

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

August 18, 2011 – 6:00 P.M.

I. ROLL CALL

II. INVOCATION

III. MINUTES OF THE PREVIOUS MEETINGS

March 15, April 26, June 9, 21 & 23, July 7 & 12, 2011

IV. COMMITTEE REPORTS – Committee of the Whole – VM Gorton

V. ORDINANCES – FIRST READING (New Business)

1. An Ordinance changing the zone from a Professional Office (P-1) zone to a Neighborhood Business (B-1) zone for 2.55 net (3.05 gross) acres, for property located at 4268 Saron Dr. (a portion of), subject to certain use and buffering restrictions imposed as conditions of granting the zone change (Thunder Properties, LLC). Conditional Approval 8-0 (To Be Heard by September 21, 2011) **[Div. of Planning, King]**
2. An Ordinance amending Articles 5-9, 17-14, 23C-13, and 26-12 of the Zoning Ordinance to provide for administrative warrants and civil penalties related to zoning enforcement and disapproving a proposed amendment of Article 5-1(a) to provide for right-of-entry. Approval of the proposed amendments to Articles 5-9, 17-14, 23C-13, and 26-12 7-0; Disapproval of the proposed amendment to Article 5-1(a) 7-0 **[Div. of Planning, King]**
3. An Ordinance amending Articles 1-11, 8-17(d), 8-19(d), 8-20(d), 8-21(d), 8-22(d), 8-23(d), 8-24(d), 23A-4(d), 23A-9(d), 23A-10(d), 28-3(d), and 28-4(d) to define and regulate temporary structures. Approval 7-0 **[Div. of Planning, King]**
4. An Ordinance amending Articles 1-11, 8-16(b), and (d), 8-17(d), 8-20(b) and (d), 8-21(b) and (d), 8-22(d), 8-23(d), 23A-9(b) and (d), 11-2(i) and 11-4 to define and further regulate circuses and carnivals. Approval of the Staff Alternative Text 7-0 **[Div. of Planning, King]**
5. An Ordinance accepting the bid of Sensabaugh Design & Construction, in the amount of \$189,000, for a Pole Barn Storage Building, for the Div. of Police, and appropriating funds pursuant to Schedule No. 24. (2 Bids, Low) **[Div. of Police, Bastin]**
6. An Ordinance accepting the bid of Godwin Pumps of America, Inc., in the amount of \$25,900, for a Sewer Overflow Response Program (SORP) Emergency Response Trailer, for the Div. of Water Quality, and appropriating funds pursuant to Schedule No. 25. (1 Bid) **[Div. of Water Quality, Martin]**

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. 27. **[Div. of Budgeting, Barrow]**
8. An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$225 from Neighborhood Development Funds in the Div. of Code Enforcement for property abatement, and appropriating and re-appropriating funds, Schedule No. 28. **[Council Office, Williams]**
9. An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$4,277 from Neighborhood Development Funds in the Div. of Parks and Recreation for William Wells Brown Community Center summer programs, and appropriating and re-appropriating funds, Schedule No. 29. **[Council Office, Williams]**
10. An Ordinance closing Still Alley; determining that property owners abutting the street to be closed have been identified, provided with written notice of the proposed closing and consented thereto in writing; and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a quitclaim deed transferring the former right-of-way to the abutting owners, subject to the reservation of easements for access and maintenance of existing utilities in the former right-of-way. **[Dept. of Environmental Quality & Public Works, Taylor, BS 272-11]**
11. An Ordinance amending Section 22-5(2) of the Code of Ordinances, creating four (4) positions of Program Specialist, Grade 112E, abolishing four (4) positions of Administrative Specialist Sr., Grade 112N, in the Office of the Mayor. **[Div. of Human Resources, Jarvis, BS 270-11]**
12. An Ordinance redistricting the districts of the Fiscal Court Commissioners, Justices of the Peace (Magistrates), and Constables. **[Dept. of Law, Graham, BS 273-11]**

VI. RESOLUTION – SECOND READING

1. A Resolution changing the property address numbers of 3, 2, 5, 4, 7, 6, 9, 8, 11, 10, 13, 12, 15, 14, 17, 16, 19, 18, 21, 20, 23, 22, 25, 24, 27, 26, 29, 28, 31, 28 ½, 33, 30, 35, 32, 37, 34, 39, 36, 41, 38, 43, 40, 43 ½, 42, 45, 44, 47, and 51 Richmond Ave. to 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179 and 181 Richmond Ave., effective thirty days from passage. **[Div. of Emergency Management/911, Lucas, BS 163-11]**

VII. RESOLUTIONS – FIRST READING (New Business)

2. A Resolution accepting the bid of Environmental Landscape, LLC, in the amount of \$219,275, for the Newtown Pike Enhancement Project, for the Council Office. (2 Bids, Low) **[Council Office, Williams]**
3. A Resolution accepting the bid of Disponette Service Co., Inc., in the amount of \$465,200, for the Dunbar Community Center Retrofit, for the Div. of Environmental Policy, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Disponette Service Co., Inc., related to the bid. (2 Bids, Low) **[Div. of Environmental Policy, Bush]**
4. A Resolution accepting the bids of Advanced Turf Solutions; Harrell's, LLC; John Deere Landscapes; Agrium Advanced Technologies; Regal Chemical Co.; Resedix-Turfgrass, LLC, and Pennington Seed, establishing price contracts for Golf Course Horticulture products, for the Div. of Parks and Recreation. (7 Bids, Low) **[Div. of Parks & Recreation, Hancock]**
5. A Resolution accepting the bid of Adamson Industries Corp., establishing a price contract for prisoner restraint cages, for the Div. of Police. (3 Bids, Low) **[Div. of Police, Bastin]**
6. A Resolution accepting the bid of Vanhook Enterprises, Inc., in the amount of \$699,000, for the West Hickman Creek Waste Water Treatment Plant Solids Building Odor-HVAC improvements, for the Div. of Water Quality, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Vanhook Enterprises, Inc., related to the bid. (3 Bids, Low) **[Div. of Water Quality, Martin]**
7. A Resolution accepting the bid of Univar USA, establishing a price contract for liquid chlorine, for the Div. of Water Quality. (3 Bids, Low) **[Div. of Water Quality, Martin]**
8. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with YMCA of Central Ky. (\$200), William Wells Brown Neighborhood Association, Inc. (\$500), Lexington-Fayette County Branch NAACP, Inc. (\$500), and The Southland Association, Inc. (\$1,000), for the Office of the Urban County Council, at a cost not to exceed the sums stated. **[Council Office, Williams]**
9. A Resolution amending Resolution No. 297-2011 which established a Residential Parking Permit Program for the 700 block of Tremont Ave. to combine the 700 block of Tremont Ave. with the Residential Parking Permit Zone for Beaumont Ave. and the 700 block of Melrose Ave. established by Resolution No. 75-2010 and retaining all other provisions of Resolution No. 297-2011. **[Council Office, Williams]**

10. A Resolution changing the street names and property address numbers of 3064 Beaumont Centre Circle to 3084 Lakecrest Circle, of 1 Imperial Ct. to 779 Newtown Pike, of 1012 Wellington Way to 3705 Palomar Centre Dr., and of 1201 Devonshire Ave. to 1035 Red Mile Rd.; changing the property address numbers of 196 Arceme Ave. to 204 Arceme Ave., of 4141 Boone Creek Rd. to 4153 Boone Creek Rd., of 1710 and 1726 Bryant Rd. to 1730 and 1740 Bryant Rd., of 117, 111, and 109 ½ Burley Ave. to 121, 119, and 115 Burley Ave., of 270 Driscoll St. to 272 Driscoll St., of 1100 Horsemans Ln. (Units B1, B2, B3, B4, B5, B6, B7, B8, B9, B10, B11, and B12) to 1050 Horsemans Ln. (Units 101, 104, 102, 103, 201, 204, 202, 203, 301, 304, 302, and 303), of 1100 Horsemans Ln. (Units A1, A2, A3, A4, A5, A6, A7, A8, A9, A10, A11, and A12) to 1054 Horsemans Ln. (Units 101, 104, 102, 103, 201, 204, 202, 203, 301, 304, 302, and 303), of 165 Jefferson St. to 167 Jefferson St., of 500 Laketower Dr. (Units 110 and 111) to 500 Laketower Dr. (Units 145 and 146), of 445, 449, 447, 445, and 431 Patchen Dr. to 455, 457, 459, 461, and 463 Patchen Dr., of 3457 and 3459 Red Coach Trail to 3470 and 3468 Red Coach Trail, of 363 Woodview Dr. (Unit 8A) to 365 Woodview Dr., and of 365 Woodview Dr. (Unit 8B) to 363 Woodview Dr.); and changing the street name of 164 Delmont Ct. (Units A and B) to 164 Delmont Dr. (Units A and B), of 154 Delmont Ct. (Units A and B) to 154 Delmont Dr. (Units A and B), of 1192 Devonport Dr. to 1192 Devonport Circle, of 1519, 1523, 1527, 1533, 1537, 1541, 1549, 1553, 1601, 1609, 1613, 1617, 1621, 1625, 1629, 1633, 1637, 1641, 1645, and 1649 Leestown Rd. to 1519, 1523, 1527, 1533, 1537, 1545, 1549, 1553, 1601, 1609, 1613, 1617, 1621, 1625, 1629, 1633, 1637, 1641, 1645, and 1649 Old Leestown Rd. and of 239, 243, 245, 247, 251, 257, 261, 265, 269, and 271 Ann St. to 239, 243, 245, 247, 251, 257, 261, 265, 269, and 271 Shropshire Ave.; all effective thirty days from passage. **[Div. of Emergency Management/911, Lucas, BS 279-11]**
11. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Commonwealth of Ky. Transportation Cabinet, Dept. of Highways, to increase the amount of reimbursement to the Ky. Transportation Cabinet by the amount of \$56,957.76 from up to \$216,098.97 to up to \$273,056.73, for installation of Mast Arm Pole System for the Newtown Pike Extension (Oliver Lewis Way) Project. **[Div. of Engineering, Rayan, BS 280-11]**
12. A Resolution declaring as surplus and authorizing the Mayor, on behalf of the Lexington-Fayette Urban County Government, to execute deeds and any other necessary documents for the sale and transfer of property located at 183 Old Georgetown St. and 183 ½ Old Georgetown St. **[Dept. of General Services, Baradaran, BS 271-11]**

13. 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 extension of the FY 2008 Fiber Optic Cable Installation Project through July 9, 2012, at no cost to the Urban County Government. **[Div. of Grants & Special Programs/Dept. of Environmental Quality & Public Works, Gooding/Taylor, BS 276-11]**
14. A Resolution authorizing the Div. of Human Resources to make a conditional offer to the following: Colleen West, Social Worker Sr., Grade 113E, \$1,387.20 bi-weekly, in the Dept. of Social Services, Tara Mills, Social Worker Sr., Grade 113E, \$1,596.80 bi-weekly, in the Div. of Youth Services, William Azevedo, Municipal Engineer Sr., Grade 119E, \$3,088.88 bi-weekly, in the Div. of Water Quality, and authorizing the beginning of probationary civil service probationary period upon successful completion of a physical or medical examination as required; authorizing the Div. of Human Resources to make a conditional offer to the following: Maxwell J. Dowling, Deputy Coroner, Grade 112N, \$16.00 hourly, in the Office of the Coroner, Kali Kearns, Family Support Worker Sr., Grade 112N, \$15.144 hourly, in the Div. of Family Services, and authorizing the beginning employment upon successful completion of a physical or medical examination as required, effective upon passage of Council. **[Div. of Human Resources, Jarvis]**
15. A Resolution ratifying the probationary civil service appointments of: Michael Keith Horn, \$3,504.16 bi-weekly, Glenda H. George, \$3,346.08 bi-weekly, David J. Barberie, \$3,425.12 bi-weekly, Grade 123E, Managing Attorney, in the Dept. of Law, effective September 12, 2011, Marie Lundin, Environmental Inspector, Grade 113N, \$18.388 hourly, in the Div. of Water Quality, effective August 22, 2011, Mary C. Felty, Deputy Director of Administrative Services – Water Quality, Grade 120E, \$2,949.84 bi-weekly, in the Div. of Water Quality, effective August 22, 2011; approving the unclassified civil service appointments of: Laura Hatfield, Administrative Aide to Mayor, Grade 118E, \$2,082.72 bi-weekly, in the Dept. of Social Services, effective August 15, 2011, Joan Dickes, Family Support Worker Sr., P/T, Grade 112N, \$16.610 hourly, in the Div. of Family Services, effective August 29, 2011, Paul Simms, Microcomputer Support Specialist, Grade 113N, \$20.992 hourly, in the Div. of Police, effective August 1, 2011, Scott Shapiro, Senior Administrative Aide to Mayor, Grade 120E, \$3,192.31 bi-weekly, in the Office of the Mayor, effective August 11, 2011; approving the unclassified civil service pay increase in the Office of the Urban County Council: Willard J. Fogle, Aide to Council, Grade 000E, increase from \$2,058.80 bi-weekly, to \$2,089.56 bi-weekly, effective July 1, 2011; approving Council Leave for Rebecca McFarland, Financial Coordinator, Grade 112N, in the Div. of Grants and Special Programs, requests ninety days Council approved leave without pay from August 9, 2011 through November 9, 2011. **[Div. of Human Resources, Jarvis]**

16. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Master Service Agreement with Hanna Resource Group, LLC, for services related to compensation structure for twenty-three computer related technical positions, for the Div. of Human Resources, at a cost not to exceed \$8,500, effective June 20, 2011. **[Div. of Human Resources, Jarvis, BS 291-11]**
17. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Release of Sanitary Sewer Easement, releasing a sanitary sewer easement on property located at 1490 Citation Blvd., 1850 Bull Dog Ln. and 1350 Bull Lea Rd. **[Dept. of Law, Graham, BS 281-11]**
18. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Purchase of Service Agreements with Commerce Lexington (\$496,578), Downtown Lexington Corp. (\$42,710), Ky. World Trade Center (\$90,950), Lexington Ky. Chapter of SCORE (\$5,540), Lyric Theatre and Cultural Arts Center, Inc. (\$135,000), Bluegrass Community Foundation (\$5,000), Bluegrass Area Development District (\$75,110), Environmental Quality Commission (\$1,910), Downtown Development Authority (\$211,230), and Roots & Heritage Festival, Inc. (\$35,415) at a total cost not to exceed \$1,094,443. **[Dept. of Law, Graham, BS 292-11]**
19. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to accept a donation from Ms. Wanda Shepherd, of a Victorian couch and chair, for use at the Bell House, at no cost to the Urban County Government. **[Div. of Parks & Recreation, Hancock, BS 275-11]**
20. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Facility Usage Contract with Fayette County Board of Education, for the Extended School Program and Recreational Enrichment and Learning Program. **[Div. of Parks & Recreation, Hancock, BS 282-11]**
21. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Purchase of Service Agreements with Baby Health Services (\$14,990), Big Brothers, Big Sisters (\$8,570), Bluegrass Community Action Agency (\$24,980), Bluegrass Domestic Violence Program, Inc. (\$67,500), Bluegrass Rape Crisis Center (\$62,440), Center for Women, Children & Families (\$41,630), Chrysalis House, Inc. (\$33,300), Bluegrass Comprehensive Care Center (\$262,030), Community Action Council (\$149,850), Hope Center, Inc. (\$666,000), M.A.S.H. Services of the Bluegrass, Inc. (\$142,200), Moveable Feast Lexington (\$33,300), Nursing Home Ombudsman Agency of the Bluegrass, Inc. (\$41,630), Salvation Army (\$180,000), and Sunflower Kids (\$20,820) to provide services to the public, at a cost not to exceed \$1,749,240. **[Dept. of Social Services, Mills, BS 274-11]**

22. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Lease Agreements with Area Health Education Center, Bluegrass Community Action Agency, Legal Aid of the Bluegrass, Lexington Fayette County Urban League, National Alliance for the Mentally Ill, National Association for the Advancement of Colored People, and West End Community Empowerment Program (WECEP), for use of space at the Black and Williams Neighborhood Center. **[Dept. of Social Services, Mills, BS 277-11]**
23. 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 Crimson King/Coldstream Stormwater Improvement Project, at a cost not to exceed \$975,000. **[Div. of Water Quality, Martin, BS 278-11]**

VIII. REPORT

1. Div. of Building Inspection for the 2nd Quarter (April - June) of 2011.

IX. COMMUNICATIONS FROM THE MAYOR

1. Recommending the reappointment of Ms. Pamela Weeks and the appointment of Mr. Tom Kim to the CASA Board, with terms to expire 6-11-2015.
2. Recommending the appointments of Ms. Arianna Jill Barnett and Mr. Jerry Kersey to the Commission for Citizens with Disabilities, with terms to expire 1-1-2013. Ms. Barnett and Mr. Kersey will fill the unexpired terms of Ms. Tammie Hollar and Ms. Kristy Stambaugh.
3. Recommending the appointment of Mr. James Ziliak to the Community Action Council, with a term to expire 12-31-2014.
4. Recommending the reappointments of Councilmember Tom Blues, representing 1st, 2nd or 6th Districts, and Mr. Logan K. Baker, as Ky. Dept. of Transportation District 7 representative, to the Corridors Commission, with terms to expire 8-1-2015.
5. Recommending the appointments of Mr. Michael Speaks and Mr. Darren Teodoro to the Courthouse Area Design Review Board, with terms to expire 6-30-2015.
6. Recommending the appointment of Mr. Jonathan Ware to the Environmental Commission, with a term to expire 10-1-2014.
7. Recommending the appointments of Ms. Leslie Beatty, as neighborhood representative, Ms. Lauren Campbell, as Convention and Visitors Bureau representative, Ms. Karen Deprey, as Lexington Board of Realtors representative, Mr. Dan Graves, as builder/developer representative, Ms. Faith Harders, as neighborhood representative, Mr. Michael Kovash, as neighborhood representative, and Mr. Bill Sallee, as Div. of

Planning representative, to the Historic Preservation Commission, with terms to expire 6-30-2013.

Also, recommending the appointments of Mr. Lee Bagley, as American Institute of Architects representative, Mr. David Cohen, as neighborhood representative, Mr. Greg Hosfield, as Board of Architectural Review representative, Mr. Robert Kelly, as banking representative, Mr. Carl Leonard, as neighborhood representative, Ms. Sharon Reed, as neighborhood representative, and Mr. John Rhorer, as Blue Grass Trust representative, to the Historic Preservation Commission, with terms to expire 6-30-2015.

8. Recommending the appointment of Ms. Joan Whitman to the Housing Authority Board, with a term to expire 6-30-2015.
9. Recommending the appointment of Councilmember Julian Beard, as ex-officio member, to the Lexington Center Corp. Board of Directors, with a term to expire 8-18-2014. Councilmember Kevin Stinnett is no longer serving on the Board.
10. Recommending the appointment of Ms. Susan Wright to the Library Board of Advisors, with a term to expire 1-1-2014. Ms. Wright will fill the unexpired term of Ms. Debbie Goodman.
11. Recommending the appointment of Mr. John Stempel to the Library Board of Trustees, with a term to expire 7-20-2015.
12. Recommending the reappointment of Mr. George Miller to the Transit Authority Board, with a term to expire 6-30-2015.

Also, recommending the appointments of Mr. Larry Herman and Ms. Andrea Strassburg to the Transit Authority Board, with terms to expire 6-30-2015 and 6-30-2012, respectively. Ms. Strassburg will fill the unexpired term of Mr. Robert Starkweather.

13. Recommending the reappointment of Ms. Wallis Miller to the Urban County Arts Review Board, with a term to expire 6-6-2015.

X. COMMUNICATIONS FROM THE MAYOR (FOR INFORMATION ONLY)

1. Temporary appointment of Cory House, Engineering Technician, Grade 111N, in the Div. of Traffic Engineering, effective July 18, 2011.
2. Temporary appointment of Eric Beauregard, Telecommunicator Supervisor, Grade 116E, in the Div. of Emergency Management/911, effective July 18, 2011.
3. Temporary appointment of Karen Beatty, Administrative Specialist Sr., Grade 112N, in the Div. of Traffic Engineering, effective August 1, 2011.
4. Temporary appointment of Tamara Walters, Human Resources Manager Sr., Grade 121E, in the Div. of Human Resources, effective August 1, 2011.

5. Resignation of David Todd Copeland, Records Management Analyst, Grade 111N, in the Council Clerk's Office, effective July 13, 2011.
 6. Resignation of Herbert Stamper, Code Enforcement Officer, Grade 113N, in the Div. of Code Enforcement, effective July 14, 2011.
 7. Resignation of Jose Rincon, Environmental Inspector, Grade 113N, in the Div. of Water Quality, effective July 16, 2011.
 8. Resignation of John Carey, Telecommunicator Supervisor, Grade 116E, in the Div. of Emergency Management/911, effective July 16, 2011.
 9. Resignation of Ronald Bishop, Director Community Corrections, Grade 123E, in the Div. of Community Corrections, effective July 31, 2011.
 10. Transfer of Danny Tankersley, Equipment Operator Sr., Grade 109N, from the Div. of Water Quality to the Div. of Streets and Roads, effective July 1, 2011.
 11. Transfer of Mitchell Knipper, Equipment Operation Sr., Grade 109N, from the Div. of Streets and Roads to the Div. of Water Quality, effective July 1, 2011.
- XI. ANNOUNCEMENTS
- XII. PUBLIC COMMENT