

**URBAN COUNTY COUNCIL  
SCHEDULE OF MEETINGS  
August 16-August 23, 2010**

**Monday, August 16**

Council Office Special Investigative Committee Meeting.....2:00 pm  
Conference Room-5<sup>th</sup> Floor Government Center

Human Rights Commission Monthly Meeting.....5:30 pm  
Conference Room-5<sup>th</sup> Floor Government Center

**Tuesday, August 17**

Citizens' Advocate Work Group Meeting.....9:00 am  
Conference Room-5<sup>th</sup> Floor Government Center

Congestion Management Committee Meeting.....9:00 am  
Conference Room-7<sup>th</sup> Floor Phoenix Building

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

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

Council Work Session Meeting.....3:00 pm  
Council Chambers-2<sup>nd</sup> Floor Government Center

Mayor's Youth Council meeting.....5:30 pm  
Conference Room-5<sup>th</sup> Floor Government Center

**Wednesday, August 18**

Council Procurement Sub-Committee Meeting.....10:00 am  
Conference Room-5<sup>th</sup> Floor Government Center

Town & Gown Commission Meeting.....4:00 pm  
Maxwell St Presbyterian Church, 180 E Maxwell St

**Thursday, August 19**

Council Office Building Inspection Task Force Meeting.....4:00 pm  
Conference Room-5<sup>th</sup> Floor Government Center

Council Meeting.....7:00 pm  
Council Chambers-2<sup>nd</sup> Floor Government Center

**Friday, August 20**

Council Office Special Investigative Committee Meeting.....1:00 pm  
Conference Room-5<sup>th</sup> Floor Government Center

Council Form Based Codes/Design Guidelines (FBC/DG) Task Force.....3:30 pm  
Conference Room A (Lower Level) Central Library, 140 E, Main St

**Monday, August 23**

No Meetings

**LEXINGTON-FAYETTE URBAN COUNTY COUNCIL**

**WORK SESSION AGENDA**

**August 17, 2010**

- I. Public Comment – Issues on Agenda**
- II. Requested Rezoning / Docket Approval – Yes**
- III. Approval of Summary-Yes, July 6, 2010, pp.10-14**
- IV. Budget Amendments – Yes, pp.15-21**
- V. New Business, pp.24-75**
- VI. Continuing Business / Presentations**
  - A. Council Services Committee, pp.76-77**
  - B. Ad Valorem Tax**
    - Mr. Ryan Barrow**  
**Director, Division of Budgeting**
    - Ms. Linda Rumpke**  
**Commissioner of Finance & Administration**
  - C. Distillery District Public Improvements Program**
    - Engineering Services Agreement**  
**Mr. Brian Marcum**  
**Director, Central Purchasing**
- VII. Council Report**
- VIII. Mayor's Report – Yes**
- IX. Public Comment – Issues Not on Agenda**
- X. Closed Session – Proposed and Pending Litigation**

## ADMINISTRATIVE SYNOPSIS

### New Business Items

- A. Authorization of a Carfax Authorization with Police Reports.US in Exchange for a Carfax Account on Behalf of the Department of Public Safety, Division of Police. (373-10) (Bastin/Bennett)  
This request will authorize approval to grant PoliceReports.US authority to provide only vehicle identification numbers (VIN) from their database on reported traffic accidents within Lexington-Fayette County to Carfax, Inc. In exchange for this service, the Division of Police will receive a free Carfax account. There is no budgetary impact.**p.24**
- B. Authorization of a Memorandum of Agreement (MOA) with the Kentucky Fire Commission on Behalf of the Department of Public Safety, Division of Fire & Emergency Services. (375-10) (Hendricks/Bennett)  
This request will authorize approval of a MOA for Octane Pro 3700 Elliptical fitness equipment awarded by the Kentucky Fire Commission to the Division of Fire & Emergency Services. There is no budgetary impact.**pp.25-27**
- C. Authorization to Accept an Award from the Kentucky Justice & Public Safety Cabinet (JPSC), Kentucky State Police (KSP), on Behalf of the Department of Public Safety, Division of Police for the Ticketing Aggressive Cars and Trucks (TACT) Grant Program – FY2011. (378-10) (Gooding/Bennett)  
This request will authorize the acceptance of an award of federal funds in the amount of \$25,000 from KSP for the TACT grant program on behalf of the Division of Police. A local match of 20% (\$6,250) is required and will come from budgeted staff salaries within the Division. Funds will be used for officer overtime for TACT activities. Total program cost is \$31,250.**p.28**
- D. Authorization of a Subrecipient Agreement with the Louisville Metro Police Department (LMPD) under LFUCG Agreement with the Kentucky Office of Homeland Security (KOHS) for Improvised Explosive Devices (IED) Training. (379-10) (Gooding/Bennett)  
This request will authorize the approval of a Subrecipient Agreement with LMPD for the transfer of equipment purchased by LFUCG under terms of agreement with KOHS for IED Training. Louisville will be responsible for the care and maintenance of equipment and all associated costs. There is no budgetary impact.**p.29**

- E. Authorization of a Professional Services Agreement (PSA) with Bridgette Ganahl, Sexual Assault Nurse Examiners (SANE), for Performance of Forensic Examinations – FY2010. (383-10) (Gooding/Bennett)  
This request will authorize approval of a PSA with Bridgette Ganahl, SANE, to serve on an *on-call* basis for the performance of forensic examinations at the University of Kentucky Emergency Room. Federal funding is provided under the Violence Against Women Act from the Kentucky Justice Cabinet. The agreement is from June 1 through December 31, 2010. Funds are budgeted.**p.30**
- F. Authorization to Accept an Award Offered by the Kentucky Justice & Public Safety Cabinet (JPSC) on Behalf of the Department of Public Safety, Division of Police and the Fayette County Commonwealth Attorney's Office for Continuation of the Street Sales Drug Enforcement Project – FY2011. (384-10) (Gooding/Bennett)  
This request will authorize the acceptance of an award of federal funds in the amount of \$100,000 from the Kentucky JPSC on behalf of the Division of Police and the Fayette County Attorney's Office to continue the Street Sales Drug Enforcement project. A local match of 25% (\$33,333) is required. Funds in the amount of \$20,157 will come from the Division's FY2011 General Fund budget and \$13,176 will be provided by the FY2011 General Fund budget for the Commonwealth Attorney's Office. The source of funds is the US Department of Justice, Edward Byrne Memorial Justice Assistance grant program. Total project cost is \$133,333.**p.31**
- G. Authorization to Accept an Award from the Kentucky Justice & Public Safety Cabinet (JPSC), Kentucky State Police (KSP), on Behalf of the Department of Public Safety, Division of Police for Operation of a Motor Carrier Safety Assistance Program (MCSAP) – FY2011. (388-10) (Gooding/Bennett)  
This request will authorize the acceptance of federal funds in the amount of \$75,000 from the Kentucky JPSC, KSP, on behalf of the Division of Police for the continuation of the MCSAP. A local match of 20% (\$18,750) is required and will come from staff salaries within the Division. Funds will be used for officer overtime, professional development, minor equipment and operating supplies. Total program cost is \$93,750.**p.32**
- H. Authorization to Approve Information Station Specialists, Inc. as the Sole Source for Purchase of ALERT AM Emergency Advisory Radio System on Behalf of the Department of Public Safety, Division of Emergency Management/911. (395-10) (Gooding/Bennett)  
This request will authorize approval of Information Station Specialist, Inc. as the sole source provider for purchase of a third ALERT AM Emergency Advisory Radio System to be placed near the Kentucky Horse Park. The cost of the purchase is \$38,580 and is funded by the Department of Homeland Security, Federal Emergency Management



Agency from the Kentucky Department of Military Affairs, Division of Emergency Management under the Chemical Stockpile Emergency Preparedness Program.**p.33**

- I. Authorization to Amend Section 23-5 of the Code of Ordinances within the Department of Public Safety, Division of Police. (390-10) (L. Jarvis/Bennett)

This request will authorize approval of an amendment to Section 23-5 of the Code of Ordinances to abolish one (1) position of sworn Police Captain (Grade 318E) and create one (1) position of sworn Police Lieutenant (Grade 317E) within the Division of Police. The fiscal impact for FY2011 is a savings of \$24,304.82. The annual impact is a savings of \$30,091.68.**p.34**

- J. Authorization of an Addendum to Contract with the Lexington-Fayette County Health Department (LFCHD) for the Home Network Project – FY2010. (374-10) (Gooding/Helm)

This request will authorize approval of an addendum to a contract for additional federal and state funds in the amount of \$50,000 for Medicaid and non-Medicaid clients with LFCHD for the Home Network project at the Family Care Center. The LFCHD is the granting agent for funds under a *pass through* agreement with the Kentucky Cabinet for Health & Family Services. The source of funds is the Kentucky Medical Assistance program and tobacco settlement funds. A local match for the additional funds is not required.**p.35**

- K. Authorization of a Quitclaim Deed and Release of Area Regarding Closure and Right-of-Way of Spring Grove Avenue. (376-10) (Webb)

This request will authorize approval of a quitclaim deed and release of area for the closure and right-of-way of Spring Grove Avenue to Springs Motel of Lexington, Inc. This request has been reviewed and approved by the Department of Law and appropriate divisions within LFUCG. There is no budgetary impact.**pp.36-37**

- L. \*Authorization to Proceed with the Annual Urban Service Legal Process for 2010 (392-10) (Webb)

This request will authorize approval for the Department of Public Works & Development to precede with the annual Urban Service Legal Process for 2010 for the placement of new properties in appropriate tax districts. A public hearing is required and will be held on Tuesday, October 12, at the Council work session.**pp.38-39**

**\*Public Hearing**

- M. Authorization of a Quitclaim Deed with the Fayette County Board of Education (FCBE) to Transfer Right-of-Way. (394-10) (Webb)

This request will authorize approval of a Quitclaim Deed to transfer the right-of-way to FCBE for FCBE to construct a turn lane leading into the Keithshire Elementary School site. This request has been reviewed and

approved by the Department of Law and appropriate divisions within LFUCG. There is no budgetary impact.**p.40**

- N. Authorization of a Street Closure and a Quitclaim Deed with Property Owner at 3292 Richmond Road to Transfer Right-of-Way. (397-10) (Webb)

This request will authorize approval of the closure of the Richmond Service Road and a Quitclaim Deed to transfer the right-of-way to property owner at 3292 Richmond Road. This request has been reviewed and approved by the Department of Law and appropriate divisions within LFUCG. There is no budgetary impact.**pp.41-42**

- O. Authorization of Change Order No. 1 to Contract with Architectural Graphics, Inc. for LFUCG Wayfinding Program. (398-10) (Webb)

This request will authorize Change Order No. 1 to increase contract amount by \$5,227.79 with Architectural Graphics, Inc. for LFUCG Wayfinding program. The increase is a result of cost and labor of installing additional mounting brackets to 32 signs that was not included in the original scope of work. Funds are budgeted.**pp.43-45**

- P. Authorization to Accept Deeds of Easement for the Grimes Mill Bridge Rehabilitation Project. (377-10) (Gooding/Webb)

This request will authorize approval of deeds of easement in an amount not to exceed \$3,000 from recorded property owners for the Grimes Mill Bridge Rehabilitation project. Funds are budgeted.**p.46**

- Q. Authorization to Submit Grant Application to the Kentucky Heritage Council (KHC) and Accept Award if Offered, on Behalf of the Department of Public Works & Development, Division of Historic Preservation – FY2011. (393-10) (Gooding/Webb)

This request will authorize the submission of a grant application for federal funds in the amount of \$12,000 to KHC on behalf of the Division of Historic Preservation for a Survey and Planning project. A local match of 40% (\$8,000) is required. The match amount is being requested from the FY2011 General Fund budget. Funds will be used for salaries of existing personnel within the Division. Total project cost is \$20,000.**p.47**

- R. Authorization to Submit Grant Applications to the US Department of Housing & Urban Development (HUD) under the Community Challenge Planning Grant Program. (399-10) (Gooding/Webb)

This request will authorize the submission of two (2) grant applications to the HUD under the Community Challenge Planning Grant program. The first grant application is for the North Lexington Gateway Plan project for funds in the amount of \$500,000 for planning consultation services for a sustainable development plan with landowners surrounding the relocation of Bluegrass Community & Technical College (BCTC) along Newtown Pike. A 20% (\$100,000) match is required and will come from personnel costs of existing employees in the Lexington

Downtown Development Authority and the Divisions of Planning, Historic Preservation, Traffic Engineering, and Engineering. The professional service leverage will be provided by BCTC consulting team and LexTran. Total project cost is \$600,000. The second grant application is for the Landbanking Plan project for funds in the amount of \$250,000 for a plan to establish a Lexington-Fayette County Land Bank for development, redevelopment, and revitalization of property for affordable housing. A 20% (\$50,000) match is required and will be documented from personnel costs of existing employees in the Lexington Downtown Development Authority and LFUCG divisions. Total project cost is \$300,000.**p.48**

S. Authorization of an Agreement with the Office of the Fayette County Sheriff for the Collection of the 2010 Urban Services Property Taxes. (380-10) (Askew)

This request will authorize approval of an agreement with the Office of the Fayette County Sheriff for the collection of the 2010 Urban Services Property Taxes at a cost of \$350,000. The Sheriff is designated by KRS 134-10 and 160.500 as the collector of county, school and state property tax collections. This agreement will authorize the Sheriff to collect city taxes thereby allowing citizens to receive one (1) tax bill instead of two (2). After adjusting for the 75% – 25% county official fee return the net cost will be \$262,500.**pp.49-52**

T. Authorization of a Memorandum of Understanding (MOU) with Awesome Labs, LLC on Behalf of the Chief Information Office, Division of Government Communications. (381-10) (Sullivan/Dhuwaraha)

This request will authorize approval of a MOU with Awesome Labs, LLC on behalf of the Division of Government Communications, to allow a Downtown Touch Screen Network (DTSN) be attached to LexCall's display window. The DTSN will be used to promote shopping, dining and entertainment destinations in the downtown area. There is no budgetary impact.**pp.53-54**

U. Authorization of a Metaformers Consulting Services Agreement with Metaformers™ as LFUCG Open Enrollment Consultant. (389-10) (Cottle/Dhuwaraha)

This request will authorize approval of a Metaformers Consulting Services Agreement in the amount of \$105,709.60 with Metaformers™ as LFUCG Open Enrollment Consultant to assist the Divisions of Enterprise Solutions and Human Resources with significant changes to the benefits module in PeopleSoft™. Metaformers™ will assist with updating and configuring rate tables, adjusting tables to reflect new plan offerings, vendor changes and integrating providers into the LFUCG computer system. Funds are budgeted.**p.55**

- V. Authorization of a System Improvement Design and Construction Memorandum by and between Mrs. Virgie Hager, Ball Homes, LLC, and LFUCG and the Transfer of Exaction Credits to Ball Homes, LLC. (407-10) (Askew)  
This request will authorize approval of a System Improvement Design and Construction Memorandum by and between Mrs. Virgie Hager, Ball Homes, LLC, and LFUCG for the donation of property located at 375 Chilesburg Road for a public park to LFUCG. On contingent of conditions by Mrs. Hager, Ball Homes and LFUCG, exaction credits of \$430,000 will be transferred to Ball Homes.**p.56-57**
- W. Authorization to Amend Section 1 of Resolution No. 371-2010 to Correct an Error in Salary. (382-10) (L. Jarvis/Rumpke)  
This request will authorize approval of an amendment to Section 1 of Resolution No. 371-2010 to correct the bi-weekly salary of Esther Moberly from \$1,634.64 to \$1,775.76. There are no other changes associated with this amendment.**p.58**
- X. Authorization of an Agreement with the Jesse G. Harris, Jr., University of Kentucky (UK) Psychological Services Center on Behalf of the Department of Public Safety, Division of Fire & Emergency Services, to Conduct Psychological Evaluations. (386-10) (L. Jarvis/Rumpke)  
This request will authorize approval of an agreement with Jesse G. Harris, Jr., UK Psychological Services Center on behalf of the Division of Fire & Emergency Services to conduct pre-employment psychological evaluation of firefighter candidates at a cost of \$300 per evaluation. Funds are budgeted.**p.59**
- Y. Authorization of a Medicare Early Retiree Subsidy Services Addendum to Agreement for Medicare Part D Implementation Services with Part D Advisors, Inc. (PDA). (387-10) (L. Jarvis/Rumpke)  
This request will authorize approval of a Medicare Early Retiree Subsidy Services Addendum to the Agreement for Medicare Part D Implementation Services with PDA provided for in the Patient Protection and Affordable Care Act of 2010 to be retroactive to May 21, 2010. There is no budgetary impact.**p.60**
- Z. Authorization of an Amendment to Neighborhood Stabilization Program Redevelopment Agreement with REACH, Inc. (404-10) (Gooding/Rumpke)  
This request will authorize approval of an amendment to replace Article III, paragraph 4 of the Neighborhood Stabilization Program Redevelopment Agreement between LFUCG and REACH, Inc. for the Douglass Heights project.**p.61**

- AA. Authorization of an Agreement with Fayette County Local Development Corporation for a Development of Rental Housing Project. (405-10) (Gooding/Rumpke)  
This request will authorize approval of an agreement for use of HOME Investment Partnerships Program funds in the amount of \$300,000 with the Fayette County Local Development Corporation for the development of twenty-seven (27) rental housing for low-income elderly households by the Russell Community Services Center at Russell School property. **p.62**
- BB. Authorization of Modification No. 2 to the Neighborhood Stabilization Program (NSP) Funding Agreement with the Kentucky Department for Local Government (DLG) Regarding LFUCG Landbanking NSP Program. (406-10) (Gooding/Rumpke)  
This request will authorize acceptance of Modification No. 2 to the NSP Funding Agreement requested by DLG regarding LFUCG Landbanking NSP Program to add a *funding-out* provision; a 30-day cancellation notice; clarifies oversight responsibilities; revises amount to be expended based on amounts projected by LFUCG, and adds a loan servicing agreement for funds permanently invested as down payment, closing cost or principal reduction. There are no other changes associated with this modification. **p.63**
- CC. \*\*Authorization to Amend Chapters 16 & 14 of the Code of Ordinances Regarding Construction Sites. (326-10) (Martin/Bush)  
This request will authorize approval of an Ordinance to amend Chapter 16 relating to stormwater discharges from construction sites and deletes Section 14-60 from Chapter 14 relating to transportation, relocation of dirt, earth, debris and incorporates the section into Chapter 16 as amended. The Ordinance will not become effective until after Article 20 of the Zoning Ordinance is repealed or amended. **p.64**  
**\*\*EPA Consent Decree**
- DD. Authorization of Deeds of Easement for the Della Drive Storm Sewer Rehabilitation Project. (385-10) (Martin/Bush)  
This request will authorize approval of Deeds of Easement in an amount not to exceed \$10,000 from recorded property owners for the Della Drive Storm Sewer Rehabilitation project. Funds are budgeted. **p.65**
- EE. Authorization to Enter Into Grant Award Agreements with Autumn Ridge Homeowners Association, Inc. and Gainesway Neighborhood Association, Inc. for Stormwater Quality Projects. (401-10) (Martin/Bush)  
This request will authorize approval to enter into Grant Award Agreements for Class A Neighborhood Stormwater Quality projects in the amount of \$11,183.75 with Autumn Ridge Homeowners Association, Inc. and in the amount of \$10,255 with Gainesway Neighborhood Association, Inc. A local match equal or greater than 20% of the grant award is required and will come from contributions, labor and other

services by the associations. The Stormwater Quality Projects Incentive grant program is funded through the Water Quality Management Fee. Total cost of projects is \$21,438.75. Funds are budgeted.**pp.66-67**

- FF. Authorization of an Agreement with Third Rock Consultants, Inc. for Environmental Consulting Services – Wolf Run Creek Watershed-Based Plan Project - Phase I. (391-10) (Gooding/Bush)  
This request will authorize an agreement for an amount not to exceed \$177,200 with Third Rock Consultants, Inc. for Environmental Consulting Services – Wolf Run Creek Watershed-Based Plan project to reduce nonpoint source pollution. This project is grant funded by the US Environmental Protection Agency under the Clean Water Act (as amended) from the Kentucky Energy & Environment Cabinet. Funds are budgeted.**p.68**
- GG. Authorization of Change Order No. 1 to Contract with Bluegrass Contracting Corporation for the Vaughn's Branch Flood Hazard Mitigation Project. (402-10) (Gooding/Bush)  
This request will authorize Change Order No. 1 to increase contract amount by \$26,657.50 with Bluegrass Contracting Corporation for the Vaughn's Branch Flood Hazard Mitigation Project for items not provided for in the original scope of work. Original contract amount was \$1,225,006.25. New contract amount is \$1,251,663.75. Funds are budgeted.**pp.69-72**
- HH. Authorization to Enter Into Grant Award Agreements under the 2010 EcoART Grant Program. (403-10) (Bush)  
This request will authorize approval to enter into grant award agreements for a total of \$63,273 to eight (8) nonprofit organizations, three (3) individual Artists, and four (4) public and private schools under the 2010 EcoART grant program. The program encourages environmental art projects to educate local citizens on environmental issues, environmental responsibility and action leading to a sustainable community. Funds are budgeted.**p.73**
- II. Authorization to Declare Surplus Real Properties Owned by LFUCG and LFUCG Public Facilities Corporation and Offer for Sale by Bids. (400-10) (Baradaran/Cole)  
This request will authorize the declaration of seventeen (17) surplus parcels of real property owned by LFUCG and LFUCG Public Facilities Corporation and offer parcels for sale by bids. All parcels are vacant with no structures.**pp.74-75**

**\* Denotes Public Hearing**

**\*\*Denotes EPA Consent Decree**

URBAN COUNTY COUNCIL  
WORK SESSION SUMMARY  
& TABLE OF MOTIONS

July 6, 2010

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

I. Public Comment – Issues on Agenda-Yes

Mark Leach of Stites & Harbison PLLC, requested to speak.

Family Services employee, Joan Dickes, was recognized by Mayor Newberry for her quick action and fast thinking regarding 9 month-old Bruce James "BJ" Reynolds.

II. Requested Rezoning / Docket Approval-Yes

A motion by CM Stinnett to place on the docket for the July 6, 2010 Council Meeting a resolution authorizing the Mayor to execute a Subscription Agreement with Advent Financial Systems, LLC, for debt collection services for the Division of Community Corrections, at a flat fee amounts provided in the agreement, seconded by CM Ellinger, passed without dissent.

A motion by CM Henson to place on the docket for the July 6, 2010 Council Meeting a resolution authorizing the Mayor to execute a Sales Agreement with Stanley Convergent Security Solutions, Inc., for upgrade of the secure detention system at the Division of Community Corrections, at a cost not to exceed \$981,915.00, seconded by CM Martin, passed without dissent.

A motion by CM Beard 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 June 29, 2010, seconded by CM Myers, passed without dissent.

CM James asked that a minor correction be made on page 8-change word advice to advised. CM Martin then came to me and asked that I add the letter a to the s to make 'as' on the next line. I also saw that an s needed to be added to the word Service for Services. (all changes were made on the June 29, 2010 summary in red)

#### IV. Budget Amendments-Yes

A motion by CM James to add to the budget amendments the two items specified in Elizabeth McGee's memo, seconded by CM McChord, passed without dissent.

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

#### V. New Business

Arty Greene asked that the new business items be approved with the date correction made to item 'J'-Dec 31, 2010.

- A. Authorization of an Extension of Procurement Contract No. 544-2003, Offender Health Care Services, with Medical Services, Inc. on Behalf of the Department of Public Safety, Division of Community Corrections. (360-10) (Bishop/Bennett)
- B. Authorization to Approve Finley Fire Equipment Services as the Sole Source Procurement on Behalf of the Department of Public Safety, Division of Fire & Emergency Services. (361-10) (Hendricks/Bennett)
- C. Authorization of a Tactical Diversion Task Force Agreement with Drug Enforcement Administration (DEA) on Behalf of the Department of Public Safety, Division of Police. (362-10) (Bastin/Bennett)
- D. Authorization to Accept an Extension to an Agreement Offered by the Kentucky Office of Homeland Security (KOHS) for the Metropolitan Medical Response System (MMRS) Project. (364-10) (Gooding/Bennett)
- E. Authorization to Accept an Extension to an Agreement Offered by the Kentucky Office of Homeland Security (KOHS) for the Department of Public Safety, Division of Police for the Bomb Squad Enhancement Project. (365-10) (Gooding/ Bennett)
- F. Authorization to Approve a Statement of Affiliation Between the Division of Fire & Emergency Services and the Division of Emergency Management/911 under KRS Chapter 39F. (367-10) (Dugger/Hendricks/Bennett)
- G. Authorization to Amend Section 21-5 of the Code of Ordinances within the Department of Finance & Administration. (363-10) (L. Jarvis/Rumpke)
- H. Authorization to Approve Purchase of Service Agreements (PSA) with Partner Agencies for FY2011. (368-10) (Askew)



- I. Authorization to Approve Lease Agreement with Cooper Stofer, (d/b/a Lexington Audio Video Advantage {LAVA}) for Lease of Space at 124 North Broadway (a/k/a Broadway Shoppes). (369-10) (Baradaran/Cole)
- J. Authorization to Accept an Extension of an Agreement Offered by the Kentucky Division of Emergency Management for the Stormwater Management Project (Sugarmill) in Cardinal Valley. (370-10) (Gooding/Bush)

A motion by CM Martin to approve the amended New Business items, seconded by CM Gorton, passed without dissent.

#### VI. Continuing Business / Presentations-Yes

##### A. Council Budget & Finance Committee Update

This update was done by Chair CM Stinnett. There were no motions to come forward.

##### B. City-Wide Fleet Overview

This overview was done by Jamshid Baradaran, Director of Facilities & Fleet Management. Several CMs asked questions.

#### VII. Council Report

CM Gorton- Stated that since there is a Planning Commission nominee, there will need to be a confirmation hearing.

A motion by CM Gorton to have a confirmation hearing on 8/19/10 at 6:15 pm, seconded by CM Martin, passed without dissent.

CM Martin- Announced the Southland Jamboree tonight at 7 pm next to Collins' Bowling Lanes; commended Parks for the wonderful July 4<sup>th</sup> celebration; spoke about the Lexcall 311 service.

A motion by CM Martin to refer to the Inter Governmental Committee the possible adoption by LFUCG of prevailing open standards for data, documents, maps, and other formats of data, seconded by CM Ellinger, passed without dissent.

CM McChord- Gave thanks to all LFUCG employees for making this wknd very special; asked Krista Greathouse to come forward and speak about Spotlight Lexington- she stated that they want the community to get more involved- the Spotlight Lexington pin is now available at Kroger for \$5; all who purchase will be able to get discounted items/services

from different business throughout the city; a list of participating businesses was read.

Mayor Newberry gave his thanks to all who assisted with the July 4<sup>th</sup> festivities; gave special thanks to Penny Ebel, who oversaw the entire effort and Kevin Weaver, chair of the July 4<sup>th</sup> Commission.

CM James- Stated that her family enjoyed the festivities and she applauds the LFUCG employees that were a part of the 4<sup>th</sup> celebration.

A motion by CM James to un-table secure by design and place it into the Planning Committee, seconded by CM Myers, passed without dissent.

A motion by CM James to place the issue of term limits for Boards and Commissions-the Fernita Wallace rule-into the Inter Governmental Committee for review, seconded by CM Myers, passed without dissent.

VM Gray- Stated that CM Blues will be the Chair of the Design and Form-Based Guidelines Task Force and the other members will be himself and CMs Gorton, Beard, Stinnett, and Lane; the task force will follow the model of the EPA Consent Decree; the CMs are the voting members and they will be reaching out to the citizens of the community to be added as non-voting members.

CM Henson- Echoed everything already said about the 4<sup>th</sup> of July; stated that she is going to meet with Holly Wiederman to discuss plans on the old YMCA building.

CM Blues- Announced that the Fayette County Health Dept. has extended the deadline for the community health assessment survey to July 16, 2010; to receive a survey, go to [www.lexingtonhealthdepartment.org](http://www.lexingtonhealthdepartment.org).

CM Lane- Stated that he thought the July 4<sup>th</sup> celebration was exceptional.

#### VIII. Mayor's Report-Yes

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

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

X. Adjournment

A motion by CM Lane to adjourn, seconded by CM Myers, passed without dissent.

Work session was adjourned at 4:23 pm.

**Budget Amendment Request List****15**

---

<b>JOURNAL</b>	44765-66	<b>DIVISION</b>	PDR	<b>Fund Name</b>	General Fund
				<b>Fund Impact</b>	1,800.00
					1,800.00CR
					.00

To provide funds for PDR program by recognizing Filing Fees for PDR Applications to Rural Land Board for Round #11.

---

<b>JOURNAL</b>	44770-71	<b>DIVISION</b>	Traffic Engineering	<b>Fund Name</b>	General Fund
				<b>Fund Impact</b>	3,234.42
					3,234.42CR
					.00

To provide for signs, hardware and other materials by recognizing revenue for that purpose.

---

<b>JOURNAL</b>	45039	<b>DIVISION</b>	Enterprise Solutions/CIO	<b>Fund Name</b>	General Fund
				<b>Fund Impact</b>	6,000.00
					6,000.00CR
					.00

To provide funds for cell phones for the Division of Enterprise Solutions by decreasing funds for cell phones in the Office of the Chief Information Officer.

---

<b>JOURNAL</b>	45052-53	<b>DIVISION</b>	Parks and Recreation	<b>Fund Name</b>	General Fund
				<b>Fund Impact</b>	1,000.00
					1,000.00CR
					.00

To recognize funds from Partners for Youth for Sponsorship of William Wells Brown Community Center programs.

---

<b>JOURNAL</b>	45425-26	<b>DIVISION</b>	PDR	<b>Fund Name</b>	General Fund
				<b>Fund Impact</b>	700.00
					700.00CR
					.00

To provide funds for PDR program by recognizing citizens donations.

---

<b>JOURNAL</b>	45054	<b>DIVISION</b>	Special	<b>Fund Name</b>	Donation Fund
				<b>Fund Impact</b>	43,897.00
					43,897.00

To provide funds for 4th of July Festival expenses by recognizing funds received for this purpose in FY 2010, now in fund balance.

---

<b>JOURNAL</b>	45056	<b>DIVISION</b>	Special Projects	<b>Fund Name</b>	Donation Fund
				<b>Fund Impact</b>	3,475.00
					3,475.00

To provide funds for 4th of July Festival expenses by recognizing funds received for this purpose in FY 2010, now in fund balance.

<b>JOURNAL</b>	44767	<b>DIVISION</b>	Traffic Engineering	<b>Fund Name</b>	Municipal Aid Prg Fund
				<b>Fund Impact</b>	45,000.00
					45,000.00CR
					.00

To provide funds for Traffic Engineering expenses related to road resurfacing (vehicle detection equipment/loops) by reallocating 1.5% of resurfacing budget in Streets, Roads, and Forestry to Traffic Engineering.

<b>JOURNAL</b>	44774	<b>DIVISION</b>	Engineering	<b>Fund Name</b>	County Road Aid Fund
				<b>Fund Impact</b>	542,346.67
					542,346.67

To reappropriate funds for County Road Aid remaining in prior year fiscal years into FY 2011 in accordance with agreement with Fayette Fiscal Court.

<b>JOURNAL</b>	44769	<b>DIVISION</b>	Traffic Engineering	<b>Fund Name</b>	Misc Special Rev Fund
				<b>Fund Impact</b>	74,350.00
					74,350.00CR
					.00

To provide for salaries to be charged to State Signal Maintenance fund.

<b>JOURNAL</b>	45046-47	<b>DIVISION</b>	Police	<b>Fund Name</b>	Police Confiscated - Treasury Fund
				<b>Fund Impact</b>	107,452.50
					107,452.50CR
					.00

To provide funds for Professional Services, Required Training, and Minor Equipment, and Sport/Exercise Equipment by recognizing revenues received from IRS deposits.

<b>JOURNAL</b>	45423	<b>DIVISION</b>	Finance	<b>Fund Name</b>	2009 Pension Bond
				<b>Fund Impact</b>	35,477,774.00
					35,477,774.00CR
					.00

To correct the account number for Police & Fire Pension bond proceeds. Original Budget Amendment 3051 incorrectly classified the as salary instead of pension.

<b>JOURNAL</b>	TBD	<b>DIVISION</b>	Finance	<b>Fund Name</b>	2010 Bond Fund
				<b>Fund Impact</b>	701,398.00
					701,398.00CR
					.00

To budget revenues and expenses for Vinestreet streetscape that were bonded but not budgeted in Peoplesoft.

<b>JOURNAL</b>	45193-94	<b>DIVISION</b>	Community Development	<b>Fund Name</b>	US Dept Agriculture
				<b>Fund Impact</b>	2,127,770.00
					2,127,770.00CR
					.00

To accept match grant funds from the Federal Farm and Ranch Lands Protection Program for FY11 PDR conservation easement acquisition.

<b>JOURNAL</b>	44768	<b>DIVISION</b>	Community Development	<b>Fund Name</b>	US Dept Justice
				<b>Fund Impact</b>	1,415.00
					1,415.00CR
					.00

To amend State Criminal Alien Assistance Program to provide funds for the Stanley Security System at the Detention Center.

<b>JOURNAL</b>	45430	<b>DIVISION</b>	Community Development	<b>Fund Name</b>	US Dept Justice
				<b>Fund Impact</b>	78,020.00
					78,020.00CR
					.00

To correct police overtime account and to provide for medicare expense for the Arrest Policies 2007 grant.

<b>JOURNAL</b>	45433	<b>DIVISION</b>	Community Development	<b>Fund Name</b>	US Dept Justice
				<b>Fund Impact</b>	27,004.00
					27,004.00CR
					.00

To rebudget funds for Cold Case 2010, providing for additional training and to provide for printing costs for purchase of cold case materials.

<b>JOURNAL</b>	45434-35	<b>DIVISION</b>	Community Development	<b>Fund Name</b>	US Dept Justice
				<b>Fund Impact</b>	87,000.00
					87,000.00CR
					.00

To budget program income for Street Sales grant from the Asset Forfeiture fund.

<b>JOURNAL</b>	45437	<b>DIVISION</b>	Community Development	<b>Fund Name</b>	US Dept Justice
				<b>Fund Impact</b>	16,642.88
					16,642.88CR
					.00

To reallocate funds from personnel costs to conference travel and to correct account numbers for Police Overtime and Medicare.

<b>JOURNAL</b>	45432	<b>DIVISION</b>	Community Development	<b>Fund Name</b>	US Dept Transportation
				<b>Fund Impact</b>	6,854.55
					6,854.55CR
					.00

To reallocate budget for Traffic Safety 2010 grant from vehicle fuel and FICA to various other personnel accounts per approval from state agency.

<b>JOURNAL</b>	45050-51	<b>DIVISION</b>	Community Development	<b>Fund Name</b>	US Dept HHS
				<b>Fund Impact</b>	2,687.00
					2,687.00CR
					.00

To amend Senior Citizens Grant to reflect actual amount of grant award and to provide for the lease of a copier.

<b>JOURNAL</b>	45436	<b>DIVISION</b>	Community Development	<b>Fund Name</b>	US Dept Homeland Sec
				<b>Fund Impact</b>	52,040.00
					52,040.00CR
					.00

To budget additional positions and federal funds for CSEPP- 2010. These funds are taken from operating supplies in the EOC Enhancements.

<b>JOURNAL</b>	45199-200	<b>DIVISION</b>	Community Development	<b>Fund Name</b>	Grants - State
				<b>Fund Impact</b>	4,906.00
					4,906.00CR
					.00

To budget additional expense and revenue in accordance with actual award for the Law Enforcement grant.

### BUDGET AMENDMENT REQUEST SUMMARY

Fund	1101	General Service District – General Fund	.00
Fund	1103	Donation Fund	47,372.00
Fund	1136	Municipal Aid Program Fund	.00
Fund	1137	County Road Aid Fund	542,346.67
Fund	1141	Miscellaneous Special Revenue	.00

**BUDGET AMENDMENT REQUEST SUMMARY**  
**Continued**

Fund	1142	Police Confiscated – Treasury	.00
Fund	2521	Pension Bond Fund	.00
Fund	2600	2010 Bond Fund	.00
Fund	3100	US Department of Agriculture	.00
Fund	3140	US Department of Justice	.00
Fund	3160	US Department of Transportation	.00
Fund	3190	US Department of Health and Human Services	.00
Fund	3200	US Department of Homeland Security	.00
Fund	3400	Grants – State	.00



# NEW BUSINESS ITEMS REQUIRING BUDGET AMENDMENTS

August 17, 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
374-10	BA 3084	Community Development	To amend Home Network 2010 to provide for increase in federal and state revenue, decrease in General Fund match, and to increase operating supplies/expenses.
J			3190 50,000 3190 50,000CR 0 *
378-10	45197-98	Community Development	To establish grant budget for Targeting Aggressive Cars and Trucks – 2011.
C			3160 31,250 3160 31,250CR 0 *
378-10	BA 3088	Community Development	To budget personnel recovery and grant match for Targeting Aggressive Cars and Trucks – 2011.
C			1101 6,250 1101 6,250CR 0 *
384-10	45427-28	Community Development	To establish grant budget for Street Sales – 2011.
F			3140 133,333 3140 133,333CR 0 *
388-10	BA 3102	Community Development	To establish grant budget for Motor Carrier Safety Assistance Program – 2011.
G			3160 93,750 3160 93,750CR 0 *
388-10	BA 3103	Community Development	To establish personnel recovery and grant match for Motor Carrier Safety Assistance Program – 2011.
G			1101 18,750 1101 18,750CR 0*
390-10	RW001	Police	To abolish one sworn Police Captain and create one sworn Police Lieutenant.
I			1101 24,310CR 24,310CR*

NEW BUSINESS ITEM	BUDGET JOURNAL	DIVISION	DESCRIPTION OF REQUEST	
393-10	45493-94	Community Development	To establish grant budget for Historic Preservation – 2011.	
Q			3130	20,000
			3130	20,000CR
				0*
393-10	BA 3106	Community Development	To increase personnel recovery and grant match for Historic Preservation – 2011.	
Q			1101	2,000
			1101	4,000CR
				2,000CR
405-10	45492	Community Development	To rebudget funds for rental housing development from Russell Community Service Center to Fayette County Local Development Corporation for Home – 2010.	
AA			3120	300,000
			3120	300,000CR
				0*

EFFECT ON FUND BALANCES			
-------------------------	--	--	--

FUND 1101	26,310*	INCREASE TO:	GENERAL FUND
FUND 3120	0*	NO IMPACT TO:	US DEPARTMENT OF HOUSING AND URBAN DEVEL.
FUND 3130	0*	NO IMPACT TO:	US DEPARTMENT OF INTERIOR
FUND 3140	0*	NO IMPACT TO:	US DEPARTMENT OF JUSTICE
FUND 3160	0*	NO IMPACT TO:	US DEPARTMENT OF TRANSPORTATION
FUND 3190	0*	NO IMPACT TO:	US DEPARTMENT OF HEALTH AND HUMAN SERVICES

**Budget Information For New Business Items**  
August 17, 2010 Work Session

**22**

Item	Number	Amount	Fund	Name / Description
A	373-10	NA		
B	375-10	NA		
C	378-10	31,250 6,250	3160 1101	US Department of Transportation General Fund Budget Journals
D	379-10	NA		
E	383-10	59,670	3140	US Department of Justice (budgeted for all nurses)
F	384-10	133,333	3140	US Department of Justice Budget Journal
G	388-10	93,750 18,750	3160 1101	US Department of Transportation General Fund Budget Journals
H	395-10	38,580	3200	US Department of Homeland Security
I	390-10	24,310	1101	General Fund Budget Journal
J	374-10	50,000	3190	US Department of Health and Human Services Budget Journal
K	376-10	NA		
L	392-10	NA		
M	394-10	NA		
N	397-10	NA		
O	398-10	5,227.79	2600	2010 Bond Projects Fund
P	377-10	3,000	3160	US Department of Traffic
Q	393-10	20,000 2,000	3130 1101	US Department of Interior General Fund Budget Journals
R	399-10	NA		
S	380-10	262,500	1115	Urban Service District Fund
T	381-10	NA		
U	389-10	105,709.60	1101	General Fund
V	407-10	NA		

## Budget Information For New Business Items

August 17, 2010 Work Session

23

W	382-10			
X	386-10	300/exam	1101	General Fund
Y	387-10	NA		
Z	404-10	NA		
AA	405-10	300,000	3120	US Department of Housing and Urban Development Budget Journal
BB	406-10	NA		
CC	326-10	NA		
DD	385-10	10,000	2522	Public Works Bond Fund
EE	401-10	21,438.75	4051	Water Quality Management Fund
FF	391-10	177,200	3170	US Environmental Protection Agency
GG	402-10	26,657	4051	Water Quality Management Fund
HH	403-10	63,273	1115	Urban Service Fund
II	400-10	Revenue	1101 4022	General Fund PFC – General Fund



## LEXINGTON DIVISION OF POLICE

373-10

24

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:** July 6, 2010

**RE:** CarFax Authorization Agreement

Please find attached CarFax Authorization Agreement with the Lexington-Fayette Urban County Government on behalf of the Lexington Division of Police.

PoliceReports.US has partnered with Carfax Inc. to provide vehicle identification numbers (VINS) of vehicles already contained in their database that were involved in traffic accidents. Carfax supplies vehicle histories for over four billion used vehicles and currently receive data from thousands of public and private sources including all Departments of Motor Vehicles (DMVs) in the United States and Canada.

While PoliceReports.US would use new software to capture VIN data from the accident reports in their database, no other data would be collected; no personal identifying information regarding the individuals involved in the accident would be supplied to Carfax.

In return for allowing PoliceReports.US to provide this information from accident reports, Carfax will provide the Lexington Division of Police with a free Carfax account which can be useful for our Investigation Unit. The Carfax account would continue to be free to our agency as long as data is allowed to be supplied.

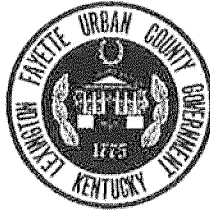
The Division of Police is requesting approval of the attached agreement. There will be no budgetary impact. If you have any questions or require additional information, please contact me.

Ronnie Bastin  
Chief of Police

Attachment

RB/rmh

cc: Tim Bennett, Commissioner of Public Safety



375-10

25

Lexington-Fayette Urban County Government  
DIVISION OF FIRE & EMERGENCY SERVICES

Jim Newberry  
Mayor

Robert Hendricks  
Chief

TO: Mayor Jim Newberry  
Tim Bennett, Public Safety Commissioner  
LFUCG Councilmembers

FROM:   
Chief Hendricks, Fire Chief

RE: Memorandum of Agreement

DATE: July 13, 2010

Attached is a Memorandum of Agreement from the Kentucky Fire Commission requiring the awarding of a grant for a piece of fitness equipment to the Division of Fire. This exercise equipment is a Octane Pro 3700 Elliptical machine that has been placed at Fire Station #5. There is no cost to the LFUCG for this equipment.

## MEMORANDUM OF AGREEMENT

**THIS MEMORANDUM OF AGREEMENT (“Agreement”)** is made on May 25, 2010, by and between Governor’s Commission on Fire Protection, Personnel Standards and Education (“**Fire Commission**”) located at 300 North Main Street, Versailles, KY 40383, and the Lexington Fire Department (“**Department**”) located at 219 East Third Street, Lexington, KY 40508.

### **I. PURPOSE**

The **Lexington Fire Department** has agreed to accept one of the following pieces of fitness equipment from the **Fire Commission**.

- **Elliptical Pro 3700**

### **II. RESPONSIBILITIES OF THE FIRE DEPARTMENT**

1. The **Department** shall provide service and maintenance of the equipment at no cost to the **Fire Commission**.
2. The **Department** shall maintain the above equipment at a fire station and make available to the **Fire Commission** for inspection.
3. In the event that the **Department** disbands or terminates its existence, the **Department** shall return the equipment that was granted by the **Fire Commission**.
4. The **Department** shall be responsible for returning the above equipment if requested by the **Fire Commission**.

### **III. AGREEMENT TERM AND TERMINATION**

1. This **Agreement** shall commence on the date of execution and shall remain in effect for Five (5) years.
2. Any party may terminate this **Agreement** at any time by giving thirty days’ written notice to the other. All equipment shall be returned to the **Fire Commission**.
3. The **Agreement** may also be terminated for cause at any time should any party to this **Agreement** materially breach the terms stated herein.

## VI. CHOICE OF LAW AND FORUM

All questions as to the terms, execution, validity, interpretation, construction, and performance of this **Agreement** shall be governed by the laws of the Commonwealth of Kentucky.

## V. ASSIGNMENT

The terms and conditions of this **Agreement** shall be binding upon and shall inure to the benefit of the parties hereto and their successors and assigns. This provision shall not be construed to permit assignment by any party of any of its rights or duties under this **Agreement**, which assignment shall be prohibited except with the prior written consent of all parties hereto. Such consent shall not be unreasonably withheld.

## VI. ENTIRE AGREEMENT

This **Agreement** sets forth the entire understanding of the parties with respect to the subject matter hereof, supersedes all existing agreements among them concerning the subject matter hereof, and may be modified only by a written instrument duly executed by each of the parties hereto.

## VII. NOTICE

All notices and other such written communications pertaining to this **Agreement** shall be sent as follows:

### If to the Department:

Lexington Fire Department  
219 East Third Street  
Lexington, KY 40508  
Office of the Chief

### If to the Fire Commission:

Kentucky Fire Commission  
300 North Main Street  
Versailles, KY 40383  
Office of the Executive Director

## AGREED TO BY:

Fire Commission

Chief

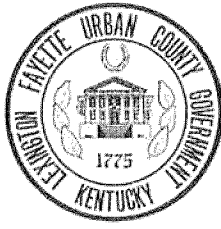
Date

Date

MAYOR

DATE





378-10

28

Lexington-Fayette Urban County Government  
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry  
Mayor

Linda L. Rumpke  
Commissioner

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

**FROM: IRENE GOODING, ACTING DIRECTOR  
DIVISION OF COMMUNITY DEVELOPMENT**

**DATE: JULY 26, 2010**

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT AWARD FROM  
THE KENTUCKY JUSTICE AND PUBLIC SAFETY CABINET,  
KENTUCKY STATE POLICE FOR OPERATION OF A TICKETING  
AGGRESSIVE CARS AND TRUCKS GRANT PROGRAM - FY 2011**

---

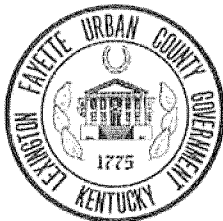
The Kentucky State Police has received high priority Motor Carrier Safety Assistance Program funds from the United States Department of Transportation, Federal Motor Carrier Safety Administration for continuation of TACT ("Ticketing Aggressive Cars and Trucks") Grant Program in Kentucky. The Kentucky Justice and Public Safety Cabinet has selected Lexington-Fayette Urban County Government's Division of Police as a recipient of these funds to conduct TACT activities.

Federal funding in the amount of \$25,000 will be provided by Kentucky Justice and Public Safety Cabinet to LFUCG for officer overtime in the performance of TACT activities. A 20% match is required. The match of \$6,250 will come from existing budgeted staff salaries in the Division of Police. Total cost of the project is \$31,250.

Council authorization to accept the award is hereby requested.

  
Irene Gooding, Acting Director

Xc: Tim Bennett, Commissioner of Public Safety



379-10

29

Lexington-Fayette Urban County Government  
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry  
Mayor

Linda L. Rumpke  
Commissioner

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

**FROM: IRENE GOODING, ACTING DIRECTOR  
DIVISION OF COMMUNITY DEVELOPMENT**

**DATE: JULY 27, 2010**

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE  
AGREEMENT WITH LOUISVILLE POLICE DEPARTMENT  
FOR IED TRAINING**

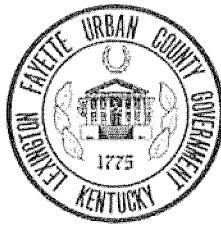
On December 4, 2008 (Ordinance # 260-2008), Council approved acceptance of federal funds in the amount of \$435,000 from the Kentucky Office of Homeland Security for IED Training for FBI Certified Bomb Squads in Lexington, Louisville, Owensboro, Paducah and Kentucky State Police.

The proposed agreement with Louisville Police Department provides for the transfer of equipment purchased by the LFUCG with federal funds awarded by the Kentucky Office of Homeland Security. The Louisville Police Department will use equipment for constructing training devices, explosive countermeasures, and remote handling equipment. The Louisville Police Department will be responsible for care and maintenance of equipment and shall be responsible for all associated costs.

Council authorization to execute agreement with Louisville Police Department is hereby requested.

  
Irene Gooding, Acting Director

Xc: Tim Bennett, Commissioner, Department of Public Safety



383-10

30

Lexington-Fayette Urban County Government  
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry  
Mayor

Linda L. Rumpke  
Commissioner

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

**FROM: IRENE GOODING, ACTING DIRECTOR  
DIVISION OF COMMUNITY DEVELOPMENT**

**DATE: JULY 30, 2010**

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE PROFESSIONAL  
SERVICE AGREEMENT WITH BRIGETTE GANAHL, SEXUAL ASSAULT  
NURSE EXAMINER, TO SERVE ON AN "ON-CALL" BASIS FOR THE  
PERFORMANCE OF FORENSIC EXAMINATIONS**

The Lexington-Fayette Urban County Government has received continuation funding (Violence Against Women Act) from the Kentucky Justice Cabinet for the operation of a Sexual Assault Nurse Examiner program. The purpose of this program is to improve the collection of forensic evidence in sexual assault cases and to provide the victims of sexual assault more humane treatment during the investigation. Ultimately, higher rates of reporting will occur along with higher rates of prosecution and conviction. The Kentucky Crime Victims' Compensation Fund also provides financial support for forensic examinations.

An approved element of the grant-funded project is contracting with certified Sexual Assault Nurse Examiners (S.A.N.E.s) to serve on call twenty-four hours a day to respond to calls for examinations at the University of Kentucky Emergency Room.

The attached Professional Services Agreement with Brigitte Ganahl outlines the responsibilities and compensation. Funds for these services are budgeted as follows:

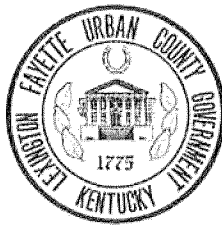
FUND	DEP ID	SECTION	PROJECT	ACTIVITY	BUD REF	ACCOUNT	AMOUNT
3140	505506	5561	SANE_2010	FED_GRANT	2010	71299	\$35,520
3140	505506	5561	SANE3_2010	STA_GRANT	2010	71217	\$24,150

The funds budgeted in SANE\_2010 are for the purpose of paying contractual nurses for on-call duty and for reimbursement for liability insurance. The funds budgeted in SANE3\_2010 are for payment of nurses for forensic examinations. These funds come from the state's Crime Victims Compensation Board.

Council authorization to execute the Professional Services Agreement with Brigitte Ganahl is hereby requested.

  
Irene Gooding, Acting Director

Xc: Tim Bennett, Commissioner of the Department of Public Safety



Lexington-Fayette Urban County Government  
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry  
Mayor

Linda L. Rumpke  
Commissioner

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

**FROM: IRENE GOODING, ACTING DIRECTOR  
DIVISION OF COMMUNITY DEVELOPMENT**

**DATE: AUGUST 2, 2010**

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT AWARD OF FEDERAL FUNDS FROM THE KENTUCKY JUSTICE AND PUBLIC SAFETY CABINET FOR THE CONTINUATION OF THE STREET SALES DRUG ENFORCEMENT PROJECT FOR FY 2011 AND TO EXECUTE AGREEMENT WITH THE FAYETTE COUNTY COMMONWEALTH ATTORNEY'S OFFICE FOR PERFORMANCE OF SERVICES**

---

On April 8, 2010 (Resolution # 181-2010), Council approved the submission of an application prepared by the Division of Police to the Kentucky Justice and Public Safety Cabinet requesting federal funding for continuation of the Street Sales Drug Enforcement project for Fiscal Year 2011. The Kentucky Justice and Public Safety Cabinet has offered the LFUCG an award in the amount of \$100,000 to continue the activities of the Lexington-Fayette Urban County Government's Division of Police and the Fayette County Commonwealth Attorney's Office in their attempts to arrest and convict the street level drug dealers. A local match of 25% (\$33,333) is required. Match in the amount of \$13,176 is provided from FY 2011 General Fund account 1101-112006-0001-78201 to match the Commonwealth Attorney's portion and match in the amount of \$20,157 is included in the Division of Police's 2011 General Fund budget. Total project cost is \$133,333.

The Division of Police will use funds in the amount of \$80,630 for overtime expenses. The Commonwealth Attorney's Office will use funds in the amount of \$52,703 to support the cost of one full-time Assistant Prosecutor to serve as a Fast Track Prosecutor for drug-related crimes. The source of these federal funds is the Edward Byrne Memorial Justice Assistance Grant Program in the U.S. Department of Justice.

Council authorization to accept the award is hereby requested and to execute agreement for services in the amount of \$52,703 with the Fayette County Commonwealth Attorney's Office.

  
Irene Gooding, Acting Director

Xc: Tim Bennett, Commissioner of Public Safety



Lexington-Fayette Urban County Government  
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry  
Mayor

Linda L. Rumpke  
Commissioner

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

**FROM: IRENE GOODING, ACTING DIRECTOR  
DIVISION OF COMMUNITY DEVELOPMENT**

**DATE: AUGUST 3, 2010**

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO SUBMIT APPLICATION  
AND ACCEPT AWARD, IF OFFERED, FROM THE KENTUCKY STATE  
POLICE—COMMERCIAL VEHICLE ENFORCEMENT DIVISION FOR  
OPERATION OF A MOTOR CARRIER SAFETY ASSISTANCE  
PROGRAM – FY 2011**

---

The Division of Police has prepared a grant application requesting federal funds from the Kentucky State Police--Commercial Vehicle Enforcement Division, to continue operation of the Motor Carrier Safety Assistance Program (MCSAP) in the Division of Police for FY 2011. The source of federal funds is the Federal Highway Administration.

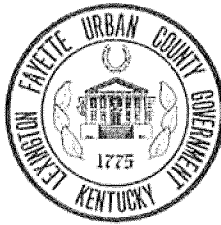
The program was begun in FY95 to reduce the number of commercial vehicle collisions and the deaths and injuries associated with these collisions. The program will continue to conduct motor carrier inspections on interstate and non-interstate highways; expand database as it relates to inspections, collisions, fatalities and vehicles taken out of service; training of new officers for the MCSAP; and the entry of inspection results into computerized system for submission to the Kentucky State Police.

Federal funding in the amount of \$75,000 is being requested for continuation of this program. These funds will be used for officer overtime, professional development, and minor equipment and operating supplies. A 20% match is required. The match of \$18,750 will come from existing budgeted staff salaries in the Division of Police. Total cost of the project is \$93,750.

Council authorization to submit the application and accept the award is hereby requested.

  
Irene Gooding, Acting Director

Xc: Tim Bennett, Commissioner of Public Safety



395-10

Lexington-Fayette Urban County Government  
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry  
Mayor

Linda L. Rumpke  
Commissioner

TO: JIM NEWBERRY, MAYOR  
URBAN COUNTY COUNCIL

FROM: IRENE GOODING, ACTING DIRECTOR  
DIVISION OF COMMUNITY DEVELOPMENT

DATE: AUGUST 4, 2010

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO CERTIFY  
INFORMATION STATION SPECIALISTS, INC., AS A SOLE SOURCE  
VENDOR FOR PURCHASE OF EQUIPMENT FOR THE EMERGENCY  
ADVISORY RADIO SYSTEM

On May 6, 2009 (Ordinance No. 84-2010), Council approved acceptance of federal funds from the Kentucky Department of Military Affairs, Division of Emergency Management for the continuation of the Chemical Stockpile Emergency Preparedness Program (CSEPP) for Fiscal Year 2010. The source of federal funds is the Department of Homeland Security/Federal Emergency Management Agency. CSEPP funds are used to support emergency preparedness activities in a nine county area that surrounds the Blue Grass Army Depot in Richmond, the site of a stockpile of chemical weapons.

An approved purchase is a third ALERT AM station for the LFUOG's existing emergency advisory radio system. The additional station will be located close to the Kentucky Horse Park, allowing the AM signal to reach the park. Information Station Specialists, Inc., (ISS, Inc.) was the vendor for the existing system, which was purchased in 2009. Sole source certification is requested on the basis that other vendors' equipment would not be compatible with the existing system. The cost of the equipment is \$38,580.

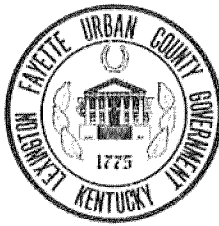
Funds are budgeted as follows:

FUND	DEPT ID	SECT	ACCT	BUD REF	ACTIVITY	PROJECT
3200	505201	0001	96468	2010	KY-FAY-457	CSEPP 2010

Council authorization to certify Information Station Specialists, Inc., as a sole source vendor for emergency advisory radio system equipment is hereby requested.

  
Irene Gooding, Acting Director

Xc: Tim Bennett, Commissioner of Public Safety



390-10

34

Lexington-Fayette Urban County Government  
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry  
Mayor

Linda L. Rumpke  
Commissioner

MEMORANDUM

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

**FROM:** Leslie Jarvis, Acting Director  
Leslie Jarvis, Acting Director  
Division of Human Resources

**DATE:** August 5, 2010

**SUBJECT:** Abolish/Create Position— Division of Police

The attached action amends Section 23-5 of the Code of Ordinances, abolishing one (1) position of sworn Police Captain, and creating one (1) position of sworn Police Lieutenant effective upon passage of Council.

The Division of Police requests this action to reorganize and restructure the Division in order to serve the public in a more efficient and effective manner. The first of this restructure was passed by council in Ordinance 26-2008.

The fiscal impact for FY2011 is a savings of \$24,304.82 (21 pay periods) and includes benefits.

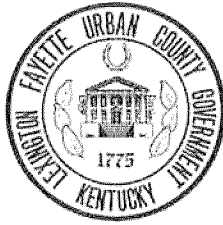
Name	Position Title	Annual Salary Before	Annual Salary After	Annual Increase/(Decrease)
Vacant	Police Captain	\$104,037.18	\$0	\$(104,037.18)
Vacant	Police Lieutenant	\$0	\$78,653.64	\$78,653.64
Total Annual Impact/ Salary and Benefits \$(30,091.68)				

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

Attachment

cc: Tim Bennett, Commissioner of Public Safety  
Ronnie Bastin, Chief, Division of Police  
Darrylyn Combs, Sr. Human Resources Manager, Division of Human Resources

Log # 11-0005



374-10

35

Lexington-Fayette Urban County Government  
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry  
Mayor

Linda L. Rumpke  
Commissioner

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

**FROM: IRENE GOODING, ACTING DIRECTOR  
DIVISION OF COMMUNITY DEVELOPMENT**

**DATE: JULY 22, 2010**

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE CONTRACT  
ADDENDUM FOR FISCAL YEAR 2010 WITH THE LEXINGTON-FAYETTE  
COUNTY HEALTH DEPARTMENT FOR THE HOME NETWORK PROJECT  
AT THE FAMILY CARE CENTER**

On August 27, 2009 (Ordinance # 176-2009), Council approved the acceptance of federal and state funds from the Lexington-Fayette County Health Department for continuation of the Family Care Center's Home Network Project in Fiscal Year 2009. The Health Department has now proposed a contract addendum providing for additional federal and state funds in the amount of \$50,000 for Medicaid and non-Medicaid clients during Fiscal Year 2010. The Health Department needs this addendum executed in order to pay pending invoices.

The Home Network program is being funded by the Kentucky Cabinet for Health and Family Services in a "pass-through" arrangement with the Lexington-Fayette County Health Department as the granting agency. The source of federal funds is the Kentucky Medical Assistance Program (Medicaid) and the source of state funds is tobacco settlement dollars.

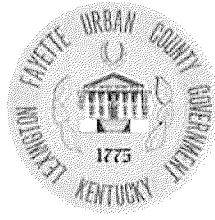
The Home Network program is a "fee for service" program, in that the LFUCG only receives funding for services that it delivers. The grant budget reflects the expenses of the program and an estimate of how much revenue will be generated by the existing staff. During 2010, it was anticipated that \$414,712 in "fee for service" revenue would be generated. Requested local funding in the amount of \$31,750 represented the gap between the anticipated revenue and the expenses of the program. The contract addendum increases the anticipated federal reimbursement amount by \$50,000 and eliminates local funding.

Council authorization to execute the contract addendum for Fiscal Year 2010 is hereby requested.

  
\_\_\_\_\_  
Irene Gooding, Acting Director

Xc: Marlene Helm, Commissioner of the Department of Social Services





376-10

36

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

Jim Newberry  
Mayor

Mike Webb  
Commissioner

**MEMORANDUM**

To: Mayor Jim Newberry  
Joseph Kelly, Sr. Advisor for Management  
Michael Webb, Commissioner, Public Works and Development

From: Kevin Wente, Administrative Officer

Date: July 16, 2010

RE: Proposed Quitclaim Deed of Spring Grove Avenue

---

This memorandum is to request approval for the closure of Spring Grove Avenue and deed the Right of Way to the Springs Motel of Lexington, Inc. Enclosures for your consideration include correspondence received among LFUCG Division Directors who responded with comments and consented to this request. The adjacent property owners will accept full responsibility of the maintenance and repair of the Right of Way. The Consent Certificate has been signed, notified and submitted to the Law Department. I am requesting Council authorization as presented and execution of all related documents. Should you have any questions regarding this request please feel free to contact me at 258-3400.

Kevin Wente, Administrative Officer





\*392-10

38

Mayor Jim Newberry

**LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**  
Commissioner's Office

Department of Public Works

TO: Mayor Jim Newberry  
Urban County Council

FROM: Kevin Wente *KW*  
Administrative Officer  
Department of Public Works and Development

DATE: August 3, 2010

SUBJECT: Schedule for 2010 Urban Services Changes

The Department of Public Works and Development requests your approval, of the attached schedule, to proceed through the annual Urban Service Legal Process for 2010.

Before properties are developed within the Fayette County Urban Service boundary, they are generally taxed solely for Police and Fire protection (Tax District 02 - General Services). However, once a property is recorded, divided and platted for new development, the new properties are moved to the appropriate tax district for other provided services. For example, properties on public streets are placed in the full service (01) tax district that provides refuse collection, streetlights, and street sweeping. Private streets are placed within the 03 tax district, which only includes refuse collection given that property owners maintain their own streets and provide their own streetlights if desired.

Kentucky Law requires that the Urban County Government notify each property owner by certified mail of a proposed increase in property tax and hold a public hearing. Per the attached schedule, the public hearing will be held at 3:00 p.m. on Tuesday, October 12, 2010, during Council Work Session, should anyone wish to comment.

Should you have any questions, please feel free to contact me. Thank you for your time and consideration regarding this matter.

**HORSE CAPITAL OF THE WORLD**

101 East Vine Street 4<sup>th</sup> Floor Lexington, KY 40507 Ph: (859)258-3410 Fax: (859)258-3458 [www.lfucg.com](http://www.lfucg.com)

\*392-10

## URBAN SERVICES CHANGES 2010 SCHEDULE

Administrative Review Form (Blue Sheet)	August 10, 2010
Work Session Discussion	August 17, 2010
Resolution First Reading	August 19, 2010
Resolution Second Reading	August 26, 2010
Publish	September 2, 2010
Publish	September 9, 2010
Publish	September 16, 2010
Certified Mail	Week of September 27, 2010
Neighborhood Information Meetings	October 4, 2010 through November 8, 2010
Pre-Work Session Meeting Public Works Conference Room	October 12, 2010 1:00 p.m. to 3:00 p.m.
Work Session Public Hearing On Urban Service Changes	October 12, 2010 3:00 p.m.
Documents due to Law Department	October 18, 2010
Ordinance First Reading	November 11, 2010
Ordinance Second Reading	November 18, 2010



394-10

40

Mayor Jim Newberry

**LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**  
Commissioner's Office

Department of Public Works

TO: Mayor Jim Newberry  
Urban County Council

FROM: Kevin Wente *KW*  
Administrative Officer  
Department of Public Works and Development

DATE: August 4, 2010

SUBJECT: Keithshire Elementary Quit-Claim Deed agreement

---

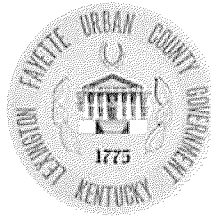
The Department of Public Works and Development requests Council approval for the transfer of right-of-way, via Quit-Claim Deed, to the Fayette County Board of Education. The resulting transfer will allow the Fayette County Public School System to construct a turn lane into the entrance of the newly constructed Keithshire Elementary.

Should you have any questions, please feel free to contact me. Thank you for your time and consideration regarding this matter.

**HORSE CAPITAL OF THE WORLD**

200 East Main Street 9<sup>th</sup> Floor Lexington, KY 40507 Ph: (859)258-3400 Fax: (859)258-3403 [www.lexingtonky.gov](http://www.lexingtonky.gov)

397-10



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

Jim Newberry  
Mayor

Mike Webb  
Commissioner

**MEMORANDUM**

To: Mayor Jim Newberry  
Urban County Council  
Joseph Kelly, Sr. Advisor for Management  
Michael Webb, Commissioner, Public Works and Development

From: Kevin Wente, Administrative Officer

Date: August 10, 2010

RE: Request for transfer of right-of-way via Quit Claim Deed - 3292 Richmond Road

---

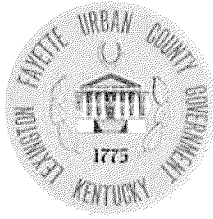
This memorandum is to request Council approval for the transfer of LFUCG right-of-way to the adjacent property owner located at 3292 Richmond Road . Enclosures for your consideration include the notes received from various LFUCG Division Directors and utility company representatives who responded with comments and consented to this request. The adjacent property owners will accept full responsibility of the maintenance and repair of the right-of-way. The Consent Certificate has been signed, notified and submitted to the Law Department. I am requesting Council authorization of the closure as presented and execution of all related documents. Should you have any questions regarding this request please feel free to contact me at 258-3407.





397-10





398-10

43

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

Jim Newberry  
Mayor

Mike Webb  
Commissioner

**MEMORANDUM**

To: Mayor Jim Newberry  
Urban County Council  
Joseph Kelly, Sr. Advisor for Management  
Michael Webb, Commissioner, Public Works and Development

From: Kevin Wentz, Administrative Officer *KW*

Date: August 9, 2010

RE: Request for authorization to execute a change order for Architectural Graphics Inc in the amount of \$5227.79 for the LFUCG wayfinding program

---

**Community Wayfinding Program**

Architectural Graphics, Inc. was selected to complete the final phase of the Community Wayfinding Program. During review of the final design specifications it was determined that additional material would be favorable for the successful fabrication and mount of the sign to the post. The amount of \$5227.79 in the material costs for the additional material necessary to construct an additional mounting bracket (see attached memo). Should you have any questions regarding this request, please feel free to contact me at 258-3407.



398-10

**CONTRACT HISTORY FORM**

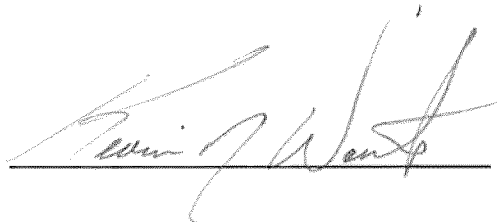
**Contractor:** Architectural Graphics, Inc.  
**Project Name:** Lexington Wayfinding Program  
**Contract Number and Date** 389-2010 – 8/10/2010  
**Responsible LFUCG Division:** Department of Public Works and Development

---

**CHANGE ORDER DETAILS**

	<b><u>Summary of Previous Change Orders To Date</u></b>	<b><u>Percent Change to Dollar Amount</u></b>	<b><u>Original Contract</u></b>
A.	<b>Original Contract Amount:</b>	<b>\$383,918.00</b>	
B.	<b>Cumulative Amount of Previous Change Orders:</b>	<b>\$0</b>	<b>0%</b> (Line B / Line A)
C.	<b>Total Contract Amount Prior to this Change Order:</b>	<b>\$383,918.00</b>	
<b><u>Current Change Order</u></b>			
D.	<b>Amount of This Change Order:</b>	<b>\$5227.79</b>	<b>.002%</b> (Line D / Line A)
E.	<b>New Contract Amount Including this Change Order:</b>	<b>\$389,145.79</b>	<b>101%</b> (Line E / Line A)

---

**SIGNATURE LINES****Project Manager:**

**Date:**

8/10/2010

**Reviewed by:****Date:****Division Director:****Date:**

## 45

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

[illegible]

**Sum to be added to the total contract price: \$5227.79**

The total adjusted contract price to date thereby is: \$389,145.79

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

Recommended by Kevin J. Wentz (Project Mgr)

Date 8/10/2010

Accepted by \_\_\_\_\_ (Contractor)

Date \_\_\_\_\_

Approved by \_\_\_\_\_ (Director)

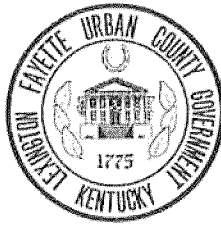
Date \_\_\_\_\_

Approved by \_\_\_\_\_ (Commissioner)

Date \_\_\_\_\_

Approved by \_\_\_\_\_ (Mayor or SAM)

Date \_\_\_\_\_



377-10

46

Lexington-Fayette Urban County Government  
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry  
Mayor

Linda L. Rumpke  
Commissioner

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

**FROM: IRENE GOODING, ACTING DIRECTOR  
DIVISION OF COMMUNITY DEVELOPMENT**

**DATE: July 19, 2010**


**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT DEEDS OF  
EASEMENT FROM OWNERS OF RECORD ON PROPERTIES NEEDED  
FOR THE GRIMES MILL BRIDGE REHABILITATION PROJECT**

On July 12, 2005 (Ordinance No. 213-2005), Council approved acceptance of award from Kentucky Transportation Cabinet in the amount of \$125,000 in federal and state funding (Bridge Replacement Program) for the design phase of the Grimes Mill Bridge Rehabilitation Project. Project will require easements from adjoining property owners.

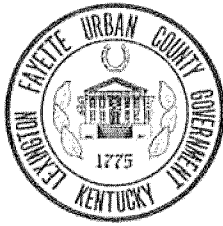
Funds for purchase of easements are budgeted in account:

FUND	DEPT ID	SECT	PROJECT	BUD REF	ACCT	ACTIVITY
3160	303201	0001	GRIMES ML 2006	2006	91712	FED GRANT

Council authorization to accept deeds of easement from the owners of record on properties needed for Grimes Mill Bridge Rehabilitation Project is hereby requested. Costs not to exceed \$3000.00.

  
Irene Gooding, Acting Director

Xc: Mike Webb, Commissioner of the Department of Public Works and Development



393-10

47

Lexington-Fayette Urban County Government  
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry  
Mayor

Linda L. Rumpke  
Commissioner

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

**FROM: IRENE GOODING, ACTING DIRECTOR  
DIVISION OF COMMUNITY DEVELOPMENT**

**DATE: AUGUST 4, 2010**

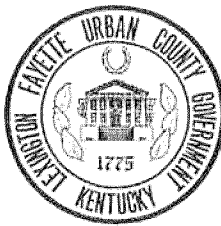
**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO SUBMIT APPLICATION  
TO THE KENTUCKY HERITAGE COUNCIL, AND ACCEPT AWARD IF  
OFFERED, FOR THE DIVISION OF HISTORIC PRESERVATION'S  
SURVEY AND PLANNING PROJECT – FY2011**

The Lexington-Fayette Urban County Government's Division of Historic Preservation has prepared a grant application to submit to the Kentucky Heritage Council. This application requests federal funding in the amount of \$12,000 for the purpose of supporting Certified Local Government historic preservation administrative activities in the Division of Historic Preservation. Funds will be used for the salaries and benefits of existing personnel in the Division of Historic Preservation. A 40 % (\$8,000) match is required. Budget amendment is in process to provide sufficient match from the FY 2011 General Fund Budget.

Council authorization to submit the application, and to accept the award if offered, is hereby requested.

  
Irene Gooding, Acting Director

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



399-10

48

Lexington-Fayette Urban County Government  
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry  
Mayor

Linda L. Rumpke  
Commissioner

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

**FROM: IRENE GOODING, ACTING DIRECTOR  
DIVISION OF COMMUNITY DEVELOPMENT**

**DATE: AUGUST 10, 2010**

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO SUBMIT TWO APPLICATIONS  
TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
FOR FUNDING UNDER THE COMMUNITY CHALLENGE PLANNING  
GRANTS PROGRAM**

The U.S. Department of Housing and Urban Development Office of Sustainable Housing and Communities has announced availability of funds under the Community Challenge Planning Grant. The purpose of this program is to foster reform and reduce barriers to achieving affordable, economically vital, and sustainable communities. Projects must address six livability principles which are: Provide more transportation choices, promote equitable, affordable housing, enhance economic competitiveness, support existing communities, coordinate policies and leverage investment, and value communities and neighborhoods. Lexington's Downtown Development Authority has prepared two applications for submission to HUD for consideration under this program. These are:

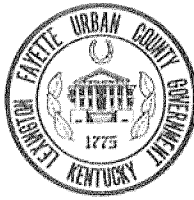
**North Lexington Gateway Plan**— Project will provide for a sustainable development plan in conjunction with landowners in the neighborhood surrounding the relocated Bluegrass Community and Technical College along Newtown Pike. The subject area is bordered on the east by Jefferson Street, on the north by Sixth Street and Loudon Avenue, on the west by Georgetown, Oak, and Charles, and the first block of West Main Street on the south. The amount requested is \$500,000 to be expended on planning consultation services. A 20% leverage in the amount of \$100,000 is required. This leverage will come from personnel costs of existing employees in the Downtown Development Authority, LFUCG divisions of Planning, Historic Preservation, Traffic Engineering, and Engineering. Professional services for leverage will be provided by Bluegrass Community & Technical College, their consulting team, and LexTran.

**Land Banking Plan**— Project will provide for a plan for establishing a Lexington-Fayette County land bank for development, redevelopment, and revitalization that preserves property for the development of affordable housing. Federal amount requested is \$250,000. a 20% leverage in the amount of \$50,000 will be documented from personnel costs of existing employees in the Downtown Development Authority and other LFUCG divisions.

Council authorization to submit the applications is hereby requested.

  
Irene Gooding, Acting Director

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



380-10

49

Lexington-Fayette Urban County Government  
DEPARTMENT OF LAW

Jim Newberry  
Mayor

Logan Askew  
Commissioner

TO: Jim Newberry, Mayor  
Members, Urban County Council

FROM: Department of Law

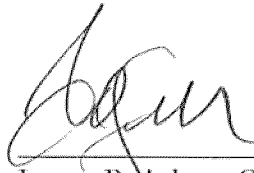
DATE: July 29, 2010

RE: 2010 Property Tax Collections  
Log No. 10-CC0572

Attached is an agreement between the Lexington-Fayette Urban County Government and the Fayette County Sheriff for 2010 property tax collections. State law designates the Sheriff as the collector of county, school and state property taxes. LFUCG has the authority to collect city taxes (a.k.a. the urban services taxes).

The Department of Law recommends approval of the attached agreement. The citizens of Fayette County will benefit by receiving one tax bill rather than two. The terms of this agreement are identical to the terms of our agreement the last three tax years.

Under the agreement, the Sheriff will collect the Urban Services taxes at a cost of \$350,000. After adjusting for the 75%/25% county official fee return to the LFUCG, the net cost will be \$262,500.

  
\_\_\_\_\_  
Logan B. Askew, Commissioner

ATTACHMENT

cc: Linda Rumpke  
Bill O'Mara

X:\Cases\FINANCE\10-CC0572\MEMO\00266689.DOC

**AGREEMENT**

THIS AGREEMENT is effective the 31<sup>st</sup> day of July, 2010, and is by and between KATHY H. WITT, Sheriff of Fayette County, hereinafter referred to as "Sheriff", and the LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT, an urban county government of the Commonwealth of Kentucky pursuant to KRS Chapter 67A, hereinafter referred to as "Government":

W I T N E S S E T H:

WHEREAS, the Sheriff is pursuant to KRS 134.140 the collector of "state, county and district taxes" and is pursuant to KRS 160.010 and 160.500(1) the collector of school taxes; and

WHEREAS, KRS 91A.070 provides that cities may collect their own taxes or elect to hire the Sheriff to collect them; and the Government's position is that KRS 67A.060(1) and 67A.070 give urban county governments all powers of cities not in conflict with the general statutes of the state; and

WHEREAS, the parties have agreed for the upcoming tax year that the Sheriff will collect the state taxes, county taxes, the school taxes, and the ad valorem urban services taxes pursuant to the terms set forth below:

NOW, THEREFORE, for and in consideration of the mutual promises and covenants contained herein, the parties hereto have bargained and agreed to the terms of this Agreement as follows:

Section 1. The Sheriff will assume all duties involved in collecting and reporting the ad valorem urban services taxes. The Sheriff shall pay her bond commission

and tax audit fees and not seek a return of these expenses. The Sheriff shall remit all collections to the Government daily via electronic transmission of funds. The Sheriff shall furnish to the Government daily an electronic file containing the bill numbers of all 2010 property tax bills paid or of payments cancelled.

Section 2. The Government shall pay the Sheriff the sum of \$350,000 for the ad valorem urban services tax collection services being provided; said sum is to be considered a commission paid for the collection of taxes. This sum shall be payable as follows: \$190,000 on or before November 10, 2010; \$100,000 on or before December 10, 2010; and \$60,000 on or before January 10, 2011. The parties understand and agree that the Sheriff will report this sum as commissions subject to KRS 64.350(1) and the Government in turn shall receive the twenty-five percent (25%) payment from the state on the Sheriff's commission, pursuant to KRS 64.350(1), in the amount of \$87,500.

Section 3. The Sheriff and her designated staff shall have on-line access to the Government's mainframe computer system in exchange for her daily remittal of tax collections. Access shall be limited to the currently defined terminal sessions. Additional sessions may be requested. Actual creation of any additional sessions will be subject to availability of the Government system resources, at no cost. All costs incurred by the Sheriff associated with providing any additional sessions will be the responsibility of the Sheriff.

Section 4. The Government shall furnish an electronic file of all property tax bills prepared on behalf of the Fayette County Clerk. All exonerations, changes,

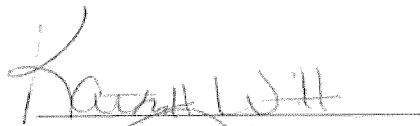


adjustments, payments, credits or refunds to the original bills prepared for the Fayette County Clerk shall be the responsibility of the Sheriff.

Section 5. This Agreement shall be for a period of one tax year and thereafter will be subject to renegotiation. The Agreement shall in no way be construed as limiting, reducing or waiving any constitutional or statutory authority of the Office of Fayette County Sheriff or the Government, including the right to collect taxes, or with respect to the right to assert any claim with respect to compensation for the collection of taxes, in any future agreements. The Sheriff shall continue rendering all other services to Fayette County as required by law.

Section 6. The preamble be and hereby is incorporated in this Agreement, the same as if fully set out herein.

SHERIFF OF FAYETTE COUNTY

  
KATHY H. WITT

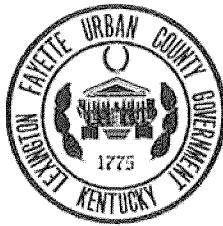
LEXINGTON-FAYETTE URBAN  
COUNTY GOVERNMENT

By: \_\_\_\_\_

JAMES H. NEWBERRY, MAYOR

ATTEST:

\_\_\_\_\_  
CLERK OF THE URBAN COUNTY COUNCIL



381-10

53

Lexington-Fayette Urban County Government  
OFFICE OF THE SENIOR ADVISOR / CIO

Jim Newberry  
Mayor

Rama Dhuwaraha  
Senior Advisor / CIO

TO: Mayor Jim Newberry  
Urban County Council

FROM: David Sullivan  
David Sullivan, Director  
Government Communications

DATE: July 27, 2010

SUBJECT: Memorandum of Understanding – Awesome Labs LLC

Attached please find documentation and a blue sheet for a Memorandum of Understanding (MOU) between Awesome Labs LLC and the Lexington-Fayette Urban County Government.

The primary purpose of this MOU is to outline understanding between the LFUCG and Awesome Labs LLC to attach touch screen display equipment (referenced as the Downtown Touch Screen Network/DTSN) to existing LFUCG facilities – the LexCall window (218 E. Main Street). The DTSN will be used to promote shopping, dining and entertainment destinations in Downtown Lexington to residents and visitors.

This MOU is effective for one (1) year from the date of signature and will automatically renew for successive one (1) year terms until terminated by either party upon 90 days written notice to the other party.

Upon approval and signing, please forward a copy of the agreement to Government Communications. There will be no budgetary impact.

Attachment

C: Rama Dhuwaraha, Senior Advisor/CIO – Office of the Mayor

## Memorandum of Understanding

This Memorandum of Understanding is entered into this the 23 day of July, 2010, between the Lexington-Fayette Urban County Government and Awesome Labs LLC.

The primary purpose of this Memorandum of Understanding (MOU) is to outline understanding between the Lexington Fayette Urban County Government (LFUCG) and Awesome Labs LLC for consideration in permitting Awesome Labs LLC to attach touch screen display equipment (referenced as the Downtown Touch Screen Network/DTSN) to existing LFUCG facilities.

The primary purpose of this DTSN is to promote shopping, dining, and entertainment destinations in Downtown Lexington to residents and visitors.

It is understood Awesome Labs LLC pursuant to this MOU will be able to attach touch screen display equipment to existing LFUCG facilities. Assurance is made that any damage created as a direct result of the installation process of touch screen display equipment will be assumed by Awesome Labs LLC. Upon completion of installation, LFUCG assumes responsibility for damages created by installed DTSN touch screen display equipment. It is understood that Awesome Labs LLC will provide LFUCG access to DTSN content for review and approval prior to the enabling general public access to the display equipment.

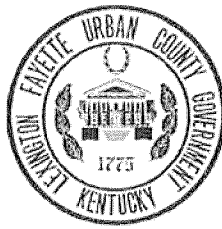
This MOU is effective for one year from the date of signature and will automatically renew for successive one (1) year terms until terminated by either party upon 90 days written notice to the other party.

Lexington-Fayette Urban  
County Government

Awesome Labs LLC

By: \_\_\_\_\_  
Jim Newberry, Mayor

By: \_\_\_\_\_  
Nick Such, CEO



389-10

55

Lexington-Fayette Urban County Government  
OFFICE OF CHIEF INFORMATION OFFICER

Jim Newberry  
Mayor

Rama Dhuwaraha  
CIO

TO: Mayor Jim Newberry  
FROM: Chad Cottle, Director of Enterprise Solutions *cc*  
DATE: July 20, 2010  
RE: Requests for Proposals – #37-2010 Open Enrollment Consultant

RFP #37-2010 was issued by the Division of Central Purchasing to solicit responses for a consultant to assist the Divisions of Enterprise Solutions and Human Resources with open enrollment this year. The contracts with our health and dental insurance providers expire this year requiring a positive enrollment meaning that all LFUCG employees will be required to go through the open enrollment process. A positive open enrollment not only requires all employees participate, but more than likely will require significant changes (plan rates, options, etc.) to the Benefits module in PeopleSoft. The selected consultant will assist LFUCG by updating and configuring rate tables, adjusting the tables to reflect new plan offerings, vendor changes, etc., testing the enrollment process, integrating carriers' systems with ours and assisting with troubleshooting. It is important to note that we anticipate this to be one time expenditure and that subsequent open enrollments should be handled solely by LFUCG staff.

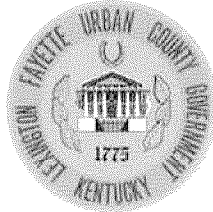
Three proposals were received and evaluated per CAO Policy #1. The proposal submitted by Metaformers was selected as the most responsive due to a thorough project scope and implementation plan, their in-depth knowledge of LFUCG's business practices and PeopleSoft system, and their prior experience with LFUCG.

Approval of this recommendation and the attached agreement are requested. Funds in the amount of \$105,709.60 are fully budgeted.

Please feel free to contact me if you have any questions or need additional information. Thank you.

CC/clw

Attachments



407-10

56

Lexington-Fayette Urban County Government  
DEPARTMENT OF LAW

Jim Newberry  
Mayor

Logan Askew  
Commissioner

TO: Jim Newberry, Mayor  
Councilmembers

FROM: Department of Law

DATE: August 12, 2010

RE: Virgie Hager Property, 375 Chilesburg Road

This memo is to request approval of a System Improvement Design and Construction Memorandum with Virgie Hager and Ball Homes, LLC, providing for donation of property at 375 Chilesburg Road for a public park and transfer of \$430,000.00 in exaction credits to Ball Homes, LLC, which agreement is contingent upon prior completion of the conditions of the attached letters being met.

This is a typical exaction credit transaction with the following exceptions:

1. The owner of the property, Virgie Hager, has reached an agreement with Ball Homes, under which she has purchased a home and she is transferring the exaction credits on this property to Ball Homes as part of the purchase price.
2. The property abuts Jacobson Park and is designated as park property in the master plan.
3. There is a concern that the old farm pond on the property may contain potential environmental hazards. Accordingly, we have advised Hager/Ball Homes that LFUCG will not accept the property unless it is environmentally safe.
4. Under the terms of our agreement, Hager/Ball will provide the environmental work and LFUCG will provide the trucks to haul the debris and dispose of the same. There are other minor terms which are contained in the attached letters.
5. The price of \$430,000 is based on appraisal which has been approved by the exactions committee.


Jim Newberry, Mayor  
Councilmembers  
August 12, 2010  
Page 2 of 2

57

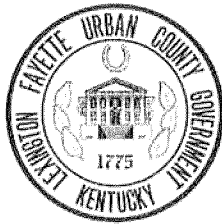
407-10  
- . .

Given the environmental considerations, Jack Bender, our environmental outside counsel, reviewed the matter, helped draft the pertinent language, and discussed the matter with Hager/Ball homes environmental consultant.

Please advise if you have questions or comments.

  
\_\_\_\_\_  
Logan B. Askew  
Commissioner of Law

X:\Cases\MAYOR\10-LB0029\MEMO\00269871.DOC



382-10

58

Lexington-Fayette Urban County Government  
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry  
Mayor

Linda L. Rumpke  
Commissioner

MEMORANDUM

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

FROM:   
Leslie Jarvis, Acting Director  
Division of Human Resources

DATE: July 23, 2010

SUBJECT: Error Correction— Amend Resolution 371-2010

This action amends Section 1 of Resolution No. 371-2010, correcting one salary error.

Section 1 currently reads: *That the following Probationary Civil Service Appointments made by the Mayor, be and hereby ratified:*

*Esther Moberly, Program Specialist, Grade 112E, \$1,634.64 bi weekly, in the Division of Waste Management, effective June 28, 2010.*

Section 1 should be amended to read: *That the following Probationary Civil Service Appointments made by the Mayor, be and hereby ratified:*

*Esther Moberly, Program Specialist, Grade 112E, \$1,775.76 bi weekly, in the Division of Waste Management, effective June 28, 2010.*

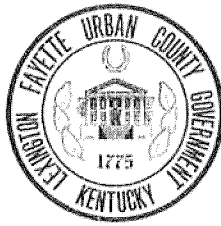
There is no fiscal impact associated with this action.

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

Attachment

cc: Darrylyn Combs, Human Resources Manager, Division of Human Resources  
Jim Dodson, Human Resources Analyst, Division of Human Resources

Log # 11-0003



386-10


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:**   
Leslie Jarvis, Acting Director  
Division of Human Resources

**DATE:** August 3, 2010

**SUBJECT:** Contract Services with University of Kentucky

The attached action authorizes the Mayor to execute an Administrative Services agreement with University of Kentucky - Jesse G. Harris, Jr. Psychological Services Center effective upon passage of Council.

In accordance with 23-18 of the Code of Ordinances, phase II of the appointment to the Fire Academy shall consist of a polygraph examination, a psychological suitability screening test and a background investigation conducted by the Division of Human Resources. This agreement will allow the University of Kentucky - Jesse G. Harris, Jr. Psychological Services Center to conduct the required psychological screening.

The cost of each evaluation will be \$300.00. Funds are budgeted.

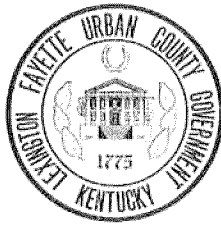
If you have questions or need additional information, please contact Daniel H. Fischer at 258-3030.

Attachment

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

Log # 11-0004





387-10

60


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:**   
Leslie Jarvis, Acting Director  
Division of Human Resources

**DATE:** August 3, 2010

**SUBJECT:** Contract Services with Part D Advisors Inc.

The attached action authorizes the Mayor to execute an agreement with Part D Advisors Inc to assist to receive the Medicare Early Retiree Subsidies provided for in the Patient Protection and Affordable Care Act of 2010, effective retroactive to May 21, 2010.

This temporary program will make it easier for employers to provide coverage to early retirees. Employers who are accepted into the program will receive reinsurance reimbursement for medical claims for retirees age 55 and older who are not eligible for Medicare, and their spouses, surviving spouses, and dependents. Health benefits that qualify for relief include medical, surgical, hospital, prescription drug, and other benefits that may be specified by the Secretary of Health and Human Services, as well as coverage for mental health services. The amount of this reimbursement to the employer plan is up to 80% of claims costs for health benefits between \$15,000 and \$90,000. Claims incurred between the start of the plan year (often January 1) and June 1st are credited towards the \$15,000 threshold for reimbursement. However, only medical expenses incurred after June 1, 2010 are eligible for reimbursement under this program. Both self-funded and insured plans can apply, including plans sponsored by private entities, state and local governments, nonprofits, religious entities, unions, and other employers.

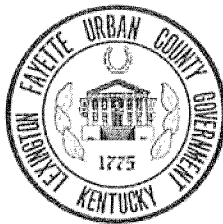
There is no cost to the Lexington-Fayette Urban County Government.

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

Attachment

cc: Vonda Melton, Senior Human Resources Manager, Division of Human Resources

Log # 11-0002



404-10

61

Lexington-Fayette Urban County Government  
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry  
Mayor

Linda L. Rumpke  
Commissioner

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

**FROM: IRENE GOODING, ACTING DIRECTOR  
DIVISION OF COMMUNITY DEVELOPMENT**

**DATE: AUGUST 4, 2010**

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE MODIFICATION TO  
REDEVELOPMENT AGREEMENT WITH REACH, INC., FOR  
REDEVELOPMENT OF DOUGLASS HEIGHTS PROJECT UNDER THE  
NEIGHBORHOOD STABILIZATION PROGRAM**

On June 25, 2009 (Ordinance No. 124-2009), Council authorized acceptance of federal funds from the Kentucky Department for Local Government under the U.S. Department of Housing and Urban Development's Neighborhood Stabilization Program, for the Douglass Heights Redevelopment project. The approved application provides for REACH, Inc., to serve as the development entity for this project. The executed agreement with REACH, Inc. is for the amount of \$525,000 in federal funds.

The funding agency, Kentucky Department for Local Government, has requested that the Government execute an Amendment to the Development Agreement with REACH to clarify eligible uses of funds.

Article III, paragraph 4 of the Development Agreement shall be amended in its entirety to read as follows:

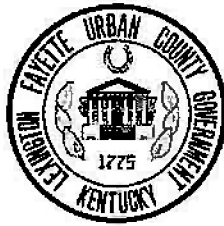
"The GOVERNMENT agrees to make reasonable, allowable disbursements to REACH when a need for payment is documented. The maximum amount of federal funds to be disbursed to REACH is \$525,000. All funds are for project development activities only."

The source of funds is the U.S. Department of Housing and Urban Development. Funds for this program were appropriated by Congress in the Housing and Economic Recovery Act of 2008.

Council authorization to execute Modification to Neighborhood Stabilization Program Redevelopment Agreement with REACH, Inc. is hereby requested.

  
Irene Gooding, Acting Director

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



405-10

62

Lexington-Fayette Urban County Government  
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry  
Mayor

Linda L. Rumpke  
Commissioner

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

**FROM : IRENE GOODING, ACTING DIRECTOR  
DIVISION OF COMMUNITY DEVELOPMENT**

**DATE: AUGUST 10, 2010**

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE HOME  
AGREEMENT WITH FAYETTE COUNTY LOCAL DEVELOPMENT  
CORPORATION FOR USE OF HOME FUNDS FOR DEVELOPMENT OF  
RENTAL HOUSING PROJECT AT RUSSELL SCHOOL PROPERTY**

The Lexington-Fayette Urban County Government's approved 2009 Consolidated Plan provides for the use of federal HOME Investment Partnerships Program funds in the amount of \$300,000 for the development of 27 rental housing for low-income elderly households by the Russell Community Service Center at the Russell School property. The Fayette County Local Development Corporation (a subsidiary of the Fayette County Urban League) will be the responsible entity for development of this property.

The total estimated cost of the housing component of this project is \$6,202,626. The other sources of funds are: Low-Income Housing Tax Credit equity in the amount of \$3,576,526 and U.S. Department of Housing and Urban Development's Section 202 in the amount of \$2,326,100.


HOME funds will be loaned to Fayette County Local Development Corporation in the form of a Deferred Payment Loan for the term of twenty (20) years. The Deferred Payment Loan shall be at zero percent (0%) interest for the duration of the loan, with no repayment of principal, unless an event of default occurs prior to the maturity date. For a five-year period of affordability, the organization is required to rent to income eligible persons at affordable rents as determined by the U.S. Department of Housing and Urban Development.

Community Action Council will rehabilitate the remaining space to provide a Head Start Child Care facility and offices to provide human services to the area.

Budget amendment is in process providing the following funds for the project:

FUND	DEPT ID	SECT	ACCOUNT	ACTIVITY	PROJECT	BUD REF	AMOUNT
3120	900207	0001	71101	H03	HOME 2010	2010	\$300,000

Council authorization to execute HOME Agreement with Fayette County Local Development Corporation is hereby requested.

  
Irene Gooding, Acting Director

Xc: Linda L. Rumpke, Commissioner of the Department of Finance and Administration



406-10

63

Lexington-Fayette Urban County Government  
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry  
Mayor

Linda L. Rumpke  
Commissioner

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

**FROM: IRENE GOODING, ACTING DIRECTOR  
DIVISION OF COMMUNITY DEVELOPMENT**

**DATE: AUGUST 2, 2010**

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE MODIFICATION #2 TO  
NEIGHBORHOOD STABILIZATION PROGRAM FUNDING AGREEMENT WITH THE  
KENTUCKY DEPARTMENT FOR LOCAL GOVERNMENT UNDER THE  
NEIGHBORHOOD STABILIZATION PROGRAM FOR LAND BANKING ACTIVITIES**

On June 25, 2009 (Ordinance No. 123-2009), Council approved the acceptance of federal funds from the Kentucky Department for Local Government under the Neighborhood Stabilization Program for operation of a Land banking project. This included the acquisition, disposal, and maintenance of distressed homes and demolition of blighted structures. The LFUCG was approved for funding in the amount of \$1,374,975.

On June 10, 2010 (Ordinance No. 101-2010), Council approved execution of a modification to the agreement with Kentucky Department for Local Government for use of federal funds under the Neighborhood Stabilization Program for Land banking activities. The LFUCG was modified for funding in the amount of \$1,000,000.

The Kentucky Department for Local Government (DLG) has requested that a second modification to the funding agreement be executed by the LFUCG. The modification incorporates the following changes:

- adds a "funding out" provision that states if the Department for Local Government (DLG) does not receive anticipated grant funds it cannot distribute funds to LFUCG
- adds a clause for 30-day cancellation by either party
- clarifies that state entities with oversight responsibility may have access to LFUCG records as well as those of contractors employed for NSP
- revises amounts to be expended within the NSP eligible uses, based on amounts projected in LFUCG's 6/30/10 obligation report
- adds a loan servicing agreement for any NSP funds which may be permanently invested as down payment, closing cost or principal reduction

The source of funds is the U.S. Department of Housing and Urban Development. Funds for this program were appropriated by Congress in the Housing and Economic Recovery Act of 2008.

Council authorization to execute Modification #2 to Neighborhood Stabilization Program Funding Agreement is hereby requested.

Irene Gooding, Acting Director

Xc: Linda L. Rumpke, Commissioner of Finance and Administration

200 East Main Street

• Lexington, KY 40507 •

(859) 425-2255 •

www.lexingtonky.gov

HORSE CAPITAL OF THE WORLD



\*\*326-10


64

Lexington-Fayette Urban County Government  
DEPARTMENT OF ENVIRONMENTAL QUALITY

Jim Newberry  
Mayor

Susan C. Bush  
Acting Commissioner

To: Mayor Jim Newberry  
Urban County Council

From:   
Charles H. Martin, P.E., Director  
Division of Water Quality

Date: August 6, 2010

Re: Code of Ordinances Chapter 14 & 16 – Control of Erosion and Sediment from Construction Sites

The purpose of this memorandum is to propose additions and amendments to the LFUCG Code of Ordinances for the purpose of meeting the objectives, intent and requirements found in:

1. LFUCG's Municipal Separate Storm Sewer System (MS4) discharge permit and;
2. Federal **Consent Decree**, which was lodged with U.S. District Court on March 14, 2008

This business item proposes an ordinance relating to erosion and sediment control associated with construction sites. The ordinance clarifies the requirements of LFUCG's erosion and sediment control program by modifying ambiguous language contained in Article 20 of the Zoning Ordinance and aligning LFUCG's requirements for construction sites one acre and larger with the requirements of the state erosion and sediment control program.

The proposed ordinance was presented to the regulated community on March 22, 2010. LFUCG accepted comment over a 30 day period and publically responded to those comments on June 15, 2010. Prior to and after the June 15, 2010 posting of the response to comments, LFUCG met with stakeholders and amended the original draft to address substantive comments.

Because Article 20 of the Zoning Ordinance is still in effect, this proposed ordinance, if approved, will not take effect until Article 20 is repealed or amended. Repeal or amendment of Article 20 will be a new business item occurring at a "to be determined" later date in 2010.

Questions regarding this memorandum should be directed to Charles Martin at 425-2455.

RECEIVED JUL 23 2010  
385

Mayor Jim Newberry  
**LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**  
Division of Water Quality

**MEMORANDUM**

To: Mayor Jim Newberry  
Urban County Council

From: James R. Wray *JRW*  
Engineering Technician Principal

Date: July 22, 2010

Re: Resolution Authorizing Acceptance of Deeds of Easement  
Project No: 226 – Della Drive Storm Sewer Rehabilitation

The purpose of this memorandum is to request a resolution authorizing the acceptance of deeds of easement from the owners of record on properties needed for the Della Drive Storm Sewer Rehabilitation Project. Cost not to exceed \$10,000.00.

The purpose of these easements is for the relocation of a storm sewer line that now exists under a home. Settlement of a lawsuit brought by the owners of 1034 Della Drive where the existing storm sewer line is now under the house requires the relocation of this line.

Funds for the payment are currently budgeted in 2522-303204-3321-92211.

Approved by:

*Charles H. Martin*  
Charles H. Martin, P.E.  
Director, Division of Water Quality

*Susan C. Bush*  
Susan C. Bush  
Acting Commissioner, Department of  
Environmental Quality

**Attachments**

c/w att: Darryl G. Bennett, P.E.      Glenda Humphrey George      Tracy W. Jones      Cassie Felty  
File

10.P226.406.bluesheet for project

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

101 East Vine Street Lexington, KY 40507 (859) 425-2400 LexCall (859) 425-2255 www.lfucg.com

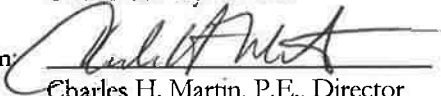


Lexington-Fayette Urban County Government  
DEPARTMENT OF ENVIRONMENTAL QUALITY

Jim Newberry  
Mayor

Susan Bush  
Acting Commissioner

To: Mayor Jim Newberry  
Urban County Council

From:   
Charles H. Martin, P.E., Director

Date: August 9, 2010

Re: Request Approval of Two (2) Class A (Neighborhood) Grant Award Agreements for Stormwater Quality Projects Funded by the Water Quality Management Fee

The Stormwater Quality Projects Incentive Grant Program was established by Ordinance 73-2009 in Section 16-410 of the Code of Ordinances. The grant program is funded through the Water Quality Management Fee (WQMF) and administered by the Division of Water Quality. The program provides financial assistance to payers of the WQMF for projects that improve water quality, reduce stormwater runoff, and educate the public on these issues.

Class A (Neighborhood) Incentive Grants are open to homeowner, neighborhood, and community associations that represent Class A parcels (i.e. single-family residential, duplexes, and farms). In FY 2011, \$260,000 for Class A Incentive Grants is budgeted in Fund 4051 303204 3373 78112. On July 6, 2010, Urban County Council approved the first six (6) Class A grants totaling 90,993.66.

All Class A grants require a 20% match by the Association receiving the grant.

This request is for approval of two Class A grants. Each has been reviewed and approved by the Water Quality Fees Board for a total of \$21,438.75. The recommended grant award recipients are:

1. **Autumn Ridge Homeowners Association, Inc.** **Grant Amount: \$11,183.75**  
A bottom aeration and algae control system shall be installed in the neighborhood's 1.4 acre retention pond in the East Hickman Creek Watershed to increase dissolved oxygen and improve water quality in the pond and the downstream receiving system. The Association shall purchase and install 10 rain barrels within the neighborhood and hold an education workshop for neighborhood residents on pond health and stormwater pollution.
2. **Gainesway Neighborhood Association, Inc.** **Grant Amount: \$10,255.00**  
Stream bank restoration and riparian buffer enhancement on shall be performed on one side of approximately 500 linear feet of a tributary to West Hickman Creek. Work shall include stream cleaning, removal of invasive species, and planting of a 15 to 20 foot wide riparian buffer with native species. Creek-side property owners in the neighborhood shall be queried to determine their concerns and questions about property owner responsibilities related to the stream in general. Three (3) educational workshops shall be held to educate the community on water quality, stream flow, stormwater problems, native plantings and overall stream maintenance.

Grant award requests will continue to be brought to Urban County Council in September and October for both Class A and Class B projects. Questions regarding these agreements should be directed to Susan Plueger, the Incentive Grant Program Administrator, at 859-425-2482.

Attachment

Pc: Susan Bush, Acting Commissioner, Department of Environmental Quality  
Ed Gardner, Department of Law  
Julie Mantrom, Division of Water Quality  
Susan Plueger, Division of Water Quality





391-10

68

Lexington-Fayette Urban County Government  
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry  
Mayor

Linda L. Rumpke  
Commissioner

TO: JIM NEWBERRY, MAYOR  
URBAN COUNTY COUNCIL

FROM: IRENE GOODING, ACTING DIRECTOR  
DIVISION OF COMMUNITY DEVELOPMENT

DATE: AUGUST 4, 2010

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE AGREEMENT WITH  
THIRD ROCK CONSULTANTS, INC., FOR ENVIRONMENTAL CONSULTING  
SERVICES UNDER THE WOLF RUN CREEK WATERSHED BASED PLAN— RFP  
22-2010

On February 11, 2010 (Ordinance No. 27-2010), Council approved the acceptance of federal funds from the Kentucky Energy and Environment Cabinet/Department for Environmental Protection/Kentucky Division of Water for the Wolf Run Watershed Based Plan. The goal of this project is the development of a watershed plan that the LFUCG can implement to reduce nonpoint source pollution in Wolf Run creek. RFP # 22-2010 was issued on March 24, 2010, requesting consulting serves to assist with the preparation of the first phase of a Watershed Based Plan for the Wolf Run Watershed. A committee reviewed the proposals and selected Third Rock Consultants, Inc., as the consultant for this project in an amount not to exceed \$177,200. The Scope of Work includes the following objectives:

- Compile and evaluate all available existing data for the Wolf Run watershed, collect additional data as required to allow cause and source identification and load calculations;
- Identify causes & sources, quantify current pollutant loads and required reductions and identify critical areas;
- Engage, educate and solicit input from the public in the development of the watershed based plan; and,
- Using a phased approach complete the Wolf Run Watershed Plan in accordance with budget constraints and KDOW approvals.

Funds are budgeted as follows:

FUND	DEPT ID	SECT	ACCT	PROJECT	ACTIVITY	BUD REF
3170	313201	3091	71299	WOLFRUN 2010	MS GRANT	2010

The source of federal funds is the Environmental Protection Agency's Section 319(h) Nonpoint Source Pollution Control Program.

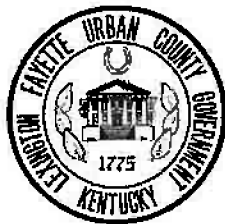
Council authorization to execute agreement with Third Rock Consultants, Inc., is hereby requested.

  
Irene Gooding, Acting Director

Xc: Susan Bush, Acting Commissioner of the Department of Environmental Quality  
200 East Main Street Lexington, KY 40507 (859) 425-2253 www.lexingtonky.gov

HORSE CAPITAL OF THE WORLD

F:\WP51\HCD\GRANTS\FEDERAL\US ENVIRONMENTAL PROTECTION AGENCY\WOLF RUN\11-000.doc



402-10

69

Lexington-Fayette Urban County Government  
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry  
Mayor

Linda L. Rumpke  
Commissioner

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

**FROM: IRENE GOODING, ACTING DIRECTOR  
DIVISION OF COMMUNITY DEVELOPMENT**

**DATE: AUGUST 10, 2010**

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE CHANGE ORDER  
# 1 WITH BLUEGRASS CONTRACTING CORPORATION FOR VAUGHN'S  
BRANCH FLOOD HAZARD MITIGATION PROJECT**

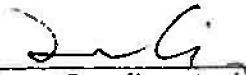
---

On February 8, 2007 (Ordinance # 28-2007), the Urban County Council authorized the acceptance of federal funds for the implementation of a flood hazard mitigation project in the Cardinal Valley area.

On September 17, 2009 (Resolution # 596-2009), Council authorized acceptance of bid from Bluegrass Contracting Corporation in the amount of \$1,225,006.25 for the Vaughn's Branch Flood Hazard Mitigation Project (Bid 104-2009). The Division of Water Quality has negotiated Change Order No. 1 with the contractor in the amount of \$26,657.50 for items not provided for in the original scope of work. New total is \$1,251,663.75

Funds are budgeted in 4051-303204-3334-92211.

Council authorization to execute Change Order # 1 in the amount of \$26,657.50 with Bluegrass Contracting Corporation is hereby requested.

  
\_\_\_\_\_  
Irene Gooding, Acting Director

Xc: Susan Bush, Acting Commissioner of the Department of Environmental Quality



402-10

70

Lexington-Fayette Urban County Government  
DEPARTMENT OF ENVIRONMENTAL QUALITY

Jim Newberry  
Mayor

Susan Bush  
Commissioner

**CONTRACT HISTORY FORM**

Contractor: Bluegrass Contracting Corporation  
Project Name: VAUGHN'S VAUGHN'S BRANCH FLOOD HAZARD MITIGATION PROJECT

Contract Number and Date: # 596-2009

Responsible LFUCG Division: Division of Water Quality

**CHANGE ORDER DETAILS**

**Summary of previous Change Orders to Date** **Dollar Amount**

A. Original Contract Amount: **\$1,225,006.25**

B. Cumulative Amount of Previous Change Orders: **\$0**

C. Total Contract Amount Prior to this Change Order: **\$1,225,006.25**

**Current Change Order**

D. Amount of this Change Order: **\$26,657.50**

E. New Contract Amount Including this Change Order: **\$1,251,663.75**

**SIGNATURE LINES**

Project Manager: [Signature]

Reviewed By: [Signature]

Division Director: [Signature]



402-10

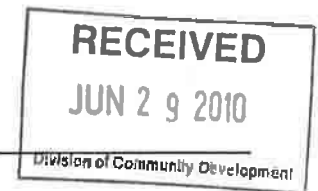
71

Lexington-Fayette Urban County Government  
DEPARTMENT OF ENVIRONMENTAL QUALITY

Jim Newberry  
Mayor

Susan Bush  
Commissioner

**Change Order**



**VAUGHN'S Change Order No.1**  
**Vaughn's Branch Flood Hazard Mitigation Project**  
**Lexington Fayette-Urban County Government**  
**Division of Water Quality**

**Owner:** Lexington Fayette-Urban County Government  
200 East Main Street  
Lexington KY, 40507

**Contractor:** Bluegrass Contracting Corporation  
P. O. Box 11638  
Lexington Ky, 40576-1638

**SUMMARY OF INFORMATION**

<b>Date of Change Order:</b>	<b>June 16, 2010</b>
<b>Date of Contract:</b>	<b>09/07/2009</b>
<b>Date of Notice to Proceed:</b>	<b>10/20/2009</b>
<b>Date of Contract Completion:</b>	<b>06/17/2010</b>
<b>Change in Contract Time (Calendar Days):</b>	<b>0</b>
<b>Original Contract Amount:</b>	<b>\$1,225,006.25</b>
<b>Previous Change Order Total:</b>	<b>\$0</b>
<b>Current Contract Amount:</b>	<b>\$1,225,006.25</b>
<b>Change Order # 1 Amount:</b>	<b>\$26,657.50</b>
<b>New Contract Amount Including Change Orders:</b>	<b>\$1,251,663.75</b>
<b>Percent of Change from Original Contract Amount:</b>	<b>2%</b>



402-10


72

Lexington-Fayette Urban County Government  
DEPARTMENT OF ENVIRONMENTAL QUALITY

Jim Newberry  
Mayor

Susan Bush  
Commissioner

To: Mayor Jim Newberry  
Urban County Council

From:   
Charles H. Martin, P.E., Director  
Division of Water Quality

Date: June 16, 2010

Subject: Change Order # 1 for the **VAUGHN'S**  
~~Vaughn's~~ Branch Flood Hazard Mitigation Project

**VAUGHN'S**  
The Division of Water Quality requests approval of Change Order # 1 with Bluegrass Contracting Corporation for the ~~Vaughn's~~ Branch Flood Hazard Mitigation Project. The original amount of this project was \$1,225,006.25. Change Order #1 is for \$26,657.50. Change Order #1 gives a revised total contract amount of \$1,251,663.75. The sum of this Change Orders amounts to 2% of the original contract amount.

**Description of Change Order**

1. Demolition of pavilion not part of original scope of work.  
Add \$4,700.00
3. Relocate water line not shown on plans.  
Add \$4,180.00
4. Relocate service lateral not shown on plans.  
Add \$932.00
5. Removal of concrete encasement around existing sanitary not known prior to excavation.  
Add \$3,332.50
6. Additional handrail at Chantilly culvert 6' high 24' long installed due to slope to creek.  
Add \$5,904.00
7. Modify wing wall at Chantilly due to conflict with Sanitary Manhole.  
Add \$2,447.00
8. Cored 26" hole in prefab wing on Chantilly to allow installation of storm sewer.  
Add \$1,662.00
9. Modify wing wall at Oxford Circle due to conflict with existing curb box.  
Add \$2,000.00
10. Cored 24" hole in storm manhole at Oxford Cir. to allow installation of storm sewer.  
Add \$1,500.00

**Total Cost of Change Order #1: \$ 26,657.50**



403-10

73

Lexington-Fayette Urban County Government  
DEPARTMENT OF ENVIRONMENTAL QUALITY

Jim Newberry  
Mayor

Cheryl Taylor  
Commissioner


TO: Jim Newberry, Mayor  
Urban County Council

From:   
Susan Bush, Acting Commissioner

Date: August 4, 2010

RE: Requesting authorization to award EcoArt grant recipients.

The Department of Environmental Quality is requesting authorization to award the EcoArt grant to recipients. The EcoArt grant is awarding \$63,273 to eight non-profits, three individuals, and four public and private schools.

The EcoArt grant will award 50% of funding at the start of the project, 25% at the completion, and 25% at the final report. The funds are available in 1115-313103-3161-78112. The projects will begin in the spring of 2010 and will be completed by July ~~2010~~. 2011. 

Banks, Pat	5,000.00
Bluegrass Greenworks Inc.	3,270.00
Carnegie Center	5,000.00
Chrysalis House Inc.	1,000.00
Dixie Magnet Elementary School	5,000.00
FCPS Gear Up	5,000.00
Lafayette High School Orchestra	5,000.00
Lansdowne Elementary	4,250.00
Lexington Art League	1,950.00
Lexington Philharmonic	5,000.00
Living Arts and Science Center	5,000.00
Morgan, Robert	5,000.00
Rezny, Mary	4,550.00
St Peter and Paul Regional Catholic School	4,669.00
UK Art Museum	3,584.00



400-10

74

Lexington-Fayette Urban County Government  
DEPARTMENT OF GENERAL SERVICES

Jim Newberry  
Mayor

Kimra Cole  
Commissioner

MEMORANDUM

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

FROM: Kimra Cole  
General Services Commissioner

DATE: August 6, 2010

RE: Disposal of Surplus Properties

It is our request that Urban County Council grant approval for authorization of the disposal of the following seventeen parcels of land, where LFUCG Public Facilities or LFUCG is shown as the owner in the PVA records. The parcels are listed as follows:

NO	Street Name	Parcel ID	Acres	Council Dist	Owner
296	E Sixth St	04012510	0.134	1	LFUCG
762	Florence Ave	11071340	0.074	2	LFUCG
464	Kenton St	15011400	0.026	1	LFUCG
124	Eddie St	04011970	Unknown (est 0.037)	1	LFUCG
951	Valley Ave	14337900	Unknown (est 0.079)	2	LFUCG
1140	Winburn Drive	19324810	0.109	2	LFUCG
510 512	E Third Street	16545600	0.08	1	LFUCG
221 223	W Seventh Street	15773000	0.037	1	LFUCG
824	E Seventh Street	38200840	0.113	1	LFUCG
262	E Fifth Street	13637125	0.057	1	LFUCG Public Facilities
313	Newtown Pike	04019990	0.048	2	LFUCG
315	Newtown Pike	04020010	0.035	2	LFUCG
317 319	Newtown Pike	04020000	0.036	2	LFUCG
4951	Tates Creek Road	38110320	0.891	12	LFUCG
1974	Alice Drive	04018610	0.85	2	LFUCG
1970	Alice Drive	24120700	1.587	2	LFUCG
520	E Third Street	12172000	Unknown (est 0.031)	1	LFUCG

The Department of General Services conducted a request for information from various departments within LFUCG to determine parcels owned by the government that could potentially be considered for disposal as surplus. As a result, and after a review was conducted by the Department of Law, General Services desires to offer these parcels for consideration for disposal. Each address will be offered for bid

as an individual parcel with LFUCG reserving the right to reject any and all bids. A reserve would not be placed on the bids. These are all vacant parcels with no structures on any of the sites. Most of the parcels are small in size and while three of them do not have acreage listed in the PVA records, estimates have been performed and GS believes that 124 Eddie Street has approximately 0.037 acres, 951 Valley Avenue has approximately 0.079 acres, and 520 E Third Street contains approximately 0.031 acres. Should there be no bidders for one or more of the parcels, other avenues will be explored for their disposal.



## **Services Committee 7-6-2010 Summary**

Council member Ellinger chaired the meeting calling it to order at 1:00. All council members present except CM Lawless, CM Feigel, CM Crosbie, CM McChord and CM Lane. CM James and CM Blues were recognized for a quorum. CM Stinnett present as non voting member.

### **Street Re-Paving List Priority Plan**

Kevin Wente, Dept of Public Works & Development, did a power point overview of road resurfacing fund allocation.

CM Beard asked about re striping of areas such as Nicholasville Rd before the World Equestrian Games. Commissioner Webb stated the paving of Nicholasville Rd is still responsibility of the state. He will call the state to see if it is on schedule to be done before the games. Commissioner Webb stated Council Members can call Traffic Engineering if they have a striping need in their district. CM Beard stated median/islands are a problem as well.

CM Beard asked about the county/road fund. Commissioner Webb stated the county/road fund is separate from the resurfacing fund.

CM Blues stated his concern is the extent of the ratings being up to date and accurate. Mr. Wente stated the full county assessment should be completed by the third week of August. He stated they can re evaluate a specific street if needed.

CM Blues asked how much we can get done with the funding that is available this season.

Sam Williams, Director of Streets, Roads, & Forestry, stated they are getting the final schedule of streets to pave within the next week and starting on those that are approved for FY10.

CM Ellinger asked for a list of the council districts and each districts allocation.

CM James stated when looking at the entire list the whole range seems to be off. She stated it seems inaccurate. Commissioner Webb stated some of the information provided may be 1 or 2 years old due to the process. He stated in August it should be more accurate.

CM James asked how do they count an intersection and can they just do an intersection. Commissioner Webb stated he believes it is possible to just do an intersection. He stated an intersection is counted depending on the way it is put in. He stated when Council Members get their list they can sit down with Street & Roads and go over those sections.

CM James asked if a whole in a street would count in the rating. Commissioner Webb stated he will have someone from Engineering answer that question. Mr. Williams stated a base failure should not come from these allocations.

CM James asked if the cost of asphalt varies year to year. Mr. Williams stated there are ways the price is adjusted. The base bid this year was the same as last fiscal year.

CM Henson stated the amount the districts receive is just not enough when you look at the linear footage. She asked what is the cost of all the streets that are rated 65 or less. Commissioner Webb stated they were able to pave approximately 20% of the list with the \$1.7 million. She asked if we are falling behind because there is not enough money to pave the lower rated streets. Commissioner Webb stated with the new data they will provide council members the total cost for doing all streets that are rated 65 and under. CM Henson stated one district may have more streets that are rated very low than another district may have. She stated those districts with much lower ratings should be addressed first. CM Henson asked for a report of the streets that are rated 40 or less and the cost to re pave those. Commissioner Webb stated he can provide that to Council and provide a weighing factor as well.

Commissioner Webb stated this was the first year Council Members were provided a list of their entire district that showed what their paving was. CM Stinnett stated they did get lists and have that data. He stated this list was missing the date it was last paved.

CM Ellinger stated keep this issue in committee.

### **Street Cleaning on Street Parking Restrictions**

Gary Means, Lexpark, gave an overview of this issue and suggestions that came out of some meetings.

CM Ellinger asked Mr. Means to keep the committee informed as things progress with this issue.

CM Ellinger stated to keep this issue in committee.

### **Items in Committee**

**Special Service committee meeting scheduled for August 31<sup>st</sup> at 9:00 a.m.**

Meeting adjourned at 2:03 p.m.