

**URBAN COUNTY COUNCIL
SCHEDULE OF MEETINGS
April 6-April 13, 2009**

Monday, April 6

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

Rural Land Management Board Meeting2:30 pm
Conference Room-5th Floor Government Center

Tuesday, April 7

Planning Committee/Planning Commission Joint Meeting.....9:00 am
Lower Level of Central Library

Corridors Committee Working Group Meeting.....11:00 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, April 8

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

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

Government Center Task Force Pre-Proposal Meeting.....10:00 am
Conference Room-5th Floor Government Center

MPO-Traffic Safety Coalition (TSC) Meeting.....10:30 am
Conference Room-3rd Floor Phoenix Building

Tree Board Meeting.....10:30 am
Purchasing Conference Room-3rd Floor Government Center

Thursday, April 9

Commission on the American Recovery & Reinvestment Plan Meeting.....4:00 pm
Conference Room-3rd Floor Phoenix Building

Neighborhood Development Bond Fund Meeting (NDBF).....5:00 pm
Conference Room-5th Floor Government Center

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

Friday, April 10

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

Monday, April 13

No Meetings

LEXINGTON-FAYETTE URBAN COUNTY COUNCIL

WORK SESSION AGENDA

April 7, 2009

- I. Public Comment – Issues on Agenda**
- II. Requested Rezoning / Docket Approval – Yes**
- III. Approval of Summary-Yes, March 24, 2009, pp.6-11**
- IV. Budget Amendments – Yes, pp.12-24**
- V. New Business, pp.27-40**
- VI. Continuing Business / Presentations**
 - A. Budget & Finance Committee, pp.41-44**
 - B. Alcohol Awareness Month Proclamation**
 - C. Records & Information Management Proclamation**
 - D. National Coin Week Proclamation**
 - E. Proposed Amendments to Section 11 of the
Code of Ordinance
Ted Martin, Greenebaum Doll & McDonald PLLC**
- VII. Council Report**
- VIII. Mayor's Report – Yes**
- IX. Public Comment – Issues Not on Agenda**

ADMINISTRATIVE SYNOPSIS

New Business Items

- A. Authorization of a Deed of Acceptance for a Permanent Greenway under the Greenway Master Plan. (225-09) (Rayan/Webb)
 This request will authorize a Deed of Acceptance, at no cost to LFUCG, for a permanent greenway of .4149 acres at property located at 3881 Dylan Place as part of the greenway system designated in the Greenway Master Plan.**p. 27**
- B. Authorization of Amendment No. 2 to an Agreement with the Kentucky Transportation Cabinet (KYTC) on Behalf of the Department of Public Works and Development, Division of Traffic Engineering, for the South Limestone Multimodal Traffic Study Project. (226-09) (P. King/Webb)
 This request will authorize Amendment No. 2 to agreement offered by KYTC to extend the completion date to June 30, 2010 for the South Limestone Multimodal Traffic Study project. This project will develop design alternatives and estimated impacts on the safe, efficient movement of pedestrians, bicyclists and vehicle traffic along and across the South Limestone corridor in the University of Kentucky area.**p. 28**
- C. Authorization of Amendment No. 2 to an Agreement with the Kentucky Transportation Cabinet (KYTC) on Behalf of the Department of Public Works and Development, Division of Traffic Engineering, for the Intelligent Transportation System (ITS) / Traffic Control and Traffic Signal Upgrade Project. (227-09) (P. King/Webb)
 This request will authorize Amendment No. 2 to agreement offered by KYTC, to extend the completion to June 30, 2010 for the ITS / Traffic Control and the Traffic Signal Upgrade project. This project will improve the Traffic Management Center, signal detection, communication, data collection, signal time plans, update the traffic signals and install vehicle detection equipment to enhance the operation of the signal system.**p. 29**
- D. Authorization of Amendment No. 1 to Agreement with Kentucky Transportation Cabinet (KYTC) on Behalf of the Department of Public Works and Development, Regarding the Air Quality Planning and Mobility Coordination Projects. (233-09) (P. King/Webb)
 This request will authorize Amendment No. 1 to agreement with KYTC on behalf of the Department of Public Works and Development, to extend FY2009 activities regarding the Air Quality Planning and Mobility Coordination projects. The Air Quality Planning Project ensures compliance with the Clean Air Act (as amended) as applicable to the Lexington Metropolitan Planning area. This will authorize acceptance of

federal funds in the amount of \$54,000 for the Air Quality Planning project for FY2010. A local match of \$13,500 is required and has been requested in the FY2010 General Fund budget. Total project cost is \$67,500. The Mobility Coordination project serves as the point of contact for all inquiries concerning transportation providers and ride matching. This will authorize acceptance of federal funds in the amount of \$102,000 for FY2010. A local match of \$25,500 is required and will come from in-kind value of Public Service Announcements.**pp.30-31**

- E. Authorization of a Memorandum of Understanding (MOU) with Windstream Kentucky East, LLC, Regarding Projects Area 2 and 4 of the Downtown Lexington Streetscape Project. (234-09) (Webb)

This request will authorize a MOU with Windstream Kentucky East, LLC, to provide design and engineering services and oversee the design of the underground facilities regarding Area 2 and 4 of the Downtown Lexington Streetscape Project. Project Area 2 consists of facilities along South Limestone from Vine Street to the Avenue of Champions. Project Area 4 consists of facilities along North Limestone from Barr Street to Fourth Street. The area projects will be at no cost to LFUCG; however, should LFUCG elect not to continue the project, Windstream will be reimbursed for cost incurred up to a maximum of \$41,918. Funds are available in the UDAG Repayment Funds.**p. 32**

- F. Authorization of a Resolution Regarding Kentucky Public Service Commission Case No. 2008-00427 Pertaining to Rates of Kentucky-American Water Company. (236-09) (Askew)

This request will authorize a resolution to ratify the Department of Law, on behalf of LFUCG, to execute a settlement agreement, stipulation and recommendation, and any other necessary settlement documents in Kentucky Public Service Commission Case No. 2008-00427 pertaining to the rates of Kentucky-American Water Company.**pp.33-34**

- G. Authorization to Submit the Proposed 2009 Consolidated Plan to the US Department of Housing and Urban Development (HUD), Accept Awards, and Authorize Agreements with Subrecipients. (232-09) (P. King/O'Mara)

This request will authorize the submission of the proposed 2009 Consolidated Plan to HUD for FY2010 as required for receiving federal funds. This one-year action plan will authorize the acceptance of funds for CDBG funds, HOME Investment Partnerships funds, ADDI funds, and ESG funds. The CDBG has \$2,045,837 in federal funds with \$250,000 anticipated income for a total of \$2,295,837; the HOME Investment Partnership program has \$1,357,050 in federal funds with a required local cash-match of \$295,337 with \$157,337 requested in the FY2010 General Fund budget, \$138,000 from the proceeds of a closed out Urban Development Action Grant loan, and anticipated program income of \$300,000 for a total of \$1,952,387; the ADDI has \$14,145 in federal funds with no local match required; and the ESG has \$91,408 in federal funds

with \$24,000 cash-match proposed in the FY2010 General Fund budget and \$67,408 of in-kind match from subrecipients agencies. This will also authorize written agreements for participating agencies.**pp.35-36**

- H. Authorization to Accept Donation from the Kentucky Division of Emergency Management (KYEM) on Behalf of the Department of Public Safety, Division of Emergency Management (DEM) /911. (228-098) (P. King/Bennett)

This request will authorize the acceptance of twenty (20) Suction Quickdraw w/rechargeable batteries with twenty (20) additional rechargeable batteries from KYEM through the Chemical Stockpile Emergency Preparedness Program on behalf of DEM / 911. Items have been inventoried and transferred to the Division of Fire and Emergency Services. There is no budgetary impact.**p.37**

- I. Authorization to Accept Award from the Kentucky Board of Emergency Medical Services (KBEMS) on Behalf of the Department of Public Safety, Division of Fire and Emergency Services. (230-09) (Dugger/Bennett)

This request will authorize the acceptance of state funds in the amount of \$10,169.49 from the KBEMS on behalf of the Division of Fire and Emergency Services for purchase of a GilderScope® Ranger Intubation Device. The original request of \$10,000 was approved by Resolution No. 746-2008 dated December 9, 2008. KBEMS has offered additional funds of \$169.49. No matching funds are required.**p.38**

- J. Authorization to Accept an Award from the Kentucky Office of Homeland Security on Behalf of the Department of Public Safety, Division of Police, under the 2008 State Homeland Security Grant Program. (235-09) (P. King/Bennett)

This request will authorize the acceptance of an award of federal funds in the amount of \$337,000 from the Kentucky Office of Homeland Security on behalf of the Division of Police, Bomb Squad, under the 2008 State Homeland Security Grant Program. Funds will be used to purchase personal protective equipment, robot (with additional hybrid radio), explosive detection canine, and other minor equipment. The source of federal funds is the US Department of Homeland Security, Homeland Security Grant Program. No matching funds are required.**p.39**

- K. Authorization to Accept Deeds of Easement or Acquisition for Properties Regarding the Storm Water Management Project in Cardinal Valley under the Sugar Mill Mitigation Project. (231-09) (P. King/Taylor)

This request will authorize the acceptance of deeds of easement at a cost of \$411,150 for five (5) permanent drainage easements, nineteen (19) temporary construction easements, and one (1) fee simple acquisition for a storm water management project in Cardinal Valley under the Sugar Mill Mitigation Project. This project provides for construction of a 7.2-acre detention basin on Vaughn's Branch upstream from Versailles Road with the widening of approximately 1,000 linear feet of channel and installation

of box culverts above the detention basin and for the widening of approximately 1,100 linear feet of channel and installation of box culverts below the basin. The source of federal funds is the Department of Homeland Security, Federal Emergency Management Agency, Hazard Mitigation Grant Program, as authorized by Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988.**p.40**

URBAN COUNTY COUNCIL
WORK SESSION SUMMARY
& TABLE OF MOTIONS

March 24, 2009

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 without a hearing for the Thursday March 26, 2009 Council Meeting, an ordinance changing the zone from a Single Family Residential (R-1D) zone to High Density Apartment (R-4) zone for 0.08 net (0.09 gross) acre; and from a Planned Neighborhood Residential (R-3) zone with conditional zoning restrictions to a High Density Apartment (R-4) zone, for 0.358 net (net 0.40 gross) acre, for property located at Campbell Ln, subject to certain use restrictions imposed as conditions of granting the zone change(RML Construction, RLLP (AMD.)), seconded by CM Gorton, passed without dissent.

A motion by CM Gorton to place on the docket without a hearing for the Thursday March 26, 2009 Council Meeting, an ordinance changing the zone from a Single Family Residential (R-1B) zone to a Light Industrial (I-1) zone, for 1.16 net (1.26 gross) acres, for property located at 550 and 560 Stone Rd. subject to certain use restrictions imposed as conditions of granting the zone change, Property Partners, LLC), seconded by CM Stinnett, passed without dissent.

A motion by CM Stinnett to place on the docket for the March 26, 2009 Council Meeting, a resolution for 2010 World Equestrian Games (WEG)-to recognize the games as a local celebration and related decorations and display are generally exempt pursuant to section 17-2 (e) of the zoning ordinance, seconded by CM Gorton, passed without dissent. one abstention (CM Gorton).

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

III. Approval of Summary-Yes

A motion by CM Beard to approve the summary of 3/17/09, seconded by CM Gorton, passed without dissent.

A motion by CM Stinnett to approve the amended 3/10/09 summary (add the appointing of the Lyric Theatre working group motion), seconded by CM James, passed without dissent.

IV. Budget Amendments-Yes

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

V. New Business

- A. Authorization of a Permanent Sanitary Sewer and Temporary Construction Easements at Property Located at 1211 Manchester Street for the North Elkhorn Force Main Project. (213-09) (Martin/Taylor)
- B. Authorization of a Memorandum of Agreement (MOA) with the Commonwealth of Kentucky, Energy and Environmental Cabinet, Regarding Waste Tire Amnesty Program. (218-09) (Taylor)
- C. Authorization to Join the WasteBuster Program on Behalf of the Department of Environmental Quality, Division of Environmental Policy. (219-09)_ (Taylor)
- D. Authorization of a Lease Agreement with the Lexington and Fayette County Parking Authority (LF CPA) for Office Space in the Phoenix Building. (214-09) (Cole)
- E. Authorization of a Facility Usage Contract with the Fayette County Board of Education (FCBE) on Behalf of the Department of General Services, Division of Parks and Recreation. (223-09) (Hancock/Cole)
- F. Authorization of a Facility Usage Contract with the Fayette County Board of Education (FCBE) on Behalf of the Department of General Services, Division of Parks and Recreation. (224-09) (Hancock/Cole)
- G. Authorization of a Designation of Applicant Agent for LFUCG under the Disaster Relief Act of 1974 (Public Law 93-288), as Amended. (215-09) (Dugger/Bennett)
- H. Authorization to Submit an Application to Kentucky Office of Homeland Security on Behalf of the Department of Public Safety, Division of Police under the Law

Enforcement Protection Program (f/k/a Body Armor Program) – FY2009. (222-09) (P. King/ Bennett)

- I. Authorization of a Purchase of Service Agreement (PSA) with the Farm and Garden Market Cooperative Association, Inc. (d/b/a Lexington Farmers' Market. (220-09) (Rabold)
- J. Authorization of a Memorandum of Agreement (MOA) with Kentucky Economic Development Finance Authority (KEDFA) Regarding Entry into a Tax Incentive Agreement for the Phoenix Park / Courthouse TIF Project. (221-09) (Kelly)
- K. Authorization of Amendment No. 1 to an Engineering Services Agreement with Strand Associates, Inc. Regarding the Salt Barn Site 5680 Athens Boonesboro Road Project. (209-09) (Rayan/Webb)
- L. Authorization of a Deed of Acceptance of a Temporary Construction Easement at Property Located at 3487 Clays Mill Road for the Clays Mill Road Improvements Project. (210-09) (P. King/Webb)
- M. Authorization of a Deed of Acceptance of a Temporary Construction Easement at Property Located at 3367 Clays Mill Road for the Clays Mill Road Improvements Project. (211-09) (P. King/Webb)
- N. Authorization of a Permanent Sidewalk Easement at 462 Shawnee Avenue for the Meadows-Northland-Arlington Neighborhood Improvement Project – Phase 3C. (212-09) (P. King/Webb)
- O. Authorization to Accept an Award from the Kentucky Transportation Cabinet (KYTC) on Behalf of the Department of Public Works and Development, Division of Traffic Engineering, for the Intelligent Transportation System / Congestion Management System (ITS / CMS) Traffic Improvements Project – FY2009. (216-09) (P. King/Webb)
- P. Authorization of a Permanent Drainage Easement at 404 Shawnee Avenue for the Meadows-Northland-Arlington Neighborhood Improvement Project – Phase 3C. (217-09) (P. King/Webb)

A motion by CM Beard to amend new business item J. pertaining to the Memorandum of Agreement with the Kentucky Economic Development Finance Authority for the Phoenix Park Courthouse TIF District to also authorize the Mayor to execute a letter agreement with CentrePointe, LLC regarding payment of the consulting fee in an amount up to \$50,000, seconded by CM Stinnett, passed with a 12-2 (VM Gray & CM Gorton) vote, with 1 recusal (CM Lane).

A motion by CM James to approve new business items A-Y as amended, seconded by CM Lawless, passed without dissent.

VI. Continuing Business / Presentations

A. Planning Committee Update

This update was given by Chair CM Gorton. There were 4 motions to come forward from this meeting.

A motion by CM Gorton to establish an ad-hoc committee to review possible changes for both time limits and increased fines on zoning/building permits, seconded by CM Ellinger, passed without dissent.

A motion by CM Gorton to withdraw the issue of the Heritage Tree Program from the Planning Committee, seconded by CM Beard, passed without dissent.

A motion by CM Gorton to initiate a text amendment to include the Courthouse Area Design Review Board recommendations and specific language regarding non-compliance, enforcement, and penalties, seconded by CM Blues, passed without dissent.

A motion by CM Gorton to add 2 additional Planning Committee meetings to the calendar, 4/9/09 at 5:30 pm and 4/21/09 at 9 am, with the agendas being Destination 2040 Vision, Parks Master Plan, Extended Stay Zoning Text Amendment, and Big Blue Horse Branding, seconded by CM Henson, passed without dissent.

B. Social Services Month Proclamation

This proclamation was presented by Mayor Newberry to Comm. Helm. Comm. Helm thanked Mayor Newberry, Council, and the community.

C. Stationary Redesign Presentation

This presentation was given by Brian Marcum, Director of Purchasing and Johnny Martinez, Government Communications. Several CMs asked questions.

D. Downtown Streetscape Plan Update

This update was given by Clete Benken, RLA, ASLA Principal, Kinzelman Kline Gossman. There were some citizens there to make comments. Several CMs asked questions. There was a motion made by CM McChord to adopt the proposed benchmarks presented by Mr. Benken. However, it failed by a 6-9 vote.

A motion by CM McChord to authorize Clete Benken to do further detail design of that particular design section, seconded by CM Martin, passed without dissent.

VII. Council Report

CM Blues-A motion by CM Blues to place on the docket for the Thursday March 26, 2009 Council Meeting a resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Agreement with the Kentucky Economic Development Finance Authority Regarding Entry Into Tax Incentive Agreement for the Lexington Distillery District Mixed-use Redevelopment Tax Increment Financing Project at an initial cost not to exceed \$47,000.00, seconded by CM Lawless, passed with a 10-1 vote and 1 recusal (CM Lane).

CM Gorton-Announced that there was a joint Planning Committee/Commission meeting held this morning; the next joint meetings will be on 4/7/09 and 6/30/09, both at 9 am; Storm Water Fee Task Force met last week and will be meeting again this Thursday at 9am in Council Chambers; the agenda will be to look at the final draft ordinance and final expense model. This meeting will also include stakeholders.

A motion by CM Gorton to request that funds from the Street Sweeping Urban Services fund balance be used to complete a study to evaluate and redesign the street sweeping program to focus on water quality, seconded by CM Beard, passed without dissent.

CM Henson-Announced 2 meetings for 3/25/09: apartment association at noon at Cardinal Crossing-1346 Village Dr and Valley Park at 6 pm.

CM McChord-Reminded everyone of the Qualifications Based Selections (QBS) workshop on Thursday at 5 pm in the 5th floor conference room; thanked Mayor Newberry and his staff for Lexington again hosting the Sweet Sixteen tournament.

Mayor Newberry stated that it is almost time to renew the contract for the tournament and he hopes that Lexington can keep it here.

CM Lane-Explained his recusals on 2 motions from today's Work Session.

VM Gray-Stated that the Government Center Task Force has recommended to administration to proceed with the RFP; mentioned the Herald-Leader layoffs and that Michelle Ku was one laid off; stated that her work was a tribute to the H-L, institution, friends, and herself. It is a chance to reflect on the importance of the free press and the work they do; Michelle should know that she has a friend here for many years.

CM Beard-A motion by CM Beard to approve the NDF list of 3/24/09, seconded by CM McChord passed without dissent.

CM Beard agreed with VM Gray about Michelle Ku and said that she will be missed.

VIII. Mayor's Report-None

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

Citizens, Lewis Cobb, Glen Powell, and Debbie Tester spoke.

A motion by CM Lane to adjourn work session, seconded by VM Gray, passed without dissent.

Work Session was adjourned at 6:45pm.

BUDGET AMENDMENT REQUEST LIST

JOURNAL	31781-82	DIVISION	Parks and Recreation	Fund Name	General Fund
				Fund Impact	750.00
					750.00CR
					.00

To provide funds for Bluegrass Invitational Tournament by recognizing contributions received from Sports N Spokes.

JOURNAL	31798	DIVISION	Code Enforcement	Fund Name	General Fund
				Fund Impact	7,059.00
					7,059.00CR
					.00

To provide funds in copy machine lease purchase to purchase a heavy duty copier for first floor phoenix building by reducing funds for contractual services demolitions.

JOURNAL	31799-80	DIVISION	Parks and Recreation	Fund Name	General Fund
				Fund Impact	346.56
					346.56CR
					.00

To recognize funds from repayment of signage prepared by graphic arts section for Downtown Development Corp. and Fire Dept.

JOURNAL	31902-03	DIVISION	Fire	Fund Name	General Fund
				Fund Impact	3,800.00
					3,800.00CR
					.00

To increase Operating Supplies in Fire Suppression by recognizing revenue to purchase cleaning supplies, paper supplies, spill absorbent, etc. for the fire stations.

JOURNAL	31909-10	DIVISION	PDR	Fund Name	General Fund
				Fund Impact	400.00
					400.00CR
					.00

To recognize PDR revenue from application fee and increase funds for professional services - appraisals.

JOURNAL	31911-12	DIVISION	PDR	Fund Name	General Fund
				Fund Impact	1,400.00
					1,400.00CR
					.00

To recognize PDR revenue from application fee and increase funds for professional services - appraisals.

JOURNAL	31913-14	DIVISION	PDR	Fund Name	General Fund
				Fund Impact	200.00
					200.00CR
					.00

To recognize PDR revenue from application fee and increase funds for professional services - appraisals.

JOURNAL	31915-16	DIVISION	PDR	Fund Name	General Fund
				Fund Impact	200.00
					200.00CR
					.00

To recognize PDR revenue from application fee and increase funds for professional services - appraisals.

JOURNAL	31917-18	DIVISION	PDR	Fund Name	General Fund
				Fund Impact	2.40
					2.40CR
					.00

To recognize revenue received from copies and increase funds for operating supplies.

JOURNAL	31919-20	DIVISION	PDR	Fund Name	General Fund
				Fund Impact	400.00
					400.00CR
					.00

To recognize PDR revenue from application fee and increase funds for professional services - appraisals.

JOURNAL	31974-75	DIVISION	PDR	Fund Name	General Fund
				Fund Impact	200.00
					200.00CR
					.00

To recognize PDR revenue from application fee and increase funds for professional services - appraisals.

JOURNAL	31976-77	DIVISION	PDR	Fund Name	General Fund
				Fund Impact	200.00
					200.00CR
					.00

To recognize PDR revenue from application fee and increase funds for professional services - appraisals.

JOURNAL	31982-83	DIVISION	PDR	Fund Name	General Fund
				Fund Impact	14.10
					14.10CR
					.00

To recognize PDR revenue and provide funds for professional legal services.

JOURNAL	32001-02	DIVISION	Fire	Fund Name	General Fund
				Fund Impact	644,800.00
					644,800.00CR
					.00

To provide funds for overtime for the Division of Fire and Emergency Services for the remainder of FY 2009 by recognizing a transfer from the Prisoner's Activity Fund.

JOURNAL	32003	DIVISION	Fire	Fund Name	Prisoners' Activity Fund
				Fund Impact	644,800.00
					644,800.00

To provide funds for overtime for the Division of Fire and Emergency Services for the remainder of FY 2009 by creating a transfer from the Prisoner's Activity Fund.

JOURNAL	31790-91	DIVISION	Social Services	Fund Name	Donation Fund
				Fund Impact	781.33
					781.33CR
					.00

To provide funds for business travel for the Executive Director of the Domestic Violence Prevention Board.

JOURNAL	31908	DIVISION	Environmental Quality	Fund Name	Urban Service Fund
				Fund Impact	16,506.00
					16,506.00CR
					.00

To provide funds for Seasonal Salaries by reducing vacant funds for Non-Civil Service position. Seasonal positions will assist with various programs.

JOURNAL	31505-06	DIVISION	Public Works	Fund Name	2009 Bond Fund
				Fund Impact	50,000.00
					50,000.00CR
					.00

To provide funds for Cheapside Park improvements by recognizing bond proceeds approved by Resolution 752-2008.

JOURNAL	31978-79	DIVISION	PDR	Fund Name	US Dept of Agriculture
				Fund Impact	70,930.65
					70,930.65CR
					.00

To accept grant funds from the Federal Farm and Ranch Lands Protection Program for FY 2009 conservation easement acquisition.

JOURNAL	31794	DIVISION	Community Development	Fund Name	US Dept of Justice
				Fund Impact	52,246.98
					52,246.98CR
					.00

To amend Anti-Gang Initiative grant to provide overtime funds for Division of Police in accordance with approval of the Project Safe Neighborhoods Task Force.

JOURNAL	31802	DIVISION	Community Development	Fund Name	US Dept of Justice
				Fund Impact	51,256.16
					51,256.16CR
					.00

To amend the Project Safe Neighborhood Budget to provide for LFUCG Division of Police Overtime in accordance with approval of the Project Safe Neighborhoods Task Force.

JOURNAL	31804	DIVISION	Community Development	Fund Name	US Dept of Justice
				Fund Impact	21,988.00
					21,988.00CR
					.00

To amend Anti-Gang Initiative Grant to provide overtime funds for Division of Police in accordance with approval of the Project Safe Neighborhoods Task Force.

JOURNAL	31808-09	DIVISION	Community Development	Fund Name	US Dept of Justice
				Fund Impact	275.00
					275.00CR
					.00

To recognize program income (training fees) to the SANE project and to budget additional expenses in operating accounts.

JOURNAL	31900	DIVISION	Community Development	Fund Name	US Dept of Justice
				Fund Impact	10,175.18
					10,175.18CR
					.00

To rebutted Cold Case Squad funds providing for the purchase of a laptop computer, Cold Case playing cards, and training for six detectives

JOURNAL	31792	DIVISION	Community Development	Fund Name	US Dept Homeland Sec
				Fund Impact	6,617.00
					6,617.00CR
					.00

To reallocate funds for the fencing and repaving of Jacobson Park area for Decon Kit Trailer.

JOURNAL	31904	DIVISION	Community Development	Fund Name	US Dept Homeland Sec
				Fund Impact	8,798.63
					8,798.63CR
					.00

To rebutted funds from Computer Equipment to Cable for payment to Windstream for the Enhanced 911 Regional System.

BUDGET AMENDMENT REQUEST SUMMARY

Fund	1101	General Service District Fund	.00
Fund	1103	Donations Fund	.00
Fund	1115	Urban Service District Fund	.00
Fund	2523	GO 2009C-2009 Projects Fund	.00
Fund	3100	US Department of Agriculture	.00
Fund	3140	US Department of Justice	.00
Fund	3200	US Department of Homeland Security	.00
Fund	4203	Prisoners' Account Fund	644,800.00



Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Budget Journal Number 31798
Requesting Division Code Enforcement
Fund Name General Fund
Fund Number 1101
Contact for Additional Information Beverly Hagans 258-3865 or David Jarvis 258-3271
Description

To provide funds in copy machine lease purchase to purchase a new much needed copier. By reducing funds in professional and Contractual Services in Demolitions. We have a 1999 copier with over a million copies and frequent repairs. It is agreed upon through Purchasing and Information Technology that this item is needed. Printer Deployment combines Code Enforcement, Engineering and Security 1st floor of the Phoenix Building to this copier.



Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Budget Journal Number 31902-03
Requesting Division Fire & Emergency Services
Fund Name General Fund
Fund Number 1101
Contact for Additional Information Assistant Chief Rick Jordan
Description

We are requesting Budget Amendment 2118 be approved to decrease Miscellaneous Revenue accounts in Fire Administration and Apparatus Maintenance in order to increase Operating Supplies in Fire Suppression. These funds will be utilized for purchases of cleaning supplies, paper towels, toilet paper, spill absorbent, fire suppression foam, etc. for the remainder of the fiscal year.

This account has been decreased again this year and we are unable to maintain 23 fire stations with the needed supplies on a budget of \$45,000 to \$50,000. Prices on this merchandise continue to increase while the funding does not.

If you have any questions, feel free to contact me at 231-5679.



Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Budget Journal Number 31908

Requesting Division Environmental Quality

Fund Name Urban Service Fund

Fund Number 1115

Contact for Additional Information Cheryl Taylor, Commissioner

Description

The Department of Environmental Quality is requesting the approval of budget amendment 2060. The budget amendment will move funding from a Program Manager SR which is three-year, full-time, temporary, non-civil service position to temporary, Student Intern part-time non-civil service positions in order to accomplish landfill compliance with the internal audit report; create and organize a “Keep America Beautiful” affiliate in Fayette County; an internal audit of government facilities’ energy usage, and a waste-minimization plan for the Urban County Government. The three-year, full-time, temporary, non-civil service position is no longer filled and funding is no longer necessary.



Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Budget Journal Number 31802
Requesting Division Community Development
Fund Name US Department of Justice
Fund Number 3140
Contact for Additional Information Irene Gooding-3079

Description

Budget amendment provides for overtime for Division of Police as approved by the Project Safe Neighborhoods Task Force. Overtime (Account #63152) is increased in the amount of \$36,800; FICA (Account # 63621) is increased in the amount of \$530; and Unemployment Insurance (Account # 63622) is increased in the amount of \$50. Professional Services (Account #71201) is decreased in the amount of \$42,079.00; Professional Services (Account #71299) is increased by the amount of \$13,876.16, and Training (Account #74101) is decreased in the amount of \$9,177.16. Overtime funds are provided to the Division of Police for purposes of reducing gun violence in cooperation with federal and state law enforcement agencies.



Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Budget Journal Number 31804
Requesting Division Community Development
Fund Name US Department of Justice
Fund Number 3140
Contact for Additional Information Irene Gooding-3079

Description

Budget amendment provides for overtime for Division of Police as approved by the Project Safe Neighborhoods Task Force. Overtime (Account #63152) is increased in the amount of \$21,654; FICA (Account # 63621) is increased in the amount of \$310; and Unemployment Insurance (Account # 63622) is increased in the amount of \$24. Professional Services (Account #71299) is decreased by the amount of \$21,988. Overtime funds are provided to the Division of Police for purposes of interdicting gang activity in cooperation with federal and state law enforcement agencies.



Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Budget Journal Number 31900
Requesting Division Community Development
Fund Name US Department of Justice
Fund Number 3140
Contact for Additional Information Irene Gooding--3079

Description

Budget Amendment provides \$4,000 (Account 75801) for purchase of playing cards for use in adult prisons in an attempt to gather information on unsolved murders. Graphics on cards are replaced with cold cases. This is a replication of a successful cold case program in Florida. Funds are increased in the amount of \$5,000 in Conferences and Other Training (Account # 74102) to provide for training of detectives at the 16th Annual Homicide Investigation Conference at Princeton University and for training of detectives in "Advanced Techniques for Unresolved Death Investigations" at the Institute of Police Technology and Management in Florida. Funds in the amount of \$1,049 are provided in Desktops and Laptops (Account # 96203) for purchase of a laptop for field investigations. Overtime account (63152) is being decreased in the amount of \$10,175.18 for this purpose. Account # 63131 (Police and Fire Sworn) is increased in the amount of \$124.18 and Account # 63622 (Unemployment Insurance) is increased in the amount of \$2.00. 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 2087
Requesting Division Community Development
Fund Name US Department of Homeland Security
Fund Number 3200
Contact for Additional Information Irene Gooding--3079

Description

Budget Amendment provides \$3,075 for Fence Installation (Account 90315) for Jacobson Park area for decontamination kit trailer and \$3,542 for paving of access road to storage area in Jacobson Park for decontamination trailer. To provide these funds, Account 75101 (Operating Supplies and Expenses) is reduced by \$5,468 and Account 75801 is reduced by \$1,149.



Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Budget Journal Number 31904
Requesting Division Community Development
Fund Name US Department of Homeland Security
Fund Number 3200
Contact for Additional Information Irene Gooding--3079

Description

Budget Amendment decrease computer equipment (Account # 96201) in the amount of \$8,798.63 and increases Cable (Account # 72201) in the amount of \$8,798.63 so that payment can be made to Windstream for completion of the project.

NEW BUSINESS ITEMS REQUIRING BUDGET AMENDMENTS

April 7, 2009 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
230-09	TBD	Community Development	To provide funds from Kentucky Board of Emergency Medical Services for purchase of a Gliderscope Ranger Intubation Device.
I			3400 10,169.49 3400 10,169.49CR 0.00*
232-09	TBD	Community Development	To provide funds for Community Block Grant program, HOME and Emergency Shelter Grants program.
G			3120 4,445,185 3120 4,445,185CR 0*
233-09	TBD	Community Development	To provide funds for Air Quality Planning and Mobility Coordination Projects.
D			3160 195,000 3160 195,000CR 0*
235-09	BA 2131	Community Development	To establish grant budget for Bomb Squad/St Homeland Security grant for Division of Police.
J			3200 337,000 3200 337,000CR 0*

EFFECT ON FUND BALANCES

FUND 3120	0*	NO EFFECT ON:	US DEPARTMENT OF HOUSING & URBAN DEVELOPMENT
FUND 3160	0*	NO EFFECT ON:	US DEPARTMENT OF TRANSPORTATION
FUND 3200	0*	NO EFFECT ON:	US DEPARTMENT OF HOMELAND SECURITY
FUND 3400	0*	NO EFFECT ON:	GRANTS - STATE

Budget Information For New Business ItemsApril 7, 2009 Work Session

Item	Number	Amount	Fund	Name / Description
A	225-09	NA		
B	226-09	NA		
C	227-09	NA		
D	233-09	195,000	3160	US Department of Transportation Budget Journal
E	234-09	41,918	3300	Grants – Other
F	236-09	NA		
G	232-09	4,445,185	3120	US Department of Housing & Urban Dev Budget Journal
H	228-09	NA		
I	230-09	10,169.49	3400	Grants – State Budget Journal
J	235-09	337,000	3200	US Department of Homeland Security Budget Journal
K	231-09	411,520	3200	US Department of Homeland Security



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: March 16, 2009

Re: Resolution Authorizing Acceptance of Deed for Dedication of Greenway Property

The purpose of this memorandum is to request a resolution authorizing the acceptance of a deed conveying a greenway from Boston Road Development, LCC located at 3881 Dylan Place. The greenway consists of 0.4149 acres in the Boston Road Development as shown on the plat recorded in Plat Cabinet M, Slide 690, recorded in the Fayette County Clerk's Office. This parcel is part of the greenway system as designated in the Greenway Master Plan.

This dedication is being made at no cost to the Urban County Government.

Approved by:

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

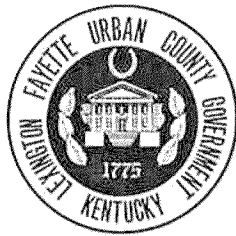
James M. Webb, Commissioner
Department of Public Works & Development

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

09.P000.406.blue 3881 Dylan Place

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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**

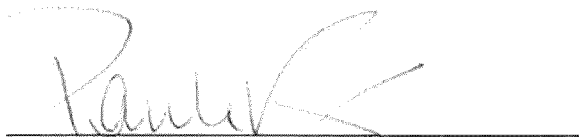
DATE: MARCH 16, 2009

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE
AMENDMENT TWO TO AGREEMENT WITH KENTUCKY
TRANSPORTATION CABINET FOR SOUTH LIMESTONE
MULTIMODAL TRAFFIC STUDY**

The Kentucky Transportation Cabinet has offered the Lexington-Fayette Urban County Government an amendment (number two) to complete the activities funded under the South Limestone Multimodal Traffic Study. The amendment extends this project through June 30, 2010. The purpose of this project is to develop design alternatives and estimated impacts on the safe, efficient movement of pedestrians, bicycles, and vehicles along and across the South Limestone corridor in the UK area.

The original agreement for these projects was approved by Council on January 24, 2008 (Ordinance # 19-2008). First Amendment was approved by Council on August 21, 2008 (Resolution # 492-2008).

Council authorization is hereby requested to execute Amendment Number Two to Agreement with Kentucky Transportation Cabinet for South Limestone Multimodal Traffic Study.

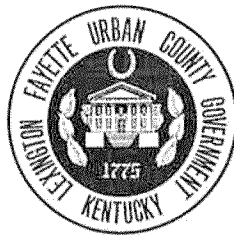


Paula King, Director

XC: James M. Webb, Commissioner of Public Works and Development

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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**

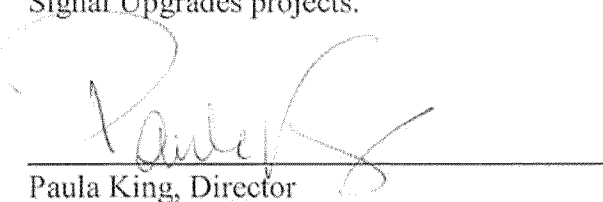
DATE: MARCH 16, 2009

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE
AMENDMENT TWO TO AGREEMENT WITH KENTUCKY
TRANSPORTATION CABINET FOR ITS – TRAFFIC CONTROL
AND TRAFFIC SIGNAL UPGRADES**

The Kentucky Transportation Cabinet has offered the Lexington-Fayette Urban County Government an amendment (number two) to complete the activities funded under the ITS Traffic Control Project and the Traffic Signal Upgrades Project. The amendment extends these projects through June 30, 2010. The purpose of these projects is (1) to improve the Traffic Management Center, signal detection, communication, data collection, and signal time plans; and (2) upgrade existing traffic signals and install vehicle detection equipment to enhance the operation of the signal system.

The original agreement for these projects was approved by Council on September 13, 2007 (Ordinance # 202-2007). First Amendment was approved by Council on August 21, 2008 (Resolution # 492-2008).

Council authorization is hereby requested to execute Amendment Number Two to Agreement with Kentucky Transportation Cabinet for ITS – Traffic Control and Traffic Signal Upgrades projects.



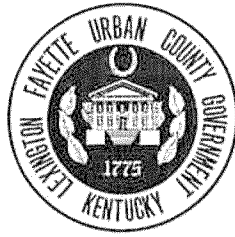
Paula King, Director

XC: James M. Webb, Commissioner of Public Works and Development

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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 26, 2009

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE
AMENDMENT ONE TO AGREEMENT WITH KENTUCKY
TRANSPORTATION CABINET FOR AIR QUALITY PLANNING
AND MOBILITY COORDINATION PROJECTS, EXTENDING
THE PERFORMANCE PERIOD AND PROVIDING ADDITIONAL
FEDERAL FUNDS FOR FISCAL YEAR 2010**

The Kentucky Transportation Cabinet has offered the Lexington-Fayette Urban County Government an amendment (number one) to complete the activities funded under the Air Quality Planning and Mobility Coordination projects in Fiscal Year 2009, and to provide federal funding for Fiscal Year 2010.

The purpose of the Air Quality Planning project is to ensure compliance with the Clean Air Act and amendments as they apply to the Lexington Metropolitan Planning area. The program oversees activities to help improve air quality and conducts analyses required to demonstrate conformity with ozone and particulate matter standards. Additional federal funding in the amount of \$54,000 is provided, requiring a local match in the amount of \$13,500, for a total cost of \$67,500. Local match has been requested in the 2010 general fund budget.

The purpose of the Mobility Coordination project is to serve as the point of contact for all inquiries concerning transportation providers and ride matching. The program coordinates passenger trip requests, coordinates and administers the LexVan vanpool program, and includes a marketing campaign to promote alternative transportation modes and services. Additional federal funding in the amount of \$102,000 is providing, requiring a local match in the amount of \$25,500. This is an in-kind match generated by documenting the value of Public Service Announcements that are aired on behalf of the project.

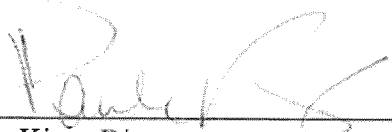
The original agreement for these projects was approved by Council on May 22, 2008 (Ordinance # 108-2008).

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Council authorization is hereby requested to execute Amendment Number One to Agreement with Kentucky Transportation Cabinet extending Air Quality Planning and Mobility Coordination projects and accepting additional federal funds for Fiscal Year 2010, subject to the availability of sufficient funds in FY 2010.



Paula King, Director

XC: James M. Webb, Commissioner of Public Works and Development



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Lexington-Fayette Urban County Government
DEPARTMENT OF PUBLIC WORKS & DEVELOPMENT

Jim Newberry
Mayor

Mike Webb
Commissioner

TO: JIM NEWBERRY, MAYOR

FROM: JAMES M. WEBB, COMMISSIONER
DEPARTMENT OF PUBLIC WORKS AND DEVELOPMENT

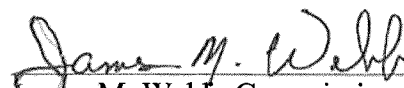
DATE: March 31, 2009, 2009

SUBJECT: REQUEST COUNCIL TO AUTHORIZE THE MAYOR TO EXECUTE
MEMORANDUM OF UNDERSTANDING (MOU) WITH
WINDSTREAM KENTUCKY EAST, LLCC FOR THE DESIGN OF
UTILITY RELOCATION FOR DOWNTOWN STREETScape
PROJECT

Windstream Kentucky East, LLC has agreed to provide design, engineering services and oversee Design of the underground facilities to replace existing overhead facilities in the Downtown Streetscape project for Areas 2 and 4, which include South Limestone from Vine Street to Avenue of Champions and North Limestone from Barr Street to Fourth Street at no cost to the government. However, if the government chooses to not continue the project, Windstream would be reimbursed for cost incurred, up to a maximum of 41,918.00

Funds are available in the UDAG Repayment Project Fund to pay for the services if needed: 3300-160201-0001-91715, Project UDAG Repayment, bud ref. 1992.

Council authorization to execute the Memorandum of Understanding is requested.


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



Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Department of Law

TO: Jim Newberry, Mayor
All Councilmembers

FROM: Department of Law

DATE: April 2, 2009

RE: PSC Case No. 2008-00427 (Kentucky-American Water Company rate increase application), Recommended Settlement

This memorandum is intended to remain confidential pursuant to the attorney-client privilege as it contains privileged or confidential information, and any disclosure of the contents herein may constitute a breach of fiduciary duty.

The Department of Law has entered into a proposed settlement of the referenced rate case involving Kentucky-American Water Company ("KAWC"), contingent upon approval by the Urban County Council. The Department of Law recommends the settlement based upon a consideration of all of the relevant facts, circumstances and evidence in the case, as it is realistically in line with the best outcome that LFUCG could expect to obtain at a hearing on this matter. A resolution authorizing this action will be docketed for consideration at the April 9, 2009 Council meeting.

KAWC has requested additional revenue to meet increased operating costs and to pay for system improvements, approved by the PSC, particularly the water treatment plant it is building on the Kentucky River in Owen County and the pipeline from the plant to Fayette County.

The proposed settlement agreement was negotiated by the Attorney General and KAWC. The Attorney General represents the interests of all consumers in PSC rate cases and, in this case assures that KAWC receives only the revenues that it is entitled to and fights against unjustified increases. The PSC which is responsible for

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regulating rates and services, assures that the rates charged by KAWC are just and reasonable.

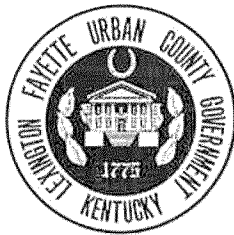
The settlement grants KAWC an increase of almost \$10.3 million a year in additional revenue or an increase of approximately 15.680% (KAWC originally requested more than \$18.5 million per year or an increase of approximately 31%). The residential rate will increase by almost \$5,023,083 a year in additional revenue or an increase of approximately 16.420%, which equates to a monthly increase of approximately \$3.80 for an "average" customer (KAWC original requested more than a 31% increase, or \$7.00 for an "average" customer). LFUCG's public fire hydrant rates will only increase by \$344,482 per year or approximately 14.180%.

In addition to the above, as part of the settlement KAWC will increase its annual contribution to the Help to Others Program to a total of \$60,000. KAWC will also provide timely information and service to the Division of Fire and Emergency Services pertaining to fire hydrant testing, maintenance and painting. Please contact me with any questions.



W.L. Wilson
Attorney Senior

cc: Rebecca Langston, Council Administrator
Joe Kelly, Senior Advisor
Kimra Cole, Commissioner of General Services
Leslye Bowman, Director of Litigation



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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 31, 2009

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO SUBMIT 2009
CONSOLIDATED PLAN, ACCEPT AWARDS OF FEDERAL FUNDS
FOR COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM,
HOME INVESTMENT PARTNERSHIPS PROGRAM, EMERGENCY
SHELTER GRANTS PROGRAM, AND AMERICAN DREAM
DOWNPAYMENT INITIATIVE PROGRAM FROM THE U.S.
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR
FY 2010, AND TO AUTHORIZE EXECUTION OF AGREEMENTS
WITH SUBRECIPIENTS IN ACCORDANCE WITH APPROVED
PLAN**

The U.S. Department of Housing and Urban Development (HUD) requires a consolidated application submission for jurisdictions receiving funds through HUD's Planning and Community Development programs. The purpose of the Consolidated Plan is to serve as the planning document for the Lexington-Fayette Urban County Government's participation in these programs. The overall goal of the programs is to develop viable urban communities by providing decent housing, a suitable living environment, and expanding economic opportunities for low and moderate income persons. The proposed 2009 Consolidated Plan includes a one-year action plan providing for the expenditure of Community Development Block Grant (CDBG) funds, HOME Investment Partnerships funds, American Dream Downpayment Initiative (ADDI) funds, and Emergency Shelter Grants (ESG) funds for Fiscal Year 2010 (the period of July 1, 2009 through June 30, 2010) to address some of the identified problems.

Federal regulations require that an active citizens' participation process be used to identify needs and to recommend the allocation of these federal resources. Two required public hearings have been conducted for the purpose of soliciting citizen comment on the housing and non-housing needs of the low-income population and on the budgeting of these federal funds to address identified needs. Applications for ESG, HOME, and CDBG funds were accepted through a uniform application process. Application solicitation was available through the LFUCG web page for the convenience of agencies having an interest in Consolidated Plan funding. The applications received were reviewed by the staff of the Division of Community Development. Their recommendations for funding were reviewed by the Commissioner of Finance and Administration and the Senior Advisor to the

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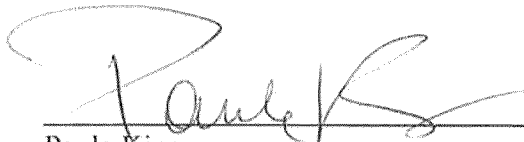
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Mayor. The proposed plan was made available for public comment as provided by the approved Citizens Participation Plan on March 2, 2009. The 30-day comment period expires on April 1, 2009. No substantial written comments on the draft plan have been received.

The Action Plan describes how funds available through the four program areas will be allocated and spent. The CDBG program has \$2,045,837 in federal funds with \$250,000 in program income anticipated in fiscal year 2010 for a total of \$2,295,837; the HOME Investment Partnerships program has \$1,357,050 in federal funds, with a required local cash match of \$295,337 requested from the 2010 general fund budget (\$157,337) and from the proceeds of a closed-out Urban Development Action Grant loan (\$138,000), and program income of \$300,000 for a total of \$1,952,387; the American Dream Downpayment Initiative has federal funds in the amount of \$14,145 (no match required); and the Emergency Shelter Grants program has \$91,408 in federal funds, with a proposed FY 2010 general fund cash match of \$24,000, and an in-kind match of \$67,408 from subrecipient agencies.

These funds will be expended on public improvements, housing rehabilitation, public services, a first-time Homebuyer program, development of homeownership units for low-income households, development of rental units for low-income populations, homeless prevention activities, operational support for emergency and transitional housing, and planning and administration activities. A list of projects as recommended for the Community Development Block Grant program, the HOME program, the Emergency Shelter Grant program, and the American Dream Downpayment Initiative is attached.

Council authorization to submit the 2009 Consolidated Plan, with funding allocations as recommended herein, to accept the herein described federal funds, subject to the availability of sufficient funds in FY 2010, and to execute written agreements in accordance with the approved plan is hereby requested.



Paula King
Director

Attachment: 2009 Consolidated Plan Project Recommendations

Xc: Bill O'Mara, Acting Commissioner of the Department of Finance and Administration



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Lexington-Fayette Urban County Government
DEPARTMENT OF PUBLIC SAFETY

Jim Newberry
Mayor

Tim Bennett
Commissioner

MEMORANDUM

TO: Jim Newberry, Mayor
Council Members
Pfz

FROM: Patricia L Dugger, RS MPA, DEM Director

RE: Transfer of Assets

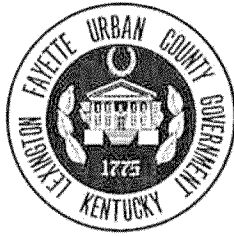
DATE: March 25, 2009

I am 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 were transferred to the Division of Fire and Emergency Services. They 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:

- 20 Suction Quickdraw W/rechargeable Battery. Total cost of \$10072.40.
- 20 Additional rechargeable batteries. Total cost of \$1163.80.

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



230-09

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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 27, 2009

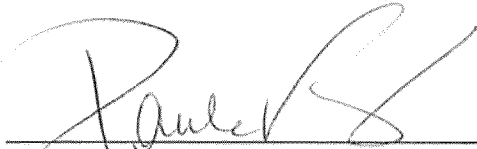
**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT AWARD OF
FUNDS FROM THE KENTUCKY BOARD OF EMERGENCY MEDICAL
SERVICES FOR PURCHASE OF A GILDERSCOPE RANGER
INTUBATION DEVICE**

On December 9, 2008 (Resolution No. 746-2008), Council approved the submission of a application prepared by the Division of Fire and Emergency Services requesting funding from the Kentucky Board of Emergency Medical Services in the amount of \$10,000 for the purchase of EMS equipment. The Kentucky Board of Emergency Medical Services has offered the LFUCG an award in the amount of \$10,169.49.

The Division of Fire and Emergency Services will use these funds to purchase a Gilderscope Ranger Intubation Device with replacement stilettes. This equipment significantly improves the rate of success on difficult intubations and will be carried by the EMS Duty Officer.

These are state funds pursuant to KRS 311A.155. No matching funds are required.

Council authorization to accept the award is hereby requested.



Paula King, Director

Xc: Tim Bennett, Commissioner, Department of Public Safety

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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 31, 2009

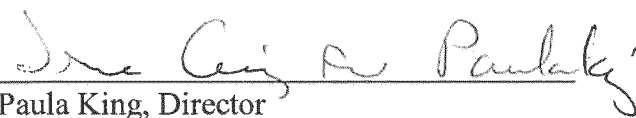
**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT AWARD
OF FEDERAL FUNDS FROM THE KENTUCKY OFFICE OF
HOMELAND SECURITY UNDER THE 2008 STATE HOMELAND
SECURITY GRANT PROGRAM FOR ENHANCEMENT OF
DIVISION OF POLICE'S BOMB SQUAD**

The Kentucky Office of Homeland Security has approved an award of federal funds in the amount of \$337,000 for enhancement of Division of Police's Special Team Response capabilities through the purchase of explosive device mitigation and remediation equipment.

Federal funds will be used for purchase of equipment to include personal protective equipment, robot with additional hybrid radio, explosive detection canine, and other minor equipment for use by the bomb squad.

The source of funds is the federal Homeland Security Grant Program from the U.S. Department of Homeland Security. No matching funds are required.

Council authorization to accept the award is hereby requested.


Paula King, Director

Xc: Tim Bennett, Commissioner, Department of Public Safety

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231-09

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 30, 2009

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT DEEDS OF EASEMENT
FOR PROPERTIES NEEDED FOR A STORM WATER MANAGEMENT
PROJECT IN CARDINAL VALLEY (SUGAR MILL MITIGATION PROJECT)**

On February 8, 2007 (Ordinance # 28-2007), the Urban County Council authorized the acceptance of federal funds for the implementation of a flood hazard mitigation project in the Cardinal Valley area. Project is known as Sugar Mill Mitigation Project.

This project provides for the construction of a 7.2 acre detention basin on Vaughn's Branch just upstream from Versailles Road with the widening of approximately 1,000 linear feet of channel and installation of box culverts above the detention basin. The project also includes the widening of approximately 1,100 linear feet of channel and box culverts below the detention basin. The source of federal funds is the Department of Homeland Security, Federal Emergency Management Agency, Hazard Mitigation Grant Program as authorized by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988. Purpose of this project is to mitigate flooding problems in the Cardinal Valley area.

In order to complete the project, Division of Water Quality needs five permanent drainage easements, one fee simple acquisition, and nineteen temporary construction easements, in the approximate cost of \$411,520. Funds are budgeted in:

FUND	DEPT ID	SECT	ACCOUNT	PROJECT	BUD REF	ACTIVITY
3200	303204	3331	92211	SUGARMILL	2007	STORMWATER

Council authorization to accept deeds of easement from owners of record on properties needed for Sugar Mill Mitigation Project.


Paula King, Director

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

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BUDGET & FINANCE COMMITTEE MEETING 3-24-2009 SUMMARY

All committee members were present. The meeting was called to order at 1:03 pm.

1. Financial Reports for February, 2009 and discussion - Fister

Debt Service Savings for FY 2009

Mary Fister distributed a copy of the report and went over highlights with the committee. She said employee withholding were up in February due to a timing issue involving the month end date. She also said insurance premiums are up. She said revenue seems to be coming in relatively strong, but knows even though we will not make budget on revenues we should be extremely close. She said the budget was projected to grow 2.5% but are expecting lots of refund requests in April. She said personnel expenses are tracking on target with last year and talked briefly about efforts to reduce operating expenses. She said the fire department is over budget for overtime expenses and there will be a budget amendment forthcoming to allow for those expenses.

Discussion:

Stinnett asked for specifics regarding the over budget condition with the fire department. He wanted to know how the numbers compare with prior years, adding he would like to see that information before proceeding with a budget amendment. Fister said they are using measurements from prior years and would provide those numbers for comparison. He also asked about business or employer taxes Fister explained that employers pay taxes throughout the year and in many cases refunds are due at the end of the year.

Lane asked about timing of payments referring to information provided in the hand out report.

James also asked about tax refunds and Fister reminded her they are not listed separately on the report. James asked do they have to be paid from FY09. Bill O'Mara replied there is usually an audit to determine the time frame.

Gorton also had a question about business returns. O'Mara explained it would be a refund on their annual net profit return. He gave background on how the process works.

Beard asked about business estimates. O'Mara asked if he was referring to tax managers.

Stinnett asked if franchise fees are tied to usage of a particular percentage or is there a flat fee. O'Mara responded there is not a flat fee; it is based on percentages only. Stinnett also asked about debit service. Fister said allowances were put in FY09 budget and there is \$1.6 million which will not drop directly to the bottom line. She gave some examples of items projected that are not going

to happen, such as storm water fees and health insurance deficits for this year. He also asked for specifics on \$3 million in real property and storm water expenditures.

James asked Ms. Fister for a recommendation on how to better communicate to council on any budget projections we are not meeting, referring to having advance notice when items such as budget amendment to cover a shortfall are coming through the system. Fister suggested looking at quarterly reports. She said her department is constantly monitoring to insure we are on budget.

James said she was not aware that debit service was available for use. Fister added last months report did not include debit service and that those numbers were pulled out this time. She said total debit service was \$5.8 million. Financial report.

2. Proposed Committee of the Whole Budget Meeting FY2010

Jerry Southers, Budget Analyst for the council office went over the "proposed" COW meeting schedule to review the Mayor's Proposed Budget. He highlighted some changes from last year's schedule. He told the committee Mary Fister would be providing an overview and will hold a meeting shortly after the Mayor presents the proposed budget. He said the links meetings will be broken up into two different "report out" phases, however all other COW meetings will be set up as they have been in the past.

James asked Southers if there has ever been a public hearing held on the council budget. The answer was no.

Stinnett commented on the links and COW meetings saying he felt the "proposed" changes to the way links committee's report out would give better definition to the process. He covered how/what/when each link would report out asking for any suggestions on the process.

3. Council Links

- Committee Assignments
- General Link Questions
- Council Link Recommendations Form for FY2010
- Example of Link Report Out Form

Stinnett referred to the meeting packet saying it includes a list of committee assignments and a proposed link report out form to help add consistency to the process.

James said item 1 and 2 on the link questioner page might need to be revised. There was discussion on how to revise the form. However, Southers reminded the committee questions on the form were to be used as a starting point for discussion and could be revised based on each circumstance. James said this was a weakness in the links process and agreed that consistent language was necessary for links meetings.

Lane asked the committee members to keep in mind the recommendations from the management audit and consider those during the links and budget process.

Stinnett added the link questions, recommendation and report out forms are an attempt to better consolidate information and perhaps improve the links process.

Gorton added a reminder to insure all links meetings were communicated and published in the event council members who are not on a specific link committee might want to attend others.

James and Stinnett both reminded committee members to forward any questions to Jerry Southers in preparation for links and any initial meetings regarding the budget.

4. Sales & Disposal of Obsolete Property Proceeds- James

November 25, 2008 Letter from Law Dept., David J. Barberie, Attorney Senior

Barberie told the committee Kentucky Constitution (section 180) prohibits taxes levied and collected for one purpose being ever devoted to another purpose; therefore proceeds from the sale of such items should be placed into the account for that particular funding source. He said the confusion may rest in what LFUCG's actual practice is right now.

James explained why this issue was put into committee, saying when she started looking at items purchased with urban service funds, the proceeds from their sale should go back into that fund and not the general fund. Her intent is to bring clarification on how proceeds should be handled. Barberie and O'Mara both explained they are currently returning proceeds to the account from which the assets were originally purchased.

Gorton said the past practice was up to whoever is making the decisions and she thought that by codifying this in an ordinance would be the best way to insure the current process is maintained in the future.

Lane said he was taking a counter position to Gorton's motion saying the state government decides how proceeds are distributed and he felt the council should also reserve that option.

Motion by Gorton to request the department of law to draft an ordinance to require proceeds from any assets sold from one fund or account are put back into that fund/account, seconded by James, passed with one vote of nay by Ed Lane.

Stinnett turned the floor over to Lane who had a couple of items to introduce. He presented the fiscal report saying each council member would receive a copy and recommended asking the Mayor to bring this report forward. He introduced Warren Rogers, KY Club for Growth, for a presentation.

James had a question about procedure asking if was appropriate to allow a presentation of an item that was not listed on the original, published meeting agenda.

Gorton commented also about procedure, wanting to know if it was allowed for any one to come before the committee without prior notice.

Stinnett explained if it is the consensus of the committee, adding this was his oversight since this item was scheduled to be on the February agenda and was inadvertently omitted. He felt it was pertinent that committee members see the presentation before budget preparations begin.

Mr. Rogers, presented statistics directly related to the Management Audit team findings regarding LFUCG subsidizing golf courses. He distributed a hand out saying tax payers are subsidizing approx. \$8.00 every time someone uses an LFUCG sponsored golf course and that raising fees would not solve the deficit. He explained the problem is an over supply of courses. There are fewer golfers; there is an approx. 35% downturn due to over saturation.

Beard commented saying he agreed there was over saturation.

Gorton asked why LFUCG Parks & Recreation were not present, adding she would appreciate scheduling this presentation at another time to allow Parks & Recreation the opportunity to hear the presentation and be part of the discussion.

Stinnett suggested getting with Lane, who is the chair of General Services Link to schedule another presentation.

James again reiterated she did not agree with how this issue was introduced into the committee and why it was brought forward today.

Blues added he would like to have more information on KY Club for Growth and perhaps an expanded version of today's presentation. Adding to proceed with caution being mindful of responsibility to the public before calling for darkening of all public golf courses.

Lane said it would be helpful to make this report available for transparency.

Meeting adjourned 2:55 pm with one motion coming from today's proceedings.