

DOCKET-REGULAR MEETING-LEXINGTON-FAYETTE URBAN
COUNTY GOVERNMENT COUNCIL MEETING

January 14, 2010 – 7:00 P.M.

I. ROLL CALL

II. INVOCATION

III. MINUTES OF THE PREVIOUS MEETINGS

October 1, 15, 27, 2009; November 5, 19, 2009; December 3, 8, 2009

IV. ORDINANCES –SECOND READING

1. An Ordinance amending Article 6-5(a) of the Land Subdivision Regulations to amend the utility standards to require new utility lines to be installed below ground, with the exception of major facilities, and to provide standards for such installation. Approval 10-0
2. An Ordinance changing the zone from an Agricultural Urban (A-U) zone to a Mixed-Use Community (MU-3) zone, for 60.511 net (64.411 gross) acres; from a Single Family Residential (R-1C) zone to a Mixed-Use Community (MU-3) zone, for 0.539 net (1.249 gross) acre; and from a Wholesale & Warehouse Business (B-4) zone to a Mixed-Use Community (MU-3) zone for 0.967 net (1.042 gross) acres, for property located at 780 Red Mile Rd., 790 Red Mile Rd., and a portion of 1200 Red Mile Rd. (Lexington Trots Breeders Association, LLC). Approval 10-0 (To be heard by February 18, 2010)
3. An Ordinance changing the zone from a Planned Neighborhood Residential (R-3) zone to a Professional Office (P-1) zone for a 2.22 net (2.26 gross) acres, for property located at 1122 Oak Hill Dr., subject to certain use restrictions imposed as conditions of granting the zone change (Oseetah, LLC). Conditional Approval 10-0 (To be heard by February 18, 2010)
4. An Ordinance amending Article 17-6 of the Zoning Ordinance to allow temporary signs related to events sponsored by neighborhood associations or owners' associations, to be placed in the rights-of-way of that particular neighborhood, with some limitations to the number, size, and duration of stay. Approval 10-0
5. An Ordinance amending Articles 3, 18-3(a)(1), and 21-6(a) to provide general regulations, landscape and land use buffer requirements, development plan and subdivision plan information and format requirements for the protection of private family cemeteries. Approval 10-0
6. An Ordinance of the Lexington-Fayette Urban County Government authorizing the issuance of its (A) \$68,100,000 General Obligation Public Project Bonds, Series 2010A (Build America Bonds – Direct Pay) dated the date of delivery [which amount may be increased or decreased by an amount not to exceed ten percent (10%)]; (B) \$7,785,000 General Obligation Refunding Bonds, Series 2010B (tax-exempt), dated the date of delivery, [which amount may be increased

or decreased by an amount not to exceed ten percent (10%)] and (C) \$6,670,000 General Obligation Refunding Bonds, Series 2010C (tax-exempt), dated the date of delivery, [which amount may be increased or decreased by an amount not to exceed ten percent (10%)]; approving forms of the Bonds; authorizing designated officers to execute and deliver the Bonds; authorizing and directing the filing of a Notice with the State Local Debt Officer; providing for the payment and security of the Bonds; authorizing the establishment of certain Funds; authorizing the publicly advertised sale of said Bonds; acceptance of the bids of the Bond Purchasers of the Bonds; authorizing certain other actions with regards to the financing of the Series 2010 Project and the Refundings, including a Continuing Disclosure Agreement and such other documents, agreements or certificates necessary or required for the issuance of the Bonds; designating the Refunding Bonds as qualified tax-exempt obligations and repealing inconsistent ordinances.

7. An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and re-appropriating funds, Schedule No. 98.
8. An Ordinance amending Section 17-2 of the Code of Ordinances, Lexington-Fayette Urban County Government, to delete the definition of fire gate and to renumber the remaining subsections, to replace the term numbered with the term assigned an address, to add the term assigned unit number, to replace the term property identification other than a regulation street sign with the term site number, to provide for numbers that contrast with the background on which they are affixed, commercial and industrial building requirements of numbers which are a minimum of ten inches in height and one and three quarter inch stroke to be affixed above or near the main entrance when possible, and to require that postings clearly indicate the proper structure for that address, to add the terms unit number and unit, to provide for review and approval of actions by the Addressing Committee, the adoption of the Addressing Guide for Lexington-Fayette Urban County Government as additional guidance in numbering and addressing properties, and to empower the Commissioner of Public Safety to prescribe, adopt, promulgate and enforce rules and regulations, and to delete Subsection 17-2(g) of the Code of Ordinances pertaining to fire gate numbers; amending Subsection 17-2.1(a) of the Code of Ordinances to add the term or less than two digits and to delete the reference to one number for each twenty-five feet of roadway for newly created properties; amending Subsection 17-2.1(c)(3) to add the term articles; amending Subsection 17-2.1(d) of the Code of Ordinances to delete the term frontage; amending Subsection 17-2.1(e) of the Code of Ordinances to delete the term letters and to add the term approved; amending Subsections 17-3(b) and (c) of the Code of Ordinances to add the term property and to provide that all requests for changes are to be submitted in writing to the Addressing Office of the Div. of Enhanced 911, and are subject to

review and determination by the Address Committee, which determination is appealable to the Address Board; amending Subsection 17-4(b) of the Code of Ordinances to change the notice time from five days to ten business days, to delete the references to fire gate numbers, to specify that obstructions to visibility are violations, to require the temporary posting of numbers during construction, which are to be replaced with the permanent numbers prior to final inspection for occupancy, and to renumber the Subsections accordingly; amending Subsection 17-4.3 of the Code of Ordinances to include appeals of determinations by the Address Committee and renumbering the Subsections accordingly; and amending Subsection 17-4.5 of the Code of Ordinances to include appeals of Address Committee determinations to be made within thirty days, with failure to do so constituting a waiver and final decision; all effective on February 1, 2010.

V. ORDINANCES – FIRST READING

9. An Ordinance amending Articles 1-5 and 1-4 of the Land Subdivision Regulations to add definitions for “low impact development” and “green infrastructure,” and to permit alternative designs for development using low impact development and/or green infrastructure techniques. Approval 6-0
10. An Ordinance changing the zone from a Wholesale & Warehouse Business (B-4) zone to a Highway Service Business (B-3) zone for 1.04 net (1.24 gross) acres, for property located at 1872 Plaudit Place, subject to certain use restrictions imposed as conditions of granting the zone change (Grover C. Huff and Brenda Huff). Conditional Approval 9-0 (To be heard by March 17, 2010)
11. An Ordinance changing the zone from an Agricultural Urban (A-U) zone to a Highway Service Business (B-3) zone for 7.35 net (7.60 gross) acres, for property located at 1810 Bryant Rd., subject to certain use restrictions imposed as conditions of granting the zone change (Kaiten Patel). Conditional Approval 8-1 (To be heard by March 17, 2010)
12. An Ordinance accepting the bid of ICX Tactical Platforms, in the amount of \$123,024.25 for a Mobile Surveillance Tower, for the Div. of Police, and appropriating funds pursuant to Schedule No. 108. (1)
13. An Ordinance amending Subsection 12-1(b) PM-106.4.1 of the Code of Ordinances, Lexington-Fayette Urban County Government to provide for criminal fines of not less than \$100, no more than \$2,500, with each day in violation constituting a separate offense; an alternative civil penalty remedy ranging from \$100 to \$2,000 based upon the number of violations in existence and inspections performed, as established in the adopted guidelines table; and the assessment of an administrative fee not to exceed \$250 for each inspection; amending Subsections 12-1(b) PM - 109.5 and PM - 110.3 of the Code of Ordinances to provide for the assessment of an administrative fee not to exceed \$250; amending Subsection 12-7(a)

of the Code of Ordinances to provide for the assessment of an administrative fee not to exceed \$250 and to change the number of required previous notices of violation from two to one; amending Section 12-8.2 of the Code of Ordinances to increase the criminal fines to not less than \$100, nor more than \$2,500, with each day in violation constituting a separate offense, and clarifying and consolidating the adopted guidelines table to provide for civil penalties ranging from \$100 to \$1,000 based upon the number of notices of violation issued in a twelve month period; and amending Subsection 12-8.3(a) of the Code of Ordinances to change the time to appeal the assessment of a nuisance abatement related civil penalty from twenty (20) days to ten (10) days; all effective on March 1, 2010.

14. An Ordinance amending Section 21-5(2) of the Code of Ordinances, creating one (1) position of Technical Manager Enterprise Solutions, Grade 120E, one (1) position of Financials Manager Enterprise Solutions, Grade 119E, and one (1) position of HCM Manager Enterprise Solutions, Grade 119E, all in the Div. of Enterprise Solutions and abolishing one (1) position of Deputy Director Computer Services, Grade 121E, in the Div. of Computer Services, and appropriating funds pursuant to Schedule No. 99.
15. An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Transportation Cabinet, which Grant funds are in the amount of \$105,600 Federal funds, are for the expansion of the LexVan fleet, the acceptance of which obligates the Urban County Government for the expenditure of \$26,400 as a local match, appropriating funds pursuant to Schedule No. 100, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.
16. An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept an award of \$1,600 from the Factory Mutual Insurance Co.'s Global Fire Prevention Grant Program, for purchase of cameras for the Fire Investigation Unit of the Div. of Fire and Emergency Services, and appropriating funds pursuant to Schedule No. 101.
17. An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Environmental and Public Protection Cabinet, which Grant funds are in the amount of \$141,451.69 Commonwealth of Ky. funds, are for the continuation of the Litter Control Program, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 102, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

18. An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Div. of Emergency Management, which Grant funds are in the amount of \$3,215 Commonwealth of Ky. funds, are for the purchase of equipment for the Div. of Fire and Emergency Services Technical Rescue Team's Rescue Squad, the acceptance of which obligates the Urban County Government for the expenditure of \$3,215 as a local match, appropriating funds pursuant to Schedule No. 103, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.
19. An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and re-appropriating funds, Schedule No. 104.
20. An Ordinance amending Section 22-5(2) of the Code of Ordinances creating one (1) temporary position of Administrative Specialist, Grade 110N, ending four years from the effective date of passage of this Ordinance, within the Div. of Waste Management, and appropriating funds pursuant to Schedule No. 105.
21. An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Bluegrass Community Foundation, to provide any additional information requested in connection with this Grant Application, and to accept this Grant if the application is approved which Grant funds are in the amount of \$12,429, are for Parenting Education and Teen Esteem Building, for the Div. of Family Services, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 106, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.
22. An Ordinance amending Section 21-5(2) of the Code of Ordinances creating one (1) position of Administrative Officer, Grade 118E in the Div. of Youth Services, effective retroactive to June 22, 2009.
23. An Ordinance creating Article XI of Chapter 2 of the Code of Ordinances to establish the "Keep Lexington Beautiful Commission" as the official local affiliate of Keep America Beautiful, Inc.; specifying the membership of the Commission as thirteen (13) members representing various interested constituencies; providing for 4-year terms for members with initially staggered terms; providing for filling of membership vacancies and appointment of members to one (1) additional term; providing for removal of members; providing that members shall reside in Fayette County; providing for Commission officers and bylaws; providing that the Commission shall meet a minimum of six (6) times per year and for special meetings; and providing the duties and functions of the Commission related to litter prevention, beautification and community improvement, and waste reduction.

24. An Ordinance amending Section 1 of Ordinance No. 260-2009 amending the schedule of meetings for the Lexington-Fayette Urban County Council for the calendar year 2010, to cancel the joint Planning Commission/Planning Committee meeting on January 26, 2010, to change the time of the Mayor's State of the Merged Government Address on January 26, 2010 to 11:30 a.m., and to change the Intergovernmental Committee and Council Meetings Scheduled for December 14, 2010 to December 7 and December 2, 2010 (respectively).

VI. RESOLUTION – SECOND READING

1. A Resolution accepting the bid of Fire Training Structures, LLC, in the amount of \$259,135, for a Live Fire Training Structure, for the Div. of Fire and Emergency Services. (1)

VII. RESOLUTIONS – FIRST READING

2. A Resolution accepting the bid of ITT WWW U.S.A., establishing a price contract for submersible sewage pump and electrical motor repairs, for the Div. of Water Quality. (4)
3. A Resolution accepting the bids of Claunch Construction, LLC, Woodall Construction Co., Inc., Todd Johnson Contracting, Inc., establishing price contracts for Green Acres Neighborhood Curb Inlets Retrofit UPC, for the Div. of Water Quality. (4)
4. A Resolution accepting the bid of Man O' War Harley-Davidson, establishing a price contract for motorcycle, for the Div. of Police. (1)
5. A Resolution accepting the bid of Hurst Office Suppliers, establishing a price contract for copier paper, for the Div. of Central Purchasing. (2)
6. A Resolution accepting the bids of Recreation Supply Co., Inc., Recreonics, Inc., and EMSCO d.b.a. OP Aquatics, establishing price contracts for swimming pool supplies, for the Div. of Parks and Recreation. (3)
7. A Resolution accepting the bid of Miller Transportation, Inc., establishing a price contract for Charter Bus Services, for the Div. of Parks and Recreation. (1)
8. A Resolution accepting the bids of Allied Technical Services, Inc., and ITT Water and Wastewater U.S.A. – Flygt Dewatering Div., establishing price contracts for UPC for temporary pumping services, generators, emergency WWTP and equipment rental, for the Div. of Water Quality. (2)
9. A Resolution accepting the bid of Key to Cleaning, establishing a price contract for Custodial Services – Police Technical Services Bldg., for the Div. of Facilities and Fleet Management. (11)
10. A Resolution accepting the bid of Key to Cleaning, establishing a price contract for Custodial Services – Fleet Management, for the Div. of Facilities and Fleet Management. (11)

11. A Resolution accepting the bid of Central Indiana Truck Equipment, establishing a price contract for Refuse Body, for the Div. of Facilities and Fleet Management. (3 Non-Low)
12. A Resolution accepting the bids of Somerset Food Service, establishing a price contract for food for Family Care Center (Group I), and Clem's Refrigerated Foods, establishing a price contract for food for Family Care Center (Group II), for the Div. of Family Services. (2)
13. A Resolution accepting the bid of Zoll Medical Corp., establishing a price contract for a defibrillator, for the Div. of Fire and Emergency Services. (4 Non-Low)
14. A Resolution accepting the bids of All Recreation, Inc., Bluegrass Recreational Products, Inc., Burke Playgrounds of KY TN, Countryside Play Structures, Inc., David Williams and Associates, Inc., Elements of Play, Korkat, Inc., Lester Recreation Designs, Miracle Recreation of Ky. and Tenn., and Play and Park Structures, establishing price contracts for outdoor playground equipment, for the Div. of Parks and Recreation. (10)
15. A Resolution accepting the bid of Marrillia Design and Construction, in the amount of \$1,767,879.10, for the Lexington Streetscape Phase One Improvements – Cheapside Park, for the Dept. of Public Works and Development, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Marrillia Design and Construction, related to the bid. (5)
16. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a donation from Mr. Raul F. Lagos of 17 tennis racquets, for use at the Div. of Parks and Recreation, at no cost to the Urban County Government.
17. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Affiliation Agreement with the State University of New York, for an internship, at no cost to the Government.
18. A Resolution authorizing and directing the Div. of Traffic Engineering, pursuant to Code of Ordinances Section 18-86, to install multiway stop controls at Clemens Dr. and Twain Ridge Dr.
19. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with AIDS Volunteers, Inc., for modification of the scope of work and extension of the Agreement for operation of a tenant based rental assistance program through June 30, 2011.
20. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with Georgetown St. Area Neighborhood Association, for extension of the completion date of the Neighborhood Action Match Program Project to June 30, 2010, at no cost to the Urban County Government.

21. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with the Ky. Office of Homeland Security, for extension of the Assessments of Critical Infrastructure Project through May 31, 2010, at no cost to the Urban County Government.
22. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with the Ky. Office of Homeland Security, for extension of the Div. of Police's Mobile Data Computer Project through March 31, 2010, at no cost to the Urban County Government.
23. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with the Carnegie Center for Literacy and Learning, to serve as the participating agency in order to obtain and utilize the resources of the Corp. for National Service/AmeriCorps VISTA Program, at a cost not to exceed \$1,500 as a required contribution to the Carnegie Center VISTA Network, a consortium of local non-profit groups desiring to advance literacy in Lexington.
24. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Div. for Air Quality and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of \$150,000 Commonwealth of Ky. funds under the Ky. Clean Diesel Grant Program, and are for retrofitting 56 refuse vehicles with a Donaldson Diesel Oxidation Catalyst and a Spiracle Closed Crankcase kit.
25. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Lease with Everett Hampton, for lease of 2075 Parkers Mill Rd., at no cost to the Government.
26. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Lease Renewals with the Commonwealth of Ky., for the lease of State Police CDL and Drivers License Offices, at no cost to the Government.
27. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 2 to the Contract with Schaeffer Properties, for Coolavin Community Building, increasing the contract price by the sum of \$9,960.00 from \$361,209.44 to \$371,169.44.
28. A Resolution authorizing the Commissioner of the Dept. of General Services or his/her designee to sign utility connect and disconnect agreements on behalf of the Lexington-Fayette Urban County Government.
29. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Ky. American Water Co., for the Lyric Theater Sprinkler System, at a cost not to exceed \$15,958.

30. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute the FY10 Purchase of Service Agreement with Ky. World Trade Center Lexington, Inc., for services related to managing and operating the World Trade Center and trade promotion, trade counseling, and trade assistance, with an effective date of July 1, 2009, at a cost not to exceed \$106,500.
31. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute the FY10 Purchase of Service Agreement with the Downtown Lexington Corp., for services related to promoting, marketing, and strengthening the Downtown Area, with an effective date of July 1, 2009, at a cost not to exceed \$50,000.
32. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One to the Contract with Myers Fence, LLC, for the Brighton East Rail Trail Phase I Project, reducing the total cost by the sum of \$2,771.73 from \$76,178.00 to \$73,406.27.
33. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 3 to the Contract with MAC Construction & Excavating, Inc., for the Brighton East Rail Trail Phase I Project, reducing the total cost by the sum of \$6,673.54, for a new contract total of \$1,228,198.75.
34. A Resolution authorizing the Div. of Human Resources to internally advertise for the positions of Technical Manager Enterprise Solutions, Financial Manager Enterprise Solutions, and HCM Manager Enterprise Solutions, all in the Div. of Enterprise Solutions.
35. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Occupational Wellness Administrator and Services Agreement with Lexington Urgent Treatment Associates, PLLC, d/b/a Urgent Treatment Clinics, for Occupational Health Services, at a cost not to exceed \$3,800, effective January 1, 2010.
36. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with the Humanitarium: Center for Culture and Diversity, Inc. (\$425), Bluegrass Chapter, American Red Cross (\$725), Beaumont Residential Association, Inc. (\$500), and Southland Association, Inc. (\$1,000), for the Office of the Urban County Council, at a cost not to exceed the sums stated.

VIII. REPORTS

1. Div. of Building Inspection for the 4th Quarter (October-December) of 2009.
2. Div. of Building Inspection for the Year 2009.

IX. COMMUNICATIONS FROM THE MAYOR

1. Recommending the appointment of Mr. James R. Mahan to the Agricultural Extension District Board, with a term to expire 1-1-2012.

Also, recommending the reappointment of Ms. Judy Worth to the Agricultural Extension District Board, with a term to expire 1-1-2013.

2. Recommending the reappointments of Councilmember Chuck Ellinger and Ms. Michelle Kosieniak to the Arboretum Advisory Committee, with terms to expire 1-1-2014.
3. Recommending the appointment of Mr. Matthew T. Smith to the Commission for Citizens with Disabilities, with a term to expire 1-1-2014.
4. Recommending the appointment of Councilmember Chuck Ellinger, as At-Large Representative, to the Corridors Commission, with a term to expire 8-1-2013.
5. Recommending the reappointments of Rabbi Marc A. Kline and Ms. Melanie A. Tyner-Wilson to the Human Rights Commission, with terms to expire 1-1-2014.
6. Recommending the appointment of Ms. Anissa M. Franklin, as President of Friends of the Lyric, to the Lyric Theatre and Cultural Arts Center Board of Directors, with a term to expire 12-28-2011
7. Recommending the appointment of Mr. Thomas D. Minter to the Picnic with the Pops Commission, with a term to expire 7-1-2012.
8. Recommending the appointment of Ms. Susan E. Carvalho Chumney to the Sister Cities Program Commission, with a term to expire 1-28-2014.
9. Recommending the appointment of Ms. Elizabeth N. Heichelbech to the Special Events Commission, with a term to expire 6-1-2012. Ms. LuAnn Pelle is no longer serving on the board.
10. Recommending the appointments of Councilmember Tom Blues, as non-voting member, and Mr. David O'Neil, as Property Value Administrator (non-voting), to the Vacant Property Review Commission, with terms to expire 1-1-2014.

Also, recommending the appointment of Mr. James M. Haskins, as elected officer of neighborhood association representative, to the Vacant Property Review Commission, with a term to expire 1-1-2012.

X. ANNOUNCEMENTS

XI. PUBLIC COMMENTS