URBAN COUNTY COUNCIL
November 22-November 29, 2010

Monday, November 22
No Meetings

Tuesday, November 23
Affordable Housing Task Force Meeting……9:30 am
Conference Room-5th Floor Government Center

Council Partner Agency Oversight Meeting……CANCELLED
Conference Room-5th Floor Government Center

Council Budget & Finance Committee Meeting……1:00 pm
Council Chambers-2nd Floor Government Center

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

Wednesday, November 24
No Meetings

Thursday, November 25
Thanksgiving Day -LFUCG Offices Closed

Friday, November 26
Thanksgiving Holiday Observed-LFUCG Offices Closed

Monday, November 29
No Meetings

LEXINGTON-FAYETTE URBAN COUNTY COUNCIL

WORK SESSION AGENDA

November 23, 2010

I. Public Comment – Issues on Agenda

II. Requested Rezonings / Docket Approval – None

III. Approval of Summary – Yes, November 16, 2010, pp.9-12

IV. Budget Amendments – None

V. New Business, pp.16-73

VI. Continuing Business / Presentations

A. Water Resources Oversight Committee (separate)

B. Council Planning Committee, pp.74-77

C. Courthouse Area Design Review Board Annual Update
Mr. Billy F. Van Pelt, Design Review Officer, Courthouse Area Design Overlay Zone

VII. Council Report

VIII. Mayor's Report – None

IX. Public Comment – Issues Not on Agenda

ADMINISTRATIVE SYNOPSIS

New Business Items

A. Authorization of a Proposed Agreement with Municipal Code Corporation (MCCi) on Behalf of the Council Office, Council Clerk's Office for Legistar Legislative Management and Automated Agenda Solutions. (520-10) (Lamb/Langston)
This request will authorize the approval of a proposed agreement in the amount of $87,375 with MCCi to implement and manage the Legistar Legislative Management and Automated Agenda Solutions within the Council Clerk's Office with an annual renewal of Legistar SAP and managed services at an estimated cost of $29,051. Funds are budgeted.**p.16**

B. Authorization of Change Order No. 1 to Contract with Claunch Construction, LLC for the Leesway Drive Sanitary Sewer Improvements Project. (FINAL) (546-10) (Gooding/Webb)
This request will authorize approval of Change Order No. 1 to increase contract amount by $11,454.77 with Claunch Construction, LLC for the Leesway Drive Sanitary Sewer Improvements project to adjust final quantities required to complete project. Original contract amount was $314,165.65. Final contract amount is $325.620.42. Funds are budgeted.**pp.17-20**

C. Authorization of Change Order No. 1 to Contract with Woodall Construction for the Lexington Downtown Streetscape Improvements Project – Phase One – East Main Street Project. (547-10) (Webb)
This request will authorize approval of Change Order No. 1 to increase contract amount by $42,913.07 with Woodall Construction for the Lexington Downtown Streetscape Improvements Project – Phase I – East Main Street Project. Funds will be used for construction and street repair between Limestone and Martin Luther King Jr. Boulevard. Original contract amount was $2,603,629.38. New contract amount is $2,646,542.45. Funds are budgeted.**pp.21-23**

D. Authorization of Change Order No. 1 to Contract with Arrow Electrical Contractors for the Conduit Installation-Sir Barton Way under the Fiber Optic Cable Installation Program – FY2008. (556-10) (Gooding/Webb)
This request will authorize approval of Change Order No. 1 to increase contract amount by $7,060 with Arrow Electrical Contractors for the conduit installation for Sir Barton Way. Original contract amount was $87,996. New contract amount is $95,056. Funds are budgeted.**pp.24-26**

E. * Authorization of Change Order No. 1 to Contract with Stantec for Consulting Services Regarding the Group 2 & 3 Sanitary Sewer Assessment (SSA) Project. (550-10) (Martin/Bush)
This request will authorize approval of Change Order No. 1 to increase contract amount by $136,000 with Stantec for consulting services (contract 1 vendor) regarding the Group 2 & 3 SSA project for field oversight, quality control, project management, and data analysis. Original contract amount was $599,200. New contract amount is $735,200. Funds are budgeted.**pp.27-28**
***EPA Consent Decree**

F. Authorization of Amendment No. 1 to the Water Resources Investigations Agreement with the US Department of the Interior, US Geological Survey (USGS). (551-10) (Martin/Bush)
This request will authorize approval of Amendment No. 1 to increase amount by $19,000 to the Water Resources Investigations Agreement with USGS to use data collected from the stream flow and rain gauges for the Kentucky Pollutant Discharge Elimination System (KPDES) Municipal Separate Storm Sewer System (MS4) discharge permit pilot study. Funds are budgeted.**pp.29-30**

G. * Authorization of Change Order No. 1 and Termination of Contract with Woolpert, Inc. Regarding the Group 2 & 3 Sanitary Sewer Assessment (SSA) Project. (FINAL) (552-10) (Martin/Bush)
This request will authorize approval of Change Order No. 1 to decrease contract amount by $2,633,902.20 and terminate contract with Woolpert, Inc. (contract 3 vendor), by mutual agreement, regarding the Group 2 & 3 SSA project. Original contract amount was $2,933,902.20. Final contract amount is $300,000. Funds are budgeted.**pp.31-32**
***EPA Consent Decree**

H. Authorization of A Lease Agreement with Winmar Corporation on Behalf of the Department of Environmental Quality, Division of Water Quality. (557-10) (Martin/Bush)
This request will authorize approval of a Lease Agreement with Winmar Corporation on behalf of the Division of Water Quality to consolidate administrative and technical staff in one location for a term of three (3) years with option to renew for two (2) additional years. The fiscal impact for FY2011 is $50,541.05. The annual impact is $233,797.75.**p.33**

I. Authorization of a Grant Award Agreement with WLEX Communications, LLC under the Class B Education Incentive Grant Project for a Stormwater Quality Project – FY2011 (558-10) (Martin/Bush)
This request will authorize approval of a Grant Award Agreement in the amount of $115,869.06 with WLEX Communications, LLC under the Class B Education Incentive Grant project for a Stormwater Quality project. A 50% match of contributions, labor and other services is required above the first $2,500. This project is funded by the Water Quality Management Fee.**p.34**

J. Authorization of a Grant Award Agreement with the University of Kentucky Research Foundation under the Class B Education Incentive Grant Project for a Stormwater Quality Project – FY2011. (559-10) (Martin/Bush)
This request will authorize approval of a Grant Award Agreement in the amount of $113,375 with the University of Kentucky Research Foundation under the Class B Education Incentive Grant project for a Stormwater Quality project. A 50% match of contributions, labor and other services is required above the first $2,500. This project is funded by the Water Quality Management Fee.**p.35**

K. Authorization of a Grant Award Agreement with Klausing Group, Inc. under the Class B Education Incentive Grant Project for a Stormwater Quality Project – FY2011. (560-10) (Martin/Bush)
This request will authorize approval of a Grant Award Agreement in the amount of $321,576.48 with Klausing Group, Inc. under the Class B Education Incentive Grant project for a Stormwater Quality project. A 50% match of contributions, labor and other services is required above the first $2,500. This project is funded by the Water Quality Management Fee.**p.36**

L. Authorization of a Grant Award Agreement with the Stanford E. Levy, LLC under the Class B Education Incentive Grant Project for a Stormwater Quality Project – FY2011. (561-10) (Martin/Bush)
This request will authorize approval of a Grant Award Agreement in the amount of $2,600 with Stanford E. Levy, LLC under the Class B Education Incentive Grant project for a Stormwater Quality project. A 50% match of contributions, labor and other services is required above the first $2,500. This project is funded by the Water Quality Management Fee.**p.37**

M. Authorization of a Grant Award Agreement with AIE Properties, LLC under the Class B Education Incentive Grant Project for a Stormwater Quality Project – FY2011. (562-10) (Martin/Bush)
This request will authorize approval of a Grant Award Agreement in the amount of $109,000 with AIE Properties, LLC under the Class B Education Incentive Grant project for a Stormwater Quality project. A 50% match of contributions, labor and other services is required above the first $2,500. This project is funded by the Water Quality Management Fee.**p.38**

N. Authorization of a Grant Award Agreement with the Community Montessori School, Inc. under the Class B Education Incentive Grant Project for a Stormwater Quality Project – FY2011. (563-10) (Martin/Bush)
This request will authorize approval of a Grant Award Agreement in the amount of $107,868 with the Community Montessori School, Inc. under the Class B Education Incentive Grant project for a Stormwater Quality project. A 50% match of contributions, labor and other services is required above the first $2,500. This project is funded by the Water Quality Management Fee.**p.39**

O. Authorization of a Grant Award Agreement with Coca-Cola Refreshments USA, Inc. under the Class B Education Incentive Grant Project for a Stormwater Quality Project – FY2011. (564-10) (Martin/Bush)
This request will authorize approval of a Grant Award Agreement in the amount of $189,090 with Coca-Cola Refreshments USA, Inc. under the Class B Education Incentive Grant project for a Stormwater Quality project. A 50% match of contributions, labor and other services is required above the first $2,500. This project is funded by the Water Quality Management Fee.**p.40**

P. Authorization of a Grant Award Agreement with the Board of Education of Fayette County, Kentucky, Clays Mill Elementary School under the Class B Education Incentive Grant Project for a Stormwater Quality Project – FY2011. (565-10) (Martin/Bush)
This request will authorize approval of a Grant Award Agreement in the amount of $57,800 with the Board of Education of Fayette County, Kentucky for Clays Mill Elementary School under the Class B Education Incentive Grant project for a Stormwater Quality project. A 50% match of contributions, labor and other services is required above the first $2,500. This project is funded by the Water Quality Management Fee.**pp.41-42**

Q. Authorization of a Grant Award Agreement with Ronald McDonald House Charities of the Bluegrass, Inc. under the Class B Education Incentive Grant Project for a Stormwater Quality Project – FY2011. (566-10) (Martin/Bush)
This request will authorize approval of a Grant Award Agreement in the amount of $201,285 with Ronald McDonald House Charities of the Bluegrass, Inc. under the Class B Education Incentive Grant project for a Stormwater Quality project. A 50% match of contributions, labor and other services is required above the first $2,500. This project is funded by the Water Quality Management Fee.**pp.43-44**

R. Authorization of an Engineering Services Agreement with BTM Engineering, Inc. Regarding the Investigation/Design for Lexington Mall Sanitary Sewer Relocation Project. (567-10) (Martin/Bush)
This request will authorize approval of an Engineering Services Agreement in the amount of $23,500 with BTM Engineering, Inc. as a consultant regarding the Investigation/Design for Lexington Mall Sanitary Sewer Relocation project. Funds are budgeted.**p.45**

S. Authorization to Accept a Grant Award from the Department of Military Affairs, Kentucky Division of Emergency Management (KYEM) for a Hazard Mitigation Grant Program (HMGP) for Southbend. (553-10) (Gooding/Bush)
This request will authorize acceptance of a grant award of federal funds in the amount of $1,274,959 from KYEM for a HMGP grant for Southbend. Funds will be used for the acquisition and demolition of nine (9) flood-prone residential properties on Lone Oak Drive, Southbend Drive and Lafayette Parkway for conversion to open spaces. A state match of 12% ($203,993) is required. A local match of 13% ($220,993) is required. Total project cost is $1,699.945.**p.46**

T. Authorization to Amend Section 21-5 of the Code of Ordinances on Behalf of the Department of Environmental Quality, Division of Water Quality and Section 22-5 of the Code of Ordinances on Behalf of the Department of Public Safety, Division of Police. (568-10) (L. Jarvis/Bush/Bennett)
This request will authorize approval of an amendment to Section 21-5 of the Code of Ordinances to create one (1) position of Deputy Director of Administrative Services – Water Quality (Grade 120E), abolish one (1) position of Engineering Technician Principal (Grade 115E) and one (1) position of Engineering Technician (Grade 111N) and create two (2) positions of Environmental Inspector (Grade 113N) within the Division of Water Quality. This will also approve an amendment to Section 22-5 of the Code of Ordinances to abolish two (2) positions of Communications Officer P/T (Grade 111N) within the Division of Police. The fiscal impact for FY2011 will be a savings of $4,810.90. The position of Deputy Director of Administrative Services – Water Quality (Grade 120E) was approved and funded in the FY2011 Budget.**p.47**

U. Authorization of a Memorandum of Understanding (MOU) with the Kentucky Cabinet for Health & Family Services, Department of Public Health, Office of Vital Statistics on Behalf of the Department of Public Safety, Division of Police. (548-10) (Bastin/Bennett)
This request will authorize approval of a MOU with the Department of Public Health, Office of Vital Statistics to allow the Division of Police access to Kentucky vital records required during official investigations. There is no budgetary impact for LFUCG.**pp.48-50**

V. Authorization of a Government Entity Tower License Agreement with Crown Castle GT Company, LLC on Behalf of the Department of Public Safety, Division of Police. (549-10) (Bastin/Bennett)
This request will authorize approval of a Government Entity License Agreement with Crown Castle GT Company, LLC on behalf of the Division of Police to allow upgrades to be made to police equipment attached to a tower owned by Crown Castle GT Company, LLC. There is no budgetary impact for LFUCG.**p.51**

W. Authorization of a Rave Licensed Application Order Form (Chapter 50 Program) with Rave Wireless, Inc. on Behalf of the Department of Public Safety, Division of Emergency Management/911. (571-10) (Lucas/Bennett)
This request will authorize approval of a Rave License Application Order Form (Chapter 50 Program) for an annual fee of $72,000 with Rave Wireless, Inc. on behalf of the Division of Emergency Management/911 for the Enhanced 911 system for software, training and implementation services to implement a 911 self-registration portal. The cost of this product and services are obtained under the University of Kentucky price contract and meets state specifications and acceptable expenses under the Commonwealth of Kentucky regulations. Funds are budgeted.**p.52**

X. 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 After-School Program. (538-10) (Hancock/Cole)
This request will authorize a Facility Usage Contract in the amount of $7,340.85 with the FCBE on behalf of the Division of Parks & Recreation for use of the Winburn Middle School Gymnasium for the After-School program. Funds are budgeted.**pp.53-54**

Y. Authorization to Submit Grant Application and Accept Award from the Kentucky Board of Emergency Medical Services on Behalf of the Department of Public Safety, Division of Fire & Emergency Services for Purchase of Emergency Medical Services (EMS) Equipment – FY2012. (578-10) (Gooding/Bennett)
This request will authorize the submission of a grant application and acceptance of funds in the amount of $10,000 from the Kentucky Board of Emergency Medical Services on behalf of the Division of Fire & Emergency Services for purchase of EMS equipment to include a monitor/defibrillator, Sager® splints and facture/splint kits. No matching funds are required.**p.55**

Z. Authorization of an Agreement for Services Offered by the Kentucky Department of Fish and Wildlife Resources (KDFWR) Regarding the Hisle Park Ponds. (569-10) (Hancock/Cole)
This request will authorize approval of an agreement for services offered by KDFWR to manage the fishery of Hisle Park ponds and assist in the reclamation, stocking and enforcing Kentucky fish and wildlife regulations. There is no budgetary impact.**p.56**

AA. Authorization of Change Order No. 1 to Contract with Tennis Technology, Inc. for the Shillito & Kirklevington Tennis Court Project. (570-10) (Hancock/Cole)
This request will authorize approval of Change Order No. 1 to increase contract amount by $1,395 with Tennis Technology, Inc. for the Shillito & Kirklevington Tennis Court project. Funds will be used to repair cracks and replace one (1) net post crank. Original contract amount was $113,653. New contract amount is $115,048. Funds are budgeted.**pp.57-59**

BB. Authorization to Submit Grant Application to the US Environmental Protection Agency (USEPA) under the National Clean Diesel Funding Assistance Program. (577-10) (Gooding/Cole)
This request will authorize approval to submit grant application in the amount of $1,000,000 from the USEPA under the National Clean Diesel Funding Assistance program to repower approximately fifty five (55) fleet vehicles with propane conversion kits, install a propane fueling station and purchase new propane-powered vehicles. A 25% local match is required and will be met by using the value of existing vehicles.**p.60**

CC. Authorization of an Inducement to nGimat, LLC as Part of the Kentucky Business Investment (KBI) Program. (572-10) (Wright/Kelly)
This request will authorize an inducement of one (1) percent occupational license tax abatement for nGimat, LLC as part of their participation in the KBI Program.**pp.61-62**

DD. Authorization of an Inducement to Illinois Tool Works as Part of the Kentucky Business Investment (KBI) Program. (573-10) (Wright/Kelly)
This request will authorize an inducement of one (1) percent occupational license tax abatement for Illinois Tool Works as part of their participation in the KBI Program.**pp.63-64**

EE. Authorization of an Inducement to Galmont Consulting, LLC as Part of the Kentucky Business Investment (KBI) Program. (574-10) (Wright/Kelly)
This request will authorize an inducement of one (1) percent occupational license tax abatement for Galmont Consulting, LLC as part of their participation in the KBI Program.**pp.65-66**

FF. Authorization of an Inducement to Escent Technologies, LLC as Part of the Kentucky Business Investment (KBI) Program. (575-10) (Wright/Kelly)
This request will authorize an inducement of one (1) percent occupational license tax abatement for Escent Technologies, LLC as part of their participation in the KBI Program.**pp.67-68**

GG. Authorization of an Inducement to NTSG, Inc. as Part of the Kentucky Business Investment (KBI) Program. (576-10) (Wright/Kelly)
This request will authorize an inducement of one (1) percent occupational license tax abatement for NTSG, Inc. as part of their participation in the KBI Program.**pp.69-70**

HH. Authorization to Amend Sections 2-442, 2-443, 2-444 and 2-447 of the Code of Ordinances Related to the Internal Audit Board. (579-10) (Askew)
This request will authorize amendments to Sections 2-442, 2-443, 2-444 and 2-447 of the Code of Ordinances relating to the Internal Audit Board as recommended by the KY State Auditor. The number of board members will increase from five (5) to seven (7) with the two (2) additional members be appointed from the community at large; two (2) appointments be recommended by the Urban County Council; members may be removed for cause after a hearing; limit the number of consecutive terms members may serve to three (3) full terms; require the chair and vice-chair be elected from members from the community at large, and require the Board to adopt bylaws.**pp.71-73**

***Denotes EPA Consent Decree**

URBAN COUNTY COUNCIL

WORK SESSION SUMMARY

& TABLE OF MOTIONS

November 16, 2010

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

I. Public Comment – Issues on Agenda-None

II. Requested Rezonings / Docket Approval-Yes

A motion by CM Lawless to place on the docket with a public hearing on 1/25/11 at 5 pm, an ordinance changing the zone from a Single Family Residential (R-1C) zone to a Professional Office (P-1) zone for 0.298 net (0.373 gross) acre, for property located at 1616-1612 Harrodsburg Rd (Lare Properties, LLC), seconded by CM Blues, passed without dissent.

A motion by CM Ellinger to place on the docket without a hearing an ordinance adding a Neighborhood Design Character Overlay (ND-1) zone for 53.7+ net(67.5+ gross) acres, to preserve existing neighborhood character for properties located at 601-821 Cooper Dr.; 1212-1251 Eldemere Rd.; 1203-1304 Kastle Rd.; 600-818 Montclair Dr.; 1213-1283 Scoville Rd.; 1200-1252 Summit Dr.; and 1500-1600 Tates Creek Rd. (even addresses only) (Urban County Planning Commission), seconded by CM Stinnett, passed without dissent.

A motion by CM Lane to place on the docket for the November 18, 2010 Council Meeting the following items: 1. A resolution approving the Amended 2010 General Term Order for the Fayette County Sheriff and Fayette County Clerk. 2. A resolution approving the 2011 General Term Order for the Fayette County Sheriff and Fayette County Clerk, seconded by CM Martin, passed without dissent.

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

III. Approval of Summary-Yes

A motion by CM Beard to approve the summary from November 9, 2010, seconded by CM Gorton, passed without dissent.

IV. Budget Amendments-Yes

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

V. New Business

A. 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 a Cheerleading Showcase. (534-10) (Hancock/ Cole)

B. Authorization of a Revised Group Sales Agreement with Hyatt Regency Lexington on Behalf of the Department of General Services, Division of Parks & Recreation for the 2011 Bluegrass Invitational Wheelchair Tournament (BGIT). (536-10) (Hancock/Cole)

C. Authorization of Facility Usage Agreement with Various Teams on Behalf of the Department of General Services, Division of Parks & Recreation for Participation in Youth Sports Program. (539-10) (Hancock/Cole)

D. Authorization of a Rental Agreement with the Lexington Center Corporation (LCC) on Behalf of the Office of the Mayor, Special Events for the 2011 Martin Luther King, Jr. Holiday Memorial Program. (537-10) (Ebel/Rabold)

E. Authorization of a Purchase of Service Agreement (PSA) with the Lyric Theatre and Cultural Arts Center, Inc. (545-10) (Rabold)

F. Authorization of Release of Easements on Properties Located at 1908 – 1920 General Warfield Way and 1869 Goodpaster Way. (541-10) (Askew)

G. Authorization of a Change in Site Manager Required for the Service Sponsor Agreement for Volunteer Income Tax Assistance (VITA) and Civil Rights Assurance with the Internal Review Services. (540-10) (Helm)

H. *Authorization of a Release Form for Reimbursement of Construction Site Restoration with the Dogwood Trace Neighborhood Association under the South Elkhorn Force Main Project. (543-10) (Martin/Bush)

I. *Authorization of Change Order No. 2 to Contract with MAC Construction under the South Elkhorn Force Main Project. (FINAL) (544-10) (Martin/Bush)

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

VI. Continuing Business / Presentations-Yes

A. Corridors Commission Update

This update was given by Vice-Chair CM Beard. There were no motions to come forward.

B. Council Inter Governmental Committee Update

This update was given by Chair CM James. There were no motions to come forward.

C. Purchase of Development Rights Program Annual Report

This report was given by Billy F Van Pelt, Program Manager and Margaret Graves, Rural Land Management Board member and counsel. Several CMs asked questions.

VII. Council Report

CM Martin-Announced the Beaumont NA meeting tonight at Rosa Parks Elementary School; also talked about the money allocated and needed for the roads resurfacing list for Street, Roads, & Forestry.

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

CM Lawless-Announced the Mentelle Park NA meeting tonight at 7 pm at Ashland Elementary School-they will be electing officers.

VIII. Mayor's Report-None

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

X. Closed Session

A motion by CM James to go into closed session pursuant to KRS 61.810 (1)(c) for the purpose of discussing pending litigation, seconded by VM Gray, passed without dissent.

Per Comm. Askew, CM Crosbie recused herself from the closed session discussion.

A motion by CM Blues to go back into open session, seconded by CM Lane, passed without dissent.

XI. Adjournment

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

Work session was adjourned at 5:17 pm.

NEW BUSINESS ITEMS REQUIRING BUDGET AMENDMENTS

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		
553-10	BA 3245	Community Development	To establish grant match for Hazard Mitigation Grant Program for Southbend.		
S				4051	220,993.00
				4051	220,993.00
					0.00 *
553-10	BA 3246	Community Development	To establish grant budget for Hazard Mitigation Grant Program for Southbend.		
S				3200	1,699,945.00
				3200	1,699,945.00CR
					0.00 *
557-10	BA 3272	Water Quality	To decrease funds for Water Quality Administration building construction and transfer savings to Sewer Operations Fund.		
H				4003	2,350,000.00
				4003	2,350,000.00CR
					0.00 *
557-10	BA 3274	Water Quality	To recognize a transfer from Sewer Construction fund and provide funds for fit up and furnishings for Water Quality administration office space. The balance of the transfer ($2,054,458.95) will remain in fund balance.		
H				4002	2,350,000.00CR
				4002	295,541.05
					2,054,458.95CR*
568-10	RW 00002	Water Quality	To abolish one Engineering Technician Principal (115E), and abolish one Engineering Technician (111N) and create 2 Environmental Inspectors (113N) in the Division of Water Quality.		
T				4002	50,840.00CR
				4002	46,030.00
					4,810.00CR*
578-10	TBD	Community Development	To provide funds from the Kentucky Board of Emergency Medical Services for purchase of EMS equipment – FY 2012.		
Y				3400	10,000.00
				3400	10,000.00CR*
					0.00 *

EFFECT ON FUND BALANCES

FUND 3200	**0***	**NO IMPACT TO:**	**US DEPARTMENT OF HOMELAND SECURITY**
FUND 3400	**0***	**NO IMPACT TO:**	**GRANTS - STATE**
FUND 4002	**2,059,268.95***	**INCREASE TO:**	**SANITARY SEWER REVENUE & OPERATING FUND**
FUND 4003	**0***	**NO IMPACT TO:**	**SANITARY SEWER CONSTRUCTION FUND**
FUND 4051	**0***	**NO IMPACT TO:**	**WATER QUALITY MANAGEMENT FUND**

Budget Information For New Business Items
For November 23, 2010 Work Session

Item	Number	Amount	Fund	Name / Description
A	520-10	87,375	2601	2011 Bond Fund
B	546-10	11,485.65 (30.88)	3400 4003	Grants - State Sanitary Sewer Construction Fund
C	547-10	42,913.07	2600	2010 Bond Fund
D	556-10	7,060	3160	US Department of Transportation
E	550-10	136,000	4003	Sanitary Sewer Construction Fund
F	551-10	19,000	4051	Water Quality Management Fund
G	552-10	(2,933,902.20)	4003	Sanitary Sewer Construction Fund
H	557-10	50,541.05	4002	Sanitary Sewer Fund Budget Journal
I	558-10	115,869.06	4051	Water Quality Management Fund
J	559-10	113,375.00	4051	Water Quality Management Fund
K	560-10	321,576.48	4051	Water Quality Management Fund
L	561-10	2,600.00	4051	Water Quality Management Fund
M	562-10	109,000.00	4051	Water Quality Management Fund
N	563-10	107,868.00	4051	Water Quality Management Fund
O	564-10	189,090.00	4051	Water Quality Management Fund
P	565-10	57,800.00	4051	Water Quality Management Fund
Q	566-10	201,285	4051	Water Quality Management Fund
R	567-10	23,500	4002	Sanitary Sewer Fund
S	553-10	1,699,945 220,993	3200 4051	US Department of Homeland Security Water Quality Management Fund Budget Journals
T	568-10	(4,810.90)	4002	Sanitary Sewer Fund Budget Journal
U	548-10	NA		
V	549-10	NA		

W	571-10	72,000	4204	Enhanced 911 Fund
X	538-10	7,340.85	4202	Extended School Program Fund
Y	578-10	10,000	3400	Grants - State Budget Journal
Z	569-10	NA		
AA	570-10	1,395	2517	2008 Bond Projects Fund
BB	577-10	NA		
CC	572-10	NA		
DD	573-10	NA		
EE	574-10	NA		
FF	575-10	NA		
GG	576-10	NA		
HH	579-10	NA		

Lexington-Fayette Urban County Government
OFFICE OF THE COUNCIL CLERK

Jim Newberry
Mayor

Susan Lamb
Council Clerk

TO: Mayor Jim Newberry
Urban County Council

FROM: Susan Lamb, Council Clerk
Council Clerk's Office

DATE: November 1, 2010

RE: Acceptance of an Agreement with Municipal Code Corporation (MCCi) for Legistar solution (Response to RFP 21-2010)

The Council Clerk's Office requests Council authorization of the acceptance of an Agreement with MCCi for implementation and management of the Legistar solution for legislative management. The total project cost for the hosted solution is $87,375.00. This includes the base subscription, Public Web Portal (Legistar InSite), remote disaster recovery services, on-line submittal, Municode integration, media match, first year management services and support, base configuration for Council and up to 3 meeting types, base configuration for 7 Council standing committees, up to 2 report customizations, MCCi project management services, up to 5 days of onsite training, integration with OnBase and advanced post implementation training. Funds are budgeted. Annual renewal of Legistar SAP and managed services is estimated at $29,051.00.

The Legistar solution was selected in response to RFP #21-2010 for a legislative management system. The system will automate the work flow (Administrative Review Process) for all legislative items with multiple levels of approvals, tracking and transparency to the public and to Urban County Government employees and will also automate meeting agenda and docket creation processes. Legistar will integrate with Granicus, our existing VoteCast and web-streaming system, and Municipal Code, our ordinance codification company. It is anticipated that the implementation of this system will save a considerable amount of time currently spent on agenda management, will simplify the approval, tracking and searching of legislative items, and will continue to move the Urban County Government toward a 'paperless' system.

If you have any questions or comments, please contact Meredith Nelson or myself at 258-3240. Thank you for your consideration of this matter.

Susan Lamb

Susan Lamb, Council Clerk
Council Clerk's Office
mn

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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: NOVEMBER 9, 2010

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE CHANGE ORDER NO. 1 (FINAL) TO THE CONSTRUCTION CONTRACT WITH CLAUNCH CONSTRUCTION, LLC, FOR THE LEESWAY DRIVE SANITARY SEWER PROJECT

On November 19, 2009 (Resolution No. 741-2009), Council approved acceptance of bid (Bid No. 159-2009).of Claunch Construction, LLC, in the amount of $314,165.65 for the Leesway Drive Sanitary Sewer Improvements Project

Division of Engineering has negotiated Change Order No. 1 (Final) in the amount of $11,454.77. This modification adjusts final quantities to complete the project. The new total is $325,620.42.

Funds for this change order are budgeted as follows:

FUND	DEPT ID	SECT	ACCT	PROJECT	ACTIVITY	BUD REF	AMOUNT
3400	303401	3401	92811	LEESWAY_2009	STA_GRANT	2009	11,485.65
4003	303202	3223	91715	NEIGHSEW_2006	CONSTRUCT	2006	(30.88)

Council authorization to execute Change Order No. 1 is hereby requested.

Irene Gooding, Acting Director

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

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
CONTRACT CHANGE ORDER

Date: November, 2010

Project: Leesway Sanitary Sewer Project

To (Contractor): Claunch Construction, LLC
624 N. College Street, Harrodsburg, Ky. 40330

Location:

Contract No: 281-2009 | Change Order No: 1-Final

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

Item No.	ADD / DEL	Description of changes	Units	Quantity	Unit Price	Decrease in contract price	Increase in contract price
1	add	8" PVC Sanitary Sewer Pipe	LF	17.91	$ 42.20	$ -	$ 755.80
2	del	8" Ductile Iron Sanitary Sewer Pipe	LF	57	$ 62.50	$ 3,562.50	$ -
3	add	6" PVC Lateral Sanitary Sewer Pipe	LF	117.5	$ 28.50	$ -	$ 3,348.75
4	del	6" Ductile Iron Sanitary Sewer Pipe	LF	132.5	$ 39.15	$ 5,187.38	$ -
10	del	Dense Graded Aggregate	TN	59.8	$ 19.00	$ 1,136.20	$ -
11	del	#2 Stone	TN	100	$ 23.00	$ 2,300.00	$ -
13	del	Class II Asphalt Surface	TN	10.71	$ 78.00	$ 835.38	$ -
14	del	Temporary Cap	SY	200	$ 12.00	$ 2,400.00	$ -
15	del	Remove and Replace Wooden Fence	LF	76	$ 27.00	$ 2,052.00	$ -
16	del	Remove and Replace Chain Link Fence	LF	200	$ 22.00	$ 4,400.00	$ -
17	del	Remove and Reset Chain Link Fence	LF	165	$ 16.00	$ 2,640.00	$ -
18	del	Sodding	SY	212	$ 5.00	$ 1,060.00	$ -
19	add	Seeding and Protection	SY	2681	$ 1.50	$ -	$ 4,021.50
22	add	4 1/2" LFUCG Concrete Sidewalk	SY	79.75	$ 40.00	$ -	$ 3,190.00
23	del	6" Concrete Sidewalk/Entrance/Driveway	SY	16.57	$ 45.00	$ 745.65	$ -
24	add	Modified Header Curb	LF	69.5	$ 21.00	$ -	$ 1,459.50
25	del	Pavement Replacement	SY	112	$ 45.00	$ 5,040.00	$ -
26	add	Temporary Silt Fence	LF	125	$ 3.50	$ -	$ 437.50
27	add	Temporary Seeding and Protection	SY	420	$ 1.25	$ -	$ 525.00
28	del	Silt Trap, Type C	EA	9	$ 150.00	$ 1,350.00	$ -
29	del	Clean Silt Trap, Type C	EA	18	$ 50.00	$ 900.00	$ -

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Item No.	ADD / DEL	Description of changes	Units	Quantity	Unit Price	Decrease in contract price	Increase in contract price
30	add	Remove Trees, 12"- 24" Diameter	EA	2	$ 800.00	$ -	$ 1,600.00
31	add	Remove Trees, 24"- 36" Diameter	EA	1	$ 1,800.00	$ -	$ 1,800.00
32	del	Temporary Fence	LF	518	$ 6.50	$ 3,367.00	$ -
35	del	8" Sanitary Sewer Pipe (Ductile Iron)	LF	5	$ 38.65	$ 193.25	$ -
38	add	Dense Graded Aggregate	TN	2.23	$ 19.00	$ -	$ 42.37
39	del	Class II Asphalt Surface	TN	0.5	$ 160.00	$ 80.00	$ -
40	del	Class II Asphalt Base	TN	5	$ 160.00	$ 800.00	$ -
46	add	Remove Trees, 12"- 24" Diameter	EA	1	$ 1,000.00	$ -	$ 1,000.00
47	add	Remove Tree, 56" Diameter	EA	1	$ 2,500.00	$ -	$ 2,500.00
48	add	Material Change @ Manhole #4	LS	1	$ 275.00	$ -	$ 275.00
49	add	Rock Removal (Mechanical)	LS	1	$28,548.70	$ -	$ 28,548.70
Total decrease						$ 38,049.36	
Total increase							$ 49,504.12
Net increase in contract price							$ 11,454.77

Current Contract Amount = $314,165.65

New Contract Amount = $325,620.42

Recommended by _____ RAB 11/8/10 (Proj. Engr.) Date 4 NOVEMBER 2010

Accepted by _____ (Contractor) Date 11-4-10

Approved by _____ (Urban Co. Engr.) Date 11/9/10

Approved by _____ (Commissioner) Date 11/9/10

Approved by _____ (Mayor or CAO) Date _____

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CONTRACT HISTORY FORM

Project Name: Leesway Drive Sanitary Sewer Project

Contractor: Claunch Construction LLC.

Contract Number and Date: 281-2009 November 10, 2009

Responsible LFUCG Division: Engineering

CONTRACT AND CHANGE ORDER DETAILS

A. Original Contract Amount:	$ 314,165.65	
Next Lowest Bid Amount: $332,592.00		
B. Amount of Selected Alternate or Phase:	$	
C. Cumulative Amount of All Previous Alternates or Phases:	$ 314,165.65	
D. Amended Contract Amount:	$ 314,165.65	
E. Cumulative Amount of All Previous Change Orders:	$ 0.00	0.0% *(Line E / Line D)*
F. Amount of This Change Order:	$ 11,454.77	3.6% *(Line F / Line D)*
G. Total Contract Amount:	$ 325,620.42	

SIGNATURES

Project Manager: Robert A Bright Date: 11/08/10

Reviewed by: Date:

Division Director: Date: 11/9/10

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

Jim Newberry
Mayor

Mike Webb
Commissioner

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

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

DATE: **November 8, 2010**

SUBJECT: **REQUEST COUNCIL AUTHORIZATION TO EXECUTE CHANGE ORDER NO. 1 TO CONTRACT 086-2010 WITH WOODALL CONSTRUCTION IN THE AMOUNT OF $ 42,913.07 FOR THE LEXINGTON STREETSCAPE PHASE ONE IMPROVEMENTS EAST MAIN STREET STREETSCAPE PROJECT**

The Division of Public Works is recommending the execution of change order No. 1 for $42,913.07 with Woodall Construction for construction of the Lexington Streetscape Phase One Improvements East Main Streetscape Project. The new contract total is $2,646,542.45.

The change order adds units that were not included in the original contract but were needed for construction and cost associated with non anticipated street repair between Limestone and MLK.

Funds for this change order are available from the Streetscape Contingency Budget.

Council authorization to execute Change Order No. 1 to the agreement with Woodall Construction in the amount of $42,913.07 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: 11/01/2010 Project:East Main St. Streetscape Location: East Main Street
To (Contractor) Woodall Construction	~~Contract~~ No ORDINANCE 086-2010 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)
146	Add Contractor to purchase decorative Treewell Grates instead of client supplying 42.0 ln. ft.@ $167.41 per ln. ft.		**$7,031.22**
147	Add Flowable fill material for backfill under State Highway as required by KYTC 100 cy @ $125.00 per cy		**$12,500.00**
148	Add 2,400 ft. @ $4.75 per ft. of 1" pvc conduit for running electric control curcuits for irrigation system. Electric code would not allow control circuits to be run in the same conduit as the water line		**$11,400.00**
149	Add additional irrigation controller to provide irrigation from Limestone to MLK.		**$3,600.00**
150	Relocate and upgrade electric power supply for irrigation system at Phoenix Park		**$3,381.85**
151	Repair street base failure E. Main at Phoenix Park		**$5,000.00**
	Change in contract price due to this Change Order:		
	Total decrease	$0.00	**XXXXXXXXXXX**
	Total increase	XXXXXXXXXXXX	$42,913.07
	Net (increase) contract price		$42,913.07

Sum to be added to the total contract price: _____

The total adjusted contract price to date thereby is: _____

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

Recommended by _____ (Project Mgr) Date 11/2/2010

Accepted by _____ (Contractor) Date 11/3/2010

Approved by _____ (Commissioner) Date 11/12/10

Approved by _____ (Mayor or SAM) Date _____

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CONTRACT HISTORY FORM

Contractor: Woodall Construction

Project Name: East Main St. Streetscape

Contract Number and Date: ORDINANCE 086-2010 May 15, 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:	$	2,603,629.38	
B. Cumulative Amount of Previous Change Orders:	$	0.00	0% % (Line B / Line A)
C. Total Contract Amount Prior to this Change Order:	$	2,603,629.38	
Current Change Order			
D. Amount of This Change Order:	$	42,913.07	2% % (Line D / Line A)
E. New Contract Amount Including this Change Order:	$	2,646,542.45	102% % (Line E / Line A

SIGNATURE LINES

Project Manager: _____ **Date:** 11/2/2010

Reviewed by: _____ **Date:** 11/2/2010

Commissioner: _____ **Date:** 11/12/10

Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

Linda L. Rumpke
Commissioner

TO: JIM NEWBERRY, MAYOR
URBAN COUNTY COUNCIL

FROM: IRENE GOODING, ACTING DIRECTOR
DIVISION OF COMMUNITY DEVELOPMENT

DATE: NOVEMBER 4, 2010

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE CHANGE ORDER NO. 1 WITH ARROW ELECTRIC COMPANY FOR CONDUIT INSTALLATION ON SIR BARTON WAY UNDER THE FIBER OPTIC CABLE INSTALLATION PROGRAM FOR FY 2008

On March 25, 2010, (Resolution No. 137-2010), Council accepted bid of Arrow Electrical Contractors, in the amount of $87,996, for conduit installation on Sir Barton Way from Man O' War Boulevard to Winchester Road. In the course of the work, an alternate route, installation method, and additional material were required of the contractor in order to cross a high pressure natural gas line. This necessitates a change order in the amount of $7,060, for a new contract amount of $95,056.

Funds are budgeted as follows:

FUND	DEPT ID	SECT	ACCT	PROJECT	BUD REF	ACTIVITY
3160	303602	3605	91711	FIBER_OPT_2008	2008	FED_GRANT

Council authorization to execute the change order in the amount of $7,060 is hereby requested.

Irene Gooding, Acting Director

XC: James M. Webb, Commissioner of Public Works

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LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
CONTRACT CHANGE ORDER

Date: October 26, 2010

Project: conduit installation

Location: Sir Barton Way

To (Contractor): Arrow Electric Company

Res. No: 137-2010
PO No.: LF00071609

Change Order No: 1

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

Item No.	ADD / DEL	Description of changes	Units	Quantity	Unit Price	Decrease in contract price	Increase in contract price
	add	Alternate route, installation method and additioanal material were required of the contractor in order to cross a high pressure natural gas line	EA	1	7060	$ -	$ 7,060.00
						$ -	$ -
						$ -	$ -
						$ -	$ -
						$ -	$ -
						$ -	$ -
						$ -	$ -
						$ -	$ -
						$ -	$ -
						$ -	$ -
Total decrease						$ -	
Total increase							$ 7,060.00
Net (increase/decrease) in contract price							$ 7,060.00

Current Contract Amount = $87,996.00

New Contract Amount = $95,056.00

Recommended by _____ Project Engineer Date 10/27/10

Accepted by _____ Contractor Date 10/27/10

Approved by _____ Director Traffic Engineering Date 10/27/10

Approved by _____ Commissioner Date _____

Approved by _____ Mayor Date _____

RECEIVED
NOV - 3 2010
Division of Community Development

CONTRACT HISTORY FORM

Contractor: Arrow Electrical Contractors

Project Name: Sir Barton Way conduit installaton LF00071609

Contract Number and Date Res. No. 137-2010

Responsible LFUCG Division: Traffic Engineering

CHANGE ORDER DETAILS

Summary of Previous Change Orders To Date	Percent Change to Dollar Amount	Original Contract
A. Original Contract Amount:	$87,996.00	
B. Cumulative Amount of Previous Change Orders:	$0.00	0% *(Line B / Line A)*
C. Total Contract Amount Prior to this Change Order:	$87,996.00	
Current Change Order		
D. Amount of This Change Order:	$7,060.00	8% *(Line D / Line A)*
E. New Contract Amount Including this Change Order :	$95,056.00	108% *(Line E / Line A)*

SIGNATURE LINES

Project Manager: _____ Date: 10/27/10

Reviewed by: _____ Date: 10-27-2010

Division Director: _____ Date: 10/27/10

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
Division of Water Quality

Date: November 9, 2010

Re: Group 2 & 3 – Sanitary Sewer Assessments (SSA) – Contract 1
Resolution # 492-2009
CONSENT DECREE

The Division of Water Quality requests approval of Change Order #1 with Stantec Consulting Services (Contract 1 vendor), to increase the Field Oversight / Quality Control / Project Management / Data Analysis contract (Contract 1) for the Group 2& 3 Sanitary Sewer Assessment (SSA) project. This change order is requested because the SSA 2& 3 - Contract 3 vendor (Woolpert Inc.) and LFUCG mutually agreed, via a separate change order, that fundamental differences in contract interpretation with respect to quality control (QC) specifications and project completion schedules made termination of Contract 3 necessary.

The Contract 3 vendor's inability to meet QC specifications and project schedules has negatively impacted the man-hours originally allocated by Stantec Consulting Services. The Division of Water Quality recommends increase in the Contract 1 contract (this memo) while at the same time closing and ending, via separate business item, the Contract 3 agreement identified as Resolution .

The original contract with Stantec Consulting Services was $599,200. The requested change order, in the amount of $136,000 would increase the overall contract amount to $735,200.

Funds for Change Order # 1 are budgeted (4003 303401 3425 71205 SSA2N3-2009 CONSENT_DE 2009).

CONTRACT HISTORY FORM

Contractor: Stantec Consulting Services

Project Name: Sanitary Sewer Assessment - Contract No. 1

Contract Number and Date: Resolution No. 492-2009

Responsible LFUCG Division: Water Quality

CHANGE ORDER DETAILS

	Summary of Previous Change Orders To Date	Dollar Amount	Percent Change to Original Contract
A.	Original Contract Amount:	$ 599,200.00	
B.	Cumulative Amount of Previous Change Orders:	$ 0.00	0% % (Line B / Line A)
C.	Total Contract Amount Prior to this Change Order:	$ 599,200.00	
	Current Change Order		
D.	Amount of This Change Order:	$ 136,000.00	23% % (Line D / Line A)
E.	New Contract Amount Including this Change Order:	$ 735,200.00	123% % (Line E / Line A

SIGNATURE LINES

Project Manager: _____ **Date:** _____

Reviewed by: _____ **Date:** _____

Division Director: _____ **Date:** 11-9-10

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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
Division of Water Quality

Date: November 8, 2010

Re: USGS Gage Network Agreement Amendment

The purpose of this memorandum is to request approval of Amendment No. 1 to the agreement between the Lexington-Fayette Urban County Government (LFUCG) and the United States Geological Survey (USGS) for the continued operation and maintenance of existing stream flow and rain gauges. The original agreement with the USGS for Fiscal Year 2011 was approved by Resolution 538-2010 on October 14, 2010. The cost for Amendment No. 1 is $19,000.00

LFUCG's Municipal Separate Storm Sewer System (MS4) discharge permit requires the division to "conduct a pilot study in Year 2 of continuous versus discrete monitoring for precipitation, flow, pH, dissolved oxygen, temperature, and conductivity". The use of an existing monitoring site and data collection network has been recommended as the most efficient method to complete this permit requirement.

Funds are budgeted. Accounting Information: 4051-303204-3341-71299

Any questions should be directed to Charles Martin at 425-2455.

CONTRACT HISTORY FORM

Contractor: United States Geologic Survey

Project Name: USGS Stream & Precipitation Gage Network

Contract Number and Date R 538-2010 October 27, 2010

Responsible LFUCG Division: Water Quality

CHANGE ORDER DETAILS

Summary of Previous Change Orders To Date	Percent Change to Dollar Amount	Original Contract
A. Original Contract Amount:	$67,680.00	
B. Cumulative Amount of Previous Change Orders:	$0.00	0% *(Line B / Line A)*
C. Total Contract Amount Prior to this Change Order:	$67,680.00	
Current Change Order		
D. Amount of This Change Order:	$19,000.00	28% *(Line D / Line A)*
E. New Contract Amount Including this Change Order :	$86,680.00	128% *(Line E / Line A)*

SIGNATURE LINES

Project Manager: _____ Date: _____

Reviewed by: _____ Date: _____

Division Director: _____ Date: 11-9-10

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
Division of Water Quality

Date: November 9, 2010

Re: Group 2 & 3 – Sanitary Sewer Assessments (SSA) – Contract 3
Resolution #541-2009
CONSENT DECREE

The Division of Water Quality requests approval of Change Order #1 with Woolpert, Inc. (Contract 3 vendor), to decrease and close-out the Field Activities contract (Contract 3) for the Group 2& 3 Sanitary Sewer Assessment (SSA) project. This change order and contract conclusion is requested because Woolpert and LFUCG mutually agree that while Woolpert has produced project deliverables that have intrinsic value to LFUCG, LFUCG and Woolpert believe that due to fundamental differences in contract interpretation with respect to project quality control (QC) specifications and project completion schedules, it is in the best interests of the parties to terminate this contract. The Division of Water Quality recommends decreasing and closing out the Contract 3 agreement (this memo) while, via separate new business item, amending the agreement for the SSA 2&3 – Contract 1 vendor.

The original contract with Woolpert was $2,933,902.20. The requested change order, in the amount of ($2,633,902.20), would decrease the overall contract amount to $300,000. The final payment of $300,000 represents less than 50% contract value for work completed to date and is commensurate with the intrinsic value of the completed work.

Funds for Change Order # 1 are budgeted (4003 303401 3425 71205 SSA2N3-2009 CONSENT_DE 2009).

CONTRACT HISTORY FORM

Contractor: Woolpert Inc.

Project Name: Sanitary Sewer Assessment - Contract No. 3

Contract Number and Date: Resolution No. 541-2009

Responsible LFUCG Division: Water Quality

CHANGE ORDER DETAILS

	Summary of Previous Change Orders To Date	Dollar Amount	Percent Change to Original Contract
A.	Original Contract Amount:	$ 2,933,902.20	
B.	Cumulative Amount of Previous Change Orders:	$ 0.00	0% (Line B / Line A) %
C.	Total Contract Amount Prior to this Change Order:	$ 2,933,902.20	
	Current Change Order		
D.	Amount of This Change Order:	$ (2,633,902.20)	-90% (Line D / Line A) %
E.	New Contract Amount Including this Change Order:	$ 300,000.00	10% (Line E / Line A %

SIGNATURE LINES

Project Manager: _____ **Date:** _____

Reviewed by: _____ Date: _____

Division Director: _____ Date: 11-9-10

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
Division of Water Quality

DATE: November 15, 2010

RE: Lease Agreement with WINMAR Corporation for Administrative Office Space to Consolidate the Division of Water Quality Staff

The Division of Water Quality requests Urban County Council approval authorizing the Mayor to enter into a lease with WINMAR Corporation for office space located at 125 Lisle Industrial Road. The space will allow the Division of Water Quality to consolidate its administrative and technical staff in one location to help ensure the Urban County Government successfully meets the deadline requirements of the Consent Decree with U.S. EPA.

WINMAR was selected after review of submissions by the Selection Committee that included individuals from the Division of Purchasing, the Department of General Services, the Division of Water Quality, the Division of Facilities and Fleet Management, the Office of the Mayor, and the representative of the Urban County Council selected by the Vice Mayor.

The lease is for a term of three years with the option to renew for two additional one-year terms. The cost of the space is $15.25 per square foot per year, resulting in a monthly expense of $10,108.21 beginning February 1, 2011. The impact to the budget for the remainder of FY2011 is $50,541.05. A budget amendment is in process to move this amount from a capital account originally budgeted to pay for construction of a new building. The remainder of that original $2,350,000 budget will be returned to fund balance. The new accounting will be 4002-303401-3401-71302.

If additional information is required, or you have questions, please contact me at 425-2455.

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: November 16, 2010

Re: **Request Approval of a Class B Grant Award Agreement for a Stormwater Quality Project Funded by the Water Quality Management Fee with the WLEX Communications, LLC.**

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). The Water Quality Fees Board has reviewed all Fiscal Year 2011 Class B grant applications and selected thirteen projects for award, fully allocating this year's budget. Urban County Council has approved four of these Class B grants to date totaling $18,755.94 (Council action on October 21, 2010).

This request is for approval of a Grant Award Agreement with the **WLEX Communications, LLC; Grant Amount: $115,869.06;** Project to be part of a 10-month campaign "Water Quality is Everyone's Responsibility". Includes writing, production, and airing of 30-second vignettes on water quality and stormwater issues distributed throughout LEX18 programming with an emphasis on news. Vignettes will also run on the Fuel View two times per hour at 13 Fayette County Shell gas stations. The LEX18.com website will be updated with a water quality splash-page to include "how-to" information, water quality protection tips, links, and the vignettes. This project will be further enforced by other activities outside of the grant project, including quarterly or monthly water quality segments by local reporters on LEX18 News @ 12:30 p.m.

Class B 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.

Questions regarding this agreement 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

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: November 16, 2010

Re: **Request Approval of a Class B Grant Award Agreement for a Stormwater Quality Project Funded by the Water Quality Management Fee with the University of Kentucky Research Foundation**

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). The Water Quality Fees Board has reviewed all Fiscal Year 2011 Class B grant applications and selected thirteen projects for award, fully allocating this year's budget. Urban County Council has approved four of these Class B grants to date totaling $18,755.94 (Council action on October 21, 2010).

This request is for approval of a Grant Award Agreement with the **University of Kentucky Research Foundation; Grant Amount: $113,375.00;** Project will reach professionals in the stormwater field, community and neighborhood groups, and educators and students. Plan includes direct involvement of 15 teachers from 4 Fayette County schools and 450 students. Project elements include education of teachers and students on stormwater pollution, stream and wetland ecology, implementation of multiple units of study on stormwater quality and quantity and watershed-based issues, assisting other schools in promoting water stewardship, developing websites and wikis to encourage students to share knowledge, creating educational signs along streams/trails, and conducting a culminating community event.

Class B 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.

Questions regarding this agreement 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

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: November 16, 2010

Re: **Request Approval of a Class B Incentive Grant Award Agreement for a Stormwater Quality Project Funded by the Water Quality Management Fee with Klausing Group, Inc.**

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 Fiscal Year 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). The Water Quality Fees Board has reviewed all Fiscal Year 2011 Class B grant applications and selected thirteen projects for award, fully allocating this year's budget. Urban County Council has approved four of these Class B grants to date totaling $18,755.94 (Council action on October 21, 2010).

This request is for approval of a Grant Award Agreement with **Klausing Group, Inc.; Grant Amount: 321,576.48; Project Location: 1356 Cahill Drive, Lexington, Kentucky 40504;** Project includes design and construction of an 8,025 square foot vegetated roof on an existing building, retrofit of an existing detention basin outlet to include an oil/water hydrodynamic separator, replacement of a 1,100 square foot asphalt parking lot with pervious pavement, and upgrade of a new 7,150 square foot parking lot to pervious pavement.

There are two categories of Class B grants, Educational and Structural. The Klausing Group, Inc. grant is a Structural grant. Structural grants are for projects that involve design and construction of stormwater management infrastructure that treats stormwater runoff to reduce pollutant loadings and/or reduces stormwater runoff and peak flows. Structural grants do not require a match by the receiving organization. No incentive grant is used for any project or project component already required to meet federal, state, or local requirements. For example, any portion of a proposed development project that relates to meeting current LFUCG requirements for stormwater detention or water quality is not eligible for funds. Only upgrades beyond such requirements or retrofits to existing sites are eligible. Due to the significant public investment involved in infrastructure projects of this type, the Grant Award Agreement includes a Maintenance Agreement to ensure proper upkeep and function of the installed improvements. In addition, the grantee is contractually obligated to reimburse LFUCG, following IRS depreciation guidelines, for the remaining value of any grant-funded facility removed from service. The Maintenance Agreement will be recorded at the Fayette County Clerk's office and is the obligation of the present and future property owners.

Questions regarding this request should be directed to Susan Plueger, P.E. 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/Susan Plueger, Division of Water Quality

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: November 16, 2010

Re: **Request Approval of a Class B Incentive Grant Award Agreement for a Stormwater Quality Project Funded by the Water Quality Management Fee with Sanford E Levy LLC**

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 Fiscal Year 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). The Water Quality Fees Board has reviewed all Fiscal Year 2011 Class B grant applications and selected thirteen projects for award, fully allocating this year's budget. Urban County Council has approved four of these Class B grants to date totaling $18,755.94 (Council action on October 21, 2010).

This request is for approval of a Grant Award Agreement with **Sanford E Levy LLC; Grant Amount of $2,600.00; Project Location: 455 Southland Drive, Lexington, Kentucky 40503 (Good Foods Market & Café);** Project includes design and installation of two National Environmental Compliance Stormwater Filter Catch Basin Inserts.

There are two categories of Class B grants, Educational and Structural. The Sanford E Levy LLC grant is a Structural grant. Structural grants are for projects that involve design and construction of stormwater management infrastructure that treats stormwater runoff to reduce pollutant loadings and/or reduces stormwater runoff and peak flows. Structural grants do not require a match by the receiving organization. No incentive grant is used for any project or project component already required to meet federal, state, or local requirements. For example, any portion of a proposed development project that relates to meeting current LFUCG requirements for stormwater detention or water quality is not eligible for funds. Only upgrades beyond such requirements or retrofits to existing sites are eligible. Due to the significant public investment involved in infrastructure projects of this type, the Grant Award Agreement includes a Maintenance Agreement to ensure proper upkeep and function of the installed improvements. In addition, the grantee is contractually obligated to reimburse LFUCG, following IRS depreciation guidelines, for the remaining value of any grant-funded facility removed from service. The Maintenance Agreement will be recorded at the Fayette County Clerk's office and is the obligation of the present and future property owners.

Questions regarding this request should be directed to Susan Plueger, P.E. 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/Susan Plueger, Division of Water Quality

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: November 16, 2010

Re: **Request Approval of a Class B Incentive Grant Award Agreement for a Stormwater Quality Project Funded by the Water Quality Management Fee with AIE Properties LLC**

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 Fiscal Year 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). The Water Quality Fees Board has reviewed all Fiscal Year 2011 Class B grant applications and selected thirteen projects for award, fully allocating this year's budget. Urban County Council has approved four of these Class B grants to date totaling $18,755.94 (Council action on October 21, 2010).

This request is for approval of a Grant Award Agreement with **AIE Properties, LLC; Grant Amount of $109,000.00; Project Location: 101 Lafayette Avenue, Lexington, Kentucky 40502;** Project includes construction of 10,870 square feet of pervious pavement replacing an existing asphalt parking lot. Design costs of $11,445.00 are being donated by the grantee, Ross Tarrant Architects, and are not part of the grant amount.

There are two categories of Class B grants, Educational and Structural. The AIE Properties LLC grant is a Structural grant. Structural grants are for projects that involve design and construction of stormwater management infrastructure that treats stormwater runoff to reduce pollutant loadings and/or reduces stormwater runoff and peak flows. Structural grants do not require a match by the receiving organization. No incentive grant is used for any project or project component already required to meet federal, state, or local requirements. For example, any portion of a proposed development project that relates to meeting current LFUCG requirements for stormwater detention or water quality is not eligible for funds. Only upgrades beyond such requirements or retrofits to existing sites are eligible. Due to the significant public investment involved in infrastructure projects of this type, the Grant Award Agreement includes a Maintenance Agreement to ensure proper upkeep and function of the installed improvements. In addition, the grantee is contractually obligated to reimburse LFUCG, following IRS depreciation guidelines, for the remaining value of any grant-funded facility removed from service. The Maintenance Agreement will be recorded at the Fayette County Clerk's office and is the obligation of the present and future property owners.

Questions regarding this request should be directed to Susan Plueger, P.E. 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/Susan Plueger, Division of Water Quality

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: November 16, 2010

Re: **Request Approval of a Class B Incentive Grant Award Agreement for a Stormwater Quality Project Funded by the Water Quality Management Fee with Community Montessori School, Inc.**

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 Fiscal Year 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). The Water Quality Fees Board has reviewed all Fiscal Year 2011 Class B grant applications and selected thirteen projects for award, fully allocating this year's budget. Urban County Council has approved four of these Class B grants to date totaling $18,755.94 (Council action on October 21, 2010).

This request is for approval of a Grant Award Agreement with **Community Montessori School, Inc.; Grant Amount of $107,868.00; Project Location: 725 Stone Road, Lexington, Kentucky 40503;** Project includes design of 950 linear feet of stream restoration with riparian buffer and floodplain wetlands, retrofit of an existing detention basin to a constructed wetland, two rain gardens, one infiltration chamber system, and replacement of a broken storm sewer headwall. The Water Quality Fees Board will consider this project for a construction phase incentive grant in Fiscal Year 2012 if all design phase contractual obligations are met by the grantee.

There are two categories of Class B grants, Educational and Structural. The Community Montessori School grant is a Structural grant. Structural grants are for projects that involve design and construction of stormwater management infrastructure that treats stormwater runoff to reduce pollutant loadings and/or reduces stormwater runoff and peak flows. Structural grants do not require a match by the receiving organization. No incentive grant is used for any project or project component already required to meet federal, state, or local requirements. For example, any portion of a proposed development project that relates to meeting current LFUCG requirements for stormwater detention or water quality is not eligible for funds. Only upgrades beyond such requirements or retrofits to existing sites are eligible. Due to the significant public investment involved in infrastructure projects of this type, the Grant Award Agreement includes a Maintenance Agreement to ensure proper upkeep and function of the installed improvements. In addition, the grantee is contractually obligated to reimburse LFUCG, following IRS depreciation guidelines, for the remaining value of any grant-funded facility removed from service. The Maintenance Agreement will be recorded at the Fayette County Clerk's office and is the obligation of the present and future property owners.

Questions should be directed to Susan Plueger, P.E. 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/Susan Plueger, Division of Water Quality

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: November 16, 2010

Re: **Request Approval of a Class B Incentive Grant Award Agreement for a Stormwater Quality Project Funded by the Water Quality Management Fee with Coca-Cola Refreshments USA, Inc.**

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 Fiscal Year 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). The Water Quality Fees Board has reviewed all Fiscal Year 2011 Class B grant applications and selected thirteen projects for award, fully allocating this year's budget. Urban County Council has approved four of these Class B grants to date totaling $18,755.94 (Council action on October 21, 2010).

This request is for approval of a Grant Award Agreement with **Coca-Cola Refreshments USA, Inc.; Grant Amount of $189,090.00; Project Location: 2275 Leestown Road, Lexington, Kentucky 40511;** Project includes design and construction of an 8,500 square foot rain garden/bioretention system, a 12,500 gallon infiltration chamber, a water quality sump drop inlet with floatables hood, and a 10,000 gallon rainwater harvest tank collecting runoff from 25,600 square feet of roof surface for stormwater reuse.

There are two categories of Class B grants, Educational and Structural. The Coca-Cola Refreshments USA grant is a Structural grant. Structural grants are for projects that involve design and construction of stormwater management infrastructure that treats stormwater runoff to reduce pollutant loadings and/or reduces stormwater runoff and peak flows. Structural grants do not require a match by the receiving organization. No incentive grant is used for any project or project component already required to meet federal, state, or local requirements. For example, any portion of a proposed development project that relates to meeting current LFUCG requirements for stormwater detention or water quality is not eligible for funds. Only upgrades beyond such requirements or retrofits to existing sites are eligible. Due to the significant public investment involved in infrastructure projects of this type, the Grant Award Agreement includes a Maintenance Agreement to ensure proper upkeep and function of the installed improvements. In addition, the grantee is contractually obligated to reimburse LFUCG, following IRS depreciation guidelines, for the remaining value of any grant-funded facility removed from service. The Maintenance Agreement will be recorded at the Fayette County Clerk's office and is the obligation of the present and future property owners.

Questions regarding this request should be directed to Susan Plueger, P.E. 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/Susan Plueger, Division of Water Quality

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: November 16, 2010

Re: **Request Approval of a Class B Incentive Grant Award Agreement for a Stormwater Quality Project Funded by the Water Quality Management Fee with The Board of Education of Fayette County, Kentucky**

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 Fiscal Year 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). The Water Quality Fees Board has reviewed all Fiscal Year 2011 Class B grant applications and selected thirteen projects for award, fully allocating this year's budget. Urban County Council has approved four of these Class B grants to date totaling $18,755.94 (Council action on October 21, 2010).

This request is for approval of a Grant Award Agreement with **The Board of Education of Fayette County, Kentucky; Grant Amount: $57,800.00; Project Location: 2319 Clays Mill Road, Lexington, Kentucky, 40503;** Project includes design of 800 linear feet of stream restoration with riparian buffer, three constructed wetlands, two rain gardens, 4,400 square feet of biofiltration swale, and 1,500 square feet of pervious pavement replacing existing asphalt. A short section of the improvements extends onto the adjacent Southland Park property owned by LFUCG, and Parks & Recreation staff will be involved with ensuring those project components do not impact park services. The Water Quality Fees Board will consider this project for a construction phase incentive grant in Fiscal Year 2012 if all design phase contractual obligations are met by the grantee.

There are two categories of Class B grants, Educational and Structural. The Board of Education of Fayette County grant for Clays Mill Elementary school is a Structural grant. Structural grants are for projects that involve design and construction of stormwater management infrastructure that treats stormwater runoff to reduce pollutant loadings and/or reduces stormwater runoff and peak flows. Structural grants do not require a match by the receiving organization. No incentive grant is used for any project or project component already required to meet federal, state, or local requirements. For example, any portion of a proposed development project that relates to meeting current LFUCG requirements for stormwater detention or water quality is not eligible for funds. Only upgrades beyond such requirements or retrofits to existing sites are eligible.

Due to the significant public investment involved in infrastructure projects of this type, the Grant Award Agreement includes a Maintenance Agreement to ensure proper upkeep and function of the installed improvements. In addition, the grantee is contractually obligated to reimburse LFUCG, following IRS depreciation guidelines, for the remaining value of any grant-funded facility removed from service. The Maintenance Agreement will be recorded at the Fayette County Clerk's office and is the obligation of the present and future property owners.

Questions regarding this request should be directed to Susan Plueger, P.E. 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/Susan Plueger, Division of Water Quality

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: November 16, 2010

Re: **Request Approval of a Class B Incentive Grant Award Agreement for a Stormwater Quality Project Funded by the Water Quality Management Fee with Ronald McDonald House Charities of the Bluegrass, Inc.**

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 Fiscal Year 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). The Water Quality Fees Board has reviewed all Fiscal Year 2011 Class B grant applications and selected thirteen projects for award, fully allocating this year's budget. Urban County Council has approved four of these Class B grants to date totaling $18,755.94 (Council action on October 21, 2010).

This request is for approval of a Grant Award Agreement with **Ronald McDonald House Charities of the Bluegrass, Inc.; Grant Amount: $201,285.00; Project Location: 1300 Sports Center Drive, Lexington, Kentucky 40502;** Project includes design and construction of 15,700 square feet of pervious pavements replacing an existing asphalt parking lot, a rainwater harvest cistern to collect runoff from 11,000 square feet of roof surface, two rain gardens, and 4,500 square feet of biofiltration swale. Design costs of $6,090 are being donated on behalf of the grantee by CDP Engineers. An additional $64,500 in materials is being donated to the project on behalf of the grantee by paver and materials suppliers. Donated items are not included in the grant amount.

There are two categories of Class B grants, Educational and Structural. The Ronald McDonald House Charities of the Bluegrass, Inc. grant is a Structural grant. Structural grants are for projects that involve design and construction of stormwater management infrastructure that treats stormwater runoff to reduce pollutant loadings and/or reduces stormwater runoff and peak flows. Structural grants do not require a match by the receiving organization. No incentive grant is used for any project or project component already required to meet federal, state, or local requirements. For example, any portion of a proposed development project that relates to meeting current LFUCG requirements for stormwater detention or water quality is not eligible for funds. Only upgrades beyond such requirements or retrofits to existing sites are eligible.

Due to the significant public investment involved in infrastructure projects of this type, the Grant Award Agreement includes a Maintenance Agreement to ensure proper upkeep and function of the installed improvements. In addition, the grantee is contractually obligated to reimburse LFUCG, following IRS depreciation guidelines, for the remaining value of any grant-funded facility removed from service. The Maintenance Agreement will be recorded at the Fayette County Clerk's office and is the obligation of the present and future property owners.

Questions regarding this request should be directed to Susan Plueger, P.E. 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/Susan Plueger, Division of Water Quality

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
Division of Water Quality

Date: November 16, 2010

Re: Engineering Design Services Agreement
Lexington Mall Sanitary Sewer Relocation
Division of Water Quality

The purpose of this memorandum is to request a resolution authorizing the award of an engineering services contract to BTM Engineering, Inc. The lump sum fee associated with the recommended engineering design services contract is $23,500. Funds for this contract are budgeted – 4002 303401 3401 71205 2011.

The purpose of this engineering design services contract is to conduct design, bidding and construction services necessary for the relocation of the existing 15-inch sanitary sewer located under the existing Lexington Mall structure.

Questions regarding this agreement should be directed to Charles Martin at 425-2455.

553-10

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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

DATE: NOVEMBER 11, 2010

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT AWARD OF FEDERAL FUNDS FROM THE DEPARTMENT OF MILITARY AFFAIRS/KENTUCKY DIVISION OF EMERGENCY MANAGEMENT FOR A HAZARD MITIGATION GRANT PROGRAM GRANT FOR SOUTHBEND

On October 1, 2009 (Resolution No. 620-2009), Council approved the submission of a grant application requesting federal funding from the Federal Emergency Management Agency for the implementation of a flood hazard mitigation project.

Kentucky Department of Military Affairs/Kentucky Emergency Management Agency has indicated that federal funds in the amount of $1,274,959 have been approved for the purchase and demolition of nine residential properties on Lone Oak Drive, Southbend Drive, and Lafayette Parkway. Owners of these properties have experienced repeated flooding over the past 25 years. The solution is the purchase and demolition of these properties. The vacant land will be used as open space.

The state agency provides matching funds in the amount of $203,993 (12%). A local match in the amount of $220,993 (13%) is required. Total project cost is $1,699,945. Budget amendment is in process providing for local match from the following account:

FUND	DEPT ID	SECT	ACCT
4051	303204	3334	78201

Council authorization to accept the award is hereby requested.

Irene Gooding, Acting Director

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

568-10
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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: November 16, 2010

RE: Abolish/Create Positions

The attached action amends Section 21-5 creating one (1) position of Deputy Director of Administrative Services – Water Quality (Grade 120E)that was funded and approved in the FY 11 budget process, abolishes one (1) position of Engineering Technician Principal (Grade 115E), one (1) position of Engineering Technician (Grade 111N) and creates two (2) positions of Environmental Inspector (Grade 113N) in the Division of Water Quality; this action also amends section 22-5 of the Code of Ordinances abolishing two (2) positions of Communications Officer P/T (Grade 111N) in the Division of Police, to become effective upon passage of Council.

The fiscal impact for FY2011 will be a savings of $4,810.90 (13 pay periods) includes benefits.

Name	Position Title	Annual Salary Before	Annual Salary After	Annual Increase/(Decrease)
Vacant	Engineering Technician Prin.	$47,570.90	$0	$(47,570.90)
Vacant	Engineering Technician	$34,034.26	$0	$(24,034.26)
Vacant	Environmental Inspector (two positions)	$0	$36,943.92	$73,887.84
Total Annual Impact/ Salary and Benefits $(9,621.80)				

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

Attachment
cc: Charles Martin, Director, Division of Water Quality
Darrylyn Combs, HR Senior Manager, Division of Human Resources

11-0017

LEXINGTON DIVISION OF POLICE

548-10

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

48

TO: Mayor Jim Newberry
Urban County Council

FROM: Chief Ronnie Bastin
Division of Police

DATE: November 4, 2010

RE: Memorandum of Understanding – Cabinet for Health and Family Services, Department of Public Health

Please find attached Memorandum of Understanding (MOU) between the Cabinet for Health and Family Services, Department of Public Health and the Lexington-Fayette Urban County Government.

This MOU would allow investigators within the Lexington Division of Police access to information that would assist in investigations related to domestic issues as well as a wide variety of other matters. Access to the "Vital Records", referenced in the MOU would be limited to investigation related queries and would provide members of the Lexington Division of Police with information that up to this point has been mostly inaccessible.

This MOU is a standard agreement that the Cabinet has with numerous other law enforcement entities within the state. There is no cost or additional duties associated with the access.

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

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

MEMORANDUM OF UNDERSTANDING

between the

**CABINET FOR HEALTH AND FAMILY SERVICES,
DEPARTMENT FOR PUBLIC HEALTH**

and the

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

THIS AGREEMENT, made and entered into on the 1st day of September 2010, by and between the Kentucky Cabinet for Health and Family Services, Department for Public Health, Office of Vital Statistics (hereinafter the "Cabinet") and the Lexington-Fayette Urban County Government (hereinafter "LFUCG"), establishes the procedures relating to an exchange of information contained in Vital Records.

WHEREAS, pursuant to KRS 213.131 (4), the Cabinet may authorize the disclosure of information contained in vital records, for research and official administrative purposes, if:

> The information is requested by a federal, state, county, or municipal agency of government which needs the data or information in the conduct of official duties; or
>
> The Cabinet has prepared, in writing, a statement of the conditions under which the data or records will be used and received an agreement signed by a responsible agent of the research organization agreeing to meet with and conform to the conditions.

WHEREAS, pursuant to KRS 194A.060, the Cabinet shall share pertinent information from within the agency's records on clients, current and former clients, recipients and patients as may be permitted by federal and state confidentiality statutes and regulations governing release of data with other public, quasi-public, and private agencies involved in providing services to current and former clients or patients subject to confidentiality agreements as permitted by federal and state law if those agencies demonstrate a direct, tangible, and legitimate interest in the records.

WHEREAS, the Lexington Division of Police (hereinafter the "LDP") is a political subdivision of the Lexington-Fayette Urban County Government and in the course of its official duties is responsible for conducting investigations;

WHEREAS, the LDP is requesting access to data or information contained in vital records that is necessary to assist them in the conduct of investigations;

WHEREAS, vital records, containing Kentucky birth data, directly relate to the ability of the LDP to conduct investigations; and

WHEREAS, the LDP has demonstrated a direct, tangible, and legitimate interest in the information contained in vital records;

NOW THEREFORE, the Cabinet and the LFUCG hereby mutually agree as follows:

A. Vital records of births which have been filed with the Office of Vital Statistics shall be provided to LDP, on a daily basis, through the Birth Index File, beginning September 1, 2010.

B. The Cabinet shall certify that each exchange of vital records or information contained therein is accurate, except that the parties expressly agree that the Cabinet is not responsible for the accuracy of information or data provided by third-parties, including but not limited to Social Security Numbers.

C. The file layout for records or information exchanged pursuant to this Agreement shall be agreed upon by both parties.

D. Both parties, including any subcontractors or agents of the party, agree to comply with all applicable state and federal confidentiality laws and to protect the security, confidentiality and integrity of health information. The LFUCG acknowledges and agrees that the Cabinet shall be entitled, without waiving any other rights or remedies, to injunctive or equitable relief to enforce the requirements of this provision of the Agreement.

E. Either party may terminate and cancel this Agreement, upon thirty (30) days written notice served on the other party outlining the reasons for cancellation or immediately for cause.

F. The terms and conditions of this Agreement may only be amended by mutual written consent of both parties and no party shall assign its respective rights or obligations under this Agreement without prior written consent of the other party.

G. All questions as to the execution, validity, interpretation, and performance of this Agreement shall be governed by the laws of the Commonwealth of Kentucky and the parties further agree that any legal action, which is brought on the basis of this Agreement, shall be filed in the Circuit Court of Franklin County, Kentucky. No change, waiver, or discharge of any liability or obligation hereunder on any one or more occasions shall be deemed a waiver of performance of any continuing or other obligation, or shall prohibit enforcement of any obligation, on any other occasion.

H. The Agreement shall be effective on September 1, 2010 and shall terminate on June 30, 2013, unless previously terminated or cancelled by one of the parties, pursuant to the terms herein.

I. The parties represent and warrant, by the signatures of their duly appointed representatives, that they are legally entitled to enter into this Agreement.

LEXINGTON DIVISION OF POLICE

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

549-10

51

TO: Mayor Jim Newberry
Urban County Council

FROM: Chief Ronnie Bastin
Division of Police

DATE: November 8, 2010

RE: Crown Castle GT Company LLC
Government Entity Tower License Agreement

Please find attached Government Entity Tower License Agreement with the Crown Castle GT Company LLC and the Lexington-Fayette Urban County Government.

This agreement is to upgrade our mobile data equipment that is currently located on one of Crown Castle's tower in Athens. Crown Crystal requires a signed agreement prior to any upgrades being completed at this location.

We are requesting council approval of Mayor Newberry signing the attached agreement. There is no cost to Urban County Government. Upon approval and signing, please forward original agreements to the Chief's Office to acquire additional signature.

If you have any questions 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

Lexington-Fayette Urban County Government
DEPARTMENT OF PUBLIC SAFETY

Jim Newberry
Mayor

Tim Bennett
Commissioner

November 16, 2010

TO: Mayor Jim Newberry and Urban County Council

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

RE: Agreement with Rave Wireless, Inc

VIA: Tim Bennett, Commissioner of Public Safety

This request will authorize the mayor to enter an agreement with Rave Wireless Inc, to provide software, training and implementation services to LFUCG to implement a 911 self-registration portal. This will allow an individual to attach supplemental information to any phone number that can access the Enhanced 9-1-1 system.

The total cost for the present fiscal year is $72,000 and all funds are budgeted within the Division of Enhanced 911. The requested training, products, software, installation and maintenance meet all state specifications and are acceptable expenses as outlined by regulations created by the Commonwealth of Kentucky.

All product and service costs are obtained from the University of Kentucky price contract UK-0961-10.

The following documents are attached:

1. Administrative review form. (Blue sheet)

2. RAVE license application order form.

Please return completed documents to my attention for final disposition.

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: Facility Usage Agreement

DATE: November 2, 2010

This is a request for Council approval of a Facility Usage Agreement between the Fayette County Board of Education and the Lexington Fayette Urban County Government.

This agreement is for the purpose of using FCPS facilities for rental of Winburn Middle School gymnasium for the Parks and Recreation state licensed Extended School Program (ESP) after school program from September 13, 2010 through May 7, 2011 at a cost of $7,340.85. We have worked with FCPS and have modified a previous arrangement that now allows us to rent the gym for our program at a significantly reduced rental fee. Funds are budgeted in our ESP program budget.

10/15/2010

538-10
MIDDLE SCHOOL

54

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)

USAGE FEE: **$7,340.85**

FACILITY: Winburn Middle School

DATE(S): Mondays - Thursdays -- 6:00 - 8:00 pm

TIME(S): Saturdays -- 10:00 am - 2:00 pm

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	28	28	$17.25	$483.00
Football Field	-----	-----	-----	-----	-----
Running Track	-----	-----	-----	-----	-----
Baseball Field	-----	-----	-----	-----	-----
Softball Field	-----	-----	-----	-----	-----
Other	0	0	0	$17.25	$0.00
Subtotal	-----	-----	-----	-----	***$483.00***
DISTRICT EMPLOYEES (If Applicable)	**NO. EMPLOYEES**	**NO. HOURS PER EMPLOYEE**	**TOTAL NO. HOURS**	**HOURLY PERSONNEL FEE**	**TOTAL PERSONNEL COST**
Custodian(s)	1	174.5	174.5	$39.30	$6,857.85
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	-----	-----	-----	-----	***$6,857.85***
Total	-----	-----	-----	-----	***$7,340.85***
ADDITIONAL RENTAL FEES (If Applicable)	*0*	*0*	*0*	*$0.00*	*$0.00*
Grand Total	-----	-----	-----	-----	***$7,340.85***

COMMENTS: See attached schedule of specific dates and hours. Time will be reconciled at end of each semester to finalize actual billings.

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: **NOVEMBER 16, 2010**

SUBJECT: **REQUEST COUNCIL AUTHORIZATION TO SUBMIT APPLICATION AND TO ACCEPT AWARD OF FUNDS FROM THE KENTUCKY BOARD OF EMERGENCY MEDICAL SERVICES FOR PURCHASE OF EMS EQUIPMENT—FY 2012**

The Division of Fire and Emergency Services has prepared an application requesting funding from the Kentucky Board of Emergency Medical Services in the amount of $10,000 for the purchase of EMS equipment to include a monitor/defibrillator, Sager splints and Fracture/Splint kits. Purchase of this equipment will improve services.

These are state funds pursuant to KRS 311A.155. No matching funds are required.

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

Irene Gooding, Acting Director

Xc: Tim Bennett, Commissioner, Department of Public Safety

569-10

56

Mayor James Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Division of Parks and Recreation

To: Mayor Jim Newberry
Urban County Council Members

From: Jerry E. Hancock, Director of Parks and Recreation

Date: November 15, 2010

Subj: Agreement with KY Fish and Wildlife Resources regarding free public fishing

This is a request to accept an agreement between the Lexington-Fayette Urban County Government and the Kentucky Department of Fish and Wildlife Resources (KDFWR). The agreement has been reviewed by the Department of Law.

The Kentucky Department of Fish and Wildlife Resources has offered to assist the division of Parks and Recreation in maintaining recreational fishing on Hisle Park ponds.

The state is willing to manage the fishery of Hisle Park Ponds and to assist us in their reclamation, stocking and to enforce state Fish and Wildlife regulations at that location. Our obligation is to maintain free and open access to the fishing ponds and to not charge for this access.

We have agreed to these stipulations and look forward to working with the KDFWR in this project.

We are requesting the approval of the Urban County Council.

570-10

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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: November 15, 2010

This is a request for Council approval to increase the amount of contract no. 489-2010 with Tennis Technology for additional design work for the parking lot football field asphalt trail.

Increase in the amount of $1,395.00 for additional crack repair and replacement of one net post crank. Total contract amount $115,048.00.

Please contract me if there any questions.

CC: Kimra Cole, Commissioner of General Services

LEXINGTON -FAYETTE
URBAN COUNTY GOVERNMENT
CONTRACT CHANGE ORDER
Page 1 of 2

Date: 11/10/10
Project: Shillito & Kirlevington Tennis Court
Location: Shillito Park
Contract No 489-2010
Change Order No. 1

To (Contractor) Tennis Technology Inc

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	Add'l crack repair (Guardian)		$1,245.00
2	Replace one(1) Net post crank		$150.00
3			
4			
5			
6			
7			
	Change in contract price due to this Change Order:		
	Total decrease	$0.00	XXXXXXXXXXXX.XX
	Total increase	XXXXXXXXXXX.XX	$1,395.00
	Net (increase) contract price		$1,395.00

The sum of $1,395.00 is hereby added to the total contract price, $113,653.00 and the total adjusted contract price to date thereby is $115,048.00.
The time provided for completion in the contract and all provisions of the contract will apply hereto.

Recommended by Mark R. Morgan (Superintendent) Date 11-11-10
Accepted by _____ (Contractor) Date 11/11/10
Approved by _____ (Director) Date _____
Approved by _____ (Commissioner) Date 11-16-10
Approved by _____ (Mayor or CAO) Date _____

CONTRACT HISTORY FORM

Contractor: Tennis Technology Inc

Project Name: Shillito/Kirklevington Tennis

Contract Number and Date: 489-2010, 09/21/2010

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:	$ 113,653.00	
B. Cumulative Amount of Previous Change Orders:	$ 0.00	0% % *(Line B / Line A)*
C. Total Contract Amount Prior to this Change Order:	$ 113,653.00	
Current Change Order		
D. Amount of This Change Order:	$ 1,395.00	1% % *(Line D / Line A)*
E. New Contract Amount Including this Change Order:	$ 115,048.00	101% % *(Line E / Line A*

SIGNATURE LINES

Project Manager: Mary J. Morgan **Date:** 11-11-10

Reviewed by: [signature] **Date:** 11-11-10

Division Director: _____ **Date:** _____

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: NOVEMBER 16, 2010

SUBJECT REQUEST COUNCIL AUTHORIZATION TO SUBMIT APPLICATION TO THE ENVIRONMENTAL PROTECTION AGENCY UNDER THE NATIONAL CLEAN DIESEL FUNDING ASSISTANCE PROGRAM

The Department of General Services has prepared an application requesting federal funds in the amount of $1,000,000 from the Environmental Protection Agency under the National Clean Diesel Funding Assistance Program. A principal objective of this program is to achieve significant reductions in diesel emissions in terms of tons of pollution produced and reductions in diesel emissions exposure, particularly from vehicles, engines and equipment operating in areas designated as poor air quality areas.

The scope of work for this project will consist of repowering approximately 55 vehicles in the LFUCG fleet with propane conversion kits, installation of a propane fueling station on Old Frankfort Pike, and purchase of new propane-powered vehicles. A 25% match is required. This match will be met using value of existing vehicles.

Council authorization to submit application is hereby requested.

Irene Gooding, Acting Director

Xc: Kimra Cole, Commissioner of the Department of General Services

Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Division of Economic Development

MEMORANDUM

To: Mayor
Urban County Council

From: Anthony Wright
Mayor's Office of Economic Development

Date: November 15, 2010

Subject: nGimat, LLC

I have attached documentation from Commerce Lexington supporting the request of 1% occupational license tax abatement for nGimat LLC as part of their participation in Kentucky Business Investment (KBI) Incentive program.

The attached documentation provides the estimated payroll for nGimat LLC and the Lexington-Fayette Urban County Government's portion of the wage assessment going toward this incentive for a period of ten years. nGimat is a new company bringing 50 new high-tech jobs to Lexington and the Lexington-Fayette Urban County Government will receive new revenue at a rate of 1.25% for the new jobs this company will create in Fayette County.

C: file

The maximum potential fiscal impact of this project is summarized in the following table.

New F-T Jobs	Total Payroll	Total Wage Assessment	KY portion of Wage Assessment	LFUCG portion of Wage Assessment	LFUCG Projected Collections
12	$770,000.00	$30,800.00	$23,100.00	$7,700.00	$9,625.00
20	$1,133,200.00	$45,328.00	$33,996.00	$11,332.00	$14,165.00
30	$1,422,186.00	$56,887.44	$42,665.58	$14,221.86	$17,777.33
40	$1,990,095.00	$79,603.80	$59,702.85	$19,900.95	$24,876.19
50	$2,400,452.00	$96,018.08	$72,013.56	$24,004.52	$30,005.65
50	$2,448,462.00	$97,938.48	$73,453.86	$24,484.62	$30,605.78
50	$2,497,431.00	$99,897.24	$74,922.93	$24,974.31	$31,217.89
50	$2,547,379.00	$101,895.16	$76,421.37	$25,473.79	$31,842.24
50	$2,598,327.00	$103,933.08	$77,949.81	$25,983.27	$32,479.09
50	$2,650,294.00	$106,011.76	$79,508.82	$26,502.94	$33,128.68
	$20,457,826.00	$818,313.04	$613,734.78	$204,578.26	$255,722.83

This is an excellent project for our community and I strongly recommend approval of the local 1% wage assessment benefit through KBI.

CC: Anthony Wright, LFUCG

Mayor Jim Newberry
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Division of Economic Development

MEMORANDUM

To: Mayor
Urban County Council

From: Anthony Wright AW
Mayor's Office of Economic Development

Date: November 15, 2010

Subject: Illinois Tool Works, Inc.

I have attached documentation from Commerce Lexington supporting the request of 1% occupational license tax abatement for Illinois Tool Works, Inc. as part of their participation in Kentucky Business Investment (KBI) Incentive program.

The attached documentation provides the estimated payroll for Illinois Tool Works (I.T.W.) and the Lexington-Fayette Urban County Government's portion of the wage assessment going toward this incentive for a period of ten years. ITW is bringing 10 new manufacturing jobs to Lexington and the Lexington-Fayette Urban County Government will receive new revenue at a rate of 1.25% for the new jobs this company will create in Fayette County.

C: file

200 East Main Street Lexington, KY 40507 (859) 258-3100 Fax (859) 258-3194 www.lfucg.com

Illinois Tool Works Inc.
November 15, 2010
Page 2

The maximum potential fiscal impact of this project is summarized in the following table.

New F-T Jobs	Total Payroll	Total Wage Assessment	KY portion of Wage Assessment	LFUCG portion of Wage Assessment	LFUCG Projected Collections
10	$400,000.00	$16,000.00	$12,000.00	$4,000.00	$5,000.00
10	$412,000.00	$16,480.00	$12,360.00	$4,120.00	$5,150.00
10	$424,000.00	$16,960.00	$12,720.00	$4,240.00	$5,300.00
10	$436,000.00	$17,440.00	$13,080.00	$4,360.00	$5,450.00
10	$448,000.00	$17,920.00	$13,440.00	$4,480.00	$5,600.00
10	$460,000.00	$18,400.00	$13,800.00	$4,600.00	$5,750.00
10	$472,000.00	$18,880.00	$14,160.00	$4,720.00	$5,900.00
10	$484,000.00	$19,360.00	$14,520.00	$4,840.00	$6,050.00
10	$496,000.00	$19,840.00	$14,880.00	$4,960.00	$6,200.00
10	$508,000.00	$20,320.00	$15,240.00	$5,080.00	$6,350.00
	$4,540,000.00	$181,600.00	$136,200.00	$45,400.00	$56,750.00

This is an excellent project for our community and I strongly recommend approval of the local 1% wage assessment benefit through KBI.

CC: Anthony Wright, LFUCG

574-10
65

Mayor Jim Newberry
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Division of Economic Development

MEMORANDUM

To: Mayor
Urban County Council

From: Anthony Wright
Mayor's Office of Economic Development

Date: November 15, 2010

Subject: Galmont Consulting, LLC.

I have attached documentation from Commerce Lexington supporting the request of 1% occupational license tax abatement for Galmont Consulting, LLC. as part of their participation in Kentucky Business Investment (KBI) Incentive program.

The attached documentation provides the estimated payroll for Galmont Consulting and the Lexington-Fayette Urban County Government's portion of the wage assessment going toward this incentive for a period of ten years. Galmont Consulting is a new company bringing 90 new high-tech jobs to Lexington and the Lexington-Fayette Urban County Government will receive new revenue at a rate of 1.25% for the new jobs this company will create in Fayette County.

C: file

200 East Main Street Lexington, KY 40507 (859) 258-3100 Fax (859) 258-3194 www.lfucg.com

Galmont Consulting, LLC
November 15, 2010
Page 2

The maximum potential fiscal impact of this project is summarized in the following table.

New F-T Jobs	Total Payroll	Total Wage Assessment	KY portion of Wage Assessment	LFUCG portion of Wage Assessment	LFUCG Projected Collections
90	$4,000,000.00	$160,000.00	$120,000.00	$40,000.00	$50,000.00
90	$4,000,000.00	$160,000.00	$120,000.00	$40,000.00	$50,000.00
90	$4,000,000.00	$160,000.00	$120,000.00	$40,000.00	$50,000.00
90	$4,000,000.00	$160,000.00	$120,000.00	$40,000.00	$50,000.00
90	$4,000,000.00	$160,000.00	$120,000.00	$40,000.00	$50,000.00
90	$4,000,000.00	$160,000.00	$120,000.00	$40,000.00	$50,000.00
90	$4,000,000.00	$160,000.00	$120,000.00	$40,000.00	$50,000.00
90	$4,000,000.00	$160,000.00	$120,000.00	$40,000.00	$50,000.00
90	$4,000,000.00	$160,000.00	$120,000.00	$40,000.00	$50,000.00
90	$4,000,000.00	$160,000.00	$120,000.00	$40,000.00	$50,000.00
	$40,000,000.00	$1,600,000.00	$1,200,000.00	$400,000.00	$500,000.00

This is an excellent project for our community and I strongly recommend approval of the local 1% wage assessment benefit through KBI.

CC: Anthony Wright, LFUCG

575-10
67

Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Division of Economic Development

MEMORANDUM

To: Mayor
Urban County Council

From: Anthony Wright
Mayor's Office of Economic Development

Date: November 15, 2010

Subject: Escent Technologies, LLC

I have attached documentation from Commerce Lexington supporting the request of 1% occupational license tax abatement for Escent Technologies, LLC as part of their participation in Kentucky Business Investment (KBI) Incentive program.

The attached documentation provides the estimated payroll for Escent Technologies and the Lexington-Fayette Urban County Government's portion of the wage assessment going toward this incentive for a period of ten years. Escent Technologies is a new company bringing 13 new high-tech jobs to Lexington and the Lexington-Fayette Urban County Government will receive new revenue at a rate of 1.25% for the new jobs this company will create in Fayette County.

C: file

200 East Main Street Lexington, KY 40507 (859) 258-3100 Fax (859) 258-3194 www.lfucg.com

Escent Technologies, LLC
November 15, 2010
Page 2

The maximum potential fiscal impact of this project is summarized in the following table.

New F-T Jobs	Total Payroll	Total Wage Assessment	KY portion of Wage Assessment	LFUCG portion of Wage Assessment	LFUCG Projected Collections
13	$951,600.00	$38,064.00	$28,548.00	$9,516.00	$11,895.00
13	$989,664.00	$39,586.56	$29,689.92	$9,896.64	$12,370.80
13	$1,029,251.00	$41,170.04	$30,877.53	$10,292.51	$12,865.64
13	$1,070,421.00	$42,816.84	$32,112.63	$10,704.21	$13,380.26
13	$1,113,238.00	$44,529.52	$33,397.14	$11,132.38	$13,915.48
13	$1,157,768.00	$46,310.72	$34,733.04	$11,577.68	$14,472.10
13	$1,204,079.00	$48,163.16	$36,122.37	$12,040.79	$15,050.99
13	$1,252,242.00	$50,089.68	$37,567.26	$12,522.42	$15,653.03
13	$1,302,232.00	$52,089.28	$39,066.96	$13,022.32	$16,277.90
13	$1,354,321.00	$54,172.84	$40,629.63	$13,543.21	$16,929.01
	$11,424,816.00	$456,992.64	$342,744.48	$114,248.16	$142,810.20

This is an excellent project for our community and I strongly recommend approval of the local 1% wage assessment benefit through KBI.

CC: Anthony Wright, LFUCG

Mayor Jim Newberry
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Division of Economic Development

MEMORANDUM

To: Mayor
Urban County Council

From: Anthony Wright
Mayor's Office of Economic Development

Date: November 15, 2010

Subject: NTSG, Inc.

I have attached documentation from Commerce Lexington supporting the request of 1% occupational license tax abatement for NTSG Inc. as part of their participation in Kentucky Business Investment (KBI) Incentive program.

The attached documentation provides the estimated payroll for NTSG and the Lexington-Fayette Urban County Government's portion of the wage assessment going toward this incentive for a period of ten years. NTSG is a new company to Lexington and the Lexington-Fayette Urban County Government will receive new revenue at a rate of 1.25% for the new jobs this company will create in Fayette County.

C: file

NTSG, Inc.
November 15, 2010
Page 2

The maximum potential fiscal impact of this project is summarized in the following table.

New F-T Jobs	Total Payroll	Total Wage Assessment	KY portion of Wage Assessment	LFUCG portion of Wage Assessment	LFUCG Projected Collections
10	$800,000.00	$32,000.00	$24,000.00	$8,000.00	$10,000.00
13	$1,040,000.00	$41,600.00	$31,200.00	$10,400.00	$13,000.00
15	$1,200,000.00	$48,000.00	$36,000.00	$12,000.00	$15,000.00
17	$1,360,000.00	$54,400.00	$40,800.00	$13,600.00	$17,000.00
18	$1,440,000.00	$57,600.00	$43,200.00	$14,400.00	$18,000.00
19	$1,520,000.00	$60,800.00	$45,600.00	$15,200.00	$19,000.00
20	$1,600,000.00	$64,000.00	$48,000.00	$16,000.00	$20,000.00
20	$1,632,000.00	$65,280.00	$48,960.00	$16,320.00	$20,400.00
20	$1,665,000.00	$66,600.00	$49,950.00	$16,650.00	$20,812.50
20	$1,698,300.00	$67,932.00	$50,949.00	$16,983.00	$21,228.75
	$13,955,300.00	$558,212.00	$418,659.00	$139,553.00	$174,441.25

This is an excellent project for our community and I strongly recommend approval of the KBI benefits.

Cc: Anthony Wright, LFUCG

579-10
71

Lexington-Fayette Urban County Government
DEPARTMENT OF LAW

Jim Newberry
Mayor

Logan Askew
Commissioner

TO: Jim Newberry, Mayor
Members, Urban County Council

FROM: Department of Law

DATE: November 16, 2010

RE: Recommendations of State Auditor—
Amendments to Internal Audit Board Ordinances (2-441, et seq.)

As you will recall, in her recent audit report related to LFUCG insurance procurement and the Office of Internal Audit, the State Auditor made recommendations for amendment of the ordinances establishing the Internal Audit Board. Attached is a draft ordinance reflecting those recommendations. As you will read, the ordinance will make amendments to Sections 2-442, 2-443, 2-444, and 2-447 of the Code of Ordinances to increase the number of members of the board from five (5) to seven (7); to require that the two additional members be appointed from the community at large; to require that appointment of two (2) members be based on recommendations of the urban county council; to provide that members may be removed only for cause after a hearing; to limit the number of consecutive terms members may serve to three full terms; to require that the chairman and vice-chairman be elected from the members from the community at large; and to require the board to adopt bylaws. Deletions from the existing ordinances are bracketed and stricken through; new language is underlined.

The ordinance was prepared at the request of the Mayor in order to comply with the Auditor's request for response on the implementation of the audit recommendations within 60 days and is now being forwarded for Council consideration. If you have any questions, please let me know.

Keith Horn

Keith Horn, Attorney Sr.

Attachment

X:\Cases\MAYOR\10-CC0970\MEMO\00280874.DOC

ORDINANCE _____

AN ORDINANCE AMENDING SECTIONS 2-442, 2-443, 2-444, AND 2-447 OF THE CODE OF ORDINANCES, RELATING TO THE INTERNAL AUDIT BOARD, TO INCREASE THE NUMBER OF MEMBERS OF THE BOARD FROM FIVE (5) TO SEVEN (7); TO REQUIRE THAT THE TWO ADDITIONAL MEMBERS BE APPOINTED FROM THE COMMUNITY AT LARGE; TO REQUIRE THAT APPOINTMENT OF TWO (2) MEMBERS BE BASED ON RECOMMENDATIONS OF THE URBAN COUNTY COUNCIL; TO PROVIDE THAT MEMBERS MAY BE REMOVED ONLY FOR CAUSE AFTER A HEARING; TO LIMIT THE NUMBER OF CONSECUTIVE TERMS MEMBERS MAY SERVE TO THREE FULL TERMS; TO REQUIRE THAT THE CHAIRMAN AND VICE-CHAIRMAN BE ELECTED FROM THE MEMBERS FROM THE COMMUNITY AT LARGE; AND TO REQUIRE THE BOARD TO ADOPT BYLAWS.

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

Section 1 – That Section 2-442 of the Lexington-Fayette Urban County Government Code of Ordinances be and hereby is amended to read as follows:

(a) The internal audit board shall consist of seven (7) [~~five (5)~~] voting members appointed by the mayor and two (2) ex-officio, non-voting members appointed as follows:

(1) Four (4) [~~Two (2)~~] members shall be audit, accounting or legal professionals from the community at large, with CIA, CMA, CPA or other appropriate professional certifications, two (2) [~~one (1)~~] of whom shall be based upon a recommendation made by the majority of the urban county council, appointed by the mayor and approved by majority vote of the urban county council;

(2) Two (2) members shall be selected from the membership of the urban county council, approved by a majority of the urban county council;

(3) One (1) member shall be the mayor or his designee; and

(4) The council administrator and the chief administrative officer shall serve as ex-officio, non-voting members of the board.

(b) The members of the board shall serve without compensation but shall be reimbursed for expenses necessarily incurred in the performance of their duties.

(c) A board member may be removed from office by the urban county council after a hearing by a vote of two-thirds (2/3) of the members of the council and only for neglect of duty, malfeasance, conflict of interest or misconduct. The hearing shall be initiated by the vice-mayor, who shall prepare a written statement setting forth the reasons for removal. The hearing shall be chaired by the Mayor. The member to be removed shall be notified of the proposed removal and the reason therefore by registered mail sent to the member's

last known address at least ten (10) days prior to the hearing. The member to be removed may employ counsel for representation. A record of the hearing shall be made.

Section 2 – That Section 2-443 of the Lexington-Fayette Urban County Government Code of Ordinances be and hereby is amended to read as follows:

All board members, with the exception of the ex-officio members, shall serve four (4) years from the date of appointment, provided that the terms shall be staggered in the manner required by section 7.02 of the Urban County Charter. The ex-officio members shall serve only so long as they hold the position of council administrator or chief administrative officer. The membership of the mayor or his designee and urban county council members shall be deemed to have been terminated when their respective term of office as mayor or on the urban county council ends. Vacancies shall be filled for any unexpired term in the manner prescribed for the original appointment. Any board member may be reappointed for two (2) additional full terms.

Section 3 – That Section 2-444 of the Lexington-Fayette Urban County Government Code of Ordinances be and hereby is amended to read as follows:

The officers of the board shall consist of a chairman and a vice-chairman chosen from the members from the community at large [~~the voting members only,~~] and elected annually [~~to be designated~~] by majority vote of the voting members of the board. The chairman may not serve more than two (2) consecutive one year terms.

Section 4 – That Section 2-447 of the Lexington-Fayette Urban County Government Code of Ordinances be and hereby is amended to read as follows:

The board shall adopt [~~determine its own~~] bylaws, rules and order of business, which shall be approved by the urban county council. The board [~~and~~] shall provide for keeping a record of its proceedings. [~~Such bylaws shall be subject to approval by the urban county council.~~]

Section 5 – That this Ordinance shall become effective upon its date of passage.

PASSED URBAN COUNTY COUNCIL:

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MAYOR

PLANNING COMMITTEE
NOVEMBER 16, 2010
SUMMARY

Chair Gorton called the meeting to order at 1:02 pm. All committee members present except VM Gray and CM Feigel. CM Henson attended as a non-voting member.

1. Circus Definition in Zoning Ordinance

Henson gave background information that prompted referral of this issue to the Planning Committee. She presented photographs of the circus that was located at the entrance of a neighborhood citing potential safety issues resulting from the number of large trucks and tents present.

Chris King, Director of Planning and Dewey Crowe, Director of Building Inspection were on hand to review the current ordinance pointing out specific language such as "circuses and carnivals on a temporary basis and upon issuance of a permit by the Division of Building Inspection" and "the principle permitted uses in the B-1 and P-1 zone".

King explained definitions, locations, permits, safety inspections, etc., saying there was no differentiation between a circus or carnival adding a circus is usually related to having animals and also some types of performers. You would have the option to restrict those in some types of zones.

Discussion:

Gorton asked about the definition of "temporary" in the ordinance, saying the lack of a definite time line when using the term temporary has been a problem in the past.
Mr. Crowe said that if you are looking at a definition to split these up we would need very clear guidelines to split these up. If they have elements of both then we have a problem making an enforcement decision when they come forward to ask for a permit to go ahead. We would want a very clear definition with easily identified key points that we could apply definitively whether they are a carnival or a circus.

Gorton asked Mr. Crowe about the number or permits issued per year. He responded there are very few circuses, no more than 10 per year, and more carnival permits, usually issued to schools, churches and for charity events. Churches and schools, if part of a fundraising activity, can do that in their zone.

Blues asked why this was being discussed. Blues asked Henson if she had a proposal to change the ordinance.

Henson said she is trying to protect entrances to neighborhoods. Parking was inadequate and it was a very inappropriate place to have a circus. She said she asked the Law Department about amending the ordinance to define circus and carnival separately and

then prohibit in B Zones and was told a change would have to come from the Division of Planning.

King said that if we prohibit circuses in B-Zones, that would mean Ringling Bros. could not come to Rupp Arena. But, where would they go then? We have to be careful what we are talking about. Council could propose to limit to I-Zones. King said they would need guidance on what to prohibit. Need to define what a circus is and what a carnival is.

Beard said that it seems that a circus is somewhere you go to observe activities and carnivals are where they have interactive situations. To address this, we need to do a lot more work.

Henson said she would like to see this issue stay in committee for more research and review, asking both Planning and Building Inspection for their assistance.

Gorton passed the chair to Blues to comment on separating the definition of a circus versus a carnival and pointing out differences between a neighborhood business zone and highway business zone or a wholesale warehouse zone. She asked if this would need to go before the Board of Adjustment. King said more specific definitions can be done. He said the objective is to be able to articulate conditions clearly. He said there is an option to go back to the Board of Adjustment year after year or define the conditions permanently.

Motion by Gorton to include in your work an effort to separate circuses and carnivals and to eliminate circuses from some specific B-Zones and then to define temporary. Seconded by Ellinger, passed without dissent.

Beard questioned how LFUCG would handle the Bluegrass Fair. King stated that the city is exempt from its own Zoning Regulations.

Bill O' Mara, Department of Revenue pointed out the Lions Bluegrass Fair and circumstances surrounding that agreement. Lions fair is the sanctioned County Fair. Cannot have a circus in competition with the County Fair. He explained there are special fees for circus and carnivals and suggested the committee might entertain discussion about that.

2. Encroachment Issue

Charlie Martin, P.E. Director of Water Quality spoke to the committee on problems for the Division of Water Quality regarding easement encroachment permitting. He pointed out the need for LFUCG to hold offenders accountable adding sometimes property owners and contractors are assuming LFUCG will look the other way. He felt the Department of Water Quality has its "arms around" timing and follow- through on the process.

Stinnett remarked about turnaround time to get approval, asking for suggestions on a shorter time frame. Martin said it depends on the nature of the request, for example if it involves utilities, etc. Martin said they need minimum of 14 business days. Stinnett felt this was not a good way to manage this.

Stinnett says this issue also deals with fences. Stinnett said that we have not backed Martin up and enforced our encroachment laws. There are ways to deal with this. We could enter into agreements with constituents so any future access we need, we get. We could also say that anything we need to tear down we can, and the constituent will be responsible to replace. I am not sure that puts us in a winning position. We want to stop this before it begins. Sometimes constituents do not ask us first, or they may not know the process. As the infill process proceeds, we will have more problems with this. Stinnett asked what the mechanism is for enforcement and notification. He is willing to see a little "more teeth" from the Department of Law in enforcing this matter. Martin said he did not have a good answer but explained how things currently work.

Stinnett asked Martin to keep the council informed with a "heads up" when there were issues or problems with encroachment and enforcement.

James asked about using PVA information such as maps and sites. Martin said maps are not always detailed enough. He said the technology is there but is not sure the organization is knowledgeable in that function. James talked about having a reference point via PVA as a way to be aware of potentitial conflict and holding contractors accountable.

Martin talked about using GIS technology and explained problems such as in the last decade finding easements on sewer lines that run under people's houses. In some cases there are no easements. Gorton asked if this process might also pertain to the issues of sign placement in neighborhoods, citing a Lansdowne encroachment issue as an example. She asked about stream lining the system to include neighborhood signage. Martin said they are all in the same. Additionally, lot sizes have shrunk and this puts pressure on the situation.

3. Newtown Pike Update

Written report included in today's committee packet

4. Liberty Road Update

Written report included in today's committee packet

5. Items Referred to Committee

Motion by Stinnett to remove encroachment issue from the Planning Committee list of items referred, seconded by Blues, passed without dissent.

James asked about the Parks Master Plan issue, saying two council members who are on that sub-committee are not returning to council. These council members are Cheryl Feigel and James.

Lawless said the issue of Art. 16 Zoning Ordinance re: rear yard parking in residential areas will be transferred.

Gorton thanked committee members and staff for serving on the Planning Committee and their willingness to attend special meetings.

McChord asked how items referred to standing committees have been handled in the past when there is an administration change. He suggested ways for committee members to interface with new council members and familiarize them with committee items.

Motion to adjourn at 1: 53 pm