

Lexington-Fayette Urban County Government

200 E. Main St
Lexington, KY 40507



Tuesday, April 10, 2012

3:00 PM

Council Chamber

Urban County Council Work Session

Packet

**URBAN COUNTY COUNCIL
SCHEDULE OF MEETINGS
April 9-April 16, 2012**

Monday, April 9

Citizen's Advocate Search Committee Meeting.....9:00 am
Conference Room-5th Floor Government Center

Recreation ZOTA Work Group Meeting.....1:00 pm
Conference Room-5th Floor Government Center

Tuesday, April 10

Public Safety Link Planning Meeting.....11:30 am
Conference Room-5th Floor Government Center

General Government Committee Meeting.....**CANCELLED**

COW-Economic Development Committee Meeting.....1:00 pm
Council Chambers-2nd Floor Government Center

Mayor's FY 13 Budget Address.....3:00 pm
Council Chambers-2nd Floor Government Center

Council Work Session.....After Budget Address
Council Chambers-2nd Floor Government Center

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

Wednesday, April 11

MPO-Transportation Technical Coordinating Comm. (TTCC) Meeting.....9:00 am
Conference Room-7th Floor Phoenix Building

Infill & Redevelopment Steering Committee Meeting.....10:00 am
Conference Room-7th Floor Phoenix Building

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

(cont.)

**URBAN COUNTY COUNCIL
SCHEDULE OF MEETINGS
April 9-April 16, 2012**

Wednesday, April 11

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

Council Links Meeting-Social Services & Outside Agencies.....1:00 pm
Conference Room-5th Floor Government Center

Congestion Management Committee (CMC) Meeting.....1:30 pm
Conference Room-7th Floor Phoenix Building

Thursday, April 12

Special COW: Council Office moving changes.....3:00 pm
Conference Room-5th Floor Government Center

Council Confirmation Hearing: Planning Commission nominee.....5:00 pm
Conference Room-5th Floor Government Center

Council Meeting.....6:00 pm
Council Chambers-2nd Floor Government Center

Friday, April 13

No Meetings

Monday, April 16

Citizen's Advocate Search Committee Meeting.....9:00 am
Conference Room-5th Floor Government Center

Itinerant Merchant Task Force Meeting.....1:00 pm
Conference Room-5th Floor Government Center

Recreation ZOTA Work Group Meeting.....1:00 pm
Conference Room-3rd Floor Phoenix Building

URBAN COUNTY COUNCIL
WORK SESSION SUMMARY
& TABLE OF MOTIONS
March 20, 2012

Vice Mayor Gorton chaired today's Work Session meeting. All Council Members were present.

Vice Mayor Gorton sent condolences to Mayor Gray and his family on the loss of his mother. A moment of silence was observed in her honor.

I. Public Comment -Issues on Agenda -Yes

Greg Dixon and Justin Ervin spoke about the recent metal thefts.

II. Requested Rezonings / Docket Approval –Yes

A motion by CM Blues to place on the docket without a hearing #10 under Ordinances 1st Reading, seconded by CM Ellinger, passed without dissent.

A motion by CM Lawless to approved amending 48(4)-20.11 relating to the ad hoc citizens committee for hiring a Citizens' Advocate-removing Michael Peabody as 3rd Dist. rep. and appointing Kate Savage as the 3rd Dist rep., seconded by CM Lane, passed without dissent.

A motion by CM Beard to approved placing on docket a resolution initiating ZOTA to authorize changes to the notice requirements for certain Bd of Adj. Hearings and to include Neighborhood or Homeowner's Assoc., seconded by CM Myers, passed by a 14-1 vote; CM Martin was dissenting vote.

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

III. Approval of Summary-Yes

A motion by CM Blues to correct the motion to go into closed session at the 3.6.12 work session, seconded by CM Beard, passed without dissent.

A motion by CM Beard to approve the 3.6.12 summary as amended, seconded by CM Blues, passed without dissent.

A motion by CM Ellinger to approve the summary from 3.13.12, seconded by CM Farmer, passed without dissent.

IV. Budget Amendments –Yes

A motion by CM Lawless to approved removing budget journal entry #58869 because it was approved on 1.26.12, seconded by CM Kay, passed without dissent.

A motion by CM Farmer to approve the budget amendments as amended, seconded by CM Henson, passed without dissent.

V. New Business

- A. Authorization to amend Section 23-5 of the Code of Ordinances, abolishing 1 position of sworn Police Captain, and creating 1 position of sworn Police Lieutenant. (L259-12) (Jarvis/Mason)
- B. Authorization to execute Change Order No. 1 with Burdette Construction, Inc. for relocating and reassembling of the Warfield Place stone entrance wall. (L260-12) (Marwan/Moloney)
- C. Authorization to amend Section 22-5 of the Code of Ordinances to increase the salary of one (1) position of Coroner. (L261-12) (Jarvis/Moloney)
- D. Authorization to approve the renewal of an agreement with OmniSource Integrated Supply, LLC, for provision of temporary employees to perform inventory specialist activities for the Division of Emergency Management/911 under the Metropolitan Medical Response System-2012 grant. (L262-12) (Gooding/Mason)
- E. Authorization to correct Resolution No. 92-2012, approving Ahura Scientific as sole source vendor for purchase of various equipment for the Division of Fire and Emergency Services under the 2011 State Homeland Security Grant Program. (L263-12) (Gooding/Mason)
- F. Authorization to execute a Memorandum Of Agreement (MOA) with the University of Kentucky College of Social Work and the Martin School of Public Policy for the purpose of conducting a Social Services Needs Assessment. (L265-12) (Mills)
- G. Authorization to purchase property at 436 Locust Avenue from the owner of record for the Meadows-Northland-Arlington Public Improvements Project. (L266-12) (Gooding/Moloney)
- H. Authorization to execute amendment to agreement with Kentucky Transportation Cabinet extending the period of performance for the Town Branch Trail Phase III project. (L268-12) (Gooding/Moloney)
- I. Authorization to execute Supplemental Agreement No. 1 with the Kentucky Transportation Cabinet, for design and construction of Isaac Murphy Memorial Garden, to allow LFUCG to use grant funds as match for the Legacy Trail Enhancements Project. (L273-12) (Gooding/Moloney)
- J. Authorization to execute agreement with the Kentucky Transportation Cabinet for the Legacy Trail Enhancements. (L275-12) (Gooding/Moloney)
- K. Authorization to approve an addendum to the Expanded Jurisdiction Agreement with Kentucky Department of Housing, Buildings, & Construction. (L276-12) (Crowe/Mason)

- L. Authorization to accept federal funds from the Kentucky Transportation Cabinet for support of the 2013 Fiscal Year Unified Work Program undertaken by the Transportation Planning Section in the Division of Planning. (L277-12) (Gooding/Moloney)
- M. Authorization to approve Optional Relocation Assistance Policy for low-income owner-occupants who are being involuntarily displaced as a result of use of Community Development Block Grant Funds or HOME Investment Partnerships Program Funds. (L278-12) (Gooding/Moloney)
- N. Authorization to execute agreement with Volunteers of America for financial support of emergency housing service. (L279-12) (Gooding/Moloney)
- O. Authorization to enter into Merchant Agreements with Bank of America, N.A. and McKesson to allow for the processing of credit and debit card transactions at the pharmacy at the Dr. Samuel Brown Health Center for LFUCG employees. (L281-12) (Moloney)
- P. Authorization to accept award from the Kentucky Department of Military Affairs, Division of Emergency Management for federal funds under the Chemical Stockpile Emergency Preparedness Program (CSEPP). (L283-12) (Gooding/Mason)
- Q. Authorization to submit a grant application to the Kentucky Energy and Environment Cabinet requesting funds for purchase of a Comingled Commercial Sorting Line under the Kentucky Recycling Grant Program. (L284-12) (Gooding/Moloney)

A motion by CM Ellinger to approve the New Business items, seconded by CM Farmer passed without dissent.

VI. Continuing Business/Presentations- Yes

A. NDF List

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

B. 3.6.12 General Government Committee Update

This update was given by Chair CM Lane. There was one motion to come forward. Several CMs asked questions and made comments.

A motion by CM Lane to place the Scrap Metal Ordinance on the 3.22.12 docket, seconded by CM McChord, passed without dissent.

A motion by CM Farmer to approve having a brief presentation on this topic by CM Stinnett at the 4.10.12 Work Session, seconded by CM Martin, passed without dissent.

C. Commission on Youth Development & Public Safety Presentation

This presentation was given by CM Ford. A couple of CMs asked questions and Commander Weathers answered some. There were also comments by several citizens: Bruce Mundy, Thomas 'Kerby' Neil, Billie Mallory, and Corey Dunn. They also requested that Council receive the memo that was read. (sent by email by J Williams after Work Session).

VII. Council Report

CM Lawless- Stated that she would not be able to say for the next Public Comments.

CM Farmer- Thanked VM Gorton taking a moment for Mayor Gray's mother; announced that tonight at 5:30-6:30 pm at Community Inn on Winchester Rd the 5th District will host a community gathering for neighbors, businesses, administration and Council; on 3.21.12 Fairway NA will have a meeting at Lexington Hearing and Speech Center; reminded citizens to lock their door because of the many robberies that have been occurring; on 3.26.12 at 6:30 pm, there will be the 1st meeting of Dist. 5 and the people around Ecton Park for a dig and replace at Christ the King meeting room.

CM Martin- Stated that on the past Saturday, Harrods Hill and Beaumont NAs got together and cleaned up the area park- sent appreciation to both presidents; stated that he has to leave for his son's baseball game and will not be able to be in attendance for the Public Comments coming up; commended CM Ford for his representation of community and sent his sympathies to Mayor Gray.

CM Ellinger- A motion by CM Ellinger to approve a resolution to be forwarded to administration the ranking of budget priorities from the joint budget workshop/retreat (1) resolve the pension issue and retiree benefits (2) infrastructure needs-roads, garages, and sidewalks and (3) commitments to city parks, seconded by CM Henson, passed without dissent.

CM McChord- Thanked Stonewall NA for annual meeting and making a generous contribution to Get Health KY; thanked police for taking time to discuss recent break-ins; congratulated and thanked South Lexington Babe Ruth League Baseball for taking upon themselves to collect equipment to take down to West Liberty.

CM Beard- Announced that tonight at 7 pm there would be a Special meeting at Southern Heights concerning construction that is taking place near Central Baptist Hospital- blasting and other issues (traffic and traffic flow).

CM Crosbie-Appreciated CM Farmer's comments-make sure that garage doors are closed and since it is springtime, do not roll through stop signs because kids will be outside playing; asked Comm. Mason about an update for sector coverage for patrol in neighborhoods-his answer was that it is the same; stated also that she appreciated the moment of silence for the mayor-she is very sorry for his loss and will keep him and his family in her thoughts and prayers.

CM Ford-Thanked Council for allowing him to speak and also for allowing the neighborhood citizens to speak; thanked citizens for coming out to speak; expressed condolences to those in the community who are grieving; also sent the same sentiment toward Mayor Gray.

VIII. Mayor's Report -None

IX. Public Comment- Issues not on the agenda-Yes

Several citizens spoke at this time: one on neighborhood issues and the rest (4, with several others yielding their time) on Police & Fire Pension issues.

CM Stinnett asked CAO Moloney if anyone from LFUCG had gone to Frankfort and asked for changes in the COLA; CAO Moloney said that he would find out but did not think that had happened.

X. Adjournment

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

Work Session was adjourned at 5:04 pm.

LEXINGTON-FAYETTE URBAN COUNTY COUNCIL
WORK SESSION AGENDA
April 10, 2012

- I. Public Comment - Issues on Agenda**
- II. Requested Rezoning/ Docket Approval-Yes**
- III. Approval of Summary-Yes, March 20, 2012, pp.1-5**
- IV. Budget Amendments-Yes, pp.13-16**
- V. New Business-Yes, pp.18-93**
- VI. Continuing Business/Presentations-Yes (All in packet B)**
 - A. NDF List-Yes, p.1B (motion needed)**
 - B. 2.7.12 & 3.6.12 Public Safety Committee Update-CM Lawless, pp.2B-5B**
 - C. 3.13.12 Environmental Quality Committee Update-CM Blues, pp.6B-8B**
 - D. 3.13.12 Planning & Public Works Committee Update-CM Farmer, pp.9B-15B**
 - E. 3.20.12 Social Srvs. & Comm. Dev. Committee Update-CM Myers, pp.16B-19B**
 - F. Scrap Metal Ordinance Presentation-CM Stinnett, pp.20B-40B**
 - G. Affordable Housing Trust Fund Task Force Report Out-CM Henson, pp.41-42B**
- VII. Council Report**
- VIII. Public Comments-Issues Not on Agenda**
- IX. Mayor's Report**
- X. Adjournment**

ADMINISTRATIVE SYNOPSIS

April 10, 2012

New Business Items

- A. Authorization to approve the renewal of leases on Parks owned properties currently occupied by LFUCG employees, who perform security, maintain properties and pay monthly rent. (L280-12) (Hancock/Hamilton)
This is a request to approve the renewal of 3-year leases on Parks owned properties currently occupied by LFUCG employees, who perform security, maintain properties and pay monthly rent. The prior leases expired December, 2011.**p.18**
- B. Authorization to approve a Constitutional Officer Performance Bond for the County Judge/Executive Jon Larson, pursuant to Section 22-55.1(6) of the Code of Ordinances (L282-12) (Graham)
This is a request to approve a Constitutional Officer Performance Bond in the amount of \$10,000 for the County Judge/Executive Jon Larson, pursuant to Section 22-55.1(6) of the Code of Ordinances.**pp.19-20**
- C. Authorization to execute Supplemental Agreement No. 4 with the Kentucky Transportation Cabinet providing additional federal funds for the construction phase of the Loudon Avenue Improvements Project. (L290-12) (Gooding/Moloney)
This is a request to execute Supplemental Agreement No. 4 with the Kentucky Transportation Cabinet providing additional federal funds in the amount of \$65,000 for the construction phase of the Loudon Avenue Improvements Project.**pp.21-22**
- D. Authorization to approve a Constitutional Officer Performance Bond for Donald W. Blevins, Jr., Fayette County Clerk, pursuant to Section 22-55.1(6) of the Code of Ordinances. (L291-12) (Graham)
This is a request to approve a Constitutional Officer Performance Bond in the amount of \$400,000 for Donald W. Blevins, Jr., Fayette County Clerk, pursuant to Section 22-55.1(6) of the Code of Ordinances.**pp.23-25**
- E. Authorization to enter into a Billing Agreement with Central Kentucky Interpreter Referral, Inc. for American Sign Language Interpreting Services. (L305-12) (Mills)
This is a request to enter into a Billing Agreement at a cost not to exceed \$600 with Central Kentucky Interpreter Referral, Inc. for American Sign Language Interpreting Services in support of the Celebration of Disability Expo. Funds are budgeted.**p.26**
- F. Authorization to execute a Class A Incentive Grant Award Agreement with Friends of Wolf Run Inc. funded by the Water Quality Management Fee. (L306-12) (Martin/Moloney)

This is a request to execute a Class A (Neighborhood) Incentive Grant Award Agreement with Friends of Wolf Run Inc. at a cost not to exceed \$4,185 to perform a stormwater quality project on health assessments. A minimum match in the amount of \$1,046.25 is required by the grant recipient. Funds are budgeted.**p.27**

- G. Authorization to approve a land swap of approximately equal property at Burley Park and acceptance of an offer from Burlington's Heights LLC to build a new playground. (L307-12) (Hancock/Hamilton)

This is a request to approve a land swap of approximately equal property at Burley Park with properties located at 300, 302 and 306 Burley Avenue and acceptance of an offer from Burlington's Heights LLC to build a new playground at their expense not to exceed \$117,000. There is no cost to LFUCG.**pp.28-29**

- H. Authorization to amend Section 23-12 of the Code of Ordinances, deleting language in Section 1(f)(4) to no longer award preference points for EMT and Paramedic certifications. (L309-12) (Jackson/Mason)

This is a request to amend Section 23-12 of the Code of Ordinances, deleting language in Section 1(f)(4) to no longer award preference points for EMT and Paramedic certifications to assure the Division is hiring the best candidates.**p.30**

- I. Authorization to amend 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. (L315-12) (Walters/Mason)

This is a request to amend 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. This change will result in a savings of \$3,446.43.**p.31**

- J. Authorization to submit applications, and accept awards if offered, to the Kentucky Transportation Cabinet for participation in the Traffic Safety Program and the Speed Enforcement Project for FY 2013. (L318-12) (Gooding/Mason)

This is a request to submit applications, and accept awards if offered, to the Governor's Highway Safety Program in the Kentucky Transportation Cabinet for participation in the Traffic Safety Program (in the amount of \$135,000) and the Speed Enforcement Project (in the amount of \$25,000) for FY 2013.**p.32**

- K. Authorization to execute a Class B Education Incentive Grant Award Agreement with the UK Research Foundation to perform a stormwater quality funded by the Water Quality Management Fee. (L321-12) (Martin/Moloney)

This is a request to execute an agreement awarding a Class B Education Incentive Grant with the UK Research Foundation at a cost not to exceed \$17,514 to perform a stormwater quality project. A minimum match in the amount of \$15,014 is required by the grant recipient. Funds are budgeted.**p.33**

- L. Authorization to execute a Class B Infrastructure Incentive Grant Award Agreement with the Board of Education of Fayette County to perform a stormwater quality project funded by the Water Quality Management Fee. (L322-12) (Martin/Moloney)

This is a request to execute a Class B Infrastructure (Feasibility) Incentive Grant Award Agreement with the Board of Education of Fayette County at a cost not to exceed \$12,000 to perform a stormwater quality project at James Lane Allen Elementary School. A minimum match in the amount of \$4,000 is required by the grant recipient. Funds are budgeted. **p.34**

- M. Authorization to execute a Class B Infrastructure Incentive Grant Award Agreement with Lexmark International, Inc. to perform a stormwater quality project funded by the Water Quality Management Fee. (L331-12) (Martin/Moloney)

This is a request to execute a Class B Infrastructure (Feasibility) Incentive Grant Award Agreement with Lexmark International, Inc. at a cost not to exceed \$34,000 to perform a stormwater quality project. A minimum match in the amount of \$11,333 is required by the grant recipient. Funds are budgeted. **p.35**

- N. Authorization to submit application to the Kentucky Department for Local Government requesting federal funds from the FY 2012 Land and Water Conservation Fund for construction of a new ADA accessible trail at Raven Run Nature Sanctuary. (L333-12) (Gooding/Hamilton)

This is a request to submit application to the Kentucky Department for Local Government requesting federal funds in the amount of \$75,000 from the FY 2012 Land and Water Conservation Fund for construction of a new ADA accessible trail at Raven Run Nature Sanctuary. LFUCG will provide a match in the amount of \$75,000 for a total project cost of \$150,000. **p.36**

- O. Authorization to approve a waiver request of portions of Ordinance 213-83 by Southland Christian Church for the reconfiguration of the pond adjacent to the Richmond Road site, location/arrangement of some of the landscaping, and species change. (L334-12) (Maynard)

This is a request to approve a waiver request by Southland Christian Church for the reconfiguration of the pond adjacent to the Richmond Road site, location/arrangement of some of the landscaping, and species change. The Corridors Commission unanimously voted to recommend the waiver to the full council. **pp.37-40**

- P. Authorization to amend Section 1 of Ordinance No. 13-2012 relating to discharges of surface or groundwater into the sewer system to correctly identify the article in Chapter 16 of the Code of Ordinances within which Sections 16-111 through 16-115 were created as Article XI rather than Article VIII. (L335-12) (Graham)

This is a request to amend Section 1 of Ordinance No. 13-2012 relating to discharges of surface or groundwater into the sewer system to correctly identify the article in Chapter 16 of the Code of Ordinances within which

Sections 16-111 through 16-115 were created as Article XI rather than Article VIII.**p.41**

- Q. Authorization to submit 2012 Consolidated Plan, and accept awards of federal funds from the U.S. Department of Housing and Urban Development for Community Development Block Grant Program, HOME Investment Partnerships Program and Emergency Solutions Grants Program, and to authorize execution of Agreements with subrecipients in accordance with approved plan. (L336-12) (Gooding/Moloney)
This is a request to submit 2012 Consolidated Plan, and accept awards of federal funds from the U.S. Department of Housing and Urban Development for FY 2013 for the Community Development Block Grant Program, the HOME Investment Partnerships Program and the Emergency Solutions Grants Program, and to authorize execution of Agreements with subrecipients in accordance with approved plan.**pp.42-43**
- R. Authorization to execute HOME Agreement with National Housing Associates, Inc. for use of HOME Investment Partnerships Program funds for rehabilitation of the Salem Village Apartments. (L342-12) (Gooding/Moloney)
This is a request to execute HOME Agreement with National Housing Associates, Inc. for use of HOME Investment Partnerships Program funds in the amount of \$400,000 for rehabilitation of the Salem Village apartments.**pp.44-45**
- S. Authorization to execute a Class B Infrastructure Incentive Grant Award Agreement with the Board of Education of Fayette County to perform a stormwater quality project funded by the Water Quality Management Fee. (L343-12) (Martin/Moloney)
This is a request to execute a Class B Infrastructure (Construction Only) Incentive Grant Award Agreement with the Board of Education of Fayette County at a cost not to exceed \$320,400 to perform a stormwater quality project at Clays Mill Elementary School. Funds are budgeted.**p.46**
- T. Authorization to execute a Class B Infrastructure Incentive Grant Award Agreement with Community Montessori School, Inc to perform a stormwater quality project funded by the Water Quality Management Fee. (L344-12) (Martin/Moloney)
This is a request to execute a Class B Infrastructure (Construction Only) Incentive Grant Award Agreement with Community Montessori School, Inc. at a cost not to exceed \$360,160 to perform a stormwater quality project at Montessori Middle School. Funds are budgeted.**p.47**
- U. Authorization to execute a Class B Infrastructure Incentive Grant Award Agreement with the Living Arts and Science Center, Inc to perform a stormwater quality project funded by the Water Quality Management Fee. (L345-12) (Martin/Moloney)
This is a request to execute a Class B Infrastructure (Construction Only) Incentive Grant Award Agreement with the Living Arts and Science Center, Inc at a cost not to exceed \$60,440 to perform a stormwater quality project at

their main facility at 364 N. Martin Luther King Boulevard. Funds are budgeted.**p.48**

- V. Authorization to submit a grant application, and to accept award of federal funds if offered, to the Bluegrass Area Development District for operation of the Senior Citizens Center in FY 2013. (L346-12) (Gooding/Mills)
This is a request to submit a grant application, and to accept award of federal funds if offered, to the Bluegrass Area Development District for operation of the Senior Citizens Center in FY 2013.**p.49**

- W. Authorization to execute agreement with Safe Transportation Training Specialists for Cargo Tank Emergency Response Training. (L350-12) (Gooding/Mason)
This is a request to execute agreement with Safe Transportation Training Specialists in the amount of \$23,800 for Cargo Tank Emergency Response Training for hazmat units throughout the state for the Division of Fire and Emergency Services. Funds are budgeted.**p.50**

- X. Authorization to execute a Transfer Agreement with Fayette County Parking Authority related to the transfer, management, repair and operations of the Annex, Transit, Victorian Square and Broadway Shops, and Courthouse parking facilities as outlined in the agreement. (L351-12) (Hamilton)
This is a request to execute a Transfer Agreement with Fayette County Parking Authority related to the transfer, management, repair and operations of the Annex, Transit, Victorian Square and Broadway Shops, and Courthouse parking facilities as outlined in the agreement.**pp.51-88**

- Y. Authorization to approve a contract extension for completion of the SSA Group 2/3 Sewershed Field Activities - Raising Manholes - Contract 4 Consent Decree Project. (L352-12) (Martin/Moloney)
This is a request to approve a contract extension for completion of the SSA Group 2/3 Sewershed Field Activities - Raising Manholes - Contract 4 Consent Decree Project in May 2012. There is no budgetary impact.**p.89-90**

- Z. Authorization to execute Engineering Services Agreement with CDP Engineers, Inc., for the design of Town Branch Trail Phase III. (L353-12) (Gooding/Moloney)
This is a request to execute Engineering Services Agreement with CDP Engineers, Inc., in the amount of \$71,450 for the design of Town Branch Trail Phase III between Alexandria Drive and Bizzell Drive. Funds are budgeted.**p.91**

- AA. Authorization to approve a donation from the Downtown Development Authority to purchase hanging flower baskets for Main Street. (L355-12) (Emmons)
This is a request to approve a donation from the Downtown Development Authority in the amount of \$1,000 to purchase hanging flower baskets for Main Street.**p.92**

- BB. Authorization to approve a donation from the Downtown Lexington Corporation for downtown streetscape beautification. (L356-12) (Emmons)
This is a request to approve a donation from the Downtown Lexington Corporation in the amount of \$2,000 for downtown streetscape beautification.**p.93**

BUDGET AMENDMENT REQUEST LIST

JOURNAL	58899-900	DIVISION	Parks and Recreation	Fund Name	General Fund
				Fund Impact	1,559.27
					1,559.27CR
					.00

To recognize funds for expenditures for Hershey Track & Field and UMC by recognizing revenues received for this purpose.

JOURNAL	58901-02	DIVISION	Parks and Recreation	Fund Name	General Fund
				Fund Impact	2,000.00
					2,000.00CR
					.00

To provide funds for downtown streetscape beautification by recognizing a contribution from the Downtown Lexington Corporation Foundation.

JOURNAL	58903-04	DIVISION	Parks and Recreation	Fund Name	General Fund
				Fund Impact	250.00
					250.00CR
					.00

To recognize contribution from Sports N' Spokes to the Bluegrass Invitational Tournament.

JOURNAL	59156	DIVISION	Family Services	Fund Name	General Fund
				Fund Impact	6,296.00
					6,296.00CR
					.00

To provide additional funds for part time salaries (Equipment Operator) by reducing operating funds for Parent Education.

JOURNAL	CB083	DIVISION	Enterprise Solutions	Fund Name	General Fund
				Fund Impact	2,280.00
					2,280.00CR
					.00

To provide funds for one position of HCM Manager Enterprise Solutions (Grade 119E) by abolishing funds for one position of Systems Developer Sr. (Grade 118E) and by reducing funds for Professional Services.

JOURNAL	59292-93	DIVISION	Streets and Roads	Fund Name	General Fund
				Fund Impact	1,300.18
					1,300.18CR
					.00

To provide funds for overtime by recognizing reimbursement for overtime worked during Second Sunday.

JOURNAL	59294-95	DIVISION	Traffic Engineering	Fund Name	General Fund
				Fund Impact	12,700.00
					12,700.00CR
					.00

To provide funding for mid-block crossing on Loudon Avenue near the Hope Center.

JOURNAL	59302-03	DIVISION	Parks and Recreation	Fund Name	General Fund
				Fund Impact	22,651.35
					22,651.35CR
					.00

To recognize reimbursement from The Bluegrass Sports Commission for costs incurred during the Bluegrass State Games.

JOURNAL	59290-91	DIVISION	Streets and Roads	Fund Name	Municipal Aid Program
				Fund Impact	31,491.83
					31,491.83CR
					.00

To provide funds for repaving by recognizing reimbursement for repaving Forest Springs Court.

JOURNAL	59147-48	DIVISION	Grants and Special Programs	Fund Name	US Dept Of HUD
				Fund Impact	203,822.60
					203,822.60CR
					.00

To amend Housing Opportunities for Persons with AIDS (HOPWA) grant to recognize in-kind match in the appropriate account detail.

JOURNAL	59151-52	DIVISION	Grants and Special Programs	Fund Name	US Dept Of HUD
				Fund Impact	520,000.00
					520,000.00CR
					.00

To amend Housing Opportunities for Persons with AIDS (HOPWA) 2012 to recognize third party in-kind match in the correct account detail.

JOURNAL	59296	DIVISION	Grants and Special Programs	Fund Name	US Dept Of HUD
				Fund Impact	15,943.81
					15,943.81CR
					.00

To amend CDBG- FY 2009 to correct negative balances.

JOURNAL	59297	DIVISION	Grants and Special Programs	Fund Name	US Dept Of HUD
				Fund Impact	100,000.00
					100,000.00CR
					.00

To amend HOME - FY 2010 to provide funding for rehabilitation of Salem Village.

JOURNAL	59298	DIVISION	Grants and Special Programs	Fund Name	US Dept Of HUD
				Fund Impact	200,000.00
					200,000.00CR
					.00

To amend Home - FY 2009 to provide funding for rehabilitation of Salem Village.

JOURNAL	59299	DIVISION	Grants and Special Programs	Fund Name Fund Impact	US Dept Of HUD 100,000.00 100,000.00CR .00
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To amend Home - FY 2008 to provide funding for Salem Village rehabilitation.

JOURNAL	59300	DIVISION	Grants and Special Programs	Fund Name Fund Impact	US Dept Of HUD 24,867.81 24,867.81CR .00
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To amend CDBG - FY 2009 to correct negative balances.

JOURNAL	59301	DIVISION	Grants and Special Programs	Fund Name Fund Impact	US Dept Of HUD 34,138.49 34,138.49CR .00
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To amend HOME - FY 2008 to correct administrative budget and to provide funds for Salem Village rehabilitation project.

JOURNAL	59159-60	DIVISION	Grants and Special Programs	Fund Name Fund Impact	US Dept Of Justice 3,710.00 3,710.00CR .00
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To amend Bulletproof Vest 2011 to recognize third party in-kind match in the correct account detail.

JOURNAL	59161-62	DIVISION	Grants and Special Programs	Fund Name Fund Impact	US Dept Of Justice 9,770.44 9,770.44CR .00
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To amend Safe Sun 2011 budget to recognize third party in-kind match in the correct account detail.

JOURNAL	59145-46	DIVISION	Grants and Special Programs	Fund Name Fund Impact	US Dept Of Transp 10,000.00 10,000.00CR .00
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To reduce budget for Traffic Safety Supplemental grant to reflect actual award.

JOURNAL	59149-50	DIVISION	Grants and Special Programs	Fund Name Fund Impact	US Dept Of Transp 51,000.00 51,000.00CR .00
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To amend Mobility - 2012 to provide for recognition of in-kind match in the correct account detail.

JOURNAL	59157-58	DIVISION	Grants and Special Programs	Fund Name	US Dept Of Transp
				Fund Impact	26,000.00
					26,000.00CR
					.00

To amend Scenic Old Frankfort Pike - 2012 to recognize third party match in the correct account detail.

JOURNAL	59154-55	DIVISION	Grants and Special Programs	Fund Name	US EPA
				Fund Impact	54,321.00
					54,321.00CR
					.00

To amend Wolf Run 2010 to recognize third party in-kind match and indirect costs in the correct account detail.

JOURNAL	59304	DIVISION	Grants and Special Programs	Fund Name	US Dept of Energy
				Fund Impact	2,505.00
					2,505.00CR
					.00

To amend Energy Efficiency and Conservation Block Grant (EECBG) program to moving remaining capital funds to minor equipment account.

JOURNAL	58898	DIVISION	Grants and Special Programs	Fund Name	Grants State
				Fund Impact	7,097.75
					7,097.75CR
					.00

To reduce grant match budgeted in the Isaac Murphy 2010 project. Grant match will be used for the Legacy Enhancement project.

JOURNAL	59163-64	DIVISION	Grants and Special Programs	Fund Name	Grants State
				Fund Impact	7,200.00
					7,200.00CR
					.00

To amend Kentucky Recycling 2012 to recognize third party in-kind match in the correct account detail.

BUDGET AMENDMENT REQUEST SUMMARY

Fund	1101	General Service District Fund	.00
Fund	1136	Municipal Aid Program Fund	.00
Fund	3120	US Department of Housing and Urban Development	.00
Fund	3140	US Department of Justice	.00
Fund	3160	US Department of Transportation	.00
Fund	3170	US Department Environmental Protection Agency	.00
Fund	3210	US Department of Energy	.00
Fund	3400	Grants State	.00

NEW BUSINESS ITEMS REQUIRING BUDGET AMENDMENTS

17

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
315-12	RA002	Police	To provide funds for one position of Police Lieutenant (Grade 317E) by abolishing one position of Police Captain (Grade 318E).
I			1101 3,446.00CR 3,446.00CR*

EFFECT ON FUND BALANCES

FUND 1101	3,446.00*	INCREASE TO:	GENERAL SERVICE DISTRICT FUND FUND BALANCE
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Lexington-Fayette Urban County Government
DEPARTMENT OF GENERAL SERVICES

Jim Gray
Mayor

Richard Moloney
Chief Administrative Officer

MEMORANDUM

TO: Mayor Jim Gray
Urban County Council Members

From: 
Jerry Hancock, Director Parks and Recreation

Date: March 9, 2012

RE: Leases-Parks Property

This is to request the Urban County Council to approve renewal three year leases on Parks owned properties occupied by LFUCG employees. Prior leases for these same employees expired in December 2011. As part of the lease agreement these employees perform maintenance services and upkeep on the properties which results in a benefit to the LFUCG, as well as open-close, security and other duties, as well as routine maintenance on the houses they occupy. All of the leases contain increases in monthly payments to the General Fund over the previous lease.

All leases have been reviewed by the Department of Law.

CC: Sally Hamilton

JEH/bac



Lexington-Fayette Urban County Government
DEPARTMENT OF LAW

Jim Gray
Mayor

Janet M. Graham
Commissioner

MEMORANDUM

To: Mayor Jim Gray
Members, Urban County Council

From: Department of Law

Date: March 12, 2012

Subject: County Judge Performance Bond

This request is for approval of Constitutional Officer Performance Bond for the following:

County Judge Executive Jon Larson \$10,000

This request is pursuant to 1996 House Bill – 48 of the Kentucky Revised Statutes that requires the Council approval of Constitutional Officers Performance Bonds aforementioned KRS 67.712(2).

The following items are attached:

1. Copy of the Performance Bond
2. Copy of Ordinance No. 113.98 - Section 22-55.1 (6)


Janet M. Graham, Commissioner

X:\Admin\PNCRENEWALS\BLUESHEETS\00288451.DOC

KACo Insurance Agency

400 Englewood Drive
 Frankfort, Kentucky 40601
 Tel: 800-264-5226
 Fax: 502-875-8242

282-12**INVOICE NO: B13476****INVOICE DATE: 12/05/2011****DUE DATE: 01/05/2012****INSURED:**

Fayette County Fiscal Court
 259 W SHORT ST, STE 201
 Lexington Ky 40507

COUNTY: Fayette**BOND NO: 4-104-077-1 EFFECTIVE: 01/01/2012 EXPIRES: 01/01/2013****PRINCIPAL: Jon Larson, JUDGE/EXECUTIVE****OBLIGEE: Fayette County Fiscal Court**

<i>Effective</i>	<i>Description</i>	<i>Annual Cost</i>	<i>Pro Rata Due</i>
01/01/2012	ANNUAL PREMIUM ON \$10,000 PUBLIC OFFICIAL BOND RENEWAL	\$100.00	\$100.00

Sub Total: **\$100.00**KY Surcharge: **\$1.80****Payment Info**

Date Paid:	
Amount Paid:	
Check No.	

Total Due: \$101.80Please return a copy of this invoice with your payment!

JON LARSON

255-1001

 215 WEST SHORT STREET #210
 LEXINGTON, KENTUCKY 40507
Servicing Agency

Kentucky Association of Counties Insurance Agency
 (800) 264-5226



Mayor Jim Gray

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Division of Grants and Special Programs

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

**FROM: IRENE GOODING, DIRECTOR
DIVISION OF GRANTS AND SPECIAL PROGRAMS**

DATE: MARCH 15, 2012

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO AUTHORIZE
EXECUTION OF SUPPLEMENTAL AGREEMENT NO. 4 WITH
THE KENTUCKY TRANSPORTATION CABINET PROVIDING
ADDITIONAL FEDERAL FUNDS FOR THE LOUDON AVENUE
IMPROVEMENTS PROJECT**

On July 8, 1999 (Ordinance # 204-99), the Urban County Council accepted an award from the Kentucky Transportation Cabinet to support the design phase of the Loudon Avenue Improvements project. On January 17, 2002 (Ordinance # 5-2002), Council approved the acceptance of additional funds for the design phase. Total project funds for design are \$351,400 (\$281,120 in federal funds and \$70,280 in local funds).

On October 23, 2003 (Ordinance # 257-2003), Council accepted additional federal funding in the amount of \$200,000 for right-of-way acquisition, requiring \$50,000 (20%) in local match for a total of \$250,000 for this phase.

On September 22, 2005 (Ordinance # 268-2005), Council accepted federal funding in the amount of \$270,400 for the utility phase of the project, requiring \$67,600 (20%) in local match for a total of \$338,000 for this phase.

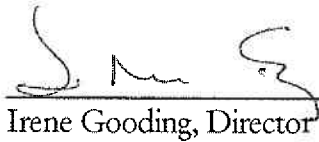
On September 13, 2007 (Ordinance # 203-2007), Council authorized execution of Supplemental Agreement No. 1, accepting federal funds in the amount of \$3,655,000 for the construction phase of the project, requiring \$913,750 (20%) in local match for a total of \$4,568,750 for this phase.

On July 3, 2008 (Ordinance # 163-2008), Council authorized execution of Supplemental Agreement No. 2, accepting additional federal funds in the amount of \$7,920 for the design phase and reallocating existing federal funds in the amount of \$95,400 from the utilities phase to the right-of-way phase. Supplemental Agreement No. 2 required additional local match (20%) of \$1,980.

On August 27, 2009 (Ordinance # 175-2009), Council authorized execution of Supplemental Agreement No. 3, accepting additional federal funds in the amount of \$360,000 for the construction phase of the project. Supplemental Agreement No. 3 required additional local match (20%) of \$90,000.

The Kentucky Transportation Cabinet has now offered the LFUCG Supplemental Agreement No. 4, providing an additional \$65,000 in federal SLX funds for project completion. All funds have been budgeted.

Council authorization to accept additional funding for the construction phase and approving the execution of Supplemental Agreement No. 4 is hereby requested.



Irene Gooding, Director

Xc: Richard Moloney, Chief Administrative Officer



23
291-12

Lexington-Fayette Urban County Government
DEPARTMENT OF LAW

Jim Gray
Mayor

Janet M. Graham
Commissioner

MEMORANDUM

To: Mayor Jim Gray
Members, Urban County Council

From: Department of Law

Date: March 9, 2012

Subject: County Clerk Performance Bond

This request is for approval of Constitutional Officer Performance Bond for the following:

County Clerk	Donald W. Blevins, Jr.	\$400,000
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This request is pursuant to 1996 House Bill – 48 of the Kentucky Revised Statutes that requires the Council approval of Constitutional Officers Performance Bonds aforementioned KRS 67.712(2).

The following items are attached:

1. Copy of the Performance Bond
2. Copy of Ordinance No. 113.98 - Section 22-55.1 (6)



Janet M. Graham, Commissioner

X:\Admin\PNCRENEWALS\BLUESHEETS\00333680.DOC

Donald W. Blevins

Clerk of Fayette County

January 31, 2012

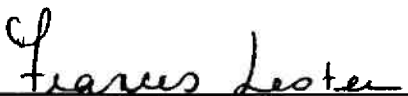
The attached invoice for Public Official Bond #4-090-270-1 was paid by our office on January 24, 2012.



Donald W. Blevins

1/31/2012

Date



Witness

1/31/12

Date

Blue Grass Insurance Agency, Inc.
 2560 Richmond Road
 Suite 200
 Lexington, KY 40509
 859.543.0050

Donald W Blevins JR
 Fayette County Clerk
 162 East Main Street
 Lexington, KY 40507

Invoice 25

Client:	Donald W Blevins JR
Date:	12/22/2011
Agent:	Scott Pippen
Ref:	Carrie Kendrick
Page:	1 of 1

291-12
5106

Payment Information	
Amount Due:	885.66
Payment for:	Invoice #79868
4090270-1	

Thank you

Please detach and return with payment

Client: Donald W Blevins JR

Invoice	Effective Date	Description	Amount
79868	01/01/2012	Renew policy Policy #4090270-1 01/01/2012-01/01/2013 Ohio Casualty Ins Co Bonds - Fayette County Clerk bond Ky Surcharge Tax	870.00 15.66
			885.66

Thank you

Blue Grass Insurance Agency, Inc.
 859.543.0050

12/22/2011



26
305-12


Lexington-Fayette Urban County Government
DEPARTMENT OF SOCIAL SERVICES

Jim Gray
Mayor

Beth Mills
Commissioner

MEMORANDUM

TO: Mayor Jim Gray
Members of the Council

FROM: 
Beth Mills, Commissioner
Department of Social Services

DATE: March 16, 2012

SUBJECT: Billing Agreement for American Sign Language Interpreting Services

Requesting Council approval to enter into a Billing Agreement with Central Kentucky Interpreter Referral, Inc. for American Sign Language Interpreting Services. The cost of the service will be no less than \$100 and will not exceed \$600, paid on an hourly basis. Sign language interpreting is an essential service for the Celebration of Disability Expo on April 26, 2012.

This is a fully funded expense for the Commission for Citizens with Disabilities.



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306-12

Lexington-Fayette Urban County Government
DEPARTMENT OF ENVIRONMENTAL QUALITY & PUBLIC WORKS

Jim Gray
Mayor

Richard Moloney
Acting Commissioner

To: Mayor Jim Gray
Urban County Council

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

Date: March 16, 2012

Re: Requesting authorization to execute an agreement awarding a Class A (Neighborhood) Incentive Grant to Friends of Wolf Run Inc. to perform a stormwater quality project on health assessments, at a cost not to exceed \$4,185.00.

The grant application of Friends of Wolf Run Inc. was reviewed and recommended by the Water Quality Fees Board at its July 21, 2011 meeting. Funding is provided by revenue from the Water Quality Management Fee and is budgeted and available in the Fund 4051 303204 3373 78112. This grant requires a minimum 20% cost share by the grant recipient. The Grant Award Agreement requires the Mayor's signature.

Grantee: Friends of Wolf Run, Inc.

Incentive Grant Amount: \$4,185.00

Minimum Match Required: \$1,046.25

Target Watershed: Wolf Run

Project Overview: Perform surveys of healthcare professionals for evidence of waterborne disease. Provide educational outreach using the results of water quality sampling and analysis of pathogens performed in 2011. Audience will include public schools, University of Kentucky, health care providers, community agencies, etc. Emphasis will be placed on sanitary health measures for small children and vulnerable populations.

Questions regarding this agreement should be directed to Susan Plueger, the Incentive Grant Program Administrator, at 859-425-2482.

Attachment

Pc: Richard Moloney, Acting Commissioner, Department of Environmental Quality & Public Works
Ed Gardner, Department of Law
Julie Mantrom, Division of Water Quality
Susan Plueger, P.E., Division of Water Quality



Lexington-Fayette Urban County Government
DEPARTMENT OF GENERAL SERVICES

Jim Gray
Mayor

Sally Hamilton
Commissioner, General Services

MEMORANDUM

From: Jerry Hancock, Director, Parks and Recreation
To: Mayor Jim Gray
Urban County Council Members
Date: March 19, 2012
Subj: Burley Park Land Swap

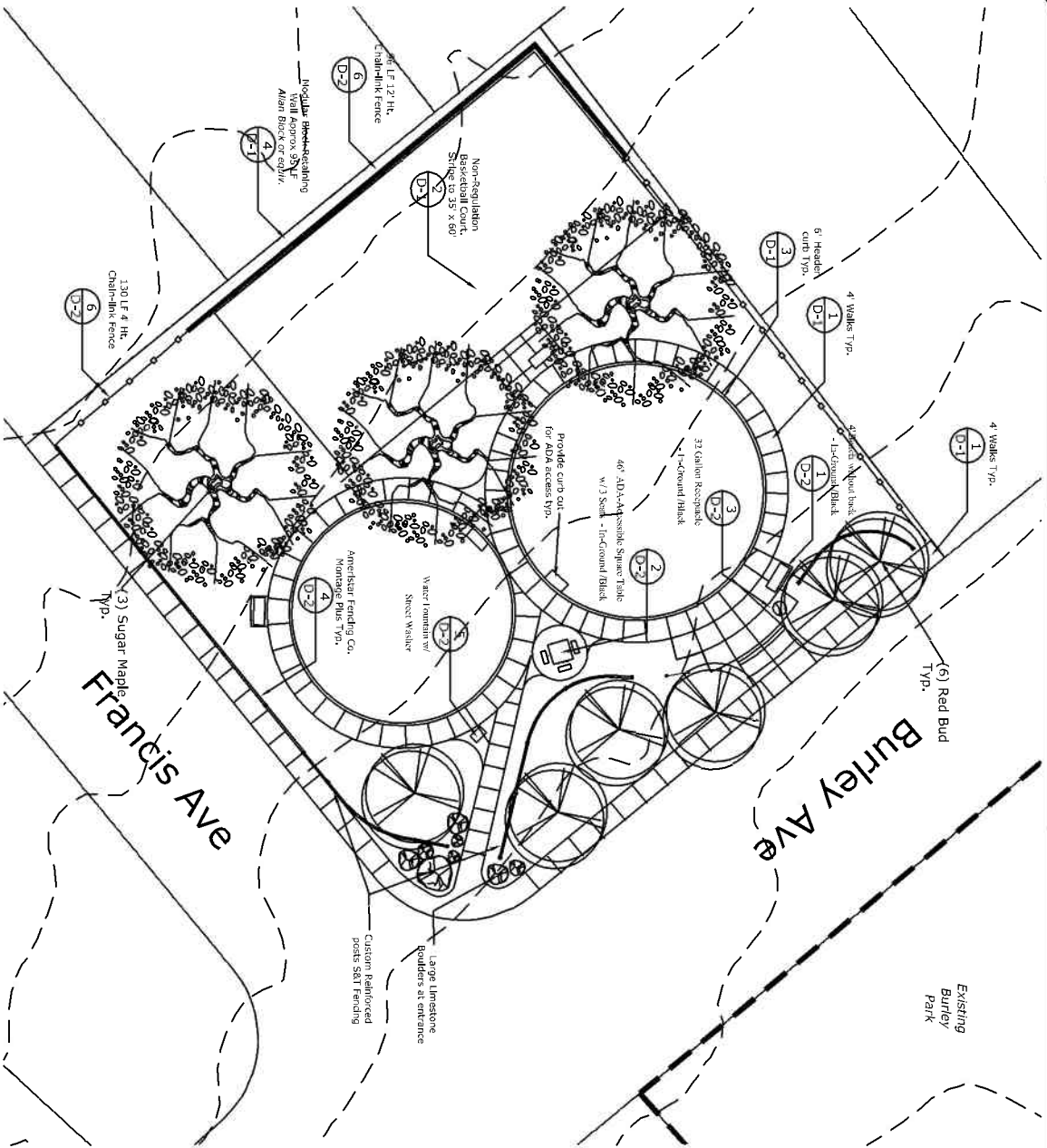
This memo is to recommend exchanging LFUCG owned property located at 301 Burley Avenue for land of a similar size and value located directly across the street at 300, 302 and 306 Burley Avenue. The property currently exists as Burley Park, which would be completely rebuilt at the new address.

The current park is a little dated and contains a modest playground, half basketball court and some green space. A developer doing business as Burlington Heights LLC wishes to construct new residential housing on multiple lots on Burley Avenue, including that occupied by our Park at 301 Burley. He has an option to purchase the 3 properties located at 300, 302 and 306 Burley, directly across the street, which he is offering to donate to LFUCG in exchange for our property at 301 Burley. He has agreed to develop a new neighborhood park on the new property, to the specifications developed by Parks and Recreation as illustrated by the attached rendering, and cost estimate and to either pay for or construct under our direction, all of the amenities up to a total cost of \$117,000 at the developer's expense, after the existing structures are removed and the site prepared. Phase I Environmental studies have been concluded with no negative findings on the 3 properties, and appraisals on the current and proposed locations have been completed. Appraised value of the two properties is as follows:

	<u>301 Burley Ave</u>	<u>300, 302, 306 Burley</u>
Acres	0.372	0.320
Zoning	R-4	R-1D
As Is Value	\$135,000	
Under Contract		\$163,500
As Complete		\$235,000

The neighborhood attended a public meeting and expressed their concerns, which the developer took to heart and returned with a better design at a location on Burley Avenue, which retained the half basketball court which the neighbors wanted. They voted in favor of the exchange at a second public meeting. Parks and the neighborhood will receive a brand new contemporary neighborhood Park in exchange for the current Park, which is in need of improvements. There will be no cost to the LFUCG in this exchange. Parks supports the proposal. The attached Memorandum of Understanding has been reviewed by the Law Department, which binds the developer to complete the building of the new park before the current one can be demolished.

Site Plan

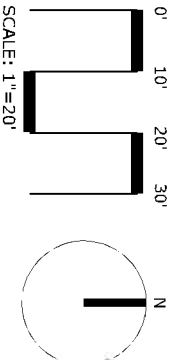


GENERAL SITE NOTES:

1. Contractor Responsible for locating all existing utilities and protecting as necessary.
2. Contractor shall keep work environment and adjacent roads as clean as possible and be courteous to the surrounding neighborhood.
3. Site should be clean and free of debris prior to installation of play equipment (By Others).
4. See page D-2 for amenity specifications

GENERAL SPECIFICATION NOTE:

All workmanship and materials shall comply with applicable provisions of the Lexington-Fayette Urban County Government Division of Engineering and Division of Parks and Recreation specifications.



DRAFT



30

309-12

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

Jim Gray
Mayor

Keith L. Jackson
Interim Fire Chief

To: Mayor Jim Gray
Clay Mason, Public Safety Commissioner
LFUCG Council Members

From: Interim Chief Keith Jackson

Date: March 30, 2012

The Division of Fire & Emergency Services is requesting to amend Section 23-18 of the Code of Ordinance, deleting some language in Section 1 (f) (4). This will make the scores of all candidates more equal assuring the division is hiring the best candidates based on their written and oral interview scores.



Lexington-Fayette Urban County Government
DIVISION OF HUMAN RESOURCES

Jim Gray
Mayor

Janet Graham
Commissioner

MEMORANDUM

TO: Jim Gray, Mayor
Richard Moloney, Chief Administrative Officer
Council Members

FROM: _____
Tamara Walters, Acting Director
Division of Human Resources

DATE: March 21, 2012

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 FY2012 is a savings of \$3,446.43 (3 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 \$(29,869.07)				

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

Attachment

cc: Clay Mason, Commissioner of Public Safety
Ronnie Bastin, Chief, Division of Police

Log # 12-0040



Mayor Jim Gray

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Division of Grants and Special Programs

TO: JIM GRAY, MAYOR
URBAN COUNTY COUNCIL

FROM: IRENE GOODING, DIRECTOR
DIVISION OF GRANTS AND SPECIAL PROGRAMS

DATE: MARCH 21, 2012

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO SUBMIT APPLICATIONS,
AND ACCEPT AWARDS IF OFFERED, TO THE KENTUCKY
TRANSPORTATION CABINET FOR PARTICIPATION IN TRAFFIC
SAFETY PROGRAMS - FY 2013

The Division of Police has prepared two applications for submission to the Governor's Highway Safety Program in the Department of Transportation Safety/Kentucky Transportation Cabinet requesting federal funding for continuation of the Lexington-Fayette Urban County Government's Traffic Safety Programs for FY 2013. These federal funds originate from the U.S. Department of Transportation's Highway Safety Standards Branch. These programs are:

- **Traffic Safety Program.** Federal funding in the amount of \$135,000 is requested. No matching funds are required. If approved, funds will be used to continue the utilization of officers on an overtime basis to detect speeders, intoxicated drivers, those not wearing occupant protection, and drivers running red lights. Funds will also be used for participation in the Life Savers Conference (required) and for purchase of minor equipment to include PBT (preliminary breath test) units and tint meters (used for detecting seat belt and booster seat violations in vehicles with excessively tinted windows.)
- **Speed Enforcement Project.** Federal funding in the amount of \$25,000 is requested. No matching funds are required. If approved, federal funds will be used for officer overtime for enforcement of the speed limit laws. The goal of this program is to reduce the number of speed related collisions.

Council authorization to submit applications, and accept awards if offered, is hereby requested.


Irene Gooding, Director

HORSE CAPITAL OF THE WORLD




33
321-12

Lexington-Fayette Urban County Government
DEPARTMENT OF ENVIRONMENTAL QUALITY & PUBLIC WORKS

Jim Gray
Mayor

Richard Moloney
Acting Commissioner

To: Mayor Jim Gray
Urban County Council

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

Date: March 16, 2012

Re: Requesting authorization to execute an agreement awarding a Class B Education Incentive Grant to The University of Kentucky Research Foundation to perform a stormwater quality project, at a cost not to exceed \$17,514.00.

The grant application of The University of Kentucky Research Foundation was reviewed and recommended by the Water Quality Fees Board at its October 13, 2011 meeting. Funding is provided by revenue from the Water Quality Management Fee and is budgeted and available in the Fund 4051 303204 3373 78112. This grant requires a minimum 50% cost share above the first \$2,500 by the grant recipient. The Grant Award Agreement requires the Mayor's signature.

Grantee: The University of Kentucky Research Foundation

Incentive Grant Amount: \$17,514.00

Minimum Match Required: \$15,014.00

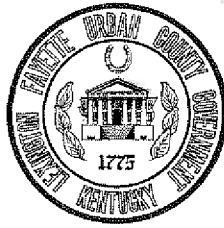
Target Watershed: Wolf Run

Project Overview: Provide professional development sessions for teachers at James Lane Allen Elementary School on stormwater and water quality topics. Students will host the community for an education day. Grant includes collaboration with Lexmark and use of their facilities as a living laboratory. Students will provide input into the James Lane Allen Class B Infrastructure Feasibility Incentive grant.

Questions regarding this agreement should be directed to Susan Plueger, the Incentive Grant Program Administrator, at 859-425-2482.

Attachment

Pc: Richard Moloney, Acting Commissioner, Department of Environmental Quality & Public Works
Ed Gardner, Department of Law
Julie Mantrom, Division of Water Quality
Susan Plueger, P.E., Division of Water Quality



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322-12

Lexington-Fayette Urban County Government
DEPARTMENT OF ENVIRONMENTAL QUALITY & PUBLIC WORKS

Jim Gray
Mayor

Richard Moloney
Acting Commissioner

To: Mayor Jim Gray
Urban County Council

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

Date: March 16, 2012

Re: **Requesting authorization to execute an agreement awarding a Class B Infrastructure (Feasibility) Incentive Grant to the Board of Education of Fayette County, Kentucky to perform stormwater quality project at James Lane Allen Elementary School, at a total cost not to exceed \$12,000.00.**

The grant application of the Board of Education of Fayette County, Kentucky (Fayette County Public Schools) was reviewed and recommended by the Water Quality Fees Board at its October 13, 2011 meeting. Funding is provided by revenue from the Water Quality Management Fee and is fully budgeted and available in the Fund 4051 303204 3373 78112. This grant requires a minimum 25% cost share by the grant recipient. The Grant Award Agreements require the Mayor's signature.

Grantee: Board of Education of Fayette County, Kentucky

Incentive Grant Amount: \$12,000.00

Minimum Match Required: \$4,000.00

Target Watershed: Wolf Run

Project Overview: Perform a study of the James Lane Allen Elementary School property site to evaluate the feasibility of installing stormwater Best Management Practices (BMPs) to improve water quality and reduce stormwater runoff and flooding. Students and teachers at the school will have input into the feasibility study.

Questions regarding this agreement should be directed to Susan Plueger, the Incentive Grant Program Administrator, at 859-425-2482.

Attachment

Pc: Richard Moloney, Acting Commissioner, Department of Environmental Quality & Public Works
Ed Gardner, Department of Law
Julie Mantrom, Division of Water Quality
Susan Plueger, P.E., Division of Water Quality



35

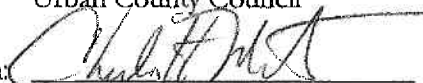
331-12

Lexington-Fayette Urban County Government
DEPARTMENT OF ENVIRONMENTAL QUALITY & PUBLIC WORKS

Jim Gray
Mayor

Richard Moloney
Acting Commissioner

To: Mayor Jim Gray
Urban County Council

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

Date: March 27, 2012

Re: Requesting authorization to execute an agreement awarding a Class B Infrastructure (Feasibility) Incentive Grant to Lexmark International, Inc. to perform a stormwater quality project, at a total cost not to exceed \$34,000.00.

The grant application of Lexmark International, Inc. was reviewed and recommended by the Water Quality Fees Board at its October 13, 2011 meeting. Funding is provided by revenue from the Water Quality Management Fee and is fully budgeted and available in the Fund 4051 303204 3373 78112. This grant requires a minimum 25% cost share by the grant recipient. The Grant Award Agreements require the Mayor's signature.

Grantee: Lexmark International, Inc.

Incentive Grant Amount: \$34,000.00

Minimum Match Required: \$11,333.00

Target Watershed: Cane Run

Project Overview: Perform a study of the Lexmark site at 740 W. New Circle Road to evaluate the feasibility of installing stormwater Best Management Practices (BMPs) to improve water quality and reduce stormwater runoff and flooding. The project will include educational collaboration with the University of Kentucky and Fayette County Public Schools.

Questions regarding this agreement should be directed to Susan Plueger, the Incentive Grant Program Administrator, at 859-425-2482.

Attachment

Pc: Richard Moloney, Acting Commissioner, Department of Environmental Quality & Public Works
Ed Gardner, Department of Law
Julie Mantrom, Division of Water Quality
Susan Plueger, P.E., Division of Water Quality



36
333-12

Mayor Jim Gray

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Division of Grants and Special Programs

TO: JIM GRAY, MAYOR
URBAN COUNTY COUNCIL

FROM: IRENE GOODING, DIRECTOR
DIVISION OF GRANTS AND SPECIAL PROGRAMS

DATE: MARCH 28, 2012

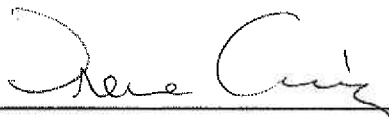
SUBJECT: REQUEST COUNCIL AUTHORIZATION TO SUBMIT APPLICATION
TO THE KENTUCKY DEPARTMENT FOR LOCAL GOVERNMENT
REQUESTING FEDERAL FUNDS FROM THE FY 2012 LAND AND
WATER CONSERVATION FUND FOR CONSTRUCTION OF A NEW
TRAIL AT RAVEN RUN NATURE SANCTUARY

The Division of Parks and Recreation has prepared a grant application for submission to the Kentucky Governor's Development for Local Government, requesting federal funding in the amount of \$75,000 for construction of a new ADA accessible educational and interpretive trail at Raven Run. The trail will be between 2500 to 3500 LF, and will provide opportunities to explore highlights of Raven Run for those not physically able to navigate the other non-accessible trails throughout the nature sanctuary. Features will include 3-5 educational and interpretive nodes that will focus on flora, fauna and history of Raven Run. The existing Freedom Trail has been in service for decades. While it was considered ADA accessible when it was constructed, because of changing regulations, it no longer meets ADA code. It is also in need of major capital repair. The cost of repairing the Freedom Trail and making it accessible to today's standards exceeds the cost of building a new accessible trail.

This project requires a 50% local match. Local match in the amount of \$75,000 will come from funds that have been requested in Fiscal Year 2013 Parks Capital Improvement Plan budget. Total project cost is \$150,000.

The source of federal funds is the Department of Interior/National Park Service. Funds are authorized by the Land and Water Conservation Fund Act of 1965.

Council authorization to submit application is hereby requested.



Irene Gooding, Director

Xc: Sally Hamilton, Commissioner of the Department of General Services

HORSE CAPITAL OF THE WORLD



Lexington-Fayette Urban County Council

37

334-12

TO: Mayor Jim Gray
Councilmembers

FROM: Paul Schoninger
Research Analyst

DATE: March 29, 2012

SUBJECT: Waiver Request/Richmond Rd Landscape plan
Ord 213/83

At the March 13 Corridors Commission meeting, the Commission heard a request from representatives of the Southland Christian Church requesting a waiver to portions of Ord 213-83.

The waiver includes a reconfiguration of the pond adjacent to the site, location/arrangement of some of the landscaping, and species change. At the 3-13-12 meeting the Commission voted unanimously to recommend the waiver to the Full Council. On behalf of the Commission I am requesting approval of the waiver.

I have attached a portion of the summary from the 3-13-12 Commission meeting for your review.

"Richmond Rd Corridor Landscape Ordinance Amendment

Morgan McIlwain of McIlwain & Associates made a presentation requesting a waiver to portions of the Richmond Rd Landscape Ordinance (212-82).

Mr. McIlwain stated that the cost to rehabilitate the pond due to silting was exorbitant. Therefore Southland Christian was requesting a change to the development which requires a variance to the Richmond Rd landscape ordinance.

Elizabeth Mortenson asked about soil erosion.

Paula Singer asked if the Idle Hour neighborhood was opposing this variance.

Ms. Mortenson noted that storage in the pond would be improved when the silting was controlled.

Kenzie Gleason asked about a sidewalk adjacent to Richmond Rd.

Mr. McIlwain noted that the Planning Commission had already approved the amended Development Plan.

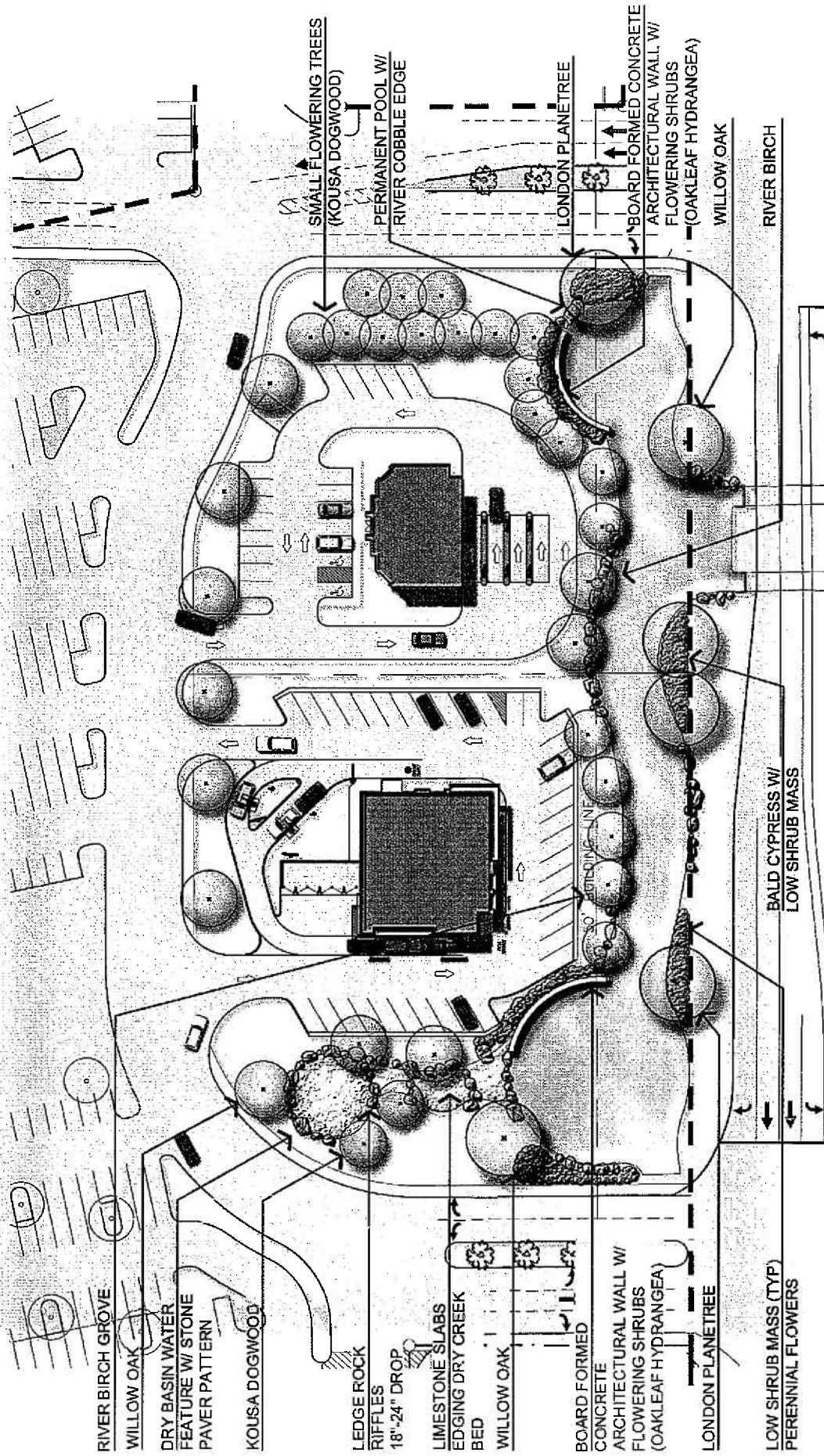
Mike Sanner stated that Council had the power to waive aspects of the Richmond Rd ordinance not the planning commission.

On a motion by Karen Angelucci, second Steve Kay, the Corridors Commission recommended that the Urban County Council approve a waiver for a reconfiguration of the pond adjacent to the site, location/arrangement of some of the landscaping, and species change. (See attachment).

Should you need any further information please do not hesitate to contact me at 258-3208.

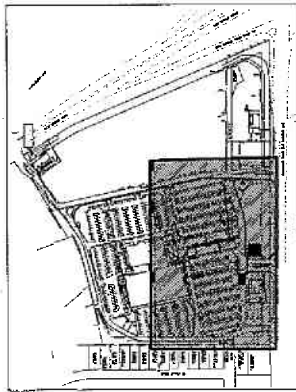


Paul Scholinger
Research Analyst



Southland Christian Church - Richmond Road Campus Outlot Concept Plan

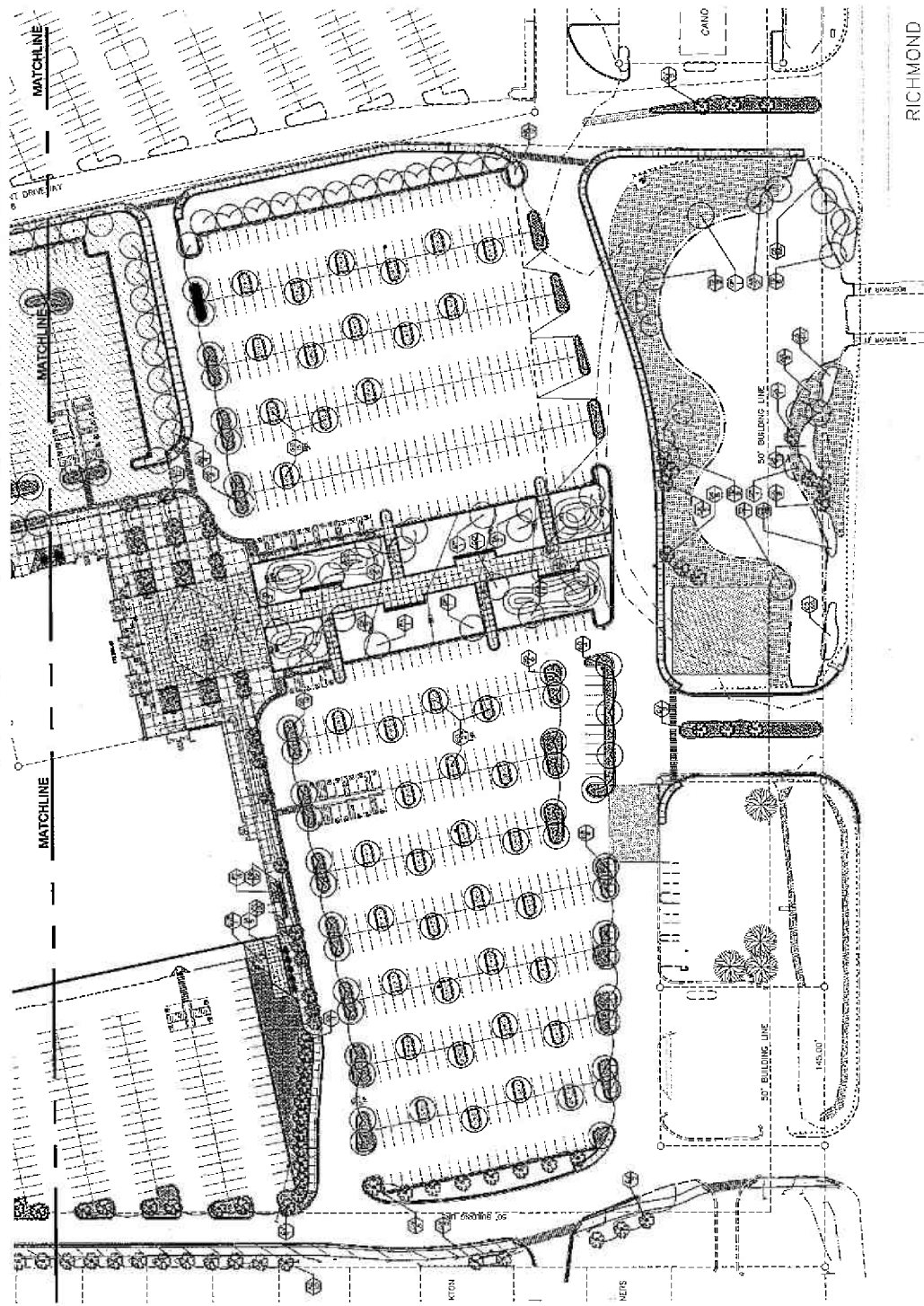




REFERENCE PLAN

PLANT LIST (THIS SHEET)

NO.	COMMON NAME	SYMBOL	QUANTITY	NOTES
1	AMERICAN BEECH	1" DBH	10	PLANT IN GROUP 1
2	RED BARKED DOGWOOD	1" DBH	10	PLANT IN GROUP 1
3	DOGWOOD	1" DBH	10	PLANT IN GROUP 1
4	DOGWOOD	1" DBH	10	PLANT IN GROUP 1
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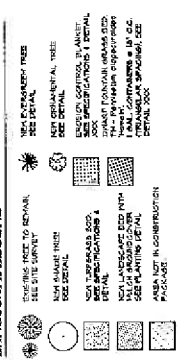


RICHMOND



LANDSCAPE PLAN
SCALE: 1"=40'

LANDSCAPE LEGEND



LANDSCAPE KEY NOTES:

1. PLANTING SHALL BE IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:
2. PLANTING SHALL BE IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:
3. PLANTING SHALL BE IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:

GENERAL LANDSCAPE NOTES:

1. THE LANDSCAPE SHALL BE DESIGNED TO COMPLEMENT THE BUILDING AND ITS SURROUNDINGS.
2. THE LANDSCAPE SHALL BE DESIGNED TO PROVIDE A SENSIBLE AND ATTRACTIVE ENVIRONMENT.
3. THE LANDSCAPE SHALL BE DESIGNED TO PROVIDE A SENSIBLE AND ATTRACTIVE ENVIRONMENT.
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10. THE LANDSCAPE SHALL BE DESIGNED TO PROVIDE A SENSIBLE AND ATTRACTIVE ENVIRONMENT.



LANDSCAPE ARCHITECT FIRM
1000 S. 10TH ST.
LEXINGTON, KY 40502
PHONE: 502-261-1000
FAX: 502-261-1001
WWW.M2D.COM

SOUTHLAND CHRISTIAN CHURCH
2349 RICHMOND ROAD
LEXINGTON, KY

40
L3.1

334-12





Lexington-Fayette Urban County Government
DEPARTMENT OF LAW

Jim Gray
Mayor

Janet M. Graham
Commissioner

TO: Jim Gray, Mayor
Members, Urban County Council

FROM: Department of Law

DATE: March 28, 2012

RE: Amendment to Ordinance 13-2012

This memo is to request an ordinance amending Section 1 of Ordinance No. 13-2012 relating to discharges of surface or groundwater into the sewer system to correctly identify the article in Chapter 16 of the Code of Ordinances within which Sections 16-111 through 16-115 were created as Article XI rather than Article VIII.

Your favorable consideration is appreciated.

A handwritten signature in dark ink, appearing to read "Edward W. Gardner Sr.", is written over a horizontal line.

Edward W. Gardner
Attorney Sr.

Enclosure

cc: Richard Moloney, CAO
Council Office



Mayor Jim Gray

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Division of Grants and Special Programs

TO: JIM GRAY, MAYOR
URBAN COUNTY COUNCIL

FROM: IRENE GOODING, DIRECTOR
DIVISION OF GRANTS AND SPECIAL PROGRAMS

DATE: MARCH 30, 2012

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO SUBMIT 2012 CONSOLIDATED PLAN, ACCEPT AWARDS OF FEDERAL FUNDS FOR COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, HOME INVESTMENT PARTNERSHIPS PROGRAM, AND EMERGENCY SOLUTIONS GRANTS PROGRAM, FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR FY 2013, AND TO AUTHORIZE EXECUTION OF AGREEMENTS WITH SUBRECIPIENTS IN ACCORDANCE WITH APPROVED PLAN

The U.S. Department of Housing and Urban Development (HUD) requires a consolidated application submission for jurisdictions receiving funds through HUD's Planning and Community Development programs. The purpose of the Consolidated Plan is to serve as the planning document for the Lexington-Fayette Urban County Government's participation in these programs. The overall goal of the programs is to develop viable urban communities by providing decent housing, a suitable living environment, and expanding economic opportunities for low and moderate income persons. The 2012 Consolidated Plan includes a one-year action plan providing for the expenditure of Community Development Block Grant (CDBG) funds, HOME Investment Partnerships funds, and Emergency Solutions Grants (ESG) funds for Fiscal Year 2013 (the period of July 1, 2012 through June 30, 2013) to address some of the identified problems.

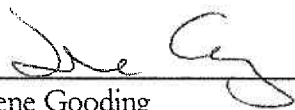
Federal regulations require that an active citizens' participation process be used to identify needs and to recommend the allocation of these federal resources. Two required public hearings have been conducted for the purpose of soliciting citizen comment on the housing and non-housing needs of the low-income population and on the budgeting of these federal funds to address identified needs. Applications for ESG, HOME, and CDBG funds were accepted through a uniform application process. Application solicitation was available through the LFUCG web page for the convenience of agencies having an interest in Consolidated Plan funding. The applications received were reviewed by the staff of the Division of Community Development. Their recommendations for funding were reviewed by the Chief Administrative Officer and the Chief of Staff in the Mayor's Office. The proposed plan was made available for public comment as provided by the approved Citizens Participation Plan on March 5, 2012. The 30-day comment period expires on April 3, 2012. No substantial written comments on the draft plan have been received.

HORSE CAPITAL OF THE WORLD

The Action Plan describes how funds available through the three program areas will be allocated and spent. CDBG program revenues include \$1,993,717 in federal funds with \$150,000 in program income anticipated in fiscal year 2013 for a total of \$2,143,717. The HOME Investment Partnerships program revenues include \$945,184 in federal funds, with a required local cash match of \$202,667 requested from the 2013 general fund budget (\$98,716) and from the proceeds of a closed-out Urban Development Action Grant loan (\$103,951), and program income of \$140,000 for a total of \$1,287,851; and the Emergency Solutions Grants program revenues include \$164,919 in federal funds, with a proposed FY 2013 general fund cash match of \$65,969, and an in-kind match of \$98,950 from subrecipient agencies.

These funds will be expended on public improvements, public facilities, housing rehabilitation, public services, a first-time Homebuyer program, development of homeownership units for low-income households, development of rental units for low-income populations, homeless prevention and rapid rehousing activities, operational support for emergency and transitional housing, and planning and administration activities. A list of projects as recommended for the Community Development Block Grant program, the HOME program, and the Emergency Solutions Grant program, is attached.

Council authorization to submit the 2012 Consolidated Plan, with funding allocations as recommended herein, to accept the herein described federal funds, subject to the availability of sufficient funds in FY 2013, and to execute written agreements in accordance with the approved plan is hereby requested.



Irene Gooding
Director

Attachment: 2012 Consolidated Plan Project Recommendations

Xc: Richard Moloney, Chief Administrative Officer



Mayor Jim Gray

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Division of Grants and Special Programs

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

**FROM: IRENE GOODING, DIRECTOR
DIVISION OF GRANTS AND SPECIAL PROGRAMS**

DATE: MARCH 30, 2012

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE HOME
AGREEMENT WITH NATIONAL HOUSING ASSOCIATES, INC.
FOR USE OF HOME FUNDS FOR REHABILITATION OF
RENTAL HOUSING PROJECT AT SALEM VILLAGE
APARTMENTS**

The Lexington-Fayette Urban County Government's approved Consolidated Plan provides for the use of federal HOME Investment Partnerships Program funds for the development of rental housing for low-income households. National Housing Associates, Inc., a nonprofit organization, has been awarded Low-Income Housing Tax Credits through Kentucky Housing Corporation's 2012 competitive rental funding cycle for the rehabilitation of Salem Village Apartments, a multifamily Project Based Section 8 development located at 1109 Winburn Drive. In order to be financially feasible, this project requires \$400,000 in HOME Investment Partnerships funds as gap financing. This property, built in 1979, is deteriorating and, without substantial rehabilitation, will become uninhabitable in the near future. The result will be the loss of 39 Section 8 Project Based units for households below 50% of median income. National Housing Associates in partnership with Oracle Consulting Services, LLC and Oracle Design Group, LLC, proposes to perform substantial renovation of units, create a minimum of five ADA accessible units, ADA accessible sidewalks, repave parking lot, improve community amenities, and improve energy efficiency of all units. The Oracle Design Group, Inc., and related companies are based in Louisville and have been responsible for development of eighteen projects in Kentucky (637 units.)

The total estimated cost of the housing redevelopment is \$5,225,117. Sources of funds are: Low-Income Housing Tax Credit equity in the amount of \$4,550,025, Kentucky Affordable Housing Trust Fund in the amount of \$250,000, deferred developed fee in the amount of \$25,092, and HOME funds in the amount of \$400,000.

HOME funds will be loaned to National Housing Associates, Inc., in the form of a Deferred Payment Loan for the term of fifteen (15) 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. During this term, the organization is

HORSE CAPITAL OF THE WORLD

required to rent to income eligible persons at affordable rents as determined by the U.S. Department of Housing and Urban Development.

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

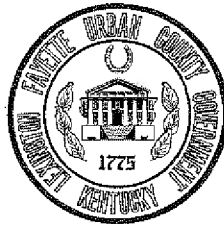
FUND	DEPT ID	SECT	ACCOUNT	ACTIVITY	PROJECT	BUD REF	AMOUNT
3120	900247	0001	71101	H03	HOME 2008	2008	\$100,000
3120	900247	0001	71101	H03	HOME 2009	2009	\$200,000
3120	900247	0001	71101	H03	HOME 2010	2010	\$100,000

Council authorization to execute HOME Agreement with National Housing Associates, Inc. is hereby requested.



Irene Gooding, Director

Xc: Richard Moloney, Chief Administrative Officer




Lexington-Fayette Urban County Government
DEPARTMENT OF ENVIRONMENTAL QUALITY & PUBLIC WORKS

Jim Gray
Mayor

Richard Moloney
Acting Commissioner

To: Mayor Jim Gray
Urban County Council

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

Date: March 28, 2012

Re: Requesting authorization to execute an agreement awarding a FY2012 Class B Infrastructure (Construction Only) Incentive Grant to the Board of Education of Fayette County, Kentucky to perform a stormwater quality project at Clays Mill Elementary School located at 2319 Clays Mill Road, at a total cost not to exceed \$320,400.00.

The grant application of the Board of Education of Fayette County, Kentucky (Fayette County Public Schools) was reviewed and recommended by the Water Quality Fees Board at its October 13, 2011 meeting. Funding is provided by revenue from the Water Quality Management Fee and is fully budgeted and available in the Fund **4051 303204 3373 78112**. This grant covers construction costs and does not require a cost share. The Grant Award Agreement requires the Mayor's signature.

Grantee: Board of Education of Fayette County, Kentucky

Incentive Grant Amount: \$320,400.00

Project Site Location: 2319 Clays Mill Road, Lexington, Kentucky, 40503

Target Watershed: Wolf Run

Project Overview: Construct stormwater improvements designed as part of a FY2011 Incentive Grant, to include: 900 linear feet of stream restoration with riparian buffer, a 600 square foot constructed wetland, a 450 square foot bio-infiltration swale, retrofit of existing 3,000 square foot detention basin to include bioretention for water quality, a new 500 square foot rain garden, and a new culvert and stream crossing with permeable pavement. These site features will reduce stormwater runoff to downstream areas, remove pollutants, and improve water quality in the Wolf Run Watershed, and will provide an added educational benefit by being directly incorporated into the science curriculum at the school. Fayette County Public Schools will be responsible for future maintenance of the improvements, and a Conservation Easement will be granted to protect the restored stream corridor.

Questions regarding this agreement should be directed to Susan Plueger, the Incentive Grant Program Administrator, at 859-425-2482.

Attachment

Pc: Richard Moloney, Acting Commissioner, Department of Environmental Quality & Public Works
Ed Gardner, Department of Law
Julie Mantrom, Division of Water Quality
Susan Plueger, P.E., Division of Water Quality



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344-12

Lexington-Fayette Urban County Government
DEPARTMENT OF ENVIRONMENTAL QUALITY & PUBLIC WORKS

Jim Gray
Mayor

Richard Moloney
Acting Commissioner

To: Mayor Jim Gray
Urban County Council

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

Date: March 28, 2012

Re: Requesting authorization to execute an agreement awarding a FY2012 Class B Infrastructure (Construction Only) Incentive Grant to the Community Montessori School, Inc. to perform a stormwater quality project at the Montessori Middle School located at 727 Stone Road, at a total cost not to exceed \$360,160.00.

The grant application of the Community Montessori School, Inc. was reviewed and recommended by the Water Quality Fees Board at its October 13, 2011 meeting. Funding is provided by revenue from the Water Quality Management Fee and is fully budgeted and available in the Fund **4051 303204 3373 78112**. This grant covers construction costs and does not require a match. The Grant Award Agreement requires the Mayor's signature.

Grantee: Community Montessori School, Inc.

Incentive Grant Amount: \$360,160.00

Project Site Location: 727 Stone Road, Lexington, Kentucky, 40503

Target Watershed: South Elkhorn Creek

Project Overview: Construct stormwater improvements designed as part of a FY2011 Incentive Grant, to include: 950 linear feet of stream restoration with riparian buffer, a 2,700 square foot constructed wetland, retrofit of existing 7,000 square foot detention basin to include bio-retention for water quality, a water quality manhole and 42" storm sewer extension to replace a collapsed headwall, and rainwater harvesting at the school building as an add alternate. These site features will replace failing storm sewer infrastructure, reduce stormwater runoff to downstream areas, remove pollutants, and improve water quality in the South Elkhorn Creek Watershed, as well as provide an added educational benefit by being directly incorporated into the science curriculum at the school. Community Montessori School, Inc. will be responsible for future maintenance of the stream, wetland, and basin improvements, and a Conservation Easement will be granted to protect the restored stream corridor.

Questions regarding this agreement should be directed to Susan Plueger, the Incentive Grant Program Administrator, at 859-425-2482.

Attachment

Pc: Richard Moloney, Acting Commissioner, Department of Environmental Quality & Public Works
Ed Gardner, Department of Law
Julie Mantrom, Division of Water Quality
Susan Plueger, P.E., Division of Water Quality



Lexington-Fayette Urban County Government
DEPARTMENT OF ENVIRONMENTAL QUALITY & PUBLIC WORKS

Jim Gray
Mayor

Richard Moloney
Acting Commissioner

To: Mayor Jim Gray
Urban County Council

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

Date: March 28, 2012

Re: Requesting authorization to execute an agreement awarding a FY2012 Class B Infrastructure Incentive Grant to The Living Arts and Science Center, Inc. to perform a stormwater quality project at their main facility located at 364 N. Martin Luther King Boulevard, at a total cost not to exceed \$60,440.00.

The grant application of The Living Arts and Science Center, Inc. (LASC) was reviewed and recommended by the Water Quality Fees Board at its October 13, 2011 meeting. Funding is provided by revenue from the Water Quality Management Fee and is fully budgeted and available in the Fund **4051 303204 3373 78112**. This grant covers construction costs and does not require a cost share. The Grant Award Agreement requires the Mayor's signature.

Grantee: The Living Arts and Science Center, Inc.

Incentive Grant Amount: \$60,440.00

Project Site Location: 364 N. Martin Luther King Boulevard, Lexington, Kentucky, 40508

Target Watershed: Town Branch

Project Overview: Retrofit an existing asphalt parking lot with permeable interlocking concrete pavers. Grant will fund approximately 5,400 square feet of new permeable pavers as part of a larger renovation and expansion project. LASC will be providing funding for additional pavers and other stormwater improvements through matching grants and other sources. The improvements will be utilized by LASC in its numerous educational programs to reach tens of thousands of students, parents, and teachers each year, and LASC will be responsible for future maintenance.

Questions regarding this agreement should be directed to Susan Plueger, the Incentive Grant Program Administrator, at 859-425-2482.

Attachment

Pc: Richard Moloney, Acting Commissioner, Department of Environmental Quality & Public Works
Ed Gardner, Department of Law
Julie Mantrom, Division of Water Quality
Susan Plueger, P.E., Division of Water Quality



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346-12

Mayor Jim Gray

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Division of Grants and Special Programs

TO: JIM GRAY, MAYOR
URBAN COUNTY COUNCIL

FROM: IRENE GOODING, DIRECTOR
DIVISION OF GRANTS AND SPECIAL PROGRAMS

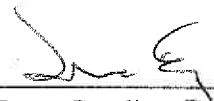
DATE: MARCH 30, 2012

SUBJECT: AUTHORIZATION TO SUBMIT A GRANT APPLICATION, AND TO ACCEPT AWARD IF OFFERED, TO THE BLUEGRASS AREA DEVELOPMENT DISTRICT FOR OPERATION OF THE SENIOR CITIZENS CENTER IN FY 2013

A grant application has been prepared by the Department of Social Services for submission to the Bluegrass Area Development District (BGADD) requesting federal funds from Title III of the Older Americans Act for operation of the Lexington Senior Citizens Center in FY 2013. The Lexington Senior Citizens Center is a multi-purpose community focal point for services to persons 60 and older in Fayette County. Basic center operations include advocacy, counseling, education, health promotion, access to legal assistance, outreach, recreation, and telephone reassurance. LFUCG staff includes a center director, Social Worker, a staff assistant senior, a part-time receptionist, and two part-time van drivers. The center also houses several other agencies that serve older persons. These agencies, each having their own budgets, funding sources and staff, include Meals on Wheels, the Nursing Home Ombudsman of the Bluegrass, and Retired Senior Volunteer Program.

It is estimated that \$83,101 in federal funds will be available in FY 2013. The minimum local match required for the operation of the project is 15%; however, the amount that is being requested in the FY 2013 general fund budget for grant match is \$160,146. An additional \$7,400 in program income will be provided by agencies and individuals who utilize the Senior Citizens Center. The total cost of operations for this project is \$250,647. Grant funds are used for personnel costs, utilities, travel, and other operating costs of the center.

Council authorization to submit the application and accept the award, if offered, is hereby requested, subject to the availability of sufficient funds in FY 2013.



Irene Gooding, Director

Xc: Beth Mills, Commissioner of Social Services

HORSE CAPITAL OF THE WORLD

200 East Main Street 6th Fl Lexington, KY 40507 PH (859)258-3070 FAX (859)258-3081 www.lexingtonky.gov

FAWP51\HCD\GRANTS\FEDERAL\US DEPT OF HEALTH AND HUMAN SVCS\SENIOR CITIZENS\FY2013\12-000.doc



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350-12

Mayor Jim Gray

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Division of Grants and Special Programs

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

**FROM: IRENE GOODING, DIRECTOR
DIVISION OF GRANTS AND SPECIAL PROGRAMS**

DATE: APRIL 2, 2012

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE
AGREEMENT WITH SAFE TRANSPORTATION TRAINING
SPECIALISTS FOR CARGO TANK EMERGENCY RESPONSE
TRAINING FOR HAZMAT UNITS THROUGHOUT THE STATE
FOR THE DIVISION OF FIRE AND EMERGENCY SERVICES-
RFP #2-2012**

On December 1, 2011 (Resolution No. 548-2011), Council approved acceptance of federal funds in the amount of \$23,800 from the Kentucky Office of Homeland Security for specialized training for HazMat units throughout the state for the Division of Fire and Emergency Services.

In response to RFP # 2-2012-Cargo Tank Emergency Response Training, the Division of Fire and Emergency Services has selected Safe Transportation Specialists to provide this training. Selection was based upon quality of services and cost. Total cost of these services is \$23,800 for two training sessions (three days each.) Approximately 60 emergency response persons will be trained.

Funds are budgeted as follows:

FUND	DEPT ID	SECT	ACCOUNT	PROJECT	BUD REF	ACTIVITY
3200	505702	5715	71299	STHO_TR_2012	2012	FED_GRANT

Council authorization to execute agreement is hereby requested.


Irene Gooding, Director

Xc: Clay Mason, Commissioner, Department of Public Safety

HORSE CAPITAL OF THE WORLD



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351-12

Lexington-Fayette Urban County Government
DEPARTMENT OF GENERAL SERVICES

Jim Gray
Mayor

Sally Hamilton
Commissioner

MEMORANDUM

TO: Mayor Jim Gray
Urban County Council

FROM: Sally Hamilton, Commissioner
Department of General Services

Date: April 2, 2012

RE: Approval of the Transfer Agreement with Lexington-Fayette County Parking Authority
(LFCPA)

I am requesting Urban County Council approval authorizing the Mayor to execute a Transfer Agreement with the Lexington and Fayette County Parking Authority related to the transfer, management, repair and operations of the Annex, Transit, Victorian, and Courthouse garages as outlined in the agreement.

TRANSFER AGREEMENT

THIS AGREEMENT, made by and between LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT, an Urban County Government pursuant to KRS 67A, 200 East Main Street, Lexington, Kentucky 40507 (hereinafter called "LFUCG"), and LEXINGTON AND FAYETTE COUNTY PARKING AUTHORITY, a parking authority pursuant to KRS 67A.910, et seq., and Chapter 2, Article XIII, of the Code of Ordinances, Lexington-Fayette Urban County Government, 114 North Upper Street, Lexington, Kentucky 40507 (hereinafter called "LFCPA").

RECITALS:

A. LFUCG controls, through its agencies, the Lexington Fayette Urban County Government Public Parking Corporation and the Lexington-Fayette Urban County Government Public Facilities Corporation, certain real properties located in Lexington, Fayette County, Kentucky, which are owned in fee simple by one or the other of those agencies and are operated as parking facilities and otherwise known as the (1) Transit Center Parking Garage (129 and 169 E. High Street), the (2) Annex Garage (150 E. Street), the (3) District Courthouse Parking Facility (a portion of 150 N. Limestone), the (4) Victorian Square Garage and the Broadway Shops (122-128 N. Broadway (inclusive of 350 W. Short Street)), and the (5) Government Center Garage (208 E. Main Street), and being more particularly described in Exhibit A, which is attached hereto and incorporated herein by reference(the "Properties").

B. LFCPA was created pursuant to KRS 67A.910, et seq., and has been empowered by this state law and Chapter 2, Article XIII of the Code of Ordinances,

Lexington-Fayette Urban County Government, to, among other things, acquire, own, maintain, operate, repair and manage new and existing parking facilities.

C. Section 18 of Lexington-Fayette Urban County Government Ordinance No. 329-2005, which also created the LFCPA, specified that there was to be a transfer of management of certain LFUCG parking garages to LFCPA.

D. The parties entered into a Memorandum of Agreement dated February 23, 2012, related to the Properties, under which they mutually agreed to the transfer of some of them to LFCPA and the management and control of other of the Properties.

E. LFUCG desires to transfer and LFCPA desires to obtain three of the hereinafter described Properties, on the terms and conditions set forth.

AGREEMENTS:

NOW, THEREFORE, in consideration of the Recitals, the mutual covenants hereinafter set forth and other good and valuable consideration, the receipt and sufficiency of which are mutually acknowledged, it is agreed by and between the parties as follows:

1. DEFINITIONS. Unless otherwise provided herein the following terms shall be defined as follows in this Agreement:

"Agencies" shall mean the Lexington-Fayette Urban County Government Public Facilities Corporation and the Lexington Fayette Urban County Government Public Parking Corporation.

"Agreement" shall mean this Transfer Agreement.

“Annex Garage” shall mean the parking facility located at 150 E. Street as further described in Exhibit “A”.

“District Courthouse Parking Facility” shall mean the parking facility located at a portion of 150 N. Limestone as further described in Exhibit “A”.

“Employee Parking Spaces” shall mean those parking spaces in the Garages reserved for use by employees or agents of LFUCG.

“Financing” shall mean the means of debt used to pay for the repair of the Garages.

“Garages” or “Properties” shall mean the properties listed in Exhibit “A”.

“Government Center Garage” shall mean the parking facility located at a portion of 208 East Main Street as further described in Exhibit “A”.

“LFCPA” shall mean the Lexington and Fayette County Parking Authority.

“LFUCG” shall mean the Lexington-Fayette Urban County Government.

“Management Agreement” shall mean the agreement between the parties for the management and operation of the District Courthouse Parking Facility.

“MOA” shall mean the Memorandum of Agreement executed by the parties on or about February 23, 2012.

“PFC” shall mean the Lexington-Fayette Urban County Government Public Facilities Corporation.

“PPC” shall mean the Lexington Fayette Urban County Government Public Parking Corporation.

"Transit Center Parking Garage" shall mean the parking facility located at 129 and 169 E. High Street as further described in Exhibit "A".

"Victorian Square Garage and the Broadway Shops" shall mean the parking facility and shops located at 122-128 N. Broadway (inclusive of 350 W. Short Street) as further described in Exhibit "A".

2. TRANSFER AND CONVEYANCE. Subject to the terms and conditions of this Agreement, LFUCG agrees to authorize and direct the PFC and PPC to transfer, and Buyer agrees to obtain the Annex Garage, the Transit Center Parking Garage, and the Victorian Square Garage and the Broadway Shops, including all hereditaments and appurtenances pertaining to such tracts, and all improvements located thereon including without limitation all of LFUCG's right, title and interest in and to adjacent streets, alleys, rights of ingress and egress, and rights-of-way.

3. TRANSFER OF DISTRICT COURTHOUSE PARKING FACILITY. The parties further agree that upon payment of all existing debt service on the District Courthouse Parking Facility they will enter into an agreement for the transfer of that facility to LFCPA.

4. RESTRICTIONS ON TRANSFER. LFCPA understands and agrees that pursuant to the MOA and this Agreement the transfer of the Garages is conditioned upon the Garages being maintained and operated as public parking facilities , and other certain restrictions as follows, which shall be included as restrictions or reservations on the deed(s) for each of the Properties:

a. LFUCG shall be able to reacquire title and ownership of any of the Garages at any time upon payment of any outstanding debt on that particular facility or assumption thereof and payment of any improvements or repairs, on a depreciated value basis, and as mutually agreed to by the parties.

b. LFUCG shall maintain the Air Rights to each of the Garages.

c. LFUCG shall have a right of first refusal on the sale or transfer of each of the Garages under which it will be provided the opportunity to purchase the facility(s) based upon the cost calculations in subsection (a), above, and within a reasonable period of time of the offer to purchase.

d. The Transit Center Parking Garage was acquired and/or constructed using certain federal funds provided with the understanding that a transit center would be constructed and maintained using such funds. Therefore, the Transit Center Parking Garage deed will contain a restriction requiring that space be provided to The Transit Authority of Lexington, Kentucky ("Lextran") in an amount at least consistent with the minimum current footprint of its current operations until such time as Lextran determines it no longer wishes to operate a transit center at this location.

5. EXISTING LEASES AND AGREEMENTS. LFPCA understands and agrees that some of the Garages are currently encumbered by a number of leases and other agreements and that it shall be responsible for understanding and honoring each of these leases and agreements through its respective termination date. To the extent necessary, LFUCG will transfer or assign each of these leases or agreements to LFPCA.

A list of the leases and agreements is included in Exhibit "B", which is attached hereto and incorporated herein by reference.

6. REPAIRS IN LIEU OF PURCHASE PRICE. The parties agree that LFUCG has foregone selling the Garages at their fair market value in return for the Agreement of the LFCPA to repair and refurbish the Garages and maintain, manage, repair and operate the Garages for the benefit of the citizens of Fayette County, Kentucky, as further provided in the MOA and this Agreement and that this is a material consideration in the transfer of the Garages to the LFCPA.

a. The Parties agree that the three (3) facilities to be immediately transferred under this Agreement -- (1) Annex Garage, (2) Transit Center Parking Garage, and (3) Victorian Square Garage and the Broadway Shops have a significant monetary value, as is further evidenced by their respective assessed values per the Fayette County Property Valuation Administrator.

b. The Parties agree that as of the date of this Agreement the estimated cost to repair each of the Garages is as follows: (1) Annex Garage - \$3,400,000; (2) Transit Center Parking Garage - \$1,300,000; (3) Victorian Square Garage and the Broadway Shops - \$318,000; (4) District Courthouse Parking Facility - \$558,000; and (5) Government Center Garage - \$2,145,000.

c. To the extent legally necessary LFCPA agrees to pay LFUCG the sum of ten dollars (\$10.00) as nominal consideration for the transfer of the Garages.

7. REPAIR SCHEDULE. The Parties agree to the following as the intended order of repair of the Garages by LFCPA: (a) Annex Garage; (b) Victorian Square

Garage and the Broadway Shops; (c) Transit Center Parking Garage; (d) District Courthouse Parking Facility; and (e) Government Center Garage.

8. EMPLOYEE PARKING SPACES. LF CPA understands and agrees that a material consideration in the transfer of the Garages by LFUCG is the reservation of a minimum number of Employee Parking Spaces. It is estimated that at the time of the execution of this agreement, LFUCG will have employees using the Annex Garage, the Transit Center Parking Garage, and the District Courthouse Parking Facility. LF CPA shall not be entitled to any compensation for the parking spaces associated with these employees except as otherwise provided below. LF CPA further agrees to make available sufficient parking to accommodate the future needs of LFUCG for its employees, however LF CPA will determine which facilities and parking spaces are available for such purposes.

a. All employees at the time of the Closing of this transaction will continue to park at no cost for a period of five (5) years from the closing date of this transaction. LFUCG will provide LF CPA with a final list of the total number of Employee Parking Spaces within thirty (30) days of the Closing.

b. For any employee hired after the closing date of this transaction who utilizes an Employee Parking Space, LF CPA is entitled to payment in an amount not to exceed fifty percent (50%) of the market rate for the specific garage at which the employee parks.

c. LF CPA is entitled to payment in an amount not to exceed fifty percent (50%) of the market rate for the specific garage at which the employee parks for all

Employee Parking Spaces after the five (5) year period in subsection (a), above, elapses.

9. FINANCING. LFUCG understands and agrees that its assistance will facilitate LFCPA in obtaining the preferred financing for the repairs of the Garages. The parties agree that the Garages are not intended to be financed through the issuance of general obligation bonds by LFUCG. LFUCG intends to participate in other forms of financing under which LFUCG may have some annual appropriation requirements or exposure in the event LFCPA revenues net of operating are insufficient to service the debt services payments on outstanding bonds.

10. VALIDATION. LFCPA will provide validation services at one or more of the Garages at no cost to those providing board membership or like volunteer services to LFUCG.

11. INSURANCE. LFCPA shall at all times carry insurance coverage for itself and its employees and for the Parking Facilities of the types and in the amounts agreed to be sufficient by LFUCG with property damage in the minimum amount of the estimated fair market value of the Garages Facilities and with general liability coverage in a minimum amount comparable to other similarly situated insured facilities. Sufficient evidence of such insurance shall be provided prior to or at Closing of this transaction.

12. FINANCIAL PLAN. Prior to the Closing of this transaction the LFCPA shall provide LFUCG with a detailed financial pro forma detailing the financial viability of LFCPA owning and operating the Garages.

13. ANNUAL STATUS REPORT. LF CPA shall make an annual report to LFUCG and its Council regarding the operation and management of the garages, and will otherwise appear at public meetings as reasonably requested by LFUCG in order to provide information regarding the Garages or other parking issues.

14. REPRESENTATION AND WARRANTIES OF LFUCG. LFUCG represents and warrants to and with LF CPA that as of the date of this Agreement and as of the date of closing:

a. This Agreement, the Deeds, and all other documents referred to herein are the legal, valid and binding obligations of LFUCG or its Agencies, and enforceable against LFUCG and/or its Agencies in accordance with their respective terms.

b. There is no pending or threatened litigation, condemnation or similar proceeding affecting the Garages or any part thereof, nor is any such proceeding or assessment contemplated by any governmental authority or any other party which would affect the Garages.

c. There are no violations of any ordinance, regulation, law or statute of any governmental unit or agency pertaining to or affecting the Garages, or any part thereof or which would materially affect the business the LF CPA intends to carry out on the Garage.

d. LFUCG and its Agencies are fully authorized to sell the Garages and have good and marketable fee simple title thereto and there are no existing liens or encumbrances upon or affecting the Property.

e. There are no undisclosed problems of which LFUCG has actual knowledge, which could in any material way adversely affect the Garages.

f. There are no unpaid charges, costs or expenses for improvements in, on or upon the Garages which might form the basis for a claim for or affixation of any type of mechanic, materialmen, laborer, artisan's or other statutory lien.

g. The Garages will have full and free access to and from public streets or roads, and there is no pending or threatened governmental or other proceeding that would impair or result in the termination of such access.

h. LFUCG certifies that to the best of its knowledge there are no hazardous substances on the Properties.

15. DOCUMENTS TO BE DELIVERED BY LFUCG AT CLOSING. At the Closing of this transaction, LFUCG shall deliver to buyer the following items, which items shall be in form and substance satisfactory to LFCPA:

a. Duly executed and acknowledged deeds, in recordable form with good, marketable, fee simple title to the Property.

b. All such further conveyances, assignments, confirmations, satisfactions, releases, powers of attorney, instruments of further assurance, approvals, consents and any and all such further instruments and documents as may be reasonably necessary, expedient or proper in the opinion of LFCPA's counsel in order to complete any and all conveyances, transfers and sales herein provided or as may be required by a title company as a condition for the issuance of a title insurance policy.

c. Exclusive possession of the Property.

16. ITEMS TO BE DELIVERED BY LFCPA AT CLOSING. At the Closing, LFCPA shall deliver to LFUCG any documents and instruments as may be required by any other provision of this Agreement or as may reasonably be required to carry out the terms and intent of this Agreement.

17. PRORATIONS. Rents, if any, shall be prorated to the Closing Date effective as of the Closing Date.

18. REPRESENTATIONS AND WARRANTIES OF LFUCG.

a. LFUCG represents and warrants to LFCPA as follows:

(i) LFUCG is an urban county government duly organized and validly existing and in good standing under the laws of the Commonwealth of Kentucky and is authorized to act pursuant to Chapter 67A of the Kentucky Revised Statutes as an Urban County Government.

(ii) LFUCG is authorized under the laws of the Commonwealth of Kentucky to enter into this Agreement and the transaction contemplated hereby and to perform all of the obligations hereunder.

b. The continued validity in all respects of the aforesaid representations and warranties shall be a condition precedent to LFCPA's obligation to close.

19. REPRESENTATIONS AND WARRANTIES OF LFCPA.

a. LFCPA represents and warrants to LFUCG as follows:

(i) LFCPA is a parking authority created pursuant to KRS 67A.910, et seq., and Chapter 2, Article XIII of the Code of Ordinances, Lexington-Fayette Urban County Government and is authorized to act pursuant to these laws and ordinances.

(ii) LFCPA is authorized under the laws of the Commonwealth of Kentucky to enter into this Agreement and the transaction contemplated hereby and to perform all of the obligations hereunder.

b. The continued validity in all respects of the aforesaid representations and warranties shall be a condition precedent to LFUCG's obligation to close.

20. CLOSING. The Closing of this transaction (the "Closing") shall take place within One Hundred Twenty (120) days of execution of this Agreement by both parties at such time and place to which the parties may agree (the "Closing Date").

21. POSSESSION. LFUCG shall deliver possession of the Annex Garage, the Transit Center Parking Garage, and the Victorian Square Garage and the Broadway Shops to LFCPA at the Closing.

22. INDEMNIFICATION.

a. To the extent allowable by law, LFUCG shall indemnify and hold LFCPA harmless from and against any losses, damages, costs, or expenses (including reasonable attorneys' fees) resulting from injuries to persons or property which are claimed to be the result of the use, occupancy or maintenance of the Garages during any period prior to Closing. LFUCG's and LFCPA's obligations under this Paragraph 22 shall survive the closing of this transaction. In no event shall LFCUG's indemnification act as a waiver of any defense, immunity or damage limitation LFUCG may otherwise have available as to third parties.

b. To the extent allowable by law, LFCPA shall indemnify and hold LFUCG harmless from and against any losses, damages, costs, or expenses (including

reasonable attorneys' fees) resulting from injuries to persons or property which are claimed to be the result of the use, occupancy or maintenance of the Garages from and after Closing. Seller's and Buyer's obligations under this LFUCG's and LFCPA's shall survive the Closing of this transaction

23. DEFAULT. If either party defaults hereunder, the other party shall be entitled to pursue any available legal remedy, including without limitation, the right to seek specific performance. The exercise of one or more rights or remedies by a party shall not impair that party's right to exercise any other right or remedy provided for in this Agreement or at law or in equity.

24. BROKERAGE COMMISSION. Each party represents to the other that no broker has been involved in this transaction or has been the procuring cause thereof and that it knows of no agent or broker entitled to, and each agrees with the other that neither is nor will be liable for the payment of a brokerage fee or commission or other compensation in connection therewith. Each party agrees to indemnify and hold harmless the other party against any and all claims, demands, causes of action, judgments and liabilities which may be asserted or recovered for fees, commissions or other compensation claimed to be due to any broker, finder or intermediary with whom the indemnitor may have dealt in connection with this transaction, including costs and reasonable attorney's fees incident thereto.

25. EXPENSES. All expenses and conveyances taxes and/or documentary stamps, special real estate taxes and assessments shall be paid by LFCPA subject to any

applicable proration required herein. The cost of recording the documents called for in this Agreement shall be paid by LFCPA.

26. EXCULPATORY PROVISION.

a. Except as otherwise expressly provided in this Agreement, the sale of the Garages hereunder is and will be made on an "**AS IS, WHERE IS**" basis and LFUCG has not made, does not make, and specifically negates and disclaims any representations, warranties, or guaranties of any kind or character whatsoever, whether express or implied, oral or written, past, present or future of, as to, concerning or with respect to the Property or any other matter whatsoever, except LFUCG warrants that it is not aware of any environmental hazards, concerns, or conditions that have existed, or currently exist, on said Properties, nor is LFUCG aware of any latent defects in the Property.

b. LFCPA is a sophisticated Buyer who is familiar with the ownership and operation of real estate projects similar to the Garages and LFCPA has or will have adequate opportunity to complete all physical and financial examinations relating to the acquisition of the Properties hereunder it deems necessary, and will acquire the same solely on the basis of such examinations and the title insurance protection afforded by the Owner's Policy and not on any information provided or to be provided by LFUCG, except with respect to LFUCG's specific limited representations, warranties and indemnities herein contained.

27. MISCELLANEOUS PROVISIONS.

a. Notices. All notices allowed or required to be given hereunder must be in

writing dispatched by United States certified mail, return receipt required, to parties and their attorney at the addresses shown at the end of the Agreement. Either party hereto may change the address to which any such notice is to be addressed by giving notice in writing to the other party of such change. Any time limitation provided for in this Agreement shall commence with the date that the party actually receives such written notice, and the date of postmark of any return receipt indicating the date of delivery of such notice to the addressee shall be conclusive evidence of such receipt.

b. Entire Agreement. This Agreement constitutes the entire agreement between LFUCG and LFCPA other than the MOA, and there are no other covenants, agreements, promises, terms, provisions, conditions, undertakings, or understandings, either oral or written, between them concerning the Properties other than those herein set forth and in the MOA. To the extent of any conflict among and between terms or provisions, this Agreement shall take precedence over the MOA.

c. Modification. No subsequent alteration, amendment, change, deletion or addition to this Agreement shall be binding upon LFUCG or LFCPA unless in writing and signed by both LFUCG and LFCPA.

d. Headings. The headings, captions, numbering system, etc., are inserted only as a matter of convenience and may under no circumstances be considered in interpreting the provisions of the Agreement.

e. Binding Effect. All of the provisions of this Agreement are hereby made binding upon the personal representatives, heirs, successors, and assigns of both parties hereto.

f. Time. Time is of the essence of this Agreement, but any defaulting party is entitled to ten (10) days after receipt of written notice of the default to cure before the other party may terminate or exercise other remedies under this Agreement except as may otherwise be set out herein. In the computation of any period of time provided for in this Agreement or by law, any date falling on a Saturday, Sunday, or legal holiday shall be deemed to refer to the next day which is not a Saturday, Sunday or legal holiday.

g. Unenforceable or Inapplicable Provisions. If any provision hereof is for any reason unenforceable or inapplicable, the other provisions hereof will remain in full force and effect in the same manner as if such unenforceable or inapplicable provision had never been contained herein.

h. Counterparts. This Agreement may be executed in any number of counterparts, each of which will for all purposes be deemed to be an original, and all of which are identical.

i. Governing Law. This Agreement shall be construed under and in accordance with the laws of the Commonwealth of Kentucky.

j. Survival Clause. Except as otherwise specifically provided herein, the representations, warranties and covenants contained herein shall not merge in the deed or any other document and shall survive the Closing.

k. Definition of Closing. The word "Closing" or words of similar import as used in this Agreement, shall be construed to mean the originally fixed time and closing

date specified herein or any adjourned time and date provided for herein or agreed in writing by the parties, or any earlier date permitted herein.

I. Construction. All of the parties to this Agreement have participated fully in the negotiation and preparation hereof, and, accordingly, this Agreement shall not be more strictly construed against any of the parties hereto.

DATED this _____ day of April 2012, which is the date this Agreement has been signed by whichever of LFUCG or LFCPA is the last to sign this Agreement. All references to the "date of this Agreement" or similar references shall mean this date.

**LEXINGTON-FAYETTE URBAN COUNTY
GOVERNMENT**

BY: _____
JIM GRAY, MAYOR

**LEXINGTON AND FAYETTE COUNTY
PARKING AUTHORITY**

BY: _____

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE)

Subscribed, sworn to and acknowledged before me this the ____ day of _____ 2012, by Jim Gray, Mayor of the Lexington-Fayette Urban County Government.

My commission Expires: _____

NOTARY PUBLIC, STATE OF KY AT LARGE

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE)

Subscribed, sworn to and acknowledged before me this the ____ day of _____, 2012, by _____ of the Lexington and Fayette County Parking Authority.

My commission expires: _____

NOTARY PUBLIC, STATE OF KY AT LARGE

PREPARED BY:

David J. Barberie
Managing Attorney
Lexington-Fayette Urban County Government
Department of Law
200 East Main Street
Lexington, Kentucky 40507
(859) 258-3500

EXHIBIT "A"TRACT I
TRANSIT CENTER PARKING GARAGE

All that certain real property with the improvements thereon and appurtenances thereto situated in the County of Fayette, Commonwealth of Kentucky, bounded and described as follows:

Parcel 1:

Being all of the following described property, located in Fayette County, Kentucky, which lies beneath a horizontal plane having an upper elevation of 971.41 feet mean sea level datum and having no lower limit, and being more particularly described as follows, to-wit:

Beginning at the intersection of the northeast right-of-way line of East High Street and the northwest right-of-way line of Martin Luther King Boulevard Viaduct (formerly Harrison Avenue), said point being located N 45° 13' 10" W, 5.09 feet from former northwest right-of-way line of Martin Luther King Boulevard Viaduct as measured along said East high Street right-of-way line; thence along said East High Street right-of-way line N 45° 13' 10" W, 392.65 feet to a point; thence N 45° 18" E, 3.90 feet to a point; thence N 45° 04' 50" E, 78.58 feet to a point; thence S 45° 16' 48" E, 40.70 feet to a point in the centerline of the former Combs Alley; thence along said centerline N 45° 04' 18" E, 71.02 feet to a point in the southwest right-of-way line of East Vine Street; thence along said right-of-way line 44° 58' 21" E, 347.00 feet to a point in the northwest right of way line of said Martin Luther King Boulevard Viaduct; thence along said right-of-way line S 45° 54' 40" E, 1.00 feet to a point; thence S 45° 05' 20" W, 166.05 feet to the point of the beginning and containing 1.5004 acres, more or less.

Being a part of the same property conveyed to Lexington-Fayette County Government Public Parking Corporation by deed dated December 29, 1987, of record in Deed Book 1464, Page 722, and by deed dated June 19, 1989, of record in Deed Book 1514, Page 633, in the Fayette County Clerk's Office.

Parcel 2:

Being all of the following described property located in Fayette County, Kentucky, which lies beneath a horizontal plane having an upper elevation of 964.90 feet mean sea level datum and having no lower limit, and being more particularly described as follows, to-wit:

Beginning at the intersection of the northeast right-of-way line of East High Street and the northwest right-of-way line of Martin Luther King Boulevard Viaduct (formerly

Harrison Avenue), said point being located N 45° 13' 10", 5.09 feet from the former northwest right-of-way line of Martin Luther King Boulevard Viaduct as measured along said East High Street right-of-way; thence with the northwest right-of-way line of Martin Luther King Boulevard Viaduct N 45° 05' 20" E, 166.05 feet to a point; thence N 44° 54' 40" W, 1.00 feet to a point; thence N 45° 05' 20" E, 8.47 feet to a point in the southwest right-of-way line of East Vine Street; thence with the southwest right-of-way line of East Vine Street S 44° 58' 21" E, 5.82 feet to a point; thence S 44° 58' 06" E, 43.33 feet to a point; thence S 44° 55' 54" E, 5.85 feet to a point; thence leaving the southwest right-of-way to a point; thence N 44° 54' 40" W, 1.00 feet to a point; thence S 45° 05' 20" W, 165.76 feet to a point in the northeast right-of-way line of East High Street; thence N 45° 13' 10" W, 53.00 feet to the point of the beginning and containing 9,261 square feet more or less.

Being a part of the same property conveyed to Lexington-Fayette Urban county Government Public parking Corporation by deed dated December 29, 1987, of record in Deed Book 1464, Page 722, by deed dated June 19, 1989, of record in Deed Book 1514, Page 633, by deed dated December 29, 1987, of record in Deed Book 1464, Page 751, by deed dated February 26, 1988, of record in Deed Book 1469, Page 576, by deed dated December 7, 1989, of record in Deed Book 1532, Page 252, and by Deed of Correction dated December 9, 1989, of record in Deed Book 1535, Page 489, in the Fayette County Clerk's Office.

Parcel 3:

Being all of the following described property, located in Fayette County, Kentucky, which lies beneath a horizontal plane having an upper elevation of 971.41 feet mean sea level datum and having no lower limit, and being more particularly described as follows, to-wit:

Beginning at the intersection of the northeast right-of-way line of East High Street and the southeast right-of-way line of Martin Luther King Boulevard Viaduct (formerly Harrison Avenue), said point being located S 45° 13' 10" E, 4.58 feet from the former southeast right-of-way line of Martin Luther King Boulevard Viaduct; as measured along said East High Street right-of-way line; thence along the southeast right-of-way line of Martin Luther King Boulevard Viaduct N 45° 05' 20" E, 165.76 feet to a point; thence S 44° 54' 40" E, 1.00 feet to a point; thence N 45° 05' 20" E, 8.52 feet to a point in the southwest right-of-way line of East Vine Street; thence along the southwest right-of-way line of East Vine Street S 44° 55' 54" E, 325.73 feet to a point at the intersection of the southwest right-of-way of East Vine Street and the northwest right-of-way line of Beck Alley; thence S 44° 46' 50" W, 172.64 feet to a point at the intersection of the northwest right-of-way line of Beck Alley and the northeast right-of-way of East high Street; thence along the northeast right-of-way line of East High Street; N 45° 13' 10" W, 327.66 feet to the point of the beginning and containing 1.3030 acres, more or less.

Being a part of the same property conveyed to Lexington-Fayette Urban County Government Public parking Corporation by deed dated December 7, 1987, of record in Deed Book 1464, Page 751, by deed dated February 26, 1988, of record in Deed Book 1469, Page 633, by deed dated December 7, 1989, of record in Deed Book 1532, Page 252, and by deed of correction dated December 9, 1989, of record in Deed Book 1535, Page 489, in the Fayette County Clerk's Office.

Parcel 4:

All of the easements in, across and through those certain air rights parcels (the "Air Lots"), which have no upper limit and are situated directly above the aforesaid Parcels 1 and 3, which easements were created in favor of and for the benefit of Parcels 1, 2 and 3 above, by that certain Declarations of Covenants, Conditions and Restrictions, dated as of the 1st day of January, 1990, and recorded in Deed Book 1535, Page 559, in the Fayette County Clerks' Office, to which Declaration reference is hereby made for a more particular description of said easements.

All of the above described property and parcels being known and designated as 129 and 169 East High Street, Lexington, Fayette County, Kentucky.

TRACT II

ANNEX GARAGE

All that tract or parcel of land located on the south side of East Main Street and west of Harrison Avenue Viaduct in Lexington, Fayette County, Kentucky, and being more particularly described as follows:

Beginning at a point, said point being the right-of-way intersection of East Main Street and west line of Harrison Avenue Viaduct; thence with the west right-of-way line of said Viaduct S 48° 32' 53" W 264.41 feet to a new point in Adcor Realty Corporation property; thence leaving said right-of-way and with two (2) new division lines of Adcor Realty N 41° 31' W 225.61 feet to a point; thence N 48° 36' 20" E 6.49 feet to a point in the west line of Manning, Dabney & Cox property (now or formerly); thence for two (2) calls with said Manning, Dabney & Cox S 45° 27' 22" E 0.67 feet to a point; thence N 48° 36' 20" E 258.14 feet to a point in the south line of East Main Street; thence with the line of Main Street S 41° 27' 47" E 224.68 feet to the point of beginning and continuing 1.3654± acres.

Together with any and all right, title and interest in and to the public access ways running along the southwest and southeast borders of the property described above, and being known and designated as 150 East Main Street, Lexington, Fayette County, Kentucky.

Being the same property conveyed to the Lexington-Fayette County Government, a political subdivision of the Commonwealth of Kentucky by Deed dated November 29, 1983, recorded in Deed Book 1330, Page 56, in the Fayette County Clerk's Office.

TRACT III

DISTRICT COURTHOUSE

PARKING FACILITY

Being all of Parcel 1 (after consolidation), as shown by the Public Acquisition and Consolidation Minor Subdivision Plat of the GTE South, Incorporated Property, Lexington, Fayette County, Kentucky, of record in Plat Cabinet K, Slide 754, in the office of the County Clerk of Fayette County, Kentucky, and being known and designated as 150 North Limestone Street and 110 Barr Street, Lexington, Fayette County, Kentucky.

Being the same property conveyed to the Lexington-Fayette Urban County Government Public Facilities Corporation, a Kentucky non-profit corporation, and an agency and instrumentality of the Lexington-Fayette Urban County Government, by Deed dated December 29, 1998 and recorded in Deed Book 2025, Page 726 and by Deed of Correction, dated February 4, 1999, recorded in Deed Book 2033, Page 424, both referenced in the Fayette County Clerk's Office, and being known and designated as a portion of 150 N. Limestone Street, Lexington, Fayette County, Kentucky.

TRACT IV

VICTORIAN SQUARE GARAGE AND BROADWAY SHOPS

All that certain tract of land with the improvements thereon and appurtenance thereto situated in the County of Fayette, Commonwealth of Kentucky, described as follows:

Being all of Tract 1 of the Kentucky Central Life Insurance Company Property, Phase II, as shown by final record plat of record in Plat Cabinet D, Slide 690, in the office of the Fayette County Clerk's Office, Fayette County, Kentucky, and being known and designated as 122-128 North Broadway (inclusive of 350 West Short Street), Lexington, Fayette County, Kentucky.

Being the same property conveyed to Lexington-Fayette Urban County Government Public Parking Corporation, a Kentucky non-profit corporation, by Deed dated May 24,

1984 of record in Deed Book 1342, Page 783, in the office of the Clerk of Fayette County.

TRACT V

GOVERNMENT CENTER GARAGE

All that tract or parcel of land situated on the southwest side of East Main Street between Martin Luther King Boulevard South and Quality Street in Lexington, Fayette County, Kentucky and more fully described and bounded as follows, to wit:

Beginning at a steel pin being 167.29 feet southeast of Martin Luther King Boulevard South, and said pin being at the southeast line of property owned by Lexington-Fayette Urban Government Public Facilities Corporation; thence along the southwest property line of East Main Street S 41-26-43E 53.88 feet to the line of First Security National Bank and Trust Co., Trustee et al (No. 216-218); thence with the line of First Security Bank and Trust Co., et al S 48-33-17W 267.51 feet to a point in the Northeast property line of Water Street; thence with the Northeast property line of Water Street N 41-26-43W 53.26 feet to a corner with Lexington-Fayette Urban County Government Public Facilities Corporation N 48-25-17E 267.51 feet to the beginning and containing 14,331 square feet according to survey by Mitchell Engineers dated December 1989; the improvements thereon being known and designated as 208-212 East Main Street.

Being all of Parcels 1 and 2 as shown on Consolidation Record Plat of record in Plat Cabinet A, Slide 766, Fayette County Clerk's Office.

Being the same property conveyed to the Lexington-Fayette Urban County Government Public Facilities Corporation, a Kentucky non-profit corporation and agency and instrumentality of the Lexington-Fayette Urban County Government by Deed dated December 27, 1989, recorded in Deed Book 1534, Page 140, in the Fayette County Clerk's Office.

EXHIBIT B

Current Parking Garage Agreements

GRAY CONSTRUCTION

Agreement extends through: **March 2017**

Up to 200 spaces in **Transit Garage**

Currently renting 166 @ \$42.40 per space

KENTUCKY UTILITIES

Agreement extends through: **perpetual (renews annually on July 1st)**

Up to 301 parking spaces in **Transit Garage**

Currently renting 192 @\$47.50 per space

SOUTHCREEK PROPERTIES

Agreement extends through: **permanent parking agreement**

10 complimentary spaces in **Courthouse Garage**

AOC

Agreement extends through: **permanent as part of AOC/LFUCG Agreement**

Up to 330 spaces

Currently have 215 complimentary access cards in use at **Courthouse Garage**

KENTUCKY STATE POLICE/DOT

Agreement extends through: **renewed annually on July 1st**

Up to 7 complimentary parking spaces

Currently have 7 parking spaces in **Transit & Annex Garages**

VICTORIAN SQUARE MERCHANTS

Agreement extends through: **perpetual agreement (termination with 60 days notice)**

Allows for 3-hour parking discount program for customers in **Victorian Square Garage**

MERIDIAN MANAGEMENT

Agreement extends through June 30, 2012

3 complimentary parking spaces

Currently have 4 parking spaces in **Courthouse Garage**

LEXINGTON CHILDREN'S MUSEUM

Agreement extends through: **perpetual until terminated**

3 hours validated parking in **Victorian Square Garage** with stamped ticket

Parking Garage Proposal:
Transfer Ownership and Management to
the Lexington Parking Authority

Council Questions Raised at the
February 7, 2012 meeting

How will the Parking Authority Cash Flow Operations and Repairs of the Garages?

The Lexington Parking Authority

Financial Improvements

Revenue:

Current Revenue Base = \$1,305,457

New Revenues Generated = \$347,257

- Small monthly rate change at all four facilities
- Validation program moved to fifty percent of market rate
- Night/Weekend revenues gained through automation
- Collect all day tickets with gates left down
- Implement \$2 after 5 PM & weekends at Transit Center, Annex and Courthouse
- Modify the Victorian Square major event rate from \$10 to \$13

The Lexington Parking Authority Financial Improvements

Expenses:

Annual Savings, Maintenance and Repairs = \$53,292

Annual Savings, Other Operating Expenses = \$100,479

- **Maintenance reduction** (after initial repairs)
 - Less maintenance and repair to structures
 - Less maintenance to revenue control equipment with the installation of new equipment
- **Electricity reduction**
 - New lighting installed resulting in a fifty percent cost reduction
- **Equipment Automation**
 - Less personnel expense

**Lexington & Fayette County Parking Authority
Transition Financial Analysis**

Combined Revenues and Expenses for the Victorian Square, Transit Center, Annex and Courthouse Garages

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	<i>LFUCG</i>		<i>Parking Authority Transition year</i>	
	<i>Actual</i>	<i>Projected</i>	<i>FY2013 Projected</i>	<i>FY2014 Projected</i>
All Four Garages Combined	FY2011	FY2012	FY2013	FY2014
<u>REVENUES</u>				
Monthly Parking	\$715,153	\$748,000	\$817,380	\$817,380
Daily Parking	\$367,950	\$370,000	\$499,657	\$494,990
Validations/Event Parking	\$132,070	\$134,000	\$282,222	\$282,222
Broadway Shops Rent	\$49,482	\$53,457	\$53,457	\$71,457
Total Revenues	\$1,264,655	\$1,305,457	\$1,652,716	\$1,666,049
<u>EXPENSES</u>				
Professional Services	(\$483,374)	(\$479,914)	(\$427,696)	(\$359,886)
Maintenance	(\$143,056)	(\$142,032)	(\$88,740)	(\$88,740)
Electricity	(\$150,743)	(\$149,664)	(\$98,883)	(\$85,689)
Other Operating Expenses	(\$245,542)	(\$243,784)	(\$246,304)	(\$246,304)
Total Operating Expenses	(\$1,022,715)	(\$1,015,394)	(\$861,623)	(\$780,619)
Net Surplus Before Debt Service	\$241,940	\$290,063	\$791,093	\$885,430
Structural Repair Debt Service (based on 6 mil @ 5% interest)			(\$480,000)	(\$480,000)
Operational CapEx Debt (based on 1.03 mil @ 6% interest)			(\$140,515)	(\$140,515)
On-Street Surplus			\$400,000	\$400,000
Total Net after Debt Service			\$570,578	\$664,915

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351-12

Employee Parking

Overview

Employee Parking Downtown

- To address employee parking in the garages to be transferred to the Lexington-Fayette County Parking Authority, we have reviewed current employee parking data and the average number of new hires each year in the Phoenix and Government Center buildings.
- Over the past five years, an average of 34 employees have been hired each year to work in the Phoenix and Government Center buildings.
- Multiple scenarios have been considered. However, one remains the most viable solution.

LFUCG Pays Employee Parking

- LFUCG will not be charged for employee parking for all current employees for a period of five years beginning July 1, 2012 until June 30, 2017.
- LFUCG will pay for new employees hired after the executed transfer agreement at fifty percent of the current market rate.
- Prior to July 1, 2017, LFUCG will evaluate its long term strategy for its parking needs and budgetary impact.

Proposed Transfer of Ownership of Garages to the Lexington Parking Authority

Parking Garages To Be Transferred



Transit Center
Age 17, 777 spaces



Annex
Age 45, 380 spaces



Victorian Square
Age 27, 380 spaces



Broadway Shops
Five Store Fronts



Courthouse, Age 15, 518 spaces
(Transfers in 2032 after debt service paid.)

Transfer Agreement

- Transfers ownership, management, repair, and/or maintenance of parking facilities **“as is”** to the Lexington Parking Authority.
- Transit, Annex, and Victorian transfer occurs concurrent with execution of transfer agreement. Courthouse transfers after final debt service payment (2032).
- Real property or “Broadway Shops” transfer with the Victorian Garage.
- Transit Garage transfers with a deed restriction for Lextran. Because the garage was acquired/constructed with certain federal funds, Lextran operations remain with its current space allocation until it no longer wishes to operate at the location.
- Transfer includes leases, subleases, management agreements, contracts, and any other documents which restrict use or operation of any of the facilities or parking spaces.

Transfer Agreement

- Repairs are planned in the following order: Annex, Victorian, Transit, Courthouse, and Government Center.
- LFUCG has right of first refusal on the sale or transfer of each of the parking facilities.
- LFUCG can reacquire each parking facility at any point upon payment of any outstanding debt on that particular facility or assumption and payment of any improvements or repairs on a depreciated value basis as mutually agreed upon.
- LFUCG shall maintain "air rights" to each of the garages.
- Prior to closing, the Lexington Parking Authority will provide a detailed financial plan. The plan will show its financial viability to own and operate the garages.
- The Lexington Parking Authority will report annually to the Urban County Council.

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351-12

Questions?



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352-12


Lexington-Fayette Urban County Government
DEPARTMENT OF ENVIRONMENTAL QUALITY AND PUBLIC WORKS

Jim Gray
Mayor

Richard Moloney
Acting Commissioner

Memorandum

To: Mayor Jim Gray
Urban County Council

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

Date: March 28, 2012

Re: Contract extension for the SSA Group 2/3 Sewershed Field Activities – Raising Manholes -
Contract 4
Tobacco Rose Farm Construction & Development Services

The purpose of this memorandum is to request a resolution authorizing the acceptance of extending the timeline of completion for the SSA Group 2/3 Sewershed Field Activities-Raising Manholes – Contract 4 Consent Decree project. There will be no changes to contract costs – current rate remains. LFUCG Division of Water Quality approves a new contractual ‘**Time of Completion**’ date of **May 2012** (previous extension noted as March 2012 – Resolution #327-2011).

Questions regarding this agreement should be directed to LaJoyce Mullins-Williams at 425-2580.

Cc: Richard Moloney, Acting Commissioner, Department of Environmental Quality
Rodney Chervus, P.E., Collection and Conveyance Manager, Division of Water Quality
Brian Marcum, Director, Central Purchasing
LaJoyce Mullins-Williams, Project Engineering Coordinator, Division of Water Quality

Tobacco Rose Farm
Construction & Development Services, LLC
681 Blue Sky Parkway
Lexington, Kentucky 40509
859-264-9905 office

March 29, 2012

LFUCG Division of Water Quality
Rod Chervus
Lexington, Kentucky 40503

Dear Rod,

After careful consideration we are writing to you to ask for an extension of Contract 4 for SSA Group 2 and 3 Raising Manholes. The delays in the project have been numerous and due to no fault of ours. We have always been prepared for the work at hand and having been working extended hours and weekends to complete our obligations to LFUCG. We ask that the contract be extended through May 31, 2012 at the current rates and conditions per original contract.

We look forward to continuing progress on this project.

Respectfully submitted,



Greg Baker
Vice President

LFUCG Representative

LFUCG Representative



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353-12

Mayor Jim Gray

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Division of Grants and Special Programs

TO: JIM GRAY, MAYOR
URBAN COUNTY COUNCIL

FROM: IRENE GOODING, DIRECTOR
DIVISION OF GRANTS AND SPECIAL PROGRAMS

DATE: APRIL 2, 2012

SUBJECT REQUEST COUNCIL AUTHORIZATION TO EXECUTE
ENGINEERING SERVICES AGREEMENT WITH CDP ENGINEERS,
INC., FOR DESIGN OF TOWN BRANCH TRAIL PHASE III—RFP # 27-
2011

On May 8, 2008 (Ordinance No. 98-2008), Council authorized acceptance of federal funds for the construction of Town Branch Trail Phase III. This phase of Town Branch Trail includes the development of a 1.05 mile trail section originating from McConnell Springs Parks along the town Branch of Elkhorn Creek.

In response to RFP # 27-2011, seven firms submitted statements of qualifications. CDP Engineers, Inc., was selected because it was the most qualified and had the ability to complete the work in a timely manner. Total cost of the agreement is \$71,450 and includes design of the trail between the western terminus at or near Alexandria Drive and eastern terminus at or near Bizzell Drive, acquiring necessary rights-of-way, coordination of utility relocation, providing all environmental and legal analyses, and developing construction documents.

Funds are budgeted as follows:

FUND	DEPT ID	SECT	ACCT	BUD REF	PROJECT	ACTIVITY
3160	303202	3225	90311	2008	TOWNBRNC3 2008	MS GRANT

Council authorization to execute Engineering Services Agreement with CDP Engineers, Inc., is hereby requested.


Irene Gooding, Director

Xc: Richard Moloney, Chief Administrative Officer

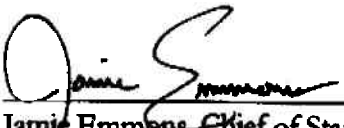
HORSE CAPITAL OF THE WORLD



Lexington-Fayette Urban County Government
OFFICE OF THE MAYOR

Jim Gray
Mayor

To: Jim Gray, Mayor
Urban County Council Members

From: 
Jamie Emmons, Chief of Staff

Re: Donation of funds for flower baskets

Date: March 8, 2012

This is a request for Council approval of a donation in the amount of \$1,000.00 from the Downtown Development Authority to purchase hanging flower baskets for Main Street.

Please contact Lori Houlihan at X-3123 if there are any questions.

FOLLOW MAYOR GRAY:

www.facebook.com/MayorJimGray

www.twitter.com/JimGrayLexKY

200 East Main Street

• Lexington, KY 40507

• (859) 425-2255

• www.lexingtonky.gov

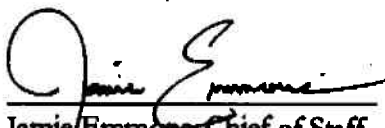
HORSE CAPITAL OF THE WORLD



Lexington-Fayette Urban County Government
OFFICE OF THE MAYOR

Jim Gray
Mayor

To: Jim Gray, Mayor
Urban County Council Members

From: 
Jamie Emmons, Chief of Staff

Re: Donation of funds for streetscape beautification

Date: March 8, 2012

This is a request for Council approval of a donation in the amount of \$2,000.00 from the DLC Foundation for streetscape beautification.

Please contact Lori Houlihan at X-3123 if there are any questions.

FOLLOW MAYOR GRAY:

www.facebook.com/MayorJimGray

www.twitter.com/JimGrayLexKY

Lexington Fayette Urban County Government

*200 E. Main St
Lexington, KY 40507*



Tuesday, April 10, 2012

3:00 PM

PACKET B

Council Chamber

Urban County Council Work Session

Neighborhood Development Funds April 10, 2012 Work Session

Amount	Recipient	Purpose
\$ 550.00	Girls on the Run PO Box 23328 Lexington, KY 40523 Katherine Stone	Funding for 5K race.
\$ 650.00	WGPL Neighborhood Association, Inc. 119 Wabash Dr. Lexington, KY 40503 Michael Peabody	Funding for signage and neighborhood beautification projects.
\$ 500.00	The Southland Association, Inc. PO Box 4756 Lexington, KY 40544 Billy Sherrow	Funding for concert series.
\$ 500.00	Vineyard Neighborhood Corporation 3508 Calera Ct. Lexington, KY 40515 Mary Gorlow	Funding for neighborhood beautification
\$ 550.00	Martin Luther King Neighborhood Association 459 Silver Maple Way Lexington, KY 40508 Rachel Carpenter	Funding for Johnson Highway Day and fundraiser for the Living Arts & Science Center.
\$ 575.00	Bluegrass Chapter of the American Red Cross 1450 Newtown Pike Lexington, KY 40511 Terry Burkhart	Funding for disaster assistance, health and safety training, and service to the armed forces.

Public Safety Committee
February 7, 2012
Summary of Motions

All committee members were present. Non-voting Councilmember Kay and Blues, as well as Vice-Mayor Gorton were in attendance at the meeting.

Minutes from the January meeting passed without dissent.

NOISE ORDINANCE DRAFT

Councilmember Blues reviewed the draft noise ordinance with the committee members and explained the process of the Noise Ordinance Task Force.

Motion #1

Councilmember Ford made a motion that the committee accept the recommendations of the Noise Ordinance Task Force to approve the ordinance as presented. The motion failed due to lack of a second.

Motion#2

Councilmember Henson made the motion to accept the ordinance as presented. The motion was seconded by Councilmember Ford. Motion fails 1-9.

Motion #3

Councilmember Henson made a motion to amend the original motion to include in the ordinance the nature and land use of the area on which the noise emanates is considered the standard. Due regard should be given to distinctions between those noises that are associated with the normal and reasonable and those noises that are unnecessary or excessive. The motion was seconded by Councilmember Martin. The amendment passed 9-1.

Motion#4

Councilmember Martin moved to amend Section 14-72 of the draft ordinance to include, noise caused by activities in the industrial business, economic development and professional zones which are 1)authorized by the applicable zoning regulations for those zones, 2)consistent with the standard practices for the business, office, or industry involved, and 3)necessary or appropriate for the business, office or industry involved. The motion was seconded by Councilmember Farmer.

Motion#S

Councilmember Ford made a motion to table this amendment. It was seconded by Councilmember Henson. The motion failed 4-6.

Page2
Public Safety Committee
Summary of Motions
February 7, 2012

Motion#6

Councilmember Martin called the question. Councilmember Crosby seconded the motion.

Motion #4 fails due to a tie vote.

Motion#?

Councilmember Martin offered a motion to amend the proposed ordinance with eliminates the hearing board. The motion was seconded by Councilmember Farmer.

Motion#8

Councilmember Beard moved to table the amendment offered by Councilmember Martin regarding the elimination of the hearing board from the draft ordinance. The motion was seconded by Councilmember Ford. The motion failed

Motion#9

Councilmember Crosbie called the question. The motion was seconded by Councilmember Ellinger. The motion passed.

Motion #7 passed 7-3

Motion #10 Call to question passed unanimously.

Motion #IT Motion to accept the draft as amended, failed 1-9.

Summary of Motions prepared by Andrea James

Public Safety Committee
March 6, 2012
Summary of Motions

Committee Vice-Chair Martin called the meeting to order. Committee Chair Lawless arrived during the Engine Break discussion. All committee members were present with the exception of Councilmember McChord. Councilmember Blues was present.

Motion #1

The motion to table the approval of summary until the next meeting was accepted.
The motion passed unanimously.

Engine Break Ordinance

Councilmember Blues reviewed details of the Engine Break Ordinance. Representatives of the Law Department and Division of Public Safety responded to committee members questions.

Motion #2

Councilmember Farmer made a motion to approve the Engine Break Ordinance as submitted. The motion was seconded by Councilmember Stinnett. The motion passed unanimously.

Councilmember Blues left the meeting following the passage of this ordinance.

Taxi Cab Ordinance

Rick Curtis with Public Safety reviewed the draft ordinance with the committee members.

Motion #3

Councilmember Farrner made a motion to remove the 24-hour strike through in the draft and keep the 24 hour reference on page 16, section 17. The motion was seconded by Councilmember Ford.

Motion #4

Councilmember Stinnett made a motion to call the question, seconded by Councilmember Farmer. The motion passed unanimously.

Motion #3 passed by a vote of 7-2.

Motion #5

Councilmember Farrner made a motion to remove the 25 cab requirement and replace it with 10 cabs on page 8, section 3. The motion was seconded by Councilmember Stinnett.

Page2
Public Safety Committee
Summary of Motion
March 6, 2012

Jim Browder with the Lexington Convention and Visitor's Bureau spoke on importance of safety with regard to Taxi Cab services in Lexington.

Motion #6

Councilmember Farmer made a motion to call the question, seconded by Councilmember Martin. The motion passed by unanimous vote.

Motion #5 passed by a voted of 5-4.

Motion #7

Councilmember Farmer made a motion to approve the taxicab ordinance as amended. Councilmember Stinnett seconded the motion.

Motion#8

Councilmember Henson moved to amend the language in the draft to reflect the language of 24 hour service/365 days per year. The motion was seconded by Councilmember Stinnett. The motion passed by a vote of 6-3.

Motion#9

Councilmember Stinnett made a motion to call the question. The motion was seconded by Councilmember Ford. The motion passed by a voted of 7-2.

Motion #7 passed by the committee unanimously.

Motion to adjourn, passed unanimously.

Summary of Motions prepared by Andrea James

ENVIRONMENTAL QUALITY COMMITTEE

March 13, 2012

Summary

Chair Blues called the meeting to order at 1:0 PM. All members were present except Myers. Kay was also present.

1. Sanitary Sewer Capacity Assurance Program (CAP)

Charlie Martin presented the sanitary sewer Capacity Assurance Program. The CAP program was required by the EPA Consent Decree to ensure that adequate capacity is available before new demand via new customers. Mr. Martin discussed present capacity and the data base used to manage the program including hydraulic calculations.

Mr. Martin stated that the CAP will enable LFUCG to authorize new sewer service connections, or increases in flow from existing sewer service connections only after LFUCG has determined that there is adequate treatment capacity, adequate transmission capacity and adequate collection capacity. Further Mr. Martin stated that prior to authorizing any new connections, LFUCG must certify that new flow combined with existing flow will not result in unpermitted bypasses or diversions, or result in noncompliance.

Mr. Martin also stated that prior to authorizing new connections LFUCG must certify that a pump station receiving new flow has the capacity to transmit one-hour peak flow for existing flow, the proposed new flow and any future flow previously certified but not yet received.

Mr. Martin stated that gravity sewers would have the same restrictions. Prior to authorizing new connections LFUCG must certify that gravity sewers receiving new flow has the capacity to transmit one-hour peak flow for existing flow, the proposed new flow and any future flow previously certified but not yet received without causing surcharge conditions.

Mr. Martin defined surcharged conditions. He stated that under one-hour peak flow conditions, water in the gravity sewer manhole cannot be more than 24" above the top of the pipe or within 3' of the manhole rim.

Mr. Martin stated that if capacity does not exist, "capacity recovery" credits can be used as a means to authorize additional sewer flows in lieu of capacity certification.

Mr. Martin stated that the EPA has agreed that certain essential services are exceptions to the certification process including: health care facilities; public safety facilities; public schools; and other facilities as agreed upon by the EPA.

Mr. Martin stated that LFUCG must submit its CAP plan to the EPA by January 13, 2013 and LFUCG must begin to implement the CAP no later than 30 days after the EPA approval.

Vice Mayor Gorton asked about other communities, including Knoxville that uses credits. She also asked about the exceptions for health care, public safety and public school facilities. She asked what happens if there isn't adequate capacity. In response Mr. Martin stated that the exceptions may lead to negative credits.

Councilmember Kay asked about the data bases utilized and asked if they could be integrated with other needs of the government.

Councilmember Blues asked about future direction. In response Mr. Martin stated that he would like to use a task force to direct the CAP project similar to the water quality user fee.

On a motion by Councilmember Stinnett, second Councilmember Kay, the Committee requested that Vice Mayor Gorton form a Capacity Assurance Program Task Force. Motion passed without dissent.

2. Division of Water Quality Projects

Charlie Martin and Julie Mantrom presented.

3. Empower Lexington Plan

Susan Bush and Tom Webb presented. Ms. Bush stated that when the Administration initially presented they stated that they planned to bring back a resolution for Council consideration. She stated that the resolution if adopted would lead its work to reduce our carbon footprint and improve energy efficiency in the community.

Councilmember Farmer stated that he had concerns about how the resolution would be utilized.

Councilmember Martin stated that he was in favor of the resolution and its goals to reduce energy consumption.

Vice Mayor Gorton spoke in favor of the resolution that it directed how Lexington would reduce energy consumption and become more energy efficient.

Councilmember Stinnett asked how the annual 1% energy reduction was determined. In response Mr. Webb stated that it was a consensus of the stakeholders.

On a motion by Councilmember Martin, second Councilmember Henson, the Committee recommended approved of the Resolution to the entire Council. Motion passed on a 6-2 vote (Farmer & Crosbie- No).

On a motion by Vice Mayor Gorton, second Councilmember Kay, the Committee recommended amending the resolution inserting between Sections 3 & 4 stating that the Department of Environmental Quality will report annually to the Council. Motion passed on a 7-2 vote (Farmer & Crosbie- No).

On a motion by Councilmember Lane, second Councilmember McChord, the Committee recommended amending the resolution to include an annual from the Urban County Government on efforts to reduce energy costs passed without dissent.

4. Public Comment

Edward Kusche spoke about the water quality fee.

The meeting was adjourned at 12:35 PM.

PAS 2.29.12



URBAN COUNTY COUNCIL

Planning & Public Works Committee

Summary/Table of Motions

March 13, 2012

1:00 p.m.

Committee Chair, CM Farmer called the meeting to order at 1:04 p.m. Committee members Vice Mayor Gorton, CMs Ellinger, Lawless, Kay, Blues, Martin, Henson and Ford were all present. CM Beard was absent.

1. Re-Paving Program—Martin (1-11)

Kevin Wentz gave a general update regarding repaving across districts. He stated that due to a mild winter, Streets & Roads (S&R) has been able to accomplish most of the paving requests that have been submitted by each Council district. Paving assessments should soon begin for the western half of the county. The City's resurfacing contract has been reviewed and revised to account for certain cost saving measures. The Department of Environmental Quality and Public Works (EQ&PW) will present these revisions to the City's administration for review and approval before going to bid in April.

Sam Williams gave the committee an update on paving thus far across the county. He stated that 10 of the 12 districts have been completed, for a total of approximately 23 miles. He stated that costs broke down to approximately \$175,000 per mile or \$33.63 per foot.

CM Martin asked for the status of paving specification revisions. Williams responded that S&R is in the process of meeting with consultants now. Plans are in the works to price asphalt volume according to needs. Martin requested that Williams along with Administration create policy that dictates the standards for fixing base failures, crack-and-seal work and other applications related to resurfacing. Williams stated that a written policy plan would probably not be "documented as such" due to unique submissions per each Council district.

Martin again requested that a list of standards and criteria be developed and submitted to the committee. COA Richard Maloney responded that if Martin would submit a list of questions regarding the paving process, Administration would answer them.

CM Stinnett stated that when the paving contracts are created, they should reflect location demand. He also stated that LFUCG has accepted and/or adopted inferior roads in the past. CM Stinnett asked at what point LFUCG “takes on” inferior roads. Williams responded that the specifications for doing so were “probably not as stringent as needed” and that the decision is left to the Commissioner of Environmental Quality and Public Works.

CM Lawless told the committee that funds allocated per district should equal the usage of roadways in each. She stated that the 3rd District is the “center of the city” and should therefore receive more infrastructure support. She also made mention that the roads in the 3rd District that are rated 75-100 are actually in far more disrepair than the assessment ratings show.

CM Ford agreed with CM Lawless and stated that distribution of resurfacing funds should be equal across the 13 districts. Wentz responded that percentage allocation allows for better fund distribution. CM Stinnett explained that the allocation system was changed several years ago to allow for higher fund distribution to districts that had the poorest roads so that they could “catch up” with the rest of the county. Wentz added that it is the intention of EQ&PW to see allocations even out.

CM Lawless asked that failures “mid-city” be addressed down to the base level. CM Ford stated that focus should be placed on roads that have a rating of 65 or lower. He added that allocation should be determined by the percentage of roads under the rating of 65, per district.

VM Gorton asked Wentz if roads rated 65 or lower and that had been on repaving lists for long periods of time were looked at before others as they deteriorated from assessment to assessment. Wentz replied that generally streets are expected to have a 10-15 year lifespan and that it is left up to each Council district to determine which roads are paved first.

2. Addressing Ordinance—Lawless (12-19)

Director of Enhanced 9-11 (E-911) Clay Mason spoke to the division’s position of address change contention stating that sequencing has a “verifiable importance in the community.” Mason said that out of 168,000 addresses within Lexington-Fayette County, only 163 are fractional. He stated that emergency response delays are difficult to prove, response time is based on problem-solving and that if the committee is to accept the exception to the address changes in question, the committee should be prepared to accept the slight chance that delay can occur as well.

CM Farmer asked Mason if E-911 currently used the best system for the process. Mason responded that the system is “moderate” and to recreate it would prove to be an issue.

CM Blues expressed concerns that other neighborhoods that have previously complied with address changes could request that their addresses be changed back based on the assumption that their neighborhoods are “special” too. CM Blues asked Mason if he thought accepting changes to the ordinance would set a precedent for such retroactive changes. Mason responded that it is E-911’s position that it is “ultimately the committee’s call.”

CM Lawless asked Assistant Chief Robert Stack whether police officers had Global Navigation Systems (GPS) in their cars to assist in navigating to emergency scenes. Stack responded that it is up to individual officers to purchase that equipment. CM Lawless asked Stack if it made a difference in response time if an officer had a GPS. Stack said that delays have been insignificant and that staff is trained to know that these discrepancies exist.

Battalion Chief Harold Hoskins added that delays stem from random numbering, but added that he could not cite specific cases where this had been an issue.

There was further discussion about the appeals process for address changes and equity among neighborhoods deemed “historically or culturally significant.” CM Kay said that exceptions have been made at both Council and committee levels. He stated that having language in the ordinance that requires that safety is not an issue strengthens the ordinance. CM Kay further stated that as a government, exceptions to rules should be able to be examined by either Council or the committee during the appeals process. VM Gorton stated that inconsistency and the proper display of house numbers need to be addressed.

A Motion by CM Farmer to Approve accepting the changes as outlined on page 12 of the committee packet. Seconded by CM Lawless. Motion passed 5-4.

Aye: CMs Ford, Lawless, Kay, Ellinger and Farmer

Nay: CMs Henson, Martin, Blues and VM Gorton

3. Valley View Ferry—Environmental Quality Link (20-23)

CAO Maloney provided a brief update about the status of LFUCG’s relationship with the Valley View Ferry Commission (see attached). Maloney said Administration will continue to support the Valley View Ferry in FY13.

4. Items Referred to Committee (24)

CM Ford requested that the committee look into a Zone Ordinance Text Amendment for the creation of a definition for adult day care centers.

Motion by VM Gorton to remove Department of Planning Commissioner Position; Seconded by CM Ellinger. Motion passed without dissent.

Motion by CM Ellinger to remove Addressing Ordinance; Seconded by VM Gorton. Motion passed without dissent.

Motion to Adjourn by CM Blues; Seconded by CM Kay. Motion passed without dissent. Meeting adjourned at 2:52 p.m.

Valley View Ferry

FY 2012 Budget

- \$14,000 via contract for cash
- \$29,420 in vehicle repairs/maintenance for work performed by General Services

Valley View Ferry

FY 2012 Ridership Information

	Vehicles	Passengers
Daily Average	307	497
Monthly Average	8,710	14,076

Figures from July 2011 through December 2011

Ferry was closed 13 days during time period

Valley View Ferry

Future Support

- Grant awarded for \$600,000 for new boat
 - Should lower maintenance costs
- Administration will continue to support



Social Services and Community Development Committee

March 20, 2012

11:00 A.M., Council Chambers

Minutes & Motions

Members of the Social Services and Community Development Standing Committee in attendance were Vice Chair Peggy Henson, Councilmember Chuck Ellinger, Councilmember Chris Ford, Councilmember Steve Kay, Councilmember Diane Lawless, Councilmember Kevin Stinnett, Councilmember Ed Lane, and Councilmember K.C. Crosbie. Members absent were Councilmember Jay McChord and Councilmember George Myers.

Meeting started at 11:03 am.

Approval of Minutes and Motions (Page 2)

A motion by Chuck Ellinger to Approve Minutes and Motions, seconded by K.C. Crosbie, the motion passed without dissent.

F/Y '13 Social Services Partner Agency Funding Update (Page 9)

* Beth Mills, Commissioner of Social Services

Com. Mills said the Department of Social Services received more partner agency funding requests for Fiscal Year (FY) 2013 than it ever has in the past. Applicant programs were ranked and given a score.

* Craig Benz

Mr. Benz discussed developing the new process for reviewing partner agency applications, the application process timeline, a summary of the applications that were received, the scoring method and the next steps for the process.

Between May and September there were four Committee meetings to discuss the pre-application process; the scoring rubric was approved in September 2011. At the pre-application meeting there were 70 attendees representing 50 agencies; this included 15 existing partner agencies. A total of 41 applications were received from 26 agencies requesting FY 2013 partner agency funding. Agencies were able to apply for more than one program. 13 applications came from existing partner agencies and 13 were from new potential partner agencies. The total allocated in FY 2012 to fund Social Services' partner agencies was \$1.75 million. Request for FY 2013 totaled \$3.23 million. Mr. Benz presented a pie chart that showed what types of program requests they received and noted that he would have liked more funding requests for services to senior citizens. The requests for program types included: services for senior citizens \$208,857; Mental health and substance abuse services \$987,196; positive youth development \$355,221; violence prevention \$212,185; public health \$244,142; and basic human needs \$1,221,724.

Six scoring committees were comprised of four to five people and each reviewed six to seven applications. Each committee member signed a non-conflict of interest statement, used objective scoring sheets, and heard oral presentations by applicants after preliminary scoring. Mr. Bencz presented agency rankings for each applicants based on a 100-point rubric.

The next steps include making FY 2013 funding decisions based on scores; fine tuning quarterly reports for FY 2013 so that information requested is consistent with the information provided in the application; and considering quarterly partner agency communication meetings. FY 2014 improvements include an online survey to review the process and discuss improvements that can be made to the application and scoring process. A needs assessment for funding will begin in fall of this year and Mr. Bencz expects this will refine funding priorities.

CM Kay asked if the figures for FY 2012 included only Social Services' partner agencies or other partner agencies as well. Mr. Bencz stated that the \$1.75 million only included Social Services' partner agencies.

CM Stinnett asked if there was a list of organizations that received funding in FY 2012 but will not be receiving funding in FY 2013. Mr. Bencz said that Bluegrass MHMR (Comprehensive Care) applied this year but did not meet the application requirements. Big Brother Big Sisters did not apply for FY 2013. CM Stinnett asked why Comprehensive Care did not meet the application requirements. Mr. Bencz stated there were four application requirements: an agency must be a 501(C)(3), they had to attend the pre-application meeting, they had to submit the application electronically, and had to upload a profile on GoodGiving.net. Mr. Bencz state that Comprehensive Care chose not to upload a profile on GoodGiving.net. CM Stinnett asked if Council voted on the requirement and created an ordinance stating that partner agency applicants had to go through GoodGiving.net to be eligible. Mr. Bencz stated that it was discussed in the committee but an ordinance was not created. Mr. Bencz stated the purpose is to reduce paperwork and without the profile the information for the application would be incomplete. CM Stinnett expressed concern and discomfort with the decision to exclude someone based on not having a profile on GoodGiving.net. CM Stinnett recommended putting an ordinance together to formalize the process and make it clear to the public why GoodGiving.net is necessary.

CM Ellinger asked how the \$1.75 million available to partner agencies is going to be divided amongst the \$3.23 million in program requests. Mr. Bencz said that a committee will be convened within the next few weeks comprised of the Mayor's administrative staff, Councilmembers and Department of Social Services Advisory Board members. The committee will be presented with options and determine whether the funds will go solely to the top scores or if they will be distributed by funding categories.

CM Lane stated that Council recently passed an ordinance relating to the use of real estate owned by the city, noting that is supposed to be evaluated through this process to determine the fair market rate of property as well as the cost of operating expenses so those could be considered more definitively as they are related to partner agency grants. Mr. Bencz stated that information was requested in the application process and there were about

eight agencies that receive either in-kind dollars from LFUCG or CDBG. CM Lane said that the Division of General Services should evaluate those properties and set the market value and advised working with Com. Sally Hamilton to do so.

CM Crosbie said all the agencies seem to have need and she is concerned that a lot of the new applicants are ranked in the bottom while existing partner agencies are ranked at the top. She said it tells her the new applicants didn't know what they were doing or did not understand the process. She noted that one agency ranked high almost all of the way through with its program requests which totaled almost \$1.5 million. She expressed concerns with how the funding is going to be determined and making sure that this is an even process. CM Crosbie asked at what point is it said that LFUCG can only do so much for that agency. Mr. Bencz said that one idea is putting a funding cap on how much an agency can receive and that will be discussed with the allocation committee in the coming weeks. CM Crosbie requested Mr. Bencz to come back and let the Committee know how the funding requests are going to be allocated.

CM Lawless asked if any consideration was given to programs that receive Federal or State match grants. Mr. Bencz stated that was a question in the application but was not considered in the scoring of an application. CM Lawless said that match grants are significant if you have an agency that depends on partner agency funds for a match grant to provide services to the community. CM Lawless expressed surprise that was not considered in the scoring. Mr. Bencz said that is great input he would be glad to add to the process for the next funding cycle. Mr. Bencz said he could add that information for the scoring committee in the next week so they are aware if there is match dollars on the table.

Com. Mills added that the scoring rubric allocated extra points to agencies that requested less than 20 percent of the agency's total funding. Com. Mills said there are a lot was learned from scoring committee input. Com. Mills discussed the historical processes used for making Social Services partner agency funding decision. At one point it was the Advisory Board that picked the agencies, then a Mayor came in and wanted to pick the agencies but there never really was an application. In recent years there were not oral presentations. This process diverts from that. In Louisville they have used this process for years with similar requirements and deadlines. Com. Mills asked Mayor Gray how he would like the funding recommendations to be determined and he liked the panel idea. CM Lawless said she thinks Com. Mills did a great job and added that it would be helpful to have a list of each agency, their total request and how many applications they submitted.

CM Henson said she participated in the review committee process and she thinks this process is definitely better than what has been done in prior years. CM Henson said there were significant increases in requests from partner agencies that have been funded in past years and asked Mr. Bencz if the majority of the existing partner agencies requested increases. Mr. Bencz confirmed that the majority did request more for FY 2013 than they received in FY 2012. Mr. Bencz reviewed the amount existing partner agencies received in FY 2012 and compared it to their requests for FY 2013. CM Henson said the bottom line is there are a lot of needs in the community with little

dollars to go around. She said once the needs assessment is completed it will certainly make the process much better.

CM Ford noted there are twice as many requests as there is funding available. CM Ford asked if the department is considering zeroing in on certain needs opposed to spreading the funding out across all agencies. Com. Mills said it is the Department of Social Services intent to fund agencies that are doing programs that cannot be done in house. She said it is up to the Mayor and the Council to allocate the funds while it is her goal is to have accessible human services across the community. CM Ford said that en lieu of a needs assessment this is a policy decision. He said he would welcome making a policy decision about whether the resources should be spread across all of the categories or whether it should be focused on the greatest needs.

CM Kay said that this Committee made a policy decision that shifted the basic notion about what government is doing with outside agencies by shifting focus from funding agencies to providing funding for programs. He said it may be that when the policy is reviewed that the Committee is not comfortable with it but right now the emphasis is to not fund agencies on an ongoing basis but to encourage agencies to provide new and innovative ways to meet the need of the community. What that means is agencies that have been traditionally funded may not rank as high. He said the Committee has two roles, setting the policy and allocating funds consistent with the policy. CM Kay said he thinks the new system has worked relatively well as he served on the scoring committee. CM Kay said he sees opportunities for improvement but in this fiscal year the Committee has a responsibility to be consistent with the policy that was set.

CM Lawless asked if agencies were aware of what the funding priorities were going to be. Mr. Bencz said yes and that information was presented at a pre-application meeting. CM Lawless asked about what type of services some of the applicants provide. Mr. Bencz said he would send a summary of all the applicant programs. CM Lawless asked whether there were points awarded to agencies that did not include salary increases. Mr. Bencz said they did not penalize organizations for including salary increases but they did ask for that information in the application. He committed to sending that information to the Committee in a spreadsheet.

CM Henson asked Com. Mills if there are other agencies that receive LFUCG funding but are not considered partner agencies. Com. Mills said that CASA is considered to be part of government along with Partners for Youth. Com. Mills was not sure how those relationships came to exist. In sum Com. Mills said that the new system is not perfect, but it is better than what was previously being used.

Items in Committee (Page 21)

A motion by K.C. Crosbie to Adjourn at 11:53 a.m., seconded by Chuck Ellinger, the motion passed without dissent.

SCRAP METAL ORDINANCE

20B

Key Statistics - November 2010 – March 2012

Scrap Metal Theft Reports: **1737** Number of Arrest: **152** Total Reported Loss: **\$6,549,832**

State Law: HB 390 passed State Legislature – waiting to be signed into law

Highlights of Ordinance

Defines types of Materials: Ferrous Metals, Non Ferrous Metal (i.e. Copper), Plastics, Regulated Scrap Metal, HVAC, Vehicles, etc.

Dealer License - \$500 annual fee – 3 Known Scrap Dealers in Fayette County

Administration requirements of Dealers:

- Retain all information collected from purchase for 2 years
- Valid driver's license or other government issued ID of Seller
- Electronic Data system capable of flagging the third and subsequent transactions with Seller
- VIN numbers must be photographed on Vehicles and recorded
- Upload required data to a secure, electronic database approved by Chief of Police no later than close of business each day and accessible by Division of Police Investigators.

Sellers License - \$30 annual fee for individuals, \$150 for businesses

1. Required for any individual that sells scrap metal 1 or more times in a calendar year per location.
2. Application can be made at the Scrap Dealers locations or Department of Revenue. This will be approved and administered by Division of Police

Key Exemptions to Sellers License:

- Plumbers , Electricians, and HVAC Specialist who hold a valid professional license
- Municipal or Licensed Waste Haulers
- Any organization registered in Kentucky as a charitable, philanthropic, religious, fraternal, civic, patriotic social, or school sponsored organization
- Utility Companies
- Industrial, manufacturing, or commercial vendor who generates scrap metal as ordinary course of business

Hold Requirement - Retain *nonferrous metals* (i.e. Copper) and *catalytic converters* in its original form for **3 days** from date of purchase.

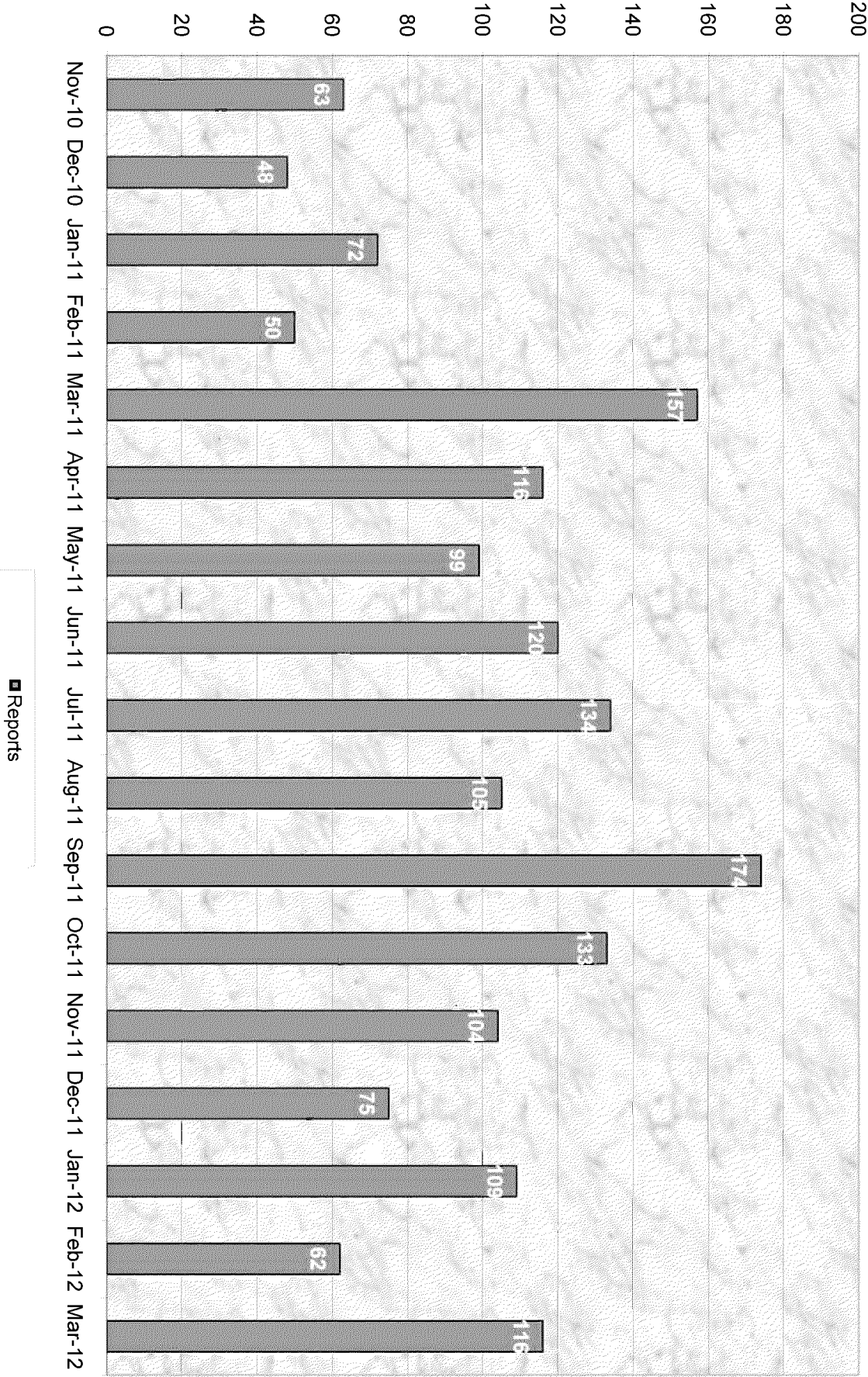
Fines and Penalties

1. 3 or more violations during a 12 month period shall result in probationary period for Scrap metal dealer/seller not to exceed 6 months. Any further violations results in revocation of dealers/sellers permit for 30 days.
2. Right to administration hearing before Public Safety Commissioner
3. Violations constitute a misdemeanor with first conviction and fine not less than \$100 or no more than \$250 or imprisoned for up to 6 months, 2nd offense and each subsequent is a min. \$250 up to \$500.

There shall be a 30 day grace period from the date this ordinance goes into effect.

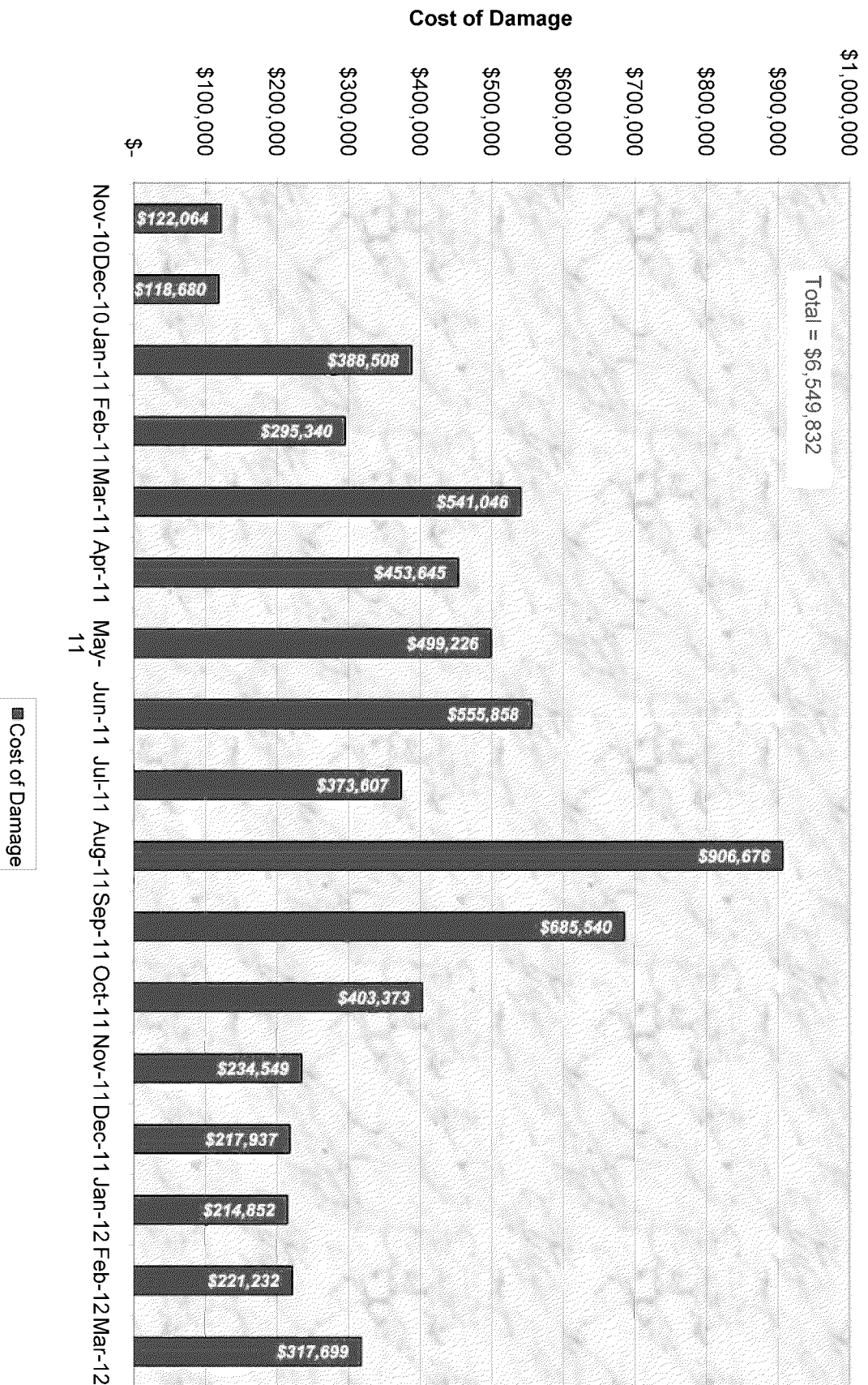
Lexington Division of Police

Scrap Metal Theft Reports



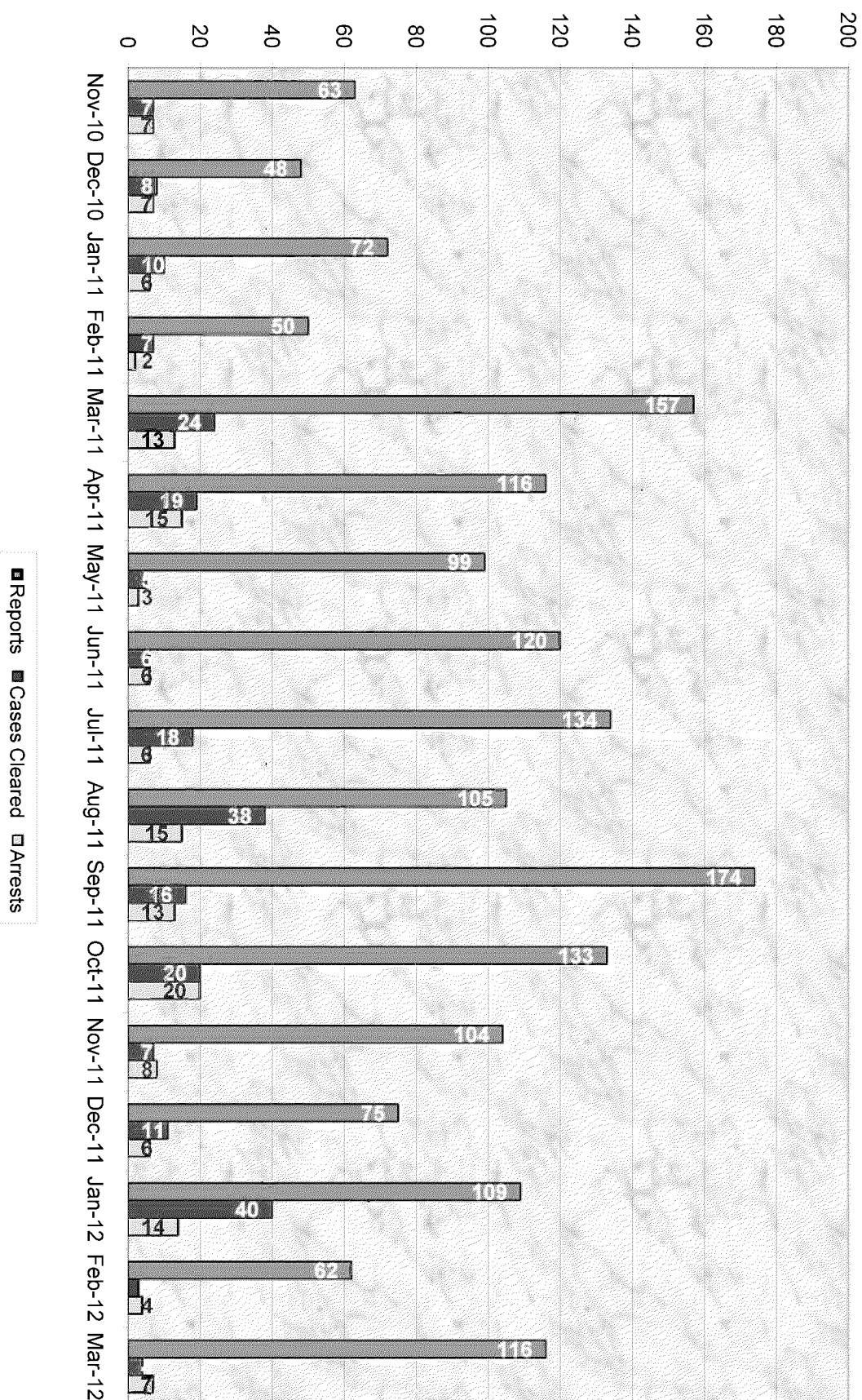
Lexington Division of Police

Financial Statistics

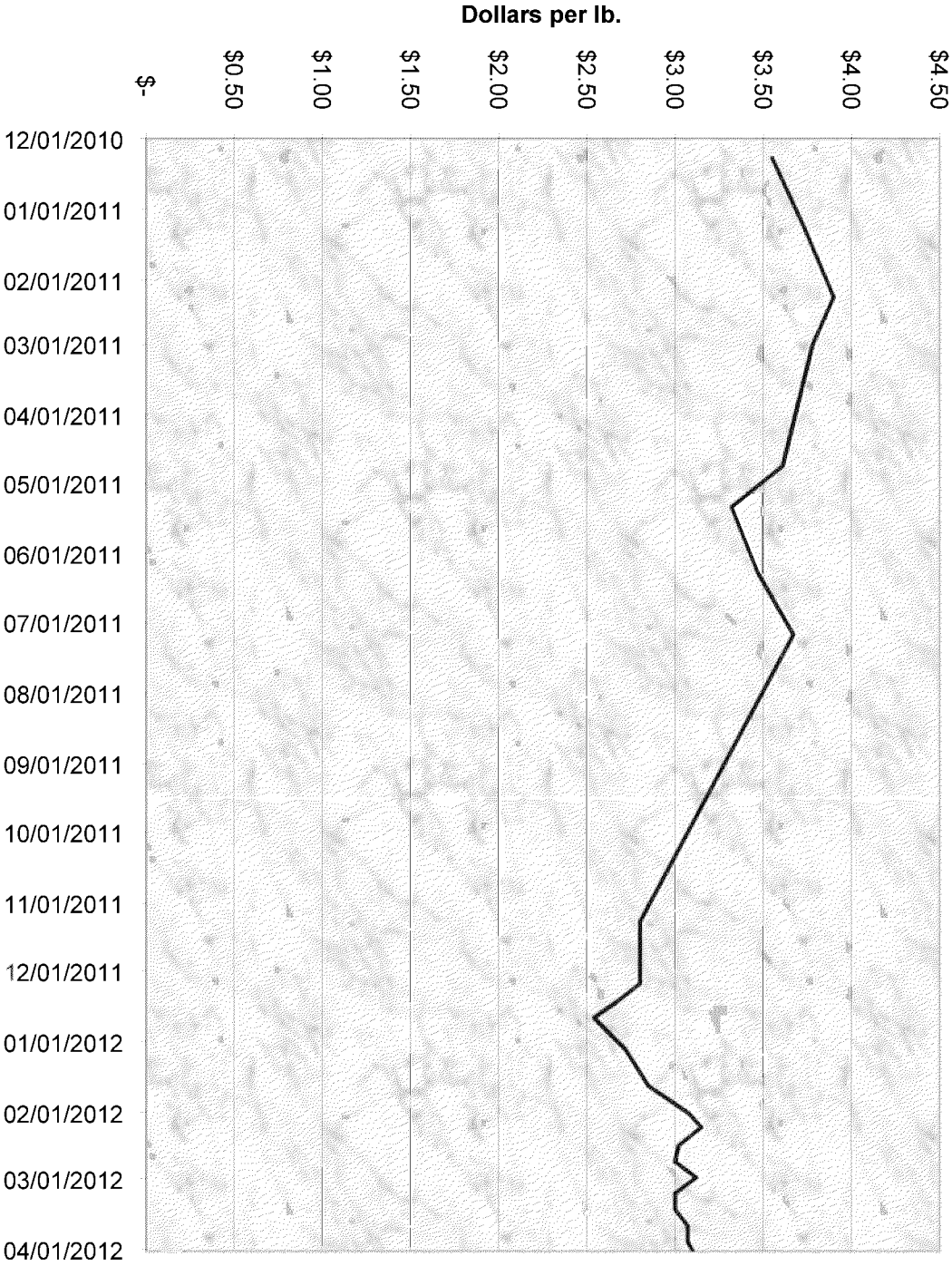


Lexington Division of Police

Case Analysis



Local Copper Prices



Series1

ORDINANCE NO. _____-2012

AN ORDINANCE CREATING SECTION 13-54.1 OF THE CODE OF ORDINANCES RELATED TO REGULATED SCRAP MATERIAL TO DEFINE FERROUS METAL, HVAC, NONFERROUS METAL, PLASTICS, REGULATED SCRAP MATERIAL, RESTRICTED METALS, SCRAP METAL DEALER, SCRAP METAL SELLER, SCRAP METAL DEALER'S LICENSE, SCRAP METAL SELLER'S LICENSE, TRANSPORT VEHICLE, AND VEHICLE; CREATING SECTION 13-54.2 OF THE CODE OF ORDINANCES RELATED TO REGULATED SCRAP MATERIAL, TO CREATE THE APPLICATION AND REVIEW PROCESS FOR A SCRAP METAL DEALER'S LICENSE; CREATING SECTION 13-54.3 OF THE CODE OF ORDINANCES RELATED TO REGULATED SCRAP MATERIAL, TO CREATE THE LICENSE APPLICATION AND REVIEW PROCESS FOR SCRAP MATERIAL SELLERS LICENSE; CREATING 13-54.4 OF THE CODE OF ORDINANCES RELATED TO REGULATED SCRAP MATERIAL TO DEFINE THE ADMINISTRATIVE REQUIREMENTS OF A SCRAP METAL DEALER; CREATING SECTION 13-54.5 OF THE CODE OF ORDINANCES RELATED TO REGULATED SCRAP MATERIAL TO CREATE THE RETENTION REQUIREMENTS FOR PURCHASED REGULATED SCRAP MATERIAL; CREATING SECTION 13-54.6 OF THE CODE OF ORDINANCES RELATED TO REGULATED SCRAP MATERIAL TO DEFINE PROHIBITED PURCHASES BY A SCRAP METAL DEALER; CREATING SECTION 13-54.7 OF THE CODE OF ORDINANCES RELATED TO REGULATED SCRAP MATERIAL TO PROVIDE FOR EXEMPTIONS TO THE SCRAP METAL SELLER'S LICENSE REQUIREMENT; CREATING SECTION 13-54.8 OF THE CODE OF ORDINANCES RELATED TO REGULATED SCRAP MATERIAL TO PROVIDE FOR PENALTIES FOR VIOLATIONS OF THIS SECTION AND TO PROVIDE FOR AN APPEALS PROCESS FOR ANYONE AFFECTED BY THIS SECTION.

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

Section 1 – That the purpose of this section ordinance is to establish regulations for buying, selling, and processing regulated scrap materials.

Section 2 – That Section 13-54.1 of the Code of Ordinances of the Lexington-Fayette Urban County Government, be and hereby is created to read as follows. For the purpose of Sections 13-54.1 to 13-54.8 the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (1) Ferrous metal - is defined as materials containing iron which are, pure iron steel, and certain steel alloys but not limited to these examples. These metals often have magnetic properties but not exclusively.
- (2) HVAC - Heating, Ventilating, Air Conditioning systems used in residential, commercial, and automotive environments, also included are the parts associated with such systems.
- (3) Nonferrous metal - is defined as material with little or no iron such as copper brass, titanium, and aluminum or alloys there of. These metals often contain no magnetic properties.

- (4) Plastics - Any polymer based (natural or synthetic) material or any material further defined by the Society of Plastics Industry and or the American Chemistry Council and further stamped with a numbering symbol identifying its composition.
- (5) Regulated Scrap Material – catalytic converter, metal beverage container that is capable of holding more than two (2) liters of beverage and is marketed as returnable, railroad rails, nonferrous metal or an alloy thereof, or an object containing nonferrous metal or an alloy thereof, ferrous metal or an alloy thereof, an object containing ferrous metal or an alloy thereof, vehicles sold for scrap, or plastics or other secondhand recyclable material.
- (6) Restricted metals – means any of the following metal items: manhole covers; electric light poles or other utility poles; guardrails; street signs, traffic signs, or traffic signals; whole road tiles; funeral markers or funeral vases; railroad equipment, including but not limited to, a tie plate, signal house, control box, switch plate, e-clip, or rail tie junctions; condensing or evaporating coils made from copper, aluminum, or aluminum-copper, including the tubing or rods from a heating or air conditioning unit that is not from a window air conditioning unit or automobile air conditioning unit; stainless steel beer kegs; a catalytic converter or any nonferrous part of a catalytic converter unless purchased as part of a vehicle; storm drain covers.
- (6Z) Scrap metal dealer - is defined as a person, business, or corporation who: engages in the business of purchasing, trading, bartering or otherwise receiving regulated scrap material; and or uses machinery and equipment for processing and manufacturing ferrous or nonferrous scrap into prepared grades, and whose principal product is ferrous or nonferrous metallic scrap or use similar equipment for the same purposes with other regulated scrap material.
- (7B) Scrap metal seller - is defined as a person/s, business, or corporation who sells, trades, barter, or otherwise transfers ownership for compensation,

of regulated scrap material.

- (89) Scrap metal dealer's license - a license issued to a scrap metal dealer conducting business in Fayette County.
- (910) Scrap metal seller's license - a license issued to a scrap metal seller conducting business in Fayette County.
- (4011) Transport vehicle - any conveyance used to move ferrous and nonferrous metals for the purpose of selling, trading, bartering, or processing.
- (4412) Vehicle - means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway other than by muscular power to include, but not limited to, heavy machinery i.e.; farm equipment and construction equipment.

Section 3 - That Section 13-54.2 of the Code of Ordinances of the Lexington-Fayette Urban County Government be and hereby is created to read as follows. **Scrap metal dealer license application process:**

- (1) Scrap metal dealer licenses
 - (a) Any "scrap metal dealer" located inside of Fayette County shall be required to obtain the license established in Section 13-13 by making application for the same to the Division of Police in order to conduct business as described under the definition of a scrap metal dealer.
 - (b) The license or copy shall be displayed at the final point of sale of the location notated on the permit so as to be clearly visible.
- (2) Application and Review Process
 - (a) The applicant for a license to engage in the business of scrap metal dealer shall file an application with the Lexington Division of Police on a form provided by that Division.
 - (b) The following information shall be provided in or with the application:
 - (1) Business name in which license is sought;
 - (2) Business address, including street address, and zip code;
 - (3) Telephone number;

- (4) The location(s) of the facility sought to be licensed;
- (5) Name and address of person responsible for management of the operation of the business, and shall include such other information as the Division of Police deems necessary to investigate the applicant and the applicant's proposed place of business. The Division of Police shall, within thirty (30) days of receipt of a completed application form, make a complete review of the accuracy of the information contained therein, including a criminal records check on any individuals named therein. If the application is to be approved, the Division of Police shall provide the applicant with such written notification, for presentation to the Division of Revenue. The Division of Revenue shall issue the license if the application is approved. If the application is to be denied, the Division of Police shall provide the applicant with such written notification, including a statement of the reasons for denial. An aggrieved applicant shall, within ten (10) days of receipt of such notice, have a right to request, in writing, a hearing before the Commissioner of Public Safety, as authorized by Section 13-54.8.

- (3) The cost of each license is \$500 per year. The license shall expire on December 31 of each year, unless suspended or revoked. Application for the next year's license should be made at least thirty (30) days prior to the expiration date.

Section 4 – That Section 13-54.3 of the Code of Ordinances of the Lexington-Fayette Urban County Government be and hereby is created to read as follows. **Scrap metal seller license application process:**

- (1) Scrap metal seller's license
 - (a) Any "scrap metal seller", within Fayette County who sells, trades, barter, or otherwise transfers ownership for compensation, of regulated scrap materials, totaling two or more occurrences in a

calendar year, within Fayette County, shall be required to obtain the license established in Section 13-13 by making application for the same to the Division of Police in order to conduct business as described under the definition of a scrap metal seller.

(2)

Application and Review Process

- (a) The applicant for a license to engage in the business of scrap metal seller shall file an application with the Lexington Division of Police on a form provided by that Division.
- (b) An application for a scrap metal seller's license may also be obtained at a scrap dealer's place of business. The applicant for a scrap metal seller's license may fill out the form and provide the required information and fees to the scrap metal dealer. The scrap metal dealer must file the application and fees with the Division of Police within five business days of receipt of the application and fees.
- (c) The following information shall be provided in or with the application:
 - (1) A photocopy of a valid state driver's license or other official state issued identification card which bears the subject's picture and,
 - (2) Any other information as the Division of Police deems necessary to investigate the applicant.
 - (3) The Division of Police shall, within thirty (30) days of receipt of a completed application form, make a complete review of the accuracy of the information contained therein, including a criminal records check. If the application is to be approved, the Division of Police shall provide the applicant with such written notification for presentation to the Division of Revenue. The Division of Revenue shall issue the license if the application is approved. If the application

is to be denied, the Division of Police shall provide the applicant with such written notification, including a statement of the reasons for denial. An aggrieved applicant shall, within ten (10) days of receipt of such notice, have a right to request, in writing, a hearing before the Commissioner of Public Safety, as authorized by Section 13-54.8.

- (3) The cost of each license is \$30 per year for a private individual or \$150 for a business. The license shall expire on December 31 of each year, unless suspended or revoked. Application for the next year's license should be made at least thirty (30) days prior to the expiration date.
- (4) The seller will produce the license and government issued photo ID prior to making any sale to the scrap metal dealer, upon the ~~third~~ second and subsequent sales during a calendar year.
- (5) The application for the scrap metal seller's license will be void if the applicant has been convicted of theft or receiving stolen property within five years of the application date. If the holder of the scrap metal seller's license is convicted of a charge of Theft by Unlawful taking or Receiving Stolen Property, their seller's license shall be revoked by the Division of Revenue upon affirmation by the Division of Police.

Section 5 – That Section 13-54.4 of the Code of Ordinances of the Lexington-Fayette Urban County Government be and hereby is created to read as follows.

Administrative Requirements of Scrap Metal Dealers:

- (1) Every scrap metal dealer, whether such dealers have established places of business or operate a business of an itinerant nature, with regard to any regulated scrap material shall:
 - (a) Keep a register that contains:
 - (1) A photocopy of a valid driver's license or other government-issued identification card of the seller. If the purchaser has a

copy of the seller's valid photo identification on file, it shall not be necessary for the purchaser to make another copy of the identification document for each purchase if the purchaser references the number on the identification document in the register at the time of each purchase; however, a photocopy of a valid driver's license or government-issued identification card must be presented with each purchase.

- (2) A data system capable of flagging the ~~third~~ second and subsequent transactions of the same Seller within a calendar year. Formatted: Indent: Left: 1.5", Hanging: 0.5"
- (3) The state and license number of the motor vehicle used to transport the regulated scrap materials to the place of purchase, which shall be provided by the seller of the items. If the displayed registration plate is a temporary license plate then the VIN number of the transport vehicle shall be recorded;
- (4) The time and date of the transaction;
- (5) A description in the usage of the trade of the kind and weight of the regulated scrap materials and information regarding the material acquired stating the weight and a detailed description of the materials. If the material is tubing, the diameter will be recorded and noted as new or used. All items for purchase shall be photographed in digital format from a position that is capable of revealing a true depiction of the material and,
- (6) The amount paid for the regulated scrap material and the unit basis of the purchase, such as by ounce or pound, etc.;
- (7) Purchases made from a utility, telecommunications, and/or data communication's company should be documented in a manner that accurately depicts the type of regulated scrap

material purchased and the total weight of the purchase. If a mix of material is purchased then an accurate notation of the various materials shall be noted in the registry, including the company making the sale and the employee or representative of the company making the transaction;

- (8) If the scrap is a vehicle as defined, the VIN number or other identifying number or mark shall be recorded along with a photograph of the VIN, other identifying number, or mark. The photograph shall be taken in digital format for future processing. If the VIN or other identifying number or mark is not readily accessible then photographs in the listed manner shall be taken from four vantage points to accurately depict the description of the scrapped vehicle in the manner in which it was purchased;
- (9) Retain the information required by this section for a period of two (2) years, after which time, the information may be retained or destroyed in a manner that protects the identity of the owner of the regulated scrap material and the seller of the material.
- (10) If the purchaser ceases business, transfer all records and information required by this section to the Chief of Police;
- (11) Upon written request of the Chief of Police, as appropriate, upload the required data to a secure, electronic database approved by the Chief of Police no later than the close of business on the day the regulated scrap material was purchased by the scrap metal dealer.
- (12) Comply with a written request pursuant to paragraph (11) of this subsection until a written notice to cease sending the reports required by paragraph (11) of this subsection is received by the purchaser. A request may relate to:
 - (a) All records of purchases;

- (b) Records of a specific class of metals or items purchased;
 - (c) Records of purchases during a specific period of time;
 - (d) Records of a specific purchase or purchases; and
 - (e) Photographs of regulated scrap material purchased.
- (13) The police department receiving records pursuant to this section shall retain the records for two (2) years, after which time, it may either retain or destroy the records in a manner that protects the identity of the owner of the regulated scrap material, the seller of the material, and the purchaser of the material; or if uploaded to a secure data base, the retention schedule will be regulated by that company's policy and procedure;
- (14) Any record required to be made or reported pursuant to this section may be kept and reported in hard copy and uploaded to a secure database in digital or in electronic format.
- (15) A scrap metal dealer shall not enter into any cash transaction for the purchase of any restricted metals as defined in this ordinance. Formatted: Indent: Left: 1.5", Hanging: 0.5"
- (a) Payment by a scrap metal dealer for the purchase of restricted metals shall be made by check issued to the seller and payable to the seller. Formatted: Indent: Left: 2", Hanging: 0.5"
 - (b) Each check for payment shall be mailed by the scrap metal dealer directly to the street address of the seller. Payment shall not be mailed to a post office box.
 - (c) Each check shall be mailed by the scrap metal dealer to the seller no sooner than one (1) day after the purchase transaction.

Section 6 – That 13-54.5 of the Code of Ordinances of the Lexington-Fayette Urban County Government be and hereby is amended to read as follows: **Retention of**

purchased regulated scrap material by scrap metal dealers:

- (1) Retain the nonferrous metal regulated scrap material as defined in Section 13-54.1(3) and catalytic converters in its original form for a period of three business days from the date of purchase unless notified by a peace officer having reasonable cause to believe that the material may be stolen material, in which case, the material may be seized as evidence by the peace officer or, if not seized, shall be retained for an additional 30 days unless earlier notified by a peace officer that the material may be sold. All materials purchased will be maintained, in its received form, in addition, all purchased items will be tagged and stored separately in a manner so that no intermingling of material will occur;
 - (a) The material purchased from a utility, telecommunications, and or data company need not be held on site for the required time previously stated and may be processed immediately upon acquisition by the scrap metal dealer;
- (2) It shall be the duty of every scrap metal dealer, his agents or employees to hold all suspected stolen regulated scrap material in a secure place for 30 business days upon request by a peace officer. The metal scrap metal dealer, his agents or employees, may not process or remove the material from the dealer's premises before the 30th business day after receipt of the request from a peace officer to hold the material unless;
 1. The material is released into a peace officer's care, custody and control at an earlier time;
 2. A peace officer releases the hold on the material upon an earlier date;
 3. A peace officer makes a written request to extend the holding period for up to 90 business days from the date the original request is received; or
 4. A court orders release of the material.
- (3) Permit any peace officer to inspect the register, and if the peace officer deems it necessary to locate specific stolen regulated scrap material, may

inspect the regulated scrap materials received during business hours. This section also includes the inspection of holding areas where the materials are stored;

Section 7 – That Section 13-54.6 of the Code of Ordinances of the Lexington-Fayette Urban County Government be and hereby is created to read as follows. A scrap metal dealer shall not make any of the following purchases:

- (1) Any regulated scrap material from a person who:
 - (a) Is less than eighteen (18) years of age or;
 - (b) Is unable or refuses to provide the identification and information required in Section 13-54.4(1)(a)(1) or,
 - (c) Is visibly intoxicated by way of an alcoholic beverage or other impairing substance;
 - (d) Scrap Metal Dealers shall not purchase regulated scrap materials from Scrap Metal Sellers upon their ~~third~~ second or subsequent transaction during a calendar year without a valid Scrap Metal Seller's License.
- (2) A vehicle sold for scrap, less than fifteen years of age, without a valid title or copy of title produced at the time and location of the sale. Failure to produce the title will result in the recycler, scrap metal dealer, dealer in junk or metals, dealer in secondhand articles, vendor of bottles or rags, collector of or dealer in articles found in ashes, garbage, or other refuse, not completing the sale. Vehicles whose title has been surrendered pursuant to KRS 186A.295 are exempt from this section.
- (3) Any Heating, Ventilating, Air Conditioning (HVAC) equipment in whole units or parts without the seller, while being an employee of a business that provides such services, producing an urban county government-issued HVAC permit or state-issued professional license while selling within the scope of their employment.
 - (a) Any individual wishing to sell Heating, Ventilating, Air Conditioning (HVAC) equipment must provide a permit issued by a city to a homeowner for the installation, alteration, or repair of an air-

conditioning system at a particular address and an invoice or repair order for work completed which would show the location and customer name where the units or parts were serviced. Failure to produce any of the required information will result in the scrap metal dealer not completing the sale;

- (1) The scrap metal dealer will maintain a copy of the invoice or repair order for work completed at the business location of the sale for a period of time not to exceed two years.
- (2) This provision shall not apply to window air conditioning units.

- (4) It shall be unlawful for a scrap metal dealer, his agents or employees to purchase any of the following items of regulated scrap materials without obtaining proof that the seller owns the property (such as by a receipt or bill of sale) or proof that the seller is an employee, agent, or contractor of a governmental entity, utility company, cemetery, railroad, manufacturer, or other person, business, or entity owning the property and the seller is authorized to sell the item of regulated scrap materials on behalf of the person, business, or entity owning the property:

- (1) A manhole cover.
- (2) An electric light pole and its fixtures and hardware
- (3) A guard rail
- (4) A street sign, traffic sign, or traffic signal and its fixtures and hardware
- (5) A funeral marker or funeral vase.
- (6) An historical marker.
- (7) Railroad equipment, including but not limited to a tie plate, switch plate, E clip, or rail tie junction.
- (8) Any metal used by, or that is the property of, or any item that is marked with any form of the name, initials, or logo of a governmental entity, utility company, cemetery, or railroad.

- (9) An aluminum or stainless steel container or bottle designed to hold propane for fuelling fork lifts.
- (5) An item of regulated scrap metal in its original packaging unless the person selling such item presents a receipt or proof of purchase for that material.
- (6) An item of regulated scrap metal that is marked with any form of the name or initials of a private company or that the scrap metal dealer knows or should reasonably be expected to know belongs to a private company unless the person selling such material presents at the time of sale a written, signed statement from the seller attesting to lawful ownership of the material, a receipt from the lawful owner, or a written, signed statement from the lawful owner of the property providing that the seller has authorization to sell or otherwise transfer that property.
- (7) Any regulated scrap material that has been smelted, burned, or melted unless, in addition to the other requirements of this subsection, the seller provides the following and the purchaser maintains a copy thereof:
- (a) A signed certificate of ownership stating that he or she is the owner of the material and is entitled to sell it; or
 - (b) A signed certificate from the owner of the material stating that he or she is the owner of the material and that the person selling the material is authorized to sell the material on behalf of the owner;
- (8) Any regulated scrap material that is stolen or by reasonable diligence one should know is stolen. The scrap metal dealer, his agents, or employees, shall report to police any attempt to sell such stolen material or material acquired by the dealer subsequently determined or reasonably suspected to be stolen material, and the scrap metal dealer, his agents or employees, shall furnish such other information as might be helpful to the police in investigating the matter.

Section 8 – That 13-54.7 of the Code of Ordinances of the Lexington-Fayette Urban County Government be and hereby is created to read as follows. **The following are exemptions to the scrap metal seller license requirement:**

- (1) Selling a non-returnable used beverage container or food container other than a metal beverage container that is capable of holding more than two liters of liquid and which is marketed as returnable;
- (2) Selling materials disposed of as trash or refuse that contains or may contain regulated scrap materials, which is collected by a municipal waste department or by a licensed waste hauler ~~and no payment is made to the person from whom the material is collected by the person or agency collecting the material from a manufacturing, industrial or other commercial vendor that generates regulated scrap materials in the ordinary course of business;~~
- (3) Selling regulated scrap materials under a written contract between a scrap metal dealer and an organization, corporation, or association registered with the Commonwealth as a charitable, philanthropic, religious, fraternal, civic, patriotic, social, or school sponsored organization;
- (4) Selling regulated scrap materials pursuant to a written contract between a scrap metal dealer and a manufacturing, industrial or other commercial vendor that generates regulated scrap materials in the ordinary course of business.
- (5) A scrap metal seller's license is not required of a business with a valid scrap metal dealer's license.
- (6) A scrap metal seller's license is not required of the following licensed professionals: plumbers, electricians, HVAC specialists. The aforementioned licenses shall be issued from the Lexington-Fayette Urban County Government or the Commonwealth of Kentucky.
- (7) This ordinance shall not apply to the purchase, sale, or transfer of jewelry.

Section 9 – That Section 13-54.8 Code of Ordinances of the Lexington-Fayette Urban County Government be and hereby is created to read as follows. **The following are penalties and appeals process for this section:**

- (1) Convictions of three or more incidents in violation of any provision in this ordinance during a twelve (12) month period shall result in a probationary period imposed on the scrap metal dealer/seller convicted for such

offences not to exceed a six month period. If further convictions of violations pertaining to this ordinance occur during the probationary period then a revocation of the scrap metal dealer's/seller's permit license will occur for a period not to exceed thirty (30) calendar days.

- (a) Upon conviction of three or more incidents in violation of any section in this ordinance during a twelve (12) month period or upon a conviction of a violation of this section during the probationary period, the scrap metal dealer/seller shall have the right to an administrative hearing to appeal the probationary period and or license revocation or license denial. The hearing will be held before the Commissioner of Public Safety or his/her designee.
- (b) Before the institution of the probationary period or license revocation, the Commissioner of Public Safety shall notify the scrap metal dealer/seller in writing of his intent to institute the probationary period or revoke the license, including a summary of the grounds for the action. The notice shall be sent to the scrap metal dealer/seller by certified mail to the person and address specified on the license. Within ten (10) days of receipt of such notice, the scrap metal dealer/seller may provide to the Commissioner of Public Safety, in writing, a response which shall include a statement of reasons why the license should not be put in probation or revoked and may include a request for a hearing. If a response is not received by the Commissioner of Public Safety within ten (10) days, the notice shall be a final administrative act of probation or revocation. If a response is received by the Commissioner of Public Safety within ten (10) days, he shall schedule a hearing and shall give notice of such hearing to the scrap metal dealer/seller. The hearing shall be conducted within thirty (30) days of the Commissioner of Public Safety's receipt of the scrap metal dealer's/seller's response. The commissioner or designee shall render a written decision within (10) days after the

completion of the hearing and shall serve the scrap metal dealer/seller with a copy of the decision by certified mail. The scrap metal dealer/seller may appeal the decision to the Fayette Circuit Court within thirty (30) days after receipt of the written notice of the decision.

- (c) It shall be the responsibility of the general manager or principal facility manager of the scrap metal dealer to see that the employees of the business understand the provisions set forth in this ordinance and that those provisions are adhered to.
- (d) Any violations of this section ordinance shall constitute a misdemeanor and any person who is convicted shall upon the first conviction thereof be fined not less than one hundred (\$100.00) nor more than two hundred fifty dollars (~~\$200.00~~ 250.00), or imprisoned for not more than six (6) months or both; and for the second and each subsequent conviction shall be fined not less than two hundred fifty dollars (~~\$200.00~~ 250.00) nor more than five hundred dollars (\$500.00), or imprisoned for not more than six (6) months, or both.
- (e) There will be a thirty (30) day grace period from the date that this ordinance goes into effect. No enforcement action shall be taken during this grace period to help educate scrap metal dealers and scrap metal sellers of this new ordinance.

Section 10 – This Ordinance shall become effective on the date of passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL
311-12 MRS XACases3POLICEV1-LE001\LEG\00817857.DOC

Affordable Housing Trust Fund (AHTF) History & Activity Timeline

Prepared by:
Chris Ford, District 1

Spring 2008	BUILD advocates for creation of AHTF to provide additional funding for affordable housing (particularly market rental rates)
May 2008	Mayor Newberry Appoints AHTF Commission 47 Members – Blue Ribbon Panel
Sept 2008	AHTF Commission recommends establishing Trust Fund Recommended Funding Source – 1% Increase Insurance Premium Tax Estimated dedicated revenue: \$ 3 - 4 million annual
Fall 2008	Mayor Newberry rejects Commission's funding recommendation <i>Counter – proposes public / private financing partnership – to be capitalized with \$250,000 LFUCG General Fund appropriation</i>
Fall 2009	Vice Mayor Gray Appoints AHTF Council Task Force <i>Initial Meeting 11-17-09; 24 meetings to date</i>
Summer 2010	Council Task Force issues RFP for Economic Impact Study <i>Awarded to Commonwealth Economics, approx. cost - \$25,000</i>
March 2011	AHTF Economic Impact Study presented to Council Work Session <i>Referred to Council's Economic & Community Dev. Committee</i>
October 2011	Economic Development Committee Presentation <i>Discussion leads to reconvening of AHTF Council Task Force</i>
Winter 2011 – 12	Seven (7) interim Task Force Meetings
March 2012	Formulation of AHTF Ordinance, as revised: <i>0.5% increase to Insurance Premium Tax (excluding health premiums)</i> <i>Generates annual revenue of \$1.9 million, with average household cost of \$15</i> <i>Sunset provision for Council reauthorization at 5 years</i> <i>Appointment of 13 member AHTF Governing Board</i> <i>Beneficiary household population at or below 80% AMI</i> <i>Fund Allocation - minimum 50% to households at or below 30% AMI</i>

Affordable Housing Trust Fund Talking Points

- Commission created in 2008 in response to the Social Service Needs Assessment and Infill and Redev Report finding that there was a need for affordable housing
- Commission recommended the creation of a trust fund to be funded by a 1% tax on insurance premiums, a resolution was never presented to Council
- In 2010, the Council created a Task Force to study the fiscal, economic, and social impact of a range of funding levels, recommended 1% tax on insurance premiums
- “Affordable Housing” is housing that requires families and individuals to pay no more than 30% of their income for housing and housing-related costs
- Families that pay more than 30% of their income may have difficulty affording necessities such as food, clothing, transportation and medical care
- In Fayette County 35.8% of all renters lack affordable housing and 18.1% pay more than 50% of their income for housing
- In 2011 there were 349 families waiting for Sec. 8 vouchers and 1,171 families waiting for public housing units
- The lack of affordable housing:
 - Has a social cost including lost economic opportunity in jobs and revenue and direct and indirect social costs related to education and health care; in Fayette County that cost is estimated at \$150 million a year
 - Has an effect on success in school; multiple movers scored an average of 10 points lower on the Kentucky Core Content Reading Test
- Affordable housing has a positive economic impact:
 - Money invested in Trust Fund is often matched by outside money and it stimulates private investment in housing.
 - Helps prevent homelessness more effectively than anything else
- Recommendations:
 - .5% tax on insurance premiums excluding health insurance which will raise \$1.9 M annually with an average cost per household of \$15
 - Sunset provision which requires reauthorization after 5 years
 - All projects funded benefit populations at or below 80% of AMI and no less than 50% of the funds benefit households at or below 30% of AMI
 - Annual review by Council
 - Administered by a Board that would decide target populations and funding levels with most of the money going to new construction of rental housing and favoring families with school age children