



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

200 E. Main St
Lexington, KY 40507

Tuesday, May 21, 2013

3:00 PM

Council Chamber

Packet

I. Public Comment - Issues on Agenda

Present 15 - Linda Gorton, Chuck Ellinger, Steve Kay, Chris Ford, Shevawn Akers, Diane Lawless, Julian Beard, Bill Farmer Jr., Kevin Stinnett, Jennifer Scutchfield, George Myers, Jennifer Mossotti, Harry Clarke, Peggy Henson, and Ed Lane

Absent 0

II. Requested Rezonings/ Docket Approval

[0491-13](#)

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Service Agreement with Harshaw Trane to provide scheduled annual preventative maintenance services for HVAC equipment at the Government Center, Police Headquarters, and Downtown Arts Center for up to three (3) years, with the cost in FY2013 estimated not to exceed \$8,600. [Div. of Facilities and Fleet Management, Baradaran]

A motion was made by Council Member Steve Kay, seconded by Council Member Ed Lane, that this be Approved and Referred to the Docket, and sent to the Urban County Council, to be returned by 5/23/2013. The motion PASSED by an unanimous vote.

[0568-13](#)

An Ordinance establishing a six month limited Pilot Program for certain Mobile Food Unit Vendors to lawfully operate in designated street parking areas and providing for licensing; compliance with ordinance and program requirements; Food Vending Zones; hours of operation; insurance; and a fine of not less than \$250 nor more than \$500 for each violation; all effective upon date of passage. [Council Office, Maynard]

A motion was made by Council Member Kay, seconded by Council Member Gorton, that this Agenda Item be Amended to remove one area from the map (red line on map by Phoenix Park) on South Limestone. The motion failed by the following vote:

Aye: 5 - Linda Gorton, Steve Kay, Diane Lawless, Bill Farmer Jr., and George Myers

Nay: 10 - Chuck Ellinger, Chris Ford, Shevawn Akers, Julian Beard, Kevin Stinnett, Jennifer Scutchfield, Jennifer Mossotti, Harry Clarke, Peggy Henson, and Ed Lane

Absent: 0

A motion was made by Council Member Ford, seconded by Council Member Mossotti, that this Agenda Item be Amended to remove the section of Elm Tree Lane from Coral St. north to 4th St. from the pilot program and ask for consideration of replacing it with the section Coral St. to Spruce St. The motion Passed by the following vote:

Aye: 14 - Linda Gorton, Chuck Ellinger, Steve Kay, Chris Ford, Shevawn Akers, Diane Lawless, Julian Beard, Bill Farmer Jr., Kevin Stinnett, Jennifer Scutchfield, George Myers, Jennifer Mossotti, Harry Clarke, and Peggy Henson

Nay: 0

Absent: 1 - Ed Lane

A motion was made by Council Member Akers, seconded by Council Member Ford, that this Agenda Item be Amended to include Coral Street to MLK to Spruce. The motion Passed by the following vote:

Aye: 15 - Linda Gorton, Chuck Ellinger, Steve Kay, Chris Ford, Shevawn Akers, Diane Lawless, Julian Beard, Bill Farmer Jr., Kevin Stinnett, Jennifer Scutchfield, George Myers, Jennifer Mossotti, Harry Clarke, Peggy Henson, and Ed Lane

Nay: 0

Absent: 0

A motion was made by Council Member Akers, seconded by Council Member Gorton, that this Agenda Item be Approved and Referred to the docket as amended, and sent to the Urban County Council, due back on 5/23/2013. The motion Passed by the following vote:

Aye: 13 - Linda Gorton, Chuck Ellinger, Chris Ford, Shevawn Akers, Diane Lawless, Julian Beard, Kevin Stinnett, Jennifer Scutchfield, George Myers, Jennifer Mossotti, Harry Clarke, Peggy Henson, and Ed Lane

Nay: 1 - Steve Kay

Abstain: 1 - Bill Farmer Jr.

Absent: 0

[0569-13](#)

A Resolution authorizing and directing the Div. of Traffic Engineering to install a crosswalk at the intersection of Fiddler Creek Way and Clearwater Way. [Council Office, Maynard]

A motion was made by Council Member George Myers, seconded by Council Member Ed Lane, that this Agenda Item be Approved and Referred to the Docket, and sent to the Urban County Council, to be returned by 5/23/2013. The motion PASSED by an unanimous vote.

III. **Approval of Summary**

[0544-13](#)

Table of Motions May 14 2013

A motion was made by Council Member Bill Farmer, Jr., seconded by Council Member Jennifer Scutchfield, that this Summary be Approved. The motion PASSED by an unanimous vote.

IV. Budget Amendments

V. New Business

VI. Continuing Business/ Presentations

- a [0553-13](#) A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Downtown Lexington Corp. (\$1,500), Moveable Feast (\$2,000), Broke Spoke (\$1,175), Transylvania Park Neighborhood Association (\$1,000), Historic Woodward Heights Neighborhood Association (\$500), Mentelle Neighborhood Association (\$1,500), Lexington Blazin' Cats Track and Field Club, LLC (\$3,325), African American Forum, Inc. (\$1,175), The Headley-Whitney Museum (\$1,250), Eight Five Nine Nuggets AAU Program, Inc. (\$400), Infant Nurture (\$450), Victory Christian Church (\$1,500), Idle Hour Neighbors Alliance (\$450), Idle Hour Neighbors Alliance (\$2,500), East Cooper Neighborhood Association (\$3,000), Dellavalle Management, Inc. (\$750), the Ky. Civil War Round Table, Inc. (\$450), Central Ky. Radio Eye (\$50) and American Lung Association of Ky., Inc. (\$1,000), 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 Linda Gorton, seconded by Council Member George Myers, that this Agenda Item be Approved and Referred to the Docket, and sent to the Urban County Council, to be returned by 5/23/2013. The motion PASSED by an unanimous vote.

- b [0549-13](#) Public Safety Committee Summary May 2013 (2)

- c [0546-13](#) General Government Committee Summary May 2013

VII. Council Reports

VIII. Mayor's Report

- [0565-13](#)
1. Recommending the appointment of Mr. David Wickstrom, as At-Large representative, to the Commission for Citizens with Disabilities, with a term to expire 1-1-2015. Mr. Wickstrom will fill the unexpired term of Ms. Sandra Cowan.
 2. Recommending the reappointment of Ms. Zina R. Merkin, as Greenways Community representative, to the Masterson Station

- Park Advisory Board, with a term to expire 5-1-2017.
3. Recommending the appointment of Mr. Brooks D. Downing, as 7th District representative, to the Parks and Recreation Advisory Board, with a term to expire 1-14-2017.
 4. Recommending the appointment of Ms. Stacie Williams, as At-Large representative, to the Picnic with the Pops Commission, with a term to expire 7-1-2014. Ms. Williams will fill the unexpired term of Ms. Soreyda Begley.
 5. Recommending the appointment of Councilmember Jennifer Scutchfield, as Ex-Officio member, to the Senior Services Commission.

A motion was made by Council Member Linda Gorton, seconded by Council Member Kevin Stinnett, that this be Approve and Refer to Docket., and sent to the Urban County Council to be returned by 5/23/2013. The motion PASSED by an unanimous vote.

IX. Public Comment - Issues Not on Agenda

X. Adjournment

Administrative Synopsis - New Business Items

- a** [0486-13](#) A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Amendment to a 1957 Agreement with CSX Transportation, Inc. to allow relocation of a sanitary sewer trunk line onto the Eastern State Hospital/BCTC Campus for the Div. of Water Quality. [Div. of Water Quality, Martin]
- A motion was made by Council Member Linda Gorton, seconded by Council Member George Myers, that this Agenda Item be Approved and Referred to the Docket, and sent to the Urban County Council, to be returned by 5/23/2013. The motion PASSED by an unanimous vote.**
- b** [0487-13](#) A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with U.S. Geological Survey, for the continuing and ongoing maintenance and operation of existing stream flow and precipitation gauges, at a cost not to exceed \$108,480 (FY 2014). [Div. of Water Quality, Martin]
- A motion was made by Council Member Linda Gorton, seconded by Council Member George Myers, that this Agenda Item be Approved and Referred to the Docket, and sent to the Urban County Council, to be returned by 5/23/2013. The motion PASSED by an unanimous vote.**
- c** [0488-13](#) An Ordinance amending Section 21-5(2) of the Code of Ordinances, transferring one (1) position of Network Security Engineer, Grade 119E, from the Div. of Computer Services to the Div. of Enterprise Solutions. [Div. of Human Resources, Maxwell]
- A motion was made by Council Member Linda Gorton, seconded by Council Member George Myers, that this Agenda Item be Approved and Referred to the Docket, and sent to the Urban County Council, to be returned by 5/23/2013. The motion PASSED by an unanimous vote.**
- d** [0493-13](#) A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Lease Agreement with MailFinance Inc., Neopost USA Inc., and Central Business Systems as the sole-source provider, for lease and maintenance of mailing equipment, at a cost not to exceed \$9,065.04 for the first year of a five year lease, future years subject to appropriations by Council. [Dept. of General Services, Reed]
- ..Summary**
Authorization to execute agreements with MailFinance Inc. for lease of mailroom equipment, Central Business System for maintenance of the equipment, and Neopost USA Inc. for rental of a postage meter located in the basement of the Government Center. (L0493-13) (Reed)
This is a request to execute agreements with MailFinance Inc. for lease of mailroom equipment, Central Business System for maintenance of the equipment, and Neopost USA Inc. for rental of a

postage meter located in the basement of the Government Center. The agreements are for multi-year price contracts, include an equipment upgrade and annual maintenance, and are for a term of sixty (60) months beginning July 1, 2013 and ending June 30, 2018, subject to sufficient funds being appropriated in future fiscal years .

Budgetary Implications: Yes

Advance Document Review: Law

Fully Budgeted: Yes

Account Number: 1101-707101-0001-71303

This Fiscal Year Impact:

Annual Impact: \$9,065.04 (\$755.42/month)

Project:

Activity:

Budget Reference:

Current Balance: \$13,884.12

A motion was made by Council Member Linda Gorton, seconded by Council Member George Myers, that this Agenda Item be Approved and Referred to the Docket, and sent to the Urban County Council, to be returned by 5/23/2013. The motion PASSED by an unanimous vote.

e [0496-13](#)

A Resolution authorizing the Mayor or the Commissioner of Finance, on behalf of the Urban County Government, to execute a Letter Agreement with Dean Dorton Allen Ford PLLC, for preparation of the Sheriff's Settlement for the 2012 Property Tax Year, at a cost not to exceed \$12,000 in FY2014. [Dept. of Finance, O'Mara]

A motion was made by Council Member Linda Gorton, seconded by Council Member George Myers, that this Agenda Item be Approved and Referred to the Docket, and sent to the Urban County Council, to be returned by 5/23/2013. The motion PASSED by an unanimous vote.

f [0498-13](#)

A Resolution retaining Dean Dorton Allen Ford PLLC, to conduct the audit of the Lexington-Fayette Urban County Government Water Quality Management Fund for the purpose of ensuring certain compliance requirements included in Ordinance No. 73-2009, and authorizing the Mayor or the Commissioner of Finance, on behalf of the Lexington-Fayette Urban County Government, to execute a Letter Agreement and any other necessary documents related to the audit, with Dean Dorton Allen Ford PLLC, at a cost not to exceed \$12,000. [Dept. of Finance, O'Mara]

A motion was made by Council Member Linda Gorton, seconded by Council Member George Myers, that this Agenda Item be Approved and Referred to the Docket, and sent to the Urban County Council, to be returned by 5/23/2013. The motion PASSED by an unanimous vote.

g [0511-13](#)

A Resolution authorizing Dean Dorton Allen Ford, PLLC, to conduct a

financial audit of all Lexington-Fayette Urban County Government funds for Fiscal Year 2013 for an amount not to exceed \$149,000 (FY2014), and authorizing the Mayor, on behalf of the Urban County Government, to execute a Letter Agreement and any other necessary documents with Dean Dorton Allen Ford, PLLC related to the audit. [Dept. of Finance, O'Mara]

A motion was made by Council Member Linda Gorton, seconded by Council Member George Myers, that this Agenda Item be Approved and Referred to the Docket, and sent to the Urban County Council, to be returned by 5/23/2013. The motion PASSED by an unanimous vote.

- h** [0512-13](#) An Ordinance amending Ordinance No. 34-2013 and Ordinance No. 35-2013 and the Franchise Agreements with Ky. Utilities Co., Inc.; Blue Grass Energy Cooperative Corp.; Clark Energy Cooperative, Inc.; Columbia Gas of Ky., Inc; and Delta Natural Gas Co., Inc., to increase the franchise fees for each utility from three percent (3%) to four percent (4%) of gross revenues effective July 1, 2013. [Office of the Chief Administrative Officer, Hamilton]

A motion was made by Council Member Linda Gorton, seconded by Council Member George Myers, that this Agenda Item be Approved and Referred to the Docket, and sent to the Urban County Council, to be returned by 5/23/2013. The motion PASSED by an unanimous vote.

- i** [0514-13](#) A Resolution accepting the bid of TW Telecom of Ky. LLC, in accordance with the provisions of Ordinance No. 50-2013, creating and offering for sale a short term franchise for the operation of a non-exclusive telecommunications system in Fayette County, and authorizing the Mayor, on behalf of the Urban County Government, to execute a Franchise Agreement with TW Telecom of Ky. LLC, incorporating the terms and conditions of Ordinance No. 50-2013. [Office of the Chief Administrative Officer, Hamilton]

A motion was made by Council Member Linda Gorton, seconded by Council Member George Myers, that this Agenda Item be Approved and Referred to the Docket, and sent to the Urban County Council, to be returned by 5/23/2013. The motion PASSED by an unanimous vote.

- j** [0516-13](#) An Ordinance, pursuant to Code of Ordinances Section 18-83 and Section 18-109, designating Lewis St. as a one-way street with angle parking and authorizing and directing the Div. of Traffic Engineering to install proper and appropriate signs and markings in accordance with the designation. [Dept. of Environmental Quality and Public Works, Moloney]

A motion was made by Council Member Linda Gorton, seconded by Council Member George Myers, that this Agenda Item be Approved and Referred to the Docket, and sent to the Urban County Council, to be returned by 5/23/2013. The motion PASSED by an unanimous vote.

- k** [0520-13](#) A Resolution authorizing the Mayor, on behalf of the Urban County

Government, to accept the donation of a military surplus ARFF apparatus, valued at \$165,000, from the Ky. Fire Commission, for use by the Div. of Fire and Emergency Services. [Div. of Fire and Emergency Services, Jackson]

A motion was made by Council Member Linda Gorton, seconded by Council Member George Myers, that this Agenda Item be Approved and Referred to the Docket, and sent to the Urban County Council, to be returned by 5/23/2013. The motion PASSED by an unanimous vote.

I [0522-13](#)

An Ordinance creating Article XIII of Chapter 16 of the Code of Ordinances to implement a Sanitary Sewer Capacity Assurance Program (CAP) to assure that the Sanitary Sewer System ("System") is adequate for future connections; defining terms; requiring that a Sanitary Sewer Capacity Permit ("permit") must be obtained prior to any future connection to the System and providing that permits shall be granted for properties with a sewer use of record, properties with certain approved plans or plats, and properties in Expansion Area 2; providing that remodeling projects shall not require a permit; providing for Staged Capacity Allocation for properties with certain approved plans with a maximum annual threshold as determined by a negotiated agreement; providing that an essential service project may be granted a permit without adequate capacity upon a finding that such action is justified and will not detrimentally impact the CAP; providing that a project with a significant economic impact may qualify for an Administrative Capacity Approval if such action will not delay Remedial Measure Plan Projects; providing that all applications and requests shall be made by the property owner or duly authorized representative; providing that a non-refundable administrative fee of \$450 shall be paid to request a Capacity Allocation, Capacity Permit, or Capacity Reservation; providing that sewer capacity may be reserved upon payment of a deposit to be credited to tap-on fees or exaction fees; providing that reservations of capacity will expire in one (1) year unless extended and providing that a non-refundable administrative fee of \$225 shall be paid for an extension; providing that a reservation shall become a permanent allocation upon certification of certain plans or amendments; providing that all fees shall be adjustable based on the Consumer Price Index; providing exceptions for payment of administrative fees for certain properties; providing that determinations on applications and requests shall be made within ten (10) days if possible; providing an appeal process for applicants who disagree with determinations; providing that all actions and requirements under Article XIII are subject to the provisions of the Consent Decree and Approved CAP; and providing that a formal review and audit of the CAP and collected fees shall be performed every two (2) years; and amending Section 5-30 of the Code of Ordinances to require that adequate sanitary sewer capacity exists prior to issuance of any building permit for a property that will connect to the Sanitary Sewer

System. [Div. of Water Quality, Martin]

A motion was made by Council Member Linda Gorton, seconded by Council Member George Myers, that this Agenda Item be Approved and Referred to the Docket, and sent to the Urban County Council, to be returned by 5/23/2013. The motion PASSED by an unanimous vote.

m [0526-13](#)

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 \$100,000 Commonwealth of Ky. funds, and are for support of an Energy Savings Performance Contract at the Detention Center, and authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Agreement with the Ky. Department for Local Government, to outline the procedures for hiring an Energy Service Company (ESCO) to identify and implement cost effective solutions to reduce utility consumption at the Detention Center. [Div. of Grants and Special Programs/Dept. of Environmental Quality and Public Works, Gooding/Moloney]

A motion was made by Council Member Linda Gorton, seconded by Council Member George Myers, that this Agenda Item be Approved and Referred to the Docket, and sent to the Urban County Council, to be returned by 5/23/2013. The motion PASSED by an unanimous vote.

n [0527-13](#)

A Resolution rescinding Resolution No. 154-2011, authorizing a Change Order to Gershman, Brickner and Bratton, Inc. to complete work on the Div. of Waste Management Routeware Program, to allow final clerical documentation. [Dept. of Environmental Quality and Public Works, Moloney]

A motion was made by Council Member Linda Gorton, seconded by Council Member George Myers, that this Agenda Item be Approved and Referred to the Docket, and sent to the Urban County Council, to be returned by 5/23/2013. The motion PASSED by an unanimous vote.

o [0531-13](#)

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with Fayette County Public Schools, for transportation services for the Family Care Center's students and their children for the 2013-2014 school year, at a cost not to exceed \$83,000. [Dept. of Social Services, Mills]

..Summary

Authorization to execute a Memorandum of Understanding with Fayette County Public Schools for the provision of bus transportation services for the Family Care Center's enrolled students and their children for the period from August 14, 2013 through the end of the 2013-2014 school year. (L0531-13) (Mills)

This is a request to execute a Memorandum of Understanding with

Fayette County Public Schools for the provision of bus transportation services for the Family Care Center's enrolled students and their children for the period from August 14, 2013 through the end of the 2013-2014 school year for an amount of \$83,000. Funds are included in the FY2014 Mayor's proposed budget.

Budgetary Implications: Yes

Advance Document Review: Law/Risk Management

Fully Budgeted: Yes

Account Number: 1101-606403-0001-71299

This Fiscal Year Impact: \$83,000 (FY14)

Annual Impact: \$

Project:

Activity:

Budget Reference:

Current Budget: \$95,300 (FY14 Mayor's Proposed Budget)

A motion was made by Council Member Linda Gorton, seconded by Council Member George Myers, that this Agenda Item be Approved and Referred to the Docket, and sent to the Urban County Council, to be returned by 5/23/2013. The motion PASSED by an unanimous vote.

p [0537-13](#)

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Contract with Triton Services, Inc., for HVAC and Piping Repair for the Phoenix Building Contract, increasing the contract price by the sum of \$8,360 from \$218,440 to \$226,800. [Dept. of General Services, Reed]

A motion was made by Council Member Linda Gorton, seconded by Council Member George Myers, that this Agenda Item be Approved and Referred to the Docket, and sent to the Urban County Council, to be returned by 5/23/2013. The motion PASSED by an unanimous vote.

q [0538-13](#)

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Memorandum of Agreement with the Lexington Library and Harmony HB, LLC, a division of Anderson Communities, Inc., for maintenance improvements to Phoenix Park, at a cost not to exceed \$19,141. [Div. of Parks and Recreation, Hancock]

A motion was made by Council Member Linda Gorton, seconded by Council Member George Myers, that this Agenda Item be Approved and Referred to the Docket, and sent to the Urban County Council, to be returned by 5/23/2013. The motion PASSED by an unanimous vote.

r [0539-13](#)

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Agreement with Metro Employees Credit Union, Inc., for the general provision of mutual services, at no cost to the Urban County Government. [Dept. of General Services, Reed]

A motion was made by Council Member Linda Gorton, seconded by Council Member George Myers, that this Agenda Item be Approved and Referred to the Docket, and sent to the Urban County Council, to be returned by 5/23/2013. The motion PASSED by an unanimous vote.