URBAN COUNTY COUNCIL
SCHEDULE OF MEETINGS
October 12-October 19, 2009

Monday, October 12
Human Rights Commission Monthly Meeting……………………………………….5:30 pm
Conference Room-5th Floor Government Center

Tuesday, October 13
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, October 14
Policemen's & Firefighters' Retirement Pension Board Meeting…………………9:00 am
Council Chambers-2nd Floor Government Center

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

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

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

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

Thursday, October 15
Public Safety Communications Workshop………………………………**POSTPONED**
Conference Room-5th Floor Government Center

Council Confirmation Hearing continuation: Linda Rumpke………………………6:00 pm
Conference Room-5th Floor Government Center

Council Confirmation Hearing: LaTaoi Mayo, Ethics Commission………………6:30 pm
Conference Room-5th Floor Government Center

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

Friday, October 16
No Meetings

Monday, October 19
No Meetings

LEXINGTON-FAYETTE URBAN COUNTY COUNCIL

WORK SESSION AGENDA

October 13, 2009

I. Public Comment – Issues on Agenda

II. Requested Rezonings / Docket Approval – Yes

III. Approval of Summary-October 6, 2009, pp.6-10

IV. Budget Amendments – Yes, pp.11-12

V. New Business, pp.14-58

VI. Continuing Business / Presentations

A. Services Committee(separate, not in packet)

B. South Limestone Streetscape Project
Mr. George Milligan, Streetscape Project Manager

C. TIF Showprop Lexington, LLC,
Ms. Chris Westover, McBrayer McGinnis Leslie & Kirkland, PLLC

VII. Council Report

VIII. Mayor's Report – Yes

IX. Public Comment – Issues Not on Agenda

ADMINISTRATIVE SYNOPSIS

New Business Items

A. Authorization of a Memorandum of Understanding (MOU) with the Kentucky Institute for International Studies (KIIS) on behalf of the Department of Public Safety, Division of Police. (600-09) (Bastin/Bennett)
This request will authorize a MOU with KIIS at a cost of $29,994 for 270 – 300 hours of academic instruction in the Spanish language for the Fall 2009 and Spring 2010 semesters. Employees will earn the equivalent of 18 credit hours of college-level Spanish. This does not include the cost of textbooks or academic credit fees. Funds are budgeted.**p.14**

B. Authorization of a Subrecipient Agreement with the Fayette County Sheriff's Office for Disbursement of Grant Funds under the 2009 Recovery Act Edward Byrne Memorial Justice Assistance Grant Program. (601-09) (P. King/Bennett)
This request will authorize a Subrecipient Agreement with the Fayette County Sheriff's Office for disbursement of federal funds in the amount of $135,000 under the 2009 Recovery Act Edward Byrne Memorial Justice Assistance Grant Program. Funds will be used for a fulltime sergeant to serve as Extradition Coordinator for the apprehension and return of fugitive felons who have fled to avoid prosecution of a felony crime. Funds are budgeted.**p.15**

C. Authorization of a Subrecipient Agreement with the Fayette County Attorney's Office for Disbursement of Grant Funds under the 2009 Recovery Act Edward Byrne Memorial Justice Assistance Grant Program. (602-09) (P. King/Bennett)
This request will authorize a Subrecipient Agreement with the Fayette County Attorney's Office for disbursement of federal funds in the amount of $144,000 under the 2009 Recovery Act Edward Byrne Memorial Justice Assistance Grant Program. Funds will be used for a fulltime Gang Enforcement Specialist to combat gang activity. Funds are budgeted.**p.16**

D. Authorization of a Modification to an Agreement Offered by the Kentucky Office of the 911 Coordinator / Commercial Mobile Radio Service (CMRS) Board for the Central Kentucky Enhanced 911 Wireless Network. (603-09) (P. King/Bennett)
This request will authorize a modification to agreement offered by the Kentucky Office of the 911 / CMRS Board to extend the expiration date to August 31, 2010 for the Central Kentucky Enhanced 911 Wireless Network. This will allow for the participation of additional Public Service Answering Points. There are no other changes associated with this modification.**p.17**

E. Authorization to Submit a Grant Application to the US Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA) on Behalf of the Department of Public Safety, Division of Fire and Emergency Services. (612-09) (P. King/Bennett)
This request will authorize the submission of a grant application for federal funds in the amount of $7,500 to the US DHS, FEMA, on behalf of the Division of Fire and Emergency Services under the 2009 Fire Prevention and Safety Grant Program. Funds will be used to update the Division's audio / visual library, for the purchase of printed publication and other public information products for fire service and home safety organizations, and to replace an obsolete smoke making machine. If awarded, 80% ($6,000) will be federal funds. A local match of 20% ($1,500) will come from the 2010 General Fund budget.**p.18**

F. Authorization to Amend Section 22-5 of the Code of Ordinances within the Department of Public Safety, Division of Police. (604-09) (Allen/Bennett)
This request will authorize an amendment to Section 22-5 of the Code of Ordinances to create two (2) positions of Evidence Technician (Grade 112N) and one (1) position of Police Analyst (Grade 111N) within the Division of Police for a 2-year term to expire November 1, 2011. The fiscal impact for FY2010 is $88,060 and will be funded from the General Fund with recovery from the FY2009 Recovery Act - Edward Byrne Memorial Competitive Grant Program. Funds are budgeted.**p.19**

G. Authorization to Change Street Names and Individual Address Numbers within Various Council Districts for the Enhanced 911 System. (611-09) (Lucas/ Bennett)
This request will authorize changes to street names and individual address numbers within various Council Districts for the proper operations of the Enhanced 911 System.**pp.20-26**

H. Authorization of Change Order No. 2 to Contract with Woodall Construction Company, Inc. Regarding the Southend Park Redevelopment Temporary Housing Project for the Newtown Pike Extension Project. (606-09) (P. King/ Webb)
This request will authorize Change Order No. 2 to increase contract amount by $42,010.30 with Woodall Construction Company, Inc. regarding the Southend Park Redevelopment Temporary Housing Project for the Newtown Pike Extension Project. This change order will allow for the clearing, embankment construction, driveways, landscaping, and utility services for two (2) sites for manufactured homes. Original contract amount was $785,158. Previous change order amount was $7,587.53. New contract amount is $834,755.83. Funds are budgeted.**pp.27-30**

I. Authorization of Change Order No. 2 to Contract with CMH of Kentucky, Inc. (d/b/a LUV Homes #853) for the Newtown Pike Extension Project. (607-09) (P. King/Webb)
This request will authorize Change Order No. 2 to increase contract amount by $90,262.72 with CMH of Kentucky, Inc. (d/b/a LUV Homes #853) for the Newtown Pike Extension Project. This change order will allow for the purchase and installation of two (2) modular homes, storage buildings and fencing. Original contract amount was $706,906.76. Previous change order amount was $11,337. New contract amount is $808,506.48. Funds are budgeted.**pp.31-33**

J. Authorization to Transfer Ownership under the License Agreement with The Cincinnati, New Orleans and Texas Pacific Railway Company and the Progressive Capital Group, LLC for the Installation of Sanitary Sewer Pipe. (613-09) (Rayan/Webb)
This request will authorize the transfer of ownership to LFUCG of a 10-inch ductile iron sanitary sewer pipe encased in a 24-inch steel pipe installed by the Progressive Capital Group, LLC under License Agreement dated December 4, 2007, with The Cincinnati, New Orleans and Texas Pacific Railway Company. There is no budgetary impact.**p.34**

K. Authorization of Change Order No. 2 to Contract with Strand Associates, Inc. Regarding the Legacy Trail Project. (615-09) (Rayan/Webb)
This request will authorize Change Order No. 2 to increase contract amount by $40,700 with Strand Associates, Inc. regarding the Legacy Trail Project - Phase 1. This change order will extend the contract and change the design of the trail north to the Kentucky Horse Park. The Kentucky Transportation Cabinet has requested the trail cross Ironworks Pike at a location 400 feet east of the original location. This will extend the trail approximately 1,200 feet from the North Legacy Trailhead to the Horse Park. Funds are budgeted.**pp.35-37**

L. Authorization of a Rental Agreement with the Lexington Center Corporation on Behalf of the Department of General Services, Division of Parks and Recreation for the Kiddie Kapers Program. (589-09) (Hancock/Cole)
This request will authorize a Rental Agreement in the amount $9,100 with the Lexington Center Corporation on behalf of the Division of Parks and Recreation for the Opera House for the performances of the Kiddie Kapers on May 20 – 23, 2010. Funds are budgeted.**p.38**

M. Authorization of a Proposed Policy for the Naming of Public Parks and / or Recreation Areas and Facilities on Behalf of the Department of General Services, Division of Parks and Recreation. (609-09) (Hancock/Cole)
This request will authorize approval of a proposed policy for the naming of public parks, facilities, a portion of a park, donation of land or facilities with naming as part of the consideration, for temporary, philanthropic or honorary naming rights, and incorporating corporate naming rights in

certain situations on behalf of the Division of Parks and Recreation. **pp.39-43**

N. Authorization of a Release of Easement of a Utility Easement on Property Located at 1051 – 1131 Floyd Drive. (610-09) (Askew)
This request will authorize a Release of Easement of a utility easement at property located at 1051 – 1131 Floyd Drive. The proposed release has been reviewed and approved by appropriate Divisions. There is no budgetary impact.**p.44**

O. Authorization of an Agreement with Volunteers of America of Kentucky, Inc. for Emergency Housing for Homeless Families. (614-09) (P. King/O'Mara)
This request will authorize an agreement in the amount of $8,000 with Volunteers of America of Kentucky, Inc. to support costs of emergency housing for homeless families. Funds will be used for deposits of rental units and rent payment for eligible families. Funds are budgeted.**p.45**

P. Authorization of a Joint Funding Agreement with the US Department of the Interior, US Geological Survey (USGS). (616-09) (Martin/Taylor)
This request will authorize a Joint Funding Agreement for water resources investigations in the amount of $86,910 with the US Department of the Interior, USGS. This agreement will continue the operation and maintenance of a gaging station and rainfall network in Fayette County from October 1, 2009 – September 30, 2010. The USGS will be contributing $57,940 for water resources investigations for a total program cost of $144,850. Funds are budgeted.**pp.46-47**

Q. Authorization of an Ordinance to Execute a Lease Agreement with the Lexington-Fayette Urban County Airport Board. (621-09) (O'Mara)
This request will authorize an Ordinance executing a Lease Agreement with the LFUC Airport Board pertaining to the issuance and sale of $70,000,000 in bonds in order to refinance at more affordable rates and terms.**pp.48-56**

R. Authorization to Purchase Excess Liability Insurance from Ironshore Insurance Ltd. (622-09) (O'Mara)
This request will authorize the purchase of Excess Liability insurance from Ironshore Insurance Ltd from November 1, 2009 - July 1, 2010. The amount due is $350,000 plus $17,500 for commission, $10,500 for Surplus Lines Tax, $15,750 for 1.5% Kentucky Surcharge and $50,000 claims administration for a total of $433,250. Payment will be made through the Kentucky League of Cities. Funds are budgeted.**pp.57-58**

URBAN COUNTY COUNCIL

WORK SESSION SUMMARY

& TABLE OF MOTIONS

October 6, 2009

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

A motion by CM Crosbie to amend the agenda to allow the introduction of the Junior Fire Chief to be first on the agenda, seconded by CM Ellinger, passed without dissent.

Ben Setlak from Cassidy Elementary School was introduced as this year's Jr. Fire Chief by Battalion Chief Marshall Griggs.

I. Public Comment – Issues on Agenda-Yes

Citizen, Robert Morris, spoke about the Streetscape/S. Limestone St project.

II. Requested Rezonings / Docket Approval-None

III. Approval of Summary-Yes

A motion by CM Blues to approve the summary from September 29, 2009, seconded by CM Crosbie, passed without dissent.

IV. Budget Amendments-None

V. New Business

A. Authorization of a Deed of Acceptance for Property Located at 137 Northwood Drive under the Northwood Drive Storm Water Project. (599-09) (Martin/Taylor)

B. Authorization to Amend Section 21-5 of the Code of Ordinances within the Department of Finance and Administration, Division of Central Purchasing. (594-09) (Allen/O'Mara)

C. Authorization to Accept a Donation from the Kentucky Division of Emergency Management (KYEM) on Behalf of the Department of Public

Safety, Division of Emergency Management / 911. (595-09) (Dugger/ Bennett)

D. Authorization to Amend Resolution No. 78-2009 Regarding Property Located at 640 Cindy Blair Way for the Clays Mill Road Improvements Project. (597-09) (P. King/Webb)

E. Authorization to Approve Central Indiana Truck Equipment Corporation as a Sole Source Provider on Behalf of the Department of General Services, Division of Facilities and Fleet Management and the Department of Environmental Quality, Division of Waste Management. (598-09) (Loney/Cole)

A motion by CM Blues to amend item E under new business on the agenda to change the number 5 to 24, seconded by CM Myers, passed without dissent.

A motion by CM Beard to approve the amended new business items, A-E, seconded by CM Crosbie, passed without dissent.

VI. Continuing Business / Presentations-Yes

A. Water Resources Oversight Committee Report

This report was given by Chair CM Blues. There were no motions to come forward from the meeting.

B. Outside Agency Oversight Committee Report

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

A motion by CM Myers to have a regular monthly meeting of the Economic Development Task Force for at least the next six months, seconded by CM Beard, passed without dissent.

A motion by CM Myers to change the name of this committee to Partner Agency Oversight Committee, seconded by CM Beard, passed without dissent.

C. Budget & Finance Committee Report

This report was given by Chair CM Stinnett. There were no motions to come forward from this meeting

D. Committee of the Whole Report

This report was given by CM Ellinger. There was 1 motion to come forward from this meeting.

A motion by CM Ellinger to hold a special meeting, public hearing on 10/27/09 at 3 pm on Showprop TIF project, seconded by CM Myers, passed without dissent.

E. Vacant Property Review Commission Report

This report was given by Chair CM Crosbie. There was 1 motion to come forward from this meeting.

A motion by CM Crosbie to place on the docket for the October 15, 2009 Council Meeting an ordinance amending Article IV, of Chapter 12 of the Code of Ordinances pertaining to the Vacant Property Review Commission, seconded by CM Feigel, passed without dissent.

F. The Winner's Circle Presentation

This customer service presentation was done by CIO Rama Dhuwaraha.

G. Upcoming 2010 Census

This presentation was given by Benjamin A Johnson Jr, KY Team Leader.

H. Downtown Streetscape Update-Phase 1

This update was given by Clete Benken, RLA, ASLA Principal, KKG.

A motion by CM Stinnett to request that a cost estimate plan be done to see what the cost would be to increase the working hours on this project to 10 or 11 pm and the legalities, seconded by CM Lawless, passed without dissent.

VII. Council Report

CM Crosbie-Stated that she inadvertently left Code Enf. Dir. David Jarvis' name out when she spoke about the task force members; thanked Fire for the (fire prevention week) parade; this Saturday, Andover Hills NA will have their semi-annual garage sale.

CM Blues-Commended the Police for their recent work in the Winburn area; tonight at 6 pm, Historic Woodward Heights; on Saturday, Meadowthorpe NA will have their Fall Festival from 1-5 pm.

CM Henson-Announced that Cardinal Valley NA will meet at 7 pm tonight at the Cardinal Valley Ele. School; there will be a community leaders' meeting on 10/8/09 at 6 pm at the Picadome Clubhouse.

CM McChord-Stated that this is a very large weekend in Lexington: Kings of Leon concert; end of the Bourbon Chase Relay Run; WRFL's boomslang; on Saturday, Latina Fiesta; and on Sunday-2nd Sunday; the last organizational meeting will be tonight at 5:30-7 on the 7th floor of the Phoenix Bldg; Mark Krueger, from the Biggest Loser, will be flying in to promote this event.

CM Beard-A motion by CM Beard to amend Ordinance # 137-2009 Sect 2-468 to insert the word 'voting'…seconded by CM Ellinger, passed without dissent.

CM Blues asked the Mayor for an update on the members of the Corridors Commission; the Mayor asked Joe Kelly to have Ms. Hartje to speak with CM Blues about this.

CM Ellinger-A motion by CM Ellinger to approve the NDF list for Oct. 6, 2009, seconded by CM Crosbie, passed without dissent.

CM Lawless-Announced the Ayelsford NA meeting tonight at 7 pm at the Woodland Christian Church; thanked CM McChord and the DLC for their work on Trails and 2nd Sunday; stated that she has received questions about the Water Quality Fee-Acting Finance Comm. O'Mara answered; stated that when she asked earlier about an update on the library board report, she was given a pointed response-really helpful if Council could get an idea of when the audit report would come forward to them.

VM Gray-Asked CMs to let him know if they wanted to be on the Affordable Housing Trust Task Force.

CM Myers-Asked Comm. Askew to come forward; asked about a possible workshop on LFUCG authority over boards and commissions, in light of the airport and library boards.

CM Gorton-Asked that Interim Comm. O'Mara made sure the information on the KAWC bills about the Water Quality Fee follow the ordinance-he nodded his head yes.

VIII. Mayor's Report-None

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

Citizen, Mr. Sirigliano, spoke.

A motion by CM Crosbie to adjourn, seconded by CM Ellinger passed without dissent.

Work session was adjourned at 5:34 pm.

JOURNAL	37541-42	**DIVISION**	Engineering	**Fund Name**	General Services Fund
				Fund Impact	888.50 888.50CR .00

To recognize revenue collected from forfeiture letter-of-credit to Municipal Aid Program fund to provide funds in the appropriate account to pay for work completed.

JOURNAL	37539-40	**DIVISION**	Streets, Roads, and Forestry	**Fund Name**	Municipal Aid Program
				Fund Impact	888.50 888.50CR .00

To recognize a transfer from General Fund to Streets, Roads, and Forestry to provide funds to pay for work completed on forfeiture letter of credit.

JOURNAL	37543-44	**DIVISION**	Community Development	**Fund Name**	General Services Fund
				Fund Impact	176,125.00 176,125.00CR .00

To establish General Fund budget of the Coldstream Project to provide for grant match and to provide for contribution of easement.

JOURNAL	37549-50	**DIVISION**	Community Development	**Fund Name**	US Dept Of Trans
				Fund Impact	352,250.00 352,250.00CR .00

To correct the grant side of Coldstream by correcting account for easement and providing for transfer of General Fund.

JOURNAL	37609	**DIVISION**	Citizens Advocate	**Fund Name**	General Services Fund
				Fund Impact	90.00 90.00CR .00

To provide funds for overtime by decreasing funds for Professional Services.

JOURNAL	37670-71	**DIVISION**	Streets, Roads, and Forestry	**Fund Name**	Urban Services Fund
				Fund Impact	24.81 24.81CR .00

To reimburse Urban Service Civil Service Salaries Account for 1.8 hours by recognizing a deposit from employee.

BUDGET AMENDMENT REQUEST LIST

JOURNAL	37548	**DIVISION**	Community Development	**Fund Name**	US Dept Of Trans
				Fund Impact	47,103.91 47,103.91CR .00

To amend Traffic Control Project to provide funds in correct capital account and to provide for purchase of additional traffic signal equipment.

JOURNAL	37610	**DIVISION**	Community Development	**Fund Name**	US Dept Of Trans
				Fund Impact	21,378.18 21,378.18CR .00

To amend Traffic Safety project to provide for expenses as approved by the Kentucky Office of Highway Safety.

JOURNAL	37669	**DIVISION**	Community Development	**Fund Name**	US Dept Of HHS
				Fund Impact	9,200.00 9,200.00CR .00

To provide for the purchase of new desktop computers and a new printer for the case management section in the New Chance Project at the Family Care Center.

BUDGET AMENDMENT REQUEST SUMMARY

Fund	1101	General Service District – General Fund	.00
Fund	1115	Urban Service District Fund	.00
Fund	1136	Municipal Aid Program Fund	.00
Fund	3160	US Department of Transportation	.00
Fund	3190	US Department of Health and Human Services	.00

Budget Information For New Business Items

October 6, 2009 Work Session

Item	Number	Amount	Fund	Name / Description
A	600-09	29,994	1101	General Service District Fund
B	601-09	135,000	3140	US Department of Justice
C	602-09	144,000	3140	US Department of Justice
D	603-09	NA		
E	612-09	NA		
F	604-09	88,060	1101	General Service District Fund
G	611-09	NA		
H	606-09	834,755.83	3160	US Department of Transportation
I	607-09	808,506.48	3160	US Department of Transportation
J	613-09	NA		
K	615-09	40,700	2517	2008 Bond Projects
L	589-09	9,100	1101	General Service District Fund
M	609-09	NA		
N	610-09	NA		
O	614-09	8,000	1101	General Service District Fund
P	616-09	86,910	4051	Water Quality Management Fund
Q	621-09	NA		
R	622-09	433,250	1101	General Service District Fund

LEXINGTON DIVISION OF POLICE

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 25, 2009

RE: **Memorandum of Agreement - Kentucky Institute for International Studies**

Please find attached blue sheet and Memorandum of Agreement between the Kentucky Institute for International Studies and Lexington-Fayette Urban County Government.

This agreement provides for 270-300 hours of academic instruction in the Spanish language, the equivalent of 18 credit hours, or two semesters, of college-level Spanish, to employees of LFUCG. Cost payable to KIIS is payable in six installments of $4,999 for each 3 credit-hour course. The amount does not include textbooks or academic credit fees. This agreement will cover the Fall 2009 and Spring 2010 semesters.

This agreement is fully budgeted. Budgetary impact for FY10 will be $29,994.

The attached agreement requires the Mayor's signature. Upon approval and signing, please forward a copy to the Chief's Office.

If you have any question or require additional information, please contact my office.

R. Bastin

Ronnie Bastin
Chief of Police

RB/rmh

Attachment

cc: Tim Bennett, Commissioner of Public Safety

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 28, 2009

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE AGREEMENT WITH OFFICE OF THE FAYETTE COUNTY SHERIFF 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 Office of the Fayette County Sheriff for employment of a full-time Sergeant whose responsibility will be to serve as Extradition Coordinator to apprehend felons who flee the local jurisdiction and to return fugitives to Fayette County to stand ~~trail.~~ TRIAL.

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

FUND	DEPT ID	SECT	ACCT	PROJECT	ACTIVITY	BUD REF
3140	900501	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

602-09

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 28, 2009

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE AGREEMENT WITH FAYETTE COUNTY 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 $144,000 to the Fayette County Attorney's Office for employment of a full-time Gang Enforcement Specialist whose responsibility will be to work with LFUCG Division of Police and community prosecutors to combat gang activity.

Funds in the amount of $144,000 for this agreement are budgeted as follows:

FUND	DEPT ID	SECT	ACCT	PROJECT	ACTIVITY	BUD REF
3140	112008	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

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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 29, 2009

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE MODIFICATION TO AGREEMENT WITH THE KENTUCKY OFFICE OF THE 911 COORDINATOR/COMMERCIAL MOBILE RADIO SERVICE BOARD

On October 23, 2008 (Ordinance No. 236-2008), Council approved the acceptance of funds in the amount of $177,015 for the expansion of the Central Kentucky 9-1-1 network with the goal of creating a redundant infrastructure allowing simplified network connectivity, lower cost and more efficient operations for all parties involved. The regional system will accept landline, wireless and VoIP emergency calls and fully transfer all voice and data associated with each call; capabilities not currently available between individual communication centers. These funds expire on September 30, 2009.

The Kentucky Office of 911 Coordinator/Commercial Mobile Radio Service Board has offered the Lexington Fayette Urban County Government a modification extending the agreement through August 31, 2010, and to allow for the participation of additional Public Service Answering Points.

Council authorization to execute the agreement is hereby requested.

Paula King

Paula King, Director

Xc: Tim Bennett, Commissioner, Department of Public Safety

612-09

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: OCTOBER 5, 2009

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO SUBMIT APPLICATION TO THE U.S. DEPARTMENT OF HOMELAND SECURITY REQUESTING FUNDING FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR THE 2009 FIRE PREVENTION AND SAFETY GRANT

The Division of Fire and Emergency Services has prepared a grant application for submission to the U.S. Department of Homeland Security/Federal Emergency Management Agency requesting federal funds for the 2009 Fire Prevention and Safety Grant for public education materials.

The grant application requests funds to update the division's audio/visual library and support the cost of printed publications and other public information products from fire service and home safety organizations. Funds are also requested for replacement of obsolete smoke making machines which are used to simulate the smoky internal environment created by a structure fie in order to increase the level of realism for fire drills and businesses.

The request is for $7,500. If awarded, 80%, or $6,000 will be federal funds, and the required local match of 20% ($1,500) will come from the 2010 General Fund budget.

Council authorization to submit the application is hereby requested.

Paula King
Director

Xc: Tim Bennett, Acting Commissioner of Public Safety

604-09

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: September 30, 2009

RE: **Create Positions-- Division of Police**

The attached action amends Section 22-5 of the Code of Ordinances, creating two (2) positions of Evidence Technician (Grade 112N) and one position of Police Analyst (Grade 111N) in the Division of Police for a term of two (2) years to expire November 1, 2011 effective upon passage of Council.

The Division requests this action to establish these positions as provided for in the acceptance of the 2009 Edward Byrne Memorial Competitive Grant Program. The Evidence Technician positions will be responsible for processing crime scenes to include locating and lifting latent fingerprints, the collection and preservation of evidence including blood and DNA, photography of the crime scene, preparation of crime scene diagram and preparing written reports. There are also other duties outside of an active crime scene. The position of Police Analyst will manly be in collecting, collating, analyzing and disseminating traffic collision statistics and traffic reports for quality control.

The fiscal impact for FY2010 is $88,059.61 (16 pay periods) and includes benefits. This will be funded from the General Fund with recovery from the 2009 Edward Byrne Memorial Competitive Grant Program.

611-09

Lexington-Fayette Urban County Government
DEPARTMENT OF PUBLIC SAFETY

Jim Newberry
Mayor

Tim Bennett
Commissioner

October 5, 2009

TO: Mayor Jim Newberry and Urban County Council

FROM: David Lucas, Enhanced 9-1-1 Director

RE: Address changes for Enhanced 9-1-1 compliance

This request will change street names and individual numbers to addresses within various Council Districts. The attached listing reflects the individual addresses to be changed that are located within the 1st, 3rd, 4th, 5th, 6th, 7th, 9th, 10th, and 12th Council Districts.
2nd

The street name and/or number changes are needed to ensure the proper operation of the Enhanced 9-1-1 system. The corrections eliminate several confusing, duplicate and/or improperly named and numbered addresses in Fayette County.

The official date of change should be thirty (30) days from date of passage, to allow for new sign placement, utility and Post Office notification and final citizen notification.

The following documents are attached:

1. Administrative review form (Blue sheet).

2. Spreadsheet listing of each address change and associated Council District number.

3. Individual address list/Draft of Resolution.

RESOLUTION NO. _____ - 2009

A RESOLUTION CHANGING THE STREET NAME AND PROPERTY ADDRESS NUMBER OF 925 NEWTOWN PIKE TO 603 ADCOLOR DRIVE, OF 651 WEST NEW CIRCLE ROAD TO 1501 COLESBURY CIRCLE, OF 2496 FORTUNE DRIVE TO 2101 CORNERSTONE DRIVE, OF 961 ½ DELAWARE AVENUE TO 400 DALLAS AVENUE, OF 515 LAGONDA AVENUE TO 1115 DELAWARE AVENUE, OF 4068 HALEY ROAD TO 4179 HEDGER LANE, OF 811 STAR SHOOT PARKWAY TO 2585 LIBERTY ROAD, OF 956 MIGNIGHT PASS TO 1152 MONARCH STREET, OF 1699 REDD ROAD TO 4825 PAYNES MILL ROAD, OF 201 WEST REYNOLDS ROAD TO 243 RUCCIO WAY, OF 194 ST ANN DRIVE TO 189 ST PHILLIP DRIVE, AND OF 215 PATTERSON STREET TO 150 TUCKER STREET; CHANGING THE PROPERTY ADDRESS NUMBERS OF 270 ARGONNE CIRCLE, UNITS A AND B, TO 270 ARGONNE CIRCLE, SUITES 102 AND 101, OF 3871 BRANHAM PARK TO 3853 BRANHAM PARK, OF 3589-3673 COMBS FERRY ROAD TO 3583 COMBS FERRY ROAD, OF 1101-1115 DELAWARE AVENUE TO 1107 DELAWARE AVENUE, OF 707-709 DOWNS AVENUE TO 707 DOWNS AVENUE, OF 106-116 ESPLANADE TO 112 ESPLANADE, OF 890-894 EAST HIGH STREET TO 890 EAST HIGH STREET, OF 1401 ¼ HIGHLAWN AVENUE TO 1403 HIGHLAWN AVENUE, OF 631 NORTH LIMESTONE TO 629 NORTH LIMESTONE, OF 364 LONGVIEW PLAZA TO 356 LONGVIEW PLAZA, OF 1203 MONROE AVENUE TO 1207 MONROE AVENUE, OF 336-340 RICHMOND AVENUE TO 340 RICHMOND AVENUE, AND OF 457 (A.K.A. PLAT N, SLIDE 498, LOT 22), 455, 457 (A.K.A. PLAT N, SLIDE 497, LOT 23), AND 461 WESTON PARK TO 455, 457, 461, AND 463 WESTON PARK; AND CHANGING THE STREET NAME OF 1700, 1701, 1704, AND 1705 LINDY LANE TO 1700, 1701, 1704, AND 1705 LINDY COURT, AND OF 4000, 4001, AND 4004 LOCHMERE PLACE TO 4000, 4001, AND 4004 LOCHMERE COURT; ALL EFFECTIVE THIRTY DAYS FROM PASSAGE.

WHEREAS, the Lexington-Fayette Urban County Government has created a Geographic Information System ("GIS"); and

WHEREAS, the GIS street mapping and addressing project is the foundation for the Urban County Government's enhanced 911 Emergency Telephone Communication System (the "911 System"); and

WHEREAS, in order for the GIS and 911 Systems to function properly it is imperative that street names and property addresses conform to the standards established in Section 17-2 through 17-4 of the Code of Ordinances; and

WHEREAS, various street names and property addresses located in several Council

Districts do not meet the Code requirements and changes should be made to conform to the Code and to accomplish the goals of the GIS and 911 System projects.

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

Section 1 – That the street name and property number of the following properties be and hereby are changed as follows:

(a) Newtown Pike: That the name of Newtown Pike located at 925 Newtown Pike is changed to Adcolor Drive and the following number change is made:

Current	New
925 Newtown Pike	603 Adcolor Drive

(b) West New Circle Road: That the name of West New Circle Road located at 651 West New Circle Road is changed to Colesbury Circle and the following number change is made:

Current	New
651 West New Circle Road	1501 Colesbury Circle

(c) Fortune Drive: That the name of Fortune Drive located at 2496 Fortune Drive is changed to Cornerstone Drive and the following number change is made:

Current	New
2496 Fortune Drive	2101 Cornerstone Drive

(d) Delaware Avenue: That the name of Delaware Avenue located at 961 ½ Delaware Avenue is changed to Dallas Avenue and the following number change is made:

Current	New
961 ½ Delaware Avenue	400 Dallas Avenue

(e) Lagonda Avenue: That the name of Lagonda Avenue located at 515 Lagonda Avenue is changed to Delaware Avenue and the following number change is made:

Current	New
515 Lagonda Avenue	1115 Delaware Avenue

(f) Haley Road: That the name of Haley Road located at 4068 Haley Road is changed to Hedger Lane and the following number change is made:

Current	New
4068 Haley Road	4179 Hedger Lane

(g) Star Shoot Parkway: That the name of Star Shoot Parkway located at 811 Star Shoot Parkway is changed to Liberty Road and the following number change is made:

Current	New
811 Star Shoot Parkway	2585 Liberty Road

(h) Midnight Pass: That the name of Midnight Pass located at 956 Midnight Pass is changed to Monarch Street and the following number change is made:

Current	New
956 Midnight Pass	1152 Monarch Street

(i) Redd Road: That the name of Redd Road located at 1699 Redd Road is changed to Paynes Mill Road and the following number change is made:

Current	New
1699 Redd Road	4825 Paynes Mill Road

(j) West Reynolds Road: That the name of West Reynolds Road located at 201 West Reynolds Road is changed to Ruccio Way and the following number change is made:

Current	New
201 West Reynolds Road	243 Ruccio Way

(k) St Ann Drive: That the name of St Ann Drive located at 194 St Ann Drive is changed to St Phillip Drive and the following number change is made:

Current	New
194 St Ann Drive	189 St Phillip Drive

(l) Patterson Street: That the name of Patterson Street located at 215 Patterson Street is changed to Tucker Street and the following number change is made:

Current	New
215 Patterson Street	150 Tucker Street

Section 2 – That the street numbers of the following properties be and hereby are changed as follows:

(a) Argonne Circle:

Current	New
270 Argonne Circle, Unit A (a.k.a. 270 Argonne Circle, Unit B)	270 Argonne Circle, Suite 102
270 Argonne Circle, Unit B (a.k.a. 270 Argonne Circle, Unit A)	270 Argonne Circle, Suite 101

(b) Branham Park:

Current	New
3871 Branham Park	3853 Branham Park

(c) Combs Ferry Road:

Current	New
3589-3673 Combs Ferry Road	3583 Combs Ferry Road

(d) Delaware Avenue:

Current	New
1101-1115 Delaware Avenue	1107 Delaware Avenue

(e) Downs Avenue:

Current	New
707-709 Downs Avenue	707 Downs Avenue

(f) Esplande:

Current	New
106-116 Esplande	112 Esplande

(g) East High Street

Current	New
890-894 East High Street	890 East High Street

(h) Highlawn Avenue

Current	New
1401 ¼ Highlawn Avenue	1403 Highlawn Avenue

(i) North Limestone

Current	New
631 North Limestone	629 North Limestone

(j) Longview Plaza

Current	New
364 Longview Plaza	356 Longview Plaza

(k) Monroe Avenue

Current	New
1203 Monroe Avenue	1207 Monroe Avenue

(l) Richmond Avenue

Current	New
336-340 Richmond Avenue	340 Richmond Avenue

(m) Weston Park

Current	New
457 Weston Park (a.k.a. Plat N, Slide 498, Lot 22)	455 Weston Park
455 Weston Park (a.k.a. Plat N, Slide 497, Lot 22A)	457 Weston Park
457 Weston Park (a.k.a. Plat N, Slide 497, Lot 23)	461 Weston Park
461 Weston Park (a.k.a. Plat N, Slide 497, Lot 24)	463 Weston Park

Section 3 – That the street name of the following properties be and hereby are changed as follows:

(a) Lindy Lane: That the name of Lindy Lane at 1700, 1701, 1704, and 1705 Lindy Lane is changed to Lindy Court.

(b) Lochmere Place: That the name of Lochmere Place at 4000, 4001, and 4004 Lochmere Place is changed to Lochmere Court.

Section 4 - That this Resolution shall be effective thirty (30) days from passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

PUBLISHED:

DJB/X:\Cases\911\09-CC0061\LEG\0029706.DOC

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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 28, 2009

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE CHANGE ORDER NO. 2 WITH WOODALL CONSTRUCTION CO., INC. FOR THE SOUTHEND PARK TEMPORARY HOUSING DEVELOPMENT FOR THE NEWTOWN PIKE EXTENSION PROJECT

The Lexington-Fayette Urban County Government has been awarded federal funds from the Kentucky Department of Transportation for the planning, design, and construction of the Newtown Pike extension. The Newtown Pike extension is authorized by Congress as a High Priority Project under the Transportation Equity Act for the 21st Century (TEA-21). Council approved project agreement on November 9, 2000 (Ordinance #344-2000). On February 26, 2009 (Ordinance # 24-2009), Council approved acceptance of additional federal funds. The project provides for construction from West Main Street to South Limestone. An approved element of the project is the development of temporary housing for the project area residents.

On September 27, 2008 (Resolution No. 447-2007), Council approved the acceptance of the bid from Woodall Construction Co., Inc., in the amount of $785,158 for the Southend Park Redevelopment Temporary Housing Project. On July 3, 2008 (Resolution No. 421-2008), Council approved Change Order No. 1 in the amount of $7,587.53. The Division of Engineering has negotiated Change Order No. 2 in the amount of $42,010.30, providing for site work for two additional manufactured homes. Site work includes clearing, construction of embankment, driveways, landscaping, and utility services. New total is $834,755.83.

Funds are budgeted as follows:

FUND	DID	SECT	ACCT	PROJECT	BUD REF	ACTIVITY
3160	303202	3211	91715	NEWTOWNPK_2009	2009	FED_GRANT

Council authorization to execute Change Order No. 2 with Woodall Construction Co., Inc. is hereby requested.

Paula King, Director

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

606-09

CONTRACT HISTORY FORM (Change Order #2)

Contractor: **Woodall Construction Co. Inc.**

Project Name: **Southend Park Redevelopment – Temporary Housing**

LFUCG Res # and Date: **447-2007** **September 27, 2007**

Responsible LFUCG Division: **Division of Engineering**

CHANGE ORDER DETAILS

A. **Original Contract Amount:** **$785,158.00**

Next Lowest Bid Amount:
$ Only one Bidder

B. **Amount of Selected Alternate or Phase:** $N/A

C. **Cumulative Amount of All Previous Alternates or Phases:** $N/A

D. **Amended Contract Amount:** $785,158.00

E. **Cumulative Amount of All Previous Change Orders:** $ 7,587.53 — 1.0% *(Line E / Line D)*

F. **Amount of This Change Order:** **$ 42,010.30** — 5.4% *(Line F / Line D)*

G. **Total Contract Amount:** **$834,755.83**

SIGNATURE LINES

Project Manager: Andrew Arnold **Date:** 9/1/09

Reviewed by: Robert A Baye **Date:** 9/09/09

Division Director: [signature] **Date:** 9/8/09

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT CONTRACT CHANGE ORDER Page 1 of 3	Date: September 1, 2009 Project:.Southend Park Temporary Housing (Newtown Pike Extension) Location: De Roode Street
To: Woodall Construction Co. 1332 Cahill Drive Lexington KY 40504-1164	Contract No. 913 Change Order No. 2

You are hereby requested to comply with the following changes from the contract plans and specification;

Item No. (1)	Description of changes-quantities, unit prices, change in completion, etc. (2)	Decrease in contract price (3)	Increase in contract price (4)
1.	Increase Clearing and Grubbing by 0.1 LS @ $20,000.00/per LS.		$2000.00
4.	Embankment in Place by 1,400 CY. @ $8.00/per CY.		$11,200.00
5.	CL 1 Asphalt Surface 0.38D PG64-22 by 131.88 Ton @ $95.00/ per Ton.		$12,528.60
6.	CL 1 Asphalt Base 0.75D PG64-22 by 50.40 Ton @ $73.00/ per Ton.		$3,679.20
14.	Guardrail-Steel W Beam-Single Face by -12.5 Lin FT @ $150.00/ per Lin FT.	($1,875.00)	
15.	Guardrail Terminal Section No. 1 by -2.00 Each @ $800.00/ per Each.	($1,600.00)	
16.	Sign by -1.00 Each @ $1,000.00/ per Each.	($1,000.00)	
17.	Temporary Silt Fence by 250.00 Lin FT @ $5.50/ per Lin FT.		$1,375.00
22.	Seeding and Protection by 3000.00 Sq Yd @ $0.35/ per Sq Yd.		$1,050.00
28.	Sanitary Sewer Lateral-(16 Total) by 105.00 Lin FT @ $23.00/ per Lin FT.		$2,415.00
29.	Manhole Tie-In by 1.00 Each @ $1,800.00/ per Each		$1,800.00
32.	Mobile Home Foundation by 2.00 Each @ $3,500.00/ per Each.		$7,000.00
35.	Electric Service Disconnect Box (With Minimum 17 Disconnects) by -1.00 Each @ $17,500.00/ per Each.	($17,500.00)	
36.	Electric Primary Conduit by 200.00 Lin FT @ $10.00/ per Lin FT.		$2,000.00
37.	Electric Service Conduit (17 Total) by 400.00 Lin FT @ $8.00/ per Lin FT.		$3,200.00
38.	Telephone Primary Conduit by 200.00 Lin FT @ $8.00/ per Lin FT.		$1,600.00
39.	Telephone Service Conduit (17 Total) by 200.00 Lin FT @ $6.00/ per Lin FT.		$1,200.00

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46.	Remove Top Soil and Dispose Offsite by 575.00 Cu Yd @ $22.50/ per Cu Yd.		$12,937.50
	Change in contract price due to this Change Order:		
	Total decrease	$21,975.00	XXXXXXXXXXX.XX
	Total increase	XXXXXXXXXXX.XX	$63,985.30
	Net (increase) contract price		$42,010.30

The sum of **$42,010.30** is hereby added to the total contract price, and the total adjusted contract price to date thereby is **$834,755.83**.

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

Recommended by Andrew Grumm AAB 9-4-09 (Proj. Engr.) Date 9-1-09

Accepted by ________ (Contractor) Date 9-1-09

Approved by ________ (Urban Co. Engr.) Date 9/8/09

Approved by ________ (Commissioner) Date 9/10/09

Approved by ________ (Mayor or CAO) Date

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 28, 2009

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE CHANGE ORDER NO. 2 WITH CMH OF KENTUCKY, INC., D.B.A. LUV HOMES #853 FOR TEMPORARY HOUSING FOR THE NEWTOWN PIKE EXTENSION PROJECT

The Lexington-Fayette Urban County Government has been awarded federal funds from the Kentucky Department of Transportation for the planning, design, and construction of the Newtown Pike extension. The Newtown Pike extension is authorized by Congress as a High Priority Project under the Transportation Equity Act for the 21st Century (TEA-21). Council approved project agreement on November 9, 2000 (Ordinance #344-2000). On February 26, 2009 (Ordinance # 24-2009), Council approved acceptance of additional federal funds. The project provides for construction from West Main Street to South Limestone. An approved element of the project is the development of temporary housing for the project area residents.

On December 11, 2007 (Resolution No. 720-2007), Council approved acceptance of bid from CMH of Kentucky, Inc. d.b.a. Luv Homes #853, in the amount of $706,906.76 for temporary housing for households displaced by the Newtown Pike Extension project. On March 26, 2009, Council approved execution of Change Order #1 in the amount of $11,337. The Division of Engineering has negotiated Change Order No. 2 in the amount of $90,262.72, for the purchase and installation of two modular homes, storage buildings, and fencing. The new total is $808,506.48.

Funds are budgeted as follows:

FUND	DID	SECT	ACCT	PROJECT	BUD REF	ACTIVITY
3160	303202	3211	91715	NEWTOWNPK_2009	2009	FED_GRANT

Council authorization to execute Change Order No. 2 with CMH of Kentucky, Inc., d.b.a. Luv Homes #853 is hereby requested.

Paula King, Director

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

607-09

CONTRACT HISTORY FORM (Change Order #2)

Contractor: CMH of Kentucky, Inc. - d.b.a. Lov Home2 #853

Project Name: Newtown Pike Extension – Temporary Housing

LFUCG Res # and Date: 720-2007 December 11, 2007

Responsible LFUCG Division: Division of Engineering

CHANGE ORDER DETAILS

A. **Original Contract Amount:** $706,906.76

Next Lowest Bid Amount:
$ Only one Bidder

B. **Amount of Selected Alternate or Phase:** $N/A

C. **Cumulative Amount of All Previous Alternates or Phases:** $N/A

D. **Amended Contract Amount:** $706,906.76

E. **Cumulative Amount of All Previous Change Orders:** $ 11,337.00 — 1.6% *(Line E / Line D)*

F. **Amount of This Change Order:** $ 90,262.72 — 12.8% *(Line F / Line D)*

G. **Total Contract Amount:** $808,506.48

SIGNATURE LINES

Project Manager: [signature] Date: 9/1/09

Reviewed by: [signature] Date: 9/4/09

Division Director: [signature] Date: 9/8/09

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT CONTRACT CHANGE ORDER Page 1 of 2	Date: September 1, 2009 607-09
	Project: Newtown Pike Extension Temporary Housing
	Location: Whitmer Way Southend Park near Deroode Street
To CMH of Kentucky Inc. b.d.a. Luv Homes #853 300 Connector Rd Georgetown, Kentucky 40324	LFUCG RES No. # 720-2007
	Change Order No. 2

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You are hereby requested to comply with the following changes from The contract plans and specification;

Item No. (1)	Description of changes-quantities, unit prices, changes in completion, etc. (2)	Decrease in contract price (3)	Increase in contract price (4)
1	(Add) Modular Home Purchase per EA, 2 @ $30,215.00/EA.		$60,430.00
2	(Add) Delivery of Modular Home to site per EA, 2 @ $475.00/EA		$950.00
5	(Add) Storage Building per EA, 2 @ 1,388.11/EA		$2776.22
6	(Add) Installation of Modular Home (Amended Amount) per EA, 2 @ $11,445.75/EA		$22,891.50
7	(Add) Construction of 4' Chain/Link Fence (Amended Amount) per LF, 250 @ $12.86/LF.		$3,215.00
	Total decrease	$0.00	XXXXXXXXXXX.XX
	Total increase	XXXXXXXXXXX.XX	$90,262.72
	Net (increase) contract price	$90,262.72	

The sum of **$90,262.72** is hereby added to the total contract price, and the total adjusted contract price to date thereby is **$808,506.48**.

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

RAB 9/04/09

Recommended by Andrew Cammell ______ (Proj. Engr.) Date 9/1/09

Accepted by Scott Hamst ______ (Contractor) Date 9/1/09

Approved by M. A. King ______ (Urban Co. Engr.) Date 9/8/09

Approved by James M. Wells ______ (Commissioner) Date

Approved by ______ (Mayor or CAO) Date

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

Jim Newberry
Mayor

Mike Webb
Commissioner

MEMORANDUM

TO: Mayor Jim Newberry
Urban County Council

FROM: Hillard Newman, Jr. HN
New Development Section Manager

DATE: October 7, 2009

RE: Resolution Authorizing Acceptance of License Agreement with The Cincinnati, New Orleans and Texas Pacific Railway Company

The purpose of this memorandum is to request council to authorize the mayor to sign License Agreement with The Cincinnati, New Orleans and Texas Pacific Railway Company for a public sanitary sewer under railway property at the rear of 524 Angliana Avenue.

Approved by:

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

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

HN:MAR:MYS

c/with att: Yvonne Stone
c/with att: File

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

Jim Newberry
Mayor

Mike Webb
Commissioner

MEMORANDUM

TO: Paula King
Director of Community Development

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

DATE: October 1, 2009

RE: Legacy Trail Project
Change Order 2

Strand Associates, Inc. has a contract to provide the engineering services for the Legacy Trail Project. The original services included a Feasibility Study of Phases 1, 2 and 3 and the design of Phase 1. Change Order No. 1 included the design of Phase 2 and scope changes for Phase 1. Pursuant to RFP 29-2008, the terms of the contract allowed the LFUCG to extend the contract to include additional design services for the Legacy Trail with the selected consultant contingent upon available funding. The Mayor's Trail Fund provides this funding.

We are requesting that the Lexington-Fayette Urban County Council authorize the Mayor to extend the existing contract for the services described below with Strand Associates, Inc. and to approve a design change order.

The contract extension is for the design of the KY Horse Park Trail, which will extend the Legacy Trail Phase 1, north to the KY Horse Park. The trail extension is approximately 1,200 feet and goes from the North Legacy Trailhead to the KY Horse Park. The reason for the additional trail is at the request of the Transportation Cabinet. The Cabinet wanted the trail to cross Ironworks Pike at a location 400 feet east of the original location thereby causing an increase in the length of the trail. The cost for design of the KY Horse Park Trail is $40,700.00 and funding is from the Trail Bond funds.

The cost for this change in Scope is $40,700 and is budgeted.

MAR:DKL:NDT

Attachments:

C: Keith Lovan, P.E. w/ att
Mike Webb
Irene Gooding w/att
Michelle Kosieniak w/att
File w/att

10.P559.411.memo 08 king

CONTRACT HISTORY FORM

Project Name: **Legacy Trail Project**

Contractor: **Strand Associates Inc**

Contract Number and Date: 6252 **October 2, 2008**

Responsible LFUCG Division: **Engineering**

CONTRACT AND CHANGE ORDER DETAILS

A. Original Contract Amount:	$	**496,000.00**	
Next Lowest Bid Amount: **NA**			
B. Amount of Selected Alternate or Phase:	$		
C. Cumulative Amount of All Previous Alternates or Phases:	$	**496,000.00**	
D. Amended Contract Amount:	$	**496,000.00**	
E. Cumulative Amount of All Previous Change Orders:	$	**573,300.00**	**115.6%** *(Line E / Line D)*
F. Amount of This Change Order:	$	**40,700.00**	**8.2%** *(Line F / Line D)*
G. Total Contract Amount:	$	**1,110,000.00**	

SIGNATURES

Project Manager: Keith Lovan Date: 10/1/09

Reviewed by: Robert A Bayert Date: 10/02/09

Division Director: [signature] Date: 10/5/09

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT CONTRACT CHANGE ORDER Page 1 of 2		Date:	September 29, 2009
		Project:	Legacy Trail Project
		Location:	north of Ironworks Pike
To (Contractor): **Strand Associates, Inc.**		Contract No.	6252
		Change Order No.	2

You are hereby requested to comply with the following changes from the contract plans and specification;

Item No.	Description of changes-quantities, unit prices, change in completion date, etc.	Decrease in contract price	Increase in contract price
	Design of KY Horse Park Trail		$33,000.00
	Ecological and archeological reports		$7,700.00
	Total decrease		
	Total increase		$40,700.00
	Net increase (decrease) in contract price		$40,700.00
	Current total contract price		$1,069,300.00

The sum of $ **$40,700.00** is hereby added to the total contract price, and the new total contract price thereby is **$1,110,000.00**

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

Recommended by Keith Lovan RAB 10/06/09 (Proj. Engr.) Date 9/30/09

Accepted by [signature], President & COO (Contractor) Date 9/29/09

Approved by [signature] (Urban Co. Engr.) Date 10/5/09

Approved by [signature] for James M. Webb (Commissioner) Date 10/6/09

Approved by ______________________ (Mayor or CAO) Date __________

Jim Newberry, Mayor
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Division of Parks & Recreation
Jerry Hancock, Director

MEMORANDUM

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

FROM: Jerry Hancock

RE: Facility Usage Contract

DATE: September 17, 2009

This is a request for Council approval of a Rental Agreement between the Lexington Center Corporation and the Lexington Fayette Urban County Government.

This Rental Agreement is for the purpose of using the Lexington Center Corporation for our Kiddie Kapers program for rental of the Opera House for May 20-May 23, 2010.

Please contact me if there are any questions.

CC: Kimra Cole, Commissioner of General Services

JEH/bac

Mayor James Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Division of Parks and Recreation

To: Mayor Jim Newberry
Urban County Council Members
From: Jerry E. Hancock, Director of Parks and Recreation
Date: September 29, 2009
Subj: Proposed Naming Policy for LFUCG Parks and Facilities

Attached is a proposed policy to guide the naming and re-naming of individual parks and facilities within park spaces controlled by the Division of Parks and Recreation. This policy was approved by the Parks and Recreation Advisory Board on April 27, 2007 and was presented to the UCG Inter-Governmental Committee on September 11, 2007. Due to an administrative error, there is no evidence that this policy every came before the Urban County Council for approval, until now.

The policy would require that any requests to name a park, or a facility or portion within a park, or donation of land or facilities with naming as part of the consideration, be provided to the Division of Parks and Recreation, with supporting documentation, for consideration. The Director of Parks will present the proposal, along with any research or fact checking that may be appropriate, to the Parks Advisory Board, which will evaluate the proposal and vote on its merits at two consecutive regularly scheduled meetings.

If approved the proposal would be forwarded to the Administration via the blue sheet process for review and presentation to the Urban County Council.

The policy includes provisions for naming entire parks, naming portions or select features within existing parks, naming parks when they are initially received by the UCG and for renaming a park or facility. The policy also includes provisions for temporary, philanthropic or honorary naming rights, and for incorporating corporate naming rights in certain situations. The policy also includes a naming rights application that would be used for initial recommending a name be used in conjunction with a park or a feature or portion of the park within.

Please feel free to contact me directly if there are any questions on this proposed naming policy.

469 Parkway Drive Lexington, KY 40504 (859) 288-2900 Rentals (859)288-2975 Fax (859)288-2999 www.lfucg.com

Mayor James Newberry

Division of Parks and Recreation

PROPOSED NAMING POLICY FOR LEXINGTON PARKS AND RECREATION

APRIL 27, 2007

I. General Policy

1. The Lexington-Fayette Urban County Government Division of Parks and Recreation shall be responsible for the process of solicitating, receiving, evaluating and recommending names for public parks and recreation areas and facilities to the Mayor and Urban County Council for their deliberation and approval.

2. The Director of the LFUCG Division of Parks and Recreation will receive recommendations from any citizen, groups of citizens or organization desiring to recommend a name for a park, recreation area or facility. That recommendation should include an appropriate explanation of the name request, the background and importance of that name.

3. The Director of Parks and Recreation shall present the recommendation to the Parks Advisory Board for their consideration and evaluation, and the Advisory Board shall discuss the recommendation at two consecutive meetings, allowing Board members to solicit community input from their district prior to taking a formal vote. The Director shall assign a Parks' staff person to research or amplify the request prior to its being presented to the Advisory Board, so that the Advisory Board will have the benefit of an initial review as they first get the request. When complete, the Board's recommendation shall be forwarded through the administration for eventual presentation to the full Urban County Council.

4. The intent of naming a park or a facility is for permanent recognition. It is recommended that efforts to change a name be subject to the most critical examination so as not to diminish the original justification for the name, or discount the value of the prior contributors.

5. A park named for an individual should never be changed unless it is found that the individual's personal character is or was such that the continued use of their name for a park would not be in the best interest of the community.

6. The Division of Parks and Recreation may recommend to the Parks Advisory Board placement of a plaque, statuary, work of art, or monument in an appropriate location within a park or other facility where the names of individuals may be placed in recognition of their contributuions, financial or otherwise.

7. It shall be the policy of the Division of Parks to consider 3 types of Naming Rights: (1) the Naming of parks or facilities within them, (2) Philanthropic or Honorary Naming Rights, and (3) Corporate Naming Rights.

II. Specific Permanent Naming Considerations

1. Naming entire parks

- It shall be the first consideration of the Advisory Board to name Parks after geographic or locational features, or historic events, and not people.

- Only under extradinorary circumstances will the Advisory Board approve the naming of any park or portion or select feature of an existing park for an individual within the first twelve months following the individual's death. No park will be named to memorialize a living person.

- To be considered, names for new parks, recreation areas of facilities should not duplicate or be closely related to or pronounced similarly to any other names within the county parks and recreation system so as to minimize public confusion.

- Naming a park or facility after an individual shall require that the individual have been a major contributor to the community in either deed or financial contributions.

- The outstanding accomplishments by an individual for the good of the community shall be considered along with the quality of the contribution, the length of service by the individual, which shall be fully substantiated by those making the recommendations

- Additional names may not be added to the names of parks/facilities already named for an individual.

2. Naming portions or select features within existing parks

- Naming only certain portions or specific features will be considered, particularly when financial or programatic assistance is offered in support of that feature. Costs to change signage, score cards, on-site instructions and the like will be considered before any agreements are made to change names.

- Naming only certain portions will require the same strenuous testing of merit and achievement as though for an entire park..

- For example, certain features in public areas and/or facilities may be named for such things as flowers, birds, animals, etc., instead of people. Consideration for naming these items should be at the discretion of the Division of Parks and Recreation and need not be presented to the Urban County Council.

3. Naming Parks when they are initially received by the Urban County Government

- Parks and Recreation will attempt to honor all wishes concerning donations of major tracts of land which contain requests for naming, and the wishes of the donor or the deed or mechanisms of conveyance will be reviewed for guidance, in all cases.

- A minimum of 50% or more of the total development costs for a new park should be a part of the donation before the naming of the entire park will beconsidered.

4. Renaming a Park or Facility

- In order to respect the historical tradition and community values which previous generations bestowed on these resources, the re-naming of officially named parks or facilities within them will be discouraged.

• Only those recreational areas or facilities named for something other than an indivudual may be renamed. Parks named by deed restriction cannot be considered for renaming.

• Parks or facilities named for individuals shall be considered permanent unless set by an individual naming contract or irrefutable revelations should arise of misconduct or misdeeds so reprehensible and stigmatizing of the individuals memory and so potentially damaging to the park or facility bearing his or her name as to demand change.

III. Temporary, Philanthropic or Honorary Naming Rights

1. Definitions

• A recommendation for approval shall require an affirmative vote of a majority of the Parks advisory board as well as that of the Urban County Council.

• "Honorary naming rights" shall mean the naming of county property to honor the service, commitment, or other type of participation by an individual or civic or charitable group. Such a naming request may involve property outside of Parks, such as the request to temporarly re-name Main Street after an individual that provided for a significant public event in Pheonix Park or Courthouse Plaza for instance.

• "Philanthropic naming rights" shall mean the naming of county property due to a charitable donation from an individual, civic or charitable group, or other entity or organization that is intended to enhance the community by financial or in kind support for a specific public service or county property.

• "Civic or charitable group" shall mean a nonprofit entity, family or group that has made a substantial contribution to the community, either through civic involvement, involvement in historic events relevant to specific county property or to the geographical location of specific county property, or made a financial and/or in kind donation to support a specific public service or county property. For profit entities of any type shall not be considered a civic or charitable group.

2. Process for approval

• The consideration of Honorary Naming of any park or facility shall generally follow the guidelines above. Honorary Naming Rights shall have certain conditions, including the specific term, for the naming rights. The term for honorary naming should generally be less than 1 year.

• A recommendation for approval shall require an affirmative vote of a majority of the Parks Advisory Board as well as that of the Urban County Council.

• A specific plan shall be developed and presented to Parks and Recreation prior to consideration. Such a plan shall establish the campaign goal which considers the capital costs, annual operating and maintenance costs and the desirability and marketability of the opportunity.

• Each such plan will include the request for approval for naming rights for a specific term which shall not be longer than the useful life of the property or facility as determined by LFUCG, unless otherwise established in a contract proposal.

• A review committee will be established to consider compliance with the existing naming rights policy, appropriate signage, potential controversial elements, compliance with all existing ordinances, the terms, citizen input and other relevant factors, and report its findings to the Advisory Board for discussion and action as necessary.

IV. Corporate Naming Rights

1. Definitions

• "Corporate Naming Rights" shall mean a mutually beneficial business arrangement between the county and an external entity (individual, for profit, or not-for-profit organization), wherein the external entity provides goods, services, or financial support to the county in return for access to the commercial and or marketing potential associatied with the public display of the external entity's name on Fayette County property. Corporate naming rights are addressed as provided in the Fayette County sponsorship Policy.

• "Individual" shall mean a person who has made a significant financial and/or in-kind donation to support a specific public service or county property.

• "County Property" shall mean county owned or controlled real property, public facilities such as buildings or significant park features or attributes of a facility.

2. Process for approving

• A specific plan shall be developed and presented to Parks and Recreation prior to consideration. Such a plan shall establish the campaign goal which considers the capital costs, annual operating and maintenance costs and the desirability and marketability of the opportunity.

• Each such plan will include the request for approval for naming rights for a specific term which shall not be longer than the useful life of the property or facility as determined by LFUCG, unless otherwise established in a contract proposal.

• A review committee will be established to consider compliance with the existing naming rights policy, appropriate signage, potential controversial elements, compliance with all existing ordinances, the terms, citizen input and other relevant factors, and report its findings to the Advisory Board for discussion and action as necessary.

• The Administrative Review process will be utilized to move the proposal to the Urban County Council.

610-09 **44**

Lexington-Fayette Urban County Government
DEPARTMENT OF LAW

Jim Newberry
Mayor

Logan Askew
Commissioner

TO: Jim Newberry, Mayor
Members, Urban County Council

FROM: Department of Law

DATE: October 2, 2009

RE: Release of Easement
1051-1131 Floyd Drive

This memo is to request a Resolution authorizing the Mayor to sign a Release of Easement, releasing a utility easement on property located at 1051-1131 Floyd Drive.

The proposed Release has been reviewed and approved by the Divisions of Engineering, Water Quality, and Traffic Engineering and the Department of Law. This action has no budgetary implication for LFUCG.

Edward W. Gardner
Attorney Sr.

Enclosure

cc: Joe Kelly, Mayor's Office
Council Office

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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 9, 2008

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE AGREEMENT WITH VOLUNTEERS OF AMERICA FOR FINANCIAL SUPPORT OF EMERGENCY HOUSING SERVICES - FY 2009

The FY 2010 General Fund budget provides for the use of $8,000 to support the costs of emergency housing for homeless families with Volunteers of America. The funds will be used for deposits of rental units and rent payments for eligible families.

Funds are budgeted in account #1101-160201-0001-71300.

Council authorization to execute the agreement is hereby requested.

Paula King
Director

Cc: William O'Mara, Acting Commissioner of Finance and Administration

6 16 - 09

Lexington-Fayette Urban County Government
DEPARTMENT OF ENVIRONMENTAL QUALITY

Jim Newberry
Mayor

Cheryl Taylor
Commissioner

To: Jim Newberry, Mayor
Urban County Council

From: Gregory S. Lubeck, P.E., CFM
Municipal Engineer Senior

Date: September 25, 2009

RE: USGS Gage Network Agreement

With this memorandum is an agreement between the Lexington-Fayette Urban County Government and the United States Geological Survey for the continued operation and maintenance of existing stream flow and rain gauges. These gauges were installed in 1997 by the USGS, and this agreement will assure necessary maintenance through September 30, 2010.

The USGS will provide complete maintenance and collect all data. Any station that fails to operate or is damaged will be repaired by USGS at no cost to LFUCG. Each station will be checked and calibrated monthly by USGS. All data is retrieved via satellite and is made available to us.

This program is ongoing and will require annual funding for proper performance. Funding for this year's agreement for $86,910.00 is included in the FY 2010 annual budget.

Accounting Information: 4051-303204-3321-71299

Approved by:

Charles Martin, P.E.
Director of Water Quality

Cheryl Taylor
Commissioner of Environmental Quality

C: Cassie Felty
File

FY 2010 STREAMFLOW GAGING NETWORK
October 1, 2009 - September 30, 2010

LFUCG - U.S. GEOLOGICAL SURVEY

380249084295001	Rain gage @ LFUCG Building	$3,350
03284520	East Hickman Creek @ Andover Village	$13,000
03284525	East Hickman Creek @ Chilesburg Rd	$12,500
03284530	East Hickman Creek @ Delong Rd	$13,000
03284555	West Hickman Creek @ Ash Grove Pike	$13,000
03287580	North Elkhorn Creek @ Bryant Rd	$12,500
03287590	North Elkhorn Creek @ Winchester Rd	$13,000
03287600	North Elkhorn Creek @Bryan Station Rd	$13,000
03288200	Cane Run @ Berea Rd	$13,000
03289000	South Elkhorn Creek @ Fort Spring	$13,000
03289193	Wolf Run @Old Frankfort Pike	$12,500
03289200	Town Branch @Yarnallton Rd	$13,000
	TOTAL COSTS using matching funds	**$144,850**
	LFUCG (60%)	**$86,910**
	USGS (40%)	**$57,940**

621-09

Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

William O'Mara
Acting Commissioner

MEMORANDUM

TO: Urban County Council Members
Mayor Jim Newberry

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

DATE: October 7, 2009

SUBJECT: Bluegrass Airport Refinancing Bonds

The Bluegrass Airport Board is requesting an ordinance supporting the issuance of a series of bonds to refinance and partially repay the bonds issued in 2008. The 2009 bond issues include:

- Refinancing a portion of the 2008 variable rate bonds with a more favorable fixed rate;
- Refinancing a portion of the 2008 bonds with variable rate bonds;
- Reduce the amount of outstanding debt by $10 million;
- Entering into a replacement to the 2008 lease between Lexington-Fayette Urban County Government (LFUCG) and Bluegrass Airport;
- All bonds are to be financed from Airport revenues.

Council is requested to approve the ordinance authorizing the replacement lease agreement to allow the Bluegrass Airport Board to proceed with refinancing the bonds at more affordable rates.

If you have questions or need additional information, please contact me at 258-3355.

WO/lyb

F:/finance/Bluesheets/Bluegrass Airport Board refinancing bonds

LEXINGTON-FAYETTE URBAN COUNTY AIRPORT BOARD

2009 SERIES BOND RESOLUTION

RESOLUTION OF THE LEXINGTON-FAYETTE URBAN COUNTY AIRPORT BOARD (1) AUTHORIZING AND APPROVING THE ISSUANCE AND SALE OF AN AMOUNT NOT TO EXCEED $75,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF (A) LEXINGTON-FAYETTE URBAN COUNTY AIRPORT BOARD GENERAL AIRPORT REVENUE REFUNDING BONDS, 2009 SERIES A-1 (LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT GENERAL OBLIGATION) (NON-AMT); (B) LEXINGTON-FAYETTE URBAN COUNTY AIRPORT BOARD GENERAL AIRPORT REVENUE REFUNDING BONDS, 2009 SERIES A-2 (LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT GENERAL OBLIGATION) (NON-AMT); AND (C) LEXINGTON-FAYETTE URBAN COUNTY AIRPORT BOARD VARIABLE RATE GENERAL AIRPORT REVENUE REFUNDING BONDS, 2009 SERIES B (LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT GENERAL OBLIGATION) (NON-AMT), FOR THE PURPOSE OF REFUNDING (I) ALL OF THE BOARD'S OUTSTANDING $46,395,000 VARIABLE RATE GENERAL AIRPORT REVENUE AND REVENUE REFUNDING BONDS, 2008 SERIES A (LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT GENERAL OBLIGATION) (AMT) AND (II) A PORTION OF THE BOARD'S OUTSTANDING $26,235,000 VARIABLE RATE GENERAL AIRPORT REVENUE AND REVENUE REFUNDING BONDS, 2008 SERIES B (LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT GENERAL OBLIGATION) (NON-AMT); (2) AUTHORIZING THE EXECUTION AND DELIVERY OF A SECOND SUPPLEMENTAL TRUST INDENTURE AND A THIRD SUPPLEMENTAL TRUST INDENTURE SECURING SUCH SERIES 2009 BONDS, ONE OR MORE BOND PURCHASE AGREEMENTS, A LEASE AGREEMENT, A LETTER OF CREDIT AND REIMBURSEMENT AGREEMENT AND CERTAIN OTHER RELATED DOCUMENTS WITH RESPECT TO SUCH SERIES 2009 BONDS; (3) PROVIDING FOR THE AWARD OF SUCH SERIES 2009 BONDS TO THE UNDERWRITER; (4) APPROVING ONE OR MORE PRELIMINARY OFFICIAL STATEMENTS AND ONE OR MORE OFFICIAL STATEMENTS WITH RESPECT TO SUCH SERIES 2009 BONDS; AND (5) TAKING OTHER RELATED ACTIONS.

WHEREAS, this Lexington-Fayette Urban County Airport Board (the "Board") by resolution adopted on October 15, 2008 (the "General Bond Resolution"), and by a Trust Indenture, dated as of November 1, 2008 (the "General Trust Indenture") between the Board and The Bank of New York Mellon Trust Company, N.A. (the "Trustee"), has provided for the issuance from time to time of General Airport Revenue Obligations by the Board, secured by a pledge of the Board's General Revenues and further secured by the assignment to the Trustee of the Board's right, title and interest in the Lease, including all Lease Rental Payments, each such issue to be authorized by a Series Resolution, as required by the General Trust Indenture; and

WHEREAS, the Board previously issued its (i) $46,395,000 Variable Rate General Airport Revenue and Revenue Refunding Bonds, 2008 Series A (Lexington-Fayette Urban County Government General Obligation) (AMT) (the "2008 Series A Bonds"), (ii) $26,235,000 Variable Rate General Airport Revenue and Revenue Refunding Bonds, 2008 Series B (Lexington-Fayette Urban County Government General Obligation) (non-AMT) (the "2008 Series B Bonds"), and (iii) $4,445,000 Variable Rate General Airport Taxable Revenue Refunding Bonds, 2008 Series C (Lexington-Fayette Urban County Government General Obligation) (Taxable) (the "2008 Series C Bonds" and collectively with the 2008 Series A Bonds and the 2008 Series B Bonds, the "2008 Bonds"), pursuant to the General Bond Resolution and the 2008 Series Bond Resolution adopted by the Board on October 15, 2008, and the Trust Indenture, as supplemented and amended by the First Supplemental Trust Indenture, dated as of November 1, 2008, by and between the Board and the Trustee (such Trust Indenture, as so supplemented and amended, the "Trust Indenture"); and

WHEREAS, the 2008 Bonds were issued by the Board for the purpose of providing funds to: (i) refund certain outstanding First Mortgage Revenue Bonds issued by the Lexington-Fayette Urban County Airport Corporation, (ii) finance improvements to the Blue Grass Airport (the "Airport") consisting of certain airfield, terminal, parking and sanitary sewer improvements (the "2008 Project"); (iii) fund a Debt Service Reserve Fund; and (iv) pay the costs of issuance of the 2008 Bonds; and

WHEREAS, the tax-exempt interest on the 2008 Series A Bonds is currently subject to the alternative minimum tax; and

WHEREAS, the American Recovery and Reinvestment Act of 2009 ("ARRA"), provides that in order to temporarily improve the marketability of certain private activity governmental bonds (such as the 2008 Series A Bonds), the tax-exempt interest on refunding bonds issued in 2009 (such as the Series 2009 Bonds (as defined herein)) to refund bonds (such as the 2008 Series A Bonds), qualifies for an exclusion from the alternative minimum tax; and

WHEREAS, this Board seeks to refund all of the outstanding 2008 Series A Bonds (i) to provide that the tax-exempt interest on the refunding bonds will qualify for an exclusion from the alternative minimum tax, (ii) to alleviate potential interest rate risks and (iii) to obtain debt service savings, if any; and

WHEREAS, this Board seeks to refund a portion of the outstanding 2008 Series B Bonds (i) to alleviate potential interest rate risks and (ii) to obtain debt service savings, if any; and

WHEREAS, by the authority of Chapter 183, particularly Sections 183.630 to 183.740 of the Kentucky Revised Statutes (the "Act"), the Board is authorized to issue refunding bonds (such as the Series 2009 Bonds, defined below) to provide funds for the payment of outstanding bonds which were issued to defray the cost of acquiring, constructing, maintaining, expanding, financing or improving any airport facilities or air navigation facilities or any part thereof or interest therein as those terms are further described in the Act; and

WHEREAS, the Board, in order to refund all of the outstanding 2008 Series A Bonds and a portion of the outstanding 2008 Series B Bonds (together, the "Prior Bonds") and to pay the costs of issuance of such refunding, desires to provide for issuance and sale of General

Airport Revenue Obligations, specifically the Series 2009 Bonds, and for other matters in connection therewith, by the adoption of this 2009 Series Resolution;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE LEXINGTON-FAYETTE URBAN COUNTY AIRPORT BOARD, AS FOLLOWS:

SECTION 1. Definitions and Interpretations. All words and terms defined in the Trust Indenture and all interpretations therein provided shall have the same meanings, respectively, and be subject to the same interpretations as therein provided where used in this 2009 Series Resolution, unless the context or use clearly indicates another or different meaning or intent, except that this Resolution is herein called and may be known as the "2009 Series Resolution," the Obligations authorized by this 2009 Series Resolution are referred to herein and in the Second Supplement and the Third Supplement hereby authorized collectively as the "Series 2009 Bonds," and the terms "hereof," "hereby," "hereto," "herein," and "hereunder," and similar terms, mean this 2009 Series Resolution.

SECTION 2. Authority. This 2009 Series Resolution is adopted pursuant to the General Bond Resolution, the Trust Indenture, and the Act.

SECTION 3. Authorization, Designation and Purpose of Series 2009 Bonds. It is hereby declared to be necessary to, and the Board shall, issue, sell and deliver, as provided and authorized herein, not to exceed $75,000,000 aggregate principal amount of (i) Lexington-Fayette Urban County Airport Board General Airport Revenue Refunding Bonds, 2009 Series A-1 (Lexington-Fayette Urban County Government General Obligation) (non-AMT) (the "2009 Series A-1 Bonds"); (ii) Lexington-Fayette Urban County Airport Board General Airport Revenue Refunding Bonds, 2009 Series A-2 (Lexington-Fayette Urban County Government General Obligation) (non-AMT) (the "2009 Series A-2 Bonds" and together with the 2009 Series A-1 Bonds, the "2009 Series A Bonds"); and (iii) Lexington-Fayette Urban County Airport Board Variable Rate General Airport Revenue Refunding Bonds, 2009 Series B (Lexington-Fayette Urban County Government General Obligation) (non-AMT) (the "2009 Series B Bonds" and together with the 2009 Series A Bonds, the "Series 2009 Bonds"), which shall be issued as General Airport Revenue Obligations. Such Series 2009 Bonds shall bear such further designations, if any, as the Fiscal Officer (as defined in the Trust Indenture) deems appropriate. Such Series 2009 Bonds shall be issued for the purposes of (i) refunding the Prior Bonds; (ii) funding the Debt Service Reserve Fund, if necessary, and (iii) paying costs of issuance in connection with such Series 2009 Bonds. The proceeds from the sale of such Series 2009 Bonds and other moneys of the Board shall be deposited and allocated as provided in Section 6 hereof.

SECTION 4. Terms and Provisions Applicable to the Series 2009 Bonds.

(a) Form, Numbering and Designation. The Series 2009 Bonds shall be issued in the form of fully registered obligations as approved by the Fiscal Officer, shall be numbered from 1 upwards, and shall bear such series designation as the Fiscal Officer deems appropriate.

(b) Denomination and Dates. The Series 2009 Bonds shall be in such denominations as requested by the Underwriter (hereafter defined), and shall be dated on the date determined by the Fiscal Officer and may be issued in installments (each installment being a part of the Series 2009 Bonds herein authorized) with final maturity dates approved by the Fiscal Officer, with any final maturity being no later than thirty-one years from the date the applicable series of Series 2009 Bonds are issued.

(c) Interest. The Series 2009 Bonds shall bear interest from their respective dates payable on dates approved by the Fiscal Officer, beginning on a date approved by the Fiscal Officer, at the rate or rates per annum determined pursuant to Section 5 hereof, which rates may be fixed or variable.

(d) Maturities. The Series 2009 Bonds shall mature on such dates, in the years and in the principal amounts set forth in the maturity schedule approved by the Fiscal Officer pursuant to Section 5 hereof.

(e) Redemption Terms and Prices. The 2009 Series A Bonds shall be subject to optional and mandatory redemption on such dates and terms as approved by the Fiscal Officer and set forth in the Second Supplement (as defined herein). The 2009 Series B Bonds shall be subject to optional and mandatory redemption on such dates and terms as approved by the Fiscal Officer and as set forth in the Third Supplement (as defined herein). If less than all of the outstanding Series 2009 Bonds are called for redemption at one time, they shall be called in the order of the maturities as directed by the Fiscal Officer. If less than all of the outstanding Series 2009 Bonds of one maturity are to be called, the selection of such Series 2009 Bonds or portions of Series 2009 Bonds of such maturity to be called shall be made by lot in the manner provided in the Trust Indenture. Notice of call for redemption of Series 2009 Bonds shall be given in the manner provided in the Trust Indenture.

(f) Other Provisions. The Series 2009 Bonds may, at the option of the Fiscal Officer, be secured by a letter of credit or other Credit Support Instrument issued by a financial institution acceptable to the Fiscal Officer.

(g) Place of Payment and Paying Agents. The principal, interest and any redemption premium on registered Series 2009 Bonds shall be payable by check, draft or wire transfer, as provided in the Trust Indenture.

(h) Execution. The 2009 Series A Bonds shall be executed in the manner provided in the General Bond Resolution and the Second Supplement. The 2009 Series B Bonds shall be executed in the manner provided in the General Bond Resolution and the Third Supplement

SECTION 5. Sale of Series 2009 Bonds. The negotiated sale of the Series 2009 Bonds to J.P. Morgan Securities Inc. (the "Underwriter") is hereby authorized at the rates and prices set forth in one or more Bond Purchase Agreements hereinafter authorized, at such time as the Fiscal Officer shall designate.

SECTION 6. Allocation of Proceeds of Series 2009 Bonds. All of the proceeds from the sale of the 2009 Series A Bonds and other lawfully available funds of the Board shall be received by the Fiscal Officer and shall be deposited and allocated as set forth in the Second Supplement approved hereby. All of the proceeds from the sale of the 2009 Series B Bonds and other lawfully available funds of the Board shall be received by the Fiscal Officer and shall be deposited and allocated as set forth in the Third Supplement approved hereby.

SECTION 7. **Additional Covenants with Respect to Internal Revenue Code of 1986, as Amended.** The Board hereby finds and determines that all of the proceeds from the sale of the Series 2009 Bonds will be needed for the purposes set forth in Section 3 hereof. The Board hereby covenants that it will restrict the use of the proceeds of the Series 2009 Bonds in such manner and to such extent, if any, and take such other actions as may be necessary, in view of reasonable expectations at the time of issuance of the Series 2009 Bonds, so that the Series 2009 Bonds will not constitute obligations the interest on which is subject to federal income taxation or "arbitrage bonds" under Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and regulations prescribed under such Sections. The Fiscal Officer or any other officer of the Board having responsibility with respect to issuance of the Series 2009 Bonds is hereby authorized and directed to give an appropriate certificate for inclusion in the transcript of proceedings with respect to the Series 2009 Bonds, setting forth the facts, estimates and reasonable expectations pertinent under said Sections 103(b)(2) and 148 of the Code. The Fiscal Officer is hereby authorized and directed to create a Rebate Account (which shall be held by either the Board or the Trustee, at the discretion of the Fiscal Officer) if the Fiscal Officer determines such account is necessary so that the Board complies with the rules concerning "rebate" as set forth in the Code, as they apply to the Series 2009 Bonds.

SECTION 8. **Second Supplemental Trust Indenture.** The Chair of the Board of Directors and any other designated officer of the Board of Directors, including the Vice-Chair, Secretary or Treasurer, or any one of them acting alone, are authorized and directed to execute and deliver to the Trustee in the name of and on behalf of the Board, a Second Supplemental Trust Indenture, dated as of the first day of the month in which the 2009 Series A Bonds are issued (the "Second Supplement") pursuant to the Trust Indenture and in connection with the issuance of the 2009 Series A Bonds, in the form prescribed by the Trust Indenture and approved by the officer executing the same on behalf of the Board. The approval of the Second Supplement shall be conclusively evidenced by the execution thereof by such officer.

SECTION 9. **Third Supplemental Trust Indenture.** The Chair of the Board of Directors and any other designated officer of the Board of Directors, including the Vice-Chair, Secretary or Treasurer, or any one of them acting alone, are authorized and directed to execute and deliver to the Trustee in the name of and on behalf of the Board, a Third Supplemental Trust Indenture, dated as of the first day of the month in which the 2009 Series B Bonds are issued (the "Third Supplement") pursuant to the Trust Indenture and in connection with the issuance of the 2009 Series B Bonds, in the form prescribed by the Trust Indenture and approved by the officer executing the same on behalf of the Board. The approval of the Third Supplement shall be conclusively evidenced by the execution thereof by such officer.

SECTION 10. **Lease Agreement.** The Chair of the Board of Directors and any other designated officer of the Board of Directors, including the Vice-Chair, Secretary or Treasurer, or any one of them acting alone, are authorized and directed to execute and deliver in the name of and on behalf of the Board, a Lease Agreement, dated as of the first day of the month in which the Series 2009 Bonds are issued (the "Lease Agreement"), with the Lexington-Fayette Urban County Government, pursuant to the Trust Indenture and in connection with the issuance of the Series 2009 Bonds, in the form prescribed by the Trust Indenture and approved by the officer executing the same on behalf of the Board. The approval of the Lease Agreement shall be conclusively evidenced by the execution thereof by such officer.

SECTION 11. **Bond Purchase Agreements.** The Chair of the Board of Directors and any other designated officer of the Board of Directors, including the Vice-Chair, Secretary or Treasurer, or any one of them acting alone, are authorized and directed to execute and deliver in the name of and on behalf of the Board, one or more Bond Purchase Agreements, dated the sale date of the 2009 Series A Bonds and the 2009 Series B Bonds, respectively (the "Bond Purchase Agreements"), with the Underwriter in connection with the issuance of the 2009 Series A Bonds and the 2009 Series B Bonds, respectively, in the usual and customary form, as may be permitted by the Act and the Trust Indenture and approved by the officer executing the same on behalf of the Board. The approval of one or more Bond Purchase Agreements shall be conclusively evidenced by the execution thereof by such officer.

SECTION 12. **Letter of Credit and Reimbursement Agreement.** The Chair of the Board of Directors and any other designated officer of the Board of Directors, including the Vice-Chair, Secretary or Treasurer, or any one of them acting alone, are authorized and directed to execute and deliver in the name of and on behalf of the Board, a Letter of Credit and Reimbursement Agreement, dated the closing date of the 2009 Series B Bonds (the "Letter of Credit and Reimbursement Agreement"), with JPMorgan Chase Bank, National Association (the "Credit Support Provider") in connection with the issuance of letters of credit, constituting a Credit Support Instrument with respect to the 2009 Series B Bonds, in the usual and customary form, as may be permitted by the Act and the Trust Indenture and approved by the officer executing the same on behalf of the Board. The approval of the Letter of Credit and Reimbursement Agreement shall be conclusively evidenced by the execution thereof by such officer.

SECTION 13. **Remarketing Agreement.** The Chair of the Board of Directors and any other designated officer of the Board of Directors, including the Vice-Chair, Secretary or Treasurer, or any one of them acting alone, are authorized and directed to execute and deliver in the name of and on behalf of the Board, a Remarketing Agreement providing for the remarketing of 2009 Series B Bonds that are subject to tender by the Holder thereof, in the usual and customary form, as may be permitted by the Act and the Trust Indenture and approved by the officer executing the same on behalf of the Board. The approval of the Remarketing Agreement shall be conclusively evidenced by the execution thereof by such officer.

SECTION 14. **Interest Rate Hedge Agreements.** The Chair of the Board of Directors and any other designated officer of the Board of Directors, including the Vice-Chair, Secretary or Treasurer, or any one of them acting alone, are authorized to execute and deliver in the name of and on behalf of the Board, Interest Rate Hedge Agreements in accordance with the requirements of the Trust Indenture, having notional amounts that are no greater than the series of Series 2009 Bonds to which the Interest Rate Hedge Agreement relates, which Interest Rate Hedge Agreements shall be in the form and having the terms as approved by the officer executing the same on behalf of the Board. The approval of any Interest Rate Hedge Agreement shall be conclusively evidenced by the execution thereof by such officer.

SECTION 15. **Official Statements.** The Chair of the Board of Directors and the Fiscal Officer are hereby authorized and directed to execute and deliver one or more Official Statements with respect to the 2009 Series A Bonds and the 2009 Series B Bonds, respectively for the purpose of making available to potential investors the information therein contained, which describes the interest rates and other terms to be borne by and the price to be paid for the 2009 Series A Bonds and the 2009 Series B Bonds, respectively, and such other information with respect to the Board and the Series 2009 Bonds, necessary in the judgment of the Chair of the Board of Directors with the advice of the Fiscal Officer. The Chair of the Board of Directors and the Fiscal Officer are hereby authorized to deem one or more Preliminary Official Statements, if any, and one or more final Official Statements "near final" and "final" for purposes of Securities and Exchange Commission Rule 15c2-12, as amended and interpreted from time to time, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934 (the "Rule").

SECTION 16. **Other Documents.** The Chair of the Board of Directors, the Fiscal Officer and any other designated officer of the Board of Directors, including the Vice-Chair, Secretary or Treasurer, or any one of them acting alone, are authorized and directed to execute and deliver in the name of and on behalf of the Board, such other documents, forms and certificates as required in connection with the issuance of the Series 2009 Bonds. The approval of such documents, forms and certificates shall be conclusively evidenced by the execution of such documents and certificates by such officer(s).

SECTION 17. **Compliance With Rule 15c2-12.** The Board hereby agrees, to comply with the provisions of the Rule. In order to comply with the Rule, one or more Continuing Disclosure Agreements with respect to the 2009 Series A Bonds and 2009 Series B Bonds, respectively, in the usual and customary form are hereby authorized and approved, with such modifications and additions as may be approved by the officer of the Board executing the same. The Chair and the Fiscal Officer are each hereby authorized to execute and deliver one or more Continuing Disclosure Agreements.

SECTION 18. **Open Meetings.** The Board hereby finds and determines that all formal actions relative to the adoption of this 2009 Series Resolution were taken in an open meeting of the Board, and that all deliberations of the Board and of its committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements.

SECTION 19. **Further Authorization.** That the proper and appropriate officers of the Board, to the extent authorized by law, are hereby authorized to execute and deliver the closing certificates, if any, with such modifications thereto as may be required by the purchasers of the Series 2009 Bonds and approved by special bond counsel to the Board as well as such other documents, certificates and statements as may be so required and so approved in connection with sale and delivery of the Series 2009 Bonds.

SECTION 20. **Provisions in Conflict are Repealed.** All resolutions or parts thereof in conflict with the provisions of this 2009 Series Resolution are hereby rescinded to the extent of such conflict.

SECTION 21. **Effective Date.** This 2009 Series Resolution shall take effect from and after its passage.

SECTION 22. **Copy to be Filed with Trustee.** A certified copy of this 2009 Series Resolution shall be filed with the Trustee.

Adopted October 7, 2009.

Chair
Lexington-Fayette Urban County
Airport Board

Attest:

Secretary
Lexington-Fayette Urban County
Airport Board

Lexington-Fayette Urban County Government
DEPARTMENT OF LAW

Jim Newberry
Mayor

Logan Askew
Commissioner

TO: Jim Newberry, Mayor
Councilmembers

FROM: Department of Law

DATE: October 8, 2009

RE: Excess General, Auto and Public Officials' Liability Insurance

I request authorization to purchase Excess Liability insurance from Ironshore Insurance Ltd. for an eight month term beginning November 1, 2009 and expiring July 1, 2010.

As you will recall from prior memos, we want to have all lines of insurance on a fiscal year term. This is the reason that this proposal is for insurance until the end of this fiscal year. You will also recall that we will issue RFPs for broker services and for adjusting services for all insurance lines (liability, property, workers comp) at the beginning of next year.

Working on our behalf, KLC marketed placement of our expiring liability insurance. A listing of the contacts and the three proposals are described in the attached.

Last year's best liability proposal was advanced by AIG with a premium of $440,109 (effective 11/1/08-11/1/09) for $5 million in excess coverage, with a self insured retention level of $1.5 million. As you will note on the attached, AIG will not quote a proposal with a self insured retention level of less than $2 million.

The most favorable proposal was received from Ironshore Insurance Ltd., an A- rated carrier, at $525,000 annually, or $350,000 prorated for the November 2009 to July 2010 term. The Ironshore proposal has a self insured retention of $2 million, up from $1.5 million last year. This means that in liability claims cases, our excess insurance carrier will pay claims to the extent they exceed $2 million. The first $2 million will be paid from the LFUCG self insured fund.

LFUCG has not had an incident giving rise to a claim in excess of $2 million since FY2006. You may recall this accident, titled Christopher Mattingly vs. LFUCG et al., in which our then self insured retention of $1 million was exhausted and our carrier contributed $2 million toward the settlement.

This coverage, which is payable through KLC, includes the same claims adjusting services provided under our current coverage. Fees and surcharge are as follows: Liability premium (8 months), $350,000; Collins & Company liability claims administration fee (8 months), $50,000; KLC's commission, $17,500; Surplus Lines Tax, $10,500; KY 1.5% Surcharge, $5,250; for a total of $433,250. This premium is fully budgeted in the FY2010 budget for General Insurance 1101-160902-0001-73101.

Logan Askew

Logan B. Askew
Commissioner of Law

Attachments

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