

Lexington-Fayette Urban County Government

*200 E. Main St
Lexington, KY 40507*



Docket

Thursday, September 13, 2012

6:00 PM

Council Chambers

Urban County Council

I. Roll Call**II. Invocation****III. Presentation**

0958-12 Proclamation: Southeast Lexington 15s Babe Ruth World Series Champions

IV. Ordinances – Second Reading

1. 0870-12 An Ordinance changing the zone from a Wholesale and Warehouse Business (B-4) zone to a Mixed-Use Community (MU-3) zone, for 2.12 net (3.39 gross) acres, for property located at 1200 Red Mile Rd. (a portion of); and 439, 441, 445, 451, 455, 459, 461, 463 and 471 Nelms Ave. (Lexington Trots Breeders Association, LLC; Council District 11). Conditional Approval 10-0 (To Be Heard By September 26, 2012) [Div. of Planning, King]
2. 0847-12 An Ordinance amending Section 22-5(2) of the Code of Ordinances, creating one (1) position of Administrative Specialist Principal, Grade 114E and three (3) positions of Administrative Specialist, Grade 110N, with terms to expire on September 23, 2014, in the Div. of Water Quality, effective upon passage of Council. [Div. of Human Resources, Maxwell]
3. 0855-12 An Ordinance authorizing the Mayor, on behalf of the Urban County Government, to accept a donation of \$3,000 from the Grainger Foundation for supplies for the Community Emergency Response Team. [Div. of Emergency Management/911, Dugger]
4. 0873-12 An Ordinance of the Lexington-Fayette Urban County Government authorizing the issuance of Various Purpose General Obligation Notes, Series 2012C in the aggregate principal amount of \$3,600,000 (which amount may be increased or decreased by an amount of up to ten percent (10%)) for the purpose of financing various projects of the Lexington-Fayette Urban County Government; approving the form of the Series 2012C Notes; authorizing designated officers to execute and deliver the Series 2012C Notes; authorizing and directing the filing of notice with the State Local Debt Officer; providing for the payment and security of the Series 2012C Notes; creating Note Payment Fund; maintaining the heretofore established sinking fund; authorizing a Certificate of Award for the acceptance of the bid of the note purchaser for the purchase of the Series 2012C Notes; and repealing inconsistent ordinances. [Dept. of Finance, Driskell]

5. 0916-12 An Ordinance amending Chapter 9A of the Code of Ordinances of the Lexington-Fayette Urban County Government to prohibit the sale and use of certain fireworks and consumer fireworks in Fayette County and further amending Sections 9A-2, 9A-5, and 9A-6 of the Code of Ordinances to delete references to permanent fireworks retailers; amending Section 9A-3 of the Code of Ordinances to define the terms use and sale, to allow the use and sale of consumer fireworks as defined in KRS 227.702(1), and to require compliance with federal, state and local law; deleting Section 9A-4 of the Code of Ordinances in its entirety and renumbering Sections 9A-5 through 9A-9 of the Code; amending Section 9A-5 of the Code of Ordinances to delete certain permits and to change the seasonal retail fireworks fee to \$100.00 per location; amending Section 9A-6 of the Code of Ordinances to specify June 10th through July 7th as the time period for seasonal sales; and amending Section 9A-8 of the Code of Ordinances to increase the fine for companies to \$2,000.00, to provide for up to six (6) months imprisonment, and to establish minimum fines for use of fireworks in the amounts of \$250.00 for a first offense, \$500.00 for a second offense, and \$1,000.00 for a third or greater offense; all effective on date of passage. [Council Office, Maynard]
6. 0920-12 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. 12. [Div. of Budgeting, Barrow]

V.
Ordinances – First Reading

7. 0903-12 An Ordinance amending Section 22-5(2) of the Code of Ordinances, creating one (1) position of Program Supervisor P/T, Grade 106N, with term to expire on September 1, 2014, in the Dept. of Social Services, effective upon passage of Council. [Div. of Human Resources, Maxwell]
8. 0955-12 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. 13. [Div. of Budgeting, Barrow]

VI. Resolutions – Second Reading

- 1. 0856-12** A Resolution accepting the bid of Blackhawk Enterprise, Inc., establishing a price contract for video equipment, for the Div. of Traffic Engineering. (1 Bid) [Woods]
- 2. 0882-12** A Resolution accepting the bid of Precision Survey Supply, in the amount of \$122,728, for a Three Dimensional Laser Scanning System for the Div. of Police. (1 Bid) [Bastin]
- 3. 0885-12** A Resolution accepting the bid of Martin's Sanitation Service, Inc., establishing a price contract for pump and hauling services, for the Div. of Water Quality. (1 Bid) [Martin]
- 4. 0899-12** A Resolution ratifying the probationary civil service appointments of: James York, Telecommunicator, Grade 111N, \$15.451 hourly, in the Div. of Emergency Management/911, effective August 27, 2012, Steve Zahn, Equipment Operator Sr., Grade 109N, \$18.300 hourly, in the Div. of Water Quality, effective September 9, 2012, Charles Sayre, Traffic Signal Technician Sr., Grade 112N, \$23.727 hourly, in the Div. of Traffic Engineering, effective September 10, 2012, Michael Cook, Skilled Trades Worker, Grade 111N, \$21.437 hourly, in the Div. of Parks and Recreation, effective September 10, 2012, Joseph Davis, Public Service Supervisor, Grade 111N, \$19.310 hourly, in the Div. of Parks and Recreation, effective September 10, 2012, Sharon Buford, Administrative Specialist Principal, Grade 114E, \$1,853.44 bi-weekly, in the Div. of Police, effective September 10, 2012 and Gregory Lubeck, Engineering Section Manager, Grade 120E, \$2,774.96 bi-weekly, in the Div. of Water Quality, effective September 17, 2012. [Div. of Human Resources, Maxwell]
- 5. 0801-12** A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. State Police, Commercial Vehicle Enforcement Division, 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 \$75,000 Federal funds, and are for continued operation of the Motor Carrier Safety Assistance Program (MCSAP), the acceptance of which obligates the Urban County Government for the expenditure of \$18,750 as a local match, and authorizing the Mayor to transfer unencumbered funds within the Grant budget. [Div. of Grants and Special Programs/Dept. of Public Safety, Gooding/Mason]

- 6.** **0829-12** 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 \$1,095,980. [Dept. of Public Safety, Mason]
- 7.** **0831-12** A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Insight Business, for cable Internet service at 2269 Frankfort Ct., at a cost not to exceed \$3,540. [Div. of Police, Bastin]
- 8.** **0844-12** A Resolution authorizing the Div. of Water Quality, on behalf of the Lexington-Fayette Urban County Government, be and hereby is authorized to purchase two 12" Full Flare - Weir End - WEMCO Hydrogritters for Headworks located at the Town Branch Water Treatment Plant from Weir Specialty Pumps c/o Sullivan Environmental Technologies, a sole source provider, at a cost not to exceed \$81,000, and authorizing the Mayor to sign any necessary agreement related to the services. [Div. of Water Quality, Martin]
- 9.** **0845-12** A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Renewal of the Engineering Services Agreement with Hazen and Sawyer, P.S.C. to provide for Sanitary Sewer Capacity, Management, Operations and Maintenance Program (CMOM) deliverables for Consent Decree implementation, at a cost not to exceed \$500,000. [Div. of Water Quality, Martin]
- 10.** **0849-12** A Resolution authorizing the Div. of Water Quality to accept a payment adjustment, owed to employees of Tobacco Rose Farm for the SSA Group I Sewershed Field Activities-Manhole Raising due to prevailing wage requirements, in the amount of \$5,419.70. [Div. of Water Quality, Martin]
- 11.** **0865-12** A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Ky. Humanities Council, Inc. (\$900) and the ALS Association Ky. Chapter, Inc. (\$475), for the Office of the Urban County Council, at a cost not to exceed the sums stated. [Council Office, Maynard]
- 12.** **0853-12** A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Ky. Energy and Environment Cabinet, for operation of the 2012 Waste Tire Amnesty Program in Lexington-Fayette County, at no cost to the Urban County Government. [Div. of Grants and Special Programs, Gooding]

- 13. 0867-12** A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Energy and Environment 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 \$146,023.33 Commonwealth of Ky. funds, are for continuation of the Litter Abatement Program, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, and authorizing the Mayor to transfer unencumbered funds within the Grant budget. [Div. of Grants and Special Programs, Gooding]
- 14. 0869-12** A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Lease Agreement with Ky. River Foothills Development Council, for lease of space at 1055 Industry Rd. [Dept. of General Services, Hamilton]
- 15. 0878-12** A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Programmatic Agreement with the Ky. State Historic Preservation Officer and the Advisory Council on Historic Preservation, for historic preservation compliance in the administration of HUD-funded grants in the Div. of Grants and Special Programs, at no cost to the Urban County Government. [Div. of Grants and Special Programs, Gooding]
- 16. 0894-12** A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Central Ky. Housing and Homeless Initiative (\$1,100), TREE Fund (\$425), Historic Woodward Heights Neighborhood Association (\$500) and Pralltown Neighborhood Association, Inc. (\$500), for the Office of the Urban County Council, at a cost not to exceed the sums stated. [Council Office, Maynard]

VII. Resolutions – First Reading

- 17. 0912-12** A Resolution accepting the bids of Woodall Construction Co., Inc; ZKB Services LLC; Tom Chesnut Excavation & Construction, LLC; Todd Johnson Contracting, Inc.; Sensabaugh Design & Construction; Randle-Davies Construction Co.; L-M Asphalt Partners LTD d/b/a ATS Construction; G&G Paving and Construction, Inc; and Bluegrass Contracting Corp., establishing construction unit price contracts, for the Div. of Engineering. (12 Bids, Low) [Bayert]
- 18. 0922-12** A Resolution accepting the bid of Emergency Equipment, establishing a price contract for High Pressure Lifting, for the Div. of Fire and Emergency Services. (1 Bid) [Jackson]

- 19. 0935-12** A Resolution accepting the bid of Superior Demolition, Inc., in the amount of \$24,650, for the demolition of a fire training tower, for the Div. of Fire and Emergency Services, and authorizing the Mayor, on behalf of the Urban County Government, to execute any necessary agreement with Superior Demolition, Inc., related to the bid. (4 Bids, Low) [Jackson]
- 20. 0946-12** A Resolution authorizing the Div. of Human Resources to make a conditional offer to the following unclassified civil service appointment: Michael Durbin, Deputy Coroner, Grade 112N, \$16.226 hourly, in the Office of the Coroner, effective upon passage of Council. [Div. of Human Resources, Maxwell]
- 21. 0947-12** A Resolution ratifying the probationary civil service appointments of: Victor Obonyo, Computer Analyst Supervisor, Grade 117E, \$2,003.76 bi-weekly, in the Div. of Computer Services, effective October 1, 2012, Kina Suarez, Administrative Specialist Sr., Grade 112N, \$17.628 hourly, in the Div. of Human Resources, effective September 3, 2012 and Kim Nesbitt, Human Resources Generalist, Grade 118E, \$2,760.64 bi-weekly, in the Div. of Human Resources, effective August 27, 2012; ratifying the permanent civil service appointments of: Monica Pattison, Staff Assistant Sr., Grade 108N, in the Div. of Police, effective August 27, 2012; ratifying the probationary sworn appointments of: Charles Bonta, Fire Major, Grade 318E, \$3,521.79 bi-weekly, in the Div. of Fire and Emergency Services, effective August 11, 2012 and Ernest Hudson, Fire Captain, Grade 316N, \$23.039 hourly, in the Div. of Fire and Emergency Services, effective August 11, 2012; ratifying the permanent sworn appointments of: Darin Larrabee, Police Sergeant, Grade 315N, in the Div. of Police, effective August 20, 2012 and Jeremy Tuttle, Police Sergeant, Grade 315N, in the Div. of Police, effective August 20, 2012. [Div. of Human Resources, Maxwell]
- 22. 0876-12** A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One (1) to the Contract with Judy Construction Co. for West Hickman WWTP Improvement Clarifier #8, increasing the contract price by the sum of \$9,431 from \$231,500 to \$240,931. [Div. of Water Quality, Martin]
- 23. 0877-12** A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One (1) to the Contract with LAGCO, Inc., for Anniston/Wickland Capital Storm Sewer Project, Phase 2, increasing the contract price by the sum of \$4,751.50 from \$653,826.50 to \$658,578.00. [Div. of Water Quality, Martin]

- 24. 0880-12** A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Mutual Aid Agreement with Rural Metro Ambulance, for mutual aid related to ambulance services, at no cost to the Urban County Government. [Div. of Fire and Emergency Services, Jackson]
- 25. 0889-12** A Resolution amending Resolution No. 91-2012, authorizing the Mayor to execute Certificates of Consideration and other necessary documents, and to accept Deeds for property interests needed for the Meadows-Northland-Arlington Section 5A Public Improvements Project, to increase the maximum amount of funds permitted for property interests from \$175,000 to \$180,000. [Div. of Grants and Special Programs/Dept. of Planning, Preservation and Development, Gooding/Paulsen]
- 26. 0890-12** 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 Share the Road Media Campaign Project through June 30, 2013, at no cost to the Urban County Government. [Div. of Grants and Special Programs/Dept. of Planning, Preservation and Development, Gooding/Paulsen]
- 27. 0891-12** 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 Gainesway Trail Project through June 30, 2013, at no cost to the Urban County Government. [Div. of Grants and Special Programs/Dept. of Planning, Preservation and Development, Gooding/Paulsen]
- 28. 0892-12** 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 Fiber Optic Cable 2009 Project through June 30, 2013, at no cost to the Urban County Government. [Div. of Grants and Special Programs, Gooding]
- 29. 0902-12** A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Contract Amendment with Ky. Theater Management Group, Inc., for operation and management of Kentucky and State Theaters through October 31, 2013. [Dept. of General Services, Hamilton]
- 30. 0909-12** A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Institute of Police Technology and Management, for a Burglary Investigations Course, at a cost not to exceed \$11,500. [Div. of Police, Bastin]

- 31.** **0910-12** A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with Ky. State Police, Ky. Internet Crimes Against Children Task Force, for continuation of the Task Force. [Div. of Police, Bastin]
- 32.** **0911-12** A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with Internal Revenue Service, Criminal Investigation, for continuation of the Financial Crimes Task Force. [Div. of Police, Bastin]
- 33.** **0915-12** A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Partial Release of Easement releasing a portion of a sanitary sewer easement on property located at 249 Towne Square Park. [Dept. of Law, Graham]
- 34.** **0924-12** A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept additional Federal funding in the amount of \$300,000 from the Ky. Energy and Environment Cabinet for the Wolf Run Creek Watershed Based Plan, the acceptance of which obligates the Urban County Government for the expenditure of \$200,000 as a local match. [Div. of Grants and Special Programs, Gooding]
- 35.** **0927-12** A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with Disponette Service Co., Inc., to incorporate the Energy Efficiency and Conservation Block Grant Special Terms and Conditions and the Waste Management Plan into the Agreement for improvements to the Charles Young Center, at no cost to the Urban County Government. [Div. of Grants and Special Programs/Dept. of General Services, Gooding/Hamilton]
- 36.** **0928-12** A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Kathy H. Witt, Sheriff of Fayette County, for the collection of the ad valorem Urban Service District taxes for the 2012 property tax year, at a cost not to exceed \$350,000, with payment net from collections. [Dept. of Finance, Driskell]
- 37.** **0937-12** A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Carnegie Literacy Center (\$425), Robert H. Williams Cultural Center (\$2,200) and Lafayette Band Association (\$975) for the Office of the Urban County Council, at a cost not to exceed the sums stated. [Council Office, Maynard]

- 38.** **0965-12** A Resolution requesting that the Legislature amend KRS 512.080 to expressly authorize urban county governments and other local governments to issue civil fines for unlawfully posting advertisements, posters, notices or other matters to public property; and hereby notifying Governor Steve Beshear, Senate President David L. Williams, House Speaker Greg Stumbo, and Fayette County's legislators of this Resolution. [Council Office, Maynard]

VIII. Communications from the Mayor

- 0944-12**
1. Recommending the appointments of Mr. Michael K. Ash, as Commerce Lexington representative, Mr. John N. Billings, as at-large representative, and Mr. Martin A. Rothchild, as Bluegrass Hospitality Association representative, to the Convention and Visitors Bureau Board of Directors, with terms to expire 9-9-2015, 9-9-2015 and 9-9-2014, respectively. The terms of Mr. Bob Hewett and Mr. Reginald Thomas will expire 9-9-2012, and the term of Ms. Kristi Yahn is expired.
 2. Recommending the appointment of Mr. Mark S. Newberg, as LFUCG Building Inspection representative, non-voting, to the Corridors Commission, with a term to expire 9-1-2015. The term of Mr. Bob Carpenter has expired.
 3. Recommending the appointment of Sen. Kathy Stein to the Domestic Violence Prevention Board, with a term to expire 1-1-2015. Sen. Stein will fill a vacancy.
 4. Recommending the reappointment of Ms. Deborah A. Majeed, as area resident representative, to the Dunbar Neighborhood Center Board, with a term to expire 3-20-2016.
 5. Recommending the reappointments of Ms. Deborah D. Danner, Ms. Margaret J. McCoskey, and Mr. Bernie Vonderheide to the Senior Services Commission, with terms to expire 9-1-2016.
 6. Recommending the appointment of Mr. Jeffrey N. Fugate to the Transit Authority Board, with a term to expire 6-30-2016. The term of Ms. Andrea Strassburg is expired.

IX. Communications from the Mayor (For Information Only)

- 0948-12**
1. Approving the voluntary demotion of Barbie Tapp, from Telecommunicator Sr., Grade 113N, to Telecommunicator, Grade 111N, in the Div. of Emergency Management/911, effective July 30, 2012.
 2. Transfer of Sheri E. Burdine, Staff Assistant Sr., Grade 108N, from the Div. of Building Inspection to the Div. of Fire and Emergency Services, effective September 10, 2012.
 3. Transfer of Vetta Todd, Administrative Specialist, Grade 110N, from the Div. of Accounting to the Div. of Waste Management, effective October 1, 2012.

4. Temporary appointment of Sue Boorman, Computer Systems Manager Sr., Grade 117E, in the Div. of Computer Services, effective September 10, 2012.
5. Temporary appointment of Robert Clay, Sewer Line Maintenance Supervisor, Grade 116E, in the Div. of Water Quality, effective August 28, 2012.
6. Reinstatement of Kellie Stidham, Community Corrections Officer, Grade 110N, \$14.680 hourly, in the Div. of Community Corrections, effective September 18, 2012.
7. Resignation of Dominic Norwood, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective July 29, 2012.
8. Resignation of Leticia Harper, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective August 2, 2012.
9. Resignation of Rob Little, Environmental Enforcement Specialist, Grade 115E, in the Div. of Environmental Policy, effective August 3, 2012.
10. Resignation of James Bevins, Equipment Operator Sr., Grade 109N, in the Div. of Waste Management, effective August 4, 2012.
11. Resignation of Dustin Wynn, Community Corrections Sergeant, Grade 112N, in the Div. of Community Corrections, effective August 6, 2012.
12. Resignation of Markeith Gillis, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective August 11, 2012.
13. Resignation of James Dennis, Police Analyst, Grade 111N, in the Div. of Police, effective August 11, 2012.
14. Resignation of Phillip Shelton, Equipment Operator Sr., Grade 109N, in the Div. of Streets and Roads, effective August 13, 2012.
15. Resignation of Michelle Long, Records Management Analyst, Grade 111N, in the Council Clerk's Office, effective August 17, 2012.
16. Resignation of Jason Wilson, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective August 20, 2012.
17. Resignation of Jason Lewis, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective August 21, 2012.
18. Resignation of John Boyle, Police Officer, 311N, in the Div. of Police, effective August 21, 2012.
19. Resignation of Nicole Wright, Telecommunicator, Grade 111N, in the Div. of Emergency Management/911, effective August 21, 2012.
20. Resignation of Jonathan Prell, Police Officer - Trainee, Grade 311N, in the Div. of Police, effective August 23, 2012.
21. Resignation of Maxwell Dowling, Deputy Coroner, Grade 112N, in the Office of the Coroner, effective August 24, 2012.
22. Resignation of Kem Osborne, Equipment Operator Sr., Grade 109N, in the Div. of Waste Management, effective August 27, 2012.

X. Announcements

XI. Public Comments

Adjournment