URBAN COUNTY COUNCIL
SCHEDULE OF MEETINGS
March 8-March 15, 2010

Monday, March 8

Parks Funding Work Group Meeting……………………………………………………………5:00 pm
Parks' Picadome Office

Tuesday, March 9

Special Committee of the Whole (COW) Meeting…………………………………………9:00 am
Council Chambers-2nd Floor Government Center

Corridors Commission Meeting……………………………………………………………11:00 am
Council Chambers-2nd Floor Government Center

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

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

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

Wednesday, March 10

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

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

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

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

Thursday, March 11

Building Inspection Task Force Meeting……………………………………………………3:00 pm
Conference Room-5th Floor Government Center

Economic & Community Development Task Force Meeting……………………………………5:00 pm
Council Chambers-2nd Floor Government Center

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

Friday, March 12

No Meetings

Monday, March 15

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

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

LEXINGTON-FAYETTE URBAN COUNTY COUNCIL

W O R K S E S S I O N A G E N D A

March 9, 2010

I. Public Comment – Issues on Agenda

II. Requested Rezonings / Docket Approval – Yes

III. Approval of Summary-Yes, February 23, 2010, pp. 4-8

IV. Budget Amendments – Yes, pp.9-11

V. New Business, pp.13-44

VI. Continuing Business / Presentations

A. Council Budget & Finance Committee, pp.45-62

B. Special Planning Committee, pp. 63-66

C. Severe Storms Preparedness
Ms. Shelly Bendall, Preparedness Coordinator
Division of Emergency Management / 911

D. 2010 Alltech FEI World Equestrian Games & Spotlight
Lexington Update, Ms. Krista Greathouse,
World Equestrian Games Liaison

E. Enterprise Resource Planning Update
Mr. Rama Dhuwaraha, Chief Information Officer

F. Kentucky League of Cities Update
Mr. Temple Juett, KLC General Counsel &
Mr. Douglas Goforth, KLC Chief Financial Officer

VII. Council Report

VIII. Mayor's Report – Yes

IX. Public Comment – Issues Not on Agenda

ADMINISTRATIVE SYNOPSIS

New Business Items

A. Authorization to Amend Section 5-29(11) and Create Section 5-29(20) of the Code of Ordinances Regarding Gravel Resurfacing Permit. (102-10) (Crowe/Webb)
This request will authorize an amendment to Section 5-29 (11) of the Code of Ordinances to add an exception for a gravel resurfacing permit and creates Section 5-29(20) of the Code of Ordinances to establish a fee and an inspection for issuing a gravel resurfacing permit.**pp.13-15**

B. Authorization to Approve the Proposed Update of the Exaction Rate Table on Behalf of the Department of Public Works and Development, Division of Planning. (104-10) (C. King/Webb)
This request will authorize the approval of a proposed update of the Exaction Rate Table of the Expansion Area Master Plan on behalf of the Division of Planning. The recommended changes are based on actual and / or contracted costs for recently constructed eligible system improvements and to keep exaction fund receipts current with the anticipated costs of the improvements.**pp.16-18**

C. Authorization to Approve Street Names and Individual Numbers to Addresses within Council Districts 1, 2, 3, 6, 9, 11 and 12 for the Enhanced 911 System. (101-10) (Lucas/Bennett)
This request will authorize the approval of street names and individual numbers to addresses within Council Districts 1, 2, 3, 6, 9, 11 and 12 for proper operation of Geographic Information System and the Enhanced 911 System.**pp.19-23**

D. Authorization to Accept an Award from the National Association of Police Athletic / Activities Leagues, Inc. (National PAL) on Behalf of the Department of Public Safety, Division of Police, for a Juvenile Mentoring Program – FY2010. (107-10) (P. King/Bennett)
This request will authorize the acceptance of federal funds in the amount of $24,670 from National PAL on behalf of the Division of Police for a Juvenile Mentoring Program. The source of funds is the American Recovery and Reinvestment Act of 2009 from the US Department of Justice, Office of Juvenile Justice and Delinquency Prevention Program. No matching funds are required.**p.24**

E. Authorization to Approve Ordinance and Local Participation Agreement with The Lexington Trots Breeders Association, LLC, for the Red Mile Mixed Use Development Area Tax Increment Financing (TIF) Project. (103-10) (Kelly)
This request will authorize the approval of an Ordinance and a Local Participation Agreement with The Lexington Trots Breeders Association, LLC, for the Red Mile Mixed Use Development Area TIF Project for the development of an economic area known as the Red Mile Development Area Project for certain infrastructure costs.**pp.25-37**

F. *Authorization to Approve an Implementation Services Contract and Licensing and Maintenance Agreements with Accela, Inc. on Behalf of the Department of Environmental Quality, Division of Water Quality. (105-10) (Martin/Taylor)
This request will authorize the approval of an Implementation Services Contract and Licensing and Maintenance Agreements for a total of $1,594,360.94 with Accela, Inc. on behalf of the Division of Water Quality for an asset management software solution that meets the Capacity, Operations, Maintenance and Management requirements of the **EPA Consent Decree**. **pp.38-39**

G. Authorization to Submit Application to the Blue Grass Community Foundation on Behalf of the Department of Social Services, Division of Youth Services, under the Blue Grass Collaborative Assistance and Relief Effort (CARE) Fund. (106-10) (P. King/ Helm)
This request will authorize the submission of an application for funds in the amount of $7,000 to the Blue Grass Community Foundation on behalf of the Division of Youth Services, under the Blue Grass CARE Fund to provide financial assistance for families who are at risk. No matching funds are required.**p.40**

H. Authorization of Change Order No. 1 to Contract with Randle-Davies Construction Company Regarding the South Elkhorn Trail Project. (Final) (099-10) (P. King/Webb)
This request will authorize Change Order No. 1 to decrease contract amount by $57,312.13 with Randle-Davies Construction Company to adjust bid quantities to quantities required to complete the South Elkhorn Trail Project. Original contract amount was $216,701. Final contract amount is $159,388.87.**pp.41-43**

I. Authorization to Amend Section 21-5 of the Code of Ordinances within the Chief Information Office, Division of Enterprise Solutions. (085-10) (Allen/ Dhuwaraha)
This request will authorize an amendment to Section 21-5 of the Code of Ordinances to create one (1) position of a Systems Administrator – Enterprise Solutions (Grade 118E) within the Division. The fiscal impact for FY2010 is $17,584.63. Total annual impact will be $76,200.07. Funds are budgeted.**p.44**

*** Denotes EPA Consent Decree**

URBAN COUNTY COUNCIL

WORK SESSION SUMMARY

& TABLE OF MOTIONS

February 23, 2010

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

I. Public Comment – Issues on Agenda-None

II. Requested Rezonings / Docket Approval-Yes

A motion by CM Ellinger to place on the docket without a hearing, an ordinance changing the zone from a Two-Family Residential (R-2) zone to a High Rise Apartment (R-5) zone for 0.25 net (0.33 gross) acre, for property located at 333 S Upper St, subject to certain use restrictions imposed as conditions of granting the zone change (RAS Land, Inc) (AMD.)), seconded by CM Crosbie, passed without dissent.

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

III. Approval of Summary-Yes

A motion by CM Beard to approve the summary from February 16, 2010, seconded by CM Lane, passed without dissent.

IV. Budget Amendments-Yes

A motion by CM Blues to remove budget journal 40815 from today's packet because it was on a previous new item agenda list, seconded by CM Gorton, passed without dissent.

A motion by CM Myers to approve the budget amendments, seconded by CM Blues, passed by a 14-0 vote, with 1 abstention: CM Gorton.

V. New Business

A. Authorization of an UltraCare Agreement with ABDick-Kopy Kat, Inc. on Behalf of the Department of Finance and Administration, Division of Human Resources. (024-10) (Allen/Rumpke)

B. Authorization of an Addendum to the State and Local Taskforce Agreement with the US Department of Justice, Drug Enforcement Administration (DEA) on Behalf of the Department of Public Safety, Division of Police. (086-10) (Bastin/Bennett)

C. Authorization of a Memorandum of Understanding (MOU) with the US Marshals Service on Behalf of the Department of Public Safety, Division of Police, Regarding the District Fugitive Taskforce. (087-10) (Bastin/Bennett)

D. Authorization of an Agreement with the University of Kentucky (UK) on Behalf of the Department of Public Safety, Division of Police, for use of the Albert B. Chandler Medical Center Regarding the Sexual Assault Nurse Examiner (SANE) Program – FY2010 (090-10) (P. King/Bennett)

E. Authorization to Approve Purchase from Kustom Signals, Inc. as a Sole Source Provider on Behalf of the Department of Public Safety, Division of Police, Traffic Safety Project. (091-10) (P. King/Bennett)

F. Authorization of Change Order No. 4 to Contract with HDR / Quest (f/k/a Quest Engineers, Inc.) for the Todds Road / Liberty Road Widening Project – Phase I. (097-10) (P. King/Webb)

G. Authorization to Accept a Cash Donation from the Alpha Delta Chapter of ADK on Behalf of the Department of Social Services, Division of Family Services. (088-10) (Hendrix/Helm)

H. Authorization to Accept a Cash Donation from Cynthia Beard on Behalf of the Department of Social Services, Division of Family Services. (089-10) (Hendrix/ Helm)

I. Authorization to Accept an Award from the State Farm Companies Foundation on Behalf of the Department of Social Services, Division of Youth Services, to Implement a Teen Express Project. (092-10) (P. King/Helm)

J. Authorization to Submit an Application to the US Department of Justice (DOJ), Office on Violence Against Women, for Continuation of a Safe Haven Project – FY2010. (093-10) (P. King/Helm)

K. Authorization to Amend Section 21-5 of the Code of Ordinances on Behalf of the Department of Environmental Quality, Division of Water Quality. (095-10) (Allen/ Taylor)

L. Authorization to Approve Amendments to Section 15-1.3(6) of the Code of Ordinances Relating to Designating a Clean Zone for the 2010 World Equestrian Games. (094-10) (Greathouse/Rabold)

M. Authorization to Approve Purchase from Toter® Incorporated as a Sole Source Provider on Behalf of the Department of General Services, Division of Facilities and Fleet Management, for Lifting Units and Parts. (096-10) (Loney/Cole)

N. Authorization to Retain the Wayne Basconi, Attorney at Law, on Behalf of LFUCG, for Legal Bill Review Services. (098-10) (Bowman/Askew)

A motion by CM Crosbie to place item N into the Inter-Governmental Committee, seconded by CM Ellinger, passed without dissent.

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

VI. Continuing Business / Presentations-Yes

A. Planning Committee Report

This report was given by Co-Chair CM Blues.

A motion by CM Blues to accept the following compromises: building to which the signage 1. pertains/contains 100,000 or more square feet, 2. the site contains two or more acres, and 3. the property is located along a four lane public highway, seconded by CM Martin, amended by CM James to place the #3 item into the Planning Committee for more review, seconded by CM Lawless, was a tied vote with the chair (Mayor)breaking the tie by voting to return the item to the Planning Committee. The original motion, without item #3, passed by a 14-0 vote with one recusal: CM Lane.

B. Affordable Housing Trust Fund Task Force Presentation

This presentation was done by Mary Brooks from California. Several CMs and the Mayor asked questions.

C. Initial Proposal of the Turfland Mall TIF

This was actually a time to set a hearing date for the TIF. T. Bruce Simpson, Jr, Esq. of McBrayer McGinnis Leslie & Kirkland, PLLC was the attorney present.

A motion by CM McChord to set the Turfland Mall TIF public hearing for 3/23/10 at 3 pm, seconded by CM Ellinger was amended to 3/25/10 at 7 pm before Council Meeting by CMGorton and seconded by CM Henson. Both motions passed without dissent.

VII. Council Report

CM Gorton-Thanked CM Blues for filling in for her at the Planning Committee meeting last week; thanked Mayor Newberry, and CMs Blues, Crosbie and Martin for signing the Covenant with the military families.

CM Blues-Announced 2 neighborhood association meetings: on 3/1/10 at 6 pm Georgetown Street Area at the O'Rear Center and at 7 pm Green Acres/Hollow Creek/Breckinridge at the Community Center in Green Acres.

A motion by CM Blues to place a multi-way stop at Old Georgetown St and W Short St, seconded by CM McChord, passes without dissent.

CM Lane-A motion by CM Lane to reduce the speed limit on Bowman Mill Rd from 50 mph to 40 mph, seconded by CM McChord, passed without dissent.

CM Lawless-Asked a question of Comm. Webb about the light pole on S. Limestone; gave a 'shout out' to David Barberie of the Dept. of Law for his work done.

CM Crosbie-Announced the Waste Reduction Task Force meeting on 3/1/10 at 10:30 am in the 5th floor conference room; stated that she has received feedback on the new combo waste/recycling containers being used-Comm. Taylor answered-one complaint that CM Crosbie had is that the writing on the side of the container is difficult to read at night.

CM Henson-Announced that the next Affordable Housing Trust Fund Task Force meeting will be 3/16/10 at 9 am in the 5th floor conference room; Headley Green homeowners will meet on 3/1/10 at 7 pm at the Gardenside Christian Church; on tomorrow morning at 9 am in the 5th floor conference room, the Commission for Citizens with Disabilities will meet.

A motion by CM Henson to place on the docket for the February 25, 2010, Council Meeting a resolution authorizing the Mayor to execute and submit a grant application to the Cabinet for Health and Family Services for Federal funds for the continuation of the New Chance Program, the Mentoring Program and the local Governance Council Project, seconded by CM Beard, passed without dissent.

CM Feigel-Stated that last night (Monday) the second 5th District-wide meeting with 70-80 people in attendance was held; thanked Shriner's Hospital for being able to use the facility; also thanked Mayor Newberry, VM Gray, and CMs Gorton and Ellinger for being in attendance also; also thanked Comm. Webb, David Jarvis, Kenzie Gleason and 4 Police officers for attending and all the information given.

CM James-Spoke about the emails and calls received about the snow emergency.

A motion by CM James to place the snow emergency plan into the Services Committee, seconded by CM Gorton, passed without dissent.

VIII. Mayor's Report-Yes

Mayor Newberry withdrew Robert Boone's name from the Town & Gown Commission nomination list.

A motion by CM Beard to vote separately Robert Owens-Airport Bd and Mr. Frye-Masterson Station Bd from the other nominations' list, seconded by CM Lane, passed without dissent.

A motion by CM Lane to approve Robert Owens' reappointment to the Airport Bd, seconded by CM Martin, passed with a 12-3 vote.

A motion by CM Lane to approve Mr. Frye's appointment to the Masterson Station Park Advisory Bd, seconded by CM Martin, passed with a 13-2 vote.

A motion by CM Lane to approve the amended Mayor's Report, seconded by CM Martin, passed without dissent.

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

A motion by CM Myers to go into closed session pursuant to KRS 61.810 (1) (c) for the purpose of discussing pending litigation; and pursuant to KRS 61.810 (1)(b) to discuss the acquisition of real property, an open discussion about which would likely affect the value of the specific piece of property that may be acquired, seconded by CM Gorton, passed with a 11-1 vote. 3 CMs were absent from the 'horse shoe' when the vote was taken.

A motion by VM Gray to go back into open session, seconded by CM Martin, passed without dissent.

A motion by CM Martin to adjourn, seconded by VM Gray, passed without dissent.

Work session was adjourned at 6:40 pm.

JOURNAL	40931-32	**DIVISION**	Purchase of Development Rights	**Fund Name**	General Services Fund
				Fund Impact	3,000.00
					3,000.00CR
					.00

To provide funds for professional services by recognizing a contribution from a citizen.

JOURNAL	40933-34	**DIVISION**	Purchase of Development Rights	**Fund Name**	General Services Fund
				Fund Impact	200.00
					200.00CR
					.00

To provide funds for business travel by recognizing revenue.

JOURNAL	40941	**DIVISION**	Council Office	**Fund Name**	General Services Fund
				Fund Impact	75,000.00
					75,000.00CR
					.00

To transfer funds from the Mayor's Economic Development Office to the Council Office to be used as match for the LFUCG/Commerce Lexington Economic Development Visioning & Strategic Plan effort.

JOURNAL	41092-93	**DIVISION**	Parks and Recreation	**Fund Name**	General Services Fund
				Fund Impact	6,500.00
					6,500.00CR
					.00

To recognize contributions from Cornett IMS for Summer 2009 with Don Jacobs for Free Friday Flicks, Ecton Park and Swinging on Main.

JOURNAL	41094-95	**DIVISION**	Parks and Recreation	**Fund Name**	General Services Fund
				Fund Impact	544.43
					544.43CR
					.00

To recover refund from M&M Sanitation services and electrician overtime for Lexington Childrens Museum-Museum-go-around.

JOURNAL	41096-97	**DIVISION**	Parks and Recreation	**Fund Name**	General Services Fund
				Fund Impact	750.00
					750.00CR
					.00

To recognize a donation from ABC Home Medical to Therapeutic Recreation Camps Special Programs.

JOURNAL	40789-90	**DIVISION**	Special Programs	**Fund Name**	Donation Fund
				Fund Impact	550.00
					550.00CR
					.00

To recognize contribution from the National Arts Program for LFUCG Arts Program reception.

JOURNAL	41088-89	**DIVISION**	Special Programs	**Fund Name**	Donation Fund
				Fund Impact	27,614.16
					27,614.16

To provide funds for 4th of July operating accounts by recognizing prior year revenues.

JOURNAL	40936	**DIVISION**	Community Development	**Fund Name**	US Dept Of HUD
				Fund Impact	6,200.00
					6,200.00CR
					.00

To provide administrative funds to Bluegrass Regional Mental Health-Mental Retardation Board, Inc. for tenant based rental assistance program under the Home Program.

JOURNAL	40938	**DIVISION**	Community Development	**Fund Name**	US Dept Of Justice
				Fund Impact	9,542.00
					9,542.00CR
					.00

To provide funds for GPS package and data service for Street Sales grant.

JOURNAL	41104	**DIVISION**	Water Quality	**Fund Name**	Sanitary Sewer Fund
				Fund Impact	28,421.00
					28,421.00CR
					.00

To establish personnel recovery and grant match from the Division of Water Quality Laboratory for the Wolf Run project.

BUDGET AMENDMENT REQUEST SUMMARY

Fund	1101	General Service District Fund	.00
Fund	1103	Donation Fund	27,614.16
Fund	3120	US Department of Housing and Urban Development	.00
Fund	3140	US Department of Justice	.00
Fund	4002	Sanitary Sewer Revenue and Operating Fund	.00

NEW BUSINESS ITEMS REQUIRING BUDGET AMENDMENTS

March 9, 2010 Work Session

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 ITEM	BUDGET JOURNAL	DIVISION	DESCRIPTION OF REQUEST		
107-10	BA 2776	Community Development	To establish grant budget for the PAL Grant for Juvenile Mentoring - 2010.		
D				3140	24,670
				3140	24,670
					0*

EFFECT ON FUND BALANCES

FUND 3140 0* NO IMPACT TO: US DEPT OF JUSTICE

Budget Information For New Business Items

March 9, 2010 Work Session

Item	Number	Amount	Fund	Name / Description
A.	102-10	(6,000.00)	1101	General Services District
B.	104-10	NA		
C.	101-10	NA		
D.	107-10	24,670	3140	US Dept of Justice Budget Journal
E.	103-10	NA		
F.	105-10	1,594,360.94	4003	Sanitary Sewer Construction
G.	106-10	NA		
H.	099-10	-57,312.13	3160	US Dept Of Transportation
I.	085-10	17,584.63	1101	General Fund

102-10 13

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

Jim Newberry
Mayor

Mike Webb
Commissioner

Memorandum

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

FROM: Dewey Crowe, Director
Division of Building Inspection

DATE: February 16, 2010

RE: Gravel Resurfacing Permit

This is to request Council approval of the attached amendments to Section 5-29 of the Code of Ordinances relating to permits issued by the Division of Building Inspection, effective April 1, 2010. The proposed amendments would establish a $50.00 fee for the resurfacing or replacement of existing gravel driveways or parking areas with gravel. In addition, the amendment would require an inspection by the Division of Building Inspection prior to issuing the permit to ascertain the appropriate limits of the replacement gravel.

The estimated annual revenue from this change is $6,000.00.

CC: Mike Webb, Commissioner

ORDINANCE NO. ____________

AN ORDINANCE AMENDING SUBSECTION 5-29(11) OF THE CODE OF ORDINANCES, LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT, TO REFERENCE AN EXCEPTION FOR A GRAVEL RESURFACING PERMIT, AND CREATING SUBSECTION 5-29(20) OF THE CODE OF ORDINANCES TO PROVIDE FOR THE ISSUANCE OF A FIFTY DOLLAR ($50.00) FEE FOR A GRAVEL RESURFACING PERMIT, WHICH SHALL REQUIRE AN INSPECTION OF THE EXISTING GRAVEL AREA(S) PRIOR TO ISSUANCE; ALL EFFECTIVE ON APRIL 1, 2010.

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

Section 1 - That subsection 5-29(11) of the Code of Ordinances be and hereby is amended to read as follows:

> (11) For residential curb cuts, the director, division of building inspection, shall receive a fee of ten dollars ($10.00); for commercial curb cuts, the director, division of building inspection, shall receive a fee of twenty-five dollars ($25.00). For the initial construction and surfacing of residential driveways or parking areas, the director, division of building inspection shall receive a fee of one (1) percent of the cost price, with the cost to be based on sixty cents ($0.60) per square foot, but in no event shall the fee be less than twenty-five dollars ($25.00). For the initial construction and surfacing of commercial driveways or parking areas, the director, division of building inspection shall receive a fee of one (1) percent of the cost price, with the cost to be based on sixty cents ($0.60) per square foot, but in no event shall the fee be less than fifty dollars ($50.00). No permit shall be required for the resurfacing of existing driveways or parking areas, except as required by subsection 5-29(20), below;

Section 2 - That subsection 5-29(20) of the Code of Ordinances be and hereby is created to read as follows:

> (20) For the resurfacing or replacement of existing gravel driveways or gravel parking areas with gravel, the director,

division of building inspection, shall receive a fee of fifty dollars ($50.00). No such permit shall be issued prior to an inspection by the division of building inspection of the area in which the gravel is to be used in order to ascertain the appropriate limits on such use, consistent with the zoning ordinance.

Section 3 - That this Ordinance shall become effective on April 1, 2010.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

PUBLISHED:

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104-10

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

Jim Newberry
Mayor

Mike Webb
Commissioner

MEMORANDUM

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

FROM: Chris King, Director, Division of Planning

DATE: March 2, 2010

RE: Proposed Update of Expansion Area Exaction Rate Table

Please find attached a proposed update of the Exaction Rate Table for approval by the Urban County Council. The recommended changes are primarily based upon actual and/or contracted costs for recently constructed eligible system improvements. The changes are needed to keep exaction fund receipts current with the anticipated costs of the improvements, thus helping ensure that there are neither exaction fund shortages nor overages in the future. The last update was approved in 2005.

The table is the results of many months of work by staff in the Department of Finance, Department of Public Works and Development and the Department of Environmental Quality. The proposed rates reflect recent and anticipated construction costs and land values documented through appraisals and the actions of the LFUCG's Exaction Credit Advisory Committee.

Staff will be present at the Council work session to answer any questions which may arise regarding this proposal.

Attachment: Proposed March 2010 Exaction Rate Table

C: Mike Webb, Commissioner of Public Works and Development
Linda Rumpke, Commissioner of Finance
Cheryl Taylor, Commissioner of Environmental Quality
Marwan Rayan, Division of Engineering
Hillard Newman, Division of Engineering
Charlie Martin, Division of Water Quality

transmittal exaction update 2010

Expansion Area Master Plan
Summary of Exactions

Table 1: Roads

	Expansion Area				
Land Use	EA 1	EA 2a	EA 2b	EA 2c	EA 3
EAR1	$0.00	$7,583.97	$7,583.97	$2,330.49	$2,364.41
EAR1-SRA	$0.00	$2,275.19	$2,275.19	$0.00	$0.00
EAR2	$0.00	$17,063.93	$17,063.93	$5,243.59	$5,319.92
EAR3	$0.00	$31,852.66	$0.00	$0.00	$0.00
CC (res)	$0.00	$31,852.66	$31,852.66	$9,788.04	$9,930.52
CC(nonres) (per sq. ft.)	$0.00	$144,531.45	$144,531.45	$44,413.24	$45,059.72
ED (per sq. ft.)	$0.00	$40,295.37	$40,295.37	$0.00	$12,562.65

Table 2: Parks

	Expansion Area				
Land Use	EA 1	EA 2a	EA 2b	EA 2c	EA 3
EAR1	$0.00	$2,367.61	$2,367.61	$1,463.31	$0.00
EAR1-SRA	$0.00	$710.28	$710.28	$0.00	$0.00
EAR2	$0.00	$5,327.13	$5,327.13	$3,292.44	$0.00
EAR3	$0.00	$14,205.68	$0.00	$0.00	$0.00
CC (res)	$0.00	$14,205.68	$14,205.68	$8,779.83	$0.00
CC(nonres) (per sq. ft.)	$0.00	$0.00	$0.00	$0.00	$0.00
ED (per sq. ft.)	$0.00	$0.00	$0.00	$0.00	$0.00

Table 3: Stormwater

	Expansion Area				
Land Use	EA 1	EA 2a	EA 2b	EA 2c	EA 3
EAR1	$0.00	$3,509.07	$5,084.62	$6,943.87	$0.00
EAR1-SRA	$0.00	$701.81	$1,016.92	$0.00	$0.00
EAR2	$0.00	$5,088.16	$7,372.70	$10,068.62	$0.00
EAR3	$0.00	$12,457.21	$0.00	$0.00	$0.00
CC (res)	$0.00	$12,457.21	$18,050.40	$24,650.76	$0.00
CC(nonres) (per sq. ft.)	$0.00	$12,457.21	$18,050.40	$24,650.76	$0.00
ED (per sq. ft.)	$0.00	$12,457.21	$0.00	$0.00	$0.00

Table 4: Open Space Exactions

	Expansion Area				
Land Use	EA 1	EA 2a	EA 2b	EA 2c	EA 3
EAR1	$1,000.00	$1,000.00	$1,000.00	$1,000.00	$1,000.00
EAR1-SRA	$0.00	$1,000.00	$1,000.00	$0.00	$0.00
EAR2	$0.00	$1,000.00	$1,000.00	$1,000.00	$1,000.00
EAR3	$0.00	$1,000.00	$0.00	$0.00	$0.00
CC (res)	$0.00	$1,000.00	$1,000.00	$1,000.00	$1,000.00
CC(nonres) (per sq. ft.)	$0.00	$1,000.00	$1,000.00	$1,000.00	$1,000.00
ED (per sq. ft.)	$0.00	$1,000.00	$0.00	$0.00	$1,000.00

Table 5: Total Non-Sewer Exactions

	Expansion Area				
Land Use	EA 1	EA 2a	EA 2b	EA 2c	EA 3
EAR1	$1,000.00	$14,460.65	$16,036.20	$11,737.67	$3,364.41
EAR1-SRA	$0.00	$4,687.28	$5,002.39	$0.00	$0.00

EAR2	$0.00	$28,479.22	$30,763.76	$19,604.65	$6,319.92
EAR3	$0.00	$59,515.55	$0.00	$0.00	$0.00
CC (res)	$0.00	$59,515.55	$65,108.74	$44,218.63	$10,930.52
CC(nonres) (per sq. ft.)	$0.00	$157,988.66	$163,581.85	$70,064.00	$46,059.72
ED (per sq. ft.)	$0.00	$53,752.58	$40,295.37	$0.00	$13,562.65

Table 6: Sewer Transmission

	Expansion Area				
Land Use	EA 1	EA 2a	EA 2b	EA 2c	EA 3
EAR1	$7,944.35	$2,123.08	$2,445.62	$4,420.51	$1,950.01
EAR1-SRA	$0.00	$636.92	$733.69	$0.00	$0.00
EAR2	$0.00	$4,250.33	$4,896.05	$8,849.73	$3,903.87
EAR3	$0.00	$9,127.56	$0.00	$0.00	$0.00
CC (res)	$0.00	$9,127.56	$10,514.24	$19,004.73	$8,383.52
CC(nonres) (per sq. ft.)	$0.00	$11,596.57	$13,358.34	$24,145.51	$10,651.26
ED (per sq. ft.)	$0.00	$13,762.96	$0.00	$0.00	$12,641.06

Table 7: Sewer Capacity

	Expansion Area				
Land Use	EA 1	EA 2a	EA 2b	EA 2c	EA 3
EAR1	$2,081.59	$2,081.59	$2,081.59	$2,081.59	$2,081.59
EAR1-SRA	$0.00	$624.48	$624.48	$0.00	$0.00
EAR2	$0.00	$4,167.28	$4,167.28	$4,167.28	$4,167.28
EAR3	$0.00	$8,949.21	$0.00	$0.00	$0.00
CC (res)	$0.00	$8,949.21	$8,949.21	$8,949.21	$8,949.21
CC(nonres) (per sq. ft.)	$0.00	$11,369.97	$11,369.97	$11,369.97	$11,369.97
ED (per sq. ft.)	$0.00	$13,494.03	$0.00	$0.00	$13,494.03

Table 8: Total Sewer Exactions

	Expansion Area				
Land Use	EA 1	EA 2a	EA 2b	EA 2c	EA 3
EAR1	$10,025.95	$4,204.67	$4,527.21	$6,502.11	$4,031.61
EAR1-SRA	$0.00	$1,261.40	$1,358.16	$0.00	$0.00
EAR2	$0.00	$8,417.62	$9,063.33	$13,017.01	$8,071.15
EAR3	$0.00	$18,076.77	$0.00	$0.00	$0.00
CC (res)	$0.00	$18,076.77	$19,463.44	$27,953.93	$17,332.73
CC(nonres) (per sq. ft.)	$0.00	$22,966.53	$24,728.30	$35,515.47	$22,021.23
ED (per sq. ft.)	$0.00	$27,256.99	$0.00	$0.00	$26,135.09

Table 9: Total Exactions per Acre

	Expansion Area				
Land Use	EA 1	EA 2a	EA 2b	EA 2c	EA 3
EAR1	$11,025.95	$18,665.32	$20,563.41	$18,239.78	$7,396.02
EAR1-SRA	$0.00	$5,948.68	$6,360.55	$0.00	$0.00
EAR2	$0.00	$36,896.84	$39,827.09	$32,621.66	$14,391.07
EAR3	$0.00	$77,592.32	$0.00	$0.00	$0.00
CC (res)	$0.00	$77,592.32	$84,572.18	$72,172.56	$28,263.25
CC(nonres) (per sq. ft.)	$0.00	$180,955.19	$188,310.15	$105,579.47	$68,080.95
ED (per sq. ft.)	$0.00	$81,009.57	$40,295.37	$0.00	$39,697.74

Lexington-Fayette Urban County Government
DEPARTMENT OF PUBLIC SAFETY

Jim Newberry
Mayor

Tim Bennett
Commissioner

February 22, 2010

TO: Mayor Jim Newberry and Urban County Council

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

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

This request will change street names and individual numbers to addresses within various Council Districts. The attached listing reflects the individual addresses to be changed that are located within the 1st, 2nd, 3rd, 6th, 9th, 11th and 12th Council Districts.

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

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

The following documents are attached:

1. Administrative review form (Blue sheet).

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

3. Individual address list/Draft of Resolution.

RESOLUTION NO. _____ - 2010

A RESOLUTION CHANGING THE STREET NAME AND PROPERTY ADDRESS NUMBER OF 1652 BRYANT ROAD TO 3418 POLO CLUB BOULEVARD, OF 1505 DEER HAVEN LANE TO 3414 POLO CLUB BOULEVARD, OF 797 MILES POINT WAY TO 801 ENTERPRISE DRIVE, OF 651 WEST NEW CIRCLE ROAD TO 1501 COLESBURY CIRCLE, OF 3275 POLO CLUB BOULEVARD TO 2270 ICE HOUSE WAY, OF 767 WEST SHORT STREET TO 127 NEWTOWN PIKE, OF 171 SOUTHLAND DRIVE TO 145 COLLINS LANE; CHANGING THE PROPERTY ADDRESS NUMBERS OF 4088 GEORGETOWN ROAD TO 4050 GEORGETOWN ROAD, OF 251-255 HOLBROOK COURT TO 255 HOLBROOK COURT, OF 2550 LIBERTY RIDGE LANE TO 701 LIBERTY RIDGE LANE, OF 5846 OLD RICHMOND ROAD TO 5820 OLD RICHMOND ROAD, OF 3948 REAL QUIET LANE TO 3806 REAL QUIET LANE, OF 261-267 WEST SHORT STREET TO 259 WEST SHORT STREET, OF 474-476 SILVER MAPLE WAY TO 476 SILVER MAPLE WAY, OF 286 SIMPSON AVENUE TO 186 SIMPSON AVENUE, AND OF 108 AND 108 ½ THOMPSON ROAD TO 106 AND 108 THOMPSON ROAD; AND CHANGING THE STREET NAME OF 3280 POST ROAD TO KEITHSHIRE WAY, AND OF 173 AND 181 SOUTHLAND DRIVE TO 173 AND 181 COLLINS LANE; ALL EFFECTIVE THIRTY DAYS FROM PASSAGE.

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

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

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

WHEREAS, various street names and property addresses located in several Council Districts do not meet the Code requirements and changes should be made to conform to the Code and to accomplish the goals of the GIS and 911 System projects.

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

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

(a) Bryant Road: That the name of Bryant Road located at 1652 Bryant Road is changed to Polo Club Boulevard and the following number change is made:

Current	New
1652 Bryant Road	3418 Polo Club Boulevard

(b) Deer Haven Lane: That the name of Deer Haven Lane located at 1505 Deer Haven Lane is changed to Polo Club Boulevard and the following number change is made:

Current	New
1505 Deer Haven Lane	3414 Polo Club Boulevard

(c) Miles Point Way: That the name of Miles Point Way located at 797 Miles Point Way is changed to Enterprise Dive and the following number change is made:

Current	New
797 Miles Point Way	801 Enterprise Drive

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

Current	New
651 West New Circle Road	1501 Colesbury Circle

(e) Polo Club Boulevard: That the name of Polo Club Boulevard located at 3275 Polo Club Boulevard is changed to Ice House Way and the following number change is made:

Current	New
3275 Polo Club Boulevard	2270 Ice House Way

(f) West Short Street: That the name of West Short Street located at 767 West Short Street is changed to Newtown Pike and the following number change is made:

Current	New
767 West Short Street	127 Newtown Pike

(g) Southland Drive: That the name of Southland Drive located at 171 Southland Drive is changed to Collins Lane and the following number change is made:

Current	New
171 Southland Drive	145 Collins Lane

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

(a) Georgetown Road:

Current	New
4088 Georgetown Road	4050 Georgetown Road

(b) Holbrook Court:

Current	New
251-255 Holbrook Court	255 Holbrook Court

(c) Liberty Ridge Lane:

Current	New
2550 Liberty Ridge Lane	701 Liberty Ridge Lane

(d) Old Richmond Road:

Current	New
5846 Old Richmond Road	5820 Old Richmond Road

(e) Real Quiet Lane:

Current	New
3948 Real Quiet Lane	3806 Real Quiet Lane

(f) West Short Street:

Current	New
261-267 West Short Street	259 West Short Street

(g) Silver Maple Way

Current	New
474-476 Silver Maple Way	476 Silver Maple Way

(h) Simpson Avenue

Current	New
286 Simpson Avenue	186 Simpson Avenue

(i) Thompson Road

Current	New
108 Thompson Road	106 Thompson Road
108 ½ Thompson Road	108 Thompson Road

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

(a) Post Road: That the name of Post Road at 3280 Post Road is changed to Keithshire Way.

(b) Southland Drive: That the name of Southland Drive at 173 and 181 Southland Drive is changed to Collins Lane.

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

PASSED URBAN COUNTY COUNCIL:

____
MAYOR

ATTEST:

____
CLERK OF URBAN COUNTY COUNCIL
PUBLISHED:

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107-10 24

Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

Linda L. Rumpke
Commissioner

TO: JIM NEWBERRY, MAYOR
URBAN COUNTY COUNCIL

FROM: PAULA KING, DIRECTOR
DIVISION OF COMMUNITY DEVELOPMENT

DATE: MARCH 1, 2010

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT AWARD FROM THE NATIONAL ASSOCIATION OF POLICE ATHLETIC/ACTIVITIES LEAGUE, INC., FOR A JUVENILE MENTORING PROGRAM IN THE DIVISION OF POLICE

The National Association of Police Athletic/Activities League, Inc., has offered the Lexington-Fayette Urban County Government an award of federal funds in the amount of $24,670 for a community-based community mentoring program. The source of these funds is the American Recovery and Reinvestment Act. On March 12, 2009 (Resolution # 204-2009), council authorized Mayor submit grant applications for funds arising from the American Recovery and Reinvestment Act.

The purpose of the program is to implement a mentoring program during non-school hours that includes a dropout prevention curriculum and development of a group of volunteers to serve as adult/peer mentors. Funds will be used to support costs of mentoring personnel (under contract), travel, computer equipment, drop-out prevention CD series, training materials, nutritional snacks, and T-shirts for participating youth.

Federal funds for the program are from the U.S. Department of Justice/Office of Juvenile Justice and Delinquency Prevention Program.

Council authorization to accept the award is hereby requested.

Paula King, Director

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

103-10 25

Lexington-Fayette Urban County Government

Jim Newberry, Mayor

TO: Mayor Jim Newberry
Urban County Council

FROM: Joe Kelly
Senior Advisor for Management

DATE: March 2, 2010

SUBJECT: Red Mile Tax Increment Finance Development Project

On December 1, 2009, The Lexington Trots Breeders Association, LLC (LTBA) made formal application (copy attached) to Mayor Newberry and the Lexington-Fayette Urban County Council for creation of an economic development area to be known as the *Red Mile Mixed Use Development Area*. LTBA's application is in accordance with Kentucky's Mixed Use Tax Increment Financing (TIF) statutes. If the Red Mile project is approved by the Council application will be made to the Kentucky Economic Development Financing Authority for use of incremental state tax revenue (produced by the Red Mile Project) to pay for certain infrastructure costs required for a successful project. The total investment in the Red Mile Project is expected to be approximately One Hundred Eighty-Seven million dollars ($187,000,000).

LTBA has fulfilled all requirements for a successful application. The statutorily required public hearing was conducted by the Council on February 11, 2010.

We request Council approve the enabling ordinance and draft participation agreement which will allow Mayor Newberry to forward a completed application package to the State for their consideration. Should the State give preliminary approval to the project, LTBA has agreed to pay for the State required independent consultant report and all state administrative fees.

2 Attachments
1. Proposed Ordinance
2. Red Mile Application

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

ORDINANCE NO. __________

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

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

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

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

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

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

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

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

WHEREAS, the LFUCG pursuant to the Act held a public hearing on February 11, 2010 after giving proper notice concerning the LFUCG's intention to consider the adoption of the Development Plan; and

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

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

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

SECTION 1. Definitions.

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

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

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

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

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

"Development Plan" means the Tax Increment Financing Development Plan for the Red Mile Development Area attached as Exhibit C.

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

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

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

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

"KEDFA" means the Kentucky Economic Development Finance Authority.

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

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

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

"Project" or "Red Mile Project" means the proposed comprehensive redevelopment project within the Development Area more specifically described in the Development Plan, being undertaken by the Developer, The Lexington Trots Breeders Association, LLC.

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

"State" means the Commonwealth of Kentucky.

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

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

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

(a) The Development Area consists of a contiguous tract of land that is no more than three (3) square miles. The actual size of the Development Area is 79.89 acres;

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

(c) The establishment of the Development Area will not cause the assessed taxable value of real property within the Development Area and within all "development areas" and "local development areas" established by the LFUCG (as those terms are defined in the Act) to exceed twenty percent (20%) of the total assessed taxable value of real property within Lexington. The assessed value of taxable real property within the Development Area for calendar year 2009 was $5,569,700. The LFUCG has previously established three other development areas pursuant to the Act, the Phoenix Park/Courthouse Development Area, the Lexington Distillery District Development Area and the Showprop Lexington Development Area. The combined real property assessed valuation for those three development areas is $19,373,200 and when combined with the real property assessed value for proposed Development Area, the total real property assessed value for all development areas established by the LFUCG will be approximately $24,942,900. The total assessed value of taxable real property within Lexington for the calendar year 2009 is approximately $22 Billion. Therefore, the assessed value of taxable real property within all development areas is significantly less than twenty percent (20%) of the assessed value of taxable real property within Lexington;

(d) There has been a substantial loss of commercial activity within the Development Area. On site, the Red Mile Race Track, like most of the horse racing industry, has been in a state of economic decline for years. Declining attendance has increased the financial losses suffered in the operation of the Race Track. Only contributions from owners who are dedicated to the sport have enabled the Developer to preserve the core commercial venture - standardbred racing;

(e) More than fifty percent (50%) of the commercial structures are deteriorating or deteriorated. In fact, one hundred percent (100%) of the buildings could be considered as either deteriorating or deteriorated. The grandstand, clubhouse and paddock area stand unchanged. No upgrades have been made to their basic infrastructure since original construction. Renovations of those structures will be necessary. Many of the stables, which constitute more than fifty percent (50%) in number of the structures in the Development Area, could be considered as deteriorated. Some stables have been demolished because of their deteriorated condition.

(f) There are inadequate public improvements and infrastructure to support the redevelopment of the Development Area. Limited public infrastructure currently exists within the proposed development site. In addition, public infrastructure connecting to the site is inadequate to handle the increased services that will be needed. Having to construct the necessary public infrastructure creates a heavy financial burden for the potential future development of this land. Examples of public infrastructure needed to enable construction of the Project and growth in the Development Area include:

i. Utilities – A vast expansion of sanitary sewer lines, storm sewer lines, water service lines, and utility conduits, including electric, gas, telephone and cable, to accommodate the large increase in utility usage that the Project will require;

ii. Roadways – The creation of new internal roads and an expansive walkway system to handle the increased vehicular and pedestrian traffic this development will draw;

iii. Parking – Open grade parking will provide 1,768 parking spots, while the three proposed parking structures will add an additional 164, 104 and 104 spots respectively;

iv. Red Mile Road – Improvements at Red Mile Road's intersections with both South Broadway and Versailles Road and a widening of Red Mile Road to improve the flow of traffic, both vehicular and pedestrian, that will result from the Project;

v. Storm Water Management – The traditional storm water management plan to control detention and post development water quality consists of surface detention located at the lowest point on-site. Underground storm water facilities will be constructed at various locations on-site to enhance infiltration and groundwater recharge while maximizing the site's open spaces and usages. Each of these underground storm water facilities will include sump volume to store the portion of storm water runoff generated from the site and will use a solar pump system to pump runoff to irrigate the open spaces and greenway areas;

(g) There is a combination of factors that substantially impairs the growth and economic development of the City and impedes the development of commercial or industrial property due to the Development Area's present condition and use. Most of the Development Area has been zoned for agricultural use. It and the surrounding lands as a whole were initially agricultural in nature - horse racing, horse sales, tobacco warehouses, suppliers to farmers, and even a restaurant (the Coach House) frequented by horse farm owners and racing fans. The lifespan of that model has expired, and surrounding properties already have or are converting to other uses. Much of the land surrounding the proposed Project has been converted to large apartment complexes providing student housing. This dominant residential use impairs the development of commercial properties in that area of Lexington and arrests the growth of economic activities there. The development of the Red Mile Project will alleviate this single usage by creating mixed usage of entertainment, hotel, retail, offices, and residential; but the inadequacy of the public infrastructure in the Development Area impedes its development;

(h) That the Development Area is not reasonably expected to be developed without public assistance. Despite its appealing location and storied history, no interest has been shown in redeveloping the property to bring new economic activity to the area, other than the proposed Project. The public infrastructure costs associated with any successful redevelopment of the Development Area are too high to occur without the help of the public. It is estimated that the total cost of public infrastructure improvements needed within the Development Area to successfully redevelop the Red Mile Project site as an urban mixed-use development is approximately $54 million. Without public funding, including the critical pledge of State incremental revenues under the Commonwealth Participation Program for Mixed-Use Redevelopment in Blighted Urban Areas, as provided in the Act, the proposed Project within the Development Area would not be possible;

(i) That the public benefits of redeveloping the Development Area justify the public costs proposed. As detailed in the Commonwealth Economics Report, attached to the Development Plan, (the "Report"), the public investment is expected to reach $54 million, but the private investment within the Development Area will reach $133 million and support 2,099 new construction jobs and approximately 1,767 new permanent jobs within the Development Area. The proposed improvements will encourage new visitation to the area and provide necessary amenities for existing residents and new visitors alike. While the LFUCG will pledge eighty percent (80%) of new ad valorem property taxes and occupational taxes to pay for the public projects proposed, it will generate significant new revenues from the twenty percent (20%) of those new incremental revenues not pledged and one hundred (100%) of the other local taxes generated from the Project. Under the Act, school systems may not participate in the pledge of incremental revenues. Therefore, the local school system will receive significant new revenues from the Project within the Development Area;

Besides the new jobs and capital investment created directly by the Project, the Project will have a significant multiplier effect on the economy of Lexington and the State. According to the Report, upon the opening and stabilization of the Project, the annual economic and fiscal impact of the Project is estimated to include $177 million of total spending, $70.3 million of increased earnings, support for 1,767 jobs, and $11.2 million in State and LFUCG tax revenues. Of these tax revenues, approximately $6.2 million are net new to the State in the first year of stabilization;

The $241.8 million in tax revenue that is expected to be created over the 20-year period, the Pledged Revenues will be available to support the Project, is much greater than the amount of taxes created in the Development Area without the Project. Furthermore, the analysis shows that the "net new" amount of taxes from this Project will include $136.4 million in net new tax revenue to the State and $17.6 million for the LFUCG, for a total estimated net new fiscal impact of $154 million;

The fiscal benefits far exceed the existing tax revenue from the Development Area, which is estimated at $119,811 annually (by end of 2009 estimates). In a 20-year period, which begins at full operation, the Project is estimated to generate a total of about $241.8 million of State and LFUCG tax revenues. By contrast, if the site remains "as-is", tax revenues are estimated to amount to $3.5 million during the same period. As a result, incremental tax revenues are estimated to amount to $238.4 million. After 20 percent is retained, such amount translates to an estimated $170.6 million of cash available from the State and an estimated $20.1 million from the LFUCG;

Based on research and analysis documented in the Report, the Project is estimated to have a significant economic and fiscal impact to the local economy. Its construction is estimated to generate a one-time impact that includes over $233.5 million of total spending throughout the state, $98.3 million of earnings, support for 2,565 jobs, and $10.1 million of state and local tax revenues. Upon project opening and in the first year of stabilization, annual economic and fiscal impact is estimated to include $177 million of total spending, $70.3 million of increased earnings, support for 1,767 jobs, and $11.2 million of state and local tax revenues;

It is proposed that the incremental revenues from the LFUCG and State will be used to fund the capital costs of the "approved public infrastructure" (as defined in the Act) needed for the Project within the Development Area. The estimated cost of the approved public infrastructure needed for the Project is approximately $54 million. It is estimated that approximately $190.7 million in LFUCG and State incremental revenues from the Project will be available over 20 years to pay for approved public infrastructure costs needed for the Project. The net present value of this $190.7 million is dependent upon many variables in the tax-exempt financing/bonding market;

After subtracting the baseline "old revenues" as required by the Act, the estimated net new incremental tax revenue generated by the Project is $120.4 million. This amount far exceeds the estimated

$54 million in approved public infrastructure costs. As a result, the Project represents an enormous benefit to Lexington and the State;

In addition, the significant investment represented by the Project will act as a catalyst for other development in the area;

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

(i) Commercial activity. Commercial activity in the surrounding area has been in a state of decline as the former agricultural related uses are no longer viable in this area;

(ii) Infrastructure. The area bordering Red Mile Road is in need of improvements within the right-of-way including new pedestrian facilities (sidewalks, greenway trail, cross walks at new and existing intersections), road widening along Red Mile Road, new signaled intersections at specified locations along Red Mile Road coordinating with the Development Plan, improvements at intersections of Red Mile Road and South Broadway as well as Red Mile Road and Versailles Road, a major sanitary sewer pump station and forced main to connect to the public sanitary sewer, and storm sewer facilities to protect and enhance existing karst features on site;

(iii) Housing. Private development of surrounding lands has primarily been construction of large student housing projects, the majority of which are made up of medium-high density rental units. This concentration of residential development prevents diversified economic growth, but public infrastructure is needed for the proposed mixed-use Project to be built in the Development Area.

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

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

SECTION 5. Adoption of Development Plan. The LFUCG hereby adopts the Development Plan, attached hereto as Exhibit C. The LFUCG Council hereby finds and determines that a public hearing was duly held on February 11, 2010, to solicit public comment on the Development Plan, following publication of notice thereof in accordance with Chapter 424 of the Kentucky Revised Statutes, as amended. It is hereby confirmed that a copy of the Development Plan was filed with the LFUCG Clerk of Council, and with the Office of the Fayette County Judge/Executive prior to the notice of the public hearing being advertised.

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

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

Assistance, Financing Costs, Land Preparation, Demolition and Clearance Costs and Approved Public Infrastructure Costs within the Development Area.

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

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

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

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

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

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

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

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

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

INTRODUCED, SECONDED AND GIVEN FIRST-READING APPROVAL AT A DULY CONVENED MEETING OF THE LFUCG COUNCIL, held on the _____ day of March, 2010.

GIVEN SECOND READING AND ADOPTED AT A DULY CONVENED MEETING OF THE LFUCG COUNCIL, held on the ______ day of March, 2010 and on the same occasion signed by the Mayor as evidence of his approval, attested by the LFUCG Clerk of Council, published and filed as required by law, and declared to be in full force and effect from and after its adoption and approval according to law.

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Lexington-Fayette Urban County Government
DEPARTMENT OF ENVIRONMENTAL QUALITY

Jim Newberry
Mayor

Cheryl Taylor
Commissioner

To: Mayor Jim Newberry
Urban County Council

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

Date: March 2, 2010

Re: Agreement for Implementation Services / Licensing / Maintenance of Asset Management Software Solution – Accela Inc.
Division of Water Quality – **Consent Decree**

The purpose of this memorandum is to request approval of implementation services, licensing and maintenance agreements for an Asset Management software solution that meets the requirements of LFUCG's Federal **Consent Decree**, which was lodged with U.S. District Court on March 14, 2008.

Accela Inc. has been recommended by a proposal workgroup that included representatives from the Department of Public Works and Development, the Department of Environmental Quality, the Department of Finance and Administration along with the Chief Information Office. This recommendation culminates a nearly year long requirements gathering and proposal evaluation process necessitated by the Capacity, Operations, Maintenance and Management (CMOM) requirements of the Consent Decree.

Implementation of this software solution should have a lasting long-term positive impact on the Division of Water Quality by allowing it to manage the sanitary sewer and stormwater systems in a regulatory compliant fashion. Specifically, the software functions include:

- Allows for proactive scheduling of inspections and preventative maintenance activities.
- Integration of maintenance histories with asset age and condition so that asset replacement plans can be focused.
- Management tracking and trending functions that maximize use of division resources.
- Reporting functions that allow the division to clearly demonstrate that LFUCG is meeting the conditions of LFUCG's sanitary sewer and stormwater discharge permits.

Each agreement is based on the set of deliverables / hours allocated described in the contract document. The fees associated with the recommended agreements are as follows:

- Implementation Services Agreement is $1,052,196
- Licensing Agreement is $451,804.12, and
- Maintenance Agreement is $90,360.82

Funds for this contract are budgeted. Questions regarding this memorandum should be directed to Charles Martin at 425-2455.

Enclosures:

Statement of Work
Implementation Services Agreement
License Agreement
Maintenance Agreement

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Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

Linda L. Rumpke
Commissioner

TO: JIM NEWBERRY, MAYOR
URBAN COUNTY COUNCIL

FROM: PAULA KING, DIRECTOR
DIVISION OF COMMUNITY DEVELOPMENT

DATE: MARCH 1, 2010

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO SUBMIT APPLICATION TO THE BLUE GRASS COMMUNITY FOUNDATION FOR A GRANT UNDER THE BLUE GRASS COLLABORATIVE AND RELIEF EFFORT FUND AT THE DIVISION OF YOUTH SERVICES

The Division of Youth Services has prepared an application for submission to the Blue Grass Community Foundation under the Blue Grass CARE Fund (Collaborative Assistance and Relief Effort Fund). The application requests funds in the amount of $7,000 to provide financial assistance for families who are at risk.

Funds will be used for rental assistance, utilities, and personal hygiene supplies. No matching funds are required.

Council authorization to submit the application is hereby requested.

Paula King, Director

Xc: Marlene Helm, Commissioner of Social Services

Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

Linda L. Rumpke
Commissioner

TO: JIM NEWBERRY, MAYOR
URBAN COUNTY COUNCIL

FROM: PAULA KING, DIRECTOR
DIVISION OF COMMUNITY DEVELOPMENT

DATE: FEBRUARY 19, 2010

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE CHANGE ORDER NO. 1 WITH RANDLE DAVIES CONSTRUCTION COMPANY FOR CONSTRUCTION OF SOUTH ELKHORN TRAIL (FINAL)

On November 15, 2007, (Resolution No. 616-2007), Council approved the award of contract for Bid No. 146-2007 in the amount of $221,650.00 to Randle-Davies Construction Company for the construction of South Elkhorn Bike Trail.

Change Order No. 1 revises quantities used in the project and reduces the total amount by $57,312.13 for a new total of $159,388.87.

The reduction will come from the following account:

3160-303202-3225-91715-2003-BIKE_PROJ_2003. Activity is FED_GRANT.

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

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

CONTRACT HISTORY FORM

Project Name: South Elkhorn Bike Trail

Contractor: Randle--Davies Constructon Company

Contract Number and Date: 919 11/15/2007

Responsible LFUCG Division: Engineering

CONTRACT AND CHANGE ORDER DETAILS

A. Original Contract Amount: Next Lowest Bid Amount: $269,741.03	$	216,701.00	
B. Amount of Selected Alternate or Phase:	$	0.00	
C. Cumulative Amount of All Previous Alternates or Phases:	$	216,701.00	
D. Amended Contract Amount:	$	216,701.00	
E. Cumulative Amount of All Previous Change Orders:	$	0.00	0.0% *(Line E / Line D)*
F. Amount of This Change Order:	$	-57,312.13	-26.4% *(Line F / Line D)*
G. Total Contract Amount:	$	159,388.87	

SIGNATURES

Project Manager: Keith Lowe Date: 2/4/10

Reviewed by: Rod A. Bryant Date: 2/9/10

Division Director: Date: 2/12/10

099-10

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT CONTRACT CHANGE ORDER Page 1 of 2	Date: 1/11/10
	Project: South Elkhorn Bike Trail
	Location: Lexington
To (Contractor): Randle--Davies Construction No. 1 Mill Creek Park Frankfort, Ky. 40601	Contract No. 919
	Change Order No. 1- Final

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

Item No.	Description of changes-quantities, unit prices, change in completion date, etc.	Decrease in contract price	Increase in contract price
	Contract Information		
2	Decrease Bituminous Surface by 7.45 tons @ $67.50 Per Ton	$502.87	
3	Decrease Bituminous Base by 78.98 tons @ $66.50 Per Ton	$5,252.17	
5	Decrease No. 2 Stone by 3000.00 tons @ $13.50 Per Ton	$40,500.00	
6	Decrease Concrete Sidewalk by 28.3S.Y. @ $25.00 Per ~~Ton~~ S. Y.	$707.50	
7	Decrease Detectable Warning Surface Tile By 23 S.F. @ $280.00 Per S.F.	$6,440.00	
8	Decrease Concrete Entrance 1.47 S.Y.@ $66.00 Per S.Y.	$97.02	
11	Increase Seeding and Protection by 6,674.85 S.Y. @ $0.50 Per S.Y.		$3,337.43
13	Decrease Sod by 100.0 S.Y. @ $5.50 Per S.Y.	$550.00	
14	Decrease Inlet Protection by 10 @ $440.0 Each	$4,400.00	
16	Decrease Project Sign by 2 @ $550.00 Each	$1,100.00	
22	Decrease Bollards by 5 @ $220.00 Each	$1,100.00	
		$0.00	$0.00
	Total decrease	$60,649.56	
	Total increase		$3,337.43
	Net (increase/decrease) in contract price	-$57,312.13	
	The original contract price	$216,701.00	

The sum of $ -$57,312.13 is hereby added to

The total contract price,and the total adjusted contract price thereby is $ $159,388.87

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

Recommended by [signature] RAB 2/9/10 (Proj. Engr.) Date 1/11/10

Accepted by [signature] (Contractor) Date 1-19-10

Approved by [signature] (Urban Co. Engr.) Date 2/12/10

Approved by [signature] (Commissioner) Date 2/19/10

Approved by ______ (Mayor or CAO) Date ______

085-10

Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

Linda Rumpke
Commissioner

MEMORANDUM

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

FROM: Michael Allen, Director
Division of Human Resources

DATE: February 11, 2010

RE: **Create Position— Division of Enterprise Solutions**

The attached action amends Section 21-5 of the Code of Ordinances creating one (1) position of Systems Administrator – Enterprise Solutions (Grade 118E) in the Division of Enterprise Solutions effective upon passage of Council.

This action is one of the many steps in creating the Division of Enterprise Solutions work force. This position would be responsible for developing policies and guidelines to maintain and support the Enterprise Resource Planning systems. The position will function as technical/functional support, database administrator, systems administrator, workflow administrator and security administrator.

The fiscal impact for FY2010 is $17,584.63 (6 pay periods) and includes benefits. Funds are budgeted in the adopted FY 10 budget.

Name	Position Title	Annual Salary Before	Annual Salary After	Annual Increase/(Decrease)
Vacant	Systems Administrator – Enterprise Solutions	$0	$56,340.40	$56,340.40
Total Annual Impact/ Salary and Benefits $76,200.07				

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

Attachment

cc: Rama Dhuwaraha, Senior Advisor
Chad Cottle, Director, Division of Enterprise Solutions
Darrylyn Combs, HR Manager, Division of Human Resources
Jim Dodson, HR Analyst, Division of Human Resources

Log # 10-0049

BUDGET AND FINANCE COMMITTEE SUMMARY FEB. 23, 2010

Stinnett called the meeting to order at 1:00 pm. All committee members present.

1. Debt and Debt Management Policy Recommendations included in the LFUCG Fiscal Policy Task Force Report dated March, 2009 - Dr. Merl Hackbart Management Policy

Stinnett told the committee agenda item #1 is a result of the Fiscal Policy Task Force from last April. The task force was chaired by Dr. Merl Hackbart, who was at today's meeting to present recommendations for debt and debt management policy.

Funding options covered were: pay as you go, a reserve fund, and bond or debt financing. Debt management & debt policy issues were a large part of Hackbart's presentation. He covered questions such as determining acceptable uses of debt finance, establishing debt limits, how to manage debt limits, and what are acceptable debt limits. He covered terms associated such as debt affordability and capacity. He explained about general obligation and revenue bonds, touching on how the state of KY handles bonding. He explained difference between debt capacity and debt limits and talked about the concept of each of these terms.

He shared a report of current municipal bond market and trends nationwide in 2009, then highlighted task force recommendations which are also included in the committee packet. He explained key recommendations.

Stinnett asked Rumpke about the cities debt policy. She explained how we look at debt service on a year by year basis and use a percentage rate as a guide line for debit service.

James asked what we are doing to increase potential. Hackbart said general fund revenue may have something to do with it; different cities use different funds, and debit service may have a low interest rate.

James asked how to prioritize projects and what should council be looking at past or present. Hackbart said prioritizations are based on a combination of funding options and mandates. He said rating agencies tend to look at history and risk.

Stinnett explained other cities have other revenue streams. Ellinger asked about ICMA matrix and if we are using that info. Hackbart said there is time lag with this data.

Lane referred to Kentucky's debit policy asking Hackbart to touch on it. Hackbart said this gets back to the question about how to prioritize bonds. There are often many priorities for bonds; he gave examples at UK such as research facilities and medical buildings.

A motion by Gorton to create a sub committee on debt and debt management policies, seconded by Myers, passed with out dissent.

2. Review and Discussion of FY 2010 Financials for January, 2010 (monthly & YTD) - Rumpke

Rumpke said economy is still in status quo and we still don't know what's over the horizon. She showed unemployment rates, we are still running higher than the national economy. She talked about economic indicators and was concerned about home sales, foreclosure rates tend to be going down.

O'Mara said today there was a glimmer of good news in reference to January preliminary results/budget. YTD actual to budget are approx. 6 million short which is where we unfortunately thought we would be.

Rumpke showed revenue review Jan FY2010 reflecting the projected $12.5 million revenue shortfall and was concerned about net profit and services categories. She said we are trending towards not being worse than $12.5 million as the shortfall. She pointed out recent savings coming from personnel expense and operating expense.

James remarked about a statement that the economy is getting back to normal, asking what is normal. Rumpke explained since the economy has changed we are going to have to be different in the way we look at indicators in the future. Efficiency with less was discussed.

Myers asked Rumpke about tracking how reductions are affecting services asking her to capture any information.

Stinnett asked if the adjusted or adopted budget numbers were used on a certain page of the presentation and was told adopted budget numbers are used.

3. Discussion of the Lexington Public Library's FY 2010 Budget - Myers (Library's budget has not been included due to the size, in excess of 100 pages, please See CM Stinnett's letter of 1/27/2010 with budget attached).

Myers said since we did not invite members of the library board we can use today's time to get questions from committee members. James asked what's the reason and intent of hearing about the library budget in this venue. Myers talked about obligations and having chance to review and discuss 5 cent library tax funding. James asked if citizens access this info. Myers did not know what information the library's made available, but state statutes are available on their web site.

Logan Askew was asked about statutes on library revenue and will forward that information to Jerry Southers, Council Office.

Stinnett asked if we requested budget reductions from the library. Rumpke said yes we did and thought it was $250K, but would confirm and advise. Askew said the library has responded in writing to the Mayor

4. Discussion on Council Links for FY 2011 Budget Process

James talked about how links work and how many things proposed by council were eliminated during the budget process. She said we need consistency among council members to get council recommendations considered. She suggested a retreat.

Stinnett asked Gray to plan a retreat and consider dates adding he was not sure how much we would be able to alter this year.

Myers asked James about purpose of a retreat, asking what is the value of having a retreat since we already know those items that council can not change.

James said perhaps we can have a document to present to the administration, an agreement of council, dispersing info to links, establish priorities and talk about what's going on in each district.

Blues said holding a retreat is worth a try. Stinnett added it might be helpful to be on same page in terms of what links are asking to keep updated on progress and format. He said this could even be a COW meeting.

Gray asked for clarification on what type of meeting we should have to discuss links, saying he would schedule it.

Stinnett reviewed items for next months B&F agenda and mentioned need to a calendar for budget meetings.

Gorton moved to adjourn at 2:31

ATTACHMENTS: DEBT/BOND FINANCING MUNICIPAL INFRASTRUCTURE

Debt/Bond Financing of Municipal Infrastructure

Debt & Debt Management Issues & Options

(Presentation to LFUCG Budget & Finance Committee, February 23, 2010)

Financing Infrastructure Investment & Capital projects

- **"Lumpiness"** of Financing Capital Facilities Creates Need for Special Planning and Financing Strategies and Options
- Special planning includes a **Capital Improvement Plan**
- **Special Funding Strategies/Options** include variations of three Financing Options:
  - Pay as you go
  - Establish a Reserve Fund
  - Use Debt or Bond Financing

All Funding Options Are Appropriate

- **Pay as you go** Requires Current Funds to Implement (but lumpiness may displace current services funding -- which may be difficult)
- **A Reserve Fund** is Possible but Difficult to Establish and Manage for Large Projects
- **Bond or Debt Financing** has Emerged as most Popular Approach:
  - It is an Based on "Benefits Received" Principle
  - Future Generations Share in Cost
  - **It raises a Series of Policy Issues**

Debt Management & Debt Policy Issues

- Debt Policy Issues
  - Determining Acceptable uses of debt finance ?
  - Establishing debt limits ?
  - How to manage Debt limits?
  - What are acceptable debt limits ?
    - National standards or benchmarks (5-10% of FY revenues)
  - Should there be single or multiple debt limits ?
    - General Obligation Debt Limit
    - Revenue Bond limits
    - Other

Debt Affordability/Capacity

- Debt Affordability is "Popular" View of Debt Capacity
- Debt Capacity is a function of "financial capacity" and "willingness to pay" by Bond Type
  - GO debt capacity depends on economy, tax structure and financial capacity [less outstanding debt]
  - Revenue Bond Capacity [may be part of overall calculation even though such bonds have different debt service sources]

Debt Capacity & Debt Limits: cont.

- The term **Debt Capacity** focuses on "The Municipalities' ability to sustain debt service payments in the long run"
  - Or the amount of debt that a City can sustain without having its debt rating reduced
- **Debt Limits** are policy statements regarding acceptable outstanding debt levels for the City
- **AGAIN**: There is a relationship between Debt Capacity & Debt Limits although they are different concepts
  - **Debt Capacity** refers to the ability of a city to sustain debt service obligations in the long term
  - **Debt Limits** Are policy guidelines established to manage outstanding Debt within Sustainable levels as determined by the City

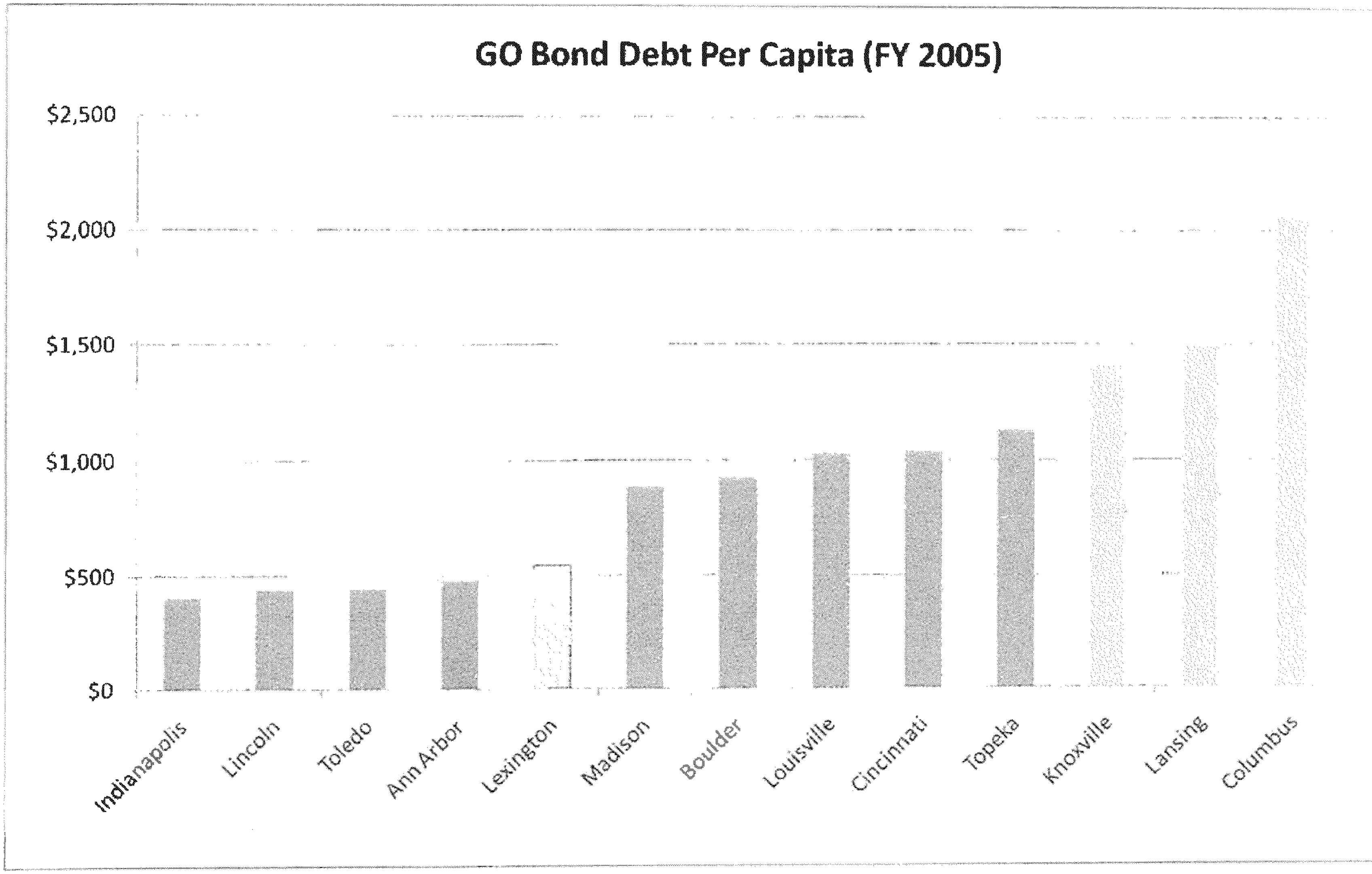
Debt Capacity (cont.)

- Cities with an aversion to debt may set limits below debt capacity
- At the same time, Cities may set limits that exceed "debt capacity"
- **<u>Estimating debt capacity</u>** or "**Available**" Debt Capacity involves several factors including"
  - Economic factors
  - Demographic factors
  - Debt outstanding (Note: Debt Capacity less Outstanding Debt = **<u>net</u> available capacity** for budgeting purposes)

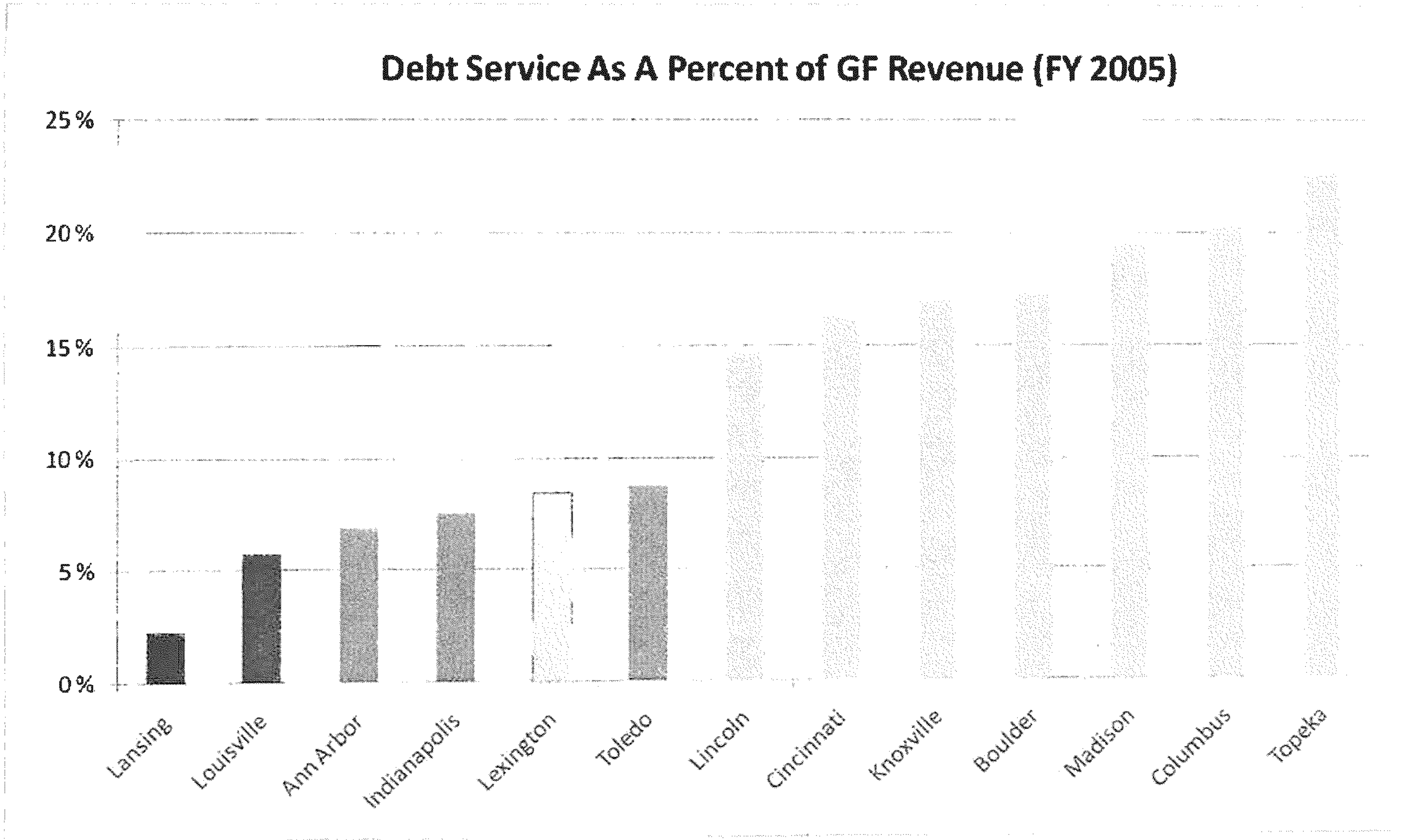
Setting Debt Limits

- May use "industry standards"
- May use metrics such as
  - debt per capita,
  - % of current revenues for debt service
- NAST reports that 27 states have constitutional limits or combinations of constitutional and statutory limits.

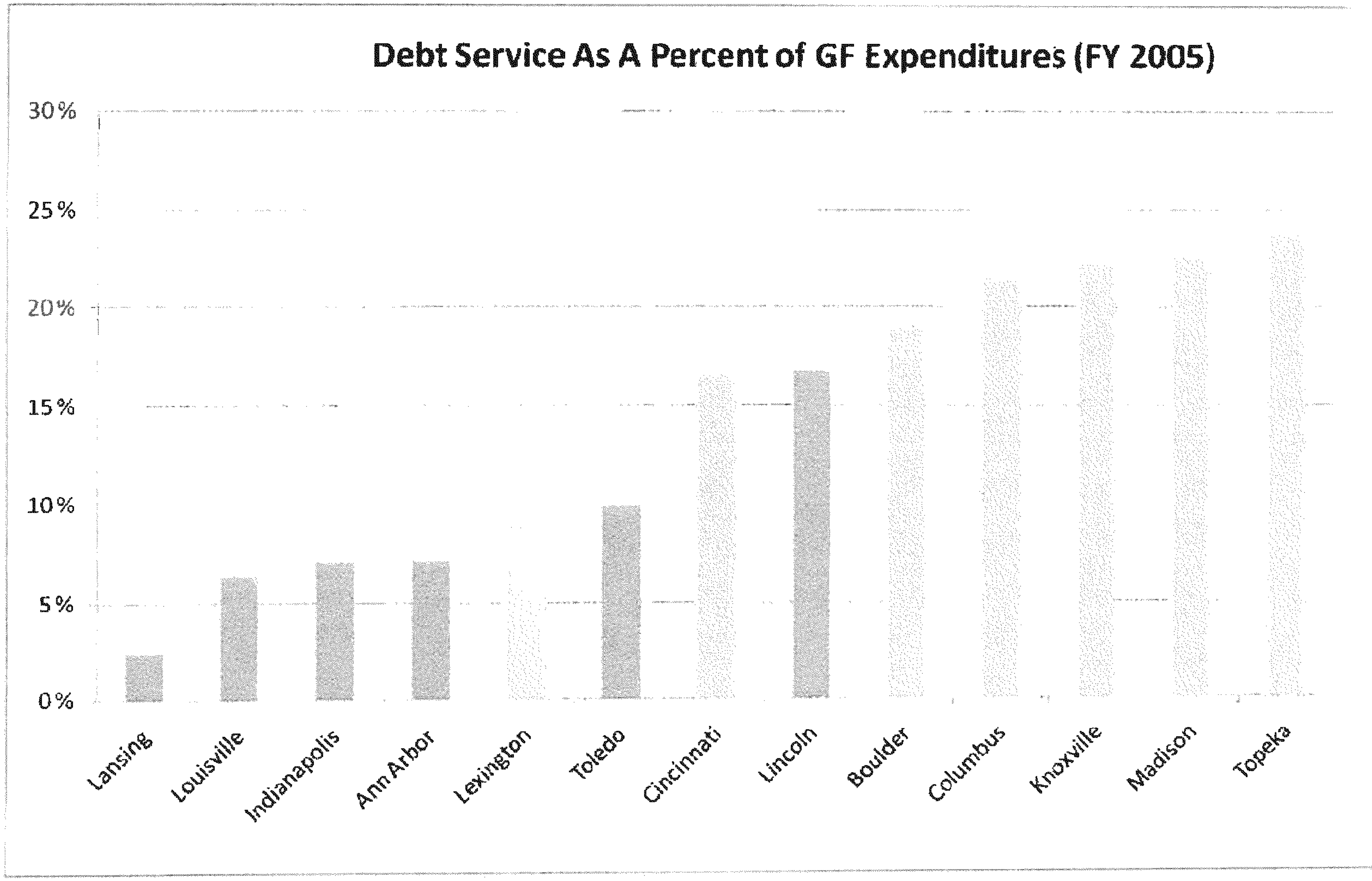
Debt Metric Examples



Debt Metric Examples (cont'd)



Debt Metric Examples (cont'd)



Current Municipal Bond Market

- Muni volume up 5% from 2008
  - \$388B to \$410B
- Taxable issuance increased to 19% of all issues
  - Last 20 years →5%
  - Popularity of Build America Bonds
- Dwindling use of credit enhancements
  - 84% of all bonds issued in 2009 unenhanced
  - 4% of those enhanced used LOCs
  - 9% of those enhanced used insurance (had been up to 30 to 40% in the 1990s)
- Several hundred downgrades issued by rating firms
- Possible increase of Chapter 9 bankruptcy filings
  - 6 filings in 2009

Source: SIFMA Municipal Bond Credit Report, 4Q 2009

Task Force Recommendations

- The LFUCG should have an effective CIP and Capital Budgeting process
- The LFUCG should establish a Debt Management Policy
  - The Policy would provide the Mayor, Council and staff guidance for issuing bonds and managing outstanding bond issues
- The LFUCG should establish a Debt Review Committee
  - The Committee would insure that debt issuance policy is dynamic and is followed
  - The Committee could advise the Mayor, Council and staff on options for managing new and outstanding debt issues

Debt Policy Components

- **A Debt Management Policy Should Provide**:
  - Guidelines indicating approved use of debt financing for capital budgeting and financing
  - Guidelines regarding use of GO and Revenue Bonds
  - Guidelines for estimating debt capacity
  - Debt limit Guidelines
  - Guidelines regarding types of bonds that can be issued
  - Guidelines regarding credit enhancements
  - Guidelines for refinancing outstanding debt issues
  - Guidelines regarding management of outstanding debt issues

The End

Questions ??

SPECIAL PLANNING COMMITTEE SUMMARY 3-2-2010

Chair Gorton called the meeting to order at 11:00 am. All committee members present except James. Henson attended as a non voting member.

1. Moratorium Related Issues

   a. Residential Zone Issues - Stinnett
   b. Residential Additions - Lawless

Gorton told the committee the Mayor held a meeting on 3-1-2010 with neighborhood associations, some council members and citizens concerned about student housing, the moratorium issue and plans to hold another meeting.

Lawless asked who attended the Mayor's meeting. Logan Askew, Commissioner of Law Dept. said if the question is, was it a public meeting the answer is no.

Gorton referred to a list of seven possible ordinance amendments to consider, asking Rochelle Boland, Law Dept. to provide details of each and answer any questions.

Motion by Blues to accept combined and modified definition of boarding or lodging house and move forward to full council as a text amendment, seconded by Gray, passed without dissent.

Discussion:

Feigel asked about zones for boarding or lodging houses. Boland explained R3, is permitted use if you have 8 or less and is not allowed in R1 or R2.
Stinnett asked Boland to display the current ordinance to highlight proposed changes.
Boland covered current definitions of boarding or lodging house and family.
Stinnett asked how many properties this would affect if we adopt these text amendments. Boland said if properties with more than 5 people living there and show some of these characteristics might be affected. Feigel tried to clarify grandfathering.

Motion by Blues to accept adding definition of congregate living facility and move forward to full council as a text amendment, seconded by Gray, passed without dissent.

Discussion:

Stinnett asked about not for profit homes and how they fall under these changes. Boland said there is no change.
Feigel questioned zoning ordinances and permitted use. Boland said this is not intended to create a new category.

Gorton referred to adding a new term and definition of sorority/fraternity houses asking Chris King, Director of Planning to expound.

Feigel had a question about sorority/fraternity house definition, asking about zones and permitting. King explained how this definition would fall out of congregate living facility.

King explained about zones and criteria applicable to sorority/fraternity houses. Feigel asked if the board of adjustment can deny and not grant a conditional use permit and how grandfathering would work.

Lawless also asked King a question about conditional use for lodging houses and if it is currently grandfathered in. King said not sure lodging house is permitted in any case.

Motion by Lawless to accept definition of, fraternity or sorority house and move forward to full council as a text amendment, seconded by Blues, passed without dissent.

There was lengthy discussion about revising definition of family, comparing the revised definition to original versions.

Gorton opened the floor to public comment asking speakers to limit comments to the proposed new definition of family.

Kay Savage, Dick Murphy and Craig Hardin were among the speakers.

Lawless asked Boland about R3 is a lodging house limited to 8 people and was told its considered principle permitted use but if it's over 8 people, must be conditional use.

Feigel said we need to do something to address problems around university. Now however this has developed into redefining family all over town.

Motion by Feigel to postpone items 3, 4 and 5 of proposed changes & definitions of family until Mayor's meetings with concerned citizens are concluded, seconded by Ellinger, motion failed .

Discussion:

Lawless commented about postponing the proposal of changing definitions, saying it's important for this committee to move forward. She stated she will not support the motion.

Blues commented on slowing the process down, and recapped problems in regard to property values, neighborhood deterioration, etc.

Gray agreed delaying decisions on this issue is not appropriate. This is about sustainability; quality of life, now is not the time to halt this process

Motion by Blues to approve revised definition of item 3" family" and move forward to the full council for initiation of a text amendment, seconded by Lawless, passed with 5 favor, 4 opposed.

Discussion:
McChord stated he has problems with item 3. Feigel stated she agreed and the real discussion should take place at full council but is concerned about the impact. She said the moratorium task force is a smaller group and perhaps the Mayor's meetings include a larger group for input.

Beard agreed with Feigel about waiting for results of Mayor's work group on this matter.

Lawless talked about work of moratorium task force saying its time to move forward. She will support the motion.

Stinnett asked what council members are involved with the Mayor's meetings on this issue and who is represented. Feigel explained saying she thought there was some compromises being made. Gorton also commented saying the Mayor's meeting is not an official committee and is more about conversation around the issue, more of a dialog group.

Stinnett said changing definition of family does not affect the main problems such as trash, structure issues, etc. and is not an across the board solution. He asked Boland about handling enforcement. She explained options property owners would have and how enforcement of violations might be handled. Stinnett said the building inspection task force committee may have changes in process that might affect this issue.

Gray replied to Stinnett's comments about trash, noise, calling for problem solving. He said when he toured these neighborhoods he saw symptoms of decay, and economic destruction. The root cause is not density. It is time to move on and take the steps set in this motion.

Feigel said she was confused if this is about student housing or density. She said we must be clear about the definition of family and what we are proposing today, since it has a much broader meaning and will be implemented city-wide. She mentioned there is a proposal on the table to address the parking issue and continued to urge waiting on results of Mayor's meeting.

Gray commented to Feigel these symptoms are translated to other neighborhoods
Lawless, Gray and Feigel debated the need to postpone or move forward with the revised definitions of family. \

<u>Motion by Lawless accept and move forward to the full council for initiation of a text amendment , item 4(new term and definition of "family, functional")and item 5 (new section pertaining to the board of adjustment)move forward, seconded by Blues, motion passed with 5 in favor, 4 opposed</u>.

Boland explained item 7 "eliminate the keeping of roomers, boarders" by a resident family as a permitted accessory use in the single family and two family zones.

Motion by Blues to accept item 7 and move forward to the full council for initiation of a text amendment, seconded by Lawless, passed with one opposing vote.

Motion by Ellinger to adjourn at 12:57 pm

2. Items Referred to Committee –were not reviewed at today's meeting due to lack of time.