

# **Lexington-Fayette Urban County Government**

*200 E. Main St  
Lexington, KY 40507*



**Tuesday, February 19, 2013**

**3:00 PM**

**Packet**

**Council Chamber**

**Urban County Council Work Session**

**URBAN COUNTY COUNCIL  
SCHEDULE OF MEETINGS  
February 18 – February 25, 2013**

**Monday, February 18**

President's Day – Offices Closed

**Tuesday, February 19**

COW Economic Development Committee.....11:00 am  
Council Chamber – 2<sup>nd</sup> Floor Government Center

Budget & Finance Committee.....1:00 pm  
Council Chamber – 2<sup>nd</sup> Floor Government Center

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

**Wednesday, February 20**

No Meetings

**Thursday, February 21**

Keep Lexington Beautiful.....9:00 am  
Conference Room – 5<sup>th</sup> Floor Government Center

Corridors Commission.....11:00 am  
Conference Room – 5<sup>th</sup> Floor Government Center

**Friday, February 22**

No Meetings

**Monday, February 25**

No Meetings

# URBAN COUNTY COUNCIL

## WORK SESSION SUMMARY

### TABLE OF MOTIONS

February 12<sup>th</sup>, 2013

Mayor Jim Gray called the meeting to order at 3:01pm. Council Members Linda Gorton, Charles Ellinger, Steve Kay, Chris Ford, Shevawn Akers, Diane Lawless, Julian Beard, Bill Farmer, Kevin Stinnett, Jennifer Scutchfield, Jennifer Mossotti, George Myers, Harry Clarke, Peggy Henson, and Ed Lane were present.

- I. Public Comment – Issues on Agenda - No
- II. Requested Rezonings/Docket Approval -Yes  
Motion by Gorton to approve the docket. Seconded by Myers. Motion passed without dissent.  
Motion by Scutchfield to add to the docket a resolution requesting that the Kentucky General Assembly consider adopting legislation granting the LFUCG Ethics Commission the authority to issue administrative subpoenas. Seconded by Ford. Motion passed without dissent.
- III. Approval of Summary – Yes  
Motion by Stinnett to approve the summary. Seconded by Gorton. Motion passed without dissent.
- IV. Budget Amendments – Yes  
Motion by Beard to approve the budget amendments. Seconded by Myers. Motion passed without dissent.  
Motion by Farmer to initiate budget amendment transferring funds of \$15K from the fund balance to the Office of the Mayor for consulting fees for the Bloomberg Challenge Grant. Seconded by Gorton. Motion passed 10-5. Clarke, Henson, Beard, Akers and Lawless voted nay.
- V. New Business – Yes  
Motion by Farmer to approve the new business items. Seconded by Gorton. Motion passed without dissent.
- VI. Continuing Business / Presentations – Yes

Motion by Stinnett to approve option two for the Blue Sky Waste Water Treatment Plant. Seconded by Gorton. Motion passed without dissent.

Motion by Stinnett to develop, at the appropriate time, a master agreement for the Blue Sky project. Seconded by Gorton. Motion passed without dissent.

VII. Council Reports

Motion by Farmer to refer to the Budget and Finance Committee, a discussion of the fund balance and its possible uses. Seconded by Lane. Motion passed without dissent.

Motion by Ford to refer to the Public Safety Committee, tenant transition and household disposal. Seconded by Myers. Motion passed without dissent.

VIII. Mayor's Report – Yes

Motion by Gorton to approve the Mayor's Report. Seconded by Myers. Motion passed without dissent.

IX. Public Comment – Issues Not Agenda - No

Motion by Mossotti to enter into a closed session pursuant to KRS 61.810 (1) (f). Seconded by Myers. Motion passed without dissent.

Motion by Gorton to return from the closed session. Seconded by Clarke. Motion passed without dissent.

X. Adjournment

Motion by Kay to adjourn. Seconded by Akers. Motion passed without dissent.

**Lexington-Fayette Urban County Government  
Work Session Agenda  
February 19, 2013**

- I. Public Comment - Issues on Agenda**
- II. Requested Rezoning/ Docket Approval – No**
- III. Approval of Summary – Yes p. 1 - 2**
- IV. Budget Amendments – No**
- V. New Business – Yes p. 6 - 13**
- VI. Continuing Business/ Presentations**
  - a** Neighborhood Development Funds, February 19, 2013 p. 14
  - b** General Government Committee Summary February 2013 p. 15 - 17
  - c** Public Safety Committee Summary February 2013 p. 18 - 20
  - d** Presentation: Citizen's Advocate 2012 Annual Report; By: Penny McFadden  
p. 21 - 23
- VII. Council Reports**
- VIII. Mayor's Report – No**
- IX. Public Comment - Issues Not on Agenda**
- X. Adjournment**

- a        0109-13**        Authorization to execute Standard Software Maintenance Agreement with New World Systems Corporation for support services, upgrades and revisions to the software application package. (L0109-13) (Bastin/Mason)  
This is a request to execute 3-year Standard Software Maintenance Agreement with New World Systems for an amount of \$497,430 for support services, upgrades and revisions to the software application package, from July 1, 2012 through June 30, 2015. The amount budgeted for FY 2013 is \$152,500. p. 6
- b        0136-13**        Authorization to cancel agreement with Boy Scout Troop No. 100 and to execute agreement with First United Methodist Church BSA 1789 for participation in the Adopt-A-Spot Roadway Cleanup Program under the Kentucky Pride Grant for FY 2013. (L0136-13) (Gooding/Moloney)  
This is a request to cancel agreement with Boy Scout Troop No. 100 and to execute agreement with First United Methodist Church BSA 1789 for an amount of \$772, for participation in the Adopt-A-Spot Roadway Cleanup Program under the Kentucky Pride Grant for FY 2013. Funds are budgeted. p. 7
- c        0141-13**        Authorization to release mortgage on 183 Walton Avenue, enabling Children's Advocacy Center of the Bluegrass, Inc., to sell property and relocate to expanded facility. (L0141-13) (Gooding/Hamilton)  
This is a request to release mortgage on 183 Walton Avenue, enabling Children's Advocacy Center of the Bluegrass, Inc., to sell property and relocate to expanded facility. There is no budgetary impact. p. 8
- d        0144-13**        Authorization to amend Section 22-5 of the Code of Ordinances, creating one (1) position of CSEPP Manager P/T (Grade 115N) in the Division of Emergency Management/911. (L0144-13) (Maxwell/Mason)  
This is a request to amend Section 22-5 of the Code of Ordinances, creating one (1) position of CSEPP Manager P/T (Grade 115N) in the Division of Emergency Management/911. This position will be funded from the CSEPP grant, which is a non-matched grant. p. 9
- e        0148-13**        Authorization to execute renewal of agreement with OmniSource Integrated Supply, LLC, for provision of temporary employees to perform inventory specialist activities for the Division of Emergency Management/911 under the Metropolitan Medical Response System--2012 grant and the Emergency Management Assistance grant for Fiscal Year 2013. (L0148-13) (Gooding/Mason)

This is a request to execute renewal of agreement with OmniSource Integrated Supply, LLC, for provision of temporary employees to perform inventory specialist activities for the Division of Emergency Management/911 under the Metropolitan Medical Response System--2012 grant for an amount of \$15,000, and under the Emergency Management Assistance grant for Fiscal Year 2013 for an amount of \$15,000. Funds are budgeted. p. 10

- f      0151-13**      Authorization to execute an Equipment Donation Agreement with Beaumont Centre Family YMCA for two pieces of surplus exercise equipment for the Division of Police, Health Services Facility (Police Gym). (L0151-13) (Bastin/Mason)  
This is a request to execute an Equipment Donation Agreement with Beaumont Centre Family YMCA for two pieces of surplus exercise equipment, valued at \$2000, for the Police Gym. There is no budgetary impact. p. 11
- g      0152-13**      Authorization to purchase a Ques brand sanitary sewer video camera and related adaptive equipment from Eye-Tronics (a sole source provider) located in Louisville, Ky. (L0152-13) (Martin/Moloney)  
This is a request to purchase a Ques brand sanitary sewer video camera and related adaptive equipment for an amount of \$28,752.33 from Eye-Tronics (a sole source provider) located in Louisville, Ky. Funds are budgeted. p. 12
- h      0153-13**      Authorization to execute amendment to agreement with REACH, Inc., providing for pass-through of HOME Investment Partnerships Program funds to Fayette County Local Development Corporation for development of a rental property at 442 Georgetown Street. (L0153-13) (Gooding/Hamilton)  
This is a request to execute amendment to agreement with REACH, Inc., providing for pass-through of HOME Investment Partnerships Program funds to Fayette County Local Development Corporation for development of a rental property at 442 Georgetown Street. This amendment also increases the award amount by \$12,789, which brings the total new project cost from \$62,000 to \$74,789. Funds are budgeted. p. 13



## 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:** January 24, 2013

**RE:** New World Systems Corporation – Standard Software Maintenance Agreement

Please find attached Standard Software Maintenance Agreement between New World Systems Corporation (New World) and Lexington-Fayette Urban County Government. This agreement provides standard software maintenance support services provided by New World, upgrades and revision to the software application package. The attached agreement requires the Mayor's signature. This agreement shall remain in effect for a period of three (3) years, from July 1, 2012 through June 30, 2015.

- July 1, 2012 – June 30, 2013 - \$152,500
- July 1, 2013 – June 30, 2014 - \$165,550
- July 1, 2014 – June 30, 2015 - \$179,380

This maintenance agreement is fully budgeted.

Please return the original signed agreement to the Chief's Office to acquire additional signature.

A handwritten signature in cursive script, reading "R. Bastin".

Ronnie Bastin  
Chief of Police

Attachment

cc: Clay Mason, Commissioner of Public Safety





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: FEBRUARY 6, 2013**

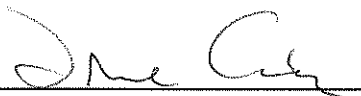
**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO CANCEL AGREEMENT  
WITH BOY SCOUT TROOP NO. 100 AND TO EXECUTE AGREEMENT  
WITH FIRST UNITED METHODIST CHURCH BSA 1789 FOR  
PARTICIPATION IN THE ADOPT-A-SPOT ROADWAY CLEANUP  
PROGRAM UNDER THE KENTUCKY PRIDE GRANT FOR FY 2013**

On January 31, 2013 (Resolution No. 19-2013) Council approved various agreements with organizations for participation in the Adopt-a-Spot Roadway Cleanup Program under the Kentucky Pride Grant for FY 2013. Among the approved agreements was an agreement with Boy Scout Troop No. 100 in the amount of \$772.00. This organization has indicated that it is unable to fulfill the terms of the agreement and has requested cancellation of the agreement. First United Methodist Church BSA 1789 has agreed to "adopt" this cleanup area in the amount of \$772.00.

Funds are budgeted as follows:

FUND	DEPT ID	Section	ACCT	PROJECT/GRANT	BUD REF	ACTIVITY
3400	303301	0001	71299	KYPRIDE_2013	2013	STA_GRANT

Council authorization to cancel agreement with Boy Scout Troop #100 and to authorize execution of agreement with First United Methodist Church BSA 1789 in the amount of \$772.00.

  
Irene Gooding, Director

Xc: Richard Moloney, Commissioner of 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: FEBRUARY 6, 2013

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO RELEASE MORTGAGE ON 183  
WALTON AVENUE, ENABLING CHILDREN'S ADVOCACY CENTER OF  
THE BLUEGRASS, INC., TO SELL PROPERTY AND RELOCATE TO  
EXPANDED FACILITY

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On July 26, 1994 (Ordinance No. 133-94), Council authorized execution of an agreement with Children's Advocacy Center of the Bluegrass, Inc., in the amount of \$179,486.46 in Community Development Block Grant funds for the purchase of property at 183 Walton Avenue to be used by the organization for operation of a program that would consolidate all law enforcement, medical, and mental health services for sexually abused children. The loan agreement provided for a term of 20 years with no repayment as long as organization operated the herein described program and complied with all local, state, and federal housing and building codes and standards. The loan is secured with a mortgage and note. The maturity date is July 26, 2014.

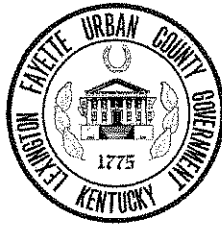
Children's Advocacy Center of the Bluegrass is relocating its operations to a larger facility located at 158-162 North Ashland Avenue. The property at 183 Walton Avenue has been listed for sale and an offer to purchase has been received. Children's Advocacy Center of the Bluegrass has requested an early release of the government's lien so that it can sell property located at 183 Walton Avenue and use proceeds from the sale of this property for purchase of property at 158-162 North Ashland Avenue.

Council authorization to release mortgage on 183 Walton Avenue is hereby requested.

  
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Irene Gooding, Director

Xc: Sally Hamilton, Chief Administrative Officer

HORSE CAPITAL OF THE WORLD



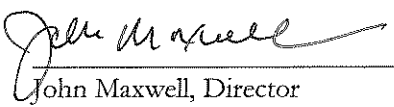
Lexington-Fayette Urban County Government  
DIVISION OF HUMAN RESOURCES

Jim Gray  
Mayor

Janet Graham  
Commissioner

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

**TO:** Jim Gray, Mayor  
Sally Hamilton, Chief Administrative Officer  
Council Members

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

**DATE:** February 7, 2013

**SUBJECT:** Create position – Division of Emergency Management/911

The attached action amends Section 22-5 of the Code of Ordinances creating one (1) position of CSEPP Manager P/T (Grade 115N) in the Division of Emergency Management/911, effective upon passage by Council.

This position is responsible for the management of the CSEPP grant program and for the increasing responsibilities of the CSEP program implementation, which included financial, operations and planning. The position will also be responsible for overall management, planning and implementation of the Chemical Stockpile Emergency Preparedness Program (CSEPP).

This position will be funded solely from the CSEPP grant which is a non-matched grant.

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

Attachment

Log #13-0038



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: FEBRUARY 7, 2013

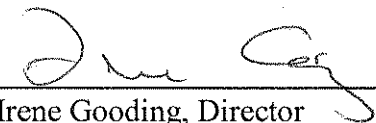
SUBJECT: Request Council authorization to approve renewal of agreement with OmniSource Integrated Supply, LLC, for provision of temporary employees to perform inventory specialist activities for the Division of Emergency Management/911 under the Metropolitan Medical Response System--2012 grant in the amount of \$15,000, and under the Emergency Management Assistance grant for Fiscal Year 2013 in the amount of \$15,000

In response to RFP 14-2010, OmniSource Integrated Supply, LLC was selected to provide temporary employees to perform inventory specialist activities for the Division of Emergency Management/911. The posted RFP provided for a one-year contract with four one-year renewals. Initial contract was approved by Council on July 6, 2010 (Resolution No. 410-2010). The project was renewed on April 12, 2012 (Resolution No. 153-2012).

The Division of Emergency Management/911 has requested a second one-year renewal in the amount of \$30,000 for these services. Funds are budgeted as follows:

FUND	DEPT ID	SECT	ACCT	PROJECT	ACTIVITY	BUD REF
3200	505205	0001	71299	MMRS_2012	FED_GRANT	2012
3200	505204	5291	71299	EMRG_MGMT_2013	FED_GRANT	2013

Council authorization to approve renewal of agreement with OmniSource Integrated Supply, LLC, in the amount of \$30,000 is hereby requested.

  
Irene Gooding, Director

Xc: Clay Mason, Commissioner of Public Safety

HORSE CAPITAL OF THE WORLD

**LEXINGTON DIVISION OF POLICE**

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

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

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

**DATE:** February 6, 2013

**RE:** Equipment Donation – Beaumont Family YMCA

Please find attached equipment donation agreement received from Erin Jones, Beaumont Centre Family YMCA. The Beaumont Family YMCA would like to donate two pieces of surplus exercise equipment to the Lexington Division of Police. The equipment will be placed in the Division of Police, Health Services Facility (Police Gym). The value of this donated equipment is \$2,000. There will be no cost incurred.

The attached equipment donation agreement is being forwarded for Council approval and Mayor Gray's signature.

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

A handwritten signature in cursive script that reads "R. Bastin".

Ronnie Bastin  
Chief of Police

RB/rmh

cc: Clay Mason, Commissioner of Public Safety




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

Jim Gray  
Mayor

Richard Moloney  
Commissioner

MEMORANDUM

TO: Mayor Jim Gray  
Urban County Council

FROM: Charles Martin, PE   
Director Division of Water Quality

DATE: February 6, 2013

SUBJECT: Replacement Sewer Line Camera

The purpose of this memorandum is to request a sole source purchase of a Ques brand sanitary sewer video camera and related adaptive equipment.

When the video recording equipment was originally bid, the low bid was based on Cues manufactured equipment. Consequently, all of our trucks use electronic equipment such as close circuit television, recording equipment and cameras manufactured by Ques.

The Division of Water Quality now needs to purchase a replacement/backup camera for the Sewer Line Maintenance crew and since all the existing equipment is Cues, it is necessary to also purchase a Cues camera.

Cues is manufactured in Orlando Florida and equipment is sold through individual state-based suppliers. Due to each supplier's agreement with Cues manufacturing, suppliers are only allowed to bid and sell Cues equipment in their assigned state. So a Cues supplier in Kentucky cannot bid on and supply a camera to any other state except Kentucky. Therefore, there is only one Cues equipment supplier in Kentucky where we can purchase Cues equipment.

Eye-Tronics in Louisville is the Cues sole source supplier in Kentucky. Eye-Tronics has submitted a quote for \$27,363.26 for a Cues sewer video camera, a transporter (the tracked sled the camera is fastened to) and two adapters to allow the camera and transporter to move through different sized sewer lines.

This equipment is fully budgeted in 4002-303406-3453-95802.

Please contact me at extension 2455 if you have further questions.



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:** FEBRUARY 8, 2013

**SUBJECT:** Request Council authorization to execute Amendment to Agreement with REACH, Inc., providing for pass-through of HOME Investment Partnerships Program funds to Fayette County Local Development Corporation for development of a rental property at 442 Georgetown Street

On April 23, 2009 (Ordinance No. 52-2009), Council authorized submission of the 2010 Consolidated Plan to the U.S. Department of Housing and Urban Development, and acceptance of federal funds for the HOME Investment Partnerships Program, and Emergency Shelter Grants Program. The same ordinance also provided for the execution of agreements with the entities named in the plan. Subsequently, a CHDO (Community Housing Development Organization) agreement was executed with REACH, Inc., for the use of \$62,000 for the construction of a single family residential unit for sale as a first-time homebuyer unit. Due to changes in the homebuyer market, REACH is unable to complete the project as a homeownership unit and has asked for an amendment to the agreement to provide for pass-through of property and HOME funds to the Fayette County Local Development Corporation (FCLDC), a subsidiary of the Fayette County Urban League. FCLDC, also a designated CHDO will develop the property, constructing a single family unit and operating it as a rental unit for households with median incomes of less than 60% of area median income for a period of 20 years.

The proposed Amendment to Agreement also provides REACH with an additional \$12,789 in HOME funds to complete the unit, subsidizing it so that the organization can efficiently operate it as a unit for low-income households for the 20-year period of affordability.

Funds for this amendment are in process of being budgeted as:

FUND	DEPT ID	SECT	ACCOUNT	BUD REF	ACTIVITY	PROJECT
3120	900202	0001	71101	2013	H02	HOME 2013

Council authorization to execute Amendment to Agreement is hereby requested.

Irene Gooding, Director

Xc: Sally Hamilton, Chief Administrative Officer

HORSE CAPITAL OF THE WORLD

**Neighborhood Development Funds  
February 19, 2013  
Work Session**

<b>Amount</b>	<b>Recipient</b>	<b>Purpose</b>
<b>\$ 625.00</b>	Lyric Theater and Cultural Arts Center Corp. 200 East Main Street Lexington, KY 40507 Jim Embry	To fund a screening of the film "Soul Food Junkies"
<b>\$ 900.00</b>	Lexington Women's Recognition Garden 565 Wellington Way Lexington, KY 40503 Victoria Meyer	To erect a permanent sign or possible gazebo to provide a shelter for groups to meet
<b>\$ 500.00</b>	Bryan Station High School Alumni Association 2011 Rambler Road , Suite 5 Lexington, KY 40503 Ken Daugherty	To support scholarship fundraising events for Bryan Station High School students





## **General Government Committee**

February 5<sup>th</sup>, 2013

### **Summary and Motions**

Vice Chair Jennifer Scutchfield called the meeting to order at 11:00am. Council Members present were Linda Gorton, Harry Clarke, Chris Ford, and Shevawn Akers. Steve Kay, George Myers, and Ed Lane were absent.

#### **1. Approval of Summary**

Motion by Gorton to approve the summary. Seconded by Ford. Motion passed without dissent.

#### **2. Amendment of Section 4.104 of the Council Rules**

Glenda George from the Department of Law came to the podium and said that she had made the changes the committee requested at the January 2013 meeting.

George reviewed the changes with the committee members. Gorton asked George what the asterisk items were. George said that they are also in the Council rules but the Council Clerk's office does not know what they are. Gorton asked George to remove them and she agreed.

Gorton then asked about the documents that will be included in the information from the Mayor. Gorton said that she wants the public to be able to see the information. For example, with a new contract, will the public see the name and amount of tax dollars spent? George said that she is not that far in the process but she would appreciate Council input as they work through developing the process. Gorton requested that, since the LFUCG has a history of being very open, they include more information rather than less. George said that they could have a process to load these documents into legistar. Meredith Nelson said that the items are hyperlinked through the public website.

George said that each item will be numbered.

Clarke asked George if Gorton's suggestions could be reflected in a statement in Section 4.104. Clarke also requested that George re-letter section (h) since item (g) was removed.

Scutchfield said that the item would be placed on the March 2013 agenda for final review with the recommended changes.

### 3. Metro Employees Credit Union Lease Update

Chief Administrative Officer, Sally Hamilton, came to the podium to present the update. Hamilton said that the issue came to the forefront last year. She said that it is because of the LFUCG Ordinance that requires the LFUCG to require tenants to pay Fair Market Value (FMV) for rent. Hamilton went on to say that they have negotiated and have tentatively agreed to a five-year graduated lease that also requires the Metro Employees Credit Union to pay for their utilities.

Hamilton said that after much discussion, she would like to recommend writing a Memorandum of Understanding (MOU) instead of a Public Service Agreement (PSA). Hamilton said that the LFUCG shares some data with the Metro Employees Credit Union. The MOU will describe this data sharing in detail. One of these services allows the credit union to release payroll funds into member's accounts a day earlier than other financial entities.

Bill O'Mara is now working on this. He is meeting with staff and will bring a draft MOU back to the General Government Committee in April 2013. Hamilton stressed that she will work with the credit union to make sure they are comfortable with the language of the MOU as well.

Beard asked about the execution of the MOU and asked Hamilton if a new service comes up that the credit union wants to offer, if the credit union will be able to do it. Hamilton said that the MOU will list broad terms so the credit union can make changes that it wishes to make. Beard asked to see the MOU before it is executed. Hamilton agreed to provide it.

Clarke asked Hamilton how the agreement compares to those with other facilities. Hamilton said that she has worked on rental agreements for a year. Hamilton said that the PSA or MOU was requested by Council. The Council Members felt that in this particular instance, a PSA or MOU would be appropriate.

Ford thanked Hamilton for her update. He said that he thinks that the MOU is more fitting than a PSA.

Hamilton said that she envisions that the benefits should be noted in the MOU. However, she does not want to restrict additional services that the credit union might want to add in the future.

Piper Graham said that their charter said they can only service employees of the LFUCG. They have not paid rent for 73 years. Graham wants to continue their relationship the LFUCG.

Beard and Gorton had questions about who can be members of the credit union. Graham said that employees can remain members when they leave the LFUCG as long as they don't close their account upon their departure. Graham also said that the immediate family members of an employee of the LFUCG can also be members.

#### 4. Website Linking Policy

Keith Horn from the Department of Law came to the podium to answer questions. Scott Shapiro was unable to attend the meeting. Horn said that he had been working on the language with Shapiro and he thought Shapiro had revised the document to reflect requested changes.

Gorton said that the document had not been revised and the document in the packet did not reflect the changes that Council Members asked for.

Horn said that one of the changes was made, but said that he would work with Shapiro to make the revisions.

Clarke directed Horn to page 13 and asked about the outside link section. Horn said that he interprets the section to read that the LFUCG has no control over the content on external links.

Clarke also asked Horn to add “shall” after “website” under the *Rollout of Policy* section.

Lawless asked that Shapiro attend the next meeting and also that the Information Technology division have a representative provide a visual example of the external linking at the next General Government meeting. Jenifer Benningfield said that she will ask Phillip Steifel to attend and do a brief demonstration.

#### 5. Items Referred to Committee

Gorton asked about the franchise fee referral from Chuck Ellinger. She said that the franchise fee was increased in the FY13 budget. She asked for research to be done on the issue to determine what the General Government Committee was supposed to be discussing.

Gorton made a motion to transfer the franchise fee issue to the Budget and Finance Committee. Ford seconded the motion.

Akers asked the committee members to wait to discuss the issue with Ellinger before transferring the item to a new committee.

Gorton withdrew her motion. Ford withdrew his second.

Akers made a motion to adjourn. Seconded by Gorton. Motion passed without dissent.

*Submitted by Jenifer Benningfield, Council Administrative Specialist*



## Public Safety Committee

February 5<sup>th</sup>, 2013

### Summary and Motions

Chair Peggy Henson called the meeting to order at 1:01pm. Council Members Jennifer Mossotti, Harry Clarke, Peggy Henson, Kevin Stinnett, Chris Ford, Shevawn Akers, Diane Lawless, Ed Lane and Bill Farmer Jr. were present. Chuck Ellinger was absent.

#### 1. Approval of Summary

Motion by Farmer to approve the summary. Seconded by Akers. Motion passed without dissent.

#### 2. Nuisance Abatement Forms Update

David Jarvis from the Division of Code Enforcement came to the podium to speak. He presented the updated 24 Hour Notice to Abate form.

Clarke said that there were sections of the form that were unclear to him. He had concerns about the first sentence, which reads 'you are hereby given notice to abate this emergency nuisance violation within 24 hours or appeal this notice within ten (10) days.' Jarvis said that the violator could appeal the actual notice, not the abatement. Jarvis went on to say that any owner who is issued two or more notices on the same property within twelve (12) months could be assessed civil penalties. Clarke asked why anyone would be able to appeal the violation. Jarvis said that it could be that a landlord wants to appeal the violation because it was their tenant who placed an illegal item outside and thus they were cited.

Mossotti asked how frequently they have to give the 24 Hour Notice to Abate. Jarvis said that it is cyclical. They have had anywhere from 10-50 per year. He said that most of the violations are around the University of Kentucky campus. Many of the properties are landlord-tenant situations.

Jarvis said that they did add the section that denotes when they attempted to contact the property owner. Jarvis said that most property owners are responsive. He hopes the updated form will be even more effective.

Akers asked Jarvis to explain the process if a property owner is not responsive. Jarvis said that they usually place a lien on the property and if enough time passes the property can be foreclosed on.

Farmer asked Jarvis how the form differs from the form they currently use. Jarvis said that this is a form specific to an emergency abatement and it does provide clarity on certain issues. Jarvis said that he would like to make the notice a bright color as well.

Lawless reminded Council Members that Code Enforcement did not have a different form to use for a 24 Hour Abatement Notice. Lawless said that she is also pleased that the Council voted to increase the fines a few years ago. Lawless said that many times the violation is a public safety issue and abatement is necessary for safety.

Lane asked Jarvis what method they use to give notice. Jarvis said they post it on the property, they call or they send letters. Jarvis said that the property owner has 10 days to appeal.

Jarvis said that a violation is an emergency if it is a public safety issue, impediment to traffic flow and/or a public health issue (food or diapers).

Akers noted that she is not satisfied with the use of the word 'or.' She said that it is misleading and confusing.

Clarke said that the first sentence has dangerous wording. He said that it implies you can abate the nuisance or appeal. Jarvis said that they want to revise the document by moving the bolded statement from the sixth paragraph to the first paragraph.

Myers asked Jarvis to change the first sentence to inform the violator that they must abate or they will be billed for the abatement. Jarvis agreed with this suggestion.

Mossotti asked Jarvis if he has the staff to enforce this. Jarvis said yes, they are fully staffed.

Henson asked Jarvis to make the recommended changes and bring the revised document back to the March 2013 meeting.

### **3. Hazardous Materials Ordinance**

Mason said that the draft will clean up the current ordinance. Hazmat was previously under Emergency Management, but it is now managed by the Division of Fire.

Greg Bayer, from the Division of Fire, came to the podium and presented the draft.

Lane asked Bayer if the changes they made meet best practices for the handling of hazardous materials. Bayer answered yes.

Motion by Lawless to move the Hazardous Materials Ordinance to the full Council for a vote.  
Seconded by Lane. Motion passed without dissent.

### **4. Public Nuisance Ordinance**

Leah Boggs, Legislative Aide to Council Member Steve Kay presented the draft ordinance. Boggs said that the proposed changes to the ordinance include the following:

- Applies to all property, not just residential
- Adds assaults, sexual offenses, weapons and any felony
- Excludes crimes in which the owner or occupant is the victim of the crime and had no control over the criminal act

Lane asked Boggs what would happen if the owner was not a victim but had no control over the criminal act. Boggs said that those circumstances would be included under the current ordinance.

Lane asked about sidewalks. Lane asked if criminal activity that takes place on the sidewalk in front of the property would count as a violation. The representative from the Division of Police said that these situations are dealt with on an individual basis. She said that the property owners usually work with the Division of Police in these instances.

Lawless spoke in favor of the ordinance. She thanked everyone for their work on it.

Clarke asked for clarification on the revisions. He asked Boggs if the only changes were those listed in her presentation. Boggs said that those were the only changes and reminded Clarke that everything else will stay the same.

Clarke asked why the Public Nuisance Ordinance is listed under Chapter 12-Housing. Mike Sanner from the Law Department said that this chapter applies to all structures in Fayette County. The appeal rights are the same as those of code enforcement.

Myers asked Ronnie Bastin, the Chief of Police, if the ordinance is one that they need to do their jobs more effectively. Bastin said yes. He said that they are not trying to issue more citations, but they need a tool to provide an incentive for citizens to meet with them to resolve problems.

Myers also asked if the Housing Authority properties would be included. A representative from the Division of Police responded yes, the current ordinance covers those properties.

Henson thanked everyone who worked on the draft.

Stephen Marshall and Craig Hardin, members of the public, spoke on the issue. They had concerns about the draft.

Motion by Akers to move the draft Public Nuisance Ordinance forward to the full Council for a vote. Seconded by Lawless. Motion passed without dissent.

## **5. Items Referred to Committee**

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

*Submitted by Jenifer Benningfield, Council Administrative Specialist*



**THE CITIZENS' ADVOCATE OFFICE**  
*"Promoting Fairness and Efficiency in Public Administration"*  
 Lexington-Fayette Urban County Government  
*"The Horse Capital of the World"*

## 2012 Annual Report

## Office Hours & Contact Information

Hours: M, W, Th, F 9:00 a.m. - 1:00 p.m.

T 1:00 p.m. - 5:00 p.m.

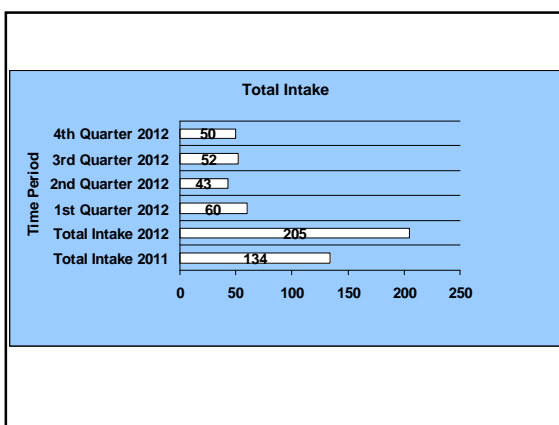
Phone: (859) 258-3230

Fax: (859) 258-3232

Email: [citadv@lexingtonky.gov](mailto:citadv@lexingtonky.gov)

Web: [www.lexingtonky.gov](http://www.lexingtonky.gov) (new web form)

Address: 200 East Main St., rm. 441  
 Lexington, KY 40507



- In 2012 the office handled 71 more contacts than in 2011

- Increase of nearly 53%

## 2012 Citizen Contact Types

Quarter	Assistance	Complaint	Informational	Grand Total
4	21	16	13	50
3	16	23	13	52
2	9	16	18	43
1	2	38	20	60
Grand Total	48	93	64	205

## 2012 Quarterly Report Recap

QUARTER	CAO	Council	ED&PW	GS	Law	LPA	Mayor	OA	Planning	PS	Finance	SS	Grand Total
1	0	9	6	0	0	0	1	34	1	12	1	2	66
2	0	2	3	2	2	0	0	19	0	11	1	6	46
3	1	2	9	3	4	1	1	21	3	23	0	5	73
4	2	2	12	1	3	0	0	18	1	19	2	8	68
Grand Total	3	15	30	6	9	1	2	92	5	65	4	21	253

## Success Story

### WHERE'S MY CAR?

- A citizen called to say that her car had been towed and that she felt it had been towed inappropriately.
- It was going to cost (\$600+) to get her car out of impoundment.
- The car had been inappropriately towed and the towing company released the car and waived the fees.

## Governmental Issues

## Conditional Access List

What is the conditional access list?

- The conditional access list is a list that contains the names of persons who during a visit to an Urban County Government facility are limited in their access to certain people or offices, or they may be required to have security escort them to an office due to past behavior.

- This office has had several complaints from people whose names have been placed on the list.
- The complaint heard most often concerns the notification method.

## Other Issues:

- What type action, behavior or event places someone on the list.
- Appeal process
- Documentation

## Recommendation:

- It is my recommendation that this issue be placed in a Council committee or sub-committee to set a policy and procedures.



### Commercial Driver's License (CDL)

- HR visually verifies the CDL, but does not make a copy
- The division (in this case) does not maintain copies of employees' CDLs, but does maintain a database
- Who insures that an employee's CDL has not expired or been revoked?

- Maintains a spreadsheet with the expiration dates for the CDL and the medical card
- Keeps copies of the CDLs and medical cards on file
- Quarterly update
- Random checks at safety meetings

### Recommendation:

- It is my recommendation that the Administration review divisional management of CDL information and develop procedures for divisions to use in maintaining that information.

### False Alarms

- The ordinance places the responsibility of acquiring and renewing false alarm permits on alarm companies.
- The ordinance places the consequences for not acquiring or renewing a permit on the alarm owner.

### Recommendation:

- It is my recommendation that the administration review the False Alarm ordinance and consider attaching the consequences of not acquiring or renewing a permit to the responsible party.