

Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky October 21, 2010

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on October 21, 2010 at 7:00 P.M. Present were Mayor Newberry in the chair presiding, and the following members of the Council: Council Members Martin, McChord, Stinnett, Beard, Blues, Crosbie, Ellinger, Feigel, Gorton, Gray, Henson, James, Lane and Lawless. Absent was Council Member Myers.

The reading of the Minutes of the previous meeting was waived.

Ordinances No. 165-2010 thru 171-2010 inclusive and Resolutions No. 521-2010 thru 552-2010 inclusive were reported as having been signed and published, and were ordered to record.

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The Invocation was given by Rev. LaRae J. Rutenbar, Dean of Christ Church Episcopal Cathedral.

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Upon motion of Mr. Ellinger, seconded by Ms. Gorton, the minutes of the August 19, 26 and 31, 2010 meetings were approved by unanimous vote.

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The Mayor introduced Mr. George W. Lee, III, who had been a member of the United States Coast Guard, and who was actively involved with the local Veterans of Foreign Wars Post 630, where he served as chaplain. The Mayor thanked him for his service to the country and the community.

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The following ordinances were given second reading. Upon motion of Ms. Feigel, and seconded by Ms. Henson, the ordinances were approved by the following vote:

Aye: Martin, McChord, Stinnett, Beard, Blues,
Crosbie, Ellinger, Feigel, Gorton, Gray,
Henson, James, Lane, Lawless-----14

Nay: -----0

An Ordinance amending Article 8-20(n) of the Zoning Ordinances to reduce the off-street parking requirements for bowling alleys and their accessory snack bar.

An Ordinance amending Article 16-10 of the Zoning Ordinance to allow for parking reductions when Park & Ride lots are provided.

An Ordinance relating to solid waste collection repealing Sections 16-16.4 and 16-16.5 of the Code of Ordinances.

An Ordinance authorizing 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 \$400,000 Federal funds, are for the ITS/CMS (Intelligent Transportation System/Congestion Management System) Traffic Improvements Project, the acceptance of which obligates the Urban County Government for the expenditure of \$100,000 as a local match, appropriating funds pursuant to FY 2011, Schedule No. 45, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the U.S. Dept. of Justice, Office on Violence Against Women, which Grant funds are in the amount of \$377,635 Federal funds, are for a Safe Havens Project (continuation of the Sunflower Kids Visitation Center, expansion of services to underserved populations, and partial funding of the Director of the Fayette County Violence Prevention Board), the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 46, authorizing the Mayor to transfer unencumbered funds within the Grant budget and authorizing the Mayor to execute an Agreement with Sunflower Kids, Inc., for operation of a visitation center, at a cost not to exceed \$338,975.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Justice and Public Safety Cabinet, 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 \$50,000 Federal funds, are for continuation of the Sexual Assault Nurse Examiner (SANE) Program, the acceptance of which obligates the Urban County Government for the expenditure of \$28,150 as a local match, appropriating funds pursuant to Schedule No. 47, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Dept. of Military Affairs/Ky. Div. of Emergency Management, which Grant funds are in the amount of \$775,969 Federal funds, are for acquisition and demolition of seven residential properties on Ft. Sumter Dr., Gayle Dr., Parkside Dr., Cabot Dr. and Shandon Dr., the acceptance of which obligates the Urban County Government for the expenditure of \$134,501 as a local match, appropriating funds pursuant to Schedule No. 48, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 (Final) to the Contract with Marrillia Design and Construction, for the Lexington Streetscape Phase One Improvements, Cheapside

Market Pavilion Project, increasing the contract price by the sum of \$20,103.85 from \$715,977.02 to \$736,080.87, and appropriating funds pursuant to Schedule No. 49.

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. 50.

An Ordinance amending Section 21-5(2) of the Code of Ordinances abolishing two (2) positions of Public Service Worker, Grade 106N, in the Div. of Waste Management and creating one (1) position of Computer Analyst Supervisor, Grade 117E, in the Div. of Computer Services and appropriating funds pursuant to Schedule No. 51.

An Ordinance amending Section 21-5(2) of the Code of Ordinances, abolishing one (1) position of Staff Assistant Sr., Grade 108N, and creating one (1) position of Engineering Technician, Grade 111N, in the Div. of Engineering, and appropriating funds pursuant to Schedule No. 52.

An Ordinance amending Section 22-5(2) of the Code of Ordinances creating one (1) temporary position of Microcomputer Support Specialist, Grade 113N, with a three (3) year term, within the Div. of Police.

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 \$240,000 Federal funds, are for the Loudon Ave. Sidewalk Project, the acceptance of which obligates the Urban County Government for the expenditure of \$60,000 as a local match, appropriating funds pursuant to Schedule No. 53, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

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 \$240,000 Federal funds, are for the Southland Dr. Pedestrian Improvements Project, the acceptance of which obligates the Urban County Government for the expenditure of \$60,000 as a local match, appropriating funds pursuant to Schedule No. 54, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the U.S. Dept. of Justice, which Grant funds are in the amount of \$143,243 Federal funds under the State Criminal Alien Assistance Program (SCAAP), are for reimbursement of costs related to the incarceration of undocumented criminal aliens, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 55, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Energy and Environmental Cabinet, 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 \$141,452 Commonwealth of Ky. funds, are for 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. 56, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Supplemental Agreement No. 3 with the Ky. Transportation Cabinet, for the acceptance of additional Federal funds for the Clays Mill Rd. Improvements Project in the amount of \$4,200,000, the acceptance of which obligates the Urban County Government for the expenditure of \$15,000 as a local match, and appropriating funds pursuant to Schedule No. 57.

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The following ordinances were given first reading and ordered placed on file until November 11, 2010 for public inspection.

An Ordinance changing the zone from a Wholesale and Warehouse Business (B-4) zone to a Neighborhood Business (B-1) zone for 0.37 net (0.44 gross) acre, for property located at 604-606 S. Broadway, including dimensional variances (Milling Properties, LLC).

An Ordinance changing the zone from a Single Family Residential (R-1C) zone to a High Density Apartment (R-4) zone for 1.16 net (1.65 gross) acres, for property

located at 3773-3789 Belleau Wood Dr., subject to certain use restrictions imposed as conditions of granting the zone change, including a conditional use permit (Sayre Christian Village).

An Ordinance amending Section 8 of Ordinance No. 96-2010 to correct a typographical error which inadvertently omitted Family Child Care from the list of accessory uses permitted in a Single Family Residential (R-1A) zone.

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The following resolutions were given second reading. Upon motion of Ms. Gorton, and seconded by Mr. Beard, the resolutions were approved by the following vote:

Aye: Martin, McChord, Stinnett, Beard, Blues,
Crosbie, Ellinger, Feigel, Gorton, Gray,
Henson, James, Lane, Lawless-----14

Nay: -----0

A Resolution accepting the bids of Light Bulb Depot of America, Brock McVey Co., Graybar Electric, and West-Lite Supply Co., Inc., establishing price contracts for bulbs and ballasts, for the Div.'s of Facilities and Fleet Management and Community Corrections.

A Resolution accepting the bids of Henry Schein Matrix Medical; Kentron Health Care, Inc.; Bound Tree Medical LLC; and Midwest Medical Supply Co., establishing price contracts for emergency medical supplies, for the Div. of Fire and Emergency Services.

A Resolution accepting the bid of Intec Building Services, Inc., establishing a price contract for custodial services - Central Ky. Job Center, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bids of Language Line Services and Masterworld Services, Inc., establishing price contracts for translation services, for the Div. of Emergency Management/911.

A Resolution accepting the bids of Galls (an Aramark Co., LLC) and GT Distributors, Inc., establishing price contracts for police car consoles, for the Div. of Police.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying a greenway from

the owner of record, for property located at 3278 Sweet Clover Ln., Unit 1-C, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Purchase of Service Agreement with the Lexington Humane Society, for administration of the Spay and Neuter Grant Fund and Program.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Purchase of Service Agreement and a Lease Agreement with Lexington-Fayette Animal Care and Control, LLC, for animal control services, at a cost not to exceed \$1,035,000.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a LEAP Service Agreement with Neustar, Inc., to provide access to the Number Portability Administration Center in support of Enhanced 911 Services for a period of up to three years, subject to exercise of renewal option and sufficient funds being appropriated in future fiscal years, at a cost not to exceed \$2,000 in FY 2011.

A Resolution authorizing the Div. of Traffic Engineering, pursuant to Code of Ordinances Section 18-86, to install multiway stop controls at Andover Forest Dr. and Brighton Place Dr.

A Resolution specifying the intention of the Urban County Council to expand and extend the Full Urban Services District #1 to provide street lighting, street cleaning and garbage and refuse collection; finding a need for these services in the area included; finding the ability of the Urban County Government to provide these services in this area, which area is defined as certain properties on the following street: Atwood Dr.

A Resolution specifying the intention of the Urban County Council to expand and extend Partial Urban Services District #5 to provide street lighting and garbage and refuse collection; finding a need for these services in the area included; finding the ability of the Urban County Government to provide these services in this area, which area is defined as certain properties on the following streets: Aldershot Dr., Blueberry Rd., Dellwood Dr., Potomac Dr., Springhill Dr., Sweetbriar Circle, and Worcester Rd.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with Catholic Charities of the Diocese of Lexington, Inc. (\$500), South Lexington Babe Ruth, Inc. (\$1,000), Girls on the Run

Lexington Corp. (\$425), Step by Step, Inc. (\$375), Downtown Lexington Corp. (\$1,200), Brenda D. Cowen Coalition for Ky., Inc. (\$325), Shriners Neighborhood Association, Inc. (\$1,360), Lakeshore Village Homeowners Association, Inc. (\$1,732), Chenault Rd. Neighborhood Association, Inc. (\$350), Fairway Neighborhood Association, Inc. (\$500), for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One to the Contract with Marrillia Design and Construction, for the Lexington Streetscape Phase One Cheapside Site Improvements Project (Final), decreasing the contract price by the sum of \$45,429.00 from \$1,767,879.10 to \$1,722,450.10.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with M.A.S.H. Services of the Bluegrass, Inc., for operation of the M.A.S.H. Drop Inn Facility, at a cost not to exceed \$180,000 in Grant funds from the U.S. Dept. of Health and Human Services.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agency Participation Agreement with the Ky. Housing Corp., for participation in the Ky. Homeless Management Information System, for the Div. of Adult and Tenant Services, at a cost not to exceed \$1,800 annually.

A Resolution authorizing the Aging Services Administrator in the Dept. of Social Services to execute Exhibition of Artwork Agreements with artists for display of works of art at the Lexington Senior Center, at no cost to the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Certificates of Consideration and other necessary documents, and to accept Deeds for easements needed for access to the Burkewood Dr. Detention Basin, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements awarding Class A (Neighborhood) Incentive Grants for stormwater quality projects to Eastland Parkway Neighborhood Association, Inc. (\$7,408) and Southern Heights Neighborhood Association, Inc. (\$40,630.40), at a cost not to exceed the sums stated.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements awarding Class B Incentive Grants for stormwater quality projects to the Board of Education of Fayette County (Henry Clay High School) (\$2,500), the Trane Co. (\$4,677.19), Transylvania University (\$4,878.75), and the Board of Education of Fayette County (Rosa Parks Elementary School) (\$6,700) at a cost not to exceed the sums stated.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Facility Usage Agreement with Fayette County Board of Education, for ESP and REAL Programs.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Facility Usage Agreement with Fayette County Board of Education, for use of Jesse Clark Middle School Gym, at a cost not to exceed \$5,670.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Subordination Agreement with Central Bank and Trust, to allow Central Bank to be primary lien holder for items financed.

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A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 2 to the Agreement (RFP No. 20-2007, Shillito Trail Project) with McIlwain & Associates to provide for additional design work related to an asphalt trail connecting to the parking lot, increasing the contract price by the sum of \$3,424 from \$47,061 to \$50,485 was given first reading.

Ms. Crosbie asked a question regarding the Change Order referenced in the resolution. Ms. Kimra Cole, Commissioner of the Dept. of General Services, responded.

Upon motion of Mr. Blues, seconded by Ms. Gorton, the rules were suspended by unanimous vote.

The resolution was given second reading. Upon motion of Mr. Blues, and seconded by Ms. Henson, the resolution was approved by the following vote:

Aye: Martin, McChord, Stinnett, Beard, Blues,
Crosbie, Ellinger, Feigel, Gorton, Gray,
Henson, James, Lane, Lawless-----14

Nay: -----0

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The following resolutions were given first reading. Upon motion of Mr. Blues, seconded by Ms. Gorton, the rules were suspended by unanimous vote.

The resolutions were given second reading. Upon motion of Mr. Blues, and seconded by Ms. Henson, the resolutions were approved by the following vote:

Aye: Martin, McChord, Stinnett, Beard, Blues,
Crosbie, Ellinger, Feigel, Gorton, Gray,
Henson, James, Lane, Lawless-----14

Nay: -----0

A Resolution accepting the bid of MX Energy, establishing a price contract for Natural Gas Purchase SVGTS, for the Div. of Environmental Policy.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Internal Revenue Service Sponsor Agreement and Civil Rights Assurance, for Volunteer Income Tax Assistance Programs at the Gainesway Empowerment Center, the Central Ky. Job Center and the Family Care Center, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Renewed Agreement of Affiliation with Bluegrass Crimestoppers, Inc., for services and assistance, at no cost to the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an extension to the Flexible Spending Plan with Colonial Life, using the services of AmeriFlex to administer the Flexible Spending Account Program, for the period of January 1, 2011 through December 31, 2011.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Contract with West Order Form, CLEAR Services, for database access, for a period of up to three years, subject to sufficient funds being appropriated in future fiscal years, at a cost not to exceed \$4,568.40 in FY2011.

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A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. Two to the Contract with Claunch Construction LLC, for Shillito Park Paved Trail, increasing the contract price by the sum of \$11,961 from \$959,562 to \$971,523 was given first reading.

Ms. Crosbie asked a question regarding the Change Order referenced in the resolution. Ms. Kimra Cole, Commissioner of the Dept. of General Services, responded.

The resolution was ordered placed on file until November 11, 2010 for public inspection.

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The following resolutions were given first reading and ordered placed on file until November 11, 2010 for public inspection.

A Resolution accepting the bid of Bluegrass Towing, Inc., establishing a price contract for towing of LFUCG vehicles, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of American Fire & Security, LLC establishing a price contract for Fire Alarm Monitoring & Maintenance, for the Div. of Facilities and Fleet Management.

A Resolution ratifying the probationary civil service appointments of: Anthony King, Public Service Supervisor Sr., Grade 114E, \$2,046.08 bi-weekly, in the Div. of Streets, Roads and Forestry, effective October 25, 2010; Crystal Mundy, Administrative Specialist, Grade 110N, \$16.090 hourly, in the Div. of Purchasing, effective October 25, 2010; Phyllis Cooper, Director of Accounting, Grade 121E, \$3,365.38 bi-weekly, in the Div. of Accounting, effective November 15, 2010; approving the unclassified civil service appointment of: Michael White, Equipment Operator Sr. P/T, Grade 109N, \$12.31 hourly, in the Div. of Family Services, effective October 25, 2010.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One to the Contract with CDP Engineers, Inc., for Veterans Mountain Bike Trail Design, increasing the contract price by the sum of \$2,107.50 from \$22,354.00 to \$24,461.50.

A Resolution amending Section 4.506 of Appendix A, Rules and Procedures of the Lexington-Fayette Urban County Council, exempting the Planning Commission and Board of Adjustment from the general term limit restriction for appointment to boards, agencies and commissions.

A Resolution authorizing and granting authority to the Div. of Police to administer the Secured by Design Program.

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The following Communication from the Mayor was received for information only:
(1) Resignation of Adrian Richardson, Police Officer, Grade 311N, in the Div. of Police, effective October 18, 2010.

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Mr. Lane distributed documents, and explained the timeline for the design and construction of the new Kentucky American Water Company water purification plant.

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Ms. Feigel announced that an agreement had been reached on the Ecton Park improvements between the Shadeland East Neighborhood Association and the Eastern Little League. She thanked everyone who worked on the plan.

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Mr. McChord asked the Mayor to extend his thanks to Mr. Sam Williams, Director of the Div. of Streets, Roads and Forestry, and everyone at the Div. of Streets, Roads and Forestry for completing the paving on a large section of Clays Mill Road.

He also wished all those running in the Bourbon Chase Race over the weekend of October 22-24, 2010 well.

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Upon motion of Mr. Ellinger, seconded by Mr. Stinnett and approved by unanimous vote, the meeting adjourned at 7:35 p.m.

Clerk of the Urban County Council