

Lexington-Fayette Urban County Government

*200 E. Main St
Lexington, KY 40507*



Docket

Thursday, October 23, 2014

6:00 PM

Council Chambers

Urban County Council

I. Roll Call**II. Invocation****III. Minutes of the Previous Meetings**

1106-14 Minutes of the October 9, 2014 Council Meeting

IV. Presentations

1113-14 Presentation - Residents' Rights Month

1114-14 Presentation - AIM! Day

1115-14 Recognizing Boy Scouts and Presenting Citizenship Pins

V. Public Hearing

1112-14 Public Hearing - Midland Avenue Corridor Mixed Use Tax Increment Financing

VI. Ordinances – Second Reading

1. 1064-14 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. 18. [Div. of Budgeting, Lueker]
2. 1022-14 An Ordinance amending Section 22-5(2) of the Code of Ordinances extending the term of the temporary position of one (1) Administrative Specialist Principal, Grade 518E, and three (3) positions of Administrative Specialist, Grade 513N, for a term of two (2) years beginning September 23, 2014 and expiring on September 23, 2016, in the Div. of Water Quality, effective upon passage of Council. [Div. of Human Resources, Maxwell]
3. 1039-14 An Ordinance amending Section 22-5(2) of the Code of Ordinances, abolishing one (1) position of Equipment Operator P/T, Grade 510N, and creating one (1) position of Clerical Assistant P/T, Grade 505N, both in the Div. of Family Services, effective upon passage of Council. [Div. of Human Resources, Maxwell]

VII. Ordinances – First Reading

- 4. 1079-14** An Ordinance changing the zone from an Agricultural Rural (A-R) zone to an Agricultural Natural (A-N) zone, for 20.15 net (20.76 gross) acres for property located at 8291 Old Richmond Rd., including a request for a conditional use permit. (Boone Creek Properties, LLC, dba Boone Creek Outdoors; Council District 12). Approval 10-0 OBJECTORS (To Be Heard By December 24, 2014) [Div. of Planning, King]
- 5. 1078-14** An Ordinance amending Article 21-7(a) of the Zoning Ordinance to allow as a minor amendment, the reduction of surplus parking spaces depicted on the original development plan. (Urban County Planning Commission). Approval of the Staff Alternative Text 9-0 [Div. of Planning, King]
- 6. 1089-14** An Ordinance amending Section 22-24 of the Code of Ordinances to provide that all full-time Non-Sworn Unclassified Civil Service Employees and Deputies in the Office of the Coroner meeting the criteria set forth in Section 21-27(h) of the Code of Ordinances shall receive a hazardous duty salary supplement; effective upon date of passage. [Council Office, Maynard]
- 7. 1117-14** An Ordinance amending Section 14-97(6) of the Code of Ordinances related to smoking indoors to amend the definition of smoke or smoking to include electronic smoking devices, including but not limited to, e-cigarettes or e-cigs; creating Section 14-97(8) of the Code of Ordinances related to smoking indoors to define electronic smoking device. [Council Office, Maynard]
- 8. 1118-14** An Ordinance pursuant to Section 2-1(a) of the Code of Ordinances of the Lexington-Fayette Urban County Government adopting a schedule of meetings for the Council for the calendar year 2015. [Council Office, Maynard]
- 9. 1120-14** An Ordinance pursuant to Sections 3.02(24) and 6.12 of the Charter of the Lexington-Fayette Urban County Government renaming the Div. of Environmental Policy to the Div. of Environmental Services; abolishing two (2) civil service positions of Public Service Worker Sr., Grade 509N, in the Div. of Parks and Recreation and one (1) civil service position of Equipment Operator Sr., Grade 512N, in the Div. of Streets and Roads, and creating two (2) civil service positions of Public Service Worker Sr., Grade 509N, and one (1) civil service position of Equipment

Operator Sr., Grade 512N, both in the Div. of Environmental Services; appropriating funds pursuant to Schedule No. 23; effective upon date of passage. [Council Office, Maynard]

10. 1122-14 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. 20. [Div. of Budget, Lueker]

VIII. Resolutions – Second Reading

1. 0999-14 A Resolution accepting the bid of tw telecom holdings, inc., establishing a price contract for Internet Access Provider for Redundancy, and authorizing the Mayor, on behalf of the Urban County Government, to execute a Standard Terms and Conditions Agreement with tw telecom holdings, inc., related to the bid. (3 Bids, Low) [Nugent]
2. 1031-14 A Resolution accepting the bid of Nugent Sand Co., establishing a price contract for Sand for Golf Courses, for the Div. of Parks and Recreation. (1 Bid) [Chambers]
3. 1042-14 A Resolution accepting the bid of Republic Services of Ky., LLC, establishing a price contract for Single Pass Loose Leaf Collection Services, for the Div. of Streets and Roads. (3 Bids, Low) [Miller]
4. 1049-14 A Resolution accepting the bid of Judy Construction Co., in the amount of \$19,108,000, for the Town Branch Wet Weather Storage Facility, for the Div. of Water Quality, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Judy Construction Co. related to the bid. (6 Bids, Low) [Martin]
5. 0984-14 A Resolution authorizing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Dept. of Military Affairs, Div. of Emergency Management, which Grant funds are in the amount of \$145,000 Federal funds under the Chemical Stockpile Emergency Preparedness Program (CSEPP) are for the construction of a storage building for decontamination equipment, 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/ Dept. of Public Safety, Gooding/Mason]

6. 1000-14 A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Agreement with DMH Construction, Inc., for the Idle Hour North Stormwater Improvements Project, increasing the contract price by the sum of \$12,493.51 from \$522,665.00 to \$535,158.51. [Div. of Water Quality, Martin]
7. 1003-14 A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and to accept a Deed of Easement from Karen Cosgrove for the property located at 729 Woodward Ln., for the Wilderness Road/Woodward Lane Sanitary Sewer Project, and authorizing payment in the amount of \$1,000.00. [Div. of Water Quality, Martin]
8. 1008-14 A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Dept. for Local Government, which Grant funds are in the amount of \$100,000 Federal funds, are for Phase 4 of the Brighton Rail Trail Project, the acceptance of which obligates the Urban County Government for the expenditure of \$100,377.92 as a local match, and authorizing the Mayor to transfer unencumbered funds within the Grant budget. [Div. of Grants and Special Programs/Dept. of Planning, Preservation and Development, Gooding/Paulsen]
9. 1014-14 A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a New Case Document for Lexington-Fayette Urban County Government, Police and Fire Retirement Fund with Humana Insurance Co., for the period of January 1, 2015 through December 31, 2015. [Div. of Human Resources, Maxwell]
10. 1019-14 A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Partial Release of Easement, releasing a utility easement on the property located at 450 West Reynolds Rd. [Div. of Water Quality, Martin]
11. 1023-14 A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Agreement with Fayette County Public Schools, for the operation of the Parent Resource Center at the Family Care Center, at no cost to the Urban County Government. [Dept. of Social Services, Mills]

- 12.** **1028-14** A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Lease Agreement with the Lexington Art League, Inc., for use of The Loudon House, for which the Lexington Art League, Inc. will pay \$500 per month. [Div. of Parks and Recreation, Chambers]
- 13.** **1029-14** A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Amended Agreement for the Central Ky. 9-1-1 Network with the existing members of the Network and a Revised Agreement including amended language with any additional jurisdictions approved by Lexington-Fayette Urban County Government's E-911 Board, to clarify the responsibility of damages and term length, at no cost to the Urban County Government. [Div. of Emergency Management/911, Stack]
- 14.** **1030-14** A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One (1) to the Contract with Bluegrass Contracting Corp. for the Meadows/Northland/Arlington Public Improvements Project, Phase 5B, increasing the contract price by the sum of \$68,352.92 from \$737,798.75 to \$806,151.67. [Div. of Grants and Special Programs/Dept. of Planning, Preservation and Development, Gooding/Paulsen]
- 15.** **1037-14** A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute certain Change Orders meeting the criteria provided in this Resolution, to the Contract with Marrillia Design and Construction for the construction of the new Senior Citizen Center. [Dept. of General Services, Reed]
- 16.** **1059-14** A Resolution designating the speed limit on Jouett Creek Dr. as 30 miles per hour and authorizing and directing the Div. of Traffic Engineering to install proper and appropriate signs in accordance with the designation. [Council Office, Maynard]
- 17.** **1060-14** A Resolution designating the speed limit on Ellerslie Park Blvd. as 25 miles per hour and authorizing and directing the Div. of Traffic Engineering to install proper and appropriate signs in accordance with the designation. [Council Office, Maynard]
- 18.** **1061-14** A Resolution authorizing the Div. of Traffic Engineering, pursuant to Code of Ordinances Section 18-86, to install multi-way stop controls at the intersection of Blazer Pkwy. and North Eagle Creek Dr. [Council Office, Maynard]

19. 1062-14 A Resolution authorizing the Div. of Traffic Engineering, pursuant to Code of Ordinances Section 18-86, to install multi-way stop controls at the intersection of Rio Dosa Dr. and North Locust Hill Dr. [Council Office, Maynard]
20. 1065-14 A Resolution relating to Lexington-Fayette Urban County Government denying approval of the transfer of control of Time Warner Cable to Comcast Corporation. [Council Office Maynard]
21. 1067-14 A Resolution relating to Lexington-Fayette Urban County Government denying approval of the transfer of control of Comcast Corp. to Charter Communications, Inc. [Council Office Maynard]

IX. Resolutions – First Reading

22. 1044-14 A Resolution accepting the bid of Free Contracting, Inc., in the amount of \$361,124, for the Blue Sky Treatment Plant Demolition and Lagoon Dewatering, for the Div. of Water Quality, and authorizing the Mayor, on behalf of the Lexington-Fayette Urban County Government, to execute an Agreement with Free Contracting, Inc., related to the bid. (4 Bids, Low) [Martin]
23. 1058-14 A Resolution accepting the bid of Ron Cooper Co., Inc., establishing a price contract for Record Keeping Supplies for the Fayette County Clerk. (1 Bid) [Slatin]
24. 1068-14 A Resolution accepting the bid of Rio Grande Fence Co., Inc., in the amount of \$145,800, for New Chain Link Dugouts - Various Locations 2014, for the Div. of Parks and Recreation, and authorizing the Mayor, on behalf of the Urban County Government, to execute any necessary Agreement with Rio Grande Fence Company, Inc., related to the bid. (2 Bids, Low) [Chambers]
25. 1086-14 A Resolution accepting the bid of Langley & Taylor Pool Corp., Inc., in the amount of \$49,885, for Sand Filter System for Shillito Main Pool, for the Div. of Parks and Recreation. (3 Bids, Low) [Chambers]
26. 1102-14 A Resolution ratifying the Probationary Civil Service Appointments of: Ada Jennings, Administrative Specialist Principal, Grade 518E, \$2,074.40 biweekly, effective November 3, 2014 and Christopher Phillip, Administrative Specialist Sr., Grade 516N, \$18.599 hourly, effective November 17, 2014, both in the Div. of Waste Management, Robert Allen, Deputy Director, Grade 524E, \$2,269.12 biweekly in the Div. of Streets and Roads, and Cyndra

Brown, Grants Manager, Grade 523E, \$2,276.81 biweekly in the Div. of Grants and Special Programs, both effective October 27, 2014; and William Faust, Fleet Operations Supervisor, Grade 519E, \$2,290.86 biweekly in the Div. of Facilities and Fleet Management, effective November 13, 2014; ratifying the permanent Civil Service Appointment of: Melissa Murphy, Attorney Sr., Grade 528E, \$2,672.05 biweekly in the Dept. of Law, effective October 7, 2014. [Div. of Human Resources, Maxwell]

- 27. 1103-14** A Resolution authorizing the Div. of Human Resources to make a conditional offer to the following Probationary Civil Service Appointments: Shamara Jackson, Records Management Analyst Sr., Grade 517N, \$21.807 hourly in the Office of the Council Clerk, effective upon passage of Council, Courtney Goodpaster, Human Resources Analyst, Grade 520E, \$2,000.00 biweekly and Amanda Sutton, Human Resources Analyst, Grade 520E, \$1,838.69 biweekly, both in the Div. of Human Resources, effective November 17, 2014, Jennifer Youngworth, Telecommunicator, Grade 513N, \$18.104 hourly in the Div. of Police, effective November 17, 2014, Renee Morrison, Child Care Program Aide, Grade 508N, \$13.564 hourly, and Hosna Ara, Child Care Program Aide, Grade 508N, \$13.190 hourly, both in the Div. of Family Services, effective November 3, 2014; authorizing the Div. of Human Resources to make a conditional offer to the following Unclassified Civil Service Appointment: Duane Osborne, Friend of the Court, Grade 522E, \$2,990.88 biweekly in the Office of Circuit Judges, effective November 3, 2014. [Div. of Human Resources, Maxwell]
- 28. 0998-14** A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Three-Year Lease Agreement with VAR Resources, Inc., to provide Apple iMac Desktop Computers through CDW Government, Inc. (CDW-G) to the Coroner's Office, at a cost not to exceed \$4,199 (FY2015), with future fiscal years subject to sufficient funds being appropriated. [Div. of Computer Services, Nugent]
- 29. 1041-14** A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a deed conveying permanent sanitary sewer and temporary construction easements from owners of record, for the Loudon Ave. Sidewalk Project at a cost not to exceed \$15,000. [Div. of Grants and Special Programs/Dept. of Planning, Preservation and Development, Gooding/Paulsen]

- 30.** **1043-14** A Resolution changing the street name of 904, 905, 908, 909, 912, 913, 916, 917, 921, 925, 929, 933, 937, and 941 Dawson Springs Way to 904, 905, 908, 909, 912, 913, 916, 917, 921, 925, 929, 933, 937, and 941 Dawson Creek Way, all effective thirty days from passage. [Div. of Emergency Management/911, Stack]
- 31.** **1046-14** A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Modifications to Agreements with the Ky. Dept. of Military Affairs, Div. of Emergency Management, for extension of the Agreements for funds for the Chemical Stockpile Emergency Preparedness Program (CSEPP) for FY 2011, FY 2012 and FY 2013 through September 30, 2015, at no cost to the Urban County Government. [Div. of Grants and Special Programs/ Dept. of Public Safety, Gooding/Mason]
- 32.** **1050-14** A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute standardized Memoranda of Agreement with recycling agencies, for processed materials at LFUCG's Materials Recovery Facility. [Div. of Waste Management, Thurman]
- 33.** **1056-14** A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 2 to the Contract With T.E.M. Group, Inc., for Emergency Generator Connections, increasing the contract price by the sum of \$6,309.50 from \$373,067.00 to \$379,376.50. [Div. of Water Quality, Martin]
- 34.** **1088-14** A Resolution directing that Agape Drive be permanently barricaded at its northern terminus point. [Council Office, Maynard]
- 35.** **1055-14** A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the U.S. Dept. of Homeland Security and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of \$391,424 Federal funds, and are for the upgrade or replacement of the exhaust extraction systems in all LFUCG fire stations. [Div. of Grants and Special Programs/ Dept. of Public Safety, Gooding/Mason]

- 36.** **1066-14** A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Contract with Fayette County Public Schools, for the operation of Preschool Classrooms at the Family Care Center, at no cost to the Urban County Government. [Dept. of Social Services, Mills]
- 37.** **1077-14** A Resolution approving the payment of \$20,000 to the Ky. Chamber of Commerce for the Urban County Government's sponsorship of the Ky. Manufacturing and Innovation Conference, a BEAM initiative. [Mayor's Office, Atkins]
- 38.** **1080-14** A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Amendment and Settlement to Sublease and Management Agreement with LexArts, Inc., discharging LexArts' remaining obligations under the Sublease and Management Agreement for the Downtown Arts Center. [Mayor's Office, Emmons]
- 39.** **1082-14** A Resolution authorizing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Office of Homeland Security, which Grant funds are in the amount of \$34,000 Federal funds, are for the purchase of equipment for the Hazardous Devices Unit, 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/ Dept. of Public Safety, Gooding/Mason]
- 40.** **1083-14** A Resolution authorizing the Div. of Fire and Emergency Services, on behalf of the Urban County Government, to purchase thermal imaging cameras from Bullard Thermal Imagers, a sole source provider, at a cost not to exceed \$31,500. [Div. of Fire and Emergency Services, Jackson]
- 41.** **1084-14** A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Office of Homeland Security, which Grant funds are in the amount of \$70,000 Federal funds, are for the purchase of equipment for the Div. of Fire and Emergency Services first responders, 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/ Dept. of Public Safety, Gooding/Mason]

- 42. 1085-14** A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Professional Services Agreement with Victoria Nash, as a Sexual Assault Nurse Examiner, 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]
- 43. 1087-14** 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 2602 and 2606 Mable Ln. [Dept. of General Services, Reed]
- 44. 1096-14** A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Aylesford Place Neighborhood Association (\$500.00), for the Office of the Urban County Council, at a cost not to exceed the sum stated. [Council Office, Maynard]
- 45. 1116-14** A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a quitclaim deed, and any other documents necessary, transferring a portion of a non-utilized right-of-way located adjacent to the property at 1747 Lakewood Ln. to the abutting property owner. [Council Office, Maynard]
- 46. 1119-14** A Resolution of the Lexington-Fayette Urban County Council related to the Bluegrass Workforce Investment Area, recommending that the Mayor not sign the proposed Amended Interlocal Cooperative Agreement and recommending that the Urban County Government take the necessary steps to have Lexington-Fayette County area declared a Workforce Investment Area. [Council Office, Maynard]

X. Communications From the Mayor

- 1109-14** 1. Recommending the appointments of Mr. William Alverson, Mr. Jeffrey Fugate, Ms. Paula King, Mr. Charles Lanter, and Mr. Paul Thornsberry to the Affordable Housing Governing Board with terms to expire 10/23/2016.
- Also recommending the appointments of Ms. Lisa Ball, Mr. Matthew DeMoss, Ms. Carolyn Edwards, Mr. William Embry, Mr. Harry Richart and Mr. Anthony Wright to the Affordable Housing Governing Board with terms to expire 10/23/2018.
- Also recommending the appointment of Council Member Bill Farmer to the Affordable Housing Governing Board with term to expire 12/31/2014.

2. Recommending the appointments of Ms. Leonora Davis and Mr. Michael Haskins to the Black & Williams Neighborhood Community Center Board with terms to expire 1/1/2018.
3. Recommending the appointment of Mr. Geoff Reed, as the At-Large representative, to the Convention and Visitors Bureau Board of Directors with term to expire 9/9/2017. The term of Ms. Becky Reinhold is expired.
5. Recommending the reappointment of Ms. Catherine DeFlorio to the Domestic Violence Prevention Board with term to expire 1/1/2017.
6. Recommending the appointments of Ms. Janice James, Mr. Rodney Lee, Mr. Richard McQuady, and Mr. Mark Royse to the Homelessness Prevention and Intervention Board with terms to expire 10/23/2016.

Also recommending the appointments of Ms. Fiona Doherty, Ms. Renee Jackson, Mr. Steven Polston and Ms. Darlene Thomas to the Homelessness Prevention and Intervention Board with terms to expire 10/23/2018.

Also recommending the appointment of Council Member Peggy Henson to the Homelessness Prevention and Intervention Board with term to expire 12/31/2014.

7. Recommending the reappointments of Ms. Mary Crowley-Schmidt and Ms. Jeannie Thé to the Senior Services Commission with terms to expire 9/1/2018.
8. Recommending the appointment of Mr. Malcolm Ratchford to the Transit Authority Board with term to expire 6/30/2018. Mr. Ratchford will fill the unexpired term of Ms. Rhonda Strouse.

XI. Communications From the Mayor (For Information Only)

- 1108-14**
1. Temporary appointment of Tara Gentry, Administrative Specialist Sr., Grade 516N, Div. of Building Inspection, effective October 20, 2014.
 2. Temporary appointment of Barry Prater, Operations Manager, Grade 520E, Div. of Waste Management, effective October 20, 2014.

XII. Announcements

XIII. Public Comments

Adjournment