

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

April 28, 2011 – 6:00 P.M.

- I. ROLL CALL
- II. INVOCATION
- III. MINUTES OF THE PREVIOUS MEETINGS
January 25 (5:00 P.M.) and February 8, 2011
- IV. PRESENTATIONS
Commemoration for Public Health Heroes
Mayor's Task Force on Wellness
- V. COMMITTEE REPORTS – Committee of the Whole – VM Gorton
- VI. ORDINANCES – SECOND READING
 1. An Ordinance changing the zone from a Wholesale and Warehouse Business (B-4) zone to a Neighborhood Business (B-1) zone for 0.74 net (1.07 gross) acre, for property located at 369 Codell Dr. (a portion of) (Equity Alliance of Lexington, LLC). Approval 8-0 (To Be Heard By May 25, 2011) **[Div. of Planning, King]**
 2. An Ordinance changing the zone from a Professional Office (P-1) zone to a Neighborhood Business (B-1) zone for 0.594 net (0.829 gross) acre, for property located at 1389 Alexandria Dr. (W. Nelson McMakin). Conditional Approval 8-0 (To Be Heard By May 25, 2011) **[Div. of Planning, King]**
 3. An Ordinance changing the zone from a Highway Service Business (B-3) zone to a Wholesale & Warehouse Business (B-4) zone for 1.083 net and gross acres, for property located at 763 and 779 Newtown Pike (portions of), subject to certain use restrictions imposed as conditions of granting the zone change (SCW Newtown, LLC). Conditional Approval 8-0 (To Be Heard By May 25, 2011) **[Div. of Planning, King]**
 4. 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. 112. **[Div. of Budgeting, Barrow]**
 5. An Ordinance approving and adopting an Amendment to the 2010 Consolidated Plan to include the purchase of two residential units, relocation of the residents and demolition of the units in the Meadows/Northland/Arlington Project. **[Div. of Community Development, Gooding, BS 119-11]**
 6. An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit the 2011 Consolidated Plan/Grant Application to the U.S. Dept. of Housing and Urban Development, 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 \$3,641,000 Federal funds, are for FY2012 Community Development Block Grant Program (\$2,050,000), HOME Program (\$1,500,000), and Emergency Shelter Grant Program (\$91,000), the acceptance of which obligates the Urban County Government for the expenditure of \$351,500 from various funding sources as local cash match and \$67,000 in-kind match; appropriating funds pursuant to FY2012 Schedule No. 9; authorizing the Mayor to transfer unencumbered funds within the Grant budget; and authorizing the Mayor to execute Agreements for the approved Plan. **[Div. of Community Development, Gooding, BS 121-11]**

7. An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to the Agreement with the Ky. Energy and Environment Cabinet, for the acceptance of additional Federal funds for the Wolf Run Creek Watershed Based Plan in the amount of \$20,266, the acceptance of which obligates the Urban County Government for the expenditure of \$13,510.67 as a local match, and appropriating funds pursuant to Schedule No. 114. **[Div. of Community Development/Dept. of Environmental Quality, Gooding/Taylor, BS 128-11]**
8. 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 \$750,000 Federal funds, are for the S. Limestone Streetscape Transportation Enhancement Project, and the acceptance of which obligates the Urban County Government for the expenditure of \$187,500 as a local match, appropriating funds pursuant to Schedule No. 115, and authorizing the Mayor to transfer unencumbered funds within the Grant budget. **[Div. of Community Development/Dept. of Public Works & Development, Gooding/Taylor, BS 129-11]**
9. An Ordinance authorizing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Dept. of Juvenile Justice, 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 \$241,845 Commonwealth of Ky. funds, are for operation of the Day Treatment Program, 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 FY 2012 Schedule No. 7, and authorizing the Mayor to transfer unencumbered funds within the Grant budget. **[Div. of Community Development/Dept. of Social Services, Gooding/Mills, BS 117-11]**
10. An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Lexington-Fayette County Health Dept., which Grant funds are in the amount of \$483,202 Federal funds, are for the Home Network Project at the

Family Care Center, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to FY 2012 Schedule No. 8, and authorizing the Mayor to transfer unencumbered funds within the Grant budget. **[Div. of Community Development/Dept. of Social Services, Gooding/Mills, BS 118-11]**

11. An Ordinance authorizing the Mayor, on behalf of the Urban County Government, to accept a Grant from the University of Ky., which Grant funds are in the amount of \$496.50 Federal funds under the Child Care Infant/Toddler Provider Incentive Mini Grant Program, are for the purchase of equipment for the Family Care Center, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 113, and authorizing the Mayor to transfer unencumbered funds within the Grant budget. **[Div. of Community Development/Dept. of Social Services, Gooding/Mills, BS 125-11]**
12. An Ordinance authorizing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the U.S. Dept. of Health and Human Services, 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 \$180,000 Federal funds, are for operation of the M.A.S.H. Drop Inn Facility, the acceptance of which obligates the Urban County Government for the expenditure of \$20,000 to be provided by the M.A.S.H. Drop Inn operating budget, appropriating funds pursuant to FY 2012 Schedule No. 10, authorizing the Mayor to transfer unencumbered funds within the Grant budget, and authorizing the Mayor to execute an Agreement with M.A.S.H. Services of the Bluegrass, Inc., for operation of the Drop Inn Facility at a cost not to exceed \$180,000. **[Div. of Community Development/Dept. of Social Services, Gooding/Mills, BS 127-11]**
13. An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Sponsorship Agreement with and accept a \$2,000 donation from PNC Bank, National Association, for the Senior Intern Program, and appropriating funds pursuant to Schedule No. 111. **[Dept. of Social Services, Mills, BS 103-11]**

VII. ORDINANCES – FIRST READING (New Business)

14. An Ordinance amending Ordinance No. 105-2009, the Newtown Pike Extension Ordinance, disapproving a request to amend to apply standards only to commercial development and approving a request to waive the bulk plane and parking lot standards applied in Section 10 for property located at 502-526 South Broadway, 320 Pine St., and 319 Cedar St. (Jeff Morgan). Disapproval of the Requested Change A and Approval of the Requested Changes B & C 6-0 **[Div. of Planning, King]**

15. An Ordinance changing the zone from a Professional Office (P-1) zone to a High Rise Apartment (R-5) zone for 0.376 net (0.42 gross) acre, with dimensional variances, for property located at 407 Marquis Ave., subject to certain use restrictions imposed as conditions of granting the zone change (FEDE, LLC). Conditional Approval 9-0 (To Be Heard by June 22, 2011.) **[Div. of Planning, King]**
16. 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. 116. **[Div. of Budgeting, Barrow]**
17. An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$5,824 from Neighborhood Development funds in the Div. of Parks and Recreation for personnel expenses related to William Wells Brown Community Center summer programs, and appropriating and re-appropriating funds, Schedule No. 117. **[Council Office, Williams]**

VIII. RESOLUTIONS – SECOND READING

1. A Resolution accepting the bid of E-Z Pack Manufacturing, LLC, establishing a price contract for rear loading truck mounted refuse body, for the Div. of Facilities and Fleet Management. **[Baradaran]** (4 Bids)
2. A Resolution accepting the bid of Century Equipment, establishing a price contract for golf carts, for the Div. of Parks and Recreation. **[Hancock]** (3 Bids, Non-Low)
3. A Resolution accepting the bid of ProKleen Industrial Services d/b/a PortaKleen, establishing a price contract for portable restroom units, for the Div. of Parks and Recreation. **[Hancock]** (5 Bids)
4. A Resolution accepting the bid of Ennis Paint, Inc., establishing a price contract for traffic marking paint, for the Div. of Streets, Roads and Forestry. **[Williams]** (1 Bid)
5. A Resolution accepting the bid of Accent Wire, establishing a price contract for bailing wire, for the Div. of Waste Management. **[Feese]** (1 Bid)
6. A Resolution authorizing the Div. of Community Corrections to purchase drug testing assays for the Community Alternative Program's drug testing program, from ThermoFisher Scientific (d/b/a Microgenics), a sole source provider, at a cost not to exceed \$41,652, and authorizing the Mayor to execute necessary documents. **[Div. of Community Corrections, Bishop, BS 105-11]**

7. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Modification #1 to the Neighborhood Stabilization Program Funding Agreement with the Ky. Dept. for Local Government to clarify eligible uses of funds and to include a provision for loan servicing by Ky. Housing Corp. **[Div. of Community Development, Gooding, BS 132-11]**
8. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Commercial Services Agreement with Insight Communications Co., LP, to provide internet network connectivity to the Div. of Emergency Management/911 using federal grant funds, at an annual cost not to exceed \$960. **[Div. of Community Development/Div. of Emergency Management/911, Gooding/Lucas, BS 109-11]**
9. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with Granicus, Inc., for addition of the Word Add-In Module, and integration with Legistar, at a cost not to exceed \$1,625. **[Council Clerk's Office, Lamb, BS 134-11]**
10. A Resolution changing the street names and property address numbers of 2515 Harrodsburg Rd. to 2376 Alexandria Dr., of 588, 600, and 601 Judy Ln. to 2278, 2277, and 2281 Allen Dr., of 600 Parkside Dr. to 2297 Allen Dr., of 1200 Centre Pkwy. to 3554 Appian Way, of 928 N. Limestone to 122 Arceme Ave., of 3252 Bay Springs Park to 3297 Blackford Pkwy., of 400 McKenna Ct. to 1752 Bryan Station Rd., of 2849 Trailwood Ln. to 2772 Burnt Mill Rd., of 1100 and 1092 Spring Run Rd. to 3861 and 3872 Hidden Springs Dr., of 538 Parkside Dr. to 2309 Irene Dr., of Units A and B 500 Shaftsbury Rd. to Units 101 and 102 1210 Meadow Ln., of 1049 Millcreek Ct. to 1162 Millcreek Dr., of 1112 Centre Pkwy. to 3503 Olympia Rd., of 469, 461, 463, 468, 460 and 462 W. Fifth St. Ct. to 475, 483, 491, 476, 484, and 490 Pilgrim Ct., of 408 W. New Circle Rd. to 1499 Russell Cave Rd., of 1725 Chelmsford Dr. to 617 Stonehaven Dr., of 2601 Kearney Creek Ln. to 2777 Sullivans Trace, and of 509, 511, 513, 515, 519, 521, 523, and 527 Bourbon Ave. to 470, 474, 478, 482, 486, 490, 494, and 498 Willy St.; changing the property address numbers of 217-219 Albany Rd. to 219 Albany Rd., of 1805-1865 Alexandria Dr. to 1801 Alexandria Dr., of 2045 Altamont Ct. to 2035 Altamont Ct., of 362-366 Aylesford Pl. to 364 Aylesford Pl., of 2537 Berea Rd. to 2540 Berea Rd., of 370 Glen Arvin Ave. to 366 Glen Arvin Ave., of 1100 Horsemans Ln. to 1050 Horsemans Ln., of 350 Lisle Industrial Ave. to 336 Lisle Industrial Ave., of Units A and B 3386 Moundview Ct. to 3386 and 3388 Moundview Ct., of 510 and 262 W. New Circle Rd. to 540 and 260 W. New Circle Rd., of 580 W. Sixth St. to 575 W. Sixth St., and of 495-497 W. Third St. to 497 W. Third St.; and changing the street name of 1953, 1949, and 1945 Mark Ave. to 1953, 1949, and 1945 Dark Tower Rd.; all effective thirty days from passage. **[Div. of Emergency Management/911, Lucas, BS 122-11]**

11. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Commercial Services Agreement with Insight Communications Co., LP, to provide internet network connectivity to the Div. of Emergency Management/911, at an annual cost not to exceed \$720. **[Div. of Emergency Management/911, Lucas, BS 123-11]**
12. A Resolution changing the street names and property address numbers of 3000 Blackford Pkwy. To 3220 Bledsoe Pl., of 937 Williamson St. to 230 Driscoll St., and of 326 W. Fifth St. to 465 Kenton St.; changing the property address numbers of 604 S. Broadway to 606 S. Broadway, of 666 Cielo Vista Road to 668 Cielo Vista Rd., of 800 Florence Ave. to 794 Florence Ave., of 355 S. Limestone to 357 S. Limestone, and of 1513 Versailles Rd. to 1511 Versailles Rd.; and changing the street names of a section of Von Alley to Merlot Alley, and of a section of Morris Alley to Soup Perkins Alley; all effective thirty days from passage. **[Div. of Emergency Management/911, Lucas, BS 124-11]**
13. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Assignment accepting a permanent easement for stormwater runoff for property located at 2299 Brannon Rd. at no cost to the Urban County Government. **[Div. of Engineering, Rayan, BS 107-11]**
14. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Contract with Gershman, Brickner & Bratton, Inc., for waste management routing software and implementation services, for the Div. of Waste Management, increasing the contract price by the sum of \$66,000 from \$1,655,596 to \$1,721,596. **[Dept. of Environmental Quality, Taylor, BS 116-11]**
15. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Lease Renewal Agreements with Commonwealth of Ky., for State Police CDL Office and Drivers License Office at 162 E. Main St. **[Dept. of General Services, Baradaran, BS 120-11]**
16. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with International Public Management Association of Human Resources, for the purchase of test products and services, for the Div. of Human Resources, at a cost not to exceed \$1,000. **[Div. of Human Resources, Jarvis, BS 102-11]**
17. A Resolution ratifying the probationary civil service appointments of: Andre Scott, Equipment Operator, Grade 108N, \$17.242 hourly, in the Div. of Water Quality, effective April 18, 2011, Steve Zahn, Equipment Operator, Grade 108N, \$16.219 hourly, in the Div. of Water Quality, effective April 18, 2011, ratifying the probationary sworn appointments of: Robert Crow, Fire Captain, Grade 316N, \$23.039 hourly, in the Div. of Fire and Emergency

Services, effective March 28, 2011, Jeremy Greer, Fire Lieutenant, Grade 315N, \$17.786 hourly, in the Div. of Fire and Emergency Services, effective March 28, 2011. **[Div. of Human Resources, Jarvis]**

18. A Resolution approving, pursuant to KRS 62.055 and Section 22-55.1 of the Code of Ordinances, the bond with surety of Jon Larson, County Judge/Executive, in the amount of \$10,000, and directing the Dept. of Law to record the bond, with surety, along with a certified copy of this Resolution, in the Office of the Fayette County Clerk. **[Dept. of Law, Graham, BS 104-11]**
19. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and to accept an Easement from Ky.-American Water Co. for the property located at 3720 Richmond Rd., for the East Hickman Pump Station Overflow Spillway, at no cost to the Urban County Government. **[Div. of Water Quality, Martin, BS 113-11]**
20. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. Two (2) Final to the Contract with Bluegrass Contracting Corp. for the Vaughn's Branch Flood Hazard Mitigation Project, increasing the contract price by the sum of \$9,968.24 from \$1,251,663.75 to \$1,261,631.99. **[Div. of Water Quality, Martin, BS 130-11]**
21. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. Two (2) to the Contract with Stantec Consulting Services, Inc., for the Loch Lomond Drainage Improvements Project, increasing the contract price by the sum of \$6,165.25 from \$67,340.00 to \$73,505.25. **[Div. of Water Quality, Martin, BS 131-11]**
22. A Resolution of the Urban County Council electing Doug Martin, as representative for Council Districts 9,10, and 12, and Peggy Henson, as representative for Council Districts 3,5, and 11, to the Transportation Policy Committee of the Lexington Area Metropolitan Planning Organization. **[Council Office, Williams]**
23. A Resolution initiating Zoning Ordinance text amendments for Planning Commission consideration and recommendation, to amend Article 5-1(a) of the Zoning Ordinance to provide for right of entry and administrative search warrants; and amending Articles 5-9, 17-14, 23c-13 and 26-12 to provide for civil fines. **[Council Office, Williams]**
24. A Resolution initiating Zoning Ordinance text amendments to define and regulate temporary structures. **[Council Office, Williams]**
25. A Resolution initiating Zoning Ordinance text amendments to define and regulate circuses and carnivals. **[Council Office, Williams]**

IX. RESOLUTIONS – FIRST READING (New Business)

26. A Resolution accepting the bid of R & B Cleaning Services, establishing a price contract for Custodial Services – Phoenix Building, for the Div. of Facilities and Fleet Management. **[Baradaran]** (12 Bids)
27. A Resolution accepting the bid of ABR Construction, Inc., in the amount of \$555,431.65, for the Lexington Mall Sanitary Sewer Relocation, for the Div. of Water Quality, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with ABR Construction, Inc., related to the bid. **[Martin]** (13 Bids)
28. 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 Phase 3D of the Meadows-Northland-Arlington Neighborhood Improvement Project, at a cost not to exceed \$2,000. **[Div. of Community Development/Div. of Engineering, Gooding/Rayan, BS 143-11]**
29. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Certificates of Consideration and other necessary documents, and to accept deeds for property interests needed for the Lafayette Parkway Stormwater Project, at a cost not to exceed \$1,600,000. **[Div. of Community Development/Dept. of Environmental Quality, Gooding/Taylor, BS 135-11]**
30. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with the Ky. Transportation Cabinet, for the Loudon Ave. Sidewalk Project to include the project budget as part of the Agreement, at no cost to the Urban County Government. **[Div. of Community Development/Dept. of Public Works & Development, Gooding/Taylor, BS 140-11]**
31. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Joyland Neighborhood Association (\$500), Lexington Fast-Pitch Softball, Inc. (\$250), Chrysalis House, Inc. (\$800), William Wells Brown Neighborhood Association (\$1,000), Southland Association, Inc. (\$2,025), and Capacity, Inc. (\$275, for the Office of the Urban County Council, at a cost not to exceed the sums stated. **[Council Office, Williams]**
32. A Resolution authorizing the Div. of Human Resources to make a conditional officer to the following: Jennifer Thompson, \$19.768 hourly, Jeremy Knight, \$19.332 hourly, Tyler Henningsen, \$17.551 hourly, Environmental Inspector, Grade 113N, in the Div. of Water Quality, effective upon passage, and authorizing the beginning employment upon successful completion of a physical or medical examination as required. **[Div. of Human Resources, Jarvis]**

33. A Resolution approving, pursuant to KRS 62.055 and Section 22-55.1 of the Code of Ordinances, the bond with surety of Donald W. Blevins, Jr., Fayette County Clerk, in the amount of \$400,000, and directing the Dept. of Law to record the bond, with surety, along with a certified copy of this Resolution, in the Office of the Fayette County Clerk. **[Dept. of Law, Graham, BS 141-11]**
34. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Release of Easements, releasing a 30-foot utility, sanitary sewer and streetlight easement, a 12-foot sanitary sewer easement, and a 10-foot streetlight easement on property located at 3840 Camelot Dr., 600 Greenfield Dr., and 3773, 3777, 3781, 3785, and 3789 Belleau Wood Dr. (Sayre Christian Village Nursing Home). **[Dept. of Law, Graham, BS 142-11]**
35. A Resolution designating Tates Creek Golf Course and Clubhouse, and Athens Softball Complex Concession Stand/Pavilion as parks and park facilities where the Director of the Div. of Parks and Recreation may authorize the possession, sale, delivery and consumption of alcoholic beverages and apply for a malt beverage license for sale of malt beverages at the listed locations. **[Div. of Parks and Recreation, Hancock, BS 136-11]**
36. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with the Federal Bureau of Investigation, Dept. of Veterans Affairs, for jurisdiction at the Dept. of Veterans Affairs. **[Div. of Police, Bastin, BS 137-11]**
37. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Contract with Minnifield Enterprize, Inc., for West Sector Roll Call Renovation, increasing the contract price by the sum of \$8,370 from \$58,964 to \$67,334. **[Div. of Police, Bastin, BS 144-11]**
38. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Facility Usage Contract with Fayette County Board of Education, for use of the William Wells Brown Elementary School for the final resource fair of the Hope VI Housing Project, at a cost not to exceed \$671.70. **[Dept. of Social Services, Mills, BS 138-11]**
39. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Amendment to the Purchase of Service Agreement with Downtown Lexington Corp., to include event management responsibilities for the July 4th Festival, Ky. Christmas Chorus, Winter Festival and Holiday Market, Official Tree Lighting, and Vintage Ky. Wine Festival, at a cost not to exceed \$120,000. **[Mayor's Office, Emmons, BS 133-11]**

X. ANNOUNCEMENTS

XI. PUBLIC COMMENTS