

Lexington-Fayette Urban County Government

*200 E. Main St
Lexington, KY 40507*



Tuesday, July 2, 2024

3:00 PM

Packet

Council Chamber

Urban County Council Work Session

**Lexington-Fayette Urban County Council
Schedule of Meetings
July 1, 2024 – July 8, 2024**

Monday, July 1

No Meetings

Tuesday, July 2

Social Services & Public Safety Committee.....1:00 p.m.
Government Center - Council Chamber, 2nd Fl.

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

Council Meeting.....5:00 p.m.
Government Center – Council Chamber, 2nd Fl.

Wednesday, July 3

No Meetings

Thursday, July 4

Holiday – LFUCG Offices Closed

Friday, July 5

No Meetings

Monday, July 8

No Meetings

Lexington-Fayette Urban County Council
Work Session Agenda
July 2, 2024

- I. Public Comment - Issues on Agenda**
- II. Requested Rezoning/ Docket Approval- Yes**
- III. Approval of Summary- Yes**
 - a.** Table of Motions: Council Work Session, June 25, 2024, pp. 1 - 2
- IV. Budget Amendments- Yes, pp. 3 - 7**
- V. Budget Adjustments - For Information Only- Yes, p. 8**
- VI. New Business- Yes, pp. 9 - 33**
- 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.** Council Capital Projects, July 2, 2024, p. 34
 - b.** Summary: Social Services and Public Safety Committee, May 14, 2024, pp. 35 - 41
 - c.** Partial Summary: Budget, Finance, and Economic Development Committee, June 25, 2024, pp. 42 - 55
 - d.** Presentation: SPOKE Award, p. N/A
- XI. Council Reports**
- XII. Public Comment - Issues Not on Agenda**
- XIII. Adjournment**

Administrative Synopsis - New Business Items

- a** **0665-24** Authorization to approve the Reimbursement Resolution to allow approved spending of Capital Improvement Bond Projects which were budgeted and approved in the FY2025 Budget. This allows projects to move forward prior to the sale of the bonds. (L0665-24) (Simpson/Hensley), p. 9
- b** **0670-24** Authorization to execute the necessary documents to procure software and related services under the same terms and conditions as MA-758-1800000017, a Contract between SHI, Inc. and the Commonwealth of Kentucky, including proposal #24914828 (for a total cost of \$1,306,579.09; funds are budgeted), attached hereto and incorporated herein by reference, and any future proposals related to annual renewal of this Microsoft Enterprise agreement, determined to be necessary, cost effective and feasible by the Chief Information Officer and the Division of Procurement. The term of the agreement is one year beginning 7/1/24, with two annual renewal options. (L0670-24) (Stewart/Rodgers), pp. 10 - 11
- c** **0674-24** Authorization to execute an amendment to an agreement with the New Life Day Center, Inc., for operating costs and completion of outdoor improvements, to extend the period of performance through September 30, 2024, at no additional cost. (L0674-24) (Herron/Lanter), p. 12
- d** **0675-24** Authorization to enter into an agreement with the Fayette Fiscal Court accepting and establishing funding for FY 2025 County Road Aid projects in the Rural Service Area. The estimated amount of the funds is \$858,294. (L0675-24) (Burton/Albright), p. 13
- e** **0684-24** Authorization to accept a Master Services Agreement and Forensics DNA Contract with DNA Labs International (DLI), a sole source provider, to allow the Lexington Police Department use of secure services that will directly support investigations specific to unsolved homicide and violent crime investigations for a term of two (2) years at a cost of \$150,000 in FY 2025. Funds are budgeted. (L0684-24) (Weathers/Armstrong), p. 14
- f** **0687-24** Authorization to execute a Public Infrastructure Program Forgivable Loan Agreement with Red Draw Liberty LLC in the amount of \$489,613 for the construction of sanitary sewer infrastructure improvements to serve a ten-acre site located at 2156 Liberty Road. Funds are budgeted. The Lexington Economic Development Board voted unanimously to approve the loan. (L0687-24) (Bencz/Atkins), p. 15

- g** **0688-24** Authorization to amend the classified civil service authorized strength by creating positions as approved in the FY 2025 budget process: one (1) classified civil service position of Program Manager (Grade 525E) in the Department of Planning and Preservation, four (4) classified civil service positions of Safety Officer (Grade 515N) in the Division of Police and one (1) classified civil service position of Grants Administrative Aide (Grade 518N) in the Division of Grants and Special Programs, to become effective July 1, 2024. Funds are budgeted. (L0688-24) (George/Hamilton), p. 16
- h** **0689-24** Authorization to execute Contract Modification No. 3 in the amount of \$22,762.50 with EA Partners for final design revisions and to guarantee continued engineering services for Town Branch Trail Crossing project for a new total of \$153,657.50. Funds are budgeted. (L0689-24) (Burton/Albright), p. 17 - 22
- i** **0690-24** Authorization to execute an agreement with the Kentucky Transportation Cabinet and Lexington Fayette Urban County Government to update the Lexington Area Travel Demand Forecasting Model (TDFM) to further stipulate the role, responsibility and cost-share between LFUCG and KYTC to update the TDFM at a cost not to exceed \$10,000. Budget amendment in process. (L0690-24) (Duncan/Horn), pp. 23 - 24
- j** **0691-24** Authorization to amend the classified and unclassified civil service authorized strength within the Division of Water Quality. Upon the request of the Department of Environmental Quality and Public Works, with the approval of the CAO, and in accordance with the Code of Ordinances, the Division of Human Resources conducted a classification study on the requested positions and recommended action on 34 positions. Effective retroactive to July 1, 2024. Funds are budgeted. (L0691-24) (George/Hamilton), pp. 25 - 26
- k** **0693-24** Authorization to accept grant funds to be awarded from the Kentucky Division of Emergency Management under the Federal Emergency Management Performance Grant EMA 22 Additional Funding awards for \$19,077.50. A local match of \$19,077.50 is required. Budget amendment in process. (L0693-24) (Larkin/Armstrong), p. 27
- l** **0694-24** Authorization to execute lease agreements between Lexington Fayette Urban County Government and tenants for the following houses: 3990 Raven Run Way rented at \$590.00 a month (Samuel Garcia), 4051 Richmond Road rented for \$185.00 a month (Fred Williamson), 3401 Shamrock Lane rented at \$700.00 a month (Teresa Jill Farmer) and 3561 Shamrock Lane rented at \$550.00 a month (Brian Huddle). (L0694-24) (Conrad/Ford), p. 28

m	0695-24	Authorization to submit a grant application in the amount of \$153,227.00 to the U.S. Department of Justice under the Edward Byrne Memorial Justice Assistance Grant Program in FY 2025 for equipment for the Lexington Police Department. No matching funds are required. (L0695-24) (Weathers/Armstrong), pp. 29 - 30
n	0696-24	Authorization to execute a Purchase of Service of Agreement in the amount of \$412,990.00 with Lexington-Fayette Urban County Human Rights Commission for operating costs in FY 2025. Funds are budgeted. (L0696-24) (Reynolds/Lanter), p. 31
o	0700-24	Authorization to grant a waiver to the Kentucky Transportation Cabinet (KYTC) to the requirements of Ordinance No. 85-2008, otherwise described as the Newtown Pike Landscape Ordinance, granting an exemption from the 20-foot buffer area, allowing walkway/bike path connections to the Legacy Trail, maintaining current three-plank fence and construction of three-plank fence on undeveloped properties and replacing trees and other plantings currently located in the 75-foot landscaping buffer with an in-kind replacement. The properties subject to the waiver are located at 1445, 1433, 1425 and 1419 Newtown Center Way and 789 Newtown Springs Dr. The Corridors Commission voted unanimously to support the waiver request. No budgetary impact. (L0700-24) (Carey/Albright), p. 32
p	0708-24	Authorization to submit application, and accept award if offered, in the amount of \$8,300.00 from the State Board of Elections (SBE) Help America Vote Act (HAVA) funding. Federal funds will be used to purchase voting equipment including set up and delivery approved by the State Board of Elections (SBE) for Fayette County Clerk for Fayette County, KY. No matching funds are required. (L0708-24) (Reynolds/Lanter), p. 33

**URBAN COUNTY COUNCIL
WORK SESSION
TABLE OF MOTIONS
June 25, 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, Worley, F. Brown, Sevigny, Reynolds, and Plomin were present. Council Members Gray and Baxter were absent.

I. Public Comment – Issues on Agenda

II. Requested Rezonings/Docket Approval

Motion by Ellinger to approve the June 27, 2024 Council Meeting Docket, as amended. Seconded by Plomin. Motion passed without dissent.

Motion by Wu to place on the June 27, 2024 Council Meeting Docket, a resolution authorizing the mayor or her designee to execute sponsorship agreements related to the celebration of Lexington's 250th anniversary as approved in form and content by the 250LEX Commission and the Department of Law. Seconded by Monarrez. Motion passed without dissent.

III. Approval of Summary

Motion by Sheehan to approve the June 18, 2024 Work Session Summary. Seconded by LeGris. Motion passed without dissent.

IV. Budget Amendments

Motion by Wu to approve Budget Amendments. Seconded by Monarrez. Motion passed without dissent.

V. Budget Adjustments – For Information Only

VI. New Business

Motion by Plomin to approve New Business. Seconded by Sheehan. 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

X. Continuing Business/Presentations

XI. Council Reports

XII. Public Comment – Issues Not on Agenda

Motion by Wu to enter Closed Session pursuant to KRS. 61.810(1)(c) for the purpose of discussing proposed litigation. Seconded by J. Brown. Motion passed without dissent.

Motion by Sevigny to return from Closed Session. Seconded by Fogle. Motion passed without dissent.

XIII. Adjournment

Motion by Wu to adjourn at 3:58 p.m. Seconded by Reynolds. Motion passed without dissent.

BUDGET AMENDMENT REQUEST LIST

JOURNAL	148682	DIVISION	Partner Agencies	Fund Name	General Fund
				Fund Impact	4,795,034.00
					4,795,034.00CR
					.00

To establish budgets for individual Extended Social Resource Grant recipients in FY 2025 by decreasing placeholder funds for this purpose.

JOURNAL	148713	DIVISION	Youth Services	Fund Name	General Fund
				Fund Impact	64,685.48
					64,685.48CR
					.00

To provide funding for one Non-Civil Service in Parent and Guardian Empowerment by decreasing funds for one Civil Service position, all within Youth Services.

JOURNAL	148874	DIVISION	Council Office	Fund Name	General Fund
				Fund Impact	66,150.52
					.00CR
					66,150.52

To roll forward budget for on-going Neighborhood Development projects approved at the June 13, 2024 Council Meeting by Resolution 293-2024 but not yet expended.

JOURNAL	148882	DIVISION	Streets and Roads	Fund Name	General Fund
				Fund Impact	150,000.00
					.00CR
					150,000.00

To provide funds for salt brine shed by bringing forward funds for this purpose remaining in FY 2024 in order to bid the project.

JOURNAL	148758-59	DIVISION	Streets and Roads	Fund Name	County Aid Program Fund
				Fund Impact	858,294.00
					955.00CR
					857,339.00

To provide funds for County Road Aid program based on agreement with the County Judge Executive, and increasing revenues included in FY 2025 Adopted Budget to equal the agreed amount.

JOURNAL	148761-62	DIVISION	Grants and Special Programs	Fund Name	US Dept of Justice
				Fund Impact	85,667.00
					85,667.00CR
					.00

To establish grant budget for Sexual Assault Nurse Examiner (SANE) program - FY 2025.

JOURNAL	148763-64	DIVISION	Grants and Special Programs	Fund Name	US Dept of Justice
				Fund Impact	15,000.00
					15,000.00CR
					.00

To establish state grant budget for Sexual Assault Nurse Examiner (SANE) program - FY 2025.

JOURNAL	148767-68	DIVISION	Grants and Special Programs	Fund Name Fund Impact	US Dept of Justice 53,334.00 53,334.00CR .00
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To establish grant budget for Street Sales - FY 2025.

JOURNAL	148769-70	DIVISION	Grants and Special Programs	Fund Name Fund Impact	US Dept of Justice 68,278.00 68,278.00CR .00
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To establish grant budget for Victims of Crime Act (VOCA) FY 2025.

JOURNAL	148788-89	DIVISION	Grants and Special Programs	Fund Name Fund Impact	US Dept of Justice 151,970.00 151,970.00CR .00
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To establish grant budget for Victims of Crime Act (VOCA) for Social Services - FY 2025.

JOURNAL	148752-53	DIVISION	Grants and Special Programs	Fund Name Fund Impact	US Dept of Transportation 625,000.00 625,000.00CR .00
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To establish grant budget for Federal Highway - FY 2025.

JOURNAL	148754-55	DIVISION	Grants and Special Programs	Fund Name Fund Impact	US Dept of Transportation 135,000.00 135,000.00CR .00
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To establish grant budget for Federal Transit Administration Section 5303 - FY 2025.

JOURNAL	148756-57	DIVISION	Grants and Special Programs	Fund Name Fund Impact	US Dept of Transportation 565,555.00 565,555.00CR .00
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To establish grant budget for SLX - FY 2025.

JOURNAL	148790-91	DIVISION	Grants and Special Programs	Fund Name Fund Impact	US Dept of HHS 418,035.00 418,035.00CR .00
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To establish grant budget for Senior Citizens Center - FY 2025.

JOURNAL	148771-72	DIVISION	Grants and Special Programs	Fund Name Fund Impact	US Dept of Homeland Sec 38,155.00 38,155.00CR .00
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To establish grant match for Emergency Management Grant - FY 2022 for purchase of a warning siren.

JOURNAL	148847-48	DIVISION	Grants and Special Programs	Fund Name	US Election Assistance
				Fund Impact	8,300.00
					8,300.00CR
					.00

To establish grant budget for Help America Vote Act (HAVA) FY 2025.

JOURNAL	148719	DIVISION	Grants and Special Programs	Fund Name	US Dept of Treasury
				Fund Impact	239,335.68
					239,335.68CR
					.00

To adjust budgets in American Rescue Plan Act (ARPA) State and Local Recovery Funds to provide for the construction of shelters at Cardinal Run North Park by decreasing unencumbered funds in other projects.

JOURNAL	148792-93	DIVISION	Grants and Special Programs	Fund Name	Grants - State
				Fund Impact	72,757.00
					72,757.00CR
					.00

To establish grant budget for Fire Administration Grant FY 2025.

JOURNAL	148794-95	DIVISION	Grants and Special Programs	Fund Name	Grants - State
				Fund Impact	4,170,198.00
					4,170,198.00CR
					.00

To establish grant budget for Police Training Incentive - FY 2025.

JOURNAL	148796-97	DIVISION	Grants and Special Programs	Fund Name	Grants - State
				Fund Impact	4,059,254.00
					4,059,254.00CR
					.00

To establish grant budget for Fire Training Incentive - FY 2025.

JOURNAL	148801-02	DIVISION	Grants and Special Programs	Fund Name	Grants - State
				Fund Impact	42,000.00
					42,000.00CR
					.00

To establish grant budget for Police Administration Grant FY 2025.

BUDGET AMENDMENT REQUEST SUMMARY

1101	General Services District Fund	216,150.52
1137	County Aid Program Fund	857,339.00
3140	US Department of Justice	.00
3160	US Department of Transportation	.00
3190	US Department of Health & Human Services	.00
3200	US Department of Homeland Security	.00
3220	US Election Assistance	.00
3230	US Department of Treasury	.00
3400	Grants - State	.00

YEAR END BUDGET AMENDMENT REQUEST LIST

JOURNAL	PRPD148873	DIVISION	Various	Fund Name	General Fund
				Fund Impact	525,108.17
				Fund Name	General Fund Capital Fund
				Fund Impact	7,948.08
				Fund Name	Urban Fund
				Fund Impact	14,569.28
				Fund Name	Sewer Fund
				Fund Impact	49,944.30
				Fund Name	Water Quality Fund
				Fund Impact	3,288.14
				Fund Name	Right of Way Fund
				Fund Impact	1,250.00
				Fund Name	Extended School Program
				Fund Impact	1,090.83
				Fund Name	Enhanced 911 Fund
				Fund Impact	60,100.10
				Fund Name	CKY 911 Fund
				Fund Impact	15,549.64

To provide funds for items pre-paid thru May FY 2024 that should be more accurately charged to FY 2025, as identified by the Division of Accounting.

JOURNAL		DIVISION	Various	Fund Name	General Fund
				Fund Impact	14,485,783.62
				Fund Name	Urban Fund
				Fund Impact	7,342,007.38
				Fund Name	Police Confiscated Federal
				Fund Impact	53,146.11
				Fund Name	Police Confiscated State
				Fund Impact	28,351.62
				Fund Name	Municipal Aid Program Fund
				Fund Impact	1,905,782.66
				Fund Name	County Road Aid Program
				Fund Impact	443,567.32
				Fund Name	Mineral Severance Fund
				Fund Impact	56,567.46
				Fund Name	Coal Severance Fund
				Fund Impact	29,200.00
				Fund Name	Housing and Homelessness
				Fund Impact	666,622.95

	7
Fund Name	Sanitary Sewer Fund
Fund Impact	4,097,742.39
Fund Name	Public Facilities - General
Fund Impact	276,103.69
Fund Name	PFC – Parks Projects
Fund Impact	60,755.09
Fund Name	Water Quality Fund
Fund Impact	565,385.30
Fund Name	Landfill Fund
Fund Impact	1,194,231.38
Fund Name	Right of Way Fund
Fund Impact	3,643.58
Fund Name	Enhanced 911 Fund
Fund Impact	291,799.17
Fund Name	CKY 911 Fund
Fund Impact	712.75
Fund Name	Health Insurance Fund
Fund Impact	168,194.59

To provide funds for purchase orders rolled from FY 2024 to FY 2025 for on-going projects, as identified by the Division of Procurement.

BUDGET AMENDMENT REQUEST SUMMARY

1101	General Services District	15,010,891.79
1105	General Fund Capital Fund	7,948.08
1115	Full Urban Services District	7,356,576.66
1131	Police Confiscated Federal	53,146.11
1132	Police Confiscated State	28,351.62
1136	Municipal Aid Program	1,905,782.66
1137	County Aid Program	443,567.32
1138	Mineral Severance Fund	56,567.46
1139	Coal Severance Fund	29,200.00
1145	Housing and Homelessness Fund	666,622.95
4002	Sanitary Sewer Revenue and Operating Fund	4,147,686.69
4022	Public Facilities Fund - General	276,103.69
4024	PFC - Parks Projects	60,755.09
4051	Water Quality Management	568,673.44
4121	Landfill Fund	1,194,231.38
4201	Right Of Way Program	4,893.58
4202	Extended School Program	1,090.83
4204	Enhanced 911 Fund	351,899.27
4205	CKY Network Fund	16,262.39
6002	Medical Insurance	168,194.59

INFORMATION ONLY

BUDGET ADJUSTMENT LIST
APPROVED JUNE 17 THROUGH JUNE 21, 2024

JOURNAL	148652	DIVISION	Council Office	Fund Name	General Fund	
				Fund Impact		225.00
						225.00CR
						.00

To reallocate funds in the 2nd District Council District to provide for end of year spending.

JOURNAL	148669	DIVISION	Council Office	Fund Name	General Fund	
				Fund Impact		63.00
						63.00CR
						.00

To provide funds for Conferences and Other Training by reducing funds for Operating Supplies and Expense, all within At-Large 1 cost center.

JOURNAL	148567	DIVISION	Grants and Special Programs	Fund Name	US Dept of Justice	
				Fund Impact		51,843.00
						51,843.00CR
						.00

To provide funds for Forensic Nursing Advocates on Victims of Crime Act (VOCA) FY 2024 grant by decreasing funds for personnel.

BUDGET ADJUSTMENT SUMMARY

1101	General Services District Fund	.00
3140	US Department of Justice	.00

MAYOR LINDA GORTON



LEXINGTON

ERIN HENSLEY
COMMISSIONER
FINANCE

TO: Mayor Linda Gorton
Members, Urban County Council

FROM: 
Ashley Simpson, Deputy Chief Finance

DATE: June 17, 2024

SUBJECT: FY25 GO Reimbursement Resolution (CIP Bond Projects)

Request

Authorization to approve the Reimbursement Resolution to allow approved spending of Capital Improvement Bond Projects which were budgeted and approved in the FY 2025 Budget. This allows projects to move forward prior to the sale of the bonds.

Why are you requesting?

The Department needs this action completed because this resolution provides a mechanism for the projects to move forward prior to the sale of the bonds. Expenses incurred by the Bond Projects will be paid from the Funding Account. Upon the sale of the bonds this fiscal year, the Funding Account will be reimbursed. The practice of approval of a reimbursement resolution is consistent with prior practice and is a generally accepted mechanism in the accounting community.

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

The cost for this FY is: \$2,450,603 in Debt Service

The cost for future FY is: \$3,000,000 yearly Debt Service for 20 years.

Are the funds budgeted?

The funds are budgeted
Account number: 1101-141401-1680-78401

File Number: 0665-24
Commissioner: Erin Hensley



MAYOR LINDA GORTON



LEXINGTON

LIZ RODGERS

CHIEF INFORMATION OFFICER

TO: Mayor Linda Gorton,
Honorable Members, Urban County Council

FROM: Paul Stewart, Director of Computer Services

DATE: June 3rd, 2024

SUBJECT: Microsoft Enterprise Agreement Renewal

Request:

Requesting Council approve the Mayor or the Chief Information Officer, on behalf of the Lexington-Fayette Urban County Government, be authorized to execute the necessary documents for the Lexington-Fayette Urban County Government to procure software and related services under the same terms and conditions as MA-758-1800000017, a Contract between SHI, Inc. and the Commonwealth of Kentucky, including proposal #24914828, attached hereto and incorporated herein by reference, and any future proposals related to annual renewal of this agreement, determined to be necessary, cost effective and feasible by the Chief Information Officer and the Division of Procurement, all subject to the appropriation of sufficient funds. The agreement referenced is attached, and would be effective starting 7/1/24, and ends 6/30/27.

Purpose:

Urban County Government employees utilize the Microsoft 365 suite of applications and tools to connect to the people, information, and content they need to excel in their work. The platform enables identity and access management for LFUCG, as well as mission-critical email services. In addition, employees have access to the latest versions of business productivity applications like Word, PowerPoint, Excel, and OneNote, collaboration tools such as Teams and SharePoint, and secure, fault-tolerant storage for government data. The initial term of the agreement is one (1) year, with two annual renewal options. Either party may terminate the agreement with 30 days notice, discontinuing access to the above entitlements.

Budgetary Implication:

Cost for FY25 is projected to be \$1,306,579.09



\$1,110,592.23 : 1101-202505-0001-76102
\$91,460.54: 1115-202505-0001-76102
\$65,328.95: 4002-202505-0001-76102
\$39,197.37: 4051-202505-0001-76102

Are the funds budgeted? Yes

File Number: 0670-24

Director/Commissioner: Stewart/Rodgers



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 & COMMUNITY
DEVELOPMENT

DATE: June 20, 2024

SUBJECT: Amendment to Agreement with New Life Day Center

Request: Council authorization to execute amendment to an agreement with the New Life Day Center, Inc., to extend the period of performance for outdoors improvements.

Purpose of Request: On September 28, 2023 (Resolution 516-2023), Council authorized execution of an agreement in the amount of \$154,959.00 with New Life Day Center, Inc., for operating costs to expand operating hours and complete outdoors improvements to include creation of a shaded space, water filling station, and portable hand washing station and toilets.

During the COVID-19 pandemic, New Life Day Center had reduced its weekday hours of operation to approximately 8:00 a.m. to 12:30 p.m. daily. These reduced hours further limited the options for daytime shelter available to those experiencing homelessness. Funding was provided to restore weekday hours to 8:00 a.m. to 4:30 p.m. Additional funds were provided to meet other identified service gaps for this population including lack of publicly available restrooms in the downtown area and a lack of shelter from inclement weather.

While many of the improvements have been completed, additional time is needed to complete construction of the shade structure and to allow for processing of invoices. The Office of Homelessness Prevention and Intervention seeks to extend the period of performance through September 30, 2024, in order to complete this project, which remains a critical need for this population.

What is the Cost in this budget year and future budget years? Cost in FY24 is \$0.
The cost for future FY25 is: \$0

Are the funds budgeted? N/A

File Number: 0674-24

Director/Commissioner: Herron/Lanter



MAYOR LINDA GORTON



LEXINGTON

DOUG BURTON
DIRECTOR
ENGINEERING

TO: Mayor Linda Gorton
Urban County Council

FROM: Doug Burton, Director
Division of Engineering

DATE: June 13, 2024

SUBJECT: FY-2025 Fiscal Court Agreement

Request:

Authorization for the Mayor to enter into an agreement with the Fayette Fiscal Court accepting and establishing funding for Fiscal Year 2025 County Road Aid projects in the Rural Service Area. The estimated amount of the funds is \$858,294.

Purpose of Request:

The LFUCG Department of Environmental Quality & Public Works needs this action to accept and spend the funds for resurfacing, maintenance and emergency projects on county roads in the Rural Service Area of Fayette County.

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

The cost for this FY is: \$858,294
The cost for future FY is: N/A

Are the funds budgeted?

Yes

File Number: 0675-24

Director/Commissioner: Burton/Albright





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 21, 2024

SUBJECT: DNA Labs International (DLI) – Master Services Agreement / Forensic DNA Contract

Request

Authorization to accept the attached Master Services Agreement and Forensics DNA Contract with DNA Labs International (DLI).

Why are you requesting?

The Master Services Agreement will allow the Lexington Police Department use of secure services that will directly support investigations specific to unsolved homicide and violent crime investigations. In addition to providing sole source DNA technology services, DLI has an established relationship with our KSP state lab, which enables DLI to upload any applicable DNA standards into the national CODIS database via the state lab. DLI is also the first and only accredited laboratory following FBI QAS and ISO 17025:2017 processing samples with Kintelligence for Genealogy. DLI has been established as a sole source vendor (Resolution No. 210-2024). The attached document requires Council and Mayor Gorton's approval. This is a two (2) year agreement.

What is the cost in this budget year and future budget years? \$150,000

Are the funds budgeted? Funds are included in FY25 Mayor's Proposed Budget
1101-505506-5561-71299

File Number: 0684-24

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

LBW/rmh

MAYOR LINDA GORTON



LEXINGTON

KEVIN ATKINS
CHIEF DEVELOPMENT OFFICER

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

**FROM: CRAIG BENCZ
ADMINISTRATIVE OFFICER SR.**

DATE: JUNE 21, 2024

SUBJECT: PUBLIC INFRASTRUCTURE PROGRAM AGREEMENT: RED DRAW LIBERTY LLC

REQUEST:

Authorization to execute a Public Infrastructure Program Forgivable Loan Agreement with Red Draw Liberty LLC in the amount of \$489,613 for the construction of sanitary sewer infrastructure improvements to serve a ten acre site located at 2156 Liberty Road.

REASON FOR REQUEST:

The Lexington Economic Development Investment Board reviewed the application from Red Draw Liberty LLC at their May 7, 2024 meeting. The Board voted unanimously to approve a forgivable loan in the amount of \$489,613 to Red Draw Liberty LLC for the construction of sanitary sewer infrastructure improvements that will serve the project site and surrounding properties, and will allow for the removal of an existing pump station that is maintained and operated by the LFUCG. The proposed multifamily apartment project will create two (2) new permanent full-time jobs.

WHAT IS THE COST IN THIS BUDGET YEAR AND FUTURE BUDGET YEARS?

The cost for this FY is: \$489,613

The cost for future FY is: N/A

ARE THE FUNDS BUDGETED?

The funds are budgeted.

Account number: 1144-133004-0001-78103

DIRECTOR/COMMISSIONER: Craig Bencz/Kevin Atkins



MAYOR LINDA GORTON



LEXINGTON

GLEND A HUMPHREY GEORGE
DIRECTOR
HUMAN RESOURCES

M E M O R A N D U M

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

FROM: 
Glenda Humphrey George, Director
Division of Human Resources

DATE: June 22, 2024

RE: Amendment to Authorized Strength - FY 2025 Budget

The attached action amends the classified civil service authorized strength by creating positions as approved in the FY 2025 budget process, to become effective July 1, 2024.

The request includes the following to be effective July 1, 2024:

- Create one (1) classified civil service position of Program Manager (Grade 525E) in the Department of Planning and Preservation;
- Create four (4) classified civil service positions of Safety Officer (Grade 515N) in the Division of Police;
- Create one (1) classified civil service position of Grants Administrative Aide (Grade 518N) in the Division of Grants and Special Programs

The fiscal impact for FY 2025 (26 pay periods) will be budget-neutral. All funding for the new positions are included in the FY 2025 approved budget.

File Number: 0688-24

Direct or/Commissioner: Glenda Humphrey George/Sally Hamilton

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



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 21, 2024

SUBJECT: Contract Modification No. 3 with EA Partners for the Town Branch Trail Crossing

Request: Council authorization to execute Contract Modification No. 3 in the amount of \$22,762.50 with EA Partners for design of Town Branch Trail Crossing for a new total of \$153,657.50.

Purpose of Request:

On July 7, 2015 (Resolution No. 460-2015), Council authorized execution of an Engineering Service Agreement in the amount of \$81,500 with EA Partners for design of Town Branch Trail Mid-Block Crossing at Old Frankfort Pike and McConnell Springs Drive (RFQ 18-2015). On June 16, 2016, (Resolution 355-2016), Council approved Contract Modification No. 1 increasing the total to \$91,600. On November 4, 2021 (Resolution 606-2021), Council approved Contract Modification No. 2 increasing the total to \$130,895

The LFUCG Division of Engineering needs this action to fund final design revisions and guarantee continued engineering services for the Town Branch Trail Crossing project. Details of the changes are shown in the attached Change Order forms.

What is the cost in this budget year and future budget years? Cost in FY24 is \$22,762.50. No additional costs are anticipated in future budget years.

Are the funds budgeted? Funds are budgeted in the following account:

FUND	DEPT ID	SECT	ACCT	PROJECT	ACTIVITY	BUD REF
3160	303202	3225	90313	TOWNCRS_2015	DESIGN_A	2015

File Number: 0689-24

Director/Commissioner: Burton/Albright



Town Branch Trail Mid Block Crossing													
Plan Revision Task List													
June 5, 2024													
						Principal AG \$150/hr	Principal TH \$150/hr	Engineer \$120/hr	Cadd Tech \$85/hr	Field Survey \$150/hr	Landscape Architect \$90/hr	Sub Contractor	Total
							8						\$ 1,200.00
Project Specifications													
Services During Bidding							17	2	10				\$ 3,640.00
Deliverables													
Plans and Specifications to Lynnblue Print													
Attend Prebid conference													
Response to bidder questions													
Attend Bid Opening													
Prepare and distribute addendum													
Verify capacity and ability of low bidder													
Recommend Award													
Preconstruction Meeting													
Review Shop Drawings													
Crossing Features							4		4				\$ 940.00
Connect to Townbranch Trail Phase V													
												Total Cost of Revisions	\$ 22,762.50

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
CONTRACT MODIFICATION

Date: May 31, 2024

Project: Town Branch Trail Crossing

Location: Old Frankfort Pike and McConnell Springs Rd

To (Contractor): EA Partners

311 Wall St #1

Lexington, KY 40513

Contract No: 139-2015 Contract Modification No: 3

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

[illegible]

Total decrease

69

Total increase

22.762.50

Net (increase/decrease) in contract price

\$

Current Contract Amount = ~~\$130~~ 895.00

New Contract Amount = \$153,657.50

Recommended by

(Proj. Engr.)

Date 5/31/2024

Accepted by

(Contractor)

Date 6/5/2024

Approved by _____

(Urban Co. Engr.)

Date 6/11/24

Approved by:

(Commissioner)

Date 6/18/24

Approved by:

(Mayor or CAO)

Date _____

JUSTIFICATION FOR CHANGE

PROJECT: Town Branch Trail Crossing

CONTRACT NO. 139-2015

CONTRACT MODIFICATION NO.: 3

1. Necessity for change: To complete design revisions necessary due to utility conflicts and mid-block crossing placement.
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: N/A

Mayor

Date

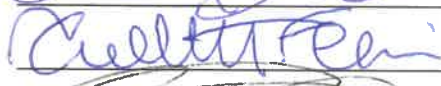
CONTRACT HISTORY FORM

Project Name Town Branch Trail Crossing
Contractor: EA Partners
Contract Number and Date: 139-2015 July 15, 2015
Responsible LFUCG Division: Engineering

CONTRACT AND MODIFICATION DETAILS

A. Original Contract Amount:	\$	<u>81,500.00</u>	
Next Lowest Bid Amount:			
<u>NA</u>			
B. Amount of Selected Alternate or Phase:	\$	<u></u>	
C. Cumulative Amount of All Previous Alternates or Phases:	\$	<u>81,500.00</u>	
D. Amended Contract Amount:	\$	<u>81,500.00</u>	
E. Cumulative Amount of All Previous Change Orders:	\$	<u>49,395.00</u>	<u>60.6%</u> (Line E / Line D)
F. Amount of This Change Order:	\$	<u>22,762.50</u>	<u>27.9%</u> (Line F / Line D)
G. Total Contract Amount:	\$	<u>153,657.50</u>	

SIGNATURES

Project Manager: 
Reviewed by: 
Division Director: 

Date: 5/31/24
Date: 05/31/24
Date: 6/11/24

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 20, 2024

SUBJECT: Lexington Area MPO Travel Demand Forecasting Model

Request: Council authorization to execute an agreement with the Kentucky Transportation Cabinet and Urban County Government to update the Lexington Area Travel Demand Forecasting Model (TDFM). The agreement is to further stipulate the role, responsibility and cost-share between LFUCG and KYTC to update the TDFM at a cost not to exceed \$10,000.

Purpose of the Request: On March 21, 2024 (Resolution 124-2024), Council authorized acceptance of federal Surface Transportation Block Grant – Lexington (STBG-SLX) funds in the amount of \$565,555 for the MPO's FY 25 Unified Planning Work Program to carry out various transportation planning activities. One component of the approved FY 2025 UPWP is to update the TDFM. The Kentucky Transportation Cabinet (KYTC), in partnership with the Lexington Area Metropolitan Planning Organization (MPO) and the City of Lexington will utilize KYTC's statewide consulting services contract to update the Lexington Area Travel Demand Forecasting Model as outlined in the MPO's FY 2025 Unified Planning Work Program. The purpose of this agreement is to further stipulate the role, responsibility and cost-share between LFUCG and KYTC to update the TDFM at a cost not to exceed \$100,000, of which the MPO/LFUCG is responsible for 50% (\$40,000 federal / \$10,000 local). The portion of the project for which the MPO/LFUCG is responsible (\$40,000 federal / \$10,000 local) will be deducted from the \$565,555.

The Travel Demand Forecasting Model (TDFM) is a required planning tool of the federally-required statewide and metropolitan transportation planning process. The project cost share is outlined below:

Funding Source	Federal (80%)	Non- Federal (20%)	Total
STBG-dedicated to the Lexington Area (SLX)	\$40,000		
- Lexington Fayette Urban County Government		\$10,000	\$50,000
KYTC Statewide Planning & Research (SPR)	\$40,000		
- KY Transportation Cabinet (state funds)		\$10,000	\$50,000
Total	\$ 80,000	\$20,000	\$100,000



Cost in this budget year and future budget years: Cost is \$10,000 in FY 2025. There are no anticipated costs in future budget years.

Are the funds budgeted? FY25 budget amendment is in process. 3160-160705-0001-71299
SLX_UPWP_2025

File Number: 0690-24

Director/Commissioner: Duncan/Horn

MAYOR LINDA GORTON



LEXINGTON

GLEND A HUMPHREY GEORGE
DIRECTOR
HUMAN RESOURCES

TO: Linda Gorton, Mayor
Sally Hamilton, Chief Administrative Officer
Councilmembers

FROM: Glenda Humphrey George, Director 
Division of Human Resources

DATE: June 21, 2024

RE: Reorganization – Division of Water Quality

Request:

The attached action is requesting authorization to amend the classified and unclassified civil service authorized strength as follows:

Classified Civil Service Authorized Strength

Abolishing one (1) position of Public Service Worker Sr., Grade 510N and creating one (1) position of Sewer Line Maintenance Field Technician Sr., Grade 516N;

Abolishing four (4) positions of Public Service Worker Sr., Grade 510N and creating four (4) positions of Sewer Line Maintenance Field Technician, Grade 515N;

Abolishing four (4) positions of Equipment Operator, Grade 512N and creating four (4) positions of Sewer Line Maintenance Field Technician, Grade 515N;

Abolishing seven (7) positions of Equipment Operator Sr., Grade 515N and creating seven (7) positions of Sewer Line Maintenance Field Technician, Grade 515N;

Abolishing two (2) positions of Equipment Operator Sr., Grade 515N and creating two (2) positions of Sewer Line Maintenance Field Technician Sr., Grade 516N;

Abolishing three (3) positions of Heavy Equipment Operator, Grade 516N and creating three (3) positions of Sewer Line Maintenance Field Technician Sr., Grade 516N;



Abolishing six (6) positions of Public Service Supervisor, Grade 517N and creating six (6) positions of Sewer Line Maintenance Supervisor, Grade 518N;

Abolishing three (3) positions of Public Service Supervisor Sr., Grade 518N and creating three (3) positions of Sewer Line Maintenance Supervisor Sr., Grade 519N;

Changing the pay grade of one (1) position of Sewer Line Maintenance Superintendent, Grade 522E to one (1) position of Sewer Line Maintenance Superintendent, Grade 524E;

Changing the pay grade of one (1) position of CMOM Program Manager, Grade 523E to one (1) position of CMOM Program Manager, Grade 525E; and transferring the incumbents.

Unclassified Civil Service Authorized Strength

Abolishing two (2) positions of Public Service Apprentice, Grade 504N and creating two (2) positions of Sewer Line Maintenance Technician Apprentice, Grade 509N;

Effective retroactive to July 1, 2024.

Why are you requesting:

Upon the request of the Department Environmental Quality and Public Works, with the approval of the CAO, and in accordance with the Code of Ordinances, the Division of Human Resources conducted a classification study on the requested positions.

The study was conducted according to standard procedures using a Job Analysis Questionnaire (JAQ) and position audit. The positions were analyzed by staff using the whole job rank and factor comparison methods. As a result, a recommendation for the requested positions is described in this action.

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

This has a 12-month future impact cost of \$156,644.34.

File Number: 0691.24

Director/Commissioner: Glenda Humphrey George/Sally Hamilton

If you need additional information, please contact Alana Morton at 859-258-3037.





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

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

DATE: JUNE 25, 2024

SUBJECT: EMA 22 ADDITIONAL FUNDING AWARD

Request: Council authorization to accept award in the amount of \$19,077.50 from Kentucky Division of Emergency Management under the Federal Emergency Management Performance Grant EMA 2022 Additional Funding Award. Acceptance of federal funds obligating the Urban County Government local match in the amount of \$19,077.50. Match is budgeted.

Purpose of Request: The Division of Emergency Management has been awarded federal funds from the Kentucky Department of Military Affairs, Division of Emergency Management. The purpose of this project is to support emergency preparedness activities in Fayette County. Funds from the EMA 2022 Additional Funding Award will be used to purchase and install one outdoor warning siren system to alert and warn the general public.

What is the cost in this budget year and future budget years? \$19,077.50 in federal funds is awarded. Local match in the amount of \$19,077.50 is required and budgeted for the Division of Emergency Management for a total project cost of \$38,155. There is no impact on future budget years.

Are funds budgeted: FY24 Budget amendment is in process.

File Number: 693-24

Director/Commissioner: Larkin/Armstrong



MAYOR LINDA GORTON



LEXINGTON

MONICA CONRAD
DIRECTOR, PARKS & RECREATION

TO: Mayor Linda Gorton
Honorable Members, Urban County Council

FROM: 
Monica Conrad, Director, Parks and Recreation

DATE: June 24, 2024

SUBJECT: Lease Agreements

Request:

Request Council Authorization for the Mayor to execute Residential Lease Agreements with Samuel Garcia, Fred Williamson, Brian Huddle, and Teresa Jill Farmer.

Purpose:

Residential Lease Agreements will provide funding to support Parks and Recreation. The agreements between Lexington Fayette Urban County Government and tenants are reviewed annually with the goal of achieving fair market value. Properties within agreements are as follows: 3990 Raven Run Way rented for \$590.00 per month, 4051 Richmond Road rented for \$185.00 per month, 3401 Shamrock Lane rented for \$700.00 per month, and 3561 Shamrock Lane rented for \$550.00 per month.

Budgetary Implication:

The cost for Fiscal Year 2025 is \$0.

Are the funds budgeted?

Yes, revenue - 1101-707606-7672-42181

File Number: 0694-24

Director/Commissioner: Monica Conrad/Chris Ford



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 21, 2024

SUBJECT: Edward Byrne Memorial Justice Assistance Grant Program for FY 2025

Request: Council authorization to submit a grant application in the amount of \$153,227.00 to the U.S. Department of Justice under the Edward Byrne Memorial Justice Assistance Grant Program in FY 2025 for equipment for the Lexington Police Department. No matching funds are required.

Purpose of Request: The Lexington-Fayette Urban County Government is eligible to apply for federal funds from the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice, under the Edward Byrne Memorial Justice Assistance Grant (JAG) Program. The JAG program provides local agencies with the flexibility to prioritize and place justice funds where most needed.

The LFUCG funding priority for the FY 2025 JAG Funds will include training and equipment for the Lexington Police Department to improve public safety.

- The first project is for ASU flight training in the amount of \$27,000.
- The second project is for K-9 Unit outer carriers in the amount of \$3,000.00.
- The third project is to provide for the purchase of Ruggedized Miniature Reflex Systems in the amount of \$8,000.00.
- The fourth project is to provide K-9 with E-Collars in the amount of \$2,000.00.
- The fifth project is for Mounted Police to purchase Tipperary Eventer pro padded vests for riders in the amount of \$1,800.00 and Hit Air equestrian vests for riders in the amount of \$2,000.00.
- The sixth project is for ERU to purchase three Steiner DBAL A3 laser illuminators in the amount of \$6,900.00.
- The seventh project is to purchase six new Police Bicycles that will be equipped as needed for Patrol duties in the amount of \$7,020.00.



- The eighth project is to purchase a bleeding control kit and an aluminum toolbox for the unit ATV in the amount of \$1,200.00.
- The ninth project is for Patrol to purchase Red DOT sight packages with weapon mounted lights in the amount of \$24,381.00.
- The tenth project is for Training to purchase technology-based firearms training tools in the amount of \$10,853.00.
- The eleventh project is for RTIC to purchase a traffic camera server in the amount of \$59,073.00.

What is the cost in this budget year and future budget years? Available funding in Fiscal Year 2025 is \$153,227.00. Future years funding is dependent upon availability of grant funding.

Are the funds budgeted? A budget amendment will be completed if awarded.

File Number: 0695-24

Director/Commissioner: Weathers/Armstrong





TO: LINDA GORTON, MAYOR
URBAN COUNTY COUNCIL

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

DATE: June 24, 2024

SUBJECT: Purchase of Services Agreement in the amount of \$ with Lexington-Fayette
Urban County Human Rights Commission

Request:

Council authorization to execute a Purchase of Service of Agreement in the amount of \$412,990.00 with Lexington-Fayette Urban County Human Rights Commission for FY 2025.

Purpose of Request:

The FY 2025 General Fund Budget provides \$412,990.00 to support the operating costs of the Lexington-Fayette Urban County Human Rights Commission. The agency will continue to safeguard all individuals within Lexington-Fayette County from discrimination based on race, color, religion, national origin, sex, age, disability, familial status, and sexual orientation/gender identity in connection with housing, employment, and public accommodations and to effect the provisions and purposes of the Kentucky Civil Rights Act (KRS Chapter 3444), Urban County Ordinances 199-94 and 201-99, provision 7.17 of the Lexington-Fayette Merger Charter of 1974, and any other laws enacted by the Lexington-Fayette Urban County Government relating to the Commission.

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

Available funding in Fiscal Year 2025 is \$ 412,990.00

Are the funds budgeted?

Yes, funds are in the FY2025 Budget.

File Number: 0696-24

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 Carey, P.E. Director
Division of Environmental Services

DATE: June 24, 2024

SUBJECT: Newtown Pike Landscape Ordinance Waiver to KYTC

Request authorization to grant a waiver to the Kentucky Transportation Cabinet (KYTC) to the requirements of Ordinance No. 85-2008, otherwise described as the Newtown Pike Landscape Ordinance, granting an exemption from the 20-foot buffer area, allowing walkway/bike path connections to the Legacy Trail, maintaining current three-plank fence and construction of three-plank fence on undeveloped properties and replacing trees and other plantings currently located in the 75-foot landscaping buffer with and in-kind replacement.

The properties subject to the waiver are located at 1445, 1433, 1425 and 1419 Newtown Center Way and 789 Newtown Springs Dr.

Code of Ordinance 2-472 allows the Corridors Commission to recommend granting a waiver to the landscaping requirements of 85-2008, subject to Council approval. The Corridors Commission held a special meeting on June 24, 2024, to review the waiver request and voted unanimously to support the request, recommending to Council that the waiver be granted.

This action is needed to support the KYTC widening project of Newtown Pike (KY 922) from New Circle Road (KY 4) to Interstate 75/64 as KYTC needs property for the project.

No budgetary impact.

File Number: 700-24

Director/Commissioner: Carey/Albright



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 26, 2024

**SUBJECT: Grant Award from the State Board of Elections Help America Vote Act
(HAVA) for Fiscal Year 2025**

Request: Council authorization to submit application, and accept award if offered, in the amount of \$8,300.00 to the State Board of Elections (SBE) Help America Vote Act (HAVA) funding. Federal funds will be used to purchase voting equipment including set up and delivery for Fayette County Clerk. No matching funds are required but the application requires a Council resolution for submission.

Purpose of the Request: The State Board of Elections (SBE) Help America Vote Act (HAVA) has offered Lexington, Fayette County federal funds to purchase voting equipment including set up and delivery for the Fayette County Clerk. No matching funds are required.

The cost in this budget year and future budget years: \$8,300.00 in federal funds for Fiscal Year 2025. No matching funds are required. Future years funding is dependent upon availability of grant funding.

Are the funds budgeted? FY2025 Budget Amendment is in process.

File Number: 0708-24

Director/Commissioner: Reynolds/Lanter



**Council Capital Projects
July 2, 2024
Work Session**

Amount	Recipient	Purpose
\$ 12,000.00	LFUCG - Parks and Recreation Michelle Kosieniak 1105-707602-7221-91017	For the "Sense of Place" hamlet initiative project
\$ 80,000.00	LFUCG - Parks and Recreation Michelle Kosieniak 1105-707602-7221-91015	For improvements at Brucetown Park



Social Services and Public Safety Committee

May 14, 2024

Summary and Motions

Chair Reynolds called the meeting to order at 1:01 p.m. Committee Members Ellinger, J. Brown, Fogle, Monarrez, Gray, F. Brown, Baxter, Sevigny, and Plomin were in attendance. Vice Mayor Wu and Council Member Sheehan were also present as non-voting members.

I. Approval of April 9, 2024 Committee Meeting Summary

Motion by Gray to approve the April 9, 2024 Committee Summary. Seconded by Plomin. Motion passed without dissent.

II. Substance Abuse Intervention Program Update

Carmen Combs Marks, Substance Use Disorder Intervention (SUDI) Program Coordinator in the Department of Social Services, began the presentation with an overview of the program. The city's Substance Use Disorder Intervention Program is a resource for individuals searching for information about substance use, addiction and treatment services. She spoke about the Expanded First Responders and Community Partners Overdose Prevention Project (EFRCPO), and she reviewed the 3 goals under that project. She mentioned outreach efforts and highlighted the distribution of Naloxone in the community. She spoke about challenges and said Lexington - Fayette County ranks 12th among Kentucky's 120 counties burdened by the opioid crisis. She mentioned the increase in opioid deaths in Kentucky from 2018-2019 and she spoke about the need for expanded initiatives to combat drug overdose.

Scott Luallen, Overdose Prevention Coordinator, spoke about outreach efforts and training at various sites in the community. He reviewed those sites which include sober living programs, treatment centers and day missions, and recovery clubs. He spoke about implementing non-traditional outreach at various locations in the community. Luallen pointed out he identifies opportunities based on data and observation.

Marks provided clarification on sober living homes in neighborhoods, and she mentioned an information session taking place on May 21. When asked if we are still seeing an increase in overdose, Marks said it depends on fatal or non-fatal, but she feels it is stable since the pandemic. Speaking about the Opioid Abatement Commission, Marks said they meet monthly and there is a portal on the website where people can submit requests for presentation. She noted there is a time for public comment at the end of the meeting.

When asked if there is a plan to start spending the opioid abatement money, Marks said they are assessing resources to ensure they are making the best decisions. She said there needs to be a good foundation first to determine what is needed. Speaking about state legislation regarding HB248 and required certification for sober living houses, Marks said they are ahead of that, and certification will be required by the end of the year. When asked who to contact to check on certification of a sober living house, Marks said they are working to get information on this as some questions are still unresolved. There was a request for definitions to provide a distinction between recovery centers and sober living homes. No action was taken on this item.

III. Crime Victim Paid Leave Policy

Stephanie Theakston, Domestic & Sexual Violence Prevention Coalition Coordinator, began by expressing support of the Crime Victim Paid Leave initiative. She explained Domestic Violence is not a private or personal matter, it extends beyond the home to every part of a survivor's life. She noted this is especially true for the workplace. About 1 out of every 3 women and nearly 1 in 10 men have experienced domestic violence by an intimate partner during their lifetime and reported at least one violence-related impact, such as Injury, posttraumatic stress disorder symptoms, concern for safety, ongoing fear, needing help from law enforcement, and missing at least one day of work. Because employment can empower survivors by making them less financially dependent on abusive partners and counters isolation efforts by allowing interaction with coworkers, people who are abusive often target workplaces to create stress for the survivor. Work also allows for predictability of location and hours so survivors are easy to find. Theakston spoke about how important it is to provide a safe and supportive environment for people who are experiencing violence.

Some of the ways in which this policy benefits the workplace is it leads to less absenteeism, lower staff turnover, greater productivity, fewer safety risks, and better morale. A big part of the *It's Time* initiative is that it provides policies to support survivors and workplace safety such as paid time off to address the effects of abuse, policies regarding confidentiality, workplace safety, and accountability. Theakston reviewed the proposed ordinance and noted Louisville has had something similar in place since 2023. She highlighted paid leave authorized by this ordinance does not roll over/carry forward and there will be consequences for fraudulent requests. Paid leave under this policy will run concurrently with protected leave under FMLA to the extent leave is taken for an FMLA-qualifying condition. Marks explained any employee who has been a victim may request leave to seek medical attention, obtain services, obtain counseling, relocate, take legal action, or take other action to meet needs resulting from domestic violence or crime.

Theakston said she does not feel like this policy has been widely adopted in Fayette County; however she hopes that by LFUCG taking this step, it will encourage other employers to take this step as well. To address which employees are eligible and if this policy is extended to sworn employees, Cravens said the ordinance references classified civil service employees, but there is language in Chapter 22 for unclassified and Chapter 23 for sworn employees that links back to this. Speaking about documentation, Theakston said it would go through Human Resources (HR) so the employee might need to show medical documents but will not be required to submit a police report or protective order. Glenda George, Director of HR, said 240 hours is the maximum unpaid leave after other leave has been exhausted. If additional leave is needed, George said it would still be unpaid leave.

Speaking about documentation and what assurances an employee has for discretion and privacy, George said all records maintained by HR are confidential and these records wouldn't be treated differently. When asked if other types of abuse besides physical would qualify, Theakston mentioned the ordinance references emotional and financial abuse as well. When asked if this would be at discretion of HR on each case, Cravens mentioned examples in the ordinance of the type of documentation that could be provided to substantiate a request.

Speaking about the financial impact calculation for average non-sworn base salary – annually that average would be \$61,372 which results in an hourly rate of \$29.51. 56 hours at that rate would total \$1,652 and the total compensation would be \$2,285 (includes benefits, etc.). Cravens spoke about work-related incidents. He explained this is trying to solve private issues, not work-related because there are already

measures in place for work-related incidents and injuries. Cravens highlighted a proposed amendment to clarify this leave is not available for work-related incidents or work-related injuries.

Motion by Plomin to approve Section 21-37.4 of the code of ordinances of the Lexington-Fayette Urban County Government to authorize up to fifty-six (56) hours of paid leave and up to two hundred and forty (240) hours of unpaid leave per calendar year for classified civil service employees who are victims of domestic violence or a crime, for needs related to or resulting from domestic violence or the crime [including the following amendment: *leave granted under this section is not available for (1) work-related incidents, or (2) work-related injuries.*], effective upon passage of council. Seconded by Gray. Motion passed without dissent.

IV. Expanding the Mental Health Court with an Aftercare Program

Bill Buckman, Fayette Mental Health Court Coordinator, explained the intersection of mental health and substance abuse with 90% of participants having both mental illness and substance use disorder and 32% of those have multiple drug and alcohol dependencies. He spoke about maintaining sobriety and said 60% of participants manage to stay completely clean during their time in the program. He mentioned the recidivism rate which is close to 50% in Kentucky. One year after graduation, that rate falls to 17.7% and regular participants in the alumni program are down to 7%. He explained the ripple effect which shows as individuals heal and maintain wellness, families, neighborhoods, and communities also heal and become more functional. He mentioned the community block grant in the amount of \$180,000 which has led to an increased number of referrals from judges and attorneys.

The Alumni Group continuing care program is thriving. In the behavioral health field, it's notoriously difficult to get voluntary participation in what is known as "aftercare" or "continuing care," especially with clients who were receiving care as part of a court diversion program or who were court-ordered as a condition of probation. Several committee members applauded the work being done on the aftercare program and expressed support. Buckman explained trauma informed care is a thread that runs through everything they do. In aftercare, there are twice weekly meetings (group therapy) to talk about everything and get feedback from peers. Buckman clarified what they mean by trauma informed care is they want to create a safe place by making it a supportive community for people. No action was taken on this item.

V. Items Referred to Committee

No action was taken on this item.

The meeting was adjourned at 2:40 p.m.

ORDINANCE NO. _____ - 2024

AN ORDINANCE CREATING SECTION 21-37.4 OF THE CODE OF ORDINANCES OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT TO AUTHORIZE UP TO FIFTY-SIX (56) HOURS OF PAID LEAVE AND UP TO TWO HUNDRED AND FORTY (240) HOURS OF UNPAID LEAVE PER CALENDAR YEAR FOR CLASSIFIED CIVIL SERVICE EMPLOYEES WHO ARE VICTIMS OF DOMESTIC VIOLENCE OR A CRIME, FOR NEEDS RELATED TO OR RESULTING FROM DOMESTIC VIOLENCE OR THE CRIME, EFFECTIVE UPON PASSAGE OF COUNCIL.

WHEREAS, the Lexington-Fayette Urban County Government has an interest in ensuring that its employees who are victims of domestic violence or crime receive appropriate physical and mental health care and are afforded the opportunity to participate in court proceedings resulting from domestic violence or the crime; and

WHEREAS, LFUCG recognizes that victims of domestic violence or crime may experience physical and mental health care needs related to such incidents; and

WHEREAS, LFUCG recognizes that victims of domestic violence or crime may experience needs related to the court system, such as the need to file for an emergency protective order, to testify in court, or to otherwise participate in the prosecution of a crime, or other similar needs; and

WHEREAS, LFUCG recognizes that those without protected leave from their place of employment are less likely to seek appropriate physical and mental health care in the wake of domestic violence or a crime, less likely to participate in court proceedings related to the provision of emergency protective orders, and less likely to otherwise participate in the taking of appropriate protective steps against domestic violence or imminent domestic violence or the prosecution of crime; and

WHEREAS, LFUCG desires to support victims of domestic violence and crime in receiving appropriate physical and mental health care related to domestic violence or the crime; and

WHEREAS, LFUCG desires to support victims of domestic violence and crime in meeting any court-related needs resulting from that crime.

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

Section 1 – That Section 21-37.4 of the Code of Ordinances of the Lexington-Fayette Urban County Government be and hereby is created to read as follows:

Sec. 21-37.4 - Leave for Victims of Crime and Domestic Violence.

(a) *Definitions.* The following definitions shall apply to this section:

(1) *Domestic violence* includes any physical injury, serious physical injury, stalking, sexual abuse, strangulation, and/or assault, or the infliction of fear of imminent physical injury, serious physical injury, sexual abuse, strangulation, and/or assault, or abuse in the form of purposeful use of coercive behaviors designed to exercise power or coercive control, between family members or members of an unmarried couple.

(2) *Crime* means any offense punishable as a criminal offense under the Kentucky Revised Statutes or the Code of Ordinances of the Lexington-Fayette Urban County Government.

(3) *Family member* means a spouse, including a former spouse, a qualified adult, a grandparent, a grandchild, a parent, a child, a stepchild, an adult sibling, or any other person living in the same household.

(b) Classified civil service employees shall be eligible to use up to fifty-six (56) hours of paid leave per calendar year if the employee is a victim of domestic violence or a crime for the following purposes related to or resulting from domestic violence or the crime:

(1) To seek medical attention for the employee to recover from physical or psychological injury caused by domestic violence or the crime;

(2) To obtain services from a victim services organization;

(3) To obtain psychological or other counseling;

(4) To temporarily or permanently relocate;

(5) To take legal action, including preparing for or participating in a civil or criminal legal proceeding related to or resulting from the domestic violence or crime; or

(6) To take any other action to meet needs reasonably resulting from the domestic violence or a crime.

(c) If the employee has exhausted the paid leave provided for in subsection (b), and has exhausted any other accrued paid leave specifically including but not limited to sick leave and vacation leave, then the employee shall be eligible to use an additional amount of unpaid leave in an amount up to but not greater than two-hundred and forty (240) hours per calendar year for one or more of the purposes described in subsection (b).

(d) Both the paid leave authorized under subsection (b) and the unpaid leave authorized under subsection (c) are available on an annual basis. Any portion of the leave that remains unused at the end of a calendar year does not accumulate or carry forward to the following calendar year.

(e) In order to be eligible to receive leave under this section, an employee shall comply with the following requirements:

(1) An eligible employee shall give reasonable notice to LFUCG, provided such notice is feasible; and

(2) An eligible employee shall be required to furnish documentation to support the taking of leave under this section, certifying that the employee is a victim of domestic violence or a crime, which shall be furnished no later than two (2) business days after the employee has taken leave under this section; and

(3) An eligible employee shall be required to furnish documentation to support the use of leave for one or more of the purposes described in subsection (b). Examples of appropriate documentation for this purpose include, but are not limited to, the following:

- (1) A copy of a criminal complaint; or
- (2) A copy of an Emergency Protective Order/Domestic Violence Protective Order; or
- (3) Documentation from a victim services organization indicating that the employee utilized its services; or
- (4) Documentation that the employee received medical or psychological care resulting from the crime or domestic violence; or
- (5) Other documentation reasonably demonstrating the occurrence of domestic violence or a crime or that the employee took actions related to the occurrence of the domestic violence or a crime.

(f) A fraudulent request for leave under this section shall be grounds for disciplinary action, up to and including termination of employment.

(g) To the extent permitted by law, LFUCG shall maintain the confidentiality of any verbal communication, written document, or record submitted by an employee relative to the employee's request for leave pursuant to this section, except when disclosure is required by law.

(h) LFUCG shall not discharge or in any manner discriminate or retaliate against an employee who is a victim of a domestic violence or a crime because the employee takes leave from work under this section.

(i) Leave granted under this section shall run concurrently with protected leave under the Family and Medical Leave Act ("FMLA"), to the extent that the leave is taken for an FMLA-qualifying condition.

(j) Notwithstanding the foregoing, leave granted under this section is not available for (1) work-related incidents, or (2) work-related injuries.

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

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL
PUBLISHED:

4874-1172-6513, v. 6



Budget, Finance & Economic Development Committee

June 25, 2024

Partial Summary and Motions

Chair James Brown called the meeting to order at 1:05 p.m. Vice Mayor Dan Wu, and Committee Members Chuck Ellinger, Hannah LeGris, Liz Sheehan, Preston Worley, Fred Brown, Jennifer Reynolds, and Kathy Plomin were in attendance. Council Member Whitney Baxter was absent. Council Members Tayna Fogle, Shayla Lynch, and Dave Sevigny were also present as non-voting members.

I. Public Infrastructure Program Update

Craig Bencz, Administrative Officer Senior from the Office of Economic Development, presented on the Public Infrastructure Program Update. The Public Infrastructure Program was created by ordinance (51-2017) in 2017 and amended by ordinance (141-2022) in 2022. The purpose of the program is to provide qualified projects with local funding for public infrastructure improvements through interest-free loans with terms not to exceed ten years in length in order to promote employment growth and increase development within the Urban Service Boundary.

Council allocated \$3 million in FY23 to fund the program; all of which has been allocated pending Council approval. \$2 million in additional funding was approved by Council for FY25. The maximum loan amount is the lesser of \$500,000 or 10% of project cost. Program funds are only for hard construction costs and are provided on a reimbursement basis.

Eligible expenses consist of projects like: sanitary sewer, stormwater, public parking, public transit improvements, sidewalks, and multi-use trails. Ineligible expenses are: private utility relocations, street lights on private property, fiber/broadband, and parking that only serves a development. Applications for the program are submitted to the Chief Development Officer, reviewed by staff for recommendation to the Economic Development Investment Board (EDIB), reviewed by the EDIB for recommendation to Council, and then Council reviews and gives final approval. Applicants must provide documentation for project funding, ability to begin construction within one year, compatibility with City plans, and long-term job creation.

Proposed amendments to the ordinance include: emphasizing funding projects located within infill and redevelopment areas, clarifying public infrastructure benefits for multiple users, maintaining \$500,000 funding limit per application, clarifying publicly accessible infrastructure, adding language for "infrastructure improvements that improve system capacity and provide a public benefit", and allow for waiving of limits and conditions in the case of exceptional projects that will result in significant public benefits. There was discussion pertaining to a scoring rubric/matrix for applications especially with demand for the program increasing.

A motion by Sheehan to amend the draft ordinance, Section 1 – B, to add "or increase housing" after "spur economic development", seconded by Ellinger, the motion passed with a 5 - 3 vote. Dissenting members were F. Brown, Reynolds, and Plomin.

A motion by Worley to advance to the full Council the draft ordinance as amended and to report out early at the July 2nd, 2024, Work Session, seconded by Ellinger, the motion passed without dissent.

DRAFT 06-125-24

ORDINANCE NO. ____-2024

AN ORDINANCE AMENDING AND RESTATING ORDINANCE NO. 141-2022, RELATING TO THE PUBLIC INFRASTRUCTURE PROGRAM, IN ITS ENTIRETY, AND PROVIDING FOR ITS PURPOSE, PROGRAM FUND PROTECTIONS, PRIORITIES, LIMITATIONS, CRITERIA, AN APPLICATION PROCESS, ADMINISTRATION BY THE MAYOR'S CHIEF DEVELOPMENT OFFICER WITH OVERSIGHT BY THE ECONOMIC DEVELOPMENT INVESTMENT BOARD, AND A PROGRAM FUND AND THE ADOPTION OF NEW PROGRAM POLICIES AND GUIDELINES; ALL EFFECTIVE UPON DATE OF PASSAGE.

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

Section 1 - That Ordinance No. 141-2022, which Amended and Restated Ordinance No. 51-2017, which created the Public Infrastructure Program, is hereby amended and restated in its entirety to read as follows:

- A. That there is hereby established a local economic development and infill incentive program to be known as the “Lexington Public Infrastructure Program” (the “Program”).
- B. That the purpose of the Program is to provide certain qualified projects with local funding for public infrastructure improvements through interest-free loans with terms not to exceed ten (10) years in length in order to promote employment growth within Lexington-Fayette County and increase development within its Urban Service Boundary, with an emphasis on funding projects located within Infill and Redevelopment areas. The Program is focused on providing last dollar public infrastructure funding to incentivize viable projects that spur economic development or increase housing and provide public infrastructure benefits to multiple users.
- C. That the Economic Development Investment Board will oversee the Program and shall have the following powers, duties and responsibilities as well as those related thereto:
 - (1) Establish policies, procedures and guidelines for the Program’s operation and management; oversee and manage the Program’s financial and administrative actions; monitor and evaluate the Program’s performance;

and review, rank, prioritize, and approve funding proposals from eligible applicants.

(2) Submit an annual report on the Program's activities to the Mayor and the Urban County Council.

- D. That the Program is designed to provide funds to assist with the cost of construction of necessary public infrastructure related to a project that meets the appropriate Program criteria, including, but not limited to, sanitary sewers that other users can connect to, storm water sewers that other users can connect to, shared/public parking, public transit improvements/enhancements, publicly accessible sidewalks, publicly accessible multi-use paths and public roads (including curb, gutter, and utility relocation as needed), infrastructure improvements that improve system capacity and provide a public benefit, and those expenses typically related to the hard construction costs. Program funds may not be used for project design, engineering, and other soft costs.
- E. That in order to be eligible for funding a project must result in direct long term job creation. In order to qualify a project must ~~[A priority will be placed on those projects that]~~ provide both [one or more] of the following:
- (1) Location ~~[Projects located]~~ within the Full Urban Services Tax District (with an emphasis on projects located within Infill and Redevelopment areas) that increase development of underutilized or vacant properties, or economic development opportunities; and ~~[or]~~
 - (2) The direct creation of ~~[Projects that directly create]~~ long-term jobs in Lexington-Fayette County, Kentucky.
- F. That all funds awarded pursuant to the Program shall be solely at the discretion of the Urban County Government and shall be in the form of an interest-free loan agreement with a term not to exceed ten (10) years, maximum. The maximum amount of any loan shall not exceed the lesser of \$500,000 or ten percent (10%) of the total project cost. Up to one hundred percent (100%) of the approved loan amount may be deemed forgivable by the Urban County Government upon the meeting of any required conditions. In the event of an exceptional project that creates significantly more long-term jobs, or results in

a significantly greater benefit to the general public, than a typical project, the Urban County Government may consider waiving some or all of the above limits or conditions. All loan agreements are subject to recommendation by the Board and final approval by the Urban County Council.

G. That in order to protect Program funds the following additional requirements must be met prior to the consideration of an application for Program funds by the Board:

- (1) The applicant must be in good standing as to the payment of all Urban County Government taxes, fees, penalties, or fines;
- (2) The applicant must be able to sufficiently explain how the funding is essential to the project;
- (3) The applicant must provide sufficient detailed evidence that the project has adequate external financing (including any necessary “gap” financing for the public infrastructure funded by the Program); and
- (4) The applicant must be able to show that the project complies with the Urban County Government’s Comprehensive Plan, any relevant small area plans, and all government land use or development regulations, ordinances, and policies.

H. That any person or entity interested in obtaining Program funding must submit an application to the Mayor’s Chief Development Officer for initial review.

- (1) The application shall contain the minimum requirements established by this ordinance and any additional Program guidelines and/or policies adopted by the Urban County Government.
- (2) If the application meets the minimum criteria, the Mayor’s Chief Development Officer will make a recommendation to the Board regarding the application.
- (3) The applicant will be provided the opportunity to present additional information to the Board regarding its application. The Board will consider and review the application and any other relevant information provided regarding the application.

- (4) The Board will make a recommendation to approve the application, amend the application, or deny the application.
 - (5) If the Board determines that the Program funding application should be partially or entirely funded, the appropriate administrative steps will be taken to present the recommendation and the appropriate Program funding agreement to the Urban County Council for consideration.
 - (6) Once an application is initially approved by the Board, the applicant will have sixty (60) days to reach a preliminary recommended loan agreement with the government which shall be presented to the Urban County Council for final approval, or the funding may be withdrawn. The Board may extend this deadline by an additional thirty (30) days upon the recommendation of the Chief Development Officer.
 - (7) If an applicant is provided Program funding and fails to meet the timeline for beginning construction of the project or for encumbering or fully spending the funds, the funding can be revoked or the funding agreement terminated. Construction of the project must normally begin within twelve (12) months of funds being approved, and once encumbered, funds must be completely spent within two (2) years.
- I. The Program shall primarily be administered by the Mayor's Chief Development Officer with appropriate assistance from other departments or division of the Urban Government as necessary.
 - J. That the Program's Policies and Guidelines, as amended, which are attached hereto as Appendix A, be and hereby are adopted.
 - K. That in order to provide funding to the Program, the Department of Finance and Division of Accounting will keep track of all designated funds which will be used to fund the Program. All loan payments or collections of funds made to the Urban County Government pursuant to any Program Fund agreement shall be placed into the above Program fund so that there will be a continual funding source for the Program.

Section 2 - If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unlawful by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 3 - That this ordinance shall become effective upon the date of its passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL
PUBLISHED:

LEXINGTON PUBLIC INFRASTRUCTURE PROGRAM POLICY AND GUIDELINES

I. General

The Lexington-Fayette Urban County Government (LFUCG) established a local infrastructure incentive program to provide funding for public infrastructure ~~associated with privately funded projects within the Urban Service Area of infill and redevelopment assistance with privately funded projects within the Lexington Urban Service Boundary~~ (the “Lexington Public Infrastructure Program” or the “Program”). This Policy explains the Program and sets forth the Guidelines that will be used by the Lexington Economic Development Investment Board (the “EDIB”) and Lexington-Fayette Urban County Council (the “Council”) for the purpose of eligible infrastructure-related development cost reimbursement under the Program. The Policy and Guidelines should be reviewed and updated, if necessary, annually.

II. Lexington Public Infrastructure Program Description

The purpose of the Program is to assist in the development ~~of infill and redevelopment~~ projects within the Lexington Urban Service Boundary that will ultimately lead to long-term job creation. Emphasis will be placed on funding projects located within the Infill and Redevelopment Area. The Program is a zero percent (0%) interest loan program for a term not to exceed ten (10) years. The maximum amount of individual project funding will not exceed the lesser of \$500,000 or 10% of total project costs including private and public costs. Exceptional projects may request additional Program Funding if justified by significant job creation or public benefit. Up to 100% of the approved project funding is forgivable. Priority will be given to projects involving projects on underutilized ~~or~~ vacant land, ~~or mixed-use properties~~ projects, ~~or~~ economic development opportunities, ~~or housing~~, or projects that directly create long-term jobs.

The Program is designed to provide “last dollar in” funding. Program funds are ~~meant to assist applicants to ensure the public infrastructure portion of the overall development project are intended only for public infrastructure improvements associated with a development project that will provide a completed for the~~ public benefit and would not have occurred “but for” the Program funding. This means applicants are required to provide upfront capital in the form of private or other external (non-LFUCG) funds to cover project costs. Under the Program, funds will be awarded to assist applicants with the costs of constructing the public infrastructure necessary to complete their projects. For the purpose of this Program, public infrastructure may include, but is not limited to, sanitary sewer that other users can connect to, storm water sewer that other users can connect to, shared/public parking, public transit improvements/enhancements, publicly accessible sidewalks, publicly accessible multi-use paths and public roads (including curb, gutter, and utility relocation as needed), and infrastructure improvements that improve system capacity and provide a public benefit. Public infrastructure projects must serve the public and not be solely utilized by the private portion of the project. Program funds must be used solely for actual construction costs. Project design, engineering, and other soft costs are not eligible for Program funding. Program funds shall be a reimbursement of approved actual eligible expenses.

The Chief Development Officer working with the Commissioner of Environmental Quality and Public Works and the EDIB will develop an appropriate standard application for the Lexington Public Infrastructure Program. The application will include the minimum information specified in Section IV below, as well as that information deemed by the Chief Development Officer and Commissioner of Environmental Quality and Public Works to be reasonably related to obtaining information necessary to

make an funding recommendation to the EDIB. The application shall include project information, plans and budget information related to the overall ~~infill or redevelopment~~ project and the public infrastructure portion to which the overall project the application relates. The Chief Development Officer, EDIB, and/or Council may request supplemental information from the applicant as needed. The Chief Development Officer and Commissioner of Environmental Quality and Public Works may modify the application as necessary to ensure that all necessary information for awarding Program funds and compliance with Program requirements. To the extent allowed by law, LFUCG will treat as confidential those items marked as proprietary or confidential.

Any applicant interested in obtaining funding under the Program shall submit an application to the Office of the Chief Development Officer, along with a ~~non-refundable~~ application fee of \$500.00. The EDIB will review and amend, as necessary, the application fee annually ~~and may adjust the fee based on that review.~~

Once the Chief Development Officer receives an application, it will be reviewed internally to determine application completeness, project eligibility, verification of project estimated expenses and cost, and private or external funds available to the project. The Chief Development Officer, working in conjunction with the Commissioner of Environmental Quality and Public Works, will evaluate applications for incentive funding and determine the amount of funding for which an applicant may qualify. The Chief Development Officer and the Commissioner of Environmental Quality and Public Works may assemble the appropriate internal staff to review applications for program funding. The review panel may also include a representative of the Department of Law, the Division of Planning, and the Commissioner of the Department of Finance and Administration, ~~or and~~ others as recommended by the Chief Development Officer. The project review panel will determine whether:

- the Project complies the LFUCG Comprehensive Plan_;
- the Project complies with the LFUCG engineering manuals and related documents requirements;
- the Project's application contains an accurate and reasonable cost estimate (project cost estimate reviewed by LFUCG staff)_;
- the Project involves appropriate public infrastructure in terms of community need, scope, size, and general location_;
- the Project's construction plans are feasible within the time frame required under the Program_;
- the applicant has private or external financing in place to allow the Project to start construction within one year_; and
- the Project's application contains a strategy and reasonable estimate for new long-term job creation_.

If the internal review verifies these criteria, the application will be forwarded to the EDIB for review. The applicant will be provided the opportunity to present the project and any additional information to the EDIB related to the application.

The EDIB will make a recommendation to approve the project in full, in part, deny, or seek further review of the application. If the EDIB determines that the project should be partially or entirely funded, the appropriate administrative steps will be taken to present the recommendation and a loan agreement to the Council for consideration. The Council shall have the final authority to approve a project and no actions related to the application shall be considered fully approved or final until final action by the Council. Members of the EDIB and the Council will be required to recuse themselves from review and voting on applications if they are private investors in the company applying for incentives, investors in the

project, or otherwise have a conflict. Members of the EDIB and the Council are also prohibited from investing in companies that have received incentives.

All funding awarded pursuant to the Program shall be solely at the discretion of LFUCG and shall be subject to a loan agreement with the applicant that demonstrates sufficient private funds are allocated to complete the entire proposed development project on a timeline agreed upon in the loan agreement. Applicants may be eligible to receive funding from the Program, as well as other LFUCG funding programs, but decisions about the awarding of funds will be made independently for each program.

III. Qualifications of Applicants for Program Funding

To qualify for Program funding, an applicant must be willing to commit to the following criteria:

- Provide direct capital investment within the Lexington Urban Service Boundary; and
- Project will directly result in the creation of long-term jobs in Lexington-Fayette County, Kentucky.

Additionally, applicants will be required to:

- Provide evidence of their ability to leverage private or other external (non-LFUCG) funds. This can be documented with a bank loan, bank term sheet outlining loan terms, or a checking account statement showing the full total project costs available to complete the project.
- Demonstrate their ability to begin construction within one (1) year of the award of funding from the Program. Projects that have not commenced construction by twelve (12) months following approval by the Council shall have their funds withdrawn.
- Provide a written statement or other evidence documenting the project's compatibility with the existing plans, studies, and surveys guiding growth and land use management in Lexington-Fayette County on file with the LFUCG Division of Planning.
- Provide the project's compatibility with LFUCG ordinances and policies regarding building permits, zoning, historic preservations, engineering, business licensing and taxes, and other applicable areas.
- Demonstrate how the project will lead to long-term job creation in Lexington-Fayette County.

IV. Program Application

Any applicant interested in obtaining funding under the Program shall submit an application to the Office of the Chief Development Officer. An application fee of \$500.00 will be required with the submission of the application.

The Program application may include the following:

- Project Description: Applicant should provide a complete description of the overall project, including the project name, location, size and scope.
- Infrastructure Proposed for Funding: Identify what type of infrastructure is to be funded and provide a description of how the funding is critical to the success of the overall project.

- Expected Impact of Public Infrastructure: Provide a description of the impact the construction of the public infrastructure will have on the surrounding area and existing infrastructure system.
- Cost Estimate: Provide a detailed cost estimate of the proposed infrastructure project.
- Eligible Expenses: Provide a detailed description of all eligible expenses for the project.
- Division of Planning Compliance: Provide a letter from the Division of Planning certifying the project meets the requirements of the Comprehensive Plan, small area plans, land use regulations or other policies and has met all Planning approvals needed to start the project
- Stamped Engineering Plans: Provide copies of stamped engineering plans suitable for review of the proposed infrastructure project. Plans will be reviewed for compliance with engineering manuals as well as for cost estimate purposes.
- Evidence of Project Financing: Provide detailed evidence of funding for the overall project. In addition, applicants should provide a detailed explanation of the “gap” in financing of the infrastructure that is needed.
- Other LFUCG Funds: Provide a detailed list of all LFUCG funds that will be applied for, have been applied for, or received as part of the project.
- Other Public Funds: Provide a detailed list of all other public funds that will be applied for, have been applied for, or received as part of the project.
- Project Timeline: Provide a detailed project timeline and work schedule showing how the program funding will be encumbered with twelve (12) months of approval.

If the project review panel determines that an application does not meet minimum program requirements, the applicant will be notified and the application will be considered denied. If the project review panel determines that the application meets Program requirements and criteria, the Chief Development Officer will forward the application to the EDIB for further review and discussion.

The EDIB will consider the Chief Development Officer’s, or their designee’s, recommendation related to the application. As part of its review of the application, the EDIB will also consider whether the applicant has received additional LFUCG funding for any component of the development project that has been approved or requested for the project. The EDIB will determine if the application for funding should be partially or entirely funded based on the requested information from the applicant.

If the EDIB recommends funding for the project, the applicant shall have 60 calendar days to reach an agreement with LFUCG based on the conditions determined by the EDIB. This agreement shall be documented in the loan agreement required under this Program. The LFUCG Department of Law will review all loan agreements, and the Mayor will be authorized to sign the agreement following the approval of the award by both the EDIB and the Council. If the applicant does not reach an agreement within 60 calendar days, they may request one additional 30-day extension. If no agreement is reached within this period, the application will be considered withdrawn.

Upon timely negotiation of the loan agreement, the EDIB will forward the application and loan agreement to the Council for final consideration. At this point in the application process, the applicant may move forward with construction at their risk, excluding the public infrastructure component(s) of the project. The Council shall have the final authority to approve an application, and no actions related to the application shall be considered fully approved or final until final action by the Council. No funds will be awarded for reimbursement of infrastructure-construction materials purchased, constructed-installed or paid for prior to approval by the EDIB and final action by the Council.

If the Council approves the application, the applicant will be awarded funding under the Program pursuant to the terms and conditions of the loan agreement. If the applicant is approved by Council and does not ~~meet~~ comply with the timeline for encumbering the awarded funds, the funding may be revoked after review by the EDIB. Construction must commence within 12 months of funding approval by Council and approved funding must be fully utilized on the approved infrastructure within 24 months.

V. Protecting Public Dollars and Investments

All loan agreements entered into under this Program shall be structured in a manner that protects the public's investment and ensures compliance with all requirements of finalized agreements. Funds will only be provided through a formal loan agreement with LFUCG and actual disbursement will only occur after proof of expenditure of approved infrastructure. The EDIB will assist in the development of the loan agreement and any additional conditions for funding that are required as part of the agreement. Funds shall be disbursed as reimbursements for approved public infrastructure expenses incurred as part of the development project. Expenses not specifically agreed to as eligible expenses in the loan agreement shall not be eligible for reimbursement. In the event the applicant fails to begin construction of the project within 12 months of approval of the funding by the Council, the awarded Program funds shall be considered revoked after review by the EDIB.

The EDIB maintains the discretion to ~~attach~~ require additional taxpayer protections as necessary in the loan agreements. The following or similar types of provisions shall be included in all loan agreements under this Program:

- Term: No loan agreement under the Program may exceed a ten (10) year repayment term duration.
- Disbursement of Program Funds: No Program funds will be disbursed by LFUCG without appropriate receipts and proof of payment by the applicant seeking reimbursement. At no time shall reimbursement exceed the amount of the proof of payment. If it is in the best interest of LFUCG, the loan agreement may be structured in a manner in which the incentive funds are disbursed as different capital expenses are incurred during project construction. No funds will be awarded for reimbursement of infrastructure purchased, constructed or paid for prior to approval by the EDIB and final action of the Lexington-Fayette Urban County Council.
- Revocation of Program Funds: If project construction has not substantially started with 12 months of approval by the Council, the funding award shall be automatically considered revoked.
- Security Interests/Lien Priorities/Personal Guaranties: If feasible, all loans may be secured with the highest lien position available. LFUCG may also require personal guaranties of the developer(s)/owner(s) or other additional security.
- Best Efforts Clause: The agreements shall include a "best efforts" clause regarding the use of funds.
- Acceleration Clause: In the instance of a project shut down or other cessation of operation, the applicant or developer shall repay the full amount of the incentive plus interest as listed in the agreement.
- Letter of Credit/Loan Repayment: Repayment of the incentive will be secured by a letter of credit from a financial institution covering the period of the loan. Disbursement of the loan shall be contingent upon a letter of credit or other security.
- Annual Reporting: Applicant will provide LFUCG, via the Chief Development Officer, an annual update on the status of the project until project is fully complete.

VI. Accounting and Compliance

The Lexington Public Infrastructure Fund Program will be maintained as distinct within the LFUCG accounting system. Disbursements will be made from that account. Future appropriations, repayments,

loan proceeds, or clawbacks will be placed in that account. Disbursements will be made from the same account. Disbursement of the funds may be all at once, phased, or paid when the Government has received an invoice for reimbursement of approved capital actual eligible expenses. An invoice certifying a previously paid expense to be reimbursed will be the preferred method for distributing program funds. Loan payments will be made quarterly to the Lexington-Fayette Urban County Government beginning on the date established in the Public Incentive Agreement. Clawback payments that may be required related to compliance under the agreement will also be required to be paid quarterly.