

**URBAN COUNTY COUNCIL
SCHEDULE OF MEETINGS
March 2-March 9, 2009**

Monday, March 2

Fayette County Rural Land Management Board Meeting.....2:00 pm
Conference Room-5th Floor Government Center

Tuesday, March 3

Management Audit Sub Committee Meeting.....9:00 am
Conference Room-2nd Floor Fire Station, 219 E Third St

Budget & Finance Committee Meeting.....10:00 am
Council Chambers-2nd Floor Government Center

Services Committee Meeting.....1:00 pm
Council Chambers-2nd Floor Government Center

Council Work Session.....3:00 pm
Council Chambers-2nd Floor Government Center

Wednesday, March 4

Government Center Task Force Meeting.....9:00 am
Conference Room-5th Floor Government Center

Masterson Station Park Advisory Board Meeting.....6:00 pm
Masterson Station Park-Lions Club Building

Student Housing Task Force Meeting.....4:00 pm
Conference Room-5th Floor Government Center

Thursday, March 5

Storm Water Fee Task Force Meeting.....9:00 am
Council Chambers-2nd Floor Government Center

Friday, March 6

Mayor's Commission on the American Recovery & Reinvestment Plan....3:00 pm
Council Chambers-2nd Floor Government Center

Monday, March 9

No Meetings

LEXINGTON-FAYETTE URBAN COUNTY COUNCIL

WORK SESSION AGENDA

March 3, 2009

- I. Public Comment – Issues on Agenda**
- II. Requested Rezoning / Docket Approval – None**
- III. Approval of Summary-Yes, February 24, 2009, pp.5-8**
- IV. Budget Amendments – None**
- V. New Business, pp.11-29**
- VI. Continuing Business / Presentations**
 - A. Budget and Finance Committee, pp.30-35**
 - B. Severe Weather Awareness Proclamation**
 - C. Paratransit Service**
 - Mr. Rocky Burke, General Manager**
 - Transit Authority of LFUCG and Lexington**
 - D. Streetscape Presentation**
 - Mr. Harold Tate, President / Executive Director**
 - Lexington Downtown Development Authority**
- VII. Council Report**
- VIII. Mayor's Report – None**
- IX. Public Comment – Issues Not on Agenda**

ADMINISTRATIVE SYNOPSIS

New Business Items

- A. *Authorization to Amend Article I, Chapter 16 and Create Article X, Chapter 16 of the Code of Ordinances. (056-09) (Martin/Taylor)
 This request will authorize an amendment to the Code of Ordinances of Article I of Chapter 16 and create Article X under Chapter 16 for the purpose of requiring proper maintenance, cleaning and repair of privately owned stormwater control structures. The amendment to Article I is necessary to provide definitions for terms in Article X. The creation of Article X is in response to LFUCG's Federal Consent Decree filed in US District Court on March 14, 2008.**pp.11-18 EPA Consent Decree**
- B. Authorization of Change Order No. 3 to Contract with CDP Engineers, Inc., on Behalf of the Department of Environmental Quality, Division of Water Quality, Regarding the Elkhorn Pump Station and Force Main Improvement Project. (162-09) (Martin/Taylor)
 This request will authorize Change Order No. 3 to increase contract amount by \$47,000 with CDP Engineers, Inc. on behalf of the Division of Water Quality regarding the South Elkhorn Pump Station and Force Main Improvement Project. This change order ensures that the specifications and project deliverables are in conformance with the low-interest Kentucky Infrastructure loan; includes a "green infrastructure" design elements; and design and specification modification for the downstream Special Manhole Number 10. Total of previous change orders is \$147,500. New contract total is \$534,500. Funds are budgeted.**pp.19-20**
- C. Authorization to Accept Award from the Environmental Protection Agency (EPA) on Behalf of the Department of Environmental Quality under the Environmental Justice Small Grants Program. (169-09) (P. King/Taylor)
 This request will authorize the acceptance of an award of federal funds in the amount of \$20,000 from the EPA on behalf of the Department of Environmental Quality under the Environmental Justice Small Grants Program. Funds will be used to provide health education and outreach to the underserved Medicaid pediatric population in Fayette, Bourbon, Clark, Jessamine and Madison counties with regards to lead-based paint exposure. An agreement with the Lexington-Fayette County Health Department for the provision of these services and an agreement with the University of Kentucky Research Foundation will provide a consultation/evaluation component. No matching funds are required.**p.21**
- D. Authorization of an Agreement with The Salvation Army of Central Kentucky for Operation of an Essential Services Program. (163-09) (P. King/Helm)

This request will authorize an agreement for state funds in the amount of \$9,000 with The Salvation Army of Central Kentucky for operation of an Essential Services Program for individuals and families who are homeless or at risk of becoming homeless. This agreement outlines the roles and responsibilities of the Salvation Army and LFUCG. The source of funds is the Kentucky Housing Corporation under the Emergency Shelter Grants Matching Funds Program.**p.22**

E. Authorization of a Deed of Acceptance for a Permanent Sidewalk Easement and a Temporary Construction Easement Regarding the Georgetown Street Sidewalk Improvements Project. (165-09) (Rayan/Webb)

This request will authorize a Deed of Acceptance at a cost of \$100 for a permanent sidewalk easement of 35.74 square feet and a temporary construction easement of 62.52 square feet at property located at 431 Georgetown Street for the Georgetown Street Sidewalk Improvements Project.**p.23**

F. Authorization of a Deed of Acceptance for a Permanent Sidewalk Easement and a Temporary Construction Easement Regarding the Georgetown Street Sidewalk Improvements Project. (166-09) (Rayan/Webb)

This request will authorize a Deed of Acceptance at a cost of \$100 for a permanent sidewalk easement of 7.73 square feet and a temporary construction easement of 25.98 square feet at property located at 429 Georgetown Street for the Georgetown Street Sidewalk Improvements Project.**p.24**

G. Authorization to Submit Six (6) Grant Applications to the Kentucky Transportation Cabinet (KYTC) on Behalf of the Department of Public Works and Development and One (1) Grant Application on Behalf of the Blue Grass Trust for Historic Preservation under the Transportation Enhancement Program – FY2010. (167-09) (P. King/Webb)

This request will authorize the submission of six (6) grant applications to KYTC on behalf of the Department of Public Works and Development and one (1) grant application on behalf of the Blue Grass Trust for Historic Preservation under the Transportation Enhancement Program. The following projects were submitted by the Department of Public Works and Development:

- **Loudon Avenue Sidewalk** for federal funds in the amount of \$240,000 for construction of 4,000 feet of a 5-foot wide sidewalk on the southside of Loudon Avenue between Newtown Pike to Russell Cave Road. A local match of \$60,000 is required and will come from the Municipal Aid Program. Total project cost is \$300,000.
- **Georgian Way Pedestrian Bridge** for federal funds in the amount of \$505,880 for construction of a 200-foot pedestrian bridge over New Circle Road from Beaumont Trail to Georgian Way. A local match of \$126,470 is required and will come from the Bond Fund for Trails. Total project cost is \$632,350

- **Legacy Trail, Phases 2 and 3** for federal funds in the amount of \$5,002,500 for construction of a 2-mile shared use path from Citation Boulevard to Loudon Avenue, construction of bicycle and pedestrian accommodations at 14 intersections from Loudon Avenue to Main Street, and along Third Street; and for bike racks, lighting, benches and signage for bicycle and pedestrian facilities. A local match will come from the Bond Fund for Trails and \$100,000 from the Legacy Center. Total project cost is \$6,253,200.
- **Southland Drive Bike / Pedestrian Improvements** for federal funds of \$240,000 for construction of one (1) mile of bike lanes from Rosemont Garden to Nicholasville Road and for a construction of a pedestrian access under the railroad bridge. A local match of \$30,000 will come from the Municipal Aid Program and \$30,000 from the Southland Drive Business Association. Total project cost is \$300,000.
- **Town Branch Trail Crossing** for federal funds of \$408,720 for construction of a trail crossing with sight distance improvements on Old Frankfort Pike from Town Branch Trail Phase 3 to McConnell Springs Road and Park. A local match of \$102,180 is required and will come from the Trail Bond. Total project cost is \$510,900.
- **South Limestone Streetscape Improvements** for federal funds of \$2,000,000 for construction of streetscape improvements of new sidewalks, lighting, street trees, and furnishings on South Limestone from Vine Street to Avenue of Champions. A local match of \$500,000 is required and will come from the South Limestone Street Improvement Bond.

The Blue Grass Trust for Historic Preservation submitted an application for the **Pope Villa Restoration** for federal funds of \$469,240 for the third phase of restoration. A local match of \$117,310 will be provided by the Blue Grass Trust. Total cost of this phase is \$586,550.**pp.25-26**

H. Authorization of Change Order No. 1 to Contract with CMH of Kentucky, Inc. (d/b/a Luv Homes #853) for Temporary Housing for the Newtown Pike Extension Project. (170-09) (P. King/Webb)

This request will authorize Change Order No. 1 to delete \$193,657 and increase contract amount by \$11,337 with CMH of Kentucky, Inc. (d/b/a Luv Homes #853) regarding Temporary Housing for the Newtown Pike Extension Project. This change deletes installation of modular home at a cost of \$168,480 and construction of 4-foot chain link fence for \$25,177, and adds installation of Modular Homes for \$183,132 and construction of a 4-foot chain-link fence for \$204,994. Original contract amount was \$706,906.76. New contract total is \$718,243.76. Funds are budgeted.**pp.27-29**

***EPA Consent Decree**

URBAN COUNTY COUNCIL
WORK SESSION SUMMARY
& TABLE OF MOTIONS

February 24, 2009

Mayor Newberry chaired the meeting. All Council Members were present except CM Crosbie.

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

A motion by CM Lane to place on the docket for the Thursday February 26, 2009 Council Meeting, a resolution authorizing and directing the Mayor to execute an amendment to the contract with DRC Emergency Services, LLC to increase the quantities of debris pick up in public pick up areas, seconded by CM Ellinger, passed without dissent.

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

- III. Approval of Summary-Yes

A motion by CM Stinnett to approve the summary of 2/17/09, seconded by CM Henson, passed without dissent.

- IV. Budget Amendments-Yes

A motion by CM Gorton to approve the budget amendments, seconded by CM Blues, passed without dissent.

- V. New Business

- A. Authorization to Advertise the Position of Administrative Specialist Principal in the Department of Public Safety, Division of Police, within LFUCG. (151-09) (Allen/Koch)
- B. Authorization to Submit a Grant Application to the Kentucky Transportation Cabinet on Behalf of the Department of Public Works and Development, Division of Planning and the Young Men's Christian Association (YMCA) of Central Kentucky, under the Safe Routes to School Program (SRTS). – FY2010. (153-09) (P. King/Webb)

- C. Authorization of a Deed of Acceptance for a Permanent Sidewalk Easement and Temporary Construction Easement for the Georgetown Street Sidewalk Improvements Project. (154-09) (Rayan/Webb)
- D. Authorization of a Deed of Acceptance for a Temporary Construction Easement for the Clays Mill Road Improvements Project. (155-09) (P. King/Webb)
- E. Authorization of a Deed of Acceptance for a Fee Simple Acquisition of Permanent Right of Way and Temporary Construction Easement for the Clays Mill Road Improvements Project. (156-09) (P. King/Webb)
- F. Authorization of a Deed of Acceptance for a Temporary Construction Easement for the Clays Mill Road Improvements Project. (157-09) (P. King/Webb)
- G. Authorization of a Deed of Acceptance for a Permanent Storm Sewer Easement and Temporary Construction Easement for the Clays Mill Road Improvements Project. (158-09) (P. King/Webb)
- H. Authorization to Amend Section E of Agreement with KKG to Change Scope of Services Provided in Miscellaneous Section of the Agreement (159-09) (Webb)
- I. Authorization for Award of Public Education Services Contract – Public Education Partnership with the Lexington Legends to Educate Public About Stormwater and Household Waste Management Required by Stormwater Quality Management Program. (160-09) (Taylor)
- J. Authorization of Change Order No. 1 (final), to Contract #923, with Meyer Midwest, Inc., for the Elizabeth Street Drainage Improvements Project (#384), in the Amount of \$10,609.24, Increasing the Contract Amount to \$307,444.74. (152-09) (Martin/Taylor)
- K. Authorization of a Metaformers Ordering Document and Purchase Order Request Regarding PeopleSoft Enterprise Real Estate Management (REM) and Enterprise Transaction Billing Processor. (122-09) (Dhuwaraha)
- L. Authorization to Execute a Corrected Encroachment Agreement With JDL-Lexington, LLC. The original Agreement Contains an Incorrect Legal Description. (161-09) (Askew)

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

VI. Continuing Business / Presentations

A. Planning Committee Update

This update was given by CM Gorton. There were 3 motions to come forward.

A motion by CM Gorton to move this issue(Authorization to Amend Article I Chapter 16 and create Article X, Chapter 16 of the Code of Ordinances) back to Council as a new business item to be added to the docket for approval and creation of an ordinance, seconded by CM Stinnett, passed without dissent.

A motion by CM Gorton to remove Day Treatment Facility from the items referred list, seconded by CM Ellinger, passed without dissent.

A motion by CM Gorton to remove Backyard setback from the items referred list, seconded by CM Blues, passed without dissent.

B. Partners for Youth

This presentation was given by Larry Johnson. Several CMs spoke. Mayor Newberry expressed his appreciation for everyone's efforts.

A motion by CM James to approve, after Dept. of Law review, the Partners For Youth, Disproportionate Minority Confinement Committee resolution, seconded by CM Blues, passed without dissent.

C. American Red Cross Proclamation

This proclamation was presented to Terry Burkhart, CEO Bluegrass Chapter, from Mayor Newberry.

VII. Council Report

CM Stinnett-Announced that there will be a Budget & Finance continuation meeting next Tuesday at 10 am; thanked Mayor Newberry, CM Gorton, and VM Gray for their attendance at the 6th District Presidents' meeting; asked for debriefing on ice storm-Comm. Webb is working on this.

CM Gorton-Stated that the Storm Water Fee Task Force will meet on 2/26 at 9 am in Council Chambers; also mentioned the joint meeting of the Planning Committee/Commission that was held on 2/19/09 and stated that there will be a second meeting in about 1 month.

CM James-Reminded everyone of the Central Sector meeting tonight at 6 pm at the Central Library.

A motion by CM James to approve the Neighborhood Development Bond Fund list, pending approval from the Bond Council, seconded by CM Blues, passed without dissent.

CM McChord-Announced, again, the Stonewall NA meeting next week; expressed appreciation to Comm. Webb and all who have been working on the debris pickup issue; asked David Elsen, Dir. YMCA, to speak about a program there.

CM Henson-Stated that she attended a luncheon last week with realtors who assist the elderly with odd jobs; announced that Headley-Green NA will meet on 3/2/09 at 7 pm.

VM Gray-Acknowledged the joint meeting with the Planning Committee/Commission; asked Officer Gaines from the Town & Gown Commission to explain a recommendation; stated that the State Auditor's report on the Airport would be available at 8:30 am.

A motion by VM Gray to place the Herbie ordinance into the Services Committee, seconded by CM Gorton, passed without dissent.

CM Martin-Applauded the efforts of the American Red Cross and sent congratulations to the Dunbar Cheerleading squad for winning 1st place in State competition and 3rd place in Nationals.

CM Myers-Announced those citizens who are eligible for earned income credit can have their tax returns prepared at Gainesway Center on Tuesdays and Wednesdays.

VIII. Mayor's Report-None

Comm. Taylor came forward to speak about property located on Old Frankfort Pike that was discussed in December. Several CMs spoke on this issue.

A motion by CM McChord to approve applying the \$83 K toward the purchase of the Old Frankfort Pike property, seconded by CM Myers, passed without dissent.

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

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

Work Session was adjourned at 4:45 pm.

NEW BUSINESS ITEMS REQUIRING BUDGET AMENDMENTS

9

March 3, 2009 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
169-09	BA 2047	Community Development	To establish grant budget for the Environmental Justice Grant for the Department of Environmental Quality.
C			3170 20,000 3170 20,000CR 0*

EFFECT ON FUND BALANCES

FUND 3170 0* NO EFFECT ON: US ENVIRONMENTAL PROTECTION AGENCY

Budget Information For New Business Items
March 3, 2009 Work Session

10

Item	Number	Amount	Fund	Name / Description
A	056-09	NA		
B	162-09	47,000	4003	Sanitary Sewer Construction Fund
C	169-09	20,000	3170	US Environmental Protection Agency Budget Journal
D	163-09	9,000	3400	Grants – State
E	165-09	100	2514	2005 Bond Projects
F	166-09	100	2514	2005 Bond Projects
G	167-09	NA		
H	170-09	11,337	3160	US Department of Transportation



*056-09

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

To: Mayor Jim Newberry
Urban County Council

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

Date: January 21, 2009

Re: Amend Code of Ordinance Chapter 16, Article I / Create Code of Ordinance Chapter 16, Article X – Privately Owned Stormwater Control Maintenance

The purpose of this memorandum is to request an amendment to LFUCG Code of Ordinances Chapter 16, Article I and to create a Chapter 16, Article X for the purpose of requiring proper maintenance, cleaning and repair of privately owned stormwater control structures.

Amendment of Chapter 16, Article I is necessary to provide definitions for terms used in Article X. Creation of Article X is in response to requirements found in LFUCG's Federal Consent Decree, which was lodged with U.S. District Court on March 14, 2008. The specific requirement is as follows:

By January 31, 2009, develop and propose an ordinance to the UCC that would require proper maintenance, cleaning, and repair of privately-owned stormwater control structures which were required under approved plans or ordinances.

Questions regarding this memorandum should be directed to Charles Martin at 425-2455.

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ORDINANCE NO. _____ - 2009

AN ORDINANCE RELATING TO STORMWATER DISCHARGES CREATING SECTION 16-1(f) OF THE CODE OF ORDINANCES DEFINING TERMS AND CREATING ARTICLE X OF CHAPTER 16 OF THE CODE OR ORDINANCES TO ENSURE COMPLIANCE WITH THE URBAN COUNTY GOVERNMENT'S MS4 PERMIT AND REDUCE IMPACTS TO PUBLIC HEALTH, WELFARE AND THE ENVIRONMENT DUE TO STORMWATER RUNOFF; INCORPORATING THE STORMWATER MANUAL BY REFERENCE; EXPRESSING INTENT TO ENSURE ADEQUATE MAINTENANCE OF STORMWATER CONTROL DEVICES ON PRIVATE PROPERTY; PROVIDING THAT IN RESIDENTIAL AREAS WHERE A PUBLIC EASEMENT FOR A STORMWATER CONTROL DEVICE EXISTS THE PRIVATE PROPERTY OWNER IS RESPONSIBLE FOR NON-STRUCTURAL MAINTENANCE OF ANY STORMWATER CONTROL DEVICE; PROVIDING THAT IN RESIDENTIAL AREAS WHERE A PUBLIC EASEMENT FOR A STORMWATER CONTROL DEVICE EXISTS THE URBAN COUNTY GOVERNMENT IS RESPONSIBLE FOR ALL STRUCTURAL REPAIRS NECESSARY TO MAINTAIN THE STORMWATER DETENTION FUNCTION OF THE STORMWATER CONTROL DEVICE BUT THE GOVERNMENT SHALL NOT UNDERTAKE ANY ACTION TO MAINTAIN THE STORMWATER CONTROL DEVICE AS A RETENTION FACILITY THAT PERMANENTLY CONTAINS WATER; PROVIDING THAT IN A RESIDENTIAL AREA WHERE NO PUBLIC EASEMENT EXISTS, THE PROPERTY OWNER IS RESPONSIBLE FOR ALL NON-STRUCTURAL MAINTENANCE AND STRUCTURAL MAINTENANCE OF THE STORMWATER CONTROL DEVICE; PROVIDING THAT NO TREES, STRUCTURES, EQUIPMENT, UNSAFE CONDITIONS, OR CONDITIONS THAT ADVERSELY AFFECT CONTROL OF WATER QUANTITY OR WATER QUALITY SHALL BE PERMITTED IN STORMWATER CONTROL DEVICES IN RESIDENTIAL AREAS; PROVIDING THAT ALL MAINTENANCE AND REPAIR OF STORMWATER CONTROL DEVICES IN COMMERCIAL AND INDUSTRIAL AREAS IS THE RESPONSIBILITY OF THE OWNER OR MANAGER OF THE PROPERTY; PROVIDING FOR NOTICE OF ANY MAINTENANCE OR REPAIR PROBLEMS; PROVIDING THAT WHERE A STORMWATER CONTROL DEVICE IS LOCATED FULLY OR PARTIALLY UNDERGROUND, THE OWNER OR MANAGER SHALL CAUSE AN ANNUAL INSPECTION TO BE PERFORMED AND REPORTED TO THE DIVISION OF WATER QUALITY; AND PROVIDING THAT NO TREES, STRUCTURES, EQUIPMENT, UNSAFE CONDITIONS, CONDITIONS THAT ADVERSELY AFFECT CONTROL OF WATER QUANTITY OR WATER QUALITY SHALL BE PERMITTED IN STORMWATER CONTROL DEVICES IN COMMERCIAL AND INDUSTRIAL AREAS.

WHEREAS, the mission of the stormwater management program of the Urban County Government includes safely and efficiently managing stormwater runoff,

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enhancing public health and safety, protect lives and property, and minimize the discharge of pollutants in stormwater in compliance with applicable federal and state laws, and enhance the natural resources of the community; and

WHEREAS, the Urban County Government, the United States Environmental Protection Agency, and the Commonwealth of Kentucky have entered into a Consent Decree in a case styled *United States, et al. v. Lexington-Fayette Urban County Government*, United States District Court for the Eastern District of Kentucky, Case No. 5:06-CV-00386, that provides for an ordinance be developed and proposed to the Urban County Council by January 31, 2009 that would require proper maintenance, cleaning, and repair of privately-owned stormwater control structures which were required under approved plans or ordinances; and

WHEREAS, the responsibility for maintenance, cleaning, and repair of stormwater control structures is properly shared by private property owners and the Urban County Government depending on the location, property rights, and type of structure;

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

Section 1 - That Subsection 16-1(f) be and hereby is created to read as follows:

(f) With relation to article X of this chapter and any permits issued pursuant thereto the following definitions apply:

- (1) "Agricultural Activities" are activities related to planting of crops or pasture associated with farming or the horse industry, excluding construction for buildings or structures associated with such activities.
- (2) "Authorized Enforcement Agency" means employees or designees of the director of the division of environmental policy.

- (3) "Commercial area" means an area developed for commercial uses including retail, offices, apartment buildings, townhouse/condominium developments, golf courses or other non-residential, non-agricultural, or non-industrial uses.
- (4) "CWA" means the Clean Water Act, also referred to as "the Act" or the "Federal Water Pollution Control Act" as subsequently amended (33 U.S.C. Section 1251 et seq.).
- (5) "Detention basin" or "detention pond" means a stormwater quantity control device that is designed to control peak discharge during a rain event and to completely drain after the design storm passes.
- (6) "Drainage Way" means any channel that conveys surface runoff throughout the site.
- (7) "Hazardous Materials" means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
- (8) "Industrial area" means an area developed for industrial activity.
- (9) "Industrial Facility" means any facility located within LFUCG's jurisdictional boundary from which there is a "stormwater discharge associated with industrial activity" as defined in 401 KAR 5:002 Section 1, excluding Construction Sites. It also includes SARA Section 313 facilities referenced in 401 KAR 5:060 Section 12 that have a reasonable potential to discharge pollutants of concern at significant levels in stormwater from industrial activities.
- (10) "Manager" means a person who manages, controls, operates, maintains, and/or directs a commercial or industrial facility or activity.
- (11) MS4, or "Municipal Separate Storm Sewer System", is the conveyance, or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels and storm drains) that is owned or operated by LFUCG that discharges to waters of the United States:
 - a. designed or used for collecting or conveying stormwater;
 - b. which is not combined sewer; and
 - c. which is not part of a Publicly Owned Treatment Works (POTW) as defined at KRS 224.01-010.
- (12) "Person" means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.
- (13) "Residential area" means an area which has been developed for single family or two-family dwelling units.
- (14) "Retention basin" or "retention pond" means a basin or pond that has a permanent pool exclusive of basins or ponds on property used solely for agricultural activities.
- (15) "Stormwater" means stormwater runoff, snowmelt runoff, surface runoff and drainage.

- (16) "Stormwater control device" means any detention basin, detention pond, drainage way, extended detention basin, retention basin, catch basin, or any other structure or equipment designed to control stormwater quantity or improve stormwater quality.

Section 2 - That Article X of Chapter 16 of the Code of Ordinances be and hereby is Created to read as follows:

Article X. STORMWATER DISCHARGES.

A. General

Sec. 16-84. Purpose and Intent.

The purpose of this Article is to set forth ordinances that will ensure compliance with the urban county government's MS4 permit regulations implementing the Clean Water Act and reduce impacts to public health, welfare, and the environment due to stormwater runoff from public and private properties, including flooding and property damage.

Sec. 16-85. Stormwater Manual incorporated.

The urban county government Stormwater Manual, adopted in 2009, is incorporated herein by reference provided that in the event of any conflict between the manual and this Article the provisions of this Article shall apply.

B. Maintenance of Privately Owned Stormwater Controls

Sec. 16-86. Purpose and intent; applicability.

(a) The purpose of sections 16-87 and 16-88 is to ensure adequate maintenance of stormwater control devices located on private property.

(b) These sections apply to any stormwater control device that is entirely or partially located on private property.

Sec. 16-87. Stormwater control devices in residential areas.

- (a) In a residential area where a public easement for a stormwater control device exists, the private property owner is responsible for non-structural maintenance of any detention basin, detention pond, retention basin, retention pond or any other stormwater control device located on the owner's property, including but not limited to mowing the area, including any embankment, removing algae and all debris that accumulates in the basin, including litter and tree limbs, sodding or

*056-09

seeding bare areas, including areas on the embankment, and taking care of any landscaped areas such as trees and shrubs.

- (b) In a residential area where a public easement for a stormwater control device exists, the urban county government is responsible for all structural repairs, maintaining the integrity of any embankment and the structural items in the embankment, including concrete, pipe, gabions, stone, spillways, headwalls, repairing eroded areas on the embankment that threaten the stability of the embankment, repairing paved ditches and inlet structures in the basin, removing excess silt that affects the functionality of the stormwater control device and removing large debris that obstructs any outlet pipes or spillways of any dam provided the above-described actions are necessary to maintain the stormwater detention function of the stormwater control device. The urban county government shall not undertake any action, including, but not limited to, replacement of a liner, to maintain the stormwater control device as a retention facility that permanently contains water.
- (c) In a residential area where no public easement exists, the property owner is responsible for non-structural maintenance of any detention basin, detention pond, retention basin, retention pond or any other stormwater control device located on the owner's property, including but not limited to mowing the area, including any embankment, removing algae and all debris that accumulates in the basin, including litter and tree limbs, sodding or seeding bare areas, including areas on the embankment, and taking care of any landscaped areas such as trees and shrubs and is also responsible for all structural repairs, maintaining the integrity of any embankment and the structural items in the embankment, including concrete, pipe, gabions, stone, spillways, headwalls, repairing eroded areas on the embankment that threaten the stability of the embankment, repairing paved ditches and inlet structures in the basin, removing excess silt that affects the functionality of the stormwater control device as directed by the urban county government, and removing large debris that obstructs any outlet pipes or spillways of any dam.
- (d) No trees shall be planted on any dam structure associated with a stormwater control device.
- (e) No structures or equipment including but not limited to, fences, gazebos, swimming pools, trampolines, or buildings shall be placed in a stormwater control device.
- (f) No fill dirt shall be placed in a stormwater control device without prior approval by the director, division of water quality.
- (g) The property owner is responsible for taking reasonable care to ensure that a stormwater control device does not contain conditions that are unsafe or that

*056-09

adversely affect water quality including, but not limited to, leaving tools or equipment or misusing pesticides and/or herbicides in the basin.

(h) The property owner shall ensure that no equipment, structures, materials, or substances are located in the easement that may adversely affect the performance of a stormwater control device in controlling stormwater quantity or that adversely affect water quality.

(i) Nothing herein shall preclude the urban county government from assuming responsibility to maintain any stormwater control device pursuant to contract, easement, or other legal arrangement.

Sec. 16-88. Stormwater Controls in Commercial and Industrial Areas.

(a) Maintenance and repair of retention and detention basins and other stormwater control devices located on property used for commercial or industrial purposes is the responsibility of the property owner and the manager of the property who shall ensure the facilities are operating as intended.

(b) The property owner and/or manager of the property may be notified in writing by the division of water quality of any problems or maintenance or repair concerns that must be addressed or corrected, such as removing debris from the basin, repairing eroded areas on the embankment, replacing a crushed pipe, or improving embankment stability.

(c) On property where a stormwater control device is located fully or partially underground, the owner and manager of the property shall be responsible for causing an inspection of the facility to be performed annually and shall submit an annual inspection report to the division of water quality by January 31 of each year for the prior calendar year. The inspection report shall be prepared by a Professional Engineer licensed to practice in Kentucky and shall address the condition of the device for meeting its intended purpose.

(d) No trees shall be planted on any dam structure associated with a stormwater control device.

(e) No structures, including but not limited to, fences, gazebos, swimming pools, trampolines, or buildings shall be placed in a stormwater control device.

(f) No fill dirt shall be placed in a stormwater control device without prior approval by the director, division of water quality.

(g) The property owner or manager is responsible for taking reasonable care to ensure that a stormwater control device does not contain conditions that are unsafe or that adversely affect water quality including, but not limited to, leaving tools or equipment or misusing pesticides and/or herbicides in a basin.

~~0~~56-09

(h) The property owner or manager shall ensure that no structures, materials, or substances are located in the stormwater control device that may adversely affect its performance in controlling stormwater quantity or that adversely affect water quality.

Section 3 – That this Ordinance shall be effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF THE URBAN COUNTY COUNCIL

PUBLISHED:

00195926.DOC



162-09

Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Division of Water Quality

TO: Mayor Jim Newberry
Urban County Council

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

DATE: February 18, 2009

SUBJECT: Change Order #3 for Engineering Contract with CDP Engineers, Inc. for Design Services
Associated with the South Elkhorn Pump Station and Force Main Improvement Project

The Division of Water Quality requests approval of Change Order #3 with CDP Engineers, Inc. to increase the design services contract for the South Elkhorn Pump Station and Force Main Improvement Project. The change order is requested to:

- Ensure that the contract specifications and project deliverables are in conformance with the recently approved low-interest Kentucky Infrastructure Authority (KIA) loan.
- Include "Green Infrastructure" design elements that, once constructed, should provide data suitable for evaluating larger scale public / private projects.
- Provide design and specification modifications for the downstream Special Manhole Number 10. Special Manhole Number 10 is a unique structure located at the West Hickman Wastewater Treatment Plant, which distributes wastewater influent flow to various processes at the plant.

The original contract with CDP Engineers was \$340,000. Change Order # 1, in the amount of \$114,000, was approved in 2006. Change Order # 2, in the amount of \$33,500, was approved in 2008. The currently requested change order for \$47,000 would increase the overall contract amount to \$534, 500.00.

Funds for Change Order # 3 are budgeted (4003 303408 3468 92811).

HORSE CAPITAL OF THE WORLD

162-09

CONTRACT HISTORY FORMContractor: CDP EngineersProject Name: South Elkhorn PS/FMContract Number and Date: #5343 - 2004Responsible LFUCG Division: Water Quality**CHANGE ORDER DETAILS**

<u>Summary of Previous Change Orders To Date</u>		<u>Dollar Amount</u>	<u>Percent Change to Original Contract</u>
A.	Original Contract Amount:	\$ <u>340,000.00</u>	
B.	Cumulative Amount of Previous Change Orders:	\$ <u>147,500.00</u>	<u>43%</u> % (Line B / Line A)
C.	Total Contract Amount Prior to this Change Order:	\$ <u>487,500.00</u>	
<u>Current Change Order</u>			
D.	Amount of This Change Order:	\$ <u>47,000.00</u>	<u>14%</u> % (Line D / Line A)
E.	New Contract Amount Including this Change Order:	\$ <u>534,500.00</u>	<u>157%</u> % (Line E / Line A)

SIGNATURE LINES

Project Manager: _____

Date: _____

Reviewed by: _____

Date: _____

Division Director: Date: 2-19-09



169-09

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: FEBRUARY 24, 20098

**SUBJECT: COUNCIL AUTHORIZATION TO ACCEPT AWARD OF FEDERAL
FUNDS FROM THE ENVIRONMENTAL PROTECTION AGENCY
UNDER THE ENVIRONMENTAL JUSTICE SMALL GRANTS
PROGRAM**

On July 8, 2008 (Resolution No. 453-2008), Council authorized the submission of a grant application prepared by the Department of Environmental Quality to the Environmental Protection Agency under the Environmental Justice Small Grants Program. The Environmental Protection Agency has approved an award in the amount of \$20,000. This project will provide for health education and outreach to the underserved Medicaid pediatric population in Fayette, Bourbon, Clark, Jessamine, and Madison counties, regarding exposure to lead-based paint poisoning. An agreement with the Lexington-Fayette County Health Department for the provision of these services will be prepared for Council approval. A faculty member of the University of Kentucky College of Public Health collaborated in the preparation of the application. An agreement with the University of Kentucky Research Foundation will also be prepared providing for a consultation/evaluation component by the university. No matching funds are required.

Funds for this project are authorized by the Clean Air Act: Sec. 103(b)(3) and the Safe Drinking Water Act: Sec. 1442(b)(3).

Council authorization to accept the award is hereby requested.

Paula King
Director

Xc: Cheryl Taylor, Commissioner of the Department of Environmental Quality

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163-09

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: FEBRUARY 18, 2009

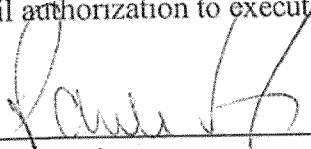
**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE AGREEMENT
WITH THE SALVATION ARMY FOR OPERATION OF AN ESSENTIAL
SERVICES PROGRAM FOR HOMELESS FAMILIES USING STATE
FUNDING FROM THE KENTUCKY HOUSING CORPORATION—FY
2009**

On July 8, 2008 (Ordinance 174-2008), Council approved the submission of an application to Kentucky Housing Corporation, and acceptance of funds if offered, from the Emergency Shelter Grants Matching Funds Program for the provision of essential services and homelessness prevention services to families and individuals who are either homeless or at risk of becoming homeless. Kentucky Housing Corporation has now approved these funds, including the operation of an essential services project for homeless families by The Salvation Army in the amount of \$9,000.

The proposed agreement with The Salvation Army (the Administrator) outlines the roles and responsibilities of the LFUCG and the Administrator in completing the approved activities. Funds are budgeted as follows:

FUND	DID	SECT	ACCOUNT	BUD REF	PROJECT	ACTIVITY
3400	606201	6212	71299	2009	EMERG SHELTER	DEFAULT

Council authorization to execute the agreement is hereby requested.


Paula King, Director

Xc: Marlene Helm, Commissioner of Social Services

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165-09

Mayor Jim Newberry

LEXINGTON - FAYETTE URBAN COUNTY GOVERNMENT

Division of Engineering

MEMORANDUM

To: Mayor Jim Newberry
Urban County Council

From: James R. Wray
Engineering Technician Principal

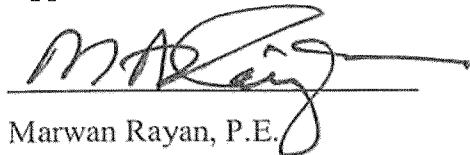
Date: February 13, 2009

Re: Resolution Authorizing Acceptance of Deed
Project No. 497 – Georgetown Street Sidewalk Improvements

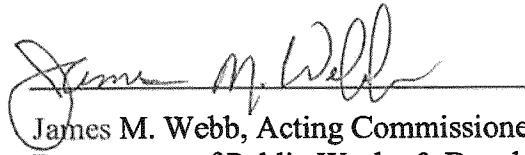
The purpose of this memorandum is to request a resolution authorizing the acceptance of a deed of permanent sidewalk easement and temporary construction easement for the Georgetown Street Sidewalk Improvement project. The deed will be from Martin Watts at a cost of \$100.00 for the acquisition of 35.74 square feet of permanent sidewalk easement and 62.52 square feet of temporary construction easement from the property located at 431 Georgetown Street.

Funds for the payment are currently budgeted. Acceptance of the deed in payment of the consideration is recommended.

Approved by:



Marwan Rayan, P.E.
Urban County Engineer



James M. Webb, Acting Commissioner
Department of Public Works & Development

c/with att: Yvonne Stone File
c/wo att: Robert Bayert, P.E.

09.P497.406.blue 431 Georgetown Street

HORSE CAPITAL OF THE WORLD

166-09



Mayor Jim Newberry

LEXINGTON - FAYETTE URBAN COUNTY GOVERNMENT

Division of Engineering

MEMORANDUM

To: Mayor Jim Newberry
Urban County Council

From: James R. Wray
Engineering Technician Principal

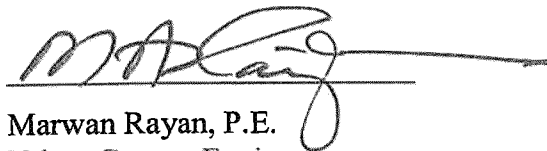
Date: February 13, 2009

Re: Resolution Authorizing Acceptance of Deed
Project No. 497 – Georgetown Street Sidewalk Improvements

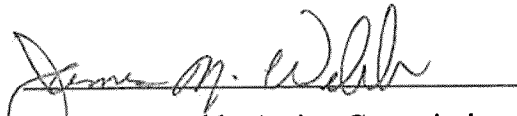
The purpose of this memorandum is to request a resolution authorizing the acceptance of a deed of permanent sidewalk easement and temporary construction easement for the Georgetown Street Sidewalk Improvement project. The deed will be from Martin Watts at a cost of \$100.00 for the acquisition of 7.73 square feet of permanent sidewalk easement and 25.98 square feet of temporary construction easement from the property located at 429 Georgetown Street.

Funds for the payment are currently budgeted. Acceptance of the deed in payment of the consideration is recommended.

Approved by:



Marwan Rayan, P.E.
Urban County Engineer



James M. Webb, Acting Commissioner
Department of Public Works & Development

c/with att: Yvonne Stone File
c/wo att: Robert Bayert, P.E.

09.P497.406.blue 429 Georgetown Street

HORSE CAPITAL OF THE WORLD



167-09

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: FEBRUARY 23, 2009

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO SUBMIT VARIOUS
APPLICATIONS TO THE KENTUCKY TRANSPORTATION
CABINET REQUESTING FEDERAL FUNDS FROM THE
TRANSPORTATION ENHANCEMENT PROGRAM FOR
VARIOUS PROJECTS IN FISCAL YEAR 2010**

The Divisions of Planning and Engineering have prepared the following applications for submission to the Kentucky Transportation Cabinet/Office of Special Programs requesting federal funds from the Transportation Enhancement Program in Fiscal Year 2010:

Loudon Avenue Sidewalk – Construction of 4,000 feet of a 5 foot wide sidewalk on the south side of Loudon Ave from Newtown Pike to Russell Cave Road. Total Cost: \$300,000. Federal Funds: \$240,000. Local Funds: \$60,000. Source of local match: Municipal Aid Program funds.

Georgian Way Pedestrian Bridge – Construction of a 200 foot pedestrian bridge over New Circle Road from Beaumont Trail to Georgian Way. Total Cost: \$632,350. Federal Funds: \$505,880. Local Funds: \$126,470. Source of local match: Trail Bond Fund.

Legacy Trail, Phases 2 and 3 – Construction of 2 miles of a shared use path from Citation Boulevard to Loudon Avenue; construction of bicycle and pedestrian accommodations at 14 intersections from Loudon Avenue to Main Street and along Third Street; provision of bicycle and pedestrian facilities such as bike racks, lighting, benches and signage. Total Cost: \$6,253,200. Federal Funds: \$5,002,500. Local Funds: \$1,250,700. Source of local match: Trail Bond Fund and \$100,000 from the Legacy Center.

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Southland Drive Bike/Pedestrian Improvements – Construction of one mile of bike lanes from Rosemont Garden to Nicholasville Road. Construction of pedestrian access under railroad bridge. Total Cost: \$300,000. Federal Funds: \$240,000. Local Funds: \$60,000. Source of local match: Municipal Aid Program funds (\$30,000) & Southland Drive Business Association (\$30,000).

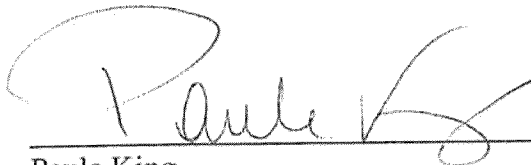
Town Branch Trail Crossing – Construction of trail crossing, including sight distance improvements, on Old Frankfort Pike from Town Branch Trail Phase 3 to McConnell Springs Road and Park. Total Cost \$510,900. Federal Funds: \$408,720. Local Funds: \$102,180. Source of local match: Trail Bond Funds.

South Limestone Streetscape Improvements – Construction of streetscape improvements on South Limestone from Vine Street to Avenue of Champions, including new sidewalks, lighting, street trees, and furnishings. Total Costs: \$2,500,000. Federal Funds: \$2,000,000. Local Funds: \$500,000. Source: South Limestone St. Improvement Bond.

In addition, the Blue Grass Trust for Historic Preservation, a community-based, private, nonprofit organization has prepared the following application:

Pope Villa Restoration - A third phase of restoration for this nationally significant structure. As Senator, John Pope was instrumental in the passage by Congress of the first national transportation plan. Total cost of a third phase of restoration is \$586,550. Federal request of \$469,240. Local match of \$117,310 will be provided by the Blue Grass Trust for Historic Preservation.

The Transportation Enhancement Program provides for the implementation of a variety of non-traditional projects, with examples ranging from the restoration of historic transportation facilities, bike and pedestrian facilities, landscaping and scenic beautification, and the mitigation of water pollution from highway runoff. The establishment of this program offers broad opportunities and federal dollars to undertake unique and creative actions to integrate transportation into communities and the environment. Transportation enhancement activities must relate to the intermodal surface transportation system in function, proximity or impact. Federal law [Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)] requires that 10% of federal surface transportation funds be used for Transportation Enhancement projects.



Paula King
Director

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



170-09

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: FEBRUARY 24, 2009

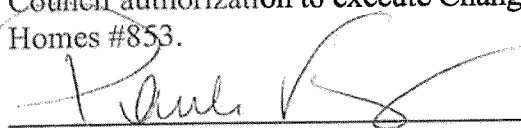
**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE CHANGE
ORDER NO. 1 WITH CMH OF KENTUCKY, INC., D.B.A. LUV HOMES
#853 FOR TEMPORARY HOUSING FOR THE NEWTOWN PIKE
EXTENSION PROJECT**

On December 11, 2007 (Resolution No. 720-2007), Council approved acceptance of bid from CMH of Kentucky, Inc. d.b.a. Luv Homes #853, in the amount of \$706,906.76 for temporary housing for households displaced by the Newtown Pike Extension project. Change Order #1 is requested for the purpose of supporting the cost of adding an outside power disconnect to each unit in accordance with the requirements of Kentucky Utilities and LFUCG Division of Fire and Emergency Services, at a per unit cost of \$915.75. Change Order No. 1 also substitutes No. 10 gage wire fencing for No. 9 gage, reducing the cost of fencing by \$3,315.00. The total additional cost of Change Order No.1 is \$11,337, providing a new total of \$718,243.76.

Funds are budgeted as follows:

FUND	DEPT ID	SECTION	ACCOUNT	PROJECT	BUD REF	ACTIVITY
3160	303202	3211	91715	Newtown Pike	2002	DEFAULT

Council authorization to execute Change Order No. 1 with CMH of Kentucky, Inc., d.b.a. Luv Homes #853.


Paula King, Director

Xc: James M. Webb, Commissioner of the Department of Public Works and Development

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CONTRACT HISTORY FORM (Change Order #1)**170-09**

28

Contractor: CMH of Kentucky, Inc. - d.b.a. Lov Home2 #853

Project Name: Newtown Pike Extension – Temporary Housing

LFUCG Res # and Date: 720-2007 December 11, 2007

Responsible LFUCG Division: Division of Engineering

CHANGE ORDER DETAILS

A. **Original Contract Amount:** \$706,906.76

Next Lowest Bid Amount:
\$ Only one Bidder

B. **Amount of Selected Alternate or Phase:** \$N/A

C. **Cumulative Amount of All Previous Alternates or Phases:** \$N/A

D. **Amended Contract Amount:** \$706,906.76

E. **Cumulative Amount of All Previous Change Orders:** \$0.00 0.0%
(Line E / Line D)

F. **Amount of This Change Order:** \$11,337.00 1.6%
(Line F / Line D)

G. **Total Contract Amount:** \$718,243.76

SIGNATURE LINES

Project Manager: Andrew Grunwell **Date:** 2/13/09

Reviewed by: RA Bayl **Date:** 2/13/09

Division Director: MA Rain **Date:** 2/18/09

LEXINGTON-FAYETTE

URBAN COUNTY GOVERNMENT

CONTRACT CHANGE ORDER

Page 1 of 2

Date: February 6, 2009 **170-09**Project: Newtown Pike Extension
Temporary Housing

Location: Whitmer Way

Southend Park near
Deroode Street

To (Contractor)

CMH of Kentucky Inc.
b.d.a. Luv Homes #853
300 Connector Rd
Georgetown, Kentucky 40324

LFUCG RES No. # 720-2007

Change Order No. 1

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

Item No. (1)	Description of changes-quantities, unit prices, changes in completion, etc. (2)	Decrease in contract price (3)	Increase in contract price (4)
3	(Delete) Installation of Modular Home, for \$10,530.00 Each.	\$168,480.00	
4	(Delete) Construction of 4' Chain/link Fence for \$14.81 per Linear Foot.	\$25,177.00	
6	(Add) Installation of Modular Homes, for 11,445.75 Each.		\$183,132.00
7	(Add) Construction of 4' Chain/Link Fence for \$12.86 per Linear Foot.		\$21,862.00
Total decrease		\$193,657.00	XXXXXXXXXXXXXX.XX
Total increase		XXXXXXXXXXXXXX.XX	\$204,994.00
Net (increase) contract price		\$11,337.00	

The sum of **\$11,337.00** is hereby added to the total contract price, and the
total adjusted contract price to date thereby is **\$718,243.76**.

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

Recommended by *Anchor Gummelt* ^{RAB} _{2/16/09} (Proj. Engr.) Date **2/6/09**
 Accepted by *Scott Hamph* (Contractor) Date **2/6/09**
 Approved by *MA King* (Urban Co. Engr.) Date **2/18/09**
 Approved by *James M. Welch* (Commissioner) Date _____
 Approved by _____ (Mayor or CAO) Date _____

BUDGET & FINANCE COMMITTEE MEETING 2-24-2009 SUMMARY

All committee members were present with Feigel and McChord attending as non voting members. The meeting was called to order at 1:01 pm.

1. Equine Task Force Recommendations - Dr. Stevens * Equine Action Items for

Urban County Council Consideration

Dr. Stevens reviewed the list of recommendations from the task force that were also included in the meeting packet.

Discussion:

Gorton told the committee the issue of city branding has been moved to the Planning Committee for review.

Gray asked about the role Fayette Alliance played in ongoing support to the equine endeavor and about constituent support.

Stinnett said more specifics need to be gathered about findings of each bullet point of the task force report.

James asked for an estimate on how much government revenue is spent on the equine task force.

Stevens did not know.

James asked if there have been conversations with Fayette Co. Schools and if the steering committee is still active.

Stevens said it is not.

James inquired about involvement of the rural settlement.

Stevens remarked he did not recall.

James asked about enhancing the recommendations, the financial aspects, suggesting involving both schools and rural settlement people.

Stinnett said he would note those suggestions.

Beard asked about other counties involvement i.e. Jessamine, Bourbon, etc.

Stevens said resources were aimed primarily at Fayette.

Henson asked if other breeds other than thoroughbreds were mentioned in the task force findings.

Stevens said yes, the October report referred to other "sport" horse breeds and their increasing popularity.

Ellinger referred to item 4 regarding incentives of breeding. He asked Stevens if the state was currently taxing stallions and if these funds were being used for incentives.

Stevens indicated the state was utilizing funds from tax on stallions for incentives but if legislation was developed in the future, LFUCG should show support.

Ellinger stated he agreed.

2. Financial Reports and Discussion - Koch/Fister

Stinnett referred to the handout asking for suggestions on the redesigned financial report.

Fister said these reports are being recommended for use in the future. She covered each page of the report, with a brief explanation of the information included, such as tracking, etc.

Fister said the general message of today's report is revenues are declining; withholdings declined
2.1 million dollar difference from Jan. 08 to Jan 09
net profits took a dip. On the expense side, she talked about the lump sum payout for retirees ended up being 1.4 million dollars, included sick payouts of 1.3 million dollars, total expenditures 2.7 million dollars creating a budget deficit. Sick payouts were budgeted to be 4.7 million and were actually lower so now we have 1.6 million more than expected. There is now a positive variance of about \$300K.

Fister mentioned the administrations' recent call for reductions in operating accounts and other cost cutting actions.

Discussion:

Stinnett asked Fister to summarize fees/license, remarking they are below projected budget by 1.1 million. She explained employee withholdings are driving the over-budget on personnel expenses.

Gray asked Fister for clarification mentioning recent economic indicators and wanted to understand the report more in depth, such as withholdings, pay roll tax. He reconfirmed we are down 3 million dollars from last year. He wanted to know reasons for the reductions, referring to withholdings down 2.1 million, net profits down 1 million being the two largest categories.

Stinnett pointed out there is a summary of the larger report included in the meeting packet.

Bill O'Mara expounded on details.

Gray asked for a forecasted percentage.

Fister talked about projections saying even though there are fewer positions filled the pay out for retirees played a role in the numbers.

Stinnett commented the reason percentages were added was in order to get a better snapshot by division.

Stinnett referred to the percent of fire dept overtime, which is higher especially during this time of year, as an example.

Lane asked about timing issues and when/how they play a role?

Henson asked about police and fire percentages, did the ice storm have a bearing. Also about FEMA recovery dollars.

Ellinger asked about returns, refunds taxes - how do we budget for what perhaps could be a big hit in April?

Bill O'Mara replied this was not budgeted, a downturn was not forecasted in the last budget.

Henson asked many of the 87 retirees were in public safety, Fister said she didn't have that number only that 170 was the count of total employees. Fister to find out details & advise on how many retirees was public safety?

Fister announced the budget hearings have been postponed due to recent personnel changes, and the February numbers will be closing by March 10th. She stated we are in "uncharted waters".

Stinnett recapped the dollar amounts required to do everything on the table for FY10 budget.

Fister reminded council she will try to get them a copy of the "Mayors Proposed Budget" format for their information and action.

Gray asked Stinnett to repeat the dollar amounts required to make budget. Stinnett recapped that \$ 27 million was needed due to a revenue shortfall. It's anticipated a budget of \$275 million would be required for FY10. This represents 10% shortfall in funding requirements.

Stinnett asked for a list of fixed costs.

3. Lyric Theater Business Plan

A hand out from Susan Hill, Architect, with Tate Hill Jacobs was distributed to committee members.

Shaye Rabold said AMS Consultants could appear before Council on either March 9th or 10th. There was a possibility they were available March 3rd.

Due to the limited timeline on this issue, the decision was made to meet with the consultants, March 3, 2009 at 10:00.

Discussion:

Stinnett asked Rabold to summarize the Memorandum of Understanding (MOU) with the state and briefly detail the history and steps leading up to now. Rabold explained money was received in 1990 and was not used properly instead an agreement was made with state to complete certain projects. Lyric is the last project still to be completed. There were ownership issues, condemnation process lengthily, property to be used for public purpose. this process took 8 years. Deed dated 2005; deed specifies use of property. task force was formed to come up with concept and ideas for use. council adopted in 2006 to complete design. 6 million dollars was put in this year's budget to fund.

Stinnett asked for current copy of amended MOU. last four pages of today's packet is the amended version which was done in 2002. Extension needed at that time in order to acquire property.

Gray confirmed do we have a good understanding of the facts. He referred to how much has been invested so far.

Rabold responded approx. \$1 million dollars.

Rabold said she thought the work of the task force was important since the property has now been acquired and council adopted the task force report.

Gray asked about commitment or binding to state.

James referred to feasibility study, construction costs; consultants added have to take delay in construction costs.

Lane suggested a study of facility, liability costs, etc.

Rabold said that was entirely appropriate, she said today's business is to review the business plan.

Stinnett reminded everyone to keep focus on how we proceed and not if we proceed.

Ms. Hill talked about the proposed project schedule in sequence and program elements, issues of bringing building up to code, museum, theater; multi purpose space would be contained on floor of the new part of the building. Referred to presentation of Oct 10 2006.

Gorton asked about donations for exhibits, asking if the need for space to accommodate them should be determined by a curator. She asked what about storage space, work space, saying the design doesn't look like it has enough space for these types of donations. She also asked about some type of policy to cover storage of donations, and space considerations. Susan: replied

Those policies have been shared with the task force

Gorton wanted to know was there a projection about other "off site" storage for museum exhibits. She stated the lack of work space could make or break a museum.

Lane asked about provisions in the site plan to accommodate people comfortably and wanted to know was there any on site parking.

Ms. Hill responded there is no on site parking, and there is not a very large site close by.

Rabold said LFUCG does own a number of parcels around the area, some of which could easily be converted to parking lot.

Lane asked Rabold doesn't this seem like another expense that might be incurred, security, etc?

James said there was on site parking, we have purchased property for that. She stated she was on the task force and gave the consultants response. She said she envisioned walking from one event to another is part of energy of town down development. Lextran shuttles could be looked at, etc. look forward to brining a parking plan forward.

Lane asked about the original plan for museum square footage. Stating that is one reason cost has increased. He expressed, concern that cost has increased due to deviation from original plan.

Lane asked Ms. Hill what involvement is being used to determine the need and types of venues and events planned for the proposed facility.

Blues asked about feasibility of building this project in stages?

Ms. Hill said that question would take time to be looked into and answered. She talked about code requirements; she added they are seeing really good construction prices right now and the answer is more a program issue than an engineering issue.

Lyric Theater task force members were in the audience

James suggested a small work force committee consisting of professionals, and a few original members of task force to move forward with working on a successful business plan that would be best to insure this project.

Rabold said this is also the direction the Mayor would like to pursue.

Gorton commented about establishing a small working group with business people who have experience and are working together to move this forward.

Rabold added there were members of task force who wanted to be part of small group, but need business leaders with experience in the arts.

Stinnett invited members of the audience back to another meeting (Tuesday, March 3, 2009 at 10:00) and apologized for the lack of time to speak at today's meeting.

Meeting adjourned 2:55 pm with no motions from today's proceedings coming forward.