

Lexington-Fayette Urban County Government

*200 E. Main St
Lexington, KY 40507*



Tuesday, December 4, 2012

3:00 PM

Packet

Council Chamber

Urban County Council Work Session

**URBAN COUNTY COUNCIL
SCHEDULE OF MEETINGS
December 3 – December 10, 2012**

Monday, December 3

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

Fayette County Rural Land Management Board.....3:00 pm
Conference Room – 12th Floor Conference Room

Tuesday, December 4

Social Services & Community Development Committee.....11:00 am
Council Chambers – 2nd Floor Government Center

Public Safety Committee.....1:00 pm
Council Chambers – 2nd Floor Government Center

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

Wednesday, December 5

Police and Fire Pension Fund Task Force.....1:00 pm
Commerce Lexington – 1st Floor Conference Room

Thursday, December 6

Council Meeting.....6:00 pm
Council Chambers – 2nd Floor Government Center

Friday, December 7

No Meetings

Monday, December 10

No Meetings

URBAN COUNTY COUNCIL

WORK SESSION SUMMARY

TABLE OF MOTIONS

November 20th, 2012

Mayor Jim Gray called the meeting to order at 3:03pm. VM Gorton, CM Ellinger, CM Kay, CM Ford, CM Blues, CM Farmer, CM Stinnett, CM Henson, and CM Lane were present.

I. Public Comment – Issues on Agenda – No

II. Requested Rezoning – Docket Approval – No

III. Approval of Summary

Motion by Gorton to approve the summary. Seconded by Ellinger. Motion passed without dissent.

IV. Budget Amendments – No

V. New Business

Motion by Gorton to approve the new business. Seconded by Ellinger. Motion passed without dissent.

VI. Continuing Business

Motion by Gorton to approve the Neighborhood Development Funds. Seconded by Stinnett. Motion passed without dissent.

VII. Council Reports

Motion by Gorton to place the issue of quorum at meetings into the General Government Committee. Seconded by Henson. Motion passed without dissent.

VIII. Mayor's Report – No

IX. Public Comment – Issues Not on Agenda – No

Motion by Gorton to enter into closed session pursuant to KRS 61.8101c and KRS 61.8101b. Seconded by Blues. Motion passed without dissent.

Motion by Gorton to return from closed session. Seconded by Blues. Motion passed without dissent.

Motion by Ellinger to adjourn. Seconded by Stinnett. Motion passed without dissent.

URBAN COUNTY COUNCIL

WORK SESSION SUMMARY

TABLE OF MOTIONS

November 27th, 2012

Mayor Jim Gray called the meeting to order at 3:02pm. CM Beard was absent.

- I. Public Comment – Issues on Agenda – None
- II. Requested Rezonings / Docket Approval

Motion by Farmer to approve the docket. Seconded by Ellinger.

Motion by Farmer to schedule a public hearing on item 6, the Historic Overlay in the Ashland Park area for Tuesday, January 22nd, 2013 at 6:00pm in the Council Chambers. Seconded by Gorton. Motion passed without dissent.

Motion by Farmer to schedule a public hearing on Tuesday, December 11th, 2012 Council Meeting in the Council Chambers for concerning the issuance of the LFUCG of its cultural and recreational revenue bond series 2012 for the Anchor Baptist Church inc. project currently estimated not to exceed \$3,850,000. Seconded by McChord. Motion passed without dissent.

Motion by Stinnett to place on the docket for the November 29th, 2012 Council meeting a resolution approving the granting of an inducement to Delta T Corporation d/b/a Big Ass Fans, pursuant to the Kentucky Business Investment Act (KRS Chapter 154.32), whereby the Lexington-Fayette Urban County Government agrees to forego the collection of one percent (1%) of the occupational license fees for a term not longer than ten (10) years, and taking other related action. Seconded by McChord. Motion passed without dissent.

Motion by Farmer to amend his previous motion to have a Special Council meeting on item 6. Seconded by McChord. Motion passed without dissent.

Motion by Gorton to place on the docket for the Thursday, November 29th, 2012 meeting, a resolution amending section 4.506 of the Council Rules to delete reference to terms of office that commenced prior to July 1, 1990, and to require that a confirmation hearing be held prior to confirming appointments to the Planning Commission, the Board of Adjustment or the Ethics Commission. Seconded by Crosbie. Motion passed without dissent.

Motion by Gorton to place on the docket for the Thursday, November 29th, 2012 meeting, an Ordinance creating section 2-3.2 in Chapter 2 of the Code of Ordinances to establish procedures and guidelines for redistricting council districts. Seconded by Crosbie. Motion passed without dissent.

Motion by Gorton to place on the docket for the Thursday, November 29th, 2012 meeting, an Ordinance adopting a schedule of meetings for the Council for calendar year 2013. Seconded by Kay. Motion passed without dissent.

Original motion by Farmer to approve the docket passed without dissent.

III. Approval of Summary – No

IV. Budget Amendments

Motion by Gorton to approve the budget amendments. Seconded by Ellinger.

Motion by Gorton to add a budget amendment for \$743,635 for the purchase of a ladder truck for the Division of Fire and EMS to the budget amendment list. Seconded by Ellinger. Motion passed without dissent.

Original motion by Gorton to approve budget amendments passed without dissent.

V. New Business

Motion by Gorton to approve new business. Seconded by Ellinger. Motion passed without dissent.

VI. Continuing Business / Presentations

Motion by Gorton to approve the Neighborhood Development Funds. Seconded by Ellinger. Motion passed without dissent.

Motion by Lawless to amend subsection 14-72(8) of the Code of Ordinances of the Lexington Fayette Urban County Government pertaining to operating or playing radios, televisions and other related items in a manner as to create a noise disturbance, and creating subsection 14-72(11) of the Code of Ordinances to prohibit noise disturbances emanating from vehicles located in the public right-of-way or on public land which are audible more than ten (10) feet from the vehicle. Seconded by Blues. Motion passed without dissent.

VII. Council Reports

VIII. Mayor's Report

Motion by Blues to approve the Mayor's Report. Seconded by Henson. Motion passed without dissent.

IX. Public Comment – Issues Not on Agenda – No

X. Adjournment

Motion by Gorton to adjourn. Seconded by Stinnett. Motion passed without dissent.

**Lexington-Fayette Urban County Government
Work Session Agenda
December 4, 2012**

- I. Public Comment - Issues on Agenda**
- II. Requested Rezoning/ Docket Approval - Yes**
- III. Approval of Summary - Yes, November 20 & 27, 2012, p. 1-5**
- IV. Budget Amendments - Yes, p. 12-16**
- V. New Business - Yes, p. 17-48**
- VI. Continuing Business/ Presentations**
 - a. Neighborhood Development Funds - December 4, 2012, p. 49
 - b. Planning and Public Works Committee Summary November 20, 2012, p. 50-55
 - c. Social Services and Community Development Committee Summary November 20, 2012, p. 56-58
 - d. CAP Project Status Update - Charlie Martin, Director, Div. of Water Quality, p. 59-83
 - e. 2012 PDR and Courthouse Area Design Overlay Zone Annual Reports, By: Billy Van Pelt, Director Purchase Development Rights Program, p. 84-100
- VII. Council Reports**
- VIII. Mayor's Report - Yes**
- IX. Public Comment - Issues Not on Agenda**
- X. Adjournment**

Administrative Synopsis - New Business Items

- a. **1150-12** Authorization to amend Section 22-5 of the Code of Ordinances, creating one (1) position of Aging Services Program Manager (Grade 116E) in the Department of Social Services. (L1150-12) (Maxwell/Mills)
 This is a request to amend Section 22-5 of the Code of Ordinances, creating one (1) position of Aging Services Program Manager (Grade 116E) in the Department of Social Services. The impact for FY2013 (14 pay periods) is \$37,420.90. Funds are budgeted. p. 17
- b. **1236-12** Authorization to execute an agreement with Kentucky Transportation Cabinet/Division of Maintenance for provision of equipment for the Bates Creek Road Sidewalk Improvements Project. (L1236-12) (Gooding/Paulsen)
 This is a request to execute an agreement with Kentucky Transportation Cabinet/Division of Maintenance for provision of equipment for the Bates Creek Road Sidewalk Improvements Project for an amount of \$54,033.48. Funds are budgeted. p.18
- c. **1237-12** Authorization to execute an agreement with Group CJ, LLP, for Mobility Office Marketing Campaign for Fiscal Year 2013. (L1237-12) (Gooding/Paulsen)
 This is a request to execute an agreement with Group CJ, LLP, for Mobility Office Marketing Campaign for Fiscal Year 2013 for an amount of \$44,400. Funds are budgeted. p. 19
- d. **1252-12** Authorization to execute Change Order No. 1 (Final) with W. Rogers Co. for the Deep Springs Pump Station and Force Main Upgrade. (L1252-12) (Martin/Moloney)
 This is a request to execute Change Order No. 1 (Final) with W. Rogers Co. for the Deep Springs Pump Station and Force Main Upgrade for an amount of \$42,104.04. This increase brings the total new project cost to \$1,828,104.04. Funds are budgeted. p.20-21
- e. **1256-12** Authorization to execute a Memorandum of Understanding (MOU) with Fayette County Public Schools for the provision of bus transportation services for the Family Care Center's enrolled students and their children. (L1256-12) (Mills)
 This is a request to execute a MOU with Fayette County Public Schools for the provision of bus transportation services for the Family Care Center's enrolled students and their children for the remainder of the 2012-2013 school year. The cost is \$427 per day for up to 92 days. Funds of \$40,000 are budgeted. p.22

- f. **1257-12** Authorization to execute an agreement with Tetra Tech Engineering and Architecture Services to prepare the Construction Progress Report for the closure of CP1, CP2, CP3, and associated facilities at the Haley Pike Landfill. (L1257-12) (Moloney)
This is a request to execute an agreement with Tetra Tech Engineering and Architecture Services to prepare the Construction Progress Report for the closure of CP1, CP2, CP3, and associated facilities at the Haley Pike Landfill for a cost of \$32,875.00. Funds are budgeted. p. 23-26
- g. **1260-12** Authorization to accept awards from the Kentucky Office of Homeland Security for a Hazardous Devices Training Project and a Structural Collapse Technician Certification Training Course under the 2012 State Homeland Security Grant Program. (L1260-12) (Gooding/Mason)
This is a request to accept awards from the Kentucky Office of Homeland Security for a Hazardous Devices Training Project for an amount of \$55,000 and a Structural Collapse Technician Certification Training Course for an amount of \$53,000 under the 2012 State Homeland Security Grant Program. Budget amendments in process. p. 27
- h. **1261-12** Authorization to execute a Memorandum of Agreement, accepting federal funds from the Kentucky Justice and Public Safety Cabinet, Kentucky State Police for Ticketing Aggressive Cars and Trucks Grant Program. (L1261-12) (Gooding/Mason)
This is a request to execute a Memorandum of Agreement, accepting federal funds in the amount of \$40,000 from the Kentucky Justice and Public Safety Cabinet, Kentucky State Police for Ticketing Aggressive Cars and Trucks Grant Program. A 20% match of \$10,000 is required. Budget amendments in process. p. 28
- i. **1263-12** Authorization to execute a Lease/Purchase Agreement with Lynn Imaging for two iPlan tables & two Contex CSCX3615R scanners with touch screens, Repro Software, Stands and ipf765 Canon printers. (L1263-12) (Bayert/Paulsen)
This is a request to execute a five (5) year Lease/Purchase Agreement with Lynn Imaging for two iPlan tables & two Contex CSCX3615R scanners with touch screens, Repro Software, Stands and ipf765 Canon printers for the Divisions of Engineering and Planning. The monthly cost per division is \$405.79 with warranties for one (1) year. Warranties will cost each division an additional \$2,900 per year afterwards. Funds are budgeted. p.29-32

- j. **1264-12** Authorization to accept award from the National Police Athletic/Activities League for operation of a National Police Activities League Football Program. (L1264-12) (Gooding/Mason)
This is a request to accept award from the National Police Athletic/Activities League for an amount of \$1,800 for operation of a National Police Activities League Football Program. No match is required. Budget amendment in process. p.33
- k. **1269-12** Authorization to execute an amendment to agreement with Aids Volunteers, Inc. for use of Home Investment Partnerships Funds for support of Tenant Based Rental Assistance Project. (L1269-12) (Gooding/Moloney)
This is a request to execute amendment to agreement with Aids Volunteers, Inc. to extend the performance period for use of Home Investment Partnerships Funds for support of Tenant Based Rental Assistance Project through December 31, 2013. There is no budgetary impact. p.34
- l. **1274-12** Authorization to execute an agreement with Access Wellness Group to provide employee assistance for a one (1) year term beginning January 1, 2013. (L1274-12) (Maxwell/Graham)
This is a request to execute an agreement with Access Wellness Group to provide employee assistance for a one (1) year term beginning January 1, 2013 at a cost in the amount of \$56,700. p.35
- m. **1275-12** Authorization to amend Resolution No. 557-2012 for purchase of Lucas II CPR devices for the Division of Fire and Emergency Services. (L1275-12) (Gooding/Mason)
This is a request to amend Resolution No. 557-2012 for purchase of Lucas II CPR devices for the Division of Fire and Emergency Services for an amount of \$75,000.25. Budget amendments in process. p.36
- n. **1276-12** Authorization to amend Section 21-5 of the Code of Ordinances, abolishing one (1) position of Data Base Administrator, (Grade 117E) and creating one (1) position of Information Systems Business Analyst (Grade 120E) in the Division of Enterprise Solutions. (L1276-12) (Maxwell/Moloney)
This is a request to amend Section 21-5 of the Code of Ordinances, abolishing one (1) position of Data Base Administrator, (Grade 117E) and creating one (1) position of Information Systems Business Analyst (Grade 120E) in the Division of Enterprise Solutions. Impact for FY 2013 (13 pay periods) is \$14,605.54. Budget amendment in process. p.37

- o. **1277-12** Authorization to accept award from Kentucky Department of Military Affairs, Division of Emergency Management for FY 2013 Emergency Management Assistance Project. (L1277-12) (Gooding/Mason)
This is a request to accept award from Kentucky Department of Military Affairs, Division of Emergency Management for an amount of \$105,456.81 for FY 2013 Emergency Management Assistance Project. A 50% local match of \$105,456.81 is required. Funds are budgeted. p.38
- p. **1278-12** Authorization to amend Section 21-5 of the Code of Ordinances, abolishing one (1) position of Life Skills Program Instructor (Grade 110E) and one (1) position of Community Corrections Lieutenant (Grade 114E); creating one (1) position of Life Skills Program Specialist, (Grade 113E) and one (1) position of Community Reentry Coordinator (Grade 115E) in the Division of Community Corrections. (L1278-12) (Maxwell/Mason)
This is a request to amend Section 21-5 of the Code of Ordinances, abolishing one (1) position of Life Skills Program Instructor (Grade 110E) and one (1) position of Community Corrections Lieutenant (Grade 114E); creating one (1) position of Life Skills Program Specialist, (Grade 113E) and one (1) position of Community Reentry Coordinator (Grade 115E) in the Division of Community Corrections. The impact for FY 2013 (16 pay periods) is a cost savings of \$9,133.34. Budget amendment in process. p.39
- q. **1279-12** Authorization to accept the report of the Capacity Assurance Task Force, adopting the recommendations of the Capacity Assurance Program Task Force, and providing for immediate implementation of recommendations for Use of Record, CAP Entry Point and Grandfathering. (L1279-12) (Martin/Moloney)
This is a request to accept the report of the Capacity Assurance Task Force, adopting the recommendations of the Capacity Assurance Program Task Force, and providing for immediate implementation of recommendations for Use of Record, CAP Entry Point and Grandfathering. There is no budgetary impact. p.40-46
- r. **1280-12** Authorization to issue Industrial Revenue Bonds to Anchor Baptist Church to refinance their commercial note. (L1280-12) (Atkins)
This is a request to issue approximately \$3,850,000 in Industrial Revenue Bonds to Anchor Baptist Church to refinance their commercial note. This issuance does not constitute a debt of the Urban County Government. p.47

- s. **1281-12** Authorization to execute agreements with HDR, GRW, Tetra Tech and Stantec to provide engineering services for wastewater equalization tanks or basins related to the Consent Decree Remedial Measures Projects. (L1281-12) (Martin/Moloney)
This is a request to execute agreements with HDR, GRW, Tetra Tech and Stantec to provide engineering services for wastewater equalization tanks or basins (Category #1 of RFP #33-2012) related to the Consent Decree Remedial Measures Projects. p.48

BUDGET AMENDMENT REQUEST LIST

JOURNAL	65162	DIVISION	Grants and Special Projects	Fund Name Fund Impact	General District Fund 10,000.00 10,000.00CR .00
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To budget Personnel Recovery and Match for Ticketing Aggressive Cars and Trucks.

JOURNAL	65169	DIVISION	Grants and Special Projects	Fund Name Fund Impact	General District Fund 13,643.19 13,643.19CR .00
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To decrease Personnel Recovery and Grant Match for Emergency Management.

JOURNAL	65175-76	DIVISION	Parks and Recreation	Fund Name Fund Impact	General District Fund 1,000.00 1,000.00CR .00
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To recognize funds received for reimbursement of overtime expended during a special event.

JOURNAL	65177	DIVISION	Grants and Special Projects	Fund Name Fund Impact	General District Fund 10,000.00 10,000.00
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To provide additional funds to match the PL Discretionary program being implemented by KYTC on behalf of the LFUCG for Lexington's travel demand model.

JOURNAL	65179-80	DIVISION	Parks and Recreation	Fund Name Fund Impact	General District Fund 2,070.00 2,070.00CR .00
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To recognize donations for benches and trees in remembrance of Audrey Elizabeth Hounshell.

JOURNAL	65181-82	DIVISION	Parks and Recreation	Fund Name Fund Impact	General District Fund 3,048.00 3,048.00CR .00
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To recognize reimbursement to Park Maintenance Overtime account for expenses incurred during special events.

JOURNAL	65237-38	DIVISION	Parks and Recreation	Fund Name Fund Impact	General District Fund 62.72 62.72CR .00
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To recognize refund for overpayment of water usage.

JOURNAL	65241	DIVISION	Office Of The Mayor	Fund Name	General District Fund
				Fund Impact	3,000.00
					3,000.00CR
					.00

To provide funds for professional services (consulting fees for Bloomberg Challenge Grant) by reducing funds for non-civil service salaries.

JOURNAL	65173-74	DIVISION	Parks and Recreation	Fund Name	Donation Fund
				Fund Impact	1,000.00
					1,000.00CR
					.00

To recognize a donation from Stantec Consulting Services to Adopt a Spot on the Legacy Trail to be used for trail maintenance.

JOURNAL	65244	DIVISION	Parks and Recreation	Fund Name	Donation Fund
				Fund Impact	820.00
					820.00

To provide funds for trail maintenance by recognizing a donation from Lexington Professional Baseball Team received in FY 2012.

JOURNAL	65202	DIVISION	Waste Management	Fund Name	Urban Fund
				Fund Impact	5,000.00CR
					5,000.00CR

To increase personnel recovery for Division of Waste Management for Kentucky Pride 2012.

JOURNAL	65246	DIVISION	Law	Fund Name	Urban Fund
				Fund Impact	2,352.00
					2,352.00CR
					.00
				Fund Name	Sanitary Sewer Fund
				Fund Impact	1,176.00
					1,176.00CR
					.00
				Fund Name	Water Quality Fund
				Fund Impact	1,176.00
					1,176.00CR
					.00
				Fund Name	Landfill Fund
				Fund Impact	1,176.00
					1,176.00CR
					.00

To correct personnel budget in the Department of Law used for the Commissioner. Funds should have been budgeted in Appointed Salaries not Civil Service Salaries.

JOURNAL	65242	DIVISION	Emergency Management/ E911	Fund Name	FY 2011 Bond Fund
				Fund Impact	415,710.00
					415,710.00CR
					.00

To adjust budgets for the 911 Radio operability project. This will allow for complete and accurate tracking of expenditures from the correct lines of accounting.

JOURNAL	65170-71	DIVISION	Grants and Special Projects	Fund Name	US Dept of Justice
				Fund Impact	1,800.00
					1,800.00CR
					.00

To establish grant budget for Police Activities League-Football grant.

JOURNAL	65072-73	DIVISION	Grants and Special Projects	Fund Name	US Dept of Transp
				Fund Impact	400,000.00
					400,000.00CR
					.00

To establish grant budget for Fiber Optic 2011.

JOURNAL	65160-61	DIVISION	Grants and Special Projects	Fund Name	US Dept of Transp
				Fund Impact	50,000.00
					50,000.00CR
					.00

To establish grant budget for Targeting Aggressive Cars and Trucks.

JOURNAL	65103-04	DIVISION	Grants and Special Projects	Fund Name	US Dept Homeland Sec
				Fund Impact	55,000.00
					55,000.00CR
					.00

To establish grant budget for State Homeland Security - Police - FY 2013.

JOURNAL	65105-06	DIVISION	Grants and Special Projects	Fund Name	US Dept Homeland Sec
				Fund Impact	53,000.00
					53,000.00CR
					.00

To establish grant budget for State Homeland Security - Fire - FY 2013.

JOURNAL	65163	DIVISION	Grants and Special Projects	Fund Name	US Dept Homeland Sec
				Fund Impact	7,285.25
					7,285.25CR
					.00

To amend Chemical Stockpile Emergency Preparedness Program 2010 to provide for purchase of CPR devices.

JOURNAL	65164	DIVISION	Grants and Special Projects	Fund Name	US Dept Homeland Sec
				Fund Impact	24,000.00
					24,000.00CR
					.00

To amend Chemical Stockpile Emergency Preparedness Program 2011 to provide for purchase of CPR devices.

JOURNAL	65165-66	DIVISION	Grants and Special Projects	Fund Name	US Dept Homeland Sec
				Fund Impact	43,715.00
					43,715.00CR
					.00

To amend Chemical Stockpile Emergency Preparedness Program 2012 to provide for purchase of CPR devices.

JOURNAL	65167-68	DIVISION	Grants and Special Projects	Fund Name	US Dept Homeland Sec
				Fund Impact	210,913.62
					210,913.62CR
					.00

To establish grant budget for Emergency Management 2013.

JOURNAL	65074	DIVISION	Water Quality	Fund Name	Sanitary Sewer Fund
				Fund Impact	135,000.00
					135,000.00CR
					.00

To move funds to the correct account to replace a failing piece of equipment (Dyna-A-Lift).

JOURNAL	65185	DIVISION	Revenue	Fund Name	Landfill Fund
				Fund Impact	4,000.00
					4,000.00CR
					.00

To transfer funds from the Operating Account to the Overtime Account to cover overtime related to the User Fee Billing Project.

BUDGET AMENDMENT REQUEST SUMMARY

Fund	1101	General Service District Fund	10,000.00
Fund	1103	Donation Fund	820.00
Fund	1115	Urban Service Distirct Fund	5,000.00CR
Fund	2601	FY 2011 Bond Fund	.00
Fund	3140	US Department Of Justice	.00
Fund	3160	US Department of Transportation	.00
Fund	3200	US Department Of Homeland Security	.00
Fund	3400	Grants - State	.00
Fund	4002	Sanitary Sewer Revenue and Operating Fund	.00
Fund	4051	Water Quality Mangement Fund	.00
Fund	4121	Landfill Fund	.00

NEW BUSINESS ITEMS REQUIRING BUDGET AMENDMENTS

16

If the New Business item listed below is on the Agenda, approval includes approval of the attached Budget Amendment. These Budget Amendments are not voted upon as part of section IV on the Agenda and are for information only.

NEW BUSINESS ITEM	BUDGET JOURNAL	DIVISION	DESCRIPTION OF REQUEST
1150-12	CB0096	Social Services	To create one position of Aging Services Program Manager (Grade 116E) in the Department of Social Services. 1101 37,420.18 1101 37,420.18CR .00*
1276-12	65205	Enterprise Solutions	To abolish one position of Data Base Administrator (117E) and create one position of Information Systems Business Analyst (120E) in the Division of Enterprise Solutions. 1101 15,168.00 1101 15,168.00CR .00*
1278-12	65203	Community Corrections	To abolish one Life Skills Program Instructor (110E) and one Community Corrections Lieutenant (114E); creating one Life Skills Program Specialist, (113E) and one position Community Reentry Coordinator (115E) all in Community Corrections. 1101 33,260.00 1101 44,160.00CR 10,900.00CR*

EFFECT ON FUND BALANCES

FUND 1101 10,900.00 INCREASE TO: GENERAL SERVICE DISTRICT FUND



Lexington-Fayette Urban County Government
DIVISION OF HUMAN RESOURCES

Jim Gray
Mayor

Janet Graham
Commissioner

M E M O R A N D U M

TO: Jim Gray, Mayor
Richard Moloney, Chief Administrative Officer
Council Members

FROM: _____
John Maxwell, Director
Division of Human Resources

DATE: October 23, 2012

SUBJECT: Create position – Department of Social Services

The attached action amends Section 22-5 of the Code of Ordinances, creating one (1) position of Aging Services Program Manager (Grade 116E) in the Department of Social Services, effective upon passage by Council.

This new position will be responsible for the needs of the seniors who participate in the activities at the Senior Citizens Center and as the need of services throughout the community continue to grow at an alarming rate, this position will also be responsible for the senior programming at the Charles Young Center and the Black and Williams Center (Eldercrafters).

The fiscal impact for FY2013 (14 pay periods) will be a cost of \$37,427.90, and will be funded from the departments Transportation and Professional Services operating accounts. All costs include benefits. This amount does not include lapse which has been included in the attached Budget Amendment.

Name	Position Title	Annual Salary Before	Annual Salary After	Annual Increase/Decrease
Vacant	Aging Services Program Manager	\$0	\$49,443.68	\$49,443.68
Total Annual Impact/ Salary and Benefits \$69,508.95				

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

Attachment

cc: Beth Mills, Commissioner - Department of Social Services

Log #13-0022



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: NOVEMBER 16, 2012

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE
AGREEMENT WITH THE KENTUCKY TRANSPORTATION
CABINET/DIVISION OF MAINTENANCE FOR PROVISION OF
EQUIPMENT FOR THE TATES CREEK ROAD SIDEWALK
IMPROVEMENTS PROJECT

On June 11, 2009 (Ordinance 92-2009), Council approved the acceptance of federal funds from the Kentucky Transportation Cabinet for Tate's Creek Road Sidewalk Improvements Project. This project provides for the construction of sidewalks on both sides of the road from Enclave to Dove Run Road. Federal funds are from the federal Congestion Mitigation/Air Quality Program (CMAQ) allocation.

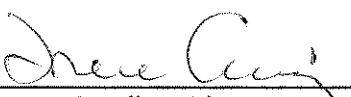
On July 12, 2011 (Resolution No. 312-2011), Council approved execution of an Amendment to Agreement with Kentucky Transportation Cabinet (KYTC) providing for an increase in the design costs and for right of way acquisition.

On August 30, 2012 (Resolution No. 453-2012), Council approved acceptance of additional federal funds in the amount of \$250,000 and approved additional local match in the amount of \$62,500 for reconstruction of traffic signals along the corridor.

Kentucky Transportation Cabinet/Division of Maintenance has offered the LFUCG an agreement providing the LFUCG with necessary traffic signal equipment at a cost of \$54,033.48. Funds are budgeted as follows:

FUND	DEPT ID	SECT	ACCT	PROJECT	BUD REF	ACTIVITY
3160	303202	3222	91714	TCSDWALK 2009	2009	FED GRANT

Council authorization to execute Agreement with Kentucky Transportation Cabinet/Division of Maintenance for provision of equipment is hereby requested.


Irene Gooding, Director

XC: Derek Paulsen, Commissioner Planning, Preservation, and Development

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: NOVEMBER 15, 2012

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE AGREEMENT
WITH GROUP CJ, LLP, FOR MOBILITY OFFICE MARKETING
CAMPAIGN FOR FISCAL YEAR 2013

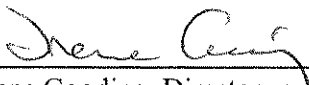
The Lexington-Fayette Urban County Government annually receives federal funds for operation of its mobility office (Ridesharing program), funded from the Surface Transportation Program-Lexington (SLX) and operated by the Division of Planning. Acceptance of these funds for Fiscal Year 2013 was approved by Council on April 12, 2012 (Resolution No. 160-2012).

The approved grant project provides for the design and implementation of a marketing campaign that will increase the public's awareness of air quality issues and encourage the use of transportation alternatives. The ultimate goal of the air quality program is to ensure air quality conformity in accordance with the state of Kentucky's implementation plan. A Request for Proposals (RFP-#26-2012) was issued in August 2012 soliciting proposals from interested firms for the design and implementation of a marketing campaign in Fiscal Year 2013. Of the three proposals received, Group CJ, LLC was selected for contract award. In addition to contract award in Fiscal Year 2013, the RFP provides for a one-year renewal in Fiscal Year 2014, pending agreement by both parties and availability of funding. The Agreement in the amount of \$44,400 with Group CJ, LLC, includes design, television and radio time, print materials, commodities, and documentation of Public Service Announcements.

Funds are budgeted as follows:

FUND	DEPT ID	SECT	ACCT	PROJECT	BUD REF	ACTIVITY
3160	160705	0001	71299	MOBILITY_2013	2013	3.4

Council authorization to execute the agreement for Fiscal Year 2013 is hereby requested.


Irene Gooding, Director

Xc: Derek Paulsen, Commissioner of the Department of Planning, Preservation, and Development

HORSE CAPITAL OF THE WORLD



Lexington-Fayette Urban County Government
DEPARTMENT OF ENVIRONMENTAL QUALITY AND PUBLICS 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: November, 8 2012

Subject: Change Order # 1 (Final) for Deep Springs Pump Station and Force Main Upgrade RES # 48-2011

The Division of Water Quality requests approval of Change Order #1(Final) with W. Rogers Co. for the Deep Springs Pump Station and Force Main Upgrade. The original amount of this project was \$1,786,000.00. Change Order #1 is for \$42,104.04. Change Order #1 gives a revised total contract amount of \$1,828,104.04. The sum of this Change Order amounts to 2% of the original contract amount.

Description of Change Order

1. Increase the Ductile iron force main from 10" to 12" diameter.
Add \$13,275.49
2. Replace sidewalk in front of the building.
Add \$6,450.15
3. Add a section of concrete block interior wall.
Add \$1,702.00
4. Install a drain line from the odor control unit to the wet well.
Add \$867.41
5. Change manhole #3 from a standard manhole to a drop manhole.
Add \$5,454.84
6. Install a trap primer and heat trace to the drain line from the mechanical room.
Add \$14,895.40
7. Install additional piping and regulator valve to serve the natural gas generator.
Add \$6,250.65
8. Credit for material only for the RTU that will be furnished by LFUCG.
Deduct \$6,791.90

Total Cost of Change Order #1: \$ 42,104.04



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

Jim Gray
Mayor

Richard Moloney
Acting Commissioner

CONTRACT HISTORY FORM

Contractor: W. Rogers Co.

Project Name: Deep Springs Pump Station and Force Main upgrade

Contract Number and Date: # 48-2011

Responsible LFUCG Division: Division of Water Quality

CHANGE ORDER DETAILS

<u>Summary of previous Change Orders to Date</u>	<u>Dollar Amount</u>
A. Original Contract Amount:	<u>\$1,786,000.00</u>
B. Cumulative Amount of Previous Change Orders:	<u>\$0</u>
C. Total Contract Amount Prior to this Change Order:	<u>\$1,786,000.00</u>
<u>Current Change Order</u>	
D. Amount of this Change Order:	<u>\$42,104.04</u>
E. New Contract Amount Including this Change Order:	<u>\$1,828,104.04</u>

SIGNATURE LINES

Project Manager: _____

Reviewed By: _____

Division Director: _____



Lexington-Fayette Urban County Government
DEPARTMENT OF SOCIAL SERVICES

Jim Gray
Mayor

Beth Mills
Commissioner

MEMORANDUM

TO: Mayor Jim Gray
Members of the Council

FROM: Beth K. Mills
Beth Mills, Commissioner of Social Services

DATE: November 20, 2012

SUBJECT: Family Care Center Transportation MOU -- FCPS

Request approval to enter into a Memorandum of Understanding ("Agreement") with Fayette County Public Schools ("FCPS") for the provision of bus transportation services for the Family Care Center's enrolled students and their children for the remainder of the 2012-2013 school year. This agreement results in an overall cost savings to the LFUCG after considering the annual costs of maintenance, depreciation, insurance, and personnel associated with providing transportation for Family Care Center students and children. This action will also result in improved operational efficiencies for the Family Care Center, ultimately increasing our capacity to serve clients.

This is a budget neutral action, and funds have been reallocated within the Department of Social Services to fully cover costs through the end of the normal FCPS school year in accordance with the Agreement.



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

Jim Gray
Mayor

Richard Moloney
Acting Commissioner

TO: JIM GRAY, MAYOR
URBAN COUNTY COUNCIL

FROM: GEORGE S. MILLIGAN, CONSTRUCTION SUPERVISOR
DEPARTMENT OF ENVIRONMENTAL QUALITY & PUBLIC WORKS

DATE: November 20, 2012

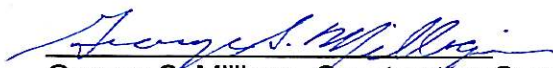
SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE AN AGREEMENT
WITH TETRA TECH ENGINEERING AND ARCHITECTURE SERVICES TO
PREPARE THE CONSTRUCTION PROGRESS REPORT ACCORDING TO
KRS 224 FOR THE CLOSURE OF CP1, CP2, CP3, AND ASSOCIATED
FACILITIES AT THE HALEY PIKE LANDFILL.

The Department of Environmental Quality and Public Works is requesting the authorization to execute an agreement with Tetra Tech Engineering and Architecture Services to prepare the Construction Progress Report according to KRS 224 for the closure of CP1, CP2, CP3, and associated facilities at the Haley Pike Landfill at a cost of \$32,875.00.

Tetra Tech performed the Design, Quality Control and Quality Assurance (QC/QA) inspections at the time the municipal waste sections CP1, CP2, and CP3 were closed and the landfill was converted to a Construction Demolition/Debris Landfill in 2005. Since the landfill was being closed in sections the reporting required in accordance with KRS 224 would not be submitted to the Kentucky Division of Waste Management until the closure of all sections was completed. The final closure of CP4 is now complete and the landfill is closed. The report for the final section (CP4) will be submitted by Kenvirons who performed the QC/QA inspections on that section.

Funds for this work are budgeted within the Division of Waste Management.

Attached for your consideration, is a copy of the proposal from Tetra Tech.


George S. Milligan, Construction Supervisor



JUSTIFICATION FOR SOLE SOURCE CERTIFICATION

Sole Source Purchases are defined clearly, based upon a legitimate need, and are limited to a single supplier. Sole source purchases are normally not allowed except when based upon strong technological grounds such as operational compatibility with existing equipment and related parts or upon a clearly unique and/or cost effective feature requirement. The use of sole source purchases must be justified and shall be limited only to those specific instances in which compatibility or technical performance needs are being satisfied.

Sole Source Services are defined as a service provider providing technical expertise of such a unique nature that the service provider is clearly and justifiably the only practicable source available to provide the service. The justification shall be based on the uniqueness of the service, sole availability at the location required, or warranty or defect correction service obligations of the service provider.

This form must be filled out for the request to purchase any good or non-professional service that requires a competitive procurement process (informal quotes (\$1001-\$10,000), formal quotes (\$10,001 - \$19,999.99), or formal bid (\$20,000 or more) as defined in the LFUCG's Purchasing Manual. This form must be completed in its entirety and attached to the purchase requisition.

Note: Sole Source Purchase requests for goods exceeding \$20,000 will require approval by the Urban County Council by submitting an Administrative Review Form. A copy of this form must be signed off by Central Purchasing and attached to the Administrative Review Form.

Requesting Division

Name George Milligan Division/Dept EQ&PW

Phone 859-258-3402 Email gmilligan@lexingtonky.gov

Type of Purchase: ☐ Goods/Materials/Equipment ☒ Services

Cost: \$32,875.00

Sole Source Request for the Purchase of: Provide Construction Progress Report for the
closure of CP1, CP2, CP3, and the leachate collection system

☒ One Time Purchase ☐ To Establish Sole Source Provider Contract
(subject to annual review and approval by Central Purchasing and/or Urban County Council)

Vendor Information

Business Name Tetra Tech Engineering and Architecture Services

Contact Name Roger Blair

Address 800 Corporate Drive Suite 200, Lexington, KY 40503

Phone 859-223-8000 Email roger.blair@tetrattech.com

STATEMENT OF NEED: (Add additional pages as needed)



JUSTIFICATION FOR SOLE SOURCE CERTIFICATION

My division/department's recommendation for sole source is based upon an objective review of the product/service required and appears to be in the best interest of the LFUCG. I know of no conflict of interest on my part, and I have no personal involvement in any way with this request. No gratuities, favors, or compromising actions have taken place. Neither has my personal familiarity with particular brands, types of equipment, materials, persons or firms been a deciding influence on my request to sole source this purchase when there are other known suppliers to exist.

1. Describe the product or service and list the necessary features this product provides that are not available from any other option.

2. Below are eligible reasons for sole source. Check one and describe.

☐ Licensed or patented product or service. No other vendor provides this. Warranty or defect correction service obligations to the consultant. Describe why it is mandatory to use this licensed or patented product or service.

☐ Existing LFUCG equipment, inventory, custom-built information system, custom-built data inventory system, or similar products or programs. Describe. If product is off-the-shelf, list efforts to find other vendors (i.e. web site search, contacting the manufacturer to see if other dealers are available to service this region, etc.)

☐ Uniqueness of the service. Describe.

☐ The LFUCG has established a standard for this manufacturer, supplier, or provider and there is only one vendor. Attach documentation from manufacturer to confirm that only one dealer provides the product.

☐ Factory-authorized warranty service available only from this single dealer. Sole availability at the location required. Describe.

☐ Used item with bargain price (describe what a new item would cost). Describe.

☒ Other – The above reasons are the most common and established causes for an eligible sole source. If you have a different reason, please describe: .

Field work was done by this company. This P.O. is to prepare the required reports for the State.



JUSTIFICATION FOR SOLE SOURCE CERTIFICATION

3. Describe efforts to find other vendors or consultants (i.e. phone inquires, web site search, contacting the manufacturer to see if other dealers are available to service region, etc.).

4. How was the price offered determined to be fair and reasonable?

(Explain what the basis was for comparison and include cost analyses as applicable.)

Price was compaired to rate charged by other firm for the same type of work

5. Describe any cost savings realized or costs avoided by acquiring the goods/services from this supplier.



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: NOVEMBER 19, 2012

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT AWARDS
FROM THE KENTUCKY OFFICE OF HOMELAND SECURITY FOR A
HAZARDOUS DEVICES TRAINING PROJECT AND A STRUCTURAL
COLLAPSE TECHNICIAN CERTIFICATION TRAINING COURSE
UNDER THE 2012 STATE HOMELAND SECURITY GRANT
PROGRAM

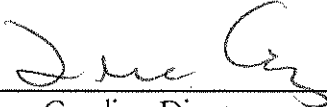
On July 10, 2012 (Resolution No. 398-2012), Council approved the submission of grant applications to the Kentucky Office of Homeland Security requesting federal funding for various projects from the Fiscal Year 2012 Homeland Security Grant Program. This federally funded program, originating from the Department of Homeland Security, provides financial assistance to the states to prevent, respond to, and recover from acts of terrorism. The states have the responsibility for apportioning funding to local governments. No matching funds are required.

The Kentucky Office of Homeland Security has offered the LFUCG the following awards:

Structural Collapse Technician (SCT) certification training in the amount of \$53,000. This class for 30 personnel will include a 10 hour Train the Trainer component so that five more persons will be certified to instruct in this discipline. This is an 80 hour course which results in FEMA SCT certification. SCT capability can be used in man made or natural disasters causing the collapse of one or many structures of varying size or construction type.

Hazardous Devices Unit—Training Grant in the amount of \$55,000. Funds will be used to secure an Explosive Ordnance Training course for bomb technicians and tactical officers from the Kentucky Explosive Incident Response Task Force (KEIRTF) including Lexington Police, KSP, Owensboro Police, Louisville Police and Paducah Police. The training provides for recognition and disposal of recovered military ordnance.

Council authorization to accept the awards is hereby requested.


Irene Gooding, Director

Xc: Clay Mason, Commissioner, 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: NOVEMBER 20, 2012

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE
MEMORANDUM OF AGREEMENT, ACCEPTING FEDERAL FUNDS
FROM THE KENTUCKY JUSTICE AND PUBLIC SAFETY CABINET,
KENTUCKY STATE POLICE FOR TICKETING AGGRESSIVE CARS
AND TRUCKS GRANT PROGRAM - FY 2013

The Kentucky State Police has received high priority Motor Carrier Safety Assistance Program funds from the United States Department of Transportation, Federal Motor Carrier Safety Administration for continuation of TACT ("Ticketing Aggressive Cars and Trucks") Grant Program in Kentucky. The Kentucky Justice and Public Safety Cabinet awarded Lexington-Fayette Urban County Government's Division of Police funds to conduct TACT activities.

Federal funding in the amount of \$40,000 will be provided by Kentucky Justice and Public Safety Cabinet to LFUCG for officer overtime in the performance of TACT activities. A 20% match is required. The match of \$10,000 will come from existing budgeted staff salaries in the Division of Police. Total cost of the project is now \$50,000.

Council authorization to execute Memorandum of Agreement, accepting federal funds from the Kentucky Justice and Public Safety Cabinet, is hereby requested.



Irene Gooding, Director

Xc: Clay Mason, Commissioner of Public Safety

HORSE CAPITAL OF THE WORLD



LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Department of Planning, Preservation & Development
Division of Engineering

Jim Gray
Mayor

Derek J. Paulsen, Ph.D.
Commissioner

MEMORANDUM

TO: Mayor Jim Gray
Urban County Council

FROM: Yvonne Stone
Program Specialist

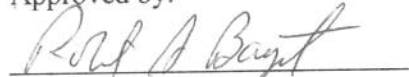
DATE: November 26, 2012

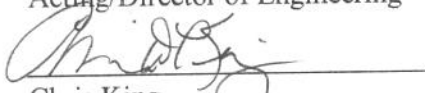
Subject: Approval of Lease/Purchase Agreement with Lynn Imaging

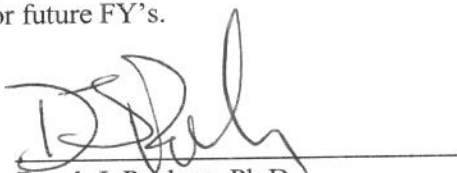
The purpose of this memorandum is to request a resolution authorizing the Mayor to sign a 5 year lease/purchase agreement with Lynn Imaging to lease/purchase two new iPlan Tables & two Context CSCX3615R scanners with touch screens, Repro Software, Stands and ipf765 Canon printers. These will replace the two obsolete Xerox machines currently used in the Divisions of Engineering and Planning. The monthly cost per Division will be \$405.79 with warranties provided for 1 year; warranties will cost each Division an additional \$2,900 per year afterwards.

Funds for the current FY are budgeted in 1101-303201-0001-76101 for Division of Engineering and in 1101-160701-0001-76101 and budget amendments will be processed to provide funding in the correct account of 75801. Funding will be budgeted in account 75801 for future FY's.

Approved by:


Robert A. Bayert, P.E.
Acting/Director of Engineering


Chris King
Director of Planning


Derek J. Paulsen, Ph.D.
Commissioner/Department of Planning,
Preservation & Development

Attachments

c: File

HORSE CAPITAL OF THE WORLD



JUSTIFICATION FOR SOLE SOURCE CERTIFICATION

Sole Source Purchases are defined clearly, based upon a legitimate need, and are limited to a single supplier. Sole source purchases are normally not allowed except when based upon strong technological grounds such as operational compatibility with existing equipment and related parts or upon a clearly unique and/or cost effective feature requirement. The use of sole source purchases must be justified and shall be limited only to those specific instances in which compatibility or technical performance needs are being satisfied.

Sole Source Services are defined as a service provider providing technical expertise of such a unique nature that the service provider is clearly and justifiably the only practicable source available to provide the service. The justification shall be based on the uniqueness of the service, sole availability at the location required, or warranty or defect correction service obligations of the service provider.

This form must be filled out for the request to purchase any good or non-professional service that requires a competitive procurement process (informal quotes (\$1001-\$10,000), formal quotes (\$10,001 - \$19,999.99), or formal bid (\$20,000 or more) as defined in the LFUCG's Purchasing Manual. This form must be completed in its entirety and attached to the purchase requisition.

Note: Sole Source Purchase requests for goods exceeding \$20,000 will require approval by the Urban County Council by submitting an Administrative Review Form. A copy of this form must be signed off by Central Purchasing and attached to the Administrative Review Form.

Requesting Division

Name L. Edward MacKey Division/Dept Engineering

Phone 3413 Email emackey@Lexingtonky.gov

Type of Purchase: (X) Goods/Materials/Equipment () Services

Cost: Lease to own @ \$ 405.79 per-month

Sole Source Request for the Purchase of: Custom built Contex cscx3615r scanner with touch screen, Repro software, and stand & ipf765 Canon printer

☒ One Time Purchase ☐ To Establish Sole Source Provider Contract
(subject to annual review and approval by Central Purchasing and/or Urban County Council)

Vendor Information

Business Name Lynn Imaging

Contact Name Tommy Weaver

Address Lexington, KY

Phone 859-619-5806 Email tweaver832@aol.com



JUSTIFICATION FOR SOLE SOURCE CERTIFICATION

STATEMENT OF NEED: (Add additional pages as needed)

My division/department's recommendation for sole source is based upon an objective review of the product/service required and appears to be in the best interest of the LFUCG. I know of no conflict of interest on my part, and I have no personal involvement in any way with this request. No gratuities, favors, or compromising actions have taken place. Neither has my personal familiarity with particular brands, types of equipment, materials, persons or firms been a deciding influence on my request to sole source this purchase when there are other known suppliers to exist.

1. Describe the product or service and list the necessary features this product provides that are not available from any other option.

_This is a custom built system designed for effective large format document management. The combination of color scanning and storage in various formats will be a time saver and an efficient tool for document management. The touch screen iPlan table will allow mark-up functions for drawing review and easy store. This system will also facilitate mini meeting with the ability to do on screen mark-ups. From the mark-up screen drawings and other documents can be retrieved, printed and electronically transmitted.

Presently we spend \$367.00 per month on a lease of an antiquated Xerox machine that produces only black and white pixilated prints, a machine that is no longer supported by its manufacturer nor does it provide the output needed for our large format document management needs.

2. Below are eligible reasons for sole source. Check one and describe.

☒ Licensed or patented product or service. No other vendor provides this. Warranty or defect correction service obligations to the consultant. Describe why it is mandatory to use this licensed or patented product or service.

This is a custom built system exclusively for large document management as described above.

☐ Existing LFUCG equipment, inventory, custom-built information system, custom-built data inventory system, or similar products or programs. Describe. If product is off-the-shelf, list efforts to find other vendors (i.e. web site search, contacting the manufacturer to see if other dealers are available to service this region, etc.)

☒ Uniqueness of the service. Describe. (See notes above)

The features of this new equipment are described above.

☐ The LFUCG has established a standard for this manufacturer, supplier, or provider and there is only one vendor. Attach documentation from manufacturer to confirm that only one dealer provides the product.

☒ Factory-authorized warranty service available only from this single dealer. Sole availability at the location required. Describe.



JUSTIFICATION FOR SOLE SOURCE CERTIFICATION

Lynn is the sole authorized provider of this custom built product as described above.

☐ Used item with bargain price (describe what a new item would cost). Describe.

☐ Other – The above reasons are the most common and established causes for an eligible sole source. If you have a different reason, please describe:

-

3. Describe efforts to find other vendors or consultants (i.e. phone inquires, web site search, contacting the manufacturer to see if other dealers are available to service region, etc.).

Xerox has been consulted on providing an optional equipment but cannot customize to this need. Further the Xerox company no longer manufactures, supplies or supports large format printing.

4. How was the price offered determined to be fair and reasonable?

(Explain what the basis was for comparison and include cost analyses as applicable.)

We now spend \$367.00 for maintenance only for a single piece of equipment that is an antiquated Xerox scanner.

This new arrangement will involve a lease payment of \$405.79 at the provision of three new state of the art pieces of equipment the department will use for large document management and will eventually own.

5. Describe any cost savings realized or costs avoided by acquiring the goods/services from this supplier.

See
above.



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: NOVEMBER 20, 2012

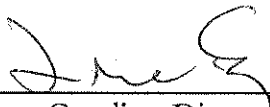
SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT AWARD
FOR PARTICIPATION IN THE POLICE ACTIVITIES LEAGUE
FOOTBALL PROGRAM IN THE DIVISION OF POLICE

The National Police Athletic/Activities League, Inc., has offered the LFUCG Division of Police/Lexington Police Activities League Chapter an award in the amount of \$1800 for operation of a National Police Activities League Football Program.

Funds will be used to support costs of program supplies and food. No match is required.

Federal funds for the program are from the U.S. Department of Justice/Office of Juvenile Justice and Delinquency Prevention Program.

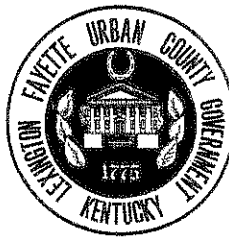
Council authorization to accept the award is hereby requested.



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: NOVEMBER 21, 2012

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE
AMENDMENT TO AGREEMENT WITH AIDS VOLUNTEERS,
INC., FOR USE OF HOME INVESTMENT PARTNERSHIPS
FUNDS FOR SUPPORT OF TENANT BASED RENTAL
ASSISTANCE PROJECT

On December 20, 2010 Government executed an agreement with AIDS Volunteers, Inc., providing an allocation of \$55,000 in Home Investment Partnerships Program funds, in accordance with the approved 2010 Consolidated Plan (Ordinance No. 70-2010), for operation of a Tenant Based Rental Assistance Program for persons of very low-income.

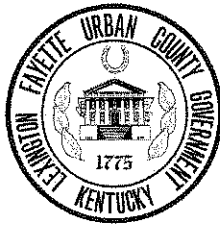
AIDS Volunteers, Inc., has requested an amendment to agreement providing for an extension of the performance period through December 31, 2013. No additional funds are needed.

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


Irene Gooding, Director

Xc: Richard Moloney, Chief Administrative Officer

HORSE CAPITAL OF THE WORLD



Lexington-Fayette Urban County Government
DIVISION OF HUMAN RESOURCES

Jim Gray
Mayor

Janet Graham
Commissioner

M E M O R A N D U M

TO: Jim Gray, Mayor
Richard Moloney, Chief Administrative Officer
Council Members

FROM: 
John Maxwell, Director
Division of Human Resources

DATE: November 26, 2012

RE: **Employee Assistance Program**

The attached action authorizes the Mayor to execute an agreement with Access Wellness Group to provide employee assistance for a one (1) year term beginning January 1, 2013, effective upon passage of Council.

Funds are budgeted in the Division of Human Resources adopted budget account number 1101-160503-1924-71204.

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

Attachments

DF/

13-0035



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: NOVEMBER 26, 2012

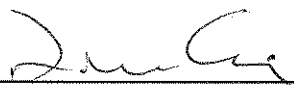
SUBJECT: AUTHORIZATION TO AMEND RESOLUTION NO. 557-2012 FOR
PURCHASE OF LUCAS II CPR DEVICES FOR THE DIVISION OF FIRE
AND EMERGENCY SERVICES

On October 11, 2012 (Resolution No. 557-2012), Council approved the purchase of Lucas II Chest Compression devices (3 units) and related equipment and services from Physio Control, Inc., a sole source provider, in the amount of \$44,885.25. The Division of Emergency Management has now been approved for additional federal funds for the purchase of two additional CPR devices for use by the Division of Fire and Emergency Services. The source of funds is the Chemical Stockpile Emergency Preparedness Program (CSEPP).

Funds are in process of being budgeted as follows:

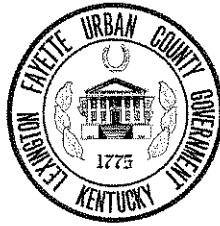
FUND	DEPT ID	SECT	ACCT	PROJECT	ACTIVITY	BUD REF	AMOUNT
3200	505201	0001	96709	CSEPP_2010	KY-FAY-468	2010	\$7,285.25
3200	505201	0001	96709	CSEPP_2011	KY-FAY-468	2011	\$24,000
3200	505201	0001	96709	CSEPP_2012	KY-FAY-468	2012	\$43,715

Council authorization to amend Resolution 557-2012, approving purchase of Lucas II Chest Compression devices (5 units) and related equipment and services from Physio Control, Inc., a sole source provider, in the amount of \$75,000.25


Irene Gooding, Director

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

HORSE CAPITAL OF THE WORLD



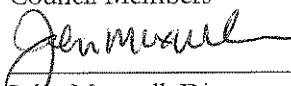
Lexington-Fayette Urban County Government
DIVISION OF HUMAN RESOURCES

Jim Gray
Mayor

Janet Graham
Commissioner

M E M O R A N D U M

TO: Jim Gray, Mayor
Richard Moloney, Chief Administrative Officer
Council Members

FROM: 
John Maxwell, Director
Division of Human Resources

DATE: November 26, 2012

SUBJECT: Abolish/Create position – Division of Enterprise Solutions

The attached action amends Section 21-5 of the Code of Ordinances, abolishing one (1) position of Data Base Administrator, (Grade 117E) and creating one (1) position of Information Systems Business Analyst (Grade 120E) in the Division of Enterprise Solutions, effective upon passage by Council.

This new position will serve as the chief project manager/lead functional business analyst for the enterprise PeopleSoft system and other business-focused programs (revenue collection, strategic sourcing, etc.). The position requires deep analytical skills in HCM, Financials and Budgeting/EPM and will oversee the Enterprise Solution Financials and HCM Manager positions.

The fiscal impact for FY2013 (13 pay periods) will be a cost of \$14,605.54 and will be funded from the divisions Professional and Contract Services account. All costs include benefits. This amount does not include lapse which has been included in the attached Budget Amendment.

Name	Position Title	Annual Salary Before	Annual Salary After	Annual Increase/Decrease
Vacant	Data Base Administrator	\$44,150.60	\$0	\$(44,150.60)
Vacant	Information Systems Business Analyst	\$0	\$67,085.72	\$67,085.72
Total Annual Impact/ Salary and Benefits \$29,211.09				

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

Log #13-0036



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: NOVEMBER 26, 2012

SUBJECT: AUTHORIZATION TO ACCEPT AWARD FROM KENTUCKY
DEPARTMENT OF MILITARY AFFAIRS, DIVISION OF EMERGENCY
MANAGEMENT FOR FY 2013 EMERGENCY MANAGEMENT
ASSISTANCE PROJECT

The Kentucky Department of Military Affairs/Division of Emergency Management has offered the Lexington-Fayette Urban County Government federal funds in the amount of \$105,456.81 for the support of emergency preparedness activities in Fayette County. Funds are used to offset personnel and operating costs in the Division of Emergency Management/911. The source of federal funds is the Department of Homeland Security/Federal Emergency Management Agency.

A local match of \$105,456.81 (50%) is required. This match is budgeted in the FY 2013 general fund budget for Division of Emergency Management/911.

Council authorization to accept the award is hereby requested.

Irene Gooding, Director

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

HORSE CAPITAL OF THE WORLD

200 East Main Street 6th Fl Lexington, KY 40507 PH (859)258-3070 FAX (859)258-3081 www.lexingtonky.gov

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Lexington-Fayette Urban County Government
DIVISION OF HUMAN RESOURCES

Jim Gray
Mayor

Janet Graham
Commissioner

M E M O R A N D U M

TO: Jim Gray, Mayor
Richard Moloney, Chief Administrative Officer
Council Members

FROM: 
John Maxwell, Director
Division of Human Resources

DATE: October 26, 2012

SUBJECT: Abolish/Create positions – Division of Community Corrections

The attached action amends Section 21-5 of the Code of Ordinances, abolishing one (1) position of Life Skills Program Instructor (Grade 110E) and one (1) position of Community Corrections Lieutenant (Grade 114E); creating one (1) position of Life Skills Program Specialist, (Grade 113E) and one (1) position of Community Reentry Coordinator (Grade 115E) in the Division of Community Corrections, effective upon passage by Council.

The Division is requesting this action in order to enhance the programs offered at the facility. This action will provide the level of expertise needed to properly evaluate current programming, develop new programs, and place offenders in programs identified to meet their specific needs thus enhancing the likelihood of success. The position has a secondary benefit of being a non sworn position that reduces the required pension contributions of the government.

The fiscal impact for FY2013 (16 pay periods) will be a savings of \$11,966. All costs include benefits. This amount does not include lapse which has been included in the attached Budget Amendment.

Name	Position Title	Annual Salary Before	Annual Salary After	Annual Increase/Decrease
Vacant	Life Skills Program Specialist	\$0	\$39,853.06	\$39,853.06
Vacant	Community Reentry Coordinator	\$0	\$45,981.78	\$45,981.78
Vacant	Life Skills Program Instructor	\$32,434.22	\$0	\$(32,434.22)
Vacant	Community Corrections Lieutenant	\$59,537.92	\$0	\$(59,537.92)
Total Annual Impact/ Salary and Benefits \$(19,445)				

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

Attachment

cc: Rodney Ballard, Director – Division of Community Corrections

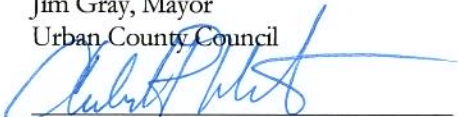


Lexington-Fayette Urban County Government
DEPARTMENT OF ENVIRONMENTAL QUALITY & PUBLIC WORKS

Jim Gray
Mayor

Richard Moloney
Acting Commissioner

TO: Jim Gray, Mayor
Urban County Council

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

DATE: November 19, 2012

RE: Approval of a Resolution Endorsing the Recommendations of the Capacity Assurance Program (CAP)
Task Force

This memo is to request approval of a Resolution accepting the report of the Capacity Assurance Task Force, adopting the recommendations of the Capacity Assurance Program Task Force, and providing for immediate implementation of three Task Force recommendations outlined below.

The Consent Decree (CD) requires that the Lexington-Fayette Urban County Government (LFUCG) must certify that there is adequate capacity in the sanitary sewer system before authorizing any new connections. Under the terms of the CD, LFUCG is required to develop and implement a Capacity Assurance Program (CAP) for its wastewater system, and submit the CAP Plan to the Environmental Protection Agency (EPA) by January 3, 2013. Failure to meet this deadline may result in escalating stipulated financial penalties.

A Task Force was formed in April 2012 to develop the CAP. The CAP Task Force, which included five Council Members and the Commissioner of Planning, received extensive involvement and input from external (community) and internal (LFUCG) stakeholders. All CAP meetings were public and all meeting notices/materials were posted on the LFUCG web page. The CAP Task Force report includes nineteen (19) recommendations.

Three CAP Recommendations that will be implemented immediately by this Resolution: Use of Record (wastewater flow from a property based on its existing or previous land use); the CAP Entry Point (refers to the point within the land development process when a developer may reserve sewer capacity/credits); and Grandfathering (planned new connections to the sanitary system that are currently in the land development planning/permitting process).

The Task Force Recommendations will be used as the basis for the CAP Plan submitted to the EPA. A copy of the "CAP Task Force Recommendations" is attached. Per the Consent Decree, LFUCG shall commence implementation of the CAP 30 days after EPA approval, subject to the schedules set forth in the CAP Plan.

Attachment

cc: Richard Moloney, CAO
Ed Gardner, Law Department
Joe Herman, Stantec

RESOLUTION NO. ____ - 2012

A RESOLUTION ADOPTING THE CAPACITY ASSURANCE PROGRAM (CAP) TASK FORCE REPORT AND DEFINING TERMS AND CREATING PROCEDURES CONSISTENT WITH THE CAP TO PROVIDE THAT PROPERTIES WITH A SANITARY SEWER CAPACITY USE OF RECORD AS OF THE EFFECTIVE DATE OF THIS RESOLUTION ("RESOLUTION DATE") SHALL RECEIVE A PERMANENT ALLOCATION OF SANITARY SEWER CAPACITY IN THE URBAN COUNTY GOVERNMENT SANITARY SEWER SYSTEM ("SEWER ALLOCATION") NOT EXCEEDING THE AMOUNT OF THE PREVIOUS USE OF RECORD UNLESS THE CAPACITY IS VOLUNTARILY RELEASED; TO PROVIDE THAT PROPERTIES MAY REQUEST A SEWER ALLOCATION UPON APPROVAL OF A PRELIMINARY SUBDIVISION PLAN, FINAL DEVELOPMENT PLAN, OR AMENDED FINAL DEVELOPMENT PLAN ("QUALIFYING PLAN"), DEVELOPMENTS THAT MAY PROCEED WITHOUT A QUALIFYING PLAN MUST HAVE PERMANENT ALLOCATION OF SEWER CAPACITY OR CREDITS PRIOR TO ISSUANCE OF A BUILDING PERMIT AND THAT NO TAP-ON PERMIT WILL BE GRANTED WITHOUT CERTIFICATION OF ADEQUATE CAPACITY; TO PROVIDE THAT, SUBJECT TO EPA APPROVAL, PROPERTIES FOR WHICH AN "ACTIVE" QUALIFYING PLAN HAS BEEN SUBMITTED TO THE URBAN COUNTY PLANNING COMMISSION PRIOR TO THE RESOLUTION DATE SHALL BE GRANTED A PERMANENT SEWER ALLOCATION PROVIDED THE RELEVANT PLAN IS APPROVED BY THE COMMISSION NOT LATER THAN JULY 3, 2013; TO PROVIDE THAT, SUBJECT TO EPA APPROVAL, RESIDENTIAL DEVELOPMENT PROPERTIES THAT HAVE AN APPROVED AND CERTIFIED QUALIFYING PLAN AFTER THE RESOLUTION DATE BUT BEFORE JULY 3, 2013 MAY RESERVE A PERMANENT SEWER ALLOCATION WHICH WILL BE GRANTED UP TO A MAXIMUM ANNUAL THRESHOLD; TO PROVIDE THAT, SUBJECT TO EPA APPROVAL, NON-RESIDENTIAL DEVELOPMENT PROPERTIES THAT HAVE AN APPROVED AND CERTIFIED "ACTIVE" QUALIFYING PLAN AFTER THE RESOLUTION DATE BUT BEFORE JULY 3, 2013 MAY RECEIVE A PERMANENT SEWER ALLOCATION WHICH ALLOCATION WILL BE GRANTED PROVIDED ALL TAP-ON FEES ARE PAID BY JULY 3, 2014 WITH ANY UNUSED AMOUNT OF RESERVED CAPACITY EXPIRING; TO PROVIDE THAT PROPERTIES THAT RECEIVE AN APPROVED AND CERTIFIED QUALIFYING PLAN AFTER JULY 3, 2013 MAY OBTAIN A SEWER CAPACITY ALLOCATION IN ACCORDANCE WITH THE CAP AND IMPLEMENTING ORDINANCES UPON PAYMENT OF ANY APPLICABLE ADMINISTRATIVE FEE, RESERVATION DEPOSIT, AND/OR CAPACITY CHARGE; TO PROVIDE THAT, SUBJECT TO EPA APPROVAL, PROPERTIES LOCATED IN EXPANSION AREA #2 WILL RECEIVE PERMANENT SEWER ALLOCATIONS UPON SUBMISSION OF A CAPACITY REQUEST; AND PROVIDING THAT IF ANY PROVISION OF THIS RESOLUTION IS INVALIDATED BY THE EPA OR A COURT THE REMAINING PROVISIONS SHALL REMAIN IN FULL FORCE AND EFFECT.

WHEREAS, the mission of the sanitary sewer system of the Urban County Government includes safely and efficiently collecting and conveying sanitary sewage created in Fayette County to enhance public health and safety, protect lives and property, and minimize the discharge of sanitary sewage onto private property or into the environment in compliance with applicable federal and state laws; and

WHEREAS, the Urban County Government, the United States Environmental Protection Agency, and the Commonwealth of Kentucky have entered into a Consent Decree in a case styled *United States, et al. v. Lexington-Fayette Urban County Government*, United States District Court for the Eastern District of Kentucky, Case No. 5:06-CV-00386, that requires LFUCG to implement a sanitary sewer system Capacity Assurance Program (CAP) to assure that no connections are allowed to the sanitary sewer system unless adequate capacity exists in the system to convey the One Hour Peak Flow, as defined below in Section 2; and

WHEREAS, a Task Force, including councilmembers and LFUCG officials was created in April 2012 to assist the Division of Water Quality in developing the CAP; and

WHEREAS, the Task Force held numerous public meetings on the issues related to the CAP which allowed substantial participation by both non-LFUCG stakeholders, including developers and major sanitary sewer users, and LFUCG stakeholders as the Task Force formulated its recommendations for the CAP; and

WHEREAS, the Urban County Council has reviewed the report prepared by the Task Force and the Task Force recommendations; and

WHEREAS, the Urban County Council accepts the Task Force report and approves the recommendations contained therein; and

WHEREAS, three of the Task Force recommendations require immediate implementation through passage by the Council of a Resolution;

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

Section 1 - That the Report of the Capacity Assurance Program (CAP) Task Force be and the same is hereby adopted by the Council.

Section 2 – That for the purpose of this Resolution the following definitions apply:

- A. "Active"** in regard to preliminary subdivision plans, final development plans, and/or amended final development plans shall mean a plan that has not expired because activity related to the plan has occurred within the appropriate time period in compliance with the Zoning Ordinance and Land Subdivision Regulations.
- B. "Adequate Capacity"** shall mean Adequate Treatment Capacity, Adequate Transmission Capacity, and Adequate Collection Capacity.
- C. "Adequate Treatment Capacity"** shall mean that at the time the WWTP receives the flow from a proposed sewer service connection(s) or increased flow from an existing sewer service connection(s), when combined with the flow predicted to occur from all other authorized sewer service connections (including those which have not begun to discharge into the Sanitary Sewer System), the WWTP will not be in "noncompliance" for quarterly reporting as defined in 40 C.F.R Part 123.45, Appendix A and that the new or increased flow to the WWTP will not result in Unpermitted Bypasses or diversions prohibited by the KPDES Permits due to lack of treatment capacity.
- D. "Adequate Transmission Capacity"** shall mean that each Pumping Station through which a proposed additional flow from new or existing sewer service connections would pass to the WWTP receiving such flow, has the capacity to transmit the existing One-Hour Peak Flow passing through the Pumping Station, plus the addition to the existing One-Hour Peak Flow predicted to occur from the proposed connection, plus the addition to the existing One-Hour Peak Flow predicted to occur from all other authorized sewer service connections which have not begun to discharge into the Sanitary Sewer System.
- E. "Adequate Collection Capacity"** shall mean that each Gravity Sewer Line, through which a proposed additional flow from new or existing connections would pass, has the capacity to carry the existing One-Hour Peak Flow passing through the Gravity Sewer Line, plus the addition to the existing One-Hour Peak Flow from the proposed connection, plus the addition to the existing One-Hour Peak Flow predicted to occur from all other authorized sewer service connections which have not begun to discharge into the Sanitary Sewer System without causing a Surcharge Condition.
- F. "Capacity Assurance Program" or "CAP"** shall mean the System Capacity Assurance Program as defined in Section VII Paragraph 16.B. of the Consent Decree.
- G. "Capacity Request"** shall mean written submission of a request to the Division of Water Quality (DWQ) for a Permanent Allocation or Reservation of sewer capacity/credits.
- H. "Consent Decree"** shall mean the Decree and all attachments lodged on March 14, 2008 between the United States of America and the Commonwealth of Kentucky (Plaintiffs) v. Lexington-Fayette Urban County Government (Defendant), Civil Action No. 5:06-cv-386, with an effective date of January 3, 2011.
- I. "Credit"** shall mean a unit of flow equivalent to one gallon per day (1 gpd).
- J. "EPA"** shall mean the United States Environmental Protection Agency and any successor departments or agencies of the United States.

- K. "LFUCG"** shall mean the Lexington-Fayette Urban County Government, a municipality within the meaning of that term in CWA, established under the laws of the Commonwealth of Kentucky.
- L. "One Hour Peak Flow"** shall mean the greatest flow in a sewer averaged over a sixty (60) minute period at a specific location expected to occur as a result of a representative 2-year 24-hour storm event.
- M. "Permanent Allocation"** shall mean the assignment of sewer capacity/credits to a property and is not subject to expiration.
- N. "Reservation"** shall mean the temporary assignment of sewer capacity/credits to a property until a Permanent Allocation is made or the temporary assignment expires.
- O. "Sanitary Sewer System"** shall mean the WCTS owned or operated by LFUCG designed to collect and convey municipal sewage (domestic, commercial and industrial) to a WWTP.
- P. "Use of Record"** shall mean the existing or previous wastewater flow from a property that is represented in the baseline condition of the hydraulic model of the Sanitary Sewer System.

Section 2 – That properties in Fayette County that have a sanitary sewer system "use of record" as of the effective date of this Resolution ("Resolution Date") shall receive a permanent allocation of sewer capacity/credits not to exceed the maximum previous wastewater flow from such property unless the property's owner or otherwise legally responsible party voluntarily releases the permanent allocation.

Section 3 – That properties in Fayette County may request Permanent Allocation of sanitary sewer capacity/credits upon approval of a Preliminary Subdivision Plan, Final Development Plan, or Amended Final Development Plan for the subject property. Developments that may proceed without the aforementioned plans must have Permanent Allocation of capacity/credits prior to issuance of any building permit and in no case shall a tap-on permit be issued without certification of adequate capacity or proof of credit allocation.

Section 4 – That, subject to approval of the CAP by the EPA, properties in Fayette County that have an active Preliminary Subdivision Plan, Final Development Plan, or Amended Final Development Plan that has been submitted to the Lexington-Fayette Urban County Planning Commission ("Commission") prior to the Resolution Date shall be granted a permanent allocation of sewer capacity/credits provided the relevant plan is approved and certified by the Commission not later than July 3, 2013.

Section 5 – That, subject to approval of the CAP by the EPA, residential development properties that have an active Preliminary Subdivision Plan, Final Development Plan, or Amended Development Plan that has been approved and certified by the Commission after the Resolution Date but before July 3, 2013 may make a reservation of Permanent Allocation of sewer capacity/credits up to a maximum annual threshold determined by LFUCG.

Section 6 – That, subject to approval of the CAP by the EPA, non-residential development properties that have an active Preliminary Subdivision Plan, Final Development Plan, or Amended Development Plan that has been approved and certified by the Commission after the Resolution Date but before July 3, 2013 may make a reservation of Permanent Allocation of sewer capacity/credits provided all tap-on fees for the property are paid by July 3, 2014. Any amount of the reserved sewer capacity/credits that has not been used by July 3, 2014 shall expire.

Section 7 – That properties in Fayette County that have an active Preliminary Subdivision Plan, Final Development Plan, or Amended Development Plan that has been approved and certified by the Commission after July 3, 2013 may make a Capacity Request in accordance with the CAP and implementing LFUCG ordinances upon payment of any applicable Administrative Fee, Reservation Deposit and/or Capacity Charge required by the CAP.

Section 8 – That, subject to the approval of the CAP by the EPA, properties located in Expansion Area 2 in Fayette County will receive a Permanent Allocation upon submission of a Capacity Request without payment of any charges or fees.

Section 9 – If any provision of this Resolution, or the application of such provision, should be rendered or declared invalid by the EPA or any court of competent jurisdiction the remaining portions or parts of this Resolution shall remain in full force and effect.

Section 10 – That this Resolution shall be effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

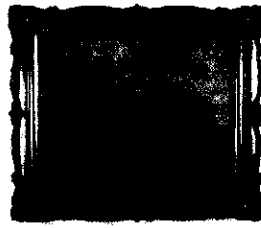
ATTEST:

CLERK OF URBAN COUNTY COUNCIL

PUBLISHED:

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DRAFT



Lexington-Fayette Urban County Government
OFFICE OF THE MAYOR

Jim Gray
Mayor

TO: Mayor Jim Gray
Urban County Council

FROM: Kevin Atkins *KAT*
Chief Development Officer

DATE: November 20, 2012

RE: Anchor Baptist Church Industrial Revenue Bonds

This is to request adoption of an ordinance allowing an Industrial Revenue Bond (IRB) issue of the Lexington-Fayette Urban County Government in the approximate principal amount of \$3,850,000 in bank qualified bonds to be used to refinance their commercial note. Fifth Third Bank has agreed to underwrite the proposed bond issue.

The Industrial Revenue Bond Review Committee met on November 20, 2012 and approved the application by Anchor Baptist Church including a waiver of the Inducement Resolution.

Lexington-Fayette Urban County Government (LFUCG) shall have no expenses in connection with this project of the issuance of the Bonds, therefore the adoption of this resolution shall not impose and financial liability or responsibility on LFUCG. The appropriate legislation is being finalized. The required public hearing is scheduled to take place at the December 11, 2012 Council meeting. Please contact me or David Barberie in the Department of Law should you have any questions about this matter.

FOLLOW MAYOR GRAY:

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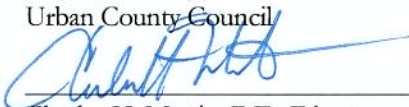


Lexington-Fayette Urban County Government
DEPARTMENT OF PUBLIC WORKS & ENVIRONMENTAL QUALITY

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: November 21, 2012

Re: Prequalified Professional Engineering Services Agreements for Equalization Tanks or Basins
(Category #1 of RFP #33-2012)

The purpose of this memorandum is to request approval of agreements between LFUCG and four (4) engineering firms deemed prequalified to provide engineering services for wastewater equalization tanks or basins—Category #1 of RFP #33-2012. This is the first of six different categories advertised in RFP #33-2012 in which professional engineers will be prequalified. The other five category recommendations will be presented to Council in early 2013. Category #1 projects involve equalization tanks and basins only, and all the work is related to the Consent Decree Remedial Measures Projects. The four recommended firms are:

1	HDR
2	GRW
3	Tetra Tech
4	Stantec

Funds for the Category #1 services are budgeted in: 4003-303408-3466-92811.

A workgroup consisting of representatives as defined by CAO Policy # 1 recommends selection of these four firms. Selection of the firms was based on the criteria provided in the table below.

	Criteria	Points
1.	Overall expertise of the firm	10
2.	Overall expertise of the team members	15
3.	Past performance in the service category	20
4.	Project manager qualifications	25
5.	Risk Management plan	10
6.	Office status and location of employees	20

Questions regarding this memorandum should be directed to Charles Martin at 859-425-2455.

**Neighborhood Development Funds
December 4, 2012
Work Session**

Amount	Recipient	Purpose
\$ 500.00	North Pointe Neighborhood Homeowners Association, Inc. 2237 Preakness Court Lexington, KY 40505 Trish Mazzoni	For maintenance and repair at neighborhood entrance.
\$ 500.00	Belleau Wood Neighborhood Association, Inc. 3921 Forest Green Drive Lexington, KY 40517 Ron Sallee	For neighborhood landscaping and newsletter costs.
\$ 500.00	Ashwood Townhouses of Laredo 3441 Laredo Drive, No. 38 Lexington, KY 40517 Douglas Culp	For replacement of missing trees.
\$ 500.00	Lansdowne Neighborhood Association, Inc. 3289 Bellefonte Drive Lexington, KY 40502 James "Sonny" Wray	For replacement of trees.
\$ 375.00	Central Kentucky Radio Eye, Inc. 1733 Russell Cave Road Lexington, KY 40505 Melanie Kirkpatrick	For Annual Appeal campaign 2012.
\$ 500.00	Lansdowne Elementary School PTA, Inc. 336 Redding Road Lexington, KY 40517 Mary Beth Huffman	For educational program for 5th graders.
\$ 400.00	Oaks Condominiums of Lexington, Inc. 395 Redding Road, Unit 110 Lexington, KY 40517 J. Michael Stidham	For stormwater drainage improvements.
\$ 700.00	Friends of Wolf Run, Inc. 639 Cardinal Lane Lexington, KY 40503 Ken Cooke	For tree planting project.



Planning and Public Works Committee
November 20th, 2012
Summary and Motions

CM Bill Farmer chaired the meeting and called it to order at 1:02pm. Committee members CM Chuck Ellinger, VM Linda Gorton, CM Steve Kay, CM Chris Ford, CM Tom Blues, and CM Peggy Henson were in attendance. CM Stinnett attended the meeting as a non-voting member.

Chair Farmer called the meeting to order at 1:02pm.

1. October 16th, 2012 Summary

CM Ellinger made a motion to approve the summary. CM Kay seconded the motion. The motion passed without dissent.

2. Review of Street Tree and Street Tree Protection Ordinances

David Leonard came to the podium to present on the street tree ordinances. He said that it is recommended that a city have 40% canopy cover and that Lexington has between 7-20%. He said that healthy forests have environmental, social and economic benefits. Trees are carbon storage units so they have a large impact on air quality. Leonard said that healthy urban forests decrease storm water run off as well.

Leonard cited a report that stated people come to cities that have significant tree cover. They also stay longer and spend more money in those communities. He said that trees increase the value of homes and makes them easier to sell. Three trees properly planted around a home can also decrease energy bills.

Leonard spoke about the challenges that our urban forest faces. He showed photos of trees that had been topped, hit with lawnmowers and infected with root rot and insects. Leonard expressed concern about the placement and the maintenance of street trees. He also mentioned a lack of tree diversity.

Leonard continued his presentation by reporting to the committee members that Lexington is the oldest tree city in the state. He said that Lexington has been a tree city

for 24 years. Leonard said that Lexington does not have the staff in place to enforce our current ordinances.

Leonard reported the recommendations of the tree board to committee members. He suggested reviewing and revising Chapter 17B of the Code of Ordinances and Article 6-10 of Subdivision Regulations, Article 18 and Article 26 of the Zoning Ordinance. Leonard said that they need to optimize planting conditions for street trees with adequate space and suitable soil and promote placing the right trees in the right places.

Leonard said that there should be an emphasis on strong public outreach and education for residential properties. He also suggested creating an authority to compel removal of hazardous trees on private property that are a safety hazard.

For commercial properties, Leonard recommended adequate inspection resources (a landscape examiner) to proactively enforce landscaping requirements and the promotion of the installation of green infrastructure. Leonard also suggested that the city and the business community work to resolve conflicts between street trees and commercial signage.

Leonard said that the process is currently complaint driven. He said that we have lost hundreds of trees that have not been replaced.

CM Stinnett asked Leonard to explain any negatives that accompany tree planting. He asked Leonard about leaves entering the storm sewers and homeowners removing trees. Stinnett said that we are requiring developers to plant street trees and then after 15 years they have to remove them because they were not properly cared for. Stinnett asked Leonard if they have discussed changing the requirement for the placement of street trees.

Leonard said that the Tree Board thinks it would be better to move them inside the sidewalk. There would be less heaving of the sidewalks and less overhang over the sidewalk. Stinnett asked Leonard who inspects the trees when they are planted. Tim Queary said that his office is responsible for that inspection. They work with contractors to place door hangers at each residence.

CM Blues said that the Council and the Administration need to deal with these issues. CM Blues also said that he appreciated Leonard mentioning the economic development impact of trees for communities. CM Blues said that he thinks the issue is a serious challenge for the LFUCG.

CM Kay said that there are two parts to the equation. The policies can be dealt with by the LFUCG but the impact of the health of the trees is another issue. CM Kay said that he would like to know if it is better to work with the trees that are already in existence

or to remove them. Leonard said that the evidence is there to work to save the trees. Leonard said that he would provide that information to Council Members.

CM Farmer said that he would like to keep the issue in committee. He suggested that the Tree Board put in a request during the budget process. CM Farmer also suggested that the Tree Board make recommendations for changes to the Code of Ordinances to the Planning and Public Works Committee.

Karen Angelucci, a member of the Tree Board, said that she sees one solution regarding tree planting. She recommended allowing the tree to be planted five feet inside the sidewalk. The trees will then be away from the utilities.

3. Working with FCPS to Sustain Road Salt Services

Kevin Wentte said that he had a meeting with various entities to discussion preparation. Wentte said that he is concerned about requests made outside of the LFUCG's snow plan. Wentte said that FCPS would be interested in partnering with the LFUCG when salt is purchased each year.

Wentte said that he worked with Pat Tatum regarding calls to LexCall that are actually authorized calls for snow removal.

VM Gorton asked Wentte about the list of authorized requesters. Wentte said that he will be provided that list this year. Sam Williams said that he has worked with John Kiser in the past. He said that the plan that Wentte has worked out will be better for the LFUCG. VM Gorton asked Wentte to elaborate on the snow removal plan that was discussed with FCPS. Wentte said that FCPS does ask the LFUCG to look at additional streets such as Armstrong Mill and Trent Boulevard.

Wentte went on to say that FCPS would be interested in working with the LFUCG to order more salt to lower their costs. CM Farmer said that if the LFUCG is doing something to get the students to school, we need to figure out what that is worth.

CM Stinnett asked about the ranking of roads around schools. Wentte said the rankings can differ. CM Stinnett said that there are roads around schools that they may not get to anyway.

4. Vacuum Leaf Collection

Rob Allen came to the podium to present on vacuum leaf collection. All citizens in the Urban Service Area who receive Urban County Government waste collection services have this service available to them. This is approximately 90,000 residential addresses.

The leaf collection will start Monday, November 26, 2012. It will be completed by the end of the year. The service area is divided into 4 separate zones and a downtown zone.

Allen reminded citizens not to rake their leaves into the street. They can be issued a citation for doing so. Citizens can also use the Lennys, paper yard waste bags, mulch their leaves, compost their leaves, take the leaves directly to Haley Pike Landfill or utilize private collection.

Allen said that the leaf collection information is communicated various ways, including GTV3, the LFUCG website, local media, through Council Members, LexCall and the WasteNot newsletter.

CM Stinnett asked if less people are using the service. Allen said yes. CM Stinnett said that overtime they may not need to offer the leaf collection service all over town.

Allen said that Streets and Roads is the division now in charge of the program. Street sweeping is going to be suspended during leaf collection. However, the downtown and UK areas will continue to have street sweeping through the month of December.

Allen said that there are two managers, three supervisors, twenty full-time employees, two administrative staffers and thirty-five temporary workers. He said that they use eleven leaf vacuums, six dump trucks, five rear-end load garbage trucks, and at least two street sweepers.

Allen said that the primary function of Streets and Roads is snow removal so if there is a snow situation, leaf collection will be delayed.

CM Blues asked how much the LFUCG spends on leaf bags. Allen said that he would have to ask Waste Management. CM Blues said that he thinks it is around \$300,000/year.

CM Henson said that she has concerns about the impact of the leaves on the storm water system. She said that she is not supportive of the program.

VM Gorton asked for clarification on Angelucci's comments. She told committee members that she asked Wentz about the easement extending five feet within the sidewalk. Allen said it is dedicated planning easement where the developer would choose to put the street behind the sidewalk. Allen said that it is a designation, not a true easement. The tree planted there would be regulated like a street tree. Gorton asked if Wentz could still follow-up on her question.

5. Design Excellence Task Force Update

CM Blues presented the committee members an interim report on the progress of the Design Excellence Task Force. He said that sub-committees have worked all summer on specific issues and they also added three members to the Task Force.

CM Blues spoke about the downtown inventory. Brandi Berryman came to the podium to present. She said that her group met nine times over a fourteen week period. Berryman said that they walked through the streets and they inventoried different parcels. She said they then identified sub-districts. She said that their recommendations are available in a lengthy document and they will be used when drafting the design guidelines.

CM Blues said that another sub-committee did a review and analysis of the current Courthouse Area Design guidelines. Jeff Fugate led the sub-committee and they found that the guidelines are working very well for rehab projects. The guidelines are less reliable for large new 'from the ground up' projects.

CM Blues said that they have worked towards the selection of a consultant. He said that they released the RFQ and it is included in the packet. The consultant will advise, assist and collaborate with the Task Force.

CM Blues said that the purpose of the project is to synthesize current community goals and previous downtown efforts and policies; provide a clear guide and predictable framework for both developers and citizens; and serve as a powerful graphic tool for visualizing preferred downtown rehabilitation, infill and redevelopment. CM Blues said that the respondent will exhibit the capacity to provide professional consultation to the LFUCG and LDDA design staff.

The Task Force will serve as the project steering committee. CM Blues said that this decision was based on three key factors:

1. The budget
2. Vast number of previous studies that can be used for reference going forward
3. The expertise of LFUCG, DDA and Task Force membership

CM Blues said the deadline for responses in November 28th, 2012. He is anticipating the receipt of competitive submissions.

CM Farmer said that if a consultant is selected by the December Planning and Public Works Committee meeting, CM Blues is welcome to report it at that time.

6. Items Referred to Committee

VM Gorton made a motion to refer the Amendment of Article 5-1 (a) Right-of-Entry back into the Planning and Public Works Committee. CM Kay seconded the motion. The motion passed without dissent.

VM Gorton made a motion to adjourn. CM Henson seconded the motion. The motion passed without dissent.

Submitted by Jenifer Benningfield, Council Administrative Specialist

Social Services & Community Development Committee
November 20, 2012
Summary & Motions

Vice Chair Henson called the meeting to order at 11:02 AM. Committee members Ellinger, Kay, Ford, and Stinnett were present. Also present and recognized for a quorum was Blues. Absent from the meeting was Myers, Lane, Crosbie, Lawless and McChord.

Henson called on Jacob Wolbourn from the Law Department to provide legal opinion regarding meeting without a quorum.

Mr. Wolbourn stated that under Council Rules, as well as Kentucky Open Meeting regulations, the committee could meet without a quorum but they could not take any action without a quorum.

Henson stated that they just received a conflicting opinion from the Law Department that indicated that if they met without a quorum and ever took action they would need to re-hear the entire presentation. Henson recommended that they wait until there is a quorum.

9.18.12 Committee Summary

On a motion by Ellinger, seconded Blues the 10.16.12 Social Services & Community Development Committee summary was approved.

Workforce Investment & Development

Henson called on Ford, who referred the item, to introduce the topic.

Ford stated that he was interested in workforce development because it is a federal economic development program that invests in people. He stated his intent is for the Council to get a better understanding of the opportunities that may come available for Council to take bigger role. He stated that he asked Commissioner Beth Mills and Council staff Paul Schoninger to prepare a presentation on workforce activities in Fayette County.

Commissioner Mills discussed the Mayor's Training Center, which was closed in 2007. Prior to its closing in 2007 there was an inter-local agreement with Lexington Fayette Urban County Government (LFUCG) and the Bluegrass Workforce Investment Board. She stated that the inter local agreement in 1998 provided that LFUCG would receive 20% of the workforce investment area's adult allocation and 22% of the youth allocation for programs in Lexington-Fayette County. She also stated that the agreement stipulated that LFUCG was to assume all decision making authority and liability for all Workforce Investment Act monies it receives and programs it operates. Mills stated that when she was first appointed Commissioner she met with Kentucky Workforce officials and they informed her that such set asides were not permitted under current Workforce Investment Act regulations.

Mills discussed the type of programs the Mayor's Training Center offered including customized training for numerous area employers.

Paul Schoninger discussed both the 17 county Bluegrass Workforce Investment Board, and the Business & Education Network operated in conjunction with Commerce Lexington. He described the purpose, programs, budget and governance of both organizations.

Mills discussed two current Workforce Investment Act programs in Lexington-Fayette County. She described *Path to Success*, a GED, career and secondary education program for 40 high school dropouts and *LEEP* (Literacy, Education, Experience & Postsecondary Program) offered by the Community Action Council. LEEP provides employment and training for 40 youth in the Russell School and East End areas.

Mills also discussed two adult work programs that have been developed but lack funding, including a sewing cooperative for resettled refugees and a mattress/e-waste/text book recycling effort employing ex-offenders.

Mills also discussed the numerous community partners involved in the current and proposed workforce projects. She stated that it was critical for Fayette County to offer workforce development services for its job seekers and employers.

Ford addressed the unemployment rate and stated that in one census tract in the 1st District the unemployment rate was over 20%. He also discussed the closing of the Mayor's Training Center and stated that he agreed with Commissioner Mills that additional resources needed to be obtained for Fayette County as it is the economic, cultural and educational base for the central Kentucky region. He stated that he wanted to continue to discuss this item at the Committee's January meeting.

Kay addressed the need to focus emphasis on the unemployed and disadvantaged in Lexington-Fayette County. He stated that resources can and should be allocated to improve job skills and to improve the viability of area businesses.

Stinnett stated that he agreed that we need a liaison for workforce issues but that the Mayor's Training Center model was closed because our business partners did not believe it effectively and efficiently addressed their need for trained employees.

In response Mills stated that there are several models to address the need for a workforce coordinator/facilitator either within or outside LFUCG.

Stinnett asked about the percentage of training dollars that are serving residents from Fayette County. Commissioner Mills said that she met with the Workforce Investment Board and has those numbers. Stinnett said he would like to see those numbers.

Stinnett requested an inventory of workforce training partners in Fayette County along with a summary of their respective services and outcome measures of effectiveness prior to discussing the issue in January. In response Mills said that there are partners in the community that can do the job training but she thinks what has been lost is the customized job training, targeting the job training to fit the employer coming to town. Stinnett said that he thinks she is right and said it would be nice to see a position in the geared at fostering relationships with business and focused on training individuals. He requested that the committee hear a presentation on how to manage a workforce facilitator/coordinator. He also suggested that Mills request necessary resources in the FY 14 Mayor's Proposed Budget.

Henson discussed customized training needs for area employers and partnering with agencies such as OWL (Opportunity for Learning & Working) and Employment Solutions. She also agreed with Stinnett regarding using performance indicators to show effective utilization of funds.

Blues stated that current economic conditions require that we allocate federal, state and local resources to deal with the issue of high unemployment and slow economic growth. He agreed with Stinnett that he would like to see how the current providers are improving our region's economic conditions.

Mills stated that the committee might want to hear from the Bluegrass Workforce Investment Board and others offering training services at the January meeting. She reminded the Committee that at the December 4 meeting the Committee will hear an interim report from the UK students who are preparing the social services needs assessment project.

Ford stated that he would like this item left in committee and stated that at the January meeting the committee could hear from the Workforce Investment Board and others.

The meeting was adjourned at 12:35 PM.

**Stantec**

Final Report

Capacity Assurance Program
(CAP) Task Force
Recommendations



Stantec Consulting Services Inc.
One Team. Infinite Solutions

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Prepared for:
Division of Water Quality, Lexington-Fayette
Urban County Government
Lexington, Kentucky

November 28, 2012



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November 28, 2012

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Mr. Charles Martin, PE
Division of Water Quality, Lexington-Fayette Urban County Government
125 Lisle Industrial Avenue, Suite 180
Lexington, Kentucky 40511

Re: Final Report
Capacity Assurance Program (CAP)
Task Force Recommendations

Dear Mr. Martin:

The Lexington-Fayette Urban County Government (LFUCG) signed a Consent Decree with the U.S. Environmental Protection Agency (EPA) in 2008. The Consent Decree was entered by the U.S. District Court on January 3, 2011. Under the terms of the Consent Decree, LFUCG is required to develop and implement a Capacity Assurance Program (CAP) for its wastewater system. A CAP Plan must be submitted to the EPA by January 3, 2013 that summarizes the specific methods and protocols by which LFUCG will govern their CAP implementation.

Stantec Consulting Services, Inc. (Stantec) was retained by the Division of Water Quality (DWQ) in May 2012 to assist in development and implementation of LFUCG's CAP. Stantec is a consulting engineering firm with offices in Lexington and has prior experience implementing Capacity Assurance Programs in other Consent Decree communities.

In April 2012, LFUCG formed a Task Force to review and evaluate recommendations proposed by DWQ/Stantec prior to introduction of the proposed CAP for action by the Urban County Council (Council). Ordinance approval by Council will be necessary for CAP implementation. The CAP will require a marked change in the existing land development planning and permitting process in Fayette County.

The CAP Task Force was formed in April 2012 and consisted of six (6) voting members: five (5) Council Members and the Commissioner of Planning, Preservation and Development. The Task Force included extensive involvement and input from internal (LFUCG) and external (community) stakeholders. The Task Force and stakeholders met eleven (11) times from May 2012 through September 2012.

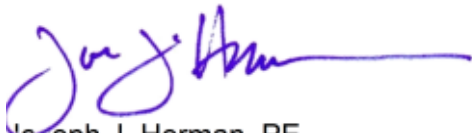
Division of Water Quality, Lexington-Fayette Urban County Government
November 28, 2012
Page 2

This Report provides a summary of the nineteen (19) recommendations endorsed by the CAP Task Force. Detailed notes and presentation materials from the Task Force meetings are included in the appendices of this Report. The recommendations in this Report will be used as the basis for the CAP Plan submitted to the EPA and the ordinances necessary for CAP implementation presented to Council for approval.

Stantec appreciates the opportunity to assist LFUCG in meeting their Consent Decree objectives and, ultimately, improving the quality of life in Lexington. If you have any questions regarding the information presented or require additional information, please contact me.

Sincerely,

STANTEC CONSULTING SERVICES INC.



Joseph J. Herman, PE
Principal

/rdr

Final Report

Capacity Assurance Program (CAP) Task Force Recommendations



Prepared for:
Division of Water Quality, Lexington-Fayette
Urban County Government
Lexington, Kentucky

November 28, 2012

Final Report Capacity Assurance Program (CAP) Task Force Recommendations

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Final Report Capacity Assurance Program (CAP) Task Force Recommendations

1. Introduction

1.1. Background

The Lexington-Fayette Urban County Government (LFUCG) signed a federal Consent Decree with the U.S. Environmental Protection Agency (EPA) and Commonwealth of Kentucky Environmental and Public Protection Cabinet (EPPC) on March 14, 2008 (Lodging Date). The Consent Decree was entered by the Court on January 3, 2011 (Effective Date). The terms of the Consent Decree obligate LFUCG to eliminate sanitary sewer overflows (SSOs) and other unpermitted bypasses and discharges from the wastewater system.

As part of the Consent Decree, LFUCG is required to develop and implement a Capacity Assurance Program. Within two (2) years of the Effective Date of the Consent Decree (January 3, 2013), LFUCG must submit for review, comment, and approval, a Capacity Assurance Program Plan (Plan) to the EPA and EPPC. No later than thirty (30) days after approval of the Plan by the EPA, LFUCG must commence implementation of the Capacity Assurance Program, subject to the schedules set forth in the approved Plan.

The Division of Water Quality (DWQ) entered into an Engineering Services Agreement (Resolution No.: 268-2012) with Stantec Consulting Services, Inc. (Stantec) on May 17, 2012, to assist them in the development and implementation of LFUCG's Capacity Assurance Program. Stantec provides professional consulting services in planning, assessment, engineering design, and management of stormwater and wastewater infrastructure projects, and has prior experience implementing Capacity Assurance Programs in other Consent Decree communities. Stantec is a publicly traded company with a staff of over 11,000 professionals in more than 170 offices in North America. Locally, Stantec employs approximately 200 professionals in their two offices at 1409 North Forbes Road and 400 East Vine Street.

1.2. Capacity Assurance Program (CAP)

Section VII.16B of the Consent Decree obligates LFUCG to implement a Capacity Assurance Program (CAP) for their sanitary sewer system. Under the CAP, LFUCG may only authorize new connections (flow additions) if adequate capacity can be certified in the collection, transmission, and wastewater treatment systems. In the absence of this certification, new connections may also be authorized by use of a "banked credit system." Under the banked credit system, flow removal from qualifying activities (inflow/infiltration removal, off-line storage, capacity enhancement projects) may be used to offset flow from new connections at an exchange rate (trade ratio) prescribed in the Consent Decree. This Report is not intended to paraphrase all requirements in the Consent Decree.

1.3. Definitions

"Adequate Capacity" shall mean Adequate Treatment Capacity, Adequate Transmission Capacity, and Adequate Collection Capacity as defined in Section VII, Paragraph 16B of LFUCG's Consent Decree.

“Adequate Treatment Capacity” shall mean that at the time the wastewater treatment plant (WWTP) receives the flow from a proposed sewer service connection(s) or increased flow from an existing sewer service connection(s), when combined with the flow predicted to occur from all other authorized sewer service connections (including those which have not begun to discharge into the Sanitary Sewer System), the WWTP will not be in “non-compliance” for quarterly reporting as defined in 40 C.F.R Part 123.45, Appendix A, and that the new or increased flow to the WWTP will not result in Unpermitted Bypasses or diversions prohibited by the KPDES Permits due to lack of treatment capacity.

“Adequate Transmission Capacity” shall mean that each Pumping Station through which a proposed additional flow from new or existing sewer service connections would pass to the WWTP receiving such flow, has the capacity to transmit the existing One-Hour Peak Flow passing through the Pumping Station, plus the addition to the existing One-Hour Peak Flow predicted to occur from the proposed connection, plus the addition to the existing One-Hour Peak Flow predicted to occur from all other authorized sewer service connections which have not begun to discharge into the Sanitary Sewer System.

“Adequate Collection Capacity” shall mean that each Gravity Sewer Line, through which the proposed additional flow from new or existing connections would pass, has the capacity to carry the existing One-Hour Peak Flow passing through the Gravity Sewer Line, plus the addition to the existing One-Hour Peak Flow from the proposed connection, plus the addition to the existing One-Hour Peak Flow predicted to occur from all other authorized sewer service connections which have not begun to discharge into the Sanitary Sewer System without causing a Surge Condition.

“Capacity Assurance Program” or **“CAP”** shall mean the System Capacity Assurance Program as defined in Section VII, Paragraph 16.B. of the Consent Decree.

“Capacity Request” shall mean written submission of a request to the Division of Water Quality (DWQ) for a Permanent Allocation or Reservation of sewer capacity/credits.

“Clean Water Act” or **“CWA”** shall mean the Clean Water Act, formally entitled the Federal Water Pollution Control Act, as amended, 33 U.S.C. § 1251-1387.

“Consent Decree” shall mean the Decree and all attachments Lodged on March 14, 2008 between the United States of America and the Commonwealth of Kentucky (Plaintiffs) v. Lexington-Fayette Urban County Government (Defendant), Civil Action No. 5:06-cv-386, with an Effective Date of January 3, 2011.

“Credit” shall mean a unit of flow equivalent to one gallon per day (1 gpd).

“Credit Bank” shall mean the section of LFUCG’s wastewater collection and transmission systems that is a distinct drainage or wastewater collection area where banked credit transactions are recorded under the Capacity Assurance Program.

“EPA” shall mean the United States Environmental Protection Agency and any successor departments or agencies of the United States.

“EPSC” shall mean the Environmental and Public Protection Cabinet of the Commonwealth of Kentucky.

“Force Main” shall mean all sanitary sewer lines that operate under pressure due to pumping of sanitary wastewater at a pump station except for those sanitary sewer lines that serve a single structure or building.

“Gravity Sewer Line” shall mean a pipe that receives, contains and conveys wastewater not normally under pressure, but is intended to flow unassisted under the influence of gravity. Gravity sewers are typically not intended to flow full under normal operating conditions.

“I/I” shall mean the total quantity of water from Infiltration and Inflow without distinguishing the source.

“Infiltration” as defined by 40 C.F.R. § 35.2005(b)(20) shall mean water other than wastewater that enters a sanitary sewer system (including sewer service connections and foundation drains) from the ground through such means as defective pipes, pipe joints, connections, or manholes.

“Inflow” as defined by 40 C.F.R. § 35.2005(b)(21) shall mean water other than wastewater that enters a sanitary sewer system (including sewer service connections) from source such as, but not limited to, roof leaders, cellar drains, yard drains, area drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm water, surface runoff, street wash waters, or drainage.

“KPDES” shall mean Kentucky Pollutant Discharge Elimination System, as established by 401 KAR Chapter 5 and KRS Chapter 224.

“Minor Sewer Connections” shall mean connections which do not exceed 2,500 gallons per day.

“MS4” shall mean LFUCG’s municipal separate storm sewer system, as that term is defined in 40 C.F.R. § 122.26 (b)(8).

“One Hour Peak Flow” shall mean the greatest flow in a sewer averaged over a sixty (60) minute period at a specific location expected to occur as a result of a representative 2-year, 24-hour storm event.

“Permanent Allocation” shall mean the assignment of sewer capacity/credits to a property that is not subject to expiration.

“Private Lateral” shall mean that portion of a sanitary sewer conveyance pipe, including that portion in the public right of way, that extends from the wastewater main to the single-family, multi-family, apartment, other dwelling unit, business, industry, institution or structure to which wastewater service is or has been provided. Private Laterals do not include connector joints at LFUCG’s sewer line.

“Pumping Station” shall mean all pumping stations owned or operated by LFUCG except for pump stations that serve a single structure or building, and except for the pump station serving Southland Christian Church in Jessamine County.

“Recurring SSO” shall mean a sanitary sewer overflow (SSO) that occurs in the same location more than once per twelve (12) month rolling period.

“Reservation” shall mean the temporary assignment of sewer capacity/credits to a property until a Permanent Allocation is made or the temporary assignment expires.

“Sanitary Sewer Overflow” or **“SSO”** shall mean any discharge to waters of the United States from the Sanitary Sewer System through point sources not specified in any KPDES permit (otherwise known as “Unpermitted Discharges”), as well as any release of wastewater from the Sanitary Sewer System to public or private property that does not reach waters of the United States, such as a release to a land surface or structure that does not reach waters of the United States; provided, however, that releases or wastewater backups into buildings that are caused by blockages, flow conditions, or malfunctions in a Private Lateral, or other piping or conveyance system that is not owned or operationally controlled by LFUCG are not SSOs. SSOs include any cross-connections between LFUCG’s Sewer System and its MS4 which allow wastewater to pass from the Sanitary Sewer System to the MS4, but does not include exfiltration that does not reach waters of the United States, or land surface or structures.

“Sanitary Sewer System” shall mean the wastewater collection and transmission systems (WCTS) owned or operated by LFUCG designed to collect and convey municipal sewage (domestic, commercial and industrial) to a WWTP. The Sanitary Sewer System does not include LFUCG’s MS4.

“Sewershed” shall mean a section of LFUCG’s wastewater collection and transmission systems (WCTS) that is a distinct drainage or wastewater collection area and designated as such by LFUCG.

“Surcharge Condition” shall mean the condition that exists when the supply of wastewater resulting from the One-Hour Peak Flow is greater than the capacity of the pipes to carry it and the surface of the wastewater in manholes rises to an elevation greater than twenty-four (24) inches above the top of the pipe or within three (3) feet of the rim of the manhole, and the sewer is under pressure or head, rather than at atmospheric pressure, unless LFUCG has, pursuant to Section VII Paragraph 16.B.(i)(e) of the Consent Decree, identified that pipe segment and manhole is designed to operate in that condition, in which case the identified level of surcharge will be used.

“Use of Record” shall mean the existing or previous wastewater flow from a property that is represented in the baseline condition of the hydraulic model of the Sanitary Sewer System.

“Waiting List” shall mean the record of applicants for a specific Credit Bank for which sufficient offsetting credits were unavailable to fulfill the proposed request.

“Wastewater Collection and Transmission Systems” or **“WCTS”** shall mean the municipal sanitary wastewater collection and transmission systems, including all pipes, force mains, gravity sewer lines, lift stations, pumping stations, manholes and appurtenance thereto, which are owned or operated by LFUCG.

“WWTP” shall mean wastewater treatment plant.

For any definitions not provided, the definitions included in Section IV of the Consent Decree shall prevail.

2. CAP Task Force

2.1. Purpose

In April 2012 a Task Force was established to review and evaluate recommendations developed by DWQ and their Consultant prior to introduction of the proposed CAP for approval by the Urban County Council (Council). The CAP represents a new program to LFUCG and will involve a marked change in the existing land development planning and permitting processes in Fayette County. The development of a CAP Task Force provided an opportunity for Council members, other LFUCG Divisions outside of DWQ, and community stakeholders to closely review, critically evaluate, and offer insights/revisions to proposed CAP recommendations.

2.2. Voting Members

Approval of each recommendation relative the proposed CAP was presented to the Task Force for a vote. The CAP Task Force was comprised of the following seven (7) voting members:

- Council Member Tom Blues
(Chair, 2nd District)
- Vice Mayor Linda Gorton
(Vice Chair, At-Large)
- Council Member Chuck Ellinger
(At-Large)
- Council Member Steve Kay
(At-Large)
- Council Member Kevin Stinnett
(6th District)
- Council Member Peggy Henson
(11th District)
- Derek J. Paulsen, Ph.D.
(Commissioner of Planning,
Preservation and Development)

Council Member (CM) Tom Blues served as the Task Force Chair and Vice Mayor (VM) Linda Gorton served as the Vice Chair.

2.3. Internal Stakeholders

Internal stakeholders were invited to Task Force meetings and encouraged to provide feedback during the meetings. Internal stakeholders were comprised of the Administration and those Departments and Divisions within LFUCG that could potentially be involved or affected by CAP implementation. Internal stakeholders that attended the CAP Task Force meetings included:

- Mayor's Office
- Chief Administrative Officer
- Planning Commission
- Council Office
- Department of Law
- Department of Environmental Quality
and Public Works
- Department of Planning,
Preservation and Development
- Division of Engineering
- Division of Building Inspection
- Division of Environmental Policy
- Division of Water Quality

Internal stakeholders provided valuable insight on LFUCG's existing land development processes and feedback on how proposed CAP decisions would impact their existing business practices.

2.4. External Stakeholders

External stakeholders were invited to Task Force meetings and encouraged to provide feedback during the meetings. External stakeholders included members of the development community, public schools, universities, and other community organizations and interested individuals from the general public. External stakeholders that attended the CAP Task Force meetings included:

- Fayette County Public Schools
- University of Kentucky
- The Fayette Alliance
- Home Builders Association of Lexington
- Fayette County Neighborhood Council
- Various attorneys and consultants representing development interests
- Commerce Lexington
- Ball Homes
- North Forty Properties
- Associated General Contractors of Kentucky
- St. Joseph Healthcare
- Transylvania University

External stakeholders were provided opportunities during each meeting to provide feedback and suggestions for improvement on proposed CAP decisions. External stakeholder participation provided an excellent opportunity for Task Force members and DWQ to hear community interests/concerns and gain a better understanding of the potential ramifications of proposed decisions/recommendations.

2.5. Task Force Meetings

Eleven (11) task force meetings were conducted from May 2012 through September 2012. All Task Force meetings were held in Council Chambers, open to the general public, and advertised in advance on LFUCG's web site. Task Force meetings were held from 9:00 a.m. to 11:00 a.m. on the following dates:

- May 3, 2012
- May 24, 2012
- June 14, 2012
- June 28, 2012
- July 12, 2012
- August 7, 2012
- August 9, 2012
- August 23, 2012
- September 6, 2012
- September 20, 2012
- September 25, 2012

A sign-in sheet was available at each Task Force meeting and attendees were encouraged to provide their name and contact information so that Task Force materials could be distributed to them. Individuals on the meeting sign-in sheet were identified as attendees in the Meeting Notes.

Prior to Task Force meetings, a copy of the meeting's agenda and an advance copy of the presentation slides was distributed to Task Force members and stakeholders. Printed copies were also provided at the Task Force meetings. The meeting agenda and presentation slides are included in the Meeting Notes.

2.6. Meeting Notes

Detailed Meeting Notes summarizing the previous meeting were prepared and published for each Task Force meeting. The Meeting Notes included an overview of the information presented at the previous meeting, discussion highlights, questions/comments expressed by stakeholders during the previous meeting, and included a copy of the slides presented at the previous meeting. A copy of the Meeting Notes was distributed (via email) to Task Force members and all stakeholders who provided their contact information on the sign-in sheet for that meeting (or any prior Task Force meeting). An electronic copy of the Meeting Notes is available on LFUCG's website (www.lexingtonky.gov/capacityassurance). The Meeting Notes for each Task Force meeting are also provided in Appendices A through K of this report.

This Task Force Report will become the final record for all Meeting Notes, slides and agendas. DWQ will maintain a copy of this report for the duration of the Consent Decree (estimated end date - January 3, 2024).

2.7. Process

Individual CAP recommendations were systematically presented to the Task Force and stakeholders for review and discussion at each CAP Task Force meeting. DWQ and Stantec were responsible for developing individual draft recommendations and presenting them to the Task Force. Prior to Task Force meetings, DWQ and Stantec participated in technical meetings to determine available options relative to each recommendation, review research from other CAP benchmark communities, discuss the merits of each option, and select a preferred option for recommendation to the Task Force. The following general criteria were considered when evaluating and selecting proposed recommendations:

- Compliance with Consent Decree requirements;
- Impact on the cost / effort to administer the program;
- Fairness to existing rate payers and community stakeholders; and
- Transparency and ability to effectively communicate program elements to the public.

Internal (LFUCG) stakeholders were frequently invited to participate in the technical meetings to assist DWQ/Stantec in understanding existing land development processes, and vet proposed recommendations.

Proposed recommendations developed by DWQ/Stantec were presented to the Task Force and stakeholders for consideration at the Task Force meetings. Task Force and stakeholder feedback was solicited during the Task Force meetings. In some cases, Task Force members requested additional research and/or information. Similarly, revisions and/or improvements to the proposed recommendation were sometimes necessary to address Task Force concerns or accommodate stakeholder feedback. At the conclusion of discussion regarding each recommendation, the voting members of the Task Force were asked to approve the proposed CAP recommendation.

Figure 1 provides a graphical representation of the process by which CAP recommendations were developed and presented to the Task Force and stakeholders.

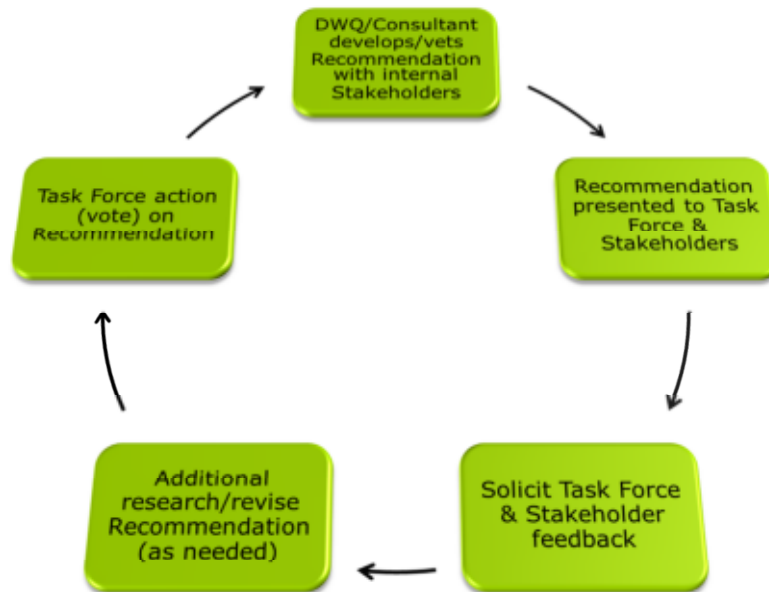


Figure 1. Overview of Task Force Review Process

3. Recommendations

Nineteen (19) individual recommendations were submitted by DWQ and approved by the CAP Task Force. Proposed recommendations will serve as the basis for the CAP Plan to be submitted to the EPA (due January 3, 2013), and used to draft the resolutions/ordinances necessary for CAP implementation.

The following subsections provide a brief description of each recommendation approved by the CAP Task Force. A detailed summary and Task Force discussions relative to each recommendation are included in the Meeting Notes presented in Appendices A through K. Table 1 (page 9) provides a summary of the individual recommendations that were discussed at each Task Force meeting. Table 1 can be used to quickly identify the relevant Meeting Notes for each recommendation and the associated appendix in this report where they can be found.

Table 1. CAP Recommendations and Task Force Meeting Dates

No.	Recommendation	Task Force Meeting Date										
		5/3/2012	5/24/2012	6/14/2012	6/28/2012	7/12/2012	8/7/2012	8/9/2012	8/23/2012	9/6/2012	9/20/2012	9/25/2012
1	Credit Banking Unit			●								
2	Credit Harvest Date			●								
3	Use of Record			●								
4	Essential Services (Allow Exception)			●	●	●						
5	Third-Party Trading				●	●						
6	Developer-Earned Credit Program (DECP)					●	●		●			
7	Credit Allocation Priority						●	●	●			
8	Expiration Period						●		●			
9	CAP Entry Point						●		●	●		
10	Grandfathering						●		●	●	●	
11	Essential Services (Define/Establish Criteria)			●	●	●						●
12	Administrative Fee									●	●	
13	Reservation Deposit and Capacity Charge									●	●	
14	Implementation Schedule									●		
15	Review Time										●	
16	Appeals Process										●	
17	Conditional Approval										●	
18	Public Access										●	
19	Program Auditing										●	●
	Report Appendix	A	B	C	D	E	F	G	H	I	J	K

3.1. Credit Banking Unit

The Credit Banking Unit is the defined area(s) within the wastewater collection system where credit transactions are recorded. LFUCG's Consent Decree references recurring sanitary sewer overflows (SSOs) and the "capacity-limited portion" of the sewer system in the context of the requirements for the capacity in lieu of certification (i.e. banked credit system). The Credit Banking Unit adopted by other CAP benchmark communities includes: banking at SSO locations (Cincinnati, Ohio), at major catchments/sewersheds (Louisville, Kentucky), or a dynamic bank that is generally defined as everything upstream of the proposed tap connection location (Knoxville, Tennessee).

The Task Force approved the following recommendation for **Credit Banking Unit**:

Bank locations will be identified at SSO locations, wastewater treatment plants, major pump stations, and at capacity-limited trunk sewers.

The capital improvement projects outlined in LFUCG's Remedial Measures Plan (RMP) will be designed to restore adequate capacity in the sewer system. As adequate capacity is restored through completion of RMP improvements and other system rehabilitation activities, the credit banks will combine with one another. Maps illustrating the credit banks at the onset of CAP implementation within each of Lexington's major sewersheds are presented in Appendix L.

3.2. Credit Harvest Date

The Credit Harvest Date is the retroactive date that LFUCG can earn credits for completed sewer improvements. Sewer improvements completed after the Credit Harvest Date will earn credits that can be posted to the credit banks and used to offset proposed flow additions from development activity. LFUCG's Consent Decree states that "LFUCG may use a banking credit system for [projects] completed after the Effective Date" (Section VII, 16.B(iii)(i)). The Effective Date for LFUCG's Consent Decree is January 3, 2011. DWQ has been aggressively performing improvements to its wastewater system since the Consent Decree was Lodged in March 2008. The Credit Harvest Date for other CAP benchmark communities (Cincinnati, Ohio and Knoxville, Kentucky) is prior to the Effective Date of their respective Consent Decrees.

The Task Force approved the following recommendation for **Credit Harvest Date**:

Authorize staff to communicate with the EPA in order for LFUCG to receive credit for sanitary sewer improvements completed prior to the Effective Date of the Consent Decree.

It is anticipated that a letter will accompany the CAP Plan submission to the EPA on January 3, 2013. The letter will request a Credit Harvest Date that coincides with the baseline condition in the hydraulic models. For the Group 1 sewersheds (East Hickman, West Hickman, and Wolf Run), the baseline condition in the model is based on sewer system flows established on **August 19, 2008**. For the Group 2 sewersheds (Cane Run and Town Branch) and Group 3 sewersheds (North Elkhorn and South Elkhorn), the baseline condition in the hydraulic model is based on sewer system flows established on **June 1, 2009**.

3.3. Use of Record

Use of Record refers to the wastewater flow from a property based on its existing or previous land use. The Use of Record flow is reflected in the baseline condition of the hydraulic model that is used to establish existing sewer capacity.

The CAP requirements in the Consent Decree apply to increases in flow to the sanitary sewer system. Redevelopment of a previously developed property to a usage that will result in a net increase in the wastewater flow to the sewer system will require offsetting banked credits (assuming adequate capacity cannot be certified) in the amount of the net flow increase. In other words, only the net flow increase must be offset with banked credits. Redevelopment of a previously developed property to a usage that will result in a net decrease in the wastewater flow to the sewer system will not require offsetting banked credits, since an increase in flow to the sewer system does not occur.

In other CAP benchmark communities, residual Use of Record flows that result from redevelopment of a property to a less intensive land use remain with the property/parcel for future usage. Since residual Use of Record flows were earned by private investment, their loss may be subject to legal challenge as a property rights “taking.”

The Task Force approved the following recommendation for **Use of Record**:

Residual flow (credits) earned from redevelopment of a property to a less intensive land use will be retained with the property unless voluntarily released by the property owner. Credits earned from Use of Record would not be subject to expiration and may be used by the property owner on another property they own within the same credit bank.

3.4. Essential Services (EPA Allowed Exception)

LFUCG’s Consent Decree includes a provision for those facilities that are deemed essential to connect to the sewer system even if adequate capacity cannot be certified or there are not enough banked credits available to offset the proposed flow increase. A withdrawal from the credit bank must still be made from the credit bank. Essential Services facilities are defined in the Consent Decree as:

- Health care facilities;
- Public safety facilities;
- Public schools;
- Illicit connections (septic tank removals, etc.) that are approved by the Fayette County Health Department; and
- Other facilities as agreed upon in writing by the EPA and Kentucky EPPC.

The Task Force approved the following recommendation for **Essential Services (EPA Allowed Exception)**:

The exception provided in the Consent Decree for Essential Service facilities will be allowed.

The Task Force clarified that the allowance of the Essential Service exception does not constitute a guarantee that all Essential Service facilities will be granted the exception. It was further clarified that the recommendation simply provides the flexibility for LFUCG to provide the exception.

3.5. Third-Party Trading

Third-Party Trading refers to the ability of property owners to sell, trade, or donate all or part of their credit allocation to another non-LFUCG entity. There is no mention (either allowance or prohibition) in LFUCG's Consent Decree with respect to credit trading. Third-party trading is not permitted in any of three CAP communities (Cincinnati, Ohio; Louisville, Kentucky; Knoxville, Tennessee) used for benchmarking by the Task Force. Third-Party Trading requires additional administrative effort to manage/track transactions, and protocols would need to be established to guide notification, documentation, and dispute resolution of credit trades.

The Task Force approved the following recommendation for **Third-Party Trading**:

Third-Party Trading of publicly or privately earned CAP credits will not be allowed.

3.6. Developer-Earned Credit Program (DECP)

When there are not banked credits to offset a proposed flow increase, the applicant will be placed on a Waiting List until sufficient credit reserves become available. Under a Developer-Earned Credit Program (DECP), an applicant (developer) may elect to use private funds to rehabilitate LFUCG's sewer system to earn needed credits.

A DECP provides a mechanism for a developer to move forward with a proposed development when adequate sewer capacity cannot be certified and credits necessary to offset the proposed development are currently unavailable. Credits earned under a DECP are assigned to the participating developer upon completion of the rehabilitation work for their use to offset flow increases. Earned credits may only be used to offset proposed flow increases in the same credit bank as they were earned (i.e. where the sewer improvements/rehabilitation was performed).

The Task Force approved the following recommendation for **Developer-Earned Credit Program (DECP)**:

Include a provision in LFUCG's CAP for a voluntary DECP. The developer and LFUCG would enter into a contract. Credits earned under the DECP would not be subject to expiration. Who performs the work on the public sewer system necessary to earn credits would be negotiated, but in all cases LFUCG shall have stop work authority.

3.7. Credit Allocation Priority

Credit Allocation Priority refers to the rule(s) that will govern how credits are allocated and the Waiting List is managed. As LFUCG earns credits, they will be posted to the credit bank in which they were earned, and made available to candidates on the Waiting List and new applicants. A "first-in, first-out" approach is a generally accepted method for allocating

resources when demand is perceived to exceed supply. A “first-in, first-out” approach for allocating sewer credits could result in delays for small credit requests that are made subordinate to large credit requests for which there are insufficient banked credits available.

The Task Force approved the following recommendation for **Credit Allocation Priority**:

A credit amount of 2,500 gallons per day (gpd) will be reserved in each credit bank for minor sewer connections unless waived by the Commissioner of Planning, Preservation and Development. If a waiver is approved by the Commissioner, it shall be provided with a written rationale for the waiver. When credit bank balances exceed the reserve amount, credit allocations will be made on a “first-in, first-out” basis. Facilities that are allowed the Essential Service exception will be unaffected.

3.8. Expiration Period

Capacity credits may either be *reserved* or *allocated* to a property. A *reservation* is the temporary assignment of sewer capacity/credit to a property until an *allocation* is made or the temporary assignment expires. The Expiration Period refers to the period of time that a credit allocation is valid. An Expiration Period for credit allocations provides a mechanism to return unused credits to LFUCG in cases where (after allocation is made): there is a change in the planned development’s capacity needs, there is a cancellation of the planned development, or a change in development priorities. Too short of an Expiration Period may be impractical and limit the ability of the developer to secure financing from lending institutions. Too long of an Expiration Period may unnecessarily deplete credit bank balances in the short-term and promote stockpiling behavior.

The Task Force approved the following recommendation for **Expiration Period**:

There will not be an Expiration Period for permanent credit allocations.

3.9. CAP Entry Point

The CAP Entry Point refers to the point within the land development process when a developer may reserve sewer capacity/credits. To meet the requirements in LFUCG’s Consent Decree, a CAP Entry Point no later than tap permit issuance is necessary. Setting the CAP Entry Point coincident with tap permit issuance presents a financial risk to the development community, since there would be no guarantee of sewer capacity until late in the land development process, and may effectively result in a self-inflicted moratorium on new development. Allowing an entity to reserve capacity too early in the process (such as at the early planning or zoning stage) may result in the potential for unfair business practices (stockpiling), unnecessary allocations to non-viable business plans, or overly conservative capacity/credit requests. Each of the three CAP benchmark communities (Cincinnati, Ohio; Louisville, Kentucky; and Knoxville, Tennessee) includes provisions to allow major developments to reserve credits well in advance of tap permit issuance.

The Task Force approved the following recommendation for the **CAP Entry Point**:

Permanent Allocation of capacity/credits may be requested upon approval of a Preliminary Subdivision Plan, Final Development Plan, or Amended Final Development Plan. For developments that do not require the aforementioned plans, Permanent Allocation of capacity/credits is required prior to issuance of the building permit. In any case, a tap permit shall not be issued without certification of adequate capacity or proof of credit allocation.

3.10. Grandfathering

The Consent Decree requires LFUCG to maintain a list of future authorized connections. The Authorized Connections List (ACL) represents those planned new connections to the sanitary sewer system that are currently in the land development planning/permitting process, but that have not yet physically connected to the sewer system. Grandfathering refers to those planned developments that are included on the ACL. Grandfathering is not a “free pass”, but rather a commitment of sewer capacity by LFUCG that was made prior to the onset of the CAP. LFUCG’s Consent Decree does not identify if grandfathered developments will require a subtraction from the credit bank or if negative credit bank balances will be permitted if there are insufficient offsetting credits available.

The Task Force approved the following recommendation for **Grandfathering**:

Planned or ongoing developments would be permitted to request sewer capacity/credits upon approval of an enabling Resolution by the Council.

Permanent Allocation or Reservation of sewer capacity/credits would be made based on the date of submission/approval of a Preliminary Subdivision Plan (PSP), Final Development Plan (FDP), Amended FDP, or tap permit. Specifically, the following criteria would be applied:

- *Case #1. If a development has a PSP, FDP, or Amended FDP that was submitted to the Planning Commission for approval prior to the Resolution Date (date of the Resolution enabling ongoing developments to request sewer capacity/credits), then Permanent Allocation of sewer capacity/credits would be made (subject to approval of the PSP, FDP, or Amended FDP). The Permanent Allocation would not expire and the Administrative Fee and Capacity Charge would not be assessed. The PSP, FDP, or Amended FDP must be approved by the Planning Commission by July 3, 2013 or the development must re-apply for sewer capacity in accordance with the CAP implementing ordinance(s).*

- Case #2. *If a PSP, FDP, or Amended FDP is submitted and approved after the Resolution Date and before July 3, 2013, then:*
 - *Permanent Allocation would be made for residential developments, but a maximum annual threshold on tap connections would be established/enforced. A Capacity Charge would be required for any tap connections occurring after July 3, 2014.*
 - *A Reservation would be made for non-residential developments that would be valid until July 3, 2014. All or part of the Reservation must be utilized by paying all tap-on fees by July 3, 2014. No Reservation Deposit or Capacity Charge would be required for tap connections occurring prior to July 3, 2014. Any unused reservations will expire on July 3, 2014 and applicant must re-apply for sewer capacity in accordance with the CAP implementing ordinance(s).*
- Case #3. *Permanent Allocations for a PSP, FDP, or Amended FDP approved after July 3, 2013 will be made in accordance with the CAP implementing ordinance(s) and CAP fees (i.e. Administrative Fee, Reservation Deposit, and Capacity Charge) would be applicable.*

All developable property within Expansion Area 2 (EA2) will be grandfathered (Permanent Allocation), regardless if an approved PSP, FPD, or Amended FDP is on file. Property owners within EA2 must still submit a Capacity Request for sewer capacity/credit allocations, but no Administrative Fee or Capacity Charge would be assessed.

Developments with an approved PSP, FPD, or Amended FDP (Qualifying Plan) that has not expired will not be required to submit a request for grandfathered credit allocations. DWQ will initiate the allocation to the applicable parcels from information provided by the Division of Planning. If a Qualifying Plan has expired but is renewed prior to July 3, 2013, then grandfathering will be granted in accordance with the provisions in Case #2 of the recommendation. Qualifying Plans that are renewed prior to July 3, 2013 will not be required to submit a request for grandfathered credit allocations. DWQ will similarly initiate the allocation to the applicable parcels from information provided by the Division of Planning.

3.11. Essential Services (Define/Establish Criteria)

Essential Service facilities are defined in the Consent Decree as:

- Health care facilities;
- Public safety facilities;
- Public schools;
- Illicit connections (septic tank removals, etc.) that are approved by the Fayette County Health Department; and
- Other facilities as agreed upon in writing by the EPA and Kentucky EPPC.

LFUCG's Consent Decree includes provisions for those facilities that are deemed essential to connect to the sewer system even if adequate capacity cannot be certified or there are not

enough banked credits available to offset the proposed flow increase. A withdrawal from the credit bank must still be made from the credit bank.

The Consent Decree does not provide guidance/criteria to further define what types of developments would qualify as a health care facility or public school under the Essential Services exception.

The Task Force approved the following recommendation for **Essential Services (Define/Establish Criteria)**:

Public schools must be a registered non-profit in tax code 501(c)(3) or as defined by the State. Health care facilities must be licensed by the Kentucky Cabinet for Health and Family Services and meet the definition in KRS 216B.015, or be a building or facility that is contiguous to or connected to a licensed hospital and which serves as a medical office building, site for delivery of outpatient health services or is otherwise integral to hospital operations or which building or facility is required to have a Certificate of Need under KRS 216B.010, et. seq.

3.12. Administrative Fee

The CAP represents a new program for LFUCG and management and implementation of the program will require financial and staff resources. An Administrative Fee has been used in other CAP communities to defray program costs. The Administrative Fee is charged directly to those who use the service (i.e. development community) and does not alter customers' monthly sewer bill.

The Task Force approved the following recommendation for **Administrative Fee**:

An Administrative Fee will be assessed for sewer capacity request reviews. Payment of the fee will be required before LFUCG will perform the review.

3.13. Reservation Deposit and Capacity Charge

A Reservation Deposit has been used in other CAP communities as a means to minimize non-viable or speculative sewer capacity/credit requests, thereby improving sewer capacity/credit availability for legitimate development opportunities. The deposit is required in order for an applicant to reserve capacity/credits and is usually applied towards the Capacity Charge (or may be refunded if there is no Capacity Charge) at the time a Permanent Allocation of sewer capacity/credits is made.

A Capacity Charge has been assessed in other CAP communities for Permanent Allocations of sewer capacity/credits. Reasons cited in other CAP communities for the Capacity Charge is to defray the future cost of providing Master Plan sewerage facilities and the additional costs associated with complying with Consent Decree requirements. Capacity Charges are typically non-refundable and the amount of the charge is proportional to the size of the sewer capacity request.

The Task Force approved the following recommendation for **Reservation Deposit and Capacity Charge**:

A Reservation Deposit will be assessed for sewer capacity/credit requests. The Reservation shall be valid for one year, with a provision for a one year renewal. (After two years, reapplication would be necessary.) Payment of the Reservation Deposit will be required prior to issuance of the Reservation. The Reservation Deposit will be credited towards the Capacity Charge. The Reservation Deposit will be non-refundable if the proposed development does not advance to Permanent Allocation.

A Capacity Charge will be assessed for permanent capacity/credit allocations. Payment of the Capacity Charge will be required prior to allocation of capacity/credits.

3.14. Implementation Schedule

Under the obligations in LFUCG's Consent Decree, no later than thirty (30) days after EPA approval of the CAP Plan, LFUCG shall commence implementation of the CAP, subject to the schedules set forth in the approved CAP Plan. A schedule for full implementation of the CAP must be included in the CAP Plan. The deadline for submission of the CAP Plan to avoid stipulated penalties is January 3, 2013. A deadline for EPA's review of the submitted CAP Plan and response to LFUCG is not defined.

The Task Force approved the following recommendation for **Implementation Schedule**:

Fully implement the CAP within 180 days after EPA approval of the CAP Plan.

The Task Force also concurred with DWQ's recommendation that an internal deadline for full CAP implementation be July 3, 2013. This firm date will not be provided to the EPA.

3.15. Review Time

Review Time is defined as the elapsed period of time from submission of a Capacity Request to LFUCG and when a determination is made and the applicant is notified. Review Times for Capacity Requests in the three CAP benchmark communities were reviewed. Both Cincinnati, Ohio and Louisville, Kentucky have not formally established a Review Time maximum or target. A target of 10 days to review Capacity Requests has been instituted in Knoxville, Tennessee.

The Task Force approved the following recommendation for **Review Time**:

Set a goal of ten (10) calendar days from the date that a completed sewer capacity request is received for a determination letter to be sent to the applicant. Actual average review times will be calculated on a quarterly basis.

3.16. Appeals Process

An appeal represents an opportunity for an applicant to dispute a capacity/credit determination and request reconsideration.

The Task Force approved the following recommendation for **Appeals Process**:

Applicants wishing to appeal a sewer capacity/credit determination must submit a written appeal (letter) to the Commissioner of Environmental Quality and Public Works. If an appeal is based on technical data, the data must be submitted with the appeal. An appeal decision shall be rendered within thirty (30) calendar days of receipt of the appeal request letter and any supporting technical data (if applicable).

3.17. Conditional Approval

There may be occasions to attract a business/industry that would present a meaningful economic development opportunity to Lexington. If sewer capacity availability is not known up-front, it may reduce Lexington's ability to market/capitalize on these opportunities. Commerce Lexington and other entities engaged in attracting these opportunities could be at a disadvantage if assurances regarding sewer capacity cannot be given.

A Conditional Approval is a commitment by LFUCG that sewer capacity will be available to a proposed development by the time the tap connection is made. When a Conditional Approval is granted, the development is provided a Permanent Allocation and LFUCG performs the necessary improvements needed to restore adequate capacity or earn sufficient credits to offset the proposed flow increase. Granting a Conditional Approval may require unscheduled action by LFUCG to make sewer improvements and the work must be completed to meet the development's schedule. Under the terms of the Consent Decree, developments would not be permitted to connect to the sewer if LFUCG had not completed the sewer improvements needed to offset the proposed flow increase associated with the Conditional Approval.

The Task Force approved the following recommendation for **Conditional Approval**:

Include a provision for a Conditional Approval. Conditional Approvals will require approval of both the Commissioner of Finance and Commissioner of Planning. LFUCG will set aside dedicated funds to support Conditional Approvals and they will not result in re-prioritization or delay of other planned neighborhood sewer improvements or Remedial Measures Plan (RMP) capital projects. The Commissioners will report to the Environmental Quality Committee any Conditional Approvals within 30 days.

3.18. Public Access

Public Access refers to the degree that the public will have ready access to CAP data. There is no public outreach requirement for the CAP in the Consent Decree. Information relative to the CAP is subject to the provisions in the Kentucky Open Records Act.

The Task Force approved the following recommendation for **Public Access**:

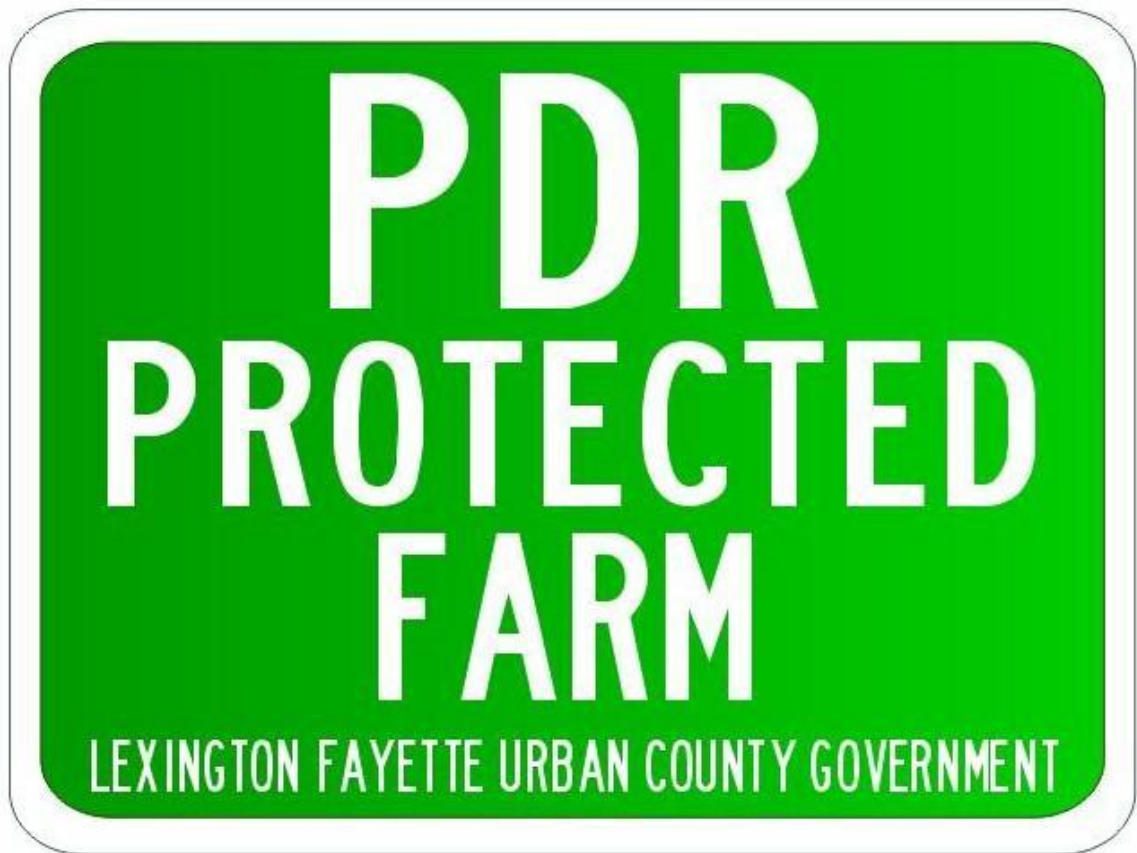
Maps illustrating credit bank boundaries, as well as bank balances, transaction histories, and Waiting List information, will be publicly available on LFUCG's website. The maps will be updated after bank consolidations. Quarterly Reports submitted to the EPA will be publicly available on LFUCG's website.

3.19. Program Auditing

Program Auditing refers to the examination of records and financial accounts associated with the CAP that shall be performed to check their accuracy. Program Auditing requirements in the three CAP benchmark communities were reviewed. Both Cincinnati, Ohio and Louisville, Kentucky do not have a formal audit process for their CAPs. An internal Program Audit is performed every two years on the CAP in Knoxville, Tennessee.

The Task Force approved the following recommendation for **Program Auditing**:

Collected fees and program expenses associated with DWQ's Sanitary Sewer Program are to include an initial, independent audit after two (2) years from CAP implementation and followed by an independent audit every second year thereafter. Quarterly Reports submitted to the EPA (and publicly available on LFUCG's website) document credit ledger transactions and are subsequently subject to regulatory reviews and public scrutiny.



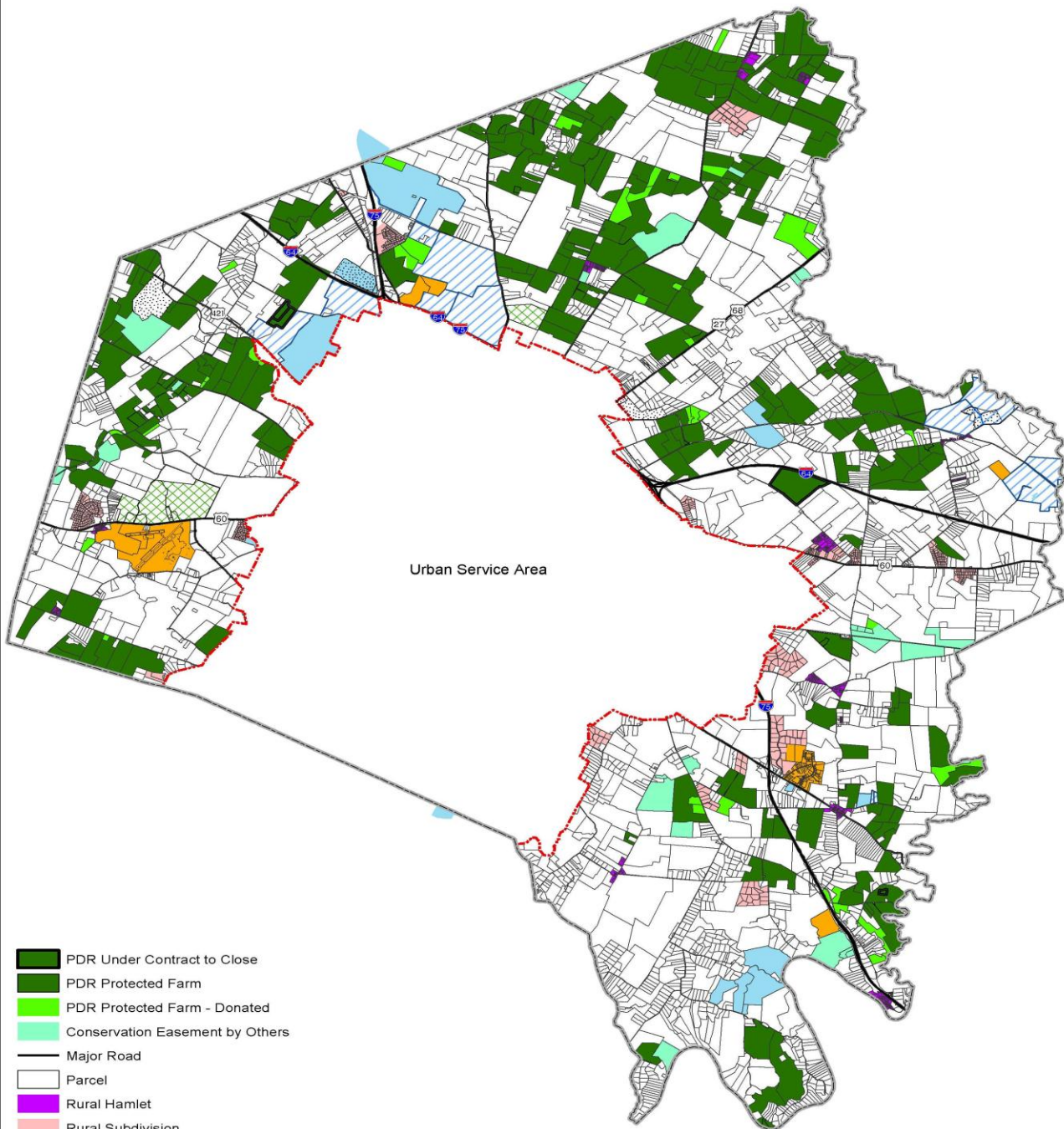
2012
Purchase of Development Rights
Annual Report

PDR Protected Farms, Accepted Offers, Other Protected Farms, and Other Public Lands

26,725 acres of preserved farmland now protected by PDR

50,000 acres of farmland is the goal of PDR.

Lexington-Fayette County, Kentucky



Urban Service Area

- PDR Under Contract to Close
- PDR Protected Farm
- PDR Protected Farm - Donated
- Conservation Easement by Others
- Major Road
- Parcel
- Rural Hamlet
- Rural Subdivision
- Industrial / Airport
- Park
- Public Land
- Keeneland/ Fasig-Tipton Property
- Golf Course
- Urban Service Area Boundary
- County Boundary

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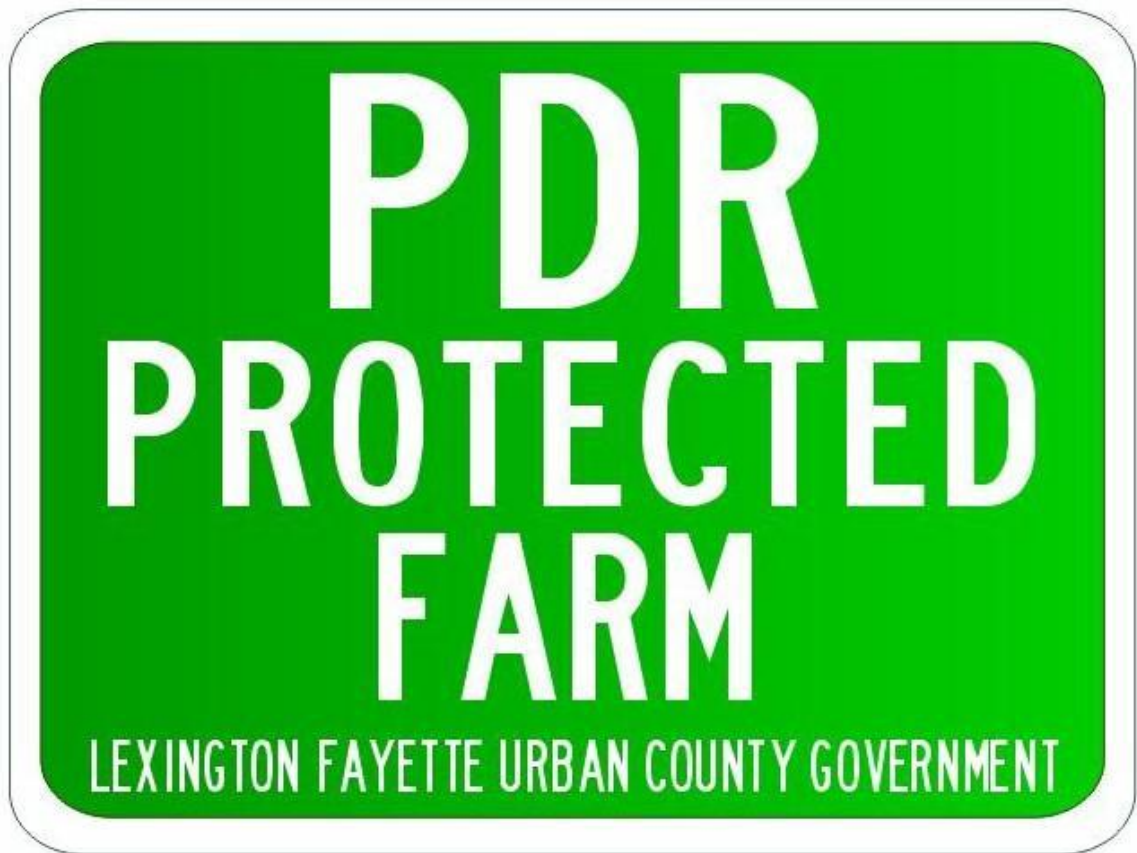
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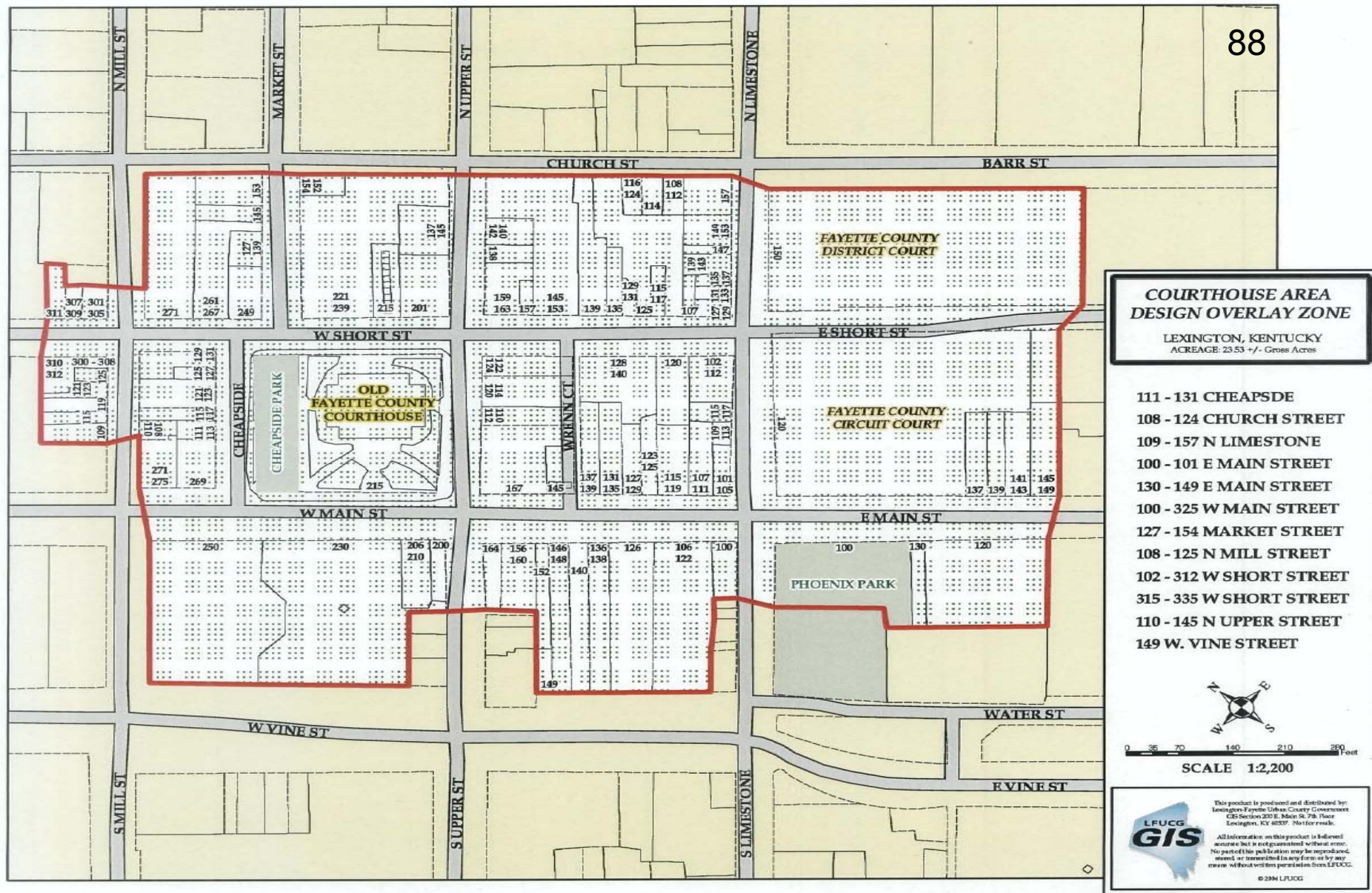


Revision Date: 11-05-2012

	2012 PDR Annual Report
	Implementation to date
	<i>Percentage of Goal of 50,000 acres</i>
	53.50%
	<i>Total acres</i>
	26,725.7237
	<i>Total farms</i>
	236
	<i>Equine farms</i>
	129
	<i>General Agriculture farms</i>
	94
	<i>Other types of farms</i>
	13
	<i>Donated Conservation Easements</i>
	39
	Round 10
Parcel acreage	Parcel location:
	<i>Purchased conservation easements</i>
361.9900	3933 Spurr Road
201.3433	6284 Russell Cave Road
68.4800	4746 Huffman Mill Pike
44.760	3175 Russell Cave Road
315.980	3079 Royster Road
103.389	3750 & 3880 Spurr Road
	<i>Withdrawn application</i>
333.013	640 North Yarnallton Pike and 4050 and 4252 Spurr Road - offer too low
	Round 11 - current round - to date
Parcel acreage	Parcel location
	<i>Donated Conservation Easement</i>
26.950	1185 Iron Works Pike
	<i>Purchased conservation easements</i>
255.9830	Offer made (not included in total acres)
	Round 12 - FY14
	42 applications / 3,747.353 acres



Questions?



2012 Courthouse Area Design Overlay Review Board Annual Report

2012 CADRB Annual Report

- **Established by Ordinance in August 2001**
- **90 parcels in the Design Overlay Zone**
- **23.53 +/- gross acres**
- **Meetings are scheduled quarterly or on an as needed basis.**
- **2 p.m. Council Chamber**
- **2013 adopted meeting schedule:**
 - **February 20**
 - **May 15**
 - **August 21**
 - **November 6**

- **Michael Meuser – Chair-Preservation related professional**
- **Michael Speaks - Design professional**
- **Darren Teodoro - Property owner or business owner within the Design Overlay Zone**
- **Harry Richart-Vice-Chair - Banking community representative**
- **Kevin Atkins-LFUCG employee**
- **Billy Van Pelt-Non-voting, Design Review Officer**
- **Tracy Jones-Department of Law**

2012 CDRB Annual Report

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- **Approvals in 2012-**
 - **Board - 10**
 - **Design Review Officer - 2**
 - **Preliminary Board Reviews in 2012 - 1**
- **Approvals over the last 11 years-**
 - **Board - 55**
 - **Design Review Officer - 30**

2012 CADRB Annual Report

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- **2012 approvals**

- **141 East Main St.**
- **101 West Main St.**
- **307 West Short St.**
- **CentrePointe**
- **249 West Short St.**
- **163 West Short St., Suite 100**
- **110-112 North Upper St.**
- **21c**
- **131-133 North Limestone**
- **120 East Main Street**
- **121-123 Cheapside (Rear-North Mill St. façade)**

141 East Main Street

93



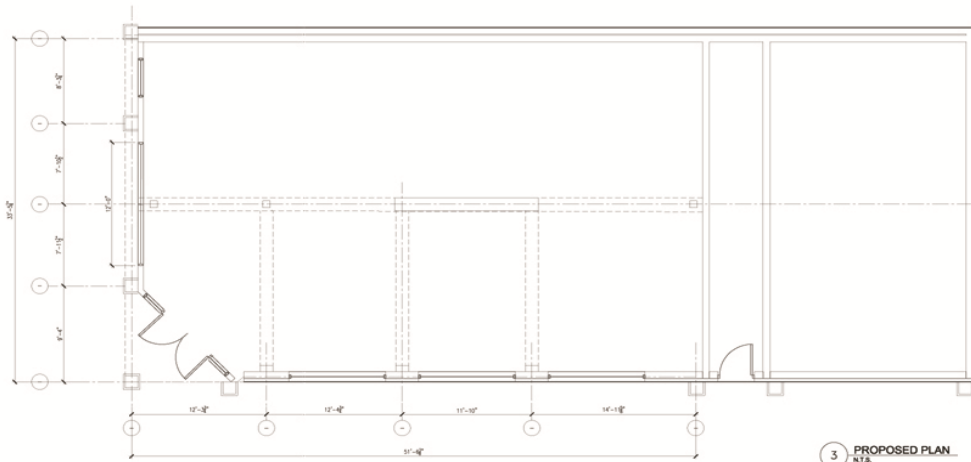
101 West Main Street—corner of Main & Limestone⁹⁴



1 PROPOSED W. MAIN ST. ELEVATION
N.T.S.



2 PROPOSED LIMESTONE ST. ELEVATION
N.T.S.



3 PROPOSED PLAN
N.T.S.

JOB NAME	101 W. MAIN ST.
SHEET TITLE	PROPOSED EXTERIOR CHANGES
ARCHITECT	n+g ARCHITECTS 109 Third Creek Road, Suite 200 Highland, VT 05032 PHONE: 802.233.1000 WWW.NGARCHITECTS.COM © 2012 NG ARCHITECTS
JOB NO.	1133
DATE	06-18-12
PRODUCED BY	JC
NOTES	
SHEET NUMBER	A1.2

CentrePointe



249 West Short Street

96



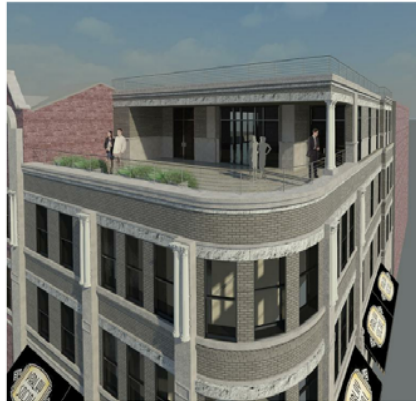
② View From Short Street
1/2" = 1'-0"



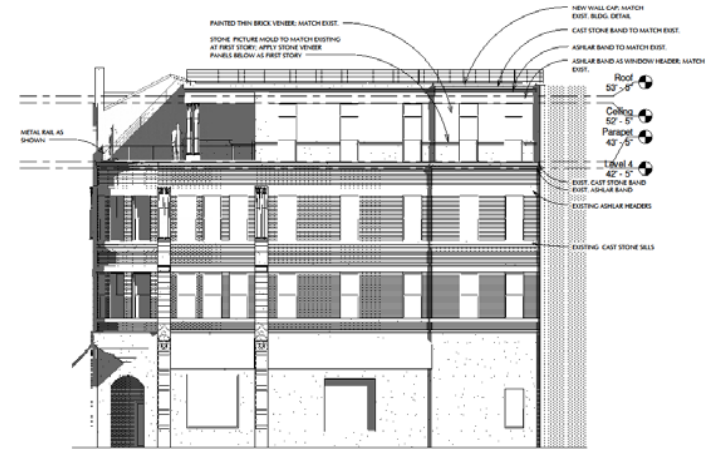
③ Front Door View
1/2" = 1'-0"



④ Lower Corner
1/2" = 1'-0"



⑤ Upper Corner
1/2" = 1'-0"



① Market Street Elevation
1/8" = 1'-0"



② Short Street Elevation
1/8" = 1'-0"

ALBERT + BURNWORTH
ARCHITECTURE
118 Constitution Street, Lexington, KY 40502-0044

Conceptual Elevations
Bob's Bar - 4th Floor
Enter address here

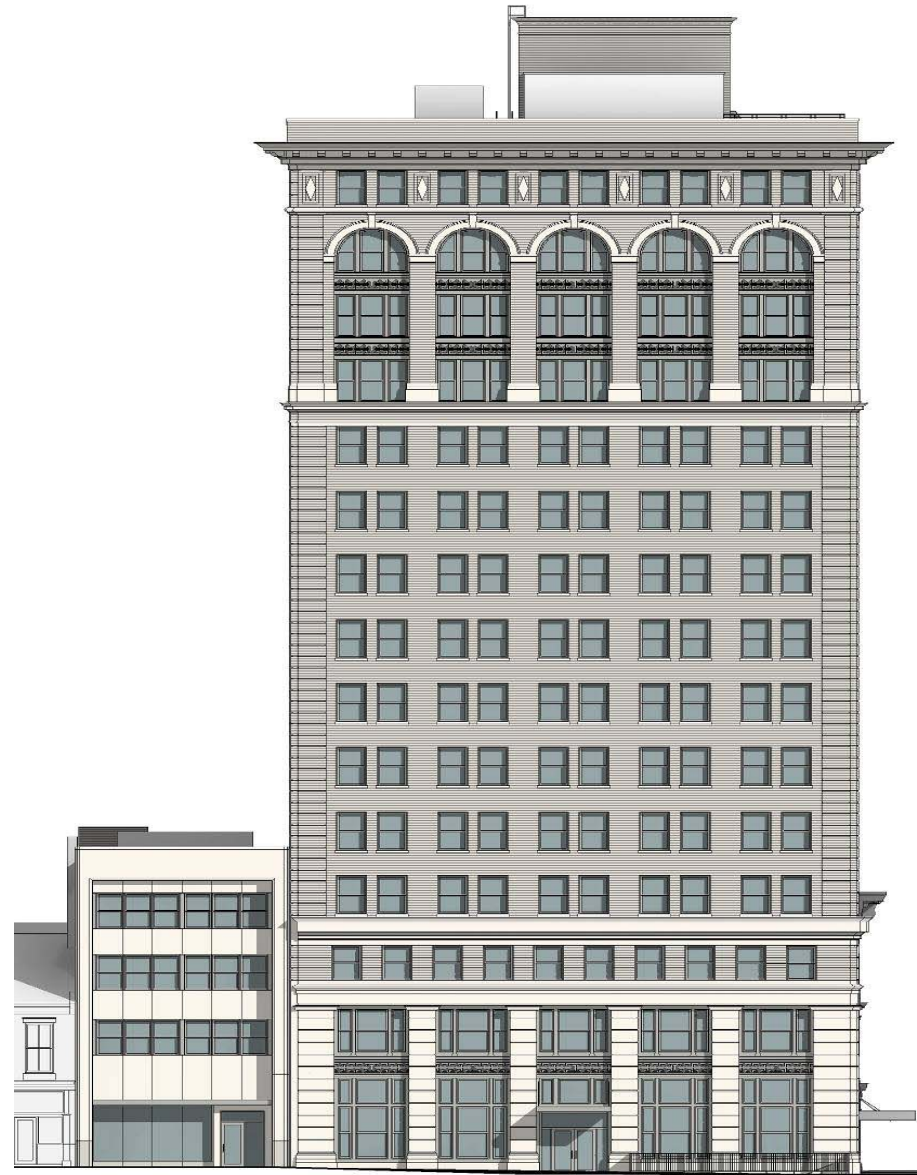
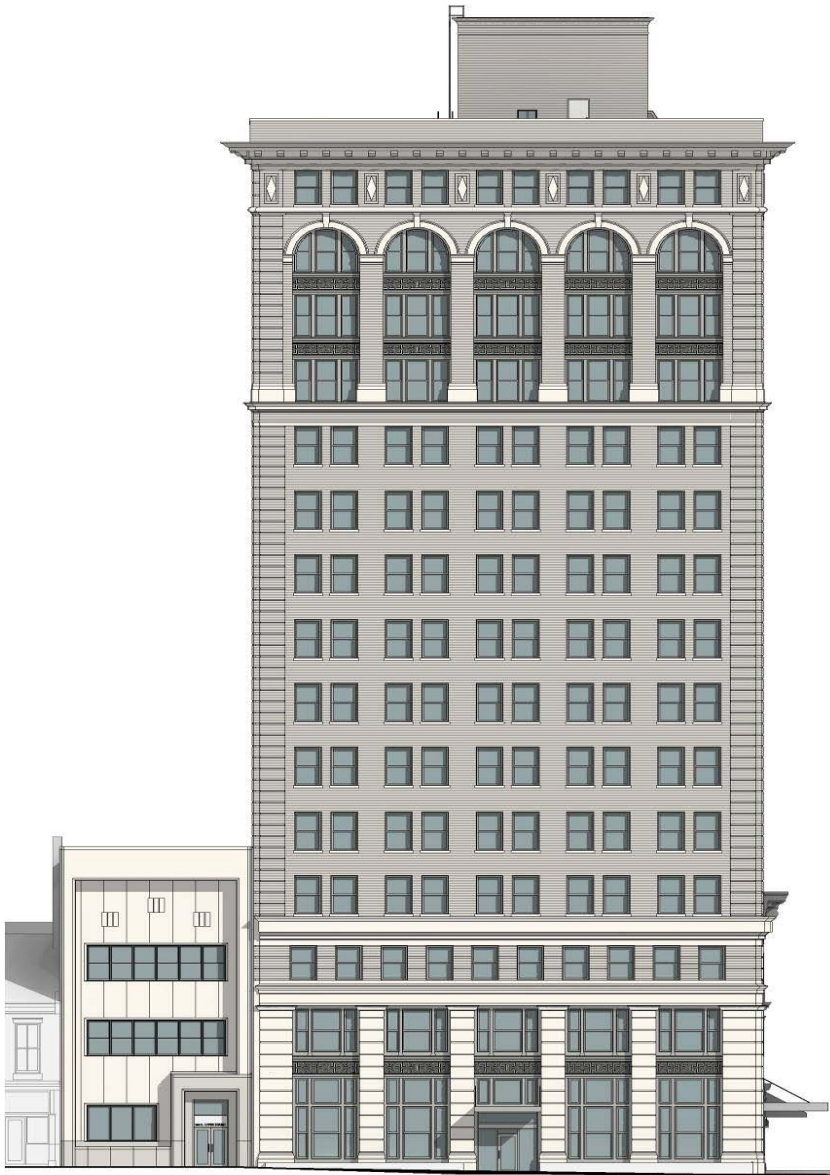
A102

21c – Main Street - before and after

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21c – North Upper Street - before and after⁹⁸



Statement of Goals & Objectives

- Design Excellence Task Force**

- Design Review Officer and Chair of the CADRB have served on the Task Force since its inception.**

Financial records pertaining to the CADRB's operation

- None**

QUESTIONS?