

Lexington-Fayette Urban County Government

*200 E. Main St
Lexington, KY 40507*



Tuesday, May 29, 2012

3:00 PM

Packet

Council Chamber

Urban County Council Work Session

**URBAN COUNTY COUNCIL
SCHEDULE OF MEETINGS
May 28 – June 4, 2012**

Monday, May 28

Memorial Day – Offices Closed

Tuesday, May 29

Budget COW – Links Report Out.....1:00 pm
Council Chambers-2nd Floor Government Center

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

Wednesday, May 30

No Meetings

Thursday, May 31

No Meetings

Friday, June 1

No Meetings

Monday, June 4

Itinerant Merchant Task Force.....1:00 pm
Conference Room – 7th Floor Phoenix Building

ZOTA Work Group.....1:30 pm
Conference Room – 5th Floor Government Center

URBAN COUNTY COUNCIL

WORK SESSION SUMMARY

TABLE OF MOTIONS

May 15th, 2012

Mayor Jim Gray called the meeting to order at 2:57pm. All Council Members were present.

I. Docket Approval

Motion by Blues to approve the docket. Seconded by Stinnett. The motion passed without dissent.

Motion by Gorton to place on the docket for the May 17th, 2012 Council meeting the Memorandum of Agreement with the Fayette County Attorney's Office for the Driver's Education Program. Seconded by Kay. Motion passed without dissent.

Motion by Lawless to place on the docket for the May 17th, 2012 Council meeting a resolution establishing a Residential Parking Permit Program for the 1200 block of Kastle Road for the following addresses only: 1211-1231, on the west side and 1216-1240 on the east side, from 8:00am-4:00pm Monday through Friday; from September 1 through May 31; and waiving the provisions relating to the mechanics of designating Residential Parking Permit areas adopted by Resolution No. 168-90 and amended by Resolutions Nos. 450-91 and 433-2006. Seconded by Crosbie. The motion passed 13-2.

Motion by Ford to place on the docket for the May 17th, 2012 Council meeting an ordinance authorizing the issuance of approximately \$10,350,000 in industrial revenue bonds to Transylvania University to finance additions and improvements to its campus and authorizing the execution of the necessary related documents. The issuance does not constitute a debt of the Urban County Government. Seconded by Lane. Motion passed unanimously.

Motion by Myers to place on the docket for the May 17th, 2012, a resolution amending Section 2.204 of the Council rules to provide that the Council may consider and act on any matter referred to a Council committee. Seconded by Ellinger. Motion passed 13-2.

Motion by Beard to add the Landsdowne Elementary PTA and Southern Heights Neighborhood Association to the NDF list. Seconded by Myers. The motion passed without dissent.

II. Summary Approval

Motion by Beard to approve the Summary from the May 8th, 2012 Work Session. Seconded by Gorton. The motion passed without dissent.

III. Budget Amendments

Motion by Beard to approve the budget amendments. Seconded by Ellinger. The motion passed without dissent.

IV. New Business

Motion by Farmer to approve the New Business. Seconded by Gorton. Motion passed without dissent.

V. Continuing Business/Presentations

Motion by Beard to approve the NDF List. Seconded by Gorton. Motion passed without dissent.

Motion by Farmer to approve the Planning and Public Works Committee Summary from May 8th, 2012. Seconded by Gorton. Motion passed without dissent.

VI. Mayor's Report

Motion by Crosbie to approve the Mayor's Report. Seconded by Lane. Motion passed 14-1.

VII. Other Business

Motion by Gorton to go into closed session pursuant to KRS 61.810 (1)(c) for the purpose of discussing pending litigation. Seconded by Kay. Motion passed without dissent.

Motion by Blues to come out of the closed session. Seconded by Beard. Motion passed without dissent.

Motion by Farmer to adjourn. Seconded by Beard. Motion passed without dissent.

Lexington Fayette Urban County Government
Work Session Agenda
May 29, 2012

- I. Public Comment - Issues on Agenda**
- II. Requested Rezoning/ Docket Approval - No**
- III. Approval of Summary – Yes p. 1 - 2**
- IV. Budget Amendments – Yes p. 8 - 14**
- V. New Business – Yes p. 15 - 48**
- VI. Continuing Business/ Presentations**
 - A** Neighborhood Development Funds p. 49 - 51
 - B** Environmental Quality Committee Summary p. 52 - 53
 - C** Franchise Agreements Update
By David Barberie, Department of Law p. 54 - 99
 - D** Div. of Police Collective Bargaining Agreement
By Don Crain, Attorney with Frost Brown Todd, LLC p. 100 - 103
- VII. Council Reports**
- VIII. Mayor's Report - Yes**
- IX. Public Comment - Issues Not on Agenda**
- X. Adjournment**

Administrative Synopsis - New Business Items

- A 0517-12** Authorization to execute a Mutual Release Agreement to close out a project with Gershman, Brickner & Bratton, Inc. (GBB) to resolve any and all claims in connection with contracts for the Materials Recovery Facility (MRF) Project and the Waste Management Routing Project. (L517-12) (Feese/Moloney)
This is a request to execute a Mutual Release Agreement to close out a project with GBB to resolve any and all claims in connection with contracts for the MRF project and the Waste Management Routing Project for the compromised amount of \$45,000. Funds are budgeted..p. 15
- B 0521-12** Authorization to execute an agreement with VanHook Enterprises, Inc. for Change Order No. 1 for additional work to the West Hickman WWTP Solids Bldg HVAC and Odor Control Improvements Project. (L521-12) (Martin/Moloney)
This is a request to execute an agreement with VanHook Enterprises, Inc. for Change Order No. 1 for additional work to the West Hickman WWTP Solids Bldg HVAC and Odor Control Improvements Project. This Change Order is for an increase of \$5,830.18 and a six (6) week time extension. It brings the total contract amount to \$704,830.18. Funds are budgeted. p. 16-25
- C 0532-12** Authorization to execute an agreement with Marathon Pipe Line, LLC granting a right of entry and right to utilize pond water for pipeline testing at the West Hickman Wastewater Treatment Plant. (L532-12) (Martin/Moloney)
This is a request to execute an agreement with Marathon Pipe Line, LLC granting a right of entry and right to utilize pond water for pipeline testing at the West Hickman Wastewater Treatment Plant. There is no budgetary impact. p. 26
- D 0536-12** Authorization to renew a contract with Group CJ for stormwater education and outreach services. (L536-12) (Bush/Moloney)
This is a request to renew a contract with Group CJ for one (1) year beginning July 1, 2012, for stormwater education and outreach services for an amount not to exceed \$209,000. Funds are budgeted. p. 27-30
- E 0542-12** Authorization to execute Professional Service Agreements for landscape architectural services in yard restorations with Barrett Partners, Inc., M2D Design Group and Perkins Landscape as part of Sanitary and Storm water Projects. (L542-12) (Martin/Moloney)

This is a request to execute Professional Service Agreements for landscape architectural services in yard restorations with Barrett Partners, Inc., M2D Design Group and Perkins Landscape as part of Sanitary and Stormwater Projects. Designated hourly rates apply. Funds are budgeted. p. 31

- F 0545-12 Authorization to execute Change Order No. 1 to Agreement with Sensabaugh Design & Construction to complete additional work for the Police Pole Barn Storage Building. (L545-12) (Bastin/Mason)**

This is a request to execute Change Order No. 1 to Agreement with Sensabaugh Design & Construction for an amount of \$3,275 required to complete additional work for the Police Pole Barn Storage Building. This increase brings the total cost to \$192,275. Funds are budgeted. p. 32-35

- G 0546-12 Authorization to execute a modification to Agreement with the Kentucky Division of Emergency Management under the Federal Emergency Management Agency's Hazard Mitigation Grant Program for Division of Fire and Emergency Services. (L546-12) (Gooding/Mason)**

This is a request to execute a modification to Agreement with the Kentucky Division of Emergency Management under the Federal Emergency Management Agency's Hazard Mitigation Grant Program for Division of Fire and Emergency Services, extending the period of performance through June 13, 2014. There is no budgetary impact. p. 36

- H 0548-12 Authorization to submit application to the Kentucky Cabinet for Health and Family Services, and accept award if offered, for continuation of the New Chance Program for FY 2013. (L548-12) (Gooding/Mills)**

This is a request to submit application to the Kentucky Cabinet for Health and Family Services, and accept award if offered, for continuation of the New Chance Program for FY 2013. The total cost of the program for 2013 is \$314,247. p.37

- I 0549-12 Authorization to submit application, and accept award if offered, to the Kentucky Department of Juvenile Justice under the Juvenile Accountability Block Grant Program for FY 2013. (L549-12) (Gooding/Mills)**

This is a request to submit application in the amount of \$16,183, and accept award if offered, to the Kentucky Department of Juvenile Justice under the Juvenile Accountability Block Grant Program for FY 2013. A 10% grant match of \$1,798 is required. Funds have been requested in the 2013 budget. p. 38

- J 0550-12 Authorization to execute a Contract with Verdin Company for restoration and re-installation of historic Skuller's street clock on West Main St. (L550-12) (Kerr/Paulsen)**
 This is a request to execute a Contract with Verdin Company in the amount of \$25,415 for restoration and re-installation of historic Skuller's street clock on West Main St. Verdin Company is a sole source provider. Funds have been raised by the Historic Preservation Commission through donations dedicated for this project. p. 39
- K 0555-12 Authorization to amend Section 24-51 of the Code of Ordinances relating to inmate medical fees at the detention center. (L555-12) (Ballard/Mason)**
 This is a request to amend Section 24-51 of the Code of Ordinances relating to inmate medical fees at the detention center. The amendment will increase the co-payment an inmate pays for medical care from \$5 to \$15, require an inmate to pay the cost of prescription medication if the prescription is \$14.99 or less and to pay a co-payment of \$15 if the prescription costs more than \$14.99, include a booking fee of \$35, and provide that any fees received shall be used to help offset the costs of operating the detention center. p. 40-42
- L 0563-12 Authorization to accept the Collective Bargaining Agreement with Bluegrass Fraternal Order of Police, Lodge No. 4 on behalf of Police Officers and Sergeants Unit. (L563-12) (Graham)**
 This is a request to accept the Collective Bargaining Agreement with Bluegrass Fraternal Order of Police, Lodge No. 4 on behalf of Police Officers and Sergeants Unit. Approximate savings for the four (4) year term July 1, 2012 - June 30, 2016 is \$4,475,500. p. 43
- M 0566-12 Authorization to enter into a lease agreement with West End Community Empowerment Project of Lexington, Inc. (WECEP) for space within the Black & Williams Neighborhood Center located at 498 Georgetown Street. (L566-12) (Hamilton)**
 This is a request to enter into a lease agreement with WECEP of Lexington, Inc. for space within the Black & Williams Neighborhood Center located at 498 Georgetown Street. The agreement will be for one (1) year, effective July 1, 2012 and ending June 30, 2013 with an automatic extension for two (2) additional one (1) year terms. The annual rental rate is \$11,717.58. p. 44

- N 0567-12** Authorization to enter into an agreement to create a sponsorship Paramedic education program known as UK/LDFES Paramedic Affiliation between University of Kentucky and LFUCG's Division of Fire and Emergency Services. (L567-12) (Jackson/Mason)
This is a request to enter into an agreement to create a sponsorship Paramedic education program known as UK/LDFES Paramedic Affiliation between University of Kentucky and LFUCG's Division of Fire and Emergency Services. There is no budgetary impact. p. 45
- O 0569-12** Authorization to adopt a resolution allowing an amendment to Lexington Christian Academy's (LCA) Industrial Revenue Bond (IRB) based upon it obtaining a more favorable interest rate on the loan. (L569-12) (Atkins)
This is a request to adopt a resolution allowing an amendment to LCA's IRB based upon it obtaining a more favorable interest rate on the loan. LFUCG will incur no expenses related to this action and all risk or repayment of the loan and IRB bond is borne by LCA. p. 46
- P 0570-12** Authorization to amend Section 2-180 of the Code of Ordinances of the LFUCG to add the Commissioner of Finance, or his or her designee, as an ex-officio voting member of the Board of Commissioners of the Lexington and Fayette County Parking Authority. (L570-12) (Hamilton)
This is a request to amend Section 2-180 of the Code of Ordinances of the LFUCG to add the Commissioner of Finance, or his or her designee, as an ex-officio voting member of the Board of Commissioners of the Lexington and Fayette County Parking Authority. This change was included as part of the Memorandum of Agreement between LFUCG and the Parking Authority related to the transfer and management of the parking garages. p. 47-48

BUDGET AMENDMENT REQUEST LIST

JOURNAL	60409-10	DIVISION	Special Projects	Fund Name	General Fund
				Fund Impact	1,120.00
					1,120.00CR
					.00

To provide funds for Sweet 16 operating expenses by recognizing funds received from the 101 Committee for food during the event.

JOURNAL	60549-50	DIVISION	Streets and Roads	Fund Name	General Fund
				Fund Impact	558.28
					558.28CR
					.00

To provide funds for overtime by recognizing reimbursement for overtime worked during special event - Once Upon A Story.

JOURNAL	To Be Determined	DIVISION	Grants and Sepcial Projects	Fund Name	General Fund
				Fund Impact	50,773.00
					50,773.00

To decrease personnel recovery for New Chance 2013.

JOURNAL	To Be Determined	DIVISION	Grants and Sepcial Projects	Fund Name	General Fund
				Fund Impact	8,000.00CR
					8,000.00CR

To establish personnel recovery for Emergency Solutions 2012, approved by Resolution 231-2012.

JOURNAL	60402-03	DIVISION	Special Projects	Fund Name	Donation Fund
				Fund Impact	375.00
					375.00CR
					.00

To provide operating expenses by recognizing revenue from the Commonwealth of Kentucky for the installation and removal of Market 2012 banners.

JOURNAL	60404-05	DIVISION	Special Projects	Fund Name	Donation Fund
				Fund Impact	540.00
					540.00CR
					.00

To provide operating expenses by recognizing revenue from PNC Bank for the installation and removal of Sweet 16 banners.

JOURNAL	60406-07	DIVISION	Special Projects	Fund Name	Donation Fund
				Fund Impact	300.00
					300.00CR
					.00

To provide operating expenses by recognizing revenue from The Kentucky Horse Park Foundation for the installation and removal of banners

JOURNAL	60500-01	DIVISION	Social Services	Fund Name	Donation Fund
				Fund Impact	8,150.00
					8,150.00CR
					.00

To provide funds to support the Celebration of Disability Expo by recognizing donations received for this event.

JOURNAL	60398	DIVISION	Police	Fund Name	Police Confiscated Fed
				Fund Impact	27,389.00
					27,389.00CR
					.00

To reallocate Asset Forfeiture funds to reflect current needs for Helicopter parts and repair by decreasing funds in conferences and other training.

JOURNAL	60509	DIVISION	Parks and Recreation	Fund Name	2006 Bond Projects
				Fund Impact	6,467.25
					6,467.25CR
					.00

To provide funds to resurface a basketball court at Kirklevington Park for an entry level skate park, the equipment for which is being donated by Criket Communications, by decreasing building capital funds.

JOURNAL	60366	DIVISION	Grants and Sepcial Projects	Fund Name	US Dept HUD
				Fund Impact	68,314.00
					68,314.00CR
					.00

To amend Emergency Shelter 2012 providing for 3rd party in-kind match to be recognized as intangible grant match.

JOURNAL	60367	DIVISION	Grants and Sepcial Projects	Fund Name	US Dept HUD
				Fund Impact	68,314.00
					68,314.00CR
					.00

To amend Emergency Shelter 2012 providing for 3rd party in-kind match to be recognized as intangible grant match.

JOURNAL	60411	DIVISION	Grants and Sepsial Projects	Fund Name Fund Impact	US Dept HUD 14,150.00 14,150.00CR .00
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To amend Housing Opportunities for Persons with AIDS (HOPWA) 2009 grant to provide for additional personnel costs.

JOURNAL	60515	DIVISION	Grants and Sepsial Projects	Fund Name Fund Impact	US Dept HUD 6,823.35 6,823.35CR .00
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To amend Homeless Prevention and Rapid Re-Housing Program to provide for project termination by moving excess personnel costs to Rapid Rehousing activity.

JOURNAL	60547	DIVISION	Grants and Sepsial Projects	Fund Name Fund Impact	US Dept HUD 166,000.00 166,000.00CR .00
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To provide additional funds in HOME 2012 for homeownership program operated by REACH.

JOURNAL	60548	DIVISION	Grants and Sepsial Projects	Fund Name Fund Impact	US Dept HUD 87,187.00 87,187.00CR .00
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To provide additional funding to Urban League for rental housing development project as gap financing for new construction on one additional house and to increase level of gap financing on four additional new units.

JOURNAL	To Be Determined	DIVISION	Grants and Sepsial Projects	Fund Name Fund Impact	US Dept HUD 3,761,406.00 3,761,406.00CR .00
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To establish grant budget from U.S. Department of Housing and Urban Development for FY 2013 for the Community Development Block Grant Program, the HOME Investment Partnerships Program and the Emergency Solutions Grants Program, approved by Resolution 200-2012.

JOURNAL	To Be Determined	DIVISION	Grants and Sepsial Projects	Fund Name Fund Impact	US Dept HUD 103,854.00 103,854.00CR .00
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To establish grant budget for Emergency Solutions 2012, approved by Resolution 231-2012.

JOURNAL	60506-07	DIVISION	Grants and Sepsial Projects	Fund Name Fund Impact	US Dept of Justice 100.00 100.00CR .00
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To recognize additional revenue from Sexual Assault Nurse Training provided by Division of Police under SANE 2012 grant.

JOURNAL	To Be Determined	DIVISION	Grants and Sepsial Projects	Fund Name Fund Impact	US Dept of Justice 17,981.00 17,981.00CR .00
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To establish grant budget for Juvenile Accountability Block Grant 2013.

JOURNAL	To Be Determined	DIVISION	Grants and Sepsial Projects	Fund Name Fund Impact	US Dept of Justice 252,727.00 252,727.00CR .00
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To establish grant budget for Justice Assistance 2013 Grant, approved by Resolution 234-2012.

JOURNAL	To Be Determined	DIVISION	Grants and Sepsial Projects	Fund Name Fund Impact	US Dept of Justice 66,667.00 66,667.00CR .00
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To establish grant budget for Street Sales 2013, approved by Resolution 125-2012.

JOURNAL	To Be Determined	DIVISION	Grants and Sepsial Projects	Fund Name Fund Impact	US Dept Transportation 824,500.00 824,500.00CR .00
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To establish grant budget from the Kentucky Transportation Cabinet for support of the 2013 Fiscal Year Unified Work Program approved by Resolution 160-2012

JOURNAL	To Be Determined	DIVISION	Grants and Sepsial Projects	Fund Name Fund Impact	US Dept Transportation 575,000.00 575,000.00CR .00
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To establish grant budget for Intelligent Traffic System/Congestion Management 2013, approved by Resolution 271-2012.

JOURNAL	To Be Determined	DIVISION	Grants and Sepsial Projects	Fund Name Fund Impact	US Dept Transportation 160,000.00 160,000.00CR .00
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To establish grant budget for Traffic Safety and Speed Enforcement Project 2013, approved by Resolution 196-2012.

JOURNAL	60368-69	DIVISION	Grants and Sepsial Projects	Fund Name Fund Impact	US Dept HHS 40,000.00 40,000.00CR .00
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To amend Runaway Youth 2012 to provide for recognition of in-kind match in the correct account.

JOURNAL	To Be Determined	DIVISION	Grants and Sepsial Projects	Fund Name Fund Impact	US Dept HHS 460,560.00 460,560.00CR .00
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To establish grant budget for Home Network 2013 grant, approved by Resolution 217-2012.

JOURNAL	To Be Determined	DIVISION	Grants and Sepsial Projects	Fund Name Fund Impact	US Dept HHS 314,247.00 314,247.00CR .00
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To establish grant budget for New Chance 2013.

JOURNAL	To Be Determined	DIVISION	Grants and Sepsial Projects	Fund Name Fund Impact	US Dept HHS 250,647.00 250,647.00CR .00
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To establish grant budget for Senior Citizen 2013, approved by Resolution 202-2012.

JOURNAL	To Be Determined	DIVISION	Grants and Sepsial Projects	Fund Name Fund Impact	Grants - State 441,780.00 441,780.00CR .00
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To establish grant budget for Day Treatment 2013 grant, approved by Resolution 218-2012.

JOURNAL	To Be Determined	DIVISION	Grants and Sepsial Projects	Fund Name Fund Impact	Grants - State 2,006,685.00 2,006,685.00CR .00
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To establish grant budget for Fire Training 2013, approved by Resolution 267-2012.

JOURNAL	To Be Determined	DIVISION	Grants and Sepcial Projects	Fund Name Fund Impact	Grants - State 100,010.00 100,010.00CR .00
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To establish grant budget for Law Enforcement 2013 grant, approved by Resolution 123-2012.

JOURNAL	To Be Determined	DIVISION	Grants and Sepcial Projects	Fund Name Fund Impact	Grants - State 2,120,336.45 2,120,336.45CR .00
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To establish grant budget for Police Training 2013, approved by Resolution 266-2012.

JOURNAL	To Be Determined	DIVISION	Grants and Sepcial Projects	Fund Name Fund Impact	Grants - State 11,000.00 11,000.00CR .00
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To establish grant budget for Emergency Medical Services 2013, approved by Resolution 549-2011.

JOURNAL	To Be Determined	DIVISION	Grants and Sepcial Projects	Fund Name Fund Impact	Grants - State 830.51 830.51CR .00
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To amend grant budget for Emergency Medical Services 2013 based on actual award.

JOURNAL	60414	DIVISION	Finance	Fund Name Fund Impact	Sanitary Sewer Fund 7,150.00 7,150.00CR .00
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To correct Debt Service budget for KIA SRF Radcliff Road Loan # 4209-09 to change the fund that pays for the debt service. The debt should be paid out of the Water Quality Fund because the project was for stormwater improvements.

JOURNAL	60417	DIVISION	Finance	Fund Name Fund Impact	Sanitary Sewer Fund 295,366.10 295,366.10
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To provide funds for Principle and Service fees for the Kentucky Infrastructure Authority SRF Loan for the South Elkhorn Pump Station Per Resolution 310-2010. The final draw was May 5th and the full Amortization schedule has been given by the state.

JOURNAL	60412-13	DIVISION	Finance	Fund Name	PFC - General
				Fund Impact	30.00
					30.00CR
					.00

To adjust AOC 2006 Courthouse Debt Service Interest to accurately reflect state portion of the debt service payment.

JOURNAL	60415-16	DIVISION	Finance	Fund Name	Water Quality Fund
				Fund Impact	7,150.00
					7,150.00CR
					.00

To correct Debt Service budget for KIA SRF Radcliff Road Loan # 4209-09 to change the fund that pays for the debt service. The debt should be paid out of the Water Quality Fund because the project was for stormwater improvements.

BUDGET AMENDMENT REQUEST SUMMARY

Fund	1101	General Service District Fund	42,773.00
Fund	1103	Donation Fund	.00
Fund	1131	Police Confiscated Federal Fund	.00
Fund	2515	2006 Bond Projects	.00
Fund	3120	US Department of Housing and Urban Development	.00
Fund	3140	US Department of Justice	.00
Fund	3160	US Department of Transportation	.00
Fund	3190	US Department of Health and Human Services	.00
Fund	3400	Grants - State	.00
Fund	4002	Santiary Sewer Revenue and Operating Fund	295,366.10
Fund	4022	PFC – General Fund	.00
Fund	4051	Water Quality Management Fund	.00



Lexington-Fayette Urban County Government
DEPARTMENT OF ENVIRONMENTAL QUALITY

Jim Gray
Mayor

Cheryl Taylor
Commissioner

MEMORANDUM

TO: Mayor Jim Gray and Urban County Council

FROM : _____
Richard Moloney, Acting Commissioner
Department of Environmental Quality

DATE: May 7, 2012

RE: Final Closeout of Two Projects With Gershman, Brickner & Bratton, Inc. (GBB) Resolution 589-2009 and Resolution 683-2008

Council approved a contract with Gershman, Brickner & Bratton, Inc. (GBB) in the amount of \$1,655,596 per Resolution 589-2009 for routing improvements. A change order request #1 was approved to increase this contract by \$66,000 which resulted in a final contract price of \$1,721,596. Previously, GBB was hired to conduct a waste stream study for the MRF per Resolution 683-2008 and Resolution 158-2009 at a total cost of \$271,566. All work under both contracts has been successfully completed. However, after completion, issues arose between LFUCG and GBB regarding appropriate payments for the contract work.

The parties have reached agreement and approval is requested of the attached Mutual Release Agreement. The agreement provides for an equitable resolution of all issues under both contracts by payment to GBB of the compromised amount of \$45,000. Execution of the Agreement will resolve any and all potential claims by GBB in connection with both contracts and confirms that all subcontractors have been paid under both contracts. In return for the payment, GBB will completely release and forever discharge LFUCG, its successors and assigns, from any and all claims.

Your favorable consideration is appreciated.

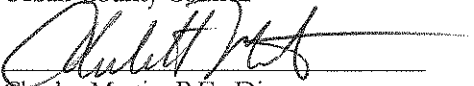


Lexington-Fayette Urban County Government
DEPARTMENT OF ENVIRONMENTAL QUALITY AND PUBLIC WORKS

Jim Gray
Mayor

Richard Moloney
Acting Commissioner

To: Mayor Jim Gray
Urban County Council

From: 
Charles Martin, P.E., Director

Date: April 26, 2012

Re: Request authorization to execute an agreement with VanHook Enterprises Inc. for Change Order #1;
West Hickman WWTP Solids Bldg HVAC and Odor Control Improvements

The Division of Water Quality requests approval of Change Order #1 for VanHook Enterprises Inc. for additional work to the West Hickman WWTP Solids Bldg HVAC and Odor Control Improvements Project. Change Order #1 is for a total amount of \$5,830.18 and a 6 week time extension.

The amount of the change order includes funds for the installation of a 2' X 2' access door and new handrail to be placed on the roof of an existing building for the safety of the maintenance crew.

The change order is fully budgeted and funds are located in the account shown below.

4003 303403 0001 92711 WHWTPODOR_2010/CONSTRUCT \$5,830.18

Should you have any questions, please call.

cc: Richard Moloney, Acting Commissioner, Department of Environmental Quality
Tiffany Rank, P.E., Division of Water Quality

CONTRACT HISTORY FORMContractor: VanHook Enterprises Inc.Project Name: West Hickman WWTP
Solids Bldg HVAC and Odor Control ImprovementsContract Number and Date: 60-2011 August 25, 2011Responsible LFUCG Division: Water Quality**CHANGE ORDER DETAILS**

Summary of Previous Change Orders to Date:	<u>Dollar Amount</u>	<u>Percent Change to Original Contract</u>
A. Original Contract Amount:	\$699,000.00	0%
		Line B/Line A
B. Pervious Change Order Total:	\$0.00	
C. Current Contract Amount:	\$699,000.00	
D. Amount of this Change Order:	\$5,830.18	1%
		Line D/Line A
E. New Contract Amount:	\$704,830.18	101%
		Line E/Line A

SIGNATURE LINES

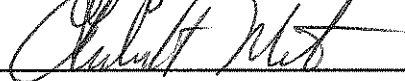
REVIEWED BY:



DATE:

4/30/12

DIVISION DIRECTOR:



DATE:

5-1-12

Change Order No. 1
Resolution # 362-2011
West Hickman Wastewater Treatment Plant
Solids Building HVAC and Odor Control Improvements

Lexington-Fayette Urban County Government
Lexington, Kentucky

OWNER: Lexington-Fayette Urban County Government
200 East Main Street
Lexington, Kentucky 40507

CONTRACTOR: VanHook Enterprises, Inc
PO Box 3547
West Somerset, KY 42564

SUMMARY OF INFORMATION

Date of Change Order:	April 19, 2012
Date of Contract:	August 25, 2011
Date of Notice to Proceed:	October 17, 2011
Official Start Date:	October 27, 2011
Length of Contract (calendar days):	180
Date of Contract Completion (final completion date):	April 14, 2012
Previous Change in Contract Time (calendar days):	0
Change in Contract Date:	0
Change in Contract Time in CO #1 (calendar days):	42
Revised Contract Date (final completion date):	May 26, 2012
Original Contract Amount:	\$699,000.00
Previous Change Order Total:	\$0.00
Current Contract Amount:	\$699,000.00
Change Order (1) Amount:	\$5,830.18
Revised Contract Amount:	\$704,830.18
Percent Change from Original:	1%

Review attached information for **General Description**
Summary of Information.xls Nov-08

SIGNATURES TO CHANGE ORDER

Change Order #1 Amount - \$5,830.18

DATE: 4/27/12

ACCEPTED:
Contractor's Name
Vanhook Enterprises, Inc.
BY: [Signature]
Richard Van Hook, President

DATE: 4/30/12

RECOMMENDED:
Lexington-Fayette Urban County Government
BY: [Signature]
Tiffany Rank, PE - Project Manager
Division of Water Quality

DATE: 5/1/12

REVIEWED:
Lexington-Fayette Urban County Government
BY: [Signature]
Charles H. Martin, PE - Director
Division of Water Quality

DATE: _____

APPROVED:
Lexington-Fayette Urban County Government
BY: _____
Jim Gray - Mayor

Potential Change Orders									
Project:		WH WWTP Solids Bldg HVAC and Odor Control Improvements Lexington, Kentucky Contract # 60-2011			Key Ow = Owner Om = Omission A/E = Architect/Engineer C = Contractor				
No.	Date	Brief Description		Price	Change Requested by				CO No.
					Ow	A/E	C	Om	
1	03/12/2012	42 Days (6 Weeks) Time Extension Manufacturers shipping delay on major equipment. None of this was due to contractor inefficiencies.		Time Extension 42 Days			X		1
2	04/10/2012	Installation of aluminum handrail on the roof of the Solids Building for safety purposes. After the installation of a large make-up air unit on the top of the Solids Building the Plant Superintendent has requested the installation of handrail on that area of the roof. The mechanics and electricians will now be up there more often and we want to provide a safe working environment.		\$5,370.73	X				1
3	04/10/2012	Installation of a 2' X 2' Access Door. Once the large make-up air unit was installed on the roof of the Solids Building maintenance staff realized that they did not have easy access to the louvers under the unit. They asked for an access door to the louvers in case the louvers ever needed to be opened manually.		\$459.45	X				1
4									
5									

Tiffany Rank

0521-12

From: McClary, Jerry T [jmcclary@hazenandsawyer.com]
Sent: Monday, March 12, 2012 7:36 PM
To: Rick Bowman
Cc: Tiffany Rank
Subject: Re: West Hickman Creek WWTP - Request for Extension of Time

It was applied to the coils but had one section of tubing without the proper coating and they are going to take care of it.

Sent from my iPad

On Mar 12, 2012, at 5:08 PM, "Rick Bowman"
<rbowman@lexingtonky.gov<mailto:rbowman@lexingtonky.gov>> wrote:

Jerry,

Tiffany and I have discussed and concur with your comments concerning the diligent work activities of Vanhook and further agree to grant a non-cost time extension for this project.

By the way, did you get any type of confirmation as to whether or not the specified protective coating(s) is on the installed equipment?

Rick Bowman
Engineer Tech Sr.
Division of Water Quality
Lexington Fayette Urban County Government
Office: (859)425-2475
Fax: (859)254-7787
e-mail: rbowman@lexingtonky.gov<mailto:rbowman@lexingtonky.gov>

From: McClary, Jerry T [mailto:jmcclary@hazenandsawyer.com]
Sent: Monday, March 12, 2012 11:08 AM
To: Rick Bowman
Cc: Tiffany Rank
Subject: FW: West Hickman Creek WWTP - Request for Extension of Time

Rick, Vanhook is asking for a non-cost time extension. I've been to the site and they have been diligent about getting their work done but ran into some delays about getting some equipment delivered. My recommendation is to grant them this time extension.

From: Vanhook Enterprises [mailto:vanhookent@windstream.net]
Sent: Monday, March 12, 2012 11:04 AM
To: McClary, Jerry T
Cc: Ruth Stevens Work; Richard Vanhook work
Subject: West Hickman Creek WWTP - Request for Extension of Time

Jerry,

We would like to request an extension of time to extend the completion date of the contract. We have had equipment manufacturing delays. I have attached documentation showing scheduled ship dates and multiple ship date changes from Engineered Air for the MAU-1 and Pure Air Filtration for the PA-1 & PA-2. Due to the manufacturing delays as listed below, we have encountered a 6 week delay on the project. I would like to request a 6 week extension to the contract completion time. This would extend the contract time to May 26, 2012. Thank you in advance for your consideration.

Engineered Air: 25 Day Delay
1st Scheduled Ship Date - Week of January 30, 2012 2nd Scheduled Ship Date - Week of February 6, 2012 3rd Scheduled Ship Date Arrived - February 23, 12
NOTE: The MAU consisted of a control panel shipped loose that mounted inside the

22
building. We requested this control panel to be shipped prior to the MAU so that multiple conduits & wiring could be run and control mounted prior to receiving MAU. Engineered Air informed us the control panel had to be shipped with the unit due to they had to be programmed at the factory.

0521-12

Pure Air Filtration. 31 Day Delay

1st Scheduled Ship Date - 1st Week of February 2nd Scheduled Ship Date - 2nd Week of February 3rd Scheduled Ship Date - 2/24/12 Running Behind 4th Scheduled Ship Date - Arrived - 3/2/12

NOTE: Units were delayed due to VFD's, Powder Coating, and Receiving Metal per Manufacturer.

Thank you,
Richard VanHook
VanHook Enterprises, Inc.
PO Box 3547
West Somerset, KY 42564
PH: 606-678-2737 FX: 606-678-2634
vanhookent@windstream.net<mailto:vanhookent@windstream.net>

PC #2 f#3

0521-12

VANHOOK ENTERPRISES, INC.

PO BOX 3547
WEST SOMERSET, KY 42564
PHONE: 606-678-2737
FAX: 606-678-2634
vanhookent@windstream.net

4349 S HWY 27
SOMERSET, KY
42501

"An Equal Opportunity Employer M/F/H/V/D"

DATE: April 10, 2012
TO: LFUCG
ATTN: Tiffany Rank
RE: West Hickman Creek WWTP
Nicholasville, KY

"PROPOSAL"

This Proposal is being Furnished Per the Request of the Plant Operator for the above Referenced Project. He Requested a Price to Install an OSHA Compliant Safety Rail on the Roof and Install 24 X 24 Access Door.

PC #2 → ALUMINUM HAND RAILING:

Total 40 Feet in Length Extending 10 Feet Each Side of Large MUA Unit.

Hand Rail.....	\$ 2,385.00	\$ 4,670.20 X 15% \$ 5,370.72
Stainless Steel carriage bolt Fasteners	\$ 225.00	
Rotary Hammer / Bits Rental.....	\$ 130.00	
Fork Lift Rental.....	\$ 850.00	
Install Labor (20 Man Hours Labor Installing Rail).....	\$ 1,080.20	

PC #3 → ACCESS PANEL:

24 x 24 Stainless Steel

Access Door.....	\$ 303.16	\$ 399.52 X 15% \$ 459.45
2 Man Hours (HVAC).....	\$ 96.36	
SUB TOTAL	\$ 5,069.72	
OH&P 15%	\$ 760.46	
TOTAL	\$ 5,830.18	

Thank you,

Richard Van Hook

Richard Van Hook

dp

CC: Jerry McClary

\$ 5,830.18

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PC #2
0521-12

Date: 4/9/2012

Number of pages including cover sheet: 1

To: Richard Van Hook
Van Hook Enterprises

Phone: (606) 678-2737

Fax phone: (606) 678-2634

CC:

From:

William "Huck" Huckelby

182 Heritage Drive

Somerset, KY 42501

huck@boswellcontracting.com

Phone: 606-679-4603 ext # 5

Fax phone: 606-678-9068

SUPPLIER

REMARKS:

☐ Urgent☐ For your review☐ Reply ASAP☐ Please comment

Richard

A price on the 40' of OSHA Styled handrail are as follows:

Steel - 1 1/2" Sch 80 posts (spaced at 6') and 1 1/2" Sch 40 Horizontal rail. 3/16"x 4" Toe Plate.

Mounting plates on lower posts \$1,550.00

6061 Aluminum - 1 1/2" Sch 40 posts (spaced at 4') and 1 1/2" Sch 40 Horizontal rail. 3/16"x 4" Toe Plate.

Mounting plates on lower posts \$2,250.00

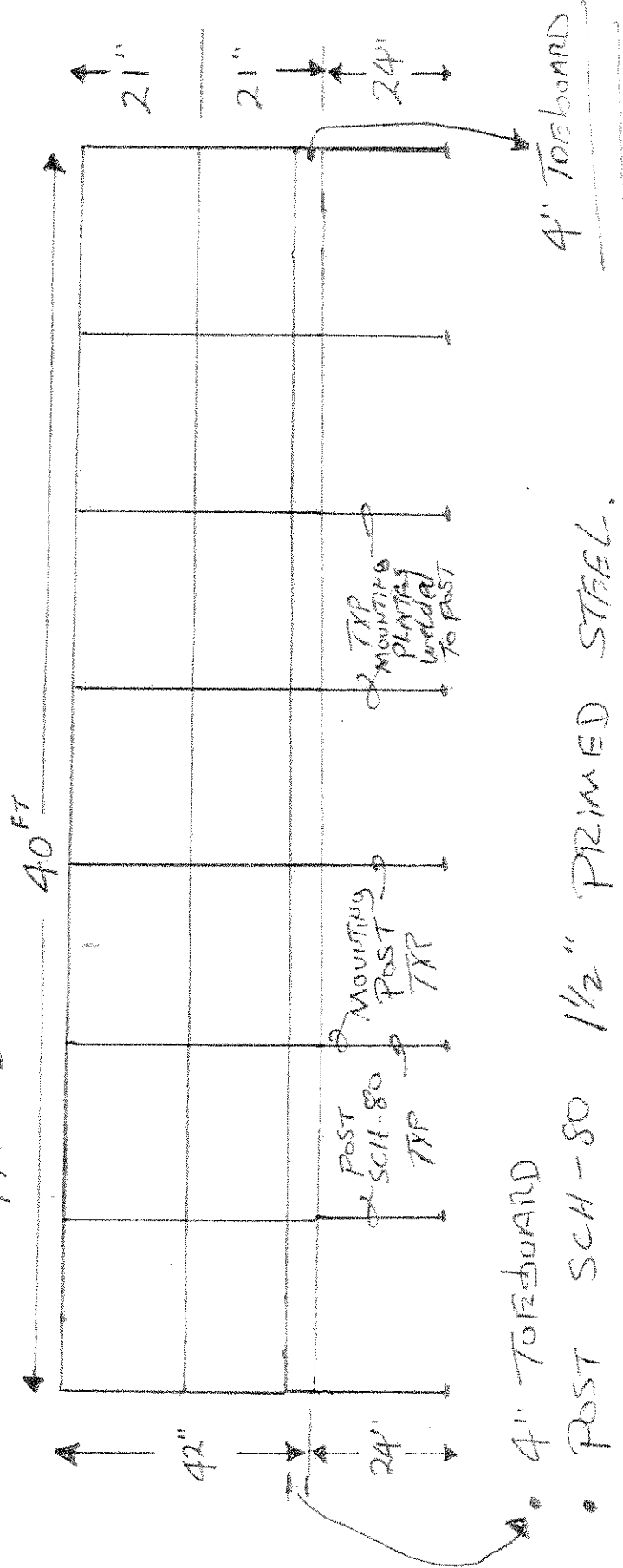
If you have any questions, give me a ring.

Thanks,

William "Huck" Huckelby

PROJECT - WEST HICKMAN WWTIP

" TYPE-1 - HANDRAIL PER OSHA "



PL T L

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0521-12

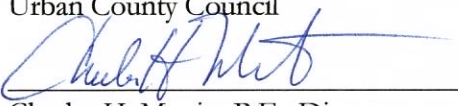


Lexington-Fayette Urban County Government
DEPARTMENT OF PUBLIC WORKS & ENVIRONMENTAL QUALITY

Jim Gray
Mayor

Richard Moloney
Acting Commissioner

To: Mayor Jim Gray
Urban County Council

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

Date: May 9, 2012

RE: Resolution Request Granting Marathon Pipe Line LLC a Right of Entry and Right to Utilize Pond Water for Pipeline Testing at West Hickman Wastewater Treatment Plant

The purpose of this memorandum is to request approval of an agreement between Marathon Pipe Line LLC and the Lexington-Fayette Urban County Government for the purpose of allowing Marathon's contractors to unload construction equipment needed to supply an adjacent Marathon pipeline project and utilize non-potable water from the pond at West Hickman to pressure test the completed pipeline.

Through this agreement, Marathon agrees to complete necessary site restoration work at West Hickman, including resurfacing the access road from Ashgrove Pike to the plant. All work associated with this agreement is to be complete by September 15, 2013 and completed at no cost to LFUCG.

Questions regarding this agreement should be directed to Charles Martin at 425-2455 or Ed Gardner at 258-3500.

pc: James Worten, Superintendent, West Hickman WWTP

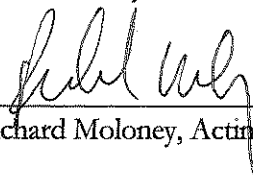


Lexington-Fayette Urban County Government
DEPARTMENT OF ENVIRONMENTAL QUALITY

Jim Newberry
Mayor

Cheryl Taylor
Commissioner

TO: Jim Gray, Mayor
Urban County Council

FROM: 
Richard Moloney, Acting Commissioner

DATE: May 9, 2012

RE: Requesting Authorization to Renew Contract for 1 year with Group CJ for stormwater education and outreach services for Division of Environmental Policy.

The Department of Environmental Quality is requesting authorization to renew a contract with Group CJ for the Division of Environmental Policy. Group CJ will be responsible for project management service, message development and marketing plan development related to stormwater education in Fayette County.

The state Municipal Separate Storm Sewer System permit requires Lexington to have a Public Education and Public Involvement component for its stormwater program. Group CJ is expected to develop messaging related to stormwater pollution issues such as runoff, litter, proper lawn care, proper disposal of automotive fluids, pet waste and other subjects as determined by the Division. The contract is a 1-year contract with an option for two, 1-year renewals. This is a request to renew the contract for 1 year.

For the services described, Group CJ shall be compensated for Message Development and Project Management at an estimated total not to exceed \$9,000 for Plan A as originally submitted in response to the RFP for the contract period, which started July 1, 2011 and ends June 30, 2012. Mass media expenditures will be determined by the Division of Environmental Policy and Group CJ will be reimbursed for payment of mass media outreach. Group CJ will retain agency commissions and any non-commissionable media a 15% margin would be reflected. Group CJ will be compensated for any additional work, outside of Plan A, requested by the Division. The total cost of the contract is not to exceed \$209,000.

CONTRACT FOR SERVICES

THIS CONTRACT, MADE AND ENTERED INTO THIS 7th DAY OF July, 2011, BY AND BETWEEN THE **LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**, ON BEHALF OF ITS DIVISION OF WASTE MANAGEMENT (CLIENT) AND **GROUP CJ** OF LEXINGTON, KENTUCKY (COUNSEL).

WHEREAS, Group CJ submitted the best Proposal in response to Lexington-Fayette Urban County Government RFP 11-2011 for stormwater education and outreach services for the LFUCG Division of Environmental Policy and

WHEREAS, this Contract describes the scope of services to be provided by Group CJ and the compensation for said services;

NOW, THEREFORE, in consideration of the foregoing and mutually agreed upon promises, conditions, and covenants hereinafter set forth, pursuant to grant requirements, the parties hereto agree as follows:

1. SCOPE OF SERVICES.

- a. Group CJ will serve as stormwater education and outreach COUNSEL to CLIENT and its constituents throughout Fayette County.
- b. Specific activities may include but not be limited to advertising and marketing services, media relations, community relations and public relations as described in Lexington-Fayette Urban County Government RFP 11-2011 and Group CJ's Proposal in response to said RFP, which are incorporated herein by reference as if fully set forth herein. All activities undertaken on behalf of CLIENT will be performed only at the specific and stated direction of the CLIENT.

2. COMPENSATION.

For the services described in response to RFP 11-2011 by Group CJ, the Marketing Plan and Timeline, Plan A, the COUNSEL shall be compensated for Message Development and Project Management at an estimated total not to exceed \$9,000 for the contract period, which starts July 1, 2011 and extends through June 30, 2012. Mass media expenditures will not exceed \$200,000 and will be determined by the CLIENT and COUNSEL will be reimbursed for payment of mass media outreach. It is understood the COUNSEL retains agency commissions and any non-commissionable media a 15% margin would be reflected. COUNSEL will be compensated for any additional work, outside of Plan A, requested by the CLIENT. A summary of billing activity will be delivered to CLIENT on a monthly basis.

3. TERMS OF AGREEMENT.

The contract can be terminated with 60 days written notice by either party (CLIENT or COUNSEL). If the contract is terminated by either party, the CLIENT agrees to pay all fees and expenses incurred in accordance with this Agreement through the effective date of termination. All materials or information acquired or produced by the COUNSEL or its representatives in its performance of services under this Agreement shall remain the sole property of the COUNSEL until payment is received by the COUNSEL. Once payment has been received by COUNSEL all materials or information acquired or produced by COUNSEL will become the property of the CLIENT. The contract period shall begin July 1, 2011 and extend through June 30, 2012, with the possibility for two, 1-year contract extensions if sought by the CLIENT.

4. PROTECTION OF THE CLIENT.

Group CJ agrees to indemnify CLIENT with respect to any claims or actions for libel, slander, defamation, copyright infringement, idea misappropriation, or invasion of rights of privacy arising out of any materials which have been prepared by the COUNSEL on the CLIENT'S behalf, except that if any such claim for action is based on materials supplied by the CLIENT to the Vendor, then in such an event, the aforesaid shall not apply and the

CLIENT shall indemnify the COUNSEL and hold the COUNSEL harmless with respect thereto.

5. CONFIDENTIALITY.

It is understood that all information, facts, and figures that come to the attention of the COUNSEL will be handled in a confidential manner. The COUNSEL agrees to exercise reasonable care to prevent disclosure of CLIENT's proprietary information to any third party, except as may be authorized by the CLIENT.

6. APPROVAL PROCESS.

CLIENT agrees to designate one person to represent the CLIENT in approving material as described in the SCOPE OF SERVICES. Approval by that person will give the COUNSEL full authority to act in the company's behalf.

7. CHANGES IN CONTRACT.

This Contract sets forth the entire agreement between the parties. Any modifications must be in writing and signed by an authorized officer of both the COUNSEL and CLIENT.

IN WITNESS WHEREOF, the parties executed this Agreement the day, month, and year above written.

ATTEST:

LEXINGTON-FAYETTE URBAN COUNTY
GOVERNMENT

By: Meredith Nelson, Deputy
Council Clerk

By: Jim Gray
Jim Gray, Mayor

ATTEST:

Group CJ

By: _____

By: Connie Miller 5.27.11
Connie Miller

Its: CEO



Lexington-Fayette Urban County Government
DEPARTMENT OF ENVIRONMENTAL QUALITY AND PUBLIC WORKS

Jim Gray
Mayor

Richard Moloney
Acting Commissioner

To: Mayor Jim Gray
Urban County Council
From: 
Charles H. Martin, P.E., Director
Division of Water Quality

Date: May 9, 2012

RE: Professional Service Agreements for Landscape Architectural Services in Yard Restorations

The purpose of this memorandum is to request approval of professional services agreements for Landscape Architectural Services with the following firms:

- Barrett Partners, Inc.
- M2D Design Group
- Perkins Landscape

These firms have been recommended by a proposal workgroup that included representatives from the Division of Parks and Recreation, the Division of Water Quality and the Division of Central Purchasing. All services provided under these agreements will be completed using hourly rates contained in the proposals. Per the RFP, the contract term will be for one year with up to five, one-year elective renewals at the sole discretion of LFUCG.

The purpose of these services includes the following:

1. Provide expert technical assistance in valuing yard restorations scheduled to be excavated during stormwater or sanitary sewer capital improvement projects.
2. Negotiating yard restorations, using a predetermined schedule of values, for homeowners who wish to contract the work themselves.
3. Assist the division with resolving unsatisfactory restorations resulting from emergency repair work.
4. General overview and consultation regarding potential aesthetic improvements to capital project designs.

Questions regarding this agreement should be directed to Charles Martin at 425-2455 or Vernon Azevedo at 425-2438.

Pc: Vernon Azevedo, P.E., Division of Water Quality
Betty Landrum, Division of Central Purchasing



LEXINGTON DIVISION OF POLICE
OFFICE OF THE CHIEF

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0545-12

TO: Mayor Jim Gray
Urban County Council

FROM: Chief Ronnie Bastin
Division of Police

DATE: May 8, 2012

RE: **Change Order No. 1**
Sensabaugh Design & Construction

Please find attached documentation for Change Order No. 1 on materials, labor and installation required to complete additional work for the Pole Barn Storage Building.

I have attached Resolution #101-2011, which authorized the current agreement between LFUCG and Sensabaugh Design & Construction. The initial cost of \$189,000 was exceeded by \$3,275, due to additional lighting for the exterior building and necessary modifications as required by Kentucky Utilities for service, and installation of a drain basin for sufficient drainage. We are requesting approval of the attached cost proposal in the amount of \$3,275.00.

The materials, labor and installation cost will be covered by existing budgeted funds. If you have any questions or require additional information, please contact my office.

A handwritten signature in cursive script that reads 'R. Bastin'.

Ronnie Bastin
Chief of Police

RB/rmh

Attachment

cc: Clay Mason, Commissioner of Public Safety

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT CONTRACT CHANGE ORDER Page 1 of 2		Date: 4/19/2012 33 Project: Police Traffic Pole Barn 0545-12 Location: 2275 Frankfort Circle	
To (Contractor) Sensabaugh Design & Construction 2993 Calico Rd Berea KY 40403		Contract No. ord#101-2011 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)
	Furnish and install listed materials and perform all necessary labor:		\$2,375.00
	• 200 Amp Square D Meter Base		
	• 200 Amp Panel		
	• 40 Circuit Panel Single Phase Service Change Out		
	Install 12" catch basin & 170' of 6" solid corrugated ADS, drained to daylight		\$900.00
	Change in contract price due to this Change Order:		
	Total decrease		XXXXXXXXXXXX.XX
	Total increase	XXXXXXXXXXXX.XX	\$3,275.00
	Net (increase) contract price		
The sum of \$189,000.00 is hereby from the total contract price, and the total adjusted contract price to date thereby is \$192,275.00			
The time provided for completion in the contract and all provisions of the contract will apply hereto.			
Recommended by		(Project Engr.) Date _____	
Accepted by _____		(Contractor) Date _____	
Approved by		(Urban Co. Engr.) Date _____	
Approved by _____		(Commissioner) Date _____	
Approved by _____		(Mayor or CAO) Date _____	

JUSTIFICATION FOR CHANGE**PROJECT: Police Traffic Pole Barn****CONTRACT NO. ord#101-2011****CHANGE ORDER: 1****1. Necessity for change:**

*Additional lighting for exterior of building and necessary modifications as required by KY Utilities for service

*Drain basin necessary for sufficient drainage.

2. Is proposed change an alternate bid? ___ Yes X No**3. Will proposed change alter the physical size of the project?**

___ Yes X No

If "Yes", explain.

4. Effect of this change on other prime contractors: N/A**5. Has consent of surety been obtained? ___ Yes X Not Necessary****6. Will this change affect expiration or extent of insurance coverage?**

___ Yes X No

If "Yes", will the policies be extended? ___ Yes ___ No

7. Effect on operation and maintenance costs: None**8. Effect on contract completion date: Yes, this is the final work related to this project and this project can not be completed until this modification is made and the building is connected to KU service.****Mayor****Date**

PROPOSAL**FROM:**

Sensabaugh Design & Construction, LLC
 2993 Calico Road
 Berea, Ky 40403
 859.925.9143 ~ 859.925.2190
 jsensabaugh@windstream.net

DATE:

April 6, 2012

TO:

LFUCG
 Lexington, Ky

Project - Police Tech Building
 LF00088514

We propose to furnish all materials and perform all labor necessary to complete the following:

200 Amp Square D Meter Base
 200 Amp Panel
 40 Circuit Panel Single Phase Service Change Out
\$2375.00

All of the work to be completed in a substantial and workmanlike manner for the sum of Two Thousand Three Hundred & Seventy Five Dollars (\$ 2,375.00).

TO:

LFUCG - Parks
 Lexington, Ky

Project - Police Tech Building
 LF00088514

We propose to furnish all materials and perform all labor necessary to complete the following:

Installed 12" catch basin & 170' of 6" solid corrugated ADS, drained to daylight.....\$900.00

All of the work to be completed in a substantial and workmanlike manner for the sum of Nine Hundred Dollars (\$ 900.00).



Mayor Jim Gray

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Division of Grants and Special Programs

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

**FROM: IRENE GOODING, DIRECTOR
DIVISION OF GRANTS AND SPECIAL PROGRAMS**

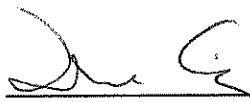
DATE: MAY 14, 2012

**SUBJECT REQUEST COUNCIL AUTHORIZATION TO EXECUTE
MODIFICATION TO AGREEMENT WITH THE KENTUCKY DIVISION
OF EMERGENCY MANAGEMENT UNDER THE FEDERAL
EMERGENCY MANAGEMENT AGENCY'S HAZARD MITIGATION
GRANT PROGRAM**

On April 14, 2011 (Ordinance No. 40-2011), Council approved the acceptance of federal funds from the Kentucky Division of Emergency Management under the Federal Emergency Management Agency's Hazard Mitigation Grant Program. Federal funds are for the replacement of a generator at Fire Station One.

The Kentucky Division of Emergency Management has offered the LFUCG a modification to the agreement extending the period of performance through June 13, 2014.

Council authorization to execute the modification to agreement is hereby requested.



Irene Gooding, Director

Xc: Clay Mason, Commissioner of the Department of Public Safety

HORSE CAPITAL OF THE WORLD



Mayor Jim Gray

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Division of Grants and Special Programs

TO: JIM GRAY, MAYOR
URBAN COUNTY COUNCIL

FROM: IRENE GOODING, DIRECTOR
DIVISION OF GRANTS AND SPECIAL PROGRAMS

DATE: MAY 14, 2012

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO SUBMIT
APPLICATION TO THE KENTUCKY CABINET FOR HEALTH
AND FAMILY SERVICES, AND ACCEPT AWARD IF OFFERED,
FOR CONTINUATION OF THE NEW CHANCE PROGRAM FOR
FY 2013

The Lexington-Fayette Urban County Government has prepared a request for federal funds from the Kentucky Cabinet for Health and Family Services for the continuation of the New Chance program in Fiscal Year 2013, in the Department of Social Services, Division of Family Services.

The **New Chance Program**, first implemented at the Family Care Center in 1990, provides social services to 16-21 year old single parents in Fayette County. These services include components of developmental child care, health care referrals with family planning, life skills, education, career choice and job training and development. The Family Care Center provides case management services to participants, based upon the individual's level of progress in becoming work ready. Case management includes intensive employment services such as job development, employer follow-up, linkage to additional training, either on-job or on-site, client support and linkage to child care and transportation. The Family Care Center, under its agreement with the state, offers full-time computer keyboarding and office skills instruction to K-TAP recipients when career assessment identifies this need. The funds support the personnel costs of a Social Worker Supervisor, four MSW social workers, and a Teacher/Counselor. The funds also provide for supplies, local travel, and professional development. Total cost of this program for 2013 is \$314,247.

These federal funds originate from the U.S. Department of Health and Human Services.

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



Irene Gooding, Director

Xc: Beth Mills, Commissioner of the Department of Social Services

HORSE CAPITAL OF THE WORLD



Mayor Jim Gray

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Division of Grants and Special Programs

TO: JIM GRAY, MAYOR
URBAN COUNTY COUNCIL

FROM: IRENE GOODING, DIRECTOR
DIVISION OF GRANTS AND SPECIAL PROGRAMS

DATE: MAY 14, 2012

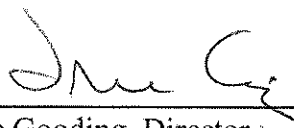
SUBJECT: REQUEST COUNCIL AUTHORIZATION TO SUBMIT
APPLICATION, AND ACCEPT AWARD IF OFFERED, TO THE
KENTUCKY DEPARTMENT OF JUVENILE JUSTICE UNDER
THE JUVENILE ACCOUNTABILITY BLOCK GRANT
PROGRAM FOR FY 2013

Department of Social Services, Division of Youth Services has prepared an application for submission to the Kentucky Department of Juvenile Justice requesting federal funds in the amount of \$16,183 from the Juvenile Accountability Block Grant.

The Department of Social Services is proposing that the Fayette County allocation of funds be used to continue the funding for the Juvenile Surveillance Program (overtime for police officers), professional services, professional development, drug testing services and supplies, and educational materials. A 10% match (\$1,798) is required. The grant match for this project has been requested in Youth Services' 2013 General Fund budget. Total project cost is \$17,981.

Public Law 105-119 enacted by Congress on November 26, 1997, established this program. The intent of the program is to provide states and units of local government with funds to develop programs to promote greater accountability in the juvenile justice system. This is not a delinquency prevention program and none of the funds can be used for prevention activities.

Council authorization to submit the application, and accept the award if offered, is hereby requested, subject to the availability of sufficient funds in FY 2013.


Irene Gooding, Director

Xc: Beth Mills, Commissioner of the Department of Social Services

HORSE CAPITAL OF THE WORLD

MEMORANDUM

TO: Mayor Jim Gray
Richard Moloney, CAO
Urban County Council Members

FROM: Bettie Kerr, Director
Division of Historic Preservation

DATE: May 14, 2012

SUBJECT: Restoration of historic Skuller's Street clock

This is to request authorization for the restoration of the historic Skuller's street clock on Main Street by the Verdin Company in the amount of \$25,415.00. The historic street clock, which has been on Main Street since approximately 1913, has fallen into disrepair and will be totally restored and returned to Main Street.

The cast iron columned street clock will be fully restored, including much needed structural repairs to the fabric of the clock, re-creation of several of the missing historic elements crafted to match the original based on historic photo documentation. This includes fabricating a detailed "collar" at the top of the post beneath the clock head, new hands and face details to match the original, dimensional eyeglasses that sit below the clock head, and re-creation of the neon lettering on the bonnet of the clock.. The clock will be made fully functional and receive a few hidden modern features including a controller to change the time automatically to adjust for season time changes, power outages, etc. The restoration will be carried out by the Verdin Company, a Cincinnati family-owned firm that has been creating street clocks and tower bells since 1842.

As you are probably already aware, the needed funds for the restoration have been raised by members of the Historic Preservation Commission on behalf of the LFUCG through donations dedicated for this purpose. The necessary funds are in place in the LFUCG budget and the project will be overseen by the Division of Historic Preservation staff..

Cc: Derek Paulsen, Commissioner of Planning, Preservation and Development
Keith Horn, Department of Law
John Rhorer, LFUCG Historic Preservation Commission
Win Meeker, Past Chair, LFUCG Historic Preservation Commission



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0555-12

Lexington-Fayette Urban County Government
DEPARTMENT OF PUBLIC SAFETY

Jim Gray
Mayor

Clay Mason
Commissioner

To: Richard Moloney, CAO
Mayor Jim Gray
Councilmembers

From: Rodney Ballard, Director *RB*
Division of Community Corrections

Date: May 15, 2012

Subject: Approval of an Ordinance Amending Section 24-51 of the Code of Ordinances

Requesting approval of an ordinance amending Section 24-51 of the Code of Ordinances relating to inmate medical fees to increase the co-payment an inmate pays for medical care from \$5 to \$15, to require an inmate to pay the cost of prescription medication less than \$15 or to pay a co-pay of \$15 for all other prescriptions, and to increase the booking fee from \$20 to \$35; and to provide that any fees received shall be used to help offset the costs of operating the Detention Center.

Funds are fully budgeted in the following accounts: 1101-505402-5421-41570 (booking fee) and 1101-505402-5421-41600 (medical reimbursement).

cc: Clay Mason, Commissioner
Department of Public Safety

ORDINANCE _____

AN ORDINANCE AMENDING SECTION 24-51 OF THE CODE OF ORDINANCES RELATING TO INMATE MEDICAL FEES TO INCREASE THE CO-PAYMENT AN INMATE PAYS FOR MEDICAL CARE FROM FIVE DOLLARS (\$5.00) TO FIFTEEN DOLLARS (\$15.00), TO REQUIRE AN INMATE TO PAY THE COST OF PRESCRIPTION MEDICATION IF THE PRESCRIPTION IS FOURTEEN DOLLARS AND NINETY-NINE CENTS (\$14.99) OR LESS AND TO PAY A CO-PAYMENT OF FIFTEEN DOLLARS (\$15.00) IF THE PRESCRIPTION COSTS MORE THAN FOURTEEN DOLLARS AND NINETY-NINE CENTS (\$14.99), TO INCLUDE A BOOKING FEE OF THIRTY-FIVE DOLLARS (\$35.00), AND TO PROVIDE THAT ANY FEES RECEIVED SHALL BE USED TO HELP OFFSET THE COSTS OF OPERATING THE DETENTION CENTER.

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

Section 1 – That Section 24-51 of the Lexington-Fayette Urban County Government Code of Ordinances be and hereby is amended to read as follows:

24-51 Inmate booking and medical fees

- (1) Pursuant to KRS 441.265~~(5)~~, unless contrary to ~~[prohibited by]~~ law or contractual agreement:
 - (a) a booking fee of thirty-five dollars (\$35.00) shall be paid by any inmate booked into the detention center;
 - (b) a medical co-payment of fifteen dollars (\$15.00) ~~[five dollars (\$5.00)]~~ shall be paid by any inmate who receives medical treatment or services while confined in the detention center; and
 - (c) a prescription co-payment of the actual cost of the prescription if it is fourteen dollars and ninety-nine cents (\$14.99) or less and fifteen dollars (\$15.00) if the cost is more than fourteen dollars and ninety-nine cents (\$14.99) shall be paid by any inmate who receives prescription medication.
- (2) No inmate confined in the detention center shall be denied any necessary medical care because of his inability to pay the medical co-payment.
- (3) For purposes of this section, inmate shall mean any person confined in the detention center who is charged with or convicted of an offense; held for extradition or as a material witness; or confined for any other reason.
- (4) Amounts owed may be automatically deducted from the inmate's property or canteen account. A negative balance may be run in an inmate's account so that if funds become available or if the inmate reenters the detention center at a later date, the fees may be deducted from the inmate's property or canteen account.
- (5) Any fees received under this section shall be forwarded to the department of finance for placement in the budget of the division of community corrections to help offset costs of

operating the facility [~~a detoxification program at the adult
detention center~~].

Section 2 – That this Ordinance shall become effective on July 1, 2012.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

PUBLISHED:



Lexington-Fayette Urban County Government
DEPARTMENT OF PUBLIC SAFETY

Jim Gray
Mayor

Clay Mason
Commissioner

TO: Jim Gray, Mayor
Members, Urban County Council

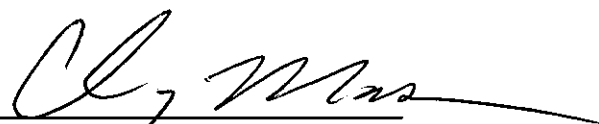
FROM: Department of Law

DATE: May 16, 2012

RE: Collective Bargaining Agreement
Police Officers and Sergeants

This memo is to request a Resolution accepting the Collective Bargaining Agreement between LFUCG and Fraternal Order of Police, Lodge No.4, on behalf of Police Officers and Sergeants. A copy of the Agreement which was ratified by the Lodge on May 3, 2012 is attached.

Also attached are two documents highlighting the changed provisions from the former CBA and outlining the cost of the agreement over its four-year term.


Clay Mason
Commissioner

ATTACHMENTS



Lexington-Fayette Urban County Government
DEPARTMENT OF GENERAL SERVICES

Jim Gray
Mayor

Sally Hamilton
Commissioner

MEMORANDUM

TO: Mayor Jim Gray
Urban County Council

FROM: Sally Hamilton
Commissioner of General Services

DATE: May 17, 2012

RE: Lease Agreement with West End Community Empowerment Project of Lexington, Inc. (WECEP) for space within the Black and Williams Neighborhood Center

I am requesting Urban County Council approval to enter into a lease agreement with WECEP for space located at 498 Georgetown Street within the Black & Williams Neighborhood Center. The areas are located on the second floor of the building and consist of approximately 2,426 S/ft of space. They have been a partner agency and located within this facility for at least 16 years. The agency provides day care, summer camp, and meals to low-income children in the Georgetown Street area.

The initial term of this agreement will be for a period of twelve (12) months, beginning July 1, 2012 and ending on June 30, 2013 with an option of automatic annual renewal for two (2) additional one (1) year terms. LFUCG will receive an annual rental rate of \$11,717.58 for use of this space, or, \$976.47 per month.



Lexington-Fayette Urban County Government
DIVISION OF FIRE & EMERGENCY SERVICES

Jim Gray
Mayor

Keith L. Jackson
Interim Fire Chief

MEMO

To: Mayor Jim Gray
Clay Mason, Public Safety Commissioner
LFUCG Council Members

From: Interim Chief Keith Jackson

Date: May 17, 2012

The Division of Fire & Emergency Services is requesting to enter into an agreement to create a sponsorship Paramedic education program know as UK/LDFES Paramedic Affiliation between University of Kentucky and Lexington-Fayette Urban County Governments Division of Fire and Emergency Medical Services. Starting on January 1, 2013 any institution that wishes to teach a paramedic level class and have said paramedics eligible to set for National Registry Licensure must have their program accredited by CoAEMSP (accrediting agency). The Lexington Fire Department does plan to teach paramedics and is in the process of becoming accredited. Part of this process is the affiliation agreement referenced in this contract.



Lexington-Fayette Urban County Government
OFFICE OF THE MAYOR

Jim Gray
Mayor

TO: MAYOR JIM GRAY
URBAN COUNTY COUNCIL

FROM: KEVIN ATKINS
CHIEF DEVELOPMENT OFFICER

DATE: MAY 17, 2012

RE: LEXINGTON CHRISTIAN ACADEMY INDUSTRIAL REVENUE BONDS

This is to request adoption of a resolution allowing an amendment to Lexington Christian Academy's Industrial Revenue Bond (IRB) based upon it obtaining a more favorable interest rate on the loan. Lexington Christian Academy requests an amendment to the Bond Purchase and Loan Agreement which will also require an Amended and Restated Note and an Amended and Restated Bond reflecting the new, lower interest rate and prepayment provision.

The Industrial Revenue Bond Review Committee met on May 14, 2012 and approved the request by Lexington Christian Academy.

Lexington-Fayette Urban County Government (LFUCG) will incur no expenses related to this action and all risk or repayment of the loan and IRB bond is borne by the Lexington Christian Academy.

FOLLOW MAYOR GRAY:

www.facebook.com/JimGrayLexKY www.twitter.com/JimGrayLexKY



Lexington-Fayette Urban County Government
DEPARTMENT OF GENERAL SERVICES

Jim Gray
Mayor

Sally Hamilton
Commissioner

MEMORANDUM

TO: Mayor Jim Gray
Urban County Council

FROM: Sally Hamilton
Commissioner of General Services

DATE: May 18, 2012

RE: Amendment to Section 2-180 of the Code of Ordinances adding the
Commissioner of Finance to the Lexington and Fayette County Parking Authority

On behalf of the administration, I am requesting Urban County Council approval for an amendment to Section 2-180 of the Code of Ordinances of the Lexington-Fayette Urban County Government to add the Commissioner of Finance or his or her designee as an ex-officio, voting member of the Board of Commissioners of the Lexington and Fayette County Parking Authority.

This change was included as part of the Memorandum of Agreement between the Lexington-Fayette Urban County Government and the Lexington and Fayette County Parking Authority related to the transfer and management of the parking facilities. Consistent with the transfer of the parking facilities, the board appointment is effective July 1, 2012.

Thank you for your consideration.

ORDINANCE NO. ____-2012

AN ORDINANCE AMENDING SECTION 2-180 OF THE CODE OF ORDINANCES OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT TO ADD THE COMMISSIONER OF FINANCE OR HIS OR HER DESIGNEE AS AN EX-OFFICIO, VOTING MEMBER OF THE BOARD OF COMMISSIONERS OF THE LEXINGTON AND FAYETTE COUNTY PARKING AUTHORITY EFFECTIVE JULY 1, 2012.

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

Section 1 - That section 2-180 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 2-180.

The parking authority shall have a board of commissioners of six (6) [~~five (5)~~] members. The mayor shall appoint five (5) of the members of the board of commissioners, subject to confirmation by a majority of the urban county council members and each such member of the board of commissioners shall be a resident of Fayette County. The commissioner of finance or his or her designee shall also serve as an ex-officio, voting member of the board. Each appointed member of the board of commissioners shall serve a term of four (4) years; provided, however, the terms of the initial board shall be staggered such that three (3) of the commissioners first appointed shall be designated to serve terms of one (1), two (2), and three (3) years, respectively, and the remaining two (2) commissioners first appointed shall be designated to serve terms of four (4) years each. A commissioner shall hold office until his or her successor has been appointed and qualified. Vacancies shall be filled for the unexpired term in the manner prescribed for in the original appointment.

Section 2 - That this Ordinance shall become effective on July 1, 2012.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST: _____

CLERK OF URBAN COUNTY COUNCIL

PUBLISHED:

00344622

Neighborhood Development Funds
May 29, 2012
Work Session

Amount	Recipient	Purpose
\$ 500.00	Highlands Neighborhood Association, Inc. 1972 Cathy Lane Lexington, KY 40511 Frank Mullins	Funding to assist with the purchase of trees, mulch and grass maintenance.
\$ 300.00	Meadowthorpe Neighborhood Association, Inc. 1499 North Forbes Road Lexington, KY 40511 Joseph Collins	Funding to assist with the extension of a limestone retaining wall.
\$ 1,625.00	Georgetown Neighborhood Association P.O. Box 11382 Lexington, KY 40575 Diane Marshall	Funding to assist with the Great American Cleanup, Back to School Bash, and park beautification.
\$ 200.00	Dove Creek Townhome Owner's Association 1145 Appian Way, Unit 205 Lexington, KY 40517 Alan Thacker	Funding for townhome owner's association start up costs.
\$ 750.00	Lansdowne Neighborhood Association, Inc. 3289 Bellefonte Drive Lexington, KY 40502 Sonny Wray	Funding for a new neighborhood sign.
\$ 350.00	Southern Elementary P.T.A. Inc. 4005 Streamwater Place Lexington, KY 40515 Cindy Crook	Funding for a landscaping project.
\$ 525.00	Central Kentucky Radio Eye 1733 Russell Cave Road Lexington, KY 40505 Amy Hatter	Funding to support radio reading services for disabled Kentuckians.
\$ 100.00	Sisters Road to Freedom, Inc. P.O. Box 1055 Lexington, KY 40588 Therese Warrick	Funding for healthy meals at summer youth program.

\$	500.00	Cardinal Valley Neighborhood Association P.O. Box 8776 Lexington, KY 40503 Billie Offutt	Funding for "Fright Night".
\$	800.00	Downtown Lexington Corporation Foundation P.O. Box 1179 Lexington, KY 40588 Renee Jackson	Funding to assist with Second Sunday event.
\$	500.00	Eastland Parkway Neighborhood Association, Inc. 1544 Cantrill Dr. Lexington, KY 40505 Loys Mather	Funding to assist with planting of bushes on public property
\$	500.00	The Cottages of Liberty Woods Neighborhood Association 785 Rambling Creek Dr. Lexington, KY 40509 Doug Long	Funding to assist with mowing of neighborhood entrance.
\$	250.00	Sweet Blessings, Inc. P.O. Box 23972 Lexington, KY 40523 Ashley Boyd Gann	Funding to assist with the baking and delivery of cakes to terminally ill and poverty stricken children.
\$	2,000.00	Bryan Station Alumni Foundation, Inc. 2651 Bryan Station Rd. Lexington, KY 40505 Gloria Compton	Funding to assist with the purchase of signage for Bryan Station Championship teams.
\$	600.00	Victory Christian Church 148 Victory Avenue Lexington, KY 40502 Gary Wagoner	Funding to assist with the 2nd Wednesday dinner for underserved people in the community.
\$	2,780.00	Vineyard Neighborhood Corporation 3508 Calera Court Lexington, KY 40515 Mary Gorlow	Funding to assist with park improvements.
\$	3,000.00	Eastern Little League Baseball, Inc. 300 Cassidy Avenue Lexington, KY 40502 Brad Newsome	Funding for dugout and park improvements at Ecton Park.

\$ 1,800.00	Visually Impaired Preschool Services 161 Burt Road, Suite 4 Lexington, KY 40503 Mary Yohon	Funding for "Party with the Pros" event.
\$ 250.00	Institute 193 193 North Limestone Lexington, KY 40507 Phillip Jones	Funding to assist with programming.
\$ 250.00	Latitude, LLC 948 Manchester Street, Suite 120 Lexington, KY 40508 Crystal Bader	Funding to assist with programming.
\$ 500.00	WGPL Neighborhood Association 119 Wabash Dr. Lexington, KY 40503 Michael Peabody	Funding to assist with neighborhood beautification projects.
\$ 500.00	Columbia Heights Neighborhood Association 619 Columbia Avenue Lexington, KY 40508 Catherine Savage	Funding to assist with neighborhood projects.
\$ 500.00	Mentelle Park Neighborhood Association 317 Hanover Court Lexington, KY 40502 Lewis Gardner	Funding to assist with neighborhood projects.
\$ 500.00	Cheapside Entertainment District 215 W. Main Street Lexington, KY 40507 James Kemper Millard	Funding for landscaping and beautification.
\$ 1,225.00	Budget Amendment Division of Parks & Recreation 1101-707604-7292-75801 Site:729 Dwayne Rice	Funding for new bleachers at Kenwick Community Center

ENVIRONMENTAL QUALITY COMMITTEE

May 15, 2012

Summary

Chair Blues called the meeting to order at 11:03 AM. All members were present except Myers and McChord. Kay and Beard were also present.

1. 3.13.12 Environmental Quality Committee Summary

On a motion by Vice Mayor Gorton second Councilmember Henson the 3.13.12 summary was approved as amended.

2. Sanitary Sewer Capacity Assurance Program Task Force Update

Charlie Martin provided an update on the recently appointed CAP Task Force. He noted that Councilmember Blues chairs the CAP Task Force. He said the initial meeting on May 3 illustrated the need to look at a timetable for key decisions that will need to be addressed, including approving sanitary sewer extension, tap on issuance, allocation of capacity, and the allocation of capacity credits.

Mr. Martin stated that the next meeting is scheduled for May 24, 2012. Future meeting dates are June 14; June 28; July 12; July 26; August 9; August 23; September 6; and September 20.

Chair Blues said he was recommending that staff continue to develop and refine the decision-making elements for the Task Force to consider. He also stated that Law will need to provide some guidance as to how recommendations made by the Task Force can be considered via a resolution by the full Council and then consider ordinances that would be required in accordance with the resolution. He also stated that the Zoning Ordinance text will need to be amended to accommodate CAP provisions.

3. Update on the Capacity, Management, Operations & Maintenance (CMOM) Plan

Mr. Martin made a presentation on the Capacity, Management, Operation and Maintenance (CMOM) Plan. He stated that CMOM was an element of the EPA Consent Decree.

Mr. Martin indicated that 150 implementation elements are being directed by LFUCG with assistance from 9 sub contracting firms. Mr. Martin explained the various aspects of CMOM: including self-assessment; sewer overflow response; fats, oils & grease (FOG); pump station power outages; and gravity line preventative maintenance. Mr. Martin also discussed the information management system being utilized to collect and analyze data. He stated that CMOM had a low financial impact relative to the remedial measures plan elements.

Mr. Martin discussed implementation goals, customer impacts/benefits as well as success factors.

Councilmember Henson asked about homeowner notification on the fats, oils & grease (FOG) component. In response Mr. Martin stated that Bluegrass PRIDE has an excellent outreach component.

3. Emerald Ash Borer

John Saylor, with the Office of Environmental Compliance spoke about the Emerald Ash Borer. He stated that the ash borer has been in Fayette County since 2009. Lexington-Fayette County has approximately 50,000 ash trees, including about 6,000 street trees.

Councilmember Lane asked if we have a Blue Ash virgin tree forest in Fayette County. Mr. Saylor answered yes, that LFUCG is treating trees in our parks. He also stated that the Kentucky Horse Park is treating trees on their property as well.

In response to a question, Mr. Saylor said it costs between \$10-\$16 per trunk diameter inch to treat a tree and that treatment is required every 2 years.

Councilmember Beard asked if the trees can recover. In response, Mr. Saylor said yes, but with some exceptions.

4. Public Comment

Edward Kusche spoke about the water quality fee.

The meeting was adjourned at 12:35 PM.

Franchise Update

- Currently Negotiating:
 - Natural Gas (Columbia Gas and Delta Natural Gas) and
 - Electric (Kentucky Utilities, Blue Grass Energy and Clark Energy)

- Proposal to raise franchise fee by 1% to 4%
- Working with audited utilities on resolving audit issues
 - Kentucky Utilities
 - Columbia Natural Gas
 - Blue Grass Energy

Draft Audit Issues

- Small amount in unreconciled collections (Kentucky Utilities)
- Still comparing Columbia Gas footprint in Fayette County
- Most audit issues involve interpretation of gross revenues definition
 - what is included in gross revenue

- Recommendation:
 - do not pursue any retroactive amounts associated with broader definition of gross revenues
 - pursue a limited number of additional categories in the next franchise

- Anticipate gross revenues definition being amended to include:
 - some additional limited revenues and
 - to retain existing revenues in the event of future changes in industry

- Current Natural Gas Franchises Expire
July 12, 2012
- Current Electric Franchises Expire
August 18, 2012
- Ideally will advertise and enter into new franchises prior to Council Break, but in any event no later than the 1st Quarter of Fiscal Year 2013

- Franchise fee from 3% to 4%
- Franchise for 5 years with the ability of LFUCG to extend for up to 2 additional periods of 5 years each
- Utilities to appear before Council and provide information related to franchise and services upon request
- Permitting/ROW issues separately addressed in Chapter 17C of Code (incorporated by reference)

UTILITY FRANCHISES

- The Public Service Commission (PSC) has exclusive jurisdiction over utility rates and services. Cable television is not considered a utility by the PSC, and is instead regulated at the federal and local (limited) level.
- The PSC also dictates the service areas for each utility.
- A utility (including cable television) is required to have jurisdictional (local government) consent in order to place its facilities within the public rights-of-way or on public property.
- A franchise agreement is the legal mechanism for granting the utility the use of the public right-of-way. Franchises are:
 - non-exclusive
 - advertised and bid out as an ordinance/resolution (negotiated in advance)
 - 20 years or less in duration (including extensions)
 - Uniform as to each respective type of utility
- Lexington is compensated through a franchise fee applied to certain defined gross revenues related to the utility's provision of services within Fayette County. Telecommunications and cable utilities are excluded from paying this fee this pursuant to the state telecommunications tax law.
 - the franchise fee is a separate line item on the bill
 - current fee on newer franchises is 3% (plus permitting cost at option of utility)
 - Lexington could defend increasing the fee to 5% (including permit fees)
- Lexington adopted a comprehensive regulatory scheme pertaining to public-right-of-way regulation and permitting (Chapter 17C of the Code) in 2002 which also applies to franchisees. This has been incorporated by reference into each franchise agreement entered into since it was adopted.
- Lexington currently has franchise agreements for water (multiple), electric (multiple), gas (multiple), telecommunications (multiple), and cable television (Insight).
- Current franchise agreements range in duration from 1 year temporaries (electric, gas) to 20 years (KAW water – expires in 2015).



Delta Natural Gas Company, Inc.

3617 Lexington Road
Winchester, Kentucky 40391-9797



www.deltagas.com

PHONE: 859-744-6171

FAX: 859-744-3623

Delta Natural Company was incorporated in 1949 and currently serves 37,000 customers in 23 counties in Central and Southeastern Kentucky.

Listed on the NASDAQ as DGAS, Delta Natural Gas is a publicly traded company.

Delta first extended its facilities into Lexington, Fayette County in 1996 serving the South Point neighborhood and later expanding to new development areas such as South Point/Mahan, Highland Lakes and The Pinnacle.

Currently Delta Natural Gas Company provides service to 573 customers in Lexington, all in the 9th Council District.

Delta has a Nicholasville District Office located at 501 Etter Drive on the corner of the Nicholasville Bypass that serves its Jessamine County and Lexington Customers.

The Nicholasville Office is approximately 6 miles from the South Point Drive or the exact same distance as to the center of downtown Lexington.

Delta's Etter Drive office is open Monday through Friday 8:00 am – 4:30 pm except for observance of most recognized major holidays with the convenience of a drive thru window for bill payment.

A 24/7 Emergency Dispatching Center is operated out of Delta's Winchester Corporate Office for all after normal working hours inquiries or emergencies.

Delta Natural Gas Company has its contact and emergency numbers located in the Greater Lexington Phone book as well as on the website www.deltagas.com.

Available information on Delta's current rates, emergency contact, conservation, safety and efficiency rebates can all be obtained from its website or by request to its Nicholasville or Corporate Office.



Delta Natural Gas Company, Inc.

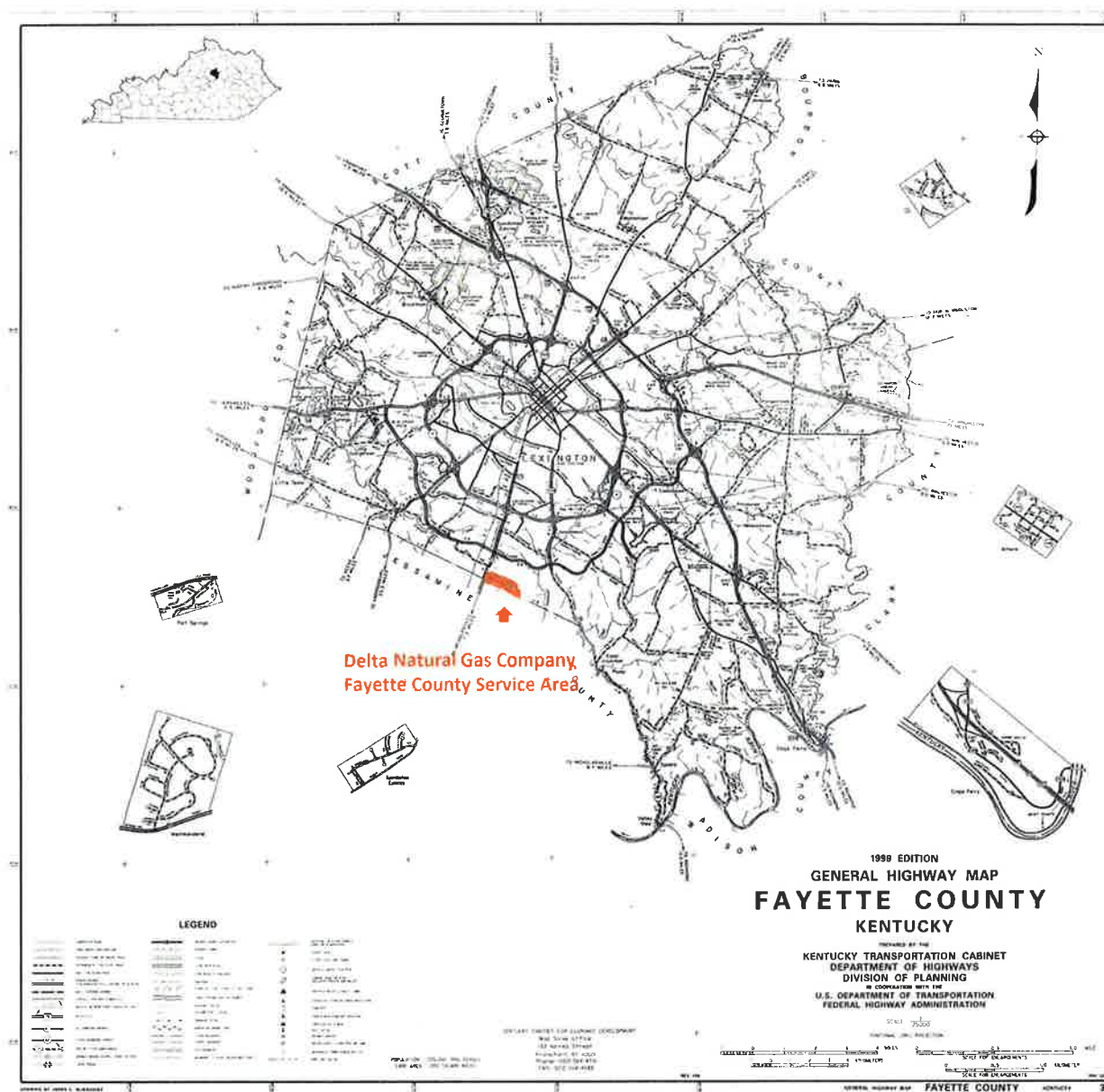
3617 Lexington Road
Winchester, Kentucky 40391-9797



www.deltagas.com

PHONE: 859-744-6171

FAX: 859-744-3623



Natural Gas: Clean, Smart Energy for Our Community

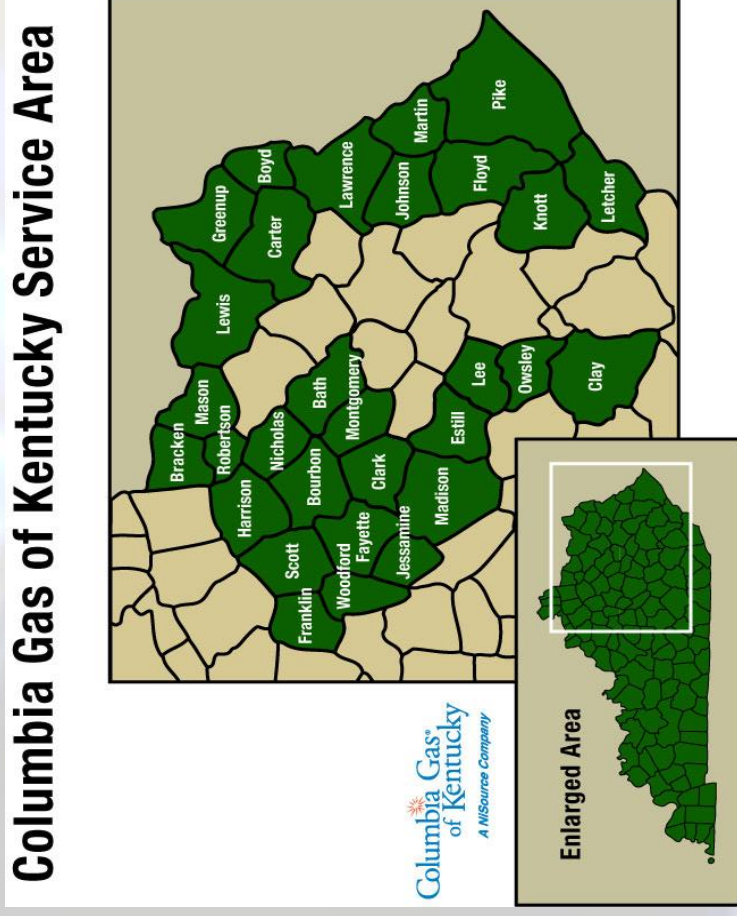
Herbert A. Miller
President
Columbia Gas of Kentucky

May 29, 2012



Who & Where We Are

- Serve over 130,000 customers in 30 counties in Central & Eastern Kentucky
- Customers include:
 - 120,206 residential
 - 13,943 commercial
 - 113 industrial
- Subsidiary of NiSource



NiSource Service Territory

- A Fortune 500 company engaged in natural gas transmission, storage and distribution, as well as electricity generation, transmission and storage.
- NiSource serves 3.8 million customers from the Gulf Coast through the Midwest to New England.



Relevant Regulatory Relationships

- Rates and Services governed by Kentucky Public Service Commission – KRS 278.260
- Franchises to operate in municipal rights-of-way – KRS 96.010; Ky. Constitution Sections 163 and 164

Natural Gas Prices

- Two basic types of costs on customer bill
 - Distribution rates – cover fixed costs of delivering natural gas and providing service to customers – including, pipeline inspection and repair, 24-hour emergency service, customer service, etc.
 - Gas Supply Cost – commodity, interstate pipeline fees and storage costs – passed through to customers at cost (no profit).

Columbia Gas of Kentucky
A NISource Company

Gas Bill
Residential Service

Account Number: XXXXXXXX XXX XXX X
Statement Date: 08/24/2010
Page 1 of 2

How to Contact Us

For service or billing questions, call 1-800-251-5615. For gas safety or emergency questions, call 1-800-251-5615. For gas safety or emergency questions, call 1-800-251-5615.

1-800-251-5615

For gas safety or emergency questions, call 1-800-251-5615.

www.columbiagas.com

Billing & Payment Summary

Account Summary

Account Number: XXXXXXXX XXX XXX X
Statement Date: 08/24/2010
Page 1 of 2

Billing & Payment Summary

Previous Balance Due on 08/17/2010: \$75.00
Payments Received by 08/24/2010: \$75.00
Budget Payment Plan: \$75.00
Budget Payment Plan: \$75.00
Amount Due by 08/24/2010: \$75.00

Service Summary

Service Location: 123 Main St, Louisville, KY 40201
Meter Number: XXXXXXXX
Actual Reading on 08/24/2010: 679
Actual Reading on 07/26/2010: 675
Gas Used (Gals): 4

Daily Gas Use History

Actual Reading: 679
Estimated Reading: 675
Gas Used (Gals): 4

Payment Coupon

Amount Due by 08/24/2010: \$75.00
Payment Enclosed: \$
Make check payable to: COLUMBIA GAS OF KENTUCKY

Gas Bill
Residential Service

Account Number: XXXXXXXX XXX XXX X
Statement Date: 08/24/2010
Page 1 of 2

Detail of Charges for Gas Service

Customer Charge: \$13.35
Gas Supply Cost: \$2.20
Research & Development Factor: \$0.10
School Tax: \$0.50
Accelerated Meter Replacement Program: \$0.50
Energy Efficiency and Conservation Rider: \$1.18
Total Charges for Service This Period: \$17.83

Service Charges

Customer Charge: \$13.35
Gas Supply Cost: \$2.20
Research & Development Factor: \$0.10
School Tax: \$0.50
Accelerated Meter Replacement Program: \$0.50
Energy Efficiency and Conservation Rider: \$1.18
Total Charges for Service This Period: \$17.83

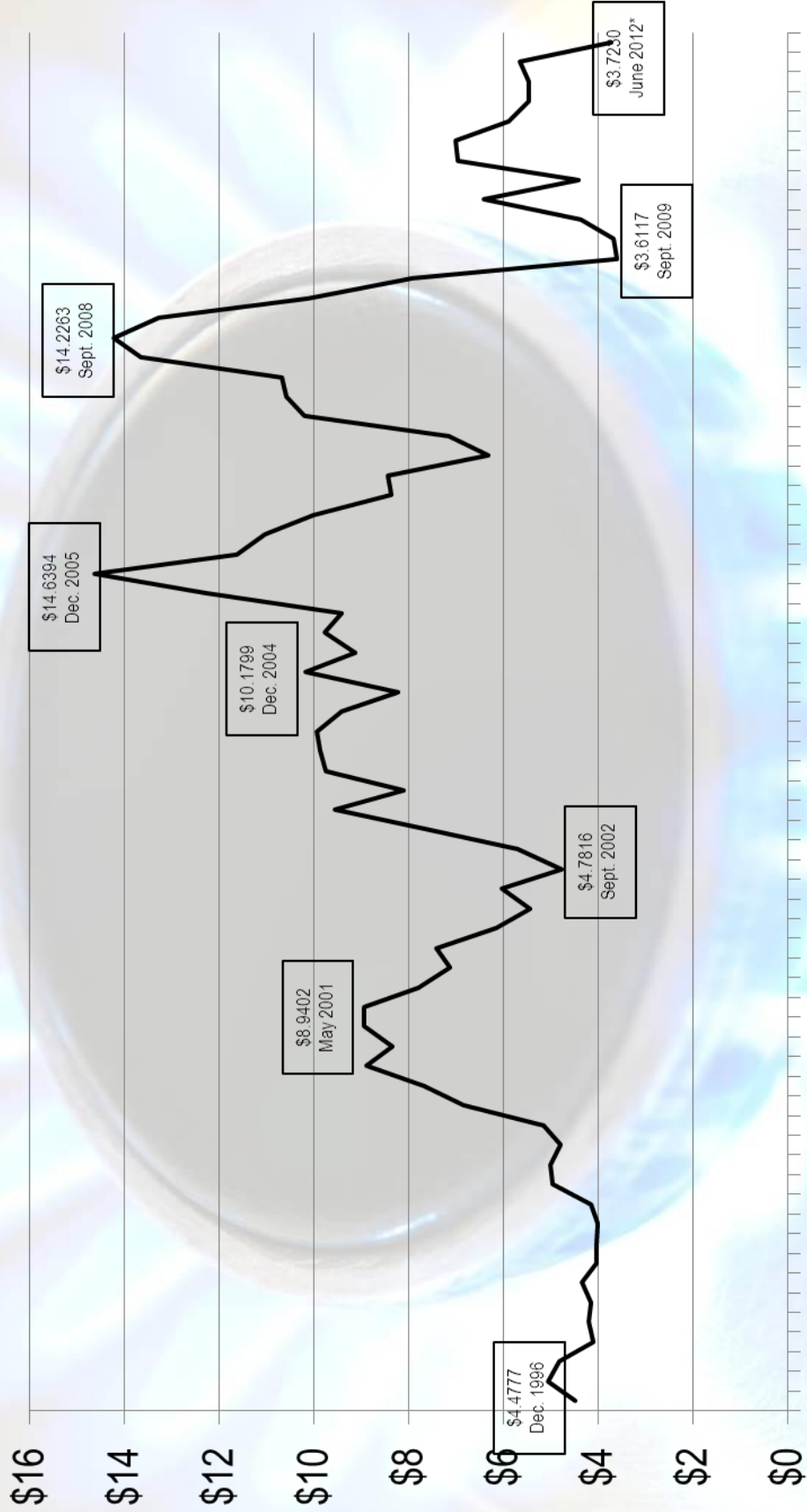
WinterCare Contribution

Amount Due by 08/24/2010: \$75.00
Payment Enclosed: \$
Make check payable to: COLUMBIA GAS OF KENTUCKY

Monthly Contributions

Monthly Contributions: \$10
Monthly Contributions: \$5
Monthly Contributions: \$

Columbia Gas of Kentucky Gas Supply Cost 12/96-Present



* Pending approval by the Kentucky Public Service Commission

Accelerated Main Replacement Program

- Proactive infrastructure replacement program prioritizing sections of pipe that is nearing the end of its useful life
- Over \$25.8 million invested since 2008 throughout service area
- Approximately \$17.1 million invested in Fayette County projects since 2008
- Communications with customers prior to and during AMRP projects
- Current Fayette County projects include Meadowthorpe

AMRP Customer Outreach

- Customers
- Elected officials
- Neighborhood associations
- Regulators
- Other utilities
- Churches
- Historical and other special considerations

February 3, 2011



Dear Customer:

In a continuing effort to provide you with safe and reliable service, Columbia Gas of Kentucky is upgrading its pipeline system in many parts of our service area. The natural gas infrastructure within your neighborhood is nearing the end of its useful operating life and we are proactively replacing main lines and service lines with state-of-the-art materials.

Beginning in a few weeks, Columbia Gas and its contractor, Stanley Pipeline, will begin upgrading the natural gas system in your neighborhood. Construction will primarily take place from 7:00 a.m. until approximately 5:30 p.m., Monday through Friday. Included in this project are portions of Calappa, Deftia, Fincastle, Irvine, McDowell, Richmond, South Harrow, Slatree and Sycamore.

During the project, our crews will first replace main lines in one section of the project area, then replace some service lines as necessary, relocate inside gas meters to the outside of the structure and connect service lines to the new main lines. Gas service may be briefly interrupted while these activities are completed. When your gas service has to be interrupted, our crews will contact you to schedule this work and to gain access to your property to test your house lines, check natural gas appliances and re-establish your service once the work is complete and no leaks or other problems are detected.

Columbia Gas and Stanley Pipeline have carefully planned this project to minimize the inconvenience to you and your family. For example, underground boring – instead of digging trenches – will be used whenever possible to minimize excavation on the surface. In some cases, however, underground boring may not be possible and temporary excavations affecting sidewalks, driveways and/or lawns may be necessary. The full restoration of some properties may take time to complete due to weather or seasonal conditions outside of our control.

We appreciate your patience and understanding as this important project is completed. Once complete, you will realize several benefits, including continued safe and reliable service, enhanced capacity and fewer inconveniences caused by inside gas meters.

If you have any questions regarding this project, please call our Construction Specialist, Bobby Dawes, at (859) 991-5659. Or, you may call our Pipeline Replacement Answer Line at (859) 288-6355 and leave your name, address, a phone number where you prefer to be reached and your question. This voice mailbox is checked frequently and we will research your question and respond to you promptly. Of course, if you should ever smell gas, please call our 24-hour emergency line at 800-432-9515.

Sincerely,

Herbert A. Miller, Jr.
President





- Low-Income Furnace Replacement Program
 - Administered by the Community Action Council
 - Eligibility at 200% of Federal Poverty Guidelines
 - Included in CAC's Weatherization program
- Home Energy Audit Program
 - FREE to residential customers using natural gas heat
 - Walk-through audit with thorough audit report and energy-saving tip sheets provided to homeowner
- Natural Gas Appliance Rebate Program
 - Rebates of up to \$400 on select energy-efficient heating, water heating and hearth products



Other Customer Assistance Programs

- Budget Payment Plan
- Extended payment plans
- Low-Income Energy Assistance Program (LIHEAP)
 - Federal assistance program
- Energy Assistance Program
 - Provides fixed credit amount on participating customers' bills during heating season (November – March); credits designed to increase during the colder winter months
 - \$675,000 annually
 - Administered by Community Action Council
 - Currently 1,200 households enrolled
- WinterCare
 - Combines contributions from customers, employees and shareholders
 - Columbia Gas of Kentucky matches customer donations dollar for dollar up to \$20,500
- Work with numerous other funding organizations, including Black Church Coalition, individual churches, LFUCG and others to assist struggling customers

Community Support

- Lexington Hearing & Speech Center
- Community Action Council
- 2nd Sunday
- Fayette County Public Schools
- Visually Impaired Preschool Services
- Black Church Coalition
- Roots & Heritage Festival
- Downtown Lexington Corporation
- Urban League of Lexington
- DSACK Buddy Walk
- Central Kentucky Radio Eye
- LexArts
- LFUCG disAbility Expo
- YMCA
- American Red Cross Bluegrass Chapter
- LFUCG Police Activities League Youth Baseball
- United Way of the Bluegrass
- Prichard Committee for Academic Excellence
- God's Pantry Food Bank
- Masterson Station Playground beautification
- Back to School Rallies
- Lexington Children's Theatre
- Wilderness Road Girl Scouts
- LFUCG Spring Clean
- CASA 10K Run for Kids Sake
- REACH
- Habitat for Humanity
- JustFUNDKy
- Town Branch Trail-A-Palooza
- Children's Advocacy Center
- Fayette Education Foundation
- Women Leading Kentucky
- Susan G. Komen Race for the Cure
- Salvation Army
- Fifth-Third Bank Tennis Championships
- KET
- Black Stallion Literacy Project
- Junior Achievement

Franchise, Right of Way Fees & Taxes Collected and Paid

	2008	2009	2010	2011
LFUCG Franchise Fees	\$3,585,356	\$3,100,940	\$2,317,563	\$2,385,814
LFUCG Right of Way Fees	\$130,500	\$135,950	\$155,300	\$114,100
LFUCG Property Taxes	\$612,764	\$650,767	\$664,989	\$811,481
LFUCG Payroll Taxes	\$129,857	\$141,674	\$140,574	\$137,677
Fayette Co. School Taxes Collected/Paid	\$3,585,691	\$3,098,137	\$2,318,893	\$2,384,765

Thank you. Questions?

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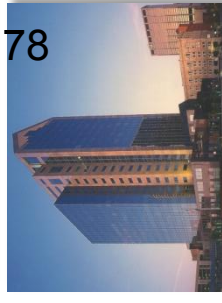
Bobby Dawes
Construction Site Specialist
(for pipeline replacement projects
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bgdawes@nsource.com



PPL companies

Regulated Utilities in Kentucky

*David Freibert
Director, External Affairs*



Regulation of KU

Kentucky Utilities Company (KU) is subject to the jurisdiction of the following regulatory bodies:

- **Federal**
 - *Federal Energy Regulatory Commission or FERC*
 - **KU Municipals, Off-system Sales, Transmission (OATT)**
 - *EPA*
- **State**
 - *Kentucky Public Service Commission or KPSC*
 - *Virginia State Corporation Commission or VSCC*
 - *Tennessee Regulatory Authority or TRA*

Objective of Regulation

- **Ensure that utilities charge fair, just, and reasonable rates to customers**
- **Ensure utilities remain financially viable through providing an opportunity to earn a reasonable rate of return on prudently incurred capital**
- **Ensure utilities provide safe and reliable service**

Recovering the Cost of Doing Business

Kentucky Public Service Commission:

- Base Rates
- Fuel Adjustment Clause (FAC)
- Environmental Cost Recovery Surcharge (ECR)
- Demand-Side Management Cost Recovery Mechanism (DSMRM)

State Proceeding Process

- **Application**
 - *Regulation requirements*
 - *Direct pre-filed Testimony*
- **Opportunity for Intervention**
 - *Office of the Attorney General*
 - *Kentucky Industrial Utility Customers, Inc.*
 - *Other Representation*
- **Kentucky Department of Energy**
- **City Governments**
- **Special Interest Agencies**

State Proceeding Process

- **Discovery through Data Requests**
 - *Data request from Commission Staff and Intervention*
 - *Multiple rounds*
 - *Typically two weeks to respond*
- **Intervenor Testimony**
 - *Intervenors file Direct Testimony supporting their position*
 - *Expert witnesses*
- **Discovery on Intervenor**
 - *Commission Staff and Company issue data request*
 - *Follow similar process for Company discovery*
- **Rebuttal Testimony**

State Proceeding Process

- **Public Hearing before the Commissioners**
- **Post Hearing Data Requests**
- **Briefs**
 - *Company and Intervenors have opportunity to file final statement supporting their case*
- **PSC Order**
- **Court Appeals if necessary**

KRS 278.016

Commonwealth to be divided into geographical service areas.

It is hereby declared to be in the public interest that, in order to encourage the orderly development of retail electric service, to avoid wasteful duplication of distribution facilities, to avoid unnecessary encumbering of the landscape of the Commonwealth of Kentucky, to prevent the waste of materials and natural resources, for the public convenience and necessity and to minimize disputes between retail electric suppliers which may result in inconvenience, diminished efficiency and higher costs in serving the consumer, the state be divided into geographical areas, establishing the areas within which each retail electric supplier is to provide the retail electric service as provided in KRS 278.016 to 278.020 and, except as otherwise provided, no retail electric supplier shall furnish retail electric service in the certified territory of another retail electric supplier.

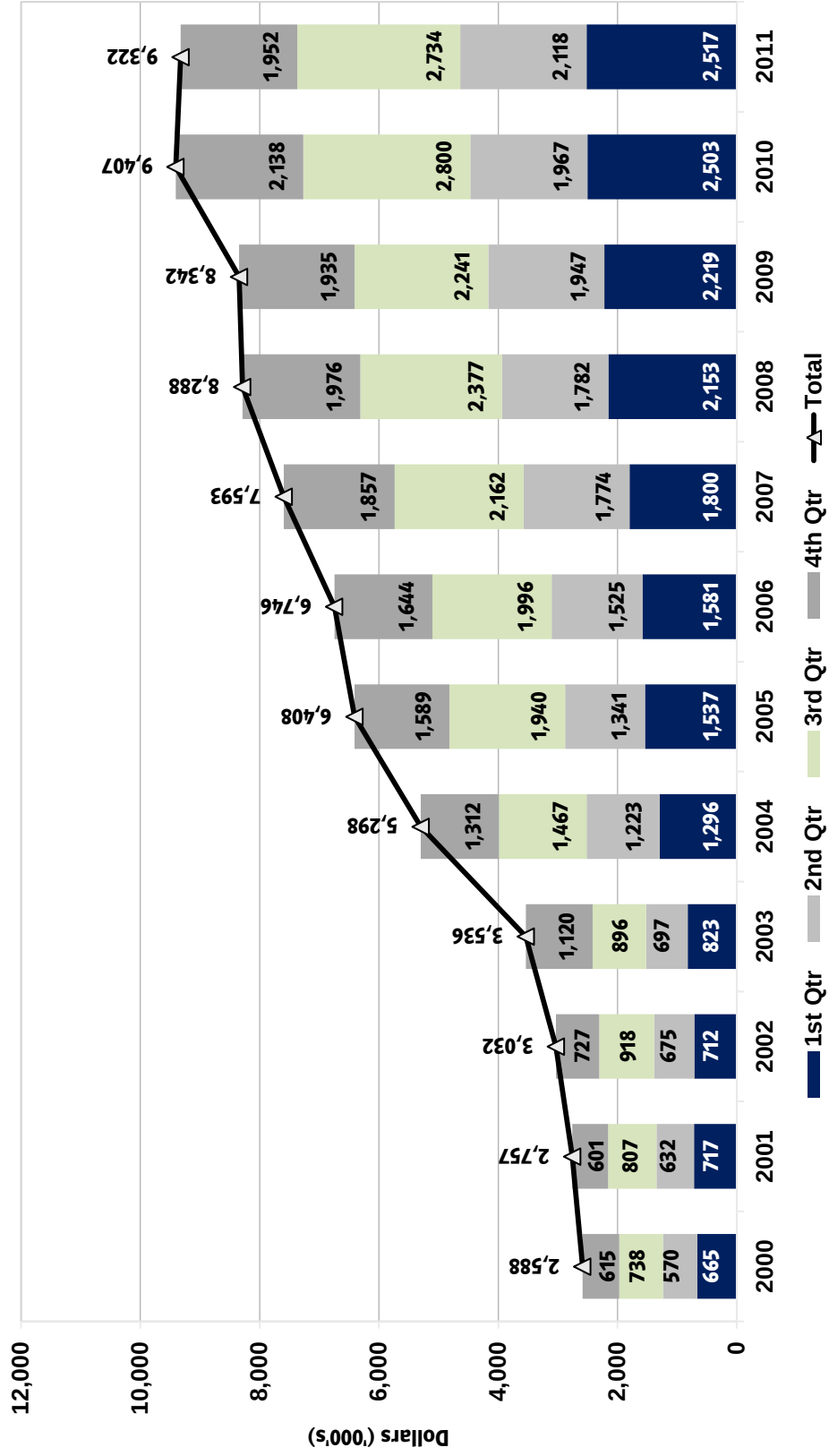
History: Created 1972 Ky. Acts ch. 83, sec. 2

85

Kentucky Constitution establishes 'Franchises'

Section 163 — "No street railway, gas, water, steam heating, telephone, or electric light company, within a city or town, shall be permitted or authorized to construct its tracks, lay its pipes or mains, or erect its poles, posts or other apparatus along, over, under or across the streets, alleys or public grounds of a city or town, without the consent of the proper legislative bodies or boards of such city or town being first obtained.

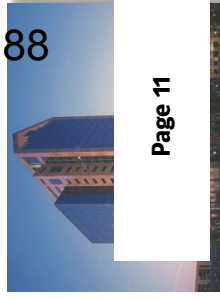
LFUCG Franchise Payments 2000-2011





PPL companies

Questions?



Lexington Fayette Urban County Government Council Work Session

May 29, 2012

Presented by
Blue Grass Energy



Blue Grass Energy

- **Distribution Cooperative**
 - 55,000 members
 - 23 counties
 - Northern & Central Kentucky
 - 4,700 miles of line
 - 15,202 outdoor lighting
- 107 Employees
- Total Utility Plant
 - \$207 million
- Total Revenue
 - \$122 million

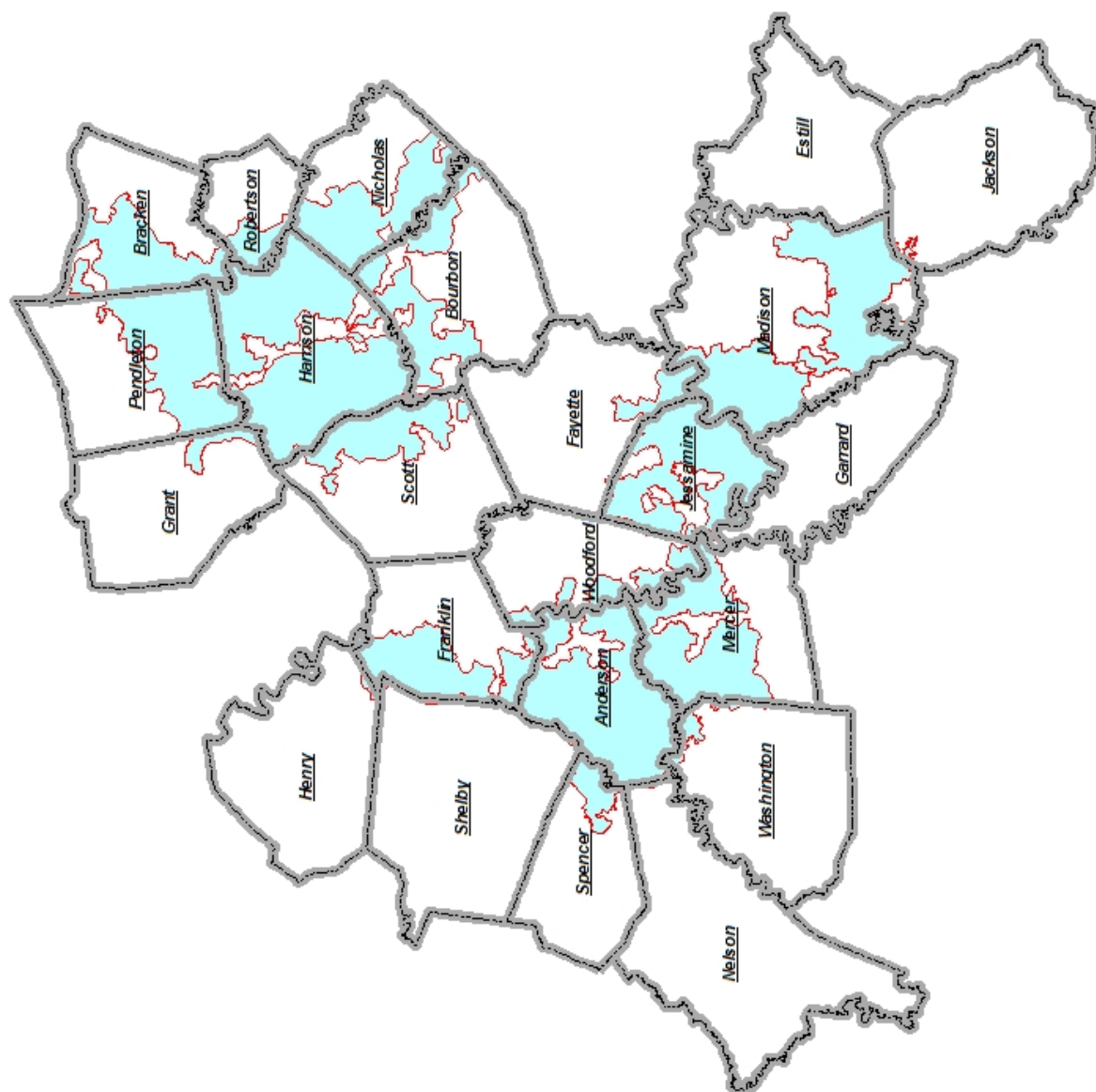


Blue Grass Energy

- District Offices
 - Nicholasville (*headquarters*)
 - Cynthiana
 - Lawrenceburg
 - Richmond
- Wholesale Power Supplier
 - East Kentucky Power Cooperative



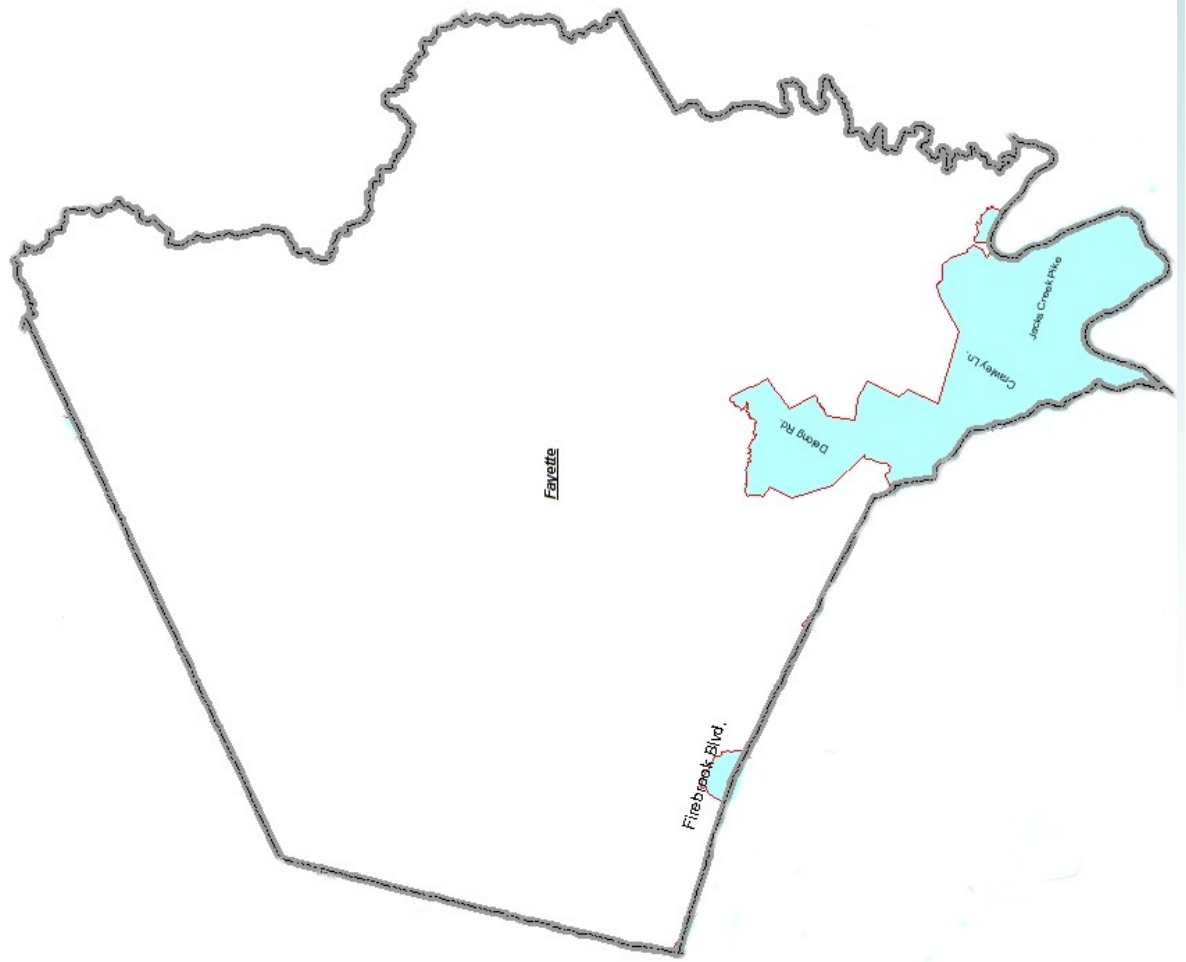
Service Area



Fayette County

Fayette County Data:

- Members: 6,021
- Miles of Line: 146.2
- Outdoor Lighting:
1,577
 - Street Lights:
1,229



Partnerships/Achievements

- Stoney Falls
- Ball Homes
- Home Builders Association
of Lexington (HBAL)
- Bluegrass PRIDE
- Caulk the Block



Partnerships/Achievements

- Tree-Line USA
- NRECA/Federated Safety Accredited Cooperative
- Governor's Safety & Health Award
- International Lineman's Rodeo Champions
- ENERGY STAR® Leadership & Housing Award



Energy Services

- Button-Up Weatherization
- Tune-Up
- Energy Audits
- Touchstone Energy Home
- SimpleSaver
- Beat the Peak
- CFL Bulbs



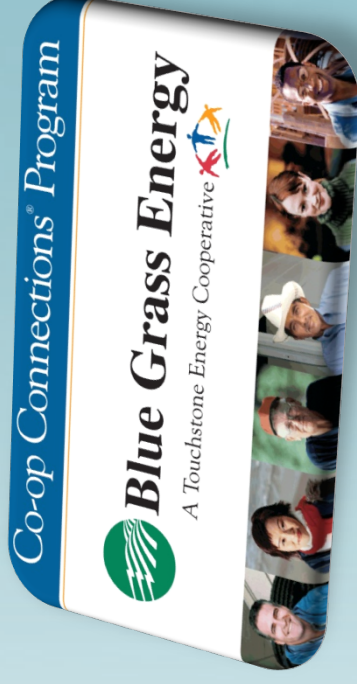
Added-Value Programs

Existing

- Co-op Connections Card
- Levelized Budget Billing
- Automatic Bill Payment
- E-Billing
- Web Portal

Future

- Prepaid Metering
- Smartphone App



Touchstone Energy Cooperatives

- Co-Brand to Blue Grass Energy
- National alliance of more than 700 local, consumer-owned electric cooperatives in 46 states.
- Power & energy solutions to 30 million members.
- Energy for 75 percent of the United States.
- 2.4 million miles of power lines.



Blue Grass Energy



A Touchstone Energy Cooperative

QUESTIONS?

Blue Grass Energy
1201 Lexington Road
P.O. Box 990
Nicholasville, KY 40340-0990

www.bgenergy.com
togetherwesave.com
888-546-4243



LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**Changes to Police Collective Bargaining Agreement**

- **Lodge Business**
 - Adjustment to the number of members that can attend Kentucky General Assembly meetings to three members
- **Assignments**
 - Clarifies requirements for assignments to special units
- **Promotions**
 - Clarifies the testing process for promotions, including accessibility to test questions/results and tie-breaking procedures
 - Specifies that promotion to lieutenant shall require a bachelor's degree
 - Provides that the eligibility lists for promotion shall remain in effect for two years unless abolished by the Director
- **Health and Safety**
 - Provides for use of Class B uniforms during inclement weather at the Chief's discretion
- **Disciplinary Procedures**
 - Provides authority for Chief to meet directly with members prior to recommendation of discipline
 - Requires that files related to discipline shall be maintained solely at the Bureau level
- **Overtime**
 - Provides for payment of time and a half for overtime hours reimbursed to LFUCG by grant regardless of total hours worked in a week
 - Provides for minimum of three hours pay at time and a half for pre-planned special events work outside of normal work schedule
- **Paid and Unpaid Leaves**
 - Swing holidays are suspended for two years
 - Vacation leave accruals are reduced by two hours per month for two years
 - Clarifies leave request/approval process
 - Increases total leave accrual for vacation/holidays to 400 hours
 - Suspends blood donation/community service leave for two years
- **Clothing and Equipment Allowances**

- Implements a "quartermaster" type system for uniforms and equipment
 - Provides for reductions to uniform allowances
- Physical fitness incentive
 - Suspends benefit for two years
- Vehicles
 - Restricts use of home fleet vehicles to only to/from work except for off-duty employment in Fayette County
 - Use for off-duty employment permitted with payment of \$50/month
 - Specifies that out-of-county commuting is limited to within 35 miles of Fayette County border
- Shift Differential
 - Increases Second Shift differential to \$.50/hour
 - Increases Third Shift differential to \$1.00/hour
- Special Duty Pay
 - Increases supplemental pay for special units to \$1,400/year
- Salary
 - No steps or structure movement in the first two years of the agreement
 - \$500 structure increase in third year, \$1,000 structure increase in fourth year
 - Additional step increase at the end of third and fourth year
- Term
 - Agreement is for four years beginning July 1, 2012

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Costs Summary of Police Collective Bargaining Agreement

Four-year term: Approximate savings: \$4,475,500

Year One:

\$8,000 (reduction in members attending General Assembly)
 \$275,000 (no swing holidays),
 \$415,000 (two hours less in monthly vacation accrual)
 \$200,000 (reduction in clothing allowance)
 \$160,000 (suspension of fitness incentive)
 \$800,000 [estimated] (restriction on home fleet usage)
\$350,000 (no steps or structure movement for effective half-year)
 \$2,208,000 savings

Year Two:

\$15,500 (reduction in members attending General Assembly)
 \$275,000 (no swing holidays),
 \$415,000 (two hours less in monthly vacation accrual)
 \$215,000 (reduction in clothing allowance)
 \$160,000 (suspension of fitness incentive)
 \$800,000 [estimated] (restriction on home fleet usage)
\$700,000 (no steps or structure movement for effective half-year)
 \$2,580,500

Two-year cumulative savings: \$4,788,500

Year Three: Approximate cost savings: \$754,500

\$8,000 (reduction in members attending General Assembly)
 \$215,000 (reduction in clothing allowance)
 \$800,000 [estimated] (restriction on home fleet usage)
 \$350,000 (no steps or structure movement for effective half-year)
 +\$350,000 additional costs (step increase return)
+268,500 additional cost (\$500 structure movement)
 \$754,500

Three-year cumulative savings: \$5,543,000

Year Four:

\$15,500 (reduction in members attending General Assembly)

\$54,000 (reduction in clothing allowance)
\$800,000 [estimated] (restriction on home fleet usage)
+\$700,000 (step increase)
+\$700,000 (extra step increase)
+\$537,000 additional cost (\$1,000 structure movement)
+\$1,067,500 additional cost

Four-year cumulative savings: \$4,475,500

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