URBAN COUNTY COUNCIL
SCHEDULE OF MEETINGS
October 18-October 25, 2010

<u>Monday, October 18</u>
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

<u>Tuesday, October 19</u>
Council Planning Committee Meeting………..…………………………………….1:00 pm
Council Chambers-2nd Floor Government Center

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

<u>Wednesday, October 20</u>
Town & Gown Commission Committee Meeting……………………………….....4:00 pm
Maxwell St Presbyterian Church, 180 E Maxwell St

<u>Thursday, October 21</u>
Keep Lexington Beautiful Commission Meeting…………………………………..9:00 am
Conference Room-5th Floor Government Center

Council Debt Management Policy Sub-Committee Meeting…………………….4:00 pm
Conference Room-5th Floor Government Center

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

<u>Friday, October 22</u>
No Meetings

<u>Monday, October 25</u>
No Meetings

LEXINGTON-FAYETTE URBAN COUNTY COUNCIL

WORK SESSION AGENDA

October 19, 2010

I. Public Comment – Issues on Agenda

II. Requested Rezonings / Docket Approval – Yes

III. Approval of Summary-Yes, October 12, 2010, pp.4-9

IV. Budget Amendments – None

V. New Business, pp.11-22

VI. Continuing Business / Presentations

   A. Council Corridors Commission, pp.23-24

   B. Council Intergovernmental Committee, pp.25-29

   C. Newtown Pike Campus, Dr. Augusta A. Julian, President/CEO of Bluegrass Community & Technical College

VII. Council Report

VIII. Mayor's Report – None

IX. Public Comment – Issues Not on Agenda

ADMINISTRATIVE SYNOPSIS

New Business Items

A. Authorization of Change Order No. 2 to Contract with Claunch Construction, LLC for the Shillito Park Paved Trails Project. (492-10) (Hancock/Cole)
This request will authorize approval of Change Order No. 2 to increase contract amount by $11,961 with Claunch Construction, LLC for the Shillito Park Paved Trails project for replacement of sidewalk from the parking lot to the football and basketball areas. Original contract amount was $951,604. Previous change order amount was $7,959. New contract amount is $971,523. Funds are budgeted.**pp.11-13**

B. Authorization of Change Order No. 2 to Contract with McIlwain & Associates for the Shillito Park Paved Trails Project. (497-10) (Hancock/Cole)
This request will authorize approval of Change Order No. 2 to increase contract amount by $3,424 with McIlwain & Associates for the Shillito Park Paved Trails project for additional design of the parking lot, football field and asphalt trail. Original contract amount was $38,030. Previous change order amount was $9,031. New contract amount is $50,485. Funds are budgeted.**pp.14-16**

C. Authorization to Extend Flexible Spending Plan with Colonial Life using AmeriFlex®. (496-10) (L. Jarvis/Rumpke)
This request will authorize approval to extend the Flexible Spending Plan with Colonial Life from January 1 through December 31, 2011 utilizing AmeriFlex® for Medical and Dependent Care Flexible Spending accounts.**p.17**

D. Authorization of Change Order No. 1 to Contract with CDP Engineers, Inc. for the Veterans Park Mountain Bike Trail Project. (498-10) (Hancock/Cole)
This request will authorize approval of Change Order No. 1 to increase contract amount by $2,107.50 with CDP Engineers, Inc. for the Veterans Park Mountain Bike Trail project for an additional site survey to locate and verify utilities. Original contract amount was $22,354. New contract amount is $24,461.50. Funds are budgeted.**pp.18-20**

E. Authorization of an Amendment to Section 8 of Ordinance No. 29-2010 Regarding the Zoning Ordinance. (493-10) (Askew)
This request will authorize an amendment to Ordinance No. 29-2010 of the Zoning Ordinance under Section 8, paragraph 8-5(c) to add: "(8). The customary accessory use of family child care for up to six (6) children in the Single Family Residential (R-1A) zone." There are no other changes associated with this amendment.**p.21**

F. Authorization of a West Order Form – CLEAR™ (Consolidated Lead Evaluation and Reporting) Services Subscription with West Government Services (f/k/a ChoicePoint Government Services) on Behalf of the Department of Public Safety, Division of Police – FY2011. (494-10) (Bastin/Bennett)

This request will authorize approval of a West Order Form – Clear™ Services subscription in the amount of $4,568.40 from July 1, 2010 through June 30, 2011 with West Government Services on behalf of the Division of Police to continue access to databases for investigations and background screenings of newly hired employees. Funds are budgeted.**p.22**

URBAN COUNTY COUNCIL

WORK SESSION SUMMARY

& TABLE OF MOTIONS

October 12, 2010

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

Chief Hendricks presented the JR. Fire Chief Haley Buchanan from Sandersville Ele. School.

Mayor Newberry made a presentation to the Blue Star Mothers.

I. Public Comment – Issues on Agenda-None

II. Requested Rezonings / Docket Approval-Yes

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

III. Approval of Summary-Yes

A motion by CM Beard to approve summaries from September 28 and October 5, 2010, seconded by CM Crosbie, passed without dissent.

IV. Budget Amendments-Yes

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

V. New Business

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

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)

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)

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)

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)

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)

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)

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)

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)

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)

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)

L. Authorization of Permanent Deeds of Easements from Property Owners Located on Burkewood Drive for the Burkewood Drive Detention Basin. (477-10) (Martin/Bush)

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)

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)

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)

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)

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)

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)

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)

<u>A motion by CM Gorton to approve the New Business items, seconded by CM Beard, passed without dissent.</u>

VI. Continuing Business / Presentations-Yes

A. Council Services Committee Update

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

A motion by CM Ellinger to approve creating a 5 year strategic plan to address all streets in our community that are ranked 65 and below, seconded by CM Crosbie, passed without dissent.

A motion by CM Ellinger to approve moving to a bi annual rating of our streets in Fayette Co. for resurfacing and curb inspections, seconded by CM Crosbie, passed without dissent.

B. LexPark Update

This update was given by Gary Means, Executive Director, Lexington-Fayette Parking Authority. Several CMs asked questions and made statements.

VII. Council Report

CM Stinnett-Thanked all who worked during the WEG; commented that he had spoken with Matt Lauer of the Today show while attending the WEG and Mr. Lauer spoke about the city being so clean and vibrant; Commerce Lexington has a list of national rankings for cities and Lexington is in several categories.

CM Blues-Announced several neighborhood association meetings: tonight at 7 pm-Meadowthorpe NA at the community center in Meadowthorpe Park; on 10/13 St. Martin's Village NA at the shelter; and on Thursday 10/14 Joyland NA at 1st Church of God on Kingston Rd.

CM Feigel-Announced several meetings: Thursday at 5:30 pm at Puccini's, Chevy Chase Merchants will meet to review the plan; on 10/18 at 6 pm Chevy Chase NA will hold a 5th District Candidate Forum at Morton Middle School Library; on 10/26 Fairway NA will hold a 5th District Candidate Forum at Shriner's Hospital.

CM Gorton-Thanked ALL LFUCG employees for their work at the WEG and Spotlight Lexington; gave major kudos to Lextran; asked Comm. Helm to bring forward a report in a couple of weeks on the citizens who were temporary displaced from Phoenix Park during Spotlight Lexington.

CM Ellinger-Asked the Mayor about his press conference on continuing Spotlight Lexington.

CM McChord-Thanked all LFUCG employees for their work at the WEG and Spotlight Lexington; stated that on Sunday, there was another 2nd Sunday event and 115/120 KY counties participated in some form; asked Chief Boggs to make a presentation about the security at the WEG; asked the Mayor to invite the State Auditor to a Council Work

Session or Meeting to speak on their fraud allegation report; mentioned that from day 1, he stated that the charge was serious and something should be done if the allegations were found to be true or untrue; he wanted clarity from the State Auditor on the explanation that was given by CM Lawless on last week referencing pgs. 46-47 of their report, so he called and spoke with them; asked VM Gray if he had seen the report that CM Lawless stated that she did not know she had-VM Gray stated NO.

CM Crosbie-Announced that on 10/15 Athens-Chilesburg Ele. School will hold their fall carnival; stated that she is getting mixed reports about a Fire recruit class start date-Chief Hendricks answered and stated that HR has given them a start date of Nov. 1, 2010; also asked question about the presence of downtown trash cans before the S. Lime project.

CM Henson-Echoed the comments about the WEG and Spotlight Lexington; gave a BIG thanks to the LFUCG employees, organizers, and Lextran; stated that Council is making her feel uneasy by the way some are acting-doesn't like attacking each other.

CM Myers-Echoed sentiments about the WEG and Spotlight Lexington; noticed how clean downtown was.

CM James-Stated that the city employees were exemplary; thanked Carolyn (Richardson, chair of Spotlight Lexington committee) for going above and beyond.

CM Lane-Reminded everyone that the Horse Park IS in the 12th District; stated that several people did a great deal to make the WEG a success-Pierce Lyons-Alltech, John Long-US Equestrian Federation, Jamie Link-World Games Foundation; John Nicholson-KY Horse Park, Marquita Sparrow-from Cabinet office that oversaw the whole event for the state, Gov. and First Lady Beshear, Jim Host, former Gov. Ernie Fletcher, Bluegrass Airport, Lextran, Convention & Business Center, newspaper, magazines, Keeneland, Philharmonic, UK, LexArts, and the city of Lexington-the employees and volunteers.

CM Beard-Stated that he was a naysayer about Lexington pulling this off; but it was done and he is very proud of all who had a share in this.

VIII. Mayor's Report-Yes (For Informational Purposes Only)

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

X. Adjournment

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

Work session was adjourned at 5:00 pm.

Budget Information For New Business Items

October 19, 2010 Work Session

Item	Number	Amount	Fund	Name / Description
A	492-10	11,961.00	2518	2009 Bond Projects
B	497-10	3,424.00	2518	2009 Bond Projects
C	496-10	NA		
D	498-10	2,107.50	2518	2009 Bond Projects
E	493-10	NA		
F	494-10	4,568.40	1101	General Fund

492-10

11

Lexington-Fayette Urban County Government
DEPARTMENT OF GENERAL SERVICES

Jim Newberry
Mayor

Kimra Cole
Commissioner

MEMORANDUM

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

FROM: Jerry Hancock

RE: Change Order Request

DATE: October 4, 2010

This is a request for Council approval to increase the amount of contract no. 282-2009 with Claunch construction to replace old sidewalk from the parking lot to football and basketball area.

Increase in the amount of $11,961.00. Total new contract amount is $971,523.00.

Please contract me if there any questions.

CC: Kimra Cole, Commissioner of General Services

492-10

12

CONTRACT HISTORY FORM

Contractor: Claunch Construction, LLC

Project Name: Shillito Park Paved Trail

Contract Number and Date: 282-2009, 12/3/09

Responsible LFUCG Division: Parks & Recreation

CHANGE ORDER DETAILS

Summary of Previous Change Orders To Date	Dollar Amount	Percent Change to Original Contract
A. Original Contract Amount:	$ 951,604.00	
B. Cumulative Amount of Previous Change Orders:	$ 7,958.00	1% % (Line B / Line A)
C. Total Contract Amount Prior to this Change Order:	$ 959,562.00	
Current Change Order		
D. Amount of This Change Order:	$ 11,961.00	1% % (Line D / Line A)
E. New Contract Amount Including this Change Order:	$ 971,523.00	102% % (Line E / Line A

SIGNATURE LINES

Project Manager: Mark Morgan Date: 9/27/10

Reviewed by: [signature] Date: 10/5/10

Division Director: [signature] Date: 10/5/10

492-10 13

LEXINGTON -FAYETTE URBAN COUNTY GOVERNMENT CONTRACT CHANGE ORDER Page 1 of 2	Date: 09/16/10 Project: Shillito Park Paved Trail Location: Shillito Park
To (Contractor) Claunch Construction, LLC	Contract No 282-2009 Change Order No. 2

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)
1	Additional trail connection from		
	parking lot to football field		$9,045.00
2	Trail stop signs		$1,046.00
3	Concrete bench pads		$1,130.00
5	Concrete replacement panel		$370.00
6	Install additional bollard		$370.00
7			
	Change in contract price due to this Change Order:		$11,961.00
	Total decrease	$0.00	XXXXXXXXX.XX
	Total increase	XXXXXXXXXXX.XX	$11,961.00
	Net (increase) contract price		$11,961.00

The sum of $11,961.00 is hereby added to the total contract price, and the total adjusted contract price to date thereby is $971,523.00
The time provided for completion in the contract and all provisions of the contract will apply hereto.

Recommended by Mark Morgan (Superintendent) Date 9/27/10

Accepted by Boyd [signature] (Contractor) Date 9.17.10

Approved by [signature] (Director) Date 9/24/10

Approved by Kelly (Commissioner) Date 10/5/10

Approved by ______________ (Mayor or CAO) Date ______

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Lexington-Fayette Urban County Government
DEPARTMENT OF GENERAL SERVICES

Jim Newberry
Mayor

Kimra Cole
Commissioner

MEMORANDUM

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

FROM: Jerry Hancock

RE: Change Order Request

DATE: October 7, 2010

RFP 20-2007

This is a request for Council approval to increase the amount of ~~contract~~ no. ~~282-2009~~ with McElwain & Associates for additional design work for the parking lot football field asphalt trail.

Increase in the amount of $3,424.00. Total new contract amount is $50,485.00

Please contract me if there any questions.

CC: Kimra Cole, Commissioner of General Services

497-10

15

CONTRACT HISTORY FORM

Contractor:	McIlwain & Associates
Project Name:	Shillito Trail
Contract Number and Date:	RFP 20-2007 ~~282-2009,~~ December 2007
Responsible LFUCG Division:	Parks & Recreation

CHANGE ORDER DETAILS

Summary of Previous Change Orders To Date	Dollar Amount	Percent Change to Original Contract
A. Original Contract Amount:	$ 38,030.00	
B. Cumulative Amount of Previous Change Orders:	$ 9,031.00	24% % (Line B / Line A)
C. Total Contract Amount Prior to this Change Order:	$ 47,061.00	
Current Change Order		
D. Amount of This Change Order:	$ 3,424.00	9% % (Line D / Line A)
E. New Contract Amount Including this Change Order:	$ 50,485.00	133% % (Line E / Line A

SIGNATURE LINES

Project Manager:	Mark Morgan	Date: 10-5-10
Reviewed by:	[signature]	Date: 10-6-10
Division Director:	[signature]	Date: 10/8/10

LEXINGTON -FAYETTE URBAN COUNTY GOVERNMENT CONTRACT CHANGE ORDER Page 1 of 2	Date: 10/1/10 Project:Shillito Trail Location: Shillito Park
To McIlwain & Associates	Contract No ~~282-2009~~ RFP 20-2007 Change Order No. 2

B

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	Increase in contract price
1	Additional design work for parking to football field asphalt trail		$3,424.00
2			
3			
4			
5			
6			
7			
	Change in contract price due to this Change Order:		
	Total decrease	$0.00	XXXXXXXXX.XX
	Total increase	XXXXXXXXXXX.XX	$3,424.00
	Net (increase) contract price		$3,424.00

The sum of $3,424.00 is hereby added to the total contract price, and the total adjusted contract price to date thereby is $50,485.00

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

Recommended by Mark Morgan (Superintendent) Date 10-5-10

Accepted by [signature] (Contractor) Date 10.4.10

Approved by [signature] (Director) Date 10/10/10

Approved by [signature] (Commissioner) Date 10/12/10

Approved by ______________ (Mayor or CAO) Date ______

496-10
17

Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

Linda L. Rumpke
Commissioner

M E M O R A N D U M

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

FROM: Leslie Jarvis, Vpm
Leslie Jarvis, Acting Director
Division of Human Resources

DATE: October 12, 2010

SUBJECT: **Contract Services with Colonial Life**

The attached action authorizes the Mayor to extend a Flexible Spending plan with Colonial Life, using the services of AmerFlex.— for the period beginning January 1, 2011 through December 31, 2011.

LFUCG has contracted with Colonial Life to utilize the services of AmeriFlex to administer our Flexible Spending Account Program. AmeriFlex will manage both the Medical and Dependent Care Flexible Spending Accounts.

The administration cost of $4.50 per employee per month is being paid directly by Colonial Life. The program is funded through payroll deduction from the employee.

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

Attachment

cc: Darrylyn Combs, Senior Human Resources Manager, Division of Human Resources
Vonda Melton, Senior Human Resources Manager, Division of Human Resources

Log # 11-0010

498-10

18

Lexington-Fayette Urban County Government
DEPARTMENT OF GENERAL SERVICES

Jim Newberry
Mayor

Kimra Cole
Commissioner

MEMORANDUM

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

FROM: Jerry Hancock

RE: Change Order Request

DATE: October 5, 2010

This is a request for Council approval to increase the amount of contract no. 178-2009 with CDP Engineers, Inc. for additional site surveying required to field locate and verify utilities within trail corridor.

Increase in the amount of $2,107.50. Total new contract amount is $24,461.50.

Please contract me if there any questions.

CC: Kimra Cole, Commissioner of General Services

498-10
19

CONTRACT HISTORY FORM

Contractor: CDP Engineers, Inc.

Project Name: Veterans Mtn Bike Trail Design

Contract Number and Date: 78-2009 03/09/2009

Responsible LFUCG Division: Parks & Recreation

CHANGE ORDER DETAILS

Summary of Previous Change Orders To Date	Dollar Amount	Percent Change to Original Contract
A. Original Contract Amount:	$ 22,354.00	
B. Cumulative Amount of Previous Change Orders:	$ 0.00	0% % (Line B / Line A)
C. Total Contract Amount Prior to this Change Order:	$ 22,354.00	
Current Change Order		
D. Amount of This Change Order:	$ 2,107.50	9% % (Line D / Line A)
E. New Contract Amount Including this Change Order:	$ 24,461.50	109% % (Line E / Line A

SIGNATURE LINES

Project Manager: Michelle Kosieniak Date: 10/6/10

Reviewed by: [signature] Date: 10/6/10

Division Director: [signature] Date: 10/7/10

498-10
20

LEXINGTON -FAYETTE URBAN COUNTY GOVERNMENT CONTRACT CHANGE ORDER Page 1 of 2	Date: 8/23/10 Project:Mtn Bike Trail Design Location: Veterans
To (Contractor) CDP Engineers, Inc.	Contract No 78-2009 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
1	Site Surveying		$2,107.50
2			
3			
4			
5			
6			
7			
	Change in contract price due to this Change Order:		2107.5
	Total decrease	$0.00	XXXXXXXXXXXX.X
	Total increase	XXXXXXXXXXXX.XX	$2,107.50
	Net (increase) contract price		$2,107.50

The sum of $2107.05 is hereby added to the total contract price, and the total adjusted contract price to date thereby is $24,461.50
The time provided for completion in the contract and all provisions of the contract will apply hereto.

Recommended by Michelle Nosiewicz (Superintendent) Date 8/30/10
Accepted by Scott Southall (Contractor) Date 08.24.10
Approved by [signature] (Director) Date 10/4/10
Approved by [signature] (Commissioner) Date 10/12/10
Approved by ______ (Mayor or CAO) Date ______

493-10

21

Lexington-Fayette Urban County Government
DEPARTMENT OF LAW

Jim Newberry
Mayor

Logan Askew
Commissioner

TO: Mayor
Councilmembers

FROM: Department of Law

DATE: October 1, 2010

RE: Clerical Correction in Zoning Text Amendment

On June 10, 2010, Council adopted Ordinance No. 96-2010 which amended the Zoning Ordinance with respect to the definition of "Family" and other related definitions. Due to a clerical error, the customary accessory use of family child care for up to six children in the Single Family Residential (R-1A) zone was omitted from the list of such acceptable accessory uses in Section 8 of the Ordinance. That accessory use was never an issue nor was it discussed in connection with the text amendments adopted in Ordinance No. 96-2010.

We are proposing passage of an ordinance amending Ordinance No. 96-2010 in order to correct this clerical error.

Please feel free to contact me if you have any questions.

Rochelle E. Boland
Attorney Senior

Cc: Joe Kelly, Senior Advisor for Management

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494-10
22

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: October 8, 2010

RE: **West Order Form - CLEAR Services**

Please find attached blue sheet and contract between West Order Form, CLEAR Services (formerly West Government Services and Choicepoint Government Services LLC) and Lexington- Fayette Urban County Government.

The attached contract is required for the Division of Police to continue having access to the databases we utilize for investigations and backgrounds of new hires. The attached cost is for 36 months (3 years) for three users for unlimited use. If additional users are desired there will be additional costs incurred.

FY2011 – $380.70/per month
FY2012 - $388.31/per month
FY2013 - $396.08/per month

The contract is effective July 1, 2010 through June 30, 2011. This contract is fully budgeted in FY11.

The attached agreement requires the Mayor's signature. Upon approval and signing, please forward a copy 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

Corridors Commission Meeting
Executive Summary
October 12, 2010

Voting Members Attending: Councilmember Cheryl Feigel, 5th District, Chair; Councilmember Tom Blues, 2nd District; Councilmember Julian Beard, 4th District; Karen Angelucci, Tree Board; Dorotha Oatts; Darcy Everett, Bluegrass PRIDE; Jarrod Stanley, Kentucky Transportation Cabinet

Voting Members Absent: Councilmember-At-Large Chuck Ellinger; Councilmember Doug Martin, 10th District; David Stevens; Vincent Bingham

Non Voting Members Attending: Tracey Thurman, Department of General Services; Bob Carpenter, Division of Building Inspection; Kenzie Gleason, Division of Planning; William Di Orio, KU/EON.

Others Attending: Mike Sanner, Law Department; Allison Hallett, Council Office; Paul Schoninger, Council Office.

Commission Minutes

Meeting Summaries from April 13 and August 17 were approved on a motion by Tom Blues, second Julian Beard.

Chair Report

Cheryl Feigel stated that she would like to draft by-laws for the Commission. Julian Beard, Dorotha Oatts and Ms Feigel will form a sub committee and report back to the Commission.

FY 11 Budget Allocations

There was a discussion about FY 11 projects. It was agreed to consider a wildflower project, additional banners and replacement banner arms/brackets, Richmond Rd sidewalks (in conjunction with the Southland Church development), and project maintenance. This discussion will continue at the November meeting.

Regarding the Richmond Rd sidewalks Kenzie Gleason reported that Southland Christian has agreed to a series of interval sidewalks to serve the site and surrounding areas.

Old Business-Transportation Enhancement Grants

It was reported that the Versailles Rd TE was completed. The Newtown and Old Frankfort TE projects are still awaiting approval from the Office of Local Programs, Kentucky Transportation Cabinet.

Ms. Feigel asked Mr. Stanley to arrange a meeting between the Transportation Cabinet and Lexington to discuss this situation.

Old Business-Other Projects

It was reported that the Newtown and Versailles Rd banner project was a big success. However several bracket arms will need to be replaced.

It was reported that the North Broadway replanting project was completed. The Chevy Chase project has received much input and it progressing. An additional meeting with business owners has been scheduled for later this week.

Ms. Angelucci reported that the ash borer treatment has been suspended due to dry conditions.

Staff Reports

The budget report was provided.

Kenzie Gleason provided an update on several bicycle/pedestrian projects including Clays Mill Rd, Legacy Trail, Lakeside Trail, Main/Vine/Limestone streetscapes, Maxwell St, South Limestone multi modal study and Tates Creek side walks.

On a motion by Angeluccu, second Beard the meeting was adjourned at 11:45 AM.

Pas 10.14.2010

Intergovernmental Committee
October 12, 2010
Summary

CM James chaired the meeting calling it to order at 1:05 pm. All committee members present, with CM Stinnett attending as a non voting member.

Grievance Procedures

Linda Rumpke, Commissioner and Ashley Case, HR went over details of grievance procedure survey. James asks Lawless for status on the sub committee tasked with review of this procedure. Lawless said the committee has not yet had a chance to review. James had a recommendation asking for employee input and asked committee members for their comments. Blues asked about relevance of certain questions (14, 16 and 20), adding these questions don't seem to flow with the grievance process. James asked about eliminating certain questions from the survey.

Motion by Blues to eliminate questions 16 through 20 of the grievance procedure survey, seconded by Myers. Motion passes without dissent

Amendment to the motion by Myers to also eliminate question number 4 of the grievance procedure.

Discussion;

Lawless said she felt supplying the information about what division or department an employee worked in would be relevant to the survey, referring to questions 14 and 15.

Martin talked about language, specifically question number 5. He mentioned taking steps to simplify.

Crosbie asked about history of the grievance procedure survey and how it came about. Rumpke said the attempt was to get general feedback from employee base.

Blues said this is specific to grievance not a general attitude survey.

Beard asked Rumpke about percentage of responses to surveys.

Rumpke said it's been a few years since employees have been surveyed and did not have a have response numbers.

Glenda George, Dept. of Law explained rational for questions 14 thru 20.

James added the reason for this survey was there were so many questions from employees regarding how the process works.

Beard asked about grievance procedure with contract employees such as police, fire, corrections. George explained they have an arbitration process. Rumpke said we have to survey non public service employee such as police, fire, separately.

Myers brought up question 21, Ashley Case explained there is an email that takes employees to a site, and kiosks are available to those without access to email.

James talked about having a hard copy available with paychecks; however, there was a fear of duplication. Case explained numbering system. James asked Case to continue discussion about including hard copy of the procedure with paychecks.

Beard talked about doing this on line. Rama explained how to conduct the survey on the website.

Lawless talked about amending the original survey and getting employee input. She wanted to put the questions back in so employee's can have input.

Motion by Lawless to add a question that would identify which division or department the survey was coming from, seconded by Crosbie,

Discussion:

Blues said he did not think this information was really useful and can't support the motion. Beard said he could not support motion either.

Martin noted the changes made today are only recommendations and still have to be voted on by the full council.

Henson suggested making the question identifying division or department, optional.

Myers said since we already have a sub committee in place to look into the grievance procedure we should continue with the survey and get feedback from employees, then address the recommendations that come forward.

James said she does not think they've meet yet.

Crosbie asked Lawless to reconsider, she withdrew her motion.

Motion by Myers to continue with review of the grievance procedure survey, get employee input, include best practices, HR input , and refer to the sub committee, chaired by Lawless seconded by Crosbie,motion passed without dissent.

Gray asked about previous practices and if the government has ever done employee attitude surveys. He suggested gathering data via ICMA and looking at similar models for a survey like this. He asked Paul Schoninger, Staff to Council to research. Myers suggested a small group of employees for input rather than the entire employee base.

LFUCG HR Lay Off Policies

Lawless covered status of discussions and meetings regarding lay off policies, adding there needs to be further review. Henson commented on outcomes of previous meetings with HR regarding lay offs. Lawless and Henson are working with the law department to amend language of the lay off policy. James asked if they could be ready with a draft of the changes by next month. Blues asked for clarity on the policy and certain steps included in it. Henson gave as an example: if an employee slated for lay off is taking classes, continuing education and is competing with external applicants, they should be given credit for it. Henson said this does not pertain to the normal hiring practices of LFUCG; her recommendations would only apply to the lay off policy. She urged trying to help employees slated for lay off with education and opportunity saying employees with experience should be given credit.

Board/Commission Term Limits

Chris King, Director of Planning gave background of boards/commission and charter. He reminded the committee he is only here today to speak about the Planning Commission and Board of Adjustment. He talked about challenges presented when 8 or 9 of 11 Planning Commission board members are new. He said we see efforts drained sometime when long time members fall off the board. He said these 2 boards are covered under state statutes, explaining that 20 years ago there were no limits at all; however since then the existing limits were put in place. Feigel asked about required training.

King said 4 hours of orientation covering, regulations, procedures, and ethics, there are a very wide range of topics. He told the committee training can be done in a variety of ways, conferences, seminars, self training using Planning staff, and subscriptions of audio conferences. Feigel also asked about motivation for training, King explained how training is handled and encouraged. . She asked if there has been training with University of Kentucky. King said he's not aware of any UK training like this offered.
King said there are two former chairs in the audience today prepared to talk about training and its benefits. Myers asked about training documents, training hours and funds allocated for training .King replied, training dollars depend on budgetary situations, he talked about what training is mandatory and what is not, saying training is taken serious and is tracked. Myers asked King for his recommendations on when to extend limits. King explained how the Mayor and Council play a role in choosing board/commission appointees. Myers asked who on the list of planning commission members had training. Dallam Harper, Planning Commission member addressed the committee about term limits, training and comprehensive plan updates.

<u>Motion by Myers to make Planning Commission and Board of Adjustments an exception to resolution number 136-90, section 5.04 and 7.02 of the charter extending</u>

term limits and work with the law department to create separate language seconded by Crosbie ,motion passed with Feigel abstaining.

James asked Myers how he would like to see the motion moved forward. He would like to see it carried to the full council.

Discussion:

Blues commented about giving consideration to all boards/commissions at some point. James asked Blues for a list of others he might want the committee to review. Feigel asked for a better explanation of what the comprehensive plan entails, she is not comfortable with the motion right now. James asked Chris King to meet with Feigel and bring her up to speed about the comprehensive plan.

Beard echoed Feigel's concern about saying 12 years is a long time. Mr. Harper commented about having the opportunity to stay 12 years to see a comprehensive plan through adding there is a systemic issue and cycle with terms and experience

Feigel asked if only the 11 members of the Planning Commission have say in setting comprehensive plan. Mr. Harper replied the Planning Commission has final say. Mr. King explained how the state statue specifies the engagement process of the comprehensive plan.

Open Standards/Open Source Data Policies

Martin talked about open data concept and how many governments are trying to embrace. He explained the difference between open data and open source policies. He gave examples such as GPS data, restaurant inspections, crime data, government salaries, etc. that are packaged for public access. He covered information provided in today's meeting packet.

Martin would like to have Doug Robinson speak at a council meeting to share knowledge of these concepts. James asked Martin about the legislative role. Martin said he would like to propose an ordinance to adopt open standards, open source data policies. Rama Dhuwaraha, Senior Advisor/CIO stepped the committee through the application and putting data out that does not involve a security risk, adding the council might want to define what data sets they would like to see. Martin said cities tend to start out small, working with their partner agencies, etc. Mr. Dhuwaraha showed an example of the type of data that could be posted, financial information, such as revenue, expenditures by type.

Beard asked about software license, cost and number of users. Beard asked how extracted data is relayed to the public and was told data comes from the government and goes through a third party. Myers asked about security risks and how that's being handled. Phillip Stiffel addressed the question talking about creating GIS applications. Myers asked about charging for this data. Stiffel talked about frequency, how often we put data out there. He said all issues have not yet been defined.

Stiffel and Dhuwaraha talked about the Lex Ray committee which has just been formed to decide what data goes on line and the criteria that drives what type of data and categories that will be available. Myers wanted to know who's on the committee. James said the LexRay committee members are included in today's packet and read them out loud. Martin told about data.gov web site, James recommended attending LexRay committee meetings.

Motion to adjourn 2:58 pm