



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

200 E. Main St
Lexington, KY 40507

Tuesday, November 13, 2012

3:00 PM

Council Chamber

Packet

I. Public Comment - Issues on Agenda

Present 15 - Bill Farmer Jr., Chris Ford, Chuck Ellinger, Diane Lawless, Doug Martin, Ed Lane, George Myers, Jay McChord, Julian Beard, K.C. Crosbie, Kevin Stinnett, Council Member Linda Gorton, Peggy Henson, Steve Kay, and Tom Blues

Absent 0

II. Requested Rezonings/ Docket Approval

[1219-12](#)

Ordinance amending Section 2-45a of the Code of Ordinances, regarding the Commission on Citizens with Disabilities

A motion was made by Council Member Peggy Henson, seconded by Council Member Linda Gorton, that this be Approved and Referred to the Urban County Council Docket, to be returned by 11/15/2012. The motion PASSED by an unanimous vote.

III. Approval of Summary

[1189-12](#)

Work Session Summary October 23

A motion was made by Council Member Linda Gorton, seconded by Council Member George Myers, that this Summary be Approved. The motion PASSED by an unanimous vote.

IV. Budget Amendments

V. New Business

VI. Continuing Business/ Presentations

a [1205-12](#)

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Quail Run Townhome Association, Inc. (\$550), Palomar Hills Community Association, Inc. (\$700) and Garden Springs Neighborhood Association, Inc. (\$700), for the Office of the Urban County Council, at a cost not to exceed the sums stated. [Council Office, Maynard]

A motion was made by Council Member Chuck Ellinger, seconded by Council Member Linda Gorton, that this Agenda Item be Approved and Referred to the Urban County Council Docket, to be returned by 11/15/2012. The motion PASSED by an unanimous vote.

- b** [1132-12](#) Economic Development COW Summary October 2 2012
- c** [1200-12](#) Social Services & Community Development Committee Summary, October 2012
- [1221-12](#) Social Services and Community Development Committee - approve Senior Citizens Center presentation to Work Session
- A motion was made by Council Member George Myers, seconded by Council Member Peggy Henson, that this be Approved. The motion PASSED by an unanimous vote.**
- [1220-12](#) Increase Summer Intern program to 300 youth in FY2014, motion from Social Services and Community Development Committee
- A motion was made by Council Member Ed Lane, seconded by Council Member K.C. Crosbie, that this Agenda Item be Approved. The motion PASSED by an unanimous vote.**
- d** [1201-12](#) Budget & Finance Committee Summary, October 2012
- e** [1198-12](#) Presentation: Sanitary Sewer System Capacity Assurance Program, By: Charlie Martin, Director Division of Water Quality
- f** [1199-12](#) Presentation: 2012 Infill & Redevelopment Steering Committee Report, By: Steve Kay, Council Member At-Large

VII. Council Reports

- [1222-12](#) Refer issue of roadway drainage to the Environmental Quality Committee.
- A motion was made by Council Member Peggy Henson, seconded by Council Member Doug Martin, that this be Referred, and sent to the Environmental Quality Committee to be returned by 11/27/2012. The motion PASSED by an unanimous vote.**

VIII. Mayor's Report

- [1209-12](#) 1. Recommending the appointment of Ms. Margaret M. Long to the Environmental Hearing Commission, with a term to expire 6-1-2015. Ms. Lisa Johnson is no longer serving.
2. Recommending the reappointment of Councilmember Julian Beard to the Internal Audit Board, with a term to expire 12-31-2014.
3. Recommending the appointments of Ms. Irene Gooding, as

ex-officio member, Director of Grants and Special Programs, Ms. Melissa Lueker, as ex-officio member, Mayor's Office representative, and Councilmember Kevin Stinnett, as ex-officio member, to the Neighborhood Action Match Program Review Board.

4. Recommending the appointments of Mr. Ben G. Blyton and Ms. Bettye S. Burns, as Fayette County Resident representatives, to the Paris Pike Corridor Commission, with terms to expire 7-1-2015 and 7-1-2013, respectively.
5. Recommending the appointment of Mr. John C. Marquette, as 10th District representative, to the Parks and Recreation Advisory Board, with a term to expire 1-1-2014. Mr. Marquette will fill the unexpired term of Ms. Jill Bertelson.

A motion was made by Council Member Farmer, Jr., seconded by Council Member Blues, that this Communication be Approved and Referred to Docket, and sent to the Urban County Council, due back on 11/15/2012. The motion Passed by the following vote:

Aye: 14 - Bill Farmer Jr., Chris Ford, Chuck Ellinger, Diane Lawless, Doug Martin, Ed Lane, George Myers, Jay McChord, Julian Beard, Kevin Stinnett, Council Member Linda Gorton, Peggy Henson, Steve Kay, and Tom Blues

Nay: 0

Absent: 1 - K.C. Crosbie

IX. Public Comment - Issues Not on Agenda

X. Adjournment

Administrative Synopsis - New Business Items

- a [1125-12](#) Authorization to execute an agreement with Earthman, LLC, to provide decorative street lighting for the property they are developing for a new distillery at 420 Cross Street. (L1125-12) (Moloney)
This is a request to execute an agreement with Earthman, LLC, to provide decorative street lighting for the property they are developing for a new distillery at 420 Cross Street. There is no budgetary impact.
A motion was made by Council Member Chuck Ellinger, seconded by Council Member Linda Gorton, that this Agenda Item be Approved and Referred to the Urban County Council Docket, to be returned by 11/15/2012. The motion PASSED by an unanimous vote.
- b [1133-12](#) 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, which Grant funds are in the amount of \$65,503 Federal funds under the State Criminal Alien Assistance Program (SCAAP), are for reimbursement of costs related to the incarceration of undocumented criminal aliens, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, and authorizing the Mayor to transfer unencum-bered funds within the Grant budget. [Div. of Grants and Special Programs/Dept. of Public Safety, Gooding/Mason]
A motion was made by Council Member Chuck Ellinger, seconded by Council Member Linda Gorton, that this Agenda Item be Approved and Referred to the Urban County Council Docket, to be returned by 11/15/2012. The motion PASSED by an unanimous vote.
- c [1134-12](#) 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 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 \$45,123 Federal funds, are for continuation of the Sexual Assault Nurse Examiner (SANE) Program, the acceptance of which obligates the Urban County Government for the expenditure of \$28,150 as a local match, and authorizing the Mayor to transfer unencumbered funds within the Grant budget. [Div. of Grants and Special Programs/Dept. of Public Safety, Gooding/Mason]
A motion was made by Council Member Chuck Ellinger, seconded by Council Member Linda Gorton, that this Agenda Item be Approved and Referred to the Urban County Council Docket, to be returned by 11/15/2012. The motion PASSED by an unanimous vote.
- d [1137-12](#) A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Mutual Aid Agreement with Catlettsburg

Refining, LLC, for mutual emergency response assistance by or for the Div. of Fire and Emergency Services, at no cost to the Urban County Government. [Div. of Fire and Emergency Services, Jackson]

A motion was made by Council Member Chuck Ellinger, seconded by Council Member Linda Gorton, that this Agenda Item be Approved and Referred to the Urban County Council Docket, to be returned by 11/15/2012. The motion PASSED by an unanimous vote.

e [1138-12](#)

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Modification to Agreement with the Ky. Office of Homeland Security, to permit the purchase of explosive storage boxes for the Bomb Squad Project. [Div. of Grants and Special Programs/Dept. of Public Safety, Gooding/Mason]

A motion was made by Council Member Chuck Ellinger, seconded by Council Member Linda Gorton, that this Agenda Item be Approved and Referred to the Urban County Council Docket, to be returned by 11/15/2012. The motion PASSED by an unanimous vote.

f [1140-12](#)

Authorization to establish the "21c Lexington Development Area" for economic development (TIF) purposes and take actions related to the development area, to set up an incremental tax special fund, to approve a local participation agreement and master development agreement, to apply for a section 108 loan and to approve a \$1 million loan to the developer. (L1140-12) (Atkins)

This is a request to establish the "21c Lexington Development Area" for economic development (TIF) purposes and take actions related to the development area, to set up an incremental tax special fund, to approve a local participation agreement and master development agreement, to apply for a section 108 loan and to approve a \$1 million loan to the developer.

A motion was made by Council Member Chuck Ellinger, seconded by Council Member Linda Gorton, that this Agenda Item be Approved and Referred to the Urban County Council Docket, to be returned by 11/15/2012. The motion PASSED by an unanimous vote.

g [1142-12](#)

An Ordinance amending Section 21-5(2) of the Code of Ordinances, abolishing one (1) position of Code Enforcement Officer Sr., Grade 114E and creating one (1) position of Code Enforcement Officer, Grade 113N, in the Div. of Grants and Special Programs, appropriating funds pursuant to Schedule No. 21, effective upon passage of Council. [Div. of Human Resources, Maxwell]

A motion was made by Council Member Chuck Ellinger, seconded by Council Member Linda Gorton, that this Agenda Item be Approved and Referred to the Urban County Council Docket, to be returned by 11/15/2012. The motion PASSED by an unanimous vote.

h [1143-12](#)

A Resolution authorizing the Mayor, on behalf of the Urban County

Government, to accept the donation of 10 Graco "Pack N Play" cribs and related instructional materials, valued at \$500, from Safe Kids Fayette County, for distribution to low income families through the Div. of Family Services HANDS Program. [Dept. of Social Services, Mills]

A motion was made by Council Member Chuck Ellinger, seconded by Council Member Linda Gorton, that this Agenda Item be Approved and Referred to the Urban County Council Docket, to be returned by 11/15/2012. The motion PASSED by an unanimous vote.

i [1144-12](#)

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Amendment to the Interlocal Cooperation Agreement with the Jessamine County Sheriff's Office, to provide law enforcement power at homes recently constructed on properties that cross county border lines. [Div. of Police, Bastin]

A motion was made by Council Member Chuck Ellinger, seconded by Council Member Linda Gorton, that this Agenda Item be Approved and Referred to the Urban County Council Docket, to be returned by 11/15/2012. The motion PASSED by an unanimous vote.

j [1155-12](#)

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Facility Usage Agreements with various youth baseball leagues, for fall youth baseball. [Div. of Parks and Recreation, Hancock]

A motion was made by Council Member Chuck Ellinger, seconded by Council Member Linda Gorton, that this Agenda Item be Approved and Referred to the Urban County Council Docket, to be returned by 11/15/2012. The motion PASSED by an unanimous vote.

k [1157-12](#)

An Ordinance amending Section 21-5(2) of the Code of Ordinances, abolishing one (1) position of Planner, Grade 113E and creating one (1) position of Planner Sr., Grade 117E, in the Div. of Planning, appropriating funds pursuant to Schedule No. 23, effective upon passage of Council. [Div. of Human Resources, Maxwell]

A motion was made by Council Member Chuck Ellinger, seconded by Council Member Linda Gorton, that this Agenda Item be Approved and Referred to the Urban County Council Docket, to be returned by 11/15/2012. The motion PASSED by an unanimous vote.

l [1158-12](#)

A Resolution authorizing the Div. of Emergency Management/911 to procure ongoing maintenance, services, repairs, hardware, and software from Applied Digital, a sole source provider, at a cost not to exceed \$25,633 (FY 2013), and authorizing the Mayor to execute any necessary Agreement with Applied Digital Solutions related to the goods and services. [Div. of Emergency Management/911, Lucas]

A motion was made by Council Member Chuck Ellinger, seconded by Council Member Linda Gorton, that this Agenda Item be Approved and Referred to the Urban County Council Docket, to be returned by 11/15/2012. The motion PASSED by an unanimous vote.

- m [1159-12](#) A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Friends of Wolf Run, for activities under the Wolf Run Creek Watershed Based Plan, at a cost not to exceed \$16,000. [Div. of Grants and Special Programs, Gooding]
- A motion was made by Council Member Chuck Ellinger, seconded by Council Member Linda Gorton, that this Agenda Item be Approved and Referred to the Urban County Council Docket, to be returned by 11/15/2012. The motion PASSED by an unanimous vote.**
- n [1161-12](#) A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Internal Revenue Service Sponsor Agreement and Civil Rights Assurance, for Volunteer Income Tax Assistance Programs at the Gainesway Center and the Central Ky. Job Center, at no cost to the Urban County Government. [Dept. of Social Services, Mills]
- A motion was made by Council Member Chuck Ellinger, seconded by Council Member Linda Gorton, that this Agenda Item be Approved and Referred to the Urban County Council Docket, to be returned by 11/15/2012. The motion PASSED by an unanimous vote.**
- o [1162-12](#) 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, which Grant funds are in the amount of \$345.15 Federal funds, are for the purchase of bulletproof vests for the Fayette County Sheriff's Office, 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]
- A motion was made by Council Member Chuck Ellinger, seconded by Council Member Linda Gorton, that this Agenda Item be Approved and Referred to the Urban County Council Docket, to be returned by 11/15/2012. The motion PASSED by an unanimous vote.**
- p [1163-12](#) A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute the 2012 Amended Equitable Sharing Agreement and Certification, with the Dept. of Justice and the Dept. of Treasury, to make necessary changes and bring the FY2012 Equitable Sharing Agreement current. [Div. of Police, Bastin]
- A motion was made by Council Member Chuck Ellinger, seconded by Council Member Linda Gorton, that this Agenda Item be Approved and Referred to the Urban County Council Docket, to be returned by 11/15/2012. The motion PASSED by an unanimous vote.**
- q [1165-12](#) A Resolution amending Section 2 of Resolution No. 430-2012, which accepted the bid of Smith Contractors, Inc. for Expansion Area 2A

Wastewater System Improvements to change the amounts charged to the accounts from which payment will be made. [Div. of Water Quality, Martin]

A motion was made by Council Member Chuck Ellinger, seconded by Council Member Linda Gorton, that this Agenda Item be Approved and Referred to the Urban County Council Docket, to be returned by 11/15/2012. The motion PASSED by an unanimous vote.

r [1166-12](#)

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Grant Award Agreement awarding a Class B Education Incentive Grant for a Stormwater Quality Project to Group CJ, LLC, in the amount of \$35,547. [Div. of Water Quality, Martin]

A motion was made by Council Member Chuck Ellinger, seconded by Council Member Linda Gorton, that this Agenda Item be Approved and Referred to the Urban County Council Docket, to be returned by 11/15/2012. The motion PASSED by an unanimous vote.

s [1168-12](#)

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Release of Easement releasing a storm sewer easement on property located at 3469 Clays Mill Rd. [Dept. of Law, Graham]

A motion was made by Council Member Chuck Ellinger, seconded by Council Member Linda Gorton, that this Agenda Item be Approved and Referred to the Urban County Council Docket, to be returned by 11/15/2012. The motion PASSED by an unanimous vote.

t [1169-12](#)

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Release of Easement releasing a utility easement and streetlight easement on property located at 2250 Old Frankfort Pike. [Dept. of Law, Graham]

A motion was made by Council Member Chuck Ellinger, seconded by Council Member Linda Gorton, that this Agenda Item be Approved and Referred to the Urban County Council Docket, to be returned by 11/15/2012. The motion PASSED by an unanimous vote.

u [1170-12](#)

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Grant Award Agreement awarding a Class B Education Incentive Grant for a stormwater quality project at Lansdowne Elementary School to the Board of Education of Fayette County, in the amount of \$3,500. [Div. of Water Quality, Martin]

A motion was made by Council Member Chuck Ellinger, seconded by Council Member Linda Gorton, that this Agenda Item be Approved and Referred to the Urban County Council Docket, to be returned by 11/15/2012. The motion PASSED by an unanimous vote.

v [1172-12](#)

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Software Maintenance Agreement and End User License Agreement with Horizon Information

Systems, Inc., for the software for the Representative Payee Program, for the Dept. of Social Services, at a cost not to exceed \$586.50. [Dept. of Social Services, Mills]

A motion was made by Council Member Chuck Ellinger, seconded by Council Member Linda Gorton, that this Agenda Item be Approved and Referred to the Urban County Council Docket, to be returned by 11/15/2012. The motion PASSED by an unanimous vote.

w [1173-12](#)

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Paramedic Training Program Agreement, with the University of Ky., for paramedic training, at no cost to the Urban County Government. [Div. of Fire and Emergency Services, Jackson]

A motion was made by Council Member Chuck Ellinger, seconded by Council Member Linda Gorton, that this Agenda Item be Approved and Referred to the Urban County Council Docket, to be returned by 11/15/2012. The motion PASSED by an unanimous vote.

x [1182-12](#)

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to accept the donation of a Vulcan 6-burner range and casters, valued at \$1,758, from Seedleaf, Inc., for the Parent Education Program at the Family Care Center. [Dept. of Social Services, Mills]

A motion was made by Council Member Chuck Ellinger, seconded by Council Member Linda Gorton, that this Agenda Item be Approved and Referred to the Urban County Council Docket, to be returned by 11/15/2012. The motion PASSED by an unanimous vote.

y [1184-12](#)

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a multi-year Land Lease Agreement with Leroy Dale, to provide space for a shelter related to the public safety radio system, at a cost not to exceed \$8,000 in FY2013. [Div. of Police, Bastin]

A motion was made by Council Member Chuck Ellinger, seconded by Council Member Linda Gorton, that this Agenda Item be Approved and Referred to the Urban County Council Docket, to be returned by 11/15/2012. The motion PASSED by an unanimous vote.

z [1185-12](#)

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Rental Agreement and Catering Contract with Lexington Center and Hyatt Regency for the annual Police Awards Banquet. [Div. of Police, Bastin]

A motion was made by Council Member Chuck Ellinger, seconded by Council Member Linda Gorton, that this Agenda Item be Approved and Referred to the Urban County Council Docket, to be returned by 11/15/2012. The motion PASSED by an unanimous vote.

aa [1186-12](#)

A Resolution authorizing and directing the Mayor, on behalf of the

Urban County Government, to execute Lease Agreements with AIDS Volunteers, Inc., for the lease of Urban County Government property located at 851 Todds Rd. and 1807 Dalton Ct. [Div. of Grants and Special Programs, Gooding]

A motion was made by Council Member Chuck Ellinger, seconded by Council Member Linda Gorton, that this Agenda Item be Approved and Referred to the Urban County Council Docket, to be returned by 11/15/2012. The motion PASSED by an unanimous vote.

bb [1187-12](#)

Authorization to execute an Agreement with the Lexington Downtown Development Authority (LDDA) for the transfer of funds for a Design Excellence Program for Downtown Lexington. (L1187-12)
(King/Paulsen)

This is a request to execute an Agreement with the LDDA for the transfer of \$50,000 to be used to secure consulting assistance in preparing draft design guidelines for a Design Excellence Program for Downtown Lexington. Funds are budgeted.

A motion was made by Council Member Chuck Ellinger, seconded by Council Member Linda Gorton, that this Agenda Item be Approved and Referred to the Urban County Council Docket, to be returned by 11/15/2012. The motion PASSED by an unanimous vote.

cc [1188-12](#)

A Resolution authorizing the submission of an application for Ky. Economic Development Finance Authority Grant funds for the Bingham McCutchen LLP Economic Development Bond Project in the amount of \$450,000, and authorizing the Mayor to execute and submit a Grant Application and any and all other documents necessary for the submission of the application and development of the Project, including any Agreement with Bingham McCutchen LLP, and to accept the Grant funds if approved. [Div. of Grants and Special Programs, Gooding]

A motion was made by Council Member Chuck Ellinger, seconded by Council Member Linda Gorton, that this Agenda Item be Approved and Referred to the Urban County Council Docket, to be returned by 11/15/2012. The motion PASSED by an unanimous vote.

dd [1196-12](#)

A Resolution accepting the Response of Public Financial Management, Inc., to RFP No. 25-2012 for consulting services related to the Police and Fire Pension Fund, and authorizing the Mayor to execute an Agreement with Public Financial Management, Inc., related to these services in an amount not to exceed \$149,089. [Office of the Mayor, Emmons]

A motion was made by Council Member Chuck Ellinger, seconded by Council Member Linda Gorton, that this Agenda Item be Approved and Referred to the Urban County Council Docket, to be returned by 11/15/2012. The motion PASSED by an unanimous vote.