

**URBAN COUNTY COUNCIL  
SCHEDULE OF MEETINGS  
November 30-December 7, 2009**

**Monday, November 30**

No Meetings

**Tuesday, December 1**

Special Inter-Governmental Committee Meeting.....9:00 am  
Council Chambers-2<sup>nd</sup> Floor Government Center

Building Inspection Task Force Meeting.....10:30 am  
Conference Room-5<sup>th</sup> Floor Government Center

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

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

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

**Wednesday, December 2**

Mobility Planning Services Institute Committee Stakeholder Meeting.....10:00 am  
Conference Room-5<sup>th</sup> Floor Government Center

**Thursday, December 3**

Council Bonding Workshop continuation.....4:00 pm  
Conference Room-5<sup>th</sup> Floor Government Center

American Recovery & Reinvestment Act Meeting.....4:00 pm  
Conference Room-3<sup>rd</sup> Floor Phoenix Building

Economic Development Task Force Meeting.....6:00 pm  
Council Chambers-2<sup>nd</sup> Floor Government Center

Council Meeting.....7:00 pm  
Council Chambers-2<sup>nd</sup> Floor Government Center

**Friday, December 4**

No Meetings

**Monday, December 7**

No Meetings

**LEXINGTON-FAYETTE URBAN COUNTY COUNCIL**

**WORK SESSION AGENDA**

**December 1, 2009**

- I. Public Comment – Issues on Agenda**
- II. Requested Rezonings / Docket Approval – Yes**
- III. Approval of Summary-Yes, November 24, 2009, pp. 7-9**
- IV. Budget Amendments – Yes, pp. 10-16**
- V. New Business, pp.20-53**
- VI. Continuing Business / Presentations**
  - A. Intergovernmental Committee, pp. 54-60**
  - B. Planning Committee, pp.61-65**
  - C. Report of Mortgage Lending**  
**Dr. Judy “J.J.” Jackson, Chair, Mayor’s Commission**  
**on Mortgage Lending Practices**
  - D. Red Mile Project Update**  
**Mr. John Farris and Mr. Stan Harvey, Urban Collage**
- VII. Council Report**
- VIII. Mayor’s Report – None**
- IX. Public Comment – Issues Not on Agenda**

## ADMINISTRATIVE SYNOPSIS

### New Business Items

- A. Authorization of a Rental Agreement with Lexington Center Corporation on Behalf of the Commission for Citizens with Disabilities for the Celebration of Disability Expo and Medicaid Waiver Fair. (694-09) (Helm)  
This request will authorize a rental agreement in the amount of \$1,450 with Lexington Center Corporation on behalf of the Commission for Citizens with Disabilities for the Celebration of Disability Expo and Medicaid Waiver Fair to be held April 22, 2010. The Department of Social Services will provide technical support. Funds from sponsorships / donations will be used to cover the costs of this event.**p.20**
- B. Authorization to Accept an Award from the Kentucky Department of Military Affairs, Kentucky Division of Emergency Management (KYEM) on Behalf Department of Public Safety, Division of Emergency Management / 911 for FY2010 Emergency Management Assistance Project. (695-09) (P. King/ Bennett)  
This request will authorize the acceptance of an award of federal funds in the amount of \$112,984.68 from KYEM on behalf of the Division of Emergency Management / 911 for the FY2010 Emergency Management Assistance Project to offset personnel and operating costs. The source of funds is the Department of Homeland Security / Federal Emergency Management Agency. A local match of 50% (\$112,984.68) is required.**p.21**
- C. Authorization of a Memorandum of Understanding (MOU) with the Kentucky Justice and Public Safety Cabinet, Department of Criminal Justice Training (DOCJT) on Behalf of the Department of Public Safety, Division of Police for Participation in the Cold Case Resolution Pilot Project. (700-09) (P. King/ Bennett)  
This request will authorize a MOU for federal funds in the amount of \$80,000 with DOCJT on behalf of the Division of Police for participation in the Cold Case Resolution Pilot Project. Funds will be used for overtime, training, travel, and professional services. The source of funds is the Justice and Public Safety Cabinet under the Justice Assistance Grant. No matching funds are required.**p.22**
- D. Authorization to Extend Agreement with Kentucky Office Homeland Security (KOHS) on Behalf of the Department of Public Safety, Division of Police for the Bomb Squad Enhancement Project. (699-09) (P. King/ Bennett)  
This request will authorize an agreement to extend the completion date from December 31, 2009 to June 30, 2010 with KOHS on behalf of the Division of Police to complete the Bomb Squad Enhancement Project.**p.23**

- E. Authorization of an Agreement with the Kentucky Office of Homeland Security (KOHS) for Continuation of the Metropolitan Medical Response System (MMRS) Project. (701-09) (P. King/Bennett)  
This request will authorize an Agreement with KOHS to extend the MMRS Project from December 31, 2009 to June 30, 2010.**p.24**
- F. Authorization to Extend Agreement with Kentucky Office of Homeland Security (KOHS) on Behalf of the Department of Public Safety, Division of Police for the IED Attack Deterrence Project. (704-09) (P. King/Bennett)  
This request will authorize an agreement to extend the completion date from December 31, 2009 to June 30, 2010 with KHOS on behalf of the Division of Police to complete the IED Attack Deterrence Project.**p.25**
- G. Authorization of Agreements with Various Entities for Performance of Services under the 2008 Project Safe Neighborhood Grant. (708-09) (P. King/Bennett)  
This request will authorize agreements for federal funds with Central Kentucky Area Drug Task Force (Madison and other counties) in the amount of \$3,000 for law enforcement overtime for gun crime interdiction; for Asbury College in the amount of \$9,500 for production of a television public service announcement; for Hollingsworth and James, LLC in the amount of \$10,000 for research and data analysis in gun and gang activity in London, Lexington and Covington; and for the Board of Education of Fayette County in the amount of \$28,175 for continuation of gang prevention program at Martin Luther King, Jr. Academy. This also provides federal funds for the Fayette County Attorney in the amount of \$11,000, the Fayette County Commonwealth Attorney in the amount of \$11,500 and the Commonwealth Attorney for Lincoln, Pulaski and Rockcastle counties in the amount of \$7,500 to assist with the prosecution of gun and gang-related crimes. LFUCG serves as the fiscal agent for the grant funds. No matching funds are required.**pp.26-27**
- H. Authorization of a Statement of Concurrence with the Louisville Metro Government Regarding Shared Use of the Frequency Spectrum. (702-09) (Lucas/Bennett)  
This request will authorize a Statement of Concurrence with the Louisville Metro Government for the shared use of the frequency spectrum under Federal Communications Commission rules. Louisville further agrees that any future known or unknown interference experienced by LFUCG will be corrected at the expense of Louisville.**p.28**
- I. Authorization to Amend Section 14-10(f)(10) of the Code of Ordinances Relating to the Posting of Addresses. (703-09) (Lucas/Bennett)  
This request will authorize an amendment to Section 14-10(f)(10) of the Code of Ordinances regarding the issuance of citations by certain officers, agents and employees pertaining to the enforcement of violations of the posting of addresses within Lexington-Fayette County.**pp.29-30**

- J. Authorization of Agreements with the Kentucky Justice and Public Safety Cabinet, Department of Criminal Justice Training on Behalf of the Department of Public Safety, Division of Police. (710-09) (Bastin/Bennett)  
This request will authorize a McKinney Skills Driving Track Facility Use Agreement and a Classroom, Simulator and Conference Room Use Agreement from January 1 – December 31, 2010 with DOCJT on behalf of the Division of Police for police recruit classes. There is no budgetary impact.**p.31**
- K. Authorization of an Agreement with the University of North Florida Training and Service Institute, Inc. (d/b/a the Institute of Police Technology and Management) on Behalf of the Department of Public Safety, Division of Police. (711-09) (Bastin/Bennett)  
This request will authorize an agreement in the amount of \$12,500 with the University of North Florida Training and Service Institute, Inc. (d/b/a the Institute of Police Technology and Management) on behalf of the Division of Police for the *Electronic Data Recorder Use in Traffic Crash Reconstruction* instructional program for approximately 30 students from January 11 – 15, 2010.**p.32**
- L. Authorization of a KYOPS User Agreement with the Kentucky State Police (KSP) on Behalf of the Department of Public Safety, Division of Police. (712-09) (Bastin/Bennett)  
This request will authorize a KYOPS (Kentucky's Open Portal Solution) User Agreement with KSP on behalf of the Division of Police for electronic submission and processing of reports and information and for the exchange of data with KSP. There is no budgetary impact.**p.33**
- M. Authorization of a Change Order No. 1 to Contract with Randle-Davies Construction Company for the Town Branch Trail Project – Phase 1B. (FINAL) (693-09) (P. King/Webb)  
This request will authorize a Change Order No. 1 to decrease contract amount by \$30,248.78 with Randle-Davies Construction Company for the Town Branch Trail Project – Phase 1B. This change order revises quantities used in the project. Original contract amount was \$224,109.20. Final contract amount is \$193, 860.42.**pp.34-37**
- N. Authorization of Permanent Easements for the South Limestone Streetscape Project. (696-09) (Rayan/Webb)  
This request will authorize permanent easements at no cost to LFUCG from property owners of record for the South Limestone Streetscape Project. The easements are necessary for traffic signal equipment and other items that cannot be placed on the public right-of-way.**p.38**

- O. Authorization of Change Order No. 9 to Contract with ENTRAN (f/k/a American Consulting Engineers, PLC) for the Newtown Pike Extension Project – Phase I and IV. (705-09) (P. King/Webb)  
This request will authorize Change Order No. 9 to increase contract amount by \$605,853 with ENTRAN (f/k/a American Consulting Engineers, PLC) for the Newtown Pike Extension Project to fund Neighborhood Liaison positions for an additional 12 months. Funds are budgeted. **pp.39-42**
- P. Authorization of a Definitive Relocation Agreement (Special Construction Agreement) with Insight Kentucky Partners, II, LP, for the South Limestone Streetscape Project. (697-09) (Webb)  
This request will authorize a Definitive Relocation Agreement (Special Construction Agreement) at a cost of \$450,000 with Insight Kentucky Partners, II, LP, to relocate fiber optic and coaxial cable underground for the South Limestone Streetscape Project. Funds are budgeted. **p.43**
- Q. \*Authorization to Amend Section 21-5 of the Code of Ordinances on Behalf of the Department of Public Works and Development. (698-09) (Allen/Webb)  
This request will authorize an amendment to Section 21-5 of the Code of Ordinances to transfer one (1) position of Public Service Supervisor (Grade 111N) (and incumbent) and two (2) positions of Equipment Operator Sr. (Grade 109N) (and incumbents) from the Division of Traffic Engineering to the Division of Streets, Roads and Forestry. **p.44 (J28 – Recommended by MP Audit)**
- R. Authorization to Amend Ordinance No. 188-2009 to Correct a Clerical Error of Salary Increase Percentage. (593-09) (Allen/Taylor)  
This request will authorize an amendment to Section 1 of Ordinance No. 188-2009 dated September 3, 2009, to correct the salary increase for Kevin Bennett from 23% of his current salary to read 30.1% of his current salary to be retroactive to the date of passage. There are no other changes / corrections associated with this amendment. There is no fiscal impact. **p.45**
- S. Authorization of Change Order No. 2 to Contract with Marillia Design and Construction for the McConnell Springs Wetland Demonstration Area Project – FY2010. (FINAL) (714-09) (P. King/Taylor)  
This request will authorize Change Order No. 2 to increase contract amount by \$10,062 with Marillia Design and Construction for additional materials and labor costs for the McConnell Springs Wetland Demonstration Area Project. Original contract amount was \$354,226.55. Total of previous change order was \$31,888.60. Final contract amount is \$396,717.15. Funds are budgeted. **pp.46-48**

- T. Authorization of Amendment No. 1 to Management Agreement with Kentucky Theater Management Group, Inc. (709-09) (Baradaran/Cole)  
This request will authorize Amendment No. 1 to Management Agreement with Kentucky Theater Management Group, Inc. to extend the contract for 13 months from November 30, 2009 to December 31, 2010. There are no other changes associated with this amendment.**pp.49-50**
- U. Authorization of a Loan Agreement with Russell School Community Service Center, Inc. for use of Community Development Block Grant (CDBG) Funds for Rehabilitation of Russell Elementary School Property. (706-09) (P. King/Rumpke)  
This request will authorize a loan agreement of federal funds in the amount of \$200,000 from CDBG funds with the Russell School Community Services, Inc, for rehabilitation of the Russell Elementary School property for development of a 27-unit elderly housing, social services, child development services, and space for civic and cultural activities. The source of funds is the US Department of Housing and Urban Development. Funds are budgeted in the 2007 Consolidated Plan.**p.51**
- V. Authorization of an Agreement with Community Action Council for use of Community Development Block Grant (CDBG) Funds for Energy Efficiency Improvements in Private Housing. (713-09) (P. King/Rumpke)  
This request will authorize an agreement in the amount of \$245,000 from CDBG funds with the Community Action Council for energy efficiency improvements in private homes owned and occupied by households with income at or below 80% of median income. The source of funds is the US Department of Housing and Urban Development. Funds are budgeted.**p.52**
- W. Authorization to Approve 2010 General Term Order (GTO) for the Fayette County Clerk and the Fayette County Sheriff. (707-09) (Rumpke)  
This request will authorize the approval of the 2010 GTO submitted by the Fayette County Clerk and the Fayette County Sheriff. The GTO summarizes maximum annual expenditures for personnel, operating and capital, and is used by the Commonwealth of Kentucky, Department for Local Government as a guideline for approval of reimbursement.**p.53**

**\* MP Audit Recommendation**

URBAN COUNTY COUNCIL

7

WORK SESSION SUMMARY

& TABLE OF MOTIONS

November 24, 2009

Mayor Newberry chaired today's work session meeting. All Council Members were present, except CMs James, Lawless, Beard, and Crosbie.

- I. Public Comment – Issues on Agenda-None
- II. Requested Rezoning / Docket Approval-None
- III. Approval of Summary-Yes

A motion by CM Gorton to approve the summary from November 17, 2009, seconded by CM Lane, passed without dissent.

- IV. Budget Amendments-None
- V. New Business

- A. Authorization of a Pass-Through Agreement with MASH Services of the Bluegrass, Inc. for Operations of the MASH Drop Inn Facility. (682-09) (P. King/ Helm)
- B. Authorization of Lease Agreements with Agencies located within the Black and Williams Neighborhood Center. (687-09) (Helm)
- C. Authorization of a Rental Agreement with the Lexington Center Corporation (LCC) for the 2010 Martin Luther King, Jr. Holiday Memorial Program. (684-09) (Ebel/Rabold)
- D. Authorization of a Neighborhood Stabilization Program Redevelopment Agreement with REACH, Inc. for the Douglass Heights Redevelopment Project. (685-09) (P. King/Rumpke)
- E. \*Authorization to Amend Section 22-5 of the Code of Ordinances within the Department of Environmental Quality, Division of Water Quality. (689-09) (Allen/Taylor)



- F. Authorization to Amend Section 21-5 of the Code of Ordinances within the Department of General Services, Division of Parks and Recreation. (690-09) (Allen/Cole)
- G. Authorization to Amend Section 21-5 of the Code of Ordinances within the Chief Information Office, Divisions of Enterprise Solutions and Computer Services. (659-09) (Allen/Dhuwaraha)
- H. Authorization to Approve Ordinance to Adopt the 2010 Council Schedule of Meetings. (686-09) (Langston)
- I. Authorization of Change Order No. 1 to Contract with Watermark Construction, LLC for the Town Branch Trail Project – Phase II. (FINAL) (683-09) (P. King/ Webb)
- J. Authorization to Accept a Donation of Fitness Equipment from Transylvania University on Behalf of the Department of Public Safety, Division of Fire and Emergency Services. (681-09) (Hendricks/Bennett)
- K. Authorization to Amend Section 22-5 of the Code of Ordinances within the Department of Public Safety, Division of Police. (688-09) (Allen/Bennett)
- L. Authorization to Amend Section 21-5 of the Code of Ordinances within the Department of Public Safety, Division of Emergency Management / 911 and Approve Advertisement within LFUCG. (691-09) (Allen/Bennett)
- M. Authorization of an Agreement with Pictometry International Corporation and Approve as a Sole Source Vendor on Behalf of the Department of Public Safety, Division of Emergency Management / 911. (692-09) (Lucas/ Bennett)

A motion by CM Gorton to amend item "H" (on 1/26/10 cancel Joint Planning Committee/Commission Meeting; in September, move Council Meeting from 2<sup>nd</sup> to 9<sup>th</sup>; in December, add Council Meeting on 2<sup>nd</sup>; on 7<sup>th</sup>, add Inter- Governmental Committee Meeting; and on 14<sup>th</sup>, cancel Inter-Governmental Committee, Council Work Session, and Council Meeting), seconded by CM Lane, passed without dissent.

A motion by CM Blues to approve the new business items, A-M, seconded by CM Gorton, passed without dissent.

#### VI. Continuing Business / Presentations-None

#### VII. Council Report

CM Stinnett-Spoke about the good use of money from LFUCG put toward Animal Care & Control; reminded everyone of the next Bonding Workshop

to be held on December 3<sup>rd</sup> at 4 pm in the 5<sup>th</sup> floor Conference room; also announced that Building Inspection Task Force will meet at 10:30 am on Dec. 1<sup>st</sup>, after the Special Inter-Governmental Committee meeting; also mentioned that the budget problem that has been spoken of recently has to do with the General Fund and NOT Urban Services.

CM Henson-Announced the celebrity challenge for the Salvation Army to be held on December 5<sup>th</sup>.

VM Gray-Confirmed the CMs who are members of the work group on the moratorium-CMs Gorton, Blues, Lawless, and Henson; also made good comments about the business Awesome Inc.

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

CM McChord-Thanked Awesome Inc for the good work they are doing and mentioned that this is how the General Fund shortfall connects; reminded CMs that this is time for them to decide what they want in the PSA for Commerce Lexington.

CM Gorton-Sent out Thinking of You to CM Beard who is recovering from surgery and also mentioned that we should be thinking of military personnel at this, Thanksgiving time.

#### VIII. Mayor's Report-None

Mayor Newberry announced that Mr. Adrian Ellis, Executive Director of Jazz at Lincoln Center in NY, works with Wynton Marsalis, will be here next Monday and Tuesday to evaluate cities to have residency programs. This program would be in conjunction with the development of the Lyric. Mr. Ellis will be at Work Session on Tuesday afternoon.

#### IX. Public Comment-Issues not on the agenda-None

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

Work session was adjourned at 3:35 pm.

# BUDGET AMENDMENT REQUEST LIST

10

|                |       |                 |                                   |                                        |                                                |
|----------------|-------|-----------------|-----------------------------------|----------------------------------------|------------------------------------------------|
| <b>JOURNAL</b> | 38851 | <b>DIVISION</b> | Fire and<br>Emergency<br>Services | <b>Fund Name</b><br><b>Fund Impact</b> | General Fund<br>2,500.00<br>2,500.00CR<br>.00* |
|----------------|-------|-----------------|-----------------------------------|----------------------------------------|------------------------------------------------|

To provide funds for Fayette County's portion of the Bluegrass Emergency Response Team administrative budget for fiscal year 2010.

|                |          |                 |                         |                                        |                                            |
|----------------|----------|-----------------|-------------------------|----------------------------------------|--------------------------------------------|
| <b>JOURNAL</b> | 38942-43 | <b>DIVISION</b> | Parks and<br>Recreation | <b>Fund Name</b><br><b>Fund Impact</b> | General Fund<br>601.85<br>601.85CR<br>.00* |
|----------------|----------|-----------------|-------------------------|----------------------------------------|--------------------------------------------|

To recognize reimbursement from the Lexington Pride Festival for electrician to maintenance overtime account.

|                |          |                 |                         |                                        |                                                |
|----------------|----------|-----------------|-------------------------|----------------------------------------|------------------------------------------------|
| <b>JOURNAL</b> | 38944-45 | <b>DIVISION</b> | Parks and<br>Recreation | <b>Fund Name</b><br><b>Fund Impact</b> | General Fund<br>1,360.00<br>1,360.00CR<br>.00* |
|----------------|----------|-----------------|-------------------------|----------------------------------------|------------------------------------------------|

To recognize reimbursement from Bluegrass States Games for seasonal labor during event.

|                |          |                 |                                    |                                        |                                                    |
|----------------|----------|-----------------|------------------------------------|----------------------------------------|----------------------------------------------------|
| <b>JOURNAL</b> | 38948-49 | <b>DIVISION</b> | Streets,<br>Roads, and<br>Forestry | <b>Fund Name</b><br><b>Fund Impact</b> | General Fund<br>500,000.00<br>500,000.00CR<br>.00* |
|----------------|----------|-----------------|------------------------------------|----------------------------------------|----------------------------------------------------|

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

|                |         |                 |                    |                                        |                                                  |
|----------------|---------|-----------------|--------------------|----------------------------------------|--------------------------------------------------|
| <b>JOURNAL</b> | CB00034 | <b>DIVISION</b> | Social<br>Services | <b>Fund Name</b><br><b>Fund Impact</b> | General Fund<br>55,610.00<br>55,610.00CR<br>.00* |
|----------------|---------|-----------------|--------------------|----------------------------------------|--------------------------------------------------|

To reallocate funds for one position of Social Worker Sr. to Aging Services from the Commissioner of Social Services and correct to civil service status.

|                |          |                 |                    |                                        |                                                      |
|----------------|----------|-----------------|--------------------|----------------------------------------|------------------------------------------------------|
| <b>JOURNAL</b> | 38891-92 | <b>DIVISION</b> | Family<br>Services | <b>Fund Name</b><br><b>Fund Impact</b> | Family Care Center<br>4,857.68<br>4,857.68CR<br>.00* |
|----------------|----------|-----------------|--------------------|----------------------------------------|------------------------------------------------------|

To adjust remaining budget for health clinic and recognize revenue to match actual expenses incurred during FY 2010 before the transfer of the clinic.

|                |          |                 |                 |                    |               |
|----------------|----------|-----------------|-----------------|--------------------|---------------|
| <b>JOURNAL</b> | 38849-50 | <b>DIVISION</b> | Family Services | <b>Fund Name</b>   | Donation Fund |
|                |          |                 |                 | <b>Fund Impact</b> | 5,436.02      |
|                |          |                 |                 |                    | 5,436.02CR    |
|                |          |                 |                 |                    | .00*          |

To provide funds for Mentoring Events, Student Incentives, and materials/speakers for enrichment events by recognizing a donation from the Family Care Center Volunteer Board.

|                |         |                 |                           |                    |                    |
|----------------|---------|-----------------|---------------------------|--------------------|--------------------|
| <b>JOURNAL</b> | KC00084 | <b>DIVISION</b> | Government Communications | <b>Fund Name</b>   | Urban Service Fund |
|                |         |                 |                           | <b>Fund Impact</b> | 8,890.00           |
|                |         |                 |                           |                    | 8,890.00*          |

To provide funds for Public Information personnel costs related to Urban Services GTV3 programming.

|                |       |                 |               |                    |                      |
|----------------|-------|-----------------|---------------|--------------------|----------------------|
| <b>JOURNAL</b> | 38857 | <b>DIVISION</b> | Public Safety | <b>Fund Name</b>   | Spay and Neuter Fund |
|                |       |                 |               | <b>Fund Impact</b> | 8,000.00             |
|                |       |                 |               |                    | 8,000.00*            |

To provide funds in Humane Society Spay & Neuter Fund. Sufficient expense budget was not included in the FY 2010 to meet the current needs of this program, however revenues are budgeted to cover the expenses of this fund.

|                |          |                 |             |                    |                       |
|----------------|----------|-----------------|-------------|--------------------|-----------------------|
| <b>JOURNAL</b> | 38946-47 | <b>DIVISION</b> | Engineering | <b>Fund Name</b>   | Municipal Aid Program |
|                |          |                 |             | <b>Fund Impact</b> | 38,000.00             |
|                |          |                 |             |                    | 38,000.00CR           |
|                |          |                 |             |                    | .00*                  |

To establish account for funds from ATT for compensation of LFUCG for right to place fiber optics along or under the Town Branch Trail per Resolution No. 410-2008.

|                |       |                 |                     |                    |                      |
|----------------|-------|-----------------|---------------------|--------------------|----------------------|
| <b>JOURNAL</b> | 38738 | <b>DIVISION</b> | Traffic Engineering | <b>Fund Name</b>   | Special Revenue Fund |
|                |       |                 |                     | <b>Fund Impact</b> | 30,005.00            |
|                |       |                 |                     |                    | 30,005.00CR          |
|                |       |                 |                     |                    | .00*                 |

To provide funds for professional services to rebuild intersection at Nicholasville Road and New Circle (outer loop) by decreasing various other accounts.

|                |          |                 |                       |                    |                  |
|----------------|----------|-----------------|-----------------------|--------------------|------------------|
| <b>JOURNAL</b> | 38950-51 | <b>DIVISION</b> | Community Development | <b>Fund Name</b>   | US Dept of Trans |
|                |          |                 |                       | <b>Fund Impact</b> | 1,000,000.00     |
|                |          |                 |                       |                    | 1,000,000.00CR   |
|                |          |                 |                       |                    | .00*             |

To correct the grant side of the Maine Chance Project, providing for correct account for easement and providing for transfer of General Fund.

|                |       |                 |                       |                    |                |
|----------------|-------|-----------------|-----------------------|--------------------|----------------|
| <b>JOURNAL</b> | 38848 | <b>DIVISION</b> | Community Development | <b>Fund Name</b>   | US Dept of HHS |
|                |       |                 |                       | <b>Fund Impact</b> | 4,240.00       |
|                |       |                 |                       |                    | 4,240.00CR     |
|                |       |                 |                       |                    | .00*           |

To increase federal revenue to reflect actual award of federal funds for the Senior Citizen project.  
To decrease General Fund transfer by the same amount to reflect decrease in local funds for the project.

|                |       |                 |               |                    |               |
|----------------|-------|-----------------|---------------|--------------------|---------------|
| <b>JOURNAL</b> | 38820 | <b>DIVISION</b> | PFC - General | <b>Fund Name</b>   | PFC - General |
|                |       |                 |               | <b>Fund Impact</b> | 760,000.00    |
|                |       |                 |               |                    | 760,000.00*   |

To provide funds for Kentucky Theatre for FY 2010. Revenue included in the FY 2010 approved budget will offset these expenses.

|                |          |                 |                       |                    |                       |
|----------------|----------|-----------------|-----------------------|--------------------|-----------------------|
| <b>JOURNAL</b> | 38858-59 | <b>DIVISION</b> | Community Corrections | <b>Fund Name</b>   | Prisoner Account Fund |
|                |          |                 |                       | <b>Fund Impact</b> | 1,561,800.00          |
|                |          |                 |                       |                    | 2,090,000.00CR        |
|                |          |                 |                       |                    | 528,200.00CR          |

To establish budget for Prisoner's Account Fund for revenues and expenses in FY 2010.

|                |       |                 |         |                    |                          |
|----------------|-------|-----------------|---------|--------------------|--------------------------|
| <b>JOURNAL</b> | 38821 | <b>DIVISION</b> | Finance | <b>Fund Name</b>   | Police & Fire Retirement |
|                |       |                 |         | <b>Fund Impact</b> | 2,228,900.00             |
|                |       |                 |         |                    | 2,228,900.00*            |

To provide funds for Police and Fire Retirement Fund operating accounts. Revenues included in the FY 2010 budget will cover these expenses.

### BUDGET AMENDMENT REQUEST SUMMARY

|      |      |                                            |              |
|------|------|--------------------------------------------|--------------|
| Fund | 1101 | General Service District – General Fund    | .00          |
| Fund | 1102 | Family Care Center Fund                    | .00          |
| Fund | 1103 | Donation Fund                              | .00          |
| Fund | 1115 | Urban Service District Fund                | 8,890.00     |
| Fund | 1134 | Spay and Neuter Fund                       | 8,000.00     |
| Fund | 1136 | Municipal Aid Program Fund                 | .00          |
| Fund | 1141 | Miscellaneous Special Revenue              | .00          |
| Fund | 3160 | US Department of Transportation            | .00          |
| Fund | 3190 | US Department of Health and Human Services | .00          |
| Fund | 4022 | PFC – General Fund                         | 760,000.00   |
| Fund | 4203 | Prisoner Account Fund                      | 528,200.00CR |
| Fund | 5003 | Police and Firefighters Retirement Fund    | 2,228,900.00 |

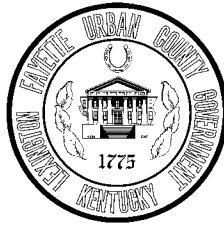


Lexington-Fayette Urban County Government  
DEPARTMENT OF POLICY & BUDGET

Jim Newberry  
Mayor

**Budget Journal Number**      KC00084  
**Requesting Division**        Government Communications  
**Fund Name**                    Urban Services District Fund  
**Fund Number**                1115  
**Contact for Additional Information**      Kay Craft, Budgeting, 258-3061  
**Description**

To provide funds for Government Communications Public Information personnel costs related to Urban Services Districts GTV3 programming. The division provides these services each year, but funding was inadvertently left out of the FY 2010 adopted budget.



Lexington-Fayette Urban County Government  
DEPARTMENT OF FINANCE AND ADMINISTRATION

Jim Newberry  
Mayor

Linda L. Rumpke  
Commissioner

**Budget Journal Number**            38848  
**Requesting Division**            Community Development  
**Fund Name**                        US Department of Health and Human Services  
**Fund Number**                    3190  
**Contact for Additional Information**    Irene Gooding--3079

**Description**

Bluegrass Area Development District Area Agency on Aging has issued Amendment to the Fiscal Year 2010 Senior Citizens Center grant. This amendment provides an additional \$4,240 in federal funds for this project. These funds will be used to offset local funds by the same amount.



Lexington-Fayette Urban County Government  
DEPARTMENT OF FINANCE AND ADMINISTRATION

Jim Newberry  
Mayor

Linda L. Rumpke  
Commissioner

**Budget Journal Number** 38948-49 and 38950-51  
**Requesting Division** Community Development  
**Fund Name** US Department of Transportation  
**Fund Number** 3160  
**Contact for Additional Information** Irene Gooding-3079

**Description**

Budget amendment No. 2568 corrects the Account Number for Easement (from 90111 to 9012), and corrects the local revenue account number from Miscellaneous Income (46720) to Transfer from General Service (45911).

Budget Amendment No. 2569 establishes the General Fund side of the project, budgeting grant match (Account No. 78201) in the amount of \$500,000 and budgeting contribution in the amount of \$500,000 in Account No. 46510.





Lexington-Fayette Urban County Government  
DEPARTMENT OF FINANCE AND ADMINISTRATION

Jim Newberry  
Mayor

Linda L. Rumpke  
Commissioner

**Budget Journal Number**                    38946-47  
**Requesting Division**                    Community Development  
**Fund Name**                                Municipal Aid Program Fund  
**Fund Number**                              1136  
**Contact for Additional Information**      Irene Gooding-3079  
**Description**

Resolution No. 410-2008 authorized agreement between ATT and LFUCG for compensation to LFUCG from ATT for the right to lay fiber optics along or under the Town Branch Trail. Compensation in the amount of \$38,000 will be used to develop a video about Town Branch corridor and its trails (\$9,000 in account 71299), and to continue trail construction activities along Town Branch corridor (\$29,000 in account 91715). Revenue in the amount of \$38,000 is budgeted in account 42150 (Ground Leases.)

# NEW BUSINESS ITEMS REQUIRING BUDGET AMENDMENTS

December 1, 2009 Work Session

17

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

| NEW BUSINESS<br>ITEM | BUDGET<br>JOURNAL | DIVISION                                            | DESCRIPTION OF REQUEST                                                                                                                |
|----------------------|-------------------|-----------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|
| 694-09               | BA 2591           | Mayor's Office                                      | To provide funds for rental fees by reducing funds for training and recognizing donated funds for the celebration of Disability Expo. |
| A                    |                   |                                                     | 1103 1,667CR<br>1103 1,667<br>0*                                                                                                      |
| 695-09               | BA 2589           | Community Development                               | To establish grant budget for the Emergency Management FY – 2010 Project.                                                             |
| B                    |                   |                                                     | 3200 225,970CR<br>3200 115,968<br>110,002CR*                                                                                          |
| 695-09               | BA 2590           | Community Development                               | To budget additional recovery and match for the Emergency Management FY – 2010 Project.                                               |
| B                    |                   |                                                     | 1101 57,855CR<br>1101 57,855<br>0*                                                                                                    |
| 698-09               | KC 0085           | Streets, Roads and Forestry and Traffic Engineering | To reallocate funds for the pavement marking section from Traffic Engineering to Streets, Roads and Forestry.                         |
| Q                    |                   |                                                     | 1101 88,030CR<br>1101 88,030<br>0*                                                                                                    |
| 700-09               | BA 2584           | Community Development                               | To establish grant budget for the Cold Case FY – 2010 Project.                                                                        |
| C                    |                   |                                                     | 3140 80,000CR<br>3140 80,000<br>0*                                                                                                    |
| 711-09               | BA 2586           | Police                                              | To provide funds for professional services by reducing funds for equipment under \$5,000.                                             |
| K                    |                   |                                                     | 1132 25,000CR<br>1132 25,000<br>0*                                                                                                    |

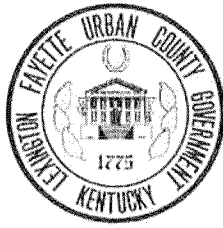
| EFFECT ON FUND BALANCES |  |  |  |
|-------------------------|--|--|--|
|-------------------------|--|--|--|

|           |          |               |                                |
|-----------|----------|---------------|--------------------------------|
| FUND 1101 | 0*       | NO EFFECT ON: | GENERAL SERVICES DISTRICT FUND |
| FUND 1103 | 0*       | NO EFFECT ON: | DONATION FUND                  |
| FUND 1132 | 0*       | NO EFFECT ON: | POLICE CONFISCATED STATE       |
| FUND 3140 | 0*       | NO EFFECT ON: | US DEPT OF JUSTICE             |
| FUND 3200 | 110,002* | INCREASE TO:  | US DEPT OF HOMELAND SECURITY   |

**Budget Information For New Business Items**  
**December 1, 2009 Work Session**

**19**

| <b>Item</b> | <b>Number</b> | <b>Amount</b>       | <b>Fund</b>  | <b>Name / Description</b>                                                          |
|-------------|---------------|---------------------|--------------|------------------------------------------------------------------------------------|
| A           | 694-09        | 1,450               | 1103         | Donation<br>Budget Journal                                                         |
| B           | 695-09        | 112,984.68          | 3200<br>1101 | US Department of Homeland Security<br>General Services District<br>Budget Journals |
| C           | 700-09        | 80,000              | 3140         | US Department of Justice<br>Budget Journal                                         |
| D           | 699-09        | NA                  |              |                                                                                    |
| E           | 701-09        | NA                  |              |                                                                                    |
| F           | 704-09        | NA                  |              |                                                                                    |
| G           | 708-09        | 80,675              | 3140         | US Department of Justice                                                           |
| H           | 702-09        | NA                  |              |                                                                                    |
| I           | 703-09        | NA                  |              |                                                                                    |
| J           | 710-09        | NA                  |              |                                                                                    |
| K           | 711-09        | 12,500              | 1132         | Police Confiscated State<br>Budget Journal                                         |
| L           | 712-09        | NA                  |              |                                                                                    |
| M           | 693-09        | (30,249)            | 1136         | Municipal Aid Program                                                              |
| N           | 696-09        | NA                  |              |                                                                                    |
| O           | 705-09        | 605,853             | 3160         | US Department of Transportation                                                    |
| P           | 697-09        | 450,000             | 2518         | 2009 Bond Projects                                                                 |
| Q           | 698-09        | NA                  | 1101         | General Services District<br>Budget Journal                                        |
| R           | 593-09        | NA                  |              |                                                                                    |
| S           | 714-09        | 10,602              | 3170         | US Environmental Protection Agency                                                 |
| T           | 709-09        | To Be<br>Determined | 4022         | PFC - General                                                                      |
| U           | 706-09        | 200,000             | 3120         | US Department of Housing and Urban Development                                     |
| V           | 713-09        | 245,000             | 3120         | US Department of Housing and Urban Development                                     |
| W           | 707-09        | NA                  |              |                                                                                    |



694-09 20

Lexington-Fayette Urban County Government  
DEPARTMENT OF SOCIAL SERVICES

Jim Newberry  
Mayor

Marlene Helm  
Commissioner

# Memo

**To:** Mayor Jim Newberry  
Urban County Council members

**Thru:** Marlene Helm, Commissioner Social Services *mm*

**From:** Kristy Stambaugh, CTRS, MRC, CRC *KMS*  
Aging Services and Independent Living

**CC:** Morry LaTour

**Date:** 11/10/2009

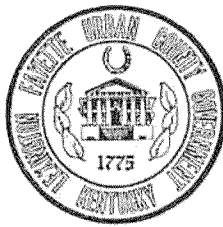
**Re:** Rental Agreement for the Lexington Center

---

The Commission for Citizens with Disabilities requests approval to enter into a Rental Agreement for the Lexington Center Thoroughbred Rooms 1, 2, 3, 5, 6, 7, 8 and Thoroughbred Pre-Function area for \$1450.00 for the purpose of conducting the Celebration of Disability Expo and Medicaid Waiver Fair on April 22, 2010.

This is an event organized and presented by the Commission for Citizens with Disabilities with technical support from the Department of Social Services.

We are raising sponsorships/donations to cover the costs of this event.  
Funds will be deposited into account 1103-1330041301



695-09

21

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 17, 2009**

**SUBJECT: AUTHORIZATION TO ACCEPT AWARD FROM KENTUCKY  
DEPARTMENT OF MILITARY AFFAIRS, DIVISION OF EMERGENCY  
MANAGEMENT FOR FY 2010 EMERGENCY MANAGEMENT  
ASSISTANCE PROJECT**

---

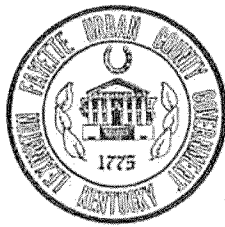
The Kentucky Department of Military Affairs/Division of Emergency Management has offered the Lexington-Fayette Urban County Government federal funds in the amount of \$112,984.68 for the support of emergency preparedness activities in Fayette County. Funds are used to offset personnel and operating costs in the Division of Emergency Management/911. The source of federal funds is the Department of Homeland Security/Federal Emergency Management Agency.

A local match of \$112,984.68 (50%) is required. This match is budgeted in the FY 2010 general fund budget for Division of Emergency Management/911.

Council authorization to accept the award is hereby requested.

Paula King  
Director

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



700-09

22

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**

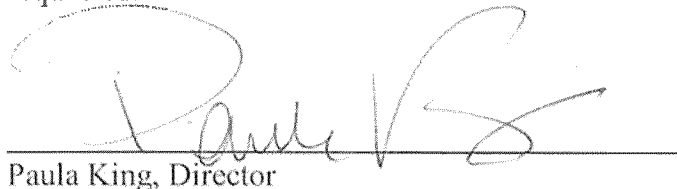
**DATE: NOVEMBER 23, 2009**

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE MEMORANDUM  
OF UNDERSTANDING WITH THE JUSTICE AND PUBLIC SAFETY  
CABINET, DEPARTMENT OF CRIMINAL JUSTICE TRAINING FOR  
PARTICIPATION IN THE COLD CASE RESOLUTION PILOT PROJECT**

The Kentucky Justice and Public Safety Cabinet, Department of Criminal Justice Training has received an award of federal funds (Justice Assistance Grant) to conduct a "Cold Case Resolution Pilot Project" to provide law enforcement officers with the skills to reopen and resolve cold cases. The Department of Criminal Justice Training as offered federal funds in the amount of \$80,000 to Lexington-Fayette Urban County Government's Division of Police for services that include expertise from their own experiences in solving cold cases. LFUCG Division of Police will also serve as mentors to advise the participating officers as they conduct cold case investigations and as they establish Cold Case Units in their own departments.

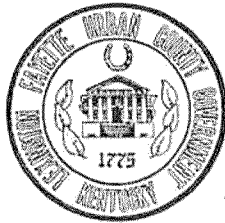
Federal funds in the amount of \$80,000 will be used for overtime, training, travel, and professional services. No matching funds are required.

Council authorization to accept the award and to execute Memorandum of Understanding is hereby requested.



Paula King, Director

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



699-09

23

Lexington-Fayette Urban County Government  
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry  
Mayor

William O'Mara  
Acting Commissioner

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

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

**DATE: NOVEMBER 20, 2009**

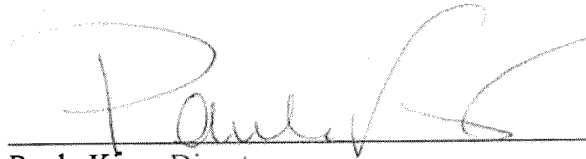
**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE  
AGREEMENT WITH THE KENTUCKY OFFICE OF HOMELAND  
SECURITY FOR EXTENSION OF THE DIVISION OF POLICE'S  
BOMB SQUAD ENHANCEMENT PROJECT**

---

On April 23, 2009 (Ordinance No. 54-2009), Council approved the acceptance of federal funds in the amount of \$337,000 from the Kentucky Office of Homeland Security for the purchase of explosive device mitigation and remediation equipment for the Division of Police's Hazardous Device Unit. This project expires on December 31, 2009.

The Kentucky Office of Homeland Security has offered the Lexington-Fayette Urban County Government an extension through June 30, 2010, so that the project can be completed.

Council authorization to execute the agreement is hereby requested.

  
Paula King, Director

Xc: Tim Bennett, Commissioner, Department of Public Safety





701-09

24

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 23, 2009**

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

On June 12, 2008, (Ordinance # 125-2008), the Urban County Council approved acceptance of award from the Kentucky Office of Homeland Security of federal funds in the amount of \$311,584.50 for continuation of the Metropolitan Medical Response System (MMRS). This program provides funding and support to jurisdictions to develop plans, conduct training and exercises, and to acquire pharmaceuticals and equipment to achieve the capability necessary to respond to a mass casualty event. One of the MMRS program's priorities is to assist with the integration of first responder, medical treatment, public health and emergency management components of a community. These are federal funds that originate from the Federal Emergency Management Agency in the U.S. Department of Homeland Security. The expiration date of this project is December 31, 2009.

The Kentucky Department of Homeland Security has now offered a modification to the agreement providing for an expiration date of June 30, 2010. No other changes are proposed.

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

Paula King  
Director

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



704-09

25

Lexington-Fayette Urban County Government  
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry  
Mayor

William O'Mara  
Acting Commissioner

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

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

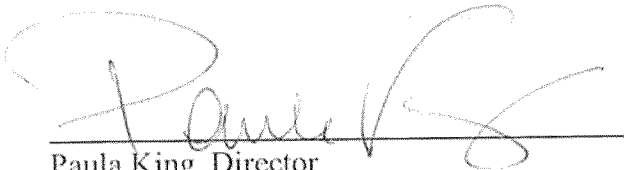
**DATE: NOVEMBER 20, 2009**

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE  
AGREEMENT WITH THE KENTUCKY OFFICE OF HOMELAND  
SECURITY FOR EXTENSION OF THE DIVISION OF POLICE'S  
IED ATTACK DETERRENCE PROJECT**

On December 4, 2008 (Ordinance No. 263-2008), Council approved the acceptance of federal funds in the amount of \$123,000 from the Kentucky Office of Homeland Security for the purchase of personnel protective equipment, a digital imaging x-ray system, and upgrades to the Robot for the Division of Police's Hazardous Device Unit. This project expires on December 31, 2009.

The Kentucky Office of Homeland Security has offered the Lexington-Fayette Urban County Government an extension through June 30, 2010, so that the project can be completed.

Council authorization to execute the agreement is hereby requested.

  
Paula King, Director

Xc: Tim Bennett, Commissioner, Department of Public Safety



708-09

26

Lexington-Fayette Urban County Government  
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry  
Mayor

William O'Mara  
Acting Commissioner

TO: JIM NEWBERRY, MAYOR  
URBAN COUNTY COUNCIL

FROM: PAULA KING, DIRECTOR  
DIVISION OF COMMUNITY DEVELOPMENT

DATE: NOVEMBER 23, 2009

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE AGREEMENT  
WITH VARIOUS ENTITIES FOR PERFORMANCE OF SERVICES UNDER  
THE 2008 PROJECT SAFE NEIGHBORHOOD GRANT--RFP 18-2009

On June 8, 2008 (Ordinance No. 173-2008), the Urban County Council approved the submission of a grant application, and acceptance of award, on behalf of the Eastern District of Kentucky, of federal funds from the U.S. Department of Justice under the 2008 Project Safe Neighborhood Program. The purpose of this project is to support new and expanded gun-crime prevention and enforcement efforts under the Project Safe Neighborhoods (PSN) initiative. The Project Safe Neighborhood program brings together federal, state and local law enforcement and communities in a unified effort to reduce gun crime across America. The LFUCG serves in the capacity of fiscal agent for this grant. RFP # 18-2009 was issued requesting proposals from law enforcement organizations, nonprofit organizations, and other entities interested in providing research and data analysis, juvenile crime prevention services, and production of an anti-gang, anti-gun public service announcement.

Project Safe Neighborhoods Task Force reviewed response to the RFT and made the following recommendations:

- Central Kentucky Area Drug Task Force (Madison County and others) in the amount of \$3,000 for law enforcement overtime for gun crime interdiction.
- Asbury College in the amount of \$9,500 for production of a television public service announcement.
- Hollingsworth and James, LLC, in the amount of \$10,000 for research and data analysis in gun and gang activity in the cities of London, Lexington, and Covington.
- Board of Education of Fayette County, Kentucky, in the amount of \$28,175 for continuation of gang prevention program at MLK Academy.

In addition, the approved grant application provides the following Commonwealth Attorney Offices with federal funds to assist them with the prosecution of gun and gang-related crimes:

Fayette County Commonwealth Attorney in the amount of \$11,000  
Kentucky County Commonwealth Attorney in the amount of \$11,500  
Commonwealth Attorney for Lincoln, Pulaski, and Rockcastle Counties in the amount of \$7,500

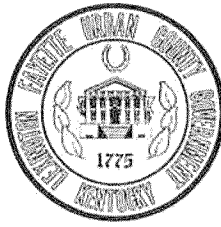
Funds are budgeted as follows:

| FUND | DEPT ID | SECTION | ACCOUNT | PROJECT        | BUDGET<br>REF | ACTIVITY  |
|------|---------|---------|---------|----------------|---------------|-----------|
| 3140 | 505001  | 5011    | 71299   | PROJSAFNE 2009 | 2009          | FED GRANT |
| 3140 | 505001  | 5011    | 71299   | ANTI GANG 2008 | 2008          | FED GRANT |

Council authorization to execute the agreements is hereby requested.

  
\_\_\_\_\_  
Paula King, Director

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



702-09 28

Lexington-Fayette Urban County Government  
DEPARTMENT OF PUBLIC SAFETY

Jim Newberry  
Mayor

Tim Bennett  
Commissioner

November 20, 2009

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

**FROM:** David S Lucas, Director of Enhanced 9-1-1 

**RE:** Statement of Concurrence with MetroSafe

**VIA:** Tim Bennett, Commissioner of Public Safety

This request will authorize the mayor to execute statements of concurrence with the Louisville Metro Government, related to any possible interference between LFUCG's and Louisville's emergency radio systems.

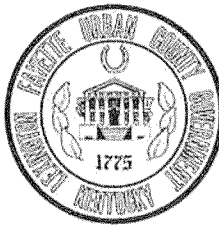
The statements are required by the FCC to insure that if any future known or unknown radio interference is experienced by LFUCG, that Louisville will take any and all responsibility for correcting the problems.

There is no budgetary impact to this action and any corrective actions required will be encumbered by the Louisville Metro Government.

The following documents are attached:

1. Administrative review form. (Blue sheet)
2. Statements of Concurrence by LFUCG

Please return completed documents to my attention for final disposition.



703-09

29

Lexington-Fayette Urban County Government  
DEPARTMENT OF PUBLIC SAFETY

Jim Newberry  
Mayor

Tim Bennett  
Commissioner

November 20, 2009

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

**FROM:** David S Lucas, Director of Enhanced 9-1-1 

**RE:** Ordinance Modification

**VIA:** Tim Bennett, Commissioner of Public Safety

This request amends Subsection 14-10(f)(10) of the Code of Ordinances, pertaining to the enforcement of specific sections related to the posting of Addresses within the community.

The change will add Citation Officers to the approved positions that can issue citations. Also, the change will include positions "assigned" to the Department of Public Safety.

This change is necessary due to the restructuring of the Addressing Office which moved positions into the Division of Computer Services, thus the positions are assigned to Public Safety rather than being directly employed by the Department.

There is no budgetary impact related to this request.

The following documents are attached:

1. Administrative review form. (Blue sheet)
2. Draft Ordinance Change.

Please return completed documents to my attention for final disposition.

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

703-09

AN ORDINANCE AMENDING SUBSECTION 14-10(f)(10) OF THE CODE OF ORDINANCES, LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT, PERTAINING TO ENFORCEMENT OF VIOLATIONS OF SECTIONS 17-2 THROUGH 17-4 OF THE CODE OF ORDINANCES AND SECTION 6-8(k) OF THE LAND SUBDIVISION REGULATIONS OF THE ZONING ORDINANCE, TO ADD CITATION OFFICERS AND TO CLARIFY THAT THE ENFORCEMENT POSITIONS MAY BE ASSIGNED TO THE DEPARTMENT OF PUBLIC SAFETY, AND TO ADD CITATIONS OFFICERS OF ORDINANCES.

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

Section 1 – That Section 14-10(f) of the Code of Ordinances be and hereby is amended to read as follows:

(f) *Issuance of Citations.* The mayor may designate certain officers, agents and employees, holding the positions listed below, to issue citations with respect to the ordinances expressly set out for their respective positions.

TABLE INSET:

| Subsection | Position Title                                                                                                                                                                  | Ordinances To Be Enforced                                                                                                     |
|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|
| (11)       | Commissioner, director of enhanced 911, <u>Citation Officers</u> , GIS programmer/analyst, and GIS specialist employed in <u>or assigned to</u> the department of public safety | Code of Ordinances sections 17-2 through 17-4; and section 6-8(k) of the land subdivision regulations of the zoning ordinance |

Section 2 – That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CLERK OF THE URBAN COUNTY COUNCIL

PUBLISHED:



## LEXINGTON DIVISION OF POLICE

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

7 10 - 09

31

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

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

**DATE:** November 23, 2009

**RE:** Department of Criminal Justice Training –  
McKinney Skills Driving Track Facility Use Agreement  
Classroom, Simulator and Conference Room Use Agreement

Please find attached two (2) agreements McKinney Skills Driving Track Facility Use Agreement and Classroom, Simulator and Conference Room Use Agreement between Kentucky Justice and Public Safety Cabinet, Department of Criminal Justice Training and the Lexington Fayette Urban County Government.

The agreements authorize the use of classrooms, conference room, simulator and driving track facility for the Division of Police Recruit classes. This agreement is for a period beginning January 1<sup>st</sup> through December 31<sup>st</sup>, 2010. The attached agreements require the Mayor's signature.

Upon approval and signing, please forward original agreements to the Chief's Office to acquire additional signatures.

There will be no budgetary impact.

  
Ronnie Bastin  
Chief of Police

Attachment

cc: Tim Bennett, Commissioner of Public Safety





7 1 1 - 0 9

32

## LEXINGTON DIVISION OF POLICE

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

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

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

**DATE:** November 23, 2009

**RE:** **University of Florida Training and Service Institute Agreement**

Please find attached an agreement between the University of North Florida Training and Service Institute, Inc., d/b/a the Institute of Police Technology and Management, Jacksonville, Florida and the Lexington Fayette Urban County Government. This agreement provides professional, technical and other services needed in conducting a forty (40) hour training course entitled "Electronic Data Recorder Use in Traffic Crash Reconstruction" for a maximum of thirty (30) students.

The Institute of Police Technology and Management will provide:

1. One instructional program in "Electronic Data Recorder Use in Traffic Crash Reconstruction" to commence on January 11, 2010 and conclude on January 15, 2010.
2. Instructional materials prepared at the Institute of Police Technology and Management.
3. Trainee materials prepared for dissemination during the course.
4. An appropriate certificate of completion for each trainee satisfactorily completing the course.
5. Technical assistance required to prepare, conduct and evaluate the course.
6. Training aids and student reference materials.
7. Making all arrangements for obtaining instructors, preparation of the instructor activities, and all other arrangements pertaining to instructor transportation and honoraria.

LFUCG, Division of Police will provide classroom facilities and have available the following audio visual equipment:

1. Overhead transparency projector
2. Chalk Board/White Board
3. Video cassette player/recorder (2 inch, VHS format) with monitor
4. LCD-Power Point projector

This agreement is fully budgeted in FY10. The attached agreement requires the Mayor's signature. Upon approval and signing, please forward original agreement to the Chief's Office to acquire additional signatures.



## LEXINGTON DIVISION OF POLICE

7 12-09

33

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

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

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

**DATE:** November 23, 2009

**RE:** Kentucky State Police – KYOPS User Agreement

Please find attached the KYOPS User Agreement between the Kentucky State Police and the Lexington-Fayette Urban County Government.

This agreement provides for the KSP to serve as the agency responsible for ownership and maintenance of a system for electronic submission and processing of reports and information submitted by law enforcement agencies within the Commonwealth of Kentucky and the exchange of data between the KSP and the User Agency (Lexington Division of Police).

Due to the time restraint on this agreement, the Kentucky State Police has requested completed signing of this agreement within thirty (30) days; we are requesting this documentation to be expedited through the blue sheet process to ensure two readings prior to Council break.

The attached agreement requires the Mayor's signature. Upon approval and signing, please forward original agreement to the Chief's Office to acquire additional signatures.

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

  
Ronnie Bastin  
Chief of Police

RB/rmh

Attachment

cc: Tim Bennett, Commissioner of Public Safety



693-09

34

Lexington-Fayette Urban County Government  
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry  
Mayor

William O'Mara  
Acting Commissioner

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

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

**DATE: NOVEMBER 17, 2009**

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE CHANGE  
ORDER NO. 1 WITH RANDLE DAVIES CONSTRUCTION COMPANY  
FOR CONSTRUCTION OF TOWN BRANCH TRAIL PHASE 1B**

---

On September 18, 2008 (Resolution No. 527-2008), Council approved the award of contract for Bid No. 139-2008 in the amount of \$224,109.20 to Randle-Davies Construction Company for the construction of Town Branch Trail Phase 1B.

Change Order No. 1 revises quantities used in the project and reduces the total amount by \$30,248.78 for a new total of \$193,860.42.

The reduction will come from the following account: 1136-303202-3251-91715-2007.

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**

693-09

35

Contractor: Randle Davies Construction Company

Project Name: Town Branch Trail Project Phase 1B

Contract Number and Date: 905 3/6/07

Responsible LFUCG Division: Engineering

**CHANGE ORDER DETAILS**

A. Original Contract Amount: \$ 224,109.20  
Next Lowest Bid Amount: \$234,333.87

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

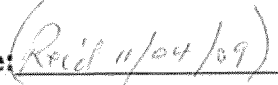
C. Cumulative Amount of All Previous Alternates or Phases: \$ 0

D. Amended Contract Amount: \$ 224,109.20

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

F. Amount of This Change Order: \$ -30,248.78 -13 %  
(Line F / Line D)

G. Total Contract Amount: \$ 193,860.42

**SIGNATURE LINES**Project Manager:  Date: 8/5/09Reviewed by:  11/05/09 Date:  11/04/09Division Director:  Date: 11/09/09

| <b>LEXINGTON-FAYETTE</b><br><br><b>URBAN COUNTY GOVERNMENT</b><br><br><b>CONTRACT CHANGE ORDER</b><br><br>Page 1 of 3 |                                                                                                                                | Date: July 29, 2009                              |                                |
|-----------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|--------------------------------|
|                                                                                                                       |                                                                                                                                | Project: <b>693-09</b>                           |                                |
|                                                                                                                       |                                                                                                                                | Town Branch Trail Phase 1B                       |                                |
| To (Contractor) Randle Davies Construction Co.<br>No. 1 Mill Creek Park<br>Frankfort, Kentucky 40601                  |                                                                                                                                | Location:                                        |                                |
|                                                                                                                       |                                                                                                                                | Contract No. # 905<br>Change Order No. (1) FINAL |                                |
| You are hereby requested to comply with the following changes from<br>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                                                                                                                     | (Delete) KYDOH DBI Type 4 by 1 @ \$2,730.00 Each.                                                                              | \$2,730.00                                       |                                |
| 2                                                                                                                     | (Increase) 30" Storm Sewer Pipe by 3 Linear Feet @ \$51.50 a Linear Foot.                                                      |                                                  | \$154.50                       |
| 4                                                                                                                     | (Delete) Trench Rock Excavation by 14 Cubic Yards, @ \$160.00 a Cubic Yard.                                                    | \$2,240.00                                       |                                |
| 7                                                                                                                     | (Delete) Bollards by 6, @ \$210.00 Each.                                                                                       | \$1,260.00                                       |                                |
| 8                                                                                                                     | (Delete) #2 Stone by 1,000 Tons @ \$10.00 a Ton.                                                                               | \$10,000.00                                      |                                |
| 9                                                                                                                     | (Decrease) DGA Stone by 750.42 Tons @ \$16.00 a Ton.                                                                           | \$12,006.72                                      |                                |
| 10                                                                                                                    | (Decrease) Bituminous Base by 73.95 Tons @ \$63.80 a Ton.                                                                      | \$4,718.01                                       |                                |
| 11                                                                                                                    | (Decrease) Bituminous Surface by 19.33 Tons @ \$65.80 a Ton.                                                                   | \$1,271.91                                       |                                |
| 12                                                                                                                    | (Increase) Silt Fence by 140 Linear Feet, @ \$2.65 a Linear Foot.                                                              |                                                  | \$371.00                       |
| 13                                                                                                                    | (Delete) Silt Checks by 23 @ \$210.00 Each.                                                                                    | \$4,830.00                                       |                                |
| 14                                                                                                                    | (Delete) Modified Silt Checks by 1 @ \$470.00 Each.                                                                            | \$470.00                                         |                                |
| 17                                                                                                                    | (Delete) Sod by 300 Square Yards, @ \$3.15 a Square Yard.                                                                      | \$945.00                                         |                                |
| 19                                                                                                                    | (Decrease) Plank Fence by 16 Linear Feet, @ \$8.50 a Linear Foot.                                                              | \$136.00                                         |                                |
| 20                                                                                                                    | (Delete) Replace survey pins by 58, @ \$36.75 Each.                                                                            | \$2,131.50                                       |                                |
| 21                                                                                                                    | (ADD) Material Price Change for Bituminous Base and Surface, Due to delays caused by LFUG for a Lump Sum Price of \$11,964.86. |                                                  | \$11,964.86                    |

|  |                                                    |                 |                 |
|--|----------------------------------------------------|-----------------|-----------------|
|  |                                                    |                 |                 |
|  |                                                    |                 | 693-09          |
|  |                                                    |                 |                 |
|  | Change in contract price due to this Change Order: |                 |                 |
|  | Total decrease                                     | \$42,739.14     | XXXXXXXXXXXX.XX |
|  | Total increase                                     | XXXXXXXXXXXX.XX | \$12,490.36     |
|  | Net (Decrease) contract price                      | \$30,248.78     |                 |

The sum of **\$30,248.78** is hereby subtracted to the total contract price, and the total adjusted contract price to date thereby is **\$193,860.42**.

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

Recommended by *[Signature]* <sup>RAB 11/05/09</sup> (Proj. Engr.) Date

Accepted by *[Signature]* <sup>8-4-09</sup> (Contractor) Date

Approved by *[Signature]* (Urban Co. Engr.) Date <sup>11/09/09</sup>

Approved by *[Signature]* (Commissioner) Date <sup>11/10/09</sup>

Approved by \_\_\_\_\_ (Mayor or CAO) Date



696-09

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: November 18, 2009

Re: Resolution Authorizing Acceptance Permanent Easements for the South  
Limestone Streetscape Project

The purpose of this memorandum is to request a resolution authorizing the acceptance of permanent easements from the property owners of record for the South Limestone Streetscape Project. These easements are necessary for traffic signal equipment and other items which cannot be located on the public right of way. There will be no cost to the government.

Acceptance of these easements is recommended.

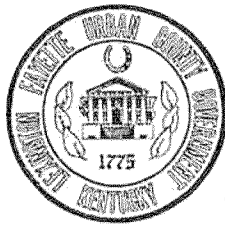
Approved by:

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.

09.P000.406.bluesheet permanent easements



705-09

39

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 20, 2009**

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE AMENDMENT  
#9 TO AGREEMENT WITH ENTRAN (FORMERLY KNOWN AS  
AMERICAN CONSULTING ENGINEERS, PLC) FOR THE NEWTOWN  
PIKE EXTENSION PROJECT**

---

The Lexington-Fayette Urban County Government has been awarded federal funds from the Kentucky Department of Transportation for the planning, design, and construction of the Newtown Pike extension. The Newtown Pike extension was authorized by Congress as a High Priority Project under the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21). The project provides for construction from West Main Street to South Limestone.

The Urban County Council approved a professional services contract with American Consulting Engineers, PLC, in the amount of \$1,666,699 on October 11, 2001 (Resolution No. 633-2001).

- Amendment #1 in the amount of \$70,049.00 was approved by Council on March 21, 2002 (Resolution No. 150-2002).
- Amendment #2 in the amount of \$128,900 was approved by Council on December 12, 2002 (Resolution No. 750-2002).
- Amendment #3 in the amount \$699,834.84 was approved by Council on May 29, 2003 (Resolution No. 246-2003).
- Amendment #4 in the amount of \$16,770 was approved by Council on November 6, 2003 (Resolution No. 591-2003).
- Amendment #5 in the amount of \$589,878 was approved by Council on September 9, 2004 (Resolution No. 475-2004).
- Amendment #6 in the amount of \$949,886 was approved by Council on July 12, 2005 (Resolution No. 392-2005).
- Amendment #7 in the amount of \$586,703.68 was approved by Council on February 8, 2007 (Resolution No. 39-2007).
- Amendment #8 in the amount of \$752,396 was approved by Council on June 26, 2008 (Resolution No. 381-2008).



The proposed Amendment #9 is in the amount of \$605,853 making a new contract total of \$6,066,969.51 for professional services. Amendment #9 will provide for the following items:

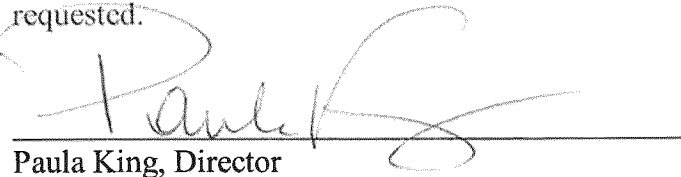
- Fund the Neighborhood Liaison's position for an additional 12 months
- Revisions for Final Phase I and Phase IV Right-of-Way Plans
- Revisions to Final Phase IV Construction Plan
- Revisions to Final Structure Plans
- Review of shop drawing
- Additional meetings for Phase IV
- Archaeological data recovery in Phase I
- Coordination of housing units and updating housing cost for Phase I
- Reduce contract amounts for the following sub-consultants: Preston-Osborn, The Technology Group and Sherman-Carter-Barnhart, PSC

Three sub-consultants, Dorothy Coleman, EHI, and Cultural Resource Analysts, Inc. as well as the prime consultant, Entran, are included in this change order. Fees for DBE consultants total 17% of this Change Order 9, bringing the project DBE fees to 41% of the total project cost this far.

Funds for Amendment #9 are budgeted as follows:

| FUND | DEPT ID | SECT | ACCOUNT | PROJECT        | ACTIVITY  | BUD REF |
|------|---------|------|---------|----------------|-----------|---------|
| 3160 | 303202  | 3211 | 91715   | NEWTOWNPK_2009 | FED_GRANT | 2009    |

Council authorization to execute amendment #9 to the agreement with ENTRAN is hereby requested.



Paula King, Director

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

**CONTRACT HISTORY FORM**

Project Name: Newtown Pike Extension Project  
Contractor: Entran (Formally American Engineering)  
Contract Number and Date: K6528 October 11, 2001  
Responsible LFUCG Division: Engineering

---

**CONTRACT AND CHANGE ORDER DETAILS**

A. Original Contract Amount: \$ 1,666,698.99  
Next Lowest Bid Amount:  
Only one bidder

B. Amount of Selected Alternate or Phase: \$ 0.00

C. Cumulative Amount of All Previous Alternates or Phases: \$ 1,666,698.99

D. Amended Contract Amount: \$ 1,666,698.99

E. Cumulative Amount of All Previous Change Orders: \$ 3,794,417.52 227.7%  
(Line E / Line D)

F. Amount of This Change Order: \$ 605,853.00 36.4%  
(Line F / Line D)

G. Total Contract Amount: \$ 6,066,969.51

---

**SIGNATURES**

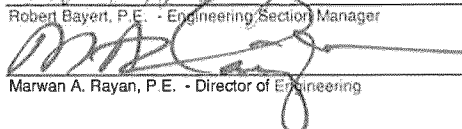
Project Manager:

  
Andrew Grunwald, P.E. - Municipal Engineer SeniorDate: Nov 19, 2009

Reviewed by:

  
Robert Bayert, P.E. - Engineering Section ManagerDate: 11/20/09

Division Director:

  
Marwan A. Rayan, P.E. - Director of EngineeringDate: 11/20/09

**AMENDMENT NO. 9**  
**Newtown Pike Extension Project**  
**Contract Dated October 11, 2001**

705-09

42

**Purpose/Reason for Amendment:**

The purpose will be to amend Entran (Formerly American Consulting Engineers, PLC) contract to provide the project team with funding for the; Neighborhood Liaison's position for an additional 12 months, revisions for Phase I and Phase IV Right-of-Way Plans, revisions to Final Phase IV Construction Plan, revisions to Structure Plans, shop drawing reviews, additional meetings for Phase IV, Archaeological Data recovery in Phase I, coordination of housing units and updating housing cost for Phase I, as well as reduce contract amounts for the following sub-consultants: Preston-Osborn, The Technology Group and Sherman-Carter-Barnhart, PSC.

|                            |                              |
|----------------------------|------------------------------|
| Original Contract Amount   | .....\$1,666,698.99          |
| Amendment No. 1            | .....\$ 70,049.00            |
| Amendment No. 2            | .....\$ 128,900.00           |
| Amendment No. 3            | .....\$ 699,834.84           |
| Amendment No. 4            | .....\$ 16,770.00            |
| Amendment No. 5            | .....\$ 589,878.00           |
| Amendment No. 6            | .....\$ 949,886.00           |
| Amendment No. 7            | .....\$ 586,703.68           |
| Amendment No. 8            | .....\$ 752,396.00           |
| Amendment No. 9            | .....\$ 605,853.00           |
| <b>NEW CONTRACT AMOUNT</b> | ..... <b>\$ 6,066,969.51</b> |

Owner:

\_\_\_\_\_  
Jim Newberry  
Mayor  
Lexington Fayette Urban County Government  
200 East Main Street, 12<sup>th</sup> Floor  
Lexington, Kentucky, 40507

\_\_\_\_\_  
Attest

Consultant:

\_\_\_\_\_  


Glenn A. Hardin, P.E  
Transportation Engineering Manager  
Entran  
Formerly - American Consulting Engineers, PLC  
400 East Vine Street, Suite 100  
Lexington, Kentucky, 40507-1577

\_\_\_\_\_  
  
Attest



697-09

43

Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Commissioners's Office

Department of Public Works

**To: Jim Newberry, Mayor  
Urban County Council**

**From: James M. Webb, Commissioner  
Public Works & Development**

**Date: November 20, 2009**

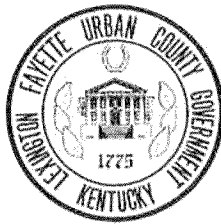
**Subject: Request Council Authorization to Execute Subject Construction  
Agreement with Insight Kentucky Partner II, LP for the relocation of  
3,534' of Fiber Optic and Coaxial Cable wire from overhead to  
underground for the South Limestone Streetscape Project.**

---

Lexington Fayette Urban County Government has requested that INSIGHT relocate 3,534' of Fiber Optic and Coaxial Cable from overhead to underground for the South Limestone Streetscape Project. Prior to performance of the work, INSIGHT Kentucky Partner II, LP requires the execution of a special Construction Agreement. Cost for the Fiber Optic and Coaxial Cable relocation project is \$450,000. Funds for the activity are budgeted.

**James M. Webb, Commissioner  
Public Works & Development**

HORSE CAPITAL OF THE WORLD



\*698-09

44

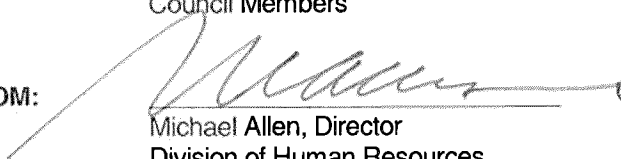
Lexington-Fayette Urban County Government  
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry  
Mayor

Linda L. Rumpke  
Commissioner

**M E M O R A N D U M**

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

**FROM:**   
Michael Allen, Director  
Division of Human Resources

**DATE:** November 20, 2009

**SUBJECT:** Transfer Positions

The attached action amends Section 21-5 of the Code of Ordinances, transferring one (1) position of Public Service Supervisor (Grade 111N) and two (2) positions of Equipment Operator Sr. (Grade 109N) from the Division of Traffic Engineering to the Division of Streets, Roads and Forestry and its incumbents, effective upon passage by Council.

The transfer of the pavement markings staff is to continue the implementation of the Management Audit report recommendations completed by Management Partners Inc. This is in line with best practices of government to bring about more efficient operation and delivery of services.

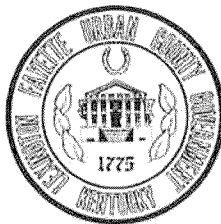
The fiscal impact for the remainder of FY 2010 is budget neutral.

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

Attachment  
df

**cc:** James M. Webb, Commissioner, Department of Public Works and Development  
Sam Williams, Director, Division of Streets, Roads and Forestry  
Ron Herrington, Director, Division of Traffic Engineering  
Darrylyn Combs, Human Resources Manager, Division of Human Resources  
Jim Dodson, Human Resources Analyst, Division of Human Resources

Log # 10-0035



593-09

45

Lexington-Fayette Urban County Government  
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry  
Mayor

William O'Mara  
Acting Commissioner

MEMORANDUM

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

FROM:

  
Michael Allen, Director  
Division of Human Resources

DATE: September 24, 2009

RE: Error Correction— Amend Ordinance No. 188-2009

The attached action amends Section 1 of Ordinance No. 188-2009, correcting one clerical error to become effective retroactive to September 3, 2009.

Section 1 currently reads: *That the salary increase for Kevin Bennett, Program Manager, Sr., Grade 120E, shall be 23% of his current salary. This increase is warranted in recognition of Mr. Bennett's experience and exceptional qualifications.*

Section 1 should be amended to read: *That the salary increase for Kevin Bennett, Program Manager, Sr., Grade 120E, shall be 30.1% of his current salary. This increase is warranted in recognition of Mr. Bennett's experience and exceptional qualifications.*

There is no fiscal impact associated with this action.

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

Attachment

cc: Darrylyn Combs, Human Resources Manager, Division of Human Resources  
Jim Dodson, Human Resources Analyst, Division of Human Resources

Log # 10-0030



714-09

46

Lexington-Fayette Urban County Government  
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry  
Mayor

William O'Mara  
Acting Commissioner

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

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

**DATE: NOVEMBER 24, 2009**

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE CHANGE  
ORDER NO. 2 WITH MARILLIA DESIGN AND CONSTRUCTION FOR  
THE MCCONNELL WETLAND DEMONSTRATION AREA—FY 2010**

On May 7, 2009 (Resolution No. 326-2009), Council accepted bid of Marillia Design and Construction in the amount of \$354,226.55 for the McConnell Springs Wetland Demonstration Area.

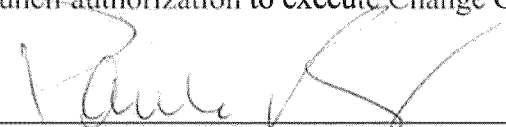
On November 5, 2009 (Resolution No. 713-2006), Council approved Change Order No. 1 to the contract in the amount of \$31,888.60, for a new total of \$386,115.15.

The Division of Water Quality has negotiated Change Order No. 2 with the contractor in the amount of \$10,602 for additional amounts of material and labor for completion of work. Change Order No. 2 provides for additional concrete, construction of footer and bases for proposed artwork, construction and repair of walking trails, installation of stainless steel stands for artwork, and installation of geosynthetic Turf Reinforcement Mat. New total is \$396,717.15.

Funds are budgeted as follows:

| FUND | DEPT ID | SECT | ACCT  | BUD REF | PROJECT       | ACTIVITY |
|------|---------|------|-------|---------|---------------|----------|
| 3170 | 303202  | 3211 | 90311 | 2004    | MCCONNEL 2004 | MS_GRANT |

Council authorization to execute Change Order No. 2 is hereby requested.

  
Paula King, Director

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

# CONTRACT HISTORY FORM

7 14 - 09

47

Contractor: Marillia Design and Construction

Project Name: McConnell Springs Wetland Demonstration Area

Contract Number and Date: #80-2009 November 20, 2009

Responsible LFUCG Division: Division of Water Quality

## CHANGE ORDER DETAILS

### Summary of Previous Change Orders To Date

### Dollar Amount

### Percent Change to Original Contract

A. Original Contract Amount: \$ 354,226.55

B. Cumulative Amount of  
Previous Change Orders: \$ 31,888.60

9% %  
(Line B / Line A)

C. Total Contract Amount  
Prior to this Change Order: \$ 386,115.15

### Current Change Order

D. Amount of This Change Order: \$ 10,602.00

3% %  
(Line D / Line A)

E. New Contract Amount  
Including this Change Order: \$ 396,717.15

12% %  
(Line E / Line A)

## SIGNATURE LINES

Project Manager: 

Date: 11/23/09

Reviewed by: 

Date: \_\_\_\_\_

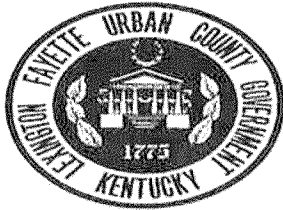
Division Director: 

Date: 11/23/09



## Change Order

---

**Change Order No. 2****Contract #80-2009****McConnell Springs Wetland Demonstration Area****Lexington Fayette-Urban County Government****Division of Water Quality**

**Owner:** Lexington Fayette-Urban County Government  
 200 East Main Street  
 Lexington, Kentucky 40507

**Contractor** Marillia Design & Construction  
 601 West Second St.  
 Lexington, KY 40508

**SUMMARY OF INFORMATION**

|                                                    |                   |
|----------------------------------------------------|-------------------|
| <b>Date of Change Order:</b>                       | October 5, 2009   |
| <b>Date of Contract:</b>                           | May 7, 2009       |
| <b>Date of Notice to Proceed:</b>                  | May 28, 2009      |
| <b>Length of Contract (calendar days):</b>         | 174               |
| <b>Date of Contract Completion:</b>                | November 27, 2009 |
| <b>Change in Contract Time (calendar days):</b>    | 11                |
| <b>New Contract Completion Date</b>                | Dec. 8, 2009      |
| <b>Original Contract Amount:</b>                   | \$354,226.55      |
| <b>Previous Change Order Total:</b>                | \$31,888.60       |
| <b>Current Contract Amount:</b>                    | \$386,115.15      |
| <b>Change Order 2 Amount:</b>                      | \$10,602.00       |
| <b>New Contract Amount Including Change Orders</b> | \$396,717.15      |
| <b>Percent of Change from Original:</b>            | 12%               |



7 09 - 09 49

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 20, 2009

RE: Management Agreement  
Kentucky Theater Management Group, Inc.

I am requesting Urban County Council approval for an amendment to Contract #5797 (R-693-2006). The contract is for the management agreement entered into on December 1<sup>st</sup>, 2006 and ending November 30, 2009 between the Lexington Fayette Urban County Government (Owner) and Kentucky Theater Management Group, Inc. (Manager). The agreement provides terms for the management and operation services for the theaters.

Kentucky Theater Management Group, Inc. has expressed an interest in continued operation of the theaters. All terms and provisions of the current management agreement shall remain unchanged and the amendment is to extend the current contract period for thirteen (13) months and would expire December 31, 2010.

#1

## AMENDMENT TO MANAGEMENT AGREEMENT (CONTRACT #5797)

THIS AMENDMENT TO MANAGEMENT AGREEMENT, made and entered into on the 1<sup>st</sup> day of December, 2009, by and between LEXINGTON FAYETTE URBAN COUNTY GOVERNMENT, hereinafter referred to as "Owner", and KENTUCKY THEATER MANAGEMENT GROUP, INC. hereinafter referred to as "Manager".

## WITNESSETH:

WHEREAS, Owner and Manager entered into a Management Agreement for Manager to operate and manage, for a fee, the theaters located at 212 East Main Street, Lexington, Kentucky (hereinafter the "Kentucky Theater") and at 218 East Main Street, Lexington, Kentucky (hereinafter the "State Theater"); and,

WHEREAS, Management Agreement was entered into on the 1<sup>st</sup> day of December, 2006, (R-693-2006) and a copy of the management agreement is attached, Labeled Exhibit "A", and incorporated by reference; and,

WHEREAS, management agreement stipulates that the term of the agreement expires on November 30, 2009 and Manager has expressed a desire to continue to operate and manage the theaters and provide other services as specified in the agreement; and,

WHEREAS, Owner has the desire for Manager to continue to operate and manage the theaters and provide those services as stipulated in the management agreement;

NOW, THEREFORE, Owner and Manager hereby agree that the aforesaid Management Agreement shall be amended as follows:

1. Owner and Manager agree that the term of the management agreement shall be extended for a period of thirteen (13) months, to expire December 31, 2010.
2. That all other terms and provisions of the aforesaid Management Agreement shall remain unchanged and are hereby reaffirmed, ratified, adopted, and incorporated by reference into this Amendment to Management Agreement, and that the aforesaid Management Agreement and this Amendment to Agreement may not be modified or amended in any manner except by an instrument in writing executed by the parties.

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

OWNER:

LEXINGTON FAYETTE URBAN COUNTY GOVERNMENT

BY: \_\_\_\_\_

MAYOR

MANAGER:

KENTUCKY THEATER MANAGEMENT GROUP, INC.

BY: \_\_\_\_\_

ANALY SCORSONE - PRESIDENT

WITNESS:

ATTEST:

\_\_\_\_\_  
Clerk of Urban County Council



706-09

51

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 20, 2009

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE AGREEMENT WITH  
RUSSELL SCHOOL COMMUNITY SERVICE CENTER, INC., FOR USE OF  
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR  
REHABILITATION OF RUSSELL ELEMENTARY SCHOOL PROPERTY

On August 23, 2007 (Ordinance No. 189-2007), Council approved a program amendment for use of Community Development Block Grant (CDBG) funds in the amount of \$200,000 in the 2007 Consolidated Plan to establish a new project, the rehabilitation of the Russell Elementary School (201 West Fifth Street) for the Russell School Community Service Center.

The organization, representing a collaboration between Community Action Council and Urban League of Lexington-Fayette County, will use a total estimated \$6,871,058 for the redevelopment of this project:

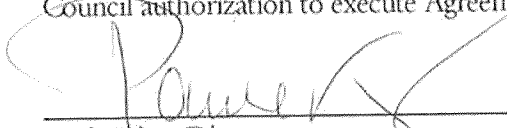
- U. S. Department of Housing and Urban Development Section 202--\$2,326,100
- U.S. Department of Housing and Urban Development Economic Development Initiative--\$196,000
- U.S. Department of Housing and Urban Development Neighborhood Stabilization Program--\$957,000
- Kentucky Housing Corporation Affordable Housing Trust Fund--\$300,000
- Low-Income Housing Tax Credit and Historic Tax Credit equity--\$2,591,958
- HOME Investment Partnerships Program--\$300,000
- Community Development Block Grant Program--\$200,000

Final development of property will include 27 units of elderly housing, social services, child development service, and space for civic and cultural activities.

For this Agreement, Community Development Block Grant funds in the amount of \$200,000 are budgeted as follows:

| FUND | DEPT ID | SECT | ACCT  | PROJECT   | ACTIVITY | BUD REF | AMOUNT  |
|------|---------|------|-------|-----------|----------|---------|---------|
| 3120 | 900241  | 0001 | 71101 | CDBG 2008 | 003E     | 2008    | 200,000 |

Council authorization to execute Agreement is hereby requested.

  
Paula King, Director

Xc: Linda Rumpke, Commissioner of the Department of Finance and Administration



7 13 -09

52

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 23, 2009**

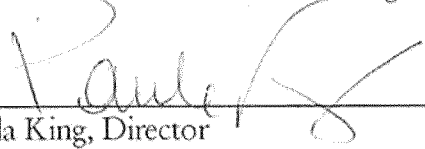
**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE AGREEMENT  
WITH COMMUNITY ACTION COUNCIL FOR USE OF COMMUNITY  
DEVELOPMENT BLOCK GRANT FUNDS-RECOVERY FOR ENERGY  
EFFICIENCY IMPROVEMENTS IN PRIVATE HOUSING**

On June 25, 2009 (Ordinance No. 122-2009), Council approved acceptance of federal funds from the U.S. Department of Housing and Urban Development under the Community Development Block Grant (CDBG) program as authorized by the American Recovery and Reinvestment Act of 2009. The approved budget provides for \$245,000 to be allocated to Community Action Council for energy efficiency improvements to private housing owned and occupied by households whose incomes are at or below 80% of median income. These funds will be used by Community Action Council in conjunction with funds awarded to them from the U.S. Department of Energy's Weatherization Assistance Program. CDBG R funds will be used at an average of \$3,500 per house. It is anticipated that 70 housing units will be assisted.

For this Agreement, Community Development Block Grant funds in the amount of \$245,000 are budgeted as follows:

| FUND | DEPT ID | SECT | ACCT  | PROJECT     | ACTIVITY | BUD REF | AMOUNT  |
|------|---------|------|-------|-------------|----------|---------|---------|
| 3120 | 900307  | 0001 | 71101 | CDBG R 2008 | C14F     | 2009    | 245,000 |

Council authorization to execute Agreement is hereby requested.

  
Paula King, Director

Xc: Linda Rumpke, Commissioner of the Department of Finance and Administration



707-09

53

Lexington-Fayette Urban County Government  
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry  
Mayor

Linda L. Rumpke  
Commissioner

MEMORANDUM

TO: Mayor Jim Newberry  
Members, Urban County Council

FROM: Linda L. Rumpke, Commissioner  
Department of Finance & Administration

DATE: November 20, 2009

SUBJECT: Fayette County Sheriff and Fayette County Clerk 2010 General Term Order

Every year the Urban County Council approves a calendar year General Term Order (GTO) for the Fayette County Clerk and the Fayette County Sheriff. The GTO is basically an authorization form that summarizes maximum annual expenditures for personnel, operating and capital and is used by the Department of Local Government as a guideline for approval of reimbursement of expenditures. The 2010 GTO's need to be approved in order for the expenditures of these offices to be processed by the Department of Local Government. The following table summarizes the proposed budget outlined in the GTO's.

|                       | 2010 GTO – Sheriff | 2010 GTO – Co. Clerk |
|-----------------------|--------------------|----------------------|
| Receipts              | \$ 9,500,000.00    | \$ 5,500,000.00      |
| Surplus               | \$ 1,300,000.00    | \$ 1,500,000.00      |
|                       |                    |                      |
| Total Funds Available | \$ 10,800,000.00   | \$ 7,000,000.00      |
|                       |                    |                      |
| Personnel             | \$ 7,762,164.00    | \$ 5,705,754.29      |
| Operating             | \$ 1,300,000.00    | \$ 700,000.00        |
| Equipment             | \$ 1,737,836.00    | \$ 594,245.71        |
|                       |                    |                      |
| Total Expenditures    | \$ 10,800,000.00   | \$ 7,000,000.00      |

I request that a resolution approving these General Term Orders for 2010 be placed on the Council docket for approval.

\lyb

URBAN COUNTY COUNCIL  
Inter-Governmental Committee

54

November 17, 2009

CM James chaired the meeting, calling it to order at 1:05 pm. All members were present except Beard and Martin. Attending as non voting members were Gorton, McChord and Stinnett.

I. Council Standing Committees & Streamline Council Role - James

CM James temporarily handed chair over to the co-chair to report out on the work of the Committee Restructuring Plan. She went over the draft resolution section by section asking for discussion and motions on each.

Section 2.101 – Appointment of committees

Motion by Lawless to adopt section 2.101 changing all appointments to the standing committees shall be made for a term of two years, to coincide with the terms of district council members, seconded by Henson, motion passed.

Section 2.102 – Standing Committees

Change from 4 existing standing committees to Planning, Social Services, General Government, Public Safety, Public Works and Environmental Quality and committees shall consist of 5 council members and each councilmember shall be appointed to serve on two of these committees. The Budget & Finance Committee shall consist of 10 council members.

Blues expressed concern about a quorum saying he was uneasy with only one fifth of the council vetting an issue.

Gorton commented on the proposed change from 10 to 5 council members and was not sure 10 is the right number, but feels 5 may not be enough. She suggested 7 council members.

Feigel wanted to know the motivation for establishing additional standing committees and decreasing number of council members to serve on each.

Myers referred to research of other cities, adding meetings are open and could be attended by any council members. He said the change is intended to increase focus and effectiveness.

Lawless suggested a change to 6 council members as a quorum.

Motion by Blues to change quorum to 4, seconded by Myers, motion failed.

Myers said Links Committee's only have 3 members and their recommendations are brought forward to council for consideration, what is different about standing committees?

Gorton said if you have 6 committee members you are more likely to have tie votes. She added Links are short term and totally focused on budget issues where as standing committees are focused on a variety of legislation.

Blues underlined Gorton's comments about the goal of Links Committee's and the difference between standing committee quorums.

James said it appears we agree on increasing the number of standing committees.

Gray asked if the environmental quality committee would replace water quality, and was told yes it would. He commented water quality is a very active committee meeting once a month. He talked about making appointments and finding members to serve, asking if everyone is in agreement on additional committees.

Henson wanted to know if outside agency committee would be combined with a new standing committee. Have we looked at items currently in committee and determined how many would fall under each new committee? She said she rarely saw items from Social Services in existing committees. She agreed standing committees should mirror the structure of government, but 5 members are not enough.

Motion by Lawless to accept new standing committee and adopt with 6 council members serving on each, seconded by Myers was withdrawn.

Blues asked about economic development and how it fits into this proposal.

Myers responded saying he would welcome considering economic development as part of the new standing committee structure.

Motion by Blues to add economic development as an additional standing committee, seconded by Myers, motion passed.

Feigel said she thought council had recently decided the entire council would participate in the economic development committee.



Motion by Myers to adopt standing committee structure as planning, budget & finance, social services, general government, public safety, public works, environmental quality and economic development, seconded by Feigel, motion passed.

Gorton commented on realignment of items in a committee saying the new structure makes more sense. Feigel stated she agreed.

Motion by Myers to adopt 5 council members as the number to serve on a standing committee, seconded by Lawless, motion passed.

James asked if there was a need to vote on the make up of Budget & Finance Committee and was advised a vote was not necessary.

Lawless asked how many standing committees council members would be required to serve on under this new proposal, is the number 2 or 3.

Gorton asked what happens if a council member can not serve.

Gray said the council member role is designed as a citizen participant and he would not like to see a penalty on those working in this role as part time. He encourages participation but admits there is some anxiety on where these numbers are going. He asked if any consideration was given in consolidating some of these proposed committees.

James said this proposal would eliminate two work sessions per month freeing up time for council members to serve on additional committees.

Myers offered a solution in the form of a motion saying if everyone served on at least 2 of the first 6 committees, which will have 5 members; there would be 15 on economic development and 10 budget & finance.

James said there would be an option to appoint the amount of council members serving on economic development.

Blues stated he is not in accordance with the motion and does not see this as a solution. Crosbie agreed with Blues regarding appointments and the goal of serving on the economic development committee.

Myers withdrew the motion offering a solution regarding number of council members serving under the new proposal.

Motion by Lawless to adopt proposal that council members serve on at least 2 standing committees, seconded by Myers, motion passed

James said language to define the role of economic development as a standing committee is needed and asked Joe Schuler, aide to district 8 to work on.

Motion Myers to adopt language in 2.101 (1) Planning and Zoning, seconded by Lawless, motion passed

Gorton commented one of the duties of the planning committee is to look at goals and objectives of the comprehensive plan and was told this was covered in the language. She said combining public works under Planning would be entirely too much.

Motion by Lawless to remove partner agencies Language in 2.101 (2) Social Services Committee not related to Social Services be removed from language and be placed in the appropriate standing committee, seconded by Myers, motion passed.

Motion by Myers to adopt language in 2.101 (3) General Government committee, seconded by Lawless, motion passed.

Motion by Myers to adopt language in 2.101 (4) Budget & Finance committee, seconded by Feigel, motion passed.

Motion by Myers to adopt language in 2.101 (5) Public Safety committee, seconded by Lawless, motion passed.

Motion by Blues to which should be referred matters to the office of the director of economic development matters of TIF applications should be referred to the newly proposed economic development standing committee and all other related to economic development

Discussion:

Myers asked to add "including but not limited to".

Talked about specifying DDA and Commerce Lexington.

Crosbie suggested a substitute motion stating language similar to that in item 7 (environmental quality) listing specifics such as TIF is already a function of economic development. She referred to Feigel to make a motion as such.

There was much discussion regarding how to state language of an economic development standing committee.

Crosbie suggested this does not need to be a standing committee

Henson suggested economic matters and relating to partner agencies within economic development. Partner agencies should be in the language but not a specific agency.

Amendment to motion made by Crosbie, seconded by Feigel. Crosbie said she would withdraw her motion since she is questioning if Economic Development should even be a standing committee.

Motion by Myers to adopt language for economic development committee to which shall be related matters referred to economic development and all other matters related to economic development including partner agencies focused on economic development, seconded by Feigel, Motion passed with two opposing votes..

Lawless agreed TIF would automatically fall under this language.

Amendment to leave out TIF, DDA and Commerce Lexington.

Feigel said because TIF's are relatively new, it would be helpful to have these designated so they could be introduced to a committee.

Motion by Myers to adopt language in Section 2.202 Meetings, seconded by Blues, motion passed.

Gorton cautioned against having these meetings in the Government Center's fifth floor conference room and continue to conduct in Council chambers.

Section 2.204 Reference of matters to committee:

Motion by Blues not to adopt language in Section 2.204 changing work session to committee of the whole language, seconded by Henson, failed.

Discussion

Henson agreed the name should remain work session, and not be changed to committee of the whole.

Feigel pointed out differences in work session which is chaired by the Mayor and committee of the whole is chaired by the Vice Mayor. She referred to discussion with Mr. Askew saying she thought council rules and how they apply to work session and committee of the whole were not clear. Is there anything that would conflict with what's being proposed here today?

Askew replied he does not recall that conversation or issue of what applies to work session. The issue as he recalled was if the vice mayor was the chair could he vote, procedural issues sometimes come up. Askew said he had not heard all of

today's conversations and could not speak to any conflicts with changing the name of work session to committee of the whole.

Myers will support the motion.

Motion by Myers to change the name of work session to committee of the whole, seconded by Feigel, motion passed with two opposing votes.

Motion by Lawless to remove the word *Mayor* in language of Section 2.204 regarding referral of items to a committee, seconded by Myers, motion passed.

Motion by Crosbie offering an amendment to the motion stating a council member may refer an item directly to a committee, seconded by Blues, motion passed.

Gray asked what this motion would represent procedurally. Gorton explained this is currently how things work when an item needs to be walked on or a motion made.

Section 4.104 changing the name of Work Session to Committee of the Whole

Blues said there is no real reason to change the name of these meetings. They are reserved for different issues.

Feigel does not believe this would hinder any issues that come before council via committee of the whole, this might expedite matters.

This language explains purpose of meeting and how an agenda would look.

Motion by Myers to approve entirely of language in Section 4.104 which would include the entire agenda and packet for committee of the whole (replacing work session), seconded by Feigel, motion passed.

Motion by Blues to change language in item F Section 4.104, before acting on a motion to approve the docket any individual item listed for first reading, seconded by Lawless, motion passed.

Askew told the committee there could be an issue regarding who presides over committee of the whole but would obtain more information about this.

Gorton had a procedural question regarding reporting out results of this meeting to the entire council and if this proposal passed what would be the effective date. Gorton reminded James if this passes we need to also pass/approve the 2010 council calendar before holiday break that would incorporate these proposed changes.

James said the goal was to enact these changes in January 2010. James said she will be looking for a date to hold a special Intergovernmental Committee meeting to discuss this issue further before holiday break.

Motion to adjourn at 3:06 pm

URBAN COUNTY COUNCIL  
PLANNING COMMITTEE SUMMARY

November 24, 2009

Gorton chaired the Planning Committee which was convened at 1:02 PM. Feigel, Ellinger, Gray, Blues, and Stinnett attended. Henson attended as a non voting member.

I. IT System Linking Building Inspection & Code Enforcement - James

Phillip Stiffel, IT gave a brief update on CRM (customer relationship management) Enterprise Solution for data management, reporting, case management, workflow, field inspections, permitting, and work orders. He covered findings/planning in reference to the Management Partners Audit, Gartner, which an IT research and advisory partner and LFUCG IT strategy. He also covered estimated cost assuming funds are available. He said IT plans for code enforcement, building inspection and planning are estimated at \$2 million. He covered other considerations such as 311 component and other related IT projects, such as building inspection application rewrite, plan tracker, code enforcement field application and lien collections.

Gray asked about execution of these plans and where we are heading, adding that success depends on culture. Rama agreed saying a significant part of the scope would be to examine current processes.

2. Student Housing Task Force - Lawless

Today's meeting will continue to cover recommendations from the Student Housing Task Force.

Recommendation #2, under expanded policy, adopt rental licensing ordinance.

Mike Mauser, Student Housing Task Force chair explained concept of this recommendation has been adopted in several cities and deals with life safety issues. He said creating a rental license which can be suspended or revoked provides a simple way of tracking and trying to lessen burdens on government.

Motion by Blues to refer to the Building Inspection Task Force the issue of safety inspection processes including issues related to Building Inspection, Code Enforcement and Fire Dept., seconded by Stinnett. Motion passed with one nay vote.

Discussion:

Ellinger asked if adopting a rental license ordinance would also be referred to the Building Inspection Task Force and how the issue of safety and rental license tie together.

Blues said the intent of the motion is to make safety predominant, enabling council to pass safety restrictions since we do not currently have a good way to gain access to rental properties in order to assess any potential code enforcement violations.

Gorton clarified saying the motion would require building inspection to also look at options for addressing safety issues.

Feigel said there has been good progress made in addressing safety issues. She is afraid this licensing issue to going to stop these efforts and any progress made.

Blues responded there has been progress, but there is still a huge gap between voluntary inspections versus enforced inspections.

Gray said it was worthwhile to mention changes and progress which have come as a result of work, but that work needs to continue.

Motion by Ellinger not to adopt rental license ordinance, seconded by Feigel.

Discussion:

Blues commented he will not support this motion.

Gray said he was not sure how he felt on this matter.

Stinnett explained parliamentary procedure saying we did not have to act on this motion, a negative motion means the same as no action.

Ellinger said this motion would send a message to the task force this committee is not interested in entertaining this recommendation. He said we need to address this issue and either vote it up or down.

Feigel said she recalled other negative motions made in previous meetings and moved to full council.

Gorton explained negative motions don't go anywhere.

Stinnett asked how we can pass this motion without knowing building inspection and code enforcement's role in this matter

Motion by Ellinger to withdraw his previous motion and move to adopt rental licensing ordinance, seconded by Feigel, motion failed.

Recommendation #3 – Adopt portions of “Ohio State” plan by creating an office of “off campus” housing at UK.

Tom Harris, UK Vice President of Student Affairs told the committee UK is in favor of the recommendation and hopefully will know more in the next few months regarding funding & filling a position for an off campus housing office.

Gray thanked UK for stepping up and coming up with a solution.

Motion by Feigel to adopt the SHIPP (Student Housing Initiative Partnership Program)

Discussion:

Gorton asked Officer Keith Gaines for an update, and if he’s been in contact with LFUCG Dept. of Law regarding the question about having someone with in city government administer this program.

Blues asked what would adopting this program mean and was concerned about adopting a program versus endorsing as a concept.

Feigel said we are accepting Officer Gaines proposal and recommending the full council take a look at it, she was not sure we are accepting it line by line.

Motion by Feigel to revise original motion and recommend SHIPP to full council, seconded by Ellinger

Henson asked once this is in force and houses are placed in the program, can they also be removed, the answer was yes. She also had a question about the nuisance ordinance and how home owners would be fined.

Feigel asked Commission Askew, Dept. of Law, to comment Gaines proposal.

David Barbary, Law Dept. expressed the primary concern is if we create a government program like this, it would be much more complicated to have council create and run it. Council’s involvement should only be endorsing a program.

Motion by Feigel to change verbiage in revised motion from recommend to endorse the concept of SHIPP, seconded by Ellinger, motion passed.

Gray asked Mike Mauser where this motion is taking us. Mauser said we are trying to deal with two separate matters; the concern of the task force was the



lack of adequate ways for life saving issues. Gray said this does not take the place of enforcement. Mauser said this action can't, that will be the work of building inspection and the task force chaired by Stinnett. Gaines added SHIPP is a voluntary program.

Recommendation #4 – Consider off campus housing fee to be paid by UK and BCTC students to fund initiatives related to off campus housing.

Tom Harris told the committee UK is not in favor of this recommendation or imposing a fee on the backs of students.

No motions or action on this recommendation

Recommendation #5 – Revise definition of family zoning ordinance

Recommendation #6 – Amend ordinances to prohibit parking in rear yards except on approved surfaces that are permeable in compliance with all other ordinances.

Motion by Stinnett to address recommendations 5 and 6 in a January or February 2010 Planning Committee, review of residential zoning laws, seconded by Ellinger, motion passed.

Recommendation #7- Create university district overlay zone with modified zoning restrictions, increase enforcement funded by special taxing district

No motions or action of this recommendation

Gray left chambers, Henson to become part of voting quorum

Recommendation #8 (under expanded enforcement) draft/adopt a definition of fraternity and sorority housing – no action taken at last meeting. Gorton asked that Tony Blanton, UK and LFUCG Dept. of Law who are working to create language, have this information for the next Planning Committee meeting.

### 3. Items Referred to Committee

Motion by Henson to remove: review civil penalties/impose fines on property owners who operate a home office/occupation in violation of the zoning ordinance from Planning Committee, seconded by Ellinger, motion passed.

Motion by Henson to remove: impose restrictions on issuing permits to individuals/property owners when there are pending written complaints regarding violations of zoning ordinance from Planning Committee, seconded by Ellinger, motion passed.

Motion by Henson to remove: place reasonable time limits for completion of construction projects approved for existing 1/2 family residential building permits and fence retaining wall permits, from Planning Committee and refer to Building Inspection Task Force, seconded by Stinnett, motion passed.

Motion to adjourn at 2:25 pm