Lexington-Fayette Urban County Government

200 E. Main St
Lexington, KY 40507

Tuesday, September 21, 2021

3:00 PM

Packet

Council Chamber

Urban County Council Work Session

Urban County Council
Schedule of Meetings
September 20, 2021 – September 27, 2021

Monday, September 20
No Meetings

Tuesday, September 21
Planning & Public Safety Committee……………………………………………………………….1:00 pm
Council Chamber – 2nd Floor Government Center

Council Work Session……………………………………………………………………………………….3:00 pm
Council Chamber – 2nd Floor Government Center

Wednesday, September 22
Redistricting Committee………………………………………………………………………………….10:00 am
Conference Room – 3rd Floor Phoenix Building

Commission for People with Disabilities…………………………………………………………11:00 am
Senior Center – 195 Life Lane

Parks Advisory Board……………………………………………………………………………………….4:00 pm
McConnell Springs – 416 Rebmann Lane

Thursday, September 23
No Meetings

Friday, September 24
No Meetings

Monday, September 27
No Meetings

Lexington-Fayette Urban County Council
Work Session Agenda
September 21, 2021

I. Public Comment - Issues on Agenda

II. Requested Rezonings/ Docket Approval – No

III. Approval of Summary – Yes, p. 1-2

- **a** Table of Motions: Council Work Session, September 14, 2021

IV. Budget Amendments – No

V. New Business – Yes, p. 3-8

VI. Continuing Business/ Presentations

- **a** Neighborhood Development Funds: September 21, 2021, p. 9
- **b** Committee Summary: Planning & Public Safety, August 10, 2021, p. 10-14
- **c** Presentation: Life Cycle of an ARPA Project; By: Erin Hensley, Finance Commissioner, p. 15-30

VII. Council Reports

VIII. Mayor's Report – No

IX. Public Comment - Issues Not on Agenda

X. Adjournment

Administrative Synopsis - New Business Items

a	**0904-21**	Authorization execute a memorandum of understanding with Bluegrass Disc Golf Association to formalize the partnership between Bluegrass Disc Golf Association (BGDG) and LFUCG Division of Parks and Recreation that provides volunteer maintenance services to Lexington's disc golf courses. The MOU provides the ability for BGDG to raise financial support by holding disc golf tournaments at no cost. No budgetary impact. (L0904-21) (Conrad/Ford) p. 3
b	**0915-21**	Authorization to accept a donation in the amount of $1,500 from Charter Communications for the Black & Williams Neighborhood Reading Room. Charter Communications is making this donation in order to properly outfit their already donated Chromebooks in the Reading Room at the Black & Williams Neighborhood Reading Room with Google licensing software. Budget amendment in progress. (L0915-21) (Sanders/Allen-Bryant) p. 4
c	**0930-21**	Authorization to execute an agreement with the Lexington-Fayette County Health Department in the amount of $261,000 for the First Responders and Community Partners Overdose Prevention Project funded under the U.S. Department of Health and Human Services First Responders - Comprehensive Addiction and Recovery Act Grant Program. Funds are budgeted. (L0930-21) (Baker/Allen-Bryant) p. 5
d	**0931-21**	Authorization to execute agreement in the amount of $102,109 with the University of Kentucky Research Foundation (UKRF) for the provision of evaluation services for Year 4 of the First Responders and Community Partners Overdose Prevention Project funded under the U.S. Department of Health and Human Services First Responders - Comprehensive Addiction and Recovery Act Grant Program. Funds are budgeted. (L0931-21) (Baker/Allen-Bryant) p. 6
e	**0932-21**	Authorization to approve a five (5) year maintenance agreement for the Division of Community Corrections with JailTracker for the annual maintenance to the inmate information management system. JailTracker is a sole source due to the proprietary nature of the software. LFCUG has worked with JailTracker to negotiate a reduced maintenance cost for the 5 years. FY2022 impact is $100,836.01. Funds are budgeted. (L0932-21) (Farmer/Armstrong) p. 7-8

URBAN COUNTY COUNCIL
WORK SESSION
TABLE OF MOTIONS
September 14, 2021

Mayor Gorton called the meeting to order at 3:00pm. Council Members Kay, Moloney, Ellinger, J. Brown, McCurn, LeGris, Lamb, Sheehan, Kloiber, F. Brown, Baxter, Reynolds and Plomin were present. Council Members Bledsoe and Worley were absent.

I. Public Comment – Issues on Agenda

II. Requested Rezonings/Docket Approval

Motion by Kay to the September 16, 2021 Council meeting docket. Seconded by Ellinger. Motion passed without dissent.

Motion by McCurn to place on the Council Meeting docket for Thursday, September 16, 2021, a Resolution authorizing the Mayor to submit two applications to the Kentucky Transportation Cabinet and the Lexington Area Metropolitan Planning Organization (MPO), seeking grant funds in the amount of $2,920,000.00 in federal funds under the Transportation Alternatives Program (TAP) for the Alumni Drive Shared Use Path Project and the Citation Trail Phase 2 Project.). Seconded by Ellinger. Motion passed without dissent.

III. Approval of Summary

Motion by Plomin to approve the August 31, 2021 work session summary. Seconded by Kay. Motion passed without dissent.

IV. Budget Amendments

Motion by Kay to approve budget amendments. Seconded by Lamb. Motion passed without dissent.

V. New Business

Motion by Plomin to approve new business. Seconded by Sheehan. Motion passed without dissent as amended with the exception of one no vote on items Q, R, U and V. Moloney voted no on items Q, R, U and V.

Motion by J. Brown to remove item O from new business. Seconded by McCurn. Motion passed without dissent.

VI. Continuing Business/Presentations

Council Member Lamb provided a summary of the August 17, 2021 General Government & Social Services Committee meeting.

Motion by Lamb to draft the relevant ordinance to amend Section 12-2(c)(4) to provide an exception for native plantings, cultivated for the purpose of intentional naturalization from the prohibition on excessive growth of weeds, grass and other vegetation as a nuisance (as approved at the August 17, 2021 General Government & Social Services Committee meeting). Seconded by Sheehan. Motion passed without dissent.

There were no other motions to report from the meeting.

VII. Council Reports

VIII. Mayor's Report

Motion by Ellinger to approve the Mayor's Report. Seconded by Plomin. Motion passed without dissent.

IX. Public Comment – Issues Not on Agenda

X. Adjournment

Motion by Kay to adjourn at 4:53pm. Seconded by LeGris. Motion passed without dissent.

SAM, 9/15/21

MAYOR LINDA GORTON

LEXINGTON

CHRIS FORD
COMMISSIONER
GENERAL SERVICES

TO: Mayor Linda Gorton
Honorable Members, Urban County Council

FROM: Monica Conrad, Director, Parks and Recreation

DATE: September 3, 2021

SUBJECT: Bluegrass Disc Golf Memorandum of Understanding

Request:

Request Council Authorization for the Mayor to execute a memorandum of understanding with Bluegrass Disc Golf Association.

Purpose:

This MOU will formalize the partnership between Bluegrass Disc Golf Association (BGDG) and LFUCG Division of Parks and Recreation that provides volunteer maintenance services to Lexington's disc golf courses. The MOU provides the ability for BGDG to raise financial support by holding disc golf tournaments at no cost.

Budgetary Implication:

There is no cost for the duration of the MOU.

Are the funds budgeted?

N/A

File Number: 904-21

Director/Commissioner: Conrad/Ford

MAYOR LINDA GORTON

LEXINGTON

KACY ALLEN-BRYANT
COMMISSIONER
SOCIAL SERVICES

TO: Mayor Linda Gorton
Honorable Members, Urban County Council

FROM: Kacy Allen-Bryant, Commissioner of Social Services

DATE: September 10, 2021

SUBJECT: Donation from Charter Communications for the Black & Williams Reading Room

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Request:

Request Council approval to accept a donation in the amount of $1,500 from Charter Communications for the Black & Williams Neighborhood Reading Room.

Why are you requesting?

Charter Communications is making this donation in order to properly outfit their already donated Chromebooks in the Reading Room at the Black & Williams Neighborhood Reading Room with Google licensing software.

The Reading Room will be available for use by residents in the area of the Neighborhood Center.

What is the cost in this budget year and future budget years?

There is no fiscal impact to LFUCG associated with this donation.

Are the funds budgeted?

Budget Amendment #11311 is in process to recognize this donation.

File Number: 0915-21

Director/Commissioner: Danielle Sanders / Kacy Allen-Bryant

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MAYOR LINDA GORTON

LEXINGTON

CHARLIE LANTER
DIRECTOR
GRANTS & SPECIAL PROGRAMS

TO: LINDA GORTON, MAYOR
URBAN COUNTY COUNCIL

FROM: CHARLIE LANTER, DIRECTOR
DIVISION OF GRANTS AND SPECIAL PROGRAMS

DATE: SEPTEMBER 13, 2021

SUBJECT: **Agreement with Lexington-Fayette County Health Department**

Request: Council authorization to execute an agreement with the Lexington-Fayette County Health Department in the amount of $261,000 for the First Responders and Community Partners Overdose Prevention Project funded under the U.S. Department of Health and Human Services First Responders - Comprehensive Addiction and Recovery Act Grant Program.

Purpose of Request: On September 16, 2021, Council will approve acceptance of federal funds from the U.S. Department of Health and Human Services for operating Year 4 of the Lexington-Fayette Urban County Government's First Responders - Comprehensive Addiction and Recovery Act Program.

Through the First Responders and Community Partners Overdose Prevention Project, the Lexington-Fayette County Health Department will be responsible for dispensing naloxone to first responders, which is a key component of the grant program.

What is the cost in this budget year and future budget years? $261,000 is budgeted. Future budget years will depend on additional grant funding.

Are the funds budgeted? Budget amendment 11249 is in process and funds are budgeted as follows:

FUND	DEPT ID	SECT	ACCT	PROJECT	ACTIVITY	BUD REF	AMOUNT
3190	606105	0001	75101	SAMHSA_2022	FED_GRANT	2022	$261,000

File Number: 0930-21

Director/Commissioner: Amy Baker/Kacy Allen-Bryant

MAYOR LINDA GORTON

LEXINGTON

CHARLIE LANTER
DIRECTOR
GRANTS & SPECIAL PROGRAMS

TO: LINDA GORTON, MAYOR
URBAN COUNTY COUNCIL

FROM: CHARLIE LANTER, DIRECTOR
DIVISION OF GRANTS AND SPECIAL PROGRAMS

DATE: SEPTEMBER 13, 2021

SUBJECT: Agreement with University of Kentucky Research Foundation (UKRF)

Request: Council authorization to execute agreement in the amount of $102,109 with the University of Kentucky Research Foundation (UKRF) for the provision of evaluation services for Year 4 of the First Responders and Community Partners Overdose Prevention Project funded under the U.S. Department of Health and Human Services First Responders - Comprehensive Addiction and Recovery Act Grant Program.

Purpose of Request: On September 16, 2021, Council will approve acceptance of federal funds from the U.S. Department of Health and Human Services for operating the First Responders - Comprehensive Addiction and Recovery Act Program. The funding agency requires recipients to contract with a service provider who will collect data and evaluate performance. The Division of Social Services listed the University of Kentucky Research Foundation as the required evaluator in the grant application.

UKRF will continue providing evaluation services pertaining to Year 4 of the Lexington-Fayette Urban County Government First Responders and Community Partners Overdose Prevention Project. The purpose of the project is to reduce the number of overdose fatalities by facilitating access to naloxone through first responders and members of other key community sectors.

What is the cost in this budget year and future budget years? $102,109 is budgeted. Future budget years will depend on additional grant funding.

Are the funds budgeted? Budget amendment 11249 is in process and funds are budgeted as follow:

FUND	DEPT ID	SECT	ACCT	PROJECT	ACTIVITY	BUD REF	AMOUNT
3190	606105	0001	71299	SAMHSA_2022	FED_GRANT	2022	$102,109

File Number: 0931-21

Director/Commissioner: Amy Baker/Kacy Allen-Bryant

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MAYOR LINDA GORTON

LEXINGTON

LISA FARMER
DIRECTOR
COMMUNITY CORRECTIONS

TO: Mayor Linda Gorton
Members, Urban County Council

FROM: Lisa A Farmer 9-14-2021
Lisa Farmer, Director
Division of Community Corrections

CC: Kenneth Armstrong, Commissioner
Department of Public Safety

DATE: September 13, 2021

SUBJECT: **Request Council Approval of 5 Year Maintenance Quote with JailTracker**

Request:
The Division of Community Corrections is requesting Council Approval of a 5 year maintenance agreement with JailTracker.

Why are you requesting?
The Division of Community Corrections is requesting Council Approval of a 5 year maintenance agreement with JailTracker for the annual maintenance to the inmate information management system. JailTracker is a sole source due to the proprietary nature of the software. LFCUG has worked with JailTracker to negotiate a reduced maintenance cost for the 5 years.

600 Old Frankfort Circle, Lexington, KY 40510 / 859.425.2700 Phone / 859.425.2750 Fax / lexingtonky.gov

Five Year Quote						
Coverage	JailTracker Base	Knowledge Sync	Mobile Upgrade	Adult Probation	Electronic Monitoring	TOTAL
Jan 2022 to Dec 2022	$ 95,292.08	$ 2,562.49	$ 1,441.44	$ 770.00	$ 770.00	$ 100,836.01
Jan 2023 to Dec 2023	$ 99,103.76	$ 2,664.99	$ 1,499.10	$ 800.80	$ 800.80	$ 104,869.45
Jan 2024 to Dec 2024	$ 103,067.91	$ 2,771.59	$ 1,559.06	$ 832.83	$ 832.83	$ 109,064.22
Jan 2025 to Dec 2025	$ 107,190.63	$ 2,882.45	$ 1,621.42	$ 866.14	$ 866.14	$ 113,426.78
Jan 2026 to Dec 2026	$ 111,478.26	$ 2,997.75	$ 1,686.28	$ 900.79	$ 900.79	$ 117,963.87
TOTAL						**$ 546,160.33**

Should the LFUCG terminate the maintenance agreement prior to January 1, 2027 a true up payment will be owed to JailTracker for the difference on the discounted pricing being offered.

True Up amount by year:
- Cancellation Year 2 (prior to Jan. 2023) - $1,031.77
- Cancellation year 3 (prior to Jan. 2024) - $3,123.49
- Cancellation year 4 (prior to Jan. 2025) - $6,368.49
- Cancellation year 5 (prior to Jan. 2026) - $10,866.39

What is the cost in this budget year and future budget years?

The cost for this FY is: $100,836.01

The cost for future FY is: see chart

Are the funds budgeted? Yes

The funds are budgeted or a budget amendment is in process:

Account number: 1101-505401-5414-71208

File Number: 0932-21

Director/Commissioner: Farmer/Armstrong

Neighborhood Development Funds
September 21, 2021
Work Session

Amount	Recipient	Purpose
$ 300.00	East End Community Development Corp. Billie Mallory 369 Bassett Avenue Lexington, KY 40502	To assist with ongoing expenses.
$ 650.00	KY Veterans Hall of Fame, Inc. H.B. Deatherage PO Box 1446 Florence, KY 41022-1446	To assist with their annual induction dinner.

Planning and Public Safety Committee Meeting

August 10, 2021

Summary and Motions

Chair J. Brown called the meeting to order at 1:03 p.m. Committee Members Ellinger, McCurn, Lamb, Kloiber, Worley, Baxter, Bledsoe, and Reynolds, were in attendance. Committee Member Plomin was absent. Vice-Mayor Kay and Council Members Moloney, LeGris, Sheehan, and F. Brown were in attendance as non-voting members.

I. Approval of July 6, 2021 Committee Summary

Motion by Bledsoe to approve the July 6, 2021 Planning and Public Safety Committee Summary. Seconded by Ellinger. The motion passed without dissent.

II. Infill & Redevelopment Committee Recommendation

Vice-Mayor Kay explained that there is an analysis of the current Comprehensive Plan included in the packet which pulled out phrases or indirect references to "context sensitivity". The reason this is being brought forward, he said, is because the Infill & Redevelopment Committee had an extensive discussion about the way in which this currently functions, especially when it comes to the way zone changes are presented to Council. There has been some interest in clarifying as much as possible what it means to be context sensitive and to allow for a change in a zone that respects context sensitivity so this is an attempt to work on increasing that clarity. He referenced 4 specific recommendations which pertain to encouraging the Planning staff to work toward providing more clarity in the next Comprehensive Plan, but there is no action requested at this time.

J. Brown asked what the next step would be for getting clarity on context sensitivity with regard to zone changes and James Duncan, Director of Planning, explained the process and he said the idea is that staff will review context sensitivity and this would get incorporated into the next Comprehensive Plan.

No further comment or action was taken on this item.

III. Comprehensive Plan Implementation Update

Motion was made by Lamb to suspend the rules and allow public comment on this item. Seconded by Bledsoe. Motion passed without dissent.

At this time, several members of the public provided comments regarding the ADU topic included in the *Comprehensive Plan Implementation Update*.

James Duncan, Director of Planning, provided a status update on initiatives that came out of the last Comprehensive Plan (2018). He began with a background that explained several Zoning Ordinance Text Amendments (ZOTAs) and Subdivision Regulation Amendments (SRAs) which were initiated by adoption of the Comprehensive Plan and explained that these amendments would enable more housing and would ensure that neighborhoods are protected and enhanced as new development occurs. He emphasized that this has been done with a great deal of transparency and public input. He highlighted a few of the changes such as the de-regulation of the Zoning Ordinance to allow for multi-family housing in shopping centers; the unanimous recommendation by the Planning Commission to support Accessory Dwelling Units (ADUs) that would apply throughout the Urban Service Boundary; parking relief for qualified affordable housing developments; adjustment of the Floor Area Ratio (FAR); and elimination of parking minimums for all zones. To improve quality of life, he said, the width of sidewalks was increased and there were adjustments to street continuity for improved safety and access for public streets. Chris Woodall, Manager of Long-Range Planning, spoke about separate processes for ADUs and Street Patterns and Continuity which are both amendments to the ordinances and regulations, but have followed different paths. He explained that the ADUs had significant interest from the public and concerns were raised and addressed by the Planning Commission which led to a more involved process. The process for Street Patterns and Continuity received less public participation with no serious concerns raised and this allowed for a more streamlined process to implement. He spoke about the opposition tied to this initiative because of the Open Space ZOTA and said while the Street Patterns and Continuity and the Open Space ZOTA complement one another, each is not dependent on the other. Chris Taylor, Administrative Officer in Long-Range Planning, reviewed the four types of ADUs permitted: new construction, alteration of existing structure, addition to existing structure, and conversion of existing structure. He highlighted multiple community response efforts and public input sessions, most of which were received in 2018 and 2019. Based on the public input received regarding the initial proposed ordinance, he said, the Planning Commission made changes to the maximum occupancy limit; added a conditional use requirement for short-term rentals within ADUs; and there is an owner-occupancy requirement.

Kay asked why the setback of 1.5 FT for auxiliary buildings is the same setback requirement for ADUs. Taylor explained that originally for detached structures, the proposal was for a 3 FT setback, but the Planning Commission preferred to have the setback for a detached structure at a consistent 1.5 FT to avoid potential confusion especially when considering the conversion of an existing detached structures. Kay asked if the setback could be amended to 3 FT excluding detached structures and Taylor confirmed that with additional efforts, this can be done. Kay asked what happens when a property with an ADU on it is sold and Duncan explained that it would be connected to the deed so the subsequent property owner would be subjected to the same deed restrictions. He added that should the property owner choose to do so, the ADU could be removed and the deed restriction for the ADU could be removed as well.

Reynolds asked if a conditional use is required for ADUs to be rented. Duncan explained that a conditional use permit is required to allow for short-term rentals, but the property owner can rent the ADU without a conditional use permit. Reynolds asked about the process for doing to this and Duncan explained that they would request this through the Board of Adjustment and decisions are made on a case by case basis. Reynolds asked about the logistics of enforcing these regulations for dimensional aspects or life safety requirements (plumbing, electrical, etc.) and Duncan said this would be monitored by Division of Building Inspection, particularly when they issue the building permit and the Certificate of Occupancy. Reynolds expressed concern about not having a minimum requirement.

McCurn asked which type of ADU has generated the most negative feedback and Duncan explained that it has been the detached structure because currently most of the ADUs exist in homes with basements or attic spaces that have been converted so the physical impact is non-existent. McCurn asked if there has been any discussion to remove the detached structure from the proposal and Duncan said the intent is to provide a variety of options for the accessory unit because there are homes with no basement or attic space to be converted, but a detached garage could be converted and would be less expensive than building a new one. McCurn asked if the ADU could be sold as a separate parcel or if the home would have to be sold with the ADU and Duncan explained that this proposal does not anticipate a subdivision of property.

Kloiber spoke about the design of ADUs and asked if there will be enforcement of context sensitivity applied to these structures for approval. Duncan explained that as context sensitivity is incorporated into new policy, he anticipates it would be addressed with detached structures just as with other structures that are built in the neighborhood. Kloiber asked if there would be a requirement for this to meet some type of connectivity to the neighborhood and Duncan explained that the design manual would be reviewed with the property owner and the neighborhood, especially if they are in areas where restrictions exist.

Sheehan asked about the plan for public input on ADUs because she wants to be sure the public is included in the conversation. J. Brown said he agrees it is important to have the public weigh in on this as we move forward.

For clarification, F. Brown asked if this would be a separate ordinance coming forward for ADUs in the ZOTA process without combining other issues and Duncan confirmed saying this is an update to the existing Zoning Ordinance in various single family residential zones, but it is focused on ADUs. F. Brown spoke about the 4 types of ADUs permitted and said the biggest concern is new construction with the 1.5 FT setback and said he does not see a reason for this provision. He suggested that Division of Planning review the item on new construction as this appears to be most controversial.

Ellinger and Duncan discussed that an apartment in a basement qualifies as an ADU when there is a full kitchen, full bathroom, and a sleeping area. Ellinger asked if all ADUs are required to have a pre-application conference and Duncan explained this would be addressed in the building or electrical permit process. Ellinger asked if a new address would be required and Duncan said it is not required, but a separate address could be created for the ADU and Taylor added that there are guidelines for addressing this in the design manual. Ellinger asked about ND-1 and H1 overlay and how that is different and Duncan confirmed that applicable built-in and government regulated design standards would apply to outside construction. When asked about owner-occupancy, Duncan confirmed that the owner is required to live in the principal structure or the ADU. Ellinger asked about renting out the ADU long-term, but not short-term and Duncan confirmed that the ADU could be built with the intention of renting it out and he pointed out that it does not have to be rented to a family member.

Moloney spoke about homes with unfinished basements that will eventually be finished with setups for bathroom and kitchen and he asked if Building Inspection identifies this as ADU since it has the capacity to be one. Duncan said that because ADUs are only permitted in the expansion area, the builder would not be declaring to Building Inspection that it will be an ADU. Moloney asked if a home that has a basement with a kitchen and bathroom would be considered an ADU. Duncan said they would not be called an ADU at this time, because those are currently not allowed and ADU implies there will be a sleeping room.

Baxter explained she has received a lot of feedback and many have reached out in opposition of the ADU proposal because it is a big change and because there has been misinformation. She asked how many neighborhoods would be excluded from having the opportunity to build an ADU based on deed restrictions or the HOA. Duncan said they do not have an accurate sense of how many HOA restrictions or deed restrictions there would be because that information is not shared. Baxter spoke about the need to overcome obstacles such as financing and assessing appraisals for properties that include an ADU as well as deed restrictions on the property as we move forward.

Kloiber spoke about the Street Patterns and Continuity and Open Space ZOTA being independent, but working together and he asked if they would be presented to Council all together or piece-meal. Duncan explained that Street Patterns and Continuity has already been recommended by the Planning Commission, but they have not reviewed the Open Space ZOTA so that will be coming separately.

Moloney asked if there would be a limit to square footage of ADUs in basements and Duncan confirmed that the current requirement is that ADUs can be no more than 800 sq. ft., regardless of the amount of space available. Moloney expressed concern that basements converted to ADUs would be limited to 800 sq. ft.

J. Brown spoke about the ZOTAs having the intent to improve opportunities for increased housing and housing density. He asked about the impact of having ADUs in committee for so long. Duncan explained that there is significant community interest surrounding this item and he understand the desire to have this discussed in a format that would be accessible to the community. He said this was a housing option the senior citizen community and other members of the community have requested and it is also a way to add additional, incremental housing to the community without having to take up additional land. J. Brown asked if there is nothing that currently governs ADUs and if this is an attempt to have an intentional regulation put in place to regulate and enforce ADU standards. Duncan said in order to make ADUs as specific and described as possible, the Zoning Ordinance should be updated to address whether or not ADUs are permitted and what that process should be. J. Brown asked how deed restrictions work with enforcement when someone is in violation. Duncan said it would be a Zoning Enforcement issue and that process would be followed similar to other zoning violations. J. Brown asked if the ordinance could be amended to make all detached structures a conditional use or if that would have a negative impact on the effectiveness of ADUs. Duncan said research shows that having a barrier such as this one, would halt someone's desire to move forward in the process of getting an ADU. J. Brown suggested having a special meeting of this committee with all council members allowed to participate and including a public hearing component for further discussion on ADUs.

Worley expressed concern with making a committee meeting a Committee of the Whole (COW) and setting aside a single item from the traditional committee structure when a Work Session at the time the item is reported-out of committee will allow for full Council participation, but he stressed that he is not against moving this forward. Bledsoe said there could be an issue with having a meeting that allows for public comment and then not taking action at that same meeting because people who came to hear and participate in the discussion were not present when action was taken. Moloney spoke about questions asked today that were not answered and he asked if the public hearing would be for public input only without answering questions or providing clarification. J. Brown said the meeting could potentially be structured similar to a Zone Change Hearing with a review of Ordinance, addressing the changes that have been made since the original version and opening the floor for public input. Baxter said it would be helpful to have a one-page clear and concise information sheet to be shared with constituents. Worley said he is supportive of having this done similar to Zone Change Hearing with a notification process for public input. Kay spoke in favor of a having a Special Planning and Public Safety Committee meeting with all Council Members recognized to participate, allowing public comment at that time, and a review of the ordinance. Sheehan spoke about public education on this issue and asked if there is a web site the public could go to for this information. Woodall confirmed that imaginelexington.com/ADU will direct the public to more information on ADUs. Lamb pointed out that this item will still be reported out at a Work Session and will follow the traditional process of having first and second readings at subsequent Council meetings.

No further comment or action was taken on this item.

IV. Sustainable Growth Study Update

Due to time constraints, this presentation was postponed to the September 21, 2021 Planning and Public Safety Committee agenda.

V. Items Referred to Committee

No further comment or action was taken on this item.

Motion by Baxter to adjourn at 2:34 p.m. Seconded by Kloiber. Motion passed without dissent.

LIFE CYCLE OF AN ARPA PROJECT

Council Work Session

September 21, 2021

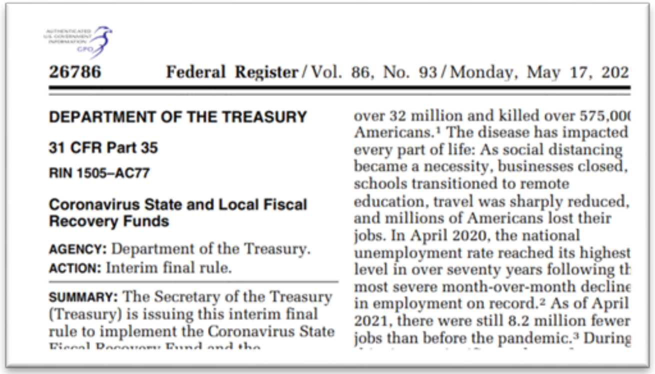
LEXINGTON

Life Cycle of an ARPA Project

LEXINGTON

ARPA State and Local Fiscal Recovery Funds
Administration and Reporting Resources

Department of the Treasury
Interim Final Rule


26786 Federal Register / Vol. 86, No. 93 / Monday, May 17, 202

DEPARTMENT OF THE TREASURY

31 CFR Part 35

RIN 1505–AC77

Coronavirus State and Local Fiscal Recovery Funds

AGENCY: Department of the Treasury.

ACTION: Interim final rule.

SUMMARY: The Secretary of the Treasury (Treasury) is issuing this interim final rule to implement the Coronavirus State

over 32 million and killed over 575,00 Americans.[1] The disease has impacted every part of life: As social distancing became a necessity, businesses closed, schools transitioned to remote education, travel was sharply reduced, and millions of Americans lost their jobs. In April 2020, the national unemployment rate reached its highest level in over seventy years following th most severe month-over-month decline in employment on record.[2] As of April 2021, there were still 8.2 million fewer jobs than before the pandemic.[3] During

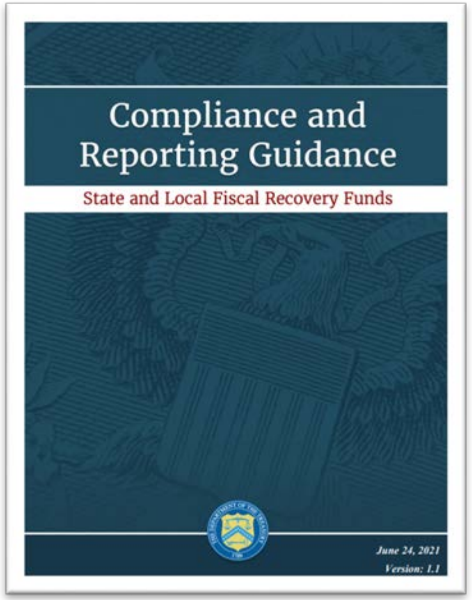
https://www.govinfo.gov/content/pkg/FR-2021-05-17/pdf/2021-10283.pdf

Frequently Asked Questions

Last updated – July 19, 2021

https://www.govinfo.gov/content/pkg/FR-2021-05-17/pdf/2021-10283.pdf

Compliance and Reporting Guidance
State and Local Fiscal Recovery Funds



https://home.treasury.gov/system/files/136/SLFRF-Compliance-and-Reporting-Guidance.pdf

Life Cycle of an ARPA Project

Life Cycle of an ARPA Project

Project Idea Initiated

Projects submitted through LFUCG ARPA Website

- Projects submitted by the Public
- Projects submitted by Community Groups
- Projects submitted by Council Members
- Projects submitted by Mayor and Administration

Projects Developed from Survey priorities

Projects Developed from ARPA Project Website Submittals

Life Cycle of an ARPA Project

Projects Considered by Council

- What is the direct impact on the most vulnerable or those hurt most by the pandemic?
- Does the project meet our budgetary priorities of one-time cost, creation of savings or increase in revenue?
- Does this project lead to economic opportunity? When? How?
- What is the impact on our physical infrastructure?
- What is the impact on our social infrastructure?
- What is the expenditure category by which this project is authorized by ARPA? Is it specifically eligible or would it be considered general government?
- Does the size of the project justify the administrative burden of the award?
- Does the timeline of the project meet the spend-out timeline for the funding?
- Are there additional parties involved? Who do we need to work with?
- Do we need additional information? Is there a presentation by external/internal parties?
- What is the status of the project? What is needed?
  - Concept only? Feasibility study complete?
  - Design complete? Right of way needed?
  - Support from community partners?

Life Cycle of an ARPA Project

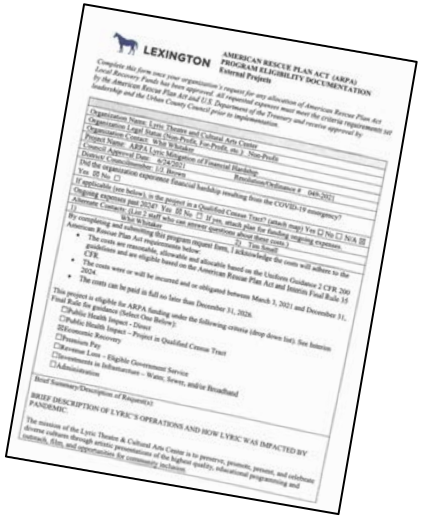
Project Funded

- An expenditure ceiling is set for the project and skeleton outline of the budget is formed and submitted to Council.
- A budget amendment is established creating funding from ARPA (a Grant Fund) through our normal Budget Amendment Process
- If the project offsets existing personnel expenses a payroll recovery will be created or for operating expenses, an amendment to both the grant and the general fund/enterprise fund.
- Council takes Action to Approve Funding by approving the BA.
- 1st and 2nd reading occur.
- The Division of Grants and Special Programs assigns a project name
- A project timeline is established
- Project overview triggered

Life Cycle of an ARPA Project

Project Setup

- Internal Project Form created
  - Project set up information provided (contacts, district, project id)
  - Project summary and description narrative
  - Justification of program need and ARPA compliance provided
- Eligibility established
  - Staff determine ARPA Expenditure Category
    - If unable to fund under EC 1-5, project must be funded from limited EC 6: Revenue Replacement category
- Staff determine populations served
  - Qualified Census Tract
  - Assumed Disadvantaged per ARPA Interim Guidance
- Costs estimated
- Form approved by Grants, Finance, and CAO
- Project created in financial system


LEXINGTON
AMERICAN RESCUE PLAN ACT (ARPA)
PROGRAM ELIGIBILITY DOCUMENTATION
External Projects

Life Cycle of an ARPA Project

Project Setup

Example: Lyric Theater
ARPA Mitigation of Financial Hardship

Approved in FY2022 Budget

Internal Project Form
Pg 1/3

- Project Name and Description
- Acknowledgements
- Eligibility

LEXINGTON

AMERICAN RESCUE PLAN ACT (ARPA)
PROGRAM ELIGIBILITY DOCUMENTATION
External Projects

Complete this form once your organization's request for any allocation of American Rescue Plan Act Local Recovery Funds has been approved. All requested expenses must meet the criteria requirements set by the American Rescue Plan Act and U.S. Department of the Treasury and receive approval by leadership and the Urban County Council prior to implementation.

Organization Name: Lyric Theatre and Cultural Arts Center	
Organization Legal Status (Non-Profit, For-Profit, etc.): Non-Profit	
Organization Contact: Whit Whitaker	
Project Name: ARPA Lyric Mitigation of Financial Hardship	
Council Approval Date: 6/24/2021	Resolution/Ordinance # 049-2021
District/ Councilmember: 1/J. Brown	
Did the organization experience financial hardship resulting from the COVID-19 emergency? Yes ☒ No ☐	
If applicable (see below), is the project in a Qualified Census Tract? (attach map) Yes ☐ No ☐ N/A ☒	
Ongoing expenses past 2024? Yes ☒ No ☐ If yes, attach plan for funding ongoing expenses.	
Alternate Contacts: (List 2 staff who can answer questions about these costs.)	
1) Whit Whitaker	2) Tim Small

By completing and submitting this program request form, I acknowledge the costs will adhere to the American Rescue Plan Act requirements below:

- The costs are reasonable, allowable and allocable based on the Uniform Guidance 2 CFR 200 guidelines and are eligible based on the American Rescue Plan Act and Interim Final Rule 35 CFR.
- The costs were or will be incurred and or obligated between March 3, 2021 and December 31, 2024.
- The costs can be paid in full no later than December 31, 2026.

This project is eligible for ARPA funding under the following criteria (drop down list). See Interim Final Rule for guidance (Select One Below):

☐ Public Health Impact - Direct
☐ Public Health Impact – Project in Qualified Census Tract
☒ Economic Recovery
☐ Premium Pay
☐ Revenue Loss – Eligible Government Service
☐ Investments in Infrasturcture – Water, Sewer, and/or Broadband
☐ Administration

Brief Summary/Description of Request(s):

BRIEF DESCRIPTION OF LYRIC'S OPERATIONS AND HOW LYRIC WAS IMPACTED BY PANDEMIC.

The mission of the Lyric Theatre & Cultural Arts Center is to preserve, promote, present, and celebrate diverse cultures through artistic presentations of the highest quality, educational programming and outreach, film, and opportunities for community inclusion.

Life Cycle of an ARPA Project

Project Setup

Example: Lyric Theater
ARPA Mitigation of Financial Hardship

Approved in FY2022 Budget

Internal Project Form
Pg 2/3

- ARP Justification
- Interim Guidance Eligibility Statement
- Cost Overview
- Timeline

With a majority of our operations and revenue sources coming from tickets sales, rentals of our ballroom/theatre, concessions, etc, the inability to host events was extremely impactful on not only our financial well-being but also on our ability to achieve our mission.

Provide a justification for charging these costs to the American Rescue Plan Act Fund. **Provide as much detail as necessary to justify program need and compliance with ARPA requirements.**

Describe the impact of the pandemic on Lyric's finances here, including specific numbers of lost revenue.

As mentioned above, our main sources of income are from rentals, ticket sales, concessions, and a few others. Due to in person events being forbidden, these income categories saw complete 100% loss during a majority of the pandemic.

Overall, comparing FY20 (July 2019 – June 2020) to FY21 (July 2020 – June 2021) we saw a -43% drop in total revenue ($410,242. 16 to $234,299.78). With our main income categories frozen, our $127,500.00 funding from LFUCG was an integral lifeline, compromising over 50% of our income, with other donations and grants being the main categories.

Eligibility Citation from Interim Final Rule (attach documentation): 2. Responding to Negative Economic Impacts

Description of Eligibility Determination: Page 34 of the Interim Final Rule states that loans or grants may be provided to small businesses and non-profits "to mitigate financial hardship such as declines in revenues or impacts of periods of business closure, for example by supporting payroll and benefits costs, costs to retain employees, mortgage, rent, or utilities costs, and other operating costs.."

Total Cost of all Requests:

One Time Costs: $127,500

Ongoing Costs: None Requested

Date Range Expenditure(s) will Occur: 7/1/2021 through 6/30/2022

Has the organization received or does the organization anticipate receiving grant funds that would pay for any of these expenses? Yes ☐ No ☒

If so, identify grant(s): N/A

Using the separately provided budget request form, provide a budget for the proposed budget/program costs.

If you answer no to any of the following questions then the personnel is not eligible to be charged to ARPA funding…

For all personnel costs requested, will the time charged to the ARPA be:

- Supported by time tracking documentation;

Life Cycle of an ARPA Project

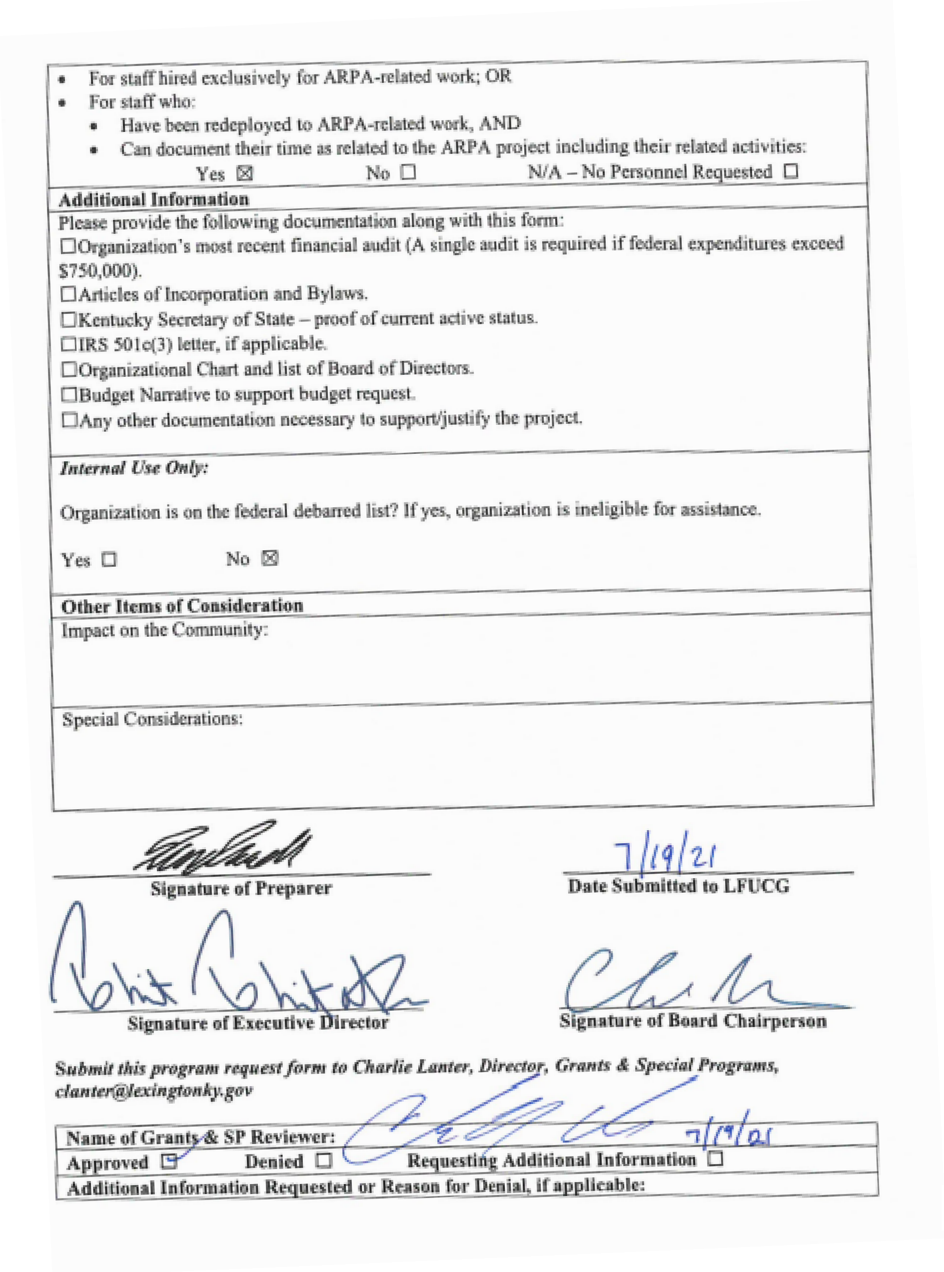
Project Setup

Example: Lyric Theater
ARPA Mitigation of Financial Hardship

Approved in FY2022 Budget

Internal Project Form
Pg 3/3

- Documentation Plan
- Signatures
- Review



- For staff hired exclusively for ARPA-related work; OR
- For staff who:
  - Have been redeployed to ARPA-related work, AND
  - Can document their time as related to the ARPA project including their related activities:

Yes ☒ No ☐ N/A – No Personnel Requested ☐

Additional Information

Please provide the following documentation along with this form:

☐Organization's most recent financial audit (A single audit is required if federal expenditures exceed $750,000).
☐Articles of Incorporation and Bylaws.
☐Kentucky Secretary of State – proof of current active status.
☐IRS 501c(3) letter, if applicable.
☐Organizational Chart and list of Board of Directors.
☐Budget Narrative to support budget request.
☐Any other documentation necessary to support/justify the project.

Internal Use Only:

Organization is on the federal debarred list? If yes, organization is ineligible for assistance.

Yes ☐ No ☒

Other Items of Consideration

Impact on the Community:

Special Considerations:

Signature of Preparer 7/19/21 **Date Submitted to LFUCG**

Signature of Executive Director **Signature of Board Chairperson**

Submit this program request form to Charlie Lanter, Director, Grants & Special Programs, clanter@lexingtonky.gov

Name of Grants & SP Reviewer: 7/19/21
Approved ☑ **Denied** ☐ **Requesting Additional Information** ☐
Additional Information Requested or Reason for Denial, if applicable:

Life Cycle of an ARPA Project

Project Administration

- Contracts prepared by Purchasing and Grants
- Contracts reviewed by Law Department, prepared for signature
- Recipient must Determine Cost Estimate or Request Quotes
  - Architect/Engineer Review
  - If costs exceed initial request/funding, additional BA must be approved
    - Construction costs volatile in current market, cost estimates will change
- Package prepared by Purchasing Division and operational Division involved in each project
- Construction or project oversight and management
  - Invoicing and payment
    - Expense review, request for reimbursement, documentation review
  - Construction inspection
  - Agreement monitoring
  - Labor guarantees
  - Monitoring of sub-recipients
- Financial compliance with 2 CFR Part 200
  - Cost principles
  - Single audit requirements

Life Cycle of an ARPA Project

Reporting

Project and Expenditure Report	Recovery Plan
Quarterly October 31, January 31, April 30, July 31	Annual August 31
• Types of projects funded o Report by ARPA Expenditure Category • Financial data • Information on contracts, grants, and sub-awards o Projects over $50k require greater reporting • Status of projects • Performance report o Goals and Objectives for each project o Standard reporting from ARPA Guidance and additional reporting determined by locals • Project Demographic Distribution o Qualified Census Tracts o Assumed Disadvantaged per Interim Guidance • Civil Rights Compliance	• Approach and objectives • Community Engagement • Inventory of funded projects • Financial reporting by Expenditure Category • Efforts to promote equitable outcomes • Performance indicators and programmatic data • Evidence supporting funded activities • Equity reporting • Labor practice reporting • Revenue reduction/loss calculation

LEXINGTON

ARPA State and Local Fiscal Recovery Funds
Revenue and Expense Report

For the period through July 31, 2021	Actuals	Budget	Variance
Revenue			
LFUCG Allocation	$ 60,589,029	$ 121,178,058	$ 60,589,029
Total Revenues	**$ 60,589,029**	**$ 121,178,058**	**$ 60,589,029**

		For the period through July 31, 2021	Actuals	Budget	Variance
Expense					
EC 1: Public Health			$ -	$ 395,000	$ (395,000)
1.05	Personal Protective Equipment	Personal Protective Equipment for LFUCG	$ -	$ 225,000	$ (225,000)
1.10	Mental Health Services	NAMI - Mental Health Court Funding	$ -	$ 170,000	$ (170,000)
EC 2: Negative Economic Impacts			$ 19,378	$ 2,637,500	$ (2,618,122)
2.02	Household Assistance: Rent, Mortgage,	Emergency Financial Assistance for Residents	$ 578	$ 200,000	$ (199,422)
2.02	Household Assistance: Rent, Mortgage,	Recovery Supportive Living Assistance (RSLA)	$ 18,800	$ 60,000	$ (41,200)
2.07	Job Training Assistance	Workforce Development Grants to Service Partners	$ -	$ 200,000	$ (200,000)
2.10	Aid to Nonprofit Organizations	Explorium of Lexington - Children's Museum Assistance	$ -	$ 125,000	$ (125,000)
2.10	Aid to Nonprofit Organizations	LexArts Nonprofit Services Contract	$ -	$ 325,000	$ (325,000)
2.10	Aid to Nonprofit Organizations	Lyric Theater Assistance	$ -	$ 127,500	$ (127,500)
2.11	Aid to Tourism, Travel, or Hospitality	Ecton Park Improvements - Concess/Rstrm Facilities for Local Users an	$ -	$ 300,000	$ (300,000)
2.11	Aid to Tourism, Travel, or Hospitality	Lakeside Irrigation Replacement	$ -	$ 1,300,000	$ (1,300,000)
EC 3: Services to Disproportionately Impacted Communities			$ 36,906	$ 2,833,000	$ (2,796,094)
3.10	Housing Support: Affordable Housing	Shropshire Affordable Housing Project Site Improvements	$ -	$ 750,000	$ (750,000)
3.11	Housing Support: Services for Unhoused	Homelessness Allocation	$ 36,906	$ 750,000	$ (713,094)
3.12	Housing Support: Other Housing Assista	Code Enforcement Grants for Low-Income Residents	$ -	$ 200,000	$ (200,000)
3.13	Social Determinants of Health: Other	Access to Quality Green Space for Disadvantaged Pop - ADA Imprvmnts	$ -	$ 125,000	$ (125,000)
3.13	Social Determinants of Health: Other	Access to Quality Green Space in QCT - Douglas Park - Pool Imprvmnts	$ -	$ 175,000	$ (175,000)
3.13	Social Determinants of Health: Other	Access to Quality Green Space in QCT - Mary Todd Park - Basketball C	$ -	$ 118,000	$ (118,000)
3.13	Social Determinants of Health: Other	Access to Quality Green Space in QCT - Northeastern Park - Playgrounc	$ -	$ 250,000	$ (250,000)
3.13	Social Determinants of Health: Other	Access to Quality Green Space in QCT - Phoenix Park - Inclusive Use an	$ -	$ 150,000	$ (150,000)
3.13	Social Determinants of Health: Other	Access to Quality Green Space in QCT - Pine Meadows Park - Playgrou	$ -	$ 150,000	$ (150,000)
3.13	Social Determinants of Health: Other	Access to Quality Green Space in QCT - River Hill Park - Sports Courts	$ -	$ 165,000	$ (165,000)

LEXINGTON

ARPA State and Local Fiscal Recovery Funds
Revenue and Expense Report

For the period through July 31, 2021			Actuals	Budget	Variance
Expense (Continued)					
EC 4: Premium Pay			$ -	$ -	$ -
EC 5: Infrastructure			$ -	$ -	$ -
EC 6: Revenue Replacement/Government Services			$ -	$ 1,920,000	$ (1,920,000)
6.01	Provision of Government Services	Economic Development Grants to Service Partners	$ -	$ 300,000	$ (300,000)
6.01	Provision of Government Services	Nbhood Rec Imprvmnts - Berry Hill Park - Basketball Court	$ -	$ 175,000	$ (175,000)
6.01	Provision of Government Services	Nbhood Rec Imprvmnts Buckhorn Park - Phase II Improvements	$ -	$ 45,000	$ (45,000)
6.01	Provision of Government Services	Nbhood Rec Imprvmnts - Dogwood Park - Basketball Court	$ -	$ 95,000	$ (95,000)
6.01	Provision of Government Services	Nbhood Rec Imprvmnts - Gardenside Park - Playground	$ -	$ 150,000	$ (150,000)
6.01	Provision of Government Services	Nbhood Rec Imprvmnts - Masterson Station Park - Playground	$ -	$ 150,000	$ (150,000)
6.01	Provision of Government Services	Nbhood Rec Imprvmnts - Meadowthorpe Park - Roof Repair	$ -	$ 80,000	$ (80,000)
6.01	Provision of Government Services	Nbhood Rec Imprvmnts - Raven Run Park - Prather House Roof Repair	$ -	$ 50,000	$ (50,000)
6.01	Provision of Government Services	Nbhood Rec Imprvmnts - Shilito Park - Access Imprvmnt Parking Lot Construction	$ -	$ 400,000	$ (400,000)
6.01	Provision of Government Services	Nbhood Rec Imprvmnts - Southland Park - Access Imprvmnt Parking Repairs	$ -	$ 100,000	$ (100,000)
6.01	Provision of Government Services	Nbhood Rec Imprvmnts - Woodland Park - Restroom Facilities	$ -	$ 375,000	$ (375,000)
EC 7: Administrative			$ -	$ -	$ -
Total Expenses			$ 56,284	$ 7,785,500	$ (7,729,216)
TOTAL - ARPA SLFRF			$ 60,532,745	$ 113,392,558	$ (52,859,813)

Life Cycle of an ARPA Project

Closeout

- All obligations made by December 31, 2024
- All expenditures made by December 31, 2026

PROJECT CLOSED

- Retention of all financial records and project documentation through December 31, 2031 or five years after all funds expended
- Treasury may monitor and inspect records at any time

Questions?