LEXINGTON-FAYETTE URBAN COUNTY COUNCIL

WORK SESSION AGENDA

November 25, 2008

I. Public Comment – Issues on Agenda

II. Requested Rezonings / Docket Approval – No

III. Approval of Summary-Yes, November 18, 2008, pp.4-8

IV. Budget Amendments – No

V. New Businesspp.11-21

VI. Continuing Business / Presentations

A. Planning Committee Update, pp.22-23

B. LFUCG Energy Efficiency Annual Award for 2008
Thomas Webb, Environmental Compliance Coordinator

D. Preston-Osborne Study Update
Renee Jackson, Director, DLC

VII. Council Report

VIII. Mayor's Report – No

IX. Public Comment – Issues Not on Agenda

ADMINISTRATIVE SYNOPSIS

New Business Items

A. Authorization of a Facility Usage Contract with the Fayette County Board of Education (FCBE) on Behalf of the Department of General Services, Division of Parks and Recreation for Rental of the Bryan Station High School Gymnasium and Football Field for the Cheerleading and Football Programs. (632-08) (Hancock/Cole)
This request will authorize a Facility Usage Contract with the FCBE for $1,136.50 on behalf of the Division of Parks and Recreation for rental of the Bryan Station High School Gymnasium on November 8, 2008 and the Football Field on November 16, 2008 for the Cheerleading and Football programs. Funds are budgeted.**pp.11-12**

B. Authorization to Approve the Revised Accounting for Resolution No. 590-2008 (636-08) (Loney/Cole)
This request will authorize revised accounting for Resolution No. 590-2008 from 2518-303101-96968 to 1115-707301-0001-96968 for accepting the bid of Kron International Trucks DBA Bluegrass International in the amount of $136,202.45, for a knuckle boom truck for the Division of Facilities and Fleet Management.**pp.13-14**

C. Authorization of an Agreement with Kentucky Utilities Co., on Behalf of the Department of Public Works and Development for the Liberty / Todds Road Widening and Reconstruction Project. (633-08) (P. King/Webb)
This request will authorize an Agreement with Kentucky Utilities Co., on behalf of the Department of Public Works and Development for the relocation of utilities constructed and maintained by Kentucky Utilities within the 400-foot area northwest of intersection of Man O' War Boulevard and Todds Road to Andover Forest Drive for widening under the Liberty / Todds Road Widening and Reconstruction Project. The Project is funded by federal and state funds from the Kentucky Transportation Cabinet. The estimated cost of this relocation is $27,348.27. Funds are budgeted.**p.15**

D. Authorization of an Agreement with Kentucky American Water Co., on Behalf of the Department of Public Works and Development for the Liberty / Todds Road Widening and Reconstruction Project. (634-08) (P. King/Webb)
This request will authorize an Agreement with Kentucky American Water Co., on behalf of the Department of Public Works and Development for the relocation of utilities constructed and maintained by Kentucky American Water within the 400-foot area northwest of intersection of Man O' War Boulevard and Todds Road to Andover Forest Drive for widening under the Liberty / Todds Road Widening and Reconstruction Project. The Project is funded by federal and state funds from the Kentucky Transportation Cabinet. The estimated cost of this relocation is $462,540. Funds are budgeted.**p.16**

E. Authorization to Amend Resolution 321-2008 to Winburn Neighborhood Association from $5,000 Capital Funds for Neighborhood Sign and Sidewalk Replacement to $2,200 for Neighborhood Sign. (635-08) (Langston)
This request will authorize the amendment of the use and amount of capital funds from $5,000 to $2,200 for Winburn Neighborhood Association in Resolution 321-2008. The previous purpose/use was for a neighborhood sign and sidewalk replacement. The sidewalk replacement will not be made due to the lack of sidewalk replacement success in the neighborhood.**pp.17-18**

F. Authorization to Close One-Lane Connector Road Right-of-Way from Richmond Road to South Eagle Creek Drive. (637-08) (Boland/Kelly)
This request will authorize closure of a one-lane connector road from Richmond Road to South Eagle Creek Drive. This request is in conjunction with a planned development project and is in accordance with the Council approved Richmond Road Traffic Safety and Movement Plan and the Richmond Road Landscape Ordinance. The eastern half has been closed by previous action and this action would close the right-of-way in its entirety.**pp.19-20**

G. Authorization to Submit Application and Accept Award, If Offered, from the Kentucky Justice & Public Safety Cabinet Under the Violence Against Women Act Program for the Purchase of New Equipment for the SANE Program in FY09. (639-08) (King/Bennett)
This request will authorize submission of an application and acceptance of the award if offered from the Kentucky Justice Cabinet for federal funds in the amount of $18,934 from the Violence Against Women Act (VAWA) Program. The funds are for the purchase of a new colposcope for the Sexual Assault Nurse Examiner Program. The total cost is estimated at $25,500. Local funds to match this project in the amount of $6,566 will be taken from unused match in the 2008 SANE project.**p.21**

URBAN COUNTY COUNCIL

WORK SESSION SUMMARY

& TABLE OF MOTIONS

November 18, 2008

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

I. Public Comment – Issues on Agenda-None

II. Requested Rezonings / Docket Approval

A motion by CM Blues to place on the docket for November 20, 2008, without a public hearing, an ordinance changing the zone from a High Density Apartment (R-4) zone to a Wholesale and Warehouse Business (B-4) zone, for 6.73 net (9.59 gross) acres, for property located at 201 Price Road, subject to certain use restrictions imposed as conditions of granting the zone change. (Lexington Lofts, LLC), seconded by CM Blevins, passed without dissent.

A motion by CM Blues to place on the docket for a special meeting public hearing for January 13, 2009 at 6 pm, an ordinance changing the zone from a Neighborhood Business (B-1) zone to a Wholesale and Warehouse Business (B-4) zone, for 208650 net (3.4609 gross) acres, for property located at 1447 Antique Drive, subject to certain use and buffering restrictions imposed as conditions of granting the zone change. (Southern Industrial, LLC), seconded by CM Crosbie, passed without dissent.

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

III. Approval of Summary

A motion by CM Stevens to approve the summary of 11/18/08, seconded by CM Ellinger, passed without dissent.

IV. Budget Amendments

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

V. New Business

A. Authorization to Approve Thomson West as Vendor for the Department of Law for Legal Publication and On-Line Research. (618-08) (Sledd/Askew)

B. Authorization to Submit Application to Kentucky Office of Homeland Security on Behalf of the Department of Public Safety, Division of Police, under the Law Enforcement Protection Program – FY2009. (617-08) (P. King/ Bennett)

C. Authorization of a Biometrics Maintenance and Support Agreement with Motorola, Inc. on Behalf of the Department of Public Safety, Division of Police, Regarding the LiveScan Portable Station (LSS-P). (625-08) (Bastin/Bennett)

D. Authorization of an Agreement with the Young Men's Christian Association (YMCA) of Central Kentucky, Inc. to Participate in the 21st Century Community Learning Center Program. (623-08) (P. King/Helm)

E. Authorization to Submit an Application to the US Department of Health and Human Services on Behalf of the Department of Social Services, Family Care Center's Children's Clinic, for the Continuation of the Healthy Tomorrows Project – FY2009 (627-08) (P. King/Helm)

F. Authorization to Amend Resolution No. 510-2008 to Restrict Automobile Traffic Year-Round on Cheapside Street. (619-08) (Boland/Kelly)

G. Authorization of a Rental Agreement for the Bluegrass Ballrooms and Thoroughbred Rooms with the Lexington Center Corporation for the 2009 Minority Business Expo and Conference. (622-08) (Wright/Kelly)

H. Authorization of a Purchase of Service Agreement (PSA) with Commerce Lexington, Inc. (628-08) (Wright/Kelly)

I. Authorization for an Amended Deed of Easement – Sanitary Sewer with the Jessamine-South Elkhorn Water District (JSEWD) on Behalf of the Department of Environmental Quality, Division of Water Quality. (620-08) (Martin/Taylor)

J. Authorization of a Site Specific Agreement with the Jessamine-South Elkhorn Water District (JSEWD) and Collins Ford of Lexington LLC, on Behalf of the Department of Environmental Quality, Division of Water Quality. (621-08) (Martin/Taylor)

K. Authorization to Approve the Temporary Housing Occupant Agreement Format for Use Between LFUCG and Displaced Residents of the Newtown Pike Extension Project Mitigation Area and Approve the Mayor to Sign Agreements as Needed. (624-08) (Rayan/ Webb)

L. Authorization of Amendment No. 2 to Engineering Services Agreement with CDP Engineers, Inc. Regarding the West Hickman Trail Project. (626-08) (P. King/Webb)

M. *Authorization to Approve Proposed Ordinance Regarding the Stormwater Service Charges and Fees to be Effective April 1, 2009. (629-08) (Taylor)

N. Authorization to Approve the Phoenix Park / Courthouse District Tax Increment Financing (TIF) and the Lexington Distillery District TIF. (630-08) (Askew)

A motion by CM Stinnett to move item M into a task force for up until 60 days, seconded by CM Ellinger, passed without dissent.

A motion by CM Stinnett to postpone the Stormwater Management Fee presentation, seconded by CM Ellinger, passed with a 13-2 vote.

A motion by CM Blevins to split item N for the November 20 docket; N will represent the Phoenix Park/Courthouse District TIF and O represents the Lexington Distillery District TIF, seconded by CM Gorton, passed without dissent.

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

A motion to approve item N as the Phoenix Park/Courthouse District TIF passed by a 9-6 vote.

A motion to approve item O as the Lexington Distillery District TIF passed with 1 recusal: CM Lane.

VI. Continuing Business / Presentations

A. Intergovernmental Committee Update

CM DeCamp gave this update. No motions came forward.

B. Stormwater Management Fee Implementation

This presentation was postponed because the new business item regarding it was placed in a task force for up to 60 days.

C. LexTran Presentation

This presentation was done by Rocky Burke, GM of LexTran. Several CMs spoke; some expressing concern about para transit and other comments about the Art in Motion program.

VII. Council Report

CM Gorton-Reminded CMs of the Newtown Pike Update workshop at 5:30 pm today.

CM Blevins-A motion by CM Blevins to approve the NDF list for 11/18/08, seconded by CM Gorton passed without dissent.

CM James-A motion by CM James to bring forward the Standing Committee Review subcommittee report to the COW on 11/25/08, seconded by CM Myers passed without dissent.

CM Stevens-Stated that at the next Budget & Finance meeting to be held on 11/25/08, there will be a report from the Equine Task Force; also mentioned how excited he was about the attendance at Emmanuel Baptist Church regarding installing sidewalks on Tates Creek Rd-between Lakewood and New Circle; stated that he was grateful for the article by Michelle Ku for getting the information out to our citizens; CM Stevens stated that he will be bringing a resolution forward on this issue.

CM Henson-Announced that Holiday Hills and Valley Heights NA will meet tonight at 7 pm at the Valley Park Shelter; Thursday at noon, the Cardinal Crossings Apt .Mgrs. Assoc. will meet-please bring your lunch; also stated that the Labyrinth at Port Royal has been completed; very unique and CMs should try to see it since NDF money was donated.

CM Crosbie-Spoke about the increased Sanitary Sewer fees that were implemented earlier this year. She then asked the question: because of the large deficit, if the money has not been spent, only budgeted, why should we have a sunset clause?

CM Lane-Brought up the issue of our collective bargaining agreements. A discussion occurred. A motion was made by CM Lane and then a different one by CM Ellinger.

A motion by CM Lane to approve a resolution establishing the procedure for approval of collective bargaining agreements by the Lexington Fayette Urban County Council, seconded by CM Stevens was made.

A motion by CM Ellinger to table to previous motion on collective bargaining, seconded by CM Beard, failed by a 6-8 vote.

The original motion came back to the floor and was a tied vote (CM James was absent). Mayor Newberry voted in favor of the motion. The motion passed by an 8-7 vote.

CM Gorton announced that the workshop scheduled for today that was previously mentioned, has been cancelled.

VIII. Mayor's Report-Yes

A motion by CM Gorton to approve the Mayor's report, seconded by CM Blevins, passed without dissent.

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

A motion by CM Gorton to adjourn work session, seconded by CM Blevins, passed without dissent.

Work Session adjourned at 5:27 p.m.

NEW BUSINESS ITEMS REQUIRING BUDGET AMENDMENTS

November 25, 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		
639-08	BA 1859	Community Development	To reduce grant match and expense for 2008 SANE project for the purpose of having grant match for the colposcope purchase project. Excess match was budgeted in the 2008 SANE budget.		
G				3140	6,566
				3140	6,566CR
					0*
639-08	BA 1862	Community Development	To establish grant budget for colposcope purchase for the Division of Police SANE project.		
G				3140	25,000
				3140	25,000CR
					0*

EFFECT ON FUND BALANCES

FUND 3140 **0* NO EFFECT ON: US DEPARTMENT OF JUSTICE**

Budget Information For New Business Items
November 25, 2008 Work Session

Item	Number	Amount	Fund	Name / Description
A	632-08	1,136.50	1101	General Service District – General Fund
B	636-08	136,202	1115	Urban Services District
C	633-08	27,348	3160	US Department of Transportation
D	634-08	462,540	3160	US Department of Transportation
E	635-08	NA		
F	637-08	NA		
G	639-08	25,500	3140	US Department of Justice Budget Journal

632-08

Jim Newberry, Mayor
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Division of Parks & Recreation
Jerry Hancock, Director

MEMORANDUM

To: Jim Newberry, Mayor
Urban County Council Members
Joe Kelly, Senior Advisor to the Mayor

FROM: Jerry Hancock

RE: Facility Usage Contract

DATE: November 6, 2008

This is a request for Council approval of a Facility Usage Contract between the Fayette County Board of Education and the LFUCG Parks and Recreation.

This Facility Usage Contract is for the purpose of using FCPS facilities for our Cheerleading and Football programs for rental of the Bryan Station High School Gym on November 8, 2008 and Bryan Station High School Football Field on November 16, 2008.

Please contact me if there are any questions.

CC: Kimra Cole, Commissioner of General Services

JEH/bac

632-08

HIGH SCHOOL

10/30/2008

"It's About Kids"

EXHIBIT A

THIS IS NOT A BILL – INVOICE TO FOLLOW

DESIGNATION OF FACILITY/GROUNDS, PERSONNEL AND EQUIPMENT

APPLICANT: Lexington-Fayette Urban Co. Government (Parks & Recreation)

USAGE FEE: **$1,136.50**

FACILITY: Bryan Station High

DATE(S) & TIME(S): Saturday, November 8, 2008 -- 1:00-5:00 pm -- Gym
Sunday, November 16, 2008 -- 1:00-6:00-pm -- Football Field

AREA(S) TO BE USED	NO. AREAS	NO. HOURS PER AREA	TOTAL NO. HOURS	HOURLY UTILITY / MAINTENANCE FEE	TOTAL UTILITY / MAINTENANCE COST
Classroom / Library	0	0	0	$18.75	$0.00
Auditorium	0	0	0	$39.00	$0.00
Cafeteria	0	0	0	$39.00	$0.00
Kitchen	0	0	0	$20.50	$0.00
Gymnasium	1	4	4	$54.75	$219.00
Football Field	1	5	5	$112.50	$562.50
Running Track	0	0	0	$47.00	$0.00
Baseball Field	0	0	0	$30.00	$0.00
Softball Field	0	0	0	$30.00	$0.00
Other	0	0	0	$15.75	$0.00
Subtotal	-----	-----	-----	-----	***$781.50***
DISTRICT EMPLOYEES (If Applicable)	**NO. EMPLOYEES**	**NO. HOURS PER EMPLOYEE**	**TOTAL NO. HOURS**	**HOURLY PERSONNEL FEE**	**TOTAL PERSONNEL COST**
Custodian(s)	1	10	10	$35.50	$355.00
Food Service Manager(s) II	0	0	0	$37.00	$0.00
Technical Support Staff	0	0	0	$39.75	$0.00
Law Enforcement Officer(s)	0	0	0	$46.50	$0.00
Other	0	0	0	$0.00	$0.00
Subtotal	-----	-----	-----	-----	***$355.00***
Total	-----	-----	-----	-----	***$1,136.50***
ADDITIONAL RENTAL FEES (If Applicable)	*0*	*0*	*0*	*$0.00*	*$0.00*
Grand Total	-----	-----	-----	-----	***$1,136.50***

COMMENTS: To include PA system for both events; 2-4 tables with chairs for 11/8/08 event

636-08

Jim Newberry, Mayor

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Division of Fleet Services

To: Mayor Jim Newberry
Urban County Council Members
Joseph Kelly

From: David Loney, Acting Deputy Director Fleet Services

Date: November 17, 2008

RE: Approval to revise the accounting for Resolution No. 590-2008

The Urban County Council passed Resolution No. 590-2008 on October 23, 2008. The Resolution was for accepting the bid of Kron International Trucks DBA Bluegrass International, in the amount of $136,202.45, for a knuckle boom truck for the Division of Facilities and Fleet Management. (see attachment)

The accounting of 2518-303101-96968 was incorrectly provided for the $136,202.45 to be charged against. The correct accounting is 1115-707301-0001-96968. Therefore I am requesting that the Urban County Council approve revising Resolution No. 590-2008 to reflect 1115-707301-0001-96968 as the correct accounting for the purchase of the knuckle boom truck.

cc. Kimra Cole, Commissioner of General Services
Brian Marcum, Director of Central Purchasing

636-08

RESOLUTION NO. 590 -2008

A RESOLUTION ACCEPTING THE BID OF KRON INTERNATIONAL TRUCKS DBA BLUEGRASS INTERNATIONAL, IN THE AMOUNT OF $136,202.45, FOR A KNUCKLE BOOM TRUCK, FOR THE DIVISION OF FACILITIES AND FLEET MANAGEMMENT.

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

Section 1 - That the bid of Kron International Trucks dba Bluegrass International, in the amount of $136,202.45, for a Knuckle boom truck, for the Division of Facilities and Fleet Management, be and hereby is accepted and approved as to the specifications and amounts set forth in the terms of the bid, which is attached hereto and incorporated herein by reference.

Section 2 - That an amount, not to exceed the sum of $136,202.45, be and hereby is approved for payment to Kron International Trucks dba Bluegrass International, from account #2518-303101-96968, pursuant to the terms of the bid.

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

PASSED URBAN COUNTY COUNCIL: October 23, 2008

Jim Newberry

MAYOR

ATTEST:

Susan Lamb

CLERK OF URBAN COUNTY COUNCIL

PUBLISHED: October 29, 2008-1t

DJB: X:\Cases\FLEET\08-LE0025\LEG\00181790.DOC

633-08

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: NOVEMBER 12, 2008

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE AGREEMENT WITH KENTUCKY UTILTIES CO., FOR RELOCATION OF UTILITIES FOR THE LIBERTY/TODDS ROAD RECONSTRUCTION PROJECT

On August 26, 1999 (Ordinance No. 236-99), the Urban County Council approved the acceptance of federal and state funds from the Kentucky Transportation Cabinet for Section I of the Todd Road/Liberty Road Widening and Reconstruction Project. On July 11, 2006 (Resolution # 478-2006), Council approved the execution of Supplemental Agreement No. 1, providing for right-of-way acquisition and utility relocation for the project.

An agreement has been negotiated with Kentucky Utilities Co., for relocation of utilities constructed and maintained by Kentucky Utilities Co., in the area where highway is to be reconstructed from 400 feet northwest of intersection of Man O War Boulevard and Todds Road to Andover Forest Drive, The agreement provides for Kentucky Utilities Co, to make and complete all necessary adjustments to its facilities to accommodate the proposed highway construction. The estimated cost of this relocation is $27,348.27.

Funds are budgeted as follows:

FUND	DID	SECT	ACCOUNT	PROJECT	BUD REF	ACTIVITY
3160	303201	0001	91715	LIBERTY RD_TODD	2000	DEFAULT

Council authorization to execute agreement with Kentucky Utilities Co. is hereby requested.

Paula King, Director

Xc: Mike Webb, Acting Commissioner of the Department of Public Works

634-08

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: **NOVEMBER 14, 2008**

SUBJECT: **REQUEST COUNCIL AUTHORIZATION TO EXECUTE AGREEMENT WITH KENTUCKY AMERICAN WATER COMPANY FOR RELOCATION OF UTILITIES FOR THE LIBERTY/TODDS ROAD RECONSTRUCTION PROJECT**

On August 26, 1999 (Ordinance No. 236-99), the Urban County Council approved the acceptance of federal and state funds from the Kentucky Transportation Cabinet for Section I of the Todds Road/Liberty Road Widening and Reconstruction Project. On July 11, 2006 (Resolution # 478-2006), Council approved the execution of Supplemental Agreement No. 1, providing for right-of-way acquisition and utility relocation for the project.

An agreement has been negotiated with Kentucky American Water Company for relocation of utilities constructed and maintained by Kentucky American Water Company in the area where highway is to be reconstructed from 400 feet northwest of intersection of Man O War Boulevard and Todds Road to Andover Forest Drive. The agreement provides for Kentucky American Water Company to make and complete all necessary adjustments to its facilities to accommodate the proposed highway construction. Relocation work consists of relocating a 24" main water line located on private right of way. The estimated cost of this relocation is $462,540.

Funds are budgeted as follows:

FUND	DID	SECT	ACCOUNT	PROJECT	BUD REF	ACTIVITY
3160	303201	0001	91715	LIBERTY RD_TODD	2000	DEFAULT

Council authorization to execute agreement with Kentucky American Water Company is hereby requested.

Paula King, Director

Xc: Mike Webb, Acting Commissioner of the Department of Public Works

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

F:\WP51\HCD\GRANTS\FEDERAL\US DEPT OF TRANSPORT\LIBERTY RD_TODD\9-004.doc

LEXINGTON-FAYETTE URBAN COUNTY COUNCIL

Memorandum

635-08

TO: Rebecca Langston
Council Administrator

FROM: Tom Blues
Tom Blues

DATE: November 5, 2008

SUBJECT: Capital Funds purpose/use amendment
Winburn Neighborhood Association

This capital request is to amend the use and amount of the capital funds for Winburn Neighborhood Association in Resolution 321-2008 in the amount of $5,000 to $2,200. The previous purpose/use of the capital funds were a neighborhood sign and sidewalk replacement, the neighborhood association has request this change.

The neighborhood association is working with LexArt to design the new neighborhood sign and should be complete with a couple of weeks. However, the sidewalk replacement has not been successful in the neighborhood and the neighborhood will not be doing this project.

The recipient's name and address:

Winburn Neighborhood Association
P. O. Box 12275
Lexington, KY 40581-2275
Attention: Lois J Byrd

635-08

- A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying a temporary construction easement from Cora Spence Carrick, for the property located at 1118 North Broadway, for the Twelfth Street Neighborhood Improvements Project, and authorizing payment in the amount of $975.00, plus usual and appropriate closing costs.
- A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and to accept a Deed for the property located at 805 Farra Court from R. Rogers Properties, LLC, for the Radcliffe Road Stormwater Improvements Project, and authorizing payment in the amount of $107,500.00, plus usual and appropriate closing costs.
- A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and to accept a Deed for the property located at 809 Farra Court from Deborah Coleman Wigginton, for the Radcliffe Road Stormwater Improvements Project, and authorizing payment in the amount of $111,581.19, plus usual and appropriate closing costs.

✓ 321-2008 - A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to the Agreement with Winburn Neighborhood Association, Inc. to reflect a change in the use of $5,000.00 of capital project funds from developing a corridor visioning plan to neighborhood sign and sidewalk replacement, at no additional cost to the Urban County Government.

✓ 322-2008 - A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to the Agreement with the Georgetown Neighborhood Association, Inc. to reflect a change in the use of $5,000.00 of capital project funds from developing a corridor visioning plan to sidewalk repair in Douglas Park, at no additional cost to the Urban County Government.

✓ 323-2008 - A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to the Agreement with the Oakwood Neighborhood Association, Inc. to reflect a change in the use of $23,500.00 of capital project funds from renovating a basketball court to renovating the Community Center at Oakwood Park, at no additional cost to the Urban County Government.

✓ 324-2008 - A Resolution amending Resolution No. 413-2006 relating to the Capital Expenditure Fund Program to delete authorization to execute an Agreement with the Masterson Station Neighborhood Association, Inc., and the accompanying allocation.

WALK-ONS

✓ 325-2008 - A Resolution accepting the bid of Exelon Energy Company,

637-08

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: November 18, 2008

Re: Closure of Connection Road from Richmond Road to South Eagle Creek Drive

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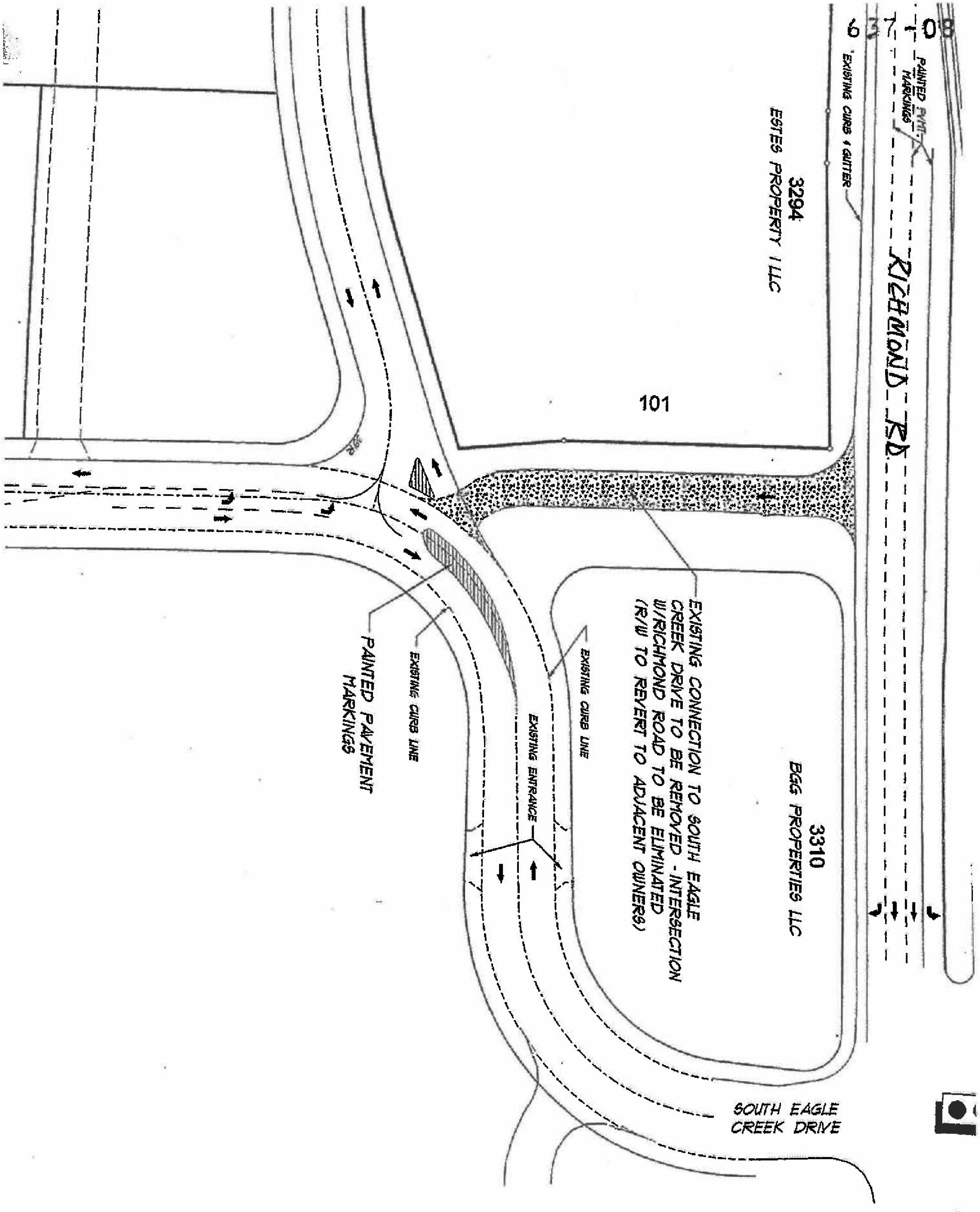
This is to request closure of a one-lane connector road from Richmond Road to South Eagle Creek Drive, as indicated on the attached exhibit. The closure is being requested in conjunction with a planned development project, and is in accordance with the Council Approved Richmond Road Traffic Safety and Movement Plan and the Richmond Road Landscape Ordinance. The eastern half of this right-of-way has been closed by previous action and this action would close the remaining half of the right-of-way. The requesting party owns the adjacent property, has executed the required consent certificate, and would receive the right-of-way to be closed in its entirety.

The appropriate divisions of government and the utility companies have reviewed and consented to the closure also, subject to retaining existing easements for their existing facilities and/or relocating them 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.



SANDLAKE ACCESS EXHIBIT

3200 RICHMOND RD.

LEXINGTON, FAYETTE COUNTY, KENTUCKY

EA Partners, P

CIVIL ENGINEERS • LAND SURVEYORS • LANDSCAPE

3111 WALL STREET
LEXINGTON, KENTUCKY 40513
PHONE (859) 296-9889
FACSIMILE (859) 296-9887

11800 BRINLEY AVEN
LOUISVILLE, KENTU
PHONE (502) 2
FACSIMILE (502)

639-08

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: **NOVEMBER 18, 2008**

SUBJECT: **REQUEST COUNCIL AUTHORIZATION TO SUBMIT APPLICATION AND ACCEPT AWARD, IF OFFERED, FROM THE KENTUCKY JUSTICE AND PUBLIC SAFETY CABINET UNDER THE VIOLENCE AGAINST WOMEN ACT PROGRAM FOR THE PURCHASE OF NEW EQUIPMENT FOR THE SANE PROGRAM IN FY 2009**

The Division of Police has prepared an application for submission to the Kentucky Justice Cabinet requesting federal funds in the amount of $18,934 from the Violence Against Women Act (VAWA) Program for the purchase of new forensics equipment for the Sexual Assault Nurse Examiner Program operated by the Division of Police for the purpose of providing a coordinative response to the victims of sexual assault.

The Division of Police is proposing the purchase of a new colposcope for the following reasons:

- The colposcope currently being used is almost 8 years old and the company that manufactured it is no longer in business. Therefore, technical support, repair, and replacement parts are no longer available.
- The adaptation of this colposcope from 35mm film (currently) to digital imaging is difficult and will not provide the quality imaging needed for successful prosecution. The Division of Police no longer processes 35mm film as of August 01, 2008. The processing of film for these cases by an outside source is not acceptable.
- The security of images with digital media has been challenged in the courts of other states and the resolution to that issue has been the development of software that will provide a history for each patient folder as well as any manipulation of images contained therein.

Total cost of the new colposcope is estimated at $25,500. Federal funds in the amount of $18,934 is being requested from the Kentucky Justice and Public Safety Cabinet. Local funds to match this project in the amount of $6566 will be taken from unused match in the 2008 SANE project.

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

Paula King, Director

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

URBAN COUNTY COUNCIL

PLANNING COMMITTEE SUMMARY

NOVEMBER 18, 2008

CM Gorton chaired the meeting, calling it to order at 1:00 p.m. All members were present plus CM Myers.

1. **Development Plan Adherence**

   This update was given by Chris King, Director of Dept. of Planning. This was a continuation from the October meeting. Several CMs asked questions. Dewey Crowe, Bill Sallee, Marwan Rayan, and Joe Kelly were also present to answer questions. The main issues seemed to be the process-having a master checklist and the implementation.

   Joe Kelly was encouraged to continue working on a new process. It was recommended that this issue stay in this committee until the January/February 2009 meeting(s).

2. **Land Bank**

   This update was given by Harold Tate, Lexington Downtown Development Authority. He will come back to the January 2009 meeting. Some CMs asked questions.

3. **Special Districts**

   Several CMs spoke on this issue. CM Myers stated that this issue was in regards to the H-1 Overlay process. It is pretentious, needs to be streamlined, and timely notifications given.

   CM Gorton stated that there is already a joint workshop scheduled between the Planning Commission and Planning Committee for 1/22/09.

   A motion by CM McChord to request on the workshop agenda the specific recommendations from staff and administration regarding an approved process for the H-1 Overlay that doesn't cut into another's role, seconded by CM Ellinger, passed without dissent.

4. **Zoning Violation Fines**

   Update was given by Chris King, Planning and Dewey Crowe, Building Inspection. Several CMs asked questions; including a question about whether our laws can be changed to increase penalties. The answer was that the laws were set by the state legislature and had not been updated in 20 years.

5. Newtown Pike Design Ordinance

This item postponed until January 2009 meeting.

6. Electrical Inspector's Fee Schedule

Mike Webb, Interim Commissioner, gave an update. He will come back to January 2009 meeting to hand out our own packet of comparative information.

7. Day Treatment Facility

This update was given by Commissioner Helm and Lisa Berman, Clinical Services Manager. Several CMs asked questions.

8. Items In Committee

No motions came from this item.

Meeting adjourned at 3:01 pm