URBAN COUNTY COUNCIL
SCHEDULE OF MEETINGS
November 16-November 23, 2009

Monday, November 16

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

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

Tuesday, November 17

Affordable Housing Trust Task Force Meeting……………………...……………… ………....……..10:00 am
Conference Room-5th Floor Government Center

Corridors Commission Meeting……………………………………………..……………..…………....10:00 am
Council Chambers-2nd Floor Government Center

Outside Agency Oversight Committee Meeting…………………………..……………………. CANCELLED
Conference Room-5th Floor Government Center

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

Council 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, November 18

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

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

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

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

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

Thursday, November 19

Housing & Support Services Commission Meeting……………………………………………………………..2:00 pm
Conference Room-5th Floor Government Center

Council Bonding Workshop…………………………………………………………………………………………4:00 pm
Conference Room-5th Floor Government Center

Economic Development Task Force Meeting……………………………………………………………………6:00 pm
Council Chambers-2nd Floor Government Center

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

Mayor's Bicycle Task Force Meeting………………………………………………………………………………7:00 pm
Conference Room-5th Floor Government Center

Friday, November 20

No Meetings

Monday, November 23

No Meetings

LEXINGTON-FAYETTE URBAN COUNTY COUNCIL

WORK SESSION AGENDA

November 17, 2009

I. Public Comment – Issues on Agenda

II. Requested Rezonings / Docket Approval – Yes

III. Approval of Summary-Yes, November 3, 2009, pp.7-11

IV. Budget Amendments – Yes, pp.12-18

V. New Business, pp.20-70

VI. Continuing Business / Presentations

   A. Special Planning Committee, pp.71-77

   B. Budget & Finance Committee, pp.78-82

   C. Services Committee, pp.83-84

   D. Lyric Theatre Monthly Report, pp.85-86

   E. Rescission of Federal-Aid Apportions
      Mr. Barry House, Transportation Research Engineer,
         Kentucky Transportation Center
      Mr. Max Conyers, Manager of Transportation
   Planning, Division of Planning

   F. Emerald Ash Borer
      Ms. Karen Angelucci, Chair, LFUCG Tree Board

   G. LFUCG Airport Board Update
      Mr. Robert Owens, Chair, LFUCG Airport Board

VII. Council Report

VIII. Mayor's Report – None

IX. Public Comment – Issues Not on Agenda

ADMINISTRATIVE SYNOPSIS

New Business Items

A. Authorization of a Deed of Acceptance for a Dedicated Greenway under the Greenway Master Plan. (649-09) (Rayan/Webb)
This request will authorize a Deed of Acceptance for a dedicated greenway at property located at 177 Robinson Way in the Masterson Station Center – Citation Village & Greathouse Property. There is no budgetary impact for LFUCG.**p.20**

B. Authorization of a Deed of Permanent Sanitary Sewer Easement at Property Located at 2550 Winchester Road for the Hamburg East Development. (660-09) (Rayan/Webb)
This request will authorize a Deed of Permanent Sanitary Sewer Easement at no cost by Cowgill Partners, LP to LFUCG for a 20-foot easement under and through a portion of property located at 2550 Winchester Road for the Hamburg East development. This easement will provide the Cowgill Property's sanitary sewer facilities with public sanitary sewer service.**p.21**

C. Authorization of an Assignment of Scenic and Conservation Easements from LFUCG to the Fayette County Rural Land Management Board, Inc. by the Board of Directors of the Mary E. Wharton Nature Sanctuary of Floracliff, Inc. (671-09) (Van Pelt/Webb)
This request will authorize an Assignment of Scenic and Conservation Easements of three (3) easements assigned to LFUCG by the Mary E. Wharton Nature Sanctuary at Floracliff, Inc. to be assigned to the Fayette County RLMB, Inc. under the terms and conditions of the original easements. There is no budgetary impact.**p.22**

D. Authorization of Change Order No. 1 to Contract with Schroeder Construction, Inc. for the Cadentown / Versailles Road Sanitary Sewer Improvements Project. (676-09) (P. King/Webb)
This request will authorize Change Order No. 1 to increase contract amount by $119,819.49 with Schroeder Construction, Inc. for the Cadentown / Versailles Road Sanitary Sewer Improvements Project. This Change is for additional construction required to avoid underground utility facilities of which precise locations were not known and for the extension of the sanitary sewer collection system for future development. Original contract amount was $696,637.75. New contract amount is $816,457.24. Funds are budgeted.**pp.23-26**

E. Authorization of an Agreement with Kentucky Utilities Company (KU) to Permit Attachment of Banner Equipment and Banners to KU Poles. (672-09) (Ebel/Rabold)
This request will authorize an Agreement to permit LFUCG to use KU poles within the boundaries of the Lexington-Fayette Urban County area for banners and for the banner installation equipment. Sponsors requesting

banners to be placed on KU poles will bear the cost of the banners and installation equipment. There is no budgetary impact for LFUCG.**p.27**

F. Authorization of a Resolution and a Bond Ordinance for the Issuance of Industrial Revenue Bonds (IRBs) for the Roman Catholic Diocese of Lexington. (667-09) (Wright/Kelly)
This request will authorize a Resolution and a Bond Ordinance for the issuance of IRBs up to $20,490,000 for the Roman Catholic Diocese of Lexington for refunding outstanding revenue bonds previously issued by LFUCG for various capital projects and / or related items due to changes in market conditions. The bond issuance will be divided into three (3) Series; Mary Queen of the Holy Rosary Elementary for $6,005,000; St. Elizabeth Ann Seton Elementary School for $4,485,000, and Sts. Peter and Paul Elementary and Middle Schools for $10,000,000 of which $5,000,000 is new money to finance further expansion and renovation. This action was approved by the IRB Committee. There is no cost or liability to LFUCG.**p.28**

G. Authorization to Approve Ordinance and Local Participation Agreement with Krikorian Premiere Theaters for the Showprop Tax Incremental Financing (TIF) Development Project. (674-09) (Kelly)
This request will authorize the approval of an Ordinance and a Local Participation Agreement with Krikorian Premiere Theaters for the Showprop TIF Development Project for the development of an economic area known as the Showprop Lexington Development Area Project for certain infrastructure costs.**pp.29-42**

H. Authorization to Amend Lease for Commercial Office Space offered by MES Enterprises, LLC. (661-09) (Baradaran/Cole)
This request will authorize an amendment to adjust the rent from $29,006.25 to a lump payment of $22,790.62 for the period of December 1, 2009 through June 30, 2010 to a Lease for Commercial Office Space Top Floor – Triangle Center offered by MES Enterprises, LLC. The lump payment will be used to update the aging HVAC system. This will be a savings of $6,214.40 for LFUCG.**pp.43-44**

I. Authorization of a Facility Usage Contract with the Fayette County Board of Education (FCBE) on Behalf of the Department of General Services, Division of Parks and Recreation for use of Jesse Clark Elementary School Gymnasium. (668-09) (Hancock/Cole)
This request will authorize a Facility Usage Contract at a cost of $4,001.30 with FCBE on behalf of the Division of Parks and Recreation Basketball Program for use of Jesse Clark Elementary School gymnasium from December 5, 2009 through March 13, 2010. Funds are budgeted.**pp.45-46**

J. Authorization of a Facility Usage Contract with the Fayette County Board of Education (FCBE) on Behalf of the Department of General Services, Division of Parks and Recreation for use of Yates Elementary School Gymnasium. (669-09) (Hancock/Cole)
This request will authorize a Facility Usage Contract at a cost of $4,080 with FCBE on behalf of the Division of Parks and Recreation Basketball Program for use of Yates Elementary School gymnasium from December 5, 2009 through March 13, 2010. Funds are budgeted.**pp.47-48**

K. Authorization of a Commonwealth of Kentucky Court of Justice Memorandum of Agreement (MOA) with the Administrative Office of the Court (AOC) on Behalf of the Department of Public Safety, Fayette County Detention Center (FCDC) (Division of Community Corrections). (657-09) (Bishop/Bennett)
This request will authorize a Commonwealth of Kentucky Court of Justice MOA at a cost not to exceed $190,000 ($131,000 for adults; $26,600 for juveniles; and $32,400 for families) with AOC on behalf of the FCDC to establish terms for urine testing of Fayette County drug court participants. Funds are budgeted.**p.49**

L. Authorization of a Professional Services Agreement with Greenberg Traurig, LLP on Behalf of the Department of Public Safety, Division of Community Corrections. (662-09) (Bishop/Bennett)
This request will authorize a Professional Services Agreement in the amount of a firm fixed fee of $45,000 with Greenberg Traurig LLP on behalf of the Division of Community Corrections to negotiate a price per diem rate contract with the US Marshals Service under the Detention Services Network Program for housing federal prisoners. The Agreement also includes the calculation of a stationary guard rate based on the "Jail Operating Expense Information" for allowable costs, projected costs and an administrative fee. Funds are budgeted.**p.50**

M. Authorization of a Memorandum of Understanding (MOU) Emergency Medical Services with the Lexington-Fayette County Health Department on Behalf of the Department of Public Safety, Division of Fire and Emergency Services. (675-09) (Hendricks/Bennett)
This request will authorize a MOU Emergency Medical Services with the LFC Health Department on Behalf of the Division of Fire and Emergency Services to allow Fire Paramedics to administer influenza vaccinations in a public health emergency or crisis. This has been approved by the Emergency Medical Advisory Board and required by the Kentucky Board of Emergency Medical Services and the Kentucky Department of Public Health.**p.51**

N. *Authorization of an Engineering Services Agreement with Strand Associates, Inc.® to Proceed with the Investigation / Design Services for Process and Control Improvements at Town Branch Waste Water Treatment Plant (WWTP), West Hickman WWTP and all Pump Stations Maintained by LFUCG. (663-09) (Martin/Taylor)
This request will authorize an Engineering Services Agreement in the amount of $2,859,500 with Strand Associates, Inc.® to proceed with the investigation / design services for process and control improvements of electrical upgrades and construction administration once the design is completed at the Town Branch WWTP, West Hickman WWTP and all pump stations maintained by LFUCG under the **EPA CONSENT DECREE.** Funds are budgeted.**p.52**

O. *Authorization of an Engineering Services Agreement with Kenvirons, Inc. to Proceed with the Dixie Pump Station Upgrade and Force Main Improvements Project. (664-09) (Martin/Taylor)
This request will authorize an Engineering Services Agreement in the amount of $30,730 with Kenvirons, Inc. to proceed with the Dixie Pump Station Upgrade and Force Main Improvements Project to provide LFUCG with technical support necessary to successfully meet obligations and deadlines under the **EPA CONSENT DECREE**. Funds are budgeted.**p.53**

P. *Authorization of an Engineering Services Agreement with BTM Engineering, Inc. to Proceed with the Deep Springs Pump Station Upgrade and Force Main Improvements Project. (665-09) (Martin/Taylor)
This request will authorize an Engineering Services Agreement in the amount of $51,500 with BTM Engineering, Inc. to proceed with the Deep Springs Pump Station Upgrade and Force Main Improvements Project to complete design services and provide LFUCG with technical support necessary to successfully meet obligations and deadlines under the **EPA CONSENT DECREE**. Funds are budgeted.**p.54**

Q. Authorization of a Release of Easement at Property Located at 2705 and 2709 Meadowsweet Lane for a Streetlight Easement. (666-09) (Askew)
This request will authorize a Release of Easement at property located at 2705 and 2709 Meadowsweet Lane for the release of a Streetlight Easement. The Divisions of Engineering, Water Quality and Traffic Engineering and the Department of Law have reviewed and approve this action. There is no budgetary impact for LFUCG.**p.55**

R. Authorization of an Acquisition, Arbitration and Settlement Agreement by and among LFUCG, LFUC Airport Board, Elkhorn Bend, LLC and Wayne Murty. (678-09) (Askew)
This request will authorize an Acquisition, Arbitration and Settlement Agreement by and among LFUCG, LFUC Airport Board, Elkhorn Bend, LLC and Wayne Murty which resolves an eminent domain action filed by the Airport Board pertaining to the acquisition of certain real property in

which Elkhorn Bend, LLC and Wayne Murty have an interest. Parties have preliminarily agreed to resolve the matter with this Agreement. All cost associated with this property will be paid by the Airport Board. There is no direct or budgetary impact for LFUCG.**p.56**

S. Authorization of Agreements with Direct Connect, LLC and Plug & Play Technologies on Behalf of the Department of General Services, Division of Parks and Recreation. (673-09) (O'Mara/Rumpke)
This request will authorize a Merchant Processing Application and Agreement with Direct Connect, LLC and an internet Gateway Account Agreement with Plug & Play Technologies at an approximate cost of $2,000 for the Division of Parks and Recreation to accept payment of selected fees using the internet.**p.57**

T. Authorization of a Memorandum of Understanding (MOU) by and between LFUCG, the Lexington-Fayette Urban County Housing Authority (LFUCHA) and REACH, Inc. regarding the 2005 HOPE VI Revitalization Project, Equestrian View Development. (677-09) (Helm)
This request will authorize a MOU by and between LFUCG, LFUCHA and REACH, Inc. regarding the 2005 HOPE VI Revitalization Project, Equestrian View Development. REACH, Inc. will serve as the certified lead housing agency responsible for counseling and assisting interested first-time homebuyers in the Equestrian View Development. Funding in the amount of $85,000 shall be provided through the current Community and Supportive Services professional services agreement between LFUCHA and the Department of Social Services. Funding is from the US Department of Housing and Urban Development received by the LFUCHA under the 2005 HOPE VI Revitalization Grant.**pp.58-62**

U. Authorization of a Purchase of Service Agreement (PSA) with Bluegrass State Games, Inc. (679-09) (Rabold)
This request will authorize a PSA in the amount of $52,000 with Bluegrass State Games, Inc. for the purpose of organizing and executing the Bluegrass State Games. Funds are budgeted.**pp.63-66**

V. Authorization of an Ordinance to Provide Roll Cart and Refuse Collection to Gess Property Chilesburg Units 2A, 2B, and 2C. (680-09) (Askew)
This request will authorize an Ordinance to provide roll cart and refuse collection to Gess Property Chilesburg Units 2A, 2B, and 2C by LFUCG and provides for an exception to Ordinance 16-4 to allow these Units collection containers instead of dumpsters.**pp.67-70**

***EPA CONSENT DECREE**

URBAN COUNTY COUNCIL

WORK SESSION SUMMARY

& TABLE OF MOTIONS

November 3, 2009

Mayor Newberry chaired today's work session meeting. All Council Members were present except VM Gray and CM Beard.

I. Public Comment – Issues on Agenda-None

II. Requested Rezonings / Docket Approval-Yes

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

III. Approval of Summary-Yes

A motion by CM Ellinger to approve the summary from October 27, 2009, seconded by CM Myers, passed without dissent.

IV. Budget Amendments-Yes

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

V. New Business

A. Authorization to Accept an Award from the Kentucky Office of Homeland Security (KOHS) on Behalf of the Department of Public Safety, Division of Police under the 2009 State Homeland Security Grant Program (HSGP). (642-09) (P. King/Bennett)

B. Authorization to Accept an Award from the Kentucky Office of Homeland Security (KOHS) on Behalf of the Department of Public Safety, Division of Fire & Emergency Services under the 2009 State Homeland Security Grant Program (HSGP). (643-09) (P. King/Bennett)

C. Authorization of a Subrecipient Agreement with the Paducah Police Department under LFUCG Agreement with the Kentucky Office of Homeland Security (KOHS) for Improvised Explosive Devices (IED) Training. (644-09) (P. King/ Bennett)

D. Authorization to Accept an Award from the Kentucky Office of Homeland Security (KOHS) on Behalf of the Department of Public Safety, Division of Fire & Emergency Services under the 2009 State Homeland Security Grant Program (HSGP) for Structural Collapse Response Mitigation Certification Training. (645-09) (P. King/Bennett)

E. Authorization of a Federal Equitable Sharing Agreement and an Annual Certification with the US Department of Justice (DOJ) on Behalf of the Department of Public Safety, Division of Police. (656-09) (Bastin/Bennett)

F. Authorization to Accept Fee Simple Right-of-Way and Temporary Construction Easements Regarding the Citation Boulevard Project – Phase II. (646-09) (P. King/Webb)

G. Authorization of Change Order No. 1 to Contract with H. W. Lochner, Inc. for Right-of-Way Services for the Newtown Pike Extension Project – Mitigation Area. (653-09) (P. King/Webb)

H. Authorization of a Fiber Optic Cable Relocation Agreement (Special Construction Agreement) with "tw telecom of kentucky llc" for the South Limestone Streetscape Project. (650-09) (Webb)

I. Authorization of a Definitive Relocation Agreement (Special Construction Agreement) with Windstream Kentucky East, LLC for the South Limestone Streetscape Project. (652-09) (Webb)

J. Authorization of a Deed of Acceptance for a Dedicated Greenway under the Greenway Master Plan. (649-09) (Rayan/Webb)

K. Authorization of Rental Agreement with the Lexington Center Corporation (LCC) for the 2009 Kentucky Christmas Chorus. (647-09) (Ebel/Rabold)

L. Authorization to Submit Application to the Kentucky Energy and Environment Cabinet under the 2010 Illegal Open Dump Remediation Grant Program. (648-09) (P. King/Taylor)

M. Authorization of Change Order No. 1 to Contract with Marillia Design and Construction for the McConnell Springs Wetland Demonstration Area Project – FY2010. (651-09) (P. King/Taylor)

N. Authorization of a Lease Agreement with Lexington Art League, Inc. Regarding the Loudoun House in Castlewood Park. (495-09) (Hancock/Cole)

O. Authorization of Change Order No. 1 to Contract with Pohl Rosa Pohl Architecture and Design for the Raven Run Tourist Center Project. (655-09) (Hancock/Cole)

P. Authorization of a Purchase of Service Agreement (PSA) with Commerce Lexington, Inc. on Behalf of the Mayor's Office of Economic Development for Economic Development Activities and Initiatives. (658-09) (Wright/Kelly)

A motion by CM Stinnett to table item "J" until the next work session on November 17, seconded by CM McChord, passed with a 9-3 vote.

A motion by CM James to place item "P" into the Outside Agency Oversight Committee, seconded by CM Crosbie, passed with an 8-5 vote.

A motion by CM Ellinger to approve new business items, except J and P, seconded by CM Myers passed without dissent.

VI. Continuing Business / Presentations-Yes

A. Special Planning Committee Report

This report will be given at the next work session on 11/17/09, per Chair CM Gorton.

B. Budget & Finance Committee Report

This report will be given at the next work session on 11/17/09, per Chair CM Stinnett.

C. 2009-2010 Snow and Ice Control Plan

This plan was presented by Kevin Wente, Dept. of Public Works & Development. Several CMs asked questions.

VII. Council Report

CM James-Stated that Yvonne Giles said that Sunday afternoon walking tours at Cemetery #2 at 419 E 7th St will be every Sunday in November, the cost is $10 to benefit the cemetery, also recognized visiting students from a UK class.

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

CM Gorton-Welcomed Beth Mills and students from UK; invited everyone on 11/11 to the Radio Eye Open House at 1733 Russell Cave Rd Library.

CM McChord-Announced that organizers have decided to have a 2nd Sunday event every month-to grow bike culture, to showcase what's coming, etc; this Sunday bikers will meet at the old Courthouse at 11 am and will bike to Veteran's Park; stated that on this past Wednesday at the MPO meeting, it was announced that the Federal Govt. will be rescinding $150 million from KY.

CM Stinnett-Reminded everyone of the Bonding and Public Safety Workshops on this Thursday on the 5th floor of the Government Center beginning at 4:00 pm; North Point NA will meet tonight at 7 pm at BSHS- they have invited Strawberry Fields NA.

CM Crosbie-<u>A motion by CM Crosbie to place on the docket for the November 5, 2009 Council Meeting a resolution changing the street name and property address number of 3473 Yorkshire Medical Park to 3445 Richmond Road, effective 30 days from the date of passage, seconded by CM Ellinger, passed without dissent.</u>

CM Blues-Announced that BCTC Public Forum is tonight at 6:30 pm at the Northside Y on Loudon Ave; tomorrow Council Staff will be having a United Way fundraiser-selling beans, cornbread, dessert, and drink for $5 from 11 am-1 pm.

CM Feigel-<u>A motion by CM Feigel to place the curb replacement program into the Water Resources Oversight Committee, seconded by CM Crosbie, passed without dissent.</u>

CM Henson-Welcomed the visiting UK students; corrected the time of the Veterans Day parade on Sunday- it will be at 3:30 pm; this past Sunday there was a ribbon cutting at Valley Park; Cardinal Valley NA will meet tonight at 6:30 pm.

CM Lawless-Announced that Ayelsford NA will meet tonight at 7 pm at the Woodland Christian Church and Columbia Heights will meet at 7 pm at Ashland Terrace.

CM Myers-Requested that the Mayor contact FCPS and ask them to have someone at the Public Safety Workshop on Thursday if they are still interested in a radio tower on school property; invited everyone to the 9:30 am press conference on the new disc golf course on Saturday at River Hill Park.

CM Martin-Announced several meetings: Palomar Hills NA-Monday at 7pm at the clubhouse; Southland on 11/10 at 8 am at Bluegrass Bank and Trust; Beaumont NA on 11/10 at 6:30 pm at Rosa Parks Elem. School;

Palomar Town Homes on 11/10 at the Clubhouse at 6 pm; Picadome NA, Southland Assoc, and Friends of Wolf Run invite volunteers to remove items from Wolf Run Creek on 11/13 at 9 am-noon and 11/14 at 1-end; volunteers will meet at Clays Mill Greenway-the intersection of South Bend Dr and Clays Mill Rd.

VIII. Mayor's Report-Yes

A motion by CM Crosbie to approve the Mayor's Report, seconded by CM Gorton, passed without dissent.

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

Citizen, Adam Handy, a UK Student visiting with his class, gave comments.

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

Work session was adjourned at 4:17 pm.

BUDGET AMENDMENT REQUEST LIST

JOURNAL	38421-22	**DIVISION**	Streets, Roads, and Forestry	**Fund Name**	General Fund
				Fund Impact	380.00 380.00CR .00

To provide funds for minor equipment by recognizing payment for scrap iron/metal.

JOURNAL	38423-24	**DIVISION**	Streets, Roads, and Forestry	**Fund Name**	General Fund
				Fund Impact	585.00 585.00CR .00

To provide funds for minor equipment by recognizing payment for scrap iron/metal.

JOURNAL	38427-28	**DIVISION**	Streets, Roads, and Forestry	**Fund Name**	General Fund
				Fund Impact	513.23 513.23CR .00

To reimburse Overtime account by recognizing payment for Bourbon Chase.

JOURNAL	38641-42	**DIVISION**	Streets, Road, Forestry	**Fund Name**	General Fund
				Fund Impact	25.00 25.00CR .00

To provide funds for minor operating supplies by recognizing donation from Fayette County Homemakers' Garden Club.

JOURNAL	38665-66	**DIVISION**	PDR	**Fund Name**	General Fund
				Fund Impact	2,000.00 2,000.00CR .00

To provide funds to the Fayette County Rural Land Management Board, Inc by recognizing a donation for this purpose.

JOURNAL	38335-36	**DIVISION**	Special Projects	**Fund Name**	Donation Fund
				Fund Impact	26,250.00 26,250.00CR .00

To establish a budget for Holiday events (Winter Festival & Tree Lighting and Kentucky Christmas Chorus) based on donations pledged by sponsors.

JOURNAL	38645	**DIVISION**	Police	**Fund Name**	Police Confiscated St.
				Fund Impact	39,000.00
					39,000.00CR
					.00

To provide funds for (3) SMART speed trailers by reducing Equipment under $5000 from State Asset Forfeiture.

JOURNAL	38429-30	**DIVISION**	Streets, Roads, and Forestry	**Fund Name**	Water Quality Fund
				Fund Impact	266.42
					266.42CR
					.00

To reimburse Overtime account by recognizing payment for Bourbon Chase.

JOURNAL	38177-78	**DIVISION**	Community Development	**Fund Name**	US Dept of Justice
				Fund Impact	94,080.00
					94,080.00R
					.00

To budget program income for Street Sales.

JOURNAL	38339	**DIVISION**	Community Development	**Fund Name**	US Dept Homeland Sec
				Fund Impact	25,000.00
					25,000.00CR
					.00

To amend Chemical Stockpile Emergency Preparedness Program to provide for purchase of a medical ambulance bus.

JOURNAL	38419-20	**DIVISION**	Community Development	**Fund Name**	US Dept HUD
				Fund Impact	3,958.00
					3,958.00CR
					.00

To provide for additional federal revenue for the Land Banking Project and to decrease personnel costs to provide for contractual services for implementation of the project.

JOURNAL	38425-26	**DIVISION**	Community Development	**Fund Name**	US Dept Health & HS
				Fund Impact	9,196.00
					9,196.00CR
					.00

To budget additional federal funds and additional math for Runaway Youth. Subrecipient agency, MASH Services of the Bluegrass, INC. will provide additional local match.

JOURNAL	38433	**DIVISION**	Community Development	**Fund Name**	US Dept of Justice
				Fund Impact	173,603.01 173,603.01CR .00

To realign grant budget for Arrest Policies to eliminate negative balances and to consolidate all leftover funds. Grant award provides for 5% of funds to be withheld if state/jurisdiction does not have in place the required HIV testing legislation.

JOURNAL	38661-62	**DIVISION**	PDR	**Fund Name**	US Dept of Agriculture
				Fund Impact	1,941,021.00 1,941,021.00CR .00

To accept match grant funds from the Federal Farm and Ranch Lands Protection Program for PDR conservation easement acquisition.

BUDGET AMENDMENT REQUEST SUMMARY

Fund	1101	General Service District – General Fund	.00
Fund	1103	Donation Fund	.00
Fund	1132	Police Confiscated State Fund	.00
Fund	3100	US Department of Agriculture	.00
Fund	3120	US Department of Housing and Urban Development	.00
Fund	3140	US Department of Justice	.00
Fund	3190	US Department of Health and Human Services	.00
Fund	3200	US Department of Homeland Security	.00
Fund	4051	Water Quality Management Fund	.00

Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE AND ADMINISTRATION

Jim Newberry
Mayor

Linda L. Rumpke
Commissioner

Budget Journal Number 38177-78

Requesting Division Community Development

Fund Name US Department of Justice

Fund Number 3140

Contact for Additional Information Irene Gooding--3079

Description

This budget amendment recognizes $94,080 in program income for the Street Sales Grant (ST_SALES_2010). The program income comes from the award of Asset Forfeitures by state and federal courts. The U. S. Department of Justice requires that a pro rata portion of asset forfeitures be treated as program income to the grant. The established guideline is that 8.1809% of all Asset Forfeiture funds be allocated to the Street Sales Grant as program income and used for drug interdiction expenses. . The Division of Police is projecting that $94,080 in Fiscal Year 2010 will be awarded as program income. This budget amendment provides for the following budgeted amounts:

Conferences and Other Training (Account 74102)	$5,000
Operating Supplies and Expenses (Account 75101)	$20,000
Equipment Under $5,000 (Account 75801)	$25,000
Subscriptions and Publications (Account 77802)	$1,500
Desktops and Laptops (Account 96203)	$10,000
Automobiles/Police (Account 96952)	$17,580
Equipment (Account 96468)	$15,000

Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE AND ADMINISTRATION

Jim Newberry
Mayor

Linda L. Rumpke
Commissioner

Budget Journal Number 38419-20

Requesting Division Community Development

Fund Name US Department of Housing and Urban Development

Fund Number 3120

Contact for Additional Information Irene Gooding--3079

Description

Actual federal award for administrative costs is $3,958 greater than anticipated. The amendment further proposes reducing personnel costs in the following amounts: Account 63111 (Civil Service Salaries)-$17,352; Account 63511 (Pension Contributions)-$2,560; Account 63621 (FICA)-$1,130. Account 71299 (Professional Services) is budgeted in the amount of $25,000 to provide for purchase of professional services for operation of federally funded land acquisition activities.

Funding agreement for this project was provided to the government on October 5, 2009, with a requirement that 50% of all work be completed by January 30, 2010. Timeline does not provide for work to be completed by existing staff and does not provide for employment of a new staff person.

Lexington-Fayette Urban County Government

DEPARTMENT OF FINANCE AND ADMINISTRATION

Jim Newberry
Mayor

Linda L. Rumpke
Commissioner

Budget Journal Number 38425-26

Requesting Division Community Development

Fund Name US Department of Health and Human Services

Fund Number 3190

Contact for Additional Information Irene Gooding--3079

Description

Budget Amendment provides for award of additional federal funds in the amount of $6,542 (Account 44010) and additional local match of $2,654 (Account 46720). All additional funds will be used by MASH Services of the Bluegrass, Inc., for operation of the shelter for homeless and runaway youth. The local match is also provided by MASH Services of the Bluegrass, Inc.

Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE AND ADMINISTRATION

Jim Newberry
Mayor

Linda L. Rumpke
Commissioner

Budget Journal Number 38433

Requesting Division Community Development

Fund Name US Department of Justice

Fund Number 3140

Contact for Additional Information Irene Gooding--3079

Description

Budget Amendment 2537 is initiated for the purpose of eliminating all negative account balances and to reserve the balance of the grant in one single account (Account 78112). A Special Condition of the Arrest Polices grant is the following:

"Pursuant to 42 USC 3796hh(d), the grantee understands that 5% of this award is being withheld and that it may not obligate, expend or drawdown that 5% unless, by the period ending on the date on which the next session of the State legislature ends, the State or unit of local government, --

(1) certifies that it has a law or regulation that requires -
(A) the State or unit of local government at the request of a victim to administer to a defendant, against whom an information or indictment is presented for a crime in which by force or threat of force the perpetrator compels the victim to engage in sexual activity, testing for the immunodeficiency virus (HIV) not later than 48 hours after the date on which the information or indictment is presented;
(B) as soon as practicable notification to the victim, or parent and guardian of the victim, and defendant of the testing results; and
(C) follow-up tests for HIV as may be medically appropriate, and that as soon as practicable after each such test the results be made available in accordance with subparagraph (B).

The "next session of the State legislature" means the next session after the date on which the application for this award was submitted.

If the grantee submits a certification, a Grant Adjustment Notice (GAN) will be issued, and the funds will become available for drawdown. If, by the date on which the next session of the State legislature ends, the grantee is not in compliance with this provision, the withheld funds will be deobligated from the amount of funds awarded for this award period.

If the grantee is an Indian Tribe, it should contact OVW to determine whether it falls within the definition of "unit of local government" as defined by 42 USC § 3791. If it does not, a GAN will be issued and the condition will be removed."

Budget Information For New Business Items

November 17, 2009 Work Session

Item	Number	Amount	Fund	Name / Description
A	649-09	NA		
B	660-09	NA		
C	671-09	NA		
D	676-09	119,819.49	4003	Sanitary Sewer Construction Fund
E	672-09	NA		
F	667-09	NA		
G	674-09	NA		
H	661-09	(6,215.40)	2514	2005 Bond Projects
I	668-09	4,001.30	1101	General Service District Fund
J	669-09	4,080	1101	General Service District Fund
K	657-09	(190,000)	4203	Prisoners' Account Fund
L	662-09	45,000	1101	General Service District Fund
M	675-09	NA		
N	663-09	2,859,500	4003	Sanitary Sewer Construction Fund
O	664-09	30,730	4003	Sanitary Sewer Construction Fund
P	665-09	51,500	4003	Sanitary Sewer Construction Fund
Q	666-09	NA		
R	678-09	NA		
S	673-09	2,000	1101	General Service District Fund
T	677-09	NA		
U	679-09	52,500	1101	General Service District Fund
V	680-09	NA		

649-09

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: James R. Wray
Engineering Technician Principal

Date: October 20, 2009

Re: Resolution Authorizing Acceptance of One Greenway Parcel Dedication
At 177 Robinson Way

The purpose of this memorandum is to request a resolution authorizing the acceptance of one parcel dedication for greenway at 177 Robinson Way in the Masterson Station Center – Citation Village & Greathouse Property. This parcel was identified in the development plat as a dedicated greenway.

Acceptance of the deed is recommended.

Approved by:

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

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

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

09.P000.406.blue sheet req 177 robinson way

660-09

21

Mayor Jim Newberry
LEXINGTON - FAYETTE URBAN COUNTY GOVERNMENT
Division of Engineering

MEMORANDUM

To: Mayor Jim Newberry
Urban County Council

From: Charles M. Saylor, P.E.
Municipal Engineer Sr.

Date: October 29, 2009

Re: Resolution Authorizing Acceptance of Deed of Permanent Sanitary Sewer Easement for property located at 2550 Winchester Road

The purpose of this memorandum is to request a resolution authorizing the acceptance of a deed for a permanent sanitary sewer easement executed by Norwood Cowgill on behalf of Cowgill Partners, LP for sanitary sewer facilities installed on the Cowgill Property as part of the Hamburg East development. This easement and corresponding sanitary sewer facilities are necessary to provide public sanitary sewer service to this property. The easement will be reflected on the final record plat of Hamburg East, Lots 1 and 2. The deed will be at no cost to the LFUCG.

Approved by:

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

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

MAR:CMS

Attachments

c: Hillard Newman, P.E.
Ed Gardner
Glenda George
File

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

Jim Newberry
Mayor

Mike Webb
Commissioner

November 9, 2009

MEMORANDUM

TO: Mayor Jim Newberry
Urban County Council

FR: Billy Van Pelt, RLA, ASLA – PDR Program Director

RE: Assignment of Scenic and Conservation Easements

This is a request by the Board of Directors of the Mary E. Wharton Nature Sanctuary at Floracliff, Inc. and the Fayette County Rural Land Management Board, Inc. that three Scenic and Conservation Easements that are currently held by the Lexington-Fayette Urban County Government be assigned to the Fayette County Rural Land Management Board, Incorporated.

200 East Main Street • Lexington, KY 40507 • (859) 425-2255 •
www.lexingtonky.gov
HORSE CAPITAL OF THE WORLD

676-09

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: NOVEMBER 12, 2009

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE CHANGE ORDER NO. 1 WITH SCHROEDER CONSTRUCTION, INC., FOR THE CADENTOWN/VERSAILLES ROAD SANITARY SEWER IMPROVEMENTS PROJECT

On November 6, 2008 (Resolution No. 617-2008), Council approved the award of contract for Bid No. 188-2008 in the amount of $696,637.75 to Schroeder Construction, Inc., for the construction of Cadentown/Versailles Road Sanitary Sewer Improvements.

Change Order No. 1 is for the purpose of compensating the contractor for additional construction work pertaining to the avoidance of underground utility facilities for which the precise locations were not known until excavation had been performed, and for the purpose of compensating the contractor for additional construction pertaining to the extension of the sanitary sewer collection system in order to accommodate future development. Change Order No 1 and increases the total amount by $119,819.49 for a new total of $816,457.24.

Funds are budgeted as follows:

FUND	DEPT ID	SECT	ACCT	PROJECT	ACTIVITY	BUD REF
4003	303202	3223	91715	NEIGHSEW 2006	CONSTRUCT	2006

Council authorization to execute Change Order No. 1 is hereby requested.

Paula King, Director

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

CONTRACT HISTORY FORM 676-09

Contractor: Schroeder Construction, Inc.

Project Name: Cadentown/Versailles Road Sanitary Sewer

Contract Number and Date: Contract #950 (November 6, 2008)

Responsible LFUCG Division: Engineering

CHANGE ORDER DETAILS

A. **Original Contract Amount:** $696,637.75

Next Lowest Bid Amount: $793,724.25

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

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

D. **Amended Contract Amount:** $696,637.75

E. **Cumulative Amount of All Previous Change Orders:** $ 0 — 0 % *(Line E / Line D)*

F. **Amount of This Change Order:** $119,819.49 — 17.20 % *(Line F / Line D)*

G. **Total Contract Amount:** $816,457.24

SIGNATURE LINES

Project Manager: William A. Bowie, Jr. **Date:** 2 NOVEMBER 2009

Reviewed by: Robert A. Bayert **Date:** 11/02/09

Division Director: [signature] **Date:** 11/02/09

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT CONTRACT CHANGE ORDER Page 1 of 3	Date: August 18, 2009
	Project: Cadentown/Versailles Road Sanitary Sewer
	Location:
To (Contractor) Schroeder Construction Inc. 616 Pear Orchard Road NW Elizabethtown, Kentucky 42701	Contract No. # 950
	Change Order No. (1)

676-09

25

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	(Decrease) 8" PVC Gravity Sewer (0' to 6" Deep), by 925 Linear Feet, @ a cost of $39.00 a Linear Foot.	$36,075.00	
2	(Increase) 8" PVC Gravity Sewer (6' to 10" Deep), by 421 Linear Feet, @ a cost of $49.00 a Linear Foot.		$20,629.00
4	(Increase) 8" DI Gravity Sewer (0' to 6" Deep), by 238 Linear Feet, @ a cost of $64.00 a Linear Foot.		$15,232.00
5	(Increase) 8" DI Gravity Sewer (6' to 10" Deep), by 134 Linear Feet, @ a cost of $80.00 a Linear Foot.		$10,720.00
7	(Increase) 8" DI Gravity Sewer (15' to 20" Deep), by 8 Linear Feet, @ a cost of $150.00 a Linear Foot.		$1,200.00
9	(Increase) 4' Dia. Standard Manhole (up to 6' Deep), by 1 Each, @ a cost of $2,250.00 Each.		$2,250.00
10	(Increase) 4' Dia. Manhole Barrel Extension, by 4 per Each Vertical Foot, @ a cost of $150.00 a Vertical Foot.		$600.00
12	(Increase) Bituminous Pavement Replacement, by 194 Linear Feet, @ a cost of $20.00 a Linear Foot.		$3,880.00
15	(Increase)Crushed Stone for Special Pipe Bedding, by 64.67 Tons, @ a cost of $30.00 per Ton.		$1,940.10
17	(Increase)Curb and Gutter Replacement, by 82 Linear Feet, @ a cost of $35.00 a Linear Foot.		$2,870.00
18	(Increase)Sidewalk Replacement, by 207 Linear Feet, @ a cost of $35.00 a Linear Foot.		$7,245.00
20	(Increase) New Manhole Set on Existing Sewer, by 1 Each, @ a cost of $3,500.00 Each.		$3,500.00
33	(ADD) 20' of Steel Casing Pipe for conflict with Water Line @ Station 14+00, For a Lump sum of $2,680.00.		$2,680.00

676-09

26

34	(ADD) Drop Manhole @ Existing Manhole due to conflict with Storm Line @ Station 9+50, for a Lump sum of $2,486.25.		$2,486.25
35	(ADD) Sod, For Special condition @ Detention Basin and Church, for a Lump Sum of $6,799.95.		$6,799.95
36	(ADD) CCTV Testing Requirement left out of contract @ a Lump Sum of $15,991.63.		$15,991.63
37	(ADD) 6" DI Lateral, for 259 Linear Feet, @ a cost Lump Sum of $22,662.50.		$22,662.50
38	(ADD) Extension of Laterals From Station 15+52 to Station 22+50 for a Lump Sum of $24,625.00.		$24,625.00
39	(ADD) Addition cost for Double Wye in lieu of detail in contract, for a Lump Sum of $5,608.06. Approved by Sanitary Sewers.		$5,608.06
40	(ADD) Removal of PVC Line to accommodate a grade change by LFUCG, @ Station 16+45.		$1,000.00
41	Change of 2 Manholes due to a change by LFUCG, From PVC line to Ductile Iron 8" Main, for a lump sum of $3,975.00.		$3,975.00
	Change in contract price due to this Change Order:		
	Total decrease	$36,075.00	XXXXXXXXXXX.XX
	Total increase	XXXXXXXXXXX.XX	$155,894.49
	Net (Increase) contract price		$119,819.49

The sum of **$119,819.49** is hereby added to the total contract price, and the total adjusted contract price to date thereby is **$816,457.24**.

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

Recommended by William A. Bowie, Jr. 3 SEPT 2009 (Proj. Engr.) Date

Accepted by [signature] SECRETARY (Contractor) Date Aug. 19 2009

Approved by [signature] (Urban Co. Engr.) Date 11/2/09

Approved by [signature] (Commissioner) Date 11/6/[illegible]

Approved by ______ (Mayor or CAO) Date

672-09 27

Lexington-Fayette Urban County Government

Jim Newberry, Mayor

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

From: Penny Ebel, Special Events Director PE

Date: November 10, 2009

Re: Authorization of Agreement to Permit Attachment of Banners with Kentucky Utilities CO.

This is to request authorization of an agreement to permit LFUCG to attach banner equipment and banners to Kentucky Utility poles within the boundaries of the Lexington-Fayette Urban County area.

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

Lexington-Fayette Government Center
200 East Main Street • Lexington, Kentucky 40507 • (859) 258-3100 • FAX (859) 258-3194
mayor@lfucg.com

667-09 **28**

Lexington-Fayette Urban County Government

Jim Newberry, Mayor

TO: Mayor Jim Newberry
Urban County Council

FROM: AW
Anthony Wright
Mayor's Office of Economic Development

DATE: November 5, 2009

RE: IRB –The Roman Catholic Diocese of Lexington

The Roman Catholic Diocese of Lexington is requesting that the Lexington-Fayette Urban County Government issue Industrial Revenue bonds of up to $20,490,000 for the purpose of refunding outstanding revenue bonds previously issued by the Urban County Government for certain various capital projects and/or related items. This refunding is necessary primarily due to changes in market conditions.

This bond issue will be divided into three Series, one for each project. The breakdown is $6,005,000 for Mary Queen of the Holy Rosary Elementary, $4,485,000 for St. Elizabeth Ann Seton Elementary School, and $10,000,000 for Sts. Peter and Paul Elementary and Middle Schools, of which $5,000,000 is new money used to finance further expansion and renovation of Sts. Peter & Paul.

The IRB met and reviewed the application on November 4, 2009. The Committee approved the application by unanimous vote. There is not cost or liability to the Urban County Government.

cc: IRB Committee
David Barbarie, Law Department
Glenda George, Law Department
Linda Rumpke, Finance
Rebecca Langston, Council Office

674-09 29

Lexington-Fayette Urban County Government

Jim Newberry, Mayor

TO: Mayor Jim Newberry
Urban County Council

FROM: Joe Kelly
Senior Advisor for Management

DATE: November 10, 2009

SUBJECT: Showprop Tax Incremental Financing Development Project

On September 1, 2009, Mr. George Krikorian, owner and developer of Krikorian Premiere Theaters made formal application (copy enclosed) to Mayor Newberry and the Lexington-Fayette Urban County Council for creation of an economic development area to be known as the Showprop Lexington Development Area. Mr. Krikorian's application is in accordance with Kentucky's Mixed Use Tax Increment Financing (TIF) statutes. If the Showprop project is approved by the Council application will be made to the Kentucky Economic Development Financing Authority for use of incremental state tax revenue (produced by the Showprop Project) to pay for certain infrastructure costs required for a successful project. The total investment in the Showprop Project is expected to be approximately seventy million dollars.

Mr. Krikorian has fulfilled all requirements for a successful application. The statutorily required public hearing was conducted by the Council on October 27. We request the Council approve the enabling ordinance and draft participation agreement which will allow Mayor Newberry to forward a completed application package to the State for their consideration. Should the State give preliminary approval to the project Mr. Krikorian has agreed pay for the State required independent consultant report and all state administrative fees.

Attachments
1. Proposed Ordinance
2. Showprop Application

Lexington-Fayette Government Center
200 East Main Street • Lexington, Kentucky 40507 • (859) 258-3100 • FAX (859) 258-3194
mayor@lfucg.com

ORDINANCE NO. ________

AN ORDINANCE OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT MAKING CERTAIN FINDINGS CONCERNING AND ESTABLISHING A DEVELOPMENT AREA FOR ECONOMIC DEVELOPMENT PURPOSES WITHIN THE DOWNTOWN OF THE LEXINGTON-FAYETTE URBAN COUNTY TO BE KNOWN AS THE SHOWPROP LEXINGTON DEVELOPMENT AREA; APPROVING A LOCAL PARTICIPATION AGREEMENT BETWEEN LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT AND THE DEPARTMENT FINANCE AND ADMINISTRATION OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT; ESTABLISHING AN INCREMENTAL TAX SPECIAL FUND FOR PAYMENT OF REDEVELOPMENT ASSISTANCE, APPROVED PUBLIC INFRASTRUCTURE COSTS LAND PREPARATION, DEMOLITION AND CLEARING COSTS, AND FINANCING COSTS; DESIGNATING THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT'S DEPARTMENT OF FINANCE AND ADMINISTRATION AS THE AGENCY RESPONSIBLE FOR OVERSIGHT, ADMINISTRATION, AND IMPLEMENTATION OF THE DEVELOPMENT AREA; AND AUTHORIZING THE MAYOR AND OTHER OFFICIALS TO TAKE SUCH OTHER APPROPRIATE ACTIONS AS ARE NECESSARY OR REQUIRED IN CONNECTION WITH THE ESTABLISHMENT OF THE DEVELOPMENT AREA.

WHEREAS, the Lexington-Fayette Urban County Government, Commonwealth of Kentucky (the "LFUCG") by virtue of the laws of the Commonwealth of Kentucky (the "State"), Kentucky Revised Statutes, specifically Sections 65.7041 to 65.7083, as may be amended (the "Act"), is authorized to, among other things, (1) establish a development area to encourage reinvestment in and development and reuse of areas of the LFUCG, (2) enter into agreements in connection with the establishment and development of a development area, (3) establish a special fund for deposit of incremental revenues resulting from the development of a development area, and (4) designate an agency to oversee, administer and implement projects within a development area; and

WHEREAS, the LFUCG desires to establish a "development area" as defined in the Act to encourage reinvestment and development within such development area and to pledge a portion of the "incremental revenues" as defined in the Act generated from the development of such development area to the payment of redevelopment assistance, approved public infrastructure costs, land preparation, demolition and clearing costs and/or financing costs within such development area; and

WHEREAS, the LFUCG has identified a contiguous tract of land of previously developed land consisting of not more than three square miles within the LFUCG, specifically described in Exhibit A hereto, that is in need of being redeveloped and which is not reasonably expected to be developed without public assistance; and

WHEREAS, there has been a substantial loss of commercial activity within the Development Area (as hereinafter defined), more than half of the structures within the Development Area are deteriorated or deteriorating, there has been substantial abandonment of the commercial structures within the Development Area, the Development Area has inadequate public improvements and infrastructure to support new development and the conditions within the Development Area have negatively impacted the growth and development of the Lexington-Fayette Urban County; and

WHEREAS, the LFUCG has determined to establish the Development Area as a development area pursuant to the Act to encourage reinvestment and development within the Development Area; and

WHEREAS, the LFUCG has agreed to support and encourage development within the Development Area by pledging certain Incremental Revenues (hereinafter defined) to the payment of Increment Bonds (hereinafter defined), or to otherwise pay for Redevelopment Assistance, Land Preparation, Demolition and Clearance Costs, and Approved Public Infrastructure Costs (hereinafter defined) if bonds are not issued, under a Local Participation Agreement (hereinafter defined); and

WHEREAS, the LFUCG has prepared and presented a "Development Plan", as defined in the Act, for the consideration and adoption of the LFUCG proposing the redevelopment of the Development Area; and

WHEREAS, the LFUCG pursuant to the Act held a public hearing on October 27, 2009 after giving proper notice concerning the LFUCG's intention to consider the adoption of the Development Plan; and

WHEREAS, the adoption of the Development Plan and the establishment of the Development Area are for a public purpose and that the establishment and creation of the Development Area within the LFUCG is for the benefit and welfare of the LFUCG's citizens; and

WHEREAS, the LFUCG deems it necessary to enact this Ordinance in accordance with the Act and for the purposes set forth and described herein and in the Act.

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

SECTION 1. Definitions.

1.1 The capitalized terms set forth below when used herein shall have the following meanings.

"Act" means Kentucky Revised Statutes, Sections 65.7041 to 65.7083, KRS 154.30-010 to KRS 154.30-090 and KRS 139.515.

"Agency" means the Department of Finance and Administration of the LFUCG.

"Approved Public Infrastructure Costs" shall have the meaning as provided in the Act.

"Development Area" means a contiguous geographic area of previously developed land, located within the geographical boundaries of the LFUCG, which is created for economic development purposes by this Ordinance in which one (1) or more Projects are proposed to be located and consisting of less than 3 square miles, as more specifically described in Exhibit A attached hereto, to be known as the "Showprop Lexington Development Area".

"Development Plan" means the Tax Increment Financing Development Plan for the Showprop Lexington Development Area attached as Exhibit C.

"Establishment Date" means the date that the Development Area is established pursuant to the Act and this Ordinance.

"Financing Costs" shall mean principal, interest, costs of issuance, debt service reserve requirements, underwriting discount, costs of credit enhancement or liquidity instruments, and other costs directly related to the issuance of bonds or debt for Redevelopment Assistance, Land Preparation, Demolition and Clearance Costs and Approved Public Infrastructure Costs.

"Increment Bonds" means bonds or notes issued pursuant to the Act to pay for Redevelopment Assistance, Land Preparation, Demolition and Clearance Costs, Approved Public Infrastructure Costs and Financing Costs, the payment of which Increment Bonds shall be supported solely by Incremental Revenues pledged by the LFUCG and the State.

"Incremental Revenues" means the amount of revenues received by the LFUCG with respect to the Development Area and the State with respect to the Footprint (as defined in the Act) by subtracting Old Revenues (as defined in the Act) from New Revenues (as defined in the Act) in a calendar year, less amounts designated by the LFUCG for the Lexington Public Library District.

"KEDFA" means the Kentucky Economic Development Finance Authority.

"Showprop Lexington Project" means a mixed-use development to be constructed by developer, Showprop Lexington, LLC, as more specifically described in the Development Plan, and expected to fulfill the criteria for a "Mixed-Use Project" as hereinafter defined.

"Local Participation Agreement" shall mean the Local Participation Agreement between the LFUCG and the Agency, attached as Exhibit "B" hereto.

"Mixed-Use Project or Program" means the Commonwealth Participation Program for Mixed-Use Redevelopment in Blighted Urban Areas as provided in the Act.

"Pledged Revenues" means that portion of the Incremental Revenues which are pledged by the LFUCG or State, pursuant to the Local Participation Agreement or the Tax Incentive Agreement, to the pay for Redevelopment Assistance, Land Preparation, Demolition and Clearance Costs, and Approved Public Infrastructure Costs and Financing Costs (as those terms are defined in the Act) for the Development Area.

"Project" shall mean the proposed comprehensive redevelopment project within the Development Area more specifically described in the Development Plan.

"Redevelopment Assistance" shall have the meaning as provided in the Act.

"State" means the Commonwealth of Kentucky.

"Tax Incentive Agreement" shall mean the agreement entered into pursuant to KRS 154.30-010 to KRS 154.30-090 and KRS 139.515 of the Act between the Kentucky Economic Development Finance Authority and the Agency, relating to the Development Area.

1.2 All capitalized terms used herein and not defined above or in the recitals to this Ordinance shall have the meaning as set forth in the Act, as of the effective date of this Ordinance.

SECTION 2. Findings and Determinations. In accordance with the Act, the LFUCG hereby makes the following findings and determinations with respect to the Development Area:

(a) The Development Area consists of a contiguous tract of land that is no more than three (3) square miles. The actual size of the Development Area is 28.41 acres;

(b) The Development Area constitutes previously developed land as required by KRS 65.7034;

(c) The establishment of the Development Area will not cause the assessed taxable value of real property within the Development Area and within all "development areas" and "local development areas" established by the LFUCG (as those terms are defined in the Act) to exceed twenty percent (20%) of the total assessed taxable value of real property within Lexington. The assessed value of taxable real property within the Development Area for calendar year 2009 was $7,145,900. The LFUCG has previously established two other development areas pursuant to the Act, the Phoenix Park/Courthouse Development Area and the Lexington Distillery District Development Plan. The combined real property assessed valuation for those two development areas is

$12,227,300 and when combined with the real property assessed value for proposed Development Area, the total real property assessed value for all development areas established by the LFUCG will be approximately $19,373,200. The total assessed value of taxable real property within Lexington for the calendar year 2009 is approximately $22 Billion. Therefore, the assessed value of taxable real property within all development areas is significantly less than twenty percent (20%) of the assessed value of taxable real property within Lexington;

(d) There has been a substantial loss of industrial activity within the Development Area. The Development Area has been used for industrial and warehouse businesses for many years. Now, the previous occupant of the largest portion of the land and its facilities, Kentucky Eagle Beer, has relocated. All of its property on Angliana now sits vacant. The company and its owners have been unsuccessful in finding a buyer for the land, but have been forced to relocate anyway to a more suitable location for their growing and changing industrial shipping business. Both the LFUCG and the owner of the largest tract of land in question, Kentucky Eagle Beer believes that it is unreasonable to think that an industrial or warehousing business would find the area to be suitable to purchase for such uses;

The adjoining 6-acre parcel similarly contains an unoccupied, deteriorating warehouse. Despite having been rezoned to a residential category several years ago, it is unlikely to develop for this purpose due to the close proximity of the railroad and other factors, unless it is combined with a more viable mixed-use development. The most cursory study of various sources of information, including census data, the adopted Comprehensive Plan for Lexington, the University of Kentucky's long-term growth strategy and development trends in general, clearly demonstrates that the Development Area is not suitable or desirable for continued use as industrial or warehouse use, but rather redevelopment as a mixed-use project;

(e) There are inadequate public improvements and infrastructure to support the redevelopment of the Development Area. In its current state, the Development Area is not suited for residential or commercial use. The Development Area faces several infrastructure issues that will prevent it from attracting new development and experiencing long term economic growth without the assistance of the LFUCG and State. The Development Area lacks the necessary utilities, walkways, fencing/barriers, public parking and sanitary and storm sewer infrastructure to support the increased demand from the planned Project within the

Development Area. These public infrastructure needs are significant and are of critical importance to the successful redevelopment of the Development Area and to support the sustained economic activity proposed by the Project;

(f) There is a combination of factors that substantially impairs the growth and economic development of the City and impedes the development of commercial or industrial property due to the Development Area's present condition and use. The reconstruction of South Broadway about 20 years ago replaced the at-grade railroad crossing with a four lane underpass and relocated the Angliana/South Broadway intersection. This reconfiguration enhanced vehicular traffic flow at the expense of pedestrian connectivity to the other side of South Broadway and to downtown Lexington. This physical and visual barrier to pedestrian connectivity primarily affects the Project, which sits on a high point closest to South Broadway. The proposed pedestrian bridge over the railroad tracks would remedy this situation, but the cost is prohibitive for one property owner to bear. The proposed bridge, which would also accommodate bicyclists, would be open and freely accessible by the general public. The bridge will greatly facilitate greater connectivity throughout the Angliana corridor, the UK area, and downtown Lexington;

An additional significant factor that impairs the growth of this area for commercial or industrial uses is the size of most of the lots on Curry Avenue. The lots primarily contain older, non-conforming residences. They are too small to be viable for most of the storage, warehousing or other uses permitted in the B-4 zone, even if there were demand for those uses;

(g) More than fifty percent (50%) of residential, commercial or industrial structures are deteriorating or deteriorated. Although some existing structures, such as those on the Kentucky Eagle property, are currently in good condition, more than fifty percent (50%) are in disrepair. The Development Area consists of 12 individual parcels. At least one lot, 701 South Broadway, contains more than one structure, and all of those structures are vacant and deteriorated. The residential structures on Curry Avenue and the one on Angliana Avenue are older, single-family residential, non-conforming structures on small, B-4 zoned lots. None of these properties is owner-occupied, but are rental units. A number of these structures are deteriorating, a few appear to be vacant. Several have been the subject of enforcement actions by the Division of Code Enforcement for a variety of problems, including structural defects, weeds, trash, debris and sidewalk disrepair. Taken as a whole, more than fifty percent (50%) of the structures are deteriorating or deteriorated, based on the total number of structures, the total size of the deteriorating buildings, and the overall vacancy rate;

(h) There has been substantial abandonment of residential, commercial or industrial structures within the Development Area. Nine of the 12 lots in the Development Area are unoccupied. Many of these properties are not well-maintained. Over time, as properties remain vacant, it becomes a hardship for the owners to continue to maintain properties that produce no economic return;

(i) That the Development Area is not reasonably expected to be developed without public assistance. Despite its downtown location, no interest has been shown in acquiring the land, other than the proposed Project. The public infrastructure costs associated with any successful redevelopment of the Development Area are too high to occur without the help of the public. It is estimated that the total cost of these public infrastructure improvements needed within the Development Area is approximately $36 million. Without public funding, including the critical pledge of State incremental revenues under the Commonwealth Participation Program for Mixed-Use Redevelopment in Blighted Urban Areas, as provided in the Act, the proposed Project within the Development Area would not be possible;

(j) That the public benefits of redeveloping the Development Area justify the public costs proposed. As detailed in the Commonwealth Economics Report, attached hereto as Exhibit "B" to the Development Plan, (the "Report"), the public investment is expected to reach $36 million, but the private investment within the Development Area will support 1,350 new construction jobs and approximately 1,160 new permanent jobs within the Development Area. The proposed improvements will encourage new visitation to the area and provide necessary amenities for existing residents and new visitors alike. While the LFUCG will pledge eighty percent (80%) of new ad valorem property taxes and occupational taxes to pay for the public projects proposed, it will generate significant new revenues from the twenty (20%) of those new Incremental Revenues not pledged and one hundred (100%) of the other local taxes generated from the Project. Under the Act, school systems may not participate in the pledge of Incremental Revenues. Therefore, the local school system will receive significant new revenues from the Project within the Development Area;

Besides the new jobs and capital investment created directly by the Project, the Project will have a significant multiplier effect on the economy of Lexington and the State. According to the Report, upon the opening and stabilization of the Project, the annual economic and fiscal impact of the Project is estimated to include $116.2 million of total spending, $46.1 million of increased earnings, support for 1,160 jobs, and $6.6 million in State and LFUCG tax revenues. Of these tax revenues, approximately $3.4 million are net new to the State in the first year of stabilization. However, the $176.7 million is much greater than the amount of taxes created in the Development Area without the Project. Furthermore, the analysis shows that the "net new" amount of taxes from this Project will include $83.2 million in net new tax revenue to the State and $12.5 million for the LFUCG, for a total estimated net new fiscal impact of $95.7 million;

The fiscal benefits far exceed the existing tax revenue from the Development Area, which is estimated at $23,796 annually (by end of 2009 estimates). In a 20-year period, which begins at full operation, the Project is estimated to generate a total of about $177.3 million of State and LFUCG tax revenues. By contrast, if the site remains "as-is", tax revenues are estimated to amount to $719,654 during the same period. As a result, incremental tax revenues are estimated to amount to $176.7 million. After 20 percent is retained, such amount translates to an estimated $127.8 million of cash available from the State and an estimated $13.5 million from the LFUCG.

Based on research and analysis documented in the Report, the Project is estimated to have a significant economic and fiscal impact to the local economy. Its construction is estimated to generate a one-time impact that includes over $122 million of total spending, $42 million of increased earnings, support for 1,350 jobs, and $5 million of state and local tax revenues. Upon project opening and in the first year of stabilization, annual economic and fiscal impact is estimated to include $116 million of total spending, $46 million of increased earnings, support for 1,160 jobs, and $6.6 million of state and local tax revenues. Of these benefits, approximately half of each is estimated to be net new to the State.

It is proposed that the incremental revenues from the LFUCG and State will be used to fund the capital costs of the "Approved Public Infrastructure" as defined by the Act, needed for the Project within the Development Area. The estimated cost of the Approved Public Infrastructure needed for the Project is approximately $36 million. It is estimated that approximately $176.7 million in LFUCG and State Incremental Revenues from the Project will be available over 20 years to pay for Approved Public Infrastructure costs needed for the Project. The net present value of this $176.7 million is dependent upon many variables in the tax-exempt financing/bonding market. After subtracting the baseline "old revenues" as required by the Act, the estimated net new incremental tax revenue generated by the Project is $95 million. This amount far exceeds the estimated $36 million in approved public infrastructure costs. As a result, the Project represents an enormous benefit to Lexington and the State. In addition, the significant investment represented by the Project will act as a catalyst for other development in the area;

(k) That pursuant to the Act the establishment of a development area requires a finding that the area immediately surrounding the Development Area has not been subject to growth and development through investment by private enterprise or, if the area immediately surrounding the Development Area has been subject to growth and development through investment by private enterprise, that there are certain special circumstances within the Development Area that would prevent its development without public assistance. The LFUCG finds that portions of the area immediately surrounding the Development Area has been subject to growth and development through investment by private enterprise, but that certain special circumstances within the Development Area would prevent its development without public assistance as follows:

(i) A major electrical transmission line runs along the length of the Development Area on Angliana Avenue before it crosses and goes farther south. This line is extremely unsightly and requires greater clearance than a more standard electrical line. The presence of this line substantially interferes with the urban streetscape-oriented, mixed-use Project being proposed. The cost to bury the line is prohibitive for a private developer;

(ii) The Development Area occupies a pivotal location at the intersection of South Broadway and Angliana. The reconstruction of South Broadway that occurred about 20 years ago replaced the at-grade railroad crossing with a four lane underpass and relocated the Angliana/South Broadway intersection. This reconfiguration enhanced vehicular traffic flow at the expense of pedestrian connectivity to the other side of South Broadway and to downtown Lexington. This physical and visual barrier to pedestrian connectivity primarily affects the Project, which sits on a high point closest to South Broadway. The proposed pedestrian bridge over the railroad tracks would remedy this situation, but the cost is prohibitive for one property owner to bear. The proposed bridge, which would also accommodate bicyclists, would be open and freely accessible by the general public. The bridge will greatly facilitate greater connectivity throughout the Angliana corridor, the UK area, and downtown Lexington;

Unlike the few properties on the south side of Angliana Avenue that have redeveloped, most of the Development Area adjoins an active railroad line. With the decline of industrial uses in the urban core, the proximity to a rail line is not only redundant for traditional industrial and warehouse businesses, but it is a substantial constraint to the viability of other types of development, including residential and mixed-use projects. State and local participation to defray the substantial public improvement costs is essential to overcome the significant difficulty of redeveloping the Development Area into a commercially viable and economically successful project; and

(iii) The Project is expected to attract a high volume of visitors to this relatively small site. A parking structure, an expensive feature, is essential to the success of the Project and would allow a more efficient use of land. The type of uses and activities that will be incorporated into the Project and the number of visitors it is expected to attract are both factors that distinguish it from other kinds of uses in the area.

SECTION 3. Establishment, Name, Boundaries. All that area described herein by Exhibit A attached hereto and made a part hereof, is located within the LFUCG and is hereby established and designated as the "Showprop Lexington Development Area". At the time of the enactment of this Ordinance the Development Area is less than three (3) square miles.

SECTION 4. Establishment Date, Commencement Date, Termination date. The Establishment Date is the effective date of this Ordinance. The Commencement Date of the Development Area is the date of execution of the Local Participation Agreement and the Termination Date shall be exactly twenty (20) years subsequent to such date; provided, that if the Tax Incentive Agreement for the Project or a Local Participation Agreement relating to the Development Area has a Termination Date that is later than the Termination Date established in this Ordinance, the Termination Date for the Development Area shall be extended to the Termination Date of the Tax Incentive Agreement, or the Local Participation Agreement. However, the Termination Date for the Development Area shall in no event be more than forty (40) years from the Establishment Date.

SECTION 5. Adoption of Development Plan. The LFUCG hereby adopts the Development Plan, attached hereto as Exhibit C. The LFUCG Council hereby finds and determines that a public hearing was duly held on October 27, 2009 to solicit public comment on the Development Plan, following publication of notice thereof in accordance with Chapter 424 of the Kentucky Revised Statutes, as amended. It is hereby confirmed that a copy of the Development Plan was filed with the LFUCG Clerk of Council on October 14, 2009, and with the Office of the Fayette County Judge/Executive on October 16, 2009.

SECTION 6. Local Participation Agreement. The Mayor of the LFUCG is hereby authorized and directed to execute, acknowledge and deliver on behalf of the LFUCG a Local Participation Agreement, a form of which is attached as Exhibit B and made a part hereof, between the LFUCG and the Agency, authorizing the pledge of a portion of the Incremental Revenues of the LFUCG from the Development Area to the payment of Redevelopment Assistance, Approved Public Infrastructure Costs, Financing Costs and Land Preparation, Demolition and Clearance Costs. The form of Local Participation Agreement to be signed by the Mayor on behalf of the LFUCG and by the Commissioner of the Department of Finance and Administration, on behalf of the Agency, shall be in substantially the form attached hereto, subject to further negotiations and changes therein that are not inconsistent with this Ordinance and not substantially adverse to the LFUCG. The approval of such changes by said officers, and that such changes are not substantially adverse to the LFUCG, shall be conclusively evidenced by the execution of such Local Participation Agreement by such officials.

SECTION 7. Special Fund. There is hereby established a Special Fund of the LFUCG to be known as the Showprop Lexington Development Area Tax Increment Fund, into which the LFUCG covenants to deposit, and into which LFUCG officials are hereby authorized and directed to deposit all Pledged Revenues. The LFUCG's Agency shall maintain the Special Fund unencumbered except for the purposes set forth in Section 8 hereof. Funds deposited in the Special Fund shall be disbursed in accordance with the Act, this Ordinance, the Local Participation Agreement, Tax Incentive Agreement, the Development Plan and related documents to pay for Project Costs, Redevelopment Assistance, Financing Costs, Land Preparation, Demolition and Clearance Costs and Approved Public Infrastructure Costs within the Development Area.

SECTION 8. Use of Pledged Revenues. Pledged Revenues shall be deposited by the LFUCG into the Special Fund created under Section 7 hereof and shall be used solely to: (a) pay directly for Redevelopment Assistance, Land Preparation, Demolition and Clearance Costs and Approved Public Infrastructure Costs, as those terms are defined in the Act, as determined from time to time by the LFUCG in accordance with the Local Participation Agreement and the Development Plan; (b) pay debt service and costs of issuance on Increment Bonds, including Financing Costs, which may be issued by the LFUCG issued to finance Redevelopment Assistance, Land Preparation, Demolition and Clearance Costs and Approved Public Infrastructure Costs; and (c) for such other purposes as may be determined by the LFUCG and that are appropriate and in compliance with the purposes set forth in this Ordinance, the Local Participation Agreement, the Tax Incentive Agreement, the Development Plan and the Act, as the same may be amended from time to time.

SECTION 9. Authorization of Application to KEDFA. The Mayor and other officials of the LFUCG are hereby further authorized and directed to execute, acknowledge and deliver on behalf of the LFUCG one or more applications to KEDFA and related offices of the State in order to obtain "Mixed-Use Project" status for the Development Area.

SECTION 10. Periodic Accounting / Analysis. Any entity, other than the LFUCG that receives financial assistance pursuant to the provisions of this Ordinance, whether in the form of a grant or loan or loan guarantee shall make a periodic accounting to the governing body of the LFUCG in accordance with the Act and the documents controlling such grant, loan or loan guarantee.

The governing body of the LFUCG shall be required to review and analyze the progress of the development activity in the Development Area on an annual basis. Such reports shall, at a minimum, include a review of the progress in meeting the stated goals of the Development Area. The Mayor and other officials of the LFUCG shall report to the governing body of the LFUCG during such reviews and shall when necessary invite developers to participate in the review process to report on the progress of their developments within the Development Area. The review and documentation supporting the review shall be forwarded to KEDFA in accordance with the Act.

SECTION 11. Designation of Oversight Agency. Pursuant to the Act, the LFUCG hereby designates the Department of Finance and Administration of the LFUCG as the agency (the "Agency") of the LFUCG for purposes of oversight, administration and review responsibility of this Development Area Ordinance, the Local Participation Agreement and the Development Area established hereby. The Agency shall act on behalf of the LFUCG in administering the Development Area, entering into Development Area agreements, and other related agreements, with respect to the development of the Development Area and the financing of Redevelopment Assistance, Land Preparation, Demolition and Clearance Costs and Approved Public Infrastructure Costs therein. The Commissioner of the Department of Finance and Administration is hereby authorized and directed to execute the Local Participation Agreement on behalf of the Agency and to take other appropriate action to carry-out the terms of this ordinance and the Local Participation Agreement.

SECTION 12. Authorization of LFUCG Officials. The Mayor and other appropriate LFUCG officials, officers, employees and agents are hereby authorized to take all necessary actions to submit the necessary application and other documents to KEDFA and any other necessary entities to obtain the necessary approvals and to take all necessary actions as required by the KEDFA and other entities to meet all of the requirements of and qualify to participate in the Mixed-Use Project Program as set forth in the Act, and to carry out the intent of this Ordinance, including being authorized to execute any Memorandum of Agreement and/or Tax Incentive Agreement between KEDFA and the LFUCG approving a pledge of State Incremental Revenues for the Project pursuant to the Act.

SECTION 13. Severability. The provisions of this Ordinance are hereby declared to be severable, and if any section, phrase or provision shall for any reason be declared invalid, such declaration of invalidity shall not affect the validity of the remainder of this Ordinance.

SECTION 14. Repeal of Conflicting Orders and Ordinances. All prior resolutions, municipal orders or ordinances or parts of any resolution, municipal order or ordinance in conflict herewith are hereby repealed.

SECTION 15. Effective Date. This Ordinance shall be in full force and effect from and after its passage, attestation, recordation and publication of a summary hereof pursuant to KRS Chapter 424.

INTRODUCED, SECONDED AND GIVEN FIRST-READING APPROVAL AT A DULY CONVENED MEETING OF THE LFUCG COUNCIL OF THE LFUCG OF DAYTON, KENTUCKY, held on the _____ day of November, 2009.

GIVEN SECOND READING AND ADOPTED AT A DULY CONVENED MEETING OF THE LFUCG COUNCIL, held on the ______ day of ______________, 2009 and on the same occasion signed by the Mayor as evidence of his approval, attested by the LFUCG Clerk of Council, published and filed as required by law, and declared to be in full force and effect from and after its adoption and approval according to law.

Approved:

By______________________________

Mayor

ATTEST:

____

Clerk of Council

661-09 **43**

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: November 2, 2009

RE: Lease Agreement
MES Enterprises, LLC

I am requesting Urban County Council approval for an amendment to Contract #133-2009 (R-483-2009). This agreement is for the lease entered into on July 1st, 2009 and ending July 1st, 2010 between the Lexington Fayette Urban County Government and MES Enterprises, LLC. LFUCG uses this space for the Synergy Project and it is located at 325 West Main Street in Lexington, KY (Triangle Center). The amendment is for an adjustment in the payment schedule and the total amount owed per terms of the agreement, which stipulates that a monthly sum of $4,143.75 will be paid MES Enterprises (total 12-month rental fee of $49,725.00).

MES Enterprises, LLC has offered LFUCG a reduction in the rental owed, providing that LFUCG advance the remainder of the monthly rental due in one "lump sum" payment. The payment encompasses the December 2009 thru June 2010 timeframe (7 months) and as stipulated in the agreement, would currently amount to $29,006.25. If approved, the reduction makes the total LFUCG payment due $22,790.62, or a savings of $6,215.40 for the government. MES has expressed a desire to use these funds for updates of the aging facility HVAC system.

RESOLUTION NO. 483-2009

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR, ON BEHALF OF THE URBAN COUNTY GOVERNMENT, TO EXECUTE LEASE WITH MES ENTERPRISES, LLC, FOR THE LEASE OF SPACE FOR PROJECT SYNERGY, AT A COST NOT TO EXCEED $49,725.00.

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

Section 1 - That the Mayor, on behalf of the Lexington-Fayette Urban County Government, be and hereby is authorized and directed to execute the Lease, which is attached hereto and incorporated herein by reference, with MES Enterprises, LLC, for the lease of space for Project Synergy.

Section 2 - That an amount, not to exceed the sum of $49,725.00, be and hereby is approved for payment to MES Enterprises, LLC, from account #2514 155002 71302, pursuant to the terms of the Lease.

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

PASSED URBAN COUNTY COUNCIL: July 2, 2009

Jim Newberry
MAYOR

ATTEST:

Susan Lamb
CLERK OF URBAN COUNTY COUNCIL

PUBLISHED: July 13, 2009-1t

GHG\X:\Cases\COMPUTER\09-LE0013\LEG\00217065.DOC

668-09 45

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 Agreement

DATE: November 4, 2009

This is a request for Council approval of a Facility Usage Contract between the Lexington-Fayette Urban County Government and the Fayette County Board of Education for use of Jesse Clark Middle School Gym for our basketball program.

Please contact me if there are any questions.

CC: Kimra Cole, Commissioner of General Services

JEH/bac

MIDDLE SCHOOL **46**

It's about kids. FAYETTE COUNTY PUBLIC SCHOOLS

EXHIBIT A

668-09

THIS IS NOT A BILL -- INVOICE TO FOLLOW

DESIGNATION OF FACILITY/GROUNDS, PERSONNEL AND EQUIPMENT

APPLICANT: Lexington-Fayette Urban County Government (Parks & Recreation)

PER DAY FEE: **$400.13**

FACILITY: Jessie Clark Middle School (Basketball)

TOTAL FEE: **$4,001.30**

DATE(S) & TIME(S): Saturdays--8:30am-3:30pm--12/5/09, 12/12/09, 12/19/09, 1/9/10, 1/16/10, 1/23/10, 1/30/10; 2/6/10, 2/13/10, 2/20/10
(Bad Weather Dates: 2/27/10, 3/6/10, 3/13/10)

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	$15.50	$0.00
Auditorium	-----	-----	-----	-----	-----
Cafeteria	0	0	0	$25.75	$0.00
Kitchen	0	0	0	$17.25	$0.00
Gymnasium	1	7	7	$17.25	$120.75
Football Field	-----	-----	-----	-----	-----
Running Track	-----	-----	-----	-----	-----
Baseball Field	-----	-----	-----	-----	-----
Softball Field	-----	-----	-----	-----	-----
Other	0	0	0	$17.25	$0.00
Subtotal	-----	-----	-----	-----	***$120.75***
DISTRICT EMPLOYEES (If Applicable)	**NO. EMPLOYEES**	**NO. HOURS PER EMPLOYEE**	**TOTAL NO. HOURS**	**HOURLY PERSONNEL FEE**	**TOTAL PERSONNEL COST**
Custodian(s)	1	7.5	7.5	$37.25	$279.38
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	-----	-----	-----	-----	***$279.38***
Total	-----	-----	-----	-----	***$400.13***
ADDITIONAL RENTAL FEES (If Applicable)	*0*	*0*	*0*	***$0.00***	*$0.00*
Grand Total	-----	-----	-----	-----	***$400.13***

COMMENTS: Invoice monthly

669-09

47

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 Agreement

DATE: November 4, 2009

This is a request for Council approval of a Facility Usage Contract between the Lexington-Fayette Urban County Government and the Fayette County Board of Education for use of Yates Elementary School Gym for our basketball program.

Please contact me if there are any questions.

CC: Kimra Cole, Commissioner of General Services

JEH/bac

It's about kids.
FAYETTE COUNTY PUBLIC SCHOOLS

EXHIBIT A

THIS IS NOT A BILL -- INVOICE TO FOLLOW 669-09

DESIGNATION OF FACILITY/GROUNDS, PERSONNEL AND EQUIPMENT

APPLICANT: Lexington-Fayette Urban County Government (Parks & Recreation)

PER DAY FEE: **$408.00**

FACILITY: Yates Elementary School

TOTAL FEE: **$4,080.00**

DATE(S) & TIME(S): Saturdays--8:30am-4:30pm-- 12/5/09, 12/12/09, 12/19/09, 1/9/10, 1/16/10, 1/23/10, 1/30/10, 2/6/10, 2/13/10, 2/20/10
(Bad Weather Dates: 2/27/10, 3/6/10, 3/13/10)

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	$8.75	$0.00
Auditorium	-----	-----	-----	-----	-----
Cafeteria	0	0	0	$17.25	$0.00
Kitchen	0	0	0	$8.75	$0.00
Gymnasium	1	8	8	$13.75	$110.00
Football Field	-----	-----	-----	-----	-----
Running Track	-----	-----	-----	-----	-----
Baseball Field	-----	-----	-----	-----	-----
Softball Field	-----	-----	-----	-----	-----
Other:	-----	-----	-----	$ 17.25	-----
Subtotal	-----	-----	-----	-----	***$110.00***
DISTRICT EMPLOYEES (If Applicable)	**NO. EMPLOYEES**	**NO. HOURS PER EMPLOYEE**	**TOTAL NO. HOURS**	**HOURLY PERSONNEL FEE**	**TOTAL PERSONNEL COST**
Custodian(s)	1	8	8	$37.25	$298.00
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	-----	-----	-----	-----	***$298.00***
Total	-----	-----	-----	-----	*$408.00*
ADDITIONAL RENTAL FEES (If Applicable)	0	0	0	***$0.00***	***$0.00***
Grand Total	-----	-----	-----	-----	***$408.00***

COMMENTS: Invoice monthly

657-09

Lexington-Fayette Urban County Government
DEPARTMENT OF PUBLIC SAFETY

Jim Newberry
Mayor

Tim Bennett
Commissioner

MEMO

To: Mayor Jim Newberry
Joseph Kelly, Senior Advisor for Management
Council Members

From: Ronald L. Bishop, Director RLB
Division of Community Corrections

Date: October 12, 2009

Subject: Request for Council Approval of a Memorandum of Agreement

Request approval of a Memorandum of Agreement between Administrative Office of the Courts and the Fayette County Detention Center to establish terms for urine testing of Fayette County Drug Court participants as outlined in the attachment for the period July 1, 2009 thru June 30, 2010; total payments not to exceed $131,000 for adult; $26,600 for juvenile and $32,400 for family. Funds are budgeted in 4203-505403-5431-46720.

cc: Tim Bennett, Commissioner
Department of Public Safety

662-09

50

Lexington-Fayette Urban County Government
DEPARTMENT OF PUBLIC SAFETY

Jim Newberry
Mayor

Tim Bennett
Commissioner

MEMO

TO: Mayor Jim Newberry
Joseph Kelly, Senior Advisor for Management
Council Members

FROM: Ronald L. Bishop, Director
Division of Community Corrections

DATE: October 2, 2009

SUBJECT: Request for Council Approval of a Professional Services Agreement With Greenberg Traurig

Request approval of a Professional Services Agreement with Greenberg Traurig in the amount of $45,000 to assist the Division of Community Corrections with the successful negotiation of a new per diem for federal prisoners. The fee is not payable unless until a new increased federal per diem is successfully negotiated. Payments will be made in monthly installments once the new federal per diem is being received by LFUCG. The Division will submit a budget amendment to fund the agreement utilizing the new revenues generated by the new federal per diem once it has been negotiated and approved by the Council. Funds will be budgeted in 1101-505402-71201.

Cc: Tim Bennett, Commissioner
Department of Public Safety

675-09 **51**

Lexington-Fayette Urban County Government
DIVISION OF FIRE & EMERGENCY SERVICES

Jim Newberry
Mayor

Robert Hendricks
Chief

Tuesday, November 10, 2009

Mayor Newberry

Councilmembers

Commissioner Bennett

Chief Hendricks

This request is to execute a Memorandum of Understanding (MOU) that sets forth the guidance and circumstances under which LFUCG Division of Fire Paramedics may assist the Health Department in providing influenza vaccinations in a public health emergency/crisis.

The staffing of the Lexington Fayette County Health Department is not large enough to handle a mass vaccination of the Lexington population. This MOU would allow LFUCG Paramedics to help vaccinate the citizens in a timely manor.

It is in the scope of practice for Paramedics give vaccinations and has been approved by the LFUCG Emergency Medical Advisory Board.

This MOU is being required by the Kentucky Board of Emergency Medical Services and the Kentucky Department of Public Health for any agency that is administrating H1N1 vaccinations. This is a policy change four weeks into our Paramedic administrating vaccinations.

There is no cost to the Lexington Fayette Urban County Government.

Respectfully,

Michael Gribbin, Battalion Chief

Lexington-Fayette Urban County Government
DEPARTMENT OF ENVIRONMENTAL QUALITY

Jim Newberry
Mayor

Cheryl Taylor
Commissioner

TO: Mayor Jim Newberry
Urban County Council

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

DATE: November 2, 2009

SUBJECT: **Contract for Investigation/Design Services for Process and Control Improvements at Town Branch Wastewater Treatment Plant (WWTP), West Hickman WWTP and all Pump Stations Maintained by LFUCG**
RFP #16-2009

The purpose of this memorandum is to request a resolution authorizing an agreement between the Lexington-Fayette Urban County Government (LFUCG) and Strand Associates, Inc. The contract with Strand Associates, Inc. will provide investigation and design services for process and control improvements at Town Branch WWTP, West Hickman WWTP and all pump stations maintained by LFUCG.

In addition to investigation/design services for electrical upgrades, process improvements and controls improvements the consultant will also be providing construction administration once the design is complete and construction begins.

The major portion of the electrical upgrades, process improvements and controls improvements is Supervisory Control And Data Acquisition (SCADA) replacements/additions. This SCADA project was part of the overall expenditure shown in the cost center module for the sewer rate increase, approved by the Urban County Council in 2008.

The cost for the defined investigation, design services and construction administration is $2,859,500.00.

Questions regarding this agreement should be directed to Charles Martin and ext. 2455.

cc: Cheryl Taylor, Commissioner Environmental Quality
Tiffany Rank, P.E., Municipal Engineer Senior, Division of Water Quality
Robert Bowman, Database Administrator, Computer Services

CH/tr

*664-09 **53**

Lexington-Fayette Urban County Government
DEPARTMENT OF ENVIRONMENTAL QUALITY

Jim Newberry
Mayor

Cheryl Taylor
Commissioner

Memorandum

To: Mayor Jim Newberry
Urban County Council

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

Date: November 2, 2009

Re: Award of Engineering Services Agreement for the Dixie Pump Station Upgrade and Force Main Improvements

The Division of Water Quality recommends the award of an Engineering Services Agreement to Kenvirons, Inc. for the Dixie Pump Station Upgrade and Force Main Improvements Project. The lump sum fee associated with the Agreement is $30,730. Funds for this project are budgeted in 4003-303408-3468-92811 Project: DIXIEPS_2009 and Activity: CONSENT_DE.

The purpose of this Engineering Services Agreement is to complete design services necessary to upgrade the Dixie Pump Station and Force Main Sewer Lines – this is a capital improvement project to be completed under the Consent Decree.

Questions regarding this project or agreement should be directed to LaJoyce Mullins-Williams at (859) 425-2580.

pc: Cheryl Taylor, Commissioner, Department of Environmental Quality
Rodney Chervus, P.E., Collection and Conveyance Manager, Division of Water Quality
Brian Marcum, Director, Central Purchasing
LaJoyce Mullins-Williams, Project Engineering Coordinator, Division of Water Quality

Lexington-Fayette Urban County Government
DEPARTMENT OF ENVIRONMENTAL QUALITY

Jim Newberry
Mayor

Cheryl Taylor
Commissioner

Memorandum

To: Mayor Jim Newberry
Urban County Council

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

Date: November 2, 2009

Re: Award of Engineering Services Agreement for the Deep Springs Pump Station Upgrade and Force Main Improvements

The Division of Water Quality recommends the award of an Engineering Services Agreement to BTM Engineering, Inc. for the Deep Springs Pump Station Upgrade and Force Main Improvements Project. The lump sum fee associated with the Agreement is $51,500. Funds for this project are budgeted in 4003-303408-3468-92811 Project: DEEPSPRPS_2009/10 and Activity: CONSENT_DE.

The purpose of this Engineering Services Agreement is to complete design services necessary to upgrade the Deep Springs Pump Station and Force Main Sewer Lines – this is a capital improvement project to be completed under the Consent Decree.

Questions regarding this project or agreement should be directed to LaJoyce Mullins-Williams at (859) 425-2580.

pc: Cheryl Taylor, Commissioner, Department of Environmental Quality
Rodney Chervus, P.E., Collection and Conveyance Manager, Division of Water Quality
Brian Marcum, Director, Central Purchasing
LaJoyce Mullins-Williams, Project Engineering Coordinator, Division of Water Quality

666-09

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: November 4, 2009

RE: Release of Easement
2705 and 2709 Meadowsweet Lane

This memo is to request a Resolution authorizing the Mayor to sign a Release of Easement, releasing a streetlight easement on property located at 2705 and 2709 Meadowsweet Lane.

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

X:\Cases\ENGINEER\09-CC0138\COR\00235537.DOC

P.O. Box 34028 • 200 East Main Street • Lexington, KY 40588 • (859) 258-3500 • www.lexingtonky.gov
HORSE CAPITAL OF THE WORLD

678-09

Lexington-Fayette Urban County Government
DEPARTMENT OF LAW

Jim Newberry
Mayor

Logan Askew
Commissioner

TO: Jim Newberry, Mayor
Councilmembers

FROM: Department of Law

DATE: November 11, 2009

RE: Approval of Settlement Agreement – Airport Condemnation Lawsuit

The Department of Law recommends that the Urban County Council authorize the Mayor to execute the attached Acquisition, Arbitration, and Settlement Agreement, which resolves an eminent domain action filed by the Lexington-Fayette County Airport Board pertaining to the acquisition of certain real property in which Elkhorn Bend, LLC and Wayne Murty have an interest.

Under Kentucky law, it is appropriate for the Urban County Council to authorize the filing of eminent domain actions for the benefit of the Airport Board. Historically, the Urban County Council has done so. Consistent with this practice, pursuant to Resolution No. 317-2008 the Urban County Council authorized the filing of the above lawsuit by the Airport Board. In such eminent domain actions, the Airport Board essentially acts for and on behalf of the Urban County Government, which has no direct interest in the matter. The parties to the lawsuit have now preliminarily agreed to resolve the matter through the attached settlement agreement which will place the valuation of the property before 3 arbitrators selected by the parties. This proposed settlement has no direct impact on the Urban County Government, financial or otherwise. All amounts that will be paid for the property will be paid for by the Airport Board. If the settlement is not approved it will likely have a detrimental impact on the amount that is paid for the property and/or the additional expenses that are incurred in resolving the lawsuit.

Please contact me should you have any questions. It is my understanding that the Airport Board may also have some representatives in attendance at the November 17, 2009 Council work session at which this matter is scheduled to be docketed. However, because this matter involves litigation, at some point there may be a need to move into closed session if it is discussed at a public meeting.

David J. Barberie, Attorney Senior

ATTACH
cc: Joe Kelly, Senior Advisor to the Mayor for Management
Rebecca Langston, Council Administrator

DJB/ X:\Cases\LAW\09-CC0077\MEMO\00236434.DOC

673-09 **57**

Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

Linda Rumpke
Commissioner

To: Mayor Jim Newberry
Urban County Council Members

From: Bill O'Mara
Director, Division of Revenue

Date: November 10, 2009

Subject: Credit Card Agreements for Parks

The Division of Parks and Recreation has the capability to allow payment of selected fees via the internet as a convenience to the citizens. Attached are contracts for a Merchant Service Account with Direct Connect, and an internet Gateway Account with Plug & Play Technologies to accommodate these services.

Approval of the contracts is requested so the internet transactions will be available in January 2010. I am available if you have questions or need additional information.

Lexington-Fayette Urban County Government
DEPARTMENT OF SOCIAL SERVICES

Jim Newberry
Mayor

Marlene Helm
Commissioner

November 9, 2009

MEMORANDUM

TO: Jim Newberry, Mayor

FROM: Marlene Helm, Commissioner of Social Services

RE: HOPE VI Community and Supportive Services Memorandum of Understanding

Request Council approval to enter into a Memorandum of Understanding (MOU) between LFUCG (Department of Social Services) and the Lexington-Fayette Housing Authority and REACH, Inc. to support a new component of the 2005 HOPE VI Revitalization Project.

The new component is for the purpose of providing counseling to first-time homebuyers in the Equestrian View HOPE VI Development. HUD requires that home ownership counseling be provided to first time home buyers by a certified counseling agency. REACH, Inc. is a certified agency and shall provide the required counseling. REACH, Inc. shall help with financing qualifications and down payment assistance.

REACH will employ a full-time Housing Counselor to exclusively service the pre-purchase, homebuyer education needs of the clients interested in Equestrian View. REACH will establish a satellite office and operate housing counseling activities from the Lexington Housing Authority management office located at 635 East Sixth Street.

The MOU, which has been reviewed by the Law Department, shall be effective commencing on December 1, 2009 and shall end on May 31, 2011. Funding in the amount of $85,000 to cover this agreement shall be provided through the current Community and Supportive Services professional services agreement between Lexington Housing Authority and Department of Social Services.

HOPE VI

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE LEXINGTON – FAYETTE COUNTY HOUSING AUTHORITY,

THE LEXINGTON – FAYETTE URBAN COUNTY GOVERNMENT

AND REACH, INC.

THIS MEMORANDUM OF UNDERSTANDING by and between the Lexington – Fayette Urban County Housing Authority (hereinafter referred to as the "LHA"), the Lexington – Fayette Urban County Government (hereinafter referred to as "Government"), by and through its Department of Social Services (hereinafter referred to as "DSS") and REACH, Inc. (hereinafter referred to as "REACH") establishes mutually agreed upon roles and responsibilities with respect to the LHA Bluegrass – Aspendale HOPE VI Revitalization Program, and in particular the Equestrian View Single – Family Homeownership phase of the project.

A. Background

The LHA has received a HOPE VI Revitalization Grant from the United States Department of Housing and Urban Development (hereinafter referred to as "HUD"). These competitive grants are awarded to public housing agencies for the purpose of revitalizing severely distresses public housing developments. The HOPE VI Revitalization Grant awarded in 2005 form the 2005 HOPE VI Funding Allocations is being used to raze and redevelop the Bluegrass – Aspendale public housing site, located on the east side of Lexington, Kentucky. This grant will be used to construct a combination of rental and homeownership housing on the original Bluegrass – Aspendale site and scattered throughout Fayette County.

HOPE VI is an in – depth program. The LHA is required to address social conditions, as well as physical conditions during grant implementation. HUD requires HOPE VI grantees to design social or community supportive services in conjunction with their HOPE VI projects. Thus, the LHA has set aside funds from the Bluegrass – Aspendale HOPE VI Revitalization Grant to facilitate this aspect of the program.

LHA executed a professional service agreement with the Government on December 13, 2005 to administer and coordinate the community and supportive services (hereinafter referred to as "CSS") component of its Bluegrass –

Aspendale HOPE VI Revitalization Grant. The DSS will also provide a CSS Team Leader and Coordinator to manage the CSS program and to serve as the liaison between LHA and its CSS Partners, as well as other Government Departments and / or Divisions.

HUD encourages public housing agencies to form partnerships with local service agencies. These partnerships are designed to do the following: (1) prevent the duplication of services and (2) ensure that the funds that have been earmarked for CSS activities are leveraged for maximum impact and sustainability. The HOPE VI Revitalization Grant that the LHA received was based, in part, on the commitments its Supportive Service Partners made to the residents affected by the HOPE VI Program. This Memorandum of Understanding memorializes the commitment previously made by the Supportive Service Partners.

B. SCOPE OF SERVICES

Underlying this Memorandum of Understanding is the acknowledgement that LHA, the DSS and REACH have clients in common and these clients will be best served if all parties coordinate and collaborate in the delivery of services to these clients. Therefore, the purpose of this Memorandum of Understanding is to describe the manner in which LHA, the DSS, and REACH will collaborate to ensure that HOPE VI Program activities and the CSS activities provided by REACH are leveraged for maximum impact and sustainability. The LHA will be represented in its CSS efforts by the Government's DSS who will coordinate and manage all Bluegrass – Aspendale HOPE VI Program CSS activities.

To meet this purpose, LHA, the DSS and REACH agree to the following:

1. Orientation and Training

Each party to the Memorandum of Understanding agrees to engage in orientation and training activities that are designed to provide the other party with information regarding the intricacies of the other's program so that services to mutual clients can be coordinated, as needed. The LHA and/ or the DSS shall periodically provide orientation and training regarding the Bluegrass – Aspendale HOPE VI Programs, services, policies and procedures to designated REACH personnel and REACH shall periodically provide orientation and training to designated LHA and/or DSS staff regarding REACH programs, services, policies and procedures.

2. Information Sharing

The parties shall devise a system for the sharing of information on a monthly basis regarding mutual clients. This information shall be used to forestall duplication, overlap and fragmentation in the delivery of services to mutual clients as well as to satisfy reporting requirements of the parties' respective funding sources.

3. Interagency Planning and Program Development

The LHA, the DSS and REACH agree to participate in interagency planning and program development in order to achieve the highest level of services, coordination and integration.

REACH agrees to the following:

1. Designation of HOPE VI Liaison

REACH shall designate a liaison whose responsibility shall be to coordinate with LHA and the DSS in matters related to the LHA's Bluegrass – Aspendale HOPE VI Program. REACH President and Chief Executive Officer, Chris Ford, shall represent REACH in this capacity.

2. Provisions of Services and Outreach

REACH shall serve as the lead housing counseling agency responsible for assisting interested first – time homebuyers in qualifying for mortgage financing and governmental down payment assistance to purchase single family homes in the Equestrian View development of the HOPE VI Revitalization Project.

These services shall include the following:

- Orientation
- Homebuyer Education
- Homebuyer Financing – Down Payment Assistance
- Permanent Mortgage Financing Referrals

REACH shall attempt to provide these services to approximately **40** residents per year for an estimated total of **60** residents over the one and one – half year period of this Memorandum of Understanding.

REACH shall conduct outreach through coordination with LHA and the DSS. Furthermore, REACH shall make a priority to establish a visible presence for clients, and to encourage greater access for clients to REACH services.

REACH will employ a full – time Housing Counselor to exclusively service the pre – purchase, homebuyer education needs of clients interested in Equestrian View. The REACH "Outreach Counselor" will work approximately **40** hours per week.

REACH will establish a Satellite Office and operate Housing Counseling activities from the LHA Management Office located at 635 East Sixth Street. The REACH Satellite Office will be in operation at least 5 days per week.

REACH will conduct monthly Orientation sessions near the Equestrian View development (preferably at William Wells Brown Community Center on East Fifth Street). Furthermore, REACH will organize and promote the availability of these Orientation sessions to interested and potential clients, and the general public.

The value of services to be provided by REACH to LHA & the DSS over the eighteen (18) month period of this Memorandum of Understanding is $85,000.

Program Service Delivery Budget

Personnel Costs – Full time Housing Counselor	$65,300
Professional Development – Counselor Training	$ 4,000
Group Education Workshops – Budget & Credit	$ 5,400
Outreach & Information Dissemination	$ 6,300
Administration	$ 4,000
TOTAL	*$85,000*

The LHA and the Government's DSS agree to the following:

1. Provide REACH will funding to implement the services and provisions of this Memorandum of Understanding

2. The LHA shall provide the Satellite Office space located at 635 East Sixth Street to REACH personnel at no cost throughout the duration of this Memorandum of Understanding.

3. The LHA designates Cheryl Talbert from the Government's DSS as the liaison between the LHA and REACH for purposes of coordinating the activities described in this Memorandum of Understanding. Ms. Talbert will also serve as the HOPE VI CSS Coordinator for the Bluegrass – Aspendale HOPE VI Program, but neither she nor Government assume liability for any claims, liabilities, losses, damages, expenses (including attorneys' fees), accidents or occurrences arising out of, or relating to, coordinating those activities described in this Memorandum excepting those caused directly by her or Government's own negligence or willful misconduct. In no event does Government waive any defense, immunity or damage limitations it may otherwise have available.

   This designation shall remain in effect unless and until the LHA notifies REACH of a change in this designation.

Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

TO: URBAN COUNTY COUNCIL

FROM: SHAYE RABOLD, CHIEF OF STAFF, MAYOR'S OFFICE MSR

DATE: NOVEMBER 12, 2009

SUBJECT: COUNCIL AUTHORIZATION TO ENTER INTO PURCHASE OF SERVICE AGREEMENT WITH BLUEGRASS STATE GAMES, INC.

Please find enclosed a Purchase of Service Agreement between Lexington-Fayette Urban County Government and the Bluegrass State Games, Inc. for the purposes of organizing and executing the Bluegrass State Games. The annual Bluegrass State Games is the result of a longstanding partnership between the organization and LFUCG.

Funds in the amount of $52,500 were approved in the FY2010 budget and remain fully budgeted.

Council authorization is requested to enter into the agreement with the Bluegrass State Games, Inc.

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, created pursuant to KRS Chapter 67A (hereinafter "Government") and **Bluegrass State Games, Inc.** (hereinafter "Organization") a Kentucky non-profit corporation.

WITNESSETH:

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

1. For purposes of this agreement, the Mayor shall identify a Government liaison. Where this agreement requires a demonstration of need, the Government liaison must be satisfied that such need exists before the Government provides any funds or services.
2. Government shall make available for the Organization's use office space, office equipment, and office furniture.
3. When, and as the necessity arises and is demonstrated, the Government will provide support staff to assist the Organization in its efforts to organize and conduct the Bluegrass State Games.
4. Government shall make available for the Organization's use Urban County Parks, facilities, and equipment for the various events of the Bluegrass State Games.

5. Government shall provide postage services as needed to the organization.

6. Government shall pay the Organization the sum of fifty two thousand five hundred dollars ($52,500) annually for the services Organization is required to render by the terms of this agreement.

7. The providing of services, items, equipment, etc., by the Urban County Government pursuant to the terms of this agreement is subject to sufficient funds being appropriated in the FY 2010 budget of the Urban County Government.

8. Bluegrass State Games, Inc., shall organize, fund, and conduct the Bluegrass Summer Games, an amateur athletic competition in which the finals are to be held primarily in Lexington-Fayette County. The Games will provide Kentuckians of all ages and ability levels a wholesome avenue for positive development through sports and activity, promote and develop local amateur athletics, provide amateur athletes an opportunity to showcase their talents and receive statewide recognition, and generate economic impact from visitor expenditures for the local economy. The Summer Games will consist of at least two (2) weekends of state final competition to be held in July, an opening ceremony, and other events as deemed appropriate.

9. The Organization shall have the option to hire an executive director to direct the organization, administration, promotion and all other aspects of management for the Bluegrass State Games.

10. The Organization shall reimburse the Government for equipment (softballs, tennis balls, basketballs, scorecards, port-a-johns, etc.) purchased under Government price contracts.

11. Books of accounts shall be kept by the Organization and entries shall be made therein of all money, goods, effects, debts, sales, purchases, receipts, payments, contributions of goods of services, and any other transactions of the Organization. The books of accounts shall be maintained at the principle place of business of the Organization. The Government shall have access at all times to the books, papers and affairs of the Organization.

12. The Organization shall submit an annual report no later than March 1 of each year to the Mayor and Urban County Council, which report shall contain a summary of its activities for the proceeding year.

13. This Agreement shall commence on the date noted above and shall terminate one calendar year after that date.

14. This instrument contains the entire agreement between the parties, and no statement, promises or inducements made by either party that is not contained in this written agreements shall be valid and binding; and this Agreement may not be enlarged, modified, or altered except in writing signed by the parties and endorsed hereon.

Lexington-Fayette Urban County Government
DEPARTMENT OF LAW

Jim Newberry
Mayor

Logan Askew
Commissioner

TO: Jim Newberry, Mayor
Urban County Councilmembers

FROM: Department of Law

DATE: November 12, 2009

RE: Gess Property (Chilesburg) Urban Services

I write on behalf of Councilmember K.C. Crosbie.

This Ordinance provides for roll cart waste collection services in the described areas. The attached will make Administrative Review Form Log No. 570-09, previously tabled by K.C., unnecessary. As you will recall, that draft Ordinance removed the described areas from the garbage tax district, which is unprecedented.

When this property was developed, the below language was inserted on the plats:

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

The residents have been paying for and receiving private service, but have been paying the garbage tax as well. They requested relief earlier this year, and K.C., Waste Management and Law have been working on a solution for months.

From a legal standpoint, the residents have no right to relief. Their plats state that they can request public dumpster service upon request. Moreover, some of the residents received notice of the hearing to place them in the garbage tax district. In this town home area with narrow private streets, the residents, understandably, do not want dumpster service. The private garbage collector is using large trucks which are unsafely backing out of some of the streets and creating additional wear and tear on the private streets.

Waste Management, due to safety reasons, will not back up our standard size trucks. The private streets do not have sufficient space to turn around necessitating the back up.

To resolve this matter, Waste Management is proposing to use one of its two small garbage trucks (which were purchased to service downtown areas) to service this area.

According to Waste Management, it is impractical to install dumpster pads in this area now. Most of the residents prefer public service, which includes recycling, and we wish to avoid setting a precedent of removing areas from the garbage tax district.

The reason for the Ordinance is that we are making an exception to the requirement that town homes having more than seven (7) units are required to have dumpster service, as opposed to roll cart.

Please advise if you have questions.

Logan B. Askew
Commissioner of Law

X:\Cases\CO\09-CC1079\LEG\00236527.DOC

ORDINANCE N0. _____-2009

AN ORDINANCE PROVIDING THAT ROLL CART GARBAGE AND REFUSE COLLECTION SHALL BE PROVIDED TO PROPERTY DESCRIBED IN GESS PROPERTY UNITS 2A, 2B, AND 2C, IN ACCORDANCE WITH CHAPTER 16 OF THE CODE OF ORDINANCES.

WHEREAS, Lexington-Fayette Urban County Government ["LFUCG"] Code of Ordinances, Section 16-4(b)(1) provides that dumpster service shall be provided to town homes of seven (7) units or larger;

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

WHEREAS, the plats to the property described as Gess Property (Chilesburg) Units 2A, 2B, and 2C contain notes that provide:

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

WHEREAS, the above-quoted restrictive language is contrary to LFUCG's regulations and standard operating procedures;

WHEREAS, the property owners of the property owners of said property desire to have LFUCG roll cart container service, instead of LFUCG dumpster service or private collection service;

WHEREAS, despite the restrictions in the above-cited plat notes, the Urban County Council finds that an exception to Ordinance 16-4 is appropriate because roll cart service may now be provided to the subject property and the use of dumpster containers is impractical without extensive alterations to the existing infrastructure layout of the subject property;

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

Section 1 – That roll cart container service shall be provided to the property described in Gess Property Chilesburg Units 2A, 2B, and 2C, which roll cart service shall be provided in accordance with Chapter 16 of the Code of Ordinances.

Section 2 – That the preamble to this Ordinance is incorporated herein by reference, the same as if set out herein in full.

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

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL
PUBLISHED:

X:\Cases\CO\09-CC1079\LEG\00234056.DOC

URBAN COUNTY COUNCIL
SPECIAL
PLANNING COMMITTEE SUMMARY

October 27, 2009

The Special Planning Committee was convened at 9:30 A.M. All committee members were present with Doug Martin attending as a non voting member.

I. Student Housing Task Force - Lawless

Gorton explained the purpose of today's special meeting was to review the Student Housing Task Force Report specifically the list of "expanded enforcement" and "expanded policy" recommendations for discussion, debate and voting.

Expanded Enforcement, Recommendation #1 – Approve adequate abatement funding each budget cycle for the Div. of Code Enforcement

David Jarvis, Code Enforcement told the committee $200K would be required to comply with this recommendation.

<u>Motion by Ellinger approving adequate funding up to $200K in the annual budget cycle for Code Enforcement to enforce student housing task force recommendation number 1, seconded by Feigel, motion passed</u>.

Blues suggested an amendment to the motion establishing an enterprise fund to insure funds from any reimbursements are returned to Code Enforcement rather than the general fund.

James referred to budget for tenant relocation fund, urging the committee to ensure monitoring a cap of $200K. She suggested forming a sub committee aimed at reviewing how these funds are being used. She also suggested amending the motion to include a 5 year time frame on the abatement program.

Feigel agreed to ensure longevity to this action and is a priority and to protect resources for at least 5 years.

<u>Motion by Blues, seconded by Feigel to amend motion on the floor to establish an enterprise fund to put maximum of $200,000.00 to Code Enforcement's budget every year, original motion as amended passed.</u>

<u>Motion by James, seconded by Feigel to amend motion on the floor by adding to the ordinance a 5 year time frame on the abatement program, original motion as amended failed with 5 opposing votes.</u>

Expanded Enforcement, Recommendation #2 - Lift hiring freeze on approved additional positions in the Div. of Code Enforcement

Jarvis told the committee additional staff hiring is already in process and they should have two positions filled by mid November. Therefore no actions or motions are required by the committee.

Expanded Enforcement, Recommendation #3 - resume and conduct regular comprehensive sweeps by Div. of Code Enforcement in affected neighborhood.

Jarvis told the committee if the task force recommendations pass, Code Enforcement will conduct housing sweeps and decide what boundaries are affected.

Expanded Enforcement, Recommendation # 4- Increase fines for key property violations including up to double the current total maximum fines for maximum multiple violations within a 12 month period and following the loss of an administrative appeal.

Jarvis said civil penalties are issued on the number of violations and re-inspections on a property. The nuisance abatement requires 2 notices; therefore no action allowed until a third notice is issued. He said he thought the intent of this recommendation was to double civil penalties for housing and nuisance issues. . He said the ordinance contains some confusing language and is working with the law department to correct.

Barbarie said details on how notices and fines are levied and tables of fines are included and codified by ordinance chapter 12. He explained nuisance is not on the structure itself, but is trash, abandoned cars, etc. He wanted the committee to be aware of how fines are issued, notices, allowing clean up and time to contest, abatements and how it works, adding every fine is appealable. He said there have been no changes to fines for about 15 years, and there is nothing in the statue to indicate what fines should be. If they are too high they could be challenged.

Lawless questioned repeat offenders and would like to see fines increased, she referred to fines levied daily and to see ordinance language cleaned up to enhance sustainability.

Barbarie explained language in the ordinance, explaining about state law, exercising right of appeal. He said obtaining hearing officer recommendations might be helpful regarding the per day regulation. He said we've gone back and forth on what powers the ordinance yields and there might be complications on changing the daily fine portion.

Lawless did not understand why the language would be difficult to change.
This is what is allowing demolition by neglect.

Barbarie said hearing officers sometimes are not comfortable issuing civil fines on a daily basis and do not feel the code was clear enough to allowing them to exercise that discretion. We are bound by the hearing officers' assessment.

Ellinger asked if this is something we might want to put into a sub committee.

Blues said that would certainly be an effective mechanism for accomplishing this.

Feigel agreed with intent of motion, not sure where this is going and has not looked at level of detail of fines. Don't want to get into a situation where we are fining something that is not as egregious as what we are looking at.

Jarvis gave examples of more reasonable types of violation and fines.

Martin said abatement can be game of "cat and mouse". He applauds committees' pursuit of recommendations that are timely and effective. Suggestion about penalties being aggregated during a calendar year, what about rolling 12 month basis.

Barbarie confirmed it is a rolling 12 month fine process.

Beard how is payment of fines enforced and to what level? Can we execute at any given point? Lien against property is not always effective.

Barbarie explained collection policy. There is both a number of fines and dollar amount of the fines used as qualifier. If it's a civil fine it's a priority but if not it doesn't make a lot of sense to apply a lien.

James asked if the original motion was meant only to talk about violations regarding code enforcement, not trees or anything else, Blues said that is correct. The lien process needs to be expedited and flowing together. Jarvis said code enforcement took over that process from law and are now filing their own liens when need be. James wanted to insure we have a consistent policy.

<u>Motion by Blues recommendation to council to review and revise the hearing ordinance to clarify the code to increase fines and effectively discourage payment of fines as a cost of doing business, seconded by Beard, motion passed without dissent</u>.

Expanded Enforcement, Recommendation #5 – Create system for civil fines, abatement and placement of liens on offending properties for violations of any code enforced by the Div. of Building Inspection.

Stinnett suggested recommendation #5 and #6 be taken up by the Building Inspection Task Force that will be appointed by the Vice Mayor.

Ellinger asked what will this task force be looking at in relation to recommendations 5 & 6.

Stinnett explained the task force will be conducting a comprehensive review of every process of the Div. of Building Inspection, such as codes, zoning laws, administrative hearing board, etc.

Gorton suggested placing these two recommendations verbatim into the task force to be more effiecient and avoid duplication.

<u>Motion by Feigel to place expanded enforcement recommendations #5 & 6 into Building Inspection Task Force, seconded by Blues</u>

Lawless noted recommendation #6 has already been addressed and it would not be necessary to address via a task force, since legislation of fines for not having a building permit has passed.

Barbarie told the committee about another task force, chaired by Henson that is reviewing recommendation #5.

Gorton said there are three very specific issues being reviewed by Henson's task force and are not the same, also that task force is almost ready to report out. She suggested to "leaving as is".

James said she would like to see the Building Inspection Task Force report back to the Planning Committee first rather than before the entire council.

Feigel agreed to amend her original motion and remove referral of recommendation# 6 to Building Inspection Task Force.

<u>Motion by Feigel to amend motion of the floor to move only recommendation #5 to the Building Inspection task force, seconded by Blues, motion passed.</u>

Expanded Enforcement, Recommendation # 7- Improve system to better document violations and insure sharing of information about complaints between responsible divisions of LFUCG.

Jarvis said the pilot program proposed by Officer Gaines would help communication. 311 system documents complaints, end result is to modernize Code Enforcement system saying he understands something is in the works with IT.

Dewey Crowe agreed more comprehensive software is required linking all divisions that deal with property issues or violations. However, the software is not in IT budget at this time and cost is significant, exceeds $1 million.

Gorton stated complaints to 311 can be viewed by other divisions and wanted to know if there are meetings or methods allowing for review and discussions by all divisions. Crowe replied, no.

James talked about electronically scanning and filing documents, saying “homegrown” systems are dubious.

Motion by James requested an up date to the Planning Committee from IT/Computer Services on status of software system linking Building Inspection and Code Enforcement, seconded by Blues, passed without dissent.

Beard said we need to see a more global update on IT/Computer Services programs, not just this issue. He would like to see priorities and times lines on other projects.

Lawless asked if this issue should be in the Building Inspection Task Force, or if an Excel spreadsheet might be used as a tracking mechanism.

Feigel asked if any progress has been made in the last three years toward building a system better than what we currently have. Feigel agreed there is not a lot of good communication regarding inspections and reporting. She would like to insure this issue does not get lost and is in our next budget cycle.

Crowe responded linking with other divisions dealing with property issues was a recommendation by the Management Partners audit. He added it’s very comprehensive software and is sorely needed.

Stinnett asked about using PVA records to link departments and compiling list for review. He said it’s a history database that is tied to property, identifying legal notices, fire notices, permits, etc. He suggested using this to work on a comprehensive list to reference.

Crowe said Building Inspection is already using an identifier assigned to every property, so they may have capability to link to PVA. He said he would look into the matter with IT/Computer Services. He said the new software would allow a property owner or contractor to have “real time” information; it’s not just a database.

Jarvis added Code Enforcement is currently using hand held system information and loading it into LexCall creating a historical record.

Expanded Enforcement, Recommendation #8- Draft and adopt a definition of fraternity house and sorority house to be added to the zoning ordinance similar to first sample definition included in materials submitted by UK Associate Dean of Students.

Feigel commented a definition might be easy to get around. She felt the definition should say more about registration or affiliation with the university.

James asked if anyone from UK was available to speak about definition. Lisa Hord, UK said Tony Blanton had that information and was not at today's meeting. She said she would try to contact him for comment.

Beard asked if the need for definition was a stand alone or overflow issue.

Jarvis said he thought the problem was associated with fraternities and sorority's buying off campus housing.

Martin remarked we need to attack what is a house keeping unit or single family neighborhood and take advantage of expertise from other cities who have dealt with this issue. He said merely defining fraternity or sorority housing dances around the problem.

Blues said Martin has a good point and recommended incorporating recommendation # 8 & 5.

When asked by James, the reason for defining description of fraternity and sorority housing, Officer Gaines explained clear definition will aid with enforcement. James said we not only need a way to define but identify.

Stinnett suggested referring recommendation #8 to the committee recently set up to review residential ordinances.

Martin asked Crowe if students are renting houses, due to the no drinking policy on campus and are houses being used for the purpose of partying.

Gorton clarified; currently the zoning ordinance has no definition of fraternity or sorority housing which makes enforcement difficult. This recommendation is intended to tighten up zoning so that it will stand up in court if necessary.

Lisa Hord, UK told the committee, Tony Blanton can be at the next committee meeting. James said be sure and schedule time when a UK representative can be there.

Anthony Humphries, citizen suggested designating certain streets as UK areas to contain parties, etc. He said fraternities and sororities will not admit to having party houses.

Motion by Lawless to extend today's meeting until 12:30 pm, seconded by Blues, passed without dissent.

Extended Policy, Recommendation #1- Adopt spacing or density limits on student homes in geographically defined areas.

Motion by Lawless referring to the Planning Committee, a review of the ordinance on structures, allowing for fines to be levied daily after a certain time frame.

James asked Lawless specifically what ordinance she was referring to and if this was separate from Blues previous motion? Jarvis noted this refers to Code Enforcement, not Building Inspection.

Blues commented he thought the issue of fines for structural issues would be included in his earlier motion, Lawless said it was not.

Beard expressed concern the problem if we decrease density and UK enrolls 7K-8K additional students it will push them into other areas, need to tread carefully on this part of the recommendations.

Feigel said homeowners are opposed to defining any one area as only UK. She said the Gaines pilot program is not a legally defined area but rather an area that would be looked at. If there is a broader area defined, we have to consider impact on the community. If we limit density students have to go somewhere and district 5 is the closest. It does not solve the issue only transfers it. Rather than reduce density, fix the problem and control behavior.

Blues disagreed, density is a serious problem. Many residents like living with students, and enjoy mixed neighborhoods, but the problems intensify when it becomes only one culture. Notion that students are irresponsible and have the right to be immature and lawless is not acceptable and we should not be willing to accommodate it.

Motion by James to reject Penn State Plan, seconded by Feigel, motion passed.

Motion by Blues to amend to exclude paragraph 2 from the motion, seconded by Beard motion failed with a vote of 3 yeas, 5 nays.

Tony Blanton, UK came in. He told the committee there's a loophole in the ordinance referring to definition of fraternity and sorority housing. He will work with LFUCG Law Dept. to clarify and tighten a definition to present to the committee at its next meeting, November 24, 2009.

Motion to adjourn at 12:38 pm

BUDGET & FINANCE COMMITTEE MEETING 10-27-2009 SUMMARY

All committee members were present except Lane and Myers. Feigel, McChord and Martin attended as non voting members. The meeting was called to order at 1:02 pm

Review & Discussion of FY2010 Financials – Fister

Linda Rumpke provided the Committee with an economic overview by using an Economic Lifecycle/Sentiment Cycle slide and indicated that based on her projections that Lexington was in the "Hope" category. Ms. Rumpke went on to emphasize from a Gross Domestic Product (GDP) perspective we were in a negative 3.9% decline and counting but far below the great depression. Under Other Considerations Ms. Rumpke provided a revenue and earnings update based on 82% and 62% respectively of companies reporting, as a data point of reference for LFUCG's revenues. Linda gave a brief comment about availability of credit and stated that credit was available although more difficult to obtain due to cash flow and debt requirements. The requirements for credit were creating real problems for the small businesses in Lexington.

Another financial consideration was in the commercial real estate market where approximately $1.4T of real estate will be up for refinancing. Ms. Rumpke stated that 45% of that total would not be able to get refinancing which in the Lexington area and also on a national level jobs will be lost and defaults will increase cause financial pressure on the banking industry which will ultimately restrict credit.

Under the Employment/Unemployment category Linda indicated that while claims were improving the overall picture appears to be weak citing the fact that unemployment benefits are being exhausted. A brief summary of job loses by various companies in our region was also provided to support the slide.

Ms. Rumpke went on to provide the Committee with updates on Foreclosures, and Permits Issued as indicators of how our economy is doing. In summary Linda stated that we are experiencing a jobless recovery, especially critical given that we are so dependent on job retention and growth.

Bill O'Mara provided the Committee with an update of revenues for the Month of September 2009 versus September 2008, Actual and Budget and also for YTD updates for OLT – Employee Withholding, Net Profits, Insurance and Franchise Fees. Mr. O'Mara informed the Committee members that revenues for the Month of Sept. 09 were down a net total of $1,017, 330 while as of YTD revenues from all sources were down a net total of $1,152,198 for actuals and as compared to Budget the revenues were down by $2,062,149. In all categories of revenue the primary decrease of revenues were basically driven by the reduction in employee withholdings, with net profits being the secondary basis for overall reduction. Mr. O'Mara told the Committee that increased refunds accounted for the bulk of the reduction in Net Profit revenues.

To support the revenue numbers Bill presented a brief overview of Payroll Revenue which demonstrated that the trend was flat and the OLT Withholding Dollar Change Yr over Yr for FY 2010 was below 2009 and 2008. Mr. O'Mara also provided a general overview of OLT Withholding and other revenue areas i.e. Net Profit for a calendar year basis. In both revenue areas performance for the 9 months ending is 1.4% and 12/7% behind the prior year. For Insurance and Franchise Fees the graphs indicated we were behind in the Insurance Premium and on target for Franchise Fees.

Mr. O'Mara provide the Committee with a summary of revenue and expenses for the first quarter that indicated that while revenues were down by $1,696,019, the good news was that expenses were also down by just over a million dollars which means the net change to fund balance was a reduction of (663,400).

In summary Commissioner Rumpke told the Committee that there was going to be a revenue shortfall for FY 2010 and that given the volatile nature of our economy it has been difficult to get their arms around revenue projections. Ms. Rumpke went on to say that the administration would be bringing recommendations forth to council during November and that her organization had been looking at everything.

CM Ellinger asked where the information was for the 1st quarter and was told the info was in the packet. He also wanted an update on the overall financial picture and was told that overall for the 1st quarter the government was down by $663K. Chuck emphasized that revenue projections were to be 4.2% or $13M so he asked if we were going to be down by over $13M based on 1st quarter numbers. Mr. O'Mara indicated that if you trended the ($663) the annualized projection would be ($2.4). Bill also indicated that to compare apples to apples we needed to look at actual to budget numbers which indicated that we would have a measurable shortfall during FY 2010 and that is why discussions were being held with all commissioners and there were going to be some hard decisions to be made. Bill told the Committee that is why recommendations would be brought to full council for review.

CM Beard asked for an explanation for the change under the other expense category. Bill stated that the difference was primarily due to debt service expense for bonds that had been issued during the winter of approximately $2.1M.

CM Martin asked a series of questions in an attempt to understand how large the annualized shortfall would be. Mr. Martin stated that there was a big train in front of us and that he had been trying to get some information since June on just how big the shortfall would be and what the contingency plan would be. In his estimation the shortfall would be approximately $15.4M and that he agree with Mr. Ellinger's assessment.

Bill O'Mara told the Committee that all commissioners had been asked to go through the same budget reduction exercise that they went through back in January, 2009 and that recommendations would be provided to Council.

Commissioner Rumpke indicated to CM Martin that she did not believe the deficit would be $15M but it would be $10M although this was still a large deficit to make up. Through various discussions there appeared to be a difference of opinion as to what the projected deficit. Mary Fister provided in one of her reports numbers that indicated as of the 1st quarter the overall variance was a shortfall of $2.5M and if annualized the boggy would be $10M. Ms. Fister went on to say that in the 2010 budget we had a vacancy credit of $6M and because the Mayor was utilizing strategic hiring practices the vacancy credit could be as high as $8M. Also Mary stated that other savings of $1M were being recognized in facilities and fleet management.

CM Martin wrapped up his comments by saying he appreciated how big the problem was and that he was impressed how the administration had brought forth a 2009 Budget that was under by $6M. Mr. Martin emphasized that he did not believe that Council had been brought into the discussions for FY 2010.

Quarterly Update of Commerce Lexington – Robert Quick, President & CEO

1st Quarter – Fiscal Year 2010 Update

Quick told the committee they have 27 new prospects or companies looking to join. He said the activity level is up and companies are expressing interest. He said they are trying to judge economic conditions, saying existing businesses are very important and maintaining relations.

He said both European and Asian visitors have expressed interest in the upcoming the World Equestrian Games. They may not want to locate a business here but may want to invest. He spoke about the manufacturing network group saying they are working to keep a close relationship and get the message out. He talked about the DC Fly in and Come Back Home program saying 150 people attended.

He told the committee, the University of Kentucky is putting together a strategic effort with research companies. He touched on the Advantage Kentucky program with companies, competing with other areas and is working with counter parts in northern Kentucky. He went over a list of new companies who have recently joined and talked about partnership workforce and community minority business development.

Quick gave an update on the Access Loan Program.

A handout was distributed to the committee covering the unemployment rate for Fayette County residents which is 7.7%, slightly higher than normal but is following the same seasonal trends as always. He also pointed out establishment unemployment which shows trends of professional business services and manufacturing.

James asked Quick what's being done to enhance and encourage local business. This is something she's mentioned before and talked about the need for retail and supporting local economy. James said she would like to see a view and setting up what retail and commerce establishments would benefit by demographics in a specific district. She asked what Council members serve on Commerce Lexington boards and who makes those selections. She said she would like to see Commerce Lexington's opinion on the Minority Inclusion Report.

Quick said even though there is much effort on local business as a group, they also work closely one on one like with small local "mom & pop" business. He said needs assessments have been done for commercial retail and there is more interest in the trend to support a global economy. He said the focus is on getting more dollars into the local economy, and increased payroll not on the retail side. Quick said Gray and Stinnett set on their economic development board. Quick said he would check into a possible future presentation on the Minority Inclusion Report.

Blues said we need retail services and urged Commerce Lexington to be receptive and actively recruit to find those businesses that could profit here.

Gray commented on having a strategic roadmap asking how Commerce Lexington is managing their business plan.

Martin asked why isn't Destination 2040 getting more attention from the Council. Adding it's important to understand different aspects Council expectation of Commerce Lexington and there should be clear guidelines. He said economic development and bringing dollars in is not just the responsibility of Commerce Lexington.

Presentation of Overtime for Fire – Chief Hendricks

A Power Point presentation covered period from 7-1-2009 to 9-27-2009 showing FY10 adopted overtime budget was $2,078,410.00.

Hendricks covered a breakdown of Mayors proposed FY10 overtime budget showing percentages of hiring staff, backfill, events and other.

He covered backfill and event/training overtime per pay period, telling the committee backfill running total of $203,624.00 was under budget projections and they were $310,550.00 under projected budget in the first quarter overall. He said we still feel we will be in budget overall with the latest information. He said all divisions with LFUCG are susceptible to effects of the recent flu outbreak and they have plans in place to monitor staffing shortfalls due to illness.

Feigel asked about using on duty personnel to cover events and if that reduces response time. Feigel asked if these events been manned in the past by using overtime and why are we not bringing in firefights on overtime for these events now.

Hendricks said we have not used more than two companies for any event. He listed each event covered and the amount of on duty personnel utilized. The estimate was 95 hours for an 11 day period. Hendricks said he felt they were managing need for event coverage and response times. Hendricks said the reason for using on duty personnel for events is to manage excessive overtime.

Stinnett had a question regarding recruit classes that started in July. Hendricks said graduation for one group is soon with another group of 26 graduating in January.

Gray asked how the new class of recruits relates to the number of firefighters exiting.

Hendricks said the net would be negative 15 by mid January.

Gray said he would like to see a report on public safety ramp up for WEG. Stinnett replied a presentation is planned for a future meeting.

Due to lack of time today the remaining two items on the agenda were not covered.

Motion to adjourn meeting at 3:00 pm

HANDOUTS DISTRIBUTED AT BUDGET FINANCE COMMITTEE MEETING ATTACHED

SERVICES COMMITTEE
MEETING SUMMARY
NOVEMBER 3, 2009

All committee members were present except CM Beard. CM James was recognized to make a quorum until other members arrived. CM Gorton was present as well. The meeting was called to order at 1:00 pm

1. Loading & Unloading

   CM James gave background information regarding this issue. She stated with the proposal of converting Short St. and Second St. the issue of loading & unloading zone areas will need to be discussed because we will lose a lane with the conversion. She stated in working with a group from Planning and Public Works they have talked about other cities that have dealt with this issue before. They stated the way the ordinance is now does not help with this issue and needs to be addressed. CM James stated we need to start looking at this issue now. She stated there will be public meetings coming forward.

2. Address & Firegate Idenitification/Numbering

   CM Lane gave background information regarding this issue.

   David Lucas, Director of Enhance 911, gave a Power Point presentation regarding address & firegate identification/numbering.

   Mr. Lucas stated they started citing offenders August 2005 with the assistance of Code Enforcement. 238 citations have been issued to date with 2 being appealed and resolved with proper posting and 7 currently outstanding. He stated the Citation needs are: there are approximately 24% (40,000) addresses that are non compliant. He stated they need to obtain one staff person for addressing citation duties, fill vacant administration position to Address Board and require proper address posting to obtain Certificate of Occupancy.

Committee members asked questions regarding this issue and about advising the public of this.

Mr. Lucas stated they have worked with some neighborhood associations and will continue working on getting the information out. He stated he will send Council Members a statement for them to mail out to neighborhood association regarding this.

Mr. Lucas stated he will bring a revised ordinance back to this committee to review at the December meeting.

3. Private Solid Waste Providers

CM Gorton gave some background information on this issue.

CM Ellinger stated this issue will need to be postponed until the December meeting as no one from Solid Waste is present to discuss this issue.

4. Items in Committee

A motion by CM Crosbie to remove the issue of Multi Way Stop at Starshooter and Ogden from committee, seconded by CM Myers, passed without dissent.

A motion by CM Myers to remove the issues of Sign Ordinance & Imposing Fines for Right of Way Signage from committee, seconded by CM Crosbie, passed without dissent.

A motion by CM Crosbie to remove the issue of Curb Replacement Program from committee, seconded by CM Myers, passed without dissent.

Motion to adjourn, passed, meeting adjourned at 1:43 pm

Mayor Jim Newberry
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Office of the Chief Administrative Officer

To: Mayor Newberry and Urban County Council Members

From: Charles M. Milward, Project Manager CMM.

Date: November 2, 2009

Subject: Monthly Report #2 of Change Orders for Lyric Theatre

In accordance with Section 1 of Resolution No. 593-2009, I am submitting this report of the status of Change Orders to Denham-Blythe's contract for construction of the Lyric Theatre Construction and Addition. There were two (2) change orders approved in October, Number 3 and Number 4. Number 3 is for various items listed on the summary, total credit amount ($353.77). Number 4 is for soil remediation described on the summary, total amount $13,939.78. Attached is a summary of all change orders approved to date.

Please contact me if you need additional information about this report.

Attachment

Cc: Shaye Rabold
Brian Marcum
w/a

LYRIC THEATRE
MONTHLY CHANGE ORDER SUMMARY
Change Order Summary No.2: October, 2009
Date: November 2, 2009

Contractor: Denham-Blythe
Original contract: $5,560,322.66

CO No.	Subject	Approval Date	Amount	Accum. Amount (Max $150,000)	Amt. Remaining	%Change from Orig. Contract	Accum. % (Max 2.7%)
1	Four items: Relocate wheelchair			$ 150,000.00			
	lift, change windows, add plants,						
	revise entrance mats	03-Sep-09	$ 16,313.12	$ 16,313.12	$ 133,686.88	0.29%	0.29%
2	Replace existing wall	17-Sep-09	$ 72,838.01	$ 89,151.13	$ 60,848.87	1.31%	1.60%
3	Various items (see list below)	13-Oct-09	$ (353.77)	$ 88,797.36	$ 61,202.64	-0.01%	1.60%
4	Soil remediation (Area #1)	20-Oct-09	$ 13,969.78	$ 102,767.14	$ 47,232.86	0.25%	1.85%
						0.00%	0.00%
						0.00%	0.00%
						0.00%	0.00%
						0.00%	0.00%
						0.00%	0.00%

Project Manager: Charlie Milward, 258-3826

NOTES

3 Add items:
Lockable handpump for Stormwater Harvest System
Demolition and installl new wall near main entrance
Extend Curb Box Inlet to proper elevation

3 Credit items:
Delete sink, fixtures and piping
Deduct sewer tap fee
Change storm water piping from cast iron to PVC
Credit for not replacing steel columns and revising steel column reconditioning requirements

4 Soil remediation is the process of modifying existing soils that are not capable of supporting structures to give them adequate strength. The existing soils in Area #1 had insufficient strength to support a portion of the new building.