

**URBAN COUNTY COUNCIL
SCHEDULE OF MEETINGS
October 19-October 26, 2009**

Monday, October 19

No Meetings

Tuesday, October 20

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

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

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

Mayor's Youth Council Meeting.....5:30 pm
Conference Room-5th Floor Government Center

Wednesday, October 21

Tree Board Sub Committee Meeting.....9:00 am
Conference Room-5th Floor Government Center

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

Thursday, October 22

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

Friday, October 23

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

Monday, October 26

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

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

LEXINGTON-FAYETTE URBAN COUNTY COUNCIL

WORK SESSION AGENDA

October 20, 2009

- I. Public Comment – Issues on Agenda**
- II. Requested Rezoning / Docket Approval – None**
- III. Approval of Summary-Yes, October 13, 2009, pp. 5-10**
- IV. Budget Amendments – None**
- V. New Business, pp. 13-35**
- VI. Continuing Business / Presentations**
 - A. Intergovernmental Committee, pp.36-38**
 - B. Traffic Update Presentation**
 - C. Main Street Incubator**
Mr. Luke Murray, Awesome Inc.
 - D. Proposed Tobacco-Free Policy**
Mr. Anthony Beatty, Assistant Vice President
of Campus Services
- VII. Council Report**
- VIII. Mayor's Report – None**
- IX. Public Comment – Issues Not on Agenda**

ADMINISTRATIVE SYNOPSIS

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New Business Items

- A. Authorization of an Amendment to the First-Time Homebuyers Program Agreement with REACH, Inc. (626-09) (P. King/O'Mara)
This request will authorize an amendment for additional funds of \$400,000 for the First-Time Homebuyers Program Agreement with REACH, Inc. The additional funds are requested by REACH, Inc. due to the increase of participants and to continue the program through August 30, 2010. There are no other changes associated with this amendment. Funds are budgeted.**pp.13-14**
- B. Authorization of an Amendment to Agreement with Kentucky Transportation Cabinet (KYTC) for the Restoration of Latrobe's Pope Villa. (FINAL) (627-09) (P. King/O'Mara)
This request will authorize an Amendment to Agreement requested by KYTC to change the agreement number from C-01248155 to PO2-628-1000002386 for final payment to be made to LFUCG. The restoration of Latrobe's Pope Villa has been completed. There are no other changes associated with this amendment.**p.15**
- C. Authorization of a Lease Agreement with Rachel Savané (d/b/a Savané Silver, Inc. for Space Located at 130 North Broadway Street (a/k/a Broadway Shoppes. (625-09) (Baradaran/Cole)
This request will authorize a Lease Agreement for a total of \$9,540 with Rachel Savané (d/b/a Savané Silver, Inc.) for a portion of property located at 130 North Broadway Street (a/k/a Broadway Shoppes). The Agreement is for sixty (60) months to expire October 31, 2014. The agreement includes one (1) parking space in the Victorian Square parking garage.**p.16**
- D. Authorization of a Deed of Acceptance for a Permanent Drainage Easement and a Temporary Construction Easement at Property Located at 3570 Clays Mill Road for the Clays Mill Road Improvements Project. (608-09) (P. King/Webb)
This request will authorize a Deed of Acceptance at a cost of \$5,200 for a permanent drainage easement of 777 square feet and a temporary construction easement of 940.4 square feet at property located at 3570 Clays Mill Road for the Clays Mill Road Improvements Project. This project is federal funded by Surface Transportation Lexington (SLX) through the Kentucky Transportation Cabinet. Funds are budgeted.**p.17**

- E. Authorization of a Deed of Acceptance for a Temporary Construction Easement at Property Located at 3461 Clays Mill Road for the Clays Mill Road Improvements Project. (629-09) (P. King/ Webb)
This request will authorize a Deed of Acceptance at a cost of \$1,575 for a temporary construction easement of 1,042.5 square feet at property located at 3461 Clays Mill Road for the Clays Mill Road Improvements Project. This project is federal funded by Surface Transportation Lexington (SLX) through the Kentucky Transportation Cabinet. Funds are budgeted.**p.18**
- F. Authorization of a Purchase of Service Agreement (PSA) and a Lease Agreement with the Lexington-Fayette Animal Care and Control, LLC. (617-09) (Bennett)
This request will authorize a PSA and a Lease Agreement in the amount of \$1,035,000 with the Lexington-Fayette Animal Care and Control, LLC for animal control services with Lexington-Fayette County. Funds are budgeted.**pp.19-25**
- G. Authorization of a Purchase of Service Agreement (PSA) with the Lexington Humane Society to Administer the Spay and Neuter Grant Fund Program. (618-09) (Bennett)
This request will authorize a PSA with the Lexington Humane Society to administer LFUCG's Spay and Neuter Grant Fund Program under Sections 4-12.3(e), 4-21(d), 4-21.1 and 4-21.2 of the Code of Ordinances.**p.26**
- H. Authorization to Accept Donation from the Bluegrass Junior Woman's Club on Behalf of the Department of Public Safety, Division of Police. (619-09) (Bastin/Bennett)
This request will authorize the acceptance of a 42-inch Dynex LCD television and a laptop computer donated by the Bluegrass Junior Woman's Club on behalf of the Division of Police. Items will be used by the Division's Safety City in the instruction of lesson plans for pedestrian safety taught to all second grade students in Fayette County.**p.27**
- I. Authorization of a Facility Usage Contract with the Fayette County Board of Education (FCBE) on Behalf of the Department of Public Safety, Division of Police. (620-09) (Bastin/Bennett)
This request will authorize a Facility Usage Contract at a cost of \$447 with the FCBE on behalf of the Division of Police, Police Activity League (PAL), for use of facility / grounds, personnel and equipment at Bryan Station High School. Funding is provided by PAL. There is no budgetary impact for LFUCG.**pp.28-29**

- J. Authorization of Change Order No. 1 to Contract with Franz, Inc. for the HVAC Upgrade to the Police Technical Services Unit Building Project. (FINAL) (632-09) (Bastin/Bennett)
This request will authorize Change Order No. 1 to increase contract amount by \$3,527 with Franz, Inc. for air compressor ventilation, extra cooling capacity, and relocation of a large circulating fan. Original contract amount was \$120,290. Final contract amount is \$123,817. Funds are budgeted.**pp.30-32**
- K. Authorization to Accept an Award from the Kentucky Justice and Public Safety Cabinet (JPSC), Kentucky State Police (KSP), on Behalf of the Department of Public Safety, Division of Police for Operation of a Motor Carrier Safety Assistance Program – FY2010. (630-09) (P. King/Bennett)
This request will authorize the acceptance of federal funds in the amount of \$75,000 from the Kentucky JPSC, KSP, on behalf of the Division of Police for the continuation of the Motor Carrier Safety Assistance Program. Funds will be used for officer overtime, professional development, supplies, uniforms, and software. A local match of 20% (\$18,750) is required and will come from staff salary within the Division. Total program cost is \$93,750.**p.33**
- L. Authorization to Accept an Award from the US Department of Justice on Behalf of the Department of Public Safety, Division of Community Corrections, under the 2009 State Criminal Alien Assistance Program (SCAAP). (631-09) (P. King/Bennett)
This request will authorize the acceptance of an award of federal funds in the amount of \$118,107 from the US Department of Justice under the 2009 SCAAP program on behalf of the Division of Community Corrections. SCAAP provides funds to states and localities as reimbursement costs of incarcerated undocumented criminal aliens who have been in custody at least four (4) consecutive days, and convicted of a felony or two (2) misdemeanor offenses. SCAAP uses prior year's data to determine the annual relative percentage of available funding. The Division has recommended these funds be used for a part-time Substance Abuse Counselor, building repairs and overtime pay. No matching funds are required.**p.34**
- M. Authorization of a Special Warranty Deed with the Fayette County Board of Education (FCBE) Regarding Transfer of Properties. (628-09) (Askew)
This request will authorize a Special Warranty Deed to transfer title of Linlee Elementary School, school bus garage site, Garden Springs Elementary School and Southside Vocational School to FCBE. The properties were conveyed to Fayette County as part of school building revenue bond projects. The bonds have been paid in full.**p.35**

URBAN COUNTY COUNCIL
WORK SESSION SUMMARY
& TABLE OF MOTIONS

October 13, 2009

Mayor Newberry chaired today's work session meeting. All Council Members were present except CMs Feigel and James.

I. Public Comment – Issues on Agenda-Yes

Citizens, Frank Harscher and Robert Morris, spoke on S Limestone St. Project and citizens, Billy Smith and John Paul Miller, spoke on commercial real estate signs.

II. Requested Rezoning / Docket Approval-Yes

A motion by CM Blues to place on the docket for the Thursday, October 15, 2009 Council Meeting, a resolution authorizing the submission of an application to the Kentucky Energy and Environment Cabinet for continuation of the litter abatement grant funding program, seconded by CM Gorton, passed without dissent.

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

III. Approval of Summary-Yes

A motion by CM Blues to approve the summary from October 6, 2009, seconded by CM Henson, passed without dissent.

IV. Budget Amendments-Yes

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

V. New Business

- 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)
- 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)

- 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)
- 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)
- 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)
- 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)
- G. Authorization to Change Street Names and Individual Address Numbers within Various Council Districts for the Enhanced 911 System. (611-09) (Lucas/ Bennett)
- 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)
- 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)
- 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)
- K. Authorization of Change Order No. 2 to Contract with Strand Associates, Inc. Regarding the Legacy Trail Project. (615-09) (Rayan/Webb)
- 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)

- 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)
- N. Authorization of a Release of Easement of a Utility Easement on Property Located at 1051 – 1131 Floyd Drive. (610-09) (Askew)
- O. Authorization of an Agreement with Volunteers of America of Kentucky, Inc. for Emergency Housing for Homeless Families. (614-09) (P. King/O'Mara)
- P. Authorization of a Joint Funding Agreement with the US Department of the Interior, US Geological Survey (USGS). (616-09) (Martin/Taylor)
- Q. Authorization of an Ordinance to Execute a Lease Agreement with the Lexington-Fayette Urban County Airport Board. (621-09) (O'Mara)
- R. Authorization to Purchase Excess Liability Insurance from Ironshore Insurance Ltd. (622-09) (O'Mara)

A motion by CM Beard to approve new business items, seconded by CM Henson passed without dissent.

VI. Continuing Business / Presentations-Yes

A. Services Committee Report

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

A motion by CM Ellinger to adopt the ordinance for slaughtering livestock as it is written, seconded by CM Crosbie, passed without dissent.

A motion by CM Ellinger to respectfully request with strong recommendations to retain individual parking meters with replacement smart card meter heads to meters in Chevy Chase, seconded by CM Crosbie, failed by a 6-7 vote.

A motion by CM Ellinger to send to full Council a request that a resolution be drafted to be sent to the Frankfort delegation and other appropriate personnel to let them know the intent is to change KRS 512 statute to affect it with a civil fine as well, seconded by CM Crosbie, passed without dissent.

A motion by CM Ellinger to accept the draft on animal cruelty amendment and move it to the Council for consideration for the docket, seconded by CM Gorton, passed without dissent.

B. Special Planning Committee Report

This report was given by Chair CM Gorton. There were no motions to come forward. CM Gorton stated that the discussion was on the Student Housing Task Force Report and it will continue at the next regularly scheduled Planning Committee meeting on October 20th at 1 pm.

A motion by CM Ellinger to suspend the rules and allow CM Lawless the opportunity to make a motion for an issue to be placed on the docket, seconded by CM Gorton, passed without dissent.

A motion by CM Lawless to place on the docket for Thursday, October 15, 2009, a resolution declaring a moratorium on additions that would exceed 25% of the square footage of the existing structure in Single Family, Townhouse, and Two-Family Residential zones within the 3rd District, excluding properties in the ND-1 or H-1 zone and excluding additions when the final structure would not exceed 1500 square feet, for 6 months or until the Council takes final action on amendments to the zoning ordinance, whichever occurs first, seconded by CM Blues, passed by a 12-1 vote; dissenting was CM Martin.

CM Martin made a motion to amend the previous motion to limit the time to 4 months, it was seconded by CM Crosbie but it failed by a 5-8 vote.

Several CMs and the Mayor spoke on the motion and the amendment to the motion.

C. South Limestone Streetscape Project Update

Mr. Robert Morris completed his public comments at this time.

This update was given by Comm. Mike Webb and George Milligan, Streetscape Project Manager. Also present to answer questions were Sam Williams, Acting Dir. Streets, Roads, & Forestry and an LFUCG Engineer, and Terry Justice, LFUCG Inspector. Several CMs and Mayor Newberry either asked questions or made statements.

D. TIF Showprop Lexington, LLC Update

This update was given by Chris Westover, Atty. for McBrayer, McGinnis, Leslie, & Kirkland, PLLC. This was more of answering previously asked questions. Also present to answer questions were Mr. John Farris and Ms. Sara Tuttle.

VII. Council Report

CM Stinnett-Thanked UK and President Todd for inviting Council and Administration out; spoke about scheduling another bonding workshop.

A motion by CM Stinnett to approve the NDF list, seconded by CM Blues passed without dissent.

A motion by CM Stinnett to ask VM Gray to appoint a Task Force for comprehensive review of Building Inspection, seconded by CM Myers, passed without dissent.

CM Blues-Asked about whether or not Council would be receiving a presentation on the Inversion Process-Dir. Bill O'Mara answered and stated that since he had already made a presentation on this issue, he didn't realize that another was needed; announced several neighborhood assoc. meetings: Meadowthorpe tonight at 7; on Thursday, Speigle Heights and Joyland, both at 7 pm; on 10/17, Brookefield Chase at 3 pm at the Northside Library; and on 10/19 at 6:30 pm, Winburn.

CM Martin-Made several announcements: Beaumont NA meeting tonight at 6:30 pm; Palomar Townhouse Homeowners Assoc meeting tonight at 6 pm; Firebrooke will meet on 10/20 at 7 pm; also stated that CNN Money has ranked Lexington #6 in the US to launch a small business.

A motion by CM Martin to approve having the Economic Development Task Force meetings in the Council Chambers, seconded by CM Lane, passed by a 7-1 vote.

CM Lane-Stated that he will be recusing himself from any decisions on commercial real estate signs issues.

VM Gray-Stated that CM Henson will be the Co-Chair to CM Lawless for the Affordable Housing Trust Task force; also named the other members: CMs Blues, Beard, Ellinger, James, and Mr. David Christianson.

CM Ellinger-Stated concern about celebrating Halloween on the same day of a UK football game.

VIII. Mayor's Report-Yes

A motion by CM Lane to approve Mayor's Report, seconded by VM Gray, passed without dissent.

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

Citizens, Lewis Cobb and former CM Bill Farmer, Jr, Spoke.

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

Work session was adjourned at 6:41 pm.

NEW BUSINESS ITEMS REQUIRING BUDGET AMENDMENTS

October 20, 2009 Work Session

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If the item listed below is on the Agenda, approval of the listed Item includes approval of the attached Budget Amendment. These Budget Amendments are not voted upon as part of section IV on the Agenda and are for information only.

NEW BUSINESS ITEM	BUDGET JOURNAL	DIVISION	DESCRIPTION OF REQUEST	
630-09	BA 2503	Community Development	To establish grant budget for Motor Carrier Safety Assistance Program (MCSAP – 2010.)	
K			3160	93,750
			3160	93,750CR
				0*
630-09	BA 2504	Community Development	To establish match and recovery for Motor Carrier Safety Assistance Program (MCSAP – 2010.)	
K			1101	18,750
			1101	18,750CR
				0*
631-09	BA 2502	Community Development	To establish grant budget for State Criminal Alien Assistance Program (SCAAP – 2010.)	
L			3140	181,107
			3140	181,107CR
				0*

EFFECT ON FUND BALANCES

FUND 1101	0*	NO EFFECT ON:	GENERAL SERVICES DISTRICT – GENERAL FUND
FUND 3140	0*	NO EFFECT ON:	US DEPARTMENT OF JUSTICE
FUND 3160	0*	NO EFFECT ON:	US DEPARTMENT OF TRANSPORTATION

Budget Information For New Business Items
October 20, 2009 Work Session

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Item	Number	Amount	Fund	Name / Description
A	626-09	400,000	3120	US Department of Housing and Urban Development
B	627-09	NA		
C	625-09	9,540	1101	General Service District Fund
D	608-09	5,200	3160	US Department of Transportation
E	629-09	1,575	3160	US Department of Transportation
F	617-09	1,035,000	1101	General Service District Fund
G	618-09	NA		
H	619-09	NA		
I	620-09	NA		
J	632-09	3,527	1131	Police Confiscated – Federal Fund
K	630-09	93,750	3160	US Department of Transportation
		18,750	1101	General Service District Fund
				Budget Journal
L	631-09	181,107	3140	US Department of Justice
				Budget Journal
M	628-09	NA		



626-09

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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: OCTOBER 9, 2009

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE AN
AMENDMENT TO THE FY10 FIRST-TIME HOMEBUYERS
PROGRAM AGREEMENT WITH REACH, INC.**

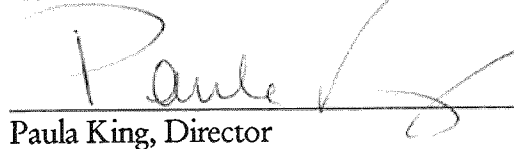
On April 23, 2009 (Ordinance No.52-2009), Council authorized submission of the 2009 Consolidated Plan to the U.S. Department of Housing and Urban Development, and acceptance of federal funds for Community Development Block Grant Program, HOME Investment Partnerships Program, and Emergency Shelter Grants Program. The same ordinance also provided for the execution of agreements with the entities named in the plan. Subsequently, an agreement was executed with REACH, Inc., for the use of \$350,000 for the operation of the First-Time Homebuyers Program. During the past year REACH has seen an increase in participation for the homebuyer program and has requested an additional allocation of \$400,000 to continue the program through August 30, 2010.

The proposed Amendment to the First-Time Homebuyers Program Agreement provides REACH with an additional \$400,000 to operate the First-Time Homebuyers Program and provides for an increase of households assisted from a minimum of 20 to a minimum of 40. The funds are available as a result of a reallocation from a sub recipient that has chosen to not accept it's allocation from FY06 and FY08. These additional funds must be obligated by July 30, 2010.

Funds for this amendment are budgeted as follows:

FUND	DEPT ID	SECT	ACCOUNT	BUD REF	ACTIVITY	PROJECT
3120	900202	0001	78107	2009	H01	HOME 2009
3120	900202	0001	78107	2007	H01	HOME 2007

Council authorization to execute amendment to agreement is hereby requested.


Paula King, Director

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

AMENDMENT TO FIRST-TIME HOMEBUYERS PROGRAM AGREEMENT

THIS AMENDMENT, made and entered into this 1st day of Oct, 2009, by and between the LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT, ("Government"), an urban county government of the Commonwealth of Kentucky pursuant to Chapter 67A of the Kentucky Revised Statutes, whose mailing address is 200 East Main Street, Lexington, Kentucky 40507, and REACH, Inc., a Kentucky non-stock non-profit corporation pursuant to KRS Chapter 273, and whose post office address is 733 Red Mile Road, Lexington, Kentucky 40504 (hereinafter referred to as "REACH").

WHEREAS, Government and REACH entered into a First-Time Homebuyers Program Agreement dated July 1, 2009 ("Agreement"), in which the REACH was allocated \$350,000 in federal HOME Investment Partnerships Program funds as provided by the 2009 Consolidated Plan for the purpose of operating a First-Time Homebuyers Program;

WHEREAS, REACH has seen an increase in participation for the REACH Homebuyer Education and Counseling program, and desires to assist additional households become homeowners;

WHEREAS, REACH has requested that additional federal funds in the amount of \$400,000 be allocated.

WHEREAS, there are sufficient funds available in the amount of \$200,000 from the 2006 Consolidated Plan and \$200,000 from the 2008 Consolidated Plan.

WHEREAS, the Agreement provides for all amendments to be in writing executed by Government and REACH;

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

1. Article I, paragraph 1.2 of the Agreement shall be amended in its entirety to read as follows:
"REACH agrees to provide assistance to a minimum of 40 households with these funds."
2. Article III, Paragraph 1 of the Agreement shall be amended in its entirety to read as follows:
"The Government agrees to reserve \$750,000 of its HOME funds for use by eligible clients of REACH in the implementation of a first-time homeownership program."
3. In all other respects, except as specifically modified herein, the terms of the Agreement dated July 1, 2009, shall remain in full force and effect with respect to the provisions outlined therein.

IN WITNESS WHEREOF, the parties executed this Amendment at Lexington, Kentucky, the day, month, and year above written.

LEXINGTON-FAYETTE URBAN COUNTY
GOVERNMENT

By: _____
Jim Newberry, Mayor

ATTEST:

Clerk of Urban County Council

REACH, INC.

Chris Ford, President and CEO



627-09

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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**

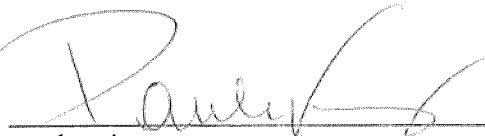
DATE: OCTOBER 12, 2009

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE
AMENDMENT TO AGREEMENT WITH KENTUCKY
TRANSPORTATION CABINET FOR RESTORATION OF LATROBE'S
POPE VILLA**

On October 11, 2001 (Ordinance No. 259-2001), Council approved acceptance of federal funds in the amount of \$400,000 for restoration of the Latrobe's Pope Villa. On June 23, 2005 (Ordinance No. 159-2005), Council approved acceptance of additional funds in the amount of \$250,000 for restoration of Latrobe's Pope Villa.

Project has now been completed. In order for the Kentucky Transportation Cabinet to make final payment to the LFUCG, an Amendment is necessary to change the agreement number from G-01248155 to PO2-628-1000002386.

Council authorization to execute the Amendment to Agreement is hereby requested.



Paula King
Director

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



625 - 09

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Lexington-Fayette Urban County Government
DEPARTMENT OF GENERAL SERVICES

Jim Newberry
Mayor

Kimra Cole
Commissioner

MEMORANDUM

TO: Mayor Jim Newberry
Urban County Council

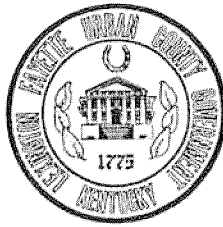
FROM: Kimra Cole
General Services Commissioner

DATE: October 9, 2009

RE: Lease Agreement

I am requesting Urban County Council approval to enter into a lease agreement with Rachel Savané, dba Savané Silver, Inc. for the space located at 130 North Broadway Street, aka the Broadway Shoppes. Three spaces were originally combined for the former occupant, Adult Tenant Services. This lease encompasses a partial occupancy of the original Adult Tenant Services space and building fit-up will be required to make the space usable by the new Tenant. A jewelry store will be operated at the location and fit-up costs will be shared between LFUCG and Tenant, with responsibility of each party outlined as an Exhibit in the lease agreement. This agreement will be for a period of sixty (60) months and expire on October 31, 2014.

LFUCG will receive an initial rate of \$16.00 per square foot for use of this space, or \$15,264.00 for the first 12 months. During the second 12 months of this Lease and each successive 12 month period thereafter, the rental rate shall be adjusted upward 2% over the previous 12 month period. Annual rate increases and monthly payments are defined as an Exhibit in the lease agreement. The lease includes one (1) parking space @ no cost to the Tenant in the Victorian Square parking garage.



608-09

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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: OCTOBER 5, 2009

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT A DEED OF TEMPORARY
CONSTRUCTION EASEMENT AND A DEED OF PERMANENT DRAINAGE
EASEMENT FROM CLAYS MILL ROAD CHURCH OF GOD AT 3570 CLAYS
MILL ROAD FOR THE CLAYS MILL ROAD IMPROVEMENTS PROJECT**

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

The Division of Engineering has negotiated a purchase of 940.4 square feet of temporary construction easement and 777 square feet of permanent drainage easement at 3570 Clays Mill Road from Clays Mill Road Church of God in the amount of \$5,200.00.

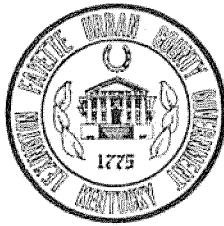
Funds for purchase of easements are budgeted in account:

Fund	Dept ID	Section	Project	ACTIVITY	Bud Ref	Account
3160	303201	0001	CLY_ML_RD_2005	FED_GRANT	2005	91715

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


Paula King, Director

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



629-09

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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: OCTOBER 12, 2009

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT A DEED OF TEMPORARY
CONSTRUCTION EASEMENT FROM RONALD AND BARBARA MARTIN AT
3461 CLAYS MILL ROAD FOR THE CLAYS MILL ROAD IMPROVEMENTS
PROJECT**

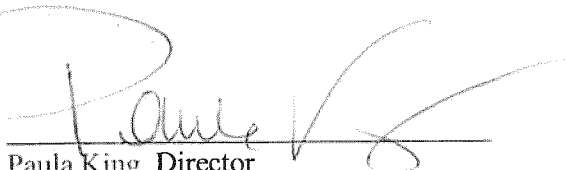
On July 1, 2003 (Ordinance No. 174-2003), Council approved acceptance of award from Kentucky Transportation Cabinet in the amount of \$644,000 in federal funding [Surface Transportation Lexington (SLX)] for the design phase of the Clay's Mill Road. Project required a 20% local match in the amount of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

The Division of Engineering has negotiated a purchase of 1042.5 square feet of temporary construction easement at 3461 Clays Mill Road from Ronald and Barbara Martin in the amount of \$1,575.00.

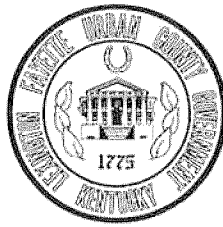
Funds for purchase of easements are budgeted in account:

Fund	Dept ID	Section	Project	Bud Ref	Account	Activity
3160	303201	0001	CLY_ML_RD_2005	2005	91715	FED_GRANT

Council authorization to accept deed of temporary construction easement is hereby requested.


Paula King, Director

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



6 17 - 09

19

Lexington-Fayette Urban County Government
DEPARTMENT OF PUBLIC SAFETY

Jim Newberry
Mayor

Tim Bennett
Commissioner

TO: Mayor Jim Newberry
Members, Urban County Council

FROM: Tim Bennett, *TJB* Commissioner
Department of Public Safety

DATE: October 7, 2009

RE: Purchase of Service Agreement with
Lexington-Fayette Animal Care and Control, LLC

Attached is the annual Purchase of Service Agreement and related Lease Agreement for animal control services with Lexington-Fayette Animal Care and Control, LLC. The proposed agreement incorporates compensation in the amount of \$1,035,000 to the Humane Society as authorized in the FY 2010 budget.

I recommend approval of these Agreements with the Lexington-Fayette Animal Care and Control, LLC for FY 2010 and the funds are budgeted.

Attachment

PURCHASE OF SERVICE AGREEMENT

THIS PURCHASE OF SERVICE AGREEMENT, is made and entered into on the ____ day of _____, 2009, by and between the **LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**, an urban county government of the Commonwealth of Kentucky pursuant to KRS Chapter 67A (hereinafter "Government") on behalf of its Department of Public Safety (hereinafter "Sponsor"), and **LEXINGTON-FAYETTE ANIMAL CARE AND CONTROL, LLC**, a Kentucky limited liability company (hereinafter "Organization"), with offices located at 1600 Old Frankfort Pike, Lexington, Kentucky 40504;

W I T N E S S E T H:

That for and in consideration of the mutual promises and covenants herein expressed, Government and Organization agree as follows:

1. Government hereby employs Organization for the period beginning on July 1, 2009, and continuing for a period of twelve (12) months from that date.
2. Government shall pay Organization the sum of One Million Thirty-Five Thousand Dollars (\$1,035,000.00) for the services required by this Agreement, said services being more particularly described in the Addendum attached hereto and incorporated herein by reference, one-twelfth (1/12) of which shall be payable on or before the fifteenth day of each month, July to June, inclusive.
3. Government shall lease up to twelve (12) vehicles and up to fourteen (14) mini-Digital Video Device (DVD) video recorders, with which the vehicles are to be equipped, to Organization as further consideration for the services required by this Agreement. Said vehicles and video equipment shall only be used for purposes of animal

control, shall be leased to Organization for use during the term and for the purposes authorized by this Agreement and shall be subject to the additional terms of a lease agreement between the parties.

4. Organization shall perform all duties and services included in the Addendum attached hereto faithfully and satisfactorily at the time, place and for the duration prescribed herein.

5. Organization shall keep itself informed of all national and state laws and all municipal ordinances and regulations in any manner affecting the work or performance of this Agreement, and shall at all times observe and comply with such laws, ordinances and regulations, whether or not such laws, ordinances or regulations are mentioned herein, and shall indemnify Government, its officers, agents and employees against any claim or liability arising from and based on the violations of any such laws, ordinances or regulations.

6. Organization represents that it has filed federal, state and local income tax returns required by law in the legally prescribed time and manner. Upon request, Organization will provide copies of all of the executed originals of the aforementioned tax returns filed for Organization's most recent or current tax year.

7. Organization shall, at the end of each month and by no later than the tenth (10th) working day of the succeeding month, on such forms as the Sponsor shall provide, submit to Sponsor: a report containing, for each of the services enumerated in the Addendum attached hereto, which were provided in the preceding month, (a) a description of the services provided, including the quantity of the services provided, and (b) any monies collected on behalf of the Urban County Government with an invoice

requesting payment. Any and all provisions of this Agreement to the contrary notwithstanding, the compensation of Organization for each month of the Agreement shall not be paid unless and until Organization submits the monthly report and invoice required hereunder.

8. Books of accounts related to this Agreement shall be kept by Organization and entries shall be made therein of all money, goods, effects, debts, sales, purchases, receipts, payments and any other transactions of Organization. The books of accounts, together with all bonds, notes, bills, letters and other writings belonging to Organization, shall be maintained at the principal place of business of Organization set forth in this Agreement. Government shall have free and complete access to the books, papers and affairs of Organization at all reasonable times and, if it desires, it may have the books and papers of Organization audited and examined by auditors, accountants or attorneys. Any examination shall be at the expense of the Government.

9. Government may designate such persons as may be necessary to monitor and evaluate the services rendered by Organization. Government shall have reasonable access to all places where or in which the services required hereunder are being carried on and conducted. Inspection and monitoring of the work by these authorities shall in no manner be presumed to relieve in any degree the responsibility or obligations of Organization, or to constitute Organization an agent of the Government.

10. Organization shall provide equal opportunity in employment for all qualified persons, shall prohibit discrimination in employment because of race, color, creed, national origin, sex, age, sexual orientation or gender identity, or handicap, and shall promote equal opportunity in employment through a positive, continuing program of equal

opportunity employment. This program of equal employment opportunity shall apply to every aspect of its employment policies and practices.

11. Organization shall adopt a written sexual harassment policy, which shall, at a minimum, contain a statement of current law; a list of prohibited behaviors; a complaint process; and a procedure that provides for a confidential investigation of all complaints. The policy shall be given to all employees and shall be posted at all locations where Organization conducts business. The policy shall be submitted to the Commissioner of the Department of Public Safety for review within thirty (30) days of the execution of this Agreement.

12. Unless either party, not less than ninety (90) days prior to June 30, 2010, gives the other party notice in writing that this Agreement shall not be extended, the Agreement shall automatically be extended for successive periods of three (3) months each upon the expiration of each period, upon the same terms and conditions as are contained herein, unless either party shall, not less than ninety (90) days next preceding the termination of any period, give the other party notice in writing that this Agreement shall not be so extended.

13. This instrument and the Addendum incorporated herein contain the entire agreement between the parties and no statement, promise or inducement made by either party or agent of either party that is not contained in this written Agreement shall be valid and binding; and this Agreement may not be enlarged, modified or altered except in writing signed by the parties and endorsed thereon.

14. Organization agrees that it shall apply all funds received by it from Government in accordance with the following investment policy guidelines:

A. Objectives--Capital preservation with surety of income. Reasonable competitive income consistent with high investment quality and purpose of funds. All investments shall conform with state and local law and regulations and these Policies.

B. Investment Funds Management--The governing board may elect to either:

(1) manage its investment through its president where the size or complexity of funds to be managed is deemed by the board to be within the training, expertise and/or available time capacity of the president and the operating staff;

-or-

(2) utilize the professional investment management facilities of a local bank trust department acting in a fiduciary capacity within the same approved investment policies and federal, state, local and trust laws and regulations. The trust department may utilize its regular short-term 100% U.S. Treasury Fund for daily funds investment. The election of option 1 or 2 should be made consistent with the relative cost incurred and in the case of option 2 the cost shall be competitive among local trust departments.

C. Investment Policies--Safety and Prudence.

(1) Short-term liquidity funds shall be invested in "riskless" investments, i.e., deposits in Kentucky commercial banks or savings and loan associations that are fully federally insured or deposits collateralized by U.S. Treasury securities with a current market value of at least 100%, or in direct obligations of U.S. Treasury securities.

Investments shall be diversified according to maturity in order to meet projected cash flow needs.

Collateral pledged to secure uninsured deposits shall be held at a federal reserve bank with the receipt providing absolute control by the agency.

(2) Retirement funds, endowment funds, long-term capital reserve funds and any other special funds may be held and invested by a local bank trust department under investment objectives and diversification in accordance with the individual

nature of the funds and pursuant to the "prudent man" investment rule as well as general trust law.

- (3) All investments shall be reviewed monthly by a finance or investment committee of the agency.
- (4) Local brokerage firms may hold and invest funds provided that investments are located within Kentucky and are fully insured.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first above written.

LEXINGTON-FAYETTE URBAN
COUNTY GOVERNMENT

LEXINGTON-FAYETTE ANIMAL CARE
AND CONTROL, LLC

BY:

JIM NEWBERRY, MAYOR

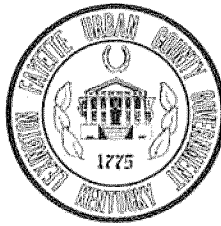
BY: LEXINGTON HUMANE SOCIETY,
ITS MEMBER

BY:

SUSAN M. MALCOMB, PRESIDENT

BY:

STUART BENNETT, CHAIRMAN
BOARD OF DIRECTORS



618-09

26

Lexington-Fayette Urban County Government
DEPARTMENT OF PUBLIC SAFETY

Jim Newberry
Mayor

Tim Bennett
Commissioner

TO: Mayor Jim Newberry
Members, Urban County Council

FROM: Tim Bennett, *TB* Commissioner
Department of Public Safety

DATE: October 7, 2009

RE: Purchase of Service Agreement with
Lexington Humane Society

Attached is a Purchase of Service Agreement with the Lexington Humane Society to administer the Spay and Neuter Grant Fund Program for and with the oversight of the Urban County Government. This Grant Fund Program shall be used to determine eligibility for grant money to spay or neuter the applicant's dog or cat.

This Program will have no budgetary impact on the Lexington-Fayette Urban County Government.

Attachment



LEXINGTON DIVISION OF POLICE

619-09

27

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 30, 2009

RE: Donation – Laptop Computer and Television

Please find attached a blue sheet and letter from the Bluegrass Junior Woman's Club, concerning a donation of a 42" Dynex LCD Television and Laptop Computer to the Lexington Division of Police, Safety City. The television and laptop will be utilized in the instruction of lesson plans for pedestrian safety that is taught to all second grade students in the Fayette County community. The donated items are valued at \$840.39.

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

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

Ronnie Bastin
Chief of Police

RB/rmh

cc: Tim Bennett, Commissioner of Public Safety
Assistant Chief Jackson



LEXINGTON DIVISION OF POLICE

620-09

28

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: October 1, 2009

RE: Facility Usage Contract

Please find attached the blue sheet and facility usage contract between the Fayette County Board of Education and Lexington-Fayette Urban County Government. This contract allows the Lexington Division of Police usage of the District facility, grounds and/or equipment for non-commercial activities during non-instructional time either before the commencement or after the conclusion of the school day. Participants in the Police Athletic League will be required to sign Waivers of Liability. The attached contract requires the Mayor's signature.

Maintenance fee for use of facility will be paid by the Police Athletic League.

Please return a signed copy of the Facility Usage Contract to the Chief's Office. If you have any question or require additional information, please contact my office.

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

Ronnie Bastin
Chief of Police

RB/rmh

Attachment

cc: Tim Bennett, Commissioner of Public Safety

**EXHIBIT A****THIS IS NOT A BILL -- INVOICE TO FOLLOW****DESIGNATION OF FACILITY/GROUNDS, PERSONNEL AND EQUIPMENT**

APPLICANT:	Lexington Fayette Urban County Government Police Department, Police Activity League	DAILY FEE:	\$111.75
FACILITY:	Bryan Station High School	TOTAL FEE:	\$447.00
DATE(S):	Saturday, 9/12/09, 9/19/09, 9/26/09, 10/17/09,		
TIME(S):	9:00 - 11:00 am		

AREA(S) TO BE USED	NO. AREAS	NO. HOURS PER AREA	TOTAL NO. HOURS	HOURLY UTILITY / MAINTENANCE FEE	TOTAL UTILITY / MAINTENANCE COST
Classroom / Library	0	0	0	\$20.50	\$0.00
Auditorium	0	0	0	\$42.75	\$0.00
Cafeteria	0	0	0	\$42.75	\$0.00
Kitchen	0	0	0	\$22.50	\$0.00
Gymnasium	0	0	0	\$60.00	\$0.00
Football Field	1	0	0	\$123.50	\$0.00
Running Track	0	0	0	\$51.50	\$0.00
Baseball Field	0	0	0	\$32.75	\$0.00
Softball Field	0	0	0	\$32.75	\$0.00
Other	0	0	0	\$17.25	\$0.00
Subtotal	-----	-----	-----	-----	\$0.00
DISTRICT EMPLOYEES (If Applicable)	NO. EMPLOYEES	NO. HOURS PER EMPLOYEE	TOTAL NO. HOURS	HOURLY PERSONNEL FEE	TOTAL PERSONNEL COST
Custodian(s)	1	3	3	\$37.25	\$111.75
Food Service Manager(s) II	0	0	0	\$38.85	\$0.00
Technical Support Staff	0	0	0	\$41.75	\$0.00
Law Enforcement Officer(s)	0	0	0	\$48.85	\$0.00
Other	0	0	0	\$0.00	\$0.00
Subtotal	-----	-----	-----	-----	\$111.75
Total	-----	-----	-----	-----	\$111.75
ADDITIONAL RENTAL FEES (If Applicable)	0	0	0	\$0.00	\$0.00
Grand Total	-----	-----	-----	-----	\$111.75

COMMENTS:



LEXINGTON DIVISION OF POLICE

632-09

30

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: October 7, 2009

RE: **Change Order No. 1 –
Frantz Inc. – HVAC Upgrade to Technical Services Unit Building**

Please find attached a blue sheet and documentation for Change Order No. 1 on proposed work between Frantz Inc, and Lexington-Fayette Urban County Government.

Frantz Inc, was awarded the original bid for the HVAC upgrade to the Technical Services Unit Building. Listed below are additional changes required to complete this project:

1. An air compressor room was added since the project was originally designed. The air compressor requires ventilation. The corresponding air handler was increased in capacity to two (2) tons to provide heating and cooling to this room.
2. The requirements of the PC repair room were updated from the original design requirements. The number of PC's running at one time was much greater than designed for. The change order added extra cooling capacity to this room.
3. The large circulating fan was relocated to better accommodate the structural design and column layout of the building. This was a no cost change.

The original estimated cost that was budgeted for this project was \$120,290. With the proposed changes at an additional cost of \$3,527, the total finish cost of this project will be \$123,817.

The contractors are in the middle of this project and we are requesting approval to be expedited on the additional work that is necessary to complete this project. The cost of this project is fully budgeted in FY10.

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

Ronnie Bastin
Chief of Police

RB/rmh

Attachment

cc: Tim Bennett, Commissioner of Public Safety

CONTRACT HISTORY FORM

Contractor: Frantz, Inc.
Project Name: HVAC Upgrade to Police Technical Services Unit Building
Contract Number and Date:
Responsible LFUCG Division:

CHANGE ORDER DETAILS

	<u>Summary of Previous Change Orders To Date</u>	<u>Percent Change to Dollar Amount</u>	<u>Original Contract</u>
A.	Original Contract Amount:	\$120,290	
B.	Cumulative Amount of Previous Change Orders:	\$0	
C.	Total Contract Amount Prior to this Change Order:	\$120,290	
	<u>Current Change Order</u>		
D.	Amount of This Change Order:	\$3527	2.93% (Line D / Line A)
E.	New Contract Amount Including this Change Order :	\$123,817	102.93% (Line E / Line A)

SIGNATURE LINES

Project Manager: Neil C. [Signature] Date: 8-20-09

Reviewed by: Alan [Signature] Date: 8-24-09

Division Director: R. Bastin Date: 10-12-09

LEXINGTON-FAYETTE

URBAN COUNTY GOVERNMENT

CONTRACT CHANGE ORDER

Page 1 of 2

Date: 9-23-09 632-09

Project: HVAC Upgrade

Location:

Police Technical Services Unit

To (Contractor).

Frantz, Inc.

Contract No.

Change Order No. #1

32

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)
	See attached letter from Jeremy Smith, CMTA dated 8-20-09		\$3,527.
	Change in contract price due to this Change Order:		
	Total decrease		
	Total increase		3,527
	Net (increase) contract price		3,527

The sum of \$ 3,527 is hereby added to the total contract price, and the total adjusted contract price to date thereby is \$ 123,817.⁰⁰.

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

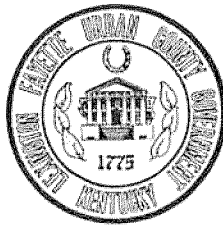
Recommended by Jeremy Smith, PE (Proj. Engr.) Date 9-23-09

Accepted by _____ (Contractor) Date

Approved by _____ (Urban Co. Engr.) Date

Approved by _____ (Commissioner) Date

Approved by _____ (Mayor or CAO) Date



630-09

33

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 12, 2009

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT AWARD FROM
THE KENTUCKY JUSTICE AND PUBLIC SAFETY CABINET FOR
OPERATION OF A MOTOR CARRIER SAFETY ASSISTANCE
PROGRAM - FY 2010**

The LFUCG Division of Police's participation in the Motor Carrier Safety Assistance Program (MCSAP) was begun in FY95 to reduce the number of commercial vehicle collisions and the deaths and injuries associated with these collisions. Police Officers assigned to this program conduct motor carrier inspections on interstate and non-interstate highways.

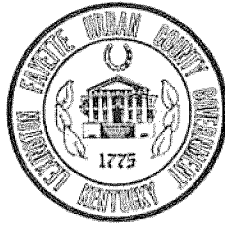
Kentucky Justice and Public Safety Cabinet, Kentucky State Police has offered the LFUCG federal funding in the amount of \$75,000 for continuation of this program through December 31, 2010. These funds will be used for officer overtime, professional development, supplies, uniforms, and software. A 20% match is required. The match of \$18,750 will come from existing budgeted staff salaries in the Division of Police. Total cost of the project is \$93,750.

Council authorization to accept the award is hereby requested.



Paula King, Director

Xc: Tim Bennett, Commissioner of Department of Public Safety



631-09

34

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 12, 2009

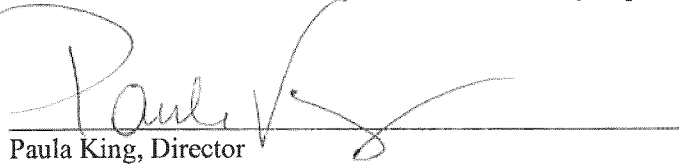
**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT AWARD FROM THE U.S.
DEPARTMENT OF JUSTICE UNDER THE 2009 STATE CRIMINAL ALIEN
ASSISTANCE PROGRAM**

On May 7, 2009 (Resolution No. 313-2009), Council authorized submission of an application requesting federal funding under the 2009 State Criminal Alien Assistance Program (SCAAP). This federal program is offered by the Bureau of Justice Assistance, a part of the Office of Justice Programs in the U.S. Department of Justice in conjunction with Immigration and Customs Enforcement (ICE). This program is governed by the Immigration and Nationality Act, 8 U.S.C. §1231 (i) as amended, and Title II, Subtitle C. Section 20301, Violent Crime Control and Law Enforcement Act of 1994, Public Law 103-322.

SCAAP provides funds to States and localities as reimbursement for costs of incarcerated undocumented criminal aliens who have been in custody for at least four consecutive days, and have been convicted of a felony or two misdemeanor offenses. Reimbursable costs are for foreign-born inmates who have 1) entered the U.S. without inspection, 2) was subject of exclusion or deportation proceedings at the time of being taken into custody, and/or 3) admitted as a nonimmigrant at the time of being taken into custody who has failed to maintain the nonimmigrant status. ICE takes responsibility for ensuring that aliens are properly identified and their status verified before awards to state and local governments are made.

The FY 2009 SCAAP payment amounts were determined using a sampling of actual inmate, cost and facility data for a specified reporting period. SCAAP is not a traditional reimbursement program in which the actual cost, facility and data are collected. SCAAP used prior year's data, from the period of July 1, 2007 through June 30, 2008, to determine applicants' annual relative percentages of available funding. The award for 2009 has been announced as \$181,107. For FY 2009 SCAAP awards, the Department of Justice Reauthorization Act of 2005 (Pub. L. 109-162, Title XI) requires that all SCAAP funds be used for correctional purposes only. The Division of Community Corrections has recommended that these funds be spent for a part-time substance abuse counselor, building repairs, and overtime pay. No matching funds are required.

Council authorization to accept the award is hereby requested.


Paula King, Director

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



6 28 - 09

35

Lexington-Fayette Urban County Government
DEPARTMENT OF LAW

Jim Newberry
Mayor

Logan Askew
Commissioner

TO: Jim Newberry, Mayor
Members, Urban County Council

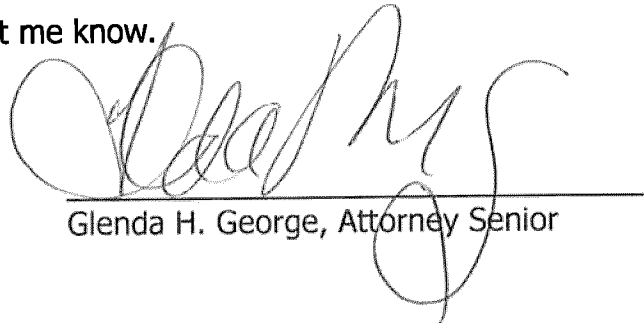
FROM: Department of Law

DATE: October 9, 2009

RE: Transfer of School Property to Board of Education
(Log No. 09-CC1021)

This is to request approval of a special warranty deed transferring title to the following properties to the Board of Education of Fayette County: Linlee Elementary School, School Bus Garage Site, Garden Springs Elementary School and Southside Vocational School. Title to these properties was conveyed to the County of Fayette by the School Board in 1963, 1964, 1968, and 1979 as part of school building revenue bond projects. The bond proceeds were used to construct or improve the properties. The bonds have been paid in full and the Urban County Government is required to return title to the School Board.

If you have any questions, please let me know.



Glenda H. George, Attorney Senior

cc: Joe Kelly, Senior Advisor
Council Office

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URBAN COUNTY COUNCIL
Inter-Governmental Committee

October 13, 2009

The meeting was called to order at 1:00 P.M. All committee members were present except James and Feigel. Myers chaired the meeting in James absence. Stinnett attended as a non-voting member.

I. DDA Role/Responsibilities - Tate

DDA Comparison Report – Tate covered comparisons of several cities such as San Diego, Boise, Memphis, Miami, Louisville and Cincinnati's downtown development authorities or other similar entities. He said Louisville was a good model for Lexington, they use TIF financing, have ability to do bonding, a downtown design center and work closely with planning. He concluded by highlighting recommendations critical to the success of LDDA, such as re-establishing a downtown design center and the actual ability to do development would be helpful.

Blues asked about LDDA representing the city in matters such as planning commission issues and funding wanting to know how that might work.

Beard asked about TIF and funds going back into projects and what would be the role of LDDA's involvement in development work.

Tate responding both questions said the answers would take some investigation.

Martin said he would be interested in hearing details asking Tate to run through specifics of each city used in the comparison. Myers asked Tate to highlight portions of the comparisons.

Beard had a specific question about the Miami comparison. Tate to check and advise.

Lawless asked about long range plans for LDDA.

Tate said TIF and the ability to sell land is very important to Lexington and the goals of LDDA.

Martin commented the difference in other cities is striking, adding we can not sit back while other cities "out plan" us. He feels LDDA is one way to insure Lexington is vibrant.

Myers asked about funding strategies and if any recommendations need to be taken to the state to insure they happen. How do we start the process, engage resources and what can the council do to facilitate. He asked Tate to outline things that could be done to cut through the “red tape”. Myers said he would look forward to a report on issues required to allow LDDA to become more involved with development, design, funding and enabling developers to interact with the city.

Blues referring to development issues asked if other cities have principle economic development authority.

Tate said most cities do not do it by themselves since it’s difficult for one entity to have expertise in every field. For example, changing text amendments. It takes many entities working together.

LDDA East End Implementation Schedule

Tate outlined items LDDA can do to help the process move forward. He pointed out the recommendations in today’s committee packet are from the consultant. He said the big concern was overly. LDDA is in the process to submit application for ND1 to the planning commission, developing retail strategy, looking at social service issues, existing retail and streetscapes. He hopes to have a status/update report in May 2010.

Myers asked how LDDA’s scope might be broadened outside of downtown. Tate said there is no reason why these models can not be used in other areas.

There were no questions/discussion on East End Implementation

Guiding Principles for Central Sector

Tate covered the four guiding principles used in the effort to develop a small area plan. He remarked the big issue right now in Central Sector in Newtown Pike extension project.

Lawless stated her main concern is that council is aware of development, and projects coming through LDDA’s office and not read about them in the newspaper. How can we be assured if LDDA goes into the development business that council knows what you are doing?

Tate responded developers do not always want details of projects known. He recommended sitting down with council members to discuss a vision.

Martin said LDDA board meetings are open and recommended attending those for updates of projects, and that agendas and packets of board meetings are also

available. He stated economic development recruitment and confidentiality of business is crucial and can "kill the deal". Even though it is very important to understand what LDDA is working on, but can not realistically expect council to be in the loop on these matters.

Lawless said she understood when a developer is not ready to go public and the need for confidentiality but is concerned about public input. She then made a public apology to Harold Tate regarding a press release not sent to council due to an oversight.

Martin commented on Centre Pointe saying the council should change its rules and not allow any type of demolition before replacement plans are clear. He said the Planning Department advises this is not a rule we want.

Lawless echoed Martin's remarks saying she agreed.

Beard has how many board members does LDDA have and if there were enough, since a board can sometimes provide leverage for getting things accomplished.

Tate responded there are 9 board members and feels this number is adequate.

There were no questions/discussions on Central Sector

2. Update on Committee Items

Paul Schoninger, Council staff discussed status of items and received feedback from committee members. He noted the issue of Oaths of Office deferring to Beard, who put it into committee. Myers noted items he would like to see on the next committee meeting agenda.

Meeting adjourned at 2:13 pm with no motions coming forward from today's proceedings.