

Lexington-Fayette Urban County Government

*200 E. Main St
Lexington, KY 40507*



Tuesday, June 18, 2024

3:00 PM

Packet

Council Chamber

Urban County Council Work Session

Lexington-Fayette Urban County Council
Schedule of Meetings
June 17, 2024 – June 24, 2024

Monday, June 17

No Meetings

Tuesday, June 18

Environmental Quality & Public Works Committee.....1:00 p.m.
Government Center - Council Chamber, 2nd Fl.

Council Work Session.....3:00 p.m.
Government Center - Council Chamber, 2nd Fl.

Wednesday, June 19

Holiday- LFUCG Offices Closed

Thursday, June 20

No Meetings

Friday, June 21

No Meetings

Monday, June 24

No Meetings

Lexington-Fayette Urban County Council
Work Session Agenda
June 18, 2024

- I. Public Comment - Issues on Agenda**
- II. Requested Rezoning/ Docket Approval- No**
- III. Approval of Summary- Yes**
 - a. Table of Motions: Council Work Session, June 11, 2024, pp. 1 - 2**
- IV. Budget Amendments- No**
- V. Budget Adjustments - For Information Only- No**
- VI. New Business- Yes, pp. 3 - 24**
- VII. Communications From the Mayor – Appointments- No**
- VIII. Communications From the Mayor – Donations- No**
- IX. Communications From the Mayor – Procurements- No**
- X. Continuing Business/ Presentations- Yes**
 - a. Summary: Environmental Quality and Public Works Committee, April 30, 2024, pp. 25 - 38**
- XI. Council Reports**
- XII. Public Comment - Issues Not on Agenda**
- XIII. Adjournment**

Administrative Synopsis - New Business Items

- a** **0571-24** Authorization to execute a Purchase of Service Agreement (pursuant to RFP No. 12-2024) with EHI Consultants to conduct a study of Shelter and Transitional Housing Feasibility, at a cost not to exceed \$155,000.00. Funds are budgeted in FY 2024. (L0571-24) (Herron/Lanter), p. 3
- b** **0598-24** Authorization to execute a memorandum of agreement with the Downtown Lexington Management District (DLMD). The agreement provides funding in the amount of \$50,000 for additional Office of the Fayette County Sheriff Deputies to patrol in and around Tandy Park beginning July 1, 2024, through October 31, 2024. Funds are budgeted. (L0598-24) (Atkins), p. 4
- c** **0599-24** Authorization to approve the fourth and final renewal of the Tetra Tech, Inc. Consultant Services Contract for Municipal Separate Storm Sewer System (MS4) Program Management Services (contract #087-2020), effective June 15, 2024-June 14, 2025. Anticipated costs for FY 2025 are \$664,233. A budget amendment will be processed in FY 2025 to provide funds in the correct accounting. (L0599-24) (Martin/Albright), p. 5
- d** **0602-24** Authorization to execute an agreement with LinkedIn for advertising services to promote open positions with LFUCG at an annual cost of \$18,450 for 12 months beginning August 1, 2024. Funds are included in the FY2025 Budget. (L0602-24) (Dimon/Brown), p. 6
- e** **0612-24** Authorization to approve change order No. 3 with Strand Associates for the Old Frankfort Pike Salt Dome, increasing the amount by \$7,500 for revising survey data and updating CAD drawings, bringing the new contract total to \$223,280. Funds are budgeted. (L0612-24) (Albright), pp. 7 - 9
- f** **0616-24** Authorization to abolish one (1) classified position of Information Systems Specialist Sr. (Grade 517N) and create one (1) classified position of Software Developer (Grade 523E) in the Division of Computer Services, effective upon passage of Council. This has a 12-month future impact of a cost of \$22,456.13. (L0616-24) (George/Hamilton), pp. 10 - 12

- g** **0618-24** Authorization to execute a contract extension with Management Registry Inc. (previously known as Omnisource Integrated Supply, LLC) to extend the period of performance through September 30, 2025. The extension is for CSEPP support staff in the Division of Emergency Management to close out the project at no additional cost. (L0618-24) (Larkin/Armstrong), p. 13
- h** **0619-24** Authorization to execute Professional Services Agreements with Eva Harrison, Kayla Keeping, and Megan Magsam to serve as Contract Forensic Nursing Advocates to be scheduled based on availability. The Forensic Nursing Advocates will be used for the purpose of providing direct advocacy services to sexual assault victims and provide evaluation and archiving services to secure and modernize non-digital sexual assault case files. Cost not to exceed \$29,302. (L0619-24) (Weathers/Armstrong), p. 14
- i** **0620-24** Authorization to execute Amendment No. 1 to the agreement with the Bluegrass Area Development District to accept an additional award in the amount of \$41,931.73 Title III-B ARPA federal funds to include in the budget for eligible reimbursable expenses for the operation of the Senior Citizens Center in FY 2025. No match is required. (L0620-24) (Reynolds/Lanter), p. 15
- j** **0621-24** Authorization for the purchase of an additional twenty-five (25) flock cameras from Flock Group Inc. for the existing License Plate Reader System. This also covers the warranty and implementation of the cameras; all for the period of August 1, 2024, through March 1, 2025, at a cost of \$53,375. An additional payment of \$400,000 will be due March 1, 2025 and will get all cameras on the same renewal schedule. Funds are included in the FY 2025 Mayor's Proposed Budget. (L0621-24) (Weathers/Armstrong), p. 16
- k** **0628-24** Authorization to execute an Agreement with Lexington-Fayette Urban County Housing Authority, pursuant to RFP No. 30-2024, for operation of a Landlord Engagement and Recruitment Program to promote landlord participation in housing assistance programs operated by Lexington Housing Authority as well as those participating in the Continuum of Care's Coordinated Entry System, in the amount of \$300,000. Funds are budgeted. (L0628-24) (Herron/Lanter), p. 17
- l** **0629-24** Authorization to execute a contract to have the Honey Hill Farm Petting Zoo at the Family Care Center at a cost of \$532.50. Funds are budgeted. (L0629-24) (Horton-Holt/Allen-Byrant), p. 18

m	0630-24	Authorization to execute an agreement with Republic Services to continue service at the Family Care Center for FY 2025 at a cost of \$900, or \$75 per month. Funds are included in the FY 2025 Mayor's Proposed Budget. (L0630-24) (Horton-Holt/Allen-Bryant), p. 19
n	0632-24	Authorization for sole source designation for the continued use of 911 Datamaster, LLC to provide a single database for 911 location records for Lexington and counties participating in the Central Kentucky 911 Network for the period of August 1, 2024, through July 31, 2024, with an anticipated cost of \$46,732. Funds are included in the FY 2025 Mayor's Proposed Budget. (L0632-24) (Patton/Armstrong), p. 20
o	0633-24	Authorization for sole source designation for the continued use of Intrado Life & Safety Solutions ECaTS statistical package to perform web-based queries of 911 statistics. Anticipated cost is \$7,579.20 for the period of July 1, 2024, through June 30, 2025. Funds are included in the FY 2025 Mayor's Proposed Budget. (L0633-24) (Patton/Armstrong), p. 21
p	0634-24	Authorization to accept an award and execute an agreement in the amount of \$480,000 from the Kentucky Transportation Cabinet (KYTC) for Intelligent Transportation System/Congestion Management System (ITS/CMS) Traffic Improvements Projects for FY 2025, the acceptance of which obligates the government to provide a match in the amount of \$120,000. Funds are included in the FY 2025 Mayor's Proposed Budget. (L0634-24) (Neal/Albright), p. 22
q	0635-24	Authorization to recognize Kraus Associates, Inc. d/b/a AK Associates as the sole source provider of telephone technology (i.e. routers, controllers, switches, licenses, integration services, etc.) manufactured by Solacom Technologies Inc. for the ongoing maintenance and operation of the Enhanced 911 Network and related systems, as well as support for the Central Kentucky 911 Network. (L0635-24) (Patton/Armstrong), p. 23
r	0637-24	Authorization to execute Purchase Services Agreements (PSAs) with economic development partner agencies for workforce services. Partner agencies include The Kable Group/TSJ Staffing, The Child Care Council of Kentucky, Building Institute of Central Kentucky, Community Action Council, Stable Recovery, Jubilee Jobs, Lexington Rescue Mission and IEC of the Bluegrass. Funds in the amount of \$400,000 for Year 1 are included in the FY 2025 Mayor's Proposed Budget. (L0637-24) (Atkins), p. 24

**URBAN COUNTY COUNCIL
WORK SESSION
TABLE OF MOTIONS
June 11, 2024**

Mayor Gorton called the meeting to order at 3:00 p.m. Vice Mayor Wu, Council Members J. Brown, Ellinger II, Fogle, Lynch, LeGris, Monarrez, Sheehan, Gray, Worley, F. Brown, Baxter, Sevigny, Reynolds, and Plomin were present.

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

Motion by Plomin to approve the June 13, 2024 Council Meeting Docket, as amended. Seconded by Gray. Motion passed without dissent.

Motion by Reynolds to place on the June 13, 2024 Council Meeting Docket, an ordinance changing the zone from a Single Family Residential (R-1C) zone to a Townhouse Residential (R-1T) zone, for 0.458 net (0.600 gross) acres, for property located at 800 and 802 Golfview Dr., without a public hearing. Seconded by Wu. Motion passed without dissent.

Motion by Wu to place on the June 13, 2024 Council Meeting Docket, a resolution amending Section 3.104 of Appendix A, Rules and Procedures of the Urban County Council, to expressly provide that continuing business includes requests for neighborhood development funds, Council capital projects, and Council committee summaries, and to allow up to three (3) presentations per work session, with priority given to presentations made pursuant to legal requirements and presentations constituting official business. Seconded by Baxter. Motion passed without dissent.

Motion by Lynch to place on the June 13, 2024 Council Meeting Docket, an ordinance changing the zone from a professional office (P-1) zone to a Medium Density Residential (R-4) zone, for 13.09 net (13.82 gross) acres, for property located at 2350 Remington Way, without a public hearing. Seconded by Baxter. Motion passed without dissent.

- III. Approval of Summary

Motion by Sevigny to approve the May 28, 2024 Work Session Summary. Seconded by Gray. Motion passed without dissent.

- IV. Budget Amendments

Motion by Ellinger II to approve Budget Amendments. Seconded by Fogle. Motion passed without dissent.

- V. Budget Adjustments – For Information Only

- VI. New Business

Motion by LeGris to approve New Business. Seconded by Plomin. Motion passed without dissent.

VII. Communications from the Mayor- Appointments

Motion by Wu to approve Communications from the Mayor- Appointments. Seconded by Fogle. Motion passed without dissent.

VIII. Communications from the Mayor- Donations

IX. Communications from the Mayor- Procurements

Motion by Fogle to approve Communications from the Mayor- Procurements. Seconded by Plomin. Motion passed without dissent.

X. Continuing Business/Presentations

Motion by Worley to approve the UGM ZOTA, as amended. Seconded by Ellinger II. Motion passed without dissent.

Motion by Sheehan to amend the UGM ZOTA Sec. 8-16(d)5.a and Sec. 8-16(d)5.b to remove “or collector” from the conditional use language. Seconded by Reynolds. Motion passed 12 – 2, 1 absent (Yes: Wu, J. Brown, Fogle, Lynch, LeGris, Monarrez, Sheehan, Gray, Baxter, Sevigny, Reynolds, Plomin. No: Ellinger II, Worley. Absent: F. Brown.).

Motion by Worley to approve the proposed resolution amending Appendix A, Rules and Procedures of the Lexington-Fayette Urban County Council, relating to Public Comment During Meetings, as presented to the General Government and Planning committee and as set forth in the committee packet. Motion passed without dissent.

Motion by J. Brown to place on the June 13, 2024 Council Meeting Docket a resolution approving the FY25 budget for the Lexington-Fayette Urban County Industrial Authority. Seconded by Fogle. Motion passed without dissent.

XI. Council Reports

Motion by Lynch to place in the General Government and Planning Committee, an annual report from the Tenant Advisory Group and the Housing Provider Advisory Group. Seconded by Reynolds. Motion passed without dissent.

XII. Public Comment – Issues Not on Agenda

XIII. Adjournment

Motion by Monarrez to adjourn at 4:17 p.m. Seconded by Baxter. Motion passed without dissent.

MAYOR LINDA GORTON



LEXINGTON

CHARLIE LANTER
COMMISSIONER
HOUSING ADVOCACY &
COMMUNITY DEVELOPMENT

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

**FROM: CHARLIE LANTER, COMMISSIONER
DEPARTMENT OF HOUSING ADVOCACY AND COMMUNITY
DEVELOPMENT**

DATE: May 30, 2024

**SUBJECT: Purchase of Service Agreement with EHI for a Shelter & Transitional
Housing Feasibility Study.**

Request: Council authorization to execute a Purchase of Service Agreement with EHI Consultants for an amount not to exceed \$155,000.00 to perform a Shelter & Transitional Housing Feasibility Study.

Purpose of Request: Council allocated funding from the FY 2023 fund balance for a Shelter & Transitional Housing Feasibility Study to examine shelter and housing needs and recommend solutions for populations experiencing homelessness. The emphasis is on low-barrier shelter and populations not served by existing programs including families, persons with pets, and others.

RFP 27-2024 was issued and the sole response reviewed by a panel that included staff from Housing Advocacy & Community Development, Council Members, homeless shelter staff, and other service providers. EHI Consultants has been selected to perform the study for a total cost not to exceed \$155,000.

What is the cost in this budget year and future budget years? Not to exceed \$155,000.00

Are the funds budgeted? YES

Account number: 1145-155003-0001-71299

File Number 0571-24

Director/Commissioner: Herron/Lanter



MAYOR LINDA GORTON



LEXINGTON

KEVIN ATKINS

CHIEF DEVELOPMENT OFFICER

TO: Linda Gorton
Mayor

FROM: Kevin Atkins
Chief Development Officer

DATE: June 4, 2024

RE: Approve Memorandum of Agreement with the Downtown Lexington
Management District for Office of the Fayette County Sheriff Downtown
Patrols

Request:

Approval of a memorandum of agreement with the Downtown Lexington Management District (DLMD). The agreement provides funding for additional Office of the Fayette County Sheriff Deputies to patrol in and around Tandy Park.

Why are you requesting:

The DLMD will enter into an agreement with the Office of the Fayette County Sheriff to add additional patrols in and around Tandy Park. The agreement will provide for two Sheriff Deputies in uniform and armed Friday and Saturday nights from 11:00pm – 3:00am in and around Tandy Park. The additional patrols will commence May 1, 2024 and end October 31, 2024. Lexington-Fayette Urban County Government matching funds will be used beginning July 1, 2024.

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

The cost for FY2025 is: \$50,000

The cost for future FY is: N/A

Are the funds budgeted? Yes
Account Number: 1101-136101-0001-71253

Director/Commissioner:

Kevin Atkins



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: May 31, 2024

SUBJECT: Renewal of Consultant Services Contract Agreement with Tetra Tech, Inc. for Municipal
Separate Storm Sewer System (MS4) Program Management Services - Contract #087-2020

Request

The purpose of this memorandum is to request approval of the fourth and final renewal (effective June 15, 2024 through June 14, 2025) of the Consultant Services Contract Agreement with Tetra Tech, Inc., per Resolution #220-2020 / RFP #8-2020, following the expiration of the third annual renewal term ending June 14, 2024.

Why are you requesting?

The renewal option with Tetra Tech, Inc., is for continued services associated with the compliance measures of Lexington's MS4 Permit. The RFP provided for up to four (4) additional 365-day renewal periods upon mutual agreement by all parties. The specific scopes of work associated with these services will be formalized via a series of written task orders, thus the budgeted funds are a not-to-exceed amount for each year of the contract.

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

Anticipated costs for FY25 are \$664,233. Budget requests for FY25 are based on anticipated costs for each year.

Are the funds budgeted?

Budget amendment pending to place funds in 4052-303204-3373-71205 2025 MS4_PM CONSENT_DE

File Number: RFP #8-2020 / Resolution #220-2020 / Contract #087-2020

Director / Commissioner: Martin / Albright



MAYOR LINDA GORTON



LEXINGTON

SALLY HAMILTON
CHIEF ADMINISTRATIVE OFFICER

TO: Linda Gorton, Mayor
Urban County Council

FROM: Stacey Dimon, Information Office Supervisor
Division of Government Communications

DATE: June 4, 2024

SUBJECT: LinkedIn advertising services to promote open positions for LFUCG

Request Council authorization to execute an agreement with LinkedIn advertising services to promote open positions with LFUCG at an annual cost of \$18,450. Funds are included in FY2025.

The Office of Public Information needs this action for the renewal of the annual contract with LinkedIn. LinkedIn is a top resource for sharing LFUCG job opportunities to potential employees. The platform targets and shares our positions with job seekers who have the relevant skills for the positions we have open. Through April of FY 2024, we advertised 140 jobs on the platform, reaching 40,181 job seekers with matching skills needed for the positions and 1,020 of them clicked to apply.

The term of the contract is 12 months, beginning August 1, 2024. The contract can only be canceled as the result of a material breach or bankruptcy.

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: FY25 - \$18,450

Are the funds budgeted? Yes, for FY25

Account number: 1101-160301-0001-75106

File Number: 0606-24

Director/Commissioner: Stacey Dimon/Glenn Brown



MAYOR LINDA GORTON



LEXINGTON

NANCY ALBRIGHT
COMMISSIONER
ENVIRONMENTAL QUALITY & PUBLIC WORKS

TO: Mayor Linda Gorton
Urban County Council

FROM: 
Nancy B. Albright, P.E.
Commissioner, Environmental Quality
& Public Works

DATE: June 7, 2024

RE: Change order No. 3 with Strand Associates for the Old Frankfort Pike Salt Dome, original resolution No. 120-2023 and Contract No. 064-2023.

Request

The Department of Environmental Quality & Public Works requests approval of Change Order No. 3 with Strand Associates, in the amount of \$7,500, for revising survey data and updating CAD drawings, original Resolution No. 120-2023.

Why are you requesting?

The project was not surveyed and designed in the Kentucky North Zone State Plane Coordinate System (1601). It is LFUCG's developing standard practice to require projects to be in the Kentucky North Zone State Plane Coordinate System

What is the estimated cost in this budget year and future budget years? \$7,500

Are the funds budgeted? Yes

Account Number:

1105 – 303301 – 0001 - 90511 for \$3,000.00

4122 – 303301 - 0001 - 90511 for \$1,125.00

1116 – 303301 -0001 - 90511 for \$3,375.00

File Number: 0612-24

Commissioner: Albright



JUSTIFICATION FOR CHANGE

PROJECT: New Salt Barn & Associated Facilities at 1791 Old Frankfort Pike

CONTRACT NO. LF00197167

CHANGE ORDER: 3

1. Necessity for change: The project was not surveyed and designed in the Kentucky North Zone State Plane Coordinate System (1601). It is LFUCG's developing standard practice to require projects to be in the Kentucky North Zone State Plane Coordinate System (1601). Therefore the ENGINEER will convert the current design and plans into the Kentucky North Zone State Plane Coordinate System (1601). Revised drawings and CAD files will be provided to LFUCG. This work is in addition to the ENGINEER's original scope.
2. Is proposed change an alternate bid? ___ Yes ___ X No
3. Will proposed change alter the physical size of the project? ___ Yes ___ X No
If "Yes", explain.
4. Effect of this change on other prime contractors: N/A
5. Has consent of surety been obtained? ___ Yes ___ X Not Necessary
6. Will this change affect expiration or extent of insurance coverage? ___ Yes ___ X 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: Contractor has stated that this change will have minimal affect on the completion date because there is plenty to get started on. As of today, the Notice to proceed has not been issued to the contractor.



Commissioner

6/5/24

Date

MAYOR LINDA GORTON



LEXINGTON

GLEND A HUMPHREY GEORGE
DIRECTOR
HUMAN RESOURCES

MEMORANDUM

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

FROM: 
Glenda Humphrey George, Director
Division of Human Resources

DATE: June 4, 2024

SUBJECT: Abolish/Create positions – Division of Computer Services

Request:

The attached action is requesting authorization to abolish one (1) classified position of Information Systems Specialist Sr. (Grade 517N) and create one (1) classified position of Software Developer (Grade 523E) in the Division of Computer Services, effective upon passage of Council.

Why are you requesting:

The Division of Computer Services requests this position to address the skills gap created by the incumbent's departure and ensure continuity of operations for the division.

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

This has a 12-month future impact of a cost of \$22,456.13.



Position Title	Annual Salary Before	Annual Salary After	Annual Increase/Decrease
Information Systems Specialist Sr.	\$51,831.52	\$0	(\$51,831.52)
Software Developer	\$0	\$69,457.44	\$69,457.44
Total Annual Impact/ Salary and Benefits \$22,456.13			

File Number: 0616-24

Director/Commissioner: Glenda Humphrey George/Sally Hamilton

If you have questions or need additional information, please contact Alana Morton at (859) 258-3037.



ORDINANCE NO. _____ - 2024

AN ORDINANCE AMENDING THE AUTHORIZED STRENGTH BY ABOLISHING ONE (1) CLASSIFIED POSITION OF INFORMATION SYSTEMS SPECIALIST SENIOR, GRADE 517N, AND CREATING ONE (1) CLASSIFIED POSITION OF SOFTWARE DEVELOPER, GRADE 523E, ALL IN THE DIVISION OF COMPUTER SERVICES, EFFECTIVE UPON PASSAGE OF COUNCIL.

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

Section 1 –That the following subsection line number in the classified civil service authorized strength be and hereby is amended to read as follows:

250.039 2 388 523E Software Developer

Section 2 –That the following subsection line number in the classified civil service authorized strength be and hereby is deleted:

250.044 1 371 517N Information Systems Specialist Sr.

Section 3 – That this Ordinance shall become effective upon passage of Council.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL
PUBLISHED:

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: JUNE 6, 2024

**SUBJECT: Approval of Contract Extension with Management Registry Inc. for CSEPP
Support Staff for CSEPP – FY23**

Request: Council authorization to execute a contract extension with Management Registry Inc. (previously known as Omnisource Integrated Supply, LLC,) to extend the period of performance through September 30, 2025. The extension is for CSEPP support staff in the Division of Emergency Management to close out the project.

Purpose of Request: On August 31, 2023 (Resolution 457-2023), Council approved the acceptance of federal funds from the Kentucky Department of Military Affairs, Division of Emergency Management for the continued operation of the Chemical Stockpile Emergency Preparedness Program (CSEPP). On October 28, 2021 (Resolution 586-21), Council approved RFP 1-2021 with Management Registry, Inc for a three-year contract for \$650,000. On November 3, 2022 (Resolution 614-2022), Council approved to fund the contract with Management Registry for CSEPP support staff using FY22 CSEPP funds. On September 28, 2023 (Resolution 509-2023), Council approved an amendment to the agreement to continue providing support staff for the FY23 CSEPP funds.

The Division of Emergency Management requests to extend the period of performance to September 30, 2025 for the Management Registry, Inc. contract for CSEPP support staff to close out the project.

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: 0618-24

Director/Commissioner: Larkin/Armstrong





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

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

DATE: JUNE 6, 2024

**SUBJECT: Professional Services Agreements: Contract Forensic Nursing Advocates for
Fiscal Year 2024**

Request: Council authorization to execute Professional Services Agreements with Eva Harrison, Kayla Keeping, and Megan Magsam to serve as Contract Forensic Nursing Advocates to be scheduled based on availability. The Forensic Nursing Advocates will be used for the purpose of providing direct advocacy services to sexual assault victims and provide evaluation and archiving services to secure and modernize non-digital sexual assault case files. Cost not to exceed \$29,302.

Purpose of Request: The Lexington-Fayette Urban County Government has received funding from Victims of Crime Act (VOCA) 2023 from the Kentucky Justice Cabinet for the purpose to implement a Forensic Nursing Advocacy Program. The purpose is to support the efforts of the agency's current Sexual Assault Nurse Examiner (SANE) Program by providing a timely follow-up with sexual assault survivors. The Forensic Nursing Advocates will also provide services to review and digitally archive historical sexual assault case files. Project activities include following-up with survivors, connecting survivors with resources, utilizing digitization equipment, reviewing historical SANE files, and archiving files.

What is the cost in this budget year and future budget years? \$29,302 is cost in FY2024 for contracted professionals. Future budget years are depending on available grant funds.

Are the funds budgeted? Budget amendment is in process.

File Number: 0619-24

Director/Commissioner: Weathers/Armstrong



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: JUNE 6, 2024

SUBJECT: Amendment No. 1 to Senior Citizens Agreement for FY2025

Request: Council authorization to execute Amendment No. 1 to the agreement with the Bluegrass Area Development District to accept an additional award in the amount of \$41,931.73 Title III-B ARPA federal funds to include in the budget for eligible reimbursable expenses for the operation of the Senior Citizens Center in FY 2025. No match is required.

Purpose of Request: The Lexington Senior Center was awarded Title IIIB ARPA federal funds in the amount of \$41,931.73. Grant funds will be used for eligible reimbursable expenses for the operation of the Senior Citizens Center in FY 2025

What is the cost in this budget year and future budget years? \$41,931.73 in federal funds is awarded for Fiscal Year 2025. No matching funds are required. Future years funding is dependent upon availability of federal and state allocations.

Are the funds budgeted? FY2025 budget amendment is in process.

File Number: 0620-24

Director/Commissioner: Stambaugh/Allen-Bryant





Lexington-Fayette Urban County Government
DEPARTMENT OF PUBLIC SAFETY

Linda Gorton
Mayor

Kenneth Armstrong
Commissioner

TO: Mayor Linda Gorton
Urban County Council
Lawrence B. Weathers

FROM: Chief Lawrence B. Weathers
Lexington Police Department

CC: Commissioner Kenneth Armstrong
Department of Public Safety

DATE: June 7, 2024

SUBJECT: Flock Group Inc. - Amended Contract Quote

Request

Authorization to accept the attached Amended Contract Quote with Flock Group Inc.

Why are you requesting?

This amended quote is to cover the fees for the additional twenty-five (25) flock cameras at a prorated cost. This also covers the warranty and implementation of the cameras. The attached document requires Council and Mayor Gorton's approval. Attached you will also find the original quote approved through Council – Resolution No. 163-2024.

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

August 1, 2024 – February 28, 2025 - \$53,375 (25 Cameras)

March 1, 2025 – February 28, 2029 - \$400,000/Per Year (All 125 Cameras)

Are the funds budgeted? Funds are included in FY25 Mayor's Proposed Budget.
Accounting 1101-505506-5561-76102

File Number: 0621-24

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

LBW/rmh



TO: LINDA GORTON, MAYOR
URBAN COUNTY COUNCIL

FROM: CHARLIE LANTER, COMMISSIONER
DEPARTMENT OF HOUSING ADVOCACY & COMMUNITY
DEVELOPMENT

DATE: June 10, 2024

SUBJECT: Landlord Engagement and Recruitment Program for Homeless Response System

Request: Council authorization to execute an agreement with Lexington-Fayette Urban County Housing Authority for operation of a Landlord Engagement and Recruitment Program in the amount of \$300,000.00. This program will promote landlord participation in housing assistance programs operated by Lexington Housing Authority as well as those participating in the Continuum of Care's Coordinated Entry System.

Purpose of Request: Lexington's homeless response system has faced increased challenges in the identification of affordable housing units to be utilized in conjunction with housing assistance such as voucher programs and third-party financial assistance. As a result, the length of time between program enrollment and housing move-in has increased over 250% in the past five years.

The Office of Homelessness Prevention and Intervention seeks to establish a program that would work to engage and recruit landlords for participation in housing assistance programs. This program would include a landlord liaison to provide customer service to landlord partners; this liaison would assist with navigation of leasing processes and program requirements, share vacancy leads, and facilitate communication with supportive service providers to address tenant issues. The program would also facilitate individual and group trainings for landlords, incentivize participation via sign-on bonuses and a damage mitigation fund, and reduce barriers for households via security deposit assistance.

What is the Cost in this budget year and future budget years? Cost in FY24 is \$300,000.

The cost for future FY25 is: \$0

Are the funds budgeted? Yes

Account number: 1145-155003-0001-78112

File Number: 0628-24

Director/Commissioner: Herron/Lanter



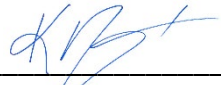
MAYOR LINDA GORTON



LEXINGTON

KACY ALLEN-BRYANT
COMMISSIONER
SOCIAL SERVICES

TO: Mayor Linda Gorton
Honorable Members, Urban County Council

FROM: 
Kacy Allen-Bryant, Commissioner of Social Services

DATE: June 10, 2024

SUBJECT: Division of Family Services Contract with Honey Hill Farm

Request:

Request Council approval for the Mayor to execute a contract to have Honey Hill Farm Petting Zoo at the Family Care Center.

Why are you requesting?

The Family Care Center is requesting this contract approval to have Honey Hill Farms at the Center with their petting zoo, as interacting with animals has been proven to have many educational and social benefits for young children. Studies have shown that interacting with animals on a regular basis helps preschoolers develop important social and emotional skills that can benefit them throughout their academic careers and beyond.

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

One-time cost of \$532.50.

Are the funds budgeted?

Yes, in account 1103-606401-6429-75101

File Number: 0629-24

Director/Commissioner: Shelia Horton-Holt / Kacy Allen-Bryant



MAYOR LINDA GORTON



LEXINGTON

KACY ALLEN-BRYANT
COMMISSIONER
SOCIAL SERVICES

TO: Mayor Linda Gorton
Honorable Members, Urban County Council

FROM: 
Kacy Allen-Bryant, Commissioner of Social Services

DATE: June 10, 2024

SUBJECT: Division of Family Services Customer Service Agreement with Republic Services

Request:

Request Council approval for the Mayor to execute an agreement with Republic Services to continue service at the Family Care Center for Fiscal Year 2025.

Why are you requesting?

The Family Care Center has a current agreement with Republic Services for bi-weekly pick up of trash service. This new agreement is a decrease in price from \$116 a month to \$75 a month, a yearly savings of \$1,392.

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

Yearly cost of \$900 for FY25.

Are the funds budgeted?

Will be budgeted in the FY25 Budget in account 1101-606401-6401-71303.

File Number: 0630-24

Director/Commissioner: Shelia Horton-Holt / Kacy Allen-Bryant



MAYOR LINDA GORTON



LEXINGTON

JONELLE PATTON
DIRECTOR
ENHANCED 911

TO: Major Linda Gorton
Urban County Council Members


FROM: Jonelle Patton, Director
Lexington Enhanced 911

DATE: June 10, 2024

SUBJECT: 911 Datamaster Software & Support Services Agreement – Sole Source Renewal

Request:

The Division of Enhanced 911 is requesting a resolution authorizing a sole source designation for the continued use of 911 Datamaster, LLC software and support service to provide a single database for 911 location records for Lexington and counties in the Central Kentucky 911 Network (CKY911net). The term of the annual renewal period is 8/1/2024 through 7/31/2025.

Why are you requesting?

Lexington, participating counties, and telephone carriers load continual changes to address information in the database management software, which is accessed by other software to supply location data during a 911 call.

What are the costs in this budget year and future budget years?

The total cost expected is \$46,732 in FY25. The cost in subsequent fiscal years may increase if additional counties join the Central Kentucky 911 Network. Any new county that joins the network will cover its portion of the software cost increase.

Are the funds budgeted?

Yes, in the following accounts for a total of \$46,732:

4204-505602-5622-76102 at \$10,182

4204-505603-0001-76102 at \$4,000

4205-505602-5621-76102 at \$32,550

File Number: 632-24



MAYOR LINDA GORTON



LEXINGTON

JONELLE PATTON
DIRECTOR
ENHANCED 911

TO: Major Linda Gorton
Urban County Council Members


FROM: Jonelle Patton, Director
Lexington Enhanced 911

DATE: June 10, 2024

SUBJECT: Sole Source Authorization – Intrado Life & Safety Solutions ECaTS

Request:

The Division of Enhanced 911 is requesting a resolution authorizing a sole source designation for continued use of Intrado Life & Safety Solutions ECaTS statistical package to perform web based queries of 911 statistics. This is a unique software and the availability of software and services to perform these tasks on a regional, enterprise level is very limited and only the product from ECaTS has been successfully implemented in several states while meeting all security and NENA standards. The term of the annual renewal period is 7/1/2024 through 6/30/2025.

Why are you requesting?

The Division of E911 already has the hardware and software for continued use of this statistical package solution, which is compatible with the current computer aided dispatch (CAD).

What are the costs in this budget year and future budget years?

The expected annual cost is \$7,579.20

Are the funds budgeted?

Yes, fully budgeted with 911 Funds in 4204-505602-5622-76102.

File Number: 633-24





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

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

DATE: JUNE 7, 2024

**SUBJECT: ITS/CMS (Intelligent Transportation System/Congestion Management System)
Traffic Improvements Project for FY 2025**

Request: Council authorization to accept an award and execute an agreement in the amount of \$480,000 from the Kentucky Transportation Cabinet (KYTC) for Intelligent Transportation System/Congestion Management System (ITS/CMS) Traffic Improvements Project for FY 2025, the acceptance of which obligates the government to provide match in the amount of \$120,000.

Purpose of the Request: The Division of Traffic Engineering was awarded federal funding from KYTC in the amount of \$480,000 for ITS/CMS projects. A combination of continued and new projects to be carried out over the next two fiscal years include professional services for signal timing, advanced vehicle detection devices, a transportation analytics subscription, data management upgrades, and a temporary traffic engineering position, plus funding for support equipment and training. All efforts are to improve safety, efficiency and resiliency of the advanced traffic signal system in Lexington.

The cost in this budget year and future budget years: The total federal funding provided for FY25 is \$480,000. LFUCG is required to provide a 20% match in the amount of \$120,000, which was requested in the FY 2025 budget. Total project cost is \$600,000. Grant funds for these activities are anticipated in future budget years.

Are the funds budgeted? FY2025 budget amendment is in process.

File Number: 0634-24

Director/Commissioner: Neal/Albright



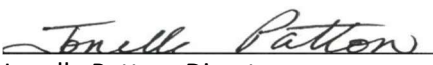
MAYOR LINDA GORTON



LEXINGTON

JONELLE PATTON
DIRECTOR
ENHANCED 911

TO: Major Linda Gorton
Urban County Council Members


FROM: Jonelle Patton, Director
Lexington Enhanced 911

DATE: June 10, 2024

SUBJECT: Sole Source Resolution - AK Associates, Inc.

Request:

A resolution recognizing Kraus Associates, Inc. d/b/a AK Associates as the sole source provider of telephone technology (i.e. routers, controllers, switches, licenses, integration services, etc.) manufactured by Solacom Technologies Inc.

Why are you requesting?

The Division of Enhanced 911 has an existing managed services agreement with AK Associates with an initial term of five (5) years that was renewed on 7/1/2022, reference Resolution# 459-2022, including service and support for existing Solacom and Exacom systems which this firm sold and installed in E911. Per the attached support letter, AK Associates is the sole source provider of Solacom equipment in Kentucky.

AK's services as a sole source provider are needed to insure the on-going maintenance and operation of the Enhanced 911 network and related systems currently used as well as the support of the Central Kentucky 911 Network (CKy911net)

What are the costs in this budget year and future budget years?

TBD

Are the funds budgeted?

Yes, in multiple accounts that include but are not limited to: 4204-505602-5622-76102, 4204-505603-0001-76102 and 4205-505602-5621-76102.

File Number: 0635 -24



MAYOR LINDA GORTON



LEXINGTON

KEVIN ATKINS

CHIEF DEVELOPMENT OFFICER

TO: Linda Gorton, Mayor
Urban County Council

FROM: Amy Glasscock, Director of Business Engagement

CC: Kevin Atkins, Chief Development Officer

DATE: Monday June 3, 2024

SUBJECT: ARPA Economic Development Grant (Workforce Partners) – Year 1

REQUEST

Authorization to execute Purchase Services Agreement (PSAs) with economic development partner agencies for workforce services.

- 1) The Kable Group/TSJ Staffing (\$50,000)
- 2) The Child Care Council of Kentucky (\$50,000)
- 3) Building Institute of Central Kentucky (\$50,000)
- 4) Community Action Council (\$40,000)
- 5) Stable Recovery (\$50,000)
- 6) Jubilee Jobs (\$50,000)
- 7) Lexington Rescue Mission (\$60,000)
- 8) IEC of the Bluegrass (\$50,000)

WHY ARE YOU REQUESTING:

The Lexington-Fayette Urban County Government annually contracts with workforce development partners to provide training and workforce development services for the government.

The Lexington-Fayette Urban County Council authorized funding for Year 1 of the Economic Development Grant for workforce services.

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

The cost for is: \$400,000.

Are the funds budgeted: Yes - 1144-136102-1362-78103

File Number: 637-24

Director/Commissioner: Kevin Atkins





Environmental Quality & Public Works Committee

April 30, 2024

Summary and Motions

Vice-Chair LeGris called the meeting to order at 1:02 p.m. Committee Members Vice Mayor Wu, Council Members Fogle, Lynch, Monarrez, Gray, Worley, F. Brown, and Sevigny were present. Chair Sheehan was absent. Council Member Plomin was present as a non-voting member.

I. Approval of March 12, 2024 Committee Summary

Motion by Sevigny to approve the March 12, 2024 Environmental Quality & Public Works Committee Summary. Seconded by Gray. Motion passed without dissent.

II. Review of Urban Services Fund

Erin Hensley, Commissioner of the Department of Finance, began with the LFUCG Fund overview which includes Sanitary Sewer Funds, Urban Services District Fund, General Services Fund, and other funds. The Urban Services Fund was established to account for streetlights, refuse collection, and street cleaning so citizens pay for only the services they use. As such, the fund is restricted for these purposes. The fund revenue is primarily derived from an ad valorem tax established for each district estimated at \$47.8M for FY24. She spoke about the different tax service districts and showed a map to illustrate where each tax service district is located. The revenue driver for streetlights is ad valorem property taxes for the fiscal year and the expense driver is utility expenses. She displayed a street light census to illustrate the location of streetlights in Lexington and she reviewed streetlight financials. The revenue driver for street cleaning is ad valorem property taxes for the fiscal year and the expense drivers are vehicle fuels and repairs, vehicle replacements, and personnel. For refuse collection, the revenue driver is ad valorem property taxes for the fiscal year and expense drivers are vehicle fuel and repairs, vehicle replacement, facility expenses and capital improvements/repairs, and personnel.

When asked if tax districts are charged if they do not have the streetlights yet, Commissioner Albright explained if they move in before the lights are installed, they are eligible for a refund. When asked how someone who does not receive services could be moved into another tax district, Nathan Dickerson, Administrative Officer in Environmental Quality & Public Works, suggested they contact him. Speaking about petitioning for streetlights and next steps, Dickerson said August 1 is the deadline because it requires a public hearing, 2 resolution readings, and 2 ordinance readings which need to occur by the end of the calendar year. The change would take effect in the next fiscal year (July 1). He described the placement of new streetlights and said they are placed a certain distance apart within the neighborhood streets. For more information, Dickerson referenced the website (lexingtonky.gov/urban-services) and said "petitioning for urban services" will be on the sidebar.

Albright explained how electric companies take direction about streetlights and the consideration of less expensive methods. She said we typically switch to LED when the light has reached the end of its useful service life. When a light has reached the end of its useful service life, the utility company pays for the switch to LED; however, if we petition to switch it over early, we must pay the cost of conversion. When asked if the fund balance for all 3 funds is totaled or if we track them separately, Hensley said they are aggregated for reporting/auditing purposes. Speaking about justifying taxes and the 311 allocations, Hensley said they study how many calls they receive for what activity and their time is charged as calls

are received. Richard Dugas, Administrative Officer in Environmental Quality & Public Works, pointed out KU has difficulty identifying the accurate location of the streetlight to repair and he stressed the importance of stating the exact location when reporting. No action was taken on this item.

III. Urban Forestry/Street Tree Update

Heather Wilson, Urban Forestry Section Manager in Division of Environmental Services, provided a background on street trees in Lexington which shows LFUCG maintained street trees are 10% while privately maintained are at 90%. She pointed out the \$150,000 allocation from the Tree Ad Hoc Committee that allowed them to clear the backlog. She reviewed the LFUCG Hazardous Tree Removals/Replacements by Council District and expenses from that for FY15-FY24. This program has shown reductions in LexCalls related to dead or dying trees; time from identification to removal of a hazard; and staff time and costs related to enforcement and abatement.

She spoke about street tree clearance pruning taking place soon and said certified arborists will be doing this work. She showed maps to illustrate where street tree clearance pruning is taking place in the city and noted 35,988 street trees have been pruned from FY16-FY24 at a cost of \$491,603. She spoke about success stories with the street tree pruning program which shows reductions in ice and windstorm damage; hanging and falling limbs; LexCalls related trees blocking roads and sidewalks; and staff time/costs related to street tree compliance assistance. She displayed a map that indicates districts showing where pruning occurs and pointed out areas in higher need. She reviewed the path forward which includes continuing clearance pruning each winter and continuing the Hazardous Street Tree Cost Share Program.

Jennifer Carey, Director of Environmental Services, presented Chapter 16 and 17B ordinance changes. Chapter 16 relates to civil fines and removing the 1/3 reduction in fine for not appealing. The reduction was meant to apply if the violator brought their site into compliance and did not appeal the citation and fine amount. In practice, cited entities submitted payments they reduced by 1/3 but have not brought their site into compliance. Attempts to collect an additional 1/3 of the assessed penalty are time consuming and often unsuccessful while the site is still out of compliance. In Chapter 17B, they cleaned up language, updated definitions, and addressed gaps in enforcement.

Wilson explained the color coding of the tree maps which shows where the highest need for tree canopy improvement is needed: red is the highest priority and green is the lowest priority (highest coverage). Wilson addressed how hazardous trees are assessed by the arborist. She explained a hazardous tree means the tree is losing its bark and the limbs are dead or dying which makes it a hazard to the public right of way. Additionally, if the tree has been impacted by a sidewalk or road, it can be considered hazardous. Speaking about removal costs and why there is an increase, Wilson attributes the increase to replacement costs. When asked how to encourage people to participate in the program and take advantage of the 100% funding for removal of a hazardous street tree, Wilson said public information outreach groups are used to get the word out.

Addressing the concern about tall trees being a hazard during windstorms, Carey said it would require a certified arborist who is qualified to do the tree risk assessment to determine if the tree is hazardous. Wilson explained the biology of trees and spoke about the importance of their design and the capability of their structure to withstand weather conditions. When asked what can be done to influence what people are buying for their yards, Wilson suggested reaching out to friends and neighbors to educate them and sharing why invasive species shouldn't be planted. Speaking about the pruning program and our relationship with KU, Wilson clarified no arborist (unless a certified line clearing arborist) can work

within ten feet of a power line. She noted KU must clear the line, or we don't have power. She mentioned working closely with the local KU arborists, and said they communicate and coordinate on a lot of things.

When asked about partnering with Fayette County Public Schools (FCPS), Wilson said she talks with them regularly. With current staffing, their number one priority is mowing, but they are slowly pushing for an increase in tree canopy. Speaking about the Hazardous Street Tree Cost Share Program, Wilson confirmed there is follow-up done after the planting has happened, but she is uncertain if there has been follow-up in years after that. She noted this could be a reason to have a street tree inventory which would allow us to have more information on trees in our community. She mentioned the tree plotter shows the canopy which is square inch leaf surface coverage. A tree inventory tells us what tree is where, how healthy it is, size, damage, etc. and this allows us to track it over time.

Motion by LeGris to approve an ordinance amending section 16-203 of the Lexington-Fayette Urban County Code of Ordinances to update division titles and remove the penalty reduction for failing to contest citations. Seconded by Gray. Motion passed without dissent.

Motion by LeGris to approve the proposed amendments to Chapter 17B of the Code of Ordinances, relating to street trees, as presented to the committee, and as set forth in the committee packet. Seconded by Gray. Motion passed without dissent.

IV. Pavement Management Plan

Nancy Albright, Commissioner of Environmental Quality & Public Works, began with a history of the Pavement Management Plan. In 2022, the Paving Subcommittee reconvened to review the plan and recommended updates. In 2023, Council approved updates for Fiscal Year 2024. She provided an overview of the plan and explained how roads are scored using the Overall Condition Index (OCI). She reviewed how the updated plan recommends allocations be apportioned according to new percentages. She spoke about the paving sharing program which seeks to coordinate LFUCG paving priorities and combine efforts to provide the highest quality finished paving surface at the lowest total cost. Moving forward, they are looking at a \$500,000 project for pavement condition scan and scoring. They will continue to explore opportunities for benchmarking, utilize performance metrics, and seek best practice models used by comparable municipalities.

There was a concern about the potential correlation between the new solvent used for snow/ice removal and the number of potholes. Rob Allen, Director of Streets and Roads, said the solvent doesn't affect pavement, but it does produce more water. Speaking about the collector and arterial roads chosen by the administration and how they consider suggestions from Council Members, Albright said they take suggestions seriously. When they are given reports about specific road conditions, they typically send a project manager out to get a true assessment. Albright noted they expect to receive results from the pavement condition scan by spring 2025. When asked what the best practice is for how often a road should be paved, Albright explained the local roads can go a longer time between paving. Allen pointed out a lot of it has to do with traffic count. Collectors and arterials get more traffic, so they need paving more often.

Speaking about the amount of paving over time, Albright said paving costs have not been constant. Like other construction costs, paving has increased over time. She said salaries and equipment have increased and generally the price goes up as well; however, we are currently experiencing a price

decrease. Addressing if there is a fixed price or if this varies by month, Albright said an adjustment can be requested once a month, but they generally ask for one about twice a year. When asked about bond issues for paving, Erin Hensley, Commissioner of Finance, said the last 6-7 years we have relied heavily on bonding as a mechanism for financing paving.

Albright spoke about the roads paved using Council dollars and said they keep track of the projects and will monitor when those funds run out. When asked if Man O War is included in the budgetary amount as an arterial, Albright said they always set aside funds for paving on Man O War and they have lined up a section from Nicholasville Road to Saron Drive to be done this summer. When asked how closely we work with FCPS properties, Albright confirmed we coordinate with them especially if we know we are on or near an entrance. No action was taken on this item.

V. Items Referred to Committee

No Action was taken on this item.

The meeting adjourned at 2:42 p.m.

ORDINANCE NO. _____ - 2024

AN ORDINANCE AMENDING SECTION 16-203 OF THE LEXINGTON-FAYETTE URBAN COUNTY CODE OF ORDINANCES TO UPDATE DIVISION TITLES AND REMOVE THE PENALTY REDUCTION FOR FAILING TO CONTEST CITATIONS.

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

Section 1 – That Section 16-203 of the Lexington-Fayette Urban County Code of Ordinances be and hereby is amended to read as follows:

Sec. 16-203. - Civil fines.

- (a) Any person who violates any provisions of article II, V, or X of chapter 16, or who fails to perform any duties imposed by these articles, or who violates any determination, permit, administrative regulation, or order of the division of environmental ~~policy~~ services issued pursuant thereto shall be liable for a civil fine for the civil offense and in addition, may be concurrently enjoined from any violations as provided in sections 16-209.
- (b) ~~In determining the amount of civil fine~~ The compliance history of the violator, the degree of environmental harm caused by the violation, and whether the violation demonstrates a willful and knowing disregard for the environment or the requirements of chapter 16 shall be considered in determining the amount of the civil fine. The division of environmental ~~policy~~ services may consider a reduction in the assessed civil penalty amount considering the violator's good faith efforts to correct the violation as stipulated in the citation.
- (c) The maximum civil fine that may be imposed for a violation of chapter 16 is fifteen thousand dollars (\$15,000.00) and each day on which any such violation shall continue shall be deemed a separate offense.
- (d) The amount of the maximum civil fine for each violation, not to exceed fifteen thousand dollars (\$15,000.00), shall be specified in a civil citation issued pursuant to section 16-202(b). ~~A fine in the amount of two-thirds (2/3) of the maximum fine specified in the citation will be imposed if the person who has committed the offense does not contest the citation and has complied with any administrative order or remedial measures issued therewith or in a related notice of violation.~~

Section 3 – That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL
PUBLISHED:
4895-3285-2385, v. 1

ORDINANCE NO. _____ - 2024

AN ORDINANCE AMENDING SECTION 17B-1 OF THE LEXINGTON-FAYETTE URBAN COUNTY CODE OF ORDINANCES TO DEFINE "ROOT ZONE"; AMENDING SECTION 17B-2 OF THE CODE TO REMOVE THE RECOMMENDED SPACING BETWEEN STREET TREES AND OTHER TREES AND REDUCING THE REQUIRED DISTANCE BETWEEN STREET TREES AND STOP OR YIELD SIGNS; AMENDING SECTION 17B-3 OF THE CODE TO REMOVE GENDERED LANGUAGE AND INCLUDE REFERENCE TO THE STREET TREE'S STUMP IN THE REQUIREMENTS OF THE SECTION; AMENDING SECTION 17B-4 OF THE CODE TO INCLUDE PROHIBITIONS ON PARKING A VEHICLE OR OTHERWISE STORING MATERIALS ON THE ROOT ZONE OF A STREET TREE IN SUCH A WAY AS TO COMPACT THE SOIL; AMENDING SECTION 17B-6 OF THE CODE TO CLARIFY THAT APPEALS OF CIVIL CITATIONS ISSUED PURSUANT TO SECTION 17B-12 OF THE CODE ARE NOT HEARD BY THE TREE BOARD; REPEALING SECTION 17B-11 OF THE CODE; AND AMENDING SECTION 17B-12 OF THE CODE TO INCREASE THE ADMINISTRATIVE FEE AND PENALTY FOR VIOLATIONS OF CHAPTER 17B OF THE CODE TO ONE HUNDRED AND FIFTY DOLLARS (\$150.00) AND AN AMOUNT NOT TO EXCEED TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00) PER VIOLATION, RESPECTIVELY, AND TO PROVIDE FACTORS FROM WHICH THE PENALTY DETERMINATION IS MADE; ALL EFFECTIVE UPON PASSAGE OF COUNCIL.

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

Section 1 – That Section 17B-1 of the Lexington-Fayette Urban County Code of Ordinances be and hereby is amended to read as follows:

Sec. 17B-1. - Definitions.

The following words and phrases when used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section:

- (1) Street tree shall mean any tree within the urban county government right-of-way or designated tree planting easement, excepting those trees regulated pursuant to article 18 of the Zoning Ordinance or the Downtown Street Tree Ordinance.
- (2) Large tree shall mean any tree species which normally attains a height in excess of fifty (50) feet at maturity.
- (3) Medium tree shall mean any tree species which normally attains a height between fifteen (15) feet and fifty (50) feet at maturity.

(4) Small tree shall mean any tree species which normally attains a height between ten (10) feet and fifteen (15) feet at maturity.

(5) Person shall mean any person, corporation, partnership, company, contracting firm or other entity, including those employed under a contract with the urban county government.

(6) Tree planting easement shall mean a planting area with a minimum width of ten (10) feet located immediately adjacent and parallel to the ~~street right-of-way~~ curb or edge of pavement or ~~directly adjacent to the sidewalk~~ in a designated easement per an approved development plan.

(7) Hazardous tree shall mean any street tree that is dead, diseased, or insect infested such that it poses a health threat to neighboring trees or creates a threat to the public safety or to property.

(8) Root zone shall mean the circular area on the ground around the trunk of the tree extending to or just outside the dripline or the edge of the canopy that contains the majority of the tree's roots.

Section 2 – That Section 17B-2 of the Lexington-Fayette Urban County Code of Ordinances be and hereby is amended to read as follows:

Sec. 17B-2. - Tree planting.

(a) Any person may plant a tree within the urban county government right-of-way immediately adjacent to their property upon obtaining a permit from the division of environmental services.

(b) The permit shall be granted providing the following conditions are met:

(1) The tree to be planted is not an unacceptable tree species, as provided in section 17B-10 of this chapter.

~~(2) The recommended spacing between this and other trees is forty-five (45) feet (large tree), thirty-five (35) feet (medium tree), and twenty-five (25) feet (small tree).~~

(23) The minimum size of the planting area complies with the requirements of Article 6-10 of the Land Subdivision Regulations.

(34) If installed between the sidewalk and the street, the tree location is to be at least ~~seventy-five (75)~~ fifty (50) feet in advance of stop or yield signs, twenty-five (25) feet in advance of any other standard regulatory or warning signs, and ten (10) feet from fire hydrants or utility poles.

(45) Only small trees shall be permitted for planting in areas where overhead utility wires are located or where utility easements for overhead utility wires have been dedicated.

(56) The property owner shall call Kentucky 811 to locate utilities and check proposed planting sites for compliance with requirements relating to utilities, obstructions and potential interference with future construction, including, but not limited to, compliance with KRS 367.4901 et seq.

(67) The property owner shall maintain the tree after the tree is planted. Maintenance shall include watering, pruning, removal of dead or diseased limbs and insect control, as necessary. The property owner also shall be responsible for any damage to existing utilities caused by the tree installation.

(c) The division of environmental services may waive any of the conditions in granting a permit where such action would promote the preservation of the health, integrity or appearance of an area's tree population. Further, where such action would promote the public welfare, the urban forester or his designee may condition the granting of a permit upon the applicant's agreement to plant only a certain species of tree.

(d) The division of environmental services may deny a permit although all conditions have been met, but only for just cause based on circumstances unique to the property affected which would create a threat to public welfare and/or safety if the proposed planting were permitted.

(e) The decision of the division of environmental services shall be made within fourteen (14) days after an application is filed. Failure to issue such decision within said time period shall have the same effect as approval of the application.

Section 3 – That Section 17B-3 of the Lexington-Fayette Urban County Code of Ordinances be and hereby is amended to read as follows:

Sec. 17B-3. - Tree removal.

(a) No person ~~may~~ shall remove a tree larger than three (3) inches in diameter, measured at a point four and one-half (4½) feet above the ground within the urban county government right-of-way without obtaining a permit from the division of environmental services.

(b) The permit shall be granted provided the tree to be removed is dead or dying.

(c) The division of environmental services may issue permits for the removal of live trees only in special circumstances. Instances where a permit for the removal of a live tree may be issued include, but are not limited to, the following:

- (1) The tree is a threat to the public safety;
- (2) The tree is a threat to the health of other trees in the community; or
- (3) The tree is to be replaced by a more desirable tree.

(d) If the division of environmental services determines that a street tree is a hazardous tree, ~~he~~ the division can order the property owner to remove the hazardous tree, including the associated stump, in a timely manner, as determined by the division of environmental services at the property owner's expense.

(e) The division of environmental services can order the property owner to remove any street tree, including the associated stump, planted without a permit, or in violation of permit conditions.

(f) Nothing contained in this chapter is intended to infringe on the authority of the urban county engineer, pursuant to KRS 179.070, to remove trees from the right-of-way of any publicly dedicated road when the trees become a hazard to traffic. If a tree is removed from the right-of-way under the authority of the urban county engineer as provided in KRS 179.070, the adjacent property owner shall bear the cost and responsibility of removing any associated stump.

(g) Except as provided in subsection (e) above, any person who removes a tree within the urban county government right-of-way shall replace the removed tree in accordance with the requirements set forth in section 17B-2(b). This requirement may be waived by the division of environmental services where replacement would be inappropriate under the standards set forth in section 17B-2(b).

Section 4 – That Section 17B-4 of the Lexington-Fayette Urban County Code of Ordinances be and hereby is amended to read as follows:

Sec. 17B-4. - Abuse or damage of street trees.

No person shall:

(a) intentionally damage, cut, poison, carve, transplant or remove any tree without a permit as required by section 17B-3 of this chapter;

(b) park any motor vehicle or otherwise store materials of any kind, that may compact the soil in the root zone;

~~(c) nor shall any person~~ attach any rope, wire, nails, advertising posters or other contrivance to any street tree;

(d) allow any gaseous liquid, herbicide or solid substance which is harmful to trees to come in contact with them; or

(e) set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any tree.

Section 5 – That Section 17B-6 of the Lexington-Fayette Urban County Code of Ordinances be and hereby is amended to read as follows:

Sec. 17B-6. - Tree board.

(a) A tree board, appointed by the mayor, shall be established. The tree board shall consist of fifteen (15) members including the following:

- (1) Eight (8) concerned and interested residents of Lexington, Fayette County, two (2) of whom shall be professionals in arboriculture;
- (2) The commissioner of environmental quality and public works, or their representative;
- (3) The director of parks and recreation, or their representative;
- (4) The director of engineering, or their representative;
- (5) A member of the urban county council, or their representative;
- (6) The director of planning or their representative;
- (7) The urban forester; and
- (8) The director of streets and roads or their representative.

(b) The membership of the commissioner of environmental quality and public works, the director of parks and recreation, the director of engineering, the director of planning, the urban forester, and the director of streets and roads, or their respective representatives shall serve ex officio. The urban county council member or their representative shall serve for the duration of their term in office. All other tree board members shall serve terms of four (4) years. All tree board members may only serve two (2) consecutive full terms. Members who have served two (2) consecutive full terms shall not be eligible for re-appointment to the tree board until the lapse of twelve (12) months from the end of their second consecutive full term.

(c) In the event a vacancy shall occur during the term of any appointed member, a successor shall be appointed for the unexpired portion of the term. All members of the tree board shall serve without pay.

(d) The tree board shall establish the board's rules, regulations and procedures and arrange for the holding of meetings on a regular basis, with not less than ten (10) meetings per calendar year.

(e) The duties of the tree board shall be as follows:

- (1) To promote urban forestry and advise appropriate municipal agencies on arboricultural matters.

(2) To hear all appeals from any decision of the division of environmental services in the application or interpretation of any of the provisions of this chapter as authorized herein, notwithstanding appeals from civil citations issued pursuant to Section 17B-12 of the Code of Ordinances, and to adopt rules for the conduct of such hearings, which rules shall uniformly apply to all such appeals and shall provide that both the appellant and the appellee shall have the right to:

- (i) Offer and examine witnesses and present evidence in support of their cases;
- (ii) Cross-examine witnesses and offer evidence to refute evidence offered in opposition; and
- (iii) Following the hearing of such appeals, receive the board's decision reduced to writing, such decision to contain the findings of fact based upon evidence produced at the hearing.

Section 6 – Section 17B-11 of the Lexington-Fayette Urban County Code of Ordinances be and hereby is repealed but reserved.

Section 7 – That Section 17B-12 of the Lexington-Fayette Urban County Code of Ordinances be and hereby is amended to read as follows:

Sec. 17B-12. - Violation.

Any violation of this chapter may be enforced through the issuance of a civil citation. Such civil citations shall be construed to provide an additional or supplemental means of obtaining compliance with this chapter. All citations issued pursuant to this chapter shall be issued by the citation officers authorized to issue such citations by section 14-10 of the Code of Ordinances and shall be referred to the infrastructure hearing board with the citations and the civil process to conform to Chapter 2B of the Code of Ordinances.

- (a) Prior to the issuance of the first civil citation for a violation of a section of this chapter, the urban county government shall issue a notice of violation, which shall specify a time period of at least twenty-four (24) hours for the correction of the violation. The time period specified shall not impose unrealistic requirements under prevailing weather and site conditions. If the violation is not corrected as specified in the written notice, the urban county government may issue a civil citation. A notice of violation shall precede the issuance of the first civil citation for such offense unless the violation is deemed to be a serious threat to the public health, safety and welfare; or, if in the absence of immediate action, the effects of the continuation of the violation would be irreparable or irreversible. No notice of violation shall be

required prior to the issuance of a citation for any offense which occurs after the first citation is issued to a person or entity.

(b) Appeal of the civil citation may be made to the infrastructure hearing board, as provided in sections 17B-5 and 16-76 of the Code of Ordinances.

~~(c) For violations of this chapter, the civil fines associated with the issuance of a civil citation are as follows: The maximum civil fine that may be imposed for a violation of this chapter is two thousand five hundred dollars (\$2,500.00), and each day on which any such violation shall continue shall be deemed a separate offense. The amount of the maximum civil fine for each violation shall be specified in a civil citation issued pursuant to this section.~~

~~(1) Upon issuance of the first citation within any 12-month period the civil fine shall be a maximum of two hundred dollars (\$200.00).~~

~~(2) The civil fine imposed upon the issuance of the second citation for violation of the same section of this chapter within any 12-month period shall be a maximum of three hundred dollars (\$300.00).~~

~~(3) The civil fine imposed upon issuance of the third citation for violation of the same section of this chapter within any 12-month period shall be a maximum of four hundred fifty dollars (\$450.00).~~

~~(4) The civil fine imposed upon issuance of the fourth or more citation for violation of the same section of this chapter within any 12-month period shall be a maximum fine of five hundred dollars (\$500.00).~~

(d) The compliance history of the violator, the degree of environmental harm caused by the violation, and whether the violation demonstrates a willful and knowing disregard for the environment or the requirements of chapter 17B shall be considered when determining the amount of the civil fine. The division of environmental policy may consider a reduction in the assessed civil penalty amount considering the violator's good faith efforts to correct the violation as stipulated in the citation.

~~(de)~~ When there is reason to believe that the violation poses a serious threat to the public health, safety or welfare; or in situations where continuation of the violation would be irreparable or irreversible, the government may, without further notice, proceed to abate the conditions. In such cases, the government may, in addition to any fine imposed herein, charge the responsible person, persons or entities with the cost of the abatement, including equipment expense, disposal fee, if any, and an administrative fee ~~of seventy five dollars (\$75.00)~~ of one hundred fifty dollars (\$150.00). Citations, if issued, shall not preclude the government

from abating the conditions and billing the responsible person, persons or entities for the cost of abatement.

(f) The urban county government may file a lien for civil fines, administrative fees, and abatements, in accordance with section 2B-9 of the Code of Ordinances and KRS 65.8835.

(eg) Nothing contained herein shall prohibit the urban county government from enforcement of this chapter by any means authorized by law.

Section 8 – That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL
PUBLISHED: