

**URBAN COUNTY COUNCIL  
SCHEDULE OF MEETINGS  
JANUARY 28 through FEBRUARY 4, 2008**

**MONDAY, JANUARY 28**

Special Council Meeting-State of the Merged Government Address . . . . .6:00 pm  
Opera House, 401 W Short St

**TUESDAY, JANUARY 29**

Neighborhood Development Bond Fund (NDBF) Oversight Committee Meeting . . . 10:00 am  
Conference Room-5<sup>th</sup> Floor Government Center

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

Budget & Finance 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

**WEDNESDAY JANUARY 30**

Commission for Citizens with Disabilities Meeting . . . . .9:00 am  
Conference Room 4C-Lexington Public Library

Downtown Entertainment Task Force Meeting . . . . . 4:30 pm  
Commerce Lexington, 330 E Main St

**THURSDAY, JANUARY 31**

Commerce Lexington Dinner (reception 5:30 pm) . . . . . 6:30 pm  
Lexington Center, Bluegrass Ballroom

**FRIDAY, FEBRUARY 1**

Bicycle Pedestrian Advisory Committee (BPAC) Meeting . . . . . 12:00 pm  
Conference Room-7<sup>th</sup> Floor Phoenix Building

**MONDAY, FEBRUARY 4**

Fayette County Rural Land Management Board Meeting . . . . . 3:00 pm  
Conference Room-12<sup>th</sup> Floor Government Center

**LEXINGTON-FAYETTE URBAN COUNTY COUNCIL**

**WORK SESSION AGENDA**

**January 29, 2008**

- I. Public Comment – Issues on Agenda**
- II. Requested Rezoning / Docket Approval – None**
- III. Approval of Summary-Yes, January 22, 2008, pp.5-10**
- IV. Budget Amendments – None**
- V. New Business, pp.12-29**
- VI. Continuing Business / Presentations**
  - A. Planning Committee, pp.30-34**
  - B. Legislative Update – Leonard S. Simon, President,  
Simon & Company Incorporated**
  - C. CHFS: Race Community and Child Welfare – Delanor  
Manson**
- VII. Council Report**
- VIII. Mayor's Report – None**
- IX. Public Comment – Issues Not on Agenda**

## ADMINISTRATIVE SYNOPSIS

### New Business Items

- A. Authorization of an Engineering Services Agreement with Strand Associates, Inc. on Behalf of the Department of Environmental Quality, Division of Water and Air Quality to Provide Lab Services. (048-08) (Martin/Taylor)  
This request will authorize an Engineering Services Agreement with Strand Associates, Inc. for \$42,500 on behalf of the Department of Environmental Quality, Division of Water and Air Quality to provide assistance to the Lab Analysts and Acting Lab Supervisor while the search for a new Lab Supervisor is being conducted. While assisting the lab, a plan will be developed to install and start-up new reporting software to gather all data collected between the lab, operations and pretreatment. Funds are budgeted.**p.12**
- B. Authorization of an Acceptance of a Deed of Permanent Storm Sewer and Drainage Easement and a Temporary Construction Easement at 226 Westwood Court for the Elizabeth Street Drainage Improvements Project. (050-08) (Martin/Taylor)  
This request will authorize the acceptance of a deed of a Permanent Storm Sewer and Drainage Easement of 1,165 square feet and a Temporary Construction Easement of 1,683 square feet at a cost of \$8,500 at 226 Westwood Court for the Elizabeth Street Drainage Improvements Project. Funds are budgeted.**p.13**
- C. Authorization to Enter into an Access Agreement with Verizon South, Inc. to Conduct a Limited Subsurface Investigation at Shilito Park. (057-08) (McFadden/Taylor)  
This request will authorize an entry into an Access Agreement for ATC Associates, Inc., on behalf of Verizon South, Inc. to conduct a limited subsurface investigation of a small pond in Shilito Park containing low levels of petroleum hydrocarbons from an off-site source. The Kentucky Environmental and Public Protection Cabinet has directed Verizon South, Inc. (believed to be responsible for the contamination) to evaluate the geologic nature of the contamination. The investigation will be conducted with minimal disturbances to the park. Verizon and ATC Associates will be responsible for any damages. There is no budgetary impact.**pp.14-17**

D. Authorization of a Resolution to Change Street Names and Individual Addresses within Council Districts 1, 2, 3, 5, 6, 7, 10 and 12 for the Enhanced 9-1-1 System. (054-08) (Lucas/Bennett)

This request will authorize a resolution to change street names and individual addresses of 316 Bainbridge Drive to 305 Lindenhurst Drive; 2171 Hume Road to 2115 Ami Lane; 2509 Mercer Road to 110 Ferndale Pass, 5590 and 5432 Mount Horeb Pike to 3009 and 3030 Warner Road; 2399 Paris Pike to 400 Kingston Road; 1000 Providence Land to 131 Eastover Drive; 208 Spring Valley Lane to 130 Ferndale Pass; 4909, 4907, and 4905 Bates Creek Road to 904, 907, and 910 Scowbyfields Drive; 312, 314, 416, 318, 320, 322, 324, 326, 328, 330, 332, 334, 336, 338, 340, 342, 344, 394, 346, 392, 348, 390, 350, 388, 352, 386, 354, 384, 356, 382, 358, 380, 360, 378, 362, 376, 364, 366, 368, 379, 372, and 374 Lindenhurst Drive to 2501, 2503, 2505, 2507, 2509, 2511, 2513, 2515, 2517, 2519, 2520, 2522, 2524, 2526, 2528, 2530, 2532, 2533, 2534, 2535, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2554, 2556, 2558, 2560, and 2562 Lindenhurst Loop; 3252, 3254, 3256, 3264, 3266, 3268, 3270, 3272, 3274, 3278, 3280, 3282, 3284, 3288, 3290, 3292, 3294, 3296, and 3298 Verandah Place to 3275, 3277, 3279, 3301, 3303, 3307, 3309, 3311, 3313, 3315, 3317, 3319, 3321, 3323, 3325, 3327, 3329, and 3331 Beaumont Centre Circle; change the property address numbers of 304 Lindenhurst Drive to 320 Lindenhurst Drive; 152 Colfax Street to 150 Colfax Street, 909 Georgetown Street to 907 Georgetown Street, 3989 Huffman Mill Pike to 4001 Huffman Mill Pike, 900 Iron Works Pike to 884 Iron Works Pike; 2585 Nicholasville Road to 2587 Nicholasville Road, 254 Southland Drive to 256 Southland Drive; 1321 Trent Boulevard to 1393 Trent Boulevard; 3280, 3282, 3284, 3286, 3288, 3290, 3292, 3294, 3296, 3298, and 3001 Beaumont Centre Circle to 3300, 3304, 3308, 3312, 3316, 3320, 3324, 3328, 3332, 3336, and 3401 Beaumont Centre Circle; 431, 433, 435, 437, 439, and 441 Patchen Drive to 433, 445, 447, 499, 451, and 453 Patchen Drive; change the street name of Mercer Road from its intersection with Citation Boulevard dedicated right of way to its terminus west of its intersection with Darenia Lane to Ferndale Pass, and 337 Bainbridge Drive to 337 Lindenhurst Drive all located within Council Districts 1, 2, 3, 5, 6, 7, 10 and 12. **pp.18-25**

E. Authorization of a Professional Service Agreement with Jessica Collins, Sexual Assault Nurse Examiner (SANE) for Performance of Forensic Examinations. (056-08) (King/Bennett)

This request will authorize a Professional Service Agreement with Jessica Collins, SANE, for performance of forensic examinations at the University of Kentucky Emergency Room at the reimbursable rate of \$40 for each scheduled "on call" period; \$230 for each completed forensic examination; \$30 per hour up to three (3) hours for forensic examination not completed because consent was withdrawn by victim; for an amount not to exceed the reasonable cost of a prepaid annual premium for medical liability

insurance on receipt of certificate of insurance and submission of invoice; and \$50 per case for the provision of professional testimony in a court of law. Federal funding is provided under the Violence Against Women Act by the Kentucky Justice Cabinet for the operation of the SANE program. The agreement is from January 1, 2008 through December 31, 2008. Funds are budgeted.**p.26**

F. Authorization of a Change Order No. 2 to Contract with Randle Davies Construction Company for the Brighton East Rail Trail Phase 1 – 2007 (Final). (049-08) (King/D. Kelly)

This request will authorize Change Order No. 2 to **decrease** the contract amount by \$12,484.10 and finalizes material quantities needed for completion of the Trail. Amount of the previous change order is \$93,268.68. Original contract amount was \$415,535.50. New contract total is \$496,319.88.**p.27-29**

URBAN COUNTY COUNCIL  
WORK SESSION SUMMARY  
& TABLE OF MOTIONS

January 22, 2008

Mayor Newberry chaired the meeting, calling it to order at 3:05 pm. All Council Members were present.

Mayor Newberry welcomed newly sworn-in CM Peggy Henson.

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

A motion by CM Blues to place on the docket for the January 25, 2008 meeting a resolution amending Resolution No. 59-2006 to change the name of the Approved Company, which was granted an inducement pursuant to the Kentucky Job Development Act, from Exstream Software North America, Inc. to Exstream Software North America, LLC and a resolution amending Resolution 743-2000 to change the name of the Approved Company, which was granted an inducement pursuant to the Kentucky Job Development Act, from Exstream Software, Inc. to Exstream Software North America, LLC, seconded by CM McChord, passed without dissent.

A motion by CM Ellinger to place on the docket without a hearing, an ordinance amending Article 6-10(b)(2) and 6-10(b)(3) of the Land Subdivision Regulations to require more diversification of plant species in street trees and to adjust the minimum size of utility strips for various sizes of street trees, seconded by CM Myers, passed without dissent.

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

- III. Approval of Summary – Yes

A motion by CM DeCamp to approve the summary from January 15, 2007, was seconded by CM Stinnett, passed without dissent.

A motion by CM Stevens to amend the 1/15/08 summary to read “a motion by CM Stevens to approve item c and request a report in 6 mos (July), seconded by CM Gorton, passed unanimously” seconded by CM Gorton, passed without dissent.

#### IV. Budget Amendments-Yes

A motion by CM Gorton to approve budget amendments, seconded by CM Ellinger, passed without dissent.

#### V. New Business

- A. Authorization to Amend Section 2 of Ordinance No. 294-2007 to Correct a Clerical Error. (029-08) (Allen/Koch)
- B. Authorization to Amend Section 2 of Ordinance No. 293-2007 to Correct a Clerical Error. (030-08) (Askew)
- C. Authorization to Amend Section 21-5 of the Code of Ordinances within the Department of Social Services, Senior Citizens' Center. (039-08) (Allen/Helm)
- D. Authorization of a Deed of Permanent Storm Sewer Easement at 223 Westwood Court for the Elizabeth Street Drainage Improvements Project. (032-08) (Martin/Taylor)
- E. Authorization to Amend Section 1 of Ordinance No. 280-2007 for Schedule of Meetings for the Lexington-Fayette Urban County Council for Calendar Year 2008. (033-08) (Langston)
- F. Authorization of a Resolution to the 2008 General Assembly Urging for Trauma Care to all Citizens of the Commonwealth of Kentucky to Create a Trauma Network. (046-08) (Langston)
- G. Authorization of Change Order No. 1 to Contract with Lithko Restoration Technologies Regarding the Temporary Shoring Installation for the Annex Parking Structure. (038-08) (Loney/Cole)
- H. Authorization of a Professional Service Agreement with L. Lianne McBride, Sexual Assault Nurse Examiner (SANE) for Performance of Forensic Examinations. (034-08) (King/Bennett)
- I. Authorization of a Professional Service Agreement with Sherry Guiller, Sexual Assault Nurse Examiner (SANE), for Performance of Forensic Examinations. (035-08) (King/Bennett)
- J. Authorization of a Vehicle Use Agreement with the National Insurance Crime Bureau (NICB) on Behalf of the Division of Police. (036-08) (Bastin/Bennett)

- K. Authorization of a Sale Agreement with Cathy O'Donovan and the Lexington-Fayette Urban County Horse Patrol Commission on Behalf of the Division of Police. (037-08) (Bastin/Bennett)
- L. Authorization to Submit Grant Application to the Kentucky State Police (KSP) on Behalf of the Division of Police for Enforcing Underage Drinking Laws. (041-08) (King/Bennett)
- M. Authorization to Submit Grant Application to the Kentucky Heritage Council on Behalf of the Division of Historic Preservation, (031-08) (King/D. Kelly)
- N. Authorization to Accept Award from the Kentucky Transportation Cabinet (KYTC) for Congestion Mitigation and Air Quality (CMAQ) for the Maxwell Street Bike / Pedestrian Project – FY2008. (040-08) (King/D. Kelly)
- O. Authorization to Accept Award from the Kentucky Transportation Cabinet (KYTC) for Surface Transportation – Lexington (SLX) Funds to Complete the Construction of the Town Branch Trail Phase II – FY2008. (042-08) (King/D. Kelly)
- P. Authorization to Accept Award from the Kentucky Transportation Cabinet (KYTC) of Surface Transportation – Lexington (SLX) Funds for the Design of the South Elkhorn Trail – FY2008. (043-08) (King/D. Kelly)
- Q. Authorization to Submit Grant Application to the Kentucky Governor's Office of Local Development (GOLD) for Federal Funds from the Recreational Trail Program for the Brighton West Rail Trail – FY2009. (044-08) (King/D. Kelly)
- R. Authorization of a Supplement Agreement No 1 to Agreement with the Kentucky Transportation Cabinet (KYTC), Department of Highways Regarding the Construction of Brighton East Trail Using Surface Transportation – Lexington (SLX) Funds. (045-08) (King/D. Kelly)
- S. Authorization of Change Order No. 5 to Contract with J.M. Crawford and Associates, Inc. Regarding the Meadows / Northland / Arlington Public Improvements Design Subphase 2E. (047-08) (King/D. Kelly)

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

## VI. Continuing Business / Presentations

### A. Corridors Committee Update

This update was given by Chair CM Dr. Stevens.

### B. Intergovernmental Committee Update



This update was given by Vice-Chair CM James. There was 1 motion to come forward.

A motion by CM James to ask the administration to confirm its position as it relates to the CSEA request, seconded by CM Gorton, passed without dissent

#### C. Energy Awards

This presentation was made by Tom Webb. The Division of Fire and Emergency Services, along with, the Division of Water and Air Quality received awards.

#### D. Community Rating System of the National Flood Insurance Program Award to LFUCG

This presentation was made by Dionne Fields, KY Division of Water. Chris King accepted the award for LFUCG.

#### E. Police Staffing Presentation

This presentation was done by Chief Bastin. Several CMs asked questions about collective bargaining, clarification of positions, and benefits of the new structure.

A motion by CM Stinnett to place on the docket for the Thursday January 24, 2008 council meeting, an ordinance relating to the reorganization of the Division of Police as presented at the January 22, 2008 work session, seconded by CM Gorton, passed without dissent.

### VII. Council Report

CM McChord-Welcomed Ann Sabatino back to the community. She is the new editor of the Southsider and Chevy Chaser magazines.

CM Stinnett-Announced that Eastland NA will still meet tonight at 6:30 at Christ Centered Church; asked the Mayor about the changes that he has recently made at the jail in reference to immigration and a presentation about the changes and if there are any more to come; welcomed Peggy Henson, new CM for the 11<sup>th</sup> District.

Mayor Newberry stated that he was going to address the new changes at the jail when we got to the Mayor's Report, but will go ahead and do it now.

CM James-Spoke about the MLK day activities; asked Arty Green question about

when would the list for open positions on boards and commissions be available; Mr. Green responded that the list is in the process of being compiled; stated that "in regards to the Meadows/Arlington/Northland Project, she has spoken with Comm. Kelly and he is ok with the 30-day period, of coming forth within the 30-day period, and get specifics later about what the date would be-he would come forward and do the presentation of those phases and talk about additional funding-we will move forward with that-thank you for your suggestions"; stated that it is time for the homeless count on this Thursday (1/24/08); told CMs to please see her for more information if they would like to participate.

CM Blevins-Announced that the largest Chinese New Year's celebration will be on Saturday February 2, 2008 at 7-9 pm at the Singletary Center.

CM DeCamp-A motion by CM DeCamp to reduce the speed limit to 25 mph on Central Ave, seconded by CM McChord, passed without dissent.

CM Crosbie-Welcomed CM Peggy Henson; reminded the 7<sup>th</sup> District citizens of the President's meeting at the Eagle Creek Library at 4 pm on 1/25/08.

CM Blues-Thanked Mayor Newberry for participating in the 2<sup>nd</sup> District President's meeting; announced 2 neighborhood association meetings scheduled for next Monday, both at 7 pm: Oakwood and Radcliffe-Marlboro, at the community center.

CM Henson-Stated that she is happy to be working with a good group of people and thanked the mayor for the appointment.

CM Gorton-Welcomed and congratulated CM Henson; asked Comm. Askew if the proposed sanitary sewer fee increase is subject to HB44-he answered that he would look into this and get back with an answer; asked Comm. Kelly about snow removal on MOW-he answered that it is priority 1.

CM Stevens-Announced that the Kenwick NA will meet tonight at 7 pm at the community center on Owsley Ave.

CM Gray-Welcomed CM Henson; welcomed CM Blevins as the new Chairman for the Sanitary Sewer Oversight Comm. And CM Stinnett as the Vice-Chair.

### VIII. Mayor's Report-Yes

A motion by CM DeCamp to approve the Mayor's report, seconded by CM Gorton, passed without dissent

Mayor Newberry stated that it was a pleasure for him to participate in the 2<sup>nd</sup> District Presidents' meeting; announced that on this Thursday at 6 pm, prior to the Council Meeting, there will be a reception for former CM Moloney and newly appointed CM Henson in the Government Center Ballroom.

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

Citizen, Dick Shore, spoke about another option/solution to the water issue.

A motion by VM Gray to refer the idea of constructive wetlands to the Planning Committee, seconded by CM Ellinger, passed without dissent.

Comm. Koch gave the latest update on STARS.

VM Gray spoke about acquiring a consultant for the water pipeline issue and inviting Scott Rubin from the Attorney General's Office to come and speak before Council. Several CMs joined in this conversation. CM Stinnett, the Parliamentarian, stated that this conversation is out of order.

A motion by VM Gray to invite Scott Rubin to visit with Council, seconded by CM DeCamp amended by CM Blevins to ask Mr. Rubin if his report had changed since December, was also to include that our counsel contact the Attorney General's Office to ask Mr. Rubin this question (on the advice of Comm. Askew), passed without dissent.

X. Closed Session-Litigation

A motion by CM Blevins to go into closed session pursuant to KRS 61.810(1) (c) for the purpose of discussing a pending litigation matter, seconded by CM McChord, passed with one dissent.

A motion by CM Gorton to come out of closed session, seconded by CM Crosbie, passed without dissent.

A motion by CM DeCamp to adjourn, seconded by CM Crosbie passed without dissent.

Work Session went into closed session at 5:30 pm and was adjourned from there at 6:30 pm.

**Budget Information for New Business Items**  
January 29, 2008 Work Session

<b>Item</b>	<b>Number</b>	<b>Amount</b>	<b>Fund</b>	<b>Name / Description</b>	<b>Number</b>
A	048-08	42,500	4002	Sanitary Sewer Revenue and Operating Fund	048-08
B	050-08	8,500	2522	Public Works	050-08
C	057-08	NA			057-08
D	054-08	NA			054-08
*E	056-08	30,000	3140	US Dept Of Justice	056-08
F	049-08	(12,484)	3160	US Dept Of Transportation	049-08

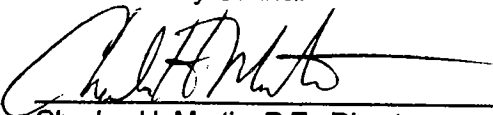
\* Maximum for (8) contract nurses - funding is generally \$5,000 or less per contractor.



048-08

Mayor Jim Newberry  
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT  
Division of Water and Air Quality

To: Mayor Jim Newberry  
Urban County Council

From:   
Charles H. Martin, P.E., Director  
Division of Water and Air Quality

Date: January 15, 2008

Re: Contract for Lab Services

The purpose of this memorandum is to request a resolution authorizing an agreement between the Lexington-Fayette Urban County Government (LFUCG) and Strand Associates, Inc. The contract with Strand Associates, Inc. will provide assistance to the Lab Analysts and Acting Lab Supervisor while the search for a new Lab Supervisor is being conducted. In addition while assisting the lab a plan will be developed to install and start-up new reporting software to pull together all data collected between the lab, operations and pretreatment.

The cost for the defined lab services is \$42,500.00.

Questions regarding this agreement should be directed to Charles Martin at 425-2455.

HORSE CAPITAL OF THE WORLD



050-08

Mayor Jim Newberry

LEXINGTON - FAYETTE URBAN COUNTY GOVERNMENT  
Division of Engineering

## MEMORANDUM

To: Jim Newberry, Mayor  
Urban County Council

From: Mary Bennett *MB*  
Engineering Technician

Date: January 8, 2008

Re: Resolution Authorizing Acceptance of Deed  
Project No. 384 – Elizabeth Street Drainage Improvements

The purpose of this memorandum is to request a resolution authorizing the acceptance of a deed of permanent storm sewer and drainage easement and temporary construction easements for the Elizabeth Street Drainage Improvements project. The deed will be from Book Properties, LLC at a cost of \$8,500.00 for the acquisition of 1,165 square feet of permanent storm sewer and drainage easement and 1,683 square feet of temporary construction easement from the property located at 226 Westwood Court.

Funds for the payment are currently budgeted. Acceptance of the deed in payment of the consideration is recommended.

Approved by:

Charles H. Martin, P.E.  
Director, Division of Water and Air Quality

Cheryl Taylor, Commissioner  
Department of Environmental Quality

### Attachments

c: Robert Bayert, P.E.   David Carroll, P.E.   Glenda George   Yvonne Stone   File

08.P384.406.blue226westwood

HORSE CAPITAL OF THE WORLD

101 East Vine Street 4th Floor   Lexington, KY 40507   (859) 258-3410   Fax: (859) 258-3458   [www.lfucg.com](http://www.lfucg.com)

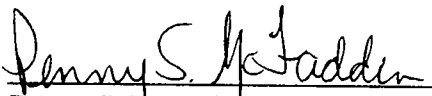


057-08

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

DATE: January 18, 2008

Please find attached an access agreement to allow Verizon to conduct a limited subsurface investigation at Shillito Park.

A small pond in Shillito Park has been impacted by low levels of petroleum hydrocarbons (believed to be weathered gasoline) from an off-site source. The Kentucky Environmental and Public Protection Cabinet has directed Verizon South, believed to be party responsible for the contamination, to perform a subsurface investigation in the area of this pond to evaluate the geologic nature of the spring. This information would then be used to help develop a plan of action to address this contamination. Verizon South has contracted with ATC Associates Inc. to perform the investigation and wishes to obtain access to Shillito Park to perform this investigation as described in the attachment. The investigation would result in minimal disturbances to the park and Verizon South/ATC Associates would be responsible for any damages.

The Office of Compliance recommends approval. If you have additional questions, please call Tom Webb at 425-2808.

HORSE CAPITAL OF THE WORLD



132 Citizens Boulevard  
Simpsonville, Kentucky 40067  
Phone: (502) 722-1401  
Fax: (502) 722-1402  
Website: atc-enviro.com

057-08

November 13, 2007

Mr. Tom Webb  
Lexington-Fayette Government Center  
200 East Main Street, Suite 925  
Lexington, KY 40507  
Phone: (859) 425-2808  
[tomw@lfucg.com](mailto:tomw@lfucg.com)

**Re: Site Access  
Limited Subsurface Investigation  
Shillito Park – Lexington, Kentucky  
ATC Proposal# 27-07-156**

Dear Mr. Webb:

ATC Associates, Inc. (ATC) has been retained by Verizon South, Inc. (Verizon) to conduct a Limited Subsurface Investigation at Shillito Park at the direction of the Kentucky Division of Waste Management's (KDWM) Underground Storage Tank Branch (USTB). In a directive letter dated September 13, 2007, the USTB has requested that eight (8) soil borings be advanced proximal to a spring located in Shillito Park to further evaluate the geologic nature of the spring. A copy of the USTB correspondence and a map identifying the proposed boring locations are attached for your review.

The eight (8) soil borings will be advanced using a truck-mounted Geoprobe® direct push sampler. Geoprobe® sampling involves advancing a sampler into the subsurface using hydraulic pressure. The sampler is a 4-foot long by 1.25-inch Macro-Core Soil Sampler® tube fitted with a plastic liner. The sampler is advanced to the proposed depth and collects a continuous sample, which is then retrieved. Next, the soil sample is removed, the sampler cleaned and refitted with a new liner, then advanced to the next depth interval.

The resulting surface disruption from Geoprobe® sampling is a 2-inch hole in the surface material. After all samples are collected, the probe boring will be backfilled with bentonite chips, which will seal the borehole. The surface will then be repaired with like materials.

If in agreement, ATC will schedule the work at the convenience of the County. ATC will contact Kentucky Underground to perform a utility locate prior to mobilization to the site and will provide for security of the area while work is being completed. Individuals not authorized will not be permitted to access the area of work while drilling activities are being performed. As needed, ATC will fill any vehicle tire ruts resulting from our work with top soil, seed and place straw to minimize



runoff.

**057-08**

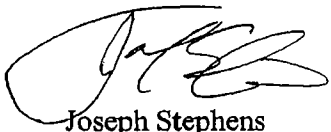
A copy of ATC's certificate of insurance is attached. The USTB has requested the completion of this assessment in a timely manner (early December) and believes it is in your best interest to allow the investigation to proceed.

If you have any questions regarding USTB authorization to conduct these activities, please contact Mr. Eric Rasmussen, the USTB Project Manager, at (502) 564-5981 and reference Agency Interest number 47511.


Please provide your authorization and approval by signing below and return the signature page in the enclosed envelope by November 16, 2007. If you have any questions or would like to further discuss any aspect of this site access request, please contact me at (502) 722-1401.

Sincerely,

**ATC Associates, Inc.**



Joseph Stephens  
Senior Geologist /  
Environmental Services Manager

  
Mark Schuhmann  
Branch Manager

Attachments: USTB correspondence  
Site map with proposed boring locations  
ATC certificate of insurance

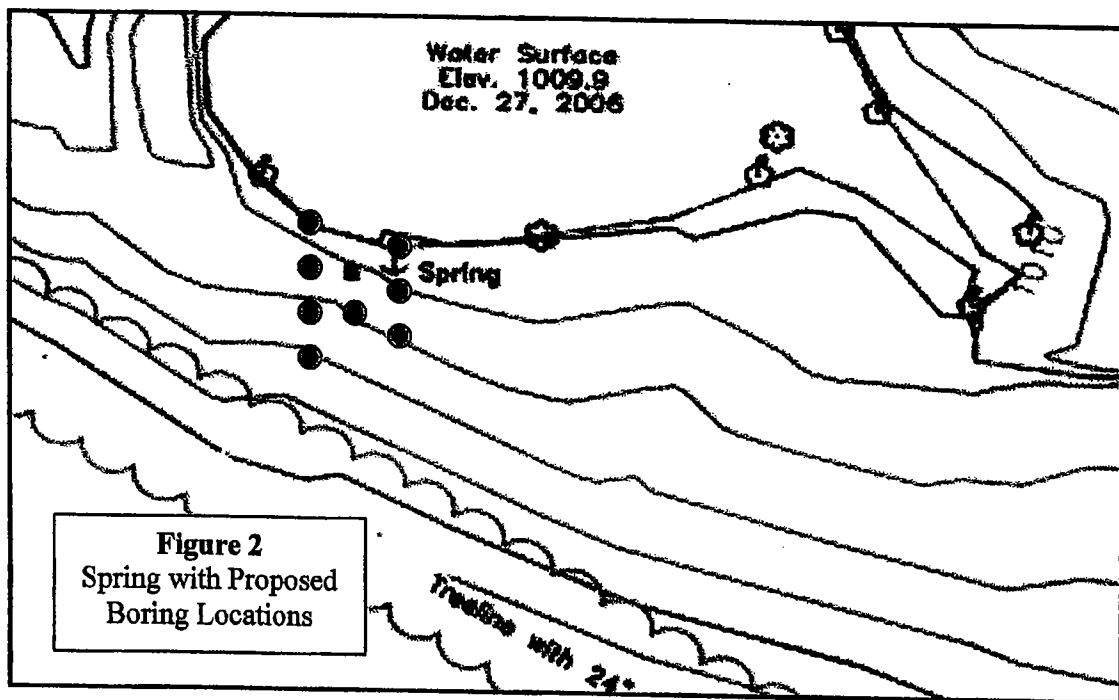
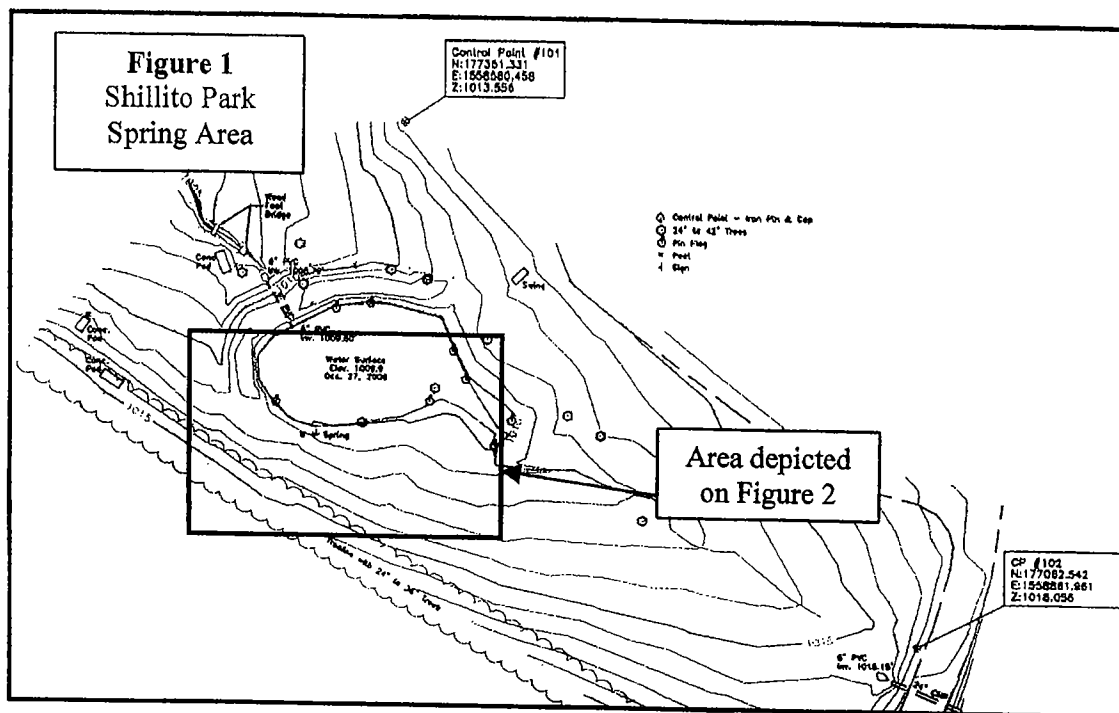
Cc: Mr. Randy Moore, Verizon South, Inc.  
Mr. Andy Coleman, ATC Associates, Inc.

☐ \_\_\_\_\_  
Access approved (printed name and signature)

☐ \_\_\_\_\_  
Access denied (printed name and signature)

Phone number \_\_\_\_\_  
(If you wish to be notified prior to field activities.)

057-08



● Proposed boring location



05 4 - 08

Mayor Jim Newberry

**LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**  
Division of Enhanced 9-1-1

January 17, 2007

TO: Mayor Jim Newberry and Urban County Council  
 FROM: David Lucas, Enhanced 9-1-1 Director *(DL)*  
 RE: Address changes for Enhanced 9-1-1 compliance

This request will change street names and individual numbers to addresses within various Council Districts. The attached listing reflects the individual addresses to be changed that are located within the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup>, 10<sup>th</sup> and 12<sup>th</sup> Council Districts.

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

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

The following documents are attached:

1. Administrative review form (Blue sheet).
2. Spreadsheet listing of each address change and associated Council District number.
3. Individual address list/Draft of Resolution.

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

054-08

RESOLUTION NO. \_\_\_\_-2008

A RESOLUTION CHANGING THE STREET NAME AND PROPERTY ADDRESS NUMBERS OF 316 BAINBRIDGE DRIVE TO 305 LINDENHURST DRIVE, OF 2171 HUME ROAD TO 2116 AMI LANE, 2509 MERCER ROAD TO 110 FERNDAL PASS, 5590 AND 5432 MOUNT HOREB PIKE TO 3009 AND 3030 WARNER ROAD, OF 2399 PARIS PIKE TO 400 KINGSTON ROAD, OF 1000 PROVIDENCE LANE TO 131 EASTOVER DRIVE, OF 208 SPRING VALLEY LANE TO 130 FERNDAL PASS, OF 4909, 4907, AND 4905 TATES CREEK ROAD TO 904, 907, AND 910 SCOWBYFIELDS DRIVE, OF 312, 314, 316, 318, 320, 322, 324, 326, 328, 330, 332, 334, 336, 338, 340, 342, 344, 394, 346, 392, 348, 390, 350, 388, 352, 386, 354, 384, 356, 382, 358, 380, 360, 378, 362, 376, 364, 366, 368, 370, 372, AND 374 LINDENHURST DRIVE TO 2501, 2503, 2505, 2507, 2509, 2511, 2513, 2515, 2517, 2519, 2520, 2522, 2524, 2526, 2528, 2530, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2554, 2556, 2558, 2560, AND 2562 LINDENHURST LOOP, AND OF 3252, 3254, 3256, 3264, 3266, 3268, 3270, 3272, 3274, 3278, 3280, 3282, 3284, 3288, 3290, 3292, 3294, 3296 AND 3298 VERANDAH PLACE TO 3275, 3277, 3279, 3301, 3303, 3305, 3307, 3309, 3311, 3313, 3315, 3317, 3319, 3321, 3323, 3325, 3327, 3329, AND 3331 BEAUMONT CENTRE CIRCLE; CHANGING THE PROPERTY ADDRESS NUMBERS OF 304 LINDENHURST DRIVE TO 320 LINDENHURST DRIVE, OF 152 COLFAX STREET TO 150 COLFAX STREET, OF 909 GEORGETOWN STREET TO 907 GEORGETOWN STREET, OF 3989 HUFFMAN MILL PIKE TO 4001 HUFFMAN MILL PIKE, OF 900 IRON WORKS PIKE TO 884 IRON WORKS PIKE, OF 2585 NICHOLASVILLE ROAD TO 2587 NICHOLASVILLE ROAD, OF 254 SOUTHLAND DRIVE TO 256 SOUTHLAND DRIVE, OF 1321 TRENT BOULEVARD TO 1393 TRENT BOULEVARD, OF 3280, 3282, 3284, 3286, 3288, 3290, 3292, 3294, 3296, 3298, AND 3001 BEAUMONT CENTRE CIRCLE TO 3300, 3304, 3308, 3312, 3316, 3320, 3324, 3328, 3332, 3336, AND 3401 BEAUMONT CENTRE CIRCLE, AND OF 431, 433, 435, 437, 439, AND 441 PATCHEN DRIVE TO 443, 445, 447, 449, 451, AND 453 PATCHEN DRIVE; CHANGING THE STREET NAME OF MERCER ROAD FROM ITS INTERSECTION WITH CITATION BOULEVARD DEDICATED RIGHT OF WAY TO ITS TERMINUS WEST OF ITS INTERSECTION WITH DARENIA LANE TO FERNDAL PASS, AND OF 337 BAINBRIDGE DRIVE TO 337 LINDENHURST DRIVE; ALL EFFECTIVE THIRTY DAYS FROM PASSAGE.

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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) Bainbridge: That the name of Bainbridge Drive located at 316 Bainbridge Drive is changed to Lindenhurst Drive and the following number change is made:

<u>Current</u>	<u>New</u>
316 Bainbridge Drive (using 305 Lindenhurst Drive)	305 Lindenhurst Drive

- (b) Hume Road: That the name of Hume Road located at 2171 Hume Road is changed to Ami Lane and the following number change is made:

<u>Current</u>	<u>New</u>
2171 Hume Road (a.k.a. 2171 Ami Lane)	2116 Ami Lane

- (c) Mercer Road: That the name of Mercer Road located at 2509 Mercer Road is changed to Ferndale Pass and the following number change is made:

<u>Current</u>	<u>New</u>
2509 Mercer Road	110 Ferndale Pass

- (d) Mount Horeb Pike: That the name of Mount Horeb Pike located at 5590 and 5432 Mount Horeb Pike is changed to Warner Road and the following number changes are made:

<u>Current</u>	<u>New</u>
5590 Mount Horeb Pike	3009 Warner Road
5432 Mount Horeb Pike	3030 Warner Road

- (e) Paris Pike: That the name of Paris Pike located at 2399 Paris Pike is changed to Kingston Road and the following number change is made:

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<u>Current</u>	<u>New</u>
2399 Paris Pike	400 Kingston Road

(f) Providence Lane: That the name of Providence Lane located at 1000 Providence Lane is changed to Eastover Drive and the following number change is made:

<u>Current</u>	<u>New</u>
1000 Providence Lane	131 Eastover Drive

(g) Spring Valley Lane: That the name of Spring Valley Lane located at 208 Spring Valley Lane is changed to Ferndale Pass and the following number change is made:

<u>Current</u>	<u>New</u>
208 Spring Valley Lane (a.k.a. 2533 Mercer Road)	130 Ferndale Pass

(h) Tates Creek Road: That the name of Tates Creek Road located at 4909, 4907, and 4905 Tates Creek Road is changed to Scowbyfields Drive and the following number changes are made:

<u>Current</u>	<u>New</u>
4909 Tates Creek Road	904 Scowbyfields Drive
4907 Tates Creek Road	907 Scowbyfields Drive
4905 Tates Creek Road	910 Scowbyfields Drive

(i) Lindenhurst Drive: That the name of Lindenhurst Drive located at 312, 314, 316, 318, 320, 322, 324, 326, 328, 330, 332, 334, 336, 338, 340, 342, 344, 394, 346, 392, 348, 390, 350, 388, 352, 386, 354, 384, 356, 382, 358, 380, 360, 378, 362, 376, 364, 366, 368, 370, 372, and 374 Lindenhurst Drive is changed to Lindenhurst Loop and the following number changes are made:

<u>Current</u>	<u>New</u>
312 Lindenhurst Drive	2501 Lindenhurst Loop
314 Lindenhurst Drive	2503 Lindenhurst Loop
316 Lindenhurst Drive	2505 Lindenhurst Loop
318 Lindenhurst Drive	2507 Lindenhurst Loop
320 Lindenhurst Drive	2509 Lindenhurst Loop
322 Lindenhurst Drive	2511 Lindenhurst Loop
324 Lindenhurst Drive	2513 Lindenhurst Loop
326 Lindenhurst Drive	2515 Lindenhurst Loop
328 Lindenhurst Drive	2517 Lindenhurst Loop
330 Lindenhurst Drive	2519 Lindenhurst Loop
332 Lindenhurst Drive	2520 Lindenhurst Loop
334 Lindenhurst Drive	2522 Lindenhurst Loop

336 Lindenhurst Drive	2524 Lindenhurst Loop	0 5 4 - 0 8
338 Lindenhurst Drive	2526 Lindenhurst Loop	
340 Lindenhurst Drive	2528 Lindenhurst Loop	
342 Lindenhurst Drive	2530 Lindenhurst Loop	
344 Lindenhurst Drive	2532 Lindenhurst Loop	
394 Lindenhurst Drive	2533 Lindenhurst Loop	
346 Lindenhurst Drive	2534 Lindenhurst Loop	
392 Lindenhurst Drive	2535 Lindenhurst Loop	
348 Lindenhurst Drive	2536 Lindenhurst Loop	
390 Lindenhurst Drive	2537 Lindenhurst Loop	
350 Lindenhurst Drive	2538 Lindenhurst Loop	
388 Lindenhurst Drive	2539 Lindenhurst Loop	
352 Lindenhurst Drive	2540 Lindenhurst Loop	
386 Lindenhurst Drive	2541 Lindenhurst Loop	
354 Lindenhurst Drive	2542 Lindenhurst Loop	
384 Lindenhurst Drive	2543 Lindenhurst Loop	
356 Lindenhurst Drive	2544 Lindenhurst Loop	
382 Lindenhurst Drive	2545 Lindenhurst Loop	
358 Lindenhurst Drive	2546 Lindenhurst Loop	
380 Lindenhurst Drive	2547 Lindenhurst Loop	
360 Lindenhurst Drive	2548 Lindenhurst Loop	
378 Lindenhurst Drive	2549 Lindenhurst Loop	
362 Lindenhurst Drive	2550 Lindenhurst Loop	
376 Lindenhurst Drive	2551 Lindenhurst Loop	
364 Lindenhurst Drive	2552 Lindenhurst Loop	
366 Lindenhurst Drive	2554 Lindenhurst Loop	
368 Lindenhurst Drive	2556 Lindenhurst Loop	
370 Lindenhurst Drive	2558 Lindenhurst Loop	
372 Lindenhurst Drive	2560 Lindenhurst Loop	
374 Lindenhurst Drive	2562 Lindenhurst Loop	

(j) **Verandah Place:** That the name of Verandah Place located at 3252, 3254, 3256, 3264, 3266, 3268, 3270, 3272, 3274, 3278, 3280, 3282, 3284, 3288, 3290, 3292, 3294, 3296, and 3298 Verandah Place is changed to Beaumont Centre Circle and the following number changes are made:

<u>Current</u>	<u>New</u>
3252 Verandah Place	3275 Beaumont Centre Circle
3254 Verandah Place	3277 Beaumont Centre Circle
3256 Verandah Place	3279 Beaumont Centre Circle
3264 Verandah Place	3301 Beaumont Centre Circle
3266 Verandah Place	3303 Beaumont Centre Circle
3268 Verandah Place	3305 Beaumont Centre Circle
3270 Verandah Place	3307 Beaumont Centre Circle
3272 Verandah Place	3309 Beaumont Centre Circle
3274 Verandah Place	3311 Beaumont Centre Circle
3278 Verandah Place	3313 Beaumont Centre Circle

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3280 Verandah Place	3315 Beaumont Centre Circle
3282 Verandah Place	3317 Beaumont Centre Circle
3284 Verandah Place	3319 Beaumont Centre Circle
3288 Verandah Place	3321 Beaumont Centre Circle
3290 Verandah Place	3323 Beaumont Centre Circle
3292 Verandah Place	3325 Beaumont Centre Circle
3294 Verandah Place	3327 Beaumont Centre Circle
3296 Verandah Place	3329 Beaumont Centre Circle
3298 Verandah Place	3331 Beaumont Centre Circle

Section 2 – That the street numbers of the following properties be and hereby are changed as follows:

(a) Lindenhurst Drive:

<u>Current</u>	<u>New</u>
304 Lindenhurst Drive (using 305 Lindenhurst Drive)	320 Lindenhurst Drive

(b) Colfax Street:

<u>Current</u>	<u>New</u>
152 Colfax Street	150 Colfax Street

(c) Georgetown Street:

<u>Current</u>	<u>New</u>
909 Georgetown Street	907 Georgetown Street

(d) Huffman Mill Pike:

<u>Current</u>	<u>New</u>
3989 Huffman Mill Pike (using 4000 Huffman Mill Pike)	4001 Huffman Mill Pike

(e) Iron Works Pike:

<u>Current</u>	<u>New</u>
900 Iron Works Pike	884 Iron Works Pike

(f) Nicholasville Road:

<u>Current</u>	<u>New</u>
2585 Nicholasville Road	2587 Nicholasville Road

(g) Southland Drive:



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<u>Current</u>	<u>New</u>
254 Southland Drive	256 Southland Drive

(h) Trent Boulevard:

<u>Current</u>	<u>New</u>
1321 Trent Boulevard	1393 Trent Boulevard

(i) Beaumont Centre Circle:

<u>Current</u>	<u>New</u>
3280 Beaumont Centre Circle	3300 Beaumont Centre Circle
3282 Beaumont Centre Circle	3304 Beaumont Centre Circle
3284 Beaumont Centre Circle	3308 Beaumont Centre Circle
3286 Beaumont Centre Circle	3312 Beaumont Centre Circle
3288 Beaumont Centre Circle	3316 Beaumont Centre Circle
3290 Beaumont Centre Circle	3320 Beaumont Centre Circle
3292 Beaumont Centre Circle	3324 Beaumont Centre Circle
3294 Beaumont Centre Circle	3328 Beaumont Centre Circle
3296 Beaumont Centre Circle	3332 Beaumont Centre Circle
3298 Beaumont Centre Circle	3336 Beaumont Centre Circle
3001 Beaumont Centre Circle	3401 Beaumont Centre Circle

(j) Patchen Drive:

<u>Current</u>	<u>New</u>
431 Patchen Drive (a.ka. 441 Patchen Drive)	443 Patchen Drive
433 Patchen Drive (a.ka. 439 Patchen Drive)	445 Patchen Drive
435 Patchen Drive (a.ka. 437 Patchen Drive)	447 Patchen Drive
437 Patchen Drive (a.ka. 435 Patchen Drive)	449 Patchen Drive
439 Patchen Drive (a.ka. 433 Patchen Drive)	451 Patchen Drive
441 Patchen Drive (a.ka. 431 Patchen Drive)	453 Patchen Drive

Section 3 – That the street name of the following properties be and hereby are changed

as follows:

(a) Mercer Road: That the name of Mercer Road from its intersection with Citation Boulevard dedicated right-of-way to its terminus west of its intersection with Darenia Lane is changed to Ferndale Pass.

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(b) Bainbridge Drive: That the name of Bainbridge Drive located at 337 Bainbridge Drive (using 305 Lindenhurst Drive) is changed to Lindenhurst Drive.

Section 4 - That this Resolution shall be effective thirty (30) days from passage.

PASSED URBAN COUNTY COUNCIL:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CLERK OF URBAN COUNTY COUNCIL

PUBLISHED:  
DJB/001150287.DOC



056-08

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: JANUARY 22, 2008**

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE PROFESSIONAL SERVICE AGREEMENT WITH JESSICA COLLINS, SEXUAL ASSAULT NURSE EXAMINER, TO SERVE ON AN "ON-CALL" BASIS FOR THE PERFORMANCE OF FORENSIC EXAMINATIONS**

The Lexington-Fayette Urban County Government has received continuation funding (Violence Against Women Act) from the Kentucky Justice Cabinet for the operation of a Sexual Assault Nurse Examiner program. The purpose of this program is to improve the collection of forensic evidence in sexual assault cases and to provide the victims of sexual assault more humane treatment during the investigation. Ultimately, higher rates of reporting will occur along with higher rates of prosecution and conviction. The Kentucky Crime Victims' Compensation Fund also provides financial support for forensic examinations.

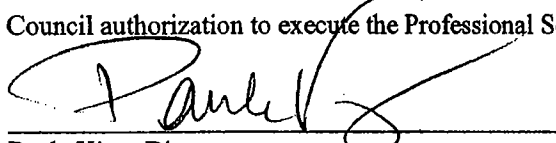
An approved element of the grant-funded project is having certified Sexual Assault Nurse Examiners (S.A.N.E.s) on call twenty-four hours a day to respond to calls for examinations at the University of Kentucky Emergency Room. This will be accomplished by contracting with qualified S.A.N.E.s. It is projected that a total of eight nurses will be placed under contract. Jessica Collins meets all qualifications.

The attached Professional Services Agreement with Jessica Collins for the period of January 1, 2008, through December 31, 2008, outlines the responsibilities and compensation. Funds for these services are budgeted as follows:

FUND	DEPARTMENT ID	SECTION	PROJECT	BUDGET REF	ACCOUNT	AMOUNT
3140	505506	5561	SANE	2008	71200	\$30,000

These funds are for the purpose of paying all contractual nurses for on-call duty, forensic examinations, and for reimbursement for liability insurance.

Council authorization to execute the Professional Services Agreement is hereby requested.

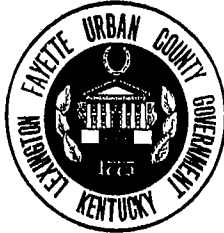
  
Paula King, Director

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)





049-08

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: JANUARY 18, 2008**

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE CHANGE**  
**ORDER NUMBER 2 WITH RANDLE DAVIES CONSTRUCTION**  
**COMPANY FOR THE BRIGHTON EAST RAIL TRAIL PHASE I-2007**

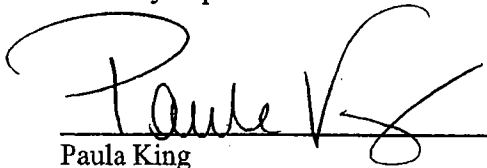
The Lexington-Fayette Urban County Government has been awarded federal funds from the Kentucky Transportation Cabinet for the Brighton East Rail Trail Project. The source of federal funds is SLX or Surface Transportation Lexington, authorized by the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21). The Urban County Council approved on July 8, 2004, (Ordinance No. 181-2004) an agreement with the Kentucky Transportation Cabinet accepting federal funding from the Kentucky Transportation Cabinet for this project.

Council approved on June 22, 2006 (Resolution # 379-2006) the acceptance of a bid (#93-2006) from Randle Davies Construction Company in the amount of \$415,535.30 for construction of Brighton East Rail Trail Phase I. Council approved Change Order No. 1 on June 21, 2007 in the amount of \$93,268.68 which negotiated for the increase/decrease and of material quantities needed to accommodate changes in the design of the trail. Change Order No. 2 decreases the contract by \$12,484.10 and finalizes material quantities needed for completion of the trail. Total cost of Phase I is \$496,319.88.

Funds were budgeted as follows:

Fund	Dept ID	Section	Project	Budget Reference	Account
3160	303201	0001	Brighton East	2005	90313

Council authorization to execute Change Order No.2 with Randle Davies Construction Company is hereby requested.

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

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

**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)



049-08

Mayor Jim Newberry

## LEXINGTON - FAYETTE URBAN COUNTY GOVERNMENT

Division of Engineering

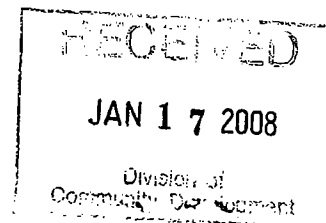
**MEMORANDUM**

To: Paula King  
Director, Community Development

From: Samuel R. Williams, P.E., P.L.S.  
Municipal Engineer Senior

Date: January 15, 2008

RE: Change Order Number 2 (Final), Contract 878  
Brighton East Rail Trail – Phase I  
(Engineering Project 308 – Bid #93-2006)



Change Order Number 2 with Randle Davies Construction Co. is a change to Contract Number 878, Purchase Order K10363. This change order adjusts the Contract to:

1. Decrease/ Delete the amount of Unit Priced items 12, 19, 21, 26 & 31 (credit \$23,698.00),
2. Increase/ Add the amount of Unit Priced items 18, 22, 48, 56, & 57 (add \$11,213.90),

This Change Order decreases the contract by \$12,484.10. The Division of Engineering recommends approval.

Recommended by:

Samuel R. Williams, P.E., P.L.S.  
Municipal Engineer Senior

Reviewed by:

Robert A. Bayert, P.E., P.L.S.  
Engineering Section Manager

Approved by:

Marwan A. Rayan, P.E.  
Urban County Engineer

Approved by:

Don C. Kelly, P.E., Commissioner  
Department of Public Works

08.P308.411.G.ENGDATA.Williams878CO2

HORSE CAPITAL OF THE WORLD

**CONTRACT HISTORY FORM**

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Contractor: Randle Davies Construction Co.

Project Name: Brighton East Rail Trail – Phase I


Contract Number and Date: #878 – June 22, 2006


Responsible LFUCG Division: Engineering


**CHANGE ORDER DETAILS**

A.	Original Contract Amount:	\$	415,535.30	
	Next Lowest Bid Amount:		582,227.00	
		\$		
B.	Amount of Selected Alternate or Phase:	\$	415,535.30	
C.	Cumulative Amount of All Previous Alternates or Phases:	\$	-0-	
D.	Amended Contract Amount:	\$	415,535.30	
E.	Cumulative Amount of All Previous Change Orders:	\$	93,268.68	22.44 %
				(Line E / Line D)
F.	Amount of This Change Order:	\$	(12,484.10)	-3.00 %
				(Line F / Line D)
G.	Total Contract Amount:	\$	496,319.88	

**SIGNATURE LINES**

Project Manager:  Date: Jan 15, 2008

Reviewed by:  Date: 1/16/08

Division Director:  Date: 01/16/08

**URBAN COUNTY COUNCIL**  
**PLANNING COMMITTEE SUMMARY**

January 22, 2008

Ms. Gorton chaired the meeting, calling it to order at 1:01 pm. All committee members were present except CM Crosbie and VM Gray. CM Myers attended as a non-voting member.

**I. Tax Incremental Financing**

Harold Tate and Kim Bryant from Greenbaum law firm told the committee today's presentation would highlight both types of programs, and simplify the language contained in the committee packet. He explained the information is established by the state and legislation, adding he would like to come back to the full council at a later date with more specifics.

There are two types of programs; Signature TIF which is projects over 200 million dollars and Mixed Use Urban Blight Projects, which run from 20 million up to 200 million dollars.

Mr. Tate outlined the process explaining the format for submittal, which first includes holding public hearings to create development districts and obtain agreement on projects to pursue, with the state having the final say. Both programs are geared towards urban areas, mainly undeveloped parcels and intended for public infrastructure such as parking garages, sanitary sewers, parks, plazas, etc.

Mr. Tate said the TIF program is not an additional tax on a parcel of land, you would continue to receive the original tax, but as the land is improved, developed and built on the difference in the tax assessment is what is eventually used to pay for it. He mentioned bond or special assessment financing can be done, which is a good tool to rejuvenate and revitalize downtown and a profitable way to return back to the community. Most TIF programs are a 20 year process of assessment which is used by the development district to help pay.

He encouraged the committee to review the information in the packet saying the process is also new to his organization as they have never applied for a TI, but is excited about the new legislation and opportunities for economic development.

CM Stevens asked where the money goes as the property tax escalates, how the property gets accessed and details of the subsidy.

Mr. Tate explained additional revenue and a series of taxes, which as a joint venture, the state and local government temporarily forego, agreeing not to receive any addition taxes for 20 years later.

Ms. Bryant further explained there are no taxes actually forgiven, the additional tax increments are captured and the increases used for public use.

CM Stevens asked Mr. Tate and Ms. Bryant to present an example and comparison for their next meeting that explains details of different ways taxes are manipulated for these programs.

CM Beard asked what specific taxes were involved and was told the two most common taxes considered are occupational license and property taxes, however, school taxes are exempt and dedicated taxes such as Lextran are believed to be exempt also. He also asked if there were any provisions to guarantee occupational taxes down the road and was told there was no provision for guarantees in the statue. What is the definition of blighted area, which is described in the statue a three square mile or smaller radius with 2 or 3 criteria required making it a blighted area. The intent of the programs is not to condemn certain properties but to refurbish underutilized land. He reconfirmed this is not a tax abatement but a tax diversion situation.

CM Gorton explained the library receives a portion of the local property taxes and what impact that might have on these programs. Ms. Bryant said she was not aware of this but would research the issue and report back. CM Gorton asked about zoning, which is addressed early on in the land bank process and requires lots of partnering between the developer, Planning Commission and other entities involved. There was also a question about an updated 2008 chart for the Signature program, which Ms. Bryant promised to provide.

CM Myers asked if there was a set number on amount of development districts and was told the limit is no more than 20% of tax base can be located in one district. He also asked if this focus could also be used outside New Circle Rd. and was told yes but it might be more difficult to qualify as mixed urban blight designation.

CM Gorton asked if there were any Signature TIF proposals being considers and was told there were a couple of projects on the drawing board and the DDA would like to keep moving forward on this process and suggested another meeting, perhaps a workshop to keep the Planning Committee and council informed.

A motion by CM Beard, seconded by CM James to have another meeting prior to a 7:00 pm Thursday Council Meeting, February 7, 2008 at 5:00 pm to see an updated draft/revised presentation and conduct further discussion on this issue. Motion passed.



## 2. DDA Land Bank

Kim Bryant explained the state statute is very flexible and allows for LFUCG, the Commonwealth of Kentucky and the Fayette Co. school district to establish a not for profit entity to acquire land for the purpose of building affordable, residential property. But is not limited to residential and could be designated as commercial, industrial or public use property such as parks. However, this is not a program designed to generate income. Those three entities would establish an inter local cooperation and agreement. The land bank has a 3 member board of directors who must be residents of Fayette County and may have its own staff to administer the program.

The statute allows for properties that are up for foreclosure with no acceptable bids, the Land Bank can acquire and automatic acquisition would wipe out all taxes due.

CM Stinnett asked if the land bank program would include everything in the urban service boundary would be eligible, not downtown alone. The reply was yes and a suggestion was made to look at renaming the program to land bank authority since it's not meant as a program exclusively for downtown. He also asked about a time line needed to keep this proposal moving forward and was told the first order of business would be to create a draft agreement that could be forwarded to the Law Department for review.

CM James commented on the land bank program in Louisville and asked Mr. Tate for feedback and critique from Louisville about their program and what is working for them or any revisions/changes suggested. She also asked Chris King, Planning about vacant property evaluation survey and if that might be something to present to the Vacant Property Review Commission once it is up and running.

CM Gorton asked about location, staffing and how the proposed land bank authority would be set up and if at this point, specific neighborhoods have been contacted about the land bank and if not, how would that be handled. The land bank statute does not refer to blighted property and there is no requirement as such. The land bank itself is not the developer, but its board would make decisions regarding the purchase of the property and to whom.

A motion by CM Stevens, seconded by CM James to proceed with an MOU or Inter-Local Cooperation agreement to the LFUCG Dept. of Law to begin negotiations with the two other partners and provide feedback/updates from Louisville, KY regarding their land bank program. Motion passes.

CM Myers asked Mr. Tate for details on how the Downtown Housing Fund and if a program of this type might be available outside of New Circle Rd. He was told this program was specific only to the approx. 900 acres of downtown only.

CM Gorton asked for clarification on the abandoned urban property tax.

### 3. Trailer Park Quality of Life

CM James gave a brief overview of the subject and how the closing of the Ingleside Trailer Park brought this issue to her attention. She said until there are Code Enforcement issues, there are oftentimes no way to be aware of the specific issues faced by mobile home owners, such as not having front and back exits, which are required and present a safety issue. This also signaled problems with oversight, responsibility and language barriers.

A motion by CM James, seconded by CM Gorton to recess and reconvene after the 2:30 pm swearing in ceremony of the new 11<sup>th</sup> District Council Member, Peggy Henson. Motion passes.

CM James asked David Barbarie, Law Department about the issue of relocation, once a mobile home park is purchased how relocation of those residents handled is. Mr. Barbarie told the committee the LFUCG does not have a relocation program specifically addressed at mobile home parks. Social Services runs the current relocation programs and any questions regarding that process should be addressed with them. CM James said the needs now are only based on a case by case basis and she would like to see in the future a program designed aimed at assistance for trailer park relocation.

David Jarvis, Code Enforcement covered the city and state regulations for mobile homes, telling the committee his department used International Property Maintenance Codes but the overall enforcement is by the State Fire Marshall's office. Mr. Jarvis stated the biggest issue of enforcement is ownership and responsibility, i.e.: fines, civil penalties etc. Ownership of mobile home parks is verified via PVA records. Mr. Jarvis explained procedure for condemning and demolishing a mobile home.

CM Gorton asked CM Lane to temporarily serve as a Planning Committee member so the quorum could be met for this meeting. He agreed to do so.

Commissioner Koch was asked to comment on Code of Ordinances, Section 13 that appears to predate or right at the time of merger and has not been enacted nor was she aware of any reports that have been generated or collected based on it. She urged the committee to look at what value the collection of these reports would bring in aiding the need outlined today.

A motion by CM Stevens, seconded by CM Beard to form a sub committee to research the trailer parks and the quality of life issue to be chaired by CM James, with CM's Beard Blues and Stinnett as members and report back to the Planning Committee at a later date, Motion passes.

#### 4. Items Referred to Committee

CM Gorton recommended striking all items before 2007 with the exception of the Loudon/Newtown Pike updates and begin a new list as needed.

A motion to adjourn made by CM Gorton, seconded by CM Stevens, Motion passes.

Planning Committee meeting adjourned at 3:05 PM