

Lexington-Fayette Urban County Government

*200 E. Main St
Lexington, KY 40507*



Tuesday, April 30, 2013

3:00 PM

Packet

Council Chamber

Urban County Council Work Session

**URBAN COUNTY COUNCIL
SCHEDULE OF MEETINGS
April 29 – May 6, 2013**

Monday, April 29

No Meetings

Tuesday, April 30

Public Safety Link.....9:00 am
Conference Room – 5th Floor Government Center

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

FY 2014 Budget Committee of the Whole.....1:00 pm
Council Chamber – 2nd Floor Government Center

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

Wednesday, May 1

Finance and Social Services Links.....9:00 am
Conference Room – 5th Floor Government Center

Thursday, May 2

Public Works and Environmental Quality Link.....9:00 am
Conference Room – 5th Floor Government Center

Public Safety Link.....2:00 pm
Conference Room – 5th Floor Government Center

Food Truck Work Group.....3:30 pm
Conference Room – 3rd Floor Phoenix Building

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

Friday, May 3

Senior Services Commission.....8:30 am
Bluegrass Area Development District

Bicycle Pedestrian Advisory Committee (BPAC).....12:00 pm
Conference Room – 7th Floor Phoenix Building

Monday, May 6

Finance and Social Services Links.....9:00 am
Conference Room – 5th Floor Government Center

General Services and Planning Link.....1:30 pm
Conference Room – 5th Floor Government Center

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

URBAN COUNTY COUNCIL

WORK SESSION SUMMARY

TABLE OF MOTIONS

April 23rd, 2013

Mayor Jim Gray called the meeting to order at 3:00pm. All Council Members were present.

I. Public Comment – Issues on Agenda – No

II. Requested Rezoning / Docket Approval – Yes

Motion by Henson to place on the docket for the Thursday, April 25th, 2013 Council meeting an Ordinance changing the zone from a Professional Office (P-1) zone to a Planned Neighborhood Residential (R-3) zone for 4.09 net gross acres, for property located at 1060 Cross Keys Road. Seconded by Stinnett. Motion passed without dissent.

Motion by Gorton to place on the docket for the Thursday, April 25th, 2013 Council meeting a resolution adopting the Council's April 23rd, 2013 Fund Balance Worksheet as the planned basis for expenditure of these funds by the Urban County Government. Seconded by Ellinger. Motion passed without dissent.

Motion by Akers to place on the docket for Thursday, April 25th, 2013, a resolution initiating a Text Amendment to the Zoning Ordinance to amend Section 8-21 (c) and Section 8-22 (c) to allow Mobile Food Units as accessory uses in the Wholesale and Warehouse Business (B-4), Light Industrial (I-1) Zone, Heavy Industrial (I-2) Zone, Office, Industry and Research Park (P-2) Zone, and Economic Development (ED) Zone expansion areas. Seconded by Lawless. Motion passed without dissent.

Motion by Beard to place on the docket for the April 25, 2013 Council meeting a resolution authorizing and directing the Division of Traffic Engineering, pursuant to Code of Ordinances Section 18-86, to install multi-way stop controls at McDonald Avenue and Hiltonia Park. Seconded by Gorton. Motion passed without dissent.

Motion by Stinnett to approve the amended docket. Seconded by Myers. Motion passed without dissent.

III. Approval of Summary – Yes

Motion by Beard to approve the summary. Seconded by Myers. Motion passed without dissent.

IV. Budget Amendments – Yes

Motion by Stinnett to approve the budget amendments. Seconded by Beard.

Motion by Gorton to amend the list of budget amendments on page 7 of the Work Session packet to include a budget amendment for the public safety radio project as approved at today's Committee of the Whole meeting in the amount of \$1,600,000. Seconded by Scutchfield. Amendment passed without dissent.

Motion passed without dissent.

V. New Business – Yes

Motion by Stinnett to approve the new business items. Seconded by Clarke. Motion passed without dissent.

VI. Continuing Business – Yes

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

Motion by Kay to place on the docket for the April 25, 2013 Council meeting, a resolution amending Section 2.201 of the Council Rules and Procedures. Seconded by Ellinger. Motion passed without dissent.

VII. Council Reports – Yes

Motion by Stinnett to refer to the Planning and Public Works Committee to Performance Bonds versus Letters of Credit. Seconded by Kay. Motion passed without dissent.

VIII. Mayor's Report – No

IX. Public Comment – Issues Not on Agenda – No

X. Adjournment – Yes

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

**Lexington-Fayette Urban County Government
Work Session Packet
April 30, 2013**

- I. Public Comment - Issues on Agenda**
- II. Requested Rezonings/ Docket Approval – Yes**
- III. Approval of Summary – Yes p. 1 - 2**
- IV. Budget Amendments – Yes p. 7**
- V. New Business – Yes p. 8 - 35**
- VI. Continuing Business/ Presentations**
 - a** Neighborhood Development Funds, April 30, 2013 p. 36 - 37
 - b** Planning and Public Works Committee Summary April 2013 p. 38 - 43
 - c** Presentation: Lextran Fiscal Year 2013-2014 Budget,
By: Rocky Burke, Lextran General Manager p. 44 - 55
- VII. Council Reports**
- VIII. Mayor's Report – Yes**
- IX. Public Comment - Issues Not on Agenda**
- X. Adjournment**

Administrative Synopsis - New Business Items

- a 0363-13** Authorization to accept a donation from WLEX-TV and Downtown Lexington Corporation, to be split between the Division of Police and the Division of Fire as the designated beneficiaries of the Urban Mountain Challenge that was held on January 26, 2013. (L0363-13) (Bastin/Mason)
This is a request to accept a donation in the amount of \$1,740 from WLEX-TV and Downtown Lexington Corporation, to be split between the Division of Police and the Division of Fire as the designated beneficiaries of the Urban Mountain Challenge that was held on January 26, 2013. p. 8
- b 0382-13** Authorization to execute amendment to agreement with the Kentucky Transportation Cabinet for the Lexington Traffic Movement and Revitalization Study for extension of the performance period. (L0382-13) (Gooding/Paulsen)
This is a request to execute amendment to agreement with the Kentucky Transportation Cabinet for the Lexington Traffic Movement and Revitalization Study for extension of the performance period through June 30, 2014. There is no budgetary impact. p. 9
- c 0385-13** Authorization to accept the deed of easement from Southland Christian Church of Lexington for a sanitary sewer. (L0385-13) (Martin/Moloney)
This is a request to accept the deed of easement from Southland Christian Church of Lexington for a sanitary sewer. There is no budgetary impact. p. 10 - 16
- d 0388-13** Authorization to accept a donation from Sayre School of 12 jumps and standards and 24 schooling standards for the Equestrian Program at Masterson Station Park. (L0388-13) (Hancock/Reed)
This is a request to accept a donation from Sayre School of 12 jumps and standards and 24 schooling standards valued at \$4,000 for the Equestrian Program at Masterson Station Park. There is no budgetary impact. p. 17
- e 0389-13** Authorization to execute agreement with the Governor's Office of Electronic Health Information to allow the Division of Community Corrections to participate in a HIPPA compliant way to share/access information with other medical facilities regarding an offender's access to healthcare. (L0389-13) (Ballard/Mason)
This is a request to execute agreement with the Governor's Office of Electronic Health Information to allow the Division of Community Corrections to participate in a HIPPA compliant way to share/access information with other medical facilities regarding an offender's access to healthcare. There is no budgetary impact. p. 18

- f 0390-13** Authorization to submit application to the U.S. Department of Justice requesting federal funds under the 2013 State Criminal Alien Assistance Program. (L0390-13) (Gooding/Mason)
This is a request to submit application to the U.S. Department of Justice requesting federal funds under the 2013 State Criminal Alien Assistance Program. Funds received for 2012 was \$65,503. p. 19
- g 0391-13** Authorization to award funds under the Neighborhood and Community Sustainability Grant Program and execute agreements with each of the twenty (20) neighborhoods receiving funds. (L0391-13) (Bush/Moloney)
This is a request to award funds in the amount of \$45,308 under the Neighborhood and Community Sustainability Grant Program and execute agreements with each of the twenty (20) neighborhoods receiving funds. A 100% match is required and may come from donations, materials, services, documented use of vehicles or machinery, tipping fees, and volunteer hours. Funds are budgeted. p. 20 - 21
- h 0392-13** Authorization to execute agreement awarding a Class B (Infrastructure) Stormwater Quality Projects Incentive Grant to Embrace Church, Inc. (L0392-13) (Martin/Moloney)
This is a request to execute agreement awarding a Class B (Infrastructure) Stormwater Quality Projects Incentive Grant to Embrace Church, Inc., for a total cost not to exceed \$215,745. Funds are budgeted. p. 22
- i 0394-13** Authorization to approve qPUBLIC LLC as a sole source vendor for Integrated Damage Assessment Model software and to authorize execution of software licensing agreement under the Emergency Management Agency grant. (L0394-13) (Gooding/Mason)
This is a request to approve qPUBLIC LLC as a sole source vendor for Integrated Damage Assessment Model software and to authorize execution of software licensing agreement under the Emergency Management Agency grant for FY 2013 and subsequent years. The annual cost is \$3,000. Funds are budgeted. p. 23
- j 0402-13** Authorization to execute an agreement with Brighton Woods Association, Inc., awarding a Class A (Neighborhood) Stormwater Quality Projects Incentive Grant. (L0402-13) (Martin/Moloney)
This is a request to execute an agreement with Brighton Woods Association, Inc., awarding a Class A (Neighborhood) Stormwater Quality Projects Incentive Grant for a total cost not to exceed \$63,828. Funds are budgeted. p. 24

- k 0403-13** Authorization to accept deeds of easement from the owners of record for the Rose Street Bike Lane project. (L0403-13) (Bayert/Paulsen)
This is a request to accept deeds of easement from the owners of record for the Rose Street Bike Lane project. There is no budgetary impact. p. 25
- l 0413-13** Authorization to submit application, and accept award if offered, to the Kentucky Department of Juvenile Justice to provide Day Treatment Services in the Division of Youth Services for FY 2014. (L0413-13) (Gooding/Mills)
This is a request to submit application, and accept award if offered, to the Kentucky Department of Juvenile Justice for an amount of \$217,660 to provide Day Treatment Services in the Division of Youth Services for FY 2014. Budget amendment in process. p. 26
- m 0417-13** Authorization to execute two (2) Releases of Easements releasing portions of a sanitary sewer easement and a portion of a drainage easement on property located at 2349 Richmond Road. (L0417-13) (Graham)
This is a request to execute two (2) Releases of Easements releasing portions of a sanitary sewer easement and a portion of a drainage easement on property located at 2349 Richmond Road. There is no budgetary impact. p. 27 - 33
- n 0429-13** Authorization to initiate a purchase order with L-M Asphalt, doing business as ATS Construction, pursuant to the 2013A GO Resurfacing Bond. (L0429-13) (Moloney)
This is a request to initiate a purchase order with L-M Asphalt, doing business as ATS Construction, in the amount \$12,400,000 pursuant to the 2013A GO Resurfacing Bond. p. 34 - 35

BUDGET AMENDMENT REQUEST LIST

JOURNAL	68594-95	DIVISION	Office Of The Mayor	Fund Name	General Fund
				Fund Impact	928.60
					928.60CR
					.00

To provide operating expenses by recognizing revenue from Source Media for reimbursement of Scott Shapiro's travel expenses to Providence, RI.

JOURNAL	68739	DIVISION	Grants and Special Projects	Fund Name	General Fund
				Fund Impact	250,000.00
					250,000.00

To provide funds for HOME grant match based on Council vote at the April 23, 2013 Work Session.

JOURNAL	68640-41	DIVISION	Special Programs	Fund Name	Donation Fund
				Fund Impact	2,100.00
					2,100.00CR
					.00

To provide budget for cash awards for the National Arts Program program by recognizing revenue for that purpose.

JOURNAL	68642-43	DIVISION	Parks and Recreation	Fund Name	Donation Fund
				Fund Impact	15,000.00
					15,000.00CR
					.00

To recognize a donation from Cricket Communications, Inc. for improvements to Valley Park Tennis Courts and for marketing purposes.

JOURNAL	68645-46	DIVISION	Engineering	Fund Name	Municipal Aid Program
				Fund Impact	1,139,849.56
					1,139,849.56CR
					.00

To provide funds for 4th Street and Jefferson Street signalization related to the BCTC project by recognizing funds from the state Department of Transportation for this purpose.

JOURNAL	68570-71	DIVISION	Grants and Special Projects	Fund Name	US Department of Labor
				Fund Impact	219,285.21
					219,285.21CR
					.00

To amend WIA Youth 2009 grant to reflect actual revenues and expenses.

JOURNAL	68572	DIVISION	Grants and Special Projects	Fund Name	US Department of Labor
				Fund Impact	18,354.40
					18,354.40CR
					.00

To amend WIA Youth 2013 grant to provide for actual expenditures.

BUDGET AMENDMENT REQUEST SUMMARY

Fund	1101	General Service District Fund	250,000.00
Fund	1103	Donation Fund	.00
Fund	1136	Municipal Aid Program Fund	.00
Fund	3150	US Department of Labor	.00

**LEXINGTON DIVISION OF POLICE**

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

DATE: April 5, 2013

TO: Mayor Jim Gray
Urban County Council

FROM: Chief Ronnie Bastin
Division of Police

RE: Donation – WLEX-TV and Downtown Lexington Corporation

Please find attached letter from the Downtown Lexington Corporation in regards to a donation of \$1,740 from WLEX-TV and Downtown Lexington Corporation, to be split between the Division of Police and the Division of Fire as the designated beneficiaries of the Urban Mountain Challenge that was held on January 26, 2013.

This is being forwarded for Mayor and Council approval.

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


Ronnie Bastin
Chief of Police

RB/rmh

cc: Clay Mason, Commissioner of Public Safety



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

Jim Gray
Mayor

Richard Moloney
Commissioner of Environmental Quality and Public Works

TO: Mayor Jim Gray
Urban County Council

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

DATE: April 10, 2013

SUBJECT: Southland Christian Church of Lexington
Deeds of Easement

The purpose of this memorandum is to request a resolution authorizing the acceptance of the deed of easement from Southland Christian Church of Lexington for a sanitary sewer.

As part of the Southland Christian Church purchase and renovation of the old Lexington Mall, it was necessary for Southland to construct a new sanitary sewer around the periphery of the new lot. In consideration of this new easement, the LFUCG has agreed to release the old, existing easement back to Southland Christian Church.

Construction of the new sanitary sewer has been completed and this deed will provide for the creation and recording of the easement.

If you have any questions or need additional information, please let us know.

GRANT OF EASEMENT

This **EASEMENT** is made and entered into this 12th day of March, 2013, by and between **SOUTHLAND CHRISTIAN CHURCH OF LEXINGTON, KENTUCKY, INC.** a Non-profit Kentucky corporation, 5001 Harrodsburg Road, Nicholasville, Kentucky 40356 ("Grantor"), which is also the in-care of tax mailing address for the current tax year, and the **LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**, 200 East Main Street, Lexington, Kentucky 40507 ("Grantee");

WITNESSETH:

That for and in consideration of the sum of **TEN DOLLARS (\$10.00)**, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor has **BARGAINED** and **SOLD** and does hereby **GIVE, GRANT** and **CONVEY** unto the Grantee, its successors and assigns, the permanent right to lay, construct, operate, repair, reconstruct and remove a sanitary sewer line and appurtenances thereto, which sanitary sewer line and facilities shall be of such dimension, character, construction and use determined by Grantee, along, through, under and across a twenty (20) foot wide portion of the following tract of land located in the confines of Lexington-Fayette County, Kentucky ("Permanent Easement"), and more particularly described as follows:

Permanent Easement

(a "20' wide portion of 2349 Richmond Road)

See 20' Sanitary Sewer Easement 'Granted'" on Exhibit "A" Attached
and Incorporated by Reference ("Exhibit "A")

Being a portion of the same property conveyed to Southland Christian Church of Lexington, Kentucky, Inc., a Kentucky non-profit corporation, by Deed dated September 27, 2010, of record in Deed Book 2970, Page 462, in the Fayette County Clerk's Office.

FURTHER, for and in consideration of the foregoing sum, the receipt and sufficiency of which is hereby acknowledged, Grantor has **BARGAINED** and **SOLD** and does hereby **GIVE**, **GRANT** and **CONVEY** unto the Grantee, its successors and assigns, the temporary right to excavate, grade, construct, alter, regrade and perform related work for the purpose of sanitary sewer line construction, installation and relocation through and across a fifty (50) foot wide portion of the following tract of land located within the confines of Lexington-Fayette County, Kentucky ("Temporary Construction Easement"), to wit:

Temporary Construction Easement
(50' wide portion of 2349 Richmond Road)

See "Temporary Construction Easement" on Attached Exhibit "A"

Being a portion of the same property conveyed to Southland Christian Church of Lexington, Kentucky, Inc., a Kentucky non-profit corporation, by Deed dated September 27, 2010, of record in Deed Book 2970, Page 462, in the Fayette County Clerk's Office.

TO HAVE AND TO HOLD the above-described easements together with all rights, privileges, appurtenances and improvements thereunto belonging unto Grantee, its successors and assigns forever, for the purposes and uses herein designated.

The above-described Temporary Construction Easement will expire upon completion of the construction of the improvement project on the Permanent Easement land adjacent to this Temporary Construction Easement, runs with the land for the duration of the construction of the improvement project on the Permanent Easement adjacent land, and is binding upon the successors and assigns of the Grantor.

Grantor does hereby covenant to and with said Grantee, its successors and assigns, forever, that it is lawfully seized in fee simple of said property and has good right to sell and convey the easements conveyed herein, and it will **WARRANT GENERALLY** said title.

Grantor shall have the full right to use the surface of the land lying over said Permanent Easement for any purpose desired, provided such use will not interfere with the Grantee's free use of the easement herein granted and provided further that no building or structure shall be erected upon, across, over or through said Permanent Easement without the prior written consent of the Grantee.

Immediately following any construction operations on the Permanent Easement or Temporary Construction Easement, the Grantee will cause to be removed from the above-described property, all debris, surplus material, and construction equipment and leave such property in a neat and presentable condition. Surplus excavated earth will be mounded neatly over the trench to a depth not exceeding _____ inches, or used for filling and leveling on the property, or hauled away at the option of the Grantor. Following completion of any such construction, the Grantee will cause the prompt restoration to smooth surface contours and neat condition any portion of the above-mentioned trench that may have settled and will repair and restore any disturbed improvements on the above-described property to a condition fully equal to that existing before the construction operations were commenced.

The obtaining of these easements was authorized by Resolution No. _____ passed by the Lexington-Fayette Urban County Council on _____, 2013. Pursuant to KRS 382.135(2)(a), this public utility easement is exempt from the requirements related to certificate of consideration. This conveyance is exempt from real estate transfer tax pursuant to KRS 142.050.

This Grant of Easement is expressly conditioned upon Grantee's execution and delivery to Grantor of those Releases of Easement (of even date herewith) of portions of 1) the two sewer

line easements a) dated March 23, 1967, of record in Deed Book 896, Page 234, as shown on that Building Site Record Plat, Lakeview Shopping Center, Tract "A", of record in Plat Cabinet A, Slide 110 (formerly Plat Book 20, Page 58) and b) as shown on the Amended Final Plat of Lexington Mall, of record in Plat Cabinet B, Slide 562 (formerly Plat Book 36, Page 70), as more particularly described therein, and 2) the existing Drainage Easement adjacent to the northeasterly right-of-way line of Richmond Road on the Amended Final Plat of Lexington Mall, of record in Plat Cabinet B, Slide 562 (formerly Plat Book 36, Page 70), as more particularly described therein, on Grantor's property described in that Deed dated September 27, 2010, of record in Deed Book 2970, Page 462, all in the Fayette County Clerk's office.

IN TESTIMONY WHEREOF, the Grantor has signed this Grant of Easement, the day and year first above written.

GRANTOR:

SOUTHLAND CHRISTIAN CHURCH OF
LEXINGTON, KENTUCKY, INC., a
Kentucky Non-profit Corporation

BY:

W. Evan Mossbarger,
CHAIRMAN OF ELDERS/PRESIDENT

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE)

The foregoing Grant of Easement was acknowledged before me by W. Evan Mossbarger, as Chairman of Elders/President of Southland Christian Church of Lexington, Kentucky, Inc., a

Kentucky Non-profit corporation, on behalf of said corporation, on this the 12th day of
March, 2013.

My commission expires:

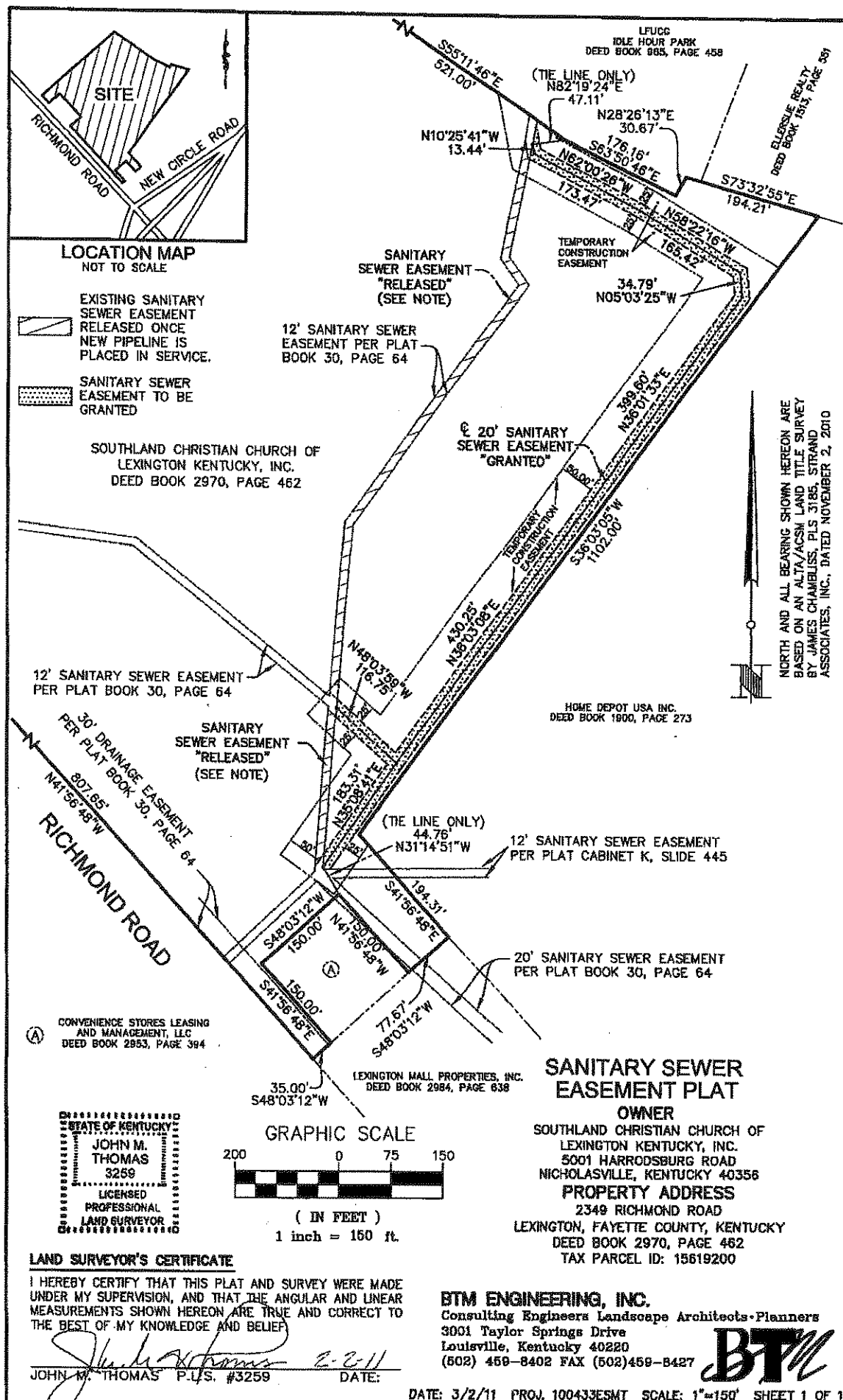
Oct. 12, 2013

ID # 406547

Kimberly A. Pascual
Notary Public, State-at-Large, Kentucky

PREPARED BY:

Michael Keith Horn
Managing Attorney
Lexington-Fayette Urban
County Government
Department of Law
200 East Main Street, 11th Floor
Lexington, Kentucky 40507
(859) 258-3500





Lexington-Fayette Urban County Government
DEPARTMENT OF GENERAL SERVICES

Jim Gray
Mayor

Sally Hamilton
Chief Administrative Officer

MEMORANDUM

To: Jim Gray, Mayor
Urban County Council Members

FROM: 
Jerry Hancock, Director of Parks and Recreation

RE: Donation

DATE: April 17, 2013

This is a request for Council approval to accept a donation to Parks and Recreation of 12 jumps and standards and 24 schooling standards to the Equestrian program at Masterson station Park and to recognize Sayre School and Stephen Manella, Head of School for this generous donation.

Please contact me if there are any questions.

CC: Geoff Reed, Commissioner of General Services



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0389-13

Lexington-Fayette Urban County Government
DEPARTMENT OF PUBLIC SAFETY

Jim Gray
Mayor

Clay Mason
Commissioner

To: Sally Hamilton, CAO
Mayor Jim Gray
Councilmembers

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

Date: April 15, 2013

Subject: Approval of Agreement with Governor's Office of Electronic Health
Information

Requesting approval of an agreement between the Division of Community Corrections and the Governor's Office of Electronic Health Information. This agreement will allow the Division of Community Corrections to participate in a HIPPA compliant way to share/access information with other medical facilities within the Commonwealth of Kentucky regarding an offender's access to healthcare within the Commonwealth.

There is no fiscal impact for this agreement.

cc: Clay Mason, Commissioner
Department of Public Safety



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: APRIL 15, 2013

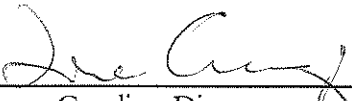
SUBJECT: REQUEST COUNCIL AUTHORIZATION TO SUBMIT APPLICATION TO THE U.S.
DEPARTMENT OF JUSTICE REQUESTING FEDERAL FUNDS UNDER THE 2013
STATE CRIMINAL ALIEN ASSISTANCE PROGRAM

An application has been prepared by the Lexington-Fayette Urban County Government requesting federal funding under the 2013 State Criminal Alien Assistance Program (SCAAP). The program is offered by the Bureau of Justice Assistance, a part of the Office of Justice Programs in the U.S. Department of Justice in conjunction with the U.S. Department of Homeland Security. This program is governed by the Immigration and Nationality Act, 8 U.S.C. §1231 (i) as amended, and Title II, Subtitle C. Section 20301, Violent Crime Control and Law Enforcement Act of 1994, Public Law 103-322.

SCAAP provides funds to States and localities as reimbursement for costs of incarcerated undocumented criminal aliens. Reimbursable costs are for inmates who are foreign born (with no legal right or documentation to be in the United States), incarcerated for at least four consecutive days during the reporting period (July 1, 2011 to June 30, 2012), and incarcerated on conviction of at least one felony or two (2) misdemeanors. Immigration and Customs Enforcement (ICE) will take responsibility for ensuring that aliens are properly identified and their status verified before reimbursements are made.

The FY 2013 SCAAP payment amounts are determined using a sampling of actual inmate, cost and facility data for a specified sampling or reporting period. SCAAP is not a traditional reimbursement program in which the actual cost, facility and data are collected. SCAAP uses prior year's data, from a specified sampling period, to determine applicants' annual relative percentages of available funding. For the 2012 SCAAP, the actual revenue to the LFUCG was \$65,503. The Bureau of Justice Assistance cautions applicants about using the prior year award as a basis for estimating this year's award. Immigration and Customs Enforcement (ICE) will review all information submitted on eligible inmates to make final determination of which inmates are qualified undocumented criminal aliens. Any funds received from the 2013 SCAAP must be used for a corrections purpose.

Council authorization to submit the application is hereby requested.


Irene Gooding, Director

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

HORSE CAPITAL OF THE WORLD



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

Jim Gray
Mayor

Richard Moloney
Commissioner

TO: Commissioner of Environmental Quality and Public Works
Urban County Council
Mayor Jim Gray

FROM: Louise Caldwell-Edmonds *LC Edmonds*
Administrative Officer

DATE: April 11, 2013

SUBJECT: Neighborhood and Community Sustainability Grant Program

The Department of Environmental Quality has budgeted funds to establish the Neighborhood and Community Sustainability Grant program to encourage residents to work collaboratively and creatively to find ways to improve the environmental health of our neighborhoods.

The following award recommendations are submitted to the Urban County Council for the approval to fund the proposed projects under the program.

- Blue Grass Christian Camp~\$2437 for creating a recycling program.
- Bluegrass Community and Technical College~\$2500 for restoring riparian and developing a solar powered water catchment system.
- Crossroad Christian Church~\$820 for installation of rain barrel shed.
- Dove Creek Townhomes Owners Association~\$2500 litter clean up and street tree planting project.
- Fairway Neighborhood Association~\$2500 for street tree and a landscaping shrub planting project.
- Georgetown Neighborhood Association~\$2500 for a Community Garden project.
- Glendover Neighborhood Association~\$2500 for planting Street Trees.
- Idle Hour Neighbors Alliance~\$2215 for three Rain Garden beds.
- Idle Hour Neighbors Alliance~\$2338 for a Community Garden.
- Lansdowne Elementary School~\$2500 for an Outdoor Classroom for environmental and science education.
- Maxwell St. Presbyterian Church~\$2500 for the creation of a Literacy Sanctuary.
- North Limestone Neighborhood Association~\$2500 for a Street Tree planting project.
- Saint Peter Catholic Church~\$2458 for a Beautification Project.

H O R S E C A P I T A L O F T H E W O R L D

- Tanbark Association of Neighbors~\$2500 for a Beautification Project.
- Temple Adath Israel~\$1914 for an Urban Garden.
- Transylvania Park Neighborhood Association~\$2500 Beautification Project for Transylvania Park.
- Twin Pines Christian Church~\$1885 for a Community Garden Project.
- Walnut Creek Home Owner's Association~\$2500 for Beautification Project.
- Wellington Elementary School~\$2500 a Zen Garden expansion Project.
- Williams Wells Brown Neighborhood Association~\$1241 for a Beautification Project.

Total amount of funds to be disbursed is \$45,308 from account 1115 313201 3095 78112.

A 100% match is required and may come from donations, materials, services, documented use of vehicles or machinery, tipping fees, and volunteer hours.

Request approval to award funds and enter into a contract with each neighborhood.

cc: Grant Review Committee



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

Jim Gray
Mayor

Richard Moloney
Commissioner

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

Date: April 15, 2013

Re: Requesting authorization to execute an agreement awarding a Class B (Infrastructure) Stormwater Quality Projects Incentive Grant to Embrace Church, Inc., at a total cost not to exceed \$215,745.00.

The grant application of Embrace Church, Inc. was reviewed and recommended by the Water Quality Fees Board at its October 11, 2012 meeting. Funding is provided by revenue from the Water Quality Management Fee and is fully budgeted and available in the Fund 4051 303204 3373 78112. This grant requires a minimum 10% cost share on design phase costs by the grant recipient. The Grant Award Agreements require the Mayor's signature.

Grant Project Description

Project Site Location: 1015 N Limestone (Church); 1001 N Limestone (LFUCG – Vacant)
Grantee shall design and construct stormwater control facilities to improve water quality and reduce runoff leaving the site. Facilities include retrofit of existing detention area (on an adjacent vacant LFUCG property) to expand detention volume and bio-retention which will be maintained by the grantee, install drainage inlets and storm sewer, removal of a portion of 2,300 square feet of asphalt parking, retrofit of a portion of 11,000 square feet of asphalt with grass pavers, removal of a portion of 2,250 square feet of impervious pavement and replace with bio-retention facility and curb.

Questions regarding this agreement should be directed to Chris Dent at 859-425-2521.

Attachment

Pc: Richard Moloney, Commissioner, Department of Environmental Quality & Public Works
Ed Gardner, Department of Law
Julie Mantrom, Division of Water Quality
Susan Plueger, P.E., Division of Water Quality
Christopher Dent, P.E., Division of Water Quality



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: APRIL 16, 2013

SUBJECT: Request Council authorization to approve qPUBLIC LLC as a sole source vendor for Integrated Damage Assessment Model software and to authorize execution of software licensing agreement with qPUBLIC LLC under the Emergency Management Agency grant

The Division of Emergency Management/911 has selected qPUBLIC LLC to provide the Integrated Damage Assessment Model (IDAM) at an annual cost of \$3,000. If Lexington-Fayette County has an event that causes damages the software will be activated and will be used to collect damage data for submission to FEMA. There is an activation fee of \$4,000 to use the software during an actual disaster. The activation fee will only be charged once during the annual contract period regardless of the number of times the software is used during the contract period for actual disaster damage assessment purposes. If Lexington is part of a federally declared emergency, the activation fee is reimbursable from FEMA. There may be events in which the software is activated and no federal declaration is made. The Division of Emergency Management has requested funds to cover the activation fee in the Fiscal Year 2014 budget.

The Division of Emergency Management is also requesting that a sole source provider contract be established with qPUBLIC LLC for fiscal year 2013 and subsequent years. The request for a sole source contract is because this software is the only software that integrates directly into Fayette County Property Valuation Administrator's data.

Funds in the amount of \$3,000 are budgeted as follows:

FUND	DEPT ID	SECT	ACCT	PROJECT	ACTIVITY	BUD REF
3200	505204	5291	71304	EMRG_MGMT_2013	FED_GRANT	2013

Council authorization to approve qPUBLIC LLC as a sole source provider of IDAM software and to approve licensing agreement with qPUBLIC LLC for IDAM in the annual amount of \$3,000 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 ENVIRONMENTAL QUALITY & PUBLIC WORKS

Jim Gray
Mayor

Richard Moloney
Commissioner

To: Mayor Jim Gray
Urban County Council

From: 
Charles H. Martin, P.E., Director

Date: April 16, 2013

Re: Requesting authorization to execute an agreement awarding a Class A (Neighborhood) Stormwater Quality Projects Incentive Grant to Brighton Woods Association, Inc., at a total cost not to exceed \$63,828.00.

The grant application of the Brighton Woods Association, Inc. reviewed and recommended by the Water Quality Fees Board at its October 11, 2012 meeting. Funding is provided by revenue from the Water Quality Management Fee and is fully budgeted and available in the Fund 4051 303204 3373 78112. This grant requires a minimum 20% cost share by the grant recipient. The Grant Award Agreement requires the Mayor's signature.

Grant Project Description

This project involves design and construction of improvements to move a 240 linear foot section of Todds Road Tributary by about 15 feet from its current alignment. The existing stream is experiencing severe channel erosion and is encroaching upon a sanitary sewer and residential properties. Natural channel design techniques and vegetative streambank protection shall be utilized in the design to provide for a stable vegetated stream section. The channel resides on five private properties on Barnard Drive (i.e. 3813 to 3829 Barnard Drive). All effected property owners have provided written support for the project. Todds Road Tributary is a FEMA regulated stream, and therefore a detailed floodplain model will be required by FEMA verifying the project as designed and built keeps constant, or reduces, water surface elevations on adjacent properties.

Questions regarding this agreement should be directed to Chris Dent at 859-425-2521.

Attachment

Pc: Richard Moloney, Commissioner, Department of Environmental Quality & Public Works
Ed Gardner, Department of Law
Julie Mantrom, Division of Water Quality
Susan Plueger, P.E., Division of Water Quality
Christopher Dent, P.E., Division of Water Quality



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

Jim Gray
Mayor

Derek J. Paulsen, Ph.D.
Commissioner

MEMORANDUM

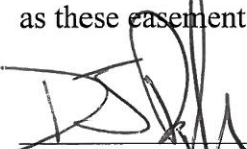
To: Jim Gray, Mayor
Urban County Council

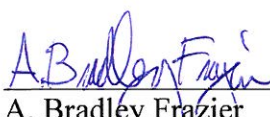
From: James R. Wray 
Engineering Technician Principal

Date: April 17, 2013

Re: Resolution Authorizing Acceptance of Deeds of Easement
Project No. 250 – Rose Street Bike Lane

The purpose of this memorandum is to request a resolution authorizing the acceptance of deeds of easement from the owners of record for the Rose Street Bike Lane project. These easements are needed in order to widen the roadway in order to install bike lanes. There will be no cost to LFUCG as these easements are to be donated.


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


A. Bradley Frazier
Director, Division of Engineering

13.P250.406.bluesheet request

H O R S E C A P I T A L O F T H E W O R L D



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: APRIL 19, 2013

**SUBJECT: REQUEST AUTHORIZATION TO SUBMIT APPLICATION, AND
ACCEPT AWARD IF OFFERED, TO THE KENTUCKY DEPARTMENT
OF JUVENILE JUSTICE TO PROVIDE DAY TREATMENT SERVICES
IN THE DIVISION OF YOUTH SERVICES FOR FY 2014**

The Division Youth Services has prepared an application for submission to the Kentucky Department of Juvenile Justice for the operation of the Day Treatment Program for school-age adolescents in the Division of Youth Services for Fiscal Year 2014.

Day Treatment is a community-based treatment program for juveniles between the ages of 12 and 17. The program's mission is to treat delinquent youth in their home community, hereby preventing institutionalization, and to keep predelinquent youth out of the juvenile justice system. Components of the program include education (provided by Fayette County Public Schools), counseling, and social work services.

The application requests an award of state funds for Day Treatment in the amount of \$217,660 for FY 2014. While no match is required, \$226,256 has been requested in the FY 2014 General Fund budget for program operation.

The funds are used for salaries and operating costs associated with the program.

Council authorization to submit application and accept the award is hereby requested, subject to the availability of sufficient funds in FY 2014.



Irene Gooding, Director

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

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



Lexington-Fayette Urban County Government
DEPARTMENT OF LAW

Jim Gray
Mayor

Janet M. Graham
Commissioner

TO: Jim Gray, Mayor
Members, Urban County Council

FROM: Department of Law

DATE: April 21, 2013

RE: Releases of Easements
2349 Richmond Road

This memo is to request a Resolution authorizing the Mayor to sign two Releases of Easements releasing portions of a sanitary sewer easement and a portion of a drainage easement on property located at 2349 Richmond Road.

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

A handwritten signature in dark ink, appearing to read "Edward W. Gardner Sr.", written over a horizontal line.

Edward W. Gardner
Attorney Sr.

Enclosure

cc: Sally Hamilton, CAO
Council Office

RELEASE OF EASEMENT

THIS RELEASE OF EASEMENT (hereinafter "Release"), made and entered into this the ____ day of _____, 2013, by and between **LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**, 200 East Main Street, Lexington, Kentucky, 40507, an Urban County Government pursuant to KRS 67A (hereinafter "First Party"), and **SOUTHLAND CHRISTIAN CHURCH OF LEXINGTON, KENTUCKY, INC.**, a Kentucky Non-Profit Corporation (hereinafter "Second Party");

WITNESSETH:

WHEREAS, a "Drainage Easement" appears adjacent to the northeasterly right-of-way line of Richmond Road ("Drainage Easement") on the Amended Final Plat of Lexington Mall, of record in Plat Cabinet B, Slide 562 (formerly Plat Book 36, Page 70), in the Fayette County Clerk's Office ("Lexington Mall Plat").

WHEREAS, a portion of the existing Drainage Easement ("Released Portion") is no longer required by the First Party, and the First Party desires to release and extinguish its interest in and to said Released Portion of said Drainage Easement, as more particularly shown as the "Portion to be Released Hatched" area on the attached Drainage Easement Release Exhibit, which is marked Exhibit "A" and incorporated by reference herein.

NOW, THEREFORE, for valuable consideration, receipt of which is hereby acknowledged, First Party does hereby release, relinquish and quitclaim unto Second Party, its successors and assigns, all of its right, title and interest, if any, in and to that Released Portion of said Drainage Easement, as described above.

It is the intention of the First Party to forever extinguish its easement interest in the Released Portion area described above, and the Second Party, its successors and assigns forever, shall hereafter have and enjoy said Released Portion of said Drainage Easement free and discharged from the interest of First Party. It is understood that in making this Release, any portion of the Drainage Easement, as shown on the Lexington Mall Plat, not included in the Released Portion area remains unaffected.

IN WITNESS WHEREOF, the First Party has hereby caused its corporate name to be affixed by its duly authorized officer, on this the day and year first above written.

LEXINGTON-FAYETTE URBAN
COUNTY GOVERNMENT

Mayor

STATE OF KENTUCKY

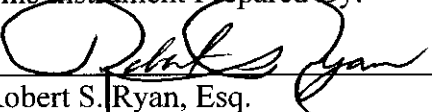
COUNTY OF FAYETTE

The foregoing instrument was acknowledged before me by _____, as _____ of Lexington-Fayette Urban County Government, an urban county government pursuant to KRS 67A, on behalf of said government, on this ____ day of _____, 2013.

My Commission expires: _____

NOTARY PUBLIC

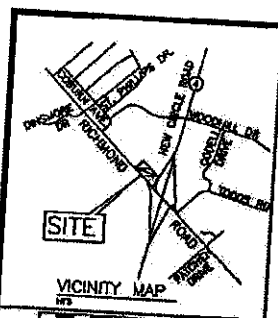
This Instrument Prepared By:



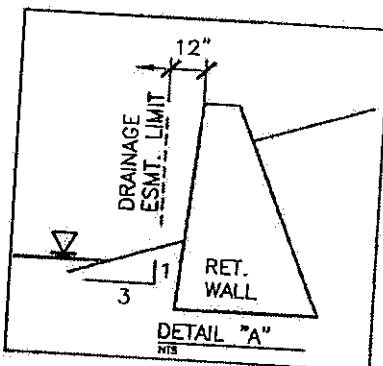
Robert S. Ryan, Esq.

Fowler Bell PLLC
300 West Vine Street, Suite 600
Lexington, KY 40507-1660
(859) 252-6700
(859) 255-3735 fax
RRyan@FowlerLaw.com

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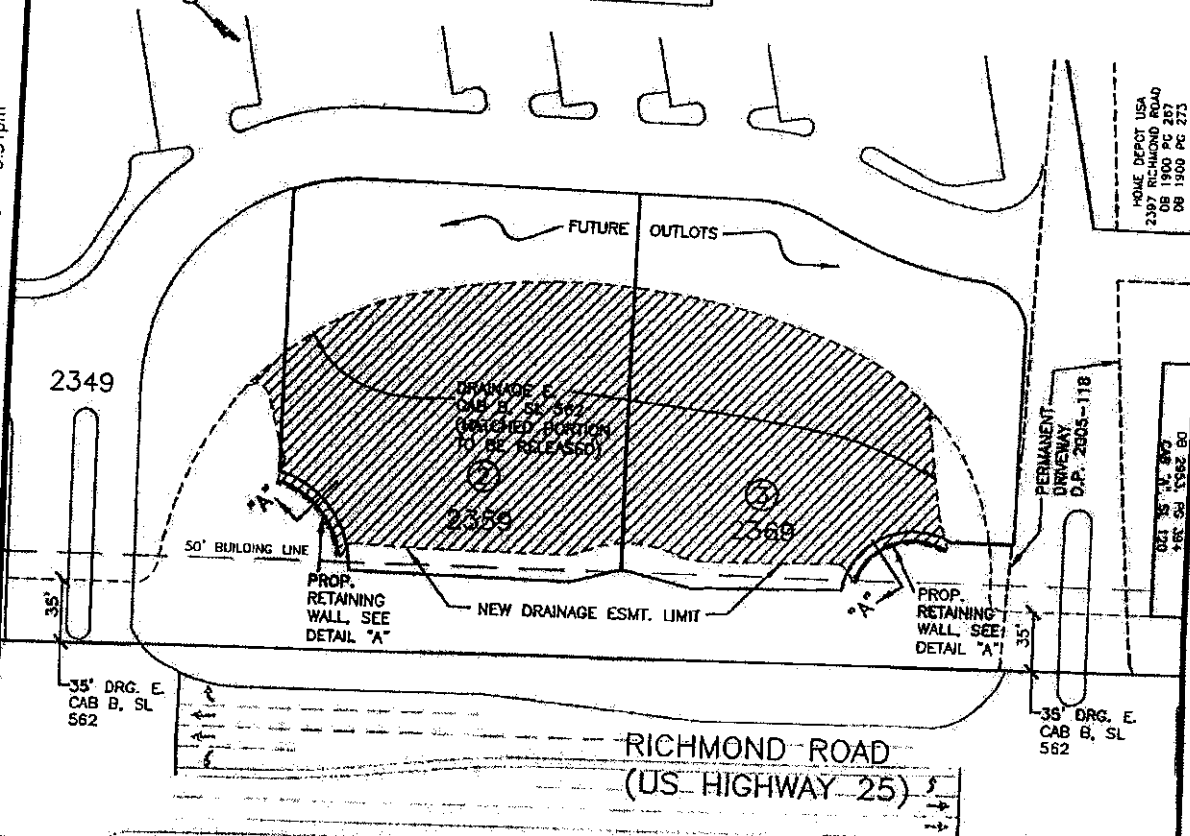
SCALE: 1"=100'



The drainage easement shown hereon is based on the ALTA/ACSM Land Title survey of the Saul Holdings Limited Partnership property of record in Deed Book 1940, Page 335 by Strand Associates, Inc., using the method of random traverse in July 2010 with an unadjusted closure of 1:171,728.

This easement release exhibit is for Southland Christian Church of Lexington Kentucky Inc, and was prepared by James M. Chambliss, PLS 3185.

The purpose of this exhibit is to show the location and dimensions of a partial drainage easement release.



STATE OF KENTUCKY
JAMES M. CHAMBLISS
3185
LICENSED PROFESSIONAL LAND SURVEYOR

James M. Chambliss, PLS
2/1/13

LEGEND
[Hatched Box] EASEMENT TO BE RELEASED

STRAND ASSOCIATES, INC.
1525 BULL LEA ROAD, SUITE 100
LEXINGTON, KY 40511
859-225-8500

**DRAINAGE EASEMENT RELEASE EXHIBIT
FOR SOUTHLAND CHRISTIAN CHURCH
OF LEXINGTON KENTUCKY INC
2349 RICHMOND ROAD
LEXINGTON, FAYETTE COUNTY, KENTUCKY**
NOTE: THIS IS NOT A BOUNDARY SURVEY AND IS NOT INTENDED FOR LAND TRANSFER



FIGURE NO
3605008

RELEASE OF EASEMENT

THIS RELEASE OF EASEMENT (hereinafter "Release"), made and entered into this the ____ day of _____, 2013, by and between **LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**, 200 East Main Street, Lexington, Kentucky, 40507, an Urban County Government pursuant to KRS 67A (hereinafter "First Party"), and **SOUTHLAND CHRISTIAN CHURCH OF LEXINGTON, KENTUCKY, INC.**, a Kentucky Non-Profit Corporation (hereinafter "Second Party");

WITNESSETH:

WHEREAS, through that certain Deed of Easement dated March 23, 1967, of record in Deed Book 896, Page 234, in the Fayette County Clerk's Office, the First Party acquired a sanitary sewer line easement, as more particularly described therein ("Sewer Line Easement").

WHEREAS, said Sewer Line Easement is shown as a "12' San. S.E." on the Building Site Record Plat, Lakeview Shopping Center, Tract "A", of record in Plat Cabinet A, Slide 110 (formerly Plat Book 20, Page 58), in the Fayette County Clerk's Office ("Lakeview Center Plat").

WHEREAS, a second sewer line easement is shown as a "12' "San. Sew. Ease." ("Sewer Easement") on that Amended Final Plat of Lexington Mall, of record in Plat Cabinet B, Slide 562 (formerly Plat Book 36, Page 70) in the Fayette County Clerk's Office ("Lexington Mall Plat").

WHEREAS, portions of the existing Sewer Line Easement and Sewer Easement ("Released Portions") are no longer required by the First Party, and the First Party desires to release and extinguish its interest in and to said Released Portions of said Sewer Line Easement and Sewer Easement, as more particularly shown as the hatched portions of the Sewer Line Easement and Sewer Easement "To be Released" areas on the attached Sanitary Sewer Easement Release Exhibit, which is marked Exhibit "A" and incorporated herein by reference.

NOW, THEREFORE, for valuable consideration, receipt of which is hereby acknowledged, First Party does hereby release, relinquish and quitclaim unto Second Party, its successors and assigns, all of its right, title and interest, if any, in and to such Released Portions of said Sewer Line Easement and Sewer Easement, as described above.

It is the intention of the First Party to forever extinguish its easement interest in the Released Portions areas described above, and the Second Party, its successors and assigns forever, shall hereafter have and enjoy said Released Portions of said Sewer Line Easement and Sewer Easement free and discharged from the interest of First Party. It is understood that in making this Release, any portion of the Sewer Line Easement and Sewer Easement, as shown on the Lakeview Center Plat and the Lexington Mall Plat, not included in the Released Portions areas remains unaffected.

IN WITNESS WHEREOF, the First Party has hereby caused its corporate name to be affixed by its duly authorized officer, on this the day and year first above written.

LEXINGTON-FAYETTE URBAN
COUNTY GOVERNMENT

Mayor

STATE OF KENTUCKY

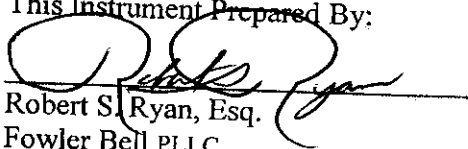
COUNTY OF FAYETTE

The foregoing instrument was acknowledged before me by _____, as _____ of Lexington-Fayette Urban County Government, an urban county government pursuant to KRS 67A, on behalf of said government, on this ____ day of _____, 2013.

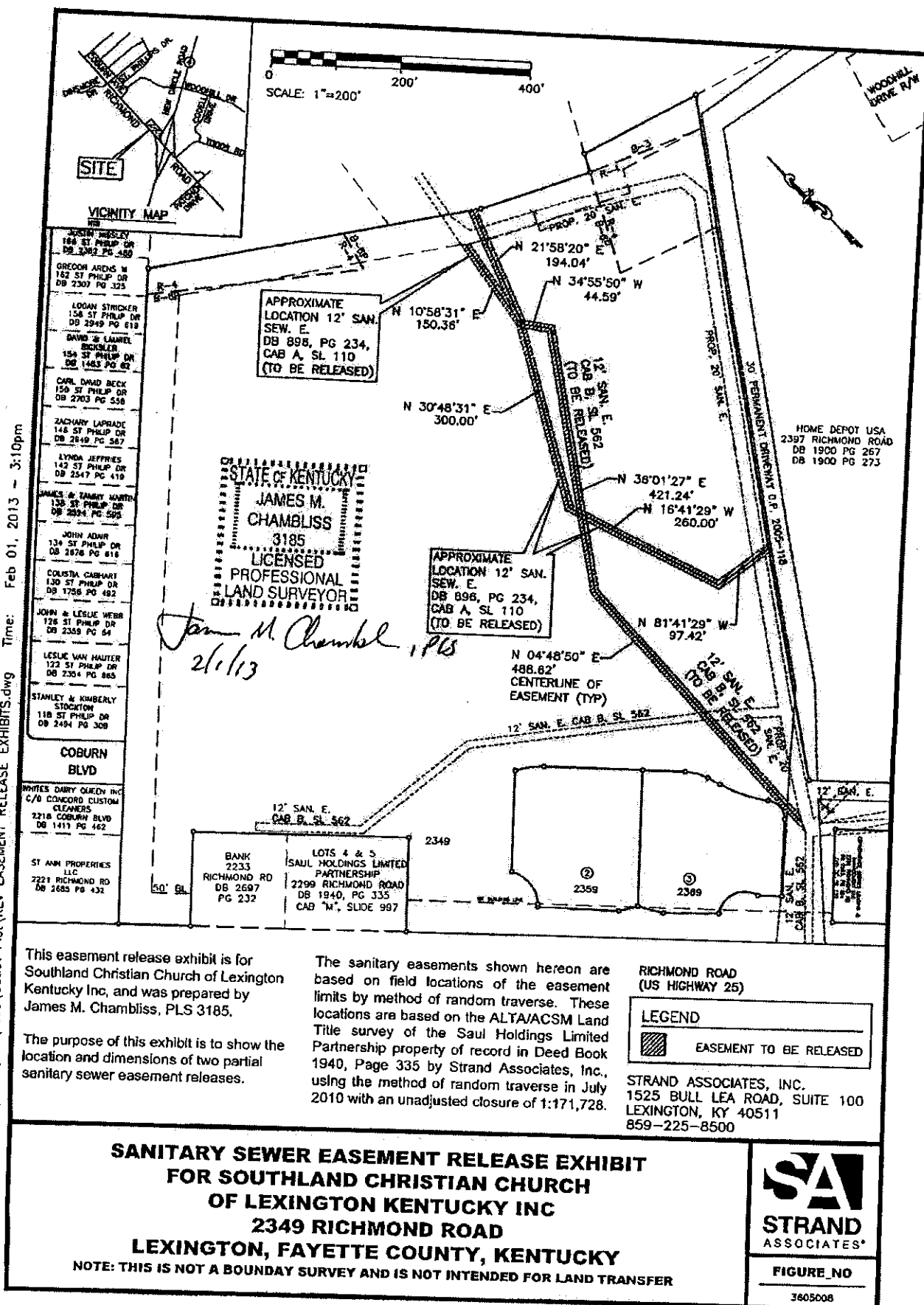
My Commission expires: _____

NOTARY PUBLIC

This Instrument Prepared By:


Robert S. Ryan, Esq.
Fowler Bell PLLC
300 West Vine Street, Suite 600
Lexington, KY 40507-1660
(859) 252-6700
(859) 255-3735 fax
RRyan@FowlerLaw.com

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

Jim Gray
Mayor

Richard Moloney
Commissioner

MEMORANDUM

To: Mayor Jim Gray
Sally Hamilton, CAO
Richard Moloney, Commissioner
Urban County Council

From: Kevin Wentz, Administrative Officer

Date: April 24, 2013

RE: Authorization to initiate a purchase order with L-M Asphalt, dba ATS Construction

The Department of Environmental Quality and Public Works requests Urban County Council authorization to initiate a purchase order with L-M Asphalt, doing business as ATS Construction, in the amount \$12,400,000 pursuant to the 2013A GO Resurfacing Bond. The enclosure for your consideration includes the bond allocation per Council District. Should you have any questions regarding this request please feel free to contact me at 258-3407. Thank you for your time and consideration of this matter.

Road Resurfacing Update/Statistics **2013 Bond Allocations**

Total linear miles of roadway within Fayette County equal **1637**

Total linear miles of roadway within Fayette County maintained by SRF equal **1055**

Total linear miles of roadway within the Urban Service Area maintained by SRF equal **928**

- \$13,000,000 bonded for resurfacing
- Maintenance dollars allocated from resurfacing bond:
 - \$500,000 for crack seal
 - \$100,000 for traffic loop replacement
- Percentage of bond allocation per Council District

DISTRICT	PERCENT	BOND ALLOCATION
CD1	11%	\$1,364,000
CD2	4%	\$496,000
CD3	7%	\$868,000
CD4	6%	\$744,000
CD5	12%	\$1,488,000
CD6	8%	\$992,000
CD7	10%	\$1,240,000
CD8	6%	\$744,000
CD9	7%	\$868,000
CD10	16%	\$1,984,000
CD11	9%	\$1,116,000
CD12	4%	\$496,000

- 98% of FY13 (budgeted) resurfacing is complete
- 13% of LFUCG maintained roads have a rating of 65 or less (January 2013) – This reflects a 1% decrease since August 2012 report.
- Resurfacing all 13% would require roughly \$24 Million (January 2013)

**Neighborhood Development Funds
April 30, 2013
Work Session**

Amount	Recipient	Purpose
\$ 500.00	The Cottages of Liberty Woods Neighborhood 785 Rambling Creek Drive Lexington, KY 40509 Priscilla Marshall	To assist in paying for a landscaping project on the neighborhood entryway.
\$ 500.00	Lexington Tigers Youth Football Program, Inc. 366 Waller Avenue, Suite 112 Lexington, KY 40502 Kaye Hughes	To assist in buying the start-up equipment for the league.
\$ 600.00	Port Royal Neighborhood Association, Inc. 1905 Port Royal Court Lexington, KY 40504 Wendy Havens	To provide funding assistance for replacement/repair of the vandalized labyrinth sign.
\$ 1,000.00	William Wells Brown Neighborhood 549 Mustang Crossing Lexington, KY 40508 Billie Mallory	To help with the purchase/replacement of pole banners hung along Elm Tree Lane in the East End of Lexington.
\$ 250.00	FoodChain, Inc. 148 Woodland Avenue Lexington, KY 40508 Rebecca Self	To assist with the creation of an indoor food cultivation space.
\$ 300.00	Southland Association 215 Southland Drive Lexington, KY 40503 Bill Sherrow	To support the annual Southland Jamboree.
\$ 700.00	Fayette County Fatherhood Initiative 1750 Alexandria Drive Lexington, KY 40504 David Cozart	To assist with the 9th Annual Father's Day Weekend Celebration.
\$ 575.00	Palomar Hills Community Association 4025 Palmetto Drive Lexington, KY 40513 Victoria Marshall	To assist with the purchase of pet waste stations for the neighborhood.

\$	1,375.00	Tweens Coalition 560 E. Third Street, Suite 105 Lexington, KY 40508 Anita Courtney	To assist expansion efforts of Better Bites, including camps, Better Bites bike and other programming.
\$	525.00	William Wells Brown Neighborhood 549 Mustang Crossing Lexington, KY 40508 Billie Mallory	To assist with purchase of yard signs announcing monthly meetings of the neighborhood association.



Planning and Public Works Committee

April 16th, 2013

Summary and Motions

Chair Bill Farmer Jr. called the meeting to order 1:00pm. Committee members Jennifer Mossotti, VM Linda Gorton, Charles Ellinger, Steve Kay, Chris Ford, Diane Lawless, Julian Beard, Harry Clarke and Peggy Henson were in attendance. Kevin Stinnett attended as a non-voting member.

1. Approval of Summary

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

2. Right of Entry

Chris King came to the podium to present on Right of Entry. King said that he referenced similar LFUCG legislation and the best example he found is from the Code of Ordinances 16-112(b) which establishes right-of-entry for sewer inspections. King said that he took that language and used it for 5-1(a). The new language reads as follows:

5-1(a) RIGHT OF ENTRY – The Director or his authorized agent is authorized to enter upon property, land, structures or buildings, at reasonable times for the purpose of inspecting, ascertaining and causing to be corrected any violation of this Zoning Ordinance. The Director is hereby empowered to prescribe, adopt, promulgate, and enforce reasonable rules, regulations, and/or guidelines pertaining to administrative inspections of properties for zoning violations which are not otherwise inconsistent with the Zoning Ordinance and constitutional restrictions of unreasonable searches and seizures. Whenever the Director or his authorized agent is denied entrance to any property, land, structure or building he may apply to the district court for a warrant allowing entrance and inspection. This authority shall apply to the interior of occupied, private dwellings only when the inspecting agent has reason to believe that a zoning violation exists in the dwelling.

Henson asked King what the time frame is for a search warrant. King said they can be granted quickly but the courts would require them to produce a burden of proof. King said they have never had to do it. King said that in any given year they have less than six property owners that will not cooperate with an inspection.

Motion by Gorton to approve to send to the full Council the modified draft of 5-1(a) Right of Entry. Seconded by Clarke.

Lawless asked King if this legislation would only apply to zoning. King said that it could also apply to building inspection. Lawless said that she would like it to apply to building inspection violations as well. She asked if King could amend it. King said that he thinks this section would apply to either one. King said that he will look into it.

David Barberie said that as the language is drafted, it would only apply to zoning violations. He said the language already exists to handle sanitary sewer issues.

Clarke asked King asked about the use of the word “this” zoning ordinance. King said that the language includes the zoning ordinance in its entirety.

Gorton’s motion passed without dissent.

3. Downtown Lexington Traffic Movement and Revitalization Study (2-Way Streets) Project Update

King began his presentation by introducing Tom Creasey from Stantec, Stan Harvey from Urban Collage, and Scott Shapiro, all of whom have been working on the study.

King said that the whole idea of converting the one-way streets pairs to two-way streets began around 2006. The two-way streets concept was supported in the Downtown Master Planning process, that concept also was supported in the 2007 update of the Comprehensive Plan. However, the Downtown Development Authority (DDA) said that the issue required more study. In 2009, the Council passed a specific resolution directing the government to proceed with the investigation of a possible conversion. In 2011, the LFUCG was awarded a grant to do a more detailed traffic movement study. That project has been going on, and Creasey will be giving that update. They are doing analysis and have developed a model.

Creasey was the project manager for the DDA study. Entran has since been acquired by Stantec. The originally study did not provide a recommendation for a conversion to two-way streets. He went on to say, however, that the current study is more detailed and is looking at numerous options for conversion.

Creasey said that the purpose of the study is to determine if two-way conversion can reduce driver confusion, increase accessibility to downtown businesses, and moderate vehicle speeds for improved safety. The study will also determine negative impacts and propose practical solutions, if possible; develop preliminary design and cost information for the two-way conversions; and engage public participation in the study.

Creasey said that Stantec is using various evaluation tools for the study including traffic simulation models, traffic forecasting models, “urban street” evaluation, eclipsing analysis, and surveys.

Creasey said that they broke Lexington’s downtown area into three sections: the North Area, the Core Area, and the South Area.

Creasey said they are also taking into consideration traffic growth scenarios. They are looking at little or no growth, moderate growth, or high growth. Farmer asked about traffic from 21C and Creasey said that they are not predicting a large increase in traffic from 21C.

They have completed the data collection, the development of the analytical tools, the existing conditions analysis and are completing the North Area study. They will then complete the Core Area study, the South Area study and the Mobility Plan.

Creasey said that Stantec’s deliverables are as follows:

1. Safety Analysis
2. Traffic Signal System Review
3. HazMat/UST Overview
4. Multimodal Level of Service Analysis of Existing Conditions

5. Eclipsing Analysis
6. North Area Analysis Technical Memorandum (Draft)
7. Survey of Downtown Businesses Summary Report
8. Core Area Analysis Technical Memorandum
9. South Area Analysis Technical Memorandum
10. Mobility Plan

Creasey said that there is a technical Advisory Committee, a Policy Committee, stakeholder meetings and public meetings. The website for the project is www.downtownlexstudy.com.

Beard asked about parking. Creasey said they are including parking needs in their study. Creasey said one of their basic principles is that if there is on street parking, they want to keep it. Creasey said the study will not determine if there is a parking deficiency downtown.

Gorton asked who serves on the Policy Committee. Creasey said Ford, Lawless, and Kay serve on the committee, as well as staff from the Kentucky Transportation Cabinet. Gorton asked King to email her the list.

Gorton asked King about the two resolutions included in the packet and asked him if there were any other resolutions that the Council had passed. King said that when Council agreed to accept the grant money, it set this process in motion. Creasey said that by adopting the Downtown Master Plan, the concept was supported. Gorton said that the Council adopted the Downtown Master Plan in concept only. Gorton said that she does not want the public to think that this is a done deal. She referenced the Entran study that illustrated numerous problems with conversion, specifically with Main Street and Vine Street.

Gorton asked if the conversion of Short and Second streets could move forward before the rest of the streets. Creasey said that they are working on the draft document that will provide that information. Creasey said that North Limestone and North Upper may also be able to be converted. Those two streets are part of the North Area analysis.

Creasey said that the full study will be completed by mid-October 2013.

Stinnett asked about the Steering Committee. Creasey said that Shapiro, Harvey, King, representatives from the Division of Traffic Engineering, the Kentucky Department of Transportation, and the Division of Engineering serve on the Steering Committee. Stinnett said that he voted against using the grant money to study two-way streets. He went on to say that he would like to make a decision and stick to it. Stinnett asked Creasey how the current study is different from the Entran study.

Lawless expressed concern about the current rates of speed on Main and Vine Streets. She said that the landscape downtown has changed tremendously since the last study was completed.

Ford asked if they are waiting for all the recommendations to be complete before October or can decisions be made before that. Creasey said that they will make recommendations before October. He said that in the north area, there could be decisions that are made prior to October. He said they are focusing on the three areas one at a time.

Ford asked about Upper and North Limestone and not converting Short and Second. Creasey said that they looked at those pairs individually. They did the detailed traffic simulation for those pairs.

Ford said that parking is a major concern of his. Creasey said that their plan is to leave off-street parking through the conversion to two-way streets. There may be a few parking places removed to install turn lanes.

Kay asked about the work being done on Fourth Street. Creasey said that it is included in the North Area analysis. He said that Fourth Street is converted to two-way in their analysis. Third Street from Jefferson to Newtown Pike is still one-way in their analysis.

Stan Harvey said that BCTCS and the Transportation Cabinet have been working on modifications to potentially convert Fourth Street. Harvey said that the LFUCG is working with the Transportation Cabinet to determine costs to convert Fourth Street from Jefferson to Newtown Pike. Planning Commissioner Derek Paulsen is working on this. The Transportation Cabinet is making improvements to accommodate two-way streets. The intersection at Newtown and Georgetown Street is going to be modified.

Kay asked Creasey if he would bring anything forward on specific sections before October. Creasey said that the Policy Committee could decide to do that.

Clarke asked if the study is looking at the impact of two-way streets on retail. Creasey said that it is not part of the study. Clarke asked if Creasey has considered changing parallel parking to oblique parking. Creasey said they have not studied it as part of the North Area. Creasey said that there is not space to do it. He said it might be an option somewhere and went on to say that they have not looked at it.

Clarke asked if they were considering the plans for the Town Branch Commons. Creasey said that they are considering it. He said the coordination is built in to what they are doing.

Mossotti asked about the impact of two-way streets on retail. Creasey said that they are not analyzing this. He mentioned Fargo North Dakota as a case study.

Shapiro said that many of the cities that have converted to two-way streets have seen an increase in retail activity. Creasey said Fargo, North Dakota did an economic analysis on two-way street conversion's impact on retail. He said it is on the website.

Gorton asked King to name those representing neighborhoods on the different committees when he emails the lists of membership to Council Members.

Gorton also asked if Fourth Street might proceed before October. Creasey said the Fourth Street plans are underway. Gorton asked if there are any other streets that may go forward before October. Creasey said he is unaware of any but the State might do something with Third Street. He said it would be in the State Highway Plan.

Ford said that it might be time to make the decision to make Fourth Street two-way. Ford said that the decision to do so would need to come from the Council. Ford mentioned that it might not be on the LFUCG's dime to convert from Jefferson to the railroad track.

Farmer said that after the April 17th, 2013 presentation, if the Council wants to act, they can.

Beard asked if there is a body of knowledge that says retail is totally elastic. Shapiro said that for the Administration, this is one of the most important parts of the study. He said they want it to be a place to drive to, not drive through. He went on to say that there is not a huge body of knowledge on this, but there is evidence that says that two-way streets help increase retail activity. Beard expressed concern that the cities that have been studied are much larger than Lexington. Shapiro said that Charleston, South Carolina has also converted their streets. Shapiro said that Rick Day lives there and was in charge of their conversion. Shapiro suggested inviting him to come to the next Traffic Revitalization Study update to the Planning and Public Works Committee.

Beard said he would like more data and some on-site visits to see how this is working in other communities.

Stinnett asked how the next day's presentation to the Policy Committee would be different than the current presentation. Creasey said that the Policy Committee would be reviewing the preliminary results from the North Area study. Stinnett asked why the Planning and Public Works Committee did not get that presentation. Creasey said that this is just the process. Farmer said that he placed the item in Committee and said that he would have assumed a process that would have been a little different than the current process. He said that he would have envisioned it being more Council centered.

Stinnett asked if this item would be heard at the next Planning and Public Works Committee meeting. Farmer said that they could take the item out of Committee, or they could have a follow-up next month.

Stinnett asked the members of the Policy Committee to keep the members of the Planning and Public Works Committee in the loop. Stinnett asked for a copy of the preliminary results of the study.

Creasey said that he will do whatever he is directed to do. Creasey said that the report is not ready. Creasey said that they are assuming that the Fourth Street connector will be done.

Lawless said that they have only had two policy meetings; the first was on short notice and the second was in August 2012. Lawless said that she does not want the Committee members to think that they have been meeting and not sharing the information. Lawless said the meeting the next day is scheduled for 1:00pm on the seventh floor of the Phoenix Building.

Kay said that he would like to err on the side of getting information out, even in draft form, instead of keeping information from people. Kay said that he is also concerned that the Council often feels that they get presentations that do not speak directly to the topic. Kay said that we need to have better coordination between the Council and the Administration.

Farmer asked about preliminary conversations with the Transportation Cabinet about the permit for a road swap agreement (Main and Vine). Creasey said that no meetings have taken place on the swap. Creasey said that parts of Main, Vine, Maxwell, High, Limestone, and Upper are part of the Federal highway system.

4. Exaction Fees

This item was delayed until the May 2013 meeting.

5. B1 ZOTA

This item was delayed until the May 2013 meeting.

6. Items in Committee

Motion by Gorton to remove Right of Entry from the items referred list. Seconded by Clarke. Motion passed without dissent.

Adult Day Cares will also be on the May 2013 agenda.

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

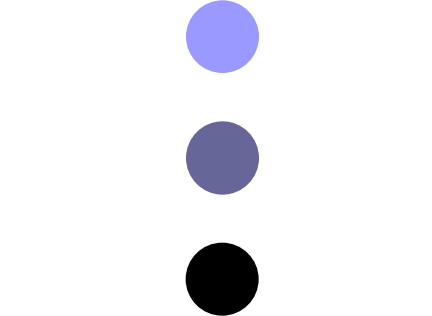
Submitted by Jenifer Benningfield, Council Administrative Specialist

Downtown Lexington Traffic Movement and Revitalization Study**Technical Advisory Committee**

Barry House (KY Transportation Cabinet)
Chris King (LFUCG-Planning)
Kenzie Gleason (LFUCG-Planning)
Max Conyers (LFUCG-Planning)
Jim Woods (LFUCG-Traffic)
Steve Cummins (LFUCG-Traffic)
Keith Lovan (LFUCG-Engineering)
Scott Shapiro (LFUCG-Mayor's Office)
Stan Harvey (Urban Collage)
Frank Harscher (ER-Stantec)
Jeff Fugate (DDA)
Rick Day (Stantec)
Tom Creasey (Stantec)

Policy Advisory Committee

Scott Shapiro (LFUCG-Mayor's Office)
Calvin Grayson (Former KY Transportation Secretary)
CM Steve Kay (Council Member)
CM Chris Ford (Council Member)
CM Diane Lawless (Council Member)
Derek Paulsen (LFUCG, Planning Commissioner)
Jeff Fugate (DDA)
Bill Lear (attorney, former state legislator)
Phil Holoubek (downtown residential and commercial developer)
Holly Weidemann (downtown residential developer)
Lisa Higgins-Hord (UK)
Megan Naylor (downtown resident)
Barry House (KY Transportation Cabinet)



Lextran Fiscal Year 2013-2014 Budget

**Presentation to
Lexington-Fayette
Urban County Council
April 30, 2013**



Recent Accomplishments

- Unveiled new bus stop signage, in conjunction with our IVR phone system which provides next bus departure times.

It's easy!

Just call
244-2020 and
enter your stop #
for next bus
departure times.

Your NEXT BUS departure time is just a phone call away!



Info: 859-244-2020
www.lextran.com

www.lextran.com

Recent Accomplishments

- Lextran Assistant General Manager Jared Forte recognized as one of Mass Transit Magazine's "Top 40 Under 40"
- Grew the partnership with Keeneland, resulting in 15% growth in ridership to race meets compared to FY2012



Recent Accomplishments

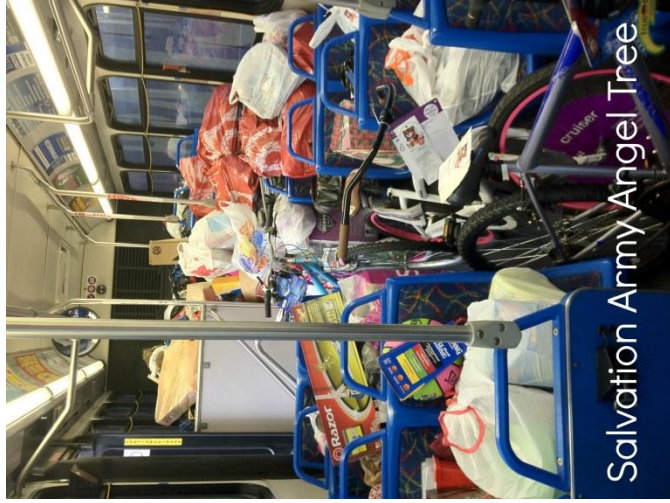
- Maintained overall ridership levels, despite service modifications in October 2012
- Participated in 24 community-based events, including a “How to Ride” presentation to the Mayor’s Youth Council (below)



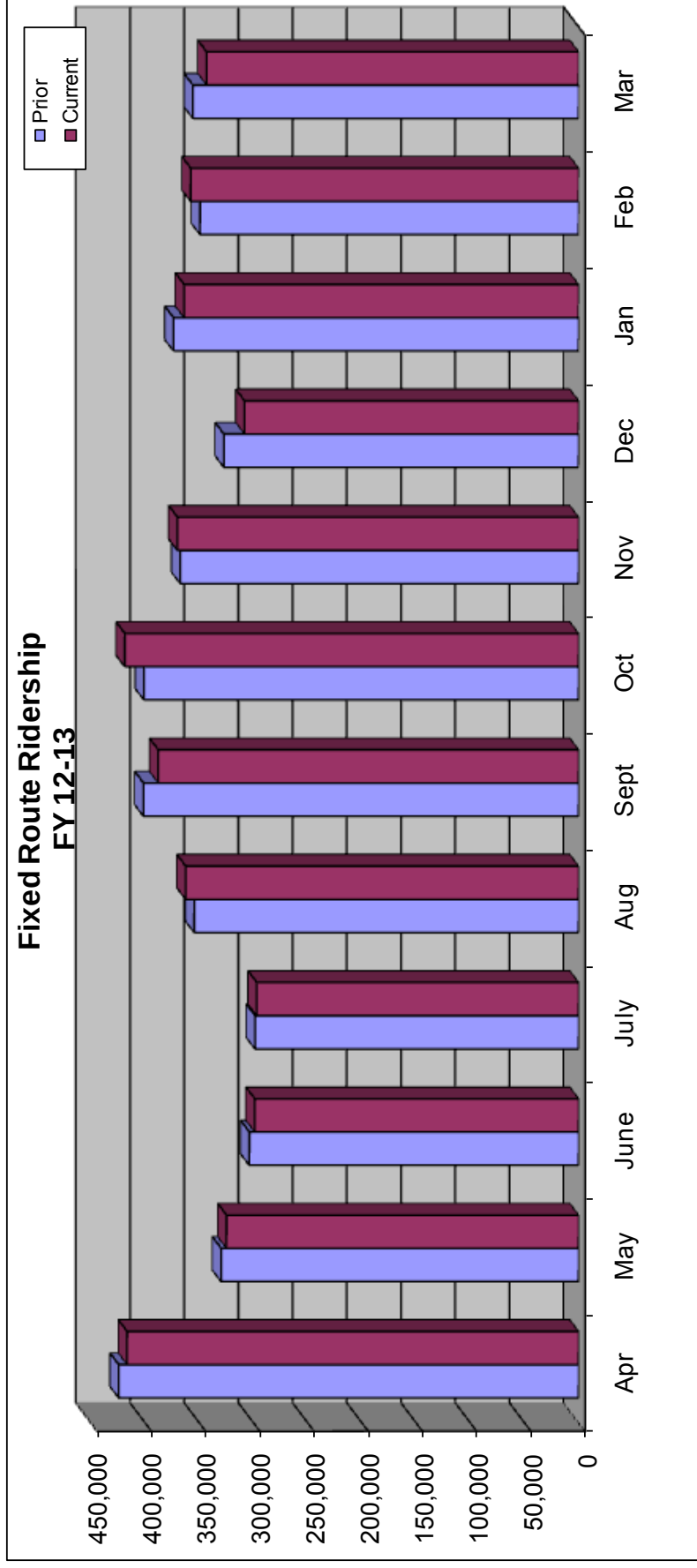


Recent Accomplishments

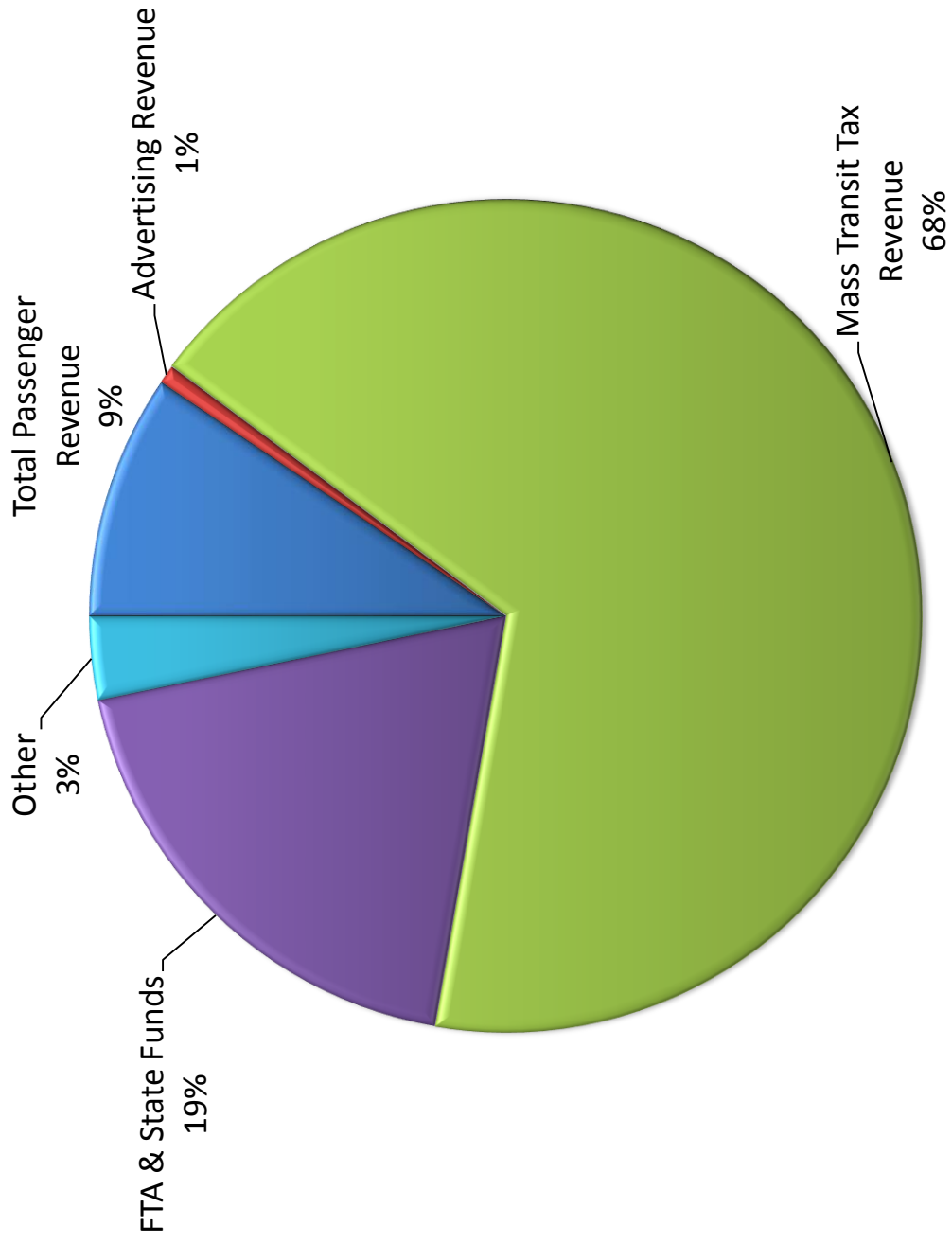
- Installed LCD signage at the Transit Center, for important announcements and passenger information
- Participated in community service projects with God's Pantry, Salvation Army and other community organizations



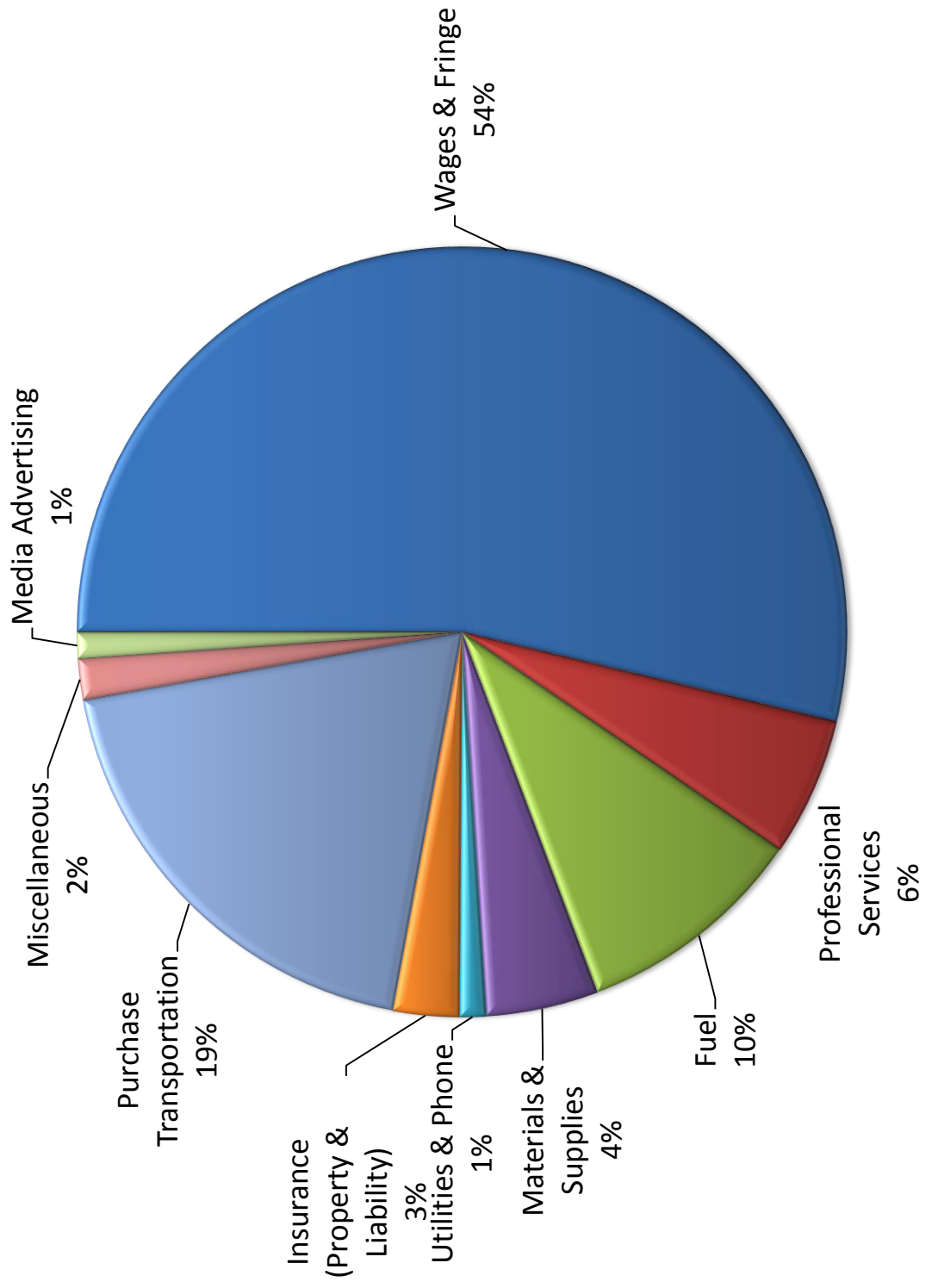
Fixed Route Ridership



FY 2014 Revenue Summary



FY 2014 Expenses Summary



FY 2014

Capital and Operating Budgets

Operating

• Mass Transit Funds	\$ 16,567,326
• Federal Assistance	\$ 4,218,000
• Other Revenue	\$ 3,154,036
• Operating Expenditures	\$ 23,939,362

Capital

• Federal/State Assistance	\$ 5,020,000
• Capital Expenditures (capital maintenance, paratransit, shelters & equipment)	\$ 5,020,000

FY 2014

Key Budget Assumptions

- **Wages & Fringe (10.1% Increase) \$12,832,644**
- **WHEELS Cost (3.2% Increase) \$4,600,970**
- **Diesel Fuel Price (\$3.50/gallon) \$2,100,250**

Revenue & Expense Summary

REVENUE	FY 2013 Annual Budget	FY 2013 End of Year Projection	FY2014 Proposed Budget	Amount over/(under) FY2013 Projection	Percentage over/(under) FY2013 Projection	Percentage over/(under) FY2013 Budget
Total Passenger Revenue	2,129,486	2,133,617	2,156,000	22,383.14	1.05%	1.23%
Advertising Revenue	170,000	150,000	160,000	10,000.00	6.67%	-6.25%
Mass Transit Tax Revenue	15,133,000	15,333,000	15,333,000	-	0.00%	1.30%
FTA & State Funds	3,550,000	3,791,407	4,318,000	526,593.00	13.89%	17.79%
Other (UK, vanpool, fuel tax, funds from reserves)*	2,019,025	1,003,885	1,972,362	968,477.46	96.47%	-2.37%
TOTAL REVENUE	23,001,511	22,411,908	23,939,362	1,527,453.60	6.82%	3.92%
Wages & Fringe	12,116,284	11,658,495	12,832,644	1,174,148.85	10.07%	5.58%
Professional Services	1,384,942	1,428,576	1,388,504	(40,072.81)	-2.81%	0.26%
Fuel	2,268,077	2,261,600	2,322,850	61,250.35	2.71%	2.36%
Materials & Supplies	1,073,800	1,102,827	1,126,760	23,932.70	2.17%	4.70%
Utilities & Phone	257,061	250,961	263,509	12,548.05	5.00%	2.45%
Insurance (Property & Liability)	783,000	662,714	666,000	3,285.73	0.50%	-17.57%
Purchase Transportation	4,617,722	4,457,564	4,600,970	143,406.00	3.22%	-0.36%
Vanpool Subsidy	-	6,300	61,800	55,500	880.95%	100.00%
Misc (Travel, Training, Leases, etc)	321,126	403,370	416,826	13,455.47	3.34%	22.96%
Media Advertising (Admin & Marketing)	179,500	179,500	259,500	80,000.00	44.57%	30.83%
TOTAL EXPENSES	23,001,511	22,411,908	23,939,362	1,527,454.34	6.82%	3.92%

54

*Funds from reserves

1,307,814

17,270

1,234,326

Capital Plan

CAPITAL PROJECTS (000's)

FY2012-2013
Current year

FY2013-2014

BUS PURCHASE	-	498
AVL EQUIPMENT (AVAIL PROJECTS)	760	-
TICKET VENDING MACHINE (5307 FUNDS PORTION)	31	-
SERVICE VEHICLES	66	45
CAPITAL COST OF CONTRACTING (PARATRANSIT)	1,814	2,000
OTHER 3RD PARTY CONTRACTS (IT CONSULTANT, WEBSITE)	-	82
CAPITAL MAINTENANCE	1,977	2,218
TIRE LEASE	50	50
ARCHITECTURE & ENGINEERING (A&E)	169	-
FACILITY REHABILITATION (CONSTRUCTION PROJECT)	2,208	-
CONSTRUCTION PROJECT - STATE OF GOOD REPAIR	8,780	-
TRANSIT ENHANCEMENTS (SHELTERS, BENCHES, PUBLIC ART)	44	44
ADP HARDWARE & SOFTWARE (INFORMATION TECHNOLOGY)	25	25
ARTS IN MOTION BUS SHELTERS (CMAQ)	188	-
OFFICE FURNITURE	2	2
LEASE SUPPORT EQUIPMENT (POSTAGE METER LEASE)	2	2
ALTERNATIVES ANALYSIS - CENTRAL KY TRANSIT STUDY	300	-
SHOP TOOLS AND EQUIPMENT	10	10
SECURITY EQUIPMENT	44	44
SUBTOTAL CAPITAL PROJECTS	16,470	5,020
FEDERAL SECTION 5307 FORMULA FUNDING	4,384	4,422
PRIOR YEAR 5309 DISCRETIONARY FUNDING	2,377	-
STATE OF GOOD REPAIR FUNDING	8,780	-
ALTERNATIVE ANALYSIS	300	-
SECTION 5339 BUS & BUS FACILITIES FUNDING *estimated	-	498
STATE DISCRETIONARY MATCHING FUNDING	441	100
CMAQ (BUS SHELTERS) (Requires 20% match)	150	-
LOCAL MASS TRANSIT FUND	38	0
TOTAL	16,470	5,020