# URBAN COUNTY COUNCIL
## April 25-May 2, 2011

**Monday, April 25**

Design Excellence Task Force staff ……………………………………………………3:00 pm
Conference Room-5th Floor Government Center

**Tuesday, April 26**

Public Safety Council Link Meeting……………………………………………………8:30 am
Conference Room-5th Floor Government Center

Corridors Commission Meeting……………………………………………………10:00 am
Conference Room-5th Floor Government Center

Budget COW-Council's Analysis of Mayor's Proposed Budget Meeting…………………11:00 am
Council Chambers-2nd Floor Government Center

Budget COW-Revenue Projections Meeting……………………………………………1:30 pm
Council Chambers-2nd Floor Government Center

Committee of the Whole (COW) Work Session Meeting…………………………………3:00 pm
Council Chambers-2nd Floor Government Center

Police Disciplinary Hearing……………………………………………………………5:00 pm
Council Chambers-2nd Floor Government Center

**Wednesday, April 27**

Commission for Citizens with Disabilities Meeting……………………………………9:15 am
Conference Room 4C-Main Library

MPO-Transportation Policy Committee Meeting………………………………………1:00 pm
Council Chambers-2nd Floor Government Center

**Thursday, April 28**

Budget COW-Bonding Debt, & Capital Discussion Meeting……………………………3:00 pm
Council Chambers-2nd Floor Government Center

Council Meeting……………………………………………………………………6:00 pm
Council Chambers-2nd Floor Government Center

**Friday, April 29**

No Meetings

**Monday, May 2**

Council Procurement Task Force……………………………………………………3:00 pm
Conference Room-5th Floor Government Center

Fayette County Rural Land Management Board Meeting…………………………………3:00 pm
Conference Room-12th Floor Government Center

# URBAN COUNTY COUNCIL

# COMMITTEE OF THE WHOLE WORK SESSION MINUTES

# AND MOTIONS

## April 12, 2011

Vice Mayor Gorton chaired the meeting, calling it to order at 3:42 pm. All Council Members were present.

I. Public Comment – Issues on Agenda-None

II. Approval of Summary-Yes

<u>A motion by CM Beard to approve the summary for March 15, 2011, seconded by CM Blues, passed without dissent.</u>

III. Review of Docket-Yes

<u>A motion by CM Kay to approve placing on the docket without a hear an ordinance changing the zone from a Wholesale and Warehouse Business (B-4) zone to a Neighborhood Business (B-1) zone for 0.74 net (1.07 gross) acre, for property located at 369 Codell Dr. (a portion of) (Equity Alliance of Lexington, LLC), seconded by CM Farmer, passed without dissent.</u>

<u>A motion by CM Henson to place on the docket without a hearing an ordinance changing the zone from a Professional Office (p-1) zone to a Neighborhood Business (B-1) zone for 0.594 net (0.829 gross) acre, for property located at 1389 Alexandria Dr (W. Nelson McMakin), seconded by CM Farmer, passed without dissent.</u>

<u>A motion by CM Farmer to place on the docket without a hearing an ordinance changing the zone from a Highway Service Business (B-3) zone to a Wholseale & Warehouse Business (B-4) zone for 1.083 net and gross acres, for property located at 763 and 779 Newtown Pike (portions of), subject to certain use restrictions imposed as conditions of granting the zone change (SCW Newtown, LLC), seconded by CM Lane, passed without dissent.</u>

Several CMs asked questions and they were answered by employees from the appropriate departments.

A motion by CM Stinnett to table #37 of Resolutions (BS 133-11) until April 26, 2011 COW WS, seconded by CM Crosbie, passed by a 10-5 vote.

IV. Review of Budget Amendments-Reviewed and no questions asked.

V. Agenda Items Referred from Council Members

A motion by CM McChord to refer to April 14, 2011 Council Meeting a resolution electing Doug Martin and Peggy Henson to the Transportation Policy Committee of the Lexington Area Metropolitan Planning Organization as the representatives for Council Districts 9, 10, and 12 and 3, 5, and 11, respectively, seconded by CM Ellinger, passed without dissent.

A. 4.14.11 NDF List (for informational purposes only)-No action needed; already placed on docket.

B. Council Administrator job description

A motion by CM Stinnett to allow HR to proceed with the advertisement of the Council Administrator job description with recent changes, seconded by CM Ellinger, passed without dissent.

VI. Committee Report

A. 3.1.11 Planning & Zoning Committee

Chair CM Farmer, Jr gave this report from the meeting. Several motions came forward.

A motion by CM Farmer to place on the docket to initiate a text amendment in the Code of Ordinances for the right of entry for Building Inspection to obtain an administrative search warrant and enter property for safety violations, seconded by CM Blues, passed without dissent.

A motion by CM Farmer to place on the docket to initiate a text amendment in the Code of Ordinances to change the enforcement from a criminal penalty to a civil penalty and the appeals would be heard in the Infrastructure Hearing Board, seconded by CM Blues, passed without dissent.

A motion by CM Farmer to place on the docket to initiate a text amendment in the Code of Ordinances to change the language to temporary structures designed for use or occupancy for 60-180 days per twelve-month period on a single property, calculating said period by cumulative consideration of the use of any and all structures on a single property with any changes to go through the BOA, seconded by CM Blues, passed without dissent.

A motion by CM Farmer to place on the docket to initiate a text amendment to define circuses and carnivals, seconded by CM Henson, passed without dissent.

B. 3.22.11 General Government Committee

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

VII. Council Report

CM Blues-Announced 2 neighborhood meetings: tonight at Meadowthorpe at the park community center at 7 pm and Winburn on April 18th at 6:30 pm at the MLK Shelter.

CM Martin-Spoke about the reduction in the budget for the pension fund; want CMs to be aware that there were promises made to Police and Fire; said that he was not comfortable with the information he was getting and wanted to make sure that Budget & Finance would get more concrete information.

CM Stinnett-Asked that we make sure that roll call was noted for the Budget Address meeting because it was not verbally called out; asked Comm. Driskell if we (LFUCG) have a budget reduction plan-she answered and said that she would have it by the COW WS on 4.26.11; announced to the citizens that if they have any flooding issues to please call LexCall at 311; announced that Saturday night at the Children's Theatre will be Curtain Call at 7 pm.

CM Henson-Announced that at noon on next Monday there will be a Cardinal Crossing Apt. Mgmt Assoc. meeting at the church-Gary Means from LexPark, will be there; also asked when will Council get the E911 report-Comm Mason said May 10, 2011.

CM Ellinger-Stated that he would bring the proposed Budget COW schedule forward on Thursday night at the Council Meeting; also asked how soon could Council get a concrete FY 11 plan-within 2 weeks? Comm. Driskell said yes, April 26, 2011.

CM Lawless-Announced that tonight at 6 pm at Maxwell Presbyterian Church the Southhill NA will meet; stated that Farmers'

Market is open; also announced that on 4/21 at Crestwood Christian Church there would be a Sustain Lexington local food summit; asked that the E911 report and others be presented at the May 10, 2011 COW WS.

CM Myers-Asked CM Ellinger if the budget staff was providing the analysis of the restructure.

CM Ford-Asked VM Gorton to explain the budget process now that the Mayor has delivered his budget to the Council.

CM Crosbie-A motion by CM Crosbie to hear the E911 and Corrections update at the May 10, 2011 COW WS instead of the Public Safety/Public Works Committee meeting, seconded by CM Myers, passed without dissent.

VIII. Public Comment – Issues Not on Agenda-None

IX. Adjournment

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

COW Work Session adjourned at 4:49 pm.

# LEXINGTON-FAYETTE URBAN COUNTY COUNCIL

## COMMITTEE OF THE WHOLE WORK SESSION AGENDA

## April 26, 2011

## I. Public Comment – Issues on Agenda

## II. Approval of Summary-Yes, April 12, 2011, pp.1-4

## III. Review of Docket below;-complete Council Meeting work copy, pp.46-54

*Items will remain on docket unless one of the following actions are taken:*

a. *Refer a matter to a council committee*
b. *Recommend that the administration provide additional information*
c. *Recommend that an item be removed*

ORDINANCES – FIRST READING (New Business)

14. An Ordinance amending Ordinance No. 105-2009, the Newtown Pike Extension Ordinance, disapproving a request to amend to apply standards only to commercial development and approving a request to waive the bulk plane and parking lot standards applied in Section 10 for property located at 502-526 South Broadway, 320 Pine St., and 319 Cedar St. (Jeff Morgan). Disapproval of the Requested Change A and Approval of the Requested Changes B & C 6-0 **[Div. of Planning, King]**

15. *An Ordinance changing the zone from a Professional Office (P-1) zone to a High Rise Apartment (R-5) zone for 0.376 net (0.42 gross) acre, with dimensional variances, for property located at 407 Marquis Ave., subject to certain use restrictions imposed as conditions of granting the zone change (FEDE, LLC). Conditional Approval 9-0 (To Be Heard by June 22, 2011.) **[Div. of Planning, King] REQUIRES MOTION TO PLACE ON THE DOCKET WITH OR WITHOUT A PUBLIC HEARING**

16. An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and re-appropriating funds, Schedule No. 116. **[Div. of Budgeting, Barrow]**

17. An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of $5,824 from Neighborhood Development funds in the Div. of Parks and Recreation for personnel expenses related to William Wells Brown Community Center summer programs, and appropriating and re-appropriating funds, Schedule No. 117. **[Council Office, Williams]**

RESOLUTIONS – FIRST READING (New Business)

26. A Resolution accepting the bid of R & B Cleaning Services, establishing a price contract for Custodial Services – Phoenix Building, for the Div. of Facilities and Fleet Management. **[Baradaran]** (12 Bids)

27. A Resolution accepting the bid of ABR Construction, Inc., in the amount of $555,431.65, for the Lexington Mall Sanitary Sewer Relocation, for the Div. of Water Quality, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with ABR Construction, Inc., related to the bid. **[Martin]** (13 Bids)

28. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Certificates of Consideration and other necessary documents, and to accept Deeds for easements needed for Phase 3D of the Meadows-Northland-Arlington Neighborhood Improvement Project, at a cost not to exceed $2,000. **[Div. of Community Development/Div. of Engineering, Gooding/Rayan, BS 143-11, p.15]**

29. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Certificates of Consideration and other necessary documents, and to accept deeds for property interests needed for the Lafayette Parkway Stormwater Project, at a cost not to exceed $1,600,000. **[Div. of Community Development/Dept. of Environmental Quality, Gooding/Taylor, BS 135-11, p.16]**

30. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with the Ky. Transportation Cabinet, for the Loudon Ave. Sidewalk Project to include the project budget as part of the Agreement, at no cost to the Urban County Government. **[Div. of Community Development/Dept. of Public Works & Development, Gooding/Taylor, BS 140-11, p.17]**

31. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Joyland Neighborhood Association ($500), Lexington Fast-Pitch Softball, Inc. ($250), Chrysalis House, Inc. ($800), and William Wells Brown Neighborhood Association ($1,000), for the Office of the Urban County Council, at a cost not to exceed the sums stated. **[Council Office, Williams]**

32. A Resolution authorizing the Div. of Human Resources to make a conditional officer to the following: Jennifer Thompson, $19.768 hourly, Jeremy Knight, $19.332 hourly, Tyler Henningsen, $17.551 hourly, Environmental Inspector, Grade 113N, in the Div. of Water Quality, effective upon passage, and authorizing the beginning employment upon successful completion of a physical or medical examination as required. **[Div. of Human Resources, Jarvis]**

33. A Resolution approving, pursuant to KRS 62.055 and Section 22-55.1 of the Code of Ordinances, the bond with surety of Donald W. Blevins, Jr., Fayette County Clerk, in the amount of $400,000, and directing the Dept. of Law to record the bond, with surety, along with a certified copy of this Resolution, in the Office of the Fayette County Clerk. **[Dept. of Law, Graham, BS 141-11, p.18]**

34. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Release of Easements, releasing a 30-foot utility, sanitary sewer and streetlight easement, a 12-foot sanitary sewer easement, and a 10-foot streetlight easement on property located at 3840 Camelot Dr., 600 Greenfield Dr., and 3773, 3777, 3781, 3785, and 3789 Belleau Wood Dr. (Sayre Christian Village Nursing Home). **[Dept. of Law, Graham, BS 142-11, p.19]**

35. A Resolution designating Tates Creek Golf Course and Clubhouse, and Athens Softball Complex Concession Stand/Pavilion as parks and park facilities where the Director of the Div. of Parks and Recreation may authorize the possession, sale, delivery and consumption of alcoholic beverages and apply for a malt beverage license for sale of malt beverages at the listed locations. **[Div. of Parks and Recreation, Hancock, BS 136-11, p.20]**

36. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with the Federal Bureau of Investigation, Dept. of Veterans Affairs, for jurisdiction at the Dept. of Veterans Affairs. **[Div. of Police, Bastin, BS 137-11, p.21]**

37. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Contract with Minnifield Enterprize, Inc., for West Sector Roll Call Renovation, increasing the contract price by the sum of $8,370 from $58,964 to $67,334. **[Div. of Police, Bastin, BS 144-11, pp.22-24]**

38. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Facility Usage Contract with Fayette County Board of Education, for use of the William Wells Brown Elementary School for the final resource fair of the Hope VI Housing Project, at a cost not to exceed $671.70. **[Dept. of Social Services, Mills, BS 138-11, p.25]**

39. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Amendment to the Purchase of Service Agreement with Downtown Lexington Corp., to include event management responsibilities for the July 4$^{th}$ Festival, Ky. Christmas Chorus, Winter Festival and Holiday Market, Official Tree Lighting, and Vintage Ky. Wine Festival, at a cost not to exceed $120,000. **[Mayor's Office, Emmons, BS 133-11, p.26]**

ORDINANCES –SECOND READING

1. An Ordinance changing the zone from a Wholesale and Warehouse Business (B-4) zone to a Neighborhood Business (B-1) zone for 0.74 net (1.07 gross) acre, for property located at 369 Codell Dr. (a portion of) (Equity Alliance of Lexington, LLC). Approval 8-0 (To Be Heard By May 25, 2011) **[Div. of Planning, King]**

2. An Ordinance changing the zone from a Professional Office (P-1) zone to a Neighborhood Business (B-1) zone for 0.594 net (0.829 gross) acre, for property located at 1389 Alexandria Dr. (W. Nelson McMakin). Conditional Approval 8-0 (To Be Heard By May 25, 2011) **[Div. of Planning, King]**

3. An Ordinance changing the zone from a Highway Service Business (B-3) zone to a Wholesale & Warehouse Business (B-4) zone for 1.083 net and gross acres, for property located at 763 and 779 Newtown Pike (portions of), subject to certain use restrictions imposed as conditions of granting the zone change (SCW Newtown, LLC). Conditional Approval 8-0 (To Be Heard By May 25, 2011) **[Div. of Planning, King]**

4. An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and re-appropriating funds, Schedule No. 112. **[Div. of Budgeting, Barrow]**

5. An Ordinance approving and adopting an Amendment to the 2010 Consolidated Plan to include the purchase of two residential units, relocation of the residents and demolition of the units in the Meadows/Northland/Arlington Project. **[Div. of Community Development, Gooding, BS 119-11]**

6. An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit the 2011 Consolidated Plan/Grant Application to the U.S. Dept. of Housing and Urban Development, to provide any additional information requested in connection with this Grant Application, and to accept the Grant if the application is approved, which Grant funds are in the amount of $3,641,000 Federal funds, are for FY2012 Community Development Block Grant Program ($2,050,000), HOME Program ($1,500,000), and Emergency Shelter Grant Program ($91,000), the acceptance of which obligates the Urban County Government for the expenditure of $351,500 from various funding sources as local cash match and $67,000 in-kind match; appropriating funds pursuant to FY2012 Schedule No. 9; authorizing the Mayor to transfer unencumbered funds within the Grant budget; and authorizing the Mayor to execute Agreements for the approved Plan. **[Div. of Community Development, Gooding, BS 121-11]**

7. An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to the Agreement with the Ky. Energy and Environment Cabinet, for the acceptance of additional Federal funds for the Wolf Run Creek Watershed Based Plan in the amount of $20,266, the acceptance of which obligates the Urban County Government for the expenditure of $13,510.67 as a local match, and appropriating funds pursuant to Schedule No. 114. **[Div. of Community Development/Dept. of Environmental Quality, Gooding/Taylor, BS 128-11]**

8. An Ordinance authorizing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Transportation Cabinet, which Grant funds are in the amount of $750,000 Federal funds, are for the S. Limestone Streetscape Transportation Enhancement Project, and the acceptance of which obligates the Urban County Government for the expenditure of $187,500 as a local match, appropriating funds pursuant to Schedule No. 115, and authorizing the Mayor to transfer unencumbered funds within the Grant budget. **[Div. of Community Development/Dept. of Public Works & Development, Gooding/Taylor, BS 129-11]**

9. An Ordinance authorizing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Dept. of Juvenile Justice, to provide any additional information requested in connection with this Grant Application, and to accept this Grant if the application is approved, which Grant funds are in the amount of $241,845 Commonwealth of Ky. funds, are for operation of the Day Treatment Program, for the Div. of Youth Services, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to FY 2012 Schedule No. 7, and authorizing the Mayor to transfer unencumbered funds within the Grant budget. **[Div. of Community Development/Dept. of Social Services, Gooding/Mills, BS 117-11]**

10. An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Lexington-Fayette County Health Dept., which Grant funds are in the amount of $483,202 Federal funds, are for the Home Network Project at the Family Care Center, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to FY 2012 Schedule No. 8, and authorizing the Mayor to transfer unencumbered funds within the Grant budget. **[Div. of Community Development/Dept. of Social Services, Gooding/Mills, BS 118-11]**

11. An Ordinance authorizing the Mayor, on behalf of the Urban County Government, to accept a Grant from the University of Ky., which Grant funds are in the amount of $496.50 Federal funds under the Child Care Infant/Toddler Provider Incentive Mini Grant Program, are for the

purchase of equipment for the Family Care Center, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 113, and authorizing the Mayor to transfer unencumbered funds within the Grant budget. **[Div. of Community Development/Dept. of Social Services, Gooding/Mills, BS 125-11]**

12. An Ordinance authorizing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the U.S. Dept. of Health and Human Services, to provide any additional information requested in connection with this Grant Application, and to accept this Grant if the application is approved, which Grant funds are in the amount of $180,000 Federal funds, are for operation of the M.A.S.H. Drop Inn Facility, the acceptance of which obligates the Urban County Government for the expenditure of $20,000 to be provided by the M.A.S.H. Drop Inn operating budget, appropriating funds pursuant to FY 2012 Schedule No. 10, authorizing the Mayor to transfer unencumbered funds within the Grant budget, and authorizing the Mayor to execute an Agreement with M.A.S.H. Services of the Bluegrass, Inc., for operation of the Drop Inn Facility at a cost not to exceed $180,000. **[Div. of Community Development/Dept. of Social Services, Gooding/Mills, BS 127-11]**

13. An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Sponsorship Agreement with and accept a $2,000 donation from PNC Bank, National Association, for the Senior Intern Program, and appropriating funds pursuant to Schedule No. 111. **[Dept. of Social Services, Mills, BS 103-11]**

RESOLUTIONS – SECOND READING

1. A Resolution accepting the bid of E-Z Pack Manufacturing, LLC, establishing a price contract for rear loading truck mounted refuse body, for the Div. of Facilities and Fleet Management. **[Baradaran]** (4 Bids)

2. A Resolution accepting the bid of Century Equipment, establishing a price contract for golf carts, for the Div. of Parks and Recreation. **[Hancock]** (3 Bids, Non-Low)

3. A Resolution accepting the bid of ProKleen Industrial Services d/b/a PortaKleen, establishing a price contract for portable restroom units, for the Div. of Parks and Recreation. **[Hancock]** (5 Bids)

4. A Resolution accepting the bid of Ennis Paint, Inc., establishing a price contract for traffic marking paint, for the Div. of Streets, Roads and Forestry. **[Williams]** (1 Bid)

5. A Resolution accepting the bid of Accent Wire, establishing a price contract for bailing wire, for the Div. of Waste Management. **[Feese]** (1 Bid)

6. A Resolution authorizing the Div. of Community Corrections to purchase drug testing assays for the Community Alternative Program's drug testing program, from ThermoFisher Scientific (d/b/a Microgenics), a sole source provider, at a cost not to exceed $41,652, and authorizing the Mayor to execute necessary documents. **[Div. of Community Corrections, Bishop, BS 105-11]**

7. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Modification #1 to the Neighborhood Stabilization Program Funding Agreement with the Ky. Dept. for Local Government to clarify eligible uses of funds and to include a provision for loan servicing by Ky. Housing Corp. **[Div. of Community Development, Gooding, BS 132-11]**

8. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Commercial Services Agreement with Insight Communications Co., LP, to provide internet network connectivity to the Div. of Emergency Management/911 using federal grant funds, at an annual cost not to exceed $960. **[Div. of Community Development/Div. of Emergency Management/911, Gooding/Lucas, BS 109-11]**

9. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with Granicus, Inc., for addition of the Word Add-In Module, and integration with Legistar, at a cost not to exceed $1,625. **[Council Clerk's Office, Lamb, BS 134-11]**

10. A Resolution changing the street names and property address numbers of 2515 Harrodsburg Rd. to 2376 Alexandria Dr., of 588, 600, and 601 Judy Ln. to 2278, 2277, and 2281 Allen Dr., of 600 Parkside Dr. to 2297 Allen Dr., of 1200 Centre Pkwy. to 3554 Appian Way, of 928 N. Limestone to 122 Arceme Ave., of 3252 Bay Springs Park to 3297 Blackford Pkwy., of 400 McKenna Ct. to 1752 Bryan Station Rd., of 2849 Trailwood Ln. to 2772 Burnt Mill Rd., of 1100 and 1092 Spring Run Rd. to 3861 and 3872 Hidden Springs Dr., of 538 Parkside Dr. to 2309 Irene Dr., of Units A and B 500 Shaftsbury Rd. to Units 101 and 102 1210 Meadow Ln., of 1049 Millcreek Ct. to 1162 Millcreek Dr., of 1112 Centre Pkwy. to 3503 Olympia Rd., of 469, 461, 463, 468, 460 and 462 W. Fifth St. Ct. to 475, 483, 491, 476, 484, and 490 Pilgrim Ct., of 408 W. New Circle Rd. to 1499 Russell Cave Rd., of 1725 Chelmsford Dr. to 617 Stonehaven Dr., of 2601 Kearney Creek Ln. to 2777 Sullivans Trace, and of 509, 511, 513, 515, 519, 521, 523, and 527 Bourbon Ave. to 470, 474, 478, 482, 486, 490, 494, and 498 Willy St.; changing the property address numbers of 217-219 Albany Rd. to 219 Albany Rd., of 1805-1865 Alexandria Dr. to 1801 Alexandria Dr., of 2045 Altamont Ct. to 2035 Altamont Ct., of 362-366 Aylesford Pl. to 364 Aylesford Pl., of 2537 Berea Rd. to 2540 Berea Rd., of 370 Glen Arvin Ave. to 366 Glen Arvin Ave., of 1100

Horsemans Ln. to 1050 Horsemans Ln., of 350 Lisle Industrial Ave. to 336 Lisle Industrial Ave., of Units A and B 3386 Moundview Ct. to 3386 and 3388 Moundview Ct., of 510 and 262 W. New Circle Rd. to 540 and 260 W. New Circle Rd., of 580 W. Sixth St. to 575 W. Sixth St., and of 495-497 W. Third St. to 497 W. Third St.; and changing the street name of 1953, 1949, and 1945 Mark Ave. to 1953, 1949, and 1945 Dark Tower Rd.; all effective thirty days from passage. **[Div. of Emergency Management/911, Lucas, BS 122-11]**

11. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Commercial Services Agreement with Insight Communications Co., LP, to provide internet network connectivity to the Div. of Emergency Management/911, at an annual cost not to exceed $720. **[Div. of Emergency Management/911, Lucas, BS 123-11]**

12. A Resolution changing the street names and property address numbers of 3000 Blackford Pkwy. To 3220 Bledsoe Pl., of 937 Williamson St. to 230 Driscoll St., and of 326 W. Fifth St. to 465 Kenton St.; changing the property address numbers of 604 S. Broadway to 606 S. Broadway, of 666 Cielo Vista Road to 668 Cielo Vista Rd., of 800 Florence Ave. to 794 Florence Ave., of 355 S. Limestone to 357 S. Limestone, and of 1513 Versailles Rd. to 1511 Versailles Rd.; and changing the street names of a section of Von Alley to Merlot Alley, and of a section of Morris Alley to Soup Perkins Alley; all effective thirty days from passage. **[Div. of Emergency Management/911, Lucas, BS 124-11]**

13. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Assignment accepting a permanent easement for stormwater runoff for property located at 2299 Brannon Rd. at no cost to the Urban County Government. **[Div. of Engineering, Rayan, BS 107-11]**

14. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Contract with Gershman, Brickner & Bratton, Inc., for waste management routing software and implementation services, for the Div. of Waste Management, increasing the contract price by the sum of $66,000 from $1,655,596 to $1,721,596. **[Dept. of Environmental Quality, Taylor, BS 116-11]**

15. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Lease Renewal Agreements with Commonwealth of Ky., for State Police CDL Office and Drivers License Office at 162 E. Main St. **[Dept. of General Services, Baradaran, BS 120-11]**

16. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with International Public

Management Association of Human Resources, for the purchase of test products and services, for the Div. of Human Resources, at a cost not to exceed $1,000. **[Div. of Human Resources, Jarvis, BS 102-11]**

17. A Resolution ratifying the probationary civil service appointments of: Andre Scott, Equipment Operator, Grade 108N, $17.242 hourly, in the Div. of Water Quality, effective April 18, 2011, Steve Zahn, Equipment Operator, Grade 108N, $16.219 hourly, in the Div. of Water Quality, effective April 18, 2011, ratifying the probationary sworn appointments of: Robert Crow, Fire Captain, Grade 316N, $23.039 hourly, in the Div. of Fire and Emergency Services, effective March 28, 2011, Jeremy Greer, Fire Lieutenant, Grade 315N, $17.786 hourly, in the Div. of Fire and Emergency Services, effective March 28, 2011. **[Div. of Human Resources, Jarvis]**

18. A Resolution approving, pursuant to KRS 62.055 and Section 22-55.1 of the Code of Ordinances, the bond with surety of Jon Larson, County Judge/Executive, in the amount of $10,000, and directing the Dept. of Law to record the bond, with surety, along with a certified copy of this Resolution, in the Office of the Fayette County Clerk. **[Dept. of Law, Graham, BS 104-11]**

19. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and to accept an Easement from Ky.-American Water Co. for the property located at 3720 Richmond Rd., for the East Hickman Pump Station Overflow Spillway, at no cost to the Urban County Government. **[Div. of Water Quality, Martin, BS 113-11]**

20. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. Two (2) Final to the Contract with Bluegrass Contracting Corp. for the Vaughn's Branch Flood Hazard Mitigation Project, increasing the contract price by the sum of $9,968.24 from $1,251,663.75 to $1,261,631.99. **[Div. of Water Quality, Martin, BS 130-11]**

21. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. Two (2) to the Contract with Stantec Consulting Services, Inc., for the Loch Lomond Drainage Improvements Project, increasing the contract price by the sum of $6,165.25 from $67,340.00 to $73,505.25. **[Div. of Water Quality, Martin, BS 131-11]**

22. A Resolution of the Urban County Council electing Doug Martin, as representative for Council Districts 9,10, and 12, and Peggy Henson, as representative for Council Districts 3,5, and 11, to the Transportation Policy Committee of the Lexington Area Metropolitan Planning Organization. **[Council Office, Williams]**

23. A Resolution initiating Zoning Ordinance text amendments for Planning Commission consideration and recommendation, to amend Article 5-1(a) of the Zoning Ordinance to provide for right of entry and administrative search warrants; and amending Articles 5-9, 17-14, 23c-13 and 26-12 to provide for civil fines. **[Council Office, Williams]**
24. A Resolution initiating Zoning Ordinance text amendments to define and regulate temporary structures. **[Council Office, Williams]**
25. A Resolution initiating Zoning Ordinance text amendments to define and regulate circuses and carnivals. **[Council Office, Williams]**

## IV. Review of Budget Amendments, pp.27-28

## V. Agenda Items Referred from Council Members

*Items will remain on docket unless one of the following actions are taken:*

*a. Refer a matter to a council committee*
*b. Recommend that the item be placed on the docket of an official session of the Urban County Council*
***c.*** *Recommend that no action be taken*

### A. 4.26.11 NDF List, p.29 (for informational purposes only)

### B. PVA Presentation-David O'Neill, PVA Administrator

### C. FY 11 Budget Presentation-Comm. Jane Driskell,pp.56-75

## VI. Committee Reports

### A. 4.12.11 General Government Committee-CM Lane, pp. 30-45

## VII. Council Reports

## VIII. Public Comment – Issues Not on Agenda

## IX. Adjournment

Mayor Jim Gray
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Division of Community Development

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

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

**DATE:** APRIL 8, 2011

**SUBJECT:** REQUEST COUNCIL AUTHORIZATION FOR ACCEPTANCE OF DEEDS OF EASEMENTS FROM OWNERS OF RECORD ON PROPERTIES REQUIRED FOR THE MEADOWS-NORTHLAND-ARLINGTON NEIGHBORHOOD IMPROVEMENT PROJECT PHASE 3D.

---

These easements are needed for construction of storm sewerage in the neighborhood. The Meadows-Northland-Arlington Neighborhood Improvement Project is funded by the U.S. Department of Housing and Urban Development Community Development Block Grant.

The Division of Engineering will negotiate acceptance of deeds of easements from owners of record on properties required for the project. Cost will not exceed $2,000.

Funds for purchase of the easements are budgeted in account:

| FUND | DEPT ID | SECTION | ACCOUNT | PROJECT | BUD REF | ACTIVITY |
|---|---|---|---|---|---|---|
| 3120 | 303202 | 3211 | 91713 | CDBG | 2010 | C03 |

Council authorization to accept deeds of easements is hereby requested.

Irene Gooding, Acting Director

Xc: Division of Engineering
Cheryl Taylor, Commissioner of the Departments of Environmental Quality & Public Works

Lexington-Fayette Urban County Government
Jim Gray, Mayor
DIVISION OF COMMUNITY DEVELOPMENT

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

**FROM:** IRENE GOODING, ACTING DIRECTOR

**DATE:** MARCH 31, 2011

**SUBJECT:** REQUEST COUNCIL AUTHORIZATION TO ACCEPT DEEDS FOR FEE SIMPLE ACQUISITION OF PROPERTIES REQUIRED FOR THE HAZARD MITIGATION GRANT PROGRAM FOR LONE OAK DRIVE, SOUTHBEND DRIVE, AND LAFAYETTE PARKWAY

On December 9, 2010 (Ordinance No. 212-2010), Council approved the acceptance of federal and state funds from the Federal Emergency Management Agency for the implementation of a flood hazard mitigation project. This project provided for the acquisition 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. Federal regulations dictate the procedures for property acquisition.

| FUND | DEPT ID | SECT | ACCT | BUD REF | PROJECT | ACTIVTY |
|---|---|---|---|---|---|---|
| 3200 | 303204 | 3334 | 92211 | 2011 | HMGP_SOUTH_2011 | MS_GRANT |

Council authiorization to accept deeds from the owners of record on properties as provided for in the approved grant application is hereby requested. Costs not to exceed $1,600,000.

Irene Gooding, Acting Director

Xc: Cheryl Taylor, Commissioner of the Department of Environmental Quality and Public Works

140-11
17

Lexington-Fayette Urban County Government
Jim Gray, Mayor
DIVISION OF COMMUNITY DEVELOPMENT

TO: JIM GRAY, MAYOR
URBAN COUNTY COUNCIL

FROM: IRENE GOODING, ACTING DIRECTOR
DIVISION OF COMMUNITY DEVELOPMENT

DATE: APRIL 5, 2011

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE AMENDMENT TO THE AGREEMENT WITH THE KENTUCKY TRANSPORTATION CABINET FOR THE LOUDON AVENUE SIDEWALK PROJECT—FY 2011

---

On October 21, 2010 (Ordinance 184-2010), Council approved the acceptance of federal funds from the Kentucky Transportation Cabinet for Loudon Avenue Sidewalk Project. This project provides for the construction of 4,000 feet of a five-foot wide sidewalk on the south side of Loudon Avenue from Newtown Pike to Russell Cave Road. Total project cost is $300,000. Federal funds are from the federal Congestion Mitigation/Air Quality Program (CMAQ) allocation.

Kentucky Transportation Cabinet (KYTC) has requested execution of an Amendment to the Agreement that includes the project budget. KYTC requires submission of Council resolution approving the Amendment to the Agreement.

Council authorization to execute Amendment to the Agreement with Kentucky Transportation Cabinet is hereby requested.

Irene Gooding, Acting Director

XC: Cheryl Taylor, Commissioner of Department of Environmental Quality and Public Works

141-11
18

Lexington-Fayette Urban County Government
DEPARTMENT OF LAW

Jim Gray
Mayor

Janet M. Graham
Commissioner

**MEMORANDUM**

**To:** Mayor Jim Gray
Members, Urban County Council

**From:** Department of Law

**Date:** March 31, 2011

**Subject:** County Clerk Performance Bond

This request is for approval of Constitutional Officer Performance Bond for the following:

County Clerk Donald W. Blevins, Jr. $400,000

This request is pursuant to 1996 House Bill – 48 of the Kentucky Revised Statutes that requires the Council approval of Constitutional Officers Performance Bonds aforementioned KRS 67.712(2).

The following items are attached:

1. The Administrative Review Form (Blue Sheet)
2. Copy of the Performance Bond
3. Copy of Ordinance No. 113.98 - Section 22-55.1 (6)

Leslye M. Bowman

Leslye M. Bowman, Director

cc: Tom Sweeney, Risk Manager

X:\Admin\PNCRENEWALS\BLUESHEETS\00288451.DOC

142-11
19

Lexington-Fayette Urban County Government
DEPARTMENT OF LAW

Jim Gray
Mayor

Janet M. Graham
Commissioner

TO: Jim Gray, Mayor
Members, Urban County Council

FROM: Department of Law

DATE: April 8, 2011

RE: Release of Easements
Sayre Christian Village Nursing Home – Belleau Wood

This memo is to request a Resolution authorizing the Mayor to sign a Release of Easements releasing a 30-foof utility, sanitary sewer, and streetlight easement, a 12-foot sanitary sewer easement, and a 10-foot streetlight easement on property located at 3840 Camelot Drive, 600 Greenfield Drive, and 3773, 3777, 3781, 3785, and 3789 Belleau Wood Drive (Sayre Christian Village Nursing Home).

The proposed Release has been reviewed and approved by the Divisions of Engineering, Water Quality, and Traffic Engineering and the Department of Law. This action has no budgetary implication for LFUCG.

Edward W. Gardner
Attorney Sr.

Enclosure

cc: Richard Moloney, CAO
Council Office

X:\Cases\WATER-AIR\11-CC0061\COR\00296390.DOC

136-11
20

RECEIVED

MAR 3 1 2011

GENERAL SERVICES
COMMISSIONER'S OFFICE

Lexington-Fayette Urban County Government
DEPARTMENT OF GENERAL SERVICES

Jim Gray
Mayor

Richard Moloney
Chief Administrative Officer

# MEMORANDUM

To: Mayor Jim Gray
Urban County Council Members

From: Jerry Hancock, Director of Division of Parks and Recreation JEHancock

Date: March 29, 2011 MMS

Subj: Permission to apply for Retail Beer License at ~~Lakeside Golf Course~~, Tates Creek Golf Course and Athens Softball Complex on Athens-Boonesboro Road

LFUCG Ordinance 313-2000 allows for the sale and consumption of alcohol at Kearney Hill and the Gay Brewer Jr., Golf Course at Picadome. This has been a successful and safely managed amenity for our golfing customers for over ten years. This is a request to change the Code of Ordinances to allow the sale of malt beverages at Tates Creek Golf Course, ~~Lakeside Golf Course~~ and the Athens Softball Complex on Athens-Boonesboro Road. These premises do not currently allow possession of alcohol. MMS

Ordinance 63-2010 allows Parks to sell beer directly rather than through a commissioned concessionaire, (which was our practice from 2000 to 2010) which has allowed us to increase our profitability on beer sales, which we propose to do at Tates Creek, Lakeside and Athens. This permission is included in the attached resolution language which was drafted by the Law Department.

MMS

The Parks Advisory Board has discussed and approved this policy allowing for beer sales at these three locations. Our customers at ~~Lakeside and~~ Tates Creek deserve the same access to this adult amenity as our customers at Picadome and Kearney. The sale of beer at Athens will stop the regular problem of softball players bringing beer onto the premises illegally, and will diminish a 'tail-gating atmosphere in the parking lot which has grown increasingly worrisome. Forcing softball players to buy beer from a licensed and alcohol-trained concession stand employee will allow the Division of Police to enforce a 'no beer in the parking lot' policy.

Please call me if there are any questions on this issue.

137-11
21

# Lexington Division of Police
## Office of the Chief

**TO:** Mayor Jim Gray
Urban County Council

**FROM:** Chief Ronnie Bastin
Division of Police

**DATE:** March 29, 2011

**RE:** Memorandum of Understanding – Federal Bureau of Investigation, Department of Veterans Affairs

Please find attached documentation and blue sheet requesting approval of the attached Memorandum of Understanding between the Lexington-Fayette Urban County Government and the Federal Bureau of Investigation, Department of Veterans Affairs.

The attached MOU states that while the FBI retains primary jurisdiction on this federal property, the Division of Police would be the primary response agency in "emergency tactical situations" due to the close proximity and response time of the response team. The MOU further states that following consultation with the FBI and U.S. Attorney's Office, the Division of Police could be notified to request assistance and to take primary response for an investigation. The MOU also notes Phillip A. Wright as Chief of Police Service for the Department of Veterans Affairs. The attached agreement requires the Mayor's signature.

Upon approval and signing, please forward a copy of the agreement to the Chief's Office. There will be no budgetary impact.

Ronnie Bastin

Ronnie Bastin
Chief of Police

Attachment

cc: Clay Mason, Commissioner of Public Safety

144-11

22

# Lexington Division of Police
## Office of the Chief

Mayor Jim Gray
Urban County Council

**FROM:** Chief Ronnie Bastin
Division of Police

**DATE:** April 12, 2011

**RE:** **Change Order No. 1 –**
**Minnifield Enterprize, Inc. – West Sector Roll Call Renovation**

Please find attached a blue sheet and documentation for Change Order No. 1 on proposed work between Minnifield Enterprize, Inc., and Lexington-Fayette Urban County Government.

Minnifield Enterprize, Inc. was awarded the original bid for the renovation work to the West Sector Roll Call facility located at 1795 Old Frankfort Pike. While in process of renovation work, conditions presented themselves during the demolition and construction that required adjustments to materials and labor. Changes were largely based on code requirements, replacement of items that were previously believed usable, but were not, due to the demolition process, the addition of several computer networking access points. Minnifield Enterprize, Inc. has submitted another invoice for the additional work. Please note, there is a credit in the amount of $425, on the attached invoice, this is a result of Division of Police personnel painting areas instead of the contractor.

The proposed changes are as listed:

- **Hang TV** ($125): This included wiring 110 volt access to an office wall, mounting a TV bracket and hanging a TV there.
- **Install countertop** ($250.00): A counter top was added to the customer service window in the reception/staff assistant suite at the request of those employees that matches the counter top at the same window that is available in the lobby of the area.
- **Frames and doors that could not be salvaged** ($2700.00): The contractor made efforts to salvage frames and doors during demolition but some were damaged.
- **1 door frame that needed frame for 2X6 wall** ($900.00): This was a door added after bid to meet code issues discovered during a Fire inspection.
- **Electrical** ($4820.00): This included items that were added based on end-user needs, as well as a new patch panel to accommodate several more users on the computer network.
    - **1 patch panel**
    - **9 data outlets and cable runs**
    - **8 110 volt outlets**
    - **6 cable TV runs**
    - **9 telephone outlets and cable runs**

The original estimated cost that was budgeted for this project was $58,964. With the proposed changes at an additional cost of $8,370, the total finish cost of this project will be $67,334.

The contractors are in the middle of this project and we are requesting approval to be expedited on the additional work that is necessary to complete this project. The cost of this project is fully budgeted in FY11.

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

R. Bastin

Ronnie Bastin
Chief of Police

RB/rmh

Attachment

cc: Clay Mason, Commissioner of Public Safety

| | |
|---|---|
| LEXINGTON-FAYETTE<br>URBAN COUNTY GOVERNMENT<br>CONTRACT CHANGE ORDER<br>Page 1 of 2 | Date: 4-6-11<br>Project: West Sector Roll Call Renovation<br>Location: 1795 Old Frankfort |
| To (Contractor)<br>Minnifield Enterprize, Inc.<br>3364 Leestown Road<br>Lexington, KY 40511 | Contract No. Res. #51-2010<br>Change Order No.(1) |

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

| Item No. (1) | Description of changes-quantities, unit prices, change in completion, etc. (2) | Decrease in contract price (3) | Increase in contract price (4) |
|---|---|---|---|
| | Addition of a doorway for Fire Code Compliance, replacements of door kits for materials that were damaged during demolition, and technological needs, i.e.: additional of network devices and cable television runs. | | $8370 |
| | | | |
| | The original contract price was $58,964.00 | | |
| | | | |
| | | | |
| | | | |
| | Change in contract price due to this Change Order: | | $8370 |
| | Total decrease | | XXXXXXXXXXX.XX |
| | Total increase | XXXXXXXXXXX.XX | $8370 |
| | Net (increase) contract price | | $8370 |

The sum of **$8370** is hereby from the total contract price, and the total adjusted contract price to date thereby is **$67334.**

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

Recommended by [signature] 4/6/11 (Project Engr.) Date

Accepted by Keith Jones 4/6/11 (Contractor) Date

Approved by ______________________ (Urban Co. Engr.) Date

Approved by ______________________ (Commissioner) Date

Approved by ______________________ (Mayor or CAO) Date

138-11
25

Lexington-Fayette Urban County Government
DEPARTMENT OF SOCIAL SERVICES

Jim Gray
Mayor

Beth Mills
Commissioner

**MEMORANDUM**

TO: MAYOR JIM GRAY
RICHARD MOLONEY, CAO
URBAN COUNTY COUNCIL

FROM: Beth K. Mills
BETH MILLS, COMMISSIONER
DEPARTMENT OF SOCIAL SERVICES

DATE: APRIL 4, 2011

SUBJECT: FACILITY USE CONTRACT / WILLIAM WELLS BROWN ELEMENTARY SCHOOL

---

This memo requests that the Urban County Council authorize the Mayor to sign the contract with the Fayette Co. Public Schools for the use of the William Wells Brown Elementary School on Saturday, June 11, 2011 for the final resource fair of the HOPE VI housing project. The cost is $671.70 and is fully funded through the HOPE VI grant.

Lexington-Fayette Urban County Government
OFFICE OF THE MAYOR

Jim Gray
Mayor

TO: Jim Gray
Urban County Council

From: Lori Rowland Houlihan
Special Events Liaison
Office of the Mayor

Date: March 29, 2011

Subject: REQUEST COUNCIL AUTHORIZATION TO EXECUTE AN AMENDMENT TO PURCHASE OF SERVICE AGREEMENT (CONTRACT #132-2010) WITH THE DOWNTOWN LEXINGTON CORPORATION.

---

On July 9, 2010 the LFUCG & the Downtown Lexington Corporation entered into a Purchase of Service Agreement. This amendment refers to additional services not addressed in the current Purchase of Service Agreement. It turns over event management of the following events previously managed through the Mayor's Office of Special Events: July 4th Festival, Kentucky Christmas Chorus, Winter Festival and Holiday Market, Official Tree Lighting and the Vintage Kentucky Wine Festival. LFUCG will provide a one-time payment transfer of $120,000.00 from the Special Events Sponsorship budget to the DLC.

Lori Houlihan

Lori Rowland Houlihan, Special Events Liaison

# BUDGET AMENDMENT REQUEST LIST

| | | | | | |
|---|---|---|---|---|---|
| **JOURNAL** | 51489-90 | **DIVISION** | Parks and Recreation | **Fund Name**<br>**Fund Impact** | General Fund<br>608.00<br>608.00CR<br>.00 |

To recognize funds received to reimburse Parks maintenance overtime account for services performed for the Lexington Fest of Ales.

| | | | | | |
|---|---|---|---|---|---|
| **JOURNAL** | 51494-95 | **DIVISION** | Streets, Roads, and Forestry | **Fund Name**<br>**Fund Impact** | General Fund<br>5,000.00<br>5,000.00CR<br>.00 |

To provide funds for food and clothing (T-shirts) for volunteers for Reforest the Bluegrass by recognizing donation from Kentucky American Water Company.

| | | | | | |
|---|---|---|---|---|---|
| **JOURNAL** | 51510 | **DIVISION** | E-911 | **Fund Name**<br>**Fund Impact** | General Fund<br>8,060.00<br>8,060.00CR<br>.00 |

To provide funds for needed temporary outside labor to the end of fiscal year by reducing contingency and professional services.

| | | | | | |
|---|---|---|---|---|---|
| **JOURNAL** | 51506-07 | **DIVISION** | Streets, Roads, and Forestry | **Fund Name**<br>**Fund Impact** | General Fund<br>5,556.00<br>5,556.00CR<br>.00 |

To provide funds for treated rock salt by recognizing a reimbursement from Lextran.

| | | | | | |
|---|---|---|---|---|---|
| **JOURNAL** | 51501-02 | **DIVISION** | Streets, Roads, and Forestry | **Fund Name**<br>**Fund Impact** | General Fund<br>1,500.00<br>1,500.00CR<br>.00 |

To provide funds for Reforest the Bluegrass by recognizing a donation from Lexmark.

| | | | | | |
|---|---|---|---|---|---|
| **JOURNAL** | 51503-04 | **DIVISION** | Streets, Roads, and Forestry | **Fund Name**<br>**Fund Impact** | General Fund<br>429.32<br>429.32CR<br>.00 |

To provide funds for overtime by recognizing reimbursement for overtime worked during event.

| | | | | | |
|---|---|---|---|---|---|
| **JOURNAL** | 51493 | **DIVISION** | Traffic Engineering | **Fund Name** | General Fund |
| | | | | **Fund Impact** | 4,585.00 |
| | | | | | 4,585.00CR |
| | | | | | .00 |

To correct overexpenditures in various operating and overtime accounts.

| | | | | | |
|---|---|---|---|---|---|
| **JOURNAL** | 51508 | **DIVISION** | Community Development | **Fund Name** | US Dept Justice |
| | | | | **Fund Impact** | 1,686.46 |
| | | | | | 1,686.46CR |
| | | | | | .00 |

To amend grant budget for Enforcing Underage Drinking Laws - 2009 to reduce travel budget and increase overtime, medicare, and unemployment insurance.

| | | | | | |
|---|---|---|---|---|---|
| **JOURNAL** | 51492 | **DIVISION** | Community Development | **Fund Name** | US Dept Homeland Sec |
| | | | | **Fund Impact** | 59,135.00 |
| | | | | | 59,135.00CR |
| | | | | | .00 |

To amend CSEPP - FY 2008 to eliminate negative balances in operating accounts.

## BUDGET AMENDMENT REQUEST SUMMARY

| | | | |
|---|---|---|---|
| Fund | 1101 | General Service District Fund | .00 |
| Fund | 3140 | US Department of Justice | .00 |
| Fund | 3200 | US Department of Homeland Security | .00 |

# Neighborhood Development Funds
## April 26, 2011
## COW Work Session

| Amount | Recipient | Purpose |
|---|---|---|
| $500.00 | Joyland Neighborhood Association | Assist in paying for native plants and grasses to |
| | 689 Kingston Drive | plant in lots due to FEMA floodplain home |
| | Lexington, KY 40505 | purchases |
| | Attn: Josie Jones, President | |
| $250.00 | Lexington Fast-Pitch Softball, Inc. | Assist in paying for tarp for batting cage frame |
| | 533 Circklewood Court | |
| | Lexington, KY 40505 | |
| | Attn: Cliff Hensley | |
| $800.00 | Chrysalis House, Inc | Assistance to purchase energy efficient, low cost, |
| | 1589 Hill Rise Drive | commercial washer and dryer for Chrysalis House |
| | Lexington, KY 40504 | |
| | Lisa Minton | |
| $1,000.00 | William Wells Brown Neighborhood Association | Funds to purchase healthy snacks, T-shirts, and |
| | 549 Mustang Crossing | bike safety equipment for bike events this summer. |
| | Lexington, KY 40508 | |
| | Attn: Sherry Maddock | |
| $5,824.00 | **Budget Amendment** | To Parks & Recreation for William Wells Brown |
| | Contact: Jerry Hancock, Dir Parks & Recreation | Community Center Summer Program |
| | 1101 707604 7251 63313 $3199.00 | |
| | 1101 707604 7292 71299 $1125.00 | |
| | 1101 707604 7292 75101 $ 500.00 | |
| | 1101 707604 7292 75102 $1000.00 | |
| | $5824.00 | |

# General Government Committee
April 12, 2011
Summary & Motions

CM Ed Lane chaired the meeting and called it to order a 1:10 pm. All committee members were present except vice chair CM McChord.

**Citizens' Advocate Work Group Update**

In response to a request at the March 22, 2001 General Government Committee Attorney Senior Glenda George provided a memo (attached) to the committee that opines on the question;

> "May the job duties of the Citizens' Advocate (CA) be combined with another position in the government such as the council administrator?"

Ms George outlined the general powers of the Citizens' Advocate as provided in the charter and stated that yes; the CA could assume additional duties provided that they are not incompatible with the office of the Citizens Advocate. The position of Council Administrator would not be compatible as there could be a conflict between an investigation and the duties of the council administrator. CM Martin asked if the severance pay provided for the Citizens' Advocate in the charter would apply if the CA was a part time position or assumed other responsibilities to create a full time position. Ms. George answered in the affirmative.

Discussion ensued on whether the CA should be a full or part time position.

CM Myers made a motion to refer out to the COW a recommendation to hire a full-time CA. Seconded by CM Ford. The motion passed with a 4-2 vote.

**Facilities Use Policy Work Group Update**

Attorney Senior Mike Sanner introduced a resolution that would direct the Department of General Services to draft a facility usage policy for all space owned by LFUCG. The policy would be submitted to and approved by council, and reviewed on a periodic basis. Commissioner Jamshid Baradaran stated the usage policy would specify how operating expenses and rents for city owned real estate would be established for non-LFUCG tenants.

CM Crosbie made a motion to substitute the word "periodic" review to "annual" review. Seconded by CM Myers. Passed unanimously.

CM Myers made a motion to refer out to the next work session the resolution as amended. Seconded by CM Kay. The motion passed unanimously.

CM Martin made a motion to amend the resolution to provide that the Department of General Services report back to Council with a proposed facilities usage policy no later than June1, 2011. Seconded by CM Kay. Passed unanimously. (Attached)

**Internal Audit Response to State Auditor Report**

Internal Auditor Bruce Sahli reported that the Internal Audit Board had earlier in the day unanimously approved bylaws as recommended by the State Auditor.

CM Crosbie made a motion to report out to the vice mayor and council the approved bylaws and the ordinance to expand the membership of the Internal Audit Board. Seconded by CM Myers. Passed unanimously. (Attached)

**Items Referred to Committee**

CM Martin asked that the committee item Open Standards/Open Data be placed on the agenda for the June 7, 2011 meeting.

CM Myers asked that the committee item Purchase of Energy Efficient Vehicles be placed on the agenda for the June 7, 2011 meeting.

There being no further business the meeting was adjourned at 2:26 pm

Lexington-Fayette Urban County Government
DEPARTMENT OF LAW

Jim Gray
Mayor

Janet Graham
Commissioner

TO: Jay McChord, Councilmember
Steve Kay, Councilmember
Doug Martin, Councilmember

FROM: Department of Law

DATE: April 1, 2011

RE: Citizens' Advocate

This is a follow-up to my previous memorandum concerning questions and answers relating to the Citizens' Advocate. There was one outstanding question to be answered and it is set forth below.

**May the job duties of the Citizens' Advocate be combined with another position in the Government such as the Council Administrator?**

As stated in this Department's previous memorandum, the general powers of the Citizens' Advocate are also set forth in Section 4.11 of the Charter, which states that the advocate is empowered to do the following:

(a) Investigate any complaint by citizens of the Urban County Government;

(b) Disclose any abuses or irregularities on the part of the Urban County Government, its officers, agents or employees; and

(c) Recommend such substantive or procedural policies as may be required to reduce or eliminate problems of citizen access to the departments, divisions, agencies and officers of the Urban County Government.

With respect to whether additional duties may be added to this position, the answer to that question is yes so long as the duties are not incompatible with the Office of the Citizens' Advocate.

In determining whether a common law incompatibility exists, there are three factors to consider: 1) whether one office or employment is subordinate to the other; 2) whether the performance of one office interferes with the performance of another; or 3) whether the occupancy of both offices is detrimental to the public interest. Polley v. Fortenberry, et al, 368 Ky. 369, 105 S.W. 2d 143m 145 (Ky. App. 1937) citing Barkley v. Stockdell, 252 Ky 1, 66 S.W. 2d 43, 44. Once we know the additional job duties that would be added to the position, this Department will be able to advise you as to whether there is an incompatibility.

If you have any questions or need additional assistance, please do not hesitate to contact me.

Glenda Humphrey George, Attorney Sr.

X:\Cases\CO\10-CC0424\COR\00295689.DOC

RESOLUTION NO. ________2011

A RESOLUTION DIRECTING THE DEPARTMENT OF GENERAL SERVICES TO DRAFT A FACILITY USAGE POLICY TO BE SUBMITTED AND APPROVED BY COUNCIL AND THAT ANY DEVIATION FROM THE FACILITY USAGE POLICY MUST BE APPROVED BY COUNCIL.

---

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

Section 1 - That the Department of General Services is hereby directed to draft a Facility Usage Policy for usage of all facility space owned by the Lexington-Fayette Urban County Government.

Section 2 – That the Facility Usage Policy shall be submitted and approved by Council and reviewed by Council on a periodic basis.

Section 3 – That any request for deviation from the Facility Usage Policy must be approved by Council.

Section 4 - That this Resolution shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

______________________________
MAYOR

ATTEST:

______________________________
CLERK OF URBAN COUNTY COUNCIL

PUBLISHED:

X:\Cases\CO\11-LE0001\LEG\00296235.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:

MAYOR

# By-laws of the Internal Audit Board of the Lexington-Fayette Urban County Government Adopted April 12, 2011

<u>Section</u>

# LFUCG Internal Audit Board By-laws

## I. Purpose-

The Internal Audit Board (Board) is an independent body established by the LFUCG to govern and ensure that the Office of Internal Audit (OIA) complies with the Code of Ethics and Professional Standards (Standards) of the Institute of Internal Auditors (IIA) in fulfilling its duties to provide assurance and consulting services designed to add value and improve LFUCG's operations, and to ensure that the OIA assists LFUCG in accomplishing its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance processes. The LFUCG Internal Audit By-laws address Board governance, the independence of the Board from the Administrative and Legislative branches of the LFUCG, issues of confidentiality, and performance rights and duties.

## II. Meetings-

The Board shall conduct regular meetings with specific scheduled dates/times being established annually by the Board. In no event shall the Board meet less than quarterly. Regular meetings may be cancelled upon authorization by the Board Chair or Acting Chair. Special meetings of the Board shall be called as deemed necessary by the Board Chair or Acting Chair. Regular meetings and special meetings shall be announced and held in compliance with Kentucky Open Meetings laws. The Chair or Acting Chair shall develop and set the meeting agenda in consultation with the Director of Internal Audit and other members of the Board. Board Members may suggest the inclusion of items on the agenda. The agenda and information concerning the business to be conducted at each meeting shall, to the extent practical, be communicated to the members of the Board two business days in advance to permit meaningful review.

## III. Attendance-

Board members are expected to attend Board meetings. Board members shall give the Chair at least a two business day advance notice if they are unable to attend a Board meeting. Absences from four regular meetings within a calendar year shall result in a Board recommendation to the Urban County Council for removal of the Board member. The Board Chair or Acting Chair shall notify a Board member when he or she had three (3) absences within a calendar year.

**IV. Performance-**

Board members shall review the IIA Code of Ethics and Standards and the LFUCG Code of Ethics, and are expected to conform to the Codes' standards of business conduct. The Director of Internal Audit shall conduct an orientation of the IIA Code of Ethics and Standards, the LFUCG Code of Ethics, and Office of Internal Audit policies and governing documents, and procedures for new members. Board members are expected to self-report any potential violations of or conflicts with the Codes to the Board Chair. Failure to comply with performance requirements may result in a Board recommendation for removal of the Board member.

**V. Board Training-**

The Board shall request presentations and other training regarding internal audit practices, emerging issues, and LFUCG financial, operational, and compliance processes and functions as deemed necessary by the members of the Board to fulfill their governance duties. The Director of Internal Audit shall provide Board members with a copy of all current Statutes, Ordinances or Resolutions related to the Board and its activities.

**VI. Quorum and Motion Votes-**

A simple majority of the voting members of the Board shall constitute a quorum. The approval of Board meeting minutes and any actions taken by the Board shall require a vote. A simple majority of voting members present, if a quorum is established, shall constitute approval of the minutes or motion being voted on. A tie vote of voting members present shall result in a failed approval of a motion.

**VII. Conflicts of Interest-**

Board members are required to avoid any real or apparent financial or personal conflicts of interest while serving on the Board. At the beginning of each calendar year, Board members shall complete a financial disclosure form and shall be responsible for updating the information on this form when appropriate during the year. The Director of Internal Audit shall facilitate this process. Financial conflicts of interest are defined by the LFUCG Code of Ethics. Board members shall recuse from any discussions or votes wherein they have a real or the appearance of a Conflict of Interest. Failure to comply with Conflict of Interest requirements may result in a Board recommendation for removal of the Board member.

**VIII. Board Membership-**

1. Membership on the Board shall be in conformance with LFUCG ordinances governing the appointment and removal of members to or from the Board. The Board shall have the authority to communicate issues of attendance, performance,

conflicts of interest, failure to adhere to the Non-Disclosure Agreement or other breeches of confidentiality, or other non-compliance with the Board By-laws to the Urban County Council and to recommend the removal of a Board member.

2. A recommendation to remove a Board member shall require a motion and a majority vote of the Board. The Board member whose removal is being considered shall not be allowed to vote. If the removal motion passes, the Chair of the Board shall notify the Urban County Council in writing within five (5) business days.

**IX. Non-Disclosure Agreement-**

Board members shall sign a Non-Disclosure Agreement requiring them to keep confidential the contents of any and all audit workpapers they examine for any and all audit projects unless they have a legal or professional obligation to share the contents of certain workpapers as stipulated by law and/or IIA Standards. When the question of legal obligation arises, a legal opinion shall be provided to the Board by its legal counsel and the Board shall then make a determination of how to proceed after its review of the legal opinion. The decision shall be formalized by a Board vote.

**X. Process to Communicate to the Board Requests Received by the Office of Internal Audit for Confidential Information or Audit Workpapers-**

Any requests received by the OIA for information deemed confidential or that otherwise involve audit workpapers shall be promptly communicated to the Board. In considering such requests the Board shall obtain the legal advice of counsel as necessary, shall comply with the Standards, and shall consider the impact releasing workpapers would have on the OIA's ability to fulfill its duties to the LFUCG. The decision shall be formalized by a Board vote. The Board shall take guidance from 10-ORD-164 issued on August 20, 2010 by the Kentucky Office of the Attorney General and any subsequent updates, rulings or decisions by Kentucky Courts regarding the confidentiality of audit workpapers.

**XI. Seeking Legal Counsel When Department of Law has a Conflict of Interest-**

If the Board or the Director of Internal Audit has a reasonable belief that the LFUCG Department of Law has a real or apparent conflict of interest in advising the Board or the OIA regarding legal matters, the Board, upon majority vote, shall seek advice from outside legal counsel.

**XII. Process for Addressing Fraud Allegations Brought to the Attention of the Office of Internal Audit or the Board-**

1. Any and all fraud allegations brought to the attention of the OIA or a member of the Board shall be communicated to the full Board as promptly as possible. To confidentially accomplish such notice, the Board member or OIA shall promptly inform the Board Chair, who shall promptly inform the remaining Board members using the most efficient means of communication available. This may include the use of regular meetings, special meetings, phone calls, e-mail, or other methods as deemed necessary. If the fraud allegation involves the Board Chair, the Vice-Chair shall be the first contact for the person receiving the fraud allegation. If the allegations of fraud involve a member of the Board, this member shall recuse from any vote regarding the investigation of the matter, and shall fully cooperate with the Board and the OIA in the vetting of the allegations. Failure to provide full cooperation may result in a Board recommendation for removal of the Board member. Any concerns brought to the attention of the OIA or the Board that do not allege fraud shall be addressed in the **Special Audit Requests** section XIV of the By-laws. The fraud tip line or any other fraud reporting processes developed by the LFUCG shall report all allegations of fraud to the OIA and the Board, and shall be subject to governance by the Board. The Board will utilize the definition of occupational fraud as defined by the Association of Certified Fraud Examiners.

2. All allegations of fraud shall be given due consideration. The OIA shall initiate a preliminary review of all fraud allegations it receives using IIA Standards and Code of Ethics and Association of Certified Fraud Examiners (ACFE) Standards and Code of Ethics, including the ACFE fraud predication standards. In order to ensure the allegations are fully vetted under these professional standards, a full investigation may or may not be necessary depending on the results of the preliminary review. Using guidance from these professional standards, the Director of Internal Audit shall exercise professional judgment regarding the extent to which such an investigation should be conducted. The Director of Internal Audit shall inform the Board of the results of all investigations alleging fraud. The use of closed sessions to discuss allegations of fraud with the Board in Board meetings shall be exercised in compliance with the Closed Session section of the Bylaws.

3. In any circumstances where the applicability of the Kentucky Open Meeting and Open Records laws are in question, the Board shall seek legal advice before determining what, if any, action is appropriate. The Board will be informed of all open records requests.

4. The Board shall communicate the results of fraud investigations to the Administration and/or Council if circumstances dictate a need to know by one or both parties. Need to know shall be interpreted as a fraud investigation resulting in the need for further action on the part of the Administration and/or Council. A preliminary review resulting in a determination that no credible evidence of fraud exists shall not, as a matter of practice, be considered a need to know situation. However, members of the Administration and Council are encouraged to bring any questions about fraud allegations to the Board, which in consultation with the Director of Internal Audit, shall provide information regarding the vetting of fraud allegations. Administration and Council requests for information about preliminary investigations that did not find credible evidence of fraud, and therefore as a matter of practice are not considered a need to know situation, shall be considered by the Board on a case-by-case basis.

5. The Board Chair or designee (also a Board member) shall keep a log of all fraud allegations and will work with the Director of Internal Audit to track the status of the vetting process. This tracking will also occur when the allegations are assigned to another Division within the LFUCG (e.g., Human Resources).

6. Board members shall keep confidential any and all allegations of fraud brought to the attention of the Board until a preliminary or full investigation of those allegations have been completed by the OIA and the results of that investigation have been released. Board members shall then restrict their comments about the investigation to the contents of any released reports. Breach of the confidentiality requirements of this section of the By-laws may result in a Board recommendation for removal of the Board member.

**XIII. Closed Session-**

As allowable under Kentucky Open Meetings laws, the Board may go into closed session to discuss allegations of fraud that may result in the disciplinary action of an LFUCG employee, or to discuss pending litigation involving the Board or the OIA. The OIA and/or the Board will consult with legal counsel regarding the use of closed sessions.

**XIV. Special Audit Requests-**

1. A Special Request for audit services is defined as a formal request from LFUCG Administration, Council, or LFUCG staff employees for an examination of processes or functions within the LFUCG and related entities receiving LFUCG funding or oversight. Although a special request may include fraud allegations, it may also be a request for a standard or limited scope audit service to be inserted in the Approved

Audit Plan. A Special Request may be in writing or verbal, and should provide to the extent practicable the nature of the request and the specific areas of concern. If originally received verbally, a written version will be requested for presentation to the Board. A Special Request may be received by either the OIA or the Board.

2. Any and all Special Requests brought to the attention of the OIA or a member of the Board shall be communicated to the full Board as promptly as possible. To accomplish this, the Board member or OIA shall promptly inform the Board Chair, who shall promptly inform the remaining Board members. This may include the use of regular meetings, special meetings, phone calls, e-mail, or other methods as deemed necessary. If a Special Request involves allegations of fraud, it shall be addressed using the processes defined in Section XII **Fraud Allegations**. Once received, the Board shall review the Special Request with the Director of Internal Audit.

3. If the Board determines that the OIA should examine a Special Request (and it does not allege fraud), the Board shall determine via a vote when to conduct the preliminary review of the Special Request, unless the Board determines that the nature and clarity of the Special Request is such that a preliminary review is not needed, in which case the Board may vote to insert the Special Request into the Annual Audit Plan or to take no further action on it. If directed by the Board, a preliminary review shall be conducted using IIA and ACFE standards, including ACFE standards used to determine fraud predication if the Special Request alleges fraud.

4. If a preliminary review is conducted, the Director of Internal Audit shall report to the full Board the results of the preliminary review and his recommendations. The Board shall then vote to insert the Special Request into the Annual Audit Plan or to discontinue further review. The results of that vote shall then be communicated by the Board to the individual making the Special Request, if known.

**XV. Rights & Duties of the Board-**

The rights and duties of the Board shall include -

1. The periodic review of the performance of the Director of Internal Audit, who reports directly to the Board. The annual performance appraisal of the Director of Internal Audit will be conducted by the Chief Administrative Officer (CAO) with input from and approval by the Board prior to being submitted to the Division of Human Resources. Any performance issues regarding the Director of Internal Audit (who is a Classified Civil Servant) shall be addressed in full compliance with the

Comprehensive Plan for Classified Civil Service System, and shall also require Board approval formalized by a vote in order to proceed;

2. At least annually in a written report, review the organizational structure, qualifications, independence, objectivity, and performance of the OIA and the scope of its planned activities;

3. In ensuring the independence and objectivity of the OIA, shall have authority to establish policies to address any threats or perceived threats to its independence or objectivity, including scope and resource limitations;

4. At least annually, formally review the Board's organizational structure and Board members' financial disclosure forms to ensure the independence and objectivity of the Board;

5. Periodically review the OIA Procedure Manual and offer recommended changes if needed;

6. Discuss with the Director of Internal Audit any areas of risk the external auditors bring to the Director's attention and how that risk may be mitigated through internal audit services. Meet at least once annually with the external auditors as needed to accomplish this duty;

7. Approve the annual audit plan and any amendments to the audit plan;

8. Annually examine the resource and staffing needs of the OIA, and approve its annual budget;

9. Review all reports issued by the OIA, along with management's action plan to address audit findings and any necessary follow-up processes designed to ensure implementation of action plans;

10. Supervise the Director of Internal Audit in the conduct of his operational responsibilities, while ensuring the Director of Internal Audit reports administratively to the CAO;

11. Annually review the OIA to ensure its compliance with IIA Standards;

12. Authority to engage in-house legal counsel or other advisors as needed to fulfill the duties of the Board or the OIA:

13. Authority to obtain independent legal counsel when addressing matters that may create a conflict of interest for employees within the Department of Law. This authority shall extent to the Board having the right to obtain additional financial resources from the LFUCG to obtain such legal counsel if necessary;

14. Authority to access LFUCG's books and records (regardless of media) as well as management and other personnel records as needed to discharge the duties of the Board or the OIA;

15. Review the independent assessment of the OIA function on a five year basis as required by the IIA Standards.

16. To instruct the Director of Internal Audit to periodically report audit findings and other issues to the Council's Budget & Finance Committee or other council committees as requested by the Urban County Council.

17. The authority to bring to the attention of senior management and/or the Council any circumstances or incidents wherein there is credible evidence an employee of the LFUCG willfully provided misleading information or willfully withheld requested information as the result of audit-related inquiries made by OIA personnel or members of the Board.

**XVI. Board Self Evaluation-**
The Board shall annually review its own performance for compliance with the IIA Standards and other audit board governance standards and best practices, including Board independence and objectivity. The Board shall include a report of its annual self-evaluation in the Board meeting minutes, and deliver a copy to the Clerk of the Council to publish digitally on the LFUCG's website.

**XVII. Membership of the Board-**
The membership of the Board shall comply with the requirements of applicable LFUCG Ordinances creating the Board and its duties, and any amendments thereof. This shall include the requirement that the Board Chair and Vice-Chair be voting Board members selected from the community, in order to enhance Board independence. Board rotation and term limits shall comply with the requirements of applicable LFUCG Ordinances and any amendments thereof.

**XVIII. Modifications to the By-laws-**

From time to time, the Board may adopt changes or modifications to the By-laws by majority vote. Any such changes will be submitted to the Urban County Council for review and approval.

# DOCKET-REGULAR MEETING-LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT COUNCIL MEETING



April 28, 2011 – 6:00 P.M.

I. ROLL CALL

II. INVOCATION

III. MINUTES OF THE PREVIOUS MEETINGS

*January 25 (5:00 P.M.) and February 8, 2011*

IV. PRESENTATIONS

*Commemoration for Public Health Heroes*

*Mayor's Task Force on Wellness*

V. COMMITTEE REPORTS – Committee of the Whole – VM Gorton

VI. ORDINANCES –SECOND READING

1. An Ordinance changing the zone from a Wholesale and Warehouse Business (B-4) zone to a Neighborhood Business (B-1) zone for 0.74 net (1.07 gross) acre, for property located at 369 Codell Dr. (a portion of) (Equity Alliance of Lexington, LLC). Approval 8-0 (To Be Heard By May 25, 2011) **[Div. of Planning, King]**
2. An Ordinance changing the zone from a Professional Office (P-1) zone to a Neighborhood Business (B-1) zone for 0.594 net (0.829 gross) acre, for property located at 1389 Alexandria Dr. (W. Nelson McMakin). Conditional Approval 8-0 (To Be Heard By May 25, 2011) **[Div. of Planning, King]**
3. An Ordinance changing the zone from a Highway Service Business (B-3) zone to a Wholesale & Warehouse Business (B-4) zone for 1.083 net and gross acres, for property located at 763 and 779 Newtown Pike (portions of), subject to certain use restrictions imposed as conditions of granting the zone change (SCW Newtown, LLC). Conditional Approval 8-0 (To Be Heard By May 25, 2011) **[Div. of Planning, King]**
4. An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and re-appropriating funds, Schedule No. 112. **[Div. of Budgeting, Barrow]**
5. An Ordinance approving and adopting an Amendment to the 2010 Consolidated Plan to include the purchase of two residential units, relocation of the residents and demolition of the units in the Meadows/Northland/Arlington Project. **[Div. of Community Development, Gooding, BS 119-11]**
6. An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit the 2011 Consolidated Plan/Grant Application to the U.S. Dept. of Housing and Urban Development, to provide any additional information requested

in connection with this Grant Application, and to accept the Grant if the application is approved, which Grant funds are in the amount of $3,641,000 Federal funds, are for FY2012 Community Development Block Grant Program ($2,050,000), HOME Program ($1,500,000), and Emergency Shelter Grant Program ($91,000), the acceptance of which obligates the Urban County Government for the expenditure of $351,500 from various funding sources as local cash match and $67,000 in-kind match; appropriating funds pursuant to FY2012 Schedule No. 9; authorizing the Mayor to transfer unencumbered funds within the Grant budget; and authorizing the Mayor to execute Agreements for the approved Plan. **[Div. of Community Development, Gooding, BS 121-11]**

7. An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to the Agreement with the Ky. Energy and Environment Cabinet, for the acceptance of additional Federal funds for the Wolf Run Creek Watershed Based Plan in the amount of $20,266, the acceptance of which obligates the Urban County Government for the expenditure of $13,510.67 as a local match, and appropriating funds pursuant to Schedule No. 114. **[Div. of Community Development/Dept. of Environmental Quality, Gooding/Taylor, BS 128-11]**

8. An Ordinance authorizing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Transportation Cabinet, which Grant funds are in the amount of $750,000 Federal funds, are for the S. Limestone Streetscape Transportation Enhancement Project, and the acceptance of which obligates the Urban County Government for the expenditure of $187,500 as a local match, appropriating funds pursuant to Schedule No. 115, and authorizing the Mayor to transfer unencumbered funds within the Grant budget. **[Div. of Community Development/Dept. of Public Works & Development, Gooding/Taylor, BS 129-11]**

9. An Ordinance authorizing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Dept. of Juvenile Justice, to provide any additional information requested in connection with this Grant Application, and to accept this Grant if the application is approved, which Grant funds are in the amount of $241,845 Commonwealth of Ky. funds, are for operation of the Day Treatment Program, for the Div. of Youth Services, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to FY 2012 Schedule No. 7, and authorizing the Mayor to transfer unencumbered funds within the Grant budget. **[Div. of Community Development/Dept. of Social Services, Gooding/Mills, BS 117-11]**

10. An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Lexington-Fayette County Health Dept., which Grant funds are in the amount of $483,202 Federal funds, are for the Home Network Project at the

Family Care Center, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to FY 2012 Schedule No. 8, and authorizing the Mayor to transfer unencumbered funds within the Grant budget. **[Div. of Community Development/Dept. of Social Services, Gooding/Mills, BS 118-11]**

11. An Ordinance authorizing the Mayor, on behalf of the Urban County Government, to accept a Grant from the University of Ky., which Grant funds are in the amount of $496.50 Federal funds under the Child Care Infant/Toddler Provider Incentive Mini Grant Program, are for the purchase of equipment for the Family Care Center, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 113, and authorizing the Mayor to transfer unencumbered funds within the Grant budget. **[Div. of Community Development/Dept. of Social Services, Gooding/Mills, BS 125-11]**

12. An Ordinance authorizing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the U.S. Dept. of Health and Human Services, to provide any additional information requested in connection with this Grant Application, and to accept this Grant if the application is approved, which Grant funds are in the amount of $180,000 Federal funds, are for operation of the M.A.S.H. Drop Inn Facility, the acceptance of which obligates the Urban County Government for the expenditure of $20,000 to be provided by the M.A.S.H. Drop Inn operating budget, appropriating funds pursuant to FY 2012 Schedule No. 10, authorizing the Mayor to transfer unencumbered funds within the Grant budget, and authorizing the Mayor to execute an Agreement with M.A.S.H. Services of the Bluegrass, Inc., for operation of the Drop Inn Facility at a cost not to exceed $180,000. **[Div. of Community Development/Dept. of Social Services, Gooding/Mills, BS 127-11]**

13. An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Sponsorship Agreement with and accept a $2,000 donation from PNC Bank, National Association, for the Senior Intern Program, and appropriating funds pursuant to Schedule No. 111. **[Dept. of Social Services, Mills, BS 103-11]**

VII. ORDINANCES – <u>FIRST READING (New Business)</u>

14. An Ordinance amending Ordinance No. 105-2009, the Newtown Pike Extension Ordinance, disapproving a request to amend to apply standards only to commercial development and approving a request to waive the bulk plane and parking lot standards applied in Section 10 for property located at 502-526 South Broadway, 320 Pine St., and 319 Cedar St. (Jeff Morgan). Disapproval of the Requested Change A and Approval of the Requested Changes B & C 6-0 **[Div. of Planning, King]**

*15. An Ordinance changing the zone from a Professional Office (P-1) zone to a High Rise Apartment (R-5) zone for 0.376 net (0.42 gross) acre, with dimensional variances, for property located at 407 Marquis Ave., subject to certain use restrictions imposed as conditions of granting the zone change (FEDE, LLC). Conditional Approval 9-0 (To Be Heard by June 22, 2011.) **[Div. of Planning, King] REQUIRES MOTION TO PLACE ON THE DOCKET WITH OR WITHOUT A PUBLIC HEARING**

16. An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and re-appropriating funds, Schedule No. 116. **[Div. of Budgeting, Barrow, p. ]**

17. An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of $5,824 from Neighborhood Development funds in the Div. of Parks and Recreation for personnel expenses related to William Wells Brown Community Center summer programs, and appropriating and re-appropriating funds, Schedule No. 117. **[Council Office, Williams]**

VIII. RESOLUTIONS – <u>SECOND READING</u>

1. A Resolution accepting the bid of E-Z Pack Manufacturing, LLC, establishing a price contract for rear loading truck mounted refuse body, for the Div. of Facilities and Fleet Management. **[Baradaran]** (4 Bids)

2. A Resolution accepting the bid of Century Equipment, establishing a price contract for golf carts, for the Div. of Parks and Recreation. **[Hancock]** (3 Bids, Non-Low)

3. A Resolution accepting the bid of ProKleen Industrial Services d/b/a PortaKleen, establishing a price contract for portable restroom units, for the Div. of Parks and Recreation. **[Hancock]** (5 Bids)

4. A Resolution accepting the bid of Ennis Paint, Inc., establishing a price contract for traffic marking paint, for the Div. of Streets, Roads and Forestry. **[Williams]** (1 Bid)

5. A Resolution accepting the bid of Accent Wire, establishing a price contract for bailing wire, for the Div. of Waste Management. **[Feese]** (1 Bid)

6. A Resolution authorizing the Div. of Community Corrections to purchase drug testing assays for the Community Alternative Program's drug testing program, from ThermoFisher Scientific (d/b/a Microgenics), a sole source provider, at a cost not to exceed $41,652, and authorizing the Mayor to execute necessary documents. **[Div. of Community Corrections, Bishop, BS 105-11]**

7. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Modification #1 to the Neighborhood Stabilization Program Funding Agreement with the Ky. Dept. for Local Government to clarify eligible uses of funds and to include a provision for loan servicing by Ky. Housing Corp. **[Div. of Community Development, Gooding, BS 132-11]**

8. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Commercial Services Agreement with Insight Communications Co., LP, to provide internet network connectivity to the Div. of Emergency Management/911 using federal grant funds, at an annual cost not to exceed $960. **[Div. of Community Development/Div. of Emergency Management/911, Gooding/Lucas, BS 109-11]**

9. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with Granicus, Inc., for addition of the Word Add-In Module, and integration with Legistar, at a cost not to exceed $1,625. **[Council Clerk's Office, Lamb, BS 134-11]**

10. A Resolution changing the street names and property address numbers of 2515 Harrodsburg Rd. to 2376 Alexandria Dr., of 588, 600, and 601 Judy Ln. to 2278, 2277, and 2281 Allen Dr., of 600 Parkside Dr. to 2297 Allen Dr., of 1200 Centre Pkwy. to 3554 Appian Way, of 928 N. Limestone to 122 Arceme Ave., of 3252 Bay Springs Park to 3297 Blackford Pkwy., of 400 McKenna Ct. to 1752 Bryan Station Rd., of 2849 Trailwood Ln. to 2772 Burnt Mill Rd., of 1100 and 1092 Spring Run Rd. to 3861 and 3872 Hidden Springs Dr., of 538 Parkside Dr. to 2309 Irene Dr., of Units A and B 500 Shaftsbury Rd. to Units 101 and 102 1210 Meadow Ln., of 1049 Millcreek Ct. to 1162 Millcreek Dr., of 1112 Centre Pkwy. to 3503 Olympia Rd., of 469, 461, 463, 468, 460 and 462 W. Fifth St. Ct. to 475, 483, 491, 476, 484, and 490 Pilgrim Ct., of 408 W. New Circle Rd. to 1499 Russell Cave Rd., of 1725 Chelmsford Dr. to 617 Stonehaven Dr., of 2601 Kearney Creek Ln. to 2777 Sullivans Trace, and of 509, 511, 513, 515, 519, 521, 523, and 527 Bourbon Ave. to 470, 474, 478, 482, 486, 490, 494, and 498 Willy St.; changing the property address numbers of 217-219 Albany Rd. to 219 Albany Rd., of 1805-1865 Alexandria Dr. to 1801 Alexandria Dr., of 2045 Altamont Ct. to 2035 Altamont Ct., of 362-366 Aylesford Pl. to 364 Aylesford Pl., of 2537 Berea Rd. to 2540 Berea Rd., of 370 Glen Arvin Ave. to 366 Glen Arvin Ave., of 1100 Horsemans Ln. to 1050 Horsemans Ln., of 350 Lisle Industrial Ave. to 336 Lisle Industrial Ave., of Units A and B 3386 Moundview Ct. to 3386 and 3388 Moundview Ct., of 510 and 262 W. New Circle Rd. to 540 and 260 W. New Circle Rd., of 580 W. Sixth St. to 575 W. Sixth St., and of 495-497 W. Third St. to 497 W. Third St.; and changing the street name of 1953, 1949, and 1945 Mark Ave. to 1953, 1949, and 1945 Dark Tower Rd.; all effective thirty days from passage. **[Div. of Emergency Management/911, Lucas, BS 122-11]**

11. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Commercial Services Agreement with Insight Communications Co., LP, to provide internet network connectivity to the Div. of Emergency Management/911, at an annual cost not to exceed $720. **[Div. of Emergency Management/911, Lucas, BS 123-11]**

12. A Resolution changing the street names and property address numbers of 3000 Blackford Pkwy. To 3220 Bledsoe Pl., of 937 Williamson St. to 230 Driscoll St., and of 326 W. Fifth St. to 465 Kenton St.; changing the property address numbers of 604 S. Broadway to 606 S. Broadway, of 666 Cielo Vista Road to 668 Cielo Vista Rd., of 800 Florence Ave. to 794 Florence Ave., of 355 S. Limestone to 357 S. Limestone, and of 1513 Versailles Rd. to 1511 Versailles Rd.; and changing the street names of a section of Von Alley to Merlot Alley, and of a section of Morris Alley to Soup Perkins Alley; all effective thirty days from passage. **[Div. of Emergency Management/911, Lucas, BS 124-11]**

13. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Assignment accepting a permanent easement for stormwater runoff for property located at 2299 Brannon Rd. at no cost to the Urban County Government. **[Div. of Engineering, Rayan, BS 107-11]**

14. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Contract with Gershman, Brickner & Bratton, Inc., for waste management routing software and implementation services, for the Div. of Waste Management, increasing the contract price by the sum of $66,000 from $1,655,596 to $1,721,596. **[Dept. of Environmental Quality, Taylor, BS 116-11]**

15. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Lease Renewal Agreements with Commonwealth of Ky., for State Police CDL Office and Drivers License Office at 162 E. Main St. **[Dept. of General Services, Baradaran, BS 120-11]**

16. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with International Public Management Association of Human Resources, for the purchase of test products and services, for the Div. of Human Resources, at a cost not to exceed $1,000. **[Div. of Human Resources, Jarvis, BS 102-11]**

17. A Resolution ratifying the probationary civil service appointments of: Andre Scott, Equipment Operator, Grade 108N, $17.242 hourly, in the Div. of Water Quality, effective April 18, 2011, Steve Zahn, Equipment Operator, Grade 108N, $16.219 hourly, in the Div. of Water Quality, effective April 18, 2011, ratifying the probationary sworn appointments of: Robert Crow, Fire Captain, Grade 316N, $23.039 hourly, in the Div. of Fire and Emergency

Services, effective March 28, 2011, Jeremy Greer, Fire Lieutenant, Grade 315N, $17.786 hourly, in the Div. of Fire and Emergency Services, effective March 28, 2011. **[Div. of Human Resources, Jarvis]**

18. A Resolution approving, pursuant to KRS 62.055 and Section 22-55.1 of the Code of Ordinances, the bond with surety of Jon Larson, County Judge/Executive, in the amount of $10,000, and directing the Dept. of Law to record the bond, with surety, along with a certified copy of this Resolution, in the Office of the Fayette County Clerk. **[Dept. of Law, Graham, BS 104-11]**

19. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and to accept an Easement from Ky.-American Water Co. for the property located at 3720 Richmond Rd., for the East Hickman Pump Station Overflow Spillway, at no cost to the Urban County Government. **[Div. of Water Quality, Martin, BS 113-11]**

20. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. Two (2) Final to the Contract with Bluegrass Contracting Corp. for the Vaughn's Branch Flood Hazard Mitigation Project, increasing the contract price by the sum of $9,968.24 from $1,251,663.75 to $1,261,631.99. **[Div. of Water Quality, Martin, BS 130-11]**

21. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. Two (2) to the Contract with Stantec Consulting Services, Inc., for the Loch Lomond Drainage Improvements Project, increasing the contract price by the sum of $6,165.25 from $67,340.00 to $73,505.25. **[Div. of Water Quality, Martin, BS 131-11]**

22. A Resolution of the Urban County Council electing Doug Martin, as representative for Council Districts 9,10, and 12, and Peggy Henson, as representative for Council Districts 3,5, and 11, to the Transportation Policy Committee of the Lexington Area Metropolitan Planning Organization. **[Council Office, Williams]**

23. A Resolution initiating Zoning Ordinance text amendments for Planning Commission consideration and recommendation, to amend Article 5-1(a) of the Zoning Ordinance to provide for right of entry and administrative search warrants; and amending Articles 5-9, 17-14, 23c-13 and 26-12 to provide for civil fines. **[Council Office, Williams]**

24. A Resolution initiating Zoning Ordinance text amendments to define and regulate temporary structures. **[Council Office, Williams]**

25. A Resolution initiating Zoning Ordinance text amendments to define and regulate circuses and carnivals. **[Council Office, Williams]**

IX. RESOLUTIONS – FIRST READING (New Business)



26. A Resolution accepting the bid of R & B Cleaning Services, establishing a price contract for Custodial Services – Phoenix Building, for the Div. of Facilities and Fleet Management. **[Baradaran]** (12 Bids)

27. A Resolution accepting the bid of ABR Construction, Inc., in the amount of $555,431.65, for the Lexington Mall Sanitary Sewer Relocation, for the Div. of Water Quality, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with ABR Construction, Inc., related to the bid. **[Martin]** (13 Bids)

28. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Certificates of Consideration and other necessary documents, and to accept Deeds for easements needed for Phase 3D of the Meadows-Northland-Arlington Neighborhood Improvement Project, at a cost not to exceed $2,000. **[Div. of Community Development/Div. of Engineering, Gooding/Rayan, BS 143-11, p.15]**

29. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Certificates of Consideration and other necessary documents, and to accept deeds for property interests needed for the Lafayette Parkway Stormwater Project, at a cost not to exceed $1,600,000. **[Div. of Community Development/Dept. of Environmental Quality, Gooding/Tayor, BS 135-11, p.16]**

30. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with the Ky. Transportation Cabinet, for the Loudon Ave. Sidewalk Project to include the project budget as part of the Agreement, at no cost to the Urban County Government. **[Div. of Community Development/Dept. of Public Works & Development, Gooding/Taylor, BS 140-11, p.17]**

31. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Joyland Neighborhood Association ($500), Lexington Fast-Pitch Softball, Inc. ($250), Chrysalis House, Inc. ($800), and William Wells Brown Neighborhood Association ($1,000), for the Office of the Urban County Council, at a cost not to exceed the sums stated. **[Council Office, Williams]**

32. A Resolution authorizing the Div. of Human Resources to make a conditional officer to the following: Jennifer Thompson, $19.768 hourly, Jeremy Knight, $19.332 hourly, Tyler Henningsen, $17.551 hourly, Environmental Inspector, Grade 113N, in the Div. of Water Quality, effective upon passage, and authorizing the beginning employment upon successful completion of a physical or medical examination as required. **[Div. of Human Resources, Jarvis]**

33. A Resolution approving, pursuant to KRS 62.055 and Section 22-55.1 of the Code of Ordinances, the bond with surety of Donald W. Blevins, Jr., Fayette County Clerk, in the amount of $400,000, and directing the Dept. of Law to record the bond, with surety, along with a certified copy of this Resolution, in the Office of the Fayette County Clerk. **[Dept. of Law, Graham, BS 141-11, p.18]**
34. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Release of Easements, releasing a 30-foot utility, sanitary sewer and streetlight easement, a 12-foot sanitary sewer easement, and a 10-foot streetlight easement on property located at 3840 Camelot Dr., 600 Greenfield Dr., and 3773, 3777, 3781, 3785, and 3789 Belleau Wood Dr. (Sayre Christian Village Nursing Home). **[Dept. of Law, Graham, BS 142-11, p.19]**
35. A Resolution designating Tates Creek Golf Course and Clubhouse, and Athens Softball Complex Concession Stand/Pavilion as parks and park facilities where the Director of the Div. of Parks and Recreation may authorize the possession, sale, delivery and consumption of alcoholic beverages and apply for a malt beverage license for sale of malt beverages at the listed locations. **[Div. of Parks and Recreation, Hancock, BS 136-11, p.20]**
36. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with the Federal Bureau of Investigation, Dept. of Veterans Affairs, for jurisdiction at the Dept. of Veterans Affairs. **[Div. of Police, Bastin, BS 137-11, p.21]**
37. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Contract with Minnifield Enterprize, Inc., for West Sector Roll Call Renovation, increasing the contract price by the sum of $8,370 from $58,964 to $67,334. **[Div. of Police, Bastin, BS 144-11, pp.22-24]**
38. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Facility Usage Contract with Fayette County Board of Education, for use of the William Wells Brown Elementary School for the final resource fair of the Hope VI Housing Project, at a cost not to exceed $671.70. **[Dept. of Social Services, Mills, BS 138-11, p.25]**
39. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Amendment to the Purchase of Service Agreement with Downtown Lexington Corp., to include event management responsibilities for the July 4th Festival, Ky. Christmas Chorus, Winter Festival and Holiday Market, Official Tree Lighting, and Vintage Ky. Wine Festival, at a cost not to exceed $120,000. **[Mayor's Office, Emmons, BS 133-11, p.26]**

X. ANNOUNCEMENTS

XI. PUBLIC COMMENTS

# Committee of the Whole

## *FY 2011 Financial Update*
## *"Closing the Financial Gap"*

*April 26, 2011*

# Overview

Introduction

FY 2011 History of Budget Imbalance

- Expenses > Recurring Revenues

FY 2011 Gray Administration's Reduction Plan

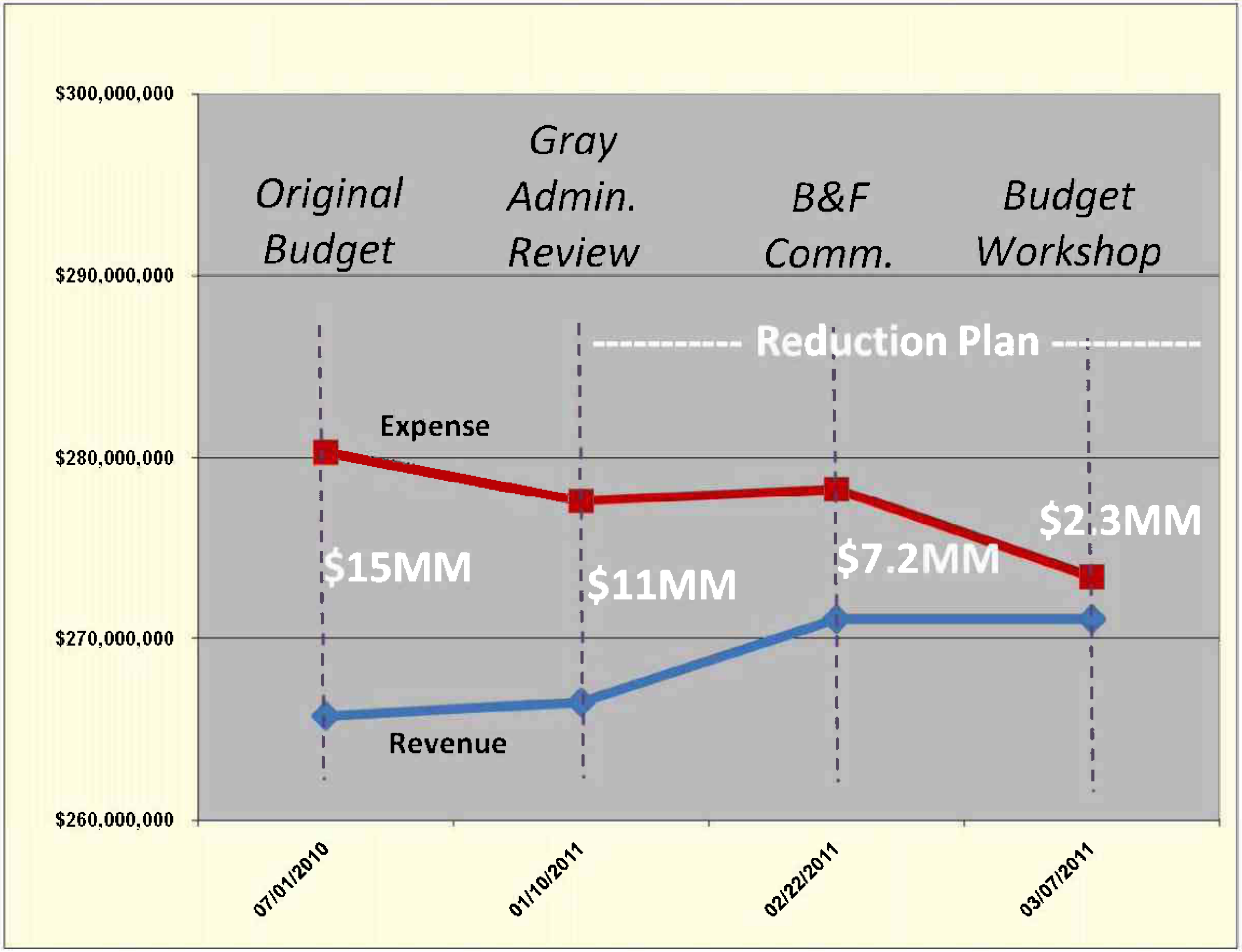
- Global Policy
- Global Reduction
- Divisions Plans

FY 2011 Revised Projections

# FY 2011 History of General Fund Imbalance

| | |
|---|---|
| 07/01/11 | Original Budget Imbalance (i.e. $15MM) |
| | *Why? – One time Revenues of:* |
| | ❖ Property Sale |
| | ❖ Economic Contingency Draw |
| | ❖ General Fund Balance |
| 01/10/11 | Update for the Gray Administration |
| | ❖ Seeing Issues from a New Perspective |
| | ❖ Addressing the Health Care Issue |
| 02/22/11 | Budget & Finance Committee Presentation |
| 03/07/11 | Budget Workshop Presentation |
| 04/26/11 | Committee of the Whole Presentation |

# FY 2011 History of General Fund Imbalance (cont.)



# FY 2011 Gray's Administration Reduction Plan

Goal

- Maintain Economic Contingency Fund
- No Draw from Fund Balance

Global Policy

- Hiring Freeze (CAO)
- No Discretionary Spending (Purchasing)
  - Conferences, Subscriptions, Travel etc.

Encumbrances (Accounting)

| | |
|---|---|
| Discretionary | $370,951 |
| Division Plans | $3,428,237 |

# FY 2011 Gray's Administration Reduction Plan

Additional Funding Needs

| | |
|---|---|
| Banking Fees | $141,000 |
| Fuel Overage * | $225,000 |

Proposed Interfund Transfers

| | |
|---|---|
| Salt Expense to Urban | $400,000 |
| Parks Acquisition | $200,000 |
| Public Safety Fund (Police) | $690,000 |
| Grant Match (UDAG) | $154,000 |

** (net of Repairs and & Maintenance)*

# *FY 2011 Division Reduction Plans*

# FY 2011 Reduction Plan (Public Works & Env. Q)

| | Adopted FY 2011 Budget | Reduction to meet Target | Operating Reductions | Personnel Reductions | Subtotal | % of Adopted FY 2011 Budget |
|---|---|---|---|---|---|---|
| Public Works Administration | 305,175 | (12,024) | (13,729) | 0 | (13,729) | |
| Environmental Policy | 0 | 0 | 0 | 0 | 0 | |
| Waste Management | 0 | 0 | 0 | 0 | 0 | |
| Water Quality | 0 | 0 | 0 | 0 | 0 | |
| Engineering | 416,300 | (16,402) | (855,530) | 0 | (855,530) | |
| Streets, Roads, & Forestry | 3,483,060 | (137,233) | 0 | 0 | 0 | |
| Traffic Engineering | 3,102,895 | (122,254) | (20,673) | 0 | (20,673) | |
| **Public Works Total** | **7,307,430** | **(287,913)** | **(889,932)** | **0** | **(889,932)** | **-12.2%** |

Public Works & Environmental Quality Notes (-12.2%):

- Conferences & Training
- Grant Match not Required

# FY 2011 Reduction Plan (Law & General Services)

| | Adopted FY 2011 Budget | Reduction to meet Target | Operating Reductions | Personnel Reductions | Subtotal | % of Adopted FY 2011 Budget |
|---|---|---|---|---|---|---|
| Law Administration | 6,929,450 | (273,020) | (12,381) | 0 | (12,381) | |
| Corporate Council | 0 | 0 | 0 | 0 | 0 | |
| Litigation | 0 | 0 | 0 | 0 | 0 | |
| **Law Total** | **6,929,450** | **(273,020)** | **(12,381)** | **0** | **(12,381)** | **-0.2%** |
| General Services Administration | 1,841,361 | (72,550) | (73,454) | 0 | (73,454) | |
| Facilities & Fleet Management | 7,734,055 | (304,722) | (888,586) | 0 | (888,586) | |
| Parks and Recreation | 17,348,766 | (683,541) | (256,578) | (96,920) | (353,498) | |
| **General Services Total** | **26,924,182** | **(1,060,813)** | **(1,218,617)** | **(96,920)** | **(1,315,537)** | **-4.9%** |

Law Notes (-0.2%):

- Required Certification/Training
- Subscriptions & Publications

General Services Notes (-4.9%):

- Repairs & Maintenance
- Capital Projects

# FY 2011 Reduction Plan (Social Services)

| | Adopted FY 2011 Budget | Reduction to meet Target | Operating Reductions | Personnel Reductions | Subtotal | % of Adopted FY 2011 Budget |
|---|---|---|---|---|---|---|
| Social Services Administration | 1,239,080 | (48,820) | (62,888) | (1,720) | (64,608) | |
| Adult Services | 1,131,980 | (44,600) | (432) | 0 | (432) | |
| Family Services | 2,786,000 | (109,768) | (127,733) | 0 | (127,733) | |
| Youth Services | 2,455,722 | (96,755) | (100,324) | 0 | (100,324) | |
| **Social Services Total** | **7,612,782** | **(299,944)** | **(291,377)** | **(1,720)** | **(293,097)** | **-3.9%** |

Social Services Notes (-3.9%)

- Professional Services
- Operating Expense
- Required Certification/Training

# FY 2011 Reduction Plan (CAO)

| | Adopted FY 2011 Budget | Reduction to meet Target | Operating Reductions | Personnel Reductions | Subtotal | % of Adopted FY 2011 Budget |
|---|---|---|---|---|---|---|
| CAO Administration | | 0 | 0 | 0 | 0 | |
| Economic Development | 134,570 | (5,302) | (3,653) | 0 | (3,653) | |
| Capital Project Management | 0 | 0 | 0 | 0 | 0 | |
| Historic Preservation | 362,790 | (14,294) | (11,847) | 0 | (11,847) | |
| Planning | 1,690,910 | (66,622) | (25,219) | (1,652) | (26,871) | |
| Purchase of Development Rights | 139,065 | (5,479) | (2,522) | 0 | (2,522) | |
| Community Development | 735,290 | (28,970) | (66,200) | 0 | (66,200) | |
| Risk Management | 328,810 | (12,955) | (24,239) | 0 | (24,239) | |
| Human Resources | 2,535,180 | (99,886) | (65,193) | 0 | (65,193) | |
| **CAO Total** | **5,926,615** | **(233,509)** | **(198,872)** | **(1,652)** | **(200,524)** | **-3.4%** |

CAO Notes (-3.4%):

- Reductions in Supplies, Travel & Training
- Grant Match not required

# FY 2011 Reduction Plan (CAO cont.)

| | Adopted FY 2011 Budget | Reduction to meet Target | Operating Reductions | Personnel Reductions | Subtotal | % of Adopted FY 2011 Budget |
|---|---|---|---|---|---|---|
| CIO Administration | 590,014 | (23,247) | (60,000) | 0 | (60,000) | |
| Computer Services | 5,353,960 | (210,946) | (135,031) | 0 | (135,031) | |
| Government Communications | 1,443,300 | (56,866) | (2,240) | 0 | (2,240) | |
| Enterprise Solutions | 983,510 | (38,750) | (34,514) | 0 | (34,514) | |
| **CIO Total** | **8,370,784** | **(329,809)** | **(231,785)** | **0** | **(231,785)** | **-2.8%** |

## CAO/CIO Notes (-2.8%):

- Required Certification/Training
- Business Travel
- Professional Services
- Operating Supplies
- Subscriptions & Publications

# FY 2011 Reduction Plan (General Government)

| | Adopted FY 2011 Budget | Reduction to meet Target | Operating Reductions | Personnel Reductions | Subtotal | % of Adopted FY 2011 Budget |
|---|---|---|---|---|---|---|
| **Mayor's Office** | **2,395,023** | **(94,364)** | (9,173) | **0** | **(9,173)** | **-0.4%** |
| Council Office | 2,323,125 | (91,531) | 0 | 0 | 0 | |
| Council Clerk | 646,205 | (25,460) | (2,612) | 0 | (2,612) | |
| Citizen's Advocate | 132,730 | (5,230) | (1,240) | 0 | (1,240) | |
| **Council Total** | **3,102,060** | **(122,221)** | **0** | **0** | **(3,852)** | **-0.1%** |
| **Internal Audit** | **712,743** | **(28,082)** | **(38,080)** | **0** | **(38,080)** | **-5.3%** |
| **Constitutionals** | **3,474,092** | **(136,879)** | **(41,830)** | **0** | **(41,830)** | **-1.2%** |
| **Non-Departmental** | **21,574,724** | | **0** | **0** | **0** | **0.0%** |
| **Partner Agencies** | **17,786,810** | **(700,800)** | **0** | **0** | **0** | **0.0%** |

General Government Notes (range of, 0.0% to -5.3%):

- Professional Services
- Certification/Training

# FY 2011 Reduction Plan (Finance)

| | Adopted FY 2011 Budget | Reduction to meet Target | Operating Reductions | Personnel Reductions | Subtotal | % of Adopted FY 2011 Budget |
|---|---|---|---|---|---|---|
| Finance Administration | 3,144,840 | (123,907) | 0 | 0 | 0 | |
| Accounting | 1,284,230 | (50,599) | (4,778) | 0 | (4,778) | |
| Purchasing | 578,540 | (22,794) | (380) | 0 | (380) | |
| Revenue | 2,561,702 | (100,931) | (10,420) | 0 | (10,420) | |
| Budgeting | 513,700 | (20,240) | (25,945) | 0 | (25,945) | |
| **Finance Total** | **8,083,012** | **(318,471)** | **(41,523)** | **0** | **(41,523)** | **-0.5%** |

Finance Notes (-0.5%)

- Required Certification/Training
- Professional Services
- Conferences & Other Training

# FY 2011 Reduction Plan (Public Safety)

| | Adopted FY 2011 Budget | Reduction to meet Target | Operating Reductions | Personnel Reductions | Subtotal | % of Adopted FY 2011 Budget |
|---|---|---|---|---|---|---|
| Public Safety Administration | 499,110 | (19,665) | (13,340) | 0 | (13,340) | |
| Building Inspection | 2,545,100 | (100,277) | (9,292) | (944) | (10,236) | |
| Code Enforcement | 1,670,750 | (65,828) | (24,498) | 0 | (24,498) | |
| Community Corrections | 31,496,918 | (1,240,979) | (47,720) | 0 | (47,720) | |
| Emergency Management/E911 | 3,541,330 | (139,528) | (2,630) | 0 | (2,630) | |
| Fire & Emergency | 54,961,985 | (2,165,502) | (93,316) | 0 | (93,316) | |
| Police | 59,566,470 | (2,346,919) | (329,734) | (200,000) | (529,734) | |
| **Public Safety Total** | **154,281,663** | **(6,078,698)** | **(520,529)** | **(200,944)** | **(721,473)** | **-0.5%** |

Public Safety Notes (-.5%):

- Conferences and Other Training
- Professional Services
- Subscriptions & Publications
- Food & Household Items
- IN ADDITION – Police Efficiencies of $210,000

# FY 2011 Revised Projections (Revenue)

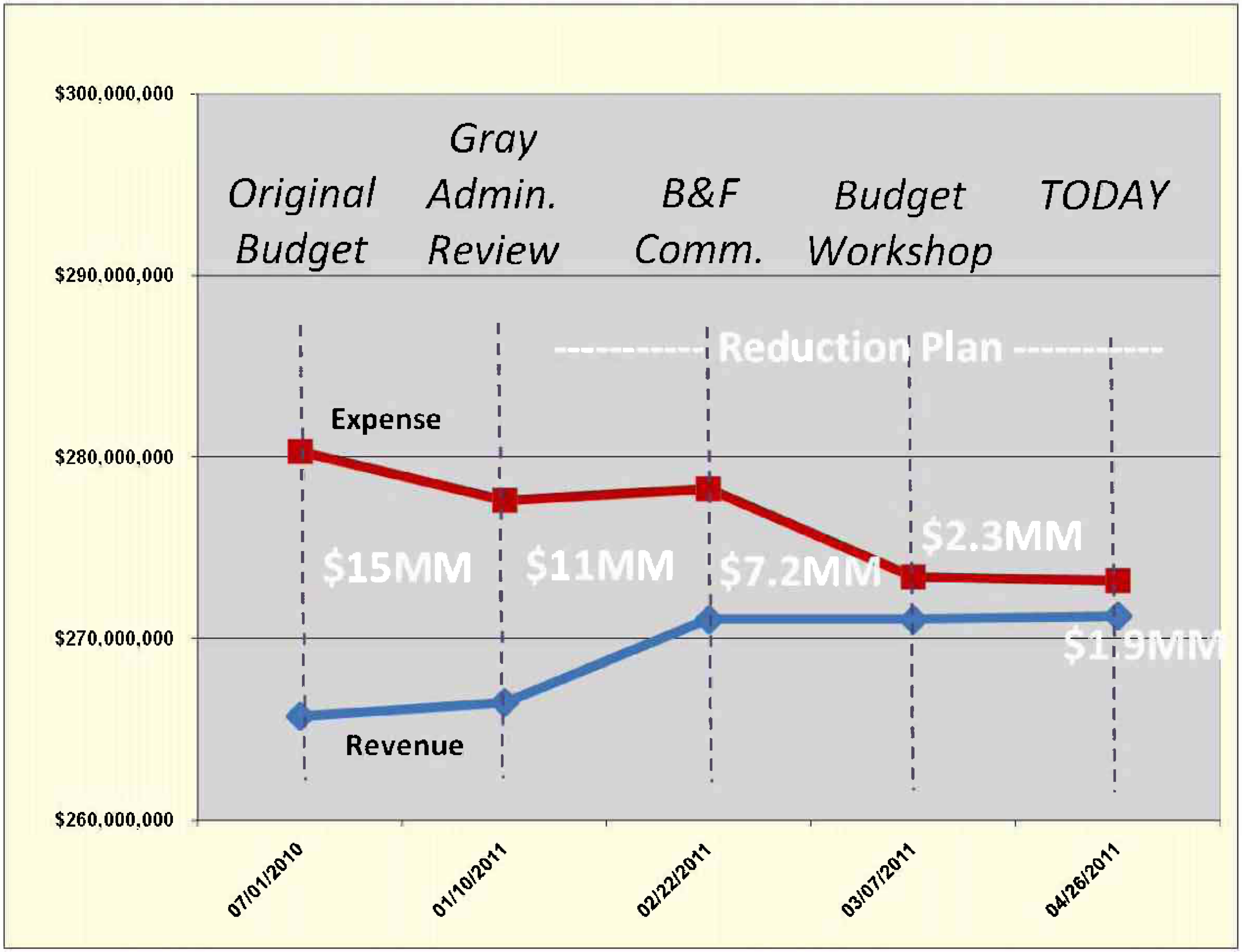
| | ------------------ FY11 ------------------ | | |
|---|---|---|---|
| | Original | | |
| | Budget | Projected | Variance |
| **Revenue** | | | |
| Payroll Withholding | $149,240,000 | $152,000,000 | $2,760,000 |
| Net Profit | $28,448,000 | $26,400,000 | ($2,048,000) |
| Insurance | $20,500,000 | $22,500,000 | $2,000,000 |
| Franchise Fees | $17,600,000 | $17,600,000 | $0 |
| Other Licenses & Permits | $4,086,280 | $4,004,000 | ($82,280) |
| Ad Valorem | $20,244,000 | $20,444,000 | $200,000 |
| Services | $20,830,074 | $23,845,600 | $3,015,526 |
| Fines | $203,000 | $195,000 | ($8,000) |
| Intergovernmental | $1,654,689 | $1,709,600 | $54,911 |
| Investment Income | $27,000 | $99,000 | $72,000 |
| Other Financing Sources | $440,390 | $640,400 | $200,010 |
| Other Income | $2,237,976 | $1,812,000 | ($425,976) |
| Total Revenue | $265,511,409 | $271,249,600 | $5,738,191 |

*"Net Increase From the Budget Workshop of 200k"*

# FY 2011 Revised Projections (Expenses & Tran.)

| | *Original* *Budget* | *Projected* | *Variance* |
|---|---|---|---|
| **Expenses** | | | |
| Personnel * | ($188,730,890) | ($186,730,890) | $2,000,000 |
| Operating | ($35,962,512) | ($32,515,324) | $3,447,188 |
| Debt Service | ($34,438,984) | ($34,450,556) | ($11,572) |
| Partner Agencies | ($17,786,810) | ($17,930,100) | ($143,290) |
| Insurance | ($4,874,000) | ($4,874,000) | $0 |
| Operating Capital Expenditures | ($836,675) | ($86,675) | $750,000 |
| Total Expenses | ($282,629,871) | ($276,587,545) | $6,042,326 |
| | | | |
| **Transfers** | | | |
| Property Sale | $4,236,300 | $236,300 | ($4,000,000) |
| Transfers | $2,278,501 | $3,168,501 | $890,000 |
| Total Transfers | $6,514,801 | $3,404,801 | ($3,110,000) |
| | | | |
| **NET INCOME / (LOSS)** | ($10,603,661) | ($1,933,144) | $8,670,517 |

# FY 2011 General Fund Imbalance



# Summary

Achieved

- Structural Imbalance of $15MM now projected to be less than $2MM
- Project no Reduction of the Economic Contingency Fund in FY11

Next Steps

- Evaluate End of Year Procurement
- Evaluate Revenue as Tax Season Closes
- Continue Policy of no Discretionary Spending
- Continue Hiring Freeze

# *Questions*