

**URBAN COUNTY COUNCIL
SCHEDULE OF MEETINGS
September 14-September 21, 2009**

Monday, September 14

No Meetings

Tuesday, September 15

Ad Hoc Committee Meeting to Review Building Permit Issues.....10:00 am
Conference Room-5th Floor Government Center

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

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

Wednesday, September 16

Greenspace Commission Meeting.....3:00 pm
Council Chambers-2nd Floor Government Center

Town & Gown Commission Meeting.....4:00 pm
Maxwell St Presbyterian Church, 180 E Maxwell St

Lextran Board Meeting.....6:30 pm
Council Chambers-2nd Floor Government Center

Thursday, September 17

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

Friday, September 18

No Meetings

Monday, September 21

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

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

LEXINGTON-FAYETTE URBAN COUNTY COUNCIL

WORK SESSION AGENDA

September 15, 2009

- I. Public Comment – Issues on Agenda**
- II. Requested Rezoning / Docket Approval – Yes**
- III. Approval of Summary-None**
- IV. Budget Amendments – Yes, pp.9-18**
- V. New Business, pp.20-55**
- VI. Continuing Business / Presentations**
 - A. Services Committee, pp.56-59**
 - B. South Limestone Construction Update
Mr. George Milligan, Project Manager**
- VII. Council Report**
- VIII. Mayor's Report – Yes**
- IX. Public Comment – Issues Not on Agenda**

ADMINISTRATIVE SYNOPSIS

New Business Items

- A. Authorization to Accept Forest Spring Court into the Public Right-of-Way. (537-09) (Webb)
 This request will authorize the acceptance of Forest Spring Court into the public right-of-way pursuant to the Private Street Acceptance Policy. The association will maintain five (5) decorative streetlights, maintenance and repair of the concrete center parking median and landscaping, and resurface of the street. There are no changes to the Urban Services District. There are no private fire hydrant fees to assume.**pp.20-21**
- B. Authorization to Amend Sections 5-29 and 5-31 of the Code of Ordinances Regarding Permit Fees. (538-09) (Crowe/Webb)
 This request will authorize an amendment to Section 5-29 of the Code of Ordinances, effective January 1, 2010, to add a fee of \$25 for a Certificate of Occupancy not associated with a building permit, a fee of \$10 for a home office certificate, a fee of \$25 a for a zoning and use verification letter, and a minimum fee of \$25 for a residential paving permit, and deletes the \$25 fee required for a grading permit. Section 5-31 regarding fee for installation of required street trees will be deleted in its entirety and this section reserved.**pp.22-26**
- C. Authorization to Accept Deeds of Permanent Easement from Recorded Property Owners for the Legacy Shared Use Trail Project. (552-09) (Rayan/Webb)
 This request will authorize the acceptance of deeds of permanent easement from recorded property owners for the Legacy Shared Use Trail Project from the Kentucky Horse Park to Newtown Pike. There is no cost to LFUCG.**p.27**
- 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)
 This request will authorize an agreement to provide federal funds in the amount of \$38,748 and LFUCG funds in the amount of \$12,916 to the Fayette County Commonwealth Attorney's Office to offset the cost of a full-time assistant prosecutor for a 1-year period for the *Fast Track* and the *Major Violator* prosecution programs under the Street Sales Drug Enforcement Project. The source of federal funds is the US Department of Justice, Edward Byrne Memorial Justice Assistance Grant Program, from the Kentucky Justice Cabinet. Total cost of this element of the project is \$51,664. Funds are budgeted.**p.28**

- 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)
This request will authorize an agreement for federal funds in the amount of \$135,000 with the Fayette County Commonwealth Attorney's Office under the JAG Program. Funds will be used for employment of a full-time assistant prosecutor for the prosecution of major violators. No local match is required. Funds are budgeted.**p.29**
- 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)
This request will authorize an amendment to Section 22-5 of the Code of Ordinances to create one (1) position of Social Worker (Grade 111E) within the Division of Community Corrections for a 3-year term. The fiscal impact for FY2010 is \$33,277.46. Total annual impact is \$48,067.44. This position will be funded from the Justice Assistance Grant Program.**p.30**
- 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)
This request will authorize an amendment to Section 21-5 of the Code of Ordinances to abolish one (1) position of Code Enforcement Officer (Grade 113N) and create one (1) position of Nuisance Control Officer (Grade 111N) within the Division of Code Enforcement. The fiscal impact for FY2010 is a savings of \$4,048.02 to the General Fund balance. Total annual impact is a savings of \$5,847.14.**p.31**
- 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)
This request will authorize an amendment to Section 22-5 of the Code of Ordinances to create one (1) position of Microcomputer Support Specialist (Grade 113N) for a 1-year term. The fiscal impact for FY2010 is \$38,941.86. This position will be funded from the General Fund with recovery from the 2010 American Recovery Act, Edward Byrne Memorial Justice Assistance Grant Program.**pp.32-33**
- 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)
This request will authorize the acceptance of a donation valued at \$2,500 from the Friends of the Mounted Police, Inc. on behalf of the Division of Police, Mounted Unit, for expenses to attend and participate in the North American Police Equestrian Championships in Harrisburg, Pennsylvania, from September 26 – 30, 2009. The donation will be used for conference registration, lodging, and transportation of the horses. There is no cost to LFUCG.**p.34**

- 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)

This request will authorize the submission of an application for federal funds in the amount of \$2,016,048.75 (75%) and state funds in the amount of \$322,567.80 (12%) on behalf of the Division of Water Quality to KYEM under FEMA, HMGP, for the acquisition and demolition of fourteen (14) residential properties in the Lafayette Parkway / Southbend / Lone Oak area. A local match of \$349,448.45 (13%) is required. Total project cost is \$2,688,065. Funds are budgeted.**p.35**

- 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)

This request will authorize an amendment to Resolution No. 284-2009 for additional federal funds in the amount of \$4,000 to complete the purchase of property in the Cardinal Valley area under the Sugar Mill Mitigation Project on behalf of the Division of Water Quality. Funds are budgeted.**p.36**

- 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)

This request will authorize the renewal of the Engineering Services Agreement in the amount of \$1,000,440 with Tetra Tech, Inc. approved by Resolution No. 347-2008 dated July 2, 2008, regarding EPA Consent Decree related Annual Program Management Services. Funds are budgeted.**pp.37-38 EPA Consent Decree**

- 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)

This request will authorize an amendment to Section 21-5 of the Code of Ordinances to create one (1) position of Environmental Initiatives Specialist (Grade 115E) within the Division of Environmental Policy. The fiscal impact for FY2010 is \$42,734.19. Total annual impact is \$61,727.16. Funding was approved in the FY2009 budget and is continued in the FY2010 budget. Funds are budgeted.**p.39**

- 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)

This request will authorize an amendment to Section 21-5 of the Code of Ordinances to abolish one (1) position of Administrative Officer (Grade

- 118E) and create one (1) position of Efficiency Analyst (Grade 118E) within the Division of Waste Management. Funds are budgeted.**p.40**
- 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)
This request will authorize Change Order No. 2 to increase contract amount by \$72,838.01 with Denham-Blythe Company, Inc. regarding the Lyric Theatre and Cultural Arts Center Project. This change allows for the removal of a rubble masonry wall and installation of new masonry wall, and to substitute metal brick anchors with anchors for the new masonry wall. Original contract total was \$5,560,322.66. Previous change order was for \$16,313.12. New contract total is \$5,564,473.79. Funds are budgeted.**pp.41-45**
- 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)
This request will authorize a Contract for Outdoor Lighting Services for an annual cost of \$2,603.04 for a 10-year term with Kentucky Utilities Company on behalf of the Division of Special Events for street light add-on accessories for the display of banners. Installation will be at various downtown street light pole and fixture locations on East and West Main Street, and East and West Vine Street. Funds are budgeted.**p.46**
- 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)
This request will authorize approval of an Agreement for Professional Services in the amount of \$39,000 with Simon and Company, Inc. as outlined in the 2009 – 2010 Work Plan, as LFUCG's Federal Affairs Assistance in Washington DC, regarding intergovernmental relations and federal affairs. Funds are budgeted.**pp.47-51**
- 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)
This request will authorize the advertisement of the position of Administrative Specialist Senior in the Division of Building Inspection within LFUCG. It has been determined LFUCG has a balanced EEO pool of internal candidates who could apply and are qualified for this position.**p.52**
- 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)

This request will authorize an amendment to Resolution No. 440-2009, Section 1, to correct the date of July 1, 2007 to read July 1, 2003. There are no other changes associated with this amendment.**pp.53-54**

- 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)

This request will authorize a Sponsor Agreement for VITA to provide free tax preparation and filing for households with incomes below \$42,000 and to provide space at the Gainesway Community Center, the Central Kentucky Job Center, and the Family Care Center. CKEEP will be responsible for the management of the programs and sites. A Civil Rights Assurance document is required by the Internal Revenue Service to assure no discrimination at the selected sites. There is no budgetary impact.**p.55**

***EPA Consent Decree**

BUDGET AMENDMENT REQUEST LIST

9

JOURNAL	36599-600	DIVISION	Parks and Recreation	Fund Name	General Fund
				Fund Impact	43,100.00
					43,100.00CR
					.00

To recognize funds received from Bluegrass Community Foundation for the purchase of recognition awards for the Parks Advisory Board and to recognize funds from a Walmart grant for solar powered baseball field recycling equipment and supplies.

JOURNAL	37032	DIVISION	Fire and Emergency Services	Fund Name	General Fund
				Fund Impact	3,500.00
					3,500.00CR
					.00

To provide funds for software by decreasing Software Maintenance. These funds will be used to purchase investigative software for Fire Investigations/Internal Affairs.

JOURNAL	37033-34	DIVISION	Fire and Emergency Services	Fund Name	General Fund
				Fund Impact	2,000.00
					2,000.00CR
					.00

To provide funds for Equipment Less than \$5000 by recognizing revenue to purchase lawn equipment for Fire Department properties/stations.

JOURNAL	BA 2457	DIVISION	Economic Development	Fund Name	General Fund
				Fund Impact	100,000.00
					100,000.00

To provide funds for payment to Kentucky Cabinet for Economic Development related to Distillery District and Phoenix/Courthouse TIF Applications per the Memorandum of Understanding.

JOURNAL	To Be Determined	DIVISION	General Fund/ Various	Fund Name	General Fund
				Fund Impact	2,434,707.85
					2,434,707.85

To provide funds in FY 2010 for grant match encumbrances remaining in FY 2009 by recognizing funds reserved for this purpose.

JOURNAL	To Be Determined	DIVISION	Family Care/ Various	Fund Name	Family Care Center
				Fund Impact	22,631.66
					22,631.66

To provide funds in FY 2010 for grant match encumbrances remaining in FY 2009 by recognizing funds reserved for this purpose.

JOURNAL	To Be Determined	DIVISION	MAP Fund/ Various	Fund Name Fund Impact	Municipal Aid Program 2,537,569.31 2,537,569.31
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To provide funds in FY 2010 for grant match encumbrances remaining in FY 2009 by recognizing funds reserved for this purpose.

JOURNAL	36853-54	DIVISION	Community Development	Fund Name Fund Impact	US Dept Justice 23,669.87 23,669.87CR .00
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To revise program income budget for the Street Sales grant, eliminate negative balances, recognize additional program income from asset forfeiture, and provide for the purchase of minor equipment for use in the Drug Enforcement Grant.

JOURNAL	37031	DIVISION	Community Development	Fund Name Fund Impact	US Dept Transportation 10,450.00 10,450.00CR .00
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To amend Traffic Safety grant to reduce travel expenses and increase police overtime.

BUDGET AMENDMENT REQUEST SUMMARY

Fund	1101	General Service District – General Fund	2,534,707.85
Fund	1102	Family Care Center Fund	22,631.66
Fund	1136	Municipal Aid Program Fund	2,537,569.31
Fund	3140	US Department of Justice	.00
Fund	3160	US Department of Transportation	.00

JOURNAL	37061-62	DIVISION	General Fund/ Various	Fund Name Fund Impact	General Fund 8,025,440.00 8,025,440.00CR .00
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To provide funds for Eastern State Hospital transfer to the state by recognizing bond proceeds and interest income.

JOURNAL	37063-64	DIVISION	Pension Bond/ Various	Fund Name Fund Impact	Pension Bond Fund 70,666,169.63 70,666,169.63CR .00
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To establish budget for pension fund bond by recognizing debt proceeds and interest income.

JOURNAL	To Be Determined	DIVISION	General Fund/ Various	Fund Name Fund Impact	General Fund 3,753,480.09 3,753,480.09 CR .00
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To provide funds for sick leave and lump sum termination pay for FY 2009 in the division budgets were the expenses occurred and to decrease Planned Personnel Lapse to offset personnel expenses. This amendment is done at the end of each fiscal year as "housekeeping" and redistributes funds in the Contingency budget as necessary.

JOURNAL	To Be Determined	DIVISION	Urban Fund/ Various	Fund Name Fund Impact	Urban Service Fund 242,236.94 242,236.94CR .00
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To provide funds for sick leave and lump sum termination pay for FY 2009 in the division budgets were the expenses occurred. This amendment is done at the end of each fiscal year as "housekeeping" and redistributes funds in the Contingency budget as necessary.

JOURNAL	To Be Determined	DIVISION	Sewer Fund/ Various	Fund Name Fund Impact	Sanitary Sewer Fund 130,115.42 130,115.42CR .00
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To provide funds for sick leave and lump sum termination pay for FY 2009 in the division budgets were the expenses occurred. This amendment is done at the end of each fiscal year as "housekeeping" and redistributes funds in the Contingency budget as necessary.

FY 2009 BUDGET AMENDMENT REQUEST SUMMARY

Fund	1101	General Service District – General Fund	.00
Fund	1115	Urban Service District Fund	.00
Fund	2521	GO 2009B-Pension Obligation	.00
Fund	4002	Sanitary Sewer Revenue and Operating Fund	.00



Lexington-Fayette Urban County Government
DEPARTMENT OF GENERAL SERVICES

Jim Newberry
Mayor

Kimra Cole
Commissioner

Budget Journal Number 36599-600
Requesting Division Parks and Recreation
Fund Name General Service District – General Fund
Fund Number 1101
Contact for Additional Information Becky Crawford

Description

To recognize funds received from the Bluegrass Community Foundation for the purchase of recognition awards for use by the Parks Advisory Board and to recognize fund from a Wal-Mart grant for solar powered baseball field recycling equipment and supplies.



Lexington-Fayette Urban County Government
DEPARTMENT OF PUBLIC SAFETY

Jim Newberry
Mayor

Tim Bennett
Commissioner

Budget Journal Number 37032
Requesting Division Fire and Emergency Services
Fund Name General Service District – General Fund
Fund Number 1101
Contact for Additional Information Major Paul See

Description

The Division of Fire & Emergency Services is requesting the transfer of Software Maintenance funds in Fire Computer Operations (1101-505705-5753-76102) to a capital Software account in Fire Investigations (1101-505704-5743-96202).

These funds will be used to purchase IA Trak Software from the Institute of Police Technology and Management. This software will provide assistance to the division's investigators and Internal Affairs.

If you have any questions, feel free to contact me.



Lexington-Fayette Urban County Government
DEPARTMENT OF PUBLIC SAFETY

Jim Newberry
Mayor

Tim Bennett
Commissioner

Budget Journal Number 37033-34
Requesting Division Fire and Emergency Services
Fund Name General Service District – General Fund
Fund Number 1101
Contact for Additional Information Battalion Chief Darrell Osborne

Description

The Division of Fire & Emergency Services' Apparatus Maintenance section is requesting the transfer of \$2,000.00 from the Miscellaneous Revenues account (1101-505702-5713-46720) to Equipment Less than \$5,000.00 (1101-505702-5713-75801). These funds will be used to purchase new lawn equipment for Fire Department properties/stations.

If you have any questions, please call 231-5625.



Lexington-Fayette Urban County Government
OFFICE OF THE MAYOR

Jim Newberry
Mayor

Budget Amendment 2457
Requesting Division Economic Development
Fund Name General Service District – General Fund
Fund Number 1101
Contact for Additional Information Joe Kelly

Description

To provide funds for payment to Kentucky Cabinet for Economic Development for administrative fees related to the Phoenix Park/Courthouse and Distillery District Tax Increment Financing proposals. Per the Memorandum of Understanding previously approved, the Cabinet is due \$50,000 administrative fee per project upon approval (the fee is 0.25% of the project or \$50,000 whichever is lower).



Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

William O'Mara
Acting Commissioner

Budget Journal Number 36853-54
Requesting Division Community Development
Fund Name US Department of Justice
Fund Number 3140
Contact for Additional Information Irene Gooding--3079

Description

This budget amendment recognizes an additional \$180,000 in program income for the Street Sales Grant. The program income comes from the award of Asset Forfeitures by state and federal courts. The U. S. Department of Justice requires that a pro rata portion of asset forfeitures be treated as program income to the grant. This budget amendment reduces expenses in Conference and Other Training (74102) by \$4,000, decreases Operating Supplies (75101) by \$1,576.03, and decrease Subscriptions and Publications (77802) by \$93.84. The budget amendment increases Equipment < \$5,000 (75801) in the amount of \$22,371.87, increases Cell Phones (72203) in the amount of \$588.00 for GPS monthly airtime expense, increases Vehicle Repairs and Maintenance (76331) in the amount of \$360.00 providing for window tinting, and increases Dues (77801) in the amount of \$350.00.



Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

William O'Mara
Acting Commissioner

Budget Journal Number 37031
Requesting Division Community Development
Fund Name US Department of Transportation
Fund Number 3160
Contact for Additional Information Irene Gooding-3079

Description

Budget amendment provides for increase of \$9,857.08 in account 63152 (Overtime), \$140 in account 63621 (FICA), \$20.00 in account 63622 (Unemployment Insurance), \$399.92 in account 74101 (Required Certification/Training), and \$33.00 in account 75801 (Equipment Under \$5,000). Budget amendment provides for decrease of \$450 in account 74102 (Conferences and Other Training) and decrease of \$10,000 in account 74201 (Business Travel). All needed equipment has been purchased. The KY Office of Highway Safety has approved all remaining funds for use as Police Overtime for targeted patrols.

NEW BUSINESS ITEMS REQUIRING BUDGET AMENDMENTS

September 15, 2009 Work Session

18

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
544-09	CB 0032	Code Enforcement	To provide funds for one position of Nuisance Control Officer (grade 111N) by abolishing funds for one position of Code Enforcement Officer (grade 113N).
G			1101 4,050 4,050*

EFFECT ON FUND BALANCES

FUND 1101	4,050*	INCREASE TO:	GENERAL SERVICES DISTRICT – GENERAL FUND
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Budget Information For New Business Items

September 15, 2009 Work Session

19

Item	Number	Amount	Fund	Name / Description
A	537-09	NA		
B	538-09	Approximately 15,000	1101	General Service District – General Fund
C	552-09	NA		
D	540-09	51,664	3140	US Department of Justice
E	557-09	135,000	3140	US Department of Justice
F	543-09	33,277	1101	General Service District – General Fund
G	544-09	(4,050)	1101	General Service District – General Fund Budget Journal
H	545-09	38,942	1101	General Service District – General Fund
I	553-09	NA		
J	541-09	NA		
K	556-09	4,000	3200	US Department of Homeland Security
L	542-09	750,000 690,000	4003 4051	Sanitary Sewer Construction Fund Water Quality Management Fund
M	548-09	42,730	1115	Urban Service District Fund
N	549-09	52,412	1115	Urban Service District Fund
O	547-09	72,838.01	2518	2009 Bond Projects Fund
P	555-09	260.30 2,342.74	1101 1115	General Service District – General Fund Urban Service District Fund
Q	558-09	39,000	1101	General Service District – General Fund
R	551-09	NA		
S	554-09	NA		
T	559-09	NA		



537-09

20

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

Jim Newberry
Mayor

Mike Webb
Commissioner

MEMORANDUM

To: Mayor Jim Newberry
Joseph Kelly, Sr. Advisor for Management
Michael Webb, Commissioner, Public Works and Development

From: Kevin Wente, Administrative Officer

Date: August 25, 2009

RE: Recommendation to accept Forest Spring Court into the Public Right-of-Way, Pursuant to the Private Street Acceptance Policy

This memorandum is to request the Council approval for the acceptance of Forest Spring Court into the public right-of-way, in accordance with the established LFUCG policy.

Review of Request

An appropriate petition was received from the Banbury Hunt Homeowners Association and an internal review was conducted by the Divisions of Engineering, Planning, Traffic Engineering, Police, Fire and Emergency Services, and Streets, Roads & Forestry. Typical infrastructure concerns reviewed and documented include:

Pavement section and condition
Curbs and gutters
Sidewalks and Handicap Ramps
Hydrants
Streetlights
Other infrastructure (i.e. medians, fencing, landscaping, non-standard parking)

Findings

Based upon the divisional responses received, the following findings and recommendations were formulated. The street was constructed in 1992. The street right-of-way is 85' and includes the pavement, curbs, utility strips, sidewalks, and a center concrete median that serves as a parking area. Pavement width is 22' on each side of the median and is in fair condition, with some deterioration evident. Due to the narrowness of each side of the street, parking will need to be restricted to address concerns about the accessibility/maneuverability of fire and emergency vehicles. Five decorative streetlights are in place; under private arrangement between the HOA and Kentucky Utilities. The neighborhood will retain responsibility for streetlights, and maintenance and repair of the center parking median located along the street and any associated landscaping.

Private Street Owner Requirement

The improvements LFUCG requires are as follows: 1) Accept responsibility for future maintenance and repair of the concrete parking median and any associated landscaping; 2) Maintain responsibility for the decorative streetlights; 3) Resurface the street with asphalt overlay in accordance with LFUCG resurfacing standards

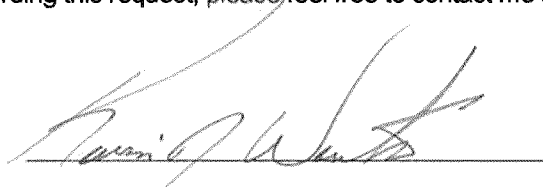
(estimated cost is \$41,475). The amended final record plat should include all applicable notes to dedicate the formerly private right-of-way, and provide for future neighborhood maintenance responsibilities as mentioned.

LFUCG Requirements

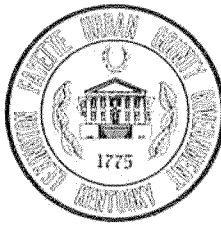
Forest Spring Court is in Urban Service District 3, the appropriate district; therefore, no change will be required. There will also be no private fire hydrant fees to be assumed by the LFUCG.

Recommendation

The Banbury Hunt Neighborhood Association has agreed to these requirements and conditions and the Planning Commission has given its approval. Therefore, I recommend the Forest Spring Court be accepted into the public right-of-way. An amended final record plat has been recorded with the appropriate notations. Enclosures are included for your review and consideration. I am requesting Council authorization for acceptance of this right-of-way. Should you have any questions regarding this request, please, feel free to contact me at 258-3407.

A handwritten signature in black ink, appearing to read "Kevin Wente", is written over a horizontal line.

Kevin Wente, Administrative Officer



538-09 22

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

Jim Newberry
Mayor

Mike Webb
Commissioner

Memorandum

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

FROM: Dewey Crowe, Director 
Division of Building Inspection

DATE: August 26, 2009

RE: Building Inspection Fees

This is to request Council approval to amend Sections 5-29 and 5-31 of the Code of Ordinances relating to permits and services performed by the Division of Building Inspection, effective January 1, 2010. The proposed changes would establish a \$25.00 fee for a Certificate of Occupancy not associated with a building permit, a \$10.00 fee for a home office certificate, a \$25.00 fee for a zoning & use verification letter, and a \$25.00 minimum fee for a residential paving permit. In addition, the \$25.00 grading permit fee and the \$100.00 street tree fee would be deleted, as these fees are no longer applicable to the Division of Building Inspection.

The estimated annual revenue from these changes is \$15,000.00.

CC: Mike Webb, Commissioner

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 5-29 OF THE CODE OF ORDINANCES OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT TO PROVIDE FOR THE DIRECTOR OF THE DIVISION OF BUILDING INSPECTION TO RECEIVE FEES FOR THE ISSUANCE OF A REQUIRED CERTIFICATE, LETTER, OR OTHER DOCUMENTATION; DELETING THE TWENTY-FIVE DOLLAR (\$25.00) FEE FOR A GRADING PERMIT AND ESTABLISHING A TWENTY-FIVE DOLLAR FEE (\$25.00) FOR A CERTIFICATE OF OCCUPANCY, A TEN DOLLAR (\$10.00) FEE FOR A HOME OFFICE CERTIFICATE, A TWENTY-FIVE DOLLAR (\$25.00) FEE FOR A ZONING & USE VERIFICATION LETTER, AND A TWENTY FIVE DOLLAR (\$25.00) MINIMUM FEE FOR A RESIDENTIAL PAVING PERMIT AND RENUMBERING ALL OF THE SUBSECTIONS OF THIS SECTION ACORDINGLY; AMENDING SECTION 5-29.3 OF THE CODE OF ORDINANCES TO AND DELETING SECTION 5-31 OF THE CODE OF ORDINANCES PERTAINING TO AN ADDITIONAL FEE FOR THE PLANTING OF STREET TREES IN ITS ENTIRETY; ALL EFFECTIVE ON JANUARY 1, 2010.

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

Section 1 - That Section 5-29 of the Code of Ordinances be and hereby is amended to read as follows:

No building, moving or wrecking permit, or certificate, letter, or other documentation required by this section shall be issued until there has been paid through the director, division of building inspection, a fee for the same computed according to the following schedule:

(1) For the construction of residential buildings, including additions, the director of building inspection shall receive a fee of one-tenth (00.1) of one (1) percent of the costs of construction with the costs to be based on twenty dollars (\$20.00) per square foot for residential construction, and in no event shall the fee be less than fifty dollars (\$50.00) except for single-family residences of 1,500 sq. ft. or less which shall be no less than twenty-five dollars (\$25.00).

(2) For the construction of commercial buildings, the director, division of building inspection, shall receive a fee of two-tenths (00.2) of one (1) percent of the costs of construction with the costs to be based on:

a. Forty-five dollars (\$45.00) per square foot for restaurant construction;

b. Thirty-one dollars (\$31.00) per square foot for office building construction;

- c. Twenty-one dollars (\$21.00) per square foot for retail sales building construction;
- d. Fourteen dollars (\$14.00) per square foot for warehouse construction;
- e. Thirty-four dollars (\$34.00) per square foot for hotel and motel construction;
- f. Twenty-one dollars (\$21.00) per square foot for canopies;
- g. Twenty-one dollars (\$21.00) per square foot for all other commercial nonresidential construction; and in no event shall the fee be less than two hundred dollars (\$200.00).

(3) For residential remodeling, the director, division of building inspection, shall receive a fee of one-tenth (00.1) of one (1) percent of the estimated cost for remodeling, with a minimum fee of fifty dollars (\$50.00). For commercial remodeling, the director, division of building inspection, shall receive a fee of one-tenth (00.1) of one (1) percent of the estimated cost for remodeling, with a minimum fee of two hundred dollars (\$200.00).

(4) For the construction of residential accessory buildings, the director, division of building inspection, shall receive a fee of one-tenth (00.1) of one (1) percent of the cost of said accessory building with the cost to be based on ten dollars (\$10.00) per square foot; but in no event shall the fee be less than fifty dollars (\$50.00).

(5) For the erection of residential swimming pools, the director, division of building inspection, shall receive a fee of sixty cents (\$0.60) per hundred cubic feet, with a minimum fee of fifty dollars (\$50.00). For the erection of commercial swimming pools, the director, division of building inspection, shall receive a fee of sixty cents (\$0.60) per hundred cubic feet, with a minimum fee of one hundred dollars (\$100.00);

(6) For the issuance of wrecking permits, the director, division of building inspection, shall receive a fee of two-tenths (00.2) of one (1) percent of assessed valuation; but in no event shall the fee be less than one hundred (\$100.00);

(7) For the issuance of house moving permits, the director, division of building inspection, shall receive a fee of two-tenths (00.2) of one (1) percent of assessed valuation; but in no event shall the fee be less than one hundred dollars (\$100.00);

(8) For the construction or erection of elevators, the director, division of building inspection, shall receive a fee of two-tenths (00.2) of one (1) percent of the contract price; but in no event shall the fee be less than one hundred dollars (\$100.00);

(9) For the construction of liquid storage tanks, the director, division of building inspection, shall receive a fee of twenty cents (\$0.20) per hundred gallons; but in no event shall the fee be less than one hundred dollars (\$100.00);

(10) For signs and billboards, the director, division of building inspection, shall receive a fee of fifty cents (\$0.50) per square foot, but in no event shall the fee be less than fifty dollars (\$50.00);

(11) For residential curb cuts, the director, division of building inspection, shall receive a fee of ten dollars (\$10.00); for commercial curb cuts, the director, division of building inspection, shall receive a fee of twenty-five dollars (\$25.00). For the initial construction and surfacing of residential driveways or parking areas, the director, division of building inspection shall receive a fee of one (1) percent of the cost price, with the cost to be based on sixty cents (\$0.60) per square foot, but in no event shall the fee be less than twenty-five dollars (\$25.00). For the initial construction and surfacing of commercial driveways or parking areas, the director, division of building inspection shall receive a fee of one (1) percent of the cost price, with the cost to be based on sixty cents (\$0.60) per square foot, but in no event shall the fee be less than fifty dollars (\$50.00). No permit shall be required for the resurfacing of existing driveways or parking areas.

~~[(12) For grading, the director, division of building inspection, shall receive a fee of twenty-five dollars (\$25.00)];~~

~~(12)~~[(13)] For the erection of a residential fence, the director, division of building inspection, shall receive a fee of twenty-five dollars (\$25.00). For the erection of a commercial fence, the director, division of building inspection shall receive a fee of fifty dollars (\$50.00);

~~(13)~~[(14)] For commercial fit-ups, the director, division of building inspection, shall receive a fee of one hundred dollars (\$100.00);

~~(14)~~[(15)] For the erection of towers, the director, division of building inspection, shall receive a fee of two hundred fifty dollars (\$250.00);

~~(15)~~[(16)] For the erection of co-locates, the director, division of building inspection, shall receive a fee of one hundred dollars (\$100.00).

~~(16)~~[(17)] For the placement of a manufactured home other than those located in an M-1P zone or other existing mobile home parks, the director, division of building inspection, shall receive a fee of one hundred dollars (\$100.00).

(17) For the Certificate of Occupancy, which shall only be required in instances in which a building permit was not previously required, the director, division of building inspection, shall receive a fee of twenty-five dollars (\$25.00).

(18) For the Home Office Certificate, the director, division of building inspection, shall receive a fee of ten dollars (\$10.00).

(19) For the Zoning & Use Verification Letter, the director, division of building inspection, shall receive a fee of twenty-five dollars (\$25.00).

Section 2 - That Section 5-29.3 of the Code of Ordinances be and hereby is amended to read as follows:

Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits, certificates, letters, or other documentation required pursuant to this article of the code may be subject to an additional fee payable to the director, division of building inspection, along with the original fee, immediately upon discovery that such work has commenced.

(a) The additional fee for the following sections of the Code shall be in addition to and equal to the amount of the original relevant fee provided in that section, but not less than five hundred dollars (\$500.00): Sections 5-29(1) through (9), (13)[(14)] and (14)[(15)], Section 5-29.1, Section 5-32 and Section 5-67.

(b) The additional fee for the following sections of the Code shall be in addition to and equal to the amount of the original fee provided in that section: Sections 5-29(10), (11), (12), ~~[(13)]~~, and (15) through (19)[(16) and (17)].

Section 3 - That Section 5-31 of the Code of Ordinances be and hereby is deleted in its entirety.

~~[Where an application is made for a building permit pursuant to a subdivision plan for which planting of street trees is required, an additional fee of one hundred dollars (\$100.00) shall be paid per required tree.]~~

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

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:



552-09

27

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: August 28, 2009

Re: Resolution Authorizing Acceptance of Deeds of Permanent Easement
Project No. 559 – Legacy Shared Use Trail

The purpose of this memorandum is to request a resolution authorizing the acceptance of deeds of permanent easement from the owners of record for the Legacy Shared Use Trail at no cost to the government. This is for the section of the trail from the Kentucky Horse Park to Newtown Pike.

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 Irene Gooding File
c/wo att: Robert Bayert, P.E. Keith Lovan, P.E.

09.P359.406.blurequest 1

HORSE CAPITAL OF THE WORLD



540-09

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: AUGUST 25, 2009

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE
AGREEMENT WITH THE COMMONWEALTH ATTORNEY'S
OFFICE FOR PROVISION OF "FAST TRACK" PROSECUTOR
SERVICES UNDER THE STREET SALES DRUG ENFORCEMENT
PROJECT - FY 2010**

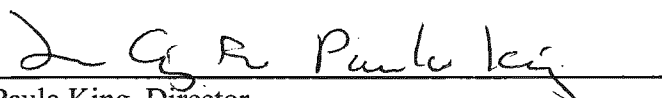
The Kentucky Justice Cabinet has awarded the Lexington-Fayette Urban County Government a grant for continuation of the Street Sales Drug Enforcement project. Source of funds is the U.S. Department of Justice, Edward Byrne Memorial Justice Assistance Grant Program.

The Street Sales Enforcement project includes funds to offset the cost of the "Fast Track" prosecution program and the Major Violator (Repeat Offender) prosecution program in the Commonwealth Attorney's Office, as part of a drug task force. Funds are used to support one full-time assistant prosecutor for a one-year period.

The total cost of this element of the project is \$51,664. Federal funds are in the amount of \$38,748. The Lexington-Fayette Urban County Government's general fund provides \$12,916 to the project. Budget amendment is in process providing funding for the project as follows:

FUND	DEPT ID	SECT	ACCT	BUD REF	ACTIVITY	PROJECT
3140	112006	0001	71101	2010	MS_GRANT	ST_SALES_2010

Council authorization to execute the agreement is hereby requested.


Paula King, Director

Xc: Tim Bennett, Commissioner, Department of Public Safety



557-09

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 8, 2009

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE AGREEMENT
WITH FAYETTE COUNTY COMMONWEALTH ATTORNEY'S OFFICE
FOR PERFORMANCE OF SERVICES UNDER THE JUSTICE
ASSISTANCE RECOVERY GRANT**

Lexington-Fayette Urban County Government has been awarded federal funds from the U.S. Department of Justice under the Justice Assistance Grant-Recovery Act. Acceptance of funds was approved by Council on July 7, 2009 (Ordinance No. 146-2009).

A component of the approved project was the award of federal funds in the amount of \$135,000 to the Fayette County Commonwealth Attorney's Office for employment of a full-time Assistant Prosecutor for the prosecution of major violators.

Funds in the amount of \$135,000 for this agreement are budgeted as follows:

FUND	DEPT ID	SECT	ACCT	PROJECT	ACTIVITY	BUD REF
3140	112006	0001	71101	JAG REC 2010	FED GRANT	2010

Council authorization to execute the Agreement is hereby requested.


Paula King, Director

Xc: Tim Bennett, Commissioner of Public Safety



543-09

30

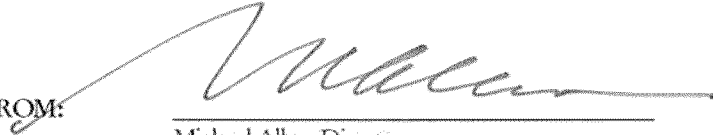
Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

William O'Mara
Acting Commissioner

MEMORANDUM

TO: Mayor Jim Newberry
Joe Kelly, Senior Advisor
Council Members

FROM: 

Michael Allen, Director
Division of Human Resources

DATE: August 31, 2009

RE: Create Position— Division of Community Corrections

The attached action amends Section 22-5 of the Code of Ordinances, creating one (1) position of Social Worker (Grade 111E) in the Division of Community Corrections for a three (3) year term effective upon passage of Council.

The Social Worker position will be responsible for overseeing the Day Reporting Program. The Day Reporting Program is an early release option for inmates that serve as an alternative sanction to incarceration for the courts. It focuses on maintaining public safety through supervision of eligible offenders and provides programs and services that will encourage employment and lasting changes in offender behavior thereby reducing recidivism, cost to taxpayers and increasing workforce diversity and community development.

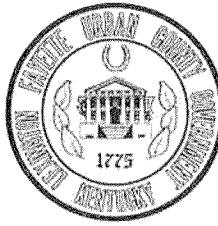
The fiscal impact for FY2010 is \$33,277.46 (18 pay periods) and includes benefits. This cost will be recovered from the Justice Assistance Grant.

Name	Position Title	Annual Salary Before	Annual Salary After	Annual Increase/(Decrease)
Vacant	Social Worker	\$0	\$34,034.52	\$34,034.52
Total Annual Impact/ Salary and Benefits \$48,067.44				

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

cc: Tim Bennett, Commissioner of Public Safety
Ronald Bishop, Director, Division of Community Corrections
Darrylyn Combs, HR Manager, Division of Human Resources
Jim Dodson, HR Analyst, Division of Human Resources

Log # 10-0024

**31****544-09**

Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

William O'Mara
Acting Commissioner

MEMORANDUM

TO: Mayor Jim Newberry
Joe Kelly, Senior Advisor
Council Members

FROM: 
Michael Allen, Director
Division of Human Resources

DATE: August 25, 2009

RE: Abolish/Create Position— Division of Code Enforcement

The attached action amends Section 21-5 of the Code of Ordinances, abolishing one (1) position of Code Enforcement Officer (Grade 113N) and creating one (1) position of Nuisance Control Officer (Grade 111N) in the Division of Code Enforcement effective upon passage of Council.

A Nuisance Control Officer is responsible for conducting inspections of properties to insure enforcement of and compliance with Urban County Government Ordinances concerning the abatement of weeds, debris, rubbish, junk vehicles or other designated nuisances. The Division requests this action to be better able to address the rise in nuisance related issues in our city.

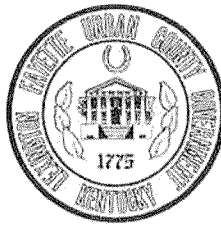
The fiscal impact for FY2010 is a savings to the General Fund in the amount of \$4,048.02 (18 pay periods) and includes benefits.

Name	Position Title	Annual Salary Before	Annual Salary After	Annual Increase/(Decrease)
Vacant	Code Enforcement Officer	\$36,944.18	\$0	\$(36,944.18)
Vacant	Nuisance Control Officer	\$0	\$32,225.70	\$32,225.70
Total Annual Impact/ Salary and Benefits \$(5,847.14)				

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

cc: Tim Bennett, Commissioner of Public Safety
David Jarvis, Director, Division of Code Enforcement
Darrylyn Combs, HR Manager, Division of Human Resources
Jim Dodson, HR Analyst, Division of Human Resources

Log # 10-0022



545-09

32

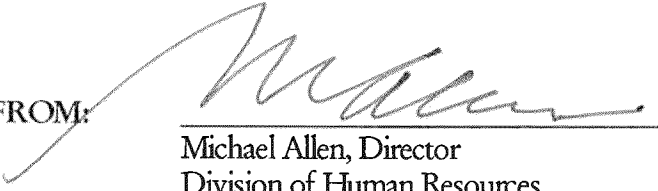
Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

William O'Mara
Acting Commissioner

MEMORANDUM

TO: Mayor Jim Newberry
Joe Kelly, Senior Advisor
Council Members

FROM: 
Michael Allen, Director
Division of Human Resources

DATE: August 28, 2009

RE: Create Positions— Division of Police

The attached action amends Section 22-5 of the Code of Ordinances, creating one (1) position of Microcomputer Support Specialist (Grade 113N) in the Division of Police for a one (1) year term effective upon passage of Council.

The Division requests the establishment of the position due to receiving a 2010 Jag Recovery Fund grant. The position will be responsible for the microcomputer support of the Division with duties including but not limited to hardware and software support, assembly, installation and configuration of microcomputer hardware systems, network support which includes the installation of new network interface cards, network devices such as routers, bridges and extenders, cabling and the maintenance of new and existing network connectivity software and some user network applications.

The fiscal impact for FY2010 is \$38,941.86 (18 pay periods) and includes benefits. This will be funded from the General Fund with recovery from the 2010 Jag Recovery Fund.

545 - 09

33

Name	Position Title	Annual Salary Before	Annual Salary After	Annual Increase/(Decrease)
Vacant	Microcomputer Support Specialist	\$0	\$36,944.18	\$36,944.18
Total Annual Impact/ Salary and Benefits \$56,249.35				

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

cc: Tim Bennett, Commissioner of Public Safety
Ronnie Bastin, Chief of Police, Division of Police
Darrylyn Combs, HR Manager, Division of Human Resources
Jim Dodson, HR Analyst, Division of Human Resources

Log # 10-0025



LEXINGTON DIVISION OF POLICE

553-09

34

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 2, 2009

RE: Donation – Friends of the Lexington Mounted Police

Please find attached a blue sheet requesting approval for the Lexington Division of Police to accept a donation from the Friends of the Lexington Mounted Police. Total value: \$2,500.

1. Conference Registration, Lodging and transport of horses for Mounted Unit to attend and participate in the North American Police Equestrian Championships in Harrisburg, Pennsylvania. The championship will be held September 26th – 30th, 2009. (Valued at \$2,500)

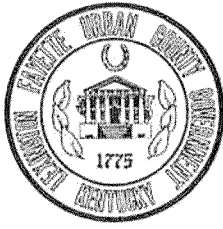
There will be no budgetary impact. If you have any questions or require additional information, please contact me.

A handwritten signature in cursive script, reading "R. Bastin".

Ronnie Bastin
Chief of Police

RB/rmh

cc: Tim Bennett, Commissioner of Public Safety



54 1-09

35

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: AUGUST 27, 2009

**SUBJECT REQUEST COUNCIL AUTHORIZATION TO SUBMIT APPLICATION
TO THE KENTUCKY DIVISION OF EMERGENCY MANAGEMENT
REQUESTING FEDERAL FUNDS UNDER THE FEDERAL
EMERGENCY MANAGEMENT AGENCY'S HAZARD MITIGATION
GRANT PROGRAM**

The Division of Water Quality has prepared an application requesting federal funds from the Kentucky Division of Emergency Management under the Federal Emergency Management Agency's Hazard Mitigation Grant Program.

Federal funds in the amount of \$2,016,048.75 (75%) and state funds in the amount of \$322,567.80 (12%) are being requested to support the cost of acquisition and demolition of fourteen residential properties in the Lafayette Parkway/Southbend/Lone Oak area. These properties have experienced repeated home flooding for an extended period time. A 13% local match in the amount of \$349,448.45 is required. Source of local match has not been identified.

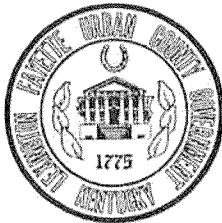
Total project cost is \$2,688,065.

The Hazard Mitigation Grant Program (HMGP) provides grants to States and local governments to implement long-term hazard mitigation measures after a major disaster declaration. The purpose of the HMGP is to reduce the loss of life and property due to natural disasters and to enable mitigation measures to be implemented during the immediate recovery from a disaster. The HMGP is authorized under Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

Council authorization to submit application is hereby requested.


Paula King, Director

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



556-09

36

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 8, 2009

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO AMEND RESOLUTION NO. 284-2009

On February 8, 2007 (Ordinance # 28-2007), the Urban County Council authorized the acceptance of federal funds for the implementation of a flood hazard mitigation project in the Cardinal Valley area. Project is known as Sugar Mill Mitigation Project. The source of federal funds is the Department of Homeland Security, Federal Emergency Management Agency, Hazard Mitigation Grant Program as authorized by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988. Purpose of this project is to mitigate flooding problems in the Cardinal Valley area.

On April 23, 2009 (Resolution No. 284-2009), Council authorized the purchase of property interests for this project in an amount not to exceed \$411,520 (five permanent drainage easements, one fee simple acquisition, and nineteen temporary construction easements). The Division of Water Quality has found that additional funds in the amount of \$4,000 will be needed. A total of \$415,520 will be needed for purchase of property interests plus usual and appropriate closing costs.

Funds are budgeted in:

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

Council authorization to amend Resolution No. 284-2009 is hereby requested.


Paula King, Director

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



*54 2-09

37

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: August 26, 2009

Re: Annual Renewal of the Program Management Services Consent Decree Implementation
Agreement with Tetra Tech, Inc. for FY 2010

The Program Management Services Consent Decree Agreement with Tetra Tech, Inc. provides for annual renewal, and the Division of Water Quality (DWQ) recommends renewal of the Agreement through FY 2010.

The Agreement with Tetra Tech, Inc. is to continue deliverables associated with LFUCG's Consent Decree. Deliverables associated with this Agreement are allocated via a series of written task orders. Lump sum fees are assigned to each approved task order pursuant to the Agreement.

In FY 2010, \$750,000 for sanitary sewer task orders is budgeted in Fund 4003 303401 3425 71205 PROGRAMGR 2010 CONSENT DE and \$690,000 is budgeted for stormwater/water quality management task orders in Fund 4051 303204 3321 71299.

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

Attachment

Pc: Cheryl Taylor, Commissioner, Department of Environmental Quality
Ed Gardner, Department of Law
Julie Mantrom, Division of Water Quality

A RESOLUTION ACCEPTING THE PROPOSAL OF TETRA TECH, INC., TO PERFORM ANNUAL PROGRAM MANAGEMENT SERVICES RELATED TO THE EPA CONSENT DECREE, AND AUTHORIZING AND DIRECTING THE MAYOR, ON BEHALF OF THE URBAN COUNTY GOVERNMENT, TO EXECUTE AN ENGINEERING SERVICES AGREEMENT WITH TETRA TECH, INC., FOR PERFORMANCE OF SUCH SERVICES AND AUTHORIZING INITIAL PAYMENT OF FUNDS IN AN AMOUNT NOT TO EXCEED \$250,000.00, AND FURTHER PAYMENTS PURSUANT TO THE TERMS OF THE AGREEMENT.

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

Section 1 - That the proposal of Tetra Tech, Inc., to perform Annual Program Management Services related to the EPA Consent Decree, be and hereby is accepted, and the Mayor, on behalf of the Lexington-Fayette Urban County Government, be and hereby is authorized and directed to execute the Engineering Services Agreement, which is attached hereto and incorporated herein by reference, with Tetra Tech, Inc., for performance of such services.

Section 2 - That an amount for initial task orders, not to exceed the sum of \$250,000.00, be and hereby is approved for payment to Tetra Tech, Inc., from account #4003-303401-71205, pursuant to the terms of the Engineering Services Agreement, and further payments for future task orders be and hereby are approved pursuant to the terms of the Agreement.

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

PASSED URBAN COUNTY COUNCIL: June 26, 2008

/s/ Jim Newberry
MAYOR

ATTEST:

/s/ Susan Lamb
CLERK OF URBAN COUNTY COUNCIL

PUBLISHED: July 2, 2008-1t



548-09

39

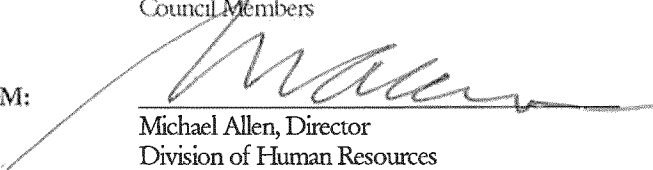
Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

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: September 1, 2009

RE: **Create Position— Division of Environmental Policy**

The attached action amends Section 21-5 of the Code of Ordinances, creating one (1) position of Environmental Initiatives Specialist (Grade 115E) within the Division of Environmental Policy, effective upon passage by Council.

The Division of Environmental Policy is tasked with implementing numerous "green" LFUCG initiatives such as improving energy efficiency, reducing our carbon footprint, promoting recycling, and pursuing environmental grants. This position is being added to help to fulfill these responsibilities. They will be responsible for implementing and coordinating specific environmental initiatives for the government and community and will perform a wide variety of duties in support of the Environmental Initiatives Program.

The fiscal impact for FY2010 (18 pay periods) results in a cost of \$42,734.19. This was included in FY2009 adopted budget, and funding is continued in the FY 2010 budget. All cost includes benefits.

Name	Position Title	Annual Salary Before	Annual Salary After	Annual Increase/Decrease
Vacant	Environmental Outreach Spec.	\$0	\$45,059.04	\$45,059.04
Total Annual Impact/ Salary and Benefits \$61,727.16				

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

Attachment

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

Log # 10-0010



549-09

40

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: September 2, 2009

RE: **Reallocate Position— Division of Waste Management**

The attached action amends Section 21-5 of the Code of Ordinances, abolishing one (1) position of Administrative Officer (Grade 118E) and creating one (1) position of Efficiency Analyst (Grade 118E) within the Division of Waste Management, effective upon passage by Council.

This reallocation is needed to align the position title with the position. The position of Efficiency Analyst will be responsible to achieve the goals of the studies which recommended dramatic changes to, and expansion of, the Division of Waste Management. The audit found poor operational efficiency in everything from imbalanced routes to additional trucks on the street each day to collect only bulky items. The position is needed to analyze and propose how the division can operate more efficiently by gathering and organizing information on activities, procedures and problems that cause the Division to be inefficient. This person would analyze data gathered and develop solutions or alternative methods to increase efficiency and thereby save resources.

The fiscal impact for FY2010 (18 pay periods) results in a cost of \$52,412.59. This was included in the FY 2010 budget. All cost includes benefits.

Name	Position Title	Annual Salary Before	Annual Salary After	Annual Increase/Decrease
Vacant	Efficiency Analyst	\$0	\$56,340.44	\$56,340.44
Total Annual Impact/ Salary and Benefits \$75,707.07				

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

Attachment

cc: Cheryl Taylor, Commissioner, Department of Environmental Quality
Steve Feese, Director, Division of Waste Management
Darrylyn Combs, Human Resources Manager, Division of Human Resources
Jim Dodson, Human Resources Analyst, Division of Human Resources
Log # 10-0021



547-09

41

Lexington-Fayette Urban County Government
OFFICE OF THE MAYOR

Jim Newberry
Mayor

September 1, 2009

TO: Mayor Jim Newberry and Urban County Council

FROM: Charlie Milward, Lyric Construction Project Manager

VIA: Shaye Rabold, Mayor's Chief of Staff

This request is to authorize the Mayor to approve Change Order Number 2 to the existing contract with Denham-Blythe Company, Inc. for construction of the Lyric Theatre and Cultural Arts Center.

This change is for one item with three (3) parts as described below.

GENERAL CONTRACT CHANGE

- (1) Remove existing rubble masonry unit back-up wall, bay by bay.
- (2) Install new 8" concrete masonry unit (cmu) wall with vertical and horizontal reinforcement and grout filled cores as required for new building exterior walls.
- (3) Substitute metal brick anchors needed for installation in existing wall with metal brick anchors for new masonry wall.

The total amount of Change Order Number 2 is \$72,838.01 which is fully budgeted.

The following documents are attached:

- Contract History Form
- Change Order Form from the Architect
- Work Changes Proposal Request
- Contractor's Price Breakdown
- Letter from Tate Hill Jacobs, project architect
- Letter from Poage Engineering, project structural consultant
- Photographs of existing wall

I am available for questions.

547-09

CONTRACT HISTORY FORMContractor: Denham-Blythe Company, Inc.Project Name: Lyric TheatreContract Number and Date: 143-2009, July 2, 2009Responsible LFUCG Division: Mayor's Office**CHANGE ORDER DETAILS**

	<u>Summary of Previous Change Orders To Date</u>	<u>Percent Change to Dollar Amount</u>	<u>Original Contract</u>
A.	Original Contract Amount:	\$ <u>5,560,322.66</u>	
B.	Cumulative Amount of Previous Change Orders:	\$ <u>16,313.12</u>	<u>0.29%</u> (Line B / Line A)
C.	Total Contract Amount Prior to this Change Order:	\$ <u>5,576,635.78</u>	
	<u>Current Change Order (#2)</u>		
D.	Amount of This Change Order:	\$ <u>72,838.01</u>	<u>1.31%</u> (Line D / Line A)
E.	New Contract Amount Including this Change Order :	\$ <u>5,564,473.79</u>	<u>101.60%</u> (Line E / Line A)

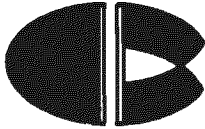
SIGNATURE LINESProject Manager: Charles D. HubertDate: 8-31-09

Reviewed by: _____

Date: _____

Division Director: _____

Date: _____



DENHAM – BLYTHE COMPANY, Inc. PROJECT # 09-210

PROJECT NAME Lyric Theatre

TOPIC: PR#6 – Blockwall Replacement DATE August 31, 2009

Price Breakdown for Blockwall Replacement

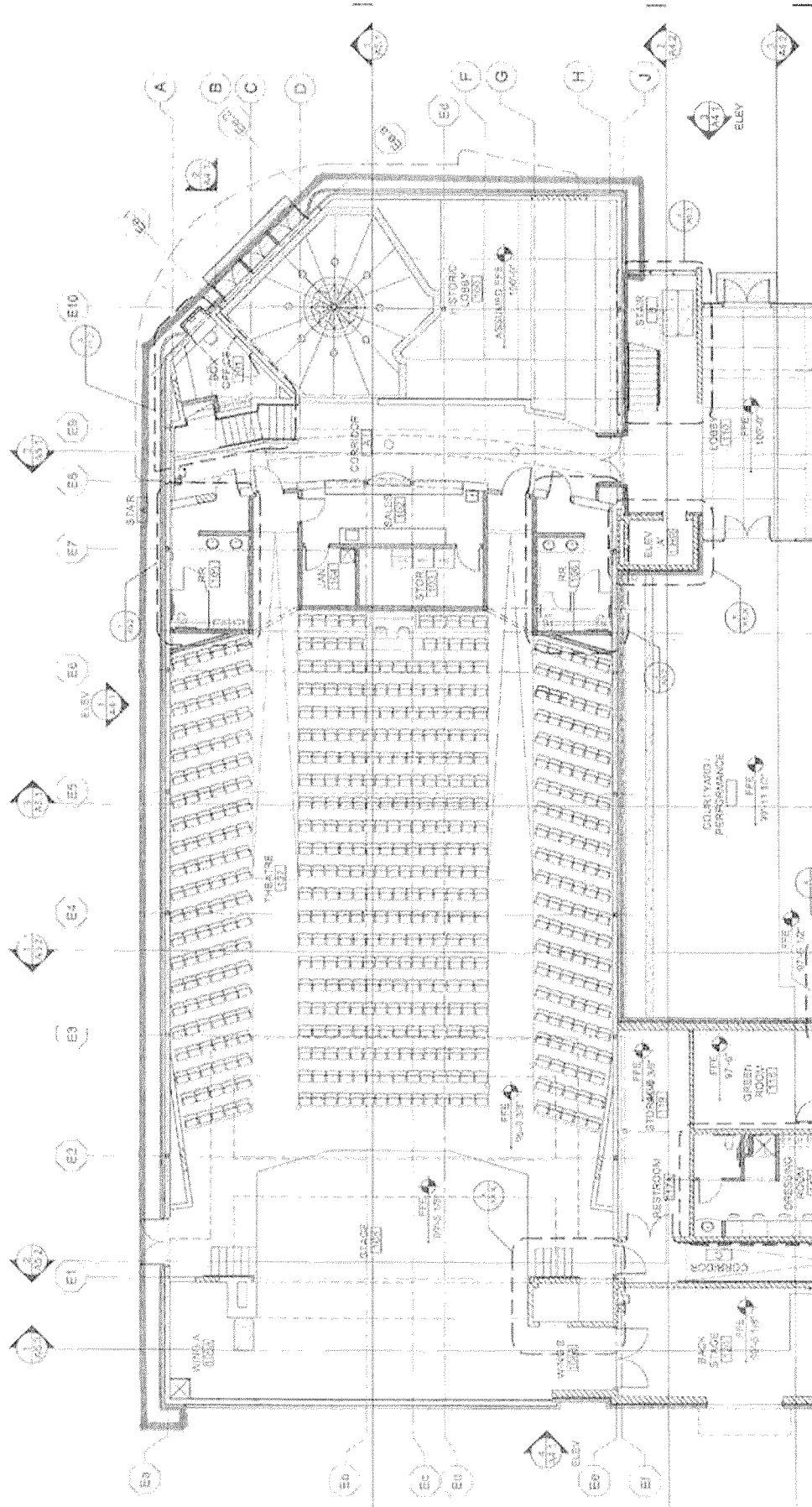
Option A – Shotcrete

Quote from Dwyer Companies to provide approximately 1" shotcrete (see attached quote)	\$62,370
Dumpster (1/4 load)	\$ 77
Subtotal	\$62,447
Markup (15%)	\$9,367.05
Total	\$71,814.05

Option B -

Demolition	
4,547 sf of Block wall removal	
• Labor to Demolish 232 hours x \$26.10/hour	\$6,055.20
• Labor to Cleanup 116 hours x \$26.10/hour	\$3,027.60
o Requires sorting the glazed block from CMUs	
• Rental on (2) electric hammer drills for 15 days – 30 x \$30	\$ 900
• Boom Lift for 15 days at \$35/day	\$ 525
• Generator for hammer drills 15 days @ \$46.64/day	\$ 699.60
• Removal and reinstallation of block bearing bar joists	\$ 2,100
• Deduct the preparation of the existing block wall for Paint	(\$ 600)
Dumpster – 5 loads	\$ 1,540
Masonry – Quote from Crossroads Masonry (Masonry quote does not require adjustment to DPO)	\$49,090
Subtotal	\$63,337.40
Markup (15%)	\$ 9,500.61
Total	\$72,838.01

Reconditioning of W8 columns where the block is already removed is \$16.50/LF.



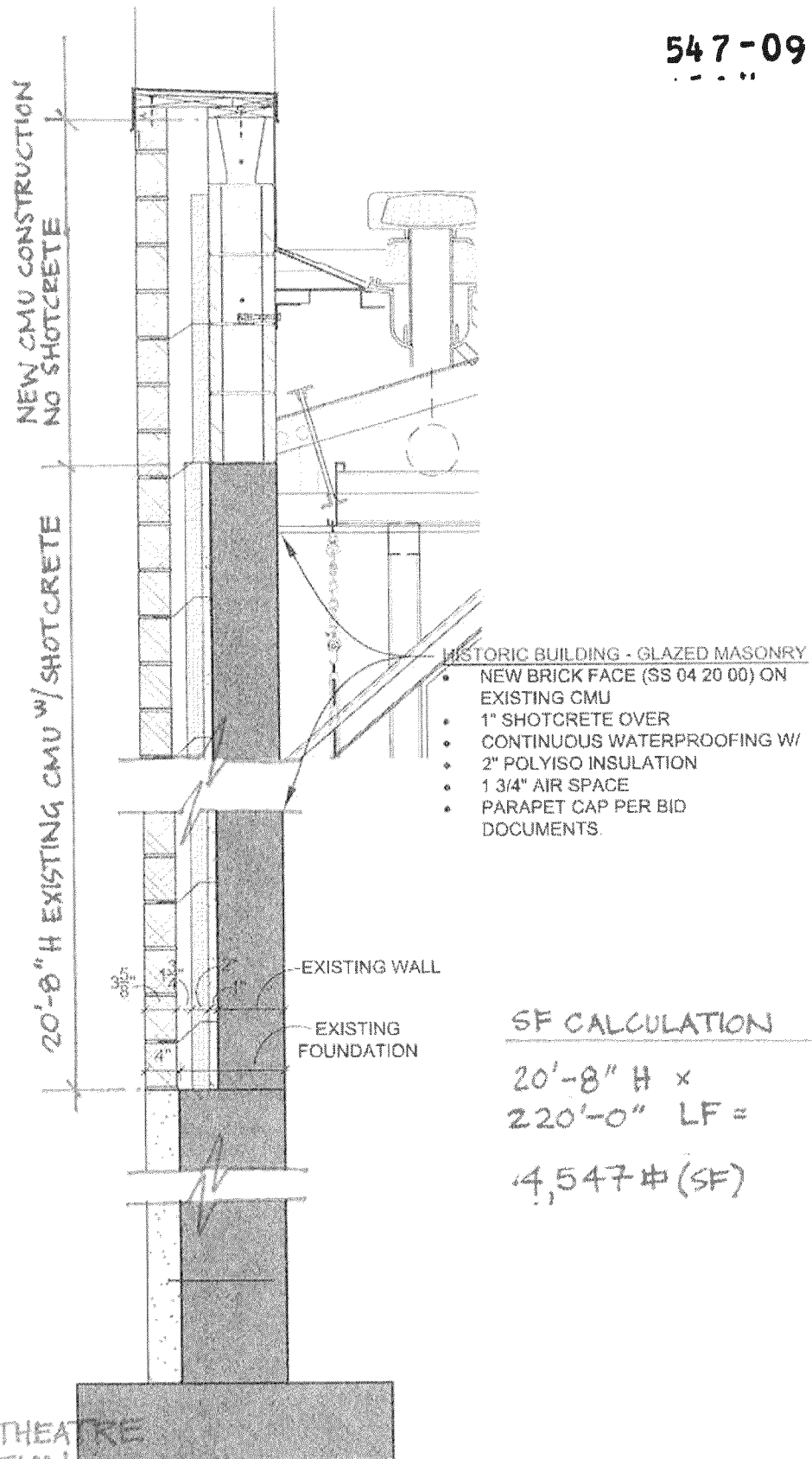
LOCATION OF
SHOTCRETE
INSTALLATION.
220'-0" LF

1 PARTIAL FLOOR PLAN

N.T.S.

PR#6

08.20.2009



SF CALCULATION

$$20'-8" H \times 220'-0" LF =$$

$$4,547 \# (SF)$$



555-09
.....

46

Lexington-Fayette Urban County Government

Jim Newberry, Mayor

To: Mayor Jim Newberry
Joseph Kelly, Sr. Advisor for Management
Urban County Councilmembers

From: Penny Ebel, Special Events Director

PE

Date: September 8, 2009

Re: Authorization of Contract for Street Light Add-on Accessories with Kentucky Utilities CO.

This is to request authorization of a rental agreement with Kentucky Utilities Company for 68 add-on banner brackets at intersections on Main Street and Vine Street.

I appreciate your consideration of this item and request your approval.



558-09

47

Lexington-Fayette Urban County Government

Jim Newberry, Mayor

TO: Mayor Jim Newberry
Urban County Council Members
SAM

FROM: Ned Sheehy 
Director of Government Relations

DATE: September 8, 2009

SUBJECT: Authorization to accept the 2009-2010 Work Plan from Simon and Company, Inc. and enter into an Agreement for Services as outlined in the plan.

Request the acceptance and approval of the 2009-2010 Work Plan from Simon and Company, Inc. as the Federal Affairs Assistant in Washington, D.C. on behalf of LFUCG regarding intergovernmental relations and federal affairs. The Plan contains specific and prioritized objectives for the best utilization of Simon and Company, Inc. as a representative working closely with Congress and other Federal agencies.

Funds in the amount of \$39,000 are budgeted.

**AGREEMENT
PROFESSIONAL SERVICES
FOR
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**

THIS AGREEMENT is made and entered into as of by and between **LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**, an urban county government of the Commonwealth of Kentucky pursuant to Chapter 67A of the Kentucky Revised Statutes, 200 East Main Street, Lexington, Kentucky 40507 (hereinafter "LFUCG"), and **SIMON AND COMPANY INCORPORATED**, with offices at 1660 L Street, N.W., Suite 501, Washington, D.C. (hereinafter the "Consultant").

WITNESSETH:

WHEREAS, the Federal Government, in its legislative and regulatory capacity, has a significant effect upon LFUCG's ability to provide services to its residents; and

WHEREAS, Consultant has established a successful track record of representing municipal interests among Federal legislative and regulatory decision making processes; and

WHEREAS, LFUCG desires to retain the services of the Consultant and the Consultant is willing to provide them.

NOW, THEREFORE, in consideration of the foregoing and mutually agreed upon promises, conditions and covenants hereinafter set forth, LFUCG and the Consultant agree as follows:

1. **SCOPE OF SERVICES.** Consultant shall use its best efforts to accomplish the following objectives for LFUCG, as defined in the Work Plan, which is attached hereto and incorporated herein by reference (the "Work Plan").
 - A. Consult with LFUCG's Mayor (hereinafter the "Mayor"), or his designee, to define the key priority projects which constitutes LFUCG's Federal affairs agenda and which will advance the interests of LFUCG in the development and execution of Federal policy.
 - B. Establish and maintain an effective working relationship with Kentucky's Congressional delegation in Washington and with the leadership of the key Federal agencies whose activities most impact LFUCG, including, but not limited to, the Department of Housing and Urban Development, the Department of Transportation, and the Environmental Protection Agency.
 - C. Provide timely, accurate information to the Mayor, or his designee, to facilitate prosecution of LFUCG's Federal interests, including, but not limited to:
 - 1) Timely notification of the availability of Federal funding for projects or activities of benefit to LFUCG's residents.
 - 2) Timely notification of development of Federal legislation and/or regulatory matters in areas such as environmental protection, public safety, transportation initiatives, criminal justice, economic and community development.
 - 3) Timely notification of the potential of new Federal mandates which do not have accompanying funding provisions and assure LFUCG has reasonable opportunity to explain its circumstances before such mandates are imposed.

- D. Provide the Mayor or his designee with periodic briefings and reports describing the nature of contacts made and the progress in accomplishing specific objectives established by the Mayor.
- E. Coordinate the periodic trips by LFUCG officials to Washington to arrange access for such officials to meet with legislative and executive staff and elected officials, as needed, to advance LFUCG's Federal affairs agenda.

2. **COMPENSATION.** The professional services included herein shall be provided at an annual cost not to exceed \$36,000.00, payable in monthly installments of \$3,000.00 each. In addition, the Consultant shall be entitled to reimbursement for reasonable expenses incurred in the performance of this work up to a total amount not to exceed \$3,000.00. The Consultant shall submit a detailed monthly report indicating work performed for LFUCG, and shall provide sufficient documentation for reimbursable expenses prior to payment. Under no circumstance will LFUCG reimburse the Consultant for the purchase of alcoholic beverages.

3. **TERM.** The term of engagement shall commence on July 1, 2009 and shall terminate on June 30, 2010. Subject to the availability of budgeted funds, LFUCG may choose to extend or renew this engagement under the same terms and conditions by notifying the Consultant in writing at least thirty (30) days prior to the expiration of the original engagement period.

4. **CANCELLATION.** LFUCG, through its Council, the Mayor or his designee, may cancel the engagement for services for any reason, and without any liability therefore, upon giving the Consultant thirty (30) days prior written notice sent to the last known address of the Consultant. Upon cancellation, LFUCG shall pay the Consultant on the basis of the actual services satisfactorily performed and reasonable costs incurred up to the time of the cancellation as calculated by LFUCG. Under most circumstances, this will be some percentage of any outstanding \$3,000 monthly fee.

5. **INDEMNIFICATION AND INSURANCE.** The Consultant or any of its agents or subcontractors to the extent permitted by law, agrees to defend, indemnify and save harmless LFUCG, its employees, volunteers and elected officials, from and against all liabilities, claims, actions, expenses, obligations, losses, fines, and assessments resulting from or arising out of any error or omission, negligence or intentional misconduct or any other action relating to the provision of the services specified herein. Indemnification will include, in addition to the above, attorney's fees, costs related to investigation and defense and any other expenses related to any such claim, action or proceeding. The Consultant

will not be liable for such claims, actions, obligations, losses, fines, penalties and assessments resulting from or arising out of any error or omission, negligence or intentional misconduct of LFUCG, its agents, and employees. The Consultant will provide and maintain in force at all times during the term of the services contemplated herein Commercial General Liability Insurance and Errors and Omissions Coverage against claims which may arise from or in connection with the work performed in the principal amount of not less than One Million Dollars (\$1,000,000) per occurrence and Two Million Dollars (\$2,000,000) aggregate, per policy year, for any claim, act or omission in providing those services. Additionally, the Consultant will maintain during the term of the services Commercial Automobile Liability Insurance coverage with combined single limits of not less than \$1,000,000 per occurrence. Said policies shall name "The Lexington-Fayette Urban County Government, its elected and appointed officials, employees, agents, boards, consultants, assigns, volunteers and successors in interest," as "additional insureds." The Consultant will also maintain Workers Compensation Insurance as required by the Kentucky Revised Statutes and Employer Liability Coverage equal to \$1,000,000. All policies of insurance shall be placed with an insurer authorized to do business in the Commonwealth of Kentucky with a rating classification of no less than VIII, as defined by the most current Best's Key Rating Guide. The policy will provide that such insurance will not be cancelled, modified or permitted to lapse without thirty (30) days prior written notice to LFUCG.

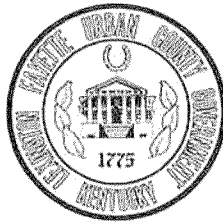
6. **INDEPENDENT CONTRACTOR.** The Consultant acknowledges that and agrees that its employees or agents are not employees of LFUCG for any purpose whatsoever. Simon is an independent contractor at all times during the performance of the services specified.

7. **ASSIGNMENT.** The Consultant will not assign the performance of its services under this agreement without the prior written approval of the Mayor or his designee.

8. **APPLICABLE LAW.** The terms of this engagement shall be governed by the laws of the Commonwealth of Kentucky, both as to interpretation and performance. Any ambiguity is to be construed in favor of LFUCG.

9. **AMENDMENTS.** This Agreement embodies the entire agreement between the parties and shall not be altered except in writing signed by both parties.

IN WITNESS WHEREOF, the parties hereto have affixed their hands and seals the day and year first above written.



55 1-09

52

Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

William O'Mara
Acting Commissioner

M E M O R A N D U M

TO: Mayor Jim Newberry
Senior Advisor Joe Kelly
Council Members

FROM: 
Michael Allen, Director
Division of Human Resources

DATE: September 2, 2009

SUBJECT: Internal Advertisement for Division of Building Inspection

The Division of Human Resources is requesting your concurrence and approval of the internal advertisement of the position of Administrative Specialist Senior in the Division of Building Inspection. Current employees will be eligible to compete.

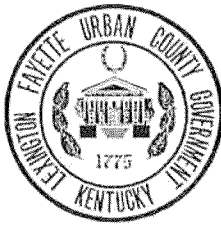
As a natural step in their career progression, we have many LFUCG Staff Assistant, Staff Assistant Sr., and Administrative Specialist who will likely apply and qualify for this 112N Administrative Specialist Senior position in the Division of Building Inspection. It has been determined that we do have a balanced EEO pool of internal candidates who could apply and are qualified for the position. It is our goal that, whenever possible we provide internal promotional opportunities.

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

df

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

Log # 10-0026



554-091053

STANDARD

August 27, 2009

Lexington-Fayette Urban County Government
DEPARTMENT OF SOCIAL SERVICES

Jim Newberry
Mayor

Marlene Helm
Commissioner

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

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

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

DATE: August 27, 2009

RE: Correction of Resolution 440-2009

This is to request correction of information stated in Resolution 440-2009. The financial audit completed by Blue & Co. covered a five year period from July 1, 2003 to June 30, 2008, not July 1, 2007 to June 30, 2008.

Thank you.

ACCEPTED:

Mayor Jim Newberry

Date

RESOLUTION NO. 440 - 2009

A RESOLUTION ACCEPTING AND ADOPTING THE FINANCIAL AUDIT REPORT
PREPARED BY BLUE & CO., LLC, FOR THE AUDIT OF THE FAMILY CARE CENTER
HEALTH CLINIC COVERING THE PERIOD FROM JULY 1, 2007 TO JUNE 30, 2008.

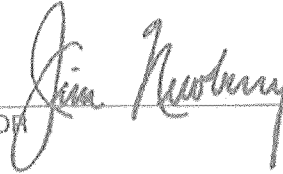
BE IT RESOLVED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN
COUNTY GOVERNMENT:

Section 1 - That the Financial Audit Report prepared by Blue & Co., LLC, for the
audit of the Family Care Center Health Clinic covering the period from July 1, 2007 to ²⁰⁰³
June 30, 2008, be and hereby is accepted and adopted.

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

PASSED URBAN COUNTY COUNCIL: June 25, 2009

MAYOR



ATTEST:



CLERK OF URBAN COUNTY COUNCIL

PUBLISHED: July 2, 2009-1t

MKH:X:\Cases\CO\09-LE0009\LEG\00214096.DOC



559-09

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Mayor Jim Newberry
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Department of Social Services
MEMORANDUM

To: Mayor Jim Newberry
Members of the Council
Joe Kelly, Sr. Advisor for Management

From: Marlene Helm
Marlene Helm, Commissioner of the Department of Social Services

Date: September 9, 2009

Subject: Sponsor Agreement for Volunteer Income Tax Assistance ("VITA") and
Civil Rights Assurance with Internal Revenue Service

The Central Kentucky Empowerment Project ("CKEEP") provides free tax preparation and filing for households with incomes below \$42,000. Last year over 1,900 returns were prepared with refunds totaling over \$2.40 million dollars.

The LFUCG will be providing space at the Gainesway Community Center, the Central Kentucky Job Center, and the Family Care Center for this program. CKEEP is responsible for management of the programs and the sites. The Internal Revenue Service requires that the entity providing the locations sign a document assuring that there will be no discrimination at the sites they provide.

Further, the Sponsor Agreement insures that all information obtained in the preparation of the income tax returns will be kept confidential and all computer data will be deleted at the end of the filing season.

We are requesting authorization for Mayor Newberry to approve these documents.

HORSE CAPITAL OF THE WORLD

200 East Main Street Lexington, KY 40507 859 258.3800 Fax 859 258 3406 www.lfucg.com

SERVICES COMMITTEE MEETING 9-1-2009 SUMMARY

All committee members were present. The meeting was called to order at 1:00 pm

1. Slaughtering Livestock - Henson

Henson explained this issue was brought before the committee due to a complaint regarding an incident that occurred in the 11th council district. She asked the law department to cover details of the existing ordinance, noting there was nothing in the ordinance talking about consumption for personal use. Four citizens in the audience requested to speak on the matter. Some told the committee they raise chickens and were concerned at how this issue might affect them.

Lawless asked for confirmation on the issue, was it raising livestock or slaughtering livestock.

Henson said the issue is slaughtering and would like to amend the ordinance allowing requirement of a permit to slaughter livestock within the urban service boundary. A representative from the health department said no such permit exists at this time, adding this could include involvement of other agencies.

Lawless wanted to know if the health department has the means to issue such a permit. They were not sure but would discuss the matter and provide an answer.

Henson explained she would like to see a draft ordinance to review and discuss at a future meeting.

Crosbie asked how the proposed ordinance would be enforced and who would provide oversight of the permit process.

Henson replied the police department and asked for input from Public Safety.

Rick Curtis told the committee this would also take involvement of animal control and suggested addressing the community at large. He also called for the need to differentiate livestock versus wildlife.

Lane commented on current laws regarding animals on personal property adding restrictions should be for commercial applications and comply with zoning.

Beard asked about the scope of this complaint and the number of citizens slaughtering animals, adding he would like to know the background behind these complaints.

Feigel said she understands there are cultural issues involved, but would like to see some perimeters applied.

Martin expressed concern about the use of personal property and is in favor of reviewing a draft amendment to the current ordinance.

Motion by Henson directing 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 Feigel, passed without dissent.

David Barbarie, Law Department noted the need to define livestock.

2. Sign Ordinance - Lane

Lane explained problems involved with the current sign ordinance as it relates to commercial and neighborhood association signage. Chris King, Planning told the committee, sign regulations are under the responsibility of zoning ordinances. He explained a number of ways they can be amended, either by initiation by council or the planning commission. He added, even land owners are allowed input on changes to sign ordinances. He said the Planning Commission must hold a public hearing on the proposed recommendations dealing with signs in the right-of-way or real estates signs. He noted the division of building inspection has received complaints regarding the size requirement of 6 square feet.

Lane asked King about addressing issue of commercial signs by defining specific areas and dealing with the one at a time. King said dealing with the entire sign ordinance would be a very lengthy process.

Martin agreed there are a number of sections of the ordinance that need to be addressed and wanted to know if we can come up with an amendment to just one section of the ordinance. Adding he would like to see the issue of neighborhood association and commercial signs fixed. He said many are not in compliance with the ordinance and do follow common practice for Fayette county (referring to size of 6 square feet).

Lane yielded the floor to Myers who had experience via another committee dealing with sign ordinance. Myers encouraged the committee to support changing the law in order to increase any applicable fines/fees regarding signage.

Beard referred on signage (bill boards) on Nicholasville Road, saying it was extremely innovative. He asked Harold Tate, DDA how signage played a part in the downtown master plan. Tate shared plans regarding signage and how technology is changing the way signage is applied.

Tandy Patrick, Greenebaum, Doll & McDonald, PLLC told the committee her firm has filed a text amendment on behalf of a neighborhood association, saying several members were fined for violations. She said the text amendment is asking that real estate signs also be held in compliance. Her

proposal also includes use of property as to what signage would apply and definition of commercial real estate.

Martin asked for a definition of real estate signs and outline of the proposal. Ms. Patrick said the proposal is based on *use* of property.

Crystal Blackburn, Lexington Board of Realtors spoke to the committee regarding the importance of real estate signage and the impact on tax revenues. Lane had a question on current sign application. Blackburn could not comment, but would get back to the committee with that answer.

Don Sebastian, real estate attorney spoke addressing enforcing the ordinance the way it is now would be detrimental to the real estate industry. Lexington Home Builder Association also commented on regulations and enforcement of the current sign ordinance. Lane summarized, to be on equal footing with other markets, commercial real estate signage should be addressed. He said issues specific to residential real estate seem to be working adequately.

Chris King recommended against amending the entire ordinance and to review sign regulations specific to Article 17-6. He said ultimately council would have to vote either up or down any amendment to the ordinance and planning commission recommendations.

Martin asked if any modification approved by council have to go before the planning commission King said they may not need to.

Martin said he would like to introduce a possible change to the time frame of putting signs out, but does not want to hinder needs of commercial signage.

Motion by Martin directing law department to draft an amendment to article 17-6: Permitted Signs In all Zones changing wording: from and to or, seconded by Lane, passed without dissent.

"Temporary signs related to events that are sponsored by residential neighborhood ~~and or~~ owners associations that are located with the public or private street right-of-way of that neighborhood, and that are located within the required sight triangle of any intersection under Section 17-4(j). such signs shall not exceed six (6) square feet in area and six (6) feet in height, and shall not be displayed more than ~~ten (10)~~ **seven (7)** day prior to the event, and must be removed within ~~five (-5-)~~ **two (2)** business days of the completion of the event." **And shall not exceed ten (10) signs per event.**

Emma Tibbs told the committee many neighborhoods have deed restrictions regarding signs and most neighborhood associations have no problem other than with temporary signs.

Myers had several questions about temporary signs and enforcement. He asked King and Dewey Crowe, Building Inspection for recommendation to strengthen the law and collecting fees.

David Barberie explained this would require a change to KRS, (state law criminal code. Myers asked Barberie to draft legislation asking for a change to KRS.

Motion by Feigel making a friendly amendment to Martin's motion regarding neighborhood signs, add to the motion "shall not exceed ten (10) signs and change "not more than ten (10) prior to seven (7) days prior, seconded by Lane, passed without dissent.

Motion by Beard recommendation to amend "two (2) business days instead of five (5) days of the event". Seconded by Feigel, passed without dissent.

3. Items in Committee

Paul Schoninger, Council Staff went over items and advised the committee status of each.

Motion to adjourn, passed, meeting adjourned at 2:38 pm