LEXINGTON-FAYETTE URBAN COUNTY COUNCIL

WORK SESSION AGENDA

December 9, 2008

I. Public Comment – Issues on Agenda

II. Requested Rezonings / Docket Approval – Yes

III. Approval of Summary-Yes, December 2, 2008, pp.7-11

IV. Budget Amendments – Yes, pp.12-13

V. New Business, pp.16-46

VI. Continuing Business / Presentations

A. Services Committee, pp.47-48

B. Destination 2040 Presentation
Mr. Charlie Boland, Office of the Mayor

C. Interim Report - Police and Fire Retirement Task Force
Mr. Bill Lear, Attorney, Stoll Keenon Ogden PLLC

VII. Council Report

VIII. Mayor's Report – Yes

IX. Public Comment – Issues Not on Agenda

ADMINISTRATIVE SYNOPSIS

New Business Items

A. Authorization to Advertise Internally the Position of Public Service Supervisor Senior in the Division of Waste Management. (654-08) (Allen/ Koch)
This request will authorize the position of Public Service Supervisor Senior in the Division of Waste Management be advertised internally. LFUCG has a balanced Equal Employment Opportunity pool of internal candidates who could apply and are qualified for this position.**p.16**

B. Authorization of a Reimbursement Resolution for Fiscal Year 2008 – 2009 Bond Projects. (668-08) (Koch)
This request will authorize a Reimbursement Resolution for FY 2008 – 2009 in the amount of $10,051,300 to allow spending of additional bond projects. This Resolution will allow projects to move forward prior to the sale of the bonds. On the sale of the bonds, the General Fund will be reimbursed for expenses incurred for General Fund projects. The sewer projects in the amount of $50,000,000 will be paid from Sewer Funds and reimbursed on the sale of the bonds.**pp.17-18**

C. Authorization of Change Order No. 1 to Contract with Arnold Dugan and Meyers LLC Regarding the West Hickman Wastewater Treatment Plant (WWTP) Aerated Sludge Holding Tank Improvements. (656-08) (Martin/Taylor)
This request will authorize Change Order No. 1 to increase contract amount by $10,462 with Arnold Dugan and Myers LLC regarding the West Hickman WWTP Aerated Sludge Holding Tank Improvements. This change will upgrade the original 6-inch monochrome, the touch-key data entry screen and provide electrical protection equipment for electronic sensors located in the tank. Original contract amount was $590,000. New contract amount is $600,462. Funds are budgeted.**pp.19-21**

D. Authorization of a Linkage Agreement with the University of Kentucky (UK) Chandler Hospital on Behalf of the Department of Social Services, Family Care Center. (657-08) (Hendrix/Helm)
This request will authorize a Linkage Agreement with the UK Chandler Hospital on behalf of the Family Care Center to provide care to patients transferred from the Center's Health Clinic for appropriate acute care services available at the Hospital. This agreement meets the requirement identified by the Office of Inspector General. There is no budgetary impact.**pp.22-25**

E. Authorization to Accept Bids of Gearheart Communications and Windstream Kentucky East LLC for Non-Exclusive Franchise Agreements for Telecommunications Services in Fayette County. (662-08) (Cole)
This request will authorize acceptance of bids from Gearheart Communications and Windstream Kentucky East LLC for Non-Exclusive Franchise Agreements for telecommunications services in Fayette County. All fees related to telecommunication franchises are collected at the state level. There is no budgetary impact for LFUCG.**p.26**

F. Authorization of a Facility Use Contract with the Fayette County Public Schools (FCPS) on Behalf of the Department of General Services, Division of Parks and Recreation. (673-08) (Hancock/Cole)
This request will authorize a Facility Use Contract with FCPS at no cost to LFUCG for the use of the James Lane Allen Elementary School Gymnasium on Mondays from December 1, 2008 through March 15, 2009 for basketball practice.**p.27**

G. Authorization of Change Order No. 1 to Contract with Superior Demolition on Behalf of the Department of General Services, Division of Parks and Recreation Regarding the Gainesway Building Demolition Project. (674-08) (Hancock/Cole)
This request will authorize Change Order No. 1 to increase contract amount by $1,100 with Superior Demolition on behalf of the Division of Parks and Recreation regarding the Gainesway Building Demolition Project. This change will require the removal of a concrete curb and the backfill an abandoned playground not in the original bid. Original contract amount was $12,400. New contract amount is $13,500. Funds are budgeted.**pp.28-30**

H. Authorization to Create an Ordinance to Extend Carryover of Vacation Hours within the Division of Emergency Management / 911. (655-08) (Allen/ Bennett)
This request will authorize extension of carryover of vacation hours under Section 21-33(a) of the Code of Ordinances for positions of Telecommunicator, Telecommunicator Senior, Telecommunicator Supervisor, and PSAP Manager within the Division of Emergency Management / 911 to allow carryover of accumulated vacation leave in excess of 168 hours at the end of CY2008. There is no budgetary impact.**p.31**

I. Authorization to Accept a Monetary Donation from State Farm Insurance Companies on Behalf of the Department of Public Safety, Division of Police. (665-08) (Bastin/Bennett)
This request will authorize the acceptance of $500 donated by State Farm Insurance Companies on behalf of the Division of Police, Community Services Section, to be used for community events involving child safety.**p.32**

J. Authorization to Amendment to Resolution No. 513-2008 with New World Systems Corporation Regarding the Software License Agreement for Software Licensing of Mobile Data Computers. (667-08) (Bastin/Bennett)
This request will authorize an Amendment to Resolution No. 513-2008 with New World Systems Corporation to correct the accounting line. There are no other changes associated with this amendment.**pp.33-34**

K. Authorization of Amendment No. 1 to Ground Lease Coldstream Research Campus with the University of Kentucky. (666-08) (Lucas/Bennett)
This request will authorize Amendment No. 1 to Section 2 of the Ground Lease Coldstream Research Campus with the University of Kentucky to change the certain tract of land from Lot 31A to Lot 1. Lot 1 has more than 16.6 acres to provide a better building layout of the Public Safety Operations Center and is less intrusive than the original lot that would require additional roadway improvements. This amendment will not obligate LFUCG to contribute to the cost of constructing a new cul-de-sac described in Article 7, section (e). There are no other changes associated with this amendment.**p.35**

L. Authorization of a License, Support and Shared Hosting Agreement with Dialogic Communications Corporation (DCC) on Behalf of the Department of Public Safety, Division of Emergency Management / 911. (669-08) (Lucas/Bennett)
This request will authorize a License, Support and Shared Hosting Agreement in the amount of $35,130 with DCC on behalf of the Division of Emergency Management / 911 for the purchase of an emergency notification system for use within the Division's call centers and support offices. The products, software, installation and maintenance meet all state specifications. Funds are budgeted.**p.36**

M. Authorization to Submit a Grant Application to the US Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, Under the Gang Resistance Education and Training (G.R.E.A.T.) Program. (659-08) (P. King/Bennett)
This request will authorize the submission of a grant application for federal funds in the amount of $125,000 to the US Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, under the G.R.E.A.T. Program. This program is a school-based, law enforcement officer instructed classroom curriculum, to provide life skills to students to help them avoid and solve problems associated with delinquent behavior, violence, and gang membership. This program will be implemented in all middle schools in Lexington-Fayette County in collaboration with the Division of Police, the Fayette County Board of Education, the Fayette County Sheriff's Office, the Bureau of Alcohol, Tobacco, Firearms, and Explosives, and Partners for Youth Foundation, Inc. A 10% ($13,889) local match is required and will be documented through time spent by existing personnel.

Funds will be used for program supplies, training, and officer attendance at the G.R.E.A.T. conference. Total project cost is $138,889.**p.37**

N. Authorization to Submit a Continuation Application to the US Department of Justice, Office on Violence Against Women, under the Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program and Approve the Memorandum of Understanding (MOU) with Community Partners. (660-08) (P. King/Bennett)

This request will authorize the submission of a continuation application for federal funds in the amount of $400,000 to the US Department of Justice, Office on Violence Against Women, under the Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program. This application will fund the employment of two (2) victim advocates, court-certified interpreters on a contractual basis, training for all community partners with emphasis on Title VI and ADA compliance, required OVW training, police overtime for the apprehension of violators, and victim services. No matching funds are required. This will also approve the MOU with prosecution, probation, Legal Aid of the Bluegrass, the Fayette County Sheriff's Office, District Court, Family Court, Cabinet for Health and Family Services, the Bluegrass Domestic Violence Program, Rape Crisis of the Bluegrass, the Fayette County Domestic Violence Prevention Board, state and local probation and parole offices and LFUCG Division of Police.**p.38**

O. Authorization to Accept Award from the US Department of Justice on Behalf of the Department of Public Safety, Division of Police and the Fayette County Sheriff's Office. (661-08) (P. King/Bennett)

This request will authorize the acceptance of an award of $7,818.32 from the US Department of Justice. Funds of $4,886.32 will be used to purchase thirteen (13) bulletproof vests for the Division of Police. A 50% match ($4,886.32) is required. Funds are budgeted in the Division's General Fund budget. The Fayette County Sheriff's Office will receive $2,932 for the purchase of four (4) bulletproof vests. The match for this portion will come from the Office of the Sheriff. The source of federal funding is the Bulletproof Vest Partnership Grant Act of 2000.**p.39**

P. Authorization to Submit a Continuation Application to the National Police Athletics/Activities Leagues, Inc. for the National Association of Police Athletics League Youth Enrichment Program (PALYEP). (664-08) (P. King/Bennett)

This request will authorize the submission of a continuation application for federal funds in the amount of $4,000 to the National Police Athletics/ Activities Leagues, Inc. for the PALYEP program to provide high quality justice-based after-school programs for youth. Funds will be used for field trips to museums, supplies for arts and crafts, and snacks for bi-weekly meetings. The source of federal funds is the US Department of Justice, Office of Juvenile Justice and Delinquency Prevention Program. No matching funds are required.**p.40**

Q. Authorization to Submit an Application to the Kentucky Governor's Office of Local Development (GOLD) on Behalf of the African Cemetery No. 2, Inc. for a Cemetery Preservation Grant. (670-08) (P. King/Webb)
This request will authorize the submission of an application for state funds in the amount of $1,978 to Kentucky GOLD on behalf of the African Cemetery No. 2, Inc. Funds will be used to reset large tombstones and provide additional landscaping. A 50% ($1,978) local match is required and will come from in-kind volunteer labor. If approved, LFUCG will serve as the grantee and will enter into an agreement with African Cemetery No. 2, Inc. for project completion and documentation of the local match.**p.41**

R. Authorization of a Grant Agreement between LFUCG and the Fayette County Rural Land Management Board (RLMB), Inc. Regarding FY2007, FY2008, and FY2009 Budget Funds for the Purchase of Development Rights and to Issue Bonds. (671-08) (Van Pelt/Webb)
This request will authorize a Grant Agreement between LFUCG and the Fayette County RLMB, Inc. to issue bonds in an amount not to exceed $6,500,000 from appropriation of funds from the FY2007, FY2008, and FY2009 Budgets for purchase of development rights.**p.42**

S. Authorization to Consent to the Transfer of Property Located at 111 Church Street to the Commonwealth of Kentucky on Dissolution of the Fayette County Legal Aid, Inc. (663-08) (Askew)
This request will authorize consent to transfer the property located at 111 Church Street to the Commonwealth of Kentucky on the dissolution of the Fayette County Legal Aid, Inc. On dissolution, an agreement between the Commonwealth and LFUCG will be requested. Assets are to be distributed to the Commonwealth and LFUCG based on the percentage of contribution made to the corporation.**pp.43-44**

T. Authorization to Accept and Acknowledge a Donation from the Friends of the Dog Park, Inc. for the Wellington Dog Park. (672-08) (Langston)
This request will authorize the acceptance and acknowledgement of a donation of fencing, valued at $7,000, from the Friends of the Dog Park, Inc. for the Wellington Dog Park.**p.45**

U. Authorization to Create an Ordinance to Extend Carryover of Vacation Hours within the Council Clerk's Office. (675-08) (Allen/ Langston)
This request will authorize extension of carryover of vacation hours under Section 21-33(a) of the Code of Ordinances for the position of the Council Clerk to allow carryover of accumulated vacation leave in excess of 168 hours at the end of CY2008. There is no budgetary impact.**p.46**

URBAN COUNTY COUNCIL

WORK SESSION SUMMARY

& TABLE OF MOTIONS

December 2, 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 DeCamp to place on the docket for the Thursday December 4, 2008, council meeting, a resolution authorizing the transfer of a potion of the property of the Henry Clay Estate back to the Henry Clay Memorial Foundation, seconded by CM Gorton, passed without dissent.

A motion by CM Lane to place on the docket for Thursday, December 4, 2008, an ordinance expanding and extending full urban services district #1 for the Urban County Government for the provision of street lighting, street cleaning and garbage and refuse collection, to include certain properties in the following subdivisions: Fortune Business Center, Blackford Property, Johnson Property, Myers Property, Ramsey/Sullivan Property, Chesapeake Equine, Gess Property, Clark Property, Writt Station, Masterson Hills, Tuscany, Sharkey Property, and Mullikin Property, seconded by CM Gorton, passed without dissent.

A motion by CM Lane to place on the docket for Thursday, December 4, 2008, an ordinance expanding and extending partial urban services district #3 for the urban county government for the provision of garbage an d refuse collection, to include certain properties in the following subdivisions: Sharkey Property, Lexingtonian Estates, Lochmere Estates (Maple Ridge), Higbee Mill Reserve , Richmond Woods, Newtown Springs, and Hamburg Place Farm, seconded by CM Gorton, passed without dissent.

A motion by CM Gorton to place on the docket for the Thursday, December 4, 2008, council meeting, an ordinance approving the 2009 calendar for the Urban County Council, seconded by CM Crosbie, passed without dissent.

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

III. Approval of Summary

A motion by CM Beard to approve the summary of 11/25/08, seconded by CM Myers, passed without dissent.

IV. Budget Amendments

A motion by CM Myers to approve the budget amendments, seconded by CM Beard, passed without dissent.

V. New Business

A. Authorization to Accept a Deed of Temporary Construction Easement for the 3184 Trinity Road Storm Sewer Rehabilitation Project. (640-08) (Martin/Taylor)

B. Authorization for Approval of Change Order No. 1 with CR Cable Construction, Inc., for Fiber Cable Size Upgrade to 24-Pair Cable for the West Hickman Fiber Project. (641-08) (Martin/Taylor)

C. *Authorization to Amend Section 21-5 of the Code of Ordinances, Abolishing Three (3) Positions of Engineering Technician (Grade 111N) and Creating Three (3) positions of Environmental Inspector (Grade 113N) and Reclassifying the Incumbents Within the Division of Water Quality, Effective Upon Passage of Council. (646-08) (Allen/Taylor)

D. *Authorization to Amend Section 21-5 of the Code of Ordinances, Abolishing One (1) Position of Pre-Treatment Manager (Grade 117E) and Creating One (1) Position of Water Quality Manager (Grade 118E) and Reclassifying the Incumbent Within the Division of Water Quality, Effective Upon Passage of Council. (647-08) (Allen/Taylor)

E. Authorization to Approve Increase in the Funeral Benefit for Retirees in the City Employees Pension Fund from $5,000 to $7,500 Amending Section 6-64 of the Code of Ordinances. (642-08) (Lamb)

F. Authorization of Change Order Increasing the Bid of C&C Fire Sprinkler for Kenwick Community Center Fire Suppression System by $8,219.63 . This Increase is Necessary Due to Redesign by Contractor to Avoid Displacing or Damaging Adjoining Property Tree and Re-location of Fire Hydrant by LFUCG Fire Prevention. (643-08) (Hancock/Cole)

G. Authorization of Change Order No. 1-Final to the Construction Contract with The Allen Company, Inc. for the Appomattox Road Culvert Replacement Project (644-08) (Rayan/Webb)

H. Authorization to Execute HOME Agreement with First Presbyterian Church Apartments, LLLP, for Use of HOME Funds in the Development of Rental Housing Project. (645-08) (King/Koch)

I. Authorization to Amend Section 9 of Ordinance No. 330-2001, Extending the Provisions of Section 9 From January 1, 2009 to January 1, 2013, Effective Upon Passage of Council. (648-08) (Allen/Koch)

J. Authorization to Amend Section 21-5 of the Code of Ordinances Abolishing One (1) Position of Administrative Officer Sr. (Grade 120E) and Creating One (1) Position of Budget Officer Sr. (Grade 120E), Effective Upon Passage of Council. (649-08) (Allen/Koch)

K. Authorization to Amend Section 21-37.1 and 21-38 of the Code of Ordinances to Accommodate Changes in Time Keeping and Award of Holiday Swing Hours Needed for PeopleSoft Implementation. (650-08) (Koch)

L. Authorization for Approval of 2009 General Term Orders for Fayette County Sheriff and Fayette County Clerk. (652-08) (Koch)

M. Authorization to Execute Change Order No. 1 to the Construction Contract with Central Rock Mineral Company, LLC (ATS Construction for the Loudon Avenue Improvements Project). (651-08) (King/Webb)

*Denotes Consent Decree

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

VI. Continuing Business / Presentations

A. Budget & Finance Committee Update

CM Dr. Stevens gave this update. He stated that they will review the recommendations from the Equine Task Force study at next week's meeting. No motions came forward.

B. 2009 Purchase of Development Rights Presentation

This presentation was given by Billy Van Pelt, Program Director. Several CMs spoke; asking questions about why there are negative points listed, having explained that this is a voluntary program, explaining the similarities with the Infill & Redevelopment program, does LFUCG require a report of how the money is spent to thanks to Mr. Van Pelt for his services.

C. Courthouse Area Design Review Update

This update was given by Mike Moyser, Chair of the review board. Several people spoke.

A motion by CM Stevens to approve referring the recommendations from the Courthouse Area Design Review Board to the Planning Committee, seconded by CM Ellinger, passed without dissent.

VIII. Mayor's Report-No

Mayor Newberry announced the retirement of Leo McMillen, Director of Streets, Roads, & Forestry effective Jan. 1, 2009. The Mayor thanked Mr. McMillen for his years of service

VII. Council Report

CM Gorton-Announced the reception on 12/9/08 after work session for the outgoing CMs.

A motion by CM Gorton to approve the NDF list for 12/2/08, seconded by CM Blues, passed without dissent.

CM Blues-Announced that there will be a meeting concerning the Distillery District plans in Irishtown on 12/8/08 at 6 pm at Nathaniel Mission on DeRoode St.

CM Myers-Expressed thanks to EC Unit #8, especially Steve Lewis, Jordan Sash, and Joe Nugent, for taking such good care of his wife and daughter who were in an accident on Sunday morning.

CM McChord-Stated that he spoke in Louisville at the Metro Government Council meeting; there will be a meeting of the 2 councils in February in Louisville. Also, thanked Leo McMillen and Bob Drakeford for their many years of Service.

CM Henson-Thanked Parks for organizing the holiday events on this past Saturday.

VM Gray-Stated that the past weekend activities were very festive; discussed Bluegrass Airport, several CMs joined in this discussion; named the Storm Water Fee Task Force members- CM Gorton, Chair, CMs Stinnett, Blues, Blevins, and James-after a structure decision, a broader representation of the community will be announced.

A motion by VM Gray stating that the Council of the Lexington Fayette Urban County Government invites the Kentucky State Auditor, whose resources are appropriate to assist the City, to examine any issues related to the administration of Bluegrass Airport so as to confirm the public trust and integrity in the Airport, its Board of Directors, and its governance and accountability systems, seconded by CM Beard, passed by a 11-4 vote. (There was a motion by CM Dr. Stevens to table this issue but it failed for lack of a second).

CM Lane-A motion by CM Lane to correct a typographic error in a previous motion, seconded by CM Gorton, passed without dissent. (I entered the correction on the original motion instead of typing the entire motion over).

CM Crosbie-Announced that there will be a Management Audit Sub Committee meeting on 12/4/08 at 6:30 pm in the Caucus Room; invitees VM Gray, CM Beard, Paul Schoninger, Joe Kelly or Comm. Koch (whichever will be representing the Administration).

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

Lewis Cobb and Eric Patrick Marr, citizens, spoke.

A motion by CM Blues to adjourn work session, seconded by CM Myers, passed without dissent.

Work Session adjourned at 4:22 p.m.

BUDGET AMENDMENT REQUEST LIST

JOURNAL	29360-61	**DIVISION**	Social Services	**Fund Name**	General Fund
				Fund Impact	5,000
					5,000CR
					.00

To provide funds for salary for the Executive Director of the Domestic Violence Prevention Board by moving recognizing revenues received from the United Way.

BUDGET AMENDMENT REQUEST SUMMARY

Fund	1101	General Service District Fund	.00

Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Budget Journal Number 29360-61

Requesting Division Department of Social Services, Commissioner's Office

Fund Name General Fund

Fund Number 1101

Contact for Additional Information Loretta Cory - 3804

Description

To provided funds for the salary of the Executive Director of the Domestic Violence Prevention Board by recognizing revenue received from the United Way. The United Way contributes to the salary for the Executive Director.

NEW BUSINESS ITEMS REQUIRING BUDGET AMENDMENTS

December 9, 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		
661-08	BA 1869	Community Development	To establish grant budget for Bulletproof Vest Partnership Program - FY 2009.		
O				3140	15,636.64
				3140	15,636.64CR
					0*
665-08	BA 1874	Police	To provide funds for operating supplies by recognizing a contribution by State Farm Insurance.		
I				1103	500
				1103	500CR
					0*

EFFECT ON FUND BALANCES

FUND 1103	**0***	**NO EFFECT ON:**	**DONATIONS FUND**
FUND 3140	**0***	**NO EFFECT ON:**	**US DEPARTMENT OF JUSTICE**

Budget Information For New Business Items
December 9, 2008 Work Session

Item	Number	Amount	Fund	Name / Description
A	654-08	NA		
B	668-08	10,051,300		Bonded Projects
C	656-08	10,462	4003	Sanitary Sewer Construction Fund
D	657-08	NA		
E	662-08	NA		
F	673-08	NA		
G	674-08	1,100	4024	PFC – Parks Projects Fund
H	655-08	NA		
I	665-08	500	1103	Donations Fund Budget Journal
J	667-08	91,500	2517	2008 Bond Projects Fund
K	666-08	NA		
L	669-08	35,130	4204	Enhanced 911 Fund
M	659-08	NA		
N	660-08	NA		
O	661-08	15,636.64	3140	US Department of Justice Budget Journal
P	664-08	NA		
Q	670-08	NA		
R	671-08	NA		
S	663-08	NA		
T	672-08	NA		
U	675-08	NA		

654-08

Jim Newberry, Mayor

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Division of Human Resources

MEMORANDUM

TO: Mayor Jim Newbery
Senior Advisor Joe Kelly
Council Members

FROM: Michael Allen, Director
Division of Human Resources

DATE: November 25, 2008

SUBJECT: **Internal Advertisement for Division of Waste Management**

The Division of Human Resources is requesting your concurrence and approval of the internal advertisement of the position of Public Service Supervisor Senior in the Division of Waste Management. Current employees will be eligible to compete.

As a natural step in their career progression, we have many LFUCG Public Service Supervisor, Equipment Operator Seniors and some Equipment Operators, Public Service Workers and Public Service Worker Sr. who will likely apply and qualify for this 114E Public Service Supervisor Senior position (reporting to a 116E Operations Manager) in Waste Management. There is a pass/fail computer piece then a 100% T & E evaluation. It has been determined that we do have a balanced EEO pool of internal candidates who could apply and are qualified for the position. It is our goal that, whenever possible we provide internal promotional opportunities.

If there are any questions, please call Daniel H. Fischer at 258-3030.

df

attachments

cc: Darrylyn Combs, HR Manager, Division of Human Resources

Log # 09-0037

668-08

Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Department of Finance and Administration

TO: Mayor Jim Newberry
Members, Urban County Council

FROM: Kyna Koch, Commissioner
Department of Finance and Administration

DATE: December 2, 2008

SUBJECT: Reimbursement Resolution for FY 2008-09 Bond Projects

The purpose of this reimbursement resolution is to allow spending on the attached list of additional bond projects for FY 2008-09. These projects were not approved in an earlier resolution for other FY 2008-09 projects. This resolution provides a mechanism for the projects to move forward prior to the sale of the bonds. Expenses incurred for General Fund projects will be paid from the General Fund. Upon the sale of the bonds later this fiscal year, the General Fund will be reimbursed. The sewer projects will be paid from the Sewer Fund then reimbursed upon the sale of the bonds. The practice of approval of a reimbursement resolution is consistent with prior practice and is a generally accepted mechanism in the accounting community.

kk/lyb

Attachment

200 East Main Street Lexington, KY 40507 859-258-3300 Fax 859-258-3385 www.lfucg.com

2008-09 ADDITIONAL BOND PROJECTS

668-08

Stormwater (inadvertantly left off earlier resolution)	1,000,000
Coolavin Neighborhood Building	50,000
Cardinal Run North	125,000
Shillito 4-field complex	110,000
Streetscape	8,376,300
Illuminated Street Name Signs	160,000
Traffic Management Devices	230,000
TOTAL GENERAL FUND	**10,051,300**

TOTAL PROJECT COST FOR SEWER PROJECTS IS $50 MILLION

656-08

Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Division of Water Quality

TO: Mayor Jim Newberry
Urban County Council

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

DATE: November 24, 2008

SUBJECT: Change Order Number 1 for Arnold, Dugan & Meyer – West Hickman WWTP Aerated Sludge Holding Tank Improvements,

The Division of Water Quality requests approval of Change Order #1 for Arnold, Dugan & Meyer for electrical equipment additions and upgrades. Change Order #1 is for $10,462.00 for a revised total contract amount of $600,462.00, resulting in a net increase of 2% from the original contract.

Since the time this project was designed, user interface technology has changed and progressed. Therefore part of this change order is to upgrade the original 6" monochrome, touch-key data entry screen to a more modern and efficient 15" color touch-key data entry screen.

The other part of this change order provides for electrical protection equipment for electronic sensors located in the tank. It was decided that this protection would be a wise decision since the sensing equipment may be adversely affected with any sort of electrical spike and/or surge in the system.

The funds are fully budgeted in 4003-303401 -3421-92711.

cc: Cheryl Taylor, Commissioner, Department of Environmental Quality
Tiffany Rank, P.E., Senior Plant Engineer, Division of Water Quality

West Hickman Ash Tank Improvements Change Order 1 Cover Memo.doc

656-08

Contract 927
Page 1

CONTRACT HISTORY FORM

Contractor: Arnold, Dugan & Meyer

Project Name: West Hickman Waste Water Treatment Plant
Aerated Sludge Holding Tank Improvements

Contract Number and Date: # 927 March 20, 2008

Responsible LFUCG Division: Water Quality

CHANGE ORDER DETAILS Summary of Previous Change Orders to Date:	**Dollar Amount**	**Percent Change to Original Contract**
A. Original Contract Amount:	$590,000.00	0% Line B/Line A
B. Pervious Change Order Total:	$0.00	
C. Current Contract Amount:	$590,000.00	
D. Amount of this Change Order:	$10,462.00	2% Line D/Line A
E. New Contract Amount:	$600,462.00	102% Line E/Line A

SIGNATURE LINES

REVIEWED BY: [signature] DATE: 11/17/08

DIVISION DIRECTOR: [signature] DATE: 11-24-08

656-08

Change Order No. 1
Resolution # 118-2008
West Hickman Wastewater Treatment Plant -
Aerated Sludge Holding Tank Imrpovements

Lexington-Fayette Urban County Government
Lexington, Kentucky

OWNER:	Lexington-Fayette Urban County Government 200 East Main Street Lexington, Kentucky 40507
CONTRACTOR:	Arnold Dugan $ Meyers 2712 River Green Circle Louisville, KY 40206

SUMMARY OF INFORMATION

Date of Change Order:	November 14, 2008
Date of Contract:	March 20, 2008
Date of Notice to Proceed:	September 11, 2008
Official Start Date:	August 19, 2008
Length of Contract (calendar days):	270
Date of Contract Completion: (Final Completion Date)	May 16, 2009
Previous Change in Contract Time (calendar days):	0
Change in Contract Date:	May 16, 2009
Change in Contract Time inCO#1 (calendar days)	0
Revised Contract Date: (Final Completion Date)	
Original Contract Amount	$590,000.00
Previous Change Order Total:	$0.00
Current Contract Amount:	$590,000.00
Chage Order (1) Amount:	$10,462.00
Revised Contract Amount:	$600,462.00
Percent Change from Original:	2%

Review attached information for **General Description**

657-08

Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Division of Family Services

TO: Jim Newberry, Mayor

Joe Kelly, Senior Advisor of Management

Urban County Council Members

THROUGH: ______________________

Marlene Helm, Commissioner
Department of Social Services

FROM: Sarah Hendrix

Sarah Hendrix, Acting Director
Division of Family Services

DATE: November 19, 2008

RE: Linkage Agreement with the University of Kentucky Medical Center

This is to request that a Linkage Agreement be established between the Division of Family Services based at the Family Care Center and the University of Kentucky Medical Center, on behalf of the Family Care Center Health Clinic. This summer, the Office of the Inspector General found the Health Clinic deficient for not having a Linkage Agreement with an inpatient provider in place. Said Linkage Agreement will acknowledge the availability of inpatient hospital services for patients of the Family Care Center Health Clinic and will be in effect to provide care to patients transferred for appropriate acute care services from the Health Clinic to the University of Kentucky Medical Center.

Thank you.

ACCEPTED:

______________________ ______________
Mayor Jim Newberry Date

1135 Red Mile Place Lexington, KY 40504 (859) 288-4040 Medical Clinic (859) 288-4053
www.lfucg.com

657-08

LINKAGE AGREEMENT

Between

FAMILY CARE CENTER / Lexington Fayette Urban County Government

and **UNIVERSITY OF KENTUCKY CHANDLER HOSPITAL**

Family Care Center / L.F.U.C.G. hereinafter called **"Facility"** and **University of Kentucky Hospital**, Lexington, Kentucky, hereinafter called **"UK Hospital,"** in order to abide with the Kentucky General Assembly, SB 217, believing that the interests of patients can best be served by assuring continuity of in and post hospital care, agree to the following:

UK Hospital does agree to provide care to patients transferred from Facility for appropriate acute care services available at UK Hospital. This care shall be provided in accordance with UK Hospital's policies and procedures relating to the acceptance or transfer of patients and under the following guidelines, conditions, and agreements.

1. Nothing in this transfer agreement shall be construed as limiting either facility's exclusive control of its separate identity and integrity such as management assets, debts, and other obligations.

2. Neither facility shall be responsible or assume any responsibility for the moral or legal obligations of the other facility.

3. Each facility shall have the right to enter into transfer agreements with other institutions without any restrictions.

4. Patients requiring transfer from Facility to UK Hospital shall be admitted as promptly as circumstances reasonably permit.

5. As much information as possible related to the patient's medical and financial history and current illness will be furnished by Facility at the time of transfer prior to UK Hospital taking control of the health services rendered to the patient.

    - When transfers are necessary for the provision of emergency care, the physician caring for the patient at Facility will contact the UK Hospital's emergency service as far in advance as possible of the transfer to assure that facilities are available for the care of the patient.

    - When transfers are necessary for the provision of emergency care and UK Hospital performs emergency services on the premises of Facility in preparation of the transport, UK Hospital assumes all responsibility and liability for any and all health care services it renders or discontinues and which are under its direction and control.

- When the transfer is for direct admission to the inpatient facilities and does not involve immediate emergency care, the physician caring for the patient at Facility will contact as far in advance as possible the admitting physician of the clinical service at UK Hospital involved to make arrangements.

- When the transferred patient no longer requires the specialized capabilities of UK Hospital, Facility will accept and arrange for the transfer of the patient back to the Facility, so long as legally permissible and consistent with quality patient care.

6. The patient shall be responsible for payment of all transferring charges included but not limited to ambulance service fees.

7. The patient shall be responsible for the inpatient and the outpatient charges incurred in each hospital. Neither facility shall be responsible for the charges incurred by the patient at the other facility.

8. The two facilities shall use acceptable medical record forms and procedures as recommended by the Joint Commission on Accreditation of Healthcare Organizations.

9. Medical Records kept in each facility shall remain the property of that facility.

10. This agreement shall be effective from the date of execution for a period of one (1) year and shall be automatically renewed for successive one (1) year periods, not to exceed a total of five (5) years. Either party may automatically terminate this agreement without cause by either facility thirty (30) days' written notice to the other facility. Notice is not considered given unless such notice is delivered by certified mail to the facility administrator.

11. This agreement shall be terminated at once and without written notice if either facility's license to operate is repealed, suspended, or placed on probation by any governmental licensing agency. It is the duty of the facility whose certification is repealed, suspended or probated, to notify the other facility to this agreement immediately in writing of such action. Notice is to be given in writing to the facility administrator.

12. The owners and physicians of Facility shall maintain medical liability insurance in the amounts of not less than One Million Dollars ($1,000,000.00) per claim and Three Million Dollars ($3,000,000.00) aggregate per policy year, or such other minimum amounts as may be required from time to time by the UK Hospital. The policy of insurance shall not be canceled, modified or permitted to lapse without thirty (30) days prior written notice to UK Hospital. Facility shall promptly, following request by UK Hospital from time to time, provide evidence of such insurance acceptable to UK Hospital.

13. Excluded Provider Representations: Both parties to this Agreement hereby represent and warrant that currently and at no time have been excluded from participation in any federally funded program, including Medicare and Medicaid. Both parties agree to immediately notify the other party of any threatened, proposed, or actual exclusion from any federally funded health care program, including Medicare and Medicaid. In the event that either party is excluded from participation in any federally funded health care program during the course of this Agreement, or if at any time after the effective date of this Agreement it is determined that a party to this Agreement is in breach of this Section, this Agreement shall, as of the effective date of such exclusion or breach, automatically terminate.

14. The University of Kentucky is an agency and instrumentality of the Commonwealth of Kentucky, is vested with sovereign immunity and is subject to the provisions of the Kentucky Board of Claims, KRS 44.070 et seq for the recovery of tort claims made against the UNIVERSITY, its agents, officers or employees. The University of Kentucky is self insured pursuant to the provisions of KRS 164.939 et seq which provides for the paying of claims or judgments resulting from any tort or breach of duty based on health care services rendered or which should have been rendered by the UNIVERSITY or its agents. Agents of the UNIVERSITY include members of the Board of Trustees, faculty, staff, nurses, volunteer workers, employees, students, physicians and dentists providing care within the scope of their duties or courses of study. In addition, UNIVERSITY maintains commercial excess general and medical malpractice liability insurance for itself, its agents, officers, employees and students.

15. This agreement is made and entered in the Commonwealth of Kentucky, and shall be governed and construed in accordance with the laws of Kentucky.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed the date first written below.

Date:__________ Signed:____________________________

Date:__________ Signed:____________________________
University of Kentucky Hospital

662-08

Mayor Jim Newberry.

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Department of General Services

To: Mayor Jim Newberry
Urban County Council

From: Kimra Cole KC
Commissioner General Services

Date: December 2, 2008

Re: Franchise Agreement bids – Telecommunications

In October the Council renewed the Telecommunications Ordinance and authorized a new round of bids for non-exclusive franchise agreements for telecommunications services in Fayette County.

We received two bids – Gearheart Communications and Windstream Kentucky East, LLC. We need Council Authorization to accept these bids; there is no financial impact since all fees related to telecommunication franchises are collected at the State level.

Please contact me or David Barberie in the Department of Law should you have any questions related to these agreements.

200 East Main Street Lexington, KY 40507 (859) 258-3900 Fax (859) 258-3909

673-08

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

MEMORANDUM

RECEIVED
DEC 1 - 2008
GENERAL SERVICES
COMMISSIONER'S OFFICE

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

FROM: Jerry Hancock

RE: Facility Usage Contract

DATE: December 2, 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 basketball practice in James Lane Allen Elementary School gymnasium on Mondays from December 1, 2008 through March 15, 2009, at no cost to the Urban County Government.

Please contact me if there are any questions.

CC: Kimra Cole, Commissioner of General Services

JEH/bac

674-08

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

MEMORANDUM

RECEIVED
DEC 1 - 2008
GENERAL SERVICES
COMMISSIONER'S OFFICE

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

FROM: Jerry Hancock

RE: Change Order Request

DATE: December 1, 2008

This is a request for Council approval to increase the amount of contract no. 944 with Superior Demolition for improvements to Gainesway Building Demolition. This increase request is $1,100.00 for removal of concrete curb and to backfill abandoned play ground not in original bid.

Please contact me if there are any questions.

CC: Kimra Cole, Commissioner of General Services

JEH/bac

LEXINGTON -FAYETTE URBAN COUNTY GOVERNMENT CONTRACT CHANGE ORDER Page 1 of 2	Date: 11/14/08 674-08 Project:Gainesway Building Demolition Location: Gainesway Park
To (Contractor) Superior Demolition	Contract No.944 Change Order No. 1

You are hereby requested to comply with the following changes from the contract plans and specifications:

Item No. (1)	Description of changes-quantities, unit prices, change in completion, etc. (2)	Decrease in contract price (3)	Increase in contract price (4)
1	Remove concrete curb & backfill		$1,100.00
	abandoned play ground not in original		
	bid		
	Change in contract price due to this Change Order:		
	Total decrease	$0.00	XXXXXXXXXXX.XX
	Total increase	XXXXXXXXXXX.XX	$1,100.00
	Net (increase) contract price		$1,100.00

The sum of **$12,400.00** is hereby added to the total contract price, and the total adjusted contract price to date thereby is **$13,500.00**
The time provided for completion in the contract and all provisions of the contract will apply hereto.

Recommended by Michelle Wornmille (Superintendent) Date 11.21.08

Accepted by Linda Miller (Contractor) Date 11-19-08

Approved by ______________ (Director) Date ______

Approved by ______________ (Commissioner) Date ______

Approved by ______________ (Mayor or CAO) Date ______

K:\PROJECTS\GAINESWAY\Old Community Bldg demolition\Change Order Request.xls

674-08

CONTRACT HISTORY FORM

Contractor: Superior Demolition

Project Name: Gainesway Community Building

Contract Number and Date: #944, 10/23/08

Responsible LFUCG Division: Parks & Recreation

CHANGE ORDER DETAILS

Summary of Previous Change Orders To Date	Dollar Amount	Percent Change to Original Contract
A. Original Contract Amount:	$ 12,400.00	
B. Cumulative Amount of Previous Change Orders:	$ 0.00	0% % (Line B / Line A)
C. Total Contract Amount Prior to this Change Order:	$ 12,400.00	
Current Change Order		
D. Amount of This Change Order:	$ 1,100.00	9% % (Line D / Line A)
E. New Contract Amount Including this Change Order:	$ 13,500.00	109% % (Line E / Line A

SIGNATURE LINES

Project Manager: Mark B. Morgan Date: 11/19/08

Reviewed by: Michelle Kosieniak Date: 11/21/08

Division Director: ______ Date: ______

655-08

Jim Newberry, Mayor
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Division of Human Resources

MEMORANDUM

TO: Mayor Jim Newberry
Joe Kelly, Senior Advisor
Council Members

FROM: Michael Allen, Director
Division of Human Resources

DATE: November 26, 2008

RE: **Request to Extend Vacation—Division of Emergency Management/911**

The attached action creates an ordinance, notwithstanding Section 21-33(a) of the Code of Ordinances, providing that employees, holding the positions of Telecommunicator, Telecommunicator Senior, Telecommunicator Supervisor, and PSAP Manager—all within the Division of Emergency Management/911—may carry over accumulated vacation leave in excess of one hundred sixty-eight (168) hours at the end of calendar year 2008; providing that the employees shall have their accumulated vacation hours reduced to one hundred sixty-eight (168) hours on March 31, 2009; and, providing that the employees who separate from employment with the Urban County Government before March 31, 2009 shall be paid pursuant to Section 21-33(e) of the Code of Ordinances for no more than one hundred sixty-eight (168) hours plus those hours accumulated for service during calendar year 2009.

Normally, classified civil service employees are allowed to carry over one hundred sixty-eight (168) vacation hours from one calendar year to the next. However, due to the recent staffing problems faced by the Division of Emergency Management/911, employees holding the aforementioned position titles have been required to work mandatory overtime and have been unable to use their vacation leave.

There is no fiscal impact associated with this action.

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

cc: Tim Bennett, Commissioner of Public Safety
David Lucas, Division of Emergency Management/911
Darrylyn Combs, Human Resources Manager, Division of Human Resources
Jim Dodson, Human Resources Analyst, Division of Human Resources

Log # 09-0038

665-08

LEXINGTON DIVISION OF POLICE

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

TO: Mayor Jim Newberry
Urban County Council

FROM: Chief Ronnie Bastin
Division of Police

DATE: November 20, 2008

RE: State Farm Insurance Companies Donation

Please find attached a blue sheet requesting approval for the Lexington Division of Police to accept a monetary donation of $500 from State Farm Insurance Companies. The monetary donation will be allocated to the Community Services Section for various community events involving child safety.

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

R. Bastin
Ronnie Bastin
Chief of Police

RB/rmh

cc: Tim Bennett, Commissioner of Public Safety

667-08

LEXINGTON DIVISION OF POLICE

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

TO: Mayor Jim Newberry
Urban County Council

FROM: Chief Ronnie Bastin
Division of Police

DATE: December 1, 2008

RE: **Amendment to Resolution #513-2008 for New World Systems**

I am requesting the Lexington Fayette Urban County Council to authorize Mayor Newberry to amend resolution #513-2008 for New World Systems.

1) To amend the accounting line in Resolution #513-2008, from 2517-505504-96951 to 2517-505502-5525-96202.

Please contact me should you have any questions about this issue.

R. Bastin

Ronnie Bastin
Chief of Police

Attachment

cc: Tim Bennett, Commissioner of Public Safety

667-08

RESOLUTION NO. 513 -2008

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR, ON BEHALF OF THE URBAN COUNTY GOVERNMENT, TO EXECUTE A SOFTWARE LICENSE AGREEMENT WITH NEW WORLD SYSTEMS CORPORATION, FOR SOFTWARE LICENSING OF FIFTY (50) MOBILE DATA COMPUTERS, AT A COST NOT TO EXCEED $91,500.00.

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

Section 1 - That the Mayor, on behalf of the Lexington-Fayette Urban County Government, be and hereby is authorized and directed to execute the Software License Agreement, which is attached hereto and incorporated herein by reference, with New World Systems Corporation, for software licensing of fifty (50) mobile data computers.

Section 2 - That an amount, not to exceed the sum of $91,500.00, be and hereby is approved for payment to New World Systems Corporation, from account #2517-505504-96951, pursuant to the terms of the Software License Agreement.

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

PASSED URBAN COUNTY COUNCIL: September 11, 2008

Jim Newberry

MAYOR

ATTEST:

Susan Lamb

CLERK OF URBAN COUNTY COUNCIL

PUBLISHED: September 17, 2008-1t

MRS/X:\Cases\POLICE\08-LE0045\LEG\00176735.DOC

Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Division of Enhanced 9-1-1

November 25, 2008

TO: Mayor Jim Newberry and Urban County Council

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

RE: Agreement Amendment with UK/Coldstream

VIA: Tim Bennett, Commissioner of Public Safety

This request will authorize the mayor to sign an amendment to the existing agreement with University of Kentucky for a ground lease at the Coldstream Research Campus related to the Public Safety Operations Center (PSOC).

The amendment changes the agreement to reference property defined as Lot 1 rather than Lot 31A. The new lot encompasses more than 16.6 acres, provides a better building layout and is less intrusive than the original 7.7 acre lot that required additional roadway improvements.

There is no additional cost to LFUCG.

The following documents are attached:

1. Administrative review form. (Blue sheet)
2. Amendment between UK and LFUCG

Please return completed documents to my attention for final disposition.

669-08

Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Division of Enhanced 9-1-1

November 25, 2008

TO: Mayor Jim Newberry and Urban County Council

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

RE: Agreement with Dialogic Communications

VIA: Tim Bennett, Commissioner of Public Safety

This request will authorize the mayor to enter an agreement with Dialogic Communications Corporation (DCC) for the purchase of an emergency notification system for use within the Division of Enhanced 9-1-1 call centers and support offices. Additionally, the acquisition of annual maintenance and professional services from DCC to support all products obtained.

The total cost for the present fiscal year is $35,130 and all funds are budgeted within the Division of Enhanced 911. All funds for the procurement are from 9-1-1 funds and not general fund accounts. The requested products, software, installation and maintenance meet all state specifications and are acceptable expenses as outlined by regulations created by the Commonwealth of Kentucky.

The following documents are attached:

1. Administrative review form. (Blue sheet)
2. License Agreement between DCC and LFUCG

Please return completed documents to my attention for final disposition.

659-08

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: **DECEMBER 1, 2008**

SUBJECT: **REQUEST COUNCIL AUTHORIZATION TO SUBMIT GRANT APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE FOR FUNDING UNDER THE GANG RESISTANCE EDUCATION AND TRAINING (G.R.E.A.T.) PROGRAM**

The Division of Police has prepared a grant application for submission to the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance for funding under the Gang Resistance Education and Training (G.R.E.A.T) Program. G.R.E.A.T. is a school-based, law enforcement officer-instructed, classroom curriculum whose primary objective is prevention and is intended as a n immunization against delinquency, youth violence, and gang membership. G.R.E.A.T. lessons focus on providing life skills to students to help them avoid engaging in delinquent behavior and violence to solve problems.

The Division of Police have prepared an application requesting federal funds in the amount of $125,000. A ten% local match in the amount of $13,889 will be provided by documenting time spent on the project by existing personnel. Total project cost is $138,889. The program will be implemented in all middle schools in Fayette County, reaching approximately 2800 students during its first year of operation. A families component will also be implemented. The project represents a collaboration among the LFUCG Division of Police, the Board of Education of Fayette County, the Fayette County Sheriff's Office, the federal Alcohol, Tobacco, Firearms, and Explosives, and Partners for Youth Foundation.

Federal funds will be used primarily for program supplies, training, and officer attendance at the G.R.E.A.T. conference.

~~Council au~~thorization to accept the award is hereby requested.

Paula King, Director

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

660-08

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: DECEMBER 1, 2008

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO SUBMIT CONTINUATION APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE/OFFICE ON VIOLENCE AGAINST WOMEN UNDER THE GRANTS TO ENCOURAGE ARREST POLICIES AND ENFORCEMENT OF PROTECTION ORDERS PROGRAM

The LFUCG Division of Police in collaboration with community partners serving the victims of domestic violence has prepared a continuation application for submission of the U.S. Department of Justice/Office on Violence Against Women requesting $400,000 in federal funds from the Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program. No matching funds are required.

An Arrest Polices grant was first approved by the Office on Violence Against Women on July 1, 2006. These funds were used to provide additional training on domestic violence for police recruits and for patrol officers, overtime for patrol officers for the purpose of providing additional hours in apprehending violators and building cases for prosecution, and the creation of two victim advocate positions in the Division of Police. Funding for victim services was also included. The purpose of the project is to hold offenders of domestic violence accountable for their actions through investigation, arrest, and prosecution.

The continuation application will provide for funding to continue the employment of the two victim advocates, court-certified interpreters on a contractual basis, training for all community partners with emphasis on Title VI and ADA compliance, required OVW training, police overtime for purposes of apprehending violators, and victim services.

The application requires execution of a Memorandum of Understanding among all community partners. Along with the police, this partnership includes prosecution, probation, Legal Aid of the Bluegrass, the Fayette County Sheriff's Office, District Court, Family Court, Cabinet for Health and Family Services, the Bluegrass Domestic Violence Program, Rape Crisis of the Bluegrass, the Fayette County Domestic Violence Prevention Board, and the state and local Probation and Parole offices.

Council authorization to submit the application and to authorize execution of the Memorandum of Understanding by ~~Mayor~~ with community partners is hereby requested.

Paula King, Director

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

661-08

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: DECEMBER 1, 2008

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT AWARD OF FEDERAL FUNDS FROM THE U.S. DEPARTMENT OF JUSTICE FOR THE PURCHASE OF BULLETPROOF VESTS--2009

On April 10, 2008 (Resolution No. 175-2008), the Urban County Council approved the submission of an application to the U.S. Department of Justice, requesting federal funds for the purchase of bulletproof vests for the Division of Police and for the Office of the Fayette County Sheriff. The U.S. Department of Justice has approved an award in the amount of $7,818.32.

$4,886.32 will be used to purchase bulletproof vests in the Division of Police. The project requires a 50% match. Match in the amount of $4,886.32 is budgeted in the Division of Police's 2009 general fund budget for this purpose. At a per unit price of $733, it is estimated that 13 vests can be purchased.

The Office of the Sheriff will receive $2,932. The match for this portion of funds will come from the Office of the Sheriff. This will purchase four vests.

The source of funds is the Bulletproof Vest Partnership Grant Act of 2000, the purpose of which is to save the lives of law enforcement officers by helping state and local governments equip their law enforcement officers with armored vests.

Council authorization to accept the award is hereby requested.

Paula King

Paula King, Director

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

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: DECEMBER 2, 2008

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO SUBMIT APPLICATION TO THE NATIONAL POLICE ATHLETIC LEAGUE FOR CONTINUATION OF THE NATIONAL ASSOCIATION OF POLICE ATHLETIC LEAGUES YOUTH ENRICHMENT PROGRAM (PALYEP)

The Division of Police, Police Activities League has prepared grant application for submission to the National Police Athletic/Activities League, Inc., requesting $4,000 for continuation of a Police Athletic League Enrichment Program. The purpose of the program is to provide high quality justice-based after-school programs for youth that include athletic, recreational, educational, and cultural programs. Through activities conducted by law enforcement, it is anticipated that there will be a reduction in juvenile crime and a reduction in the risk that youth will become the victims of crime.

This program will include a girls club and a boys club that targets middle and high school youth. This program will empower youth in the community and will include service programs, field trips, educational trips, debate forums, fundraising, adopt-a senior citizen program, and an arts and craft program. In addition both groups will have high school members serving as mentors to younger members as well as college students from the University of Kentucky volunteering with this program and coordinating programs for these youth. Funds will be used for field trips to museums, supplies for arts and crafts, and snacks for bi-weekly meetings. No match is required.

Federal funds for Police Athletic League Youth Enrichment Program (PALYEP) are from the U.S. Department of Justice/Office of Juvenile Justice and Delinquency Prevention Program.

Council authorization to submit the application is hereby requested.

Paula King

Paula King, Director

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

670-08

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: DECEMBER 1, 2008

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO SUBMIT AN APPLICATION TO THE KENTUCKY GOVERNOR'S OFFICE OF LOCAL DEVELOPMENT FOR A CEMETERY PRESERVATION GRANT ON BEHALF OF AFRICAN CEMETERY NO. 2

An application requesting state funds from the Kentucky Governor's Office of Local Development (GOLD) has been prepared for restoration activities for African Cemetery No. 2. The amount of funds requested is $1,978 and if approved will be used to begin the process of re-setting large tombstones that have been overturned through weathering and vandalism and to provide for additional landscaping. A 50% match ($1,978) is required. This match will be in-kind from volunteer labor.

The Kentucky Cemetery Preservation Fund was established by the state legislature with state general fund dollars to encourage and support the maintenance and preservation of the Commonwealth's cemeteries. The program requires that applications be submitted by the local government, and if approved, the local government will serve as the grantee. If the grant is approved, the LFUCG will enter into an agreement with African Cemetery No. 2, Inc., for project completion and documentation of local match.

Council authorization to submit the application is hereby requested.

Paula King, Director

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

671-08

Lexington-Fayette Urban County Government

Jim Newberry, Mayor

MEMORANDUM

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

FROM: Billy F. Van Pelt, RLA, ASLA – PDR Program Manager BVP

DATE: December 1, 2008

RE: Request for Council Action

Pursuant to Resolution No. 766-2006, adopted on December 7, 2006, Resolution No. 511-2007, adopted on October 4, 2007 and Resolution No. 480-2008 adopted on August 21, 2008 the Request for Council Action is to authorize the Mayor to sign the PDR bond agreement for FY07, FY08 and FY09 bond funds on behalf of the Lexington-Fayette Urban County Government.

Lexington-Fayette Government Center
200 East Main Street • Lexington, Kentucky 40507 • (859) 258-3100 • FAX (859) 258-3194
mayor@lfucg.com

Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Department of Law

TO: Jim Newberry, Mayor
Members, Urban County Council

FROM: Department of Law

DATE: December 2, 2008

RE: Fayette County Legal Aid

As you know, Fayette County Legal Aid, Inc. provided legal services to indigent Fayette County residents from its inception until June 30, 2007 at which time the Department of Public Advocacy assumed the responsibility for providing those services.

Because Fayette County Legal Aid, Inc. is no longer providing legal services, it is the desire of the corporation to dissolve and dispose of its assets. The Articles of Incorporation for the corporation provide that in the event of dissolution, the corporation's assets are to be distributed to the Commonwealth and the Urban County Government based upon each entity's respective percentage of contribution to the corporation.

Fayette County Legal Aid, Inc. has an asset located at 111 Church Street where its office was located. Fayette County Legal Aid, Inc. has requested that the Urban County Council consent to the execution of a deed transferring the property located at 111 Church Street to the Commonwealth and then negotiate directly with the Commonwealth for its share of the proceeds of the ultimate sale of the property.

The Urban County Government and the Commonwealth will enter into an agreement for the distribution of proceeds from the eventual sale of the referenced property which will be presented to the Council for approval at a later date.

At this time, Council authorization is being requested to consent to the transfer of the property from Fayette County Legal Aid, Inc. with the

**P.O. Box 34028 Lexington, KY 40588 (859) 258-3500 Fax:(859) 258-3538 www.lfucg.com
**Please note new mailing address

Commonwealth concerning the disposal of the property and distribution of proceeds.

If you have any questions or need additional assistance, please let me know.

Glenda Humphrey George, Attorney Sr.

cc: Council Office
Joe Kelly, Sr. Advisor

X:\Cases\LAW\08-LE0032\LEG\00190362.DOC

LEXINGTON-FAYETTE URBAN COUNTY COUNCIL

672-08

Memorandum

TO: Council Administrator Rebecca Langston

FROM Linda Gorton
Linda Gorton
Council Member At-Large

DATE: December 2, 2008

SUBJECT: Donation from Friends of the Dog Park, Inc.

Enclosed is paperwork reflecting the donation of $7,000 of fencing for the Wellington Dog Park, given by Friends of the Dog Park, Inc. to Lexington Fayette Urban County Government. Please bluesheet.

CC: Vicki Steele
Janet Cowen

675-08

Jim Newberry, Mayor

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Division of Human Resources

MEMORANDUM

TO: Mayor Jim Newberry
Joe Kelly, Senior Advisor
Council Members

FROM: Michael Allen, Director
Division of Human Resources

DATE: November 26, 2008

RE: **Request to Extend Vacation Leave—Council Clerks Office**

The attached action creates an ordinance, notwithstanding Section 21-33(a) of the Code of Ordinances, providing that Susan Lamb, Council Clerk within the Council Clerks Office, may carry over accumulated vacation leave in excess of one hundred sixty-eight (168) hours at the end of calendar year 2008; providing that the employee shall have their accumulated vacation hours reduced to one hundred sixty-eight (168) hours on March 31, 2009; and, providing that if the employee separates from employment with the Urban County Government before March 31, 2009 shall be paid pursuant to Section 21-33(e) of the Code of Ordinances for no more than one hundred sixty-eight (168) hours plus those hours accumulated for service during calendar year 2009.

Normally, classified civil service employees are allowed to carry over one hundred sixty-eight (168) vacation hours from one calendar year to the next. However, due to the recent staffing problems faced by the Council Clerks Office, the Council Clerk has been required to work mandatory overtime and has been unable to use vacation leave.

There is no fiscal impact associated with this action.

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

Log # 09-0040

200 East Main Street—8th Floor Lexington, KY 40507 (859) 258-3030 Fax (859) 258-3059 TDD (859)-258-3039 www.lfucg.com

SERVICES COMMITTEE SUMMARY

DECEMBER 2, 2008

CM Ellinger chaired the committee meeting. The meeting was called to order at 1:00 p.m. All committee members were present except CM Henson and CM Lane. Dr. Stevens, CM Gorton, CM James, and CM Stinnett were present as well.

1. Dog Tethering Ordinance

   CM Beard gave background information regarding this issue.

   Pam Rogers, Kentucky Director for the Humane Society of the United States, did a PowerPoint presentation for the committee called "Breaking the Chain – Giving Dogs a New Leash on Life".

   The committee heard from several citizens: Mary Ann Fugate, SOAR; Janet Cowan; Kim Stewart; Pat Harris; Nancy Carey; Dianne Servis; Shirley Powell and Susan Malcomb, Lexington Humane Society.

   <u>A motion by CM Crosbie to create a sub committee to look at an ordinance regarding tethering/pinning dogs and report back to the committee in 60 days, seconded by CM Beard, passed without dissent.</u>

2. Solid Waste Fee Structure

   CM DeCamp gave background information regarding this issue. He stated over the years he has heard from several people about having a level playing field so we can have a fair approach to the collection of solid waste in the city. He stated he brought it up to see if there is a fair way to charge people for the collection of trash.

   Paul Schoninger gave the committee information on user fees.

   Commissioner Taylor stated she was introduced to this study that was done in November 2006. She stated since becoming aware of this study they have spent a lot of time looking at the recommendations. Commissioner Taylor stated they have focused more on the fundamental systems that would need to be in place to be successful no matter what option is chosen.

   CM DeCamp asked if staff is interested in looking at a user fee from the point of view of a fairness issue.

Commissioner Taylor stated they could look at any option the Council would want them to look at.

Several CMs asked questions regarding this issue and expressed their concerns.

A motion by CM DeCamp to remove this issue from the Services Committee based on a forthcoming recommendation to place it in Budget and Finance Committee, seconded by CM Crosbie, passed without dissent.

3. Man O War Truck Restrictions

Dr. Stevens gave background information regarding this issue.

Lt. Pape stated Section 18.44 could be difficult for officers to enforce.

A motion by Dr. Blues for the Police Dept. to report back to the committee in 60 days with their findings from the surveillance of the area and a plan of enforcement, seconded by CM Crosbie, passed without dissent.

4. Items in Committee

No motion came from this item.

The meeting adjourned at 2:23 pm.