

# Lexington-Fayette Urban County Government

200 E. Main St  
Lexington, KY 40507



## Docket

Thursday, March 8, 2012

6:00 PM

Council Chambers

**Urban County Council**

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

1. [0114-12](#) An Ordinance amending Sections 21-5(2), 22-5(2) and 23-5(b) of the Code of Ordinances abolishing vacant and unfunded positions in within various Departments and Divisions of the Urban County Government. [Div. of Human Resources, Jarvis]
  
2. [0175-12](#) An Ordinance amending Section 23-18(b), (g)(1) and (i) of the Code of Ordinances providing that a psychological examination shall not be given until after a conditional offer is made. [Div. of Fire and Emergency Services, Jackson]
  
3. [0180-12](#) An Ordinance amending and reenacting Ordinance No. 47-2010 to expand the Red Mile Development Area which was created for tax increment financing purposes to include additional property within the Development Area, without changing the list of approved public infrastructure improvements or their cost, or the amount of tax revenue that has been previously approved or committed for reimbursement by the Lexington-Fayette Urban County Government and the Commonwealth of Ky. in regard to the Red Mile Mixed-Use Project; adopting the Red Mile Development Area as amended herein; making certain findings of the Government in support of its decision; and authorizing the Mayor and other appropriate officials to take such other actions that are necessary or required in connection with making improvements within the Red Mile Development Area in conformity with tax increment financing requirements. [Mayor's Office, Atkins]
  
4. [0185-12](#) An Ordinance amending Section 2-268 of the Code of Ordinances, related to the organization of a non-profit Ky. corporation called the "Lyric Theatre and Cultural Arts Center Corporation", replacing the three (3) directors nominated by the Lyric Task Force by providing that one (1) director shall reside in the East End area, increasing the at-large directors from one (1) director to two (2) directors with one (1) at large director being appointed by the Mayor subject to confirmation by the Urban County Council, and increasing the number of directors appointed by the Mayor subject to confirmation by the Urban

County Council from the legal, accounting, financial, marketing or other business community with expertise in fiscal and personnel oversight from five (5) directors to six (6) directors. [Mayor's Office, Emmons]

5.        [0228-12](#)        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. 55. [Div. of Budgeting, Barrow]

**IV.        Ordinances – First Reading**

6.        [0226-12](#)        An Ordinance changing the zone from a Neighborhood Business (B-1) zone to a High Density Apartment (R-4) zone for 14.78 net (17.47 gross) acres, for property located at 3600 and 3652 Winthrop Drive (RML Construction). Approval 10-0 OBJECTOR (To be Heard by April 25, 2012) [Div. of Planning, King]
7.        [0206-12](#)        An Ordinance accepting the bid of Municipal Equipment, Inc., in the amount of \$351,465 for a baler for the Material Recovery Facility for the Div. of Waste Management, and appropriating funds pursuant to Schedule No. 57. (4 Bids, Low) [Feese]
8.        [0186-12](#)        An Ordinance creating Section 16-6.2 of the Code of Ordinances relating to refuse collection to provide for pickup of small animals at veterinarian offices in the Div. of Waste Management collection area; to provide for use of 10-cubic yard “roll off” containers by residents of Fayette County and establishing fees for such services. [Div. of Waste Management, Feese]
9.        [0203-12](#)        An Ordinance amending Section 21-5(2) of the Code of Ordinances, changing the job title of two (2) positions of Total Rewards Assistant, Grade 112N, to two (2) positions of Administrative Specialist, Sr., Grade 112N, in the Div. of Human Resources. [Div. of Human Resources, Jarvis]
10.       [0213-12](#)        An Ordinance closing Hamm Alley; determining that all property owners abutting the street to be closed have been identified, provided with written notice of the proposed closing and consented thereto in writing; and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a

Quitclaim Deed transferring the former right-of-way to the abutting owners, subject to the reservation of easements for access and maintenance of existing utilities in the former right-of-way. [Office of the Chief Administrative Officer, Moloney]

11.        [0230-12](#)        An Ordinance amending Subsections 16-60(a)(1), 16-60(a)(2), 16-60(a)(3), 16-60(a)(4), 16-60(a)(5), 16-60(a)(6), 16-60(a)(7), 16-60(a)(8), and 16-60(a)(9) of the Code of Ordinances relating to sanitary sewer tap-on fees to make clarifications to categories of properties and update fees and amending Section 5 of Ordinance No. 34-2008, which amended Subsection 16-60(a)(6), to correct a typographical error. [Div. of Water Quality, Martin]
12.        [0232-12](#)        An Ordinance amending Section 21-5(2) of the Code of Ordinances, abolishing one (1) position of Trades Worker Sr., and one (1) position of Public Service Worker Sr., in the Div. of Water Quality and creating one (1) position of Trades Worker Sr., and one (1) position of Public Service Worker Sr., in the Div. of Streets and Roads, appropriating funds pursuant to Schedule No. 59, effective upon passage of Council. [Div. of Human Resources, Jarvis]
13.        [0237-12](#)        An Ordinance pursuant to Sections 3.02(24) and 6.12 of the Charter of the Lexington-Fayette Urban County Government creating the Dept. of Planning, Preservation and Development; transferring the Divisions of Planning, Historic Preservation and the Purchase of Development Rights and the incumbents in all authorized positions as well as all vacant positions from the Office of the Chief Administrative Officer to the Dept. of Planning, Preservation and Development at their current job classification, pay grade and salary; amending Section 21-5(2) of the Code of Ordinances transferring one (1) position of Building Inspector Sr., Grade 114E, four (4) positions of Building Inspector, Grade 113N, one (1) position of Staff Assistant, Sr., Grade 108N and one (1) position of Staff Assistant, Grade 107N and the incumbents from the Div. of Building Inspection to the Div. of Planning at their current job classification, pay grade and salary; amending Section 22-5(2) of the Code of Ordinances abolishing one (1) position of Commissioner of Planning, Grade 210E, in the Office of the Chief Administrative Officer and creating one (1) position of Commissioner of Planning, Preservation and Development, Grade 210E, in the Dept. of Planning, Preservation and Development and transferring the

incumbent at his current job classification, pay grade and salary; appropriating funds pursuant to Schedule No. 60; amending Sections 21-5(2) and 22-5(2) of the Code of Ordinances to renumber the affected sections effective upon passage by Council. [Div. of Human Resources, Jarvis]

14.     [0272-12](#)     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. 58. [Div. of Budgeting, Barrow]

V.     **Resolutions – Second Reading**

1.     [0179-12](#)     A Resolution accepting the bid of ODB (Old Dominion Brush), establishing a price contract for sweeper brooms, for the Div. of Facilities and Fleet Management. (4 Bids, Low) [Baradaran]
2.     [0191-12](#)     A Resolution accepting the bid of Central Ky. Recycling, LLC, establishing a price contract for removal and disposal of construction and demolition debris, for the Div. of Waste Management. (2 Bids, Low) [Feese]
3.     [0140-12](#)     A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One to the Contract with Advanced Mulching Tech d/b/a ECOGRO, for the McConnells Trace Greenway Restoration Project, increasing the contract price by the sum of \$37,427.20 from \$90,827.80 to \$128,255.00. [Div. of Engineering, Rayan]
4.     [0159-12](#)     A Resolution authorizing the Div. of Fire and Emergency Services to obtain Special Operations, Hazardous Materials and Technical Rescue Equipment from Thermo Eberline, LLC, a sole source provider, at a cost not to exceed \$66,180, under the 2011 State Homeland Security Grant Program, and authorizing the Mayor to execute any necessary documents. [Div. of Grants and Special Programs/Dept. of Public Safety, Gooding/Mason]
5.     [0161-12](#)     A Resolution authorizing the Mayor, on behalf of the Urban County Government, to accept the transfer of ownership of a Williams Foam Trailer from the Winchester Fire Department/Emergency Medical Services (through a grant from the Ky. Office of Homeland Security) to the Div. of Facilities and Fleet Management on behalf of the Div. of Fire and Emergency

Services, at no cost to the Urban County Government. [Div. of Fire and Emergency Services, Jackson]

6.        [0165-12](#)        A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. Three to the Contract with Woodall Construction Co., Inc., for the construction of Clays Mill Road Improvements Project, Section 2A, increasing the contract price by the sum of \$21,193.62 from \$3,634,690.95 to \$3,655,884.57. [Div. of Grants and Special Programs, Gooding]
  
7.        [0168-12](#)        A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the University of Ky., for space in the University of Ky. Hospital Emergency Room for use as a clinical practice area for the Sexual Assault Treatment Program, at a cost not to exceed \$3,000. [Div. of Grants and Special Programs/Dept. of Public Safety, Gooding/Mason]
  
8.        [0182-12](#)        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, Federal Emergency Management Agency, and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of \$2,621,416 Federal funds under the Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program, and are for hiring twenty-eight entry level firefighters. [Div. of Grants and Special Programs/Dept. of Public Safety, Gooding/Mason]
  
9.        [0183-12](#)        A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the National Association of Police Athletic/Activities League, Inc., to provide any additional information requested in connection with this Grant Application, and to accept this Grant if the application is approved, which Grant funds are in the amount of \$5,000 Federal funds, and are for participation in the National PAL Mentoring Day, 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]

**VI. Resolutions – First Reading**

10.     [0205-12](#)     A Resolution accepting the bid of Harrod Concrete & Stone, Co., establishing a price contract for wet mix concrete supplement, for the Division of Streets and Roads. (1 Bid) [Williams]
11.     [0245-12](#)     A Resolution authorizing the Div. of Human Resources to make a conditional offer to the following probationary civil service appointments: Sherika Parker, Child Care Program Aide, Grade 107N, \$12.281 hourly, in the Div. of Family Services, effective upon passage of Council, Samuel Futia, Vehicle and Equipment Technician, Grade 112N, \$16.464 hourly, in the Div. of Facilities and Fleet Management, effective upon passage of Council, Brooke Gray, Environmental Inspector, Grade 113N, \$18.388 hourly, in the Div. of Water Quality, effective upon passage of Council, David Fulton, Engineering Technician Sr., Grade 113E, \$1,908.40 bi-weekly, in the Div. of Water Quality, effective upon passage of Council and James Ballard, Director Community Corrections, Grade 123E, \$4,230.77 bi-weekly, 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 probationary sworn appointments: Samuel Collins, Community Corrections Officer, Grade 110N, \$14.340 hourly, in the Div. of Community Corrections, effective upon passage of Council and Robert Goggins, Police Sergeant, Grade 315N, \$28.588 hourly, in the Div. of Police, effective upon passage of Council; authorizing the Div. of Human Resources to make a conditional offer to the following unclassified civil service appointment: Richard Durrum, Equipment Operator Sr. P/T, Grade 108N, \$12.371 hourly, in the Div. of Family Services, effective upon passage of Council, Tamoy Carter, Equipment Operator Sr. P/T, Grade 108N, \$14.093 hourly, in the Div. of Family Services, effective upon passage of Council and Sandra Young, Life Skills Program Instructor, Grade 110E, \$1,588.32 bi-weekly, in the Div. of Family Services, effective upon passage of Council. [Div. of Human Resources, Jarvis]
12.     [0246-12](#)     A Resolution ratifying the probationary civil service appointments of: James Clark, Equipment Operator Sr., Grade 109N, \$18.267 hourly, in the Div. of Streets and Roads, effective March 5, 2012, William Dixon, Equipment Operator Sr.,

Grade 109N, \$18.363 hourly, in the Div. of Water Quality, effective March 12, 2012 and Patrick McFadden, Engineering Technician Sr., Grade 113E, \$1,908.40 bi-weekly, in the Div. of Water Quality, effective March 26, 2012. [Div. of Human Resources, Jarvis]

13.     [0184-12](#)     A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Crestwood Christian Church, for use of the Mission Center for the Meeting the Challenges and Opportunities of Aging Conference, at no cost to the Urban County Government. [Dept. of Social Services, Mills]
14.     [0202-12](#)     A Resolution authorizing the Div. of Human Resources to internally advertise for vacant positions, if requested by the Division Director, from the date of passage of this Resolution through June 30, 2012, and authorizing the Div. of Human Resources to advertise externally if a qualified internal applicant pool does not exist within the first week of any internal advertisement. [Div. of Human Resources, Jarvis]
15.     [0204-12](#)     A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Commonwealth of Ky. Office of Highway Safety, to provide any additional information requested in connection with this Grant Application, and to accept this Grant if the application is approved, which Grant funds are in the amount of \$30,000 Federal funds, are for "Click it or Ticket" Safety Belt Enforcement Mobilization, 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]
16.     [0207-12](#)     A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Adopt-a-Spot Program Agreement with Boy Scout Troop 100 for participation in the Adopt-a-Spot Roadway Cleanup Program, at a cost not to exceed \$772. [Div. of Grants and Special Programs, Gooding]
17.     [0231-12](#)     A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with South Lexington Babe Ruth, Inc., (\$1,000), Dixie Elementary Magnet School PTA, Inc., (\$1,000) and Kentucky PTA (\$500), for the



Office of the Urban County Council, at a cost not to exceed the sums stated. [Council Office, Maynard]

18.     [0155-12](#)     A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Partial Release of Easements, releasing a portion of a utility easement and a portion of a storm sewer and drainage easement on property located at 4357 Victoria Ct. [Dept. of Law, Graham]
19.     [0208-12](#)     A Resolution designating Lakeside Golf Course and Clubhouse, as a park and park facility where the Director of the Div. of Parks and Recreation may authorize the possession, sale, delivery and consumption of alcoholic beverages and apply for a malt beverage license for sale of malt beverages at the listed location. [Div. of Parks and Recreation, Hancock]
20.     [0209-12](#)     A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Mutual Aid Agreement with Safety Tec, Inc., for mutual aid related to emergency services, at no cost to the Urban County Government. [Div. of Fire & Emergency Services, Jackson]
21.     [0212-12](#)     A Resolution authorizing the Mayor, on behalf of the Urban County Government, to accept a donation from Ms. Erika Smith of a ping pong table, for use at the Dunbar Community Center, at no cost to the Urban County Government. [Div. of Parks and Recreation, Hancock]
22.     [0223-12](#)     A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Justice and Public Safety Cabinet, to provide any additional information requested in connection with this Grant Application, and to accept this Grant if the application is approved, which Grant funds are in the amount of \$100,010 Commonwealth of Ky. funds from the Law Enforcement Service Fee Program, are for support of the cost of Police overtime hours for a Traffic Alcohol Patrol, 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 & Special Programs/Dept. of Public Safety, Gooding/Mason]
23.     [0229-12](#)     A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with

Fayette County Cooperative Extension and AARP, for an educational seminar titled "Taking Charge: Your Medication, Your Heart", at a cost not to exceed \$125 for space for the seminar at the Fayette County Cooperative Extension Facility. [Dept. of Social Services, Mills]

24.     [0236-12](#)     A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Justice and Public Safety Cabinet, to provide any additional information requested in connection with this Grant Application, and to accept this Grant if the application is approved, which Grant funds are in the amount of \$50,000 Federal funds, and are for continuation of the Street Sales Drug Enforcement Project, the acceptance of which obligates the Urban County Government for the expenditure of \$16,667 as a local match, and authorizing the Mayor to transfer unencumbered funds within the Grant budget. [Div. of Grants & Special Programs/Dept. of Public Safety, Gooding/Mason]
25.     [0238-12](#)     A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Dept. for Local Government and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of \$75,000 Federal funds, and are for construction of the Brighton Rail Trail Phase 4. [Div. of Grants & Special Programs, Gooding]
26.     [0239-12](#)     A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Development Agreement with Lexington Habitat for Humanity, for transfer of properties acquired under the Neighborhood Stabilization Program for rehabilitation and construction by Habitat for homeownership for low-income households. [Div. of Grants & Special Programs, Gooding]
27.     [0240-12](#)     A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One (1) (Final) to the Contract with Grant's Excavating, Inc. for the Griffin Gate Pump Station Replacement Project, increasing the contract price by the sum of \$5,105 from \$173,000 to \$178,105. [Div. of Water Quality, Martin]
28.     [0242-12](#)     A Resolution authorizing the Mayor, on behalf of the Urban

County Government, to execute an Agreement with Harshaw Trane for design and engineering services for the repair, modification and/or replacement of electrical and mechanical equipment at Police Headquarters, at a cost not to exceed \$97,117.73. [Div. of Grants & Special Programs, Gooding]

29.     [0248-12](#)     A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with First Bracktown, Inc., (\$625), for the Office of the Urban County Council, at a cost not to exceed the sum stated. [Council Office, Maynard]
30.     [0249-12](#)     A Resolution accepting the response of City of Cincinnati, on behalf of its Greater Cincinnati Water Works, to RFP No. 40-2011 Billing & Collection Services - Sewer, Landfill & Water Quality Fees, for the Div. of Revenue, and authorizing the Mayor to execute an Agreement with City of Cincinnati, related to these services in an amount estimated not to exceed \$1,160,000 in Fiscal Year 2013 based upon projected billings. [Div. of Revenue, O'Mara]
31.     [0251-12](#)     A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Letter Agreement with Ky. -American Water Co., extending the termination dates of the three separate billing and collection services contracts dated October 4, 2007 (sewer user fees), October 4, 2007 (landfill user fees), and July 7, 2009 (water quality management fees) to and including August 31, 2012. [Div. of Revenue, O'Mara]
32.     [0224-12](#)     A Resolution approving and endorsing the proposal of the Div. of Parks and Recreation that the pools at Berry Hill Park and Constitution Park be closed and demolished; that the demolition of both pools occur during the summer of calendar year 2012; that the demolitions be funded from FY2012 and FY2013 operating reductions; and that the sites be re-programmed, when funds become available, to include a softball field at Constitution Park and a skate park at Berry Hill Park. [Council Office, Maynard]

**VII.    Communications from the Mayor**

- [0253-12](#)     1. Recommending the appointments of Ms. Cheryl A. Birch, area resident, Mr. Glenn Brown, LFUCG representative, Mr. Charles F. Fields, area resident, Ms. Sally J. Hamilton, LFUCG

representative, Ms. Joyce Elaine Parks, area resident, and Mr. Lamar A. Wilson, area resident, to the Charles Young Center Advisory Board, with terms to expire 3-1-2014.

Also, recommending the appointments of Mr. Robert R. Jefferson, area resident, Mr. Larry Johnson, area resident, Ms. Sharon S. Reed, area resident, Mr. Quinton L. Roberts, area resident, and Mr. Alvin M. Seals, area resident, to the Charles Young Center Advisory Board, with terms to expire 3-1-2016.

2. Recommending the appointment of Dr. Margaret S. Verble and the reappointment of Ms. Elisa F. Smith to the Civil Service Commission, with terms to expire 4-1-2016. Dr. Verble will replace Ms. Leslie Phillips.

3. Recommending the appointments of Ms. Elizabeth A. Mortenson, as Bluegrass PRIDE representative, and Ms. Paula A. Singer, as Fayette County Neighborhood Council representative, to the Corridors Commission, with terms to expire 8-1-2013. Ms. Mortenson will fill the unexpired term of Ms. Darcy Everett, and Ms. Singer will fill the unexpired term of Mr. Vincent Bingham.

Also, recommending the reappointment of Ms. Karen Angelucci, as Tree Board representative, to the Corridors Commission, with a term to expire 8-1-2015.

4. Recommending the reappointment of Ms. Lynda M. Thomas to the Downtown Development Authority Board of Directors, with a term to expire 1-15-2016.

5. Recommending the appointment of Dr. Robert M. Wycoff, as Emergency Room Physician representative, to the Emergency Medical Advisory Board, with a term to expire 7-1-2015.

6. Recommending the appointments of Ms. Blake S. Eames, as neighborhood association representative, Mr. George M. Ely, as neighborhood association representative, and Lt. Christopher D. Schnelle, as Div. of Police representative, to the Keep Lexington Beautiful Commission, with terms to expire 2-1-2016, 2-1-2014, and 2-1-2016, respectively. Mr. Ely will fill the unexpired term of Mr. Clinton Graham.

Also, recommending the reappointment of Ms. Patricia J. Knight, as tourism industry representative, to the Keep Lexington Beautiful Commission, with a term to expire 2-1-2016.

7. Recommending the reappointments of Ms. Janet M. Cowen, as Friends of the Dog Park representative, and Mr. Robert B. Russell-Tutty, as McConnell's Trace Neighborhood Association representative, to the Masterson Station Park Advisory Board, with terms to expire 5-1-2016.

8. Recommending the reappointment of Mr. Robert G. Simpson, as 4th Council District representative, to the Parks and Recreation Advisory Board, with a term to expire 1-14-2016.

9. Recommending the appointment of Mr. Lawrence J. Dusak, as at-large representative, to the Raven Run Citizens Advisory Board, with a term to expire 1-13-2016.

10. Recommending the appointment of Councilmember Bill Farmer, Jr. to the Sister Cities Commission, with a term to expire 1-28-2016.

**VIII. Communications from the Mayor (For Information Only)**

**0247-12**

1. Resignation of Angela Partin-Davis, Family Support Worker Sr., Grade 112N, in the Div. of Family Services, effective February 20, 2012.

2. Resignation of Lewis Barrett, Electrical Instrumentation Tech, Grade 113N, in the Div. of Facilities and Fleet Management, effective February 14, 2012.

3. Resignation of Linda Chambers, Total Rewards Assistant, Grade 112N, in the Div. of Human Resources, effective February 16, 2012.

4. Transfer of Rosemary Olive, Administrative Specialist, Grade 110N, from the Div. of Family Services to the Div. of Accounting, effective March 12, 2012.

**IX. Announcements**

**X. Public Comments**

**Adjournment**