

Lexington-Fayette Urban County Government

*200 E. Main St
Lexington, KY 40507*



Agenda

Thursday, November 3, 2011

6:00 PM

Council Chambers

Urban County Council

I. Roll Call**II. Invocation****III. Presentations****00372-11**

2011 World Series Champions - Lexington Cal Ripkin Baseball Teams (10 and 12-year-olds)

IV. Ordinances – Second Reading

1. **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).
2. **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.
3. **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.
4. **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.
5. **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.

6. [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.

V. Ordinances – First Reading

7. [00371-11](#) 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. 0043.
8. [00318-11](#) An Ordinance creating and establishing for bid a non-exclusive telecommunications franchise for the placement of facilities for the generation, transmission, distribution and sale of telecommunications services within the public rights-of-way of Fayette County for a twelve (12) month duration, with an additional extension of time not to exceed six (6) months if a long term franchise is not offered prior to expiration; and providing for compliance with other relevant laws, regulations, standards, and ordinances; definitions; work, materials and construction standards; wire moving and tree trimming; performance bonds; indemnification; insurance; access to property and inspections; notice of

filings with the Public Service Commission; no vested rights; limited assignment; notice of foreclosure and bankruptcy; cancellation or termination; violations and penalties; permitting and inspection fees; additional permitting and other requirements for substantial new construction, and bid requirements; all effective on date of passage.

9. [00367-11](#)

An Ordinance approving the Dept. of General Services' Policies and Procedures for usage of all facility space owned by the Lexington-Fayette Urban County Government; expressing the Urban County Council's authority to review and approval all leases and subleases and authorizing the Dept. of General Services to manage the leased facilities; providing that all tenants shall pay rent and enter into a standard lease for use of facilities owned by Lexington-Fayette Urban County Government; providing that the stated rental amount for all facilities shall be fair market value; providing that all tenants shall pay their operating expenses including, but not limited to, utilities, insurance, maintenance, janitorial services and repairs; providing that the Urban County Council shall consider grants and subsidies to tenants in the annual budgeting process and providing that all leases expire on the same date.

10. [00302-11](#)

An Ordinance amending Section 21-5(2) of the Code of Ordinances, creating one (1) position of Safety Specialist, Grade 115E, and creating one (1) position of Administrative Specialist Sr., Grade 112N, in the Div. of Waste Management.

VI. Resolutions – Second Reading

1. [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)

2. [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)

3. [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.

4. [00374-11](#)

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.

5. [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.

6. [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.
7. **00375-11** A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Amendment to the Management Agreement with Meridian Management, for courthouse facilities maintenance, at a cost not to exceed \$36,000.
8. [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.
9. **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.
10. [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.
11. [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.

12. [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.
13. [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.
14. 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.
15. [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.)
16. [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.
17. [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.
18. [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.

VII. Resolutions – First Reading

19. [00291-11](#) A Resolution accepting the bid of Staples Contract & Commercial, Inc., operating as Staples Advantage, establishing a price contract for office supplies, for all Departments and Divisions of Lexington-Fayette Urban County Government. (9 Bids, Low)
20. [00357-11](#) A Resolution accepting the bid of Advanced Mulching Technologies, Inc., d/b/a Eco Gro, in the amount of \$90,827.80, for the McConnell's Trace Greenways Restoration Project, for the Div. of Engineering, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Advanced Mulching Technologies, Inc., d/b/a Eco Gro, related to the bid. (1 Bid)
21. [00317-11](#) A Resolution accepting the bids of Municipal Equipment, Inc., Central Indiana Truck Equipment Corp., Refuse Parts Depot, LLC, E-Z Pack Manufacturing, LLC, establishing price contracts for refuse collection truck parts, for the Div. of Facilities and Fleet Management. (4 Bids, Low)
22. [00356-11](#) A Resolution accepting the bid of Republic Services of Ky., LLC, establishing a price contract for transportation of leaf and yard waste, for the Div. of Waste Management. (2 Bids, Low)
23. [00321-11](#) A Resolution authorizing the Div. of Human Resources to make a conditional offer to the following: Alison Murrell, Administrative Specialist Sr., Grade 112N, \$17.198 hourly, in the Dept. of Law, James Gillis, Engineering Technician Principal, Grade 115E, \$2,000.64 bi-weekly, in the Div. of Engineering, authorizing the beginning of the probationary civil service probationary period upon successful completion of a physical or medical examination as required, effective upon passage of Council; authorizing the Div. of Human Resources to make a conditional offer to the following: Christian Johnson, Childcare Program Aide - P/T, Grade 107N, \$10.691 hourly, in the Dept. of Social Services, Melissa Caudill, Staff Assistant Sr., Grade 108N, \$11.655 hourly, in the Office of the Coroner, effective upon passage of Council.
24. [00368-11](#) A Resolution ratifying the probationary civil service appointment of: Gerald Parker, Trades Supervisor, Grade 113N, \$25.013 hourly, in the Div. of Parks and Recreation, effective November 7, 2011; ratifying the probationary sworn appointments of: Clayton Roberts, Police Lieutenant, Grade 317E, \$3,025.14 bi-weekly, Matthew Greathouse, Police Sergeant, Grade 315N, \$28.588 hourly, Todd Phillips, Police Sergeant, Grade 315N, \$28.588 hourly, in the Div. of Police, effective upon passage of Council.
25. [00369-11](#)

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Bluegrass Community Action Partnership, Inc. (\$925), for the Office of the Urban County Council, at a cost not to exceed the sum stated.

26. **00377-11** A Resolution expressing the intent of the Urban County Government to accept Derby Landing into public right-of-way upon return of the amended subdivision plan with signatures of property owners and recording of the plan.
27. **00324-11** A Resolution authorizing the Mayor, on behalf of the Urban county Government, to execute Change Order No. Two to the Contract with Marrillia Design and Construction, for the Lexington Streetscape Phase One, Vine St. Project, increasing the contract price by the sum of \$14,771.75 from \$1,764,083.82 to \$1,778,855.57.
28. **00314-11** A Resolution authorizing the Mayor, on behalf of the Urban county Government, to execute and submit a Grant Application to the Ky. Energy and Environment 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 \$138,921.33 Commonwealth of Ky. funds, are for continuation of the Litter Abatement Program, 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.
29. **00315-11** A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Dept. of Military Affairs, Div. of Emergency Management, which Grant funds are in the amount of \$119,108.21 Federal funds, are for the support of emergency preparedness activities in Lexington-Fayette County, the acceptance of which obligates the Urban County Government for the expenditure of \$119,108.21 as a local match, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.
30. **00376-11** A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Partial Release of Detention Easement, releasing a portion of a Detention Easement on property located at 158 Louie Place (1700 Leestown Rd.).
31. **00378-11** A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Release of Easement releasing a sanitary sewer easement and a Partial Release of Detention Easement releasing a portion of a detention easement on property located at 1758 Hatter Ln.
32. **00313-11** A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Group Sales Agreement with Hyatt Regency Lexington, for 2012 Bluegrass Invitational Tournament, at a cost not to

exceed \$2,500.

33. [00304-11](#) A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Facility Usage Agreements with various youth fall baseball leagues, for youth baseball.

VIII. Communications From the Mayor

00370-11

1. Recommending the reappointment of Mr. Richard F. Curtis to the Animal Care and Control Oversight Committee, with a term to expire 10-30-2015.
2. Recommending the reappointment of Ms. Lucy Pett to the Carnegie Literacy Center Board of Directors, with a term to expire 10-18-2015.
3. Recommending the reappointment of Ms. Becky L. Reinhold, as Fayette County representative, to the Convention & Visitors Bureau Board of Directors, with a term to expire 9-9-2014.
4. Recommending the appointment of Ms. Terona Cobble-Johnson to the Domestic Violence Prevention Board, with a term to expire 1-1-2015.
5. Recommending the appointment of Ms. Sara M. Fick, as Casual Riders representative, to the Masterson Station Park Advisory Board, with a term to expire 11-14-2015.
6. Recommending the appointment of Ms. Jessi L. Roberts, as Fayette County School System representative, to the Raven Run Citizens Advisory Board, with a term to expire 1-10-2014. Ms. Roberts will fill the unexpired term of Ms. Hillary McWhorter.
7. Recommending the appointment of Ms. Elizabeth A. Frank to the Senior Services Commission, with a term to expire 9-1-2014. Ms. Frank will fill the unexpired term of Ms. Rosa Martin.

IX. Announcements

X. Public Comments

Adjournment