

**URBAN COUNTY COUNCIL  
SCHEDULE OF MEETINGS  
AUGUST 13, 2007 THROUGH AUGUST 20, 2007**

**MONDAY, AUGUST 13**

No Meetings

**TUESDAY, AUGUST 14**

Infill & Redevelopment Committee . . . . . 8:30 a.m.  
7<sup>th</sup> Floor Phoenix Building

Services Committee Meeting . . . . . 1:00 p.m.  
Council Chambers

Committee of Whole – WEG update . . . . . 2:00 p.m.  
Council Chambers

Work Session . . . . . 3:00 p.m.  
Council Chambers

Special Council Meeting - Public Hearing on property at 756 Wilderness Rd. . . 6:00p.m.  
Council Chambers

**WEDNESDAY, AUGUST 15**

Exaction Credit Committee Meeting . . . . . 9:00 a.m.  
9<sup>th</sup> Floor Conference Room

News Rack Ordinance Task Force. . . . . 2:00 p.m.  
5<sup>th</sup> Floor Conference Room

Greenspace Commission Meeting. . . . . 3:00 p.m.  
Council Chambers

Town & Gown Commission Meeting . . . . . 4:00 p.m.  
Maxwell St Presbyterian

**THURSDAY, AUGUST 16**

Commission on Immigration Meeting . . . . . 5:30 p.m.  
5<sup>th</sup> Floor Conference Room

Council Meeting . . . . . 7:00 p.m.  
Council Chambers

Public Hearing re: amendment to the 2007 Consolidated Plan . . . . . 7:00 p.m.  
Council Chambers

**FRIDAY, AUGUST 17**

No Meetings

**MONDAY, AUGUST 20**

No Meetings

**LEXINGTON-FAYETTE URBAN COUNTY COUNCIL**

**WORK SESSION AGENDA**

**August 14, 2007**

- I. Public Comment – Issues on Agenda**
- II. Requested Rezoning / Docket Approval – Yes**
- III. Approval of Summary – July 10, 2007 pp. 11-15**
- IV. Budget Amendments – Yes**
- V. New Business – pp. 22-83**
- VI. Continuing Business / Presentations**
  - A. Anchor Baptist Church Industrial Revenue Bond Proposal**
  - B. Discussion and Tentative Adoption of Ad Valorem Property Tax Rates**
  - C. Management Team Audit**
- VII. Council Report**
- VIII. Mayor's Report – Yes**
- IX. Public Comment – Issues Not on Agenda**
- X. Closed Session – Personnel**

## ADMINISTRATIVE SYNOPSIS

### New Business Items

A. Authorization for Mayor to Execute Change Orders to Contract with Past Respects, LLC for Renovation of Cadentown School Project. (386-07) (King/Koch)

This request will authorize the Mayor to execute change orders to the construction contract with Past Respects, LLC for the Cadentown School project approved by resolution No. 318-2007 dated June 21, 2007 in the amount of \$175,309 with the following limitations:

- budgeted funds are available to cover change order increases;
- No change order has the effect of materially changing the scope of the project or contract;
- the cumulative total increase for all change orders by this arrangement does not exceed \$10,000 (5.7% of the contract amount);
- no individual change order increased exceeds \$2,600 (1.5% of the contract amount);
- any and all change order decreases are authorized; and
- a summary of all change orders executed by this arrangement will be furnished to the Council monthly, unless more frequent reporting is requested. **p. 22**

B. Authorization of Change Order No. 1 to Contract with Jarboe Construction, Inc. for the Gainesway Park Community Building Project. (395-07) (Cole)

This request will authorize Change Order No. 1 to contract with Jarboe Construction, Inc. to increase amount by \$7,500 for professional services for the Gainesway Park Community Building project. Original contact amount was \$23,250. New contract total is \$30,750. Funds are budgeted. **p. 23**

C. Authorization to Amend Resolution No. 649-2005 to Correct a Street Address Incorrectly Assigned. (384-07) (Bennett)

This request will authorize an amendment to Resolution No. 649-2005 that changed the address of 132 Market Place Drive to Nichols Park to be corrected to read 4096 Nichols Park Drive. This correction will allow GIS, the Enhanced 9-1-1 System, and PVA records to be in conformity with each other. There is no budgetary impact. **pp. 24-25**

D. Authorization of a Bill of Donation of a Horse by Priscilla Menard to the Division of Police, Mount Patrol Unit. (385-07) (Bennett)

This request will authorize the acceptance of a bill of donation of a horse named Fancy Dan, described as a 12-year old Percheron / Friesan

gelding, Dapple Gray in color, by Priscilla Menard to the Division of Police, Mount Patrol Unit. **pp. 26-30**

**E. Authorization of an Agreement with the Fayette County Sheriff's Office under the Encourage Arrest Policies and Enforcement of Protection Orders Program. (387-07) (King/Bennett)**

This request will authorize an agreement with the Fayette County Sheriff's Office for \$7,930 of Federal funds from the US Department of Justice, Office on Violence Against Women under the Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program. Funds were approved under Ordinance No. 281-2006 dated September 28, 2006. This application provides grant-funded services to be performed by several community partners to include the Fayette County Sheriff's Office. Funds will be used to offer victims of domestic violence in-home safety planning, advocacy services, emergency cell phones, photo-documentation of injuries, service of protective orders, other court orders, and arrest warrants. Funds will be used for officer and employee overtime that is not otherwise funded. Funds are budgeted. **p. 31**

**F. Authorization of Agreements with the Madison County Fiscal Court and the City of Richmond and Award of Funds to the Division of Police under the 2006 Project Safe Neighborhood Grant Program. (389-07) (King/Bennett)**

This request will authorize agreements with Madison County Fiscal Court of funds in the amount of \$8,216 on behalf of the Madison County Sheriff's Office for approximately 182 hours of overtime for law enforcement officers and with the City of Richmond of funds in the amount of \$8,217 on behalf of the Richmond Police Department for approximately 230 hours of overtime for law enforcement officers. The Project Safe Neighborhoods Advisory Committee has recommended LFUCG Division of Police receive \$10,000 for approximately 300 hours of overtime and an additional \$15,000 for the implementation of the National Integrated Ballistic Identification Network. The source of Federal funds is the US Department of Justice. LFUCG serves as the fiscal agent for this grant on behalf of the US Attorney's Office – Eastern District of Kentucky. **pp. 32-33**

**G. Authorization of Agreements with the Kenton County Commonwealth Attorney's Office and the Office of the Commonwealth's Attorney, 28th Judicial Circuit under the Project Safe Neighborhood Grant Program. (388-07) (King/Bennett)**

This request will authorize the execution of agreements with the Kenton County Commonwealth Attorney's Office for \$22,000 to provide partial support (approximately 19%) of an assistant prosecutor and with the Office of the Commonwealth's Attorney, 28<sup>th</sup> Judicial Circuit serving Lincoln, Rockcastle and Pulaski counties for \$10,000 for partial support (approximately 15%) of an assistant prosecutor under the Project Safe Neighborhood Grant program on behalf of the US Attorney's Office – Eastern District of Kentucky. The US Department of Justice approved this

funding to support the prosecution on the recommendation of the Project Safe Neighborhoods Advisory Committee. Funds are budgeted. **p. 34**

- H. Authorization of a Contractual Agreement Between the Bluegrass Regional Mental Health – Mental Retardation Boards, Inc. (d/b/a Comprehensive Care Center and the Division of Community Corrections. (394-07) (Bennett)  
This request will authorize a Contractual Agreement between the Bluegrass Regional Mental Health – Mental Retardation Board, Inc. (d/b/a Comprehensive Care Center) and the Division of Community Corrections for a total of \$743,709.23. This total includes a 2.8% CPI increase for the South region increase and an increase in the cap for psychotropic medication to \$230,000 for FY2008 from \$221,000 for FY2007. This agreement will exclusively provide a full-range of mental health services for evaluation, treatment and / or referral of offenders 7 days per week based upon responses to intake triage and booking screening questions. Funds are budgeted. **pp. 35-46**
  
- I. Authorization of an Agreement with Jane F. Brake, PhD, on behalf of the Division of Youth Services. (396-07) (Helm)  
This request will authorize an agreement with Jane F. Brake, PhD, to provide psychological assessments and mental health services to youth or consultation services to Social Services staff members for \$2,500 from July 1, 2007 through June 30, 2008. Funds are budgeted. **p. 47**
  
- J. Authorization of a Clinical Services Agreement with UK Chandler Medical Center, College of Dentistry on behalf of the Division of Family Services. (402-07) (Helm)  
This request will authorize a Clinical Services Agreement with the UK Chandler Medical Center, College of Dentistry at a cost of \$227,740 on behalf of the Division of Family Services from July 1, 2007 through June 30, 2008, to provide dental care and dental health education to children who are clients of the Family Care Center. This agreement provides for on-site service of a staff dentist and two (2) dental auxiliary personnel, and pediatric dental resident services. Funds are budgeted. **p. 48**
  
- K. Authorization of a Clinical Services Agreement with the UK Chandler Medical Center, College of Nursing on behalf of the Division of Family Services. (403-07) (Helm)  
This request will authorize a Clinical Services Agreement with the UK Medical Center, College of Nursing at a cost of \$320,320 on behalf of the Division of Family Services from July 1, 2007 through June 30, 2008, to provide health-care services to low income families who are clients of the Family Care Center. This agreement provides for on-site pediatric nurse practitioners or family nurse practitioners with pediatric expertise in preventative health services and acute care. Funds are budgeted. **p. 49**

- L. Authorization of a Contract to Receive Services with the Lexington-Fayette County Health Department on behalf of the Division of Family Services. (404-07) (Helm)  
This request will authorize a contract to receive services with the Lexington-Fayette County Health Department on behalf of the Division of Family Services through the Family Care Center to reimburse the Center for dental screening and care provided to students at Harrison, Johnson, Bates Creek and Arlington Elementary schools from October 1, 2007 to June 30, 2008 at a cost not to exceed \$6,000. **p. 50**
- M. Authorization of a Group Sales Agreement with Hyatt Regency Lexington on behalf of the Division of Parks & Recreation for Hosting and Co-Sponsoring the Annual Bluegrass Invitational Wheelchair Tournament. (405-07) (Cole)  
This request will authorize a Group Sales Agreement with Hyatt Regency Lexington on behalf of the Division of Parks & Recreation at a cost of \$3,000 for hosting and co-sponsoring the annual Bluegrass Invitational Wheelchair Tournament which includes providing food (at cost) for the players, complimentary rooms to host the officials, and a tournament office from January 31 through February 3, 2008. Funds are budgeted. **p. 51**
- N. Authorization of a Cost Reimbursement Agreement with the Federal Bureau of Investigation (FBI) on behalf of the Division of Police. (406-07) (Bennett)  
This request will authorize a Cost Reimbursement Agreement with the FBI on behalf of the Division of Police for overtime by police officers assigned full-time to the formalized Kentucky Criminal Enterprise Task Force for detection, investigation and prosecution of crimes against the United States. **pp. 52-54**
- O. Authorization of an Option and Ground Lease Agreement and Lease Agreement with SprintCom, Inc. for placement of a Cell Tower at Coldstream Park, 1500 Newtown Pike. (413-07) (Cole)  
This request will authorize an Option and Ground Lease Agreement, and a Lease Agreement with SprintCom, Inc., for a cell tower at property owned by LFUCG at Coldstream Park, 1500 Newtown Pike. **pp. 55-56**
- P. Authorization of an Agreement with Roberts and Kay, Inc., to Provide Consulting Services and Guidance to the Department of Social Services Needs Assessment Project. (414-07) (Helm)  
This request will authorize an agreement with Roberts and Kay, Inc., at a cost not to exceed \$6,000 for consulting services and guidance to the Department for Social Services Needs Assessment project. This project will assess need for adult assessment, housing, special needs, young children, youth, and issues that cut across these lines. Funds are budgeted. **p.57**

- Q. Authorization of an Amendment to Agreement with Asbury College for Additional Services under the 2003 Project Safe Neighborhoods Grant – FY2008. (390-07) (King/Bennett)  
This request will authorize an amendment to agreement with Asbury College for additional funding agreed on by the US Attorney's Office and the Project Safe Neighborhoods Task Force for \$11,370 remaining from the 2003 Project Safe Neighborhood Grant. Funds will be used for the development of an anti-gang public service announcement under the Anti-Gang Initiative project awarded to LFUCG from the US Department of Justice on behalf of the US Attorney's Office – Eastern District of Kentucky. LFUCG serves as the fiscal agent for this grant. Funds are budgeted. p. 58
- R. Authorization to Submit Application to the Kentucky Division of Emergency Management for a Search and Rescue Project on behalf of the Division of Fire & Emergency Services – 2008. (391-07) (King/Bennett)  
This request will authorize the submission of an application to the Kentucky Division of Emergency Management for state funds of \$4,195 for the purchase of rescue pulley, rope, rescue / rappel harness, life jackets, water rescue dry suites, and other miscellaneous rescue equipment under the Search and Rescue project on behalf of the Division of Fire & Emergency Services. A match of \$4,195 (50%) is required and budgeted in the division's 2008 General Fund budget. p. 59
- S. Authorization of a Memorandum of Agreement (MOA) with Transit Authority of the Lexington-Fayette Urban County Government and Art in Motion, Inc. under the Versailles Road Corridor Enhancement Project – FY2008. (392-07) (King/Langston)  
This request will authorize a MOA with Transit Authority of the Lexington-Fayette Urban County Government and Art in Motion, Inc. for the design and installation of an art (bus) shelter for \$14,000 for the Versailles Road Corridor Enhancement project. This project was approved by Ordinance No. 319-2006 dated November 2, 2006 for funding from the Kentucky Transportation Cabinet under the Safe, Accountable, Flexible, Efficient Transportation Equity Act; A Legacy for Users. The Corridor Committee and Transit Authority selected Art in Motion, Inc. to design and install an artistically designed transit shelter. Funds are budgeted. p. 60
- T. Authorization to Amend the 2007 Consolidated Plan for the Establishment of a New Community Development Block Grant (CDBG) Project with Public Hearing on August 16, 2007. (398-07) (King/Koch)  
This request will authorize an amendment to the 2007 Consolidated Plan to establish "Russell School Community Service Center" as a new CDBG project of \$200,000 to support the rehabilitation of property at 201 West Fifth Street (formerly Russell Elementary School) to be used as a community facility that will include elderly housing, social services, child development services, and civic and cultural activities. Federal funds will

be used to refinance existing debt and support the rehabilitation costs. Funds will come from budgeted CDBG administrative and housing rehabilitation operating costs in the 2004 Consolidated Plan. This amendment to the Consolidated Plan will require a public hearing on August 16, 2007, prior to Council approval. p. 61

- U. Authorization to Approve Payment to Zambelli Fireworks Internationale for the 4<sup>th</sup> of July Fireworks Display. (399-07) (J. Kelly)  
This request will authorize the payment of \$35,000 to Zambelli Fireworks Internationale for the 4<sup>th</sup> of July fireworks display. Funds will come from the revenue generated by the 4<sup>th</sup> of July 2007 activities. p. 62
- V. Authorization to Approve Payment to the Lexington Philharmonic Society for the Patriotic Concert as part of the 4<sup>th</sup> of July Celebration. (400-07) (J. Kelly)  
This request will authorize the payment of \$21,750 to the Lexington Philharmonic Society for the performance of the patriotic concert on 3 July 2007. Funds will come from National City, Kentucky League of Cities, and Keeneland as sponsors of the concert with LFUCG as fiscal agent. p. 63
- W. Authorization to Rescind Resolution No. 319-2005 and Authorize a New Agreement with the Kentucky Transportation Cabinet (KYTC) and Division of Traffic Engineering. (411-07) (D. Kelly)  
This request will authorize the rescission of Resolution No. 319-2005 by mutual consent of the KYTC and the Division of Traffic Engineering and authorize a new agreement for control, sharing and maintenance of camera systems (developed by KYTC and the Division of Engineering) for Traffic Management Center, Homeland Security and Amber Alert. p. 64
- X. Authorization to Accept Award from the Kentucky Justice and Public Safety Cabinet on behalf of the Division of Police for Participation in the Law Enforcement Service Fee Grant Program – FY2008. (409-07) (King/Bennett)  
This request will authorize the acceptance of an award of \$35,000 from the Kentucky Justice and Public Safety Cabinet under the Law Enforcement Service Fee program on behalf of the Division of Police. Funds will be used to support overtime costs of approximately 1,144 police officer hours for the Traffic Alcohol Patrol. No matching funds are required. p. 65
- Y. Authorization to Accept Award from the Kentucky Justice and Public Safety Cabinet for the continuation of the Street Sales Enforcement Project on behalf of the Division of Police and the Office of the Fayette Commonwealth's Attorney – FY2008. (410-07) (King/Bennett)  
This request will authorize the acceptance of an award of \$110,000 of Federal funds from the Kentucky Justice and Public Safety Cabinet for the continuation of the Street Sales Drug Enforcement project for the Division of Police and the Office of the Fayette Commonwealth's Attorney for the

arrest and conviction of street-level drug dealers. Funds will be used for overtime and confidential funds within the Narcotics Unit and for the cost of one fulltime Assistant Prosecutor within the Fayette Commonwealth Attorney's Office. A 25% match (\$36,670) is required and has been approved and included Division of Police's 2008 General Fund budget. Total project cost is \$146,670. p. 66

**Z. Authorization to Submit Application to the Kentucky Justice and Public Safety Program and Accept Award if Offered on behalf of the Division of Police for the Operation of a Motor Carrier Safety Assistance Program (MCSAP) – FY2008. (408-07) (King/Bennett)**

This request will authorize the submission of an application for Federal funds of \$75,000 from the Kentucky Justice and Public Safety Cabinet, Kentucky Vehicle Enforcement to continue the MCSAP within the Division of Police. Source of Federal funds is the Federal Highway Administration. Funds will be used for officer overtime, professional development, minor equipment and operating supplies. A 20% (\$18,750) match is required and will come from existing budgeted staff salaries in the Division of Police. Total project cost is \$93,750. p. 67

**AA. Authorization to Submit Application to the US Department of Homeland Security on behalf of the Division of Police for the Transfer of Equipment under the Commercial Equipment Direct Assistance Program (CEDAP). (407-07) (King/Bennett)**

This request will authorize the submission of an application to the US Department of Homeland Security for a Wolf Pack Remote Viewing system designed to assist in tactical operations, forensics and evidence recovery, physical security and contraband interdiction at an estimated value of \$25,000. CEDAP is an innovative Federal agency designed to assist small agencies with the transfer of equipment only. p. 68

**BB. Authorization to Submit Application to the National Association of Police Athletic / Activities League, Inc., and Accept the Award if Offered for a NFL Youth Football Grant for the Division of Police. (412-07) (King/Bennett)**

This request will authorize the submission of an application to the National Association of Police Athletic / Activities Leagues, Inc. and acceptance of the award if offered, for \$6,500 from the NFL Youth Football program on behalf of the Division of Police, Bureau for Community Services. Funds will be used to expand the Lexington Police Activities League Tackle Football program. Funds will purchase operating supplies, uniforms, equipment and travel. No matching funds are required. p. 69

**CC. Authorization to Submit Application to the Kentucky Department of Juvenile Justice and Accept the Award if Offered for the Continuation of the Truancy Assessment Center – FY2008. (420-07) (King/Koch)**

This request will authorize the submission of an application to the Kentucky Department of Juvenile Justice and accept the award if offered

of Federal funds of \$92,149 for the continuation of the Truancy Assessment Center under Title V of the Juvenile Justice and Delinquency Prevention Act of 1974. The project began in FY2007 to divert youth from Family Court for habitual truancy to the Court Designated Worker Program, building on a collaborative working relationship among Family Court, Partners for Youth, Division of Youth Services, Croney & Clark, University of Kentucky College of Social Work, and other youth-serving organizations. Funds will be used by Partners for Youth to employ a Truancy Assessment Center Coordinator and for case management services on a contractual basis. A match equaled to 50% is required of which \$46,464 will be documented from project time donated by a Family Court Judge, Family Court employees, and employees of the Fayette County Public Schools. Value of donated space will also be used to document grant match. Total project cost is \$138,613. **p. 70**

- DD. Authorization to Amend Section 21-5 of the Code of Ordinances within the Division of Government Communications. (416-07) (Allen/Koch)  
This request will authorize an amendment to Section 21-5 of the Code of Ordinances to change the position title of Customer Service Supervisor to Customer Service Manager and its incumbent and create one (1) position of Customer Service Supervisor (grade 113E) within the Division of Government Communications. The fiscal impact for FY2008 will be \$42,179.46 and will be funded from the General Fund (27% - \$11,388.45), the Urban Services (69% - \$29,103.83), and Sanitary Sewers (4% - \$1,687.18). Total annual impact is \$52,222.19. Funds are budgeted. **pp. 71-72**
- EE. Authorization to Amend Section 22-5 of the Code of Ordinances within the Division of Family Services. (417-07) (Allen/Helm)  
This request will authorize an amendment to Section 22-5 of the Code of Ordinances to create one (1) position of Family Support Worker Sr. (grade 112N) within the Division of Family Services for one (1) year. The fiscal impact for FY2008 will be \$37,851 and will be funded from the "Partners in Prevention" Community Partnership Grant. **pp. 73-74**
- FF. Authorization to Amend Section 12 of Ordinance No. 132-2007 to Correct a Typographical Error. (418-07) (Allen/Helm)  
This request will authorize an amendment to Section 12 of Ordinance No. 132-2007 be changed from: "That the following subsection line number of Section 21-5(2) of the Code of Ordinances be and hereby are created to read as follows: 520.35 1 943 113N Environmental Inspector" to read "That the following subsection line number of Section 21-5(2) of the Code of Ordinances be and hereby are created to read as follows: 320.35 1 943 113N Environmental Inspector" There is no budgetary impact. **p. 75**

- GG. Authorization to Approve the Fayette County Sheriff's Settlement 2006 Taxes. (419-07) (Koch)  
This request will authorize the approval of the Fayette County Sheriff's Settlement 2006 Taxes prepared by Moore Stephens Potter, LLP. The audit report indicates that all taxes collected were appropriately accounted for and remitted. **pp. 76-79**
- HH. Authorization of a Claim Request Form for the Removal of Two Underground Storage Tanks at South Base within the Division of Parks & Recreation and Approval for the Department of Public Works & Development to Sign Future Claim Forms Regarding this Issue. (421-07) (D. Kelly)  
This request will authorize a claim request form for reimbursement of \$4,106.30 of site assessment and cleanup after the two (2) underground storage tanks located at South Base and petroleum releases had impacted the environment. This claim request form allows LFUCG and / or a contractor to be reimbursed for remediation and site assessment costs allowed under 401 KAR 42:250, Kentucky Underground Storage Tank. LFUCG has met the conditions for reimbursement. The claim form will be submitted as work in progress to the Kentucky Department for Environmental Protection. Request the Department of Public Works & Development be authorized to sign future claim forms regarding the cleanup. **p. 80**
- II. Authorization to Execute Necessary Settlement Documents in the Columbia Gas Rate Case before the Public Service Commission (PSC). (422-07) (Askew)  
This request will authorize the execution necessary settlement documents in PSC Case No. 2007 – 008, Columbia Case of Kentucky, Inc., General Rate Case. Columbia will be granted a rate increase of approximately \$7.25 million per year (It had requested an increase of more than \$124 million per year). The rate increase is primarily obtained through an increase in each customer's monthly customer charge. With respect to UCG's accounts, any overall increase is anticipated to be offset by additional franchise fee revenue. The settlement will be contingent on final approval by PSC. **p. 81**
- JJ. Authorization to Amend Section 22-5 of the Code of Ordinances within the Department of General Services. (423-07) (Allen/Cole)  
This request would authorize an amendment to Section 22-5 of the Code of Ordinances to abolish one (1) position of Municipal Engineer (grade 117E) and one (1) position of Administrative Officer (grade 118E), and create two (2) temporary positions of Administrative Officer (grade 118E) with a job expiration date of December 31, 2010. The fiscal impact for the remainder of FY2008 will result in a savings of \$220. The annual impact will result in a savings of \$270. **pp. 82-83**

URBAN COUNTY COUNCIL  
WORK SESSION SUMMARY  
& TABLE OF MOTIONS

July 10, 2007

Mayor Newberry chaired the meeting, calling it to order at 3:00 pm. All Council Members were present.

A motion by CM Beard pursuant to KRS 61.810(1)(c) to go into closed session for the purpose of discussing pending litigation matters involving the Lexington-Fayette Urban County Government, seconded by CM Crosbie, passed without dissent.

- I. Public Comment – Issues on Agenda-None
- II. Requested Rezonings / Docket Approval-Yes

A motion by CM Stevens to have schedule number 0030 containing the following FY 2007 budget amendments added to the docket for the July 10<sup>th</sup> Council Meeting: General Services District Fund(111) \$11,580,000; Urban Services Districts Fund(115) \$500,000; and Sanitary Sewer Fund(245) \$950,000. These budget amendments are done every year at this time to close out the planned (budgeted) personnel lapse accounts, seconded by CM Gorton, passed without dissent.

A motion by CM McChord to walk-on to the docket for the July 10<sup>th</sup> Council Meeting a resolution authorizing the acceptance of over 3.3 million dollars from the KY Transportation Cabinet for the resurfacing of roads within Lexington, seconded by CM Stevens, passed without dissent.

A motion by VM Gray to place on the docket a resolution authorizing the acceptance of the proposal of Management Partners, Inc. to perform a comprehensive management audit of the Urban County Government and authorizing the Mayor to execute the Agreement with Management Partners, Inc for the performance of such services at a cost not to exceed \$395,000.00, seconded by CM Ellinger, passed without dissent.

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

### III. Approval of Summary – Yes

A motion by CM DeCamp to approve the June 26, 2007 summary, seconded by CM Gorton, passed without dissent.

### IV. Budget Amendments-None

### V. New Business

- A. Authorization of a Change Order No. 2 to Contract with Leak Eliminators, LLC for the Wilderness Road / Woodward Lane Sanitary Sewer Project. (358-07) (King/ D. Kelly)
- B. Authorization of a Change Order No. 1 to Contract with Pearce Blackburn Roofing for the Government Center Garage Roof Replacement Project. (359-07) (Cole)
- C. Authorization of a Change Order No. 1 to Contract with Asphalt Paving & Maintenance, Inc. for the Idle Hour Park. (376-07) (Cole)
- D. Authorization of an Agreement with the Fayette Fiscal Court and Sandra M. Varellas, Fayette County Judge Executive on behalf of the Department of Public Works and Development for the FY2008 County Road Aid Fund Program. (361-07) (D. Kelly)
- E. Authorization of an Amendment to Agreement with Brenda D. Cowan Center under the Transition Plus Program – FY2008. (362-07) (King/Helm)
- F. Authorization to Accept Donation from Windstream Communications. (365-07) (Bennett)
- G. Authorization to Purchase Properties at 548, 550 and 552 – 554 Grinstead Street for the Ann Street Acquisition Project. (367-07) (King)
- H. Authorization of Lease Agreements with Agencies at Black & Williams Neighborhood Center. (369-07) (Helm)
- I. Authorization of a Purchase of Service Agreement with the University of Kentucky Women's Place. (370-07) (Rabold)
- J. Authorization to Submit Application to the Kentucky Department of Education for Continuation of Programming at the Gainesway Empowerment Center. (366-07) (King)
- K. Authorization of an Amendment to Purchase of Service Agreement with the Salvation Army. (375-07) (Rabold)

- L. Authorization of a Release of a Utility Easement at 2089 Lakeside Place. (377-07) (Askew)
- M. Authorization to Amend Section 21-5 of the Code of Ordinances within the Division of Internal Audit. (371-07) (Allen/J. Kelly)

A motion by CM Gorton to approve new business, items A-M, seconded by CM Ellinger, passed without dissent.

#### VI. Continuing Business / Presentations

##### A. Committee of the Whole Report

This report was made by VM Gray. He stated that there has been 2 budget debriefing sessions already.

##### B. Louisville Water Company Presentation

This presentation was done by Greg Heitzman, President, Vince Guenther, Government Affairs Manager, and Jim Smith, Infrastructure Planning Manager.

A motion by CM Beard to place the issue of the proposed I-64 water pipeline into the Planning Committee, seconded by CM McChord, passed with dissents.

##### C. Downtown Traffic Study-Postponed.

##### D. Tates Creek High School-International Baccalaureate Program

This presentation was done by Teri Harper.

#### VII. Council Report

CM Blevins-A motion by CM Blevins to refer the issue of cut-throughs for Allegheny Way to the Service Committee, seconded by CM McChord, passed without dissent.

A motion by CM Blevins to refer the issue of grading permits to the Storm Water Oversight Committee, seconded by CM McChord, passed without dissent.

A motion by CM Blevins to refer the issue of customer service with regard to the permit process to the Intergovernmental Committee, seconded by CM Blues, passed without dissent.

CM Lane- Stated that he believes the proper place for the water pipeline review is in Frankfort with the Public Service Commission.

CM James- Stated that she has been receiving calls from citizens regarding Code Enforcement issues. David Jarvis, Code Enforcement Director, explained the timing issue of certain requests. CM James announced the FREE S T Roach Basketball & Cheerleading Clinic at Dunbar Center on 7/23-7/27 and 7/30-8/8, ages 6-16. For more information, please call Parks at 288-2955 or Dist. 1 Council Office at 258-3216; SUPER SUNDAY is this Sunday at Douglass Park; Smithtown Day is 8/3-4; Don't forget the Back-T-School-Rallies-for more information, call Catherine Warner at 281-1302.

CM Blues- Announced the Meadowthorpe NA meeting tonight at 7 pm at the community center and Highlands NA will meet on Thursday at 7 pm at the park shelter on Mark Ave.

CM DeCamp- Announced that VM Gray has appointed a task force for the review of the downtown news rack ordinance and he will be the chair and the first meeting will be this Thursday at 4 pm in the 5<sup>th</sup> Floor Conference Room.

CM Crosbie- Expressed her sympathy to the family of Dean David Stockham who recently passed.

VM Gray- No Report.

CM Gorton- Wished employees happy fun days during Council's summer break and also safe travel to the CMs.

CM Stevens- A motion by CM Stevens to approve the NDF lists for July 10, 2007, seconded by CM McChord, passed without dissent.

A motion by CM Stevens to refer the issue of noise related to school events to the Services Committee, seconded by CM Gorton, passed without dissent.

CM Beard- Announced that Bealleau Woods NA will have its annual picnic am 6:30 pm on Thursday July 19<sup>th</sup> at Bealleau Woods Park.

CM McChord- Announced that on July 18<sup>th</sup> the Wellington NA will have its annual meeting at 7 pm at Lexington Christian Academy; welcomed 12-under Cal Ripken tournament at Shilito Park through Saturday; expressed thanks to the Mayor and his staff for the July 4<sup>th</sup> events; stated his pleasure in walking-on the issue of the resurfacing money.

CM Myers-Announced that Centre Pkwy NA will be meeting tonight at 7 pm across from the Gainesway Empowerment Center and the Gainesway NA will be meeting at 7 pm at the Tates Creek Golf Course.

CM Stinnett-Stated that he is in the process of finalizing the Dog Task Force Membership; mentioned that if any CMs have questions about the Risk Mgmt. reclassification that was tabled, to please ask them. CM Stinnett also stated that he has asked Michael Allen to give a presentation on the entire reclassification system upon Council's return from break.

CM Moloney-Announced that Golfview NA will meet Monday at 7 pm at Open Door. Complimented Sanitary Sewers for their quick response to a situation that he called them on; the constituent also wanted to thank the department.

#### VIII. Mayor's Report-Yes

A motion by CM McChord to approve the Mayor's Report, seconded by CM Gorton, passed without dissent.

Mayor Newberry stated that he also was appreciative of the job done between his administration and the Council.

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

Citizen, Lillie Miller-Johnson, spoke.

A motion by CM Gorton to adjourn was seconded by CM Blues, passed without dissent.

Work Session was adjourned at 5:55 pm.

# BUDGET AMENDMENT REQUEST LIST

<b>JOURNAL</b>	BUD08KC001	<b>DIVISION</b>	Government Communications	<b>Fund Name</b>	General Fund
				<b>Fund Impact</b>	399,630.00
					399,630.00 CR
					.00*

To allocate the lump sum amount of \$281,060 included in the FY 2008 budget in the personnel contingency account to various other accounts in accordance with the division's expenditure plan.

<b>JOURNAL</b>	BUD08KC002	<b>DIVISION</b>	LexCall	<b>Fund Name</b>	Urban Services Fund
				<b>Fund Impact</b>	112,070.00
					112,070.00*

To provide funds for the Urban Service Districts Fund's portion of LexCall's new/expanded service (69 percent).

<b>JOURNAL</b>	BUD08KC003	<b>DIVISION</b>	LexCall	<b>Fund Name</b>	Sanitary Sewer Fund
				<b>Fund Impact</b>	6,500.00
					6,500.00*

To provide funds for the Sanitary Sewer Fund's portion of LexCall's new/expanded service (four percent).

<b>JOURNAL</b>	BUD08KC004	<b>DIVISION</b>	Computer Services	<b>Fund Name</b>	General Fund
				<b>Fund Impact</b>	428,990.00
					428,990.00CR
					.00*

To provide funds for new positions funded in the FY 2008 budget in the proper division, Division of Computer Services, by decreasing funds for the same positions in the Office of the Chief Information Officer (blue sheet previously approved by the Council).

<b>JOURNAL</b>	0000011604	<b>DIVISION</b>	Building Maintenance	<b>Fund Name</b>	2004 Bond Projects
				<b>Fund Impact</b>	2,000.00
					2,000.00CR
					.00

To provide funds for corrective work needed for flashing repairs at the Day Treatment Center by reducing funds for professional services in the bond fund for this project.

<b>JOURNAL</b>	0000011682	<b>DIVISION</b>	Community Development	<b>Fund Name</b>	Homeland Security
				<b>Fund Impact</b>	1,859.00
					1,859.00CR
					.00*

To amend the 2005 CSEPP (Chemical Stockpile Emergency Preparedness Program) budget to provide for purchase of computer equipment for the Jacobson Park installation.

<b>JOURNAL</b>	0000011718	<b>DIVISION</b>	Office of Compliance	<b>Fund Name</b>	General Fund
				<b>Fund Impact</b>	46,500.00
					46,500.00CR
					.00*

To provide funds in the Office of Compliance for remediation and compliance projects by decreasing funds in Risk Management for this purpose. This is the result of the reorganization that occurred at the start of FY 2008.

<b>JOURNAL</b>	0000011724	<b>DIVISION</b>	Corridors	<b>Fund Name</b>	General Fund
				<b>Fund Impact</b>	1,500.00
					1,500.00CR
					.00*

To transfer funds within the Corridors Project to provide funds for operating supplies and expenses by decreasing funds for landscaping.

<b>JOURNAL</b>	0000011725 0000011726	<b>DIVISION</b>	PDR	<b>Fund Name</b>	Department of Agriculture
				<b>Fund Impact</b>	2,104,470.00
					2,104,470.00CR
					.00*

To budget grant funds from the Federal Farm and Ranch Lands Protection Program for Round 6 PDR Conservation Easement acquisition.

<b>JOURNAL</b>	0000011734	<b>DIVISION</b>	Community Development	<b>Fund Name</b>	Homeland Security
				<b>Fund Impact</b>	15,260.00
					15,260.00CR
					.00*

To amend the Emergency Management Agency grant to provide for purchase of flood hazard signs, items for damage assessment team, projector and flat screen for EOC call taker area, translation software, and other supplies.

### BUDGET AMENDMENT REQUEST SUMMARY

Fund	1101	General Services District – General Fund	.00
Fund	1115	Urban Services District Fund	112,070.00
Fund	2513	2004 Bond Projects Fund	.00
Fund	3100	US Department of Agriculture	.00
Fund	3200	US Department of Homeland Security	.00
Fund	4002	Sanitary Sewer Revenue and Construction	6,500.00

# NEW BUSINESS ITEMS REQUIRING BUDGET AMENDMENTS

18

August 14, 2007 Work Session

If the item listed below is on the Agenda, approval of the listed Item includes approval of the attached Budget Amendment. These Budget Amendments are not voted upon as part of section IV on the Agenda and are for information only.

NEW BUSINESS ITEM	BUDGET JOURNAL	DIVISION	DESCRIPTION OF REQUEST
389-07  F	11612	Community Development	To amend the 2006 Project Safe Neighborhood grant to provide for grant funds in the amount of \$10,000 to be used for overtime for the Division of Police. 3140 10,000 3140 10,000CR 0*
398-07  T	11644	Community Development	To create new project in 2007 Consolidated Plan for Russell School Community Service Center. These funds are being taken from Housing Rehabilitation. Funds reserved for the Ann Street construction are being rebudgeted for Housing Rehabilitation. 3120 400,000 3120 400,000CR 0*
408-07  Z	11654	Community Development	To establish grant match and personnel recovery for MCSAP - FY 2008. 1101 18,750 1101 18,750CR 0*
408-07  Z	11656/11657	Community Development	To establish grant budget for MCSAP - FY 2008. 3160 93,750 3160 93,750CR 0*
409-07  X	11650/11651	Community Development	To establish grant budget for the Law Enforcement Service Fee grant program - FY 2008. 3400 35,000 3400 35,000CR 0*

NEW BUSINESS ITEM	BUDGET JOURNAL	DIVISION	DESCRIPTION OF REQUEST
410-07 Y	11663/11664	Community Development	To establish grant budget for Street Sales Project – FY 2008. 3140 146,670 3140 146,670CR 0*
410-07 Y	11667/11668	Community Development	To budget estimated program income from Asset Forfeiture for Street Sales Project – FY 2008. 3140 70,500 3140 70,500CR 0*
412-07 BB	11613/11647	Community Development	To establish grant budget for the NFL Youth Football Project - FY 2008 for the Division of Police. 3300 6,500 3300 6,500CR 0*
420-07 CC	11608/11609	Community Development	To establish grant budget for Title V Project - Partners for Youth Foundation - FY 2008. 3140 138,613 3140 138,613CR 0*
421-07 HH	11722/11723	Community Development	To provide funds for remediation and site assessment of South Base by recognizing revenue received for this purpose. 1101 4,106 1101 4,106CR 0*

<b>EFFECT ON FUND BALANCES</b>
--------------------------------

FUND 1101	0*	NO EFFECT ON:	GENERAL SERVICES DISTRICT – GENERAL FUND
FUND 3120	0*	NO EFFECT ON:	US DEPARTMENT OF HOUSING & URBAN DEVELOPMENT
FUND 3140	0*	NO EFFECT ON:	US DEPARTMENT OF JUSTICE
FUND 3160	0*	NO EFFECT ON:	US DEPARTMENT OF TRANSPORTATION
FUND 3300	0*	NO EFFECT ON:	GRANTS - OTHER
FUND 3400	0*	NO EFFECT ON:	GRANTS - STATE

**Budget Information For New Business Items**  
**August 14, 2007 Work Session**

Item	Number	Amount	Fund	Name / Description
A	386-07	NA		
B	395-07	7,500	3400	Grants – State
C	384-07	NA		
D	385-07	NA		
E	387-07	7,930	3140	US Department of Justice
F	389-07	16,433	3140	US Department of Justice Budget Journal
G	388-07	10,000	3140	US Department of Justice
H	394-07	743,709	1101	General Services District – General Fund
I	396-07	2,500	1101	General Services District – General Fund
J	402-07	227,740	1102	Family Care Center Fund
K	403-07	320,320	1102	Family Care Center Fund
L	404-07	6,000	1102	Family Care Center Fund
M	405-07	3,000	1101	General Services District – General Fund
N	406-07	NA		
O	413-07	NA		
P	414-07	6,000	1101	General Services District – General Fund
Q	390-07	11,370	3140	US Department of Justice
R	391-07			Grant funds requested
S	392-07	14,000	3160	US Department of Transportation
T	398-07	200,000	3120	US Dept of Housing and Urban Development Budget Journal
U	399-07	35,000	1103	Donation Fund
V	400-07	21,750	1101	General Services District – General Fund
W	411-07	NA		
X	409-07	35,000	3400	Grants-State

**Budget Information For New Business Items**  
**August 14, 2007 Work Session**

				Budget Journal
Y	410-07	146,670 70,500	3140 3140	US Department of Justice US Department of Justice  Budget Journals
Z	408-07	18,750 93,750	1101 3160	General Services District – General Fund US Department of Transportation  Budget Journals
AA	407-07	25,000		Grant Equipment Requested
BB	412-07	6,500	3300	Grants – Other  Budget Journal
CC	420-07	138,613	3140	US Department of Justice  Budget Journal
DD	416-07	11,388 29,104 1,687	1101 1115 4002	General Services District – General Fund Urban Services District Fund Sanitary Sewer Revenue and Operating Fund
EE	417-07	37,850	1101	General Services District – General Fund
FF	418-07	NA		
GG	419-07	NA		
HH	421-07	36,500	1101	General Services District – General Fund  Budget Journal
II	422-07	N/A		
JJ	423-07	(220)		



Mayor Jim Newberry

**LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**  
Division of Community Development

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

**FROM: PAULA KING, DIRECTOR**  
**DIVISION OF COMMUNITY DEVELOPMENT**

**DATE: JULY 16, 2007**

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ALLOW THE MAYOR TO**  
**EXECUTE CHANGE ORDERS TO THE CONTRACT WITH PAST RESPECTS,**  
**LLC FOR THE RENOVATION OF CADENTOWN SCHOOL PROJECT**

On June 21, 2007 (Resolution # 318-2007), Council approved the construction contract for the renovation of Cadentown School Project with Past Respects, LLC, in the amount of \$175,309.

Construction has begun. The contractor intends to be substantially complete by mid October 2007. In order to maintain a progressive construction schedule, the administration requests that Council authorize the Mayor to execute change orders for the renovation project subject to the following limitations:

- Budgeted funds are available to cover change order increases
- No change order has the effect of materially changing the scope of the project or contract
- The cumulative total increase for all change orders executed by this arrangement does not exceed \$10,000.00 (5.7% of the contract amount)
- No individual change order increase exceeds \$2,600.00 ( 1.5% of the contract amount)
- Any and all change order decreases are authorized
- A summary of all change orders executed by this arrangement will be furnished to the Urban County Council monthly, unless more frequent reporting is requested.

Council authorization to authorize the Mayor to execute change orders for the renovation project with Past Respects, LLC, is hereby requested.

Paula King  
Director

Xc: Kyna Koch, Commissioner of Finance

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395-07

23

Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Division of Parks and Recreation

TO: Mayor Jim Newberry  
Urban County Council Members

FROM: Wardell Johnson  
Wardell Johnson, Acting Director  
Parks and Recreation

SUBJECT: Change Order Request

DATE: July 12, 2007

This is a request for Council's approval to increase the amount of contract no. 775-2006 with Jarboe Construction Inc., for the Gainesway Park Community Bldg. This increase request is \$7,500.00 making the total amount \$30,750.00. This additional expense is fully covered in the project budget.

Please contact me if there are any questions.

Cc: Kimra Cole, Commissioner of General Services

WJ:msm

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


384-07 24

Mayor Jim Newberry  
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT  
Division of Enhanced 9-1-1

July 2, 2007

TO: Mayor Jim Newberry and Urban County Council

FROM: Jennifer Cottle, Administrative Specialist 

RE: Revisions to original address changes

Revisions to a previously passed Resolution are requested to reflect corrections and updates to address changes found during detailed field evaluations and additional citizen input.

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 retroactive to the original date of passage.

The following documents are attached:

1. Administrative review form (Blue sheet).
2. Individual address list.

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

RESOLUTION NO. 649 -2005

A RESOLUTION CHANGING THE STREET NAME AND PROPERTY ADDRESS NUMBERS OF 132 MARKETPLACE DRIVE TO 4096 NICHOLS PARK, OF 214 ELM TREE LANE TO 302 GUNN STREET, OF 2900 YELLOWSTONE PARKWAY TO 2500 ALUMNI DRIVE, 6141 AND 6145 RUSSELL CAVE ROAD TO 2575 AND 2555 MANTEWS LANE, OF 6250 MAN O' WAR BOULEVARD TO 2920 POLO CLUB BOULEVARD, OF 675 TODD STREET TO 670 TOWER PLAZA, OF 3756 WINTHROP DRIVE TO 401 WAVELAND MUSEUM LANE, OF 210 BETTY HOPE LANE TO 215 BRADLEY LANE, AND OF 3251 NICHOLASVILLE ROAD TO 111 WEST REYNOLDS ROAD; AND CHANGING THE PROPERTY ADDRESS NUMBERS OF 1045 INDUSTRY ROAD TO 1055 INDUSTRY ROAD, 121 ROJAY DRIVE TO 128 ROJAY DRIVE, 3292 EAGLE VIEW LANE, SUITE 190 TO 3292 EAGLE VIEW LANE, SUITE 150, 3443 MALABU CIRCLE TO 3446 MALABU CIRCLE, 4435 AND 4435A OLD FRANKFORT PIKE TO 4431 AND 4435 OLD FRANKFORT PIKE, AND 910 AND 920 ENTERPRISE COURT TO 904 AND 910 ENTERPRISE COURT; ALL EFFECTIVE THIRTY DAYS FROM PASSAGE.

WHEREAS, the Lexington-Fayette Urban County Government has created a Geographic Information System ("GIS"); and

WHEREAS, the GIS street mapping and addressing project is the foundation for the Urban County Government's enhanced 911 Emergency Telephone Communication System (the "911 System"); and

WHEREAS, in order for the GIS and 911 Systems to function properly it is imperative that street names and property addresses conform to the standards established in Section 17-2 through 17-4 of the Code of Ordinances; and

WHEREAS, various street names and property addresses located in several Council Districts do not meet the Code requirements and changes should be made to conform to the Code and to accomplish the goals of the GIS and 911 System projects.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That the street names and property numbers of the following properties be and hereby are changed as follows:

- (a) Marketplace Drive: That the name of Marketplace Drive located at 132 Marketplace Drive is changed to Nichols Park and the following number change is made:

<u>Current</u>	<u>New</u>
132 Marketplace Drive	4096 Nichols Park <b>DR</b>

- (b) Elm Tree Lane: That the name of Elm Tree Lane located at 214 Elm Tree Lane is changed to Gunn Street and the following number change is made:

<u>Current</u>	<u>New</u>
214 Elm Tree Lane	302 Gunn Street



385-07<sub>26</sub>

Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT  
Department of Law

TO: Sgt. Wright  
Division of Police, Mounted Patrol

FROM: Department of Law

DATE: June 25, 2007

RE: Bill of Donation for Horse  
Log No. 07-CC0995

Attached please find the Bill of Donation prepared to document the donation by Priscilla Menard of a horse named Fancy Dan to the Mounted Patrol. It will be necessary to obtain Council approval to authorize the Mayor to sign this document. Therefore, please initiate the blue sheet process for authorization. Ms. Menard should be asked to sign three original documents. These signed documents should accompany the blue sheet. After the Mayor has signed them, one will be returned to you for your files, one can be sent to Ms. Menard, and the Council Clerk will retain one for the official records.

Please contact me if you have any questions.

  
Rochelle E. Boland  
Corporate Counsel

Attachment

REB/00126997

HORSE CAPITAL OF THE WORLD

200 East Main Street Lexington, KY 40507 (859) 258-3500 Fax: (859)258-3538 www.lfucg.com

## **BILL OF DONATION**

This Bill of Donation is to certify that on the 14th day of May, 2007, Priscilla Menard, of 173 Mr. Gilead Church Road, Georgetown, Kentucky, (hereinafter referred to as "Donor"), has donated to the Lexington-Fayette Urban County Government, 200 East Main Street, Lexington, Kentucky, (hereinafter referred to as "Recipient"), the horse as described in Exhibit A hereto ("the Horse") for use by the Division of Police, Mounted Unit. In exchange for the mutual benefits outlined herein, the sufficiency of which is acknowledged, Donor and Recipient agree as follows:

1. Donor warrants that: a) She has full power to donate the horse, b) the title to the horse is free, clean, and unencumbered, and c) that she will defend the same against all claims.

2. As agreed upon by both Donor and Recipient, the Horse shall be transported by Recipient from its present location to the stables of the Recipient for the purpose of a 90-day trial period to determine physical fitness via veterinary examination, and to determine overall suitability for use as a mounted police horse. During this period, Recipient will provide the highest degree of care and maintenance for the Horse, including food, water, shelter, and appropriate health care through qualified veterinary services and any required medication.

3. Any time during the trial period that the Recipient determines that the Horse is unsuitable due to either physical limitations or temperament issues, the Recipient will provide the Donor with written notice that the Horse is

unsuitable and state the reason for such unsuitability. The Horse will be returned to the Donor by Recipient within five (5) days of such notice.

4. After the trial period, if the Horse has been found to be suitable, the Recipient agrees to accept the Horse. The title shall be transferred within five (5) days of the termination of the trial period. Recipient shall accept all responsibility for the Horse upon execution of this Bill of Donation until such time as the Horse is returned to the Donor pursuant to paragraph 3 or until the title is transferred at which time Donor is released from any responsibility for the Horse thereafter.

5. Should the horse ever be retired from Recipient's service, Donor has the option to accept the return of the Horse "as is." In such an event the Donor is responsible for all costs related to the return of the Horse. Recipient shall provide written notice to Donor of the intent to retire the Horse. Donor shall provide Recipient with written notice of the intent to exercise this option within then (10) days of receipt of the notice to retire. Upon receipt of the Horse by Donor, Recipient shall be released from any further responsibility for the Horse, and title shall be transferred back to Donor within five (5) days of written notice of the intent to exercise this option.

6. Should Donor opt not to exercise the option for return of the Horse as set forth in paragraph 5 above, then Recipient may dispose of the Horse as Recipient deems best.

7. This Bill of Donation represents the entire agreement between the parties. No other promises, verbal or implied, are included.

8. This Bill of Donation is made in the Commonwealth of Kentucky, shall be interpreted under the laws of Kentucky, and enforced in the courts of Fayette County, Kentucky. Should any clause herein be found void, then all remaining clauses shall remain in effect.

9. All written notices to Donor shall be mailed to Donor at 173 Mt. Gilead Church Road, Georgetown, Kentucky . Any written notices to Recipient shall be mailed to the Division of Police, Mounted Patrol, 150 East Main Street, Lexington, Kentucky 40507.

IN WITNESS WHEREOF, the Parties have set their signatures the day and year set forth below.

PRISCILLA MENARD, DONOR

Priscilla Menard

DATE: 7/3/2007

DONOR'S TAX I.D. NO. \_\_\_\_\_

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT,  
RECIPIENT

\_\_\_\_\_  
MAYOR JIM NEWBERRY

DATE: \_\_\_\_\_

## EXHIBIT A

## DESCRIPTION OF HORSE

Name: Fancy Dan  
Age: Twelve (12) Years  
Sex: Gelding  
Breed: Percheron/Friesian  
Color/Markings: Dapple Gray



387-07 31

Mayor Jim Newberry

**LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**  
Division of Community Development

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

**FROM: PAULA KING, DIRECTOR**  
**DIVISION OF COMMUNITY DEVELOPMENT**

**DATE: JULY 17, 2007**

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE AGREEMENT WITH**  
**FAYETTE COUNTY SHERIFF'S OFFICE, FOR THE PROVISION OF**  
**SERVICES UNDER THE GRANT TO ENCOURAGE ARREST POLICIES AND**  
**ENFORCEMENT OF PROTECTION ORDERS PROGRAM**

On September 28, 2006 (Ordinance # 281-2006), the Urban County Council approved the acceptance of an award of federal funds from the U.S. Department of Justice/Office on Violence Against Women under the Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program. The application for these funds was prepared by the Division of Police in collaboration with community partners serving the victims of domestic violence. The approved application also provides for grant-funded services to be performed by several community partners, including the Fayette County Sheriff's Office.

The agreement with Fayette County Sheriff's Office in the amount of \$7,930 provides for the sheriff's office to offer victims of domestic violence with in-home safety planning, advocacy services, emergency cell phones, photo-documentation of injuries, and service of protective orders, other court orders, and arrest warrants. Federal funds will be used for officer and other employee overtime that is not otherwise funded.

Funds are budgeted in:

FUNDS	DEPT ID	SECTION	ACCOUNT	PROJECT	BUD REF
3140	505506	5561	71200	ARREST POL	2007

Council authorization to execute the agreement is hereby requested.

Paula King, Director

Xc: Tim Bennett, Commissioner of the Department of Public Safety

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389-07

32

Mayor Jim Newberry  
**LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**  
Division of Community Development

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

**FROM: PAULA KING, DIRECTOR**  
**DIVISION OF COMMUNITY DEVELOPMENT**

**DATE: JULY 17, 2007**

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE AGREEMENTS  
WITH VARIOUS ENTITIES FOR PERFORMANCE OF SERVICES UNDER  
THE 2006 PROJECT SAFE NEIGHBORHOOD GRANT**

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On May 4, 2006 (Ordinance No. 105-2006), the Urban County Council approved the submission of a grant application, and acceptance of award, on behalf of the U.S. Attorney's Office—Eastern District of Kentucky, of federal funds from the U.S. Department of Justice under the 2006 Project Safe Neighborhood Program. The purpose of this project is to support new and expanded gun-crime prevention and enforcement efforts under the Project Safe Neighborhoods (PSN) initiative. The Project Safe Neighborhood program brings together federal, state and local law enforcement and communities in a unified effort to reduce gun crime across America.

The LFUCG serves in the capacity of fiscal agent for this grant. As fiscal agent, the LFUCG issued Requests for Proposals for law enforcement activities.

RFP 5-2007 was issued in an attempt to obtain proposals from local and state law enforcement agencies for financial assistance for overtime and equipment to work with various federal law enforcement agencies in a district-wide (Eastern District of Kentucky) plan to combat gun crimes. Three responses were received from law enforcement agencies. The local Project Safe Neighborhoods advisory committee reviewed the proposals and made the following recommendations:

- Madison County Sheriff's Office in the amount of \$8,216 for approximately 182 hours of overtime for law enforcement officers. **Agreement with Madison County Fiscal Court is attached.**
- Richmond Police Department in the amount of \$8,217 for approximately 230 hours of overtime for law enforcement officers. **Agreement with City of Richmond is attached.**

The remaining proposal came from LFUCG Division of Police. The Project Safe Neighborhoods advisory committee recommended \$10,000 for approximately 300 hours of overtime. An additional

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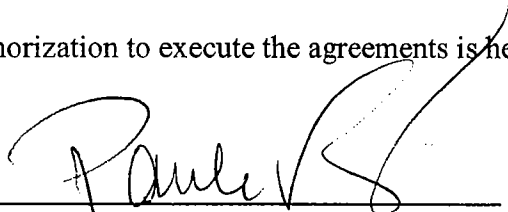
Bluesheet memo  
Project Safe Neighborhood  
July 17, 2007  
Page 2 of 2

\$15,000 was allocated for the implementation of the National Integrated Ballistic Identification Network. No agreement is needed.

Budget amendment is in process to reallocate funds as recommended by the Project Safe Neighborhoods advisory committee.

FUND	DEPT ID	SECTION	ACCOUNT	PROJECT	BUDGET REF
3140	505001	5011	71200	Project Safe Neigh	2007

Council authorization to execute the agreements is hereby requested.

  
\_\_\_\_\_  
Paula King, Director

Xc: Tim Bennett, Commissioner of the Department of Public Safety



Mayor Jim Newberry  
**LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**  
Division of Community Development

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

**FROM: PAULA KING, DIRECTOR**  
**DIVISION OF COMMUNITY DEVELOPMENT**

**DATE: JULY 9, 2007**

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE AGREEMENTS WITH**  
**COMMONWEALTH ATTORNEYS UNDER THE PROJECT SAFE NEIGHBORHOOD**  
**GRANT PROGRAM/U.S. DEPARTMENT OF JUSTICE**

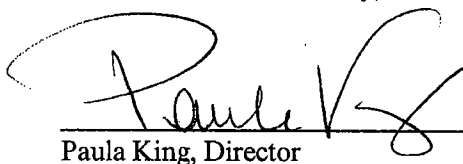
The U.S. Attorney's Office—Eastern District of Kentucky was awarded federal funds from the U.S. Department of Justice under the Project Safe Neighborhoods Grant Program, with the Lexington Fayette Urban County Government serving in the capacity of fiscal agent. Council approved acceptance of the award on May 4, 2006 (Ordinance # 105-2006). Overall implementation and operation of this project rests with the U.S. Attorney's Office—Eastern District of Kentucky, in conjunction with a Project Safe Neighborhoods Advisory Committee, made up of law enforcement officials from throughout the eastern district, a 67-county area. On the recommendation of the Project Safe Neighborhoods Advisory Committee, the U.S. Department of Justice has approved funding to support the prosecution of violent offenders. Project provides for the following:

- \$22,000 to provide partial support (approximately 19%) for an assistant prosecutor in the Kenton County Commonwealth Attorney's Office.
- \$10,000 to provide partial support (approximately 15%) for an assistant prosecutor in the Office of the Commonwealth's Attorney, 28<sup>th</sup> Judicial Circuit serving Lincoln, Rockcastle, and Pulaski counties.

Funds are budgeted as follows:

Dept ID	Fund	Budget Reference	Section	Project/Grant	Account
505001	3140	2007	5011	PROJ SAFE NEIGH	71200

Council authorization to execute agreements with Kenton County Commonwealth Attorney's Office and Commonwealth's Attorney, 28<sup>th</sup> Judicial Circuit, is hereby requested.

  
\_\_\_\_\_  
Paula King, Director

Xc: Tim Bennett, Commissioner of the Department of Public Safety

**HORSE CAPITAL OF THE WORLD**

200 East Main Street 6<sup>th</sup> Fl Lexington, KY 40507 (859)258-3070 (859)258-3081 fax [www.lfucg.com](http://www.lfucg.com)





Mayor Jim Newberry  
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT  
Division of Community Corrections

Ronald L. Bishop  
Director

## Memo

To: Mayor Jim Newberry  
Council Members

From: Ronald L. Bishop, Director *RLB*  
Division of Community Corrections

Subject: CONTRACTUAL AGREEMENT

Date: July 17, 2007

Three copies of a Contractual Agreement between the LFUCG Division of Community Corrections and the Bluegrass Regional Mental Health-Mental Retardation Board, Inc., dba Comprehensive Care Center, are enclosed for your approval and signature. This contractual agreement will exclusively provide a full range of mental health services for evaluation, treatment and/or referral of offenders as outlined in the contractual agreement.

The total contract of \$743,709.23 includes a 2.8% CPI for the South increase and an increase in the cap for psychotropics to \$230,000. Based on the latest data, the trend indicates a total FY2007 psychotropic cost of around \$221,000.

The required Blue Sheet is enclosed for your approval. Should you have any questions or need additional information, please contact me.

Enclosure ✓

cc: Commissioner Public Safety

HORSE CAPITAL OF THE WORLD

**CONTRACTUAL AGREEMENT**  
 between  
**LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**  
**DIVISION OF COMMUNITY CORRECTIONS**  
 and  
**BLUEGRASS REGIONAL MENTAL HEALTH-MENTAL RETARDATION BOARD, Inc.**  
 dba  
**COMPREHENSIVE CARE CENTER**

This agreement is made and entered into on this the 1<sup>st</sup> day of July, 2007 by and between Lexington-Fayette Urban County Division of Community Corrections (herein referred to as "Division") and Bluegrass Regional Mental Health-Mental Retardation Board dba Comprehensive Care Center (herein referred to as "Contractor").

NOW THEREFORE, in consideration of the mutual agreements set forth within, the parties hereto, intending to be legally bound, agree to the following:

**PART A - GENERAL TERMS AND PROVISIONS:**

1. Definition of Terms:
  - a. Division – Lexington-Fayette Urban County Government, Division of Community Corrections
  - b. Contractor – Bluegrass Regional Mental Health-Mental Retardation Board, Inc. dba Comprehensive Care Center
2. The Division requires a program that meets constitutional requirements and complies with the standards of mental health care as practiced in Fayette County, Kentucky as well as the provisions of the Kentucky Revised Statutes and the Kentucky Administrative Regulations promulgated there under. The specifications set forth are for informational purposes and to provide a general description of the requirement.

**PART B – SCOPE OF DUTIES:**

1. The contractor agrees to perform the services herein described particularly for the Division of Community Corrections as follows:
  - a. The Division currently operates an Adult Detention facility at the following locations:  
 Adult Detention Center  
 600 Old Frankfort Circle, Lexington, Kentucky 40510
2. The scope of these specifications involves providing a full range of mental health services.
3. The Contractor shall develop a mental health program for evaluation, treatment and/or referral of offenders to include (but not be limited to):
  - a. Intake/Triage and Booking Screening processes to meet the intent of KRS 210.365, "Telephonic Behavioral Triage System".
    - i. The Contractor will provide for twenty-four (24) hours per day, seven (7) days per week assessment of offenders based upon responses to Intake Triage and Booking Screening Questions.
    - ii. Coverage will be accomplished using mental health staff familiar with Division operations, policies and practices.

- b. Offenders segregated for psychiatric reasons offenders shall be examined by a psychiatrist, physician or designee within twenty-four (24) hours after segregation.
- c. Mental health evaluations must support segregation of offenders based on risk of physical danger to self or others.
- d. All offenders segregated from the general population for suicidal observation will be seen daily by qualified mental health personnel.
- e. Offenders segregated for mental health observation will be seen weekly by qualified mental health personnel.
- f. A psychiatrist or mental health staff designee shall be responsible to determine when an offender should be sent or returned to general population, with documentation regarding these decisions placed in the mental health chart and recommendations for housing and supervision provided to the classification unit.
- g. The Contractor will provide board certified psychiatric services to run medication clinic for Division detainees with confirmed psychiatric diagnoses.
  - i. The Psychiatrist shall be available one (1) hour per week, as needed, for consultation with Division staff.
  - ii. All offenders referred for mental health evaluation shall be evaluated by a mental health professional.
    - 1. The evaluation will include a mental status exam and an assessment of suicidal risk, potential for violence, and special housing needs.
- h. Psychotropic medication shall be used where appropriate.
  - i. To maximize the effectiveness of pharmacotherapy and to reduce the toxicity and side effects of medication, an intensive program of drug monitoring shall exist.
  - ii. All offenders placed on drug therapy shall be seen by the psychiatrist at the next scheduled visit.
  - iii. The contractor is responsible for tracking and ensuring that all medications ordered are being dispensed as ordered and within the timeframe ordered.
- i. The Contractor will be responsible for the purchase and provision of all psychotropic medications up to an annual aggregate cap of \$230,000.
  - i. If psychotropic costs exceed \$230,000 annually but are less than \$240,000 annually, then the Contractor shall pay 15% of the costs of the psychotropics over \$240,000 annually but less than \$240,000 annually.
  - ii. If psychotropic costs exceed \$240,000 annually then the Contractor shall pay 30% of the costs of the psychotropics over \$240,000.
  - iii. If costs are less than \$230,000 annually then the Contractor shall remit 90% of the unspent funds that are less than \$230,000; and the Contractor shall retain 10% of such unspent dollars for administrative and managerial costs.
- j. The Contractor shall work with the Medical Services Contractor to develop appropriate mechanisms for storage, delivery and inventory of psychotropic medications that meet the needs of the Division and the Contractors.

- k. All offenders referred for evaluation by a mental health professional, and subsequently prescribed psychotropic medications, and/or who also poses a behavior management problem, shall have a formal Behavior Management Plan developed by the mental health care staff with input from the Division staff.
    - i. The Behavior Management Plan shall be available for review to appropriate Division staff.
  - l. The contractor will actively collaborate with the Division's medical provider to identify, evaluate and treat inmates who have potential for substance abuse withdrawal while in custody of the Lexington-Fayette County Detention Center according to established Division Policy, Procedure or Operational Orders.
4. Contractor will provide the following staff:
- a. 3.0 FTE Master's Level Social Worker/Psychologist or related field
  - b. 5.0 FTE Master's or professional equivalent, i.e., B.S. plus experience
  - c. 0.4 FTE B. S.W. or related field (weekend, daytime)
  - d. 2.0 FTE Case Managers (13S or related field)
  - e. 0.5 FTE B SW or Related Field (weekdays) 5 persons back-up, on call professionals - holiday/annual and sick leave
  - f. Relief staff (not to exceed 400 total professional hours; per year)
  - g. 20 hours per week Psychiatrist, plus additional back-up consultation.
    - i. Mental Health Professionals will exclusively provide emergency consultation to the Division staff, and carry out crisis intervention with the Division detainees.
5. The Contractor will provide the following:
- a. Job descriptions
  - b. Post descriptions
  - c. An orientation program for all new staff
6. Contractor will provide mental health coverage between the hours of 8:30 a.m. – 4:30 p.m. seven (7) days per week; 7:00 p.m. – 3:00 a.m. five (5) days per week; and, 3:00 p.m. – 11:00 p.m. Saturday through Thursday.
- a. Additional hours will vary as funding allows.
  - b. The professional providing this coverage shall be mutually acceptable to both parties.
  - c. The contractor shall identify and approve candidates, however, before final approval; candidates will be screened by the Division Contract Monitor.
7. When mental health care staff is on annual, sick or holiday leave, up to four-hundred (400) hours of back-up coverage will be provided.
- a. Mental Health Contract Administrator will inform facility administrators of scheduled staff member absences.
  - b. Adult Detention Facility staff will be provided a schedule outlining staff coverage for periods of annual and holiday leave.
    - i. Services shall be provided by qualified Mental Health Professionals.

8. The Contract shall provide mental health consultation to the Division through an on-call person when mental health care staff is not physically present in the facilities.
  - a. On-call consultation shall be available for emergencies or in response to situations requiring critical mental health treatment decision.
  - b. Such situations include (but are not limited to):
    - i. Suicide attempts
    - ii. Deaths due to suicide
    - iii. Hostage situations
    - iv. Riot situation
    - v. Division requests needing consultation in response to a situation requiring critical treatment decisions.
      1. This circumstance is to be used for serious emergencies only.
9. Grievances – Grievances filed by offenders shall be referred to the Contractor's on-site Mental Health Administrator who shall review the grievance, gather appropriate information concerning the complaint and take appropriate action consistent with Division procedures.
  - a. All grievances will be responded to by the Contractor's on-site Mental Health Administrator within the Grievance procedures as outlined in the Division's policy and procedure.
10. The Contractor will collect and supply adequate statistics to document services provided.
  - a. A comprehensive annual statistical report shall be forwarded to the Director.
  - b. Monthly statistics shall be required to include:
    - i. Number of offenders referred for mental health evaluation
    - ii. Number of offenders seen by psychiatrist
    - iii. Number of offenders seen by psychologist/social worker/counselor
    - iv. Number of offenders referred for substance abuse withdrawal
    - v. Number of offenders housed in transitional housing
    - vi. Breakdown of Case Manager activities
    - vii. Number of mental health housing unit admissions, patient days per month, average length of stay
    - viii. Number of court-ordered mental status evaluations conducted
    - ix. Off-site mental health hospital admissions
    - x. Number of Intake Triage mental health screenings conducted
    - xi. Number of emergencies requiring mental health response
    - xii. Percentage of offender population dispensed mental health medication
    - xiii. Cost of psychotropic medications dispensed for the previous month
    - xiv. Cost to date of psychotropic medications dispensed and percentage of aggregate cap
    - xv. Number of hours worked by entire mental health staff, specifying each post or shift

- xvi. Number of grievances filed, resolved or unresolved including reasons
- c. Daily Statistics – A narrative report for the previous twenty-four (24) hours, capturing the following data shall be submitted to the Assistant Director – Operations, Contract Monitor and Classification Major on a daily basis prior to 10:00 a.m., to include:
  - i. Suicide data (i.e., attempts and precautions taken)
  - ii. Staffing vacancies/absences
  - iii. A list of lost medical files
- 11. On a scheduled basis, the Contractor's administrative staff shall have documented monthly meetings with Division administrative staff to evaluate statistics, cost of services, program needs, problems, and coordination between custody and medical/mental health personnel.
- 12. Additionally, the Contractor shall meet with the Division staff at such time and place as designated by the Division to solve problems and to initiate any change in operations for improvement of the total mental health care services provided the offender population.
  - a. The Contractor will actively participate in all Critical Care meetings as called by the Division for the care of offenders presenting special management requirements.
    - i. Recommendations concerning appropriate mental health care management of the offender will be proffered by the Contractor as part of their participation in Critical Care meetings.
- 13. Documentation of mental health care staff roles in the jail disaster plan.
  - a. The Contractor shall, in times of emergency or threat thereof, whether accidental, natural or caused by man, provide assistance to the Division to the extent or degree required by Policy and Procedure or Operational Order.
- 14. The Mental Health Professionals will be employees of the Contractor and will be under the supervision of the program director.
  - a. In addition, the Contractor's staff will discharge their duties within the parameters of the Division's policies and procedures.
- 15. Contractor shall have complete access to any records, created through performance of contract services which are maintained at the Adult Detention Facility.
  - a. Such records include, but are not limited to, clinical records, correspondence, notes, etc.
  - b. The responsibility for maintenance of the medical chart is the purview of the Medical Services Contractor.
  - c. The Contractor shall work cooperatively with the Medical Services Contractor to develop appropriate mechanisms for access to the medical charts that do not pose an undue burden on either entity.
  - d. If an offender's medical chart is missing and cannot be located within eight (8) hours of the discovered loss, the Contractor's Administrator and the Division's Contract Monitor shall be electronically notified and a duplicate chart shall be immediately generated.
    - i. The Contractor's Administrator, the Medical Services Contractor Administrator and the Division's Contract Monitor shall investigate the circumstances surrounding the missing medical chart to determine what corrective action needs to be taken.

16. No information contained in the medical Charts/Records shall be released by the Contractor except as provided by the Division's policy, a court order or otherwise in accordance with applicable law.
17. Quality/Assurance Requirements
  - a. An on-going quality assurance program conducted by the Division shall consist of regularly scheduled audits of offender mental health care services with documentation of deficiencies and recommendations for the correction of deficiencies. A copy of any audits shall be delivered to the Contractor.
  - b. The quality assurance plan shall include a provision for program and Contract monitoring (peer review) by an "outside" correctional mental health care consultant on an annual basis, the results of which shall be made available to the Contractor. The cost shall be paid by the Division.
18. Contractor hereby agrees to comply and states it is in compliance with Title VI of the Civil Rights Act of 1964, and all requirements imposed by or pursuant to the Regulation of the Department of Health, Education and Welfare (45 CFR, Part 80) of that Title.
19. The services rendered under this Contract shall be critical to the mandated responsibilities of the Director; therefore, the Contractor shall reimburse the Director for all expenses incurred by the Division of Community Corrections in providing services which are the responsibility of the Contractor.
  - a. Such expenses shall be reduced from the monthly payment due the Contractor.
  - a. In the event the agreement is terminated prior to its expiration, all finished or unfinished documents, studies, correspondence, reports and other products prepared by or for the contractor under this agreement shall become the exclusive property of the Director.
  - b. Notwithstanding the above, the Contractor shall not be relieved of liability to the Director for damage sustained by the Division by virtue of any breach of the agreement by the Contractor.

**PART C – COMPENSATION:**

1. In consideration of the performance by the Contractor of the services herein before set forth, the Division agrees to pay the sum of \$61,975.76 per month, payable thirty (30) days after the receipt of appropriate billing.
2. The Contractor's fee relative to the services rendered shall not exceed a total of \$743,709.23 the amount the Division has allotted to Comprehensive Care Center for services and medications to the Adult and Juvenile Detention Facilities.
3. Adjustments to the cost of the Contract and per diem rates shall be based on changes in the Medical Care Component of the Consumer Price Index for all urban consumers in the South Region of the United States.
4. Any adjustments will be made at the beginning of the next fiscal year.
5. This contract can be amended by mutual consent of both parties.
6. The Division shall pay the Contractor for provision of designated services during the term of the contract which shall be payable in equal monthly payments.
  - a. The Contractor shall bill on the first day of the month that services are to be rendered and the Division shall pay on or before the last day of the month during which services were rendered.

7. The Contractor retains the right to renegotiate compensation if the average inmate population exceeds 1300 ADP for thirty (30) consecutive days.
  - a. **Average Daily Population (ADP)** shall be calculated based upon the number of offenders in custody at the Adult and Juvenile facilities combined as determined from data queried from the Division's Management Information System based upon the following formula:
    - i. Total number of offenders in custody between 12:00AM and 11:59PM (O) minus one-half of the releases (R) for that same period. ( $O - \frac{1}{2} R = ADP$ ).

#### **PART D – TERMS OF CONTRACT**

1. The parties to this contract intend that the relation between them created by this contract is that of employer-independent contractor.
2. The period in which the subject services are to be performed is the 1<sup>st</sup> day of July 2007, through the 30<sup>th</sup> day of June, 2008.
  - a. Changes in the contractual provisions or services to be furnished under the contract may be made only in writing, and must be approved by the LFUCG and the agent of the contractor.
  - b. Should a decision be made to increase the scope of the contract, the LFUCG and the contractor shall mutually agree, in writing, to an adjusted contract price.
3. Contractor hereby indemnifies and holds the LFUCG harmless up to the limits of Contractor applicable insurance policy, from and against any claims against LFUCG proximately caused by negligence in treatment rendered by Contractor personnel; provided, however, that Contractor will not be responsible for any claim arising out of the LFUCG or its employees, agents, or contractors;
  - (i) preventing an inmate from receiving services ordered by Contractor or its agents or contractors;
  - (ii) failing to exercise good judgment in promptly presenting an inmate to Contractor for service; or
  - (iii) own acts or omissions, including negligence or willful misconduct. LFUCG agrees to notify Contractor Legal Department in writing within thirty (30) days after LFUCG has received written notice of a claim, Contractor indemnification and defense obligations hereunder will not apply for expenses incurred or settlements offered or effected, prior to notice to Contractor. Contractor shall have the right to control the defense and/or settlement of the claim.
4. The Contractor shall not commence any work in connection with this contract until all the following types of insurance and such insurance have been obtained and approved by the Division of Community Corrections, nor shall the Contractor allow any Sub-Contractor to commence work on his sub-contract until all similar insurance required of the Sub-Contractor has been so obtained and approved. All insurance policies shall be with insurers qualified and doing business in the Commonwealth of Kentucky.
  - a. **Worker's Compensation Insurance**
    - i. The Contractor shall take out and maintain during the life of this contract, Worker's Compensation Insurance for all employees connected with the work of this project and, in case any work is sublet, the Contractor shall require the Sub-Contractor similarly to provide Worker's Compensation Insurance for all the Latter's employees unless such employees are covered by the protection afforded by the Contractor.
    - ii. Such insurance shall comply fully with the Kentucky's Worker's Compensation Law.
      1. In case any hazardous work under this contract at the site of the project is not protected under the Worker's Compensation statute, the Contractor shall provide, and cause each Sub-Contractor to provide adequate insurance,

satisfactory to the Division of Community Corrections, for the protection of employees not otherwise protected.

- iii. Worker's Compensation shall be provided as required by the Kentucky Revised Statutes, and Employer's Liability \$300,000 one accident and aggregate disease.

1. The contractor shall waive all rights of subrogation against the Division for losses arising from work performed by the Contractor for the Division.
2. Coverage shall not be suspended or reduced in limits during the contract period.

b. Contractor's Public Liability and Property Damage Insurance

- i. The Contractor shall take out and maintain during the life of this contract, Comprehensive General Liability Insurance and Comprehensive Automobile Liability Insurance and shall protect from claims for damage for personal injury, including accidental death, as well as claims for property damage which may arise from operations under this contract whether such operations be by the Contractor or by anyone directly or indirectly employed by the Contractor during the life of this contract *on any contractor owned vehicle*, Comprehensive General Liability, etc.
- ii. The amounts of such insurance shall be the minimum limits as follows:
  1. Comprehensive General – \$300,000 bodily injury and property Liability damage combined single limit.
  2. Automobile – \$300,000 bodily injury and property damage combined single limit.

c. Other Insurance


- i. Professional Liability – covering mental health services related incidents during the contract period and providing the following coverage and endorsement:
    1. Not less than \$1,000,000 per occurrence, \$3,000,000 aggregate for independent contractor physicians contracted by Contractor.
    2. Limits of not less than 1,000,000 per occurrence, \$5,000,000 aggregate for Contractor's employees including medical or professional staff, and employees acting under the control or supervision of the Contractor for any act or omission in the furnishing of mental health care services.
    3. The provider must show proof of agreement to maintain jail insurance coverage for a period of 7 years after the last day of service.
  - ii. Extended Business Liability Endorsement
  - iii. Broad Form Contractual Liability
  - iv. Personal Injury Liability
5. The Contractor shall comply with all provisions of Federal, State and local regulations to ensure that no employee or applicant for employment is discriminated against because of race, religion, color, sex, age, handicap or national origin.
6. The Contractor shall agree to warrant that no person or selling agency has been employed or retained to solicit this contract upon an agreement of understanding for commission, percentage,

- brokerage or contingency, except bona fide employees or selling agents maintained by the Contractor for the purpose of securing business.
7. The Division of Community Corrections must approve, in advance, all subcontracts entered into by the Contractor for the purpose of completing the provisions of this contract.
    - a. The Contractor shall not sell, assign, transfer, nor convey any of its rights except with the written consent of the LFUCG or its designee.
  8. The Division of Community Corrections may request replacement of any Contractor personnel believed unable to carry out the responsibilities of the contract and shall approve all appointments to the positions of program administrator, psychiatrists and other Contractor personnel.
    - a. All Contractor personnel shall be subject to a security/background check by the Division.
  9. The Contractor shall, at all times observe and comply with all Federal, State, local and municipal laws, ordinances, rules and regulations in any way affecting the contract. The Contractor shall maintain regular communications with the Director, or designees, and shall actively cooperate in all matters pertaining to this contract.
  10. Communications from the Division to the Contractor shall be responded to in a timely manner.
  11. The Division of Community Corrections may terminate the contract at any time the Contractor fails to carry out its provisions.
    - a. The LFUCG shall give the Contractor notice of such termination with stated reasons for the termination. If, after such notice, the Contractor fails to cure the conditions within the specified time period contained in the notice, it shall be the discretion of the LFUCG to order the Contractor to stop work immediately and leave the premises or to reinstate the contract based upon corrective action.
    - b. Either party may terminate the agreement, without cause, upon giving the other party not less than sixty (60) calendar day's written notice of termination.
  12. The services rendered under this Contract shall be critical to the mandated responsibilities of the LFUCG; therefore, the Contractor shall reimburse the LFUCG for all expenses incurred by the Division of Community Corrections in providing services which are the responsibility of the Contractor.
    - a. Such expenses shall be reduced from the monthly payment due the Contractor.
    - b. In the event the agreement is terminated prior to its expiration, all finished or unfinished documents, studies, correspondence, reports and other products prepared by or for the contractor under this agreement shall become the exclusive property of the LFUCG.
    - c. Notwithstanding the above, the Contractor shall not be relieved of liability to the LFUCG for damage sustained by the Division by virtue of any breach of the agreement by the Contractor.
  13. The Contractor agrees to indemnify and hold harmless the LFUCG, his agents, servants and employees from any and all claims, actions, lawsuits, judgments or liabilities of any kind whatsoever deriving from acts or omissions of the Contractor, its agents or sub-contractors.
    - a. The Contractor shall carry malpractice insurance with the limits set forth in this contract evidenced by additional insured endorsement adding the Division of Community Corrections and its officers and employees as additional insured.

14. Neither the Contractor nor the LFUCG shall publish any findings based on data obtained from the operation of a contract agreement without the prior consent of the other party, whose written consent shall not be unreasonably withheld.
16. No research projects involving offenders, other than projects limited to the use of information from Charts/Records compiled in the ordinary delivery of patient care activities shall be conducted without prior written consent of the Director or his designee.
  - a. The conditions under which research shall be conducted shall be agreeing to by the Contractor and the Director or his designee, and shall be governed by written guidelines.
  - b. In every case, the written informed consent of each offender who is a subject of a research project shall be obtained prior to the participation of an offender as a subject.
17. The Contractor shall provide services which meet Federal constitutional standards, meet Kentucky constitutional standards, comply with Title 501 Kentucky Administrative Regulations Chapter 10 Direct Supervision for Full Service Jails Standards and meet community standards of care.
18. The LFUCG or its designee shall have the complete and unlimited right to access any and all information maintained by Contractor which may be needed to insure compliance with the contract terms and conditions, and to monitor contractual compliance. The Contractor shall make available all charts/records or data requested within five (5) days, time is of the essence.
19. All permits and licenses required by Federal, State or local laws, rules and regulations necessary for the implementation of the work undertaken by the Contractor pursuant to the contract shall be secured and paid for by the Contractor. It is the responsibility of the Contractor to have and maintain the appropriate certificate(s) valid for work to be performed and valid for the jurisdiction in which the work is to be conducted.
20. Contractor shall not be deemed in violation of this Agreement if it is prevented from performing any of its obligations hereunder for any reason beyond its control, including, without limitation, strikes or labor disputes, labor shortages, inmate disturbances, lack of LFUCG's financial or physical resources, failure of the LFUCG to provide proper security services, acts of God, civil or military authority, acts of public enemy, war, accidents, fires, explosions, earthquakes, floods, failure of transportation, or any similar cause beyond the reasonable control of on or both of the parties.
21. Notwithstanding anything herein to the contrary, of any applicable law, statute, rule, regulation, standard, court order or decree, or any policy, practice, or procedure of any applicable governmental unit, agency or office (including but not limited to the federal, state or local courts, legislative bodies, and agencies, including the Lexington-Fayette Urban County Government or its respective officers or agents) is adopted, implemented, amended or changed; or of any standard of care or treatment protocol changes or evolves in any material respect, or if any new medication or therapy is introduced to treat any illness, disease or condition; or of any of the cost or historical information upon which this contract is based, the Contractor and the Division agree to meet to negotiate compensation or service requirement changes. The parties agree to meet and negotiate in good faith within thirty (30) days following the giving of notice by one party to the other party of a change (whether such changes is anticipated or implemented). If the parties fail to reach agreement regarding compensation or service requirement changes within the foregoing thirty (30) day period, then either the Division or Contractor may terminate this agreement upon sixty (60) days prior written notice.

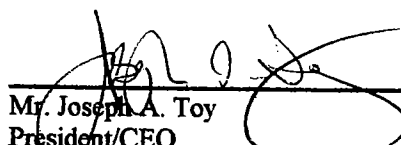
IN WITNESS WHEREOF, the parties executed this contract the day, the month the year written above.


**Lexington-Fayette Urban County Government**

  
\_\_\_\_\_  
Mr. Ronald L. Bishop  
Director  
Lexington-Fayette Urban County Division of Community Corrections

\_\_\_\_\_  
Mr. Jim Newberry  
Mayor  
Lexington-Fayette Urban County Government

**Bluegrass Regional Mental Health-Mental Retardation Board, Inc.**

  
\_\_\_\_\_  
Mr. Joseph A. Toy  
President/CEO  
Bluegrass Regional Mental Health-Mental Retardation Board, Inc.

  
\_\_\_\_\_  
Mr. David Webb  
Chairman of the Board  
Bluegrass Regional Mental Health-Mental Retardation Board, Inc.



Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT  
Division of Youth Services**M E M O R A N D U M**

TO: Mayor Jim Newberry  
Joe Kelly, SAM  
Urban County Council

THRU: Marlene Helm  
Marlene Helm, Commissioner  
Department of Social Services

FROM: William Kendrick by Termon Clark  
William Kendrick, Director  
Division of Youth Services

DATE: July 16, 2007

RE: Blue Sheet – Service Agreement with Jane F. Brake, Ph.D.

This memorandum requests approval for the Division of Youth Services to enter into an agreement with Jane F. Brake, Ph.D. to provide psychological assessments, mental health services to youth or consultation services to Social Services staff members. This agreement will be effective July 1, 2007 through June 30, 2008.

Thank you for your assistance.

“Mission First – People Always”

cc: File

HORSE CAPITAL OF THE WORLD



402-07

48

Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT  
Division of Family Services

**TO:** Mayor Jim Newberry and  
Urban Council Members

**FROM:** Jean Sabharwal SKH  
Jean Sabharwal, Director  
Division of Family Services

**THROUGH:** Marlene Helm  
Marlene Helm, Commissioner  
Department of Social Services

**DATE:** July 24, 2007

**SUBJECT:** University of Kentucky College of Dentistry  
Annual Contract

The Division of Family Services is requesting an approval of the University of Kentucky College of Dentistry, annual contract. This contract includes the services of a Staff Dentist (\$99,350); two Dental Auxiliary Personnel (\$84,290); and On-Site Pediatric Dental Residents (\$44,100), for a total of \$227,740.

HORSE CAPITAL OF THE WORLD



403-07 49

Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT  
Division of Family Services

**TO:** Mayor Jim Newberry and  
Urban Council Members

**FROM:** Jean Sabharwal <sup>84</sup>  
Jean Sabharwal, Director  
Division of Family Services

**THROUGH:** Marlene Helm  
Marlene Helm, Commissioner  
Department of Social Services

**DATE:** July 24, 2007

**SUBJECT:** University of Kentucky College of Nursing  
Annual Contract

The Division of Family Services is requesting an approval of the University of Kentucky College of Nursing annual contract. This contract includes the services of Nurse Practitioners – (Average 140 Hrs./Wk X 52 Weeks X \$44.00/Hr.) Funding is available in the FY 08 approved budget.

HORSE CAPITAL OF THE WORLD



404-07 50

Mayor Jim Newberry

**LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**  
Division of Family Services

**TO:** Mayor Jim Newberry and  
Urban County Council Members

**FROM:** Jean Sabharwal SH  
Jean Sabharwal, Director  
Division of Family Services

**THROUGH:** Marlene Helm  
Marlene Helm, Commissioner  
Department of Social Services

**DATE:** July 24, 2007

**SUBJECT:** Lexington-Fayette County Board of Health Agreement  
Reimbursement to Family Services Division for Dental Services

The Division of Family Services is requesting an approval of the Lexington-Fayette County Board of Health Agreement. This Agreement is to reimburse the Division of Family Services for providing dental care to students at Harrison, Johnson, Bates Creek and Arlington elementary schools.

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



405-07

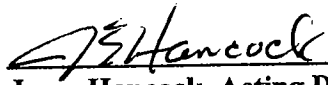
51

Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT  
Division of Parks and Recreation

## MEMORANDUM

**TO:** Mayor Jim Newberry  
Urban County Council Members

**FROM:**   
Jerry Hancock, Acting Director  
Parks and Recreation

**SUBJECT:** Agreement with the Hyatt Regency Lexington

**DATE:** July 30, 2007

This is a request for Council's approval of an agreement between the Hyatt Regency Hotel and Lexington-Fayette Urban County Government, Division of Parks and Recreation. This contract is for hosting and sponsoring the Annual Bluegrass Invitational Wheelchair Tournament. This covers a period of one year and outlines the details of the arrangement between the Hyatt and Parks and Recreation. The scheduled dates for the Bluegrass Invitational Wheelchair Basketball Tournament are January 31, 2008 – February 3, 2008. The Hyatt continues to co-sponsor the tournament by giving the players social food at cost and provide complimentary rooms to host the officials and the tournament office as per contract. The cost is \$3,000 and is fully budgeted.

Please contact me if there are any questions.

Cc: Kimra Cole, Commissioner of General Services

COE:msm

HORSE CAPITAL OF THE WORLD



Lexington-Fayette Urban County  
Division of Police  
**MEMORANDUM**  
Lexington, Kentucky

DATE OF ISSUE

August 2, 2007

EFFECTIVE DATE

NUMBER

COP:  
07/0385

52

406-07

To:

Jim Newberry, Mayor  
Urban County Council

SUBJECT:

Council Approval (Blue Sheet) -  
Cost Reimbursement Agreement

From:

Anthony Beatty  
Chief of Police

Please find attached blue sheet and Cost Reimbursement Agreement between the Federal Bureau of Investigation and Lexington-Fayette Urban County Division of Police. This agreement authorizes the Federal Bureau of Investigation to reimburse the Lexington Division of Police for overtime worked by police officers for detection, investigation and prosecution of crimes against the United States.

The Division of Police is requesting approval from the Urban County Council to authorize Mayor Jim Newberry to sign the attached agreement. Upon signing please return original agreement to the Division of Police.

Due to overtime being reimbursed there will be no budgetary impact.

Anthony Beatty  
Chief of Police

AB/rmh

Attachment

cc: Tim Bennett, Commissioner

406-07

COST REIMBURSEMENT AGREEMENT  
BETWEEN  
THE FEDERAL BUREAU OF INVESTIGATION (FBI)  
AND  
LEXINGTON FAYETTE URBAN COUNTY, DIVISION OF POLICE

TASK FORCE FILE # 87-LS-C72821

Pursuant to Congressional appropriations, the FBI receives authority to pay overtime for police officers assigned to the formalized **Kentucky Criminal Enterprise Task Force** (KCETF) as set forth below for expenses necessary for detection, investigation, and prosecution of crimes against the United States. It is hereby agreed between the FBI and the Lexington Fayette Urban County, Division of Police, at 150 E. Main St. Lexington, Kentucky; Taxpayer Identification Number: 61-0858140 Phone Number (859) 258-3700, that:

1) Commencing upon execution of this agreement, the FBI will, subject to availability of the required funding, reimburse the agency for overtime payments made to the officers assigned full-time to the task force.

2) Requests for reimbursement will be made on a monthly basis and should be forwarded to the FBI field office as soon as practical after the first of the month which follows the month for which reimbursement is requested. Such requests should be forwarded by the Supervisor of the agency to the FBI Task Force Squad Supervisor and Special Agent in Charge for their review, approval, and processing for payment.

3) Overtime reimbursements will be made directly to the agency by the FBI. All overtime reimbursement payments are made by electronic fund transfer (EFT). An ACH Vendor/Miscellaneous Payment Enrollment Form must be on file with the FBI to facilitate EFT.

4) Overtime reimbursements will be calculated at the usual rate for which the individual officer's time would be compensated in the absence of this agreement. However, said reimbursement, per officer, shall not exceed monthly and/or annual limits established annually by the FBI. The limits, calculated using Federal pay tables, will be in effect for the Federal fiscal year running from October 1st of one year through September 30th of the following year, unless changed during the period. The FBI reserves the right to change the reimbursement limits, upward or downward, for subsequent periods based on fiscal priorities and appropriations limits. The FBI will notify the agency of the applicable annual limits prior to October 1st of each year.

5) The number of agency officers assigned full-time to the task force and entitled to overtime reimbursement by the FBI shall be approved by the FBI in advance of each fiscal year. Based on the needs of the task force, this number may change periodically, upward or downward, as approved in advance by the FBI.

6) Prior to submission of any overtime reimbursement requests, the agency must prepare an official document setting forth the identity of each officer assigned full-time to the task force, along with the regular and

overtime hourly rates for each officer. Should any officers change during the year, a similar statement must be prepared regarding the new officers prior to submitting any overtime reimbursement requests for the officers. The document should be sent to the field office for FBI review and approval.

7) Each request for reimbursement will include the name, rank, ID number, overtime compensation rate, number of reimbursable hours claimed, and the dates of those hours for each officer for whom reimbursement is sought. The request must be accompanied by a certification, signed by an appropriate Supervisor of the agency, that the request has been personally reviewed, the information described in this paragraph is accurate, and the personnel for whom reimbursement is claimed were assigned full-time to the task force.

8) Each request for reimbursement will include an invoice number, invoice date, taxpayer identification number (TIN), and the correct banking information to complete the electronic fund transfer. The necessary banking information is the Depositor Account Title, Bank Account Number, Routing Number, and Type of Account (either checking, savings, or lockbox). If the banking information changes, a new ACH Vendor/Miscellaneous Payment Enrollment Form must be submitted to the FBI.

9) Requests for reimbursement must be received by the FBI no later than December 31st of the next fiscal year for which the reimbursement applies. For example, reimbursements for the fiscal year ending September 30, 2005 must be received by the FBI by December 31, 2005. The FBI is not obligated to reimburse any requests received after that time.

10) This agreement is effective upon signature of the parties and will remain in effect for the duration of the agency's participation in the task force, contingent upon approval of necessary funding, and unless terminated in accordance with the provisions herein. This agreement may be modified at any time by written consent of the parties. It may be terminated at any time upon mutual consent of the parties, or unilaterally upon written notice from the terminating party to the other party at least 30 days prior to the termination date.

FOR LEXINGTON FAYETTE COUNTY  
DIVISION OF POLICE:

FOR THE FBI:

Anthony Beatty 4-26-07  
Date

\_\_\_\_\_  
Special Agent in Charge Date

\_\_\_\_\_  
Jim Newberry, Mayor Date  
Lexington-Fayette Urban County

\_\_\_\_\_  
Contracting Officer Date  
FBI Headquarters



Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT  
Department of General Services

**TO: JIM NEWBERRY, MAYOR  
URBAN COUNTY COUNCIL  
KIMRA COLE, COMMISSIONER DEPARTMENT OF GENERAL  
SERVICES**

**FROM: ROBERT K. STARKWEATHER, ADMINISTRATIVE OFFICER  
DEPARTMENT OF GENERAL SERVICES**

*RKS*

**DATE: August 6, 2007**

**SUBJECT: REQUEST COUNCIL PASS A RESOLUTION AUTHORIZING  
THE MAYOR TO ENTER INTO AN AGREEMENT WITH  
SPRINTCOM, INC., A KANSAS CORPORATION FOR THE  
LEASE TO THE COMMUNICATIONS COMPANY OF  
APPROXIMATELY 800 SQUARE FEET WITHIN COLDSTREAM  
PARK FOR A STEALTH ALTERNATIVE DESIGN CELL TOWER  
LOCATION.**

---

This Resolution would authorize the Mayor to enter into a lease agreement with SprintCom, Inc., a Kansas Corporation for approximately 800 square feet within Coldstream Park for a stealth alternative design cell tower, enclosed equipment cabinet location and right of way to the site for placement of the tower.

The initial term of the lease would be for five years and could be extended for four additional five year terms. If SprintCom, Inc. should choose not to extend the lease at the end of any term they are required to provide six month termination notice prior to the end of the then current term. During the period of any term SprintCom, Inc. may cancel the lease with 90 days written notice and payment of six months of the then existing monthly rental.

The Government is to receive \$1000 as option money upon full execution of the lease agreement. This option is for six months and can be extended for an additional six months by an additional \$1000 option payment.

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Upon exercise of the option the Government is to receive \$65,000 which covers the first three years of the initial lease term. The final three years rental will be \$18,000 annually paid at the rate of \$1,500 per month. Subsequent five year leases will be renewable at 115 per cent of the prior term rental.

If SprintCom, Inc. terminates the lease they are to remove all their property and restore the site to it's original condition, reasonable wear and tear excepted.

Colocation of other carriers at the site is a possibility. If SprintCom, Inc. leases space on the tower to another carrier, ground space would be leased by the Government. If this were to happen, SprintCom Inc.'s monthly payment would be reduced by an amount equal to 25% of the additional lease money the Government receives. In no case would SprintCom, Inc.'s monthly payment be reduced by more than 50%

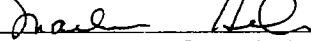


414-07 57

Mayor Jim Newberry  
**LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**  
Department of Social Services

**MEMORANDUM**

**To:** Mayor Jim Newberry  
Members of the Council  
Joe Kelly, Sr. Advisor for Management

**FROM:**   
Marlene Helm, Commissioner

**DATE:** August 06, 2007

**SUBJECT:** Agreement with Roberts & Kay, Inc.

I am requesting approval to enter into an agreement with Roberts & Kay, Inc., to provide consulting services and guidance to the Department of Social Services Needs Assessment project. This project will assess needs in five areas: Adult Assessment, Housing, Special Needs, Young Children, Youth, and issues that cut across these lines.

Cost is not to exceed \$6,000 and is fully budgeted.

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200 East Main Street Lexington, KY 40507 859.258.3800 Fax 859.258.3406 [www.lfucg.com](http://www.lfucg.com)



Mayor Jim Newberry  
**LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**  
Division of Community Development

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

**FROM: PAULA KING, DIRECTOR  
DIVISION OF COMMUNITY DEVELOPMENT**

**DATE: JULY 17, 2007**

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE AMENDMENT TO  
AGREEMENT WITH ASBURY COLLEGE FOR PERFORMANCE OF  
ADDITIONAL SERVICES UNDER THE 2003 PROJECT SAFE  
NEIGHBORHOODS PROJECT—FY 2008**

On December 12, 2006, (Ordinance No. 384-2006), the Urban County Council approved the execution of an agreement in the amount of \$6,000 with Asbury College for the development of an anti-gang public service announcement under the Anti-Gang Initiative Project awarded to the LFUCG from the U.S. Department of Justice, on behalf of the U.S. Attorney's Office—Eastern District of Kentucky. The LFUCG serves in the capacity of fiscal agent for this grant.

The U.S. Attorney's Office and the Project Safe Neighborhoods Task Force have agreed to provide Asbury College with additional funds in the amount of \$11,370 remaining from the 2003 Project Safe Neighborhoods Grant for the enhancement of this project.

Funds are budgeted as follows:

FUND	DEPT ID	SECTION	ACCOUNT	PROJECT	BUDGET REF
3140	505001	5011	71200	Project Safe Neigh	2004

Council authorization to execute the amendment to the agreement is hereby requested.

Paula King, Director

Xc: Tim Bennett, Commissioner of the Department of Public Safety

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391-07 59

Mayor Jim Newberry

**LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**  
Division of Community Development

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

**FROM: PAULA KING, DIRECTOR  
DIVISION OF COMMUNITY DEVELOPMENT**

**DATE: JULY 19, 2007**

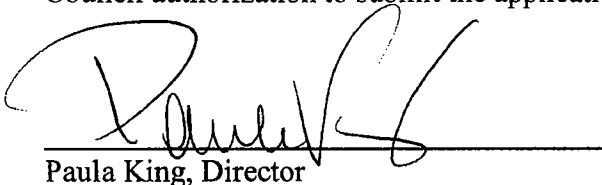
**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO SUBMIT APPLICATION  
TO THE KENTUCKY DIVISION OF EMERGENCY MANAGEMENT  
FOR A SEARCH AND RESCUE PROJECT IN THE DIVISION OF FIRE  
AND EMERGENCY SERVICES--2008**

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The Division of Fire and Emergency Services has prepared an application for submission to the Kentucky Division of Emergency Management requesting state funds in the amount of \$4,195 for the purchase of equipment for the division's rescue squad. The Rescue Grant Program is established by KRS 39F to develop, train, and equip local emergency management rescue squads. The Division of Fire and Emergency Services will use funds for the purchase of minor equipment that includes, rescue pulley, rope, rescue/rappel harness, life jackets, water rescue dry suits, and other miscellaneous rescue equipment.

Matching funds in the amount of \$4,195 (50%) are required. Matching funds are budgeted in the Division of Fire and Emergency Service's 2008 general fund budget.

Council authorization to submit the application is hereby requested.



Paula King, Director

Xc: Tim Bennett, Commissioner, Department of Public Safety

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392-07 60

Mayor Jim Newberry

**LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**  
Division of Community Development

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

**FROM: PAULA KING, DIRECTOR**  
**DIVISION OF COMMUNITY DEVELOPMENT**

**DATE: JULY 23, 2007**

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO APPROVE MEMORANDUM**  
**OF AGREEMENT WITH TRANSIT AUTHORITY OF LEXINGTON-**  
**FAYETTE URBAN COUNTY GOVERNMENT AND ART IN MOTION, INC.**  
**FOR THE DESIGN AND INSTALLATION OF AN ART SHELTER (BUS**  
**SHELTER) FOR THE VERSAILLES ROAD CORRIDOR ENHANCEMENT**  
**PROJECT—FY 2008**

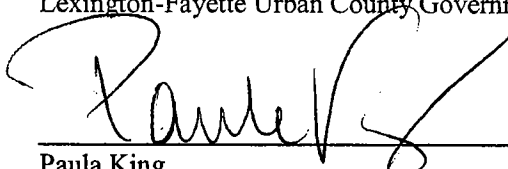
On November 2, 2006 (Ordinance # 319-2006), Council approved acceptance of a grant from the Kentucky Transportation Cabinet for the Versailles Road Enhancements Project. Transportation enhancement activities are authorized under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), a federal law requiring that 10% of federal surface transportation funds be used for Transportation Enhancement projects. This project provides for landscaping and streetscape improvements within the public right-of-way on Versailles Road from the High Street/Maxwell Street/Versailles Road intersection to the Man O War Boulevard intersection.

Corridors Committee in conjunction with the Transit Authority of the Lexington-Fayette Urban County Government have selected Art in Motion, Inc. to design and install an artistically designed transit shelter in the 1200 block of Versailles Road in front of Versailles Road Shops. Art in Motion, Inc., will conduct a design contest for the purpose of obtaining an appropriate and artistic design for the shelter. The cost of the project is \$14,000.

Funds are budgeted in:

FUND	DEPT ID	SECTION	GRANT	ACCOUNT	BUD REF
3160	134201	1423	VERS_RD-COR	90310	2007

Council authorization to approve the Memorandum of Agreement with Transit Authority of Lexington-Fayette Urban County Government and Art in Motion, Inc., is hereby requested.

  
\_\_\_\_\_  
Paula King  
Director

Xc: Rebecca Langston, Council Administrator

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398-07 61

Mayor Jim Newberry  
**LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**  
Division of Community Development

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

**FROM: PAULA KING, DIRECTOR**  
**DIVISION OF COMMUNITY DEVELOPMENT**

**DATE: JULY 25, 2007**

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO AMEND THE 2007**  
**CONSOLIDATED PLAN TO PROVIDE FOR THE ESTABLISHMENT**  
**OF A NEW COMMUNITY DEVELOPMENT BLOCK GRANT**  
**PROJECT--REQUIRES PUBLIC HEARING ON AUGUST 16, 2007**

The following is being recommended as a new Community Development Block Grant (CDBG) project as an amendment to the 2007 Consolidated.

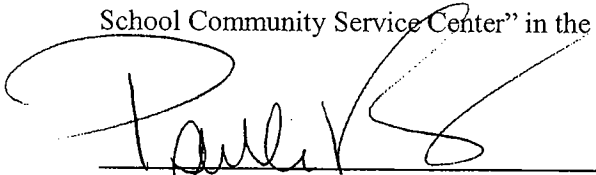
Community Development Block Grant (CDBG) Funding in the amount of \$200,000 to support rehabilitation of the property located at 201 West Fifth Street (formerly Russell Elementary School). Property is owned by the Russell School Community Service Center, Inc., an organization formed by Community Action Council and the Urban League of Lexington-Fayette County. Once rehabilitated, property will be used as a community facility that includes elderly housing, social services, child development services, and civic and cultural activities. Federal funds will be used to refinance existing debt and to support rehabilitation costs.

Since this is not a previously approved CDBG project, a public hearing is necessary prior to approval of a plan amendment by the Urban County Council. This requirement for a public hearing to review new CDBG projects is required by both federal regulations and the approved Citizens Participation Plan.

Funds to support this new project will come from funds remaining from budgeted CDBG administrative and housing rehabilitation operating costs in the 2004 Consolidated Plan.

Budget amendment is in process providing funds for this project.

Council authorization to amend the 2007 Consolidated Plan, establishing a new project, "Russell School Community Service Center" in the amount of \$200,000 is hereby requested.

  
\_\_\_\_\_  
Paula King, Director

Xc: Kyna Koch, Commissioner of Finance

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399-07

62

# Lexington-Fayette Urban County Government

Jim Newberry, Mayor

TO: Mayor Jim Newberry  
Urban County Council

FROM: Penny Ebel  
Penny Ebel, Special Events

DATE: July 23, 2007

SUBJECT: Request Approval of Payment to Zambilli Fireworks Internationale  
for the 2007 4th of July Fireworks Display

This request would authorize the payment of \$35,000 to Zambilli Fireworks Internationale for the fireworks display for the 4th of July 2007 celebration.

Funds will come from revenue of the 4th of July.



400-07 63

# Lexington-Fayette Urban County Government

Jim Newberry, Mayor

TO: Mayor Jim Newberry  
Urban County Council

FROM: Penny Ebel  
Penny Ebel, Special Events

DATE: July 23, 2007

SUBJECT: Request Approval of Payment to the Lexington Philharmonic Society for the Patriotic Concert on July 3 as part of the 4th of July 2007 Celebration

This request would authorize the payment of \$21,750 to the Lexington Philharmonic Society for the performance of the Patriotic Concert held at Transylvania on July 3 as part of the 4<sup>th</sup> of July celebration. Funds are from National City, KLC and Keeneland sponsors.



411-07 64

Mayor Jim Newberry  
**LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**  
Division of Traffic Engineering

**MEMORANDUM**

TO: Jim Newberry, Mayor  
Joe Kelly, Senior Advisor  
Urban County Councilmembers

FROM: Ron Herrington, Director Traffic Engineering *RH*

DATE: August 3, 2007

SUBJECT: Memorandum of Agreement between the Lexington-Fayette Urban County Government and the Kentucky Transportation Cabinet

The Division of Traffic Engineering is requesting authorization to mutually rescind the Access Agreement approved by R-319-2005; and to authorize a new agreement for the control, sharing and maintenance of camera systems for Traffic Management, Homeland Security and AMBER Alerts. The Kentucky Transportation Cabinet (KYTC) has a Statewide Transportation Operations Center in Frankfort, Kentucky to collect and disseminate traffic and road condition information, security breeches and AMBER Alerts on a statewide basis including the Lexington Traffic Management Center.

This new Agreement is for the control, sharing and maintenance of Closed Circuit Television (CCTV) camera systems and Dynamic Message Signs developed by the LFUCG and KYTC for Traffic Management, Homeland Security and AMBER Alerts in Fayette and surrounding counties. The CCTV images show live traffic and weather conditions, traffic congestion, work zones, security breeches and identified AMBER Alert vehicles.

This Agreement provides both agencies with mutual benefits to minimize duplication of expenditures and efforts in traffic management. The KYTC is responsible for maintaining equipment in the LFUCG Traffic Management Center Server Room, as well as on the Interstate System in Fayette, and surrounding counties that possess Dynamic Message Signs and Closed Circuit Television cameras.

The division requests approval of the attached Agreement KYTC initiative. There is no budgetary impact.

Approved by: *Don C. Kelly*  
Don Kelly, Commissioner of Public Works and Development

Attachment  
RDH/kka



409-07 65

Mayor Jim Newberry  
**LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**  
Division of Community Development

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

**FROM: PAULA KING, DIRECTOR  
DIVISION OF COMMUNITY DEVELOPMENT**

**DATE: JULY 9, 2007**

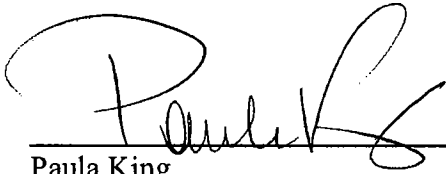
**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT AWARD  
FROM THE KENTUCKY JUSTICE AND PUBLIC SAFETY  
CABINET FOR PARTICIPATION IN THE LAW ENFORCEMENT  
SERVICE FEE GRANT PROGRAM – FY 2008**

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On April 12, 2007 (Resolution # 146-2007), Council approved the submission of an application prepared by the Division of Police to the Kentucky Justice and Public Safety Cabinet requesting funding in the amount of \$35,000 from the Law Enforcement Service Fee Program. The Kentucky Justice and Public Safety Cabinet has offered the LFUCG an award in the amount of \$35,000:

These funds will be used to support overtime costs of approximately 1,144 police officer overtime hours for a Traffic Alcohol Patrol. No matching funds are required. The source of funds is the Law Enforcement Service Fee Fund.

Council authorization to accept the award is hereby requested.

  
\_\_\_\_\_  
Paula King  
Director

Xc: Tim Bennett, Commissioner of Public Safety

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410-07

66

Mayor Jim Newberry

**LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**  
Division of Community Development

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

**FROM: PAULA KING, DIRECTOR**  
**DIVISION OF COMMUNITY DEVELOPMENT**

**DATE: JULY 9, 2007**

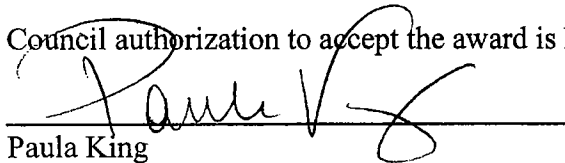
**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT AWARD OF FEDERAL FUNDS FROM THE KENTUCKY JUSTICE AND PUBLIC SAFETY CABINET FOR THE CONTINUATION OF THE STREET SALES ENFORCEMENT PROJECT FOR FY 2008**

On April 19, 2007 (Resolution # 168-2007), Council approved the submission of an application prepared by the Division of Police to the Kentucky Justice and Public Safety Cabinet requesting federal funding for continuation of the Street Sales Drug Enforcement project for Fiscal Year 2008. The Kentucky Justice and Public Safety Cabinet has offered the LFUCG an award in the amount of \$110,000 to continue the activities of the Lexington-Fayette Urban County Government's Division of Police and the Fayette County Commonwealth Attorney's Office in their attempts to arrest and convict the street level drug dealers. A local match of 25% (\$36,670) is required. This match has been requested in the Division of Police's 2008 General Fund budget. Total project cost is \$146,670.

The Division of Police will use funding for overtime and confidential funds in the Narcotics Unit. The Commonwealth Attorney's Office will use funds to support the cost of one full-time Assistant Prosecutor.

The source of these federal funds is the Edward Byrne Memorial Justice Assistance Grant Program in the U.S. Department of Justice.

Council authorization to accept the award is hereby requested.



Paula King  
Director

Xc: Tim Bennett, Commissioner of Public Safety

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408-07 67

Mayor Jim Newberry

**LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**  
Division of Community Development

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

**FROM: PAULA KING, DIRECTOR  
DIVISION OF COMMUNITY DEVELOPMENT**

**DATE: JULY 9, 2007**

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO SUBMIT APPLICATION  
AND ACCEPT AWARD, IF OFFERED, FROM THE KENTUCKY  
JUSTICE AND PUBLIC SAFETY CABINET FOR OPERATION OF A  
MOTOR CARRIER SAFETY ASSISTANCE PROGRAM – FY 2008**

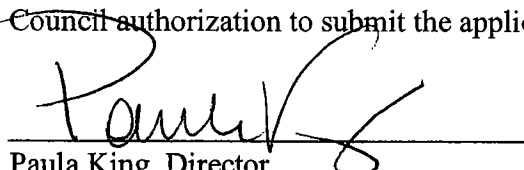
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The Division of Police has prepared a grant application requesting federal funds from the Kentucky Justice and Public Safety Cabinet, Kentucky Vehicle Enforcement, to continue operation of the Motor Carrier Safety Assistance Program (MCSAP) in the Division of Police for FY 2008. The source of federal funds is the Federal Highway Administration.

The program was begun in FY95 to reduce the number of commercial vehicle collisions and the deaths and injuries associated with these collisions. The program will continue to conduct motor carrier inspections on interstate and non-interstate highways; expand database as it relates to inspections, collisions, fatalities and vehicles taken out of service; training of new officers for the MCSAP; and the entry of inspection results into computerized system for submission to the Kentucky Justice and Public Safety Cabinet, Kentucky Vehicle Enforcement.

Federal funding in the amount of \$75,000 is being requested for continuation of this program. These funds will be used for officer overtime, professional development, and minor equipment and operating supplies. A 20% match is required. The match of \$18,750 will come from existing budgeted staff salaries in the Division of Police. Total cost of the project is \$93,750.

Council authorization to submit the application and accept the award is hereby requested.

  
Paula King, Director

Xc: Tim Bennett, Commissioner of Public Safety

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407-07

68

Mayor Jim Newberry

**LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**  
Division of Community Development

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

**FROM: PAULA KING, DIRECTOR  
DIVISION OF COMMUNITY DEVELOPMENT**

**DATE: JULY 9, 2007**

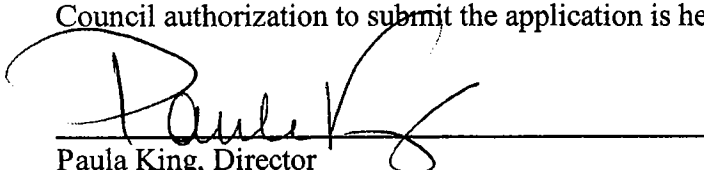
**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO SUBMIT  
APPLICATION TO THE U.S. DEPARTMENT OF HOMELAND  
SECURITY REQUESTING PARTICIPATION IN THE  
COMMERICAL EQUIPMENT DIRECT ASSISTANCE PROGRAM**

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The Division of Police has prepared an application for submission to the U.S. Department of Homeland Security requesting the transfer of equipment under the Commercial Equipment Direct Assistance Program (CEDAP). The Division of Police is requesting a Wolf Pack Remote Viewing system designed to assist in tactical operations, forensics and evidence recovery, physical security, and contraband interdiction. The estimated value of this equipment is \$25,000. If awarded, this equipment will be used by the Division of Police Emergency Response Unit in handling terrorism-related critical incident events.

CEDAP is an innovative federal agency designed to fill gaps with small agencies in areas of equipment they have not previously been able to acquire through other sources. CEDAP does not provide funds, but rather transfers the equipment to the local agency. CEDAP will accept applications for the transfer of equipment to emergency responder agencies not currently funded through the Urban Areas Security Initiative.

Council authorization to submit the application is hereby requested.

  
Paula King, Director

Xc: Tim Bennett, Commissioner of the Department of Public Safety

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412-07 69

Mayor Jim Newberry  
**LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**  
Division of Community Development

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

**FROM: PAULA KING, DIRECTOR**  
**DIVISION OF COMMUNITY DEVELOPMENT**

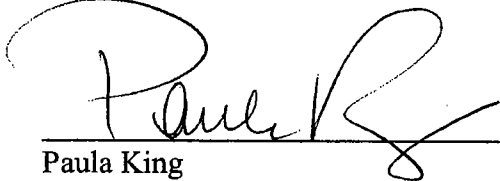
**DATE: JULY 9, 2007**

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO SUBMIT**  
**APPLICATION AND ACCEPT AWARD, IF OFFERED, TO THE**  
**NATIONAL ASSOCIATION OF POLICE ATHLETIC/**  
**ACTIVITIES LEAGUE, INC., FOR A NFL YOUTH FOOTBALL**  
**GRANT FOR THE DIVISION OF POLICE—POLICE ACTIVITIES**  
**LEAGUE PROJECT—FY 2008**

The Division of Police has prepared an application for submission National Association of Police Athletic/Activities League, Inc., requesting a grant of \$6,500 from the NFL Youth Football Program for a Police Activities League project. The purpose of the project is to expand the Lexington Police Activities League tackle football program by increasing youth participation. The LFUCG Division of Police through its Bureau for Community Services has sponsored athletic and educational programs in public housing projects for low-income youth. Football has been an athletic program that has been successfully offered to low-income youth who would otherwise not have the opportunity to play.

These funds will be used for operating supplies, uniforms, equipment, and travel. No matching funds are required. The source of funds is the National Football League.

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



Paula King  
Director

Sc: Tim Bennett, Commissioner of the Department of Public Safety

**HORSE CAPITAL OF THE WORLD**

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420-07 70

Mayor Jim Newberry

## LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Division of Community Development

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

**FROM: PAULA KING, DIRECTOR  
DIVISION OF COMMUNITY DEVELOPMENT**

**DATE: AUGUST 7, 2007**

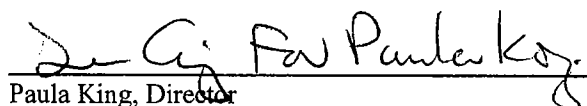
**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO SUBMIT APPLICATION AND  
ACCEPT AWARD, IF OFFERED, OF FEDERAL FUNDS FROM THE KENTUCKY  
DEPARTMENT OF JUVENILE JUSTICE FOR CONTINUATION OF THE  
TRUANCY ASSESSMENT CENTER UNDER TITLE V OF THE JUVENILE  
JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974—FY 2008**

Partners for Youth Foundation has prepared a grant application for submission to the Kentucky Department of Juvenile Justice requesting federal funds under the Title V delinquency prevention program for continuation of a truancy assessment center project begun in Fiscal Year 2007. The purpose of this center is to divert youth from Family Court for habitual truancy to the Court Designated Worker Program (CDW), building upon a collaborative working relationship among Family Court, Partners for Youth, Division of Youth Services, Croney & Clark, University of Kentucky College of Social Work, and other youth-serving organizations. The Truancy Assessment Center employs a holistic approach in addressing the truancy problem, developing a case plan with the family and providing intensive case management services.

The amount of federal funds requested from the Kentucky Department of Juvenile Justice is \$92,149. If approved, these funds will be used by Partners for Youth to employ a Truancy Assessment Center Coordinator and for case management services on a contractual basis. A match that is equal to 50% of the federal funds is required. Matching funds in the amount of \$46,464 will be documented from project time donated by a Family Court Judge, Family Court employees, and employees of the Fayette County Public Schools. Value of donated space will also be used to document grant match. Total project cost is \$138,613.

Title V of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended and reauthorized in 2002, established the Incentive Grants for Local Delinquency Prevention Programs. Only local governments are eligible applicants. Other eligibility factors include having a prevention board and completion of a 3-year comprehensive delinquency prevention plan. If funding is approved, the LFUCG, as grant recipient, will enter into a subrecipient agreement with Partners for Youth Foundation which will be responsible for implementation and operation of all project activities and documentation of match.

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

  
Paula King, Director

HORSE CAPITAL OF THE WORLD

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416-07<sub>71</sub>

Jim Newberry, Mayor  
**LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**  
Division of Human Resources

**TO:** Mayor Jim Newberry  
Senior Advisor Joe Kelly  
Councilmember's

**FROM:**   
Michael Allen, Director  
Division of Human Resources

**DATE:** August 7, 2007

**RE:** Create and title change—Division of Government Communications

The attached action amends Section 21-5 of the Code of Ordinances changing the position title of Customer Service Supervisor to Customer Service Manager and its incumbent. This Action also, creates one (1) position of Customer Service Supervisor (Grade 113E), all within the Division of Government Communications effective upon passage by Council.

The position of Customer Service Supervisor will report to the Customer Service Manager. The level of responsibility and duties for this position will provide administrative and supervisory support to Customer Service Manager. This is needed due to the addition of Customer Service Specialist positions, extended hours of operation and additional services provided by LexCall such as 311 service and increasing services in assistance to other government divisions.

Based on staff analysis, which includes whole job rank, factor comparison and review by the Mercer Job Evaluation Committee, it is recommended that this position be classified as stated above.

The fiscal impact for FY2008 (21 pay periods) will be \$42,179.46 and will be funded using monies from the General Fund (27% \$11,388.45), Urban Services (69% \$29,103.83) and Sanitary Sewers (4% \$1,687.18). All costs include benefits.

Name	Position Title	Annual Salary Before	Annual Salary After	Annual Increase/Decrease
Vacant	Customer Service Supervisor	\$0	\$37,814.40	\$37,814.40
Total Annual Impact with benefits \$52,222.19				

If you have questions or need additional information, please contact Tracey Stephenson at 258-3030.

Attachment  
TS/dhf

cc: David Sullivan, Director, Division of Government Communications  
Darrylyn Combs, Human Resources Manager, Division of Human Resources  
Jim Dodson, Human Resources Analyst, Division of Human Resources

Log # 08-0005



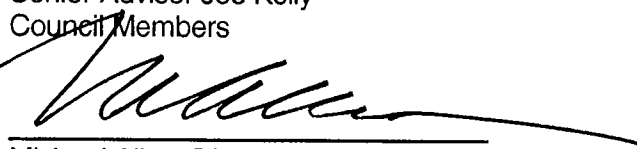


417-07 73

Jim Newberry, Mayor  
**LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**  
Division of Human Resources

## MEMORANDUM

**TO:** Mayor Jim Newberry  
Senior Advisor Joe Kelly  
Council Members

**FROM:**   
Michael Allen, Director  
Division of Human Resources

**DATE:** August 1, 2007

**RE:** **Create Position—Division of Family Services**

The attached action amends Section 22-5 of the Code of Ordinances, creating one (1) position of Family Support Worker, Sr. (Grade 112N) within the Division of Family Services. This position is established for one year, effective upon passage by Council.

The Division of Family Services requests this action as a result of a grant received from the Cabinet of Health and Family Services, Commonwealth of Kentucky. This position is responsible for initiating and maintaining regular & long term contact, and provides support to parents, identified as "families in need of service" and referred to the Division by CHFS, during the prenatal period and extending up to but not inclusive of the child's sixth birthday.

The duties described on the PAQ fall within the existing job description for this classification; therefore, this action will be reported as *information only* to the Mercer Job Evaluation Committee.

The fiscal impact for FY2008 will be \$37,851. The "Partners in Prevention" Community Partnership Grant will cover this impact. All costs include benefits.

If you have questions or need additional information, please contact Tracey Stephenson at 258-3030.

Attachment

cc: Marlene Helm, Commissioner, Department of Social Services  
Darrylyn Combs, Human Resources Manager, Division of Human Resources  
Jim Dodson, Human Resources Analyst, Division of Human Resources

Log #08-0003

### Changes in Authorized Positions

Date: August 1, 2007

**Changes From:**

Changes From:				Changes To:			
Div. Line #	No. Pos.	Class Code	Pay Grade	Position Title	Prog. #	Employee Name	Hourly or Bi-weekly Salary
<b>Division of Family Services</b>							
640.016	8	511	112N	Family Support Worker Sr	641(8)	.....	.....
640.016	9	511	112N	Family Support Worker Sr	641(9)	.....	.....

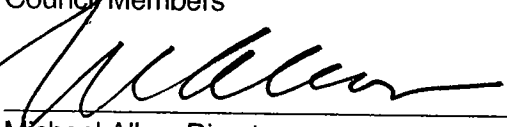
417-07 <sup>74</sup>



Jim Newberry, Mayor  
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT  
Division of Human Resources

## MEMORANDUM

**TO:** Mayor Jim Newberry  
Senior Advisor Joe Kelly  
Council Members

**FROM:**   
Michael Allen, Director  
Division of Human Resources

**DATE:** July 31, 2007

**SUBJECT:** Error Correction—Amend Ordinance No. 132-2007

The attached action amends Section 12 of Ordinance No. 132-2007, correcting a typographical error.

Section 12 currently reads: *That the following subsection line number of Section 21-5(2) of the Code of Ordinances be and hereby are created to read as follows:*

520. 35 1 943 113N Environmental Inspector

Section 12 should be amended to read: *That the following subsection line number of Section 21-5(2) of the Code of Ordinances be and are created to read as follows:*

390. 35 1 943 113N Environmental Inspector

There is no fiscal impact associated with this action.

If you have questions or need additional information, please contact Tracey Stephenson at 258-3030.

Attachment

cc: Darrylyn Combs, Human Resources Manager, Division of Human Resources  
Jim Dodson, Human Resources Analyst, Division of Human Resources

Log # 07-1120



419-6776

Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Department of Finance

## MEMORANDUM

TO: Jim Newberry, Mayor  
Members, Urban County Council

FROM: Kyna Koch, Commissioner  
Department of Finance

DATE: August 6, 2007

SUBJECT: Sheriff's Settlement – 2006 Property Taxes

Attached is the *Fayette County Sheriff's Settlement – 2006 Taxes* prepared by Moore Stephens Potter, LLP. The audit report indicates that all taxes collected were appropriately accounted for and remitted.

Approval of this report is requested.

c: Kathy Witt, Fayette County Sheriff  
Bill O'Mara, Director of Revenue

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419-07 77



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Offices in Lexington and Louisville

**INDEPENDENT ACCOUNTANT'S COMPILATION REPORT**

To the Honorable Kathy H. Witt,  
Fayette County Sheriff

We have compiled the Fayette County Sheriff's Settlement - 2006 Taxes as of April 27, 2007 in accordance with Statements on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants.

A compilation is limited to presenting in the form of financial statements information that is the representation of the Fayette County Sheriff. We have not audited or reviewed the accompanying financial statement and, accordingly do not express an opinion or any other form of assurance on it.

As described in Note 1, the Fayette County Sheriff prepares the financial statement on a prescribed basis of accounting that demonstrates compliance with the modified cash basis, which is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America. Accordingly, this financial statement is not designed for those who are not informed about such differences.

*Potter & Company, LLP*

POTTER & COMPANY, LLP  
August 2, 2007

**MOORE STEPHENS**  
INTERNATIONAL LIMITED

An independent member firm of

FAYETTE COUNTY  
KATHY H. WITT, COUNTY SHERIFF  
SHERIFF'S SETTLEMENT - 2006 TAXES

April 27, 2007

<u>Charges</u>	<u>County Taxes</u>	<u>Urban Service District</u>	<u>Special Taxing Districts</u>	<u>School Taxes</u>	<u>State Taxes</u>
Real Estate	\$ 15,455,928	\$ 30,366,064	\$ 17,677,717	\$ 104,520,711	\$ 24,729,493
Tangible Personal Property	1,602,148		1,607,387	8,753,469	5,490,095
Increases Through Exonerations	2,549	1,169	2,496	14,770	7,344
Brokers' Accounts					
Franchise Taxes	486,335	172,165	473,287	2,816,732	
Additional Billings	6,140	12,272	6,554	41,440	9,890
Limestone, Sand, and Mineral Reserves	1,235	1,667	1,413	8,353	1,976
Penalties	57,410	105,713	64,742	382,912	97,320
Adjusted to Sheriff's Receipt			77	91	22
Gross Chargeable to Sheriff	<u>\$ 17,611,745</u>	<u>\$ 30,659,050</u>	<u>\$ 19,833,673</u>	<u>\$ 116,538,478</u>	<u>\$ 30,336,140</u>
<u>Credits</u>					
Exonerations	\$ 109,178	\$ 23,084	\$ 104,113	\$ 611,192	\$ 587,578
Discounts	285,690	507,540	323,280	1,896,502	497,716
Delinquents:					
Real Estate	178,245	360,410	203,870	1,205,383	285,194
Tangible Personal Property	16,388		15,130	89,552	65,172
Intangible Personal Property					
Additional Billings	550	1,175	538	3,697	900
Franchise Taxes	16,172	2,026	16,054	94,708	
Uncollected:					
Additional Billings	598	1,198	668	4,045	959
Franchise Taxes	176,111	24,251	166,167	983,329	
Total Credits	<u>\$ 782,932</u>	<u>\$ 919,684</u>	<u>\$ 829,820</u>	<u>\$ 4,888,408</u>	<u>\$ 1,437,519</u>
Taxes Collected	\$ 16,828,813	\$ 29,739,366	\$ 19,003,853	\$ 111,650,070	\$ 28,898,621
Less Commissions *	715,512	350,000	807,664	1,116,501	1,228,479
Taxes Due	\$ 16,113,301	\$ 29,389,366	\$ 18,196,189	\$ 110,533,569	\$ 27,670,142
Taxes Paid	16,099,583	29,376,149	18,183,083	110,450,446	27,631,165
Refunds (Current and Prior Year)	13,717	13,218	13,107	83,123	38,976
Due Districts or (Refund Due Sheriff)	<u>\$ 1</u>	<u>\$ (1)</u>	<u>** (1)</u>	<u>\$ -</u>	<u>\$ 1</u>

\* See Next Page

See accompanying notes and accountant's report.

FAYETTE COUNTY  
KATHY H. WITT, COUNTY SHERIFF  
SHERIFF'S SETTLEMENT - 2006 TAXES  
April 27, 2007  
(Continued)

\* Commissions:

10% on	\$	10,000	
4.25% on	\$	64,721,285	
1% on	\$	111,650,070	
\$350,000 on	\$	29,739,367	(City Taxes)

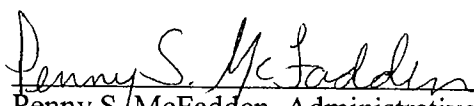
See accompanying notes and accountant's report.



Mayor Jim Newberry

**LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**  
Office of Compliance Department of Environmental Quality

TO: Mayor Jim Newberry  
Urban County Council

FROM:   
Penny S. McFadden, Administrative Officer Sr.

DATE: August 9, 2007

RE: UST Claim Request Form

Attached you will find a Claim Request Form for reimbursement of cleanup and site assessment activities for the removal of two underground storage tanks located at the Division of Parks' South Base.

Upon removal of the tanks, it was determined that petroleum releases from these tanks had impacted the environment. A cleanup contractor was subsequently retained to clean up the release. The purpose of the attached Claim Request Form (DEP6064/01/06) is to allow the LFUCG and/or the LFUCG's contractor to be reimbursed for remediation and site assessment costs as allowed under Kentucky Underground Storage Tank regulations (401 KAR 42:250). Under these regulations, owners and operators of underground storage tanks can be reimbursed for cleanup and site assessment activities provided certain conditions are met (the LFUCG has met these conditions). For a government/nonprofit, the Claim Request Form must be signed by a principal, executive officer or ranking elected official.

Please note additional Claim Request Forms will need to be submitted to the Cabinet as work progresses- we are asking that approval to sign future Claim Request Forms be granted at this time to expedite the process. This Claim Form is for \$4,106 and we anticipate requesting reimbursements this fiscal year up to \$36,500.

If you have any questions, please contact Tom Webb at 425-2479. Thank you for your consideration of this matter.

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



422-09

Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT  
Department of Law

TO: Jim Newberry, Mayor

FROM: Department of Law

DATE: August 9, 2007

RE: Authorization to Execute Necessary Settlement Documents in PSC Case No. 2007-0008, Columbia Gas of Kentucky, Inc., General Rate Case (07-LP 0159)

The Department of Law recommends that it be authorized to execute the necessary settlement documents in the Columbia Gas rate case before the Public Service Commission. Under the terms of the settlement, Columbia will be granted a rate increase of approximately \$7.25M per year (it had requested an increase of more than \$12M per year). The rate increase is primarily obtained through an increase in each customer's monthly customer charge.

With respect to the Urban County Government's accounts, any overall increase is anticipated to be offset by additional franchise fee revenues. The settlement will be contingent upon final approval by the Public Service Commission.

David J. Barberie  
Attorney Senior

cc: All Councilmembers  
Rebecca Langston, Council Administrator  
Joe Kelly, Senior Advisor  
Robert Starkweather, Telecommunications Officer  
Kimra Cole, Commissioner of General Services  
Leslye Bowman, Director of Litigation

DJB/00131915

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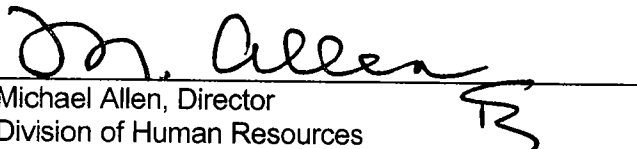
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423-07<sup>82</sup>

Jim Newberry, Mayor  
**LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**  
Division of Human Resources

## MEMORANDUM

**TO:** Mayor Jim Newberry  
Joe Kelly, Senior Advisor  
Council Members

**FROM:**   
Michael Allen, Director  
Division of Human Resources

**DATE:** August 9, 2007

**SUBJECT:** Position Changes—Department of General Services

The attached action amends Section 22-5 of the Code of Ordinances: abolishing one position of Municipal Engineer (Grade 117E) and one position of Administrative Officer (Grade 118E); creating two temporary positions of Administrative Officer (Grade 118E); and, establishing job expiration dates of December 31, 2010 for both positions, all within the Department of General Services, effective upon passage by Council.

The department requests this action to appropriately align positions within the Department of General Services

The fiscal impact for the remainder of FY2008 (21 pay periods) will result in a savings of \$220. The annual impact of this action will result in a savings of \$270. All costs include benefits.

Name	Title	Annual Salary Before	Annual Salary After	Annual Increase/Decrease
Vacant	Municipal Engineer	\$75,000.12	\$0	(\$75,000.12)
Vacant	Administrative Officer	\$81,894.28	\$0	(\$81,894.28)
Vacant	Administrative Officer (Temporary position)	\$0	\$78,311.22	\$78,311.22
Vacant	Administrative Officer (Temporary position)	\$0	\$78,311.22	\$78,311.22
Total Annual Impact = (\$271.96)				

If you have questions or need additional information, please contact Tracey Stephenson at 258-3030.

**Attachment**

**cc:** Kyna Koch, Commissioner, Department of Finance and Administration  
Kimra Cole, Commissioner, Department of General Services  
Darrylyn Combs, Human Resources Manager, Division of Human Resources  
Jim Dodson, Human Resources Analyst, Division of Human Resources

Log # 08-0015

### Changes in Authorized Positions

Date: August 9, 2007

**AMEND SECTION 22-5 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
<b>Commissioner of General Services (710)</b>															
710.016	1	431	117E	Municipal Engineer	711(1)	n/a	n/a								
710.013	1	112	118E	Administrative Officer	711(1)	n/a	n/a	710.013	2	112	118E	Administrative Officer (Temporary positions*)	711(2)	n/a	n/a
								*Expiration date = 12/31/2010							

423-07  
83