

# **Lexington-Fayette Urban County Government**

*200 E. Main St  
Lexington, KY 40507*



**Tuesday, October 22, 2013**

**3:00 PM**

**Packet**

**Council Chamber**

**Urban County Council Work Session**

**URBAN COUNTY COUNCIL  
SCHEDULE OF MEETINGS  
October 21 – October 28, 2013**

**Monday, October 21**

No Meetings

**Tuesday, October 22**

Special COW – Fund Balance.....11:30 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, October 23**

Transportation Policy Committee.....2:30 pm  
Jessamine Co. Courthouse – 101 N. Main Street, Nicholasville

Parks Advisory Board.....4:30 pm  
Picadome – 469 Parkway Drive

**Thursday, October 24**

Legislative Priorities Workshop.....4:00 pm  
Conference Room – 2<sup>nd</sup> Floor Government Center

Confirmation Hearing – Ethics Commission Reappointment.....5:00 pm  
Council Chamber – 2<sup>nd</sup> Floor Government Center

Confirmation Hearing – Ethics Commission Reappointment.....5:30 pm  
Council Chamber – 2<sup>nd</sup> Floor Government Center

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

**Friday, October 25**

Council Fall Recess - No Meetings

**Monday, October 28**

Council Fall Recess - No Meetings

URBAN COUNTY COUNCIL  
WORK SESSION  
TABLE OF MOTIONS  
October 15, 2013

Mayor Jim Gray chaired the meeting and called it to order at 3:22pm. All Council Members were present.

- I. Public Comment – Issues on Agenda – No
- II. Requested Rezoning / Docket Approval – No
- III. Approval of Summary – Yes

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

- IV. New Business – Yes

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

- V. Budget Amendments – No

- VI. Continuing Business / Presentations – Yes

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

- VII. Council Reports

Motion by Gorton to cancel the Social Services and Community Development Committee meeting on October 22, 2013. Seconded by Ford. Motion passed without dissent.

Motion by Gorton to set a Special Committee of the Whole (COW) meeting for discussion of fund balance at 11:30am on October 22, 2013 (as amended). Seconded by Myers. Motion passed without dissent.

Motion by Lane to amend the motion so the agenda for the meeting will be the remaining items on the list, reranked by Council Members. Seconded by Lawless. Motion failed with a 6 - 9 vote. Ellinger, Lawless, Beard, Farmer and Mossotti and Lane voted yes. Gorton, Kay, Ford, Akers, Stinnett, Scutchfield, Myers, Clarke and Henson voted no.

Motion by Mossotti to amend and start at 11:30am. Seconded by Myers. Motion passed without dissent.

Motion by Farmer to add the issue of a rainy day reserve fund to the Budget & Finance Committee for discussion and possible action. Seconded by Kay. Motion passed without dissent.

VIII. Mayor's Report – No

IX. Public Comment – Issues Not on Agenda – No.

Motion by Gorton to enter into closed session pursuant to KRS 61.810(1)(C) for the purpose of discussing proposed litigation. Seconded by Akers. Motion passed without dissent.

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

Motion by Scutchfield to place on the docket for the October 24, 2013 Council meeting a resolution authorizing and directing the Department of Law to institute condemnation proceedings in Fayette Circuit Court to obtain permanent sanitary sewer and temporary construction easements across the properties located at 3973 Tatton Place and 3785, 3805, 3825, 3856, 3896, 3952 and 3997 Branham Park for the Blue Sky Pump Station and Force Main Project. Seconded by Gorton. Motion passed with a 14 – 0 vote. Gorton, Ellinger, Kay, Ford, Akers, Lawless, Farmer, Stinnett, Scutchfield, Myers, Mossotti, Clarke, Henson and Lane voted yes. Beard recused.

Motion by Henson to place on the docket for the October 24, 2013 Council meeting a resolution authorizing and directing the Department of Law to institute condemnation proceedings in Fayette Circuit Court to obtain permanent sanitary sewer and temporary construction easements across the property located at 376 Bob-O-Link Drive for the Bob-O-Link Sanitary Sewer Improvements Project. Seconded by Farmer. Motion passed without dissent.

X. Adjournment

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

**Lexington-Fayette Urban County Government  
Work Session Agenda  
October 22, 2013**

- I. Public Comment - Issues on Agenda**
- II. Requested Rezoning/ Docket Approval – Yes**
- III. Approval of Summary – Yes, p. 1 - 2**
- IV. Budget Amendments – Yes, p. 6 - 7**
- V. New Business – Yes, p. 8 - 24**
- VI. Continuing Business/ Presentations**
  - a** Neighborhood Development Funds, October 22, 2013, p. 25
  - b** Environmental Quality Committee Summary, October 8, 2013, p. 26 - 30
  - c** Special COW Table of Motions, October 10, 2013, p. 31 - 33
  - d** Special COW Table of Motions, October 15 2013, p. 34 - 35
- VII. Council Reports**
- VIII. Mayor's Report – No**
- IX. Public Comment - Issues Not on Agenda**
- X. Adjournment**

## Administrative Synopsis - New Business Items

- a**            **1024-13**        Authorization to execute a Release of Easement releasing a temporary drainage easement on property located at 225 Ruccio Way. (L1024-13) (Graham)  
 This is a request to execute a Release of Easement releasing a temporary drainage easement on property located at 225 Ruccio Way. There is no budgetary impact. p. 8-11
- b**            **1114-13**        Authorization to accept quote from Federal Signal Safety and Security Systems as a sole source vendor for the emergency outdoor warning siren system. (L1114-13) (Dugger/Mason)  
 This is a request to accept quote from Federal Signal Safety and Security Systems as a sole source vendor in the amount of \$44,541.25 for the emergency outdoor warning siren system. Funds are budgeted. p. 12
- c**            **1118-13**        Authorization to execute a Partial Release of Easement releasing a portion of a utility easement on property located at 806 and 810 Lochmere Place. (L1118-13) (Graham)  
 This is a request to execute a Partial Release of Easement releasing a portion of a utility easement on property located at 806 and 810 Lochmere Place. There is no budgetary impact. p. 13-19
- d**            **1124-13**        Authorization to amend Section 21-5 of the Code of Ordinances, abolishing one (1) position of Recreation Supervisor (Grade 110E) and creating one (1) position of Parks Naturalist (Grade 113E) in the Division of Parks and Recreation. (L1124-13) (Maxwell/Graham)  
 This is a request to amend Section 21-5 of the Code of Ordinances, abolishing one (1) position of Recreation Supervisor (Grade 110E) and creating one (1) position of Parks Naturalist (Grade 113E) in the Division of Parks and Recreation. The fiscal impact for FY 2014 (15 pay periods) is a cost savings of \$35.27.  
 p. 20
- e**            **1127-13**        Authorization to execute Purchase Order with Kenvirons, Inc. for additional engineering work and document preparation for the closure of the Haley Pike Landfill Section CP4. (L1127-13) (Moloney)  
 This is a request to execute Purchase Order with Kenvirons, Inc. for an amount of \$40,329.87 for additional engineering work and document preparation for the closure of the Haley Pike Landfill Section CP4. Funds are budgeted. p. 21

- f            1130-13**      Authorization to execute agreement with West Company, CLEAR Services, a Division of Thomson Reuters, for Division of Police access to databases used for investigations and backgrounds of new hires. (L1130-13) (Bastin/Mason)  
This is a request to execute agreement with West Company, CLEAR Services, a Division of Thomson Reuters, for an amount of \$4,944 per year for Division of Police access to databases used for investigations and backgrounds of new hires. Funds are budgeted. p. 22
- g            1132-13**      Authorization to execute Supplemental Agreement No. 5 with the Kentucky Transportation Cabinet for utility relocation for Section II of the Todds/Liberty Road Improvement Project. (L1132-13) (Gooding/Paulsen)  
This is a request to execute Supplemental Agreement No. 5 with the Kentucky Transportation Cabinet for an amount of \$1,954,000 for utility relocation for Section II of the Todds/Liberty Road Improvement Project. Funds are budgeted. p. 23
- h            1139-13**      Authorization to execute Supplemental Agreement No. 1 with the Kentucky Transportation Cabinet for additional improvements to the Isaac Murphy Memorial Art Garden. (L1139-13) (Gooding/Paulsen)  
This is a request to execute Supplemental Agreement No. 1 with the Kentucky Transportation Cabinet for an amount of \$300,000 for additional improvements to the Isaac Murphy Memorial Art Garden. This increase brings the new total contract cost to \$889,511.15. The required 20% local match in the amount of \$75,000 will be provided through documentation of land donation for the Legacy Trail. p. 24

## BUDGET AMENDMENT REQUEST LIST

<b>JOURNAL</b>	72849-50	<b>DIVISION</b>	Human Resources	<b>Fund Name</b>	General Fund
				<b>Fund Impact</b>	214.78
					214.78CR
					.00

To provide funds for employee shirts by recognizing revenue received from employees to reimburse these costs.

<b>JOURNAL</b>	73044-45	<b>DIVISION</b>	Parks and Recreation	<b>Fund Name</b>	General Fund
				<b>Fund Impact</b>	596.00
					596.00CR
					.00

To recognize the repayment for maintenance costs for Japan American Festival 2013.

<b>JOURNAL</b>	73046-47	<b>DIVISION</b>	Parks and Recreation	<b>Fund Name</b>	General Fund
				<b>Fund Impact</b>	3,265.30
					3,265.30CR
					.00

To provide funds for repairs and maintenance by recognizing a reimbursement of maintenance expenses from Picnic with the Pops.

<b>JOURNAL</b>	73042-43	<b>DIVISION</b>	Parks and Recreation	<b>Fund Name</b>	Donation Fund
				<b>Fund Impact</b>	30,000.00
					30,000.00CR
					.00

To provide funds for improvements to the James Lane Allen Fountain of Youth in Gratz Park by recognizing a donation from the Gratz Park Neighborhood Association.

<b>JOURNAL</b>	72851	<b>DIVISION</b>	Grants and Special Projects	<b>Fund Name</b>	US Department of Justice
				<b>Fund Impact</b>	1,983.00
					1,983.00CR
					.00

To amend Juvenile Accountability Block Grant - 2014 to reflect actual grant award.

<b>JOURNAL</b>	72780-81	<b>DIVISION</b>	Water Quality	<b>Fund Name</b>	Sanitary Sewer Fund
				<b>Fund Impact</b>	113,545.60
					113,545.60CR
					.00

To provide funds for rent/lease of office space for Sewer Line Maintenance Operations by transferring funds from Sewer Construction Fund. The relocation is needed to free up space for the Town Branch Phase I Wet Weather Storage Tank project.

<b>JOURNAL</b>	72782	<b>DIVISION</b>	Water Quality	<b>Fund Name</b>	Sewer Construction Fund
				<b>Fund Impact</b>	113,545.60
					113,545.60CR
					.00

To transfer funds to Sanitary Sewer Fund by decreasing funds for Town Branch Phase I Wet Weather Storage Tank project. This transfer is needed to relocate offices to allow for construction related to the Wet Weather Storage Tank project.



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<b>JOURNAL</b>	CB00000114-A	<b>DIVISION</b>	Water Quality	<b>Fund Name</b>	Sanitary Sewer Fund
				<b>Fund Impact</b>	506,160.00
					427,050.00CR
					79,110.00

To transfer personnel funds to the new Capacity Assurance Program and make other corrections to match where employees are actually charged in the Sanitary Sewer Fund.

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<b>JOURNAL</b>	CB00000114-B	<b>DIVISION</b>	Water Quality	<b>Fund Name</b>	Water Quality Fund
				<b>Fund Impact</b>	43,370.00
					122,480.00CR
					79,110.00CR

To transfer personnel funds to the new Capacity Assurance Program and make other corrections to match where employees are actually charged in the Water Quality Management Fund.

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#### BUDGET AMENDMENT REQUEST SUMMARY

Fund	1101	General Service District Fund	.00
Fund	1103	Donation Fund	.00
Fund	3140	US Department of Justice	.00
Fund	4002	Sanitary Sewer Revenue and Operating Fund	79,110.00
Fund	4003	Sanitary Sewer Construction Fund	.00
Fund	4051	Water Quality Management Fund	79,110.00CR



Lexington-Fayette Urban County Government  
DEPARTMENT OF LAW

Jim Gray  
Mayor

Janet M. Graham  
Commissioner

TO: Jim Gray, Mayor  
Members, Urban County Council

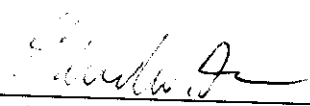
FROM: Department of Law

DATE: September 17, 2013

RE: Release of Easement  
225 Ruccio Way

This memo is to request a Resolution authorizing the Mayor to sign a Release of Easement releasing a temporary drainage easement on property located at 225 Ruccio Way.

The proposed Release has been reviewed and approved by the Divisions of Engineering, Water Quality, and Traffic Engineering and the Department of Law. This action has no budgetary implication for LFUCG.

  
\_\_\_\_\_  
Edward W. Gardner  
Attorney Sr.

Enclosure

cc: Sally Hamilton, CAO  
Council Office

X:\0850\WATER\2100\11000\IN\0850\108211.DOC

**RELEASE OF EASEMENT**

**THIS RELEASE OF EASEMENT**, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2013, by **LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**, 200 East Main Street, Lexington, Kentucky, 40507, an Urban County Government pursuant to KRS 67A (hereinafter "Government" or "First Party").

**WITNESSETH:**

**WHEREAS**, through those certain Plats of record in Plat Cabinet L, Slide 234 and Plat Cabinet L, Slide 487 in the Fayette County Clerk's Office, the First Party acquired a Temporary Drainage Easement encumbering certain property located at 225 Ruccio Way and currently owned by Lexington Alzheimer's Investors, LLC; and

**WHEREAS**, the Temporary Drainage Easement is no longer required by the First Party, and the First Party desires to release and extinguish its interest in and to said easement;

**NOW, THEREFORE**, for valuable consideration, the receipt of which is hereby acknowledged, First Party does hereby release, relinquish and terminate all of its right, title and interest in and to the aforesaid Temporary Drainage Easement, which is shown on Exhibit "A" hereto.

It is understood that in making this Release, the other easements and any portion thereof shown on the aforesaid Plats that have not been previously released remain unaffected by this Release.

**IN WITNESS WHEREOF**, the First Party has hereby caused its corporate name to be affixed hereto by its duly authorized officer, on the day and year first above written.

**LEXINGTON-FAYETTE URBAN  
COUNTY GOVERNMENT**

Title: \_\_\_\_\_  
Print Name: \_\_\_\_\_

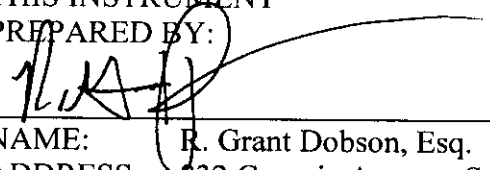
STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

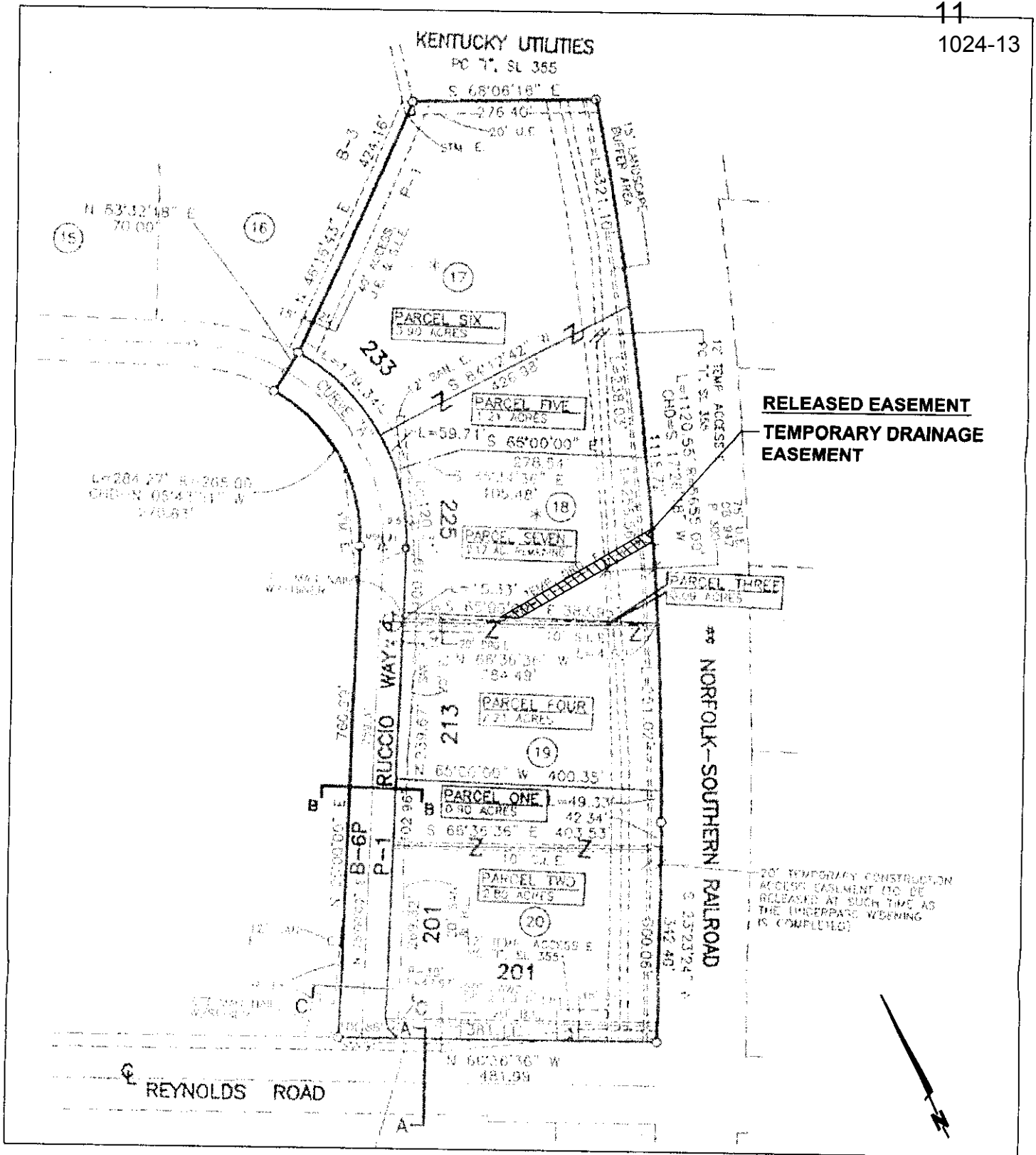
The foregoing instrument was acknowledged before me by \_\_\_\_\_,  
as \_\_\_\_\_ of **LEXINGTON-FAYETTE URBAN COUNTY**  
**GOVERNMENT**, an urban county government pursuant to KRS 67A, on behalf of said  
government, on this \_\_\_\_ day of \_\_\_\_\_, 2013.

My Commission expires: \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC

THIS INSTRUMENT  
PREPARED BY:

  
\_\_\_\_\_  
NAME: R. Grant Dobson, Esq.  
ADDRESS: 832 Georgia Avenue, Suite 1000  
Chattanooga, TN 37402  
PHONE: (423) 785-8266



SCALE: 1" = 200'



**Lexington-Fayette Urban County Government**  
Department of Public Safety  
Division of Emergency Management

Jim Gray  
Mayor

Clay Mason  
Public Safety Commissioner  
Patricia L. Dugger, RS MPA  
Emergency Management Director

# MEMORANDUM

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

**FROM:** Patricia L. Dugger, RS, MPA, Director DEM *P.L.D.*

**RE:** Sole Source Vendor for Federal Signal Safety and Security Systems

**DATE:** October 7, 2013

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Requesting acceptance of the quote from Federal Signal Safety and Security Systems as a sole source vendor in the amount of \$44,541.25 for the emergency outdoor warning siren system. The current outdoor warning siren system was originally installed in 1979-1988; Federal Signal was the vendor that was chosen at that time. In 1996 the emergency outdoor warning sirens were removed from fire stations and reinstalled in large parks, but to save costs the sirens were repaired and reused. Sirens have been slowly added to the system since 1998. Federal sirens are not compatible and unable to be mixed with other brands of sirens. These sirens have now aged to the point that upgrades are critical but have to be completed with existing Federal Signal parts.

In our FY14 budget request we requested bond money to upgrade and replace 5 of the emergency outdoor warning sirens. This request was approved and the funds are available in our budget.

If you have any questions or need any additional information, please contact me at 258-3784.

Attachment

xc: Commissioner Clay Mason, Public Safety  
Outdoor Warning Siren File



Lexington-Fayette Urban County Government  
DEPARTMENT OF LAW

Jim Gray  
Mayor

Janet M. Graham  
Commissioner

TO: Jim Gray, Mayor  
Members, Urban County Council

FROM: Department of Law

DATE: October 8, 2013

RE: Partial Release of Easement  
806 and 810 Lochmere Place

This memo is to request a Resolution authorizing the Mayor to sign a Partial Release of Easement releasing a portion of a utility easement on property located at 806 and 810 Lochmere Place

The proposed Release has been reviewed and approved by the Divisions of Engineering, Water Quality, and Traffic Engineering and the Department of Law. This action has no budgetary implication for LFUCG.

A handwritten signature in cursive script, reading "Edward W. Gardner Sr.", is positioned above a horizontal line.

Edward W. Gardner  
Attorney Sr.

Enclosure

cc: Sally Hamilton, CAO  
Council Office

## PARTIAL RELEASE OF UTILITY EASEMENT

**THIS PARTIAL RELEASE OF UTILITY EASEMENT**, is made and entered into on this the \_\_\_\_\_ day of \_\_\_\_\_, 2013, by and between **LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**, an urban county government pursuant to KRS 67A, with an address of 200 East Main Street, Lexington, Kentucky 40507 (hereinafter "First Party"), and **BALL HOMES, LLC**, a Kentucky limited liability company, with an address of 3609 Walden Drive, Lexington, Kentucky 40517 (hereinafter "Second Party");

### WITNESSETH:

**WHEREAS**, through that Final Record Plat of Lochmere Estates (Maple Ridge), Unit 1-A, Section 2, of record, in Plat Cabinet N, Slide 504 in the Fayette County Clerk's office, the First Party acquired a utility easement over and across a parcel of land on such final record plat; and

**WHEREAS**, Second Party has requested, and First Party has agreed, that a portion of such utility easement shall be released and extinguished as set forth herein.

**NOW, THEREFORE**, for valuable consideration, receipt of which is hereby acknowledged, First Party does hereby release, relinquish and quitclaim unto Second Party, its successors and assigns, all of its right, title and interest, if any, in and to the portion of the utility easement described herein.

**NOW, THEREFORE**, for and in consideration of the sum of \$10.00 and other good and valuable consideration, the receipt of which is hereby acknowledged, the First Party hereby **RELEASES AND QUITCLAIMS** unto the Second Party, its successors and assigns forever, from the terms of such utility easement, all of its right, title and interest in and to the real property located in Fayette County, Kentucky, which is more particularly described in Exhibit "A" hereto.

It is the intention of the First Party to forever extinguish its easement interests in the area described above, and the Second Party, its successors and assigns forever, shall hereafter have and enjoy said property free and discharged from the interest of the First Party. It is understood that, in making this Release, all other portions of such utility easement as well as all other easements shown on the subdivision plats which affect said property remain unaffected and shall continue in full force and effect.



### HOLD FOR:

Mr. Patrick McFadden  
Lexington-Fayette Urban Co. Gov.  
Division of Water Quality



IN WITNESS WHEREOF, the First Party and Second Party each have hereby caused its corporate name to be affixed by its duly authorized officer, on this the day and year first above written.

LEXINGTON-FAYETTE URBAN  
COUNTY GOVERNMENT

BY: \_\_\_\_\_  
ITS: \_\_\_\_\_

BALL HOMES, LLC

BY:   
ITS: Executive Vice-President

STATE OF KENTUCKY)  
COUNTY OF FAYETTE)

The foregoing instrument was acknowledged before me by \_\_\_\_\_,  
as \_\_\_\_\_ of Lexington-Fayette Urban County Government, an urban  
county government pursuant to KRS 67A, on behalf of said government, on this \_\_\_\_\_ day of  
\_\_\_\_\_, 2013.

My Commission expires: \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC


STATE OF KENTUCKY)  
COUNTY OF FAYETTE)

The foregoing instrument was acknowledged before me by Lisa Ball,  
as Executive Vice-President of Ball Homes, LLC, a Kentucky limited liability company, on  
this 18<sup>th</sup> day of July, 2013.

My Commission expires: 4-24-17

Arena H. Milsoner ID# 488023  
NOTARY PUBLIC

THIS INSTRUMENT PREPARED BY:

  
RENA G. WISEMAN, ESQ.  
3609 Walden Drive  
Lexington, Kentucky 40517  
(859)-268-1191

July 09, 2013

Utility Easement Release  
Lochmere Estates (Maple Ridge)  
Unit 1-A, Section 1a  
Lots 53 & 54  
806 & 810 Lochmere Place  
Lexington, Kentucky

**Parcel One**

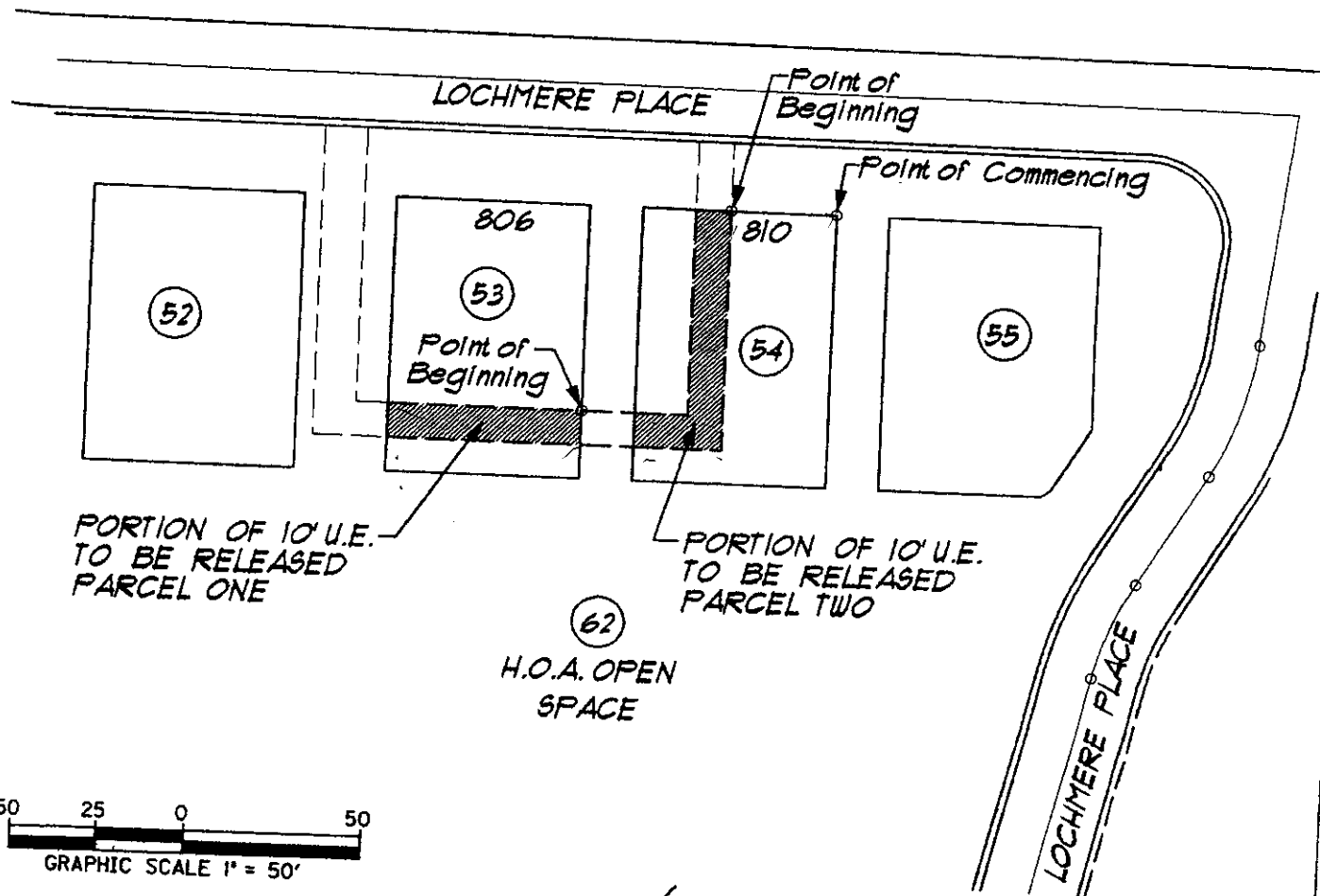
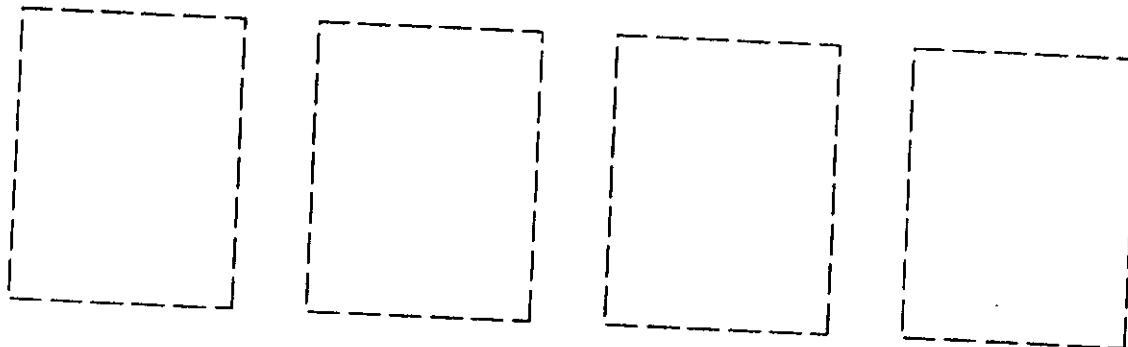
**COMMENCING** at a point in the northeastern corner of Lot 54 of record in Plat Cabinet "R", Slide 60 in the Office of the County Clerk of Fayette County, Kentucky; thence South 09 degrees 32 minutes 22 seconds West, a distance of 92.22 feet to the **TRUE POINT OF BEGINNING**; thence South 39 degrees 50 minutes 20 seconds East, a distance of 10.00 feet to a point; thence South 50 degrees 09 minutes 40 seconds West, a distance of 55.00 feet to a point; thence North 39 degrees 50 minutes 20 seconds West, a distance 10.00 feet to a point; thence North 50 degrees 09 minutes 40 seconds East, a distance of 55.00 feet to the **POINT OF BEGINNING** and containing 550 square feet.

**Parcel Two**

**COMMENCING** at a point in the northeastern corner of Lot 54 of record in Plat Cabinet "R", Slide 60 in the Office of the County Clerk of Fayette County, Kentucky; thence South 50 degrees 09 minutes 40 seconds West, a distance of 30.00 feet to the **TRUE POINT OF BEGINNING**; thence South 39 degrees 50 minutes 20 seconds East, a distance of 70.04 feet to a point; thence South 50 degrees 09 minutes 40 seconds West, a distance of 25.00 feet to a point; thence North 39 degrees 50 minutes 20 seconds West, a distance 10.00 feet to a point; thence North 50 degrees 09 minutes 40 seconds East, a

distance of 15.00 feet to a point; thence North 39 degrees 50 minutes 20 seconds West, a distance of 60.04 feet to a point; thence North 50 degrees 09 minutes 40 seconds East, a distance of 10.00 feet to the **POINT OF BEGINNING** and containing 850 square feet.

PARENT PLAT:  
PLAT CABINET "R", SLIDE 60



**EA Partners, PLLC**



CIVIL ENGINEERS • LAND SURVEYORS • LANDSCAPE ARCHITECTS  
3111 WALL STREET  
LEXINGTON, KENTUCKY 40513  
PHONE (606) 255-6660  
FACSIMILE (606) 255-6667

J:\850\BALL-ENCLAVE\PLATS\UTIL-RELEASE-54.DGN

UTILITY EASEMENT RELEASE  
**LOCHMERE ESTATES**  
(MAPLE RIDGE)

UNIT 1-A, SECTION 1a  
LOTS 53 & 54  
806 & 810 LOCHMERE PLACE  
LEXINGTON, FAYETTE COUNTY, KENTUCKY  
JULY 2013



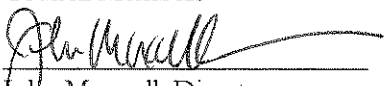
Lexington-Fayette Urban County Government  
DIVISION OF HUMAN RESOURCES

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 9, 2013

**SUBJECT:** Abolish/Create Positions – Division of Parks and Recreation

The attached action amends Section 21-5 of the Code of Ordinances, abolishing one (1) position of Recreation Supervisor (Grade 110) and creating one (1) position of Parks Naturalist (Grade 113E) in the Division of Parks and Recreation, effective upon passage by Council.

The Division states that the Parks Naturalist position is needed to support Raven Run Nature Sanctuary's new and expanded technical and management requirements.

The fiscal impact for FY2014 (15 pay periods) will be a cost savings of \$35.27. All costs include benefits.

Name	Position Title	Annual Salary Before	Annual Salary After	Annual Increase/Decrease
Vacant	Recreation Supervisor*	\$38,485.82	-	\$(38,485.82)
Vacant	Parks Naturalist	-	\$38,437.61	\$38,437.61
<b>Total Annual Impact/ Salary and Benefits</b>				
<b>\$(61.14)</b>				

\*actual budget

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

Attachment

cc: Geoff Reed, Commissioner - Department of General Services  
Jerry Hancock, Director – Division of Parks and Recreation  
Chris Cooperrider, Deputy Director – Division of Parks and Recreation

Log #14-0016



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

Jim Gray  
Mayor

Richard Moloney  
Commissioner

TO: JIM GRAY, MAYOR  
URBAN COUNTY COUNCIL

FROM: GEORGE S. MILLIGAN, CONSTRUCTION SUPERVISOR  
DEPARTMENT OF ENVIRONMENTAL QUALITY & PUBLIC WORKS

DATE: October 10, 2013

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE A PURCHASE  
ORDER WITH KENVIRONS, INC. FOR THE ADDITIONAL ENGINEERING  
WORK AND DOCUMENT PREPARATION REQUIRED FOR THE CLOSURE  
OF THE HALEY PIKE LANDFILL SECTION CP4

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The Department of Environmental Quality and Public Works is requesting the authorization to execute a purchase order with Kenvirons, Inc. for the additional engineering work and document preparation required for the closure of the Haley Pike Landfill Section CP4 at a cost of \$40,329.87.

Kenvirons, Inc. has been under contract to perform the closure inspections and documentation required for the closure of the final section CP4 at the Haley Pike Landfill. During the course of the closure it was discovered that the area to be closed was approximately one acre larger than originally shown on the plans. This required additional materials from the borrow area and a new grading plan to be designed. In addition the existing cap on Phase 1 was re-designed to improve the drainage. Attached for your review, is a copy of the additional work letter from Kenvirons, Inc.

Funds for this work are budgeted within the Division of Waste Management.

  
George S. Milligan, Construction Supervisor



## 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:** October 9, 2013

**RE:** West Company, CLEAR Services

Please find attached contract with West Company, CLEAR Services, a Division of Thomson Reuters.

The attached contract is required for the Division of Police to continue having access to the databases we utilize for investigations and backgrounds of new hires. The attached cost is for 36 months (3 years) for three users for unlimited use. If additional users are desired there will be additional costs incurred.

FY14 – \$412.00/per month  
FY15 - \$412.00/per month  
FY16 - \$412.00/per month

This contract is fully budgeted and will be effective upon approval through Council. The attached agreement requires the Mayor's signature. Upon approval and signing, please forward a copy to the Chief's Office.

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

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

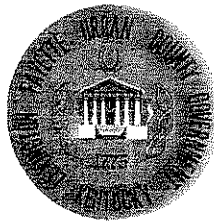
Ronnie Bastin  
Chief of Police

RB/rmh

Attachment

cc: Clay Mason, Commissioner of Public Safety





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 14, 2013**

**SUBJECT REQUEST COUNCIL AUTHORIZATION TO EXECUTE  
SUPPLEMENTAL AGREEMENT NO. 5 WITH THE KENTUCKY  
TRANSPORTATION CABINET FOR UTILITY RELOCATION FOR  
SECTION II OF THE TODDS/LIBERTY ROAD IMPROVEMENT  
PROJECT**

On February 25, 2004 (Ordinance 119-2008), Council approved acceptance of federal funds for Section II of the Todds Road and Liberty Road Improvement Project. This section begins at 0.2 miles south of Andover Forest/Forest Hill Drive to Interstate 75, a total distance of approximately 1.5 miles.

On May 10, 2012 (Resolution No. 216-2012), Council approved execution of Supplemental Agreement No. 3 providing LFUCG with additional design funds for the project.

On July 9, 2013 (Resolution No. 367-2013), Council approved Supplemental Agreement No. 4 providing LFUCG with \$1,000,000 for purchase of right of way.

The Kentucky Transportation Cabinet has offered the LFUCG Supplemental Agreement No. 5 in the amount of \$1,954,000 for utility relocation. Funds are budgeted.

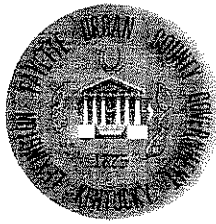
Funds are budgeted as follows:

FUND	DEPT ID	SECT	ACCT	BUD REF	PROJECT	ACTIVITY
3160	303202	3211	91715	2005	LIBERTYTD 2005	MS GRANT

Council authorization to execute Supplemental Agreement No. 5 with the Kentucky Transportation Cabinet is hereby requested.

  
Irene Gooding, Director

Xc: Derek Paulsen, Commissioner of the Department for 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 14, 2013**

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE  
SUPPLEMENTAL AGREEMENT NO. 1 WITH THE KENTUCKY  
TRANSPORTATION CABINET FOR ADDITIONAL IMPROVEMENTS  
TO THE ISAAC MURPHY MEMORIAL ART GARDEN**

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On April 12, 2012 (Resolution No. 158-2012), Council authorized execution of an agreement with the Kentucky Transportation Cabinet for infrastructure improvements for the Legacy Trail Enhancements Project to include the trailhead located at the Isaac Murphy Memorial Art Garden. The agreement included federal funds in the amount of \$471,609 from the Transportation, Community, and Systems Preservation (TCSP) program and \$117,902.25 in state FD39 funding.

The Kentucky Transportation Cabinet has offered the LFUCG Supplemental Agreement No. 1 providing \$300,000 in federal Transportation Enhancement funds for additional improvements to the Isaac Murphy Memorial Art Garden. These improvements include pavers, stone seat walls, storm drainage, site lighting, landscaping, bike racks, and water line installation. LFUCG will provide the required 20% match in the amount of \$75,000 through documentation of land donation for the Legacy Trail.

Council authorization to execute Supplemental Agreement No. 1, accepting additional federal funds in the amount of \$300,000 is hereby requested.

  
Irene Gooding, Director

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

**Neighborhood Development Funds  
October 22, 2013  
Work Session**

<b>Amount</b>	<b>Recipient</b>	<b>Purpose</b>
<b>\$ 150.00</b>	Lexington Bicycle Polo League 613 Price Avenue Lexington, KY 40508 40508	To help purchase materials to get Coolavin Park courts up and running for use by many leagues.

Environmental Quality Committee  
October 8 2013  
Summary

Stinnett called the meeting to order at 11:05 AM. All committee members were in attendance except Farmer & Myers. Kay also attended.

1. September 17, 2013 Committee Summary

On a motion by Akers, second by Gorton the September 17, 2013 Committee summary was approved unanimously.

2. Monthly Financials

Bill O'Mara reviewed the monthly financials for Fund 4002 (Sanitary Sewers Operating Fund), Fund 4003 (Sanitary Sewers Construction Fund), Fund 4051 (Water Quality Operating Fund), Fund 4052 (Water Quality Construction Fund) and Fund 4121 (Landfill Fund).

O'Mara reviewed FY 13 year end financial data followed by FY 14 year through August 31.

In response to a question from Stinnett, O'Mara discussed the impact the LexServe system has had on operating expenditures.

In response to a question from Akers O'Mara stated that the fund balance is dedicated to that fund and its future capital needs. He also discussed the difference between restricted and unrestricted fund balances.

Lane requested information about debt for each of the funds. O'Mara will provide that information.

In response to a question from Stinnett O'Mara discussed the \$ 14.5, million unrestricted fund balance as of 6.30.13. O'Mara noted that that figures was preliminary.

Gorton asked about operating expenses for the closed landfills. In response Richard Moloney stated that staff has been meeting with the State regarding expected expenditures. In response to a follow up question Moloney stated that they hoped to be able to have definitive expenditure estimates by January 2014 and the Administration will bring recommendations regarding future Landfill Fees to the Council.

In response to a question from Lane, O'Mara described the various LexServe collection issues. He stated that progressive collections, including water service shutoffs were being implemented. O'Mara stated that there are numerous methods to pay the bills including monthly, quarterly and annual payments for the customers.

Lane asked about 10-year revenue & expenditure projections. In response O'Mara discussed the process of modeling expenditures and revenue that the Administration has undertaken. O'Mara also discussed the last modeling exercise conducted 2 years ago. He stated that they should be finished with the 10-year projection exercise within 60 days and the Administration will bring an rate adjustment recommendations to Council in January.

In response to a question from Stinnett, O'Mara stated that the \$ 4.17 million capital expenditure in the Landfill Fund during FY 13 dealt with post closure expenditures.

### 3 Climate Adaption Resolution

Rick Clewett made a presentation on climate change and climate adaptation. Clewett is a retired professor at Eastern Kentucky University.

Clewett discussed the Sustainable Communities for American process and local impacts of extreme weather, energy utilization and economic challenges. He discussed 3 related challenges: extreme weather fueled by climate change, unreliable and costly energy and economic uncertainty. He stated that local governments need to be prepared for these challenges.

He discussed preparedness policies that protect vulnerable populations and natural resources from climate. Clewett also discussed reducing our carbon footprint.

He discussed implementing energy efficiency programs, transitioning to renewable energy sources and using information technology and green infrastructure to optimize efficiencies.

Clewett discussed diversifying the local economy and cited the Lexington-Louisville Advanced Manufacturing Corridor as an example.

He asked that Lexington join with the Local Governments for Sustainability (ICLEI) efforts. He stated that ICLEI has a goal of securing commitments from local governments that agree to

Local officials commit their city to take action to improve resilience and to share their respective progress and solutions with other local governments.

Stinnett discussed what Lexington was doing already regarding climate preparedness and energy security including work through the Division of Emergency Management and the Division of Solid Waste.

Kay stated the proposal was the next logical step and that he was very supportive of the effort.

Henson asked about emergency management practices. She indicated preparedness was an upcoming topic in the Public Safety Committee. In response Clewett stated that most

communities are prepared for natural disasters but not in terms of the public health risks associated with disasters.

Stinnett asked if Clewett had approached the Administration about the initiative. In response Clewett stated that he has been dealing with Scott Shapiro in the Mayor's Office.

Kay suggested that the Committee ask for a response from the Ammonization regarding adoption of the pledge. Stinnett stated that he will follow up with CAO Hamilton.

#### 4. Empower Lexington Plan

Amy Sohner with Bluegrass Greensource made the presentation. She stated that the goal of Empower Lexington was to reduce energy consumption by 1% annually. Sohner stated that the plan was voluntary, compatible with *Kentucky's Action Plan for Energy Efficiency* and has been tracked on both a per capita and absolute basis.

She discussed energy efficiency efforts in several sectors including residential, transportation, industrial/commercial/institutional, land use/food/agriculture and waste management.

Sohner stated that in the "Residential" sector Lexington hosted Midwest Energy Conference, used home energy audit kits, Smart Builders program adopted by the Home Builders Association of Lexington,

Sohner stated that in the "Transportation" sector Lexington increased bicycle and pedestrian opportunities, increases in transit services and ridership and expansions in Ridesharing efforts.

Sohner stated that in the "Industrial" sector Lexington had distributed 1143 LED "EXIT" signs and had secured over 200 Live Green Lexington Energy partners from the business community.

Sohner stated that in the "Land Use/Food/Agriculture" Lexington has started a Tree Canopy survey; continues the Reforest the Bluegrass program; and has initiated local food coordinator pilot program.

Sohner stated that in the "Waste" sector, Lexington has improved its household waste management practices, increased in recycling efforts, and established a drop box for unwanted pharmaceuticals.

Sohner gave 4 year and annual consumption data. She stated that Electricity consumption decreased 7.6 % in the last 4 years and 1.9 % annually in 2011; natural gas consumption increased 1.1% in the last 4 years and 0.3% in 2011; Transportation miles decreased 1.4 in the last 4 years and 0.4 % annually in 2011; and landfill tonnage

decreased 11.3% in the last 4 years and 2.8% in 2011 with the population in Fayette County increased by 8.4% in that 4 year period.

Sohner also discussed greenhouse gas emissions. She stated that since 2007 emissions were reduced in the absolute by 2.9%.

Sohner stated that the community is becoming more energy efficient and is saving money. She also stated that the Empower Lexington efforts complement the 2012 Comprehensive Plan Goals & Objectives.

Sohner stated the Empower Lexington will continue its efforts to make Lexington more energy efficient; it will continue to track energy consumption and usage annually; and will update this committee on its efforts.

Mossotti asked about private solid waste providers. She stated that several don't offer recycling. In response Sohner stated that Lexington has the authority to standardize services offered by vendors.

Moloney stated that Lexington is central to a regional partnership and recycling materials from surrounding counties are processed and distributed from our recycling center.

Stinnett stated that the Waste Management Task Force is examining the standardization issue and will report back with recommendations after they obtain more financial data.

Gorton thanked Sohner for her years of service to the community. She asked about the time table to finish the Canopy Study. In response Webb will obtain that information.

Henson discussed recycling rates and stated that we should try to increase recycling efforts. In response Sohner stated that Bluegrass Greensource was retained by Lexington to manage numerous recycling and waste reduction educational efforts for schools and the business community.

Stinnett stated that the Waste Management Task Force is examining a 'pay as you throw' rate structure that would offer reduced rates when the constituents' recycle.

Moloney stated that the Vice Mayor led an effort to establish a downtown recycling pilot project.

Clarke asked about converting the solid waste vehicles to alternative fuels. In response Moloney stated that are presenting converting 11 solid waste vehicles to use Compressed Natural Gas (CNG). He stated that the Administration is examining an in house option as well as an outsourced option for fueling on the Old Frankfort corridor.

In response to a question from Clarke Moloney stated that Lextran was not involved in this option but that Lextran was pursuing a fueling station at its Loudon Avenue facility.

Kay discussed the Empower Lexington effort and encouraged those managing it to more closely tie the plan to the goals and objectives for better accountability and transparency.

Clarke stated that he agreed with Kay and asked about outreach to the community regarding the results. In response Sohner stated that they can put publicize the results.

#### 5. Distillery District Update

Stinnett noted the more detailed cost estimates for the distillery district cost estimates in the packet.

#### 6. Next Agenda

Stinnett stated that the next meeting agenda will include a discussion of the Energy Investment Fund, CAO Policy 15R regarding change orders in the Division of Water Quality and follow-up on the climate adaption discussion from the CAO's Office.

The meeting adjourned at 1:05 PM.





## LEXINGTON-FAYETTE URBAN COUNTY COUNCIL

### SPECIAL COMMITTEE OF THE WHOLE: FUND BALANCE OCTOBER 10<sup>TH</sup>, 2013

#### TABLE OF MOTIONS

*Council Members in Attendance:* All Council Members were in attendance.

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VM Gorton called the meeting to order at 4:01pm.

Motion by Henson to allocate \$2,500,000 to the Economic Contingency Fund. Seconded by Lane.

Motion to amend by Farmer to allocate \$2,500,000 to a rainy day fund instead of the Economic Contingency Fund. Seconded by Stinnett. Amendment failed 6-9. Henson, Ellinger, Gorton, Ford, Akers, Myers, Lane, Scutchfield, and Mossotti voted nay.

Motion to amend by Akers to reduce the allocation to the Economic Contingency Fund from \$2,500,000 to \$1,500,000. Seconded by Farmer. Amendment failed 2-12. Kay, Henson, Beard, Ellinger, Gorton, Clarke, Stinnett, Ford, Myers, Lane, Scutchfield, and Mossotti voted nay.

Motion by Ford to call the question. Seconded by Lawless. Motion passed without dissent.

Motion passed 11-4. Kay, Farmer, Clarke, and Akers voted nay.

Motion by Stinnett to allocate \$350,000 to HVAC projects. Seconded by Mossotti. Motion passed without dissent.

Motion by Henson to allocate \$400,000 to roofing projects. Seconded by Scutchfield. Motion passed without dissent.

Motion by Lane to allocate \$250,000 to the Old Courthouse. Seconded by Kay. Motion passed 10-5. Beard, Ellinger, Stinnett, Myers, and Mossotti voted nay.

Motion by Ellinger to allocate \$2,000,000 for two engines and two buggies for the Division of Fire and Emergency Services. Seconded by Myers.

Motion to amend by Myers to allocate \$2,250,000 for Police and Fire vehicles. Seconded by Farmer. Motion failed 15-0.

Motion to amend by Myers to add an additional \$1,250,000 for Police vehicles. Seconded by Ellinger. Amendment passed without dissent.

Amended motion passed 14-0. Farmer was absent for the vote.

Motion by Mossotti to allocate \$26,000 for traffic controls on the Reynolds Road Roundabout. Seconded by Lawless. Motion passed 14-0. Farmer was absent for the vote.

Motion by Stinnett to allocate \$40,000 for air tanks for the Division of Fire and Emergency Services. Seconded by Myers. Motion passed 14-0. Farmer was absent for the vote.

Motion by Scutchfield to allocate \$125,000 to repave Jacobson Park roadway. Seconded by Henson. Motion passed 14-0. Farmer was absent for the vote.

Motion by Lawless to allocate \$45,000 for an aquatic climbing wall and shade structure at Woodland Pool. Seconded by Ford. Motion passed 14-0. Farmer was absent for the vote.

Motion by Lawless to allocate \$325,000 for a pothole patcher. Seconded by Kay. Motion passed 14-0. Farmer was absent for the vote.

Motion by Mossotti to allocate \$75,000 for a Water Franchise negotiator. Seconded by Kay.

Motion by Farmer to table item 12 until such time as the Council brings back the tabled motion that had to do with the study for the homelessness community. Seconded by Akers. Motion passed 9-6. Henson, Beard, Gorton, Clarke, Mossotti, and Lawless voted nay.

Motion by Beard to allocate \$42,000 for Picnic Pods for Belleau Woods, Kirlevington, Veterans, Meadowbrook, Wildwood & Zandale Parks. Seconded by Ellinger.

Motion to amend by Mossotti to include Stonewall Park (\$30,000). Seconded by Myers. Motion failed 5-10. Kay, Henson, Beard, Farmer, Gorton, Ford, Akers, Myers, Lane, and Scutchfield voted nay.

Motion passed 14-1. Clarke voted nay.

Motion by Mossotti to adjourn and reconvene at 2:00pm on Tuesday, October 15<sup>th</sup>, 2013. Seconded by Lane. Motion passed without dissent.

Gorton told Council Members that they would begin with item #14 on Tuesday.



## LEXINGTON-FAYETTE URBAN COUNTY COUNCIL

### SPECIAL COMMITTEE OF THE WHOLE: FUND BALANCE OCTOBER 15<sup>TH</sup>, 2013

#### TABLE OF MOTIONS

*Council Members in Attendance:* All Council Members were in attendance.

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VM Gorton called the meeting to order at 2:10pm.

#### I. Review Projects

Motion by Henson to allocate \$45,000 to restore the bus shelter and sign on Alexandria Drive in Gardenside Shopping Center. Seconded by Akers. Motion passed 8-7. Beard, Ellinger, Myers, Mossotti, Lane, Lawless, and Scutchfield voted nay.

Motion by Henson to allocate \$400,000 for the kitchen floor at the Division of Community Corrections (jail). Seconded by Lane. Motion passed 13-2. Akers and Farmer voted nay.

Motion by Myers to allocate \$31,900 for iPads for Building Inspection, Code Enforcement, Zoning Enforcement, and Engineering (Accela). Seconded by Kay.

Myers withdrew his motion. Kay withdrew his second.

Motion by Ellinger to allocate \$1,100,000 to the Legacy Trail. Seconded by Myers.

Motion to amend by Farmer to take the remaining proceeds from the distillery bond (\$1,200,000) for the Town Branch Trail and use it to finish the Legacy Trail. Amendment failed 4-11. Kay, Henson, Akers, Ellinger, Myers, Gorton, Clarke, Lane, Lawless, Ford, and Scutchfield voted nay.

Motion to amend by Lawless to allocate \$600,000 to the Legacy Trail.  
Seconded by Mossotti. Amendment passed 13-1. Farmer voted nay.  
Lane recused.

Amended motion passed 13-1. Farmer voted nay. Lane recused.

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

*Submitted by Jenifer Benningfield, Council Administrative Specialist*