

Lexington-Fayette Urban County Government

*200 E. Main St
Lexington, KY 40507*



Docket

Thursday, March 7, 2013

6:00 PM

Council Chambers

Urban County Council

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

0238-13 Proclamation: Speak Peace to Violence Day

0239-13 Proclamation: Bicycle Safety Rodeo Day

IV. Ordinances – Second Reading

1. 0180-13 An Ordinance changing the zone from a Two Family Residential (R-2) zone to a High Density Apartment (R-4) zone (with a dimensional variance) for 0.144 net and 0.173 gross acres, for property located at 1577 Martha Ct. (a portion of) (Givens Investments, Ltd.-Council District 6). Approval 8-0 (To Be Heard By May 1, 2013) [Div. of Planning, King]
2. 0181-13 An Ordinance changing the zone from a Wholesale and Warehouse Business (B-4) zone to a Lexington Center Business (B-2B) zone, for 0.057 net (0.130 gross) acres, for property located at 430 West Maxwell St. (Julie and Anthony Childress; Council District 3). Conditional Approval 8-0 (To Be Heard By May 1, 2013) [Div. of Planning, King]
3. 0182-13 An Ordinance amending Articles 1, 8, and 12 of the Zoning Ordinance to make various modifications to the B-1 zone, including the addition of several new definitions. (Urban County Planning Commission). Approval of the Staff Alternative Text 5-3 [Div. of Planning, King]
4. 0183-13 An Ordinance amending Articles 1, 4 and 16 of the Zoning Ordinance to modify the definition of “driveway for single-family and two family dwellings;” to create new definitions for “paved area” and “private walkway;” and to limit the size, material, and configuration of private walkways and driveways, in the front yard of single-family and two family dwellings. (Urban County Planning Commission). Approval of the Staff Alternative Text 8-0 [Div. of Planning, King]
5. 0144-13 An Ordinance amending Section 22-5(2) of the Code of Ordinances, creating one (1) position of CSEPP Manager P/T, Grade 115N, in the Div. of Emergency Management/911, effective upon passage of Council. [Div. of Human Resources, Maxwell]

6. 0188-13 An Ordinance amending Chapter 16A of the Code of Ordinances of the Lexington-Fayette Urban County Government, pertaining to hazardous materials, as follows: Section 16A-1 of the Code of Ordinances is amended to include definitions for clean up contractor, hazardous materials commander, and hazardous materials platoon leader, and to delete the Technical Advisory Commission; Section 16A-4 of the Code of Ordinances is amended to remove portions of the discharge reporting requirements; Section 16A-5 of the Code of Ordinances is amended to define the response options of the Div. of Fire and Emergency Services following a hazardous materials spill; Section 16A-6 of the Code of Ordinances is amended to refine notice of closure requirements for facilities handling hazardous materials; Section 16A-7 of the Code of Ordinances is amended to refine inventory reporting requirements for facilities handling hazardous materials; Section 16A-8 of the Code of Ordinances regarding implementation requirements is deleted in its entirety; Section 16A-9 of the Code of Ordinances regarding registration requirements is deleted in its entirety; Section 16A-10 of the Code of Ordinances regarding exceptions to registration requirements is deleted in its entirety; Section 16A-11 of the Code of Ordinances is amended to refine the requirements for a spill prevention plan; Section 16A-12 of the Code of Ordinances is amended to redefine the duties of a hazardous materials coordinator; Section 16A-13 of the Code of Ordinances regarding the membership requirements of the hazardous materials team is deleted in its entirety; Section 16A-14 of the Code of Ordinances is amended to redefine the duties of the hazardous materials team; Sections 16A-15, 16A-16, and 16A-17 of the Code of Ordinances regarding the Technical Advisory Commission are deleted in their entireties; Section 16A-19 of the Code of Ordinances is amended to refine standards for hazardous materials spill response and coordination with other authorities; Section 16A-20 of the Code of Ordinances regarding voluntary registration is deleted in its entirety; Section 16A-21 of the Code of Ordinances regarding preparation of compliance guidelines is deleted in its entirety; Section 16A-24 of the Code of Ordinances is amended to define parties responsible for enforcement of the Chapter; Section 16A-25 of the Code of Ordinances is amended to provide for criminal penalties for violations of the Chapter, to define violations of inventory reporting requirements, restoration following hazardous material discharge, closure of facilities handling hazardous materials, and maintaining spill prevention plans as criminal violations with a fine not to exceed two hundred and fifty dollars (\$250) for individuals and five hundred dollars (\$500) for corporations, and to define violations

of the Chapter related to hazardous materials discharge as a misdemeanor with penalties of up to twelve months imprisonment and fines not to exceed five hundred dollars (\$500) for individuals and ten thousand dollars (\$10,000) for corporations; Section 16A-26 of the Code of Ordinances regarding the Civil Penalty Appeals Board is deleted in its entirety; and renumbering the affected sections to reflect these changes; all effective on April 1, 2013. [Council Office, Maynard]

- 7. 0189-13** An Ordinance amending Section 12-60 of the Code of Ordinances of the Lexington Fayette Urban County Government related to public nuisances to amend the definition to include assault, sexual offenses and weapons or any other felony and to provide an exception when the owner or occupant is the victim of the crime and had no control over the criminal act; amending Section 12-61 of the Code of Ordinances relating to public nuisances to delete the word residential; amending Section 12-63 of the Code of Ordinances relating to public nuisances to delete the word residential. [Council Office, Maynard]
- 8. 0160-13** An Ordinance amending Section 21-5(2) of the Code of Ordinances, abolishing one (1) position of Human Resources Manager Sr., Grade 121E, and one (1) position of Health Services Advisor, Grade 114E; and creating one (1) position of Human Resources Manager, Grade 119E, and one (1) position of Human Resources Analyst, Grade 115E, in the Div. of Human Resources; appropriating funds pursuant to Schedule No. 39, effective upon passage of Council. [Div. of Human Resources, Maxwell]
- 9. 0170-13** An Ordinance amending Section 22-5(2) of the Code of Ordinances, creating one (1) position of Child Care Program Aide P/T, Grade 107N, and one (1) position of Custodial Worker P/T Grade 102N, in the Div. of Family Services, and appropriating funds pursuant to Schedule No. 40. [Div. of Human Resources, Maxwell]
- 10. 0214-13** 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. 38. [Div. of Budgeting, Lueker]
- 11. 0215-13** An Ordinance of Lexington-Fayette Urban County Government authorizing the issuance of Lexington-Fayette Urban County Government Various Purpose General Obligation Refunding Bonds, Series 2013B, in one or more subseries, in an aggregate

principal amount not to exceed \$10,000,000, for the purpose of advance refunding (i) all or a portion of the outstanding principal amount of Lexington-Fayette Urban County Government General Obligation Bonds (Day Treatment Center, Multi-Use Facility and Expansion Area Boulevard Projects), Series 2004C, the proceeds of which were used to finance the (a) acquisition, construction and equipping of a day treatment facility, (b) acquisition, renovation and equipping of a multi-use facility and (c) acquisition of rights of way and construction of road improvements; (ii) all or a portion of the outstanding principal amount of Lexington-Fayette Urban County Government General Obligation Bonds, Series 2005C, the proceeds of which were used to finance (a) a portion of the costs of providing funding for the purchase of a Development Rights Program or a program to purchase conservation easements and (b) the renovation and upgrade of space in government office buildings and repairs to parking garages; and (iii) all or a portion of the outstanding principal amount of Lexington-Fayette Urban County Government General Obligation Bonds, Series 2006B, the proceeds of which were used to finance (a) the acquisition and construction of stormwater improvements, (b) neighborhood redevelopment projects, and (c) purchasing police cars; approving a form of Bond; authorizing designated officers to execute and deliver the Bonds; providing for the payment and security of the Bonds; creating a Bond Payment Fund and Escrow Funds; maintaining the heretofore established Sinking Fund; authorizing a Certificate of Award for the acceptance of the bid of the Bond Purchaser for the purchase of the Series 2013B Refunding Bonds; authorizing an Escrow Trust Agreement; and repealing inconsistent ordinances. [Council Office, Maynard]

- 12. 0224-13** An Ordinance of the Lexington-Fayette Urban County Government authorizing the issuance of Various Purpose General Obligation Bonds, Series 2013A in the aggregate principal amount not to exceed \$14,000,000 for the purpose of financing various street and highway improvements including the rehabilitation and paving of existing roads and streets in Lexington, Fayette County, Ky.; approving the form of the Series 2013A Bonds; authorizing designated officers to execute and deliver the Series 2013A Bonds; authorizing and directing the filing of notice with the State Local Debt Officer; providing for the payment and security of the Series 2013A Bonds; creating Bond Payment Funds; maintaining the heretofore established Sinking Fund; authorizing a Certificate of Award for the acceptance of the bid of the Bond Purchaser for the purchase of the Series 2013A Bonds; and repealing inconsistent ordinances. [Council Office, Maynard]

V. Ordinances – First Reading

- 13. 0201-13** An Ordinance amending Section 21-5(2) of the Code of Ordinances, abolishing one (1) position of Social Worker Sr., Grade 113E, and amending Section 22-5(2) creating one (1) position of CASA Services Manager, Grade 116E, in the Div. of Youth Services, appropriating funds pursuant to Schedule No. 42, effective upon passage of Council. [Div. of Human Resources, Maxwell]
- 14. 0208-13** An Ordinance repealing Ordinance No. 252-2009, dissolving the Showprop Lexington Development Area and Incremental Tax Special Fund, and cancelling, terminating, or authorizing the Mayor or his designee to request the termination of any Agreements related to Ordinance No. 252-2009. [Mayor's Office, Atkins]
- 15. 0243-13** 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. 41. [Div. of Budgeting, Lueker]

VI. Resolutions – Second Reading

- 1. 0150-13** A Resolution accepting the bid of Bulk Plants, Inc., establishing a price contract for Bulk Fuel, for the Div. of Facilities and Fleet Management. (2 Bids, Low) [Baradaran]
- 2. 0168-13** A Resolution accepting the bid of Hurst Office Suppliers, establishing a price contract for copier paper, for the Div. of Central Purchasing. (2 Bids, Low) [Slatin]
- 3. 0204-13** A Resolution ratifying the probationary civil service appointments of: John Walker, Public Service Supervisor, Grade 111N, \$15.494 hourly, in the Div. of Parks and Recreation, effective February 25, 2013; Candace Wafford, Information Systems Business Analyst, Grade 120E, \$2,570.56 bi-weekly, in the Div. of Enterprise Solutions, effective March 11, 2013; ratifying the permanent civil service appointments of: Timothy Lee, Equipment Operator Sr., Grade 109N, in the Div. of Waste Management, effective January 16, 2013. [Div. of Human Resources, Maxwell]

- 4. 0109-13** A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Software Maintenance Agreement with New World Systems Corp., for support services, upgrades and revisions to the software application package, at a cost not to exceed \$497,430 through June 30, 2015 subject to appropriations by Council, of which \$152,500 is for FY 2013. [Div. of Police, Bastin]
- 5. 0136-13** A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Adopt-a-Spot Program Agreement with First United Methodist Church BSA 1789 for participation in the Adopt-a-Spot Roadway Cleanup Program, at a cost not to exceed \$772. [Div. of Grants and Special Programs/Dept. of Environmental Quality and Public Works, Gooding/Moloney]
- 6. 0148-13** A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Renewal Agreement with OmniSource Integrated Supply, LLC, for temporary employees for the Div. of Emergency Management/911, at a cost not to exceed \$15,000 for FY 2012 under the Metropolitan Medical Response System Grant and \$15,000 from the Emergency Management Assistance Grant for FY 2013. [Div. of Grants and Special Programs/Dept. of Public Safety, Gooding/Mason]
- 7. 0151-13** A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Equipment Donation Agreement with Beaumont Centre Family YMCA, for donation of two pieces of exercise equipment. [Div. of Police, Bastin]
- 8. 0152-13** A Resolution authorizing the Div. of Water Quality, on behalf of the Urban County Government, to purchase a Ques brand sanitary sewer video camera from Eye-Tronics, a sole source provider, at a cost not to exceed \$27,363.26. [Div. of Water Quality, Martin]
- 9. 0153-13** A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with REACH, Inc., to permit REACH to transfer responsibility and HOME funds for development of the property at 442 Georgetown St. to Fayette County Local Development Corp., and to provide an additional \$12,789 in HOME funds to REACH for completion of the project. [Div. of Grants and Special Programs/ Dept. of General Services, Gooding/Reed]

- 10.** **0042-13** A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a price contract to amend Resolution No. 692-2012 with Meridian Management Corp., for Facility Management Services for Fayette County Courthouses, at a cost not to exceed \$412,213 for FY 2013. [Dept. of General Services, Reed]
- 11.** **0163-13** A Resolution authorizing the Div. of Police, on behalf of the Urban County Government, to purchase Netmotion Wireless Mobility XE Software Client License from AT&T Advanced Enterprise Mobility Solutions, a sole source provider, at a cost not to exceed \$66,799.25. [Div. of Grants and Special Programs/Dept. of Public Safety, Gooding/Mason]
- 12.** **0164-13** A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Engagement Letter with Vertical Consultants, LLC, for services to review telecommunication leases, at a cost not to exceed \$20,000. [Dept. of General Services, Reed]
- 13.** **0171-13** A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit two (2) Grant Applications to the Ky. Commercial Mobile Radio Service Emergency Communications Board and to provide any additional information requested in connection with these Grant Applications, which Grant funds are in the amount of \$4,250,000 Commonwealth of Ky. funds, and are for expansion of Smart911 (\$3,500,000) and expansion of the KY911 Network (\$750,000). [Div. of Grants and Special Programs/Dept. of Public Safety, Gooding/Mason]
- 14.** **0173-13** A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Engineering Services Agreements with four (4) prequalified engineering firms: Palmer Engineering Company, HDR Engineering, Inc., Strand Associates, Inc., and GRW Engineers, Inc., to provide engineering services for conventional large pump station designs (Category #6 of RFP #33-2012) related to the Consent Decree Remedial Measures Projects. [Div. of Water Quality, Martin]
- 15.** **0174-13** A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Engineering Services Agreements with nine (9) prequalified engineering firms: HMB Professional Engineers, Inc., EA Partners, PLC, Palmer Engineering Company, Howard K. Bell Consulting Engineers, Inc., Kenvirons, Inc., Strand Associates, Inc., CDP Engineers, Inc.,

GRW Engineers, Inc., and Tetra Tech, Inc., to provide engineering services for conventional small pump station designs (Category #5 of RFP #33-2012) related to the Consent Decree Remedial Measures Projects. [Div. of Water Quality, Martin]

- 16.** **0177-13** A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement awarding a Class B (Neighborhood) Incentive Grant for stormwater quality projects to Lansdowne Neighborhood Association, Inc. (\$47,714), at a cost not to exceed the sums stated. [Div. of Water Quality, Martin]
- 17.** **0178-13** A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement awarding a Class B (Education) Incentive Grant to the Living Arts and Science Center, Inc., at a cost not to exceed \$29,213. [Div. of Water Quality, Martin]
- 18.** **0179-13** A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement awarding a Class A (Neighborhood) Incentive Grant to Friends of Wolf Run, Inc. (\$53,340), at a cost not to exceed the sums stated. [Div. of Water Quality, Martin]

VII. Resolutions – First Reading

- 19.** **0175-13** A Resolution accepting the bid of Bluegrass Fire Equipment, establishing a price contract for fire hose, for the Div. of Fire and Emergency Services. (1 Bid) [Jackson]
- 20.** **0213-13** A Resolution accepting the bid of Texas A&M Engineering Extension Service (TEEX), in the amount of \$40,500, for Advanced Ordnance Recognition Training for the Div. of Police. (2 Bids, Low) [Bastin]
- 21.** **0218-13** A Resolution accepting the bid of Riddell Boiler Service, LLC, in the amount of \$17,418.54, for a Boiler Tube Replacement and Repair for the Div. of Community Corrections. (5 Bids, Low) [Ballard]
- 22.** **0227-13** A Resolution accepting the bid of Red River Cattle Co., establishing a price contract for mowing at Haley Pike Landfill, for the Div. of Waste Management. (9 Bids, Low) [Feese]
- 23.** **0233-13** A Resolution accepting the bid of DTC Computer Supplies, establishing a price contract for media storage tape cartridges, for the Div. of Police. (9 Bids, Low) [Bastin]

- 24. 0229-13** A Resolution authorizing the Div. of Human Resources to make a conditional offer to the following probationary civil service appointments: Chaconna Downs, Social Worker, Grade 111E, \$1,189.68 bi-weekly, in the Div. of Adult and Tenant Services, effective upon passage of Council, Perry White, Equipment Operator Sr., Grade 109N, \$12.770 hourly, in the Div. of Waste Management, effective upon passage of Council and Milan Gomez, Equipment Operator Sr., Grade 109N, \$12.921 hourly, in the Div. of Waste Management, effective upon passage of Council. [Div. of Human Resources, Maxwell]
- 25. 0230-13** A Resolution ratifying the probationary civil service appointments of: Robin Wilson, Social Worker Sr., Grade 113E, \$1,852.88 bi-weekly, in the Div. of Adult and Tenant Services, effective March 25, 2013 and Darrell Stevens, Public Service Supervisor Sr., Grade 114E, \$1,753.28 bi-weekly, in the Div. of Waste Management, effective March 4, 2013; ratifying the permanent civil service appointments of: Phillip Stiefel, Information Systems Service Level Manager, Grade 121E, in the Div. of Enterprise Solutions, effective March 4, 2013 and Jennifer Bailey, HCM Manager, Grade 119E, in the Div. of Enterprise Solutions, effective November 25, 2012; ratifying the probationary sworn appointment of: Shannon Ison, Fire Lieutenant, Grade 315N, \$17.740 hourly, in the Div. of Fire and Emergency Services, effective February 14, 2013; ratifying the permanent sworn appointments of: David Richardson, Police Sergeant, Grade 315N, in the Div. of Police, effective March 3, 2013 and Bradley Williams, Police Sergeant, Grade 315N, in the Div. of Police, effective March 3, 2013. [Div. of Human Resources, Maxwell]
- 26. 0172-13** A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Professional Services Agreements with Victoria Nash, Carrie Barnett, Susan Noel, Brigitte Holleran, Rosemary Dailey, Angela Wallace and Susanna Moberly, as Sexual Assault Nurse Examiners, to provide on-call forensic examinations under the Sexual Assault Nurse Examiner Program, at a cost not to exceed \$40 for each scheduled on-call period, \$230 for each completed forensic examination, \$50 per case for professional testimony in court, and the reasonable cost of medical liability insurance. [Div. of Grants and Special Programs/Dept. of Public Safety, Gooding/Mason]
- 27. 0176-13** A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Service Agreement with Risk Management Services Co., for automobile and property damage claims adjusting, including subrogation, at a cost not to exceed \$23,000 for FY 2013. [Dept. of Law, Graham]

- 28.** **0190-13** A Resolution adopting the Hazard Mitigation Plan for Lexington-Fayette County, Kentucky. [Div. of Emergency Management/911, Dugger]
- 29.** **0192-13** A Resolution adopting the Emergency Operations Plan for Lexington-Fayette County, Kentucky. [Div. of Emergency Management/911, Dugger]
- 30.** **0200-13** A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Addendum No. 1 to the License Application Order Form and Agreement with Rave Wireless, Inc., to provide "SmartPrepare" software, training, and implementation services related to a 911 self-registration portal, at an additional cost not to exceed \$25,000. [Div. of Emergency Management/911, Lucas]
- 31.** **0202-13** A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Lifespan Design Studio, for evaluation of two additional sites for a new Lexington Senior Center, at a cost not to exceed \$9,425. [Dept. of Social Services, Mills]
- 32.** **0207-13** A Resolution amending Resolution No. 288-2011 to approve the granting of an inducement to Temper-Pedic International, Inc., and its affiliates. [Mayor's Office, Atkins]
- 33.** **0225-13** A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Stonewall Equestrian Estates Association, Inc. (\$500), Sandersville Elementary PTA, Inc., (\$250), Salvation Army (\$600), Lexington Sister Cities Programs, Inc., (\$925), and Downtown Lexington Corp. (\$800), for the Office of the Urban County Council, at a cost not to exceed the sums stated. [Council Office, Maynard]

VIII. Communications from the Mayor

- 0237-13** 1. Recommending the appointment of Mr. Brian T. Burton and the reappointments of Ms. Donna A. Collins, Ms. Susan M. Humphrey, Ms. Monica M. King and Mr. Mark J. Onishi to the Bluegrass Crime Stoppers, Inc., with terms to expire 3-21-2017. Also, recommending the appointments of Ms. Crystal N. Newton and Mr. Jason S. Thomas to the Bluegrass Crime Stoppers, Inc., with terms to expire 3-21-2014. Ms. Newton will fill the unexpired term of Ms. Dottie Carter and Mr. Thomas will fill the unexpired term of Ms. Sherry Cutshaw.
2. Recommending the appointment of Mr. Edward E. Guinn to the Explorium of Lexington Board, with a term to expire 7-1-2014. Mr. Guinn will fill the unexpired term of Mr. Joshua Ackerman.

3. Recommending the appointment of Mr. Douglas R. Appler, as at-large representative, to the Greenspace Commission, with a term to expire 7-18-2013. Mr. Appler will fill the unexpired term of Mr. Larry Ridenour.
4. Recommending the appointment of Ms. Lendy F. Brown, as Bluegrass Conservancy representative, to the Historic Preservation Commission, with a term to expire 6-30-2015.
5. Recommending the appointments of Mr. Donald R. Ball, Jr., Ms. Deirdre B. Lyons and the reappointment of Ms. Judith Taylor to the Lexington Center Corporation Board of Directors, with terms to expire 2-28-2017.
6. Recommending the reappointment of Ms. Timi A. Goodman to the Library Board of Advisors, with a term to expire 1-1-2017.
7. Recommending the appointment of Mr. James C. Burris, as Licensed Architect nominated by AIA, to the Urban County Arts Review Board, with a term to expire 3-1-2017.

IX. Communications from the Mayor (For Information Only)

0231-13

1. Approving the voluntary demotion of Karrie Kelley, from Telecommunicator Sr., Grade 113N to Telecommunicator, Grade 111N, in the Div. of Emergency Management/911, effective February 16, 2013.

X. Announcements

XI. Public Comments

Adjournment