount of \$371,169.44.

Please contact me if there are any questions.

CC: Kimra Cole, Commissioner of General Services

JEH/bac

CONTRACT HISTORY FORMContractor: Schaeffer PropertiesProject Name: Coolavin Community BldgContract Number and Date: 893-2006Responsible LFUCG Division: Parks & Recreation**CHANGE ORDER DETAILS****Summary of Previous Change
Orders To Date****Dollar Amount****Percent Change to
Original Contract**A. Original Contract Amount: \$ 289,750.00B. Cumulative Amount of
Previous Change Orders: \$ 71,459.4425% %
(Line B / Line A)C. Total Contract Amount
Prior to this Change Order: \$ 361,209.44**Current Change Order**D. Amount of This Change Order: \$ 9,960.003% %
(Line D / Line A)E. New Contract Amount
Including this Change Order: \$ 371,169.44128% %
(Line E / Line A)**SIGNATURE LINES**Project Manager: M. P. MorganDate: 10/26/09Reviewed by: J. H. HaganDate: 10/26/09Division Director: J. HaganDate: 10/26/09

**LEXINGTON -FAYETTE
URBAN COUNTY GOVERNMENT
CONTRACT CHANGE ORDER
Page 1 of 2**

Date: 8/21/09 008-10
Project: Coolavin Com.Bldg.
Location: 550 W. Sixth St.
Contract No 893
Change Order No. 2

To (Contractor) Schaeffer Properties

**You are hereby requested to comply with the following changes from
the contract plans and specifications:**

Item No. (1)	Description of changes-quantities, unit prices, change in completion, etc. (2)	Decrease in contract price (3)	Increase in contract price (4)
1	Excavate and dispose of 110 c.y of construction fill under the footer at \$20./c.y.		\$2,200.00
2	Provide 80 c.y. of lean fill concrete under footer at \$75./c.y.		\$6,000.00
3	Labor to install 80 c.y. of concrete		\$100.00
4	Overhead & Profit		\$1,660.00
	Change in contract price due to this Change Order:		
	Total decrease	\$0.00	\$9,960.00
	Total increase	XXXXXXXXXXXX.XX	
	Net (increase) contract price		\$9,960.00

The sum of \$9,960.00 is hereby added to the total contract price, \$361,209.44 and the total adjusted contract price to date thereby is \$371,169.44. The time provided for completion in the contract and all provisions of the contract will apply hereto.

Recommended by [Signature] (Superintendent) Date 10/26/09
Accepted by [Signature] (Contractor) Date 10-26-09
Approved by [Signature] (Director) Date 10/26/09
Approved by _____ (Commissioner) Date _____
Approved by _____ (Mayor or CAO) Date _____



011-10

50

Lexington-Fayette Urban County Government
DEPARTMENT OF GENERAL SERVICES

Jim Newberry
Mayor

Kimra Cole
Commissioner

MEMORANDUM

TO: Mayor Jim Newberry
Urban County Council

FROM: Kimra Cole
General Services Commissioner

DATE: December 10, 2009

RE: Designation of Agent for Utility Contracts for Service or to Disconnect Service

This is a request authorizing the Mayor to allow the Commissioner of General Services or his/her designee to sign utility connect and disconnect agreements on behalf of the Lexington Fayette Urban County Government.

The Urban County Government is required to sign agreements with utility companies whenever applications for special connections or disconnections are made, such as installation of a 4" or larger fire service line to serve a sprinkler system. The Agent will have the authority to sign agreements for and on behalf of the Lexington Fayette Urban County Government for the purpose of installation, connection or disconnection of the utility service.



012-10

51

Lexington-Fayette Urban County Government
DEPARTMENT OF GENERAL SERVICES

Jim Newberry
Mayor

Kimra Cole
Commissioner

MEMORANDUM

TO: Mayor Jim Newberry
Urban County Council

FROM: Kimra Cole
General Services Commissioner

DATE: December 10, 2009

RE: Application for Special Connection – Kentucky American Water Company (KAWC)
300 East Third Street
Lyric Theater – Fire Service for Sprinkler System

I am requesting Urban County Council approval to enter into a Contract for New Service with KAWC, a Kentucky corporation located at 2300 Richmond Road, Lexington, Kentucky 40502 for special connection of a 4-inch fire service to supply The Lyric Theater sprinkler system. KAWC's cost estimate for installation of the fire service is \$15,958.00 and the estimate to begin construction is four to six weeks after materials have been ordered. The cost for installation is included within the budget for the Lyric Theater project and there are no additional associated budgetary impacts. Per notification from KAWC, the construction must begin in February to receive the rate of the cost estimate provided.



013-10

52

Lexington-Fayette Urban County Government
DEPARTMENT OF GENERAL SERVICES

Jim Newberry
Mayor

Kimra Cole
Commissioner

MEMORANDUM

TO: Mayor Jim Newberry
Urban County Council

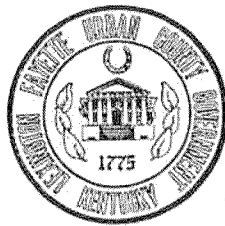
FROM: Kimra Cole
General Services Commissioner

DATE: December 9, 2009

RE: State Government Leases

I am requesting Urban County Council approval for leases with the Commonwealth of Kentucky for space in the Annex Building. Currently the State Police leases 1,341 square feet for their CDL drivers testing activity and the Transportation Cabinet leases 565 square feet for their Driver's License activity.

The annual rental will be at the rate of \$10.75 per square foot. The term of the leases will be for one year beginning July 1, 2010 through June 30, 2011. These leases also include 11 parking spaces at \$45 per space per month. Total annual revenue payments for rent and parking to the LFUCG would be \$26,429.56.



018-10

53

Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

William O'Mara
Acting Commissioner

**TO: JIM NEWBERRY, MAYOR
URBAN COUNTY COUNCIL**

**FROM: PAULA KING, DIRECTOR
DIVISION OF COMMUNITY DEVELOPMENT**

DATE: DECEMBER 18, 2009

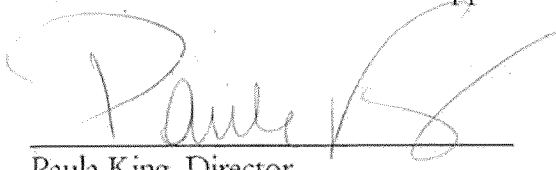
**SUBJECT REQUEST COUNCIL AUTHORIZATION TO SUBMIT APPLICATION
TO THE KENTUCKY DIVISION FOR AIR QUALITY REQUESTING
FUNDING FROM THE KENTUCKY CLEAN DIESEL GRANT
PROGRAM**

The Department of General Services has prepared an application requesting state funds from the Kentucky Division for Air Quality under the Kentucky Clean Diesel Grant Program.

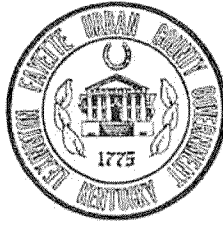
Funds are being requested in the amount of \$150,000 for the retrofit of 56 refuse vehicles (1998-2003 models) each with a Donaldson Diesel Oxidation Catalyst and a Spiracle Closed Crankcase kit. The modifications will last from 7-15 years and will provide up to a 50% reduction in particulate matter per vehicle. Particulate matter are vehicle emissions comprised of a mixture of nitrogen oxides, sulfur oxides, metals, dust, and toxic chemicals.

No match is required. Kentucky Division for Air Quality has been awarded these funds from the U.S. Environmental Protection Agency's State Clean Diesel Grant Program. The purpose of this program is to assist entities across Kentucky in building sustainable diesel emission reduction programs, ultimately protecting human health and the environment by achieving and maintaining acceptable air quality.

Council authorization to submit application is hereby requested.


Paula King, Director

Xc: Kimra Cole, Commissioner of the Department of General Services



014-10

54

Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

William O'Mara
Acting Commissioner

TO: MAYOR JIM NEWBERRY

FROM: PAULA KING, DIRECTOR
DIVISION OF COMMUNITY DEVELOPMENT

DATE: DECEMBER 14, 2009

SUBJECT: AUTHORIZATION TO AMEND NEIGHBORHOOD ACTION MATCH
AGREEMENT WITH GEORGETOWN STREET AREA
NEIGHBORHOOD ASSOCIATION

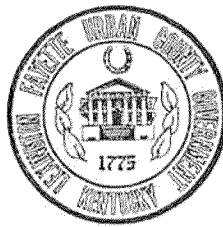
On October 4, 2007, the Urban County Council, per Resolution No. 519-2007, authorized the award of \$5,299.00 Neighborhood Action Match Program funds to the Georgetown Street Area Neighborhood Association for the installation of a lighted message board in Douglas Park. The project was delayed due to the construction documents not being finalized. The Association is coordinating this project with the Division of Parks and Recreation, which on behalf of the Association, has requested an amendment to extend the completion date of the project to June 30, 2010.

Council authorization to amend the contract is requested.



Paula King
Director

F:\WP51\HCD\NGHD\bsGeorgetownSt34 ExtAmend121409.doc



020-10

55

Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

William O'Mara
Acting Commissioner

**TO: JIM NEWBERRY, MAYOR
URBAN COUNTY COUNCIL**

**FROM: PAULA KING, DIRECTOR
DIVISION OF COMMUNITY DEVELOPMENT**

DATE: DECEMBER 28, 2009

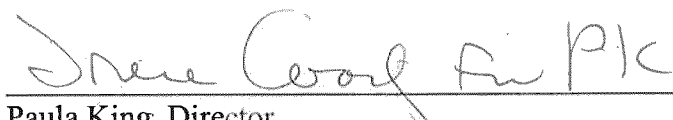
**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE
AMENDMENT TO AGREEMENT WITH AIDS VOLUNTEERS,
INC., FOR USE OF HOME INVESTMENT PARTNERSHIPS
FUNDS FOR SUPPORT OF TENANT BASED RENTAL
ASSISTANCE PROJECT**

On April 10, 2006 (Ordinance # 104-2005), Council approved execution of an agreement with AIDS Volunteers, Inc., providing an allocation of \$88,000 in Home Investment Partnerships Program funds, in accordance with the 2005 Consolidated Plan, for operation of a Tenant Based Rental Assistance Program for persons of very low-income.

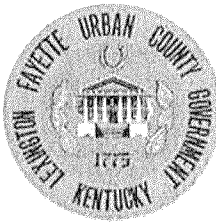
On November 6, 2008 (Resolution # 638-2008), Council approved execution of an amendment to agreement extending the performance period through June 30, 2009.

An amendment to agreement providing for modifications to the Scope of Work and providing for an extension of the performance period through June 30, 2011 is hereby proposed. No additional funds are needed.

Council authorization to execute the amendment to agreement is hereby requested.


Paula King, Director

Xc: Linda Rumpke, Commissioner, Department of Finance and Administration



016-10

56

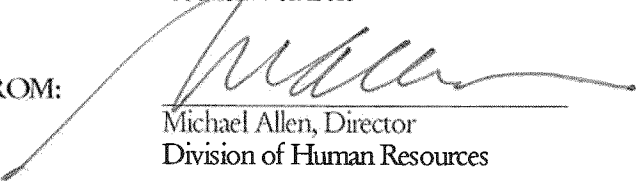
Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

Linda L. Rumpke
Commissioner

M E M O R A N D U M

TO: Jim Newberry, Mayor
Joe Kelly, Senior Advisor
Council Members

FROM: 
Michael Allen, Director
Division of Human Resources

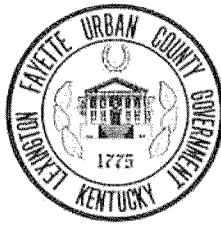
DATE: December 15, 2009

SUBJECT: Agreement for Occupational Wellness Administrator and Services

Attached please find a contract for Occupational Wellness Administration for all LFUG employees with Lexington Urgent Treatment Associates, PLLC d/b/a Urgent Treatment Clinics effective January 1, 2010.

The cost for this agreement is \$250.00 per month with a one time fee of \$800.00 to develop Lexington-Fayette Urban County Government's employee database. This cost will be paid by LFUG. Funds are budgeted.

Log # 10-0038



029-10

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Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

Linda L. Rumpke
Commissioner

M E M O R A N D U M

TO: Mayor Jim Newberry
Senior Advisor Joe Kelly
Council Members

FROM: 
Michael Allen, Director
Division of Human Resources

DATE: January 4, 2010

SUBJECT: Internal Advertisement for Division of Enterprise Solutions

The Division of Human Resources is requesting your concurrence and approval of the internal advertisement of the positions of Technical Manager Enterprise Solutions, Financials Manager Enterprise Solutions and HCM Manager Enterprise Solutions all in the Division of Enterprise Solutions. Only current Lexington-Fayette Urban County Government employees will be eligible to compete.

If there are any questions, please call Daniel H. Fischer at 258-3030.

/df

cc: Darrylyn Combs, HR Manager, Division of Human Resources

Log # 10-0041



Lexington-Fayette Urban County Council

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December 31, 2009

Jim Gray
Vice-Mayor

Linda Gorton
At-Large Member

Chuck Ellinger
At-Large Member

Andrea James
1st District

Tom Blues
2nd District

Diane Lawless
3rd District

Julian Beard
4th District

Cheryl B. Feigel
5th District

Kevin Stinnett
6th District

K. C. Crosbie
7th District

George Myers
8th District

Jay McChord
9th District

Doug Martin
10th District

Peggy Henson
11th District

Ed Lane
12th District

Ordinance 260-2009 needs to be amended to reflect changes approved by the Urban County Council at Work Session on December 8, 2009.

Rebecca Langston
Council Administrator



AN ORDINANCE PURSUANT TO SECTION 2-1(a) OF THE CODE OF ORDINANCES OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT, ADOPTING A SCHEDULE OF MEETINGS FOR THE COUNCIL FOR THE CALENDAR YEAR 2010.

WHEREAS, KRS 61.820 provides that all public agencies of the state shall provide for a schedule of regular meetings by ordinance, order, resolution, bylaws, or whatever other means may be required for the conduct of business of that public agency, and that the schedule of regular meetings shall be made available to the public; and

WHEREAS, Section 2-1(a) of the Code of Ordinances of the Lexington-Fayette Urban County Government provides for adopting a schedule of dates and times of meetings to be adopted annually by ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That the schedule of meetings for the Council of the Lexington-Fayette Urban County Government for the calendar year 2010 be and hereby is adopted as follows:

Meeting times are as follows unless otherwise noted:

Council Meeting – 7:00 PM
Work Session – 3:00 PM
Services Committee – 1:00 PM
Intergovernmental Committee – 1:00 PM
Planning Committee – 1:00 PM
Budget & Finance Committee – 1:00 PM
Corridors Commission – 11:00 AM
Partner Agency Oversight Committee – 11:00 AM
Water Resources Oversight Committee – 11:00 AM
Town & Gown Commission – 4:00 PM

January

- 12 Corridors Commission
Intergovernmental Committee
Work Session
- 14 Council Meeting
- 19 Water Resources Oversight Committee (9:00 AM)
Committee of the Whole (Quarterly COW) (11:00 AM)
Planning Committee
Work Session
- 20 Town and Gown Commission
- 26 Partner Agency Oversight Committee
Budget and Finance Committee
Council Meeting – State of the Merged Government
Address (3:00 PM)
Work Session
- 28 Council Meeting

February

0 2 3 - 1 0

- 2 Services Committee
Work Session
- 9 Corridors Commission
Intergovernmental Committee
Work Session
- 11 Council Meeting
- 16 Water Resources Oversight Committee
Planning Committee
Work Session
- 17 Town & Gown Commission
- 23 Partner Agency Oversight Committee
Budget & Finance Committee
Work Session
- 25 Council Meeting

March

- 2 Services Committee
Work Session
- 9 Corridors Commission
Intergovernmental Committee
Work Session
- 11 Council Meeting
- 16 Water Resources Oversight Committee
Planning Committee
Work Session
- 17 Town & Gown Commission
- 23 Partner Agency Oversight Committee
Budget & Finance Committee
Work Session
- 25 Council Meeting

April

- 6 Services Committee
Work Session
- 8 Council Meeting
- 13 Corridors Commission
Intergovernmental Committee
Council Meeting – Mayor’s Budget Address (3:00 PM)
Work Session
- 20 Water Resources Oversight Committee
Planning Committee
Work Session
- 21 Town & Gown Commission
- 22 Council Meeting
- 27 Partner Agency Oversight Committee
Budget & Finance Committee
Work Session

May

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- 4 Committee of the Whole (Quarterly COW) (11:00 AM)
Services Committee
Work Session
- 6 Council Meeting
- 19 Town and Gown Commission
- 25 Water Resources Oversight Committee (9:00 AM)
Partner Agency Oversight Committee
Budget and Finance Committee
Work Session
- 27 Council Meeting

June

- 8 Services Committee
Work Session
- 10 Council Meeting
- 15 Corridors Commission
Intergovernmental Committee
Work Session
- 16 Town & Gown Commission
- 22 Water Resources Oversight Committee
Planning Committee
Council Meeting—First Reading of FY 11 Budget(3:00 PM)
Work Session
- 24 Council Meeting—Second Reading of FY 11 Budget
- 29 Partner Agency Oversight Committee
Budget and Finance Committee
Work Session

July

- 1 Council Meeting
- 6 Services Committee
Work Session
Council Meeting (6:00 PM)
- 21 Town and Gown Commission

August

- 17 Corridors Commission
Intergovernmental Committee
Work Session
- 18 Town & Gown Commission
- 19 Council Meeting
- 24 Water Resources Oversight Committee (9:00 AM)
Committee of the Whole (Quarterly COW)(11:00 AM)
Planning Committee
Work Session
- 26 Council Meeting
- 31 Partner Agency Oversight Committee
Budget and Finance Committee
Work Session

September

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- 9 Council Meeting
- 15 Town & Gown Commission
- 21 Water Resources Oversight Committee
Planning Committee
Work Session
- 23 Council Meeting
- 28 Partner Agency Oversight Committee
Budget and Finance Committee
Work Session

October

- 5 Services Committee
Work Session
- 12 Corridors Commission
Intergovernmental Committee
Work Session
- 14 Council Meeting
- 19 Water Resources Oversight Committee
Planning Committee
Work Session
- 20 Town and Gown Commission
- 21 Council Meeting
- 26 Partner Agency Oversight Committee
Budget & Finance Committee
Work Session

November

- 9 Corridors Commission
Intergovernmental Committee
Work Session
- 11 Council Meeting
- 16 Water Resources Oversight Committee (9:00 AM)
Committee of the Whole (Quarterly COW) (11:00 AM)
Planning Committee
Work Session
- 17 Town & Gown Commission
- 18 Council Meeting
- 23 Partner Agency Oversight Committee
Budget and Finance Committee
Work Session

December

- 2 Council Meeting
- 7 Intergovernmental Committee (11:00 AM)
Services Committee
Work Session
- 9 Council Meeting
- 14 Corridors Commission
- 15 Town & Gown Commission

Section 2 - That the date and time prescribed for meetings of the Council by ~~this~~ Ordinance shall not be changed except in accordance with KRS 61.805 et seq. and Section 4.07 of the Charter of the Lexington Fayette Urban County Government.

Section 3 - That this Ordinance shall become effective upon the date of its passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

PUBLISHED:

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027-10 64

Lexington-Fayette Urban County Government
OFFICE OF THE MAYOR

Jim Newberry
Mayor

TO: Mayor Jim Newberry
Urban County Council

FROM: Anthony L. Wright
Anthony Wright
Mayor's Office of Economic Development

DATE: January 6, 2010

RE: Downtown Lexington Corporation PSA

The Downtown Lexington Corporation has as its mission to strengthen relationships amount downtown businesses, residents, and community organizations. They conduct various activities that emphasize the assets and promote the growth and revitalization of downtown Lexington. The DLC has been doing an excellent job of promoting downtown as a place to work, visit, shop, and live, through the initiatives of its board of directors.

The FY 2010 Purchase of Service Agreement with the Downtown Lexington Corporation, Inc. is in the amount of \$51,300. I request Council authorization for the Mayor to execute the FY 2010 Purchase of Service Agreement with the Downtown Lexington Corporation.

cc: Renee Jackson, Executive Director, DLC



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Lexington-Fayette Urban County Government
OFFICE OF THE MAYOR

Jim Newberry
Mayor

TO: Mayor Jim Newberry
Urban County Council

FROM: Anthony L. Wright
Anthony Wright
Mayor's Office of Economic Development

DATE: January 6, 2010

RE: World Trade Center PSA

The Kentucky World Trade Center (KWTC) will facilitate international business and stimulate economic development in Kentucky, through their affiliation with the World Trade Centers Association global network, by offering a one-stop-shop for information, education, technical assistance, and networking services that help Kentucky firms succeed in the global market and bring new global business opportunities to the Commonwealth.

The FY 2010 Purchase of Service Agreement with the Kentucky World Trade Center is in the amount of \$109,250. I request Council authorization for the Mayor to execute the FY 2010 Purchase of Service Agreement with the Kentucky World Trade Center.

cc: Ying Juan Rogers, KWTC



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Lexington-Fayette Urban County Government
DEPARTMENT OF LAW

Jim Newberry
Mayor

Jim Newberry, Mayor
Urban County Councilmembers

Logan Askew
Commissioner

FROM: Department of Law
DATE: January 7, 2010
RE: Proposed Changes to Chapter 12 of the Code

I write on behalf of Councilmember Diane Lawless.

One of the recommendations of the Student Housing Task Force Committee was to review the current civil penalties for nuisance violations. At the direction of Council, the Department of Law, in conjunction with the Department of Public Safety and the Division of Code Enforcement, reviewed Chapter 12 of the Code of Ordinances in order to come up with recommended changes to all of the penalties for consideration by the Council.

The attached draft ordinance is the result of the above. A redline version of the proposed changes is also included, and should be self-explanatory. In sum, the proposed changes, which would begin March 1, 2010, accomplish the following:

1. Clarify that a criminal penalty in an amount from \$100 to \$2500 may be pursued in lieu of a civil penalty for housing violations, and increase the criminal fines for nuisances to those same amounts.
2. Establish an administrative fee not to exceed \$250 that can be levied in addition to the civil penalty or nuisance abatement.
3. Increase both the housing and nuisance civil penalties for repeat violations in most instances, and consolidate their respective penalty tables to assess higher penalties for a lesser number of violations or notices.
4. Clarify that a nuisance abatement civil penalty may be assessed against an owner after one (not two) previous notice to abate a nuisance has been issued on the same property.
5. Reduce the time to appeal a civil penalty for a nuisance violation from 20 days to 10 days in order to be consistent with the current appeal time of a notice to abate a nuisance.

Please advise if you have questions.


David J. Barberie
Attorney Senior

cc: Tim Bennett, Commissioner of Public Safety
David Jarvis, Director of Code Enforcement

00242683

ORDINANCE NO. _____ - 2010

AN ORDINANCE AMENDING SUBSECTION 12-1(b) PM-106.4.1 OF THE CODE OF ORDINANCES, LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT TO PROVIDE FOR CRIMINAL FINES OF NOT LESS THAN \$100, NOR MORE THAN \$2,500, WITH EACH DAY IN VIOLATION CONSTITUTING A SEPARATE OFFENSE; AN ALTERNATIVE CIVIL PENALTY REMEDY RANGING FROM \$100 TO \$2,000 BASED UPON THE NUMBER OF VIOLATIONS IN EXISTENCE AND INSPECTIONS PERFORMED, AS ESTABLISHED IN THE ADOPTED GUIDELINES TABLE; AND THE ASSESSMENT OF AN ADMINISTRATIVE FEE NOT TO EXCEED \$250 FOR EACH INSPECTION; AMENDING SUBSECTIONS 12-1(b) PM-109.5 AND PM-110.3 OF THE CODE OF ORDINANCES TO PROVIDE FOR THE ASSESSMENT OF AN ADMINISTRATIVE FEE NOT TO EXCEED \$250; AMENDING SUBSECTION 12-7(a) OF THE CODE OF ORDINANCES TO PROVIDE FOR THE ASSESSMENT OF AN ADMINISTRATIVE FEE NOT TO EXCEED \$250 AND TO CHANGE THE NUMBER OF REQUIRED PREVIOUS NOTICES OF VIOLATION FROM TWO TO ONE; AMENDING SECTION 12-8.2 OF THE CODE OF ORDINANCES TO INCREASE THE CRIMINAL FINES TO NOT LESS THAN \$100, NOR MORE THAN \$2,500, WITH EACH DAY IN VIOLATION CONSTITUTING A SEPARATE OFFENSE, AND CLARIFYING AND CONSOLIDATING THE ADOPTED GUIDELINES TABLE TO PROVIDE FOR CIVIL PENALTIES RANGING FROM \$100 TO \$1,000 BASED UPON THE NUMBER OF NOTICES OF VIOLATION ISSUED IN A TWELVE MONTH PERIOD; AND AMENDING SUBSECTION 12-8.3(a) OF THE CODE OF ORDINANCES TO CHANGE THE TIME TO APPEAL THE ASSESSMENT OF A NUISANCE ABATEMENT RELATED CIVIL PENALTY FROM TWENTY (20) DAYS TO TEN (10) DAYS; ALL EFFECTIVE ON MARCH 1, 2010.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That subsection 12-1(b) PM-106.4.1 of the Code of Ordinances, Lexington-Fayette Urban County Government, be and hereby is amended to read as follows:

PM-106.4.1

(a) Every person, firm, or corporation failing to perform the duties required of them by or to comply with the provisions of section 12-1 shall for every offense be fined not less than one hundred dollars (\$100.00) nor more than two thousand five hundred dollars (\$2,500.00), and each day's continuance of any such violation shall be a separate offense.

(b) As an alternative remedy to subsection (a), any person, firm or corporation who violates any provision of this code may be

subject to civil penalties of not less than one hundred dollars (\$100.00) nor more than two thousand dollars (\$2,000.00), pursuant to the civil penalty guidelines as set forth below. In addition, the urban county government may assess the administrative cost involved with any inspection(s), in an amount not to exceed two hundred fifty dollars (\$250.00). Each day that a violation continues after due notice has been served, as provided herein, shall be deemed a separate offense.

031-10

TABLE INSET:

Number of Inspections After Time Provided By Code Enforcement to Come into Compliance Elapses					
Number of Violations at Time of Inspection	1	2	3	4	5+
1-5	\$100.00	\$200.00	\$300.00	\$400.00	\$500.00
6-10	\$200.00	\$300.00	\$400.00	\$500.00	\$750.00
10-15	\$300.00	\$400.00	\$500.00	\$750.00	\$1,000.00
16-20	\$400.00	\$500.00	\$750.00	\$1,000.00	\$1,500.00
21 or more	\$500.00	\$750.00	\$1,000.00	\$1,500.00	\$2,000.00

Section 2 - That subsection 12-1(b) PM-109.5 of the Code of Ordinances, Lexington-Fayette Urban County Government, be and hereby is amended to read as follows:

PM-109.5 Costs of emergency work: Costs incurred in the performance of emergency work shall be paid from the treasury of the jurisdiction on approval of the code official. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs including an administrative

cost not to exceed two hundred fifty dollars (\$250.00), by placing a lien against said property.

Section 3 - That subsection 12-1(b) PM-110.3 of the Code of Ordinances, Lexington-Fayette Urban County Government, be and hereby is amended to read as follows:

PM-110.3 Failure to comply: Whenever the owner of a property fails to comply with a demolition order within the time prescribed, the code official shall cause the structure or part thereof to be razed and removed, or otherwise disposed of, as deemed appropriate, either through an available public agency or by contract or arrangement with private persons, and the cost of such razing and removal, including an administrative cost not to exceed two hundred fifty dollars (\$250.00), shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

Section 4 - That subsection 12-7(a) of the Code of Ordinances, Lexington-Fayette Urban County Government, be and hereby is amended to read as follows:

Sec. 12-7.

(a) *Notice to abate:* It shall be the duty of the commissioner of public safety, citation officers as specifically authorized by ordinance, or others authorized by ordinance to serve or cause to be served a notice upon the owner of any premises on which there is kept or maintained any nuisance in violation of the provisions of this chapter. Such notice shall describe the nuisance so maintained and shall demand abatement of such nuisance within ten (10) days of notice, unless such nuisance constitutes an immediate danger to health and well-being of the community, in which case the notice shall demand abatement within twenty-four (24) hours of the notice. The notice shall also include the following:

- (1) A statement to the effect that if the situation is not remedied within the prescribed time, the urban county government will proceed to abate the nuisance;
- (2) A statement to the effect that the cost of abatement constitutes a lien against the property in favor of the urban county government;

(3) A statement to the effect that if the urban county government is required to abate the nuisance, the commissioner of public safety will send a bill for the cost of the abatement, to include the administrative cost, not to exceed to hundred fifty dollars (\$250.00), to the property owner, and if the bill is not paid within seven (7) days following the mailing of the bill, that a notice of lien claimed for the cost of the abatement will be placed against the property. The property owner shall further be informed that in the event the property is the subject of litigation, the lien may be filed immediately upon the mailing of the bill;

(4) A statement to the effect that civil penalties of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) may be imposed if more than one (1) notice to abate a nuisance has been issued to the same owner, on the same property, within a twelve-month period and that civil penalties so imposed will be added to the bill for the cost of abatement, if any; and

(5) The procedure and time frame established by section 12-8.3 for appealing the notice to abate or the imposition of civil penalties, when applicable.

Section 5 - That Section 12-8.2 of the Code of Ordinances, Lexington-Fayette Urban County Government, be and hereby is amended to read as follows:

Sec. 12-8.2.

(a) Every person failing to perform the duties required of him by or to comply with the provisions of section 12-4, 12-5, 12-6 or 12-8 shall for every offense be fined not less than one hundred (\$100.00) nor more than two thousand five hundred dollars (\$2,500.00), and each day's continuance of any such violation shall be a separate offense.

(b) As an alternative remedy to subsection (a), any owner who violates any provision of sections 12-4, 12-5, 12-6, or 12-8 and has been previously issued at least one (1) notice to abate a nuisance on the same property within a twelve-month period, may be assessed civil penalties of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00), pursuant to the civil penalty guidelines as set forth herein. Notice of the assessment of a civil penalty for a violation of sections 12-4, 12-5, 12-6 or 12-8 shall be made in the manner specified in section 12-7(b) herein.

(c) Civil penalties assessed for violations of sections 12-4, 12-5, 12-6, or 12-8 shall be based on the number of notices to abate issued within a twelve-month period, as follows:

TABLE INSET:

	2	3	4	5+
Number of Notices	\$100.00	\$250.00	\$500.00	\$1,000.00

Section 6 - That subsection 12-8.3(a) of the Code of Ordinances, Lexington-Fayette Urban County Government, be and hereby is amended to read as follows:

(a) Any person affected by a notice to abate a nuisance and/or a notice of civil penalty which has been issued or assessed in connection with the enforcement of sections 12-4, 12-5, 12-6, or 12-8 of the Code shall have the right to request, and shall have granted, a hearing on the matter; provided that such person shall file, with the administrative hearing board or its designee, a written request for such hearing and the grounds therefore within ten (10) days. The ten-day period provided for in this subsection shall be deemed to commence as specified in section 12-7(c).

Section 7 - If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unlawful by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 8 - That this Ordinance shall become effective on March 1, 2010.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:



LEXINGTON DIVISION OF POLICE

032-10

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150 East Main Street • Lexington, KY 40507 • (859) 258-3600

TO: Mayor Jim Newberry
Urban County Council

FROM: Chief Ronnie Bastin
Division of Police

DATE: January 5, 2010

RE: State University of New York Affiliation Agreement

Please find attached an affiliation agreement between the State University of New York and the Lexington Fayette Urban County Government. This agreement allows an intern from the State of University of New York to provide an internship at the Lexington Division of Police at no cost to the Government. This will be an ongoing partnership with the State University of New York.

I have attached two (2) original agreements requiring Mayor Newberry's signature, and also a notary acknowledgment form. The University is requiring notarization of Mayor Newberry's signature.

There is no cost to Urban County Government. Upon approval and signing, please forward original agreement to the Chief's Office to acquire additional signatures.

We are requesting the blue sheet to be expedited in order to make the January 12, 2010, Work Session and receive two readings at the January 14, 2010, Council Meeting. If you have any questions or require additional information, please contact my office.

A handwritten signature in cursive script, reading "Ronnie Bastin". The signature is written in dark ink and is positioned above a horizontal line.

Ronnie Bastin
Chief of Police

RB/rmh

Attachment

cc: Tim Bennett, Commissioner of Public Safety

BUDGET & FINANCE COMMITTEE SUMMARY 12-8-2009

All committee members were present except CM Beard. CM Martin, a non-committee member, was present as part of the quorum. The meeting was called to order at 1:00 pm

I. Review & Discussion of FY2010 Financials for October – Rumpke

Comm. Linda Rumpke provided the Committee with a financial update through October 2009. She stated that Lexington unemployment rates are holding steady, although KY rates are higher than the national average. She also mentioned that other economic indicators, new business license, home sales, and foreclosures had increased in October; while permits issued had decreased in October. The numbers for these indicators for November, thus far, showed permits issued steady, new business license decreased, while foreclosures increased.

Dir. Bill O'Mara spoke about Payroll Withholding. He stated that the slides to be shown today represent when payroll actually occurred instead of when did we get payments received into LFUCG; funds represent when payroll was incurred by the employer. Mr. O'Mara stated that there were overpayments made to LFUCG in July that will need to be refunded. He also stated that while payroll is down and unemployment is up, it seems the margin from a year ago is decreasing. Several CMs asked questions from what was the budgeted refund amount to when will the payout occur. He answered that there was not a separate budgeted amount for refunds; that is reflected in the total revenue for the year (occupational withholding and net profit); payout may occur in December and January.

CM Gorton asked Dir. O'Mara if there was something that Council could look at to see how the 13 million dollar deficit was figured. He answered yes and it was a combination of things, e.g. forecasting, seasonality. He stated that this would be shown in later slides.

The questions of timing differences, if the size of a business dictated when payments received, if our expenditures are already cut, do we still have to cut more, can Council be given a document showing the percentage of payroll withholding for the last 5 years, what causes us to have refunds and how often, options for replacing revenue, and what do we do in order to get ahead were all asked.

CM Stinnett asked Comm. Rumpke if the Mayor's reduction request will be sent to Council in January. She answered yes. CM Gorton re-asked Comm. Rumpke a question that was asked of Dir. O'Mara: could Council get the information of how the 13 million dollar deficit was forecasted before the Mayor's request for reductions and the answer was also yes to this question.

II. Internal Audit Quarterly Update-Sahli

The Internal Audit Process was discussed by Dir. of Internal Audit Bill Sahli. The Division of Revenue Tax Gap Audit Summary of Audit Results was also given. Dir. Sahli explained that a tax gap is the difference between what a taxpayer should have paid and what was actually paid on a timely basis. He also stated that significant technological improvements are needed and interest charged was not consistent, recurring costs is labor intensive-software used is antiquated. The information has errors and omissions and this has a significant impact on Revenue's ability to perform their job duties.

CM Gorton asked which three years period did this audit cover. Dir. Sahli stated that he believed it to be 2005-2007 fiscal years.

CM Henson asked for clarification on what the top 55 net profits and employment withholding transactions were. This was explained by Dir. Sahli.

III. General List of Recommendations from Council Links

This area was chaired by CM Stinnett.

Comm. Cole gave updates on the Departments under General Services. She stated that the recommendations from the Council Links are on track and moving forward with some implementations. The different departments are on different timelines. She stated that Parks' restructuring implementation may be slowed because of the proposed reductions. Facilities and Fleet Mgmt main recommendation was better management of assets-this is moving forward and some will be completed this fiscal year.

CM Lane asked about the lease agreements with tenant's in city-owned properties. Comm. Cole answered that this is progressing well. CM Lane then asked about the operating costs of the buildings. Comm. Cole answered that they are receiving good data on the larger buildings and are also looking at dollars that could be provided by the ARRA. Another question by CM Lane was whether or not to have the tenants pay an occupancy fee or utilities/janitorial costs. Comm. Cole stated that they are working with the tenants as their leases expire. Comm. Cole was asked to bring a report of all non-LFUCG tenants and their square footage of occupancy to Council. She promised to bring a formal report to Council as part of the upcoming quarterly budget discussions. CM Lane asked about the condition of the lease papers when she took over. Comm. Cole stated that prior to forming the Facilities and Fleet Mgmt Div. the process was very decentralized but now the process, management, and the leases have been centralized. This is the reason for the request for funding of the PeopleSoft Real Estate module.

CM Blues suggested that a letter be sent to non-LFUCG tenants to inform them of the review of facilities allocation is underway. Comm. Cole stated that this is a good suggestion and it will be done right after the 1st of the year.

IV. Discussion on the Proposed Reduction to Council Office Budget

The listing of possible scenarios and schedules detailing reductions within Admin. and District Budgets were discussed.

The deadline for the submission by Directors was asked and Comm. Rumpke stated that the Directors have already submitted their recommendations to the Commissioners and that is what they have been discussing.

CM Gorton requested to add another scenario to the list-have a working amount and let the CMs find that amount in their individual areas. CM Gorton also asked what is the amount of dollars left in the Council Aides employment raises that could be used. Council Office Budget Analyst Jerry Southers stated that historically Budgeting used the full amount for their calculations. Dir. of Budgeting, Mary Fister, stated that if the position is already filled, the actual rate of pay plus any rate increase is used for calculations. However, if the position is not filled, there is a midpoint amount used.

The question came up about when will this discussion be continued and the answer was at the Committee of the Whole (COW) meeting in January. Also asked was how would furloughs work with the reductions. Council Administrator Rebecca Langston said that she and Mr. Southers would work on this and report back to Council. Another question that came up was if each Council District cuts a certain amount, where would the Council Administration budget cut. The answer given was the balance needed to make up the difference from the districts' cuts. Also requested was a report showing line item cuts from the Council Administration budget.

CM Stinnett announced that one of the main items for the next meeting would be the debt and capital plan analysis.

A motion by CM Gorton to adjourn, seconded by CM Ellinger passed without dissent.



Lexington-Fayette Urban County Government
DEPARTMENT OF GENERAL SERVICES

Jim Newberry
Mayor

Kimra Cole
Commissioner

To: Mayor Newberry and Urban County Council Members

From: Joyce Thomas, Project Manager *JT*

Date: December 31, 2009

Subject: Monthly Report #4 of Change Orders for Lyric Theatre

In accordance with Section 1 of Resolution No. 593-2009, I am submitting this report of the status of Change Orders to Denham-Blythe's contract for construction of the Lyric Theatre Renovation and Addition. There was one (1) change order approved in December, Number 6. Change Order Number 6 is for various items listed in the summary in the amount of \$8,375.58. Attached is a summary of all change orders approved to date.

Please contact me if you need additional information about this report.

Attachment

Cc: Shaye Rabold
Brian Marcum
w/a

LYRIC THEATRE RENOVATION AND ADDITION
MONTHLY CHANGE ORDER SUMMARY
Change Order Summary No. 4
Date: December 31, 2009
Project Manager: Joyce Thomas, 258-3054

Contractor: Denham-Blythe
Original contract: \$5,560,322.66

CO No.	Description	Approval Date	Amount	Accumulated Amount*	Amount Remaining	%Change from Orig. Contract	Accumulated %**
1	Various items (see list below)	03-Sep-09	\$ 16,313.12	\$ 16,313.12	\$ 133,686.88	0.29%	0.29%
2	Replace existing wall	17-Sep-09	\$ 72,838.01	\$ 89,151.13	\$ 60,848.87	1.31%	1.60%
3	Various items (see list below)	13-Oct-09	\$ (353.77)	\$ 88,797.36	\$ 61,202.64	-0.01%	1.60%
4	Soil remediation (Area #1)	20-Oct-09	\$ 13,936.78	\$ 102,734.14	\$ 47,265.86	0.25%	1.85%
5	Soil remediation (Area #2)	04-Nov-09	\$ 13,308.75	\$ 116,042.89	\$ 33,957.11	0.24%	2.09%
6	Various items (see list below)	29-Dec-09	\$ 8,375.58	\$ 124,418.47	\$ 25,581.53	0.15%	2.24%
						0.00%	

- 1 Relocate wheelchair lift
Change windows
Add plants
Revise entrance mats

* Maximum of \$150,000

** Maximum of 2.7%

3 **Add items:**

Lockable handpump for stormwater harvest system
Demolition and install new wall near main entrance
Extend curb box inlet to proper elevation

3 **Credit items:**

Delete sink, fixtures and piping
Deduct sewer tap fee
Change storm water piping from cast iron to PVC
Credit for not replacing steel columns and revising steel column reconditioning requirements

- 4 Soil remediation is the process of modifying existing soils that are not capable of supporting structures to give them adequate strength. The existing soils in Area #1 had insufficient strength to support a portion of the building.

- 5 The existing soils in Area #2 had insufficient strength to support the concrete slab for the new building. Soil remediation was required for construction to continue.

6 **Owner Requested**

Conduit and junction box for future card reader in Door 5E & Door 4E
Change door hardware lock cores to comply with LFUCG standard manufacturer

Architect Requested

Revise steel & CMU to accommodate concealed condition
Add 4" CMU wall to accommodate wheelchair lift hoistway requirements
Add steel channel and continuous steel angle to accommodate floor recess for wood floor finish