

Lexington-Fayette Urban County Government

*200 E. Main St
Lexington, KY 40507*



Agenda - Final

Thursday, October 27, 2011

6:00 PM

Council Chambers

Urban County Council

I Roll Call**II Invocation****III Minutes of the Previous Meetings****00348-11**

August 18 & 25, September 15, 20, 29, 2011

IV Presentations**00355-11**

Apostles of Hope & Senior Internship Program

V Ordinances – Second Reading

1. **00327-11** 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. 40.
2. [00254-11](#) An Ordinance amending Section 22-5(2) of the Code of Ordinances, abolishing one (1) position of Citizens' Advocate, Grade 118E and creating one (1) position of Citizens' Advocate P/T, Grade 115E in the Office of the Citizens' Advocate.
3. [00328-11](#) An Ordinance redistricting the districts of the members of the Lexington-Fayette Urban County Council.

VI Ordinances – First Reading

4. [00329-11](#) An Ordinance changing the zone from a Single Family Residential (R-1D) zone to a Planned Neighborhood Residential (R-3) zone for 5.0 net (5.74 gross) acres, with a conditional use permit, for property located at 564 Asbury Ln. (a portion of), subject to certain use restrictions imposed as conditions of granting the zone change (DMK Development Group, LLC).
5. [00330-11](#) An Ordinance amending Article 17-7(e)(6) of the Zoning Ordinance to allow a third wall-mounted identification or business sign for buildings with two street frontages within a professional office project in the Professional Office (P-1) zone.
6. [00331-11](#) An Ordinance amending subsection 17-148(a) of the Code of Ordinances of the Lexington-Fayette Urban County Government to limit

enforcement to those defects which create a hazard to public safety and to provide for the adoption of enforcement regulations by the Urban County Council, and amending Subsection 17-152(b) of the Code to decrease the maximum civil penalty from \$1,000 to \$500.

7. [00332-11](#) 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. 41.

8. [00333-11](#) An Ordinance amending Section 2-87(a) of the Code of Ordinances related to the Masterson Station Park Advisory Board to reduce the number of the Board from twenty (20) to nineteen (19) eliminating the members representing inline hockey and the Federal Medical Center and replacing them with a member from the Ky. Radio Control Racing Club; amending Section 2-87(d) of the Code of Ordinances relating to the Masterson Station Park Advisory Board to delete the term limits and replace the section with the sentence any member may be reappointed for additional terms.

9. [00334-11](#) An Ordinance granting a waiver to the Richmond Rd. Landscape Plan (Ordinance No. 213-83) for 3043 Richmond Rd.

10. [00335-11](#) An Ordinance creating and enacting Chapter 9A of the Code of Ordinances of the Lexington-Fayette Urban County Government pertaining to fireworks, and more specifically creating Section 9A-1 of the Code providing for a title; creating Section 9A-2 of the Code defining ancillary fireworks retailer, consumer fireworks, fireworks, permanent fireworks retailer, and seasonal fireworks retailer; creating Section 9A-3 of the Code prohibiting use or sale except as provided in ordinance and providing additional requirements for use or sale of non-consumer and display fireworks; creating Section 9A-4 of the Code providing for compliance with applicable federal, state and local laws; providing for use between 10 A.M. and 10 P.M. only except on December 31st, July 3rd, July 4th or officially recognized Independence Day, when use allowed until 12 A.M.; prohibiting possession or use by persons under the age of eighteen years; prohibiting use within two hundred feet of any structure, motor vehicle, or any other person or during a ban on burning; providing for compliance with KRS 227.752 storage notification; and providing for responsibility for resultant trash and debris; creating Section 9A-5 of the Code providing for Retail Fireworks Permit and application process including information on applicant and site, proof of other compliances and approvals and insurance coverage, and payment of permit fees per location of \$500 for seasonal fireworks retailer or renewal of permanent fireworks retailer and \$2,500 for initial permanent fireworks retailer; creating Section 9A-6 and 9A-8 of the Code providing for restrictions on permittees and/or retailers including display of permit, no sales to or by those under the age of eighteen years and sales

between 8 A.M. and 10 P.M. only; creating Section 9A-7 of the Code providing for suspension or revocation of permits; and creating Section 9A-9 of the Code providing for penalties for violations not to exceed \$1,000, thirty (30) days imprisonment, or both with a minimum fine of \$500 for violations not related to sections 9A-4(a) through (e) or (g), and a minimum fine for all other violations of \$100 for first offense, \$200 for second offense within twelve months and \$500 for a third or greater offense within twelve months; all effective on January 1, 2012.

11. [00270-11](#) An Ordinance amending Sections 4-12.3(e), 4-21(d) and 4-21.1 of the Code of Ordinances, relating to the Spay and Neuter Fund and Grant Program, to permit an agency designated by the Dept. of Public Safety to operate and administer the program and to retain a portion of license and redemption fees for funding the program.

VII Resolutions – Second Reading

1. [00337-11](#) A Resolution accepting the bid of Detroit Salt Co., establishing a price contract for treated rock salt, for the Div. of Streets and Roads. (2 Bids, Low)
2. [00338-11](#) A Resolution accepting the bid of Oldcastle Precast, Inc., establishing a price contract for concrete items, for the Div. of Water Quality. (1 Bid)
3. [00265-11](#)

A Resolution ratifying the probationary civil service appointment of:
Tamara McMullen, Program Coordinator, Grade 109N, \$15.605
hourly, in the Div. of Family Services, effective October 24, 2011.
4. [00339-11](#) A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Southland Association (\$100), LexArts (\$1,900), Bluegrass Greenworks, Inc. (\$300), Police Activities League (\$575), for the Office of the Urban County Council, at a cost not to exceed the sums stated.
5. [00248-11](#) 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 \$52,000 Federal funds, are for development of the Old Frankfort Pike Corridor Management Plan, the acceptance of which obligates the Urban County Government for the expenditure of \$13,000 as a local match to be provided by Lexington-Frankfort Scenic Corridor, Inc., authorizing the Mayor to transfer unencumbered funds within the Grant budget, and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Lexington-Frankfort Scenic Corridor, Inc., for management of the project, at a cost not to exceed \$52,000.

6. 00349-11

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Fayette County Commonwealth Attorney's Office, for a 'Fast Track' prosecutor for the Street Sales Drug Enforcement Project, at a cost not to exceed \$56,200.

7. 00350-11

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Information Station Specialists, Inc., a sole source provider, for an AM Alert Station at a cost not to exceed \$44,975.

8. [00257-11](#)

A Resolution authorizing and directing the Mayor, on behalf of the Urban county Government, to accept a Grant from the U.S. Dept. of Justice, Office on Violence Against Women, which Grant funds are in the amount of \$400,000 Federal funds from the Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program and are for continuation of a project designed to hold offenders of domestic violence accountable for their actions through investigation, arrest and prosecution, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, authorizing the Mayor to transfer unencumbered funds within the Grant budget, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Subrecipient Agreements with Bluegrass Domestic Violence Program (\$52,000), Bluegrass Rape Crisis Center (\$8,000), Legal Aid of the Bluegrass (\$5,000), Fayette County Sheriff's Office (\$8,000), Fayette County Commonwealth Attorney's Office (\$42,000), and American Probation and Parole Association (\$5,000), for services for the project.

9. 00351-11

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Release of Easement, releasing a streetlight easement on property located at 2387 Merluna Dr.

10. 00352-11

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Quitclaim Deed and Release of Easement, releasing a utility easement on property located at 2010 Harrodsburg Rd.

11. [00340-11](#)

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Purchase of Service Agreement with Bluegrass State Games, Inc., for operation of the Bluegrass State Games, at a cost not to exceed \$47,250.

12. [00223-11](#)

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Concession/Donation Agreement with Fayette County Cooperative Extension District Board, for acceptance of

an Agricultural Building and Concession Agreement.

13. [00227-11](#) A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Facility Usage Contract with Fayette County Board of Education, for Kiddie Kapers at Norsworthy Auditorium, at a cost not to exceed \$1,299.
14. [00341-11](#) A Resolution appointing an ad hoc Citizens' Committee to recommend candidates for the position of Citizens' Advocate.

VIII Resolutions – First Reading

15. [00312-11](#) A Resolution accepting the bid of S & S Truck Tire Center, establishing a price contract for truck tire retreading, for the Div. of Facilities and Fleet Management. (2 Bids, Low)
16. [00311-11](#) A Resolution accepting the bid of MMI of KY, in the amount of \$78,424.82 for Portable Heating System for Municipal Recycling Facility, for the Div. of Waste Management. (1 Bid)
17. [00342-11](#) A Resolution approving and adopting regulations for the Div. of Code Enforcement for sidewalk violations, replacement and repair pursuant to Section 17-148 of the Code of Ordinances of the Lexington-Fayette Urban County Government.
18. [00343-11](#) A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Clinical Education Agreement, with the University of Ky.'s College of Nursing, to provide an intern to perform services for the Urban County Council Office, and authorizing payment of a stipend to the intern in an amount not to exceed \$500 upon successful completion of the program.
19. [00259-11](#) A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Agreement with Federal Emergency Management Agency Integrated Public Alert and Warning System Program Management Office, for management and utilization of various warning systems.
20. 00263-11 A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Customer Services Agreement with Windstream Communications, which is attached hereto and incorporated herein by reference, to provide ISDN dial tone service to the Div. of Emergency Management/911 (229 E. Third St.), at an annual cost not to exceed \$6,000 plus any additional long distance charges.
21. [00271-11](#) A Resolution changing the street names and property address numbers

of 1 Imperial Ct. to 779 Newtown Pike, of 1765 Hatter Ln. to 1781 Sharkey Way, and of 1839 St. Ives Circle to 3849 Hidden Pond Rd.; changing the property address numbers of 336 and 372 Corral St. to 368 and 374 Corral St., of 231 Elm Tree Ln. to 217 Elm Tree Ln., of 770 Fox Industrial Rd. to 747 Fox Industrial Rd., of 109-111 Church St. to 111 Church St., and of 200 and 206 Burley Ave. to 208 and 202 Burley Ave.; and changing the street name of 786, 790, 794, and 798 Glendover Rd. to 786, 790, 794, and 798 Glendover Ct., all effective thirty days from passage.

22. [00303-11](#) Request Council approval to enter into an "Easement and Right Of Way" agreement with Columbia Gas of Kentucky, Inc. for an exclusive twelve feet x twelve feet (12' x 12') easement and right of way located at 1502 Russell Cave Road in Lexington. The site will be used to construct, maintain, operate and replace such pipelines, regulating, measuring, heating and other equipment that will be used in connection with transporting and distributing natural gas and/or other similar substances that can be transported through pipelines.
23. [00281-11](#) A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration, and any other documents necessary, and to accept a Deed for the property located at 416 Carlisle Ave., for the Meadows-Northland-Arlington Public Improvements Project, and authorizing payment in the amount of \$84,000, plus usual and appropriate closing costs.
24. [00305-11](#) A Resolution ratifying the probationary civil service appointment of: Beth Florence, Accountant, Grade 113E, \$1,656.40 bi-weekly, in the Div. of Accounting, effective upon passage of Council; approving the probationary sworn appointments of: Gary Harris, Fire Lieutenant, Grade 315N, \$17.786 hourly, Carrie Bowling, Fire Captain, Grade 316N, \$23.039 hourly; Andrew Areaux, Fire Major, Grade 318E, \$3,521.79 bi-weekly, in the Div. of Fire and Emergency Services, effective September 29, 2011.
25. 00353-11 A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Engineering Services Agreements with EA Partners, PLC, Integrated Engineering, PLLC, Nesbitt Engineering, Inc., Palmer Engineering, CDP Engineers, Inc., HDR Engineers, GRW Engineers, Inc., and Tetra Tech, Inc., for stormwater and sanitary sewer projects, for the Div. of Water Quality.
26. [00344-11](#) A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with Rabbit Run/Stonewall Neighborhood Association (\$600), Black Church Coalition of the Bluegrass (\$1,225), Copperfield Neighborhood Association (\$600), ACT

Ministries (\$450), for the Office of the Urban County Council, at a cost not to exceed the sums stated.

27. [00345-11](#) A Resolution authorizing and directing the Div. of Traffic Engineering, pursuant to Code of Ordinances Section 18-86, to install multiway stop controls at the intersection of Bellefonte Dr. and E. Lowry Ln.
28. [00346-11](#) A Resolution of the Urban County Council authorizing the Mayor and Administration to commit up to an extra \$1.9 million dollars (\$1,900,000) toward health care rates for all employees and retirees to bring the rates similar to the current Platinum Plan rates.
29. [00295-11](#) A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Contract with Lamar Companies for the production and installation of "Smart 911" billboard advertisements, for the Div. of Emergency Management/911, at a cost not to exceed \$5,650.
30. [00296-11](#) A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Advertising Space Rental Contract and any other necessary documents, with Advertising Vehicles for "Smart 911" advertisements to be placed on Lextran buses, for the Div. of Emergency Management/911, at a cost not to exceed \$6,535.
31. [00289-11](#) A Resolution accepting the bid of MXenergy, establishing a Fixed Price Contract for Natural Gas Purchase SVGTS, contingent upon a price not to exceed \$6.06 per MCF, for the Div. of Environmental Policy.
32. [00287-11](#) A Resolution accepting the response of J. Stowe & Co., LLC to request for Proposal No. 5-2011 to perform the auditing of utility franchises for an amount not to exceed \$45,760, and authorizing the Mayor, on behalf of the Urban County Government, to execute a Professional Services Agreement with J. Stowe & Co., LLC for the performance of such services.
33. 00354-11 A Resolution authorizing the Dept. of Environmental Quality and Public Works, on behalf of the Urban County Government, to renew the Contract with Bluegrass PRIDE for the Environmental Public Education Program for a period of one (1) year at no additional cost to the Urban County Government.
34. [00286-11](#) A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Lease Agreement with Nursing Home Ombudsman Agency for space in the Senior Citizens Center (1530 Nicholasville Rd.)
35. [00288-11](#) A Resolution authorizing and directing the Mayor, on behalf of the Urban

County Government, to execute an Auction Listing Contract with Schrader & Robertson Commercial Auctioneers, LLC, for disposal of surplus properties that have been unsuccessfully advertised for bid, at ten percent (10%) of the gross selling price.

36. [00301-11](#) A Resolution authorizing the Mayor, on behalf of the Lexington-Fayette Urban County Government and its Div. of Historic Preservation, to concur with the Memorandum of Agreement among the Ky. Finance and Administration Cabinet, the Ky. Community and Technical College System, Bluegrass Community and Technical College and the Ky. State Historic Preservation Office regarding the development of a Bluegrass Community and Technical College, Newtown Pike Campus in Lexington, Fayette County, Ky.
37. [00293-11](#) A Resolution approving an Amendment to the Addendum to the Purchase of Service Agreement with Chrysalis House to permit Chrysalis House to use the remainder of funds provided in the Agreement for FY 12 for the treatment of women with substance abuse issues and mental health disorders.

IX Communications From the Mayor (For Information Only)

- [00347-11](#)
1. Resignation of Donald Woodard, Equipment Operator Sr., in the Div. of Waste Management, effective October 6, 2011.
 2. Resignation of Lesa Spillman, Equipment Operator Sr., in the Div. of Waste Management, effective October 15, 2011.
 3. Resignation of Andrew Jackson, Equipment Operator Sr., in the Div. of Waste Management, effective October 10, 2011.

X Announcements

XI Public Comments

Adjournment