

Lexington-Fayette Urban County Government

*200 E. Main St
Lexington, KY 40507*



Tuesday, February 15, 2022

3:00 PM

Packet

Council Chamber

Urban County Council Work Session

**Urban County Council
Schedule of Meetings
February 14, 2022 – February 21, 2022**

Monday, February 14

No Meetings

Tuesday, February 15

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, February 16

No Meetings

Thursday, February 17

Corridors Commission.....12:00 pm
Video Teleconference

Special Committee of the Whole (COW).....3:00 pm
Council Chamber – 2nd Floor Government Center

Council Meeting.....6:00pm
Council Chamber – 2nd Floor Government Center

Friday, February 18

No Meetings

Monday, February 21

LFUCG Offices Closed – Presidents' Day

**Lexington-Fayette Urban County Council
Work Session Agenda
February 15, 2022**

- I. Public Comment - Issues on Agenda**
- II. Requested Rezoning/ Docket Approval - Yes**
- III. Approval of Summary – Yes, p. 1-2**
 - a** Table of Motions: Council Work Session, February 8, 2022
- IV. Budget Amendments – Yes, p. 3-4**
- V. New Business – Yes, p. 5-19**
- VI. Continuing Business/ Presentations**
 - a** Neighborhood Development Funds: February 15, 2022, p. 20
 - b** Summary: Planning and Public Safety Committee, January 18, 2022, p. 21-28
 - c** Public Hearing: Residential Parking Permit Program (RPPP) Amendment for South Hill and Spring Street, p. na
- VII. Council Reports**
- VIII. Mayor's Report – Yes, p.**
- IX. Public Comment - Issues Not on Agenda**
- X. Adjournment**

Administrative Synopsis - New Business Items

- a** **0143-22** Authorization to approve an Ordinance of the Lexington-Fayette Urban County Government authorizing an Amended and Restated Management Contract between the Lexington-Fayette Urban County Government and the Lexington Center Corporation. (L0143-22) (Hensley) p. 5
- b** **0145-22** Authorization to execute an agreement awarding a Class B (Infrastructure) Incentive Grant to Community Montessori School, Inc., for stormwater quality projects, at a cost not to exceed \$300,000.00. Funds are budgeted. (L0145-22) (Martin/Albright) p. 6-7
- c** **0146-22** Authorization to execute an agreement awarding a Class B (Infrastructure) Incentive Grant to Lakeshore Village, Inc., for stormwater quality projects, at a cost not to exceed \$212,932.00. Funds are budgeted. (L0146-22) (Martin/Albright) p. 8-9
- d** **0147-22** Authorization to execute an agreement awarding a Class B (Infrastructure) Incentive Grant to The Unitarian Universalist Church of Lexington, Inc., for stormwater quality projects, at a cost not to exceed \$299,477.60. Funds are budgeted. (L0147-22) (Martin/Albright) p. 10-11
- e** **0148-22** Authorization to execute a Memorandum of Agreement with Bluegrass Community and Technical College (BCTC), for services relating to water quality monitoring in the North Elkhorn watershed, at no cost to the Urban County Government. (L0178-22) (Martin/Albright) p. 12
- f** **0155-22** Authorization to repeal Article XVII of Chapter 2 of the code of ordinances to abolish the Urban County Arts Review Board and transfer the duties and powers to the Public Arts Commission. This merger will include recognizing the completion of the Public Art Master Plan, changes to the purpose of the commission, added definitions for membership, an expansion of membership, and some other procedural changes. No budgetary impact. (L0155-22) (Scott) p. 13
- g** **0156-22** Authorization to abolish one (1) unclassified position of Administrative Specialist (Grade 513N) and create one (1) unclassified position of Administrative Specialist Sr. (Grade 516N) in the Division of Aging and Disability Services, effective upon passage of Council. This has a 12-month future impact of a cost of \$8,621.86 and funds are budgeted. (L0456-22) (Maxwell/Hamilton) p. 14-15
- h** **0157-22** Authorization to abolish five (5) sworn positions of Fire Captain (Grade 316N) and create four (4) sworn positions of Fire Lieutenant (Grade 315N), and three (3) sworn positions of Firefighter (Grade 311N) in the Division of Fire and Emergency Services, effective upon passage of Council. The Division of Fire and Emergency Services is requesting this restructuring in an effort to ensure responsible and efficient operations. This has a future impact of a savings of \$23,297.25. (L0157-22) (Maxwell/Hamilton) p. 16-17
- i** **0167-22** Authorization to allow an agreement to be entered between Division of Community Corrections and Fayette Mall for implementation of kiosks in the mall for officer recruitment, in the amount of \$4375.00. Funds are budgeted. (L0167-22) (Farmer/Armstrong) p. 18

j

0168-22

Authorization to amend Resolution No. 023-2022 to execute Supplemental Agreement No. 3 with the Kentucky Transportation Cabinet to amend the funding agreement for the Wilson Downing Sidewalks Project. No budgetary impact. (L0168-22) (Burton/Albright) p. 19

**URBAN COUNTY COUNCIL
WORK SESSION
TABLE OF MOTIONS
February 8, 2022**

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

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

Motion by Sheehan to approve the February 10, 2022 Council meeting docket. Seconded by Reynolds. Motion passed without dissent.

Motion by Kay to amend and place on the docket for the February 10, 2022 Council meeting a resolution accepting the Collective Bargaining Agreement by and between the Lexington-Fayette Urban County Government and Fraternal Order of Police, Town Branch Lodge #83, on Behalf of Community Corrections Officers and Sergeants In the Division of Community Corrections, and authorizing the Mayor to execute the Bargaining Agreement and a Related Memorandum of Agreement. Seconded by Reynolds. Motion passed without dissent.

- III. Approval of Summary

Motion by Plomin to approve the February 1, 2022 Work Session summary. Seconded by Sheehan. 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 Baxter to approve new business. Seconded by Ellinger. Motion passed without dissent.

- VI. Continuing Business/Presentations

Motion by Plomin to approve neighborhood development funds. Seconded by Sheehan. Motion passed without dissent.

Council Member Bledsoe provided a summary of the January 25, 2022 Budget, Finance and Economic Development Committee meeting. There were no motions to report from the meeting.

VII. Council Reports

Motion by Reynolds to place in the Planning and Public Safety Committee a review of what we are doing as a local government to address gun violence and youth gun violence and consider how we approach it moving forward. Seconded by Sheehan. Motion passed without dissent.

Motion by Kay to cancel the Quarterly Committee of the Whole on February 17, 2022 at 4:30 pm and schedule a Special Committee of the Whole meeting on February 17, 2022 at 3:00 pm to continue the ARPA discussion. Seconded by Sheehan. Motion passed without dissent.

VIII. Mayor's Report

IX. Public Comment – Issues Not on Agenda

X. Adjournment

Motion by Plomin to adjourn at 4:49 pm. Seconded by Lamb. Motion passed without dissent.

BUDGET AMENDMENT REQUEST LIST

JOURNAL	BA 1	DIVISION	Finance/ Various	Fund Name Fund Impact	General Fund 5,249,521.69 5,249,521.69CR .00
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To move funding from the General Fund contingency budget lines to the applicable departments based on actual expenses for lump and sick term payouts through January 2022.

JOURNAL	133124-25	DIVISION	Family Services	Fund Name Fund Impact	Donation Fund 26.00 26.00CR .00
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To provide funds for operating supplies by recognizing a contribution.

JOURNAL	BA 2	DIVISION	Finance/ Various	Fund Name Fund Impact	Urban Fund 142,245.65 142,245.65CR .00
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To move funding from the Urban Fund contingency budget lines to the applicable departments based on actual expenses for lump and sick term payouts through January 2022.

JOURNAL	133142	DIVISION	Waste Management	Fund Name Fund Impact	Urban Fund 16,000.00 16,000.00CR .00
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To provide additional funding for maintenance on the compressed natural gas site by reducing the Material Recycling Facility fuel account.

JOURNAL	BA 3	DIVISION	Finance/ Various	Fund Name Fund Impact	Sanitary Sewer Fund 119,684.82 119,684.82CR .00
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To move funding from the Sewer Fund contingency budget lines to the applicable departments based on actual expenses for lump and sick term payouts through January 2022.

JOURNAL	BA 4	DIVISION	Finance/ Various	Fund Name Fund Impact	Water Quality Mgmt Fund 5,716.09 5,716.09CR .00
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To move funding from the Water Quality Fund contingency budget lines to the applicable departments based on actual expenses for lump and sick term payouts through January 2022.

JOURNAL	BA 5	DIVISION	Finance/ Various	Fund Name Fund Impact	Landfill Fund 6,770.71 6,770.71CR .00
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To move funding from the Landfill Fund contingency budget lines to the applicable departments based on actual expenses for lump and sick term payouts through January 2022.

JOURNAL	BA 6	DIVISION	Finance/ Various	Fund Name	Enhanced 911 Fund
				Fund Impact	11,519.56
					11,519.56CR
					.00

To move funding from the Enhanced 911 Fund contingency budget lines to the applicable departments based on actual expenses for lump and sick term payouts through January 2022.

BUDGET AMENDMENT REQUEST SUMMARY

1101	General Services District Fund	.00
1103	Donation Fund	.00
1115	Full Urban Services District Fund	.00
4002	Sanitary Sewer Revenue and Operating Fund	.00
4051	Water Quality Management Fund	.00
4121	Landfill Fund	.00
4204	Enhanced 911 Fund	.00

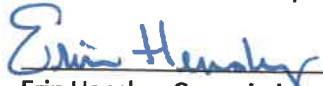
MAYOR LINDA GORTON



LEXINGTON

ERIN HENSLEY
COMMISSIONER
FINANCE

TO: Mayor Linda Gorton
Members, Urban County Council

FROM: 
Erin Hensley, Commissioner of Finance

DATE: February 1, 2022

SUBJECT: An Ordinance of the Lexington-Fayette Urban County Government authorizing an Amended and Restated Management Contract between the Lexington-Fayette Urban County Government and the Lexington Center Corporation

Request

Authorization to approve an Ordinance of the Lexington-Fayette Urban County Government authorizing an Amended and Restated Management Contract between the Lexington-Fayette Urban County Government and the Lexington Center Corporation

Why are you requesting?

Department needs this action completed because the prior contract and the prior lease are both dated June 15, 1993. A new lease has been signed that corresponds to the bonds issued in 2018 and 2020. The Amended and Restated Management Contract will correspond to the term of the new lease and the Series 2018 and Series 2020 Bonds.

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

The cost for this FY is: \$0
The cost for future FY is: \$0

Are the funds budgeted? N/A

Account number:

File Number: 0143-22

Commissioner: Erin Hensley



MAYOR LINDA GORTON



LEXINGTON

CHARLES MARTIN
DIRECTOR
WATER QUALITY

TO: Mayor Linda Gorton
Urban County Council

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

DATE: January 26, 2022

SUBJECT: Recommendation for an FY22 (Class B Infrastructure) Stormwater Quality Projects Incentive Grant for the Community Montessori School, Inc.

Request

The purpose of this memorandum is to request approval of an FY22 (Class B Infrastructure) Stormwater Quality Projects Incentive Grant for the Community Montessori School, Inc., in the amount of \$300,000.00.

Purpose of Request

The goal of the project is to improve water quality and reduce stormwater runoff at 727 Stone Road. The project includes design and construction of a new staff parking lot (approximately 15,000 square feet). The benefits will include capturing and filtering automotive pollutants from stormwater runoff, and recharging the groundwater. The project also incorporates stormwater education by adding information about the permeable paver project to the BMP list of stormwater educational components already installed at CMS through previous LFUCG Stormwater Quality Projects which include the Stream Restoration, Rainwater Harvesting, Rain Garden, Bioswale and Wetland projects.

Project Cost in FY22 and in Future Budget Years

The grant has been approved for FY 2022 funding by the Water Quality Fees Board in the amount of \$300,000.00.

Are Funds Budgeted

Funds are budgeted in: 4052 – 303204 – 3373 – 78112 – WQINCENTIVE_22 – WQ_GRANT

Martin/Albright



Stormwater Quality Projects Incentive Grant Program



PROJECT SITE:
727 STONE ROAD
LEXINGTON KY 40503

STONE ROAD

SEVEN WAY

ARC ROYAL WAY

W NEW CIRCLE ROAD

RIG RUN ROAD

COMMUNITY MONTESSORI SCHOOL, INC.

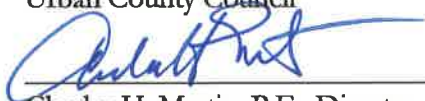
MAYOR LINDA GORTON



LEXINGTON

CHARLES MARTIN
DIRECTOR
WATER QUALITY

TO: Mayor Linda Gorton
Urban County Council

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

DATE: January 26, 2022

SUBJECT: Recommendation for an FY22 (Class B Infrastructure) Stormwater Quality Projects Incentive Grant for the Lakeshore Village, Inc.

Request

The purpose of this memorandum is to request approval of an FY22 (Class B Infrastructure) Stormwater Quality Projects Incentive Grant for the Lakeshore Village, Inc., in the amount of \$212,932.00.

Purpose of Request

Grant funds will help mitigate flooding and improve water quality in the Lakeshore Village community. The project elements include retrofit of existing concrete sidewalks with permeable pavers (approximately 3,200 square feet), impervious pavement reduction by eliminating excess sidewalk areas, underground detention as needed for water quality control, and redirection of existing downspouts towards newly installed green infrastructure for storage and infiltration. The project also incorporates stormwater education in the form of two (2) educational signs, and a residents' walking / educational tour once installation of BMPs is complete.

Project Cost in FY22 and in Future Budget Years

The grant has been approved for FY 2022 funding by the Water Quality Fees Board in the amount of \$212,932.00.

Are Funds Budgeted

Funds are budgeted in: 4052 – 303204 – 3373 – 78112 – WQINCENTIVE_22 – WQ_GRANT

Martin/Albright



Stormwater Quality Projects Incentive Grant Program



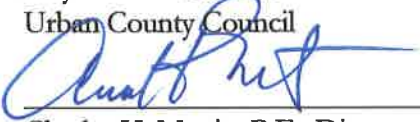
MAYOR LINDA GORTON



LEXINGTON

CHARLES MARTIN
DIRECTOR
WATER QUALITY

TO: Mayor Linda Gorton
Urban County Council

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

DATE: January 25, 2022

SUBJECT: Recommendation for an FY22 (Class B Infrastructure) Stormwater Quality Projects Incentive Grant for The Unitarian Universalist Church of Lexington

Request

The purpose of this memorandum is to request approval of an FY22 (Class B Infrastructure) Stormwater Quality Projects Incentive Grant for The Unitarian Universalist Church of Lexington), in the amount of \$299,477.60.

Purpose of Request

The purpose of the project is to implement the FY20 Feasibility Study to provide water quality and quantity Best Management Practices at 3564 Clays Mill Road. The project elements include impervious area removal; design and construction of permeable pavers, and bio-infiltration swales; headwall and channel repairs, and tree plantings. The project will also incorporate the installation of two (2) permanent educational signs with information about the newly constructed BMPs at the conclusion of the project.

Project Cost in FY22 and in Future Budget Years

The grant has been approved for FY 2022 funding by the Water Quality Fees Board in the amount of \$299,477.60.

Are Funds Budgeted

Funds are budgeted in: 4052 – 303204 – 3373 – 78112 – WQINCENTIVE_22 – WQ_GRANT

Martin/Albright



Stormwater Quality Projects Incentive Grant Program

11
0147-22



UNITARIAN UNIVERSALIST CHURCH OF LEXINGTON (UUC)

MAYOR LINDA GORTON



LEXINGTON

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

TO: Mayor Linda Gorton
Urban County Council

FROM: 
Gregory S. Lubeck, P.E., Deputy Director
Division of Water Quality

DATE: February 1, 2022

SUBJECT: Request Approval of Memorandum of Agreement with Bluegrass Community and Technical College to Coordinate Student Volunteers to Provide Water Quality Monitoring in the North Elkhorn Watershed

Request

The approval of a Memorandum of Agreement (MOA) with Bluegrass Community and Technical College (BCTC) to train and coordinate student volunteers who will conduct water quality monitoring in the spring of 2022 in the North Elkhorn Watershed. The monitoring fulfills a component of LFUCG's Watershed-Focused Monitoring Program (WFMP) which is a requirement of the city's Kentucky Pollutant Discharge Elimination System (KDPES) Municipal Separate Storm Sewer System (MS4) Permit.

Purpose of Request

BCTC's Environmental Science Technology Coordinator can incorporate a component of the WFMP data collection into the syllabus for a class which will provide real-world field experience for students seeking a degree in Environmental Science Technology. The Division of Water Quality desires to engage the students in the WFMP and can save time and resources by partnering with BCTC to execute a portion of the data collection.

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

There is no cost associated with the MOA.

Are the funds budgeted?

N/A

Director/Commissioner: Martin/Albright



MAYOR LINDA GORTON



LEXINGTON

TO: Urban County Council
FROM: Tyler Scott, Chief of Staff
DATE: January 31, 2022
SUBJECT: Merging the Public Arts Commission and the Urban County Arts Review Board

Request council authorization to repeal Article XVII of Chapter 2 of the code of ordinances to abolish the Urban County Arts Review Board and transfer the duties and powers to the Public Arts Commission. This merger will include recognizing the completion of the Public Art Master Plan, changes to the purpose of the commission, added definitions for membership, an expansion of membership, and some other procedural changes.

The Mayor's office requests this change in order to merge the similar duties of the Urban County Arts Review Board and the Public Arts Commission into one all-encompassing body.

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

The cost for this FY is: 0

The cost for future FY is: 0

Are the funds budgeted? N/A

File Number: 0155-22

Director/Commissioner: M. Tyler Scott



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: February 2, 2022

SUBJECT: Abolish/Create Positions – Division of Aging and Disability Services

Request:

The attached action is requesting authorization to abolish one (1) unclassified position of Administrative Specialist (Grade 513N) and create one (1) unclassified position of Administrative Specialist Sr. (Grade 516N) in the Division of Aging and Disability Services, effective upon passage of 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 this budget year and future budget year?

This has a 12-month future impact of a cost of \$8,621.86



Position Title	Annual Salary Before	Annual Salary After	Annual Increase/Decrease
Administrative Specialist	(\$40,584.96)	\$0	(\$40,584.96)
Administrative Specialist Sr.	\$0	\$46,983.04	\$46,983.04
Total Annual Impact/ Salary and Benefits \$8,621.86			

File Number:

0156-22

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

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: February 2, 2022

SUBJECT: Abolish/Create Positions – Division of Fire and Emergency Services

Request:

The attached action is requesting authorization to abolish five (5) sworn positions of Fire Captain (Grade 316N) and create four (4) sworn positions of Fire Lieutenant (Grade 315N), and three (3) sworn positions of Firefighter (Grade 311N) in the Division of Fire and Emergency Services, effective upon passage of Council.

Why are you requesting:

The Division of Fire and Emergency Services is requesting this restructuring in an effort to ensure responsible and efficient operations.

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

This has a future impact of a savings of \$23,297.25.



Position Title	Annual Salary Before	Annual Salary After	Annual Increase/Decrease each
Fire Captain (x5)	(\$89,033.98)	\$0	(\$89,033.98)
Fire Lieutenant (x4)	\$0	\$69,561.86	\$69,561.86
Firefighter (x3)	\$0	\$42,535.17	\$42,535.17
Total Annual Impact/ Salary and Benefits (\$23,297.25)			

File Number:

0157-22

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

SALLY HAMILTON
CHIEF ADMINISTRATIVE OFFICER

TO: Mayor & the Urban County Council
FROM: Division of Community Corrections
CC: Director Lisa Farmer
DATE: February 7, 2022
SUBJECT: Agreement with Fayette Mall for Recruiting Kiosks

Request

Authorization to: enter into an agreement between Department of Community Corrections and Fayette Mall.

Why are you requesting?

Department needs this action completed because: we want to implement/install kiosks in Fayette Mall for the purposing of recruiting Community Corrections Officers.

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

The cost for this FY is: \$4375.00

The cost for future FY is \$0.00

Are the funds budgeted? Yes.

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

Account number: 1101-155001-0001-75106

File Number: 0167-22

Director/Commissioner:



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: FEBRUARY 7, 2022

SUBJECT: Authorization to Amend Resolution No. 023-2022 to Execute Supplemental Agreement No. 3 for Wilson Downing Sidewalks Project

Request: Authorization to amend Resolution No. 023-2022 to execute Supplemental Agreement No. 3 with the Kentucky Transportation Cabinet to amend the funding agreement for the Wilson Downing Sidewalks Project.

Why are you requesting: On April 27, 2017 (Resolution 219-2017), Council approved the acceptance of \$80,000 in federal funds from the Kentucky Transportation Cabinet for design of the Wilson Downing Sidewalks Project and Council accepted additional federal funds for design on February 22, 2018 (Resolution 102-2018). On December 5, 2019 (Resolution 714-2019), Council approved acceptance of an additional \$8,000 for the right of way phase.

The Kentucky Transportation Cabinet requests execution of Supplemental Agreement No. 3 to amend the agreement's Attachment A to list federal funds under the Transportation Alternative Program (TAP) for agreement entered into on March 17, 2017. This is an administrative change.

What is the cost in this budget year and future budget years? No impact to budget all funds were previously budgeted. Funds for future budget years are dependent upon availability of grant funds.

Are the funds budgeted? Grant funds are budgeted.

File Number: 0168-22

Director/Commissioner: Burton/Albright



**Neighborhood Development Funds
February 15, 2022
Work Session**

Amount	Recipient	Purpose
\$ 500.00	Wellesley Heights Neighborhood Association Leslie Burd 1604 Tropicana Drive Lexington, KY 40513	To assist with the removal/disposal of the section of fencing bordering the Silks development.
\$ 500.00	LFUCG Traffic Engineering Felicia Arms 1101-303602-3606-91614	To install speed tables on Douglas Avenue.



Planning and Public Safety Committee Meeting

January 18, 2022

Summary and Motions

Chair J. Brown called the meeting to order at 1:01 p.m. Committee Members Ellinger, McCurn, Lamb, Kloiber, Worley, Baxter, Bledsoe, Reynolds, and Plomin were in attendance. Vice Mayor Kay, Council Members Moloney, LeGris, Sheehan, and F. Brown were present as non-voting members.

I. Approval of November 2, 2021 Committee Summary

Motion by Ellinger to approve the November 2, 2021 Committee Summary. Seconded by Plomin. Motion passed without dissent.

II. Expanded Public Hearing Notification ZOTA

Samantha Castro, with Long Range Planning, explained the purpose for the expanded notification Zoning Ordinance Text Amendment (ZOTA) is to move from notification of property owners within a certain radius of the subject property to notification of property owners and property addresses (if the property is not the owner's primary mailing address). She explained that when a property edge touches a roadway, the buffer line needs to be expanded to the nearest road centerline which an applicant can do utilizing GIS. From there, a spreadsheet of addresses associated with each buffered property is generated using the city's open source parcel data. Those addresses are cross referenced to obtain the owner's name and address using the PVA. A final spreadsheet and set of stamped and addressed envelopes is provided to Planning staff for review. Division of Planning currently uses 4 methods to ensure notification of a zone change: mailings, signage on the property, legal ads in the newspaper, and social media. Castro stressed that Division of Planning is agreeing to take on the responsibility for expanded notification and the data being used is from reliable sources such as GIS, PVA, and E-911.

Reynolds asked about the notification process which Castro stated will include notification to the address of the property. Castro said they currently only reach owners (who may not live at the property address) so this is an effort to reach renters and occupants to get them involved.

Plomin and Castro discussed that this notification would list "occupant" as opposed to a specific person's name. Plomin appreciates the transparency in doing this and she asked if they have a projection on the number of additional notifications this would include. Based on the numbers they have run, Castro expects this to reach an additional 50-75 percent of people.

Lamb asked about the part of the ordinance that will address GIS information and Castro referenced Articles 6 and 7 in which the language will state that records kept by the Property Valuation Administrator (PVA) and the office of Geographic Information Services (GIS) may be relied upon to conclusively determine the identity and address of the owner and the property addresses (if the property is not the owner's primary mailing address). Lamb and Duncan discussed how the mailings are sent and Duncan explained that they are sent via regular first class mail because there are seldom enough pieces to qualify for the bulk rate. He clarified that the applicant provides first class stamps and envelopes. Lamb asked if this will require additional funding to be put in the budget or if it will be absorbed using funds in the current budget. Duncan believes this can be absorbed using funds from this fiscal year, but will look at the

postage budget for FY23 to determine if additional funding will be required. Lamb and J. Brown agreed that actual costs should be reviewed after a year of piloting this process before it is moved into a new responsibility area.

Worley questioned the use of E-911 information for evidence and if that information will be imbedded in the GIS system since E-911 is not publicly available. Castro said it is not openly available, but it is a tool that can be used to pull data for specific units at an address. Worley asked if the department would provide GIS tracking information to the applicant and Castro said the tool will be tested over the next year to make sure it is effectively working and they hope to have the tool available to the applicant if it is something they want to use themselves. Worley said the concern is making sure this is done correctly, but he understands that sometimes there are last minute zone changes or last minute revisions and making that information available and knowing it is correct is helpful because you can do this with the PVA. He is supportive of getting as much notice out there as possible, but this creates an opportunity for someone to say they did not receive notice. Worley feels the way to provide notice to surrounding residents and the general public is by placing a sign on the property notifying of a zone change. This is required by statute and ordinance and generally all people who pass the property and see the sign will know about the zone change. He appreciates that the department is willing to take this on for the first year, but based on his experience he feels it is too much of a burden to put on an applicant.

Bledsoe and Castro discussed that notification would also be sent to the president or owner of apartment complexes/condo associations. Castro clarified that this is something that is currently being done and will continue with the expanded notification. Speaking about the red lettering in the document that indicates it has changed, Castro said that the wording was changed slightly. Bledsoe and J. Brown discussed how this will move forward and J. Brown explained that this is being presented as a ZOTA so we could pass it and bring it back in a year to make changes. Bledsoe appreciates that this will reach more people, but she still has questions about legality. She added that this is a better ordinance than when it was last presented.

Moloney is concerned that the city will be taking on the additional work to send out the notifications. Castro explained that the developer will still notify the property owner, but Planning staff will be responsible for the expanded notification for the first year. Moloney feels better about having a sign placed on the property to provide notification and his concern is that one person might not receive the written notice which could jeopardize the zone change. He is concerned about the involvement of tenants in zone changes and having too much input on how the property should be and he said the owners of the property should have more of a say on what information is relayed to tenants regarding zone changes.

Kloiber and Castro confirmed that the legal aspect would be satisfied if a developer (or the city) had evidence that the notice was sent to an address from the database and whether the resident says they did or did not receive the notice would not be relative to this ordinance. Castro explained that the "hold harmless" piece which relies on the city's data as provided by PVA, E911 or GIS would indemnify the applicant as they would be relying on data we provide them.

Lamb asked how frequently it happens that a property owner argues in court that they did not receive proper notice and Duncan said he is not aware of this ever happening. Lamb spoke about the open meeting concept which allows anyone to come into a meeting and argue. We have seen people who have no relevance to a zone change come to a Planning Commission hearing or a Board of Adjustment hearing and argue. She hopes that more people will come to the Planning Commission where the process is supposed to take place rather than waiting to approach Council and bypassing the Planning Commission

process. She expressed appreciation for bringing this forward to be more transparent even though it creates additional work for staff.

Worley spoke about his involvement in several zoning appeals and said one of the counts in the appeal complaint is always lack of due process/lack of notice. He is supportive of experimenting with this in-house for a year, but he cannot support making this a substantive law that will be imposed on applicants and developers moving forward. He said the legal impact of this is that it will create the opportunity for more people to come forward and file an appeal saying they were not afforded due process rights. He is supportive of trying this process out internally, but does not want to change the law creating the opportunity for someone to say their due process rights were violated (by not receiving proper notice) or after the first year, having the burden of doing this passed on to developers.

Reynolds understands why more people need to be notified because things can escalate when information is not being shared. Sometimes letters are sent and people still say they didn't receive them, but the effort in doing this is important. She is okay with taking this on internally for a year, but she is not comfortable passing the burden of doing this on to the developer long-term. She said this could be helpful, but there are concerns and this really needs to be looked at closely to determine if it should be done internally long-term.

Bledsoe asked about implementing this without passing the ordinance and having it reviewed it after a year. Duncan explained that this can be done, but with formal direction from the Council saying that this will be done as a pilot and staff will report back to committee to discuss how to move forward with the ordinance. Bledsoe said that may alleviate some concerns and she requested the administration create a pilot project for one year (having Planning Staff responsible for the expanded notification) and come back in Feb 2023 for a review to see how this will work moving forward.

Kloiber and J. Brown considered a sunset provision on the ordinance and J. Brown said this is something we can do, but the thought behind this being a pilot is that it would be more exploratory than putting it in ordinance form. Those with serious concerns would be more open to seeing how the pilot goes as opposed to having a sunset ordinance.

J. Brown said this topic has come up in a variety of meeting groups to discuss neighborhood change and transparency and being a part of the process. He mentioned that the ZOTA presented is a good one, but there have been concerns raised about legal challenges adding more responsibility and cost to the developers while still trying to provide notice and transparency and having people included in the process and those concerns have been significantly addressed. He said having the GIS-generated list that we can provide developers is a big step forward and the "no harm" clause is important so we don't hold developers responsible if somebody does not receive notification based on a list we provided. It is a priority of the city to send notifications to as many people as possible and we don't know what the impact of this will be on whoever is responsible for doing this going forward. He said the one year review will provide helpful information for making a decision on how to proceed. He referenced previous conversations on mandatory development meetings for zone changes which was something we felt like we couldn't or shouldn't mandate so this might be a better option.

Motion by Ellinger to approve a one-year pilot program [for expanded notification] and have it brought back to committee in February 2023 with a review of any issues that may arise. Seconded by Reynolds. Motion passed without dissent.

J. Brown and Tracy Jones with Law Department discussed how the pilot program would be brought forward. Jones said this would likely be a resolution for a pilot program asking the Division of Planning to act on this as a pilot program for one year and report back in February 2023. We could determine at that time if we want to enact a permanent ordinance that would change the notification process or do something different.

Lamb and Ellinger agreed that monitoring any arguments that arise from people having not received proper notice and monitoring issues on both sides of this would be helpful.

III. Recommendations for Ensuring the Continuous Operations for Shared Use Paths, Sidewalks, and Bike Lanes.

Ellinger explained that the item was brought to committee when there were issues with the Legacy Trail being closed off with no detour option and to form a policy moving forward so we don't have this issue in the future. Scott Thompson with Transportation Planning began the presentation by describing the importance of transportation systems which are made up of travel lanes, bike lanes, sidewalks, and shared use paths for people of all ages in every part of our community. He said streets are meant to enable safe and convenient access for all road users and access is maintained to ensure reliability during new construction, redesigns and roadway improvements, and maintenance of operations. Moving forward, Thompson reviewed several measures that can be taken to ensure the transportation network is safe and reliable. Thompson explained that the *Complete Streets Policy* would include the safety and needs of the community and providing convenient ways of getting around. This will require transparent development of a complete streets policy with the approval and adoption of Council.

LeGris said a positive thing to come out of the Legacy Trail construction was having a Complete Streets Policy. She would like to see what parts of that policy are in place and what it would take to fill in the gaps. Rather than having a policy in pieces, she suggested making it comprehensive.

Sheehan said this is one step in our conversation as a Council about a policy we can create moving forward as we are talking about alternative transportation and meeting the needs of our residents. She said what happened on Legacy Trail is only one example of concerns that citizens have. She said we need to create policy to ensure we have this continuous service, particularly for people who use bike and pedestrian paths for commuting to work options in addition to recreational uses.

Reynolds spoke about complete curbs and complete streets and said it is vital moving forward that we have a policy that explains how we construct sidewalks or maintain bike paths and shared-use paths. She also expressed the importance of having a policy in place for closures to prevent issues like what happened last year.

Lamb asked if there is a policy in place that provides a process for a contractor who is performing work that presents a safety hazard to get a permit for closing parts of a sidewalk and if shared-use paths could be added to this policy. Doug Burton, Director of Engineering, said Traffic Engineering handles the lane closure permits which include sidewalks. Lamb said this might be an opportunity to widen the permit process to provide notification. Burton mentioned that often these paths are built on easements which restricts what we can do in terms of enforcement. If it is a path on a public right of way and we own it outright, it is easier.

Bledsoe said it is important to have utility partnerships because they do a lot of work that disrupts the issue on sidewalks. She spoke about the Clays Mill Road area which has 3 schools close together and temporary sidewalks had to be paved to provide a safe route for children walking.

J. Brown spoke about the incident behind this and the usability of trails which is for more than recreation because many people use these for transportation. We need to create a policy to ensure we have alternative routes when there are disruptions or closures and we also need to provide advanced notification so people can adjust their schedules if necessary. Ellinger would like to have the item stay in committee and form a working group to draft a policy. Plomin added that we also need to look at coordinated communication.

IV. Residential Parking Permit Program (RPPP)

LeGris introduced this item which includes Residential Parking Permit Amendments for South Hill New and Spring Street. She explained that the two resolutions in the packet are amendments to existing Residential Parking Permits and the homes being added are contiguous to the zones. There have been requests from multiple interested parties who wish to be annexed into these existing Residential Parking Permit zones. Members from Law Department and Lexington Parking Authority were present for questions.

Motion by Lamb to approve and move forward to the full Council the amendment to the Resolution for Residential Parking Permit - South Hill New. Seconded by Baxter. Motion passed without dissent.

Motion by Lamb to approve and move forward to the full Council the amendment to the Resolution for Residential Parking Permit - Spring Street. Seconded by Baxter. Motion passed without dissent.

I. Division and Program Review – 2022 Evaluation Selection

Planning and Public Safety Committee has selected Purchase of Development Rights (PDR) & Emergency Management as the two divisions up for 2022 Evaluations. This is tentative and will be contingent on whether both divisions are able to participate.

II. Items Referred to Committee

No comment or action was taken on this item.

Motion by Plomin to adjourn at 2:32 p.m. Seconded by Ellinger. Motion passed without dissent.

RESOLUTION NO. _____ 2021

A RESOLUTION AMENDING RESOLUTION 398-97 TO INCLUDE 401 AND 403 SPRING STREET AS PART OF A RESIDENTIAL PARKING PERMIT PROGRAM FOR 421 THROUGH 429 SPRING STREET, 24 HOURS PER DAY SEVEN (7) DAYS PER WEEK.

WHEREAS, the Council by Resolution No. 398-97 established a Residential Parking Permit Program, 421 through 429 Spring Street, 24 hours per day seven (7) days per week.

WHEREAS, it is now the desire of the Council to amend Resolution 398-97 to include 401 and 403 Spring Street in the Residential Parking Permit Program for 421 through 429 Spring Street.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That Resolution 398-97 is amended to include 401 and 403 Spring Street in the Residential Parking Permit Program 421 through 429 Spring Street, 24 hours per day seven (7) days per week.

Section 2 – That the Clerk of the Urban County Council be and hereby is directed to forward a copy of this Resolution to the Council Administrator, Chief of Police, Director of the Division of Revenue, the Lexington and Fayette County Parking Authority and the Director of the Division of Traffic Engineering.

Section 3 - That this Resolution shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL
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RESOLUTION NO. _____ 2021

A RESOLUTION AMENDING RESOLUTION 13-2007 TO INCLUDE 509 AND 515 SOUTH UPPER STREET AS PART OF A RESIDENTIAL PARKING PERMIT PROGRAM FOR THE SOUTH HILL NEW RESIDENTIAL PARKING PERMIT PROGRAM, SEVEN A.M. TO FIVE P.M., MONDAY THOURGH FRIDAY.

WHEREAS, the Council by Resolution No. 13-2007 established a Residential Parking Permit Program, known as the South Hill New Residential Parking Permit Program, seven a.m. to five p.m., Monday through Friday.

WHEREAS, it is now the desire of the Council to amend Resolution 13-2007 to include 509 and 515 South Upper Street in the Residential Parking Permit Program for South Hill New.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That Resolution 13-2007 is amended to include 509 and 515 South Upper Street in the Residential Parking Permit Program known as South Hill New, seven a.m. to five p.m., Monday through Friday.

Section 2 – That the Clerk of the Urban County Council be and hereby is directed to forward a copy of this Resolution to the Council Administrator, Chief of Police, Director of the Division of Revenue, the Lexington and Fayette County Parking Authority and the Director of the Division of Traffic Engineering.

Section 3 - That this Resolution shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL
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RESOLUTION NO. _____ - 2022

A RESOLUTION AUTHORIZING THE DIVISION OF PLANNING, ON BEHALF OF THE URBAN COUNTY GOVERNMENT, TO ADMINISTER AN EXPANDED HEARING NOTIFICATION PILOT PROGRAM FOR ONE YEAR, PROVIDING EXPANDED NOTIFICATION FOR ZONING MAP AMENDMENTS AND APPLICATIONS FOR CONDITIONAL USES AND VARIANCES TO INCLUDE OWNER AND NON-OWNER OCCUPIED ADDRESSES BASED ON PVA AND GIS DATA, IN ORDER TO PROMOTE MORE TRANSPARENCY IN THE PLANNING PROCESS AND TO TRACK THE EFFICACY OF EXPANDED NOTIFICATION.

BE IT RESOLVED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That the Division of Planning, on behalf of the Lexington-Fayette Urban County Government, be and hereby is authorized to administer an Expanded Hearing Notification pilot program for one year, providing expanded notification for zoning map amendments and applications for conditional uses and variances to include owner and non-owner occupied addresses based on PVA and GIS data, in order to promote more transparency in the planning process and to track the efficacy of expanded notification.

Section 2 – That this Resolution shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL