

**URBAN COUNTY COUNCIL
SCHEDULE OF MEETINGS
January 5-January 12, 2009**

Monday, January 5

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

Tuesday, January 6

Committee of the Whole (COW) Meeting.....11:30 am
Conference Room- 5th Floor Government Center

Services Committee Meeting.....1:00 pm
Council Chambers-2nd Floor Government Center

Council Work Session..... 3:00 pm
Council Chambers-2nd Floor Government Center

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

Wednesday, January 7

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

Thursday, January 8

Storm Water Fee Task Force Meeting.....1:00 pm
Conference Room-5th Floor Government Center

Council Meeting.....7:00 pm
Council Chambers-2nd Floor Government Center

Friday, January 9

Bicycle Pedestrian Advisory Committee (BPAC) Meeting.....12:00 pm
Jessamine Co. Health Dept- 215 Maple St, Nicholasville

Monday, January 12

No Meetings

LEXINGTON-FAYETTE URBAN COUNTY COUNCIL

WORK SESSION AGENDA

January 6, 2009

- I. Public Comment – Issues on Agenda**
- II. Requested Rezoning / Docket Approval – Yes**
- III. Approval of Summary-Yes, December 9, 2008, pp.9-14**
- IV. Budget Amendments – Yes, pp.15-22**
- V. New Business, pp.27-59**
- VI. Continuing Business / Presentations**
 - A. Budget & Finance Committee, pp.60-61**
- VII. Council Report**
- VIII. Mayor's Report – Yes**
- IX. Public Comment – Issues Not on Agenda**
- X. Closed Session – Litigation**

ADMINISTRATIVE SYNOPSIS

New Business Items

- A. Authorization to Amend Section 8 of Ordinance No. 183-2008. (005-09) (Allen/Koch)
 This request will authorize an amendment to Section 8 of Ordinance No. 183-2008 to correct line number: 720. 10 1 123E *Director of Facilities and Fleet Management*, to read: 720. 10 1 **650** 123E *Director of Facilities and Fleet Management*, retroactive to July 8, 2008. There is no fiscal impact associated with this action.**p.27**
- B. Authorization to Amend Sections 21-5 and 22-5 of the Code of Ordinances within the Department of Law, Division of Risk Management, the Department of Finance and Administration, and the Divisions of Accounting and Human Resources. (011-09) (Allen/Koch)
 This request will authorize an amendment to Section 21-5 of the Code of Ordinances to transfer one (1) position of Risk Management Accountant (Grade 114E) (and incumbent) from the Division of Risk Management to the Division of Accounting, and amend Section 22-5 of the Code of Ordinances to transfer one (1) position of Administrative Specialist Sr. (Grade 112N) (and incumbent) from the Division of Accounting to the Division of Human Resources. This action is budget neutral.**p.28**
- C. Authorization to Accept an Award from the US Department of Housing and Urban Development for the Continuation of the Housing Opportunities for Persons with AIDS (HOPWA) Grant Program. (016-09) (P. King/Koch)
 This request will authorize the acceptance of an award of federal funds in the amount of \$1,430,000 for the continuation of the HOPWA Program for an additional 3 years. The AIDS Volunteers, Inc. (AVOL) AIDS Housing Program provides permanent supportive and transitional housing services to persons living with HIV / AIDS.**p.29**
- D. Authorization of a Contract Amendment to the Neighborhood Action Match Agreement with Joyland Neighborhood Association. (017-09) (P. King/Koch)
 This request will authorize a Contract Amendment to the Neighborhood Action Match Agreement with Joyland Neighborhood Association for funds in the amount of \$3,500. Funds will be used for the installation of two (2) solar lights in the playground area of the park. The association has requested the completion date be extended to June 30, 2009, due to a fire that destroyed the playground.**pp.30-31**

- E. Authorization to Approve the Salary for the Temporary Appointment of Mary Fister as Acting Senior Advisor for Policy and Budget. (023-09) (Koch)
This request will authorize the approval of the salary for the temporary appointment of Mary Fister as Acting Senior Advisor for Policy and Budget. Her additional expertise and leadership is required for the 2010 budget process. Salary should be commensurate with that of the predecessor. This action meets the criteria under Ordinance 21-16.p.32
- F. Authorization of a Deed of Acceptance for a Temporary Construction Easement for the 3184 Trinity Road Storm Sewer Rehabilitation Project. (003-09) (Martin/Taylor)
This request will authorize a Deed of Acceptance at a cost of \$200 for 505 square feet of a temporary construction easement at 644 Wellington Way for the 3184 Trinity Road Storm Sewer Rehabilitation Project. Funds are budgeted.p.33
- G. Authorization to Amend Section 21-5 of the Code of Ordinances within the Department of Environmental Quality, Division of Environmental Policy. (004-09) (Allen/Taylor)
This request will authorize an amendment to Section 21-5 of the Code of Ordinances to create one (1) position of Environmental Program Manager (Energy) (Grade 117E) within the Division of Environmental Policy. The fiscal impact for FY2009 is \$26,439.41. The annual impact will be \$68,742.48. Funding was approved in the FY2009 Budget.p.34
- H. Authorization to Accept an Award from the Kentucky Infrastructure Authority for Expansion Area 2A Class A Pump Station and Trunk Sewer. (013-09) (P. King/Taylor)
This request will authorize the acceptance of an award of state funds in the amount of \$3,100,000 from the Kentucky Infrastructure Authority for the construction of the Expansion Area 2A, Class A, Pump Station and Trunk Sewer. Funds were approved by the 2008 Legislative Session of the Kentucky General Assembly. No matching funds are required.p.35
- I. Authorization to Accept an Award from the Department of Military Affairs, Kentucky Emergency Management Agency, for a Flood Mitigation Assistance Project. (014-09) (P. King/Taylor)
This request will authorize the acceptance of an award of federal funds in the amount of \$1,004,692.50 from the Kentucky Department of Military Affairs, Kentucky Emergency Management Agency, for a Flood Mitigation Assistance Project. Funds will be used to purchase and demolish nine (9) residential properties located on Ft. Sumter Drive, Cabot Drive, and Shandon Drive. A 25% (\$334,897.50) local match is required and will come from the Stormwater Budget. Total project cost is \$1,339,590.p.36

- J. Authorization to Accept an Award from the Kentucky Infrastructure Authority for the Leesway Underserved Areas Project. (015-09) (P. King/Taylor)
This request will authorize the acceptance of an award of state funds in the amount of \$600,000 from the Kentucky Infrastructure Authority for the Leesway Underserved Areas Project to provide sanitary sewer service to lower-income or elderly households. Funds were approved by the 2008 Legislative Session of the Kentucky General Assembly. No matching funds are required.**p.37**
- K. Authorization of an Environmental Assessment License Agreement with Marathon Petroleum Company LLC (MPC) to Determine if their Contamination Impacts the Old Frankfort Pike Landfill. (019-09) (Taylor)
This request will authorize the acceptance of an Environmental Assessment License Agreement with MPC, located at 1770 Old Frankfort Pike, to determine if a reported release by MPC has migrated to the Old Frankfort Pike Landfill located at 1631 Old Frankfort Pike. The agreement will allow MPC to perform soil and groundwater testing. The agreement is for 3 years.**pp.38-43**
- L. Authorization of an Amendment to a Consulting and Management Agreement with Fellon-McCord & Associates, Inc. on Behalf of the Department of Public Safety, Division of Community Corrections. (006-09) (Bishop/ Bennett)
This request will authorize an amendment to a Consulting and Management Agreement with Fellon-McCord & Associates, Inc. (a wholly-owned subsidiary of Constellation Energy Group, Inc.) to Fellon-McCord & Associates, LLC (privately owned) to assign and novate the Agreement on behalf of the Division of Community Corrections. There are no other changes associated with this amendment.**p.44**
- M. Authorization to Amend Section 21-5 of the Code of Ordinances within the Department of Public Safety, Division of Community Corrections. (027-09) (Bishop/Bennett)
This request will authorize an amendment to Section 21-5 of the Code of Ordinances to abolish six (6) positions of Community Corrections Major and create six (6) positions of Community Corrections Captain. All current Majors have requested voluntary demotion to the position of Captain. This also establishes a stipend for assignment of Bureau Manager for employees holding the permanent rank of Lieutenant or Captain for this special duty assignment at an additional \$350 per pay period. The fiscal impact for the remainder of FY2009 will be \$28,021.68. This action will be funded from the Division's Personnel Budget.**p.45**

- N. Authorization to Accept an Offer from the Kentucky Office of Homeland Security on Behalf of the Department of Public Safety, Division of Emergency Management / 911, for Extension of the Portable Interoperable Communications Infrastructure Project. (007-09) (P. King/Bennett)
This request will authorize the acceptance of an offer from the Kentucky Office of Homeland Security to extend the Portable Interoperable Communications Tower Project within the Division of Emergency Management / 911, through June 30, 2009, for purchase of infrastructure and related equipment.p.46
- O. Authorization of an Agreement with the Kentucky Office of Homeland Security on Behalf of the Department of Public Safety, Division of Police for Extension of the Mobile Data Computer Network Project. (008-09) (P. King/Bennett)
This request will authorize an Agreement with the Kentucky Office of Homeland Security to extend the Mobile Data Computer Network Project on behalf of the Division of Police to June 30, 2009 for completion of the project. This project also includes local and state law enforcement agencies.p.47
- P. Authorization to Accept an Offer from the Kentucky Office of Homeland Security for Extension of the Regional 911 System Project. (009-09) (P. King/ Bennett)
This request will authorize the acceptance of an offer from the Kentucky Office of Homeland Security to extend the Regional 911 System Project within the Division of Emergency Management / 911 through June 30, 2009, to complete the designing, building, and implementation of a 911 Regional Infrastructure to connect Fayette, Jessamine and Woodford counties, and the University of Kentucky's 911 systems.p.48
- Q. Authorization of a Lease Agreement with US Bancorp Business Equipment Finance Group on Behalf of the Department of Public Safety, Division of Emergency Management / 911. (010-09) (P. King/Bennett)
This request will authorize a Lease Agreement for a copier with US Bancorp Business Equipment Finance Group (financing agent) on behalf of the Division of Emergency Management / 911. The lease is for 36 months at \$354.80 per month at an annual cost of \$4,257.60 for a 3-year cost of \$12,772.80 under a state price contract. Federal funds for the Agreement are from the Chemical Stockpile Emergency Preparedness Grant – FY2007. Under this grant, equipment cannot be purchase but must be leased. Funding for the 2nd and 3rd years will come from the same grant program.p.49

- R. Authorization to Submit Application to the US Department of Homeland Security, Federal Emergency Management Agency on Behalf of the Department of Public Safety, Division of Fire and Emergency Services, for Two (2) Fire Prevention and Safety Projects. (021-09) (P. King/Bennett)
This request will authorize the submission of an application for federal funds in the amount of \$14,000 to the US Department of Homeland Security, FEMA, on behalf of the Division of Fire and Emergency Services for two (2) Fire Prevention and Safety Projects.
- The first project request is for \$4,000 to initiate a Juvenile Firesetter Program to reduce fires set by juveniles within Fayette County. The Division's Fire Prevention Program's Public Educator will work with area fire service members on this project. A local match of 20% (\$1,000) will come from the FY2009 General Fund Budget. Total project cost is \$5,000.
 - The second project request is for \$7,200 to purchase a controllable propane fueled fire extinguisher training equipment and extinguisher training videos. A local match of 20% (\$1,800) is required and will come from the General Fund Budget.**p.50**
- S. Authorization to Submit Application to the Kentucky State Police on Behalf of the Department of Public Safety, Division of Police, for the Enforcing Underage Drinking Laws (EUDL) Program. (022-09) (P. King/Bennett)
This request will authorize the submission of an application for federal funds in the amount of \$40,468 to the Kentucky State Police for operation of the EUDL Program on behalf of the Division of Police. This program will provide additional police officers during peak business hours to conduct investigations, provide education / awareness campaigns on underage drinking, cite intoxicated minors, and cite business owners and employees who sell alcoholic beverages to minors or allow the purchase and consumption of alcoholic beverages by minors under the age of 21. Funds will be used for overtime pay. The source of federal funds is the US Department of Justice, Office of Juvenile Justice and Delinquency Prevention. No matching funds are required.**p.51**
- T. Authorization of a Memorandum of Understanding (MOU) with the District Fugitive Task Force (DTF) of the United States Marshals Service (USMS) on Behalf of the Department of Public Safety, Division of Police. (020-09) (Bastin/Bennett)
This request will authorize a MOU with the DTF of the USMS to continue the Division of Police's participation in the Fugitive Apprehension Task Forces pursuant to the Presidential Threat Protection Act of 2000.**p.52**

- U. Authorization to Accept Donations from the Kentucky Division of Emergency Management on Behalf of the Department of Public Safety, Division of Emergency Management / 911. (028-09) (Dugger/Bennett)
This request will authorize the acceptance of 150 Child Decontamination Kits and 15 Con-Space voice amplification units, headsets, interface cables, and pelican cases from the Kentucky Division of Emergency Management on behalf of the Division of Emergency Management / 911. The items will be transferred to LFUCG as part of a spending package through the Chemical Stockpile Emergency Preparedness Program.p.53
- V. Authorization to Accept a Donation from the American Water Company on Behalf of the Dunbar Community Center. (002-09) (Hancock/Cole)
This request will authorize the acceptance of a donation of \$500 from the American Water Company on behalf of the Dunbar Community Center to be used towards the purchase of a treadmill.p.54
- W. Authorization of a GEI Calgraph Service Agreement on behalf of the Department of General Services, Division of Parks and Recreation. (012-09) (Hancock/Cole)
This request will authorize a GEI Calgraph Service Agreement in the amount of \$1,720 on behalf of the Division of Parks and Recreation for maintenance and repairs of a Falcon OD 62 GEI Calgraph graphic machine. Funds are budgeted.p.55
- X. Authorization to Submit an Application to the Kentucky Transportation Cabinet on Behalf of the Department of Public Works and Development, Division of Planning, for the Freight Study. (018-09) (P. King/Webb)
This request will authorize the submission of an application for federal funds in the amount of \$132,000 to the Kentucky Transportation Cabinet on behalf of the Division of Planning. Funds will be used to update the Freight Study performed in 1979. A 20% (\$33,000) local match is required and will be requested in the FY2010 General Fund Budget. Total cost of the study is estimated at \$165,000.p.56
- Y. Authorization of a Right-of-Way Encroachment Agreement with the Transit Authority of the Lexington-Fayette Urban County Government (LexTran), Art in Motion, Inc. and LFUCG. (024-09) (Askew)
This request will authorize a Right-of-Way Encroachment Agreement with LexTran, Art in Motion, Inc. and LFUCG for LexTran and Art in Motion, Inc. to erect a bus shelter in the public right-of-way at 1306 Versailles Rd. The terms and conditions for placement of this bus shelter are set forth in a Memorandum of Agreement pursuant to Resolution No. 683-2007. There is no budgetary implication for LFUCG.p.57

- Z. Authorization to Allow the Commissioner of Public Works and Development to Execute the Right-of-Way Encroachment Agreement with the Transit Authority of the Lexington-Fayette Urban County Government (LexTran) for Placement of a Bus Shelter at 845 Red Mile Rd. and Authorize the Commissioner to Execute Future Encroachment Agreements with LexTran Regarding Bus Shelters. (025-09) (Askew)

This request will authorize Commissioner authorization to execute the Right-of-Way Encroachment Agreement with LexTran to erect a bus shelter in the public right-of-way at 845 Red Mile Rd. There is no budgetary implication for LFUCG. This will also authorize the Commissioner to execute future encroachment agreements with LexTran regarding bus shelters. The Department established a Technical Review Committee to oversee proper placement of shelters in public-right-of-ways pursuant to Resolution No. 313-2008. This authorization for the Commissioner to sign future encroachment agreements is consistent with the procedure in the Subdivision Regulations.**p.58**

- AA. Authorization of an Addendum to Master Agreement with Computer Sciences Corporation (CSC). (026-09) (Askew)

This request will authorize an Addendum to a Master Agreement with CSC for third-party software license protection at no cost to LFUCG. This Addendum is in preparation of a software upgrade to the RiskMaster claims database.**p.59**

URBAN COUNTY COUNCIL
WORK SESSION SUMMARY
& TABLE OF MOTIONS

December 9, 2008

Mayor Newberry chaired the meeting. All Council Members were present.

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

A motion by CM Stinnett to place on the docket for the Thursday December 9, 2008, Council Meeting, an ordinance amending Section 4-21 (c) of the Code of Ordinances, relating to the impoundment of animals, to permit waiver of impoundment and boarding fees if the impoundment of an animal resulted from an emergency situation, such as fire or natural disaster, seconded by CM McChord, passed without dissent.

A motion by CM Blevins to place on the docket for Thursday, December 9, 2008, a resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a release of easement, releasing a portion of a sanitary sewer easement on property located at 2555 Nicholasville Road at no cost to the Urban County Government, seconded by CM Beard, passed without dissent.

A motion by CM Blevins to place on the docket for Thursday, December 9, 2008 Council Meeting a Service Level Agreement with Kentucky Interactive LLC at no cost to the Urban County Government, seconded by CM Gorton, passed without dissent.

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

- III. Approval of Summary

A motion by CM Ellinger to approve the summary of 12/2/08, seconded by CM Gorton, passed without dissent.

IV. Budget Amendments

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

V. New Business

- A. Authorization to Advertise Internally the Position of Public Service Supervisor Senior in the Division of Waste Management. (654-08) (Allen/ Koch)
- B. Authorization of a Reimbursement Resolution for Fiscal Year 2008 – 2009 Bond Projects. (668-08) (Koch)
- C. Authorization of Change Order No. 1 to Contract with Arnold Dugan and Meyers LLC Regarding the West Hickman Wastewater Treatment Plant (WWTP) Aerated Sludge Holding Tank Improvements. (656-08) (Martin/Taylor)
- D. Authorization of a Linkage Agreement with the University of Kentucky (UK) Chandler Hospital on Behalf of the Department of Social Services, Family Care Center. (657-08) (Hendrix/Helm)
- E. Authorization to Accept Bids of Gearheart Communications and Windstream Kentucky East LLC for Non-Exclusive Franchise Agreements for Telecommunications Services in Fayette County. (662-08) (Cole)
- F. Authorization of a Facility Use Contract with the Fayette County Public Schools (FCPS) on Behalf of the Department of General Services, Division of Parks and Recreation. (673-08) (Hancock/Cole)
- G. Authorization of Change Order No. 1 to Contract with Superior Demolition on Behalf of the Department of General Services, Division of Parks and Recreation Regarding the Gainesway Building Demolition Project. (674-08) (Hancock/Cole)
- H. Authorization to Create an Ordinance to Extend Carryover of Vacation Hours within the Division of Emergency Management / 911. (655-08) (Allen/ Bennett)
- I. Authorization to Accept a Monetary Donation from State Farm Insurance Companies on Behalf of the Department of Public Safety, Division of Police. (665-08) (Bastin/Bennett)
- J. Authorization to Amendment to Resolution No. 513-2008 with New World Systems Corporation Regarding the Software License Agreement for Software Licensing of Mobile Data Computers. (667-08) (Bastin/Bennett)

- K. Authorization of Amendment No. 1 to Ground Lease Coldstream Research Campus with the University of Kentucky. (666-08) (Lucas/Bennett)
- L. Authorization of a License, Support and Shared Hosting Agreement with Dialogic Communications Corporation (DCC) on Behalf of the Department of Public Safety, Division of Emergency Management / 911. (669-08) (Lucas/Bennett)
- M. Authorization to Submit a Grant Application to the US Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, Under the Gang Resistance Education and Training (G.R.E.A.T.) Program. (659-08) (P. King/Bennett)
- N. Authorization to Submit a Continuation Application to the US Department of Justice, Office on Violence Against Women, under the Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program and Approve the Memorandum of Understanding (MOU) with Community Partners. (660-08) (P. King/Bennett)
- O. Authorization to Accept Award from the US Department of Justice on Behalf of the Department of Public Safety, Division of Police and the Fayette County Sheriff's Office. (661-08) (P. King/Bennett)
- P. Authorization to Submit a Continuation Application to the National Police Athletics/Activities Leagues, Inc. for the National Association of Police Athletics League Youth Enrichment Program (PALYEP). (664-08) (P. King/Bennett)
- Q. Authorization to Submit an Application to the Kentucky Governor's Office of Local Development (GOLD) on Behalf of the African Cemetery No. 2, Inc. for a Cemetery Preservation Grant. (670-08) (P. King/Webb)
- R. Authorization of a Grant Agreement between LFUCG and the Fayette County Rural Land Management Board (RLMB), Inc. Regarding FY2007, FY2008, and FY2009 Budget Funds for the Purchase of Development Rights and to Issue Bonds. (671-08) (Van Pelt/Webb)
- S. Authorization to Consent to the Transfer of Property Located at 111 Church Street to the Commonwealth of Kentucky on Dissolution of the Fayette County Legal Aid, Inc. (663-08) (Askew)
- T. Authorization to Accept and Acknowledge a Donation from the Friends of the Dog Park, Inc. for the Wellington Dog Park. (672-08) (Langston)
- U. Authorization to Create an Ordinance to Extend Carryover of Vacation Hours within the Council Clerk's Office. (675-08) (Allen/ Langston)

A motion by CM Henson to amend item no. "E" on the new business items to replace Gearheart Communications, with Inter Mountain Cable, Inc, seconded by CM Stinnett, passed without dissent.

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

VI. Continuing Business / Presentations

A. Services Committee Update

CM Ellinger gave this update. One motion came forward.

A motion by CM Ellinger to remove the issue of Solid Waste Fee Structure from the Services Committee based on a forthcoming recommendation to place it in Budget & Finance Committee, seconded by CM Crosbie, passed without dissent.

B. Destination 2040 Presentation

This presentation was postponed until January 2009.

The Mayor recognized several people in the Accounting Dept. for their service.

C. Budget & Finance Committee Update

This update was given by CM Dr. Stevens. It was on the Equine industry. One motion came forward.

A motion by CM Stevens to request by Budget & Finance that Urban County Council request that because horses be considered as livestock to alleviate farm tax inequities and that this be considered as legislative priority for 2009 KY General Assembly, seconded by CM Gorton, passed without dissent.

D. Interim Report-Police and Fire Retirement Task Force

This report was given by Mr. Bill Lear, attorney for Stoll, Keenon, and Ogden, PLLC. Several CMs spoke; many giving thanks to Mr. Lear for all of his efforts.

VII. Council Report

CM Stinnett-Thanked Penny Ebel and Comm. Koch the WEG clock that was placed in Council Chambers; announced that on 12/12/08 the Lexington Humane Society will hold "Art Unleashed" from 5:30-8 pm; stated an 'ode' to outgoing CMs DeCamp and Stevens.

A motion by CM Stinnett to place the issue of Solid Waste Fee structure into Budget & Finance seconded by CM Lane, passed without dissent.

A motion by CM Stinnett to walk-on the NDF Request to the Sierra Club from last Tuesday, seconded by CM McChord, passed without dissent.

CM Gorton-Stated that she was happy to see Patricia DeCamp. Stated her thank-yous to CMs DeCamp and Stevens.

CM Blevins-Thanked CMs DeCamp and Stevens for their coaching doing his rookie year.

A motion by CM Blevins to approve the NDF list for 12/9/08, seconded by CM Ellinger, passed without dissent.

CM McChord-Stated that he had welcomed the new CMs at the retreat on yesterday; told Council that they need to challenge their priorities; stated that he and CM Stinnett will bring forward a proposal to make this location a live music venue; thanked CMs DeCamp and Stevens for their years of service.

CM Blues-Announced Christmas dinner for Meadowthorpe NA on 12/13/08 at 6 pm and dinner and open house for Oakwood NA, same time and date; Winburn NA will hold their monthly meeting on 12/15/08; Thanked CMs DeCamp and Stevens for their good sense, steady leadership, and inspiration.

CM James-Spoke about the proposed Committees structure changes.

CM Beard-Wished happy retirement to CMs DeCamp and Stevens; had several questions about the PowerPoint that was done on the committee structure.

VIII. Mayor's Report-Yes

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

IX. Closed Session-Property

A motion by CM Blues 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 because publicity at this stage would be likely to affect the value of the property in question, seconded by CM Gorton, passed without dissent.

A motion by CM Gorton to go back in to open session, seconded by CM Ellinger, passed without dissent.

CM Blues-A motion by CM Blues to place on the docket for Dec. 9 Council Meeting a resolution for the mayor to execute a 6 month option to purchase with Frankfort Court LLC for property at 2401 Frankfort Pike, seconded by CM Beard passed without dissent.

VII. Council Report (cont.)

VM Gray-Stated that he will be distributing the form for committee assignments within the next few days.

CM Ellinger-Gave thanks to CMs DeCamp and Stevens.

CM Crosbie-Gave thanks to CMs DeCamp and Stevens.

CM DeCamp-Stated that it was an honor for him to serve the residents of the 3rd District for the last 12 years; he will miss some of the Council action but not the upcoming budget process; wished "good luck, keep up the good work, it's been great to work with all of you; be assured I'm not fading away but you'll be hearing from me in the future."

CM Stevens-Stated that the airport bond sold this morning; thanked citizens, media, and employees; thanked Council staff, fellow members of Council, and Mayor Newberry and Mayors previously served.

X. Public Comment-Issues not on the agenda-None

A motion by CM DeCamp to adjourn work session, seconded by CM Stevens, passed without dissent.

BUDGET AMENDMENT REQUEST LIST

15

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|----------------|----------|-----------------|-----------------|--------------------|---------------|
| JOURNAL | 29538-39 | DIVISION | Social Services | Fund Name | Donation Fund |
| | | | | Fund Impact | 600.00 |
| | | | | | 600.00CR |
| | | | | | .00 |

To provide funds for Cardinal Valley Center for annual Christmas Party by recognizing donations from Hunter Presbyterian Church and Joshua E. Santana PSC.

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|----------------|-------|-----------------|------------------|--------------------|--------------------|
| JOURNAL | 29535 | DIVISION | Waste Management | Fund Name | Urban Service Fund |
| | | | | Fund Impact | 50,000.00 |
| | | | | | 50,000.00 |

To provide funds to make necessary land improvements to the old incinerator site at the old transfer station.

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|----------------|-------|-----------------|------------------|--------------------|--------------------|
| JOURNAL | 29536 | DIVISION | Waste Management | Fund Name | Urban Service Fund |
| | | | | Fund Impact | 11,000.00 |
| | | | | | 11,000.00 |

To provide additional funds in professional services for existing contract services.

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|----------------|-------|-----------------|------------------|--------------------|--------------------|
| JOURNAL | 29537 | DIVISION | Waste Management | Fund Name | Urban Service Fund |
| | | | | Fund Impact | 400,000.00 |
| | | | | | 400,000.00 |

To provide additional funding in contract labor for the Recycling Center (MRF) due to increase processing volume and due to the fact that we are no longer able to receive inmate labor from the Community Corrections Center.

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|----------------|-------|-----------------|---------------------|--------------------|---------------------|
| JOURNAL | 29544 | DIVISION | Traffic Engineering | Fund Name | Urban Services Fund |
| | | | | Fund Impact | 1,483,730.00 |
| | | | | | 1,483,730.00 |

To provide funds for reappropriation of street lighting funds. Kentucky Utilities and Blue Grass Energy billing statements for authorized street lights lag behind the fiscal year cycle. KU and BGE install, own, operate, and maintain nearly all street lights in Fayette County. For installation, LFUCG pays the utility company the difference in cost between what it would cost to install a light with overhead electric vs. what it costs to install a light with underground electric. This account is funded from ad valorem property taxes that are designated for street lighting.

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|----------------|----------|-----------------|----------------------|--------------------|------------------|
| JOURNAL | 29859-60 | DIVISION | Environmental Police | Fund Name | Storm Water Fund |
| | | | | Fund Impact | 100,00.00 |
| | | | | | 100,00.00CR |
| | | | | | .00 |

To provide funds for Lily program containers and operation by recognizing revenue received for this purpose.

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|----------------|-------|-----------------|-----------------------------------|--------------------|----------------|
| JOURNAL | 29496 | DIVISION | Fire and Emergency Services | Fund Name | 2009 Bond Fund |
| | | | | Fund Impact | 100,00.00 |
| | | | | | 100,00.00CR |
| | | | | | .00 |

To provide funds in Safety Equipment account for 2009 Bond Funds by decreasing Equipment to purchase 84 sets Personal Protective Clothing for Fire Department sworn employees.

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|----------------|-------|-----------------|--------------------------|--------------------|------------------------|
| JOURNAL | 29542 | DIVISION | Community Development | Fund Name | US Dept of Agriculture |
| | | | | Fund Impact | 5,200.00 |
| | | | | | 5,200.00CR |
| | | | | | .00 |

To establish expense budget for Commodities 2009 project for Family Care Center.

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|----------------|-------|-----------------|--------------------------|--------------------|--------------------|
| JOURNAL | 29599 | DIVISION | Community Development | Fund Name | US Dept of Justice |
| | | | | Fund Impact | 5,100.00 |
| | | | | | 5,100.00CR |
| | | | | | .00 |

To reallocate funds for overtime in the Cold Case Squad grant budget to provide funds for the purchase of a fingerprinting down flow workstation.

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|----------------|----------|-----------------|--------------------------|--------------------|--------------------|
| JOURNAL | 29601-02 | DIVISION | Community Development | Fund Name | US Dept of Justice |
| | | | | Fund Impact | 1,668.44 |
| | | | | | 1,668.44CR |
| | | | | | .00 |

To reduce overtime funds to cover over-expenditure in travel and to budget revenue in miscellaneous, recognizing program income and budgeting expenditures in food and household to offset catering for the Summit on Stalking event.

| | | | | | |
|----------------|-------|-----------------|--------------------------|--------------------|--------------------|
| JOURNAL | 29677 | DIVISION | Community Development | Fund Name | US Dept of Transp. |
| | | | | Fund Impact | 9,405.77 |
| | | | | | 9,405.77CR |
| | | | | | .00 |

To amend the MCSAP 2008 budget to cover negative balances in personnel accounts.

| | | | | | |
|----------------|-------|-----------------|--------------------------|--------------------|--------------------|
| JOURNAL | 29679 | DIVISION | Community Development | Fund Name | US Dept of Transp. |
| | | | | Fund Impact | 84.68 |
| | | | | | 84.68CR |
| | | | | | .00 |

To correct negative budget balance in training account for Traffic Safety 2008.

BUDGET AMENDMENT REQUEST SUMMARY

17

| | | | |
|------|------|---------------------------------|--------------|
| Fund | 1103 | Donation Fund | .00 |
| Fund | 1115 | Urban Service District Fund | 1,944,730.00 |
| Fund | 1140 | Storm Water Fund | .00 |
| Fund | 2518 | 2009 Bond Projects Fund | .00 |
| Fund | 3100 | US Department of Agriculture | .00 |
| Fund | 3140 | US Department of Justice | .00 |
| Fund | 3160 | US Department of Transportation | .00 |



Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Budget Journal Number 29496
Requesting Division Fire & Emergency Services
Fund Name 2009 Bond Projects
Fund Number 2518
Contact for Additional Information Battalion Chief Frank Greene

Description

The Division of Fire & Emergency Services is requesting the transfer of funds from 2009 Bond Projects 2518-505701-5701-96468-EQUIPMENT PKG-DEFAULT to the line of accounting 2518-505701-5704-96461-EQUIPMENT-PROTECTIVE_CLOT for the purchase of 84 sets for Personal Protective Clothing for sworn personnel within the division.

This is the continuation of a program that was implemented in FY05 to purchase, at minimum, 80 sets of Personal Protective Clothing for firefighters to replace aging gear.

If you have any questions, please contact Battalion Chief Frank Greene at 231-5628.



Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Budget Journal Number 29599
Requesting Division Community Development
Fund Name US Department of Justice
Fund Number 3140
Contact for Additional Information Irene Gooding--3079

Description

Budget Amendment provides \$5,100 (Account 96468) for the purchase of a fingerprinting downflow workstation for the Cold Case Squad grant. This equipment will assist technicians with the development of identifiable latent prints. It is particularly useful in the processing of old physical evidence for prints that can be used to help make cases. Overtime account (63152) is being decreased in the amount of \$5100 for this purpose. This budget revision has been approved by the Kentucky Justice and Public Safety Cabinet.



Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Budget Journal Number 29601-02
Requesting Division Community Development
Fund Name US Department of Justice
Fund Number 3140
Contact for Additional Information Irene Gooding--3079

Description

To reduce Overtime (63152) in the amount of \$268.44 for purposes of covering over expenditure for Travel (74102) which is increased by \$268.44.

Budget amendment also recognizes \$1400 in program income (Account 46720-Miscellaneous) received as registration fees charged for attendance at a Summit on Stalking. Account 75102 (Food and Household) is increased by \$1400 to offset catering expense for the Summit.



Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Budget Journal Number 29677
Requesting Division Community Development
Fund Name US Department of Transportation
Fund Number 3160
Contact for Additional Information Irene Gooding-3079

Description

To amend the 2008 MCSAP budget to provide additional funds for personnel costs in the amount of \$9,002.93 in accounts 63131, 63152, 63511, 63611, 63621, and 63622. To provide these additional funds, the following accounts were reduced: Account # 74101—Required Certification/Training in the amount of \$3,017.44; Account # 75601—Clothing in the amount of \$2,066.68, and Account #96201—Computer Equipment in the amount of \$3,918.81. The state agency (Kentucky Vehicle Enforcement) has approved this amendment.



Mayor Jim Newberry
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Budget Journal Number 29679
Requesting Division Community Development
Fund Name US Department of Transportation
Fund Number 3160
Contact for Additional Information Irene Gooding

Description

Budget Amendment corrects a negative balance in Required Certification & Training (Account 74101) in the amount of 84.68 by reducing FICA (Account 63621) in the amount of \$84.68.

NEW BUSINESS ITEMS REQUIRING BUDGET AMENDMENTS

January 6, 2008 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 | |
|----------------------|-------------------|-----------------------------------|---|-------------|
| 002-09 | BA 1913 | Community Development | To recognize a donation from the American Water Company for the purchase of a treadmill for the Dunbar Community Center. | |
| V | | | 1101 | 500 |
| | | | 1101 | 500CR |
| | | | | 0* |
| 011-09 | CB 0012 | Accounting/ Risk Management | To provide funds for one position of Risk Management Accountant in Accounting by reducing funds for one position of the same in Risk Management. | |
| B | | | 1101 | 28,560 |
| | | | 1101 | 28,560CR |
| | | | | 0* |
| 011-09 | CB 0013 | Accounting/ Human Resources | To provide funds for one non-civil service position of Administrative Specialist Sr. in Human Resources by reducing funds for one position of the same in Accounting. | |
| B | | | 5003 | 24,280 |
| | | | 5003 | 24,280CR |
| | | | | 0* |
| 013-09 | BA 1909 | Community Development | To establish grant budget for Leesway Neighborhood Underserved Area for sewer construction. | |
| H | | | 3400 | 600,000 |
| | | | 3400 | 600,000CR |
| | | | | 0* |
| 015-09 | BA 1908 | Community Development | To establish grant budget for the Expansion Area 2A Class A Pump Station and Trunk Sewer. | |
| J | | | 3400 | 3,100,000 |
| | | | 3400 | 3,100,000CR |
| | | | | 0* |

| | | | |
|--------|---------|-----------------------|---|
| 016-09 | BA 1910 | Community Development | To establish grant budget for Housing Opportunities for Persons with AIDS Project. |
| C | | | <div style="text-align: right;"> 3120 1,821,522 3120 1,821,522 0* </div> |
| | | | |
| 016-09 | BA 1911 | Community Development | To establish personnel recovery and indirect cost recovery for Housing Opportunities for persons with AIDS project for FY 2009. |
| C | | | <div style="text-align: right;"> 1101 8,250CR 8,250CR* </div> |

| |
|--------------------------------|
| EFFECT ON FUND BALANCES |
|--------------------------------|

| | | | |
|-----------|--------|---------------|---|
| FUND 1101 | 8,250* | INCREASE TO: | GENERAL SERVICES DISTRICT FUND |
| FUND 3120 | 0* | NO EFFECT ON: | US DEPARTMENT OF HOUSING AND URBAN DEV. |
| FUND 3400 | 0* | NO EFFECT ON: | GRANTS - STATE |
| FUND 5003 | 0* | NO EFFECT ON: | POLICE AND FIRE RETIREMENT FUND |

Budget Information For New Business Items
January 6, 2009 Work Session

| Item | Number | Amount | Fund | Name / Description |
|------|--------|--------------------|--------------|--|
| A | 005-09 | NA | | |
| B | 011-09 | 28,560 24,280 | 1101 5003 | General Service District Fund Police and Fire Retirement Fund Budget Journals |
| C | 016-09 | 1,821,522 8,250 | 3120 1101 | US Department of Housing and Urban Dev General Service District Fund Budget Journal |
| D | 017-09 | NA | | |
| E | 023-09 | 8,100 | 1101 | General Service District Fund |
| F | 003-09 | 200 | 2522 | Public Works Project Fund |
| G | 004-09 | 26,439 | 1115 | Urban Service District Fund |
| H | 013-09 | 3,100,000 | 3400 | Grants – State Budget Journal |
| I | 014-09 | 1,339,590 | 2517 | 2008 Bond Projects Fund |
| J | 015-09 | 600,000 | 3400 | Grants – State Budget Journal |
| K | 019-09 | NA | | |
| L | 006-09 | NA | | |
| M | 027-09 | NA | | |
| N | 007-09 | NA | | |
| O | 008-09 | NA | | |
| P | 009-09 | NA | | |
| Q | 010-09 | 4,257.60 | 3200 | US Department of Homeland Security |
| R | 021-09 | NA | | |
| S | 022-09 | NA | | |
| T | 020-09 | NA | | |
| U | 028-09 | 8,167 | | Transfer of Equipment to LFUCG purchased through the Chemical Stockpile Emergency Preparedness Program (CSEPP) |

Budget Information For New Business Items
January 6, 2009 Work Session

| | | | | | |
|----|--------|-------|------|-------------------------------|----------------|
| V | 002-09 | 500 | 1101 | General Service District Fund | Budget Journal |
| W | 012-09 | 1,720 | 1101 | General Service District Fund | |
| X | 018-09 | NA | | | |
| Y | 024-09 | NA | | | |
| Z | 025-09 | NA | | | |
| AA | 026-09 | NA | | | |



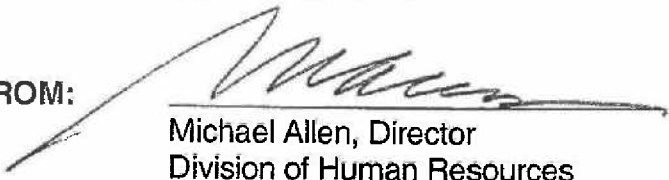
005-09

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
Joe Kelly, Senior Advisor
Council Members

FROM: 
Michael Allen, Director
Division of Human Resources

DATE: December 5, 2008

SUBJECT: Amend Ordinance No. 183-2008

The attached action amends Ordinance No. 183-2008 Section 8 correcting line numbers, retroactive to July 8, 2008.

Section 8 currently reads: *That the following subsection line numbers of Section 21-5(2) be and hereby created to read as follows:*

720. 10 1 123E Director of Facilities and Fleet Management

Section 8 should be amended to read: *That the following subsection line numbers of Section 21-5(2) be and hereby created to read as follows:*

720. 10 1 650 123E Director of Facilities and Fleet Management

There is no fiscal impact associated with this action.

If you have questions or need additional information, please contact Daniel H. Fischer at 258-3030.

Attachment

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

Log # 09-0041



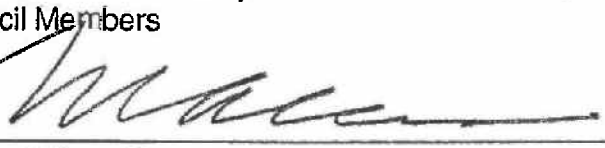
011-09

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
Council Members

FROM: 
Michael Allen, Director
Division of Human Resources

DATE: December 11, 2008

SUBJECT: Transfer Positions- Division of Risk Management to Division of Accounting;
Division of Accounting to Division of Human Resources;

The attached action amends Section 21-5 of the Code of Ordinances, transferring one (1) position of Risk Management Accountant (Grade 114E), and its incumbent, from the Division of Risk Management to the Division of Accounting; this action also amends 22-5 of the Code of Ordinances, transferring one (1) position of Administrative Specialist Sr. (Grade 112N), and its incumbent, from the Division of Accounting to the Division of Human Resources, effective upon passage by Council.

This transfer of these positions will better align the positions placing them into the Divisions where the duties of the position fall. This action is budget neutral.

If there are any questions, please call Daniel H. Fischer at 258-3030.

df

attachment

cc: Darrylyn Combs, HR Manager, Division of Human Resources

Log # 09-0042



016-09

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: DECEMBER 17, 2008

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT AWARD OF FEDERAL
FUNDS FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT FOR THE CONTINUATION OF HOUSING OPPORTUNITIES
FOR PERSONS WITH AIDS GRANT**

The Lexington-Fayette Urban County Government received federal funds in the amount of \$1 million from the U.S. Department of Housing and Urban Development in 1994 under the Housing Opportunities for Persons with AIDS (HOPWA) program for the development of housing facilities for persons with AIDS. AIDS Volunteers, Inc., served as the sponsoring organization for this project. The LFUCG was selected again for funding in 1998 to receive federal funds in the amount of \$1.144 million under HUD's Special Projects of National Significance. In 2001, the project received renewal funds in the amount of \$1,362,860 for a three year continuation. In 2005, the project was renewed in the amount of \$1,426,690. On April 10, 2008 (Resolution No. 177-2008), Council approved the submission of a grant application to continue the project for an additional three years.

The U.S. Department of Housing and Urban Development has now approved federal funds in the amount of \$1,430,000 for continuation of this project for an additional three years. The AVOL AIDS Housing Program provides permanent supportive housing and transitional housing services for persons living with HIV/AIDS through two housing facilities (Rainbow Apartments and Solomon House). Solomon House is a community residence which provides permanent supportive housing for individuals living with HIV/AIDS who are in the advanced stages of their illness and require personal care, supervision and supportive services. Rainbow Apartments is a transitional housing program designed to respond to persons with HIV/AIDS who are homeless or at risk for homelessness and in need of a spectrum of supportive services while they work through those issues that may have contributed to their homelessness. Over the three year grant period, this program will serve 75 persons with HIV/AIDS through the housing facilities and an additional 300 individuals will receive housing information services. The approved project includes leveraged funds in the amount of \$391,522 from the following community partners: Bluegrass Care Clinic, Moveable Feast Lexington, Hospice of the Bluegrass, Kentucky AIDS Drug Assistance Program, and AIDS Volunteers, Inc. A subrecipient agreement will be prepared for execution with AVOL.

Council authorization to accept the award is hereby requested.

Paula King, Director

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

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017-09

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

TO: MAYOR JIM NEWBERRY

FROM: PAULA KING, DIRECTOR
DIVISION OF COMMUNITY DEVELOPMENT

DATE: DECEMBER 15, 2008

SUBJECT: AUTHORIZATION TO AMEND NEIGHBORHOOD ACTION MATCH
AGREEMENT WITH JOYLAND NEIGHBORHOOD ASSOCIATION

On November 16, 2006, the Urban County Council per Resolution No. 696-2006 authorized the award of \$3,500.00 Neighborhood Action Match Program funds to the Joyland Neighborhood Association for the installation of two solar lights in their park. The project was delayed due to the torching of their playground. Therefore, the Association has requested an amendment to extend the completion date of the project to June 30, 2009.

Council authorization to amend the contract is requested.

Paula King
Director

F:\WP51\HCD\NGHD\bsJoyland33amend121508.doc

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CONTRACT AMENDMENT

THIS CONTRACT AMENDMENT is made and entered into this _____ day of _____, 2009, by and between the **LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT** (hereinafter referred to as "Government"), an urban county government of the Commonwealth of Kentucky, on behalf of its Division of Community Development, and **Joyland Neighborhood Association** (hereinafter referred to as "Association"), a non-profit corporation created pursuant to KRS Chapter 273, with offices located in Lexington, Kentucky.

WITNESSETH:

WHEREAS, the parties hereto have previously entered into a contract dated November 16, 2006 under the terms of which the Government granted to the Association \$3,500.00 for carrying out various neighborhood activities and improvements; and

WHEREAS, under the terms of the contract, the Association agreed to match the grant amount with cash from its members in a like amount; and

WHEREAS, pursuant to Paragraph 4, of the contract, the parties wish to modify the contract;

NOW, THEREFORE, for and in consideration of the foregoing premises, the parties hereto agree as follows:

1. That the contract between Government and Association dated November 16, 2006, is hereby amended to change the completion date to no later than June 30, 2009.

LEXINGTON-FAYETTE URBAN
COUNTY GOVERNMENT

BY: _____
Jim Newberry, Mayor

JOYLAND NEIGHBORHOOD ASSOCIATION

BY: _____



023-09

Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Department of Finance and Administration

TO: Mayor Jim Newberry
Members, Urban County Council

FROM: Kyna Koch, Commissioner *KCK*
Department of Finance and Administration

DATE: December 29, 2008

SUBJECT: Appointment of Sr. Advisor for Policy and Budget

In an email to you earlier this month, you were advised of the appointment of Mary Fister to the Acting Sr. Advisor for Policy and Budget position. Ms. Fister's appointment enables the administration to bring additional expertise and leadership to the 2010 budget process, a process that will be very difficult given the current economy and the outlook for next year.

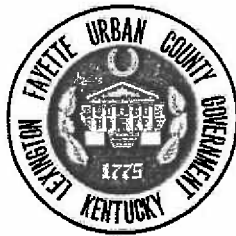
The appointment does not require Council approval. However, as I stated in my original email, the administration is proposing to pay Ms. Fister a salary commensurate with that of her predecessor, \$105,000. The difference between her salary as Director of Accounting (base = \$3482.16) and the Senior Advisor position (base = \$4038.46) exceeds 10% and, thus, by Ordinance 21-16 requires Council approval. The ordinance states specifically, "...the appointing authority may recommend and the urban county council may approve a compensation rate above these minimums in recognition of market demands or in recognition of the experience or exceptional qualifications of the employee." The situation with Ms. Fister meets both criteria. The market demand was set by the predecessor and provides the only historical experience of pay for the position. Ms. Fister also has experience in budgeting and has demonstrated tremendous leadership in her Director of Accounting position. Also, let me reiterate that the appointment is temporary, providing only for assistance through the upcoming budget process.

If you have questions or concerns, please feel free to contact me at 258-3300.

Attachment

KK/lyb

HORSE CAPITAL OF THE WORLD



003-09

Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Division of Water Quality

MEMORANDUM

To: Jim Newberry, Mayor
Urban County Council

From: Mary Bennett MB
Engineering Technician

Date: December 1, 2008

Re: Resolution Authorizing Acceptance of Deed
Project No. 515 - 3184 Trinity Road Storm Sewer Rehabilitation

The purpose of this memorandum is to request a resolution authorizing the acceptance of a deed of temporary construction easement for the 3184 Trinity Road Storm Sewer Rehabilitation project. The deed will be from Winona White at a cost of \$200.00 for the acquisition of 505 square feet of temporary construction easement from the property located at 644 Wellington Way.

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 Quality

Cheryl Taylor, Commissioner
Department of Environmental Quality

Attachments

c Darryl Bennett, P.E. Cristeta Cortez, P.E. James Wray Keith Horn Yvonne Stone
File

09.P515.406.blue644wellington

HORSE CAPITAL OF THE WORLD

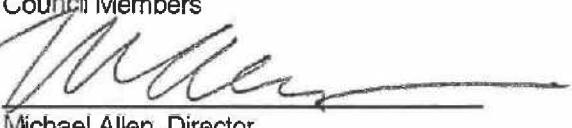


004-09

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: December 3, 2008

RE: Create Position—Division of Environmental Policy

The attached action amends Section 21-5 of the Code of Ordinances, creating one (1) position of Environmental Program Manager (Energy) (Grade 117E) within the Division of Environmental Policy, effective upon passage by Council.

This position will lead the effort to endure the Lexington-Fayette Urban County Government become more energy efficient by developing and implementing programs, plans and improvements that allow our organization to save energy government wide. The Lexington-Fayette Urban County Government owns, leases and/or occupies approximately 4 million square feet of building space.

The fiscal impact for FY2009 (10 pay periods) results in a cost of \$26,439.41. This was included in the approved in the FY2009 budget, and is funded from Urban Service Fund. All costs include benefits.

| Name | Position Title | Annual Salary Before | Annual Salary After | Annual Increase/Decrease |
|--|-----------------------------------|----------------------|---------------------|--------------------------|
| Vacant | Environmental Program Manager Sr. | \$0 | \$51,832.82 | \$51,832.82 |
| Total Annual Impact/ Salary and Benefits \$68,742.48 | | | | |

If you have questions or need additional information, please contact Daniel H. Fischer at 258-3030.

Attachment

cc: Cheryl Taylor, Commissioner, Department of Environmental Quality
Susan Bush, Director, Division of Environmental Policy
Darrylyn Combs, Human Resources Manager, Division of Human Resources
Jim Dodson, Human Resources Analyst, Division of Human Resources

Log #09-0030



013-09

35

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**

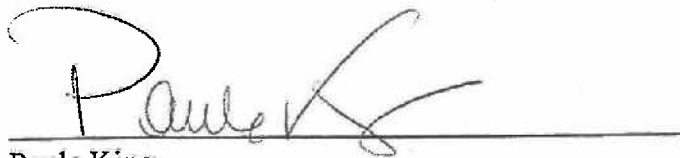
DATE: DECEMBER 17, 2008

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT AWARD
FROM THE KENTUCKY INFRASTRUCTURE AUTHORITY FOR
EXPANSION AREA 2A CLASS A PUMP STATION AND TRUNK
SEWER**

The 2008 Legislative Session of the Kentucky General Assembly approved the award of \$3,100,000 to the Lexington Fayette Urban County Government for the construction of the Expansion Area 2A Class A Pump Station and Trunk Sewer. The Kentucky Infrastructure Authority is the state agency designated for administration of this infrastructure project.

The source of funds is revenue generated by the sale of bonds by the state agency. No matching funds are required.

Council authorization to accept the award is hereby requested.



Paula King
Director

Xc: Cheryl Taylor, Commissioner of Environmental Quality

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014-09

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

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

FROM: PAULA KING, DIRECTOR

DATE: DECEMBER 17, 2008

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT AWARD
 OF FEDERAL FUNDS FROM THE DEPARTMENT OF
 MILITARY AFFAIRS/KENTUCKY EMERGENCY
 MANAGEMENT AGENCY FOR A FLOOD MITIGATION
 ASSISTANCE PROJECT**


On December 11, 2007 (Resolution No. 719-2007), Council approved the submission of a grant application requesting federal funding from the Federal Emergency Management Agency for the implementation of a flood hazard mitigation project.

Kentucky Department of Military Affairs/Kentucky Emergency Management Agency has indicated that federal funds in the amount of \$1,004,692.50 has been approved for the purchase and demolition of nine residential properties on Ft. Sumter Drive, Cabot Drive, and Shandon Drive. Owners of these properties have experienced repeated flooding over the past 25 years. The solution is the purchase and demolition of these properties. The vacant land will be used as open space.

A 25% local match (\$334,897.50) is required. Total project cost is \$1,339,590. The local match will come from:

| FUND | DID | SECT | ACCT | BUD REF | PROJECT | ACTIVITY |
|------|--------|------|-------|---------|-------------|------------|
| 2517 | 303204 | 3321 | 92211 | 2008 | STORM WATER | STORMWATER |

Council authorization to accept the award is hereby requested.


 Paula King, Director

Xc: Cheryl Taylor, Commissioner of the Department of Environmental Quality

HORSE CAPITAL OF THE WORLD

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015-09

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: DECEMBER 17, 2008

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT AWARD
FROM THE KENTUCKY INFRASTRUCTURE AUTHORITY FOR
LEESWAY UNDERSERVED AREAS PROJECT**

The 2008 Legislative Session of the Kentucky General Assembly approved the award of \$600,000 to the Lexington Fayette Urban County Government for the Leesway Underserved Areas project. The Kentucky Infrastructure Authority is the state agency designated for administration of this infrastructure project.

This project will provide sanitary sewer service for underserved households in the Leesway neighborhood. These are primarily lower-income or elderly households. Financial assistance is required to provide a cost-effective solution to on-site septic systems subject to failure.

The source of funds is revenue generated by the sale of bonds by the state agency. No matching funds are required.

Council authorization to accept the award is hereby requested.

Paula King
Director

Xc: Cheryl Taylor, Commissioner of Environmental Quality

HORSE CAPITAL OF THE WORLD

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



Mayor Jim Newberry

MEMORANDUM

Urban County Council

DATE: December 18, 2008

RE: Resolution for Environmental Assessment License Agreement

In order to determine whether a petroleum release at the Marathon Petroleum Company LLC bulk plant at 1770 Old Frankfort Pike has migrated onto the LFUCG Old Frankfort Pike Landfill, Marathon Petroleum Company LLC has requested permission (license) to enter upon Landowner's property (the LFUCG Old Frankfort Pike Landfill) to collect soil and groundwater samples. Marathon Petroleum Company LLC is making this request to comply with Kentucky regulations requiring the extent of contamination to be determined once a release (spill) occurs.

Attached is a copy of the Marathon Petroleum Company LLC request for your review and approval. Please note that this request has been reviewed by the LFUCG Law Department and the Department of Environmental Quality and that safeguards have been put in the agreement to protect the interests of the LFUCG. Also note that the license (if granted) expires in 3 years unless the LFUCG chooses to grant an extension.

I appreciate your consideration of this request. Please contact me at 425-2851 if you have any questions or need additional clarification.

Cc: File

HORSE CAPITAL OF THE WORLD

019-09

ENVIRONMENTAL ASSESSMENT LICENSE

MPC Facility: Lexington Terminal
1770 Old Frankfort Pike
Lexington, Kentucky 40504

This Environmental Assessment License ("License") is entered into between **Marathon Petroleum Company LLC ("MPC")**, a Delaware limited liability company, with an address of 539 South Main Street, Findlay, Ohio 45840, and **Lexington Fayette County Urban Government ("Landowner")**, with a mailing address of 200 East Main Street, Lexington, Kentucky 40507.

- 1.0 **ACCESS.** Landowner hereby grants MPC and its employees, agents, contractors and other representatives the right to enter upon Landowner's property (the Old Frankfort Pike Landfill) located at the following address: 1631 Old Frankfort Pike (the "Property"), in order to perform the following activities ("Activities"):
- 1.1 Assess soil, surface water and groundwater contamination, if any;
 - 1.2 Determine locations for the installation of soil borings, geoprobes, groundwater monitoring wells, and other assessment equipment/facilities;
 - 1.3 Install, operate, maintain, close and/or remove all soil borings, geoprobes, groundwater monitoring wells, and other assessment equipment/facilities;
 - 1.4 Take samples from the soil, surface water and groundwater; and
 - 1.5 Perform other related site assessment activities.
- 2.0 **NOTICE AND DATA.**
- 2.1 MPC shall give at least 72 hours notice to Landowner prior to entering upon the Property to install or remove soil borings, geoprobes, groundwater monitoring wells, and other assessment equipment/facilities and provide at least 72 hours notice to landowner prior to entering upon the property to collect soil or water samples.
 - 2.2 Upon written request, MPC shall provide Landowner with the following:
 - 1) Copies of all environmental data obtained by MPC at the Property pursuant to this License;

- 2) MPC will identify which of the data obtained pursuant to this License that MPC furnishes to the state agency having jurisdiction over MPC's Activities ("the State");
- 3) Copies of all correspondence between MPC and the State related to the Property;
- 4) Copies of all plans and reports submitted to the State related to the property, including, but not limited to, any corrective action plan, mitigation plan, and site characterization plan.

3.0 **SITE CONDITION.** MPC shall conduct its Activities in a manner that will not unreasonably interfere with the normal and usual business operations or residential activities being conducted on the Property. Prior to performing any of its Activities on the Property, MPC shall locate all utilities on the Property and will conduct its Activities at all times in a manner which will protect all utilities on the Property. MPC shall avoid disturbing the landfill cap. MPC shall also conduct its Activities in a manner reasonably calculated to minimize disturbance to existing site conditions. After performing Activities, MPC agrees to restore the areas of the Property that were disturbed by MPC's Activities to, as nearly as reasonably possible, the same condition as existed on the date that such areas were disturbed by MPC to the satisfaction of LFUCG. Following completion of MPC's Activities at the Property and approval from the governmental agency with jurisdiction, MPC will properly close, remove and/or abandon all groundwater monitoring wells and other assessment equipment/facilities that were installed at the Property under this License in accordance with state law. If MPC should stop groundwater sampling at this site for an extended period of time (defined as in excess of one year), MPC shall then properly remove/abandon the groundwater monitoring wells unless the LFUCG grants express written consent for these facilities to remain for a longer time.

4.0 **MATERIALS REMOVED FROM THE SITE.**

- 4.1 Any samples, waste materials, soil cuttings, and liquids which result from MPC's activities under this License shall be handled, stored, treated, transported, and disposed of by MPC in accordance with all applicable local, state and federal laws, regulations and ordinances.
- 4.2 Upon written request, informing MPC of the date and time of such activities, Landowner may collect its own samples from soil borings, geoprobes, groundwater monitoring wells, and other assessment equipment/facilities installed by MPC on the Property pursuant to this License or, at Landowner's option, MPC will provide to Landowner a "split" of samples obtained by MPC pursuant to this License.

5.0 **TOOLS AND EQUIPMENT.** All tools, equipment, or other property placed upon

the Property by MPC or its employees, agents, contractors and other representatives shall remain the property of MPC and its employees, agents, contractors and other representatives, and may be removed by the owner of such property at any time within a reasonable time after expiration of this License.

6.0 **INDEMNIFICATION AND INSURANCE.**

6.1 MPC or any of its agents or subcontractors to the extent permitted by law, agrees to defend, indemnify and save harmless LFUCG, its employees, volunteers and elected officials, from and against all liabilities, claims, actions, expenses, obligations, losses, fines, and assessments resulting from or arising out of any error or omission, negligence or intentional misconduct or any other action relating to its Activities at the Property. Indemnification will include, in addition to the above, attorney's fees, costs related to investigation and defense and any other expenses related to any such claim, action or proceeding. MPC will not be liable for such claims, actions, obligations, losses, fines, penalties and assessments resulting from or arising out of any error or omission, negligence or intentional misconduct of LFUCG, its agents, and employees. In order to receive the protections of this section, Landowner must first:

- (1) provide MPC and its employees, agents, contractors and other representatives with access to the Property pursuant to this License, and
- (2) give MPC written notice immediately after Landowner obtains actual knowledge of a matter which is claimed to be covered by this section. Such written notice to MPC shall be sent to:

- (i) Engineering Manager, Marketing & Transportation
Engineering
Environmental & Technical Services
Marathon Petroleum Company LLC
539 South Main Street
Findlay, Ohio 45840; and
- (ii) Group Counsel — Environmental, Safety & Security
Marathon Petroleum Company LLC
539 South Main Street
Findlay, Ohio 45840

6.2 MPC is self-insured as described in Exhibit A, attached hereto and incorporated herein by reference.

6.3 Coverage under the self-insurance plan will remain in force at all times during the term of this License and will provide coverage against Commercial General Liability and Errors and Omissions claims which may

arise from or in connection with the Activities performed in the principal amount of not less than One Million Dollars (\$1,000,000) per occurrence and Two Million Dollars (\$2,000,000) aggregate, per policy year, for any claim, act or omission in performing those Activities. The coverage under the self-insurance plan will also provide coverage against Professional Liability claims which may arise from or in connection with the Activities performed in the principal amount of not less than One Million Dollars (\$1,000,000) per occurrence and Two Million Dollars (\$2,000,000) aggregate, per policy year.

- 7.0 **LANDOWNER'S WARRANTY AND RESPONSIBILITIES.** Landowner represents and warrants that Landowner is the owner of the Property and/or otherwise has full authority to enter into this License, and to make it binding on any person or entity having a valid claim of interest in the Property, including any tenants. Landowner agrees not to interfere with, disturb, move or enter any equipment, facilities, buildings, or any other Activities of MPC or its employees, agents, contractors and other representatives except in the case of emergency or as may be reasonably necessary to allow Landowner to collect samples as provided in subsection 4.2.
- 8.0 **EFFECTIVE DATE AND TERM.** This License shall be effective as of the date of the last signature hereto, and shall continue in effect until MPC determines that it has completed its Activities under this License. Either Landowner or MPC may terminate this License prior to its expiration if the other party violates any material condition or term of this License. Any such termination shall be effective thirty (30) days after written notification of such termination is received by the non-terminating party.
- 9.0 **MISCELLANEOUS PROVISIONS.**
- 9.1 **Agreement.** This License sets forth the entire agreement between the parties and shall not be amended except by writing executed by both parties.
- 9.2 **Assignability.** This License is binding upon the parties, their successors in title or interest, assignees and heirs. If, at any time, the Property may be transferred to another owner, MPC must be notified pursuant to the Notice requirements of this License. MPC will then prepare a Memorandum of License Agreement and Landowner will execute. MPC will then record the Memorandum of License Agreement in the applicable county recorder's office. Notification must be made prior to the transfer of the property and within reasonable time to allow MPC to record the Memorandum of License Agreement.

019-09

- 9.3 Counterparts. This License may be executed in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.
- 9.4 Governing Law. The law of the State in which this Property is located shall apply to the interpretation of this License and to the resolution of any disputes arising out of the matter set forth in this License.
- 9.5 Division of Waste Management Approval. MPC should note that a deed restriction was recorded for this property during landfill closure activities which limits activities that can be conducted on site. Prior to disturbing the site, MPC shall obtain written approval from the Kentucky Division of Waste Management Solid Waste Branch and provide proof of such approval to the LFUCG.
- 9.6 Soil and water samples collected by MPC or their designee at this property shall only be analyzed for the following parameters unless the LFUCG grants permission to analyze for different parameters: BTEX by EPA Method 8021 and PAH by EPA Method 8270.
- 9.7 This environmental assessment license shall expire within three years of the date the license (agreement) is signed. The license may be renewed at the sole discretion of the LFUCG.
- 9.8 Notices. Unless amended by the either party by written notice to the other party, and except as otherwise set forth in Section 6.0 above, communications shall be directed to:

For Landowner:

Thomas Webb
 Environmental Compliance Coordinator
 LFUCG Dept. of Environmental Quality
 200 East Main Street
 Lexington, Kentucky 40507
 (859)425-2808 (859)425-2859
 Telephone Fax

For MPC:

Group Counsel
 Group Counsel
 Environmental Safety & Security
 Marathon Petroleum Co. LLC
 539 South Main Street
 Findlay, Ohio 45840
 (412) 421-3687 (412) 427-3689
 Telephone Fax

The parties agree to the above terms.



006-09

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

Ronald L. Bishop
Director

To: Joseph Kelly, SAM
Mayor Jim Newberry
Council members

From: Ronald L. Bishop – Community Corrections Director *RLB*

Date: December 10, 2008

Re: Request for Council approval for amended Fellon-McCord contract

Request approval to accept amended contract with Fellon-McCord & Associates (Energy Consultants). Amendment is due to Constellation Energy declaring that that ownership of it's energy consulting branch, Fellon-McCord & Associates will change from being a wholly owned subsidiary of Constellation Energy to private ownership as of June 30, 2008.

Approval of request will not have a budgetary or fiscal impact to LFUCG.

Cc: Timothy Bennett, Commissioner
Department of Public Safety

HORSE CAPITAL OF THE WORLD



027-09

Mayor Jim Newberry

Department of Public Safety
Office of the Commissioner

MEMORANDUM

To: Mayor Jim Newberry
Urban County Councilmembers

From: Timothy E. Bennett, *TJB* Commissioner
Department of Public Safety

Ron Bishop, Director *RPB*
Division of Community Corrections

Date: December 29, 2008

Subject: Community Corrections Personnel Actions

This is to request an amendment to Section 21-5 of the Code of Ordinances to abolish 6 positions of Community Corrections Major and create 6 positions of Community Corrections Captain. All current majors have requested voluntary demotions to the position of captain.

The Director of Community Corrections intends to create a special duty assignment of Bureau Manager to be made from employees holding the permanent rank of lieutenant or captain. This Ordinance would establish a stipend of \$350.00 per pay period for this special duty assignment.

The fiscal impact of these actions is \$28,021.68 for the remainder of FY09 and will be funded from the division's existing personnel budget.

Please let us know if you have any questions or need further information.

cc: Joseph Kelly
Michael Allen
Daniel Fischer
Glenda George

HORSE CAPITAL OF THE WORLD



007-09

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: DECEMBER 9, 2008

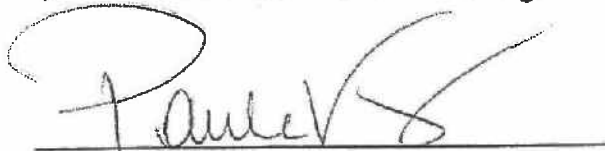
SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE
AGREEMENT WITH THE KENTUCKY OFFICE OF HOMELAND
SECURITY FOR EXTENSION OF PORTABLE INTEROPERABLE
COMMUNICATIONS ~~TOWER~~ PROJECT
INFRASTRUCTURE

On December 11, 2007, (Ordinance No. 297-2007), Council approved the acceptance of an award of federal funds in the amount of \$37,282 from the Kentucky Office of Homeland Security for the purchase of Portable Interoperable Communications infrastructure and related equipment for the Division of Environmental and Emergency Management. This project expires on June 30, 2008.

On June 26, 2008 (Resolution No. 343-2008), Council approved execution of an agreement extending the project through December 31, 2008.

The Kentucky Office of Homeland Security has offered the Lexington-Fayette Urban County Government an extension through June 30, 2009, so that the project can be completed.

Council authorization to execute the agreement is hereby requested.


 Paula King, Director

Xc: Tim Bennett, Commissioner, Department of Public Safety

HORSE CAPITAL OF THE WORLD

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008-09

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: DECEMBER 9, 2008

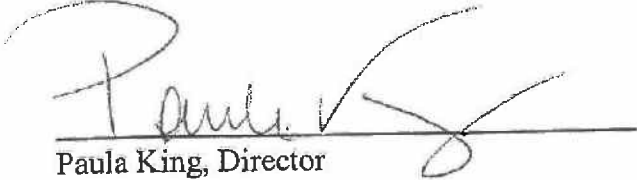
SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE
AGREEMENT WITH THE KENTUCKY OFFICE OF HOMELAND
SECURITY FOR EXTENSION OF THE DIVISION OF POLICE'S
MOBILE DATA COMPUTER NETWORK PROJECT

On December 11, 2007 (Ordinance No. 299-2007), Council approved the acceptance of federal funds in the amount of \$217,844 from the Kentucky Office of Homeland Security for the expansion of the Mobile Data Computer network in the Division of Police and to include other local and state law enforcement agencies. This project expires on June 30, 2008.

On June 26, 2008 (Resolution No. 342-2008), Council approved execution of an agreement extending the project through December 31, 2008.

The Kentucky Office of Homeland Security has offered the Lexington-Fayette Urban County Government an extension through June 30, 2009, so that the project can be completed.

Council authorization to execute the agreement is hereby requested.


Paula King, Director

Xc: Tim Bennett, Commissioner, Department of Public Safety

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009-09

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: DECEMBER 9, 2008

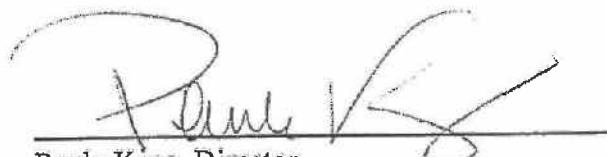
SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE
AGREEMENT WITH KENTUCKY OFFICE OF HOMELAND
SECURITY FOR EXTENSION OF THE REGIONAL 911 SYSTEM
PROJECT

On December 11, 2007 (Ordinance No. 298-2007), Council approved the acceptance of federal funds in the amount \$98,304 from the Kentucky Office of Homeland Security for the designing, building, and implementation of a 9-1-1 regional infrastructure connecting Fayette, Jessamine, Woodford counties and UK's current 911 systems into a redundant infrastructure allowing simplified network connectivity, lower cost and more efficient operations for all parties involved. This project expires on June 30, 2008.

On June 26, 2008 (Resolution No. 344-2008), Council approved execution of an agreement extending the project through December 31, 2008.

The Kentucky Office of Homeland Security has offered the Lexington Fayette Urban County Government an extension through June 30, 2009, so that the project can be completed. No additional funds are needed.

Council authorization to execute the agreement is hereby requested.


 Paula King, Director

Xc: Tim Bennett, Commissioner, Department of Public Safety

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010-09

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: DECEMBER 3, 2008

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE LEASE WITH
U.S. BANCORP BUSINESS EQUIPMENT FINANCE GROUP FOR
COPIER USING FEDERAL FUNDS FROM THE CHEMICAL
STOCKPILE EMERGENCY PREPAREDNESS PROGRAM (CSEPP)
FOR FY 2007

The Division of Emergency Management/911 has requested lease of copier from U.S. Bancorp Business Equipment Finance Group supplied by AB Dick Products of Lexington, Inc., for 36 months at a monthly cost of \$354.80 for a total three-year cost of \$12,772.80 under a state price contract. Annual cost is \$4,257.60. Funds for year one of the lease are budgeted in the following account:

| FUND | DEPT ID | SECT | ACCT | PROJECT | BUD REF | ACTIVITY |
|------|---------|------|-------|---------|---------|----------|
| 3200 | 505201 | 0001 | 71303 | CSEPP | 2007 | DEFAULT |

Federal funds for this lease are from the Chemical Stockpile Emergency Preparedness grant. Grant conditions require that this equipment be leased, not purchased. Funds for the following two years will come in future years' funding from the same grant program.

U.S. Bancorp Business Equipment Finance Group is the financing agent. AB Dick is the supplier of the equipment.

Council authorization to execute is hereby requested.

Paula King
Director

Xc: Tim Bennett, Commissioner of Public Safety

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021-09

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: DECEMBER 29, 2008

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO SUBMIT APPLICATION TO
THE U.S. DEPARTMENT OF HOMELAND SECURITY REQUESTING
FUNDING FROM THE FEDERAL EMERGENCY MANAGEMENT
AGENCY FOR TWO FIRE PREVENTION AND SAFETY PROJECTS**


The Division of Fire and Emergency Services has prepared a grant application for submission to the U.S. Department of Homeland Security/Federal Emergency Management Agency requesting federal funds for two Fire Prevention and Safety Projects.

Project #1-Request for funds to initiate a "Juvenile Firesetter Program" which will be operated by the Fire Prevention Program. A certified educator is already in place to start the program, but local fire prevention and public education funds are very limited. Research has shown that juvenile fire setting is a growing problem within Fayette County, the surrounding counties, and the nation. This program is designed to be preventative as well as corrective. The Division of Fire and Emergency Services' public educator will work with several other fire service members in the Bluegrass region on this project. The request is for \$5,000. If awarded, 80%, or \$4,000 will be federal funds, and the required local match of 20% (\$1,000) will come from the 2009 General Fund budget.

Project #2 is for purchase of controllable propane fueled fire extinguisher training equipment and extinguisher training videos. Due to EPA regulations the Fire Safety Educators can no longer use wood pallets or flammable liquids to provide live fire for extinguisher training. Occupational Safety and Health Administration requires live fire, hands on training for employees at some manufacturing locations. The Division of Fire has been providing this training for many years, and wishes to continue to provide this service to the business community which includes manufacturing, service, and elderly/medical care facilities. The total project cost is \$9,000. If awarded, 80%, or \$7,200 will be federal funds, and the remaining 20%, \$1,800 will come from the General Fund budget.

The total request for both projects is \$14,000 requiring a local match of \$2,800.

Council authorization to submit the application is hereby requested.


Paula King
Director

Xc: Tim Bennett, Acting Commissioner of Public Safety

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022-09

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: DECEMBER 29, 2008

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO SUBMIT APPLICATION
FOR FEDERAL FUNDS FROM THE KENTUCKY STATE POLICE FOR
ENFORCING UNDERAGE DRINKING LAWS AS PROVIDED BY THE
OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION**

The Division of Police has prepared a grant application for submission to the Kentucky State Police requesting federal funding from the Enforcing Underage Drinking Laws provided by the Office of Juvenile Justice and Delinquency Prevention/U.S. Department of Justice.

The Division of Police is requesting \$40,468 in federal funds for operation of an Enforcing Underage Drinking Laws project. The project will provide for additional officers to be deployed during peak business hours for investigative purposes, for conducting education/awareness campaigns regarding underage drinking, and for citing intoxicated minors and business owners and employees who sell alcoholic beverages to persons under the age of 21. The objectives are to reduce the number of establishments serving and selling alcoholic beverages to minors by at least 2% and to increase the number of arrests involving minors under the influence of any intoxicating beverages by at least 2%. Funds will be used for officer overtime. No matching funds are required. The primary goal of the project is to reduce alcohol use among persons who are under the age of 21.

Council authorization to submit the application is hereby requested.


Paula King, Director

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

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LEXINGTON DIVISION OF POLICE

020-09

150 East Main Street • Lexington, KY 40507 • (859) 258-3600

TO: Mayor Jim Newberry
Urban County Council

FROM: Chief Ronnie Bastin
Division of Police

DATE: December 15, 2008

RE: United States Marshal's Service (USMS) Fugitive Task Force Agreement

Please find attached blue sheet and documentation for a Fugitive Task Force Agreement between the United States Marshal's Service and the Lexington-Fayette Urban County Government. The attached agreement allows for the Lexington Division of Police to continue participation in the District Fugitive Task Force. I have attached one (1) original agreement with two (2) copies requiring the Mayor's signature.

We are requesting that Mayor Newberry be authorized to sign off on future agreements with the United States Marshal's Service concerning the Lexington Division of Police's on-going participation in the District Fugitive Task Force.

Upon approval and signing, please forward one (1) original and one (1) copy of the agreement to the Chief's Office.

A handwritten signature in cursive script, appearing to read 'R. Bastin', written over a horizontal line.

Ronnie Bastin
Chief of Police

Attachment

cc: Tim Bennett, Commissioner of Public Safety



028-09

Mayor Jim Newberry
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Department of Public Safety
Division of Emergency Management/911

MEMORANDUM

TO: Jim Newberry, Mayor
Council Members

FROM: Patricia L Dugger, RS MPA, DEM Director *PLD*

RE: Transfer of Assets

DATE: December 15, 2008

We are requesting the Urban County Council to authorize the Mayor to accept the items listed below as a donation from Kentucky's Division of Emergency Management. Ownership of these items was transferred to the Lexington Fayette Urban County Government as part of a spending package through the Chemical Stockpile Emergency Preparedness Program (CSEPP). These items have been tagged and will be tracked through the inventory system that is utilized by the Division of Emergency Management (DEM).

DEM has received the following items:

- 150 child decontamination kits. Total cost of \$1900.
- 15 Con-Space voice amplification units, headsets, interface cables, and pelican cases. Total cost of \$6267.15

Cc: Tim Bennett, Public Safety Commissioner
Hazel Lambert, Administrative Specialist
CSEPP File

HORSE CAPITAL OF THE WORLD



RECEIVED
002-09
10-9-2008
GENERAL SERVICES
COMMISSIONER'S OFFICE

Jim Newberry, Mayor
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Division of Parks & Recreation
Jerry Hancock, Director

MEMORANDUM

To: Jim Newberry, Mayor
Urban County Council Members
Joe Kelly, Senior Advisor to the Mayor

FROM:


Jerry Hancock

RE: Facility Usage Contract

DATE: October 7, 2008

This is a request for Council approval of a donation by the American Water Company in the amount of \$500.00.

This donation is to assist with the purchase of a treadmill for the Dunbar Community Center.

Please contact me if there are any questions.

CC: Kimra Cole, Commissioner of General Services

JEH/bac



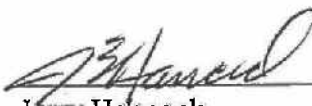
012-09

Jim Newberry, Mayor
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Division of Parks & Recreation
Jerry Hancock, Director

MEMORANDUM

To: Jim Newberry, Mayor
Urban County Council Members
Joe Kelly, Senior Advisor to the Mayor

FROM:


Jerry Hancock

RE: Maintenance Agreement

DATE: December 2, 2008

RECEIVED
DEC 2 - 2008
GENERAL SERVICES
COMMISSIONER'S OFFICE

This is a request for Council approval of an agreement between the LFUCG and GEI-Calgraph for repairs and maintenance to the GEI-Calgraph graphic machine.

This service agreement includes labor, travel and parts as necessary for proper maintenance of machine.

Please contact me if there are any questions.

CC: Kimra Cole, Commissioner of General Services

JEH/bac



018-09

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: DECEMBER 16, 2008

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO SUBMIT GRANT APPLICATION TO THE KENTUCKY TRANSPORTATION CABINET FOR FEDERAL PLANNING FUNDS FOR THE FREIGHT STUDY IN THE DIVISION OF PLANNING

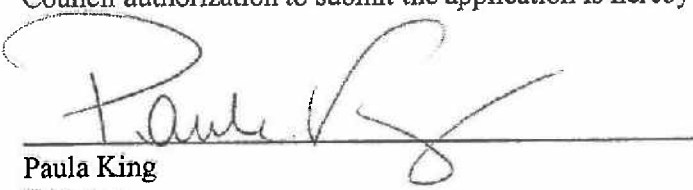
The Division of Planning has prepared an application for submission to the Kentucky Transportation Cabinet requesting Federal Transportation Planning funds for an update of the Freight Study. A freight study was last completed for Fayette County in 1979.

Total cost of study is estimated at \$165,000. The request for federal funds is \$132,000. A 20% (\$33,000) local match is required. This match of \$33,000 will be requested in the 2010 General Fund budget. A steering committee made up of local stakeholders will be formed to work with a consultant.

Accomplishments of the study include:

- Updating the old study
- Assessing the existing freight transportation systems including all modes in the MPO region.
- Identifying a series of good movement problems.
- Evaluating alternative solutions.
- Introduction of a series of recommendations.
- Producing freight related strategies, policies and prioritized projects specific to the MPO region that can be implemented within the planning process in the near term.

Council authorization to submit the application is hereby requested.


 Paula King
 Director

HORSE CAPITAL OF THE WORLD

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024-09

Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Department of Law

TO: Jim Newberry, Mayor
Members, Urban County Council

FROM: Department of Law

DATE: December 29, 2008

RE: Encroachment Agreement
1306 Versailles Road

This memo is to request a Resolution authorizing the Mayor to sign a Right-of-Way Encroachment Agreement with Transit Authority of the Lexington-Fayette Urban County Government (Lextran) and Art in Motion, Inc. for a bus shelter located at 1306 Versailles Road.

The terms and conditions for placement of this Lextran bus shelter on right-of-way were set forth in a Memorandum of Agreement (MOA) between LFUCG, Lextran and Art in Motion, Inc., executed pursuant to Resolution No. 683-2007 passed on December 11, 2007.

The proposed Encroachment Agreement is consistent with the MOA and has been reviewed and approved by the Divisions of Engineering, Water Quality, Planning, and Traffic Engineering and the Department of Law. This action has no budgetary implication for LFUCG.

Edward W. Gardner
Attorney Sr.

Enclosure

cc: Joe Kelly, Mayor's Office
Council Office
Mike Webb, Commissioner of Public Works
Kevin Wente, Department of Public Works

EWG/X:\Cases\WORKS\08-CC10351\LEG\00193272.DOC

HORSE CAPITAL OF THE WORLD



025 - 09

Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Department of Law

TO: Jim Newberry, Mayor
Members, Urban County Council

FROM: Department of Law

DATE: December 29, 2008

RE: Encroachment Agreement
845 Red Mile Road

This memo is to request a Resolution authorizing the Commissioner of Public Works and Development, to sign a Right-of-Way Encroachment Agreement with Transit Authority of the Lexington-Fayette Urban County Government (Lextran) for a bus shelter located at 845 Red Mile Road. Approval is also requested for the Commissioner to execute future Encroachment Agreements with Lextran for bus shelters on right-of-way.

LFUCG and Lextran executed a Memorandum of Agreement (MOA) pursuant to Resolution No. 313-2008, passed on June 12, 2008, which provides specific terms for encroachment agreements for bus shelters to be placed on public right-of-way. Further, a technical review committee has been established by Public Works to oversee proper placement of shelters in public right-of-way. Execution by the Commissioner is consistent with the procedure in the Subdivision Regulations for permitting encroachment on LFUCG easements.

The proposed Encroachment Agreement for 845 Red Mile Road is consistent with the MOA and has been reviewed and approved by the Divisions of Engineering, Water Quality, Planning, and Traffic Engineering and the Department of Law. This action has no budgetary implication for LFUCG.

It is requested that when future Encroachment Agreements for Lextran are submitted that comply with the MOA and are approved in the same manner, the Commissioner will be authorized to execute them without further council approval.

A representative of Public Works will be available at work session to address any questions.

HORSE CAPITAL OF THE WORLD



026-09

Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Department of Law

TO: Jim Newberry, Mayor
Members, Urban County Council

FROM: Department of Law

DATE: December 29, 2008

RE: Addendum to Master Agreement with
Computer Sciences Corporation ("CSC")

Council authorization is being requested to execute an Addendum to the Master Agreement with Computer Sciences Corporation, for Third-Party software license protection at no cost to the Urban County Government. This addendum is in preparation for a software upgrade to the RiskMaster claims database. The LFUCG will receive additional programs during the upgrade installation. This addendum outlines protection for the programs, that the LFUCG shall accept the terms and conditions of the Licenses for Third Party Programs.

If you have any questions or need additional assistance, please let me know.

Leslye M. Bowman
Leslye M. Bowman, Director *by B. Stedd*

cc: Council Office
Rama Dhuwaraha, Sr. Advisor

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HORSE CAPITAL OF THE WORLD

URBAN COUNTY COUNCIL
BUDGET & FINANCE COMMITTEE SUMMARY

DECEMBER 9, 2008

Dr. Stevens chaired the committee meeting, calling it to order at 1:00 pm. All committee members were present except CM McChord and CM Myers.

I. The Equine Economy in Central Kentucky – Equine Task Force

Dr. Stevens gave some background information regarding the Equine Task Force. He suggested that he and Jerry Southers go call on all the various elements and prepare specific recommendations for the committee's next meeting.

A motion by CM Gorton to take the issue of sales tax inequities for horse farm owners to the Central Kentucky Caucus and LFUCG's Director of Government Relations, seconded by CM Ellinger, passed without dissent.

II. Financial Discussions

Commissioner Koch handed out a draft of the November revenue and the October report. She went over the November report for the committee. She stated right now for November we are not in a decline, however; they do not know what December will bring. Commissioner Koch stated 2010 will be very difficult. She stated anything they can come up with in 2009 will soften what they will have to deal with in 2010.

Several CMs asked questions regarding the reports, national trends and about the number of retirees in 2008. Administration has asked all divisions to cut an additional 5% from their operating expenses. Commissioner Koch stated they are in touch with people at UK who is helping guide them to the indicators they should be looking at. She stated much of the national information is delayed by a few months. Commissioner Koch stated they had budgeted 170 retirees and as of December 5th there were a total of 107 retirees. Bill O'Mara explained the change to the minimum licensing fee that was changed by ordinance in June. He also explained the insurance premium tax requirement change.

Mary Fister, Director of Accounting, went over the Comprehensive Annual Financial Report. Dr. Stevens suggested giving everyone a chance to look over this report and place it on the agenda for next month.

Ms. Fister stated the CAFR will be on the LFUCG website for the public to see.

Commissioner Koch stated they want to look at a different format for the 2010 budget and will bring that to the committee after the holidays.

III. Internal Audit Reports

Bruce Sahli, Director of Internal Audit, reported out on the audits of Division of Engineering Project Management and Haley Pike Landfill Collection Process.

Several CMs expressed concerns with some of the audit findings. Mr. Sahli stated he will be revisiting with senior management in a few months to determine what processes have been put in place to address the findings.

Mike Webb, Acting Commissioner Public Works and Development, stated they are working on some changes and will bring those to Council as soon as they can.

IV. Man-O-War Projects and SLX Status

Max Conyers, Transportation Planning Manager, gave an overview of the Man-O-War study and the low build project rankings. He stated the projects were ranked according to the MPO's project ranking criteria. Mr. Conyers also went over the SLX status.

Bob Bayert, Division of Engineering, went over the proposed SLX allocations for 2009-2014.

Meeting adjourned 2:54 pm