URBAN COUNTY COUNCIL
SCHEDULE OF MEETINGS
March 16-March 23, 2009

Monday, March 16

Human Rights Commission Monthly Meeting……………………………………..5:30 pm
Conference Room-5th Floor Government Center

East End Small Area Plan Meeting…………………………………………….6:30 pm
William Wells Brown Elementary School

Tuesday, March 17

Water Resources Oversight Committee Meeting…………………………..11:30 am
Conference Room-5th Floor Government Center

Planning 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 18

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

Greenspace Commission Meeting……………………………………………3:00 pm
Council Chambers-2nd Floor Government Center

Town & Gown Commission Meeting…………………………………………..4:00 pm
Maxwell St Presbyterian Church, 180 E Maxwell St

Thursday, March 19

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

Friday, March 20

Mayor's Commission on the American Recovery & Reinvestment Plan….3:00 pm
Conference Room-3rd Floor Phoenix Building

Monday, March 23

No Meetings

LEXINGTON-FAYETTE URBAN COUNTY COUNCIL

W O R K S E S S I O N A G E N D A

March 17, 2009

I. Public Comment – Issues on Agenda

II. Requested Rezonings / Docket Approval – None

III. Approval of Summary-Yes, March 10, 2009, pp.5-10

IV. Budget Amendments – None

V. New Business, pp.14-24

VI. Continuing Business / Presentations

A. Intergovernmental Committee, pp.25-31

B. Corridors Committee

C. Social Services Month Proclamation

D. Realtor® – Community Housing Foundation, Inc.
Presentation – Karen Mundy, President

VII. Council Report

VIII. Mayor's Report – None

IX. Public Comment – Issues Not on Agenda

ADMINISTRATIVE SYNOPSIS

New Business Items

A. Authorization to Submit Application to the Kentucky League of Cities (KLC) on Behalf of the Department of Public Works and Development, Division of Traffic Engineering, under the 2009 Safety and Liability Program. (196-09) (P. King/Webb)
This request will authorize a submission of an application for funds in the amount of $922.50 to KLC on behalf of the Division of Traffic Engineering. Funds will be used to purchase eighteen (18) safety jackets to meet Federal Highway Administration 23 CFR Part 634. A local match of 50% ($922.50) is required and will come from the Division's General Fund. Total cost is $1,845. **p.14**

B. Authorization to Amend Ordinance No. 270-2008 Regarding the Schedule of Meetings for the Council for Calendar Year 2009. (204-09) (Langston)
This request will authorize an amendment to Ordinance No. 270-2008 to move the Mayor's Budget Address from Tuesday, April 7, 2009 at 3pm to Tuesday, April 14, 2009 at 3pm. **p.15**

C. Authorization to Amend 21-5 of the Code of Ordinances within the Department of Finance and Administration, Division of Human Resources. (197-09) (Allen/O'Mara)
This request will authorize an amendment to Section 21-5 of the Code of Ordinances to abolish one (1) position of Human Resources Analyst (Grade 115E) and create one (1) position of Total Rewards Assistant (Grade 112N) within the Division of Human Resources. The fiscal impact for FY2009 is a **savings** of $2,439.57 in the General Fund. **pp.16**

D. Authorization to Revise the Haley Pike Mowing Lease Agreement with Baesler Family Farm. (199-09) (Marcum/O'Mara)
This request will authorize a revision to the Haley Pike Mowing Lease Agreement with Baesler Family Farm to include the planting of tobacco. **p. 17**

E. Authorization to Purchase Hybrid Radio and Foldable Video Antenna from Remotec, Inc., and Approve Remotec, Inc as Sole Source Provider on Behalf of the Department of Public Safety, Division of Police, Bomb Squad's Equipment Project. (168-09) (P. King/Bennett)
This request will authorize the purchase of a Hybrid Radio and Foldable Video Antenna in the amount of $55,307 from Remotec, Inc.; and approve Remotec, Inc. as sole source provider for this equipment on behalf of the Division of Police. This equipment will replace an obsolete analog radio unit on the robot of the Bomb Squad. Funds are budgeted. **p.18**

F. Authorization to Modify an Agreement with the Kentucky Office of Homeland Security on Behalf of the Department of Public Safety, Division of Police, under the 2008 State Homeland Security Grant Program. (206-09) (P. King/Bennett)

This request will authorize a modification to an agreement (approved under Ordinance No. 259-2008) with the Kentucky Office of Homeland Security on behalf of the Division of Police, Hazardous Devices Unit, under the 2008 State Homeland Security Grant program. This modification provides for the purchase of a hitch for towing the Total Containment Vessel and a toolbox. The source of federal funds is the US Department of Homeland Security, Homeland Security Grant program. No matching funds are required. **p. 19**

G. Authorization of a Professional Service Agreement with Sherry Guiler, Sexual Assault Nurse Examiner (SANE), for Performance of Forensic Examinations. (207-09) (P. King/Bennett)

This request will authorize a Professional Service Agreement with Sherry Guiler, SANE, to serve on an "on-call" basis for the performance of forensic examinations at the University of Kentucky Emergency Room. Federal funding is provided under the Violence Against Women Act from the Kentucky Justice Cabinet for the operation of the SANE program. The agreement is from January 1, 2009 through December 31, 2009. Funds are budgeted. **p. 20**

H. Authorization to Accept an Award from the Kentucky Department of Military Affairs, Division of Emergency Management, on Behalf of the Department of Public Safety, Division of Emergency Management / 911, to Continue the Chemical Stockpile Emergency Preparedness Program (CSEPP) – FY2009. (208-09) (P. King/Bennett)

This request will authorize the acceptance of an award of federal funds in the amount of $372,300 from the Kentucky Department of Military Affairs, Division of Emergency Management, on behalf of the Division of Emergency Management / 911, to continue the CSEPP. This program supports emergency preparedness activities in a 9-county area surrounding the Blue Grass Army Depot in Richmond, KY. Funds will be used to support a coordinator, administration of the local program, maintain an alert and notification system, communications, public education, supplies, decontamination equipment, professional development, protective action equipment shelter, and enhance the Emergency Operations Center. The source of federal funds is the Department of Homeland Security, Federal Emergency Management Agency. No matching funds are required. **p.21**

I. *Authorization to Amend Section 22-5 of the Code of Ordinances within the Department of Environmental Quality, Division of Water Quality. (202-09) (Allen/Taylor)
This request will authorize an amendment to Section 22-5 of the Code of Ordinances to create two (2) temporary positions of Staff Assistant Sr. (Grade 108N) for a 3-year period from March 1, 2009 to April 1, 2012 within the Division of Water Quality. The fiscal impact for FY2009 is $14,427.69 and will be funded form the division's Other Salaries account. **p.22 EPA Consent Decree**

J. Authorization of a Reclassification Resulting in an Inversion within the Department of Environmental, Quality, Division of Water Quality. (203-09) (Allen/Taylor)
This request will authorize the automatic reclassification of Donald Bowman to the position of Treatment Plant Operator (Grade 113N) within the Division of Water Quality retroactive to December 22, 2008. This reclassification created an inversion of three (3) employees within the Division of Water Quality. The inversions will be funded from the division's Personnel Contingency fund. The fiscal impact for FY2009 is $3,163. The annual impact will be approximately $6,326.**p.23**

K. Authorization of a Deed of Acceptance for Purchase of Property at 272 Derby Drive under the Derby Drive Storm Water Project. (205-09) (Martin/Taylor)
This request will authorize a Deed of Acceptance at a cost of $118,300 for the purchase of the property at 272 Derby Drive under the Derby Drive Storm Water project. This purchase will allow positive storm water mitigation in the immediate area and downstream. Funds are budgeted.**p.24**

***EPA Consent Decree**

URBAN COUNTY COUNCIL

WORK SESSION SUMMARY

& TABLE OF MOTIONS

March 10, 2009

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

I. Public Comment – Issues on Agenda-Yes

Mark Winkler, citizen, spoke.

II. Requested Rezonings / Docket Approval-Yes

A motion by CM McChord to place on the docket without a hearing for the Thursday March 12, 2009 Council Meeting, an ordinance changing the zone from a Light Industrial (I-1) zone to a Highway Service Business (B-3) zone for 2.82 net (3.70 gross) acres, for property located at 3695 Nicholasville Rd, subject to certain use restrictions imposed as conditions of granting the zone change (Caller Properties, LLC), seconded by CM Ellinger, passed without dissent.

A motion by CM Lane to refer(item #5 on the docket) an ordinance amending Article 1-11, the definitions of "dwelling unit" and "extended –stay hotel" to limit short-term rental of dwelling units being used for and zoned for residential purposes to the Planning Committee, seconded by CM Ellinger, passed with a 12-1 (No-CM Gorton) vote and 1 abstention (CM Martin).

A motion by CM Lane to place on the docket for the March 12, 2009 Council Meeting, a resolution authorizing and directing the Mayor to apply for any available funds arising from the American Recovery and Reinvestment Act, seconded by CM Ellinger, passed without dissent.

A motion by CM Stinnett to place on the docket for the Thursday March 12, 2009 Council Meeting an ordinance amending Section 22-53.1 of the Code of Ordinances to delete the requirement that the Division of Police hold two police academies per year and to give the Urban County Council the authority to extend a police recruit eligibility list from 12 months to 24 months, seconded by CM McChord, passed with a 13-0 vote, with one abstention (CM Gorton).

A motion by CM Lane to approve the amended docket, seconded by CM Lawless, passed without dissent.

III. Approval of Summary-Yes

A motion by CM Gorton to approve the summary of 3/3/09, seconded by CM Blues, passed without dissent.

IV. Budget Amendments-Yes

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

V. New Business

A. Authorization of a Professional Service Agreement with L. Lianne McBride, Sexual Assault Nurse Examiner (SANE) for Performance of Forensic Examinations. (171-09) (King/Bennett)

B. Authorization of a Professional Service Agreement with Jessica Collins, Sexual Assault Nurse Examiner (SANE) for Performance of Forensic Examinations. (172-09) (King/Bennett)

C. Authorization to Submit Application to the Kentucky Justice and Public Safety Cabinet (JPSC) on Behalf of the Department of Public Safety, Division of Police, for Participation in the Law Enforcement Service Fee Grant Program – FY2010. (193-09) (P. King/Bennett)

D. Authorization to Submit Application to the Kentucky Justice and Public Safety Cabinet (JPSC) on Behalf of the Department of Public Safety, Division of Police, for Continuation of the Street Sales Drug Enforcement Project – FY2010. (194-09) (P. King/Bennett)

E. Authorization to Accept a Donation of an Image 2000 Treadmill by Judy Craft on Behalf of the Department of Public Safety, Division of Police. (195-09) (Bastin/Bennett)

F. Authorization of a Partner Agreement with the University of Kentucky Bluegrass Healthy Marriage Initiative (BHMI) on Behalf of the Department of Social Services, Division of Family Services. (173-09) (Hendrix/Helm)

G. Authorization of a Master Software License Agreement with Devomni Corporation on Behalf of the Department of Social Services, Division of Youth Services. (190-09) (Gales/Helm)

H. *Authorization of an Engagement Letter for Legal Services with Terry Sellars of Henry Watz Gardner & Sellars, PLLC, for Acquisition of the Blue Sky Wastewater Treatment Plant (WWTP) and Provide Sewage Treatment to Area Served by Blue Sky.. (176-09) (Askew)

I. Authorization to Amend Resolution No. 273-2008 to Change the Name of the Approved Company Regarding an Inducement Granted by the Kentucky Jobs Development Act (KJDA). (181-09) (Wright/Kelly)

J. Authorization of a Deed of Acceptance for a Permanent Sidewalk Easement and a Temporary Construction Easement Regarding the Georgetown Street Sidewalk Improvements Project. (174-09) (Rayan/Webb)

K. Authorization of a Deed of Acceptance for a Permanent Sidewalk Easement and a Temporary Construction Easement Regarding the Georgetown Street Sidewalk Improvements Project. (175-09) (Rayan/Webb)

L. Authorization of a Deed of Acceptance for a Temporary Construction and Permanent Right-of-Way Easements for the Clays Mill Road Improvements Project. (182-09) (P. King/Webb)

M. Authorization of a Deed of Acceptance for a Temporary Construction Easement for the Clays Mill Road Improvements Project. (183-09) (P. King/Webb)

N. Authorization of a Deed of Acceptance for a Temporary Construction and Permanent Right-of-Way Easements for the Clays Mill Road Improvements Project. (184-09) (P. King/Webb)

O. Authorization of a Deed of Acceptance for a Temporary Construction Easement for the Clays Mill Road Improvements Project. (185-09) (P. King/Webb)

P. Authorization of a Deed of Acceptance for a Temporary Construction Easement for the Clays Mill Road Improvements Project. (186-09) (P. King/Webb)

Q. Authorization of a Deed of Acceptance for a Temporary Construction Easement for the Clays Mill Road Improvements Project. (187-09) (P. King/Webb)

R. Authorization of a Deed of Acceptance for a Temporary Construction Easement for the Clays Mill Road Improvements Project. (188-09) (P. King/Webb)

S. Authorization of a Deed of Acceptance for a Temporary Construction Easement for the Clays Mill Road Improvements Project. (189-09) (P. King/Webb)

T. Authorization of a Deed of Acceptance for Property Located at 138 North-wood Drive Under the Northwood Drive Storm Water Project. (177-09) (Martin/Taylor)

U. Authorization of a Deed of Acceptance for a Permanent Sanitary Sewer and Temporary Construction Easements Regarding the North Elkhorn Force Main Project. (178-09) (Martin/Taylor)

V. Authorization of Change Order No. 1 to Contract with Spectrum Contracting Regarding the Gainesway Pond and Educational Trail System Project. (179-09) (Martin/Taylor)

W. Authorization of a Deed of Acceptance for a Permanent Sanitary Sewer and Temporary Construction Easements Regarding the North Elkhorn Force Main Project. (180-09) (Martin/Taylor)

X. Authorization to Submit Application to the Environmental Protection Agency (EPA) on Behalf of the Department of Environmental Quality under the Community Action for a Renewed Environment (CARE) Program. (191-09) (P. King/Taylor)

Y. Authorization of an Engineering Services Agreement with CDP Engineers, Inc. on Behalf of the Department of Environmental Quality, Department of Water and Air Quality, Regarding the Appomattox Road Letter of Map Revision (LOMR) and the Sherwood Drive Drainage Improvements Projects. (192-09) (Martin/Taylor)

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

VI. Continuing Business / Presentations

A. Budget & Finance Committee Update

This update was given by Chair CM Stinnett. No motions came forward from this meeting.

B. Services Committee Update

This update was given by Chair CM Ellinger. There was 1 motion to come forward.

A motion by CM Ellinger to approve proceeding with restricting parking on the 1300 block of Alexandria Dr, as presented by Traffic Engineering, seconded by CM Crosbie, passed without dissent.

VII. Council Report

CM Gorton-Announced that there will be a UK class with juniors and seniors attending the Thursday night Council Meeting; wished Katherine Duff a happy 101st birthday.

CM James-Announced that tonight MLK NA will meet at 7 pm at the Living Arts & Science Building; tree board will meet tomorrow at 10:30 am in the 5th Floor conference room of the Government Center; on 3/16 at 6:30 pm at the William Wells Brown Elementary School there will be an East End Small Area Plan meeting.

CM Blues-Announced that there will be a Meadowthorpe NA meeting tonight at 7 pm; on 3/11 at 5 pm the Noise Ordinance Task Force will meet; on 3/16 Winburn NA will meet at 6:30 pm at the MLK Park shelter; and tonight he will be celebrating his granddaughter's birthday-she is 8 yrs. Old.

CM Beard-A motion by CM Beard to approve the 3/10/09 NDF list, seconded by CM McChord passed without dissent.

VM Gray-Wished Arty Greene of the Mayor's Office and Jeannette Williams, of the Council Office, a happy birthday (for today).

CM Martin-Announced Beaumont NA will meet tonight at 6:30 pm.

CM Crosbie-Reminded everyone to be patient with the road work going on at Todds Rd-Mapleleaf-Man-O-War-Traffic Engineering is working on the timing of the lights there; also mentioned that the police are monitoring the right turn lane on Mapleleaf at the bank-people are making an illegal left turn; please stop doing this before an accident occurs.

CM Stinnett-Announced that the road work on Todds Rd will be completed on 3/26/09.

A motion by CM Stinnett to refer the issue of golf carts on public roads to the Services Committee, seconded by CM Feigel, passed without dissent.

CM McChord-Reminded everyone about the South Nicholasville Rd Small Area Plan meeting tonight at 5:30-7:30 pm in the 7th floor conference room in the Phoenix Building.

VIII. Mayor's Report-Yes

Mayor Newberry asked that the Mayor's Report be approved with a modification-Bridgett Collier's name to be withdrawn from the Greenspace Commission because she no longer lives in Fayette County.

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

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

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

Work Session was adjourned at 4:20 pm.

NEW BUSINESS ITEMS REQUIRING BUDGET AMENDMENTS

March 17, 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		
168-09	BA 2045	Community Development	To provide additional funds for purchase of hybrid radio assembly and foldable video antenna assembly.		
E				3200	7
				3200	7CR
					0*
197-09	CB 018	Human Resources	To provide funds for one Total Rewards Assistant (Grade 112N) by deleting funds for one position of Human Resources Analyst (Grade 115E).		
C				1101	2,440CR
					2,440CR*
202-09	KC 069	Water Quality	To provide funds for two temporary positions of Staff Assistant Senior by reducing funds for temporary salaries.		
I				4002	14,430
				4002	14,430CR
					0*
203-09	CB 017	Water Quality	To provide funds for one position reclassification and three inversions created by this action by reducing funds for Contingency.		
J				4002	3,160
				4002	3,160CR
					0*
206-09	BA 2077	Community Development	To provide for purchase of operating supplies related to the Total Containment Vessel for the Division of Police's Hazardous Devices Project.		
F				3200	665
				3200	665CR
					0*

208-09	BA 2078	Community Development	To establish grant budget for CSEPP – 2009.		
H				3200	372,300
				3200	372,300CR
					0*

EFFECT ON FUND BALANCES

FUND 1101	**2,440***	**INCREASE TO:**	**GENERAL SERVICES DISTRICT – GENERAL FUND**
FUND 3200	**0***	**NO EFFECT ON:**	**US DEPARTMENT OF HOMELAND SECURITY**
FUND 4002	**0***	**NO EFFECT ON:**	**SANITARY SEWER REVENUE AND OPERATING**

Budget Information For New Business Items

March 17, 2009 Work Session

Item	Number	Amount	Fund	Name / Description
A	196-09	NA		
B	204-09	NA		
C	197-09	(2,440)	1101	General Services District Budget Journal
D	199-09	NA		
E	168-09	55,307	3200	US Department of Homeland Security Budget Journal
F	206-09	665	3200	US Department of Homeland Security Budget Journal
G	207-09	61,650 For all Nurses	3140	US Department of Justice
H	208-09	372,300	3200	US Department of Homeland Security Budget Journal
I	202-09	14,430	4002	Sanitary Sewer Revenue and Operating Fund Budget Journal
J	203-09	3,160	4002	Sanitary Sewer Revenue and Operating Fund Budget Journal
K	205-09	118,300	2522	Public Works Fund

196-09

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: MARCH 2, 2009

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO SUBMIT APPLICATION TO THE KENTUCKY LEAGUE OF CITIES REQUESTING FUNDS UNDER THE 2009 SAFETY AND LIABILITY PROGRAM

An application has been prepared by the Division of Traffic Engineering for submission to the Kentucky League of Cities requesting funding under the 2009 Safety and Liability Grant Program for personal protective safety jackets for traffic technicians who are required to work in highly congested traffic work zones and in inclement weather. Safety jackets will provide greater visibility of the workers, reducing the risk of injury in travel work zones. Safety jackets will meet Federal Highway Administration 23 CFR Part 634 Worker Visibility Ruling and American National Standard Institute safety standards. Funds in the amount of $922.50 are requested for purchase of 18 safety jackets. A 50% match in the amount of $922.50 is required. Match will come from the Division of Traffic Engineering's general fund budget. Total project cost is $1,845.00.

Source of funds is Kentucky League of Cities.

Council authorization to submit the application is hereby requested.

Paula King
Director

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

Lexington-Fayette Urban County Council

204-09

February 24, 2009

Ordinance 270-2008, Schedule of Meetings for the Council for the Calendar Year 2009, needs to be amended to move the Mayor's Budget Address from 3:00 pm Tuesday, April 7, 2009 to 3:00 pm Tuesday, April 14, 2009.

Rebecca P. Langston

Rebecca Langston
Council Administrator

Lexington-Fayette Government Center 200 East Main Street Lexington, Kentucky 40507 (859) 258-3200
Lexington-Fayette County Horse Capital of the World www.lfucg.com fax (859) 258-3838

197-09

Jim Newberry, Mayor

LEXINGTON FAYETTE URBAN COUNTY GOVERNMENT

Division of Human Resources

MEMORANDUM

TO: Mayor Jim Newberry
Senior Advisor Joe Kelly
Council Members

FROM: Michael Allen, Director
Division of Human Resources

DATE: March 5, 2009

RE: **Abolish/Create Position—Division of Human Resources**

The attached action amends Section 21-5 of the Code of Ordinances, abolishing one (1) position of Human Resources Analyst (Grade 115E) and creates one (1) position of Total Rewards Assistant (Grade 112N) within the Division of Human Resources, effective upon passage by Council.

This Division requests this re-classification of the vacant position of Human Resource Analysts and creating a Total Rewards Assistant to better reflect the needs of the Division in supporting the Occupational and Organizational Wellness group of Total Rewards.

The fiscal impact for FY2009 (5 pay periods) results in a saving to the General Fund of $2,439.57. All costs include benefits.

Name	Position Title	Annual Salary Before	Annual Salary After	Annual Increase/Decrease
Vacant	Human Resource Analyst	$44,613.14	$0	($44,613.14)
Vacant	Total Rewards Assistant	$0	$34,151.52	$34,151.52
Total Annual Impact/ Salary and Benefits ($12,685.76)				

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

Attachment

cc: William O'Mara, Acting Commissioner, Department of Finance and Administration
Michael Allen, Director, Division of Human Resources
Darrylyn Combs, Human Resources Manager, Division of Human Resources
Jim Dodson, Human Resources Analyst, Division of Human Resources

Log #09-0052

199-09

Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Division of Central Purchasing

TO: Mayor Jim Newberry

FROM: Brian Marcum, Director
Division of Central Purchasing

DATE: March 6, 2009

SUBJECT: Amendment to Lease Agreement – Haley Pike Landfill

The LFUCG currently leases land at the Haley Pike Landfill for mowing. The current Lessee, Baesler Farms has requested permission to use the land for planting tobacco. This request has been approved by the Divisions of Central Purchasing and Environmental Policy. The attached Administrative Review Form requests authorization to amend the agreement to allow the Lessee to plant tobacco.

Please contact me if you have any questions or need additional information.

BM/clw

Attachment

168-09

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 PURCHASE HYBRID RADIO ASSEMBLY AND FOLDABLE VIDEO ANTENNA ASSEMBLY FROM REMOTEC, INC., AND ACCEPT REMOTEC, INC., AS A SOLE SOURCE PROVIDER OF THESE ITEMS FOR THE DIVISION OF POLICE'S BOMB SQUAD EQUIPMENT PROJECT

On December 4, 2008 (Ordinance # 263-2008), Council approved acceptance of award of federal funds from the Kentucky Office of Homeland Security for purchase of bomb squad equipment for Division of Police. The approved application provided for the purchase of a new, secure wireless radio system for use with the existing robot, replacing the obsolete analog radio unit.

Council authorization to purchase the hybrid radio assembly and foldable video antenna assembly from Remotec, Inc., in the amount of $55,307 is hereby requested. Authorization to treat Remotec, Inc., as a sole source provider for these items is also requested because Remotec is the sole manufacturer and distributor of the ANDROS hazardous duty robot system, which was purchased by the LFUCG a number of years ago. The new Hybrid Radio System is a patent pending radio system designed and produced by Remotec exclusively for Mobile Robotic platforms and unmanned ground vehicle systems.

Funds are being budgeted as follows:

FUND	DEPT ID	SECT	ACCT	BUD REF	PROJECT	ACTIVITY
3200	505505	5542	95601	2009	ST HOMELAND SEC	DEFAULT

Paula King, Director

Xc: Tim Bennett, Commissioner, 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: MARCH 9, 2009

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE MODIFCATION TO AGREEMENT WITH THE KENTUCKY OFFICE OF HOMELAND SECURITY UNDER THE 2008 STATE HOMELAND SECURITY GRANT PROGRAM FOR HAZARDOUS DEVICES UNIT MULTI-AGENCY TOTAL CONTAINMENT VESSEL PROJECT FOR DIVISION OF POLICE

On December 4, 2008 (Ordinance #259-2008), Council approved the acceptance of an award the Kentucky Office of Homeland Security, under the Fiscal Year 2008 Homeland Security Grant Program, for the purchase of a Total Containment Vessel for the Division of Police's Hazardous Devices Unit. The state agency has offered the LFUCG a modification to the agreement that provides for purchase of equipment related to the Total Containment Vessel. This related equipment includes a hitch for towing the Total Containment Vessel and a toolbox.

The source of funds is the federal Homeland Security Grant Program from the U.S. Department of Homeland Security. No matching funds are required.

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

Paula King

Paula King, Director

Xc: Tim Bennett, Commissioner, Department of Public Safety

207-09

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: MARCH 9, 2009

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE PROFESSIONAL SERVICE AGREEMENT WITH SHERRY GUILER, SEXUAL ASSAULT NURSE EXAMINER, TO SERVE ON AN "ON-CALL" BASIS FOR THE PERFORMANCE OF FORENSIC EXAMINATIONS

The Lexington-Fayette Urban County Government has received continuation funding (Violence Against Women Act) from the Kentucky Justice Cabinet for the operation of a Sexual Assault Nurse Examiner program. The purpose of this program is to improve the collection of forensic evidence in sexual assault cases and to provide the victims of sexual assault more humane treatment during the investigation. Ultimately, higher rates of reporting will occur along with higher rates of prosecution and conviction. The Kentucky Crime Victims' Compensation Fund also provides financial support for forensic examinations.

An approved element of the grant-funded project is having certified Sexual Assault Nurse Examiners (S.A.N.E.s) on call twenty-four hours a day to respond to calls for examinations at the University of Kentucky Emergency Room. This will be accomplished by contracting with qualified S.A.N.E.s. It is projected that a total of eight nurses will be placed under contract. Sherry Guiler meets all qualifications.

The attached Professional Services Agreement with Sherry Guiler for the period of January 1, 2009, through December 31, 2009, outlines the responsibilities and compensation. Funds for these services are budgeted as follows:

FUND	DEP ID	SECTION	PROJECT	ACTIVITY	BUD REF	ACCOUNT	AMOUNT
3140	505506	5561	SANE	DEFAULT	2009	71299	$37,500
3140	505506	5561	SANE	STATE	2009	71299	$24,150

The funds with Activity Code DEFAULT are for the purpose of paying contractual nurses for on-call duty and for reimbursement for liability insurance. The funds with Activity Code STATE are for payment of nurses for forensic examinations. These funds come from the state's Crime Victims Compensation Board.

Council authorization to execute the Professional Services Agreement is hereby requested.

Paula King, Director

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

208-09

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: MARCH 10, 2009

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT AWARD FROM THE KENTUCKY DEPARTMENT OF MILITARY AFFAIRS, DIVISION OF EMERGENCY MANAGEMENT FOR FEDERAL FUNDS UNDER THE CHEMICAL STOCKPILE EMERGENCY PREPAREDNESS PROGRAM (CSEPP)—FY 2009

The Kentucky Department of Military Affairs, Division of Emergency Management has offered the LFUCG an award of $372,300 for the continuation of the Chemical Stockpile Emergency Preparedness Program (CSEPP) for Fiscal Year 2009. These funds will be used to support coordinator's salary and benefits, administration of the local program, maintain an alert and notification system, communications, public education, purchase of supplies, purchase of decontamination equipment, professional development, a protective action equipment shelter, and enhancements to the Emergency Operations Center. No matching funds are required.

The source of federal funds is the Department of Homeland Security/Federal Emergency Management Agency. CSEPP funds are used to support emergency preparedness activities in a nine county area that surrounds the Blue Grass Army Depot in Richmond, the site of a stockpile of chemical weapons.

Council authorization to accept the award is hereby requested.

Sue Craig for Paula King

Paula King
Director

Xc: Tim Bennett, Commissioner of Public Safety

202-09

Jim Newberry, Mayor

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Division of Human Resources

MEMORANDUM

TO: Mayor Jim Newberry
Senior Advisor Joe Kelly
Council Members

FROM: Michael Allen, Director
Division of Human Resources

DATE: March 10, 2009

RE: **Create Positions—Division of Water Quality**

The attached action amends Section 22-5 of the Code of Ordinances, creating two (2) temporary positions of Staff Assistant Sr. (Grade 108N). The term of the position will be for three (3) years, beginning March 1, 2009 and ending April 1, 2012 within the Division of Water Quality, effective upon passage by Council.

The Division requests this action as a result of the recent increase in record keeping, report generation, filing, reception, and other administrative related duties. This increase in load is due in part by bringing the Division into compliance with Federal E.P.A..

The fiscal impact for FY2009 (5 pay periods) results in a cost of $14,427.69 and will be funded from the Divisions other salaries account. All costs include benefits.

Name	Position Title	Annual Salary Before	Annual Salary After	Annual Increase/Decrease
Vacant	Staff Assistant Sr.	$0	$25,653.68	$25,653.68
Vacant	Staff Assistant Sr.	$0	$25,653.68	$25,653.68
Total Annual Impact/ Salary and Benefits $75,023.99				

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

Attachment

cc: Cheryl Taylor, Commissioner, Department of Environmental Quality
Darrylyn Combs, Human Resources Manager, Division of Human Resources
Nicole Rodriguez, Generalist, Division of Human Resources
Jim Dodson, Human Resources Analyst, Division of Human Resources

Log #09-0054

*203-09

Jim Newberry, Mayor

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Division of Human Resources

MEMORANDUM

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

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

DATE: March 9, 2009

RE: **Reclassify Position—Division of Water Quality**

The attached action automatically reclassifies Donald Bowman to the position of Treatment Plant Operator (Grade 113N) within the Division of Water Quality, effective retroactive to December 22, 2008.

Historically, the Division of Water Quality experienced difficulty in attracting candidates with appropriate licensure. As a result, the apprentice position was created in July 2003 to allow LFUCG to hire individuals without an operator's license and provide the requisite on-the-job training to obtain the license. The division requests this action due to the employee's attainment of certification as a Wastewater Class III Operator. As a result of this accomplishment, an automatic reclassification occurs.

In addition, this reclassification creates three (3) inversions within the Division of Water Quality. The fiscal impact for FY 2009 (13 pay periods) is $3,163.00, (all costs includes benefits) which will be funded from the division's personnel contingency fund. The annual impact of this action will be approximately $6,326.00. To correct these inversions, the following pay changes must be processed:

Division of Water Quality

Name	Title	Previous Hourly Rate	Revised Hourly Rate	Bi-weekly Increase	Annual Impact w/benefits
* Donald Bowman	Treatment Plant Operator	$16.318	$17.950	$130.56	$4,116.32
Christopher Cummins	Treatment Plant Operator	$17.396	$17.950	$44.32	$1,397.24
John Dempsey	Treatment Plant Operator	$17.789	$17.950	$12.88	$406.12
James Ryde	Treatment Plant Operator	$17.789	$17.950	$12.88	$406.12

*Incumbent

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

Attachment

cc: Cheryl Taylor, Commissioner, Department of Environmental Quality
Charlie Martin, Director, Division of Water Quality
Darrylyn Combs, Human Resources Manager, Division of Human Resources
Jim Dodson, Human Resources Analyst, Division of Human Resources

Log # 09-0053

Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Division of Water Quality

MEMORANDUM

To: Mayor Jim Newberry
Urban County Council

From: James R. Wray
Engineering Technician Principal

Date: February 25, 2009

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

The purpose of this memorandum is to request a resolution authorizing the acceptance of a deed for the acquisition of 272 Derby Drive. The deed will be from Erik Miller at a cost of $118,300.00 for the acquisition of the entire property. The purchase price is based on the appraisal obtained by the Division of Water Quality.

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

Funds for the payment are currently budgeted in 2522-303204-3334-92211.

Approved by:

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

Cheryl A. Taylor
Commissioner, Department of Environmental Quality

Attachments
c/w att: Darryl G. Bennett, P.E. Glenda George Cassie Felty Cristeta Cortez, P.E. File

09.P502.406.bluesheet272derbydr

URBAN COUNTY COUNCIL

Inter-Governmental Committee

March 10, 2009

CM James called the meeting to order at 1:00 P.M. All committee members were present, except Myers, Gray and Lawless.

I. Construction Apprenticeship Program- James

A group representing construction workers, builders and craft tradesmen were in the audience to speak on a proposed ordinance to adopt this program. Robert Akins, Todd Pancake and Jerry Yates, Indiana/Kentucky Regional Council of Carpenters were available to address the committee. They explained a wage/benefit package and certification by both state and federal government. Graduate of the program can work both in the U.S. and Canada and the only credentials required are either a high school diploma or GED and that graduates do not have any debit to repay after completion of the program. Adding this is a viable option for high school graduates not wishing to attend college. The program is key to encouraging economic development and keeping business local. Mr. Pancake said the program had a $6.8 million dollar budget last year and invests a great deal in education and training, He said of 2100 workers, approx. 29% are minority and that most workers would be trained to construct buildings in their own community. He also said the program has an "articulation agreement" which spells out criteria a participant should know upon leaving school in order to prepare them for work on a construction site.

Larry Hujo, an independent contractor and Jefferson County school board member also spoke to the committee about benefits of the program and its success in Louisville/Jefferson County. He said this program creates opportunities for employment, and a chance for skilled trades' people to stay while, encouraging investment in the community.

James asked Anthony Wright, Mayor's Office of Economic Development to comment on the ordinance and advise the committee if he views the program as favorable and about economic impact.

Mr. Wright told the committee this was an opportunity for workforce development promoting skills and qualifications especially in light of the recent stimulus efforts to rebuild and revive cities infrastructures.

Crosbie said this opportunity already exist for employers to take advantage of this. She referred to section 1, item 6, 33% of total labor hours. She wanted to know if this was legal and enforceable. Dave Barbarie, Law Dept. responded about a certain level of program participants residing in Fayette County would be reasonable.

Mr. Wright responded saying 25% is the lowest to use to meet federal requirements. Tied to percentage on a job however the draft calls for 33%. Barabie said based one existing case law it would be defensible to have a certain number of journeyman in Fayette Co.

Crosbie expressed concern the program might put local construction business at a disadvantage if they could not meet requirements of the ordinance.

Wright said it would work on a bid process which would consider program participation or is part of the criteria and would be considered a preference because awarding bids is not determined on lowest bid alone.

Feigel stated the program was a great idea and wanted to know more about who pays any health insurance and pension plans. She also wanted to know if there are any guarantees of jobs or that the apprentice would stay with the contractor or company. She asked if there was any way to insure apprentice stays in the county. She also wanted to know if UK or the Fayette County School Board has a similar agreement.

Mr. Yates said apprentices are treated as a regular employee and accrue benefits accordingly. He replied ultimately the goal is for the apprentice to stay with the employer. However, there is nothing written to stipulate an apprentice has to stay in the area once they have completed apprenticeship. He said there is no type of agreement with either UK or Fayette Co. schools. He added this program does not cost the employer and nothing is mandated by law either. All this does is give an employer an advantage if they are training apprentices.

Feigel asked if state government had been approached about this and the answer was no. She remarked that would be a natural first step. She suggested changes to the draft ordinance, provision for participate to stay locally and a cap on change orders.

Mr. Hujo said Louisville Metro Government has this ordinance and addressed concerns about placing a cap on change orders.

Crosbie asked about other training programs. Mr. Hujo said KTCTS has one as do most unions. He added all skills are transferable and go towards earning even higher degrees such as engineering.

Henson referred to a decrease in skilled workers. What is required before entering the program and the average wage?

The only requirement is a high school diploma, GED, 18 years of age. The start is around 40% of top wage. There was an observation made that while trying to gear up data-base, technical & computer workers, we have fallen behind in training of skilled trades workers.

Salaries are based on top wage of whatever craft such as, electric, plumbing, building & average length of program which fall in range of 5 years, some are 4 years. There are incremental increases in wages like any other job.

Blues said by passing this ordinance the government would be encouraging and perhaps giving preferences to businesses that had this program. He also expressed concern as did Crosbie, about effecting competion with other contractors/builders, etc. He said he would like to see data on success of this program.

James stated she would arrange for Brian Marcum, Director of Purchasing to be available to answer concerns at another meeting or discussion on this topic.

Mr. Yates responded the most recent data is study of 1997. He has contacted the state for information on apprenticeship programs. He said he would get data to the council.

Blues talked about the government subsidizing an educational program and compared it to council's consideration of the scholarship program wondering if this issue would be somewhat the same. What is the cost of on the job training; he was concerned about inexperienced apprentice on site and if there were cost implication.

Beard referred to 25 to 33% talking about ratio of apprentices to qualified people He wanted to know if there was a sequence in the training and what steps are taken to insure apprentices have a wide variety of job skills and knowledge. How is knowledge of different building codes handled?

Mr. Akins said employers are encouraged to know level of apprenticeship experience, there are a set of apprenticeship standards, and an agreed upon curriculum and understanding of skill levels. It is encouraged to provide exposure to every level of that craft. A license would be required and would account for knowledge of how to apply different building codes in different areas.

Martin said he also thought this was a good program but did not want to see it burdened with additional government restrictions that would be difficult to oversee and enforce. Recapture penalties are very difficult to enforce. Is the 3% enough of an increase or incentive to have of an impact. He wants the program to be effective and does not want to see change orders later to make up the difference in cost.

The 3% actually came directly from contractors as an average indicator of cost for the apprenticeship training. Mr. Hujo says it's been embraced in Louisville and encourages companies to participate.

Martin confirmed this would be worth a company's time and enough incentive to participate in this program.

Crosbie suggested having local industry people available at the next meeting or discussion. She said the matter might be referred to the Vice Mayor for a list of groups or businesses that might be affected by passing of this ordinance. Crosbie committed to contact Vice Mayor Gray about who to invite to future meetings.

James thanked Crosbie for volunteering to follow up on inviting other construction and/or real estate industry people to join in, saying this discussion was slated for continuation in April, 2009.

Mr. Hujo extended an invitation to visit their training center in Louisville, Kentucky. James asked Paul Schoninger, council staff to get contact information to perhaps set up a date to visit in a group setting with either members of council or business people in Lexington or both.

2. Oath for Commissions/Boards- Beard

   CM Beard lead the discussion telling the committee he would like to see the practice of administering an oath much like in the banking business and other industries. He mentioned several boards and commissions that might quality for the requirement of an oath which were all entities receiving LFUCG funds. He said his intention is perhaps not a cure, but would provide a level of sensitivity, using the incident of the airport board. He wanted to solicit input from other council members on the feasibility of this proposal.

   Feigel commented saying everyone certainly needed to learn from the situation with the airport. She reiterated when serving on a board of a public entity there must be full knowledge of the job description and expectations.

   Blues commented on taking oaths, saying it's a good idea. He also recommended providing board members with guidelines.

   Beard added once an individual signs an oath is notarized and a judge does preside over this process.

   Martin said he appreciated the spirit behind this proposal and discussion but wondered if a director of a city affiliated agency might also be subject to the ethics board. Logan Askew, Law Dept. responded, they are not. Martin added that might be something to consider as a future requirement for commission/boards. He said some will violate rules no matter what and suggested having a director certified; much like IRS rules for a non profit organization to insure they are in compliance with the state and have good financial practices and good governance.

Feigel said we are attempting to communicate the magnitude of responsibility when people accept that role and how serious it should be taken. He added this needs to be clearly understood in the orientation process of a board and its directors.

Beard referred to a copy of an oath included in the meeting packet saying the process in not intended to be a burden, but rather a step to raise awareness for boards/directors and if they are not willing to sign and oath, then are not ready to take responsibility.

James suggested forming a working group to look at language of an oath that would be more specific to government funded entities such as, commissions and boards.

Beard called for a need to act swiftly on this and did not want to over complicate the issue. He asked how the committee felt about moving forward on this matter.

Feigel agreed to work further with Beard on defining requirements and specifics of oath signing and reporting back to the committee later.

Mr. Askew referred to state law regarding commissions/boards saying they are very specific. He also reminded them CM Myers has already approached the law dept. about training, ethics and codes of conduct. He told the committee there would be a memo coming forward to address those questions.

James asked Mr. Askew if the law department might be ready to address the committee on this matter in approximately one month and his reply was yes.

3. Grievance Procedures - James

James told the committee it's been almost a year that issue of the grievance procedure was brought before the Intergovernmental Committee. She referred to an employee survey to be done addressing the effectiveness of the process. She said the issue was lingering and being delayed due to various factors, such as the implementation of the People soft HR module. She said the committee should move forward to show an effort that it is looking into the process. She presented a draft resolution asking committee members to review and comment.

Martin said having to consider a matter such as this take him off guard and preferred to take it up at a latter date since he is not yet familiar with the issue.

Blues agreed with Martin saying acting on the proposed resolution today was not appropriate and suggested forming a task force.

Beard said he's been involved in situations where grievances were resolved and agree with Martin. In regard to a task force, he stated he felt this issue needed to be addressed sooner.

Feigel said she does not feel she has enough information on the matter at this time to act. She wanted to know how pervasive the problem was and if perhaps this was an issue of personalities versus efficiencies.

James responded saying there needs to be a distinction between person and personalities. She reminded the committee the intention of the survey was to better understand if the process works and if there might be retaliation and personality factors.

James said she needed to bring new council members up to date on the matter.

Feigel wanted to confirm if these are employee or citizen grievances and wanted to know why this matter was before council and feels it should be a matter for the administration.

James said since this involves employees who are also citizens of Lexington-Fayette County and resolutions or ordinances that sometimes come before council, she felt these actions were appropriate.

Feigel said she would like to see a copy of the ordinance dealing with the grievance process before voting on any actions pertaining to it.

Henson also indicated she would be interested in getting the background on this matter and why it was put into committee. She also asked for an estimate of grievance filed, pending and resolved.

Beard mentioned grievances in reference to police and fire. He said he was amazed that level of supervision is being usurped by the council. He mentioned how grievances are handled in the private section referring to establishing a "grievance committee".

Logan Askew said police and fire issues are a matter of state law and is a different process. He added discipline of an employee is different from a grievance. He said the process is outlined in an ordinance and he felt the question is does the process need to be changed.

Joan Beck, Citizens Advocate suggested looking at how many grievances are filed following a disciplinary action. She agreed the process is problematic. She said feedback of the grievance process indicated there was a trust issue. She encourages the committee to consider misuse of discipline and the grievance procedure.

Blues said this matter should be carried over and reviewed at another Intergovernmental Committee meeting.

4. Update on Committee Items

This item was not covered due to lack of time.

Motion to adjourn by Beard, seconded by Blues, meeting adjourned at 3:00 pm