

Lexington-Fayette Urban County Government

*200 E. Main St
Lexington, KY 40507*



Tuesday, April 12, 2016

3:00 PM

Packet

Council Chamber

Urban County Council Work Session

**Urban County Council
Schedule of Meetings
April 11 – April 18, 2016**

Monday, April 11

General Services & Planning Budget Link.....2:00 pm
Conference Room – 5th Floor Government Center

Tuesday, April 12

Finance & Social Services Budget Link.....10:00 am
Caucus Room – 2nd Floor Government Center

Planning & Public Safety Committee.....1:00 pm
Council Chamber – 2nd Floor Government Center

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

Wednesday, April 13

Tree Canopy Subcommittee.....9:30 am
Conference Room – 5th Floor Government Center

Tree Board.....10:30 am
Conference Room – 5th Floor Government Center

Public Safety Budget Link.....1:00 pm
Conference Room – 5th Floor Government Center

Thursday, April 14

Council Budget Retreat9:00 am
Council Chamber – 2nd Floor Government Center

Friday, April 15

No Meetings

Monday, April 18

No Meetings

Lexington-Fayette Urban County Council
Work Session Agenda
April 12, 2016

- I. Public Comment - Issues on Agenda**
- II. Requested Rezoning/ Docket Approval – No**
- III. Approval of Summary – Yes**
 - a 0399-16** Table of Motions: April 5, 2016 Work Session, p. 1-2
- IV. Budget Amendments – No**
- V. New Business – Yes, p. 3-27**
- VI. Continuing Business/ Presentations**
 - a** Neighborhood Development Funds, April 12, 2016, p. 28
 - b** Committee Summary: Planning & Public Safety, March 8, 2016, p. 29-31
 - c** Presentation: Agricultural Property Classification Changes;
By: David O’Neill, Fayette County PVA, p. 32-39
- VII. Council Reports**
- VIII. Mayor's Report – No**
- IX. Public Comment - Issues Not on Agenda**
- X. Adjournment**

Administrative Synopsis - New Business Items

- a** **0332-16** Authorization to accept federal funds in the amount of \$100,950 from the Kentucky Transportation Cabinet under the TAP (Transportation Alternatives Program) for the Design, Right of Way, and Utility Relocation phases for the West Loudon Avenue Streetscape Project. A match in the amount of \$25,238.00 is required this fiscal year. Budget amendment is in process. (L0332-16) (Gooding) p. 3-4
- b** **0333-16** Authorization to execute an agreement awarding a FY16 Class B (Infrastructure) Stormwater Quality Projects Incentive Grant to Opportunity for Work & Learning, Inc. (OWL) for a feasibility study improving water quality for six properties at Kennedy Road in the Cane Run Watershed. Total project cost will not exceed \$15,000.00, funds are budgeted. (L0333-16) (Martin/Hoskins-Squier) p. 5-6
- c** **0342-16** Authorization to permit the Mayor to sign a 10-year agreement with the Fayette County Public Schools (FCPS), which will allow its law enforcement officers and dispatchers to use the 800 MHz public safety radio communication system at no new/additional cost to LFUCG. (L342-16) (Stack/Bastin) p. 7
- d** **0343-16** Authorization to approve the transfer of a portion of unused right-of-way originally dedicated for construction of a portion of Higbee Mill Rd. to the adjacent property owner located at 940 Higbee Mill Road. No budgetary impact. (L0343-16) (Hicks/Hoskins-Squier) p. 8-10
- e** **0345-16** Authorization to renew maintenance and support services through MACRO 4 for DATABACK VSE, LOGOUT, TUBES VM and VTAMPRINT VSE software for mainframe. There is no contract associated with this request. The cost for this FY is \$24,152.00. Funds are budgeted. (L345-16)(Nugent/Valicenti) p. 11
- f** **0349-16** Authorization to accept award of Federal Planning Funds from the Kentucky Transportation Cabinet in the amount of \$160,000 for the Lexington Area Bike and Pedestrian Master Plan Update. Match of \$60,000.00 from general fund is fully budgeted. Budget amendment in process. (L0349-16) (Gooding) p. 12

- g** **0352-16** Authorization to accept award in the amount of \$424,000 from the Kentucky Transportation Cabinet for fiber optic cable installation for improvements to traffic signal system network along Man o' War Boulevard from Nicholasville Road (U.S. 27) westward to Fort Harrods Drive, approximately 4.5 miles and along Clays Mill Road from Twain Ridge Road to Keithshire Way, approximately 1.2 miles. Required matching funds of 20% (\$106,000) will come from the Division of Traffic Engineering's FY 2016 general fund budget. Budget amendments are in the process. Funding for future years is dependent upon availability of federal funding. (L0352-16) (Gooding) p. 13-14
- h** **0353-16** Authorization to accept award of federal funds in the amount of \$5,000 from the Commonwealth of Kentucky Office of Highway Safety for Click It Or Ticket Enforcement Campaign- FY 2016. Budget amendment in process. (L0353-16) (Gooding) p. 15
- i** **0354-16** Authorization to execute Amendment to Agreement with the Kentucky Transportation Cabinet to extend the period of performance through June 30, 2018 for Town Branch Trail Crossing at Old Frankfort Pike and McConnell Springs Drive and to provide for an increase in federal funding for project design from \$65,200 to \$73,280. Budget amendments are in process. (L0354-16) (Burton/Paulsen) p. 16
- j** **0355-16** Authorization to create four (4) classified positions of Customer Service Specialist (Grade 510N) in the Division of Government Communications, effective upon passage of Council. Upon the request of the division, the Division of Human Resources conducted classification study on the requested positions. This has a 12-month future impact cost of \$182,140.94. The funds for these positions will be available by utilizing funds from the LexServ program. (L0355-16) (Maxwell/Hamilton) p. 17
- k** **0356-16** Authorization to approve Sole Source Purchase Request and Master Service Agreement with RACO Industries, LLC to purchase software and handheld RFID/barcode scanners to track current containers and manage supply. The cost for this budget year is \$22,000.00; \$1,000.00 per year maintenance. Funds are budgeted. (L0356-16)(Thurman/Hoskins-Squier) p. 18
- l** **0359-16** Authorization to submit a grant application requesting \$109,153.00 in federal funding, and to accept award if offered, to the Bluegrass Area Development District for operation of the Senior Citizens Center in FY 2017, subject to the availability of sufficient funds in FY 2017. The minimum local match required for the operation of the project is 15%; however, the amount that is be requested in the FY17 general fund budget for grant match is \$195,707.00. Budget amendment is in process. (L0359-16) (Gooding) p. 19

- m** **0363-16** Authorization to approve Change Order #2 to Contract 219-2015 with Devere Construction, Inc., for the construction of a truck shed for the Division of Waste Management. This change order will allow for bird netting and a redesign of the lighting system and circuit for installation of a CCTV. The impact in FY 2016 will be \$22,386.75. (L0363-15)(Hoskins-Squier) p. 20-23
- n** **0365-16** Authorization to submit application requesting federal funds in the amount of \$16 million to the U. S. Department of Transportation under the 2016 Transportation Investment Generating Economic Recovery (TIGER) competitive grant program for construction of sections of Town Branch Commons Project. \$4 million in bond revenue will come from the bonds already approved by Council in Fiscal Year 2016 for the Town Branch Commons project. Total cost will be \$20 million. (L0365-16) (Gooding) p. 24-25
- o** **0366-16** Authorization to execute a Jobs Fund Incentive Agreement with Archvision, Inc. for \$250,000 for the creation of four (4) new jobs at an average hourly wage of \$40.00. The Economic Development Investment Board reviewed an application for incentives from the company. The board voted unanimously to approve a loan in the amount of \$250,000 for Archvision for the creation of four (4) jobs to incentivize the company's growth and expansion. The cost for FY 2016 will be \$250,000. (L0366-16)(Atkins) p. 26
- p** **0367-16** Authorization to execute a Jobs Fund Incentive Agreement with Love Will Inc. (dba Fluent), for \$90,000 for the creation of one (1) new job at an average hourly wage of \$43.27. On 12/1/15, the Economic Development Investment Board reviewed an application for incentives from the company. The board voted unanimously to approve a loan in the amount of \$90,000 for Love Will Inc. (dba Fluent) for the creation of one (1) job to incentivize the company's growth and expansion. The cost for FY 2016 will be \$90,000. (L0367-16)(Atkins) p. 27

**URBAN COUNTY COUNCIL
WORK SESSION
TABLE OF MOTIONS
April 5, 2016**

Mayor Gray called the meeting to order at 3:06pm. All council members were present.

- I. Public Comment – Issues on Agenda
- II. Requested Rezoning/Docket Approval

Motion by Akers to approve the docket for the April 7, 2016 Council meeting. Seconded by Scutchfield. Motion passed without dissent.

Motion by Henson to place ordinance #10 on the docket with a public hearing on May 19, 2016 at 6:00pm. Seconded by Farmer. Motion passed without dissent.

Motion by Bledsoe to place ordinance #11 on the docket with a public hearing on May 10, 2016 at 6:00pm. Seconded by Farmer. Motion passed without dissent.

Motion by Farmer to place on the docket for the April 7, 2016, Council meeting a resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the contract with Bluegrass Contracting Corporation for the Idle Hour Park Improvements Project, adding thirty (30) days to the work schedule and increasing the contract price by the sum of \$159,497.35 from \$479,230.00 to \$638,727.35. Seconded by Scutchfield. Motion passed without dissent.

Motion by Gibbs to place on the docket for the April 7, 2016 Council meeting, a resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a consultant services agreement with THP Limited, Inc. for the Government Center garage structural repairs project at a cost not to exceed \$87,955. Seconded by Brown. Motion passed without dissent.

Motion by Mossotti to move the presentation of the SPOKE Award originally slated to occur during Continuing Business, to instead take place at the beginning of today's work session as the first item on the agenda. Seconded by Farmer. Motion passed without dissent.

- III. Approval of Summary

Motion by Scutchfield to approve the summary of the March 15, 2016 Council work session. Seconded by Farmer. Motion passed without dissent.

IV. Budget Amendments

Motion by Mossotti to approve budget amendments. Seconded by Farmer. Motion passed without dissent.

V. New Business

Motion by Farmer to approve new business. Seconded by Scutchfield. Motion passed without dissent.

VI. Continuing Business/Presentations

Motion by Scutchfield to approve neighborhood development funds. Seconded by Akers. Motion passed without dissent.

VII. Council Reports

Motion by Stinnett to amend resolution 786-2015 to remove the \$5,000 minimum requirement from council capital allocation policy. Seconded by Gibbs. Motion passed without dissent.

Motion by Henson to amend resolution 786-2015 to remove the capital requirement. Seconded by Farmer. Motion passed 8-4. Kay, Farmer, Stinnett, Mossotti, Henson, Gibbs, Bledsoe and J. Brown voted yes. Scutchfield, F. Brown, Evans and Lamb voted no. Moloney did not vote. Hensley abstained from the vote.

VIII. Mayor's Report

Motion by Scutchfield to approve the Mayor's Report. Seconded by Kay. Motion passed without dissent.

IX. Public Comment

Motion by Mossotti that we go into closed session pursuant to KRS 61.810(1)(m) to discuss floor plans and security and safety assessments, that are exempt from disclosure under KRS 61.878(1)(m), for the proposed security plans for the Council Chamber and the 5th floor. Seconded by Kay. Motion passed without dissent.

Motion by Mossotti to return from closed session. Seconded by F. Brown. Motion passed without dissent.

Motion by Mossotti to adjourn. Seconded by F. Brown. Motion passed without dissent.

MAYOR JIM GRAY

**LEXINGTON**IRENE GOODING
DIRECTOR
GRANTS & SPECIAL PROGRAMS

TO: JIM GRAY, MAYOR
URBAN COUNTY COUNCIL

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

DATE: MARCH 23, 2016

SUBJECT: KYTC Agreement for West Loudon Avenue Streetscape Project

Request:

Request Council authorization to accept federal funds in the amount of \$100,950 from the Kentucky Transportation Cabinet under the TAP (Transportation Alternatives Program) for the Design, Right of Way, and Utility Relocation phases for the West Loudon Avenue Streetscape Project.

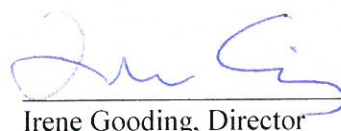
Purpose of Request:

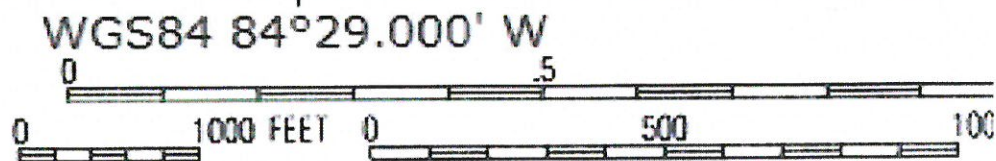
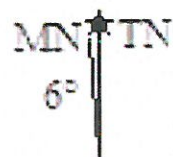
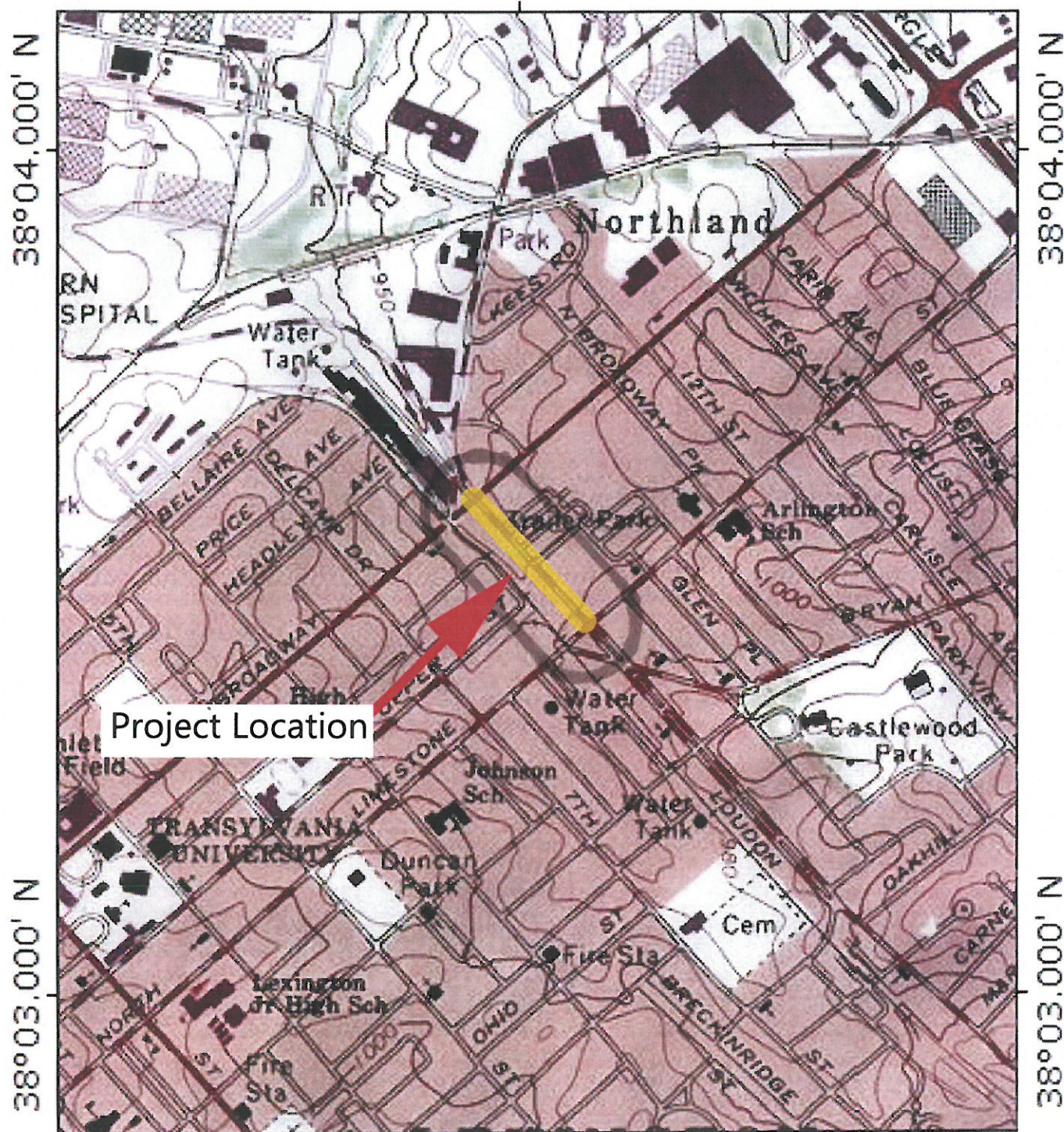
On April 16, 2015 (Resolution 176-2015), Council approved submission of an application to the Kentucky Transportation Cabinet for the West Loudon Avenue Streetscape project. This project will make sidewalks continuous from North Broadway to North Limestone, add curb to further delineate the pedestrian area, and add bike lanes and definite parking spaces within the street. The Kentucky Transportation Cabinet has offered the LFUCG funds in the amount of \$76,950 for the design phase, \$16,000 for the Right of Phase, and \$8,000 for utility relocation. A match in the amount of \$25,238 is required. Once design, ROW, and utility relocation phases are completed, an amendment will be offered, providing construction funds in the amount of \$279,250.

Cost in this Budget year and future budget years:

Design, ROW, and Utility relocation Cost: \$100,950 in federal funds and \$25,238 in local match for a total of \$126,188 in Fiscal Year 2016.
Construction cost in FY 2017 will be \$279,250 in federal funds and \$69,812 in local match

Are the funds budgeted? Budget Amendment 7312 is in process
Local match is budgeted in 1101-303202-3225-78201.

File Number: 0332-16**Director/Commissioner:** Burton/Paulsen
Irene Gooding, Director



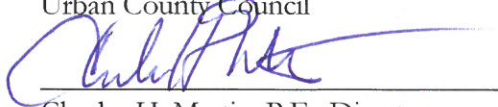
Map created with TOPO!® ©2002 National Geographic (www.nationalgeographic.com)

ATTACHMENT A

MAYOR JIM GRAY

**LEXINGTON**CHARLES MARTIN
DIRECTOR
WATER QUALITY

TO: Mayor Jim Gray
Urban County Council

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

DATE: March 21, 2016

SUBJECT: Requesting authorization to execute an agreement awarding a FY16 Class B (Infrastructure) Stormwater Quality Projects Incentive Grant to Opportunity for Work & Learning, Inc. (OWL).

Request

The purpose of this memorandum is to request authorization to execute an agreement awarding a Class B (Infrastructure) Stormwater Quality Projects Incentive Grant to Opportunity for Work & Learning, Inc. (OWL) for a Feasibility Study improving water quality, at a total cost not to exceed \$15,000.00.

Purpose of Request

This grant is for a Feasibility Study to evaluate opportunities to implement stormwater Best Management Practices (BMPs) for six properties at Kennedy Road in the Cane Run Watershed. The projects purpose is to improve water quality in the Cane Run watershed by filtering the stormwater water quality volume (WQV) from the building parking lots, roads, and other urbanized impervious areas.

Project Cost in FY16 and in Future Budget Years

The grant has been approved by the Water Quality Fees Board in the amount of \$15,000.00 and is anticipated to be fully spent by FY17.

Are Funds Budgeted

Funds are budgeted in: 4052 - 303204 - 3373 - 78112 - WQINCENTIVE_16 - WQ_GRANT

Martin/Hoskins-Squier



Stormwater Quality Projects Incentive Grant Program



MAYOR JIM GRAY

**LEXINGTON**ROBERT STACK
DIRECTOR
ENHANCED 911TO: Major Jim Gray
Council MembersFROM: Robert Stack, Director
Lexington Enhanced 911

DATE: March 24, 2016

SUBJECT: Agreement with Fayette County Public Schools Law Enforcement – 800 MHz Radio System

Request:

A resolution authorizing the Mayor to sign an agreement with the Fayette County Public Schools (FCPS), which will permit its law enforcement officers and dispatchers to use the 800 MHz public safety radio communication system for a fee. Attached are three original agreements signed by Emmanuel Caulk, Superintendent, FCPS.

Why are you requesting?

The 10-year agreement outlines terms under which the FCPS will be allowed to program its radios (a/k/a subscribers) so that school officers have use of Lexington's radio system. FCPS Law Enforcement requested this agreement so that its officers can communicate between themselves and directly with Lexington's Public Safety agencies. FCPS will pay a monthly fee for each radio programmed to work on the radio system.

What are the costs in this budget year and future budget years?

There are no new or additional costs associated with this agreement.

Are the funds budgeted?

N/A

File Number: 0342-16

cc: Ronnie Bastin, Commissioner of Public Safety



MAYOR JIM GRAY

**LEXINGTON**DOWELL HOSKINS-SQUIER
COMMISSIONER
ENVIRONMENTAL QUALITY & PUBLIC WORKS**MEMORANDUM**

To: Mayor Jim Gray
Urban County Council
Sally Hamilton, CAO
Dowell Hoskins-Squier, Commissioner

From: Chester L. Hicks, Administrative Officer

Date: March 16, 2016

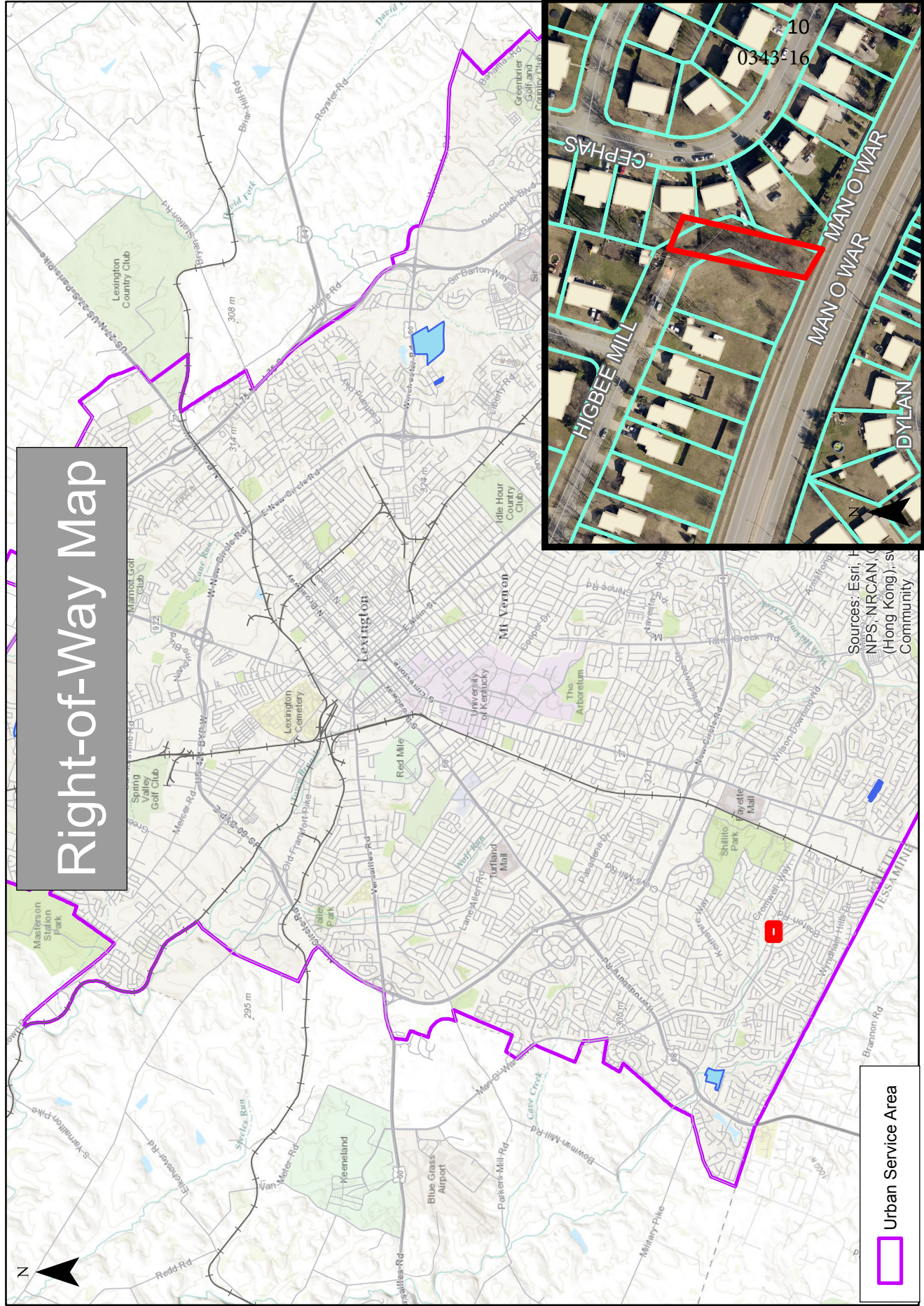
RE: Request for transfer of right-of-way via Quit Claim Deed – related to Higbee Mill Rd.

This memorandum is to request Urban County Council approval to transfer a portion of unused right-of-way originally dedicated for construction of a portion of Higbee Mill Rd. to the adjacent property owner located at 940 Higbee Mill Road. LFUCG Division Directors and utility company representatives have responded with comments and consented to this request. The adjacent property owner will accept full responsibility for the portion of unused right-of-way, the plan for which is to consolidate it with the adjoining property. I am requesting Council authorization of the transfer as presented and execution of all related documents. Should you have any questions regarding this request please feel free to contact me at 258-3407.

Chester Hicks, Administrative Officer



Right-of-Way Map



MAYOR JIM GRAY



LEXINGTON

ALDONA VALICENTI
CHIEF INFORMATION OFFICER

TO: Mayor Jim Gray

Urban County Council

FROM: Michael Nugent

Director, Computer Services

CC: Chad Cottle

DATE: March 25, 2016

SUBJECT: MACRO 4

Request

Authorization to: Renew maintenance and support services through MACRO 4 for DATABACK VSE, LOGOUT, TUBES VM and VTAMPRINT VSE

Why are you requesting?

Department needs this action completed because: existing mainframe software requires support and maintenance and MACRO 4 is the sole source provider for this service.

What is the cost in this budget year and future budget years?

The cost for this FY is: \$24,152.00

The cost for future FY is: unknown. Cost is likely to increase annually.

Are the funds budgeted?

The funds are budgeted or a budget amendment is in process: Funds are budgeted.

Account number: 1101-202505-0001-76102

File Number: 0345-16

Director/Commissioner: Michael Nugent/Aldona Valicenti



MAYOR JIM GRAY



LEXINGTON

IRENE GOODING
DIRECTOR
GRANTS & SPECIAL PROGRAMS

TO: JIM GRAY, MAYOR
URBAN COUNTY COUNCIL

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

DATE: MARCH 28, 2016

SUBJECT: Agreement for the Lexington Area Bike and Pedestrian Master Plan Update

Request:

Council authorization to accept award of Federal Planning Funds from the Kentucky Transportation Cabinet in the amount of \$160,000 for the Lexington Area Bike and Pedestrian Master Plan Update

Purpose of Request:

The Kentucky Transportation Cabinet has offered the Lexington-Fayette Urban County Government \$160,000 in federal discretionary planning funds for a Bike and Pedestrian Master Plan Update. The Lexington Area Metropolitan Planning Organization's Bike and Pedestrian Master Plan developed and adopted in 2007 requires updating to address gaps and lack of connectivity in the bike and pedestrian network. Funds will be used for consulting services (RFP/RFQ to be issued) to focus on plan elements that will promote safety, encourage new users, and provide connections to goods, services, jobs and education along with promoting a healthy lifestyle.

Cost in this Budget year and future budget years: Cost in FY 2016 is \$220,000 (\$160,000 in federal funds and \$60,000 in general fund dollars.) There are no anticipated planning costs in future budget years.

Are the funds budgeted? Budget Amendment #7323 is in process. General fund dollars are budgeted.

File Number: 0349-16

Director/Commissioner: Duncan/Paulsen

Irene Gooding, Director



MAYOR JIM GRAY

**LEXINGTON**IRENE GOODING
DIRECTOR
GRANTS & SPECIAL PROGRAMS

TO: JIM GRAY, MAYOR
URBAN COUNTY COUNCIL

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

DATE: MARCH 29, 2016

SUBJECT: Fiber Optic Cable Installation Program Grant for Fiscal Year 2016

Request:

Council authorization to accept award in the amount of \$424,000 from the Kentucky Transportation Cabinet for fiber optic cable installation for improvements to traffic signal system network along Man o' War Boulevard from Nicholasville Road (U.S. 27) westward to Fort Harrods Drive, approximately 4.5 miles and along Clays Mill Road from Twain Ridge Road to Keithshire Way, approximately 1.2 miles.

Purpose of Request:

On April 16, 2015 (Resolution No. 176-2015), Council approved submission of application to the Kentucky Transportation Cabinet requesting federal funds from the Congestion Management/Air Quality Program in the amount of \$424,000 for fiber optic cable installation. This project is in the Lexington Area Metropolitan Planning Organization's approved Transportation Improvement Program. The project has two goals: (1) to provide a more reliable communication medium for the traffic signal system, with the objective of reducing harmful emissions, and (2) to lessen the impact of severe electrical storms and other inclement weather conditions, in addition to aberrant telephone line communications on traffic signals. Funds will be used to support the costs of fiber optic cable installation and to support the costs of video equipment/data communications integration, and overtime costs in the Division of Traffic Engineering.

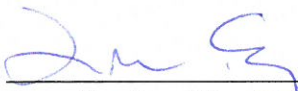
What is the cost in this budget year and future budget years?

The federal amount for the project is \$424,000. Required matching funds of 20% (\$106,000) will come from the Division of Traffic Engineering's FY 2016 general fund budget. Total project amount is \$530,000. Funding for future years is dependent upon availability of federal funding.

Are the funds budgeted? Budget amendments 7325 and 7326 are in process.

File Number: 0352-16

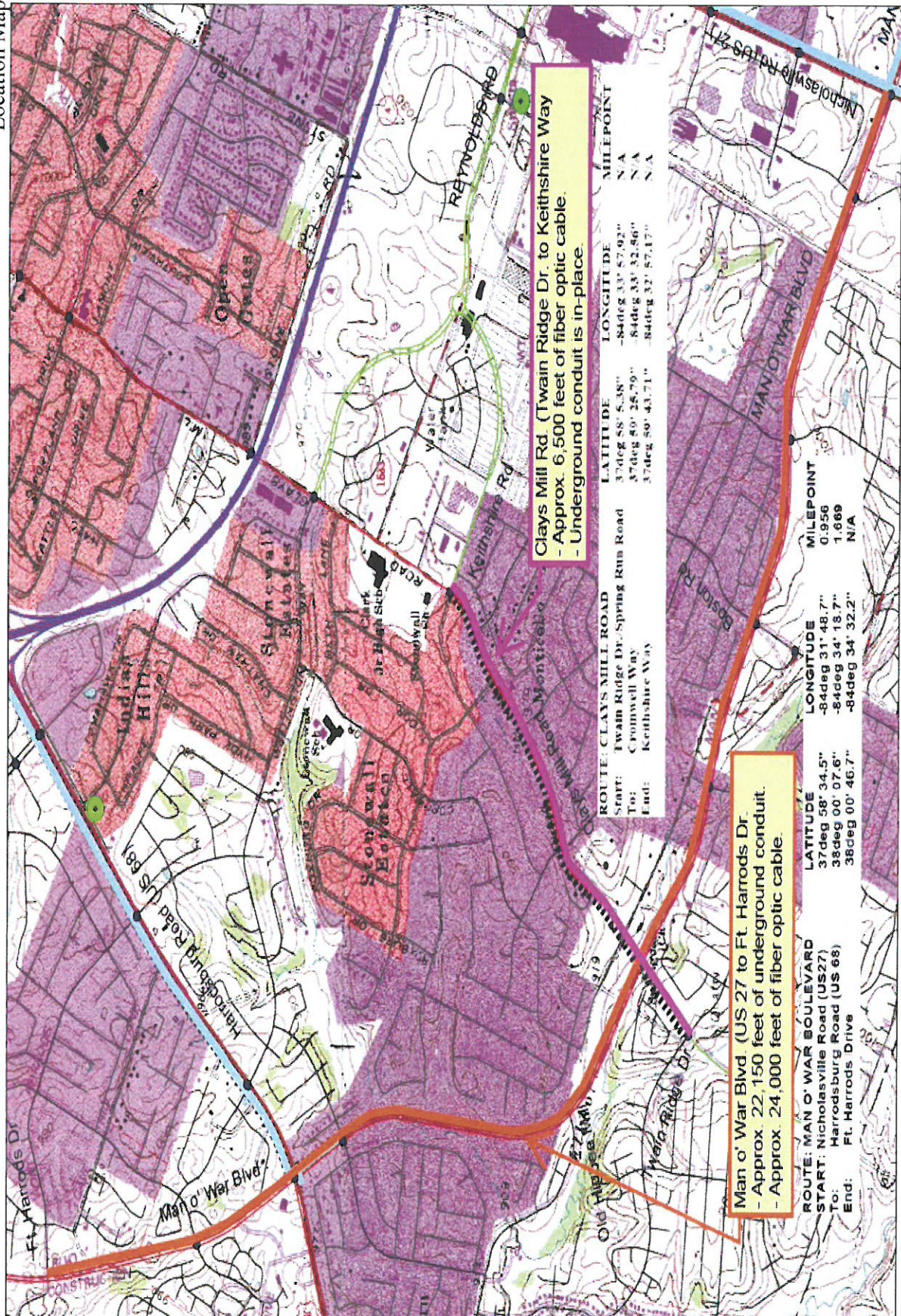
Director/Commissioner: Neal/Hoskins-Squier


Irene Gooding, Director



Attachment A

Location Map



CMAQ 2015 Fiber Optic Project Map
Lexington, KY

MAYOR JIM GRAY

**LEXINGTON**IRENE GOODING
DIRECTOR
GRANTS & SPECIAL PROGRAMS

TO: JIM GRAY, MAYOR
URBAN COUNTY COUNCIL

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

DATE: MARCH 29, 2016

SUBJECT: Commonwealth of Kentucky Office of Highway Safety award for *Click It Or Ticket* Enforcement Campaign– FY 2016

Request:

Council authorization to accept award of federal funds in the amount of \$5,000 from the Commonwealth of Kentucky Office of Highway Safety for *Click It Or Ticket* Enforcement Campaign– FY 2016

Purpose of Request:

The Lexington-Fayette Urban County Government Division of Police has been invited to participate in the Kentucky Transportation Cabinet, Kentucky Office of Highway Safety's May-June 2016 *Click It or Ticket* Safety Belt Enforcement Campaign. Federal funding originates from the U.S. Department of Transportation's National Highway Traffic Safety Administration. Funds will be used to support the cost of officer overtime for a period of concentrated enforcement of seatbelt usage for the period of May 23, 2016 through June 5, 2016.

Cost in this Budget Year and future budget years:

The cost in Fiscal Year 2016 is \$5,000 in federal funds. No matching funds are required. Funding for future budget years is contingent upon approval of federal funds.

Are the funds budgeted? Budget Amendment 7330 is in process.

File Number: 0353-16

Director/Commissioner: Barnard/Bastin

Irene Gooding
Director



200 East Main St., Lexington, KY 40507 / 859.258.3070 Phone / 859.258.3081 Fax / lexingtonky.gov

MAYOR JIM GRAY

**LEXINGTON**

IRENE GOODING

DIRECTOR

GRANTS & SPECIAL PROGRAMS

TO: JIM GRAY, MAYOR
URBAN COUNTY COUNCIL

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

DATE: MARCH 29, 2016

SUBJECT: Amendment to Agreement for Town Branch Trail Crossing at Old Frankfort Pike and McConnell Springs Drive

Request:

Request Council authorization to execute Amendment to Agreement with the Kentucky Transportation Cabinet to extend the period of performance through June 30, 2018 for Town Branch Trail Crossing at Old Frankfort Pike and McConnell Springs Drive and to provide for an increase in federal funding for project design from \$65,200 to \$73,280.

Purpose of Request:

On May 7, 2015 (Resolution No. 264-2015), Council approved acceptance of federal funds in the amount of \$43,000 under the Congestion Mitigation Air Quality (CMAQ) program for design of a crossing that will provide a safe, at-grade crossing of Old Frankfort Pike at McConnell Springs Drive.

On July 7, 2015 (Resolution No. 448-2015), Council approved amendment accepting additional federal funding for design in the amount of \$22,200 for a total design amount of \$65,200.

On December 8, 2015 (Resolution No. 804-2015) Council approved amendment providing for extension of performance period through December 31, 2016.

Kentucky Transportation Cabinet has offered an amendment to this agreement providing for an extended period of performance through June 30, 2018, and additional design funding in the amount of \$8,080.

Cost in this Budget year. Additional design cost in FY 2016 of \$10,100 (\$8,080 in federal funds and local match in the amount of \$2,020). The new design total is \$91,600 (\$73,280 in federal funds and \$18,320 in local match). No additional funds are anticipated for design in future budget years.

Are the funds budgeted? BA 7331 and 7332 are in process

File Number: 0354-16

Director/Commissioner: Douglas Burton/Derek Paulsen

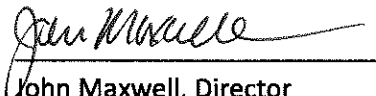
Irene Gooding, Director

200 East Main St., Lexington, KY 40507 / 859.258.3070 Phone / 859.258.3081 Fax / lexingtonky.gov

MAYOR JIM GRAY

**LEXINGTON**JOHN MAXWELL
DIRECTOR
HUMAN RESOURCES**MEMORANDUM**

TO: Jim Gray, Mayor
Sally Hamilton, Chief Administrative Officer
Council Members

FROM: 
John Maxwell, Director
Division of Human Resources

DATE: March 28, 2016

SUBJECT: Create positions — Division of Government Communications

Request:

The attached is requesting authorization to create four (4) classified positions of Customer Service Specialist (Grade 510N) in the Division of Government Communications, effective upon passage of Council.

Why are you requesting:

Upon the request of the division, the Division of Human Resources conducted classification study on the requested positions. The study was conducted according to standard procedures using the Job Analysis Questionnaire (JAQ) and position audit. The position was analyzed by staff using the whole job rank and factor comparison methods. As a result, a recommendation for the requested positions as described in this action.

What is the cost in this budget year and future budget year?

To illustrate, this has a 12-month future impact cost of \$182,140.94. The funds for these positions will be available by utilizing funds from the LexServ program.



MAYOR JIM GRAY



LEXINGTON

TRACEY THURMAN
DIRECTOR
WASTE MANAGEMENT

TO: Mayor Jim Gray
Urban County Council

FROM: 
Tracey Thurman, Director
Division of Waste Management

DATE: March 30, 2016

SUBJECT: Sole Source Purchase Request for RACO Industries, LLC to purchase software and handheld RFID/barcode scanners to manage and track refuse containers between Lexington-Fayette Urban County Government (LFUCG) on behalf of the LFUCG Division of Waste Management and RACO Industries, LLC

Request: The purpose of this memorandum is to request approval to enter into an agreement with RACO Industries, LLC to purchase handheld RFID/barcode scanners to track refuse containers for Waste Management at multiple locations. This will allow Waste Management to properly track current containers and manage supply.

Authorization to: Approve sole source with RACO Industries, LLC.

Why are you requesting? Waste Management currently does not have an electronic tracking solution for refuse containers. RACO Interactive has a customized software/hardware solution using the RFID/barcode reading hand scanners. Waste Management will use this solution to properly track containers.

What is the cost in this budget year and future budget years? \$22,000 for this year; \$1,000 per year maintenance

The cost for this FY is: \$22,000 (software and hardware)

The cost for future FY is: \$1,000 (Annual maintenance)

Are the funds budgeted? Yes

The funds are budgeted or a budget amendment is in process: Yes

Account number: Hardware: 303501 1115 0001 96468 \$ 6,562

Software: 303501 1115 0001 96202 \$15,438

cc: Dowell Hoskins-Squier, Commissioner



MAYOR JIM GRAY

**LEXINGTON**IRENE GOODING
DIRECTOR
GRANTS & SPECIAL PROGRAMS

TO: JIM GRAY, MAYOR
URBAN COUNTY COUNCIL

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

DATE: MARCH 31, 2016

SUBJECT: Senior Citizens Grant Application for Fiscal Year 2017

Request:

Council Authorization to submit a grant application requesting \$109,153 in federal funding, and to accept award if offered, to the Bluegrass Area Development District for operation of the Senior Citizens Center in FY 2017, subject to the availability of sufficient funds in FY 2017

Purpose of Request:

A grant application has been prepared by the Department of Social Services for submission to the Bluegrass Area Development District (BGADD) requesting federal funds in the amount of \$109,153 under Title III of the Older Americans Act for operation of the Lexington Senior Citizens Center in FY 2017. The Lexington Senior Citizens Center is a multi-purpose community focal point for services to persons 60 and older in Fayette County. Basic center operations include advocacy, counseling, education, health promotion, access to legal assistance, outreach, recreation, and telephone reassurance. Grant-funded staff includes a Center Director, a Social Worker, a Social Worker Senior, two Staff Assistant Seniors, and two part-time van drivers.

What is the cost in this budget year and future budget years?

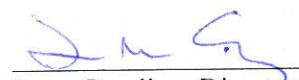
It is anticipated that federal funds in the amount of \$109,153 will be available for operation in FY 2017. The minimum local match required for the operation of the project is 15%; however, the amount that is being requested in the FY 2017 general fund budget for grant match is \$195,707. The total cost of operations for this project is \$304,860. Funds for future budget years are dependent upon federal allocations.

Are the funds budgeted?

Budget amendment for Fiscal Year 2017 is in process.

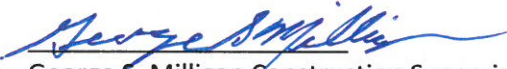
File Number: 0359-16

Director/Commissioner: Stambaugh/Ford


Irene Gooding, Director



TO: Mayor Jim Gray
Urban County Council

FROM: 
George S. Milligan Construction Supervisor
Department of Environmental Quality & Public Works

DATE: March 31, 2016

SUBJECT: Change Order #2 to Contract# 219-2015 Prefabricated Truck Shed for Waste Management.

Request

The Department of Environmental Quality and Public Works request approval of Change Order #2 in the amount of \$22,386.75 to Contract 219-2015 with Devere Construction, Inc. for the construction of a truck shed for the Division of Waste Management.

Reason for Request

The LFUCG on October 2, 2015 entered into a contract with Devere Construction to construct a prefabricated 20 bay truck shed for the Division of Waste Management at a cost of \$730,595.00. On March 7, 2016 Change Order #1 was submitted increasing the contract amount to \$756,607.61. Since that time it has become necessary to make additional changes to the plans for the project.

The changes include:

- 1) Adding Bird Net 2000 to the side walls. The project was changed to a pre-engineered structure that will require netting on the walls in addition to the roof.
- 2) In order to improve the site drainage additional width was added to the concrete apron.
- 3) It was necessary because of the pre-engineered building to re-design the mounting of the lighting system and an additional circuit was added to allow for the installation of a CCTV system.

The cost of this change is \$22,386.75 and brings the project total to \$778,994.36. This total is still less than the base bid of the next higher bidder.

Cost in Budget Year: \$22,386.75

The Cost for Future FY: None

Are the Funds Budgeted: Yes

Funds are budgeted in: 1115-303501-0001-90512

Milligan/ Hoskins-Squier



LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT CONTRACT CHANGE ORDER Page 1 of 3		Date:	March 31, 2016
To (Contractor):		Project:	Truck Shed
Devere Construction, Inc. 204 Richmond Road N. Suite B Berea, Kentucky 40403		Location:	Waste Management
		Contract No.	219-2015
		Original Contract Amt.	\$730,595.00
		Cumulative Amount of Previous Change Orders	\$26,012.61
		Percent Change - Previous Change Orders	3.56%
		Total Contract Amount Prior to this Change Order	\$756,607.61
		Change Order No.	2
You are hereby requested to comply with the following changes from the contract plans and specification;			
Current Change Order			
Item No.	Description of changes-quantities, unit prices, change in completion date, etc.	Decrease in contract price	Increase in contract price
	See Attached Sheets (page 2)		
	Total decrease	\$0.00	
	Total increase		\$22,386.75
	Net Amount of this Change Order	\$22,386.75	
	New Contract Amount Including this Change Order	\$778,994.36	
	Percent Change - This Change Order		3.06%
	Percent Change - All Change Orders		6.62%
The time provided for the completion in the contract and all provisions of the contract will apply hereto.			
Recommended by <u><i>David Miller</i></u> (Proj. Mgr.)		Date	<u>3-31-16</u>
Accepted by <u><i>John R.</i></u> (Contractor)		Date	<u>3-31-16</u>
Approved by <u><i>Dorell Hoskins</i></u> (Director)		Date	<u>3-31-16</u>
Approved by <u><i>Dorell Hoskins</i></u> (Commissioner)		Date	<u>3-31-16</u>
Approved by <u></u> (Mayor or CAO)		Date	<u></u>

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT					DATE: March 31, 2016		
CONTRACT MODIFICATION					Change Order #: 2		
					CONTRACT #: 219-2015		
Project: Prefabricated Truck Shed for Waste Management							
You are hereby requested to comply with the following changes from the contract plans and specifications;							
Item No.	ADD / DEL	Description of changes	Units	Quantity	Unit Price	Decrease in contract price	Increase in contract price
ITEMS							
	ADD	Install 3/4" Bird Net on side walls	LS	1.00	\$ 7,923.50	\$ -	\$ 7,923.50
	ADD	Widen concrete apron to improve drainage	LS	1.00	\$ 9,800.00	\$ -	\$ 9,800.00
	ADD	Install 8 ceiling mounted light fixtures at a height of 13'6", Install extra circuit for CCTY, Install 4 wallpack lights off structural beam	LS	1.00	\$ 4,663.25	\$ -	\$ 4,663.25
Total decrease						\$ -	
Total increase							\$ 22,386.75
Net Difference in contract price						\$	\$ 22,386.75

Page 3 of 3		
JUSTIFICATION FOR CHANGE	PROJECT: Truck Shed	
	CONTRACT NO. 219-2015	
	CHANGE ORDER: 2	
1. Necessity for change: Prefab Building required that bird netting be installed on the side walls in addition to the roof. The apron in front of the shed was widen to improve drainage. Do to the CNG trucks height, the light fixture needed to be raised, and a additional electric circuit was added for CCTV. 2. Is proposed change an alternate bid? Yes ☒ No ☐ 3. Will proposed change alter the physical size of the project? Yes ☒ No ☐ If "Yes", explain. 4. Effect of this change on other prime contractors: N/A 5. Has consent of surety been obtained? Yes ☒ Not Necessary ☐ 6. Will this change affect expiration or extent of insurance coverage? Yes ☒ No ☐ If "Yes", will the policies be extended? Yes ☐ No ☒ 7. Effect on operation and maintenance costs: N/A 8. Effect on contract completion date: N/A Mayor Date		

MAYOR JIM GRAY



LEXINGTON

IRENE GOODING
DIRECTOR
GRANTS & SPECIAL PROGRAMS

TO: JIM GRAY, MAYOR
URBAN COUNTY COUNCIL

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

DATE: APRIL 4, 2016

SUBJECT: TIGER application for Town Branch Commons

Request:

Request Council authorization to submit application requesting federal funds in the amount of \$16 million to the U. S. Department of Transportation under the 2016 Transportation Investment Generating Economic Recovery (TIGER) competitive grant program for construction of sections of Town Branch Commons Project.

Purpose of Request:

An application has been prepared for submission to the U.S. Department of Transportation requesting funds in the amount of \$16 million for the construction of three sections of the Town Branch Commons Project. Mobility enhancements include completing critical gaps in trail and pedestrian infrastructure, separating bike infrastructure from vehicles, improving pedestrian facilities, and installing corridor safety improvements and traffic calming features. The project also includes a significant application of bioswales and other green infrastructure to help manage storm water and improve aesthetics and sustainability throughout the corridor. The project will bring together a 20-mile multi-modal system to include the Legacy Trail, Town Branch Trail, and the Town Branch Commons Corridor. Citizens will be able to safely run, walk, or ride their bikes from their neighborhoods to downtown, and to the rural areas. The sections to be constructed with TIGER funding include the area on Vine Street from Limestone to Tucker Street, the area on Manchester Street from Oliver Lewis Way to Forbes Road, and the area on Newtown Pike from Oliver Lewis Way to West Third Street.

Cost in this Budget year and future budget years: \$20 million to include \$16 million in federal funds and \$4 million in bond revenue

Are the funds budgeted? \$4 million in bond revenue will come from the bonds already approved by Council in Fiscal Year 2016 for the Town Branch Commons project.

File Number: 0365-16

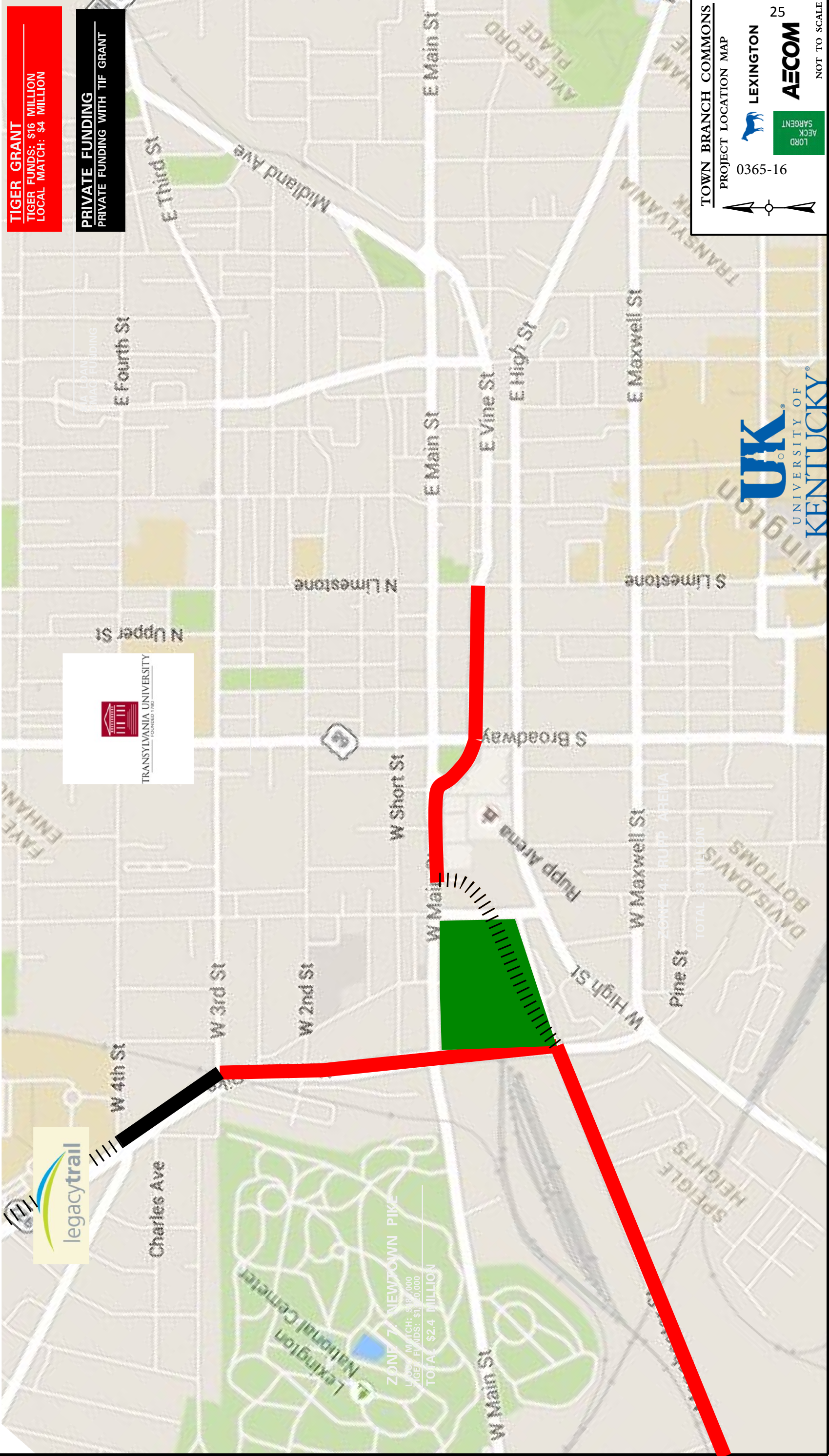
Director/Commissioner: Dowell Hoskins-Squier

Irene Gooding, Director



200 East Main St., Lexington, KY 40507 / 859.258.3070 Phone / 859.258.3081 Fax / lexingtonky.gov

TOWN BRANCH COMMONS TIGER FUNDING SUMMARY





Lexington-Fayette Urban County Government
OFFICE OF THE MAYOR

Jim Gray
Mayor

Kevin Atkins
Chief Development Officer

MEMORANDUM

TO: Mayor Jim Gray
Sally Hamilton, CAO
Urban County Council

FROM: Kevin Atkins, Chief Development Officer 

DATE: April 4, 2016

SUBJECT: Jobs fund Incentives for Archvision, Inc.

Request:

Authorization to execute a Jobs Fund Loan Agreement with Archvision, Inc., for \$250,000 for the creation of four (4) new jobs at an average hourly wage of \$40.00.

Why are you requesting?

On 3/1/16, the Economic Development Investment Board reviewed an application for incentives from Archvision, Inc. The board voted unanimously to approve a loan in the amount of \$250,000 for Archvision, Inc. for the creation of four (4) jobs as part of the company's product and service expansion.

What is the cost in this budget year and future budget years?

The cost for this FY is: \$250,000

The cost for future FY is: n/a

Are the funds budgeted?

Yes

Account number: 1144-136101-0001-78103

File Number: 0366-16

FOLLOW MAYOR GRAY:

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Lexington-Fayette Urban County Government
OFFICE OF THE MAYOR

Jim Gray
Mayor

Kevin Atkins
Chief Development Officer

MEMORANDUM

TO: Mayor Jim Gray
Sally Hamilton, CAO
Urban County Council

FROM: Kevin Atkins, Chief Development Officer 

DATE: April 4, 2016

SUBJECT: Jobs fund Incentives for Love Will Inc. (dba Fluent)

Request:

Authorization to execute a Jobs Fund Incentive Agreement with Love Will Inc. (dba Fluent), for \$90,000 for the creation of one (1) new job at an average hourly wage of \$43.27.

Why are you requesting?

On 12/1/15, the Economic Development Investment Board reviewed an application for incentives from Archvision, Inc. The board voted unanimously to approve a loan in the amount of \$90,000 for Love Will Inc. (dba Fluent) for the creation of one (1) job to incentivize the company's growth and expansion.

What is the cost in this budget year and future budget years?

The cost for this FY is: \$90,000

The cost for future FY is: n/a

Are the funds budgeted?

Yes

Account number: 1144-136101-0001-78103

File Number: 0367-16

FOLLOW MAYOR GRAY:

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

**Neighborhood Development Funds
April 12, 2016
Work Session**

Amount	Recipient	Purpose
\$ 250.00	Gardenside NA, Inc. PO Box 4065 Lexington, KY 40504 Susan Spalding	To assist with postage costs for their annual newsletter.
\$ 500.00	Firebrook Estates HOA, Inc. 145 Rose Street Lexington, KY 40507 Vicki Holmberg	To provide funds for neighborhood signage.
\$ 500.00	Southpoint Residential Assoc. 201 Bittersweet Way Lexington, KY 40515 Jeff Wolfe	To assist with the purchase and installation of neighborhood safety watch signs.
\$ 2,600.00	Living Arts & Science Center 362 N. Martin Luther King Blvd. Lexington, KY 40508 Heather Lyons	To assist with the purchase of supplies for the digital media studio.



Planning & Public Safety Committee

March 8th, 2016

Summary and Motions

Chair Mossotti called the meeting to order at 1:00 p.m. Committee Members Kay, Akers, Gibbs, Lamb, Farmer, Bledsoe and Henson were in attendance. Committee Members Scutchfield and Stinnett were absent. Council Members F. Brown and Evans were in attendance as non-voting members.

I. Committee Summary

A motion was made by Farmer to approve the February 9, 2016 Planning & Public Safety Committee Summary, seconded by Kay. The motion passed without dissent.

II. H-1 Notification Process

At the request of Farmer, Jim Duncan, Director of Planning, stated their FY17 budget request will include funds for the mailing of notifications.

Mossotti inquired about H1-N1 boundaries and if the H-1 process includes those. Duncan stated they are not involved in determining the boundaries, but they can be adjusted at the time of the hearings, but initial notification goes to the boundaries presented to them. Mossotti inquired about people who may want to be included in the boundaries and Duncan replied the boundaries are initiated by neighborhoods and that they could request to be included. Bill Sallee, from Planning, noted that a BOAR can be used to adjust boundaries.

Bettie Kerr, Director of Historic Preservation, affirmed that the neighborhoods attach a map of the area to consider with their applications and that Planning or Historic Restoration staff may recommend the addition of properties. Kerr further noted that once the study has begun, boundaries cannot be increased, only decreased. She stated they recommend that applicants reach out to nearby neighbors to gauge their interest.

Henson inquired how many applications they receive per year. Duncan stated there is usually only one per year. Henson noted the cost for postage should be small, which Duncan affirmed.

A motion was made by Farmer to remove H-1 Notification Process from Committee, seconded by Henson. The motion passed without dissent.

III. Fire & EMS Vehicle Replacement Plan

F. Brown introduced the Fire & EMS Vehicle Replacement Plan. Public Safety Commissioner Bastin introduced Chief Hoskins. Hoskins presented the Fleet Replacement Plan.

Lamb inquired about the uses for heavy rescue trucks. Hoskins stated it is a truck with all of the equipment for firefighting, building shoring, diving equipment, auto excavation and other

uses. Lamb inquired about the requirements for using the ladder truck. Hoskins stated this is for buildings greater than 35 feet in height and stated the 105 foot ladders work well for Lexington. In response to Lamb, Hoskins stated they have 4 civilian mechanics and one sworn person on the same shift as the firefighters.

In response to Bledsoe, Hoskins stated HM1 is a large Haz-Mat truck. He further noted a brush truck is a truck with a water tank and gas filled pump and the FF50 truck is used to pull large trailers.

Henson thanked him for his work and inquired if new equipment comes with warranties. Hoskins stated the typical warranty is one year. Henson inquired if the estimated costs consider inflation and Hoskins replied they do not.

Akers inquired if they typically purchase longer warranties. Hoskins stated they have for the ladder trucks and will see if that has been of value. Akers noted that trucks at their life span have a small number of miles. Hoskins stated the trucks rarely make a long trip, but do idle for long periods of time while in service.

F. Brown inquired about the replacement schedule for the heavy fleet and the budget for FY16. Hoskins stated the budget for replacement in FY16 \$2.57M. F. Brown inquired if they are up to date on the replacement schedule. Hoskins replied that over the next 2 rounds of their purchasing plan they will still have some engines that are 17-18 years old that required heavy maintenance. He further stated the schedule does not reflect new stations.

In response to Henson, Hoskins stated they have 2 tower ladder trucks with buckets.

IV. Community Corrections Officer Turnover

Evans introduced the Community Corrections Officer Turnover item. Paul Schoninger, Council Research Analyst, gave a presentation.

In response to Gibbs, Rodney Ballard, Director of Community Corrections, clarified that BOP refers to several locations in the area and stands for Bureau of Prisons. Gibbs further inquired about the starting wage. Ballard stated the starting pay is around \$32,000 and at the end of the first year is \$36,000. He stated that starting pay is the BOP \$48,600.

Lamb noted her appreciation for the survey and stated her desire to see corrections officers have nice uniforms and higher profile swearing in ceremonies. Scott Colvin, Deputy Director, stated the ceremonies have evolved to include all of the officers and the Commissioners and Mayor's Offices.

In response to Bledsoe, Ballard gave a breakdown of the number supervisors including Captains, Sergeants, Lieutenants and Majors. He further stated that voluntarily resignations are individuals who were not asked to leave and dismissal involves discipline.

Akers inquired how the department determines an officer's reasons for leaving. Ballard stated they conduct exit interviews and he also sits down with officers before they leave to discuss their reasons. Akers inquired if they have considered allowing managers to fill in for Officers to relieve some of the overtime. Ballard stated they do not, noting the extra expense of overtime and potential confusion of roles. Akers stated her desire to see the results of the survey they are conducting brought back to the committee. Mossotti offered that Dr. Wells could present the relevant findings to the Committee.

F. Brown inquired about the Collective Bargaining policy and how this affects their recruiting. Ballard stated the union has been very beneficial to hiring. F. Brown also inquired about rehires and Ballard stated they have had some success with that.

Lamb noted her concerns about turn over. Ballard stated they have increased their training staff and they have increased the length of the training Academy, and it is now an 11 week program. At Lamb's request CAO Hamilton gave an overview of their recruiting plan for the Director's position.

In response to Henson, Ballard stated there is no age requirement aside from the entry level age of 21 years old. Henson noted her concern for family time for Officers.

In response to Mossotti, Ballard stated they have exceeded salaries for local jails but are beneath the pay at federal prisons. Commissioner Bastin stated that Police & Fire have higher starting salaries and noted some individuals go into Corrections to gain experience for Police and Fire.

In response to a question from Akers, Bastin stated Colonel Colvin will be the interim director.

Lamb inquired if the Academy includes diversity and multi-cultural training and Ballard stated they receive less than 4 hours, but he has been working with HR to include this as a yearly training. Lamb noted that Fire & Police have this training module.

A motion was made by Akers that Dr. Wells will present survey findings to Committee on June 14, 2016 following completion of report to corrections staff, seconded by Farmer. The motion passed without dissent.

V. Items Referred

A motion was made by Akers to adjourn, seconded by Lamb. The motion passed without dissent.

The meeting was adjourned at 2:42 p.m.

D.S. 3.9.2016

132.010 Definitions for chapter.

As used in this chapter, unless the context otherwise requires:

- (1) "Department" means the Department of Revenue;
- (2) "Taxpayer" means any person made liable by law to file a return or pay a tax;
- (3) "Real property" includes all lands within this state and improvements thereon;
- (4) "Personal property" includes every species and character of property, tangible and intangible, other than real property;
- (5) "Resident" means any person who has taken up a place of abode within this state with the intention of continuing to abide in this state; any person who has had his actual or habitual place of abode in this state for the larger portion of the twelve (12) months next preceding the date as of which an assessment is due to be made shall be deemed to have intended to become a resident of this state;
- (6) "Compensating tax rate" means that rate which, rounded to the next higher one-tenth of one cent (\$0.001) per one hundred dollars (\$100) of assessed value and applied to the current year's assessment of the property subject to taxation by a taxing district, excluding new property and personal property, produces an amount of revenue approximately equal to that produced in the preceding year from real property. However, in no event shall the compensating tax rate be a rate which, when applied to the total current year assessment of all classes of taxable property, produces an amount of revenue less than was produced in the preceding year from all classes of taxable property. For purposes of this subsection, "property subject to taxation" means the total fair cash value of all property subject to full local rates, less the total valuation exempted from taxation by the homestead exemption provision of the Constitution and the difference between the fair cash value and agricultural or horticultural value of agricultural or horticultural land;
- (7) "Net assessment growth" means the difference between:
 - (a) The total valuation of property subject to taxation by the county, city, school district, or special district in the preceding year, less the total valuation exempted from taxation by the homestead exemption provision of the Constitution in the current year over that exempted in the preceding year, and
 - (b) The total valuation of property subject to taxation by the county, city, school district, or special district for the current year;
- (8) "New property" means the net difference in taxable value between real property additions and deletions to the property tax roll for the current year. "Real property additions" shall mean:
 - (a) Property annexed or incorporated by a municipal corporation, or any other taxing jurisdiction; however, this definition shall not apply to property acquired through the merger or consolidation of school districts, or the transfer of property from one (1) school district to another;
 - (b) Property, the ownership of which has been transferred from a tax-exempt entity to a nontax-exempt entity;
 - (c) The value of improvements to existing nonresidential property;

- (d) The value of new residential improvements to property;
- (e) The value of improvements to existing residential property when the improvement increases the assessed value of the property by fifty percent (50%) or more;
- (f) Property created by the subdivision of unimproved property, provided, that when such property is reclassified from farm to subdivision by the property valuation administrator, the value of such property as a farm shall be a deletion from that category;
- (g) Property exempt from taxation, as an inducement for industrial or business use, at the expiration of its tax exempt status;
- (h) Property, the tax rate of which will change, according to the provisions of KRS 82.085, to reflect additional urban services to be provided by the taxing jurisdiction, provided, however, that such property shall be considered "real property additions" only in proportion to the additional urban services to be provided to the property over the urban services previously provided; and
- (i) The value of improvements to real property previously under assessment moratorium.

"Real property deletions" shall be limited to the value of real property removed from, or reduced over the preceding year on, the property tax roll for the current year;

- (9) "Agricultural land" means:
 - (a) Any tract of land, including all income-producing improvements, of at least ten (10) contiguous acres in area used for the production of livestock, livestock products, poultry, poultry products and/or the growing of tobacco and/or other crops including timber;
 - (b) Any tract of land, including all income-producing improvements, of at least five (5) contiguous acres in area commercially used for aquaculture; or
 - (c) Any tract of land devoted to and meeting the requirements and qualifications for payments pursuant to agriculture programs under an agreement with the state or federal government;
- (10) "Horticultural land" means any tract of land, including all income-producing improvements, of at least five (5) contiguous acres in area commercially used for the cultivation of a garden, orchard, or the raising of fruits or nuts, vegetables, flowers, or ornamental plants;
- (11) "Agricultural or horticultural value" means the use value of "agricultural or horticultural land" based upon income-producing capability and comparable sales of farmland purchased for farm purposes where the price is indicative of farm use value, excluding sales representing purchases for farm expansion, better accessibility, and other factors which inflate the purchase price beyond farm use value, if any, considering the following factors as they affect a taxable unit:
 - (a) Relative percentages of tillable land, pasture land, and woodland;
 - (b) Degree of productivity of the soil;

- (c) Risk of flooding;
 - (d) Improvements to and on the land that relate to the production of income;
 - (e) Row crop capability including allotted crops other than tobacco;
 - (f) Accessibility to all-weather roads and markets; and
 - (g) Factors which affect the general agricultural or horticultural economy, such as: interest, price of farm products, cost of farm materials and supplies, labor, or any economic factor which would affect net farm income;
- (12) "Deferred tax" means the difference in the tax based on agricultural or horticultural value and the tax based on fair cash value;
- (13) "Homestead" means real property maintained as the permanent residence of the owner with all land and improvements adjoining and contiguous thereto including but not limited to lawns, drives, flower or vegetable gardens, outbuildings, and all other land connected thereto;
- (14) "Residential unit" means all or that part of real property occupied as the permanent residence of the owner;
- (15) "Special benefits" are those which are provided by public works not financed through the general tax levy but through special assessments against the benefited property;
- (16) "Mobile home" means a structure, transportable in one (1) or more sections, which when erected on site measures eight (8) body feet or more in width and thirty-two (32) body feet or more in length, and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. It may be used as a place of residence, business, profession, or trade by the owner, lessee, or their assigns and may consist of one (1) or more units that can be attached or joined together to comprise an integral unit or condominium structure;
- (17) "Recreational vehicle" means a vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper, and motor home.
- (a) Travel trailer: A vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, and of such size or weight as not to require special highway movement permits when drawn by a motorized vehicle, and with a living area of less than two hundred twenty (220) square feet, excluding built-in equipment (such as wardrobes, closets, cabinets, kitchen units or fixtures) and bath and toilet rooms.
 - (b) Camping trailer: A vehicular portable unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold at the camp site to provide temporary living quarters for recreational, camping, or travel use.
 - (c) Truck camper: A portable unit constructed to provide temporary living quarters for recreational, travel, or camping use, consisting of a roof, floor,

and sides, designed to be loaded onto and unloaded from the bed of a pick-up truck.

- (d) Motor home: A vehicular unit designed to provide temporary living quarters for recreational, camping, or travel use built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van which is an integral part of the completed vehicle;
- (18) "Hazardous substances" shall have the meaning provided in KRS 224.1-400;
- (19) "Pollutant or contaminant" shall have the meaning provided in KRS 224.1-400;
- (20) "Release" shall have the meaning as provided in either or both KRS 224.1-400 and KRS 224.60-115;
- (21) "Qualifying voluntary environmental remediation property" means real property subject to the provisions of KRS 224.1-400 and 224.1-405, or 224.60-135 where the Energy and Environment Cabinet has made a determination that:
 - (a) All releases of hazardous substances, pollutants, contaminants, petroleum, or petroleum products at the property occurred prior to the property owner's acquisition of the property;
 - (b) The property owner has made all appropriate inquiry into previous ownership and uses of the property in accordance with generally accepted practices prior to the acquisition of the property;
 - (c) The property owner or a responsible party has provided all legally required notices with respect to hazardous substances, pollutants, contaminants, petroleum, or petroleum products found at the property;
 - (d) The property owner is in compliance with all land use restrictions and does not impede the effectiveness or integrity of any institutional control;
 - (e) The property owner complied with any information request or administrative subpoena under KRS Chapter 224; and
 - (f) The property owner is not affiliated with any person who is potentially liable for the release of hazardous substances, pollutants, contaminants, petroleum, or petroleum products on the property pursuant to KRS 224.1-400, 224.1-405, or 224.60-135, through:
 - 1. Direct or indirect familial relationship;
 - 2. Any contractual, corporate, or financial relationship, excluding relationships created by instruments conveying or financing title or by contracts for sale of goods or services; or
 - 3. Reorganization of a business entity that was potentially liable;
- (22) "Intangible personal property" means stocks, mutual funds, money market funds, bonds, loans, notes, mortgages, accounts receivable, land contracts, cash, credits, patents, trademarks, copyrights, tobacco base, allotments, annuities, deferred compensation, retirement plans, and any other type of personal property that is not tangible personal property;
- (23) (a) "County" means any county, consolidated local government, urban-county government, unified local government, or charter county government;

- (b) "Fiscal court" means the legislative body of any county, consolidated local government, urban-county government, unified local government, or charter county government; and
- (c) "County judge/executive" means the chief executive officer of any county, consolidated local government, urban-county government, unified local government, or charter county government;
- (24) "Taxing district" means any entity with the authority to levy a local ad valorem tax, including special purpose governmental entities;
- (25) "Special purpose governmental entity" shall have the same meaning as in KRS 65A.010, and as used in this chapter shall include only those special purpose governmental entities with the authority to levy ad valorem taxes, and that are not specifically exempt from the provisions of this chapter by another provision of the Kentucky Revised Statutes; and
- (26) (a) "Broadcast" means the transmission of audio, video, or other signals, through any electronic, radio, light, or similar medium or method now in existence or later devised over the airwaves to the public in general.
- (b) "Broadcast" shall not apply to operations performed by multichannel video programming service providers as defined in KRS 136.602 or any other operations that transmit audio, video, or other signals, exclusively to persons for a fee.

Effective: January 1, 2014

History: Amended 2013 Ky. Acts ch. 40, sec. 86, effective March 21, 2013; and ch. 119, sec. 6, effective January 1, 2014. -- Amended 2010 Ky. Acts ch. 24, sec. 96, effective July 15, 2010; and ch. 95, sec. 1, effective July 15, 2010. -- Amended 2007 Ky. Acts ch. 100, sec. 1, effective June 26, 2007. -- Amended 2005 Ky. Acts ch. 85, sec. 169, effective June 20, 2005; and ch. 168, sec. 54(18) effective January 1, 2005, and sec. 54(19), effective January 1, 2006. -- Amended 2002 Ky. Acts ch. 198, sec. 1, effective July 15, 2002. -- Amended 1994 Ky. Acts ch. 263, sec. 2, effective July 15, 1994. -- Amended 1992 Ky. Acts ch. 397, sec. 1, effective July 14, 1992. -- Repealed and reenacted 1990 Ky. Acts ch. 476, Pt. V, sec. 306, effective July 13, 1990. -- Amended 1984 Ky. Acts ch. 111, sec. 72, effective July 13, 1984. -- Amended 1982 Ky. Acts ch. 327, sec. 5, effective July 15, 1982; and ch. 395, sec. 1, effective July 15, 1982. -- Amended 1980 Ky. Acts ch. 319, sec. 1, effective July 15, 1980. -- Amended 1979 (1st Extra. Sess.) Ky. Acts ch. 25, sec. 1, effective February 13, 1979. -- Amended 1976 Ky. Acts ch. 315, sec. 1. -- Amended 1972 Ky. Acts ch. 285, sec. 1. -- Amended 1970 Ky. Acts ch. 249, sec. 1. -- Amended 1965 (1st Extra. Sess.) Ky. Acts ch. 2, sec. 11. -- Amended 1964 Ky. Acts ch. 141, sec. 39. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 4114h-1, 4020a-1, 4022.

Legislative Research Commission Note (1/1/2014). 2013 Ky. Acts ch. 119, sec. 26, provides that the amendments to this statute in 2013 Ky. Acts ch. 119, sec. 6, shall apply to property assessed on or after January 1, 2014.

Legislative Research Commission Note (1/1/2014). This statute was amended by 2013 Ky. Acts chs. 40 and 119, which do not appear to be in conflict and have been codified together.

Legislative Research Commission Note (7/15/2010). Under the authority of KRS 7.136, the Reviser of Statutes has corrected manifest clerical or typographical errors

by inserting "a" before the first occurrence of "charter county government" and "the" before "legislative body" and "chief executive officer" in subsection (23) of this section.

Legislative Research Commission Note (6/26/2007). A manifest clerical or typographical error in subsection (21)(f)2. has been corrected by the Reviser of Statutes under the authority of KRS 7.136.

Legislative Research Commission Note (6/20/2005). 2005 Ky. Acts ch. 168, sec. 170, provided: "Subsection (18) of Section 54 of this Act, relating to property tax changes, take[s] effect January 1, 2006. Subsection (19) of Section 54 of this Act, relating to the voluntary environmental remediation credit, takes effect January 1, 2005." Because of the order in which the subsections become effective, the Statute Reviser, under the authority of KRS 7.136, has codified subsection (18) of Section 54, relating to property tax changes, as KRS 132.010(19), and subsection (19) of Section 54, relating to the voluntary remediation credit, as KRS 132.010(18).

132.450 Assessment -- Special procedure and provision for assessing real property at agricultural or horticultural value -- Election by owner.

- (1) Each property valuation administrator shall assess at its fair cash value all property which it is his duty to assess except as provided in paragraph (c) of subsection (2) of this section. The property of one (1) person shall not be assessed willfully or intentionally at a lower or higher relative value than the same class of property of another, and any grossly discriminatory valuation shall be construed as an intentional discrimination. The property valuation administrator shall make every effort, through visits with the taxpayer, personal inspection of the property, from records, from his own knowledge, from information in property schedules, and from such other evidence as he may be able to obtain, to locate, identify, and assess property.
- (2)
 - (a) In determining the total area of land devoted to agricultural or horticultural use, there shall be included the area of all land under farm buildings, greenhouses and like structures, lakes, ponds, streams, irrigation ditches and similar facilities, and garden plots devoted to growth of products for on-farm personal consumption but there shall be excluded, land used in connection with dwelling houses including, but not limited to, lawns, drives, flower gardens, swimming pools, or other areas devoted to family recreation. Where contiguous land in agricultural or horticultural use in one (1) ownership is located in more than one (1) county or taxing district, compliance with the minimum requirements shall be determined on the basis of the total area of such land and not the area of land which is located in the particular county or taxing district.
 - (b) Land devoted to agricultural or horticultural use, where the owner or owners have petitioned for, and been granted, a zoning classification other than for agricultural or horticultural purposes qualifies for the agricultural or horticultural assessment until such time as the land changes from agricultural or horticultural use to the use granted by the zoning classification.
 - (c) When the use of a part of a tract of land which is assessed as agricultural or horticultural land is changed either by conveyance or other action of the owner, the right of the remaining land to be retained in the agricultural or horticultural assessment shall not be impaired provided it meets the minimum requirements, except the minimum ten (10) contiguous acre requirement shall not be applicable if any portion of the agricultural or horticultural land has been acquired for a public purpose as long as the remaining land continues to meet the other requirements of this section.
 - (d) When in the opinion of the property valuation administrator any land has a value in excess of that for agricultural or horticultural use the property valuation administrator shall enter into the tax records the value of the property according to its fair cash value. When the property valuation administrator determines that the land meets the requirements for valuation as agricultural or horticultural land, the valuation for tax purposes shall be its agricultural or horticultural value.

- (3) When land which has been valued and taxed as agricultural land for five (5) or more consecutive years under the same ownership fails to qualify for the classification through no other action on the part of the owner or owners other than ceasing to farm the land, the land shall retain its agricultural classification for assessment and taxation purposes. Classification as agricultural land shall expire upon change of use by the owner or owners or upon conveyance of the property to a person other than a surviving spouse.
- (4) If the property valuation administrator assesses any property at a greater value than that listed by the taxpayer or assesses unlisted property, the property valuation administrator shall serve notice on the taxpayer of such action. The notice shall be given by first-class mail or as provided in the Kentucky Rules of Civil Procedure.
- (5) Any taxpayer may designate on the property schedule any property which he does not consider to be subject to taxation, and it shall be the duty of the property valuation administrator to obtain and follow advice from the department relative to the taxability of such property.

Effective: January 1, 2006

History: Amended 2005 Ky. Acts ch. 168, sec. 64, effective June 20, 2005; and ch. 85, sec. 199, effective June 20, 2005. -- Amended 1998 Ky. Acts ch. 495, sec. 1, effective July 15, 1998. -- Amended 1992 Ky. Acts ch. 397, sec. 2, effective July 14, 1992. -- Amended 1982 Ky. Acts ch. 264, sec. 18, effective July 15, 1982. -- Amended 1980 Ky. Acts ch. 317, sec. 2, effective July 15, 1980. -- Amended 1976 Ky. Acts ch. 260, sec. 2. -- Amended 1970 Ky. Acts ch. 249, sec. 2. -- Amended 1960 Ky. Acts ch. 186, Art. I, sec. 12, effective June 16, 1960. -- Amended 1949 (1st Extra. Sess.) Ky. Acts ch. 3, sec. 7. -- Amended 1942 Ky. Acts ch. 131, secs. 6 and 32. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 4047, 4053.

Legislative Research Commission Note (1/1/2006). This section was amended by 2005 Ky. Acts chs. 85 and 168, which do not appear to be in conflict and have been codified together.