

**URBAN COUNTY COUNCIL  
SCHEDULE OF MEETINGS  
September 21-September 28, 2009**

**Monday, September 21**

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

**Tuesday, September 22**

Greenway Manual Update Meeting.....10:30 am  
Conference Room-5<sup>th</sup> Floor Government Center

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

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

Work Session.....3:00 pm  
Council Chambers-2<sup>nd</sup> Floor Government Center

Mayor's Youth Council.....5:30 pm  
Conference Room-5<sup>th</sup> Floor Government Center

**Wednesday, September 23**

MPO-Transportation Policy Committee Meeting.....1:30 pm  
Council Chambers-2<sup>nd</sup> Floor Government Center

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

**Thursday, September 24**

No Meetings

**Friday, September 25**

Mayor's Bicycle Task Force Meeting.....11:30 am  
Conference Room-5<sup>th</sup> Floor Government Center

**Monday, September 28**

No Meetings

**LEXINGTON-FAYETTE URBAN COUNTY COUNCIL**

**WORK SESSION AGENDA**

**September 22, 2009**

- I. Public Comment – Issues on Agenda**
- II. Requested Rezoning / Docket Approval – None**
- III. Approval of Summary-Yes, September 1 & 15, 2009, pp.5-16**
- IV. Budget Amendments – None**
- V. New Business, pp.18-32**
- VI. Continuing Business / Presentations**
  - A. Inter Governmental Committee, pp.33-37**
  - B. Inversion Process, Mr. Bill O'Mara,  
Commissioner of Finance & Administration**
  - C. Introduction of Florida Tile, Inc. by Commerce  
Lexington**
  - D. LexTran Update  
Mr. Rocky Burke, General Manager  
Transit Authority of LFUCG and Lexington**
- VII. Council Report**
- VIII. Mayor's Report – None**
- IX. Public Comment – Issues Not on Agenda**

## ADMINISTRATIVE SYNOPSIS

### New Business Items

- A. Authorization of a Revised Group Sales Agreement with Hyatt Regency Lexington on Behalf of the Department of General Services, Division of Parks and Recreation for the 2010 Bluegrass Invitation Wheelchair Tournament. (561-09) (Hancock/Cole)  
This request will authorize a Revised Group Sales Agreement in the amount of \$1,700 with Hyatt Regency Lexington on behalf of the Division of Parks and Recreation for the *2010 Bluegrass Invitation Wheelchair Tournament* to be held February 4 to 6, 2010. Funds will be used for the banquet meal and services. Funds are budgeted.**p.18**
- B. Authorization to Approve an Agreement for T-Mobile USA, Inc. Regarding a Potential Cell Tower Site in Kirklevington Park. (565-09) (Cole)  
This request will approve an Authorization Agreement to allow T-Mobile USA, Inc. access to Kirklevington Park for a potential cell site to conduct preliminary surveys, geotechnical soil borings, boundary surveys, and other tests to determine site feasibility.**p.19**
- C. Authorization to Accept Donation from the Kentucky Division of Emergency Management (KYEM) on Behalf of the Department of Public Safety, Division of Emergency Management / 911. (562-09) (Dugger/Bennett)  
This request will authorize the acceptance of fifty (50) 72-inch backboards, one hundred fifty (150) backboard straps and four (4) EZ UP Eclipse II Heavy Duty Shelter tents, from KYEM through the Chemical Stockpile Emergency Preparedness Program. Once inventoried, items will be transferred to the Division of Fire and Emergency Services. There is no budgetary impact.**p.20**
- D. Authorization to Accept Donation from the Citizen Police Academy Alumni Association (CPAAA) and Bluegrass Crime Stoppers on Behalf of the Department of Public Safety, Division of Police. (563-09) (Bastin/Bennett)  
This request will authorize the acceptance of a Scotsman's ice machine from CPAAA and Bluegrass Crime Stoppers on behalf of the Division of Police, Police Training Center.**pp.21-22**
- E. Authorization of an Agreement with Kentucky Office of Homeland Security for Modification of Scope of Work for the Metropolitan Medical Response System (MMRS) Project. (568-09) (P. King/Bennett)  
This request will authorize an agreement to authorize a modification of scope of work funds in the amount of \$10,000 from Kentucky Office of Homeland Security for a media campaign to prepare the community for the H1N1 flu season. The funds were originally allocated for the

Lexington-Fayette County Health Department, Medical Reserve Corps Program. The Health Department will be responsible for implementing the H1N1 media campaign.**p.23**

- F. Authorization to Accept Greenway Parcels from the Blackford Property Subdivision as a part of the Expansion Area Master Plan. (560-09) (Rayan/Webb)  
This request will authorize the acceptance of parcel dedication for greenway parcels located at 3136, 3332, 3333 Scottish Trace, 3052 Blackford Parkway, 3141 Cherry Meadow Path, and 2244 and 2245 Barrington Lane as identified in the development plats and as part of the Expansion Area Master Plan. There is no budgetary impact for LFUCG.**p.24**
- G. Authorization to Accept a Deed of Right-of-Way and a Temporary Construction Easement at Property Located at 3565 Clays Mill Road for the Clays Mill Road Improvements Project. (567-09) (P. King/Webb)  
This request will authorize the acceptance of a deed of fee simple right-of-way of 2,790 square feet and a temporary construction easement of 323.8 square feet at property located at 3565 Clays Mill Road in the amount of \$27,000 for the Clays Mill Road Improvements Project. This Project is federally funded by Surface Transportation Lexington (SLX) through the Kentucky Transportation Cabinet. Funds are budgeted.**p.25**
- H. Authorization to Submit an Application to the Environmental Protection Agency (EPA) on Behalf of the Department of Environmental Quality for a Brownfield Assessment Grant. (566-09) (P. King/Taylor)  
This request will authorize the submission of an application for federal funds in the amount of \$400,000 to EPA on behalf of the Department of Environmental Quality for a Brownfield Assessment Grant. Funds will be used for consulting services to conduct assessments of underutilized and / or abandoned properties that may contain hazardous substances, pollutants, contaminants, controlled substances, and petroleum or petroleum products. No matching funds are required.**p.26**
- I. Authorization to Approve an Inducement for Florida Tile, Inc. Regarding Occupational License Fee under the Kentucky Economic Development Finance Authority (KEDFA), Kentucky Business Investment (KBI) Program. (569-09) (Wright/Kelly)  
This request will authorize an inducement for Florida Tile, Inc. for 1% occupational license tax abatement to participate in the KBI Program. LFUCG will receive revenue at a rate of 1.25% for a period of 10 years.**pp.27-29**
- J. Authorization to Amend Ordinance No. 377-2006 Regarding Certain Properties in the Gess Property Chilesburg Units 2A, 2B, and 2C. (570-09) (Askew)

This request will authorize an amendment to Ordinance No. 377-2006 to removed from the Partial Urban Services District #3 for LFUCG for the provision of garbage and refuse collection from certain properties on Castlebridge Lane, Gess Property (Chilesburg) Unit 2A and Unit 2B; Durning Road, Gess Property (Chilesburg) Unit 2C; and Thadeus Court, Gess Property (Chilesburg) Unit 2B, and establish and designate these certain properties as General Urban Services District #2 for police and fire protection. This amendment shall be effective January 1, 2010. There are no other changes associated with this amendment.**pp.30-32**

URBAN COUNTY COUNCIL  
WORK SESSION SUMMARY  
& TABLE OF MOTIONS

September 1, 2009

Mayor Newberry chaired today's work session meeting. All Council Members were present.

- I. Public Comment – Issues on Agenda-No
- II. Requested Rezoning / Docket Approval-Yes

A motion by CM Gorton to place on the docket for Thursday, September 3, 2009 a resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Change Order to the contract with Wilbur Smith & Associates for the Urban County Government Wayfinding Program to extend the existing contract for completion of Construction Drawing at a cost not to exceed \$140,742.52 and appropriating funds pursuant to schedule No. 0064, seconded by CM Martin, passed without dissent.

A motion by CM Stinnett to approve the amended docket, seconded by CM McChord, passed without dissent.

- III. Approval of Summary-Yes

A motion by CM Henson to approve the summaries for August 18 and 25, 2009, seconded by CM Myers, passed without dissent.

- IV. Budget Amendments-Yes

A motion by CM Henson to approve an 11<sup>th</sup> District Council Capital Project expenditure, seconded by CM Gorton, passed without dissent.

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

- V. New Business

- A. Authorization of an Amendment to the First-Time Homebuyers Program Agreement with REACH, Inc. (525-09) (P. King/O'Mara)
- B. Authorization to Accept Award from the US Department of Homeland Security, Federal Emergency Management Agency (FEMA) on Behalf of the

Department of Public Safety, Division of Fire and Emergency Services.  
(526-09) (P. King/Bennett)

- C. Authorization of an Additional Software License Agreement with New World Systems® on Behalf of the Department of Public Safety, Division of Police.  
(527-09) (P. King/Bennett)
- D. Authorization to Accept an Award from the Kentucky Justice and Public Safety Cabinet, Kentucky State Police (KSP) for *Ticketing Aggressive Cars and Trucks* (TACT) Program. (530-09) (P. King/Bennett)
- E. Authorization to Submit Application to the Kentucky Department of Military Affairs, Division of Emergency Management (KYEM) on Behalf of the Department of Public Safety, Division of Emergency Management (DEM) / 911 Regarding the Lexington-Fayette County Hazard Mitigation Plan.  
(532-09) (P. King/Bennett)
- F. Authorization of a Memorandum of Understanding (MOU) Support Agreement with the Department of Veterans Affairs (VA) on Behalf of the Department of Public Safety, Division of Police Regarding Jurisdiction on VA Property. (528-09) (Bastin/Bennett)
- G. Authorization to Accept a Cash Donation from Columbia Gas of Kentucky on Behalf of the Department of Public Safety, Division of Fire and Emergency Services. (529-09) (Hendricks/Bennett)
- H. Authorization to Proceed with the Annual Urban Service Legal Process for 2009. (531-09) (Webb)
- I. Authorization of a Modification to Memorandum of Agreement (MOA) for Operations and Maintenance of Traffic Signals and Electrical Traffic Devices on the State Primary Road System with the Kentucky Transportation Cabinet (KYTC) on Behalf of the Department of Public Works and Development, Division of Traffic Engineering. (535-09) (Herrington/Webb)
- J. Authorization of Change Order No. 1 to Contract with Denham-Blythe Company, Inc. Regarding the Lyric Theatre and Cultural Arts Center Renovation and Addition Project. (536-09) (Rabold)
- K. Authorization for Mayor to Sign Future Change Orders, if needed, Regarding Contract with Denham-Blythe Company, Inc. for the Lyric Theatre and Cultural Arts Center Renovation and Addition Project.. (533-09) (Rabold)
- L. Authorization to Amend Section 22-5 of the Code of Ordinances within the Department of Environmental Quality, Division of Water Quality. (534-09) (Allen/Taylor)

A motion by CM Gorton to change the word on item "K" from quarterly to monthly, seconded by CM Beard, passed without dissent.

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

## VI. Continuing Business / Presentations-Yes

### A. Water Resource Oversight Committee Update

This update was given by CM Blues.

### B. Budget & Finance Committee Update

This update was given by Chair CM Stinnett. There was 1 motion to come forward. Some CMs asked questions.

A motion by CM Stinnett directing Commissioner Taylor to pursue a study and analysis of fee based services in waste management, seconded by CM Myers, passed without dissent.

A motion by Lane to correct the Budget & Finance minutes in the 1<sup>st</sup> paragraph on pg. 39 to read "...\$25.545 million." And in the 7<sup>th</sup> paragraph on pg. 39 to read "...price of \$150K", seconded by CM Stinnett, passed without dissent.

### C. River Cities Project

This presentation was given by Dr. Michael Speaks, Dean of the University of Kentucky College of Design. Several CMs asked questions.

### D. Ad Valorem Approval

This presentation was given by Interim Comm. Bill O'Mara. Several CMs asked questions.

A motion by CM Lane to approve the Ad Valorem rates as proposed and include the other taxing districts, seconded by CM Stinnett, passed with a 9-5 vote.

## VII. Council Report

CM Crosbie-Reminded administration that during the Public Safety links, it was requested that Fire submit quarterly updates.

CM Gorton-A motion by CM Gorton to approve the NDF list, seconded b CM



Lawless, passed without dissent.

CM Lawless-A motion by CM Lawless to place on the docket for the Council Meeting of September 3, 2009, a resolution imposing a moratorium on the issuance of building permits for additions on residential structures in excess of 25% of the existing square footage of the structure in residential zones, unless the proposed addition would result in a final structure totaling 1500 square feet or less, within the Urban Service Area for one year or until the Council takes final action on possible amendments to the text of the Zoning Ordinance or map amendments, whichever event occurs first, for the purpose of allowing time to study existing regulations for residential zones and consider amending such regulations or adopting map amendments to protect the character of existing neighborhoods within the boundaries of the Urban Service Area, seconded by CM Gorton, then had a motion to table by CM Lane but that motion failed for lack of second. The vote was tied and the Mayor broke the vote by voting for the moratorium. The motion then passed by an 8-7 vote.

Several CMs spoke to this issue.

A motion by CM Lawless to place on the docket for the September 3, 2009 Council Meeting an ordinance to create Section 5-29.3 of the Code of Ordinances to establish the following additional penalties to be assessed for the failure to obtain a building permit, certificate, or letter pursuant to the following sections of the Code, all effective October 1, 2009: (1) as being additional and equal to the amount of the original relevant fee, but not less than five hundred dollars (\$500.00) for Sections 5-29(1) through (9), (14), and (15), section 5-29.1, section 5-32 and section 5-67 of the Code of Ordinances; and (2) as being additional and equal to the amount of the original relevant fee for Sections 5-29 (10), (11), (12), (13), (16), and (17) of the Code of Ordinances, seconded by CM Henson, passed without dissent.

A motion by CM Lawless to refer the issue of residential additions to the Planning Committee, seconded by CM McChord, passed without dissent.

CM Lawless also asked for an update on the S. Limestone project at next week's work session.

CM McChord-Announced the Copperfield NA meeting on 9/14/09 at 8 pm; thanked Mayor Newberry for announcing that UK Extension will be the presenting sponsor for 2<sup>nd</sup> Sunday and Windstream will be a

community sponsor; sent heartfelt sympathy to LFUCG employee Jimmy Caudill's family for his tragic accident.

CM Henson-A motion by CM Henson to refer to the Planning Committee a review of the permits issued to mobile food vendors to limit operating hours, identify vendor by physical address of operation, and to limit the length of time the vendor may remain in operation at the location, seconded by CM McChord passed without dissent.

CM Martin-Announced that tonight is the last night of the Southland Jamboree; on 9/8/09 at 6:30 pm at the clubhouse, Beaumont NA will meet; Saturdays at 10-2, Farmer's Market on Southland drive; on 9/8/09 Southland Merchants Assoc Board will meet at 8 am at the Bank of the Bluegrass.

CM Feigel-Gave kudos to the city staff and Parks for everything done for Picnic with the Pops-Tom Minter and Penny Ebel; thanked sponsors who gave table decorations-Frankie & Annette's and Spindletop Hall; reported that she and CM James completed training in KY Institute of Econ Dev; on 9/12 at 2-4 pm, Kenwick NA will hold their centennial party; 9/13 at 3 pm Fairway NA ice cream social; on 9/20 Castlewood NA meeting, location to be announced; on 9/27 at 7 pm Kenwick NA will vote on the new park design.

CM James-Announced Roots & Heritage Festival events.

CM Stinnett-Sent condolences to Jimmy Caudill's family; welcomed new business, Hikes, to community; announced Andover Forest NA on 9/8 at 6:30 pm at Crossroad Christian Church; stated there was another sewer line break.

CM Beard-Announced the Lansdowne NA annual picnic on 9/14 at 6-8 pm at the Signature Club; if rain, Frankie & Annette's will be able to accommodate.

#### VIII. Mayor's Report-No

Mayor Newberry thanked Dewey Crowe, Dir. of Building Inspection, and Chris King, Dir. of Planning, for their work on the moratorium; also stated that he received documents today requesting a TIF for the Angliana Ave project.

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

Citizen, Lewis Cobb, spoke.

A motion by CM Stinnett to adjourn, seconded by CM Myers, passed without dissent.

Work session was adjourned at 6:39 pm.

URBAN COUNTY COUNCIL  
WORK SESSION SUMMARY  
& TABLE OF MOTIONS

September 15, 2009

Mayor Newberry chaired today's work session meeting. All Council Members were present, except CMs Myers and Martin.

I. Public Comment – Issues on Agenda-Yes

Several citizens spoke about the South Limestone St Project.

A motion by CM Lawless to approve extending the speaking time of Joe Graviss by 3 minutes, seconded by CM Beard, passed without dissent.

II. Requested Rezoning / Docket Approval-Yes

A motion by CM Blues to place on the docket for Thursday, September 17, 2009 a resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Location Parking Agreement with Fast Track Productions, Inc. for parking at the LFUCG Training Pad for the sum of \$1,500, seconded by CM Crosbie, passed without dissent.

A motion by CM Lane to place on the docket for the September 17, 2009 Council Meeting a resolution ratifying the Dept. of Law's execution, on behalf of the Lexington-Fayette Urban County Government, of a Settlement Agreement and any other necessary settlement documents, in Kentucky Public Service Commission Case No. 2009-00141, pertaining to the rates of Columbia Gas of Kentucky, Inc. was tabled by a motion from CM Gorton and second by CM James; A motion by CM Lane was made to take the PSC Rate motion from the table and place it back on the docket was seconded by CM Feigel. The original motion failed by a 6-7 vote.

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

III. Approval of Summary-No

#### IV. Budget Amendments-Yes

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

#### V. New Business

- A. Authorization to Accept Forest Spring Court into the Public Right-of-Way. (537-09) (Webb)
- B. Authorization to Amend Sections 5-29 and 5-31 of the Code of Ordinances Regarding Permit Fees. (538-09) (Crowe/Webb)
- C. Authorization to Accept Deeds of Permanent Easement from Recorded Property Owners for the Legacy Shared Use Trail Project. (552-09) (Rayan/Webb)
- D. Authorization of an Agreement with the Fayette County Commonwealth Attorney's Office for Provision of the *Fast Track* and the *Major Violator* (Repeat Offender) Prosecution Programs under the Street Sales Drug Enforcement Project – FY2010. (540-09) (P. King/Bennett)
- E. Authorization of an Agreement with the Fayette County Commonwealth Attorney's Office under the Recovery Act Justice Assistance Grant (JAG) Program. (557-09) (P. King/Bennett)
- F. Authorization to Amend Section 22-5 of the Code of Ordinances within the Department of Public Safety, Division of Community Corrections. (543-09) (Allen/Bennett)
- G. Authorization to Amend Section 21-5 of the Code of Ordinances within the Department of Public Safety, Division of Code Enforcement. (544-09) (Allen/Bennett)
- H. Authorization to Amend Section 22-5 of the Code of Ordinances within the Department of Public Safety, Division of Police. (545-09) (Allen/Bennett)
- I. Authorization to Accept a Donation from the Friends of the Mounted Police, Inc. on Behalf of the Department of Public Safety, Division of Police. (553-09) (Bastin/Bennett)
- J. Authorization to Submit Application to the Kentucky Division of Emergency Management (KYEM) on Behalf of the Department of Environmental Quality, Division of Water Quality, under The Department of Homeland Security, (DHS), Federal Emergency Management Agency (FEMA), Hazard Mitigation Grant Program (HMGP). (541-09) (P. King/Taylor)

- K. Authorization to Amend Resolution No. 284-2009 on Behalf of the Department of Environmental Quality, Division of Water Quality, Regarding the Sugar Mill Mitigation Project. (556-09) (P. King/Taylor)
- L. \*Authorization to Renew the Engineering Services Agreement with Tetra Tech, Inc. for Annual Program Environmental Protection Agency (EPA) Consent Decree Implementation for FY2010. (542-09) (Martin/Taylor)
- M. Authorization to Amend Section 21-5 of the Code of Ordinances within the Department of Environmental Quality, Division of Environmental Policy. (548-09) (Allen/Taylor)
- N. Authorization to Amend Section 21-5 of the Code of Ordinances within the Department of Environmental Quality, Division of Waste Management. (549-09) (Allen/Taylor)
- O. Authorization of Change Order No. 2 to Contract with Denham-Blythe Company, Inc. Regarding the Lyric Theatre and Cultural Arts Center Project. (547-09) (Milward/Rabold)
- P. Authorization of a Contract for Outdoor Lighting Service with Kentucky Utilities Company on Behalf of the Office of the Mayor, Division of Special Events – Phase 10. (555-09) (Ebel/Rabold)
- Q. Authorization of an Agreement for Professional Services with Simon and Company, Inc. for 2009 – 2010 Federal Affairs Assistance on Behalf of LFUCG. (558-09) (Sheehy/Rabold)
- R. Authorization to Advertise the Position of Administrative Specialist Senior in the Department of Public Works and Development, Division of Building Inspection, within LFUCG. (551-09) (Allen/O'Mara)
- S. Authorization to Amend Resolution No. 440-2009 on Behalf of the Department of Social Services, Division of Family Services, Regarding the Financial Audit of the Family Care Center Health Clinic by Blue & Company, LLC. (554-09) (Hendrix/ Helm)
- T. Authorization of a Sponsor Agreement for Volunteer Income Tax Assistance (VITA) under the Central Kentucky Empowerment Project (CKEEP) and Civil Rights Assurance with Internal Revenue Service. (559-09) (Helm)

A motion by CM Blues to amend the draft ordinance for Section 5-31 of the Code of Ordinances to not be deleted, seconded by CM Gorton, passed without dissent.

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

A motion by CM Stinnett to go into closed session pursuant to KRS 61.810(1)(c) for the purpose of discussing pending litigation, seconded by CM McChord, passed without dissent.

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

## VI. Continuing Business / Presentations-Yes

### A. Services Committee Report

This report was given by Chair CM Ellinger. There were 2 motions to come forward.

A motion by CM Ellinger to direct the law department to draft an amendment to the ordinance dis-allowing slaughter of livestock, not including fowl within the urban service boundary without a permit, seconded by CM Gorton, passed without dissent.

A motion by CM Ellinger directing the law department to draft an amendment to article 17-6: Permitted Signs In all Zones changing wording: from and to or, seconded by CM McChord had a friendly amendment added regarding neighborhood signs: shall not exceed ten (10) signs and change not more than ten (10) prior to seven (7) days prior, had another friendly amendment added: two (2) business days instead of five (5) days of the event, passed without dissent.

### B. South Limestone Construction Update

This update was given by George Milligan, Project Manager and Comm. Mike Webb. Some CMs asked questions.

## VII. Council Report

CM James-Asked Code Enforcement Director David Jarvis to come forward to give an update on the building that collapsed on Race St;

A motion by CM James to approve the NDF list, seconded by CM Ellinger passed without dissent.

CM Stinnett-Announced the Eastland Parkway NA meeting on 9/22 at 6:30 pm; asked for a clarification in HR process for applying for positions-is it online, paper, or either-the answer was given that it should be either.

CM Blues-Announced several neighborhood association meetings: tonight at 7 pm-Western Suburb; tomorrow night at 6 pm-Woodward Heights picnic;

on 9/17 at 7 pm-Speigle Heights; on 9/19 at 10 am at 642 W Main St-highway marker dedication; on 9/17 at 2 pm-Highlands picnic; and on 9/21 at 6:30 pm-Winburn meeting.

A motion by CM Blues to approve having a confirmation hearing on 10/1/09 at 6 pm for the Commissioner of Finance nominee seconded by CM Ellinger, passed without dissent.

CM Ellinger-Congratulated CM McChord on his participation in a marathon over the weekend; announced the Juvenile Diabetes walk on 9/18/09; also announced that next Saturday at 5:30 pm there will be a Fall Fling at McConnell's Springs.

CM Feigel-Stated that there is still a difficult issue in the Chevy Chase area because of the parking issue; former CM Bill Farmer spoke on this issue.

A motion by CM Feigel to place the Chevy Chase parking issue into the Services Committee and have administration speak with the Parking Authority about delaying the removal of the old meters, seconded by VM Gray, passed without dissent.

CM Lawless-Announced the Elizabeth St NA meeting tonight at 7pm; mentioned the Gallery Hop on this Friday night; announced that merchants on S. Limestone will be having festivities there this weekend; spoke about the tragic murder this past weekend in the district-to promote healing, there will be a block party on S Walton at 6:30-8:30 pm on this Thursday.

#### VIII. Mayor's Report-Yes

Mayor Newberry gave a follow up to the Gallery Hop that was mentioned by CM Lawless; announced that there will be a neighborhood summit on 9/24/09 at 6:30-9 pm in Council Chambers-to prepare for H1N1; Joe Kelly gave update on TIFs.

A motion by CM Blues to approve the Mayor's Report, seconded by CM Ellinger was never voted on.

A motion by CM McChord to hear the Angliana Ave TIF at a COW, seconded by CM Lane, passed by a 7-1 vote.

A motion by CM Lawless to approve from this day forward anyone applying for a TIF be made aware up front what the costs to the developer would be for applying for the TIF and the consultant fee and they would be expected to pay for it, seconded by CM Lane, passed without dissent.



A motion by CM James to substitute a motion for CM Lawless' motion to discuss this fee at the Special COW meeting to be had, seconded by CM Feigel, passed by a 7-1 vote.

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

A motion by CM Stinnett to adjourn, seconded by CM McChord passed without dissent.

Work session was adjourned at 6:40 pm.

**Budget Information For New Business Items**  
**September 22, 2009 Work Session**

**17**

| <b>Item</b> | <b>Number</b> | <b>Amount</b> | <b>Fund</b> | <b>Name / Description</b>               |
|-------------|---------------|---------------|-------------|---|
| A           | 561-09        | 2,700         | 1101        | General Service District – General Fund |
| B           | 565-09        | NA            |             |   |
| C           | 562-09        | NA            |             |   |
| D           | 563-09        | NA            |             |   |
| E           | 568-09        | NA            |             |   |
| F           | 560-09        | NA            |             |   |
| G           | 567-09        | 27,000        | 3160        | US Department of Transportation         |
| H           | 566-09        | NA            |             |   |
| I           | 569-09        | NA            |             |   |
| J           | 570-09        |               |             |   |



561-09

18

Lexington-Fayette Urban County Government  
DEPARTMENT OF GENERAL SERVICES

Jim Newberry  
Mayor

Kimra Cole  
Commissioner

RECEIVED

SEP - 9 2009

GENERAL SERVICES  
COMMISSIONER'S OFFICE

**MEMORANDUM**

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

FROM:   
Jerry Hancock

RE: Group Sales Agreement

DATE: September 4, 2009

This is a request for Council approval of a facility agreement between the Hyatt Regency Lexington and the LFUCG Parks and Recreation.

The facility usage agreement provides for a block reservation for 90 sleeping rooms for use during the Bluegrass Invitational Wheelchair Basketball Tournament participants and guests during the 2009 Bluegrass Invitational Wheelchair Tournament. The official Tournament dates are from February 4, 2010 until February 6, 2009. This agreement includes one complimentary suite to be used as the tournament headquarters.

Discounted room rates are paid by the participants and their guests and create no financial impact to the Lexington Fayette Urban County Government. Financial Impact is for Food and Banquet Services.

Please contact me if there are any questions.



565-09

19

Lexington-Fayette Urban County Government  
DEPARTMENT OF GENERAL SERVICES

Jim Newberry  
Mayor

Kimra Cole  
Commissioner

To: Mayor Jim Newberry  
Urban County Council

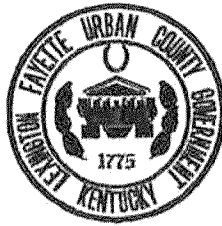
From: Kimra Cole  
Commissioner of General Services

Date: September 14, 2009

Re: Authorization for Access to Kirklevington Park

This resolution would allow the Mayor to enter into an agreement with T-Mobile USA, Inc., a Delaware Corporation, to grant access to Kirklevington Park, located at 396 Redding Road, for preliminary work on a potential cell tower site. T-Mobile must conduct preliminary surveys, geotechnical soil borings, boundary surveys and further tests to determine feasibility. There is no cost to Lexington-Fayette Urban County Government.

Please contact me or Mike Sanner, in the Department of Law, should you have any questions related to this agreement.



562-09

20

Lexington-Fayette Urban County Government  
DEPARTMENT OF PUBLIC SAFETY

Jim Newberry  
Mayor

Tim Bennett  
Commissioner

# MEMORANDUM

**TO:** Jim Newberry, Mayor  
Council Members

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

**RE:** Transfer of Assets

**DATE:** September 3, 2009

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

DEM has received the following items from Kentucky's Division of Emergency Management:

- 50 – 72" long backboards. Total cost of \$6811.
- 150 backboard straps. Total cost of \$3000.
- 4 EZ UP Eclipse II Heavy Duty Shelter tents. Total cost of \$3677.20.

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



## LEXINGTON DIVISION OF POLICE

563-09

21

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

**TO:** Mayor Jim Newberry  
Urban County Council

**FROM:** Chief Ronnie Bastin  
Division of Police

**DATE:** September 10, 2009

**RE:** CPAAA & Bluegrass Crime Stoppers Donation

Please find attached a blue sheet requesting approval for the Lexington Division of Police, Bureau of Professional Standards, Training Section, to accept a Scotsman's Ice Machine donated by the Citizen's Police Academy Alumni Association (CPAAA) and the Bluegrass Crime Stoppers. The listed item will be utilized at the Police Training Center. Total value of item is \$1,844.00.

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

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

Ronnie Bastin  
Chief of Police

RB/rmh

cc: Tim Bennett, Commissioner of Public Safety

# Lexington Citizen Police Academy Alumni Association

September 3, 2009

Chief Ronnie Bastin  
150 East Main Street  
Lexington, KY 40507

Dear Chief Bastin,

The Citizen Police Academy Alumni Association has a history of serving as a bridge between the Lexington Division of Police and the Lexington community. It has been an honor for our small volunteer organization to support varied and impactful efforts taken on by you and your department to safeguard the citizens of this city.

It is with this in mind that the Citizen Police Academy Alumni Association and Bluegrass Crime Stoppers would like to donate funds to the Lexington Division of Police Training Center on Old Frankfort. The intended donation is:

1. Scotsman's Ice Machine value of \$1844.00

It is truly a pleasure to support the Lexington Division of Police in this meaningful, measureable way. If you have any questions or concerns, please contact me at 859-494-0262.

*Mike Holland (HW)*  
Mike Holland  
CPAAA President





568-09

23

Lexington-Fayette Urban County Government  
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry  
Mayor

William O'Mara  
Acting Commissioner

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

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

**DATE: SEPTEMBER 15, 2009**

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

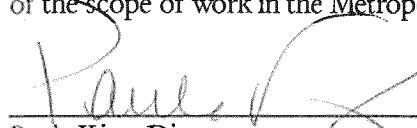
On March 6, 2008 (Ordinance # 51-2008), the Urban County Council approved acceptance of award from the Kentucky Office of Homeland Security of federal funds in the amount of \$245,238 for continuation of the Metropolitan Medical Response System (MMRS). This program provides funding and support to jurisdictions 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 June 30, 2008.

On July 8, 2008 (Resolution No. 455-2008), Council authorized execution of a modification to the agreement providing for an extension of the performance period through June 30, 2009.

On July 7, 2009 (Resolution No. 522-2009), Council authorized execution of a modification to the agreement providing for an extension of the performance period through December 31, 2009.

The Kentucky Office of Homeland Security has now agreed to a modification of the scope of work, providing for the use of \$10,000 for a media campaign to prepare the community for the H1N1 flu season. These funds were previously set aside for professional services for the Lexington Fayette County Health Department Medical Reserve Corps Program. The Lexington Fayette County Health Department will be responsible for implementation of the H1N1 media campaign. There is no budget impact.

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

  
Paula King, Director

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





560-09

24

Mayor Jim Newberry

## LEXINGTON - FAYETTE URBAN COUNTY GOVERNMENT

Division of Engineering

**MEMORANDUM**

To: Mayor Jim Newberry  
Urban County Council

From: James R. Wray  
Engineering Technician Principal

Date: September 8, 2009

Re: Resolution Authorizing Acceptance of 8 Greenway Parcel Dedications  
Blackford Property Subdivision

The purpose of this memorandum is to request a resolution authorizing the acceptance of eight parcel dedications for greenway in the Blackford Property Subdivision. These parcels were identified in the development plats and are part of the Expansion Area Master Plan. The parcels to be accepted are as follows:

3136 Scottish Trace  
3332 Scottish Trace  
3332 Scottish Trace (rear)  
3333 Scottish Trace  
3052 Blackford Parkway  
3141 Cherry Meadow Path  
2244 Barrington Lane  
2245 Barrington Lane

Acceptance of the deeds is recommended.

Approved by:

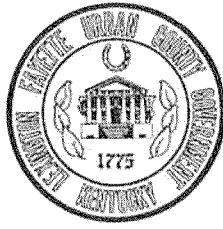
Marwan A. Rayan, P.E.  
Urban County Engineer

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

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

09.P000.406.blue sheet req blackford prop

HORSE CAPITAL OF THE WORLD



567-09

25

Lexington-Fayette Urban County Government  
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry  
Mayor

William O'Mara  
Acting Commissioner

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

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

**DATE: SEPTEMBER 15, 2009**

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT A DEED OF TEMPORARY  
CONSTRUCTION EASEMENT AND A DEED OF PERMANENT EASEMENT  
FROM CHARLES HOGE HOCKENSMITH AND CHARLES PARKER  
HOCKENSMITH AT 3565 CLAYS MILL ROAD FOR THE CLAYS MILL ROAD  
IMPROVEMENTS PROJECT**

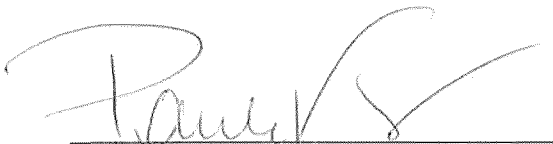
On July 1, 2003 (Ordinance No. 174-2003), Council approved acceptance of award from Kentucky Transportation Cabinet in the amount of \$644,000 in federal funding [Surface Transportation Lexington (SLX)] for the design phase of the Clay's Mill Road. Project required a 20% local match in the amount of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

The Division of Engineering has negotiated a purchase of 323.8 square feet of temporary construction easement and 2790 square feet of permanent easement at 3565 Clays Mill Road from Charles Hoge Hockensmith and Charles Parker Hockensmith in the amount of \$27,000.00.

Funds for purchase of easements are budgeted in account:

| FUND | DEPT ID | SECT | PROJECT        | BUD REF | ACTIVITY  | ACCOUNT |
|------|---------|------|----------------|---------|-----------|---------|
| 3160 | 303201  | 0001 | CLY_ML_RD_2005 | 2005    | FED_GRANT | 91715   |

Council authorization to accept deeds of temporary construction easement and permanent easement is hereby requested.



Paula King, Director

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



566-09

26

Lexington-Fayette Urban County Government  
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry  
Mayor

William O'Mara  
Acting Commissioner

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

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

**DATE: SEPTEMBER 15, 2009**

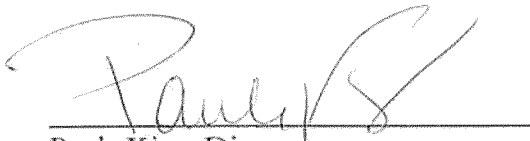
**SUBJECT REQUEST COUNCIL AUTHORIZATION TO SUBMIT APPLICATION  
TO THE ENVIRONMENTAL PROTECTION AGENCY FOR A  
BROWNFIELDS ASSESSMENT GRANT**

The Department of Environmental Quality has prepared an application requesting federal funds from the Environmental Protection Agency for a Brownfield Assessment Grant. Assessment grants provide funding for developing inventories of brownfields, prioritizing sites, and conducting site assessments and cleanup planning related to brownfield sites.

Federal funds in the amount of \$400,000 are being requested. \$200,000 is requested for hazardous substances sites and \$200,000 for petroleum contaminated sites. If approved, funds will be used primarily for consulting services to conduct assessments of underutilized and/or abandoned properties for problems. It is believed that many of these properties can be returned to productive reuse. No local match is required.

A brownfield site is defined as real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of hazardous substances, pollutants, contaminants, controlled substances, and petroleum or petroleum products. These funds are authorized by the Comprehensive Environmental Response, Compensation and Liability Act as amended by the Small Business Liability Relief and Brownfields Revitalization Act.

Council authorization to submit application is hereby requested.



Paula King, Director

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



569-09 27

Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Division of Economic Development

**MEMORANDUM**

To: Mayor  
Urban County Council

From: Anthony Wright *AW*  
Mayor's Office of Economic Development

Date: September 16, 2009

Subject: Florida Tile, Inc.

I have attached documentation from Commerce Lexington supporting the request of 1% occupational license tax abatement for Florida Tile, Inc. as part of their participation in new Kentucky Business Investment program.


The attached documentation provides the estimated payroll for Florida Tile and the Lexington-Fayette Urban County Government's portion of the wage assessment going toward this incentive for a period of ten years. Florida Tile is a new company to Lexington and the Lexington-Fayette Urban County Government will receive new revenue at a rate of 1.25% for the new jobs this company will create in Fayette County.

C: file

HORSE CAPITAL OF THE WORLD

200 East Main Street Lexington, KY 40507 (859) 258-3100 Fax (859) 258-3194 [www.lfucg.com](http://www.lfucg.com)

TO: Mayor Jim Newberry  
Urban County Council

FROM:   
\_\_\_\_\_  
Bob Quick  
President & CEO of Commerce Lexington Inc.

DATE: August 4, 2009

RE: Kentucky Business Investment program  
Florida Tile, Inc.

Florida Tile, Inc. has submitted an application to and received preliminary approval from the Kentucky Cabinet for Economic Development to participate in the new Kentucky Business Investment (KBI) program. Florida Tile's decision to invest in our community and relocate their headquarter operations to Lexington will create wealth and provide additional job opportunities for the citizens of Lexington and Fayette County and the surrounding area.

The company plans to add 51 new jobs with an average wage of over \$47,000 per year plus benefits. For the purpose of this economic fiscal impact, we have been conservative and have used Florida Tile's base annual salary to show the fiscal impact for the city. Florida Tile estimates its total capital investment costs to be \$1,800,000 in new office equipment, computers, telecommunication equipment and relocation costs.

With the KBI program, the state and local government enter into a ten-year agreement with an approved company under which the business can recover up to 100% of its start-up costs and 50% of the annual rent costs through Kentucky corporate income tax credits and an employee assessment fee of up to 4%. The employees, in turn, recover the assessment fee through a reduction in Kentucky income tax liability and local occupational license tax liability.

Estimated *eligible* start-up costs are \$1,800,000 and annual rent and occupancy costs associated with the expansion are estimated to be \$193,500. Over the 10-year project period the total eligible cost of the project would be \$3,735,000.

Florida Tile, Inc.  
 August 3, 2009  
 Page 2

The maximum potential fiscal impact of this project is summarized in the following table.

| New  |                 | Total              | KY portion         | LFUCG<br>portion   | LFUCG                  |
|------|-----------------|--------------------|--------------------|--------------------|------------------------|
| F-T  | Total           | Wage               | of Wage            | of Wage            | Projected              |
| Jobs | Payroll         | Assessment<br>(4%) | Assessment<br>(3%) | Assessment<br>(1%) | Collections<br>(1.25%) |
| 26   | \$1,343,000.00  | \$53,720.00        | \$40,290.00        | \$13,430.00        | \$16,787.50            |
| 41   | \$2,050,000.00  | \$82,000.00        | \$61,500.00        | \$20,500.00        | \$25,625.00            |
| 44   | \$2,226,000.00  | \$89,040.00        | \$66,780.00        | \$22,260.00        | \$27,825.00            |
| 45   | \$2,300,000.00  | \$92,000.00        | \$69,000.00        | \$23,000.00        | \$28,750.00            |
| 46   | \$2,361,000.00  | \$94,440.00        | \$70,830.00        | \$23,610.00        | \$29,512.50            |
| 47   | \$2,432,000.00  | \$97,280.00        | \$72,960.00        | \$24,320.00        | \$30,400.00            |
| 48   | \$2,505,000.00  | \$100,200.00       | \$75,150.00        | \$25,050.00        | \$31,312.50            |
| 49   | \$2,580,000.00  | \$103,200.00       | \$77,400.00        | \$25,800.00        | \$32,250.00            |
| 50   | \$2,658,000.00  | \$106,320.00       | \$79,740.00        | \$26,580.00        | \$33,225.00            |
| 51   | \$2,737,000.00  | \$109,480.00       | \$82,110.00        | \$27,370.00        | \$34,212.50            |
|      | \$23,192,000.00 | \$927,680.00       | \$695,760.00       | \$231,920.00       | \$289,900.00           |

This is an excellent project for our community and I strongly recommend approval of the KBI benefits.

Cc: Anthony Wright, LFUCG  
 Gina Greathouse, Commerce Lexington



570-09

30

Lexington-Fayette Urban County Government  
DEPARTMENT OF LAW

Jim Newberry  
Mayor

Logan Askew  
Commissioner

TO: Jim Newberry, Mayor  
Urban County Councilmembers

FROM: Department of Law

DATE: September 17, 2009

RE: Tax District Change

The attached has been drafted at the request of Councilmember K.C. Crosbie.

The Ordinance will remove the designated areas from Urban Services District #3 (garbage collection) and place them in the Urban Services District #2 (general services).

I am sure that K.C. will be speaking to you about this. I will be sending you a Memo concerning this matter soon.

Logan B. Askew, Commissioner

Attachment

ORDINANCE NO. \_\_\_\_\_-2009

**570-09**

AN ORDINANCE AMENDING ORDINANCE NO. 377-2006 TO REMOVE THE AREA DEFINED AS CERTAIN PROPERTIES ON THE FOLLOWING STREETS FROM THE PARTIAL URBAN SERVICES DISTRICT #3 FOR THE URBAN COUNTY GOVERNMENT FOR THE PROVISION OF GARBAGE AND REFUSE COLLECTION: GESS PROPERTY (CHILESBURG) UNIT 2A, CASTLEBRIDGE LANE; GESS PROPERTY (CHILESBURG) UNIT 2B, CASTLEBRIDGE LANE; GESS PROPERTY (CHILESBURG) UNIT 2C, DURNING ROAD; GESS PROPERTY (CHILESBURG) UNIT 2B, THADEUS COURT; AND ESTABLISHING AND DESIGNATING THESE PROPERTIES AS GENERAL URBAN SERVICES DISTRICT #2 FOR POLICE AND FIRE PROTECTION; ALL EFFECTIVE JANUARY 1, 2010.

WHEREAS, the owners of property described in Gess Property Chilesburg Units 2A, 2B, and 2C, are in Partial Urban Services District #3 pursuant to Ordinance No. 377-2006 which provides for Garbage and Refuse Collection; and

WHEREAS, each of the plats for these properties recorded in the Fayette County Clerk's Office contain the following language:

The Developer has elected to provide solid waste collection service through a private contractor. If current or future property owners request the provision of refuse collection service by the Urban County Government that service will be limited to dumpster containers (instead of roll carts) and the property owners will be required to provide dumpsters, dumpster locations and screening pursuant to applicable subdivision regulations and Sections 16-4 and 16-4.1 of the Code of Ordinances.

WHEREAS, the Urban County Council is desirous of offering the property owners relief from this situation by removing these properties from Partial Urban Services District #3 for the Urban County Government for the provision of Garbage and Refuse collection as of January 1, 2010.

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

Section 1 - That Section 1 of Ordinance No. 377-2006, be amended to remove all references to the following areas defined as the properties, lots, tracts, and parcels of land from the Partial Urban Services District #3 for the Lexington-Fayette Urban County Government, for the provision of garbage and refuse collection:

| Tax District Address | NAME                             |
|----------------------|----------------------------------|
| 4001 CASTLEBRIDGE LN | GESS PROPERTY CHILESBURG UNIT 2A |
| 4021 CASTLEBRIDGE LN | GESS PROPERTY CHILESBURG UNIT 2B |
| 4025 CASTLEBRIDGE LN | GESS PROPERTY CHILESBURG UNIT 2B |
| 4029 CASTLEBRIDGE LN | GESS PROPERTY CHILESBURG UNIT 2B |
| 4033 CASTLEBRIDGE LN | GESS PROPERTY CHILESBURG UNIT 2B |



4037 CASTLEBRIDGE LN  
4041 CASTLEBRIDGE LN  
4045 CASTLEBRIDGE LN  
4049 CASTLEBRIDGE LN  
600 DURNING RD  
601 DURNING RD  
604 DURNING RD  
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653 DURNING RD  
3800 THADEUS CT  
3804 THADEUS CT  
3805 THADEUS CT  
3808 THADEUS CT  
3809 THADEUS CT  
3812 THADEUS CT

[illegible]

Section 2 - ~~That there are no other changes to Ordinance No. 377-2006.~~

Section 3 - That all of the above properties are hereby established and designated as General Urban Services District #2 for Police and Fire Protection.

Section 4 - That this Ordinance shall become effective on January 1, 2010.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

PUBLISHED:

DJB:X:\Cases\CO\09-LE0009\LEG\00229193.DOC

Inter-Governmental Committee

Sept. 15, 2009

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

I. Oath of Office- Beard

Beard talked about intent and expectation of an oath for office, the process is to better understand importance of serving on either a board or commission and applying a level of consequence, if the oath is violated. He added he would like to see an all inclusive oath covering all boards/commissions.

Blues added even if the oath is generic it can still be effective in outline expectations. He asked about penalties for violating the oath and who would have oversight.

Glenda George, Law Dept. referred to paragraph one (1) of the draft covering that question.

Henson asked if special district boards/commissions had to comply with the draft ordinance. She also asked about training for board/commission members, how often it will be offered and if it would be handled by the council clerk's office.

Ms. George told the committee special district boards/commissions are not covered by the draft ordinance. She referred to training scheduled to start this evening. Anna Hartje, Mayors office explained four (4) training sessions per year and would be live on the web. The oath would be administered upon completion of training.

Feigel offered clarification saying new training program that starts today proceeds what was outlined in the draft ordinance. She added training must be within 30 days of taking oath.

Motion by Beard, seconded by Blues to move the draft oath of office ordinance forward to the full council for review, passed without dissent.

2. Ethics Act Financial Disclosure for Board/Commission - Myers

Myers said what they are trying to accomplish will take assistance from state legislation and asked the law department to explain.

Ms. George told the committee state statute lists some boards/commissions that do not fit under KRS65 and can not be included under the ethics act financial disclosure. She explained other changes in the draft ordinance referring to the request to include all boards/commissions to be subject to ethics act, adding there are exceptions to those that are not specific to LFUCG. She is trying to craft a definition regulatory authority is very difficult. Myers told the committee he would like to see an ordinance similar to Hopkinsville, Ky. (which was outlined in the committee packet)

Motion by Myers to send a request to the full council drafting a resolution asking state legislation to include eight (8) special district boards/commissions which are not exempted by state law.

James asked Myers to hold the motion until hearing from other committee members.

Henson commented this ordinance does not include special district boards/commission which appears to be more of a problem than other boards/commissions, referring to spending improprieties.

Crosbie asked if state boards are already filling out ethics act financial disclosure forms, saying she thought this would have already been researched.

Logan Askew, Commission of Law did not know the answer. He talked about interest in enforcing suggesting applying a code of conduct might be worth considering. Crosbie asked for information on how the state handled board/commission disclosure.

Ms. George covered which offices & officers are required to fill out disclosure forms and asked how this would apply if the council decided to adopt the process from Hopkinsville KY. Adding she did not think it would add anything.

Mr. Askew cautioned referring to Hopkinsville stipulation (\$5K expenditures) saying there could be a flip side to that requirement and how it might extend to other agencies.

Myers said he was not concerned with number affected, either 20 or 100 people that have to fill out disclosure forms.

Askew said you can restrict this only city board members, you can do that.

Beard said he did not understand the end result or intention of this draft ordinance or the objective to be accomplished by these disclosures. He wanted

to know who will review and how the process will work. He did not see need for such detail, listing shareholder information, etc.

Myers said for the same reason the state decided local governments need to come up with a method of disclosure, referring to recent inappropriate behavior by certain board/commission, citing need for taxpayers to have financial disclosure by those serving on board/commission receiving tax dollars. It's important to know who is receiving money and from what companies, in situations where decisions are being made on contracts, etc.

Mr. Askew said Beard has raised a good point, explaining how filings are handled in the council clerks' office. He said they are only filed, and are not being reviewed. He added all disclosure forms are available for review.

James said perhaps some kind of review process should be discussed.

Mr. Askew covered what information is required to be filed.

Lawless asked Myers if these recommendations apply to non-profit organizations as well. Myers said no, only board/commissions, not our partner agencies.

Feigel said it appears this applies to employees as well as appointed positions by council. Are there not already safeguards in place for employees making decisions on purchasing?

Ms. George said buyers do fill out a statement of interest, however purchasing coordinators do not. They work directly with Central Purchasing, following specific guidelines and are not randomly selecting vendors directly. Mr. Askew said approval is required for all transactions by purchasing coordinators. He recommended input from Central Purchasing on this matter.

Myers summarized discussion and reviewed what he would like to perhaps see added to the draft, referring to the Hopkinsville, KY ordinance.

Ms. George said she had not looked at language in Hopkinsville, KY ordinance. Myers asked her to look at that and see if any adjustments should be added to the draft ordinance. He asked the law department to also look at what the state requires as far as the 8 special district boards/commissions.

Askew recommended having discussions on another draft before bringing it before the committee.

### 3. Boards & Commissions Reporting – Myers

Shaye Rabold, Mayor's Office updated the committee on difficulties linking the code of ordinances to chapters and the next phase of loading information on-line.

Myers asked how the Mayor's office responds to requirements of boards/commissions. Rabold suggesting creating a template for consistency. She talked about web site training and capacity to search files, adding open records can used to obtain rules for each board/commission.

Blues asked about importance of archiving minutes of meetings asking Rabold to add that as a requirement for reporting.

Feigel talked about taking minutes of meetings and being in compliance with law. Is there oversight insuring minutes are done, updated, posted on-line and available. We will be able to see who is and is not posting, having them on the web site is a good reminder that minutes should be taken.

Ms. Hartje talked about information received in council clerks' office and how it is used. Mr. Askew addressed this issue

#### 4. Boards & Commissions with Nominating Bodies – Crosbie

Crosbie expressed concern with special interest groups who have the ability to make nominations to the Mayor for appointments to boards/commissions. Suggesting the Mayor actually select a member from a specific group or organization rather than the group making the nomination. She asked the administration to provide a list of groups/organizations making nominations. She is not prepared to make motions today, but would like this issue held over for discussion at a future meeting.

Feigel noted the advantage of going through the leadership of an organization to get a nominee citing the need for official representation and good communication.

Rabold confirmed the information required.

James asked Rabold for instances when representatives were an issue or problem.

Crosbie said the ordinance will clearly define who will serve. We don't know if the nominee has been vetted through the entire organization and not sure how candidate are being chosen.

#### 5. Citizens Advocate Dispute Resolution Training – Lawless

Lawless expressed concerns about this program saying dispute resolution could carry some liability.

Blues also expressed concern saying this was not part of Citizen's Advocate job description and if dispute resolution would be done after hours or on the clock. He felt it was not part of duties council has authorized citizens advocate office to perform.

Beard was concerned about the prospect of mediation and legal ramifications.

Joan Beck, Citizens Advocate explained this is not intended to be mediation. However, even though she was not sure if dispute training was directly related to the job description but has been tasked with a way of working with neighborhoods and citizens who have already been through other government channels.

James asked how dispute resolution may be perceived as part of Citizens Advocate's job, asking Ms. Beck for examples.

Beck went over ground rules, outlined the proposed training adding she has been encouraged by council members to do conduct neighborhood outreach.

James said the intent of today's discussion was not to discourage community or neighborhood outreach, but to discuss concerns of dispute resolution training. She asked the committee for further input or action.

Motion by Blues to discontinue Citizen's Advocate Dispute Resolution Training, seconded by Lawless, and passed without dissent.

Meeting adjourned at 3:00 pm