URBAN COUNTY COUNCIL
SCHEDULE OF MEETINGS
October 11-October 18, 2010

Monday, October 11

Form Based Codes/Design Guidelines Task Force Meeting.....4:30 pm
Conference Room-5th Floor Government Center

Tuesday, October 12

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

Council 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, October 13

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

MPO-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

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

Thursday, October 14

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

Friday, October 15

No Meetings

Monday, October 18

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

October 12, 2010

I. Public Comment – Issues on Agenda

II. Requested Rezonings / Docket Approval – Yes

III. Approval of Summary – Yes, September 28 and October 5, 2010, pp. 7-15

IV. Budget Amendments – Yes, pp.16-20

V. New Business, pp.22-55

VI. Continuing Business / Presentations

- A. Council Services Committee (separate)
- B. LexPark Update, Mr. Gary Means, Executive Director, Lexington-Fayette Parking Authority

VII. Council Report

VIII. Mayor's Report – Yes

IX. Public Comment – Issues Not on Agenda

ADMINISTRATIVE SYNOPSIS

New Business Items

A. Authorization to Accept an Award from the Kentucky Transportation Cabinet (KYTC) for the Loudon Avenue Sidewalk Project – FY2011. (473-10) (Gooding/Webb)

This request will authorize acceptance of federal funds in the amount of $240,000 from KYTC for the Loudon Avenue Sidewalk project. Funds will be used to construct a 4,000 foot-long, 5-foot wide sidewalk on the southside of Loudon Avenue from Newtown Pike to Russell Cave Road. This project also includes pedestrian signals and a transit shelter. The source of funds is the US Department of Transportation, Federal Highway Administration, Congestion Mitigation and Air Quality Improvement Program. A minimum match of 20% ($60,000) is required and will come from the Municipal Aid Program. Total project cost is $300,000.**p.22**

B. Authorization to Accept an Award from the Kentucky Transportation Cabinet (KYTC) for the Southland Drive Bike/Pedestrian Improvements Project-FY2011. (474-10) (Gooding/Webb)

This request will authorize acceptance of federal funds in the amount of $240,000 from KYTC for the Southland Drive Bike/Pedestrian Improvements project. Funds will be used to construct one (1) mile of bike/pedestrian lanes along Southland Drive from Rosemont Garden to Nicholasville Road and sidewalks under a railroad bridge. A minimum 20% ($60,000) match is required. The Municipal Aid Program and the Southland Drive Business Association will both provide $30,000 for the matching funds. Total project cost is $300,000.**p.23**

C. Authorization of Supplemental Agreement No. 3 to Agreement Offered by the Kentucky Transportation Cabinet (KYTC) for the Clays Mill Road Improvements Project. (483-10) (Gooding/Webb)

This request will authorize approval of Supplemental Agreement No. 3 to an agreement for additional federal design funds in the amount of $60,000 and reconstruction funds in the amount of $4,140,000 offered by KYTC for the Clays Mill Road Improvements project for the widening of Clays Mill Road to three (3) lanes between New Circle Road and Man O' War Boulevard. A local match of 20% ($15,000) is required for the additional federal design funds. The source of funds is the Surface Transportation Lexington (SLX). Total additional funds are $4,215,000.**p.24**

D. Authorization of Change Order No. 1 to Contract with Marrillia Design and Construction for the Lexington Downtown Streetscape Improvements Project – Phase One – Cheapside Site Improvements Project. (FINAL) (478-10) (Webb)
This request will authorize approval of Change Order No.1 to decrease contract amount by $45,429 with Marrillia Design and Construction for the Lexington Downtown Streetscape Improvements project – Phase One – Cheapside Site Improvements project to increase/decrease items and quantities required to complete the project. Original contract amount was $1,767,879.10. Final contract amount is $1, 722,450.10.**pp.25-28**

E. Authorization to Amend Section 21-5 of the Code of Ordinances within the Department of Public Works & Development, Division of Engineering. (481-10) (L. Jarvis/Webb)
This request will authorize approval to amend Section 21-5 of the Code of Ordinances to abolish one (1) position of Staff Assistant Sr. (Grade 108N) and create one (1) position of Engineering Technician (Grade 111N) in the Division of Engineering. The fiscal impact for FY2011 is $4,662.75 and will be funded from the Division's Right-of-Way Program fund balance. The annual impact is $7,131.26.**p.29**

F. Authorization of a Pass-Through Agreement with MASH Services of the Bluegrass, Inc. for Operation of the MASH Drop Inn Facility. (475-10) (Gooding/Helm)
This request will authorize approval of a pass-through agreement with MASH Services of the Bluegrass, Inc. for federal funds in the amount of $180,000 to continue operation of the MASH Drop Inn facility. MASH Services of the Bluegrass, Inc. is required to contribute $20,000 in matching funds and meet program requirements in the grant agreement from the US Department of Health and Human Services. The source of funds is the US Department of Health and Human Services under the Runaway and Homeless Youth program. Total project cost is $200,000.**p.30**

G. Authorization of an Agency Participation Agreement with the Kentucky Housing Corporation Kentucky Homeless Management Information System (KHC KYHMIS) on Behalf of the Department of Social Services Under the Homelessness Prevention and Rapid Re-Housing Program (HPRP). (476-10) (Gooding/Helm)
This request will authorize approval of an Agency Participation Agreement with KHC KYHMIS required by the US Department of Housing and Urban Development (HUD). As a recipient of HPRP funds and Emergency Shelter Grants (ESG) program funds, the Division of Adult & Tenant Services is required to participate in a HUD approved homeless management information system to collect unduplicated counts of homeless persons and analyzing patterns of use of HPRP and ESG funds. The cost of a one (1) year user fee for six (6) employees is $1,800. Funds are budgeted.**p.31**

H. Authorization of an Agreement for Exhibition of Artwork with the Artist Group on Behalf of the Department of Social Services, Lexington Senior Citizens Center. (482-10) (Stambaugh/Helm)
This request will authorize approval of an Agreement for Exhibition of Artwork at no cost to LFUCG with the Artist Group on behalf of the Lexington Senior Citizens Center to display artwork by various artists.**p.32**

I. Authorization of an Equitable Sharing Agreement and Certification with the US Department of Justice (USDOJ) and the US Department of Treasury (Treasury) on Behalf of the Department of Public Safety, Division of Police. (479-10) (Bastin/Bennett)
This request will authorize approval of an Equitable Sharing Agreement and Certification with the USDOJ and Treasury on behalf of the Division of Police for participation in the federal Equitable Sharing Program.**pp.33-36**

J. Authorization to Amend Section 22-5 of the Code of Ordinances within the Department of Public Safety, Division of Police. (484-10) (L. Jarvis/Bennett)
This request will authorize approval to amend Section 22-5 of the Code of Ordinances to create one (1) position of Microcomputer Support Specialist (Grade 113N) within the Division of Police for a term to expire February 28, 2013. Funding for this position is recovered from the 2010 Byrne Justice Assistance Grant (JAG) Recovery Fund.**p.37**

K. Authorization to Accept an Award from the US Department of Justice (USDOJ) on Behalf of the Department of Public Safety, Division of Community Corrections, Under the 2010 State Criminal Alien Assistance Program (SCAAP). (491-10) (Gooding/Bennett)
This request will authorize the acceptance of an award of funds in the amount of $143,243 from the USDOJ under the 2010 SCAAP program on behalf of the Division of Community Corrections. SCAAP provides funds to states and localities to reimburse costs of incarcerated undocumented criminal aliens who have been in custody at least four (4) consecutive days, and convicted of a felony or two (2) misdemeanor offenses. SCAAP uses prior year's data to determine the annual relative percentage of available funding. The Division has recommended these funds be used for overtime pay. No matching funds are required.**p.38**

L. Authorization of Permanent Deeds of Easements from Property Owners Located on Burkewood Drive for the Burkewood Drive Detention Basin. (477-10) (Martin/Bush)
This request will authorize approval of Permanent Deeds of Easements at no cost to LFUCG from property owners located on Burkewood Drive for the Burkewood Drive Detention Basin to allow equipment access for future maintenance needs.**p.39**

M. Authorization of Grant Award Agreements with Eastland Parkway Neighborhood Association, Inc. and Southern Heights Neighborhood Association, Inc. for Class A Stormwater Quality Projects Incentive Grant Program. (489-10) (Martin/Bush)

This request will authorize approval of a Grant Award Agreement with Eastland Parkway Neighborhood Association, Inc. in the amount of $7,408 and with Southern Heights Neighborhood Association, Inc. in the amount of $40,630, for Class A Stormwater Quality Projects Incentive Grant program. Class A is for neighborhood grant projects for homeowners, neighborhoods and community associations that educate and involve neighborhood residents on stormwater management and water quality issues. A 20% match is required. The program is funded through the Water Quality Management Fee. Total awarded is $48,038.40.**pp.40-41**

N. Authorization of Grant Award Agreements with the Board of Education of Fayette County, Kentucky, the Trane Company and Transylvania University for Class B Stormwater Quality Projects Incentive Grant Program. (490-10) (Martin/Bush)

This request will authorize approve of Grant Award Agreements with the Board of Education of Fayette County, Kentucky on behalf of Henry Clay High School in the amount of $2,500 and Rosa Parks Elementary School in the amount of $6,700, the Trane Company in the amount of $4,677.19, and Transylvania University in the amount of $4,878.75, for Class B Stormwater Quality Projects Incentive Grant program. Class B is an education grant for projects to educate and involved the public in stormwater management and water quality issues. A 50% match is required for amounts above the first $2,500. The program is funded through the Water Quality Management Fee. Total awarded is $18,755.94.**pp.42-43**

O. Authorization to Amend Section 21-5 of the Code of Ordinances within the Department of Environmental Quality, Division of Waste Management and the Office of Chief Information Officer, Division of Computer Services. (480-10) (L. Jarvis/Bush/Dhuwaraha)

This request will authorize approval to amend Section 21-5 of the Code of Ordinances to abolish two (2) positions of Public Service Worker (Grade 106N) in the Division of Waste Management and create one (1) position of Computer Analyst Supervisor (Grade 117E) in the Division of Computer Services. The fiscal impact for FY2011 is $687.60 and will be funded from the Division of Waste Management's Fund balance. The annual impact is $1,051.62.**p.44**

P. Authorization to Submit Grant Application to the Kentucky Energy and Environment Cabinet (EEC) and Accept Award if Offered, to Continue the Litter Abatement Grant Funding Program – FY2011. (486-10) (Gooding/ Bush)

This request will authorize approval to submit a grant application for state funds to the Kentucky EEC and accept the award if offered, to continue the Litter Abatement Grant Funding program. Funds will be used to support personnel costs of employees whose jobs include cleanup of litter along public roads, for the Adopt-A-Spot for city streets and rural roads, and an educational program. No matching funds are required. The estimated award is $141,452.**p.45**

Q. 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 for the Extended School Program (ESP) and the Recreational Enrichment and Learning (REAL) Program. (485-10) (Hancock/ Cole)

This request will authorize approval of a Facility Usage Contract with FCBE on behalf of the Division of Parks & Recreation for the ESP and REAL program for use of facilities, grounds and equipment during 2010 – 2011 school-year to expire June 3, 2011 or the last day of school for the students, whichever comes first. An honorarium is paid for from the ESP fund in lieu of rental fees.**pp.46-51**

R. 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 for the Boys Youth Basketball Program. (487-10) (Hancock/ Cole)

This request will authorize approval of a Facility Usage Contract in the amount of $5,670 with FCBE on behalf of the Division of Parks & Recreations for rental fees for the Jesse Clark Middle School Gymnasium for the Boys Youth Basketball program from December 4, 2010 through March 12, 2011. Funds are budgeted.**pp.52-53**

S. Authorization of a Subordination of Landlord's Lien with Central Bank & Trust Company Regarding Cooper Stofer, (d/b/a Lexington Audio Video Advantage (LAVA)) as a Tenant at LFUCG-Owned Property. (488-10) (Baradaran/Cole)

This request will authorize approval of a Subordination of Landlord's Lien with Central Bank & Trust Company as primary lien holder on collateral purchased by Cooper Stofer, d/b/a LAVA, as a tenant located at 124 North Broadway – Broadway Shoppes owned by LFUCG.**pp.54-55**

URBAN COUNTY COUNCIL

WORK SESSION SUMMARY

& TABLE OF MOTIONS

September 28, 2010

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

I. Public Comment – Issues on Agenda-None

II. Requested Rezonings / Docket Approval-None

III. Approval of Summary-Yes

A motion by CM Ellinger to approve the summaries from August 31 and September 21, 2010, seconded by CM Myers, was passed without dissent.

IV. Budget Amendments-None

V. New Business

A. Authorization of a Deed of Acceptance with Walnut Hill Properties, LLC for Property Located at 3278 Sweet Clover Lane as Dedicated Greenway. (459-10) (Rayan/Webb

B. Authorization of a LEAP (Local Number Portability Enhanced Analytical Platform) Service Agreement with NeuStar®, Inc. on Behalf of the Department of Public Safety, Division of Emergency Management/911, Enhanced 911 System. (460-10) (Lucas/Bennett)

A motion by CM Beard to approve the New Business items, seconded by CM Myers, passed without dissent.

VI. Continuing Business / Presentations-Yes

A. Council Planning Committee Update

This update was given by Chair CM Gorton. There were 3 motions to come forward.

A motion by CM Gorton to initiate text Amendment incorporating option 2 (for fencing regulations): 15-4 (c) Fence orientation abutting public property-in all

zones other than agricultural zones, where fencing is located adjacent to a public street, part or other publicly owned property the fencing shall be installed with the structural members or framing directed inward toward the property and the fence height guidelines (refer to 15-4 (b), seconded by CM Blues, passed without dissent.

A motion by CM Gorton to approve the resolution for the Secure by Design program, seconded by CM Crosbie, passed with a 10-4 vote.

A motion by CM Gorton to ask the VM to form a task force for the Parks Master Plan Funding made up of the Parks Advisory Board, Planning Committee, and the University of Kentucky Center for Non-Profits to pursue setting up a 501 c funded Parks Foundation and then report back to the Planning Committee, seconded by CM Feigel, passed without dissent.

B. FY 2011 General Fund Budget Position-Elimination Update

This update was given by Leslie Jarvis, Acting Director of Human Resources. Several CMs asked questions.

C. Internal Audit Presentation

This presentation was given by Jennifer Burke, Interim Chair of the Internal Audit Board. Several CMs asked questions.

A motion by CM Myers to extend the time for questions and answers of the CMs, seconded by CM Crosbie, passed with a 9-4 vote and 1 abstention.

A motion by CM Ellinger to extend the presentation times an additional 15 mins. and individual CMs' times, seconded by CM Lane, passed with a 9-5 vote.

A motion by CM Ellinger to suspend the rules and extend the CMs time to 10 minutes maximum up to 2 times, seconded by CM Crosbie, failed 9-5 (informed by Mayor vote had to pass by 2/3 vote).

Comm. Askew was present to assist with this issue. Attorney Terry Sellars was present and answered questions also. Mr. Sellars stated that if Judge Crittenden agreed to take this issue directly to the Circuit Court Judge for a judgment, he would work pro bono from now on, if Judge Crittenden agreed to work pro bono also.

A motion by CM Martin to have the Council withdraw the subpoena issued by the Special Investigative Committee to Mr. Sahli, in the interest of resolving the existing lawsuit that exists regarding the subpoena, died for lack of a second.

VII. Council Report

CM Lane-Made a closing comment about the Internal Audit Board.

CM James-Announced the registration kickoff to the Biggest Loser at William Wells Brown Center tonight at 6-8 pm at 548 E 6th St- for ages 18 & up; the cost is free and the challenge is every Tues. and Thurs. for the next couple of months; announced on 9/30 there will be a 1st Dist. Forum from 7-8:30 pm at Douglass Park-hosted by Community Action.

CM Henson-Congratulated Cardinal Valley School with their improvement numbers in their test scores; announced the Cardinal Valley NA meeting on next Tuesday at 7 pm on Oxford Circle at Harvest Worship Center.

A motion by CM Henson to refer to the Planning Committee the issue to amend the zoning ordinances to define circuses and carnivals and further restrict their use in the B zones, seconded by CM James, passed without dissent.

A motion by CM Henson to refer to the Services Committee the issue to amend the code of ordinances pertaining to itinerant merchants and peddlers to require a license and permit to operate and establishing standards to operate on private and public property, seconded by CM Blues, passed without dissent.

CM Blues-Announced that on 9/30 at 7 pm, he is hosting an At-Large Candidate Forum at the Masterson Station Clubhouse; also announced 2 neighborhood association meetings: on 10/4, Georgetown Street at 6 pm in the O'Rear Center and Green Acres/Hollow Creek/Breckinridge at 7 pm in the community center in the Park.

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

Stated that he caught the tail end of a money magazine interview that talked about Lexington being a good place to retire-it went on further to say what fantastic downtown hot spots we have and within 10 minutes, there is beautiful horse country; also stated that he has know Jennifer Burke for at least 11 years and he thinks the highest of her and doesn't want anyone to think otherwise.

CM Lawless-Stated that Ms. Burke was not the chairperson when the IAB issue began; announced on 10/5 Ayelsford NA will meet; Goodrich NA cleanup will be Sat. at 10 am; Goodrich NA meeting will be on

Thursday at 7 pm; continued to remind citizens to go to Spotlight Facebook and web pages for updates.

CM Ellinger-Stated that he went to the opening WEG ceremonies and it was very easy to get into and so was Spotlight Lexington downtown; asked Comm. Askew how do we get the lawsuit stopped-Comm. Askew answered to direct no further funds to be expended and do what CM Martin suggested about w/d subpoenas.

A motion by CM Ellinger to w/d subpoena and direct no further payments for either attorney after today, 9/28/10, seconded by CM Feigel, was postponed until the Council Meeting on 10/14/10.

CM Martin-Gave a follow-up comment to the subpoena issue and requesting that Judge Crittenden reports to full Council as CM Myers' representative because he is named in the lawsuit in his capacity as a CM and the chair of a Council committee, not as an individual; CM Martin states that CM Myers does not speak for Council or the govt. and he is only in the lawsuit as a representative thereof.

CM Crosbie-Thanked Roger Damon with the MPO for sending out memos about traffic in the District 7 area; stated that it is important for the public to continue to check the city's website for changes in the Spotlight Lexington schedule.

CM Myers-Congratulated TC Middle School for becoming a Baccalaureate school; he will be sending a pass-around out for them.

VIII. Mayor's Report-None

Mayor Newberry stated that the tickets for the next day's events for WEG were being sold at Cheapside Park at about 50% discount from 4-11 pm, the night before.

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

X. Adjournment

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

Work session was adjourned at 5:56 pm.

URBAN COUNTY COUNCIL

WORK SESSION SUMMARY

& TABLE OF MOTIONS

October 5, 2010

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

I. Public Comment – Issues on Agenda-None

II. Requested Rezonings / Docket Approval-None

III. Approval of Summary-None

IV. Budget Amendments-None

V. New Business

A. Authorization to Accept an Award from the Department of Military Affairs, Kentucky Division of Emergency Management (KYEM) on Behalf of the Department of Environmental Quality for a Hazard Mitigation Grant Program (HMGP). (464-10) (Gooding/Bush)

B. Authorization to Submit Grant Application to the Environmental Projection Agency (EPA) on Behalf of the Department of Environmental Quality for a Brownfields Assessment Grant. (465-10) (Gooding/Bush)

C. Authorization to Repeal Sections 16-16.4 and 16-16.5 of the Code of Ordinances Regarding Solid Waste Collection. (469-10) (Bush)

D. Authorization to Accept an Award from the US Department of Justice Office on Violence Against Women and Approve Agreement with Sunflower Kids, Inc. on Behalf of the Department of Social Services for Operation of a Safe Havens Project – FY2011. (468-10) (Gooding/Helm)

E. Authorization to Accept an Award from the Kentucky Transportation Cabinet (KYTC) for Intelligent Transportation System/Congestion Management System (ITS/CMS) for a Traffic Improvements Project – FY2011. (467-10) (Gooding/Webb)

F. Authorization of Change Order No. 1 to Contract with Marrillia Design and Construction LLC, for the Lexington Downtown Streetscape Improvements

Project - Phase One – Cheapside Park Farmers Market Pavilion Project. (FINAL) (466-10) (Milligan/Webb)

G. Authorization of a Purchase of Service Agreement with the Lexington Humane Society to Administer the Spay and Neuter Grant Fund Program within Lexington-Fayette County. (470-10) (Bennett)

H. Authorization of a Purchase of Service Agreement (PSA) and a Lease Agreement with the Lexington-Fayette Animal Care and Control, LLC for Animal Control Services within Lexington-Fayette County. (471-10) (Bennett)

I. Authorization to Submit Grant Application to the Kentucky Justice and Public Safety Cabinet (JPSC) Under the Violence Against Women Act (VAWA) on Behalf of the Department of Public Safety, Division of Police, and Accept the Award if Offered, to Continue the Sexual Assault Nurse Examiner (SANE) Program – FY2011. (472-10) (Gooding/Bennett)

A motion by CM Beard to approve the New Business items, seconded by CM Myers, passed without dissent.

VI. Continuing Business / Presentations-Yes

A. Council Budget & Finance Committee Update

This update was given by Chair CM Stinnett. There were 2 motions to come forward.

A motion by CM Stinnett to approve refunding series 2001 B and series 2002 C estimated present value savings, seconded by CM Gorton, passed without dissent.

A motion by CM Stinnett to approve FY 2011 bonds that we have under contract ($5,450,000) and go ahead and issue those bonds, seconded by CM Henson, passed without dissent.

B. Water Resources Oversight Committee Update

This update was given by Chair CM Blues. No motions came forward. CM Martin asked a question about cigarettes getting caught in the pipes. Acting Comm. Bush answered.

VII. Council Report

CM Stinnett-A motion by CM Stinnett to request a multiway stop at Andover Forest Dr and Brighton Place Dr, seconded by CM Crosbie, passed without dissent.

CM Blues-Announced the Highlands NA meeting on 10/7/10 at 7 pm.

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

CM Henson-Reminded everyone of the Cardinal Valley NA meeting at 7 pm on Oxford Cir. at Harvest Worship Center.

CM McChord-Thanked all LFUCG employees and volunteers going into the last week of the WEG; reminded everyone that on 10/10/10-2nd Sunday will be here again; this year there will be 115/120 KY counties participating; CM McChord stated that he was pleased to see the State Auditor's report come back; however he has a problem on pg.52-53 (reads paragraph).

CM Lawless responded that she was the CM who had the information, but didn't know what she had. Several other CMs asked questions. CM McChord stated that he thinks this is an ethics issue that needs to be looked at.

CM Ellinger-Asked Comm. Askew to come forward; he asked him about the balance left in the Dept. of Law's profession development budget-Comm. Askew said currently there is $3,382 left.

Several CMs asked questions of Comm. Askew and Judge Crittenden. Mayor Newberry also made comments.

A motion by CM McChord to request that all legal bills stop after 10/20/10, (friendly amendment by CM Ellinger) to w/d all subpoenas and have it effective immediately, (friendly amendment by CM Gorton) and for Council to ask both sides to dismiss suit w/o prejudice, seconded by CM Henson passed by a 10-2: 1 absent-CM James and 2 recusals: CMs Lane and Myers

CM Feigel-Stated that she was personally pleased since the Special Investigative Committee found no evidence of fraud and the State Auditor's report concurred; in addition they found no indication of misrepresentation or concealment of material facts. As a member of this governmental body not so pleased to learn that 1. no procurement policies or procedures have ever been approved by Council; even though it is required by

state law and 2. that neither the Council nor the Audit Bd. ever followed-up with the by-laws under which to operate; which clearly came out very clearly in the investigative committee and these should have included regular communication of fraud charges to Council. This government has no established methods for employees or citizens to report issues of concern anonymously. This very controversial and expensive process has highlighted a short sided vision by past Councils which has led to this very painful and embarrassing ordeal. I believe that we must turn our attention and our focus on correcting these deficiencies n our policies and I would urge all CMs to try and put this issue behind us and that we begin to work together in a very cooperative manner to implement the recommendations from the State Auditor.

CM Lawless-Announced the Ayelsford Place NA meeting tonight at 7 pm; there was a dedication to the Garden Bus Stop on 9/21/10; Fire Prevention Parade is on 10/11/10 at 5-7 pm at Cheapside; AVOL is having a yard sale-like event at 225 Walton Ave, Ste110 and will be accepting items from 9-5 pm on Friday; for more details, please call 225-3000.

VM Gray- Stated that he will be appointing a task force to examine the purchasing and procurement issues that were addressed by the Auditor, the recommendations made by the Auditor, and systems that we can undertake, changes that we need to make, the government needs to make in order to improve.

CM Crosbie asked if this task force would be looking at recommendations from the special investigative committee and VM Gray said that any suggestions that any CM would offer related to this, we could include in the scope of the task force examination.

CM Stinnett stated that some CMs are working on the procurement process through the IG Committee.

A motion by CM Lawless to place into the IG Committee the structuring of the Internal Audit Bd. (friendly amended by CM Gorton) to place all remaining recommendations by the State Auditor in to the IG Comm (amended by CM Feigel and 2nd by CM Gorton) to place the entire document and all recommendations into the IG Committee, seconded by CM Crosbie, failed by a 2-11 vote.

<u>An amended motion by CM Gorton to place all non procurement issues into the IG Committee passed with a vote of 13-0.</u>

VIII. Mayor's Report-None

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

X. Adjournment

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

Work session was adjourned at 5:11 pm.

JOURNAL	46626	**DIVISION**	Council Office/ Senior Adviser	**Fund Name**	General Fund
				Fund Impact	10,000.00
					10,000.00CR
					0.00*

To provide funds to the Council Office for Andrew Owens contract (Senior Design Advisor-Taskforce for Design Excellence) by reducing funds in the Senior Advisor's budget.

JOURNAL	46761	**DIVISION**	Community Development	**Fund Name**	General Fund
				Fund Impact	148,709.85CR
					148,709.85CR*

To budget personnel recovery for ITS CMS FY 2010 in Traffic Engineering in agreement with the amended project budget.

JOURNAL	46764-65	**DIVISION**	PDR	**Fund Name**	General Fund
				Fund Impact	250.00
					250.00CR
					0.00*

To provide funds for PDR by recognizing revenues from Fayette Rural Land Management Board.

JOURNAL	46766-67	**DIVISION**	Streets Roads And Forestry	**Fund Name**	General Fund
				Fund Impact	5,440.50
					5,440.50CR
					0.00*

To provide funds for clothing allowance by recognizing a reimbursement from scrap metal materials.

JOURNAL	46768-69	**DIVISION**	PDR	**Fund Name**	General Fund
				Fund Impact	1,900.00
					1,900.00CR
					0.00*

To provide funds for PDR by recognizing revenues to the Fayette County Rural Land Management Board.

JOURNAL	46775	**DIVISION**	Facilities And Fleet Management	**Fund Name**	General Fund
				Fund Impact	550.86
					550.86CR
					0.00*

To provide funds in overtime for facilities management for emergency asbestos abatement by reducing funds in professional services - other (demolitions).

JOURNAL	46762-63	**DIVISION**	Special Projects	**Fund Name**	Donation Fund
				Fund Impact	2,305.75
					2,305.75CR
					0.00*

To provide funds for wine festival by recognizing revenues received.

JOURNAL	46770-71	**DIVISION**	Special Projects	**Fund Name**	Donation Fund
				Fund Impact	1,000.00
					1,000.00CR
					0.00*

To provide funds for 4th of July by recognizing revenues received.

JOURNAL	46776	**DIVISION**	Community Development	**Fund Name**	US Dept Of Transp
				Fund Impact	59,218.00
					59,218.00CR
					0.00*

To reallocate funds for wireless cards for the MCSAP 2010 project. Budget amendment also corrects the overtime and medicare account numbers for Division of Police.

JOURNAL	46859-60	**DIVISION**	Community Development	**Fund Name**	US Dept Of Transp
				Fund Impact	57,500.00
					57,500.00CR
					0.00*

To reduce grant budget for Air Quality to reflect actual award.

JOURNAL	46620	**DIVISION**	Community Development	**Fund Name**	Grants-State
				Fund Impact	100,000.00
					100,000.00CR
					0.00*

To rebudget Green Acres 2007 to provide additional funds for floodproofing of houses.

JOURNAL	46631	**DIVISION**	Community Development	**Fund Name**	Grants-State
				Fund Impact	2,771.41
					2,771.41CR
					0.00*

To reallocate funds for Wine Festival at Ashland to provide for expected expenditures.

JOURNAL	46621	**DIVISION**	Water Quality	**Fund Name**	Sanitary Sewer Fund
				Fund Impact	200,000.00
					200,000.00CR
					0.00*

To provide funds for the Griffin Gate pump station construction to address high frequency pumping, potential break downs, and future development.

JOURNAL	46779	**DIVISION**	Water Quality	**Fund Name**	Sanitary Sewer Fund
				Fund Impact	400,000.00
					400,000.00CR
					0.00*

To decrease funds for Accela professional services and increase funds for capital computer equipment to purchase the computer equipment/hardware and software needed to proceed with the implementation of Accela and OnBase.

JOURNAL	46624-25	**DIVISION**	Environmental Policy	**Fund Name**	Water Quality Management Fund
				Fund Impact	21.06
					21.06CR
					0.00*

To provide funds for professional services by recognizing a reimbursement from Bluegrass Mailing Services.

BUDGET AMENDMENT REQUEST SUMMARY

Fund	1101	General Service District Fund	148,709.85CR
Fund	1103	Donation Fund	.00
Fund	3160	US Department of Transportation	.00
Fund	3400	Grants - State	.00
Fund	4003	Sanitary Sewer Construction Fund	.00
Fund	4051	Water Quality Management Fund	.00

NEW BUSINESS ITEMS REQUIRING BUDGET AMENDMENTS

October 12, 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
473-10	BA 3186	Community Development	To establish grant budget for Loudon Avenue Sidewalk Project – FY 2011.
A			3160 300,000.00CR 3160 300,000.00 0.00*
473-10	BA 3188	Community Development	To establish grant match for Loudon Avenue Sidewalk Project – FY 2011.
A			1136 60,000.00CR 1136 60,000.00 0.00 *
474-10	BA 3187	Community Development	To establish grant budget for Southland Drive Pedestrian Improvements Project – FY 2011.
B			3160 300,000.00CR 3160 300,000.00 0.00*
474-10	BA 3188B	Community Development	To establish grant match for Southland Drive Pedestrian Improvement Project – FY 2011.
B			1136 30,000.00CR 1136 30,000.00 0.00 *
483-10	BA 3195	Community Development	To accept additional federal funds for design and construction of the Clays Mill Road Improvements Project and to allocate additional grant match for design.
C			3160 4,215,000.00CR 3160 4,215,000.00 0.00*
483-10	BA 3196	Community Development	To budget local match for the design and construction of the Clays Mill Road Improvements Project.
C			1136 15,000.00CR 1136 15,000.00 0.00 *
481-10	CB 0045	Engineering	To provide funds for one position of Engineering Technician (111N) in the Division of Engineering by deleting funds for one position of Staff Assistant Sr. (108N) and reducing fund balance.
E			4201 4,660.00 4,660.00 *

NEW BUSINESS ITEM	BUDGET JOURNAL	DIVISION	DESCRIPTION OF REQUEST		
480-10	CB 0044	Waste Management	To provide funds for one position of Computer Analyst Supervisor (117E) in Computer Services by deleting funds for two positions of Public Service Worker (106N) in Waste Management and reducing fund balance.		
O				1115	45,840.00CR
				1115	46,530.00
					690.00*
491-10	BA 3197	Community Development	To establish grant budget SCAAP – FY 2011.		
K				3140	143,243.00CR
				3140	143,243.00
					0.00 *
486-10	BA 3199	Community Development	To establish grant budget for KY Pride – FY 2011.		
P				3400	141,452.00CR
				3400	141,452.00
					0.00 *
486-10	BA 3200	Community Development	To establish personnel recovery for KY Pride – FY 2011.		
P				1101	83,390.00CR
					83,390.00CR*

EFFECT ON FUND BALANCES			
FUND 1101	**83,390***	**INCREASE TO:**	**GENERAL SERVICES DISTRICT**
FUND 1115	**690***	**DECREASE TO:**	**FULL URBAN SERVICES DISTRICT**
FUND 1136	**0***	**NO IMPACT TO:**	**MUNICIPAL AID PROGRAM**
FUND 3160	**0***	**NO IMPACT TO:**	**US DEPARTMENT OF TRANSPORTATION**
FUND 3400	**0***	**NO IMPACT TO:**	**GRANTS - STATE**
FUND 4201	**4,660***	**DECREASE TO:**	**RIGHT OF WAY PROGRAM**

Budget Information For New Business Items
October 12, 2010 Work Session

Item	Number	Amount	Fund	Name / Description
A	473-10	300,000 60,000	3160 1136	US Department of Transportation Municipal Aid Program Budget Journal
B	474-10	300,000 30,000	3160 1136	US Department of Transportation Municipal Aid Program Budget Journal
C	483-10	4,215,000 15,000	3160 1136	US Department of Transportation Municipal Aid Program Budget Journal
D	478-10	(45,429)	2600	2010 Bond Projects
E	481-10	4,660	4201	Right of Way Fund Budget Journal
F	475-10	200,000	3190	US Department Health and Human Services
G	476-10	1,500 300	3120 1101	US Department Housing & Urban Development General Fund
H	482-10	NA		
I	479-10	NA		
J	484-10	NA		
K	491-10	143,243	3140	US Department of Justice Budget Journal
L	477-10	NA		
M	489-10	48,038.40	4051	Water Quality Management Fund
N	490-10	18,755.94	4051	Water Quality Management Fund
O	480-10	690	1115	Urban Service Fund Budget Journal
P	486-10	141,452 (83,390)	3400 1101	Grants – State General Fund Budget Journals
Q	485-10	NA		
R	487-10	5,670	1101	General Fund
S	488-10	NA		

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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: IRENE GOODING, ACTING DIRECTOR
DIVISION OF COMMUNITY DEVELOPMENT

DATE: SEPTEMBER 28, 2010

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT AWARD FROM THE KENTUCKY TRANSPORTATION CABINET FOR THE LOUDON AVENUE SIDEWALK PROJECT – FY 2011

On January 22, 2009, (Resolution No 34-2009), Council approved the submission of an application to the Kentucky Transportation Cabinet requesting federal funds for construction of the Loudon Avenue Sidewalk Project. The Kentucky Transportation Cabinet has approved federal funding in the amount of $240,000 from the Congestion Mitigation/Air Quality Program for this project.

This project is in the Lexington Area Metropolitan Planning Organization's approved Transportation Improvement Program. This project provides for the construction of 4,000 feet of a five-foot wide sidewalk on the south side of Loudon Avenue from Newtown Pike to Russell Cave Road. The project includes pedestrian signals and a transit shelter.

The approved federal amount for the project is $240,000. Project requires a minimum 20% match. Matching funds in the amount of $60,000 will come from the Municipal Aid Program: 1136-303202-3251-78201.

Total project cost is $300,000. Federal funds are from the federal Congestion Mitigation/Air Quality Program (CMAQ) allocation.

Council authorization to accept the award is hereby requested.

Irene Gooding, Acting Director

XC: James M. Webb, Commissioner of Public Works and Development

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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: IRENE GOODING, ACTING DIRECTOR
DIVISION OF COMMUNITY DEVELOPMENT

DATE: SEPTEMBER 28, 2010

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT AWARD FROM THE KENTUCKY TRANSPORTATION CABINET FOR THE SOUTHLAND DRIVE PEDESTRIAN IMPROVEMENTS PROJECT – FY 2011

On January 22, 2009, (Resolution No 34-2009), Council approved the submission of an application to the Kentucky Transportation Cabinet requesting federal funds for construction of the Southland Drive Pedestrian Improvements Project. The Kentucky Transportation Cabinet has approved federal funding in the amount of $240,000 from the Congestion Mitigation/Air Quality Program for this project.

This project is in the Lexington Area Metropolitan Planning Organization's approved Transportation Improvement Program. This project provides for the construction of one mile of bike/pedestrian lanes along Southland Drive from Rosemont Garden to Nicholasville Road and construction of sidewalks under a railroad bridge.

The approved federal amount for the project is $240,000. Project requires a minimum 20% match. Matching funds in the amount of $30,000 will come from the Municipal Aid Program: 1136-303202-3251-78201. Matching funds in the amount of $30,000 will come from the Southland Drive Business Association.

Total project cost is $300,000. Federal funds are from the federal Congestion Mitigation/Air Quality Program (CMAQ) allocation.

Council authorization to accept the award is hereby requested.

Irene Gooding, Acting Director

XC: James M. Webb, Commissioner of Public Works and Development

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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: IRENE GOODING, ACTING DIRECTOR
DIVISION OF COMMUNITY DEVELOPMENT

DATE: OCTOBER 4, 2010

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE SUPPLEMENTAL AGREEMENT NO. 3, ACCEPTING ADDITIONAL FEDERAL FUNDING FROM THE KENTUCKY TRANSPORTATION CABINET FOR ADDITIONAL DESIGN AND FOR THE CONSTRUCTION PHASE OF THE CLAYS MILL ROAD IMPROVEMENTS PROJECT

On July 1, 2003 (Ordinance No. 174-2003), Council approved acceptance of award from Kentucky Transportation Cabinet in the amount of $276,000 in federal funding [Surface Transportation Lexington (SLX)] for the design phase of the Clays Mill Road. Project required a 20% local match in the amount of $60,000 for a total design cost of $345,000. Project includes the area from the intersection with New Circle Road to the intersection with Man O War Boulevard.

On June 7, 2007 (Ordinance No. 120-2007), Council approved execution of Supplemental Agreement No. 1, accepting additional federal funds in the amount of $487,760 for additional design costs and for the right-of-way acquisition phases of the project. These additional federal funds required $121,940 in local match.

On September 18, 2008 (Ordinance # 213-2008), the LFUCG executed Supplemental Agreement No. 2 with the Kentucky Transportation Cabinet for the utilities phase of the Clays Mill Road Improvements Project from New Circle Road to Twain Ridge Drive. Supplemental Agreement No 2 provided $770,000 in federal funds for this phase, requiring a local match in the amount of $192,500.

The Kentucky Transportation Cabinet has offered the LFUCG additional design funds in the amount of $60,000, requiring a 20% match of $15,000, and construction funds in the amount of $4,140,000 for the widening to three lanes of Clays Mill Road from New Circle Toad to Man O' War Boulevard. KYTC has approved toll credits in lieu of local match for the construction phase.

Council authorization to accept additional federal funding in the amount of $4,200,000 and to execute Supplemental Agreement No .3 is hereby requested.

Irene Gooding, Acting Director

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

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Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Commissioners's Office

Department of Public Works

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

FROM: **GEORGE MILLIGAN, ADMINISTRATIVE OFFICER**
DEPARTMENT OF PUBLIC WORKS

DATE: **September 30, 2010**

SUBJECT: **REQUEST COUNCIL AUTHORIZATION TO EXECUTE CHANGE ORDER NO. 1 WITH MARRILLIA DESIGN AND CONSTRUCTION IN THE AMOUNT OF ($ 45,429.00) FOR THE LEXINGTON STREETSCAPE PHASE ONE IMPROVEMENTS CHEAPSIDE SITE IMPROVEMENT PROJECT** (FINAL)

The Division of Public Works is recommending the execution of change order No. 1 for ($45,429.00) with Marrillia Design and Construction for construction of the Lexington Streetscape Phase One Improvements Cheapside Site Improvement Project. The new contract total is $1,722,450.10.

The change order adds units that were not included in the original contract but were needed for construction. In addition this change order removes items that were included in the original contract that were not needed for construction.

This change order does not affect funds budgeted for this project.

Council authorization to execute Change Order No. 1 to the agreement with Marrillia Design and Construction in the amount of ($45,429.00) is hereby requested.

George S. Milligan, Administrative Officer

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

LEXINGTON -FAYETTE URBAN COUNTY GOVERNMENT CONTRACT CHANGE ORDER	Date: September 13, 2010 Project:Cheapside Site Improvements Location: West Main Street
To (Contractor) Marrillia Design & Construction	Contract No 2-2010 Change Order No. 1

You are hereby requested to comply with the following changes from the contract plans and specifications:

Item No. (1)	Description of changes-quantities, unit prices, change in completion, etc. (2)	Decrease in contract price (3)	Increase in contract price (4)
PR-01	Install Water Feature Controls at origional location and add remote activation switch in main electrical panel		$1,876.00
PR-02	Provide and install Aluminum Traffic style cabinet for the installation of the main electrical panel and other electrical control items		$5,410.00
PR-03	Change routing of KU underground electric service for serving existing customers on Cheapside. Per KU design.		$29,596.00
PR-04	Additional material cost to add Council Members names to standard LFUCG Construction sign.		$40.00
PR-06	Enlarge size of statue foundation from 93" x 93" to 120" x 120" to accommodate increased granite base size of the Breckenridge Statue		$3,100.00
PR-08	Provide and install four (4) frost proof yard hydrants in lieu of two (2) wall hydrants and an additional 237' of 1" underground water service		$9,097.00
PR-09	Credit to remove trees and plantings from scope of work. (Items donated and installed by Hinkle-Demark) Top soil, fine grading, and structural soil to remain in scope of work.	$ 6,356.00	
PR-12	Labor and Materials required to relocate piping and underground structures due to conflicts with existing utilities.		$24,841.00
PR-14	Provide additional site amenities as directed by the Architect and per KKG Design details		$20,418.00
PR-15	Upgrade the Cheapside Market Pavilion electrical service from 100 amps to 200 amps and upgrade the main electrical service to a 250 amps service. (Upgrade requested by LFUCG Parks)		$5,610.00
PR-16	Demolition and replacement of approximately 400 sq. ft. of sidewalk and 28 lf.of curb that was outside the origional construction limits. Required due to relocation of KU pole and KU underground drop.		$3,354.00
PR-17	Demolition and replacement of sidewalk damaged by KU boom truck during removal of power pole.		$1,960.00
PR-18	Fabricate and install two (2) metal basement access frames to allow continued access into select Cheapside businesses.		$629.00
PR-19	Provide and install backflow preventer "Hot Box" for freeze protection and pressure reducer valve in the south landscaping area.		$3,046.00
	Credit for the use of North Carolina Granite in lieu of Cold Springs Granite.	$ 148,050.00	

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LEXINGTON -FAYETTE
URBAN COUNTY GOVERNMENT
CONTRACT CHANGE ORDER

Date: September 13, 2010

Project:Cheapside Site Improvements

Location: West Main Street

To (Contractor)

Marrillia Design & Construction

Contract No 2-2010

Change Order No. 1

	Change in contract price due to this Change Order:		
	Total decrease	**$154,406.00**	**XXXXXXXXXXX**
	Total increase	**XXXXXXXXXXXX**	**$108,977.00**
	Net (increase) contract price		**-$45,429.00**

Sum to be added to the total contract price: ($45,429.00)
The total adjusted contract price to date thereby is: $1,722,450.10
The time provided for completion in the contract and all provisions of the contract will apply hereto.

Recommended by _____ (Project Mgr) Date 9/30/2010

Accepted by Josh Marrillia (Contractor) Date 9/30/10

Approved by _____ (Project Engineer) Date 9/30/2010

Approved by James M. Welch (Commissioner) Date 10/1/10

Approved by _____ (Mayor or SAM) Date _____

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CONTRACT HISTORY FORM

Contractor: Marrillia Design and Construction

Project Name: Cheapside Site Improvements

Contract Number and Date: 2-2010 Janusry 14, 2010

Responsible LFUCG Division: Public Works

CHANGE ORDER DETAILS

Summary of Previous Change Orders To Date	Dollar Amount	Percent Change to Original Contract
A. Original Contract Amount:	$ 1,767,879.10	
B. Cumulative Amount of Previous Change Orders:	$ 0.00	0% % (Line B / Line A)
C. Total Contract Amount Prior to this Change Order:	$ 1,767,879.10	
Current Change Order		
D. Amount of This Change Order:	$ (45,429.00)	-3% % (Line D / Line A)
E. New Contract Amount Including this Change Order:	$ 1,722,450.10	97% % (Line E / Line A

SIGNATURE LINES

Project Manager: _____ Date: 9/30/10

Reviewed by: _____ Date: 9/30/2010

Division Director: _____ Date: 10/1/10

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Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

Linda L. Rumpke
Commissioner

MEMORANDUM

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

FROM: Leslie Jarvis, Acting Director
Division of Human Resources

DATE: September 30, 2010

RE: **Abolish/Create Position– Division of Engineering**

The attached action amends Section 21-5 of the Code of Ordinances, abolishing one (1) position of Staff Assistant Sr. (Grade 108N) and creating one (1) position of Engineering Technician (Grade 111N) in the Division of Engineering effective upon passage of Council.

The Division of Engineering and the Division of Traffic Engineering staff identified certain tasks that can be preformed by a shared position. Due to a long time vacancy in Engineering and a retirement in Traffic Engineering there is an opportunity to modify a position and share resources to perform multiple functions that are closely related. The primary function of this position is to evaluate and issue right-of-way construction and lane blockage permits, respond to complaints thereto and maintain files thereto. This position will also be involved with the review, analysis, and permitting of street lighting projects.

The fiscal impact for FY2011 is $4,662.75 (17 pay periods) and includes benefits. This will be funded from the Divisions Right of Way Program account fund balance.

Name	Position Title	Annual Salary Before	Annual Salary After	Annual Increase/(Decrease)
Vacant	Engineering Technician	$0	$32,225.70	$32,225.70
Vacant	Staff Assistant Sr.	$26,505.96	$0	$(26,505.96)
Total Annual Impact/ Salary and Benefits $7,131.26				

If you have questions or need additional information, please contact Daniel H. Fischer at 258-3030.
Attachment
cc: Mike Webb, Commissioner – Department of Public Works and Development
Marwan Rayan, Director - Division of Engineering
Ron Herrington, Director – Division of Traffic Engineering
Darrylyn Combs, HR Manager, Division of Human Resources

Log # 11-0013

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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: **IRENE GOODING, ACTING DIRECTOR**
DIVISION OF COMMUNITY DEVELOPMENT

DATE: **SEPTEMBER 28, 2010**

SUBJECT: **AUTHORIZATION TO EXECUTE AN AGREEMENT WITH M.A.S.H. SERVICES OF THE BLUEGRASS, INC. FOR OPERATION OF THE M.A.S.H. DROP INN FACILITY USING A FEDERAL GRANT FROM THE U.S. DEPARTMENT OF HEALTH & HUMAN SERVICES – FY 2011**

On April 8, 2010 (Ordinance # 58-2010), the Lexington-Fayette Urban County Council authorized submission of application and acceptance of federal funds from the U.S. Department of Health and Human Services for the operation of a Runaway and Homeless Youth Program. Council authorization is requested to enter into a pass through agreement with M.A.S.H. Services of the Bluegrass, Inc., for operation of the M.A.S.H. Drop Inn Facility at 536 West Third Street. The M.A.S.H. Drop Inn facility provides shelter and counseling for runaway, abused, or troubled youth through 17 years of age.

The terms of the agreement stipulate that M.A.S.H. Services of the Bluegrass, Inc., must provide local matching funds and meet the program requirements as required in the grant agreement from the U.S. Department for Health and Human Services.

The agreement specifies that $180,000 in federal funds will be passed through to M.A.S.H. Services of the Bluegrass, Inc., and that M.A.S.H. Services of the Bluegrass, Inc. will contribute $20,000 in local matching funds, for a total project cost of $200,000. Funds are budgeted as follows:

FUND	DEPT ID	SECT	ACCT	BUD REF	PROJECT	ACTIVITY
3190	900313	0001	71101	2011	RUNAWAYYU_2011	MS_GRANT

Council authorization to execute the agreement is hereby requested.

Irene Gooding, Acting Director

cc: Marlene Helm, Commissioner of the Department of Social Services

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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: IRENE GOODING, ACTING DIRECTOR
DIVISION OF COMMUNITY DEVELOPMENT

DATE: SEPTEMBER 28, 2010

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO APPROVE AGENCY PARTICIPATION AGREEMENT WITH KENTUCKY HOUSING CORPORATION FOR THE KENTUCKY HOMELESS MANAGEMENT INFORMATION SYSTEM USING FEDERAL FUNDS FROM THE HOMELESSNESS PREVENTION AND RAPID RE-HOUSING PROGRAM (HPRP)

On May 14, 2009 (Ordinance No. 84-2009), Council approved acceptance of federal funds under the "Homelessness Prevention and Rapid Re-Housing Program (HPRP)." U.S. Department of Housing and Urban Development requires recipients of HPRP funds and Emergency Shelter Grants Program funds to participate in a HUD-approved homeless management information system for purposes of collecting unduplicated counts of homeless persons and analyzing patterns of use of HPRP and ESG funds.

Kentucky Housing Corporation serves as system administrator of the Kentucky Homeless Management Information System (HMIS) which meets the reporting requirements mandated by HUD and other funds. Execution of Agency Participation Agreement is required in order to access and enter data into the HMIS.

LFUCG's Division of Adult and Tenant Services is a recipient of both HPRP and ESG funds, and thus, is required to participate in an HMIS. The cost of one year user fees for six employees of this Division is $1800. Funds are budgeted as follows:

FUND	DEPT ID	SECT	ACCT	PROJECT	ACTIVITY	BUD REF	AMOUNT
3120	606201	6215	75103	HPRP_R_2010	FED_GRANT	2010	$1500
1101	606201	6212	78112				$ 300

Council authorization to execute Agency Participation Agreement with Kentucky Housing Corporation is hereby requested.

Irene Gooding, Acting Director

Xc: Marlene Helm, Commissioner of the Department of Social Services

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Lexington-Fayette Urban County Government
DEPARTMENT OF SOCIAL SERVICES

Jim Newberry
Mayor

Marlene Helm
Commissioner

Memo

To: Mayor Jim Newberry
Council Members

Through: Commissioner Helm

From: Kristy Stambaugh, CTRS, MRC, CRC

Date: 09/30/2010

Re: Art Exhibits at the Senior Center

The Senior Center would like to create an Artist display that changes frequently at the center.

We will work with various artist groups like the Digital Camera Club and Latitude to display their works of art as a way to provide artistic and cultural opportunities for our seniors as well as provide an avenue to local artist groups to display their works.

There will be no budget impact.

Please authorize the Aging Services Administrator to sign these Artist Agreements as we hope that the Art Displays will change every 8 weeks or so.

Reviewed by Law

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LEXINGTON DIVISION OF POLICE

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

TO: Mayor Jim Newberry
Urban County Council

FROM: Chief Ronnie Bastin
Division of Police

DATE: September 29, 2010

RE: Federal Equitable Sharing Agreement and Certification

Please find attached blue sheet and documentation for a Federal Equitable Sharing Agreement and Certification with the Department of Justice, The Department of the Treasury and the Lexington-Fayette Urban County Government. This agreement sets forth the requirements for participation in the federal equitable sharing program and the restrictions upon the use of federally forfeited cash, property, proceeds, and any interest, which are equitably shared with participating law enforcement agencies. This agreement also requires the submission of any discrimination cases involving the Division of Police, which has been submitted by the Department of Law (see attached letter). The attached agreement is a prerequisite to receiving any equitably shared cash, property, or proceeds. Due to the time restraint on this agreement, we are requesting this documentation be expedited through the blue sheet process, with two readings requested at the October 14th Council Meeting. I have attached three (3) original agreements requiring the Mayor's signature.

There will be no budgetary impact. However, until this agreement is signed and delivered, the Division of Police will not be in compliance with the Federal Government. Upon approval and signing, please forward two original agreements to the Chief's Office.

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

R. Bastin

Ronnie Bastin
Chief of Police

RB/rmh

Attachment

cc: Tim Bennett, Commissioner of Public Safety

Equitable Sharing Agreement and Certification

◉ **Police Department** ○ **Sheriff's Office** ○ **Task Force (Complete Table A, page2)**
○ **Prosecutor's Office** ○ **Other (specify)** _____

Agency Name: Lexington-Fayette Urban County Government

NCIC/ORI/Tracking Number: K Y 0 3 4 0 2 0 0

Street Address: 200 E Main St

City: Lexington **State:** KY **Zip:** 40507

Contact: Title: Ms. First: Lorie Last: Gambill

Contact: Phone: 859/258-3621 E-mail: lgambill@lexingtonky.gov

☒ Same as Contact **Preparer:** First: Lorie Last: Gambill

Preparer: Phone: 859/258-3621 E-mail: lgambill@lexingtonky.gov

Last Fiscal Year End: 06/30/2010 **Agency Current Fiscal Year Budget:** $59,566,470.00

○ **New Participant:** Read the Equitable Sharing Agreement (page 5) and sign the Affidavit (page 6)

◉ **Existing Participant:** Complete the Annual Certification Report, read the Equitable Sharing Agreement (page 5), and sign the Affidavit (page 6)

○ **Amended Form:** Revise the Annual Certification Report, read the Equitable Sharing Agreement (page 5), and sign the Affidavit (page 6).

Annual Certification Report

	Summary of Equitable Sharing Activity	Justice Funds[1]	Treasury Funds[2]
1	Beginning Equitable Sharing Fund Balance (must match Ending Equitable Sharing Fund Balance from prior FY)	$1,487,774.00	$0.00
2	Federal Sharing Funds Received	$449,894.03	$186,036.62
3	Federal Sharing Funds Received from Other Law Enforcement Agencies and Task Forces (complete Table B, page 2)		
4	Other Income	$0.00	
5	Interest Income Accrued — Non-Interest Bearing ○ Interest Bearing ◉	$527.84	
6	Total Equitable Sharing Funds (total of lines 1 - 5)	$1,938,195.87	$186,036.62
7	Federal Sharing Funds Spent (total of lines a - m below)	$662,804.95	$0.00
8	Ending Balance (difference between line 7 and line 6)	$1,275,390.92	$186,036.62

[1] Justice Agencies are: FBI, DEA, ATF, USPIS, USDA, DCIS, DSS, and FDA.

[2] Treasury Agencies are: IRS, ICE, CBP, USSS, and USCG.

	Summary of Shared Monies Spent	Justice Funds	Treasury Funds
a	Total spent on salaries for new, temporary, not-to-exceed one year employees Refer to § VIII.A.2.a.3 of the *Justice Guide*	$0.00	
b	Total spent on overtime	$0.00	
c	Total spent on informants, "buy money," and rewards	$0.00	
d	Total spent on travel and training	$142,316.87	
e	Total spent on communications and computers	$57,810.31	
f	Total spent on weapons and protective gear	$3,900.00	
g	Total spent on electronic surveillance equipment	$0.00	
h	Total spent on buildings and improvements	$113,035.62	
i	Total transfers to other state and local law enforcement agencies (complete Table C, page 2)		
j	Total spent on other law enforcement expenses (complete Table D, page 3)	$345,742.15	
k	Total Expenditures in Support of Community-based Programs (complete Table E, page 3)		
l	Total Windfall Transfers to Other Government Agencies (complete Table F, page 3)		
m	Total spent on matching grants (complete Table G, page 3)		
	Total	$662,804.95	$0.00
Did you receive non-cash assets? ◉ Yes ○ No If yes, complete Table H, page 4			

Please fill out the following tables, if applicable.

Table A: Members of Task Force

Agency Name	NCIC/ORI/Tracking Number

Table B: Equitable Sharing Funds Received from other Agencies

Total the amount transferred to each agency on separate lines

Transferring Agency Name, City, and State	Justice Funds	Treasury Funds
Agency Name:		
NCIC/ORI/Tracking Number:		

Table C: Equitable Sharing Funds Transferred to Other Agencies

Total the amount transferred to each agency on separate lines

Receiving Agency Name, City, and State	Justice Funds	Treasury Funds
Agency Name:		
NCIC/ORI/Tracking Number:		

Table D: Other Law Enforcement Expenses

Description of Expense	Justice Funds	Treasury Funds
initial uniforms, & equipment - (20) new Police Recruits	$104,047.76	
Dual Purpose, Untitled, German Shepherd	$7,000.00	
(4) Segway	$25,216.00	
Helicopter upgrades & maintenance	$50,149.10	
Electric ATV	$14,227.00	
Kustom Signals Pro Laser 3	$8,787.00	
Mobile Surveillance Tower	$43,024.24	
(41) desktop computers	$29,867.11	
Forensic Recovery of Evidence Device (FRED) F1100	$6,349.00	
(6)multifunction printers	$20,226.96	
(1)Network scanner & (2) hand held scanners	$14,085.98	
Power Inverter 2000 W	$5,544.00	
16' X 12' Dura Built Storage Building	$3,125.00	
Operating supplies-plaques, printing, etc	$14,093.00	

Table E: Expenditures in Support of Community-based Programs

Refer to § VIII.A.1.m and Appendix C of the *Justice Guide*

Recipient	Justice Funds	

Table F: Windfall Transfers to Other Government Agencies

Refer to § VIII.A.1.n of the *Justice Guide* and pp. 25-26 of the *Treasury Guide*

Recipient	Justice Funds	Treasury Funds

Table G: Matching Grants

Refer to § VIII.A.1.h of the *Justice Guide* and p. 22 of the *Treasury Guide*

Matching Grant Name	Justice Funds	Treasury Funds

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Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

Linda L. Rumpke
Commissioner

MEMORANDUM

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

FROM: Leslie Jarvis, Acting Director
Division of Human Resources

DATE: October 1, 2010

RE: **Create Positions— Division of Police**

The attached action amends Section 22-5 of the Code of Ordinances, creating one (1) position of Microcomputer Support Specialist (Grade 113N) in the Division of Police for a term to expire February 28, 2013 effective upon passage of Council.

The original position was established by Ordinance number 216-2009 for a one year term. The Division requests this action due to the grant fund (2010 JAG Recover Funds) does not expire until February of 2013. The position has been responsible for the microcomputer support of the Division with duties including but not limited to hardware and software support, assembly, installation and configuration of microcomputer hardware systems, network support which includes the installation of new network interface cards, network devices such as routers, bridges and extenders, cabling and the maintenance of new and existing network connectivity software and some user network applications.

There is not a fiscal impact to the General Fund since the funds are recovered from the 2010 Jag Recovery Fund.

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

cc: Tim Bennett, Commissioner of Public Safety
Ronnie Bastin, Chief of Police, Division of Police
Darrylyn Combs, HR Manager, Division of Human Resources
Jim Dodson, HR Analyst, Division of Human Resources

Log # 11-0014

491-10

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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: IRENE GOODING, ACTING DIRECTOR
DIVISION OF COMMUNITY DEVELOPMENT

DATE: OCTOBER 4, 2010

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT AWARD FROM THE U.S. DEPARTMENT OF JUSTICE UNDER THE 2010 STATE CRIMINAL ALIEN ASSISTANCE PROGRAM

On April 22, 2010 (Resolution No. 201-2010), Council authorized submission of an application requesting federal funding under the 2010 State Criminal Alien Assistance Program (SCAAP). This federal program is offered by the Bureau of Justice Assistance, a part of the Office of Justice Programs in the U.S. Department of Justice in conjunction with Immigration and Customs Enforcement (ICE). This program is governed by the Immigration and Nationality Act, 8 U.S.C. §1231 (i) as amended, and Title II, Subtitle C. Section 20301, Violent Crime Control and Law Enforcement Act of 1994, Public Law 103-322.

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

The FY 2010 SCAAP payment amounts were determined using a sampling of actual inmate, cost and facility data for a specified reporting period. SCAAP is not a traditional reimbursement program in which the actual cost, facility and data are collected. SCAAP used prior year's data, from the period of July 1, 2008 through June 30, 2009, to determine applicants' annual relative percentages of available funding. The award for 2010 has been announced as $143,243. For FY 2010 SCAAP awards, the Department of Justice Reauthorization Act of 2005 (Pub. L. 109-162, Title XI) requires that all SCAAP funds be used for correctional purposes only. The Division of Community Corrections has recommended that these funds be spent for overtime. No matching funds are required.

Council authorization to accept the award is hereby requested.

Irene Gooding, Acting Director

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

Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Division of Water Quality

MEMORANDUM

To: Mayor Jim Newberry
Urban County Council

From: James R. Wray
Engineering Technician Principal

Date: September 27, 2010

Re: Resolution Authorizing Acceptance of Deeds of Easement
Burkewood Drive Detention Basin

The purpose of this memorandum is to request a resolution authorizing the acceptance of deeds of easement for a permanent access easement to a detention basin located behind homes on Burkewood Drive. There will be no cost to the LFUCG for these easements.

This access easement is needed for continuing maintenance required on this basin. Recommendation for the easements comes from the Division of Water Quality staff. The DWQ staff concur that these easements are necessary to allow the needed equipment access to the detention basin for future maintenance needs.

Approved by:

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

Susan Bush
Acting Commissioner, Department of
Environmental Quality

Attachments
c/w att: Darryl G. Bennett, P.E. Keith Horn Cassie Felty Tim Koch, P.E. File

10.P000.406.bluesheet burkewood dr

489-10

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Lexington-Fayette Urban County Government
DEPARTMENT OF ENVIRONMENTAL QUALITY

Jim Newberry
Mayor

Susan Bush
Acting Commissioner

To: Mayor Jim Newberry
Urban County Council

From: Charles H. Martin, P.E., Director

Date: October 1, 2010

Re: Request Approval of Two (2) Class A (Neighborhood) Grant Award Agreements for Stormwater Quality Projects Funded by the Water Quality Management Fee

The Stormwater Quality Projects Incentive Grant Program was established by Ordinance 73-2009 in Section 16-410 of the Code of Ordinances. The grant program is funded through the Water Quality Management Fee (WQMF) and administered by the Division of Water Quality. The program provides financial assistance to payers of the WQMF for projects that improve water quality, reduce stormwater runoff, and educate the public on these issues.

Class A (Neighborhood) Incentive Grants are open to homeowner, neighborhood, and community associations that represent Class A parcels (i.e. single-family residential, duplexes, and farms). In FY 2011, $260,000 for Class A Incentive Grants is budgeted in Fund 4051 303204 3373 78112. Urban County Council has approved the first eight (8) Class A grants totaling 112,432.21 (Council actions on July 6, and August 26, 2010).

All Class A grants require a 20% match by the Association receiving the grant.

This request is for approval of two Class A grants. Each has been reviewed and approved by the Water Quality Fees Board for a total of $48,038.40. The recommended grant award recipients are:

1. **Eastland Parkway Neighborhood Association, Inc.** **Grant Amount: $7,408.00**
Association will perform stream cleaning along several tributaries to North Elkhorn Creek in the neighborhood. Plantings and other stabilization measures will be employed to reduce erosion on and along the streambanks in select locations. A seminar will be held on rain barrels and the project goal is to subsidize the purchase of up to 15 rain barrels for neighborhood residents. An educational seminar will be held during the year on environmental issues and door hangers used to educate residents on stormwater pollution. The Association will collaborate with science students and several local schools on water testing, storm drain stenciling, and related activities.

2. **Southern Heights Neighborhood Association, Inc.** **Grant Amount: $40,630.40**
Project to include replacement of 3,895 square feet of existing asphalt pavement with a permeable paver system. The project is located in the Wolf Run watershed, on a previously designated right-of-way service road running parallel to Nicholasville Road at Hiltonia Avenue, for which ownership was transferred to abutting owners by Ordinance 156-2010 on September 9, 2010. This intersection currently holds water during heavy rain events. The permeable pavement will reduce runoff to this intersection and treat water as it infiltrates through the paver stone subgrade. The project also includes planting of trees by volunteers along the edge of the pavers and installation of an educational sign explaining pervious pavement and how it improves water quality and reduces runoff.

Award of these two grants will represent completion of the first round of Class A grants for Fiscal Year 2011, bringing the total encumbered to $160,470.81. With a budget of $260,000, this leaves $99,529.19 available. At the direction of the Water Quality Fees Board, the Class A program was reopened for a second round of applications on September 22nd. Applications are due on October 21st and award recommendations are expected to be brought to Urban County Council for approval in early 2011.

Grant award requests will continue to be brought to Urban County Council in October for Class B projects.

Questions regarding these agreements should be directed to Susan Plueger, the Incentive Grant Program Administrator, at 859-425-2482.

Attachment

Pc: Susan Bush, Acting Commissioner, Department of Environmental Quality
Ed Gardner, Department of Law
Julie Mantrom, Division of Water Quality
Susan Plueger, P.E., Division of Water Quality

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Lexington-Fayette Urban County Government
DEPARTMENT OF ENVIRONMENTAL QUALITY

Jim Newberry
Mayor

Susan C. Bush
Acting Commissioner

To: Mayor Jim Newberry
Urban County Council

From: _____
Charles H. Martin, P.E., Director

Date: October 4, 2010

Re: Request Approval of Four (4) Class B Grant Award Agreements for Stormwater Quality Projects Funded by the Water Quality Management Fee

The Stormwater Quality Projects Incentive Grant Program was established by Ordinance 73-2009 in Section 16-410 of the Code of Ordinances. The grant program is funded through the Water Quality Management Fee (WQMF) and administered by the Division of Water Quality. The program provides financial assistance to payers of the WQMF for projects that improve water quality, reduce stormwater runoff, and educate the public on these issues.

In FY 2011, $1,240,000 is budgeted in Fund 4051 303204 3373 78112 for Class B Incentive Grants. These grants are open to non-single family residential fee-payers of the WQMF (i.e. non-farm commercial, industrial, institutional and multi-family parcels).

This request is for approval of four Class B Education grants, and is the first request for action by Urban County Council on Class B grants. Education grants are for projects that educate and involve the public in stormwater management and water quality issues, and require a 50% match by the receiving organization above the first $2,500. Each proposed project has been reviewed and approved by the Water Quality Fees Board, and represents a total request of $18,755.94. The recommended grant award recipients are:

1. **The Board of Education of Fayette County, Kentucky**
Fayette County Public Schools: Henry Clay High School **Grant Amount: $2,500.00**
This project includes development and implementation of a stormwater management curriculum for the Environmental Science program, enhancement of an existing rain garden on the Henry Clay High School site including interpretive signage and plant markers, hosting an educational seminar for the public, and development of a self-guided tour of the rain garden available to the public. Students will be involved with all phases of the project, including developing a maintenance and management plan for the rain garden facility.

2. **The Trane Company** **Grant Amount: $4,677.19**
Trane's internal "Green Team" will develop and hold educational seminars for all 1,067 Trane employees and their families at the 1515 Mercer Road facility, covering stormwater related topics including: residential sources for stormwater pollution, how to reduce pollutants, Lexington's stormwater program, etc. Trane employees will partner with two local schools to present the material. The Enviroscape Watershed/Nonpoint Source Model, which is a hands-on learning tool, will be used to assist in learning.

3. **Transylvania University** **Grant Amount: $4,878.75**

This project involves a year long campaign focused on informing the university community about water quality issues. Project elements include: interpretive signage on an existing water quality BMP on campus, three faculty/staff workshops covering rain gardens, rain barrels, and lawn care, distribution of up to 25 rain barrels and 20 rain garden plant kits to faculty/staff who attend the workshops, a month of special outreach/ involvement events in the Town Branch Watershed to include storm drain stenciling, a rain garden party, a watershed expo, etc., and a Town Branch clean-up and water testing (biological and chemical) event.

4. **The Board of Education of Fayette County, Kentucky**
Fayette County Public Schools: Rosa Parks Elementary School **Grant Amount: $6,700.00**

This project includes construction of three elements of an outdoor learning space focused on stormwater and water quality at the elementary school. The space will include three rain barrels connected to transparent culverts and a watering system: used for teaching water flow and stormwater reuse concepts, a portable water table with moveable dams used for teaching about surface water flow, erosion, water movement, water levels, and energy generation, and a tiered walking path as part of a larger nature trail.. Subject matter taught through use of the space will cover earth and life sciences as part of the standard Kentucky Program of Studies as well as erosion, watershed, and water quality concepts through lessons developed by Bluegrass PRIDE.

Award requests for additional Class B projects will be brought to Urban County Council in the coming weeks.

Questions regarding these agreements should be directed to Susan Plueger, the Incentive Grant Program Administrator, at 859-425-2482.

Attachment

Pc: Susan Bush, Acting Commissioner, Department of Environmental Quality
Ed Gardner, Department of Law
Julie Mantrom, Division of Water Quality
Susan Plueger, P.E. Division of Water Quality

480-10

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Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

Linda L. Rumpke
Commissioner

MEMORANDUM

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

FROM: Leslie Jarvis, Acting Director
Division of Human Resources

DATE: October 1, 2010

RE: **Abolish/Create Position— Division of Waste Management**
Division of Computer Services

The attached action amends Section 21-5 of the Code of Ordinances, abolishing two (2) positions of Public Service Worker (Grade 106N) in the Division of Waste Management and creating one (1) position of Computer Analyst Supervisor (Grade 117E) in the Division of Computer Services effective upon passage of Council.

The Division of Waste Management is implementing, augmenting and replacing various IT based systems. The Computer Analyst Supervisor will supervise a current Computer Analyst assigned to Waste Management in addition to performing all of the duties of a Computer Analyst position. This position will assign and prioritize work in addition to giving support and training to the Computer Analyst and other users. This position will also provide technical support to Waste Management for the Customer Relationship Management System once this is implemented.

The fiscal impact for FY2011 is $687.60 (17 pay periods) and includes benefits. This will be funded from the Division of Waste Management fund balance.

Name	Position Title	Annual Salary Before	Annual Salary After	Annual Increase/(Decrease)
Vacant	Computer Analyst Supervisor	$0	$52,351.00	$52,351.00
Vacant	Public Service Worker (two positions)	$46,783.36	$0	$(46,783.36)
Total Annual Impact/ Salary and Benefits $1,051.62				

If you have questions or need additional information, please contact Daniel H. Fischer at 258-3030.
Attachment
cc: Rama Dhawaraha, Sr. Advisor
Susan Bush, Acting Commissioner – Department of Environmental Policy
Mike Nugent, Director – Division of Computer Services
Steve Feese, Director – Division of Waste Management
Darrylyn Combs, HR Manager, Division of Human Resources
Log # 11-0012

486-10
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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: **IRENE GOODING, ACTING DIRECTOR**
DIVISION OF COMMUNITY DEVELOPMENT

DATE: **OCTOBER 4, 2010**

SUBJECT: **REQUEST COUNCIL AUTHORIZATION TO SUBMIT APPLICATION TO THE KENTUCKY ENERGY AND ENVIRONMENT CABINET, AND ACCEPT AWARD IF OFFERED, FOR THE CONTINUATION OF THE LITTER ABATEMENT GRANT FUNDING PROGRAM IN FAYETTE COUNTY—FY 2011**

The 2002 Kentucky General Assembly enacted legislation (House Bill 174) providing for litter cleanups to be conducted two times each year on city streets as part of each county's solid waste management plan. The bill created a source of revenue for eligible cities and counties to address roadside litter. The revenue to each county is based upon a formula using the county's miles of public roads, the county's rural population, and the county's total population as a proportion of the state's total miles of public roads, rural population, and total population.

The Kentucky Energy and Environment Cabinet has not provided Fayette County with an estimated award for 2011 Litter Abatement Grant Funding. The amount of $141,452 is the amount awarded in 2010. If approved, the state financial assistance will be used to support personnel costs of employees whose jobs include the picking up of roadway litter (Division of Waste Management), the costs of inner-city and rural Adopt-A-Spot programs, and educational programs. The application is due November 1.

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

Irene Gooding/file
Irene Gooding, Acting Director

Xc: Susan Bush, Acting Commissioner, Department of Environmental Quality

485-10

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Lexington-Fayette Urban County Government
DEPARTMENT OF GENERAL SERVICES

Jim Newberry
Mayor

Kimra Cole
Commissioner

M E M O R A N D U M

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

FROM: Jerry Hancock

RE: Facility Usage Contract

DATE: September 27, 2010

This is a request for Council approval of a Facility Usage Contract between the Fayette County Board of Education and the LFUCG Parks and Recreation, Extended School Program (ESP) and Recreational Enrichment and Learning (REAL) program.

This Facility Usage Contract is for the purpose of using FCPS facilities for our ESP and REAL program. This contract covers the 2010-2011 school year and will expire June 3, 2011 or the last day of school for students. An honorarium is paid from the ESP fund in lieu of rental fees.

Please contact me if there are any questions.

CC: Kimra Cole, Commissioner of General Services

JEH/bac

It's about kids.
FAYETTE COUNTY PUBLIC SCHOOLS

EXHIBIT A (ESP)

DESIGNATION OF FACILITY/GROUNDS, PERSONNEL AND EQUIPMENT

APPLICANT: LFUCG Parks and Recreation, Extended School Program (ESP)

USAGE FEE: See Comments

FACILITY: See Attachments 1 and 3

DATE(S): See Attachments 1 and 3

TIME(S): See Attachments 1 and 3

AREA(S) TO BE USED	NO. AREAS	NO. HOURS PER AREA	TOTAL NO. HOURS	HOURLY UTILITY / MAINTENANCE FEE	TOTAL UTILITY / MAINTENANCE COST
Classroom / Library	-----	-----	-----	$8.75	-----
Auditorium	-----	-----	-----	-----	-----
Cafeteria	-----	-----	-----	$17.25	-----
Kitchen	-----	-----	-----	$8.75	-----
Gymnasium	-----	-----	-----	$13.75	-----
Football Field	-----	-----	-----	-----	-----
Running Track	-----	-----	-----	-----	-----
Baseball Field	-----	-----	-----	-----	-----
Softball Field	-----	-----	-----	-----	-----
Other	-----	-----	-----	$17.25	-----
Subtotal	-----	-----	-----	-----	-----
DISTRICT EMPLOYEES (If Applicable)	**NO. EMPLOYEES**	**NO. HOURS PER EMPLOYEE**	**TOTAL NO. HOURS**	**HOURLY PERSONNEL FEE**	**TOTAL PERSONNEL COST**
Custodian(s)	-----	-----	-----	$39.30	-----
Food Service Manager(s) II	-----	-----	-----	$41.00	-----
Technical Support Staff	-----	-----	-----	$44.05	-----
Law Enforcement Officer(s)	-----	-----	-----	$51.55	-----
Other	-----	-----	-----	-----	-----
Subtotal	-----	-----	-----	-----	-----
Total	-----	-----	-----	-----	-----
ADDITIONAL RENTAL FEES (If Applicable)	-----	-----	-----	-----	-----
Grand Total	-----	-----	-----	-----	-----

COMMENTS: **Area(s) to be Used (and any Equipment to be used) to be determined by each elementary school Principal; ESP to pay honoraria in lieu of fees; contract to expire May 26, 2011 (or the last day of school for students).**

It's about kids.
FAYETTE COUNTY PUBLIC SCHOOLS

EXHIBIT A (REAL)

DESIGNATION OF FACILITY/GROUNDS, PERSONNEL AND EQUIPMENT

APPLICANT: LFUCG Parks and Recreation, Recreational Enrichment And Learning Program

USAGE FEE: See Comments

FACILITY: See Attachments 2 and 3

DATE(S): See Attachments 2 and 3

TIME(S): See Attachments 2 and 3

AREA(S) TO BE USED	NO. AREAS	NO. HOURS PER AREA	TOTAL NO. HOURS	HOURLY UTILITY / MAINTENANCE FEE	TOTAL UTILITY / MAINTENANCE COST
Classroom / Library	-----	-----	-----	$15.50	-----
Auditorium	-----	-----	-----	-----	-----
Cafeteria	-----	-----	-----	$25.75	-----
Kitchen	-----	-----	-----	$17.25	-----
Gymnasium	-----	-----	-----	$17.25	-----
Football Field	-----	-----	-----	-----	-----
Running Track	-----	-----	-----	-----	-----
Baseball Field	-----	-----	-----	-----	-----
Softball Field	-----	-----	-----	-----	-----
Other	-----	-----	-----	$17.25	-----
Subtotal	-----	-----	-----	-----	-----
DISTRICT EMPLOYEES (If Applicable)	**NO. EMPLOYEES**	**NO. HOURS PER EMPLOYEE**	**TOTAL NO. HOURS**	**HOURLY PERSONNEL FEE**	**TOTAL PERSONNEL COST**
Custodian(s)	-----	-----	-----	$39.30	-----
Food Service Manager(s) II	-----	-----	-----	$41.00	-----
Technical Support Staff	-----	-----	-----	$44.05	-----
Law Enforcement Officer(s)	-----	-----	-----	$51.55	-----
Other	-----	-----	-----	$0.00	-----
Subtotal	-----	-----	-----	-----	-----
Total	-----	-----	-----	-----	-----
ADDITIONAL RENTAL FEES (If Applicable)	-----	-----	-----	-----	-----
Grand Total	-----	-----	-----	-----	-----

COMMENTS: **Area(s) to be Used (and any Equipment to be used) to be determined by each middle school Principal; REAL to pay honoraria in lieu of fees; contract to expire May 26, 2011 (or the last day of school for students).**

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FAYETTE COUNTY PUBLIC SCHOOLS

EXHIBIT A, ATTACHMENT 1

EXTENDED SCHOOL PROGRAMS (ESP)

1ST AND 2ND SEMESTERS

2010-2011 SCHOOL YEAR

FCPS FACILITY	PROGRAM LICENSE NO.	LFUCG PROGRAM FEES	DATE(S) FACILITY TO BE USED	TIME(S) FACILITY TO BE USED
Athens-Chilesburg Elementary	358333	YES	- First day of school thru last day of school	- School days: dismissal of school until 6:00 p.m.
Breckinridge Elementary	357808	YES	- First day of school thru last day of school	- School days: dismissal of school until 6:00 p.m.
B. T. Washington Primary Center	358044	YES	- First day of school thru last day of school	- School days: dismissal of school until 6:00 p.m.
Dixie Elementary	356265	YES	- First day of school thru last day of school	- School days: dismissal of school until 6:00 p.m.
Julius Marks Elementary	359031	YES	- First day of school thru last day of school	- School days: dismissal of school until 6:00 p.m.
Liberty Elementary	356206	YES	- First day of school thru last day of school	- School days: dismissal of school until 6:00 p.m.
			Winter Break	- Winter Break: 7:00 a.m.-6:00 p.m.
			Spring Break	- Spring Break: 7:00 a.m.-6:00 p.m.
Maxwell Elementary	358281	YES	- First day of school thru last day of school	- School days: dismissal of school until 6:00 p.m.
Northern Elementary	356275	YES	- First day of school thru last day of school	- School days: dismissal of school until 6:00 p.m.
Stonewall Elementary	356179	YES	- First day of school thru last day of school	- School days: dismissal of school until 6:00 p.m.
			- Winter break	- Winter Break: 7:00 a.m.-6:00 p.m.
			- Spring break	- Spring Break: 7:00 a.m.-6:00 p.m.
Wm. Wells Brown Elementary	356400	YES	- First day of school thru last day of school	- School days: dismissal of school until 6:00 p.m.
			Winter Break	- Winter Break: 7:00 a.m.-6:00 p.m.
			Spring Break	- Spring Break: 7:00 a.m.-6:00 p.m.
Yates Elementary	356208	YES	- First day of school thru last day of school	- School days: dismissal of school until 6:00 p.m.

1 List of FCPS facilities to be used for ESP summer camps is subject to later determination, based on requests from individual schools. Once determined, dates and times for summer camps shall be indicated on Attachment 3.

2 Upon requests from individual schools, facilities may be used by ESP on "no school" days such as conference days and snow days.

Initials and Dates

_____

_____

It's about kids.
FAYETTE COUNTY PUBLIC SCHOOLS

EXHIBIT A, ATTACHMENT 2

RECREATIONAL ENRICHMENT AND LEARNING PROGRAMS (REAL)
1ST AND 2ND SEMESTERS
2010-11 SCHOOL YEAR

FCPS FACILITY	PROGRAM LICENSE NO.	LFUCG PROGRAM FEES	DATE(S) FACILITY TO BE USED	TIME(S) FACILITY TO BE USED
Bryan Station Middle	-----	YES	- First day of school thru last day of school	- School days: 7:00 am until first bell A23
Edythe J. Hayes Middle	-----	YES	- First day of school thru last day of school	- School days: 7:00 am until first bell & dismissal of school until 6:00 p.m.
Jessie Clark Middle	-----	YES	- First day of school thru last day of school	- School days: 7:00 am until first bell & dismissal of school until 6:00 p.m.

1 List of FCPS facilities to be used for ESP summer camps is subject to later determination, based on requests from individual schools. Once determined, dates and times for summer camps shall be indicated on Attachment 3.

2 Upon requests from individual schools, facilities may be used by ESP on "no school" days such as conference days and snow days.

Initials and Dates

_____

_____

It's about kids
FAYETTE COUNTY PUBLIC SCHOOLS

EXHIBIT A, ATTACHMENT 3

EXTENDED SCHOOL PROGRAMS (ESP) AND
RECREATIONAL ENRICHMENT AND LEARNING PROGRAMS (REAL)
SUMMER CAMPS
2011

FCPS FACILITY	PROGRAM LICENSE NO.	LFUCG PROGRAM FEES	DATE(S) FACILITY TO BE USED	TIME(S) FACILITY TO BE USED
Booker T. Washington Primary Center	358044	YES	6/1/10 - 7/31/10	- Week Days: 7:00 a.m. - 6:00 p.m.
Liberty Elementary	356206	YES	6/1/10 - 7/31/10	- Week Days: 7:00 a.m. - 6:00 p.m.
Maxwell Elementary	358281	YES	6/1/10 - 7/31/10	- Week Days: 7:00 a.m. - 6:00 p.m.
Northern Elementary	356275	YES	6/1/10 - 7/31/10	- Week Days: 7:00 a.m. - 6:00 p.m.
Southern Middle	----	YES	6/1/10 - 7/31/10	- Week Days: 7:00 a.m. - 6:00 p.m.
Stonewall Elementary	356179	YES	6/1/10 - 7/31/10	- Week Days: 7:00 a.m. - 6:00 p.m.
Wm. Wells Brown Elementary	356400	YES	6/1/10 - 7/31/10	- Week Days: 7:00 am - 6:00 pm

Initials and Dates

_____

_____

487-10

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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: September 30, 2010

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

Please contact me if there are any questions.

CC: Kimra Cole, Commissioner of General Services

JEH/bac

It's about kids.
FAYETTE COUNTY PUBLIC SCHOOLS

EXHIBIT A

THIS IS NOT A BILL -- INVOICE TO FOLLOW

DESIGNATION OF FACILITY/GROUNDS, PERSONNEL AND EQUIPMENT

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

FACILITY: Jessie Clark Middle School (Basketball)

PER DAY FEE: **$472.05**

TOTAL FEE: **$5,670.00**

DATE(S): Saturdays--8:30am - 4:30pm -- 12/4/10, 12/11/10, 1/8/11, 1/15/11,

TIME(S): 1/22/11, 1/29/11, 2/5/11, 2/12/11, 2/19/11, 2/26/11, 3/5/11, 3/12/11

AREA(S) TO BE USED	NO. AREAS	NO. HOURS PER AREA	TOTAL NO. HOURS	HOURLY UTILITY / MAINTENANCE FEE	TOTAL UTILITY / MAINTENANCE COST
Classroom / Library	0	0	0	$15.50	$0.00
Auditorium	-----	-----	-----	-----	-----
Cafeteria	0	0	0	$25.75	$0.00
Kitchen	0	0	0	$17.25	$0.00
Gymnasium	1	8	8	$17.25	$138.00
Football Field	-----	-----	-----	-----	-----
Running Track	-----	-----	-----	-----	-----
Baseball Field	-----	-----	-----	-----	-----
Softball Field	-----	-----	-----	-----	-----
Other	0	0	0	$17.25	$0.00
Subtotal	-----	-----	-----	-----	*$138.00*
DISTRICT EMPLOYEES (If Applicable)	**NO. EMPLOYEES**	**NO. HOURS PER EMPLOYEE**	**TOTAL NO. HOURS**	**HOURLY PERSONNEL FEE**	**TOTAL PERSONNEL COST**
Custodian(s)	1	8.5	8.5	$39.30	$334.05
Food Service Manager(s) II	0	0	0	$41.00	$0.00
Technical Support Staff	0	0	0	$44.05	$0.00
Law Enforcement Officer(s)	0	0	0	$51.55	$0.00
Other	0	0	0	$0.00	$0.00
Subtotal	-----	-----	-----	-----	*$334.05*
Total	-----	-----	-----	-----	*$472.05*
ADDITIONAL RENTAL FEES (If Applicable)	*0*	*0*	*0*	*$0.00*	*$0.00*
Grand Total	-----	-----	-----	-----	*$472.05*

COMMENTS: **Invoice monthly**

488-10

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Lexington-Fayette Urban County Government
DEPARTMENT OF GENERAL SERVICES

Jim Newberry
Mayor

Kimra Cole
Commissioner

MEMORANDUM

TO: Mayor Jim Newberry
Urban County Council

FROM: Kimra Cole
General Services Commissioner

DATE: October 5, 2010

RE: Subordination Agreement – Central Bank & Trust Company

LFUCG recently entered into a lease agreement with Cooper Stofer, dba Lexington Audio Video Advantage (LAVA), for the space located at 124 North Broadway Street, aka the Broadway Shoppes (R-425; Contract #138-2010). The space is approximately 1,130 sq. ft. and building fit-up by LFUCG and Tenant was required. An audio video business will be operated at the location and the agreement is for a period of sixty (60) months, expiring on August 31, 2015 with an early termination penalty built into the terms of the agreement.

Central Bank & Trust Company (the bank) has requested that LFUCG approve a Subordination Agreement for items that are to be financed and owned by the Tenant at 124 N Broadway Street. This agreement will allow the bank who is the "primary lien holder" rights should tenant default on their agreement with the bank. All fixtures located at the premises (HVAC, lighting, plumbing) are property of LFUCG and not subject to the subordination agreement (see attached listing of property that is covered). I am requesting Urban County Council approval to enter into a Subordination Agreement with Central Bank & Trust Company for property that is purchased by tenant, financed by the bank, and used at the premises.

Model	Description	Quantity	Price	Total
	Audio/Video			
Digital Projection WXGA	E-Vision Projector w/ Lens	5	8,092	40,460
Tri-plex 150 Acrylic 90"	90" Rear Projection Digital Signage Screen	2	5,725	11,450
SEURA 19" deco enhanced series	19" TV built into Mirror	1	3,800	3,800
SEURA Hydra 19"	19" Waterproof TV	1	3,000	3,000
Stewart Caberet Screen	92" Silent Motorized Screen in Classic Red	1	5,999	5,999
AMX Optima	16 X 16 Video Switcher	1	9,000	9,000
AMX Precis DSP	8 X 8 Stereo Audio Switcher	1	1,800	1,800
	Video Conferencing			
Tandberg C40	Codec High Definition Integration Package	1	18,900	18,900
Tandberg Video Voip E20	Video Phone	1	1,500	1,500
Samsung 460UX-2	46" LCD slim bezel	2	3,900	7,800
AMX DVX 2100 HD	Environment controller for boardroom	1	6,000	6,000
	Control			
AMX NI-4100	Netlinks Integrated Controller	1	3,000	3,000
AMX MVP-9000i	9" wireless touchpanel	1	4,500	4,500
AMX NXD-1000Vi	Wall flush-mount panel w/intercom	3	5,500	16,500
AMX NXD-500i	5" touchpanel	2	2,000	2,000
			Total	**135,709**