



Lexington-Fayette Urban County Government Minutes - Final Urban County Council

200 E. Main St
Lexington, KY 40507

Thursday, December 6, 2012

6:00 PM

Council Chambers

Work Copy Docket

I. Roll Call

Present 14 - Tom Blues; Bill Farmer, Jr.; K.C. Crosbie; Chuck Ellinger; Diane Lawless; Doug Martin; Ed Lane; George Myers; Jay McChord; Steve Kay; Kevin Stinnett; Peggy Henson; Linda Gorton and Chris Ford

Absent 1 - Julian Beard

II. Invocation

III. Presentation

[1316-12](#) Local Recycle - Bowl Competition, School Awards

IV. Ordinances – Second Reading

1. [1228-12](#) An Ordinance amending Article 8-22 of the Zoning Ordinance to allow commercial woodlots, with restrictions, in the Light Industrial (I-1) and Heavy Industrial (I-2) zones. Approval 11-0 [Div. of Planning, King]

2. [1243-12](#) An Ordinance expanding and extending the Full Urban Services District #1 to provide street lighting, street cleaning and garbage and refuse collection, to include the area defined as certain properties on the following streets: Eminent Dr., Mackinwood Dr., Malabu Dr., Manitoba Ln., Miles Point Way, Mooncoin Cove, Mooncoin Way, Old Towne Walk, Ridgewater Dr., Sandersville Rd., Towne Square Park, Glendover Rd., and Codell Dr. [Dept. of Environmental Quality and Public Works, Wente]

3. [1244-12](#) 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: Katherine Place. [Dept. of Environmental Quality and Public Works, Wente]

4. [1245-12](#) An Ordinance expanding and extending Partial Urban Services District #5 for the Urban County Government for the provision of garbage and refuse collection and street lighting, to include the areas defined as

certain properties on the following streets: Claridge Dr. and Malvern Rd. [Dept. of Environmental Quality and Public Works, Wente]

5. [1183-12](#) An Ordinance repealing Subsection 13-13(b)(11) of the Code of Ordinances of the Lexington-Fayette Urban County Government pertaining to the licensing of dealers in firearms or deadly weapons and renumbering Subsections 13-13(b)(12) through (32) of the Code of Ordinances; all effective upon the date of passage. [Div. of Revenue, O'Mara]
6. [1267-12](#) An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$1,153,397 for projects receiving UDAG funding and \$20,000 for projects receiving General funds and appropriating and re-appropriating funds, Schedule No. 26. [Council Office, Maynard]
7. [1241-12](#) An Ordinance amending Section 2-201 of the Code of Ordinances relating to the Picnic with the Pops Commission to delete a member from the Horse Park Board and add a member from Keeneland. [Mayor's Office, Emmons]
8. [1287-12](#) An Ordinance creating Section 2-3.2 in Chapter 2 of the Code of Ordinances of the Lexington-Fayette Urban County Government to establish procedures and guidelines for redistricting Council Districts. [Council Office, Maynard]
9. [1288-12](#) 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 2013. [Council Office, Maynard]
10. [1289-12](#) An Ordinance amending Subsection 14-72(8) of the Code of Ordinances of the Lexington-Fayette Urban County Government pertaining to operating or playing radios, televisions and other related items in a manner as to create a noise disturbance, and creating Subsection 14-72(11) of the Code of Ordinances to prohibit noise disturbances emanating from vehicles located in the public right-of-way or on public land which are audible more than ten (10) feet from the vehicle. [Council Office, Maynard]
11. [1290-12](#) 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. 25. [Div. of Budgeting, McGee]

V. Ordinances – First Reading

12. [1294-12](#) An Ordinance changing the zone from a Professional Office (P-1) zone to a High Density Apartment (R-4) zone, for 5.77 net (9.93 gross) acres, for property located at 161 and 181 Leestown Center Way. (Mullis Family, LLC) (Council District 12). Approval 7-0 (To be heard by February 13, 2013) [Div. of Planning, King]

A motion was made by Council Member Tom Blues, seconded by Council Member Linda Gorton, that this Ordinance be placed on the docket without a public hearing. The motion PASSED by an unanimous vote.

13. [1295-12](#) An Ordinance changing the zone from a Planned Neighborhood Residential (R-3) zone (with conditional zoning restrictions) to a High Density Apartment (R-4) zone, for 9.3 net (11.67 gross) acres, for property located at 4250 & 4290 Harrodsburg Rd. and 4113 & 4204 Reserve Road. (Homes by Anderson Tate) (Council District 10). Approval 7-1 OBJECTORS (To Be Heard By February 13, 2013) [Div. of Planning, King]

A motion was made by Council Member Doug Martin, seconded by Council Member K.C. Crosbie, that this Ordinance be placed on the docket without a public hearing. The motion PASSED by an unanimous vote.

VI. Resolutions – Second Reading

1. [1250-12](#) A Resolution accepting the bid of Perfection Group, Inc., in the amount of \$39,875, for Air Conditioning Unit for the Town Branch Waste Water Treatment Plant, for the Div. of Water Quality. (1 Bid) [Martin]
2. [1268-12](#) A Resolution accepting the bid of Tait Radio Communications, establishing a price contract for Public Safety Radio System Subscriber Units, for the Div. of Police. (3 Bids, Low) [Bastin]
3. [1270-12](#) A Resolution accepting the bid of Arrow Electric Co., establishing a price contract for Fiber Optic Cable Installation and Repair, for the Div. of Traffic Engineering. (2 Bids, Low) [Woods]
4. [1272-12](#) A Resolution ratifying the probationary civil service appointments of: Viola Howard, Administrative Specialist, Grade 110N, \$19.782 hourly, in the Div. of Parks and Recreation, effective December 10, 2012; Evelyn Bologna, Deputy Director Recreation, Grade 120E, \$3,399.04 bi-weekly, in the Div. of Parks and Recreation, effective November 19, 2012 and Daro Handy, Public Service Worker Sr., Grade 107N, \$13.360 hourly, in the Div. of Parks and Recreation, effective October 22, 2012; ratifying the unclassified civil service appointment of: Richard Bello, Juvenile Surveillance Probation Officer, Grade 112N, \$20.000 hourly, in the Div. of Youth Services, effective November 12, 2012; ratifying the probationary sworn appointments of: Rahsaan Berry, Police Sergeant, Grade 315N, \$28.589 hourly, in the Div. of Police, effective December 10, 2012. [Div. of Human Resources,

Maxwell]

5. [1191-12](#) A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with the Board of Education of Fayette County, for an additional \$6,000 for services under the 2010 Project Safe Neighborhood Program. [Div. of Grants and Special Programs/Dept. of Public Safety, Gooding/Mason]
6. **1192-12** A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with PowerPhone, Inc., for training and related services in order to obtain emergency medical dispatch certification for employees of the Div. of Emergency Management/911. [Div. of Emergency Management/911, Lucas]
7. [1193-12](#) A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Ky. Dept. of Fish and Wildlife Resources, Commonwealth of Ky., for maintaining recreational fishing on Jacobson Lake. [Div. of Parks and Recreation, Hancock]
8. [1207-12](#) A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Fixed-Price Agreement for natural gas supplied under Columbia Gas of Ky.'s SVGTS tariff, with the lowest responsive bidder, contingent upon a price not to exceed \$6.40 per MCF. [Div. of Environmental Policy, Bush]
9. [1210-12](#) A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Management Agreement with the Lexington and Fayette County Parking Authority, for the operation and management of the District Courthouse Parking Garage. [Dept. of General Services, Hamilton]
10. [1211-12](#) A Resolution authorizing the Div. of Emergency Management/911 to procure design, implementation, maintenance, and network services for the Public Safety Radio System from Windstream Communications and/or its affiliates, a sole source provider(s), at a cost not to exceed \$247,000 (FY 2013), and authorizing the Mayor to execute any necessary Agreements with Windstream Communications and/or its affiliates related to these services. [Div. of Emergency Management/911, Lucas]
11. [1213-12](#) 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 \$16,500 Commonwealth of Ky. funds, are for the purchase of thirty (30) body armor vests, 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]

12. [1058-12](#) A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Product License Agreement with Unicom Systems, Inc. (Macro4), for mainframe software, at a cost not to exceed \$14,000 (FY2013). [Div. of Computer Services, Nugent]
13. [1176-12](#) A Resolution approving the granting of an inducement to Allylix, Inc., pursuant to the Ky. Business Investment Act (KRS Chapter 154.32), whereby the Lexington-Fayette Urban County Government Agrees to forego the collection of one percent (1%) of the occupational license fees for a term of not longer than ten (10) years from the activation date, subject to the limitations contained in the Act and any Agreement Allylix, Inc., has with the Ky. Economic Development Finance Authority related to the project, and taking other related action. [Mayor's Office, Atkins]
14. [1178-12](#) A Resolution approving the granting of an inducement to Nitto Denko Automotive Ky., Inc., pursuant to the Ky. Business Investment Act (KRS Chapter 154.32), whereby the Lexington-Fayette Urban County Government agrees to forego the collection of one percent (1%) of the occupational license fees for a term of not longer than ten (10) years from the activation date, subject to the limitations contained in the Act and any agreement Nitto Denko Automotive Ky., Inc., has with the Ky. Economic Development Finance Authority related to the project, and taking other related action. [Mayor's Office, Atkins]
15. [1179-12](#) A Resolution approving the granting of an inducement to PremierTox 2.0, Inc., pursuant to the Ky. Business Investment Act (KRS Chapter 154.32), whereby the Lexington-Fayette Urban County Government agrees to forego the collection of one percent (1%) of the occupational license fees for a term of not longer than ten (10) years from the activation date, subject to the limitations contained in the Act and any Agreement PremierTox 2.0, Inc., has with the Ky. Economic Development Finance Authority related to the project, and taking other related action. [Mayor's Office, Atkins]
16. [1180-12](#) A Resolution approving the granting of an inducement to Xact Associates, LLC d/b/a Xact Communications, pursuant to the Ky. Business Investment Act (KRS Chapter 154.32), whereby the Lexington-Fayette Urban County Government agrees to forego the collection of one percent (1%) of the occupational license fees for a term of not longer than ten (10) years from the activation date, subject to the limitations contained in the Act and any Agreement Xact Associates, LLC d/b/a Xact Communications, has with the Ky. Economic Development Finance Authority related to the project, and taking other related action. [Mayor's Office, Atkins]

17. [1217-12](#) A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Participating Addendum under the Western States Contracting Alliance Master Agreement No. 1907, with AT&T Mobility National Accounts, LLC, at no additional cost to the Urban County Government. [Div. of Computer Services, Nugent]
18. [1218-12](#) A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Participating Addendum under the Western States Contracting Alliance Master Agreement No. S1907, with Sprint Solutions, Inc., at no additional cost to the Urban County Government. [Div. of Computer Services, Nugent]
19. [1225-12](#) A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Ky. State Police, Commonwealth of Ky., for lease of space at 162 East Main St. [Dept. of General Services, Hamilton]
20. [1226-12](#) A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Transportation Cabinet, Commonwealth of Ky., for lease of space at 162 East Main St. [Dept. of General Services, Hamilton]
21. [1233-12](#) A Resolution accepting the Collective Bargaining Agreement with AFSCME Local 2785 on behalf of Lieutenants and Captains in the Div. of Community Corrections. [Dept. of Law, Graham]
22. [1234-12](#) A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Release of Easement releasing a sanitary sewer access easement on property located at 761 Enterprise Dr. [Dept. of Law, Graham]
23. [1235-12](#) A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute the 2013 General Term Orders for the Fayette County Clerk and the Fayette County Sheriff, establishing the number of deputies and assistants allowed to each and the compensation allowed to each deputy and assistant, subject to the limits for each category as specified in the General Term Orders and subject to the fees collected by the officers respectively in their seventy-five percent (75%) accounts pursuant to KRS 64.350(1). [Div. of Revenue, O'Mara]
24. [1238-12](#) A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Meridian Management Corp., for facility management services for Fayette County Courthouses, at a cost not to exceed \$412,213. [Dept. of General Services, Hamilton]
25. [1239-12](#) A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky.

Transportation Cabinet, which Grant funds are in the amount of \$320,000 Federal funds, are for the Fiber Optic Cable Installation Program, the acceptance of which obligates the Urban County Government for the expenditure of \$80,000 as a local match, and authorizing the Mayor to transfer unencumbered funds within the Grant budget. [Div. of Grants and Special Programs, Gooding]

26. [1240-12](#) A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Purchase of Service Agreement with the Bluegrass State Games, Inc., for services related to the Bluegrass Summer Games, at a cost not to exceed \$52,500. [Mayor's Office, Emmons]
27. [1262-12](#) A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Bluegrass Community Foundation, Inc. (\$1,225) and Dogwood Trace Neighborhood Association, Inc. (\$700), for the Office of the Urban County Council, at a cost not to exceed the sums stated. [Council Office, Maynard]
28. [1285-12](#) A Resolution approving the granting of an inducement to Delta T Corp. d/b/a Big Ass Fans, pursuant to the Ky. Business Investment Act (KRS Chapter 154.32), whereby the Lexington-Fayette Urban County Government agrees to forego the collection of one percent (1%) of the occupational license fees for a term of not longer than ten (10) years from the activation date, subject to the limitations contained in the Act and any Agreement Delta T Corp. d/b/a Big Ass Fans, has with the Ky. Economic Development Finance Authority related to the project, and taking other related action. [Mayor's Office, Atkins]
29. [1286-12](#) A Resolution amending Section 4.506 of the Council Rules, related to confirmation of appointments, to delete reference to terms of office that commenced prior to July 1, 1990, and to require that a confirmation hearing be held prior to confirming appointments to the Planning Commission, the Board of Adjustment or the Ethics Commission. [Council Office, Maynard]
30. [1300-12](#) A Resolution establishing a Residential Parking Permit Program for the 200 block of Dantzler Ct., from 8:00 a.m. to 5:00 p.m., Monday through Friday excluding holidays; and waiving the provisions relating to the mechanics of designating Residential Parking Permit Areas adopted by Resolution No. 168-90 and amended by Resolution Nos. 450-91 and 433-2006. [Council Office, Maynard]

VII. Resolutions – First Reading

31. [1181-12](#) A Resolution accepting the bids of Bound Tree Medical LLC; and Grogans, Inc., establishing price contracts for emergency medical supplies, for the Div. of Fire and Emergency Services. (10 Bids, Low)

[Jackson]

32. [1249-12](#) A Resolution accepting the bid of Todd Johnson Contracting, Inc., in the amount of \$1,476,330.16, for the Meadows-Northland-Arlington Neighborhood Improvement Phase 5A, for the Div. of Water Quality, and authorizing the Mayor, on behalf of the Lexington-Fayette Urban County Government, to execute an Agreement with Todd Johnson Contracting, Inc., related to the bid. (4 Bids, Low) [Martin]
33. [1251-12](#) A Resolution accepting the bid of BGE, in the amount of \$45,500, for the demolition and site restoration of Berry Hill Pool for the Div. of Parks and Recreation, and authorizing the Mayor to execute any necessary agreement with BGE related to the bid. (3 Bids, Low) [Hancock]
34. [1297-12](#) A Resolution accepting the bid of Marrillia Design and Construction, in the amount of \$189,828, for the Old Frankfort Pike/Alexandria Dr. Rock Wall Project, for the Council Office, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Marrillia Design and Construction, related to the bid. (3 Bids, Low) [Maynard]
35. [1305-12](#) A Resolution accepting the bid of Paul Miller Ford, Inc., establishing a price contract for reflective vehicle decals, for the Div. of Police. (1 Bid) [Bastin]
36. [1307-12](#) A Resolution accepting the bid of Smith Contractors, Inc., in the amount of \$1,146,900.00, for the Expansion Area 2A Wastewater System Improvements Contract 2 - Force Main, for the Div. of Water Quality, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Smith Contractors, Inc., related to the bid. (9 Bids, Low) [Martin]
37. [1302-12](#) A Resolution authorizing the Div. of Human Resources to make a conditional offer to the following probationary civil service appointment: William Gahafer, Public Service Worker, Grade 106N, \$11.968 hourly, in the Div. of Parks and Recreation, effective upon passage of Council. [Div. of Human Resources, Maxwell]
38. [1303-12](#) A Resolution ratifying the probationary civil service appointments of: Sharrick Edmonds, Public Service Supervisor Sr., Grade 114E, \$1,440.72 bi-weekly, in the Div. of Waste Management, effective October 25, 2012; ratifying the permanent sworn appointments of: Jacqueline Newman, Police Sergeant, Grade 315N, in the Div. of Police, effective July 13, 2012, Dean Marcum, Police Lieutenant, Grade 317E, in the Div. of Police, effective November 14, 2012, Albert Johnson, Police Sergeant, Grade 315N, in the Div. of Police, effective August 20, 2012 and David Biroshchik, Police Lieutenant, Grade 317E, in the Div. of Police, effective August 20, 2012. [Div. of Human

Resources, Maxwell]

VIII. Announcements

IX. Public Comments

Adjournment