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

March 11, 2010 – 7:00 P.M.

I. ROLL CALL

II. INVOCATION

III. MINUTES OF THE PREVIOUS MEETINGS

February 11 & 25, 2010

IV. PRESENTATION

Bluegrass Invitational Wheelchair Basketball Tournament Champions – Hill on Wheels

V. ORDINANCES –<u>SECOND READING</u>

1. An Ordinance changing the zone from a Two-Family Residential (R-2) zone to a High Rise Apartment (R-5) zone for 0.25 net (0.33 gross) acre, for property located at 333 S. Upper St., subject to certain use restrictions imposed as conditions of granting the zone change (RAS Land, Inc. (AMD.)). Conditional Approval 9-0 (To be heard by April 28, 2010)

2. An Ordinance amending Article 6-4(i) of the Land Subdivision Regulations to delete a portion referring to street addressing. Approval 9-0

3. An Ordinance amending Articles 5-2 and 5-4 of the Land Subdivision Regulations to provide for greater protection of cemeteries. Approval 9-0

4. An Ordinance authorizing the Div. of Police to purchase an upgrade to its Digital X-Ray System from Logos Imaging, Inc., a sole source provider, at a cost not to exceed $20,904.30, and appropriating funds pursuant to Schedule No. 118.

5. 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. 119.

6. An Ordinance amending Section 21-5(2) of the Code of Ordinances, abolishing one (1) position of Engineering Technician, Grade 111N, and two (2) positions of Equipment Operator Sr., Grade 109N, and creating two (2) positions of Engineering Technician Sr., Grade 113E, in the Div. of Water Quality and appropriating funds pursuant to Schedule No. 120.

7. An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a donation of $50 from Cynthia Beard for assisting teen mothers served by the Div. of Family Services, and appropriating funds pursuant to Schedule No. 121.

8. An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a donation of $150 from the Alpha Delta Chapter of ADK for the purchase of enrichment materials for early child care teachers, and appropriating funds pursuant to Schedule No. 122.

9. An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the State Farm Companies Foundation, which Grant funds are in the amount of $1,000, for implementation of the “Teen Express” project, for the Div. of Youth Services, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 123, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

10. An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Cabinet for Health and Family Services, to provide any additional information requested in connection with this Grant Application, and to accept the Grant if the application is approved, which Grant funds are in the amount of $574,547 Federal funds, are for continuation of the New Chance Program ($448,036), the Mentoring Program ($46,811), and the Local Governance Council Project ($79,700), the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to FY11 Schedule No. 1, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

11. An Ordinance amending Section 15-1.3(6) of the Code of Ordinances related to a Clean Zone for the 2010 World Equestrian Games to include displays in the prohibition; amending Section 15-1.3(6)(b) to include temporary signage and displays in this section.

12. An Ordinance amending Articles 17-3(18), 17-4(d), and 17-6(c) of the Zoning Ordinance to modify the provisions for commercial real estate signs.

VI. ORDINANCES – <u>FIRST READING</u>

13. An Ordinance of the Lexington-Fayette Urban County Government making certain findings concerning and establishing a Development Area for Economic Development Purposes within the Lexington-Fayette Urban County to be known as the Red Mile Development Area; approving a Local Participation Agreement between Lexington-Fayette Urban County Government and the Dept. of Finance and Administration of the Lexington-Fayette Urban County Government; establishing an Incremental Tax Special Fund for payment of redevelopment assistance, approved public infrastructure costs, land preparation, demolition and clearing costs, and financing costs; designating the Lexington-Fayette Urban County Government’s Dept. of Finance and Administration as the agency responsible for oversight, administration, and implementation of the Development Area; and authorizing the Mayor and other officials to take such other

appropriate actions as are necessary or required in connection with the establishment of the Development Area.

14. An Ordinance amending Subsection 5-29(11) of the Code of Ordinances, Lexington-Fayette Urban County Government, to reference an exception for a gravel resurfacing permit, and creating Subsection 5-29(20) of the Code of Ordinances to provide for the issuance of a fifty dollar ($50.00) fee for a gravel resurfacing permit, which shall require an inspection of the existing gravel area(s) prior to issuance; all effective on April 1, 2010.

15. An Ordinance amending Sections 17-29 through 17-29.5 of the Code of Ordinances, Lexington-Fayette Urban County Government, pertaining to outdoor café permits as follows: define and provide for a clear zone for pedestrian use; amend the definition of encroachment to include furnishings and change all references to tables, chairs, and/or umbrellas to furnishings; amend the definition of outdoor café to include entertainment establishments; define and provide for a permitted area in which the encroachment of the outdoor café is lawfully allowed; amend the definition of sidewalk to allow the use of up to twenty-five (25) feet in front of the façade of a permitted establishment; provide for encroachment into the sidewalk area in front of the establishment and twenty-five (25) feet in either direction with approval, limiting the activities within the permitted area and the movement of furnishings, permits on annual basis effective January 1, approval of other property owners and tenants, the removal of furnishings during the times of year the outdoor café is not regularly operating, alcohol sales if contiguously located to an alcohol beverage and control licensee, enforcement of other laws and necessary approval from other authorities, all furnishings must be removable and not damage public property, clearly identifying the permitted area for enforcement purposes, alcohol beverage control documents and information, the condition, modification or denial of a permit by the administrator, the maximum number of persons lawfully allowed within the permitted area in accordance with the Ky. Building Code, annual renewal prior to December 1, an annual fee of fifty dollars ($50.00) in addition to any other business license, references to the Americans With Disabilities Act, noise activities in violation of local law prohibited, conduct not related to the operation of an outdoor café prohibited, exceeding the maximum number of persons prohibited, the suspension or modification of the permit for public safety or a special event, the posting or display of the permit, increasing the minimum fine from twenty dollars ($20.00) to two hundred fifty dollars ($250.00), and renumbering the sections and subsections to be consistent with these changes.

16. An Ordinance amending Section 21-5(2) of the Code of Ordinances, creating one (1) position of Systems Administrator – Enterprise Solutions, Grade 118E in the Div. of Enterprise Solutions.

17. An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the National Association of Police Athletic/Activities League, Inc., which Grant funds are in the amount of $24,670 Federal funds, are for a Juvenile Mentoring Program in the Div. of Police, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 124, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

18. 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. 125.

VII. RESOLUTIONS– <u>SECOND READING</u>

1. A Resolution accepting the bid of Cover-All of Wisconsin, LLC, in the amount of $305,500, for Tensioned Fabric Structure for the Recycling Center, for the Div. of Waste Management. (1)

2. A Resolution accepting the bid of Landmark Sprinkler, Inc., in the amount of $26,800, for design & construction services for the installation of a Dry Pipe Sprinkler at the Recycling Center, for the Div. of Waste Management. (1)

3. A Resolution accepting the bid of Timberlake Computer, establishing a price contract for Media Storage Tape Cartridges, for the Div. of Computer Services. (8)

4. A Resolution accepting the bid of Brenntag Mid-South, establishing a price contract for Sulfur Dioxide – Liquid, for the Div. of Water Quality. (3)

5. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. Three to the Contract with Strand Associates, Inc., for the Legacy Trail Project, for the Div. of Engineering, increasing the contract price by the sum of $208,100 from $1,110,000 to $1,318,100.

6. A Resolution providing that Devomni, Kizan Technologies, LLC, Software Information Systems, LLC, Sullivan Technology Services, LLC and Swova shall be held on a three year retainer and engaged as needed to provide information technology consulting services.

7. A Resolution ratifying the probationary civil service appointments of: Brian Rogers, Deputy Director of Enterprise, Grade 120E, $2,999.12 bi-weekly, in the Div. of Parks and Recreation, effective March 1, 2010; Timothy Jones, Public Service Worker, Grade 106N, $11.262 hourly, in the Div. of Waste Management, effective March 22, 2010; Cynthia Relford, Enforcement Officer, Grade 110N, $19.080 hourly, in the Div. of Waste Management, effective March 1, 2010; ratifying the probationary sworn appointment of: Ryan Hogsten, Fire Captain, Grade 316N, $22.368 hourly, in the Div. of Fire and Emergency Services, effective February 15, 2010; approving the unclassified civil

service appointments of: James Dennis, Police Analyst, Grade 111N, $17.530 hourly, in the Div. of Police, effective March 1, 2010; Sherell Roberts, Public Information Officer, Grade 118E, $2,500.00 bi-weekly, in the Div. of Police, effective March 4, 2010, Carisa Kelsey, Family Support Worker Sr., Grade 112N, $16.884 hourly, in the Div. of Family Services, effective March 1, 2010.

8. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the University of Ky., for space in the University of Ky. Hospital emergency room for use as a clinical practice area for the Sexual Assault Treatment Program, at a cost not to exceed $3,000.

9. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Sole Source Procurement with Toter, Inc., a sole source provider, for lifting units and spare parts.

10. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Sole Source Procurement with Kustom Signals, a sole source provider, for radar equipment.

11. A Resolution pursuant to Code of Ordinances Section 18-66, designating the speed limit on Bowman Mill Rd. as 40 miles per hour and authorizing and directing the Div. of Traffic Engineering to install proper and appropriate signs in accordance with the designation.

12. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 4 to the Contract with HDR Quest Engineering, Inc., for Liberty Todds Rd. Improvements Project, Section 1, for the Div. of Engineering, increasing the contract price by the sum of $11,212 from $1,005,706 to $1,016,918.

13. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the U.S. Marshal's Service, for participation in the District Fugitive Task Force.

14. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Addendum to the current Drug Enforcement Administration Agreement, with the U.S. Dept. of Justice Drug Enforcement Administration, for decreasing assigned agents.

15. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an UltraCare Agreement with ABDick/KopyKat, for the lease of a Bizhub 601 Digital Imaging Unit for up to five years, subject to sufficient funds being appropriated in future fiscal years, at a cost not to exceed $1,205.90 in FY 2010.

VIII. RESOLUTIONS – <u>FIRST READING</u>

16. A Resolution accepting the bid of Arrow Electrical Contractors, in the amount of $87,996, for Conduit Installation – Sir Barton Way (Man O'War Blvd. to Winchester Rd.), for the Div. of Traffic Engineering. (4)

17. A Resolution accepting the bid of G & K Services, establishing a price contract for the rental of entrance mats, for the Div. of Facilities and Fleet Management. (5)

18. A Resolution accepting the bid of Worldwide Equipment, in the amount of $114,134, for Tandem Axle Cab & Chassis, for the Div. of Facilities and Fleet Management. (1)

19. A Resolution accepting the bid of DictationProducts.com, in the amount of $39,345, for a Dictaphone System, for the Div. of Police. (1)

20. A Resolution accepting the bid of LexPress, establishing a price contract for distribution of Fun Guide 2010, for the Div. of Parks and Recreation. (3)

21. A Resolution accepting the bid of Elite Petroleum, Inc., establishing a price contract for Hydraulic Oil, for the Div. of Facilities and Fleet Management. (6)

22. A Resolution accepting the bid of Davis H. Elliot Construction Co., Inc., establishing a price contract for Inductive Loop Vehicle Detection & Installation, for the Div. of Traffic Engineering. (3)

23. A Resolution accepting the bid of Marrillia Design and Construction, in the amount of $1,639,925.81, for the Lexington Downtown Streetscape Phase One Improvements – Vine St., 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. (3)

24. A Resolution ratifying the probationary civil service appointments of: Christopher Doerge, GIS Programmer Analyst, Grade 117E, $1,947.84 bi-weekly, in the Div. of Computer Services, effective February 22, 2010; Jennifer Myatt, Environmental Outreach Specialist, Grade 115E, $1,443.44 bi-weekly, in the Div. of Environmental Policy, effective March 1, 2010; Tracey McElroy, Staff Assistant, Grade 107N, $12.839 hourly, in the Div. of Waste Management, effective March 22, 2010; Jeff Giles, Public Service Supervisor, Grade 111N, $17.872 hourly, in the Div. of Parks and Recreation, effective March 15, 2010; Paul Smith, Fleet Parts Specialist, Grade 109N, $16.694 hourly, in the Div. of Facilities and Fleet Management, effective March 15, 2010; Robert Meyer, Skilled Trades Worker Sr., Grade 112N, $23.262 hourly, in the Div. of Facilities and Fleet Management, effective March 15, 2010; Jeffery Burk, Heavy Equipment Technician, Grade 113N, $22.192 hourly, in the Div. of Facilities and Fleet Management, effective March 15, 2010; Marilyn Clark, Minority Program Coordinator, Grade 119E, $2,355.28 bi-weekly, in the Div. of Central Purchasing, effective April 1, 2010; Laurence Warfield, Maintenance Supervisor, Grade 115E, $2,179.60 bi-weekly, in the Div. of Water Quality, effective February 15, 2010; ratifying the permanent civil service appointments of: Cyndra Brown, Administrative Specialist Pr,

Grade 114E, in the Div. of Community Development, effective August 17, 2009; Hannelore Boorne, Administrative Officer, Grade 118E, in the Div. of Waste Management, effective December 8, 2009; Rebecca Weems, Program Manager Sr., Grade 120E, in the Div. of Waste Management, effective January 10, 2010; Clarence Steele, Public Service Supervisor Sr., Grade 114E, in the Div. of Waste Management, effective February 10, 2010; Vonda Melton, Senior Human Resource Manager, Grade 121E, in the Div. of Human Resources, effective December 14, 2009; James Bush, Environmental Program Manager Energy, Grade 117E, in the Div. of Environmental Policy, effective December 22, 2009; Christopher Cooperrider, Deputy Director of Parks, Grade 120E, in the Div. of Parks and Recreation, effective August 17, 2009; T. J. Taylor, Sewer Line Maintenance Superintendent, Grade 116E, in the Div. of Water Quality, effective October 13, 2009; Robert Smith, Maintenance Supervisor, Grade 115E, in the Div. of Water Quality, effective October 27, 2009; ratifying the probationary sworn appointment of: Ricky Loveless, Fire Lieutenant, Grade 315N, $17.268 hourly, in the Div. of Fire and Emergency Services, effective February 15, 2010; ratifying the permanent sworn appointments of: Guy Greene, Police Lieutenant, Grade 317E, in the Div. of Police, effective February 28, 2010; Sam Murdock, Police Sergeant, Grade 315N, in the Div. of Police, effective December 15, 2009; ratifying the permanent Community Corrections Officer appointments of: James Dun, Joseph Hendricks, Chadwick Hundley, Anthony Lawson, Jonathan Murray, Daryll Trumbo, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective December 8, 2009; Jacob Crawford, Nicholas Elko, Yolanda Elko, Dustin Wynn, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective November 11, 2009; approving the unclassified civil service appointment of: Mary Cole, Administrative Specialist, Grade 110N, $20.000 hourly, in the Div. of Waste Management, effective March 22, 2010.

25. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an American Recovery and Reinvestment Act Federal Reimbursement Agreement with the Commonwealth of Ky. Transportation Cabinet, as well as any other documents necessary for completion of the project, whereby the Cabinet will undertake completion of and expend up to $1,428,625.03 for the Downtown Vine St. Streetscape Project.

26. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an American Recovery and Reinvestment Act Federal Reimbursement Agreement with the Commonwealth of Ky. Transportation Cabinet, as well as any other documents necessary for completion of the Project, whereby the Cabinet will undertake completion of and expend up to $5,796,392.26 for the Legacy Trail Phase I Project.

27. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an American Recovery and Reinvestment Act Federal Reimbursement Agreement with the Commonwealth of Ky. Transportation Cabinet, as well as any other documents necessary for completion of the Project, whereby the Cabinet will undertake completion of and expend up to $1,874,632.50 for the Legacy Trail Phase II Project.

28. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Engineering Services Agreement with M2D Design Group, for design of the Isaac Murphy Memorial Garden Trail Head, at a cost not to exceed $20,250.

29. A Resolution authorizing and directing the Dept. of Public Works and Development to construct a sidewalk on the east side of Cedarwood Dr. between 832 Cedarwood Dr. and 836 Cedarwood Dr. at a cost not to exceed $500.

30. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 (Final) to the Contract with Randle-Davies Construction Co., for the South Elkhorn Bike Trail, decreasing the contract price by the sum of $57,312.13 from $216,701 to $159,388.87.

31. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Blue Grass Community Foundation and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of $7,000 under the Blue Grass CARE (Collaborative Assistance and Relief Effort) Fund, and are for financial assistance for families at risk, for the Div. of Youth Services.

32. A Resolution changing the street name and property address number of 1652 Bryant Rd. to 3418 Polo Club Blvd., of 1505 Deer Haven Ln. to 3414 Polo Club Blvd., of 797 Miles Point Way to 801 Enterprise Dr., of 651 W. New Circle Rd. to 1501 Colesbury Circle, of 3275 Polo Club Blvd. to 2270 Ice House Way, of 767 W. Short St. to 127 Newtown Pike, of 171 Southland Dr. to 145 Collins Ln.; changing the property address numbers of 4088 Georgetown Rd. to 4050 Georgetown Rd., of 251-255 Holbrook Ct. to 255 Holbrook Ct., of 2550 Liberty Ridge Ln. to 701 Liberty Ridge Ln., of 5846 Old Richmond Rd. to 5820 Old Richmond Rd., of 3948 Real Quiet Ln. to 3806 Real Quiet Ln., of 261-267 W. Short St. to 259 W. Short St., of 474-476 Silver Maple Way to 476 Silver Maple Way, of 286 Simpson Ave. to 186 Simpson Ave., and of 108 and 108 ½ Thompson Rd. to 106 and 108 Thompson Rd.; and changing the street name of 3280 Post Rd. to Keithshire Way, and of 173 and 181 Southland Dr. to 173 and 181 Collins Ln.; all effective thirty days from passage.

33. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Implementation Services Agreement, Licensing Agreement, and Maintenance Agreement with Accela, Inc., for Asset Management Software required by the Urban County Government's Consent Decree, for the Div. of Water Quality, at a total cost not to exceed $1,594,360.94.

34. A Resolution adopting an updated Expansion Area Exaction Rate Table for roads, parks, stormwater, open space, sewer transmission and sewer capacity to reflect actual and/or contracted costs for eligible system improvements constructed for the Dept. of Finance and Administration and the Dept. of Public Works and Development and the Divs. of Planning and Engineering.

IX. COMMUNICATIONS FROM THE MAYOR

1. Recommending the appointment of Mr. Barry Holmes to the Downtown Development Authority Board of Directors, with a term to expire 1-15-2014. The term of Mr. P.G. Peeples has expired.

2. Recommending the appointment of Mr. James Aristizabal, as International Sports Community representative, to the Masterson Station Park Advisory Board, with a term to expire 5-1-2012. Mr. Aristizabal will fill the unexpired term of Mr. Andres Cruz.

3. Recommending the appointment of Ms. Sherry L. Coles to the Social Services Advisory Board, with a term to expire 9-1-2011.

4. Recommending the appointment of Mr. Matthew Salyer, as Landlord/Business Community representative, to the Town and Gown Commission, with a term to expire 2-1-2012. The term of Mr. Rick Bryant has expired.

X. COMMUNICATIONS FROM THE MAYOR (FOR INFORMATION ONLY)

1. Resignation of Brenda Bunting, Life Skills Specialist, Grade 113E, in the Div. of Community Corrections, effective October 23, 2009.

2. Resignation of Steven Puckett, Community Corrections Sergeant, Grade 112N, in the Div. of Community Corrections, effective November 23, 2009.

3. Resignation of Robert Walker, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective October 26, 2009.

4. Resignation of Ann Schultz, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective October 7, 2009.

5. Resignation of Daniel Clemons, Firefighter, Grade 311N, in the Div. of Fire and Emergency Services, effective October 21, 2009.

6. Resignation of Laura Art, Administrative Specialist, Grade 110N, in the Div. of Family Services, effective September 11, 2009.

7. Resignation of Danny McGuire, Police Trainee, Grade 311N, in the Div. of Police, effective November 11, 2009.

8. Resignation of Ira Duncan, Police Trainee, Grade 311N, in the Div. of Police, effective November 13, 2009.

9. Resignation of Todd Young, Police Trainee, Grade 311N, in the Div. of Police, effective February 2, 2010.

10. Resignation of Deloris McQueen, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective January 27, 2010.

11. Resignation of Jesse Little, Police Trainee, Grade 311N, in the Div. of Police, effective February 3, 2010.

12. Resignation of Billy Treadway, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective December 15, 2009.

13. Resignation of Yamilet Fuentes, Family Support Worker Sr., Grade 112N, in the Div. of Family Services, effective September 18, 2009.

14. Resignation of Doman Ruggles, Police Trainee, Grade 311N, in the Div. of Police, effective September 11, 2009.

XI. ANNOUNCEMENTS

XII. PUBLIC COMMENTS