

Lexington-Fayette Urban County Government

*200 E. Main St
Lexington, KY 40507*



Tuesday, October 15, 2013

3:00 PM

Packet

Council Chamber

Urban County Council Work Session

**URBAN COUNTY COUNCIL
SCHEDULE OF MEETINGS
October 14 – October 21, 2013**

Monday, October 14

No Meetings

Tuesday, October 15

Special Public Safety Committee.....11:00 am
Council Chamber – 2nd Floor Government Center

COW Economic Development Committee.....1:00 pm
Council Chamber – 2nd Floor Government Center

Special COW – Fund Balance.....2:00 pm
Council Chamber – 2nd Floor Government Center

Council Work Session.....3:00 pm
Council Chamber – 2nd Floor Government Center

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

Wednesday, October 16

Town & Gown Commission.....4:00 pm
Council Chamber – 2nd Floor Government Center

Thursday, October 17

Air Quality Advisory Committee.....9:00 am
Conference Room – 7th Floor Phoenix Building

Keep Lexington Beautiful Commission.....8:30 am
Spindletop Hall – 3414 Iron Works Pike

Corridors Commission.....11:00 am
Conference Room – 5th Floor Government Center

Friday, October 18

No Meetings

Monday, October 21

No Meetings

Draft

URBAN COUNTY COUNCIL

WORK SESSION SUMMARY

TABLE OF MOTIONS

October 8th, 2013

Vice Mayor Linda Gorton called the meeting to order at 3:00pm. All Council Members were present.

I. Public Comment – Issues on Agenda – No

II. Requested Rezonings / Docket Approval – Yes

Motion by Ellinger to approve the docket. Seconded by Scutchfield. Motion passed without dissent.

III. Approval of Summary – Yes

Motion by Beard to approve the summary. Seconded by Ellinger. Motion passed without dissent.

IV. Budget Amendments – Yes

Motion by Farmer to approve the budget amendments. Seconded by Stinnett. Motion passed without dissent.

V. New Business – Yes

Motion by Beard to approve the new business items. Seconded by Ellinger.

Motion by Scutchfield to table item t (1095-13), authorization to execute an agreement with czb, LLC for the purpose of developing a Comprehensive Affordable Housing Strategy. Seconded by Mossotti. Motion passed 11-4. Kay, Akers, Lawless, and Farmer voted nay.

Motion by Scutchfield to bring item t back onto the docket and a report of all consulting fees (General Fund) for the past three (3) years back to Work Session on November 5, 2013. Seconded by Mossotti.

Motion to amend by Mossotti to bring item t back onto the docket for November 21, 2013. Seconded by Myers.

Mossotti withdrew her amendment. Myers withdrew his second.

Motion passed 13-2. Farmer and Akers voted nay.

VI. Continuing Business / Presentations – Yes

Motion by Myers to approve the Neighborhood Development Funds (NDFs). Seconded by Ellinger. Motion passed without dissent.

Motion by Farmer to adopt the definition of Adult Day Care as follows: Any adult care facility which provides part-time care, day or night, but less than twenty-four (24) hours, to at least four (4) adults, who are not related to the operator, by blood, marriage, or adoption. The operator must be certified or licensed by a state public agency and may include personal care assistance, administering and/or assistance with medication, and social recreational activities. Seconded by Akers. Motion passed without dissent.

Motion by Farmer to keep the sidewalk that connects Elm Tree Lane and Rand Avenue open and remove the item from the Council docket. Seconded by Beard. Motion passed without dissent.

Motion by Farmer to request that the Administration proceed with the redesign of the sidewalk that will improve pedestrian and bicycle access as well as safety, and return to the Planning and Public Works Committee with the redesign. Seconded by Akers. Motion passed without dissent.

VII. Council Reports - Yes

Motion by Mossotti to refer the review of the Greenway Masterplan and the Greenway manual that was under development and due to be completed this fall into the Planning and Public Works Committee. Seconded by Scutchfield. Motion passed without dissent.

VIII. Mayor's Report -Yes

Motion by Stinnett to approve the Mayor's Report. Seconded by Kay. Motion passed without dissent.

Motion to amend by Kay to remove the two names for the Ethics Committee nominees. Will hold confirmation hearings of these individuals on October 24, 2013 and would like them to go on the docket for that night. Seconded by Henson. Amendment passed without dissent.

Amended motion passed without dissent.

IX. Public Comment – Yes

Motion by Lawless to extend the time of the speaker by two minutes. Seconded by Kay. Motion passed without dissent.

Motion by Ellinger to enter into a closed session pursuant to KRS 61.810 (1)(g) in order to discuss an economic development matter involving real property. An open discussion would likely jeopardize the site, retention, expansion or upgrading of a business. Seconded by Myers. Motion passed without dissent.

Draft

Motion by Kay to come back into open session. Seconded by Clarke. Motion passed without dissent.

Motion by Akers to place on the docket a resolution initiating the Planning Commission to review and recommend the rezoning of approximately 16.16 acres of property located at 920 Citation Boulevard from a Planned Neighborhood Residential (R-3) zone to an Office Industry Research Park (P-2) zone. Seconded by Ellinger. Motion passed without dissent.

X. Adjournment – Yes

Motion by Myers to adjourn. Seconded by Beard. Motion passed without dissent.

Submitted by Jenifer Benningfield, Council Administrative Specialist

Lexington-Fayette Urban County Council
Work Session Agenda
October 15, 2013

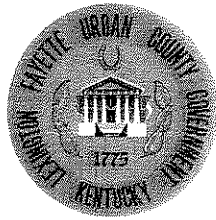
- I. Public Comment - Issues on Agenda**
- II. Requested Rezoning/ Docket Approval - No**
- III. Approval of Summary – Yes, p. 1 - 3**
- IV. Budget Amendments - No**
- V. New Business – Yes, p. 7-20**
- VI. Continuing Business/ Presentations - Yes**
 - a.** Neighborhood Development Funds - October 15, 2013, p. 21
 - b.** Social Services & Community Development Summary September 2013, p. 22-24
 - c.** General Government Committee Summary October 2013, p. 25 - 31
 - d.** Special Budget & Finance Committee Summary October, p. 32 - 43
- VII. Council Reports**
- VIII. Mayor's Report - No**
- IX. Public Comment - Issues Not on Agenda**
- X. Adjournment**

Administrative Synopsis - New Business Items

- a. 1096-13** Authorization to execute amendment to agreement with the Kentucky Transportation Cabinet extending performance period of the Southland Drive Pedestrian Improvements Project. (L1096-13) (Gooding/Paulsen)
 This is a request to execute amendment to agreement with the Kentucky Transportation Cabinet extending performance period of the Southland Drive Pedestrian Improvements Project through June 30, 2014. There is no budgetary impact. p. 7
- b. 1097-13** Authorization to execute amendment to agreement with the Kentucky Transportation Cabinet extending performance period of the Loudon Avenue Sidewalk Project. (L1097-13) (Gooding/Paulsen)
 This is a request to execute amendment to agreement with the Kentucky Transportation Cabinet extending performance period of the Loudon Avenue Sidewalk Project through June 30, 2014. There is no budgetary impact. p. 8
- c. 1098-13** Authorization to amend Section 21-5 of the Code of Ordinances, abolishing one (1) position of Associate Traffic Engineer (Grade 115E) and creating one (1) position of Traffic Engineer (Grade 117E) (& reclassifying the incumbent) in the Division of Traffic Engineering. (L1098-13) (Maxwell/Graham)
 This is a request to amend Section 21-5 of the Code of Ordinances, abolishing one (1) position of Associate Traffic Engineer (Grade 115E) and creating one (1) position of Traffic Engineer (Grade 117E) (& reclassifying the incumbent) in the Division of Traffic Engineering. The fiscal impact for FY 2014 (19 pay periods) is a savings of \$12,166. p. 9-10
- d. 1100-13** Authorization to convey properties acquired under the Neighborhood Stabilization Program located at 569 Chestnut Street and 438 Ohio Street to Fayette County Local Development Corporation. (L1100-13) (Gooding/Hamilton)
 This is a request to convey properties acquired under the Neighborhood Stabilization Program located at 569 Chestnut Street and 438 Ohio Street to Fayette County Local Development Corporation. There is no budgetary impact. p. 11
- e. 1108-13** Authorization to change street names and/or individual property address numbers within various Council Districts in order to eliminate problem addresses and insure proper operation of the Enhanced 9-1-1 system. (L1108-13) (Mason)

This is a request to change street names and/or individual property address numbers within various Council Districts in order to eliminate problem addresses and insure proper operation of the Enhanced 9-1-1 system. There is no budgetary impact. p. 12 - 15

- f. **1112-13** Authorization to amend Sections 21-5 and 22-5 of the Code of Ordinances, abolishing one (1) position of Attorney (Grade 117E) - Unclassified Civil Service, and creating one (1) position of Attorney (Grade 117E) - Classified Civil Service, in the Department of Law. (L1112-13) (Maxwell/Graham)
 This is a request to amend Sections 21-5 and 22-5 of the Code of Ordinances, abolishing one (1) position of Attorney (Grade 117E) - Unclassified Civil Service, and creating one (1) position of Attorney (Grade 117E) - Classified Civil Service, in the Department of Law, effective November 1, 2013. p. 16 - 2€



Lexington-Fayette Urban County Government
DIVISION OF GRANTS AND SPECIAL PROGRAMS

Jim Gray
Mayor

Sally Hamilton
CAO

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

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

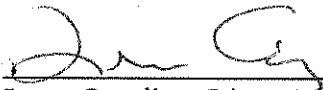
DATE: OCTOBER 2, 2013

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE
AMENDMENT TO THE AGREEMENT WITH THE KENTUCKY
TRANSPORTATION CABINET EXTENDING PERFORMANCE
PERIOD OF THE SOUTHLAND DRIVE PEDESTRIAN
IMPROVEMENTS PROJECT**

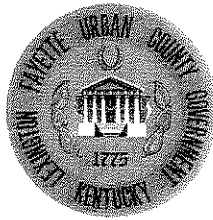
On October 21, 2010 (Ordinance No. 185-2010), Council approved the acceptance of federal funds in the amount of \$240,000 from the Kentucky Transportation Cabinet for construction of the Southland Drive Pedestrian Improvements Project, under the Congestion Mitigation/Air Quality Program (CMAQ). The project will expire November 22, 2013.

The Kentucky Transportation Cabinet has offered the LFUCG an amendment providing for an extended performance period through June 30, 2014. No other changes are proposed.

Council authorization to execute the Amendment to Agreement is hereby requested.


Irene Gooding, Director

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



Lexington-Fayette Urban County Government
DIVISION OF GRANTS AND SPECIAL PROGRAMS

Jim Gray
Mayor

Sally Hamilton
CAO

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

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

DATE: OCTOBER 2, 2013

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE
AMENDMENT TO THE AGREEMENT WITH THE KENTUCKY
TRANSPORTATION CABINET EXTENDING PERFORMANCE
PERIOD OF THE LOUDON AVENUE SIDEWALK PROJECT**

On October 21, 2010 (Ordinance No. 184-2010), Council approved the acceptance of federal funds in the amount of \$240,000 from the Kentucky Transportation Cabinet for construction of the Loudon Avenue Sidewalk Project, under the Congestion Mitigation/Air Quality Program (CMAQ). The project will expire December 22, 2013.

The Kentucky Transportation Cabinet has offered the LFUCG an amendment providing for an extended performance period through June 30, 2014. No other changes are proposed.

Council authorization to execute the Amendment to Agreement is hereby requested.



Irene Gooding, Director

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



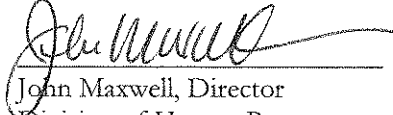
Lexington-Fayette Urban County Government
DIVISION OF HUMAN RESOURCES

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: October 1, 2013

SUBJECT: Automatic Reclassification – Division of Traffic Engineering

The attached action amends Section 21-5 of the Code of Ordinances, abolishing one (1) position of Associate Traffic Engineer, (Grade 115E) and creating one (1) position of Traffic Engineer (Grade 117E) (& reclassifying the incumbent) in the Division of Traffic Engineering, effective September 23, 2013.

It is the policy of the Urban County Government to reclassify Associate Traffic Engineers to Traffic Engineers once an employee has obtained his/her Professional Engineer registration from the Commonwealth of Kentucky. This individual has recently obtained registration as a Professional Engineer; therefore, he will be reclassified from an Associate Traffic Engineer to a Traffic Engineer.

The fiscal impact for FY 2014 (19 pay periods) will be a savings of \$12,166.03 including benefits.

Name	Position Title	Annual Salary Before	Annual Salary After	Annual Increase/Decrease
Vacant (formerly J. Gallimore, retired)	Associate Traffic Engineer	\$65,521.43	-----	(\$65,521.43)
Roger Mulvaney	Traffic Engineer	-----	\$49,393.76	\$49,393.76
Total Annual Impact/ Salary and Benefits (\$16,648.25)				

If you have questions or need additional information, please contact Nicole Rodriguez at (859) 258-3129.

Attachment

cc: Richard Moloney, Commissioner - Department of Environmental Quality and Public Works
Jim Woods, Acting Director – Division of Traffic Engineering

Log #14-0021

Lexington-Fayette Urban County Government

Changes in Authorized Positions

Date: 9/30/13

AMEND SECTION 21-5 OF THE CODE OF ORDINANCES

Changes From:						Changes To:										
Div. Line #	No. Pos.	Class Code	Pay Grade	Position Title	Prog. #	Employee Name	Salary	Div. Line #	No. Pos.	Class Code	Pay Grade	Position Title	Prog. #	Employee Name	Salary	
Division of Traffic Engineering (360)								Division of Traffic Engineering (360)								
360.025	4	414	115E	Associate Traffic Engineer	-----	Roger Mulvaney		360.025	3	414	115E	Associate Traffic Engineer	-----	-----	-----	
360.023	1	415	117E	Traffic Engineer	-----			360.023	2	415	117E	Traffic Engineer	-----	Roger Mulvaney		



Lexington-Fayette Urban County Government
DIVISION OF GRANTS AND SPECIAL PROGRAMS

Jim Gray
Mayor

Sally Hamilton
CAO

TO: JIM GRAY, MAYOR
URBAN COUNTY COUNCIL

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

DATE: OCTOBER 2, 2013

SUBJECT: Request Council authorization to convey properties acquired by the LFUCG under the Neighborhood Stabilization Program located at 569 Chestnut Street and 438 Ohio Street to Fayette County Local Development Corporation

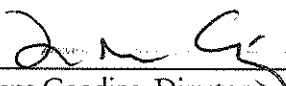
On June 25, 2009 (Ordinance No. 123-2009), Council approved the acceptance of federal funds from the Kentucky Department for Local Government under the Neighborhood Stabilization Program for operation of a land banking project. This included the acquisition, disposal, and maintenance of distressed homes and demolition of blighted structures. The source of funds was the U.S. Department of Housing and Urban Development. Funds for this program were appropriated by Congress in the Housing and Economic Recovery Act of 2008.

In October 2011, the Division of Grants and Special Programs issued a request for applications from entities interested in new construction and rehabilitation of existing single family residential units in low-income census tracts for rental and homeownership for low- and moderate-income households. Fayette County Local Development Corporation requested properties located at 569 Chestnut Street and 438 Ohio Street. Delay in conveyance of these properties is due to compliance issues with the State Historic Preservation Officer. These issues have now been resolved.

On June 7, 2012 (Resolution No. 301-2012), Council approved execution of a development agreement with Fayette County Local Development Corporation (Lexington-Fayette County Urban League) for development and use of properties conveyed to Fayette County Local Development Corporation under the Neighborhood Stabilization Program. The organization will develop and maintain these properties as rental units for low-income households.

These properties will be conveyed to the organization for as low as \$1.00; however, the Kentucky Department for Local Government ultimately determines sales prices for properties. All net proceeds from sale of properties must be returned to the Kentucky Department for Local Government.

Council authorization to convey properties located at 569 Chestnut Street and 438 Ohio Street to Fayette County Local Development Corporation is hereby requested.


Irene Gooding, Director

Xc: Sally Hamilton, Chief Administrative Officer



Lexington-Fayette Urban County Government
DEPARTMENT OF PUBLIC SAFETY

Jim Gray
Mayor

Clay Mason
Commissioner

MEMORANDUM

TO: Mayor Jim Gray and Urban County Council

FROM: Clay Mason, Public Safety Commissioner *Clay Mason*

DATE: October 4, 2013

RE: 3rd Quarter 2013 Address Changes for Enhanced 9-1-1 Compliance

This request will change street names and individual numbers of addresses within various Council Districts. The attached listing indicates the individual addresses to be changed which are located within the 2nd, 3rd, 5^h and 12th Council Districts.

The street name and/or number changes are needed to ensure the proper operation of the Enhanced 9-1-1 system. The corrections eliminate several confusing, duplicate and/or improperly named and numbered addresses in Fayette County.

The official date of change should be thirty (30) days from date of passage, to allow for new sign placement, utility and Post Office notification and final citizen notification.

The following documents are attached:

1. Spreadsheet listing of each address change and associated Council District number
2. Individual address list/Draft of Resolution

CM/jc

3rd Quarter 2013 Address Changes

PVA Account	Old Num	Old Dir	Old Street	Old Type	Old Unit	New Num	New Dir	New Street	New Type	New Unit	Council District	Comments
10028790	100		Chippen Dale	Ct	Unit A	100		Chippendale	Ct	Unit A	5	owner/neighborhood request
26805620	100		Chippen Dale	Ct	Unit B	100		Chippendale	Ct	Unit B	5	owner/neighborhood request
10028650	102		Chippen Dale	Ct		102		Chippendale	Ct		5	owner/neighborhood request
26805621	101		Chippen Dale	Ct		103		Chippendale	Ct		5	owner/neighborhood request
26805619	104		Chippen Dale	Ct		104		Chippendale	Ct		5	owner/neighborhood request
26805622	105		Chippen Dale	Ct		105		Chippendale	Ct		5	owner/neighborhood request
10019500	106		Chippen Dale	Ct		106		Chippendale	Ct		5	owner/neighborhood request
26805618	108		Chippen Dale	Ct		108		Chippendale	Ct		5	owner/neighborhood request
26805623	109		Chippen Dale	Ct		109		Chippendale	Ct		5	owner/neighborhood request
10034200	111		Chippen Dale	Ct		111		Chippendale	Ct		5	owner/neighborhood request
26805683	200		Chippen Dale	Cir		200		Chippendale	Cir		5	owner/neighborhood request
26805682	204		Chippen Dale	Cir		204		Chippendale	Cir		5	owner/neighborhood request
26805681	208		Chippen Dale	Cir		208		Chippendale	Cir		5	owner/neighborhood request
26805680	212		Chippen Dale	Cir		212		Chippendale	Cir		5	owner/neighborhood request
26805679	216		Chippen Dale	Cir		216		Chippendale	Cir		5	owner/neighborhood request
26805678	220		Chippen Dale	Cir		220		Chippendale	Cir		5	owner/neighborhood request
26805677	224		Chippen Dale	Cir		224		Chippendale	Cir		5	owner/neighborhood request
26805676	228		Chippen Dale	Cir		228		Chippendale	Cir		5	owner/neighborhood request
26805675	232		Chippen Dale	Cir		232		Chippendale	Cir		5	owner/neighborhood request
26805674	236		Chippen Dale	Cir		236		Chippendale	Cir		5	owner/neighborhood request
26805673	240		Chippen Dale	Cir		240		Chippendale	Cir		5	owner/neighborhood request
26805672	244		Chippen Dale	Cir		244		Chippendale	Cir		5	owner/neighborhood request
26805671	248		Chippen Dale	Cir		248		Chippendale	Cir		5	owner/neighborhood request
20221000	251		Chippen Dale	Cir		251		Chippendale	Cir		5	owner/neighborhood request
26805670	252		Chippen Dale	Cir		252		Chippendale	Cir		5	owner/neighborhood request
26805669	256		Chippen Dale	Cir		256		Chippendale	Cir		5	owner/neighborhood request
26805668	260		Chippen Dale	Cir		260		Chippendale	Cir		5	owner/neighborhood request
26805667	264		Chippen Dale	Cir		264		Chippendale	Cir		5	owner/neighborhood request
26805666	268		Chippen Dale	Cir		268		Chippendale	Cir		5	owner/neighborhood request
26805665	272		Chippen Dale	Cir		272		Chippendale	Cir		5	owner/neighborhood request
26805664	276		Chippen Dale	Cir		276		Chippendale	Cir		5	owner/neighborhood request
26805663	280		Chippen Dale	Cir		280		Chippendale	Cir		5	owner/neighborhood request
26805662	284		Chippen Dale	Cir		284		Chippendale	Cir		5	owner/neighborhood request

26805661	288	Chippen Dale	Cir		288	Chippendale	Cir		5	owner/neighborhood request
26805660	292	Chippen Dale	Cir		292	Chippendale	Cir		5	owner/neighborhood request
26805659	296	Chippen Dale	Cir		296	Chippendale	Cir		5	owner/neighborhood request
26805658	300	Chippen Dale	Cir		300	Chippendale	Cir		5	owner/neighborhood request
26805637	301	Chippen Dale	Cir		301	Chippendale	Cir		5	owner/neighborhood request
25581500	303	Chippen Dale	Cir		303	Chippendale	Cir		5	owner/neighborhood request
26805657	304	Chippen Dale	Cir		304	Chippendale	Cir		5	owner/neighborhood request
26805636	305	Chippen Dale	Cir		305	Chippendale	Cir		5	owner/neighborhood request
20002690	307	Chippen Dale	Cir		307	Chippendale	Cir		5	owner/neighborhood request
26805656	308	Chippen Dale	Cir		308	Chippendale	Cir		5	owner/neighborhood request
26805635	309	Chippen Dale	Cir		309	Chippendale	Cir		5	owner/neighborhood request
20002680	311	Chippen Dale	Cir		311	Chippendale	Cir		5	owner/neighborhood request
26805655	312	Chippen Dale	Cir		312	Chippendale	Cir		5	owner/neighborhood request
26805634	313	Chippen Dale	Cir		313	Chippendale	Cir		5	owner/neighborhood request
20002670	315	Chippen Dale	Cir		315	Chippendale	Cir		5	owner/neighborhood request
26805654	316	Chippen Dale	Cir		316	Chippendale	Cir		5	owner/neighborhood request
26805633	317	Chippen Dale	Cir		317	Chippendale	Cir		5	owner/neighborhood request
10017790	319	Chippen Dale	Cir		319	Chippendale	Cir		5	owner/neighborhood request
	1056	Bridlewood	Ln		1056	Crestfield	Ln		12	requested by developer
	1057	Bridlewood	Ln		1057	Crestfield	Ln		12	requested by developer
38195760	1060	Bridlewood	Ln		1060	Crestfield	Ln		12	requested by developer
38195770	1061	Bridlewood	Ln		1061	Crestfield	Ln		12	requested by developer
38195750	1064	Bridlewood	Ln		1064	Crestfield	Ln		12	requested by developer
38195780	1065	Bridlewood	Ln		1065	Crestfield	Ln		12	requested by developer
38195740	1068	Bridlewood	Ln		1068	Crestfield	Ln		12	requested by developer
38195790	1069	Bridlewood	Ln		1069	Crestfield	Ln		12	requested by developer
38195730	1072	Bridlewood	Ln		1072	Crestfield	Ln		12	requested by developer
	1073	Bridlewood	Ln		1073	Crestfield	Ln		12	requested by developer
38195720	1076	Bridlewood	Ln		1076	Crestfield	Ln		12	requested by developer
38195710	1080	Bridlewood	Ln		1080	Crestfield	Ln		12	requested by developer
38195700	1084	Bridlewood	Ln		1084	Crestfield	Ln		12	requested by developer
38195690	1088	Bridlewood	Ln		1088	Crestfield	Ln		12	requested by developer
38195800	1089	Bridlewood	Ln		1089	Crestfield	Ln		12	requested by developer
38195810	1093	Bridlewood	Ln		1093	Crestfield	Ln		12	requested by developer
38195680	1096	Bridlewood	Ln		1096	Crestfield	Ln		12	requested by developer
38195820	1097	Bridlewood	Ln		1097	Crestfield	Ln		12	requested by developer

38020340	625	S	Cleveland	Rd		6625	Leeann	Ln		12	owner request
23872400	1211		Manchester	St		1206	Liggett	St		2	Entry access closed by RJ Corman
04024780	312	S	Upper	St		308	Upper	St		3	PVA Request
10002020	318	S	Upper	St		320	Upper	St		3	duplicate address
16297400	151	E	High	St		150	Vine	St		3	Request by G Means, Parking Authority
11112900	201	E	High	St		160	Vine	St		3	Request by G Means, Parking Authority



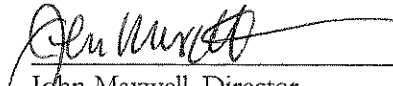
Lexington-Fayette Urban County Government
DIVISION OF HUMAN RESOURCES

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: October 7, 2013

SUBJECT: Abolish/Create positions – Department of Law

The attached action amends Section 22-5 of the Code of Ordinances abolishing one (1) position of Attorney (Grade 117E); this action also amends Section 21-5 of the Code of Ordinances creating one (1) position of Attorney (Grade 117E) both in the Department of Law, effective November 1, 2013.

The Department of Law has an on-going need for the position and it should therefore no longer be considered a temporary, unclassified civil service position.

The fiscal impact for FY 2014 is budget neutral.

If you have questions or need additional information, please contact Nicole Rodriguez at (859) 258-3129.

Attachment

Log #14-0024

Lexington-Fayette Urban County Government

Changes in Authorized Positions

Date: 10/7/13

AMEND SECTION 21-5 OF THE CODE OF ORDINANCES

Changes From:				Changes To:							
Div.	No.	Class	Pay				Hourly or Bi-weekly Salary				Hourly or Bi-weekly Salary
Line #	Pos.	Code	Grade	Position Title	Prog. #	Employee Name				Employee Name	

Lexington-Fayette Urban County Government
Changes in Authorized Positions

Date: 10/7/13

AMEND SECTION 21-5 OF THE CODE OF ORDINANCES

Changes From:				Changes To:											
Div. Line #	No. Pos.	Class Code	Pay Grade	Position Title	Prog. #	Employee Name	Hourly or Bi-weekly Salary	Div. Line #	No. Pos.	Class Code	Pay Grade	Position Title	Prog. #	Employee Name	Hourly or Bi-weekly Salary
								<u>Department of Law (410)</u>							
								410.040	1	261	117E				
								<u>Department of Law (410)</u>							

Lexington-Fayette Urban County Government
Changes in Authorized Positions

Date: 10/7/13

AMEND SECTION 22-5 OF THE CODE OF ORDINANCES

Changes From:				Changes To:											
Div.	No.	Class	Pay	Position Title	Prog.	Employee Name	Hourly or Bi-weekly Salary	Div.	No.	Class	Pay	Position Title	Prog.	Employee Name	Hourly or Bi-weekly Salary
Line #	Pos.	Code	Grade		#			Line #	Pos.	Code	Grade				
				Attorney				<u>Department of Law (410)</u>							
410.015	2	261	117E					410.015	1	261	117E	Attorney			
				Attorney				<u>Department of Law (410)</u>							

**Neighborhood Development Funds
October 15, 2013
Work Session**

Amount	Recipient	Purpose
\$ 2,275.00	LexArts, Inc. 161 N. Mill Street Lexington, KY 40507 Nathan Zamarron	To provide funds for the Eduardo Kobra mural project.
\$ 350.00	Williams Wells Brown Neighborhood Association, Inc. 549 Mustang Crossing Drive Lexington, KY 40508 Billie Mallory	To provide funds for the painting of a building.
\$ 1,850.00	Lexington Bicycle Polo League, Inc. 613 Price Avenue Lexington, KY 40508 Tiffany Morrow	To assist with the upkeep of courts in Coolavin Park.
\$ 525.00	Friends of McConnell Springs, Inc. 416 Rebmman Lane Lexington, KY 40504 Richard Mathy	To assist with the preservation of McConnell Springs as a National Historic Site.

Social Services & Community Development Committee September 24, 2013 Summary & Motions

Ford called the meeting to order at 1:00 PM. All members were present except Kay and Akers

8.27.13 Committee Summary

On a motion by Ellinger, second Beard, the summary of the 8.27.13 Social Services & Community Development Committee meeting was approved unanimously.

Division of Grants & Special Programs Update and HUD Funding Status

Director Gooding provided an update on the Division of Grants & Special Programs. She also discussed HUD funding. She stated that for FY 14 she anticipated funding cuts to the major HUD programs including the Community Development Block Grant program, HOME funds, Emergency Shelter and other homelessness programs, and the Choice Neighborhoods efforts.

Stinnett asked about the Section 108 grant to support the 21c project. In response Gooding stated that the application has not yet been submitted because the developer is amending the request slightly. She stated that the application will be for \$ 6 million leaving about \$ 2 million for other projects.

In response to a question from Beard Gooding stated that EPA funds most Brownfield efforts.

In response to a question from Myers Gooding did not think a reduction in HUD funding would impact the Section 108 grant to 21c.

Ford asked about the functions of the Division. In response Gooding stated that the Division prepares and submits the Consolidated Plan. In addition the monitor funds Going to both LFUCG and to partner agency's and ensure regulatory requirements are met.

Gooding also stated that the Division oversees most LFUCG grants and provides financial and regulatory oversight over the grantsmanship aspects of LFUCG.

In response to a question from Ford, Gooding stated that overall federal assistance for community development and social capital has diminished over time.

Office of Multi-Cultural Affairs Update

Isabel Taylor provided the update. She stated that the number of foreign languages spoken in Fayette County has dramatically increased over the past several years.

Taylor also stated that the number of students taking English Learning classes has increased by 194% since 2005. She stated that 15.4% of Lexington speaks a language other than English as their primary language according to the American Community Survey.

Taylor stated that the immigration population is growing in Fayette County because of several factors including the University of Kentucky and other area colleges and universities. She also stated that aggressive international trade has increased the foreign born population. Taylor stated that Kentucky is the fastest growing immigrant population percentage wise according to the American Community Survey.

Taylor stated that immigrants have the highest new business growth rate in the US; provide a higher tax base; high employment rate; higher international trade opportunities; higher educational opportunities; and provide for greater cultural diversity.

Taylor stated that there is still a lack of infrastructure for the immigration population in Lexington including a lack of interpreters and community resources geared toward the immigrant population.

Lane asked about the cost of English language training. In response Taylor stated that the cost ranges from free to several thousand dollars. Lane suggested combining learning resources to offer the training on a more wide spread basis.

Beard discussed the undocumented immigrant population.

Scutchfield discussed the temporal nature of the immigration population in Fayette County.

Ford discussed the need for more multi-cultural resources for Fayette County.

Workforce Investment and Development

Ford background and a brief history about the item in committee. He stated that he was concerned that at least 1 census tract in Fayette County had a unemployment rate of over 20%. He also discussed the high poverty rate and low income rates in several Census tracts throughout Fayette County.

Ford made a motion, second Lawless to investigate Lexington-Fayette County breaking away from the Bluegrass Workforce Investment Board to create a workforce investment Board for Fayette County.

Ford stated that this would allow Lexington-Fayette County more local governance over workforce training and investment in Fayette County.

Lane stated that there was not enough information to support the motion at this time.

Scutchfield agreed with Lane that before she could support the motion she needed more information.

Ford withdrew the motion and agreed to bring more data and information to support the motion at the next meeting. He stated that he was only requesting that Council investigate that option.

Myers suggested that the Bluegrass Workforce Investment Board be invited back to the Committee to discuss Fayette County concerns and workforce training needs.

The meeting adjourned at 2:15 PM.

PAS 9.26.13



General Government Committee

October 1st, 2013

Summary and Motions

Chair Steve Kay called the meeting to order at 11:09am. Committee members present were Vice Mayor Linda Gorton, Chris Ford, Shevawn Akers, Diane Lawless, Julian Beard, Jennifer Scutchfield, George Myers, Harry Clarke, and Ed Lane. Kevin Stinnett attended as a non-voting member.

1. Approval of Summary

Motion by Scutchfield to approve the summary. Seconded by Myers. Motion passed without dissent.

2. Domestic Partner Benefits (Qualified Adult Benefits, QAB)

Vice Mayor Gorton introduced the item. She said that the number of legally married households declined from 78% to 48% since 1950. 36% of all employers and 42% of public institutions responded to this statistic of changing workforce profile by offering benefits to qualified adults. Gorton said that this change was to remain competitive in the market to recruit and retain top talent.

There is some form of QAB offered by 14 states and over 100 local governments, 3 of which are in Kentucky. There are at least 274 public and private universities and colleges that offer them. 7 of these are in Kentucky.

In 88% of organizations offering benefits, QAB comprises less than 2% of the total benefit cost. The enrollees are usually young and the enrollment is lower than anticipated (1% of eligible employees take the benefits). Additionally, same sex partners showed low risk of pregnancy.

Gorton told Committee members that the intent is to provide all benefits that are currently available to employee's spouses and their children to qualified adults and their children to the extent allowed by State and Federal Law. It will also improve the competitive position of the Lexington-Fayette Urban County Government (LFUCG) and recruit and retain top talent.

Louisville, Berea, and Covington offer QAB. Additionally, the University of Louisville, the University of Kentucky, Western Kentucky University, Eastern Kentucky University, and Berea College all offer QAB.

Gorton said that amongst the entities that offer QAB, there is variation on the definition, the requirements, the length of timesharing at a residence, and the means to verify the qualified adult.

Gorton told Committee members that the Department of Law, Human Resources, Enterprise Solutions, an external consultant, and the Chief Administrative Officer had all been consulted.

Gorton explained their proposed definition. She said that the designation would be a qualified adult and their dependent children. The qualified adult must reside with the covered employee for at least 12

Draft

months and be at least 18 years of age. Additionally, they must be financially interdependent for at least 12 months. This can be verified with an affidavit and proof of 2 of the following:

- Joint Bank Account
- Joint Utility Bills
- Joint Mortgage or Lease
- Durable Power of Attorney
- Joint Automobile Ownership
- Designation of Primary Beneficiary on Life Insurance or Will

Gorton told Committee members that Human Resources had distributed a survey to estimate the number of employees interested in QAB. She said that the survey results would allow a cost analysis to be completed to reflect insurance costs. She also said that there would be a draft ordinance written for consideration.

There was a long discussion on the topic. Clarke expressed concern about the proof of financial independence and gave an example of two UK students residing together. Clarke said that he wants the language to be compatible for married couples and also those living together. He said that he would like to further examine the ways to prove financial independence and potentially strengthen the requirement.

Benji Marrs came to the podium and said that there is currently no process in place to verify a legal spouse.

Akers thanked Gorton for bringing the topic forward. Akers said that it is timely and she is glad that the LFUCG is looking at the issue. She expressed concern that an employee could take the survey multiple times and John Maxwell said that you could only take it once from each computer. Akers also asked how they would know how many people would be enrolled and Gorton responded that the survey is going to illustrate how many employees might be interested.

Myers asked Maxwell if you currently have to present a birth certificate to add a child or a marriage certificate to verify a marriage. Maxwell said no. He said that there are companies that do audits of dependent coverage to determine that the eligibility is appropriate as opposed to universal affidavits. Maxwell said that many companies are now requiring verification of status.

Myers asked if every employee would now have to sign an affidavit. Gorton said that many cities that offer QAB require an affidavit. Gorton said that in their discussions they had discussed requiring an affidavit of all employees going forward.

Marrs said that requiring all employees to complete an affidavit may not be a bad idea for dependents.

Myers asked for research to see how many employers require a birth certificate. Myers asked if there are stipulations put on how many times an employee can change their dependent. Marrs said that it would fall under the same rules. A person can be added if they meet a qualifying event. They can come on the plan within 30 days of the qualifying event.

Lane asked about any provisions in the Affordable Care Act relating to QAB. Marrs said that he was not aware of the act addressing QAB. He said that employers can include or exclude spouses from coverage, and once that it is determined, they are subject to the new law. Lane went on to ask about what each dependent costs the LFUCG. Marrs said that he does not have the information but can readily access the information and provide it.

Draft

Lane said that all employees should fill out identical paperwork. He does not want to discriminate against one class of employees.

Lane asked if the coverage would cover a surrogate. Marrs said that he is not aware of anything relating to a surrogate being covered.

Kay said that when he started working no one asked him to sign an affidavit. He and his wife do not have the same last name. Kay said that we need to provide the same coverage to everyone under the same conditions.

Kay asked Maxwell at what level the LFUCG subsidizes each employee's coverage. Maxwell said it depends on the plan. Maxwell said that from an actuarial standpoint there are additional costs.

Lane asked Maxwell if there is a cost to the government to add individuals to the healthcare plan. Maxwell said yes. He went on to say that if the person added does not have claims then the cost is only administrative.

Lawless said that she wanted to clarify that the LFUCG does not pay any additional monies towards adding a spouse or a dependent.

Ford said that he supports the proposal. He said it is a matter of fairness and competitiveness.

Myers said that there is a subsidy to assist employees. Myers also asked if the subsidy is mentioned in the Code of Ordinances. Janet Graham said that they may be referring to the state statute that requires a subsidy for retirees.

Myers asked if there is an ordinance that states that the LFUCG will cover the lowest health plan completely. Graham said that she was unaware of that ordinance.

Kay said that cost is not the defining issue; instead, it is the right thing to do. Kay asked if there is a difference between the subsidy for the employee versus the employee and a spouse or an employee and a child in the present healthcare plan. He asked for the difference.

Marrs said there is a difference and it differs by division. Marrs said the supplement is \$75 for a single employee or \$100 for an employee and spouse or employee and child. It is \$200 for a family per month.

Myers asked Marrs if we subsidize families or employees plus one. Marrs said that they have the benefit pool, the supplement, and the tobacco credit. There could also be a deposit into a Health Savings Account. Marrs said that it changed a few years ago.

Gorton asked Graham if any of the entities in Kentucky that require an affidavit for QAB also require one for all employees. Graham said that was unsure. Graham said that legally they may not be required to have all employees sign it, but they may want to from a policy standpoint.

Gorton asked Graham how difficult it would be to have all employees sign an affidavit. Graham said legally it would not be difficult. She said that they did an affidavit check box for the tobacco credit. Gorton said having all employees sign an affidavit would be a good idea.

Gorton suggested that they may want to tentatively go ahead and have a motion about the affidavit and the proof of financial interdependence. She said that they could ask for the next meeting to have a draft ordinance ready and have the survey results to discuss. Gorton suggested taking a vote on just a piece of it to go into the draft ordinance.

Draft

Beard asked Marrs about the waiting period for the benefits. Marrs said that there would be a minimum of 12 months. Beard said that he can see situations where there could be abuse. He cited an example of a parent with a child suffering from leukemia who makes an agreement with another adult to reside together, causing a large expense to the government. Marrs said that he reached out to Humana and they do not foresee additional risk by allowing QAB.

Lane asked if there was a difference between the individual subsidy and the subsidy for a family or a spouse. Lane asked Marrs to bring back to the committee a detailed description of the subsidies.

Stinnett said they are trying to find out the weight of the subsidies. Marrs said that the tiered value allows for a standard relationship. He said single coverage is probably too high and family coverage is probably too low.

Stinnett said that the Council voted to put in an additional \$1MM towards healthcare which is further subsidizing the rates.

Gorton said that it was obvious to her that there were additional questions that needed to be answered.

Gorton went on to say that there would be an opportunity for a special open enrollment for QAB because it would be a qualifying event. She said that they would not have to wait an entire year to implement it.

Motion by Gorton to bring back to the November General Government meeting a draft ordinance with proposed affidavit which includes the eligibility requirements that the qualified adult has resided with a covered employee for at least 12 months, are at least 18 years of age, and have been financially interdependent for at least 12 months as shown by proof of two of the following: Joint Bank Account, Joint Utility Bills, Joint Mortgage or Lease, Durable Power of Attorney, Joint Automobile Ownership, and/or Designation of Primary Beneficiary on Life Insurance or Will. Seconded by Clarke.

Myers asked if the affidavit would be the end all be all to prove they are qualified. Graham said that she wants to think about what the affidavit would say and bring a draft back to the committee.

Myers asked for research on the criteria for qualifications. Gorton said that there is an opportunity to research the issue further. The draft ordinance will allow for further discussion. Gorton said that they need to discuss if these are the criteria they want.

Lane asked for additional information on the Affordable Care Act and domestic partner benefits. Graham said that since it is a Federal law, she believes it would not have an impact.

Beard told committee members that he and his spouse would not be able to produce 2 of the proof documents because they have separate finances. Graham said that the list is solely devoted for qualified adults and the Council may not want to require it of married persons.

Akers asked Maxwell for the total number of employees in each of the municipalities/organizations listed. She also asked Maxwell if the entire LFUCG would be eligible or if the bargaining units would have to bargain to have these benefits in their contracts. Maxwell said that all of 3,000 LFUCG employees would be eligible.

Lawless said that providing these benefits is a matter of being progressive and it will draw people to Lexington.

Motion to amend by Kay to bring back a draft ordinance to the November General Government Committee meeting but not specify the details of the affidavit and those conditions. Seconded by Ford.

Draft

Gorton simply wants to bring back a draft ordinance including the idea of an affidavit and conditions for a full discussion.

Kay withdrew with motion to amend. Ford withdrew his second.

Ford said that he supports the motion.

Clarke asked Maxwell if we are adding unmarried with a dependent to the list. Maxwell said that we are going to have to add a different category.

Maxwell said that currently, when you fill out an enrollment application, there is a section that is filled out that says that if you are not being truthful, the employee is committing insurance fraud.

Kay said that the basic issue is fairness and equity.

Gorton's motion passed without dissent.

3. Building Security, 200 East Main Street

Jamshid Baradaran, the Director of Facilities and Fleet, came to the podium to begin his presentation. He gave an overview on the current security services, past initiatives, initiatives currently under review, and future plans.

Baradaran told committee members that security had 14 full time and 1 part time staff that provides security 24 hours a day, 7 days a week at the Government Center and the Phoenix Building. They assist with emergency evacuations, and access control. Additionally, they manage the visitor ID badging system and do patrols. The security personnel provide security camera monitoring and first aid/CPR/AED services as needed. They lock and unlock the facilities and provide security for all Council sessions held at the Chambers. Finally, they provide security risk assessment as well as consultation for all security needs.

Baradaran said that he has researched the cost of installing metal detectors at the Government Center and the Phoenix Building. For the Sheriff's office to man the metal detectors the cost would be \$250,000-\$275,000 a year. They have also considered hiring additional security guards, Sheriff Deputies, other armed guard options and resources.

Baradaran said that they have reviewed the option of installing additional cameras and card readers and the potential to streamline access control system selection and installation for all LFUCG owned facilities.

Baradaran said his team is currently reviewing the overall risk factors and security operation. He is identifying the available options for high risk areas and the expansion of remote monitoring of facilities via camera.

Baradaran referenced the illustrations of the 5th Floor of the Government Center that were included in the packet. He said that there are three sets of stairs and three elevators. He said that they are still waiting on one proposal and he will then have the cost to improve security. He said the cost should be approximately \$17,500.

Beard asked about an off-duty policeman in the chambers. Gorton said that they do still have one and Baradaran said that the person is in addition to the security personnel. Beard said that they always sit in the back row and would be the first to go if someone came into the chamber to cause problems. Beard said that this is overkilling the department.

Draft

Beard said that for the last 50 years there have not been problems. Beard said he is not in favor of this. He said that there are ways, if a person really wants to hurt the Council or Mayor that they could.

Gorton thanked Baradaran and told him that the issue had been discussed in the Committee of the Whole meeting. Gorton said in the early 2000's a person brought a handgun into the building and was loose. The Division of Police brought their SWAT team in. Gorton said that she is not a fearful person, but found herself disturbed that day.

Gorton went on to say that the front door of the Government Center is the problem. Gorton said that focusing on the 5th floor ignores the rest of the building. She wants all of the employees of the LFUCG to feel safe. Gorton said that she wants employees and members to the public to feel safe.

Gorton asked Baradaran to come back to the next meeting and explain what can be done to make everyone safe without a huge cost to the LFUCG.

Scutchfield said that her concern is that we are not protecting our employees. She said if we protect the front door, we protect the 5th floor. Scutchfield wants to see a broader view.

Baradaran said that although they are looking at the 5th floor, they are also working on ways to secure the 1st floor. Baradaran said they are looking at security on other floors, if the 1st floor security is ever breached.

Clarke said that he feels resentment that they even have to talk about this topic but he said he was afraid that there are too many examples showing that they are not safe. Clarke said that the concern is people getting into the building and are able to go anywhere.

Clarke said that he wants to ensure that people are not carrying weapons into the building. Clarke wants metal detectors at all points of entry. He said that although there is a metal detector downstairs, he has never seen anyone walk through it. Baradaran said that it is for non-employees to enter the Mayor's Office.

Baradaran said that the biggest challenge is that they may need to create just one point of entry into the building. Clarke said that he wants anyone coming through the front door to have to go through a metal detector.

Myers said that he had a reminder on his calendar to go downstairs to place someone back on the security list. This constituent has become hostile at numerous events.

Myers noted that the Division of Human Resources is locked because that is the department that the employee may try to enter. He cautioned Council Members that angry citizens may try to hurt the Mayor or Council Members. Myers told committee members that he wants protections for the staff that works 40 hours a week on the 5th floor.

Myers told the committee members about an incident in Evansville Indiana where a past Mayor was shot and killed by an angry constituent at their home.

Myers said that he does not want to take the chance that someone could be shot and killed because of lack of security.

Ford said that he supports the Council Members.

Ford asked if they could go into closed session to discuss building security. He said that he is uncomfortable discussing the topic in open session. He wants to safeguard the deliberations.

Draft

Beard read a revision to KRS that stated that people can openly carry a weapon into Council Chambers in the State of Kentucky. Beard asked the Department of Law to look at this change. Baradaran said that Commissioner Janet Graham is currently looking into it.

4. Items in Committee

Myers said that the BGADD is putting information together. Myers asked that the item stay on the list.

The Procedure for Underwriting or Sponsoring One of our Facilities will be on the November agenda.

Gorton said that moving Human Resources from the Department of Law to the Office of the CAO needs to stay on the agenda. Clarke asked that they broaden the scope to consider making Human Resources a separate division.

Domestic Partner Benefits will be on the November agenda.

Building Security will be on the November agenda.

Grant Review Process will stay on the list.

Motion by Clarke to adjourn. Seconded by Beard. Motion passed without dissent.

Submitted by Jenifer Benningfield, Council Administrative Specialist.



Special Budget and Finance Committee October 1st, 2013 Summary and Motions

Chair Charles Ellinger called the meeting to order at 1:00pm. Vice Mayor Linda Gorton and Committee members Kevin Stinnett, Steve Kay, Chris Ford, Julian Beard, Bill Farmer, Jennifer Scutchfield, Jennifer Mossotti, and Peggy Henson were in attendance. Council Members Shevawn Akers, Diane Lawless, George Myers, Harry Clarke, and Ed Lane attended as non-voting members.

1. Approval of August 27th, 2013 Committee Summary

Motion by Farmer to approve the summary from the August 27th, 2013 Budget and Finance Committee meeting. Seconded by Scutchfield. Motion passed without dissent.

2. Monthly Financial Report

William O'Mara, the Commissioner of Finance, came to the podium to present the monthly financials for the first two months of the fiscal year. O'Mara said that unemployment rates are down. The Lexington MSA is at 6.2%. Fayette County is at 6.1% compared to 6.4% in July. The trend is going down.

Fayette County permits are down from the same time last year. The new business licenses are flat but home sales are up from last year. Foreclosures are down from last month.

O'Mara said that all four of the major revenue streams are below the monthly budget. He said that there is a timing difference in the franchise fees. The actual franchise payments are less than anticipated in the budget. Employee withholdings are down and net profits are down.

Melissa Lueker, Budget Director, came to the podium to explain the cash flow variance revenue. She said that there was a favorable variance in the other licenses and permits category. Services were also up due to bed fees at the Detention Center. The other income category was also up. In total, revenue is down \$1,081,119 for the year.

Lueker said that the cash flow variance expenses are down in the personnel and operating categories. The expenses are down \$1,447,402 from budget. The change in net position is \$402,226 for the first two months of the fiscal year.

Lueker said that the LFUCG had budgeted for higher expenses this year than last.

3. Fund Balance Discussion

O'Mara began his presentation on the Preliminary Fund Balance for FY13. He said that the first step is reporting. They can concur or amend approach. They will then proceed to complete the Comprehensive

Financial Report (CAFR). The second step is spending authorization. The Council will decide on use of non-recurring Fund Balance assignment.

FY13 revenues exceeded expenses by \$10.4MM. This was because of multiple factors:

- Revenue exceeded the budget
- Personnel less than budget
- Operating less than budget
- Use of fund balance

O'Mara said that the total fund balance in FY13 is \$54,534,500 less \$1,154,300 of non fund 1101 reserved and \$1,405,200 that is unspendable.

O'Mara mentioned ordinance driven requirements (recommended):

- Economic Contingency \$18,829,100
- Additional Per Council (Recalculation of 2012) \$1,372,600
- Additional 2013 Calculation \$1,379,500
- 27th Payroll \$5,458,300
- Energy Improvement \$459,200

O'Mara then spoke about the assignments for contingencies:

- Litigation Reserve \$5,500,000
- Health Insurance \$2,000,000
- Pension Contribution \$2,000,000

O'Mara told Council Members that he was only going to present on how to report the fund balance, not the details on how to spend it. O'Mara said they could spend \$12,500,000 on non-recurring uses leaving an unassigned fund balance of \$2,476,300. He said they could also approach it the opposite way, by deciding what they want the unassigned fund balance to be and the amount left could be spent on non-recurring uses in FY14.

O'Mara asked the Council for an agreement that these numbers are appropriate for reporting of fund balance assignments. Specifically:

- Additional 2013 Calculation (Economic Contingency) \$1,379,500
- Litigation Reserve \$5,500,000
- Health Insurance \$2,000,000
- Pension Contribution \$2,000,000

Farmer asked Ellinger if it would be appropriate to make a motion at this time.

Motion by Farmer to allocate the items on pages 22-23, that would, in essence, drop the balance to \$14,976,300 by putting money aside for economic contingency, 27th payroll, energy improvement, litigation, pension and health reserves of different forms. Seconded by Gorton.

Friendly amendment by Stinnett to add assignments of non-recurring uses of \$12,500,000 and the unassigned fund balance of \$2,467,300.

Lane asked how much the LFUCG bonded and put into operational income for FY13. O'Mara said that he is only talking about the General Fund which has a different set of reporting requirements and does not include debt proceeds and depreciation.

Lane said that he is concerned that the General Fund has been structurally out of balance for the past four years because we borrowed money to fund it. Lane said that much of it was for the pension fund. Lane asked how we ended with such a surplus.

O'Mara said that we exceeded our revenue budget and we spent less than was budgeted for personnel and operating. Overall, we spent less and took in more. O'Mara said the LFUCG issued a bond for paving that is considered capital.

O'Mara said the CAFR will be published in November.

Lane said that he does not mind to spend surplus money if it exists. He said he would like to see the audited reports before he spends the money.

Mossotti asked about the increase in the Litigation Reserve. O'Mara said that the number is a function of pending litigation and what the funding sources are. They want to plan prudently. Mossotti asked when insurance kicks in. Janet Graham told her that there are some things that are not covered by the Litigation Fund, like wage and hour claims. She said that they may need to go into closed session to discuss some of the cases.

Lawless asked if the Federal Government shutdown would need to be considered as they move forward. O'Mara said that he got an email from the Department of Justice saying that they have funds for certain things until October 4, 2013. O'Mara said that local governments in Kentucky do not have a lot of federal money as a funding source, but there are things like the COPS Grant that will be impacted on a case by case basis.

Akers asked why O'Mara chose to put \$12,500,000 in non-recurring and \$2,476,300 in the unassigned Fund Balance. O'Mara said that he felt that there was a desire to address deferred maintenance and infrastructure. He said that he did not want to have a fund balance below \$2,500,000.

Motion passed without dissent.

Scutchfield expressed concern that we are adding taxes and franchise fees but we continue to have fund balances. She said that she is concerned what type of message we are giving people because we are not budgeting appropriately in certain categories.

O'Mara said that fund balance is unpredictable. O'Mara said to have recurring expenses we have to have recurring revenues. He said that it is separate discussion from the fund balance discussion. Fund balance is unpredictable.

O'Mara told Scutchfield that there are several things we can do to better predict fund balance. He said that it is a comparison to actual, not to last year's budget. He said that he meets monthly to discuss variances to actuals with divisional directors. O'Mara said he is also upping the game on producing monthly budgets. The third thing that O'Mara wants to do is introduce and have a dialogue with Council on the personnel budget. He said that this needs to be discussed. The personnel budget is the largest expense for the LFUCG. He said that budgeting for all positions when you know there will be employees coming and going is over-budgeting.

Ellinger asked the Council Members how they wanted to proceed with individual Council Member requests for use of the fund balance.

Ford thanked O'Mara, the finance team, and the Administration for turning around the financials at the Council's request. O'Mara said that the recommendations from the Administration do not equal \$12,500,000.

Ford asked about the ordinance on the docket about Council related projects. Ford asked where the proposed capital projects are and how do they play into this discussion.

O'Mara said that since it has not received second reading, it is not an ordinance yet. O'Mara said that secondly, it is quite appropriate to allocate however Council wishes because it is a spending decision.

O'Mara said that he would have to consult with the CPA about which years CAFR would reflect the expense.

Ellinger told Council Members that if it receives second reading, they would subtract the \$2,250,000 from the \$12,500,000.

Kay said that he is bothered by the notion that there is somehow a surplus; that there are extra funds that they are trying to spend. Kay said that they had budgeted a certain amount of money and spent a certain amount of money and that there were needs that never got funded. Kay said that he is now thinking about needs that did not get into the budget last year. He said he is thinking about repairs and infrastructure. For example, if the fleet is aging, and we know it costs more to repair them, we should invest now in new vehicles.

Stinnett thanked O'Mara and his staff. Stinnett said that the discussion about allocation in April was put on hold and the Council made wise decisions last spring that the paper did not report. He mentioned putting more money into the healthcare, addressing brownouts, buying a fire engine, and addressing streetlights. He said that they did the right things.

Stinnett said that we need to proceed with caution. Stinnett said that we could raise the fund balance to \$4,000,000 and call it something different. He said that the money is still in play. He wants to see them address district needs. He said it was not reported because it does not sell papers.

Lawless said that this money did not fall out of the sky. She said that it was wise budgeting and spending. She said many of the projects on the list are infrastructure projects.

Mossotti said that it would be a disservice not to look at these projects. Mossotti said that she makes no apologies for wanting to do projects in her district.

Ellinger said that between the requests of the Council and the Administration, there were close to \$55,000,000 in requests. He said in order to go through the process there must be a system.

Gorton said that in years past the LFUCG had a fund balance, they sent the list with requests from Council and Administration to the Council for them to rank them for purposes of future discussion. Gorton said that it would be near impossible to merge both lists and have anything less than a four hour discussion. She said that they should be rank ordered and that would be the order for discussion.

Kay suggested taking a total amount and each Council Member essentially allocated \$100,000 increments across the list they would get the same kind of result. They could start with the projects that received the greatest amount of money.

Clarke said he had concerns about how the Council goes about ranking. Clarke said that he does not want it to be a complete division between the Council and the Administration because they are essentially on

the same team. He said that Jonathan Hollinger had created and distributed a list of both Council and Administration projects. Clarke asked that the list be placed on the overhead.

Clarke asked Ellinger which committee he thought it should be discussed in.

Ellinger said that it needed to be in the next Budget and Finance Committee meeting or a special Committee of the Whole.

Stinnett said that he liked the list from Hollinger and believed it should be a starting point. Stinnett said that he wants the Council Members to have an opportunity to explain their items.

Motion by Stinnett to use Hollinger's list and then come back after they narrow it down, because some items can be removed, and then go back and rank them if they chose to do it that way after they hear from everyone regarding their recommendations on the list. Seconded by Mossotti. Motion passed without dissent.

Stinnett said that Parks projects make up the largest portion of the requests. Stinnett said that they could narrow the list down quickly.

Ellinger asked Council Member to keep their explanations short.

Henson asked for a hard copy of the list. Jenifer Benningfield brought copies of the list for Council Members.

Ellinger began with the Economic Contingency allocation. Ellinger asked the Administration to give an explanation for their request. O'Mara said that they suspended the allocation for 2010 and 2011. He said that this year they are recommending an additional \$2,500,000 to make up for the years that they did not contribute.

Gorton and Henson agreed to the \$2,500,000.

Gorton said that they should keep our debt at 10%. It is currently higher than that, so she recommended putting \$4,100,000 into debt reduction. Gorton said that she recognized that that some of the bonds cannot be paid off early.

Mayor Jim Gray came to the podium to explain the Economic Development Fund allocation of \$2,000,000. Gray said that the consultant was coming to Lexington the next week and they would set up a workshop for Council Members.

Farmer expressed his desire to add \$3,000,000 for the fund balance reserve. He said that these monies would be more accessible.

Stinnett said that the contingency fund is a revenue softening fund for budgeting purposes. Stinnett wants a true rainy day fund to have its own budget line. He does not want it to be part of the General Fund.

Gorton said that in the past if a fire engine broke, they would look to the General Fund balance. Farmer said that some of this is semantics. Farmer said that the idea behind having a new line item like this is just to have monies available in case of emergency.

Stinnett said that if they do not spend it, it could roll over into the next year like the Healthcare Reserve.

Lawless said that she agrees with Stinnett.

Beard said that when they talk about target and debt, they should not be satisfied with 10%. He said that the target should be closer to 7.5% or 8%.

Stinnett said that bond debt is different from credit card debt. Some bonds cannot be retired early. If you retire one early, you may have to pay a penalty. Second, the LFUCG has refinanced to lower rates. Stinnett said that some of this cash could be used to pay for things that are 6%, 7% or 8% interest. He urged them to make use of the money wisely. Thirdly, in a few years, there will be huge sums of debt dropping off. He said that it does not necessarily make sense to pay bonds off and then keep adding.

Graham said that the Administration feels that an Affordable Care Act expert is needed. Graham also said that the 20 year water franchise agreement will expire in 2015. They have use outside assistance for other franchise agreements.

Farmer spoke about his request for a Public Art match grant. He changed his request to \$100,000.

O'Mara spoke about the facilities HVAC and roofing projects. He said that they are needs that were not budgeted in the last budget. O'Mara also spoke about the Old Courthouse and said that the \$250,000 would get the LFUCG started on serious conversations. They need to look at structural issues with the building as well as talk to potential tenants.

Clarke said he is recommending \$1,000,000 for facilities upgrades and repairs. Clarke expressed concern about the aging fleet. He said that he also thinks the city center should not contain a negative, and he also has a desire to allocate monies for the Old Courthouse. Jeff Fugate said that the Old Courthouse project could be \$11,000,000-\$12,000,000.

O'Mara said that there might be a capacity issue to get \$1,000,000 in facilities repairs done.

Gorton asked Clarke if he would be willing to change his \$1,000,000 to \$750,000. Clarke agreed.

Ellinger told Council Members that they could explain their Division of Parks and Recreation requests. (See [APPENDIX A](#))

Lawless listed her requests:

- Aquatic Climbing Wall and Shade Structure – Woodland Park
- Lap Pool Liner – Woodland Pool
- New Parking Lot – Carver Center
- Playground Renovation – Woodland Park
- Renovate Bathrooms – Carver Center
- Replace Basketball Court – Johnson Heights Park
- Sandblast and Repaint Recreation Pool – Woodland Pool
- Slide – Woodland Pool

Myers listed his requests:

- Walking Trail - Berry Hill Park
- Ball Fields – Idle Hour Park
- Move Playground – Berry Hill
- Rehab Bath House for Year Around Use – Berry Hill

Akers removed the following requests from the list:

- Basketball Court – Highlands Park
- Benches – Meadowthorpe Park Walking Path
- Parking Lot Expansion – Highland Park
- Picnic Shelter – Masterson Station Park
- Painting of Community Building – Meadowthorpe Park
- Replace Ceiling with Drywall – Whitney Young Park Community Building
- Resurface Parking Lot – Meadowthorpe Park
- Walking Path – Meadowthorpe Park

Akers' requests:

- Basketball Court – Highlands Park
- New Basketball Court
- New Half Court Basketball
- New Parks – Belmont Farms and Coldstream Station
- New Tot Lot
- Replace Ceiling – Whitney Young Park Community Building
- Restrooms – Masterson Station Park
- Tennis Court Repair and Paint – Meadowthorpe Park

Kay listed his requests:

- Cardinal Run North Shared
- Therapeutic Camp ADA Improvements – Castlewood Park
- Splash Pad – East End

Ford listed his requests:

- Park Expansion – Charles Young Park
- Park Expansion – Douglass Park
- Window Replacement – Dunbar Community Center

Stinnett listed his request:

- Trail Replacement that was removed when pool was removed – Constitution Park

Sally Hamilton spoke on behalf of the Administration:

- Field and Playground – Idle Hour

Stinnett asked Hamilton if they would still be asking for a full \$10,000,000 next year. Hamilton said that she was not ready to provide a figure but is hoping that it would be below that number. O'Mara said that they can use some of the \$5,000,000 but it will be through a budget amendment. O'Mara said that Hamilton wants the \$300,000 from the Fund Balance.

Henson listed her requests:

- Installation of Solar Lighting – Cross Keys Park
- Repurpose a Basketball Court to Parking – Valley Park

Gorton listed her request:

- Legacy Trail Completion

Beard listed his requests:

- Repair/Replace Trail/School Route – Meadowbrook Park
- Picnic Pods – Belleau Woods, Kirklevington, Veterans, Meadowbrook, Wildwood, and Zandale Park

Scutchfield listed her request:

- Repaving (Phase 1) – Jacobson Park

Mossotti listed her request:

- Park Bridge – Wellington

Farmer listed his request:

- Parks Infrastructure

Clarke listed his request:

- Pool and Park Improvements – Clarke

Ellinger asked Stacey Maynard and Benningfield to construct a master list.

Ellinger asked Council Members to list their Public Safety requests.

Myers listed his request:

- Bullet Proof Vest Replacements – Division of Police
- Fire Air Tanks

Clay Mason spoke on behalf of the Administration:

- Kitchen Floor – Corrections
- Fire Air Tanks
- Fire Engine Replacement
- Police Recruit outfits
- Police Vehicles

Henson asked Mason about the strategic plan for replacing apparatus (fire and police). Mason said that they do have a plan in writing that they could present. Henson said that she would like to see the plan.

Ellinger asked Myers to explain his Social Services and Technology requests:

- Fit-Up – Senior Citizens Center
- Technology Upgrades – Building Inspection, Code Enforcement, Zoning Enforcement, and Engineering (Accela)

Ellinger asked Henson and Mossotti to explain their Traffic Engineering requests:

- Improve Pedestrian Accessibility – Waller Avenue, Mason Headley, South Broadway
- Traffic Controls – Reynolds Road Roundabout

Ellinger asked Council Members for their Transportation requests:

Kay listed his request:

- Bike Lane Striping and Signage – Various Locations

Farmer listed his request:

- Curb, Gutter, and Sidewalk Match Grant

Stinnett listed his request:

- Design for Traffic Improvement / Widening – Man O War

O'Mara spoke on behalf of the Administration:

- Pothole Patcher

Gorton removed her request:

- Resurfacing Tates Creek to Buckhorn – Man O War

Gorton said that she would instead co-sponsor Stinnett's request.

Henson listed her request:

- Restore Bus Shelter and Sign – Alexandria Drive in Gardenside Shopping Center.

Mossotti removed her request:

- Culvert Expansion / Replacement – Buckingham Lane

Mossotti modified her request:

- Resurfacing for 9th District

Akers listed her request:

- Quiet Zone Railroad Upgrades – Spurr and Greendale

Motion by Stinnett to have a Special Committee of the Whole (COW) meeting on October 10th at 4:00pm. Seconded by Myers.

Henson said that there is a Neighborhood Parks Task Force meeting at the same time that day. She said that she would reschedule it.

Gorton asked Ellinger if the projects should be ranked. Ellinger asked Maynard, Benningfield, and Hollinger to provide a list to Council Members and the Council Members should rank the projects 1-50 with 1 being the first up for discussion.

Benningfield said that the packet will not be distributed until Monday. Ellinger asked that the Council Members submit their rankings by Friday at 5:00pm.

Scutchfield suggested voting up or down the concept behind each project and then deliberate the numbers. Ellinger said that they will be ranked based on concept and then will discuss them.

Ford said that he does not have enough information on each project. Ford said that he would like to vote the validity of each project up or down. Ellinger said that they will do this at the COW.

Motion passed without dissent.

Motion by Gorton to adjourn. Seconded by Stinnett. Motion passed without dissent.

Submitted by Jenifer Benningfield, Council Administrative Specialist.

Appendix A

FY 2013 Fund Balance Proposals

Approved Proposals

Category	Proposal	Amount	Recommender
Reserves	Health Insurance Reserve	\$1,000,000	Administration/Henson/Farmer/Stinnett
Reserves	Litigation Reserve	\$2,000,000	Administration
Other Non-Recurring	Pension Contribution	\$2,000,000	Administration
		Total: \$5,000,000	

Pending Proposals

Category	Proposal	Amount	Recommender
Economic Contingency Fund	Additional Economic Contingency Fund Allocation	\$2,500,000	Administration/Gorton/Henson
Facilities and Fleet	Facilities HVAC Projects	\$350,000	Administration/Clarke
Facilities and Fleet	Old Courthouse	\$250,000	Administration
Facilities and Fleet	Facilities Roofing Projects	\$400,000	Administration/Clarke
Public Safety	Fire Vehicle Replacement - 2 Engines and 2 EMS Buggies	\$2,000,000	Administration/Stinnett
Public Safety	Corrections Kitchen Floor	\$400,000	Administration
Parks	Parks Infrastructure	\$1,000,000	Farmer
Traffic Engineering	Traffic Controls Reynolds Road Roundabout	\$26,000	Mossotti
Public Safety	Fire Air Tanks	\$40,000	Administration/Myers
Other Non-Recurring	Water Franchise Negotiator	\$75,000	Administration
Public Safety	Police Vehicles - 25 Marked and 11 Unmarked	\$1,250,000	Administration
Transportation	Pothole Patcher	\$325,000	Administration
Transportation	Restore Bus Shelter & Sign on Alexandria Drive in Gardenside Shopping Center	\$45,000	Henson
Transportation	Bike Lane Striping and Signage at Various Locations	\$80,510	Kay
Parks	Repurpose an existing Basketball Court to parking at Valley Park.	\$80,000	Henson
Parks	Constitution Park Trail Replacement that was removed when pool was removed.	\$30,000	Stinnett
Traffic Engineering	Improve Waller Ave/Mason Headley/South Broadway for Pedestrian Accessibility	\$175,000	Henson
Transportation	Man-O-War Design for Traffic Improvement/Widening	\$250,000	Stinnett/Gorton
Public Safety	Police Recruit Outfits	\$140,000	Administration
Parks	Castlewood Park Therapeutic Camp ADA Improvements	\$100,000	Kay
Parks	Douglass Park Expansion	\$149,050	Ford
Parks	Repave Jacobson Park Roadway (Phase 1)	\$125,000	Scotchfield
Parks	Picnic Pods for Belleau Woods, Kirlevington, Veterans, Meadowbrook, Wildwood & Zandale Parks	\$42,000	Beard
Parks	Charles Young Park Expansion	\$67,500	Ford
Transportation	Curb, Gutter & Sidewalk Match Grant	\$1,000,000	Farmer
Parks	Wellington Park Bridge	\$90,000	Mossotti
Parks	Berry Hill Park Walking Trail	\$82,000	Myers
Parks	Idle Hour Field and Playground	\$300,000	Administration
Technology	iPads for Building Inspection, Code Enforcement, Zoning Enforcement, and Engineering (Accela)	\$31,900	Myers
Parks	Basketball Court Repair Highlands Park	\$20,000	Akers
Parks	Aquatic Climbing Wall & Shade Structure - Woodland Pool	\$45,000	Lawless/Kay
Facilities and Fleet	Fleet Upgrades (Replacement of Vehicles)	\$1,000,000	Clarke
Parks	Restrooms Masterson Station Park Playground	\$250,000	Akers
Public Safety	Bullet Proof Vest Replacements for Police	\$100,000	Myers
Reserves	Rainy Day Reserve Fund	\$4,000,000	Stinnett/Farmer
Other Non-Recurring	Public Art Match Grant	\$100,000	Farmer

Category	Proposal	Amount	Recommender
Parks	Legacy Trail	\$1,100,000	Gorton
Parks	Idle Hour Ball Fields	\$150,000	Myers
Other Non-Recurring	Affordable Care Act Expert	\$100,000	Administration
Reserves	Economic Development Fund	\$2,000,000	Administration
Parks	Lap Pool Liner - Woodland Pool	\$40,000	Lawless
Parks	Install Solar Lighting at Cross Keys Park	\$55,000	Henson
Parks	Cardinal Run North Shared	\$537,000	Kay
Parks	Dunbar Community Center Window Replacement	\$150,000	Ford
Parks	Meadowbrook Park: Repair/Replace Trail/School Route	\$80,000	Beard
Parks	Slide - Woodland Pool	\$75,000	Lawless
Parks	East End Splash pad	\$300,000	Kay
Parks	Move playground (due to skate park)	\$60,000	Myers
Parks	New Parking Lot - Carver Center	\$75,000	Lawless
Parks	Playground Renovation - Woodland Park	\$100,000	Lawless
Parks	Rehab Berry Hill Bath House for Year Round Use	\$120,000	Myers
Parks	Tennis Court Repair/Paint Meadowthorpe Park	\$25,000	Akers
Parks	Sandblast & Repaint Recreation Pool - Woodland Pool	\$100,000	Lawless
Parks	Replace Basketball Court - Johnson Heights Park	\$60,000	Lawless
Parks	Renovate Restrooms (ADA) - Carver Center	TBD	Lawless
Parks	Replace Ceiling at Whitney Young Park Community Building	\$10,000	Akers
Parks	New Basketball Court TBD	\$60,000	Akers
Transportation	Quiet Zone Railroad Upgrades: Spurr and Greendale	\$46,300	Akers
Transportation	Resurfacing	\$2,000,000	Farmer
Parks	New Half Basketball Court TBD	\$30,000	Akers
Parks	New Neighborhood Playground TBD	\$60,000	Akers
Parks	New Parks for Belmont Farms & Coldstream Station	TBD	Akers
Parks	New Tot Lot TBD	\$30,000	Akers
Social Services	New Senior Citizens Center Fit Up - Computer Lab	\$200,000	Myers
Transportation	Resurfacing: 9th District	\$1,000,000	Mossotti
Reserves	Debt Reduction	\$4,100,000	Gorton
Total: \$29,582,260			