

LEXINGTON-FAYETTE URBAN COUNTY COUNCIL

WORK SESSION AGENDA

June 17, 2008

- I. Public Comment – Issues on Agenda**
- II. Requested Rezoning / Docket Approval – None**
- III. Approval of Summary-Yes, June 10, 2008, pp.7-13**
- IV. Budget Amendments – None**
- V. New Business, pp.16-43**
- VI. Continuing Business / Presentations**
 - A. LIVE UNITED Day Proclamation**
- VII. Council Report**
- VIII. Mayor's Report – None**
- IX. Public Comment – Issues Not on Agenda**

ADMINISTRATIVE SYNOPSIS

New Business Items

- A. Authorization to Submit Application to the Kentucky Department of Juvenile Justice on Behalf of the Department of Social Services, Division of Youth Services, under the Juvenile Accountability Block Grant (JABG) Program – FY2009. (331-08) (P. King/Helm)
This request will authorize the submission of an application for federal funds in the amount of \$15,275 to the Kentucky Department of Juvenile Justice on behalf of the Division of Youth Services under the JABG Program. This program provides state and local governments with funds to develop programs to promote greater accountability in the juvenile justice system. Funds will continue the Juvenile Surveillance Program (overtime for Police Officers), and will be used for professional services and development, drug testing services and supplies, and education materials. A local match of 10% (\$1,700) is required and has been requested in the Division's 2009 General Fund Budget, subject to the availability of funds in FY2009.**p.16**
- B. Authorization to Amend Chapter 13, Sections 13-5 and 13-9 of the Code of Ordinances. (339-08) (O'Mara/Koch)
This request will authorize an amendment to Chapter 13, Sections 13-5 and 13-9 of the Code of Ordinances to implement a minimum occupational license fee on net profit. This amendment will require a minimum payment of \$100 each January by each business operating in Lexington-Fayette County. When the business files their net profit return, they can deduct the \$100 payment from any amount owed over \$100. Currently 27,700 businesses are registered in Lexington-Fayette County with 11,900 businesses paying no net profit tax. This amendment will require all businesses to pay a net profit tax and will allow easier tracking of businesses and will pay for services and infrastructure the businesses use. This will create a minimum net profit license fee of \$2.77 million in FY2009 and \$1.44 million in future years.**pp.17-19**
- C. Authorization to Execute an Amendment to a Grant Agreement with the Kentucky Governor's Office of Local Development Regarding the 2006 Recreational Trails Project. (342-08) (P. King/Cole)
This request will authorize an execution of an amendment to a Grant Agreement with the Kentucky Governor's Office of Local Development regarding the 2006 Recreational Trails Project, to extend the agreement date from June 30, 2008 to June 30, 2009. There are no other changes.**p.20**

- D. Authorization of Change Order No. 1 to Contract with Leak Eliminators, LLC Regarding the Old Paris Road Sanitary Sewer and Pump Station Project. (327-08) (P. King/D. Kelly)

This request will authorize Change Order No. 1 to contract with Leak Eliminators, LLC, to increase contract amount by \$2,765. The reason for this change is due to the increase in material quantities needed for the Old Paris Road Sanitary Sewer and Pump Station Project. Original contract amount was \$97,425. New contract total is \$100,190. Funds are budgeted.**pp.21-23**

- E. Authorization of a Letter of Agreement Amendment with the Kentucky Heritage Council on Behalf of the Department of Public Works and Development, Division of Historic Preservation - Survey and Planning Project – FY2009. (328-08) (P. King/D. Kelly)

This request will authorize a Letter of Agreement Amendment with the Kentucky Heritage Council on behalf of the Division of Historic Preservation – Survey and Planning Project, to extend the completion date of the project from August 1, 2008 to August 1, 2009. There are no other changes.**p.24**

- F. Authorization of a Sale of Easement to AT&T Corporation Regarding a Portion of Tracts of the Town Branch Trail. (329-08) (Rayan/D. Kelly)

This request will authorize a Sale of Easement of 83,130 square feet for the fair market value of \$38,000 to AT&T Corporation for property owned by LFUCG within the Town Branch Trail. This will allow AT&T Corporation to relocate their communications facilities, now located in the Leestown Road Corridor, for continued improvements to Leestown Road. This easement will be for a nonexclusive permanent utility easement and will give AT&T Corporation the usual rights to install, construct and maintain the facilities.**p.25**

- G. Authorization of a Supplemental Agreement No. 2 with the Kentucky Transportation Cabinet (KYTC) for the Loudon Avenue Improvements Project. (337-08) (P. King/D. Kelly)

This request will authorize Supplemental Agreement No. 2 with KYTC to accept additional federal funds in the amount of \$7,920 for the design phase, and the reallocating of existing federal funds in the amount of \$95,400 from the utilities phase to the right-of-way phase for the Loudon Avenue Improvements Project. The additional funding is from the Surface Transportation Lexington. A local match of 20% (\$1,980) is required and will come from the Municipal Aid Program. These funds will be used to widen Loudon Avenue to three (3) lanes from Oakhill Drive to Winchester Road. Total federal funding now allocated to this project is \$4,414,440 with a local matching totaling \$1,103,610.**p.26**

H. Authorization of Amendments to Agreements with the Kentucky Transportation Cabinet (KYTC) Regarding the Bicycle Lane Restriping and Feasibility Study Project and the Wellington Area Bicycle-Pedestrian Facility. (343-08) (P. King/D. Kelly)

This request will authorize amendments to agreements with the KYTC. The Amendment No. 2 regarding the Bicycle Lane Restriping Agreement will extend the completion date from June 30, 2008 to June 30, 2009. The Amendment No. 1 regarding the construction of the Wellington Area Bicycle – Pedestrian Facility Agreement will extend the completion date from June 30, 2008 to June 30, 2009 to allow for landscaping and tree planting. The trail facility has been completed. Both projects are federally funded by the US Department of Transportation, Congestion Mitigation and Air Quality Improvement Program.**p.27**

I. Authorization of a Temporary Construction Easement at 415 Morgan Avenue for the Meadows / Northland / Arlington Neighborhood Improvement Project Phase 3B. (344-08) (P. King/D. Kelly)

This request will authorize a Temporary Construction Easement of 112.82 square feet at 415 Morgan Avenue for \$100 for the Meadows / Northland / Arlington Neighborhood Improvement Project Phase 3B. This project is funded by the US Department of Housing and Urban Development Community Development Block Grant. Funds are budgeted.**p.28**

J. Authorization to Close a Portion of Davis Alley Right-of-Way. (079-08) (Boland/J. Kelly)

This request will authorize the closure of approximately 50 feet of Davis Alley right-of-way. The right-of-way has not been used as an alley for decades, and is located within a parking lot owned by the University of Kentucky. The closure is requested for the construction of a future law school building at this site. The University owns all property abutting this alley and will accept responsibility of the alley once closed. This closure has been reviewed and consented to by appropriate divisions of government and utility companies, subject to protection or relocation of their existing facilities in accordance with the approved development plan. There is no budgetary impact.**pp.29-31**

K. Authorization to close a portion of Deerhaven Lane Right-of-Way. (341-08) (Boland/J. Kelly)

This request will authorize the closure of a portion of right-of-way in front of properties at 1145, 1149, 1153, 1157, 1161, and 1165 Deerhaven Lane. The right-of-way is wider than required. Property owners have requested this closure and will accept responsibility for their portion of the right-of-way. The appropriate government divisions and utilities companies have reviewed and consented to the closure, subject to preserving easements for any existing facility.**pp.32-33**

- L. Authorization of a Contract Amendment with the Kentucky Office of the 911 Coordinator / Commercial Mobile Radio Services Board on Behalf of the Department of Public Safety, Division of Enhanced 911, for Improvements to the Regional 911 System. (334-08) (P. King/Bennett)
This request will authorize a contract amendment with Kentucky Office of the 911 Coordinator / Commercial Mobile Radio Services Board on behalf of the Division of Enhanced 911, to extend the completion date of the project from June 30, 2008 to November 30, 2008. There are no other changes.**p.34**
- M. Authorization of Amendment No. 1 to Agreement with the Kentucky Office of Homeland Security on Behalf of the Department of Public Safety, Division of Fire and Emergency Services, for the Purchase of a Wireless System. (335-08) (P. King/Bennett)
This request will authorize an Amendment No. 1 to Agreement with the Kentucky Office of Homeland Security on behalf of the Division of Fire and Emergency Services regarding the Wireless System, to extend the agreement date from June 30, 2008 to September 30, 2008. There are no other changes.**p.35**
- N. Authorization to Amend Ordinance No. 87-2008 to Correct the Name of the Vendor for the Regional 911 System on Behalf of the Department of Public Safety, Division of Enhanced 911. (336-08) (Lucas/Bennett)
This request will authorize an amendment to Ordinance No. 87-2008 to correct the name of the vendor for the Regional 911 System from the parent company SolaCom to AK Associates, their authorized dealer for Kentucky. There are no other changes.**pp.36-40**
- O. Authorization to Amend a Purchase of Service Agreement (PSA) with the Downtown Lexington Corporation (DLC). (332-08) (Askew)
This request will authorize an amendment to the PSA with DLC to permit DLC to conduct a raffle for charity at 101 E. Vine Street. Specific authorization by LFUCG, as landlord, is required for compliance with State Administrative Regulations. There is no cost to LFUCG.**p.41**
- P. Authorization of a Quitclaim Deed for Property at 928 Calypso Breeze Drive for a Detention Area. (333-08) (Askew)
This request will authorize a Quitclaim Deed by and between Commonwealth Development Company, LLC and Ball Homes, LLC with LFUCG for property located at 928 Calypso Breeze Drive at a cost of \$10,000 for a detention area. The Division of Engineering has reviewed and approved acceptance and maintenance of this property.**p.42**

Q. Authorization to Retain M2D Design Group for the Administration of Corridor Enhancement Grant for the Newtown Pike Landscaping Project. (338-09) (P. King/Langston)

This request will authorize the retainment of M2D Design Group at a cost of \$26,000 for the administration of the Corridor Enhancement Grant for the Newtown Pike Landscaping Project. This project includes design and construction documents, bid packages, obtaining encroachment permits, selection of qualified vendors, management of construction and installation of the landscaping and street furniture, and working with the Corridors Committee, the Kentucky Transportation Cabinet, property owners, and LFUCG elected officials in administering the project. Funds are budgeted. **p.43**

URBAN COUNTY COUNCIL
WORK SESSION SUMMARY
& TABLE OF MOTIONS

June 10, 2008

Mayor Newberry chaired the meeting. All Council Members were present.

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

A motion by CM James to place on the docket for 7/8/08 at 7 pm a public hearing for an ordinance changing the zone from a Single Family Residential (R-1E) zone to a Neighborhood Business (B-1) zone for 0.267 net (0.347 gross) acres of property located at 135-139 East Third Street subject to certain use restrictions imposed as conditions of granting the zone change, (GCL Properties, LLC), seconded by CM Myers, passed without dissent.

A motion by CM Crosbie to place on the docket for 6/12/08, without a hearing, an ordinance changing the zone from a Highway Service Business (B-3) zone with conditional zoning restrictions to a Highway Service Business (B-3) zone with modified conditional zoning restrictions for 2.04 net (2.77 gross) acres of property located at 3294 Richmond Rd and 101 South Eagle Creek Drive (a portion of) subject to certain use restrictions imposed as conditions of granting the zone change (Estes Property No. 1, LLC and Estes Property No. 2 LLC), seconded by CM Ellinger, passed without dissent.

A motion by CM Blues to place on the docket for 6/12/08, without a hearing, an ordinance changing the zone from a Two Family Residential (R-2) zone to a Single Family Residential (R-1E) zone for 0.2340 net (0.2977 gross) acre of property located at 422 Michigan Street (Habitat for Humanity, Inc), seconded by CM Gorton, passed without dissent.

A motion by CM DeCamp to place on the docket for 8/19/08 at 6 pm a special meeting for a public hearing for an ordinance changing the zone from a Professional Office (P-1) zone to a Downtown Frame Business (B-2A) zone for 0.16 net (0.19 gross) acre, and from a Planned Neighborhood Residential (R-3) zone to a Downtown Frame Business (B-2A) zone for 0.24 net (0.42 gross) acre, for properties located at 522-528 East Main Street and 109 Kentucky Avenue, subject to certain use restrictions imposed as conditions of granting the zone

change (Hugh Bennett & Roland Vaughn), seconded by CM Crosbie, passed without dissent.

A motion by CM Stinnett to place on the docket for 6/12/08, without a hearing, an ordinance amending Articles 19-2, 19-3, 19-7(b), 19-7(c), 19-7(g)(3), 19-10, 19-10(c), and 19-10(d) of the Zoning Ordinance so as to change the effective date of the Flood Insurance Rate Maps, due to acceptance of new maps by FWMA, to provide a 60-day time limit for appeals to the Floodplain Appeals Committee, and to clarify the majority vote needed to decide an appeal, seconded by CM Gorton, passed without dissent.

A motion by CM Stevens to place on the docket on 6/12/08, without a hearing, an ordinance amending Articles 5-2(b), 5-4, 5-4(a)(1), 20-2, 20-3(a), 20-4(d), and 20-4(e) of the Zoning Ordinance and Article 4-6(a) of the Land Subdivision Regulations so as to transfer grading permit responsibilities to the Div. of Engineering, seconded by CM Gorton, passed without dissent.

A motion by CM Lane to place on the docket for Thursday June 12, 2008 Council Meeting, a resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Purchase of Services Agreement with Kentucky World Trade Center Lexington, Inc for FY 2008, seconded by CM Ellinger, passed without dissent.

A motion by CM Stevens to place on the docket for 6/12/08, a resolution authorizing initiation of condemnation proceedings in Fayette Circuit Court by the law firm of Stites & Harbison PLLC on behalf of the Lexington-Fayette Urban County Airport Board, to obtain all or a portion of the property located at 4478 and 4480 Versailles Road, Lexington, Fayette County, Kentucky, with all costs associated with the condemnation to be borne by the Lexington Fayette Urban County Airport Board, seconded by CM DeCamp, passed without dissent.

A motion by CM Myers to approve the amended docket, seconded by CM Gorton, passed without dissent.

III. Approval of Summary – Yes

A motion by CM Stevens to approve the summary of 6/3/08, seconded by CM Blues, passed without dissent.

IV. Budget Amendments-Yes

A motion by CM Blevins to approve the budget amendments, seconded by CM DeCamp, passed without dissent.

V. New Business

- A. Authorization to Amend Resolution No. 413-2006 Regarding the Georgetown Street Neighborhood Association. (291-08) (Blues/Langston)
- B. Authorization to Rescind a Portion of Resolution No. 413-2006 Regarding the Masterson Station Neighborhood Association. (292-08) (Blues/Langston)
- C. Authorization to Amend Resolution No. 413-2006 Regarding the Winburn Neighborhood Association. (293-08) (Blues/Langston)
- D. Authorization to Amend Resolution 413-2006 regarding the Oakwood Neighborhood Association. (294-08) (Blues/Langston)
- E. Authorization of a Lease Agreement Between LFUCG and MES Enterprises, LLC for Unit 3 of the Triangle Center Condominiums at 325 W. Main Street. (284-08) (Cole)
- F. Authorization of a Memorandum of Agreement (MOA) with the Kentucky Governor's Office of Local Development to Extend the Gainesway Park Development Project. (296-08) (P. King/Cole)
- G. Authorization of an Ordinance to Advertise for Bids to Provide Natural Gas Franchise in Fayette County. (304-08) (Starkweather/Cole)
- H. Authorization of Change Order No. 3 to Contract with BCD, Inc. Regarding the Gainesway Community Center Improvements Project. (311-08) (Hancock/Cole)
- I. Authorization of Change Order No. 1 to Contract with Asphalt Paving and Maintenance Regarding the Southland Park Parking Lot Improvements Project. (312-08) (Hancock/Cole)
- J. Authorization to Amend Resolution No. 291-2008 regarding a Clerical Error to the 2008 Summer Food Service Program. (295-08) (P. King/Koch)
- K. Authorization of a Memorandum of Agreement (MOA) with the Kentucky Governor's Office of Local Development to Extend the Aviation Museum of Kentucky Project. (313-08) (P. King/Koch)
- L. Authorization of a Memorandum of Agreement (MOA) with the Kentucky Governor's Office of Local Development to Extend the Survivors II Project. (314-08) (P. King/Koch)
- M. Authorization of an Amendment No. 5 to Agreement with Amerinational Community Services, Inc. for Loan Servicing for the HOME and Community

- Development Block Grant (CDBG) Housing Rehabilitation and Homeownership Programs. (315-08) (P. King/Koch)
- N. Authorization to Accept Scope of Work Detail and Cost Proposal from Potter & Company, LLP Regarding the Fayette County Sheriff's 2008 Property Tax Settlement. (316-08) (Koch)
- O. Authorization of an Independent Contractor Agreement Between LFUCG and I/O Solutions, Inc. to Test Applicants Applying for Lieutenant, Captain and Major Within Fire and Emergency Services. (317-08) (Allen/Koch)
- P. Authorization to Accept Award from the Kentucky Division of Forestry on behalf of the Department of Public Works and Development, Division of Streets, Roads and Forestry under the 2008 Kentucky Urban and Community Forestry Program. (298-08) (P. King/D. Kelly)
- Q. Authorization of a Deed of Acceptance for a Temporary Construction Easement for the Twelfth Street Neighborhood Improvements Project. (299-08) (Rayan/D. Kelly)
- R. Authorization of Amendment No. 8 to Contract with ENTRAN (f/k/a American Consulting Engineers, PLC) Regarding the Newtown Pike Extension Project – FY2008. (321-08) (P. King/D. Kelly)
- S. Authorization to Accept Award from the Lexington-Fayette County Health Department for Continuation of the Home Visitation Program at the Family Care Center – FY2009 (297-08) (P. King/Helm)
- T. Authorization to Submit Application to the Kentucky Department of Education, and Accept Award if Offered, for Participation in the Child Care Food Program on behalf of the Department of Social Services, Family Care Center – FY2009. (305-08) (P. King/Helm)
- U. Authorization to Submit Application to the Kentucky Department of Education, and Accept Award if Offered, on behalf of the Department of Social Services, Divisions of Youth Services and Family Services for Operation of the National School Lunch Program – FY2009. (306-08) (P. King/Helm)
- V. Authorization to Accept Additional Funding from the Kentucky Department of Education / 21st Century Community Learning Center Program for Summer Programming for Year Five of the Programming. (310-08) (P. King/Helm)
- W. Authorization to Accept Award from the Kentucky Department of Juvenile Justice on Behalf of the Department of Social Services, Division of Youth Services for Operation of the Day Treatment Program – FY2009. (318-08) (P. King/Helm)

- X. Authorization of an Agreement with the Kentucky Office of Homeland Security (KOHS) for Continuation of the Metropolitan Medical Response System (MMRS) Project. (303-08) (P. King/Bennett)
- Y. Authorization of a Lease Agreement Between LFUCG and Clark-Central LLC on behalf of the Department of Public Safety, Division of Fire and Emergency Services for Purpose of Parking and Storage at 203 E. Third Street. (320-08) (Hendricks/Bennett)
- Z. Authorization to Submit Application to the Kentucky Office of the 911 Coordinator / Commercial Mobile Radio Service Board on Behalf of the Department of Public Safety, Division of Enhanced 911 for Improvements to the Regional 911 System. (322-08) (P. King/Bennett)
- AA. Authorization to Submit Application to the US Department of Justice, Office of Justice, Office of Justice Programs on Behalf of the Department of Public Safety, Division of Police for Implementation of a Safe Highway Initiative. (323-08) (P. King/Bennett)
- BB. Authorization of a Statement of Affiliation on Behalf of the Department of Public Safety, Division of Fire and Emergency Services under KRS Chapter 39F. (324-08) (Dugger/Bennett)
- CC. Authorization of a Deed of Acceptance for Property at 805 Farra Court for the Radcliffe Road Stormwater Improvements Project. (300-08) (Martin/Taylor)
- DD. Authorization of a Deed of Acceptance for Property at 809 Farra Court for the Radcliffe Road Stormwater Improvements Project. (301-08) (Martin/Taylor)
- EE. Authorization of an Engineering Services Agreement Between LFUCG and OPS Systems, Inc. on behalf of the Department of Environmental Quality, Division of Water and Air Quality. (302-08) (Martin/Taylor)
- FF. Authorization to Amend Resolution No. 94-2008 to Correct a Clerical Error Regarding the Address for the Elizabeth Street Drainage Improvements Project. (307-08) (Martin/Taylor)
- GG. *Authorization of an Engineering Services Agreement Between LFUCG and Tetra Tech, Inc. on Behalf of the Department of Environmental Quality, Division of Water and Air Quality Regarding the Sanitary Sewer Fats, Oils and Grease (FOG) Program. (309-08) (Martin/Taylor)
- HH. Authorization of an Engineering Services Agreement Between LFUCG and Strand Associates, Inc. on behalf of the Department of Environmental Quality, Division of Water and Air Quality Regarding the Investigation and Design

Services for Screw Pump Replacement at the Town Branch Wastewater Treatment Plant (WWTP). (308-08) (Martin/Taylor)

- II. Authorization to Submit Application to the Environmental Protection Agency (EPA) on Behalf of the Department of Environmental Quality Under the Southeast Diesel Collaborative (SEDC) Program. (319-08) (P. King/Taylor)
- JJ. *Authorization to Amend Section 22-5 of the Code of Ordinances Within the Department of Environmental Quality, Division of Water and Air Quality. (325-08) (Allen/Taylor)
- KK. Authorization to Accept Award from the Kentucky Transportation Cabinet (KYTC) for the Fiber Optic Cable Installation Program – FY2008. (326-08) (P. King/D. Kelly)

*** Denotes EPA Consent Decree**

A motion by CM DeCamp to approve new business items A-KK, seconded by CM Blevins, passed without dissent.

VI. Continuing Business / Presentations

A. Services Committee Update

This update was given by Chair CM Ellinger. There were 3 motions to come forward from this meeting.

A motion by CM Ellinger to place the ordinance creating section 14-3.1 through section 14-3.3 on the docket, seconded by CM Crosbie, passed without dissent.

A motion by CM Ellinger to make the effective date of section 14-3.3 be October 1, 2008, seconded by CM Myers, passed without dissent.

A motion by CM Ellinger for the administration to come back with a policy that affirms the needs they have such as rental car aspects and for employees to carpool to meetings when they can and defer action on ordinance for now, seconded by CM Myers, passed without dissent.

B. Habitat for Humanities Presentation

This presentation was done by Rachel Childress, Executive Director. Several CMs asked questions about this program.

VII. Council Report

CM Blevins-A motion by CM Blevins to approve the NDF list for 6/10/08 plus 3 additional items from CM Stinnett, seconded by CM Myers, passed without dissent.

CM Gorton-Announced an ongoing coalition between UCG, Central Baptist Hospital and UK-Buckle Up Bluegrass; asking all aspiring song writers, 25 and under, to compose a clear seatbelt message song; for more information, see buckleupbluegrass.com.

CM Blues-Announced the Winburn NA meeting on 6/16 at 6:30 pm at the MLK Park shelter.

CM James-Announced that tonight the Central Sector Small Area Plan public meeting will at the Dunbar Ctr at 6:30 pm; on Thursday, the East End Small Area Plan will meet at 5:30 pm at the Charles Young Ctr and also on Saturday at 9 am at Charles Young Ctr.

VIII. Mayor's Report-Yes

A motion by CM Crosbie to approve the Mayor's Report, seconded by CM Ellinger passed without dissent.

IX. Public Comment-Issues not on the agenda-Yes

Citizens, Neil Chethik, Debbie Tester, Lewis Cobb, Clive Pohl, and John Michler, spoke. CMs Gorton, Lane Blues, DeCamp Beard, and VM Gray also spoke.

A motion by CM McChord to adjourn, seconded by CM Blevins, passed without dissent.

A motion by CM Lane to reconvene the COW meeting in 5 minutes after the adjournment of the work session, seconded by CM Crosbie, passed without dissent.

NEW BUSINESS ITEMS REQUIRING BUDGET AMENDMENTS

June 17, 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
337-08 G	To Be Determined	Community Development	To provide additional funds for the Loudon Avenue Improvements Project. 3160 9,900 3160 9,900CR 0*
337-08 G	To Be Determined	Community Development	To provide grant match for the Loudon Avenue Improvements Project. 1136 1,980 1136 1,980CR 0*
331-08 A	To Be Determined	Community Development	To provide funds for the Juvenile Accountability Block Grant Program - FY 2009. 3140 16,975 3140 16,975CR 0*

EFFECT ON FUND BALANCES

FUND 1136	0*	NO EFFECT ON:	MUNICIPAL AID PROGRAM FUND
FUND 3140	0*	NO EFFECT ON:	US DEPARTMENT OF JUSTICE
FUND 3160	0*	NO EFFECT ON:	US DEPARTMENT OF TRANSPORTATION

Budget Information For New Business Items
June 17, 2008 Work Session

Item	Number	Amount	Fund	Name / Description
A	331-08	16,975	3140	US Department of Justice Budget Journal FY 2009
B	339-08	(2,770,000)	1101	General Service District Fund FY 2009
C	342-08	NA		
D	327-08	2,765	3400	Grants – State
E	328-08	NA		
F	329-08	(38,000)	1136	Municipal Aid Program Fund
G	337-08	9,000 1,980	3160 1136	US Department of Transportation Municipal Aid Program Fund Budget Journal FY 2009
H	343-08	NA		
I	344-08	100	3120	US Department of Housing & Urban Development
J	079-08	NA		
K	341-08	NA		
L	334-08	NA		
M	335-08	NA		
N	336-08	NA		
O	332-08	NA		
P	333-08	NA		
Q	338-08	26,000	3160	US Department of Transportation



331-08

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: JUNE 5, 2008

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO SUBMIT APPLICATION
AND ACCEPT AWARD FROM THE KENTUCKY DEPARTMENT OF
JUVENILE JUSTICE FOR FEDERAL FUNDING UNDER THE
JUVENILE ACCOUNTABILITY BLOCK GRANT PROGRAM FOR FY
2009

The Department of Social Services, Division of Youth Services has prepared an application for submission to the Kentucky Department of Juvenile Justice requesting federal funding in the amount of \$15,275 from the Juvenile Accountability Block Grant (JABG) program.

Public Law 105-119 enacted by Congress on November 26, 1997, established the JAIBG program. The program was significantly restructured in October, 2003. The intent of the program is to provide states and units of local government with funds to develop programs to promote greater accountability in the juvenile justice system. This is not a delinquency prevention program and none of the funds can be used for prevention activities.

This will be the tenth year of this project. The amount of federal funds available in Fiscal Year 2009 is \$15,275. The Department of Social Services is proposing that the Fayette County allocation of funds be used to continue the funding for the Juvenile Surveillance Program (overtime for police officers), professional services, professional development, drug testing services and supplies, and educational materials. A 10% match (\$1,700) is required. The grant match for this project has been requested in Youth Services' 2009 General Fund budget.

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

Paula King, Director

Xc: Marlene Helm, Commissioner of the Department of Social Services

HORSE CAPITAL OF THE WORLD

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





339-08

Mayor Jim Newberry
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Division of Revenue

To: Mayor Jim Newberry
Urban County Councilmembers

From: Bill O'Mara *WFO*

Date: June 9, 2008

Subject: Minimum Occupational License Fee

Attached is the amendment to Chapter 13 of the Code of Ordinance to implement a minimum occupational license fee on net profits. An occupational license fee on net profits has been in effect in Lexington since the 1950's and is currently assessed at 2.25% on the profits of a business with activity in Fayette County. The amended Ordinance will require a minimum payment of \$100 each January and the business will receive a license to post at their business location. When the business files their net profit return, they can deduct the \$100 payment from any amount owed over \$100.

Of the 27,700 businesses currently registered to do business in Fayette County, 11,900 do not pay any net profit tax. This is primarily due to the complex federal IRS code. The proposed Ordinance change is designed to:

1. Increase compliance to have everyone pay their fair share. By issuing a license each January, it becomes easier to identify who is properly doing business in Fayette County.
2. By having everyone pay the minimum \$100, all businesses pay something to LFUCG to support the services and infrastructure they use.

The minimum net profit license fee is estimated to generate \$2.77 million in FY2009 and \$1.44 in future years.

Please approve the attached amended Ordinance. If you have questions or need further information, please contact me.

Cc: Joe Kelly, Senior Advisor
Kyna Koch, Commissioner of Finance and Administration

HORSE CAPITAL OF THE WORLD

200 East Main Street, Lexington, KY 40507 (859)258-3340 LexCall 859-425-2255

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339-08

ORDINANCE NO. _____-2008

AN ORDINANCE AMENDING SECTIONS 13-5 AND 13-9 OF THE CODE OF ORDINANCES TO ESTABLISH AN ANNUAL MINIMUM LICENSE FEE OF ONE HUNDRED DOLLARS (\$100) FOR EACH BUSINESS ACTIVITY, PLUS TWENTY-FIVE (\$25.00) FOR EACH ADDITIONAL LOCATION AFTER THE FIRST LOCATION; AND TO FURTHER PROVIDE THAT THE FEES SHALL BE SUBMITTED WITH THE APPROPRIATE DOCUMENTATION REQUIRED BY THE DIVISION OF REVENUE, THAT EACH SUCH LOCATION SHALL POST ITS CURRENT LICENSE, THAT PAYMENTS MUST BE MADE IN ADVANCE EACH YEAR BY NO LATER THAN DECEMBER 31, THAT THE MINIMUM LICENSE FEE SHALL BE A CREDIT ON THE OCCUPATIONAL LICENSE FEE THAT OTHERWISE APPLIES, AND THAT A TWENTY-FIVE DOLLAR (\$25.00) PENALTY MAY BE ASSESSED FOR CONDUCTING BUSINESS WITHOUT A LICENSE.

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

Section 1 - That Section 13-5 of the Code of Ordinances, Lexington-Fayette Urban County Government, be and hereby is amended to read as follows:

- (a) Every person and business entity engaged in any business in the urban county shall be required to apply for and obtain an occupational license from the urban county before the commencement of business or in the event of a change of business status and annually thereafter. Licensees are required to notify the urban county government of any changes in address, the cessation of business, or any other changes which render the information supplied to the urban county government in the license application inaccurate.
- (b) All licenses now or hereafter issued pursuant to ordinances of the urban county government requiring a license for any business, profession, trade or occupation shall authorize the conducting of business at no more than one (1) place; and a separate license must be procured annually for each place from which business is conducted unless the ordinance providing for the license shall specifically provide otherwise; however, the place at which the business is conducted may, with the consent of the director, division of revenue, unless otherwise provided, be changed during the license period.
- (c) The foregoing provisions regarding the requirement of an additional license for each additional place of business conducted by any licensee shall be applied in the construction of all license ordinances of the urban county government.

Section 2 - That Section 13-9 of the Code of Ordinances, Lexington-Fayette Urban County Government, be and hereby is amended to read as follows:

Every person conducting a business as defined in this article shall obtain an occupational license from the division of revenue before the commencement of such business and annually thereafter, the annual minimum license fee for which shall be one hundred dollars (\$100.00) [twenty-five dollars (\$25.00) except as provided in section 13-13 and in article II of this chapter.] for the first business location each calendar year, or fraction thereof in the case of a new business, and twenty-five dollars (\$25.00) for each additional location each calendar year, or fraction thereof in the case of a new location. All such fees shall be submitted with the appropriate documentation required by the Division of Revenue. Each location shall post its current license in a prominent manner, and in an area that is viewable by the general public. Existing entities must make this payment in advance each year no later than December 31 for the following calendar year. To the

339-08

extent that a business owes an occupational license fee as otherwise provided in this chapter, the annual minimum license fee shall be a credit on that occupational license fee only for the tax year covered by the occupational license, and not for any subsequent year. In no instance shall this credit create a refund. Any person filing returns on a fiscal year basis may take this credit for the tax year ending on or after the end of the calendar year for which the license was issued. Any person or entity found to be conducting business in the urban county without a current occupational license may be assessed a penalty of twenty-five dollars (\$25.00), which shall be in addition to any required license fees. [Such fee shall be credited upon the payment of the license fee as provided in this article; however, where such person has a current license from the urban county government for the conduct of such business, the provisions of this section shall not apply.]

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

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

PUBLISHED:

DJB/LAW/08-CC0446/00167779



342-08

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: JUNE 9, 2008

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE GRANT
AGREEMENT AMENDMENT WITH THE KENTUCKY GOVERNOR'S
OFFICE OF LOCAL DEVELOPMENT FOR THE 2006 RECREATIONAL
TRAILS PROJECT

On December 7, 2006, (Ordinance No. 359-2006), Council approved the acceptance of an award from the Kentucky Governor's Office of Local Development of federal funds from the Fiscal Year 2006 Recreational Trails Program for construction of 2600 feet of the Harrods Hill Park trail, construction of 2000 feet of Beaumont Preserve Trail and, a 2000 foot trail at Raven Run. . The Recreational Trails Program is a federal-aid assistance program designed to help states develop and maintain trails for recreational use. The program is authorized by the Transportation Equity Act for the 21st Century (TEA-21). This project expires June 30, 2008.

The Kentucky Governor's Office of Local Development has offered the LFUCG a grant agreement amendment extending the project through June 30, 2009. No other changes are proposed.

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

Paula King, Director

Xc: Kimra Cole, Commissioner, Department of General Services

HORSE CAPITAL OF THE WORLD

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3 27 - 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: JUNE 5, 2008

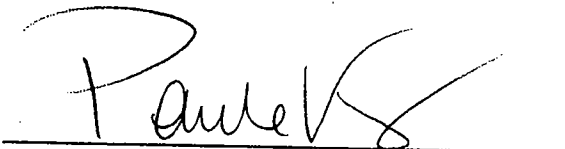
SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE CHANGE
ORDER NO. 1 WITH LEAK ELIMINATORS, LLC FOR THE OLD PARIS
ROAD SANITARY SEWER AND PUMP STATION PROJECT

On February 21, 2008 (Resolution # 59-2008), Council authorized acceptance of bid in the amount of \$97,425 from Leak Eliminators, LLC, for the construction of Old Paris Road Sanitary Sewer and Pump Station Project. Division of Engineering has negotiated Change Order #1 with the contractor based upon increases in material quantities in the amount of \$2,765. Total Contract amount is now \$100,190.

Funds for change order are budgeted as follows:

FUND	DEPT ID	SECT #	ACCT	ACTIVITY	PROJECT	BUD REF
3400	303401	3401	92811	DEFAULT	UNSEWERED AREAS	2006

Council authorization to execute Change Order No. 1 is hereby requested.



Paula King
Director

Xc: Don Kelly, Commissioner of Public Works and Development

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CONTRACT HISTORY FORM

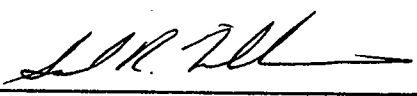
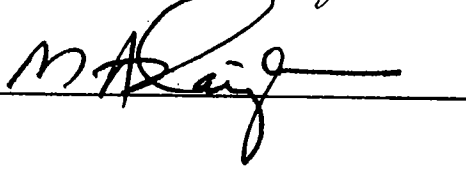
327-08

22

Contractor: Leak Eliminators, LLC
Project Name: Old Paris Road Sanitary Sewer and Pump Station
Contract Number and Date: #920 - February 21, 2008
Responsible LFUCG Division: Engineering

CHANGE ORDER DETAILS

A.	Original Contract Amount:	\$	97,425.00	
	Next Lowest Bid Amount:		105,959.15	
		\$		
B.	Amount of Selected Alternate or Phase:	\$	97,425.00	
C.	Cumulative Amount of All Previous Alternates or Phases:	\$	-0-	
D.	Amended Contract Amount:	\$	97,425.00	
E.	Cumulative Amount of All Previous Change Orders:	\$	-0-	0.00 %
				(Line E / Line D)
F.	Amount of This Change Order:	\$	2,765.00	2.84 %
				(Line F / Line D)
G.	Total Contract Amount:	\$	100,190.00	

SIGNATURE LINESProject Manager: Date: MAY 29, 2008Reviewed by: Date: 5/30/08Division Director: Date: 5/30/08

LEXINGTON-FAYETTE

URBAN COUNTY GOVERNMENT

CONTRACT CHANGE ORDER

Page 1 of 2

Date: May 22, 2008

327-08²³Project: Old Paris Rd Sanitary
Sewer and Pump Station

Location: Old Paris Road

To (Contractor) Leak Eliminators, LLC
1004 Parker Ridge Road
Frankfort, KY 40601

Contract No. 920

Change Order No. (1)

You are hereby requested to comply with the following changes from
the contract plans and specification;

Item No. (1)	Description of changes-quantities, unit prices, change in completion, etc. (2)	Decrease in contract price (3)	Increase in contract price (4)
6.	Bituminous pavement replacement, increase by 18 SY @ \$30/SY		\$540.00
8.	Gravity sewer fittings 8"x8"x6" decrease by 1 @ \$200/ea.	\$200.00	
9.	6" PVC lateral sewer, increase by 10 LF @ \$50/LF		\$500.00
10.	Residential sanitary sewer cleanouts, increase by 1 @ \$750/ea.		\$750.00
13.	Driveway pavement repair, increase by 50 SF @ \$3.50/SF		\$175.00
14.	Connect to existing sewer, add 1 LS @ \$1,000/LS		\$1,000.00
	Change in contract price due to this Change Order:		
	Total decrease	\$200.00	XXXXXXXXXXXX.XX
	Total increase	XXXXXXXXXXXX.XX	\$2,965.00
	Net (increase) contract price		\$2,765.00

The sum of **\$2,765.00** is hereby increased from the total contract price, and
the total adjusted contract price to date thereby is **\$100,190.00**.

The time provided for completion in the contract and all provisions of the
contract will apply hereto.

Recommended by [Signature] 5/30/08 PAB (Proj. Engr.) Date 5-27-08

Accepted by [Signature] (Contractor) Date 5-23-08

Approved by [Signature] (Urban Co. Engr.) Date 5/30/08

Approved by [Signature] (Commissioner) Date 6/6/08

Approved by _____ (Mayor or CAO) Date _____



328-08

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: JUNE 5, 2008

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE LETTER OF
AGREEMENT AMENDMENT WITH THE KENTUCKY HERITAGE
COUNCIL FOR THE DIVISION OF HISTORIC PRESERVATION'S
SURVEY AND PLANNING PROJECT - FY2009**

The Kentucky Heritage Council has approved an award of federal funds in the amount of \$8,100 for the purpose of supporting Certified Local Government historic preservation administrative activities in the LFUCG Division of Historic Preservation. This project has an expiration date of August 1, 2008.

The Kentucky Heritage Council has offered the LFUCG a Letter of Agreement Amendment changing the expiration date to August 1, 2009.

Council authorization to execute the Letter of Agreement Amendment is hereby requested.

Paula King
Director

Xc: Don Kelly, Commissioner of Public Works and Development

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329-08



Mayor Jim Newberry

LEXINGTON - FAYETTE URBAN COUNTY GOVERNMENT

Division of Engineering

MEMORANDUM

To: Jim Newberry, Mayor
Urban County Council

From: Marwan A. Rayan, PE. *MAR*
Urban County Engineer

Date: June 3, 2008

Re: Resolution Authorizing Sale of Easement
Project No. 213 - Town Branch Trail

The Division of Engineering requests a resolution authorizing the sale of an easement to AT&T Corporation, upon certain tracts of land LFUCG previously acquired, and upon which we are constructing a portion of the Town Branch Trail. These tracts of land are within the McConnells Trace Subdivision.

AT&T must relocate some existing communications facilities in the Leestown Road corridor because of planned improvements to Leestown Road. Both parties have determined that it is mutually beneficial to relocate these facilities to a location in or near the Trail.

The Department of Law, Robert Starkweather and the Division of Engineering have reviewed the restrictions necessary to grant this easement, restrictions which are acceptable to AT&T.

The deed of easement from LFUCG to AT&T will be for a non-exclusive permanent utility easement and will give AT&T the usual rights to install, construct and maintain their facilities. In return, AT&T will pay LFUCG fair market value of \$38,000 for the easement, which occupies 83,130 square feet.

Attachments

c: Robert Bayert, P.E.
Keith Lovan, P.E.
Glenda George
File

08.P213.406.memo14 newberry

HORSE CAPITAL OF THE WORLD

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337-08

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: JUNE 6, 2008

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO AUTHORIZE EXECUTION OF
SUPPLEMENTAL AGREEMENT NO. 2 WITH THE KENTUCKY
TRANSPORTATION CABINET PROVIDING ADDITIONAL FEDERAL FUNDS
AND REALLOCATING EXISTING FEDERAL FUNDING FOR THE LOUDON
AVENUE IMPROVEMENTS PROJECT

On July 8, 1999 (Ordinance #204-99), the Urban County Council accepted an award from the Kentucky Transportation Cabinet to support the design phase of the Loudon Avenue Improvements project. On January 17, 2002 (Ordinance # 5-2002), Council approved the acceptance of additional funds for the design phase. Total project funds for design are \$351,400 (\$281,120 in federal funds and \$70,280 in local funds).

On October 23, 2003 (Ordinance #257-2003), Council accepted additional federal funding in the amount of \$200,000 for right-of-way acquisition, requiring \$50,000 (20%) in local match for a total of \$250,000 for this phase.

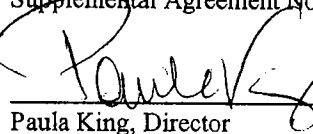
On September 22, 2005 (Ordinance #268-2005), Council accepted federal funding in the amount of \$270,400 for the utility phase of the project, requiring \$67,600 (20%) in local match for a total of \$338,000 for this phase.

On September 13, 2007 (Ordinance # 203-2007), Council authorized execution of Supplemental Agreement No. 1, accepting federal funds in the amount of \$3,655,000 for the construction phase of the project, requiring \$913,750 (20%) in local match for a total of \$4,568,750 for this phase.

The Kentucky Transportation Cabinet (KYTC) has offered the LFUCG Supplemental Agreement No. 2 for the purpose of providing additional federal funds in the amount of \$7,920 (SLX) for the design phase and reallocating existing federal funds in the amount of \$95,400 from the utilities phase to the right-of-way phase. The additional federal amount requires additional local match (20%) of \$1,980 which will come from the Municipal Aid Program (Fund 1136).

The project will widen Loudon Avenue to three lanes from Oakhill Drive to Winchester Road. Total federal funding now allocated to the project is \$4,414,440, with a total required local match of \$1,103,610.

Council authorization to accept additional funding for the design phase and approving the execution of Supplemental Agreement No. 2 is hereby requested.


Paula King, Director

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

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343-08

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: JUNE 10, 2008

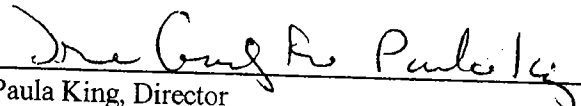
SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE AMENDMENTS TO
AGREEMENTS WITH KENTUCKY TRANSPORTATION CABINET FOR
EXTENSION OF BICYCLE LANE RESTRIPING & FEASIBILITY STUDY
PROJECT AND WELLINGTON AREA BICYCLE-PEDESTRIAN FACILITY

On January 26, 2006 (Ordinance No. 23-2006), Council approved acceptance of an award of federal funds from the Kentucky Transportation Cabinet for the Bicycle Lane Restriping & Feasibility Study project. On June 22, 2006 (Resolution No. 399-2006), Council approved First Amendment to Agreement extending this project through June 30, 2007. On June 7, 2007 (Resolution No. 289-2007), Council approved execution of amendment extending this project through June 30, 2008. The objective of this project is to increase bicycle commuting and safety in the Fayette County area by restriping existing roadways with bicycle lanes. The Kentucky Transportation Cabinet has now offered the LFUCG a Second Amendment to the Agreement providing for an expiration date of June 30, 2009.

On October 19, 2006 (Ordinance No. 297-2006), Council approved acceptance of federal funds from the Kentucky Transportation Cabinet for the construction of the Wellington Way Bicycle-Pedestrian Facility. While the trail facility has been completed, project still requires landscaping and tree planting. The Kentucky Transportation Cabinet has now offered the LFUCG an Amendment to the Agreement providing for an expiration date of June 30, 2009.

The source of federal funds for both projects is the Congestion Mitigation and Air Quality (CMAQ) improvement program in the U.S. Department of Transportation.

Council authorization to execute Amendments to Agreements is hereby requested.


Paula King, Director

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

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344-08

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: JUNE 10, 2008

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO PURCHASE EASEMENT AT
415 MORGAN AVENUE FOR THE MEADOWS-NORTHLAND-
ARLINGTON NEIGHBORHOOD IMPROVEMENT PROJECT PHASE 3B

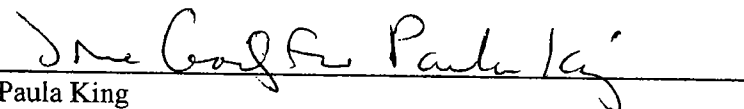
This easement is needed for construction of storm sewerage in the neighborhood. The Meadows-Northland-Arlington Neighborhood Improvement Project is funded by the U.S. Department of Housing and Urban Development Community Development Block Grant.

The Division of Engineering has negotiated a purchase of 112.82 square feet of temporary construction easement at 415 Morgan Avenue from Lance and Karen Handel in the amount of \$100.00.

Funds for purchase of the easement are budgeted in account:

FUND	DEPT ID	SECTION	ACCOUNT	PROJECT	BUD REF	ACTIVITY
3120	303202	3211	91713	CDBG	2006	C03

Council authorization to accept deed of temporary easement is hereby requested.


Paula King
Director

Xc: Division of Engineering

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079-08

Mayor Jim Newberry
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Office of the Senior Advisor for Management

MEMORANDUM

To: Mayor Jim Newberry
Joseph Kelly, Sr. Advisor for Management
Urban County Councilmembers

From: Charlie Boland, Administrative Officer Sr.

Date: June 10, 2008

Re: Closure of Portion of Davis Alley Right-of-Way

This is to request closure of a portion of Davis Alley right-of-way approximately 50 feet in length. This right-of-way has not been used as an alley for decades, and is located within a parking lot at the University of Kentucky. The closure is requested in anticipation of future construction of the new Law School building at this site. The University of Kentucky owns all of the abutting property, and has executed the required Consent Certificate indicating they will accept responsibility for the right-of-way once it is closed. A vicinity map including the portion of right-of-way to be closed is attached.

The appropriate divisions of government and the utility companies have reviewed and consented to the closure also, subject to protection or relocation of their existing facilities in accordance with the approved development plan. Therefore, I request Council authorization of the street closure as presented and execution of all related documents. Please address any questions to me in advance or at the Council Work Session when this matter is presented. Thank you.

HORSE CAPITAL OF THE WORLD

200 East Main Street

Lexington, KY 40507

859-258-3155

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079-08

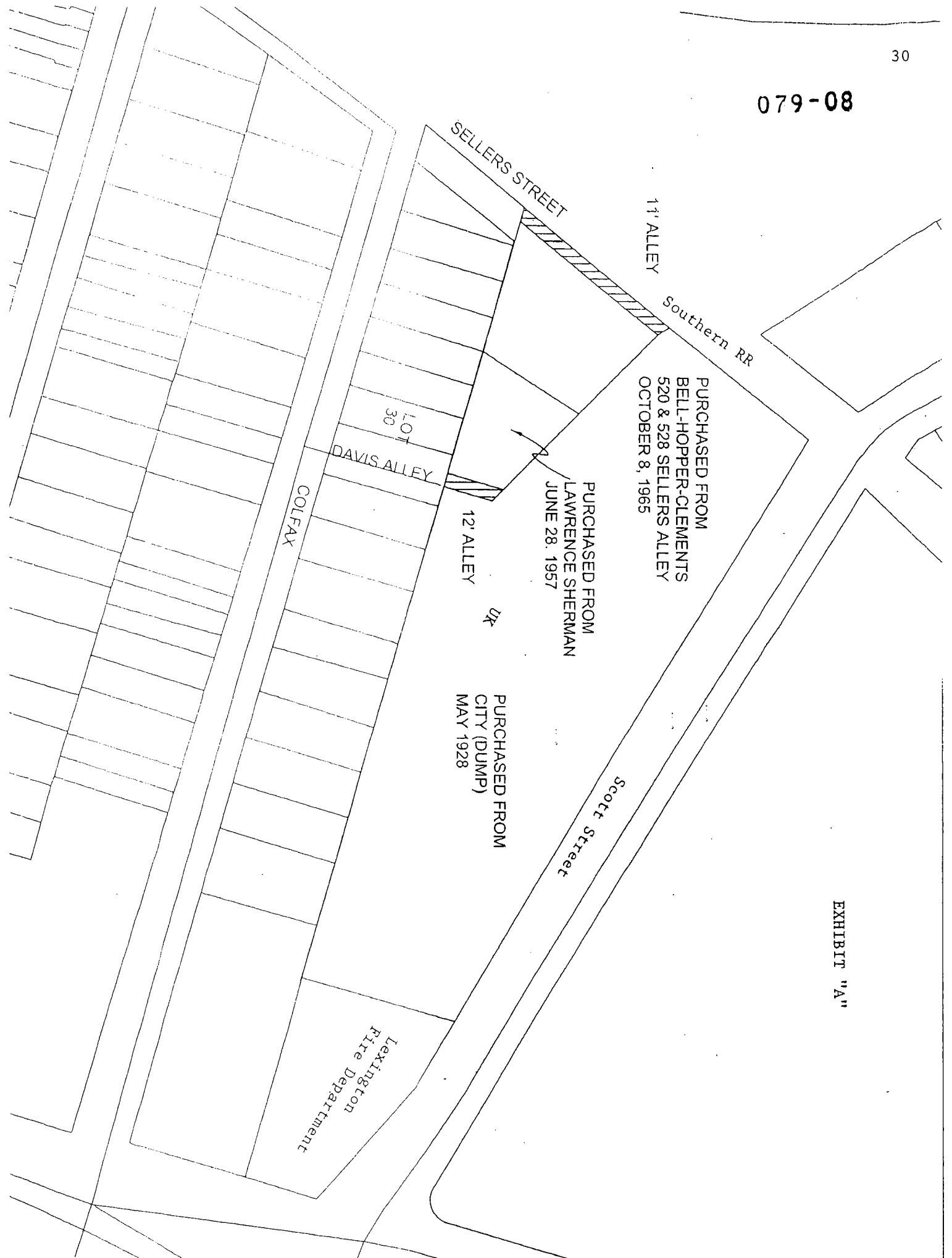


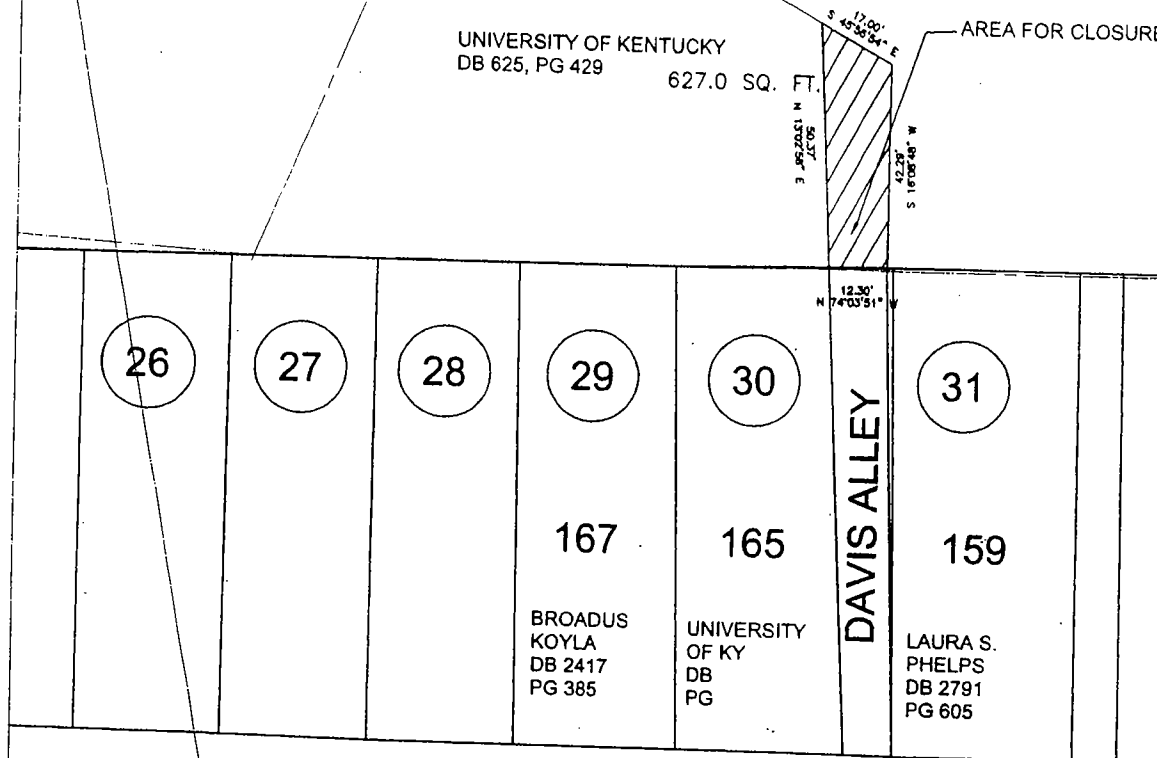
EXHIBIT "A"

079-08

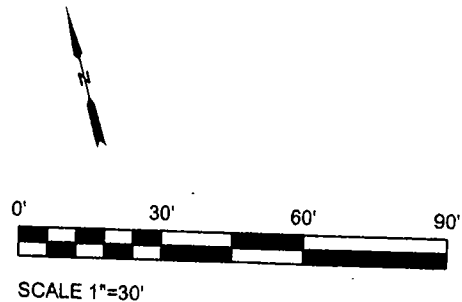
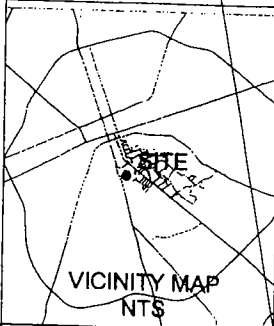
UNIVERSITY OF KENTUCKY
DB 250, PG 371UNIVERSITY OF KENTUCKY
DB 625, PG 429

627.0 SQ. FT.

AREA FOR CLOSURE



COLFAX STREET



REQUEST FOR CLOSURE DAVIS ALLEY UNIVERSITY OF KENTUCKY

THE PURPOSE OF THIS MAP IS TO SHOW THE LOCATION OF THE PARTIAL CLOSURE OF DAVIS ALLEY. THIS PORTION OF THE ALLEY IS CONTAINED WITHIN PROPERTIES OWNED BY THE UNIVERSITY OF KENTUCKY. THE REMAINING PORTION OF DAVIS ALLEY IS TO REMAIN OPEN AND ACCESSIBLE TO THE ADJOINING PROPERTIES.

PROPERTY LINES AND RIGHT OF WAYS SHOWN DO NOT REFLECT AN ACTUAL SURVEY. BEARINGS AND DISTANCES HAVE BEEN ESTABLISHED USING UNIVERSITY OF KENTUCKY AERIAL MAPS. THIS MAP HAS BEEN PREPARED BY:

DAVID F. KAISER P.E., PLS.
PLS #2654

DATE



34 1-08 32

Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Office of the Senior Advisor for Management

MEMORANDUM

To: Mayor Jim Newberry
Joseph Kelly, Sr. Advisor for Management
Urban County Councilmembers

From: Charlie Boland, Administrative Officer Sr.

Date: June 10, 2008

Re: Closure of Portion of Deerhaven Lane Right-of-Way

This is to request closure of a 5-foot wide section of Deerhaven Lane right-of-way in front of properties at 1145, 1149, 1153, 1157, 1161, and 1165 Deerhaven Lane. The right-of-way dedicated is wider than required, so the owner of these properties has requested this action, and has signed the required Consent Certificate indicating they will accept responsibility for their portion of the right-of-way once it is closed. A survey indicating the small portion of street to be closed is attached.

The appropriate divisions of government and the utility companies have reviewed and consented to the closure also, subject to preserving easements for any existing facilities. Therefore, I request Council authorization of the street closure as presented and execution of all related documents. Please address any questions to me in advance, or at the Council Work Session when this item appears for action. Thank you.

HORSE CAPITAL OF THE WORLD

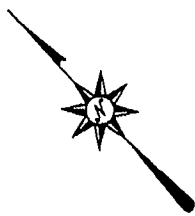
200 East Main Street

Lexington, KY 40507

859-258-3155

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40 20 0 40
APPROXIMATE SCALE IN FEET



WARGRAVE WALK 341-08³

DEERHAVEN LANE

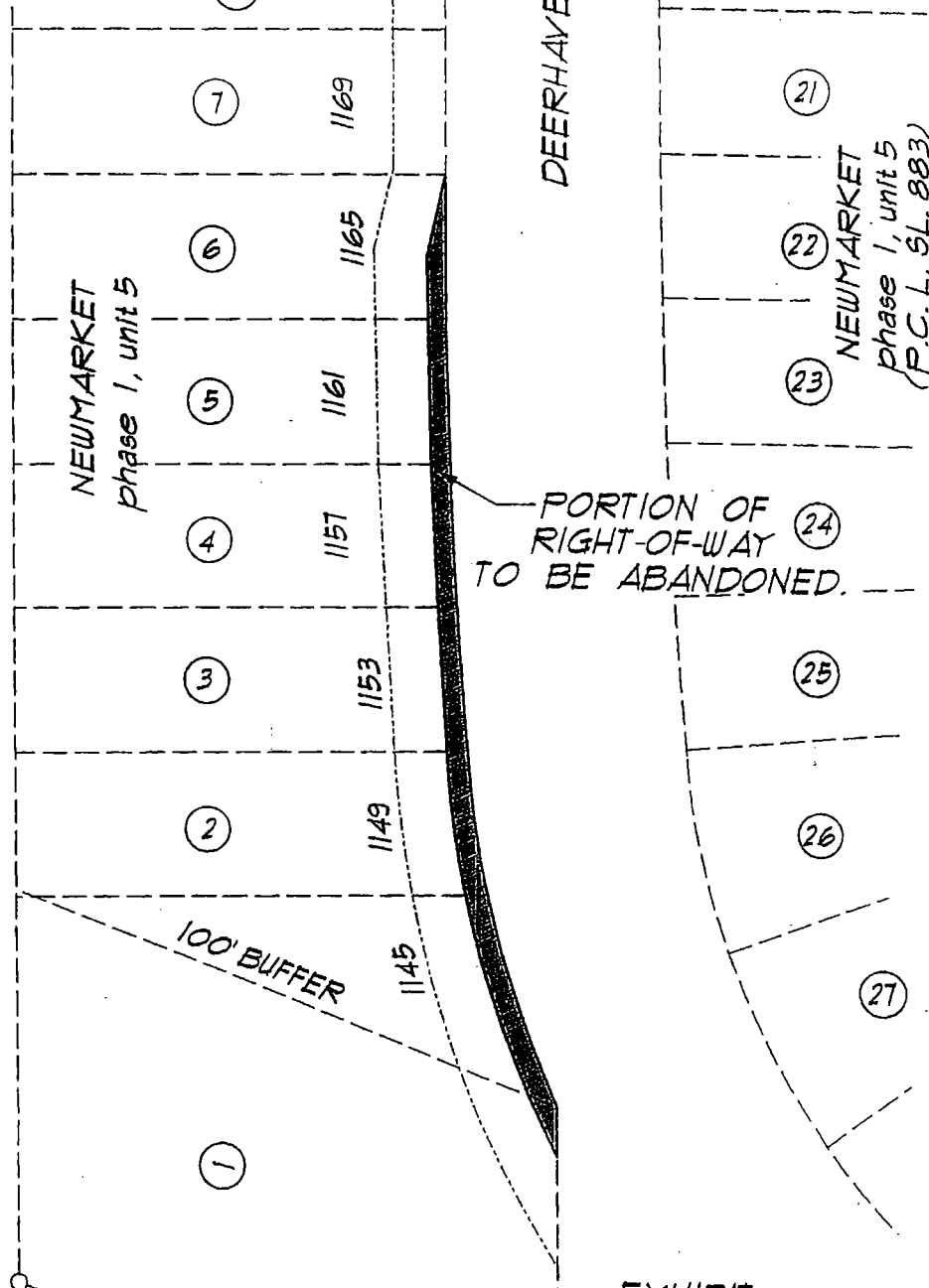


EXHIBIT
ABANDONMENT OF
RIGHT-OF-WAY
DEER HAVEN LANE
APRIL 2006

INTERSTATE 75

EA Partners, PLLC

CIVIL ENGINEERS • LAND SURVEYORS • LANDSCAPE ARCHITECTS
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LEXINGTON, KENTUCKY 40513 • LEXINGTON, KY 40513
PHONE (606) 254-6600 • FAX (606) 254-6601
PACIFIC (800) 254-6601 • PACIFIC 124-1023

J:\9506\NEWMARKET\UNIT5\WORKING\U5_LAYOUT.DGN



334-08

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**

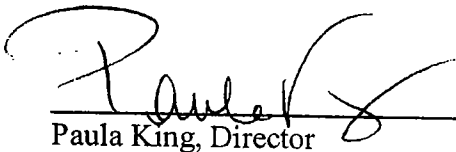
DATE: JUNE 5, 2008

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE
CONTRACT MODIFICATION WITH THE KENTUCKY OFFICE
OF THE 911 COORDINATOR/COMMERCIAL MOBILE RADIO
SERVICE BOARD FOR IMPROVEMENTS TO THE REGIONAL
911 SYSTEM**

On December 11, 2007 (Ordinance No. 296-2007), Council approved the acceptance of state funds in the amount of \$147,457 from the Kentucky Office of Homeland Security for improvements to the regional 911 system. This project expires on June 30, 2008.

The Kentucky Office of 911 Coordinator/Commercial Mobile Radio Service Board has offered the Lexington Fayette Urban County Government a contract modification extending the project through November 30, 2008. No other changes are proposed.

Council authorization to execute contract modification is hereby requested.



Paula King, Director

Xc: Tim Bennett, Commissioner, Department of Public Safety

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335-08

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

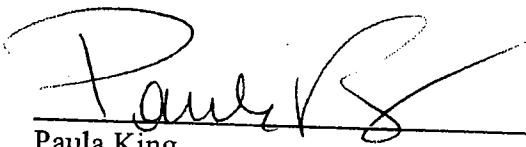
DATE: JUNE 6, 2008

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE
MODIFICATION TO AGREEMENT WITH KENTUCKY OFFICE
OF HOMELAND SECURITY FOR PURCHASE OF WIRELESS
SYSTEM FOR DIVISION OF FIRE AND EMERGENCY
SERVICES

On April 24, 2008 (Ordinance No. 80-2008), Council approved acceptance of federal funding in the amount of \$23,393 from the Kentucky Department of Homeland Security for a wireless system for Division of Fire and Emergency Services. This project expires on June 30, 2008.

The Kentucky Department of Homeland Security has offered the LFUCG a modification to the agreement providing for an expiration date of September 30, 2008.

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



Paula King
Director

Xc: Tim Bennett, Commissioner of Public Safety

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





336-08

Mayor Jim Newberry
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Division of Enhanced 9-1-1

June 5, 2008

TO: Mayor Jim Newberry and Urban County Council

FROM: David S Lucas, Director of Enhanced 9-1-1 

RE: Correct to Ordinance 87-2008, Purchase from Solacom

VIA: Tim Bennett, Commissioner of Public Safety

The Division of Enhanced 9-1-1 submitted and processed a sole source request for 9-1-1 routers and equipment for a regional 9-1-1 system obtained thru the use of KOHS grant funds. This request was approved as Ordinance 87-2008.

Although the specialized equipment is manufactured by Solacom, they do not provide such equipment directly to consumers. The Division of E911 mistakenly processed the documentation as a purchase from Solacom rather than correctly stating the Solacom equipment is purchased thru AK Associates, Solacom's authorized sales agent within the Commonwealth of Kentucky.

The request corrects this error.

The following documents are attached:

1. Administrative review form. (Blue sheet)
2. Individual equipment listing and cost sheet from AK Associates.
3. Ordinance 87-2008
4. Solacom's letter of clarification.

Please return completed documents to my attention for final disposition.

336-08

ORDINANCE NO. 87-2008

AN ORDINANCE AUTHORIZING THE DIVISION OF ENHANCED 9-1-1 TO PURCHASE TWO 9-1-1 ROUTERS AND ASSOCIATED EQUIPMENT, LICENSES, SOFTWARE AND SUPPORT FROM SOLACOM TECHNOLOGIES, INC., A SOLE SOURCE PROVIDER, FOR IMPLEMENTATION OF A REGIONAL 911 SYSTEM, AT A COST NOT TO EXCEED \$195,835.00, AND APPROPRIATING FUNDS PURSUANT TO SCHEDULE NO. 164.

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

Section 1 - That the Division of Enhanced 9-1-1 is hereby authorized to purchase two 9-1-1 routers and associated equipment, licenses, software and support from Solacom Technologies, Inc., a sole source provider, for implementation of a regional 911 system, pursuant to the Purchase Request, which is attached hereto and incorporated herein by reference.

Section 2 - That certain of the Budgets of the Lexington-Fayette Urban County Government are amended and funds are appropriated pursuant to Budget Schedule No. 164, which is attached hereto and incorporated herein by reference.

Section 3 - That an amount, not to exceed the sum of \$195,835.00, be and hereby is approved for payment to Solacom Technologies, Inc. from the following accounts #3200-505603-96200 (\$98,304.00), #3400-505603-96200 (\$84,903.00), 3400-505603-71200 (\$2,590.00), and #3400-505603-76100 (\$10,038.00), pursuant to the terms of the Purchase Request.

Section 4 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: April 24, 2008

MAYOR

ATTEST:

Susan Lamb
CLERK OF URBAN COUNTY COUNCIL

PUBLISHED: April 30, 2008-lt

336-08

Associates 911 Inc.
 Independence Ave.
 Derry, New Hampshire 03038
 Phone: 603-432-5755

Selective Routing/ VoIP Quotation

Customer: LFUCG

Address: Lexington Police and Fire Department
 Lexington, Kentucky

Attention: David Lucas

EIN: n/a

Comments: Quote is for two redundant systems

Date: May 25, 2007

Quote Number: 070525-05-RV Page 1 of 2

Quote valid until

No.	Qty	Item Description	Unit Price USD	Extended Price
System				
1	2	IQ1500L-Gateway Includes 6 slot cPCI I/O shelf, 24 port rack mount ethernet switch.	\$7,262.50	\$14,525.00
2	4	T1 Trunk Interface Kit Includes 16 span T1 interface card, rear transition module, 3200 MIPS DTMF Mezzanine, VSOS license, PRI signalling, shielded IQI to dual CHAMP cable, RJ48 patch panel, 2 ethernet cable.	\$14,595.00	\$58,380.00
3	2	VOIP Trunk Interface Kit VoIP Trunk interface and rear transition module, includes VSOS port licenses, (512 port G.711 / 400 port G.729) and 4 ethernet cables	\$17,897.50	\$35,795.00
	2	Installation, Travel and Lodging	\$1,295.00	\$2,590.00
4	2	IQGateway Selective Router Application Software Versatel IQGateway Selective Router application licensed for 768 ports.	\$9,531.00	\$19,062.00
5	2	VSOS Base License VSOS Base License (requires 1 for simplex; 2 for duplex- redundant)	\$3,500.00	\$7,000.00
6	2	Application Server- Windows Application Server- Windows (Simplex) - IQSelectiveRouter 2U, Dual processor, 1024MB, Dual 80 GIG HD with Remote Admin, 3rd Brigade DPI, Etrust AV	\$7,800.00	\$15,600.00
7	2	Admin Server Assembly (Windows) Admin Server Assembly (Windows) - Admin Server 1U, Single Processor, 1024 MB, Dual 80 GB, Remote Admin, 3rd Brigade DPI, Etrust AV	\$3,500.00	\$7,000.00
8	2	KVM & 8 port Switch Combo Combined rack mount LCD Monitor, Keyboard, track Ball and 8 port electronic Switch	\$3,085.00	\$6,170.00
9	2	10U cabinet enclosure for IQ Gateway SR Used on Iqgateway SR - optional enclosure	\$1,097.50	\$2,195.00
10	2	Install Kit Includes Gigabit Ethernet Procurve Model 2124 Switch Gigabit Ethernet Procurve Model 2708 Switch	\$1,442.50	\$2,885.00
IQ Selective Router Section Sub-Total:				\$171,202.00

336-08

Quote Number: 070525-04-RV Page 2 of 2

Quote valid until

\$39,257.00

No.	Qty	Item Description	Unit Price	Extended Price
<u>Maintenance and Spares</u>				
1	2	Annual System Support Annual System Support, one year from date of Acceptance, Includes hardware and software, RMA, 7/24 telephone support as per support contract	\$5,019.00	\$10,038.00
2	2	T1 Trunk Interface Kit (Spare Module) Includes 16 span T1 interface card, rear transition module, 3200 MIPS DTMF Mezzanine, VSOS license, PRI signalling, shielded IQI to dual CHAMP cable, RJ48 patch panel, 2 ethernet cable.	\$14,595.00	\$29,190.00
Total Services				\$39,228.00



336-08

June 5, 2008

Attn: Theresa Maynard
Lexington Fayette Urban County Government
200E Main Street
Lexington, Kentucky
40507

This letter is to inform you that PO LF00040830 to Vendor Solacom Technologies will need to have the Vendor name changed to AK Associates, 7 Independence Ave, Derry, NH 0303. AK Associates is our sales agent for Lexington, Kentucky and the equipments listed on the PO must be order and billing arrangements must be made through AK Associates. Solacom will not sell directly in Lexington KY. AK Associates is our authorized sales agent for Lexington, KY.

Thanks you for understanding,

A handwritten signature in black ink, appearing to read "RV", written over a horizontal line.

Raymond Vilis
Vice President iTel Business Unit
SolaCom Technologies Inc.



332-08

Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Department of Law

TO: Jim Newberry, Mayor
Councilmembers

FROM: Department of Law

DATE: June 3, 2008

RE: Amended Purchase of Service Agreement with the Downtown Lexington
Corporation
Log No. 08-CC0525

Pursuant to a Purchase of Service Agreement, the Urban County Government provides office space to the Downtown Lexington Corporation ("DLC") at 101 E. Vine Street. The DLC has asked that the Purchase of Service Agreement be amended to permit it to conduct a charity raffle from the premises. Specific authorization by the landlord is required for compliance with the State Administrative Regulations for obtaining a charitable gaming license. There is no cost to the Urban County Government.

Michael R. Sanner
Attorney Sr.

This memorandum is intended to remain confidential pursuant to the attorney-client privilege as it contains privileged or confidential information.

X:\Cases\DOWNTOWN\08-CC0525\MEMO\00165476.DOC

HORSE CAPITAL OF THE WORLD

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****Please note new mailing address**



333-08

Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Department of Law

TO: Jim Newberry, Mayor
Members, Urban County Council

FROM: Department of Law

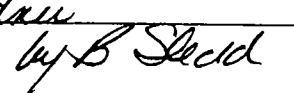
DATE: June 5, 2008

RE: Quitclaim Deed for Detention Area
928 Calypso Breeze Drive

This memo is to request a Resolution authorizing the Mayor to sign a Quitclaim Deed as grantee for a detention area at 928 Calypso Breeze Drive.

The detention area has previously been dedicated for public use by plat and has been reviewed and approved for acceptance and maintenance by the Division of Engineering.


Edward W. Gardner
Corporate Counsel



Enclosure

cc: Joe Kelly, Mayor's Office
Council Office
Hillard Newman
Tim Koch

G:EWG/mem060508quitclaimdeed
00167585.doc

HORSE CAPITAL OF THE WORLD



338-08

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: JUNE 9, 2008

SUBJECT REQUEST COUNCIL AUTHORIZATION TO RETAIN THE FIRM M2D DESIGN GROUP FOR THE ADMINISTRATION OF CORRIDOR ENHANCEMENT GRANT FOR NEWTOWN PIKE LANDSCAPING PROJECT

The Kentucky Transportation Cabinet has awarded the LFUCG federal funds for the Newtown Pike Landscaping Project which will enhance the corridor via landscaping and stone fence repair and construction from Main Street north to Iron Works Pike, giving special landscaping treatment to the I-75/Newtown Pike intersection. Approximately 950 trees will be planted and over 1000 linear feet of fence will be constructed or repaired. Council approved acceptance of these federal funds on May 8, 2008 (Ordinance No. 96-2008).

RFP No. 13-2008 was issued on March 20, 2008, soliciting proposals for the Administration of Corridor Enhancement Grant for Newtown Pike. Two proposals were received. A selection committee made up of representatives from the Mayor's Office, Divisions of Planning, Engineering, and Streets, Roads, and Forestry, and the Corridors Committee reviewed the proposals and selected M2D Design Group because of their understanding of the project, experience, and lower price.

M2D Design Group has agreed to perform all work elements outlined in the RFP for the price of \$26,000. This includes design and construction documents, bid packages, obtaining encroachment permits, selection of qualified vendors, management of construction and installation of landscaping and street furniture, and working with the Corridors Committee, the Kentucky Transportation Cabinet, property owners, and LFUCG elected officials in administering the project.

Funds are budgeted as follows:

FUND	DID	SECT	ACCOUNT	BUD REF	PROJECT	ACTIVITY
3160	134201	1423	90310	2008	NEWTOWN_LANDSC	DEFAULT

Council authorization to retain M2D Design Group in the amount of \$26,000 for Administration of Corridor Enhancement Grant for Newtown Pike Landscaping Project is hereby requested.



Paula King, Director

Xc: Rebecca Langston, Council Administrator

HORSE CAPITAL OF THE WORLD200 East Main Street 6th Fl Lexington, KY 40507 (859)258-3070 (859)258-3081 fax www.lfucg.com