

Lexington-Fayette Urban County Government

*200 E. Main St
Lexington, KY 40507*



Tuesday, February 1, 2022

3:00 PM

Virtual Meeting Packet

Council Chamber

Urban County Council Work Session

**Urban County Council
Schedule of Meetings
January 31, 2022 – February 7, 2022**

Monday, January 31

No Meetings

Tuesday, February 1

Public Arts Commission.....11:00 am
Video Teleconference

Environmental Quality & Public Works Committee.....1:00 pm
Video Teleconference

Council Work Session.....3:00 pm
Video Teleconference

Wednesday, February 6

CANCELLED: IR Steering Committee.....10:30 am
Video Teleconference

Thursday, February 3

Special Committee of the Whole (COW).....3:00 pm
Video Teleconference

Friday, February 4

Senior Services Commission.....8:30 am
Video Teleconference

Monday, February 7

No Meetings

Lexington-Fayette Urban County Council
Work Session Agenda
February 1, 2022

I. Public Comment - Issues on Agenda

II. Requested Rezoning/ Docket Approval – No

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

a Table of Motions: Council Work Session, January 25, 2022

IV. Budget Amendments – No

V. New Business – Yes, p. 3-17

VI. Continuing Business/ Presentations

a Neighborhood Development Funds: February 1, 2022, p. 18

b Summary: Environmental Quality & Public Works Committee, December 7, 2021,
p. 19-22

VII. Council Reports

VIII. Mayor's Report – No

IX. Public Comment - Issues Not on Agenda

X. Adjournment

Administrative Synopsis - New Business Items

- a** **0093-22** Authorization to execute a Catering Contract with the Hyatt Regency Lexington for catering services for the annual Senior Intern Alumni Luncheon on Friday, June 10, 2022, at a cost not to exceed \$6000.00. Funds are budgeted. (L0093-22) (Stambaugh/Allen-Bryant) p. 3
- b** **0094-22** Authorization to establish Thoroughbred Aviation, Bell Helicopter Service, as a sole source vendor. Thoroughbred Aviation is located in Georgetown, KY and provides the Police Department service in a rapid manner within minutes of being called. No budgetary impact. (L0094-21) (Weathers/Armstrong) p. 4
- c** **0102-22** Authorization to establish TAC Air as a sole source vendor for Aircraft Storage of our Police Helicopter. This is to establish TAC Air as a sole source vendor for aircraft storage, hangar subleases and office rental for our Police Helicopter. Funds are budgeted. (L0102-22) (Weathers/Armstrong) p. 5
- d** **0113-22** Authorization to abolish one (1) vacant classified position of Electronic/Computer Controls Manager (Grade 523E) and create one (1) classified position of Skilled Trades Manager (Grade 521E) in the Division of Community Corrections, effective upon passage by Council. This will have a future impact of a savings of \$8,279.90. (L0113-22) (Maxwell/Hamilton) p. 6-7
- e** **0114-22** Authorization to initiate a Statement of Work (SOW) with CPS HR Consulting for Fire Lieutenant, Fire Captain and Fire Major promotional processes for the Lexington Division of Fire and Emergency Services. The cost is not to exceed \$47,500 and will be funded from the division's Professional Services/Fire account and funds are budgeted. (L0114-22) (Maxwell/Hamilton) p. 8
- f** **0115-22** Authorization to abolish one (1) vacant classified position of Engineering Technician (Grade 514N) and create one (1) classified position of Equipment Operator Sr. (Grade 512N) in the Division of Water Quality, effective upon passage of Council. This action has a savings of \$5,339.61. (L0115-22) (Maxwell/Hamilton) p. 9-10
- g** **0116-22** Authorization to execute certificates of consideration and other necessary documents, and to accept deeds for property interests needed for the Hartland Pump Station No. 3 Replacement Project, a Remedial Measures Project required by the Consent Decree, at a cost not to exceed \$630.00. Funds are budgeted. (L0116-22) (Martin/Albright) p. 11-12
- h** **0117-22** Authorization to submit a grant application requesting \$175,160 in federal funding, and to accept award if offered, to the Bluegrass Area Development District for operation of the Senior Citizens Center in FY 2023, the acceptance of which obligates the government to provide match in the amount of \$247,814. If grant is approved, a budget amendment will be initiated. (L0117-22) (Stambaugh/Allen-Bryant) p. 13
- i** **0118-22** Authorization to execute an agreement with the University of Kentucky Albert B. Chandler Medical Center in the amount of \$3,000 for use of the emergency room as a clinical practice area for the Sexual Assault Nurse Examiner Program 2022. Funds are budgeted. (L0118-22) (Weathers/Armstrong) p. 14

- j** **0119-22** Authorization to execute Professional Services Agreements with Marinda Beasley, Kristin Beers, Angela Begley, Alexis Breeding, and Megan Magsam to serve as Sexual Assault Nurse Examiners on an "on-call" basis for the performance of forensic examinations in 2022. Funds are budgeted. (L0119-22) (Weathers/Armstrong) p. 15
- k** **0120-22** Authorization to accept \$59,500 in funding from the 2021 Kentucky Office of Homeland Security Grant, which will fund purchase self-contained breathing apparatus (SCBA) with air cylinders for the Division of Fire and Emergency Services' Special Operations Teams. No matching funds required. (L0120-22) (Wells/Armstrong) p. 16
- l** **0121-22** Authorization to submit applications, and accept awards if offered, to the Kentucky Transportation Cabinet for participation in Traffic Safety Programs to include Traffic Safety and Speed Enforcement for Fiscal Year 2023, in the amount of \$245,00.00. No matching funds required. (L0121-22) (Weathers/Armstrong) p. 17

**URBAN COUNTY COUNCIL
WORK SESSION SUMMARY
& TABLE OF MOTIONS
January 25, 2022**

Vice Mayor Kay called the meeting to order 3:10pm. All Council Members were present.

- I. Public Comment – Issues on Agenda
- II. Requested Rezonings/Docket Approval

Motion by Plomin to approve the January 27, 2022 Council meeting docket. Seconded by Baxter. Motion passed without dissent.

Motion by Plomin to place ordinance #6 (An Ordinance changing the zone from an Agricultural Rural (A-R) zone to an Agricultural Buffer (A-B) zone, for 134.72 net (135.23 gross) acres, for property located at 7086 Bates Creek Rd.) on the docket without a public hearing. Seconded by Lamb. Motion passed without dissent.

Motion by McCurn to place ordinance #7 [An Ordinance changing the zone from an Agricultural Rural (A-R) zone for 136.26 net (172.26 gross) acres, an Agricultural Urban (A-U) zone for 56.33 net (63.17 gross) acres, and a University Research Campus (P-2) zone for 7.41 net and gross acres to a Restricted Light Industrial (I-1) zone for properties located at 2850 Georgetown Rd. and 1490 Bull Lea Rd. (a portion of).] on the docket without a public hearing. Seconded by Lamb. Motion passed without dissent.

- III. Approval of Summary

Motion by Plomin to approve the January 18, 2022 work session summary. Seconded by LeGris. Motion passed without dissent.

- IV. Budget Amendments

Motion by Sheehan to approve budget amendments. Seconded by Plomin. Motion passed without dissent.

- V. New Business

Motion by Baxter to approve new business. Seconded by Sheehan. Motion passed without dissent.

- VI. Continuing Business/Presentations

Council Member Bledsoe provided a summary of the November 30, 2021 Budget, Finance & Economic Development Committee meeting. There were no motions to report from the meeting.

VII. Council Reports

Motion by Kloiber to refer a review of financing options for the Coldstream Property to the Budget, Finance & Economic Development Committee. Seconded by Ellinger. Motion passed without dissent.

VIII. Mayor's Report

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

IX. Public Comment – Issues Not on Agenda

X. Adjournment

Motion by Plomin to adjourn at 4:09pm. Seconded by Ellinger. Motion passed without dissent.

SAM, 1/26/22

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: January 18, 2022

SUBJECT: Catering Contract with Hyatt Regency Lexington
Senior Intern Alumni Luncheon

Request:

Request Council Authorization for the Mayor to execute a Catering Contract with the Hyatt Regency Lexington for catering services for the annual Senior Intern Alumni Luncheon on Friday, June 10, 2022.

Purpose:

This contract will provide for the space, AV equipment, and catering of the annual Alumni Luncheon for the Senior Intern Program.

Budgetary Implication:

The required minimum for the contract is \$4,700.00. Total cost not to exceed \$6,000, depending on the number of attendees.

Are the funds budgeted?

Yes. This contract will be paid from the following accounts:

1103-606102-6063-75102 \$4692.00

1103-606102-6063-71299 \$1308.00

File Number: 0093-2022

Director/Commissioner: Kristy Stambaugh / Kacy Allen-Bryant





Lexington-Fayette Urban County Government
DEPARTMENT OF PUBLIC SAFETY

Linda Gorton
Mayor

Kenneth Armstrong
Commissioner

TO: Mayor Linda Gorton
Urban County Council

Lawrence B. Weathers

FROM: Chief Lawrence B. Weathers
Lexington Police Department

CC: Commissioner Kenneth Armstrong
Department of Public Safety

DATE: January 18, 2022

SUBJECT: Thoroughbred Aviation - Sole Source Certification

Request

Authorization to establish Thoroughbred Aviation, Bell Helicopter Service, as a sole source vendor. In order for the Lexington Police Department helicopter to operate safely, effectively and at the lowest possible cost, a sole source vendor must be established.

Why are you requesting?

Thoroughbred Aviation is located in Georgetown, KY and provides the Police Department service in a rapid manner within minutes of being called. The nearest helicopter service center is located in Piney Flats, TN.

A savings will be recognized by using Thoroughbred Aviation due to being local and avoiding additional cost of flying the helicopter a long distance to be serviced.

The Police Department is requesting approval from the Urban County Council and Mayor Linda Gorton in regards to establishing Thoroughbred Aviation, Bell Helicopter Service Center as a sole source vendor for future repairs on our Department helicopter.

What is the cost in this budget year and future budget years? No budgetary impact

Are the funds budgeted? N/A

File Number: 0094-22

Director/Commissioner: Lawrence B. Weathers, Chief
Lexington Police Department

LBW/rmh



Lexington-Fayette Urban County Government
DEPARTMENT OF PUBLIC SAFETY

Linda Gorton
Mayor

Kenneth Armstrong
Commissioner

TO: Mayor Linda Gorton
Urban County Council

Lawrence B. Weathers

FROM: Chief Lawrence B. Weathers
Lexington Police Department

CC: Commissioner Kenneth Armstrong
Department of Public Safety

DATE: January 20, 2022

SUBJECT: Sole Source Certification Renewal - TAC Air Aircraft Storage

Request

Authorization to renew TAC Air as a sole source vendor for Aircraft Storage of our Police Helicopter.

Why are you requesting?

This is to renew TAC Air as a sole source vendor for aircraft storage, hangar subleases and office rental for our Police Helicopter. The Police Department is requesting approval from the Urban County Council and Mayor Gorton in regards to renewing TAC Air as a sole source vendor. I have also attached our current agreement with TAC Air that is active through July 2022 (Resolution 394-2020)

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

Funds for the current agreement are budgeted

Are the funds budgeted? Yes

File Number: 0102-22

Director/Commissioner: Lawrence B. Weathers, Chief
Lexington Police Department

LBW/rmh

MAYOR LINDA GORTON



LEXINGTON

JOHN MAXWELL
DIRECTOR
HUMAN RESOURCES

M E M O R A N D U M

TO: Linda Gorton, Mayor
Sally Hamilton, Chief Administrative Officer
Council Members

FROM: 
John Maxwell, Director
Division of Human Resources

DATE: January 20, 2022

RE: **Abolish/Create Positions - Division of Community Corrections**

Request:

The attached is requesting authorization to abolish one (1) vacant classified position of Electronic/Computer Controls Manager (Grade 523E) and create one (1) classified position of Skilled Trades Manager (Grade 521E) in the Division of Community Corrections, effective upon passage by Council.

Why are you requesting?

Upon the request of the division, and in accordance with the Code of Ordinances, the Division of Human Resources conducted a classification study on the requested position. The study was conducted according to standard procedures using the Job Analysis Questionnaire (JAQ) and position audit. The position was analyzed by staff using the whole job rank and factor comparison methods. As a result, a recommendation for their requested position as described in this action.

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

This will have a future impact of a savings of \$8,279.90.



Position Title	Annual Salary Before	Annual Salary After	Annual Increase/Decrease
Electronic/Computer Controls Manager	(\$66,108.64)	\$0	(\$66,108.64)
Skilled Trades Manager	\$0	\$59,964.32	\$59,964.32
Total Annual Impact/ Salary and Benefits (\$8,279.90)			

File Number:

0113-22

Director/Commissioner:

John Maxwell/Sally Hamilton

If you have questions or additional information is warranted, please contact Alisha Lyle at (859) 258-3957.



MAYOR LINDA GORTON

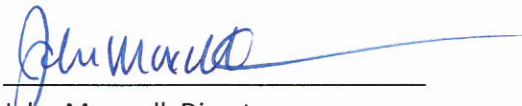


LEXINGTON

JOHN MAXWELL
DIRECTOR
HUMAN RESOURCES

MEMORANDUM

TO: Linda Gorton, Mayor
Sally Hamilton, Chief Administrative Officer
Council Members

FROM: 
John Maxwell, Director
Division of Human Resources

DATE: January 21, 2022

SUBJECT: Authorization for Statement Of Work – Fire Promotional Processes

Request:

We request authorization to initiate the attached Statement of Work (SOW) with CPS HR Consulting for Fire Lieutenant, Fire Captain and Fire Major promotional processes for the Lexington Division of Fire and Emergency Services.

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

The cost is not to exceed \$47,500 and will be funded from the division's Professional Services/Fire account (1101-160502-1823-71299).

File Number:

0114-22

Director/Commissioner:

John Maxwell/Sally Hamilton

If you have any questions, or additional information is warranted, please contact Alisha Lyle at (859) 258-3957.



MAYOR LINDA GORTON

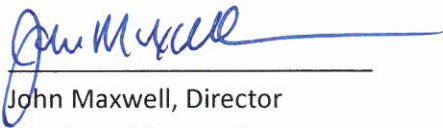


LEXINGTON

JOHN MAXWELL
DIRECTOR
HUMAN RESOURCES

M E M O R A N D U M

TO: Linda Gorton, Mayor
Sally Hamilton, Chief Administrative Officer
Council Members

FROM: 
John Maxwell, Director
Division of Human Resources

DATE: January 21, 2022

SUBJECT: Abolish/Create Position – Division of Water Quality

Request:

The attached action is requesting authorization to abolish one (1) vacant classified position of Engineering Technician (Grade 514N) and create one (1) classified position of Equipment Operator Sr. (Grade 512N) in the Division of Water Quality, effective upon passage of Council.

Why are you requesting?

Upon the request of the division, the Division of Human Resources conducted a classification study on the requested position. The position was analyzed by staff using the whole job rank and factor comparison methods. As a result, a recommendation for their requested position is described in this action.

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

This action has a savings of \$5,339.61.

Position Title	Annual Salary Before	Annual Salary After	Annual Increase/Decrease
Engineering Technician	(\$42,615.04)	\$0	(\$42,615.04)
Equipment Operator Sr.	\$0	\$38,652.64	\$38,652.64



**Total Annual Impact/
Salary and Benefits
(\$5,339.61)**

File Number:

0115-22

Director/Commissioner: John Maxwell/Sally Hamilton

If you have questions or need additional information, please contact Alisha Lyle at (859) 258-3957.



MAYOR LINDA GORTON



LEXINGTON

CHARLES H. MARTIN, P.E.
DIRECTOR
WATER QUALITY

TO: Mayor Linda Gorton
Urban County Council

FROM: 
Charles H. Martin, P.E., Director
Division of Water Quality

DATE: December 22, 2021

SUBJECT: Easement Acquisitions for the Hartland Pump Station No. 3 Replacement Project (EH-19)
Consent Decree (RMP)

Request

The purpose of this memorandum is to request a Resolution authorizing the acceptance of a Temporary Construction Easement from the owners of record on properties needed for the construction of the Hartland Pump Station No 3 Replacement Project, a Remedial Measures Project required by the Consent Decree, at a cost of \$630.

Purpose of Request

The requested resolution will provide funds for the purchase of temporary easements at 4910 Hartland Pkwy.

Project Cost in FY22 and Future Budget Years

The cost to acquire the necessary easements will not exceed \$630.

Are Funds Budgeted

The funds are budgeted in the following account:

<u>FUND</u>	<u>DEPT ID</u>	<u>SECT</u>	<u>ACCT</u>	<u>PROJECT</u>	<u>ACTIVITY</u>	<u>BUD REF</u>
4003	303408	3466	92811	HARTLANDPS_RMP	CONSENT_DE	2021

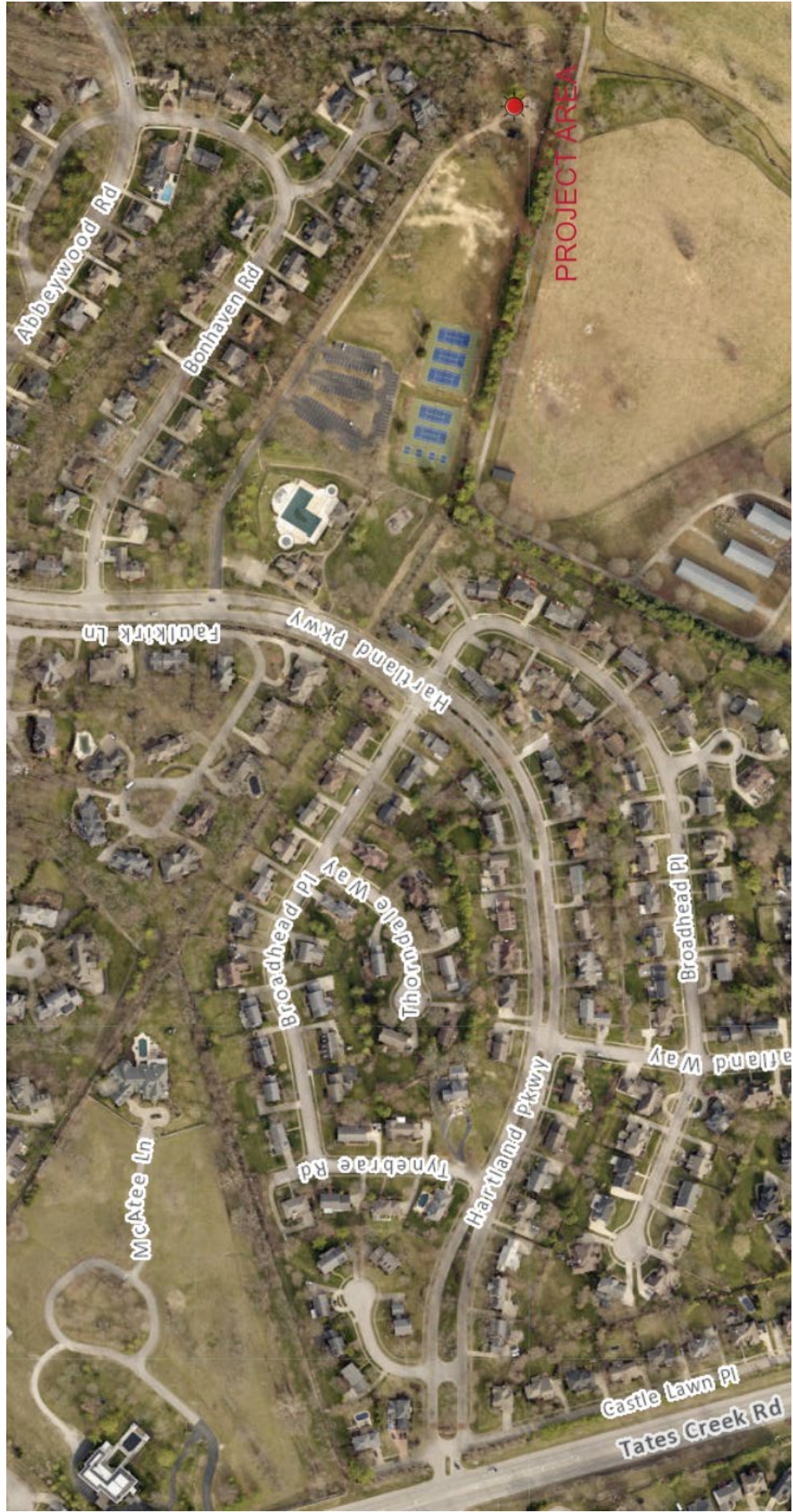
Director / Commissioner

Martin / Albright



Hartland Pump Station No. 3 Replacement (RMP Project No. EH-19)

Project Location Map



MAYOR Linda Gorton



LEXINGTON

CHARLIE LANTER
COMMISSIONER
HOUSING, ADVOCACY
& COMMUNITY DEVELOPMENT

**TO: LINDA GORTON, MAYOR
URBAN COUNTY COUNCIL**

**FROM: CHARLIE LANTER, COMMISSIONER
HOUSING, ADVOCACY & COMMUNITY DEVELOPMENT**

DATE: JANUARY 21, 2022

SUBJECT: Senior Citizens Grant Application for Fiscal Year 2023

Request:

Council authorization to submit a grant application requesting \$175,160 in federal funding, and to accept award if offered, to the Bluegrass Area Development District for operation of the Senior Citizens Center in FY 2023, the acceptance of which obligates the government to provide match in the amount of \$247,814.

Purpose of Request:

A grant application has been prepared by the Department of Social Services for submission to the Bluegrass Area Development District (BGADD) requesting federal funds in the amount of \$175,160 under Title III of the Older Americans Act for operation of the Lexington Senior Citizens Center in FY 2023. The Lexington Senior Citizens Center is a multi-purpose community focal point for services to persons 60 and older in Fayette County. Basic center operations include advocacy, counseling, education, health promotion, access to legal assistance, outreach, recreation, and telephone reassurance. Grant-funded staff includes a Center Director, a Social Worker, a Social Worker Senior, two Staff Assistant Seniors, and three part-time van drivers.

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

It is anticipated that federal funds in the amount of \$175,160 will be available for operation in FY 2023. The minimum local match required for the operation of the project is 15%; however, the amount that is being requested in the FY 2023 general fund budget for grant match is \$247,814. The total cost of operations for this project is \$422,974. Funds for future budget years are dependent upon federal allocations.

Are the funds budgeted? Budget amendment will be completed if approved.

File Number: 0117-22

Director/Commissioner: Stambaugh/Allen-Bryant



MAYOR Linda Gorton



LEXINGTON

CHARLIE LANTER
COMMISSIONER
HOUSING, ADVOCACY
& COMMUNITY DEVELOPMENT

**TO: LINDA GORTON, MAYOR
URBAN COUNTY COUNCIL**

**FROM: CHARLIE LANTER, COMMISSIONER
HOUSING, ADVOCACY & COMMUNITY DEVELOPMENT**

DATE: JANUARY 21, 2022

**SUBJECT: Agreement with University of Kentucky Medical Center for Sexual Assault Nurse
Examiner Program for 2022**

Request: Council authorization to execute an agreement with the University of Kentucky Albert B. Chandler Medical Center in the amount of \$3,000 for use of the emergency room as a clinical practice area for the Sexual Assault Nurse Examiner Program—FY 2022.

Purpose of Request: The Lexington-Fayette Urban County Government has been awarded federal funds under the Violence Against Women Act by the Kentucky Justice and Public Safety Cabinet for the continuation of the Sexual Assault Nurse Examiner Program in the Division of Police. This program provides for the use of specially trained Sexual Assault Nurse Examiners (S.A.N.E.s) for the performance of forensic examinations on the victims of sexual assault. In order to provide the victims of sexual assault with maximum privacy, only one area hospital emergency room will be used for all examinations.

What is the cost in this budget year and future budget years? The University of Kentucky has agreed to continue its allocation of emergency room space to this program at a cost of \$250 per month for the year 2022. Total cost is \$3,000. It is anticipated that future budget years will also be grant-funded.

Are the funds budgeted? Funds are budgeted as follows:

FUND	DEPT ID	SECTION	PROJECT	BUD REF	ACCT	ACTIVITY
3140	505506	5561	SANE 2022	2022	71302	FED GRANT

File Number: 0118-22

Director/Commissioner: Weathers/Armstrong



MAYOR LINDA GORTON

**LEXINGTON**CHARLIE LANTER
COMMISSIONER
HOUSING, ADVOCACY
& COMMUNITY DEVELOPMENT

**TO: LINDA GORTON, MAYOR
URBAN COUNTY COUNCIL**

**FROM: CHARLIE LANTER, COMMISSIONER
HOUSING, ADVOCACY & COMMUNITY DEVELOPMENT**

DATE: JANUARY 21, 2022

SUBJECT: Professional Services Agreements: Sexual Assault Nurse Examiner Program for 2022

Request: Council authorization to execute Professional Services Agreements with Marinda Beasley, Kristin Beers, Angela Begley, Alexis Breeding, and Megan Magsam to serve as Sexual Assault Nurse Examiners on an "on-call" basis for the performance of forensic examinations in 2022.

Purpose of Request: The Lexington-Fayette Urban County Government has received continuation funding (Violence Against Women Act) from the Kentucky Justice & Public Safety Cabinet for the operation of a Sexual Assault Nurse Examiner program. The purpose of this program is to improve the collection of forensic evidence in sexual assault cases and to provide the victims of sexual assault more humane treatment during the investigation. Ultimately, higher rates of reporting will occur along with higher rates of prosecution and conviction. The Kentucky Crime Victims' Compensation Fund also provides financial support for forensic examinations. An approved element of the grant-funded project is contracting with certified Sexual Assault Nurse Examiners (S.A.N.E.s) to serve on call 24 hours a day to respond to calls for examinations at the University of Kentucky Emergency Room. The attached Professional Services Agreements for the period of January 1, 2022, through December 31, 2022, outline the responsibilities and compensation.

What is the cost in this budget year and future budget years? \$51,466 is estimated. No future budget years impact is anticipated.

Are the funds budgeted? Funds for these services are budgeted as follows:

FUND	DEPT ID	SECTION	PROJECT	ACTIVITY	BUD REF	ACCT	AMOUNT
3140	505506	5561	SANE 2022	FED GRANT	2022	71299	\$55,804
3140	505506	5561	SANE3 2022	STA GRANT	2022	71217	\$17,250

The funds budgeted in SANE_ 2022 are for the purpose of paying contractual nurses for on-call duty and for reimbursement for liability insurance and court appearances. The funds budgeted in SANE3_ 2022 are for payment of nurses for forensic examinations. These funds come from the state's Crime Victims Compensation Board.

File Number: 0119-22

Director/Commissioner: Weathers/Armstrong



MAYOR Linda Gorton



LEXINGTON

CHARLIE LANTER
COMMISSIONER
HOUSING, ADVOCACY
& COMMUNITY DEVELOPMENT

**TO: LINDA GORTON, MAYOR
URBAN COUNTY COUNCIL**

**FROM: CHARLIE LANTER, COMMISSIONER
HOUSING, ADVOCACY & COMMUNITY DEVELOPMENT**

DATE: JANUARY 24, 2022

**SUBJECT: Accept Funds from the Kentucky Office of Homeland Security 2021 State
Homeland Security Grant Program for Division of Fire**

Request: Council authorization to accept \$59,500 in funding from the 2021 Kentucky Office of Homeland Security Grant, which will fund purchase self-contained breathing apparatus (SCBA) with air cylinders for the Division of Fire and Emergency Services' Special Operations Teams. No matching funds required.

Purpose of Request: The Kentucky Office of Homeland Security has awarded the Division of Fire and Emergency Services \$59,500 of federal funding from the Fiscal Year 2021 Homeland Security Grant Program. This federally funded program, originating from the U.S. Department of Homeland Security, provides financial assistance to the states to prevent, respond to, and recover from acts of terrorism.

The SCBAs will provide necessary respiratory protection for Hazardous Materials response when operating in chemical-protective clothing. These units will be assigned to the Lexington Fire Department's Special Operations Bureau and will be compatible with the department's stock of firefighting SCBA units. The current stock of SCBAs are beyond their service life and in need of replacement.

What is the cost in this budget year and future budget years? \$59,500 in federal funds has been awarded for Fiscal Year 2022. No matching funds are required. Future years funding is dependent upon availability of grant funding.

Are the funds budgeted? Budget amendment 11482 is in process.

File Number: 0120-22

Director/Commissioner: Wells/Armstrong



MAYOR LINDA GORTON



LEXINGTON

CHARLIE LANTER
COMMISSIONER
HOUSING, ADVOCACY
& COMMUNITY DEVELOPMENT

**TO: LINDA GORTON, MAYOR
URBAN COUNTY COUNCIL**

**FROM: CHARLIE LANTER, COMMISSIONER
HOUSING, ADVOCACY & COMMUNITY DEVELOPMENT**

DATE: January 24, 2022

SUBJECT: FY 2023 Traffic Safety Program Law Enforcement Grant Applications

Request: Council authorization to submit applications, and accept awards if offered, to the Kentucky Transportation Cabinet for participation in Traffic Safety Programs to include Traffic Safety and Speed Enforcement for Fiscal Year 2023.

Purpose of the Request: The Division of Police has prepared two applications for submission to the Governor's Highway Safety Program in the Department of Transportation Safety/Kentucky Transportation Cabinet requesting federal funding for continuation of the Lexington-Fayette Urban County Government's Traffic Safety Programs for FY 2023. These federal funds originate from the U.S. Department of Transportation's Highway Safety Standards Branch. These programs are:

- **Traffic Safety Program.** Federal funding in the amount of \$115,000 is requested. If approved, funds will be used to continue the utilization of officers on an overtime basis to detect speeders and other traffic violators.
- **Occupant Protection Project.** Federal funding in the amount of \$65,000 is requested. If approved, federal funds pay for the utilization of officers on an overtime basis to focus on increasing seat-belt usage and proper child restraint in order to reduce traffic crash injuries and fatalities.
- **Impaired Driving Project.** Federal funding in the amount of \$65,000 is requested. If approved, federal funds will be used to support the cost of officer overtime and training to reduce fatalities on Kentucky roadways, minimize injuries to individuals and property, and to educate the public in ways to do this.

What is the cost in this budget year and future budget years? Total federal funding in the amount of \$245,000 is being requested for Fiscal Year 2023 for officer overtime, Medicare, unemployment, and pension. No local match is required. There is no cost in future budget years.

Are the funds budgeted? Budget amendments will be initiated if grants are approved.

File Number: 0121-22

Director/Commissioner: Weathers/Armstrong



**Neighborhood Development Funds
February 1, 2022
Work Session**

Amount	Recipient	Purpose
\$ 950.00	Lexington Rescue Mission Kim Livesay PO Box 1050 Lexington, KY 40588	To assist with their 2022 Virtual Walk for Warmth.
\$ 900.00	Kentucky Lions Eye Foundation (KLEF) Lindy Lamkin 301 E. Muhammad Ali Blvd. Louisville, KY 40202	To assist with the Mr. & Mrs. Kentucky Basketball Awards Ceremony.
\$ 450.00	Mobile Mission Experience, Inc. Andrea Woodson 838 E. High Street, #298 Lexington, KY 40502	To assist with their community baby shower event.
\$ 450.00	LEX Project Prom Asona McMullen 2012 Baltusrol Lane Lexington, KY 40509	To assist with operating supplies and expenses for their annual event.
\$ 1,200.00	Pensacola Park Neighborhood Association Jesse Voigt 1859 Nicholasville Road Lexington, KY 40503	To assist with a tree planting and completion of a memorial for the late Council Member Jake Gibbs.



Environmental Quality & Public Works Committee

December 7, 2021

Summary and Motions

Chair F. Brown called the meeting to order at 1:02 p.m. Committee Members Kay, Ellinger, Moloney, McCurn, Sheehan, Kloiber, Worley, and Bledsoe were present. Council Member Reynolds was also present as a non-voting member.

I. Approval of October 19, 2021 Committee Summary

Motion by Kay to approve the October 19, 2021 Environmental Quality & Public Works Committee Summary. Seconded by LeGris. Motion passed without dissent.

II. Annual MS4 Program Update

Charlie Martin, Director of Water Quality, began the presentation by explaining the permit process for the program. He said compliance revolves around meeting the objectives of 10 program elements which are further defined in the Stormwater Quality Management Program documents. He reviewed the evolution of the MS4 Program and said Lexington's regulations were not fully embraced in the 1990s and in 2006, the EPA and Kentucky sued Lexington for alleged violations of the Clean Water Act which led to the Consent Decree. He mentioned that in January this year, Lexington was released from the MS4 provisions of the Consent Decree and the MS4 Program no longer operates under court ordered sanctions. He reviewed next steps moving forward which include continued compliance in the program element categories, continued promotion and administration of the Division of Water Quality Management Fee Program and continued evaluation of a Stormwater Payment-In-Lieu-Of (SPILO) program as a potential alternative to post-construction stormwater controls for redevelopment sites.

Bledsoe expressed appreciation for the proactive approach in finding issues behind our stormwater problem. She asked about the increase in staffing over the years and Martin said it is a function of the regulatory community which could sometimes call for additional staff, but currently he is more concerned about filling existing positions than creating new ones.

Kay and Martin discussed how this effects the remediation plan and Martin clarified that the sanitary sewer portion of the Consent Decree is still in effect. He explained that in May 2020 he wrote to the EPA and asked for *force majeure* at a time when 90% of active construction sites were to be inspected. The response he received was that this part of the program could be terminated since all of the obligations had been met. Martin said every part of the Consent Decree is complete except for remedial measures on the Sanitary Sewer Program which he will report to committee early next year. Martin clarified that we are not under the Consent Decree but we are still under the permit obligations for the MS4 program.

No further comment or action was taken on this item.

III. LFUCG Greenway Encroachment Agreement

Jennifer Carey, Director of Division of Environmental Services (DES), provided a history of encroachment agreements and explained that greenway encroachments include gardens, tree plantings, stream buffers, and play structures. She mentioned that DES manages approximately 500 acres of greenway space, 165

acres of medians, and 388 acres of right-of-way. She explained that having these agreements in place allows for tracking how LFUCG properties are being used; reduces the city's liability; and improves communication with other parties with the hope of providing clear expectations to the applicant. She displayed a map to illustrate the areas of coverage and she explained that the purpose for updating the encroachment agreement is to address communication, coordination, and notification issues. She mentioned that when updating the encroachment agreement, a revised application was drafted and reviewed by the Law Department in an effort to achieve consistency with other departments. She closed by reviewing the process for obtaining an encroachment permit which can be found online and added that applicants should contact DES for a plat, map, district contact info, etc. Applicants should submit those documents to DES for review and approval prior to receiving the permit.

At this time, Chair Brown opened the floor and 2 people provided public comment.

Sheehan requested clarification on the liability piece and asked if there is assistance available for helping with the utility easement approval process. With regard to utility notification, Carey said, there is a one-page sheet on the *Greenways* web page that provides contact information for all of the utilities that could potentially have an easement on a parcel. She said DES has been in contact with the utilities and will help these groups make the connection. Cravens clarified that the intent behind the liability language is to manage the city's risk. We are giving a group or person permission to enter and place something on our property so the concern is making sure that those individuals are primarily responsible for answering to any claim that may be brought forward as a result of them working on our property. Sheehan asked if this means that when a person enters and works on city-owned property, the city is not liable for the work being done or for what might happen as a result of that work. Cravens said the gist is that the city is allowing groups on their property to work on a project, but it needs to be at minimal risk to the city. Sheehan asked if this puts the liability on the groups working in the space and Cravens explained that this makes the groups answerable in the same way they would be answerable for anything they do on our property. He added that this is consistent with language used for volunteers who work at community parks. Those volunteers would sign a release that says they understand they are being given permission to work on city property and will be primarily answerable for any damage that may occur as a result of what they are doing on city property.

Kay asked about the process for moving this agreement forward and Carey said it is not very different from other types of encroachment agreements in place through other divisions and she hopes to have Council's support. Kay and Carey discussed the permit requirement for planting flowers in a median and Carey confirmed that this does require a permit which would need to be renewed every 2 years as long as the space is being maintained. When it is no longer being maintained, the permit can terminate. Kay asked about turning over maintenance to someone else and Carey said the permit holder would contact DES to transfer the name on the permit. Kay asked about planting without a permit and Carey said that when DES learns about these instances, they determine who is responsible for managing the area and then they try to get a permit in place on the backend.

LeGris referenced a community organization working on city property and asked if it would be the community organization's responsibility to maintain the space they planted on and, if anything happens, the burden falls on the organization and not the city. Cravens said, based on this example, it would be up to the community organization to decide what insurance coverage they have for any risks involved in work they do on city property. He added that indemnification clauses are in place to manage the risk between the city and the community organization if a claim were to come forward. This is to ensure the city is not primarily answerable for damage claims that may be more appropriately imposed upon the person or

organization that put the object on city property. LeGris spoke about a community organization that does planting every two years and asked what happens if they can no longer maintain those plantings, but the plantings are in alignment with some of the city's ideas. Carey said they would have to evaluate on a case-by-case basis and determine how maintenance-intensive the plantings are. The city will likely take care of it if it is something that can be added to the maintenance budget. If it is more specialized, we may have to reach out to volunteer groups for assistance. LeGris asked if they are revisiting prior agreements in relation to the indemnity clause and Carey confirmed they are and it is more of a combined language than it was for the 2016 permit.

Reynolds questioned whether the city sees maintaining the stream buffer as an essential component to their green infrastructure policy. Carey explained that she does not see stream buffers as a clearly defined green infrastructure component, but there are benefits for having robust areas along streams. Reynolds asked about outside organizations and neighborhoods who put time and money into improving city property regardless of where it is located. She said funding might come from a grant or neighborhood funds and her concern is that we are placing regulations on people who are doing work on our properties that we don't have the manpower or money to do.

Bledsoe and Carey discussed green infrastructure and why stream buffers do not fall under this policy. Carey explained that green infrastructure is more about various practices that can be implemented to meet the Stormwater Manual requirements. Riparian areas are included in the Stormwater Manual, but mainly for the purpose of allowing calculations around them and the benefits they provide. She said no one in the private development community has used this as a tool for meeting requirements in the Stormwater Manual for developing their parcel or property. Bledsoe asked for an explanation on why stream buffers are encroachments and why it is defined that way. Carey explained that if someone comes into an area and plants a lot of new vegetation along a stream, it is an encroachment because it is something new that is being put or placed on city property. This is a way for us to know who placed it, what they placed, and where they placed it. For this reason, we feel that plantings on a stream buffer are similar to a gazebo or a trampoline because it is something that is being added to the city's property. Carey said, ultimately, we need to know about it so we can do maintenance or find the entity responsible for the maintenance. Bledsoe and Carey discussed having this reviewed by the Greenspace Commission and getting their feedback before this moves forward.

No further comment or action was taken on this item.

IV. Wrong-Way Driving

Bledsoe introduced the item which was referred to committee after several wrong-way collisions in Lexington. Jeff Neal, Director of Traffic Engineering, said wrong-way driving is likely something that occurs frequently, but it is difficult to detect and often you don't know until it is too late. In KY there are 40 deaths per year due to wrong-way driving and nationally, it is about 500 per year. He spoke about the contributing factors to wrong-way driving and he reviewed the typical exit ramp and markings that indicate "do not enter", "wrong way", or "one way". He suggested possible improvements could be enhanced signs and markings to supplement existing ones. He provided illustrations of potential technology enhancements such as wrong-way vehicle detection integration to warn other motorists and communicate with dispatch for a faster response.

LeGris spoke about wrong-way driving in the downtown area and said more accurate signage is helpful. She appreciates the innovative solutions being brought forward and ideas to make it safer for residents

and drivers who drive regularly in these areas, but also for drivers who are visiting Lexington because our roads can be confusing.

Bledsoe asked if there was a 10-year look back on the worst intersections or access points where the driver enters. Neal said it is difficult to determine the entry point because it is difficult to determine what interchange they entered on a controlled-access highway. He added that technology is not in place to record this information so many times we don't know where the vehicle entered the roadway until the collision occurs. Bledsoe spoke about the vehicle detection warning system and asked if the vehicle would have to be going at a certain speed or if you could use it on New Circle Road as opposed to Maxwell Street. Neal stated that he is not sure how well these would work in a downtown setting with pedestrians and bicyclists, but feels it is more appropriate for an Interstate (controlled-access highway). Bledsoe expressed interest in piloting a few of these to see if it would make a difference. Neal said he is waiting to see what the state is going to with their federal grant.

Ellinger asked how many warning signals would be included in the pilot program and Neal said there would be 19 total for New Circle Road and the Interstate. Ellinger asked if we are waiting to hear about the grant from the state. Neal said all of the interchanges are state-controlled roadways and it is their responsibility to put these devices on and for us to do this, we would need the state's permission.

F. Brown suggested keeping this in committee and having the Division of Traffic Engineering come back to present a pilot program. Bledsoe added that the pilot should cost around \$75,000 for the 11 interchanges on New Circle Road.

No action was taken on this item.

V. Items Referred to Committee

No action was taken on this item.

Motion by Bledsoe to adjourn at 2:27 p.m. Seconded by Ellinger. Motion passed without dissent.