

**URBAN COUNTY COUNCIL
SCHEDULE OF MEETINGS
April 20-April 27, 2009**

Monday, April 20

Corridors Committee Ordinance Meeting.....9:00 am
Conference Room-5th Floor Government Center

2009 Ice Storm Review.....1:30 pm
Large Class Room-3rd Floor Police Dept.

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

Tuesday, April 21

Special Planning Committee Meeting..... 9:00 am
Council Chambers-2nd Floor Government Center

Water Resources Oversight Committee Meeting..... **CANCELLED**
Conference Room-5th Floor Government Center

City Employees Pension Fund Board Meeting.....12:30 pm
Conference Room-12th Floor Government Center

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

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

Wednesday, April 22

General Govt. Council Link Meeting(Coroner, CT Atty, CT Clerk, PVA,Comm Atty).....8:00 am
Conference Room-5th Floor Government Center

Day Treatment Center Task Force Meeting.....11:00 am
Conference Room-5th Floor Government Center

Finance & Budgeting Council Link Meeting.....11:00 am
Purchasing Conference Room-3rd Floor Government Center

Student Housing Task Force Meeting.....4:00 pm
Conference Room-5th Floor Government Center

Noise Ordinance Task Force Meeting.....5:00 pm
Conference Room-5th Floor Government Center

Thursday, April 23

General Services Council Link Meeting.....9:00 am
Conference Room-5th Floor Government Center

Neighborhood Development Bond Fund (NDBF) Meeting.....4:00 pm
Conference Room-5th Floor Government Center

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

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

Friday, April 24

No Meetings

Monday, April 27

No Meetings

LEXINGTON-FAYETTE URBAN COUNTY COUNCIL

WORK SESSION AGENDA

April 21, 2009

- I. Public Comment – Issues on Agenda**
- II. Requested Rezoning / Docket Approval – Yes**
- III. Approval of Summary-Yes, April 14, 2009 pp.6-9**
- IV. Budget Amendments – Yes, pp.10-16**
- V. New Business, pp.18-57**
- VI. Continuing Business / Presentations**
 - A. Intergovernmental Committee, pp.58-60**
 - B. Corridors Committee**
 - C. Public Health Heroes Award**
 - Dr. Rowe, Commissioner of Health**
 - Lexington-Fayette County Health Department**
 - D. Eastern State Hospital Report by State Officials**
- VII. Council Report**
- VIII. Mayor's Report – Yes**
- IX. Public Comment – Issues Not on Agenda**

ADMINISTRATIVE SYNOPSIS

New Business Items

- A. *Authorization to Approve Proposed Ordinance for a Water Quality Management Fee Required by the Federal Consent Decree. (629-08) (Martin/Taylor)
This authorization is to approve a Water Quality Management Fee required by the Federal Consent Decree. The proposed ordinance was reviewed by Council Budget & Finance Committee. **pp.18-28**
- B. Authorization of a Statement of Work for Metaformers™ to Provide Infrastructure Performance Management Support for Project Synergy. (249-09) (Dhuwaraha)
This request will authorize a statement of work for Metraformers to provide infrastructure performance management support for Project Synergy for the tuning of, or recommendations for the tuning of, the PeopleSoft® application, Oracle® Database, Hardware and Middleware to optimize performance for the HCM (Human Capital Management) and Financial Databases for a maximum of 12 weeks, for 20 hours per week, at a rate of \$235 per hour, for a total not to exceed the amount of \$60,000. **p.29**
- C. Authorization to Submit Application to the Kentucky Energy and Environment Cabinet on Behalf of the Department of Environmental Quality under the Household Hazardous Waste Grant Program. (251-09) (P. King/Taylor)
This request will authorize the submission of an application for state funds in the amount of \$113,154 to the Kentucky Energy and Environment Cabinet on behalf of the Department of Environmental Quality under the Household Hazardous Waste Grant program. Funds will be used to support a one-day household hazardous waste recycling event for Lexington-Fayette County. A local match of 25% (\$29,481) is required and will come from documentation of employee wages, volunteers and program advertising. Total project cost is \$142,635. **p.30**
- D. Authorization to Submit Application to the Kentucky Energy and Environment Cabinet on Behalf of the Department of Environmental Quality under the Kentucky Recycling and Household Hazardous Waste Grant Programs. (252-09) (P. King/Taylor)
This request will authorize the submission of an application for state funds in the amount of \$14,035 to the Kentucky Energy and Environment Cabinet on behalf of the Department of Environmental Quality under the Kentucky Recycling and Household Hazardous Waste Grant programs. Funds will be used to support a partnership with Lexington Habitat for Humanity to establish a program to collect, bulk, and resell leftover latex-

based paint to generate revenue and to reduce hazardous waste. Funds will be used to purchase paint mixing equipment and for program advertising. A 25% (\$4,644) local match is required and will come from in-kind donations of time from Lexington Habitat employees and volunteers. Total project cost is \$16,679.**p.31**

- E. Authorization to Rescind Funding for Hollywood-Mt Vernon Neighborhood Association, Inc. Under Resolution No. 544-2006. (253-09) (Langston)
This request will authorize the rescission of \$10,000 of Council's Capital Project funds allocated by Resolution 554-2006 for the Hollywood-Mt Vernon Neighborhood Association Inc. The association has not begun the project allocated by the funds. The funds will be returned to 3rd District Councilmember's portion of the Council's Capital Project funds.**pp.32-33**

- F. Authorization to Amend Section 21-5 of the Code of Ordinances within the Department of Social Services, Division of Family Services. (257-09) (Allen/Helm)
This request will authorize an amendment to Section 21-5 of the Code of Ordinances to change the title of Nutritionist to Nutritionist Coordinator within the Division of Family Services to comply with KRS Regulation 310.031. There is no fiscal impact associated with this action.**p.34**

- G. 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 – FY2010. (258-09) (P. King/Webb)
This request will authorize the acceptance of an award of federal funds in the amount of \$348,000 from KYTC on behalf of the Division of Traffic Engineering, for the ITS / CMS Traffic Improvements Project. Funds will be used for overtime, professional development, vehicle detection equipment, traffic monitoring cameras, and ITS software. This project is federally funded by Surface Transportation Lexington (SLX) through the Kentucky Transportation Cabinet. A local match of 20% (\$87,000) is required and has been requested in the Division's FY2010 General Fund budget. Total project is \$435,000.**p.35**

- H. Authorization of Change Order No. 1 to Contract with Todd Johnson Contracting Regarding the Meadows / Northland / Arlington Public Improvements Project – Phase 2D. (FINAL) (259-09) (P. King/Webb)
This request will authorize Change Order No. 1 to increase contract amount by \$7,978.86 with Todd Johnson Contracting regarding the Meadows / Northland / Arlington Public Improvements Project – Phase 2D to adjust the quantities to the final install quantities. The adjustments of the total increase and decrease amounts for this change order will be an increase of \$12,424.24 in the Community Development Block Grant and a decrease of \$4,445.38 in Sanitary Sewer funds. Total of final contract amount is \$674,351.27.**pp.36-39**

- I. Authorization of an Agreement with Fleetwood Land Management Services, LLC, for the Bluegrass Aspendale Collector Street – Phase 2. (261-09) (Rayan/Webb)
This request will authorize an agreement with Fleetwood Land Management Services, LLC, for the exchange of parcels for the Bluegrass Aspendale Collector Street – Phase 2 for the reconstruction and reconfiguration of improvements of Goodloe Street at Midland Avenue to extend Shropshire Avenue to connect to Midland Avenue. Fleetwood has agreed to exchange portions of 562 and 566 Goodloe Street for a portion of excess land created by the redesign of the right-of-way near the intersection of Ann Street and Goodloe Street. There is no budgetary impact.**pp.40-42**
- J. Authorization of a Memorandum of Agreement (MOA) with Kentucky State Police for Reimbursement of Laboratory Services under the Cold Case Squad Project. (254-09) (P. King/Bennett)
This request will authorize a MOA with the Kentucky State Police for payment of \$4,000 for overtime hours provided by KSP for laboratory use to conduct forensic examinations of cold cases in Lexington under the Cold Case Squad Project. Funds are budgeted.**p.43**
- K. Authorization of an Amendment to Agreement with the Kentucky Office of Homeland Security for Extension of the Metropolitan Medical Response System (MMRS) Project. (255-09) (P. King/Bennett)
This request will authorize Amendment No. 2 to Agreement with the Kentucky Office of Homeland Security for the MMRS project to extend the expiration dated to June 30, 2009. This extension was offered by the Kentucky Office of Homeland Security. There are no other changes associated with this amendment.**p.44**
- L. Authorization of an Agreement with A-T Solutions, Inc. on Behalf of the Division of Police for Training of FBI-Certified Bomb Squads in Kentucky. (256-09) (P. King/Bennett)
This request will authorize an Agreement with A-T Solutions, Inc. to provide training for FBI-Certified Bomb Squads in Lexington, Louisville, Owensboro, Paducah, and the Kentucky State Police, in threat assessment, improvised explosive devices / weapons of mass destruction (IED /WMD) electronics, and Bomb Squad / SWAT interoperability, and for the purchase of two (2) additional Assault Support / Hand Entry kits for a total cost of \$341,215.28.**p.45**
- M. Authorization of an Agreement with The Inocon Group, LLC, Regarding the 2010 Alltech FEI World Equestrian Games™. (260-09) (P. King/Bennett)
This request will authorize an Agreement in an amount not to exceed \$22,000 with The Inocon Group, LLC, to develop and deliver an All Hazards Incident Specific Emergency Operations Plan for the 2010 Alltech FEI World Equestrian Games™. Federal funds were awarded from the

Office of the Governor, Kentucky Office of Homeland Security under the State Homeland Security Grant program specifically for the development and delivery of this plan. Funds are budgeted.**p.46**

N. Authorization to Engage Mountjoy and Bressler, LLP to Conduct a Financial Audit of LFUCG Funds for FY2009. (262-09) (O'Mara)

This request will authorize the engagement of Mountjoy and Bressler, LLP at a cost not to exceed \$115,450 to conduct a financial audit of LFUCG funds for FY2009. This audit will ensure LFUCG is in conformity with US Generally Accepted Accounting Principles and to report the fairness of the additional information provided by management. Funds are budgeted.**pp.47-48**

O. Authorization of a Memorandum of Understanding (MOU) with the Kentucky Finance and Administration Cabinet and the Kentucky Cabinet for Health and Family Services Regarding a New State Mental Facility in Fayette County. (263-09) (O'Mara)

This request will authorize a MOU with the Kentucky Finance and Administration Cabinet and the Kentucky Cabinet for Health and Family Services to finance the design and construction of a new state mental health facility in Fayette County. The 2008 Kentucky Legislature passed House Bill 406 authorizing the financing agreement and the construction of the facility.**pp.49-54**

P. Authorization to Amends or Deletes Sections of the Code of Ordinances as Part of PeopleSoft® Implementation and as Requested by the Division of Human Resources. (264-09) (Dhuwaraha)

This request will authorize amendments to Sections 21-33 and 21-34 of the Code of Ordinances to allow employees to use vacation and sick leave in any increment as part of the PeopleSoft® implementation. Additionally, the Division of Human Resources has requested amendments to Section 21-33, 21.37.1 (compensatory time) and 21-38 (holiday time) to allow employees to use this time without prior written approved from a supervisor; deletes Sections 21-33(f) and 32-34(f) as this will be tracked by PeopleSoft®; and Amends Sections 21-33(a), 21-34(a) and 21-38(b)(2) to change leave time accruals from days to hours.**p.55**

Q. Authorization of a Letter of Intend with the University of Kentucky to Operate the Family Care Center Health Clinic. (265-09) (Askew)

This request will authorize a Letter of Intend to negotiate agreement with the University of Kentucky to operating the Family Care Center Health Clinic effective July 1, 2009.**pp.56-57**

***EPA CONSENT DECREE**

URBAN COUNTY COUNCIL
WORK SESSION SUMMARY
& TABLE OF MOTIONS

April 14, 2009

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

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

A motion by CM Beard to approve the summary of 4/7/09, seconded by CM Myers, passed without dissent.

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

- A. Authorization to Accept a Donation from Kentucky American Water Company (KAWC) for the 2009 Reforest the Bluegrass Program. (238-09) (Williams/Webb)
- B. Authorization to Accept a Donation from the School of Creative and Performing Arts for the 2009 Reforest the Bluegrass Program. (239-09) (Williams/Webb)
- C. Authorization to Accept Awards (if offered) for the FY2010 Transportation Planning Activities on behalf of the Department of Public Works and Development, Division of Planning, for the Unified Work Program. (246-09) (P. King/Webb)
- D. Authorization of a Deed of Acceptance for a Permanent Sidewalk Easement and a Temporary Construction Easement at Property Located at 458 Georgetown Street under the Georgetown Street Sidewalk Improvements Project. (247-09) (Rayan/Webb)
- E. Authorization of an Agreement with the University of Kentucky on Behalf of the Department of Public Safety, Division of Police, for use of the Albert B.

Chandler Medical Center Regarding the Sexual Assault Nurse Examiner (SANE) Program. (237-09) (P. King/Bennett)

- F. Authorization to Submit an Application to the Kentucky Division of Emergency Management on Behalf of the Department of Public Safety, Division of Fire and Emergency Services, under the Hazard Mitigation Grant Program (HMGP) of the Federal Emergency Management Agency. (244-09) (P. King/Bennett)
- G. Authorization to Submit Application to the US Department of Justice under the 2009 State Criminal Alien Assistance Program (SCAAP). (245-09) (P. King/ Bennett)
- H. Authorization of a Deed of Easement to the Kentucky American Water Company (KAWC) for Property Located at 2500 Flying Ebony Drive (f/k/a 810 Star Shoot Parkway). (240-09) (Cole)
- I. Authorization to Submit an Application to the Kentucky Department of Education and Accept the Award if Offered, on Behalf of the Department of General Services for the Summer Food Service Program – FY2009. (241-09) (P. King/Cole)
- J. Authorization of a Trail Design Agreement with Third Rock Consultants, LLC, for Design and Engineering of the Masterson Station Trails Project. (242-09) (Hancock/Cole)
- K. Authorization of a Trail Design Agreement with CDP Engineers, Inc., for Design and Engineering of the Veterans Park Mountain Bike Trail Project. (243-09) (Hancock/Cole)
- L. Authorization of a Revision to Lease with Fritz Farms Services, LLC, Regarding Property at West Hickman Wastewater Treatment Plant. (WWTP) (248-09) (Martin/Taylor)
- M. Authorization of an Amended and Restated Grant Agreement by and among the Cabinet for Economic Development, the State Property and Buildings Commission, LFUCG and the Belcan Engineering Group, Inc., Regarding an Economic Development Bond Grant. (250-09) (Wright/Kelly)

A motion by CM Lane to amend new business item A by changing the amount listed from \$5,000 to \$3,933.25, seconded by CM McChord, passed without dissent.

A motion by CM Blues to approve the amended new business items, seconded by CM Lane, passed without dissent.

V. Continuing Business / Presentations

A. Services Committee Update

This update was given by Chair CM Ellinger. There were no motions to come forward from this update.

B. Storm Water Fee Task Report

This report was given by Chair CM Gorton. Several CMs asked questions.

VII. Council Report

CM Stinnett-Announced again the 50th anniversary celebration of Bryan Station High School; on 4/15 Doug Flynn's jersey will be retired at the baseball game; Sat the 5K run is at 8:30 am and the reunion celebration begins at 4:30 pm; there is another 5K race on Saturday at 9 am at Masterson Station Park.-sponsored by LTMS to benefit a student-Bobby Wayne Culver, II; this week is National Animal Care & Control Week; mentioned that this Thursday at 4 pm is the first budget meeting; asked again about the de-briefing for the 2009 ice storm-the Mayor told Comm. Webb to let the CMs know about the meeting date in case they wanted to participate-Comm. Webb said that the meeting will be on 4/20/09; Pat Dugger, DEEM, will have the report by 5/5/09.

CM Blues-Announced two neighborhood association meetings: tonight at 7 pm, Meadowthorpe NA will meet at the park community center and on 4/20/09, Winburn NA will meet at 6:30 pm at the MLK Park shelter.

CM McChord-A motion by CM McChord to approve the NDF list for 4/7/09, seconded by CM Gorton, passed without dissent.

Thanked everyone who came out to Shilito Park for Reforest the Bluegrass on last Saturday.

CM Martin-Announced three neighborhood association meetings: tonight at 7 pm the Beaumont Residential NA will meet at the Beaumont Clubhouse; also at 7 pm, Dogwood Trace NA will meet at the First Alliance Church on Old Higbee Mill Rd; on 4/21/09, Firebrook NA will meet at 7 pm at their Clubhouse.

CM Gorton-Stated that cleanup efforts in rural areas are coming up (this is with the KY State Highway Dept.); introduced Jim Clark of LexArts to explain the motion that is to follow (several CMs made comments on this issue).

A motion by CM Gorton to request of the Mayor an Executive Order to declare LexArts the official local art agency for the LFUCG, seconded by CM Crosbie, passed by a 14-0 vote (CM James was absent for the vote).

A motion by CM Gorton to have the Dept. of Law prepare a resolution making LexArts the official arts agency for the LFUCG, seconded by CM Crosbie, passed with a 14-0 vote (CM James was absent for the vote).

VIII. Mayor's Report-None

Mayor Newberry reminded everyone of the Neighborhood Leadership Forum to be held Thursday at 5:30 pm.

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

Jane O'Tiernan, citizen, spoke.

CM Myers asked Comm. Bennett and Chief Hendricks for their update of the fire dept. overtime issue. Several CMs asked questions of them.

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

Work Session adjourned at 5:41 pm.

BUDGET AMENDMENT REQUEST LIST

JOURNAL	32493	DIVISION	Youth Services	Fund Name	General Fund
				Fund Impact	6,000.00
					6,000.00CR
					0.00

To provide funds for the purchase of a multi function copy machine.

JOURNAL	32522-32523	DIVISION	Special Projects	Fund Name	Donation Fund
				Fund Impact	2,200.00
					2,200.00CR
					0.00

To provide funds for Sweet 16 food and household items by recognizing donated funds.

JOURNAL	32492	DIVISION	Waste Management	Fund Name	Urban Fund
				Fund Impact	2,516,700.00
					2,516,700.00CR
					0.00

To provide funds for required recycling equipment for the MRF by decreasing funds for building construction.

JOURNAL	32517	DIVISION	Community Development	Fund Name	Municipal Aid Fund
				Fund Impact	11,480.00
					11,480.00CR
					0.00

To provide grant match for West Hickman Trail (\$7,150) and Town Branch Trail Phase II-2004 (\$4,330) by decreasing funds for street construction.

JOURNAL	32490	DIVISION	Traffic Engineering	Fund Name	Misc. Revenue Fund
				Fund Impact	7,100.00
					7,100.00CR
					0.00

To provide for the purchase of material and equipment necessary for the maintenance and operation of electronic traffic control devices on state highways in Fayette county.

JOURNAL	32477	DIVISION	Community Development	Fund Name	US Dept of Justice
				Fund Impact	18,000.00
					18,000.00CR
					0.00

To reallocate unused funds from the Commonwealth Attorney's Fast Track Program to the Division of Police for use as Confidential Funds.

JOURNAL	32518	DIVISION	Community Development	Fund Name	US Dept of Justice
				Fund Impact	31,910.00
					31,910.00CR
					0.00

To amend the 2009 SCAAP project to provide funds for purchase of a timekeeping system.

JOURNAL	32488	DIVISION	Community Development	Fund Name	US Dept of Trans.
				Fund Impact	21,364.48
					21,364.48CR
					0.00

To reallocate funds from temporary salaries to capital equipment in order to complete the project.

JOURNAL	32513-32514	DIVISION	Community Development	Fund Name	US Dept of Trans.
				Fund Impact	10,000.00
					10,000.00CR
					0.00

To budget funds in the amount of \$10,000 from Jessamine County Fiscal Court to defray costs of the Metropolitan Planning Office.

BUDGET AMENDMENT REQUEST SUMMARY

Fund	1101	General Service District – General Fund	.00
Fund	1103	Donation Fund	.00
Fund	1115	Urban Service District Fund	.00
Fund	1136	Municipal Aid Fund	.00
Fund	1141	Miscellaneous Revenue Fund	.00
Fund	3140	US Department of Justice	.00
Fund	3160	US Department of Transportation	.00



Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Budget Journal Number 32517
Requesting Division Community Development
Fund Name Municipal Aid Program
Fund Number 1136
Contact for Additional Information Irene Gooding--3079

Description

Budget Amendment provides \$11,480 (Account 78201) for grant match for West Hickman Trail (\$7,150) and grant match for Town Branch Trail Phase II-Bud Ref 2004 (\$4,330). Match for West Hickman Trail was originally budgeted in Fiscal Year 2008, but was not posted. Match for Town Branch Trail Phase II was budgeted in Fiscal Year 2006, but was not posted.



Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Budget Journal Number 32518
Requesting Division Community Development
Fund Name US Department of Justice
Fund Number 3140
Contact for Additional Information Irene Gooding--3079

Description

Budget Amendment provides \$31,910 (Account 96468) for purchase of a TimeKeeping system. Account # 63311 (Temporary) is decreased by \$13,920 and Account # 91013 (HVAC Maintenance Services) is decreased by \$17,990 to provide funds for the TimeKeeping system.



Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Budget Journal Number 32488
Requesting Division Community Development
Fund Name US Department of Transportation
Fund Number 3160
Contact for Additional Information Irene Gooding--3079

Description

Budget Amendment decreases Account # 63311 (Temporary Salaries) by \$21,364.48 for the purpose of increasing Account # 91612 (Traffic Counters Monitors) by \$21,364.48 in order to purchase capital traffic signal controllers and conflict monitors for completion of project.



Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Budget Journal Number 32513-14
Requesting Division Community Development
Fund Name US Department of Transportation
Fund Number 3160
Contact for Additional Information Irene Gooding--3079

Description

To budget revenue in the amount of \$10,000 from Jessamine County Fiscal Court for provision of Metropolitan Planning Organization transportation planning activities. \$500 is budgeted for purchase of Operating Supplies (Account 75101), \$500 is budgeted for the purchase of MPO staff shirts so that MPO staff is easily identified in public meetings (Account 75601), \$5,800 is budgeted for purchase of one desktop computer and two laptops (Account 96203) and \$3,200 is budgeted for the purchase of Adobe Photoshop and Adobe Dreamweaver (Account 96203).

NEW BUSINESS ITEMS REQUIRING BUDGET AMENDMENTS

16

April 21, 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
258-09	TBD	Traffic Engineering	To provide funds from the Kentucky Transportation Cabinet for ITS/CMS (Intelligent Transportation System/Congestion Management System) Traffic Improvements Project for FY 2010.
G			3160 435,000 3160 435,000CR 0*

EFFECT ON FUND BALANCES

FUND 3160 0* NO EFFECT ON: US DEPARTMENT OF TRANSPORTATION

Budget Information For New Business Items
April 21, 2009 Work Session

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Item	Number	Amount	Fund	Name / Description
A	629-08	5,392,900	1140	Stormwater Fund (FY 2010 Estimate)
B	249-09	60,000	2518	FY 2009 Bond Funds
C	251-09	NA		
D	252-09	NA		
E	264-09	NA		
F	257-09	NA		
G	258-09	435,000	3160	US Department of Transportation Budget Journal
H	259-09	12,424.24 (4,445.38)	3120 4002	US Department of Housing and Urban Dev Sanitary Sewer Revenue and Operating Fund
I	261-09	NA		
J	254-09	4,000	3140	US Department of Justice
K	255-09	NA		
L	256-09	341,215.28	3200	US Department of Homeland Security
M	260-09	22,000	3200	US Department of Homeland Security
N	262-09	45,080 8,640 270 36,380 3,700 18,610 2,770	1101 1115 1181 4002 4121 4022 4161	General Service District – General Fund Urban Service District Fund Public Library Corporation Sanitary Sewer Revenue and Operating Fund Landfill Fund PFC – General Fund Public Parking Corporation
O	263-09	NA		
P	264-09	NA		
Q	265-09	NA		



*629-08


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Lexington-Fayette Urban County Government
DEPARTMENT OF ENVIRONMENTAL QUALITY

Jim Newberry
Mayor

Cheryl Taylor
Commissioner

To: Mayor Jim Newberry
Urban County Council

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

Date: April 13, 2009

Re: Water Quality Management Fee Ordinance

The purpose of this memorandum is to request approval of the Water Quality Management Fee ordinance. This proposed ordinance is in response to the requirements of the Federal Consent Decree (*United States & Commonwealth of Kentucky vs. Lexington-Fayette Urban County Government* – Civil Action No. 5:06 – cv – 00386), as published in the Federal Register on March 14, 2008.

The proposed ordinance reflects the recommendations of the Council Task Force appointed to review a previous draft ordinance submitted to Urban County Council on November 18, 2008.

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

ORDINANCE NO. _____

WHEREAS, the Urban County Government is authorized by statutory authority including, without limitation, KRS 67A.060, KRS 67.080, KRS 67.083 and KRS 82.082 to operate a stormwater drainage system to collect and convey stormwater which may be referred to as the MS4 or "municipal separate storm sewer system"; and

WHEREAS, the mission of the stormwater management program of the Urban County Government is to safely and efficiently manage stormwater runoff, enhance public health and safety, enhance public education of stormwater management issues, protect lives and property, facilitate mobility and enable access, complement and support other programs/objectives, minimize the discharge of pollutants in stormwater in compliance with applicable federal and state laws, and enhance the natural resources of the community; and

WHEREAS, the Urban County Government, the United States Environmental Protection Agency, and the Commonwealth of Kentucky have entered into a Consent Decree in a case styled *United States, et al. v. Lexington-Fayette Urban County Government*, United States District Court for the Eastern District of Kentucky, Case No. 5:06-CV-00386, wherein the Urban County Government is required to impose a stormwater management fee to fund the stormwater management program described therein; and

WHEREAS, KRS 91A.510 et seq. authorizes local governments to impose a fee or charge on users of a public service not also available from a non-governmental provider; and

*629-08

DRAFT 040609

WHEREAS, it is the desire of the Urban County Council to adopt and implement a schedule of fees sufficient to fund the stormwater management program.

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

Section 1 - That Article XIV of Chapter 16 of the Code of Ordinances of the Lexington-Fayette Urban County Government be, and hereby is, created and enacted to read as follows:

ARTICLE XIV. WATER QUALITY MANAGEMENT FEES

Sec. 16-401. Establishment.

A system and structure of water quality management fees to be applied to all developed parcels of land within Fayette County is hereby established in accordance with the provisions of this chapter.

Sec. 16-402. Definitions.

(1) Developed means the condition of real property altered from its natural state by the addition to or construction on such property of impervious ground cover or other manmade physical improvements so that the hydrology of the property or a portion thereof is affected.

(2) Stormwater Management Program means the plan for managing storm drainage and surface water runoff facilities and features within the water quality management area and the drainage basins therein.

(3) Water Quality Management Area includes all developed parcels within Fayette County.

(4) Water quality management fee means the fee levied by the urban county government upon all developed parcels within the boundaries of the water quality management area as authorized by this chapter.

(5) Equivalent Residential Unit (ERU) means the measure of impervious ground cover for a typical single-family residential property used in assessing the water quality management fees for each parcel of property and which has been determined to be 2,500 square feet.

(6) Impervious Surface means those hard surface areas either which prevent or retard the entry of water into the soil in the manner that such water entered the soil under natural conditions pre-existent to

DRAFT 040609

development, or which cause water to run off the surface in greater quantities or at an increased rate of flow than that present under natural conditions pre-existent to development, including, without limitation, such surfaces as roof tops, asphalt, concrete, pavers, aggregate, paving, driveways and parking lots, private streets, walkways, patio areas, storage areas or other surfaces which similarly affect the natural infiltration or runoff patterns existing prior to development.

(7) Non-Single Family Residential Properties or Parcels means properties or parcels which contain more than one residential structure or one residential structure with more than two residential dwelling units and institutional, commercial or industrial properties.

(8) Residence means a building or structure or portion thereof, designed for and used to provide a place of abode for human beings. The term Residence includes the term Residential and Residential Unit as referring to the type of or intended use of building or structure.

(9) Single Family Residential Property or Parcel means any property or parcel which contains one residential structure with one or two residential dwelling units.

(10) Stormwater Drainage System means a conveyance or system of conveyances, including, but not limited to, roads with drainage systems, urban county streets, inlets, curbs, gutters, ditches, basins, man-made channels or storm drains which are: (i) owned or operated by the urban county government; and (ii) designed or used for collecting or conveying stormwater.

(11) Stormwater means stormwater runoff, snow melt runoff, and surface runoff and drainage.

(12) Undeveloped means the condition of real property unaltered by construction or addition to such property by man of impervious ground cover or physical manmade improvements of any kind which change the hydrology of the property from its natural state.

(13) Farm property means any parcel occupied exclusively for "agricultural use" as defined in Article 1-11 of the Zoning Ordinance.

(14) Parcel or lot means a legally created and definable piece of real estate resulting from subdivision of a large area or from conveyance by deed or land sales contract.

Sec. 16-403. Water quality management fee.

(1) A water quality management fee is imposed on every parcel of land within the water quality management area except the following:

- (a) undeveloped parcels;
- (b) railroad tracks;
- (c) state and federal roads;
- (d) urban county government streets and roads.
- (e) private streets which are used exclusively for access to single-family residential parcels.

(2) The following charges are hereby established and imposed for all parcels within the water quality management area, excluding exempted properties:

(a) Class A properties: single family residential or farm properties. The single family residential rate shall be \$4.32 per month for each parcel and the farm property rate shall be \$4.32 per month for each parcel. This flat rate fee is based on each single-family residential parcel or farm property being equal to one ERU. The urban county government shall determine the number of single family residential parcels and farm properties in the water quality management area.

(b) Class B: all other parcels: The charge for all other parcels within the water quality management area shall be based upon the number of square feet of measured impervious surface, as determined by the urban county government through aerial photography and surface feature evaluation processes, expressed in whole ERUs by rounding to the nearest ERU (determined to be 2,500 square feet of impervious surface). The charge for Class B properties shall be computed by multiplying the number of ERUs for a given parcel by the unit rate established by the urban county government of \$4.32 per ERU per month but in no event shall any such parcel pay less than \$4.32 per month.

(c) All rates and fees set forth in this section shall be adjustable each July 1 beginning on July 1, 2011, by an amount based upon the Consumer Price Index for All Urban Consumers, the U.S. City Average ("CPI-u") published monthly by the Bureau of Labor Statistics. These rates shall be adjusted up if so indicated by a factor determined by averaging the monthly CPI-u published for the 12-month period ending, and including, April of the year before the July 1 adjustment.

Sec. 16-404. Billing and Collection.

(1) Water quality management fees shall be billed and made payable monthly.

(2) The owner(s), tenant(s), or person(s) responsible for the payment of water service charges and/or sewer service charges shall also be responsible for the payment of water quality management fees for the same parcel(s) except for multiple occupancy such as shopping centers, apartments, condominiums, etc., in which cases the urban county government may either allocate the water quality management fees among the occupants of the parcel or may deem that a single billing to the parcel's owner(s), agent, or association is appropriate. In either case, the billed party shall be responsible for payment of water quality management fees. In all situations, the owners of properties subject to water quality management fees shall be fully responsible for payment of said charges regardless of any other parties herein above identified as also being responsible for payment of water quality management fees.

(3) Bills for water quality management service shall be due when rendered; and the face amount, without penalty or interest, shall be paid on the due date.

(4) All unpaid water quality management bills are subject to a penalty and interest charge to be computed in the following manner:

(a) Any water quality management bill or a portion of any unpaid water quality management bill remaining unpaid for more than thirty (30) days from the date of billing shall be assessed a penalty of ten percent (10%) of the unpaid balance.

(b) In addition to the penalty provided in subsection (4)(a) of this section, any water quality management bill or a portion of any water quality management bill remaining unpaid for more than thirty (30) days from the date of billing shall be assessed an interest charge of one (1) percent per calendar month or portion of a calendar month against the unpaid balance of such bill.

(5) The department of law is authorized and directed to institute legal proceedings in the name of the urban county government in any court having jurisdiction over such matter for the collection of delinquent water quality management fees, and to take any actions necessary in such proceedings to protect the interests of the urban county government.

Sec. 16-405. Adjustment of charges.

Any user subject to the water quality management fee who is the legal title/leaseholder/renter of the benefited property who is age 65 or older, or who is receiving social security disability benefits, and whose annual household income (as defined in section 16-405.1(a)(2) below) is \$25,000 or less, said amount of income to be adjusted annually in accordance with

the Social Security Administration's cost of living adjustment, can apply for a discount. Upon acceptance for the discount, said user's bill shall be decreased by thirty (30) percent of the billing amount.

Sec. 16-405.1 Grant Program.

(a) As used in this section only, the following terms shall have the meanings given:

(1) Assets test means that any person having assets in excess of either:

(i) Five thousand dollars (\$5,000.00) in liquid assets such as bank accounts, savings, certificates of deposits, stocks, bonds, etc.; or

(ii) Five thousand dollars (\$5,000.00) in equity in assessed value of nonhomestead property;

shall be ineligible to participate in the program, notwithstanding that he meets the income level qualifications set forth in this section. However, motor vehicles for personal use, household furnishings and the benefited property itself, as well as buildings located thereon which are occupied by the person seeking to qualify as a home for himself and his family, shall not be included in computing assets.

(2) Income means total cash receipts to the residential water quality management fee customer and any co-habitant after taxes from all sources. These sources include money, wages and salaries after any deductions required by law, but not including food or rent in lieu of wages. They include receipts from self-employment or from one's own farm or business after deductions for business or farm expenses. They include regular payments from public assistance, social security, unemployment and worker's compensation, strike benefits from union funds, veteran's benefits, training stipends, alimony and military family allotments or other regular support from an absent family member or someone not living in the household; government employee pensions, private pensions and regular insurance or annuity payments; and income from dividends, interest, rents, royalties or income from estates and trusts. For eligibility purposes, income does not refer to the following money receipts: any assets drawn down as withdrawals from a bank, sale of property, house or car, tax refunds,

gifts, one-time insurance payments or compensation for injury; also to be disregarded is noncash income, such as the bonus value of food and fuel produced and consumed on farms and the imputed value of rent from owner-occupied farm or nonfarm housing.

(3) Program means the grant program established in this section.

(4) Qualified customer means a residential water quality management fee customer who meets the assets test and has an annual income equal to or less than one hundred twenty-five (125) percent of the poverty income levels set forth in the poverty guidelines chart established by the Community Services Administration, annually published in the Federal Register, in effect at the time of application. However, income itself shall be measured by the definition contained in subsection (a)(2) of this section.

(b) Qualified customers may receive up to a fifty (50) percent grant for the cost of their water quality management fees, decreasing their obligation to fifty (50) percent of the total charges on the bill. All payments of water quality management fee grants by the urban county government are subject to an annual appropriation by the urban county council of the funds to make such payments, and neither the establishment of this program nor participation in the program shall constitute a contract between the urban county government and any qualified property owner for other than the fiscal year for which funds are appropriated to make payments. In the event funds are not appropriated for any given fiscal year, customers will be required to pay the full cost for that year.

(c) Qualified customers who participate in this program shall not be eligible to receive the discount allowed in Section 16-405.

(d) The administration of this program shall be under the direct supervision of the mayor of the urban county government. The mayor may prescribe such regulations and procedures, consistent with the provisions of this section, as he deems necessary or appropriate to carry out the intentions stated herein. The commissioners of the departments of finance, environmental quality and social services shall be responsible for administration of aspects of the program at the direction of the mayor.

All monies collected through water quality management fees authorized herein shall be separately identified and accounted for in the urban county government's financial records, and all expenses related to the urban county government's stormwater program overseeing drainage, flood control, and water quality, including any administrative costs related thereto shall be separately identified and administered according to generally accepted principles of governmental accounting.

Sec. 16-407. Adjustment of Charges; Appeals.

(1) Any owner who considers that water quality management fees applied to the owner's parcel are inaccurate or otherwise disagrees with the determination may apply to the director of the division of water quality for a rate review, stating in writing the grounds for the adjustment. The director or his designee will review the case and report findings to the commissioner of environmental quality. The commissioner shall consider the complaint and staff recommendations and determine whether an adjustment is necessary to provide for reasonable and equitable application of the water quality management fee.

(2) Appeals of decisions made by the commissioner may be brought before the Water Quality Fees Appeals Board created pursuant to section 16-408.

Sec. 16-408. Water Quality Fees Board.

(1) There is established a Water Quality Fees Board to review:

- (a) Denials by the director of tax collection and commissioner of finance in cases where sanitary sewer users have submitted written requests for adjustments to their bills for the sanitary sewer user fee pursuant to section 16-59.
- (b) Decisions made by the director of water quality and commissioner of environmental quality on applications for adjustments to water quality management fees as provided in section 16-407(1).
- (c) Recommendations of the Director of Water Quality pursuant to section 16-410.

(2) The board shall meet quarterly and shall be composed of three (3) citizens appointed by the mayor, one (1) council member and the citizens advocate. The terms of board members shall be four (4) years, which terms shall be staggered so that at least half the membership of the board is eligible for appointment every two (2) years.

(3) When considering an appeal of a decision pursuant to section 16-59 or section 16-407(1), the board shall review applicants' written requests for adjustment, the written

responses from the commissioner of finance or commissioner of environmental quality, and any other relevant documents. The board's decision as to the appropriate adjustment shall be final.

(4) When considering the recommendation of the Director of Water Quality pursuant to section 16-410, the board shall review the application, supporting information, and the director's recommendation to determine if the project proposed for inclusion in the Water Quality Incentive Grant Program meets the criteria contained in section 16-410(2).

Sec. 16-409. Review; Audit; Public Hearing

A formal review and audit of the water quality management fees established in this chapter shall be performed on or before November 30, 2014 and every five (5) years thereafter and the audit report shall be sent to the urban county council. At least one public hearing shall be held by the council related to the water quality management fees every time the review and audit required by this section is performed.

Sec. 16-410. Stormwater Quality Projects Incentive Grant Program.

(1) There is established a Stormwater Quality Projects Incentive Grant Program ("Program") to provide funding where urban county monetary participation is justified for the following:

(a) Cost-sharing assistance for stormwater projects/programs on residential and commercial /industrial properties with existing stormwater concerns; and

(b) Grants for community-based stormwater projects.

(2) Projects that may qualify for participation in the Program include, but are not limited to:

(a) projects to reduce stormwater runoff from the property;

(b) projects to improve water quality; and

(c) projects to provide public or private education related to stormwater quality.

(3) In determining whether a project/program qualifies for participation in the Program by justifying monetary participation by the urban county government, the following factors may be considered:

(a) the extent to which the project/program reduces stormwater runoff from the property or improves water quality in an amount in excess applicable urban county government standards;

(b) the applicant's record of compliance with the provisions of chapter 16 of the code of ordinances.

(4) To participate in the Program an application and information supporting the project/program must be submitted as provided for in a form provided by the Division of Water Quality.

(5) Eligible applicants may include, but are not limited to, property owners, neighborhood associations, and conservation organizations.

(6) Applications for participation in the Program shall be reviewed by the Division of Water Quality. If additional information is required the applicant will be notified. The Director of Water Quality shall make a recommendation for approval or denial of the application. The recommendation shall be presented to the Water Quality Fees Board which shall review the application and recommendation pursuant to section 16-408(4).

(7) All grants under this section are subject to the limitations of funding each fiscal year.

Section 2 - That subsection 16-63(c) of the Code of Ordinances be and the same is hereby repealed.

Section 3 - That this Ordinance shall become effective on _____, 2009.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

PUBLISHED:



249-09

Lexington-Fayette Urban County Government
OFFICE OF THE SENIOR ADVISOR / CIO

Jim Newberry
Mayor

Rama Dhuwaraha
Senior Advisor / CIO

MEMORANDUM

TO: Mayor Jim Newberry

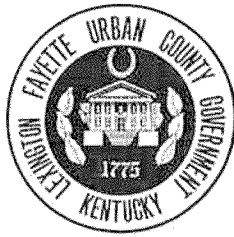
FROM: Chad Cottle, PeopleSoft Project Mgr

VIA: Rama Dhuwaraha, Senior Advisor/CIO

DATE: April 3, 2009

RE: Metaformers Oracle Tuning Consultant

The LFUCG Synergy Project seeks to obtain the consultancy services of Mr. David Kurtz, widely known in the Oracle/PeopleSoft world as a leading expert in tuning the performance of PeopleSoft. Quite literally he has written the book [PeopleSoft for the Oracle DBA, 2008] or the gold standard for Oracle/PeopleSoft systems setup and performance. His rate represents one in which we will incur no travel or per diem expenses as he is working remotely to facilitate our go-live efforts. In doing so his rate is not in keeping with the current Metaformers contract, however, it provides the LFUCG with a lower total cost and it allows us to engage him for 12 weeks. This tenure is considerably longer than any expert who would be flying in and drastically cheaper on the whole. We appreciate your consideration of this request as we are trying to be good stewards of the public's money while getting the best resource available.



251-09

30

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: APRIL 6, 2009

**SUBJECT REQUEST COUNCIL AUTHORIZATION TO SUBMIT APPLICATION
TO THE KENTUCKY ENERGY AND ENVIRONMENT CABINET
REQUESTING A HOUSEHOLD HAZARDOUS WASTE GRANT**

The Department of Environmental Quality has prepared an application requesting state funds from the Kentucky Energy and Environment Cabinet under the Kentucky Household Hazardous Waste Management Grant Program.

Funds are being requested to support a one-day household hazardous waste recycling event for Fayette County. Funds in the amount of \$113,154 are requested for payment to vendor for appropriate disposal of hazardous waste. A 25% local match in the amount of \$29,481 is required. This match will come from documentation of employee wages, volunteers, and program advertising. Total project cost is \$142,635.

The Recycling and Household Hazardous Waste Grants Program was established in 2006 by Senate Bill 50. KRS 224.43-505 (2)(c) specifies the establishment of a Recycling and Household Hazardous Waste management grants program.

Council authorization to submit application is hereby requested.

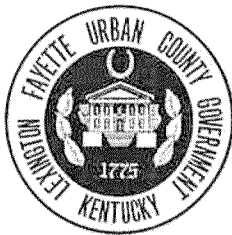
Paula King, Director

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

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252-09

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: APRIL 6, 2009


**SUBJECT REQUEST COUNCIL AUTHORIZATION TO SUBMIT APPLICATION
TO THE KENTUCKY ENERGY AND ENVIRONMENT CABINET
REQUESTING A KENTUCKY RECYCLING GRANT**

The Department of Environmental Quality has prepared an application requesting state funds from the Kentucky Energy and Environment Cabinet under the Kentucky Recycling and Household Hazardous Waste Grants Program.

Funds are being requested to support a partnership with Lexington Habitat for Humanity to establish a program to collect, bulk, and resell leftover latex-based paint to generate revenue and to reduce hazardous, landfill-bound waste. It is estimated that households in Fayette County have approximately 325,000 cans of paint that can be redirected into a saleable commodity that will help fund Lexington Habitat's mission to build safe, decent, affordable housing for Fayette County residents. Funds in the amount of \$14,035 are requested for purchase of paint mixing equipment and for program advertising. A 25% local match in the amount of \$4,644 is required. This match will come from an in-kind donation from Lexington Habitat for Humanity consisting of employee time and volunteer time. Total project cost is \$16,679.

The Recycling and Household Hazardous Waste Grants Program was established in 2006 by Senate Bill 50. KRS 224.43-505 (2)(c) specifies the establishment of a Recycling and Household Hazardous Waste management grants program.

Council authorization to submit application is hereby requested.


Paula King, Director

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

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LEXINGTON-FAYETTE URBAN COUNTY COUNCIL

Memorandum

253-09

32

TO: Mayor Jim Newberry
Council Members

FROM: *Jeannette Williams*
Jeannette Williams
Capital Projects Fund Coordinator

DATE: April 8, 2009

RE: Revised-Rescind portion of Ordinance 544-2006

This memo is to request that the portion of Ordinance 544-2006 recognizing Hollywood-Mt. Vernon Neighborhood Association, Inc to receive \$10,000 of Council's Capital Project money be rescinded. The allocation has not been sent out to them. The neighborhood association has not begun or completed the project for which this amount was allocated. The \$10,000 will be returned to Council Member Lawless' remaining portion of the allotted \$100,000.

JW

253-09

RESOLUTION NO. 544-2006

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR, ON BEHALF OF THE URBAN COUNTY GOVERNMENT, TO EXECUTE THE AGREEMENTS WITH HILL-N-DALE NEIGHBORHOOD ASSOCIATION, INC. (\$6,700.00), SADDLE CLUB SUBDIVISION HOMEOWNERS ASSOCIATION, INC. (\$4,500.00), BLUEGRASS COMMUNITY FOUNDATION, INC. FOR FRIEND OF THE ARBORETUM (\$1,000.00), HOLLYWOOD-MT. VERNON NEIGHBORHOOD ASSOCIATION, INC. (\$10,000.00), FOR VARIOUS PUBLIC PROJECTS FOR THE OFFICE OF THE URBAN COUNTY COUNCIL, AT A COST NOT TO EXCEED THE SUMS STATED.

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

Section 1 - That the Mayor, on behalf of the Lexington-Fayette Urban County Government, be and hereby is authorized and directed to execute the agreements, which is attached hereto and incorporated herein by reference, with Hill-N-Dale Neighborhood Association, Inc., Saddle Club Subdivision Homeowners Association, Inc., Bluegrass Community Foundation, Inc. for Friend of the Arboretum, Hollywood-Mt. Vernon Neighborhood Association, Inc., for various public projects for the Office of the Urban County Council.

Section 2 - That an amount, not to exceed the sums stated, be and hereby is approved for payment to Hill-N-Dale Neighborhood Association, Inc. (\$6,700.00), Saddle Club Subdivision Homeowners Association, Inc. (\$4,500.00), Bluegrass Community Foundation, Inc. for Friend of the Arboretum (\$1,000.00), Hollywood-Mt. Vernon Neighborhood Association, Inc. (\$10,000.00) from account #1101-121002-71200, from various council districts, pursuant to the terms of the agreements.

Section 3 - That this Resolution shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: September 14, 2006

/s/ Teresa Ann Isaac
MAYOR

ATTEST:

/s/ Liz Damrell
CLERK OF URBAN COUNTY COUNCIL

PUBLISHED: September 20, 2006-lt



257-09

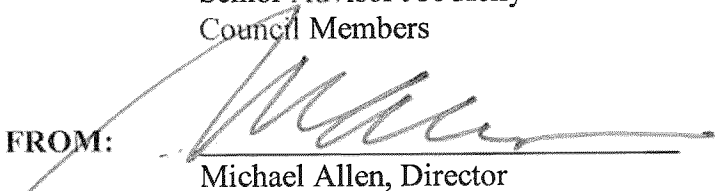
Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

William O'Mara
Acting Commissioner

MEMORANDUM

TO: Mayor Jim Newberry
Senior Advisor Joe Kelly
Council Members

FROM: 
Michael Allen, Director
Division of Human Resources

DATE: April 10, 2009

RE: Title Change—Division of Family Services

The attached action amends Section 21-5 of the Code of Ordinances, changing the title of Nutritionist in the Division of Family Services, effective upon passage of Council.

The division requests the title change in order to comply with the April 7, 2009 deadline imposed by KRS regulation 310.031, the title of Nutritionist must be changed to Nutrition Coordinator.

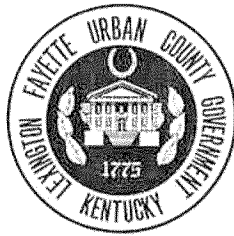
There is no fiscal impact associated with this action.

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

Attachment
/df

cc: Marlene Helm, Commissioner, Department of Social Services
Sarah Hendrix, Director, Division of Family Services
Darrylyn Combs, Human Resources Manager, Division of Human Resources
Jim Dodson, Human Resources Analyst, Division of Human Resources

Log # 09-0058



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: APRIL 8, 2009

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT AWARD FROM THE
KENTUCKY TRANSPORTATION CABINET FOR ITS/CMS (INTELLIGENT
TRANSPORTATION SYSTEM/CONGESTION MANAGEMENT SYSTEM)
TRAFFIC IMPROVEMENTS PROJECT FOR FY 2010**

The Kentucky Transportation Cabinet has offered the Lexington-Fayette Urban County Government an award of \$348,000 in federal funds for the ITS/CMS (Intelligent Transportation System/Congestion Management System) Traffic Improvements Project. The project includes three general initiatives: enhancements to the Lexington Traffic Management Center; enhancements in traffic signal system data collection, communication, and vehicle detection; and upgrades to the traffic signal system.

Funds will be used for personnel overtime, professional development, vehicle detection equipment, traffic monitoring cameras, and ITS Software.

The source of federal funds is the Federal Surface Transportation Program Metropolitan Lexington (SLX). A 20% local match in the amount of \$87,000 is required. Total project cost is \$435,000. Grant match has been requested in the Division of Traffic Engineering Fiscal Year 2010 general fund budget.

Council authorization to accept the award is hereby requested, subject to the availability of sufficient funds in FY 2010.

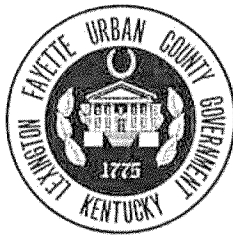
Paula King
Director

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

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259-09

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: APRIL 7, 2009

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE CHANGE ORDER
NO. 1 WITH TODD JOHNSON CONTRACTING FOR AN INCREASE OF
\$7,978.86 FOR MEADOWS/NORTHLAND/ARLINGTON PUBLIC
IMPROVEMENTS DESIGN PHASE 2D**

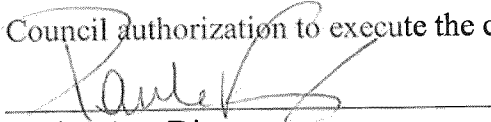
The Division of Engineering has recommended the execution of a change order to increase the contract by \$7,978.86 with Todd Johnson Contracting for the Meadows/Northland/Arlington Public Improvements Project, Phase 2D. The adjustment is an increase of \$12,424.24 in Community Development Block Grant funds and a decrease of \$4,445.38 in Sanitary Sewer funds. The new contract total is \$674,351.27.

The change order will adjust the bid quantities to the final installed quantities. The Division of Community Development concurs with the Division of Engineering's request.

The change order will adjust the following accounts:

FUND	DEPT ID	SECTION	ACCOUNT	PROJECT	BUD REF	ACTIVITY
3120	303202	3211	91713	CDBG	2009	C03
4002	303202	3223	92811			

Council authorization to execute the change order is requested.


Paula King, Director

Cc: Division of Engineering
James M. Webb, Commissioner of Public Works and Development

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LEXINGTON-FAYETTE		Date: March 26, 2009 259-09	
URBAN COUNTY GOVERNMENT		Project: Meadows-Northland-Arlington, Phase 2D	
CONTRACT CHANGE ORDER		Location: Meadow Lane	
Page 1 of 2			
To (Contractor) Todd Johnson Contracting 497 Dillehay Street Danville, Ky. 40422		Contract No. 915 Change Order No. (1-Final)	
You are hereby requested to comply with the following changes from the contract plans and specification;			
Item No. (1)	Description of changes-quantities, unit prices, change in completion, etc. (2)	Decrease in contract price (3)	Increase in contract price (4)
	STREET, STORM AND ROADWAY (ITEMS# 1-28)		
3	Increase Dense Graded Aggregate Base 1,128.86 tons @ \$24.90 per ton		\$28,108.61
4	Increase Class 2 Asph. Surface by 10.03 tons @ \$191.31 per ton		\$1,918.84
5	Decrease Class 2 Asph. Base by 61.21 tons @ \$81.26 per ton	\$4,973.92	
6	Decrease Stone Bridging by 1283.33 tons @ \$23.00 per ton	\$29,516.59	
7	Increase LFUCG Sidewalk 4.5 inch (Incl. Ramps & Detectable Warnings) by 95.80 s.y. @ \$47.25 per s.y.		\$4,526.55
8	Increase 6 Inch Concrete Sidewalk & Entrances by 36.03 s.y. @ \$48.30 per s.y.		\$1,740.25
9	Increase LFUCG Conc. Curb & Gutter type 1 by 13 L.F. @ \$18.40 per L.F.		\$239.20
10	Increase Handrail Type 1 by 78.0 L.F. @ \$172.50 per L.F.		\$13,455.00
11	Decrease Remove and Replace Fence by 49 L.F. @ \$23.00 per L.F.	\$1,127.00	
13	Decrease Sod by 309 S.Y. @ \$6.30 per S.Y.	\$1,946.70	
	Subtotal STREET, STORM AND ROADWAY	\$37,564.21	\$49,988.45
	Sanitary Sewer Improvements (Items #29 - 36)		
29	Decrease sodding by 205 S.Y. @ \$6.30 per S.Y.	\$1,291.50	

			259-09
30	Decrease Fertilizer (20-10-10) by \$52.50	\$52.50	
31	Decrease Agricultural Limestone by \$210.00	\$210.00	
32	Decrease 6in. PVC Lateral 56 L.F. @ \$36.98 per L.F.	\$2,070.88	
33	Decrease 8in. Sanitary Sewer Pipe (PVC Pipe) 5.0 L.F. @ \$69.60 per L.F.	\$348.00	
35	Decrease Two-Way Cleanout w/Cast Iron Frame & Cover 3 Each @ \$157.50 per Cleanout	\$472.50	
	SUBTOTAL SANITARY SEWER IMPROVEMENTS	\$4,445.38	
	Change in contract price due to this Change Order:		
	Total decrease	\$42,009.59	XXXXXXXXXXXX.XX
	Total increase	XXXXXXXXXXXX.XX	\$49,988.45
	Net (Increase) contract price	\$7,978.86	

The sum of **\$7,978.86** is hereby increased to the total contract price, and the total adjusted contract price to date thereby is **\$674,351.27**.

The time provided for completion in the contract and all provisions of the contract will apply hereto.

Recommended by *Robert A. Bayst* (Proj. Engr.) Date 4/03/09
 Accepted by *Linda Johnson* (Contractor) Date 3/27/09
 Approved by *MA Saig* (Urban Co. Engr.) Date 4/6/09
 Approved by *James M. Webb* (Commissioner) Date 4/2/09
 Approved by _____ (Mayor or CAO) Date _____

CONTRACT HISTORY FORM

Project Name: Meadows-Northland-Arlington, Phase 2D
Contractor: Todd Johnson Contracting
Contract Number and Date: 915 March 31, 2009
Responsible LFUCG Division: Engineering

CHANGE ORDER DETAILS

A. Original Contract Amount:	\$	<u>666,372.41</u>	
Next Lowest Bid Amount:			
<u>683,315.90</u>			
B. Amount of Selected Alternate or Phase:	\$	<u>0.00</u>	
C. Cumulative Amount of All Previous Alternates or Phases:	\$	<u>666,372.41</u>	
D. Amended Contract Amount:	\$	<u>666,372.41</u>	
E. Cumulative Amount of All Previous Change Orders:	\$	<u>0.00</u>	<u>0.00%</u> (Line E / Line D)
F. Amount of This Change Order:	\$	<u>7,978.86</u>	<u>1.20%</u> (Line F / Line D)
G. Total Contract Amount:	\$	<u>674,351.27</u>	

SIGNATURES

Project Manager:	<u>[Signature]</u>	Date: <u>4/6/09</u>
Reviewed by:	<u>[Signature]</u>	Date: <u>4/7/09</u>
Division Director:	<u>[Signature]</u>	Date: <u>4/6/09</u>



Mayor Jim Newberry

LEXINGTON FAYETTE URBAN COUNTY GOVERNMENT

Division of Engineering

MEMORANDUM

To: Jim Newberry, Mayor
Urban County Council

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

Date: April 14, 2009

Re: Bluegrass Aspendale Collector Street, Phase 2
Land Exchange Agreement

The Division of Engineering recommends that the Urban County Government enter into an agreement with Fleetwood Land Management Services, LLC, to provide for the exchange of small parcels of land near Midland Avenue. This exchange will allow much better alignments of the referenced collector street with Midland Avenue and with Goodloe Street.

Notice to Proceed for this project was issued on September 28, 2007 and the section from Fifth Street to Grinstead Street was completed in December, 2007. In 2008, additional street construction was limited to the section between Grinstead Street and Third Street, due to the time required to acquire and demolish houses along Ann Street and perform utility relocation work. During this period of relative inactivity in the vicinity of Goodloe Street, Public Works personnel entered discussions with representatives of Fleetwood Land Management Services, LLC regarding improvements to the alignments of the collector street and Goodloe Street. The agreement being recommended is the result of those discussions.

Attached are drawings depicting the original alignment in the vicinity of the collector street and Goodloe, and the revised alignment that accompanies the agreement.

Attachments:

MAR:RAB:NT

C: Mike Webb, Bob Bayert

2009.P531.412.GoodloeRealign

HORSE CAPITAL OF THE WORLD

ORIGINAL 41
ALIGNMENT

261-09

WARNOCK STREET

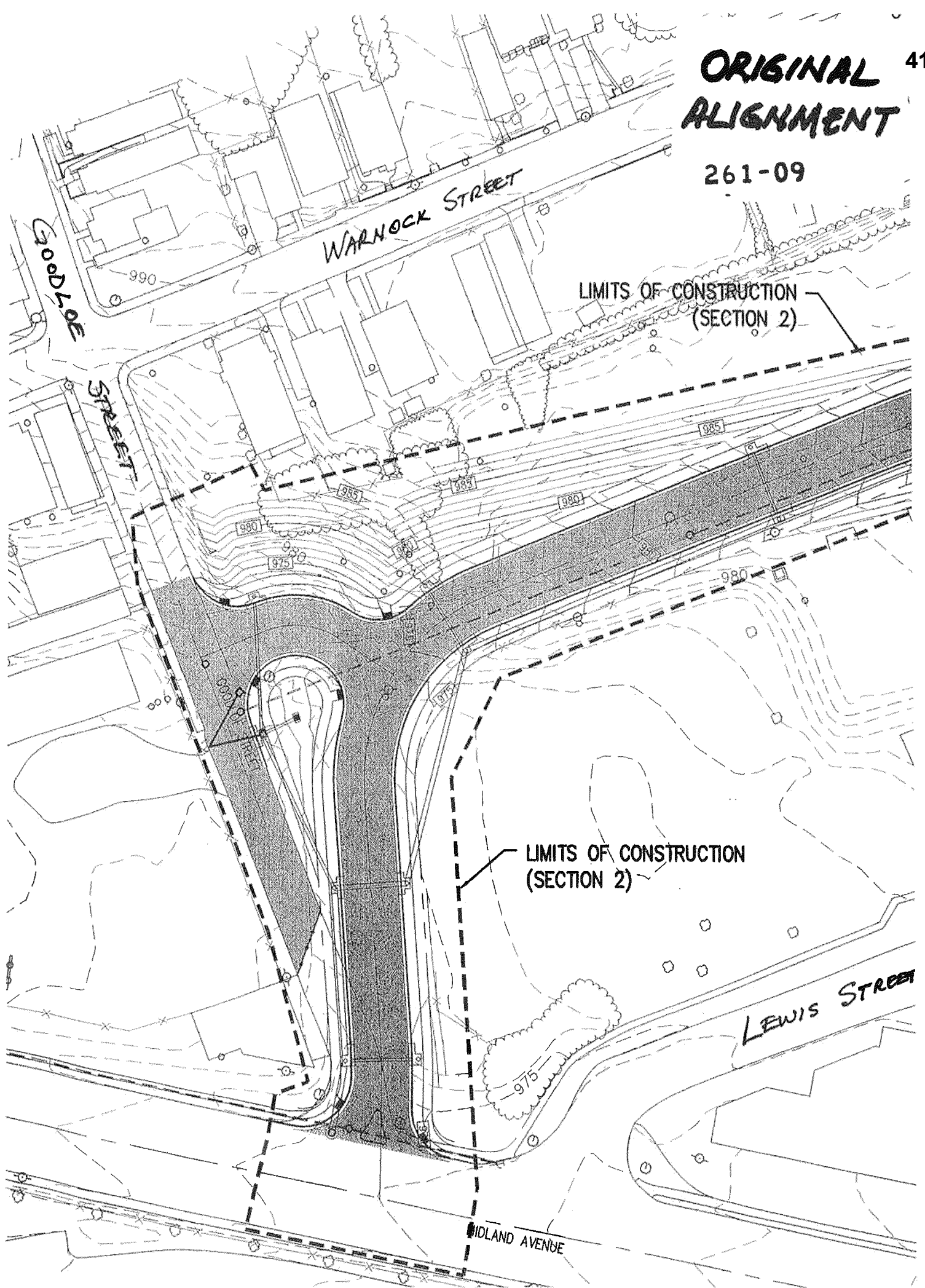
LIMITS OF CONSTRUCTION
(SECTION 2)

Goodloe
Street

LIMITS OF CONSTRUCTION
(SECTION 2)

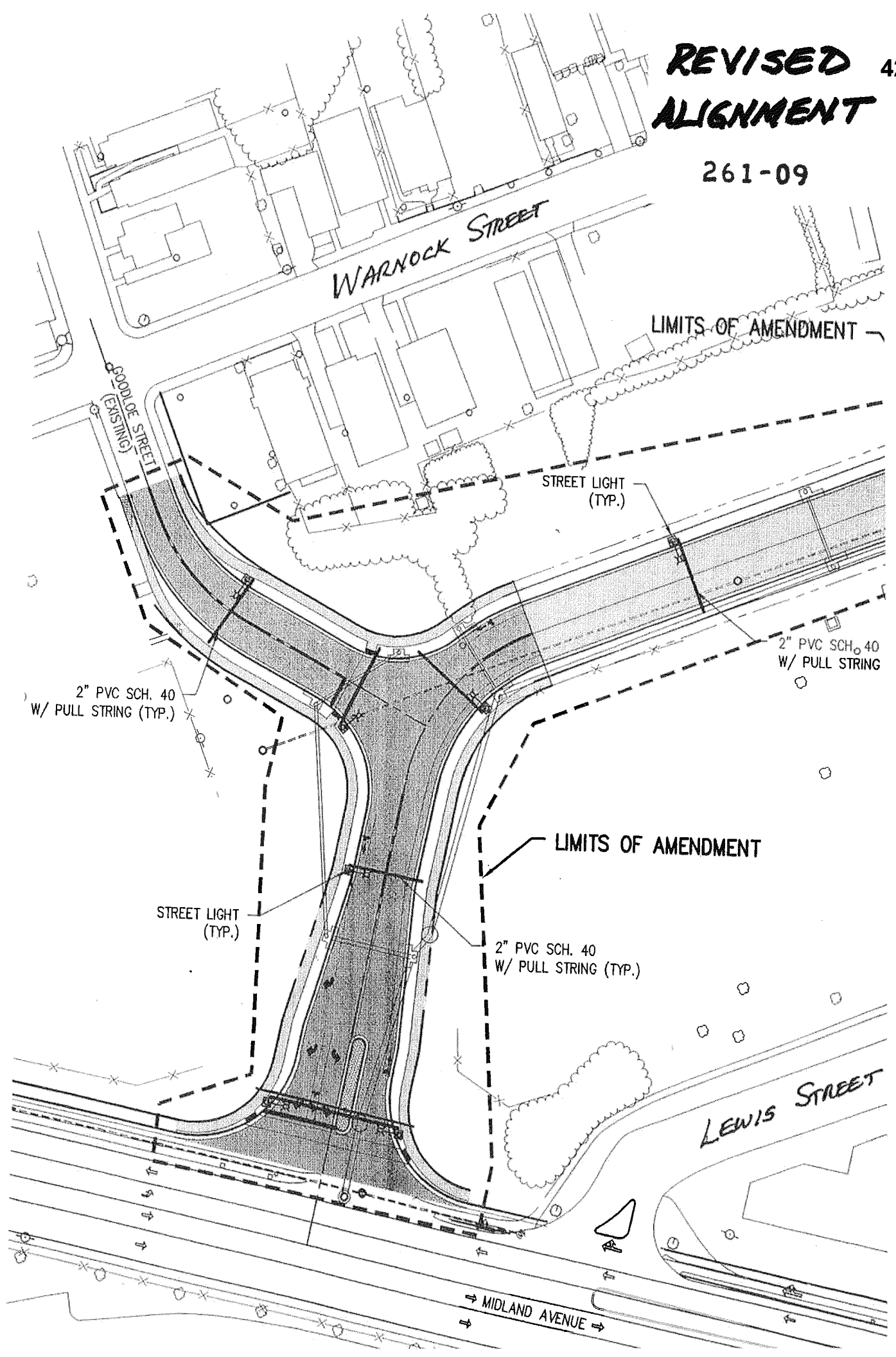
LEWIS STREET

MIDLAND AVENUE



REVISED 42 ALIGNMENT

261-09





254-09

43

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: APRIL 8, 2009

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE
MEMORANDUM OF AGREEMENT WITH KENTUCKY STATE
POLICE FOR REIMBURSEMENT OF LABORATORY SERVICES
UNDER THE COLD CASE SQUAD PROJECT**

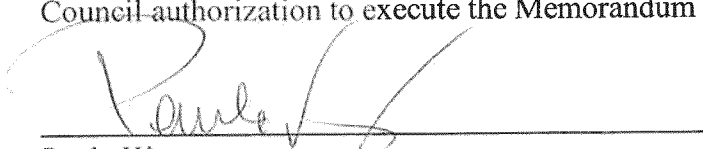
Federal funds for Cold Case Squad were awarded to the LFUCG from the Kentucky Justice and Public Safety Cabinet under the Edward Byrne Memorial Justice Assistance Grant Program. Council approved acceptance of award on July 7, 2005 (Ordinance # 172-2005).

The Division of Police, in order to complete its federally funded activities, has agreed to reimburse the Kentucky State Police for overtime expenditures paid to Kentucky State Police laboratory personnel for conducting forensic examinations relative to Lexington's cold cases in order to improve the turnaround time. The amount of funds available for these services is \$4,000 and are budgeted as follows:

FUND	DID	SECT	ACCOUNT	PROJECT	BUD REF	ACTIVITY
3140	505506	5561	71299	COLD CASE SQUAD	2006	DEFAULT

In accordance with LFUCG procurement regulations, these funds have been encumbered. Kentucky State Police has requested the MOA.

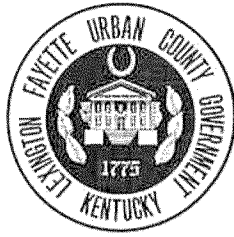
Council authorization to execute the Memorandum of Agreement is hereby requested.


Paula King
Director

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

HORSE CAPITAL OF THE WORLD

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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: APRIL 9, 2009

**SUBJECT: AUTHORIZATION TO EXECUTE AGREEMENT WITH THE KENTUCKY
OFFICE OF HOMELAND SECURITY FOR EXTENSION OF THE
METROPOLITAN MEDICAL RESPONSE SYSTEM PROJECT**

On October 4, 2007 (Ordinance # 226-2007), the Urban County Council approved acceptance of award from the Kentucky Office of Homeland Security of federal funds in the amount of \$220,713.50 for continuation of the Metropolitan Medical Response System (MMRS). This program provides funding and support to jurisdictions to develop plans, conduct training and exercises, and to acquire pharmaceuticals and equipment to achieve the capability necessary to respond to a mass casualty event. One of the MMRS program's priorities is to assist with the integration of first responder, medical treatment, public health and emergency management components of a community. These are federal funds that originate from the Federal Emergency Management Agency in the U.S. Department of Homeland Security. This project's expiration date was October 31, 2007.

Amendment to extend agreement through June 30, 2008, was approved by Council on December 6, 2007 (Resolution No. 637-2007).

Amendment to extend agreement through March 31, 2009, was approved by Council on June 12, 2008 (Resolution No. 320-2008).

The Kentucky Department of Homeland Security has now offered a modification to the agreement providing for an expiration date of June 30, 2009. No other changes are proposed.

Council authorization to execute agreement with the Kentucky Office of Homeland Security for extension of the Metropolitan Medical Response System (MMRS) project is hereby requested.

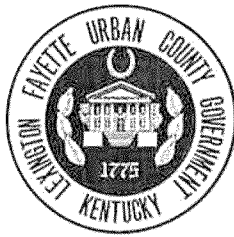
Paula King
Director

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

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256-09

45

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: APRIL 9, 2009

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE
AGREEMENT WITH A-T SOLUTIONS, INC. FOR TRAINING OF
FBI CERTIFIED BOMB SQUADS IN KENTUCKY FOR DIVISION
OF POLICE—RFP 48-2008**

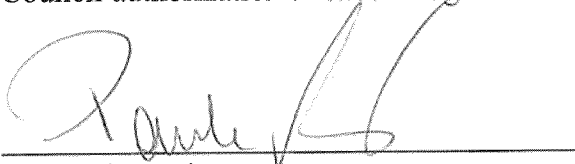
On December 4, 2008 (Ordinance # 260-2008), Council approved acceptance of federal funds in the amount of \$435,000 from the Kentucky Office of Homeland Security for IED Training for FBI Certified Bomb Squads in Lexington, Louisville, Owensboro, Paducah and Kentucky State Police.

In response to RFP # 48-2008--Training Courses for Public Safety Bomb Squads, one proposal (A-T Solutions, Inc.) was received. A-T Solutions has agreed to provide the training in threat assessment, IED/WMD (improvised explosive devices/weapons of mass destruction) electronics, and Bomb Squad/SWAT interoperability. Agreement also provides for purchase of two additional Assault Support/hand Entry Kits. Total cost of these services is \$341,215.28.

Funds are budgeted as follows:

FUND	DEPT ID	SECT	ACCOUNT	PROJECT	BUD REF	ACTIVITY
3200	505505	5542	71299	IED_TRAINING	2009	DEFAULT

Council authorization to execute agreement is hereby requested.


Paula King, Director

Xc: Tim Bennett, Commissioner, Department of Public Safety

HORSE CAPITAL OF THE WORLD

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260-09

46

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: APRIL 13, 2009

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE
AGREEMENT WITH THE INOCON GROUP, LLC, FOR
DEVELOPMENT OF A WORLD EQUESTRIAN GAMES
DISASTER/SECURITY PLANNING PROJECT**

On October 23, 2008 (Ordinance No. 228-2008), Council approved the acceptance of an award of federal funds from the Kentucky Office of Homeland Security to support the cost of a contractor to develop an "All Hazards" disaster preparedness plan for the 2010 World Equestrian Games for the Division of Emergency Management/911. On February 26, 2009 (Resolution No. 130-2009), Council approved an extension of this agreement with Kentucky Office of Homeland Security through June 30, 2009.

The Division of Emergency Management/911 with the approval of the Kentucky Office of Homeland Security has selected The Inocon Group, LLC, to develop an All Hazards Incident Specific Emergency Operations Plan. The Contractor has agreed to perform these services for an amount not to exceed \$22,000. Funds are budgeted as follows:

FUND	DEPT ID	SECT	ACCOUNT	BUD REF	PROJECT	ACTIVITY
3200	505204	5271	71299	2009	WEG_PLANNING	DEFAULT

Council authorization to execute the agreement is hereby requested.

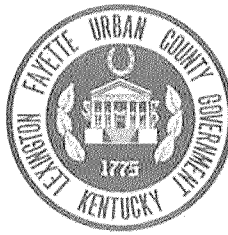
Paula King, Director

Xc: Tim Bennett, Commissioner, Department of Public Safety

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262-09

47

Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Department of Finance and Administration

MEMORANDUM

TO: Mayor Jim Newberry
Urban County Council

FROM: William O'Mara, Acting Commissioner
Department of Finance

DATE: April 6, 2009

SUBJECT: Fiscal Year 2009 Financial Audit

Authorization is requested to engage Mountjoy and Bressler, LLC to conduct a financial audit of all LFUCG funds for fiscal year 2009 for an amount not to exceed \$115,450. The objective of the audit is the expression of opinions as to whether our basic financial documents are fairly presented, in all material respects, in conformity with U.S. Generally Accepted Accounting Principles (GAAP) and to report the fairness of the additional information provided by management. Upon completion, the audit will be presented to Council.

I am available if you have additional questions.

/lyb

HORSE CAPITAL OF THE WORLD

262-09

RESOLUTION NO. 417 -2008

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR, ON BEHALF OF THE URBAN COUNTY GOVERNMENT, TO EXECUTE A LETTER AGREEMENT WITH MOUNTJOY & BRESSLER, LLC, FOR PERFORMANCE OF PROFESSIONAL FINANCIAL AUDITING SERVICES OF ALL FY 2008 URBAN COUNTY GOVERNMENT FUNDS, AT A COST NOT TO EXCEED \$115,450.00.

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

Section 1 - That the Mayor, on behalf of the Lexington-Fayette Urban County Government, be and hereby is authorized and directed to execute the Letter Agreement, which is attached hereto and incorporated herein by reference, with Mountjoy & Bressler, LLC, for performance of professional financial auditing services of all FY 2008 Urban County Government funds.

Section 2 - That an amount, not to exceed the sum of \$115,450.00, be and hereby is approved for payment to Mountjoy & Bressler, LLC, from accounts #1101-202101-71200 (\$45,080.00), #1115-202101-71200 (\$8,640.00), #4002-202101-71200 (\$36,380.00), #4121-202101-71200 (\$3,700.00), #4022-202101-71200 (\$18,610.00), #4161-202101-71200 (\$2,770.00), and #1181-202101-71200 (\$270.00), pursuant to the terms of the Letter Agreement.

Section 3 - That this Resolution shall become effective on the date of its passage.

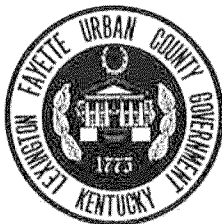
PASSED URBAN COUNTY COUNCIL: July 31, 2008


MAYOR

ATTEST:


CLERK OF URBAN COUNTY COUNCIL

PUBLISHED: July 10, 2008-lt



263-09

Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

William O'Mara
Acting Commissioner

MEMORANDUM

TO: Mayor Jim Newberry
Urban County Councilmembers

FROM: William O'Mara, Acting Commissioner
Department of Finance & Administration

DATE: April 14, 2009

SUBJECT: Eastern State Hospital

Attached for your review is a Memorandum of Understanding (MOU) between Lexington Fayette Urban County Government and the Finance and Administration Cabinet and the Cabinet for Health and Family Services of the Commonwealth of Kentucky regarding the financing of a new state mental health facility in Fayette County.

The MOU sets in motion a series of financing instruments including the possible issuance of LFUCG bonds fully supported by lease payments from the state to provide permanent financing for the project. The process will be in three phases:

Phase I - LFUCG issues a 13 month note for \$8,000,000 to cover design and preliminary costs associated with the project. All issuance cost and interest are capitalized. No costs will be incurred by LFUCG.

Phase II - LFUCG issues a 13 month note for approximately \$70,000,000 which will be used to retire the first note and construction costs associated with the project. All issuance and interest are capitalized. No costs will be incurred by LFUCG.

Phase III - Upon occupancy of the new facility, the state will enter into a lease agreement with LFUCG sufficient to pay principal and interest on a Lease Revenue Obligation Bond issued by LFUCG for the total cost of the project, including all issuance and interest costs, or issue its own Lease Revenue Bonds for permanent financing of the project.

The 2008 Kentucky Legislature passed House Bill 406 authorizing the financing agreement with LFUCG and the construction of the new facility. This is a coordinated effort between the Commonwealth of Kentucky, University of Kentucky, Kentucky Community and Technical College System, and LFUCG. The project will allow the state to build a new mental health facility, located in Lexington, and the vision for a new KCTCS campus in Lexington.

Approval of the Memorandum of Understanding is requested to enable the project to move forward expeditiously.

wo/lyb

Attachment

MEMORANDUM OF UNDERSTANDING

This **MEMORANDUM OF UNDERSTANDING** (the "Memorandum") is made by and among the **FINANCE AND ADMINISTRATION CABINET** (the "FAC") of the Commonwealth of Kentucky (the "State"), the **CABINET FOR HEALTH AND FAMILY SERVICES** ("CHFS") of the State and the **LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT** (the "Lexington-Fayette Urban County Government") to memorialize their understandings and intentions regarding the financing of the design and construction of a new state mental health facility to replace Eastern State Hospital (the "Project").

WHEREAS, House Bill 406, adopted by the General Assembly on April 2, 2008, signed by the Governor on April 18, 2008 and currently in effect (the "Budget Bill"), authorized FAC and CHFS to enter into an agreement with the Lexington-Fayette Urban County Government or its public properties corporation to provide for the financing of the Project;

WHEREAS, the Project will be owned by the State and operated by CHFS and located within the boundaries of Lexington, Fayette County, Kentucky;

WHEREAS, the Lexington-Fayette Urban County Government is willing to issue obligations (the "Obligations") in an aggregate principal amount not to exceed \$140,000,000 (including capitalized interest and the other expenses necessary to finance the Obligations), from time to time in one or more series, to provide for the financing of the Project;

WHEREAS, FAC, CHFS and the Lexington-Fayette Urban County Government intend to coordinate their efforts to provide for the Project in the most cost effective manner;

WHEREAS, the parties are entering into this Memorandum in order to memorialize their intentions and agreements with respect to the financing of the Project;

NOW, THEREFORE FAC, CHFS and the Lexington-Fayette Urban County Government mutually agree as follows:

I. FINANCING PROVISIONS

A. Authorization.

FAC, CHFS and the Lexington-Fayette Urban County Government understand and agree that the Project is authorized in the current Budget Bill (see relevant excerpt attached as *Exhibit A* hereto) and the funding to repay the Obligations will be requested by CHFS in its biennial budget request for inclusion in the Executive Branch 2010-2012 Budget for consideration by the 2010 General Assembly of the State.

B. Estimated Project Costs.

The current Budget Bill authorizes Project costs of \$129,005,000, excluding capitalized interest and other expenses necessary to finance the Obligations.

The Lexington-Fayette Urban County Government anticipates the issuance of the Obligations in an aggregate principal amount not to exceed \$140,000,000 (including capitalized interest and the other expenses necessary to finance the Obligations), from time to time in one or more series, to provide for the financing of the Project.

C. Proposed Structure.

FAC and CHFS hereby consent to the issuance of the Obligations by the Lexington-Fayette Urban County Government and the application of the proceeds of such Obligations for the purpose of financing all or a portion of the Project. The use of the proceeds of the Obligations will be administered by a paying agent/trustee on behalf of the Lexington-Fayette Urban County Government. FAC and CHFS will submit requisitions to the Lexington-Fayette Urban County Government and to such paying agent/trustee in order to pay the costs of the Project from the proceeds of the Obligations.

The Lexington-Fayette Urban County Government shall have no financial responsibility for any costs and expenses related to the Obligations issued to finance the Project. All such costs and expenses shall be paid from the proceeds of such Obligations. In any event, the Lexington-Fayette Urban County Government shall be reimbursed in full by FAC and/or CHFS for any amounts paid by the Lexington-Fayette Urban County Government with respect to the Obligations.

The financing is anticipated to consist of three phases.

1. *Phase I* – The Lexington-Fayette Urban County Government (or its public properties corporation) currently anticipates issuing Obligations in the form of general obligation bond anticipation notes in the approximate amount of \$9,000,000 in calendar year 2009 (or some other type of Obligation to be issued through its public properties corporation) (the "2009 Obligations") for design and other preliminary costs associated with the Project.

The 2009 Obligations will be issued by the Lexington-Fayette Urban County Government (or its public properties corporation) via competitive bid in a manner determined and authorized by the Lexington-Fayette Urban County Government. The 2009 Obligations shall mature in approximately 397 days or as otherwise extended pursuant to the terms of the purchase contract with respect to such 2009 Obligations. The interest rates shall be market rates as of the date of sale of such 2009 Obligations.

FAC, CHFS and the Lexington-Fayette Urban County Government agree that all costs associated with the 2009 Obligations, including payment of principal and interest, will be provided for as follows: (i) interest on the 2009 Obligations may be capitalized and (ii) at maturity, the principal amount of the 2009 Obligations will be either: (a) refunded by (1) additional Obligations to be issued by the Lexington-Fayette Urban County Government or its public properties corporation or (2) obligations to be issued by FAC through the State Property and Buildings Commission ("SPBC"); or (b) paid in full by FAC and/or CHFS.

2. *Phase II* - The Lexington-Fayette Urban County Government (or its public properties corporation) currently anticipates issuing Obligations in the form of general obligation bond anticipation notes in the approximate amount of \$70,000,000 in calendar year 2010 (or some other type of Obligation to be issued through its public properties corporation) (the "2010 Obligations" and collectively with the 2009 Obligations and any other Obligations issued in the form of general obligation bond anticipation notes, the "Note Obligations") for the construction of the Project.

The 2010 Obligations will be issued by the Lexington-Fayette Urban County Government (or its public properties corporation) via competitive bid in a manner determined and authorized by the Lexington-Fayette Urban County Government. The 2010 Obligations shall mature in approximately 397 days or as or as otherwise extended pursuant to the terms of the purchase contract with respect to such 2010 Obligations. The interest rates shall be market rates as of the date of sale of such 2010 Obligations.

FAC, CHFS and the Lexington-Fayette Urban County Government agree that all costs associated with the 2010 Obligations, including payment of principal and interest, will be provided for as follows: (i) interest on the 2010 Obligations may be capitalized and (ii) at maturity, the principal amount of the 2010 Obligations will be either: (a) refunded by (1) additional Obligations to be issued by the Lexington-Fayette Urban County Government or its public properties corporation or (2) obligations to be issued by FAC through the State Property and Buildings Commission ("SPBC"); or (b) paid in full by FAC and/or CHFS.

Phase III – Upon the completion and occupancy of the Project by CHFS, FAC, CHFS and the Lexington-Fayette Urban County Government will enter into a ground lease with respect to the lease of the real property and a lease agreement (the "Lease Agreement"), providing for lease rental payments (the "Lease Payments") to be made by CHFS to the Lexington-Fayette Urban County Government, subject to biennial appropriation, in amounts sufficient to pay the principal and interest when due until maturity on Obligations anticipated to be issued by the Lexington-Fayette Urban County Government (or its public properties corporation) in the form of revenue obligations (the "Lease Revenue Obligations") in the approximate amount not to exceed \$140,000,000 (including capitalized interest and the other expenses necessary to finance the Obligations) in calendar year 2011. The proceeds of the Lease Revenue Obligations will be used to pay the remainder of the Project costs and to refund the Note Obligations. Upon the execution of the Lease Agreement by all parties, this Memorandum shall terminate.

The Lease Revenue Obligations will be issued by the Lexington-Fayette Urban County Government (or its public properties corporation) via competitive bid. The interest rates shall be market rates as of the date of sale of such Lease Revenue Obligations.

The parties agree that alternatively FAC may issue obligations for the permanent financing of the Project through SPBC to pay off all outstanding amounts with respect to the Note Obligations. Upon such an issuance of obligations through SPBC and the

repayment of all outstanding amounts with respect to the Note Obligations, this Memorandum shall terminate.

D. Financing Team.

The Lexington-Fayette Urban County Government has retained under existing contractual arrangements Morgan Keegan & Company, Inc., as financial advisor, and Peck, Shaffer & Williams LLP, as bond counsel, for the financing of the Project.

E. Records.

The Lexington-Fayette Urban County Government agrees it shall require the paying agent/trustee to supply to FAC and CHFS a monthly accounting of all funds maintained with respect to the Project. FAC and/or CHFS may review, at any time, any and all financial documents with respect to the Project.

II. PROJECT

A. Project.

The Project consists of the design and construction of a new state mental health facility to replace Eastern State Hospital to be located at the University of Kentucky's Coldstream Campus on Newtown Pike in Lexington, Fayette County, Kentucky or another site in Fayette County, Kentucky as agreed to by CHFS.

B. Procurement.

FAC on behalf of CHFS shall procure all architectural and construction services related to the Project.

C. General Responsibility for the Project.

Neither the Lexington-Fayette Urban County Government nor its public properties corporation shall be responsible for any part of the design, construction, operation or maintenance of the Project.

D. Operation of the Project.

CHFS shall pay all operating costs of the Project, including lighting, heating and air conditioning, electricity and other utilities, janitorial service, rent, property insurance, and necessary maintenance, repair, and upkeep of the Project. In addition, CHFS shall be responsible for obtaining all necessary governmental approvals, licenses, permits and consents and compliance with all zoning laws and any other legal requirements.

III. TERM OF MEMORANDUM.

This Memorandum shall be effective on the ____ day of _____, 2009 (the "Effective Date"). This Memorandum will remain in full force and effect from the Effective

Date until such time as it is terminated by any party upon ten (10) days' written notice to the other parties hereto. Notwithstanding the foregoing, it is agreed that this Memorandum may not be terminated by any party during a period when any Obligations issued pursuant to the terms hereof remain outstanding unless the parties hereto mutually agree in writing to the terms of such termination.

This Memorandum shall terminate by its terms when (i) all outstanding amounts with respect to the Obligations have been paid in full and the Obligations are no longer outstanding; or (ii) the parties hereto have entered into a Lease Agreement providing for the payment by CHFS of Lease Payments to the Lexington-Fayette Urban County Government, subject to biennial appropriation, in amounts sufficient to pay the principal and interest when due until maturity on the Lease Revenue Obligations anticipated to be issued by the Lexington-Fayette Urban County Government.

IV. APPLICABLE LAW.

All questions as to the execution, validity, interpretation, construction and performance of this Memorandum shall be governed by the laws of the Commonwealth of Kentucky. Furthermore, FAC, CHFS and the Lexington-Fayette Urban County Government agree that any legal action which is brought on the basis of this Memorandum shall be filed in the Fayette County Circuit Court of the Commonwealth of Kentucky or the Franklin County Circuit Court of the Commonwealth of Kentucky.

V. AMENDMENTS.

This Memorandum may be amended by the parties as may be necessary. Any such amendment must be made in writing and agreed to by each party.



264-09

55

Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Department of Law

TO: Jim Newberry, Mayor
Urban County Council

FROM: Department of Law

DATE: April 16, 2009

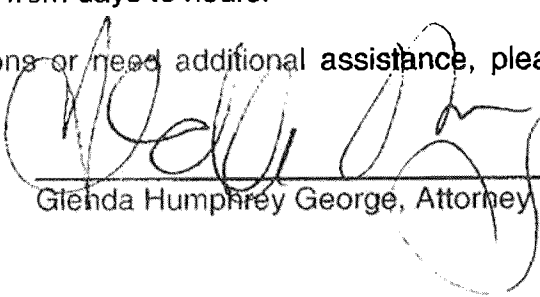
RE: Amendments to Leave Ordinances

As part of the Peoplesoft implementation, Council authorization is requested to amend Sections 21-33 (vacation leave) and 21-34 (sick leave) of the Code of Ordinances to allow employees to use their vacation and sick leave in any increment.

Additionally, the Division of Human Resources is requesting the following changes:

1. Sections 21-33, 21-37.1 (compensatory time) and 21-38 (holiday time) are being amended to allow employees to use this time without prior written approval from a supervisor. Employees may call their supervisor prior to the start of the shift and receive verbal approval to use leave time.
2. Section 21-33(f) and Section 21-34(f) are being deleted because Peoplesoft will track leave time.
3. Section 21-33(a), 21-34(a), and 21-38(b)(2) are being amended to change the leave time accruals from days to hours.

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


Glenda Humphrey George, Attorney Sr.

HORSE CAPITAL OF THE WORLD

****P.O. Box 34028**

Lexington, KY 40588

(859) 258-3500

Fax:(859) 258-3538

www.lfucg.com

****Please note new mailing address**



265 -09

56

Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Department of Law

TO: Jim Newberry, Mayor
Urban County Council

FROM: Department of Law

DATE: April 16, 2009

RE: Letter of Intent with UK for operation of Family Care Center Health Clinic

This is a request for approval of a Letter of Intent with UK under which the parties will negotiate agreements for UK to operate the Health Clinic effective July 1. Council must approve the negotiated agreements which will be presented at the end of May or early June.

Mark Birdwhistell will be available to answer any questions at Work Session.

Logan B. Askew
Commissioner, Department of Law

X:\Cases\LA\09-LE0029\MEMO\00207937.DOC

HORSE CAPITAL OF THE WORLD

**P.O. Box 34028

Lexington, KY 40588

(859) 258-3500

Fax:(859) 258-3538

www.lfucg.com

****Please note new mailing address**

RESOLUTION NO. _____ - 2009

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR, ON BEHALF OF THE URBAN COUNTY GOVERNMENT, TO EXECUTE A LETTER OF INTENT WITH THE UNIVERSITY OF KENTUCKY PERTAINING TO THE OPERATION OF THE FAMILY CARE CENTER HEALTH CLINIC LOCATED AT 1135 RED MILE ROAD TO THE UNIVERSITY OF KENTUCKY, EFFECTIVE JULY 1, 2009.

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

Section 1 - That the Mayor, on behalf of the Lexington-Fayette Urban County Government, be and hereby is authorized and directed to execute a Letter of Intent with the University of Kentucky, which is attached hereto and incorporated herein by reference, pertaining to the operation of the Family Care Center Health Clinic located at 1135 Red Mile Road to the University of Kentucky, effective July 1, 2009.

Section 2 - That this Resolution shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

PUBLISHED:

URBAN COUNTY COUNCIL
Inter-Governmental Committee

April 14, 2009

CM James called the meeting to order at 1:00 P.M. All committee members were present. CM Stinnett attended as a non voting member.

I. Construction Apprenticeship Program- James

There were several people representing the building and construction industry who signed up to speak in opposition of the proposed construction apprenticeship program ordinance. Richard Vincent with a commercial construction association stressed opposition saying apprenticeship training programs should be volunteer and is opposed to government intervention. He also mentioned several other trade organizations that were also opposed. Each spoke about disadvantages the ordinance would put on small business and that local builders/contractors do not support 3% bid preference. This could not be leveraged into a competitive bid process. John Weddle, Attorney for a group of local builders talked about 25% provision in the ordinance, saying the majority of the labor force comes from outlying areas and do not live in Fayette Co. . He said these types of programs should not be legislated since it allows preference to businesses that participate.

Larry Hujo, an independent contractor and Jefferson County school board member also spoke to the committee about benefits of adopting this ordinance. He spoke in favor of maintaining training programs, referring to the federal government's recent stimulus bill and it's stance on apprenticeship training. He said this program certifies training has taken place and the community as a whole benefits over the long term. He said it would help to grow a home based workforce.

Myers asked each speaker for specifics on how the ordinance would either benefit or pose a disadvantage to the local construction industry or its workers and how it might effect doing business in other states.

Crosbie asked if anyone from the administration had a comment on the construction apprenticeship program. Brian Marcum, Director of Purchasing was on hand to say he could not comment for the Mayor's Office, but in his experience it would somewhat limit the bid environment.

Motion by Crosbie to disapprove of the proposed construction apprenticeship program ordinance, seconded by Myers, passed without dissent.

2. Oath for Commissions/Boards- Beard

CM Beard told the committee work on oaths for boards and commissions was still on-going. He and CM Feigel were working on details and should have something to present to the committee in a few weeks.

CM Myers made a recommendation to combine both oaths and a similar issue he is working on with the law department. CM Beard asked about legislation behind Myers recommendation and was not in favor of extending the progress of creating oaths for boards and commissions.

Logan Askew said the matter Myers is referring to should be handled separately and not combined as one issue. It is the ethics act financial disclosure committee.

CM James asked the committee for volunteers to serve either with CM Beard and Feigel on the oath committee or CM Myers who chairs the financial disclosure committee.

3. Grievance Procedures - James

CM referred to an email from Logan Askew related to issues surrounding the grievance process. She also talked about some ideas on how to proceed. She referred to the recommendations from the Management Audit suggesting a sub committee to look at Human Resources grievance process.

CM Blues said there is a need to identify problems and look only at the process but does not recommend involvement into specific issues.

CM Beard agreed the council does not need to "get in the middle" of individual employees grievance issues.

CM Feigel cautioned this is a very "slippery slope" and agrees if there is a problem it should certainly be looked at but still feels this issue is of an administrative nature and not council. She said the council should be careful to insure looking at this from a policy level only.

Motion by CM Myers to establish a sub committee to deal with how the grievance process works and its effectiveness, seconded by CM Lawless, who also accepted chair of the sub committee.

4. Update on Committee Items

There was a review of pending items referred to the Intergovernmental Committee and there were no changes to the existing list.

Motion to adjourn by Beard, seconded by Blues, meeting adjourned at 2:10 pm