

# **Lexington-Fayette Urban County Government**

*200 E. Main St  
Lexington, KY 40507*



**Tuesday, September 6, 2022**

**3:00 PM**

**Packet**

**Council Chamber**

**Urban County Council Work Session**

**Urban County Council  
Schedule of Meetings  
September 5, 2022 – September 12, 2022**

**Monday, September 5**

LFUCG Offices Closed – Labor Day Holiday

**Tuesday, September 6**

Goal 4 Workgroup.....10:00 am  
Conference Room – 5<sup>th</sup> Floor Government Center

Economic Development Investment Board.....10:00 am  
Video Teleconference

General Government and Social Services Committee.....1:00 pm  
Council Chamber – 2<sup>nd</sup> Floor Government Center

Council Work Session.....3:00 pm  
Council Chamber – 2<sup>nd</sup> Floor Government Center

**Wednesday, September 7**

CANCELLED: IR Steering Committee.....10:30 am  
Conference Room – 5<sup>th</sup> Floor Government Center

**Thursday, September 8**

Council Meeting.....6:00 pm  
Council Chamber – 2<sup>nd</sup> Floor Government Center

**Friday, September 9**

No Meetings

**Monday, September 12**

No Meetings

**Lexington-Fayette Urban County Council  
Work Session Agenda  
September 6, 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, August 30, 2022

**IV. Budget Amendments – Yes, p. 3-4**

**V. New Business – Yes, p. 5-21**

**VI. Continuing Business/ Presentations**

**a** Neighborhood Development Funds: September 6, 2022, p. 22-23

**b** Summary: General Government and Social Services Committee, August 16, 2022,  
p. 24-26

**VII. Council Reports**

**VIII. Mayor's Report – Yes**

**IX. Public Comment - Issues Not on Agenda**

**X. Adjournment**

## Administrative Synopsis - New Business Items

- a**            **0840-22**            Authorization to execute a contract with GRW, pursuant to RFP No. 45-2022, for topographic survey services to survey the Cardinal Run Park North property at a cost of for \$28,870.00. Funds are budgeted as an approved LFUCG ARPA project. (L0840-22) (Conrad/Ford) p. 5-6
- b**            **0854-22**            Authorization to enter into an agreement between the Division of Community Corrections and Cerner Corporation for medication history inquiry services for the inmate population, at a cost of \$16,800.00. Funds are budgeted. (L0854-22) (Farmer/Armstrong) p. 7
- c**            **0872-22**            Authorization to update the existing Memorandum of Understanding with the Ohio Task Force One National Urban Search and Rescue, adding three (3) new members that were selected from the Division of Fire. No budgetary impact. (L0872-22) (Wells/Armstrong) p. 8
- d**            **0889-22**            Authorization to establish Henry P. Thompson Company as a sole source provider for the purchase of Boerger replacement parts for multiple sludge pumps (3 different models) located at the Town Branch Wastewater Treatment Plant, at a cost not to exceed \$ 22,759.34. Funds are budgeted. (L0889-22) (Martin/Albright) p. 9
- e**            **0890-22**            Authorization to execute a lease agreement with AVOL Kentucky, Inc. for property located at 851 Todds Road. AVOL is responsible for costs of maintenance and operation of the property, which federal funds from the U.S. Department of Housing and Urban Development have been awarded for. The lease is for a period of one year, renewable for three additional 12-month periods, at a cost to AVOL of \$10.00 per year. (L0890-22) (Reynolds/Lanter) p. 10
- f**            **0891-22**            Authorization to execute Supplemental Agreement No. 5 with the Kentucky Transportation Cabinet for Town Branch Trail Commons, Midland Section, to move remaining right-of-way and utility funds to the construction phase of the project. No budgetary impact. (L0891-22) (Peacher/Scott) p. 11
- g**            **0892-22**            Authorization to abolish one (1) vacant unclassified position of Budget Analyst Sr. (Grade 521E) and create one (1) unclassified position of Budget Analyst (Grade 519N) in the Office of the Urban County Council, effective upon passage of Council. This action has a 12-month future impact savings of \$7,685.19. (L0892-22) (Walters/Hamilton) p. 12-13
- h**            **0893-22**            Authorization to execute Change Order No. 5 with ATS Construction for Town Branch Trail Phase 6, increasing the contract price by the sum of \$240,937.98 from \$4,633,109.27 to \$4,874,047.25, for improvements at 1345 and 1305 Old Frankfort Pike required by the right-of-way agreement. Approval of Change Order No. 5 by LFUCG is contingent on approval by KYTC. Funds are budgeted. (L0893-22) (Burton/Albright) p. 14-18
- i**            **0895-22**            Authorization to execute an Amendment to Grant Agreement under Performance Amendment of Budget for HOPWA CV (Housing Opportunities for Persons with Aids) Grant Program, to approve an amendment to subrecipient agreement with AVOL Kentucky, Inc., and to execute any other agreements or amendment with U.S. Department of Housing and Urban Development for subrecipient agreements with AVOL Kentucky, Inc. for providing the program services. No matching funds required. (L0895-22) (Reynolds/Lanter) p. 19

- j            **0896-22**            Authorization to execute the first amendment to the Stormwater Collateral Development Contract with Mackey Group, LLC d/b/a Wiser Strategies, increasing the contract amount by \$10,000 for the development of advertisements to promote the leaf collection program. The messaging will focus more on the weekly use of and collection of carts and bags, since the vacuum collection portion is going to extend over a longer period of time. Funds are budgeted. (L0896-22) (Carey/Albright) p. 20
- k            **0899-22**            Authorization to purchase a refurbished Ferno iNX Stretcher from Ferno, a sole source provider at a cost not to exceed \$41,460.00. Ferno iNX Stretchers are the only electronic stretchers that meet the specifications needed by the Coroner's Office because it is the only electric stretcher that can be operated by one-user. A budget amendment is in process. (0899-22) (Ginn/Ford) p. 21

**URBAN COUNTY COUNCIL  
WORK SESSION  
TABLE OF MOTIONS  
August 30, 2022**

Mayor Gorton called the meeting to order at 3:01pm. Council Members Kay, Moloney, Ellinger, J. Brown, McCurn, LeGris, Sheehan, Kloiber, Worley, F. Brown, Baxter, Bledsoe, Reynolds and Plomin were present. Council Member Lamb was absent.

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

Motion by Ellinger to approve the August 30, 2022 Council meeting docket. Seconded by Kay. Motion passed without dissent.

Motion by McCurn to place ordinance #19 (An Ordinance changing the zone from a Wholesale and Warehouse Business (B-4) zone to a Planned Neighborhood Residential (R-3) zone, for 2.22 net (3.39 gross) acres, for property located at 2651 Sandersville Rd.) on the docket without a public hearing. Seconded by Reynolds. Motion passed without dissent.

- III. Approval of Summary

Motion by McCurn to approve the August 23, 2022 work session summary. Seconded by Plomin. Motion passed without dissent.

- IV. Budget Amendments

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

- V. New Business

Motion by Kay to approve new business. Seconded by Ellinger. Motion passed without dissent with one no vote on item Q. Moloney voted no on item Q.

Motion by Sheehan to amend item p to remove the sidewalk contingency. Seconded by Baxter. Motion passed without dissent.

- VI. Continuing Business/Presentations

Motion by Kay to remove item d under continuing business/presentations. Seconded by Plomin. Motion passed without dissent.

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

Council Member Bledsoe provided a summary of the February 8, 2022 Budget, Finance and Economic Development Committee meeting. There were no motions to report from the meeting.

Council Member J. Brown provided a summary of the June 21, 2022 Planning and Public Safety Committee meeting.

Motion by J. Brown to approve the Sustainable Growth Study Resolution, including an amendment to remove “framework” as cited in the title section of the resolution and to remove “both the Evaluations Framework and” as cited in the 6th paragraph of the resolution (as approved at the June 21, 2022 Planning and Public Safety Committee meeting). Seconded by Plomin. Motion passed 13-1. Kay, Ellinger, J. Brown, McCurn, LeGris, Lamb, Sheehan, Kloiber, Worley, F. Brown, Baxter, Bledsoe, Reynolds and Plomin voted yes. Moloney voted no.

There were no other motions reported from the meeting.

#### VII. Council Reports

Bledsoe placed paid family leave in the Budget, Finance and Economic Development Committee.

Motion by Kloiber to refer rental and income discrimination to the General Government and Social Services Committee. Seconded by Moloney. 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

Motion by Kay to go into closed session pursuant to KRS 61.810(1)(c) for the purpose of discussing proposed or pending litigation. Seconded by Plomin. Motion passed without dissent.

Motion by J. Brown to return from closed session. Seconded by LeGris. Motion passed without dissent.

#### X. Adjournment

Motion by Baxter to adjourn at 4:53pm. Seconded by Plomin. Motion passed without dissent.

### BUDGET AMENDMENT REQUEST LIST

|                |        |                 |         |                    |              |
|----------------|--------|-----------------|---------|--------------------|--------------|
| <b>JOURNAL</b> | 136385 | <b>DIVISION</b> | Finance | <b>Fund Name</b>   | General Fund |
|                |        |                 |         | <b>Fund Impact</b> | 32,000.00    |
|                |        |                 |         |                    | 788,000.00CR |
|                |        |                 |         |                    | 756,000.00CR |

To adjust ad valorem budget for the General Services District Fund based on approved rates and state certification of property assessment for FY 2023.

|                |        |                 |                    |                    |              |
|----------------|--------|-----------------|--------------------|--------------------|--------------|
| <b>JOURNAL</b> | 136386 | <b>DIVISION</b> | Component Agencies | <b>Fund Name</b>   | General Fund |
|                |        |                 |                    | <b>Fund Impact</b> | 1,008,530.00 |
|                |        |                 |                    |                    | .00          |
|                |        |                 |                    |                    | 1,008,530.00 |

To adjust budget for the Lexington Public Library based on state certification of property assessment for FY 2023.

|                |        |                 |         |                    |              |
|----------------|--------|-----------------|---------|--------------------|--------------|
| <b>JOURNAL</b> | 136415 | <b>DIVISION</b> | Coroner | <b>Fund Name</b>   | General Fund |
|                |        |                 |         | <b>Fund Impact</b> | 11,460.00    |
|                |        |                 |         |                    | 11,460.00CR  |
|                |        |                 |         |                    | .00          |

To reallocate funds from Professional Services (Insurance and Other) and Operating Supplies and Expenses to Ambulance Cots and Stretchers for additional funds needed to purchase a refurbished Ferno iNX Stretcher.

|                |        |                 |         |                    |                |
|----------------|--------|-----------------|---------|--------------------|----------------|
| <b>JOURNAL</b> | 136387 | <b>DIVISION</b> | Finance | <b>Fund Name</b>   | Urban Fund     |
|                |        |                 |         | <b>Fund Impact</b> | 115,480.00     |
|                |        |                 |         |                    | 1,059,480.00CR |
|                |        |                 |         |                    | 944,000.00CR   |

To adjust ad valorem budget for the Urban Services District Fund based on approved rates and state certification of property assessment for FY 2023.

|                |        |                 |                     |                    |                           |
|----------------|--------|-----------------|---------------------|--------------------|---------------------------|
| <b>JOURNAL</b> | 136390 | <b>DIVISION</b> | Traffic Engineering | <b>Fund Name</b>   | Misc Special Revenue Fund |
|                |        |                 |                     | <b>Fund Impact</b> | 82,357.56                 |
|                |        |                 |                     |                    | 82,357.56CR               |
|                |        |                 |                     |                    | .00                       |

To provide funds for Light Duty Truck by reducing funds for Repairs and Maintenance in the State Traffic Signal Maintenance allocation with the approval of the state.

|                |           |                 |                             |                    |                |
|----------------|-----------|-----------------|-----------------------------|--------------------|----------------|
| <b>JOURNAL</b> | 136377-78 | <b>DIVISION</b> | Grants and Special Programs | <b>Fund Name</b>   | Grants - State |
|                |           |                 |                             | <b>Fund Impact</b> | 331,985.68     |
|                |           |                 |                             |                    | 331,985.68CR   |
|                |           |                 |                             |                    | .00            |

To establish grant budget for Kentucky 911 Services Board/Commercial Mobile Radio Services (CMRS) Board FY 2023.

|                |        |                 |               |                    |                    |
|----------------|--------|-----------------|---------------|--------------------|--------------------|
| <b>JOURNAL</b> | 136402 | <b>DIVISION</b> | Water Quality | <b>Fund Name</b>   | Sewer Construction |
|                |        |                 |               | <b>Fund Impact</b> | 1,550,000.00       |
|                |        |                 |               |                    | 1,550,000.00CR     |
|                |        |                 |               |                    | .00                |

To reallocate savings from Eastland Remedial Measures project to West Hickman and Merrick Trunk and Parker's Mill Trunk.

|                |        |                 |               |                    |                            |
|----------------|--------|-----------------|---------------|--------------------|----------------------------|
| <b>JOURNAL</b> | 136359 | <b>DIVISION</b> | Water Quality | <b>Fund Name</b>   | Water Quality Construction |
|                |        |                 |               | <b>Fund Impact</b> | 245,308.00                 |
|                |        |                 |               |                    | 245,308.00CR               |
|                |        |                 |               |                    | .00                        |

To move transfer remaining funds from other projects to cover bid for Campbell/Bob O Link that came in higher than budget.

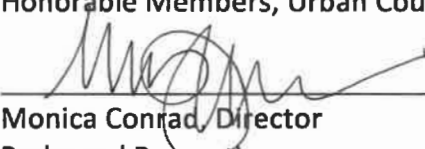
#### BUDGET AMENDMENT REQUEST SUMMARY

|      |                                    |              |
|------|------------------------------------|--------------|
| 1101 | General Services District Fund     | 252,530.00   |
| 1115 | Full Urban Services District Fund  | 944,000.00CR |
| 1141 | Miscellaneous Special Revenue Fund | .00          |
| 3400 | Grants - State                     | .00          |
| 4003 | Sanitary Sewer Construction Fund   | .00          |
| 4052 | Water Quality Construction Fund    | .00          |

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:** August 16, 2022

**SUBJECT:** RFP #45-2022 Request for Topography Survey Services

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**Request:**

Request Council authorization to contract with GRW topographic survey services for \$28,870.00.

**Purpose:**

The RFP selection committee, based on standard scoring methods, has found GRW received the highest score among the submitted proposals. The approved funds will be used to survey the Cardinal Run Park North property.

**Budgetary Implication:**

Funding for this project is provided by the American Rescue Plan.  
3230 707602 7221 90319 714 AR\_CARDRUN\_2022/FED\_GRANT

**Are the funds budgeted?**

Yes, funding was approved in the 2022 budget for these services to be included within the total Cardinal Run Park North project budget of \$10,100,000.00

**File Number:** 0840-22

**Director/Commissioner:** Conrad/Ford





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: August 22, 2022  
SUBJECT: Agreement with Cerner Corporation for Inmate medication history inquiry

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## Request

Authorization to: enter into an agreement between Division of Community Corrections and Cerner Corporation.

## Why are you requesting?

Division needs this action completed because: our Medical and Mental health staff need the ability to complete medication history inquiries for the Inmate population. This will speed up the process of getting medications started for newly incarcerated individuals.

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

The cost for this FY is: \$16,800.00

The cost for future FY is \$16,800.00

## Are the funds budgeted? Yes.

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

Account number: 1101-505402-5421-71203

File Number: 0854-22



MAYOR LINDA GORTON



**LEXINGTON**

Jason G. Wells  
Fire Chief

TO: Mayor Linda Gorton  
FROM: Jason G. Wells, Fire Chief  
DATE: August 23<sup>rd</sup>, 2022  
SUBJECT: MOU with Ohio Task Force 1

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The Division of Fire and Emergency Services request authorization to update the roster with the Ohio Task Force 1 Urban Search and Rescue.

Why are you requesting?

To update the current roster of 2 members to 5 members. Three new members were selected by the Ohio Task Force 1 to start their training.

Department needs this action completed because:

This action has to be completed before the 3 newest members can start training with the Ohio Task Force 1. Their training and experience will be invaluable to the Division of Fire and Emergency Services.

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

The cost for this FY is: N/A

The cost for future FY is: N/A

Are the funds budgeted? N/A

File Number:

Director/Commissioner: Wells/Armstrong



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: August 26, 2022

Subject: Replacement Parts for multiple Sludge Pumps at Town Branch WWTP

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Request

The purpose of this memorandum is to request approval for the purchase of Boerger replacement parts for multiple sludge pumps (3 different models) located in the Town Branch WWTP Primary Digester, Secondary Digester, Gravity Thickener, & Solids Processing areas. The Henry P. Thompson Company is the exclusive representative (sole source) for Boerger pumps in this area.

Purpose of Request

Currently, the division needs to purchase parts for the FL776 model, CL520 & PL320 model Boerger Sludge Pumps which are in need of service and repair. The purpose of this request is to gain approval to purchase, from the sole source provider, Boerger pump replacement parts and components currently in service within the division.

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

The quote from The Henry P. Thompson Company for the parts needed at this time is \$22,759.34.

Are Funds Budgeted?

Funds are budgeted in: 4002 303402 001 76101

Martin / Albright



MAYOR LINDA GORTON

**LEXINGTON**

THERESA REYNOLDS

DIRECTOR

GRANTS &amp; SPECIAL PROGRAMS

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

**FROM: THERESA REYNOLDS, DIRECTOR  
DIVISION OF GRANTS AND SPECIAL PROGRAMS**

**DATE: August 26, 2022**

**SUBJECT: Authorization to Execute Lease Agreement with AVOL Kentucky, Inc.**

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**Request:** Council authorization to execute a lease agreement with AVOL Kentucky, Inc. for property located at 851 Todds Road.

**Purpose of Request:** The Lexington-Fayette Urban County Government received federal funds from the U.S. Department of Housing and Urban Development in 1994 for the development of housing facilities for persons with AIDS. The property developed with these funds is a community residence, Solomon House, located at 851 Todds Road, with the purpose of providing housing and support services to low-income persons with severe cases of AIDS.

AVOL Kentucky, Inc. a private, nonprofit organization is the sponsor for this project. The property was originally leased to AVOL for operation and management in 1996. Since that time, AVOL has complied with all lease requirements and with all federal regulations. The lease for this facility is expiring and a new lease with AVOL is proposed. The proposed lease makes AVOL fully responsible for costs of maintenance and operation of the property. Federal funds from the U.S. Department of Housing and Urban Development have been awarded for this purpose. The lease is for a period of one year, renewable for three additional 12-month periods, at a cost to AVOL of \$10.00 per year.

**What is the cost in this budget year and future budget years?** None.

**Are the funds budgeted?** N/A

**File Number:** 0890-22

**Director/Commissioner:** Reynolds/Lanter



MAYOR LINDA GORTON



**LEXINGTON**

THERESA REYNOLDS  
DIRECTOR  
GRANTS & SPECIAL PROGRAMS

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

**FROM: THERESA REYNOLDS, DIRECTOR  
DIVISION OF GRANTS AND SPECIAL PROGRAMS**

**DATE: AUGUST 29, 2022**

**SUBJECT: Supplemental Agreement #5 with KYTC for Town Branch Trail Commons –  
Midland Section**

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**Request:** Council authorization to execute Supplemental Agreement No. 5 with the Kentucky Transportation Cabinet to move remaining right-of-way and utility funds to the construction phase of the project.

**Purpose of Request:** On June 16, 2016 (Resolution No. 356-2016), Council authorized acceptance of federal funds of \$320,000 for the design phase of a bike trail between the Legacy Trail trailhead at Isaac Murphy Memorial Art Garden and Vine Street at the intersection with Quality Street. The dedicated 12' off-road multi-use trail along the west side of Midland Avenue is one component of the 2.5 mile trail that will eventually connect Town Branch Trail to Legacy Trail through downtown, providing a safe route for cyclists and pedestrians along the corridor. On April 27, 2017 (Resolution No. 231-2017), Council authorized executing Supplemental Agreement No. 1 extending the Period of Performance. On May 3, 2018 (Resolution No. 285-2018), Council authorized Supplemental Agreement No. 2, which provided \$988,940 in federal funds for the Right of Way and Utilities Phases. On September 12, 2019 (Resolution 506-2019), Council authorized Supplemental Agreement No. 3, which provided \$3,891,060 of federal funds for the construction phase. On March 5, 2020 (Resolution No. 121-2020), Council authorized Supplemental Agreement No. 4 adding an additional \$500,000 in federal grant funding to the project.

Right-of-way and utility phases are complete. This amendment will move any remaining funds from these phases into the construction phase for use on the project, Town Branch.

**What is the cost in this budget year and future budget years?** None. No future cost anticipated.

**Are the funds budgeted?** Yes, funds are budgeted as following:

- 3160-303202-3225-90313-2016-TOWN\_COM\_2016-CONSTRUCT

**File Number:** 891-22

**Director/Commissioner:** Peacher/Scott



MAYOR LINDA GORTON

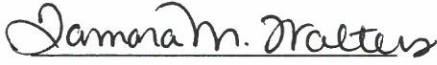


LEXINGTON

TAMARA WALTERS  
DIRECTOR  
HUMAN RESOURCES

**MEMORANDUM**

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

**FROM:**   
Tamara Walters, Director  
Division of Human Resources

**DATE:** August 29, 2022

**SUBJECT:** Abolish/Create Position—Office of the Urban County Council

**Request:**

The attached is requesting authorization to abolish one (1) vacant unclassified position of Budget Analyst Sr. (Grade 521E) and create one (1) unclassified position of Budget Analyst (Grade 519N) in the Office of the Urban County Council, effective upon passage of Council.

**Why are you requesting:**

The Council Office is requesting this change to better reflect the duties of the position.

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

This action has a 12-month future impact savings of \$7,685.19.

| Position Title       | Annual Salary Before | Annual Salary After | Annual Increase/Decrease |
|----------------------|----------------------|---------------------|--------------------------|
| Budget Analyst Sr.   | (\$61,462.75)        | \$0                 | (\$61,462.75)            |
| Budget Analyst       | \$0                  | \$55,747.33         | \$55,747.33              |
| Total Annual Impact/ |                      |                     |                          |



|                                                           |
|-----------------------------------------------------------|
| <p><b>Salary and Benefits</b><br/><b>(\$7,685.19)</b></p> |
|-----------------------------------------------------------|

**File Number:**

**0892-22**

**Director/Commissioner: Tamara Walters/Sally Hamilton**

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



MAYOR LINDA GORTON



**LEXINGTON**

THERESA REYNOLDS  
DIRECTOR  
GRANTS & SPECIAL PROGRAMS

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

**FROM: THERESA REYNOLDS, DIRECTOR  
DIVISION OF GRANTS AND SPECIAL PROGRAMS**

**DATE: AUGUST 25, 2022**

**SUBJECT: Authorization to execute Change Order No. 5 with ATS Construction for the  
Town Branch Trail Phase 6**

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**Request:** Authorization to execute Change Order No. 5 with ATS Construction for the Town Branch Trail Phase 6, increasing the contract price by the sum of \$240,937.98 from \$4,633,109.27 to \$4,874,047.25. This change order is being submitted concurrently to KYTC. The approval of Change Order No. 5 by LFUCG is contingent on approval by KYTC.

**Purpose of the Request:** On February 6, 2020 (Ordinance 045-2020), Council approved awarding L-M Asphalt Partners Ltd. d/b/a ATS Construction the contract for construction of the Town Branch Trail Phase 6. On July 6, 2021 (Resolution 365-2021), Council approved Change Order No. 1 to increase contract \$54,311.29 to increase the size of the trailhead parking lot. On October 14, 2021 (Resolution 570-2021), Council approved Change Order No. 2 to increase the contract in the amount of \$239,388.75 for safety improvements along the property line with RJ Corman Railroad from Forbes Road to Thompson Road. On April 28, 2022 (Resolution 199-2022), Council approved Change Order No. 3 to increase the contract \$290,318.01 for remediation of an underground storage tank, fencing, bollards and trail amenities. On July 7, 2022 (Resolution 400-2022), Council approved Change Order No. 4 to increase the contract to \$4,633,109.27 for additional parking along the trail at 1265 Manchester Street.

The LFUCG Division of Engineering needs this action for improvements at 1345 & 1305 Old Frankfort Pike required by the right-of-way agreement. The right-of-way agreement required LFUCG to make improvements to a portion of 1345 Old Frankfort Pike prior to transferring the property to owners of 1305 Old Frankfort Pike. The improvements included grading, constructing retaining walls, paving, fencing, sign relocation, and lighting.



Page 2 of 2  
TB Trail Phase 6  
Change Order No. 5

**What is the cost in this budget year and future budget years?** The cost for FY23 is \$240,937.98. No costs are anticipated in future budget years.

**Are the funds budgeted?** Yes, 3160-303202-3225-90313 TOWN\_TGER\_2017 ROW

**File Number:** 0893-22

**Director/Commissioner:** Burton/Albright



**LEXINGTON-FAYETTE URBAN COUNTY  
GOVERNMENT CONTRACT CHANGE ORDER**

Page 1

To (Contractor):

L-M Asphalt Partners (dba ATS Construction)  
3009 Atkinson Ave.  
Lexington KY 40509

|                                                  |                                                      |
|--------------------------------------------------|------------------------------------------------------|
| Date:                                            | August 11, 2022                                      |
| Project:                                         | Town Branch Trail 6 / Manchester & Forbes Turn Lanes |
| Location:                                        | Old Frankfort Pike                                   |
| Contract No.                                     | 003-2020                                             |
| Original Contract Amt.                           | \$3,854,486.96                                       |
| Cumulative Amount of Previous Change Orders      | \$778,622.31                                         |
| Percent Change - Previous Change Orders          |                                                      |
| Total Contract Amount Prior to this Change Order | \$4,633,109.27                                       |
| Change Order No.                                 | 5                                                    |
|                                                  | 20.20%                                               |

You are hereby requested to comply with the following changes from the contract plans and specification;

**Current Change Order**

| Item No. | Description of changes-quantities, unit prices, change in completion date, etc. | Decrease in contract price | Increase in contract price |        |
|----------|---------------------------------------------------------------------------------|----------------------------|----------------------------|--------|
|          | See Attached Sheet                                                              |                            |                            |        |
|          |                                                                                 |                            |                            |        |
|          |                                                                                 |                            |                            |        |
|          |                                                                                 |                            |                            |        |
|          |                                                                                 |                            |                            |        |
|          |                                                                                 |                            |                            |        |
|          | Total decrease                                                                  | \$4,500.00                 |                            |        |
|          | Total increase                                                                  |                            | \$245,437.98               |        |
|          | Net Amount of this Change Order                                                 | \$240,937.98               |                            |        |
|          | New Contract Amount including this Change Order                                 | \$4,874,047.25             |                            |        |
|          | Percent Change - This Change Order                                              |                            |                            | 6.25%  |
|          | Percent Change - All Change Orders                                              |                            |                            | 26.45% |

The time provided for the completion in the contract and all provisions of the contract will apply hereto.

Recommended by Mr. Clum (Proj. Engr.) Date 8-11-22

Accepted by Mr. Clum (Contractor) Date 8/12/22

Approved by [Signature] (Director) Date 8/18/22

Approved by [Signature] (Commissioner) Date 8/18/22

Approved by [Signature] (Mayor or CAO) Date 8/18/22

| LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT                                                                 |           |                                          |       |          | DATE: August 11, 2022 |                            |                            |
|-----------------------------------------------------------------------------------------------------------|-----------|------------------------------------------|-------|----------|-----------------------|----------------------------|----------------------------|
| CHANGE ORDER                                                                                              |           |                                          |       |          | Change Order #: 5     |                            |                            |
| Page 2                                                                                                    |           |                                          |       |          | CONTRACT #: 003-2020  |                            |                            |
| Project: Town Branch Trail 6 / Manchester & Forbes Turn Lanes                                             |           |                                          |       |          |                       |                            |                            |
| You are hereby requested to comply with the following changes from the contract plans and specifications; |           |                                          |       |          |                       |                            |                            |
| Item No.                                                                                                  | ADD / DEL | Description of changes                   | Units | Quantity | Unit Price            | Decrease in contract price | Increase in contract price |
| 1                                                                                                         | ADD       | DGA BASE                                 | TN    | 535.00   | \$23.50               | \$ -                       | \$ 12,572.50               |
| 2                                                                                                         | ADD       | CRUSHED AGGREGATE SIZE NO 2              | TN    | 60.00    | \$30.00               | \$ -                       | \$ 1,800.00                |
| 4                                                                                                         | ADD       | CL3 ASPH BASE 1.00D PG64-22              | TN    | 445.00   | \$94.00               | \$ -                       | \$ 41,830.00               |
| 7                                                                                                         | ADD       | CL2 ASPH SURF 0.38D PG64-22              | TN    | 85.00    | \$99.00               | \$ -                       | \$ 8,415.00                |
| 17                                                                                                        | ADD       | ROADWAY ECCAVATON                        | CY    | 2570.00  | \$30.56               | \$ -                       | \$ 78,539.20               |
| 30                                                                                                        | ADD       | CHANNEL LINING CLASS II                  | TN    | 20.00    | \$38.50               | \$ -                       | \$ 770.00                  |
| 31                                                                                                        | ADD       | ADDITIONAL CLEARING AND GRUBBING         | LS    | 1.00     | \$20,000.00           | \$ -                       | \$ 20,000.00               |
| 35                                                                                                        | ADD       | FABRIC-GEOTEXTILE TYPE IV                | SY    | 200.00   | \$1.64                | \$ -                       | \$ 328.00                  |
| 43                                                                                                        | ADD       | ADDITIONAL STAKING                       | LS    | 1.00     | \$5,000.00            | \$ -                       | \$ 5,000.00                |
| 58                                                                                                        | ADD       | ADDITIOAL EROSION CONTROL                | LS    | 1.00     | \$5,000.00            | \$ -                       | \$ 5,000.00                |
| N/A                                                                                                       | ADD       | RETAINING WALL I                         | LS    | 1.00     | \$39,500.00           | \$ -                       | \$ 39,500.00               |
| N/A                                                                                                       | ADD       | RETAINING WALL II                        | LS    | 1.00     | \$9,750.00            | \$ -                       | \$ 9,750.00                |
| N/A                                                                                                       | ADD       | RETAINING WALL II FENCE MOUNTING         | LS    | 1.00     | \$1,575.00            | \$ -                       | \$ 1,575.00                |
| N/A                                                                                                       | ADD       | SIGN LIGHTING                            | LS    | 1.00     | \$8,608.28            | \$ -                       | \$ 8,608.28                |
| 22                                                                                                        | DEL       | DOUBLE VEHICULAR CHAIN LINK GATE - 26 LF | LS    | 1.00     | \$4,500.00            | \$ 4,500.00                | \$ -                       |
| N/A                                                                                                       | ADD       | DOUBLE VEHICULAR CHAIN LINK GATE - 40 LF | LS    | 1.00     | \$11,750.00           | \$ -                       | \$ 11,750.00               |
| Total decrease                                                                                            |           |                                          |       |          | \$                    | 4,500.00                   |                            |
| Total increase                                                                                            |           |                                          |       |          |                       |                            | \$ 245,437.98              |
| Net (increase) in contract price                                                                          |           |                                          |       |          |                       |                            | \$ 240,937.98              |

Page 3 of 3

|                                 |                                                      |
|---------------------------------|------------------------------------------------------|
| <b>JUSTIFICATION FOR CHANGE</b> |                                                      |
| PROJECT:                        | Town Branch Trail 6 / Manchester & Forbes Turn Lanes |
| CONTRACT NO.                    | 003-2020                                             |
| CHANGE ORDER:                   | 5                                                    |

1. Necessity for change:  
To complete improvements at 1305 Old Frankfort Pike that are required by the right-of-way agreement.
2. Is proposed change an alternate bid? \_\_\_ Yes ☒ No
3. Will proposed change alter the physical size of the project? \_\_\_ Yes ☒ No  
If "Yes", explain.
4. Effect of this change on other prime contractors: N/A
5. Has consent of surety been obtained? \_\_\_ Yes ☒ Not Necessary
6. Will this change affect expiration or extent of insurance coverage? \_\_\_ Yes ☒ No  
If "Yes", will the policies be extended? \_\_\_ Yes \_\_\_ No
7. Effect on operation and maintenance costs: N/A
8. Effect on contract completion date: N/A

\_\_\_\_\_  
Mayor
\_\_\_\_\_  
Date

MAYOR LINDA GORTON

**LEXINGTON**

THERESA REYNOLDS

DIRECTOR

GRANTS &amp; SPECIAL PROGRAMS

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

**FROM: THERESA REYNOLDS, DIRECTOR  
DIVISION OF GRANTS AND SPECIAL PROGRAMS**

**DATE: AUGUST 25, 2022**

**SUBJECT: HOPWA GRANT AMENDMENT**

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**Request:** Council authorization to execute the Amendment to Grant Agreement under Performance Amendment of Budget for HOPWA CV (Housing Opportunities for Persons with Aids) Grant Program and to approve execution of an amendment to subrecipient agreement with AVOL Kentucky, Inc. Authorizing the mayor to execute any other agreements or amendment with U.S. Department of Housing and Urban Development for subrecipient agreements with AVOL Kentucky, Inc. for providing the program services. No matching funds required.

**Purpose of Request:** On June 11, 2020 (Resolution No. 246-2020), Council approved the acceptance of a grant from the U.S. Department of Housing and Urban Development in the amount of \$159,460. This resolution also approved execution of a subrecipient agreement with AVOL Kentucky, Inc. This request is to amend the budget moving a total of \$22,000.00 in funding from supportive services and leasing to Short-term rental, mortgage and utilities. The Lexington Fayette Urban County Government was awarded these federal HOPWA funds under the Coronavirus Aid, Relief, and Economic Security (CARES) Act. These funds may be used to reimburse allowable costs incurred prior to receipt of the award and ongoing expenses used to prevent, prepare for, or respond to COVID-19. AVOL Kentucky plans to use the funds to provide short term rental assistance, supportive services and some other eligible programming.

HUD has offered the LFUCG an amendment to the agreement through June 30, 2023.

**What is the cost in this budget year and future budget years?** No additional cost in this budget year or in future budget years.

**Are the funds budgeted:** All grant funds are budgeted.

**File Number:** 0895-22

**Director/Commissioner:** Reynolds/Lanter



MAYOR LINDA GORTON



**LEXINGTON**

JENNIFER M. CAREY, P.E.  
DIRECTOR  
ENVIRONMENTAL SERVICES

**TO:** Mayor Linda Gorton  
Urban County Council

**FROM:**   
Jennifer M. Carey, P.E., Director  
Division of Environmental Services

**DATE:** August 25, 2022

**SUBJECT:** First Amendment to the Stormwater Collateral Development Contract with Mackey Group, LLC d/b/a Wiser Strategies to Develop Advertisements for Fall Leaf Collection

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**Request**

The purpose of this memorandum is to request Council authorization for the Mayor to execute the first amendment to the Stormwater Collateral Development Contract with Mackey Group, LLC d/b/a Wiser Strategies, increasing the contract amount by \$10,000 for the development of advertisements to promote the leaf collection program. The messaging will focus more on the weekly use of and collection of carts and bags, since the vacuum collection portion is going to extend over a longer period of time.

**Why are you requesting?**

On July 5, 2022, Council approved execution of an agreement (Resolution #353-2022) with Mackey Group, LLC d/b/a Wiser Strategies for the creation of public outreach advertisements related to stormwater at a cost not to exceed \$50,000. This amendment will allow for the development of leaf collection outreach to be funded by the Urban Services District Fund - 1115. This work will be completed under the terms of the existing collateral creation contract, pending future contract renewals, in accordance with the original resolution.

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

The cost for FY23 related to this amendment is \$10,000. As leaf collection messaging is anticipated to change in future budget years, this cost is anticipated to remain the same in each of fiscal years 2024 and 2025.

**Are the funds budgeted?**

Funds are available in 1115-313201-3095-71299.

**File Number:** 0896-2022

**Director / Commissioner:** Carey / Albright





TO: Mayor Linda Gorton  
FROM: Gary Ginn, Fayette County Coroner  
DATE: August 31, 2022  
SUBJECT: Sole Source Certification - Ferno iNX Stretchers

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**Request:**

Council authorization is requested to purchase a refurbished Ferno iNX stretcher from Ferno, a sole source provider, at a cost not to exceed \$41,460.00

**Why are you requesting?**

The Coroner's Office has been migrating from manually operated stretchers to Ferno iNX stretchers. This will be the 5<sup>th</sup> of 8 of iNX stretchers needed and will go in the vehicle on-order for FY-23.

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

The cost for this FY is: \$41,460.00

The cost for future FY is: \$0

**Are the funds budgeted?**

The funds are partially budgeted. Budget amendment 11853 is in process to cover the remaining costs.

Account Number: 1101 112009 0001 95201

**File Number:**

**Director/Commissioner:** (Ginn/Ford)



**Neighborhood Development Funds  
September 6, 2022  
Work Session**

| <b>Amount</b>    | <b>Recipient</b>                                                                                            | <b>Purpose</b>                                                  |
|------------------|-------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|
| <b>\$ 500.00</b> | A Caring Place, Inc.<br>Roxanne Cheney<br>1870 Armstrong Mill Road<br>Lexington, KY 40517                   | To assist with neighborhood outreach.                           |
| <b>\$ 500.00</b> | Refuge for Woman, Inc.<br>Shaun Denney<br>342 Waller Avenue, Suite D<br>Lexington, KY 40504                 | To assist with ongoing operations.                              |
| <b>\$ 500.00</b> | Lexington History Museum<br>Foster Ockerman, Jr.<br>PO Box 748<br>Lexington, KY 40588                       | To assist with ongoing operations.                              |
| <b>\$ 500.00</b> | Lexington Housing for the Handicapped, Inc.<br>Amy Brown<br>507 Rogers Road<br>Lexington, KY 40505          | To assist with ongoing operations.                              |
| <b>\$ 500.00</b> | Vineyard Neighborhood Cooperation<br>Mary Gorlow<br>3508 Calera Court<br>Lexington, KY 40515                | To assist with entryway maintenance.                            |
| <b>\$ 500.00</b> | Wyndham Meadows HOA<br>Kevin Bailey<br>3805 Aria Lane<br>Lexington, KY 40514                                | To assist with neighborhood maintenance and utility payments.   |
| <b>\$ 150.00</b> | Winburn Neighborhood Association<br>Lois Byrd<br>1775 Barksdale Drive<br>Lexington, KY 40511                | To assist the MLK Broncos with fall football.                   |
| <b>\$ 150.00</b> | 16th District PTA c/o Winburn Middle School<br>1060 Winburn Drive<br>Lexington, KY 40511<br>Sinclair Jordan | To assist with the Winburn football team.                       |
| <b>\$ 200.00</b> | Green Acres<br>1570 Montrose Drive<br>Lexington, KY 40511<br>Lewis Brown                                    | To assist with the Green Acres neighborhood day.                |
| <b>\$ 400.00</b> | 16th District PTA c/o Russell Cave Elementary<br>3375 Russell Cave Road<br>Lexington, KY 40511              | To assist with Russell Cave Elementary family engagement night. |

Amber Catron

|                    |                                                                                                       |                                                                             |
|--------------------|-------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| <b>\$ 1,250.00</b> | Andover Forest HOA<br>141 Prosperous Place, #21B<br>Lexington, KY 40509<br>Stan Bray                  | To assist with maintenance and beautification.                              |
| <b>\$ 1,250.00</b> | Joyland Neighborhood Association<br>689 Kingston Road<br>Lexington, KY 40505<br>Josie Jones           | To assist with maintenance and beautification.                              |
| <b>\$ 1,250.00</b> | Brighton East HOA, Inc.<br>PO Box 54486<br>Lexington, KY 40555<br>Paula Sandford                      | To assist with maintenance and beautification.                              |
| <b>\$ 1,250.00</b> | Eastland Parkway Neighborhood Association<br>1837 Gayle Circle<br>Lexington, KY 40505<br>Sheila Hardy | To assist with maintenance and beautification.                              |
| <b>\$ 500.00</b>   | Lexington Lions Club, Inc.<br>2601 Fireside Circle<br>Lexington, KY 40513<br>Mac Ferguson             | To support the vision program.                                              |
| <b>\$ 168.00</b>   | LFUCG-Environmental Services<br>1101-313201-3703-71299<br>BA #11857<br>Heather Wilson                 | To purchase a replacement crabapple tree for the Pebble Creek right-of-way. |



## General Government & Social Services Committee

August 16, 2022

### Summary and Motions

Committee chair, Council Member Susan Lamb, called the meeting to order at 1:00 p.m. Committee members Vice Mayor Steve Kay and Council Members Richard Moloney, James Brown, Fred Brown, Whitney Baxter, Jennifer Reynolds, and Kathy Plomin attended the meeting.

#### I. Approval of June 14, 2022 Committee Summary

A motion by Kathy Plomin to approve June 14, 2022 Committee Summary, seconded by Liz Sheehan, the motion passed without dissent.

#### II. Code Enforcement Update

Council Member Whitney Baxter introduced the item. Director Olszowy shared that the COVID-19 pandemic allowed for an opportunity to conduct a deep dive into the technical side of Code Enforcement. He is bringing forward recommendations that would improve Code Enforcement's services and meet the intent of Code Enforcement's mission.

The authority and scope of Code Enforcement comes from Chapter 12-1 of the Code of Ordinances, which is based on the 2015 International Property Maintenance Code (IMPC). The amendments are sections that Code Enforcement has taken out of the IMPC and custom fit them to Lexington. This also includes an update to the Code Violations Library addendum.

Chapter 12-2 involves the nuisance section. In this section, the overgrowth/mowing rules have been modified. Strict adherence to the Code as it currently stands is unenforceable according to Director Olszowy. The changes made in Chapter 12-3 reflects Code Enforcement's move to the new Department of Housing Advocacy and Community Development. The update made in Chapter 17-162 is to change the 125% Area Median Income (AMI) to 80% AMI poverty guidelines.

The objective of bringing this to Council is to modernize and implement a realistic approach to the updating of the provisions and enforcement of property maintenance issues. While evaluating the current ordinances, they looked at the practicality and objectivity. The strict enforcement of tall grass and weeds violations is not feasible on certain types of lawns, especially on those areas that are currently not exempt. There is also a responsibility for maintaining abandoned parcels, but can be difficult to establish who is responsible for some parcels. Typically Code Enforcement has not been a maintenance division but an enforcement division. Currently, Code Enforcement is maintaining over 20 abandoned properties or foreclosed properties, which costs about \$20,000 of Code Enforcement's abatement budget. This is roughly 25% of Code Enforcement's abatement budget.

Additionally, the Codes need to be regularly reviewed and updated to stay in alignment with the statewide mandated Code. According to Director Olszowy, the Violations Library is archaic and contains redundancies and scopes beyond the intent of the minimum standards. Director Olszowy and his team went through the Code to remove ones that are no longer relevant or were redundant. Director Olszowy gave examples pertaining to mowing and wooded lots, and how the updated Code would impact those lots. Furthermore, he shared the specific changes to the Code of Ordinances.

The current Violations Library has 315 violations, with 98 existing in IPMC. The proposed library has 121 listed violations to supplement the IPMC violations. This results in a net reduction of 96. They also consolidated and/or eliminated redundant violation types. This could potentially decrease revenue, via collected fees, by \$12,000 to \$40,000 annually.

Moloney asked if the Code Enforcement Officers need to be annually certified. Director Olszowy said yes, they are certified every year. Moloney asked why Director Olszowy thought Code Enforcement and Building Inspection should be in different places. Director Olszowy said that they are essentially two separate disciplines with Building Inspection has criminal penalties and Code Enforcement has civil penalties. Additionally, Code Enforcement does not issue permits.

J. Brown asked what percentage of the lots LFUCG maintains are vacant lots and which of those are buildable/developable. Director Olszowy said of the twenty properties they are maintaining, eight of them are vacant. The challenge they are currently experiencing is finding/determining who the owner of the property is and citing the owner. There is a question on who maintains those properties and whose budget it comes from. Currently, Code Enforcement has been maintaining them out of necessity. J. Brown wanted to confirm that these changes won't impact vulnerable property owners. Additionally, J. Brown suggested there is an opportunity to use vacant land for affordable housing. Director Charlie Lanter said these changes will help vulnerable property owners because it decreases the number of violations. People will not be charged five violations for essentially the same issue.

Plomin asked if LFUCG has a list of lots that will not be maintained any longer because of the new language. Director Olszowy believes they have identified roughly 400 lots that are over an acre, that if they were to be abandoned or if the ownership were to be dissolved, it would be challenging to hold someone accountable for maintenance. We are currently seeing a trend of HOAs being dissolved or people are stepping away from ownership, and the current process isn't working. The changes shared today will help address some of these issues.

Moloney wanted to return to the conversation about low-income individuals who have a lot of fines. He believes that LFUCG should have the first option to purchase the lien. He is concerned that investors will pay off the liens and purchase the houses, which hurt those neighborhoods. David Barberie shared the different type of liens, like a tax lien for tax delinquency. However, in Code Enforcement, they do not lien a property for more than \$5,000. After, Code Enforcement will send it to Law and they will decide to take foreclosure action. Law has not been aggressive on the foreclosures in occupied properties because of the pandemic and current economic situation. If there is no structure or if it is vacant, they will file a foreclosure. Additionally, he said that if the property is a good property, the government won't be the highest bidder because of the current market.

Reynolds said that there are people who get citations, who subsequently don't have the funds to pay the citations, and then get pressure to sell. She asked how the government can help with this. Director Olszowy said all enforcement is to the owners only, not the occupants. This is because you cannot have a lien on an occupant. Director Lanter said his office is working on developing education material.

Vice Mayor Kay noted that there is a program that provides financial assistance. Director Lanter shared the Code Enforcement Housing Assistance Program helps owner occupied units and helps people address the issues, while also wiping their slate clean. There is an income qualification which is 80% AMI. There is \$200,000 in the pool and the average assistance is in the \$5,000 range. Vice Mayor Kay emphasized Code

Enforcement's responsibility is enforcement while other parts of government can mitigate the impact on homeowners.

Lamb asked Director Olszowy about timeline. He said the goal is for it to be in place by January 1, 2023.

A motion by Whitney Baxter, seconded by Fred Brown, to move forward the draft ordinance, the motion passed without dissent.

### **III. Items Referred to Committee**

A motion by Liz Sheehan, seconded by Jennifer Reynolds, to remove Substance Abuse Intervention, the motion passed without dissent.

A motion by Whitney Baxter, seconded by Kathy Plomin, to remove the Update from Division of Code Enforcement the motion passed without dissent.

A motion by Kathy Plomin to adjourn at 2:23 PM, seconded by Jennifer Reynolds, the motion passed without dissent.

Meeting materials: <https://lexington.legistar.com/MeetingDetail.aspx?ID=909945&GUID=E129A841-15F8-4352-B583-0C9A1A9B2856&Options=info|&Search=>

Recording of the meeting:

[https://lfucg.granicus.com/player/clip/5623?view\\_id=4&redirect=true&h=9034de963b28822190cd493ec66ac655](https://lfucg.granicus.com/player/clip/5623?view_id=4&redirect=true&h=9034de963b28822190cd493ec66ac655)