



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

200 E. Main St
Lexington, KY 40507

Tuesday, April 10, 2012

3:00 PM

Council Chamber

Packet

I. Public Comment - Issues on Agenda

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

Absent 1 - Ed Lane

II. Requested Rezonings/ Docket Approval - Yes

III. Approval of Summary - Yes

[0379-12](#)

Summary, March 20, 2012

A motion was made by Council Member Bill Farmer, Jr., seconded by Council Member Chuck Ellinger, that this Summary be Passed. The motion PASSED by an unanimous vote.

IV. Budget Amendments - Yes

V. New Business - Yes

VI. Continuing Business/ Presentations - Yes

A. [0367-12](#)

Neighborhood Development Funds - April 10, 2012

A motion was made by Council Member Linda Gorton, seconded by Council Member Julian Beard, that this Agenda Item be Approve., and sent to the Urban County Council, to be returned by 4/12/2012. The motion PASSED by an unanimous vote.

B. [0380-12](#)

2.7.12 & 3.6.12 Public Safety Committee Update - CM Lawless

Considered

[0394-12](#)

An Ordinance creating Section 18-40 of the Code of Ordinances prohibiting the use of or operation of any brake, compression brake, or mechanical exhausts device designed to aid in braking or accelerating of any vehicle which results in a noise disturbance except for a limited

access highway and establishing a fine for an offense of not less than \$50 nor more than \$500 for each offense effective July 1, 2012.

A motion was made by Council Member Lawless, seconded by Council Member McChord, that this Agenda Item be Approved, and sent to the Urban County Council, due back on 4/12/2012. The motion Passed by the following vote:

Aye: 13 - Bill Farmer Jr., Chris Ford, Chuck Ellinger, Diane Lawless, Doug Martin, George Myers, Jay McChord, Julian Beard, Kevin Stinnett, Council Member Linda Gorton, Peggy Henson, Steve Kay, and Tom Blues

Nay: 1 - K.C. Crosbie

[0395-12](#)

Amend Section 18-A of Code of Ordinances relating to taxi cab services.

A motion was made by Council Member Diane Lawless, seconded by Council Member Chuck Ellinger, that this Agenda Item be Approved, and sent to the Urban County Council, to be returned by 4/12/2012. The motion PASSED by an unanimous vote.

C. [0381-12](#)

3.13.12 Environmental Quality Committee Update - CM Blues

Considered

D. [0382-12](#)

3.13.12 Planning & Public Works Committee Update - CM Farmer

Considered

E. [0383-12](#)

3.20.12 Social Services and Community Development Committee Update - CM Myers

Considered

F. [0384-12](#)

Scrap Metal Ordinance Presentation - CM Stinnett

Considered

G. [0222-12](#)

Affordable Housing Trust Fund Task Force Final Report
By Councilmember Peggy Henson

Considered

VII. Council Reports

VIII. Mayor's Report - Yes

IX. Public Comment - Issues Not on Agenda

X. Adjournment

Administrative Synopsis - New Business Items

- A.** [0280-12](#) Authorization to approve the renewal of leases on Parks owned properties currently occupied by LFUCG employees, who perform security, maintain properties and pay monthly rent. (L280-12) (Hancock/Hamilton)
This is a request to approve the renewal of 3-year leases on Parks owned properties currently occupied by LFUCG employees, who perform security, maintain properties and pay monthly rent. The prior leases expired December, 2011.
A motion was made by Council Member Julian Beard, seconded by Council Member Tom Blues, that this Agenda Item be Approved, and sent to the Urban County Council, to be returned by 4/12/2012. The motion PASSED by an unanimous vote.
- B.** [0282-12](#) Authorization to approve a Constitutional Officer Performance Bond for the County Judge/Executive Jon Larson, pursuant to Section 22-55.1(6) of the Code of Ordinances (L282-12) (Graham)
This is a request to approve a Constitutional Officer Performance Bond in the amount of \$10,000 for the County Judge/Executive Jon Larson, pursuant to Section 22-55.1(6) of the Code of Ordinances.
A motion was made by Council Member Julian Beard, seconded by Council Member Tom Blues, that this Agenda Item be Approved, and sent to the Urban County Council, to be returned by 4/12/2012. The motion PASSED by an unanimous vote.
- C.** [0290-12](#) Authorization to execute Supplemental Agreement No. 4 with the Kentucky Transportation Cabinet providing additional federal funds for the construction phase of the Loudon Avenue Improvements Project. (L290-12) (Gooding/Moloney)
This is a request to execute Supplemental Agreement No. 4 with the Kentucky Transportation Cabinet providing additional federal funds in the amount of \$65,000 for the construction phase of the Loudon Avenue Improvements Project.
A motion was made by Council Member Julian Beard, seconded by Council Member Tom Blues, that this Agenda Item be Approved, and sent to the Urban County Council, to be returned by 4/12/2012. The motion PASSED by an unanimous vote.
- D.** [0291-12](#) Authorization to approve a Constitutional Officer Performance Bond for Donald W. Blevins, Jr., Fayette County Clerk, pursuant to Section 22-55.1(6) of the Code of Ordinances. (L291-12) (Graham)
This is a request to approve a Constitutional Officer Performance Bond in the amount of \$400,000 for Donald W. Blevins, Jr., Fayette County Clerk, pursuant to Section 22-55.1(6) of the Code of Ordinances.
A motion was made by Council Member Julian Beard, seconded by Council

Member Tom Blues, that this Agenda Item be Approved, and sent to the Urban County Council, to be returned by 4/12/2012. The motion PASSED by an unanimous vote.

- E. [0305-12](#) Authorization to enter into a Billing Agreement with Central Kentucky Interpreter Referral, Inc. for American Sign Language Interpreting Services. (L305-12) (Mills)

This is a request to enter into a Billing Agreement at a cost not to exceed \$600 with Central Kentucky Interpreter Referral, Inc. for American Sign Language Interpreting Services in support of the Celebration of Disability Expo. Funds are budgeted.

A motion was made by Council Member Julian Beard, seconded by Council Member Tom Blues, that this Agenda Item be Approved, and sent to the Urban County Council, to be returned by 4/12/2012. The motion PASSED by an unanimous vote.

- F. [0306-12](#) Authorization to execute a Class A Incentive Grant Award Agreement with Friends of Wolf Run Inc. funded by the Water Quality Management Fee. (L306-12) (Martin/Moloney)

This is a request to execute a Class A (Neighborhood) Incentive Grant Award Agreement with Friends of Wolf Run Inc. at a cost not to exceed \$4,185 to perform a stormwater quality project on health assessments. A minimum match in the amount of \$1,046.25 is required by the grant recipient. Funds are budgeted.

A motion was made by Council Member Julian Beard, seconded by Council Member Tom Blues, that this Agenda Item be Approved, and sent to the Urban County Council, to be returned by 4/12/2012. The motion PASSED by an unanimous vote.

- G. [0307-12](#) Authorization to approve a land swap of approximately equal property at Burley Park and acceptance of an offer from Burlington's Heights LLC to build a new playground. (L307-12) (Hancock/Hamilton)

This is a request to approve a land swap of approximately equal property at Burley Park with properties located at 300, 302 and 306 Burley Avenue and acceptance of an offer from Burlington's Heights LLC to build a new playground at their expense not to exceed \$117,000. There is no cost to LFUCG.

A motion was made by Council Member Julian Beard, seconded by Council Member Tom Blues, that this Agenda Item be Approved, and sent to the Urban County Council, to be returned by 4/12/2012. The motion PASSED by an unanimous vote.

- H. [0309-12](#) Authorization to amend Section 23-12 of the Code of Ordinances, deleting language in Section 1(f)(4) to no longer award preference points for EMT and Paramedic certifications. (L309-12) (Jackson/Mason)

This is a request to amend Section 23-12 of the Code of Ordinances,

deleting language in Section 1(f)(4) to no longer award preference points for EMT and Paramedic certifications to assure the Division is hiring the best candidates.

A motion was made by Council Member Julian Beard, seconded by Council Member Tom Blues, that this Agenda Item be Approved, and sent to the Urban County Council, to be returned by 4/12/2012. The motion PASSED by an unanimous vote.

- I. [0315-12](#) Authorization to amend Section 23-5 of the Code of Ordinances, abolishing one (1) position of sworn Police Captain, and creating one (1) position of sworn Police Lieutenant. (L315-12) (Walters/Mason)
This is a request to amend Section 23-5 of the Code of Ordinances, abolishing one (1) position of sworn Police Captain, and creating one (1) position of sworn Police Lieutenant. This change will result in a savings of \$3,446.43.

A motion was made by Council Member Julian Beard, seconded by Council Member Tom Blues, that this Agenda Item be Approved, and sent to the Urban County Council, to be returned by 4/12/2012. The motion PASSED by an unanimous vote.

- J. [0318-12](#) Authorization to submit applications, and accept awards if offered, to the Kentucky Transportation Cabinet for participation in the Traffic Safety Program and the Speed Enforcement Project for FY 2013. (L318-12) (Gooding/Mason)

This is a request to submit applications, and accept awards if offered, to the Governor's Highway Safety Program in the Kentucky Transportation Cabinet for participation in the Traffic Safety Program (in the amount of \$135,000) and the Speed Enforcement Project (in the amount of \$25,000) for FY 2013.

A motion was made by Council Member Julian Beard, seconded by Council Member Tom Blues, that this Agenda Item be Approved, and sent to the Urban County Council, to be returned by 4/12/2012. The motion PASSED by an unanimous vote.

- K. [0321-12](#) Authorization to execute a Class B Education Incentive Grant Award Agreement with the UK Research Foundation to perform a stormwater quality funded by the Water Quality Management Fee. (L321-12) (Martin/Moloney)

This is a request to execute an agreement awarding a Class B Education Incentive Grant with the UK Research Foundation at a cost not to exceed \$17,514 to perform a stormwater quality project. A minimum match in the amount of \$15,014 is required by the grant recipient. Funds are budgeted.

A motion was made by Council Member Julian Beard, seconded by Council Member Tom Blues, that this Agenda Item be Approved, and sent to the Urban County Council, to be returned by 4/12/2012. The motion PASSED by an unanimous vote.

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- L. [0322-12](#) Authorization to execute a Class B Infrastructure Incentive Grant Award Agreement with the Board of Education of Fayette County to perform a stormwater quality project funded by the Water Quality Management Fee. (L322-12) (Martin/Moloney)
This is a request to execute a Class B Infrastructure (Feasibility) Incentive Grant Award Agreement with the Board of Education of Fayette County at a cost not to exceed \$12,000 to perform a stormwater quality project at James Lane Allen Elementary School. A minimum match in the amount of \$4,000 is required by the grant recipient. Funds are budgeted.
A motion was made by Council Member Julian Beard, seconded by Council Member Tom Blues, that this Agenda Item be Approved, and sent to the Urban County Council, to be returned by 4/12/2012. The motion PASSED by an unanimous vote.
- M. [0331-12](#) Authorization to execute a Class B Infrastructure Incentive Grant Award Agreement with Lexmark International, Inc. to perform a stormwater quality project funded by the Water Quality Management Fee. (L331-12) (Martin/Moloney)
This is a request to execute a Class B Infrastructure (Feasibility) Incentive Grant Award Agreement with Lexmark International, Inc. at a cost not to exceed \$34,000 to perform a stormwater quality project. A minimum match in the amount of \$11,333 is required by the grant recipient. Funds are budgeted.
A motion was made by Council Member Julian Beard, seconded by Council Member Tom Blues, that this Agenda Item be Approved, and sent to the Urban County Council, to be returned by 4/12/2012. The motion PASSED by an unanimous vote.
- N. [0333-12](#) Authorization to submit application to the Kentucky Department for Local Government requesting federal funds from the FY 2012 Land and Water Conservation Fund for construction of a new ADA accessible trail at Raven Run Nature Sanctuary. (L333-12) (Gooding/Hamilton)
This is a request to submit application to the Kentucky Department for Local Government requesting federal funds in the amount of \$75,000 from the FY 2012 Land and Water Conservation Fund for construction of a new ADA accessible trail at Raven Run Nature Sanctuary. LFUCG will provide a match in the amount of \$75,000 for a total project cost of \$150,000.
A motion was made by Council Member Julian Beard, seconded by Council Member Tom Blues, that this Agenda Item be Approved, and sent to the Urban County Council, to be returned by 4/12/2012. The motion PASSED by an unanimous vote.
- O. [0334-12](#) Authorization to approve a waiver request of portions of Ordinance 213-83 by Southland Christian Church for the reconfiguration of the pond adjacent to the Richmond Road site, location/arrangement of
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some of the landscaping, and species change. (L334-12) (Maynard)

This is a request to approve a waiver request by Southland Christian Church for the reconfiguration of the pond adjacent to the Richmond Road site, location/arrangement of some of the landscaping, and species change. The Corridors Commission unanimously voted to recommend the waiver to the full council.

A motion was made by Council Member Julian Beard, seconded by Council Member Tom Blues, that this Agenda Item be Approved, and sent to the Urban County Council, to be returned by 4/12/2012. The motion PASSED by an unanimous vote.

- P. [0335-12](#) Authorization to amend Section 1 of Ordinance No. 13-2012 relating to discharges of surface or groundwater into the sewer system to correctly identify the article in Chapter 16 of the Code of Ordinances within which Sections 16-111 through 16-115 were created as Article XI rather than Article VIII. (L335-12) (Graham)

This is a request to amend Section 1 of Ordinance No. 13-2012 relating to discharges of surface or groundwater into the sewer system to correctly identify the article in Chapter 16 of the Code of Ordinances within which Sections 16-111 through 16-115 were created as Article XI rather than Article VIII.

A motion was made by Council Member Julian Beard, seconded by Council Member Tom Blues, that this Agenda Item be Approved, and sent to the Urban County Council, to be returned by 4/12/2012. The motion PASSED by an unanimous vote.

- Q. [0336-12](#) Authorization to submit 2012 Consolidated Plan, and accept awards of federal funds from the U.S. Department of Housing and Urban Development for Community Development Block Grant Program, HOME Investment Partnerships Program and Emergency Solutions Grants Program, and to authorize execution of Agreements with subrecipients in accordance with approved plan. (L336-12) (Gooding/Moloney)

This is a request to submit 2012 Consolidated Plan, and accept awards of federal funds from the U.S. Department of Housing and Urban Development for FY 2013 for the Community Development Block Grant Program, the HOME Investment Partnerships Program and the Emergency Solutions Grants Program, and to authorize execution of Agreements with subrecipients in accordance with approved plan.

A motion was made by Council Member Julian Beard, seconded by Council Member Tom Blues, that this Agenda Item be Approved, and sent to the Urban County Council, to be returned by 4/12/2012. The motion PASSED by an unanimous vote.

- R. [0342-12](#) Authorization to execute HOME Agreement with National Housing Associates, Inc. for use of HOME Investment Partnerships Program funds for rehabilitation of the Salem Village Apartments. (L342-12)

(Gooding/Moloney)

This is a request to execute HOME Agreement with National Housing Associates, Inc. for use of HOME Investment Partnerships Program funds in the amount of \$400,000 for rehabilitation of the Salem Village Apartments.

A motion was made by Council Member Julian Beard, seconded by Council Member Tom Blues, that this Agenda Item be Approved, and sent to the Urban County Council, to be returned by 4/12/2012. The motion PASSED by an unanimous vote.

S. [0343-12](#)

Authorization to execute a Class B Infrastructure Incentive Grant Award Agreement with the Board of Education of Fayette County to perform a stormwater quality project funded by the Water Quality Management Fee. (L343-12) (Martin/Moloney)

This is a request to execute a Class B Infrastructure (Construction Only) Incentive Grant Award Agreement with the Board of Education of Fayette County at a cost not to exceed \$320,400 to perform a stormwater quality project at Clays Mill Elementary School. Funds are budgeted.

A motion was made by Council Member Julian Beard, seconded by Council Member Tom Blues, that this Agenda Item be Approved, and sent to the Urban County Council, to be returned by 4/12/2012. The motion PASSED by an unanimous vote.

T. [0344-12](#)

Authorization to execute a Class B Infrastructure Incentive Grant Award Agreement with Community Montessori School, Inc to perform a stormwater quality project funded by the Water Quality Management Fee. (L344-12) (Martin/Moloney)

This is a request to execute a Class B Infrastructure (Construction Only) Incentive Grant Award Agreement with Community Montessori School, Inc. at a cost not to exceed \$360,160 to perform a stormwater quality project at Montessori Middle School. Funds are budgeted.

A motion was made by Council Member Julian Beard, seconded by Council Member Tom Blues, that this Agenda Item be Approved, and sent to the Urban County Council, to be returned by 4/12/2012. The motion PASSED by an unanimous vote.

U. [0345-12](#)

Authorization to execute a Class B Infrastructure Incentive Grant Award Agreement with the Living Arts and Science Center, Inc to perform a stormwater quality project funded by the Water Quality Management Fee. (L345-12) (Martin/Moloney)

This is a request to execute a Class B Infrastructure (Construction Only) Incentive Grant Award Agreement with the Living Arts and Science Center, Inc at a cost not to exceed \$60,440 to perform a stormwater quality project at their main facility at 364 N. Martin Luther King Boulevard. Funds are budgeted.

A motion was made by Council Member Julian Beard, seconded by Council

Member Tom Blues, that this Agenda Item be Approved, and sent to the Urban County Council, to be returned by 4/12/2012. The motion PASSED by an unanimous vote.

- V. [0346-12](#) Authorization to submit a grant application, and to accept award of federal funds if offered, to the Bluegrass Area Development District for operation of the Senior Citizens Center in FY 2013. (L346-12) (Gooding/Mills)

This is a request to submit a grant application, and to accept award of federal funds if offered, to the Bluegrass Area Development District for operation of the Senior Citizens Center in FY 2013.

A motion was made by Council Member Julian Beard, seconded by Council Member Tom Blues, that this Agenda Item be Approved, and sent to the Urban County Council, to be returned by 4/12/2012. The motion PASSED by an unanimous vote.

- W. [0350-12](#) Authorization to execute agreement with Safe Transportation Training Specialists for Cargo Tank Emergency Response Training. (L350-12) (Gooding/Mason)

This is a request to execute agreement with Safe Transportation Training Specialists in the amount of \$23,800 for Cargo Tank Emergency Response Training for hazmat units throughout the state for the Division of Fire and Emergency Services. Funds are budgeted.

A motion was made by Council Member Julian Beard, seconded by Council Member Tom Blues, that this Agenda Item be Approved, and sent to the Urban County Council, to be returned by 4/12/2012. The motion PASSED by an unanimous vote.

- X. [0351-12](#) Authorization to execute a Transfer Agreement with Fayette County Parking Authority related to the transfer, management, repair and operations of the Annex, Transit, Victorian Square and Broadway Shops, and Courthouse parking facilities as outlined in the agreement. (L351-12) (Hamilton)

This is a request to execute a Transfer Agreement with Fayette County Parking Authority related to the transfer, management, repair and operations of the Annex, Transit, Victorian Square and Broadway Shops, and Courthouse parking facilities as outlined in the agreement.

A motion was made by Council Member Julian Beard, seconded by Council Member Tom Blues, that this Agenda Item be Approved, and sent to the Urban County Council, to be returned by 4/12/2012. The motion PASSED by an unanimous vote.

- Y. [0352-12](#) Authorization to approve a contract extension for completion of the SSA Group 2/3 Sewershed Field Activities - Raising Manholes - Contract 4 Consent Decree Project. (L352-12) (Martin/Moloney)

This is a request to approve a contract extension for completion of the SSA Group 2/3 Sewershed Field Activities - Raising Manholes - Contract 4 Consent Decree Project in May 2012. There is no

budgetary impact.

A motion was made by Council Member Julian Beard, seconded by Council Member Tom Blues, that this Agenda Item be Approved, and sent to the Urban County Council, to be returned by 4/12/2012. The motion PASSED by an unanimous vote.

Z. [0353-12](#)

Authorization to execute Engineering Services Agreement with CDP Engineers, Inc., for the design of Town Branch Trail Phase III. (L353-12) (Gooding/Moloney)

This is a request to execute Engineering Services Agreement with CDP Engineers, Inc., in the amount of \$71,450 for the design of Town Branch Trail Phase III between Alexandria Drive and Bizzell Drive. Funds are budgeted.

A motion was made by Council Member Julian Beard, seconded by Council Member Tom Blues, that this Agenda Item be Approved, and sent to the Urban County Council, to be returned by 4/12/2012. The motion PASSED by an unanimous vote.

AA. [0355-12](#)

Authorization to approve a donation from the Downtown Development Authority to purchase hanging flower baskets for Main Street. (L355-12) (Emmons)

This is a request to approve a donation from the Downtown Development Authority in the amount of \$1,000 to purchase hanging flower baskets for Main Street.

A motion was made by Council Member Julian Beard, seconded by Council Member Tom Blues, that this Agenda Item be Approved, and sent to the Urban County Council, to be returned by 4/12/2012. The motion PASSED by an unanimous vote.

BB. [0356-12](#)

Authorization to approve a donation from the Downtown Lexington Corporation for downtown streetscape beautification. (L356-12) (Emmons)

This is a request to approve a donation from the Downtown Lexington Corporation in the amount of \$2,000 for downtown streetscape beautification.

A motion was made by Council Member Julian Beard, seconded by Council Member Tom Blues, that this Agenda Item be Approved, and sent to the Urban County Council, to be returned by 4/12/2012. The motion PASSED by an unanimous vote.

[0396-12](#)

Resolution executing an agreement with Farm & Garden Corporate Assoc., Inc., DBA Lexington Farmers' Market to provide fresh produce at the Governmetn Center as a part of the pilot project.

A motion was made by Council Member Steve Kay, seconded by Council Member Jay McChord, that this Agenda Item be Approved, and sent to the Urban County Council, to be returned by 4/12/2012. The motion PASSED by an unanimous vote.

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

Nay: 0

[0397-12](#)

Ordinance amending Section 1 of Ordinance No. 158-2011 amending the schedule of meetings for the Lexington-Fayette Urban County Council for the calendar year 2012, to change the date of the Planning and Public Works Committee meeting scheduled for June 12 to June 19; to change the date of the Budget and Finance Committee meeting scheduled for June 19 to June 12; to add Committee of the Whole meetings on April 26 at 3:30 p.m., May 29 at 1:00 p.m., and June 7 at 3:00 p.m.; and to change the time of the quarterly Committee of the Whole meeting scheduled for May 17 to 3:00 p.m.

A motion was made by Council Member Linda Gorton, seconded by Council Member George Myers, that this Agenda Item be Approved, and sent to the Urban County Council, to be returned by 4/12/2012. The motion PASSED by an unanimous vote.