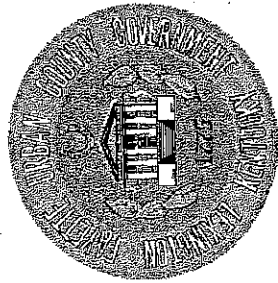


A G E N D A
FY 13 Budget Committee of the Whole
Meeting # 4
May 17, 2012
3:00 P.M.
Links Report Out

- 1. Environmental Quality/Public Works Link – Blues** (1-19)
- 2. Public Safety Link – Myers** (20-36)
- 3. Other Business**
- 4. FY 13 Council Budget Schedule** (37)



**Lexington-Fayette
Urban County Government
Fiscal Year 2013**

**Environmental Quality & Public Works
Council Budget Links
Report Out - May 17, 2012**

Budget Link Council Members

Tom Blues – 2nd District, Chair

Jay McChord – 8th District

Bill Farmer, Jr – 5th District

Budget Links Meetings

May 2, 2012 – 9:15 am – 1 pm

May 3, 2012 – 9:15 – 12 pm

May 10, 2012 – 2:30 pm – 3:30 pm

FY2013 EQ & PW Budget Links

EQ & PW Commissioner's Office

Page	Fund	Name	FY 2012 Adopted	FY 2012 Amended	FY2013 Requested	FY 2013 MPB	Change FY 2012 - 2013
83-84	1101	General Services	\$ 194,165	\$ 198,065	\$ 174,140	\$ 266,460	\$ 72,295
	1103	Donations	\$ -	\$ 23,133		\$ -	\$ -
245-249	1115	Full Urban Services District	\$ 405,623	\$ 427,726	\$ 431,810	\$ 426,560	\$ 20,937
358-360	4002	Sanitary Sewer R&O	\$ 243,762	\$ 276,692	\$ 197,510	\$ 178,680	\$ (65,082)
419-421	4051	Water Quality Management	\$ 98,340	\$ 98,340	\$ 75,880	\$ 76,080	\$ (22,260)
444-446	4121	Landfill	\$ 279,165	\$ 295,645	\$ 322,640	\$ 309,520	\$ 30,355
		Total All Funds	\$ 1,221,055	\$ 1,319,600	\$ 1,201,980	\$ 1,257,300	\$ 36,245

EQ & PW Commissioner's Office

Budget Highlights:

- ☐ Six (6) Funded Positions (2 Currently vacant)
 - Commissioner
 - Program Manager Senior
- ☐ Valley View Ferry
 - Board requests an additional \$25,000 towards the grant match for the new ferry.
- ☐ No Capital proposed for FY 2013 budget.

EQ & PW Commissioner's Office

Links Recommendation:

□ Program Manager Senior

The links support the Administration's intention to fill the vacant position funded in the FY 2013 budget, to oversee major Consent Decree projects. We understand the view that contracting with an outside consultant would be a more prudent option. However, the links feel that a LFUCG employee will be closer on a day to day basis to projects pending and under way, more readily available for consultation with relevant divisions within government and for reporting to and answering questions from Council Members at standing committee meetings, work sessions, council meetings.

□ Valley View Ferry

- Administration will address in late items.

FY2013 EQ & PW Budget Links

Engineering

Page	Fund	Section	FY 2012 Adopted	FY 2012 Amended	FY2013 Requested	FY 2013 MPB	Change FY 2012 - 2013
85-87	1101	General Services District	\$ 346,978	\$ 744,005	\$ 665,560	\$ 549,450	\$ 202,472
292-293	1136	Municipal Aid Program	\$ 2,240,780	\$ 4,231,162	\$ 2,061,100	\$ 2,061,100	\$ (179,680)
361-363	4002	Sanitary Sewer R&O	\$ 489,257	\$ 568,217	\$ 411,650	\$ 413,080	\$ (76,177)
381	4003	Sanitary Sewer Construction	\$ 1,223,000	\$ 2,046,942	\$ 170,000	\$ 170,000	\$ (1,053,000)
422	4051	Water Quality Management	\$ -	\$ 385,659	\$ 386,680	\$ 388,690	\$ 388,690
460	4201	Right of Way Program	\$ 265,932	\$ 318,131	\$ 323,830	\$ 325,330	\$ 59,398
		Total All Funds	\$ 4,565,947	\$ 8,294,116	\$ 4,018,820	\$ 3,907,650	\$ (658,297)

Engineering

Budget Highlights:

- Twenty-nine (29) Funded Positions (2 Currently vacant)
 - Engineering Technician
 - Staff Assistant Senior
- Estimated 115 million in projects – about 75 projects
 - With anticipated money for projects the division will need MAP funds for match.
- Possible funding
 - \$7 to \$15 million funding statewide for intersections (concrete).
- NO BUDGET CHANGES RECOMMENDED

FY2013 EQ & PW Budget Links

Traffic Engineering

Page	Fund	Name	FY 2012 Adopted	FY 2012 Amended	FY2013 Requested	FY 2013 Proposed	Change FY 2012 - 2013
93-97	1101	General Services District	\$ 3,150,726	\$ 3,389,729	\$ 5,880,164	\$ 5,874,744	\$ 2,724,018
268-269	1115	Pull Urban Services District	\$ 4,859,165	\$ 4,859,165	\$ 3,365,446	\$ 3,420,276	\$ (1,438,889)
	1136	Municipal Aid Program	\$ -	\$ 92,221		\$ -	\$ -
312-313	1141	Miscellaneous Special Revenue	\$ 224,840	\$ 739,863	\$ 323,420	\$ 293,930	\$ 69,090
326-327	2602	2013 Bond Fund	\$ -	\$ -	\$ 75,000	\$ 75,000	\$ 75,000
		Total All Funds	\$ 8,234,731	\$ 9,080,978	\$ 9,644,030	\$ 9,663,950	\$ 1,429,219

Traffic Engineering

Budget Highlights:

- ☐ **Thirty-Two (32) Funded Positions (2 Currently vacant)**
 - Staff Assistant
 - Engineering Aide Senior
- Operating**
 - A transfer for street lights, based on an increase in franchise fees.
- ☐ **Capital Projects**
 - \$50,000 – Traffic signal construction/equipment
 - \$25,000 – Neighborhood Traffic Management Program
- ☐ **NO BUDGET CHANGES RECOMMENDED**

FY2013 EQ & PW Budget Links

Streets & Roads

Page	Fund	Dept ID	FY 2012 Adopted	FY 2012 Amended	FY2013 Requested	FY 2013 Proposed	Change FY 2012 - 2013
88-92	1101	General Services District	\$ 3,518,336	\$ 3,447,394	\$ 3,741,970	\$ 3,872,650	\$ 354,314
250-253	1115	Full Urban Services District	\$ 1,487,916	\$ 1,509,316	\$ 1,855,500	\$ 1,868,710	\$ 380,794
294-295	1136	Municipal Aid Program	\$ 6,960,700	\$ 7,169,833	\$ 3,832,090	\$ 3,832,190	\$ (3,128,510)
300	1137	County Aid Program	\$ 728,600	\$ 954,827	\$ 700,000	\$ 700,000	\$ (28,600)
303	1138	Mineral Severance	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ -
307	1139	Coal Severance	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ -
325	2602	2013 Bond Fund	\$ -	\$ -	\$ 150,000	\$ 150,000	\$ 150,000
364	4002	Sanitary Sewer R&O	\$ 279,500	\$ 279,500	\$ 279,500	\$ 361,710	\$ 82,210
423-425	4051	Water Quality Management	\$ 1,040,229	\$ 1,069,749	\$ 1,273,680	\$ 1,028,680	\$ (11,549)
		Total All Funds	\$ 14,215,281	\$ 14,630,618	\$ 12,032,740	\$ 12,013,940	\$ (2,201,341)

Streets & Roads

Budget Highlights:

- Sixty-Nine (69) Funded Positions (4 Currently vacant)
 - Leaf Program
 - S & R will be doing the leaf program in FY 2013.
- Salt –
 - Returning about \$600,000 to general fund this year
 - Salt ordered to replenish/fill salt barn and tarp covered.
- Paving
 - \$3 million in FY 2013 budget
 - S & R yearly paving capacity – \$7 million.

FY2013 EQ & PW Budget Links

Streets & Roads

Budget Recommendations:

Salt Maintenance (73103)

- Decrease by \$200,000
- 1011-303301-0001-76103 -\$200,000

FY2013 EQ & PW Budget Links

Environmental Policy

Page	Fund	Name	FY 2012 Adopted	FY 2012 Amended	FY2013 Requested	FY 2013 Proposed	Change 2012 - 2013
98-99	1101	General Services	\$ 142,825	\$ 102,595	\$ 253,190	\$ 254,090	\$ 111,265
	1103	Donations	\$ -	\$ 11,250		\$ -	\$ -
270-271	1115	Full Urban Services District	\$ 843,687	\$ 922,573	\$ 834,400	\$ 828,590	\$ (15,097)
375	4002	Sanitary Sewer R&O	\$ 349,140	\$ 354,085	\$ 356,190	\$ 351,980	\$ 2,840
434	4051	Water Quality Management	\$ 766,499	\$ 945,933	\$ 773,640	\$ 771,940	\$ 5,441
453	4121	Landfill	\$ 237,235	\$ 237,235	\$ 285,730	\$ 286,840	\$ 49,605
		Total All Funds	\$ 2,339,386	\$ 2,573,671	\$ 2,503,150	\$ 2,493,440	\$ 154,054

Environmental Policy

Budget Highlights:

- Seventeen (17) Funded Positions (1 Currently vacant)
 - Environmental Enforcement Specialist
- Energy Improvement Program
 - Funding realized by savings for energy efficiency projects
- **NO BUDGET CHANGES RECOMMENDED**

Environmental Policy

NON – BUDGETARY RECOMMENDATION:

- Recommends that Environmental Policy report to the Environmental Quality Committee at least annually on public education expenditures and the effectiveness.

FY2013 EQ & PW Budget Links

Water Quality

Page	Fund	Name	FY 2012 Adopted	FY 2012 Amended	FY2013 Requested	FY 2013 Proposed	Change FY 2012 - 2013
	1101	General Services			\$ 59,800		
	1115	Full Urban Services District	\$ -	\$ (9,944)		\$ -	\$ -
365-374	4002	Sanitary Sewer R&O	\$ 21,855,713	\$ 22,080,235	\$ 24,942,330	\$ 24,764,790	\$ 2,909,077
382-389	4003	Sanitary Sewer Construction	\$ 18,546,780	\$ 74,052,863	\$ 22,519,438	\$ 20,519,438	\$ 1,972,658
426-432	4051	Water Quality Management	\$ 8,698,370	\$ 11,958,793	\$ 9,138,290	\$ 7,280,950	\$ (1,417,420)
		Total All Funds	\$ 49,100,863	\$ 108,081,947	\$ 56,659,858	\$ 52,565,178	\$ 3,464,315

Water Quality

Budget Highlights:

- One Hundred - Eighty (180) Funded Positions
- - NO BUDGET CHANGES RECOMMENDED.
- NON BUDGETARY RECOMMENDATION
 - Recommend that Administration look at Fund 4051 in respects to setting up a construction fund similarly in relationship of Funds 4002 to 4003.

FY2013 EO & PW Budget Links

Waste Management

Page	Fund	Dept ID	FY 2012 Adopted	FY 2012 Amended	FY2013 Requested	FY 2013 Proposed	Change FY 2012 - 2013
1115	1115	Full Urban Services District	\$ 23,121,788	\$ 24,730,004	\$ 32,069,140	\$ 24,299,120	\$ 1,177,332
4051	4051	Bond Projects - FY2011	\$ -	\$ 770,594	\$ 37,340	\$ -	\$ -
4121	4121	Landfill	\$ 13,407,380	\$ 13,808,870	\$ 12,946,050	\$ 5,402,160	\$ (8,005,220)
		Total All Funds	\$ 36,529,168	\$ 39,309,468	\$ 45,052,530	\$ 29,701,280	\$ (6,827,888)

Waste Management

Budget Highlights:

- Continued Implementation of the new Routing and Customer Service Initiative.
- FY 2012 Recommendations Update
 - UK Game Day garbage clean up potential revenue is in the Solid Waste Task Force
- **NO BUDGET CHANGES RECOMMENDED**

Public Safety FY 2013 Link

George G. Myers, Councilmember 8th District, Chair

Peggy Henson, Councilmember 11th District

Linda Gorton, Vice Mayor

Public Safety FY 2013 Link

Meeting Dates (2012)

- **April 17:** Emergency Management, Enhanced 911, Code Enforcement
- **April 24:** Corrections
- **May 1:** Commissioner of Public Safety, Fire, Building Inspection
- **May 8:** Police, Animal Care and Control, Follow-up: Fire, Building Inspection, Code Enforcement

Public Safety FY 2013 Link Meeting Attendees

April 17, 2012

- George Myers
- Linda Gorton
- Peggy Henson
- Elizabeth Chatterton
- Tyler Scott
- Glenn Brown
- Melissa Lueker
- Elizabeth McGee
- Ran Barrow
- Jane C. Driskell
- Clay Mason
- David Jarvis
- Richard Moloney
- Jenifer Benningfield
- Paul Schoninger
- David S. Lucas
- Pat Dugger
- Hazel Lambert

April 24, 2012

- George Myers
- Linda Gorton
- Peggy Henson
- Tyler Scott
- Elizabeth Chatterton
- Melissa Lueker
- Elizabeth McGee
- Jessica Williams
- Jane C. Driskell
- Clay Mason
- Rodney Ballard
- Gina Dulin
- Stacey Maynard
- Jenifer Benningfield
- Paul Schoninger

Public Safety FY 2013 Link Meeting Attendees

May 1, 2012

- George Myers
- Linda Gorton
- Peggy Henson
- Carolyn Bailey
- Teresa Grider
- Kristin D. Chilton
- Rick Jordan
- Keith L. Jackson
- Jane C. Driskell
- Ryan Barrow
- Elizabeth McGee
- Chris Bartley
- Jessica Williams
- Melissa Lueker
- Elizabeth Chatterton
- Tyler Scott
- Jenifer Benningfield
- Paul Schoninger
- Amelia Confides
- Dewey Crowe

May 8, 2012

- George Myers
- Linda Gorton
- Peggy Henson
- Elizabeth Chatterton
- Jessica Williams
- Elizabeth McGee
- Ryan Barrow
- Jane C. Driskell
- Clay Mason
- Chief Ronnie Bastin
- Lt. Brian Maynard
- Lorie Gambill
- Cmdr. Douglas Pape
- Paul Schoninger
- Jenifer K. Benningfield
- Stacey Maynard
- Brandon Maguer
- Tyler Scott
- Susan Malcomb
- Dewey Crowe
- Amelia Confides
- Kristin Chilton
- David Jarvis
- Teresa Grider
- Rick Jordan
- Connie Underwood

Animal Care and Control

Susan Malcomb, LHS President

Recommendation:

- Direct Division of Emergency Management to present a disaster preparedness plan relating to animals to full Council by September 30, 2012.

Background:

- Partnership between Lexington Humane Society (LHS) and Lexington Fayette Urban County Government (LFUCG) has become a national model.
- One time cost of \$11,687 to upgrade radios 900 MHz system due to elimination of 800 MHz system.
- Launching an online “Lost and Found” pet service to increase animals returned to owners.
- Since FY 09 the budget has provided funding for 10 officers.
- Dispatch times are down:
 - FY 12 YTD 4 min
 - FY 11 11 min
 - FY 10 9 min
 - FY 09 12 min
 - FY 08 97 min

Building Inspection

Dewey Crowe, Director

Recommendations:

- Revise the current ordinance so the cost of inspecting mines and quarries in Fayette County is based on the actual cost and revenue neutral.

Background:

- FY 2012 Link referred Code of Ordinances Section 8-4 to law for updates so that the cost of mining and quarrying permit fees and inspections are revenue neutral.
 - Ordinance including the fee structure has not been updated since 1989.
 - Cost of contractor to perform mandatory inspections (Line Item 71205) is paid by taxpayer.
 - The Law Department has provided two options to ensure inspections are performed without cost to LFUCG.

Building Inspection

Dewey Crowe, Director

Background Continued:

	July – April FY 11	July – April FY 12	Difference	% CHANGE
Registration Fees	186,495	186,225	(270)	0%
Certificates of Occupancy	14,355	8,035	(6,320)	-44%
Building Permits	676,564	862,506	185,942	27%
Park Land Acquisition	164,644	233,314	68,670	42%
TOTAL ALL REVENUE	\$1,055,327	\$1,291,644	\$236,317	22%

Building Inspection

Dewey Crowe, Director

Recommendations Continued:

- Adopt Resolution initiating text amendments to authorize moving enforcement of the sign ordinance from the Division of Building Inspection to the Division of Planning. (Appendix A; page 18)
- Direct the Division of Planning to provide a presentation on zoning violations pertaining to the sign ordinance and broken out by type to the full Council September 30, 2012.

Background Continued:

- Inspecting, permitting and enforcement of signage is divided between the Divisions of Planning and Building Inspection.
 - Zoning inspection duties were transferred to the Division of Planning in 2012.
 - Planning is performing a response review on sign zoning complaints
 - Building Inspection inspects and permits signs pertaining to permanent structures.

Code Enforcement

David Jarvis, Director

Recommendations Continued:

- Adopt ordinance to fund nuisance abatement defined as mowing, weeds, trash and debris at a minimum of \$200,000 a year. (Appendix B; page 20)

Background:

- Council approved Resolution No. 770-2009 to authorize “Up to \$200,000 per fiscal year” to be funded by the actual amount of collections of nuisance abatement costs and civil penalties issued by the Division of Code Enforcement.

	Civil Penalties Issued	Amount Collected from Liens	Total Revenue
FY 12 (as of)	\$360,770 (5/11/12)	\$112,363 (4/30/12)	\$203,190 (5/11/12)
FY 11	\$471,080	\$150,616	\$225,327
FY 10	\$257,890	\$ 86,535	\$146,372
FY 09	\$181,450	\$130,981	\$201,998
FY 08	\$199,605	\$158,293	\$201,556

Code Enforcement

David Jarvis, Director

Recommendations Continued :

- Direct Department of Finance to include in the monthly budget report detail regarding Code Enforcement liens.
- Direct Code Enforcement to coordinate a program modeled after Louisville's Operation Brightside to abate illegal signs in the right of way.
 - Launch a government sign-abatement campaign encouraging employees to remove signs in the right of way.
 - Presentation to full Council by September 30, 2012.
- Refer to General Government:
 - The issue of contracting out abatement of tall grass and weeds.
 - The number of days a property is allowed to abate a nuisance.

Background Continued:

- Current nuisance ordinance allows for a property to negatively impact the neighborhood prior to reaching citation status. Moreover, once a property has been cited as a nuisance property, owners are given fourteen days to abate the nuisance.
- The issue of dealing with nuisance issues relating to properties in foreclosure received some support from the Kentucky General Assembly in the 2012 Legislative Session, resulting in the passage of House Bill (HB) 62 and HB 396.
(Appendix C; page 22 & Appendix D; page 29)

Emergency Management

Pat Dugger, Director

Recommendations:

- Refer the issue of long-term emergency preparedness to the Planning and Public Works Committee:
 - Siren replacement program.
 - Impact of reduced grant funding.

Background:

- 10-12 of 27 outdoor warning sirens are 1960's vintage.
 - Costs approximately \$38,000 a year to maintain the sirens.
- Requested \$40,000 each year for next three years to upgrade 7 of the oldest sirens.
 - Not funded in FY 13
- Division is heavily funded by grants
 - Training/conferences no longer eligible for funding through grants in FY 13 under new grant guidance.
 - Emergency Planner position no longer funded; \$43,000 needed to retain position.

Enhanced 911

David Lucas, Director

Recommendations:

- Direct Enhanced 911 (E911) to present to Council a strategic plan regarding funding for E911 no later than October 31, 2012.

Background:

- Fees for wireless phones are state mandated and have not been changed since 1998.
- Other fees (including landlines) are locally based.
 - Current compensation system is heavily dependent on number of landlines which are decreasing.
- Regional 911 network saves LFUCG a minimum of \$250K annually in addition to \$125K in annual reimbursements.
- Currently all calls are routed through Police Headquarters dispatch.
 - Both emergency and non-emergency
 - 63% of calls to E-911 are non-emergency

Budgetary/Policy Issues:

- Future budgets will need to address deficiencies between the computer aided dispatch systems used by Police and Fire.
 - Presently not interfacing with one another
 - Before occupying the public safety operation center
- Work with state legislators to update 911 funding model

Corrections

Rodney Ballard, Director

Recommendations:

- Authorize and direct Human Resources to create and advertise an Assistant Director position within 30 days of passing. (Appendix E; page 32)

Background:

Assistant Director Community Corrections	Mid-Point	Maximum
Salary	\$66,319	\$82,443
BP-Life/Health/Dental/Vision	\$5,000	\$5,000
FICA	\$4,100	\$5,000
Pension	\$13,000	\$16,200
Medicare	\$900	\$1,100
Unemployment	\$100	\$100
Total	\$89,419	\$109,843
Per Pay Period	\$3,439	\$4,225

Corrections

Rodney Ballard, Director

Recommendations Continued:

- Direct Corrections to provide a presentation to the full Council on the Community Alternative Program (CAP) no later than August 31, 2012.
 - Continue to work with local judges; educate and encourage them to utilize electronic monitoring when appropriate.

Background Continued:

- In process of reopening kitchen for staff (will be revenue neutral).
- “Weekenders” are the most labor intensive detainees.
 - Booked during the busiest time creating a log-jam.
 - Mandated to check-in on Friday nights and released on Monday morning.
- Training certificates for Lieutenant and Captain have nearly expired .
 - Increase in travel budget for training and education
 - Working with Police staff to provide training in the interim.
- Would like to increase number of Federal prisoners to increase revenue (requires working with US Marshall).

Police

Ronnie Bastin, Chief

Background:

- Administrative late items will include minor changes to reflect the ratification of the new collective bargaining agreement.
- No funding included for overtime during the NCAA tournament.
- Volunteers in Policing (VIP's) program uses qualified civilian volunteers to follow up with victims of property crimes.

Fire and EMS

Keith Jackson, Interim Chief

Recommendations:

- Support Fire's efforts to explore opportunities to recoup mitigation costs from responsible parties for hazmat spills.
 - Direct Fire to provide a progress report to full Council by November 30, 2012.

Background:

- Over the last several years the Division of Fire has seen an increase in run volume and expenditures in relationship to hazardous materials response, mitigation, and cleanup.
- Fire tower has been condemned.
 - Needs to be replaced
 - Exploring public/private company to design and build new tower.
 - Demolition costs estimated at \$32,000.

Department of Public Safety

Recommendations

- Refer the creation of a policy for systematically replacing and maintaining vehicles, apparatuses and other recurring costs that are critical to Public Safety divisions to a standing committee.
- Authorize and direct the Commissioner of Public Safety to conduct an evaluation regarding the functions of all Police and Fire positions and determine if the totality of a position's duties can be performed by a non-sworn employee. (Appendix F; page 34)
- Create log to show year-by-year how much each division is spending on the Final Four for future use in negotiating reimbursement for some of the city's cost from University of Kentucky.

Background

- Contract underway to address Federal mandate to connect public safety with the 800 MHz radio system (January 2013).
- UK's basketball success comes at a cost to Public Safety Divisions (Code Enforcement, Police, Fire, E-911).
 - Currently absorbing additional overtime costs during NCAA tournament

MOTION

I move to place on the docket a resolution initiating amendments to the Zoning Ordinance to transfer the authority to enforce Article 17, the sign ordinance, from the Division of Building Inspection to the Division of Planning.

COUNCILMEMBER

To be made at work session, May 15, 2012.

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RESOLUTION NO. _____-2012

A RESOLUTION INITIATING VARIOUS ZONING ORDINANCE TEXT AMENDMENTS TO AUTHORIZE MOVING ENFORCEMENT OF ARTICLE 17, THE SIGN ORDINANCE, FROM THE DIVISION OF BUILDING INSPECTION TO THE DIVISION OF PLANNING.

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

Section 1 - That Zoning Ordinance text amendments be initiated to authorize transferring enforcement of Article 17, the sign ordinance, from the Division of Building Inspection to the Division of Planning.

Section 2 – That this Resolution shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

PUBLISHED:

MOTION

I move to place on the docket a resolution directing the designation of a fund with a minimum of \$200,000.00 per fiscal year for funding nuisance abatement related activities beginning FY 2013.

Councilmember

Motion to be made at May 15, 2012 Council Meeting.

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RESOLUTION NO. _____-2012

A RESOLUTION AUTHORIZING AND DIRECTING THE DEPARTMENT OF FINANCE AND ADMINISTRATION, BEGINNING FISCAL YEAR 2013 AND THE BEGINNING OF EACH FISCAL YEAR THEREAFTER (JULY 1), TO DESIGNATE A FUND OF AT LEAST \$200,000.00 IN ORDER TO FUND ABATEMENT RELATED ACTIVITIES DEFINED AS MOWING, WEEDS, TRASH AND DEBRIS BY THE DIVISION OF CODE ENFORCEMENT.

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

Section 1 - That in order to fund abatement related activities defined as mowing, weeds, trash and debris, issued by the Division of Code Enforcement, the Department of Finance and Administration is authorized and directed to designate a fund of at least \$200,000.00 per fiscal year beginning FY 2013 and each fiscal year thereafter (July 1).

Section 2 - That this Resolution shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

AN ACT relating to filing deeds in lieu of foreclosure in the county clerk's office.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 382.110 is amended to read as follows:

- (1) All deeds, mortgages and other instruments required by law to be recorded to be effectual against purchasers without notice, or creditors, shall be recorded in the county clerk's office of the county in which the property conveyed, or the greater part thereof, is located.
- (2) No county clerk or deputy county clerk shall admit to record any deed of conveyance of any interest in real property equal to or greater than a life estate, unless the deed plainly specifies and refers to the next immediate source from which the grantor derived title to the property or the interest conveyed therein.
- (3) An authentic photocopy of any original record may be certified, as a true, complete, unaltered copy of the original record on file by the official public custodian of the record. A certified copy of a document certified by the official public custodian of that document may be submitted for filing in any other filing officer's jurisdiction as though it were the original record. However, no county clerk or deputy county clerk shall accept for filing any original document or certified copy of any document unless the original document and its certified copy conforms to all statutory requirements for filing the document under KRS Chapter 382. The provisions of this subsection shall apply only to a record generated and filed in Kentucky, and only if the certified copy thereof is to be utilized in Kentucky. If the record is a foreign record or a Kentucky record to be filed or utilized in a foreign jurisdiction, then this subsection shall not apply and applicable federal, Kentucky, or foreign law shall apply.
- (4) If the source of title is a deed or other recorded writing, the deed offered for record shall refer to the former deed or writing, and give the office, book and page where recorded, and the date thereof. If the property or interest therein is obtained by

inheritance or in any other way than by recorded instrument of writing, the deed offered for record shall state clearly and accurately how and from whom the title thereto was obtained by the grantor.

- (5) If the title to the property or interest conveyed is obtained from two (2) or more sources, the deed offered for record shall plainly specify and refer to each of the sources in the manner provided in subsections (2) and (4), and shall show which part of the property, or interest therein, was obtained from each of the sources.
- (6) No grantor shall lodge for record, and no county clerk or deputy shall receive and permit to be lodged for record, any deed that does not comply with the provisions of this section.
- (7) No clerk or deputy clerk shall be liable to the fine imposed by subsection (1) of KRS 382.990 because of any erroneous or false references in any such deed, nor because of the omission of a reference required by law where it does not appear on the face of such deed that the title to the property or interest conveyed was obtained from more than one (1) source.
- (8) This section does not apply to deeds made by any court commissioner, sheriff or by any officer of court in pursuance of his duty as such officer, nor to any deed or instrument made and acknowledged before March 20, 1928. No deed shall be invalid because it is lodged contrary to the provisions of this section.

(9) A mortgage holder shall file a deed in lieu of foreclosure in the county clerk's office of the county in which the property conveyed, or the greater part thereof, is located, no later than forty-five (45) days after the date the deed in lieu of foreclosure is executed.

➔ Section 2. KRS 382.990 is amended to read as follows:

- (1) Any grantor of a deed or any holder of a note who lodges for record a deed, instrument, or deed assigning a note or a deed of release or an instrument wherein there is a release, and any county clerk or deputy county clerk who receives and

permits to be lodged for record any such instrument or deed contrary to the provisions of KRS 382.110, 382.120, 382.290, or 382.360, shall be guilty of a violation; the clerk or deputy who actually receives and files the instrument for record shall incur the penalty, but no clerk or deputy shall be fined because of any false or erroneous statement in the instrument filed.

- (2) Any person who willfully and fraudulently makes affidavit to any statement mentioned in KRS 382.120, which is false, knowing the statement to be false, shall be guilty of a Class A misdemeanor, and in addition shall be liable to any person who may be injured by the making, filing, recording, or use of the affidavit.
- (3) Any person who causes to be recorded in a county clerk's office a deed, deed of trust, or mortgage in violation of KRS 382.330, or fails to file the statement required by KRS 382.380, shall be guilty of a Class A misdemeanor.
- (4) Any county clerk who records a deed or mortgage in violation of KRS 382.330 shall be guilty of a violation.
- (5) Any county clerk who, by himself or deputy, fails to perform any duty enjoined upon him by any of the provisions of KRS 382.110, 382.160, 382.180 to 382.200, 382.210, 382.250, 382.300 to 382.320, 382.360, or 382.370 shall be guilty of a violation.
- (6) Any person who knowingly and intentionally gives a false name or address in any instrument or assignment mentioned in KRS 382.430, shall be guilty of a Class A misdemeanor.
- (7) Any county clerk who fails to perform his duties under KRS 382.430, shall be guilty of a violation.
- (8) Any person who willfully and fraudulently gives a false statement as to the full actual consideration of property or the full estimated value under KRS 382.135, shall be guilty of a Class D felony.

(9) Any mortgage holder that fails to file a deed in lieu of foreclosure pursuant to

subsection (9) of Section 1 of this Act shall be guilty of a violation.

➔ Section 3. KRS 142.050 is amended to read as follows:

- (1) As used in this section, unless the context otherwise requires:
 - (a) "Deed" means any document, instrument, or writing other than a will and other than a lease or easement, regardless of where made, executed, or delivered, by which any real property in Kentucky, or any interest therein, is conveyed, vested, granted, bargained, sold, transferred, or assigned.
 - (b) "Value" means:
 1. In the case of any deed not a gift, the amount of the full actual consideration therefor, paid or to be paid, including the amount of any lien or liens thereon; and
 2. In the case of a gift, or any deed with nominal consideration or without stated consideration, the estimated price the property would bring in an open market and under the then prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.
- (2) A tax upon the grantor named in the deed shall be imposed at the rate of fifty cents (\$0.50) for each \$500 of value or fraction thereof, which value is declared in the deed upon the privilege of transferring title to real property.
- (3)
 - (a) If any deed evidencing a transfer of title subject to the tax herein imposed is offered for recordation, the county clerk shall ascertain and compute the amount of the tax due thereon and shall collect the amount as prerequisite to acceptance of the deed for recordation.
 - (b) The amount of tax shall be computed on the basis of the value of the transferred property as set forth in the deed.
 - (c) The tax required to be levied by this section shall be collected only once on each transaction and in the county in which the deed is required to be recorded

by KRS 382.110(1).

- (4) The county clerk shall collect the amount due and certify the date of payment and the amount of collection on the deed. The county clerk shall retain five percent (5%) as his fee for collection and remit the balance every three (3) months to the county treasurer, who shall deposit the money in the county general fund.
- (5) The Department of Revenue may prescribe regulations necessary to carry out the purposes of this section.
- (6) Any county clerk who willfully shall record any deed upon which a tax is imposed by this section without collecting the proper amount of tax and certifying the date and amount of collection on the deed as required by this section based on the declared value indicated in the affidavit appended to the deed shall, upon conviction, be fined \$50 for each offense.
- (7) The tax imposed by this section shall not apply to a transfer of title:
 - (a) Recorded prior to March 27, 1968;
 - (b) To, in the event of a deed of gift or deed with nominal consideration, or from the United States of America, this state, any city or county within this state, or any instrumentality, agency, or subdivision hereof;
 - (c) Solely in order to provide or release security for a debt or obligation;
 - (d) Which confirms or corrects a deed previously recorded;
 - (e) Between husband and wife, or between former spouses as part of a divorce proceeding;
 - (f) On sale for delinquent taxes or assessments;
 - (g) On partition;
 - (h) Pursuant to:
 - 1. Merger or consolidation between and among corporations, partnerships, limited partnerships, or limited liability companies; or
 - 2. Any conversion of a partnership, limited partnership, corporation, or

- limited liability company into a partnership, limited partnership, corporation, or limited liability company;
- (i) Between a subsidiary corporation and its parent corporation for no consideration, nominal consideration, or in sole consideration of the cancellation or surrender of either corporation's stock;
 - (j) 1. Under a foreclosure proceeding; or
2. Pursuant to a voluntary surrender under a mortgage in lieu of a foreclosure proceeding;
 - (k) Between a person and a corporation, partnership, limited partnership or limited liability company in an amount equal to the portion of the value of the real property transferred that represents the proportionate interest of the transferor of the property in the entity to which the property was transferred, if the transfer was for nominal consideration;
 - (l) Between parent and child or grandparent and grandchild, with only nominal consideration therefor;
 - (m) By a corporation, partnership, limited partnership, or limited liability company to a person as owner or shareholder of the entity, upon dissolution of the entity, in an amount equal to the portion of the value of the real property transferred that represents the proportionate interest of the person to whom the property was transferred, if the transfer was for nominal consideration;
 - (n) Between a trustee and a successor trustee; and
 - (o) Between a limited liability company and any of its members.
- (8) The tax imposed by subsection (2) of this section shall not apply to transfers to a trustee, to be held in trust, or from a trustee to a beneficiary of the trust if:
- (a) The grantor is the sole beneficiary of the trust;
 - (b) The grantor is a beneficiary of the trust and a direct transfer from the grantor of the trust to all other individual beneficiaries of the trust would have

qualified for an exemption from the tax pursuant to one (1) of the provisions of subsection (7) of this section; or

- (c) A direct transfer from the grantor of the trust to all other individual beneficiaries of the trust would have qualified for an exemption from the tax pursuant to one (1) of the provisions of subsection (7) of this section.

- (9) As used in this section, "trust" shall have the same definition as contained in KRS 386.800.

AN ACT relating to secured property.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 426 IS CREATED TO READ AS FOLLOWS:

(1) In an action otherwise properly brought to enforce a mortgage or lien against real property determined by the court to be vacant and abandoned, a sale of the property shall be ordered expeditiously.

(2) Real property shall be considered vacant and abandoned, for purposes of this section only, if there has been no legal resident or other person legally entitled to occupy the property residing at the property for a period of forty-five (45) or more consecutive days and two (2) or more of the following or similar circumstances which would lead a reasonable person to believe that the property is vacant exist:

(a) Overgrown or dead vegetation;

(b) Accumulation of flyers, mail, or trash;

(c) Disconnected utilities;

(d) The absence of window coverings or furniture;

(e) Uncorrected hazardous conditions or vandalism;

(f) Statements of neighbors, delivery persons, or government employees that the property is vacant.

Proof of vacancy and abandonment may be offered by affidavit filed at or after the time of filing of the complaint by the plaintiff or other lienholder.

(3) If the court makes a finding in the order of sale that the property is vacant and abandoned, the master commissioner shall sell the property within seventy (70) days of the order.

(4) The plaintiff or other mortgage or lienholder in whose favor the judgment and order of sale were entered shall apply for an order confirming the sale within twenty (20) days of the date of the sale and, unless there have been exceptions to

the report of the master commissioner, the court shall act on such application not later than the next regularly scheduled civil motion or rule day.

(5) The master commissioner shall make conveyance of the property on the date the court confirms the sale, or as soon thereafter as all costs and fees have been paid by the foreclosing mortgagee or lienholder or as soon as a third-party purchaser has paid the purchase price.

➔ Section 2. KRS 426.525 is amended to read as follows:

Foreclosure of a mortgage is forbidden; provided, however, that this section shall not preclude a mortgagee after default from taking possession of property subject to the mortgage which has been abandoned by the mortgagor, for the purpose of preserving and maintaining the same, harvesting crops, or letting the same, all to the account of the mortgagor; and any reasonable expenses incident thereto including taxes and insurance shall be added to the principal of the mortgage, and secured by it. For the purpose of this section, property shall be deemed to have been abandoned when the mortgagor has moved from the property and when by the nature of the property in question further neglect or failure to attend will decrease its value. Any right a mortgagee acquires in a tenant's interest in crops raised on shares is inferior to any prior existing lien of the landlord on the tenant's interest. Nothing in this section shall be construed as conflicting with the provisions of KRS 383.110 *or Section 1 of this Act.*

➔ Section 3. KRS 517.060 is amended to read as follows:

(1) A person is guilty of defrauding secured creditors when he destroys, *damages,* removes, conceals, encumbers, transfers or otherwise deals with property subject to a security interest with intent *either to lower the value of the secured interest or* unlawfully to hinder enforcement of that interest.

(2) Defrauding secured creditors is a Class A misdemeanor unless the value of the property subject to the security interest is:

(a) Five hundred dollars (\$500)~~one hundred dollars (\$100)~~ or more *up to ten*

thousand dollars (\$10,000), in which case it is a Class D felony; or
(b) Ten thousand dollars (\$10,000) or more, in which case it is a Class C
felony.

MOTION

I move to place on the docket for the Thursday May 17, 2012 council meeting, a resolution authorizing and directing the Division of Human Resources to create and advertise an Assistant Director position in the Division of Community Corrections within thirty days of passage.

RESOLUTION NO. _____ - 2012

A RESOLUTION AUTHORIZING AND DIRECTING THE DIVISION OF HUMAN RESOURCES TO CREATE AND ADVERTISE AN ASSISTANT DIRECTOR POSITION IN THE DIVISION OF COMMUNITY CORRECTIONS WITHIN THIRTY DAYS OF PASSAGE OF THIS RESOLUTION.

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

Section 1 – That the Division of Human Resources be and hereby is authorized and directed to create and advertise an Assistant Director position in the Division of Community Corrections within thirty days of passage of this resolution.

Section 2 – That this Resolution shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

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MOTION

I move to place on the docket for the May 17, 2012, Council meeting, a resolution authorizing and directing the Commissioner of Public Safety to evaluate the functions of all positions within the Division of Police and the Division of Fire and Emergency Services to determine whether the totality of a position's duties can be performed by a non-sworn employee.

Council Member

RESOLUTION NO. _____ - 2012

A RESOLUTION AUTHORIZING AND DIRECTING THE COMMISSIONER OF PUBLIC SAFETY TO EVALUATE THE FUNCTIONS OF ALL POSITIONS WITHIN THE DIVISION OF POLICE AND THE DIVISION OF FIRE AND EMERGENCY SERVICES TO DETERMINE WHETHER THE TOTALITY OF A POSITION'S DUTIES CAN BE PERFORMED BY A NON-SWORN EMPLOYEE.

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

Section 1 – That the Commissioner of Public Safety be and hereby is authorized and directed to evaluate the functions of all positions within the Division of Police and the Division of Fire and Emergency Services to determine whether the totality of a position’s duties can be performed by a non-sworn employee.

Section 2 – That this Resolution shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

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FY2013 Committee of the Whole Budget Schedule

Description	Date	Day	Time	Location
Analysis of Mayor's Proposed Budget	4/24/12	Tuesday	1:00	Chambers
Revenue Projections Discussion	4/26/12	Thursday	3:30	Chambers
Bonding, Debt & Capital Discussion	4/26/12	Thursday	1:00	Chambers
Links Report Out - Beard, Lane	5/15/12	Tuesday	3:00	Chambers
Links Report Out - Blues, Myers	5/17/12	Thursday	1:00	Chambers
Link Report Out - Kay/Discussion	5/29/12	Tuesday	3:00	Chambers
Public Hearing Mayor's Proposed Budget	5/29/12	Tuesday	5:00	Email to VM Gorton, CM Ellinger, Stacey & Connie
Links Recommendations Deadline	5/30/12	Wednesday	5:00	Email to VM Gorton, CM Ellinger, Stacey & Connie
Councilmembers Recommendation Deadline	6/1/12	Friday		
Revenue Update/Review Mayor's Late	6/7/12	Thursday	3:00	Chambers
Items/Review Links/CM Recommendations	6/12/12	Tuesday	9:00	Chambers
Discussion of Proposed Amendments	6/12/12	Tuesday	3:00	Chambers
Ratify Budget/Motion to Place on Docket	6/19/12	Tuesday	3:00	Chambers
1st Reading of Budget	6/21/12	Thursday	6:00	Chambers
2nd Reading of Budget				