

**LEXINGTON-FAYETTE URBAN COUNTY COUNCIL**

**WORK SESSION AGENDA**

**April 8, 2008**

- I. Public Comment – Issues on Agenda**
- II. Requested Rezoning / Docket Approval – Yes**
- III. Approval of Summary-Yes, March 25, 2008, pp.11-14**
- IV. Budget Amendments – Yes, pp.15-26**
- V. New Business, pp.31-124**
- VI. Continuing Business / Presentations**
  - A. Budget and Finance Committee, pp.125-133**
- VII. Council Report**
- VIII. Mayor's Report – None**
- IX. Public Comment – Issues Not on Agenda**
- X. Closed Session – Proposed Litigation**

## ADMINISTRATIVE SYNOPSIS

### New Business Items

- A. Authorization to Amend Section 22-5 of the Code of Ordinances within the Department of Social Services, Division of Adult Services. (158-08) (Allen/Helm)  
 This request will authorize an amendment to Section 22-5 of the Code of Ordinances to create two (2) positions of Social Worker Sr. P/T (Grade 113E) and abolish one (1) position of Social Worker Sr. (Grade 113E), and reclassify the incumbent, within the Division of Adult Services. This action results in a savings of \$1,382 for FY2008 and an annual savings of \$8,982.77.**p.31**
- B. Authorization to Submit Grant Application to the Bluegrass Area Development District (BGADD) on Behalf of the Department of Social Services, Senior Citizens' Center – FY2009. (161-08) (P. King/Helm)  
 This request will authorize the submission of a grant application to the BGADD for federal funds of \$83,980 from Title III of the Older Americans Act for operation of the Senior Citizens' Center. The Center is a multi-purpose community focal point for persons 60 and older in Fayette County. Grant funds are used for personnel costs, utilities, travel, and other operating costs. The minimum local match of 15% is required. A grant match of \$139,390 has been requested in the FY2009 General Fund Budget. An additional \$13,000 in program income is provided by agencies and individuals who utilize the Center. The total project cost is \$236,370.**p.32**
- C. Authorization to Approve Resolution Regarding the Establishment of the Lexington First Scholarship Fund. (178-08) (Rabold/J. Kelly)  
 This request will authorize the approval of a resolution to establish the Lexington First Scholarship Fund to provide scholarships to Fayette County residents who are graduates of Fayette County high schools and who pursue degrees in science, technology, engineering or math, or degrees in education in order to teach science, technology, engineering or math. The resolution sets forth the criteria for award of scholarships from the Fund, establishes the terms of the scholarships, provides for the administration of the Fund and establishes the financial requirements for the Fund. Funding for the Lexington First Scholarship Fund will be included in the Mayor's Proposed Budget for FY2009. The budgetary impact is dependent on the inclusion of funds in the FY2009 budget ordinance.**pp.33-36**
- D. Authorization to Approve Resolution Requested by the Kentucky Economic Development Finance Authority Issue Healthcare System Revenue Bonds to

Benefit Kentucky Easter Seal Society, Inc. (d/b/a Cardinal Hill Healthcare System). (191-08) (Wright/J. Kelly)

This request will authorize the approval of a resolution by the Kentucky Economic Development Finance Authority Issue Healthcare System Revenue Bonds to benefit Kentucky Easter Seal Society, Inc. (d/b/a Cardinal Hill Healthcare System) to enhance its healthcare system in Lexington-Fayette County. Funds will be used to acquire, construct and equip additions and improvements to its existing healthcare facility located at 2050 Versailles Road. The adoption of this resolution shall not impose any financial liability or responsibility on LFUCG.**pp.37-41**

E. Authorization to Approve the Newtown Pike Corridor Ordinance. (190-08) (Stevens/Langston)

This request will authorize the approval of the Newtown Pike Corridor Ordinance that requires no building permit shall be issued for a new structure or expansion of any existing structure by more than 25% in floor area shall be issued for any structure on property abutting Newtown Pike between W Main Street and the Urban Services Area boundary unless the plans submitted in conjunction are in accordance with a particular landscape profile; that each property owner be responsible for any and all landscaping and fencing required to be installed upon his property under the terms of this ordinance; requires that whenever issuance of a building permit requires prior approval of a development plan or subdivision plat, that the requirements of this ordinance be included on such development plan or subdivision plat; and authorize the Corridors Committee, on recommendation from the Division of Building Inspection, to approve an alternative landscape plan if the topography of the land, existing utility easement, and/or other unique factors would not permit the property owner to comply with the requirement of this ordinance. This ordinance has been approved by the Corridors Committee.**pp.42-45**

F. Authorization to Submit Application to the Kentucky American Water Company (KAWC) under the Environmental Grant Program for Restoration of White Oak Greenway in McConnell's Trace Subdivision. (159-08) (P. King/D. Kelly)

This request will authorize the submission of an application to the KAWC for \$10,000 under the Environmental Grant program to restore the White Oak Greenway in McConnell's Trace Subdivision. If approved, funding will be used to remove invasive honeysuckle bushes and replace them with native trees. No matching funds are required.**p.46**

G. Authorization to Accept a Donation from the Kentucky American Water Company (KAWC) on Behalf of the Reforest the Bluegrass Program. (163-08) (McMillen/D. Kelly)

This request will authorize the acceptance of a donation of \$5,000 from the KAWC for the Reforest the Bluegrass program. Funds will help offset

the purchase of tree seedlings and materials, t-shirts, various rental charges, lunches for volunteers, etc.**pp.47-48**

- H. Authorization to Submit Application to the Kentucky Division of Forestry for Funds under the 2008 Kentucky Urban and Community Forestry Program. (174-08) (P. King/D. Kelly)

This request will authorize the submission of an application to the Kentucky Division of Forestry for federal funds of \$5,000 under the 2008 Kentucky Urban and Community Forestry program. The source of federal funds is the US Department of Agriculture. If approved, funds will be used to reprint the Reforest the Bluegrass brochure at a cost of \$1,500; reprint the street tree brochure at a cost of \$500; and provide for four (4) persons to attend the International Society of Arboriculture conference at a cost of \$3,000. A local match of (50%) \$5,000 is required and will be documented by staff time of personnel in the Division of Streets, Roads and Forestry. Total project cost is \$10,000. **p.49**

- I. Authorization of a Right-of-Way Encroachment and Easement Agreement with the Fayette County Board of Education at Properties Located at 461 and 460 Springhill Drive. (169-08) (Rayan/D. Kelly)

This request will authorize a Right-of-Way Encroachment and Easement Agreement with the Fayette County Board of Education to construct, install and maintain a private two-inch medium pressure gas line within and under the right-of-way and under a sanitary sewer line. The Fayette County Board of Education agrees to assume full responsibility for any and all damages to the property of LFUCG. The Board has also obtained consent from Insight Communications, Windstream Kentucky East, Inc., Kentucky American Water, and Columbia Gas of Kentucky, Inc. as requested by the Divisions of Engineering and Traffic Engineering. **pp.50-54**

- J. Authorization of Change Order No. 2 to Contract with Todd Johnson Contracting Regarding the Hamburg Force Main Project – Final. (170-08) (Rayan/D. Kelly)

This request will authorize Change Order No. 2 to contract with Todd Johnson Contracting to increase amount by \$8,007.20 to adjust the contract quantities to reflect actual work completed for the Hamburg Force Main Project. Original contract amount was \$368,780.59. Previous change order amount was \$6,610. New and final contract total is \$383,397.79. Funds are budgeted.**pp.55-56**

- K. Authorization of a Right-of-Way Encroachment and Easement Agreement with G&J Pepsi-Cola Bottlers, Inc. for a Temporary Footbridge at 111 Trafton Avenue. (171-08) (Rayan/D. Kelly)

This request will authorize a Right-of-Way Encroachment and Easement Agreement with G&J Pepsi-Cola Bottlers, Inc. for the construction of a temporary footbridge at 111 Trafton Avenue. The footbridge will serve

employees and others when the parking area is temporarily flooded during wet weather. The footbridge will be located in and encroach upon the public right-of-way for Trafton Avenue. **pp.57-61**

- L. Authorization of an Amendment to Section 5-1 of the Code of Ordinances to Place the Division of Building Inspection under the General Supervision of the Commissioner of Public Works and Development. (175-08) (Crowe/D. Kelly)

This request will authorize an amendment to Section 5-1 of the Code of Ordinances to adopt the current edition of the Kentucky Uniform Statewide Mandatory Building Code of the Kentucky Residential Code and to place the Division of Building Inspection under the general supervision of the Commissioner of Public Works and Development. **pp.62-63**

- M. Authorization of an Agreement for Services to be Performed for Governmental Agencies with the Kentucky Transportation Cabinet (KYTC) for Installation of a Mast Arm System Pole at the Intersection of Star Shoot Parkway and Liberty Road. (177-08) (P. King/D. Kelly)

This request will authorize an Agreement for services to be performed for governmental agencies with the KYTC to install a Mast Arm System Pole in lieu of a Strain Pole System for the signal at the intersection of Star Shoot Parkway and Liberty Road. LFUCG will reimburse the Cabinet in the amount of \$48,406.27 for cost of the material. The Cabinet will install the system at its own expense. Funds are budgeted in the Traffic Signal Installation Project. **p.64**

- N. Authorization to Submit Application to the US Department of Homeland Security on Behalf of the Department of Public Safety, Division of Fire and Emergency Services under the 2008 Assistance to Firefighters Grant Program (131-08) (P. King/Bennett)

This request will authorize the submission of an application to the US Department of Homeland Security for \$480,000 on behalf of the Division of Fire and Emergency Services under the 2008 Assistance to Firefighters Grant program to purchase a new Rescue One vehicle to meet federally mandated fireground safety requirements. The new vehicle will improve reliability, has an increased carrying capacity, will transport highly skilled and equipped Rescue Technicians faster to high-risk emergency scenes. This program is under the National Preparedness Directorate in the Federal Emergency Management Agency. A local match of (20%) \$130,000 has been requested in the 2009 General Fund Budget for the Division. Total project cost is \$600,000. **p.65**

- O. Authorization of a Network Services Contract with Insight Kentucky Partners II, LP, on Behalf of the Department of Public Safety, Division of Fire and Emergency Services. (064-08) (Hendricks/Bennett)

This request will authorize a Network Services Contract for \$3,800 with Insight Kentucky Partners II, LP, for hardware, software, engineering and

installation services for dedicated point-to-point fiber optic to support the 800 MHz radio communications equipment. Funds are budgeted.  
pp.66-71

- P. Authorization to Accept Award from the Kentucky Office of Homeland Security under the Homeland Security Grant Program on Behalf of the Department of Public Safety, Division of Fire and Emergency Services. (160-08) (P. King/Bennett)  
This request will authorize the acceptance of an award of federal funds in the amount of \$23,393 from the Kentucky Office of Homeland Security on behalf of the Division of Fire and Emergency Services. Funds will be used to purchase a Rajant InstaMESH Breadcrumb deployable 2.4GHZ Wi-Fi wireless system for the Division's Mobile Command Post. No matching funds are required.p.72
- Q. Authorization to Accept Donation from the Citizens Police Academy Alumni Association (CPAAA) on Behalf of the Department of Public Safety, Division of Police. (162-08) (Bastin/Bennett)  
This request will authorize the acceptance of a Kingston 1GB 200-Pin DDR2 SO-DIMM DDR2 533 Laptop Memory, two (2) Vantech CB-IS100 IDE to SATA Converters; a Western Digital – My Book Essential 1TB External Hard Drive; and a Western Digital – My Book Essential edition 750G External Hard Drive on behalf of the Division of Police, Crimes Against Children Unit to assist the investigations of crime against children.p.73
- R. Authorization to Approve Adtran, Inc. as Sole Source Vendor for the Purchase of a 9-1-1- Channel Bank and Rerouting Equipment for Implementation of a Regional 911 System on Behalf of the Department of Public Safety, Division of Enhanced 9-1-1. (167-08) (P. King/Bennett)  
This request will approve Adtran, Inc. as the sole source vendor for the purchase of a 9-1-1 channel band and rerouting equipment at a cost of \$23,272 state funds from the Kentucky Office of 911 Coordinator/ Commercial Mobile Radio Service Board for the implementation of a Regional 911 System on behalf of the Division of Enhanced 9-1-1. This includes Fayette, Jessamine and Woodford counties, and University of Kentucky's current 911 system. This redundant infrastructure will allow a simplified network connectivity, lower costs and more efficient operation for all involved parties. The regional system will accept landline, wireless and VoIP emergency calls and fully transfer all voice and data associated with each call. This capability is not available with the present system. No matching funds are required.p.74
- S. Authorization to Approve SolaCom Technologies, Inc. as Sole Source Vendor for the Purchase of Routers for Implementation of a Regional 911 System on Behalf of the Department of Public Safety, Division of Enhanced 9-1-1. (168-08) (P. King/Bennett)

This request will approve SolaCom Technologies, Inc. as the sole source vendor for the purchase of two (2) routers at a cost of \$195,835 of federal funds from the Kentucky Office of Homeland Security and state funds from the Kentucky Office of 911 Coordinator/Commercial Mobile Radio Service Board for the implementation of a Regional 911 System on behalf of the Division of Enhanced 9-1-1. SolaCom is the only vendor producing a certified selective router, capable of handling our current and future volumes and VoIP technology that will integrate with the current technology implemented within Jessamine, Woodford and Fayette counties. This will also include the University of Kentucky's current 911 system. This redundant infrastructure will allow a simplified network connectivity, lower costs and more efficient operation for all involved parties. The regional system will accept landline, wireless and VoIP 9-1-1 calls and routing all voice and data transmission across Windstream's statewide IP network. No matching funds are required.p.75

- T. Authorization to Submit Application to the US Department of Justice on Behalf of the Department of Public Safety, Division of Police, and the Fayette County Sheriff's Office for Purchase of Bulletproof Vests – FY2009. (173-08) (P. King/Bennett)

This request will approve the submission of an application to the US Department of Justice for federal funds of \$49,844 on behalf of the Division of Police for purchase of 136 bulletproof vests at a cost of \$733 per vest. A local match of \$49,844 is required and has been requested from the FY2009 General Fund Budget. Total project cost for the Division is \$99,688. The Fayette County Sheriff's Office has requested federal funds of \$2,573 for the purchase of seven (7) bulletproof vests at a cost of \$735 per vest. The Sheriff's Office will provide the match of \$2,573 from their own budget. Total project cost for the Sheriff's Office is \$5,145.p.76

- U. Authorization to Approve a Memorandum of Understanding (MOU) with the Kentucky State Police (KSP), Kentucky Internet Crimes Against Children Task Force, on Behalf of the Department of Public Safety, Division of Police. (187-08) (Bastin/Bennett)

This request will approve a MOU with the KSP; Kentucky Internet Crimes Against Children Task Force on behalf of the Division of Police to deter, prevent, investigate, and prosecute predators who seek to exploit or engage minors in sexual activity through the use of computers and the internet.pp.77-84

- V. Authorization to Amend Sections 21-5 and 22-5 of the Code of Ordinances within the Department of Environmental Quality, Division of Water and Air Quality. (156-08) (Allen/Taylor)

This request will authorize amendments to Section 21-5 of the Code of Ordinances to create one (1) position of Municipal Engineer Senior (Grade 119E), and to Section 22-5 to create one (1) temporary position of

Municipal Engineer Senior (Grade 119E) and one (1) temporary position of Municipal Engineer Senior P/T (Grade 119E) for 4 years ending April 24, 2012, within the Division of Water and Air Quality. The fiscal impact for FY2008 is \$29,145.68 and will be funded from fund balance. Total annual impact is \$189,446.89.**p.85**

- W. Authorization to Accept a Deed for Property at 276 Derby Drive for the Derby Drive Storm Water Project. (179-08) (Martin/Taylor)  
This request will authorize acceptance of a deed for property at 276 Derby Drive at a cost of \$107,300 for the Derby Drive Storm Water project for storm water management and mitigation to the existing watershed. Funds are budgeted.**pp.86-88**
- X. Authorization to Accept a Deed for Property at 284 Derby Drive for the Derby Drive Storm Water Project. (180-08) (Martin/Taylor)  
This request will authorize acceptance of a deed for property at 284 Derby Drive at a cost of \$108,700 for the Derby Drive Storm Water project for storm water management and mitigation to the existing watershed. Funds are budgeted.**pp.89-91**
- Y. Authorization to Accept a Deed for Property at 280 Derby Drive for the Derby Drive Storm Water Project. (181-08) (Martin/Taylor)  
This request will authorize acceptance of a deed for property at 280 Derby Drive at a cost of \$130,200 for the Derby Drive Storm Water project for storm water management and mitigation to the existing watershed. Funds are budgeted.**pp.92-94**
- Z. Authorization to Accept a Deed for Property at 288 Derby Drive for the Derby Drive Storm Water Project. (182-08) (Martin/Taylor)  
This request will authorize acceptance of a deed for property at 288 Derby Drive at a cost of \$99,000 for the Derby Drive Storm Water project for storm water management and mitigation to the existing watershed. Funds are budgeted.**pp.95-97**
- AA. Authorization to Accept a Deed for Property at 510 N. Limestone for the N. Limestone Storm Water Project. (183-08) (Martin/Taylor)  
This request will authorize acceptance of a deed for property at 510 N. Limestone at a cost of \$81,700 for the N. Limestone Storm Water project for storm water management and mitigation to the existing watershed. Funds are budgeted.**pp.98-100**
- BB. Authorization to Accept a Deed for Property at 907 N. Limestone for the N. Limestone Storm Water Project. (184-08) (Martin/Taylor)  
This request will authorize acceptance of a deed for property at 907 N. Limestone at a cost of \$79,200 for the N. Limestone Storm Water project for storm water management and mitigation to the existing watershed. Funds are budgeted.**pp.101-103**



- CC. Authorization to Accept a Deed for Property at 909 N. Limestone for the N. Limestone Storm Water Project. (185-08) (Martin/Taylor)  
This request will authorize a deed of acceptance for property at 909 N. Limestone at a cost of \$99,200 for the N. Limestone Storm Water project for storm water management and mitigation to the existing watershed. Funds are budgeted.**pp.104-106**
- DD. Authorization to Accept a Deed for Property at 1001 N. Limestone for the N. Limestone Storm Water Project. (186-08) (Martin/Taylor)  
This request will authorize acceptance of a deed for property at 1001 N. Limestone at a cost of \$71,700 for the N. Limestone Storm Water project for storm water management and mitigation to the existing watershed. Funds are budgeted.**pp.107-109**
- EE. Authorization of a Contract for Environmental Services with Bluegrass Environmental, Inc. for the Underground Storage Tank Located at 669 Byrd Thurman Drive. (189-08) (McFadden/Taylor)  
This request will authorize a Contract for environment services with Bluegrass Environmental Services, Inc. to perform necessary environmental remedial work due to the release of petroleum products at 669 Byrd Thurman Drive as directed by the Kentucky Division of Waste Management. (KDWM). Work performed qualifies for cost reimbursement through KDWM.**pp.110-114**
- FF. Authorization to Submit Application to the Kentucky Department of Education and Accept Award, if Offered, for Participation in the Summer Food Service Program – FY2008. (172-08) (P. King/Cole)  
This request would authorize the submission of an application to the Kentucky Department of Education, Division and Community Nutrition, and accept award, if offered, for \$155,580 in federal funds from the US Department of Agriculture for operation of the Summer Food Service Program for FY2008. This program provides lunch on a daily basis during the summer at 450 sites in low-income neighborhoods for children from birth through the age of 18. The rate of reimbursement for 2007 is \$2.9875 per lunch, \$.7025 per supplement, and \$1.6925 per breakfast. The 2007 budget for this program is based on approximately 45,000 reimbursable lunches, 10,000 reimbursable breakfasts, and 6,000 reimbursable supplements for the eight-week program operation. No matching funds are required; however, \$70,000 is budgeted in the FY2008 General Fund for operation of this program.**p.115**
- GG. Authorization to Submit Application to the US Department of Housing and Urban Development (HUD) for Continuation of the Housing Opportunities for Persons with Aids (HOPWA) Program. (164-08) (P. King/Koch)  
This request will authorize the submission of an application to the US Department of Housing and Urban Development in the amount of \$1,430,000 for continuation of the HOPWA program for an additional three

(3) years. AIDS Volunteers, Inc. (AVOL) serves as the sponsoring organization. The AVOL AIDS Housing program provides permanent supportive housing and transitional housing services for person living with HIV/AIDS through the Rainbow Apartments and the Solomon House. Funding will serve approximately 75 persons with HIV/AIDS, and an additional 300 individuals will be provided housing information services. HUD requires the applicant document the commitment of leverage resources consistent with the previous award. Leverage funds of \$455,000 will be provided by Bluegrass Care Clinic, Moveable Fest Lexington, Hospice of the Bluegrass, Kentucky AIDS Drug Assistance program, and AVOL. On approval of the federal application, a subrecipient agreement will be prepared with AVOL.**p.116**

- HH. Authorization to Submit the Proposed 2008 Consolidated Plan, and Accept Awards from the Community Development Block Grant (CDBG), HOME Investment Partnerships, , Emergency Shelter Grant (ESG), and American Dream Downpayment Initiative (ADDI) Funds from the US Department of Housing and Urban Development for FY2009. (166-08) (P. King/Koch)  
This request will authorize the submission of the proposed 2008 Consolidated Plan, and accept awards from the CDBG, HOME, ESG, and ADDI from the US Department of Housing and Urban Development. through HUD's Planning and Communication Development programs. The Plan serves as the planning document for LFUCG's participation in these programs. The action plan describes how funds available through the four (4) program area will be allocated and spent. The CDBG programs has \$2,045,837 in federal funds with \$250,000 in program anticipated income for FY2009 for a total of \$2,295,837; the HOME Investment Partnerships program has \$1,356,982 in federal funds with a local cash match of \$157,223 requested from the 2009 General Fund budget, proceeds of \$138,100 of a close-out Urban Development Action Grant load, and program income of \$300,000 for a total cash match of \$295,323 for a total of \$1,952,305; the ADDI has federal funds of \$14,145 with no match required; and the ESG has \$91,408 in federal funds with a proposed FY2009 General Fund cash match of \$24,000 and an in-kin match of \$67,408. Funds will be expended on public improvements, housing rehabilitation, public services, public facilities, First-Time Homebuyers programs, development of rental units for low-income populations, homeless prevention activities, operational support for emergency and transitional housing, and planning and administration activities. On approval, agreements will be made accordance with the approved plan and subject to the availability of sufficient funds in FY2009.**pp.117-124**

URBAN COUNTY COUNCIL  
WORK SESSION SUMMARY  
& TABLE OF MOTIONS

March 25, 2008

Mayor Newberry chaired the meeting, calling it to order at 3:02 pm. All Council Members were present, except CM DeCamp.

- I. Public Comment – Issues on Agenda-None
- II. Requested Rezoning / Docket Approval-None
- III. Approval of Summary – Yes

A motion by CM Stinnett to approve the summary of 3/18/08, seconded by CM Gorton passed without dissent.

- IV. Budget Amendments-None
- V. New Business

- A. Authorization to Submit Grant Application to the US Department of Health and Human Services and Accept Award, if Offered, on Behalf of the Department of Social Services for Operations of the MASH Drop Inn Facility – FY2009. (147-08) (King/Helm)
- B. Authorization of a Purchase of Service Agreement (PSA) with the Bluegrass Comprehensive Care Center on Behalf of the Department of Social Services, Division of Youth Services. (153-08) (Helm)
- C. Authorization to Purchase Property at 400 Meadow Park for the Meadows Acquisition and Relocation Project. (148-08) (King/D. Kelly)
- D. Authorization of a Resolution to Grant an Inducement to Braden Partners LP (d/b/a Pacific Pulmonary Services) for Participation in the Kentucky Jobs Development Act (KJDA) Program. (151-08) (Wright/J. Kelly)
- E. Authorization to Accept a Donation from Mr. and Mrs. Chris Beymer on Behalf of the Department of General Services, Division of Parks and Recreation. (152-08) (Hancock/Cole)

- F. Authorization to Submit Application to the Kentucky Transportation Cabinet on Behalf of the Department of Public Safety, Division of Police, and Accept Award, if Offered, for Participation in the Traffic Safety Program – FY2009. (149-08) (King/Bennett)
- G. Authorization to Accept Proposal of Natural Information Systems, Inc. as a Sole Source Vendor on Behalf of the Department of Public Safety, Division of Fire and Emergency Services. (154-08) (Hendricks/Bennett)
- H. Authorization of a Memorandum of Agreement (MOA) with the Blackburn Correctional Complex and LFUCG Regarding the Response of the Department of Public Safety, Divisions of Police and Fire and Emergency Services. (070-08) (Bennett)
- I. Authorization of an Agreement with Lexington Center Corporation for the Renovation of the Opera House. (150-08) (Koch)
- J. Authorization to Amend Section 21-5 of the Code of Ordinances within the Department of Environmental Quality, Division of Water and Air Quality. (157-08) (Allen/Taylor)

A motion by CM Gorton to approve new business items A-J seconded by CM Ellinger, passed without dissent.

#### VI. Continuing Business / Presentations

##### A. Corridors Commission Update

This update was given by Chair CM Stevens. There were no motions to come forward from this meeting.

##### B. Planning Committee Update

This update was given by Chair CM Gorton. There were no motions to come forward from this meeting.

##### C. Alcohol Awareness Month Proclamation

This proclamation was given by Mayor Newberry to retired police officer Howard Rupert and other volunteers.

##### D. Lexington Leadership

This presentation was done by Luke Morgan. It was a presentation on recycling in Lexington. A letter of support from LYSA was passed out to Council and entered into record.

## VII. Council Report

CM Blevins- A motion by CM Blevins to approve the NDF list for 3/18/08, seconded by CM Beard, passed without dissent.

CM Stinnett-Announced 2 neighborhood association meetings for tonight: Eastland @ 6:30 pm at Eastland Christian Church and Old Paris Place @ 7 pm at BSHS; asked about the Humana benefits being online for LFUCG employees-Comm. Koch to report back on this issue; stated that he felt as if the press conference on scholarships purposely excluded the Council. The mayor said that he regret that the press conference conflicted with the Council Standing Committee meeting.

CM Gray-Announced the members of the Noise Task Force. They are: Chair CM Blues, Co-Chair CM Gorton, CM Blevins, David Banks, David Barberie, David Jarvis, David Lyons, David Magner, Larry Hamilton, Linda Levstik, Rick Curtis, and Anne Marie Stamatiadis. The first meeting will be at 4:30 pm on March 26 in the 5<sup>th</sup> floor conference room in the Government Center.

CM Crosbie-Asked the mayor if Management Partners could come back; several other CMs spoke about MP returning; Mayor Newberry asked for specific issues give to CA Langston by next Wednesday and he would try to get MP here in early April. CM Crosbie also asked about the Police/Fire Pension Task Force-VM Gray stated that based on the previous day's events, the task force will be organized and meeting soon. Announced on 4/19 at 9 am-3 pm, they will Reforest the Bluegrass in Jacobson Park.

CM McChord-Thanked all LFUCG staff that worked on Sweet Sixteen, specifically Debbie Holleran and Martha Duncan of Parks; complimented Mason Co. basketball team; asked for Economic Development Task Force meeting.

CM Ellinger-Stated that he was disappointed about the scholarship press conference and memo.

CM Myers-Stated the he was disappointed about the scholarship press conference and memo; reminded everyone of the Employee Extra story about YMCA fees being cut for LFUCG employees.

CM Beard-Stated that the proposed scholarship dollars will be the last dollar instead of the first dollar, this would mean less money but for more students.

CM James-Announced the Tree Board seminar is rescheduled for March 28 at 4 pm at the Arboretum and March 29 at the Holiday Inn North on Newtown Pike-registration at 8:30 am and the conference begins at 9 am; stated that it is important for the citizens to learn the budget process –asked for a presentation.

CM Gorton-Asked Comm. Askew questions about the posting and publishing of legal and meeting notices.

CM James-Asked Anthony Wright, Dir. Economic Development, LFUCG, about the date of a public comment event about Center Pointe-he stated that the meeting will be on April 2 at 2 pm-Billy Van Pelt will be the contact person.

VIII. Mayor's Report-None

IX. Public Comment-Issues not on the agenda-None

A motion by CM Beard to adjourn, seconded by CM Gorton, passed without dissent.

Work Session was adjourned 4:40 pm.

# BUDGET AMENDMENT REQUEST LIST

15

|                |       |                 |                                                |                    |              |
|----------------|-------|-----------------|------------------------------------------------|--------------------|--------------|
| <b>JOURNAL</b> | 20830 | <b>DIVISION</b> | Council Office/<br>Streets, Roads,<br>Forestry | <b>Fund Name</b>   | General Fund |
|                |       |                 |                                                | <b>Fund Impact</b> | 5,600.00     |
|                |       |                 |                                                |                    | 5,600.00CR   |
|                |       |                 |                                                |                    | .00          |

To reimburse funds back to Council District 3 and Council District 10 for monies transferred to Streets, Roads & Forestry for Quiet Zones at Waller Avenue and Rosemont Garden Rail Road Crossings, a Council Capital Project.

|                |       |                 |                        |                    |              |
|----------------|-------|-----------------|------------------------|--------------------|--------------|
| <b>JOURNAL</b> | 20395 | <b>DIVISION</b> | Traffic<br>Engineering | <b>Fund Name</b>   | General Fund |
|                |       |                 |                        | <b>Fund Impact</b> | 2,910.00     |
|                |       |                 |                        |                    | 2,910.00CR   |
|                |       |                 |                        |                    | .00          |

To provide for materials for state highway intersections (misc. electrical connectors, wire nuts, crimp-on, tape, wire ties, splice cases, cable markers, etc.). by decreasing funds for professional services and development.

|                |       |                 |                                      |                    |              |
|----------------|-------|-----------------|--------------------------------------|--------------------|--------------|
| <b>JOURNAL</b> | 20396 | <b>DIVISION</b> | CIO/<br>Government<br>Communications | <b>Fund Name</b>   | General Fund |
|                |       |                 |                                      | <b>Fund Impact</b> | 1,740.00     |
|                |       |                 |                                      |                    | 1,740.00CR   |
|                |       |                 |                                      |                    | .00          |

To provide additional funds to cover hours worked by Government Communications Traffic Host by decreasing funds for professional services.

|                |          |                 |      |                    |              |
|----------------|----------|-----------------|------|--------------------|--------------|
| <b>JOURNAL</b> | 20521-22 | <b>DIVISION</b> | Fire | <b>Fund Name</b>   | General Fund |
|                |          |                 |      | <b>Fund Impact</b> | 10,000.00    |
|                |          |                 |      |                    | 10,000.00CR  |
|                |          |                 |      |                    | .00          |

To provide funds for Operating Supplies in Fire Suppression by recognizing Miscellaneous Revenues in Fire Apparatus Maintenance. These revenues were provided by the sale of hydraulic rescue tools through surplus auction.

|                |       |                 |                                      |                    |              |
|----------------|-------|-----------------|--------------------------------------|--------------------|--------------|
| <b>JOURNAL</b> | 20831 | <b>DIVISION</b> | CIO/<br>Government<br>Communications | <b>Fund Name</b>   | General Fund |
|                |       |                 |                                      | <b>Fund Impact</b> | 10,000.00    |
|                |       |                 |                                      |                    | 10,000.00CR  |
|                |       |                 |                                      |                    | .00          |

To provide funds for professional services for Vision Internet purchase order by decreasing funds for computer equipment in the CIO budget.

|                |       |                 |                   |                    |              |
|----------------|-------|-----------------|-------------------|--------------------|--------------|
| <b>JOURNAL</b> | 20848 | <b>DIVISION</b> | Policy and Budget | <b>Fund Name</b>   | General Fund |
|                |       |                 |                   | <b>Fund Impact</b> | 71,790.00    |
|                |       |                 |                   |                    | 71,790.00CR  |
|                |       |                 |                   |                    | .00          |

To provide funds for the Sr. Advisor for Policy and Budget in the correct dept id. This adjustment was not processed at the time of the reorganization in order to have more accurate salary information. Also to provide additional funds for printing.

|                |          |                 |       |                    |                    |
|----------------|----------|-----------------|-------|--------------------|--------------------|
| <b>JOURNAL</b> | 20843-44 | <b>DIVISION</b> | Bonds | <b>Fund Name</b>   | 2006 Bond Projects |
|                |          |                 |       | <b>Fund Impact</b> | 1,263,783.00       |
|                |          |                 |       |                    | 1,263,783.00CR     |
|                |          |                 |       |                    | .00                |

To budget for additional bond proceeds received based on the actual sale of the bonds issued in June 2006 per ordinance # 414-2006, and to appropriate funds accordingly for Bluegrass Aspendale and Equipment Notes.

|                |       |                 |                      |                    |                    |
|----------------|-------|-----------------|----------------------|--------------------|--------------------|
| <b>JOURNAL</b> | 20515 | <b>DIVISION</b> | Parks and Recreation | <b>Fund Name</b>   | 2008 Bond Projects |
|                |       |                 |                      | <b>Fund Impact</b> | 17,320.00          |
|                |       |                 |                      |                    | 17,320.00CR        |
|                |       |                 |                      |                    | .00                |

To provide funds for sprinkler project at Kenwick by reducing funds for Masterson sprinkler project which is completed.

|                |       |                 |                       |                    |                    |
|----------------|-------|-----------------|-----------------------|--------------------|--------------------|
| <b>JOURNAL</b> | 20632 | <b>DIVISION</b> | Community Development | <b>Fund Name</b>   | US Dept of Transp. |
|                |       |                 |                       | <b>Fund Impact</b> | 10,000.00          |
|                |       |                 |                       |                    | 10,000.00CR        |
|                |       |                 |                       |                    | .00                |

To amend the Regional Bicycle and Pedestrian Plan project to reduce funds budgeted for a student intern and to instead provide operating funds to support the printing of the regional plan produced by PB Americas (Parsons Brinckerhoff).

|                |       |                 |                       |                    |                |
|----------------|-------|-----------------|-----------------------|--------------------|----------------|
| <b>JOURNAL</b> | 20914 | <b>DIVISION</b> | Community Development | <b>Fund Name</b>   | Grants – Other |
|                |       |                 |                       | <b>Fund Impact</b> | 50,000.00      |
|                |       |                 |                       |                    | 50,000.00CR    |
|                |       |                 |                       |                    | .00            |

To transfer funds from Housing Authority for police patrol for Bluegrass Aspendale to the land account for the purchase of the remaining 2 lots for Ann Street. This will complete the acquisitions for the Ann Street project.



|                |       |                 |                 |                    |                 |
|----------------|-------|-----------------|-----------------|--------------------|-----------------|
| <b>JOURNAL</b> | 20826 | <b>DIVISION</b> | Sanitary Sewers | <b>Fund Name</b>   | Sanitary Sewers |
|                |       |                 |                 | <b>Fund Impact</b> | 1,028,000.00    |
|                |       |                 |                 |                    | 1,028,000.00CR  |
|                |       |                 |                 |                    | .00             |

To provide funds for the Inflow and Infiltration budget and the Primary Effluent Pump Station Generator at Town Branch Wastewater Treatment Plant by decreasing funds for Collector System professional services and EPA/DOW Rehabilitation Capital Design.

|                |       |                 |             |                    |              |
|----------------|-------|-----------------|-------------|--------------------|--------------|
| <b>JOURNAL</b> | 20839 | <b>DIVISION</b> | Engineering | <b>Fund Name</b>   | Right of Way |
|                |       |                 |             | <b>Fund Impact</b> | 1,500.00     |
|                |       |                 |             |                    | 1,500.00CR   |
|                |       |                 |             |                    | .00          |

To provide funds in appropriate account to purchase a small meeting table and four chairs and a new desk chair for employee by transferring money from Equipment less than \$5,000 and placing in Office Equipment account.

|                |       |                 |              |                    |              |
|----------------|-------|-----------------|--------------|--------------------|--------------|
| <b>JOURNAL</b> | 20636 | <b>DIVISION</b> | Enhanced 911 | <b>Fund Name</b>   | Enhanced 911 |
|                |       |                 |              | <b>Fund Impact</b> | 25,000.00    |
|                |       |                 |              |                    | 25,000.00CR  |
|                |       |                 |              |                    | .00          |

To provide funds to purchase Certified Dell Computers for E911 Dispatchers and Call Takers by decreasing funds for Equipment Less than \$5000.

#### BUDGET AMENDMENT REQUEST SUMMARY

|      |      |                                           |     |
|------|------|-------------------------------------------|-----|
| Fund | 1101 | General Services District – General Fund  | .00 |
| Fund | 2515 | 2006 Bond Projects Fund                   | .00 |
| Fund | 2517 | 2008 Bond Projects Fund                   | .00 |
| Fund | 3160 | US Department of Transportation           | .00 |
| Fund | 3300 | Grants – Other                            | .00 |
| Fund | 4002 | Sanitary Sewer Revenue and Operating Fund | .00 |
| Fund | 4003 | Sanitary Sewer Construction Fund          | .00 |
| Fund | 4201 | Right of Way Fund                         | .00 |
| Fund | 4204 | Enhanced 911 Fund                         | .00 |
|      |      |                                           | .00 |



Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

**Budget Journal Number**      20830                      **Budget Amendment Date**      3-20-08  
**Requesting Division**      Streets, Roads & Forestry  
**Fund Name**      General Fund  
**Fund Number**      1101  
**Contact for Additional Information**      Leo McMillen – Ext. 2810  
                                                                                 Or  
                                                                                 Annette Cook – Ext. 2811

**Description**

To reimburse Councilman DeCamp (District 3) and Councilman Blevins (District 10) funds transferred to Streets, Roads & Forestry for "Quiet Zones" at rail road crossings located at Rosemont Garden and Waller Avenue as per e-mail from Marian C. Zeitlin, dated 3-20-08.



Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

**Budget Journal Number**      20395      **Budget Amendment Date**      3/7/08  
**Requesting Division**      Traffic Engineering  
**Fund Name**      General Fund  
**Fund Number**      1101  
**Contact for Additional Information**      Kimberly Ammeter 3496

**Description**

To provide for materials for state highway intersections (misc. electrical connectors, wire nuts, crimp-on, tape, wire ties, splice cases, cable markers, etc.). by decreasing funds for professional services and development.



Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

**Budget Journal Number**      20521-22      **Budget Amendment Date**      3/4/08  
**Requesting Division**      Fire & Emergency Services  
**Fund Name**      General Fund  
**Fund Number**      1101  
**Contact for Additional Information**      Assistant Chief Bill Bailey

**Description**

To increase Operating Supplies & Expenses in Fire Suppression by recognizing Miscellaneous Revenues in Fire Apparatus Maintenance in order to provide additional funding for supplies for the division's twenty-three (23) fire stations for the remainder of the fiscal year. The Miscellaneous Revenues were provided by the sale of hydraulic rescue tools through on-line surplus auction (auction #237867).

Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

**Budget Journal Number**      20848      **Budget Amendment Date**      3/19/08  
**Requesting Division**      Policy and Budget  
**Fund Name**      General Fund  
**Fund Number**      1101  
**Contact for Additional Information**      Connie Underwood

**Description**

To provide funds for the Sr. Advisor for Policy and Budget in the correct dept id. This adjustment was not processed at the time of the reorganization in order to have more accurate salary information once the position was filled. Also to provide additional funds for printing of budget documents.



Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

**Budget Journal Number**      20843-44      **Budget Amendment Date**      3/11/2008  
**Requesting Division**      Department of Finance  
**Fund Name**      2006 Bond Projects  
**Fund Number**      2515  
**Contact for Additional Information**      Scott A. Brown, Department of Finance

**Description**

To budget for additional bond proceeds that were received in June 2006 based on the actual sale of the bonds issued. A budget amendment should have been processed at that time to recognize these funds, but was not initiated. These additional funds are for Bluegrass Aspendale Blvd and Police Vehicles. Ordinance # 414-2006 approved the funding of these projects.



Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

**Budget Journal Number**      20632      **Budget Amendment Date**      3/18/2008  
**Requesting Division**      Community Development  
**Fund Name**      US Department of Transportation  
**Fund Number**      3160  
**Contact for Additional Information**      Irene Gooding

**Description**

This project originally had \$10,000 budgeted for the support of a student intern to assist with the Regional Bicycle and Pedestrian Plan being produced by PB Americas, Inc. (formerly, Parsons Brinckerhoff). Plan has been completed without the hiring of an intern. Budget amendment requests that funds instead be used to support the printing of the plan (account 75100).



Mayor Jim Newberry

## LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

**Budget Journal Number**      20826                      **Budget Amendment Date**      3/24/08

**Requesting Division** Water and Air Quality

**Fund Name** Sanitary Sewer Construction Fund

**Fund Number** 4003

**Contact for Additional Information** Julie Mantrom, Division of Water and Air Quality  
Rick Day, Division of Water and Air Quality

### Description

Budget Amendment to move remaining balance from Collector System professional services and move funds from 2008 Capital Design budget to provide funds for the Primary Effluent Generator at the Town Branch Wastewater Treatment Plant and additional funds for Inflow & Infiltration through June 30, 2008.





Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

**Budget Journal Number**      20839      **Budget Amendment Date**      3/21/08  
**Requesting Division**      Engineering  
**Fund Name**      Right-of-Way  
**Fund Number**      4201  
**Contact for Additional Information**      Yvonne Stone

**Description**

To provide funds in appropriate account to purchase a small meeting table and four (4) chairs and to purchase a new desk chair for employee by transferring money from Equipment less than \$5,000 account (75800) and placing in Office Equipment account(96400).



Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

**Budget Journal Number**      20636                      **Budget Amendment Date**      3-19-08  
**Requesting Division**      E911  
**Fund Name**      Enhanced 911  
**Fund Number**      4204  
**Contact for Additional Information**      David Lucas  
                                                              Ext. 3380

**Description**

In order to provide funds to purchase Certified Dell Computers for E911 Dispatchers and Call Takers.

# NEW BUSINESS ITEMS REQUIRING BUDGET AMENDMENTS

27

April 8, 2008 Work Session

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

| NEW BUSINESS ITEM | BUDGET JOURNAL   | DIVISION                    | DESCRIPTION OF REQUEST                                                                                                                                                                                                   |
|-------------------|------------------|-----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 156-08<br><br>V   | KC 0048          | Water and Air Quality       | To provide funds for one civil service, one non-civil service, and one part-time non-civil service position of Municipal Engineer Senior.<br>4002 29,150<br>29,150*                                                      |
| 158-08<br><br>A   | KC 0050          | Community Development       | To provide funds for two part-time positions of Social Worker Senior for the HOPE VI project by reducing funds for one non-civil service position of Social Worker Senior.<br>1101 6,430<br>1101 6,430CR<br>0*           |
| 160-08<br><br>P   | 20833-34         | Community Development       | To establish the Homeland Security grant budget for the Division of Fire and EMS for the purchase of communication equipment for installation in the mobile command post.<br>3200 23,393<br>3200 23,393CR<br>0*          |
| 161-08<br><br>B   | To Be Determined | Community Development       | To establish grant budget from the Bluegrass Area Development District for operation of the Senior Citizens Center FY 2009.<br>3190 236,370<br>3190 236,370CR<br>0*                                                      |
| 163-08<br><br>G   | BA 1408          | Streets, Roads and Forestry | To accept a \$5,000 donation from Kentucky American Water Company for Reforest the Bluegrass in order to purchase T-shirts, hats, beanies, food and refreshments for all volunteers.<br>1101 5,000<br>1101 5,000CR<br>0* |

| NEW BUSINESS<br>ITEM | BUDGET<br>JOURNAL | DIVISION | DESCRIPTION OF REQUEST |
|----------------------|-------------------|----------|------------------------|
|----------------------|-------------------|----------|------------------------|

28

|        |                     |                          |                                                                                                                                                                                                     |
|--------|---------------------|--------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 166-08 | To Be<br>Determined | Community<br>Development | To provide for 2008 Consolidated Plan<br>Community Development Block Grants,<br>HOME Funds, Emergency Shelter Grant, and<br>American Dream Down-payment Initiative.                                 |
| HH     |                     |                          | 3120 4,445,103<br>3120 4,445,103CR<br>0*                                                                                                                                                            |
| 168-08 | BA 1397             | Community<br>Development | To provide for purchase of 911 capital<br>equipment and annual system support under<br>the grant from the Commercial Mobile Radio<br>Service Board. This is a soul source purchase<br>from Solacom. |
| S      |                     |                          | 3400 14,846<br>3400 14,846CR<br>0*                                                                                                                                                                  |
| 172-08 | 1400                | Community<br>Development | To establish grant budget for Summer Lunch<br>program for Community Development and<br>Parks and Recreation for the 2008 summer.                                                                    |
| FF     |                     |                          | 3100 225,580<br>3100 225,580CR<br>0*                                                                                                                                                                |

| EFFECT ON FUND BALANCES |  |  |  |
|-------------------------|--|--|--|
|-------------------------|--|--|--|

|           |         |               |                                            |
|-----------|---------|---------------|--------------------------------------------|
| FUND 1101 | 0*      | NO EFFECT ON: | GENERAL SERVICE DISTRICT – GENERAL FUND    |
| FUND 3100 | 0*      | NO EFFECT ON: | US DEPARTMENT OF AGRICULTURE               |
| FUND 3120 | 0*      | NO EFFECT ON: | US DEPARTMENT OF HOUSING AND URBAN DEVEL.  |
| FUND 3190 | 0*      | NO EFFECT ON: | US DEPARTMENT OF HEALTH AND HUMAN SERVICES |
| FUND 3200 | 0*      | NO EFFECT ON: | US DEPARTMENT OF HOMELAND SECURITY         |
| FUND 3400 | 0*      | DECREASE TO:  | GRANTS - STATE                             |
| FUND 4002 | 29,150* | DECREASE TO:  | SANITARY SEWER REVENUE AND OPERATING FUND  |

**Budget Information For New Business Items**  
April 8, 2008 Work Session

| Item | Number | Amount          | Fund         | Name / Description                                                     |
|------|--------|-----------------|--------------|------------------------------------------------------------------------|
| A    | 158-08 | (1,382)         | 1101         | General Service District – General Fund<br>Budget Journal              |
| B    | 161-08 | 236,370         | 3190         | US Department of Health & Human Services<br>Budget Journal FY 2009     |
| C    | 178-08 | NA              |              |                                                                        |
| D    | 191-08 | NA              |              |                                                                        |
| E    | 190-08 | NA              |              |                                                                        |
| F    | 159-08 | NA              |              |                                                                        |
| G    | 163-08 | 5,000           | 1101         | General Service District – General Fund<br>Budget Journal              |
| H    | 174-08 | NA              |              |                                                                        |
| I    | 169-08 | NA              |              |                                                                        |
| J    | 170-08 | 8,007           | 4003         | Sanitary Sewer Construction Fund                                       |
| K    | 171-08 | NA              |              |                                                                        |
| L    | 175-08 | NA              |              |                                                                        |
| M    | 177-08 | 48,406          | 3160         | US Department of Transportation                                        |
| N    | 131-08 | 480,000         |              | Federal Grant Funds Requested for FY 2009                              |
| O    | 064-08 | 3,800           | 1101         | General Service District – General Fund                                |
| P    | 160-08 | 23,393          | 3200         | US Department of Homeland Security<br>Budget Journal                   |
| Q    | 162-08 | NA              |              |                                                                        |
| R    | 167-08 | 23,272          | 3400         | Grants - State                                                         |
| S    | 168-08 | 98304<br>97,531 | 3200<br>3400 | US Department of Homeland Security<br>Grants - State<br>Budget Journal |
| T    | 173-08 | 99,688          |              | Federal Grant Funds Requested for FY 2009                              |
| U    | 187-08 | NA              |              |                                                                        |
| V    | 156-08 | 29,150          | 4002         | Sanitary Sewer Revenue and Operating Fund<br>Budget Journal            |

**Budget Information For New Business Items**  
**April 8, 2008 Work Session**

|    |        |           |      |                                                                          |
|----|--------|-----------|------|--------------------------------------------------------------------------|
| W  | 179-08 | 107,300   | 2517 | 2008 Bond Projects                                                       |
| X  | 180-08 | 108,700   | 2517 | 2008 Bond Projects                                                       |
| Y  | 181-08 | 130,200   | 2517 | 2008 Bond Projects                                                       |
| Z  | 182-08 | 99,000    | 2517 | 2008 Bond Projects                                                       |
| AA | 183-08 | 81,700    | 2517 | 2008 Bond Projects                                                       |
| BB | 184-08 | 79,200    | 2517 | 2008 Bond Projects                                                       |
| CC | 185-08 | 99,200    | 2517 | 2008 Bond Projects                                                       |
| DD | 186-08 | 71,700    | 2517 | 2008 Bond Projects                                                       |
| EE | 189-08 | NA        |      |                                                                          |
| FF | 172-08 | 225,580   | 3100 | US Department of Agriculture<br>Budget Journal                           |
| GG | 164-08 | 1,430,000 |      | Federal Grant Funds Requested for FY 2009                                |
| HH | 166-08 | 4,445,103 | 3120 | US Department of Housing and Urban Development<br>Budget Journal FY 2009 |



158-08

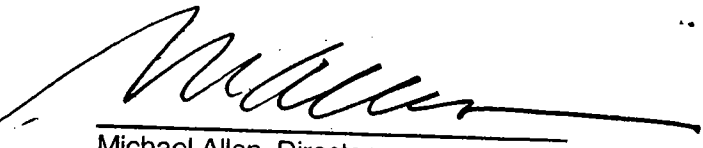
Jim Newberry, Mayor

# LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Division of Human Resources

## MEMORANDUM

**TO:** Mayor Jim Newberry  
Joe Kelly, Senior Advisor  
Council Member's

**FROM:**   
Michael Allen, Director  
Division of Human Resources

**DATE:** March 18, 2008

**RE:** Create/Abolish position – Division of Adult Services

The attached action amends Section 22-5 of the Code of Ordinances, creating two (2) positions of Social Worker Sr. P/T (Grade 113E), and abolishing one (1) position of Social Worker Sr. (Grade 113E), and reclassifying the incumbent all in the Division of Adult Services to become effective upon passage of Council.

The Division requests this action in order to better meet the needs of the public, and the requirements of this position within the Division.

The fiscal impact for FY2008 is a savings of \$1,382. (4 pay periods).

| Name                       | Position Title        | Annual Salary Before | Annual Salary After | Annual Increase/(Decrease) |
|----------------------------|-----------------------|----------------------|---------------------|----------------------------|
| Beverly Benton             | Social Worker Sr.     | \$45,712.16          | \$0                 | (\$45,712.16)              |
| Beverly Benton             | Social Worker Sr. P/T | \$0                  | \$22,856.08         | \$22,856.08                |
| Vacant                     | Social Worker Sr. P/T | \$0                  | \$18,907.20         | \$18,907.20                |
| <b>Total Annual Impact</b> |                       |                      |                     |                            |
| <b>with benefits</b>       |                       |                      |                     |                            |
| <b>\$(8,982.77)</b>        |                       |                      |                     |                            |

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

### Attachment

cc: Marlene Helm, Commissioner, Department of Social Services  
Cheryl Talbert, Director-Division of Adult Services  
Darrylyn Combs, HR Manager, Division of Human Resources  
Jim Dodson, HR Analyst, Division of Human Resources

Log # 08-0085



161-08

Mayor Jim Newberry

**LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**  
Division of Community Development

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

**FROM: PAULA KING, DIRECTOR**  
**DIVISION OF COMMUNITY DEVELOPMENT**

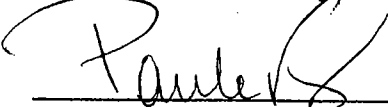
**DATE: MARCH 21, 2008**

**SUBJECT: AUTHORIZATION TO SUBMIT A GRANT APPLICATION, AND TO ACCEPT AWARD IF OFFERED, TO THE BLUEGRASS AREA DEVELOPMENT DISTRICT FOR OPERATION OF THE SENIOR CITIZENS CENTER IN FY 2009**

A grant application has been prepared by the Department of Social Services for submission to the Bluegrass Area Development District (BGADD) requesting federal funds from Title III of the Older Americans Act for operation of the Lexington Senior Citizens Center in FY 2009. 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. LFUCG staff includes a center director, an outreach worker, a staff assistant senior, a part-time receptionist, and two part-time van drivers. The center also houses several other agencies that serve older persons. These agencies, each having their own budgets, funding sources and staff, include the Hire Older Workers Program, the Senior Community Services Employment Program, the Nursing Home Ombudsman of the Bluegrass, Retired and Senior Volunteer Program, the adult day care program and nutrition programs.

It is estimated that \$83,980 in federal funds will be available in FY 2009. The minimum local match required for the operation of the project is 15%; however, the amount that has been requested in the FY 2009 general fund budget for grant match is \$139,390. An additional \$13,000 in program income will be provided by agencies and individuals who utilize the Senior Citizens Center. The total cost of operations for this project is \$236,370. Grant funds are used for personnel costs, utilities, travel, and other operating costs of the center.

Council authorization to submit the application and accept the award, if offered, is hereby requested, subject to the availability of sufficient funds in FY 2009.

  
Paula King, Director

Xc: Marlene Helm, Commissioner of Social Services

**HORSE CAPITAL OF THE WORLD**

200 East Main Street 6<sup>th</sup> Fl Lexington, KY 40507 (859)258-3070 (859)258-3081 fax [www.lfucg.com](http://www.lfucg.com)







178-08

Mayor Jim Newberry

## LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

TO: JIM NEWBERRY, MAYOR  
URBAN COUNTY COUNCIL  
JOE KELLY, SENIOR ADVISOR FOR MANAGEMENT

FROM: SHAYE RABOLD, CHIEF OF STAFF  
MAYOR'S OFFICE

DATE: APRIL 1, 2008

SUBJECT: REQUEST COUNCIL APPROVAL OF RESOLUTION ESTABLISHING THE  
LEXINGTON FIRST SCHOLARSHIP FUND

The attached resolution is intended to establish the Lexington First Scholarship Fund in order to provide scholarships to Fayette County residents who are graduates of Fayette County high schools and who pursue degrees in science, technology, engineering or math, or degrees in education in order to teach science, technology, engineering or math. The resolution sets forth the criteria for award of scholarships from the Fund, establishes the terms of the scholarships, provides for the administration of the Fund and establishes the financial requirements for the Fund.

Council adoption of this resolution is requested. Funding for the Lexington First Fund will be included in the Mayor's Proposed Budget on April 8, 2008. Adoption of this resolution does not authorize funding for the Lexington First Fund. The budgetary impact is dependent on the inclusion of funds in the FY09 budget ordinance.

Thank you for your consideration.

Shaye Rabold  
Chief of Staff  
Mayor's Office

HORSE CAPITAL OF THE WORLD

200 East Main Street Lexington, KY 40507 (859)258-3100 Fax 859-258-3194 www.lfucg.com

178-08

A RESOLUTION ESTABLISHING THE LEXINGTON FIRST FUND TO PROVIDE SCHOLARSHIPS TO FAYETTE COUNTY RESIDENTS WHO ARE GRADUATES OF FAYETTE COUNTY HIGH SCHOOLS AND WHO PURSUE DEGREES IN SCIENCE, TECHNOLOGY, ENGINEERING, OR MATH, OR DEGREES IN EDUCATION IN ORDER TO TEACH SCIENCE, TECHNOLOGY, ENGINEERING OR MATH; TO SET CRITERIA FOR AWARDS OF SCHOLARSHIPS FROM THE FUND; TO ESTABLISH THE TERMS OF THE SCHOLARSHIPS; TO PROVIDE FOR THE ADMINISTRATION OF THE FUND; AND TO ESTABLISH THE FINANCIAL REQUIREMENTS FOR THE FUND.

---

WHEREAS, the Lexington-Fayette Urban County Government desires to strengthen Lexington's economy by developing a highly trained workforce ; and

WHEREAS, the Lexington-Fayette Urban County Government desires to encourage high school graduates in Fayette County to remain in the area and pursue associate and bachelor degrees in the areas of science, technology, engineering, or math or in education to teach said subjects; and

WHEREAS, the Lexington-Fayette Urban County Government desires to promote attendance at local postsecondary institutions; and

WHEREAS, the Lexington-Fayette Urban County Government desires to provide incentive for high-tech, health care and other businesses to locate in Lexington and central Kentucky and to employ graduates of local institutions of higher education;

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

Section 1 – That a fund, known as the Lexington First Fund, be and hereby is established to provide tuition scholarships to graduates of Fayette County high schools as set forth herein.

Section 2 – That with relation to this resolution

- (a) "Fund" shall mean the Lexington First Fund
- (b) "Recipient" shall mean the individual awarded a scholarship from the Fund
- (c) "Scholarship" shall mean the amount awarded to a Recipient from the Fund

- (d) "Postsecondary Institutions" shall mean institutions and Kentucky Community and Technical College System as defined by KRS 164.001 (11) and (15) located in Fayette, Woodford, Scott, Madison, Franklin, Jessamine, Anderson, Clark, Boyle and Rowan Counties.

Section 3 – That the following eligibility requirements must be met by each applicant for a scholarship from the Fund:

- (a) Applicant must be a resident and graduate of a public or private high school in Fayette County.
- (b) Applicant must have been accepted at an institution of higher education in Fayette, Woodford, Scott, Madison, Franklin, Jessamine, Anderson, Clark, Boyle and Rowan Counties.
- (c) Applicant must complete and submit an application form setting forth such information as the Mayor or the Mayor's designee may require pursuant to this Resolution.
- (d) All applications must be submitted to the Mayor's Office or the Mayor's designee prior to the official deadline set each year.

Section 4 – That the terms of the scholarship shall be as follows:

- (a) Recipient must agree to pursue an associates or bachelors degree in science, technology, engineering, or math, as defined by the Kentucky Council on Post Secondary Education, or a bachelors degree in education in order to teach one of these subjects.
- (b) Recipient must, at all times, be a full time student and maintain good academic standing as those terms are defined by the postsecondary institution where the Recipient is in attendance. The scholarship per recipient shall be limited to a maximum of four one year scholarships or the equivalent of eight semesters over a six year period. Additional breaks in attendance at the postsecondary institution shall be granted only for active duty military service.
- (c) Scholarships will be in an amount equal to the lesser of the actual cost of tuition or the average tuition for in-state students at University of Kentucky, University of Louisville, Eastern Kentucky University, Western Kentucky University, Murray State University, Morehead State University, Northern Kentucky University and Kentucky State University or for such lesser amount as the Urban County Council may determine.
- (d) Scholarships will be paid directly to the postsecondary educational institution at which the Recipient enrolls and not directly to the Recipient.
- (e) Scholarship amounts will be based on the period of time the Recipient has attended educational institutions in Fayette County prior to graduation from high school. A Recipient who attended school in Fayette County from Kindergarten through Twelfth grade would receive 100% funding, four years of high school in Fayette County would receive 40% funding and less than four years would

receive a pro-rata award based on 10% per high school year completed in Fayette County.

36

178-08

Section 5 - Criteria for Selection - All eligible students shall receive a scholarship and will continue to do so as long as they maintain the academic standards of the postsecondary institution at which they are enrolled and subject to sufficient funds being available each fiscal year.

Section 6 - That the Fund will be administered by a private management group selected in accordance with a purchase of service agreement approved by the Urban County Council. The management group shall be responsible for accepting and reviewing applications, notifying recipients of their receipt of the scholarship, forwarding funds to the appropriate postsecondary institution, monitoring recipients' compliance with the requirements of the fund, and any other actions necessary to administer the fund as specified in the purchase of service agreement.

Section 7 - That the Fund shall be supported by a combination of public and private contributions, with appropriations from Lexington-Fayette Urban County Government to ensure that the Fund is adequately funded, subject to sufficient funds being available in each fiscal year.

- (a) All Recipients shall seek available financial aid and any financial aid for which the Recipient is eligible will reduce that Recipient's scholarship amount by the financial aid amount.
- (b) The projected family educational contribution to the Recipient shall also be deducted from the amount of the Scholarship.
- (c) Recipients' families shall be required to apply for financial aid at the recipients' postsecondary institution, and each family shall determine its projected family educational contribution in accordance with standards established by \_\_\_\_\_.

Section 8 - That the preamble to this Resolution be and hereby is incorporated herein by reference, the same as if set out in full.

Section 9 - That this Resolution shall become effective upon its passage.

PASSED BY THE URBAN COUNTY COUNCIL :



191-08

# Lexington-Fayette Urban County Government

Jim Newberry, Mayor

TO: Mayor Jim Newberry  
Members, Urban County Council

FROM: Anthony Wright, Director *AW*  
Mayor's Office of Economic Development

DATE: April 2, 2008

RE: Kentucky Easter Seal Society Revenue Bonds

This is to request adoption of a resolution requesting that the Kentucky Economic Development Finance Authority issue Healthcare System Revenue Bonds to benefit Kentucky Easter Seal Society, Inc. d/b/a Cardinal Hill Healthcare System in order to enhance its healthcare system in Lexington Fayette Urban County Government. These funds will be used to acquire, construct and equip additions and improvements to its existing healthcare facility located at 2050 Versailles Road, Lexington, Kentucky, 40504.

The adoption of this resolution shall not impose any financial liability or responsibility upon the Lexington Fayette Urban County Government. The Department of Law has reviewed the attached draft copy of the proposed resolution.

Attachment

## RESOLUTION NO. \_\_\_, SERIES 2008

A RESOLUTION OF THE LEXINGTON FAYETTE URBAN COUNTY COUNCIL REQUESTING THAT THE KENTUCKY ECONOMIC DEVELOPMENT FINANCE AUTHORITY ISSUE HEALTHCARE SYSTEM REVENUE BONDS IN ONE OR MORE SERIES, FOR THE BENEFIT OF KENTUCKY EASTER SEAL SOCIETY, INC. D/B/A CARDINAL HILL HEALTHCARE SYSTEM, A KENTUCKY NONPROFIT, NON-STOCK, CHARITABLE CORPORATION

WHEREAS, Kentucky Easter Seal Society, Inc., d/b/a Cardinal Hill Healthcare System, Kentucky nonprofit, non-stock, charitable corporation ("Cardinal Hill"), in order to enhance its healthcare system in Lexington Fayette Urban County Government, proposes to acquire, construct and equip additions and improvements to its existing healthcare facility located at 2050 Versailles Road, Lexington, Kentucky 40504 (collectively, the "Improvements") and refund outstanding bonds, all of which includes, but is not limited to the following:

- (A) (i) construction of a four story addition consisting of approximately 155,000 square feet containing an additional 158 beds, clinic areas, gymnasium and therapy pool;
- (ii) renovation of the existing facility at the site; and
- (iii) equipment related to the above project;
- (B) refunding the outstanding principal amount of the Kentucky Economic Development Financing Authority Adjustable Rate Demand Health Care Facilities Revenue Bonds Series 2000 (Kentucky Easter Seal Society, Inc. Project) Bonds in the approximate amount of \$11,500,000 (the "2000 Bonds"); and
- (C) refinancing the outstanding principal amount of a loan from the Kentucky Development Finance Authority Variable Rate Demand Revenue Bonds (Pooled Loan Program ) 1985 Series A in the approximate amount of \$3,000,000 ( the "1987 Loan") (collectively, the 2000 bonds and the 1987 Loan the "Prior Bonds"); and paying the cost of issuance therefor; and

WHEREAS, Cardinal Hill has requested that the Authority issue its healthcare system revenue bonds pursuant to KRS 103.200 through 103.285, 154.10-035(2) and 154.20-035(1) (collectively, the "Act") in the approximate amount of not exceeding Forty Three Million Dollars (\$43,000,000), in one or more series, in order to (i) finance a portion of the costs of the Improvements, (ii) refund the Prior Bonds, (iii) capitalize interest (to the extent necessary) and (iv) pay related costs of issuance (including, but not limited to, underwriter's discount, professional fees and premium for issuance of a policy of municipal bond insurance, to the extent required); and

WHEREAS, it the purpose of the Lexington Fayette Urban County Council to assist Cardinal Hill in carrying out the proposed financing in order to increase employment opportunities in this area and to provide for the economic development of this area in accordance with the public purposes of the Act; and

WHEREAS, it is provided in KRS Section 103.210 that the Authority may issue such healthcare system revenue bonds if requested by the legislative body of the city or county in which a project (or a portion thereof) is to be located;

NOW, THEREFORE, BE IT RESOLVED BY THE LEXINGTON FAYETTE URBAN COUNTY GOVERNMENT, AS FOLLOWS:

Section 1. The recitations set out in the foregoing preamble are adopted and incorporated as a part of this Resolution. Terms defined in the foregoing preamble have the same meaning when used herein.

Section 2. Pursuant to the provisions of KRS Section 103.210, the Lexington Fayette Urban County Government hereby formally requests the Authority to proceed with the issuance of healthcare system revenue bonds, in one or more series, for the benefit of Cardinal Hill, in

order to (i) finance the costs of the Improvements, (ii) fund a debt service reserve fund (to the extent necessary), (iii) capitalize interest (to the extent necessary) and (iv) pay related costs of issuance. The Mayor of Lexington Fayette Urban County Government is hereby authorized and directed to submit a copy of this Resolution to the Authority as Lexington Fayette Urban County Government's official request in accordance with KRS Section 103.210.

Section 3. The adoption of this Resolution and any other action taken by Lexington Fayette Urban County Government in connection with the described financing of the project shall not be deemed to, and shall not, impose any financial liability or responsibility whatsoever upon the City.

Section 4. This Resolution shall be in full force and effect from and after its adoption as provided by law.

LEXINGTON FAYETTE URBAN COUNTY  
GOVERNMENT

By \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Clerk



## CERTIFICATION

191-08

I, the Clerk of the Lexington Fayette Urban County Government, do hereby certify that the foregoing is a true, correct copy of Resolution No. \_\_\_\_, relating to the request for issuance of Kentucky Development Finance Authority Healthcare system Revenue Bonds for the use and benefit of Kentucky Easter Seal Society, Inc., d/b/a Cardinal Hill Healthcare System, enacted by the Lexington Fayette Urban County Government at its meeting held on \_\_\_\_, 2008, and is in full force and effect.

Witness my hand this \_\_\_\_ day of \_\_\_\_, 2008.

\_\_\_\_\_  
Clerk

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03/17/2008 04:17 PM

**LEXINGTON-FAYETTE URBAN COUNTY COUNCIL**  
**Memorandum**

190-08

TO: Mayor Jim Newberry  
Councilmembers

FROM: David B Stevens, 5<sup>th</sup> District Councilmember  
Corridors Committee Chair

DATE: April 1, 2008

SUBJECT: Newtown Pike Corridor Ordinance

On behalf of the Corridors Committee I am submitting the Newtown Pike Corridor Ordinance for your consideration. This ordinance, which was recommended unanimously by the Corridors Committee at its March 2008 meeting, was crafted with input from Newtown Pike property owners and representatives of the development community.

Newtown Pike will be greatly improved by the passage of this enhancement ordinance.

Your approval is requested. Should you need any further information please do not hesitate to contact me.

  
\_\_\_\_\_  
David B Stevens, 5<sup>th</sup> District Councilmember  
Corridors Committee Chair

ORDINANCE NO. \_\_\_\_\_

190-08

AN ORDINANCE REQUIRING THAT NO BUILDING PERMIT FOR A NEW STRUCTURE OR EXPANSION OF ANY EXISTING STRUCTURE BY MORE THAN TWENTY-FIVE PERCENT IN FLOOR AREA SHALL BE ISSUED FOR ANY STRUCTURE ON PROPERTY ABUTTING NEWTOWN PIKE, BETWEEN WEST MAIN STREET AND THE URBAN SERVICE AREA BOUNDARY ("USAB"), UNLESS THE PLANS SUBMITTED IN CONJUNCTION THEREWITH ARE IN ACCORDANCE WITH A PARTICULAR LANDSCAPE PROFILE; REQUIRING THAT EACH PROPERTY OWNER BE RESPONSIBLE FOR ANY AND ALL LANDSCAPING AND FENCING REQUIRED TO BE INSTALLED UPON HIS PROPERTY UNDER THE TERMS OF THIS ORDINANCE; REQUIRING THAT WHENEVER ISSUANCE OF A BUILDING PERMIT REQUIRES PRIOR APPROVAL OF A DEVELOPMENT PLAN OR SUBDIVISION PLAT, THAT THE REQUIREMENTS OF THIS ORDINANCE BE INCLUDED ON SUCH DEVELOPMENT PLAN OR SUBDIVISION PLAT; AND AUTHORIZING THE CORRIDORS COMMITTEE, ON RECOMMENDATION FROM THE DIVISION OF BUILDING INSPECTION, TO APPROVE AN ALTERNATIVE LANDSCAPE PLAN IF THE TOPOGRAPHY OF THE LAND, EXISTING UTILITY EASEMENTS, AND/OR OTHER UNIQUE FACTORS WOULD NOT PERMIT THE PROPERTY OWNER TO COMPLY WITH THE REQUIREMENTS OF THIS ORDINANCE.

WHEREAS, the segment of Newtown Pike between West Main Street and the Urban Service Area boundary ("USAB") represents a major entryway into Fayette County; and

WHEREAS, the variety of land uses which may develop along Newtown Pike will impact the visual character of that corridor; and

WHEREAS, it is the desire and intent of this Council to implement a significant landscape theme for that corridor that will identify Newtown Pike as a major entryway to the City; that will enhance and beautify that corridor; and that will provide screening from and for abutting properties; and

WHEREAS, it is the intent of this Council to provide a unified and comprehensive list of acceptable landscape materials and a system by which the significant landscape theme described above shall be implemented and maintained;

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

Section 1 – The preamble to this Ordinance shall be and hereby is incorporated herein by reference.

Section 2 – In order to landscape and beautify Newtown Pike between West Main Street and the USAB in accordance with the intent of this Ordinance, no building permit for a new structure or expansion of any existing structure by more than 25% in floor area shall be issued for any structure on property abutting Newtown Pike, between

190-08

West Main Street and the USAB, unless the plans submitted to the Division of Building Inspection with the application for such permit include landscaping in accordance with the following requirements:

- (a) Large canopy shade trees shall be planted 50 feet on center in a continuous line parallel to the right-of-way line between 5 and 15 feet of the right-of-way line. Where overhead utilities lie above the tree planting area, medium trees planted 40 feet on center may be substituted.
- (b) For those properties lying between New Circle Road and the USAB, there shall be a 20-foot wide landscape buffer immediately adjacent to and parallel with the Newtown Pike right-of-way line. The 20-foot landscape buffer shall contain the following:
  - (i) Plantings of ornamental trees or shrubs from list b and/or c of the planting manual and totaling no fewer than 5 plants per 100' of right-of-way frontage.
  - (ii) A horse farm fence to be erected on the boundary of the 20-foot buffer area. As used herein, the term "horse farm fence" shall mean a four-plank fence with either a white or a black finish. In those areas where a horse farm fence is inappropriate or unfeasible, a wire fence within a hedge may be substituted. No additional fence shall be required where there is an existing stone fence.
  - (iii) Any conditional zoning requirements for landscaping approved prior to the passage of this ordinance can be used to satisfy the requirements of this ordinance.
- (c) All plant materials shall be of the size and species as set forth in a landscape profile and planting manual on file in the Divisions of Planning and Building Inspection.

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- (d) The requirements of this Section 2 are in addition to all other applicable requirements of Article 18 of the Zoning Ordinance of the Lexington-Fayette Urban County Government, with the exception that the trees required in subsection (a) above can be used to satisfy the tree requirements of Article 18 to the extent that trees would be required as screening between a parking area and Newtown Pike.

Section 3 – Each property owner shall be responsible and liable for the maintenance of the landscaping and fencing required herein, including mowing, fertilizing, pruning, mulching and all costs of maintenance of the fencing within the 20-foot buffer area upon his property.

Section 4 – A landscape plan illustrating fulfillment of these requirements shall be submitted and approved by the Divisions of Building Inspection and Traffic Engineering prior to the issuance of any building permit. The Corridors Committee, on recommendation from the Division of Building Inspection, may approve an alternative landscaping plan which does not illustrate fulfillment with all of these requirements if the topography of the land, existing utility easements, and/or other unique factors would not permit the property owner to comply with all of these requirements. Whenever issuance of a building permit requires prior approval of a development plan or subdivision plat by the Lexington-Fayette Urban County Planning Commission, the requirements of this Ordinance shall be included on such development plan or subdivision plat.

Section 5 – Whenever this Ordinance is in conflict with other local ordinances, regulations or law, the more restrictive ordinance, regulation or law shall govern and shall be enforced by appropriate officers and employees of this Government.

Section 6 – The sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared invalid by judgment or decree of a court of competent jurisdiction, said invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

Section 7 - That this Ordinance shall become effective on the date of its passage.



159-08

Mayor Jim Newberry

**LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**  
Division of Community Development

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

**FROM: PAULA KING, DIRECTOR  
DIVISION OF COMMUNITY DEVELOPMENT**

**DATE: MARCH 24, 2008**

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO SUBMIT  
APPLICATION TO AMERICAN WATER REQUESTING  
FUNDING UNDER THE ENVIRONMENTAL GRANT PROGRAM  
FOR RESTORATION OF WHITE OAK GREENWAY IN  
MCCONNELL'S TRACE SUBDIVISION**

---

The Division of Engineering has prepared an application for submission to American Water Company requesting \$10,000 to restore the White Oak Greenway in McConnell's Trace Subdivision. If approved, funds will be used to remove invasive Bush Honeysuckle and to replace it with native trees.

While no matching funds are required, it is anticipated that approximately \$120,000 will be expended upon trail construction, and in-kind volunteer labor in the amount of \$5,000 will be documented.

Council authorization to submit application is hereby requested.

Paula King  
Director

Xc: Don Kelly, Commissioner of Public Works and Development

**HORSE CAPITAL OF THE WORLD**

200 East Main Street 6<sup>th</sup> Fl Lexington, KY 40507 (859)258-3070 (859)258-3081 fax [www.lfuog.com](http://www.lfuog.com)





163-08

Mayor Jim Newberry

**LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**  
Division of Streets, Roads & Forestry**MEMORANDUM**

**TO:** Mayor Jim Newberry  
Urban County Council

**FROM:** Tim R. Queary, *TRQ*  
Urban Forester

**DATE:** March 24, 2008

**RE:** Request for Council Authorization to Accept a Donation from Kentucky American Water

---

Kentucky American Water wishes to donate \$5,000 to this year's Reforest the Bluegrass to be held on April 19, 2008 at Jacobson Park. Their donation will be used to help pay for costs associated with the event including: tree seedlings and materials, t-shirts, various rental charges, lunches for volunteers, etc.

Kentucky American Water has been a corporate sponsor of Reforest the Bluegrass since the program began and continues to support the program's mission of protecting our community's valuable water resources by planting trees.

Attachment:

Cc. Don Kelly, Commissioner Public Works and Development  
Leo McMillan, Director Streets, Roads and Forestry

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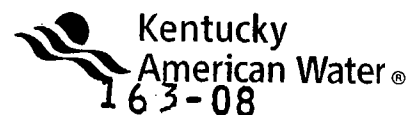
1555 Old Frankfort Pike

Lexington, KY 40504

(859)258-3451

LexCall 859-425-2255

[www.lfucg.com](http://www.lfucg.com)



Susan L. Lancho  
Manager - Communications  
and Corporate Responsibility  
859 268 6332

March 17, 2008

John Saylor, CA  
Arborist Technician  
Lexington-Fayette Urban County Government  
1555 Old Frankfort Pike  
Lexington, KY 40504

Dear Mr. Saylor:

Kentucky American Water is pleased to go beyond our role as a water service provider by being active in the communities we serve. In addition to our employees volunteering for numerous worthwhile efforts, we believe it is also important for our company to demonstrate financial and in-kind support for a variety of programs that are making our communities even better places to live and work.

Please accept our company's donation of \$5,000 in support of this year's Reforest the Bluegrass event. Our payment will be forwarded to you in April. Our company is proud to have served as the leading corporate sponsor for Reforest the Bluegrass since its inception, and we look forward to another successful day this year.

Reforest the Bluegrass aligns well with our company's commitment to environmental stewardship. The project makes a real difference in the health of waterways and fosters a greater awareness among our community's citizens about the importance of protecting and preserving our most precious natural resource – water.

On behalf of all the employees at Kentucky American Water, best wishes for continued success with this program.

Sincerely,

Susan Lancho

c: Mayor Jim Newberry  
Nick Rowe

American Water  
2300 Richmond Road  
Lexington, KY 40502  
USA  
T +1 859 269 2386  
F +1 859 268 6327  
I [www.amwater.com](http://www.amwater.com)





174-08

Mayor Jim Newberry

**LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**  
Division of Community Development

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

**FROM: PAULA KING, DIRECTOR**  
**DIVISION OF COMMUNITY DEVELOPMENT**

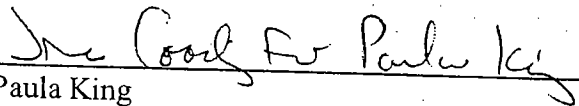
**DATE: APRIL 1, 2008**

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO SUBMIT**  
**APPLICATION TO THE KENTUCKY DIVISION OF FORESTRY**  
**REQUESTING FEDERAL FUNDS FOR THE 2008 KENTUCKY**  
**URBAN AND COMMUNITY FORESTRY PROGRAM**

An application has been prepared by the Division of Streets, Road and Forestry requesting federal funds in the amount of \$5,000 from the Kentucky Division of Forestry for the 2008 Kentucky Urban and Community Forestry Program. If approved, these funds will be used to reprint the Reforest the Bluegrass brochure (\$1500), reprint the street tree brochure (\$500), and to provide for four persons to attend the International Society of Arboriculture conference (\$3,000).

The total amount requested is \$5,000. The source of federal funds is the U.S. Department of Agriculture. A 50% match (\$5,000) is required. Matching funds will be documented in the form of staff time of existing personnel in the Division of Streets, Roads and Forestry. Total project cost is \$10,000.

Council authorization to submit the application is hereby requested.

  
Paula King  
Director

Xc: Don Kelly, Commissioner of the Department of Public Works

**HORSE CAPITAL OF THE WORLD**200 East Main Street 6<sup>th</sup> Fl Lexington, KY 40507 (859)258-3070 (859)258-3081 fax [www.lfucg.com](http://www.lfucg.com)FAWP51\HCD\GRANTS\FEDERAL\US DEPARTMENT OF AGRICULTURE USDA\URBAN FORESTRY\8-004.doc  




169-08

Mayor Jim Newberry

## LEXINGTON - FAYETTE URBAN COUNTY GOVERNMENT

Division of Engineering

**MEMORANDUM**

TO: Jim Newberry, Mayor  
Urban County Council

FROM: Sheila V. Lewis-Collins  
Engineering Technician

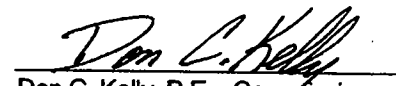
DATE: March 24, 2008

RE: Resolution Authorizing Acceptance of a Right-of-Way Encroachment and Easement Agreement for a private two-inch medium pressure gas line at 460 & 461 Springhill Dr.

The purpose of this memorandum is to request a resolution authorizing the acceptance of a Right-of-Way Encroachment Agreement and Easement Agreement for a private two-inch medium pressure gas line to run from 460 & 461 Springhill Drive. The Fayette County Board of Education has requested this encroachment for the purpose of installing and maintaining a gas line to the above addresses.

Approved by:

  
Marwan A. Rayan, P.E.  
Director, Division of Engineering

  
Don C. Kelly, P.E., Commissioner  
Department of Public Works

Attachments:

cc: Division of Engineering  
Division of Water and Air Quality  
Department of Law  
File

08.4500.502.4960-461 Springhill Dr.

HORSE CAPITAL OF THE WORLD

**ENCROACHMENT AGREEMENT****169-08**

THIS ENCROACHMENT AGREEMENT, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2008, by and between the LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT, an urban county government pursuant of KRS Chapter 67A, 200 East Main Street, Lexington, Kentucky 40507 (hereinafter "Government"), and the BOARD OF EDUCATION OF FAYETTE COUNTY, KENTUCKY, 701 East Main Street, Lexington, Kentucky 40502 (hereinafter "Board of Education").

WHEREAS, the Board of Education owns real property located on both sides of Springhill Drive in Lexington, Fayette County, Kentucky, said properties being known as 461 Springhill Drive and 460 Springhill Drive and both properties being a part of the Board of Education's property generally known as the Lafayette Campus; and

WHEREAS, pursuant to KRS 67A and Article III, Section 3.02 of the Urban County Government Charter, Government maintains, controls and exercises jurisdiction over public roads and right-of-ways in Fayette County, Kentucky; and

WHEREAS, the portion of Springhill Drive which is located between 461 Springhill Drive and 460 Springhill Drive was dedicated to public use by the plat of record in Plat Cabinet A, Slide 228, Fayette County Clerk's Office; and

WHEREAS, there is a sanitary sewer line located on 460 Springhill Drive adjacent to the right-of-way of Springhill Drive (there being no recorded easement of

**169 - 08**

record) as shown in the drawing attached hereto as Exhibit "A" which is fully incorporated herein by reference; and

WHEREAS, the Board of Education desires to bore within the right-of-way of Springhill Drive and the area occupied by the sanitary sewer line for the installation of a private two inch medium pressure gas line to run from 460 Springhill Drive to 461 Springhill Drive, and further desires to construct, install and maintain said gas line within and under said right-of-way and under said sanitary sewer line, all of which is shown on Exhibit "A".

NOW, THEREFORE, in consideration of the premises and upon the terms, conditions and mutual promises contained herein, it is agreed by and between the parties as follows:

1. Government agrees to and does hereby permit the Board of Education, under the conditions herein, to construct, install and maintain a two inch medium pressure gas line across and beneath the Springhill Drive right-of-way and below the aforesaid sanitary sewer line as depicted on the drawing attached hereto as Exhibit "A".

2. The construction and installation of said gas line shall be performed by the Board of Education in a method which has been approved by the Government's Division of Engineering and Traffic Engineering and in such a manner that will not conflict with traffic operation and maintenance of Springhill Drive.

3. The Board of Education agrees that in the event it should become necessary for the right-of-way covered by this Agreement to be removed or relocated in connection with the reconstruction, relocation or improvement of

169-08

Springhill Drive, or for any reason concerning the right-of-way, Government may immediately terminate this agreement and require removal or relocation of said gas line by the Board of Education at the Board of Education's expense.

4. The Board of Education agrees to provide necessary safeguards to protect the property of the Government from damages during the Board of Education's use of said property and the Board of Education further agrees to assume full responsibility for any and all damages to the property of the Government which occur as a result of the Board of Education's use of said property under this Agreement.

5. The Board of Education shall assume full responsibility for any and all claims, damages, causes of action, and demand of any kind or nature arising out of or in connection with the construction, installation, repair, maintenance and removal of the gas line set forth herein when the aforementioned acts occur within or upon the aforesaid public right-of-way or within or upon the area occupied by the aforesaid sanitary sewer line.

6. No alternation or additions are to be made to the aforesaid gas line within the aforesaid right-of-way or within the area occupied by the aforesaid sanitary sewer line, following completion of the construction of same without the prior written consent of Government.

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

169-08

T/R=965.68  
INV.=961.38

SANITARY MANHOLE

T/R=965.34  
W INV.=961.84

ZONE REV

DESCRIPTION

DATE

APPROVED

REVISIONS

SPRINGHILL DR.

VCP

2' CI

2' CI

Work Area

8' VCP

Proposed Gas Line

460  
097

SANITARY MANHOLE

T/R=975.07  
INV.=967.46

CONCRE

SITE UTILITIES ON THE  
LAFAYETTE CAMPUS -  
LOUIE MACK &  
MAINTENANCE

FAYETTE COUNTY PUBLIC SCHOOL SYSTEM

DIVISION OF MAINTENANCE

461 Springhill Drive  
Lexington, KY 40503  
Phone: 859-381-3911  
Fax: 859-381-3915

SIZE FSCM NO.

DWG NO.

06-001-SU1

REV

DATE: 4/23/06

DRAWN: S. FITCH

SCALE 1/32" = 1'-0"

SHEET

1 of 1

Exhibit A



170-08

Mayor Jim Newberry

LEXINGTON - FAYETTE URBAN COUNTY GOVERNMENT  
Division of Engineering

**MEMORANDUM**

To: Mayor Jim Newberry  
Urban County Council

From: Samuel R. Williams, P.E., P.L.S.  
Municipal Engineer Senior

Date: March 10, 2008

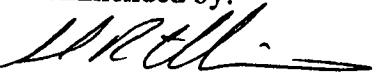
RE: Change Order Number 2 - Final, Contract 897  
Hamburg Force Main  
(Engineering Project 493 - Bid #197-2006)

Change Order Number 2 with Todd Johnson Contracting, Inc. is a change to Contract Number 897. This change order adjusts the Contract to:

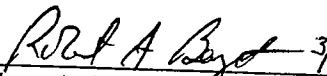
1. Decrease the amount of Unit Priced Item # 11 (credit \$632.70)
2. Increase/ add the amount of Unit Priced Items # 8, 15 & 17 (add \$8,639.90)

This Change Order increases the contract by \$8,007.20. The Division of Engineering recommends approval.

Recommended by:

  
Samuel R. Williams, P.E., P.L.S.  
Municipal Engineer Senior

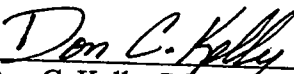
Reviewed by:

 3/13/08  
Robert A. Bayert, P.E., P.L.S.  
Engineering Section Manager

Approved by:

  
Marwan A. Rayan, P.E.  
Urban County Engineer

Approved by:

  
Don C. Kelly, P.E., Commissioner  
Department of Public Works

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HORSE CAPITAL OF THE WORLD

**CONTRACT HISTORY FORM****170-08**

56

Contractor: Todd Johnson Contracting

Project Name: Hamburg Force Main

Contract Number and Date: 897 - April 12, 2007

Responsible LFUCG Division: Engineering

**CHANGE ORDER DETAILS**

A. Original Contract Amount: \$ 368,780.59

Next Lowest Bid Amount:

\$ 437,475.00

B. Amount of Selected Alternate or Phase: \$ 368,780.59

C. Cumulative Amount of All Previous Alternates or Phases: \$ 0.00

D. Amended Contract Amount: \$ 368,780.59

E. Cumulative Amount of All Previous Change Orders: \$ 6,610.00 1.8 %  
(Line E / Line D)

F. Amount of This Change Order: \$ 8,007.20 2.2 %  
(Line F / Line D)

G. Total Contract Amount: \$ 383,397.79

**SIGNATURE LINES**

Project Manager:

Samuel R. TillDate: March 10, 2008

Reviewed by:

RA BryantDate: 3/13/08

Division Director:

MA RayDate: 3/31/08





171-08

Mayor Jim Newberry

LEXINGTON - FAYETTE URBAN COUNTY GOVERNMENT  
Division of Engineering

## MEMORANDUM

TO: Jim Newberry, Mayor  
Urban County CouncilFROM: Sheila V. Lewis-Collins  
Engineering Technician

DATE: March 24, 2008

RE: Resolution Authorizing Acceptance of a Right-of-Way Encroachment and Easement Agreement for a Temporary Footbridge at 111 Trafton Street

The purpose of this memorandum is to request a resolution authorizing the acceptance of a Right-of-Way Encroachment Agreement and Easement Agreement for a Temporary footbridge at 111 Trafton Avenue. G&J Pepsi Cola Bottlers Inc. has requested this encroachment for the purpose of access to and from the parking lot during construction.

Approved by:

  
Marwan A. Rayan, P.E.  
Director, Division of Engineering  
Don C. Kelly, P.E., Commissioner  
Department of Public Works

Attachments:

Cc: Division of Engineering  
Division of Water and Air Quality  
Department of Law  
File

08.4500.502.111 Trafton Street

HORSE CAPITAL OF THE WORLD

## **RIGHT-OF-WAY ENCROACHMENT AND EASEMENT AGREEMENT**

THIS RIGHT-OF-WAY ENCROACHMENT AND EASEMENT AGREEMENT ("Agreement") is made and entered into by and between G&J Pepsi-Cola Bottlers, Inc., a duly authorized Kentucky foreign corporation, having an address at 559 South Forbes Road, Lexington, Kentucky, 40504 (hereinafter referred to as "First Party") and LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT, 200 East Main Street, Lexington, Kentucky, 40507, and Urban County Government (hereinafter referred to as "Second Party"). The effective date of this Agreement shall be last date shown below the parties' signature to this Agreement.

### **WITNESSETH:**

Whereas, First Party is the owner of certain parcels of real property, some of which contain improvements thereon (all collectively referred to herein as the "Property") which abut both sides of Trafton Avenue, Lexington, Fayette County, Kentucky as more particularly shown in the Retracement Corrected Amended & Consolidation Minor Subdivision Plat for Gordon Park Subdivision, recorded on August 15, 2007 with the Fayette County Clerk in Plat Cabinet N, Slide 170, which document is incorporated into and may a part of this instrument.

Whereas, this Property is located on and abuts Trafton Avenue which is a public street that has a fifty-foot (50') right of way as more fully shown and depicted on attached Exhibit A.

Whereas, Second Party has an easement for sanitary sewer and storm water sewer lines that run through the Property generally described as follows:

A sanitary and storm sewer easement located within the fifty foot (50') right of way of Trafton Avenue that runs along the entire length of said street ("Easement").

Whereas, during wet weather some of the Property parcels that are located on the west side of Trafton Avenue and that contain parking areas for users and employees of the First Party become temporarily flooded with stormwater. This flooding interferes with pedestrian access to and from these parking areas.

Whereas, during such wet weather and temporary stormwater flooding events and in order to better serve pedestrian access to this parking lot area located on these certain Property parcels, the First Party desires to place, build and temporarily locate on said Property and that will cross over the above described Easement area and a portion of this bridge will be located in and encroach upon this public right-of-way for Trafton Avenue, all of which is identified as the following facility:

A temporary foot bridge that will begin near the paved area on the westerly side of Trafton Avenue. This temporary foot bridge will begin and encroach upon the public-right-of-way of Trafton Avenue, then cross over a drainage ditch that is part of the

Easement and will end and will connect to surface parking area that the First Party has located on the Property west of Trafton Avenue. The approximate location of this footbridge is to be located as illustrated by red cross-hatching and marked as the "Encroachment Easement Area" that is shown on the attached Exhibit A, which exhibit is incorporated into and made a part of this instrument.

Whereas, as part of this Encroachment Easement Area will be located within and will encroach upon a portion of the public right-of way for Trafton Avenue the First Party requires the consent of the Second Party to allow encroachment of this temporary foot bridge over and into the public right-of-way for Trafton Avenue.

Whereas, the Second Party, by and through the Mayor of Lexington Fayette County Urban Government, is willing to approve this Encroachment Easement Area to accommodate this temporary footbridge and its further willing to consent to the encroachment of this foot bridge and Easement Area into a portion of the public right-of-way as requested by the First Party subject to certain terms and conditions agreed upon by the parties as set forth in this Agreement.

Whereas, First Party understands that Second Party wishes not to release any portion of its Easement, but has requested the Second Party to consent to said temporary encroachment in this Encroachment Easement Area, and the parties have now reached an agreement which they desire to reduce to writing.

Now, therefore, in consideration of the foregoing and of the mutual promises and covenants herein contained, it is agreed by and between the parties as follows:

1. Second Party hereby consents to the temporary encroachment upon its Easement and into its public right-of-way as described and set forth hereinabove.
2. No alterations or additions are to be made to the aforesaid facility following completion which would result in an further encroachment or a more permanent in addition to any then existing horizontal encroachment or which would reduce or otherwise materially interference with any stormwater drainage passways or drainage ditches that may exist in the Easement on the Property.
3. No television antenna, radio aerial, or similar apparatus shall be erected at any location within either the Temporary Easement Area or the easement area.
4. No gasoline, coal fuel, or other flammable substances shall be stored at any location within the Temporary Easement Area or the Easement area.

171-08

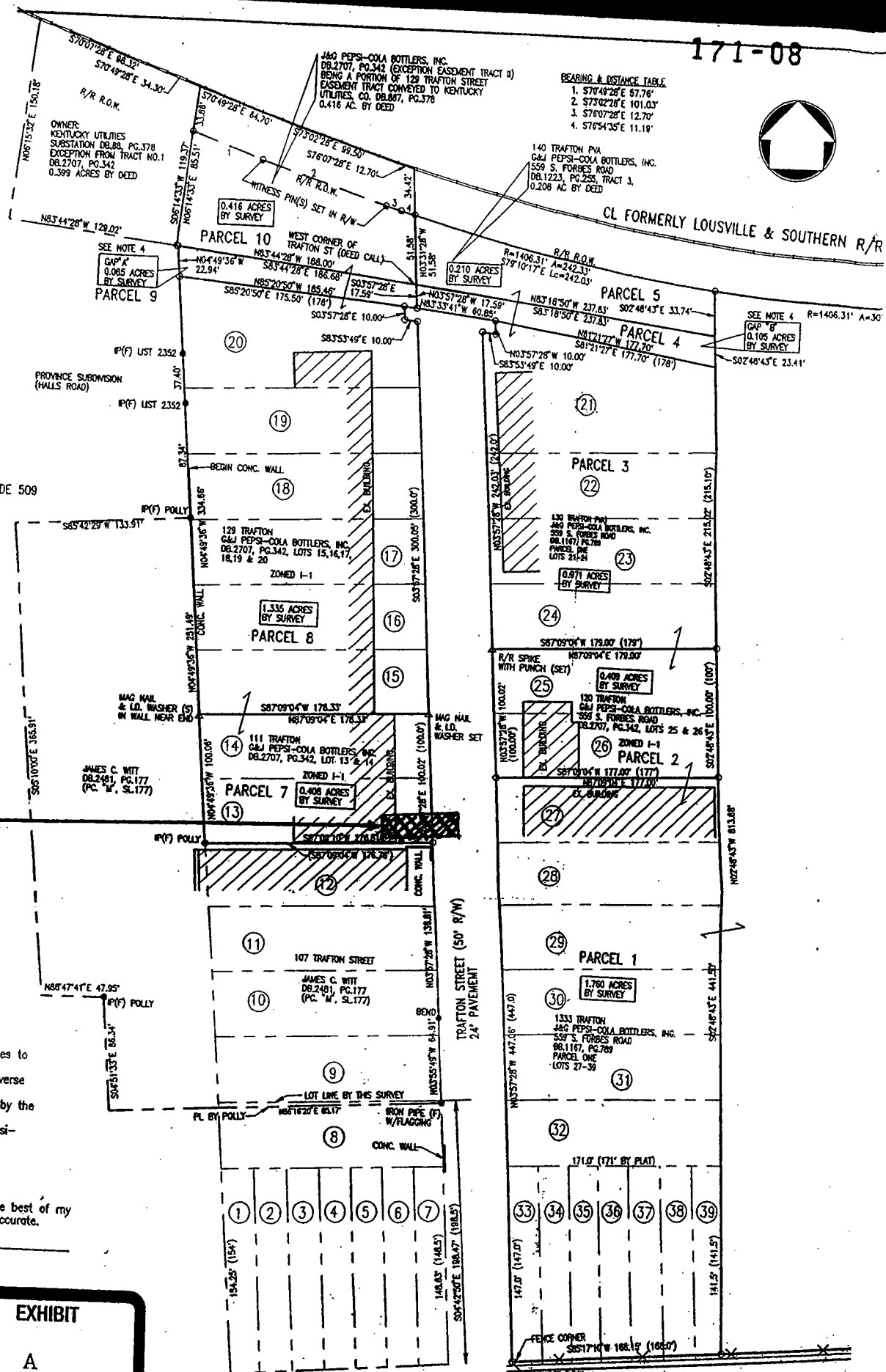
5. First Party (a) shall make no claim against Second Party for any losses or damages, of whatsoever natures, sustained by it, and (b) shall indemnify and save harmless Second Party from any and all claims for personal injury or property or other damages made by on behalf of all persons, firms or corporations, including agents and employees of Second Party, and (c) shall indemnify and save harmless Second Party from any losses or expenses, of whatsoever nature, sustained by the Second Party, arising from or growing out of the encroachment upon the Second Party's easement or from the operation or any failure of Second Party's utility lines or other facilities located within said Easement or arising from any work or thing whatsoever done in or about the facility constituting the encroachment.
6. This Agreement and the obligations herein expressed shall be considered as running with the land and shall extend to, bind and inure to the benefit of the parties hereto and their respective heirs, assigns or successors in interest.
7. First Party shall reimburse, indemnify and hold Second Party harmless for any and all additional expenses which Second Party may incur as a result of the encroachment for necessary maintenance or repair of its utility lines, sewer pipes or other maintenance of its Easement.
8. Second Party shall have no liability to First Party for any damages to this footbridge owned by First Party that may occur as a result of Second Party's maintenance, use and repair of its Easement and First Party does specially release Second Party for any liability for same.
9. The parties agree that this any encroachment permitted by this instrument is temporary in nature and will cease and terminate at such time when the Second Party has made and completed its required improvements to the stormwater drainage affecting the Property.

171-08



BEARING & DISTANCE TABLE

|    |                     |
|----|---------------------|
| 1. | S70°48'28"E 57.78'  |
| 2. | S73°02'28"E 101.03' |
| 3. | S76°07'28"E 12.70'  |
| 4. | S76°54'35"E 11.19'  |



ENCROACHMENT  
EASEMENT AREA

applies to  
I traverse  
ined by the  
Pepsi-

to the best of my  
and accurate.

PENGAD 800-631-6989

EXHIBIT

A



175-08

Mayor Jim Newberry

LEXINGTON FAYETTE URBAN COUNTY GOVERNMENT  
Division of Building Inspection

TO: Mayor Jim Newberry  
Urban County Council  
Joseph Kelly, Senior Advisor

FROM: Dewey Crowe, Director   
Division of Building Inspection

DATE: March 27, 2008

RE: Amendment to Section 5.1, Code of Ordinances

This is to request that Section 5.1 of the Code of Ordinances be amended to update the reference to the Kentucky Uniform State Wide Mandatory Building Code and the Kentucky Residential Code and to indicate that the Division of Building Inspection is now under the supervision of the Commissioner of Public Works and Development.

DC/pd

Cc: Don Kelly, Commissioner

HORSE CAPITAL OF THE WORLD

Mailing Address: 200 East Main Street

Lexington, KY 40507

(859)258-3770

Fax 859-258-3780

Office Location: 101 East Vine Street

Lexington, KY 40507

[www.lfucg.com/buildinginspection](http://www.lfucg.com/buildinginspection)

**175 - 08**

ORDINANCE NO. \_\_\_\_\_-2008

AN ORDINANCE AMENDING SECTION 5-1 OF THE CODE OF ORDINANCES TO ADOPT THE CURRENT EDITION OF THE KENTUCKY UNIFORM STATE WIDE MANDATORY BUILDING CODE AND THE KENTUCKY RESIDENTIAL CODE AND TO PROVIDE THAT THE DIVISION OF BUILDING INSPECTION IS UNDER THE GENERAL SUPERVISION OF THE COMMISSIONER OF PUBLIC WORKS & DEVELOPMENT.

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

Section 1 - That Section 5-1 of the Code of Ordinances, Lexington-Fayette Urban County Government, be and hereby is amended to read as follows:

- (a) Pursuant to KRS chapter 198B, the division of building inspection is hereby designated as the agency to enforce the Kentucky Uniform State Wide Mandatory Building Code, promulgated in 815 KAR 7:120 and the Kentucky Residential Code promulgated in 815 KAR 7:125 by the Board of Housing, Buildings and Construction, Commonwealth of Kentucky, within the urban county government.
- (b) Pursuant to KRS chapter 198B, the director of the division of building inspection is designated as the building official, and his subordinates within the division of building inspection are designated as inspector and code enforcement personnel to enforce the provisions of the Kentucky Uniform Statewide Mandatory Building Code and the Kentucky Residential Code, within the urban county government.
- (c) The agency and officers mentioned in this section shall also assume any additional plan review functions which may be assumed pursuant to KRS chapter 198B by agreement between this government and the department of housing, buildings and construction of the commonwealth.
- (d) The agency and officers mentioned in this section should be under the general supervision of the commissioner of public works and development.
- (e) Pursuant to KRS 198B.060, this government does hereby extend the application of KRS chapter 198B to include the Kentucky Uniform Statewide Mandatory Building Code and the Kentucky Residential Code, as to one family, two family and townhouse dwellings.
- (f) Copies of the Kentucky Uniform Statewide Mandatory Building code and the Kentucky Residential Code, shall be kept on file in the office of the clerk of the urban county council as a public record.



177-08

Mayor Jim Newberry

**LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**  
Division of Community Development

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

**FROM: PAULA KING, DIRECTOR**  
**DIVISION OF COMMUNITY DEVELOPMENT**

**DATE: APRIL 1, 2008**

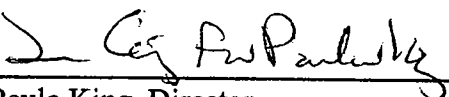
**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE**  
**AGREEMENT WITH KENTUCKY TRANSPORTATION**  
**CABINET FOR INSTALLATION OF A MAST ARM SYSTEM**  
**POLE AT THE INTERSECTION OF STAR SHOOT PARKWAY**  
**AND LIBERTY ROAD**

For the Liberty Todds Road Improvement Project, the Kentucky Transportation Cabinet has agreed to install a Mast Arm System Pole in lieu of a Strain Pole System for the signal at the intersection of Star Shoot Parkway and Liberty Road. The agreement provides for the LFUCG to reimburse the Cabinet in the amount of \$48,406.27 for cost of materials. The Transportation Cabinet will install the system at its own expense.

Funds to support the cost of this project are budgeted as follows:

| FUND | DEPT ID | SECT | ACCOUNT | BUD REF | PROJECT         | ACTIVITY |
|------|---------|------|---------|---------|-----------------|----------|
| 3160 | 303602  | 3602 | 91610   | 2006    | TRAFFIC SIG INS | DEFAULT  |

Council authorization to execute Agreement with Kentucky Transportation Cabinet for Services to be Performed for Governmental Agencies.

  
\_\_\_\_\_  
Paula King, Director

XC: Don Kelly, Commissioner of Public Works

**HORSE CAPITAL OF THE WORLD**

200 East Main Street 6<sup>th</sup> Fl Lexington, KY 40507 (859)258-3070 (859)258-3081 fax [www.lfucg.com](http://www.lfucg.com)







131-08

Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT  
Division of Community Development

TO: JIM NEWBERRY, MAYOR  
URBAN COUNTY COUNCIL

FROM: PAULA KING, DIRECTOR  
DIVISION OF COMMUNITY DEVELOPMENT

DATE: MARCH 3, 2008

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO SUBMIT APPLICATION TO  
THE U.S. DEPARTMENT OF HOMELAND SECURITY UNDER THE 2008  
ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM

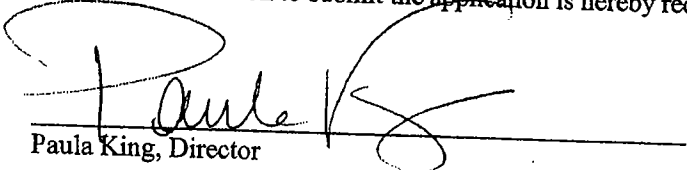
The Division of Fire and Emergency Services has prepared an application for submission to the U.S. Department of Homeland Security under the 2008 Assistance to Firefighters Grant Program, requesting funds for a medium duty rescue vehicle replacing the current Rescue One vehicle. The existing vehicle is a combination of three different truck components: a 1978 American LaFrance (chassis) that was refurbished in 1982 by Pierce Mfg; an engine/transmission/cooling system that includes parts from various assemblies; and a stainless steel 1966 body refurbished in 200. Because of the age of these components, this vehicle is out of service about every two to three weeks for a period of time ranging from two hours to several days.

Lexington Division of Fire and Emergency Services needs a new Rescue One vehicle to improve reliability, for increased carrying capacity, to quickly transport highly skilled and equipped Rescue Technicians to high risk emergency scenes, and to help meet federally mandated fireground safety requirements. In 2007 Rescue One responded to 313 fires, 388 EMS/JAWS runs, and 37 Technical Rescue situations. Of the rescues, most notable are three fast/high water rescues; six body recoveries from water; several trench collapse/rescues; three Rapid Intervention Team activations on the fireground, and seven large animal responses.

The Assistance to Firefighters Grant is a program of the National Preparedness Directorate in the Federal Emergency Management Agency. Grants are awarded to fire departments to enhance their ability to protect the public and fire service personnel from fire and related hazards.

The amount of federal funds requested is \$480,000. The required local match of 20% (\$120,000) has been requested in the 2009 General Fund Budget for the Division of Fire and Emergency Services. Total project cost is \$600,000.

Council authorization to submit the application is hereby requested.



Paula King, Director

Xc: Tim Bennett, Commissioner of the Department of Public Safety

**HORSE CAPITAL OF THE WORLD**

200 East Main Street 6<sup>th</sup> Fl Lexington, KY 40507 (859)258-3070 (859)258-3081 fax www.lfucg.com





064-08

Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Division of Fire and Emergency Services

Robert G. Hendricks, Fire Chief

**Date:** 01/22/2008
**To:** Mayor Jim Newberry  
 Joe Kelly, Senior Advisor  
 Council Members

**From:** *Glendon Carlton*  
 Assistant Chief Glendon Carlton

**Re:** Request for Council Action  
 Network Services contract (Insight)

We request a resolution accepting a network services contract (attached) with Insight Kentucky Partners II, L.P. for hardware, software, engineering and installation services for dedicated point to point fiber optic connections to support our 800 MHz Radio Communications equipment. Funding is allocated in 1101-505701-5701-72204. City owned fiber optic cabling is not available at the required location.

**Cc:** Tim Bennett, Public Safety Commissioner  
 Robert Hendricks, Fire Chief  
 File

HORSE CAPITAL OF THE WORLD

## NETWORK SERVICES CONTRACT

064-08

Lexington Division of Fire and Emergency Services., a governmental entity of the Commonwealth of Kentucky and Insight Kentucky Partners II, L.P., a Delaware limited partnership, enter into this Network Services Contract as of the Agreement Date.

### UNDERSTANDING

- A. Insight owns and/or has access to networks, equipment, and services and is in the business of providing network services to customers.
- B. Customer desires to obtain certain network services from Insight, and Insight desires to provide the network services to Customer on the terms and conditions of this Agreement.

Based on the above understanding, the parties agree as follows:

### AGREEMENT

#### 1. Definitions.

- (a) "Agreement" means this Network Services Contract, all attachments, exhibits, and any permitted modifications or amendments.
- (b) "Agreement Date" means the date as indicated on the signature page.
- (c) "Circuit Acceptance" means the signed acceptance by the Customer for the use of each individual element of the Network Services, subject to Section 4 of this Agreement.
- (d) "Commencement Date" means the date all of the Network Services become available for Customer's use and the Network Acceptance is completed, subject to Section 4 of this Agreement.
- (e) "Customer" means the person or organization described on the Summary Page.
- (f) "Customer Network" means the necessary equipment and facilities required under this Agreement to provide Network Services to Customer as specified on Exhibit A.
- (g) "Customer Premises" means the buildings, property and locations to receive Network Services under this Agreement as specified on Exhibit A, which Customer represents it either owns or has full authority to include herein.
- (h) "Customer Premises Equipment" ("CPE") means equipment that is: (i) owned by Customer and located within Customer's Premises; (ii) related to the provision or use of Network Services and connected to the Network Owner's equipment; and (iii) not included within the equipment provided by Network Owner under this Agreement.
- (i) "Implementation Schedule" is a mutually agreed upon schedule of implementation activities and milestones associated with the construction, implementation, testing and deployment of the Network Services hereunder.
- (j) "Insight" and/or "Network Owner", the organization described on the Summary Page.

- (k) "Network Acceptance" means the signed acceptance by the Customer for the use of all of the contracted Network Services, subject to Section 4 of this Agreement.
- (l) "Network Services" means high-bandwidth connectivity, related equipment and services provided to Customer as specified on Exhibit A.
- (m) "Required Permit" means any permit, certificate, license, approval or franchise required by any governmental agency or other third party to provide Network Services.
- (n) "User" means anyone who uses or accesses the Network Services purchased by Customer under this Agreement.

## 2. Network Services Provided to Customer.

Insight shall provide Customer with the Network Services specified on Exhibit A in accordance with the terms and conditions of this Agreement (and any applicable tariffs).

## 3. Customer Network Provided to Customer.

- (a) **Design and Installation.** Insight shall prepare the basic design and perform the initial installation of the Customer Network according to the Customer Network specifications in Exhibit A.
- (b) **Customer Network Maintenance.** Insight shall perform basic maintenance of the Customer Network and shall repair or replace portions of the Customer Network that malfunction as necessary to provide the Network Services; except to the extent that any such repair or replacement arises from the negligent or willful acts or omissions of Customer, its agents, representatives, employees, licensees, invitees, and/or contractors, in which case Customer shall be responsible for and pay for the costs incurred for restoration of the damaged Customer Network facilities. Further, Insight may interrupt the Network Services for purposes of planned maintenance. Insight shall use reasonable efforts to schedule any such planned maintenance so as to minimize disruption to Customer's operation – provided, however, that Insight may schedule such interruptions during normal business hours.
- (c) **Customer Premises Equipment.** Under this Agreement, Insight will not be responsible for the provision, installation, repair or maintenance of Customer Premises Equipment connected to the Customer Network. Customer may contract for these services or equipment under a separate agreement.
- (d) **Compliance with Laws.** All installations by Insight shall comply with applicable local, state and federal laws, regulations and ordinances; and all network interfaces shall comply with applicable and commonly accepted industry standards. Network interfaces shall comply with Institute of Electrical and Electronics Engineers ("IEEE") standards.
- (e) **Ownership of Customer Network.** Except as otherwise provided on Exhibit A, Insight shall retain ownership of the Customer Network, including, but not limited to the optronics and physical fiber plant; notwithstanding any termination or expiration of this Agreement. Except as provided on Exhibit A, no portion of the Customer Network installed on the Customer Premises shall be considered a fixture or an addition to the property. Customer agrees that it will take no action that impairs Insight's title to the Customer Network, or exposes Insight to any claim, lien, encumbrance, or legal process. Insight may, from time to time, make changes, adjustments and extensions to the physical

design of the network carrying Customer's bandwidth service to provide services to other customers, but only if such use does not affect the performance of the Network Services.

- (f) **Removal of Customer Network.** In the event of expiration or termination of this Agreement, Insight may remove any portion of the Customer Network or optronics located in or on the Customer Premises within 180 days of the cessation of Network Services. If Insight removes any portion of the Customer Network or optronics, it shall restore the Customer Premises to substantially its prior condition, as per photographic documentation, wear and tear excepted. Upon installation of the Customer Network in accordance with the terms hereof, Insight and Customer shall schedule a mutually convenient time for Customer to take photographs of that portion of the Customer Network located in or on the Customer Premises. Customer shall promptly provide to Insight copies of those photographs.
- (g) **Use of Contractors.** Insight may retain the use of contractors to install, maintain and repair the Customer Network or optronics.
- (h) **Customer Network Non-exclusive.** Portions of the Customer Network may be provided over shared transport facilities used to support the Network Owner's operations or those of its other customers. Consistent with the nondisclosure obligations contained in Section 7 of Exhibit B hereof, Insight agrees not to disclose any Customer records except as otherwise authorized herein.

#### 4. **Commencement Date of Network Services.**

Following installation of the Customer Network and the connection of the necessary Customer Premises Equipment, Insight shall conduct industry standard and commonly accepted tests of the Customer Network to prove connectivity. Upon successful completion of the test(s) for an individual element of the Network Services, Insight will provide the Customer with a Circuit Acceptance Document (in the form of Exhibit C attached hereto) to sign, complete and return to Insight within no later than three (3) business days. Upon completion of all of the Network Services, the Customer shall be provided by Insight with a Network Acceptance Document (in the form of Exhibit D attached hereto) informing the Customer that all Network Services are available for use, to sign, complete and return to Insight within no later than three (3) business days. The date of the completed Network Acceptance Document shall establish the Commencement Date.

Timing will be based on contract award date. Uncontrollable factors such as weather and permitting may cause the time to be extended. In the event of such uncontrollable factors, at the time of the occurrence Customer shall be notified of the anticipated delay and duration in writing. In no event shall the Commencement Date occur later than the agreed upon Implementation Schedule (as detailed in Section 6 below) subject to any event of Force Majeure.

#### 5. **Charges and Payment Terms.**

- (a) **Nonrecurring and Recurring Charges.** For the installation and maintenance of the Customer Network and for the use of Network Services, Customer shall pay Insight the recurring charges set forth in Exhibit A. All charges to Customer shall be subject to applicable state and federal taxes. Any assessments or other taxes, regulatory or franchise fees levied on the Network Services will be passed through by Insight to Customer.
- (b) **Payments.** Customer shall pay charges as follows:

064-08

- (i) Upon execution of this Agreement, Customer shall pay Insight the total nonrecurring charges specified in Exhibit A.
  - (ii) Upon Circuit Acceptance, Customer shall pay Insight the first month's recurring charges for all accepted circuits, pro rated.
  - (iii) Following the Circuit Acceptance, recurring charges shall be invoiced monthly to the Customer and due on the date indicated in the invoice.
- (c) **Late Payment.** In the event of any unpaid balance which becomes more than 30 days overdue, Insight may discontinue Network Services until full payment of any unpaid balance has been received. Upon receipt of such payment, full Network Services will be restored within 72 business hours. If any amount due hereunder is not paid in accordance with the terms hereof, Customer shall pay interest on such past due amounts at the lesser of (i) the rate of one and one-half percent (1-1/2%) per month or (ii) the maximum interest rate permitted by applicable law.

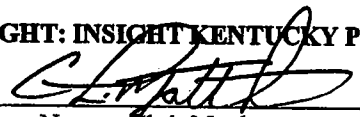
#### 6. Term and Renewal.

This Agreement commences as of the Agreement Date (defined below) and shall continue for thirty-six (36) months following the Commencement Date, unless terminated earlier in accordance with Section 6 of Exhibit B. At any time prior to the commencement of construction by Insight on the Customer Network, either party may terminate this Agreement upon thirty (30) days written notice to the other party. Construction on the Customer Network shall commence on a date mutually agreeable to the Customer and Insight, but in no event later than agreed to in the Implementation Schedule. The Implementation Schedule shall be developed jointly by Insight and Customer no later than ten (10) business days following the execution of this Agreement, subject to delays beyond the parties' control.

#### 7. Additional Terms and Conditions

This Agreement incorporates all of the terms and conditions described in Exhibit B hereto

**INSIGHT: INSIGHT KENTUCKY PARTNERS II, L.P.**

By:   
 Name: Chris Matthews  
 Title: Director of Operations  
 "Agreement Date": 2-6-08

**CUSTOMER: LEXINGTON DIVISION OF FIRE AND EMERGENCY SERVICES**

By: \_\_\_\_\_  
 Name: Jim Newberry  
 Title: Mayor  
 Date: \_\_\_\_\_

064-08

## Exhibit A

### 1. PROPOSED SOLUTION

#### Customer Premises where Network Services are to be provisioned:

Customer location is the primary site located at: 219 E. Third St., Lexington, KY 40508

### 2. DESIGN OVERVIEW

#### Network Services Provided:

Network Owner will provide Lexington Division of Fire and Emergency Services with a 10 Mbps Ethernet Point-to-Point fiber circuit from Primary Site to the following location:

2851 Winchester Road, Lexington, KY 40508

Network Owner shall provide connectivity at the Customer demarcation point which shall be an Ethernet handoff to the CPE.

### 3. PRICING

| Location                                     | Service          | Monthly Fee      | One-time Fee |
|----------------------------------------------|------------------|------------------|--------------|
| 2851 Winchester Road,<br>Lexington, KY 40508 | 10 Mbps Ethernet | \$950.00         | \$0.00       |
| <b>GRAND TOTAL</b>                           |                  | <b>\$950.00*</b> | <b>\$0</b>   |

#### 1. Support:

Network Owner will provide 24 X 7 customer support consistent with terms outlined in Section 3 (b) of the Agreement.

#### 2. Customer Responsibilities:

- Customer will provide all necessary rack space for the fiber termination shelf and Customer Network equipment being provided by Network Owner during the term hereof.
- Customer will provide appropriate AC power for the use of the Network Owner's UPS system.
- Customer will provide Network Owner with access to their site facilities and all locations referenced above.

\*Pricing excludes any applicable taxes, fees and assessments.



160-08

Mayor Jim Newberry

**LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**  
Division of Community Development

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

**FROM: PAULA KING, DIRECTOR**  
**DIVISION OF COMMUNITY DEVELOPMENT**

**DATE: MARCH 21, 2008**

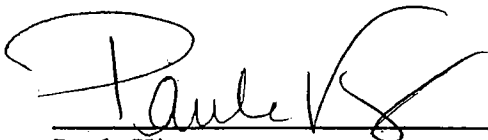
**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT AWARD**  
**OF FEDERAL FUNDS FROM THE KENTUCKY OFFICE OF**  
**HOMELAND SECURITY UNDER THE HOMELAND SECURITY**  
**GRANT PROGRAM**

---

On March 20, 2008 (Resolution # 128-2008), Council approved the submission of a grant application prepared by the Division of Fire and Emergency Services to the Kentucky Office of Homeland Security requesting federal funds to support an upgrade to the Mobile Command Post Interoperable Communications System. The Kentucky Office of Homeland Security has approved an award in the amount of \$23,393. No matching funds are required.

Funds will be used to purchase a Rajant InstaMESH Breadcrumb deployable 2.4GHZ Wi-Fi wireless system for installation into the Division of Fire and Emergency Services' Mobile Command Post. Acquiring this equipment will bring this command post up to the communication standards already in place within Mobile Command Posts operated by the Kentucky Office of Emergency Management, the City of Louisville, and the Center for Rural Development.

Council authorization to accept the award is hereby requested.

  
\_\_\_\_\_  
Paula King  
Director

Xc: Tim Bennett, Commissioner of Public Safety

**HORSE CAPITAL OF THE WORLD**

200 East Main Street 6<sup>th</sup> Fl Lexington, KY 40507 (859)258-3070 (859)258-3081 fax [www.lfucg.com](http://www.lfucg.com)







## LEXINGTON DIVISION OF POLICE

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

162-08

73

**TO:** Mayor Jim Newberry  
Urban County Council

**FROM:** Chief Ronnie Bastin  
Division of Police

**DATE:** March 19, 2008

**RE:** CPAAA Grant Donation

Please find attached a blue sheet requesting approval for the Lexington Division of Police, Crimes Against Children Unit, to accept the listed donated items from the Citizen's Police Academy Alumni Association (CPAAA). The listed items will assist in our efforts to investigate crime against children that have a computer component. Total value of items is \$487.96.

**Donated Items:**

Kingston 1GB 200-Pin DDR2 SO-DIMM DDR2 533 (PC2 4200) Laptop Memory - \$20.99  
2 Vantech CB-IS100 IDE to SATA Converter - \$14.99 x 2  
Western Digital - My Book Essential 1TB External Hard Drive - \$289.99  
Western Digital - My Book Essential Edition 750G External Hard Drive - \$161.99

There will be no budgetary impact. If you have any questions or require additional information, please contact me.

A handwritten signature in cursive script, reading "R. Bastin".

Ronnie Bastin  
Chief of Police

RB/rmh

cc: Tim Bennett, Commissioner of Public Safety



167-08

Mayor Jim Newberry

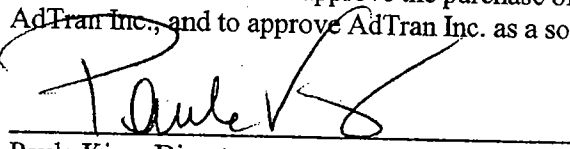
**LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**  
Division of Community Development**TO: JIM NEWBERRY, MAYOR**  
**URBAN COUNTY COUNCIL****FROM: PAULA KING, DIRECTOR**  
**DIVISION OF COMMUNITY DEVELOPMENT****DATE: MARCH 31, 2008****SUBJECT: REQUEST COUNCIL AUTHORIZATION TO APPROVE PURCHASE**  
**OF 9-1-1 CHANNEL BANK AND ROUTING EQUIPMENT FROM**  
**ADTRAN, INC., AND TO APPROVE ADTRAN AS A SOLE SOURCE**  
**PROVIDER FOR THIS PURCHASE FOR IMPLEMENTATION OF A**  
**REGIONAL 911 SYSTEM**

On December 11, 2007 (Ordinance No. 296-2007), Council approved the acceptance of an award of state funds from the Kentucky Office of 911 Coordinator/Commercial Mobile Radio Service Board for the designing, building, and implementation of a 9-1-1 regional infrastructure connecting Fayette, Jessamine, Woodford counties and UK's current 911 systems into a redundant infrastructure allowing simplified network connectivity, lower cost and more efficient operations for all parties involved. The regional system will accept landline, wireless and VoIP emergency calls and fully transfer all voice and data associated with each call; capabilities not currently available between individual communication centers.

Division of Enhance 9-1-1 has selected 9-1-1 channel bank and routing equipment capable of handling T1, analog, and IP technology and routing all voice and data transmission across Windstream's networks. Cost of this equipment is \$23,272. Funds for this equipment are budgeted as follows:

| FUND | DID    | SECT | ACCOUNT | PROJECT         | BUD REF | ACTIVITY | AMOUNT |
|------|--------|------|---------|-----------------|---------|----------|--------|
| 3400 | 505603 | 0001 | 96201   | ST_HOMELAND_COM | 2008    | DEFAULT  | 23,272 |

Council authorization to approve the purchase of 9-1-1 channel bank and routing equipment from AdTran Inc., and to approve AdTran Inc. as a sole source provider for this purchase.

  
Paula King, Director

Xc: Tim Bennett, Commissioner, Department of Public Safety

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168-08

Mayor Jim Newberry

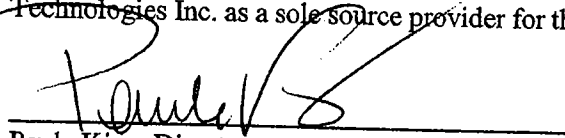
**LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**  
Division of Community Development**TO: JIM NEWBERRY, MAYOR**  
**URBAN COUNTY COUNCIL****FROM: PAULA KING, DIRECTOR**  
**DIVISION OF COMMUNITY DEVELOPMENT****DATE: MARCH 31, 2008****SUBJECT: REQUEST COUNCIL AUTHORIZATION TO APPROVE PURCHASE**  
**OF TWO ROUTERS FROM SOLACOM TECHNOLOGIES, INC., AND**  
**TO APPROVE SOLACOM AS A SOLE SOURCE PROVIDER FOR THIS**  
**PURCHASE FOR IMPLEMENTATION OF A REGIONAL 911 SYSTEM**

On December 11, 2007 (Ordinance No. 298-2007), Council approved the acceptance of an award of federal funds from the Kentucky Office of Homeland Security for the designing, building, and implementation of a 9-1-1 regional infrastructure connecting Fayette, Jessamine, Woodford counties and UK's current 911 systems into a redundant infrastructure allowing simplified network connectivity, lower cost and more efficient operations for all parties involved. The regional system will accept landline, wireless and VoIP emergency calls and fully transfer all voice and data associated with each call; capabilities not currently available between individual communication centers. On December 11, 2007 (Ordinance No. 296-2007), Council also approved acceptance of state funds from the Kentucky Office of 911 Coordinator/Commercial Mobile Radio Service Board for this project.

Division of Enhance 9-1-1 has selected routers capable of handling wireless, landline and VoIP 9-1-1 calls and routing all voice and data transmission across Windstream's statewide IP network. Cost of this equipment is \$195,835. Funds are partially budgeted with budget amendment in process for purchase of this equipment as follows:

| FUND | DID    | SECT | ACCOUNT | PROJECT         | BUD REF | ACTIVITY | AMOUNT |
|------|--------|------|---------|-----------------|---------|----------|--------|
| 3200 | 505603 | 0001 | 96201   | ST_HOMELAND_COM | 2008    | DEFAULT  | 98,304 |
| 3400 | 505603 | 0001 | 96201   | ST_HOMELAND_COM | 2008    | DEFAULT  | 84,903 |
| 3400 | 505603 | 0001 | 71200   | ST_HOMELAND_COM | 2008    | DEFAULT  | 2,590  |
| 3400 | 505603 | 0001 | 76100   | ST_HOMELAND_COM | 2008    | DEFAULT  | 10,038 |

Council authorization to approve the purchase of routers, associated equipment, licenses, software, and system support from SolaCom Technologies Inc., and to approve SolaCom Technologies Inc. as a sole source provider for this purchase.

  
Paula King, Director

Xc: **THE HARPIS CAPITAL OF THE WORLD**  
TH Benberry, Commissioner, Department of Public Safety  
200 East Main Street 6<sup>th</sup> Fl Lexington, KY 40507 (859)258-3070 (859)258-3081 fax www.lfucg.com





173-08

Mayor Jim Newberry  
**LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**  
Division of Community Development

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

**FROM: PAULA KING, DIRECTOR**  
**DIVISION OF COMMUNITY DEVELOPMENT**

**DATE: MARCH 31, 2008**

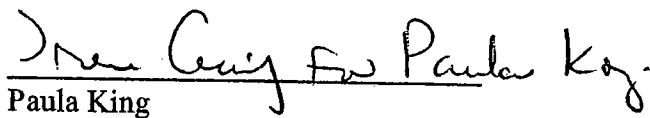
**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO SUBMIT APPLICATION**  
**TO THE U.S. DEPARTMENT OF JUSTICE REQUESTING FEDERAL**  
**FUNDS FOR THE PURCHASE OF BULLETPROOF VESTS—FY 2009**

An application has been prepared for submission to the U.S. Department of Justice requesting federal funds for the purchase of bulletproof vests for the Division of Police and the Fayette County Sheriff's Office.

The purpose of the Bulletproof Vest Partnership Grant Acts of 1998 (Public Law 105-181 and 2000 Public Law 106-517) is to save the lives of law enforcement officers by helping States and units of local governments equip their law enforcement officers with armor vests. The application can only be submitted by the local government. All law enforcement agencies in Fayette County that want to participate in the program must do so in a unified application with the lead entity being the LFUCG. A 50% local match is required.

The Division of Police is requesting federal funds for the purchase of 136 vests at a cost per vest of \$733.00. Total project cost is \$99,688. The amount of federal funds requested is \$49,844. Local match in the amount of \$49,844 has been requested from the Fiscal Year 2009 General Fund budget. The Fayette County Sheriff is requesting funds for seven vests at a cost of \$735.00 for a project total of \$5,145. The amount of federal funds requested by the Sheriff is \$2,573. The Sheriff will provide the match of \$2,573 from her own budget.

Council authorization to submit the application is hereby requested.

  
Paula King  
Director

Xc: Tim Bennett, Commissioner of Public Safety

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Lexington-Fayette Urban County  
Division of Police  
**MEMORANDUM**  
Lexington, Kentucky

DATE OF ISSUE

February 20, 2008

EFFECTIVE DATE

187-08

NUMBER  
COP:  
08/0082

77

To:

Jim Newberry, Mayor  
Urban County Council

SUBJECT:

Council Action (Blue Sheet) –  
Memorandum of Understanding  
Internet Crimes Against Children  
Task Force

From:

Ronnie Bastin  
Chief of Police

Please find attached blue sheet and documentation for a Memorandum of Understanding between the Kentucky State Police, Kentucky Internet Crimes Against Children Task Force and the Lexington-Fayette Urban County Government. The mission of the task force is to deter, prevent, investigate, and prosecute predators who seek to exploit or engage minors in sexual activity through the use of computers and the Internet. I have attached two original's of the Memorandum of Understanding requiring the Mayor's signature.

Please return the original agreements to the Chief's Office upon completion.

Ronnie Bastin  
Chief of Police

RB/rmh

Attachment

cc: Tim Bennett, Commissioner

187-08

## KENTUCKY INTERNET CRIMES AGAINST CHILDREN TASK FORCE

**MEMORANDUM OF UNDERSTANDING***February 26, 2006***Parties**

The Internet Crimes Against Children (ICAC) Task Force is a multi-agency, multi-jurisdictional initiative, funded with a grant from the Office of Juvenile Justice and Delinquency Prevention (OJJDP). This Memorandum of Understanding (MOU) is entered into, by, and between the Kentucky State Police and the various federal, state and local law enforcement agencies that have signed this document. No part of this MOU shall be viewed as limiting or impeding the spirit of cooperation that exists among the agencies.

**Mission**

The mission of the Task Force is to deter, prevent, investigate, and prosecute predators who seek to exploit or engage minors in sexual activity through the use of computers and the Internet. The Task Force will engage in reactive and proactive investigations targeting those offenders who are actively involved in this type of criminal activity. Additionally, the Task Force will participate in a statewide effort to educate the public on issues regarding Internet safety for children. Training opportunities will be made available to Task Force members so they can become familiar with the most current trends and developments in the area of on-line child exploitation.

**Purpose**

The purpose of this MOU is to outline the relationship between all participating agencies in order to ensure that each understands and agrees to guidelines concerning policy, supervision, planning, training, and public relations. This document is devised to formalize the association between agencies and to foster an understanding of each agency's role within the Task Force. The goal of this MOU is to promote efficiency in operations and provide guidelines necessary to ensure standardization in policies and procedures among Task Force participants.

**Organizational Structure**

The Task Force is composed of representatives from all participating agencies whose chief law enforcement officer in the state has signed this MOU.

A Board of Directors for the Kentucky Task Force will be established, with the commander of the Kentucky State Police Computer Technologies Branch—or his designee—as chairman.

The chairman's primary responsibility will be to preside over meetings of the Board. The chairman and one member from each of the participating agencies, including the state police, will constitute the Board. Each agency participating in the Task Force shall designate one of its officers or representatives participating in the Task Force as that agency's representative to the Board. Each Board member shall have one vote. Two Board members, a vice-chairman and a secretary, shall be elected from the membership by a simple majority vote of the Board members present.

The Board will create by-laws formalizing its duties and responsibilities. The lengths of terms for vice-chairman and secretary shall be decided by the Board and formalized in the by-laws. These three members—the chairman, vice-chairman, and secretary—shall constitute the Executive Committee. Other specialized committees and positions may be established as the Board sees fit.

#### **Direction**

This Task Force is a joint endeavor with all participating agencies acting as partners. Because of its grant oversight responsibility, the Kentucky State Police Electronic Crime Section will act as the lead law enforcement agency and will be responsible for coordinating the day-to-day operations of the Task Force, as well as ensuring compliance with the policies and procedures issued by the United States Department of Justice (DOJ), Office of Juvenile Justice and Delinquency Prevention (OJJDP). Ultimately, all Task Force activities are governed by these operational and investigative standards. A copy of these guidelines shall be issued to each agency upon acceptance of this MOU.

As the lead law enforcement agency, the Kentucky State Police Electronic Crime Section will be responsible for compiling and reporting Task Force activities to the ICAC program manager at OJJDP. Information on the activities of participating agencies will be collected in a prescribed format and reported in a timely fashion to the Kentucky State Police ICAC program coordinator.

The ICAC program coordinator will handle all ICAC grant administrative functions, with oversight and approval from the state police ICAC program director. The ICAC program coordinator will regularly contact participating agencies to keep them apprised of new developments, training opportunities, problems, and successes within the Task Force.

#### **Investigator Selection Criteria**

Each agency will identify specific officers who will be assigned to the Task Force. Only these officers will be permitted to conduct ICAC online investigations or perform forensic examinations pursuant to (1) this agreement, (2) ICAC operational and investigative standards, and (3) applicable policies or procedures formulated by the Kentucky ICAC Board of Directors.

Potential ICAC investigators should be evaluated for assignment to the Task Force based upon their work history and prior investigative experience, familiarity with computers and networks, court testimony skills, ability to handle sensitive information prudently, and a genuine interest in the protection of children. Each officer assigned to the Kentucky ICAC Task Force must receive appropriate training prior to initiating online investigations.

### **Personnel**

Personnel assigned to the Task Force will be evaluated by their respective agency heads/supervisors. The ICAC program coordinator will provide monthly activity printouts to each agency head/supervisor on the Task Force activities performed by their officers. Continued assignment to the Task Force will be dependent upon a satisfactory supervisory evaluation. At no time will the employees of a participating agency be deemed employees of another participating agency.

### **Supervision**

The commander of the state police Electronic Crime Section, acting through the ICAC program coordinator, is responsible for assigning and coordinating daily operational and administrative activities of the Task Force. The ICAC program coordinator will maintain regular contact with ICAC officers in participating agencies to determine the status of investigations, provide supporting investigative and analytical information, and to identify and address issues pertaining to the overall operation of the Task Force. Each agency is responsible for the personal and professional conduct of its Task Force personnel.

### **Investigations**

All Task Force investigations will be conducted in the spirit of cooperation among agencies.

Proper execution and documentation of undercover operations provides the well-trained investigator with virtually incontrovertible evidence regarding a suspect's intent to exploit children. Investigations will follow ICAC operational and investigative standards, policies and procedures formulated by the Kentucky ICAC Board of Directors, and principles of law and due process.

### **Prosecution**

When necessary, a case-by-case analysis will be performed on each potential prosecution to determine in which jurisdiction the case will be prosecuted. A preference will be given to the participating agency initiating the investigation. Those cases being considered for federal prosecution will be investigated pursuant to guidelines established by the appropriate United States Attorney.



187-08

KyICAC Memorandum of Understanding  
February 26, 2006  
Page 4 of 7

### **Prevention and Education Activities**

Public education and awareness are key components of the ICAC initiative. Task Force agencies will provide information and guidance to children, parents, educators, and any other individuals concerned with child safety issues, through public presentations. These presentations will not depict identifiable victims or use pornographic or sexually explicit images, nor will confidential investigative techniques be discussed. No member of the Task Force may endorse any product or service without the express consent of the OJJDP Program Manager.

### **Case Administration**

As the lead law enforcement agency, the Kentucky State Police Electronic Crime Section will be responsible for compiling and reporting Task Force activities to the ICAC program coordinator at OJJDP. Information on the activities of participating agencies will be collected in a prescribed format and reported in a timely fashion to the Kentucky State Police ICAC program coordinator.

Cases will be handled in compliance with each agency's case management policies and procedures. However, each participating agency agrees that selected Task Force cases will be made available upon request to either the [Kentucky] ICAC program coordinator, or the [Kentucky] ICAC program director.

### **Information Sharing**

All Task Force members shall contribute case information for inclusion into one or more common databases. Access to the ICAC investigative website is available only to ICAC members and serves as a pointer system to assist in investigations. Basic case information (submitting Task Force information, offender's screen name, identifiers, synopsis of investigation), as well as case update information (criminal proceedings, sentencing information, additional data on suspect) shall be submitted to the ICAC program coordinator on a timely basis for inclusion in the database.

If any common target is identified, the initiating ICAC agency is responsible for contacting the other law enforcement agency targeting the suspect. Initiating ICAC agencies should also consider contacting other local, state, and federal agencies, which may be involved in similar investigations.

### **Records, Reports, and Evidence**

Task Force members will maintain their own agency records and reports. All necessary case information will be provided to the ICAC program coordinator on a timely basis for reporting purposes as outlined above.

Evidence will be impounded in the Evidence Room of the appropriate participating agency. Evidence will be handled by established rules of law regarding chain of custody and property release.

The storage, security, and destruction of investigative information shall be consistent with agency policy. At a minimum, information should be maintained in locked cabinets and under the control of Task Force personnel. Access to these files should be restricted to authorized personnel with a legitimate need to know.

Absent the availability of a trained and experienced forensic examiner in the investigator's agency, the state police ECB will conduct forensic examinations of computers and related evidence in ICAC cases. The Board may establish minimum qualifications—including training requirements—for ICAC examiners, and establish operational guidelines for conducting ICAC forensic examinations.

Absent the Board's action in this area, whenever a participating agency desires to conduct its own forensic examination, the participating agency is responsible for contacting the commander of the ECB for approval prior to beginning any forensic examination.

#### **Media Relations and Releases**

No information pertaining to Task Force operations will be released to the media without the prior approval of all agencies with an immediate investigative or prosecutorial interest in the case. Media releases may be made jointly by all agencies participating in the case. Media releases shall not include information regarding confidential investigative techniques.

Media releases relating to ongoing prosecutions, crime alerts, or other matters concerning ICAC operations shall be made in cooperation with the state police ICAC program coordinator.

#### **Workspace and Equipment**

Each participating agency agrees to make available its resources in support of a joint Task Force investigation. These may include, but are not limited to:

1. **Vehicles:** When appropriate, each agency will supply vehicles for its participating personnel.
2. **Communication Equipment:** Each agency will supply their personnel with two-way radios, pagers, and if available, cellular telephones. A list of current pager and cellular telephone numbers will be provided to the ICAC program coordinator.

3. **Safety Equipment:** Each agency will ensure its officers and agents assigned to the Task Force shall have all necessary equipment including, but not limited to, agency-authorized firearms, handcuffs, ballistic protective vests, tape recorders, and any other equipment judged to be essential by the Board.
4. **Dedicated Computer Hardware, Software, and Network Access Services:** Each agency shall provide or make available computer and peripheral hardware, software, and network access services dedicated to the exclusive use of its Task Force members. No personally owned equipment shall be used in ICAC investigations, and all software shall be properly acquired and licensed. The Board, in an effort to standardize certain investigative and forensic procedures, may formulate guidelines for the selection purchase and use of equipment and software. If sufficient funds are available, the purchase of some equipment and services may be made through the ICAC grant.
5. **Dedicated Work Space:** In lieu of establishing a centralized facility or regional locations, each agency shall make available to its Task Force personnel sufficient workspace and office equipment in a secure area. This space must allow officers, agents, and representatives to perform their duties away from public view and without undue distractions from personnel not assigned to the Task Force.

#### **Compensation**

Each participating agency agrees to provide wages and benefits for its personnel assigned to the Task Force. Payment of overtime expenses is the responsibility of each member agency. With the exception of the state police ICAC program coordinator's position, payment of salaries and overtime made available through the ICAC grant will be decided by the Board.

#### **Training**

Task Force members will be provided advanced training to improve and enhance the job skills required to combat Internet crimes against children. Grant funds may be used to finance the training, subject to the availability of funding for this purpose.

#### **Liability**

Each agency shall assume responsibility and liability for the acts and omissions of its own officers, agents or employees in connection with the performance of their official duties under this MOU. It is expressly understood and agreed that no agency or governmental entity executing this agreement in any way agree to alter or waive in whole or in part any privileges or immunities otherwise enjoyed by the agency or governmental entity executing this agreement.

Kyl/CAC Memorandum of Understanding  
February 26, 2006  
Page 7 of 7

### Term of Agreement

It is agreed that this MOU will be in force for an 18-month period from the first day of the month following the date upon which the last required signature of acceptance is received, through the last day of the 18th month. Each MOU may be considered for renewal after a review process that is to begin prior to the expiration date of the MOU.

The MOU may be terminated at any time by a participating agency by delivering a written notice of termination to the commander of the Kentucky State Police Electronic Crime Section who will, in turn, notify all other participating agencies. Upon withdrawing from the Task Force, any state police equipment assigned to participants will be returned to the KSP. An agency's termination of its involvement in ICAC will not negate the remaining agencies' participation and agreement under the MOU.

Ronnie Baston  
Signature

Date 2/13/08

RONNIE BASTIN  
Please Print Name Appearing as Signature

CHIEF OF POLICE  
Title (e.g., Chief, Resident Agent in Charge, etc.)

Lexington Division of Police

(859) 576-3713

---

Pager or Cellular Telephone Number (with Area Code)

150 E. Main Street

---

Street Address

(859) 258-3621

---

Agency Telephone Number (with Area Code)

Lexington, KY 40507

---

City, State, Zip Code

KY 0340200  
ORI Identifier

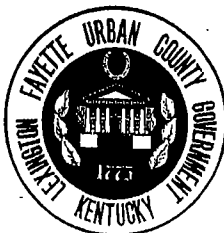
Mayor, Lexington-Fayette Urban County Government

Date \_\_\_\_\_

\_\_\_\_\_  
Commissioner, Kentucky State Police

Date \_\_\_\_\_

|                                                          |                         |
|----------------------------------------------------------|-------------------------|
| FOR KSP/ELECTRONIC CRIME SECTION ADMINISTRATIVE USE ONLY |                         |
| EFFECTIVE DATE OF MOU                                    | EXPIRATION DATE OF MOU  |
| COPY TO KSP FIELD OFFICE                                 | TERMINATION DATE OF MOU |



156-08

Jim Newberry, Mayor

# LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Division of Human Resources

## MEMORANDUM

**TO:** Mayor Jim Newberry  
Joe Kelly, Senior Advisor  
Council Member's

**FROM:** *Michael Allen by DNF*  
Michael Allen, Director  
Division of Human Resources

**DATE:** March 21, 2008

**RE:** Create positions -- Division of Water and Air Quality

The attached action amends Section 21-5 of the Code of Ordinances, creating one (1) position of Municipal Engineer Senior (Grade 119E). This action also amends Section 22-5 of the Code of Ordinances, creating one (1) temporary position of Municipal Engineer Senior (Grade 119E) and one temporary position of Municipal Engineer Senior P/T (Grade 119E). The term of the position will be for four years, ending April 24, 2012 all within the Division of Water and Air Quality, effective upon passage by Council.

The Division requests this action as a result to bring Lexington into compliance with the Federal Regulations. The schedule for several projects and studies is heavily weighted toward the first four years. The workload will be significantly higher for this timeframe. The request of the temporary positions will ensure that the Division is not locked into having permanent employees fill a temporary need.

The fiscal impact for FY2008 is \$29,145.68. (4 pay periods) and will be funded from fund balance.

| Name                                           | Position Title             | Annual Salary Before | Annual Salary After | Annual Increase/(Decrease) |
|------------------------------------------------|----------------------------|----------------------|---------------------|----------------------------|
| Vacant                                         | Municipal Engineer Sr.     | \$0                  | \$58,880.64         | \$58,880.64                |
| Vacant                                         | Municipal Engineer Sr.     | \$0                  | \$58,880.64         | \$58,880.64                |
| Vacant                                         | Municipal Engineer Sr. P/T | \$0                  | \$29,437.20         | \$29,437.20                |
| Total Annual Impact with benefits \$189,446.89 |                            |                      |                     |                            |

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

### Attachment

cc: Cheryl Taylor, Commissioner, Department of Environmental Quality  
Charles Martin, Director-Division of Water and Air Quality  
Darrylyn Combs, HR Manager, Division of Human Resources  
Jim Dodson, HR Analyst, Division of Human Resources

Log # 08-0086



MAR 28 2008  
179-08

Mayor Jim Newberry  
**LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**  
Division of Water and Air Quality

## MEMORANDUM

To: Mayor Jim Newberry  
Urban County Council

From: Cristeta B. Cortez, P.E. *CC*  
Municipal Engineer

Date: March 20, 2008

Re: Resolution Authorizing Acceptance of Deed  
Project No: 502 – Derby Drive Storm Water Project

The purpose of this memorandum is to request a resolution authorizing the acceptance of a deed for the acquisition of 276 Derby Drive. The deed will be from James Deaton at a cost of \$107,300.00 for the acquisition of the entire property. The purchase price is based on the appraisal obtained by the Division of Water and Air Quality.

The purpose of the acquisition is for storm water management and mitigation to the existing watershed. Recommendation for the purchase comes from the Division of Water and Air Quality staff. The DWAQ staff concur that acquisition of the property would allow for positive storm water mitigation in the immediate area as well as downstream.

Funds for the payment are currently budgeted in 2517-303204-3321-92211.

Approved by

*Charles H. Martin*  
Charles H. Martin, P.E.  
Director, Division of Water and  
Air Quality

*Cheryl A. Taylor*  
Cheryl A. Taylor  
Commissioner, Department of  
Environmental Quality

### Attachments

c: Darryl G. Bennett, P.E.      Glenda George      Cassie Felty      Jim Wray      File

08.P502.406.bluesheet276derbydr

**HORSE CAPITAL OF THE WORLD**

101 East Vine Street Lexington, KY 40507 (859) 425-2400 LexCall (859) 425-2255 [www.lfucg.com](http://www.lfucg.com)

179-08

## MEMORANDUM OF UNDERSTANDING

|                 |                                                          |                                   |
|-----------------|----------------------------------------------------------|-----------------------------------|
| County: FAYETTE | Item No.                                                 | Parcel No. 2                      |
| Project No: 502 | Project Name: Derby Drive Stormwater Improvement Project | Property Address: 276 Derby Drive |

Property Owner(s): James Deaton  
276 Derby Drive  
Lexington, KY 40503

This Memorandum of Understanding contains all the representations and agreements made between the parties hereto and upon which they relied in completing the proposed transaction. The LFUCG is not bound by this memorandum of understanding unless and until it is approved by the Urban County Council.

The deed conveys this amount of property as shown on the official plans:  
land acquired in fee simple – 276 Derby Drive

The total consideration to be paid for the property conveyed is ~~\$ 96,000.00~~ <sup>\$ 105,600 (gm.)</sup> <sup>3-19-08</sup> <sup>3/20/08</sup>. This consideration includes payment for any and all reacquisition or reversion rights of the property owners, their heirs or assigns, which may arise pursuant to KRS 416.670 and a cost to cure payment to replace the following items:

- ☒ This is a total acquisition  
☐ This is a partial acquisition

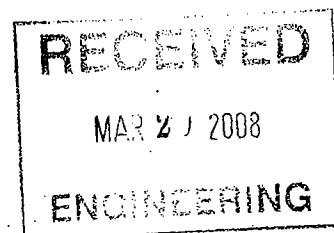
The remaining property will have the following access to the proposed highway improvement:

- ☐ Access as provided by the Department's permit. Access not designated on the plans will be the sole responsibility of the Property Owner (proposed highway access is by permit).  
☐ Access at designated points as shown on the plans (proposed highway access is limited).  
☐ No access (proposed highway access is fully controlled).  
☐ The remaining property will be landlocked by this acquisition.

- ☐ No improvement is being acquired.  
☒ Improvement(s) is/are being acquired.

The disposition of the acquired improvement(s) will be as follows:

- ☒ The LFUCG receives title to the improvement(s).  
☐ The LFUCG receives title to the improvement(s), but for the salvage value of \$ \_\_\_\_\_ the Property Owner agrees to remove the same from the right of way as outlined in the building removal contract. When the structure has been moved clear of the right of way and easement areas, the owner regains title. *In the case where a tenant occupies an improvement, they must be afforded ample time to relocate prior to the owner being authorized to start the removal.*



The Property Owner(s) understand they will vacate and/or move personal property from the improvements and give possession to the LFUCG not later than the date of closing. If the property is owner-occupied, the LFUCG will make an additional payment of \$1,700.00 at closing, for relocation expenses.

The Property Owner(s) will pay all taxes due on and for the property and will obtain all necessary releases of mortgages, liens or other encumbrances thereon. The LFUCG will reimburse owners for a pro-rate portion of any pre-paid real property taxes.

The Property Owner (s) will pay direct any penalty costs for prepayment of an existing recorded mortgage and similar expenses incidental to conveying real property to the LFUCG and upon submission of properly supported paid receipts they will be reimbursed. *All reimbursement claims must be deemed fair, necessary and properly supported for payment.*

As owners of the property to be conveyed, we request payment be made as follows:

**Please print the following information:**

|                                                |                         |           |                  |
|------------------------------------------------|-------------------------|-----------|------------------|
| Name: James Michael Lewis Deaton               |                         | Name:     |                  |
| Address: 276 Derby Drive<br>Lexington KY 40503 |                         | Address:  |                  |
| Phone No: 859-277-9342                         |                         | Phone No: |                  |
| SSN:                                           | Amt. of check \$105,600 | SSN:      | Amt. of check \$ |
| Name:                                          |                         | Name:     |                  |
| Address:                                       |                         | Address:  |                  |
| Phone No:                                      |                         | Phone No: |                  |
| SSN:                                           | Amt. of check \$        | SSN:      | Amt. of check \$ |
| Name:                                          |                         | Name:     |                  |
| Address:                                       |                         | Address:  |                  |
| Phone No:                                      |                         | Phone No: |                  |
| SSN:                                           | Amt. of check \$        | SSN:      | Amt. of check \$ |



MAR 28 2008  
180-08

Mayor Jim Newberry  
**LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**  
Division of Water and Air Quality

## MEMORANDUM

To: Mayor Jim Newberry  
Urban County Council

From: Cristeta B. Cortez, P.E. *CBC*  
Municipal Engineer

Date: March 19, 2008

Re: Resolution Authorizing Acceptance of Deed  
Project No: 502 – Derby Drive Storm Water Project

The purpose of this memorandum is to request a resolution authorizing the acceptance of a deed for the acquisition of 284 Derby Drive. The deed will be from Roger Dale and Sandra Collins at a cost of \$108,700.00 for the acquisition of the entire property. The purchase price is based on the appraisal obtained by the Division of Water and Air Quality.

The purpose of the acquisition is for storm water management and mitigation to the existing watershed. Recommendation for the purchase comes from the Division of Water and Air Quality staff. The DWAQ staff concur that acquisition of the property would allow for positive storm water mitigation in the immediate area as well as downstream.

Funds for the payment are currently budgeted in 2517-303204-3321-92211.

Approved by:

*Charles H. Martin*  
Charles H. Martin, P.E.  
Director, Division of Water and  
Air Quality

*Denny S. McTadden for CAT*  
Cheryl A. Taylor  
Commissioner, Department of  
Environmental Quality

### Attachments

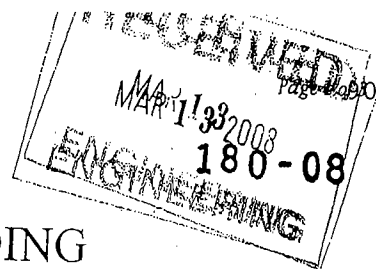
c: Darryl G. Bennett, P.E.      Glenda George      Cassie Felty      Jim Wray      File

08.P502.406.bluesheet284derbydr

HORSE CAPITAL OF THE WORLD

101 East Vine Street Lexington, KY 40507 (859) 425-2400 LexCall (859) 425-2255 www.lfucg.com

Lexington Fayette Urban County Government  
Department of Public Works  
Division of Engineering



## MEMORANDUM OF UNDERSTANDING

|                 |                                                          |                                   |
|-----------------|----------------------------------------------------------|-----------------------------------|
| County: FAYETTE | Item No.                                                 | Parcel No. 4                      |
| Project No: 502 | Project Name: Derby Drive Stormwater Improvement Project | Property Address: 284 Derby Drive |

Property Owner(s): Roger Dale and Sandra Collins  
284 Derby Drive  
Lexington, KY 40503

This Memorandum of Understanding contains all the representations and agreements made between the parties hereto and upon which they relied in completing the proposed transaction. The LFUCG is not bound by this memorandum of understanding unless and until it is approved by the Urban County Council.

The deed conveys this amount of property as shown on the official plans:  
land acquired in fee simple – 284 Derby Drive

The total consideration to be paid for the property conveyed is \$ 107,000.00. This consideration includes payment for any and all reacquisition or reversion rights of the property owners, their heirs or assigns, which may arise pursuant to KRS 416.670 and a cost to cure payment to replace the following items:

- ☒ This is a total acquisition  
☐ This is a partial acquisition

The remaining property will have the following access to the proposed highway improvement:

- ☐ Access as provided by the Department's permit. Access not designated on the plans will be the sole responsibility of the Property Owner (proposed highway access is by permit).  
☐ Access at designated points as shown on the plans (proposed highway access is limited).  
☐ No access (proposed highway access is fully controlled).  
☐ The remaining property will be landlocked by this acquisition.

☐ No improvement is being acquired.

☒ Improvement(s) is/are being acquired.

The disposition of the acquired improvement(s) will be as follows:

- ☒ The LFUCG receives title to the improvement(s).  
☐ The LFUCG receives title to the improvement(s), but for the salvage value of \$ \_\_\_\_\_ the Property Owner agrees to remove the same from the right of way as outlined in the building removal contract. When the structure has been moved clear of the right of way and easement areas, the owner regains title. *In the case where a tenant occupies an improvement, they must be afforded ample time to relocate prior to the owner being authorized to start the removal.*

180-08

The Property Owner(s) understand they will vacate and/or move personal property from the improvements and give possession to the LFUCG not later than the date of closing. If the property is owner-occupied, the LFUCG will make an additional payment of \$1,700.00 at closing, for relocation expenses.

The Property Owner(s) will pay all taxes due on and for the property and will obtain all necessary releases of mortgages, liens or other encumbrances thereon. The LFUCG will reimburse owners for a pro-rate portion of any pre-paid real property taxes.

The Property Owner (s) will pay direct any penalty costs for prepayment of an existing recorded mortgage and similar expenses incidental to conveying real property to the LFUCG and upon submission of properly supported paid receipts they will be reimbursed. *All reimbursement claims must be deemed fair, necessary and properly supported for payment.*

As owners of the property to be conveyed, we request payment be made as follows:

**Please print the following information:**

|                                                 |                             |                                             |                             |
|-------------------------------------------------|-----------------------------|---------------------------------------------|-----------------------------|
| Name: Roger D. Collins                          |                             | Name: Sandra Collins                        |                             |
| Address: 284 Derby Drive<br>Lexington Ky. 40503 |                             | Address: 284 Derby Dr<br>Lexington Ky 40503 |                             |
| Phone No: 859 278-2343                          |                             | Phone No: 859 278-2343                      |                             |
| SSN:                                            | Amt. of check \$ 107,000.00 | SSN:                                        | Amt. of check \$ 107,000.00 |
| Name:                                           |                             | Name:                                       |                             |
| Address:                                        |                             | Address:                                    |                             |
| Phone No:                                       |                             | Phone No:                                   |                             |
| SSN:                                            | Amt. of check \$            | SSN:                                        | Amt. of check \$            |
| Name:                                           |                             | Name:                                       |                             |
| Address:                                        |                             | Address:                                    |                             |
| Phone No:                                       |                             | Phone No:                                   |                             |
| SSN:                                            | Amt. of check \$            | SSN:                                        | Amt. of check \$            |

MAR 28 2008  
181-08

Mayor Jim Newberry

**LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**  
Division of Water and Air Quality**MEMORANDUM**

To: Mayor Jim Newberry  
Urban County Council

From: Cristeta B. Cortez, P.E. *cc*  
Municipal Engineer

Date: March 19, 2008

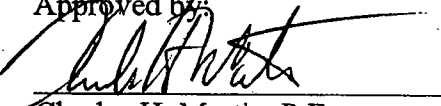
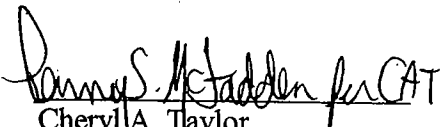
Re: Resolution Authorizing Acceptance of Deed  
Project No: 502 – Derby Drive Storm Water Project

The purpose of this memorandum is to request a resolution authorizing the acceptance of a deed for the acquisition of 280 Derby Drive. The deed will be from Tommy and Kara Warner at a cost of \$130,200.00 for the acquisition of the entire property. The purchase price is based on the appraisal obtained by the Division of Water and Air Quality.

The purpose of the acquisition is for storm water management and mitigation to the existing watershed. Recommendation for the purchase comes from the Division of Water and Air Quality staff. The DWAQ staff concur that acquisition of the property would allow for positive storm water mitigation in the immediate area as well as downstream.

Funds for the payment are currently budgeted in 2517-303204-3321-92211.

Approved by:

  
Charles H. Martin, P.E.Director, Division of Water and  
Air Quality  
Cheryl A. Taylor  
Commissioner, Department of  
Environmental Quality

## Attachments

c: Darryl G. Bennett, P.E. Glenda George Cassie Felty Jim Wray File

08.P502.406.bluesheet280derbydr

HORSE CAPITAL OF THE WORLD

181-08

## MEMORANDUM OF UNDERSTANDING

|                 |                                                          |                                   |
|-----------------|----------------------------------------------------------|-----------------------------------|
| County: FAYETTE | Item No.                                                 | Parcel No. 3                      |
| Project No: 502 | Project Name: Derby Drive Stormwater Improvement Project | Property Address: 280 Derby Drive |

Property Owner(s): Tommy and Kara Warner  
280 Derby Drive  
Lexington, KY 40503

This Memorandum of Understanding contains all the representations and agreements made between the parties hereto and upon which they relied in completing the proposed transaction. The LFUCG is not bound by this memorandum of understanding unless and until it is approved by the Urban County Council.

The deed conveys this amount of property as shown on the official plans:  
land acquired in fee simple – 280 Derby Drive

The total consideration to be paid for the property conveyed is \$ ~~121,500.00~~ <sup>128,500 T.W. K.W. 3/19/08 CKE</sup>. This consideration includes payment for any and all reacquisition or reversion rights of the property owners, their heirs or assigns, which may arise pursuant to KRS 416.670 and a cost to cure payment to replace the following items:

- ☒ This is a total acquisition  
☐ This is a partial acquisition

The remaining property will have the following access to the proposed highway improvement:

- ☐ Access as provided by the Department's permit. Access not designated on the plans will be the sole responsibility of the Property Owner (proposed highway access is by permit).  
☐ Access at designated points as shown on the plans (proposed highway access is limited).  
☐ No access (proposed highway access is fully controlled).  
☐ The remaining property will be landlocked by this acquisition.

☐ No improvement is being acquired.

☒ Improvement(s) is/are being acquired.

The disposition of the acquired improvement(s) will be as follows:

- ☒ The LFUCG receives title to the improvement(s).  
☐ The LFUCG receives title to the improvement(s), but for the salvage value of \$\_\_\_\_\_. The Property Owner agrees to remove the same from the right of way as outlined in the building removal contract. When the structure has been moved clear of the right of way and easement areas, the owner regains title. *In the case where a tenant occupies an improvement, they must be afforded ample time to relocate prior to the owner being authorized to start the removal.*

181-08

The Property Owner(s) understand they will vacate and/or move personal property from the improvements and give possession to the LFUCG not later than the date of closing. If the property is owner-occupied, the LFUCG will make an additional payment of \$1,700.00 at closing, for relocation expenses.

The Property Owner(s) will pay all taxes due on and for the property and will obtain all necessary releases of mortgages, liens or other encumbrances thereon. The LFUCG will reimburse owners for a pro-rate portion of any pre-paid real property taxes.

The Property Owner (s) will pay direct any penalty costs for prepayment of an existing recorded mortgage and similar expenses incidental to conveying real property to the LFUCG and upon submission of properly supported paid receipts they will be reimbursed. *All reimbursement claims must be deemed fair, necessary and properly supported for payment.*

As owners of the property to be conveyed, we request payment be made as follows:

**Please print the following information:**

|                                          |                                    |           |                  |
|------------------------------------------|------------------------------------|-----------|------------------|
| Name: <u>Tommy E. Warner</u>             |                                    | Name:     |                  |
| Address: <u>280 Derby Dr.</u>            |                                    | Address:  |                  |
| Phone No: <u>(859) 523-4413/229-5917</u> |                                    | Phone No: |                  |
| SSN:                                     | Amt. of check \$ <u>128,500.00</u> | SSN:      | Amt. of check \$ |
| Name: <u>Rena Warner</u>                 |                                    | Name:     |                  |
| Address: <u>280 Derby Dr.</u>            |                                    | Address:  |                  |
| Phone No: <u>(859) 523-4413/229-5917</u> |                                    | Phone No: |                  |
| SSN:                                     | Amt. of check \$ <u>128,500.00</u> | SSN:      | Amt. of check \$ |
| Name:                                    |                                    | Name:     |                  |
| Address:                                 |                                    | Address:  |                  |
| Phone No:                                |                                    | Phone No: |                  |
| SSN:                                     | Amt. of check \$                   | SSN:      | Amt. of check \$ |



MAR 28 2008

182-08

Mayor Jim Newberry

**LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**  
Division of Water and Air Quality**MEMORANDUM**

To: Mayor Jim Newberry  
Urban County Council

From: Cristeta B. Cortez, P.E. *cc*  
Municipal Engineer

Date: March 19, 2008

Re: Resolution Authorizing Acceptance of Deed  
Project No: 502 - Derby Drive Storm Water Project

The purpose of this memorandum is to request a resolution authorizing the acceptance of a deed for the acquisition of 288 Derby Drive. The deed will be from Lionel J. Aucoin at a cost of \$99,000.00 for the acquisition of the entire property. The purchase price is based on the appraisal obtained by the Division of Water and Air Quality.

The purpose of the acquisition is for storm water management and mitigation to the existing watershed. Recommendation for the purchase comes from the Division of Water and Air Quality staff. The DWAQ staff concur that acquisition of the property would allow for positive storm water mitigation in the immediate area as well as downstream.

Funds for the payment are currently budgeted in 2517-303204-3321-92211.

Approved by:

*Charles H. Martin*  
Charles H. Martin, P.E.  
Director, Division of Water and  
Air Quality

*Cheryl A. Taylor*  
Cheryl A. Taylor  
Commissioner, Department of  
Environmental Quality

## Attachments

c: Darryl G. Bennett, P.E. Glenda George Cassie Felty Jim Wray File

08.P502.406.bluesheet288derbydr

**HORSE CAPITAL OF THE WORLD**101 East Vine Street Lexington, KY 40507 (859) 425-2400 LexCall (859) 425-2255 [www.lfucg.com](http://www.lfucg.com)

Lexington Fayette Urban County Government  
Department of Public Works  
Division of Engineering

Received  
2/25/08 Page 1 of 3  
Hand delivered  
182-08

## MEMORANDUM OF UNDERSTANDING

|                 |                                                          |                                   |
|-----------------|----------------------------------------------------------|-----------------------------------|
| County: FAYETTE | Item No.                                                 | Parcel No. 5                      |
| Project No: 502 | Project Name: Derby Drive Stormwater Improvement Project | Property Address: 288 Derby Drive |

Property Owner(s): Lionel J. Aucoin  
524 McCubbing Drive  
Lexington, KY 40503

This Memorandum of Understanding contains all the representations and agreements made between the parties hereto and upon which they relied in completing the proposed transaction. The LFUCG is not bound by this memorandum of understanding unless and until it is approved by the Urban County Council.

The deed conveys this amount of property as shown on the official plans:  
land acquired in fee simple – 288 Derby Drive

The total consideration to be paid for the property conveyed is \$ 99,000.00. This consideration includes payment for any and all reacquisition or reversion rights of the property owners, their heirs or assigns, which may arise pursuant to KRS 416.670 and a cost to cure payment to replace the following items:

- ☒ This is a total acquisition  
☐ This is a partial acquisition

The remaining property will have the following access to the proposed highway improvement:

- ☐ Access as provided by the Department's permit. Access not designated on the plans will be the sole responsibility of the Property Owner (proposed highway access is by permit).  
☐ Access at designated points as shown on the plans (proposed highway access is limited).  
☐ No access (proposed highway access is fully controlled).  
☐ The remaining property will be landlocked by this acquisition.

☐ No improvement is being acquired.

☒ Improvement(s) is/are being acquired.

The disposition of the acquired improvement(s) will be as follows:

- ☒ The LFUCG receives title to the improvement(s).  
☐ The LFUCG receives title to the improvement(s), but for the salvage value of \$ \_\_\_\_\_ the Property Owner agrees to remove the same from the right of way as outlined in the building removal contract. When the structure has been moved clear of the right of way and easement areas, the owner regains title. *In the case where a tenant occupies an improvement, they must be afforded ample time to relocate prior to the owner being authorized to start the removal.*



The Property Owner(s) understand they will vacate and/or move personal property from the improvements and give possession to the LFUCG not later than the date of closing. If the property is owner-occupied, the LFUCG will make an additional payment of \$1,700.00 at closing, for relocation expenses.

The Property Owner(s) will pay all taxes due on and for the property and will obtain all necessary releases of mortgages, liens or other encumbrances thereon. The LFUCG will reimburse owners for a pro-rate portion of any pre-paid real property taxes.

The Property Owner (s) will pay direct any penalty costs for prepayment of an existing recorded mortgage and similar expenses incidental to conveying real property to the LFUCG and upon submission of properly supported paid receipts they will be reimbursed. *All reimbursement claims must be deemed fair, necessary and properly supported for payment.*

As owners of the property to be conveyed, we request payment be made as follows:

**Please print the following information:**

|                                                    |                                 |           |                  |
|----------------------------------------------------|---------------------------------|-----------|------------------|
| Name: <b>LIONEL J. AUCCOIN</b>                     |                                 | Name:     |                  |
| Address: <b>524 McCUBBING DR<br/>LEXINGTON, KY</b> |                                 | Address:  |                  |
| Phone No: <b>(869) 797-1930 410503</b>             |                                 | Phone No: |                  |
| SSN:                                               | Amt. of check \$ <b>99,000.</b> | SSN:      | Amt. of check \$ |
| Name:                                              |                                 | Name:     |                  |
| Address:                                           |                                 | Address:  |                  |
| Phone No:                                          |                                 | Phone No: |                  |
| SSN:                                               | Amt. of check \$                | SSN:      | Amt. of check \$ |
| Name:                                              |                                 | Name:     |                  |
| Address:                                           |                                 | Address:  |                  |
| Phone No:                                          |                                 | Phone No: |                  |
| SSN:                                               | Amt. of check \$                | SSN:      | Amt. of check \$ |



MAR 28 2008

183-08

Mayor Jim Newberry

**LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**

Division of Water and Air Quality

**MEMORANDUM**

To: Mayor Jim Newberry  
Urban County Council

From: Cristeta B. Cortez, P.E. *CBC*  
Municipal Engineer

Date: March 19, 2008

Re: Resolution Authorizing Acceptance of Deed  
Project No: 510 – N. Limestone Storm Water Project

The purpose of this memorandum is to request a resolution authorizing the acceptance of a deed for the acquisition of 905 N. Limestone. The deed will be from Anna F. Trowbridge (now known as Anna F. Miller) at a cost of \$81,700.00 for the acquisition of the entire property. The purchase price is based on the appraisal obtained by the Division of Water and Air Quality.

The purpose of the acquisition is for storm water management and mitigation to the existing watershed. Recommendation for the purchase comes from the Division of Water and Air Quality staff. The DWAQ staff concur that acquisition of the property would allow for positive storm water mitigation in the immediate area as well as downstream.

Funds for the payment are currently budgeted in 2517-303204-3321-92211.

Approved by:

Charles H. Martin, P.E.  
Director, Division of Water and  
Air Quality

Cheryl A. Taylor  
Commissioner, Department of  
Environmental Quality

## Attachments

c: Darryl G. Bennett, P.E.      Glenda George      Cassie Felty      Jim Wray      File

08.P510.406.bluesheet905n.limestone

**HORSE CAPITAL OF THE WORLD**101 East Vine Street Lexington, KY 40507 (859) 425-2400 LexCall (859) 425-2255 [www.lfucg.com](http://www.lfucg.com)

183-08

## MEMORANDUM OF UNDERSTANDING

|                 |                                                           |                                    |
|-----------------|-----------------------------------------------------------|------------------------------------|
| County: FAYETTE | Item No.                                                  | Parcel No. 1                       |
| Project No: 510 | Project Name: N. Limestone Stormwater Improvement Project | Property Address: 905 N. Limestone |

Property Owner(s): Anna Trowbridge  
905 N. Limestone  
Lexington, KY 40505

This Memorandum of Understanding contains all the representations and agreements made between the parties hereto and upon which they relied in completing the proposed transaction. The LFUCG is not bound by this memorandum of understanding unless and until it is approved by the Urban County Council.

The deed conveys this amount of property as shown on the official plans:  
land acquired in fee simple – 905 N. Limestone

The total consideration to be paid for the property conveyed is \$ ~~75,000.00~~ <sup>80,000.00</sup>. This consideration includes payment for any and all reacquisition or reversion rights of the property owners, their heirs or assigns, which may arise pursuant to KRS 416.670 and a cost to cure payment to replace the following items:

*Anna F. Miller*  
*ANNA F. Miller* 3/15/2008  
*elle*

- ☒ This is a total acquisition  
☐ This is a partial acquisition

The remaining property will have the following access to the proposed highway improvement:

- ☐ Access as provided by the Department's permit. Access not designated on the plans will be the sole responsibility of the Property Owner (proposed highway access is by permit).  
☐ Access at designated points as shown on the plans (proposed highway access is limited).  
☐ No access (proposed highway access is fully controlled).  
☐ The remaining property will be landlocked by this acquisition.

☐ No improvement is being acquired.

☒ Improvement(s) is/are being acquired.

The disposition of the acquired improvement(s) will be as follows:

- ☒ The LFUCG receives title to the improvement(s).  
☐ The LFUCG receives title to the improvement(s), but for the salvage value of \$\_\_\_\_\_. The Property Owner agrees to remove the same from the right of way as outlined in the building removal contract. When the structure has been moved clear of the right of way and easement areas, the owner regains title. *In the case where a tenant occupies an improvement, they must be afforded ample time to relocate prior to the owner being authorized to start the removal.*

183-08

The Property Owner(s) understand they will vacate and/or move personal property from the improvements and give possession to the LFUCG not later than the date of closing. If the property is owner-occupied, the LFUCG will make an additional payment of \$1,700.00 at closing, for relocation expenses.

The Property Owner(s) will pay all taxes due on and for the property and will obtain all necessary releases of mortgages, liens or other encumbrances thereon. The LFUCG will reimburse owners for a pro-rate portion of any pre-paid real property taxes.

The Property Owner (s) will pay direct any penalty costs for prepayment of an existing recorded mortgage and similar expenses incidental to conveying real property to the LFUCG and upon submission of properly supported paid receipts they will be reimbursed. *All reimbursement claims must be deemed fair, necessary and properly supported for payment.*

As owners of the property to be conveyed, we request payment be made as follows:

**Please print the following information:**

|                                                      |                                       |           |                  |
|------------------------------------------------------|---------------------------------------|-----------|------------------|
| Name: Anna F. Miller                                 |                                       | Name:     |                  |
| Address: 905 N. Limestone St.<br>Lexington, Ky 40505 |                                       | Address:  |                  |
| Phone No:                                            |                                       | Phone No: |                  |
| SSN:                                                 | Amt. of check \$ 80,000 <sup>00</sup> | SSN:      | Amt. of check \$ |
| Name:                                                |                                       | Name:     |                  |
| Address:                                             |                                       | Address:  |                  |
| Phone No:                                            |                                       | Phone No: |                  |
| SSN:                                                 | Amt. of check \$                      | SSN:      | Amt. of check \$ |
| Name:                                                |                                       | Name:     |                  |
| Address:                                             |                                       | Address:  |                  |
| Phone No:                                            |                                       | Phone No: |                  |
| SSN:                                                 | Amt. of check \$                      | SSN:      | Amt. of check \$ |

MAR 28 2008  
184-08

Mayor Jim Newberry  
**LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**  
Division of Water and Air Quality

## **MEMORANDUM**

To: Mayor Jim Newberry  
Urban County Council

From: Cristeta B. Cortez, P.E. *CBC*  
Municipal Engineer

Date: March 19, 2008

Re: Resolution Authorizing Acceptance of Deed  
Project No: 510 – N. Limestone Storm Water Project

The purpose of this memorandum is to request a resolution authorizing the acceptance of a deed for the acquisition of 907 N. Limestone. The deed will be from Anthony R. and Karen A. Collins at a cost of \$79,200.00 for the acquisition of the entire property. The purchase price is based on the appraisal obtained by the Division of Water and Air Quality.

The purpose of the acquisition is for storm water management and mitigation to the existing watershed. Recommendation for the purchase comes from the Division of Water and Air Quality staff. The DWAQ staff concur that acquisition of the property would allow for positive storm water mitigation in the immediate area as well as downstream.

Funds for the payment are currently budgeted in 2517-303204-3321-92211.

Approved by:

*Charles H. Martin*  
Charles H. Martin, P.E.  
Director, Division of Water and  
Air Quality

*Cheryll A. Taylor*  
Cheryll A. Taylor  
Commissioner, Department of  
Environmental Quality

### Attachments

c: Darryl G. Bennett, P.E.      Glenda George      Cassie Felty      Jim Wray      File

08.P510.406.bluesheet907n.limestone

**HORSE CAPITAL OF THE WORLD**

101 East Vine Street Lexington, KY 40507 (859) 425-2400 LexCall (859) 425-2255 [www.lfucg.com](http://www.lfucg.com)

## MEMORANDUM OF UNDERSTANDING

|                 |                                                           |                                    |
|-----------------|-----------------------------------------------------------|------------------------------------|
| County: FAYETTE | Item No.                                                  | Parcel No. 2                       |
| Project No: 510 | Project Name: N. Limestone Stormwater Improvement Project | Property Address: 907 N. Limestone |

Property Owner(s): Anthony R. and Karen A. Collins  
907 N. Limestone  
Lexington, KY 40505

This Memorandum of Understanding contains all the representations and agreements made between the parties hereto and upon which they relied in completing the proposed transaction. The LFUCG is not bound by this memorandum of understanding unless and until it is approved by the Urban County Council.

The deed conveys this amount of property as shown on the official plans:

land acquired in fee simple - 907 N. Limestone \$77,500.00  
AR KC 3/10/2008 CU 3/17/08

The total consideration to be paid for the property conveyed is \$ ~~74,500.00~~. This consideration includes payment for any and all reacquisition or reversion rights of the property owners, their heirs or assigns, which may arise pursuant to KRS 416.670 and a cost to cure payment to replace the following items:

- ☒ This is a total acquisition  
☐ This is a partial acquisition

The remaining property will have the following access to the proposed highway improvement:

- ☐ Access as provided by the Department's permit. Access not designated on the plans will be the sole responsibility of the Property Owner (proposed highway access is by permit).  
☐ Access at designated points as shown on the plans (proposed highway access is limited).  
☐ No access (proposed highway access is fully controlled).  
☐ The remaining property will be landlocked by this acquisition.

- ☐ No improvement is being acquired.  
☒ Improvement(s) is/are being acquired.

The disposition of the acquired improvement(s) will be as follows:

- ☒ The LFUCG receives title to the improvement(s).  
☐ The LFUCG receives title to the improvement(s), but for the salvage value of \$ \_\_\_\_\_ the Property Owner agrees to remove the same from the right of way as outlined in the building removal contract. When the structure has been moved clear of the right of way and easement areas, the owner regains title. *In the case where a tenant occupies an improvement, they must be afforded ample time to relocate prior to the owner being authorized to start the removal.*

184-08

The Property Owner(s) understand they will vacate and/or move personal property from the improvements and give possession to the LFUCG not later than the date of closing. If the property is owner-occupied, the LFUCG will make an additional payment of \$1,700.00 at closing, for relocation expenses.

The Property Owner(s) will pay all taxes due on and for the property and will obtain all necessary releases of mortgages, liens or other encumbrances thereon. The LFUCG will reimburse owners for a pro-rate portion of any pre-paid real property taxes.

The Property Owner (s) will pay direct any penalty costs for prepayment of an existing recorded mortgage and similar expenses incidental to conveying real property to the LFUCG and upon submission of properly supported paid receipts they will be reimbursed. *All reimbursement claims must be deemed fair, necessary and properly supported for payment.*

As owners of the property to be conveyed, we request payment be made as follows:

**Please print the following information:**

|                                                       |                            |                                                       |                           |
|-------------------------------------------------------|----------------------------|-------------------------------------------------------|---------------------------|
| Name: ANTHONY R. COLLINS                              |                            | Name: ANTHONY R. COLLINS                              |                           |
| Address: 907 NORTH LIMESTONE ST<br>LEXINGTON KY 40505 |                            | Address: 907 North LIMESTONE ST<br>LEXINGTON KY 40505 |                           |
| Phone No: 859.253.2927                                |                            | Phone No:                                             |                           |
| SSN:                                                  | Amt. of check \$ 77,500.00 | SSN:                                                  | Amt. of check \$ 1,700.00 |
| Name:                                                 |                            | Name:                                                 |                           |
| Address:                                              |                            | Address:                                              |                           |
| Phone No:                                             |                            | Phone No:                                             |                           |
| SSN:                                                  | Amt. of check \$           | SSN:                                                  | Amt. of check \$          |
| Name:                                                 |                            | Name:                                                 |                           |
| Address:                                              |                            | Address:                                              |                           |
| Phone No:                                             |                            | Phone No:                                             |                           |
| SSN:                                                  | Amt. of check \$           | SSN:                                                  | Amt. of check \$          |



MAR 28 2008

Mayor Jim Newberry

**LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**  
Division of Water and Air Quality

**MEMORANDUM**

To: Mayor Jim Newberry  
Urban County Council

From: Cristeta B. Cortez, P.E. *cc*  
Municipal Engineer

Date: March 24, 2008

Re: Resolution Authorizing Acceptance of Deed  
Project No: 510 – N. Limestone Storm Water Project

The purpose of this memorandum is to request a resolution authorizing the acceptance of a deed for the acquisition of 909 N. Limestone. The deed will be from Robert and Heather Walter at a cost of \$99,200.00 for the acquisition of the entire property. The purchase price is based on the appraisal obtained by the Division of Water and Air Quality.

The purpose of the acquisition is for storm water management and mitigation to the existing watershed. Recommendation for the purchase comes from the Division of Water and Air Quality staff. The DWAQ staff concur that acquisition of the property would allow for positive storm water mitigation in the immediate area as well as downstream.

Funds for the payment are currently budgeted in 2517-303204-3321-92211.

Approved by:

*Charles H. Martin*  
Charles H. Martin, P.E.  
Director, Division of Water and  
Air Quality

*Penny S. McJannet for CAT*  
Cheryl A. Taylor  
Commissioner, Department of  
Environmental Quality

## Attachments

c: Darryl G. Bennett, P.E.      Glenda George      Cassie Felty      Jim Wray      File

08.P510.406.bluesheet909n.limestone

**HORSE CAPITAL OF THE WORLD**

101 East Vine Street Lexington, KY 40507 (859) 425-2400 LexCall (859) 425-2255 [www.lfucg.com](http://www.lfucg.com)



Received 185-08

3/21/08

Hand delivered

## MEMORANDUM OF UNDERSTANDING

|                 |                                                           |                                    |
|-----------------|-----------------------------------------------------------|------------------------------------|
| County: FAYETTE | Item No.                                                  | Parcel No. 3                       |
| Project No: 510 | Project Name: N. Limestone Stormwater Improvement Project | Property Address: 909 N. Limestone |

Property Owner(s): Robert L. and Heather Walter  
909 N. Limestone  
Lexington, KY 40505

This Memorandum of Understanding contains all the representations and agreements made between the parties hereto and upon which they relied in completing the proposed transaction. The LFUCG is not bound by this memorandum of understanding unless and until it is approved by the Urban County Council.

The deed conveys this amount of property as shown on the official plans:  
land acquired in fee simple - 909 N. Limestone

The total consideration to be paid for the property conveyed is \$ 97,500.00 <sup>per 3/24/08</sup> ~~92,000.00~~ <sup>RW 3/17/08</sup>. This consideration includes payment for any and all reacquisition or reversion rights of the property owners, their heirs or assigns, which may arise pursuant to KRS 416.670 and a cost to cure payment to replace the following items:

- ☒ This is a total acquisition  
☐ This is a partial acquisition

The remaining property will have the following access to the proposed highway improvement:

- ☐ Access as provided by the Department's permit. Access not designated on the plans will be the sole responsibility of the Property Owner (proposed highway access is by permit).  
☐ Access at designated points as shown on the plans (proposed highway access is limited).  
☐ No access (proposed highway access is fully controlled).  
☐ The remaining property will be landlocked by this acquisition.

☐ No improvement is being acquired.

☒ Improvement(s) is/are being acquired.

The disposition of the acquired improvement(s) will be as follows:

- ☒ The LFUCG receives title to the improvement(s).  
☐ The LFUCG receives title to the improvement(s), but for the salvage value of \$ \_\_\_\_\_ the Property Owner agrees to remove the same from the right of way as outlined in the building removal contract. When the structure has been moved clear of the right of way and easement areas, the owner regains title. *In the case where a tenant occupies an improvement, they must be afforded ample time to relocate prior to the owner being authorized to start the removal.*

The Property Owner(s) understand they will vacate and/or move personal property from the improvements and give possession to the LFUCG not later than the date of closing. If the property is owner-occupied, the LFUCG will make an additional payment of \$1,700.00 at closing, for relocation expenses.

The Property Owner(s) will pay all taxes due on and for the property and will obtain all necessary releases of mortgages, liens or other encumbrances thereon. The LFUCG will reimburse owners for a pro-rate portion of any pre-paid real property taxes.

The Property Owner (s) will pay direct any penalty costs for prepayment of an existing recorded mortgage and similar expenses incidental to conveying real property to the LFUCG and upon submission of properly supported paid receipts they will be reimbursed. *All reimbursement claims must be deemed fair, necessary and properly supported for payment.*

As owners of the property to be conveyed, we request payment be made as follows:

**Please print the following information:**

|                                                              |                  |           |                  |
|--------------------------------------------------------------|------------------|-----------|------------------|
| Name: <u>Robert Walter</u>                                   |                  | Name:     |                  |
| Address: <u>909 N. Limestone St.<br/>Lexington, Ky 40505</u> |                  | Address:  |                  |
| Phone No: <u>(859) 806-7169</u>                              |                  | Phone No: |                  |
| [REDACTED] Amt. of check \$ <u>97,500.00</u>                 |                  | SSN:      | Amt. of check \$ |
| Name:                                                        |                  | Name:     |                  |
| Address:                                                     |                  | Address:  |                  |
| Phone No:                                                    |                  | Phone No: |                  |
| SSN:                                                         | Amt. of check \$ | SSN:      | Amt. of check \$ |
| Name:                                                        |                  | Name:     |                  |
| Address:                                                     |                  | Address:  |                  |
| Phone No:                                                    |                  | Phone No: |                  |
| SSN:                                                         | Amt. of check \$ | SSN:      | Amt. of check \$ |



186-08

Mayor Jim Newberry

**LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**  
Division of Water and Air Quality**MEMORANDUM**

To: Mayor Jim Newberry  
Urban County Council

From: Cristeta B. Cortez, P.E. *CC*  
Municipal Engineer

Date: March 19, 2008

Re: Resolution Authorizing Acceptance of Deed  
Project No: 510 - N. Limestone Storm Water Project

The purpose of this memorandum is to request a resolution authorizing the acceptance of a deed for the acquisition of 1001 N. Limestone. The deed will be from Pedro and Magdalena Arambul at a cost of \$71,700.00 for the acquisition of the entire property. The purchase price is based on the appraisal obtained by the Division of Water and Air Quality.

The purpose of the acquisition is for storm water management and mitigation to the existing watershed. Recommendation for the purchase comes from the Division of Water and Air Quality staff. The DWAQ staff concur that acquisition of the property would allow for positive storm water mitigation in the immediate area as well as downstream.

Funds for the payment are currently budgeted in 2517-303204-3321-92211.

Approved by:

*Charles H. Martin*  
Charles H. Martin, P.E.  
Director, Division of Water and  
Air Quality

*Cheryl A. Taylor*  
Cheryl A. Taylor  
Commissioner, Department of  
Environmental Quality

## Attachments

c: Darryl G. Bennett, P.E.      Glenda George      Cassie Felty      Jim Wray      File

08.P510.406.bluesheet1001n.limestone

**HORSE CAPITAL OF THE WORLD**101 East Vine Street Lexington, KY 40507 (859) 425-2400 LexCall (859) 425-2255 [www.lfucg.com](http://www.lfucg.com)

Lexington Fayette Urban County Government  
Department of Public Works  
Division of Engineering

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MAR 14 2008  
Page 1 of 1  
186708  
ENGINEERING

## MEMORANDUM OF UNDERSTANDING

|                 |                                                           |                                     |
|-----------------|-----------------------------------------------------------|-------------------------------------|
| County: FAYETTE | Item No.                                                  | Parcel No. 5                        |
| Project No: 510 | Project Name: N. Limestone Stormwater Improvement Project | Property Address: 1001 N. Limestone |

Property Owner(s): Pedro and Magdalena Arambul  
1001 N. Limestone  
Lexington, KY 40505

This Memorandum of Understanding contains all the representations and agreements made between the parties hereto and upon which they relied in completing the proposed transaction. The LFUCG is not bound by this memorandum of understanding unless and until it is approved by the Urban County Council.

The deed conveys this amount of property as shown on the official plans:

land acquired in fee simple – 1001 N. Limestone

*ue*  
70,000.00 M.R.A. Magdalena Arambul 3/13/08

The total consideration to be paid for the property conveyed is \$ ~~66,500.00~~ 70,000.00. This consideration includes payment for any and all reacquisition or reversion rights of the property owners, their heirs or assigns, which may arise pursuant to KRS 416.670 and a cost to cure payment to replace the following items:

- ☒ This is a total acquisition
- ☐ This is a partial acquisition

The remaining property will have the following access to the proposed highway improvement:

- ☐ Access as provided by the Department's permit. Access not designated on the plans will be the sole responsibility of the Property Owner (proposed highway access is by permit).
- ☐ Access at designated points as shown on the plans (proposed highway access is limited).
- ☐ No access (proposed highway access is fully controlled).
- ☐ The remaining property will be landlocked by this acquisition.

- ☐ No improvement is being acquired.
- ☒ Improvement(s) is/are being acquired.

The disposition of the acquired improvement(s) will be as follows:

- ☒ The LFUCG receives title to the improvement(s).
- ☐ The LFUCG receives title to the improvement(s), but for the salvage value of \$ 70,000.00 M.R.A. the Property Owner agrees to remove the same from the right of way as outlined in the building removal contract. When the structure has been moved clear of the right of way and easement areas, the owner regains title. *In the case where a tenant occupies an improvement, they must be afforded ample time to relocate prior to the owner being authorized to start the removal.*

The Property Owner(s) understand they will vacate and/or move personal property from the improvements and give possession to the LFUCG not later than the date of closing. If the property is owner-occupied, the LFUCG will make an additional payment of \$1,700.00 at closing, for relocation expenses.

The Property Owner(s) will pay all taxes due on and for the property and will obtain all necessary releases of mortgages, liens or other encumbrances thereon. The LFUCG will reimburse owners for a pro-rate portion of any pre-paid real property taxes.

The Property Owner (s) will pay direct any penalty costs for prepayment of an existing recorded mortgage and similar expenses incidental to conveying real property to the LFUCG and upon submission of properly supported paid receipts they will be reimbursed. *All reimbursement claims must be deemed fair, necessary and properly supported for payment.*

As owners of the property to be conveyed, we request payment be made as follows:

**Please print the following information:**

|                                        |                                   |                                         |                        |
|----------------------------------------|-----------------------------------|-----------------------------------------|------------------------|
| Name: <u>Pedro Arambul</u>             |                                   | Name: <u>Magdalena Arambul</u>          |                        |
| Address: <u>1001 N. Limestone</u>      |                                   | Address: <u>1001 N. Limestone</u>       |                        |
| Phone No: <u>(859) 389 9216 (home)</u> |                                   | Phone No: <u>(859) 492 -7422 (cell)</u> |                        |
| SSN: _____                             | Amt. of check \$ <u>70,000.00</u> | SSN: _____                              | Amt. of check \$ _____ |
| Name: _____                            |                                   | Name: _____                             |                        |
| Address: _____                         |                                   | Address: _____                          |                        |
| Phone No: _____                        |                                   | Phone No: _____                         |                        |
| SSN: _____                             | Amt. of check \$ _____            | SSN: _____                              | Amt. of check \$ _____ |
| Name: _____                            |                                   | Name: _____                             |                        |
| Address: _____                         |                                   | Address: _____                          |                        |
| Phone No: _____                        |                                   | Phone No: _____                         |                        |
| SSN: _____                             | Amt. of check \$ _____            | SSN: _____                              | Amt. of check \$ _____ |



189-08

Mayor Jim Newberry

**LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**  
Office of Compliance Department of Environmental Quality

TO: Mayor Jim Newberry  
Urban County Council

FROM: Penny S. McFadden  
Penny S. McFadden, Administrative Officer Sr.

DATE: April 1, 2008

RE: Contract for Environmental Underground Storage Tank (UST) Services

Attached you will find a contract for environmental UST services with Bluegrass Environmental, Inc. for remedial activities due to the release of petroleum products into the environment from the former UST system located at 669 Byrd Thurman Dr.

Upon removal of the tanks, it was determined that petroleum releases from these tanks had impacted the environment. Bluegrass Environmental, Inc. will perform the necessary environmental remedial tasks, as directed by the Kentucky Division of Waste Management (KDWM).

All work approved to be performed at this UST facility qualifies for **cost reimbursement** through the KDWM. Attached are the KDWM approved rates as listed in the Contractor Cost Outline, Regulation 401 KAR 42:250, dated August 2006.

If you have any questions, please contact Tom Webb at 425-2808. Thank you for your consideration of this matter.

HORSE CAPITAL OF THE WORLD

189-08

## ATTACHMENT "A"

## Bluegrass Environmental, Inc.: Standard Rate Sheet

## • SERVICES

|                                                                               |                                                          |
|-------------------------------------------------------------------------------|----------------------------------------------------------|
| 1. Additional excavation of contaminated soil                                 | \$4.00 per ton                                           |
| 2. Additional Excavation of Less than 100 tons                                | \$6.00 per ton                                           |
| 3. Disposal of contaminated soil at landfill                                  | \$32.50 per ton                                          |
| 4. Treatment of contaminated soils by thermal desorber, landfarming           | \$40.00 per ton                                          |
| 5. Transportation of contaminated soil to landfill                            | \$6.00 per ton minimum or<br>\$0.40 per one way mile     |
| 6. Stone Backfill Material                                                    | \$10.00 per ton                                          |
| 7. Install compact and grade backfill                                         | \$2.50 per ton                                           |
| 8. Disposal/recycling of residual tank liquids                                | \$1.75 per gallon                                        |
| 9. Pumping & Transportation of any petroleum water or tank liquids            | \$0.55 per gallon plus<br>\$75.00 per hour for vac truck |
| 10. Transportation and disposal of residual tank solids or sludge             | \$575.00 per drum                                        |
| 11. In-Situ Bedrock Removal                                                   | \$75.00 per cubic yard                                   |
| 12. Contaminated pit water pump and treatment w/dischage permit               | \$0.55 per gallon                                        |
| 13. Installation of 2" PVC Monitoring wells                                   | \$16.00 per linear foot                                  |
| 14. Installation of 4" PVC Monitoring wells                                   | \$20.00 per linear foot                                  |
| 15. Monitoring well surface completion w/ concrete pad, manhole & locking cap | \$250.00 each                                            |
| 16. Hollow stem auger drilling less than 5" ID                                | \$15.00 per foot                                         |
| 17. Air rotary drilling in rock                                               | \$25.00 per foot                                         |
| 18. BTEX sample analyses                                                      | \$60.00 each                                             |
| 19. PAH sample analyses                                                       | \$190.00 each                                            |

189-08

- LABOR**

|                                               |                  |
|-----------------------------------------------|------------------|
| 1. Registered Professional Geologist          | \$80.00 per hour |
| 2. Certified Contractor                       | \$90.00 per hour |
| 3. Foreman (Certified Installer/Remover)      | \$40.00 per hour |
| 4. Equipment Operator (Excavator/ Backhoe)    | \$35.00 per hour |
| 5. Laborer                                    | \$32.50 per hour |
| 6. Gasoline Service Technician                | \$55.00 per hour |
| 7. CAD Drafting Personnel                     | \$35.00 per hour |
| 8. Environmental Specialist / Project Manager | \$55.00 per hour |
| 9. Senior Environmental Technician            | \$45.00 per hour |
| 10. Environmental Technician                  | \$35.00 per hour |
| 11. Survey Crew                               | \$55.00 per hour |
| 12. Office Clerical Personnel                 | \$20.00 per hour |

- EQUIPMENT**

|                                                                             |                                    |
|-----------------------------------------------------------------------------|------------------------------------|
| 1. Automobile or pickup truck mileage                                       | \$0.27 per mile                    |
| 2. Service Utility Truck w/ tools                                           | \$0.30 per mile                    |
| 3. Auger drill rig mobilization per mile                                    | \$3.00 per mile                    |
| 4. Air rotary drill rig mobilization                                        | \$4.00 per mile - minimum \$350.00 |
| 5. Dump Truck (single axle) & trailer without operator                      | \$25.00 per hour                   |
| 6. CAT 320 Excavator                                                        | \$85.00 per hour                   |
| 7. CAT 416B Backhoe                                                         | \$175.00 per day                   |
| 8. Concrete Saw w/blades - day charge                                       | \$35.00 per day                    |
| 9. Air Compressor/ jack hammer - day charge                                 | \$75.00 per day                    |
| 10. PID - Photoionization detector - day charge                             | \$75.00 per day                    |
| 11. Geo-Probe including operator, sampling supplies 0-50 linear ft. per day | \$700.00 per day                   |
| 51-100 linear ft. per day                                                   | \$1,200.00 per day                 |
| 12. Sampling supplies including bailers, gloves rope and sample materials   | \$12.00 per well                   |
| 13. Survey Equipment                                                        | \$35.00 per day                    |



189-08

RESOLUTION NO. 38 -2008

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR, ON BEHALF OF THE URBAN COUNTY GOVERNMENT, TO EXECUTE AN APPLICATION FOR ASSISTANCE FORM FOR THE KENTUCKY DEPARTMENT FOR ENVIRONMENTAL PROTECTION, DIVISION OF WASTE MANAGEMENT, UNDERGROUND STORAGE TANK BRANCH, FOR REIMBURSEMENT FOR CLOSURE OF UNDERGROUND STORAGE TANKS, AND AUTHORIZING THE MAYOR, ON BEHALF OF THE URBAN COUNTY GOVERNMENT, TO EXECUTE CLAIM REQUEST FORMS FOR REIMBURSEMENT OF CONTRACT COSTS BY THE PETROLEUM STORAGE TANK ENVIRONMENTAL ASSURANCE FUND AS WORK ON CLOSURE OF THE UNDERGROUND STORAGE TANKS IS COMPLETED.

---

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

Section 1 - That the Mayor, on behalf of the Lexington-Fayette Urban County Government, be and hereby is authorized and directed to execute the Application for Assistance Form for the Kentucky Department for Environmental Protection, Division of Waste Management, Underground Storage Tank Branch, which is attached hereto and incorporated herein by reference, for reimbursement for closure of underground storage tanks.

Section 2 - That the Mayor, on behalf of the Lexington-Fayette Urban County Government, be and hereby is authorized and directed to execute Claim Request Forms for reimbursement of contract costs by the Petroleum Storage Tank Environmental Assurance Fund as work on the closure of the underground storage tanks is completed.

Section 3 - That this Resolution shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: February 7, 2008

/s/ Jim Newberry  
MAYOR

ATTEST:

/s/ Susan Lamb  
CLERK OF URBAN COUNTY COUNCIL



172-08

Mayor Jim Newberry

**LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**  
Division of Community Development

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

**FROM: PAULA KING, DIRECTOR**  
**DIVISION OF COMMUNITY DEVELOPMENT**

**DATE: MARCH 31, 2008**

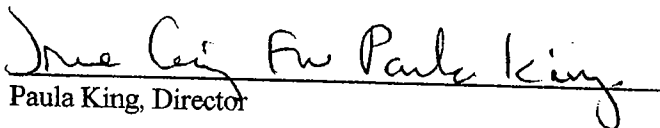
**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO SUBMIT APPLICATION, AND**  
**ACCEPT AWARD IF OFFERED, TO THE KENTUCKY DEPARTMENT OF**  
**EDUCATION FOR PARTICIPATION IN THE SUMMER FOOD SERVICE**  
**PROGRAM - FY 2008**

An application has been prepared for submission to the Kentucky Department of Education, Division of School and Community Nutrition, requesting federal funds from the U.S. Department of Agriculture for operation of the Summer Food Service Program for 2008. The Summer Food Service Program provides lunch on a daily basis during the summer in low-income neighborhoods for children from birth through the age of 18. The purpose of the program is to provide for a minimum level of nutritional support for children during the summer months.

This program will operate at approximately 40 sites in low-income neighborhoods. The rate of reimbursement for 2007 is \$2.9875 per lunch, \$.7025 per supplement, and \$1.6925 per breakfast. The 2007 budget for this program is based upon approximately 45,000 reimbursable lunches, 10,000 reimbursable breakfasts, and 6,000 reimbursable snacks being served throughout the eight-week period of program operation. Based upon this level of activity, \$155,580 in federal funds will be received. While no match is required, \$70,000 has been budgeted in the General Fund (Fiscal Year 2008) for operation of this program.

Programs that participate in the Summer Food Service Program include eligible summer school sites, Extended School Program sites, open park sites operated by the Division of Parks and Recreation, camps operated by the Division of Parks and Recreation, and other organized summer programs for children operated by public and private nonprofit groups at eligible sites in the community.

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

  
Paula King, Director

Xc: Kimra Cole, Commissioner of General Services

**HORSE CAPITAL OF THE WORLD**200 East Main Street 6<sup>th</sup> Fl Lexington, KY 40507 (859)258-3070 (859)258-3081 fax [www.lfucg.com](http://www.lfucg.com)



164-08

Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT  
Division of Community Development

TO: JIM NEWBERRY, MAYOR  
URBAN COUNTY COUNCIL

FROM: PAULA KING, DIRECTOR  
DIVISION OF COMMUNITY DEVELOPMENT

DATE: MARCH 21, 2008

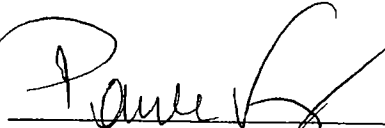
SUBJECT: REQUEST COUNCIL AUTHORIZATION TO SUBMIT APPLICATION TO THE U.S.  
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT REQUESTING FEDERAL  
FUNDS FOR THE RENEWAL OF HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS  
GRANT

The Lexington-Fayette Urban County Government received federal funds in the amount of \$1 million from the U.S. Department of Housing and Urban Development in 1994 under the Housing Opportunities for Persons with AIDS (HOPWA) program for the development of housing facilities for persons with AIDS. AIDS Volunteers, Inc., served as the sponsoring organization for this project. The LFUCG was selected again for funding in 1998 to receive federal funds in the amount of \$1.144 million under HUD's Special Projects of National Significance. In 2001, the project received renewal funds in the amount of \$1,362,860 for a three year continuation. In 2005, the project was renewed in the amount of \$1,426,690.

An application has been prepared requesting federal funds in the amount of \$1,430,000 for continuation of this project for an additional three years. The AVOL AIDS Housing Program provides permanent supportive housing and transitional housing services for persons living with HIV/AIDS through two housing facilities (Rainbow Apartments and Solomon House). Solomon House is a community residence which provides permanent supportive housing for individuals living with HIV/AIDS who are in the advanced stages of their illness and require personal care, supervision and supportive services. Rainbow Apartments is a transitional housing program designed to respond to persons with HIV/AIDS who are homeless or at risk for homelessness and in need of a spectrum of supportive services while they work through those issues that may have contributed to their homelessness. Over the three year grant period, this program will serve 75 persons with HIV/AIDS through the housing facilities and an additional 300 individuals will receive housing information services. HUD requires that the application document the commitment of leveraged resources in an amount consistent with the previous award (\$455,000). These leveraged funds will be provided by Bluegrass Care Clinic, Moveable Feast Lexington, Hospice of the Bluegrass, Kentucky AIDS Drug Assistance Program, and AIDS Volunteers, Inc. Once the application is approved at the federal level, a subrecipient agreement will be prepared for execution with AVOL.

Since first receiving federal funds from the HOPWA program in 1994, AVOL has been in compliance with grant requirements.

Council authorization to submit the application is hereby requested.

  
\_\_\_\_\_  
Paula King, Director

CC: Kyna Koch, Commissioner of Finance

HORSE CAPITAL OF THE WORLD

200 East Main Street 6<sup>th</sup> Fl Lexington, KY 40507 (859)258-3070 (859)258-3081 fax www.lfucg.com





166-08

Mayor Jim Newberry

**LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**  
Division of Community Development

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

**FROM: PAULA KING, DIRECTOR**  
**DIVISION OF COMMUNITY DEVELOPMENT**

**DATE: APRIL 2, 2008**

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO SUBMIT 2008 CONSOLIDATED PLAN, ACCEPT AWARDS FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS, HOME FUNDS, EMERGENCY SHELTER GRANT FUNDS, AND AMERICAN DREAM DOWNPAYMENT INITIATIVE FUNDS FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR FY 2009, AND TO AUTHORIZE EXECUTION OF AGREEMENTS FOR APPROVED PLAN**

The U.S. Department of Housing and Urban Development (HUD) requires a consolidated application submission for jurisdictions receiving funds through HUD's Planning and Community Development programs. The purpose of the Consolidated Plan is to serve as the planning document for the Lexington-Fayette Urban County Government's participation in these programs. The overall goal of the programs is to develop viable urban communities by providing decent housing and a suitable living environment and expanding economic opportunities for low and moderate income persons. The proposed 2008 Consolidated Plan includes a one-year action plan providing for the expenditure of Community Development Block Grant (CDBG) funds, HOME Investment Partnerships funds, American Dream Downpayment Initiative (ADDI) funds, and Emergency Shelter Grant (ESG) funds for Fiscal Year 2009 (the period of July 1, 2008 through June 30, 2009) to address some of the identified problems.

Federal regulations require that an active citizens' participation process be used to identify needs and to recommend the allocation of these federal resources. Two required public hearings have been conducted for the purpose of soliciting citizen comment on the housing and non-housing needs of the low-income population and on the budgeting of these federal funds to address identified needs. Applications for ESG, HOME, and CDBG funds were accepted through a uniform application process. Application solicitation was available through the LFUCG web page for the convenience of individuals and agencies having an interest in Consolidated Plan funding. The applications received were reviewed by the staff of the Division of Community Development. Their recommendations for funding were reviewed by the Commissioner of Finance and Administration and the Senior Advisor to the

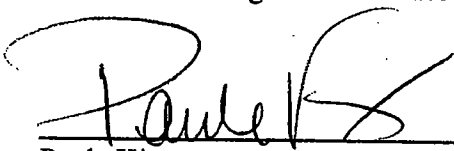
**HORSE CAPITAL OF THE WORLD**200 East Main Street 6<sup>th</sup> Fl Lexington, KY 40507 (859)258-3070 (859)258-3081 fax [www.lfucg.com](http://www.lfucg.com)

Mayor. The proposed plan has been made available for public comment as provided by the approved Citizens Participation Plan and in addition, the plan was available on the LFUCG web page. A summary of the Second Public Hearing conducted on March 24, 2008, is attached. The plan was presented to the Urban County Council's Budget and Finance Committee on March 25, 2008. The 30-day comment period expired on April 2, 2008. Written comments on the draft plan have been received and are included as an attachment.

The Action Plan describes how funds available through the four program areas will be allocated and spent. The CDBG program has \$2,045,837 in federal funds with \$250,000 in program income anticipated in fiscal year 2009 for a total of \$2,295,837; the HOME Investment Partnerships program has \$1,356,982 in federal funds, with a required local cash match of \$295,323 requested from the 2009 general fund budget (\$157,223) and from the proceeds of a closed-out Urban Development Action Grant loan (\$138,100), and program income of \$300,000 for a total of \$1,952,305; the American Dream Downpayment Initiative has federal funds in the amount of \$14,145 (no match required); and the Emergency Shelter Grants program has \$91,408 in federal funds, with a proposed FY 2009 general fund cash match of \$24,000, and an in-kind match of \$67,408.

These funds will be expended on public improvements, housing rehabilitation, public services, public facilities, first-time Homebuyer programs, development of rental units for low-income populations, homeless prevention activities, operational support for emergency and transitional housing, and planning and administration activities. A list of projects as recommended for the Community Development Block Grant program, the HOME program, the Emergency Shelter Grant program, and the American Dream Downpayment Initiative is attached.

Council authorization to submit the 2008 Consolidated Plan, with funding allocations as recommended by the Commission on Housing and Support Services, to accept the herein described federal funds, subject to the availability of sufficient funds in FY 2009, and to execute written agreements in accordance with the approved plan is hereby requested.



Paula King  
Director

Attachments: 2008 Consolidated Plan Project Recommendations  
Summary of the Second Public Hearing conducted March 24, 2008  
Summary of written comments on the draft 2008 Consolidated Plan

# HUD CONSOLIDATED PLAN FY2008

## Recommended Projects

166 - 08<sub>119</sub>

|      | FEDERAL         | PROGRAM<br>INCOME | REQUIRED<br>MATCH | TOTAL<br>REVENUE |
|------|-----------------|-------------------|-------------------|------------------|
| CDBG | \$ 2,045,837.00 | \$ 250,000.00     | \$ -              | \$ 2,295,837.00  |

### CONTINUATION PROJECTS

|                                                      |                                                                                                                              |  |  |                      |
|------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|--|--|----------------------|
| Administration and Planning: (limit of 20% of award) |                                                                                                                              |  |  |                      |
|                                                      | Administration: Division of Community Development Staff                                                                      |  |  | \$ 160,000.00        |
| Infrastructure:                                      | Meadows/Northland/Arlington: Highland Park and Meadow Park or Shawnee Avenue                                                 |  |  | \$ 820,000.00        |
| Housing:                                             | Housing Rehabilitation Operations/Staff                                                                                      |  |  | \$ 300,000.00        |
|                                                      | Housing Rehabilitation, owner-occupied, \$1 million total                                                                    |  |  | \$ 500,000.00        |
|                                                      | Realtor Community Housing Foundation-Ramp Program, Repair Affair and emergency repairs                                       |  |  | \$ 40,000.00         |
| Supportive Services: (limit of 15% of award)         | Community Action Council - weatherization program                                                                            |  |  | \$ 20,000.00         |
|                                                      | Hope Center-transitional housing, year 10                                                                                    |  |  | \$ 53,000.00         |
|                                                      | Hope Center for Women-transitional housing, year 7                                                                           |  |  | \$ 44,000.00         |
|                                                      | Repairers of the Breach, Inc. - expansion of youth, adult, employments services - year 2                                     |  |  | \$ 28,200.00         |
|                                                      | Volunteers of America-housing for homeless, year 10                                                                          |  |  | \$ 53,000.00         |
|                                                      | MASH Services of the Bluegrass- youth services - year 2                                                                      |  |  | \$ 31,000.00         |
|                                                      | Bluegrass Domestic Violence Program - housing services to victims of domestic violence - year 3                              |  |  | \$ 32,000.00         |
|                                                      | Bluegrass Regional Mental Health/Mental Retardation Board- temporary shelter for homeless with severe mental illness, year 5 |  |  | \$ 38,870.00         |
|                                                      | <b>Total Services:</b>                                                                                                       |  |  | <b>\$ 310,510.00</b> |

### NEW PROJECTS

|                                             |                                                                                                                           |  |  |               |
|---------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|--|--|---------------|
| Public Facilities:                          | Florence Crittenton Home- exterior renovation and repairs                                                                 |  |  | \$ 143,327.00 |
| Rehabilitation:                             | Shepherd's House- rebuild accessible ramp                                                                                 |  |  | \$ 2,000.00   |
| Supportive Services (limit of 15% of award) | Ruby E Bailey Family Services Center - Operation Regeneration summer camp at North Limestone Center                       |  |  | \$ 10,000.00  |
|                                             | Manchester Center Youth Development Program- expansion of current services to provide after school and summer programming |  |  | \$ 20,440.00  |

|      | FEDERAL         | PROGRAM<br>INCOME | REQUIRED<br>MATCH | TOTAL<br>REVENUE |
|------|-----------------|-------------------|-------------------|------------------|
| HOME | \$ 1,371,127.00 | \$ 300,000.00     | \$ 295,323.00     | \$ 1,966,450.00  |

#### Homebuyer Programs:

|                         |                                                                                           |  |  |               |
|-------------------------|-------------------------------------------------------------------------------------------|--|--|---------------|
|                         | Fayette County Local Development Corporation (CHDO required 15% minimum of federal award) |  |  | \$ 210,000.00 |
|                         | Community Ventures Corporation                                                            |  |  | \$ 200,000.00 |
|                         | REACH, Inc.                                                                               |  |  | \$ 400,000.00 |
| Housing Rehabilitation: | Division of Community Development                                                         |  |  | \$ 500,000.00 |
| Administration:         | Division of Community Development                                                         |  |  | \$ 135,690.00 |
|                         | Fayette County Local Development Corporation                                              |  |  | \$ 40,000.00  |
| Rental Housing:         | Lexington Homeownership Commission- Falcon Crest (72 units)                               |  |  | \$ 300,000.00 |
| Rental Housing:         | Projects in Process-HOME Letters of Support: \$ 180,760.00                                |  |  |               |
|                         | Faith Community Housing Foundation, Inc. (36 units)                                       |  |  |               |
|                         | First Presbyterian Church (10 units)                                                      |  |  |               |
|                         | Brenda D Cowan Coalition (56 units)                                                       |  |  |               |

### AMERICAN DREAM DOWNPAYMENT INITIATIVE

|  | FEDERAL      | PROGRAM<br>INCOME | REQUIRED<br>MATCH | TOTAL<br>REVENUE |
|--|--------------|-------------------|-------------------|------------------|
|  | \$ 14,145.00 | \$ -              | \$ -              | \$ 14,145.00     |

This program is administered under the HOME Program and is included in the HOME federal amount above.

|     | FEDERAL      | PROGRAM<br>INCOME | REQUIRED<br>MATCH | TOTAL<br>REVENUE |
|-----|--------------|-------------------|-------------------|------------------|
| ESG | \$ 91,408.00 | \$ -              | \$ 91,408.00      | \$ 182,816.00    |

|                               |                                           |  |  |              |
|-------------------------------|-------------------------------------------|--|--|--------------|
| Homeless Prevention Services: | Division of Adult Services                |  |  | \$ 24,000.00 |
| Shelter Operations:           | Hope Center for Men                       |  |  | \$ 24,720.00 |
|                               | Hope Center for Women                     |  |  | \$ 20,000.00 |
|                               | Salvation Army                            |  |  | \$ 12,688.00 |
|                               | Bluegrass Domestic Violence Program, Inc. |  |  | \$ 10,000.00 |

These agencies provide their own match.

**Summary of Comments from the Second Public Hearing for the 2008 Consolidated Plan, conducted on March 24, 2008, at 6:00 p.m., Council Chambers, Government Center, 200 East Main Street**

Irene Gooding, Grants Manager, Division of Community Development, LFUCG, called the public hearing to order at 6:00 p.m. She provided the level of funding from Community Development Block Grant program, the HOME Investment Partnerships program, and the Emergency Shelter Grants program. She briefly reviewed the contents of the 2008 Draft plan, indicating that it was draft. She reviewed the recommended funding for all the projects for 2008.

Charles Higdon spoke about the concern that property owners have about public improvements on Shawnee Avenue. It was their understanding that this street would get sidewalks in the 2008 plan. Susan Higdon also stressed the need for sidewalks for the residents on this street, indicating that there is at least one resident with a physical handicap who requires sidewalk facilities in order to get around the neighborhood.

Irene Gooding responded that the original five year plan had sidewalks planned for Shawnee in 2008; however, it now appeared from the most recent plan from Engineering that there will be a one-year delay. Shawnee Avenue will now have sidewalks in Program Year 2009. She reminded them that the Northland Meadows Arlington Public Improvements project was begun several years ago with the expectation that the project would take at least 20 years to complete. Since the project was first planned in the 90's, the amount of federal funds has declined annually while the construction costs have continued to rise. Unless other funds can be found, the decline in funding may have the effect of delaying the project further.

Lindy Karns, board member of The Salvation Army, spoke about the proposed decrease in funding to The Salvation Army (\$0 in Community Development Block Grant program funds and \$12,688 in Emergency Shelter Grant Program funds) in the 2008 Consolidated Plan. Ms. Karns emphasized the number of nights of lodging (38,649) provided by The Salvation Army and the number of homeless persons (adults and children) who benefit from these services. The shelter had recently been expanded to 152 beds. With so many persons being assisted, it is not possible to reconcile a grant of \$85,000 (CDBG) in 2007 being reduced to \$0 in 2008. The need for these services has been documented by the LFUCG Community Needs Assessment Housing Work Group. The Consolidated Plan also places a high priority on these services.

Major Debra Ashcraft, Associate Area Coordinator of The Salvation Army, spoke about the need to continue services at the same level and the need to continue funding from CDBG and ESG at the levels of the previous year.

Mary Bauer, a client of The Salvation Army, spoke about how she had lost her job in 2007, and was unable to pay her rent and had turned to The Salvation Army. There she was given a place to sleep, meals, and the supportive services of the staff. She explained that while she herself was not in a recovery program, she was aware that other residents

at The Salvation Army had transformed their lives and had been able to break the addiction to drugs. She wanted to take the opportunity to commend the people at The Salvation Army for the good they do for the community.

Yolanda Bradford, Executive Director of The Road to Homeownership, spoke about her applications for funding. She understood about not being recommended for funding from the CDBG program; however, her experience with the HOME application was a problem. Before the application was submitted, she was told by Irene Gooding that it had already been decided that only REACH would be funded. While this was discouraging, she still submitted an application for HOME funds which was not recommended for funding. The Road to Homeownership had been established over a year ago. They were able to assist 23 households with the purchase of homes last year. While she understood that REACH was a good organization, she did not understand why the funding for homeownership could not be shared with other organizations. From the Plan, it appeared that in Year 3, REACH had no accomplishments.

Chris Ford, Executive Director of REACH, took this opportunity to introduce himself as the new director of REACH. He explained that since 1995, REACH had assisted over 600 households with counseling, homebuyer education, and downpayment assistance.

Robert Ferrell, representing The Road to Homeownership, spoke about the need for the agency to have access to its own sources of funding for downpayment assistance. Based upon the information in the draft Plan, it appeared that REACH had not expended all of its funds (only 12 households had benefited in year 2). If they were not expending all of their funds, then these funds should be made available to other agencies.

It was explained by Community Development staff that no third year data for any of the projects had been entered. It is annual data and would be entered into the document after July 1 when the annual report is done.

Paula King, Director of the Division of Community Development, indicated that there had been no problems with REACH's performance, she did not get negative phone calls or letters about the organization, and that REACH served a diverse population.

In response to the issue of Community Development staff having decided beforehand that only REACH would be funded for homeownership activities, Irene Gooding said that this was only her recommendation and that in no way did she make final decisions on which agencies get funded.

Going back to The Salvation Army issue, Irene Gooding indicated that the reason the Salvation Army was not recommended for funding under the Community Development Block Grant program was because the application was not submitted by its due date. She also indicated that the \$85,000 in Program Year 2007 was a one-time only amount. In previous years funding had been at much lower levels.



Major Ashcraft responded that they were not informed the previous year that this level of funding (\$85,000) was one-time only. To get nothing this year is still appalling. The reason that the application was late was that the deadline was moved up several weeks, the notices about the program were sent to the wrong person at The Salvation Army, and the information about the funding was at the end of the letter when it should have been at the beginning.

Richard Dawahare, board member of The Salvation Army, indicated that the agency had not received proper legal notice about the application deadline.

Paula King responded that the legal notice is in the newspaper and the letters to citizens are sent as a courtesy. They are not to be viewed as legal notices.

Staff was asked how agencies dissatisfied with their level of funding could go about discussing it with Mayor and Council. They were told that the Budget and Finance Committee of the Urban County Council would review the 2008 Consolidated Plan on Tuesday, March 25, 2008, at 1:00 p.m. in the Council Chambers. The 2008 Consolidated Plan will be a new item at work session on Tuesday, April 8, at 3:00 p.m., with first reading by Council at its meeting on April 10, and second reading on April 24.

**Summary of written comments received on the 2008 Consolidated Plan Page 1 of 2**

Major Debra Ashcraft, Associate Coordinator, of The Salvation Army (TSA), letter dated March 24, 2008. Letter requested that the Mayor and Council award ESG funding for TSA in the amount of \$20,000 and CDBG funds in the amount of \$100,000. Letter explained the need for the funding. Letter also explained that the application deadline had been moved up seven weeks from the previous year, resulting in their late applications for funding.

Norman Galloway, Chairman of the Board of The Salvation Army (TSA), and Doug Alexander, Vice-Chairman of the Board of The Salvation Army, submitted letter dated March 24, 2008, expressing disappointment that no funds are in the 2008 Consolidated Plan for TSA and indicating need for Community Development Block Grant funds at the same level as the previous year. This letter was also signed by an additional nineteen board members.

Cindi Kubar, Casework Supervisor of The Salvation Army, letter dated March 24, 2008, expressed concern about being able to deliver essential services to families and single women without CDBG funding.

Mary Bauer, resident of The Salvation Army (TSA), expressed her appreciation for the services provided by The Salvation Army when she lost her job and was unable to pay her rent and became homeless. She described the services provided by TSA, including education and skills training, job training, and medical assistance.

Charlotte Christine Williams, resident of The Salvation Army (TSA), submitted letter expressing appreciation for the recovery opportunity TSA has given her enabling her to qualify for Chrysalis House residence. She does not feel that she would have achieved this level of recovery without the help of TSA. She urged the government to try to continue funding for the program.

Patricia A. McCracken, resident of The Salvation Army (TSA), described her recovery experience and how TSA had helped make her recovery possible. She urged the government to provide the needed funding to TSA.

Patricia Epps, resident of The Salvation Army (TSA), expressed her appreciation for the help that TSA has provided her. She described the many services that had been provided to her. These included casework, classes, and many other resources. She requested that TSA receive the funding they need to continue this work.

Terry Willingham, resident of The Salvation Army (TSA), submitted letter detailing her own experience with TSA. She had been displaced by a Code Enforcement action and is applying for disability benefits. TSA has provided her with a home during this transition. Previous to moving there, she had used TSA services (food program) to help with her food needs. She asked that the government please continue funding this agency so that it can continue to provide services to single women and families.

**Continuation of Summary of written comments received on the 2008 Consolidated Plan Page 2 of 2**

Mark and Teresa Henderson, residents of The Salvation Army (TSA), wrote of their recovery experience and how TSA had made it possible. They expressed gratitude for all the services provided by TSA, such as life skill classes, computer classes, and GED classes. They asked that CDBG funding be provided to TSA.

Linda Sue Sellards, resident of The Salvation Army (TSA), related her experience of going to prison, losing her house and her belongings, and turning to TSA for help. She expressed appreciation for all of the services provided to help her get back into the community. She requested that CDBG funds be used to continue this program.

Sandy Tiery, resident of The Salvation Army (TSA), submitted a letter detailing her arrival at TSA after being in prison and after a long history of drug use. TSA staff have helped her with recovery. She asked that TSA be included in the CDBG program.

Goldy Shaft, resident of The Salvation Army (TSA), wrote letter describing her experience at TSA when she was homeless. She indicated that TSA helps a lot of families with children. They have helped her make application for disability benefits. She asked that the government reconsider funding for the program.

Carolyn Brace, former resident of The Salvation Army (TSA), wrote a letter indicating that TSA had helped her on several occasions and had helped her find permanent housing. She asked that the government reconsider and grant TSA funding.

Paula Crouch, resident of The Salvation Army (TSA), described her experience as a person with disabilities who had been in jail, and had become homeless. TSA staff have been kind and helpful and provided her with a room, bed, and basic necessities. She asked that TSA be included for CDBG funding.

Ramona Webber, resident of The Salvation Army (TSA), described her experience as a victim of domestic violence. TSA provided her with a place to stay, giving her a sense of safety and well-being. She described the variety of services provided by TSA, and of how they cared for her when she was hit by a car while crossing the street, ensuring that all of her needs were met. She asked that the government continue funding for TSA.

Major Steven Ashcraft, Area Coordinator of The Salvation Army (TSA), letter dated March 25, 2008. Letter indicated that Community Development staff had failed to properly notify TSA that the deadline for applications. All notices should go to the area coordinator, not to any other employees of the organization. Major Ashcraft requests that Mayor and Council consider The Salvation Army's CDBG proposal.

URBAN COUNTY COUNCIL  
BUDGET & FINANCE COMMITTEE SUMMARY

MARCH 25, 2008

Dr. Stevens chaired the committee meeting, calling it to order at 1:00 pm. All committee members were present.

I. General Fund Revenue Update FY 2008

Commissioner Koch stated the February numbers were a little better than they expected. She stated the good news is the year to date last year over year to date this year they are still seeing some increases. She stated the problem is that the increases aren't as strong as they need to be to make budget. Commissioner Koch stated they are still expecting revenue to be about \$5 million short this year. She stated right now they think we will end the year in a positive situation.

CM Beard asked where we are compared to the state's budget.

Commissioner Koch stated they have been in contact with the state level people and they feel the slow down in revenue could last up to 18 months. She stated while we trend the state in that their revenue and ours has slowed down there are a lot of other factors in the state that we will never deal with because of the difference in the tax structure.

CM Beard asked if when speaking of slow down she is saying we aren't accelerating as fast as we thought we would have.

Commissioner Koch stated that is correct.

CM Beard stated it looks like we are accelerating. He stated anything ahead of last year would be accelerating.

Commissioner Koch stated if that is the definition then we are accelerating.

Dr. Stevens stated looking at the net profit tax graph that the biggest month for net profit tax is April. He stated we don't have that yet so do they think that will bring it up to the projected revenue for that category.

Commissioner Koch stated their projection overall is that everything is going to be slightly under budget and the totality of the under budget is about \$5 million. She stated they met earlier in the week with the Finance Task Force and will be looking to them to help institute some additional models to be able to forecast revenue.

Dr. Stevens stated the Finance Task Force is examining the revenue sources of LFUCG at this time. He stated hopefully they will get around to looking at expenditures and try to correct the problem of the cycling revenue pattern.

Commissioner Koch stated that even if they had the sales tax option right now it would be slowed as well because it is at the state level.

CM Stinnett asked if we have bonded anything in the FY08 budget.

Commissioner Koch stated we have not yet.

CM Stinnett asked what is the total of the bond payments that we haven't paid.

Commissioner Koch stated they re appropriated some fund and used the debt service to be able to do the re appropriations. She stated she believed it was \$1.7 million and there is still a few hundred thousand dollars left of debt services. She stated right now they hope to retain that in the budget and let it go to the bottom line to help put us in a positive position.

CM Stinnett asked if we are going to bond those items that we were supposed to bond with the FY09 budget now.

Commissioner Koch stated the debt service will be in the FY09 budget. She stated she is meeting with the financial advisors now and hope to get to market before the end of the fiscal year.

## II. Presentation of 2008 Consolidated Plan

Paula King, Director of Community Development, gave a brief overview of the Consolidated Plan.

Dr. Stevens stated this will not be handled as a regular item in the budget because the budget will be presented on April 8<sup>th</sup>. The recommendations will be considered for first and second reading on April 10<sup>th</sup> and 24<sup>th</sup> because she has to report to HUD the middle of May which is before our budget will be finalized.

Ms. King stated that is correct.

Ms. King informed the committee of comments that were made at the public hearing last night from some agencies that were not funded. She stated they did move the deadline up so some applicants missed the deadline.

CM James asked how does council receive formally the input from the public hearing.

Ms. King stated they summarize the comments and put them in the final document. She stated if they would like to see them before then they can have them to the committee tomorrow.

CM James stated that would be helpful. She asked what is the purpose of the public hearing.

Ms. King stated it is a required policy and procedure to get the comments and include in the final document.

CM James stated it is her thought that they will hear from people who want to amend this and believe there should be some amendments. She asked if they have to have full committee or council discussion to amend or do they just present their suggested amendments to Ms. King for implementation.

Dr. Stevens stated they should hear from the groups that are present today so they will get some information today. He stated if the committee feels there are some changes they would like to make they can make that motion today and if it passes then carry it to full council for their consideration.

Ms. King gave a verbal summarization of comments made at the public hearing. She stated she will provide the committee with a hardcopy summary from the public hearing as well. Ms. King stated that if council makes a change to services remember they are limited to 15% so if they increase one fund they have to let her know which fund to reduce.

CM James asked if they talk to engineering and find out that Shawnee should be next can that be revised.

Ms. King stated they can include Shawnee in the final plan and not allocate a dollar amount.

CM James asked if the road projects could be done in a bond.

Ms. King stated sure.

CM James asked how they can utilize this money to do that.

Ms. King stated CDBG money can't be used to pay the bond debt.

CM James asked is there enough money to complete the road projects every year. She stated if the estimates they have are lower than the actual cost of the road projects we will never have within that year the money to complete that project.

Ms. King stated engineering has to negotiate and try to figure out how they get down to the amount they have.

CM James asked how she can expedite that to occur.

Ms. King stated for her to talk to engineering because they have to continue to move and accept the next bid.

CM James asked about the FY08 HUD Consolidated Plan under CDBG Housing Rehab Operations/Staff if that is all Community Development.

Ms. King stated it is for staff and costs that are associated with the rehab programs.

CM James asked for a stronger breakdown of that money.

CM Stinnett asked if there is a list of everyone who requested funding but didn't receive it.

Ms. King stated yes.

CM Stinnett asked Ms. King to provide the committee with that list.

CM McChord asked Ms. King to walk them through the process.

Ms. King explained the process to the committee.

CM Myers asked Ms. King to explain the 3% decrease of the funds.

Ms. King stated Congress' allegation of CDBG money decreases every year. She stated all Federal programs continue to decrease. She stated they haven't changed the formal allegation of the money yet.

CM Myers stated some Home Funds are used to rehab existing houses.

Ms. King stated he was correct.

CM Myers asked if there isn't a mechanism that says once housing stock improves the funding is decreased.

Ms. King stated not yet.

CM Myers asked about her vision of the commission interacting with Community Development now that they no longer make the recommendation on how to fund.

Ms. King stated the commission will meet with them because they still have to do the 5 year Consolidate Plan which will set the goals and objectives for the community. She stated the plan will be due in May 2010. She stated they are

also working on a 10 year plan to end homelessness and will present it to the Housing and Support Commission for their review.

CM Myers asked if there is a timeline as to when they will begin their work and if they are going to just be reviewing what the other groups did or do they get to work on the plan as well.

Ms. King stated she doesn't look at it as a review. She stated they will get the group together and see how they want to participate.

CM Myers asked what was the process like this year when they decided how this funding would be spent relative to the Loudon project and things like that.

Ms. King stated she doesn't really know that it was any different. She stated they always come at the wrong time of the year. They come during budget season and everyone is busy thinking about the general fund budget. Ms. King stated they want to start working on how all this can be brought together and be looked at with the general fund dollars. She stated they can bond some of it and see where they can get the best bang for the money.

CM Myers stated that is a role the commission could play an integrate part in. He asked Ms. King to work with the appropriate people in the administration to come back after the budget cycle with an action plan on how the commission can be involved in the process early on.

Ms. King stated that is fine and asked CM Myers for any ideas he may have as to what he would like the commission to do.

CM Blevins asked about the \$820K to engineering for them to oversee a project on Highland Park and Meadows Park. He stated if he understood Ms. King correctly their estimate to complete that project is \$1.3 million.

Ms. King stated it is \$1.150 million.

CM Blevins asked what happens to the \$820K if they don't get the money to complete the project. He asked have they delegated their authority to engineering to spend it somewhere else or how does that work.

Ms. King stated it hasn't been delegated. She stated they tell them what they have available and they will have to determine what they can do with \$820K on Highland Park Dr. so they can break the bid down. Or they can look at Shawnee which is next on the list and see how much they can get done there.

CM Blevins stated engineering has to make the tough decision.



Ms. King stated she can add Shawnee as an eligible street in the plan. She stated it doesn't increase the cost any.

CM Blevins stated he is a little uncomfortable giving decision making to engineering. He stated he hoped Ms. King would keep a close eye on this.

Ms. King stated she can't tell engineering how to decide what projects to do.

CM Blevins stated he thinks it is because if engineering doesn't find the money to do the project then settling for less should be Community Developments decision.

Ms. King stated the reason she says it isn't her decision is because they have to do it the way it is most feasible. She stated they have a plan as to how they are going to accomplish this in this area. Ms. King stated the decision for her was the next area they were doing was Meadows/Northland and Arlington that was the public's decision to do that next. She stated that her decision is that she can only give them a certain amount of money because she is limited on her dollars.

CM Blevins asked who has made the decision as to what is going to be done with the \$820K or \$1.15 million in the Highland/Meadows area.

Ms. King stated the Division of Engineering made that decision.

Major Ashcraft, Salvation Army, stated the proposed consolidated plan recommends that Salvation Army receive \$12,688 in ESG funds and no CDBG funds. She stated last year they received \$85K CDBG funds which was a one time only windfall because usually the funding is less. Major Ashcraft stated they can't understand going from funding \$85K last year to nothing this year. She stated she was informed by phone they didn't receive any CDBG funding because they were late with their application. Major Ashcraft read a letter from Major Steve Ashcraft regarding the deadline being changed. Major Ashcraft asked the committee to allow their proposal to be considered for funding.

CM Blevins asked if the Salvation Army's application was considered in its entirety or was it rejected because it was late.

Ms. King stated it wasn't considered at all.

CM James asked about the letter from Major Steve Ashcraft where it stated a phone call was made and he was instructed to get his proposals in by Friday. She asked if that was with the assumption they would be considered.

Major Ashcraft stated they discovered they missed the deadline and made a phone call. She stated they were told to get them in by Friday and that they would be take upstairs. She stated at no time were they told they wouldn't be considered.

A motion by CM Lane to allocate \$31,051 from CDBG Support Services to Salvation Army by reducing the allocations to other entities by 10%, seconded by CM Gorton, was amended by substitution. The substitute motion, by CM Myers, seconded by CM McChord, to send Salvation Army's proposal back to the administration for them to look at the application as if it had made the deadline and consider them for funding, passed without dissent.

CM Blevins asked what is exactly 15% of total services budget.

Ms. King stated 15% would be \$344K but what happens when you get to 15% it puts them at risk of being over when they do the annual performance report. She stated they can take it approximately another \$20K but anything else gets to close.

CM Blevins asked if any listed under supportive services are new programs that haven't been funded in previous years.

Ms. King stated those are listed at the bottom of the document.

CM Myers asked what happens to the buffer money if it is not needed and the money is sitting there.

Ms. King stated the buffer money is allocated somewhere else.

CM Myers asked if the money is already allocated then if they bump it up where are they taking the money from.

Ms. King stated they would have to tell her where to take it from. She stated last year they had an organization that didn't want to receive half of their requested amount so that left additional money on the table that the committee chose to give to Salvation Army. She stated the last eight years they have received as low as \$30K and as much as \$40K.

CM Blevins asked what was Salvation Army's actual request this year for CDBG funds.

Major Ashcraft stated it was \$100K based on the additional people they are serving.

CM Blevins asked what was the ESG amount that was requested.

Major Ashcraft stated it was \$20K.

CM Blevins asked how much ESG funding has Salvation Army received the last few years.

Ms. King stated around \$12K.

CM Blevins asked about a friendly amendment to CM Lane's motion to move \$10K from \$820K infrastructure line and move it to support service to give Salvation Army approximately \$40K.

CM Lane accepted the friendly amendment.

CM McChord stated two years ago they found out that Bluegrass ADD has some money for Salvation Army so there may be some other opportunities out there for them. He stated he has difficulty with the motion because there are other agencies coming behind Salvation Army to request funding also.

CM James stated she does support the 10% suggestion by CM Lane but is having difficulty with the increase from that because they need to hear from the others that are here to speak. CM James asked where the \$820K infrastructure money is that CM Blevins is talking about.

CM Blevins stated it is in packet top of page 5 states: infrastructure: Meadows/Northland/Arlington.

CM James stated they were just talking about that was not enough money to complete the project. She stated that is not a good idea. She stated she is very supportive of Salvation Army.

CM Myers stated the real issue is that the Salvation Army didn't get its application in on time because they weren't notified the deadline had been moved up seven weeks. He stated as Chair of the Outside Agency Sub Committee they have worked hard with the administration to come up with a plan for allocating the money that doesn't destroy the process. He stated he is in favor of Salvation Army receiving money. CM Myers stated they need to send this back to the administration and let them make the recommendation based on the fact that Salvation Army didn't know the deadline was moved up.

CM Myers asked for a date certain that they will come back with a recommendation.

Commissioner Koch stated they will reconsider and what they have before them on April 8<sup>th</sup> will be their recommendation.

CM Stinnett asked how much Salvation Army received from Outside Agency pool last year.

Major Ashcraft stated \$160K.

CM Lane asked what their annual budget is.

Major Ashcraft stated cash for the shelter is \$1.2 million and another \$700K that is in kind donations.

Yolanda Bradford, Executive Director of Road to Homeownership, stated her concerns of the process.

### III. Update on Internal Audits

Bruce Sahli, Director of Internal Audit, went over the summaries of two internal audits that have been completed.

CM Gorton asked for clarification on the ambiguities in sick leave and vacation.

Mr. Sahli stated that Section 22-59 (1) ordinance and other ordinances that deal with sick leave and vacation should be looked at as a whole and establish what the exact intent is.

CM Gorton asked if the administration is going forward with the bank card.

Mr. Sahli stated he believes the administration is going forward with this.

CM Stinnett asked what prompted internal audit to look at accounting.

Mr. Sahli stated he had some communication with the Director of Accounting she stated they had become aware that journal vouchers may have been posted without approval.

CM Stinnett asked how many points of entries we have now.

Mr. Sahli stated he isn't for sure on that but he will get back to him with the number.

The meeting adjourned at 3:00 pm.