

Lexington-Fayette Urban County Government

*200 E. Main St
Lexington, KY 40507*



Docket

Tuesday, December 7, 2021

5:00 PM

Council Chambers

Urban County Council

I. Roll Call**II. Invocation****III. Ordinances – Second Reading**

1. [1214-21](#) An Ordinance expanding and extending the Full Urban Services District #1 for the Urban County Government for the provision of street lighting, street cleaning, and garbage and refuse collection, to include the area defined as certain properties on the following streets: Angus Trail, Barleys Pass, Bobwhite Ct., Calendula Rd., Case Way, Clematis Way, Cosimo Way, Dawson Springs Way, Feathersound Way, Feliciana Lane, Forest Hill Dr., Foster Dr., Hailey Rose Way, Hollyhock Dr., Lorenzo Way, Peninsula Way, Piero Way, Sandersville Rd., Silver Springs Dr., Snowy Egret Way, Squires Cir., Sunny Landing Trail, Tanksley Way, and Windflower Way. [Dept. of Environmental Quality and Public Works, Albright]
2. [1215-21](#) An Ordinance expanding and extending Partial Urban Services District #3 for the Urban County Government for the provision of garbage and refuse collection, to include the area defined as certain properties on the following street: Livingston Lane. [Dept. of Environmental Quality and Public Works, Albright]
3. [1216-21](#) An Ordinance expanding and extending Partial Urban Services District #5 for the Urban County Government for the provision of street lighting and garbage and refuse collection, to include the area defined as certain properties on the following streets: Aberdeen Dr., Brigadoon Parkway, Brookview Dr., Greenbriar Rd., Jesselin Dr., Starling Dr., Wallace Ct., and Woodstock Cir. [Dept. of Environmental Quality and Public Works, Albright]
4. [1201-21](#) An Ordinance changing the zone from an Interchange Service Business Zone (B-5P) zone to a Highway Service Business (B-3) zone, for 2.47 net (3.5 gross) acres, for property located at 2275 North Broadway. (North Broadway, LLC; Council District 6). Approval 10-0 (To Be Heard By January 26, 2022) [Div. of Planning, Duncan]
5. [1202-21](#) An Ordinance changing the zone from a Wholesale and Warehouse Business (B-4) zone to a Neighborhood Business (B-1) zone, for 0.84 net (2.51 gross) acre, for property located at

2670 Sandersville Road. (Clark Central LLC: Council District 2). Approval 10-0 (To Be Heard By January 26, 2022) [Div. of Planning, Duncan]

6. [1267-21](#) 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, FY 2022 Schedule No. 24. [Div. of Budgeting, Lueker]

7. [1198-21](#) An Ordinance amending Sections 17-29 through 17-29.5 of the Code of Ordinances, related to permits for outdoor cafes, as follows: amending Section 17-29 of the Code to define “on-street parking” and to include the term in the definition of “outdoor cafe”; amending Section 17-29.1 of the Code to create a permit for the use of on-street parking as part of an outdoor cafe and to require any furnishings or objects used by the permittee to be removable from, and cannot damage, on-street parking locations; amending Section 17-29.2 of the Code to require a scaled drawing or plan for all applicants and proof of approval by the Lexington and Fayette County Parking Authority to use on-street parking as part of a business’ outdoor cafe, to clarify that the administrator may request review of applications from Divisions it deems necessary, and to amend the fee structure for outdoor cafe permits to include the separate permit for use of on-street parking as part of a business’ outdoor cafe; amending Section 17-29.3 of the Code to include, as prohibited conduct, failing to keeping water inlets cleared of debris, trash, and refuse, failing to erect crashworthy barriers if utilizing on-street parking, and failing to pay any fees required by the Lexington and Fayette County Parking Authority; amending Section 17-29.4 of the Code to change reference from the “Lexington-Fayette Urban County Special Events Commission” to the “Urban County Government” in relation to the authorization of community or special events for which the administrator may suspend or modify the terms of existing outdoor cafe permits to accommodate the events, and to require the approved outdoor cafe plan be posted or visibly displayed on the premises; creating Section 17-29.45 of the Code to allow the administrator to promulgate regulations not inconsistent with Sections 17-29 through 17-29.5 of the Code; amending Section 17-29.5 of the Code to include failure to pay fees required by the Lexington and Fayette County Parking Authority for the use of on-street parking, failure to erect crashworthy barriers when using on-street parking as part of a business’ outdoor cafe, and failure to abide by the regulations

promulgated by the administrator as reasons for denial, revocation, suspension, modification, or conditional approval of an outdoor cafe permit, and to clarify when furnishings and vestiges of businesses may be removed by the Urban County Government upon revocation of a permit; and amending Sections 17-29 through 17-29.5 to include gender neutral references throughout, and to provide the current name for the Dept. of Environmental Quality and Public Works. [Mayor's Office, Peacher]

8. [1279-21](#) An Ordinance redistricting the Districts of the Members of the Lexington-Fayette Urban County Council. [Council Office, Maynard]

IV. Ordinances – First Reading

9. [0988-21](#) An Ordinance amending the authorized strength creating one (1) unclassified position of ARPA Project Manager, Grade 528E, in the office of the Chief Administrative Officer; and creating one (1) unclassified position of Financial Coordinator, Grade 516N, in the Div. of Grants and Special Programs, with a term expiration date of December 31, 2026, unless extended, effective upon passage of Council. [Div. of Human Resources, Maxwell]
10. [1235-21](#) An Ordinance amending the authorized strength abolishing one (1) vacant classified position of Administrative Specialist, Grade 513N, and creating one (1) classified position of Senior Budget Analyst, Grade 522E, in the Div. of Budgeting; and creating one (1) classified position of Program Manager Sr., Grade 524E, in the Div. of Environmental Services, effective upon passage of Council. [Div. of Human Resources, Maxwell]
11. [1236-21](#) An Ordinance amending Section 14-89 of the Code of Ordinances related to towing to amend the notice requirement from one (1) hour to two (2) hours; amending Section 14-90(2) of the Code of Ordinances related to towing to amend the retention of receipts from (1) one year to (2) two years and amending the entities entitled to receive the towing invoice upon written request to include a law enforcement agency, the Attorney General, a prosecuting attorney, disabled vehicle's owner or lienholder and individual involved in the underlying collision or his or her representative; amending Section 14-90(4) of the Code of Ordinances related to towing to delete maximum charges and replace it with rate sheet posting requirements; amending Section 14-91(3) of the Code of Ordinances related to towing to delete the section and replace it

with a phone number for contact of the towing company outside of business hours and return call provisions. [Dept. of Public Safety, Armstrong]

12. [1246-21](#) An Ordinance amending the authorized strength abolishing three (3) vacant classified positions of Staff Assistant, Grade 508N, creating one (1) classified position of Assistant Record Custodian, Grade 510N, and one (1) classified position of Staff Assistant Sr., Grade 510N, all in the Div. of Police, effective upon passage of Council. [Div. of Human Resources, Maxwell]
13. [1252-21](#) An Ordinance amending the authorized strength by abolishing one (1) vacant unclassified position of Administrative Specialist P/T, Grade 516N, and creating one (1) classified position of Safety & Loss Control Specialist, Grade 520E, in the Div. of Human Resources, effective upon the passage of Council. [Div. of Human Resources, Maxwell]
14. [1263-21](#) An Ordinance amending Section 22-53.2 of the Code of Ordinances increasing the starting pay of a Traffic School Guard to \$15.00 per hour, effective January 3, 2022. [Div. of Human Resources, Maxwell]
15. [1285-21](#) 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, FY 2022 Schedule No. 25. [Council Office, Maynard]

V. Resolutions – Second Reading

1. [1184-21](#) A Resolution accepting the bid of Jave LLC, in the amount of \$165,607.23, for Clemens Rd. Bridge Repair, for the Div. of Engineering, and authorizing the Mayor, on behalf of the Lexington-Fayette Urban County Government, to execute an agreement with Jave LLC, related to the bid. (1 Bid, Low) [Burton]
2. [1197-21](#) A Resolution accepting the bid of Drellishak & Drellishak Inc. dba Pro-Tech Sales, establishing a price contract for Respiratory Protection System, for the Div. of Police. (1 Bid) [Weathers]
3. [1242-21](#) A Resolution ratifying the Permanent Classified Civil Service Appointments of: Clarence McCoy, Stores Clerk, Grade 508N, \$13.760 hourly in the Div. of Streets and Roads, effective

November 10, 2021, Kyle Spivey, Equipment Operator Sr., Grade 512N, \$17.510 hourly in the Div. of Streets and Roads, effective November 3, 2021. [Div. of Human Resources, Maxwell]

4. [1264-21](#) A Resolution authorizing the Div. of Water Quality, on behalf of the Urban County Government, to purchase Supervisory Control and Data Acquisition (SCADA) Citect/Historian Support Services for the Town Branch and West Hickman Waste Water Treatment Plants and Pump Stations, from Advantage Industrial Automation, Inc., a sole source provider, at a cost not to exceed \$46,249.50. [Council Office, Maynard]

5. [1056-21](#) A Resolution authorizing and directing the Mayor, on behalf of the Lexington-Fayette Urban County Government, to execute Agreements with Black Soil, Elmwood Stock Farm, High Five Farm, Homegrown Direct, Lazy Eight Stock Farm, Rolling Fork Organic Farm, Rootbound Farm, and Sustainable Harvest Farm for the FY 2022 Workplace Wellness CSA Farm Share Program, at a cost not to exceed a total of \$60,000. [Mayor's Office, Wright]

6. [1185-21](#) A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Volunteer Income Tax Assistance/Tax Counseling for the Elderly (VITA/TCE) Partner Sponsor Agreement; an Internal Revenue Service Civil Rights Assurance; and any related documents, for the provision of the 2022 Volunteer Income Tax Assistance Program at the Charles Young Center, at no cost to the Urban County Government. [Dept. of Social Services, Allen-Bryant]

7. [1186-21](#) A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Cummins Sales and Service, for Generators, at a cost not to exceed \$3,266. [Div. of Enhanced 911, Patton]

8. [1193-21](#) A Resolution authorizing the Div. of Police to purchase Magnet AXIOM Core from Magnet Forensics, a sole source provider, and authorizing the Mayor, on behalf of the Urban County Government, to execute any necessary Agreement with Magnet Forensics, related to the procurement, at a cost not to exceed \$3,550. [Div. of Police, Weathers]

9. [1194-21](#) A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Navex Global, Inc., for the Office of Internal Audit, to upgrade the LFUCG

Tip Line to the Navex Global EthicsPoint Platform, at a cost not to exceed \$7,912.95. [Div. of Internal Audit, Sahli]

10. [1199-21](#) A Resolution authorizing the Div. of E911 to purchase Smart911/SmartPrepare public safety portal from Rave Mobility Safety, a sole source provider, and authorizing the Mayor, on behalf of the Urban County Government, to execute any necessary Agreement with Rave Mobility Safety, related to the procurement, at a cost not to exceed \$68,400. [Div. of Enhanced 911, Patton]
11. [1200-21](#) A Resolution pursuant to KRS 381.755, KRS 67a.060, and 901 KAR 5:090 authorizing the removal and relocation of graves in an abandoned cemetery located upon property consisting of 22.35 acres located at 2671 Kearney Ridge Blvd., Lexington, Ky., owned by Kenneth and Sarah Ramsey. [Div. of Planning, Duncan]
12. [1203-21](#) A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Contract Modification No. Four (4) to the Professional Services Agreement with CDP Engineers, Inc., for the design of Town Branch Trail Phase III Project, increasing the Contract price by the sum of \$16,200 from \$121,680 to \$137,880. [Div. of Engineering, Burton]
13. [1204-21](#) A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the U.S. Dept. of Homeland Security, to provide any additional information requested in connection with this Grant Application, and to accept this Grant if awarded, which Grant funds are in the amount of \$80,000 in Federal funds under the 2021 Assistance to Firefighters Grant Program and are for the purchase of two (2) passenger vans for the Community Paramedicine Program, the acceptance of which will obligate the Urban County Government to the expenditure of \$8,000 as a local match, and authorizing the Mayor to transfer unencumbered funds within the Grant Budget. [Div. of Fire and Emergency Services, Wells]
14. [1205-21](#) A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Amendment No. 1 to an Agreement with the Ky. Transportation Cabinet to extend the period of performance for Lextran to conduct a Comprehensive Operations Analysis (COA) to June 30, 2022, and to accept \$125,677.00 of additional Federal funds for that COA, the acceptance of which will obligate Lextran to the expenditure of \$31,419.25 as a local match, and authorizing the Mayor to transfer

unencumbered funds within the Grant Budget. [Div. of Planning, Duncan]

15. [1206-21](#) A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement (awarded pursuant to RFP No. 34-2021) with Strand Associates, Inc., for work related to the East Lexington Trail Connectivity and Traffic Study, at a cost not to exceed \$150,000. [Div. of Planning, Duncan]
16. [1207-21](#) A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Credit Bureau Systems Inc. dba Ambulance Medical Billing, for EMS billing services. [Div. of Fire and Emergency Services, Wells]
17. [1213-21](#) A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Axon Enterprise Inc., and Flock Safety Group Inc., for installation of camera systems. [Div. of Police, Weathers]
18. [1226-21](#) A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with Believing In Forever, Inc. (\$200), and LTMS PTSA/YSC c/o 16th District PTA, Inc. (\$250) for the Office of the Urban County Council, at a cost not to exceed the sums stated. [Council Office, Maynard]

VI. Resolutions – First Reading

19. [1268-21](#) A Resolution accepting the bid of Bachman Auto Group, Inc., establishing a price contract for Chevrolet Parts, for the Div. of Facilities and Fleet Management. (1 Bid) [Baradaran]
20. [1269-21](#) A Resolution accepting the bid of Wildcat Window Tinting, establishing a price contract for Auto & Light Duty Truck Accessories, for the Div. of Facilities and Fleet Management. (1 Bid) [Baradaran]
21. [1280-21](#) A Resolution accepting the bid of Davis H. Elliot Construction Co., Inc., establishing a price contract for Traffic Signal Installation & Repair, for the Div. of Traffic Engineering. (1 Bid) [Neal]
22. [1283-21](#) A Resolution accepting the bid of Johnson Controls Inc., in the amount of \$34,514, for Fire Pump Replacement at Government Center, for the Div. of Facilities and Fleet Management, and authorizing the Mayor, on behalf of the Urban County Government,

to execute any necessary Agreement with Johnson Controls Inc., related to the bid. (2 Bids, Low) [Baradaran]

23. [1275-21](#) A Resolution ratifying the Permanent Classified Civil Service Appointments of: Erik Merlino, Municipal Engineer Sr., Grade 528E, \$3,238.96 biweekly in the Div. of Water Quality, effective August 1, 2021, Tamara Hernandez-Serrano, Public Service Worker Sr., Grade 509N, \$15.286 hourly in the Div. of Water Quality, effective July 6, 2020; and ratifying the Council leave of: Alexander Braun, Public Service Worker Sr., Grade 509N, \$15.031 hourly in the Div. of Streets and Roads, from December 8, 2021 through March 7, 2022. [Div. of Human Resources, Maxwell]
24. [1217-21](#) A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with University of Ky., as manager on behalf of Eastern State Hospital, for EMS transport of behavioral health patients. [Div. of Fire and Emergency Services, Wells]
25. [1218-21](#) A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Agreement with Ky. River Watershed Watch, Inc., to provide services relating to water quality monitoring in the North Elkhorn Watershed, at a cost not to exceed \$5,000. [Div. of Water Quality, Martin]
26. [1221-21](#) A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Commerce Lexington, Inc., for the administration of the Accelerate Lexington Program, for the Chief Development Officer, at a cost not to exceed \$250,000. [Mayor's Office, Atkins]
27. [1233-21](#) A Resolution changing the property street name of 1686 Bryan Station Rd. to 1684 Bryan Station Rd., and changing the street name and property address number of 1812 Versailles Rd. to 1824 Hill Rise Dr. and 999 Winchester Rd. to 103 Hillcrest Ave., and amending Resolution 324-2021 to amend Item C from 560 Waveland Museum Ln. to 550 Waveland Museum Ln., all effective thirty (30) days from passage. [Div. of Enhanced 911, Patton]
28. [1234-21](#) A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a donation from Firefighters Charitable Foundation of \$300, for purchasing intubation cameras for EC units for the Div. of Fire and Emergency Services. [Div. of Fire and Emergency Services, Wells]

29. [1237-21](#) A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Grant Award Agreement with Griffin Gate Community Association, Inc., for a Stormwater Quality Project, decreasing the Grant Award by the sum of \$245.21, from \$10,293.20 to \$10,047.99. [Div. of Water Quality, Martin]
30. [1238-21](#) A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a certificate of consideration and other necessary documents, and to accept a deed for property interests needed for the Bob-O-Link Stormwater Improvements Project, at a cost not to exceed \$142.25. [Div. of Water Quality, Martin]
31. [1239-21](#) A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a four-year lease Agreement with Quadiant Leasing USA, Inc., through Central Business Systems, Inc., and authorizing her to execute any other documents related to this lease, for Electronic Return Receipt Software for the Dept. of General Services, at a cost not to exceed \$1,269.42 in FY 2022. [Dept. of General Services, Ford]
32. [1240-21](#) A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreed Order with the Commonwealth of Ky. Energy and Environment Cabinet, to resolve permit violations at the Haley Pike Landfill, and further authorizing payment of a civil penalty in the amount of \$6,000 to the Commonwealth of Ky., Ky. State Treasurer. [Div. of Waste Management, Thurman]
33. [1241-21](#) A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a construction services Agreement with Garland/DBS Inc., for the Material Recovery Facility Roof Restoration Project, at a cost not to exceed \$435,550. [Div. of Facilities and Fleet Management, Baradaran]
34. [1244-21](#) A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Partial Release of Easements, releasing portions of sanitary sewer and utility easements on the property located at 3000 Spurr Rd. [Div. of Water Quality, Martin]
35. [1247-21](#) A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement (awarded pursuant to RFP No. 33-2021) with Gresham Smith, for work

related to the Northeast New Circle Rd. Corridor Plan, at a cost not to exceed \$250,000. [Div. of Planning, Duncan]

36. [1254-21](#) A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to an Agreement with Hope Center, Inc., under the Emergency Solutions Grants Program, to extend the period of performance through August 31, 2022. [Div. of Grants and Special Programs, Lanter]
37. [1255-21](#) A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Construction Services Agreement with Garland/DBS Inc., for the Family Care Center Roof Replacement Project, at a cost not to exceed \$1,141,007. [Div. of Facilities and Fleet Management, Baradaran]
38. [1270-21](#) A Resolution declaring the property located at 161 North Mill Street as surplus and authorizing the Mayor, on behalf of the Lexington-Fayette Urban County Government, to execute any necessary documents for the transfer of 161 North Mill Street to LexArts, Inc. [Div. of Facilities and Fleet Management, Baradaran]
39. [1284-21](#) A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute the Vendor Agreement, and any other related documents, with Community Action Council for Lexington-Fayette, Bourbon, Harrison, and Nicholas Counties, Inc., to allow LexServ to receive assistance payments from the Low Income Home Water Assistance Program, at no cost to the Urban County Government. [Council Office, Maynard]

VII. Communications From the Mayor

- [1278-21](#) (1) Recommending the appointments of Varinka Ensminger, Role change to Veteran Services Organization Representative, and Robert Larkin, Commissioner of Public Safety/Designee, to the Commission on Veterans' Affairs, with terms expiring July 1, 2024 and July 1, 2025, respectively;
- (2) Recommending the appointment of Joseph David, MPO Staff Representative- non-voting, filling the unexpired term of Jimmy Emmons, to the Corridors Commission, with a term expiring August 1, 2024;
- (3) Recommending the reappointment of Mason Miller, At large, to the Industrial Authority Board, with a term expiring December 1, 2025;
- (4) Recommending the reappointment of Jesse Robbins, At large,

to the Infrastructure Hearing Board, with a term expiring February 1, 2025;

(5) Recommending the reappointments of Carolyn Dunn, Business Community Representative, and Patricia Tatum, Business Community Representative, to the Lyric Theatre and Cultural Arts Center Board, both with terms expiring December 8, 2025;

(6) Recommending the appointment of Changzheng Wang, Asian Representative, to the Mayor's International Affairs Advisory Commission, with a term expiring August 1, 2025;

(7) Recommending the reappointment of Phyllis Hasbrouck, Bluegrass Tomorrow Representative, to the Raven Run Citizens Advisory Board, with a term expiring January 13, 2026; and,

(8) Recommending the reappointment of Susan Roberts to the Sister Cities Program Commission, with a term expiring January 1, 2026.

VIII. Communications From the Mayor (For Information Only)

1276-21

(1) Probationary Classified Civil Service Appointment of Tracey Jackson, Administrative Specialist Sr., Grade 516N, \$25.165 hourly in the Div. of Computer Services, effective January 3, 2022;

(2) Probationary Classified Civil Service Appointment of Brandon McCannon, Support Specialist, Grade 512N, \$16.562 hourly in the Div. of Computer Services, effective December 13, 2021;

(3) Probationary Classified Civil Service Appointment of Craig Morgan, Municipal Engineer Sr., Grade 528E, \$3,229.76 biweekly in the Div. of Water Quality, effective December 13, 2021;

(4) Probationary Classified Civil Service Appointment of Sarah Donaldson, Environmental Compliance Coordinator, Grade 523E, \$2,807.76 biweekly in the Div. of Environmental Services, effective January 3, 2022;

(5) Probationary Classified Civil Service Appointment of Jeffrey Herron, Grants Manager, Grade 523E, \$2,266.16 biweekly in the Div. of Grants and Special Programs, effective December 20, 2021;

(6) Probationary Classified Civil Service Appointment of Tamela Bradley, Administrative Specialist Principal, Grade 518E, \$2,367.04 biweekly in the Div. of Community Corrections, effective December 6, 2021;

(7) Probationary Classified Civil Service Appointment of John Rhodes, Pastoral Counselor, Grade 516E, \$2,013.20 biweekly in the Div. of Community Corrections, effective December 20, 2021;

(8) Probationary Classified Civil Service Appointment of Keri Allen, Administrative Specialist Sr., Grade 516N, \$20.711 hourly in the

Div. of Community and Resident Services, effective December 20, 2021; and,
(9) Classified Civil Service Voluntary Demotion of Sara Burd, Administrative Specialist, Grade 513N, \$18.700 hourly in the Div. of Engineering, effective December 6, 2021.

IX. Fire/Police Discipline - NO

X. Announcements

XI. Public Comments

Adjournment