

# Lexington-Fayette Urban County Government

200 E. Main St  
Lexington, KY 40507



## Minutes

Thursday, February 7, 2019

6:00 PM

Council Chambers

**Urban County Council**

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

Received and Filed

Received and Filed

**IV. Ordinances – Second Reading**

1. An Ordinance changing the zone from a restricted High Density Apartment (R-4) zone to a Light Industrial (I-1) zone, for 4.43 net (4.81 gross) acres, for property located at 2370 Sandersville Rd. (CBROTHERS, LLC; Council District 2). Approval 11-0 (To be heard by March 13, 2019) [Div. of Planning, Duncan]  
**A motion was made by Council Member Ellinger, seconded by Council Member Brown, that this Ordinance be Approved. The motion Passed by the following vote:**
  
2. An Ordinance changing the zone from a restricted Planned Neighborhood Residential (R-3) zone to an unrestricted Planned Neighborhood Residential (R-3) zone, for 28.44 net (29.74 gross) acres, and from a restricted Planned Neighborhood Residential (R-3) zone to a High Density Apartment (R-4) zone, for 9.3 net (12.81 gross) acres, for property located at 2811 Spurr Rd. (Anderson Communities; Council District 12). Approval 11-0 OBJECTORS (To be heard by March 13, 2019) [Div. of Planning, Duncan]  
**A motion was made by Council Member Ellinger, seconded by Council Member Brown, that this Ordinance be Approved. The motion Passed by the following vote:**
  
3. 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. 16. [Div. of Budgeting, Lueker]  
**A motion was made by Council Member Ellinger, seconded by Council Member Brown, that this Ordinance be Approved. The motion Passed by the following vote:**
  
4. An Ordinance amending the title for Ordinance No. 102-2018 to correct the omission of two (2) unclassified Public Works Apprentice positions in the Div. of Streets and Roads, effective retroactive to December 6, 2018. [Div. of Human Resources, Maxwell]

A motion was made by Council Member Ellinger, seconded by Council Member Brown, that this Ordinance be Approved. The motion Passed by the following vote:

## V. Ordinances – First Reading

5. An Ordinance changing the zone from a Single Family Residential (R-1C) zone to a Planned Neighborhood Residential (R-3) zone, for 0.525 net (0.737 gross) acres, for property located at 1847 Nicholasville Rd. (Southern & Jones Properties, LLC; Council District 3). Approval 9-0 OBJECTORS (To be heard by March 13, 2019) [Div. of Planning, Duncan]

Received First Reading to the Urban County Council due back on 2/21/2019

6. 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. 17. [Div. of Budgeting, Lueker]

Received First Reading to the Urban County Council due back on 2/21/2019

## VII. Resolutions – Second Reading

1. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a one-year extension to the Contract with Meridian Management Corporation for Facility Management Services for the Fayette County Courthouses, at a cost not to exceed \$949,268.53. [Div. of Facilities and Fleet Management, Baradaran]

A motion was made by Council Member Plomin, seconded by Council Member Ellinger, that this Resolution be Approved. The motion Passed by the following vote:

2. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Addendum to the Memorandum of Understanding with the Lexington-Fayette County Health Dept., for Fats, Oil and Grease (FOG) Training Services, renewing the Memorandum of Understanding for a period of one (1) year, at a cost not to exceed \$1,200. [Div. of Water Quality, Martin]

A motion was made by Council Member Plomin, seconded by Council Member Ellinger, that this Resolution be Approved. The motion Passed by the following vote:

3. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute certificates of consideration and other necessary documents, and to accept deeds for property interests needed for the Lansdowne South Trunk Sewer Project, a Remedial Measures Project

required by the Consent Decree, at a cost not to exceed \$45,000. [Div. of Water Quality, Martin]

**A motion was made by Council Member Plomin, seconded by Council Member Ellinger, that this Resolution be Approved. The motion Passed by the following vote:**

4. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute certificates of consideration and other necessary documents, and to accept deeds for property interests needed for the Wolf Run B & C Trunk Sewer Project, a Remedial Measures Project required by the Consent Decree, at a cost not to exceed \$46,100. [Div. of Water Quality, Martin]

**A motion was made by Council Member Plomin, seconded by Council Member Ellinger, that this Resolution be Approved. The motion Passed by the following vote:**

5. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 3 to the Agreement with Banks Engineering, Inc., for the Southland Area Stormwater Improvement Project, increasing the Contract price by the sum of \$39,800, from \$448,615 to \$488,415. [Dept. of Environmental Quality and Public Works, Martin]

**A motion was made by Council Member Plomin, seconded by Council Member Ellinger, that this Resolution be Approved. The motion Passed by the following vote:**

6. A Resolution accepting the bid of The Allen Co., Inc., in the amount of \$605,213.75, for the West Hickman South Trail Project, for the Div. of Engineering, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with The Allen Co. Inc., related to the bid. (2 Bids, Low) [Burton]

**A motion was made by Council Member Plomin, seconded by Council Member Ellinger, that this Resolution be Approved. The motion Passed by the following vote:**

7. A Resolution accepting the bid of Hydraulic Specialists, Inc., establishing a price contract for Hydraulic Cylinder Repair, for the Div. of Facilities and Fleet Management. (1 Bid) [Baradaran]

**A motion was made by Council Member Plomin, seconded by Council Member Ellinger, that this Resolution be Approved. The motion Passed by the following vote:**

8. A Resolution imposing a moratorium on zone map amendment applications and demolition permits for all properties located within the proposed Pensacola Park Area Historic Districts (H-1 overlay zone), more specifically defined as the following properties: Chesapeake Dr. (no addresses); 96-171 Goodrich Ave.; 101-224 Lackawanna Rd.;

1855-1859 Norfolk Dr.; 101-177 Penmoken Park; 1847-1877 Pensacola Dr. (excluding 1871 Pensacola Dr.); 108-199 Rosemont Garden; 105-175 Suburban Court; and 101-166 Wabash Dr.; directing the Div. of Planning to refuse to accept or process applications for a zone change and directing the Div. of Building Inspection to refuse to accept applications for demolition permits for these properties; establishing the purpose of this moratorium is to give the Planning Commission and the Urban County Government time to consider and take final action on an H-1 overlay zone application to be initiated by the Planning Commission for these properties; and setting the duration of the moratorium to be six months or until the Council takes final action on the proposed Pensacola Park Area H-1 overlay zone, whichever event occurs first. [Council Office, Maynard]

**Received First Reading to the Urban County Council due back on 2/21/2019**

9. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement awarding a Class B (Infrastructure) Incentive Grant to Northyard, LLC, for stormwater quality projects, at a cost not to exceed \$24,912.80. [Div. of Water Quality, Martin]  
**A motion was made by Council Member Plomin, seconded by Council Member Ellinger, that this Resolution be Approved. The motion Passed by the following vote:**
10. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Local Records Branch of the Ky. Dept. for Libraries and Archives, which Grant funds are in the amount of \$11,670 Commonwealth of Ky. funds, and are for the codification of LFUCG's Zoning Ordinance on an online platform, 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. [Council Clerk's Office, Allan]  
**A motion was made by Council Member Plomin, seconded by Council Member Ellinger, that this Resolution be Approved. The motion Passed by the following vote:**
11. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit three (3) Grant Applications to the Ky. Transportation Cabinet, to provide any additional information requested in connection with these Grant Applications, and to accept the Grants if the applications are approved, which Grant funds are in the amount of \$208,559.50 Federal funds, are for the Traffic Safety Program (\$66,455.00), the Speed Enforcement Project (\$77,208.50), and the Occupant Protection Program (\$64,896.00), 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 Police, Weathers]

**A motion was made by Council Member Plomin, seconded by Council Member Ellinger, that this Resolution be Approved. The motion Passed by the following vote:**

12. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Purchase of Service Agreement with Children's Advocacy of the Bluegrass, for forensic interviews, at a cost not to exceed \$50,000. [Div. of Police, Weathers]

**A motion was made by Council Member Plomin, seconded by Council Member Ellinger, that this Resolution be Approved. The motion Passed by the following vote:**

13. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Facility Usage Agreement with the Fayette County Board of Education, for a Fire Recruit testing site, at a cost not to exceed \$1,500. [Div. of Human Resources, Maxwell]

**A motion was made by Council Member Plomin, seconded by Council Member Ellinger, that this Resolution be Approved. The motion Passed by the following vote:**

14. A Resolution authorizing the Div. of Police, on behalf of the Urban County Government, to purchase custom manufactured boxes for patrol wagons, from Mavron, Inc., a sole source provider, at a cost not to exceed \$39,343. [Div. of Police, Weathers]

**A motion was made by Council Member Plomin, seconded by Council Member Ellinger, that this Resolution be Approved. The motion Passed by the following vote:**

15. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Telcordia Technologies Inc., d/b/a iconectiv, a sole source vender, to manage telephone portability between carriers, at a cost not to exceed \$6,000. [Div. of Emergency Management/911, Stack]

**A motion was made by Council Member Plomin, seconded by Council Member Ellinger, that this Resolution be Approved. The motion Passed by the following vote:**

16. A Resolution rescinding Resolution No. 156-94, which directed the appropriation for payment of a 27th pay period, and authorizing and directing the Dept. of Finance and Div. of Budgeting to eliminate the reservation of any existing funding toward a 27th pay period or 27th payroll, with any such funding allocated or reallocated in accordance with the FY2018 fund balance determinations. [Council Office, Maynard]

**A motion was made by Council Member Plomin, seconded by Council Member Ellinger, that this Resolution be Approved. The motion Passed by the following**

vote:

### VIII. Resolutions – First Reading

17. A Resolution ratifying the Probationary Civil Service Appointments of: Russell Mehnert, Engineering Technician Principal, Grade 518N, \$23.510 hourly in the Div. of Engineering, effective March 4, 2019 and Rita Evans, Administrative Specialist, Grade 513N, \$19.889 hourly in the Div. of Fire and Emergency Services, effective March 4, 2019; ratifying the Permanent Civil Service Appointment of: Jose Diaz Pena, Heavy Equipment Technician, Grade 516N, \$21.004 hourly in the Div. of Facilities and Fleet Management, effective February 6, 2019; and ratifying the Unclassified Civil Service appointments of: Brionna Ashley, Public Works Apprentice, Grade 504N, \$13.000 hourly in the Div. of Streets and Roads, effective February 25, 2019, Terrance Jackson, Public Works Apprentice, Grade 504N, \$13.000 hourly in the Div. of Water Quality, effective February 25, 2019, Quinton Dixon, Public Works Apprentice, Grade 504N, \$13.000 hourly in the Div. of Waste Management, effective February 25, 2019 and Demarcus Wingate, Public Works Apprentice, Grade 504N, \$13.000 hourly in the Div. of Waste Management, effective February 25, 2019. [Div. of Human Resources, Maxwell]

**Received First Reading to the Urban County Council due back on 2/21/2019**

18. A Resolution authorizing the Div. of Human Resources to make a conditional offer to the following Probationary Classified Civil Service Appointments: Allison Morris, Staff Assistant Sr., Grade 510N, \$14.729 hourly in the Div. of Revenue, effective February 19, 2019, Katrina Smith, Administrative Specialist, Grade 513N, \$18.299 hourly in the Div. of Fire and Emergency Services, effective February 19, 2019, Mary Potts, Social Worker, Grade 513E, \$1,384.40 biweekly in the Div. of Adult and Tenant Services, effective March 4, 2019 and Matthew Williams, Educational Program Aide, Grade 508N, \$13.804 hourly in the Div. of Youth Services, effective February 19, 2019; authorizing the Div. of Human Resources to make a conditional offer to the following probationary Community Corrections Officer appointments: Tim Collins, Elmer Fox, Adam Silber, and Shain Howard, all Community Corrections Officer recruit, Grade 110N, \$15.384 hourly in the Div. of Community Corrections, effective upon passage of Council; authorizing the Div. of Human Resources to make a conditional offer to the following Unclassified Civil Service appointment to the Office of the Mayor: Andrea James, Administrative Aide to the Mayor, Grade 523E, \$3,073.08 biweekly in the office of the Mayor, effective February 18, 2019 and Quinton Welch, Administrative Specialist, Grade 513N, \$19.712 hourly in the Office of the Mayor, effective February 18, 2019. [Div. of Human Resources, Maxwell]

**Received First Reading to the Urban County Council due back on 2/7/2019**

**A motion was made by Council Member James Brown, seconded by Council Member Steve Kay, that the rules be suspended and this resolution should receive second reading. The motion PASSED by unanimous vote.**

**A motion was made by Council Member Lamb, seconded by Council Member Bledsoe, that this Resolution be Approved. The motion Passed by the following vote:**

19. A Resolution amending Appendix A - Rules and Procedures of the Lexington-Fayette Urban County Council by creating Section 1.100 providing for a statement of inclusion; effective upon passage of Council. [Council Office, Maynard]

**Received First Reading to the Urban County Council due back on 2/21/2019**

20. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Facility Usage Agreements with various youth baseball and softball leagues granting the leagues the right to use LFUCG baseball and softball fields and facilities for the 2019 spring and fall seasons. [Div. of Parks and Recreation, Conrad]

**Received First Reading to the Urban County Council due back on 2/21/2019**

21. A Resolution authorizing the Div. of Water Quality, on behalf of the Urban County Government, to purchase a chlorine gas feeder for the Town Branch Waste Water Treatment Plant, from JAGS Environmental, Inc., a sole source provider, and authorizing the Mayor, on behalf of the Urban County Government, to execute any necessary Agreement with JAGS Environmental, Inc., related to the procurement, at a cost not to exceed \$20,858.44. [Div. of Water Quality, Martin]

**Received First Reading to the Urban County Council due back on 2/21/2019**

22. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Agreement with New Lexington Clinic, P.S.C. to allow New Lexington Clinic, P.S.C. to make improvements to the Picadome Parking Lot in exchange for use of thirty five (35) spaces in the parking lot, at no cost to the government. [Div. of Parks and Recreation, Conrad]

**Received First Reading to the Urban County Council due back on 2/21/2019**

23. A Resolution establishing Playground Plastics as a sole source provider for custom plastic lumber and hardware for the Div. of Parks and Recreation, and authorizing the Mayor or her designee, on behalf of the Urban County Government, to execute any necessary Agreements with Playground Plastics, related to the construction and maintenance of the



Shillito Playground at a cost not to exceed \$125,000. [Div. of Parks and Recreation, Conrad]

**Received First Reading to the Urban County Council due back on 2/21/2019**

24. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from Marathon Petroleum Corporation, which Grant funds are in the amount of \$5,000, for the purchase of Firefighting equipment for the Div. of Fire and Emergency Services, 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 Fire and Emergency Services, Chilton]

**Received First Reading to the Urban County Council due back on 2/21/2019**

25. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Catering Contract with the Hyatt Regency Lexington, for catering services for the Senior Intern Alumni Luncheon, at a cost not to exceed \$5,500. [Div. of Aging and Disability Services, Stambaugh]

**Received First Reading to the Urban County Council due back on 2/21/2019**

26. A Resolution establishing and authorizing a price contract for fiscal years 2019 and 2020 with Harp Enterprises, Inc., as a sole source provider of voting machines and any related maintenance, equipment, supplies and services for the Fayette County Clerk's office, and authorizing the Mayor or her designee, on behalf of the Urban County Government, to execute any necessary price contract(s) with Harp Enterprises, Inc., related to the procurement of these goods and services. [Fayette County Clerk, Blevins]

**Received First Reading to the Urban County Council due back on 2/21/2019**

27. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Agreement with Herrick Co., Inc., for the West Hickman Waste Water Treatment Plant Scum Removal Addition and Ash Tank No. 3 Cover Project, increasing the Contract price by the sum of \$44,202, from \$1,389,000 to \$1,433,202. [Div. of Water Quality, Martin]

**Received First Reading to the Urban County Council due back on 2/21/2019**

28. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with Ky. State Police for the sharing of information. [Div. of Police, Weathers]

**Received First Reading to the Urban County Council due back on 2/21/2019**

29. A Resolution establishing Whayne Supply Co. as a sole source provider for providing replacement parts and performing out of warranty repair for the Div. of Facilities and Fleet Management and authorizing the Mayor, on behalf of the Urban County Government, to execute any necessary Agreements with Whayne Supply Co., related to the repair and maintenance of government owned equipment manufactured by Caterpillar. [Div. of Facilities and Fleet Management, Baradaran]  
**Received First Reading to the Urban County Council due back on 2/21/2019**
30. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a First Amendment to the Mental Health Services Agreement with Bluegrass.org, allowing Bluegrass.org to utilize psychiatric nurse practitioners and clarify the language for calculating the average daily inmate population, at no cost to the Urban County Government. [Div. Of Community Corrections, Haney]  
**Received First Reading to the Urban County Council due back on 2/21/2019**
31. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to accept donation of a laptop, valued at \$350, from attorney Gayle Slaughter, to be utilized by the offender population to view case related documents or videos, at no cost to the Urban County Government. [Div. of Community Corrections, Haney]  
**Received First Reading to the Urban County Council due back on 2/21/2019**
32. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Crispin Porter & Bogusky, LLC, as authorized agent of Domino's Pizza, LLC, accepting a donation in the amount of \$5,000 for the purpose of completing pothole repairs as part of the Paving for Pizza campaign. [Dept. of Environmental Quality and Public Works, Martin]  
**Received First Reading to the Urban County Council due back on 2/21/2019**
33. A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Gainesway Neighborhood Association (\$2,000), Pinnacle Homeowners Association, Inc. (\$575), MANRRS, Inc. (\$800), Kentucky Lions Eye Foundation (KLEF) (\$1,025) and the Lexington History Museum, Inc. (\$1,275) for the Office of the Urban County Council, at a cost not to exceed the sums stated. [Council Office, Maynard]  
**Received First Reading to the Urban County Council due back on 2/21/2019**

## IX. Communications From the Mayor (For Information Only)

(1) Classified Civil Service Lateral Transfer of Robin Wilkerson, Social Worker,

- Sr., Grade 516E, \$2,158.80 biweekly in the Div. of Family Services, effective February 19, 2019;
- (2) Resignation of Antonio W. Cowan, Community Corrections Officer, Grade 110N, Div. of Community Corrections, effective January 18, 2019;
  - (3) Resignation of Curtis Hale, Telecommunicator, Sr., Grade 517N, Div. of Emergency Management/911, effective December 31, 2018;
  - (4) Resignation of Scott Shapiro, Innovation Director, Grade 531E, Mayor's Office, effective December 31, 2018;
  - (5) Resignation of Derek Paulsen, Commissioner, Grade 536E, Dept. of Planning, Preservation and Development, effective January 4, 2019;
  - (6) Resignation of Donald Bowen, Maintenance Mechanic, Grade 515N, Div. of Water Quality, effective December 31, 2018;
  - (7) Resignation of Andrea Brown, Attorney, Grade 523E, Dept. of Law, effective December 31, 2018;
  - (8) Resignation of Timothy Richmond, Community Corrections Officer, Grade 110N, Div. of Community Corrections, effective January 5, 2019;
  - (9) Resignation of Jackson Price, Community Corrections Officer, Grade 110N, Div. of Community Corrections, effective January 6, 2019;
  - (10) Resignation of Leslie Rodgers, Program Specialist, Grade 513N, Dept. of Social Services, effective January 18, 2019; and,
  - (11) Resignation of Melissa Peterson, Family Support Worker, Sr., Grade 514N, Div. of Family Services, effective January 8, 2019.

**Received and Filed**

**X. Fire/Police Discipline - Yes**

**XI. Announcements**

**XII. Public Comments**

**Adjournment**