

# **Lexington-Fayette Urban County Government**

*200 E. Main St  
Lexington, KY 40507*



**Tuesday, August 14, 2012**

**3:00 PM**

**Packet**

**Council Chamber**

**Urban County Council Work Session**

**URBAN COUNTY COUNCIL  
SCHEDULE OF MEETINGS  
August 13 – August 20, 2012**

**Monday, August 13**

ZOTA Work Group.....1:30 pm  
Conference Room – 5<sup>th</sup> Floor Government Center

**Tuesday, August 14**

Social Services & Community Development Committee.....11:00 am  
Council Chambers – 2<sup>nd</sup> Floor Government Center

Planning & Public Works Committee.....1:00 pm  
Council Chambers – 2<sup>nd</sup> Floor Government Center

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

**Wednesday, August 15**

Courthouse Area Design Overlay Zone Review Board.....2:00 pm  
Council Chambers – 2<sup>nd</sup> Floor Government Center

Mayor's Commission on Homelessness.....3:00 pm  
Conference Room – 3<sup>rd</sup> Floor Phoenix Building

Town & Gown Commission.....4:00 pm  
Maxwell Presbyterian Church – 180 E. Maxwell

**Thursday, August 16**

Keep Lexington Beautiful Commission.....9:30 am  
Conference Room – 5<sup>th</sup> Floor Government Center

Council Meeting.....6:00 pm  
Council Chambers – 2<sup>nd</sup> Floor Government Center

**Friday, August 17**

No Meetings

**Monday, August 20**

No Meetings

URBAN COUNTY COUNCIL

WORK SESSION SUMMARY

TABLE OF MOTIONS

JULY 10, 2012

Mayor Jim Gray called the meeting to order at 2:57pm. Council Members present were Ellinger, Kay, Ford, Blues, Lawless, Beard, Farmer, Stinnett, Crosbie, Myers, McChord, Martin, Henson, and Lane. VM Gorton was absent.

I. Requested Rezoning/Docket Approval

Motion by Ellinger to approve the docket. Seconded by Blues. Motion passed 13-1. (Martin recused.)

Motion by Beard to add 5 Neighborhood Development Funds to the docket for July 10, 2012. Seconded by Ellinger. Motion passed 13-1. (Martin recused.)

II. Budget Amendments

Motion by Crosbie to approve the budget amendments. Seconded by Lane. Motion passed without dissent.

III. New Business

Motion by Blues to approve the new business items. Seconded by Farmer. Motion passed without dissent.

IV. Council Reports

Motion by Martin to refer to the General Government committee the exploration and review of Ordinance 4-75. Farmer seconded the motion. The motion passed 8-7. Blues, Stinnett, Beard, McChord, Lawless, Ellinger and Ford voted no. (Gray voted yes.)

Motion by Farmer to refer to the Planning and Public Works a review of the zoning ordinance to update it as it pertains to alternative fuel sources in the Lexington and Fayette County. Blues seconded the motion. The motion passed without dissent.

V. Public Comment-Issues Not on Agenda

Motion by Kay to enter into closed session pursuant to KRS 61.810 (1)(f).  
Seconded by Lane. Motion passed without dissent.

Motion by Crosbie to return from closed session. Seconded by Farmer. Motion  
passed without dissent.

Motion by Crosbie to adjourn. Seconded by Farmer. Motion passed without  
dissent.



**Lexington-Fayette Urban County Government  
Work Session Agenda  
August 14, 2012**

- I. Public Comment - Issues on Agenda**
- II. Requested Rezoning/ Docket Approval - Yes**
- III. Approval of Summary – Yes p. 1 - 2**
- IV. Budget Amendments – Yes p. 15 - 21**
- V. New Business – Yes p. 22 - 105**
- VI. Continuing Business/ Presentations**
  - a** Neighborhood Development Funds - August 8, 2012 p. 106
  - b** Itinerant Merchant Task Force Report Out p. 107 - 117
  - c** Public Safety Committee Summary July 10 2012 p. 118 - 121
  - d** FY 2013 Ad Valorem Tax Rates Presentation p. 122 - 144
  - e** Capacity Assurance Program (CAP) Presentation  
By: Charlie Martin, Director of Water & Air Quality p.145 - 155
- VII. Council Reports**
- VIII. Mayor's Report - Yes**
- IX. Public Comment - Issues Not on Agenda**
- X. Adjournment**

### Administrative Synopsis - New Business Items

- a            0565-12            Authorization to execute a Lease Agreement with Lexington-Fayette Urban County Human Rights Commission for space within the Annex Building. (Hamilton) (L565-12)**  
 This is a request to execute a Lease Agreement with Lexington-Fayette Urban County Human Rights Commission for space within the Annex Building located at 162 East Main Street. The term is for one (1) year, effective July 1, 2012 and ending June 30, 2013 with an option of automatic extension for two (2) additional one (1) year terms. The average annual revenue over the entire term is \$15,794.90. p. 22 - 23
- b            0696-12            Authorization to execute a Facility Usage Agreement with the Fayette County Board of Education for use of the Paul Laurence Dunbar Track for the Hershey's Track Meet. (L696-12) (Hancock/Hamilton)**  
 This is a request to execute a Facility Usage Agreement with the Fayette County Board of Education for use of the Paul Laurence Dunbar Track for the Hershey's Track Meet for a fee of \$84.50. Funds are budgeted. p. 24
- c            0739-12            Authorization to amend Section 21-5 of the Code of Ordinances, abolishing one (1) position of Engineering Technician (Grade 111N) and one (1) position of Staff Assistant Sr. (Grade 108N) and creating one (1) position of Municipal Engineer Sr. (Grade 119E) in the Division of Engineering. (L739-12) (Walters/Moloney)**  
 This is a request to amend Section 21-5 of the Code of Ordinances, abolishing one (1) position of Engineering Technician (Grade 111N) and one (1) position of Staff Assistant Sr. (Grade 108N) and creating one (1) position of Municipal Engineer Sr. (Grade 119E) in the Division of Engineering. The total annual impact is a cost savings of \$23,672.66. p. 25
- d            0740-12            Authorization to execute a Lease Agreement with Lexington Downtown Development Authority (LDDA) for space within the Phoenix Building. (L740-12) (Hamilton)**  
 This is a request to execute a Lease Agreement with LDDA for space within the Phoenix Building. The term is for one (1) year, July 1, 2012 through June 30, 2013 with an option of automatic extension for two (2) additional one (1) year terms. The average annual revenue over the entire term is \$7,073.50. p. 26 - 28

- e      **0750-12**      Authorization to execute Contract Modification No. 3 with CDP Engineers, Inc., for the Clays Mill Road Improvement Project. (L750-12) (Gooding/Paulsen)  
This is a request to execute Contract Modification No. 3 in the amount of \$73,012 with CDP Engineers, Inc., for the Clays Mill Road Improvement Project. This increase brings the total new cost to \$1,140,739. Funds are budgeted. p. 29 - 32
- f      **0758-12**      Authorization to amend Section 22-53.2 of the Code of Ordinances increasing the starting pay and salary increases for Traffic School Guards. (L758-12) (Walters/Mason)  
This is a request to amend Section 22-53.2 of the Code of Ordinances increasing the starting pay and salary increases for Traffic School Guards. There is no budgetary impact. p. 33
- g      **0759-12**      Authorization to execute Statement of Compliance regarding bridge weight limit posting requirements. (L759-12) (Rayan/Moloney)  
This is a request to execute Statement of Compliance regarding bridge weight limit posting requirements. There is no budgetary impact. p. 34 - 35
- h      **0766-12**      Authorization to accept award from the Kentucky Energy and Environment Cabinet under the Kentucky Recycling Grant Program for purchase of a sorting line. (L766-12) (Gooding/Moloney)  
This is a request to accept award from the Kentucky Energy and Environment Cabinet under the Kentucky Recycling Grant Program in the amount of \$112,000 for purchase of a sorting line. A grant match of \$28,000 is required. Funds are budgeted. p.36
- i      **0773-12**      Authorization to execute Change Order No. 1 with Mitchell Construction Management for the improvement project at Fire Station 6. (L773-12) (Jackson/Mason)  
This is a request to execute Change Order No. 1 with Mitchell Construction Management for an amount of \$2,100 for the improvement project at Fire Station 6. This increase brings the total new cost to \$56,100. Funds are budgeted. p. 37 - 38
- j      **0775-12**      Authorization to submit application and accept award if offered, to the Kentucky Division of Waste Management for waste tire disposal/recycling. (L775-12) (Gooding/Moloney)

This is a request to submit application and accept award if offered, to the Kentucky Division of Waste Management requesting funds in the amount of \$3,000 for waste tire disposal/recycling. Funds are budgeted. No match required. p. 39

- k      0776-12**      Authorization to execute amendment to the agreement with the Kentucky Transportation Cabinet for the Bates Creek Road Sidewalk Improvements Project. (L776-12) (Gooding/Paulsen)  
This is a request to execute amendment to the agreement with the Kentucky Transportation Cabinet for the Bates Creek Road Sidewalk Improvements Project providing for an extended performance period through June 30, 2013, and additional federal funding in the amount of \$250,000. This increase brings the total new cost to \$1,326,700. A local match of \$62,500 is required. Funds are budgeted. p. 40 - 41
- l      0777-12**      Authorization to execute a Facility Usage Contract with the Fayette County Board of Education for use of the Bates Creek Middle School Gym on Saturdays in June for activities in the Teen Initiative program. (L777-12) (Hancock/Hamilton)  
This is a request to execute a Facility Usage Contract with the Fayette County Board of Education for use of the Bates Creek Middle School Gym on Saturdays in June for activities in the Teen Initiative program. The cost is \$633.75. Funds are budgeted. p. 42
- m      0779-12**      Authorization to amend Section 21-5 of the Code of Ordinances, abolishing one (1) position of Administrative Specialist Sr. (Grade 112N) and one (1) position of Staff Assistant Sr. (Grade 108N) and creating two (2) positions of Administrative Specialist (Grade 110N) in the Division of Building Inspection. (L779-12) (Maxwell/Mason)  
This is a request to amend Section 21-5 of the Code of Ordinances, abolishing one (1) position of Administrative Specialist Sr. (Grade 112N) and one (1) position of Staff Assistant Sr. (Grade 108N) and creating two (2) positions of Administrative Specialist (Grade 110N) in the Division of Building Inspection. The total annual impact is a cost savings of \$9,708.55. p. 43 - 44
- n      0780-12**      Authorization to execute a Facility Usage Agreement with the Fayette County Board of Education for rental of the Bates Creek Middle School Gym for Saturdays in July and August 4, 2012 for Teen Initiative Activities. (L780-12) (Hancock/Hamilton)

This is a request to execute a Facility Usage Agreement with the Fayette County Board of Education for rental of the Bates Creek Middle School Gym for Saturdays in July and August 4, 2012 for Teen Initiative Activities. The cost is \$1,087.50. Funds are budgeted. p. 45

- o**      **0781-12**      Authorization to execute Change Order No. 1 with Lagco, Inc., for energy efficiency improvements to Black and Williams Community Center. (L781-12) (Gooding/Moloney)  
 This is a request to execute Change Order No. 1 in the amount of \$3,000 with Lagco, Inc., for energy efficiency improvements to Black and Williams Community Center under the Energy Efficiency and Conservation Block Grant. This increase brings the total new cost to \$429,040. A budget amendment is in process.  
 p. 46 - 49
- p**      **0782-12**      Authorization to execute a Right-of-Way Agreement with Columbia Gas of Kentucky, Inc. allowing a pipeline with service connections over and through Masterson Station Park relating to widening of Leestown Road. (L782-12) (Hancock/Hamilton)  
 This is a request to execute a Right-of-Way Agreement with Columbia Gas of Kentucky, Inc. allowing a pipeline with service connections over and through Masterson Station Park relating to widening of Leestown Road. There is no budgetary impact. p. 50
- q**      **0783-12**      Authorization to execute a Facility Usage Contract with the Fayette County Board of Education for Parks and Recreation Extended School Program (ESP) and Recreational Enrichment and Learning (REAL) Program. (L783-12) (Hancock/Hamilton)  
 This is a request to execute a Facility Usage Contract with the Fayette County Board of Education for Parks and Recreation ESP and REAL Programs for the 2012-2013 school year. An honorarium is paid from the ESP fund in lieu of rental fees. p. 51
- r**      **0785-12**      Authorization to enter into an Agreement with Immediate Response Spill Technologies (IRST) for the Hazardous Materials and Supply Cost Recovery program. (L785-12) (Jackson/Mason)  
 This is a request to enter into an Agreement with IRST for the Hazardous Materials and Supply Cost Recovery program. There is no cost to LFUCG for this service. p. 52
- s**      **0787-12**      Authorization to approve a resolution allowing Providence Montessori School's Industrial Revenue Bond (IRB) to allow for the refinancing of their current tax-exempt loan outstanding with the City of Midway serving as the issuer of their Educational Facilities Refunding Bonds. (787-12) (Atkins)

This is a request to approve a resolution allowing Providence Montessori School's IRB to allow for the refinancing of their current tax-exempt loan outstanding. The City of Midway will serve as the issuer so the school can obtain a bank qualified interest rate for the Educational Facilities Refunding Bonds in an amount not to exceed \$1,250,000. p. 53

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|----------|----------------|--|
| <b>t</b> | <b>0788-12</b> | <p><u>Authorization to execute an agreement with the Commonwealth Attorney's Office for provision of "Fast Track" prosecutor services under the Street Sales Drug Enforcement Project--FY 2013. (L788-12) (Gooding/Mason)</u></p> <p>This is a request to execute an agreement in the amount of \$57,914 with the Commonwealth Attorney's Office for provision of "Fast Track" prosecutor services under the Street Sales Drug Enforcement Project--FY 2013. An amount of \$43,436 is from federal funds and \$14,478 is from LFUCG general funds. Funds are budgeted. p. 54</p> |
| <b>u</b> | <b>0789-12</b> | <p><u>Authorization to execute Supplemental Agreement No. 2 with Kentucky Transportation Cabinet for construction of Brighton East Trail using SLX funds. (L789-12) (Gooding/Paulsen)</u></p> <p>This is a request to execute Supplemental Agreement No. 2 with Kentucky Transportation Cabinet for an amount of \$256,000 for construction of Brighton East Trail using SLX funds. Matching funds of \$64,000 will come from the Municipal Aid Program. Funds are budgeted. p. 55</p>   |
| <b>v</b> | <b>0790-12</b> | <p><u>Authorization to execute a Lease Agreement with Downtown Lexington Corporation for space within the Phoenix Building. (L790-12) (Hamilton)</u></p> <p>This is a request to execute a Lease Agreement with Downtown Lexington Corporation for space within the Phoenix Building. The term is for one (1) year, effective July 1, 2012 and ending June 30, 2013 with an option of automatic extension for two (2) additional one (1) year terms. The average annual revenue over the entire term is \$9,486.11. p. 56 - 58</p>   |
| <b>w</b> | <b>0791-12</b> | <p><u>Authorization to amend Section 21-5 of the Code of Ordinances, transferring one (1) position of Engineering Technician (Grade 111N) and its incumbent, from the Division of Computer Services to the Division of Engineering. (L791-12) (Maxwell/Moloney)</u></p>  |

This is a request to amend Section 21-5 of the Code of Ordinances, transferring one (1) position of Engineering Technician (Grade 111N) and its incumbent, from the Division of Computer Services to the Division of Engineering. There is no budgetary impact. p. 59

- x      0792-12      Authorization to re-name the Valley Park Neighborhood Building as the Jesse Higginbotham Community Center. (L792-12) (Hancock/Hamilton)**  
 This is a request to re-name the Valley Park Neighborhood Building as the Jesse Higginbotham Community Center. This has been approved by the Parks Advisory Board. p. 60
- y      0793-12      Authorization to amend Ordinance No. 91-2012 Sections 3, 4 and 5 retroactive to July 2, 2012, to remove pay increases for part-time employees in the FY2013 budget. (L793-12) (Maxwell/Graham)**  
 This is a request to amend Ordinance No. 91-2012 Sections 3, 4 and 5 retroactive to July 2, 2012, to remove pay increases for part-time employees in the FY2013 budget. There is no budgetary impact. p. 61 - 64
- z      0794-12      Authorization to execute a Lease Agreement with Lexington & Fayette County Parking Authority for space within the Phoenix Building. (L794-12) (Hamilton)**  
 This is a request to execute a Lease Agreement with Lexington & Fayette County Parking Authority for space within the Phoenix Building. The term is for one (1) year, effective July 1, 2012 and ending June 30, 2013 with an option of automatic extension for two (2) additional one (1) year terms. The average annual revenue over the entire term is \$8,169.72. p. 65 - 67
- aa      0795-12      Authorization to execute Data and Shut-off Agreement with Kentucky-American Water Co. (KAWC). (L795-12) (O'Mara/Driskell)**  
 This is a request to execute Data and Shut-off Agreement with KAWC. The FY2013 estimated cost is \$34,500, with an annual cost estimated at \$41,400. Funds are budgeted. p. 68
- bb      0796-12      Authorization to execute a Contract with VeBridge for document imaging services through September 2014. (L796-12) (O'Mara/Driskell)**  
 This is a request to execute a contract with VeBridge, a sole source provider, for document imaging services through September 2014. An amount of \$55,000 has been budgeted for this fiscal year. p. 69

- cc 0797-12** Authorization to execute a Lease Agreement with Metro Employees Credit Union for space within the front building at the Versailles Road Campus. (L797-12) (Hamilton)  
This is a request to execute a Lease Agreement with Metro Employees Credit Union for space within the front building at the Versailles Road Campus. The initial term is for seven and one-half (7 ½) months, effective November 16, 2012 and ending June 30, 2013 with an option of automatic extension for two (2) additional one (1) year terms. The average annual revenue over the entire term is \$27,878.21. p. 70 - 72
- dd 0798-12** Authorization to approve the compilation of the Lexington-Fayette Urban County Government Sheriff's Settlement - 2011 taxes, and granting the Sheriff a Quietus. (L798-12) (O'Mara/Driskell)  
This is a request to approve the compilation of the Lexington-Fayette Urban County Government Sheriff's Settlement - 2011 taxes, and granting the Sheriff a Quietus. There is no budgetary impact. p. 73
- ee 0799-12** Authorization to execute a Lease Agreement with Metro Employees Credit Union for space within the Phoenix Building. (L799-12) (Hamilton)  
This is a request to execute a Lease Agreement with Metro Employees Credit Union for space within the Phoenix Building. The agreement is for seven and one-half (7 ½) months, effective November 16, 2012 and ending June 30, 2013 with an option of automatic extension for two (2) additional one (1) year terms. The average annual revenue over the entire term is \$7,349.07. p. 74 - 76
- ff 0802-12** Authorization to amend Section 21-5 of the Code of Ordinances, creating one (1) position of Skilled Trades Worker (Grade 111N) and amend Section 22-5 abolishing two (2) positions of Skilled Trades Worker (Grade 000N) in the Division of Community Corrections. (L802-12) (Maxwell/Mason)  
This is a request to amend Section 21-5 of the Code of Ordinances, creating one (1) position of Skilled Trades Worker (Grade 111N) and amend Section 22-5, abolishing two (2) positions of Skilled Trades Worker (Grade 000N) in the Division of Community Corrections. The total annual impact is a cost increase of \$1,913.80. p. 77
- gg 0803-12** Authorization to execute Change Order No. 1 with Disponette Service Co. Inc., for improvements to Charles Young Center. (L803-12) (Gooding/Hamilton)



This is a request to execute Change Order No. 1 with Disponette Service Co. Inc., in the amount of \$2,800 for improvements to Charles Young Center. This increase brings the total new cost to \$185,400. Funds are budgeted. p. 78 - 81

- hh      0806-12**      Authorization to execute a Building Usage Agreement with St. Luke United Methodist Church for the Meeting the Challenges and Opportunities of Aging Conference. (L806-12) (Mills)  
This is a request to execute a Building Usage Agreement with St. Luke United Methodist Church for the Meeting the Challenges and Opportunities of Aging Conference on May 15-16, 2013. There is no budgetary impact. p. 82
- ii      0807-12**      Authorization to accept award of federal funds from the U.S. Department of Homeland Security/Federal Emergency Management Agency under the Staffing For Adequate Fire And Emergency Response (SAFER) Grants Program. (L807-12) (Gooding/Mason)  
This is a request to accept award of federal funds in the amount of \$2,621,304 from the U.S. Department of Homeland Security/Federal Emergency Management Agency under the SAFER Grants Program. No match is required. Funds are budgeted. p. 83
- jj      0808-12**      Authorization to accept deeds of easement from the owners of record on properties needed for the relocation and construction of the Andover Trunk Sewer. (L808-12) (Martin/Moloney)  
This is a request to accept deeds of easement from the owners of record on properties needed for the relocation and construction of the Andover Trunk Sewer. The cost to restore disturbed and destroyed landscaping and cart paths at the Andover Golf Course is expected to be \$57,261.06. Funds are budgeted. p. 84
- kk      0809-12**      Authorization to accept a permanent drainage easement from the owners of record at 721 Roland Avenue needed for work associated with the Roland Avenue Stream Stabilization Project. (L809-12) (Martin/Moloney)  
This is a request to accept a permanent drainage easement from the owners of record at 721 Roland Avenue needed for work associated with the Roland Avenue Stream Stabilization Project. There is no budgetary impact. p. 85
- ll      0810-12**      Authorization to execute agreement with the University of Kentucky for cost sharing on the relocation of sanitary sewer lines in the 400 block of Rose Lane. (L810-12) (Martin/Moloney)

This is a request to execute agreement with the University of Kentucky for cost sharing up to \$103,000 on the relocation of sanitary sewer lines in the 400 block of Rose Lane. Funds are budgeted. p. 86

- mm 0811-12** Authorization to amend Ordinance No. 44-2012 correcting the restrictions associated with the ND-1 overlay zoning created for the Meadowthorpe neighborhood. (L811-12) (King/Paulsen)  
This is a request to amend Ordinance No. 44-2012 correcting the restrictions associated with the ND-1 overlay zoning created for the Meadowthorpe neighborhood. There is no budgetary impact. p. 87
- nn 0812-12** Authorization to execute amendment to the Billing & Collection Services Agreement with Greater Cincinnati Water Works and to execute two agreements with J P Morgan Chase, Paymentech, LLC and Link2Gov, Corp. (L812-12) (O'Mara/Driskell)  
This is a request to execute amendment to the Billing & Collection Services Agreement with Greater Cincinnati Water Works and to execute two agreements with J P Morgan Chase, Paymentech, LLC and Link2Gov, Corp. to allow multiple payment options for customers to pay the sewer, landfill and water quality fees. There is no budgetary impact. p. 88
- oo 0813-12** Authorization to execute Purchase of Service Agreement with The Arboretum for stormwater education and outreach workshops for the Division of Environmental Policy. (L813-12) (Bush/Moloney)  
This is a request to execute Purchase of Service Agreement with The Arboretum for stormwater education and outreach workshops for the Division of Environmental Policy at a cost not to exceed \$50,000. Funds are budgeted. p. 89
- pp 0814-12** Authorization to execute Purchase of Service Agreement with Roots and Heritage Festival, Inc. (L814-12) (Moloney)  
This is a request to execute Purchase of Service Agreement with Roots and Heritage Festival, Inc. for an amount of \$35,415. Funds are budgeted. p. 90
- qq 0815-12** Authorization to execute a contract amendment with Third Rock Consultants for completion of the Wolf Run Watershed Plan project. (L815-12) (Bush/Moloney)

This is a request to execute a contract amendment with Third Rock Consultants for an amount not to exceed \$13,500 for completion of the Wolf Run Watershed Plan project. This increase brings the new total cost to \$190,700. Funds are budgeted. p. 91

- rr 0818-12** Authorization to execute a Memorandum of Agreement with Fayette County Public Schools for the provision of meals to students at the Day Treatment and Family Care Centers. (L818-12) (Mills)  
This is a request to execute a Memorandum of Agreement with Fayette County Public Schools for the provision of meals to students at the Day Treatment and Family Care Centers, for an amount not to exceed \$5,000. Funds are budgeted. p. 92
- ss 0819-12** Authorization to execute a Federal Equitable Sharing Agreement and Certification with the Department of Justice, The Department of the Treasury. (Bastin/Mason) (L819-12)  
This is a request to execute a Federal Equitable Sharing Agreement and Certification with the Department of Justice, The Department of the Treasury. This agreement sets forth the requirements for participation in the federal equitable sharing program and the restrictions upon the use of federally forfeited cash, property, proceeds, and any interest, which are equitably shared with participating law enforcement agencies. There will be no budgetary impact. p. 93
- tt 0820-12** Authorization to execute Agreement with the Internal Revenue Service, Criminal Investigation. (Bastin/Mason) (L820-12)  
This is a request to execute Agreement with the Internal Revenue Service, Criminal Investigation. This agreement allows for the reimbursement of certain expenses to the Division of Police for costs incurred as participants in joint operations/task forces (Financial Crimes Task Force) with a Department of the Treasury law enforcement agency. p. 94
- uu 0821-12** Authorization to amend Section 21-5 of the Code of Ordinances, creating a position of Deputy Director of Recreation (Grade 120E) which was funded and approved in the FY 13 budget process, to become effective July 2, 2012. (L821-12) (Maxwell/Graham)  
This is a request to amend Section 21-5 of the Code of Ordinances, creating a position of Deputy Director of Recreation (Grade 120E) which was funded and approved in the FY 13 budget process, to become effective July 2, 2012. There is no budgetary impact. p. 95

- vv 0822-12** Authorization to accept funding from Kentucky Utilities Company as approved by Kentucky Clean Fuels Coalition for purchase of an electric vehicle and charging station. (L822-12) (Gooding/Hamilton)  
This is a request to accept funding in the amount of \$26,017 from Kentucky Utilities Company as approved by Kentucky Clean Fuels Coalition for purchase of an electric vehicle and charging station. Budget amendment in process. p. 96
- ww 0824-12** Authorization to execute Change Order No. 1 with Harshaw Trane for energy efficiency improvements to Police Headquarters under the Energy Efficiency and Conservation Block Grant. (L824-12) (Gooding/Moloney)  
This is a request to execute Change Order No. 1 with Harshaw Trane, in the amount of \$726.27 for energy efficiency improvements to Police Headquarters under the Energy Efficiency and Conservation Block Grant. This increase brings the new total cost to \$97,844. Funds are budgeted. p. 97 - 100
- xx 0825-12** Authorization to execute Change Order No. 1 with Paladin, Inc. under the Energy Efficiency and Conservation Block Grant for provision of energy assessment services for Energizing the Arts Activity. (L825-12) (Gooding/Moloney)  
This is a request to execute Change Order No. 1 with Paladin, Inc. in the amount of \$1,987.50 under the Energy Efficiency and Conservation Block Grant for provision of energy assessment services for Energizing the Arts Activity. This increase brings the new total cost to \$48,170. Funds are budgeted. p. 101 - 104
- yy 0826-12** Authorization to execute a Lease Agreement with Lynn Imaging for a Wide-Format Scanner/Printer/Copier for the Division of Water Quality. (L826-12) (Martin/Moloney)  
This a request to execute a Lease Agreement with Lynn Imaging for a Wide-Format Scanner/Printer/Copier for the Division of Water Quality. The term is for three (3) years and the annual cost is \$1,920 plus \$0.25 per sq. ft. for copies and prints. Funds are budgeted. p. 105

**BUDGET AMENDMENT REQUEST LIST**

|                |          |                 |                      |                    |              |
|----------------|----------|-----------------|----------------------|--------------------|--------------|
| <b>JOURNAL</b> | 61825-26 | <b>DIVISION</b> | Parks and Recreation | <b>Fund Name</b>   | General Fund |
|                |          |                 |                      | <b>Fund Impact</b> | 500.00       |
|                |          |                 |                      |                    | 500.00CR     |
|                |          |                 |                      |                    | .00          |

To recognize a contribution from the University of Kentucky Health & Wellness Program to the Therapeutic Recreation Cooking Program.

|                |          |                 |                      |                    |              |
|----------------|----------|-----------------|----------------------|--------------------|--------------|
| <b>JOURNAL</b> | 61827-28 | <b>DIVISION</b> | Parks and Recreation | <b>Fund Name</b>   | General Fund |
|                |          |                 |                      | <b>Fund Impact</b> | 1,125.00     |
|                |          |                 |                      |                    | 1,125.00CR   |
|                |          |                 |                      |                    | .00          |

To recognize a sponsorship from Partners for Youth to the William Wells Brown Healthy Life skills enhancement.

|                |       |                 |                             |                    |              |
|----------------|-------|-----------------|-----------------------------|--------------------|--------------|
| <b>JOURNAL</b> | 61831 | <b>DIVISION</b> | Grants and Special Projects | <b>Fund Name</b>   | General Fund |
|                |       |                 |                             | <b>Fund Impact</b> | 33,940.00    |
|                |       |                 |                             |                    | 33,940.00    |

To recognize grant match for the WIA Youth 2013 project. This project was budgeted in July 2012 with personnel recovery that offsets this expense.

|                |          |                 |                   |                    |              |
|----------------|----------|-----------------|-------------------|--------------------|--------------|
| <b>JOURNAL</b> | 61878-79 | <b>DIVISION</b> | Streets and Roads | <b>Fund Name</b>   | General Fund |
|                |          |                 |                   | <b>Fund Impact</b> | 1,108.49     |
|                |          |                 |                   |                    | 1,108.49CR   |
|                |          |                 |                   |                    | .00          |

To provide funds for overtime by recognizing reimbursement for overtime worked during special event - Pride Festival.

|                |          |                 |                      |                    |              |
|----------------|----------|-----------------|----------------------|--------------------|--------------|
| <b>JOURNAL</b> | 61883-84 | <b>DIVISION</b> | Parks and Recreation | <b>Fund Name</b>   | General Fund |
|                |          |                 |                      | <b>Fund Impact</b> | 366.72       |
|                |          |                 |                      |                    | 366.72CR     |
|                |          |                 |                      |                    | .00          |

To recognize a sponsorship from the Lexington Fayette County Health Department to the William Wells Brown Community Center.

|                |       |                 |                 |                    |              |
|----------------|-------|-----------------|-----------------|--------------------|--------------|
| <b>JOURNAL</b> | 61953 | <b>DIVISION</b> | Family Services | <b>Fund Name</b>   | General Fund |
|                |       |                 |                 | <b>Fund Impact</b> | 2,500.00     |
|                |       |                 |                 |                    | 2,500.00CR   |
|                |       |                 |                 |                    | .00          |

To provide funds for custodians for the Family Care Center by decreasing funds in Facilities and Fleet Management. Facilities Management will no longer support custodial services or janitorial supplies.

|                |       |                 |                      |                    |              |
|----------------|-------|-----------------|----------------------|--------------------|--------------|
| <b>JOURNAL</b> | 61954 | <b>DIVISION</b> | Parks and Recreation | <b>Fund Name</b>   | General Fund |
|                |       |                 |                      | <b>Fund Impact</b> | 6,355.00     |
|                |       |                 |                      |                    | 6,355.00CR   |
|                |       |                 |                      |                    | .00          |

To provide funds in Parks and Recreation for pest control, fire alarms, sprinkler inspections and fire extinguishers on buildings no longer maintained by Facilities and Fleet Management.

|                |       |                 |                                |                    |                              |
|----------------|-------|-----------------|--------------------------------|--------------------|------------------------------|
| <b>JOURNAL</b> | 62245 | <b>DIVISION</b> | Grants and<br>Special Projects | <b>Fund Name</b>   | General Fund                 |
|                |       |                 |                                | <b>Fund Impact</b> | 634,930.00CR<br>634,930.00CR |

To budget personnel recovery for Staffing for Adequate Fire and Emergency Response (SAFER) Grant program.

|                |       |                 |                                |                    |                            |
|----------------|-------|-----------------|--------------------------------|--------------------|----------------------------|
| <b>JOURNAL</b> | 62248 | <b>DIVISION</b> | Grants and<br>Special Projects | <b>Fund Name</b>   | General Fund               |
|                |       |                 |                                | <b>Fund Impact</b> | 60,000.00CR<br>60,000.00CR |

To budget payroll recovery for Metropolitan Medical Response System - 2012.

|                |       |                 |                         |                    |                        |
|----------------|-------|-----------------|-------------------------|--------------------|------------------------|
| <b>JOURNAL</b> | 62197 | <b>DIVISION</b> | Parks and<br>Recreation | <b>Fund Name</b>   | Donation Fund          |
|                |       |                 |                         | <b>Fund Impact</b> | 35,000.00<br>35,000.00 |

To provide funds for Jacobson Park by utilizing a donation from Kentucky American Water Company received in FY 2012 for that purpose.

|                |       |                 |        |                    |                          |
|----------------|-------|-----------------|--------|--------------------|--------------------------|
| <b>JOURNAL</b> | 61887 | <b>DIVISION</b> | Police | <b>Fund Name</b>   | Police Confiscated State |
|                |       |                 |        | <b>Fund Impact</b> | 855,000.00<br>855,000.00 |

To provide funds for capital maintenance, equipment, computers, furniture and helicopter expenses by recognizing fund balance earned in the Asset Forfeiture-State fund.

|                |       |                 |                      |                    |                        |
|----------------|-------|-----------------|----------------------|--------------------|------------------------|
| <b>JOURNAL</b> | 61696 | <b>DIVISION</b> | Streets and<br>Roads | <b>Fund Name</b>   | Municipal Aid Program  |
|                |       |                 |                      | <b>Fund Impact</b> | 33,621.68<br>33,621.68 |

To reappropriate funds remaining in FY 2012 to FY 2013 for street repaving.

|                |       |                 |                                |                    |                                 |
|----------------|-------|-----------------|--------------------------------|--------------------|---------------------------------|
| <b>JOURNAL</b> | 61821 | <b>DIVISION</b> | Grants and<br>Special Projects | <b>Fund Name</b>   | Municipal Aid Program           |
|                |       |                 |                                | <b>Fund Impact</b> | 62,500.00<br>62,500.00CR<br>.00 |

To provide for additional grant match for Tates Creek Sidewalk grant.

|                |       |                 |                                |                    |                                 |
|----------------|-------|-----------------|--------------------------------|--------------------|---------------------------------|
| <b>JOURNAL</b> | 62053 | <b>DIVISION</b> | Grants and<br>Special Projects | <b>Fund Name</b>   | Municipal Aid Program           |
|                |       |                 |                                | <b>Fund Impact</b> | 64,000.00<br>64,000.00CR<br>.00 |

To budget grant match for Brighton East grant.

|                |       |                 |                      |                    |                        |
|----------------|-------|-----------------|----------------------|--------------------|------------------------|
| <b>JOURNAL</b> | 61695 | <b>DIVISION</b> | Streets and<br>Roads | <b>Fund Name</b>   | Mineral Severance Fund |
|                |       |                 |                      | <b>Fund Impact</b> | 20,000.00<br>20,000.00 |

To reappropriate funds remaining in FY 2012 to FY 2013 for street repaving.

|                |       |                 |                      |                    |                     |
|----------------|-------|-----------------|----------------------|--------------------|---------------------|
| <b>JOURNAL</b> | 61694 | <b>DIVISION</b> | Streets and<br>Roads | <b>Fund Name</b>   | Coal Severance Fund |
|                |       |                 |                      | <b>Fund Impact</b> | 98,402.65           |
|                |       |                 |                      |                    | 98,402.65           |

To reappropriate funds remaining in FY 2012 to FY 2013 for street repaving.

|                |       |                 |                        |                    |                      |
|----------------|-------|-----------------|------------------------|--------------------|----------------------|
| <b>JOURNAL</b> | 62193 | <b>DIVISION</b> | Traffic<br>Engineering | <b>Fund Name</b>   | Misc Special Revenue |
|                |       |                 |                        | <b>Fund Impact</b> | 40,000.00            |
|                |       |                 |                        |                    | 40,000.00CR          |
|                |       |                 |                        |                    | .00                  |

To provide funding for traffic signal equipment.

|                |       |                 |        |                    |                          |
|----------------|-------|-----------------|--------|--------------------|--------------------------|
| <b>JOURNAL</b> | 61888 | <b>DIVISION</b> | Police | <b>Fund Name</b>   | Police Confiscated Treas |
|                |       |                 |        | <b>Fund Impact</b> | 175,000.00               |
|                |       |                 |        |                    | 175,000.00               |

To provide funds for capital remodeling by recognizing fund balance earned in the Asset Forfeiture-Federal Treasury fund.

|                |       |                 |        |                    |                          |
|----------------|-------|-----------------|--------|--------------------|--------------------------|
| <b>JOURNAL</b> | 61889 | <b>DIVISION</b> | Police | <b>Fund Name</b>   | Police Confiscated Treas |
|                |       |                 |        | <b>Fund Impact</b> | 10,000.00                |
|                |       |                 |        |                    | 10,000.00                |

To provide funds for capital roofing maintenance account by recognizing fund balance earned in the Asset Forfeiture-Federal Treasury fund.

|                |          |                 |                                      |                    |                        |
|----------------|----------|-----------------|--------------------------------------|--------------------|------------------------|
| <b>JOURNAL</b> | 61472-73 | <b>DIVISION</b> | Purchase of<br>Development<br>Rights | <b>Fund Name</b>   | US Dept of Agriculture |
|                |          |                 |                                      | <b>Fund Impact</b> | 964,000.05             |
|                |          |                 |                                      |                    | 964,000.05CR           |
|                |          |                 |                                      |                    | .00                    |

To recognize match grant funds from the Federal Farm and Ranch Lands Protection Program for FY13 PDR conservation easement acquisition.

|                |       |                 |                                |                    |                        |
|----------------|-------|-----------------|--------------------------------|--------------------|------------------------|
| <b>JOURNAL</b> | 61606 | <b>DIVISION</b> | Grants and<br>Special Projects | <b>Fund Name</b>   | US Dept of Agriculture |
|                |       |                 |                                | <b>Fund Impact</b> | 22,816.00              |
|                |       |                 |                                |                    | 22,816.00CR            |
|                |       |                 |                                |                    | .00                    |

To amend Child Care Food 2012 to provide for use of funds for personnel costs and other operating expenses.

|                |       |                 |                                |                    |                |
|----------------|-------|-----------------|--------------------------------|--------------------|----------------|
| <b>JOURNAL</b> | 61885 | <b>DIVISION</b> | Grants and<br>Special Projects | <b>Fund Name</b>   | US Dept of HUD |
|                |       |                 |                                | <b>Fund Impact</b> | 33,937.00      |
|                |       |                 |                                |                    | 33,937.00CR    |
|                |       |                 |                                |                    | .00            |

To amend Emergency Solutions 2013 grant to correct accounting for Hope Center for Women.

|                |       |                 |                                |                    |                    |
|----------------|-------|-----------------|--------------------------------|--------------------|--------------------|
| <b>JOURNAL</b> | 62253 | <b>DIVISION</b> | Grants and<br>Special Projects | <b>Fund Name</b>   | US Dept of Justice |
|                |       |                 |                                | <b>Fund Impact</b> | 18,131.00          |
|                |       |                 |                                |                    | 18,131.00CR        |
|                |       |                 |                                |                    | .00                |

To provide funds for hostage negotiations training, surveillance cameras, equipment for use in educational and therapeutic programs and correctional emergency response team at the detention center related to the Justice Assistance Grant.

|                |       |                 |                                |  |   |
|----------------|-------|-----------------|--------------------------------|--|---|
| <b>JOURNAL</b> | 61880 | <b>DIVISION</b> | Grants and<br>Special Projects | <b>Fund Name</b><br><b>Fund Impact</b> | US Dept of Labor<br>2,700.00<br>2,700.00CR<br>.00 |
|----------------|-------|-----------------|--------------------------------|--|---|

To amend WIA Youth 2013 to provide for temporary salaries.

|                |          |                 |                                |  |  |
|----------------|----------|-----------------|--------------------------------|--|--|
| <b>JOURNAL</b> | 61819-20 | <b>DIVISION</b> | Grants and<br>Special Projects | <b>Fund Name</b><br><b>Fund Impact</b> | US Dept of Transp<br>312,500.00<br>312,500.00CR<br>.00 |
|----------------|----------|-----------------|--------------------------------|--|--|

To recognize additional federal funding and match (Municipal Aid Program) for the Tates Creek Sidewalk Project.

|                |          |                 |                                |  |  |
|----------------|----------|-----------------|--------------------------------|--|--|
| <b>JOURNAL</b> | 62051-52 | <b>DIVISION</b> | Grants and<br>Special Projects | <b>Fund Name</b><br><b>Fund Impact</b> | US Dept of Transp<br>320,000.00<br>320,000.00CR<br>.00 |
|----------------|----------|-----------------|--------------------------------|--|--|

to budget additional federal funds and match for Brighton East grant.

|                |          |                 |                                |  |  |
|----------------|----------|-----------------|--------------------------------|--|--|
| <b>JOURNAL</b> | 62251-52 | <b>DIVISION</b> | Grants and<br>Special Projects | <b>Fund Name</b><br><b>Fund Impact</b> | US Dept of Transp<br>93,750.00<br>93,750.00CR<br>.00 |
|----------------|----------|-----------------|--------------------------------|--|--|

To establish grant budget for Motor Carrier Safety Assistance Program - 2013.

|                |       |                 |                                |  |   |
|----------------|-------|-----------------|--------------------------------|--|---|
| <b>JOURNAL</b> | 62162 | <b>DIVISION</b> | Grants and<br>Special Projects | <b>Fund Name</b><br><b>Fund Impact</b> | US Dept Homeland Sec<br>480.00<br>480.00CR<br>.00 |
|----------------|-------|-----------------|--------------------------------|--|---|

To provide funds for CSEPP FY 2011 in the correct department.

|                |          |                 |                                |  |   |
|----------------|----------|-----------------|--------------------------------|--|---|
| <b>JOURNAL</b> | 62246-47 | <b>DIVISION</b> | Grants and<br>Special Projects | <b>Fund Name</b><br><b>Fund Impact</b> | US Dept Homeland Sec<br>2,621,304.00<br>2,621,304.00CR<br>.00 |
|----------------|----------|-----------------|--------------------------------|--|---|

To establish grant budget for Staffing for Adequate Fire and Emergency Response (SAFER) Grant program.

|                |       |                 |                                |  |   |
|----------------|-------|-----------------|--------------------------------|--|---|
| <b>JOURNAL</b> | 62249 | <b>DIVISION</b> | Grants and<br>Special Projects | <b>Fund Name</b><br><b>Fund Impact</b> | US Dept Homeland Sec<br>60,000.00<br>60,000.00CR<br>.00 |
|----------------|-------|-----------------|--------------------------------|--|---|

To amend Metropolitan Medical Response System 2012 to provide funding for support of MMRS Coordinator.

|                |       |                 |                                |  |  |
|----------------|-------|-----------------|--------------------------------|--|--|
| <b>JOURNAL</b> | 61921 | <b>DIVISION</b> | Grants and<br>Special Projects | <b>Fund Name</b><br><b>Fund Impact</b> | US Dept of Energy<br>3,726.27<br>3,726.27CR<br>.00 |
|----------------|-------|-----------------|--------------------------------|--|--|

to amend Energy Efficiency and Conservation Block Grant Program to provide additional funds for change orders to the contracts with Lagco, Inc., and Harshaw Trane.



|                |          |                 |                                |  |   |
|----------------|----------|-----------------|--------------------------------|--|---|
| <b>JOURNAL</b> | 62198-99 | <b>DIVISION</b> | Grants and<br>Special Projects | <b>Fund Name</b><br><b>Fund Impact</b> | Grants Other<br>26,017.00<br>26,017.00CR<br>.00 |
|----------------|----------|-----------------|--------------------------------|--|---|

To establish grant budget for Kentucky Utilities Volt project.

|                |          |                 |                                |  |   |
|----------------|----------|-----------------|--------------------------------|--|---|
| <b>JOURNAL</b> | 61602-03 | <b>DIVISION</b> | Grants and<br>Special Projects | <b>Fund Name</b><br><b>Fund Impact</b> | Grants State<br>29,987.00<br>29,987.00CR<br>.00 |
|----------------|----------|-----------------|--------------------------------|--|---|

To amend Law Enforcement 2013 to reflect actual award amount.

|                |          |                 |                                |  |   |
|----------------|----------|-----------------|--------------------------------|--|---|
| <b>JOURNAL</b> | 61766-67 | <b>DIVISION</b> | Grants and<br>Special Projects | <b>Fund Name</b><br><b>Fund Impact</b> | Grants State<br>140,000.00<br>140,000.00CR<br>.00 |
|----------------|----------|-----------------|--------------------------------|--|---|

To establish grant budget for Kentucky Recycling FY 2013.

|                |          |                 |                                |  |   |
|----------------|----------|-----------------|--------------------------------|--|---|
| <b>JOURNAL</b> | 61822-23 | <b>DIVISION</b> | Grants and<br>Special Projects | <b>Fund Name</b><br><b>Fund Impact</b> | Grants State<br>3,000.00<br>3,000.00CR<br>.00 |
|----------------|----------|-----------------|--------------------------------|--|---|

To establish grant budget for Waste Tire Program - FY 2013.

|                |          |                 |                                |  |   |
|----------------|----------|-----------------|--------------------------------|--|---|
| <b>JOURNAL</b> | 61881-82 | <b>DIVISION</b> | Grants and<br>Special Projects | <b>Fund Name</b><br><b>Fund Impact</b> | Grants State<br>24,185.00<br>24,185.00CR<br>.00 |
|----------------|----------|-----------------|--------------------------------|--|---|

To decrease revenues and expenses for Day Treatment 2013 in response to decrease in award from KY Dept of Juvenile Justice.

|                |       |                 |                     |  |   |
|----------------|-------|-----------------|---------------------|--|---|
| <b>JOURNAL</b> | 61877 | <b>DIVISION</b> | Waste<br>Management | <b>Fund Name</b><br><b>Fund Impact</b> | Landfill Fund<br>4,391,000.00<br>4,391,000.00 |
|----------------|-------|-----------------|---------------------|--|---|

To reappropriate Landfill Closure funds to provide funds for closing the Haley Pike Landfill.

|                |       |                 |                                       |  |  |
|----------------|-------|-----------------|---------------------------------------|--|--|
| <b>JOURNAL</b> | 62054 | <b>DIVISION</b> | Facilities and<br>Fleet<br>Management | <b>Fund Name</b><br><b>Fund Impact</b> | Public Parking Corporation<br>198,233.15<br>198,233.15 |
|----------------|-------|-----------------|---------------------------------------|--|--|

To provide funds for repairs on the Transit Center Garage and complete renovation of the Phoenix Parking Lot. These projects were begun in FY 2012 and funds are available in fund balance.

|                |            |                 |  |  |   |
|----------------|------------|-----------------|--|--|---|
| <b>JOURNAL</b> | POROLL1283 | <b>DIVISION</b> | Enhanced 911/<br>Emergency<br>Management | <b>Fund Name</b><br><b>Fund Impact</b> | Enhanced 911 Fund<br>23,350.00<br>23,350.00 |
|----------------|------------|-----------------|--|--|---|

To provide funds for purchase orders rolled from FY 2012 to FY 2013 for projects that were not completed during the fiscal year.

|                |       |                 |  |                  |  |
|----------------|-------|-----------------|--|------------------|--|
| <b>JOURNAL</b> | 62250 | <b>DIVISION</b> | Enhanced 911/<br>Emergency<br>Management | <b>Fund Name</b> | Enhanced 911 Fund<br>Fund Impact<br>1,000,000.00<br>1,000,000.00 |
|----------------|-------|-----------------|--|------------------|--|

To reappropriate funds remaining at the end of FY 2012 for the Public Safety Radio project needed for the project to proceed.

### BUDGET AMENDMENT REQUEST SUMMARY

|      |      |  |              |
|------|------|--|--------------|
| Fund | 1101 | General Service District Fund                  | 660,990.00CR |
| Fund | 1103 | Donation Fund                                  | 35,000.00    |
| Fund | 1132 | Police Confiscated State Fund                  | 855,000.00   |
| Fund | 1136 | Municipal Aid Program Fund                     | 33,621.68    |
| Fund | 1138 | Mineral Severance Fund                         | 20,000.00    |
| Fund | 1139 | Coal Severance Fund                            | 98,402.65    |
| Fund | 1141 | Miscellaneous Special Revenue Fund             | .00          |
| Fund | 1142 | Police Confiscated Treasury Fund               | 185,000.00   |
| Fund | 3100 | US Department of Agriculture                   | .00          |
| Fund | 3120 | US Department of Housing and Urban Development | .00          |
| Fund | 3140 | US Department of Justice                       | .00          |
| Fund | 3150 | US Department of Labor                         | .00          |
| Fund | 3160 | US Department of Transportation                | .00          |
| Fund | 3200 | US Department of Homeland Security             | .00          |
| Fund | 3210 | US Department of Energy                        | .00          |
| Fund | 3300 | Grants – Other                                 | .00          |
| Fund | 3400 | Grants – State                                 | .00          |
| Fund | 4121 | Landfill Fund                                  | 4,391,000.00 |
| Fund | 4161 | Public Parking Corporation Fund                | 198,233.15   |
| Fund | 4204 | Enhanced 911 Fund                              | 1,023,350.00 |

# NEW BUSINESS ITEMS REQUIRING BUDGET AMENDMENTS

21

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  |
|-------------------|----------------|-----------------------|---|
| 739-12            | 61811          | Engineering           | <div><div>To provide funds for one position of Municipal Engineer Sr (119E) by abolishing one Engineering Technician (111N) and one Staff Assistant Sr (108N) in the Division of Engineering.</div><div><div>1101</div><div>76,190.00CR</div><div>76,190.00CR*</div></div><div><div>1136</div><div>44,929.00</div><div>44,929.00*</div></div><div><div>4002</div><div>10,368.00</div><div>10,368.00*</div></div><div><div>4051</div><div>3,457.00</div><div>3,457.00*</div></div></div> |
| 779-12            | 62102          | Building Inspection   | <div><div>To provide funds for two positions of Administrative Specialist (110N) by abolishing one position of Administrative Specialist Sr (112N) and one position of Staff Assistant Sr (108N) in Building Inspection.</div><div><div>1101</div><div>6,661.00CR</div><div>6,661.00CR*</div></div></div>   |
| 791-12            | 62079          | Engineering           | <div><div>To transfer funds for one Engineering Technician (111N) and its incumbent from the Division of Computer Services to the Division of Engineering.</div><div><div>1101</div><div>48,768.00</div></div><div><div>1101</div><div>4,879.00CR</div><div>43,907.00*</div></div><div><div>4204</div><div>4,879.00</div></div><div><div>4204</div><div>48,768.00CR</div><div>43,907.00CR*</div></div></div>  |
| 802-12            | 62131          | Community Corrections | <div><div>To provide funds for one position of Skilled Trades Worker (111N) by abolishing two part-time positions of Skilled Trades Worker (000N) in the Division of Community Corrections.</div><div><div>1101</div><div>35,256.00</div></div><div><div>1101</div><div>35,256.00CR</div><div>.00*</div></div></div>  |

## EFFECT ON FUND BALANCES

|           |            |              |   |
|-----------|------------|--------------|---|
| FUND 1101 | 38,944.00* | INCREASE TO: | GENERAL SERVICE DISTRICT FUND             |
| FUND 1136 | 44,929.00* | DECREASE TO: | MUNICIPAL AID PROGRAM FUND                |
| FUND 4002 | 10,368.00* | DECREASE TO: | SANITARY SEWER REVENUE AND OPERATING FUND |
| FUND 4051 | 3,457.00*  | DECREASE TO: | WATER QUALITY MANAGEMENT FUND             |
| FUND 4204 | 43,907.00* | INCREASE TO: | ENHANCED 911 FUND                         |



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 of General Services

DATE: May 17, 2012

RE: Lease Agreement with Lexington-Fayette Urban County Human Rights Commission for space within the Annex building

I am requesting Urban County Council approval to enter into a lease agreement with Lexington-Fayette Urban County Human Rights Commission for space located at 162 East Main Street within the Annex building. The areas are located on the second floor of the building and consist of approximately 1,418 S/ft of space. The commission was established pursuant to the inter-local cooperation agreement between the City of Lexington and the Fiscal Court of Fayette County. The commission carries out the purposes of the Kentucky Civil Rights Act.

The initial term of this agreement will be for a period of twelve (12) months, beginning July 1, 2012 and ending on June 30, 2013 with an option of automatic annual renewal for two (2) additional one (1) year terms. LFUCG will receive an annual rental rate of \$15,794.90 for use of this space, or, \$1,316.24 per month.

## LEASE AGREEMENT OVERVIEW

Occupant: Lexington-Fayette Urban County Human Rights Commission

Location: Annex Building

Address: 162 East Main Street

| OVERVIEW  |                    |
|---|--------------------|
| S/ft of space occupied  | 1,418              |
| S/ft of shared space (occupant's pro-rata share)                      | 0                  |
| <b>Total S/ft</b>   | <b>1,418</b>       |
|   |                    |
| Annual pro-rata share of utilities, O&M and CIP (approx. \$4.19 S/ft) | \$5,939.86         |
| Annual base (approx. \$6.95 S/ft)                                     | \$9,855.04         |
|   |                    |
| Established Annual Fair Market Value (\$/ft)                          | \$11.14            |
| <b>Annual Fair Market Value (FMV) of Space</b>                        | <b>\$15,794.90</b> |
| <b>Recommended Annual Adjustment to FMV</b>                           | <b>-\$0.00</b>     |
| <b>RECOMMENDED ANNUAL RENTAL RATE</b>                                 | <b>\$15,794.90</b> |
| Current annual rental rate  | \$4,200.00         |
| <b>Difference</b>   | <b>\$11,594.90</b> |

## JUSTIFICATION FOR WAIVER

Chief Administrative Officer Richard Moloney recommends that the Lexington-Fayette Urban County Human Rights Commission pay full Fair Market Value for use of space in the Annex building.

- Parking costs are not included in the rental rate



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0696-12

Lexington-Fayette Urban County Government  
DEPARTMENT OF GENERAL SERVICES

Jim Gray  
Mayor

Jerry Hancock  
Director

Sally Hamilton  
Commissioner

**MEMORANDUM**

To: Jim Gray, Mayor  
Urban County Council Members  
Commissioner Sally Hamilton

FROM:

  
Jerry Hancock

RE: Facility Usage Contract

DATE: June 18, 2012

This is a request for Council approval of a Facility Usage Contract between the Lexington-Fayette Urban County Government and Fayette County Board of Education.

This agreement is for the use of the Paul Laurence Dunbar Track for the Hershey Track meet on June 14, 2012.

The cost for this rental is \$84.50 charged to account 1101-707604-7311-71301-729.

Please contact me if there are any questions.

JEH/bac



Lexington-Fayette Urban County Government  
DIVISION OF HUMAN RESOURCES

Jim Gray  
Mayor

Janet Graham  
Commissioner

**M E M O R A N D U M**

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

**FROM:** \_\_\_\_\_  
Tamara Walters, Acting Director  
Division of Human Resources

**DATE:** June 28, 2012

**SUBJECT:** Abolish/Create positions – Division of Engineering

The attached action amends Section 21-5 of the Code of Ordinances, abolishing one (1) position of Engineering Technician (Grade 111N) and one (1) position of Staff Assistant Sr., (Grade 108N) and creating one (1) position of Municipal Engineer Sr. (Grade 119E) in the Division of Engineering, effective upon passage by Council.

The Division of Engineering requests this action to add a third project manager to help with the delivery of projects in a timely manner. This position will help manage the roadway, trail, greenway and a miscellaneous assortment of other projects.

The fiscal impact for FY2013 (21 pay periods) will be a savings of \$19,120.22. All costs include benefits. This amount does not include lapse which has been included in the attached Budget Amendment.

| Name  | Position Title         | Annual Salary Before | Annual Salary After | Annual Increase/Decrease |
|---|------------------------|----------------------|---------------------|--------------------------|
| Vacant  | Staff Assistant Sr.    | \$31,191.16          | \$0                 | \$(31,191.16)            |
| Vacant  | Engineering Technician | \$44,318.04          | \$0                 | \$(44,318.04)            |
| Vacant  | Municipal Engineer Sr. | \$0                  | \$62,053.94         | \$62,053.94              |
| <b>Total Annual Impact/<br/>Salary and Benefits<br/>\$(23,672.66)</b> |                        |                      |                     |                          |

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

Attachment

cc: Marwan Rayan – Director, Division of Engineering

Log #13-0005



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 of General Services

DATE: July 3, 2012

RE: Lease Agreement with Lexington Downtown Development Authority (LDDA)

I am requesting Urban County Council approval to enter into a lease agreement with Lexington Downtown Development Authority for space located at 101 East Vine Street within the Phoenix Building. The area is located on the first floor and consists of approximately 734 S/ft of space (of which 218 S/ft is shared). The LDDA mission is to promote physical and economic development, land uses, and activities that make Downtown Lexington the diverse economic, cultural, and residential heart of Central Kentucky. They support the development of guidelines for downtown that advance urban developments, incorporate safety and accessibility, and promote a means for development consistent with an urban philosophy.

The initial term of this agreement will be for a period of twelve (12) months, beginning July 1, 2012 and ending on June 30, 2013 with an option of automatic annual renewal for two (2) additional one (1) year terms. LFUCG will receive an annual rental rate of \$4,804.67 during the first, \$7,073.49 during the second, and \$9,342.32 during the final year of the agreement for use of this space.



## LEASE AGREEMENT OVERVIEW

Occupant: Lexington Downtown Development Authority (LDDA)

Location: Phoenix Building

Address: 101 East Vine Street

| OVERVIEW  |                    |
|---|--------------------|
| S/ft of space occupied  | 516                |
| S/ft of shared space (occupant's pro-rata share)                      | 218                |
| <b>Total S/ft</b>   | <b>734</b>         |
|   |                    |
| Annual pro-rata share of utilities, O&M and CIP (approx. \$6.55 S/ft) | \$4,804.67         |
| Annual base (approx. \$9.37 S/ft)                                     | \$6,875.22         |
|   |                    |
| YEAR 1 – O&M  |                    |
| Established Annual Fair Market Value (\$/ft)                          | \$15.91            |
| <b>Annual Fair Market Value (FMV) of Space</b>                        | <b>\$11,679.89</b> |
| <b>Recommended Annual Adjustment to FMV</b>                           | <b>-\$6,875.22</b> |
| <b>RECOMMENDED ANNUAL RENTAL RATE</b>                                 | <b>\$4,804.67</b>  |
| Current annual rental rate  | \$0.00             |
| <b>Difference</b>   | <b>\$4,804.67</b>  |
| Year 2 – O&M plus 33% of base   |                    |
| <b>Recommended Annual Adjustment to FMV</b>                           | <b>-\$4,606.40</b> |
| <b>RECOMMENDED ANNUAL RENTAL RATE</b>                                 | <b>\$7,073.49</b>  |
| Current annual rental rate  | \$0.00             |
| <b>Difference</b>   | <b>\$7,073.49</b>  |
| Year 3 – O&M plus 66% of base   |                    |
| <b>Recommended Annual Adjustment to FMV</b>                           | <b>-\$2,337.57</b> |
| <b>RECOMMENDED ANNUAL RENTAL RATE</b>                                 | <b>\$9,342.32</b>  |
| Current annual rental rate  | \$0.00             |
| <b>Difference</b>   | <b>\$9,342.32</b>  |

## JUSTIFICATION FOR WAIVER

Commissioner of General Services Sally Hamilton recommends the following rent schedule be used for lease of space to LDDA:

- Year one – pay O&M
- Year two – pay O&M plus 33% of base
- Year three – pay O&M plus 66% of base
- The expectation is that over the course of 4 years that the LDDA would pay Fair Market Value for the space.

LDDA was created by Ordinance (O-312-2001). Their mission is to engage in development, redevelopment, and physical improvement for the benefit of the

downtown environment. LDDA promotes, initiates and assists in the implementation of public & private projects as an extension of the LFUCG.

Historically, the LDDA has been funded entirely by LFUCG and continues to be in FY2013.



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:** JULY 3, 2012

**SUBJECT:** REQUEST COUNCIL AUTHORIZATION TO EXECUTE CONTRACT  
MODIFICATION NUMBER 3 WITH CDP ENGINEERS, INC., FOR THE  
CLAYS MILL ROAD IMPROVEMENT PROJECT

The Lexington-Fayette Urban County Government has been awarded federal funds from the Kentucky Transportation Cabinet for the Clays Mill Road Improvements Project. Funds for project design were initially accepted by Council on July 1, 2003 (Ordinance No. 174-2003). The source of federal funds is SLX or Surface Transportation Lexington.

CDP Engineers, Inc. was awarded a design contract for this project approved by Council on July 10, 2003 (Resolution # 367-2003), in the amount of \$805,000.

On July, 2007 (Resolution No. 365-2007), Council approved Modification No. 1 in the amount of \$206,700 for additional design work beyond the original negotiated scope of work including, the preparation of right-of-way plans for additional parcels, design for the relocation of sanitary sewers to accommodate new proposed roadway construction, design services for additional traffic signals at locations not identified in the original scope of work, and for map revisions required by the Federal Emergency Management Agency.

On February 17, 2011 (Resolution No. 56-2011), Council approved Modification No. 2 in the amount of \$56,027 for additional design work beyond the original negotiated scope of work including updating mapping and revising plans and specifications for area between Higbee Mill road and Keithshire Way, and preparation of drawings for Jessie Clark Middle School turn lane.

Modification Number 3 in the amount of \$73,012 has been negotiated with CDP Engineers, Inc., for work beyond the approved scope. Work includes preparation of construction documents for Sections 2B and 2C. This includes revision and submission of separate right of way plans for each section, revision and submission of separate utility plans for each section, and update of existing topography for each section. New total is \$1,140,739. Funds are budgeted as follows:

| Fund | Dept ID | Section | Project        | BUD REF | ACCT  | ACTIVITY  |
|------|---------|---------|----------------|---------|-------|-----------|
| 3160 | 303201  | 0001    | CLY ML RD 2005 | 2005    | 91715 | FED GRANT |

Council authorization to execute Modification No. 3 with CDP Engineers, Inc., is hereby requested.

  
Irene Gooding, Director

Xc: Derek Paulsen, Commissioner of the Department of Planning, Preservation, and Development

**HORSE CAPITAL OF THE WORLD**

|  |                                       |                             |
|--|---------------------------------------|-----------------------------|
| <b>LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT</b><br><br><b>CONTRACT MODIFICATION</b> | Date: April 10, 2012                  |                             |
|  | Project: Clay Mill Road Project       |                             |
|  | Location: CMR from NCR to Twain Ridge |                             |
|  | Contract No: 5029                     | Contract Modification No: 3 |
| To (Consultant): CDP Engineers, Inc.   |                                       |                             |

|                                      |                   |                             |
|--------------------------------------|-------------------|-----------------------------|
| To (Consultant): CDP Engineers, Inc. | Contract No: 5029 | Contract Modification No: 3 |
|--------------------------------------|-------------------|-----------------------------|

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

| Item No. | ADD / DEL | Description of changes                         | Units | Quantity | Unit Price | Decrease in contract price | Increase in contract price |
|----------|-----------|--|-------|----------|------------|----------------------------|----------------------------|
|          |           | Revise plans and specifications for Section 2B |       |          |            | \$ -                       | \$ 22,363.00               |
|          |           |  |       |          |            | \$ -                       | \$ -                       |
|          |           | Revise plans and specifications for Section 2C |       |          |            | \$ -                       | \$ 50,649.00               |
|          |           |  |       |          |            | \$ -                       | \$ -                       |
|          |           |  |       |          |            | \$ -                       | \$ -                       |
|          |           |  |       |          |            | \$ -                       |                            |
|          |           |  |       |          |            | \$ -                       |                            |
|          |           |  |       |          |            | \$ -                       | \$ -                       |
|          |           |  |       |          |            | \$ -                       | \$ -                       |
|          |           |  |       |          |            | \$ -                       |                            |
|          |           |  |       |          |            | \$ -                       |                            |
|          |           |  |       |          |            | \$ -                       | \$ -                       |
|          |           |  |       |          |            | \$ -                       | \$ -                       |
|          |           |  |       |          |            | \$ -                       | \$ -                       |


|                |   |
|----------------|---|
| Total decrease | 6 |
|----------------|---|

|                |   |    |     |   |
|----------------|---|----|-----|---|
| Total increase | 6 | 72 | 212 | 8 |
|----------------|---|----|-----|---|

|   |  |              |
|---|--|--------------|
| Net (increase/decrease) in contract price |  |              |
|   |  | \$ 73,012.00 |

|  |                                      |
|--|--------------------------------------|
| Current Contract Amount = \$1,067,727.00 - | New Contract Amount = \$1,140,739.00 |
|--|--------------------------------------|

Recommended by Keith Lane Date 4/13/12  
WAS of 30 (Proj. Engr.)

Accepted by  Date 21/12/2012  
(Consultant)

Approved by M. A. [Signature] Date 4/30/12  
(Urban Co. Engr.)


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

Date \_\_\_\_\_

Approved by \_\_\_\_\_ Date \_\_\_\_\_  
(Mayor or CAO)

|  |  |
|--|--|
| Current Contract Amount = \$1,067,727.00 - |  |
| New Contract Amount = \$1,140,739.00       |  |

Recommended by Keith Lane Date 4/13/12  
WAS of 30 (Proj. Engr.)

Accepted by  Date 21/12/2012  
(Consultant)

Approved by M. A. [Signature] Date 4/30/12  
(Urban Co. Engr.)

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

Date \_\_\_\_\_

Approved by \_\_\_\_\_ Date \_\_\_\_\_  
(Mayor or CAO)

**JUSTIFICATION FOR CHANGE**

PROJECT: Clays Mill Road Project

CONTRACT NO. 5029

CONTRACT MODIFICATION NO.: 3

1. Necessity for change: plan changes
2. Is proposed change an alternate bid? \_\_\_\_Yes XNo
3. Will proposed change alter the physical size of the project? \_\_\_\_Yes XNo  
If "Yes", explain.
4. Effect of this change on other prime contractors: N/A
5. Has consent of surety been obtained? \_\_\_\_Yes XNot Necessary
6. Will this change affect expiration or extent of insurance coverage? \_\_\_\_Yes XNo  
If "Yes", will the policies be extended? \_\_\_\_Yes \_\_\_\_No
7. Effect on operation and maintenance costs: N/A
8. Effect on contract completion date: N/A

\_\_\_\_\_  
Mayor\_\_\_\_\_  
Date

**CONTRACT HISTORY FORM**

CM 3

Project Name Clays Mill Road Improvement Project

Contractor: CDP Engineers, Inc.

Contract Number and Date: 5029 July 10, 2003

Responsible LFUCG Division: Engineering

**CONTRACT AND MODIFICATION DETAILS**

A. Original Contract Amount: \$ 805,000.00

Next Lowest Bid Amount: NA

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

C. Cumulative Amount of All Previous Alternates or Phases: \$ 805,000.00

D. Amended Contract Amount: \$ 805,000.00

E. Cumulative Amount of All Previous Change Orders: \$ 262,727.00 32.6%  
(Line E / Line D)

F. Amount of This Change Order: \$ 73,012.00 9.1%  
(Line F / Line D)

G. Total Contract Amount: \$ 1,140,739.00

**SIGNATURES**Project Manager: Keith HoranDate: 4/13/12Reviewed by: Robert A. BeyerDate: 4/30/12Division Director: M. A. KingDate: 4/30/12



Lexington-Fayette Urban County Government  
DIVISION OF HUMAN RESOURCES

Jim Gray  
Mayor

Janet Graham  
Commissioner

**M E M O R A N D U M**

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

**FROM:** \_\_\_\_\_  
Tamara Walters, Acting Director  
Division of Human Resources

**DATE:** July 6, 2012

**SUBJECT: Amend Section 22-53.2 of the Code of Ordinances**

The action below amends section 22-53.2 of the Code of Ordinances increasing the starting pay and salary increases after years of service as a Traffic School Guard, effective upon passage of Council.

Currently Section 22-53.2 reads:

- All traffic school guards shall be appointed by the Mayor,
- The Salaries of the traffic school guards shall be according to the following schedule:
  - Entrance rate, per hour \$9.996
  - After four (4) years in service, per hour \$10.300
  - After five (5) years in service, per hour \$10.700

The Division of Police would like it amended as follows:

- All traffic school guards shall be appointed by the Mayor,
- The Salaries of the traffic school guards shall be according to the following schedule:
  - Entrance rate, per hour \$13.000
  - After five (5) years in service, per hour \$13.500
  - After ten (10) years in service, per hour \$14.000

This action is budget neutral.

If you have any questions, please call Daniel H. Fischer at 258-3030.

Log # 13-0006




**LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**  
 Department of Planning, Preservation & Development  
 Division of Engineering

Jim Gray  
 Mayor

Derek J. Paulsen, Ph.D.  
 Commissioner

**MEMORANDUM**

TO: Mayor Jim Gray

FROM: Marwan Rayan, P.E.  
 Urban County Engineer 

DATE: July 5, 2012

RE: Bridge Posting Requirements

We are requesting that the Mayor and Council authorize the signing of the attached "Statement of Compliance" bridge posting requirements.

Each year the Kentucky Department of Highways informs the LFUCG of our bridge weight limit posting needs. According to the attached memo from Mr. James E. Ballinger, P.E., Chief District Engineer, all substandard bridges in Fayette County were found to be properly posted, and therefore, are in compliance with the "National Bridge Inspection Standards, Bridge Posting Requirement". In order to remain in compliance with and be eligible to receive Federal Bridge Rehabilitation or Replacement funds, we must sign and return the attached form as soon as possible.

As of May, 2012 all bridge posting requirements have been met and were confirmed visually by Traffic Engineering. A copy of LFUCG Division of Traffic Engineering, posting inventory is included for review.

After signing, please return the form to the Division of Engineering, and we will get it to the appropriate State personnel. Please call Andrew Grunwald or myself if you need additional information.

MR: AG: md

Attachment

C: Bob Bayert, P.E.  
 Andrew Grunwald, P.E.  
 File

12.1000.116.Bridge Posting Requirements7-5-12.doc

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

101 East Vine Street, Suite 400

Lexington, KY 40507

(859) 258-3410

FAX (859) 258-3458

[www.lexingtonky.gov](http://www.lexingtonky.gov)



**Statement of Compliance**  
**National Bridge Inspection Standards**  
**Bridge Posting Requirements**

This certifies that all county maintained bridge structures in Fayette County with safe load capacities of less than 18 tons are posted in accordance with the National Bridge Inspection Standards.

Date: \_\_\_\_\_

\_\_\_\_\_  
Jim Gray  
Mayor

**Acknowledgement:**

All county maintained bridge structures in Fayette County with safe load capacities of less than 18 tons are posted in accordance with the National Bridge Inspection Standards.

Date: \_\_\_\_\_

\_\_\_\_\_  
Michael Vaughn, P.E.  
District Seven Bridge Engineer

Date: \_\_\_\_\_

\_\_\_\_\_  
James E. Ballinger, P.E.  
Chief District Engineer



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: JULY 9, 2012

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT AWARD FROM  
THE KENTUCKY ENERGY AND ENVIRONMENT CABINET UNDER  
THE KENTUCKY RECYCLING GRANT PROGRAM IN THE AMOUNT  
OF \$112,000 FOR PURCHASE OF A SORTING LINE

On March 22, 2012 (Resolution No. 134-2012), Council authorized the submission of a grant application to the Kentucky Energy and Environment Cabinet, under the Kentucky Recycling Grant Program, requesting funds for the purchase of a sorting line for LFUCG's Recycling Center. The Kentucky Energy and Environment Cabinet has offered the LFUCG an award in the amount of \$112,000.

The purpose of this project is to expand recycling. The addition of a new sorting line will improve efficiency and increase capacity. Due to a growing interest by businesses and commercial entities in taking advantage of the combined recycling program, this project has the potential to increase the tonnage of recyclables received at the recycling center.

The project requires a grant match in an amount equal to 25% of the grant funds awarded. Division of Waste Management will use \$28,000 budgeted in the Urban Services Fund (1115) as grant match. Total project cost is \$140,000.

Council authorization to accept the award is hereby requested.

  
Irene Gooding, Director

Xc: Richard Moloney, Chief Administrative Officer

HORSE CAPITAL OF THE WORLD



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

Jim Gray  
Mayor

Keith L. Jackson  
Fire Chief

**MEMO**

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

From: Chief Keith Jackson

Date: July 12, 2012

The Division of Fire & Emergency Services is requesting authorization from the Mayor, to execute Change Order Number One to the contract with Mitchell Construction Management for the improvement project at Fire Station 6. The request is to increase the contract price by the sum of \$2,100 from \$54,000 to \$56,100. Due to the nature and age of the bricks at Station 6 it is impossible to get a matching color. The price affective alternative is glass block to maintain the highest quality and workmanship possible.

Jul 11 2012 10:42AM MITCHELL CONSTRUCTION MGT 8593670157

**CHANGE  
ORDER**

Attachment F - AIA form G701

AIA DOCUMENT G701

|            |                          |
|------------|--------------------------|
| OWNER      | <input type="checkbox"/> |
| ARCHITECT  | <input type="checkbox"/> |
| CONTRACTOR | <input type="checkbox"/> |
| FIELD      | <input type="checkbox"/> |
| OTHER      | <input type="checkbox"/> |

|                |                          |                                      |
|----------------|--------------------------|--------------------------------------|
| PROJECT:       | CHANGE ORDER NUMBER:     | 01                                   |
|                | DATE:                    | 7/10/2012                            |
|                | ARCHITECT'S PROJECT NO.: | 12-2012                              |
| TO CONTRACTOR: | CONTRACT DATE:           | 5/22/2012                            |
|                | CONTRACT FOR:            | Exterior Renovations<br>Firehouse #6 |

The Contract is changed as follows:

Eliminate CMU, brick infill and tile installation on interior of CMU wall. Add installation of 8" x 8" x 4" glass block.

APPROVED:

  
 Construction Management

Not valid until signed by the Owner, Architect and Contractor.

|  |          |
|--|----------|
| The original (Contract Sum) (Guaranteed maximum Price) was   | \$54,000 |
| Net change by previously authorized Change orders  | \$0      |
| The (Contract Sum) (Guaranteed maximum Price) prior to this Change order was   | \$54,000 |
| The (Contract Sum) (Guaranteed maximum price) will be (increased) (decreased)<br>(unchanged) by this Change Order in the amount of | \$2,100  |
| The new (Contract Sum) (Guaranteed maximum Price) including this Change order will be  | \$56,100 |

The Contract Time will be (increased) (decreased) (unchanged) by

The date of Substantial Completion as of the date of this Change Order therefore is

NOTE: This summary does not reflect changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive.

Fitzsimons Office of Architecture

ARCHITECT

112 W. Third St.

Address

Lexington, KY 40508

Mitchell Construction Management

CONTRACTOR

505 Russell Ave.

Address

Lexington, KY 40508

LFUGG

OWNER

501 S. Limestone St.

Address

Lexington, KY 40508

BY:

BY:

BY:

DATE

DATE: 7/10/2012

DATE



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: JULY 16, 2012**

**SUBJECT REQUEST COUNCIL AUTHORIZATION TO SUBMIT APPLICATION,  
AND ACCEPT AWARD IF OFFERED, TO THE KENTUCKY DIVISION  
OF WASTE MANAGEMENT REQUESTING FUNDS FOR WASTE TIRE  
DISPOSAL/RECYCLING**

The Department of Environmental Quality has prepared an application requesting state funds in the amount of \$3,000 from the Kentucky Division of Waste Management for the disposal/recycling of waste tires. Funding for this grant comes from the Waste Tire Trust Fund established in KRS 224.50-880.

Funds will be used for actual costs incurred for the disposal or recycling of waste tires. No matching funds are required.

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

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

Xc: Richard Moloney, Acting Commissioner of the Department of Environmental Quality and Public Works

**HORSE CAPITAL OF THE WORLD**



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: JULY 16, 2012

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE  
AMENDMENT TO THE AGREEMENT WITH THE KENTUCKY  
TRANSPORTATION CABINET FOR THE TATES CREEK ROAD  
SIDEWALK IMPROVEMENTS PROJECT

---

On June 11, 2009 (Ordinance 92-2009), Council approved the acceptance of federal funds from the Kentucky Transportation Cabinet for Tate's Creek Road Sidewalk Improvements Project. This project provides for the construction of sidewalks on both sides of the road from Enclave to Dove Run Road. Federal funds are from the federal Congestion Mitigation/Air Quality Program (CMAQ) allocation.

On July 12, 2011 (Resolution No. 312-2011), Council approved execution of an Amendment to Agreement with Kentucky Transportation Cabinet (KYTC) providing for an increase in the design costs and for right of way acquisition.

Kentucky Transportation Cabinet has offered the LFUCG an Amendment to Agreement providing for an extended performance period through June 30, 2013, and additional federal funding in the amount of \$250,000. This additional federal funding will require additional local match in the amount of \$62,500. Match will come from Municipal Aid Program budget (1136-303202-3251-91715). New total project cost is \$1,326,700.

KYTC requires submission of Council resolution approving the Amendment to the Agreement.

Council authorization to execute Amendment to the Agreement with Kentucky Transportation Cabinet is hereby requested.

Irene Gooding, Director

XC: Derek Paulsen, Commissioner Planning, Preservation, and Development

HORSE CAPITAL OF THE WORLD

AMENDMENT TO THE AGREEMENT BETWEEN  
KENTUCKY TRANSPORTATION CABINET  
AND  
LEXINGTON FAYETTE URBAN COUNTY GOVERNMENT  
TATES CREEK ROAD SIDEWALK PROJECT  
PO2-628-0900022382  
\$1,061,360.00

This Amendment made and entered into by and between the Kentucky Transportation Cabinet (KYTC) and the Lexington Fayette Urban County Government (RECIPIENT) acting as an amendment to that Agreement entered into between the parties dated August 12, 2009.

WHEREAS, on August 12, 2009 the parties hereto entered into an agreement for the Tates Creek Road Sidewalk Project; and

WHEREAS, the parties desire to amend said agreement;

NOW THEREFORE, in consideration of the following promises and covenants contained herein the parties hereby agree as follows:

1. The Agreement numbered PO2-628-0900022382 made and entered into by and between the Kentucky Transportation Cabinet (KYTC) and the Recipient is hereby extended until June 30, 2013 at which time that Agreement shall expire;
2. The federal funding for this project is increased by \$250,000 to a total of \$1,061,360. A 20% match of \$265,340 will be provided by the RECIPIENT. Total project cost is \$1,326,700.
3. All other terms and conditions of PO2-628-0900022382 shall remain in effect.

IN WITNESS WHEREOF, the parties have hereto caused these presents to be executed by their officers thereunto duly authorized:

**Kentucky Transportation Cabinet:**

Approved as to form & legality:

Commonwealth of Kentucky

\_\_\_\_\_  
Attorney  
Transportation Cabinet

\_\_\_\_\_  
Michael W. Hancock, P.E., Secretary  
Transportation Cabinet

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**Local Public Agency:**

Approved as to form & legality:

Lexington Fayette Urban County Government

\_\_\_\_\_  
Attorney  
Lexington Fayette Urban County Government

\_\_\_\_\_  
Mayor

Date: \_\_\_\_\_

Date: \_\_\_\_\_



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0777-12

Lexington-Fayette Urban County Government  
DEPARTMENT OF GENERAL SERVICES

Jim Gray  
Mayor

Sally Hamilton  
Commissioner

Jerry Hancock  
Director

**MEMORANDUM**

To: Jim Gray, Mayor  
Urban County Council Members  
Commissioner Sally Hamilton

FROM:   
Jerry Hancock

RE: Facility Usage Contract

DATE: July 19, 2012

This is a request for Council approval of a Facility Usage Contract between the Lexington-Fayette Urban County Government and Fayette County Board of Education.

This agreement is for the use of the Tate's Creek Middle School gymnasium for Saturdays in June for the Teen Initiative Program.

The cost for this rental is \$633.75 charged to account 1101-707601-7211-71302-775

Please contact me if there are any questions.

JEH/bac





Lexington-Fayette Urban County Government  
DIVISION OF HUMAN RESOURCES

Jim Gray  
Mayor

Janet Graham  
Commissioner

**M E M O R A N D U M**

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

**FROM:** \_\_\_\_\_  
John Maxwell, Director  
Division of Human Resources

**DATE:** July 20, 2012

**SUBJECT:** Abolish/Create positions – Division of Building Inspection

The attached action amends Section 21-5 of the Code of Ordinances, abolishing one (1) position of Administrative Specialist Sr. (Grade 112N) and one (1) position of Staff Assistant Sr. (Grade 108N) and creating two (2) positions of Administrative Specialist (Grade 110N) in the Division of Building Inspection, effective upon passage by Council.

The Division of Building Inspection requests this action due to the recent transfer of zoning enforcement duties and associated staff to the Division of Planning has necessitated the need to reorganize the support staff to increase efficiency and improve customer service. The support staff will be divided into two functional work groups (customer service and administrative) with each group supervised by an Administrative Specialist.

The fiscal impact for FY2013 (20 pay periods) will be a savings of \$7,468.12. All costs include benefits. This amount does not include lapse which has been included in the attached Budget Amendment.

| Name   | Position Title                          | Annual Salary Before | Annual Salary After | Annual Increase/Decrease |
|--|---|----------------------|---------------------|--------------------------|
| Vacant   | Administrative Specialist (2 positions) | \$0                  | \$61,517.04         | 61,517.04                |
| Vacant   | Administrative Specialist Sr.           | \$41,146.56          | \$0                 | \$(41,146.56)            |
| Vacant   | Staff Assistant Sr.                     | \$27,993.16          | \$0                 | \$(27,993.16)            |
| <b>Total Annual Impact/<br/>Salary and Benefits<br/>\$(9,708.55)</b> |   |                      |                     |                          |

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

Attachment

cc: Clay Mason, Commissioner - Department of Public Safety  
Dewey Crowe, Director – Division of Building Inspection

Log #13-0007



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0780-12

Lexington-Fayette Urban County Government  
DEPARTMENT OF GENERAL SERVICES

Jim Gray  
Mayor

Sally Hamilton  
Commissioner

Jerry Hancock  
Director

**MEMORANDUM**

To: Jim Gray, Mayor  
Urban County Council Members  
Commissioner Sally Hamilton

FROM:

  
\_\_\_\_\_  
Jerry Hancock

RE: Facility Usage Contract

DATE: July 23, 2012

This is a request for Council approval of a Facility Usage Contract between the Lexington-Fayette Urban County Government and Fayette County Board of Education.

This agreement is for the use of the Bates Creek Middle School Gymnasium for Saturdays in July and August 4, 2012 for teen initiative.

The cost for this rental is \$1,087.50 charged to account 1101-707601-7211-71302-775.

Please contact me if there are any questions.

JEH/bac



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: JULY 24, 2012

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE CHANGE ORDER #1 IN THE AMOUNT OF \$3,000 WITH LAGCO, INC., FOR ENERGY EFFICIENCY IMPROVEMENTS TO BLACK AND WILLIAMS COMMUNITY CENTER UNDER THE ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT

On December 1, 2011 (Resolution 532-2011), Council approved acceptance of bid from Lagco, Inc., in the amount of \$426,040 for energy efficiency improvements to the Black and Williams Community Center. The Division of Environmental Policy has negotiated a change order in the amount of \$3,000. This change order includes items that will improve the security/serviceability of the HVAC system. New total is \$429,040.

Funds are being budgeted as follows:

| FUND | DID    | SECT | ACCOUNT | BUD REF | PROJECT      | ACTIVITY   |
|------|--------|------|---------|---------|--------------|------------|
| 3210 | 313201 | 3093 | 91012   | 2010    | EEBCG R 2010 | E GV RETRO |

Council authorization to execute Change Order No. 1 with Lagco, Inc. is hereby requested.

Irene Gooding, Director

Xc: Richard Moloney, Acting Commissioner of the Department of Environmental Quality and Public Works

HORSE CAPITAL OF THE WORLD

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

E:\WB51\HOD\GRANTS\FEDERAL\US DEPT OF ENERGY\GOV RETROFIT\12-Bluecheat Change Order No. 1 for Black &amp; Williams.docx

# LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

## CONTRACT CHANGE ORDER

Page 1 of 2

Lagco, Inc.

Date:

July 2, 2012

Project:

EECBG Gov Retrofits

Location:

Black & Williams Community Center

To (Contractor):

Contract No:

532-2011

Change Order No:

#1

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

| Item No. | ADD / DEL | Description of changes                         | Units | Quantity | Unit Price | Decrease in contract price | Increase in contract price |
|----------|-----------|--|-------|----------|------------|----------------------------|----------------------------|
| 1        | Add       | Wooden risers for VRV units                    | EA    | 1        | 1,719.25   | \$ -                       | \$ 1,719.25                |
| 2        | Add       | Replace RA plenum for VRV units                | EA    | 1        | 862.50     | \$ -                       | \$ 862.50                  |
| 3        | Add       | Privacy slats to chain link fence              | EA    | 1        | 1,052.25   | \$ -                       | \$ 1,052.25                |
| 4        | Add       | Electrical disconnect boxes                    | EA    | 1        | 2,286.00   | \$ -                       | \$ 2,286.00                |
| 5        | Del       | Bathroom exhaust sheet metal                   | EA    | 1        | 1,000.00   | \$ 1,000.00                | \$ -                       |
| 6        | Del       | Change outdoor refrigerant lineset to aluminum | EA    | 1        | 900.00     | \$ 900.00                  | \$ -                       |
| 7        | Del       | Reduce outdoor refrigerant insulation size     | EA    | 1        | 1,020.00   | \$ 1,020.00                | \$ -                       |
|          |           |  |       |          |            | \$ -                       | \$ -                       |
|          |           |  |       |          |            | \$ -                       | \$ -                       |
|          |           |  |       |          |            | \$ -                       | \$ -                       |
|          |           |  |       |          |            | \$ -                       | \$ -                       |
|          |           |  |       |          |            | \$ -                       | \$ -                       |
|          |           |  |       |          |            | \$ -                       | \$ -                       |

Total decrease

\$ 2,920.00

Total increase

\$ 5,920.00

Net increase/(decrease) in contract price

\$ 3,000.00

Current Contract Amount: \$426,040.00

New Contract Amount: \$429,040.00

Recommended by [Signature] (Project Manager)

Date 7/11/12

Accepted by [Signature] (Contractor)

Date 7/19/12

Approved by [Signature] (Grant Manager)

Date 7/11/2012

Approved by [Signature] (Commissioner)

Date

Approved by [Signature] (Mayor or CAO)

Date

47

0781-12

**JUSTIFICATION FOR CHANGE**

PROJECT: EECBG Gov Retrofits

0781-12

CONTRACT NO. 532-2011

CHANGE ORDER: #1

1. Necessity for change: Additional items were not included in the original design and were requested by LFUCG to improve serviceability/security of HVAC system.

Is proposed change an alternate bid? \_\_\_ Yes X No

3. Will proposed change alter the physical size of the project? \_\_\_ Yes X No

If "Yes", explain.

4. Effect of this change on other prime contractors: N/A

5. Has consent of surety been obtained? \_\_\_ Yes X Not Necessary

6. Will this change affect expiration or extent of insurance coverage? \_\_\_ Yes X No

If "Yes", will the policies be extended? \_\_\_ Yes \_\_\_ No

7. Effect on operation and maintenance costs: Changes will allow easier access and security to maintenance components.

8. Effect on contract completion date: None

Recommended by

Mayor

Date

(Project Manager)

Approved by

(Grant Manager)

CONTRACT HISTORY FORMContractor: Lagco Inc.Project Name: Black & Williams Community CenterContract Number and Date: Resolution 532-2011Responsible LFUCG Division: Environmental PolicyCHANGE ORDER DETAILS

| <u>Summary of Previous Change Orders To Date</u>     | <u>Dollar Amount</u> | <u>Percent Change to Original Contract</u> |
|--|----------------------|--|
| A. Original Contract Amount:                         | \$ <u>426,040.00</u> |  |
| B. Cumulative Amount of Previous Change Orders:      | \$ <u>0.00</u>       | <u>0%</u> %<br>(Line B / Line A)           |
| C. Total Contract Amount Prior to this Change Order: | \$ <u>426,040.00</u> |  |
| <u>Current Change Order</u>                          |                      |  |
| D. Amount of This Change Order:                      | \$ <u>3,000.00</u>   | <u>1%</u> %<br>(Line D / Line A)           |
| E. New Contract Amount Including this Change Order:  | \$ <u>429,040.00</u> | <u>101%</u> %<br>(Line E / Line A)         |

SIGNATURE LINESProject Manager: Date: 7/11/12Grant Manager: A-ZB-1Date: 7/11/2012Division Director: Date: 7-12-12



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0782-12

Lexington-Fayette Urban County Government  
DEPARTMENT OF GENERAL SERVICES

Jim Gray  
Mayor

Sally Hamilton  
Commissioner, General Services

To: Mayor Jim Gray  
Urban County Council Members

From: Jerry Hancock, Director of Parks and Recreation *J. Hancock*

Subj: Masterson Station Park/Columbia Gas Right of Way

Date: July 13, 2012

This is a request for Urban County Council approval of a right-of-way agreement between LFUCG and Columbia Gas Company of Kentucky, Inc. to move a pipeline and service connections on property adjacent to Leestown Road which is a part of Masterson Station Park.

This easement and movement of the gas line is part of the State of Kentucky Transportation Cabinet project to widen Leestown Road in front of Masterson Station Park, which will include the widening of the entrance to Masterson Station Park. The work is expected to begin in the spring of 2013. It will result in a safer entrance/exit for the park and improvements to the park signage at that location. The state has already received permission to perform this work from the Urban County Council, and has paid us for the land being taken for the project.

The Law Department has reviewed this right of way agreement and indicates that it is similar to other right-of-way agreements that we have approved in the past.

Please feel free to call me with any questions.





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0783-12

Lexington-Fayette Urban County Government  
DEPARTMENT OF GENERAL SERVICES

Jim Gray  
Mayor

Richard Moloney  
Chief Administrative Officer

**MEMORANDUM**

To: Jim Gray, Mayor  
Urban County Council Members

FROM:   
Jerry Hancock

RE: Facility Usage Contract

DATE: July 24, 2012

This is a request for Council approval of a Facility Usage Contract between the Fayette County Board of Education and the LFUCG Parks and Recreation, Extended School Program (ESP) and Recreational Enrichment and Learning (REAL) program.

This Facility Usage Contract is for the purpose of using FCPS facilities for our ESP and REAL program. This contract covers the 2012-2013 school year and will expire June 3, 2013 or the last day of school for students. An honorarium is paid from the ESP fund in lieu of rental fees.

Please contact me if there are any questions.

CC: Sally Hamilton  
Commissioner of General Services

JEH/bac



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

Jim Gray  
Mayor

Keith L. Jackson  
Fire Chief

**MEMO**

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

From: Chief Keith L. Jackson

Date: July 26, 2012

The Division of Fire & Emergency Services is requesting to enter into an agreement with IRST for Hazardous Materials and Supply Costs Recovery in accordance with LFUCG guidelines. This agreement mandates the vendor work with the insurance companies to help get the Lexington Fire Department reimbursed for time and equipment utilized during an emergency response specific to the release of hazardous materials. Billing includes personnel time, equipment on scene and product used for mitigation. There is no cost to the Lexington Fire Department (LFUCG) for IRST service. The contract is renewed annually and can be cancelled by either party providing a written thirty day notice.



Lexington-Fayette Urban County Government  
OFFICE OF THE MAYOR

Jim Gray  
Mayor

TO: MAYOR JIM GRAY  
URBAN COUNTY COUNCIL

FROM: KEVIN ATKINS  
CHIEF DEVELOPMENT OFFICER

DATE: AUGUST 4, 2012

RE: PROVIDENCE MONTESSORI SCHOOL, INC. PROJECT INDUSTRIAL REVENUE BONDS

This is to request adoption of a resolution allowing Providence Montessori School's Industrial Revenue Bond (IRB) to allow for the refinancing of their current tax-exempt loan outstanding. The City of Midway, which has offered to serve as issuer of the new bonds so the school can obtain a bank qualified interest rate, will execute and deliver the Educational Facilities Refunding Revenue Bonds – Series 2012 in an amount not to exceed \$1,250,000.

Section 147 of the Internal Revenue Code of 1986, as amended, requires public approval by the governmental unit having jurisdiction over the area in which the Project is located. Providence Montessori School is located at 1209 Texaco Road in Lexington.

Lexington-Fayette Urban County Government (LFUCG) will incur no expenses related to this action and all risk or repayment of the loan and IRB bond is borne by the Providence Montessori School.

A public hearing is scheduled for August 16<sup>th</sup>, 2012 for comments as part of the routine protocol for industrial revenue bonds. Following the public hearing, a request will be made to suspend the rules to give this resolution a second reading.

FOLLOW MAYOR GRAY:

[www.facebook.com/JimGrayLexKY](http://www.facebook.com/JimGrayLexKY)    [www.twitter.com/JimGrayLexKY](http://www.twitter.com/JimGrayLexKY)



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: JULY 26, 2012**

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE**  
**AGREEMENT WITH THE COMMONWEALTH ATTORNEY'S**  
**OFFICE FOR PROVISION OF "FAST TRACK" PROSECUTOR**  
**SERVICES UNDER THE STREET SALES DRUG ENFORCEMENT**  
**PROJECT--FY 2013**

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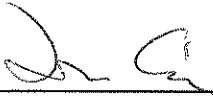
The Kentucky Justice Cabinet has awarded the Lexington-Fayette Urban County Government a grant for continuation of the Street Sales Drug Enforcement project. Source of funds is the U.S. Department of Justice, Edward Byrne Memorial Justice Assistance Grant Program. Council approved acceptance of these funds on March 22, 2012 (Resolution 125-2012).

The approved Street Sales Enforcement project includes funds to offset the cost of the "Fast Track" prosecution program and the Major Violator (Repeat Offender) prosecution program in the Commonwealth Attorney's Office, as part of a drug task force. Funds are used to support one full-time assistant prosecutor for a one-year period.

The total cost of this element of the project is \$57,914. Federal funds are in the amount of \$43,436. The Lexington-Fayette Urban County Government's general fund provides \$14,478 to the project. Funds are budgeted as follows:

| FUND | DEPT ID | SECT | ACCT  | BUD REF | ACTIVITY  | PROJECT       |
|------|---------|------|-------|---------|-----------|---------------|
| 3140 | 112006  | 0001 | 71101 | 2013    | FED_GRANT | ST_SALES_2013 |

Council authorization to execute the agreement is hereby requested.

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

Xc: Clay Mason, Commissioner, Department of Public Safety

**HORSE CAPITAL OF THE WORLD**



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: JULY 27, 2012

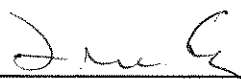
SUBJECT REQUEST COUNCIL AUTHORIZATION TO EXECUTE  
SUPPLEMENTAL AGREEMENT NO. 2 TO AGREEMENT WITH  
KENTUCKY TRANSPORTATION CABINET FOR CONSTRUCTION  
OF BRIGHTON EAST TRAIL USING SLX FUNDS

On July 8, 2004 (Ordinance No. 181-2004), Council approved acceptance of federal funds in the amount of \$445,200 from the Kentucky Transportation Cabinet for the construction of Brighton East Trail. On February 7, 2008 (Resolution # 45-2008), Council approved Supplemental Agreement No. 1, accepting additional federal funds in the amount of \$46,800. Phase I of the Brighton East Trail from Man O'War Boulevard to Pleasant Ridge Drive is complete.

Kentucky Transportation Cabinet has now offered the LFUCG Supplemental Agreement No. 2 providing additional federal funds in the amount of \$256,000 for completion of phase II construction from Pleasant Ridge Drive to Walnut Grove Lane (formerly named Walnut-Hill-Chilesburg Road). Matching funds for additional federal award in the amount of \$64,000 (20%) will come from the Municipal Aid Program (1136-303202-3251-91715).

Federal funds for this project are from Surface Transportation Lexington (SLX).

Council authorization to execute Supplemental Agreement No. 2 is hereby requested.

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

Xc: Derek Paulsen, Commissioner of the Department of Planning, Preservation, and Development

HORSE CAPITAL OF THE WORLD

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



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 of General Services

DATE: July 30, 2012

RE: Lease Agreement with Downtown Lexington Corporation (DLC)

I am requesting Urban County Council approval to enter into a lease agreement with Downtown Lexington Corporation for space located at 101 East Vine Street within the Phoenix Building. The area is located on the first floor and consists of approximately 699 S/ft of space (491 S/ft is office and 208 S/ft is pro-rata share of common area). Their mission is to encourage responsible economic development in the downtown business core and the various neighborhoods surrounding the central area. They advocate diversity, communication and leadership in assisting property owners, businesses, employees and residents in making downtown Lexington a location for retail business, restaurants, offices, arts and cultural activities, and a wonderful place to live and work.

The initial term of this agreement will be for a period of twelve (12) months, beginning July 1, 2012 and ending on June 30, 2013 with an option of automatic annual renewal for two (2) additional one (1) year terms. LFUCG will receive an annual rental rate of \$7,849.26 during the first, \$9,486.10 during the second, and \$11,122.95 during the final year of the agreement for use of this space.

## LEASE AGREEMENT OVERVIEW

Occupant: Downtown Lexington Corporation

Location: Phoenix Building

Address: 101 East Vine Street

| OVERVIEW  |                    |
|---|--------------------|
| S/ft of space occupied  | 491                |
| S/ft of shared space (occupant's pro-rata share)                      | 208                |
| <b>Total S/ft</b>   | <b>699</b>         |
|   |                    |
| Annual pro-rata share of utilities, O&M and CIP (approx. \$6.55 S/ft) | \$4,575.57         |
| Annual base (approx. \$9.37 S/ft)                                     | \$6,547.38         |
| <b>YEAR 1 – O&amp;M plus 50% of Base</b>                              |                    |
| Established Annual Fair Market Value (\$/ft)                          | \$15.91            |
| <b>Annual Fair Market Value (FMV) of Space</b>                        | <b>\$11,122.95</b> |
| <b>Recommended Annual Adjustment to FMV</b>                           | <b>-\$3,273.69</b> |
| <b>RECOMMENDED ANNUAL RENTAL RATE</b>                                 | <b>\$7,849.26</b>  |
| Current annual rental rate  | \$0.00             |
| <b>Difference</b>   | <b>\$3,273.69</b>  |
| <b>YEAR 2 – O&amp;M plus 75% of Base</b>                              |                    |
| Established Annual Fair Market Value (\$/ft)                          | \$15.91            |
| <b>Annual Fair Market Value (FMV) of Space</b>                        | <b>\$11,122.95</b> |
| <b>Recommended Annual Adjustment to FMV</b>                           | <b>-\$1,636.85</b> |
| <b>RECOMMENDED ANNUAL RENTAL RATE</b>                                 | <b>\$9,486.10</b>  |
| <b>YEAR 3 – Fair Market Value</b>                                     |                    |
| Established Annual Fair Market Value (\$/ft)                          | \$15.91            |
| <b>Annual Fair Market Value (FMV) of Space</b>                        | <b>\$11,122.95</b> |
| <b>Recommended Annual Adjustment to FMV</b>                           | <b>-\$0.00</b>     |
| <b>RECOMMENDED ANNUAL RENTAL RATE</b>                                 | <b>\$11,122.95</b> |

## JUSTIFICATION FOR WAIVER

Commissioner of General Services Sally Hamilton recommends that the following rent schedule be used for lease of space to Downtown Lexington Corporation:

- Year one – Pay all of the O&M costs plus 50% of the base rent
- Year two – Pay all of the O&M costs plus 75% of the base rent
- Year three – Pay Fair Market Value for the space

Downtown Lexington Corporation is a community and business advocacy group founded to encourage responsible economic development in the downtown business core and various neighborhoods surrounding the central area.

The group promotes downtown Lexington, advocates for a pedestrian friendly area, promotes the use of alternative transportation, supports the city and other organizations in working on homeless issues, and promotes and supports the arts. They are devoted to promoting downtown as a unique and vibrant place in Lexington for business, residential life & entertainment.

Downtown Lexington Corporation provides events and activities including the 4<sup>th</sup> of July festival, Vintage KY Wine Festival, Annual tree lighting, Christmas Parade and Christmas Chorus.

Revenues are provided by membership fees, event sponsorships and beverage, vendor fees, and merchandise sales during the events. The rental schedule allows an opportunity for DLC to transition to Full Market Value.





Lexington-Fayette Urban County Government  
DIVISION OF HUMAN RESOURCES

Jim Gray  
Mayor

Janet Graham  
Commissioner

**M E M O R A N D U M**

**TO:** Jim Gray, Mayor  
Richard Moloney, CAO  
Council Members

**FROM:** \_\_\_\_\_  
John Maxwell, Director  
Division of Human Resources

**DATE:** July 30, 2012

**RE: Transfer Position—Division of Computer Services to Division of Engineering**

The attached action amends Section 21-5 of the Code of Ordinances, transferring one (1) position of Engineering Technician (Grade 111N), and its incumbent, from the Division of Computer Services to the Division of Engineering, effective upon passage by Council.

Besides Computer Services' administrative position, the Engineering Technician is the only non-IT position within Computer Services. Years ago, GIS staff throughout LFUCG was centralized and placed within Computer Services. The Engineering Technician position was included in that process because it reported to GIS staff within Engineering. At that time, the Engineering technician was collecting data for entry into L.F.U.C.G.'s GIS. Those efforts are now completed and GIS struggles to identify tasks for the position. The Division of Engineering has identified several areas and processes within Engineering where the skills and qualifications would be more appropriate.

There is no fiscal impact associated with this action.

If you have any questions, please call Daniel H. Fischer at 258-3030.

Log # 13-0008

Mike Nugent, Director – Division of Computer Services  
Marwan Rayan, Director – Division of Engineering



Lexington-Fayette Urban County Government  
DEPARTMENT OF GENERAL SERVICES

Jim Gray  
Mayor

Sally Hamilton  
Commissioner, General Services

## MEMORANDUM

To: Mayor Jim Gray  
Urban County Council Members  
From: Jerry Hancock, Director Parks and Recreation *J. Hancock*  
Subj: Naming Valley Park building after Jesse Higginbotham  
Date: July 30, 2012

This Memorandum recommends the Urban County Council approve a resolution naming the Valley Park neighborhood building the Jesse Higginbotham Community Center.

CM Peggy Henson and the Cardinal Valley Neighborhood Association recommended this change to the Parks Advisory Board in February of 2012. The Division of Parks and Recreation reviewed the request, and recommended approval to the Parks Advisory Board, which reviewed and approved it on two occasions, according to the Council approved Naming Rights Policy.

Mr. Higginbotham was a very active participant and contributor to his community for a number of years, before his untimely death in April 2007. Jesse took part in various Parks and Recreation programs at Valley Park, including t-ball, football, basketball and baseball. Jesse ran the concessions stand and helped deliver the Cardinal Valley Neighborhood Association newsletter and openly shared his well-known computer expertise with his neighbors. He was president of the Paul Laurence Dunbar High School Student Council, member of various school activities, and winner of science prizes, and academic excellence awards.

At 17 Jesse was involved in a fatal auto accident that left his friends and parents devastated but determined to continue his generous ways. The creation of the Jesse Higginbotham Technology Trust, aspires to promote work in keeping with Jesse's spirit of giving. One of the Trusts' primary endeavors is the "Mindtriggerz Project" in which donated computers are refurbished and provided to children who could not otherwise afford them. The Project is one of the primary activities held at the Cardinal Valley park shelter where a training lab is open every Saturday from October to May. Children are referred from Cardinal Valley Elementary School, Community Action Council and others. After completing four, one-hour sessions these children are given a 'new computer'. To date over 75 'Mindtriggerz' computers have been delivered. Parks and Recreation and the Valley Park community recommend Council approval to rename the Valley Park Community building as the Jesse Higginbotham Community Center.

Please feel free to call me with any questions on this issue.



Lexington-Fayette Urban County Government  
DIVISION OF HUMAN RESOURCES

Jim Gray  
Mayor

Janet Graham  
Commissioner

**M E M O R A N D U M**

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

**FROM:** \_\_\_\_\_  
John Maxwell, Director  
Division of Human Resources

**DATE:** July 30, 2012

**SUBJECT:** Amend Ordinance No. 91-2012

The attached action amends Ordinance Number 91-2012 Sections 3, 4 and 5, retroactive to July 2, 2012. This amendment is requested because the FY2013 budget did not include pay increases for part-time employees.

Section 3 currently reads:

*That the following subsection line numbers of Section 22-5(2) of the Code of Ordinances be and hereby are amended to read as follows;*

*164.10 1 021 \$59,392.32 annually Friend of the Court  
110.100 1 012 \$15,381.60 annually ABC Administrator P/T  
410.020 3 291 \$15.101 hourly Law Clerk – P/T  
540.053 3 634 \$19.125 hourly Skilled Trades Worker – P/T  
760.024 1 893 \$25.296 hourly Park Patrol Coordinator – P/T  
760.055 229 825 Minimum Wage- \$11.973 hourly Program Assistant P/T*

Section 3 should be amended to read:

*That the following subsection line numbers of Section 22-5(2) of the Code of Ordinances be and hereby are amended to read as follows;*

*164.10 1 021 \$59,392.32 annually Friend of the Court  
110.100 1 012 \$15,080.00 annually ABC Administrator P/T  
410.020 3 291 \$14.805 hourly Law Clerk – P/T  
540.053 3 634 \$18.750 hourly Skilled Trades Worker – P/T  
760.024 1 893 \$24.800 hourly Park Patrol Coordinator – P/T  
760.055 229 825 Minimum Wage- \$11.973 hourly Program Assistant P/T*

Section 4 currently reads:

*That Section 22-53.2(2) of the Code of Ordinances be and hereby is amended to read as follows:*

(2) *The salaries of the traffic school guards shall be according to the following schedule:*

Entrance rate per hour \$10.165

*After four (4) years in service, per hour* \$10.506

*After five (5) years in service, per hour* *\$10.914*

*As part-time employees, the traffic school guards shall receive only benefits provided in this chapter.*

Section 4 should be amended to read:

*That Section 22-53.2(2) of the Code of Ordinances be and hereby is amended to read as follows:*

(2) *The salaries of the traffic school guards shall be according to the following schedule:*

|                        |         |
|------------------------|---------|
| Entrance rate per hour | \$9.966 |
|------------------------|---------|

*After four (4) years in service, per hour* *\$10.300*

*After five (5) years in service, per hour* *\$10.700*

*As part-time employees, the traffic school guards shall receive only benefits provided in this chapter.*

Section 5 currently reads:

*That pursuant to Sections 21-29(d) and 22-26(5) of the Code of Ordinances, all employees, except seasonal employees in payroll account 332, who receive a satisfactory score on their performance evaluation shall receive a two percent (2.0%) increase in pay, not to exceed the maximum amount of the pay grade or salary, if their salary is higher than \$39,700.00 and a two and a half percent (2.5%) if their salary is lower than \$39,700.00.*

Section 5 should be amended to read:

*That pursuant to Sections 21-29(d) and 22-26(5) of the Code of Ordinances, all full time employees, except seasonal employees in payroll account 332, who receive a satisfactory score on their performance evaluation shall receive a two percent (2.0%) increase in pay, not to exceed the maximum amount of the pay grade or salary, if their salary is higher than \$39,700.00 and a two and a half percent (2.5%) if their salary is lower than \$39,700.00.*

This correction to section five (5) is being requested because the FY2013 budget did not include pay increases for part-time employees.

There is no fiscal impact associated with this action.

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

13-0009

Urban County Government Pay Scale  
 Classified Civil Service and Unclassified Civil Service Personnel  
**Effective July 02, 2013**

**0793-12**

|                                 |          |
|---------------------------------|----------|
| Entrance rate                   | \$9.966  |
| After four (4) years in service | \$10.300 |
| After five (5) years in service | \$10.700 |

0793-12

**Positions whose salary is a fixed dollar amount written in Ordinance**

| <b>Title</b>                  | <b>Class<br/>Code</b> | <b>Positions</b> | <b>FY 2013</b>                 |          |
|-------------------------------|-----------------------|------------------|--------------------------------|----------|
| Friend of the Court           | 024                   | 1                | \$ 59,392.32                   | annually |
| ABC Administrator – P/T       | 012                   | 1                | \$ 15,080.00                   | annually |
| Law Clerk – P/T               | 291                   | 3                | \$ 14.805                      | hourly   |
| Skilled Trades Worker – P/T   | 634                   | 3                | \$ 18.750                      | hourly   |
| Park Patrol Coordinator - P/T | 893                   | 1                | \$ 24.800                      | hourly   |
| <b>Update Range:</b>          |                       |                  |                                |          |
| Program Assistant - P/T       | 825                   | All              | Minimum wage - \$11.973 hourly |          |



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 of General Services

DATE: July 30, 2012

RE: Lease Agreement with Lexington & Fayette County Parking Authority (LFCPA)

I am requesting Urban County Council approval to enter into a lease agreement with Lexington & Fayette County Parking Authority for space located at 101 East Vine Street within the Phoenix Building. The area is located on the first floor and consists of approximately 602 S/ft of space (423 S/ft is office and 179 S/ft is pro-rata share of common area). Their mission is to operate on-street and off-street parking meters, facilities and other related services that are efficient and effective, high-quality, customer focused, and encourage economic growth for the benefit of residents, businesses and visitors of Lexington-Fayette County.

The initial term of this agreement will be for a period of twelve (12) months, beginning July 1, 2012 and ending on June 30, 2013 with an option of automatic annual renewal for two (2) additional one (1) year terms. LFUCG will receive an annual rental rate of \$6,760.02 during the first, \$8,169.72 during the second, and \$9,579.42 during the final year of the agreement for use of this space.

## LEASE AGREEMENT OVERVIEW

Occupant: Lexington & Fayette County Parking Authority

Location: Phoenix Building

Address: 101 East Vine Street

| OVERVIEW  |                    |
|---|--------------------|
| S/ft of space occupied  | 423                |
| S/ft of shared space (occupant's pro-rata share)                      | 179                |
| <b>Total S/ft</b>   | <b>602</b>         |
|   |                    |
| Annual pro-rata share of utilities, O&M and CIP (approx. \$6.55 S/ft) | \$3,940.62         |
| Annual base (approx. \$9.37 S/ft)                                     | \$5,638.80         |
| <b>YEAR 1 – O&amp;M plus 50% of Base</b>                              |                    |
| Established Annual Fair Market Value (\$/ft)                          | \$15.91            |
| <b>Annual Fair Market Value (FMV) of Space</b>                        | <b>\$9,579.42</b>  |
| <b>Recommended Annual Adjustment to FMV</b>                           | <b>-\$2,819.40</b> |
| <b>RECOMMENDED ANNUAL RENTAL RATE</b>                                 | <b>\$6,760.02</b>  |
| Current annual rental rate  | \$4,500.00         |
| <b>Difference</b>   | <b>\$2,260.02</b>  |
| <b>YEAR 2 – O&amp;M plus 75% of Base</b>                              |                    |
| Established Annual Fair Market Value (\$/ft)                          | \$15.91            |
| <b>Annual Fair Market Value (FMV) of Space</b>                        | <b>\$9,579.42</b>  |
| <b>Recommended Annual Adjustment to FMV</b>                           | <b>-\$1,409.70</b> |
| <b>RECOMMENDED ANNUAL RENTAL RATE</b>                                 | <b>\$8,169.72</b>  |
| <b>YEAR 3 – Fair Market Value</b>                                     |                    |
| Established Annual Fair Market Value (\$/ft)                          | \$15.91            |
| <b>Annual Fair Market Value (FMV) of Space</b>                        | <b>\$9,579.42</b>  |
| <b>Recommended Annual Adjustment to FMV</b>                           | <b>-\$0.00</b>     |
| <b>RECOMMENDED ANNUAL RENTAL RATE</b>                                 | <b>\$9,579.42</b>  |

## JUSTIFICATION FOR WAIVER

Commissioner Sally Hamilton recommends that Lexington & Fayette County Parking Authority pay annual rent for use of space at this facility. The goal is for the Parking Authority to pay the Full Market Value for the space beginning the third year of the agreement.



The proposed annual rental rate for this agency is as follows:

- Year one – Pay all of the O&M costs plus 50% of the base rent
- Year two – Pay all of the O&M costs plus 75% of the base rent
- Year three – Pay Fair Market Value for the space

The Parking Authority was created as an agency of the Lexington Fayette Urban County Government to oversee the maintenance and operation of adequate parking facilities, structures, and meters along with the enforcement of non-moving traffic violations, including the residential parking permit program.

The Parking Authority protects and promotes safety, comfort, convenience and welfare of the people of Lexington-Fayette County.

Recent acquisition of the parking garages presents new challenges for the Parking Authority regarding maintenance and operation of those facilities and use of this approach provides a small amount of relief during the transition.




Lexington-Fayette Urban County Government  
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Gray  
Mayor

Jane Driskell  
Commissioner

**MEMORANDUM**

**TO:** Mayor Jim Gray  
Richard Moloney, CAO  
Urban County Council Members

**FROM:** Bill O'Mara, Director Division of Revenue 

**DATE:** August 1, 2012

**SUBJECT:** KAWC Data and Shut-off Agreement

Attached is the Kentucky-American Water Company (KAWC) Data and Shut-off Agreement. The agreement provides for the purchase of monthly water consumption to be used to compute sewer user fees and provisions for termination of water service for certain delinquent sewer accounts. The FY2013 estimated cost is \$34,500.00 with an annual cost estimated at \$41,400. 00.

Approval of the agreement is requested. If you have any questions or need additional information, please contact me.

cc Jane Driskell, Commissioner of Finance



Lexington-Fayette Urban County Government  
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Gray  
Mayor

Jane Driskell  
Commissioner

**MEMORANDUM**

**TO:** Mayor Jim Gray  
Richard Moloney, CAO  
Urban County Council Members

**FROM:** Bill O'Mara, Director Division of Revenue

**DATE:** August 9, 2012

**SUBJECT:** Document Imaging Provider

The Division of Revenue is requesting execution of a contract with VeBridge, a sole source provider, for document imaging services through September 2014. VeBridge has provided excellent document imaging services since 2006. In addition, VeBridge is the statewide customer support vendor for LFUCG's current software vendor, Liberty Imaging Software, and has been contracted to assist our migration to the new On-Base software application.

If you have questions or need additional information, please contact me.

cc Jane Driskell, Commissioner of Finance



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0797-12

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 of General Services

DATE: July 30, 2012

RE: Lease Agreement with Metro Employees Credit Union – Versailles Road Campus

I am requesting Urban County Council approval to enter into a lease agreement with Metro Employees Credit Union (MECU) for space located at 1306 Versailles Road within the Versailles Road Campus. The area is located on the first floor of the front building and consists of approximately 3,866 S/ft of space. The MECU is a non-profit entity that provides financial products and services to LFUCG employees, partner agencies, and their families and does not serve the general public. They also provide credit and financial counseling.

The initial term of this agreement will be for a period of seven and one-half (7 ½) months, beginning November 16, 2012 and ending on June 30, 2013 with an option of automatic annual renewal for two (2) additional one (1) year terms. Chief Administrative Officer Richard Moloney recommends that LFUCG receive an annual rental rate of \$24,282.18 for use of this space during the first term, \$30,913.47 during the second term, and \$37,544.75 during the final year of the agreement for use of this space.

## LEASE AGREEMENT OVERVIEW

Occupant: Metro Employee Credit Union

Location: Versailles Road Campus

Address: 1306 Versailles Road

| OVERVIEW  |                     |
|---|---------------------|
| S/ft of space occupied  | 3,866               |
| S/ft of shared space (occupant's pro-rata share)                      | 0                   |
| <b>Total S/ft</b>   | <b>3,866</b>        |
|   |                     |
| Annual pro-rata share of utilities, O&M and CIP (approx. \$2.85 S/ft) | \$11,019.62         |
| Annual base (approx. \$6.86 S/ft)                                     | \$26,525.13         |
| <b>YEAR 1 – O&amp;M plus 50% of Base</b>                              |                     |
| Established Annual Fair Market Value (\$/ft)                          | \$9.71              |
| <b>Annual Fair Market Value (FMV) of Space</b>                        | <b>\$37,544.75</b>  |
| <b>Recommended Annual Adjustment to FMV</b>                           | <b>-\$13,262.57</b> |
| <b>RECOMMENDED ANNUAL RENTAL RATE</b>                                 | <b>\$24,282.18</b>  |
| Current annual rental rate  | \$0.00              |
| <b>Difference</b>   | <b>\$24,282.18</b>  |
| <b>YEAR 2 – O&amp;M plus 75% of Base</b>                              |                     |
| Established Annual Fair Market Value (\$/ft)                          | \$9.71              |
| <b>Annual Fair Market Value (FMV) of Space</b>                        | <b>\$37,544.75</b>  |
| <b>Recommended Annual Adjustment to FMV</b>                           | <b>-\$6,631.28</b>  |
| <b>RECOMMENDED ANNUAL RENTAL RATE</b>                                 | <b>\$30,913.47</b>  |
| <b>YEAR 3 – Fair Market Value</b>                                     |                     |
| Established Annual Fair Market Value (\$/ft)                          | \$9.71              |
| <b>Annual Fair Market Value (FMV) of Space</b>                        | <b>\$37,544.75</b>  |
| <b>Recommended Annual Adjustment to FMV</b>                           | <b>-\$0.00</b>      |
| <b>RECOMMENDED ANNUAL RENTAL RATE</b>                                 | <b>\$37,544.75</b>  |

## JUSTIFICATION FOR WAIVER

Chief Administrative Officer Richard Moloney recommends that the following rent schedule be used for lease of space to Metro Employee Credit Union:

- Year one – Pay all of the O&M costs plus 50% of the base rent
- Year two – Pay all of the O&M costs plus 75% of the base rent
- Year three – Pay Fair Market Value for the space

- Metro Employees Credit Union is a non-profit organization
- MECU serves as a benefit to LFUCG employees by providing them a service that can't be received at other financial institutions
- MECU spent \$7,319.38 for the Phoenix building renovation and in 2006 they spent \$225,376.48 in renovations for the space at the Versailles Road Campus
- MECU provides free checking accounts to low income citizens as part of the LFUCG Representative Payee Program and they also provide free check cashing for the 150 youth in the Summer Youth Employment Program
- MECU currently pays no annual rent for use of space and the rental schedule allows an opportunity to budget and transition to Full Market Value.



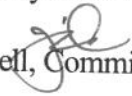
Lexington-Fayette Urban County Government  
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Gray  
Mayor

Jane Driskell  
Commissioner

**MEMORANDUM**

**TO:** Mayor Jim Gray  
Richard Moloney, CAO  
Urban County Council Members

**FROM:** Jane Driskell,  Commissioner of Finance

**DATE:** August 1, 2012

**SUBJECT:** Sheriff's Settlement – 2011 Property Taxes

Attached is the Fayette County Sheriff's Settlement – 2011 Taxes prepared by Dean Dorton Allen Ford, PLLC. The report indicates that all taxes collected were appropriately accounted for and remitted.

Please approve the settlement in order to comply with state statutes and grant the Sheriff a Quietus. If you have questions or need additional information, please contact me.

cc: Kathy Witt, Fayette County Sheriff



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 of General Services

DATE: July 30, 2012

RE: Lease Agreement with Metro Employees Credit Union – Phoenix Building

I am requesting Urban County Council approval to enter into a lease agreement with Metro Employees Credit Union (MECU) for space located at 101 East Vine Street within the Phoenix Building. The area is located on the first floor of the building and consists of approximately 604 S/ft of space. The MECU is a non-profit entity that provides financial products and services to LFUCG employees, partner agencies, and their families and does not serve the general public. They also provide credit and financial counseling.

The initial term of this agreement will be for a period of seven and one-half (7 ½) months, beginning November 16, 2012 and ending on June 30, 2013 with an option of automatic annual renewal for two (2) additional one (1) year terms. Chief Administrative Officer Richard Moloney recommends that LFUCG receive an annual rental rate of \$6,782.48 during the first, \$8,196.86 during the second, and \$9,611.25 during the final year of the agreement for use of this space.



## LEASE AGREEMENT OVERVIEW

Occupant: Metro Employee Credit Union

Location: Phoenix Building

Address: 101 East Vine Street

| OVERVIEW  |                    |
|---|--------------------|
| S/ft of space occupied  | 604                |
| S/ft of shared space (occupant's pro-rata share)                      | 0                  |
| <b>Total S/ft</b>   | <b>604</b>         |
|   |                    |
| Annual pro-rata share of utilities, O&M and CIP (approx. \$6.55 S/ft) | \$3,953.71         |
| Annual base (approx. \$9.37 S/ft)                                     | \$5,657.54         |
| <b>YEAR 1 – O&amp;M plus 50% of Base</b>                              |                    |
| Established Annual Fair Market Value (\$/ft)                          | \$15.91            |
| <b>Annual Fair Market Value (FMV) of Space</b>                        | <b>\$9,611.25</b>  |
| <b>Recommended Annual Adjustment to FMV</b>                           | <b>-\$2,828.77</b> |
| <b>RECOMMENDED ANNUAL RENTAL RATE</b>                                 | <b>\$6,782.48</b>  |
| Current annual rental rate  | \$0.00             |
| <b>Difference</b>   | <b>\$6,782.48</b>  |
| <b>YEAR 2 – O&amp;M plus 75% of Base</b>                              |                    |
| Established Annual Fair Market Value (\$/ft)                          | \$15.91            |
| <b>Annual Fair Market Value (FMV) of Space</b>                        | <b>\$9,611.25</b>  |
| <b>Recommended Annual Adjustment to FMV</b>                           | <b>-\$1,414.38</b> |
| <b>RECOMMENDED ANNUAL RENTAL RATE</b>                                 | <b>\$8,196.86</b>  |
| <b>YEAR 3 – Fair Market Value</b>                                     |                    |
| Established Annual Fair Market Value (\$/ft)                          | \$15.91            |
| <b>Annual Fair Market Value (FMV) of Space</b>                        | <b>\$9,611.25</b>  |
| <b>Recommended Annual Adjustment to FMV</b>                           | <b>-\$0.00</b>     |
| <b>RECOMMENDED ANNUAL RENTAL RATE</b>                                 | <b>\$9,611.25</b>  |

## JUSTIFICATION FOR WAIVER

Chief Administrative Officer Richard Moloney recommends that the following rent schedule be used for lease of space to Metro Employee Credit Union:

- Year one – Pay all of the O&M costs plus 50% of the base rent
- Year two – Pay all of the O&M costs plus 75% of the base rent
- Year three – Pay Fair Market Value for the space

- Metro Employees Credit Union is a non-profit organization
- MECU serves as a benefit to LFUCG employees by providing them a service that can't be received at other financial institutions
- MECU spent \$7,319.38 for the Phoenix building renovation and in 2006 they spent \$225,376.48 in renovations for the space at the Versailles Road Campus
- MECU provides free checking accounts to low income citizens as part of the LFUCG Representative Payee Program and they also provide free check cashing for the 150 youth in the Summer Youth Employment Program
- MECU currently pays no annual rent for use of space and the rental schedule allows an opportunity to budget and transition to Full Market Value.



Lexington-Fayette Urban County Government  
DIVISION OF HUMAN RESOURCES

Jim Gray  
Mayor

Janet Graham  
Commissioner

**M E M O R A N D U M**

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

**FROM:** \_\_\_\_\_  
John Maxwell, Director  
Division of Human Resources

**DATE:** August 1, 2012

**SUBJECT:** Create/Abolish positions – Division of Community Corrections

The attached action amends Section 21-5 of the Code of Ordinances, creating one (1) position of Skilled Trades Worker (Grade 111N) and amends Section 22-5 of the Code of Ordinances, abolishing two (2) positions of Skilled Trades Worker (Grade 000N) in the Division of Community Corrections, effective upon passage by Council.

The Division of Community Corrections requests this action to make the position more permanent to the Division. It has been hard to keep part time employees.

The fiscal impact for FY2013 (20 pay periods) will be \$1,472.16. All costs include benefits and will be funded from the Divisions Professional Services account (1101-505401-5411-71299). This amount does not include lapse which has been included in the attached Budget Amendment.

| Name   | Position Title            | Annual Salary Before | Annual Salary After | Annual Increase/Decrease |
|--|---------------------------|----------------------|---------------------|--------------------------|
| Vacant   | Skilled Trades Worker     | \$0                  | \$32,870.24         | \$32,870.24              |
| Vacant   | Skilled Trades Worker P/T | \$21,558.68          | \$0                 | \$(21,558.68)            |
| Vacant   | Skilled Trades Worker P/T | \$21,558.68          | \$0                 | \$(21,558.68)            |
| <b>Total Annual Impact/<br/>Salary and Benefits<br/>\$1,913.80</b> |                           |                      |                     |                          |

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

Attachment

cc: Rodney Ballard – Director, Division of Community Corrections  
Log #13-0010

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HORSE CAPITAL OF THE WORLD



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0803-12

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: AUGUST 1, 2012

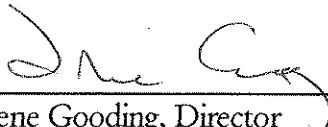
SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE CHANGE ORDER  
#1 WITH DISPONETTE SERVICE CO. INC., FOR IMPROVEMENTS TO  
CHARLES YOUNG CENTER

On May 17, 2012 (Resolution 281-2012), Council approved acceptance of bid from Disponette Service, Co, Inc., in the amount of \$182,600 for HVAC replacement for the Charles Young Center. The Department of General Services has negotiated a change order in the amount of \$2,800. This change order is necessary in order to change the single phase electrical service panel to a 3 phase panel and rework wiring to accommodate the 3 phase equipment. At the time of original specifications, it was not known that the existing service panel was single phase. New total is \$185,400.

Funds are budgeted as follows:

| FUND | DID    | SECT | ACCOUNT | BUD REF | PROJECT   | ACTIVITY   |
|------|--------|------|---------|---------|-----------|------------|
| 3300 | 160201 | 0001 | 76101   | 1992    | UDAG 1992 | OTH GRANT1 |

Council authorization to execute Change Order No. 1 with Disponette Service, Co., Inc. is hereby requested.

  
Irene Gooding, Director

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

HORSE CAPITAL OF THE WORLD

# CONTRACT CHANGE ORDER

Disponette Service Company, Inc.

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

| Item No.                                  | ADD / DEL | Description of changes  | Units | Quantity | Unit Price | Increase or decrease in contract price |
|---|-----------|---|-------|----------|------------|--|
| 1   | Add       | Change existing panel to 100A, 120/240 V, 3 phase NEMA 3R panel. Coordinate with KU to deactivate and reenergize the meter. Install new wire from meter to wire way. Rework all three phases reusing existing wiring to the disconnect and installing new #3 THHN wiring to the new panel. Obtain inspection for new panel. | LS    | 1        | 2,800.00   | \$ - \$ 2,800.00                       |
|   |           |   |       |          |            | \$ -                                   |
|   |           |   |       |          |            | \$ -                                   |
|   |           |   |       |          |            | \$ -                                   |
|   |           |   |       |          |            | \$ -                                   |
|   |           |   |       |          |            | \$ -                                   |
|   |           |   |       |          |            | \$ -                                   |
|   |           |   |       |          |            | \$ -                                   |
|   |           |   |       |          |            | \$ -                                   |
|   |           |   |       |          |            | \$ -                                   |
|   |           |   |       |          |            | \$ -                                   |
|   |           |   |       |          |            | \$ -                                   |
|   |           |   |       |          |            | \$ -                                   |
|   |           |   |       |          |            | \$ -                                   |
| Total decrease                            |           |   |       |          |            | \$ -                                   |
| Total increase                            |           |   |       |          |            | \$ 2,800.00                            |
| Net increase/(decrease) in contract price |           |   |       |          |            | \$ 2,800.00                            |

Current Contract Amount: \$182,600.00

New Contract Amount: \$185 400.00

Recommended by James James (Project Manager)

Date 7/25/12

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

Date 7/26/2012

Approved by My Good (Grant Manager)

Date 8-1-2012

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

Date 8/1/2012

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

Date \_\_\_\_\_

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0803-12

**JUSTIFICATION FOR CHANGE**

PROJECT: Charles Young Center Repair Project

0803-12

CONTRACT NO. PO #LF00095954

CHANGE ORDER: 1

1. Necessity for change: It was not known the existing service panel was single phase. Per the plans, 3 phase condensing units were purchased. The single phase panel needs to be replaced with a 3 phase panel and the wiring reworked to accommodate the 3 phase equipment.
2. Is proposed change an alternate bid? \_\_\_ Yes X No
3. Will proposed change alter the physical size of the project? \_\_\_ Yes X No  
If "Yes", explain.
4. Effect of this change on other prime contractors: None
5. Has consent of surety been obtained? \_\_\_ Yes X Not Necessary
6. Will this change affect expiration or extent of insurance coverage? \_\_\_ Yes X No  
If "Yes", will the policies be extended? \_\_\_ Yes \_\_\_ No
7. Effect on operation and maintenance costs: None
8. Effect on contract completion date: None

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

Recommended by \_\_\_\_\_ (Project Manager)

Approved by \_\_\_\_\_ (Grant Manager)

# CONTRACT HISTORY FORM

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Contractor: Disponette Service Company, Inc.Project Name: Charles Young Center RepairContract Number and Date: PO #LF00095954 05/31/2012Responsible LFUCG Division: General Services

## CHANGE ORDER DETAILS

| <u>Summary of Previous Change Orders To Date</u>     | <u>Dollar Amount</u> | <u>Percent Change to Original Contract</u> |
|--|----------------------|--|
| A. Original Contract Amount:                         | \$ <u>182,600.00</u> |  |
| B. Cumulative Amount of Previous Change Orders:      | \$ <u>0.00</u>       | <u>0%</u> %<br>(Line B / Line A)           |
| C. Total Contract Amount Prior to this Change Order: | \$ <u>182,600.00</u> |  |
| <u>Current Change Order (#1)</u>                     |                      |  |
| D. Amount of This Change Order:                      | \$ <u>2,800.00</u>   | <u>2%</u> %<br>(Line D / Line A)           |
| E. New Contract Amount Including this Change Order:  | \$ <u>185,400.00</u> | <u>102%</u> %<br>(Line E / Line A)         |

## SIGNATURE LINES

|                                     |                      |
|-------------------------------------|----------------------|
| Project Manager: <u>Gaye Thomas</u> | Date: <u>7/25/12</u> |
| Reviewed by: <u>[Signature]</u>     | Date: <u>7/25/12</u> |
| Commissioner: <u>[Signature]</u>    | Date: <u>8/1/12</u>  |



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0806-12

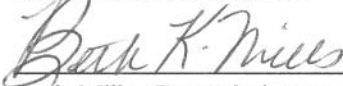
Lexington-Fayette Urban County Government  
DEPARTMENT OF SOCIAL SERVICES

Jim Gray  
Mayor

Beth Mills  
Commissioner

**MEMORANDUM**

**TO:** Mayor Jim Gray  
Members of the Council

**FROM:**   
Beth Mills, Commissioner

**DATE:** August 1, 2012

**SUBJECT:** Facilities Use Agreement – St. Luke United Methodist Church

Requesting the authority to enter into a building usage agreement with St. Luke United Methodist Church for the Meeting the Challenges and Opportunities of Aging Conference on May 15-16, 2013. There is no budgetary impact to the government. LFUCG will, however, be providing a Certificate of Insurance and our staff will be on-site throughout the event.

A copy of the Facilities Use Request Form with St. Luke United Methodist Church is attached.





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: AUGUST 2, 2012**

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT AWARD OF  
FEDERAL FUNDS IN THE AMOUNT OF \$2,621,304 FROM THE U.S.  
DEPARTMENT OF HOMELAND SECURITY/FEDERAL  
EMERGENCY MANAGEMENT AGENCY UNDER THE STAFFING  
FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER)  
GRANTS PROGRAM**

---

On March 8, 2012 (Resolution # 105-2012), Council approved the submission of an application to the U.S. Department of Homeland Security/Federal Emergency Management Agency under the Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program requesting federal funds for the hiring of twenty-eight entry level firefighters. The Department of Homeland Security has offered the LFUCG an award in the amount of \$2,621,304. These funds will support the salaries and benefits of 28 firefighters for a period of two years. The authority for SAFER is derived from the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. §2229a et seq.). The goal of SAFER Grants is to assist local fire departments with staffing and deployment capabilities in order to respond to emergencies, assuring communities have adequate protection from fire and fire-related hazards.

There is no local cash match requirement under this grant program; however, the LFUCG will be responsible for costs that include training, uniforms, and equipment. Grant funds will be used to supplement existing funds, and may not be used to replace (supplant) funds that have been appropriated for the same purpose. There is no requirement that firefighters funded under this program be retained beyond the two-year funding period.

Council authorization to accept the award is hereby requested.

Irene Gooding, Director

Xc: Clay Mason, Commissioner, Department of Public Safety

**HORSE CAPITAL OF THE WORLD**



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

Jim Gray  
Mayor

Richard Moloney  
Acting Commissioner of Environmental Quality and Public Works

**TO:** Mayor Jim Gray  
Urban County Council

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

**DATE:** July 2, 2012

**SUBJECT:** Andover Trunk Sewer  
Deeds of Easement

The purpose of this memorandum is to request a resolution authorizing the acceptance of deeds of easement from the owners of record on properties needed for the relocation and reconstruction of the Andover Trunk Sewer.

The Andover Trunk Sewer is a 24" trunk sewer and was originally constructed crossing perpendicular to a stream and partially in a small lake on the Andover Golf Course. Over the course of years, the stream, weather and the wave action in the lake has caused the ground surrounding the trunk line to erode and lose related supporting structural properties. The trunk line is now in such a condition that it must be relocated in order to prevent leaking and/or failure of the pipe. The attached photos show the condition of the pipe and the surrounding ground. Please note that the concrete lying beside the pipe was originally a concrete cap that was placed over the pipe to protect it.

The proposed relocation route will bring the trunk line away from the pond bank and farther back onto the golf course property. The new route will have a significant impact on trees, bushes and other landscaping located on the golf course. Additionally, the contractor will have to use a portion of a golf cart path as his construction route. During negotiations the golf course has indicated that they wish to restore all of the areas disturbed and destroyed during construction instead of having the LFUCG's contractor do the restoration. Their expected cost to restore all disturbed and destroyed landscaping and cart paths is \$57,261.06, however there will be no cost for the new easement since the old easement will be returned to them.

Part of the proposed construction route will require a temporary construction easement from the Andover Estates Neighborhood Association for access off Gingermill Lane, a private street owned and maintained by the Andover Estates Neighborhood Association. The construction route will require the removal and replacement of two trees and replacement of all disturbed and destroyed grass and sod. These items will be included in the construction contract. Consequently, there will be no other costs for the temporary construction easement.

Funds are fully budgeted in:

4003-303408-3462-92811  
Budget Reference: 2013

Project: SSREHAB\_2013

Activity: CONSTRUCT

If you have any questions or need additional information, please let us know.



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0809-12

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

Jim Gray  
Mayor

Richard Moloney  
Acting Commissioner

**TO:** Mayor Jim Gray  
Urban County Council

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

**DATE:** July 30, 2012

**SUBJECT:** Roland Avenue – Stream Stabilization Project  
Deeds of Easement

The purpose of this memorandum is to request a resolution authorizing the acceptance of a permanent drainage easement from the owners of record at 721 Roland Avenue,. This permanent drainage easement is needed for the work to be done associated with the Roland Avenue – Stream Stabilization Project.

A portion of the current stream, which is flowing generally parallel to Eastland Parkway and Roland Avenue, is outside of the recorded 45-foot Drainage and Utility Easement at 721 Roland Avenue. The easement is needed to allow any maintenance to the existing stream and allow for work associated project to be completed. There is no cost to LFUCG to obtain the drainage easement.

Project Manager for this project is Christopher Dent. If you have any questions or need additional information, please contact him at extension 2521.




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

Jim Gray  
Mayor

Richard Moloney  
Acting Commissioner of Environmental Quality and Public Works

**TO:** Mayor Jim Gray  
Urban County Council

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

**DATE:** July 26, 2012

**SUBJECT:** Agreement with the University of Kentucky  
Relocation of Sanitary Sewer Lines on the 400 Block of Rose Lane

The purpose of this memorandum is to request a resolution authorizing the LFUCG to enter into an agreement with the University of Kentucky for cost sharing up to \$103,000.00 on the relocation of sanitary sewer lines in the 400 block of Rose Lane.

The University of Kentucky desires to relocate a sanitary sewer line presently located across 470, 468, 462, 460, 456, 454, 452, 450 and 448 Rose Lane. This sewer line bisects the middle of these lots and the University would like to make these lots more developable for future expansion of the university campus. The new sewer line would run parallel to Rose Lane approximately 5 to 10 feet behind the existing Rose Lane sidewalk starting at 470 Rose Lane and tying back into an existing manhole at 448 Rose Lane.

This sanitary sewer line is an old vitrified clay pipe with significant inflow and infiltration and is in need of rehabilitation. The Division of Water Quality has estimated the cost to rehab this line would be \$103,000.00. Therefore, we would recommend that 43% of the cost up to a maximum of \$103,000.00 be returned to the University for relocating this sanitary sewer line. The 43% is based on the University's preliminary estimate of \$240,000.00. UK's present cost estimate is \$201,650.00 but regardless of the actual final cost, the LFUCG's responsibility will be no more than 43% or \$103,000.00 whichever is less.

Funds are presently budgeted in:

4003-303408-3462-92811      Project: SSREHAB\_2013      Activity: CONSTRUCT  
Budget Reference: 2013

If you have any questions or need additional information, please let us know.



**LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**  
**Department of Planning, Preservation & Development**  
**Division of Planning**

**Jim Gray**  
**Mayor**

**Derek J. Paulsen, Ph.D.**  
**Commissioner**

**MEMORANDUM**

TO: Mayor Jim Gray  
Urban County Council

FROM: Christopher D. King, Director  
Division of Planning

DATE: August 6, 2012

RE: Correction to Ordinance Creating Meadowthorpe ND-1

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The Division of Planning requests that Council approve an ordinance correcting the restrictions associated with the ND-1 overlay zoning created for the Meadowthorpe neighborhood under Ordinance 44-2012.

Due to a clerical error, text proposed to be stricken from the ND-1 restrictions by action of the Planning Commission was inadvertently included in the version approved by Council.

The correct language, with the text to be removed shown in "strike-through" format, is attached.

Staff will be present at Council work session to respond to any questions regarding this matter.

Attachment



Lexington-Fayette Urban County Government  
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Gray  
Mayor

Jane Driskell  
Commissioner

**MEMORANDUM**

**TO:** Mayor Jim Gray  
Richard Moloney, CAO  
Urban County Council Members

**FROM:** Bill O'Mara, Director Division of Revenue

**DATE:** August 2, 2012

**SUBJECT:** Amendment to the Billing & Collection Services Agreement with Greater Cincinnati Water Works.  
Agreements with J P Morgan Chase, Paymentech, LLC, Link2Gov, Corp.

Attached for your approval is an amendment to the Billing & Collection Services agreement with Greater Cincinnati Water Works. (Resolution 110-2012) The amendment adds language to be in compliance with the Automated Clearing House Network Operating Rules and Operating Guidelines. This will enable LFUCG to offer electronic payment options to its customers for payment of sewer user, landfill user, and water quality fees.

In addition, there are two documents required by J P Morgan Chase/Paymentech, LLC/Link2Gov, Corp. to enable Greater Cincinnati Water Works to furnish LFUCG customers multiple payment options.

We request approval of these agreements. If you have questions or need additional information, please contact me.

cc Jane Driskell, Commissioner of Finance



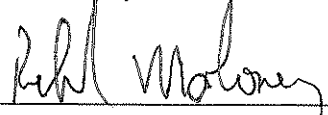


Lexington-Fayette Urban County Government  
DEPARTMENT OF ENVIRONMENTAL QUALITY AND PUBLIC WORKS

Jim Gray  
Mayor

Richard Moloney  
Acting Commissioner

TO: Jim Gray, Mayor  
Urban County Council

FROM:   
Richard Moloney, Commissioner

DATE: August 3, 2012

RE: Requesting Authorization to Award Contract with The Arboretum for stormwater education and outreach services for Division of Environmental Policy.

The Department of Environmental Quality and Public Works is requesting authorization to award a contract with The Arboretum for the Division of Environmental Policy. The Arboretum will be responsible for the development and presentation of workshops covering issues related to stormwater education in Fayette County. All workshops shall be free and open to the public on a first-come, first-served basis.

The state Municipal Separate Storm Sewer System permit requires Lexington to have a Public Education and Public Involvement component for its stormwater program. The Arboretum is expected to develop stormwater workshops on issues such as Growing a Successful Community Garden, Building a Rain Garden, Restoring Riparian Areas along Streams, Green Lawn Care, and Use of Urban Forests to Improve Water Quality as determined by the Division.

For the services described, The Arboretum shall be compensated for Workshop Development and Presentation at a total not to exceed \$50,000 for the contract period, which starts September 1, 2012 and extends through June 30, 2013. The Arboretum shall provide LFUCG with semi-annual written report, six and twelve months from the effective date. The reports shall include a description of workshop content and focus, registration of participants, number and date of each event, copies of workshop materials distributed, and copies of promotional materials and photographs of each workshop.



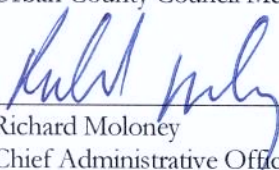
90  
0814-12

Lexington-Fayette Urban County Government  
CHIEF ADMINISTRATIVE OFFICE

Jim Gray  
Mayor

Richard P. Moloney  
CAO

TO: Mayor Jim Gray  
Urban County Council Members

FROM:   
Richard Moloney  
Chief Administrative Officer

DATE: August 3, 2012

RE: Council authorization to execute Purchase of Service Agreement with Roots and Heritage Festival, Inc.

Request Council authorization to execute the Purchase of Service Agreement with Roots and Heritage Festival, Inc. for 2012. Festival activities include street bazaar, parade, comedy show, art exhibit and various entertainment to be held primarily September 7 and 8<sup>th</sup>. The amount to be paid to the Roots and Heritage Festival, Inc. is \$35,415. This amount does not include approximately \$63,000 of in-kind services provided by various Divisions of the Lexington-Fayette Urban County Government.

The funds are budgeted in account 1101-134201-1430-71299. Council authorization to execute the Agreement is requested.





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

Jim Gray  
Mayor

Richard Moloney  
Acting Commissioner

To: Mayor Gray  
Urban County Council

From: Richard Moloney, Acting Commissioner *RM*  
Department of Environmental Quality & Public Works

Date: July 31, 2012

RE: Contract Amendment Approval Request, Third Rock Consultants

The Division of Environmental Policy is requesting approval to amend the professional services contract with Third Rock Consultants for the completion of the Wolf Run Watershed Plan project. This project is funded through an EPA 319(h) grant. Additional grant monies have been awarded through the Kentucky Division of Water to complete the watershed plan; therefore necessitating the amendment to this contract.

The original contract amount was \$177,200.00 and the amendment adds \$13,500 for a total contract amount of \$190,700. This amendment also extends the expiration date of the contract from December 31, 2012 to March 31, 2013. Questions regarding this amendment should be directed to Susan Bush, Director, Division of Environmental Policy.

| Fund | Dept ID | Section | Account | Budget Ref | Project/Grant | Activity | Bud Period |
|------|---------|---------|---------|------------|---------------|----------|------------|
| 3170 | 313201  | 3091    | 71299   | 2010       | WOLFRUN_2010  | MS_GRANT | 2013       |



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0818-12

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 K. Mills  
Beth Mills, Commissioner  
Department of Social Services

**DATE:** August 3, 2012

**SUBJECT:** Memorandum of Agreement – Fayette County Public Schools (Child Nutrition)

Requesting Council approval to enter into a Memorandum of Agreement with Fayette County Public Schools for the provision of meals to students at the Day Treatment and Family Care Centers.

Costs associated with this Agreement will not exceed \$5,000; this is a fully funded expense in the FY13 budget.



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0819-12

Lexington-Fayette Urban County Government  
DEPARTMENT OF LAW

Jim Gray  
Mayor

Janet Graham  
Commissioner

To: Lorie Gambill  
Division of Police

From: Department of Law

Date: July 23, 2012

Re: Federal Equitable Sharing Agreement and Certification

This is to confirm that during the last fiscal year ending June 30, 2012, there have not been any findings issued, judgments entered or determinations by any court or administrative agency that the LFUCG Division of Police discriminated against any person or group in violation of the federal civil rights statutes listed in the Equitable Sharing Agreement and Certification.

Furthermore, the LFUCG Division of Police has not entered into any settlement with respect to any complaint filed in court or with an administrative agency alleging that the LFUCG Division of Police discriminated against any person or group in violation of the federal civil rights statutes listed in the Equitable Sharing Agreement and Certification.

If you have any questions, please do not hesitate to contact me.

Keith Horn  
Managing Attorney

X:\Admin\LITINFO\POLICE\00355383.DOC

**LEXINGTON DIVISION OF POLICE**

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

**TO:** Mayor Jim Gray  
Urban County Council

**FROM:** Chief Ronnie Bastin  
Division of Police

**DATE:** August 1, 2012

**RE:** Internal Revenue Service, Criminal Investigation Agreement

Please find attached agreement between the Internal Revenue Service, Criminal Investigation and the Lexington-Fayette Urban County Government.

This agreement allows for the reimbursement of certain expenses to the Division of Police for costs incurred as participants in joint operations/task forces (Financial Crimes Task Force) with a Department of the Treasury law enforcement agency. As per the agreement the Division of Police agrees to assign dedicated officer(s) to the Task Force/Joint Operations. The attached agreement requires the signature of Mayor Jim Gray and Commissioner Jane Driskell, Department of Finance & Administration.

Upon approval and signing, please forward original agreement to the Chief's Office to acquire additional signatures.

If you have any question or require additional information, please contact my office.

A handwritten signature in cursive script, appearing to read "R. Bastin".

Ronnie Bastin  
Chief of Police

RB/rmh

Attachment

cc: Clay Mason, Commissioner of Public Safety



Lexington-Fayette Urban County Government  
DIVISION OF HUMAN RESOURCES

Jim Gray  
Mayor

Janet Graham  
Commissioner

**M E M O R A N D U M**

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

**FROM:** \_\_\_\_\_  
John Maxwell, Director  
Division of Human Resources

**DATE:** August 6, 2012

**RE:** Create Position

The attached action amends Section 21-5 of the Code of Ordinances, creating a position that was funded and approved in the FY 13 budget process, to become effective July 2, 2012, the first day of the first pay period in Fiscal Year 2013.

As stated in the first memo creating the newly funded positions in the FY 2013 budget, the remainder of the approved new positions will be submitted after a review by the Division of Human Resources; this additional approved position would be the Deputy Director of Recreation (Grade 120E) in the Division of Parks and Recreation.

The fiscal impact for FY2013 (26 pay periods) will be budget neutral. All funding for this new position was included in the FY 2013 approved budget.

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

Attachment

13-0001a



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: AUGUST 3, 2012


SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT  
FUNDING FROM KENTUCKY UTILITIES COMPANY AS  
APPROVED BY KENTUCKY CLEAN FUELS COALITION FOR  
PURCHASE OF AN ELECTRIC VEHICLE AND CHARGING  
STATION

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On July 10, 2012 (Resolution No. 390-2012), Council approved submission of an application to Kentucky Clean Fuels Coalition requesting funds from Kentucky Utilities for the acquisition of an electric vehicle. The Kentucky Clean Fuels Coalition has notified the LFUCG that it has been selected to receive reimbursement in the amount of \$22,517 for acquisition of a Chevrolet Volt and \$3,500 for a vehicle charging station. The Chevrolet Volt costs \$37,614 (state price contract), as compared to \$15,097 for a comparable gasoline-powered car.

The vehicle will be assigned to the Division of Parks and Recreation and will replace a 1999 Dodge Stratus. It will be stationed at the Picadome Park and Golf Course; however, the vehicle will be used city-wide and will be featured at numerous special events sponsored throughout the year by the city's Division of Parks and Recreation. LFUCG will be responsible for providing funds for base price of a conventional vehicle, approximately \$15,097. These funds will come from the issuance of a bond as part of vehicle replacements (2602-707301-0001-96951).

Council authorization to accept the award is hereby requested.

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

XC: Sally Hamilton, Commissioner of Department of General Services

HORSE CAPITAL OF THE WORLD



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0824-12

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: AUGUST 6, 2012**

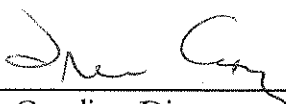
**SUBJECT REQUEST COUNCIL AUTHORIZATION TO EXECUTE CHANGE ORDER  
#1 WITH HARSHAW TRANE, FOR ENERGY EFFICIENCY  
IMPROVEMENTS TO POLICE HEADQUARTERS UNDER THE ENERGY  
EFFICIENCY AND CONSERVATION BLOCK GRANT**

On March 22, 2012 (Resolution 128-2012), Council approved execution of agreement in the amount of \$97,117.73 with Harshaw Trane for design and engineering services for the repair, modification and/or replacement of electrical and mechanical equipment at Police Headquarters. The Division of Environmental Policy has negotiated a change order in the amount of \$726.27. This change order includes cleaning of air handler and coil during upgrade of units. New total is \$97,844.

Funds are budgeted as follows:

| FUND | DID    | SECT | ACCOUNT | BUD REF | PROJECT      | ACTIVITY   |
|------|--------|------|---------|---------|--------------|------------|
| 3210 | 313201 | 3093 | 91012   | 2010    | EEBCG R 2010 | E GV RETRO |

Council authorization to execute Change Order No. 1 with Harshaw Trane is hereby requested.

  
Irene Gooding, Director

**Xc: Richard Moloney Acting Commissioner of the Department of Environmental Quality and Public Works**

**HORSE CAPITAL OF THE WORLD**





**JUSTIFICATION FOR CHANGE**

PROJECT: EECBG Gov Retrofits

0824-12

CONTRACT NO. 0242-2012

CHANGE ORDER: #1

1. Necessity for change: air handler and coil cleaning is necessary maintenance. It is easier and less disruptive to have Harshaw Trane perform maintenance while units are being upgraded. This change order is for Task Order #2 (\$2441). Task Order #1 (\$95,403).
2. Is proposed change an alternate bid? ☒ Yes ☐ No
3. Will proposed change alter the physical size of the project? ☐ Yes ☒ No  
If "Yes", explain.
4. Effect of this change on other prime contractors: N/A
5. Has consent of surety been obtained? ☐ Yes ☒ Not Necessary
6. Will this change affect expiration or extent of insurance coverage? ☐ Yes ☒ No  
If "Yes", will the policies be extended? ☐ Yes ☐ No
7. Effect on operation and maintenance costs: cleaner and better airflow through air handler units.
8. Effect on contract completion date: None

Recommended by A-Z. B Mayor \_\_\_\_\_ Date \_\_\_\_\_  
 (Project Manager)

Approved by \_\_\_\_\_ (Grant Manager)

CONTRACT HISTORY FORMContractor: Harshaw Trane Inc.Project Name: Police Headquarters HVACContract Number and Date: Resolution 0242-2012Responsible LFUCG Division: Environmental PolicyCHANGE ORDER DETAILS

| <u>Summary of Previous Change Orders To Date</u>     | <u>Dollar Amount</u> | <u>Percent Change to Original Contract</u> |
|--|----------------------|--|
| A. Original Contract Amount:                         | \$ <u>97,117.73</u>  |  |
| B. Cumulative Amount of Previous Change Orders:      | \$ <u>0.00</u>       | <u>0%</u> %<br>(Line B / Line A)           |
| C. Total Contract Amount Prior to this Change Order: | \$ <u>97,117.73</u>  |  |
| <u>Current Change Order</u>                          |                      |  |
| D. Amount of This Change Order:                      | \$ <u>726.27</u>     | <u>1%</u> %<br>(Line D / Line A)           |
| E. New Contract Amount Including this Change Order:  | \$ <u>97,844.00</u>  | <u>101%</u> %<br>(Line E / Line A)         |

SIGNATURE LINESProject Manager: J. L. BurtDate: 8/6/2012

Grant Manager: \_\_\_\_\_

Date: \_\_\_\_\_

Division Director: Susan BurtDate: 8-6-12



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0825-12

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: AUGUST 6, 2012

SUBJECT REQUEST COUNCIL AUTHORIZATION TO EXECUTE CHANGE ORDER NO. 1 WITH PALADIN, INC., UNDER THE ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT FOR PROVISION OF ENERGY ASSESSMENT SERVICES FOR ENERGIZING THE ARTS ACTIVITY

On November 19, 2010 (Resolution No. 618-2010, Council approved execution of agreement with Paladin, Inc., for energy assessment services for the Energizing the Arts Program at a cost of \$46,182.50. Paladin, Inc. was selected to perform these services upon the issuance of RFP 43-2010.

The Division of Environmental Policy has negotiated Change Order No. 1 in the amount of \$1,987.50 for additional work. This additional work includes verification of the proper installation of grant-funded equipment at four nonprofit arts organizations to insure compliance with provision of the grant. New total is \$48,170.

Funds are budgeted as follows:

| FUND | DID    | SECT | ACCOUNT | BUD REF | PROJECT      | ACTIVITY   |
|------|--------|------|---------|---------|--------------|------------|
| 3210 | 313201 | 3093 | 71299   | 2010    | EEBCG_R_2010 | E_NP_RETRO |

Council authorization to execute Change Order No. 1 with Paladin, Inc., is hereby requested.

  
Irene Gooding, Director

Xc: Richard Moloney, Acting Commissioner of the Department of Environmental Quality and Public Works

HORSE CAPITAL OF THE WORLD

**CONTRACT CHANGE ORDER**

Paladin, Inc.

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

[illegible]

|   |    |        |             |
|---|----|--------|-------------|
| Total decrease                            | \$ | 392.50 |             |
| Total increase                            |    |        | \$ 2,380.00 |
| Net increase/(decrease) in contract price |    |        | \$ 1,987.50 |

New Contract Amount: \$48,170.00

Current Contract Amount: \$46,182.50

Recommended by \_\_\_\_\_ (Project Manager)

Accepted by

Approved by \_\_\_\_\_  
(Grant Manager)

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

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

Date \_\_\_\_\_

Date \_\_\_\_\_

Date \_\_\_\_\_

Date \_\_\_\_\_

Date \_\_\_\_\_

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0825-12

PROJECT: EECBG Non-Profit Retrofits

0825-12

CONTRACT NO. 618-2010

CHANGE ORDER: #1

1. Necessity for change: LFUCG is requesting additional work from Paladin to verify the installation of grant-funded equipment. Third-party verification is recommended to insure compliance with provisions of the grant.
2. Is proposed change an alternate bid? \_\_\_\_ Yes   X   No
3. Will proposed change alter the physical size of the project? \_\_\_\_ Yes   X   No  
If "Yes", explain.
4. Effect of this change on other prime contractors: N/A
5. Has consent of surety been obtained? \_\_\_\_ Yes   X   Not Necessary
6. Will this change affect expiration or extent of insurance coverage? \_\_\_\_ Yes   X   No  
If "Yes", will the policies be extended? \_\_\_\_ Yes \_\_\_\_ No
7. Effect on operation and maintenance costs: N/A
8. Effect on contract completion date: N/A

Recommended by James P. Webb Mayor (Project Manager)  
Approved by \_\_\_\_\_ (Grant Manager)

**CONTRACT HISTORY FORM**Contractor: Paladin, Inc.Project Name: EECBG Non-Profit RetrofitsContract Number and Date: Resolution 0618-2010Responsible LFUCG Division: Environmental Policy**CHANGE ORDER DETAILS****Summary of Previous Change  
Orders To Date**A. Original Contract Amount: \$ 46,182.50B. Cumulative Amount of  
Previous Change Orders: \$ 0.00**Percent Change to  
Original Contract**0% %  
(Line B / Line A)C. Total Contract Amount  
Prior to this Change Order: \$ 46,182.50**Current Change Order**D. Amount of This Change Order: \$ 1,987.504% %  
(Line D / Line A)E. New Contract Amount  
Including this Change Order: \$ 48,170.00104% %  
(Line E / Line A)**SIGNATURE LINES**Project Manager: Thomas R. ZellDate: 8/6/12

Grant Manager: \_\_\_\_\_

Date: \_\_\_\_\_

Division Director: Susan BurkDate: 8-6-12



105  
0826-12

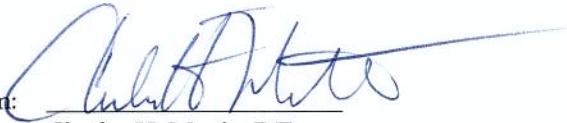
Lexington-Fayette Urban County Government  
DEPARTMENT OF ENVIRONMENTAL QUALITY AND PUBLIC WORKS

Jim Gray  
Mayor

Richard Moloney  
Acting Commissioner

To: Mayor Jim Gray  
Urban County Council

From:

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

Date: August 6, 2012

Re: Lease agreement for Wide-Format All-in-One

I have attached the rental agreement submitted by Lynn for the lease of a wide-format scanner, plotter, and copier for the Division of Water Quality. The lease of this equipment is the most cost-efficient way we have of digitizing plans, maps and other documents as part of the asset management plan required by the Consent Decree.

The lease is for 3 years and we are hoping to take advantage of their Pay For Output plan, for an annual cost of \$1,920 plus \$0.25 per square foot for copies and prints. Funding for this lease is fully budgeted and located in 4002-303401-3401-71303.

Please contact me for more information or to answer questions at 425-2455.

Thank you.

**Neighborhood Development Funds**  
**August 14, 2012**  
**Work Session**

| <b>Amount</b>      | <b>Recipient</b>   | <b>Purpose</b>                      |
|--------------------|--|-------------------------------------|
| <b>\$ 1,500.00</b> | Copperfield Neighborhood Association<br>PO Box 910772<br>Lexington, KY 40591-0772<br>Dan Burch | Neighborhood beautification project |



### **Itinerant Merchant Task Force Report Out**

- The Itinerant Merchant Task Force held 20 meetings from April 20, 2011 to June 25, 2012. Each meeting was scheduled for two hours and open to the general public with time for public comment at the conclusion of each meeting.
- In addition to the 20 meetings of the task force there were also subcommittee meetings held.
- All meetings, summaries and packets were posted to the LFUCG website.
- The purpose of the Itinerant Merchant Task Force was to restrict itinerant merchants at the entrances to our neighborhoods from a holistic standpoint without eliminating complete access to the downtown area.
- Task Force Members:
  - Council Member Peggy Henson, Chair
  - Council Member Diane Lawless
  - Paula Singer, Hamilton Park Neighborhood Association
  - Anthony Rios, Food Truck Vendor
  - Art Shechet, Bricks and Mortar Owner
  - Mark Jensen, Caterer
  - Renee Jackson, Downtown Lexington Corporation, Chair of Subcommittee
  - Lori Houlihan, Mayor's Office
  - Jeff Fugate, Downtown Development Authority
  - Gary Means, Lexington Parking Authority
  - Nancy Marinaro, Building Inspection
  - Chris King, Planning
  - Sgt. Chris Young, Police
  - David Jarvis, Code Enforcement
  - Bill O'Mara, Revenue
  - David Barberie, Law Department
  - Luke Mathis, Health Department
- Current definition: Section 13-1 (39) Itinerant merchant: An individual who does not have a permanent business location in Fayette County and who sells items of merchandise by means other than peddling (see attached).
- Current ordinance: Section 15-8 (see attached)
- During the course of the task force meetings a subcommittee was formed to specifically look at the downtown area and the possibilities of pursuing a pilot program for that area. Multiple versions of a pilot program were circulated and discussed however at the final meeting of the Itinerant Merchant Task Force a motion was made to move the draft ordinance forward without the pilot program.

Another motion was made to move the pilot program to the Economic Development Committee.

- June 25, 2012 meeting - Ms. Singer made the following motion which was seconded by Ms. Marinaro: to move the draft ordinance forward as discussed and amended at the meeting without the pilot program to the Planning Committee.
  - June 25, 2012 meeting – Mr. Means made the following motion which was seconded by Mr. Fugate: 1) the Council and Planning Department work to initiate text amendment language, 2) the Division of Revenue work with Planning to streamline the revenue process, 3) the pilot program be moved to the Economic Development Committee.
- The current draft ordinance is attached.

**Sec. 15-8. - Itinerant merchants license required.**

- (1) Effective May 19, 1983, all itinerant merchants shall be required to secure the license established in section 13-13 by making application for the same to the division of revenue. As a part of the application process, the applicant must specify in writing the exact location where the business is to be conducted, present a valid certificate of occupancy from the division of building inspection for that location, and furnish a duly executed statement of permission to use that location from the property owner or his authorized agent.
- (2) Further, before the division of revenue shall issue an itinerant merchant license, the itinerant merchant must file or have on file with the commissioner of finance an approved indemnity bond in the amount of five hundred dollars (\$500.00) issued by a surety company authorized to transact business within the commonwealth, or post a cash bond in that amount. The term of the bond shall be for one (1) year or until an approved occupational license tax return is filed with the division of revenue, whichever is later. An itinerant merchant shall forfeit his bond to the urban county government if he fails to comply with chapter 13 or 15 of the Code of Ordinances. Only one (1) bond shall be required for each itinerant merchant per year, regardless of the number of locations for which licensed to do business.
- (3) Upon approval of an application for an itinerant merchant license and payment of the applicable fee, the division of revenue shall issue a certificate of licensure specifying the name of the licensee and the exact location at which he is licensed to do business. The itinerant merchant license shall not be transferable; and, accordingly, no licensed individual shall sell his business to an unlicensed individual. Said license shall only be valid for the location for which it was issued, and the certificate of licensure shall be posted in a prominent place at that location at all times.
- (4) Notwithstanding the provisions of section 13-5, if a licensed itinerant merchant desires during the license period to change the location at which he is licensed to do business, he must secure a new certificate of licensure from the division of revenue. Prior to issuing said certificate, the division shall require the itinerant merchant to specify his new location, present a new certificate of occupancy and a new statement of permission, remit a nonrefundable fifteen dollars (\$15.00) administrative fee, and return the previous certificate of licensure. In any case where the previous certificate of licensure is not returned, the itinerant shall be treated as a new applicant and, accordingly, be required to pay the full applicable license fee.

(Ord. No. 70-83, § 4, 5-5-83; Ord. No. 102-85, § 10, 5-30-85)

- (39) *Itinerant merchant*: An individual who does not have a permanent business location in Fayette County and who sells items of merchandise by means other than peddling.

**DRAFT TASK FORCE RECOMMENDATION  
(06-26-12)**

ORDINANCE NO. \_\_\_\_-2012

AN ORDINANCE CREATING SECTIONS 15-12, 15-13, AND 15-14 OF THE CODE OF ORDINANCES, LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT PERTAINING TO THE REGULATION OF ITINERANT MERCHANTS, PEDDLERS, AND DOOR-TO-DOOR SALES AND PROVIDING FOR THE FOLLOWING: ORDERLY CONDUCT; COMPLIANCE WITH LAWS AND REGULATIONS; NECESSARY LICENSURE; COMPLIANCE WITH KRS 365.650; NO CREATION OF TRAFFIC HAZARD AND SUFFICIENT PARKING; MAINTENANCE OF STRUCTURES OR VEHICLES; GARBAGE RECEPTACLES FOR CUSTOMERS; FIRE EXTINGUISHERS; NO NOISE VIOLATIONS; NO LIGHTING WHICH WOULD CAUSE PUBLIC SAFETY HAZARD; SIGN ORDINANCE COMPLIANCE; MERCHANDISE IN LAWFULLY PERMITTED AREA; GENERAL HOURS OF OPERATION FROM 7 A.M. TO 11 P.M.; ON . . .; ALL EFFECTIVE THIRTY (30) DAYS FROM PASSAGE.

---

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

Section 1 - That Section 15-12 of the Code of Ordinances be and hereby  
is created and enacted to read as follows:

Sec. 15-12. *Requirements – peddlers and itinerant merchants.*

- (a) *General Requirements.* In addition to the licensing and other general requirements contained in this Code relating to peddlers and itinerant merchants, each such business shall also comply with the following requirements at all times while conducting business in Fayette County:
  - (1) Conduct himself or herself in an orderly and lawful fashion at all times while operating in Fayette County and comply with all applicable federal, state, or local laws or regulations pertaining to their operations.
  - (2) Possess the necessary permits, licenses, and/or authority to operate, and if he or she is a “transient” merchant, as defined in KRS 365.650, have filed a completed transient merchant application as required by KRS 365.665 with the division of revenue at least ten (10) days prior to conducting business.

**DRAFT TASK FORCE RECOMMENDATION  
(06-26-12)**

- (3) Comply with all traffic laws or ordinances and operate in a manner which will not result in the creation of a traffic hazard, including ensuring that sufficient parking exists for its customers.
  - (4) Ensure that any vehicle, other conveyance, structure, or stand used in the operation of the business is maintained and kept in good operating order.
  - (5) Provide or make available garbage receptacle(s) sufficient for customer use. At the conclusion of business activities at a given location he or she shall clean all the property and public way surrounding the area of all debris, trash, garbage or litter generated by his or her activities.
  - (6) Ensure that all vehicles, conveyances, structures or stands are equipped with at least one 2A-40 BC fire extinguisher if the operation of the business involves warming, heating, or cooking food, or otherwise involves heat or flame.
  - (7) Ensure that its operations do not violate, or contribute to a violation of the noise ordinance (section 14-70 through 14-80 of the code, as may be amended).
  - (8) Ensure that any and all lighting is located within the area lawfully permitted for conducting the business and that such lighting does not cause glare or a distraction which creates a public safety hazard or nuisance. No flashing or strobe lights shall be permitted.
  - (9) Ensure that any and all signs are compliant with any ordinances or regulations pertaining to signage and located only within the area lawfully permitted for conducting the business.
  - (10) Ensure that all merchandise, goods, wares or food are only displayed or offered for sale within the area lawfully permitted for conducting the business.
- (b) *Hours of operation.* No peddler or itinerant merchant shall engage or attempt to engage in business except during the hours of operation provided herein.

**DRAFT TASK FORCE RECOMMENDATION  
(06-26-12)**

- (1) Unless otherwise authorized by the urban county government, the general lawful hours of operation shall be limited to the hours of 7:00 a.m. to 11 p.m. However, the hours of operation shall be allowed to continue after 11 p.m. if a permanent business also located on that parcel of property is open to the general public. In those instances, the peddler's or itinerant merchant's operation may lawfully continue to conduct business until the time at which such a permanent business is closed to the general public.
- (2) Notwithstanding the above, the lawful hours of operation in the following areas of Fayette County shall be 7:00 a.m. to 4:00 a.m.:
  - (a) The area of downtown located within the following boundaries: West Vine Street and East Vine Street between Midland Avenue and Algonquin Street; Midland Avenue to East Main Street; East Main Street to Elm Tree Lane; Elm Tree Lane to Olde Hurst Place; Barr Street; Church Street to Saunier Street; Saunier Street to West Short Street; West Short Street to Algonquin Street. A map of this area, which shall also be know as the "Downtown Vending Area" is attached hereto and incorporated herein by reference and shall be made available for public review and inspection at the office of the council clerk.
  - (b) Any area designated for "Adaptive Reuse" through zoning if any permanent business located within that designated area is also open for business.
- (3) Door-to-door sales are limited to the hours of 9 a.m. to 9 p.m. Door-to door sales means going from dwelling unit to dwelling unit (i.e., house, apartment, condominium, etc.) or from business to business in Fayette County selling or taking orders for, or offering to sell or take orders for, goods, wares and merchandise for present or future delivery or for services to be performed immediately or in the future whether such person has, carries or exposes a sample of such goods, wares and merchandise or not and whether he/she is collecting advance payments on such sales or not.

**DRAFT TASK FORCE RECOMMENDATION  
(06-26-12)**

- (c) *Locations.* Unless otherwise permitted or authorized by the urban county government no peddler or itinerant merchant shall locate, conduct business, or solicit in the following manner or within the following specified areas or locations:
- (1) Within an urban county government park unless he or she also has the necessary permission of the urban county government pursuant to section 14-62 of the code of ordinances;
  - (2) In a location which causes a violation of section 17-5 of the Code (Congregating so as to obstruct sidewalk), or which causes people to congregate in any street, avenue, or alley which is open to vehicular traffic;
  - (3) In a location or manner that restricts pedestrian access to any other business or building;
  - (4) In or upon any public right-of-way or public property within one hundred (100) feet of the defined boundary for a Lexington-Fayette Urban County Government permitted special event, or any other event sponsored by the urban county government without the written permission of the event organizers or the department or division sponsoring said event or unless otherwise authorized by the urban county government.

All distances shall be measured at the shortest distance between the nearest point of the vending operation's location to the closest property line or district.

- (5) Within any other area or location in which such activity is otherwise prohibited or restricted unless all necessary permission or approval is otherwise obtained, including but not limited to the "Lexington Center Area" (section 15-1.1 of the code).
- (d) *Additional location restrictions on itinerant merchants.* In addition to the restrictions listed in subsection 15-12(c), above, no itinerant merchant shall locate, conduct business, or solicit in the following manner, or within the following specified areas or locations:



**DRAFT TASK FORCE RECOMMENDATION  
(06-26-12)**

- (1) Within a Residential Zone, or within a land use zone where the underlying business activity would otherwise be prohibited under the zoning ordinance.
- (2) Within one hundred (100) feet of the property line of a dwelling unit located in an area zoned as a Residential District under the Lexington-Fayette County Zoning Ordinance. This restriction shall not apply within the Downtown Vending Area or within an area designated as Adaptive Reuse through zoning.

All distances shall be measured at the shortest distance between the nearest point of the vending operation's location to the closest property line, district, or other merchant or vendor.

- (3) These restrictions shall not apply to locations owned or operated by religious, charitable, health, welfare, educational, political, or youth service organizations or neighborhood associations as long as the vending activities are expressly permitted in writing by the organization or association.
- (e) No itinerant merchant shall locate, conduct business, or solicit on public property unless the merchant has obtained any additional appropriate licensure and such property has been designated for such use by the urban county government through a resolution, ordinance, or the adoption of a pilot program, or the government has otherwise provided express permission for such conduct.

Section 2 - That Section 15-13 of the Code of Ordinances be and hereby is created and enacted to read as follows:

Sec. 15-13. *Exceptions.*

- (A) The provisions of section 15-12 of the code shall not apply to the following:
  - (1) The selling of personal property at wholesale to dealers in such articles; to newspaper carriers or newspaper vendors; to merchants or their employees in delivering goods in the regular course of business;

**DRAFT TASK FORCE RECOMMENDATION  
(06-26-12)**

or to vendors' products distributed or sold to regular customers on established routes.

- (2) The selling or soliciting for the sale of goods or services at a properly licensed bazaar or sales exhibition, or on property owned or operated by the Commonwealth of Kentucky.
  - (3) The selling or offering for sale or distribution from interior private pedestrian circulation areas of shopping centers or malls of products to pedestrians which are traversing such areas or patrons of retail stores. Such merchants or vendors are required to obtain a temporary mall merchant license pursuant to chapter 13 of the code of ordinances unless otherwise exempt.
  - (4) Yard sales, garage sales, bake sales or other similar types of activities. These activities must be temporary in nature and must comply with all local ordinance and zoning ordinance provisions and must not be located on public property or public right-of-way unless expressly authorized by the urban county government.
- (B) The provisions of sections 15-12(b), (c), and (d) of the code shall not apply to vending activities by appropriately permitted merchants at a Lexington Fayette Urban County Government Special Event.
- (C) No license shall be required for any member or members of a religious, charitable, health, welfare, educational, political or youth service organization selling or offering to sell goods or services to raise funds for the work of such organization and for no other purpose.

Section 3 - That Section 15-14 of the Code of Ordinances be and hereby is created and enacted to read as follows:

Sec. 15-14. Penalty.

Any person convicted of violating any provision of section 15-12 shall be subject to a fine of not more than two hundred

**DRAFT TASK FORCE RECOMMENDATION**  
**(06-26-12)**

fifty dollars (\$250.00). Each day a violation occurs shall constitute a separate offense.

Section 4 - If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unlawful by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 5 - That this Ordinance shall become effective thirty (30) days from passage.

PASSED URBAN COUNTY COUNCIL:

\_\_\_\_\_  
MAYOR

ATTEST:

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

PUBLISHED:

00352079

## **Public Safety Committee**

July 10<sup>th</sup>, 2012

### **Summary and Motions**

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Chair CM Diane Lawless called the meeting to order at 12:55pm. Council Members present were CM Ellinger, CM Ford, CM Beard, CM Farmer, CM Stinnett, CM Crosbie, CM McChord, CM Henson, and CM Martin.

#### **Public Safety Disability Claims**

Martin introduced Patrick Johnston, the Director of the Division of Risk Management. Martin asked Johnston what LFUCG can do to reduce the disability rate (currently at 38%). Johnston told the committee members that neither the Division of Police nor the Division of Fire and EMS require annual physical or agility testing. Johnston said that the police and fire employees do have required physicals. The police physicals are every other year and the fire physicals are yearly.

Johnston said that shoulder injury claims are the most common, with knee injuries ranking second. Johnston told committee members that ergonomics and training are very important for injury prevention. He also mentioned using a managed care system to rehab injured employees.

Beard asked Johnston which division has the most injuries. Johnston said that they are both very physical jobs and have similar claim numbers (fire 194 and police 199). He went on to say that the compensation costs are higher for police than fire. He said that most of the claims are strains and sprains.

Martin asked Johnston about annual physical fitness training. Johnston said that as a person ages they are more susceptible to injuries, but regardless, there are no mandatory physical fitness tests administered. Public Safety Commissioner Clay Mason came to the podium and said that physical fitness testing is not legal. He said that the testing must be aligned with the core duties of their position. Beard said that he finds it to be ironic that physical fitness testing is mandatory for applicants but not for current employees.

McChord said that our disability process is unreasonable. He noted that there are laws that say you cannot conduct physical fitness and agility tests but there are also laws that allow the employees to go to the doctor and if they are 1% disabled, can get a full disability retirement. He went on to say that police and fire should be leading the way with physical fitness.

Martin read 67A.360 (16):

“Total disability shall mean a disability which substantially precludes a person from performing with reasonable regularity the substantial and material parts of any gainful work or occupation in the service of the department that he would be competent to perform were it not for the fact that the impairment is founded upon conditions which render it reasonably certain that it will continue indefinitely.”

Gardner said that the interpretation of the statute is that they would be disabled from doing the most strenuous job in the department. Gardner told committee members that a court could interpret the statute for them. Gardner went on to remind the committee members that state statute mandates that the Commissioner of Law serve on the Pension Board. He said that LFUCG’s Law Department represents the Pension Board and said that the council or a private citizen would have to hire their own lawyer to review this. He said that it would be a conflict of interest for LFUCG’s Law Department. Gardner said that both the Police and Fire Administrations believe that they need a force that can do all jobs. Martin said that we need a force with employees that can do their own job.

Martin asked Lawless to keep the item in committee.

Henson said that she understand the complexities of the topic and would support the hiring of outside legal counsel. Henson asked for the rationale behind tax free disability pensions.

Stinnett asked Gardner what percentage of the 38% would be able to leave the force on regular retirement. He asked if LFUCG could adopt an ordinance that says that the employee must be at least 10% disabled that could lie on top of state statute. Mason said that this would cause a number of logistical issues. He said that there have been 390 disability claims over the past 10 years, which is approximately 19 people per year. Mason expressed concerns about where LFUCG would put them and he asked the committee members where the line would be drawn, knowing they cannot have an entire department of light duty personnel. He said that all police and fire employees must be able to perform in certain instances. He said that both the Police and Fire Chiefs are working to see if there is a middle ground that could be reached. Since 1990 there have been 252 disability retirements. 87 of those employees had 20 or more years of service.

Beard questioned why the employees get hazardous duty pay when they are no longer working.

Henson asked Gardner if they could put something in place that would require a firefighter or police officer to retire after 20 years instead of taking a disability requirement.

Martin said that 24.44% of police and fire employees that retire are not of service age. This number is still 3 times the state rate. Martin reminded committee members that the Pension Task Force is not looking at internal policies. Their focus is Frankfort.

Lawless said that they will not have Public Safety Disability Claims on the next agenda, but they will keep the item in committee.

### **Chronic Nuisance Ordinance**

Mason came to the podium and told committee members that he had met with the Division of Police and Code Enforcement to discuss the properties in Fayette County that would be potential chronic nuisance properties. He had two examples of properties that could fall under the broad spectrum of violations that would be in the proposed Chronic Nuisance Ordinance.

He said that address 'A' had 36 contacts by police from July 2010 to June 2012 for a variety of violations. Address 'B' had 52 contacts by police from July 2010 to July 2012. He said that they are both single family residences.

McChord asked how many other properties would fall within the parameters of the proposed ordinance. Mason said it would be very labor intensive to go through and analyze properties to come up with specific numbers. He also said that if the ordinance is implemented, it will be very labor intensive to enforce. McChord said that the list is not extensive and he said that he would like a list of properties and what LFUCG can do in a column. He also said that LFUCG needs to make the fine worthwhile. He asked to sit down with our public safety divisions to identify the properties that need to be addressed.

Farmer told Committee members that the committee should be done with the issue. He said that the ordinance failed in a previous meeting for lack of a second. McChord said that he is not supportive of the ordinance because there are only a few properties that are chronic nuisances.

Henson said that the issue is not totally law enforcement. Henson said that she is fighting for improvements in our high crime and low income areas. She said that citizens that live in Fayette County have a right to a high quality of life. She said that our current laws do not go far enough to stop the cycle. She said that citizens of Fayette County must be respectful to their neighbors. She told committee members that she has met and will continue to meet with the Greater Lexington Apartment Association (GLAA).

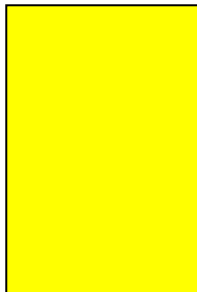
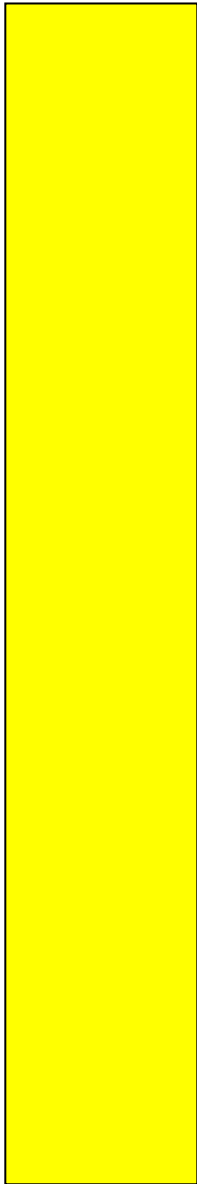
Crosbie reiterated McChord's position on the issue. She cited examples in her district of nuisance properties and said that it takes persistence to utilize the current ordinances to abate the nuisances.

Lawless said that the chronic nuisance properties are an economic development issue. She said that it is handful of properties that are zapping LFUCG resources. Lawless went on to say that she believes it is a quality of life issue and is very important.

Kay said that it is quite simple. He stressed that the north side of Lexington is subject to rogue landlords and houses. He said that people that live on the blocks with rogue homes are often intimidated. He said that the nuisance properties are causing people to want to vacate the area. Kay wants a simplified ordinance to be presented to the committee and wants the issue to stay in committee.

Martin said that he has problems with the current draft. He said that Henson cares deeply for the disadvantaged but thinks that the draft would have unintended consequences. He said that under the current draft, a commercial property that has three calls would be considered a chronic nuisance property. He said that public safety issues need to be fixed so they can afford additional officers to enforce our current ordinances. His feeling is that this is a short-cut designed to address a serious and substantial problem. He said that we need more code enforcement officials and stressed that serious penalties are going to be important.

*Submitted by Jenifer Benningfield, Council Administrative Specialist.*



General Services and Urban Services Districts

## FY 2013 Ad Valorem Tax Rates



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## FY 2013 Ad Valorem Tax Rate Calendar

### KRS 132.0225 Deadline for Establishing Final Tax Rate

A taxing district that does not elect to attempt to set a rate that will produce more than four percent (4%) in additional revenue, exclusive of revenue from new property as defined in KRS 132.010, over the amount of revenue produced by the compensating tax rate as defined in KRS 132.010 shall establish a final tax rate within forty-five (45) days of the cabinet's certification of the county's property tax roll. Any taxing district that fails to meet this deadline shall be required to use the compensating tax rate for that year's property tax bills.

| M   | T  | W                  | TH   | F                             |
|---|--|--------------------|--|-------------------------------|
| <b>JULY</b> 23<br>CERTIFICATION<br>DATE<br><b>DAY 1</b> | 24   | 25                 | 26   | 27                            |
| 30  | 31   | <b>AUGUST</b> 1    | 2  | 3                             |
| 6   | 7  | 8                  | 9  | 10                            |
| 13  | 14<br>WORK SESSION<br>DISCUSSION AND<br>APPROVAL OF<br>RATES | 15                 | 16<br>COUNCIL<br>MEETING<br>FIRST READING OF<br>TAX RATES                      | 17<br>FIRST<br>ADVERTISEMENT* |
| 20<br>SECOND<br>ADVERTISEMENT*                          | 21<br>WORK SESSION   | 22                 | 23   | 24                            |
| 27  | 28<br>WORK SESSION   | 29                 | 30<br>COUNCIL<br>MEETING<br>PUBLIC HEARING**<br>SECOND READING<br>OF TAX RATES | 31                            |
| <b>SEPTEMBER</b> 3                                      | 4  | 5<br><b>DAY 45</b> |  |                               |

Advertisements and Public Hearings are required for a tax rate greater than the Compensating rate but equal to, or less than, the 4% rate. Tax rates greater than the 4% rate are subject to voter recall.

\* Advertisements must be in two separate weeks.

\*\* Cannot be less than 7 or more than 10 days after the 2<sup>nd</sup> advertisement.

## FY 2013 Property Tax Options General Services Fund (1101)

Based on estimated property assessments, revenues were originally budgeted at \$20,663,000. The following table shows the *categories* of property for which rates must be adopted, the *options* available in setting the rates, and the *fund balance impact* of each option. These rates are not subject to voter recall, but Option 3 does require a Public Hearing. Rates are per \$100 assessed valuation.

| Category   | Prior Year Rates | Option 1                | Option 2 Compensating   | Option 3 (Maximum) <sup>1</sup> |
|--|------------------|-------------------------|-------------------------|---------------------------------|
| Real Estate  | 0.08             | 0.08                    | 0.081                   | 0.084                           |
| Personalty <sup>2</sup>                            | 0.099            | 0.099                   | 0.0975                  | 0.1011                          |
| Motor Vehicles/Watercraft                          | 0.088            | 0.088                   | 0.088                   | 0.088                           |
| Tobacco in Storage                                 | 0.015            | 0.015                   | 0.015                   | 0.015                           |
| Agri. Products in Storage                          | 0.045            | 0.045                   | 0.045                   | 0.045                           |
| Insurance Companies Capital                        | 0.15             | 0.15                    | 0.15                    | 0.15                            |
| Aircraft <sup>3</sup>                              | 0.099            | 0.099                   | 0.0975                  | 0.1011                          |
| Watercraft (Non-Commercial)                        | 0.099            | 0.099                   | 0.0975                  | 0.1011                          |
| <b><i>Impact on Fund Balance:</i> <sup>4</sup></b> |                  | <b><i>\$105,920</i></b> | <b><i>\$285,920</i></b> | <b><i>\$1,007,920</i></b>       |

**Option #1 :** All rates remain the same as last year. This option provides less than the 4% revenue increase from existing real properties per House Bill 44 limits. Revenue increases are derived from new property. **The net increase to fund balance is \$105,920.**

**Option #2 :** All rates are set at the **Compensating Rate**, which provides approximately the same revenue as previous years for existing property. Revenue increases are derived from new property. **The net increase to fund balance is \$285,920.**

**Option #3 :** All rates are set at the **Maximum Rate**, 4% above the Compensating Rate. This is the highest increase that can be generated without triggering a voter recall. **The net increase to fund balance is \$1,007,920.**

### General Fund Property Tax Bill on a \$150,000 house

| Taxing District | Prior Rates | Compensating | Maximum (Plus 4%) |
|-----------------|-------------|--------------|-------------------|
| LFUCG           |             |              |                   |
| General         | \$120.00    | \$121.50     | \$126.00          |

<sup>1</sup> The maximum rates without triggering a recall.

<sup>2</sup> Personalty assessments include tangible personal property only. Personal Property consists of items such as office furniture, office machines, store fixtures, professional trade/business fixtures, leasehold equipment, machinery and equipment (manufacturing and non-manufacturing), free standing signs, raw materials, inventories of all kinds, aircraft and many other personal items that may have value and utility.

<sup>3</sup> Tangible item not included in personalty, which may be taxed or exempted at local option.

<sup>4</sup> Net of the \$189,080 increase to the Library.

## Urban Services Fund (1115)

The *largest* single category of revenue to the Urban Services Districts Fund is ad valorem, accounting for 90.2% of the total revenues for FY 2013. In addition to the basic services provided to all residents of Fayette County, property owners in the urban services areas have one or more of the following services available to them: refuse collection, street lights, and street cleaning. These services are funded by an additional ad valorem tax paid only by the property owners in the respective districts.

Based on estimated property assessments, revenues were originally budgeted at \$31,638,000 for FY 2013. The following chart outlines the categories of property for which rates must be set and the proposed rate for each. These rates are not subject to voter recall, but Option 3 does require a Public Hearing. Rates are per \$100 assessed valuation.

| Category                       | Prior Year Rates | Option 1 (Prior Rates) | Option 2 (Compensating) | Option 3 (Maximum) <sup>5</sup> |
|--------------------------------|------------------|------------------------|-------------------------|---------------------------------|
| Refuse Collection              | .1431            | .1431                  | .1430                   | .1480                           |
| Street Lights                  | .0210            | .0210                  | .0210                   | .0218                           |
| Street Cleaning                | .0094            | .0094                  | .0100                   | .0100                           |
| Public Service Companies       | .1735            | .1735                  | .1740                   | .1798                           |
| Insurance Companies Capital    | .0920            | .0920                  | .0920                   | .0920                           |
| <b>Impact on Fund Balance:</b> |                  | <b>\$338,000</b>       | <b>\$424,000</b>        | <b>\$1,508,000</b>              |

**Option #1:** All rates remain the same as last year. This option provides less than the 4% revenue increase from existing real properties per House Bill 44 limits. **The net increase to fund balance is \$338,000.**

**Option #2:** All rates are set at the **Compensating Rate**, which provides approximately the same revenue as previous years for existing property. Revenue increases are derived from new property. **The net increase to fund balance is \$424,000.**

**Option #3:** Increase rates to those that give a 4% revenue increase from existing real properties per House Bill 44 limits. **The net increase to fund balance is \$1,508,000.**

### Urban Fund Property Tax Bill on a \$150,000 house

| Taxing District   | Prior Rates     | Compensating    | Maximum (Plus 4%) |
|-------------------|-----------------|-----------------|-------------------|
| <b>LFUCG</b>      |                 |                 |                   |
| Refuse Collection | \$214.65        | \$214.50        | \$222.00          |
| Street Lights     | 31.50           | 31.50           | 32.70             |
| Street Cleaning   | 14.10           | 15.00           | 15.00             |
| <b>TOTAL</b>      | <b>\$260.25</b> | <b>\$261.00</b> | <b>\$269.70</b>   |

<sup>5</sup> The maximum rates without triggering a recall.

## FY 2013 Property Tax Information

- Fayette County property tax rates must be established for the following categories no later than September 5, 2012.<sup>6</sup>
  - Real Estate
  - Personalty
  - Motor Vehicles/Watercraft
  - Tobacco in Storage
  - Agricultural Products in Storage
  - Insurance Companies Capital
  - Aircraft
  - Inventory in Transit
- The total assessed value of taxable property in Fayette County for the 2012 tax year is more than \$26 billion. Real estate assessments account for approximately \$22.7 billion of the total, and various personal property categories make up the difference.
- Real estate assessments have increased by nearly 0.9% since last year, with 0.4% due to new growth and 0.5% due to reassessments.
- There are 107,276 parcels of taxable property included in this year's assessment, which break down as follows:

|             |         |
|-------------|---------|
| Residential | 97,218  |
| Commercial  | 7,614   |
| Farm        | 2,444   |
| Totals      | 107,276 |

- The General Services Fund (1101) realty tax rate could be raised to 0.084 and still comply with House Bill 44, which limits revenue growth from reassessments to 4% (see page 1).
- The personalty tax rate is limited by the rate set on realty and is not subject to voter recall. The maximum rate allowed for this category is .1011 (assuming realty is increased to .0840).
- The maximum rate allowed for motor vehicle and watercraft is .0880 and is not subject to voter recall.<sup>7</sup>
- Rates for *tobacco in storage*, *agricultural products*, and *insurance companies capital* are at the maximum allowed by law.
- Per KRS 173.360, the LFUCG provides an annual appropriation to the Lexington Public Library based on a funding level of five cents (5¢) on each one hundred dollars (\$100) worth of property assessed for local taxation. **The appropriation is not affected by a change in the tax rates adopted by the LFUCG.** Because the actual growth in real property assessments exceeded the budgeted amount, *the Library is entitled to \$13,574,320, an increase of \$189,080 from the FY 2013 Adopted Budget.*
- Aircraft (recreational/non-commercial) may be taxed or exempted at local option. If this category was exempted from taxation, the Library would still be entitled to funds based on the assessment.

<sup>6</sup> Intangible personal property may be taxed only by the state.

<sup>7</sup> The maximum rate is based on the allowed 1983 personalty rate, which was .0880.

## Tax Facts

- LFUCG levies two categories of taxes on real property: (1) a county-wide tax (General Services District) for the support of the general operations of the government; and (2) Urban Services taxes paid by residents receiving one or more of the government services of refuse collection, street lights, and street cleaning.
- State real estate rates have decreased 45.5% since FY 1983 (see page 13).
- Fayette County School Board real estate rates have increased by 59% since FY 1983.
- LFUCG General Services real estate rates have decreased 9% since FY 1983.
- LFUCG property tax rates on realty are lower than those levied in most other cities/counties in Kentucky (see pages 17-18). Prior to FY 2001, the LFUCG levied the same rate on personal property (including motor vehicles and watercraft) as was levied on real property (8.10¢ per \$100 assessed valuation).
- The **Homestead Exemption** (\$34,000 for the 2012 tax year) is available to homeowners who are at least 65 years old during the tax period or have been classified as totally disabled by any public or private retirement system. The total value of property exempted from the tax rolls is \$622 million for the 2012 tax year. This represents taxpayer savings of over \$497,000 (at the current tax rate). An additional 807 homes qualified for the exemption this year, bringing the total number of Fayette County exemptions to 18,452 (see page 14).
- The **Agricultural Use Exemption** is for farm properties that have at least 10 contiguous acres. The agricultural use value is based on the agricultural capability of the land plus any improvements located on the land.

## General Fund Realty Rates Adopted vs. Allowed, FY 1984 - 2012

The chart below illustrates the General Services (Fund 1101) real estate rates adopted by the LFUCG, versus allowed rates, from FY 1984–2012. The FY 2001 and FY 2002 rollback provided a 4% revenue increase from existing properties.

The 1979 Special Session of the General Assembly enacted House Bill 44 to provide property tax relief in a time of rapidly increasing assessments. The basic provisions of House Bill 44 establish three options in setting the tax rates for realty:

- (1) A compensating tax rate can be set so that revenue from existing property remains the same. Additional revenue over last year would come only from new property.
- (2) The rate may be set (either lowered or raised, depending on the assessment change) so that the total revenue from existing property increases up to 4%. This requires public notice and a public hearing. Additional revenue would come from new property.
- (3) A rate may be set that provides an increase in revenue from existing property of more than 4%. This rate would be subject to voter recall (see page 7).

| AS SET BY STATE |                   |                       |                      |                    |   |
|-----------------|-------------------|-----------------------|----------------------|--------------------|---|
| Year            | Compensating Rate | Compensating +4% Rate | Maximum Rate Allowed | LFUCG Adopted Rate | Action Taken                            |
| FY 1984         | 0.0870            | 0.0880                | 0.0880               | 0.0870             | Voluntary Roll-Back                     |
| FY 1985         | 0.0850            | 0.0870                | 0.0870               | 0.0850             | Voluntary Roll-Back                     |
| FY 1986         | 0.0830            | 0.0850                | 0.0850               | 0.0830             | Voluntary Roll-Back                     |
| FY 1987         | 0.0810            | 0.0830                | 0.0830               | 0.0830             | +4% Rate (No Change in Rate)            |
| FY 1988         | 0.0790            | 0.0820                | 0.0830               | 0.0820             | +4% Rate -- Roll-Back                   |
| FY 1989         | 0.0790            | 0.0820                | 0.0820               | 0.0820             | +4% Rate (No Change in Rate)            |
| FY 1990         | 0.0780            | 0.0810                | 0.0820               | 0.0810             | +4% Rate -- Roll-Back                   |
| FY 1991         | 0.0790            | 0.0810                | 0.0810               | 0.0810             | +4% Rate (No Change in Rate)            |
| FY 1992         | 0.0792            | 0.0830                | N/A <sup>8</sup>     | 0.0810             | Less Than 4%, No Tax Increase           |
| FY 1993         | 0.0840            | 0.0870                | N/A                  | 0.0810             | Less Than Compensating, No Tax Increase |
| FY 1994         | 0.0810            | 0.0840                | N/A                  | 0.0810             | Compensating Rate, No Tax Increase      |
| FY 1995         | 0.0810            | 0.0840                | N/A                  | 0.0810             | Compensating Rate, No Tax Increase      |
| FY 1996         | 0.0790            | 0.0820                | N/A                  | 0.0810             | Less Than 4%, No Tax Increase           |
| FY 1997         | 0.0790            | 0.0820                | N/A                  | 0.0810             | Less Than 4%, No Tax Increase           |
| FY 1998         | 0.0790            | 0.0820                | N/A                  | 0.0810             | Less Than 4%, No Tax Increase           |
| FY 1999         | 0.0790            | 0.0820                | N/A                  | 0.0810             | Less Than 4%, No Tax Increase           |
| FY 2000         | 0.0780            | 0.0810                | N/A                  | 0.0810             | +4% Rate (No Change in Rate)            |
| FY 2001         | 0.0770            | 0.0800                | N/A                  | 0.0800             | +4% Rate -- Roll-Back                   |
| FY 2002         | 0.0760            | 0.0790                | N/A                  | 0.0790             | +4% Rate -- Roll-Back                   |
| FY 2003         | 0.0760            | 0.0790                | N/A                  | 0.0790             | +4% Rate (No Change in Rate)            |
| FY 2004         | 0.0770            | 0.0800                | N/A                  | 0.0800             | +4% Rate -- Tax Increase                |
| FY 2005         | 0.0780            | 0.0810                | N/A                  | 0.0800             | Less Than 4%, No Tax Increase           |
| FY 2006         | 0.0770            | 0.0810                | N/A                  | 0.0800             | Less Than 4%, No Tax Increase           |
| FY 2007         | 0.0780            | 0.0810                | N/A                  | 0.0800             | Less Than 4%, No Tax Increase           |
| FY 2008         | 0.0770            | 0.0800                | N/A                  | 0.0800             | +4% Rate (No Change in Rate)            |
| FY 2009         | 0.0790            | 0.0820                | N/A                  | 0.0800             | Less Than 4%, No Tax Increase           |
| FY 2010         | 0.0810            | 0.0840                | N/A                  | 0.0800             | Less Than 4%, No Tax Increase           |
| FY 2011         | 0.0810            | 0.0840                | N/A                  | 0.0800             | Less Than 4%, No Tax Increase           |
| FY 2012         | 0.0810            | 0.0840                | N/A                  | 0.0800             | Less Than 4%, No Tax Increase           |

<sup>8</sup> Prior to FY 1992 the prior year's rate was the maximum rate that could be set, even if a higher rate was required to reach the 4% increase.

### Urban Fund Realty Rates Adopted by Service, FY 1984 – 2012

The chart below illustrates the Urban Services (Fund 1115) real estate rates adopted by the LFUCG, by service provided, from FY 1984–2012.

| Year    | Refuse Collection | Street Lights | Street Cleaning | Total Tax Rate |
|---------|-------------------|---------------|-----------------|----------------|
| FY 1984 | 0.1883            | 0.0332        | 0.0099          | 0.2314         |
| FY 1985 | 0.1843            | 0.0325        | 0.0097          | 0.2265         |
| FY 1986 | 0.1805            | 0.0319        | 0.0097          | 0.2221         |
| FY 1987 | 0.1805            | 0.0319        | 0.0097          | 0.2221         |
| FY 1988 | 0.1776            | 0.0315        | 0.0095          | 0.2186         |
| FY 1989 | 0.1776            | 0.0315        | 0.0095          | 0.2186         |
| FY 1990 | 0.1750            | 0.0311        | 0.0094          | 0.2155         |
| FY 1991 | 0.1750            | 0.0311        | 0.0094          | 0.2155         |
| FY 1992 | 0.1750            | 0.0311        | 0.0094          | 0.2155         |
| FY 1993 | 0.1750            | 0.0311        | 0.0094          | 0.2155         |
| FY 1994 | 0.1750            | 0.0311        | 0.0094          | 0.2155         |
| FY 1995 | 0.1750            | 0.0311        | 0.0094          | 0.2155         |
| FY 1996 | 0.1750            | 0.0311        | 0.0094          | 0.2155         |
| FY 1997 | 0.1750            | 0.0311        | 0.0094          | 0.2155         |
| FY 1998 | 0.1750            | 0.0311        | 0.0094          | 0.2155         |
| FY 1999 | 0.1750            | 0.0311        | 0.0094          | 0.2155         |
| FY 2000 | 0.1750            | 0.0311        | 0.0094          | 0.2155         |
| FY 2001 | 0.1750            | 0.0311        | 0.0094          | 0.2155         |
| FY 2002 | 0.1750            | 0.0311        | 0.0094          | 0.2155         |
| FY 2003 | 0.1750            | 0.0311        | 0.0094          | 0.2155         |
| FY 2004 | 0.1750            | 0.0260        | 0.0094          | 0.2104         |
| FY 2005 | 0.1600            | 0.0210        | 0.0094          | 0.1904         |
| FY 2006 | 0.1600            | 0.0210        | 0.0094          | 0.1904         |
| FY 2007 | 0.1600            | 0.0210        | 0.0094          | 0.1904         |
| FY 2008 | 0.1590            | 0.0210        | 0.0094          | 0.1894         |
| FY 2009 | 0.1590            | 0.0210        | 0.0094          | 0.1894         |
| FY 2010 | 0.1431            | 0.0210        | 0.0094          | 0.1735         |
| FY 2011 | 0.1431            | 0.0210        | 0.0094          | 0.1735         |
| FY 2012 | 0.1431            | 0.0210        | 0.0094          | 0.1735         |



## Recall Procedures <sup>9</sup>

If an urban-county government levies a tax rate which will produce revenue from real property, exclusive of revenue from new property, that is more than 4% over the amount of revenue produced by the compensating tax rate, the portion which exceeds the 4% is subject to a recall vote or reconsideration by the taxing district.

1. Within 7 days after adoption of the tax rate, the urban-county government must publish a display advertisement in the newspaper of largest circulation in the county.
2. The advertisement shall be not less than 12 column inches and contain:
  - The fact that the urban-county government has adopted such rate.
  - The fact that the part of the rate which will produce revenue from real property (exclusive of new) in excess of 4% over the amount produced by the compensating tax rate is subject to recall.
  - The name, address and phone number of county clerk with note that such official will provide information on petition to initiate recall of the tax rate.
3. The tax rate subject to recall goes into effect 45 days after its passage.
4. During the 45 day period a petition signed by 10% of the voters in the last Presidential election may be presented to the county clerk or authorized deputy or to the urban-county government or legislative body of a taxing district and the tax rate is suspended from going into effect.
5. The county clerk determines whether the petition contains enough signatures of qualified voters to suspend the effect of the tax rate levy.
6. The urban-county government may cause cancellation of the recall vote by amending the tax levy to produce no more revenue from real property than 4% over the amount produced by the compensating tax rate on real property, provided such action is taken within 15 days of presentation of the petition.
7. The urban-county government shall submit to voters at next regular election questions as to whether voters are “for” or “against” the tax levy. The amount subject to recall shall not go into effect unless a majority of the votes cast are “for” its passage.

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<sup>9</sup> Per KRS 132.027 and KRS 132.017.

## **Supplemental Information**

## Background Information

*The following information was copied from COUNTY GOVERNMENT IN KENTUCKY, Informational Bulletin #115, prepared by the Legislative Research Commission, Frankfort, Ky., November 1996. It is provided to give some background on property taxes and certain statutory limitations.*

### TAXATION AND REVENUE

#### Taxes Generally

Counties must levy an ad valorem tax on all property subject to county taxation (KRS 68.090). Most counties raise most of their local tax funds through ad valorem taxes on real and personal property. Those counties which have chosen to impose an occupational license tax usually collect more from that tax than they do from ad valorem taxes. The occupational tax is not suitable for many counties, however, because of commuting out of the county for employment. There are other limited sources of local revenue which the fiscal court may tap, such as license fees and franchise taxes.

#### Property Taxes

The property tax is based on or measured by the value of property as a marketable item. Thus it is known as an ad valorem tax.

#### Constitutional Limitations

The 1891 Constitution categorically states that the tax rate of counties for other than school purposes shall not, at any time, exceed the rate of \$.50 on the \$100 valuation of property (Constitution, Section 157). However, few counties approach the \$.50 Constitutional limit on the tax levy because the compensating and four percent tax rate

limits of KRS 68.245 keep the levy well below the Constitutional limit in most counties.

#### Statutory Limitations

The 1965 Court of Appeals ruling in *Russman v. Luckett* directed that real property be assessed at 100% of its real market value, in accordance with Section 172 of the Constitution. Until that time, both real and personal property had been assessed at well below their market value, and counties, as well as other taxing units, had set their tax rates near their constitutional limits. In the face of large increases in assessments, and having no assurance that local tax rates would be reduced, the General Assembly, during the 1965 Special Session, enacted legislation to protect taxpayers from large property tax increases (Acts 1965, First Extraordinary Session, Chapter 2.).

The immediate effect of this legislation was to require local taxing authorities to roll back or reduce their tax rates to a point where they would produce approximately the same amount of revenue as raised the preceding year, exclusive of net assessment growth and any tax levies adopted by the voters. Since 1966 the effect of the rollback law has been to keep tax rates at a fairly constant level. Increases in local government revenue have been limited to new property added to the tax rolls and growth in the assessment of old property due to increases in property values and inflation.

During the mid-1970's, increases in the assessment of real property were sizable -- from 12 to 15% per year. Thus, while the tax rates remained about the same, real property owners received larger tax bills, because of the increase in the value of their property. The 1979 Special Session of the General Assembly sought, through House Bill 44, to give taxpayers some relief from such

increases.

The relief took the form of retaining the ceiling established by the rollback law -- prohibiting a county from realizing more revenue from real property taxes than the preceding year, except through increases in assessments and new property. Below this ceiling the General Assembly placed some additional restrictions on revenue growth from increases in old property assessments.

The law required the state local finance office to calculate several different tax rates for each county. One of these rates was simply the current year's tax rate and, under House Bill 44, the current year's rate became the maximum permissible tax rate for the next year. Under no circumstances could a county's tax exceed this limit.

A second rate, known as a compensating tax rate, was also calculated. This was a "zero-growth" rate, which, when applied to current assessments of real property that were on the tax rolls the previous year, would produce the same amount of revenue as the previous year. When property values rose, the compensating rate would be lower than the maximum tax rate.

The third and last rate that was calculated was called the 4% rate. This rate, when applied to the current year's assessment of real property on the tax books last year, would produce 4% more revenue than the county realized the previous year.

Under the law a county could not, under any circumstances, set a tax rate that exceeded the maximum tax rate. A county was free to set a tax rate below the maximum tax rate. However if the rate levied exceeded the compensating rate ("zero-growth" rate), this fact had to be advertised and a public hearing held.

Furthermore, if the rate exceeded the 4% rate, the portion exceeding 4% was subject to a recall by the voters, through a petition and referendum process (KRS 68.245 and 132.017).

In the 1990 Session of the General Assembly, all references to the maximum tax rate were deleted from the statutes. Language describing the utilization of the compensating and 4% rates was left intact. The effect of these amendments is that county officials must administer the property tax laws in the manner they have become accustomed to since the passage of HB 44 in 1979, but without the constraint of the maximum tax rate.

Thus, in periods of low growth or decline in property values, fiscal courts will be able to realize up to 4% growth in revenues from property on the tax rolls the previous year, and more if the electorate does not challenge the increase through petition and referendum (KRS 68.245, 132.017).

## **Definitions of Tax Categories**

### **Real Property**

Land and improvements.

### **Tangible Personal Property**

Personal Property consists of items such as office furniture, office machines, store fixtures, professional trade and business fixtures, leasehold equipment, machinery and equipment both manufacturing and non-manufacturing, free-standing signs, raw materials, inventories of all kinds, aircraft and many other personal items that may have value and utility.

### **Intangible Personal Property**

Intangible personal property is property that represents evidence of value or the right to value under law and custom. Examples of intangible personal property are bonds, notes, accounts receivables, trusts, mortgages, insurance left on deposit, money in safe deposit boxes, and other items which represent evidence of value. Intangible personal property is subject to a state rate only.

### **Motor Vehicles/Watercraft**

The assessment and collection of property taxes on motor vehicles has been handled through the use of a centralized system since January 1, 1984. Prior to that date, motor vehicles were included in the personal property assessments. Boats were included in the centralized motor vehicle system January 1, 1990. The tax rate on motor vehicles and watercraft cannot exceed the rate that could have been set by a local district on the January 1, 1983 assessments (FY 1984).

### **Tobacco and Agricultural Products in Storage**

Cities and counties may impose a property tax not exceeding 1½¢ on each \$100 of the fair cash value of all unmanufactured tobacco and not exceeding 4½¢ on each \$100 of the fair cash value of all other unmanufactured agricultural products, subject to taxation within their limits that are not actually on hand at the plants of manufacturing concerns for the purpose of manufacture, nor in the hands of the producer to whom the products have been conveyed for the purpose of sale.

### **Insurance Companies Capital**

A tax on the fair cash value of intangible personal property (referred to as “capital” in the State Statute) of a domestic life insurance company. The county and the city in which the principal office of the company is located may impose a tax of 15¢ per \$100 of “taxable capital”. The LFUCG “county” or General Service’s rate is 15¢. The “city” or Urban Service’s rate has not changed since merger and is 9.2¢.

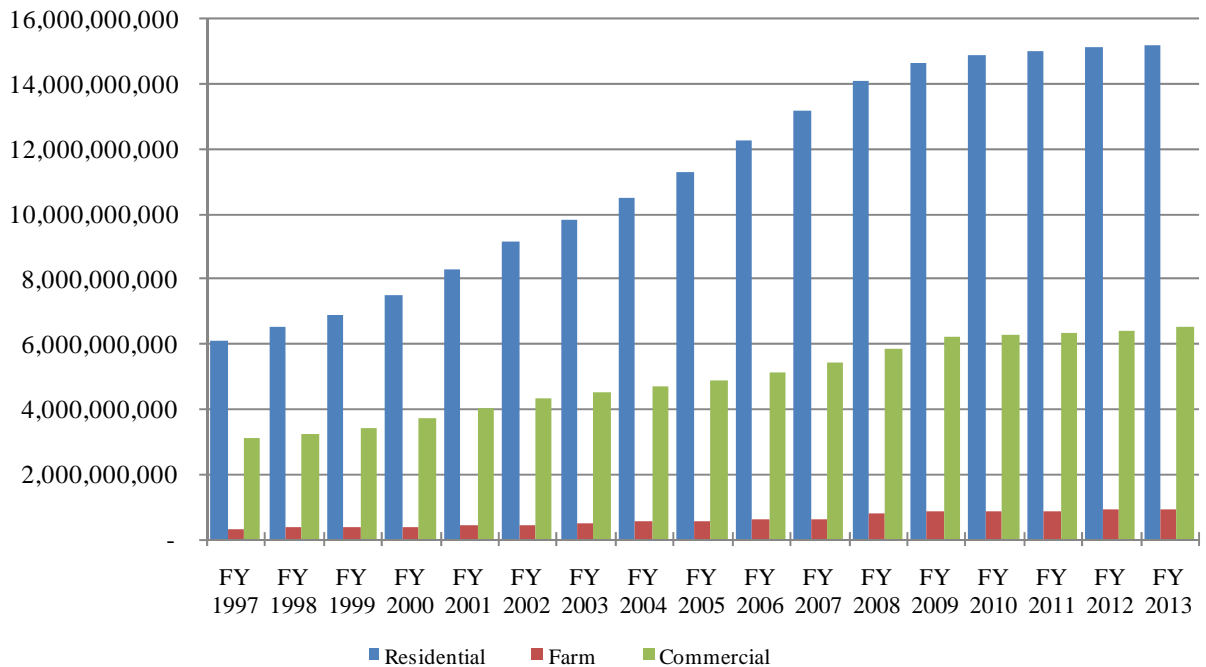
### **Public Service Companies**

A public service company is generally construed to mean any individual, partnership, or corporation engaged in the business of providing service to the public under certain regulated or semi-regulated conditions imposed by federal and/or state laws. “Regulated” means that the operations are confined to a specific area or route, are subject to restrictions on rates that may be charged for their services, or are restricted on the amount they may earn on investments. A few examples of the types of public service companies subject to tax assessment are: *Railway company, gas company, water company, electric power company, commercial air carriers, and cable television company.*

## Real Estate Assessments By Category

### Fayette County: FY 1997 – FY 2013

Growth, by categories of residential, farm, and commercial properties, is illustrated below. This information was compiled from data provided by the Fayette County PVA, which does not include public service companies assessments or oil, mineral, and timber rights. The total real estate assessment for FY 2013 is \$22,913,765,824 with these categories included. The total assessment for Residential, Farm and Commercial totals \$22,656,434,400.



### General Services District

| Year           | Residential    | Farm        | Commercial    | TOTAL          | % Change |
|----------------|----------------|-------------|---------------|----------------|----------|
| FY 1997        | 6,137,094,012  | 325,920,500 | 3,123,883,711 | 9,586,898,223  | 5.3%     |
| FY 1998        | 6,532,272,382  | 343,269,800 | 3,242,046,121 | 10,117,588,303 | 5.5%     |
| FY 1999        | 6,920,396,727  | 373,289,300 | 3,404,514,910 | 10,698,200,937 | 5.7%     |
| FY 2000        | 7,522,124,780  | 395,463,600 | 3,724,821,400 | 11,642,409,780 | 8.8%     |
| FY 2001        | 8,283,396,092  | 412,230,800 | 4,037,025,704 | 12,732,652,596 | 9.4%     |
| FY 2002        | 9,141,865,110  | 446,553,400 | 4,326,254,800 | 13,914,673,310 | 9.3%     |
| FY 2003        | 9,823,997,246  | 465,697,000 | 4,543,167,072 | 14,832,861,318 | 6.6%     |
| FY 2004        | 10,486,255,531 | 545,897,300 | 4,695,549,138 | 15,727,701,969 | 6.0%     |
| FY 2005        | 11,287,422,600 | 559,828,600 | 4,897,577,600 | 16,744,828,800 | 6.5%     |
| FY 2006        | 12,304,134,800 | 596,790,100 | 5,110,109,000 | 18,011,033,900 | 7.6%     |
| FY 2007        | 13,207,007,700 | 624,912,200 | 5,444,972,200 | 19,276,892,100 | 7.0%     |
| FY 2008        | 14,116,472,700 | 819,013,400 | 5,890,069,400 | 20,825,555,500 | 8.0%     |
| FY 2009        | 14,681,278,300 | 836,737,800 | 6,219,161,800 | 21,737,177,900 | 4.4%     |
| FY 2010        | 14,887,509,900 | 866,958,400 | 6,310,733,400 | 22,065,201,700 | 1.5%     |
| FY 2011        | 15,043,326,400 | 880,218,800 | 6,377,418,000 | 22,300,963,200 | 1.1%     |
| FY 2012        | 15,164,243,100 | 898,982,400 | 6,421,876,600 | 22,485,102,100 | 0.8%     |
| FY 2013        | 15,235,648,200 | 897,667,200 | 6,523,119,000 | 22,656,434,400 | 0.8%     |
| FY 2012 - 2013 | 0.5%           | -0.1%       | 1.6%          |                |          |

## Comparison of Realty Tax Rates State, School, and LFUCG

The Lexington-Fayette Urban County Government, the Commonwealth of Kentucky, and the Fayette County School Board levy property taxes each year. The tax bill received by Fayette County taxpayers includes amounts for each of these entities.<sup>10</sup>

### Fayette County Tax Rates, 2011 (FY 2012)

| Taxing District   | Tax Rate <sup>11</sup> | Tax Paid on<br>\$150,000<br>Property | Percent of Total<br>Property Tax Bill |
|-------------------|------------------------|--------------------------------------|---------------------------------------|
| State             | .1220                  | \$ 183.00                            | 11.9%                                 |
| School            | .652                   | \$ 978.00                            | 63.5%                                 |
| LFUCG             |                        |                                      |                                       |
| General           | .0800                  | \$ 120.00                            | 7.8%                                  |
| Refuse Collection | .1431                  | \$ 214.65                            | 13.9%                                 |
| Street Lights     | .0210                  | \$ 31.50                             | 2.0%                                  |
| Street Cleaning   | .0094                  | \$ 14.10                             | 0.9%                                  |
| <b>TOTAL</b>      | <b>1.0275</b>          | <b>\$1,541.25</b>                    | <b>100.0%</b>                         |

<sup>10</sup> In FY 1983, the total Fayette County tax rate was \$ .9561. By FY 2012 the total rate had increased by 7.5%. The rates for the Lexington-Fayette Urban County Government were 16.4% lower than in FY 1983, the state rates were lower by 45.5%, and School Board rates were higher by 59.0%.

<sup>11</sup> Per \$100 assessed value.

## Homestead Exemptions

The homestead exemption, originally established under a constitutional amendment in 1971 and prescribed in KRS 132.810, is \$34,000 for FY 2013. To qualify for the homestead exemption, a person must be at least 65 years old during the tax period or have been classified as totally disabled by any public or private retirement system.

Prior to enactment of constitutional amendment Number 2 in November 1998, only taxpayers disabled under Social Security or Railroad Retirement were eligible for the disability exemption. Eligible property must also be owned, occupied, and maintained by the taxpayer as a personal residence on the January 1 assessment date.

### History of Fayette County Homestead Exemptions And General Fund Taxpayer Savings

| Fiscal Year | General Fund Real Estate Rate | Exemptions Per Residence | Number of Homes | Value of Homestead Exemptions <sup>12</sup> | Change in Exemptions | Taxpayer Savings |
|-------------|-------------------------------|--------------------------|-----------------|---|----------------------|------------------|
| 1985        | .0850                         | 15,000                   | 7,517           | 112,749,500                                 | 2,490,400            | 95,837           |
| 1986        | .0830                         | 15,000                   | 7,941           | 127,845,300                                 | 15,095,800           | 106,112          |
| 1987        | .0830                         | 16,100                   | 8,091           | 130,270,000                                 | 2,424,700            | 108,124          |
| 1988        | .0820                         | 16,100                   | 8,266           | 141,346,900                                 | 11,076,900           | 115,904          |
| 1989        | .0820                         | 17,100                   | 8,811           | 150,659,920                                 | 9,313,020            | 123,541          |
| 1990        | .0810                         | 17,100                   | 9,644           | 177,456,367                                 | 26,796,447           | 143,740          |
| 1991        | .0810                         | 18,400                   | 10,135          | 186,487,267                                 | 9,030,900            | 151,055          |
| 1992        | .0810                         | 18,400                   | 10,675          | 216,711,950                                 | 30,224,683           | 175,537          |
| 1993        | .0810                         | 20,300                   | 10,998          | 223,262,350                                 | 6,550,400            | 180,843          |
| 1994        | .0810                         | 20,300                   | 11,353          | 247,490,000                                 | 24,227,650           | 200,467          |
| 1995        | .0810                         | 21,800                   | 11,607          | 253,028,986                                 | 5,538,986            | 204,953          |
| 1996        | .0810                         | 21,800                   | 11,937          | 275,754,612                                 | 22,725,626           | 223,361          |
| 1997        | .0810                         | 23,100                   | 12,211          | 282,065,828                                 | 6,311,216            | 228,473          |
| 1998        | .0810                         | 23,100                   | 12,455          | 303,897,000                                 | 21,831,172           | 246,157          |
| 1999        | .0810                         | 24,400                   | 13,231          | 305,397,505                                 | 1,500,505            | 247,372          |
| 2000        | .0810                         | 24,400                   | 13,411          | 333,271,200                                 | 27,873,695           | 269,950          |
| 2001        | .0800                         | 25,400                   | 13,463          | 336,449,100                                 | 3,177,900            | 269,159          |
| 2002        | .0790                         | 25,400                   | 13,833          | 365,448,700                                 | 28,999,600           | 288,704          |
| 2003        | .0790                         | 26,800                   | 14,003          | 370,331,680                                 | 4,882,980            | 292,562          |
| 2004        | .0790                         | 26,800                   | 14,409          | 396,908,900                                 | 26,577,220           | 313,558          |
| 2005        | .0800                         | 28,000                   | 14,581          | 403,508,000                                 | 6,599,100            | 322,806          |
| 2006        | .0800                         | 29,400                   | 14,835          | 430,778,800                                 | 27,270,800           | 344,623          |
| 2007        | .0800                         | 29,400                   | 15,208          | 441,992,000                                 | 11,213,200           | 353,594          |
| 2008        | .0800                         | 31,400                   | 15,676          | 487,026,500                                 | 45,034,500           | 389,621          |
| 2009        | .0800                         | 31,400                   | 16,120          | 502,532,500                                 | 15,506,000           | 402,026          |
| 2010        | .0800                         | 33,700                   | 16,763          | 559,042,100                                 | 56,509,600           | 447,234          |
| 2011        | .0800                         | 33,700                   | 17,338          | 578,481,700                                 | 19,439,600           | 462,785          |
| 2012        | .0800                         | 34,000                   | 17,645          | 594,290,900                                 | 15,809,200           | 475,433          |
| 2013        | .0800                         | 34,000                   | 18,452          | 621,556,500                                 | 27,265,600           | 497,245          |

<sup>12</sup> The total value of homestead exemptions does not equal the maximum allowed exemption times the number of properties. This is because some of the properties are valued at less than the maximum exemption amount.

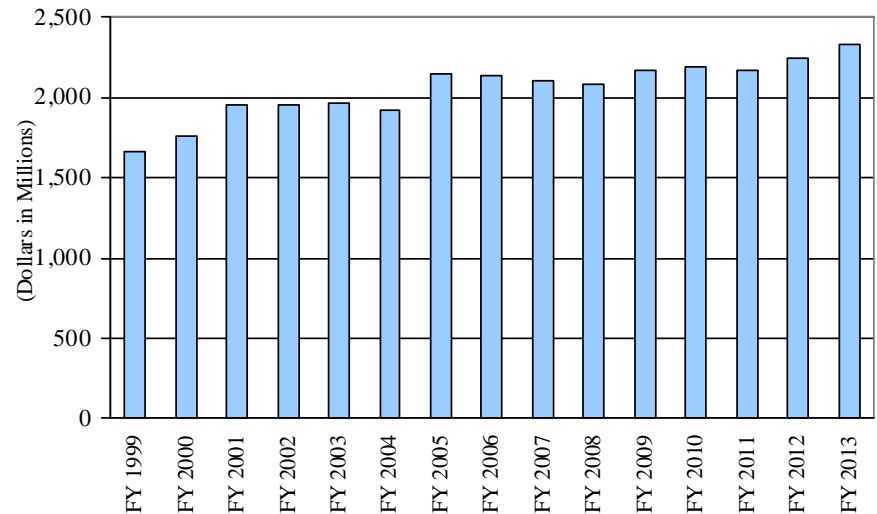


## Personalty Assessments

### Fayette County: FY 1999 – FY 2013

#### General Services District

| Year    | Total Personalty | % Change |   |
|---------|------------------|----------|---|
| FY 1999 | 1,668,829,944    |          |   |
| FY 2000 | 1,764,651,201    | 5.7%     | A |
| FY 2001 | 1,960,708,761    | 11.1%    |   |
| FY 2002 | 1,957,658,156    | -0.2%    | B |
| FY 2003 | 1,968,793,874    | 0.6%     | B |
| FY 2004 | 1,925,902,590    | -2.2%    |   |
| FY 2005 | 2,151,421,301    | 11.7%    | C |
| FY 2006 | 2,142,841,463    | -0.4%    |   |
| FY 2007 | 2,110,619,831    | -1.5%    |   |
| FY 2008 | 2,089,408,340    | -1.0%    |   |
| FY 2009 | 2,172,046,129    | 4.0%     |   |
| FY 2010 | 2,197,198,759    | 1.2%     |   |
| FY 2011 | 2,173,198,119    | -1.1%    |   |
| FY 2012 | 2,244,544,557    | 3.3%     |   |
| FY 2013 | 2,327,833,452    | 3.7%     |   |



Personalty assessments include tangible personal property only. Tangible personal property consists of items that have value and utility themselves, such as automobiles, airplanes, construction equipment, manufacturing machinery, merchandise, livestock, and other materials and goods.

#### Notes:

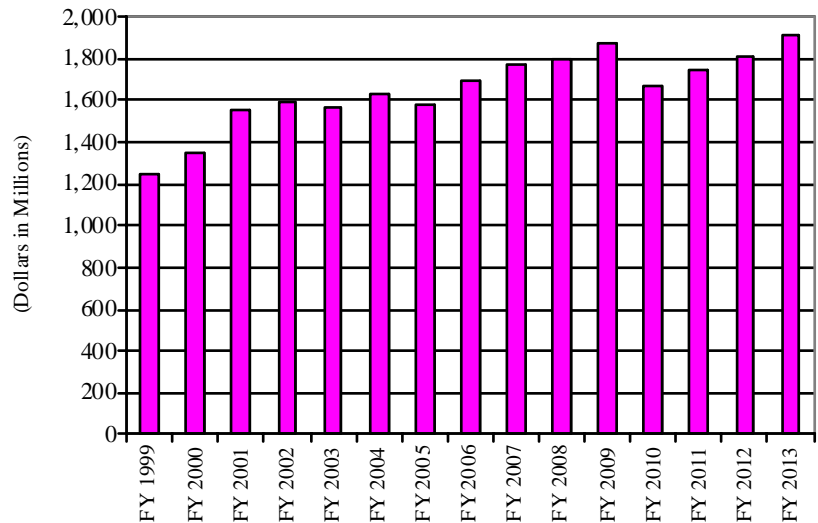
- A. Aircraft (recreational/non-commercial) was separated from personalty in FY 2000, and local governments now have the option to tax or exempt this category from taxation. Inventory in transit was added for local tax option.
- B. FY 2002 and FY 2003 assessments were down state-wide, which was attributed to the economy.
- C. There was a large increase in the personal property assessments of Public Service Companies.

## Motor Vehicle and Watercraft Assessments

### Fayette County: FY 1999 – FY 2013

#### General Services District

| Year    | Motor Vehicles<br>& Watercraft | %<br>Change |   |
|---------|--------------------------------|-------------|---|
| FY 1999 | 1,251,963,750                  |             | A |
| FY 2000 | 1,352,870,679                  | 8.1%        |   |
| FY 2001 | 1,549,218,050                  | 14.5%       |   |
| FY 2002 | 1,595,914,353                  | 3.0%        |   |
| FY 2003 | 1,570,055,171                  | -1.6%       |   |
| FY 2004 | 1,629,889,151                  | 3.8%        |   |
| FY 2005 | 1,574,969,478                  | -3.4%       |   |
| FY 2006 | 1,694,976,831                  | 7.6%        |   |
| FY 2007 | 1,768,686,661                  | 4.3%        |   |
| FY 2008 | 1,790,160,720                  | 1.2%        |   |
| FY 2009 | 1,867,359,987                  | 4.3%        |   |
| FY 2010 | 1,673,164,212                  | -10.4%      |   |
| FY 2011 | 1,749,651,556                  | 4.6%        |   |
| FY 2012 | 1,812,027,836                  | 3.6%        |   |
| FY 2013 | 1,907,014,389                  | 5.2%        |   |



#### Notes:

- A. The 1998 Kentucky General Assembly enacted legislation (HB 74) retroactive to January 1, 1998, amending KRS 132.485 to base motor vehicle taxable value for ad valorem property tax purposes on the average trade-in value listed in the standard manual prescribed by the Kentucky Revenue Cabinet, resulting in a reduction of motor vehicle taxable value for FY 1999.

## Tax Rates in Selected Kentucky Cities

### Comparison of City/County Rates for the 2011 Tax Year

Rate of Tax in Dollars per \$100 Assessed Value

| City               | City Rate     | County Rate   | Total City/County |
|--------------------|---------------|---------------|-------------------|
| Georgetown         | 0.062         | 0.172         | 0.234             |
| Nicholasville      | 0.186         | 0.159         | 0.345             |
| <b>Lexington *</b> | <b>0.1735</b> | <b>0.1716</b> | <b>0.3451</b>     |
| Winchester         | 0.145         | 0.22          | 0.365             |
| Richmond           | 0.156         | 0.254         | 0.41              |
| Bowling Green      | 0.206         | 0.217         | 0.423             |
| Louisville         | 0.3666        | 0.1255        | 0.4921            |
| Owensboro          | 0.2593        | 0.243         | 0.5023            |
| Frankfort          | 0.213         | 0.305         | 0.518             |
| Covington          | 0.2995        | 0.32          | 0.6195            |
| Ashland            | 0.356         | 0.499         | 0.855             |

### Comparison of Total Tax Rates for the 2011 Tax Year

Rate of Tax in Dollars per \$100 Assessed Value

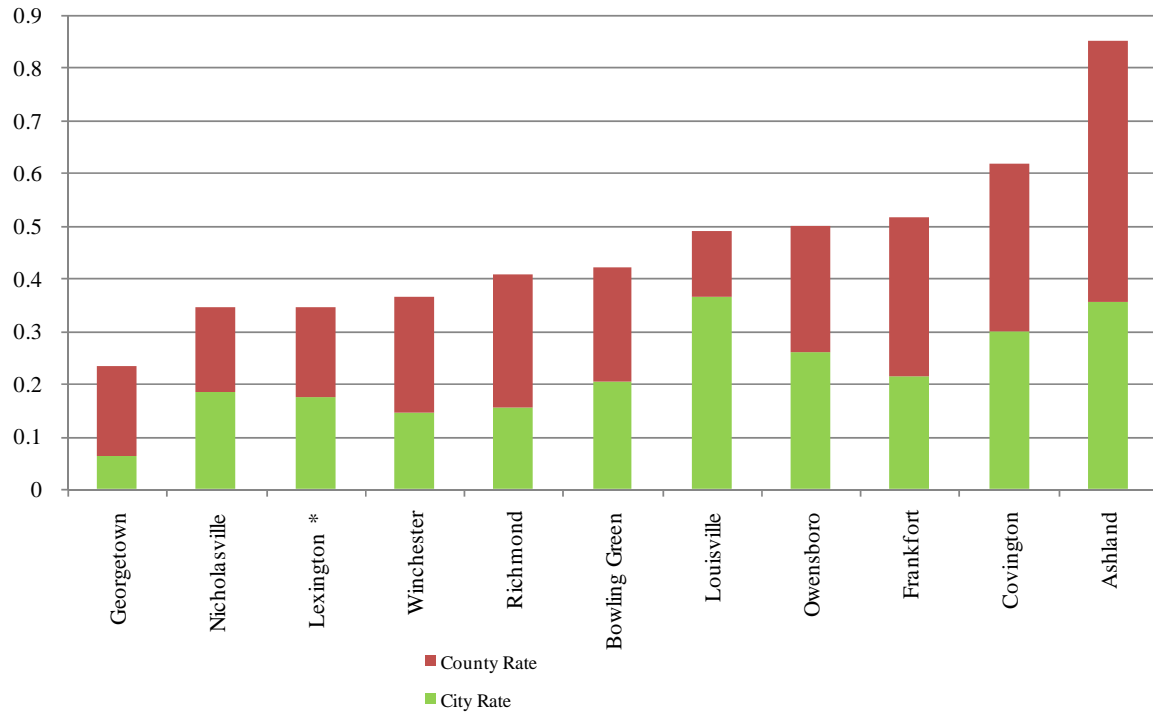
| City               | City/County Rate | State Rate   | School Rate  | Total Rate    |
|--------------------|------------------|--------------|--------------|---------------|
| Georgetown         | 0.234            | 0.122        | 0.433        | 0.789         |
| Winchester         | 0.365            | 0.122        | 0.512        | 0.999         |
| Nicholasville      | 0.345            | 0.122        | 0.629        | 1.096         |
| Richmond           | 0.41             | 0.122        | 0.583        | 1.115         |
| <b>Lexington *</b> | <b>0.3451</b>    | <b>0.122</b> | <b>0.652</b> | <b>1.1191</b> |
| Bowling Green      | 0.423            | 0.122        | 0.731        | 1.276         |
| Louisville         | 0.4921           | 0.122        | 0.677        | 1.2911        |
| Frankfort          | 0.518            | 0.122        | 0.725        | 1.365         |
| Owensboro          | 0.5023           | 0.122        | 0.785        | 1.4093        |
| Ashland            | 0.855            | 0.122        | 0.549        | 1.526         |
| Covington          | 0.6195           | 0.122        | 1.117        | 1.8585        |

*Source: Kentucky Revenue Cabinet, Department of Property Taxation*

Note: The tax rates listed here are real property rates only. This does not reflect the total tax burden for households.

\* For comparison purposes the Lexington "City" rate is the Full Urban Services rate and the "County" rate is the combination of the General Services, Health Department, LexTran, Extension, and Soil Conservation rates.

### City/County Tax Rates in Selected Kentucky Cities 2011 Tax Year



\* For comparison purposes the Lexington "City" rate is the Full Urban Services rate and the "County" rate is the combination of the General Services, Health Department, LexTran, Extension, and Soil Conservation rates.

## Library Funding Statute

### 173.360 Annual appropriations, amounts -- Powers and duties of board as to funds.

- (1) After the legislative body of a governmental unit has made provisions for library service according to any of the methods set forth in KRS 173.310, the legislative body shall appropriate money annually to furnish such service. In library regions it shall not be less than three cents (\$0.03), nor more than ten cents (\$0.10) on each one hundred dollars (\$100) worth of property assessed for local taxation. In counties containing a city of the first class it shall be not more than fifteen cents (\$0.15) on each one hundred dollars (\$100) worth of property assessed for local taxation. **In all other governmental units it shall be not less than five cents (\$0.05) nor more than fifteen cents (\$0.15) on each one hundred dollars (\$100) worth of property assessed for local taxation.** In those instances where county library service has been established on the initiative of the fiscal court and when an appropriation of less than the minimum amount required by this subsection is proposed, the minimum amount of support for county library service may be determined annually through a mutual agreement of the county library board, the county fiscal court, and the state Department for Libraries and Archives. This agreement shall be reflected in the records of the legislative body of the governmental unit making the appropriation.
  
- (2) All funds for the library shall be deposited monthly to the credit of the library board. These funds shall not be used for any but library purposes. The treasurer of the library board shall be required to execute bond with good and sufficient surety thereon for the faithful performance of his duties, the amount of the bond to be fixed by the board. If the bond has a corporate surety the premium shall be paid from the library fund. The board shall have exclusive control of expenditures, subject to an examination of accounts as may be required by the legislative body, and money shall be paid only upon vouchers approved by the board. The board shall not make expenditures or incur indebtedness in any year in excess of the amount of money appropriated and available for library purposes, except where a library board is the owner of real estate not used for library purposes, in which case they may borrow money secured solely by that property. Principal and interest on indebtedness on real estate owned by a library board not used for library purposes is not chargeable to the library funds derived from taxation.

**History:** Amended 1964 Ky. Acts ch. 55, sec. 3. -- Amended 1960 Ky. Acts ch. 61, sec. 2. -- Created 1944 Ky. Acts ch. 160, sec. 7.

**Division of Budgeting  
Lexington-Fayette Urban County Government  
200 East Main Street  
Lexington, Kentucky 40507  
(859) 258-3060**

**Paid For With Lexington-Fayette Urban County Government Funds**

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## **Sanitary Sewer System Capacity Assurance Program (CAP)**


**PROGRESS UPDATE TO COUNCIL**  
Lexington-Fayette Urban County Government  
Division of Water Quality

**August 14, 2012**

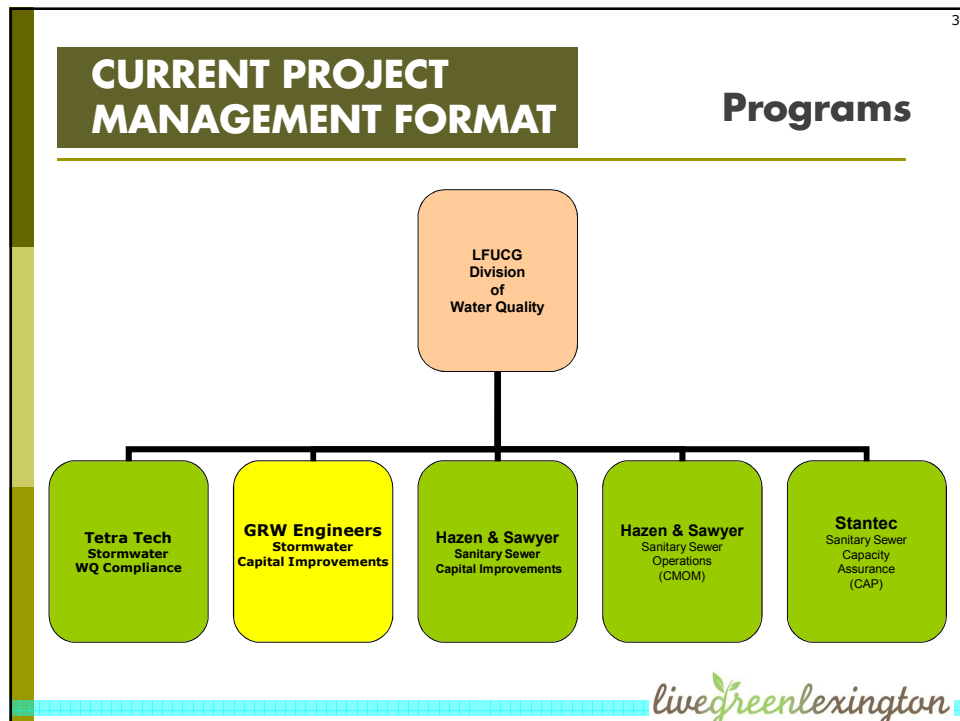
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## **AGENDA**

- ❑ **CAP Overview**
- ❑ **EPA Deadlines**
- ❑ **Council Decisions**
- ❑ **CAP Task Force**
- ❑ **Progress Update**
- ❑ **Schedule**
- ❑ **Questions**



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4

## CAP OVERVIEW

### General Concept


- ❑ The Consent Decree requires that LFUCG must certify there is **adequate capacity** in sanitary sewer system before authorizing any new connections (flow increases).
- ❑ Certification necessary to verify that **new flow** plus **existing flow** and previously **approved flow** will not result in a surcharge condition, SSO, or unpermitted bypass for the 2-year, 24-hour design storm.
- ❑ If adequate capacity cannot be certified, then a **banked credits system** may be used in lieu of certification.
- ❑ Credits are earned by improvements to LFUCG's sanitary sewer system. Earned credits (expressed in gallons per day of flow removed) can be used to offset flow from new connections.

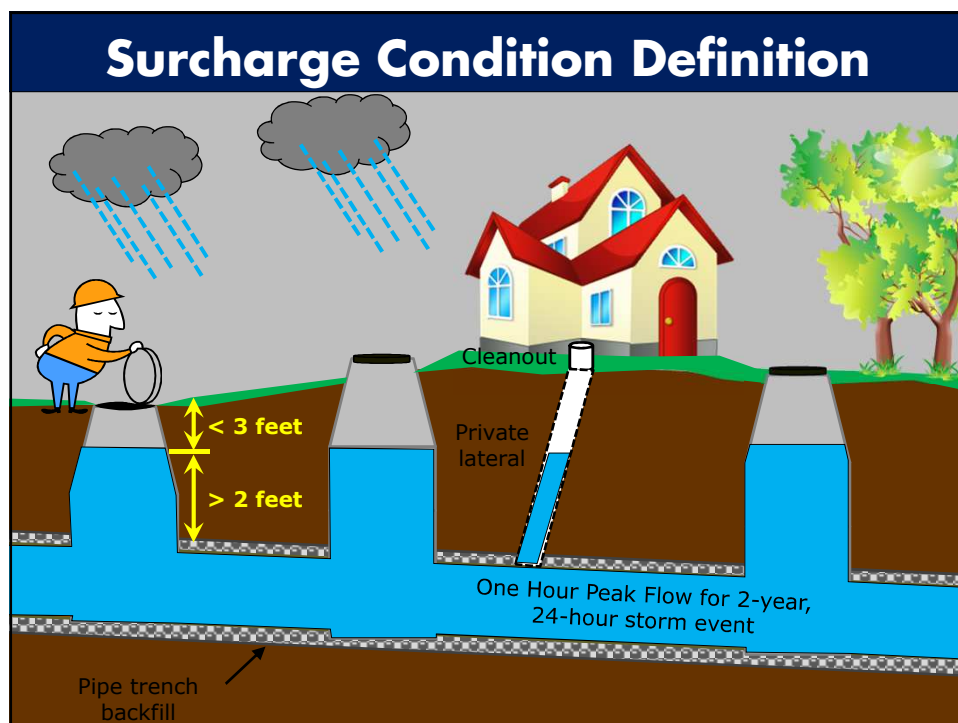


CAP OVERVIEW

**Adequate Capacity**

- ▣ Adequate capacity must be certified in the collection system (gravity sewers), transmission system (pump stations and force mains), and treatment systems (West Hickman and Town Branch plants).
- ▣ **Surcharge condition** is defined in Consent Decree as when water level in manhole rises 24 inches above top of pipe or within 3 feet of the top of the manhole lid.





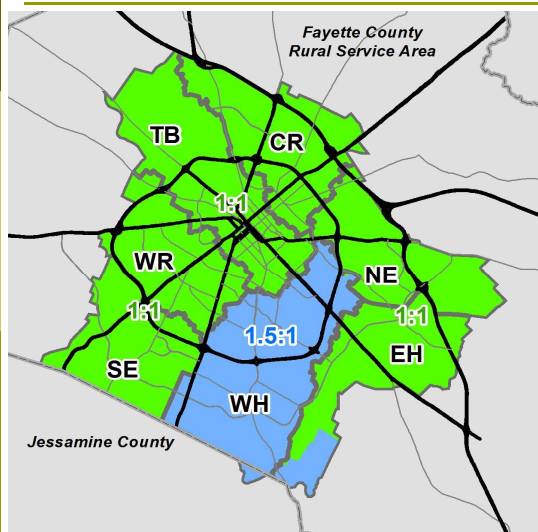
## CAP OVERVIEW

## Banked Credit System

- Flow removal needed to offset new flow is made at the trade ratio defined in the CD.
  - Trade ratios:    **(Removed Flow : Added Flow)**
    - Off-line Storage and/or Removal Connections
      - 1.5 to 1    (West Hickman)
      - 1 to 1     (Other Sewersheds)
    - I/I or Capacity Enhancing Projects *related to a Recurring Sanitary Sewer Overflow (SSO)*
      - 4 to 1     (West Hickman)
      - 3 to 1     (Other Sewersheds)
    - I/I or Capacity Enhancing Projects *not related to a Recurring SSO*
      - 2 to 1     (All Sewersheds)

## TRADE RATIO

## Storage/Removal of Connections

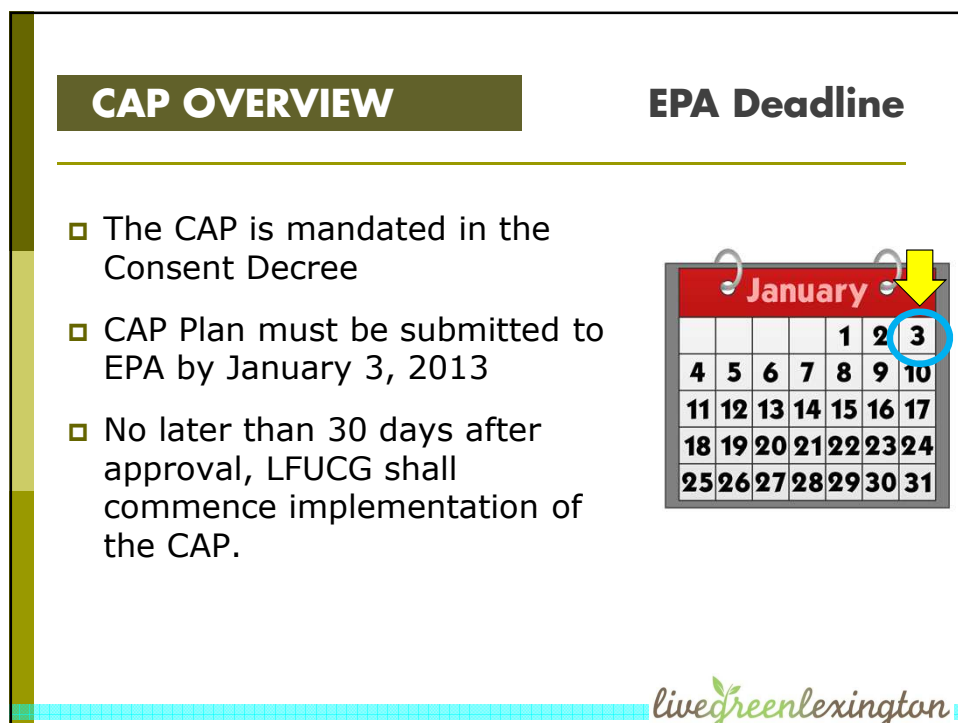
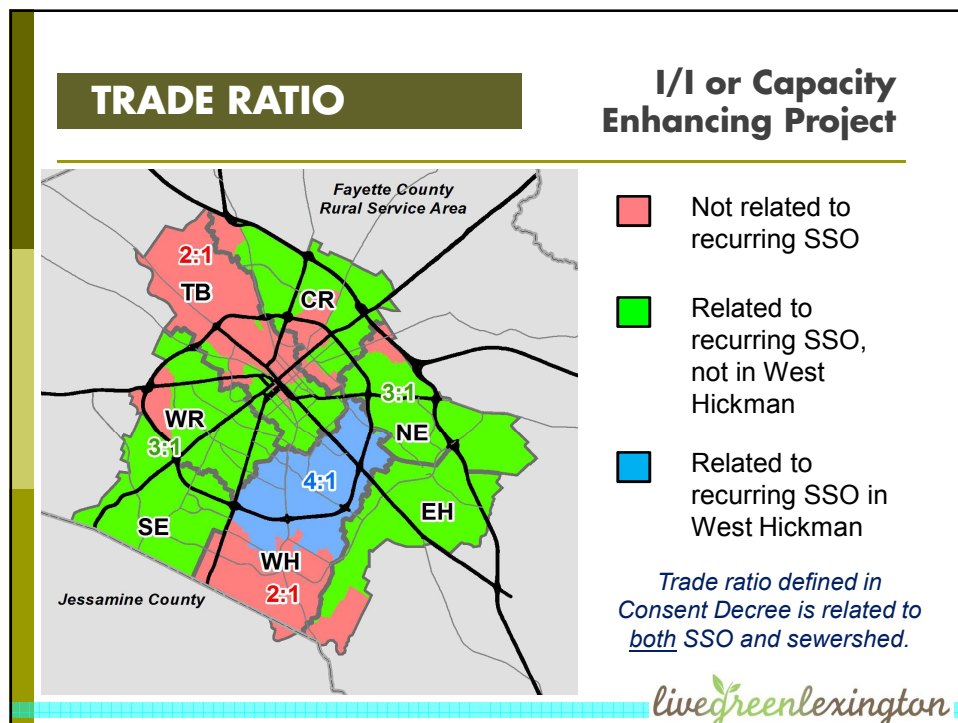


Not in West Hickman

West Hickman

*Trade ratio is defined in the Consent Decree for each sewer shed.*

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## COUNCIL DECISIONS

### Two types

#### Plan Related Decisions (EPA Approval Required)

- ▣ How will capacity credits be banked?
- ▣ How will LFUCG deal with sewer tap permits issued but not used prior to 2013?
- ▣ What is LFUCG's schedule for CAP implementation?
- ▣ .....?

#### Implementation Decisions (No EPA Approval Required)

- ▣ Will capacity/credit allocations have an expiration date?
- ▣ Will there be a fee for capacity determinations or credits?
- ▣ How early will developer be able to request capacity?
- ▣ .....?



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## CAP TASK FORCE

### Voting Members

- ▣ Chair – Tom Blues (2<sup>nd</sup> District)
- ▣ Task Force
  - Linda Gorton (Vice Mayor)
  - Chuck Ellinger (At-large)
  - Steve Kay (At-large)
  - Peggy Henson (11<sup>th</sup> District)
  - Kevin Stinnett (6<sup>th</sup> District)
  - Derek Paulsen (Commissioner of Planning)



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| CAP STAKEHOLDERS  | To provide<br>insight/feedback   |
|---|--|
| <ul style="list-style-type: none"><li>▣ LFUCG</li><li>▣ CAP Consultant Team</li><li>▣ Stakeholders<ul style="list-style-type: none"><li>■ Fayette County Public Schools</li><li>■ University of Kentucky</li><li>■ Home Builders Association</li><li>■ Commerce Lexington</li><li>■ Fayette Alliance</li><li>■ Fayette County Neighborhood Council</li><li>■ General Public</li></ul></li></ul> |  |

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| CAP TASK FORCE   | Objective   |
|--|---|
| <ul style="list-style-type: none"><li>▣ Task Force established to...<ul style="list-style-type: none"><li>■ Provide perspective and input during CAP development</li><li>■ Identify opportunities for the overall improvement of LFUCG's current and proposed sanitary sewer extension policies and tap-on permit issuance process</li></ul></li></ul> | <p><i>Establishment of the Task Force is voluntary<br/>and not mandated by EPA.</i></p> |

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| CAP TASK FORCE   | Deliverable |
|--|-------------|
| <ul style="list-style-type: none"><li>□ A final report detailing Task Force recommendations with respect to policies for:<ul style="list-style-type: none"><li>■ Approving sanitary sewer extensions</li><li>■ Tap-on permit issuance and processes</li><li>■ Allocation of hydraulic capacity</li><li>■ Allocation of capacity credits</li><li>■ The return, purchase or trading of allocated capacity or capacity credits</li><li>■ All related recommendations of the Task Force</li></ul></li></ul> <p><i>(Report will be prepared by CAP Consultant.)</i></p> |             |

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| CAP TASK FORCE  | Meetings                  |                                 |                          |                                  |                          |                                   |                           |                                   |                         |                                   |                          |
|---|---------------------------|---------------------------------|--------------------------|----------------------------------|--------------------------|-----------------------------------|---------------------------|-----------------------------------|-------------------------|-----------------------------------|--------------------------|
| <ul style="list-style-type: none"><li>□ <b>Location:</b> Council Chambers</li><li>□ <b>Time:</b> 9 am – 11 am</li><li>□ <b>Future Dates:</b><table border="0"><tbody><tr><td>■ <del>May 3<sup>rd</sup></del></td><td>■ August 7<sup>th</sup></td></tr><tr><td>■ <del>May 24<sup>th</sup></del></td><td>■ August 9<sup>th</sup></td></tr><tr><td>■ <del>June 14<sup>th</sup></del></td><td>■ August 23<sup>rd</sup></td></tr><tr><td>■ <del>June 28<sup>th</sup></del></td><td>■ Sept. 6<sup>th</sup></td></tr><tr><td>■ <del>July 12<sup>th</sup></del></td><td>■ Sept. 20<sup>th</sup></td></tr></tbody></table></li></ul> |                           | ■ <del>May 3<sup>rd</sup></del> | ■ August 7 <sup>th</sup> | ■ <del>May 24<sup>th</sup></del> | ■ August 9 <sup>th</sup> | ■ <del>June 14<sup>th</sup></del> | ■ August 23 <sup>rd</sup> | ■ <del>June 28<sup>th</sup></del> | ■ Sept. 6 <sup>th</sup> | ■ <del>July 12<sup>th</sup></del> | ■ Sept. 20 <sup>th</sup> |
| ■ <del>May 3<sup>rd</sup></del>   | ■ August 7 <sup>th</sup>  |                                 |                          |                                  |                          |                                   |                           |                                   |                         |                                   |                          |
| ■ <del>May 24<sup>th</sup></del>  | ■ August 9 <sup>th</sup>  |                                 |                          |                                  |                          |                                   |                           |                                   |                         |                                   |                          |
| ■ <del>June 14<sup>th</sup></del>   | ■ August 23 <sup>rd</sup> |                                 |                          |                                  |                          |                                   |                           |                                   |                         |                                   |                          |
| ■ <del>June 28<sup>th</sup></del>   | ■ Sept. 6 <sup>th</sup>   |                                 |                          |                                  |                          |                                   |                           |                                   |                         |                                   |                          |
| ■ <del>July 12<sup>th</sup></del>   | ■ Sept. 20 <sup>th</sup>  |                                 |                          |                                  |                          |                                   |                           |                                   |                         |                                   |                          |

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## CAP PROGRESS

## Work Completed

- To date, Task Force has adopted recommendations on the following CAP decision items:

- **Banking Unit**

*Geographic unit where credits will be banked.*

- **Credit Harvest Date**

*Date that LFUCG will negotiate with EPA to begin counting earned credits (flow removal) from sewer improvements.*

- **Use of Record**

*Sewage usage (gallons per day) assigned to property from existing land use.*

- **Essential Services**

*Exemption available to public schools, health care facilities, and public safety facilities.*

- **3<sup>rd</sup> Party Trading**

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## CAP BANK MAP

## East Hickman

### Year 1



CAP PROGRESS

Work  
Remaining

---

▣ Upcoming Task Force CAP decision items:

- Developer Earned Credit Program \*
- Credit Allocation Priority \*
- Grandfathering \*
- CAP Entry Point into Land Development Process \*
- Review Time for Capacity Determinations
- Review Fees and/or Deposits
- Schedule for Full Implementation of CAP

\* On the Agenda for August 7<sup>th</sup> Task Force Meeting.

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SCHEDULE

Task Force

---

| Event  | Schedule                           |
|--|------------------------------------|
| Last CAP Task Force Meeting                                    | Sept. 20, 2012                     |
| Present Draft CAP Plan to Council                              | October, November, & December 2012 |
| Present Draft CAP Plan to Planning Commission                  | November 29, 2012                  |
| Submit CAP Plan to EPA   | January 3, 2013                    |
| Earliest date EPA could require CAP Implementation to commence | February 3, 2013                   |
| Full CAP Implementation  | TBD by Council                     |

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## QUESTIONS

**Ask them.**



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