URBAN COUNTY COUNCIL
SCHEDULE OF MEETINGS
April 12-April 19, 2010

Monday, April 12
No Meetings

Tuesday, April 13
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 Meeting: Mayor's Budget Address…………………………………………….3:00 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, April 14
Transportation Technical Coordinating Committee Meeting……………………….9:00 am
Conference Room-7th Floor Phoenix Building

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

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

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

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

Thursday, April 15
No Meetings

Friday, April 16
No Meetings

Monday, April 19
Human Rights Commission Community Relations Meeting………………………...4:30 pm
Conference Room-5th Floor Government Center

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

LEXINGTON-FAYETTE URBAN COUNTY COUNCIL

WORK SESSION AGENDA

April 13, 2010

I. Public Comment – Issues on Agenda

II. Requested Rezonings / Docket Approval – None

III. Approval of Summary-Yes April 6, 2010 pp.5-9

IV. Budget Amendments –None

V. New Business, pp.12-40

VI. Continuing Business / Presentations

   A. Council Services Committee, pp.41-43

VII. Council Report

VIII. Mayor's Report – None

IX. Public Comment – Issues Not on Agenda

New Business Items

A. Authorization to Submit Grant Application to the Kentucky Transportation Cabinet (KYTC) and Accept Award if Offered, on Behalf of the Department of Public Safety, Division of Police, for the Speed Enforcement Project – FY2011. (166-10) (P. King/Bennett)
This request will authorize the submission of an application for federal funds in the amount of $25,000 to KYTC, Department of Transportation Safety, Governor's Highway Safety Program, and accept award if offered, on behalf of the Division of Police, for a Speed Enforcement Project. Funds will be used for officer overtime. The source of funds is the US Department of Transportation, Highway Safety Standards Branch. No matching funds are required.**p.12**

B. Authorization to Submit Grant Application to the Kentucky Transportation Cabinet (KYTC) and Accept Award if Offered, on Behalf of the Department of Public Safety, Division of Police, for Collision Reporting Quality Control Project – FY2011. (167-10) (P. King/Bennett)
This request will authorize the submission of an application for federal funds in the amount of $10,000 to KYTC, Department of Transportation Safety, Governor's Highway Safety Program, and accept award if offered, on behalf of the Division of Police, for a Collision Reporting Quality Control Project. Funds will be used for officer overtime to review and correct collision reports. Source of funds is the US Department of Transportation, Highway Safety Standards Branch. No matching funds are required.**p.13**

C. Authorization to Submit Grant Application to the Commonwealth of Kentucky, Transportation Cabinet (KYTC) on Behalf of the Department of Public Safety, Division of Police, for the *Click It or Ticket* Seat Belt Enforcement Mobilization – FY2010. (168-10) (P. King/Bennett)
This request will authorize the submission of an application for federal funds in the amount of $25,000 to KYTC, Office of Highway Safety, and accept award if offered, on behalf of the Division of Police, for participation in the *Click It or Ticket* Seat Belt Enforcement Mobilization. Funds will be used for officer overtime for concentrated enforcement from May 19 – May 31, 2010. The source of funds is the US Department of Transportation, National Highway Traffic Safety Administration. No matching funds are required.**p.14**

D. Authorization to Accept a Material Donation from ATS Construction on Behalf of the Department of Public Safety, Division of Fire & Emergency Services, for Structural Collapse Training. (170-10) (Hendricks/Bennett)
This request will authorize the acceptance of four (4) 30-foot highway barriers from ATS Construction on behalf of the Division of Fire & Emergency Services, for Structural Collapse Training. Donation is valued at $1,200.**p.15**

E. Authorization to Amend Section 23-18 of the Code of Ordinances within the Department of Public Safety, Division of Fire & Emergency Services. (175-10) (L. Jarvis/Bennett)

This request will authorize an amendment to Section 23-18 of the Code of Ordinances regarding the Division of Fire & Emergency Services to set a maximum age limit of 34 years of age; remove requirement for a recruitment cycle every six (6) months to allow flexibility during budget constraints; discontinue conducting LFUCG agility test and adopt the State Fire Commission's test; change ranking from 100% based on oral board score to a final score combining both written and oral examinations; establish a new hiring process and eligibility list for each recruitment cycle unless extended by the Fire Chief and the Director of Human Resources; allow the Fire Chief and the Director of Human Resources to permanently remove candidates who do not meet criteria established by KRS and LFUCG ordinances; and remove the "Rule of Five" condition and allow the Fire Chief to consider all components of the examination process when making final selection. There is no fiscal impact for this action.**p.16**

F. Authorization to Approve Change Order No. 1 to Contract with Judy Construction, Inc. Regarding the West Hickman Creek Waste Water Treatment Plant (WWTP) Miscellaneous Equipment Improvements Project. (169-10) (Martin/Taylor)

This request will authorize approval of Change Order No. 1 to increase contract amount by $25,611 with Judy Construction, Inc. regarding the West Hickman Creek WWTP Equipment Improvements Project. New contract amount is $747,861. Funds are budgeted.**pp.17-20**

G. Authorization to Approve Facility Usage Agreements with Youth Baseball Leagues on Behalf of the Department of General Services, Division of Parks & Recreation. (171-10) (Hancock/Cole)

This request will authorize Facility Usage Agreements with Bluegrass Girls Fast Pitch, South Lexington Youth Baseball, Northern Babe Ruth, Lexington Little League Softball, Western Little League, Southwest Lexington Pony Baseball, Northern Cal Ripken, Eastern Little League, South Lexington Babe Ruth, Southeastern Cal Ripken, Southeastern Babe Ruth, and Dixie Youth Baseball, on behalf of the Division of Parks & Recreation, for use of park facilities for the Spring baseball season.**p.21**

H. Authorization to Approve Change Order No. 10 to Contract with ENTRAN (f/k/a American Consulting Engineers, PLC) Regarding the Newtown Pike Extension Project. (172-10) (P. King/Webb)

This request will authorize approval of Change Order No. 10 to increase contract amount by $159,036 with ENTRAN. Funds of $48,892 will be used for Burlington and Associates to conduct a structural evaluation of the Lower Town Branch Box Culvert in the mitigation area of the Southend Neighborhood and to extend the consulting services with the formation of the Lexington Community Land Trust. The remaining $110,144 will be used to extend the neighborhood liaison position, acquisition services, and for geotechnical investigation for horizontal boring under Town Branch. Original contract amount was $1,666,698.99. Total of previous change orders is $4,400,270.51. New contract total is $6,226,005.51. Funds are budgeted.**pp.22-25**

I. Authorization to Submit Grant Application to the Kentucky Cabinet for Economic Development on Behalf of the Mayor's Office of Economic Development. (173-10) (Wright/Kelly)
This request will authorize the submission of an application for state funds in the amount of $300,000 to the Kentucky Cabinet for Economic Development for the Project Craftsmanship Economic Development Bond Fund Project to locate the project in Lexington.**p.26**

J. Authorization to Approve a Purchase of Service Agreement (PSA) with the Farm and Garden Market Cooperative Association, Inc. (d/b/a Farmers' Market) for use of Public Right-of-Way. (174-10) (Ebel/Rabold)
This request will authorize approval of a PSA with Farmers' Market for use of Cheapside Park and Maxwell / Broadway locations to promote marketing of Kentucky products in support of agricultural businesses within the Commonwealth.**pp.27-40**

URBAN COUNTY COUNCIL

WORK SESSION SUMMARY

& TABLE OF MOTIONS

April 6, 2010

Mayor Newberry chaired today's work session meeting. All Council Members were present, except CM Crosbie.

I. Public Comment – Issues on Agenda-None

II. Requested Rezonings / Docket Approval-Yes

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

III. Approval of Summary-Yes

A motion by CM Gorton to approve the summary from March 23, 2010, seconded by CM Myers, passed without dissent.

IV. Budget Amendments-Yes

A motion by CM Beard to approve budget amendments, seconded by CM Myers, passed without dissent.

V. New Business

A. Authorization to Amend Section 1 of Ordinance No. 40-2010 to Correct a Clerical Error. (137-10) (L. Jarvis/Rumpke)

B. Authorization to Advertise for Bids Regarding Policemen's and Firefighters' Retirement Fund and the Sewer Revenue Bonds. (164-10) (Rumpke)

C. Authorization to Submit 2010 Consolidated Plan to the US Department of Housing and Urban Development (HUD), Accept Awards and Execute Subrecipient Agreements – FY2011. (P. King/Rumpke)

D. Authorization to Accept an Award from the Kentucky Division for Air Quality on Behalf of the Department of General Services, Division of Facilities & Fleet Management, under Kentucky Clean Diesel Grant Program. (147-10) (P. King/Cole)

E. Authorization of a Facility Usage Contract with the Fayette County Board of Education (FCBE) on Behalf of the Department of General Services, Division of Parks & Recreation. (148-10) (Hancock/Cole)

F. Authorization of a Facility Usage Contract with the Fayette County Board of Education (FCBE) on Behalf of the Department of General Services, Division of Parks & Recreation. (149-10) (Hancock/Cole)

G. Authorization to Approve an Agreement for Right to Enter for Construction of Groundwater Monitoring Wells with Shield Environmental Associates, Inc. Regarding Property Adjacent to the Town Branch Wastewater Treatment Plant (WWTP). (144-10) (Martin/Taylor)

H. Authorization of a Memorandum of Understanding (MOU) with the University of Kentucky Research Foundation (UKRF) on Behalf of the Department of Environmental Quality, Division of Water Quality. (145-10) (Martin/Taylor)

I. Authorization to Amend Section 16-43(7) of the Code of Ordinances on Behalf of the Department of Environmental Quality, Division of Water Quality. (146-10) (Martin/ Taylor)

J. Authorization to Amend Section 21-5 of the Code of Ordinances within the Chief Information Office, Division of Enterprise Solutions. (151-10) (L. Jarvis/Dhuwaraha)

K. Authorization to Approve Acquisition Plat at 1421 Higbee Mill Road for the Clays Mill Road Improvements Project. (153-10) (P. King/Webb)

L. Authorization to Accept Awards, if Offered, from the Federal Highway Administration (FHWA) on Behalf of the Department of Public Works & Development, Division of Planning, under the Unified Work Program – FY2011. (154-10) (P. King/Webb)

M. Authorization of an Amendment to Agreement with the Fayette County Commonwealth Attorney's Office, under the Street Sales Drug Enforcement Project – FY2010. (159-10) P. King/Bennett)

N. Authorization to Submit Grant Application to the Kentucky Transportation Cabinet (KYTC) and Accept the Award if Offered, on Behalf of the Department of Public Safety, Division of Police, for Continuation of the Traffic Safety Program – FY2011. (162-10) (P. King/Bennett)

O. Authorization of an Agreement with the Fayette County Commonwealth Attorney's Office, under the Cold Case Resolution Pilot Project in Fayette County. (163-10) (P. King/Bennett)

P. Authorization to Accept an Award from the Lexington-Fayette County Health Department (FCHD) on Behalf of the Department of Social Services, Family Care Center, for Continuation of the Home Network Project – FY2011. (157-10) (P. King/ Helm)

Q. Authorization to Submit a Grant Application to the US Department of Justice on Behalf of the Department of Public Safety, Division of Community Corrections, under the 2010 State Criminal Alien Assistance Program (SCAAP). (158-10) (P. King/Bennett)

R. Authorization to Submit a Grant Application to the Bluegrass Area Development District (BGAAD) and Accept the Award if Offered, on Behalf of the Department of Social Services, Lexington Senior Citizens Center – FY2011. (155-10) (P. King/ Helm)

S. Authorization to Submit a Grant Application to the Kentucky Department of Juvenile Justice and Accept the Award if Offered, on Behalf of the Department of Social Services, Division of Youth Services, for Day Treatment Services – FY2011. (156-10) (P. King/ Helm)

T. Authorization to Approve Central Indiana Truck Equipment Corporation as a Sole Source Provider on Behalf of the Department of General Services, Division of Facilities & Fleet Management and the Department of Environmental Quality, Division of Waste Management. (160-10) (Loney/Cole)

U. Authorization to Rescind Resolution No. 51-2010 with Tri-County Ford Mercury, Inc, on Behalf of the Department of General Services, Division of Facilities & Fleet Management. (161-10) (Loney/Cole)

A motion by CM Gorton to approve New Business items, seconded by CM Ellinger, passed without dissent.

VI. Continuing Business / Presentations-Yes

A. Special Planning Committee Report

This report was in the packet for informational purposes only. The report and the motion from it were given the previous week.

B. Budget & Finance Committee Report

This report was given by Chair CM Stinnett. There were no motions.

C. Water Resources Oversight Committee Report

This report was given by Chair CM Blues. There were no motions.

D. In2Lex Presentation

This presentation was given by Benjamin Askren. Several CMs, VM, and Mayor asked questions and made comments.

E. 2010 Census Update

This update was given by Ms Michelle Elison, KY Partnership Specialist, US Census Bureau, Charlotte Region. Several CMs asked questions.

VII. Council Report

CM Gorton-Gave kudos to administration for having the payroll deduction for LexArts; mentioned ZOTA went to Planning Commission and the hearing is on 4/22/10.

CM Stinnett-Announced the Building Inspection Task Force meeting has been changed to 4 pm on 4/8/10; announced that Bryan Station 5K is this Saturday at 8:30 am with a pancake breakfast to follow; Congratulated Bryan Station High School for having 2 students receive the #1 scholarship from UK- Lucy Artelli and Transy-Zoe Snyder.

CM Lane-A motion by CM Lane to reduce the speed limit to 35 mph along Berea Road and add reflective sign post panels near 1700 Berea Rd, second by CM Gorton, passed without dissent.

A motion by CM Lane for E911 to provide a progress report at the 4/27/10 Work Session regarding street numbers on residential and commercial properties that do not currently have numbers, seconded by CM Feigel, passed without dissent.

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

VM Gray-A motion by VM Gray requesting the Mayor to take all appropriate action, including legal action, to compel representatives of Kentucky-American Water Company to appear before the Council as soon as is practicable to explain its request for a rate increase under Public Service Commission Rate Case No. 2010-00036, to respond to questions relating to the rate increase, to respond to questions relating to its appearance before the Council in August of 2007, and to respond to questions about other related matters, seconded by CM Beard, passed by a 9-5 vote.

CM Henson-Stated that she will be sending a pass around at the 4/8/10 Council Meeting for Back to School Rally; announced that on this Saturday from 10-2 pm there will be a Gainesway Pond celebration.

CM McChord-Reminded everyone that tomorrow starts the Creative Cities Summit; requested that a 'What's coming next' section be placed on the website and streets to update citizens on the downtown street work-he is very appreciative to all who have been working on this project; announced that there will be 2nd Sunday monthly event-police escorted bike ride this Saturday from 2-5 pm-please meet at the old Courthouse downtown.

CM Feigel-Announced that on Friday at 1 pm there will be a ribbon cutting for a new business in the 5th District-Steven Lawrence Limited Consignment in Idle Hour Shopping Center; on 4/15 at 7:30 pm at Emmanuel Baptist Church the Lansdowne Merrick NA will meet.

CM Lawless-Announced Ayelsford NA meeting tonight at 7 pm at Woodland Christian Church; Elizabeth St NA will host a Mayor's Forum at 4/15 at 1st Christian Church from 6-9 pm; announced the student Fusion cleaning date is 4/17 for Columbia Heights; requested a report of the recent payroll error.

<u>A motion by CM Lawless to place into the Services Committee the review of the street paving list , seconded by CM Beard, passed without dissent.</u>

CM Myers-Announced the Gainesway Pond Revitalization Project ribbon cutting this Saturday from 10-2 pm.

VIII. Mayor's Report-None

Stated that he has solicited folks to sign the KAWC petition and they can do this by going to the city's website. The Mayor wanted to clarify that the letter that was sent to the editor at the Herald Leader was incorrect-the Mayor's Office did not direct the Police Dept. to give tickets to any citizens.

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

<u>A motion by CM Stinnett to enter into closed session pursuant to KRS 61.810 (1)(c) for the purpose of discussing pending litigation, seconded by CM Blues, passed without dissent.</u>

<u>A motion by CM Blues to go back into open session, seconded by CM Ellinger, passed without dissent.</u>

<u>A motion by CM McChord to adjourn, seconded by CM Myers passed without dissent.</u>

Work session was adjourned at 5:51 pm.

NEW BUSINESS ITEMS REQUIRING BUDGET AMENDMENTS

April 13, 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		
166-10	TBD	Community Development	To establish grant budget for Kentucky Transportation Cabinet for a Speed Enforcement project – FY 2011.		
A				3160	25,000
				3160	25,000CR
					0*
167-10	TBD	Community Development	To establish grant budget for FY 2011 for Collision Reporting Quality Control Project – FY 2011.		
B				3160	10,000
				3160	10,000CR
					0*
168-10	TBD	Community Development	To establish grant budget for the TRAFSAFTY_2010.		
C				3160	25,000
				3160	25,000CR
					0*

EFFECT ON FUND BALANCES

FUND 3160	**0***	**NO IMPACT TO:**	**US DEPARTMENT OF TRANSPORTATION**

Budget Information For New Business Items

April 13, 2010 Work Session

Item	Number	Amount	Fund	Name / Description
A.	166-10	25,000	3160	US Dept Of Transportation Budget Journal
B.	167-10	10,000	3160	US Dept Of Transportation Budget Journal
C.	168-10	25,000	3160	US Dept Of Transportation Budget Journal
D.	170-10	NA		
E.	175-10	NA		
F.	169-10	25,611	4003	Sanitary Sewer Construction
G.	171-10	NA		
H.	172-10	159,036	3160	US Dept Of Transportation
I.	173-10	NA		
J.	174-10	NA		

166-10

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: APRIL 5, 2010

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO SUBMIT APPLICATION, AND ACCEPT AWARD IF OFFERED, TO THE KENTUCKY TRANSPORTATION CABINET FOR A SPEED ENFORCEMENT PROJECT – FY 2011

The Division of Police has prepared an application for submission to the Governor's Highway Safety Program in the Department of Transportation Safety/Kentucky Transportation Cabinet requesting federal funding for a Speed Enforcement Project for FY 2011. These federal funds originate from the U.S. Department of Transportation's Highway Safety Standards Branch.

The purpose of this program is to improve safety in Fayette County through the enforcement of speed limit laws. If approved, funds in the amount of $25,000 will be used for officer overtime. No matching funds are required.

Council authorization to submit application, and accept award if offered, is hereby requested.

Paula King, Director

Xc: Tim Bennett, Commissioner of Public Safety

167-10 13

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: APRIL 5, 2010

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO SUBMIT APPLICATION, AND ACCEPT AWARD IF OFFERED, TO THE KENTUCKY TRANSPORTATION CABINET FOR A COLLISION REPORTING QUALITY CONTROL PROJECT- FY 2011

The Division of Police has prepared an application for submission to the Governor's Highway Safety Program in the Department of Transportation Safety/Kentucky Transportation Cabinet requesting federal funding for a Collision Reporting Quality Control Project for FY 2011. These federal funds originate from the U.S. Department of Transportation's Highway Safety Standards Branch.

The purpose of this program is to improve safety in Fayette County through a collision reporting quality control project. If approved, funds in the amount of $10,000 will be used for officer overtime to review and correct collision reports. No matching funds are required

Council authorization to submit application, and accept award if offered, is hereby requested.

Paula King

Paula King, Director

Xc: Tim Bennett, Commissioner of Public Safety

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: APRIL 5, 2010

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO SUBMIT APPLICATION, AND TO ACCEPT AWARD IF OFFERED, TO THE COMMONWEALTH OF KENTUCKY OFFICE OF HIGHWAY SAFETY FOR *CLICK IT OR TICKET* ENFORCEMENT MOBILIZATION– FY 2010

The Lexington-Fayette Urban County Government Division of Police has prepared application for submission to the Kentucky Transportation Cabinet, Kentucky Office of Highway Safety in the amount of $25,000 for participation in the May 2010 *Click It or Ticket* Safety Belt Enforcement Mobilization Federal funding originates from the U.S. Department of Transportation's National Highway Traffic Safety Administration

If approved, funds will be used to support the cost of officer overtime for a period of concentrated enforcement from May 19, through May 31, 2010. No matching funds are required.

Council authorization to submit the application and to accept the award, if offered, is hereby requested.

Paula King
Director

Xc: Tim Bennett, Commissioner of Public Safety

170-10 15

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

Jim Newberry
Mayor

Robert Hendricks
Chief

TO: Mayor Jim Newberry
Tim Bennett, Public Safety Commissioner
LFUCG Councilmembers

FROM: Robert Hendricks, Fire Chief

RE: Donation from ATS Construction Company

DATE: April 1, 2010

This memorandum is written in support of a donation from ATS Construction Company, Lexington, KY. The donation is four (4) thirty foot (30') highway barriers at no cost to the LFUCG. The value of this donation is $1200.00. The barriers will be utilized in the Structural Collapse Technician training course held at the Fire Training Academy, May 2010. I submit we graciously accept this donation from ATS Construction.

16

175-10

Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

Linda Rumpke
Commissioner

MEMORANDUM

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

FROM: Leslie F. Jarvis
Leslie Jarvis, Acting Director
Division of Human Resources

DATE: April 7, 2010

RE: **Ordinance Change**

The attached action amends Section 23-18 of the Code of Ordinances affecting the Division of Fire and Emergency Services effective upon passage of Council.

The requested changes are to;

- Set a maximum age limit of 34 years of age;
- Remove requirement for a recruitment cycle every 6 months to allow for flexibility during tight budgets;
- Discontinue conducting our own physical ability test and adopt the State Fire Commission's test (which will be required by 2013);
- Change ranking from 100% based on oral board score to a final score combining both written and oral examinations;
- A new hiring process and eligibility list will be established for each recruitment cycle unless extended by the Fire Chief and HR Director;
- Allow the Fire Chief and HR Director to permanently remove candidates who do not meet criteria established in KRS and LFUCG ordinances; and
- Remove the "Rule of Five" condition and allow the Chief to consider all components of the examination process when making his final selection.

There is no fiscal impact with this action. A draft of the proposed Ordinance is attached.

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

Attachment

cc: Tim Bennett, Commissioner – Department of Public Safety
Robert Hendricks, Fire Chief, Division of Fire and Emergency Services
Darrylyn Combs, HR Manager, Division of Human Resources
Jim Dodson, HR Analyst, Division of Human Resources

Log # 10-0057

169-10

Lexington-Fayette Urban County Government
DEPARTMENT OF ENVIRONMENTAL QUALITY

Jim Newberry
Mayor

Cheryl Taylor
Commissioner

TO: Mayor Jim Newberry
Urban County Council

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

DATE: March 30, 2010

SUBJECT: Change Order # 1 for Judy Construction
West Hickman Creek WWTP Equipment Improvements

The Division of Water Quality requests approval of Change Order # 1 for Judy Construction for additional work to be included in the West Hickman Creek WWTP Equipment Improvements. Change Order # 1 is for a total amount of $25,611.00.

The amount of the change order includes additional funds for wiring and control changes. The most expensive item included in the change order is wire replacement necessary due to the existing power wires having split insulation.

The change order is fully budgeted and funds are located in the account shown below.

4003-303401-3421-92711 WHSCRWPMP_2009/CONSTRUCT

Should you have any questions, please call.

Approved by:

Cheryl A. Taylor, Commissioner
Department of Environmental Quality
Lexington-Fayette Urban County Government

CONTRACT HISTORY FORM

Contractor: Judy Construction Inc.

Project Name: West Hickman WWTP
Miscellaneous Equipment Replacement

Contract Number and Date: 49-2009 25-Jun-09

Responsible LFUCG Division: Water Quality

CHANGE ORDER DETAILS

Summary of Previous Change Orders to Date:	**Dollar Amount**	**Percent Change to Original Contract**
A. Original Contract Amount:	$722,250.00	0% (Line B/Line A)
B. Pervious Change Order Total:	$0.00	
C. Current Contract Amount:	$722,250.00	
D. Amount of this Change Order:	$25,611.00	4% (Line D/Line A)
E. New Contract Amount:	$747,861.00	104% (Line E/Line A)

SIGNATURE LINES

REVIEWED BY: DATE: 3/30/10

DIVISION DIRECTOR: DATE: 3/31/10

Change Order No. 1
Resolution # 412-2009
West Hickmand Waste Water Treatment Plant
Miscellaneous Equipment Improvements

Lexington-Fayette Urban County Government
Lexington, Kentucky

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

CONTRACTOR: Judy Construction Inc.

SUMMARY OF INFORMATION

Date of Change Order:	March 15, 2010
Date of Contract:	June 25, 2009
Date of Notice to Proceed:	December 1, 2009
Official Start Date:	December 1, 2009
Length of Contract (calendar days):	365
Date of Contract Completion (final completion date):	December 1, 2010
Previous Change in Contract Time (calendar days):	0
Change in Contract Date:	
Change in Contract Time in CO #1 (calendar days):	0
Revised Contract Date (final completion date):	
Original Contract Amount:	$722,250.00
Previous Change Order Total:	$0.00
Current Contract Amount:	$722,250.00
Change Order (1) Amount:	$25,611.00
Revised Contract Amount:	$747,861.00
Percent Change from Original:	4%

Review attached information for **General Description**

Summary Chart for Change Order #1

Project: West Hickman WWTP Equipment Improvements
Nicholasville, KY
Contract # 49-2009

Key
Ow = Owner Om = Omission
A/E = Architect/Engineer C = Contractor

No.	Date	Brief Description	Price	Change Requested by: Ow	A/E	C	Om	CO No.
1	11/05/2009	Changes and upgrades to the gravity thickener controls Reason: When shop drawings were submitted for review, the WH Operations Staff requested additional controls to the gravity thickener as well as relocation of the control box. This was based on the Operations Staff experience with equipment of this nature.	$8,369.00	X				1
3	11/02/2009	The WH Operations Staff has requested that the control box for the new mag meter be supplied with devicenet capability and be relocated to a more accessable and practical location. Reason: The project as designed showed the mag meter control box being located immediately adjacent to the mag meter. This is the normal location, however, WH Staff has found through experience that moving the control box to a more centralized location is more efficient and provides for more expediate operation review and control.	$1,526.00	X				1
5	11/25/2009	Revised location for the Radar Level Transmitter at the Raw Sewage Pump Station The location of the Radar Level Transmitter must be changed in order to facilitate accessablity and maintenance.	$3,098.00	X				1
6	12/20/2009	Additional wiring necessary for the bar screen local control panel. Reason: The bar screen requires a local control panel but no wiring details were shown on the drawings.	$2,143.00	X			X	1
7	02/23/2009	Replacement of exisitng wire between VFDs and motors Reason: Once the old VFDs were removed it was found that the wire providing the power feed between the VFDs and the motors was in rough shape. The insulation on the wire was split due to age. This wire needed to be replaced to insure proper installation and performance of the new equipment.	$10,475.00	X		X		1
		TOTAL	**$25,611.00**					

171-10 21

RECEIVED
APR 01 2010
GENERAL SERVICES
COMMISSIONER'S OFFICE

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

MEMORANDUM

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

FROM: Jerry Hancock

RE: Facility Usage Agreement

DATE: March 30, 2010

This is a request for Council approval of a Facility Usage Agreement between the Lexington-Fayette Urban County Government and various youth baseball leagues for the spring season. Agreements run from March 8, 2010 through July 31, 2010, except in those parks where the Bluegrass State Games are being held July 30-August 1, 2010.

These agreements are for the purpose of providing youth sports for the youth of the community by utilizing Park facilities.

Please contact me if there are any questions.

CC: Kimra Cole, Commissioner of General Services

JEH/bac

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: APRIL 2, 2010

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE AMENDMENT #10 TO AGREEMENT WITH ENTRAN (FORMERLY KNOWN AS AMERICAN CONSULTING ENGINEERS, PLC) FOR THE NEWTOWN PIKE EXTENSION PROJECT

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

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

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

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- Amendment #9 in the amount of 605,853 was approved by Council on December 8, 2009 (Resolution No. 792-2009).

The proposed Amendment #10 is in the amount of $159,036 making a new contract total of $6,226,005.51 for professional services. Amendment #10 will provide for the following items:

Funding in the amount of $48,892 for one sub-consultant, Burlington and Associates, to conduct a structural evaluation of the Lower Town Branch Box culvert that runs through the mitigation area (Southend Neighborhood) and to extend the consulting services of Burlington and Associates with the formation of the Lexington Community Land Trust.

The remaining $110,144 reflect six purchase orders that were initiated as encumbrances to ENTRAN as separate actions from June 2006 until February 2010. These purchase orders are being included in this Change Order in order to demonstrate total cost of consulting services being provided by ENTRAN. The six separate purchase orders were added to maintain funding for necessary sub-consultants to perform ongoing work associated with the project. These six purchase orders were for the extension of neighborhood liaison position, acquisition services, and for geotechnical investigation for horizontal boring under Town Branch.

Fees for DBE consultants total 56% of Change Order #10, bringing the project DBE fees to 41% of the total project cost this far.

Funds for Amendment #10 are budgeted as follows:

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

Council authorization to execute amendment #10 to the agreement with ENTRAN is hereby requested.

Paula King, Director

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

AMENDMENT NO. 10
Newtown Pike Extension Project
Contract Dated October 11, 2001

Purpose/Reason for Amendment:

The purpose will be to amend Entran (Formerly American Consulting Engineers, PLC) contract for two reasons. First is to reflect six separate Purchase Orders which were added to the contract from June 2006 until February 2010. These six Purchase Orders were added to the contract to maintain funding for necessary sub-consultants to perform ongoing work associated with the project. Each Purchase Orders was deemed necessary and added to the contract with authorization from the Kentucky Transportation Cabinet. Second is to provide for a structural evaluation of the Lower Town Branch Box culvert which runs through the Mitigation Area (Southend Neighborhood) and extend the services of Burlington and Associates with the formation of the Lexington Community Land Trust.

Original Contract Amount	$1,666,698.99
Amendment No. 1	$ 70,049.00
Amendment No. 2	$ 128,900.00
Amendment No. 3	$ 699,834.84
Amendment No. 4	$ 16,770.00
Amendment No. 5	$ 589,878.00
Amendment No. 6	$ 949,886.00
Amendment No. 7	$ 586,703.68
Amendment No. 8	$ 752,396.00
Amendment No. 9	$ 605,853.00
Amendment No. 10	$ 159,036.00
NEW CONTRACT AMOUNT	**$ 6,226,005.51**

Owner:

Jim Newberry
Mayor
Lexington Fayette Urban County Government
200 East Main Street, 12th Floor
Lexington, Kentucky, 40507

Attest

Consultant:

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

Attest

CONTRACT HISTORY FORM

Project Name: Newtown Pike Extension

Contractor: Entran (Formerly American Consulting Engineers, PLC)

Contract Number and Date: 4661 October 11, 2001

Responsible LFUCG Division: Division of Engineering

CONTRACT AND CHANGE ORDER DETAILS

A. Original Contract Amount:	$ 1,666,698.99	
Next Lowest Bid Amount: N/A		
B. Amount of Selected Alternate or Phase:	$	
C. Cumulative Amount of All Previous Alternates or Phases:	$ 1,666,698.99	
D. Amended Contract Amount:	$ 1,666,698.99	
E. Cumulative Amount of All Previous Change Orders:	$ 4,400,270.52	264.0% *(Line E / Line D)*
F. Amount of This Change Order:	$ 159,036.00	9.5% *(Line F / Line D)*
G. Total Contract Amount:	$ 6,226,005.51	

SIGNATURES

Project Manager: Andrew Grunwald — Andrew Grunwald, P.E. Date: 3/29/2010

Reviewed by: Robert A. Bayert — Robert Bayert, P.E. Date: 3/29/10

Division Director: M. Rayan — Marwan Rayan, P.E. Date: 3/29/10

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Lexington-Fayette Urban County Government

Jim Newberry, Mayor

TO: Mayor Jim Newberry
Members, Urban County Council

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

DATE: April 6, 2010

RE: Economic Development Bond Funds for Project Craftsmanship

This is to request a resolution authorizing the Mayor to execute and submit the Grant Application to the Kentucky Cabinet for Economic Development for funds in the amount of $300,000 for the Project Craftsmanship Economic Development Bond Fund Project. The purpose of the application is to request funds from the Kentucky Economic Development Finance Authority to assist the project in locating in Lexington.

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

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Lexington-Fayette Urban County Government

Jim Newberry, Mayor

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

From: Penny Ebel, Special Events Director PE

Date: April 7, 2010

Re: Authorization of Purchase of Service Agreement with Lexington Farmers' Market

This is to request authorization of the PSA with Lexington Farmers' Market. The Market will open on April 10th in the Cheapside Park area and in May at the Maxwell/Broadway location. The bylaws of the Farm and Garden Market Cooperative Association are attached, as well as the site map for the Cheapside Park location. The site map will be updated when construction is complete in Cheapside Park.

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

CONTRACT

PURCHASE OF SERVICE AGREEMENT

THIS PURCHASE OF SERVICE AGREEMENT, made and entered into on the_____________, 2010, by and between the LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT, an urban county government of the Commonwealth of Kentucky, created pursuant to KRS Chapter 67 A (hereinafter Government) and FARM AND GARDEN MARKET COOPERATIVE ASSOCIATION, INC., DBA LEXINGTON FARMERS' MARKET, a Kentucky corporation (hereinafter Organization) with a mailing address of P. O. Box 553, Lexington, Kentucky 40588-0553.

WIT N E SSE T H:

WHEREAS, the Government recognizes the need to promote marketing of Kentucky products in order to support agricultural businesses within the Commonwealth; and

WHEREAS, the Government is willing to permit the use of public right-of-way to operate a farmers' market for the sale of agricultural products and other related items.

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

1. Government hereby contracts with Organization for the period beginning on April 1, 2010, (the period of April 1 through December 31 being the Sale Season) unless within that period Government gives Organization thirty (30) days written notice of termination of this Agreement or Organization gives Government thirty (30) days written notice of termination, in which case this Agreement shall terminate thirty (30) days from the date of notice. If this agreement has not been renewed or terminated prior to April 1, 2011, this Agreement shall automatically renew for the 2011/2012 Sale Season and continue on a month-to-month basis on the same terms and conditions as this original Agreement unless superseded by a subsequent Purchase of Service Agreement.

2. The Organization agrees to provide the following services:

A. Manage and administer a farmers' market to be located within the public right-of-way at a location designated by agreement of the parties in order to provide marketing opportunities for Kentucky farmers and producers (hereinafter "the Farmers' Market), including the issuance of seasonal permits to use the Farmers· Market which shall vest in the permittee the privilege of entering on the premises and making use of the facilities for a period of one Sale Season as well as short-term temporary permits, subject to space requirements as determined by Organization in accordance with its policies as set forth in Exhibit A (Bylaws of Organization and 2010 Producer Membership Agreement.)

B. Administer the Farmer's Market in such a way as to provide opportunity for the greatest number of farmers/producers as possible, open and available to all qualified participants, as defined by Organization's membership rules as set forth in Exhibit A and by others directly associated with the promotion of Kentucky products, Kentucky producers, or the health benefits of Kentucky agricultural products, without regard to participation in any other farmers' market, with any participants other than those defined as qualified participants to be restricted to no more than five (5) on any market day;

C. In the course of administration of the Farmer's Market assure that all products are being sold or offered for sale only by Kentucky qualified participants or by members of their immediate family or by their representatives or agents;

D. Assure that any purchased products offered for resale were either purchased from another grower, from an auction house within Kentucky offering products for sale from other growers, or from a wholesale terminal market operating under the U.S. Department of Agricultural, and that each such product offered for sale is labeled to state the source of the produce and the state of origin of produce grown out of state;

E. Submit monthly reports May through December by the fifteenth (15'") of each month to the Director of Economic Development. Each report shall contain a summary of number of participants, fees received, and any other relevant activities regarding the income and management of the Farmers' Market for the preceding month;

F. Submit an annual report each year to the Mayor and Urban County Council, which report shall contain a summary of its activities with respect to the Farmers' Market for the preceding year, including but not limited to participation, revenues, marketing efforts, and administration.

G. File all federal, state and local tax returns which are required by the respective governmental units and to submit copies of same to Government.

H. Adhere to and comply with any and all federal, state and local safety and environmental laws, regulations and ordinances, especially all requirements of the Lexington-Fayette County Board of Health, and with all safety and loss control rules, regulations and policies of the Lexington-Fayette Urban County Government, Division of Risk Management, and permit the Division of Risk Management to review, audit, and inspect any and all of its records and operations to ensure compliance with the provisions of this Agreement.

3. In consideration for the Organization providing the services described in paragraph 2 above, the Government shall:

A. Authorize Organization to impose and collect a fee for each permit issued for participation in the Farmers' Market and to retain such;

B. Grant to Organization exclusive right to manage, administer, and regulate the use of a designated portion of the public right-of-way, including posting reasonable signs within the right-of-way to publicize the Farmers' Market. The location 0f the Farmer's Market shall initially be the right-of-way of Cheapside including Cheapside Park and the 5/3 Bank Pavilion and the right-of-way of West Short Street from North Mill Street to North Upper Street. Additionally included is the right-of-way of Market Street from West Short Street to Church Street and the sidewalk and parking spaces on the west side of North Upper Street from Short Street to Main Street as shown on the attached Exhibit B. Said location shall be subject to change as determined by reasonable agreement of the parties. Organization shall have exclusive use of the designated area for the Farmers' Market from 5:00 a.m. to 3:00 p.m. each Saturday during the Sale Season, with the exception of Saturday, July 3, 2010, when a special event is scheduled. During Spotlight Lexington Festival (September 25, 2010 to October 9, 2010) , the Farmers Market will be allowed to use the Cheapside Park area with the knowledge that this festival may occur at this location and if the events do occur, the events will begin set up at 11 a.m. and begin at 1 p.m. This may also require that the physical set up of the Farmers Market may have to be altered to fit the needs of Spotlight Lexington.

C. Provide refuse and recycling pickup services for refuse produced in the course of the operation of the Farmers' Market.

D. Provide access to electrical service during the operation of the Farmers' Market.

E. Provide all appropriate enforcement actions to ensure compliance with restrictive parking provisions, such as the bagging of meters to prohibit parking, along the right-of-way during the operation of the Farmers' Market, including the citation and towing of illegally parked vehicles.

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

5. All personal property of the Lexington Farmers' Market, its agents, employees, visitors, licensees, contractors or suppliers, in and on said Premises, shall be and remain at their sole risk, and Government shall not be liable to them for any damage to, or loss of, such personal property arising from theft or from any act of negligence of any other persons, or resulting from fire, explosion, falling plaster, rain or snow, or from the leaking of the roof, or from the bursting, leaking or overflowing of water, sewer or steam pipes, or from heating or plumbing fixtures or from electrical wires or fixtures, or from any other cause whatsoever. Government shall not be liable to Lexington Farmers' Market for the interruption of Lexington Farmers' Market business or activities in any way, by reason of fire or other casualty, regardless of fault.

6. The Lexington Farmers' Market shall indemnify, defend and save the Government, its agents, volunteers, employees, and elected or appointed officials harmless from any and all claims, demands, damages, actions, costs and charges to which the Government may be subject or which the Government may have to pay by reason of any injury to any person or property, or loss of life or property resulting from or in any way connected with, the character, condition, or use of the premises or any means of ingress thereto or egress there from covered by the Agreement unless such injury or loss arises solely from the negligence of the Government. The Lexington Farmers' Market shall at its own expense, assume the defense of such claims and actions for those damages arising out of such injuries or losses which may be brought against the Government by third parties and shall pay any such judgments that may be rendered in any such actions. All insurance policies shall be broad form in nature and shall be written through a company with an A. M. Best Rating of "A-" or better, admitted to do business in Kentucky, and the contract should be non-cancelable without at least thirty (30) days advance written notice by registered mail to the Government from the insurance company.

7. Organization shall operate the farmers' market in compliance with the Rules and Regulations attached hereto as Exhibit A.

8. Organization shall provide equal opportunity in employment for all qualified persons, shall prohibit discrimination in employment because of race, color, creed, national origin, sex or age, shall promote equal employment and shall cause each of its sub-contractors to do so. This program of equal employment opportunity shall apply to every aspect of its employment policies and practices.

9. Organization shall maintain the adopted written sexual harassment policy, which contains a statement of current law; a list of prohibited behaviors; a complaint process; and a procedure which provides for confidential investigation of all complaints. The policy shall be made available to all employees and clients and shall be posted at Organization's primary place of business. The policy shall be submitted to the Director of Economic Development for review within thirty (30) days of the execution of this Agreement.

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

BYLAWS
OF
FARM AND GARDEN MARKET COOPERATIVE ASSOCIATION, INC.

ARTICLE I

Name

The Association shall do business as the Lexington Farmers' Market.

ARTICLE II

Purpose

The purpose of the Association shall be to stimulate production and improve distribution of agricultural products in the Commonwealth of Kentucky and to promote the sales of agricultural products, and to combine resources to further, protect, and promote the market for the economic good of all members.

ARTICLE III

Membership

3.1 Eligibility

Any person, including both landlords and tenants in share tenancies, and who is a bona fide producer of agricultural products may become a member of this Association upon approval by the Board of Directors of the Association, meeting the conditions that are prescribed by the Board of Directors and signing a membership agreement.

3.2 Fees

The Association has the authority to collect from its members annual membership dues for purposes of financing its activities. Annual membership dues and gate fees will be set annually by the Board of Directors. The annual membership dues will be collected from each member by January 1 of the current market year. Gate fees will be collected as prescribed in the membership agreement.

3.3 Producer Members

A producer member may manufacture value added products from the agricultural products that the member produces. At least 60% of the products sold annually by the producer member through the Association shall be agricultural products produced by the member or value added products produced from such agricultural products. Crop and livestock failure shall be taken into consideration.

EXHIBIT
A

3.4 Associates

An associate is a producer of agricultural products.who does not qualify to be a producer member or is a non-producer. An associate may receive most mailings and attend all meetings concerning marketing and promotional matters. An associate may serve on committees and volunteer. An associate shall sign and comply with the associate agreement of the Association.

3.5 Voting Rights

Only producer members of the Association shall have voting rights. The voting rights of producer members shall be equal. Each producer member shall have one vote and shall be entitled to take part in and vote at any regular or special meeting of members. Associates are entitled to receive most mailings, literature and periodicals of the Association but have no voting rights.

3.6 Cancellation or Refusal of Membership

The Board of Directors may at any time by the vote of a majority of its members, cancel the membership of any member or refuse membership to any person or organization, when the welfare of the Association, in its judgment, justifies such action. Failure to pay annual dues or gate fees shall automatically result in cancellation of membership. Any member may withdraw by written notice to the secretary. A member upon withdrawal shall not be entitled to any share or part of the assets or property of the Association, or to have any dues rebated.

ARTICLE IV

Meetings of Members

4.1 Annual Meetings

The annual meeting of the members of the Association shall be held annually within ninety (90) days following the close of the fiscal year. The annual meeting shall be held at a place and time designated by the Board of Directors.

4.2 Special Meetings

Special meetings of the members of the Association may be called at any time by the Board of Directors and shall be called at any time upon written request of at least 20% of the producer members filed with the Association's Secretary and specifying the business that is to be conducted at that meeting. No business shall be transacted at special meetings other than that referred to in the written request.

4.3 Notice of Meetings

Written notice of every regular and special meeting of members shall be prepared and mailed to the last known post office address of each member no less than ten (10) days before such meeting. Such notice shall state the business to be transacted and the time and place of meeting. No business shall be transacted at special meetings other than referred to in the call.

4.4 Quorums

Twenty (20%) percent of the producer membership shall constitute a quorum for any properly called annual or special membership meeting. Voting by proxy will not be permitted.

ARTICLE V

Directors and Officers

5.1 Number and Qualifications

The Association shall have a Board of Directors of eleven (11) voting members. To be eligible to serve as a director, a person must be a producer member of the Association in good standing as set forth in Article III, Section 3.1, Eligibility. No person after having served three consecutive full terms as director shall be eligible to succeed himself or herself, but after a lapse of one year such person shall again be eligible to serve as director.

The Association shall have advisors to the Board of Directors appointed by the Board of Directors.

5.2 Election of Directors

There will be eleven (11) Board of Directors elected by the producer members at the annual meeting of members. At the initial election of directors, Board members will be elected to staggered terms. Four (4) Directors will be elected for a three (3) year term. Four (4) Directors will be elected for a two (2) year term. Three (3) Directors will be elected for a one (1) year term. All directors shall be elected by written ballot, and the nominees receiving the greatest number of votes shall be elected. Terms will be drawn for by lot. After the initial election, all directors will serve three (3) year terms.

5.3 Board Vacancies

Whenever a vacancy occurs in the Board of Directors, other than from the expiration of a term of office, the remaining directors shall by majority vote fill the vacancy until the next annual meeting of members.

5.4 Board Meetings

In addition to the meetings mentioned above, regular meetings of the Board of Directors shall be monthly or at such times and at such places as the Board may determine. A quorum of directors must be present to conduct business. Six (6) directors shall constitute a quorum.

5.5 Special Meetings

A special meeting of the Board of Directors shall be held whenever called by the President or by a majority of the directors. The President may call a special board meeting at any regularly scheduled board meeting, or via telephone, letter, electronic mail, or facsimile. Each call for a special meeting by the Board of Directors shall be in writing (letter, facsimile or electronic mail), signed by the person or persons making the same, addressed and delivered to the Secretary and shall state the time and place of such meeting. On the signing of a waiver of notice of a meeting by all directors, a meeting of the Board of Directors may be held at any time.

5.6 Board Supervision

The Board of Directors shall have general supervision and control of the business and the affairs of the Association and shall make all rules and regulations consistent with law or with these bylaws for the management of the business and the guidance of the affairs of the Association.

5.7 Removal of Directors

Whenever any director fails to meet the qualifications described in Section 5.1 of this Article or fails to attend three (3) consecutive board meetings, either regular or special, without just cause and provided that notice of such meeting has been given in accordance with these bylaws, then the Board of Directors shall remove said director and fill the vacancy in according with Section 5.3 of this Article. Board members may also be removed in accordance to KRS Chapter 272.460(1).

5.8 Reimbursement and Compensation

The Association may reimburse directors for all reasonable expenses incurred to carry out their duties and responsibilities as determined by the board.

No director, producer member, associate, or member of the immediate family of a director, producer member or associate shall occupy any position in the Association on regular salary.

ARTICLE VI

Duties of the Directors

6.1 Management of the Business.

The Board of Directors shall have general supervision and control of the business and the affairs of the Association and shall make all rules and regulations not inconsistent with law, the article of incorporation and bylaws for the management of the business and the guidance of the members, officers, employees and agents of the Association. The Board of Directors shall have the power to enter into contracts with organizations to secure management and operational services.

6.2 Depository

The Board of Directors shall have the power to select one or more banks to act as depositories of the funds of the Association and to determine the manner of receiving, depositing, and disbursing the funds of the Association and the form of checks and the person or persons by whom they shall be signed, with the power to change such banks and the person or persons signing such checks and the form thereof at will.

6.3 Bonds and Insurance

The Board of Directors may require any member to maintain any policy or policies of insurance as the Board of Directors in its discretion deems to be necessary to further the purposes of the Association. Further, the Board of Directors may maintain insurance to protect itself and each person, association, corporation, partnership or other entity, which is or was a director or officer of the Association.

6.4 Accounting System and Audits

The Association shall keep correct and complete books and records of account and shall also keep minutes of the meetings of the Board of Directors and committees of the Board of Directors. All books and records of the Association may be inspected by any director, or his or her agent or attorney, for any purpose at any reasonable time.

An audit, review or compilation of the accounts of the Association shall be made annually after the end of each fiscal year by a certified public accountant. The accountant is required to furnish a completed report to the Board of Directors no later than four (4) months after the end of the Association's fiscal year. Such report shall be made available to the members.

6.5 Committees

The Board of Directors may at its discretion establish and disband committees as it deems appropriate and may at its discretion appoint and remove members of committees as it deems appropriate.

ARTICLE VII

Duties of the Officers

7.1 Designation of Officers

The officers of the Association shall be a President, Vice-President, Secretary and Treasurer. No officer may serve more than three (3) consecutive one (1) year terms. However, after any officer has not held that office for one (1) full year, he or she may be re-elected to that office.

Officers shall be elected from the directors at the first Board of Directors meeting following the annual meeting.

7.2 President's Duties

The President shall (1) preside over all meetings of the Association and the Board of Directors, (2) call special meetings of the Board of Directors, (3) perform all acts and duties usually performed by an executive and presiding officer, and (4) sign all membership cards and such other papers of the Association as he or she may be authorized or directed to sign, including without limitation, all checks, contracts and other instruments in writing on behalf of the Association. The President shall perform such other duties as may be prescribed by the Board of Directors.

7.3 Duties of the Vice-President

In the absence or disability of the President, the Vice-President shall perform the duties of the President. The Vice-President will act as ex-officio member of all committees.

7.4 Duties of the Secretary

The Secretary shall keep a complete record of all meetings of the Association and of the Board of Directors and shall have general charge and supervision of the books and records of the Association. He or she shall sign all papers pertaining to the Association as he or she may be authorized or directed to sign by the Board of Directors. He or she shall serve all notices required by law and by these bylaws and shall make a full report to the members of all matters and business pertaining to the office at the annual meeting. He or she shall keep complete membership records. He or she shall make all reports required by the Association or the Board of Directors. Upon the election of a successor, the Secretary shall turn over to the successor all books and other property belonging to the Association that are in his or her possession.

7.5 Duties of the Treasurer

The Treasurer shall perform duties with respect to the finances of the Association as may be prescribed by the Board of Directors.

ARTICLE VIII

Capital Stock

The Association shall operate as a non-stock cooperative.

ARTICLE IX

Operation at Cost and Members' Capital

9.1 Operation at Cost

The Association shall at all times be operated on a cooperative service-at-cost basis for the mutual benefit of its producer members.

9.2 Margin Allocation

In order to induce patronage and to assure that the Association will operate on a service-at-cost basis in all its transactions with its members, the Association is obligated to account on a patronage basis to all producer members on an annual basis for all amounts received from business conducted with producer members on a patronage basis, over and above the cost of providing such services and making reasonable provisions for reserves. The allocation of such amounts shall be based on the dollar value of business done with the Association by the producer members.

9.3 Dividends

No dividends shall be paid on any capital.

9.4 Records and Documentation

The books and records of the Association shall be set up and kept in such a manner that at the end of each fiscal year, the amount of capital, if any, so furnished by each producer member is clearly reflected and credited in an appropriate record to the capital account of such producer member.

The Association shall, within 8-1/2 months after the close of each fiscal year, notify each producer member of the capital so credited to the producer member's account. The notice shall be in the form of a written notice of allocation or other appropriate written document. The board shall have discretion to issue such notices and certificates in either "qualified" or "non-qualified" form as permitted by the Internal Revenue Code and other applicable law.

9.5 Fiscal Year

The fiscal year of the Association shall commence on the first day of January and end on the last day of December.

ARTICLE X

Dissolution

Upon the dissolution of the Association, after all debts and liabilities have been paid and all capital accounts have been paid, the remaining property and assets of the Association shall be distributed among the producer members who are active and in good standing at the time of dissolution in the proportion which the aggregate fees paid by each such producer member in the preceding 12 months bears to the total fees paid by of all such producer members in the preceding 12 months insofar as practicable, unless otherwise provided by law.

ARTICLE XI

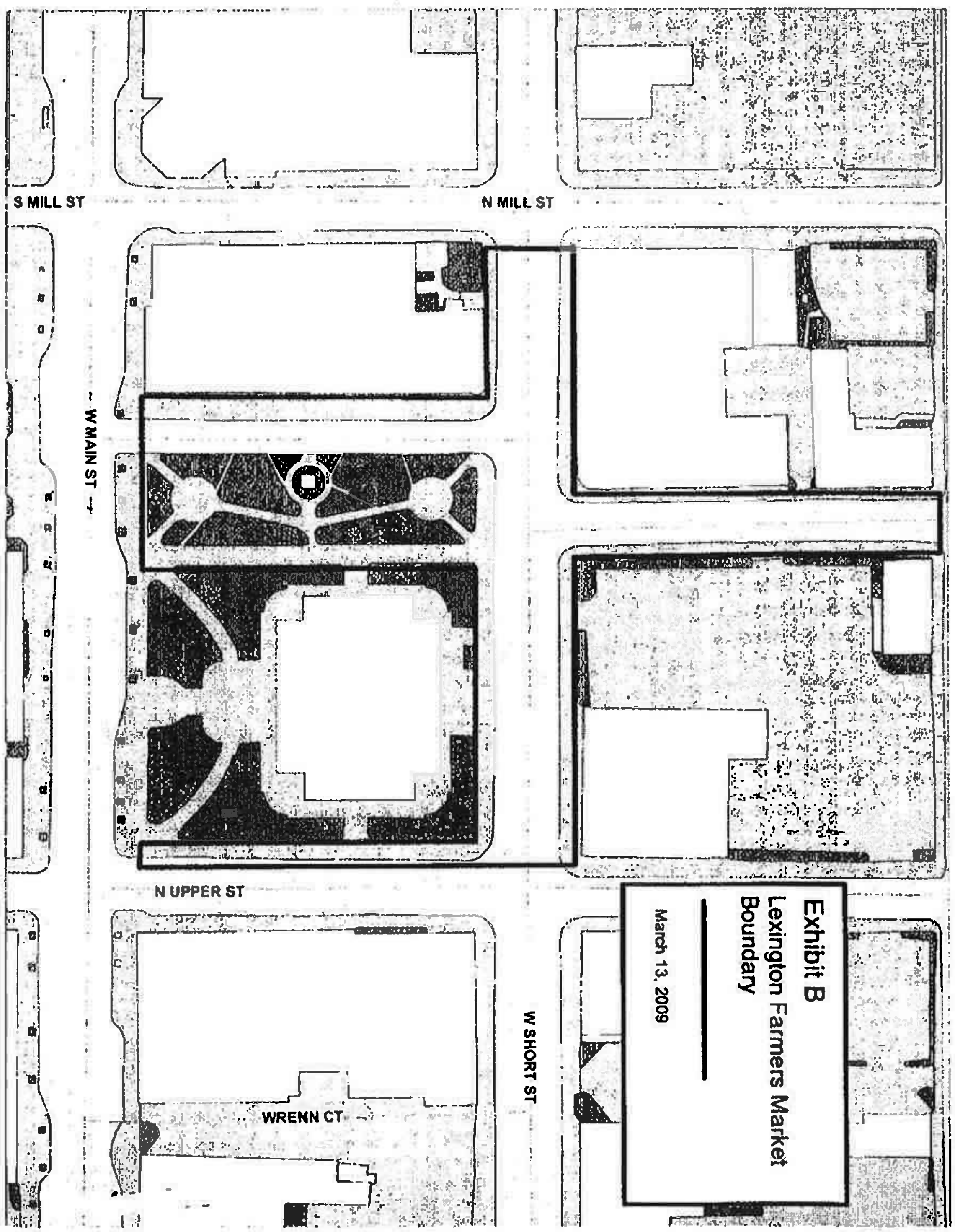
Amendments

These Bylaws may be amended, changed or altered at any time by an affirmative two-thirds (2/3) majority vote of the Board of Directors present and voting at any regular or special meeting of the Board of Directors duly called and held.

ARTICLE XII

Indemnification

The Association shall indemnify its officers, directors, employees and agents to the fullest extent possible under the laws of the Commonwealth of Kentucky, as they may be amended from time to time.


S MILL ST
N MILL ST
W MAIN ST
N UPPER ST
W SHORT ST
WRENN CT
Exhibit B
Lexington Farmers Market Boundary
March 13, 2009

Services Committee 4-6-2010
Summary

Council member Ellinger chaired the meeting calling it to order at 1:00. All council members present except Crosbie. James and Blues attended as non voting members

Peddler Ordinance - Blues

Mike Sanner, LFUCG Law Dept. went over changes to the current peddler ordinance, saying the fines have been raised. James asked if this ordinance had any bearing in public parks. Sanner said within the parks there would not be a problem, however if the vendor is on the street it would apply. Sanner said special events are handled another way. James asked about enforcement and citing. Sanner said an officer has to witness the offense. Lane wanted to know how and why changes to this ordinance came about. Blues said he'd gotten several complaints about selling food from a public street. Lane wanted to know in what area or district this has occurred. Blues said answered district 2. Lane asked about business licenses. Lawless expressed concern about certain zones being exempted. Blues said these zones were part of the downtown development area. She wanted to remove the portion of ordinance change that exempted an area. Henson commented about an issue in district 11 asking the difference between a mobile food vendor and this item and was told this issue is more complex than just "peddlers". (

James said this problem was mostly in areas with very little retail and wanted to see. clarification on how special events are handled. Sanner explained how the special events commission, which is organized through the Mayor's works. She asked about the possibility of adding something in the ordinance to mention special events. Sanner said it could be put in one of the sections of the ordinance. Blues asked Ellinger if this item might be held over and put on the committee's agenda for next month, since there appeared to be some questions still to be addressed.

Mobile Food Vendors - Henson

Henson explained the nature of the complaints she's received and asked Dr, Melinda Rowe, Fayette Co. Health Dept. to cover the board of health updates and state requirements regarding food service regulations.

Beard asked for clarification on 14 day regulation and location (temporary food operations). Dewey Crowe, Bldg. Inspection told the committee about permits, what's allowed and how it's enforced. Henson asked Crowe about operating hours, and was told there is no limit on hours or days of operations questions. There were additional question to Bldg. Inspection about checking complaints after hours and weekends. Crowe said zoning ordinances do not restrict the number of retail business within an area. Henson asked about ways to limit the zoning ordinance. Rowe added her office does regulate health department requirements after hours and on weekends.

Lane talked about permits and compliance. He asked for a percentage and was told by the health dept. they could advise later of that number. The Health Dept. gave a brief explanation on permits for mobile food units.

Emergency Snow Plan - James

James explained issues surrounding emergency snow plans, such as signage, communication, towing and citing policies, adding the need for improvement on internal communications. However after meeting with the administration she said the process was followed and was justified. Ellinger asked Comm. Webb to speak to the recommendations included in today's packet such as: University of KY notification system, additional signage, etc. Ellinger also asked for comments from Public Safety, Traffic section. An officer told the committee the citation and towing citation policy is being reviewed and changed to allow only towing (not citations) during an emergency snow plan. Lawless was told the tow agency was Bluegrass Towing which has a contact with LFUCG. She asked about the cost for towing and was told the min. is $90.00. Webb pointed out a map of areas where cars were towed. James talked about having some type notification system to allow residents a chance to move cars. Webb said the ordinance calls for approval from the Kentucky Secretary of Transportation before declaring a snow emergency adding this effects timing and forecasting an emergency too early might also be a downside. Lane asked if the LFUCG web site contains the snow plan and maps of the area affected. Lawless called for a need for early warnings. Ellinger asked about towing and was told attempts were made to go door to door. He then asked how Webb intends to address the recommendations in today’s committee packet. James said this is an administrative policy but would like to see a procedure that gets council more involved. Re: maps and streets involved etc. Ellinger asked Webb about coming back before committee with more information. Webb said there is a meeting in August to prepare for winter and meet with Fayette Co. schools. He felt August would be a better time for an update. Since we need to know the amount of additional signage required and if funds are budgeted, adding there are 80 miles of snow emergency routes.

Yard Sale Regulations - Henson

LFUCG Bldg. Inspection does not have the technology to track yard sales and frequency. Henson asked Crowe to comment, he said there is no ordinance, only a policy which was created from a need to address yard sales. This policy gives just a guideline on how to determine if someone is operating a business. They respond by complaint and have no way to be proactive, they track and document from time of the first complaint, however there are no recent records of citing for yard sales and there are problems with enforcement. Lane said several neighborhood associations have expressed that permitting for yard sales is too much bureaucracy. Beard asked about yard signs and yard sale signs.

Items in Committee

Peddler Ordinance – Blues asked if this issue could go back on the next meeting agenda, Chair Ellinger agreed.

Emergency Snow Plan – August 2010 discussed as tentative date to update the committee on recommendations (Webb).

Motion by Henson, seconded by Feigel to remove the yard sale regulations, passed without dissent.

Motion by Beard, seconded by Lane to remove multi-way stop Glendover Dr. @ Valley Rd, passed without dissent.