

**Urban County Council  
Schedule of Meetings  
October 15, 2007 through October 22, 2007**

**MONDAY, OCTOBER 15**

Human Rights Commission Community Relations Meeting ..... 4:00 pm  
Conference Room-5<sup>th</sup> Floor Government Center

Human Rights Commission Monthly Meeting ..... 5:30 pm  
Conference Room-5<sup>th</sup> Floor Government Center

**TUESDAY, OCTOBER 16**

Don't Borrow Trouble Meeting ..... 10:00 am  
Conference Room-5<sup>th</sup> Floor Government Center

Corridors Committee Meeting ..... 11:30 am  
Conference Room-5<sup>th</sup> Floor Government Center

Planning Committee Meeting ..... 1:00 pm  
Council Chambers-2<sup>nd</sup> Floor Government Center

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

Mayor's Youth Council Meeting ..... 5:30 pm  
Conference Room-5<sup>th</sup> Floor Government Center

Dog Task Force Meeting ..... 6:00 pm  
Conference Room-3<sup>rd</sup> Floor Phoenix Building

**WEDNESDAY, OCTOBER 17**

Infill & Redevelopment: Quality of Process Task Force Meeting ..... 8:30 am  
Conference Room-7<sup>th</sup> Floor Phoenix Building

Exaction Credit Committee Meeting ..... 9:00 am  
Conference Room-9<sup>th</sup> Floor Government Center

Greenspace Commission Meeting ..... 3:00 pm  
Council Chambers-2<sup>nd</sup> Floor Government Center

Town & Gown Commission Meeting ..... 4:00 pm  
Maxwell St Presbyterian Church, 180 E Maxwell St

**THURSDAY, OCTOBER 18**

Planning Commission and Staff Meeting ..... 8:30 am  
McConnell Springs, 416 Rebmman Lane

Council Meeting ..... 7:00 pm  
Council Chambers-2<sup>nd</sup> Floor Government Center

**FRIDAY, OCTOBER 19**

Flu Shot for active LFUCG Employees ..... 1:00 pm  
Ballroom-1<sup>st</sup> Floor Government Center

**MONDAY, OCTOBER 22**

Flu Shot for active LFUCG Employees ..... 7:30 am  
Ballroom-1<sup>st</sup> Floor Government Center

**LEXINGTON-FAYETTE URBAN COUNTY COUNCIL**

**WORK SESSION AGENDA**

**October 16, 2007**

- I. Public Comment – Issues on Agenda**
- II. Requested Rezoning / Docket Approval – Yes**
- III. Approval of Summary-Yes: October 9, 2007, pp.5-10**
- IV. Budget Amendments – Yes, pp.11-18**
- V. New Business, pp.21-33**
- VI. Continuing Business / Presentations**
  - A. Intergovernmental Committee, pp.34-49**
  - B. Community Action Council Heating Initiative Program**
  - C. Address Enforcement – Dave Lucas**
  - D. Downtown Entertainment Presentation**
- VII. Council Report**
- VIII. Mayor's Report – Yes**
- IX. Public Comment – Issues Not on Agenda**

## ADMINISTRATIVE SYNOPSIS

### New Business Items

- A. Authorization of a Resolution for a Partial Streetlight Release Easement at Lots 643 and 644 in the Masterson Hills Subdivision. (560-07) (Askew)  
This request will authorize a resolution for a partial streetlight release easement at Lots 643 and 644 in Masterson Hill Subdivision. There is no budgetary impact.**p.21**
  
- B. Authorization to Accept a \$40,000 Donation of Services from the Cincinnati Reds Organization for Renovation of Nine Ball Fields on behalf of the Division of Parks and Recreation. (562-07) (Cole)  
This request will authorize the acceptance of a \$40,000 donation of services from the Cincinnati Reds Organization, in partnership with LFUCG, to provide technical assistance, signage and field renovation of nine (9) ball fields. Labor and equipment usage will be absorbed by the Division of Parks and Recreation. There is no budgetary impact.**p.22**
  
- C. Authorization to Purchase ProLaser III® from Kustom Signals, Inc. as a Sole Source Vendor for the Division of Police, Traffic Section. (563-07) (Bennett)  
This request will authorize the purchase of ten (10) ProLaser III (including battery and charger) from Kustom Signals, Inc., as a sole source vendor, for \$28,060. The devices are laser speed detectors to be utilized by the Division of Police, Traffic Section. Funds are budgeted.**pp.23-24**
  
- D. Authorization of an Agreement with Kentucky American Water Company (KAWC) for Newtown Pike Extension Project. (564-07) (King/D. Kelly)  
This request will authorize an agreement with KAWC for the relocation of utilities at the temporary housing site for displaced residents of the lower Davistown neighborhood at a cost of \$23,890. The right-of-way at the temporary housing site will pass over and include certain KAWC facilities. This agreement will provide the installation of 638 feet of 6-inch PX water line, one hydrant, and a culvert crossing from West Main Street to South Limestone. Federal funding is from the Kentucky Department of Transportation for the planning, design, and construction of the Newtown Pike Extension Project. Funds are budgeted.**p.25**
  
- E. Authorization of an Agreement with Kentucky Utilities (KU) Company for the Newtown Pike Extension Project. (565-07) (King/D. Kelly)  
This request will authorize an agreement with KU for the relocation of utilities at the temporary housing site for displaced residents of the lower Davistown neighborhood at a cost of \$5,949. The right-of-way for the temporary housing site will pass over and include certain KU facilities.

This agreement will provide for the relocation of poles and underground facilities from West Main Street to South Limestone. Federal funding is from the Kentucky Department of Transportation for the planning, design, and construction of the Newtown Pike Extension Project. Funds are budgeted.**p.26**

- F. Authorization of a Loan Agreement with Hope Center, Inc. in the Development of Rental Housing Project. (567-07) (King/Koch)  
This request will authorize a Loan Agreement with Hope Center, Inc. for a deferred loan of \$500,000 of HOME Investment Partnerships Program funds for the development of thirty-four (34) transitional housing rental units for low-income men in recovery of substance abuse. The LFUCG's 2005 Consolidated Plan provides for the use of HOME funds for the development of rental housing for persons with special needs. Other sources include the Federal Home Loan Bank Board of \$1,000,000; private donations of \$1,000,500; and a donation of land from Lexmark valued at \$675,525. Total project cost is \$3,176,025.**p.27**
- G. Authorization of an Agreement with Kinzelman Kline Gossman for Sidewalks and Streetscape Improvements for Downtown. (570-07) (King/Koch/Cole)  
This request will authorize an Agreement with Kinzelman Kline Gossman for \$170,000, for schematic design; design development (based on 4% of budgeted construction costs), construction development (based on 3% of budgeted construction costs); contract administration (a negotiated fee based on the final scope identification); and public relations and fundraising support by Preston-Osborne Marketing, Communications and Research. The design is based on the survey completed by GRW Engineers, Inc. for the sidewalks and streetscape of the downtown area. Funds are budgeted.**p.28**
- H. Authorization to Amend Section 22-5 of the Code of Ordinances within the Division of Waste Management. (566-07) (Allen/D. Kelly)  
This request will authorize an amendment to Section 22-5 of the Code of Ordinances to create one (1) temporary position of Administrative Officer P/T (Grade 118E) for a one (1) year period beginning November 1, 2007 and ending October 31, 2008, within the Division of Waste Management. This division has partnered with Bluegrass PRIDE to create a WasteBuster recycling program for Fayette County schools, apartment complexes, and businesses. The fiscal impact for FY2008 is \$34,431 and will be funded from the Professional Services account.**p.29**
- I. Authorization to Amend Section 21-5 of the Code of Ordinances within the Divisions of Computer Services and Accounting. (568-07) (Allen/Koch)  
This request will authorize an amendment to Section 21-5 of the Code of Ordinances to transfer two (2) positions of Clerical Assistant Sr. (Grade 106N), and the incumbents, from the Division of Computer Services to the Division of Accounting. There is no fiscal impact.**p.30**

- J. Authorization to Amend Section 21-5 of the Code of Ordinances within the Division of Streets, Roads, and Forestry. (569-07) (Allen/D. Kelly)  
This request will authorize an amendment to Section 21-5 of the Code of Ordinances to create one (1) civil service position of Equipment Operator Sr. (Grade 109N) within the Division of Streets, Roads, and Forestry. The fiscal impact for FY2008 is \$24,482.27. Funds are budgeted.**p.31**
- K. Authorization to Close a Portion of the Right-of-Way of Red Mile Court. (574-07) (J. Kelly)  
This request will authorize the closure of approximately 400 feet of the right-of-way of Red Mile Court. The Court runs south from Red Mile Road and dead ends to an existing apartment complex. This closure is requested in conjunction with an approved expansion of the apartment complex by the Planning Commission.**pp.32-33**

# URBAN COUNTY COUNCIL

## WORK SESSION SUMMARY

### & TABLE OF MOTIONS

October 9, 2007

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

Mayor Newberry recognized and honored, with a framed proclamation, Lexington's own Lafayette graduate, World Record Holder Tyson Gay.

- I. Public Comment – Issues on Agenda-None
- II. Requested Rezoning / Docket Approval-None
- III. Approval of Summary – Yes

A motion by CM Myers to approve summary from October 2, 2007 was seconded by CM Crosbie, passed unanimously.

- IV. Budget Amendments-None
- V. New Business

- A. Authorization of an Agreement with the University of North Florida Training and Service Institute, Inc. d/b/a the Institute of Police Technology and Management on behalf of the Division of Police. (513-07) (Bennett)
- B. Authorization of Engineering Services Agreement with CDP Engineering Inc. for Engineering Design of the Radcliffe Road Stormwater Improvement Project. (482-07) (D. Kelly)
- C. Authorization to Approve Statement of Compliance of Bridge Posting Requirements by the Kentucky Transportation Cabinet (KYTC). (514-07) (D. Kelly)
- D. Authorization of a Clinical Services Agreement with the University of Kentucky College of Medicine on behalf of the Division of Family Services. (515-07) (Helm)
- E. Authorization to Renew Asbestos Liability Insurance with Everest Indemnity Insurance Company and Aviation Liability Insurance with ACE USA. (559-07) (Askew)

- F. Authorization of a Deed for a Permanent Sanitary Sewer Easement and a Temporary Construction Easement at 3061 Todds Road for the Cadentown Sanitary Sewer Project. (532-07) (D. Kelly)
- G. Authorization of a Deed for a Permanent Sanitary Sewer Easement and a Temporary Construction Easement at 3081 Todds Road for the Cadentown Sanitary Sewer Project. (520-07) (D. Kelly)
- H. Authorization of a Deed for a Permanent Sanitary Sewer Easement and a Temporary Construction Easement at 630 Caden Lane for the Cadentown Sanitary Sewer Project. (531-07) (D. Kelly)
- I. Authorization of a Deed for a Permanent Sanitary Sewer Easement and a Temporary Construction Easement at 646 Caden Lane for the Cadentown Sanitary Sewer Project. (530-07) (D. Kelly)
- J. Authorization of a Deed for a Permanent Sanitary Sewer Easement and a Temporary Construction Easement at 662 Caden Lane for the Cadentown Sanitary Sewer Project. (542-07) (D. Kelly)
- K. Authorization of a Deed for a Permanent Sanitary Sewer Easement and a Temporary Construction Easement at 727 Caden Lane for the Cadentown Sanitary Sewer Project. (519-07) (D. Kelly)
- L. Authorization of a Deed for a Permanent Sanitary Sewer Easement and a Temporary Construction Easement at 752 Caden Lane for the Cadentown Sanitary Sewer Project. (526-07) (D. Kelly)
- M. Authorization of a Deed for a Permanent Sanitary Sewer Easement and a Temporary Construction Easement at 776 Caden Lane for the Cadentown Sanitary Sewer Project. (527-07) (D. Kelly)
- N. Authorization of a Deed for a Permanent Sanitary Sewer Easement and a Temporary Construction Easement at 784 Caden Lane for the Cadentown Sanitary Sewer Project. (528-07) (D. Kelly)
- O. Authorization of a Deed for a Permanent Sanitary Sewer Easement and a Temporary Construction Easement at 690 Caden Lane for the Cadentown Sanitary Sewer Project. (540-07) (D. Kelly)
- P. Authorization of a Deed for a Permanent Sanitary Sewer Easement and a Temporary Construction Easement at 2822 Liberty Road for the Cadentown Sanitary Sewer Project. (534-07) (D. Kelly)
- Q. Authorization of a Deed for a Permanent Sanitary Sewer Easement and a Temporary Construction Easement at 2826 Liberty Road for the Cadentown Sanitary Sewer Project. (537-07) (D. Kelly)

- R. Authorization of a Deed for a Permanent Sanitary Sewer Easement and a Temporary Construction Easement at 2838 Road for the Cadentown Sanitary Sewer Project. (538-07) (D. Kelly)
- S. Authorization of a Deed for a Permanent Sanitary Sewer Easement and a Temporary Construction Easement at 2852 Liberty Road for the Cadentown Sanitary Sewer Project. (539-07) (D. Kelly)
- T. Authorization of a Deed for a Permanent Sanitary Sewer Easement and a Temporary Construction Easement at 820 Campbell Lane for the Cadentown Sanitary Sewer Project. (529-07) (D. Kelly)
- U. Authorization of a Deed for a Permanent Sanitary Sewer Easement and a Temporary Construction Easement at 813 Mickey Lane for the Cadentown Sanitary Sewer Project. (544-07) (King/D. Kelly)
- V. Authorization to Accept a Donation of a Portion of Property at 1745 Bryant Road for the Brighton East Rail Trail Project – FY2008. (543-07) (King/ D. Kelly)
- W. Authorization of a Change Order No. 1 to Contract with Free Contracting for the Solid Waste Facility Expansion Project. (555-07) (D. Kelly)
- X. Authorization of a Site Specific Agreement with Jessamine South Elkhorn Water District (JSEWD) and JAH Investment, LLC, for Sanitary Sewer Service. (546-07) (D. Kelly)
- Y. Authorization of a Site Specific Agreement with Jessamine South Elkhorn Water District (JSEWD) and JAH Investment, LLC, for Sanitary Sewer Service. (547-07) (D. Kelly)
- Z. Authorization of a Site Specific Agreement with Jessamine South Elkhorn Water District (JSEWD) and JAH Investment, LLC, for Sanitary Sewer Service. (548-07) (D. Kelly)
- AA. Authorization of a Site Specific Agreement with Jessamine South Elkhorn Water District (JSEWD) and JAH Investment, LLC, for Sanitary Sewer Service. (549-07) (D. Kelly)
- BB. Authorization of a Site Specific Agreement with Jessamine South Elkhorn Water District (JSEWD) and JAH Investment, LLC, for Sanitary Sewer Service. (550-07) (D. Kelly)
- CC. Authorization of a Site Specific Agreement with Jessamine South Elkhorn Water District (JSEWD) and D & H Brannon Springs, LLC, for Sanitary Sewer Service. (551-07) (D. Kelly)



- DD. Authorization of an Agreement with the Fayette County Commonwealth Attorney's Office for the Continuation of the "Fast Track" Prosecutor Services under the Street Sales Enforcement Project – FY2008. (552-07) (King/Bennett)
- EE. Authorization of a Mutual Non-Disclosure Agreement with POLICEREPORTS.US, LLC on behalf of the Division of Police. (501-07) (Bennett)
- FF. Authorization to Amend Section 21-5 of the Code of Ordinances within the Division of Traffic Engineering. (553-07) (Allen/D. Kelly)
- GG. Authorization to Amend Section 21-5 of the Code of Ordinances within the Division of Family Services. (554-07) (Allen/Helm)
- HH. Authorization to Amend Section 9 of Ordinance No. 330-2001 to Extend Provisions of Section 9 from January 1, 2008 to January 1, 2009. (557-07) (Allen/Koch)
- JJ. Authorization of a Memorandum of Agreement (MOA) with the Kentucky Law Enforcement Council (KLEC) Regarding Polygraphs Conducted for Law Enforcement Candidates for Other Agencies. (558-07) (Bennett)
- KK. Authorization of a Purchase of Service Agreement (PSA) with the Kentucky Mansions Preservation Foundations, Inc. (Parent Organization of the Mary Todd Lincoln House) Regarding the National Abraham Lincoln Bicentennial Celebration. (512-07) (Cole)

A motion by CM Gorton to approve new business items A-KK, seconded by CM DeCamp, passed unanimously.

## VI. Continuing Business / Presentations

### A. Services Committee Update

This update was given by Chair CM Ellinger. There was one motion to come forward.

A motion by CM Ellinger to ask the VM to appoint an ad hoc committee to look at the effects of alcohol, awareness, education, the treatment, and the different costs associated with alcohol and how it affects local government/public safety, seconded by CM Myers, passed unanimously.

### B. UK Medical Center Construction Update

This presentation was given by Dr Michael Karpf.

C. Junior Fire Chief

10 yr. old, 5th grader, Joanna 'Jo Jo' Gullo, 2007 Jr. Fire Chief, was introduced by Asst. Chief Chuck Fowler.

D. Public Service Commission Presentation

This presentation was given by PSC's Public Information Officer Andrew Melynikovich and Jerry Wuetcher, lawyer, from the General Counsel's Office.

Several CMs asked questions about the process.

VM Gray asked to speak before the next presentation because he had to leave. VM Gray announced that at next week's work session there will be a presentation by Tom Martin, editor of Business Lexington, who is on a task force to look at entertainment for downtown Lexington.

E. Rediscover Bicycle America

This presentation was done by Joe Bowen.

VII. Council Report

CM Myers-Announced 2 neighborhood association meetings: Gainesway and Centre Pkwy tonight at 7 pm; wanted to let 8<sup>th</sup> District citizens know that there was a street tree notification placed on doors today; thanked the Mayor and his staff for the neighborhood summit; and stated that he and his family had a good time at the Fire Parade.

CM McChord-Thanked Marianne Blodgett and Lori Henry for there work on the neighborhood summit; announced that October is Breast Cancer Awareness month; also stated that tomorrow, 10/10, has been designated as wear pink to work day.

CM James-Announced 2 neighborhood association meetings: MLK and Meadow Park tonight at 7 pm.

CM Gorton-Announced that the new Economic Development Director, Anthony Wright, wanted her to make citizens aware that Amazon.com will be hiring 400 people; reminded CMs that they will be touring the Green Belt Homes of Excellence on 10/16 at 9 am-meeting at 3300 Feliciana Way; also announced was that the Lexington Humane Society will be partnering with Fazolis from 10-22 thru 10-29 and 15% of your total check will be donated to the Humane Society; CM Gorton gave advance notice of the salute to women veterans' lunch on 11/14 at noon at the Radisson Hotel by the Bluegrass Military Affairs; for more

information, please call 245-1100.

CM DeCamp-Announced that there will be a world premiere of a new opera this and next weekend-Hotel Casablanca- by UK Opera Company

CM Blevins-A motion by CM Blevins to approve the NDF list dated October 9, 2007, seconded by CM Gorton, passed unanimously.

CM Blues-Announced that the 2<sup>nd</sup> District NA President's meeting will be tonight at 6:30 pm at the Green Acres Park Shelter; also Winburn NA will meet on Monday, 10/15, at 6:30 pm at the MLK Park shelter.

CM Stevens-Was asked by the Hunt-Morgan House to present a picture to LFUCG for their support shown to the Town & Country Garden Club.

#### VIII. Mayor's Report-None

Mayor Newberry stated that he was delighted to meet Tyson Gay; he also acknowledged that another Lexingtonian, Tom Hammond, was doing the broadcast of the meet when Tyson Gay broke the record; stated that he met CMs Gorton and Blues at the newly renovated Meadowthorpe Shelter on this past Saturday; asked Chief Hendricks to give an update on Lt. Carlin, a 12-year veteran Firefighter, who was injured in a house fire on Monday night.

#### IX. Public Comment-Issues not on the agenda-None

#### X. Closed Session-Property

A motion by CM Beard to go into closed session pursuant to KRS 61.810(1) (b) for the purpose of discussing the possible acquisition of real property. A closed session is necessary in the real property matter because publicity at this stage would be likely to affect the value of the property in question, seconded by CM Stevens passed unanimously.

A motion by CM McChord to come out of closed session, seconded by CM Beard, passed unanimously.

A motion by CM Stevens to adjourn work session, seconded by CM Beard, passed unanimously.

Work Session was adjourned at 5:24 pm.

## BUDGET AMENDMENT REQUEST LIST

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<b>JOURNAL</b>	KC00000001	<b>DIVISION</b>	Office of Compliance	<b>Fund Name</b>	General Fund
				<b>Fund Impact</b>	13,000.00
					13,000.00CR
					.00

To provide funds for Temporary Staff Assistant Sr. position. This position was approved by Council on September 27, 2007 and this amendment places funds in the appropriate fund and accounts.

<b>JOURNAL</b>	13517	<b>DIVISION</b>	Office of Compliance	<b>Fund Name</b>	Urban Services Fund
				<b>Fund Impact</b>	1,590.00
					1,590.00CR
					.00

To provide funds for Temporary Staff Assistant Sr. position. This position was approved by Council on September 27, 2007 and this amendment places funds in the appropriate fund and accounts.

<b>JOURNAL</b>	13518	<b>DIVISION</b>	Office of Compliance	<b>Fund Name</b>	Landfill Fund
				<b>Fund Impact</b>	17,010.00
					17,010.00CR
					.00

To provide funds for Temporary Staff Assistant Sr. position. This position was approved by Council on September 27, 2007 and this amendment places funds in the appropriate fund and accounts.

<b>JOURNAL</b>	13475	<b>DIVISION</b>	Human Resources	<b>Fund Name</b>	General Fund
				<b>Fund Impact</b>	5,720.00
					5,720.00CR
					.00

To provide funds to upgrade computer software "SkillCheck" for computer testing used by Employment and Training & Development sections. This testing is required for job applicants, promotions, internal computer training classes.

<b>JOURNAL</b>	13881-82	<b>DIVISION</b>	Fire	<b>Fund Name</b>	General Fund
				<b>Fund Impact</b>	9,460.00
					9,460.00CR
					.00

To provide funds for Clothing/Equipment and Repairs & Maintenance in Hazardous Materials by recognizing reimbursement from a hazardous clean up. Replacement Level A suits and construction materials for a hazardous materials storage building will be purchased.

<b>JOURNAL</b>	13890	<b>DIVISION</b>	Engineering	<b>Fund Name</b>	General Fund
				<b>Fund Impact</b>	86,600.00
					86,600.00

To provide funds for median cuts at Beaumont Centre Lane that were approved through the Services Committee and approved by Council at the August 21, 2007 Work Session.

<b>JOURNAL</b>	14333	<b>DIVISION</b>	Community Development	<b>Fund Name</b>	US Dept of Justice
				<b>Fund Impact</b>	721.00
					721.00CR
					.00

To reduce professional services budget to provide for purchase of computer equipment for the Improving Crime Data Project - FY 2008.

<b>JOURNAL</b>	14335	<b>DIVISION</b>	Community Development	<b>Fund Name</b>	US Dept of Transp.
				<b>Fund Impact</b>	2,870.00
					2,870.00CR
					.00

To reduce Police overtime in the MCSAP grant in order to purchase creepers, digital camera, memory cards, TV, DVD/VHS combo, camera pouch, and carpenter's wooden ruler.

#### **BUDGET AMENDMENT REQUEST SUMMARY**

Fund	1101	General Services District – General Fund	86,600.00
Fund	1115	Urban Services District Fund	.00
Fund	3140	US Department of Justice	.00
Fund	3160	US Department of Transportation	.00
Fund	4121	Landfill Fund	.00



Mayor Jim Newberry  
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT  
Division of Budgeting

<b>Budget Journal Numbers</b>	<u>KC0000001</u> <u>13517</u> <u>13518</u>	<b>Budget Amendment Date</b>	<u>10-2-2007</u>
<b>Requesting Division</b>	<u>Budgeting</u>		
<b>Fund Name</b>	<u>General Fund</u> <u>Urban Services Districts</u> <u>Landfill</u>		
<b>Fund Number</b>	<u>1101</u> <u>1115</u> <u>4021</u>		
<b>Contact for Additional Information</b>	<u>Connie Underwood</u>		

**Description**

When the creation of this temporary position originally came before Council it had a negative impact on fund balance. The budget amendment was removed from the item and the position was created without funding. These budget amendments provide funding for this position without impacting fund balance.



Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

**Budget Journal Number**      13475      **Budget Amendment Date**      09/21/07  
**Requesting Division**      Human Resources  
**Fund Name**      General Services District  
**Fund Number**      1101  
**Contact for Additional Information**      Nora Cheek 258-3034

**Description**

To provide funds to upgrade computer software "SkillCheck" which is used by Employment for all computer testing required for job applicants and promotions, and by Training & Development for computer testing to by-pass pre-requisites of advanced computer courses that they offer.



Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

**Budget Journal Number**      13881-82      **Budget Amendment Date**      10/1/07  
**Requesting Division**      Fire and Emergency Services  
**Fund Name**      General Services District  
**Fund Number**      1101  
**Contact for Additional Information**      Battalion Chief Joe Kinney, Hazardous Materials, Fire

**Description**

To transfer funds from Revenues to Clothing/Equipment for Level A suits in Hazardous Materials section and to Repairs & Maintenance in Hazardous Materials section for construction items such as gravel and lumber for a hazardous materials suit storage building to be constructed at the Fire Training Center. The funds are a reimbursement from Old Dominion Freight Line for hazardous materials clean up at 427 Transport Court, incident #07-0010667-00.





Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

**Budget Journal Number**      13890                      **Budget Amendment Date**      9/26/07  
**Requesting Division**              Engineering  
**Fund Name**                      General Services District  
**Fund Number**                      1101  
**Contact for Additional Information**      Robert Bayert 258-3441

**Description**

At the August 14, 2007 Services Committee, a motion was made by CM Blevins and seconded by CM Lane to implement the project of median cuts at Beaumont Centre Lane and passed without dissent. The amount of \$86,600 was to come out of the fund balance. This BA is to place the funds into the appropriate account so work on the project can be implemented.



Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

**Budget Journal Number**      14333      **Budget Amendment Date**      9/28/2007  
**Requesting Division**      Community Development  
**Fund Name**      US Department of Justice  
**Fund Number**      3140  
**Contact for Additional Information**      Irene Gooding

**Description**

Budget amendment requests that Professional Services account be reduced by \$721.00 to provide for the purchase of computer equipment for the Improving Crime Data project.



Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

**Budget Journal Number**      14335      **Budget Amendment Date**      1027  
**Requesting Division**      Division of Community Development/Division of Police  
**Fund Name**      US Department of Transportation  
**Fund Number**      3160  
**Contact for Additional Information**      Irene Gooding, Paul Simms

**Description**

The budget amendment requests the reduction in Police Overtime in the amount of \$2,870 in order to purchase creepers for \$357, a digital camera for \$1,300, memory cards for \$350, Television for \$380, DVD/VHS combo for \$200, camera pouch for \$75, and a carpenter's wooden ruler in the amount of \$190. These items are needed for program operation by the officers who are deployed to the Motor Carriers Safety Assistance Program (MCSAP).

# NEW BUSINESS ITEMS REQUIRING BUDGET AMENDMENTS

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October 16, 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	
566-07	KC 0014	Waste Management	To provide funds for one temporary position of Administrative Officer – Part-time for a Wastebuster Recycling program by reducing funds for professional and contract services.	
H			1115	34,430
			1115	34,430CR
				0*
567-07	BA 1046	Community Development	To provide funds for a Rental Housing Development Project by reducing funds for Financial Assistance. Funding source is the Home Fund Grant.	
F			3120	356,758.46
			3120	356,758.46CR
				0*
568-07	KC 0015	Computer Services	To provide funds for two positions of Clerical Assistant Senior in Accounting by deleting funds for these positions in Computer Services.	
I			1101	53,860.
			1101	53,860CR
				0*

## EFFECT ON FUND BALANCES

FUND 1101	0*	NO EFFECT ON:	GENERAL SERVICES DISTRICT – GENERAL FUND
FUND 1115	0*	NO EFFECT ON:	URBAN SERVICES DISTRICTS FUND
FUND 3120	0*	NO EFFECT ON:	US DEPT OF HOUSING & URBAN DEVELOPMENT

**Budget Information for New Business Items**

October 16, 2007 Work Session

Item	Number	Amount	Fund	Name / Description
A	560-07	NA		
B	562-07	NA		\$40,000 in services to be donated to Parks
C	563-07	28,060	1131	Police Confiscated Federal
D	564-07	23,890	3160	US Dept Of Transportation
E	565-07	5,949	3160	US Dept Of Transportation
F	567-07	500,000	3120	US Dept Of Housing & Urban Dev Budget Amendment
G	570-07	170,000	3300	Grants - Other
H	566-07	34,431	1115	Full Urban Services District Fund Budget Amendment
I	568-07	-	1101	General Services District Fund Budget Amendment
J	569-07	24,482	1115	Full Urban Services District Fund
K	574-07	NA		



560-07

Mayor Jim Newberry  
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT  
Department of Law

TO: Jim Newberry, Mayor  
Members, Urban County Council

FROM: Department of Law

DATE: October 2, 2007

RE: Release of Easement  
Masterson Hills subdivision

This memo is to request a Resolution authorizing the Mayor to sign a Partial Release of Easement, releasing a portion of a streetlight easement located on Lots 643 and 644 in Masterson Hills subdivision.

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

Edward W. Gardner  
Corporate Counsel

Enclosure

cc: Joe Kelly, Mayor's Office  
Council Office

G:EWG/mem100207Release

00138388.DOC

HORSE CAPITAL OF THE WORLD

\*\*P. O. Box 34028 Lexington, KY 40588-4028 (859) 258-3500 Fax: (859)258-3538 [www.lfucg.com](http://www.lfucg.com)

**\*\*Please note new mailing address**




562-07

Jim Newberry, Mayor  
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT  
Division of Parks and Recreation

## MEMORANDUM

TO: Mayor Jim Newberry  
Urban County Council Members

FROM:   
Jerry Hancock, Director  
Parks and Recreation

SUBJECT: Donation from Cincinnati Reds Outreach Program

DATE: October 1, 2007

RECEIVED  
OCT - 1 REC'D  
GENERAL SERVICES  
COMMISSIONER'S OFFICE

This is a request for Council's approval of a donation of services from The Cincinnati Reds Organization, through the Reds Community Fund. This outreach initiative will assist youth baseball in our region. It is designed to provide funding for field renovations and has currently supported sixty-four fields and plans to do one hundred in 2007. The Reds are excited to establish a partnership with the Lexington-Fayette County Government.

This program will consist of the Reds providing technical assistance, signage and field renovation in the amount of \$40,000 to renovate nine (9) fields. Labor and equipment to facilitate the improvements will be absorbed by the Division of Parks and Recreation without any added dollars to the FY08 budget. The fields selected are programmed by Parks and not the franchise leagues. The field maintenance must be performed in October 2007 time frame.

The Parks Advisory Board unanimously approved this proposal on August 29, 2007. Your cooperation and support of this program is greatly appreciated.

Please contact me if there are any questions.

Cc: Kimra Cole, Commissioner of General Services

JH:msm

HORSE CAPITAL OF THE WORLD



Lexington-Fayette Urban County  
Division of Police

# MEMORANDUM

Lexington, Kentucky

DATE OF ISSUE

October 2, 2007

EFFECTIVE DATE

563-07

NUMBER

COP:

07/0977

23

To: Jim Newberry, Mayor  
Urban County Council

SUBJECT:

Request for Council Action (Blue Sheet)  
Kustom Signals (Sole Vendor)  
Purchase of Laser Speed  
Detection Devices

From:

Anthony Beatty  
Chief of Police

Please find attached a blue sheet and documentation requesting approval to purchase ten (10) Pro Laser 3 w/battery and charger (laser speed detection devises) from Kustom Signals Inc. Kustom Signals Inc. is a sole source vendor. The laser speed detection devises will be utilized by our Traffic Unit Officers.

I have also attached a letter from Kustom Signals, Inc., listing the features and capabilities that make the Pro Laser 3 unique.

The purchase of the Pro Laser 3 from Kustom Signals, Inc. is fully budgeted. We are requesting that this information be presented to the Urban County Council for approval.

*Anthony Beatty*

Anthony Beatty  
Chief of Police

AB/rmh

Attachment





A SUBSIDIARY OF PUBLIC SAFETY EQUIPMENT, INC.

563-07

9325 Pflumm  
Lenexa, KS 66215-3347  
www.kustomsignals.com

24

August 21, 2007

LEXINGTON-FAYETTE URBAN POLICE  
150 E MAIN ST  
LEXINGTON KY 40507-1318

Dear SGT Simms:

Thank you for your interest in our ProLaser III. For your records, we would like to provide the following statement: **Kustom Signals, by signature below, certifies that it is the "sole source" manufacturer and supplier of ProLaser III®.**

For your information, I've listed a few features and capabilities that make ProLaser III unique:

- The ProLaser III offers an inclement weather mode allowing operation in almost any type of weather including rain, snow, sleet, dust and fog.
- The ProLaser III offers a sleek ergonomic design featuring a forward swept handle. This advanced design, in combination with only weighing just over 3 lbs, reduces arm and wrist fatigue, allowing officers to comfortably target vehicles without a shoulder stock or supporting rest.
- The ProLaser III operates with a high-performance Nickel Metal Hydride battery not found in other lidar units. The battery's advanced chemistry allows safe charging, use in more extreme temperature ranges, a longer shelf life and freedom from memory charging problems associated with traditional rechargeable batteries. Longer battery life and reduced charging times mean less down time and more operating time for you. The ProLaser III also comes standard with a battery handle and charger in addition to a corded handle.
- The ProLaser III provides tracking history—as preferred by the courts—by showing continuous speed readings for as long as you squeeze the trigger. The audio lock-on verifies that the unit has achieved positive target identification.
- The ProLaser III provides a simultaneous view of the target and its speed inside the Heads-Up-Display (HUD). In the HUD you see everything in one place: the aiming reticle, surrounding traffic, the target and its continually updated speed, all without eye strain, magnification or distortion.
- The ProLaser III does not require field realignments.
- The ProLaser III has a settable range, useful in short-range school zones.
- The ProLaser III has built-in stopwatch mode for time/distance method of speed enforcement.
- The ProLaser III is NEMA 6 waterproof rated.

I hope this information is helpful. If you need anything further, please do not hesitate to give me a call at 1-800/4KUSTOM (458-7866). You can reach me from to , Central Time.

Sincerely,

Nate Lane  
Inside Sales Representative



564-07

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: OCTOBER 5, 2007**

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE AGREEMENT WITH KENTUCKY AMERICAN WATER COMPANY FOR THE RELOCATION OF UTILITIES FROM THE TEMPORARY HOUSING SITE OF THE NEWTOWN PIKE EXTENSION PROJECT**

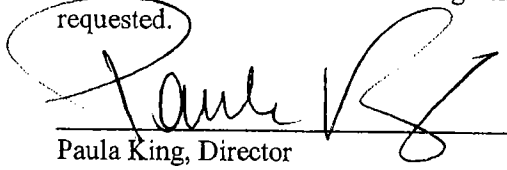
The Lexington-Fayette Urban County Government has been awarded federal funds from the Kentucky Department of Transportation for the planning, design, and construction of the Newtown Pike extension. The Newtown Pike extension is authorized by Congress as a High Priority Project under the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21). Council approved project agreement on November 9, 2000 (Ordinance #344-2000). The project provides for construction from West Main Street to South Limestone.

An approved project activity is the construction of a temporary housing site for displaced residents of the Lower Davistown neighborhood. On September 27, 2007 (Resolution # 447-2007), Council approved the award of a construction contract for this activity. Since the right of way for the temporary housing site will pass over and include certain Kentucky American Water Company facilities, utility relocation is necessary. The proposed agreement with Kentucky American Water Company in the amount of \$23,890 will provide for the installation of 638 feet of 6-inch PVC water line, one hydrant and a culvert crossing. The amount is 100% of the total cost.

Funds are budgeted as follows:

FUND	DEPT ID	SECTION	ACCOUNT	AMOUNT	ACTIVITY	PROJECT	BUD REF
3160	303202	3211	91710	23,890	DEFAULT	NEWTOWN PIKE	2002

Council authorization to execute Agreement with Kentucky American Water Company is hereby requested.

  
Paula King, Director

Xc: Don Kelly, Commissioner of the Department of Public Works

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





565-07

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: OCTOBER 5, 2007

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE AGREEMENT WITH  
KENTUCKY UTILITIES COMPANY FOR THE RELOCATION OF UTILITIES  
FROM THE TEMPORARY HOUSING SITE OF THE NEWTOWN PIKE  
EXTENSION PROJECT

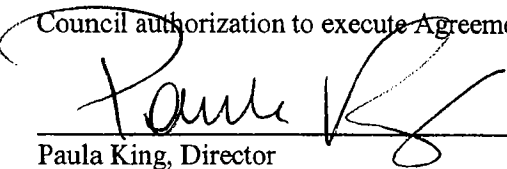
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An approved project activity is the construction of a temporary housing site for displaced residents of the Lower Davistown neighborhood. On September 27, 2007 (Resolution # 447-2007), Council approved the award of a construction contract for this activity. Since the right of way for the temporary housing site will pass over and include certain Kentucky Utilities Company facilities, utility relocation is necessary. The proposed agreement with Kentucky Utilities Company in the amount of \$5,949 will provide for the relocation of poles and underground facilities. The amount is 100% of the total cost.

Funds are budgeted as follows:

FUND	DEPT ID	SECTION	ACCOUNT	AMOUNT	ACTIVITY	PROJECT	BUD REF
3160	303202	3211	91710	5,949	DEFAULT	NEWTOWN PIKE	2002

Council authorization to execute Agreement with Kentucky Utilities Company is hereby requested.

  
Paula King, Director

Xc: Don Kelly, Commissioner of the Department of Public Works

HORSE CAPITAL OF THE WORLD

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567-07

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: OCTOBER 8, 2007**

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE LOAN**  
**AGREEMENT WITH HOPE CENTER, INC., FOR USE OF HOME**  
**FUNDS IN THE DEVELOPMENT OF RENTAL HOUSING PROJECT**

The Lexington-Fayette Urban County Government's approved 2005 Consolidated Plan provides for the use of federal HOME Investment Partnerships Program funds for the development of rental housing for persons with special needs. The Hope Center has applied for and been recommended for a deferred loan in the amount of \$500,000 in HOME Investment Partnerships Program funds for the development of 34 transitional housing rental units for low-income men who are in recovery for substance abuse.

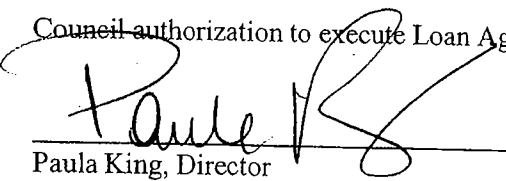
The total cost of this project is \$3,176,025. The other sources of funds are: grant from the Federal Home Loan Bank Board in the amount of \$1,000,000, private donations in the amount of \$1,000,500, and a donation of land from Lexmark valued at \$675,525.

HOME funds are loaned to Hope Center, Inc. for a period of twenty years in the form of a deferred payment loan at a 0% interest rate. During the twenty year period, the organization is required to rent to income eligible persons at affordable rents as determined by the U.S. Department of Housing and Urban Development. At the end of the twenty-year term, absent any breach, the full amount of the loan will be forgiven.

Budget amendments are in process providing the following funds for the project:

FUND	DEPT ID	SECT #	ACCOUNT	ACTIVITY	PROJECT	BUD REF	AMOUNT
3120	900311	0001	71100	H03	HOME	2002	65,298.36
3120	900311	0001	71100	H03	HOME	2003	258,510.32
3120	900311	0001	71100	H03	HOME	2005	91,962.71
3120	900311	0001	71100	H03	HOME	2006	84,228.61

Council authorization to execute Loan Agreement with Hope Center, Inc., is hereby requested.

  
Paula King, Director

Xc: Kyna Koch, Commissioner of the Department of Finance and Administration

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570-07

Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT  
Division of Community Development

TO: JIM NEWBERRY, MAYOR

FROM: PAULA KING, DIRECTOR  
DIVISION OF COMMUNITY DEVELOPMENT

DATE: OCTOBER 9, 2007

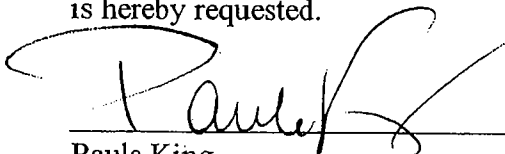
SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE AGREEMENT WITH KINZELMAN KLINE GOSSMAN, IN THE AMOUNT OF \$170,000 FOR SCHEMATIC DESIGN, CONSTRUCTION ADMINISTRATION AND PUBLIC RELATIONS AND FUNDRAISING SUPPORT AS IT RELATES TO SIDEWALKS AND STREETScape IMPROVEMENTS FOR DOWNTOWN.

Kinzelman Kline Gossman was recommended by the selection committee, from the seven proposals received in accordance with the CAO policy. The contract will include schematic design; design development based on 4 percent of budgeted construction costs, construction development based on 3 percent of budgeted construction costs; contract administration, a negotiated fee based on the final scope identification; and public relations and fundraising support by an outside consultant, Preston-Osborne Marketing, Communications & Research. The design will be based on the survey completed by GRW Engineers, Inc. for the sidewalks and streetscape of the downtown area.

Funds are budgeted as follows:

FUND	DEPT ID	SECTION	ACCOUNT	PROJECT	BUD REF	AMOUNT
3300	160201	0001	91710	UDAG REPAYMENT	1992	\$170,000

Council authorization to execute agreement with Kinzelman Kline Gossman in the amount of \$170,000 is hereby requested.

  
Paula King  
Director

Cc: Charlie Milward  
Kyna Koch, Commissioner of Finance and Administration  
Kimra Cole, Commissioner of General Services

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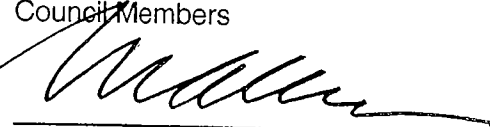


566-07

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:** October 2, 2007

**RE:** Create Position—Division of Waste Management

The attached action amends Section 22-5 of the Code of Ordinances, creating one (1) temporary position of Administrative Officer P/T (Grade 118E). The term of the position will be for one year, beginning November 1, 2007 and ending October 31, 2008 within the Division of Waste Management, effective upon passage by Council.

The Division requests this action as a result of the recent teaming with Bluegrass PRIDE to create a WasteBuster recycling program for Fayette County schools, apartment complexes, and businesses. This necessitated producing newsletters and other forms of recycling information for these programs.

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 (16 pay periods) results in a cost of \$34,431 and will be funded from the Professional Services account. All costs include benefits.

Name	Position Title	Annual Salary Before	Annual Salary After	Annual Increase/Decrease
Vacant	Administrative Officer P/T	\$0	\$40,896.44	\$40,896.44
Total Annual Impact/ Salary and Benefits \$55,951.00				

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

**cc:** Don Kelley, P.E., Acting Commissioner, Department of Environmental Quality  
Darrylyn Combs, Human Resources Manager, Division of Human Resources  
Jim Dodson, Human Resources Analyst, Division of Human Resources  
Log #08-0008



568-07

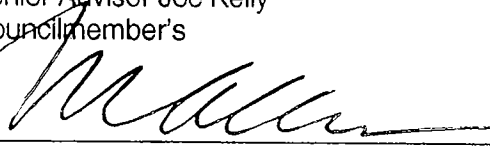
Jim Newberry, Mayor

**LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**

Division of Human Resources

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

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

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

**DATE:** October 8, 2007

**SUBJECT:** Transfer Positions—Division of Computer Services to Division of Accounting

The attached action amends Section 21-5 of the Code of Ordinances, transferring two (2) positions of Clerical Assistant Sr. (Grade 106N), and its incumbents, from the Division of Computer Services to the Division of Accounting, effective upon passage by Council.

The Department of Finance, recommends transferring these positions to the Division of Accounting to serve as data entry support for the whole of Finance and Administration, Division of Accounting and the Division of Human Resources in an effort to expedite processing.

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.

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: Kyna Koch, Commissioner, Department of Finance  
Michael Allen, Director, Division of Human Resources  
Darrylyn Combs, Human Resources Manager, Division of Human Resources  
Jim Dodson, Human Resources Analyst, Division of Accounting

Log # 08-0043

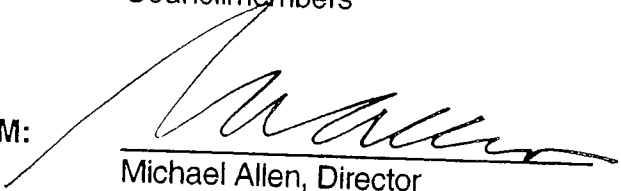


569-07

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

**MEMORANDUM**

**TO:** Mayor Jim Newberry  
Joe Kelly, Senior Advisor  
Councilmembers

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

**DATE:** October 8, 2007

**RE:** Create position – Division of Streets, Roads & Forestry

The attached action amends Section 21-5 of the Code of Ordinances, creating one (1) classified civil service position of Equipment Operator Sr. (Grade 109N) in the Division of Streets, Roads & Forestry, to become effective upon passage of Council.

The Division requests the creation of the position which is vital during snow removal activities. This position will be responsible for driving the Salt Brine Truck. Regular season activities will include assisting street sweepers and driving "load-all" vehicle.

The fiscal impact for FY2008 is \$24,482.27 (16 pay periods). Funding for the position was approved by Council in the FY 2005 budget.

Name	Position Title	Annual Salary Before	Annual Salary After	Annual Increase/Decrease
Vacant	Equipment Operator Sr.	\$0	\$27,343.42	\$27,343.42
Total Annual Impact with benefits \$39,783.69				

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

**Attachment**

**cc:** Don Kelly, P.E., Commissioner of Public Works  
Leo McMillen, Director, Division of Streets, Roads & Forestry  
Darrylyn Combs, HR Manager, Division of Human Resources  
Jim Dodson, HR Analyst, Division of Human Resources

Log # 07-1095





574-07


Mayor Jim Newberry

## LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Office of the Senior Advisor for Management

## MEMORANDUM

To: Mayor Jim Newberry  
Joseph Kelly, Sr. Advisor for Management  
Urban County Councilmembers

From: Charlie Boland, Administrative Officer Sr. 

Date: October 11, 2007

Re: Closure of Portion of Red Mile Court Right-of-Way

This is to request closure of a portion of Red Mile Court right-of-way approximately 400 feet in length. This street runs south from Red Mile Road and dead ends in the midst of an existing apartment complex. The closure is requested in conjunction with an already approved expansion of that apartment complex, which will be known as Red Mile Square. The requester owns all of the abutting property on each side of Red Mile Court, and has executed the required Consent Certificate indicating they will accept responsibility for the right-of-way once it is closed. The development plan for the project was approved by the LFUCG Planning Commission approval at its September 13, 2007 meeting, subject to successful closure of this section of right-of-way. A vicinity map including the portion of street to be closed is attached.

The appropriate divisions of government and the utility companies have reviewed and consented to the closure also, subject to protection or relocation of their existing facilities in accordance with the approved development plan. Therefore, I request Council authorization of the street closure as presented and execution of all related documents. Please address any questions to me in advance or at the Council Work Session on October 16, 2007. Thank you.

HORSE CAPITAL OF THE WORLD

200 East Main Street

Lexington, KY 40507

859-258-3155

www.lfucg.com



# Red Mile Court Closure Request

Scale: 1 inch = 141 feet

## URBAN COUNTY COUNCIL

### Inter-Governmental Committee

October 9, 2007

CM James chaired the meeting, calling it to order at 1:00 pm. All members were present except CM Moloney, Vice Mayor Gray, and CM Stinnett. CM James recognized Dr. Stevens for a quorum. CM Gorton was present as well.

#### I. Employee Compensation System

Michael Allen, Director of Human Resources, gave background information as to why this issue is in committee. He stated Human Resources began doing analysis and looking at solution so that the issue of pay equity did not happen again. He stated the first thing they did was form a committee of all interested individuals from all divisions. Then they hired an individual Compensation Manager to spearhead this process. Mr. Allen introduced Wally Barker.

Wally Barker introduced himself to the committee. Mr. Barker went over the Competitive Compensation Program. (Attached to summary).

Dr. Stevens asked how the benefits besides salary are evaluated and how much reliability is placed on the number of applicants for an open position.

Mr. Barker stated they look at the total rewards package when looking at the market rate. He stated the first thing he is beginning to look at right now is the turnover rate of employees. He stated typically one of the indicators that there is an issue with compensation is high turnover rate.

CM DeCamp asked how long will this process take.

Mr. Barker stated there are several factors that come into play. He stated they are looking at a year or a little more.

Mr. Allen stated that half of the employees right now are under collective bargaining.

CM Beard asked how they get a market comparison for the specialized jobs in government.

Mr. Barker stated currently they participate in a number of surveys that represent municipalities in the geographical area. He stated they may need to look at a market outside such as Cincinnati or Nashville.

CM Beard asked about the employees under collective bargaining.

Mr. Allen stated they will always look at market value and total compensation when making comparisons in collective bargaining. He stated as far as this system it will not have a direct effect on it.

CM Blevins asked when they may be ready to talk about the turnover data that they analyzed from year 2000 on.

Mr. Barker stated once he has the information it shouldn't take too long.

CM Blevins requested the council be given a report or presentation as to what he finds from the analysis of the turnover rate.

CM James turned chair over to CM Myers.

CM James asked if compensation is just the hourly rate or everything included.

Mr. Barker stated it is the total package.

CM Myers turned chair over to CM James.

## II. Hazardous Street Tree Ordinance

Tim Queary, Urban Forester, made presentation to committee. (Presentation attached).

CM DeCamp asked if there are trees on private property with hanging limbs in the right of way, or blocking stop signs then is that a code enforcement issue.

Mr. Queary stated yes that is a code enforcement issue. He stated currently the way the ordinance is written code enforcement can enforce that.

Rochelle Boland, Law Department, stated currently if a tree hazard on private property does not interfere with public right of way then it is considered a private issue between adjoining properties. She stated if a tree on private property does not fall under Chapter 17B then there are provisions in the code enforcement ordinances that can address private property trees that extend out over the right of way that could be a public hazard. This portion is not being changed.

CM DeCamp stated tree roots begin destroying sidewalks and curbs.

Mr. Queary stated there are now regulations to minimum width within utility strips. He stated the Tree Board has sent a recommendation to the Planning Commission suggesting only a minimum width of 7 ft constructed by developers.

He stated they normally see minimum of 5 ½ ft utility strip that only a small to medium tree can be planted in.

CM DeCamp asked if there is any money in the hazardous tree program.

Mr. Queary stated there was 36K budgeted this year. He stated there is about 13K left at this time. He stated it is eligible to any single family property owner. This is a match pay. There is a low income assistance where it is all paid for.

CM Beard asked how trees are taken out with no replacements.

Mr. Queary stated they have to prioritize things. He stated they send notices to property owners who have not replaced their trees.

Dr. Stevens stated the Tree Board has reviewed the ordinance and endorsed it.

CM Blues asked about the fine mechanism.

Ms. Boland stated this is the way it was set up for code enforcement. She stated she thinks it is set up as a motivation to get people to decide to fix the problem instead of going through the process.

CM Blevins asked if a notice is given before a citation is issued.

Ms. Boland stated that is correct unless the person has had numerous citations.

A motion by Dr. Stevens that Intergovernmental Committee approve the ordinance and recommend it be placed on the docket, seconded by CM Myers, passed without dissent.

### III. Items In Committee

No motions came out of this item.

The meeting adjourned at 2:13 p.m.

**LFUCG**

**Competitive Compensation  
Program**

**September 2007**

# Objective

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**Create, Implement and Maintain  
a Compensation Program that is:**

- Externally competitive
- Internally equitable
- Aligned with business objectives
- Affordable & Fundable
- Legally defensible
- Dynamic to long term changes  
in the marketplace

# **Current Program Issues**

---

- Ignores marketplace
- Does not attract or motivate best talent
- Not funded
- Not aligned with current business objectives
- No pay for performance
- FLSA classifications (exempt / non-exempt)
- Onerous process
- Inconsistent application
- Difficult to communicate
- Lacks employee confidence
- Career stagnation



# **Proposed Solutions**

---

- **Update current salary structures based on pay policy (lead, lag or lead/lag)**
- **Assign job grades based on current market rates**
- **Integrate current LFUCG employees into new compensation program**
- **Aggregate cost or savings**
- **Devise and implement method for conversion to new program (time table)**
- **Communicate, Communicate, Communicate**

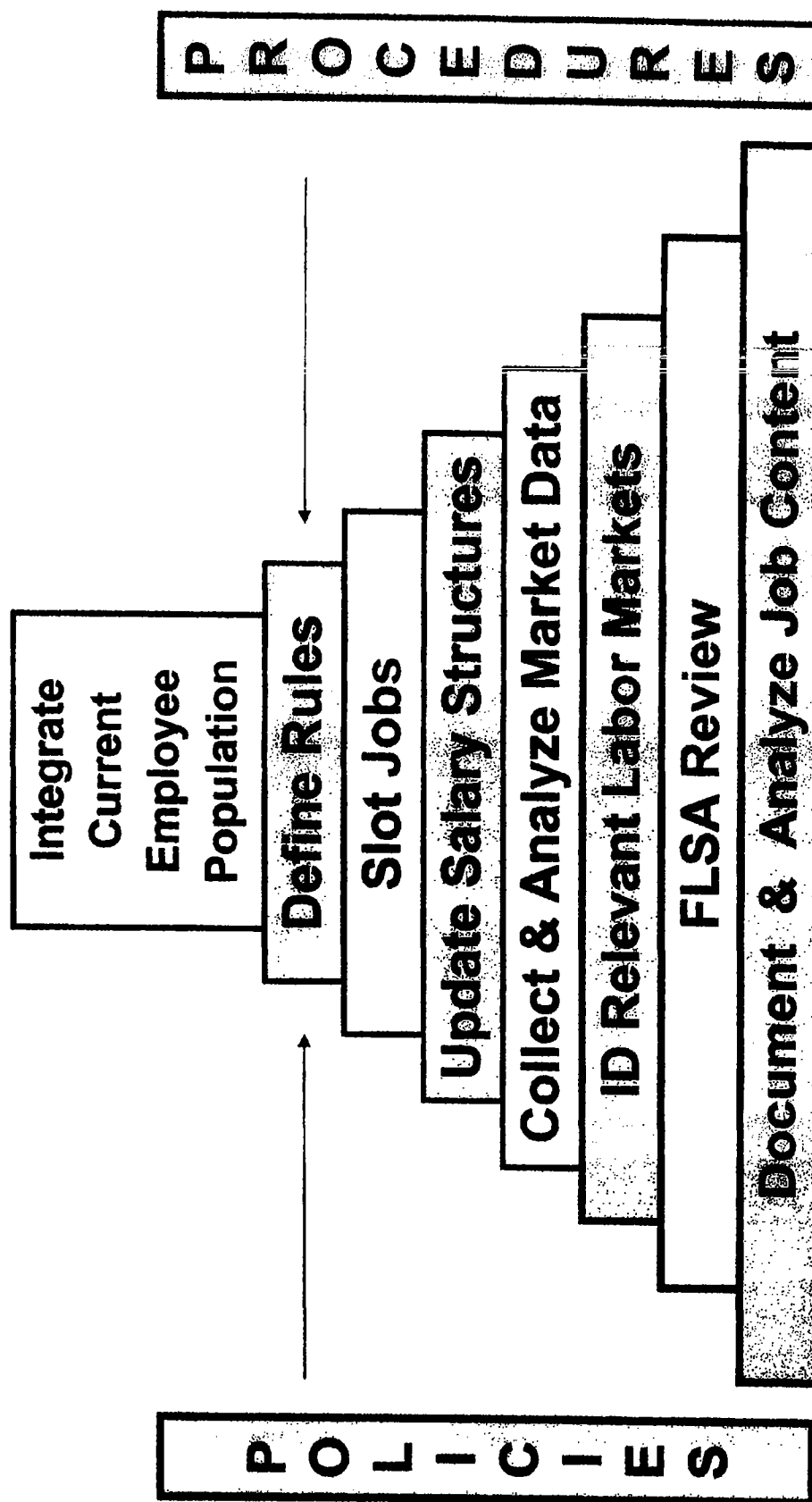
# **Proposed Solutions**

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- **Update current salary structures based on pay policy (lead, lag or lead/lag)**
- **Assign job grades based on current market rates**
- **Integrate current LFUCG employees into new compensation program**
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- **Communicate, Communicate, Communicate**

# Methodology

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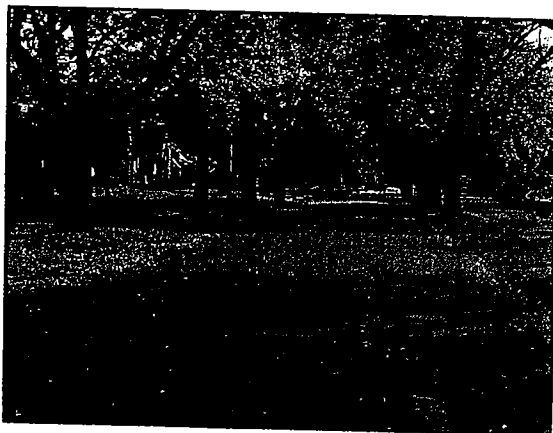
## Lexington's Street Trees

Tim R. Quary, CA  
Urban Forester  
Division of Streets, Roads and Forestry

October 9, 2007  
Inter-Governmental Committee

## Lexington's Street Trees

- ♦ A street tree is defined as a tree located in the public right-of-way easement or a designated tree planting easement on private property.
- ♦ Street trees are required by developers in all new residential developments pursuant to Article 6-10, Land Subdivision Regulations.
- ♦ Property owners are responsible for maintaining street trees pursuant to Chapter 17B, Code of Ordinances.
- ♦ Urban Forester and his designated Arborists are responsible for enforcement.
- ♦ \$1,000 + Street trees in the Urban Services Area (2005).
- ♦ Predominant species include, pin oak, callery pear, sugar maple, red maple and white ash.






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### Problems associated with Street Trees

- Enforcement Issues:

Low hanging limbs over sidewalks and streets.

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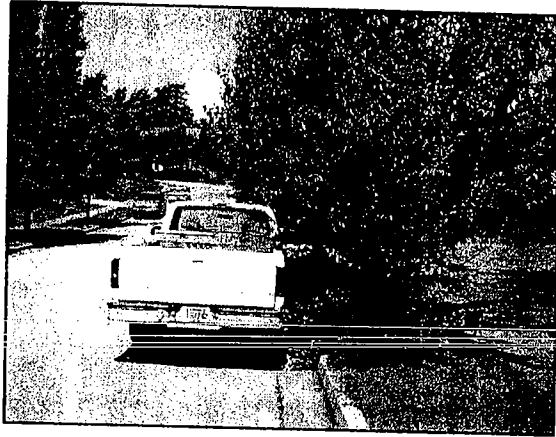
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**Problems associated with Street Trees**

- Enforcement Issues:

Conflicts with street signs, utilities and sidewalks.

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### In Conclusion

- ❖ Chapter 17B needs to be revised to include a lien process in order to abate hazardous street trees.
- ❖ Need to increase the number of inspections annually
- ❖ Need to increase the budget for the Hazard Street Tree (Cost-Share) Program.

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ORDINANCE NO. \_\_\_\_\_-2007

AN ORDINANCE CREATING SECTION 17B-13 OF THE CODE OF ORDINANCES TO CREATE CIVIL PENALTIES FOR ANY VIOLATION OF CHAPTER 17B REGULATING STREET TREES, TO ALLOW APPEAL OF CITATIONS TO THE INFRASTRUCTURE HEARING BOARD, AND TO ALLOW ABATEMENT OF VIOLATIONS; AMENDING SECTION 14-10(6) TO REFLECT A CHANGE IN THE DIVISION FOR THE URBAN FORESTER; AND AMENDING SECTION 16-76 TO GRANT JURISDICTION TO THE INFRASTRUCTURE HEARING BOARD OVER ENFORCEMENT OF ORDINANCES BY THE DIVISION OF STREETS, ROADS, AND FORESTRY.

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

Section 1 – That Section 17B-13 of the Code of Ordinances, Lexington-Fayette Urban County Government, be and hereby is created to read as follows:

Any violation of this chapter may be enforced through the issuance of a civil citation. Such civil citations shall be construed to provide an additional or supplemental means of obtaining compliance with this chapter. All citations issued pursuant to this chapter shall be issued by the citation officers authorized to issue such citations by Section 14-10 of the Code of Ordinances and shall be referred to the Infrastructure Hearing Board with the citations and the civil process to conform to Sections 16-76 through 16-83 of the Code of Ordinances.

- (a) Prior to the issuance of the first civil citation for a violation of a section of this chapter, the Urban County Government shall issue a notice of violation, which shall specify a time period of at least twenty-four (24) hours for the correction of the violation. The time period specified shall not impose unrealistic requirements under prevailing weather and site conditions. If the violation is not corrected as specified in the written notice, the Urban County Government may issue a civil citation. A notice of violation shall precede the issuance of the first civil citation for such offense unless the violation is deemed to be a serious threat to the public health, safety and welfare; or, if in the absence of immediate action, the effects of the continuation of the violation would be irreparable or irreversible. No notice of violation shall be required prior to the issuance of a citation for any offense which occurs after the first citation is issued to a person or entity.
- (b) Appeal of the civil citation may be made to the Infrastructure Hearing Board, as provided in Section 16-79 of the Code of Ordinances.
- (c) For violations of this chapter, the civil fines associated with the issuance of a civil citation are as follows:
  - (1) Upon issuance of the first citation within any 12-month period the civil fine shall be a maximum of two hundred dollars (\$200.00), but shall be seventy-five dollars (\$75.00) if the person committing the offense does not appeal the citation in accordance with Section 16-79 of the Code of Ordinances.
  - (2) The civil fine imposed upon the issuance of the second citation for violation of the same section of this chapter within any 12-month period shall be a maximum of three



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hundred dollars (\$300.00), but shall be one hundred fifty dollars (\$150.00) if the person committing the offense does not appeal the citation in accordance with Section 16-79 of the Code of Ordinances.

(3) The civil fine imposed upon issuance of the third citation for violation of the same section of this chapter within any 12-month period shall be a maximum of four hundred fifty dollars (\$450.00), but shall be two hundred twenty-five dollars (\$225.00) if the person committing the offense does not appeal the citation in accordance with Section 16-79 of the Code of Ordinances.

(4) The civil fine imposed upon issuance of the fourth or more citation for violation of the same section of this chapter within any 12-month period shall be a maximum fine of five hundred dollars (\$500.00), but shall be three hundred dollars (\$300.00) if the person committing the offense does not appeal the citation in accordance with Section 16-79 of the Code of Ordinances.

(d) When there is reason to believe that the violation poses a serious threat to the public health, safety or welfare; or in situations where continuation of the violation would be irreparable or irreversible, the government may, without further notice, proceed to abate the conditions. In such cases, the government may, in addition to any fine imposed herein, charge the responsible person, persons or entities with the cost of the abatement, including equipment expense, disposal fee, if any, and an administrative fee of seventy-five dollars (\$75.00). The Urban County Government may file a lien for such abatement, in accordance with Section 16-81 of the Code of Ordinances and KRS 65.8835. Citations, if issued, shall not preclude the government from abating the conditions and billing the responsible person, persons or entities for the cost of abatement.

(e) Nothing contained herein shall prohibit the Urban County Government from enforcement of this chapter by any means authorized by law.

Section 2 - That Section 14-10(6) of the Code of Ordinances, Lexington-Fayette

Urban County Government, be and hereby is amended to read as follows:

- (6) Urban forester employed in the                      Code of Ordinances  
division of streets, roads and forestry,      Chapter 17B  
arborist employed in the division of  
streets, roads and forestry

Section 3 - That Section 16-76 of the Code of Ordinances, Lexington-Fayette

Urban County Government, be and hereby is amended to read as follows:

Two (2) hearing boards are hereby created pursuant to KRS 65.8801 through 65.8839, one (1) to be known and referred to as the infrastructure hearing board and one (1) to be known and referred to as the environmental hearing board. The infrastructure hearing board shall hear matters regarding enforcement of ordinances by the divisions of engineering, sanitary sewers, planning, traffic engineering, and streets, roads and forestry, as specified in applicable code sections, and those portions of the zoning ordinance and subdivision regulations subject to enforcement through civil citations. The environmental hearing board shall hear matters regarding enforcement of ordinances by the divisions of environmental and emergency management and

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solid waste.

Section 4 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

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MAYOR

ATTEST:

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CLERK OF URBAN COUNTY COUNCIL

PUBLISHED:

REB/00118978