

Lexington-Fayette Urban County Government

200 E. Main St
Lexington, KY 40507



Docket

Thursday, September 12, 2013

6:00 PM

Council Chambers

Urban County Council

I. Roll Call**II. Invocation****III. Minutes of the Previous Meetings**

0979-13 Minutes of the August 13 and 29, 2013 Council Meetings

IV. Ordinances – Second Reading

1. **0909-13** An Ordinance amending Articles 1, 3 and 8 of the Zoning Ordinance to clarify regulations related to vehicle repair accessory to residential uses. (Urban County Planning Commission). Approval 10-0 [Div. of Planning, King]
2. **0910-13** An Ordinance amending Articles 1, 3 and 8 of the Zoning Ordinance to regulate the parking and storage of business vehicles, trailers, equipment and associated materials in residential zones. (Urban County Planning Commission). Approval 10-0 [Div. of Planning, King]
3. **0911-13** An Ordinance amending Article 5 of the Zoning Ordinance to provide clarification about the Government's ability to abate a violation of the Zoning Ordinance. (Urban County Planning Commission). Approval 8-2 [Div. of Planning, King]
4. **0924-13** An Ordinance creating Section 15-12 of the Code of Ordinances, Lexington-Fayette Urban County Government pertaining to the general regulation of itinerant merchants, peddlers, and door-to-door sales and providing for general conduct, public safety, transient merchant registration, parking restrictions, maintenance, garbage and recycling requirements, noise and lighting restrictions; hours of operation from 7 a.m. to 11 p.m. or later and from 9 a.m. to 8 p.m. for door-to-door sales; location restrictions for peddlers and itinerant merchants with additional restrictions for itinerant merchants; no sales by itinerant merchants on public property; creating Section 15-13 of the Code of Ordinances providing for exceptions for mobile food unit vendors, wholesalers, bazaars, malls, yard and garage sales, and not-for-profits; and creating Section 15-14 of the Code of Ordinances providing for a penalty in an amount not to exceed \$250.00; all effective thirty (30) days from passage. [Council Office, Maynard]

5. [0930-13](#) An Ordinance of the Lexington-Fayette Urban County Government authorizing the issuance of Various Purpose General Obligation Bonds, Series 2013C in the aggregate principal amount not to exceed \$18,250,000; approving the form of the Series 2013C Bonds; authorizing designated officers to execute and deliver the Series 2013C Bonds; authorizing and directing the filing of notice with the State Local Debt Officer; providing for the payment and security of the Series 2013C Bonds; creating Bond Payment Funds; maintaining the heretofore established Sinking Fund; authorizing a Certificate of Award for the acceptance of the Bid of the Bond Purchaser for the purchase of the Series 2013C Bonds; and repealing inconsistent ordinances. [Dept. of Finance, O'Mara]
6. [0931-13](#) An Ordinance of Lexington-Fayette Urban County Government authorizing the issuance of Lexington-Fayette Urban County Government Various Purpose General Obligation Refunding Bonds, Series 2013D, in one or more subseries, in an aggregate principal amount not to exceed \$80,000,000, for the purpose of refunding (I) All or a portion of the outstanding principal amount of Lexington-Fayette Urban County Government Taxable General Obligation Public Project Bonds, Series 2010A (Build America Bonds - Direct Pay) dated February 17, 2010; (II) All or a portion of the outstanding principal amount of Lexington-Fayette Urban County Government Various Purpose General Obligation Public Projects Bonds, Series 2010F (Federally Taxable - Build America Bonds - Direct Payment to the Issuer), dated December 28, 2010; and (III) All or a portion of the outstanding principal amount of Lexington-Fayette Urban County Government Various Purpose General Obligation Public Projects Bonds, Series 2010G (Federally Taxable-Recovery Zone Economic Development Bonds-Direct Payment to the Issuer), dated December 28, 2010; approving a form of Bond; authorizing designated officers to execute and deliver the Bonds; providing for the payment and security of the Bonds; creating a Bond Payment Fund and Escrow Funds; maintaining the heretofore established Sinking Fund; authorizing a Certificate of Award for the acceptance of the Bid of the Bond Purchaser for the purchase of the Series 2013D Refunding Bonds; authorizing an Escrow Trust Agreement; and repealing inconsistent ordinances. [Dept. of Finance, O'Mara]

7. [0932-13](#) Ordinance of the Lexington-Fayette Urban County Government authorizing and providing for the issuance of Sewer System Refunding Revenue Bonds, Series 2013E, in one or more subseries, in an aggregate principal amount not to exceed \$35,000,000, dated the date of delivery, for the purpose of refunding all or a portion of the outstanding principal amount of its Taxable Sewer System Revenue Bonds, Series 2009 (Build America Bonds - Direct Pay); setting forth the terms and conditions upon which said Series 2013E Bonds are to be issued and outstanding; approving a form of Bond; authorizing designated officers to execute and deliver the Series 2013E Bonds; creating an Escrow Fund; authorizing a Certificate of Award for the acceptance of the Bid of the Purchaser for the purchase of the Series 2013E Bonds; authorizing an Escrow Trust Agreement; and taking other related actions. [Dept. of Finance, O'Mara]
8. [0935-13](#) 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. 11. [Div. of Budgeting, Lueker]
9. [0941-13](#) An Ordinance creating a Pedestrian Oriented Business District for properties located at 303, 304, 315, 319, 325, 327, 329-333, 341, 345, 357, 371, 377, 385, and 395 S. Limestone St. [Council Office, Maynard]
10. [0944-13](#) An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$3,750,000 in the Office of the Urban County Council for capital projects from the fund balance of the General Services District Fund, and appropriating and re-appropriating funds, Schedule No. 13. [Council Office, Maynard]

V. **Ordinances – First Reading**

11. [0942-13](#) An Ordinance amending Section 21-5(2) of the Code of Ordinances, abolishing one (1) position of Associate Traffic Engineer, Grade 115E, and creating one (1) position of Traffic Engineer, Grade 117E, and reclassifying the incumbent, (due to Engineering Licensure obtainment) in the Div. of Traffic Engineering, and appropriating funds pursuant to Schedule No.

14, effective retroactive to June 17, 2013. [Div. of Human Resources, Maxwell]

12. [0955-13](#) An Ordinance amending Section 21-5(2) of the Code of Ordinances, abolishing one (1) position of Staff Assistant Sr., Grade 108N, and creating one (1) position of Information Systems Specialist, Grade 111N, both in the Div. of Parks and Recreation, and appropriating funds pursuant to Schedule No. 15, effective upon passage of Council. [Div. of Human Resources, Maxwell]
13. [0982-13](#) 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. 12. [Div. of Budgeting, Leuker]

VI. Resolutions – Second Reading

1. [0883-13](#) A Resolution accepting the bid of Perdue Environmental Contracting Co., Inc. d/b/a PECCO, LLC, establishing a price contract for Hazardous Material Spill Clean Up, for the Div. of Fire and Emergency Services. (2 Bids, Non-Low) [Jackson]
2. [0938-13](#) A Resolution accepting the bid of ZKB Services, LLC, establishing a price contract for Clearing and Grubbing Services for Sanitary Sewer Manholes for the Div. of Water Quality. (1 Bid) [Martin]
3. [0811-13](#) A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Central Indiana Truck Equipment Corp., a sole source provider, for purchase of Heil Python Multipack Refuse Truck Bodies for the Div. of Waste Management, at a cost not to exceed \$211,769 each. [Div. of Facilities and Fleet Management, Baradaran]
4. [0834-13](#) A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Multi-Year Agreements with Time Warner Cable, for connectivity for the EDACS Radio System and NetMotion internet access, for the Div. of Fire and Emergency Services, at a cost not to exceed \$14,280 for Fiscal Year 2014. [Div. of Fire and Emergency Services, Jackson]

5. [0849-13](#) A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. 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 \$145,326.91 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. [Div. of Grants and Special Programs/Dept. of Environmental Quality and Public Works, Gooding/Moloney]

6. [0861-13](#) A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Murphy + Graves Architects, for design and engineering services for renovation of the Emergency Operations Center at 115 Cisco Rd., at a cost not to exceed \$427,000. [Div. of Purchasing, Slatin]

7. [0867-13](#) A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Columbia Gas of Ky., for relocation of utilities for the Clays Mill Rd. Improvements Project - Section 2C, at a cost not to exceed \$38,281. [Div. of Grants and Special Programs/Dept. of Planning, Preservation and Development, Gooding/Paulsen]

8. [0870-13](#) A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Purchase of Services Agreement with the University of Ky. and the UK Arboretum for stormwater education and outreach workshops for the Div. of Environmental Policy, at a cost not to exceed \$50,000. [Div. of Environmental Policy, Bush]

9. [0888-13](#) A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with Bluegrass Chapter of American Red Cross, for assistance to families affected by disasters. [Div. of Emergency Management/911, Dugger]

10. [0898-13](#) A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Donation Agreement with Wells Fargo Bank, N.A., accepting donation of

the property located at 471 N. Upper St., and authorizing the Mayor, on behalf of the Urban County Government, to execute a Deed, and any other documents necessary, to transfer the property to the Fayette County Local Development Corporation for construction of affordable housing for low-income households. [Div. of Grants and Special Programs, Office of the Chief Administrative Officer, Gooding/Hamilton]

11. [0901-13](#) A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit an Application to the Ky. Infrastructure Authority (KIA), and to provide any additional information requested in connection with the Application, for a Low Interest State Revolving Fund Loan in the amount of \$9,837,063 for the Lower Cane Run Wet Weather Storage Project. [Div. of Water Quality, Martin]

12. [0907-13](#) A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. Two (2) to the Contract with Churchill McGee, LLC, for the Carver Community Center Renovation for the Newtown Pike Extension Project, increasing the contract price by the sum of \$2,405.56 from \$1,098,175.85 to \$1,100,581.41. [Div. of Grants and Special Programs/Dept. of General Services, Gooding/Reed]

13. [0912-13](#) A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Addendum to the Agreement with PowerPhone, Inc., to provide training and materials related to Emergency Medical Dispatch Certification for E911 personnel, at an estimated cost not to exceed \$9,176. [Div. of Emergency Management/911, Lucas]

14. [0913-13](#) A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Services Agreement with Rave Wireless, Inc. d/b/a Rave Mobile Safety, to provide software, training, and implementation services related to the E911 System, for a period of up to five years, subject to sufficient funds being appropriated in future fiscal years, at a cost not to exceed \$107,000 in FY 2014. [Div. of Emergency Management/911, Lucas]

15. [0916-13](#) A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Division of Forestry, and to provide any additional information requested in connection with this Grant

Application, which Grant funds are in the amount of \$15,000 Federal funds, and are for Lexington's Tree Canopy Assessment and Planting Plan. [Div. of Grants and Special Programs/Dept. of Environmental Quality and Public Works, Gooding/Moloney]

16. [0923-13](#) A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Bluegrass Area Development District, and 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 \$27,979.72 Commonwealth of Ky. funds, are for capital improvements to the Family Care Center, 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 Social Services, Gooding/Mills]

VII. Resolutions – First Reading

17. [0952-13](#) A Resolution accepting the bid of Bluegrass Contracting Corp., establishing a price contract for Emergency Pump Connections, for the Div. of Water Quality, and authorizing the Mayor, on behalf of the Urban County Government, to execute any necessary Agreement with Bluegrass Contracting Corp. related to the bid. (5 Bids, Low) [Martin]
18. [0959-13](#) A Resolution accepting the bid of Kiesler Police Supply, establishing a price contract for ammunition, for the Div. of Police. (1 Bid) [Bastin]
19. [0986-13](#) A Resolution accepting the bid of OmniSource Integrated Supply, LLC d/b/a OmniSource Staffing, establishing a price contract for Temporary Labor, for the Div. of Facilities and Fleet Management, and authorizing the Mayor, on behalf of the Urban County Government, to execute any necessary Agreement with OmniSource Staffing, related to the bid.(6 Bids, Non-Low) [Baradaran]
20. [0987-13](#) A Resolution accepting the bid of Windstream Communications, Inc., establishing a price contract for Telephone Maintenance, for the Div. of Computer Services, and authorizing the Mayor, on behalf of the Urban County Government, to execute any

necessary Agreement with Windstream Communications, Inc., related to the bid. (3 Bids, Low) [Nugent]

21. [0984-13](#) A Resolution ratifying the probationary civil service appointments of: Brooke Gray, Program Specialist, Grade 112E, \$1,517.20 bi-weekly in the Div. of Water Quality, effective October 21, 2013, Michael Thomas, Trades Worker Sr., Grade 109N, \$17.620 hourly in the Div. of Streets and Roads, Johnesia Harris, Telecommunicator, Grade 111N, \$18.603 hourly in the Div. of Police, Thad Scott, Code Enforcement Supervisor, Grade 116E, \$2,253.84 bi-weekly in the Div. of Code Enforcement, all effective upon passage of Council; ratifying the permanent civil service appointment of: Yvonne Brown, Staff Assistant Sr., Grade 108N, \$14.352 hourly in the Div. of Human Resources, effective August 25, 2013; ratifying the Approved Council Leave for: Thomas Keller, Public Service Supervisor, Grade 111N, in the Div. of Streets and Roads, beginning September 4, 2013 to December 4, 2013. [Div. of Human Resources, Maxwell]
22. [0985-13](#) A Resolution authorizing the Div. of Human Resources to make a conditional offer to the following probationary civil service appointments: Tamar Tompkins, Staff Assistant Sr., Grade 108N, \$13.283 hourly in the Div. of Water Quality, effective September 16, 2013, Debra Phelps, Code Enforcement Officer, Grade 113N, \$16.624 hourly in the Div. of Code Enforcement, Shelly Ross, Child Care Program Aide, Grade 107N, \$11.790 hourly, in the Div. of Family Services, Eldrico Clay, Public Service Worker, Grade 106N, \$11.775 hourly in the Div. of Water Quality, all effective upon passage of Council; authorizing the Div. of Human Resources to make a conditional offer to the following unclassified civil service appointment: Evan Woolums, Staff Assistant Sr., Grade 108N, \$12.185 hourly in the Div. of Parks and Recreation, effective September 16, 2013; authorizing the Div. of Human Resources to make a conditional offer to the following probationary Community Corrections Officer appointments: Justin Clark, Jesus Contreras, Cyлина Daniels, Vickie Dickerson, Misty Ellis, Kara Francis, Andrew Ginn, Jackie Glass, Leila Goodpaster, George Grayson, Anne Greis, Jeffrey Johnston, Hannah Joyner, Alyssa Lawrence, Jennifer Lynch, Vance Meighan, Justin Clark, Makeshia Mullins-Bolli, Jesse Neace, Cassandra Reynolds, Matthew Ritchey, Loreal Russell, Christopher Tune, Wayne Wilson, and Zachary Yeary, Community Corrections Officer, Grade 110N,

\$14.34 hourly in the Div. of Community Corrections, all effective upon passage of Council; authorizing the Div. of Human Resources to make a conditional offer to the following probationary sworn appointments: Michael Allgeier, Corey Barron, Anthony Beatty, Johnathan Brown, Keisha Compton, Byron Creekmore, Joseph Danielson, Jennifer Day, John Finley, Brandon Gibbs, Dusty Gigandet, Donovan Grider, Ethan Jennings, Phillip Johnson, Michael Jones, Elizabeth Kanis, Cory Lane, Matthew Lee, Cody McMillen, Ryan Scott, Andrew Strong, Alexander White, Steven Wiggins, Ryan Wilson, and Joshua Woodward, Police Officer, Grade 311N, \$17.649 hourly in the Div. of Police, all effective upon passage of Council. [Div. of Human Resources, Maxwell]

23. [0884-13](#) A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Facility Usage Agreement with Fayette County Board of Education, for Parks and Recreation ESP and REAL Programs, at a cost not to exceed \$70,000. [Div. of Parks and Recreation, Hancock]
24. [0917-13](#) A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Windstream Communications for relocation of utilities for the Clays Mill Rd. Improvements Project Section 2C, at a total cost of \$401,088.62 of which an amount not to exceed \$16,743.76 is the responsibility of the Urban County Government. [Div. of Grants and Special Programs/Dept. of Planning, Preservation and Development, Gooding/Paulsen]
25. [0925-13](#) A Resolution authorizing a change in use for a portion of the property located at 1050 Delaware Ave., declaring that portion of the property as surplus, and authorizing the Mayor, on behalf of the Lexington-Fayette Urban County Government, to execute a Deed, and any other documents necessary, for the sale and transfer of the property, the proceeds from which shall be returned to the Community Development Block Grant Program. [Div. of Grants and Special Programs/Dept. of General Services, Gooding/Reed] PUBLIC HEARING
26. [0934-13](#) A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Ky. Utilities for relocation of utilities for the Clays Mill Rd. Improvements Project Section 2C, at a total cost of \$42,694.77 of which an amount not to exceed \$35,009.71 is the

responsibility of the Urban County Government. [Div. of Grants and Special Programs/Dept. of Planning, Preservation and Development, Gooding/Paulsen]

27. [0950-13](#) A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One (1) to the Contract with Oracle Elevator, for the Phoenix/Police Headquarters Elevator Renovation Project, increasing the contract price by the sum of \$2,297.31 from \$568,775.00 to \$571,072.31. [Dept. of General Services, Reed]
28. [0953-13](#) A Resolution authorizing the Whitney Young Park Neighborhood Building to be renamed the Charles H. Quillings Neighborhood Building. [Dept. of General Services, Reed]
29. [0954-13](#) A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Transportation Cabinet, Office of Highway Safety Programs, which Grant funds are in the amount of \$20,000 Federal funds, are for the provision of Distracted Driving Related Services, the acceptance of which does not obligate the Lexington-Fayette 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]
30. [0956-13](#) A Resolution amending Resolution No. 364-2013 accepting the bid of DMH Construction, Inc., to provide for payment from the correct account. [Div. of Water Quality, Martin]
31. [0958-13](#) A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with the U.S. Dept. of Housing and Urban Development, amending the Housing Opportunities for Persons with AIDS Grant to permit use of the Grant funds for operation of a Tenant Based Rental Assistance Program, and authorizing the Mayor, on behalf of the Lexington-Fayette Urban County Government, to execute an Amendment to Agreement with AIDS Volunteers, Inc., for operation of the program, at no cost to the Urban County Government. [Div. of Grants and Special Programs/Office of the Chief Administrative Officer, Gooding/Hamilton]
32. [0980-13](#) A Resolution authorizing the Mayor, on behalf of the Urban

County Government, to execute an Agreement with Bluegrass Youth Ballet (\$300), for the Office of the Urban County Council, at a cost not to exceed the sum stated. [Council Office, Maynard]

33. [1000-13](#) A Resolution authorizing and directing the Dept. of Law to institute condemnation proceedings in Fayette Circuit Court to obtain permanent sanitary sewer and temporary construction easements at 4250 Athens Boonesboro Rd. for the Blue Sky Pump Station and Force Main Project. [Council Office, Maynard]

VIII. Communications from the Mayor

- [0983-13](#)
1. Recommending the reappointment of Ms. Rashmi Adi-Brown to the Domestic Violence Prevention Board, with a term to expire 1-1-2017.
 2. Recommending the reappointment of Mr. Douglas Applier, as At-Large representative, to the Greenspace Commission, with a term to expire 7-18-2017.
 3. Recommending the reappointment of Ms. Kyna Koch to the Housing Authority Board of Directors, with a term to expire 6-30-2017.
 4. Recommending the reappointment of Mr. Wayne Masterman to the Parking Authority Board, with a term to expire 6-1-2017.
 5. Recommending the reappointment of Ms. Marian Guinn to the Social Services Advisory Board, with a term to expire 9-1-2017.

IX. Announcements

X. Public Comments

Adjournment