

URBAN COUNTY COUNCIL
December 6-December 13, 2010
Council Winter Recess December 10-January 10, 2011

Monday, December 6

Fayette County Rural Land Management Board Meeting.....3:00 pm
Conference Room-12th Floor Government Center

Tuesday, December 7

Council Inter Governmental Committee Meeting.....**CANCELLED**
Council Chambers-2nd Floor Government Center

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

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

Mayor's Youth Council Meeting.....5:30 pm
Conference Room-5th Floor Government Center

Wednesday, December 8

MPO-Transportation Technical Coordinating Committee Meeting.....9:00 am
Conference Room-7th Floor Phoenix Building

Traffic Safety Coalition Meeting.....10:30 am
Conference Room-3rd Floor Phoenix Building

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

Thursday, December 9

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

Friday, December 10

Mayor's Task Force on Breast Cancer Meeting.....10:00 am
Conference Room-5th Floor Government Center

Monday, December 13

Human Rights Commission Housing Commission Meeting.....4:30 pm
Conference Room-5th Floor Government Center

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

LEXINGTON-FAYETTE URBAN COUNTY COUNCIL

WORK SESSION AGENDA

December 7, 2010

- I. Public Comment – Issues on Agenda**
- II. Requested Rezoning / Docket Approval – Yes**
- III. Approval of Summary – Yes, November 23, 2010, pp.6-10**
- IV. Budget Amendments – Yes**
- V. New Business, pp. 12-53**
- VI. Continuing Business / Presentations**
 - A. Council Budget & Finance Committee, pp.54-55**
 - B. Land Use & Watershed Management Inspect on
Stormwater Runoff
Mr. Charlie Martin, Director of Water Quality**
- VII. Council Report**
- VIII. Mayor's Report – Yes**
- IX. Public Comment – Issues Not on Agenda**
- X. Closed Session – Pending Litigation**

ADMINISTRATIVE SYNOPSIS

New Business Items

- A. Authorization to Accept an Award from the US Department of Justice on Behalf of the Department of Public Safety, Division of Police and the Fayette County Sheriff's Office for Purchase of Bulletproof Vests – FY2011. (588-10) (Gooding/Bennett).
This request will authorize the acceptance of an award in the amount of \$41,057.20 from the US Department of Justice for purchase of bulletproof vests on behalf of the Division of Police and the Fayette County Sheriff's Office. The Division of Police will receive \$37,387 to purchase approximately one hundred (100) vests. A local match of 50% (\$37,387) is required and budgeted in the Division's General Fund budget. The Fayette County Sheriff's Office will be offered \$3,670 to purchase approximately ten (10) vests and will provide the match from their budget.**p.12**
- B. Authorization to Purchase from Equipment Simulation, LLC on Behalf of the Department of Public Safety, Division of Fire & Emergency Services. (589-10) (Hendricks/Bennett).
This request will authorize the purchase of CommandSim™ Fire Department Simulation Software and on-site training in the amount of \$32,950 from Equipment Simulation, LLC on behalf of the Division of Fire & Emergency Services to train and evaluate fire personnel during simulated scenarios. Funds awarded through the FY2010 Assistance to Firefighters Grant will be used for the purchase of the software.**p.13**
- C. Authorization to Amend Section 21-5 of the Code of Ordinances within the Department of Public Safety, Division of Emergency Management/911. (595-10) (L. Jarvis/Bennett)
This request authorize an amendment to Section 21-5 of the Code of Ordinances to abolish two (2) positions of Telecommunicator Supervisor (Grade 116E) and create two (2) positions of Telecommunicator Supervisor Sr. (Grade 117E) within the Division of Emergency Management/911. The fiscal impact for FY2011 will be \$4,832.62 with 80% funded through the Enhanced 911 fund and 20% funded by the General Fund budget. Total annual impact is \$9,665.24.**p.14**
- D. Authorization of Change Order No. 1 to Contract with L-M Asphalt Partners, Inc. (d/b/a ATS Construction) for the Bluegrass Aspendale Collector Street Project – Phase 3. (FINAL) (581-10) (Rayan/Webb)
This request will authorize approval of Change Order No. 1 to decrease contract amount by \$70,938.66 with L-M Asphalt Partners, Inc. (d/b/a ATS Construction) for the Bluegrass Aspendale Collector Street project – Phase 3. This change order adjusts the final quantities required to complete this portion of the project. Original contract amount was \$829,172.32. Final contract amount is \$768,233.66.**pp.15-19**

- E. Authorization of an Expansion Area Development Exaction Agreement with North Forty Properties, LLC Regarding the Clark Property Development in Expansion Area 2-A. (585-10) (King/Webb).

This request will authorize approval of an Expansion Area Development Exaction Agreement with North Forty Properties, LLC for construction of a sanitary sewer trunk line and dedication of .58 acres of non-floodplain greenway regarding the Clark Property development in Expansion Area 2-A. The proposed construction has been reviewed and approved by the Division of Engineering and the Exaction Credit Advisory Committee.**p.20**

- F. Authorization of an Execution of an Expansion Area Development Exaction Agreement with Silver Oaks Real Estate Investments, Inc. Regarding the Hamburg Place Development in Expansion Area 2-A. (586-10) (King/Webb).

This request will authorize approval of an Expansion Area Development Exaction Agreement with Silver Oaks Real Estate Investments, Inc. for construction of storm water management facilities within the wetlands and floodplain area regarding the Hamburg Place development in Expansion Area 2-A. The proposed construction has been reviewed and approved by the Divisions of Engineering and Water Quality and the Exaction Credit Advisory Committee.**p.21**

- G. Authorization to Adopt an Ordinance Pursuant to Section 2-1(a) of the Code of Ordinances Regarding the 2011 Council Schedule of Meetings. (582-10) (Langston)

This request will authorize an adoption of an Ordinance pursuant to Section 2-1(a) of the Code of Ordinances for calendar year 2011 Council schedule of dates and times of meetings in accordance with KRS 61.820.**pp.22-26**

- H. Authorization to Amend Section 1 of Resolution No. 615-2010 to Correct Grade Levels. (583-10) (L. Jarvis/Rumpke).

This request will authorize an amendment to Section 1 of Resolution No. 615-2010, to correct the grade level of Brandon Dunstan from 111N to 112N and the grade levels of Clarence Burnett and Gordon Gillian from 111N to 109N. There are no other changes associated with this amendment.**p.27**

- I. Authorization to Accept an Award Offered by the Kentucky Justice and Public Safety Cabinet on Behalf of the Domestic Violence Prevention Board – FY2011. (584-10) (Gooding/Helm).

This request will authorize the acceptance of federal funds in the amount of \$6,000 offered by the Kentucky Justice and Public Safety Cabinet on behalf of the Domestic Violence Prevention Board to print domestic violence community resource booklets, safety plans, kids safety plans and partner stalking brochures in English and Spanish. The source of funds is the US Department of Justice, Office on Violence Against Women. No matching funds are required.**p.28**

- J. Authorization of a Rental Agreement with Crestwood Christian Church for the Meeting the Challenges and Opportunities of Aging Conference. (593-10) (Helm)

This request will authorize the approval of a Rental Agreement for the Mission Center at the Crestwood Christian Church for the *Meeting the Challenges and Opportunities of Aging Conference* on May 21, 2011. The Conference is funded by contributions managed by the Fayette County Cooperative Extension Service. There is no budgetary impact for LFUCG. **p.29**

- K. Authorization of Facility Usage Contract with the Fayette County Board of Education (FCBE) on Behalf of the Department of General Services, Division of Parks & Recreation for the Youth Basketball Program. (587-10) (Hancock/Cole)

This request will authorize approval of a Facility Usage Contract in the amount of \$4,738.24 with the FCBE on behalf of the Division of Parks & Recreation for use of the Millcreek Elementary gymnasium for the Youth Basketball program. Funds are budgeted. **pp.30-31**

- L. Authorization to Amend Sections 21-14, 22-13, 23-16, and 23-18 of the Code of Ordinances Relating to Ratification of Probationary Appointments (590-10) (Askew).

This request will authorize approval of an Ordinance to amend Sections 21-14, 22-13, 23-16 and 23-18 of the Code of Ordinances relating to ratification of probationary appointments for compliance under the Americans with Disabilities Act (ADA). The proposed Ordinance has been reviewed and approved by the Kentucky Commission on Human Rights. **pp.32-42**

- M. Authorization of a Surety Bond for Stephen Hamlin, 3rd District Constable, Pursuant to KRS 62.055 and Section 22-55.1 of the Code of Ordinances. (591-10) (Askew)

This request will authorize approval of a Surety Bond for Stephen Hamlin, 3rd District Constable, in the amount of \$10,000 pursuant to KRS 62.055 and Section 22.55.1 of the Code of Ordinances. **p.43**

- N. Authorization of Change Order No. 2 to Contract with TEAM Contracting, LLC Regarding the Town Branch Wastewater Treatment Plant – Primary Effluent Pump Station Replacement Project. (FINAL) (592-10) (Martin/Bush)

This request will authorize approval of Change Order No. 2 with TEAM Contracting, LLC regarding the Town Branch WWTP – Primary Effluent Pump Station Replacement project. Final payment includes additional labor and equipment for removal and relocation of a 12-inch ductile iron drain line and terminates TEAM Contracting, LLC for default on contract. Original contract amount was \$1,340,000. Total of previous change order was \$188,192. Final contract amount is \$1,544,866.85. There is no budgetary impact. **pp.44-48**

- O. Authorization of a Tender Agreement with Great American Insurance Company to Accept TSI Paving to Complete the Town Branch Wastewater Treatment Plant – Primary Effluent Pump Station Replacement Project . (596-10) (Martin/Bush)

This request will authorize a Tender Agreement in the amount of \$116,236.74 with Great American Insurance Company to accept TSI Paving to complete the Town Branch WWTP – Primary Effluent Pump Station Replacement project previous awarded to TEAM Contracting, LLC. There is no budgetary impact.**pp.49-50**

- P. Authorization to Assign Contract No. 147-2009 to TSI Paving to Replace TEAM Consulting Regarding the Town Branch Wastewater Treatment Plant – Primary Effluent Pump Station Replacement Project. (597-10) (Gooding/Bush)

This request will authorize the assignment of Contract No. 147-2009 in the amount of \$686,412 to TSI Paving to replace TEAM Consulting, LLC as contractor for the Town Branch WWTP – Primary Effluent Pump Station Replacement project.**pp.51-52**

- Q. Authorization of an Energizing the Arts Confidentiality Agreement by and between Paladin, Inc., Bluegrass PRIDE and LFUCG for Energy Assessment Services. (594-10) (Gooding/Bush)

This request will authorize an Energizing the Arts Confidentiality Agreement by and between Paladin, Inc., Bluegrass PRIDE and LFUCG for energy assessment services for the Energizing the Arts program. This Agreement assures information collected by Paladin Inc. will not be shared with or among the five (5) nonprofit art facilities applying for funding under the Energizing the Arts program.**p.53**

URBAN COUNTY COUNCIL
WORK SESSION SUMMARY
& TABLE OF MOTIONS

November 23, 2010

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

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

A motion by CM Beard to approve the summary from November 16, 2010, seconded by CM Ellinger, passed without dissent.

- IV. Budget Amendments-None
- V. New Business

- A. Authorization of a Proposed Agreement with Municipal Code Corporation (MCCi) on Behalf of the Council Office, Council Clerk's Office for Legistar Legislative Management and Automated Agenda Solutions. (520-10) (Lamb/Langston)
- B. Authorization of Change Order No. 1 to Contract with Claunch Construction, LLC for the Leesway Drive Sanitary Sewer Improvements Project. (FINAL) (546-10) (Gooding/Webb)
- C. Authorization of Change Order No. 1 to Contract with Woodall Construction for the Lexington Downtown Streetscape Improvements Project – Phase One – East Main Street Project. (547-10) (Webb)
- D. Authorization of Change Order No. 1 to Contract with Arrow Electrical Contractors for the Conduit Installation-Sir Barton Way under the Fiber Optic Cable Installation Program – FY2008. (556-10) (Gooding/Webb)

- E. Authorization of Change Order No. 1 to Contract with Stantec for Consulting Services Regarding the Group 2 & 3 Sanitary Sewer Assessment (SSA) Project. (550-10) (Martin/Bush)
- F. Authorization of Amendment No. 1 to the Water Resources Investigations Agreement with the US Department of the Interior, US Geological Survey (USGS). (551-10) (Martin/Bush)
- G. Authorization of Change Order No. 1 and Termination of Contract with Woolpert, Inc. Regarding the Group 2 & 3 Sanitary Sewer Assessment (SSA) Project. (FINAL) (552-10) (Martin/Bush)
- H. Authorization of A Lease Agreement with Winmar Corporation on Behalf of the Department of Environmental Quality, Division of Water Quality. (557-10) (Martin/Bush)
- I. Authorization of a Grant Award Agreement with WLEX Communications, LLC under the Class B Education Incentive Grant Project for a Stormwater Quality Project – FY2011 (558-10) (Martin/Bush)
- J. Authorization of a Grant Award Agreement with the University of Kentucky Research Foundation under the Class B Education Incentive Grant Project for a Stormwater Quality Project – FY2011. (559-10) (Martin/Bush)
- K. Authorization of a Grant Award Agreement with Klausing Group, Inc. under the Class B Education Incentive Grant Project for a Stormwater Quality Project – FY2011. (560-10) (Martin/Bush)
- L. Authorization of a Grant Award Agreement with the Stanford E. Levy, LLC under the Class B Education Incentive Grant Project for a Stormwater Quality Project – FY2011. (561-10) (Martin/Bush)
- M. Authorization of a Grant Award Agreement with AIE Properties, LLC under the Class B Education Incentive Grant Project for a Stormwater Quality Project – FY2011. (562-10) (Martin/Bush)
- N. Authorization of a Grant Award Agreement with the Community Montessori School, Inc. under the Class B Education Incentive Grant Project for a Stormwater Quality Project – FY2011. (563-10) (Martin/Bush)
- O. Authorization of a Grant Award Agreement with Coca-Cola Refreshments USA, Inc. under the Class B Education Incentive Grant Project for a Stormwater Quality Project – FY2011. (564-10) (Martin/Bush)
- P. Authorization of a Grant Award Agreement with the Board of Education of Fayette County, Kentucky, Clays Mill Elementary School under the Class B Education Incentive Grant Project for a Stormwater Quality Project – FY2011. (565-10) (Martin/Bush)

- Q. Authorization of a Grant Award Agreement with Ronald McDonald House Charities of the Bluegrass, Inc. under the Class B Education Incentive Grant Project for a Stormwater Quality Project – FY2011. (566-10) (Martin/Bush)
- R. Authorization of an Engineering Services Agreement with BTM Engineering, Inc. Regarding the Investigation/Design for Lexington Mall Sanitary Sewer Relocation Project. (567-10) (Martin/Bush)
- S. Authorization to Accept a Grant Award from the Department of Military Affairs, Kentucky Division of Emergency Management (KYEM) for a Hazard Mitigation Grant Program (HMGP) for Southbend. (553-10) (Gooding/Bush)
- T. Authorization to Amend Section 21-5 of the Code of Ordinances on Behalf of the Department of Environmental Quality, Division of Water Quality and Section 22-5 of the Code of Ordinances on Behalf of the Department of Public Safety, Division of Police. (568-10) (L. Jarvis/Bush/Bennett)
- U. Authorization of a Memorandum of Understanding (MOU) with the Kentucky Cabinet for Health & Family Services, Department of Public Health, Office of Vital Statistics on Behalf of the Department of Public Safety, Division of Police. (548-10) (Bastin/Bennett)
- V. Authorization of a Government Entity Tower License Agreement with Crown Castle GT Company, LLC on Behalf of the Department of Public Safety, Division of Police. (549-10) (Bastin/Bennett)
- W. Authorization of a Rave Licensed Application Order Form (Chapter 50 Program) with Rave Wireless, Inc. on Behalf of the Department of Public Safety, Division of Emergency Management/911. (571-10) (Lucas/Bennett)
- X. Authorization of a Facility Usage Contract with the Fayette County Board of Education (FCBE) on Behalf of the Department of General Services, Division of Parks & Recreation for the After-School Program. (538-10) (Hancock/ Cole)
- Y. Authorization to Submit Grant Application and Accept Award from the Kentucky Board of Emergency Medical Services on Behalf of the Department of Public Safety, Division of Fire & Emergency Services for Purchase of Emergency Medical Services (EMS) Equipment – FY2012. (578-10) (Gooding/Bennett)
- Z. Authorization of an Agreement for Services Offered by the Kentucky Department of Fish and Wildlife Resources (KDFWR) Regarding the Hisle Park Ponds. (569-10) (Hancock/Cole)

- AA. Authorization of Change Order No. 1 to Contract with Tennis Technology, Inc. for the Shillito & Kirklevington Tennis Court Project. (570-10) (Hancock/Cole)
- BB. Authorization to Submit Grant Application to the US Environmental Protection Agency (USEPA) under the National Clean Diesel Funding Assistance Program. (577-10) (Gooding/Cole)
- CC. Authorization of an Inducement to nGimat, LLC as Part of the Kentucky Business Investment (KBI) Program. (572-10) (Wright/Kelly)
- DD. Authorization of an Inducement to Illinois Tool Works as Part of the Kentucky Business Investment (KBI) Program. (573-10) (Wright/Kelly)
- EE. Authorization of an Inducement to Galmont Consulting, LLC as Part of the Kentucky Business Investment (KBI) Program. (574-10) (Wright/Kelly)
- FF. Authorization of an Inducement to Escent Technologies, LLC as Part of the Kentucky Business Investment (KBI) Program. (575-10) (Wright/Kelly)
- GG. Authorization of an Inducement to NTSG, Inc. as Part of the Kentucky Business Investment (KBI) Program. (576-10) (Wright/Kelly)
- HH. Authorization to Amend Sections 2-442, 2-443, 2-444 and 2-447 of the Code of Ordinances Related to the Internal Audit Board. (579-10) (Askew)

A motion by CM Gorton to approve the new business items A-HH, seconded by CM Myers, passed without dissent.

VI. Continuing Business / Presentations-Yes

A. Water Resources Oversight Committee Update

This update was given by Chair CM Blues. There were no motions to come forward.

B. Council Planning Committee Update

This update was given by Chair CM Gorton. There were no motions to come forward.

C. Courthouse Area Design Review Board Annual Update

This update was given by Billy F Van Pelt, Design Review Officer, Courthouse Area Design Overlay Zone.

VII. Council Report

CM Blues-A motion by CM Blues to place on the docket for the Thursday, December 2, 2010 Council Meeting, under first reading resolutions, a resolution approving a contract with the State Department of Transportation to purchase a portion of Masterson Station Park to widen Leestown Road, seconded by CM Beard, passed without dissent.

CM Gorton- Thanked the CMs who have already met with her about their committee preference; asked Council Administrator to work with the vice-mayor elect to give update about current ad hoc and task forces that are underway; also asked Paul Schoninger to get a draft together of the issues that are presently in committee and where they will fall in the new committee structure-should be coming to you next week.

CM Beard-A motion by CM Beard to approve the NDF list, seconded by CM Ellinger passed without dissent.

CM Henson-A motion by CM Henson to place on the docket for the December 2, 2010 Meeting an ordinance extending the term of two (2) positions each in the Division of Parks & Recreation and the Division of Human Resources proposed for abolishment as of December 31, 2010 to March 31, 2011 and appropriating funds therefore, seconded by CM Lawless was amended by CM Gorton to remove the Avon position from the list, seconded by CM Blues, both passed without dissent.

VII. Mayor's Report-None

Mayor Newberry stated that he and Comm. Bennett paid a visit to Lex. Police officer Chris Eden.

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

X. Adjournment

A motion by CM Stinnett to adjourn, seconded by CM Beard, passed without dissent.

Work session was adjourned at 4:15 pm.

NEW BUSINESS ITEMS REQUIRING BUDGET AMENDMENTS

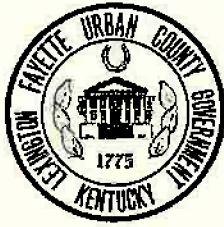
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If the New Business item listed below is on the Agenda, approval includes approval of the attached Budget Amendment. These Budget Amendments are not voted upon as part of section IV on the Agenda and are for information only.

NEW BUSINESS ITEM	BUDGET JOURNAL	DIVISION	DESCRIPTION OF REQUEST
584-10	48384-85	Community Development	To establish grant budget for Domestic Violence Prevention Board - FY 2011.
I			3140 6,000.00 3140 6,000.00CR 0.00 *
588-10	48382-83	Community Development	To establish grant budget for Bullet Proof Vest - FY 2011.
A			3140 82,114.00 3140 82,114.00CR 0.00 *
595-10	CB-0049	E911	To provide funds for two positions of Telecommunicator Supervisor Sr. (Grade 117E) by abolishing funds for two positions of Telecommunicator Supervisor (Grade 116E) and by reducing Contingency.
C			1101 4,830.00 1101 4,830.00CR 0.00 *
595-10	CB-0050	E911	To provide funds for two positions of Telecommunicator Supervisor Sr. (Grade 117E) by abolishing funds for two positions of Telecommunicator Supervisor (Grade 116E) and by reducing Contingency and Professional Services – Other.
C			4204 3,860.00 4204 3,860.00CR 0.00 *
596-10	48461-62	Water Quality	To provide funds for treatment plant construction by recognizing payment from Great American Insurance Company due to contractor bond default.
O			4003 116,236.74 4003 116,236.74CR 0.00 *

EFFECT ON FUND BALANCES

FUND 1101	0*	NO IMPACT TO:	GENERAL SERVICES DISTRICT
FUND 3140	0*	NO IMPACT TO:	US DEPARTMENT OF JUSTICE
FUND 4003	0*	NO IMPACT TO:	SANITARY SEWER CONSTRUCTION FUND
FUND 4204	0*	NO IMPACT TO:	ENHANCED 911 FUND



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: OCTOBER 28, 2010

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT AWARD
FROM THE U.S. DEPARTMENT OF JUSTICE FOR THE
PURCHASE OF BULLETPROOF VESTS— FY 2011**

On May 6, 2010 (Resolution No. 251-2010), Council approved the submission of an application to the U.S. Department of Justice requesting federal funds for the purchase of bulletproof vests for law enforcement officers in Fayette County.

The purpose of the Bulletproof Vest Partnership Grant Acts of 1998 (Public Law 105-181 and 2000 Public Law 106-517) is to save the lives of law enforcement officers by helping States and units of local governments equip their law enforcement officers with armor vests. The application can only be submitted by the local government. All law enforcement agencies in Fayette County that want to participate in the program must do so in a unified application with the lead entity being the LFUCG. A 50% local match is required.

The U.S. Department of Justice has offered the LFUCG an award of \$41,057.20. A 50% match is required. The Division of Police will be budgeted with \$37,387 in federal funds. Match funds in the amount of \$37,387 are budgeted in the Division of Police's 2011 general fund budget. Division of Police will be able to purchase approximately 100 vests. Federal funds in the amount of \$3,670 will be offered to the Fayette County Sheriff. The sheriff will provide match from her own budget. Sheriff's Office will be able to purchase 10 vests.

Council authorization to accept the award is hereby requested.


Irene Gooding, Acting Director

Xc: Tim Bennett, Commissioner of Public Safety



589-10

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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: Paul See, Major
Paul See, Major

RE: Purchase of Fire Simulation Software utilizing funds from the Assistance to Firefighters Grant.

DATE: November 17, 2010

This request seeks approval to purchase CommandSim Fire Department Simulation Software package and related on-site training services from Equipment Simulation, LLC. This software will allow the Training Bureau of the Division of Fire and Emergency Services to develop computer based simulations of emergency response scenarios. The software package will allow the scenario developers to add simulated smoke and fire to photographs and videos. The scenarios will be used to develop the decision making skills of Division of Fire personnel through training and evaluation in a controlled environment.

The software package allows multiple personnel to participate in a simulated emergency response scenario. It allows the scenario to change and evolve based on the decisions made by the participants.

The cost of this software package is \$28,950. The cost of the related on-site training is \$4,000.00. Pricing for this software package was obtained through RFP 39-2010. The purchase of this software package will be funded by the Assistance to Firefighters Grant that was awarded to the Lexington-Fayette Urban County Government in FY2010.



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: November 19, 2010

RE: Abolish/Create Positions – Division of Emergency Management/911

The attached action amends Section 21-5 abolishing two (2) positions of Telecommunicator Supervisor (Grade 116E) and creates two (2) positions of Telecommunicator Supervisor Sr. (Grade 117E) in the Division of Emergency Management/911, to become effective upon passage of Council.

The Division requests this action due to consolidation of 9-1-1 personnel from the Divisions of Police and Fire. New procedures and technology along with the influx of new personnel requires a dedicated position to provide a uniformed training program for both new and existing employees within the Division. Coordination of training of all Telecommunicator series employees will insure compliance with state training requirements and new technology and updated standards required to meet site certification standards.

The fiscal impact for FY2011 will be \$4,832.62 (13 pay periods) includes benefits. This will be funded eighty percent through Enhanced 911 fund and twenty percent General Fund.

Name	Position Title	Annual Salary Before	Annual Salary After	Annual Increase/(Decrease)
Vacant	Telecommunicator Supervisor Sr. (two positions)	\$0	\$52,351.00	\$104,702.00
Vacant	Telecommunicator Supervisor	\$48,474.92	\$0	\$(96,949.84)
Total Annual Impact/ Salary and Benefits \$9,665.24				

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

Attachment

cc: Tim Bennett – Commissioner, Department of Public Safety
David Lucas, Division of Emergency Management/911
Darrylyn Combs, HR Senior Manager, Division of Human Resources

11-0015



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

Jim Newberry
Mayor

Mike Webb
Commissioner

MEMORANDUM

TO: Mayor Jim Newberry
Urban County Council

FROM: Marwan A. Rayan, P.E. *MAR*
Urban County Engineer

DATE: November 18, 2010

RE: Change Order No. 1- Final to Contract No. 112-2009; PO No. LF00063302
Bluegrass Aspendale Collector Street, Phase 3

The Division of Engineering is prepared to close out the referenced contract and would like to request a modification to the construction contract with L-M Asphalt Partners, Ltd., dba ATS Construction, to decrease the contract amount by \$70,938.66. This modification reduces the contract amount from \$839,172.32 to \$768,233.66 and adjusts the final quantities to those actually used on the project.

Attached are the Contract Change Order, Justification for Change and Contract History forms. Funding for this project is from account 2515-303301-0001-91715. The Division of Engineering recommends approval of this construction contract modification.

Attachments

MAR: rab

C: James M. Webb; Robert Bayert, P.E.

2011.P546.411.BGA3 CO cover

CONTRACT HISTORY FORMProject Name: Bluegrass Aspendale Collector Street, Phase 3Contractor: L - M Asphalt Partners, Ltd., dba ATS ConstructionContract Number and Date: 112-2009 June 11, 2009Responsible LFUCG Division: Engineering**CONTRACT AND CHANGE ORDER DETAILS**A. Original Contract Amount: \$ 839,172.32Next Lowest Bid Amount:
\$891,122.67

B. Amount of Selected Alternate or Phase: \$ _____

C. Cumulative Amount of All Previous Alternates or Phases: \$ 839,172.32D. Amended Contract Amount: \$ 839,172.32E. Cumulative Amount of All Previous Change Orders: \$ 0.00 0.0%
(Line E / Line D)F. Amount of This Change Order: \$ -70,938.66 -8.5%
(Line F / Line D)G. Total Contract Amount: \$ 768,233.66**SIGNATURES**Project Manager: [Signature] Date: 7/11/18/10Reviewed by: [Signature] Date: _____Division Director: [Signature] Date: 11/18/10

CONTRACT CHANGE ORDER

Date: November 18, 2010

Project: Bluegrass Aspendale Collector Street, Phase 3

Location: Midland Avenue to East Third Street

To (Contractor): L-M Asphalt Partners, Ltd. dba ATS Construction, 3009 Atkinson Avenue, Suite 400, Lexington, Kentucky 40509

Contract No: 112-2009

Change Order No: 1 (FINAL)

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

Item No.	ADD / DEL	Description of changes	Units	Quantity	Unit Price	Decrease in contract price	Increase in contract price
5	del	Clean Drainage Structures	LS	1	\$ 2,089.38	\$ 2,089.38	\$ -
10	del	Bituminous Asphalt Surface	Tons	80.96	\$ 69.43	\$ 5,621.05	\$ -
11	del	Bituminous Asphalt Base	Tons	51.59	\$ 63.88	\$ 3,295.57	\$ -
12	add	Dense Graded Aggregate	Tons	981.83	\$ 20.45	\$ -	\$ 20,078.42
13	del	#2 Stone	Tons	487.52	\$ 22.00	\$ 10,725.44	\$ -
14	del	Filter Fabric	SY	1719	\$ 1.67	\$ 2,870.73	\$ -
17	del	5' wide, 4 1/2" thick Concrete Sidewalk	LF	295.56	\$ 16.00	\$ 4,728.96	\$ -
18	add	6' wide, 4 1/2" thick Concrete Sidewalk	LF	116.8	\$ 18.00	\$ -	\$ 2,102.40
19	del	Handicap Ramps with ADA Tactile Pavers	EA	1	\$ 2,005.00	\$ 2,005.00	\$ -
20	add	Handicap Ramps with ADA "Stepsafe" Tactile Pavers	EA	2	\$ 1,330.00	\$ -	\$ 2,660.00
21	del	Concrete Curb and Gutter, Type 1	LF	187.5	\$ 16.50	\$ 3,093.75	\$ -
22	add	Concrete Curb and Gutter, KYDOH Standard C & G	LF	46.5	\$ 18.00	\$ -	\$ 837.00
24	del	Curb Box Inlet, Type A	EA	2	\$ 2,727.00	\$ 5,454.00	\$ -
25	del	Curb Box Inlet, Type B	EA	2	\$ 3,221.00	\$ 6,442.00	\$ -
27	del	KYDOH Junction Box, RDX-005-002	EA	3	\$ 1,438.00	\$ 4,314.00	\$ -
28	add	Surface Inlet, LFUCG Type B	EA	1	\$ 2,050.00	\$ -	\$ 2,050.00
29	add	15" RCP	LF	48	\$ 65.50	\$ -	\$ 3,144.00
31	del	24" RCP	LF	19	\$ 90.70	\$ 1,723.30	\$ -

LEXINGTON-FAYETTE URBAN COUNTY GOVERN JT		Date: November 18, 2010
CONTRACT CHANGE ORDER		Project: Bluegrass Aspendale Collector Street, Phase 3
To (Contractor): L-M Asphalt Partners, Ltd. dba ATS Construction, 3009 Atkinson Avenue, Suite 400, Lexington, Kentucky 40509		Location: Midland Avenue to East Third Street
		Contract No: 112-2009 Change Order No: 1 (FINAL)

You are hereby requested to comply with the following changes from the contract plans and specifications;						
Item No.	ADD / DEL	Description of changes	Units	Quantity	Unit Price	Increase in contract price
32	add	Seed and Protection, Method 2	SY	2650	\$ 0.75	\$ - \$ 1,987.50
33	del	Sod	SY	1044	\$ 5.00	\$ 5,220.00 \$ -
34	add	Removal of Concrete Curb and Gutter	LF	6.8	\$ 9.15	\$ - \$ 62.22
36	del	Silt Fence	LF	1074	\$ 3.00	\$ 3,222.00 \$ -
37	del	Construction Entrance	EA	1	\$ 1,458.00	\$ 1,458.00 \$ -
39	del	Silt Check Dam	EA	3	\$ 203.00	\$ 609.00 \$ -
41	del	Mill and Resurface Sixth Street	SY	136	\$ 5.68	\$ 772.48 \$ -
42	add	Mill and Resurface Fifth Street	SY	30	\$ 5.68	\$ - \$ 170.40
43	del	Pavement Striping and Signage	LS	0.59	\$45,702.50	\$ 26,865.30 \$ -
44	del	2" Schedule 40 PVC Pipe w / Pull String	LF	610	\$ 14.00	\$ 8,540.00 \$ -
45	del	4" Schedule 40 PVC Pipe w / Pull String	LF	130	\$ 27.00	\$ 3,510.00 \$ -
46	del	Remove & Replace Brick MH (Sanitary, Utility, Misc)	EA	3	\$ 3,009.00	\$ 9,027.00 \$ -
47	del	Difference between Bond Bid and Bond Cost	LS	1	\$31,818.03	\$ 31,818.03 \$ -
48	del	Project Sign	EA	1	\$ 250.00	\$ 250.00 \$ -
50	del	K100S Trench Drain	LF	35	\$ 170.00	\$ 5,950.00 \$ -
51	del	6" PVC Pipe	LF	15	\$ 26.00	\$ 390.00 \$ -
53	add	12" ADS N-12 Storm Sewer Pipe	LF	15	\$ 30.00	\$ - \$ 450.00
54	add	12" Nyloplast Drain w / Beehive Top	EA	1	\$ 1,270.00	\$ - \$ 1,270.00

LEXINGTON-FAYETTE URBAN COUNTY GOVERN. JT		Date: November 18, 2010
CONTRACT CHANGE ORDER		Project: Bluegrass Aspendale Collector Street, Phase 3
		Location: Midland Avenue to East Third Street
To (Contractor): L-M Asphalt Partners, Ltd. dba ATS Construction, 3009 Atkinson Avenue, Suite 400, Lexington, Kentucky 40509		Contract No: 112-2009
		Change Order No: 1 (FINAL)

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

Item No.	ADD / DEL	Description of changes	Units	Quantity	Unit Price	Decrease in contract price	Increase in contract price
55	add	8" SDR 35 Sanitary Sewer Pipe	LF	224	\$ 28.00	\$ -	\$ 6,272.00
56	add	Build Drop for Sanitary Sewer Manhole	EA	1	\$ 600.00	\$ -	\$ 600.00
57	add	New Sanitary Sewer Manhole	EA	1	\$ 2,100.00	\$ -	\$ 2,100.00
58	add	4" PVC Encasement Pipe	LF	130	\$ 22.00	\$ -	\$ 2,860.00
59	add	Stamped Concrete	SF	280	\$ 12.50	\$ -	\$ 3,500.00
60	add	Remove and Reconstruct CBI, Type A	LS	1	\$ 1,819.00	\$ -	\$ 1,819.00
61	add	Remove Rail and Ties	LS	1	\$ 2,000.00	\$ -	\$ 2,000.00
62	add	Additional Milling & Maintenance of Traffic on Midland	LS	1	\$13,078.79	\$ -	\$ 13,078.79
63	add	Replace Traffic Counter Station C22, Midland Avenue	LS	1	\$12,014.30	\$ -	\$ 12,014.30
64	add	Addition of \$0.30 to Correct P.O.	LS	1	\$ 0.30	\$ -	\$ 0.30

Total decrease	\$	149,994.99
Total increase	\$	79,056.33
Net decrease in contract price	\$	(70,938.66)

Current Contract Amount = \$839,172.32

New Contract Amount = \$768,233.66

Recommended by	<i>[Signature]</i>	(Proj. Engr.)	Date	11/18/10
Accepted by	<i>[Signature]</i>	(Contractor)	Date	11-18-10
Approved by	<i>[Signature]</i>	(Urban Co. Engr.)	Date	11/18/10
Approved by	<i>[Signature]</i>	(Commissioner)	Date	11/18/10
Approved by	<i>[Signature]</i>	(Mayor or CAO)	Date	



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

Jim Newberry
Mayor

Mike Webb
Commissioner

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

FROM: Chris King, Director
LFUCG Division of Planning

DATE: November 23, 2010

RE: Expansion Area Development Exaction Agreement – North Forty Properties, LLC (Clark Property;
Sanitary Sewers and Greenway)

This memo is to request that the Urban County Council approve the execution of an Expansion Area Development Exaction Agreement between the LFUCG and North Forty Properties, LLC for construction of system improvements related to the Clark Property development in Expansion Area 2-A.

The system improvements covered in this agreement include construction of a sanitary sewer trunk line and dedication of 0.58 acres of non-floodplain greenway. The total amount of exaction credits contained in this project is estimated to be \$232,229.

The proposed construction has been reviewed and approved by the LFUCG Division of Engineering. As required by ordinance, this agreement was reviewed by the LFUCG's Exaction Credit Advisory Committee (ECAC). The ECAC officially recommended approval of this agreement at its meeting held on November 17, 2010.

Approval of this agreement by Council before the end of the year is essential to the timely execution of this project.

A copy of the proposed agreement is attached. If there are any questions regarding this matter, please do not hesitate to contact me.

Attachment

C: Mike Webb, Commissioner
Richard V. Murphy, Attorney for North Forty Properties, LLC

ck/camp/ecac/silveroaksbluesheet3



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

Jim Newberry
Mayor

Mike Webb
Commissioner

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

FROM: Chris King, Director
LFUCG Division of Planning

DATE: November 23, 2010

RE: Expansion Area Development Exaction Agreement – Silver Oaks Real Estate Investments, Inc.
(Storm Water Facilities)

This memo is to request that the Urban County Council approve the execution of an Expansion Area Development Exaction Agreement between the LFUCG and Silver Oaks Real Estate Investments, Inc. for construction of system improvements related to the Hamburg Place development in Expansion Area 2-A.

The system improvements covered in this agreement include construction of various storm water management facilities within wetlands and floodplain areas near Polo Club Boulevard within a tributary of the North Elkhorn Creek. The total amount of exaction credits contained in this project is estimated to be \$943, 537.10.

The proposed construction has been reviewed and approved by the LFUCG Divisions of Engineering and Water Quality. As required by ordinance, this agreement was reviewed by the LFUCG's Exaction Credit Advisory Committee (ECAC), which met three times to review the proposal. The ECAC officially recommended approval of this agreement at its meeting held on November 17, 2010.

Approval of this agreement by Council before the end of the year is essential to the timely execution of this project.

A copy of the proposed agreement is attached. If there are any questions regarding this matter, please do not hesitate to contact me.

Attachment

C: Mike Webb, Commissioner
Rena G Wiseman, Stoll Keenon Odgen

ck/eamp/ecac/silveroaksbluesheet3



Lexington-Fayette Urban County Council

November 22, 2010

Jim Gray
Vice-Mayor

Linda Gorton
At-Large Member

Chuck Ellinger
At-Large Member

Andrea James
1st District

Tom Blues
2nd District

Diane Lawless
3rd District

Julian Beard
4th District

Cheryl B. Feigel
5th District

Kevin Stinnett
6th District

K. C. Crosbie
7th District

George Myers
8th District

Jay McChord
9th District

Doug Martin
10th District

Peggy Henson
11th District

Ed Lane
12th District

An Ordinance setting the Council Schedule of Meetings for the calendar year 2011 needs to be adopted prior to December 31, 2010.

Rebecca Langston
Council Administrator



AN ORDINANCE PURSUANT TO SECTION 2-1(a) OF THE CODE OF ORDINANCES OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT, ADOPTING A SCHEDULE OF MEETINGS FOR THE COUNCIL FOR THE CALENDAR YEAR 2011.

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

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

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

Section 1 - That the schedule of meetings for the Council of the Lexington-Fayette Urban County Government for the calendar year 2011 be and hereby is adopted as follows:

Meeting times are as follows unless otherwise noted:

Council Meeting – 6:00 PM
 Committee of the Whole (COW) Work Session – 3:00 PM
 Economic Development Committee – 1:00 PM
 Environmental Quality Committee – 3:00 PM
 General Government Committee – 1:00 PM
 Planning & Zoning Committee – 1:00 PM
 Public Safety & Public Works and Development Committee –
 1:00 PM
 Social Services Committee – 3:00 PM
 Budget & Finance Committee – 1:00 PM

January

- 11 Planning & Zoning Committee
COW Work Session
- 13 Council Meeting
- 18 Economic Development Committee (10:30 AM)
Social Services Committee (11:00 AM)
General Government Committee (11:30 AM)
Public Safety & Public Works & Development Committee
Environmental Quality Committee
- 25 Mayor's State of the Merged Government Address (12:00 PM)
Hyatt Regency Lexington
Budget and Finance Committee (1:30 PM)
COW Work Session
- 27 Quarterly Committee of the Whole Meeting (4:30 PM)
Council Meeting

February

- 1 General Government Committee
COW Work Session
- 3 Council Meeting
- 8 Economic Development Committee
Social Services Committee
- 15 Environmental Quality Committee (1:00 PM)
COW Work Session
- 17 Council Meeting
- 22 Budget & Finance Committee

March

- 1 Planning & Zoning Committee
COW Work Session
- 3 Council Meeting
- 8 Public Safety & Public Works and Development Committee
Environmental Quality Committee
- 15 Economic Development Committee
COW Work Session
- 17 Council Meeting
- 22 Budget & Finance Committee
General Government Committee (3:00 PM)

April

- 12 General Government Committee
Mayor's Budget Address (3:00 PM)
COW Work Session
- 14 Council Meeting
- 19 Economic Development Committee
Social Services Committee
- 26 Budget & Finance Committee
COW Work Session
- 28 Council Meeting

May

- 3 Planning & Zoning Committee
Environmental Quality Committee
- 10 Public Safety & Public Works and Development Committee
COW Work Session
- 12 Council Meeting
- 24 Budget and Finance Committee
COW Work Session
- 26 Quarterly Committee of the Whole Meeting (4:30 PM)
Council Meeting

June

- 7 General Government Committee
COW Work Session
- 9 Council Meeting
- 14 Economic Development Committee
Social Services Committee
- 21 Budget & Finance Committee
Council Meeting – First Reading of FY 12 Budget (3:00 PM)
COW Work Session
- 23 Council Meeting – Second Reading of FY 12 Budget

July

- 5 Planning & Zoning Committee
COW Work Session
- 7 Council Meeting
- 12 Public Safety & Public Works and Development Committee
COW Work Session
Council Meeting (6:00 PM)

August

- 16 General Government Committee
COW Work Session
- 18 Council Meeting
- 23 Economic Development Committee
COW Work Session
- 25 Quarterly Committee of the Whole Meeting (4:30 PM)
Council Meeting
- 30 Budget & Finance Committee
Social Services Committee

September

- 13 Planning & Zoning Committee
COW Work Session
- 15 Council Meeting
- 20 Public Safety & Public Works and Development Committee
Environmental Quality Committee
- 27 Budget and Finance Committee
COW Work Session
- 29 Council Meeting

October

- 11 General Government Committee
COW Work Session
- 13 Council Meeting
- 18 Economic Development Committee
Social Services Committee
- 25 Budget & Finance Committee
COW Work Session
- 27 Council Meeting

November

- 1 Planning & Zoning Committee
COW Work Session
- 3 Council Meeting
- 15 Public Safety & Public Works and Development Committee
COW Work Session
- 17 Quarterly Committee of the Whole Meeting (4:30 PM)
Council Meeting
- 29 Environmental Quality Committee (11:00 AM)
Budget and Finance Committee
COW Work Session

December

- 1 Council Meeting
- 6 Social Services Committee (11:00 AM)
Planning & Zoning Committee
COW Work Session
Council Meeting (6:00 PM)

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

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

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

PUBLISHED:



583-10

27

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: November 22, 2010

SUBJECT: Error Correction— Amend Resolution No. 615-2010

The attached action amends Section 1 of Ordinance No. 615-2010, correcting typographical errors to become effective retroactive to November 18, 2010.

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

Brandon Durstan, Graphic Designer, Grade 111N, \$16.464 hourly, in the Division of Government Communications, effective September 27, 2010.

Clarence Burnett, Equipment Operator Sr., Grade 111N, \$18.851 hourly, in the Division of Waste Management, effective November 22, 2010.

Gordon Gillian, Equipment Operator Sr., Grade 111N, \$18.129 hourly, in the Division of Waste Management, effective November 22, 2010

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

Brandon Durstan, Graphic Designer, Grade 112N, \$16.464 hourly, in the Division of Government Communications, effective September 27, 2010.

Clarence Burnett, Equipment Operator Sr., Grade 109N, \$18.851 hourly, in the Division of Waste Management, effective November 22, 2010.

Gordon Gillian, Equipment Operator Sr., Grade 109N, \$18.129 hourly, in the Division of Waste Management, effective November 22, 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 # 11-0018



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**

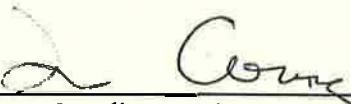
DATE: NOVEMBER 23, 2010

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT AWARD OF
FEDERAL FUNDS FROM THE KENTUCKY JUSTICE AND PUBLIC
SAFETY CABINET FOR THE DOMESTIC VIOLENCE PREVENTION
BOARD PROGRAM - FY 2011**

The Kentucky Justice and Public Safety Cabinet has offered the LFUCG's Domestic Violence Prevention Board an award of \$6,000 for the printing of various informational materials for victims of domestic violence for distribution county-wide by the various agencies that provide services to these victims. Funds will be used to print domestic violence community resource booklets, domestic violence safety plans, domestic violence kids safety plans, and partner stalking brochures in English and Spanish.

The source of federal funds is the U.S. Department of Justice/Office on Violence Against Women. No matching funds are required.

Council authorization to accept the award is hereby requested.



Irene Gooding, Acting Director

Xc: Marlene Helm, Commissioner of Social Services



593-10

29

Lexington-Fayette Urban County Government
DEPARTMENT OF SOCIAL SERVICES

Jim Newberry
Mayor

Marlene Helm
Commissioner

Memo

To: Mayor Jim Newberry
Members of the Urban County Council
Mr. Joe Kelly

Through: Commissioner Helm

From: Kristy Stambaugh, CTRS, MRC, CRC

Date: 11/23/10

Re: Meeting the Challenges and Opportunities of Aging Conference

Enclosed you will find a Mission Center Calendar Request Form for the renting of the Mission Center for the Meeting the Challenges and Opportunities of Aging Conference.

This is a one-day event is on Saturday, May 21, 2011

Aging Service is one of the sponsors for this event and the certificate of insurance will be provided by LFUCG. There will be no other budgetary impact as the funds for this annual program will have been raised through contributions and are managed by the Cooperative Extension Office.

Law review



Jim Newberry, Mayor
Division of Parks & Recreation
Jerry Hancock, Director

MEMORANDUM

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

FROM:


Jerry Hancock

RE: Facility Usage Contract

DATE: November 19, 2010

This is a request for Council approval of a Facility Usage Contract between the Fayette County Board of Education and the LFUCG Parks and Recreation.

This Facility Usage Contract is for the purpose of using FCPS facilities for our Youth Basketball Program for rental of the Millcreek Elementary Gymnasium for Saturdays beginning December 4, 2010 through March 19, 2011.

Please contact me if there are any questions.

CC: Kimra Cole, Commissioner of General Services

JEH/bac

**EXHIBIT A****THIS IS NOT A BILL -- INVOICE TO FOLLOW****DESIGNATION OF FACILITY/GROUNDS, PERSONNEL AND EQUIPMENT**

APPLICANT: Lexington-Fayette Urban County Government
(Parks & Recreation)

FACILITY: Millcreek Elementary School

DATE(S) & Saturdays--8:30am-3:00pm -- Dec. 4, 11, 2010; Jan. 8, 15,

TIME(S): 22, 29; Feb. 5, 12, 19, 26; March 5, 12, 19, 2011

DAILY FEE:**\$364.48****TOTAL FEE:****\$4,738.24**

AREA(S) TO BE USED	NO. AREAS	NO. HOURS PER AREA	TOTAL NO. HOURS	HOURLY UTILITY / MAINTENANCE FEE	TOTAL UTILITY / MAINTENANCE COST
Classroom / Library	0	0	0	\$8.75	\$0.00
Auditorium	----	----	----	----	----
Cafeteria	0	0	0	\$17.25	\$0.00
Kitchen	0	0	0	\$8.75	\$0.00
Gymnasium	1	6.5	6.5	\$13.75	\$89.38
Football Field	----	----	----	----	----
Running Track	----	----	----	----	----
Baseball Field	----	----	----	----	----
Softball Field	----	----	----	----	----
Other:	----	----	----	\$ 17.25	----
Subtotal	----	----	----	----	\$89.38
DISTRICT EMPLOYEES (If Applicable)	NO. EMPLOYEES	NO. HOURS PER EMPLOYEE	TOTAL NO. HOURS	HOURLY PERSONNEL FEE	TOTAL PERSONNEL COST
Custodian(s)	1	7	7	\$39.30	\$275.10
Food Service Manager(s) II	0	0	0	\$41.00	\$0.00
Technical Support Staff	0	0	0	\$44.05	\$0.00
Law Enforcement Officer(s)	0	0	0	\$51.55	\$0.00
Other	0	0	0	\$0.00	\$0.00
Subtotal	----	----	----	----	\$275.10
Total	----	----	----	----	\$364.48
ADDITIONAL RENTAL FEES (If Applicable)					
	0	0	0	\$0.00	\$0.00
Grand Total	----	----	----	----	\$364.48

COMMENTS:

Invoice monthly.



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: November 29, 2010

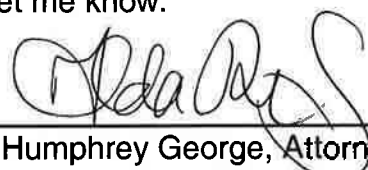
RE: Amending Code of Ordinances relating to ratification of probationary appointment

Council authorization is requested to amend Sections 21-14, 22-13, 23-16 and 23-18 of the Code of Ordinances to bring these sections into compliance with the Americans with Disabilities Act.

Under the ADA, employers are prohibited from asking applicants questions relating to their medical history until after a conditional offer is made. Once a conditional offer is made, it can only be rescinded if the employee does not pass a medical examination. Pursuant to our hiring process, the Mayor and/or the Urban County Council have the ability to rescind an offer for other reasons after medical information is obtained. These amendments are designed to bring our Code of Ordinances in compliance with the current state of the law.

A copy of the proposed ordinance is attached. This proposed ordinance has been reviewed by the staff attorneys for the Kentucky Commission on Human Rights and meets their approval.

If you have any questions, please let me know.



Glenda Humphrey George, Attorney Sr.

cc: Council Office
Mark Cambron, Kentucky Commission on Human Rights

DRAFT 11/19/10

ORDINANCE ____-2010

AN ORDINANCE AMENDING SECTION 21-14, SECTION 22-13, AND 23-18
OF THE CODE OF ORDINANCES PROVIDING THAT

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

Section 1 – That Section 21-14 of the Code of Ordinances be and hereby
is amended to read as follows:

(a) The appointing authority shall make all classified civil service appointments, probationary and permanent, ~~subject to ratification by the urban county council.~~ Prior to appointment, he shall receive recommendations from and ~~delegate the responsibility for conducting pre-employment interviews to the supervisor in whose executive unit the vacancy exists.~~ In all cases the appointing authority shall receive the recommendation of the chief administrative officer prior to submission of the appointment to the urban county council. Prior to making any classified civil service appointments, the urban county council shall ratify the appointments and authorize the appointing authority to make conditional offers.

(b) All classified civil service appointments shall be made only from the list of applicants certified by the commission after examination. Appointments shall be made only by the selection of one (1) of the five (5) holding the highest averages in the particular class and grade wherein the vacancy exists. All such appointments will be probationary pending completion of the probationary period. No employee appointed to a position requiring a pre-employment ~~physical examination or medical examination,~~ as specified by the director, shall begin work until he has passed the required physical or medical examination. No employee shall be subject to a physical examination or medical examination until after a conditional offer has been made and accepted.

If an employee successfully passes his physical examination or medical examination, he may begin his probationary period.

(c) Before permanent appointment, employees shall serve a six-month probationary period.

(d) The probationary period shall be used for the effective adjustment of new employees through supervision, counseling and evaluation, as well as for the elimination of any probationary employees who do not meet the required standards of work. The appointing authority may terminate a probationary employee at any time during the probationary period without the right of a hearing before the commission.

(e) No later than two (2) weeks prior to the conclusion of the probationary period, the employee's supervisor shall recommend in writing to the appointing authority the release or permanent appointment of the employee. The supervisor's recommendation shall not be binding on the appointing authority. A recommendation for permanent appointment shall be accompanied by a certification by the supervisor that the employee's probationary period has been successfully completed.

(f) Prior to the conclusion of the probationary period, the appointing authority shall either terminate the employee under the same conditions as in subsection (d) or make a permanent appointment as provided in subsection (a). An employee who is not released prior to service of six (6) months in probationary status shall acquire permanent status automatically.

Section 2 – That Section 22-13 of the Code of Ordinances be and hereby is amended to read as follows:

The appointing authorities set forth in articles II and III shall make or recommend all appointments to positions covered by this chapter, ~~subject to~~

ratification by the urban county council where provided. Prior to making an appointment, the urban county council shall ratify the appointment, where provided, and authorize the appointing authority to make conditional offers. No employee appointed to a position requiring a physical examination or medical examination, as specified by the director, shall begin work until he has passed the required physical examination or medical examination. No employee shall be subject to a physical examination or medical examination until after a conditional offer has been made and accepted. If an employee successfully passes his physical examination or medical examination, he may begin his probationary period.

Section 3 – That Section 22-53.1 of the Code of Ordinances be and hereby is amended to read as follows:

- (a) The division of human resources shall create a register for appointment to positions in the police academy.
- (b) The examination for appointment to the police academy shall be comprised of a two (2) phase process. Phase I shall consist of a written examination, a physical fitness test, and an oral examination. Phase II shall consist of a psychological suitability screening test, polygraph examination, and background investigation.
- (c) Candidates shall be at least twenty-one (21) years of age and shall not have reached their thirty-seventh birthday by the application filing deadline date.
- (d) Prior to the academy class, the director shall close the date for applications for each class to be published as required by KRS Ch. 424.
- (e) The examination components shall be approved by the Kentucky Law Enforcement Council, and validated by the Division of Human Resources.

(f) Phase I shall consist of the following:

(1) A job-related written examination shall be prepared by the division of human resources. The test administrator shall provide each candidate with his score on the written examination and shall indicate to each candidate whether he is eligible to proceed.

a. A different version of the written test shall be given for each hiring process.

(2) Each candidate shall complete and pass the state required, certified physical fitness standard, Kentucky Peace Officer Professional Standards (POPS).

(3) An oral examination shall be prepared and administered by the division of police.

a. The oral examination board shall consist of the following five (5) members:

1. A police sergeant, or above, and the police chief or a designated representative;

2. Two (2) police officers appointed by the police chief;

3. A professional member of the community agreed upon by the director, the commissioner of public safety, and the chief of police; and

4. At least one (1) African-American and one (1) female. One (1) individual may not satisfy both requirements.

5. The director, or his designated representative, shall attend all sessions of the oral examination board as a neutral adviser and shall have no vote in any of the proceedings.

6. A member of the urban county council, to be appointed by the vice mayor, may attend all sessions as a neutral observer and shall have no vote in any of the proceedings.

(4) After written and oral examination process, the representative and/or test administrator shall compute the scores of the candidates which will result in a preliminary ranking. Preference points equaling a two

(2) percent upgrade to any candidate's score who has served in any branch of the United States military and has received an honorable discharge.

(g) Phase II shall consist of the following:

1. The chief shall establish the maximum number of candidates who shall proceed to Phase II of the hiring process which shall consist of a polygraph examination, a psychological suitability screening test and background investigation.

a. Upon completion of Phase II, all components from Phase I and II shall be reviewed and taken into consideration when recommending candidates for selection.

b. The division of police shall supply the director with a list of those candidates whom the division recommends be eliminated from the current and future hiring processes. The director shall accept the recommendation for elimination if the circumstances satisfy the requirements of KRS 95.430 and applicable sections of this Code. The aforementioned examination, test, and reports may also be used as a basis to remove a candidate at any other point in the process.

(h) When vacancies arise in the division, the chief shall select names from the eligible list equal to the number of approved positions and a sufficient number of alternates.

~~(i) Prior to submitting recommendations to the mayor, the director shall require that each recommended candidate undergo a medical examination and drug screen.~~

(j) After all requirements have been met the chief shall forward his recommendation through the urban county government chain of command to the mayor with a recommendation for appointment. The mayor may accept or reject any recommendation made through the chain of command and shall have the sole prerogative to make the final appointmentsselections, subject to ratification by the urban county council. After the final selections are

made, the mayor shall submit the recommendations to the urban county council for approval to make conditional offers. After conditional offers are made and accepted, each selected candidate shall undergo a physical examination or medical examination and drug screening. All candidates who successfully complete the physical examination or medical examination and drug screening shall begin their probationary period.

(k) If a candidate is selected for an academy and is unable to attend or complete the academy due to unforeseen circumstances, the director and chief of police will review the situation and decide if the candidate will be allowed deferral to the next academy. Any candidate who is allowed to defer to the next academy must pass a new physical fitness test, and Phase II requirements.

(l) Upon the completion of the orientation section of the academy class, the list may be expired; however, the director and chief shall have the discretion to exhaust or maintain the register.

Section 4 - That Section 23-18 of the Code of Ordinances be and

hereby is amended to read as follows:

(a) The division of human resources shall create a register for appointment to positions in the firefighter academy.

(b) The examination for appointment to the fire academy shall be comprised of a two (2) phase process. Phase I shall consist of a written examination, a physical fitness test, and an oral examination. Phase II shall consist of a polygraph examination, a psychological suitability screening test and a background investigation.

(c) Candidates shall be twenty-one (21) years of

age by the application filing deadline and shall not have reached their thirty-fourth birthday by the application filing deadline.

(d) Prior to each academy class, the director of human resources shall close the date for applications for each class to be published as required by KRS Chapter 424.

(e) The examination process shall be validated by the division of human resources.

(f) Phase I shall consist of the following:

(1) A job-related written examination shall be prepared and validated by the division of human resources. The test administrator shall provide each candidate with his score on the written examinations and shall indicate to each candidate whether he/she is eligible to proceed.

a. A different version of the written test will be given for each recruitment cycles.

(2) Each candidate shall complete and pass a job related physical fitness test which has been approved by the division of human resources.

(3) An oral examination shall be prepared and administered by the division of fire and emergency services.

a. The oral board shall consist of the following six (6) members:

1. One (1) fire lieutenant, a fire captain, and the fire chief or a designated representative not below the rank of major, appointed by the fire chief.

2. A paramedic, appointed by the fire chief.

3. A firefighter, appointed by the fire chief.

4. A professional member of the community appointed by the fire chief with approval from the director and commissioner of public safety.

5. At least one (1) African-American and one (1)

female. One (1) individual shall not satisfy both requirements.

6. The director, or his designated representative, shall attend all sessions of the oral examination boards as a neutral advisor. He or his designee shall have no vote in any of the proceedings.

7. A member of the urban county council, to be appointed by the vice-mayor, may attend all sessions as a neutral observer. He shall not have a vote in any of the proceedings.

(4) After the written and oral examination process, the representative/test administrator shall compute the scores of the candidates' preference points equaling a two (2) percent upgrade will be applied to any candidate's score who has served in any branch of the United States military and who has received an honorable discharge. Any candidate with a current Kentucky or National Registry paramedic license shall receive a ten (10) percent upgrade to his or her final score. Any candidate with a current Kentucky or National Registry EMT certification shall receive a five (5) percent upgrade to his or her score. Only one (1) of the paramedic or EMT certifications will be applied to each applicable candidate's score.

(g) Phase II shall consist of the following:

(1) The fire chief shall establish the maximum number of candidates from the testing procedure who will proceed to Phase II of the hiring process. Phase II shall consist of a polygraph examination, a psychological suitability screening test and a background investigation.

(2) Upon completion of Phase II, all components of Phase I and II will be reviewed and taken into consideration when recommending candidates for selection.

a. The division of fire shall supply the director with a list of those applicants whom the division recommends be eliminated from current and future

hiring processes. The director shall accept the recommendation for elimination if the circumstances satisfy the requirements of KRS 95.440 and applicable sections of the Code of Ordinances. The aforementioned examination, test, and reports may also be used as a basis to remove a candidate at any other point in the process.

(h) When vacancies arise in the division, the chief shall select names from the eligible list equal to the number of approved positions and a sufficient number of alternates.

~~(i) Prior to submitting recommendations to the mayor, the director shall require that each recommended candidate undergo a medical examination and drug screening.~~

(j) After all requirements have been met, the chief shall forward his recommendation through the urban county government chain of command to the mayor with a recommendation for appointment. The mayor may accept or reject any recommendation made through the chain of command and shall have the sole prerogative to make the final ~~appointments~~ selections, ~~subject to ratification by the urban county council.~~ After the final selections are made, the mayor shall submit the recommendations to the urban county council for approval to make conditional offers. After conditional offers are made and accepted, each selected candidate shall undergo a physical examination or medical examination and drug screening. All candidates who successfully complete the physical examination or medical examination and drug screening shall begin their probationary period.

(k) If a candidate is selected for an academy and is unable to attend or complete the academy due to unforeseen circumstances, the director and chief will review the situation and decide if the candidate will be allowed deferral to the next academy. Any candidate

who is allowed to defer to the next academy shall again pass applicable Phase I and Phase II requirements.

(l) Upon the completion of the orientation section of each academy class, the list shall be expired. However the director and fire chief shall have the discretion to exhaust or maintain the list.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

PUBLISHED:



Lexington-Fayette Urban County Government
DEPARTMENT OF LAW

Jim Newberry
Mayor

Logan Askew
Commissioner

TO: Jim Newberry, Mayor
Urban County Council

FROM: Department of Law

DATE: November 30, 2010

RE: Request Council Approval for Constable, 3rd District
Surety Bond for Stephen Hamlin

This is a request for approval of a surety bond for Constable, 3rd District, Stephen Hamlin, pursuant to KRS 62.055 and Section 22-55.1 of the Code of Ordinances. The statute and code require a bond amount of \$10,000 for Constable for an urban-county form of government.

Mr. Hamlin has presented Bond No. 4-102-349-12 with the Ohio Casualty Insurance Company for approval, a copy of which is attached.


Logan B. Askew, Commissioner

cc: Thomas Sweeney, Claims Manager

X:\Cases\LAW\09-LE0029\MEMO\00282271.DOC




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 Martin, P.E., Director
Division of Water Quality

DATE: November 30, 2010

SUBJECT: Change Order #2 for TEAM Contracting
Town Branch WWTP Primary Effluent Pump Station Pump Replacement

Execution of a Tender Agreement with Great American Insurance Company

Assignment of TEAM's Contract to TSI Paving due to default

This blue sheet memo is addressing three related items. The first item is change order #2 for TEAM Contracting. The second item the execution of a Tender Agreement with Great American Insurance Company. The third item is the assignment of TEAM's contract to TSI Paving due to TEAM Contracting's defaulting to their bonding company, Great American Insurance Company (GAIC).

For the First Item: The Division of Water Quality requests approval of Change Order #2 for TEAM Contracting for additional work to the Town Branch WWTP Primary Effluent Pump Station Pump Replacement project. Change Order #2 is for a total amount of \$16,674.85.

The amount of the change order includes funds for additional labor and equipment for removal and relocation of a 12" ductile iron drain line found during excavation in wet well #2. This pipe was not shown in this location on the as-builts from the construction to the plant in the late 80's, a deduct for a decrease in height for aluminum stairs, and additional wiring that was necessary due to the condition of the wire that wasn't exposed until demo began.

The change order is fully budgeted and funds are located in the account shown below.

4003-303401-3421-92711 TBSCRWPMP_2009/CONSTRUCT \$16,674.85

For the Second Item: TEAM contracting has defaulted on their contract and the bonding company has been paying their bills for about 4 months. The bonding company has negotiated with TSI Paving of New Albany, Indiana to complete the job per their options in the original bond.

The Division of Water Quality requests approval to execute a tender agreement with Great American Insurance Company accepting the price negotiated by GAIC with TSI Paving. GAIC will compensate LFUCG for any cost above the original contract price.

The accounting for the check to be deposited is shown below.

4003-303401-3421-92711 TBSCRWPMP_2009/CONSTRUCT

For the Third Item: TEAM's contract/PO will be assigned to TSI Paving.

The Division of Water Quality requests approval to assign Contract #147-2009 (per Resolution 414-2009) to TSI Paving.

The accounting for the PO that will be assigned to TSI is shown below.

4003-303401-3421-92711 TBSCRWPMP_2009/CONSTRUCT

Should you have any questions, please contact me at extension 425-2455.

Approved by:


Susan Bush, Acting Commissioner
Department of Environmental Quality
Lexington-Fayette Urban County Government

CONTRACT HISTORY FORMContractor: T.E.A.M. Contracting, LLCProject Name: Town Branch WWTP
Primary Effluent Pump Station Pump ReplacementContract Number and Date: 147-2009 June 25, 2009Responsible LFUCG Division: Water Quality**CHANGE ORDER DETAILS**

Summary of Previous Change Orders to Date:	<u>Dollar Amount</u>	<u>Percent Change to Original Contract</u>
A. Original Contract Amount:	<u>\$1,340,000.00</u>	<u>14%</u> Line B/Line A
B. Previous Change Order Total:	<u>\$188,192.00</u>	
C. Current Contract Amount:	<u>\$1,528,192.00</u>	
D. Amount of this Change Order:	<u>\$16,674.85</u>	<u>1%</u> Line D/Line A
E. New Contract Amount:	<u>\$1,544,866.85</u>	<u>115%</u> Line E/Line A

SIGNATURE LINES

REVIEWED BY: _____ DATE: _____

DIVISION DIRECTOR: _____ DATE: _____

Change Order No. 2
Resolution # 414-2009
Town Branch Waste Water Treatment Plant
Primary Effluent Pump Station Pump Replacement

Lexington-Fayette Urban County Government
Lexington, Kentucky

OWNER: Lexington-Fayette Urban County Government
200 East Main Street
Lexington, Kentucky 40507

CONTRACTOR: T.E.A.M. Contracting, LLC
PO Box 237
Memphis, IN 47143

SUMMARY OF INFORMATION

Date of Change Order:	November 15, 2010
Date of Contract:	June 25, 2009
Date of Notice to Proceed:	July 22, 2009
Official Start Date:	July 17, 2009
Length of Contract (calendar days):	365
Date of Contract Completion (final completion date):	July 17, 2010
Previous Change in Contract Time (calendar days):	0
Change in Contract Date:	0
Change in Contract Time in CO #1 (calendar days):	49
Revised Contract Date (final completion date):	August 4, 2010
Original Contract Amount:	\$1,340,000.00
Previous Change Order Total:	\$188,192.00
Current Contract Amount:	\$1,528,192.00
Change Order (2) Amount:	\$16,674.85
Revised Contract Amount:	\$1,544,866.85
Percent Change from Original:	15%
Review attached information for General Description	

Summary Chart for Change Order #2									
Project:		Key							
TB WWTP Primary Effluent Pump Station Replacement Lexington, Kentucky Contract # 147-2009		OW = Owner Om = Omission A/E = Architect/Engineer C =							
No.	Date	Brief Description	Price	Change Requested by				CO No.	
				OW	A/E	C	Om		
3	8/25/2010	Additional labor and equipment charges due to discovery, removal, and relocation of 12" DI aeration tank drain line. During the wet well #2 excavation activities contractor discovered a 12" DI pipe extending diagonally across the entire width of the wetwell floor area. Line segment was not identified in record and/or as-built drawings. In an attempt to identify source and/or purpose of line segment photos from previous plant expansion were reviewed and line segment identified as connection between aeration tanks and De-water Building. In order to maintain functionality of drain line and to accommodate installation of 2 new PE pumps into wetwell the discovered line had to be removed and relocated resulting in additional labor and equipment charges.	\$13,855.41			X	X	2	
4	7/19/2010	LFUGG asked the contractor to replace wiring for electrical feed to existing sluice gate operators. LFUGG after inspection of existing electrical wiring for sluice gate operators determined that it would be prudent and in the best interest of current and future plant operations and maintenance needs to replace the existing wiring during this specific project. The wiring was in a deteriorating condition that could not be seen until demolition began.	\$1,671.28	X				2	
5	8/25/2010	LFUGG asked contractor to recalculate and offer credit for final vertical height of aluminum stair(s). Field verification of required vertical height for aluminum stairs indicated the height should be 3 vertical feet shorter than originally indicated on plans and associated cost estimates. Therefore, resulting in a credit to LFUGG.	-\$880.08	X				2	
6	5/10/2010	LFUGG required contractor to add single handrail to each set of aluminum stairs. Review of plans for aluminum stairs by the LFUGG Division of Building Inspection resulted in the requirement for the additional hand rail(s) in order to be in compliance with all current Codes and/or Standards.	\$2,028.24	X				2	
Page TOTAL			\$16,674.85						



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 Martin, P.E., Director
Division of Water Quality

DATE: November 30, 2010

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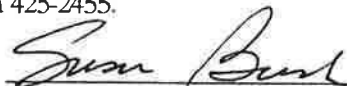
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Approved by:



Susan Bush, Acting Commissioner
Department of Environmental Quality
Lexington-Fayette Urban County Government

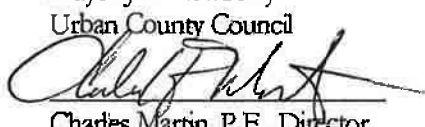


Lexington-Fayette Urban County Government
DEPARTMENT OF ENVIRONMENTAL QUALITY

Jim Newberry
Mayor

Susan Bush
Acting Commissioner

TO: Mayor Jim Newberry
Urban County Council

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

DATE: November 30, 2010

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Approved by:


Susan Bush, Acting Commissioner
Department of Environmental Quality
Lexington-Fayette Urban County Government



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: NOVEMBER 30, 2010

**SUBJECT REQUEST COUNCIL AUTHORIZATION TO EXECUTE
CONFIDENTIALITY AGREEMENT WITH PALADIN, INC. AND
BLUEGRASSPRIDE IN THE IMPLEMENTATION OF ENERGIZING THE
ARTS UNDER THE ENERGY EFFICIENCY AND CONSERVATION BLOCK
GRANT**

On November 18, 2010 (Resolution No. 618-2010), Council authorized execution of Agreement with Paladin, Inc., for energy assessment services for the Energizing the Arts Program. Under this agreement, Paladin Inc., will conduct energy audits at the five nonprofit arts facilities applying for funding under the Energizing the Arts Program. The results of these audits will be used along with other relevant information to select which energy retrofit projects will be funded.

The purpose of the Confidentiality Agreement is to provide assurance that Paladin personnel not share information among the five facilities being audited. This will promote fairness in the competition for funding.

Council authorization to execute Confidentiality Agreement with Paladin Inc. and BluegrassPRIDE is hereby requested.

Irene Gooding, Acting Director

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

Budget & Finance Committee
November 23, 2010
Summary

CM Stinnett chaired the meeting calling it to order at 1:00 pm. All committee members present, except CM James and Henson. CM Martin attended as a non-voting member.

Review and Discussion of FY 2010 Revenue for October

Linda Rumpke started today's update telling the committee the report was slightly changed by adding performance information on all funds. She mentioned the Federal Reserve's recent announcement to inject money into the economy, saying it is having an effect on the bond market.

She covered comparative unemployment rates saying the national rate has remained flat, and the state is pretty much following suite with this trend. We are seeing a bit of decline in the state level of unemployment. Fayette Co. was down in Sept. and October numbers are not available yet. She also showed comparative unemployment rates three month average. Economic indicators, state was up 7300 jobs however construction permits and home sales still down. Stinnett commented about new home starts.

Bill O'Mara gave Oct. actual/adopted budget revenue numbers saying net profit is still below budget.

Lane asked about employee withholdings Oct YTD actual/adopted YTD budget numbers shown - O'Mara said the numbers are disappointing. Lane commented about employment and there was a question from Beard about types of jobs lost.

Oct YTD actual less amnesty/adopted YTD budget this shows us our revenues are flat. Stinnett pointed out reason for showing this slide for the benefit of viewers at home. OLT withholding Jan.-Oct OLT net profit percent of change Jan-Oct is -9.9%.

Martin asked how many years of declining profits have we had in the last three recessions. O'Mara said we had 2 years in net profits, if the past is a predictor we should pull out by end of this fiscal year. Gray also asked about history of net profit numbers in past recession years.

Ryan Barrow showed financial highlights Oct YTD 2010. He pointed out attention to personnel expense which includes actual health insurance cost. He wanted to focus on budget numbers, saying that will change, He also talked about (6.811) net income explaining what is driving that number.

He showed financial analysis assuming sale of real estate and how much of the economic contingency draw would be required, sharing two scenarios, with and without sale of real estate.

Stinnett asked Rumpke and Barrow to explain Medicaid re-imbursement (4.7 million dollars) Rumpke said this wasn't collected and was not a guaranteed receivable, physical accounting treatment did not allow since the state couldn't give a date certain.

Beard asked status of selling LFUCG real estate and was told Commissioner Cole, General Services is currently working on that. However specifics can not be discussed during this meeting without going into closed session.

Martin said we can not count on selling the real estate and wanted to know if there is a contingency plan in that event. Rumpke said we are trying to give council the best numbers available as they attempt to balance this budget.

Gorton asked if there's been an aggressive attempt to sell the real estate and expressed interest in having a conversation with Commissioner Cole about progress. She's said we are almost one half of the way through this fiscal year and I am extremely concerned about the financial analysis without selling this property. It's taken many years to build up the economic contingency fund and this scenario would require almost half be drawn from it in order to balance the budget. Rumpke said we have to focus on net income and expense items and its impact.

Gorton asked for a report from Commissioner Cole regarding sale of the real estate at the next work session. Stinnett asked Rumpke to coordinate that with Commissioner Cole in order to go into closed session to discuss at the next council meeting.

Martin called for need of a game plan. Rumpke said our discipline has not changed regarding cash flow management. Martin shares Gorton's concern about spending economic contingency. He said we may need \$15 million for a catastrophic event and urged managing this revenue crisis without that option.

Rumpke mentioned the challenge with personnel expenses. Stinnett commented we are not in this boat alone sharing info about federal government budget. He asked that Cole be ready with real estate property sale info on Dec. 7, 2010. He asked about the actuarial study. Rumpke said we can't close books without it and our goal is to get the study issued, she estimated the January, 2011 meeting would include that presentation.

No motions came forward from today's proceedings.

Meeting adjourned at 1:51 pm