

Lexington-Fayette Urban County Government

*200 E. Main St
Lexington, KY 40507*



Tuesday, September 17, 2013

3:00 PM

Packet

Council Chamber

Urban County Council Work Session

**URBAN COUNTY COUNCIL
SCHEDULE OF MEETINGS
September 16 – September 23, 2013**

Monday, September 16

Design Excellence Task Force.....3:30 pm
Conference Room – 5th Floor Government Center

Tuesday, September 17

Environmental Quality Committee.....11:00 am
Council Chamber – 2nd Floor Government Center

Planning & Public Works Committee.....1:00 pm
Council Chamber – 2nd Floor Government Center

Council Work Session.....3:00 pm
Council Chamber – 2nd Floor Government Center

Special Council Meeting - Public Hearing.....5:00 pm
Council Chamber – 2nd Floor Government Center

Wednesday, September 18

No meetings

Thursday, September 19

Corridors Commission.....11:00 am
Conference Room – 5th Floor Government Center

Friday, September 20

No Meetings

Monday, September 23

No Meetings

**URBAN COUNTY COUNCIL
WORK SESSION
TABLE OF MOTIONS
September 10, 2013**

Council Member Ellinger chaired the meeting and called the meeting to order at 3:00pm. Chuck Ellinger, Steve Kay, Chris Ford, Shevawn Akers, Diane Lawless, Julian Beard, Bill Farmer, Kevin Stinnett, Jennifer Scutchfield, Jennifer Mossotti, Peggy Henson, Harry Clarke, and Ed Lane were present. Linda Gorton and George Myers were absent.

I. Public Comment – Issues on Agenda – No

II. Requested Rezonings/Docket Approval – Yes

Motion by Beard to approve the docket for the September 12, 2013 Council Meeting. Seconded by Scutchfield. Motion passed without dissent.

III. Approval of Summary – Yes

Motion by Farmer to approve the summary of the August 27, 2013 Council work session. Seconded by Akers. Motion passed without dissent.

IV. Budget Amendments – Yes

Motion by Mossotti to approve budget amendments. Seconded by Farmer. Motion passed without dissent.

V. New Business

Motion by Farmer to approve new business. Seconded by Kay. Motion passed without dissent.

VI. Continuing Business/Presentations

Motion by Henson to approve NDF list. Seconded by Scutchfield. Motion passed without dissent.

Motion by Ford to approve the following motions from the August 27, 2013 Social Services and Community Development Committee meeting: 1) to add points meeting needs identified in the Needs Assessment, 2) to adopt schedule for Partner Agency funding process, 3) to add one week to the schedule for review and corrections, 4) to add program outcome points, 5) amend the Financial Statement to require salary and position information for direct program staff only, 6) to add the question "How will program be impacted if agency receives less than requested amount?". Seconded by Clarke. Motion passed without dissent.

Motion by Ford to remove the Senior Citizen's Center item from the Social Services and Community Development Committee. Seconded by Farmer. Motion passed without dissent.

Motion by Kay to extend presentation by time by 10 minutes. Seconded by Henson. Motion passed without dissent.

VII. Council Reports – Yes

Motion by Farmer to place in the next Committee of the Whole meeting, the issue of correspondence sent by an individual council member on behalf of the entire council to articulate a policy to make clear when and under what circumstances literature can come on behalf of the Lexington-Fayette Urban County Council. Seconded by Beard. Motion passed without dissent.

Motion by Scutchfield to place the issue regarding grant reporting and the procedure at LFUCG in the General Government Committee. Seconded by Farmer. Motion passed without dissent.

VIII. Mayor's Report – Yes

Motion by Stinnett to approve the Mayor's report. Seconded by Beard. Motion passed without dissent.

IX. Public Comment – Issues Not on Agenda – Yes

Motion by Kay to go into closed session pursuant to KRS 61.810 (1)(c) for the purpose of discussing pending and proposed litigation. Seconded by Scutchfield. Motion passed without dissent.

Motion by Beard to return from closed session. Seconded by Mossotti. Motion passed without dissent.

Motion by Akers to place on the docket for the September 12, 2013 Council meeting a resolution authorizing and directing the Department of Law to institute condemnation proceedings in Fayette Circuit Court to obtain permanent sanitary sewer and temporary construction easements across the property located at 4250 Athens Boonesboro Road for the Blue Sky Pump Station and Force Main Project. Seconded by Clarke. Motion passed without dissent.

X. Adjournment

Motion by Beard to adjourn. Seconded by Clarke. Motion passed without dissent.

**Lexington-Fayette Urban County Government
Work Session Agenda
September 17, 2013**

- I. Public Comment - Issues on Agenda**
- II. Requested Rezoning/ Docket Approval – No**
- III. Approval of Summary – Yes, p. 1 - 2**
- IV. Budget Amendments – No**
- V. New Business – Yes, p. 6 - 15**
- VI. Continuing Business/ Presentations**
 - a** Neighborhood Development Funds, September 17, 2013, p. 16
 - b** August 29, 2013 Quarterly COW Summary, p. 17 - 19
- VII. Council Reports**
- VIII. Mayor's Report – No**
- IX. Public Comment - Issues Not on Agenda**
- X. Adjournment**

Administrative Synopsis - New Business Items

- a 0926-13 Authorization to execute a Professional Service Agreement (PSA) with Dr. Patricia Howard to serve as EMS Paramedic Training Coordinator. (L0926-13) (Jackson/Mason)**
This is a request to execute a PSA with Dr. Patricia Howard to serve as EMS Paramedic Training Coordinator for an amount not to exceed \$23,700 per year. Funds are budgeted. p. 6
- b 0960-13 Authorization to execute second renewal of agreement with Hazen and Sawyer, P.S.C. for Sanitary Sewer Capacity, Management, Operations and Maintenance (CMOM) Implementation Services - Consent Decree. (L0960-13) (Martin/Moloney)**
This is a request to execute second renewal of agreement with Hazen and Sawyer, P.S.C. for CMOM Implementation Services - Consent Decree. The budget will not exceed \$345,000.00 and funds will only be encumbered for task orders on an as needed basis. p. 7
- c 0972-13 Authorization to execute agreement with UK Opera Theatre for a performance at the Family Care Center. (L0972-13) (Mills)**
This is a request to execute agreement with UK Opera Theatre for a performance at the Family Care Center. The cost of \$600 is funded through contributions from the Bluegrass Community Foundation's Making a Difference Fund. p. 8
- d 0974-13 Authorization to execute Release of Easement, releasing a subsurface drainage easement on property located at 1141 Shagbark Lane. (L0974-13) (Graham)**
This is a request to execute Release of Easement, releasing a subsurface drainage easement on property located at 1141 Shagbark Lane. There is no budgetary impact. p. 9 - 12
- e 0989-13 Authorization to execute new account applications with Humana for the purpose of offering voluntary benefits to all employees. (L0989-13) (Maxwell/Graham)**
This is a request to execute new account applications with Humana for the purpose of offering voluntary benefits to all employees. There is no budgetary impact. p. 13
- f 0990-13 Authorization to amend Section 21-5 of the Code of Ordinances, abolishing one (1) position of Environmental Inspector (Grade 113N) and creating one (1) position of Environmental Initiatives Specialist (Grade 115E) in the Division of Environmental Policy. (L0990-13) (Maxwell/Graham)**

This is a request to amend Section 21-5 of the Code of Ordinances, abolishing one (1) position of Environmental Inspector (Grade 113N) and creating one (1) position of Environmental Initiatives Specialist (Grade 115E) in the Division of Environmental Policy. There is no budgetary impact for FY 2014.
p. 14

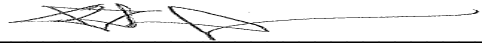
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0996-13

Authorization to execute State and Local Task Force Agreement with the Drug Enforcement Administration (DEA) to allow continuation of the DEA Task Force for the term September 30, 2013 through September 29, 2014. (L0996-13) (Bastin/Mason)

This is a request to execute State and Local Task Force Agreement with the DEA to allow continuation of the DEA Task Force for the term September 30, 2013 through September 29, 2014. There is no budgetary impact. p. 15

To: Mayor Jim Gray
Clay Mason, Public Safety Commissioner
LFUCG Council Members


From: Chief Keith Jackson

Re: Professional Services Agreement
EMS Paramedic Training Coordinator

Date: August 21, 2013

The Division of Fire & Emergency Services is requesting to enter into a Professional Service Agreement with EMS Paramedic Training Coordinator Dr. Patricia Howard. The Lexington Division of Fire and Emergency Services is an accredited training and educational institution (TEI). Since the division is an accredited TEI this allows us to train our own paramedics and send them to set for national boards. Part of the requirements for training paramedics and being accredited is that the department must have an EMS training coordinator. This position was advertised because the contract had expired for the present individual filling this position. This position has always been filled for as long as there has been a paramedic training program at the department. The Lexington Division of Fire and Emergency Services accepted the response from Patricia Howard PhD. Doctor Howard meets or exceeds all requirements as set forth in the RFP. Doctor Howard has also occupied this position since 1990. Her compensation will remain the same and has already been budgeted for FY14.



Lexington-Fayette Urban County Government
DEPARTMENT OF ENVIRONMENTAL QUALITY & PUBLIC WORKS

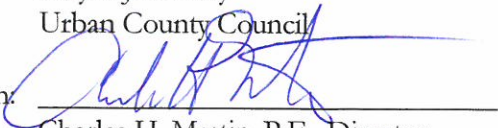
Jim Gray
Mayor

Richard Moloney
Commissioner

To: Mayor Jim Gray

Urban County Council

From:


Charles H. Martin, P.E., Director
Division of Water Quality

Date: September 3, 2013

Re: Renewal of Annual Sanitary Sewer Capacity, Management, Operations and Maintenance (CMOM)
Implementation Services – **CONSENT DECREE**

The Agreement for CMOM Implementation Services with Hazen and Sawyer, P.S.C., approved in December 2011, Resolution #555-2011, provided for two annual renewals. The Division of Water Quality is recommending the second of the two renewal options for approval.

The renewal option with Hazen and Sawyer, P.S.C. is for continued services associated with implementation of Lexington-Fayette Urban County Government's Consent Decree related to the CMOM program. The specific scope of services associated with these deliverables will be allocated via a series of written task orders. Lump sum fees will be assigned to each approved task order pursuant to the Agreement.

Deliverables associated with this renewal include operational implementation of the:

- CMOM Self-Assessment
- Sewer Overflow Response Plan (SORP)
- Fats, Oils, and Grease (FOG) Control Program
- Pump Station Operation Plan for Power Outages (PSOPPO)
- Gravity Line Preventative Maintenance Plan (GLPMP)

In FY 2014, \$345,000.00 has been budgeted in account 4003 303401 3425 71205 CMOMPRMGR_2014 CONSENT_DE for CMOM task orders. The budget is an amount not to exceed, and funds will only be encumbered for task orders on an as needed basis.

Questions regarding this agreement should be directed to Charles Martin at 425-2455.

Pc: Richard Moloney, Commissioner, Department of Environmental Quality
Ed Gardner, Department of Law
LaJoyce Mullins-Williams, Division of Water Quality
Jon Schubarth, Hazen and Sawyer, PC



Lexington-Fayette Urban County Government
DEPARTMENT OF SOCIAL SERVICES

Jim Gray
Mayor

Beth Mills
Commissioner

MEMORANDUM

TO: Mayor Jim Gray
Members of the Council

FROM: Beth K. Mills
Beth Mills, Commissioner of Social Services

DATE: September 4, 2013

SUBJECT: Agreement with UK Opera Theatre for Performance at Family Care Center

I am requesting approval for the Lexington-Fayette Urban County Government to enter in to an Agreement with UK Opera Theatre for a performance at the Family Care Center at a cost of \$600. The performance is for clients of the Family Care Center's Early Child Care and Parent Education Programs.

This is a fully funded expense through contributions from the Bluegrass Community Foundation's Making a Difference Fund and will be paid from the LFUCG Donation Fund.



Lexington-Fayette Urban County Government
DEPARTMENT OF LAW

Jim Gray
Mayor

Janet M. Graham
Commissioner

TO: Jim Gray, Mayor
Members, Urban County Council

FROM: Department of Law

DATE: September 4, 2013

RE: Release of Easement
1141 Shagbark Lane

This memo is to request a Resolution authorizing the Mayor to sign a Release of Easement releasing a subsurface drainage easement on property located at 1141 Shagbark Lane.

The proposed Release has been reviewed and approved by the Divisions of Engineering, Water Quality, and Traffic Engineering and the Department of Law. This action has no budgetary implication for LFUCG.

A handwritten signature in cursive script, reading "Edward W. Gardner Sr.", is positioned above a horizontal line.

Edward W. Gardner
Attorney Sr.

Enclosure

cc: Sally Hamilton, CAO
Council Office

RELEASE OF EASEMENT

THIS RELEASE OF EASEMENT, made and entered into this the _____ day of _____, 2013, by and between LEXINGTON-FAYETTE, URBAN COUNTY GOVERNMENT, 200 East Main Street, Lexington, Kentucky. 40507 an Urban County Government pursuant to KRS 67 A (hereinafter "Government" or "First Party"), and RAYMOND T WOLFE (hereinafter "Owner" or "Second Party"); of 1141 SHAGBARK LANE, LEXINGTON, KENTUCKY 40515.

WITNESSETH

WHEREAS, through that certain Deed of Easement dated June 11, 2003, of record in Deed Book 2374, Page 354, in the Fayette County Clerk's Office, the Owner or Second Party acquired.

WHEREAS, the existing easement is no longer acquired by the Government or First Party, and the Government or First Party desires to release and extinguish its interest in and to said easement located upon certain real property located at 1141 SHAGBARK LANE, LEXINGTON, KENTUCKY 40515.

SUBSURFACE DRAINAGE EASEMENT

Subsurface drainage easement which appears on the property of 1141 Shagbark Lane, Lexington, Kentucky 40515, DB 2374, PAGE 354, approximately N09,53'44" E,136.34ft, N84,54'00"E,132.78ft, S05,06'18"E,83.74ft, N56,53'44"E,155ft. (See Exhibit drawing attached hereto and made a part of this document.)

NOW, THEREFORE, for valuable consideration, receipt of which is hereby acknowledged, Government or First Party does hereby release, relinquish and quitclaim unto Owner or Second Party, its successors and assigns, all of its right, title and interest, if any, in and to that easement as described above.

IN WITNESS WHEREOF, the First Party or Government has hereby caused its corporate name to be affixed by its duly authorized officer, on this the day and year first written above.

LEXINGTON-FAYETTE URBAN
COUNTY GOVERNMENT

Mayor

STATE OF KENTUCKY

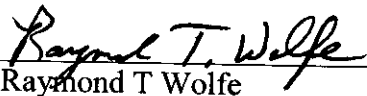
COUNTY OF FAYETTE

The foregoing instrument was acknowledged before me by _____ as _____, of Lexington-Fayette Urban County Government, an urban county government pursuant to KRS 67A, on behalf of said government, on this _____ day of _____, 2013.

My Commission expires: _____

NOTARY PUBLIC

THIS INSTRUMENT
PREPARED BY:



Raymond T Wolfe

1141 Shagbark Lane
Lexington Kentucky 40515
859-272-7298



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0989-13

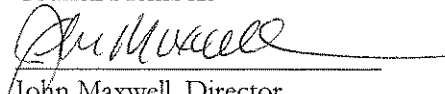
Lexington-Fayette Urban County Government
DIVISION OF HUMAN RESOURCES

Jim Gray
Mayor

Janet Graham
Commissioner

M E M O R A N D U M

TO: Jim Gray, Mayor
Sally Hamilton, Chief Administrative Officer
Council Members

FROM: 
John Maxwell, Director
Division of Human Resources

DATE: September 9, 2013

SUBJECT: Voluntary Benefit Applications

This request seeks approval to authorize the Mayor to execute new account applications with Humana for the purpose of offering voluntary benefits to all employees.

Log #14-0014



Lexington-Fayette Urban County Government
DIVISION OF HUMAN RESOURCES

Jim Gray
Mayor

Janet Graham
Commissioner

M E M O R A N D U M

TO: Jim Gray, Mayor
Sally Hamilton, Chief Administrative Officer
Council Members

FROM: *John Maxwell by mmaxwell*
John Maxwell, Director
Division of Human Resources

DATE: September 10, 2013

SUBJECT: Abolish/Create Positions – Division of Environmental Policy

The attached action amends Section 21-5 of the Code of Ordinances, abolishing one (1) position of Environmental Inspector (Grade 113N) and creating one (1) position of Environmental Initiatives Specialist (Grade 115E) in the Division of Environmental Policy, effective upon passage by Council.

The Division states that the Environmental Initiatives Specialist position is needed to provide the LFUCG Energy Management Program with the additional resources needed to ensure the LFUCG is realizing as much energy and monetary savings as possible.

The fiscal impact for FY2014 (17 pay periods) is budget neutral.

If you have questions or need additional information, please contact Nicole Rodriguez at (859) 258-3129.

Attachment

cc: Richard Moloney, Commissioner - Department of Environmental Quality & Public Works
Susan Bush, Director – Division of Environmental Policy

Log #14-0015

**LEXINGTON DIVISION OF POLICE**

150 East Main Street • Lexington, KY 40507 • (859) 258-3600

TO: Mayor Jim Gray
Urban County Council

FROM: Chief Ronnie Bastin
Division of Police

DATE: September 5, 2013

RE: Drug Enforcement Administration (DEA) Agreement
- State and Local Task Force

Please find attached agreement with the Drug Enforcement Administration (DEA), the State and Local Task Force Agreement. The term of this agreement shall be from September 30, 2013 through September 29, 2014.

The State and Local Task Force Agreement allows the continuation of the DEA Task Force, in which the Lexington Division of Police has assigned detectives. The duties of the task force are as listed:

- a) Disrupt the illicit drug traffic in the Kentucky area by immobilizing targeted violators and trafficking organizations.
- b) Gather and report intelligence data relating to trafficking in narcotics and dangerous drugs.
- c) Conduct undercover operations where appropriate and engage in other traditional methods of investigation in order that the Task Force's activities will result in effective prosecution before the courts of the United States and the State of Kentucky.

Due to the time restraint on this agreement, we are requesting this documentation be expedited through the blue sheet process due to the current agreement expiring on September 29, 2013. The attached agreement requires the Mayor's signature. Upon approval and signing, please forward original agreements to the Chief's Office to acquire additional signatures.

If you have any questions or require additional information, please contact my office.

A handwritten signature in cursive script that reads "R. Bastin".

Ronnie Bastin
Chief of Police

RB/rmh

cc: Clay Mason, Commissioner of Public Safety

**Neighborhood Development Funds
September 17, 2013
Work Session**

Amount	Recipient	Purpose
\$ 625.00	Kentucky Chinese American Association, Inc. PO Box 910186 Lexington, KY 40509-0186 Changzheng Wang	To support the 2013 Moon Festival Celebration at Moondance Ampitheatre on September 14, 2013.
\$ 950.00	The Fayette County Master Gardener Association 1140 Red Mile Place Lexington, KY 40504-1172 Janet Raider	To help with the costs associated with the annual Gardeners Lexture which will focus on beautification of Lexington.
\$ 1,100.00	The Lexington Academy of Barbering, Inc. 1132 Winchester Road, Suite 175 Lexington, KY 40508 Anthony Hayden	To sponsor one student as they learn to improve their overall hygiene and quality of life.
\$ 1,000.00	The Tates Creek High School PTSA, Inc. 1111 Centre Parkway Lexington, KY 40517 Marsha Strein	To support the Tates Creek Campus Celebration.
\$ 1,025.00	Foster Care Council of LEXKY, Inc. 1048 Crimson Creek Lexington, KY 40509-0186 Cassie Slone	To assist the Foster Care Council in the continuation of helping local foster children.



LEXINGTON-FAYETTE URBAN COUNTY COUNCIL

QUARTERLY COMMITTEE OF THE WHOLE

SUMMARY

AUGUST 27TH, 2013

Vice Mayor Linda Gorton called the meeting to order at 4:30pm. Council Members present were Chuck Ellinger, Julian Beard, Harry Clarke, Ed Lane, Jennifer Scutchfield, Chris Ford, George Myers, Kevin Stinnett, Peggy Henson, Jennifer Mossotti, Shevawn Akers, Diane Lawless and Bill Farmer Jr. Steve Kay was absent.

Others in attendance included Stacey Maynard, Paul Schoninger, Scott Seymour, Steve Smith, Jenifer Benningfield and Elizabeth Chatterton.

1. Welcome (Gorton)

Gorton welcomed all Council Members and went over the agenda for the meeting.

2. Blue Sheet Process (Meredith Nelson)

Meredith Nelson, Council Clerk, provided an overview of the Administrative Review "Blue Sheet" Process and Types of Legislative Items for Council Members in attendance. Ms. Nelson explained how Council Members get items on the docket as well as how aides can get information in Legistar. She also offered to set up another training session if necessary.

3. Job Description Work Group Recommendation (Ellinger)

Ellinger provided an overview of the work group discussions.

The work group recommended that Council create a Budget Analyst Senior position for the Council Office. He added that Commissioner O'Mara and Melissa Leuker would like to add to the proposed job description.

Motion by Ellinger to move forward with recommendation 1 and move the position of Budget Analyst Senior to the full Council. Seconded by Scutchfield. Motion passed 10-3. Gorton, Ellinger, Scutchfield, Mossotti, Myers, Beard, Lane, Henson, Stinnett and Ford voted yes. Akers, Clarke and Farmer voted no. Lawless was absent.

The work group discussed several options for the front desk position and ultimately decided to fund a security officer position to serve as the Council receptionist.

Motion by Ellinger to move forward with recommendation 2 and hire a security officer position, which security will hire and manage. Seconded by Myers. Motion passed 9-4. Gorton, Ellinger, Scutchfield, Mossotti, Myers, Beard, Henson, Stinnett and Ford voted yes. Lane, Farmer, Clarke and Akers voted no. Lawless was absent.

4. Council Calendar (Myers)

Myers commented on the requested calendar changes. There was discussion about the timing of the calendar distribution and requests for information from areas outside of the Council office.

Motion by Myers that the annual Council calendar be distributed to all Council Members by the third week in October. Seconded by Scutchfield. Motion passed 11-3. Ellinger, Scutchfield, Mossotti, Myers, Beard, Lane, Henson, Clarke, Lawless, Akers and Ford voted yes. Stinnett, Farmer and Gorton voted no.

There was discussion about adding a quarterly public hearing to the calendar. Gorton stated that the legal opinion was that if Council wanted to do this, they should add one per month or one every other month due to timing issues with notices from the Planning Commission.

Motion by Akers to add a public hearing in full meeting months at 4:00pm. Seconded by Beard. Motion passed 12-2. Gorton, Ellinger, Scutchfield, Mossotti, Myers, Beard, Henson, Clarke, Lawless, Akers, Lane and Ford voted yes. Farmer and Stinnett voted no.

There was discussion about switching standing committee start times annually. Council decided to leave the Budget & Finance Committee and Economic Development Committee at 1:00pm.

Motion by Myers to switch standing committee start times annually, except for Budget & Finance and Economic Development. Seconded by Clarke. Motion failed with a tie vote of 7-7. Myers, Clarke, Beard, Ford, Henson, Lawless and Akers voted yes. Stinnett, Farmer, Gorton, Ellinger, Scutchfield, Mossotti and Lane voted no.

Motion by Ellinger to reconsider. Seconded by Myers. Motion passed 8-6. Myers, Clarke, Beard, Ford, Henson, Ellinger, Lawless and Akers voted yes. Stinnett, Farmer, Gorton, Scutchfield, Mossotti and Lane voted no.

There was discussion about coordinating the calendar with FCPS schedule. Council breaks currently coincide with FCPS breaks. There was no motion for this item. Stacey Maynard said she would email Council Members a copy of the FCPS calendar.

5. Other Business (Gorton)

There was agreement to ask Connie Underwood to prepare a preliminary FY2013 fund balance estimate for Council as soon as possible.

Motion by Stinnett to adjourn. Seconded by Scutchfield. Motion passed without dissent.