

**URBAN COUNTY COUNCIL
SCHEDULE OF MEETINGS
March 9-March 16, 2009**

Monday, March 9

North Nicholasville Rd Small Area Plan Steering Committee Meeting.....5:30 pm
Conference Room-7th Floor Phoenix Building

Tuesday, March 10

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

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

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

South Nicholasville Rd Small Area Plan Steering Committee Meeting.....5:30 pm
Conference Room-7th Floor Phoenix Building

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

Wednesday, March 11

Government Center Task Force Meeting.....9:00 am
Conference Room-5th Floor Government Center

Policemen's & Firefighter's Retirement Pension Board Meeting.....9:00 am
Council Chambers-2nd Floor Government Center

Transportation Technical Coordinating Committee Meeting.....9:00 am
Conference Room-7th Floor Phoenix Building

Tree Board Meeting.....10:30 am
Conference Room-5th Floor Government Center

Traffic Safety Coalition Meeting.....11:30 am
Conference Room-3rd Floor Phoenix Building

Congestion Management Committee Meeting.....1:30 pm
Conference Room-7th Floor Phoenix Building

Thursday, March 12

Storm Water Fee Task Force Meeting.....9:00 am
Council Chambers-2nd Floor Government Center

Webinar-Reinvesting Space/Economic Development.....2:00 pm
Conference Room-5th Floor Government Center

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

Friday, March 13

Council/Administration Retreat.....9:00 am
Tates Creek Ballroom, 1400 Gainesway Dr

Mayor's Task Force on Breast Cancer Meeting.....10:00 am
Conference Room-5th Floor Government Center

Harrodsburg Corridor Advisory Committee Meeting.....1:30 pm
Conference Room-5th Floor Government Center

Mayor's Commission on the American Recovery & Reinvestment Plan.....3:00 pm
Council Chambers-2nd Floor Government Center

Monday, March 16

Human Rights Commission Community Relations Meeting.....4:30 pm
Conference Room-5th Floor Government Center

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

LEXINGTON-FAYETTE URBAN COUNTY COUNCIL

WORK SESSION AGENDA

March 10, 2009

- I. Public Comment – Issues on Agenda**
- II. Requested Rezoning / Docket Approval – Yes**
- III. Approval of Summary-Yes, March 3, 2009, pp.8-11**
- IV. Budget Amendments – Yes, pp.12-13**
- V. New Business, pp.15-41**
- VI. Continuing Business / Presentations**
 - A. Budget & Finance Committee, pp.42-47**
 - B. Services Committee(separate, not in packet)**
- VII. Council Report**
- VIII. Mayor's Report – Yes**
- IX. Public Comment – Issues Not on Agenda**

ADMINISTRATIVE SYNOPSIS

New Business Items

- A. Authorization of a Professional Service Agreement with L. Lianne McBride, Sexual Assault Nurse Examiner (SANE) for Performance of Forensic Examinations. (171-09) (King/Bennett)
This request will authorize a Professional Service Agreement with L. Lianne McBride, SANE, to serve on an "on-call" basis for the performance of forensic examinations at the University of Kentucky Emergency Room. Federal funding is provided under the Violence Against Women Act from the Kentucky Justice Cabinet for the operation of the SANE program. The agreement is from January 1, 2009 through December 31, 2009. Funds are budgeted. p.15
- B. Authorization of a Professional Service Agreement with Jessica Collins, Sexual Assault Nurse Examiner (SANE) for Performance of Forensic Examinations. (172-09) (King/Bennett)
This request will authorize a Professional Service Agreement with Jessica Collins, SANE, to serve on an "on-call" basis for the performance of forensic examinations at the University of Kentucky Emergency Room. Federal funding is provided under the Violence Against Women Act from the Kentucky Justice Cabinet for the operation of the SANE program. The agreement is from January 1, 2009 through December 31, 2009. Funds are budgeted. p.16
- C. Authorization to Submit Application to the Kentucky Justice and Public Safety Cabinet (JPSC) on Behalf of the Department of Public Safety, Division of Police, for Participation in the Law Enforcement Service Fee Grant Program – FY2010. (193-09) (P. King/Bennett)
This request will authorize a submission of an application for funds in the amount of \$75,000 from the Kentucky JPSC on behalf of the Division of Police for participation in the Law Enforcement Service Fee program. Funds will be used to support overtime costs of approximately 3,000 police officer hours for a Traffic Alcohol Patrol. No matching funds are required. p.17
- D. Authorization to Submit Application to the Kentucky Justice and Public Safety Cabinet (JPSC) on Behalf of the Department of Public Safety, Division of Police, for Continuation of the Street Sales Drug Enforcement Project – FY2010. (194-09) (P. King/Bennett)
This request will authorize a submission of an application for federal funds in the amount of \$227,500 to the Kentucky JPSC for continuation of the Street Sales Drug Enforcement project. Funds will continue the project for the Division of Police and the Fayette County Commonwealth Attorney's Office to arrest and convict street-level drug dealers. A local match of

35% (\$122,500) is required and will be requested in the Division's FY2010 General Fund budget.p.18

- E. Authorization to Accept a Donation of an Image 2000 Treadmill by Judy Craft on Behalf of the Department of Public Safety, Division of Police. (195-09) (Bastin/Bennett)
This request will authorize the acceptance of an Image 2000 Treadmill by Judy Craft on behalf of the Division of Police. The treadmill will be used by employees of the Division to promote health and wellness.p.19
- F. Authorization of a Partner Agreement with the University of Kentucky Bluegrass Healthy Marriage Initiative (BHMI) on Behalf of the Department of Social Services, Division of Family Services. (173-09) (Hendrix/Helm)
This request will authorize a Partner Agreement with the University of Kentucky BHMI on behalf of the Division of Family Services. This initiative will increase child well-being and family stability by working to affirm and enable healthy relationships and marriages for the benefit of men, women their children, their extended families and the community of Central Kentucky. The initiative is funded by the Kentucky Cabinet for Health and Family Services through a Section 1115 waiver awarded by the US Department of Health and Human Services, Administration for Children and Families.p.20
- G. Authorization of a Master Software License Agreement with Devomni Corporation on Behalf of the Department of Social Services, Division of Youth Services. (190-09) (Gales/Helm)
This request will authorize a Master Software License Agreement in the amount of \$5,900 with Devomni Corporation on behalf of the Division of Youth Services. This agreement will provide software support for licensed software to enable an electronic overview of a client to be created for better tracking and sharing of information to reduce multiple entries of case files. Funds are budgeted.p.21
- H. *Authorization of an Engagement Letter for Legal Services with Terry Sellars of Henry Watz Gardner & Sellars, PLLC, for Acquisition of the Blue Sky Wastewater Treatment Plant (WWTP) and Provide Sewage Treatment to Area Served by Blue Sky. (176-09) (Askew)
This request will authorize an Engagement Letter for Legal Services with Terry Sellars of Henry Watz Gardner & Sellars, PLLC, for acquisition of the Blue Sky WWTP and provide sewage treatment to area currently served by Blue Sky. LFUCG operates this WWTP as Receiver for the Franklin Circuit Court. This engagement letter will allow LFUCG to obtain necessary interests in the plant and provide sewage treatment to area presently served by Blue Sky as required by the **EPA Consent Decree**.pp.22-23

- I. Authorization to Amend Resolution No. 273-2008 to Change the Name of the Approved Company Regarding an Inducement Granted by the Kentucky Jobs Development Act (KJDA). (181-09) (Wright/Kelly)
This request will authorize an amendment to Resolution No. 273-2008 to will change the approved Affiliate Tempur-Pedic North America, Inc. to Tempur-Pedic North America, LLC, and to change Tempur World, LLC to Tempur-Pedic Management, Inc. This change will allow both entities as “approved companies” under KJDA. Tempur-Pedic Management, Inc. will assume the duties and responsibilities of the project.p.24
- J. Authorization of a Deed of Acceptance for a Permanent Sidewalk Easement and a Temporary Construction Easement Regarding the Georgetown Street Sidewalk Improvements Project. (174-09) (Rayan/Webb)
This request will authorize a Deed of Acceptance at a cost of \$100 for a permanent sidewalk easement of 5.33 square feet and a temporary construction easement of 43.71 square feet at property located at 457 Georgetown Street for the Georgetown Street Sidewalk Improvements project.p.25
- K. Authorization of a Deed of Acceptance for a Permanent Sidewalk Easement and a Temporary Construction Easement Regarding the Georgetown Street Sidewalk Improvements Project. (175-09) (Rayan/Webb)
This request will authorize a Deed of Acceptance at a cost of \$100 for a permanent sidewalk easement of 7.96 square feet and a temporary construction easement of 50.38 square feet at property located at 560 Georgetown Street for the Georgetown Street Sidewalk Improvements project.p.26
- L. Authorization of a Deed of Acceptance for a Temporary Construction and Permanent Right-of-Way Easements for the Clays Mill Road Improvements Project. (182-09) (P. King/Webb)
This request will authorize a Deed of Acceptance at a cost of \$13,725 for a temporary construction easement of 5,154.7 square feet and a permanent right-of-way easement of 1,878 square feet at property located at 1380 Higbee Mill Road from Springdale Baptist Church, Inc. for the Clays Mill Road Improvements Project. This project is federally funded by Surface Transportation Lexington (SLX) through the Kentucky Transportation Cabinet.p.27
- M. Authorization of a Deed of Acceptance for a Temporary Construction Easement for the Clays Mill Road Improvements Project. (183-09) (P. King/Webb)
This request will authorize a Deed of Acceptance at a cost of \$2,375 for a temporary construction easement of 4,739 square feet at property located at 1401 Higbee Mill Road from Windstream Kentucky East, LCC for the Clays Mill Road Improvements Project. This project is federally funded by Surface Transportation Lexington (SLX) through the Kentucky Transportation Cabinet.p.28

N. Authorization of a Deed of Acceptance for a Temporary Construction and Permanent Right-of-Way Easements for the Clays Mill Road Improvements Project. (184-09) (P. King/Webb)

This request will authorize a Deed of Acceptance at a cost of \$8,425 for a temporary construction easement of 887.1 square feet and a permanent right-of-way easement of 85.48 square feet at property located at 3361 Holwyn Road from Autumn Park Apartments for the Clays Mill Road Improvements Project. This project is federally funded by Surface Transportation Lexington (SLX) through the Kentucky Transportation Cabinet.p.29

O. Authorization of a Deed of Acceptance for a Temporary Construction Easement for the Clays Mill Road Improvements Project. (185-09) (P. King/Webb)

This request will authorize a Deed of Acceptance at a cost of \$550 for a temporary construction easement of 359.1 square feet at property located at 3433 Holwyn Road from Donald and Peggy Adkins for the Clays Mill Road Improvements Project. This project is federally funded by Surface Transportation Lexington (SLX) through the Kentucky Transportation Cabinet.p.30

P. Authorization of a Deed of Acceptance for a Temporary Construction Easement for the Clays Mill Road Improvements Project. (186-09) (P. King/Webb)

This request will authorize a Deed of Acceptance at a cost of \$900 for a temporary construction easement of 585.6 square feet at property located at 3433 Holwyn Road from Southern Baptist Church for the Clays Mill Road Improvements Project. This project is federally funded by Surface Transportation Lexington (SLX) through the Kentucky Transportation Cabinet.p.31

Q. Authorization of a Deed of Acceptance for a Temporary Construction Easement for the Clays Mill Road Improvements Project. (187-09) (P. King/Webb)

This request will authorize a Deed of Acceptance at a cost of \$925 for a temporary construction easement of 602.8 square feet at property located at 651 Graviss Court from Lurid Gulley Living Trust for the Clays Mill Road Improvements Project. This project is federally funded by Surface Transportation Lexington (SLX) through the Kentucky Transportation Cabinet.p.32

R. Authorization of a Deed of Acceptance for a Temporary Construction Easement for the Clays Mill Road Improvements Project. (188-09) (P. King/Webb)

This request will authorize a Deed of Acceptance at a cost of \$2,100 for a temporary construction easement of 1,398.3 square feet at property located at 3343 Keithshire Way from William and Betty Hall for the Clays Mill Road Improvements Project. This project is federally funded by

Surface Transportation Lexington (SLX) through the Kentucky Transportation Cabinet.p.33

- S. Authorization of a Deed of Acceptance for a Temporary Construction Easement for the Clays Mill Road Improvements Project. (189-09) (P. King/Webb)

This request will authorize a Deed of Acceptance at a cost of \$1,350 for a temporary construction easement of 887.7 square feet at property located at 3344 Keithshire Way from Joyce Adams for the Clays Mill Road Improvements Project. This project is federally funded by Surface Transportation Lexington (SLX) through the Kentucky Transportation Cabinet.p.34

- T. Authorization of a Deed of Acceptance for Property Located at 138 Northwood Drive Under the Northwood Drive Storm Water Project. (177-09) (Martin/Taylor)

This request will authorize a Deed of Acceptance at a cost of \$113,700 for property located at 138 Northwood Drive under the Northwood Drive Storm Water project for a storm water management and mitigation to the existing watershed. Funds are budgeted.p.35

- U. Authorization of a Deed of Acceptance for a Permanent Sanitary Sewer and Temporary Construction Easements Regarding the North Elkhorn Force Main Project. (178-09) (Martin/Taylor)

This request will authorize a Deed of Acceptance at a cost of \$5,875 for a permanent sanitary sewer easement of 10,463.1 square feet and a temporary construction easement of 8,193.6 square feet regarding the North Elkhorn Force Main project with BBBBP & S, LLC (alternate name - Blue Grass Stockyards, LLC) at property located at 172 South Forbes Road. Funds are budgeted.p.36

- V. Authorization of Change Order No. 1 to Contract with Spectrum Contracting Regarding the Gainesway Pond and Educational Trail System Project. (179-09) (Martin/Taylor)

This request will authorize Change Order No. 1 in the amount of \$29,151.37 with Spectrum Contracting regarding the Gainesway Pond and Educational Trail System project. This change deducts \$652 to shorten Walkway No. 1; deletes \$4,439 for Tensar Geogrid from weir construction; adds \$4,505 for Spectrum to furnish and install additional amphitheater seating; adds \$18,194 for Spectrum to furnish additional fill material needed to construct a weir, adds \$626 to increase the depth of the concrete in the Suntree overflow area; and adds \$10,914.37 for additional wages through November 30, 2008. New contract amount is \$857,671.37. Funds are budgeted.pp.37-38

W. Authorization of a Deed of Acceptance for a Permanent Sanitary Sewer and Temporary Construction Easements Regarding the North Elkhorn Force Main Project. (180-09) (Martin/Taylor)

This request will authorize a Deed of Acceptance at a cost of \$1,375 for a permanent sanitary easement of 1,054.4 square feet and a temporary construction easement of 1,393.9 square feet at property located at 1214 Liggett Street regarding the North Elkhorn Force Main project. Funds are budgeted.p.39

X. Authorization to Submit Application to the Environmental Protection Agency (EPA) on Behalf of the Department of Environmental Quality under the Community Action for a Renewed Environment (CARE) Program. (191-09) (P. King/Taylor)

This request will authorize a submission of an application for federal funds in the amount of \$100,000 to the EPA on behalf of the Department of Environmental Quality under the CARE program. This program will determine priorities and identify the best solutions for a clean, green and sustainable Lexington to residents, businesses, and students (elementary to college age) in the Manchester Street Corridor. Funds will be used to develop a Lexington CARE Education and Planning Guide, professional services, and mapping, supplies and printing costs. Bluegrass Partnership for a Green Community will be responsible for coordinating the activities. No matching funds are required.p.40

Y. Authorization of an Engineering Services Agreement with CDP Engineers, Inc. on Behalf of the Department of Environmental Quality, Department of Water and Air Quality, Regarding the Appomattox Road Letter of Map Revision (LOMR) and the Sherwood Drive Drainage Improvements Projects. (192-09) (Martin/Taylor)

This request will authorize an Engineering Services Agreement in the amount of \$32,700 with CDP Engineers, Inc. on behalf of the Division of Water and Air Quality. CDP will complete engineering documents for the approved Federal Emergency Management Agency for the Appomattox Road LOMR project at a cost of \$23,700, and design and construct documents for drainage improvements to the Sherwood Drive Drainage project at a cost of \$9,000. Funds are budgeted.p.41

***EPA Consent Decree**

URBAN COUNTY COUNCIL
WORK SESSION SUMMARY
& TABLE OF MOTIONS

March 3, 2009

Mayor Newberry chaired the meeting. All Council Members were present, except CM Lane.

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

A motion by CM Blues to approve the summary of 2/24/09, seconded by CM Gorton, passed without dissent.

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

- A. *Authorization to Amend Article I, Chapter 16 and Create Article X, Chapter 16 of the Code of Ordinances. (056-09) (Martin/Taylor)
- B. Authorization of Change Order No. 3 to Contract with CDP Engineers, Inc., on Behalf of the Department of Environmental Quality, Division of Water Quality, Regarding the Elkhorn Pump Station and Force Main Improvement Project. (162-09) (Martin/Taylor)
- C. Authorization to Accept Award from the Environmental Protection Agency (EPA) on Behalf of the Department of Environmental Quality under the Environmental Justice Small Grants Program. (169-09) (P. King/Taylor)
- D. Authorization of an Agreement with The Salvation Army of Central Kentucky for Operation of an Essential Services Program. (163-09) (P. King/Helm)
- E. Authorization of a Deed of Acceptance for a Permanent Sidewalk Easement and a Temporary Construction Easement Regarding the Georgetown Street Sidewalk Improvements Project. (165-09) (Rayan/Webb)

- F. Authorization of a Deed of Acceptance for a Permanent Sidewalk Easement and a Temporary Construction Easement Regarding the Georgetown Street Sidewalk Improvements Project. (166-09) (Rayan/Webb)
- G. Authorization to Submit Six (6) Grant Applications to the Kentucky Transportation Cabinet (KYTC) on Behalf of the Department of Public Works and Development and One (1) Grant Application on Behalf of the Blue Grass Trust for Historic Preservation under the Transportation Enhancement Program – FY2010. (167-09) (P. King/Webb)
- H. Authorization of Change Order No. 1 to Contract with CMH of Kentucky, Inc. (d/b/a Luv Homes #853) for Temporary Housing for the Newtown Pike Extension Project. (170-09) (P. King/Webb)

***EPA Consent Decree**

A motion by CM Blues to approve the items A-H of new business, seconded by CM Gorton passed without dissent.

VI. Continuing Business / Presentations

A. Budget & Finance Committee Update

This update will be given next week per Chair CM Stinnett.

B. Severe Weather Awareness Proclamation

This proclamation was given by Mayor Newberry to Shelley Bendall, Preparedness Coordinator of DEEM.

C. Paratransit Service Presentation

This presentation was given by Rocky Burke, General Manager, Transit Authority of LFUCG and Lexington. Some CMs made comments.

D. Streetscape Presentation

This presentation was done by Harold Tate, Executive Director Lexington Downtown Development Authority and Clete Benken of KKG. Several CMs and citizens made comments.

A motion by CM McChord to have Clete Benken to come back in front of Council on 3/24/09 with the benchmarks and timelines of the Streetscape plan, seconded by CM Myers, passed without dissent.

VII. Council Report

CM Feigel-Announced that there will be a chili supper benefit for \$5 on 3/8/09 at 2-4 pm at the CWA Union Hall on Delaware Ave for Detention Center Cpl Tonya Garcia and her daughter who lost their house and belongings in a fire; announced 2 neighborhood association meetings tonight: the Woods and Fairways.

A motion by CM Feigel to place into the Services Committee the requirement of underground utilities for all new developments, seconded by CM Gorton, passed without dissent.

CM Crosbie-Thanked Management Audit Sub Committee for meeting this morning; Andover Hills NA will be meeting on Thursday at 7 pm at Crossroads Christian Church; sent condolences to Sgt. Roy Wilson of Lex. Police Dept. on the passing of his mother; and thanked everyone for their thoughts, prayers, food, and hugs toward her on the passing of her father.

CM McChord-Announced the Stonewall NA meeting tonight at 7 pm at Stonewall Elementary School; thanked Comm. Bennett, Comm. Taylor, and Dir. Bishop for the continued project of using inmates to pickup trash in Districts-this year they added to the project by weighing the trash and recyclables; stated that Lexington lost an asset this week when Julie Duncan passed away.

A motion by CM McChord to approve the revised NDF list for 3/3/09, seconded by CM Myers, passed without dissent.

CM Blues-Announced that Great Acres Homeowners will meet on 3/5/09 t 7 pm at Bracktown Baptist Church.

CM Lawless-Announced that Ayelsford NA will meet tonight at 7 pm and the Chevy Chase Merchants' will meet at 6:30 pm on 3/9/09 at Buddies; made a statement about the airport audit report-hope we can come up with the next step.

CM Martin-Announced several meetings: the Southland Association tonight at 6:30 pm at the Oleika Shrine Temple; on 3/9/09 at 7 pm, Palomar Hills NA at Palomar Club House, and on 3/10/09 at 6 pm, Palomar Townhome Homeowner's Assoc. at Palomar Club House.

CM Henson-Announced that tomorrow at 6pm, there will be a Valley Park Board meeting and also on tomorrow at 7 pm, the Great American Cleanup meeting at Town Branch.

CM Beard-A motion by CM Beard to place into the Inter Governmental Committee the issue of creation of an oath for board members for quasi agencies that we are involved with, seconded by CM Gorton, passed without dissent.

VIII. Mayor's Report-None

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

Linda Southerland, citizen, spoke.

X. Closed Session

A motion by CM Blues to go into closed session pursuant to KRS 61.810 (1)(b) and (g) in order to discuss an economic development matter involving real property. An open discussion would likely affect the value of a specific piece of property that may be sold and would jeopardize the siting, retention, expansion, or upgrading of a business, seconded by CM Gorton, passed without dissent.

A motion by CM Crosbie to adjourn work session, seconded by CM Martin, passed without dissent.

Work Session adjourned at 5:45 pm.

BUDGET AMENDMENT REQUEST LIST

12

JOURNAL	31267	DIVISION	Law/Risk Management	Fund Name	General Fund
				Fund Impact	74,735.00
					74,735.00CR
					.00

To transfer funds from Risk Management to Department of Law to cover funds where Claims Section of Risk is now moved under the Law pursuant to the Management Partners Recommendation.

JOURNAL	31276	DIVISION	Streets,Roads And Forestry	Fund Name	General Fund
				Fund Impact	144,320.00
					144,320.00CR
					.00

To provide funds for Repairs & Maintenance and Salt by decreasing funds for Debt Service Principal.

JOURNAL	31265-66	DIVISION	Streets,Roads And Forestry	Fund Name	General Fund
				Fund Impact	30,492.00
					30,492.00CR
					.00

To reimburse funds spent on salt by recognizing a deposit from University of Kentucky.

JOURNAL	31399	DIVISION	Various	Fund Name	Various
				Fund Impact	145,597.80
					145,597.80

To provide funds for rolled purchase orders by offsetting reserve for encumbrances in prior fiscal year:

General Fund	100,609.90
Urban Fund	43,666.20
Police Confiscated Federal	117.90
PFC – Parks Project Fund	1,203.80

JOURNAL	31093-94	DIVISION	Family Services	Fund Name	Donation Fund
				Fund Impact	500.00
					500.00CR
					.00

To provide funds for New Leaf Project by recognizing revenue for that purpose.

JOURNAL	31262-63	DIVISION	Special Projects	Fund Name	Donation Fund
				Fund Impact	2,400.00
					2,400.00CR
					.00

To recognize a contribution from the National Arts Program for awards.

JOURNAL	31095-96	DIVISION	Mayor's Office	Fund Name	Donation Fund	13
				Fund Impact	950.00	
					950.00CR	
					.00	

To recognize donations to the Mayors Commission for Citizen's with Disabilities, Celebration of Disabilities Expo

JOURNAL	31268	DIVISION	Police	Fund Name	2008 Bond Fund
				Fund Impact	18,000.00
					18,000.00CR
					.00

To transfer funds within the Com Tech Services Facility to cover the cost of the furniture in the building.

BUDGET AMENDMENT REQUEST SUMMARY

Fund	1101	General Service District Fund	.00
Fund	1103	Donation Fund	.00
Fund	2517	2008 Bond Fund	.00

BUDGETAMENDMENTS IMPACTING FY 2008 RESERVE FOR ENCUMBRANCES

Fund	1101	General Service District Fund	100,609.90
Fund	1115	Urban Service District Fund	43,666.20
Fund	1131	Police Confiscated Funds Federal	117.90
Fund	4022	PFC – Parks Project Fund	1,203.80

Budget Information For New Business Items
March 10, 2009 Work Session

14

Item	Number	Amount	Fund	Name / Description
A	171-09	Budgeted	3140	US Department of Justice Fund
B	172-09	Budgeted	3140	US Department of Justice Fund
C	193-09	NA		
D	194-09	NA		
E	195-09	NA		
F	173-09	NA		
G	190-09	5,900	2518	2009 Bond Projects
H	176-09		4002	Sanitary Sewer Revenue and Operating Fund
I	181-09	NA		
J	174-09	100	2514	2005 Bond Projects
K	175-09	100	2514	2005 Bond Projects
L	182-09	13,725	3160	US Dept of Transportation
M	183-09	2,375	3160	US Dept of Transportation
N	184-09	8,425	3160	US Dept of Transportation
O	185-09	550	3160	US Dept of Transportation
P	186-09	900	3160	US Dept of Transportation
Q	187-09	925	3160	US Dept of Transportation
R	188-09	2,100	3160	US Dept of Transportation
S	189-09	1,350	3160	US Dept of Transportation
T	177-09	113,700	2522	Public Works Fund
U	178-09	5,875	4003	Sanitary Sewer Construction
V	179-09	29,151	2522	Public Works
W	180-09	1,375	4003	Sanitary Sewer Construction
X	191-09	NA		
Y	192-09	32,700	1140	Storm Water Fund EPA



171-09

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: FEBRUARY 18, 2009

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

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

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

The attached Professional Services Agreement with L. Lianne McBride for the period of January 1, 2009, through December 31, 2009, outlines the responsibilities and compensation. Funds for these services are budgeted as follows:

FUND	DEP ID	SECTION	PROJECT	ACTIVITY	BUD REF	ACCOUNT	AMOUNT
3140	505506	5561	SANE	DEFAULT	2009	71299	\$37,500
3140	505506	5561	SANE	STATE	2009	71299	\$24,150

The funds with Activity Code DEFAULT are for the purpose of paying contractual nurses for on-call duty and for reimbursement for liability insurance. The funds with Activity Code STATE are for payment of nurses for forensic examinations. These funds come from the state's Crime Victims Compensation Board.

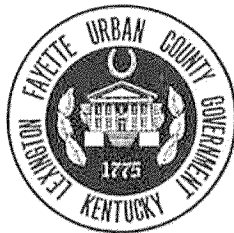
Council authorization to execute the Professional Services Agreement is hereby requested.


Paula King, Director

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

HORSE CAPITAL OF THE WORLD

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



172-09

Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Division of Community Development

TO: JIM NEWBERRY, MAYOR
URBAN COUNTY COUNCILFROM: PAULA KING, DIRECTOR
DIVISION OF COMMUNITY DEVELOPMENT

DATE: FEBRUARY 18, 2009

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

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


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

The attached Professional Services Agreement with Jessica Collins for the period of January 1, 2009, through December 31, 2009, outlines the responsibilities and compensation. Funds for these services are budgeted as follows:

FUND	DEP ID	SECTION	PROJECT	ACTIVITY	BUD REF	ACCOUNT	AMOUNT
3140	505506	5561	SANE	DEFAULT	2009	71299	\$37,500
3140	505506	5561	SANE	STATE	2009	71299	\$24,150

The funds with Activity Code DEFAULT are for the purpose of paying contractual nurses for on-call duty and for reimbursement for liability insurance. The funds with Activity Code STATE are for payment of nurses for forensic examinations. These funds come from the state's Crime Victims Compensation Board.

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


Paula King, Director

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

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193-09

17

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**

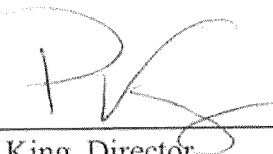
DATE: MARCH 3, 2009

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO SUBMIT
APPLICATION TO THE KENTUCKY JUSTICE AND PUBLIC
SAFETY CABINET FOR PARTICIPATION IN THE LAW
ENFORCEMENT SERVICE FEE GRANT PROGRAM – FY 2010**

The Division of Police has prepared an application for submission to the Kentucky Justice and Public Safety Cabinet requesting funding in the amount of \$75,000 from the Law Enforcement Service Fee Program.

If approved, these funds will be used to support overtime costs of approximately 3,000 police officer overtime hours for a Traffic Alcohol Patrol. No matching funds are required. The source of funds is the Law Enforcement Service Fee Fund.

Council authorization to submit the application is hereby requested.



Paula King, Director

Xc: Tim Bennett, Commissioner of Public Safety

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194-09

18

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: MARCH 3, 2009

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO SUBMIT APPLICATION TO THE
KENTUCKY JUSTICE AND PUBLIC SAFETY CABINET FOR THE
CONTINUATION OF THE STREET SALES DRUG ENFORCEMENT PROJECT
FOR FY 2010**

The Division of Police has prepared an application for submission to the Kentucky Justice and Public Safety Cabinet requesting federal funding for continuation of the Street Sales Drug Enforcement project for Fiscal Year 2010. If approved, the project will continue the activities of the Lexington-Fayette Urban County Government's Division of Police and the Fayette County Commonwealth Attorney's Office in their attempts to arrest and convict the street level drug dealers. The amount of federal funds requested is \$227,500. A local match of 35% (\$122,500) is required. This match has been requested in the Division of Police's 2010 General Fund budget. Total project cost is \$350,000.

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

These federal funds come from the Edward Byrne Memorial Justice Assistance Grant Program in the U.S. Department of Justice.

Council authorization to submit application is hereby requested.



Paula King
Director

Xc: Tim Bennett, Commissioner of Public Safety

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LEXINGTON DIVISION OF POLICE

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

195-09

19

TO: Mayor Jim Newberry
Urban County Council

FROM: Chief Ronnie Bastin
Division of Police

DATE: February 27, 2009

RE: Treadmill Donation

Please find attached a blue sheet and letter from Ms. Judy Craft concerning a donation of an Image 2000 Treadmill to the Lexington Division of Police. The treadmill will be made available for use by Division employees to promote health and wellness. The donated treadmill is valued at \$800.

There will be no budgetary impact. If you have any questions or require additional information, please contact me.

A handwritten signature in cursive script, appearing to read "R. Bastin".

Ronnie Bastin
Chief of Police

RB/rmh

cc: Tim Bennett, Commissioner of Public Safety
Assistant Chief Bosse



173-09

Mayor Jim Newberry
Division of Family Services

TO: Jim Newberry, Mayor
Joe Kelly, Senior Advisor of Management
Urban County Council Members

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

FROM: Sarah Hendrix
Sarah Hendrix, Director
Division of Family Services

DATE: February 23, 2009

RE: Partner Agreement with the University of Kentucky Bluegrass Health Marriage Initiative

This is to request that a Partner Agreement be established between the Division of Family Services and the University of Kentucky Bluegrass Health Marriage Initiative (BHMI).

BHMI exists primarily to increase child well-being and family stability by working to affirm and enable healthy relationships and marriages for the benefit of men, women, their children, their extended families, and the communities of Central Kentucky; and in those situations where an ongoing relationship is not a practical possibility, to affirm and enable cooperative and involved co-parenting for the benefit of children. BHMI seeks to foster love and trust among married and committed people of every ethnicity, faith, and socio-economic status.

The Initiative is funded by the Kentucky Cabinet for Health and Family Services through a Section 1115 waiver awarded to the state by U.S. Department of Health and Human Services, Administration for Children and Families, Region IV. Current community Partners include the Kentucky Cabinet for Health & Family Services, LFUCG Division of Police, Kentucky National Guard Family Programs, Central Baptist Hospital and the University of Kentucky Family Center.

Thank you.

ACCEPTED:

Mayor Jim Newberry

Date



190-09

21


Mayor Jim Newberry

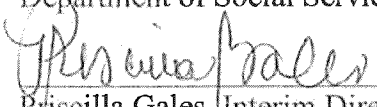
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Division of Youth Services

MEMORANDUM

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

THRU: 
Marlene Helm, Commissioner
Department of Social Services

FROM: 
Priscilla Gales, Interim Director
Division of Youth Services

DATE: February 24, 2009

RE: Blue Sheet –Agreement with Devomni Corporation

This memo requests approval for Lexington-Fayette Urban County Government to enter into a service agreement with Devomni Corporation to provide software support for Licensed Software. The effective date is October 6, 2008, at a cost of \$5,900.

Thank you.

cc: File

BEST CAPITAL IN THE WORLD



*176-09

Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Department of Law

To: Jim Newberry, Mayor
Members of the Urban County Council

From: Department of Law

Date: March 2, 2009

Re: Approval of Engagement Letter for Legal Services in Acquisition of
the Blue Sky Wastewater Treatment Plant and Provision of Sewage
Treatment to the Area Currently Served by Blue Sky

As you know, the EPA Consent Decree requires the LFUCG to design and construct a sanitary sewer pumping station and force main for the express purpose of eliminating the Blue Sky Wastewater Treatment Plant. The LFUCG presently operates the plant as Receiver for the Franklin Circuit Court. The owner and permittee of the plant filed for bankruptcy protection in 2003. This memo is sent to request approval of retention of Terry Sellars to assist in the acquisition of the plant and the provision of sewage treatment to the area served by the plant.

Mr. Sellars represented LFUCG during the bankruptcy proceeding involving Blue Sky and related matters. He has knowledge of which parties have interests in the plant and what must be done to obtain those interests, as well as the history of environmental issues with the plant. Additionally, Mr. Sellars has specialized knowledge in the area of environmental law. His assistance will allow LFUCG to more efficiently and quickly obtain the necessary interests in the plant and provide sewage treatment to the area presently served by the plant, as required by the Consent Decree. The Department of Law will handle any issues that can be handled in-house.

A copy of the proposed engagement letter is attached. Mr. Sellars, former LFUCG Commissioner of Law, and his law firm are on our approved attorneys list.

If you have any questions, please let me know.



Logan Askew, Commissioner of Law

X:\Cases\WATER-AIR\08-RE1801\MEMO\00200873.DOC

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HENRY WATZ GARDNER & SELLARS, PLLC
ATTORNEYS AT LAW
VICTORIAN SQUARE, SUITE 314
401 WEST MAIN STREET
LEXINGTON, KENTUCKY 40507
TELEPHONE (859) 253-1320
FAX (859) 255-8316

*176-09
RECEIVED
FEB 23 2009
L.F.U.C.G.
Department of Law

February 20, 2009

Logan Askew, Esq.
Keith Horn
Department of Law
Lexington-Fayette Urban County Government
Lexington, Kentucky 40507

RE: Blue Sky Wastewater Treatment Plant

Dear Logan:


We would be pleased to represent the Lexington-Fayette Urban County Government in matters related to LFUCG's agreement with the Kentucky Division of Water to provide sewage treatment, through its public system, to the area currently served by the Bluegrass WWTP. All such representation will be provided as requested by LFUCG's Department of Law.

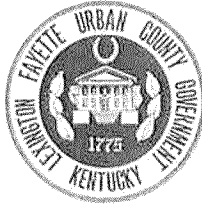
We will provide monthly billings to LFUCG for our legal services at the following hourly rates: attorneys \$150; associates \$125; paralegals \$65; and law clerks \$40.

We will also bill LFUCG for the costs incurred such as court costs, service fees, deposition costs, witness fees, copying costs, facsimiles, long distance calls, postage, mileage, and the like.

I have received a copy of and will comply with the Mayor's Executive Order No. 2008-3. If the terms outlined above are agreeable, please sign below and return to our office and if you have any questions, please feel free to call.

Sincerely,


Terry Sellars
HENRY WATZ GARDNER &
SELLARS, PLLC



181-09

Lexington-Fayette Urban County Government

Jim Newberry, Mayor

TO: Jim Newberry, Mayor
Members, Urban County Council

FROM: Anthony Wright, Director
Mayor's Office of Economic Development

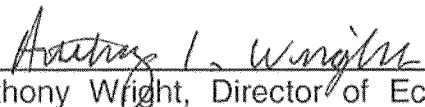
DATE: March 3, 2009

RE: Tempur-Pedic name change

Council approval is requested to amend Resolution 273-2003 to change the name of the approved company which was granted an inducement pursuant to the Kentucky Jobs Development Act.

This was previously amended by Resolutions 469-2007, 366-2007 and 173-2004. The amended Resolution will permit the approved Affiliate Tempur-Pedic North America, Inc. to change to a Delaware limited liability company Tempur-Pedic North America, LLC and to change Tempur World LLC to Tempur-Pedic Management, Inc. This change is done in order to recognize Tempur-Pedic Management, Inc. and Tempur-Pedic North America, LLC as "approved companies" under KJDA. Tempur-Pedic Management, Inc will be assuming the duties and responsibilities of the Project.

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


Anthony Wright, Director of Economic
Development



174-09

Mayor Jim Newberry

LEXINGTON - FAYETTE URBAN COUNTY GOVERNMENT

Division of Engineering

MEMORANDUM

To: Mayor Jim Newberry
Urban County Council

From: James R. Wray
Engineering Technician Principal

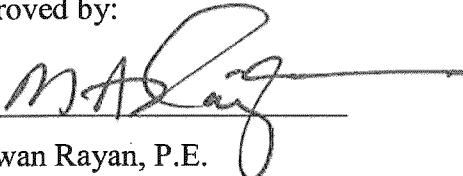
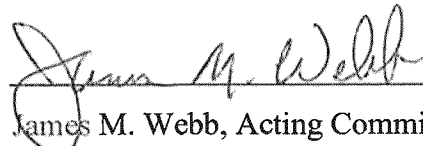
Date: February 26, 2009

Re: Resolution Authorizing Acceptance of Deed
Project No. 497 – Georgetown Street Sidewalk Improvements

The purpose of this memorandum is to request a resolution authorizing the acceptance of a deed of permanent sidewalk easement and temporary construction easement for the Georgetown Street Sidewalk Improvement project. The deed will be from Moris Said at a cost of \$100.00 for the acquisition of 5.33 square feet of permanent sidewalk easement and 43.71 square feet of temporary construction easement from the property located at 457 Georgetown Street.

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

Approved by:


Marwan Rayan, P.E.
Urban County Engineer
James M. Webb, Acting Commissioner
Department of Public Works & Development

c/with att: Yvonne Stone File
c/wo att: Robert Bayert, P.E.

09.P497.406.blue 457 Georgetown Street

HORSE CAPITAL OF THE WORLD

175 - 09



Mayor Jim Newberry

LEXINGTON - FAYETTE URBAN COUNTY GOVERNMENT

Division of Engineering

MEMORANDUM

To: Mayor Jim Newberry
Urban County Council

From: James R. Wray
Engineering Technician Principal

Date: February 25, 2009

Re: Resolution Authorizing Acceptance of Deed
Project No. 497 – Georgetown Street Sidewalk Improvements

The purpose of this memorandum is to request a resolution authorizing the acceptance of a deed of permanent sidewalk easement and temporary construction easement for the Georgetown Street Sidewalk Improvement project. The deed will be from Leon & Bettye Underwood at a cost of \$100.00 for the acquisition of 7.96 square feet of permanent sidewalk easement and 50.38 square feet of temporary construction easement from the property located at 560 Georgetown Street.

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

Approved by:

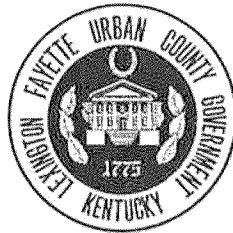
Marwan Rayan, P.E.
Urban County Engineer

James M. Webb, Acting Commissioner
Department of Public Works & Development

c/with att: Yvonne Stone File
c/wo att: Robert Bayert, P.E.

09.P497.406.blue 560 Georgetown Street

HORSE CAPITAL OF THE WORLD



182-09

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: MARCH 2, 2009

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT A DEED OF TEMPORARY
CONSTRUCTION EASEMENT AND A DEED OF PERMANENT RIGHT OF WAY
(FEE SIMPLE) FROM SPRINGDALE BAPTIST CHURCH, INC. AT 1380 HIGBEE
MILL ROAD FOR THE CLAYS MILL ROAD IMPROVEMENTS PROJECT**


On July 1, 2003 (Ordinance No. 174-2003), Council approved acceptance of award from Kentucky Transportation Cabinet in the amount of \$644,000 in federal funding [Surface Transportation Lexington (SLX)] for the design phase of the Clay's Mill Road. Project required a 20% local match in the amount of \$161,000 for a total design cost of \$805,000. Project includes the area from the intersection with Harrodsburg Road to the intersection with Man O War Boulevard. On June 7, 2007 (Ordinance # 120-2007), Council approved acceptance of supplemental award in the amount of \$487,760 from Kentucky Transportation Cabinet for the design and right-of-way acquisition phases of the project. Supplemental award required 20% match in the amount of \$121,940, for a total of \$609,700.

The Division of Engineering has negotiated a purchase of 5154.7 square feet of temporary construction easement and 1878 square feet of permanent right of way (fee simple) at 1380 Higbee Mill Road from Springdale Baptist Church, Inc. in the amount of \$13,725.00.

Funds for purchase of easements are budgeted in account:

Fund	Dept ID	Section	Project	Bud Ref	Account
3160	303201	0001	CLAYS MILL ROAD	2004	91715

Council authorization to accept deeds of temporary construction easement and permanent right of way (fee simple) is hereby requested.



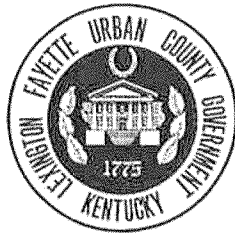
Paula King, Director

Xc: Mike Webb, Commissioner of the Department of Public Works

HORSE CAPITAL OF THE WORLD

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183-09

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: MARCH 2, 2009

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT A DEED OF TEMPORARY
CONSTRUCTION EASEMENT FROM WINDSTREAM KENTUCKY EAST, LCC
AT 1401 HIGBEE MILL ROAD FOR THE CLAYS MILL ROAD IMPROVEMENTS
PROJECT**


On July 1, 2003 (Ordinance No. 174-2003), Council approved acceptance of award from Kentucky Transportation Cabinet in the amount of \$644,000 in federal funding [Surface Transportation Lexington (SLX)] for the design phase of the Clay's Mill Road. Project required a 20% local match in the amount of \$161,000 for a total design cost of \$805,000. Project includes the area from the intersection with Harrodsburg Road to the intersection with Man O War Boulevard. On June 7, 2007 (Ordinance # 120-2007), Council approved acceptance of supplemental award in the amount of \$487,760 from Kentucky Transportation Cabinet for the design and right-of-way acquisition phases of the project. Supplemental award required 20% match in the amount of \$121,940, for a total of \$609,700.

The Division of Engineering has negotiated a purchase of 4,739 square feet of temporary construction easement at 1401 Higbee Mill Road from Windstream Kentucky East, LCC in the amount of \$2,375.00.

Funds for purchase of easements are budgeted in account:

Fund	Dept ID	Section	Project	Bud Ref	Account
3160	303201	0001	CLAYS MILL ROAD	2004	91715

Council authorization to accept deed of temporary construction easement is hereby requested.



Paula King, Director

Xc: Mike Webb, Commissioner of the Department of Public Works

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184-09

29

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: MARCH 2, 2009

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT A DEED OF TEMPORARY
CONSTRUCTION EASEMENT AND A DEED OF PERMANENT RIGHT OF WAY
(FEE SIMPLE) FROM AUTUMN PARK APARTMENTS AT 3361 HOLWYN WAY
FOR THE CLAYS MILL ROAD IMPROVEMENTS PROJECT**

On July 1, 2003 (Ordinance No. 174-2003), Council approved acceptance of award from Kentucky Transportation Cabinet in the amount of \$644,000 in federal funding [Surface Transportation Lexington (SLX)] for the design phase of the Clay's Mill Road. Project required a 20% local match in the amount of \$161,000 for a total design cost of \$805,000. Project includes the area from the intersection with Harrodsburg Road to the intersection with Man O War Boulevard. On June 7, 2007 (Ordinance # 120-2007), Council approved acceptance of supplemental award in the amount of \$487,760 from Kentucky Transportation Cabinet for the design and right-of-way acquisition phases of the project. Supplemental award required 20% match in the amount of \$121,940, for a total of \$609,700.

The Division of Engineering has negotiated a purchase of 887.1 square feet of temporary construction easement and 85.48 square feet of permanent right of way (fee simple) at 3361 Holwyn Road from Autumn Park Apartments in the amount of \$8,425.00.

Funds for purchase of easements are budgeted in account:

Fund	Dept ID	Section	Project	Bud Ref	Account
3160	303201	0001	CLAYS MILL ROAD	2004	91715

Council authorization to accept deeds of temporary construction easement and permanent right of way (fee simple) is hereby requested.

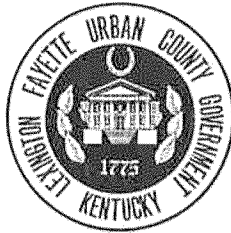
Paula King, Director

Xc: Mike Webb, Commissioner of the Department of Public Works

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185 - 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: MARCH 2, 2009

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT A DEED OF TEMPORARY
CONSTRUCTION EASEMENT FROM DONALD AND PEGGY ADKINS AT 3433
HOLWYN ROAD FOR THE CLAYS MILL ROAD IMPROVEMENTS PROJECT**


On July 1, 2003 (Ordinance No. 174-2003), Council approved acceptance of award from Kentucky Transportation Cabinet in the amount of \$644,000 in federal funding [Surface Transportation Lexington (SLX)] for the design phase of the Clay's Mill Road. Project required a 20% local match in the amount of \$161,000 for a total design cost of \$805,000. Project includes the area from the intersection with Harrodsburg Road to the intersection with Man O War Boulevard. On June 7, 2007 (Ordinance # 120-2007), Council approved acceptance of supplemental award in the amount of \$487,760 from Kentucky Transportation Cabinet for the design and right-of-way acquisition phases of the project. Supplemental award required 20% match in the amount of \$121,940, for a total of \$609,700.

The Division of Engineering has negotiated a purchase of 359.1 square feet of temporary construction easement at 3433 Holwyn Road from Donald and Peggy Adkins in the amount of \$550.00.

Funds for purchase of easements are budgeted in account:

Fund	Dept ID	Section	Project	Bud Ref	Account
3160	303201	0001	CLAYS MILL ROAD	2004	91715

Council authorization to accept deed of temporary construction easement is hereby requested.


Paula King, Director

Xc: Mike Webb, Commissioner of the Department of Public Works

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186-09

31

Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Division of Community Development

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

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

DATE: MARCH 2, 2009

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT A DEED OF TEMPORARY
CONSTRUCTION EASEMENT FROM SOUTHERN HEIGHTS BAPTIST CHURCH
AT 3437 HOLWYN ROAD FOR THE CLAYS MILL ROAD IMPROVEMENTS
PROJECT**

On July 1, 2003 (Ordinance No. 174-2003), Council approved acceptance of award from Kentucky Transportation Cabinet in the amount of \$644,000 in federal funding [Surface Transportation Lexington (SLX)] for the design phase of the Clay's Mill Road. Project required a 20% local match in the amount of \$161,000 for a total design cost of \$805,000. Project includes the area from the intersection with Harrodsburg Road to the intersection with Man O War Boulevard. On June 7, 2007 (Ordinance # 120-2007), Council approved acceptance of supplemental award in the amount of \$487,760 from Kentucky Transportation Cabinet for the design and right-of-way acquisition phases of the project. Supplemental award required 20% match in the amount of \$121,940, for a total of \$609,700.

The Division of Engineering has negotiated a purchase of 585.6 square feet of temporary construction easement at 3437 Holwyn Road from Southern Heights Baptist Church in the amount of \$900.00.

Funds for purchase of easements are budgeted in account:

Fund	Dept ID	Section	Project	Bud Ref	Account
3160	303201	0001	CLAYS MILL ROAD	2004	91715

Council authorization to accept deed of temporary construction easement is hereby requested.

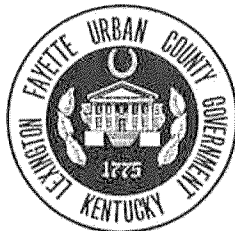
Paula King, Director

Xc: Mike Webb, Commissioner of the Department of Public Works

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187-09 32

Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Division of Community Development

TO: JIM NEWBERRY, MAYOR
URBAN COUNTY COUNCIL

FROM: PAULA KING, DIRECTOR
DIVISION OF COMMUNITY DEVELOPMENT

DATE: MARCH 2, 2009

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT A DEED OF TEMPORARY CONSTRUCTION EASEMENT FROM LURID GULLEY LIVING TRUST AT 651 GRAVISS COURT FOR THE CLAYS MILL ROAD IMPROVEMENTS PROJECT


On July 1, 2003 (Ordinance No. 174-2003), Council approved acceptance of award from Kentucky Transportation Cabinet in the amount of \$644,000 in federal funding [Surface Transportation Lexington (SLX)] for the design phase of the Clay's Mill Road. Project required a 20% local match in the amount of \$161,000 for a total design cost of \$805,000. Project includes the area from the intersection with Harrodsburg Road to the intersection with Man O War Boulevard. On June 7, 2007 (Ordinance # 120-2007), Council approved acceptance of supplemental award in the amount of \$487,760 from Kentucky Transportation Cabinet for the design and right-of-way acquisition phases of the project. Supplemental award required 20% match in the amount of \$121,940, for a total of \$609,700.

The Division of Engineering has negotiated a purchase of 602.8 square feet of temporary construction easement at 651 Graviss Court from Lurid Gulley Living Trust in the amount of \$925.00.

Funds for purchase of easements are budgeted in account:

Fund	Dept ID	Section	Project	Bud Ref	Account
3160	303201	0001	CLAYS MILL ROAD	2004	91715

Council authorization to accept deed of temporary construction easement is hereby requested.


Paula King, Director

Xc: Mike Webb, Commissioner of the Department of Public Works

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188-09

33

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: MARCH 2, 2009

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT A DEED OF TEMPORARY
CONSTRUCTION EASEMENT FROM WILLIAM AND BETTY HALL AT 3343
KEITHSHIRE WAY FOR THE CLAYS MILL ROAD IMPROVEMENTS PROJECT**

On July 1, 2003 (Ordinance No. 174-2003), Council approved acceptance of award from Kentucky Transportation Cabinet in the amount of \$644,000 in federal funding [Surface Transportation Lexington (SLX)] for the design phase of the Clay's Mill Road. Project required a 20% local match in the amount of \$161,000 for a total design cost of \$805,000. Project includes the area from the intersection with Harrodsburg Road to the intersection with Man O War Boulevard. On June 7, 2007 (Ordinance # 120-2007), Council approved acceptance of supplemental award in the amount of \$487,760 from Kentucky Transportation Cabinet for the design and right-of-way acquisition phases of the project. Supplemental award required 20% match in the amount of \$121,940, for a total of \$609,700.

The Division of Engineering has negotiated a purchase of 1,398.3 square feet of temporary construction easement at 3343 Keithshire Way from William and Betty Hall in the amount of \$2,100.00.

Funds for purchase of easements are budgeted in account:

Fund	Dept ID	Section	Project	Bud Ref	Account
3160	303201	0001	CLAYS MILL ROAD	2004	91715

Council authorization to accept deed of temporary construction easement is hereby requested.

Paula King, Director

Xc: Mike Webb, Commissioner of the Department of Public Works

HORSE CAPITAL OF THE WORLD

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189-09

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: MARCH 2, 2009

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT A DEED OF TEMPORARY
CONSTRUCTION EASEMENT FROM JOYCE ADAMS AT 3344 KEITHSHIRE
WAY FOR THE CLAYS MILL ROAD IMPROVEMENTS PROJECT


On July 1, 2003 (Ordinance No. 174-2003), Council approved acceptance of award from Kentucky Transportation Cabinet in the amount of \$644,000 in federal funding [Surface Transportation Lexington (SLX)] for the design phase of the Clay's Mill Road. Project required a 20% local match in the amount of \$161,000 for a total design cost of \$805,000. Project includes the area from the intersection with Harrodsburg Road to the intersection with Man O War Boulevard. On June 7, 2007 (Ordinance # 120-2007), Council approved acceptance of supplemental award in the amount of \$487,760 from Kentucky Transportation Cabinet for the design and right-of-way acquisition phases of the project. Supplemental award required 20% match in the amount of \$121,940, for a total of \$609,700.

The Division of Engineering has negotiated a purchase of 887.7 square feet of temporary construction easement at 3344 Keithshire Way from Joyce Adams in the amount of \$1,350.00.

Funds for purchase of easements are budgeted in account:

Fund	Dept ID	Section	Project	Bud Ref	Account
3160	303201	0001	CLAYS MILL ROAD	2004	91715

Council authorization to accept deed of temporary construction easement is hereby requested.



Paula King, Director

Xc: Mike Webb, Commissioner of the Department of Public Works

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177-09 35
RECEIVED

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

MEMORANDUM

To: Mayor Jim Newberry
Urban County Council

From: James R. Wray
Engineering Technician Principal

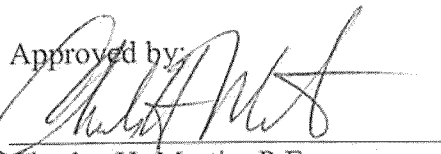
Date: February 18, 2009


Re: Resolution Authorizing Acceptance of Deed
Project No: 558 – Northwood Drive Storm Water Project

The purpose of this memorandum is to request a resolution authorizing the acceptance of a deed for the acquisition of 138 Northwood Drive. The deed will be from Cecil R. and Linda M. Cooper at a cost of \$113,700.00 for the acquisition of the entire property. The purchase price is based on the appraisal obtained by the Division of Water Quality.

The purpose of the acquisition is for storm water management and mitigation to the existing watershed. Recommendation for the purchase comes from the Division of Water Quality staff. The DWQ staff concur that acquisition of the property would allow for positive storm water mitigation in the immediate area as well as downstream.

Funds for the payment are currently budgeted in 2522-303204-3321-92211.

Approved by: 
Charles H. Martin, P.E.
Director, Division of Water Quality


Cheryl A. Taylor
Commissioner, Department of
Environmental Quality

Attachments
c/w att: Darryl G. Bennett, P.E. Keith Horn Cassie Felty David Carrol, P.E. File

09.P558.406.bluesheet138northwooddr

HORSE CAPITAL OF THE WORLD



178-09

Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Division of Water Quality

MEMORANDUM

To: Jim Newberry, Mayor
Urban County Council

From: Mary Bennett *MDB*
Engineering Technician

Date: February 23, 2009

Re: Resolution Authorizing Acceptance of Deed
Project No. 348 – North Elkhorn Force Main

The purpose of this memorandum is to request a resolution authorizing the acceptance of a deed of permanent sanitary sewer easement and temporary construction easement for the North Elkhorn Force Main project. The deed will be from BBBBP & S, LLC as Blue Grass Stockyards, LLC at a cost of \$5,875.00 for the acquisition of 10,463.1 square feet of permanent sanitary sewer easement and 8,193.6 square feet of temporary construction easement from the property located at 172 South Forbes Road.

The acquisition of additional permanent sanitary sewer easement is required from the property owner due to a revision of the plans. Resolution No. 446-2005 was passed by the LFUCG Urban County Council on August 25, 2005 authorizing the initial acquisition.

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: Rick Day, P.E. Julie Mantrom Cassie Felty James Wray Keith Horn Yvonne Stone File

09.P348.406.blurev 172sforbes

HORSE CAPITAL OF THE WORLD



179-09

37

Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Division of Water and Air Quality

TO: Mayor Jim Newberry
Urban County Council

FROM: Charles H. Martin, Director *CHM*
Division of Water Quality

DATE: February 23, 2009

SUBJECT: Change Order #1 for the Gainesway Pond and Educational Trail System Project

The Division of Water Quality requests approval of Change Order #1 with Spectrum Contracting for the Gainesway Pond and Educational Trail System. The original contract amount for this project was \$828,520.00. Change Order #1 is \$29,151.37 for a revised total contract amount of \$857,671.37. This Change Order equals 4% of the original contract amount.

Change Order #1 includes:

- A. Walkway #1 will be shorter than shown on drawings.
Deduct \$652.00 (contractor quote)
- B. Delete Tensar Geogrid from weir construction. Excavation went to bedrock. No stabilization needed.
Deduct \$4,439.00 (contractor quote)
- C. Furnish and install additional amphitheater seating. Additional seating requested by LFUCG.
Add \$4,505.00 (contractor quote)
- D. Furnish additional fill material needed to construct weir. On site material was not suitable.
Add \$18,194.00 (T&M)
- E. Add additional depth to the concrete in the Suntree overflow area. As originally shown the area would not drain to the existing storm sewer.
Add \$626.00 (contractor quote)
- F. Additional wages through 11/30/08. State wage rates were specified. Federal grant requires Federal wages.
Add \$10,914.37 (certified payroll)

HORSE CAPITAL OF THE WORLD

CONTRACT HISTORY FORMContractor: Spectrum ContractingProject Name: Gainesway Pond and Educational Trail System ProjectContract Number and Date: # 432-2008 Jul-08Responsible LFUCG Division: Division of Water Quality**CHANGE ORDER DETAILS****Summary of Previous Change
Orders To Date****Dollar Amount****Percent Change to
Original Contract**A. Original Contract Amount: \$ 828,520.00B. Cumulative Amount of
Previous Change Orders: \$ 0.000% %
(Line B / Line A)C. Total Contract Amount
Prior to this Change Order: \$ 828,520.00**Current Change Order**D. Amount of This Change Order: \$ 29,151.374% %
(Line D / Line A)E. New Contract Amount
Including this Change Order: \$ 857,671.37104% %
(Line E / Line A)**SIGNATURE LINES**Project Manager: Date: 2/24/09Reviewed by: 

Date: _____

Division Director: Date: 2/25/09



180-09

Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Division of Water Quality

MEMORANDUM

To: Jim Newberry, Mayor
Urban County Council

From: Mary Bennett *MDB*
Engineering Technician

Date: February 23, 2009

Re: Resolution Authorizing Acceptance of Deed
Project No. 348 – North Elkhorn Force Main

The purpose of this memorandum is to request a resolution authorizing the acceptance of a deed of permanent sanitary sewer easement and temporary construction easement for the North Elkhorn Force Main project. The deed will be from Linda and Kelly Johnson at a cost of \$1,375.00 for the acquisition of 1,045.4 square feet of permanent sanitary sewer easement and 1,393.9 square feet of temporary construction easement from the property located at 1214 Liggett Street.

The acquisition of the permanent sanitary sewer and temporary construction easements from the property owner is required due to a revision of the plans.

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

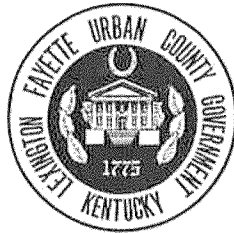
Cheryl Taylor, Commissioner
Department of Environmental Quality

Attachments

c: Rick Day P.E. Julie Mantrom Cassie Felty James Wray Keith Horn Yvonne Stone File

09.P348.406.blue1214liggett

HORSE CAPITAL OF THE WORLD



191-09

40

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: MARCH 2, 2009

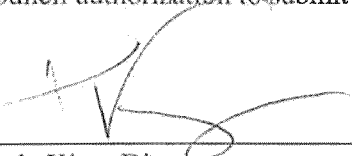
**SUBJECT REQUEST COUNCIL AUTHORIZATION TO SUBMIT APPLICATION TO THE
ENVIRONMENTAL PROTECTION AGENCY UNDER THE COMMUNITY
ACTION FOR A RENEWED ENVIRONMENT (CARE) PROGRAM**

The Department of Environmental Quality has prepared an application requesting federal funds from the Environmental Protection Agency under the Community Action for a Renewed Environment (CARE) Program. The purpose of this project is to give the community a voice in determining priorities and identifying the best solutions for a Clean, Green and Sustainable Lexington. To accomplish this goal, the project includes: strengthening the Bluegrass Partnership for a Green Community, a community outreach organization, by incorporating community organizations within the Manchester Street Corridor who are not currently members, including residents; businesses; and all students, elementary to college age; create a community priority-setting process to identify and rank pollutants by educating residents and providing technical assistance on toxins in their environment; enhance community leadership and capacity around outreach and education; and; develop a Lexington CARES Education and Planning Guide using current available information and residents' concerns about toxins in the community. Primary responsibility for coordinating these activities will rest with the Bluegrass Partnership for a Green Community

Federal funds in the amount of \$100,000 are being requested. These funds will be used to support professional services, mapping, supplies, and printing costs. No local match is required.

The Community Action for a Renewed Environment (CARE) Program is a unique community-based, community-driven, multimedia demonstration program designed to help communities understand and reduce risks due to toxic and environmental pollutants from all sources.

Council authorization to submit application 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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192-09

Mayor Jim Newberry

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

MEMORANDUM

TO: Mayor Jim Newberry
Urban County Council

FROM: David A. Carroll, P.E. *DAc*
Municipal Engineer, Senior

DATE: February 25, 2009

Re: Council Approval of Engineering Services Agreement with
CDP Engineering, Inc for two projects:
Appomattox Rd LOMR, And
Sherwood Drive Drainage Improvements

Through the standard consultant selection process and in accordance with CAO Policy #1, CDP Engineers, Inc., has been selected to provide an engineering study and construction documents for the above named capital projects:

- 1). Appomattox Road LOMR Submission
- 2). Sherwood Dr. Drainage Improvements

These projects are part of the 2009 Capital Stormwater Improvement Projects that was approved earlier this year. The total engineering cost for these projects is \$32,700.00 . Funds are budgeted in **1140-303204-3321-71205**.

We recommend the Urban County Council authorize the Mayor to execute the attached Engineering Services Agreement with CDP Engineers, Inc. for this work.

Thank you.

APPROVED:

Charles Martin, P.E.
Director , Division of
Water Quality

Cheryl Taylor
Commissioner of
Environmental Quality

C: Cassie Felty
Darryl G. Bennett, PE
File

09.P563.400.CDP ESA Bluesheet Cover.doc

HORSE CAPITAL OF THE WORLD

BUDGET & FINANCE COMMITTEE SPECIAL MEETING 3-3-2009 SUMMARY

All committee members were present with Feigel and McChord attending as non voting members. The meeting was called to order at 10:02 am.

The purpose of today's special meeting is a continuation of the 2-24-09 Budget & Finance Committee allowing for further review, discussion and public participation of the proposed Lyric Theater business plan and reimbursement resolution.

Stinnett, introduced Susan Hill, from the architect firm of Tate, Hill, Jacobs, who was back at today's meeting to address questions

James and Gorton opened the discussion with questions about on-site parking.

Hill said the Lyric property itself is less and ½ acre and there is a maximum of 2 parking spaces within the property boundary. She said there are spaces on 3rd Street and Elm Tree Lane that could be used for either car or bus drop off or parking spaces.

Gorton referring to the theatre design asked about museum space for artifacts and a specific space on the blueprint. She wanted to know what other uses for this space the design called for.

Hill responded there that space is a 750 sq. ft. work & storage room which is dedicated to the museum. The entire second floor would be dedicated to the museum.

Lane asked about zoning of the property in reference to parking, saying the ordinance required a certain number of parking.

Hill was not sure about the question, saying she was aware only of a zero set back on the property.

Shay Rabold, Mayor's Office responded telling the committee she spoke with the Law Department and Building Inspection about the zoning/parking ordinance. She also passed out a drawing as an exhibit. She said there is 10,000 square foot located directly north of the Lyric, adding zoning requirements state, parking must be within certain proximity of the property.

Lane said based on his interpretation of the ordinance, parking space is tied to an amount of setting and from his calculations the number of spaces required could be as much as 500.

Raybold said the ordinance gives an "either or" scenario. She mentioned a memo for the law department which address parking and would get a copy to committee members. She said according to the Law Department, the number of calculated parking spaces required was approx. 33. She said the ordinance also stated

parking spaces had to be available during hours of operation or during an event at the facility. She mentioned additional parking at university lot being available during evening hours.

Lane said in his many years of experience with commercial real estate, parking is a critical aspect of any project and suggested buying land for additional parking. When building a 29,000 sq. ft. facility, in order to be successful, we must clearly understand the parking requirement.

Rabold stated if the intent of the council was to authorize more spending for parking lot property, but she felt it could be make to work with the current parking opportunities available.

Lane again reiterated, putting \$6 million into property with inadequate parking facilities did not make sense adding this was unlike other downtown facilities that had walk-ways, parking garages and other methods of access.

Gorton mentioned the possibility of raising public money for parking accommodations, referring to parking for the dog park. Perhaps private support should be pursued for assistance.

James said there are already existing UK parking spaces available after hours. She added in order to thrive economically there needed to be creative ideas about parking and urban space. She said the area around the Lyric had the lowest vehicle ownership in Lexington. There is a need to encourage connectivity and not let parking be a barrier.

Myers said this was an opportunity for change and asked Rabold to comment on parking accommodations at The Opera House.

Rabold could not comment on parking at the Opera House, but did note some parking areas in close proximity.

Myers asked if the Parking Authority may have identified other parking opportunities. He added people are willing to forego walking distance for certain venues.

Beard stated it would interesting to know what parking in Lexington was like in 1950;s. and perhaps a study parking during peak occupancy when headliners appear might be helpful.

Rabold replied she anticipated never having more occupancy than 500 at any one time.

Stinnett asked committee members if they had further questions for Ms. Hill who had to leave the meeting.

Blues referred to parking space at the MKL facility in Columbus, Ohio and was told there was plenty since it used to be an elementary school with a park next door.

Stinnett recognized Juanita Peterson, Lyric Theatre Task Force member who introduced other task force members in the audience and stated its mission.

Rabold distributed a copy of Ms. Peterson, bio to each committee member. Ms. Peterson told members there was a need for this project using attendance to the annual Roots and Heritage Festival as an example.

Stinnett introduced Phillip Greenburg, AMS Consultants to cover the Lyric Theatre business plan, which was provided to each committee member.

Greenburg highlighted elements of their scope of work, giving key demographic measurements; user needs analysis, prospective usage. He gave industry standards for "rent willing to pay", stating the average rent for a performance was approximately \$450.00.

He presented model case studies of venues with similarities, the Gem Theater, Kansas City, Mo., Morton Theater, Athens, Ga. The MLK Art Complex, Columbus, Ohio among others.

Mr. Greenburg covered a list of assumptions which the business plan was based on and covered different expense scenarios.

Stinnett asked Mr. Greenburg for a quick wrap up since several committee members had questions. Mr. Greenburg's final issue of the presentation was management and governance ideas.

Gorton started discussion by asking Greenburg if the property for the MLK Arts Complex was donated by the school system. He replied he was not aware of the history of that facility. She also wanted to know if the Lyric Theatre Task Force Mission Statement was taken into consideration when preparing the business plan. He replied his firm was given a concept work with but a mission statement does not drive the work of a consulting firm. Gorton asked for his thoughts on the vision for the Lyric Theater.

Mr. Greenburg said the vision to use the facility as a museum or exhibit space, did would not require hiring a curator. The business plan provided for a permanent exhibit and if there were traveling exhibits, there would only be a need for staff to load and unload crates. However, there is no need for staffing as in a traditional museum. He also told the committee the type of exhibits needs to be considered as a capital expense and not an operating expense.

Gorton asked if the marketing and development position could be staffed the work be shared by another LFUCG owned entity like at the History Museum.

Greenburg replied the intent for this position was for only the Lyric, this model did not plan for the set up referred to by Gorton. He did agree that at some point in time it would be a good idea to look at some type of centralized division of cultural affairs, much like the Norfolk, Va. Model he presented.

Myers asked if analysis of the Kentucky, State Theatre, Downtown Arts Center or Opera House were used in their model. Mr. Greenburg said only the seat count or competitive standpoint was considered, but the contract was to develop a business plan for only the Lyric. Myers also asked about consideration of staff in conversations with the task force. Greenburg replied they were not contracted to do that type of analysis, but the task force is aware of staff issues.

McChord asked if comparisons were made with potential renters, about where & what times they currently use space. He stated he was concerned taking revenue from meetings or events already being held at LFUCG sites. Greenburg replied meeting places, times varied. He confirmed the charts included are surveys for those interested in renting the Lyric; it was not part of their contract to gather that type of info.

McChord talked about the investment, saying there is no question everyone would like to put money into this project, but that we need to be realistic and do all possible to insure it will work. He said this matter must be reviewed in a very calculated manner to be as sure as possible of its success.

Blues referred to a footnote on a page of the presentation, saying it was important to note this was not a feasibility study only a business plan. He wanted to know for the types of business plans they prepare is it usual to comment on feasibility. Greenburg said yes, business plans are usually followed by feasibility studies and a core percent of their work is to comment on feasible, but not in this case. Greenburg stated the assumption he heard was the Lyric Theater was going through, and the question of feasible had not been posed to him.

James said we are under a mandate to do something, referring to something like a consent decree regardless of the current economic situation. She referred to past action and agreements by the council. She added many around Lexington are excited about completing this project. She referred to prospective usage saying there is some concern about taking business from other venues. She would like to make a motion to create a task force to have joint conversations with other art, cultural, and business experts in the community, about the business plan for the Lyric Theater.

Rabold suggested not calling it a task force in an effort to keep the work of the original task force and this proposed group separate. Perhaps a small working group. She said the Lyric Theater Task Force is still in existence.

Blues added he would also like to see the work group consist of business, industry, arts and cultural expertise and the scope of the work group be very well defined.

James agreed the work group's mission should be very specific and should also include experts in fund raising and the performing arts.

Stinnett asked James if the motion would incorporate all other arts and culture entities in the community and perhaps establish a future model for these types of endeavors.

James responded she did not want to see progress delayed while looking at other art/cultural and entertainment operations or projects. She asked if other art organizations have business plans and if so, would they too be subject for review and recommendations. She suggested a two part committee.

Henson agreed the Lyric issue not be delayed, but also agreed to the need for a collective effort in looking at all art and cultural center projects. She suggested looking at all entities and having one small group to oversee all art/entertainment and cultural issues.

Motion by James to ask the Vice Mayor to appoint a work group to review and develop the Lyric Theater business plan, seconded by Myers, passed without dissent.

At this point, Stinnett turned over meeting chair to Lane.

It was decided to continue the meeting and allow audience members who had signed up, time to speak.

Mr. Clark, Downtown Arts Center/Arts Place spoke to the committee, saying his role was mainly to answer any questions, adding he would be glad to participate in the working group to review the business plan. Lane asked Mr. Clark for a brief summary of the Arts Council. He told the committee the various art entities all have different agreements and different operation methods.

Lane also asked Clark to explain how individual art groups find sources of revenue, such as grants, fund raising. Clark said many organizations rely on tuitions others reply on sponsorships or individual ticket sales. He said the norm is non-profit is about 60% subsidized, however her that norm is flip-flopped.

Myers referred to the newly formed Facility Management asking if this would fall under their guise. Clark said you would need to have someone dedicated. When sharing staff for marketing and development, there should be a variety of cultural and performing arts who might share resources. Myers agreed with James, don't delay Lyric. We could introduce other art/culture projects into a work or focus group.

Howard Stovall, Kentucky Theater operation spoke briefly on working with LFUCG, which is like a landlord/tenant relationship. LFUCG receives a percentage of revenues and since they opened in 1992 years of loss and profit equally balance each other. Some observations he made of the business plan were: full time staff assumption for the Lyric seems very high. He cautioned concerts are a very high risk venture and talked about revenue differences of showing films and having a concert, but said the limited number of seats does not allow for high ticket prices. He stated the average is approx. \$40.00/ticket but anything past that would be considered high. He recommended the council to spend the extra money up front to invest in parking, which was essential.

Dick Decamp, former LFUCG council member spoke about observations he has of the project. He said the business plan was more about estimates than actual. He said Lex Arts and local arts professionals need to be a part of the plan. He said the Lyric project could not stand alone and needed collaboration with other cultural/arts entities. He recommended tabling the \$6 million bond issue since eth cost is too much of an unknown and needed to have more transparency before obligating funds. He added the Downtown Arts Center should be completed before proceeding with the Lyric. He cautioned on moving too fast, being smart and not wasting funds especially in these economic times.

James said the resolution coming forward for consideration on March 12, 2009 will only approve proceeding with a bid. If that bid comes in over or under \$6 million other conversations and considerations would have to take place at that

time. Giving this a vote does not approve any construction just to proceed with obtaining bids.

Rabold clarified what a reimbursement resolution was, saying it would allow spending of the \$6 million for the purpose of the Lyric Theater to start and any money spent from the general fund would be reimbursed and allowing the process to proceed.

Martin asked Rabold if we are obligated to spend more than \$6 million if the bid comes back higher. He wanted to confirm this is not writing a blank check in the future. He wanted to know if approval of bonds required a separate action and to insure council knows the scope of the project before committing. She said yes, if that was the council's request. She said if that were the case, before bonds would be issued, council approval would be required. Any commitment would be when the bonds are sold. We can use general fund dollars then use bonds to repay the general fund.

Beard asked if there was a way to request bids for this project without doing a reimbursement resolution. He also remarked it currently looks like a blank check and we must define costs first.

Rabold stated the intent is to get direction from council if they intend to proceed or not. She said a construction bid is the first step to get cost.

Beard reiterated we need to know costs before stating intent.

Motion by Beard to seek bids without doing a reimbursement resolution, motion failed for lack of a second.

Myers responding to Mr. Decamps earlier comments said if the reimbursement resolutions the routine way all other government projects are handled, why the need to amend it. He wanted to clarify if the bid is above \$6 million the council will have a chance to review and if not the process proceeds like any other government capital project.

Blues referred to Beard's motion saying although he agreed it had merit; he did not want to delay the process. He felt the best option is to obtain construction cost, review the business plan and coordinate actions to consider after that information is known.

Lane summarized today's meeting and explained why the Lyric Theater matter was referred to the Budget & Finance Committee. He reminded the public about the intent of the business plan and to review the budget impact of operating cost and the potential for huge liability. He said he does support the MOU (Memorandum of Understanding) but wants to insure cost effectiveness of tax payers' dollars.

Motion to adjourn, passed, meeting adjourned at 12: 43 pm