

Lexington-Fayette Urban County Government

*200 E. Main St
Lexington, KY 40507*



Tuesday, April 18, 2023

3:00 PM

Packet

Council Chamber

Urban County Council Work Session

**Urban County Council
Schedule of Meetings
April 17, 2023 – April 24, 2023**

Monday, April 17

Workshop: Urban Service Boundary (USB).....1:00 pm
Council Caucus Room – 2nd Floor Government Center

Tuesday, April 18

Environmental Quality & Public Works Committee.....1:00 pm
Council Chamber – 2nd Floor Government Center

Council Meeting: Mayor’s Budget Address.....3:00 pm
Council Chamber – 2nd Floor Government Center

Council Work Session.....immediately following budget address
Council Chamber – 2nd Floor Government Center

Council Meeting: Zone Change Public Hearing.....5:00 pm
Council Chamber – 2nd Floor Government Center

Wednesday, April 19

Special COW: Comprehensive Plan Goals & Objectives.....10:00 am
Council Chamber – 2nd Floor Government Center

Thursday, April 20

Corridors Commission.....12:00 pm
Conference Room – 5th Floor Government Center

Quarterly COW.....4:30 pm
Caucus Room – 2nd Floor Government Center

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

Friday, April 21

No Meetings

Monday, April 24

No Meetings

**Lexington-Fayette Urban County Council
Work Session Agenda
April 18, 2023**

- I. Public Comment - Issues on Agenda**
- II. Requested Rezoning/ Docket Approval – Yes**
- III. Approval of Summary – Yes, p. 1-3**
 - a** Table of Motions: Council Work Session, March 21, 2023
- IV. Budget Amendments – Yes, p. 4-9**
- V. Budget Adjustments - For Information Only – Yes, p. 10-13**
- VI. New Business – Yes, p. 14-60**
- VII. Continuing Business/ Presentations**
 - a** Neighborhood Development Funds: April 18, 2023, p. 61
 - b** Council Capital Projects: April 18, 2023, p. 62
 - c** Summary: Environmental Quality & Public Works Committee, February 7, 2023, p. 63-77
 - d** Recognition: Chris Doerge and GIS SAG Award, p. na
- VIII. Council Reports**
- IX. Mayor's Report – Yes**
- X. Mayor's Report - Price Contract Bid Recommendations – Yes, p. 78**
- XI. Public Comment - Issues Not on Agenda**
- XII. Adjournment**

Administrative Synopsis - New Business Items

- a** **0333-23** Authorization to enter into an agreement with Meridian Management Corporation to provide facility management services for operations and maintenance at the Fayette County Courthouses beginning July 1, 2023 for an initial term of (5) years, at a cost of \$1,220,448 annually for the first (3) years. Funds are requested as part of the FY 2024 budget. (L0333-23) (Baradaran/Ford) p. 14
- b** **0338-23** Authorization to execute Change Order No. 3 (Final) to the contract with Tribute Contracting & Consultants, LLC for the Wolf Run Trunks D and E project, decreasing the final contract price by the sum of \$278,597.01 from \$3,956,920.02 to \$3,669,323.01. (L0338-23) (Martin/Albright) p. 15-17
- c** **0339-23** Authorization to approve a Class B Education Stormwater Quality Projects Incentive Grant for The Living Arts & Science Center, Inc. (LASC) in the amount of \$35,296.00. Funds are budgeted. (L0339-23) (Martin/Albright) p. 18-19
- d** **0340-23** Authorization to approve a Class B Infrastructure Stormwater Quality Projects Incentive Grant for The University of Kentucky Research Foundation (UKRF) in the amount of \$35,000.00. Funds are budgeted. (L0340-23) (Martin/Albright) p. 20-21
- e** **0341-23** Authorization to approve a Class B Infrastructure Stormwater Quality Projects Incentive Grant for The University of Kentucky Research Foundation (UKRF) in the amount of \$360,000.00. Funds are budgeted. (L0341-23) (Martin/Albright) p. 22-23
- f** **0345-23** Authorization to enter into a lease agreement with Bluegrass Community Health Center (BCHC) for the space located at 1306 Versailles Road for a term of one year beginning on July 1, 2023, with the option for three additional annual renewals. Year one rental revenue is \$117,519.27. Funds are requested as part of the FY2024 budget. (L0345-23) (Ford) p. 24
- g** **0346-23** Authorization to accept a donation of 24-30 red mulberry trees from Julian Campbell to start an orchard at Hisle Park. No budgetary impact. (L0346-23) (Conrad/Ford) p. 25
- h** **0356-23** Authorization to extend the current Police Academy lease, Contract # 91-2013, with Kentucky Community and Technical College System, at the BCTC Newtown Pike Campus for a period of one year beginning July 1, 2023 at a cost of \$89,238.96. Funds are requested as part of the FY2024 budget. (L0356-23) (Ford) p. 26
- i** **0359-23** Authorization to approve a sanitary sewer service Site Specific Agreement between the Lexington-Fayette Urban County Government (LFUCG), Long Ridge Development, LLC (LRD) and Jessamine-South Elkhorn Water District (JSEWD) to provide sanitary sewer conveyance and treatment capacity for properties identified in the agreement. No budgetary impact. (L0359-23) (Martin/Albright) p. 27-28
- j** **0360-23** Authorization to establish Straeffer Pump and Supply, Inc. as a sole source provider for the purchase and installation of replacement pumps for the Keeneland pump station at a cost of \$62,260.00. Funds are budgeted. (L0360-23) (Martin/Albright) p. 29-30

- k** **0361-23** Authorization to establish Huber Technology as a sole source provider for the repair of the bar screens at the Expansion Area (EA) 3 pump station at a cost of \$58,103.63. Funds are budgeted. (L0361-23) (Martin/Albright) p. 31-32
- l** **0362-23** Authorization to approve an Amendment to Resolution No. 460-2022, increasing the Easement Acquisition budget by \$38,540.00, from \$19,800.00 to \$58,340.00, for the Parkers Mill Trunk Sewer Project. Funds are budgeted. (L0362-23) (Martin/Albright) p. 33-35
- m** **0365-23** Authorization to create one (1) unclassified position of Behavioral Health and Wellness Coordinator (Grade 523E) for a term of two (2) years ending August 31, 2024, with the potential of a six (6) month extension renewal, in the Division of Police, effective upon passage of Council. This has a 12-month future impact of a cost of \$96,972.29 and will be grant funded. (L0365-23) (Walters/Hamilton) p. 36
- n** **0367-23** Authorization to execute a mutual aid agreement with Madison County, Kentucky to establish guidelines for providing assistance and aid during certain events and to enter into mutual aid agreements with the same material terms with any other local government that is contiguous to Fayette County or a member of the Bluegrass Emergency Response Team (BERT). No budgetary impact. (L0367-23) (Wells/Armstrong) p. 37
- o** **0368-23** Authorization to execute a Professional Services Agreement with Dr. Ryan Stanton to continue serving as Medical Director of EMS for The Division of Fire and Emergency Services at a cost of \$23,625 in FY 2023, not to exceed an annual amount of \$100,000. Funds are budgeted in FY 2023 and requested as part of the FY 2024 budget. (L0368-23) (Wells/Armstrong) p. 38
- p** **0371-23** Authorization to execute an amendment to the agreement with Polo Club Park Apartments, LLLP under the HOME Investment Partnerships Program to extend the period of performance through September 15, 2023, and to execute any other agreements or amendments with Polo Club Park Apartments, LLLP related to the use of these funds. No budgetary impact. (L0371-23) (Reynolds/Lanter) p. 39
- q** **0372-23** Authorization to execute a Conditional Commitment Letter and a Final Assistance Agreement to accept an award of federal funding from the Kentucky Cleaner Water Round 2 Grant (American Rescue Plan Act funds) in the amount of \$3,725,000 for the Town Branch WWTP Dewatering Pump Station Rehabilitation project. No matching funds required. (L0372-23) (Martin/Albright) p. 40
- r** **0373-23** Authorization to accept an award from the U.S. Department of Homeland Security under the 2021 Assistance to Firefighters Grant Program - Fire Prevention and Safety (FP&S) in the amount of \$23,804.70 to purchase and install smoke alarms for households in high-risk neighborhoods. A match of \$1,190.24 is required. Budget amendment in process. (L0373-23) (Wells/Armstrong) p. 41
- s** **0374-23** Authorization to execute modifications to agreements with the Kentucky Office of Homeland Security in partnership with the State Board of Elections (SBE) for the purchase, installation, and servicing of Cradlepoint Devices, to extend the performance period through December 31, 2023. No budgetary impact. (L0374-23) (Reynolds/Lanter) p. 42
- t** **0375-23** Authorization to execute an agreement and accept funding from the Kentucky Opioid Response Effort administered by the Commonwealth of Kentucky, Cabinet for Health and Family Services, in the amount of \$149,475, to help fund the Community Paramedicine Program. No matching funds required. (L0375-23) (Wells/Armstrong) p. 43

- u** **0376-23** Authorization to submit two applications, and accept awards if offered, to the Kentucky Office of Homeland Security requesting federal funds in the amount of \$544,277 under the State Homeland Security Grant Program for the Division of Police, Hazardous Device Unit (HDU) and Air Support Unit. No matching funds required. (L0376-23) (Weathers/Armstrong) p. 44
- v** **0377-23** Authorization to enter into an agreement with Emergent, an emergency logistics system that provides a centralized knowledge portal that delivers real time data to improve emergency response. The terms of this agreement will continue through 6 months from the effective date, March 16, 2023. No budgetary impact. (L0377-23) (Wells/Armstrong) p. 45
- w** **0380-23** Authorization to execute the Notice of Intent to Participate in the Climate Pollution Reduction Grant (CPRG), Planning Grant program that designates the Lexington-Fayette Urban County Government as the local government in the Lexington-Fayette Metropolitan Statistical Area (MSA) to oversee and be responsible for the management of the grant funds, activities, and deliverables, and to accept award, if offered, of federal funds in the amount of \$1,000,000 for the development of a plan to reduce greenhouse gas emissions in the Lexington-Fayette MSA. No matching funds required. (L0380-23) (Carey/Albright) p. 46
- x** **0382-23** Authorization to execute the Kentucky Transportation Cabinet (KYTC) Application for Encroachment Permit for a welcome sign on Athens Boonesboro Road. No budgetary impact. (L0382-23) (Carey/Albright) p. 47-48
- y** **0383-23** Authorization to execute the Kentucky Transportation Cabinet (KYTC) Application for Encroachment Permit for converting four medians from turf grass to beautification beds on Leestown Road between Westhampton Drive and McConnells Trace/Ruffian Way. No budgetary impact. (L0383-23) (Carey/Albright) p. 49-50
- z** **0385-23** Authorization to execute the agreement between the Institute of Police Technology and Management (IPTM) and the Lexington Police Department for thirty officers to attend two IPTM courses. Cost not to exceed \$29,000. Funds are budgeted. (L0385-23) (Weathers/Armstrong) p. 51
- aa** **0391-23** Authorization to abolish one (1) classified position of Fleet Operations Supervisor (Grade 520N) and create one (1) classified position of Heavy Technician (Grade 519N) in the Division of Fire and Emergency Services, effective upon passage of Council. This has future savings of \$5,104.47. (L0391-23) (Walters/Hamilton) p. 52-53
- bb** **0394-23** Authorization to abolish and create positions in order to conform with the Fair Labor Standards Act (FLSA) and transfer the incumbents from exempt to non-exempt status, effective the first payroll Monday following passage of Council. The following classification and incumbents will change from exempt to non-exempt status: Skilled Trades Supervisor (Grade 522E to Grade 522N). While the base salaries remain the same, there may be a potential fiscal impact due to the fact that these employees will become eligible for overtime pay. (L0394-23) (Walters/Hamilton) p. 54-55
- cc** **0397-23** Authorization to execute an agreement with EyeMed for Vision Care Insurance Plans for all eligible Lexington-Fayette Urban County Government employees. All plan benefits and rates will remain the same for the period beginning January 1, 2024 through December 31, 2027. There is no charge to Lexington-Fayette Urban County Government. (L0397-23) (Walters/Hamilton) p. 56

- dd** **0402-23** Authorization to execute sub-recipient agreements with Northern Kentucky Legal Aid Society, Inc. (dba Legal Aid of the Bluegrass) and Office of Kentucky Legal Services Programs Inc. (dba Kentucky Equal Justice Center) and allocate \$1,899,853.00 of Emergency Rental Assistance grant funds from the U.S. Department of the Treasury for the provision of housing stability services through the Housing Stabilization Program for tenants facing potential eviction. (L0402-23) (Wright/Lanter) p. 57-58
- ee** **0404-23** Authorization to submit applications, and accept awards if offered, to the Kentucky Office of Homeland Security under Homeland Security Grant Program for funding of \$330,598.33 to purchase equipment and conduct training for our Special Operations Team. No grant match is required. (L0404-23) (Wells/Armstrong) p. 59-60

**URBAN COUNTY COUNCIL
WORK SESSION SUMMARY
& TABLE OF MOTIONS
March 21, 2023**

Mayor Gorton called the meeting to order at 3pm. Vice Mayor Wu and Councilmembers J. Brown, Ellinger, Lynch, Sheehan, Gray, Worley, F. Brown, Baxter, Sevigny, Reynolds and Plomin were present. Councilmembers Fogle, LeGris and Monarrez were absent.

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

Motion by Ellinger to approve the March 23, 2023 Council meeting docket. Seconded by Gray. Motion passed without dissent as amended.

Motion by Sheehan to place on the docket for the March 23, 2023 Council meeting, a resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an agreement with the U.S. Green Building Council, Inc., in order for the Urban County Government to participate in the 2023 LEED for Cities Local Government Leadership Program. Seconded by Wu. Motion passed without dissent.

Motion by Sheehan to place on the docket for the March 23, 2023 Council meeting, a resolution authorizing the Mayor, on behalf of the Urban County Government, and pursuant to Resolution 181-74 and Ordinance 4-75, to execute a four year Meet and Confer Memorandum of Understanding with the American Federation of State, County, and Municipal Employees, AFSCME Local 4468, relating to non-wage related benefits and working conditions for certain employees in the Division of Waste Management. Seconded by Reynolds. Motion passed without dissent.

Motion by Reynolds to place on the docket for the March 23 Council meeting a resolution authorizing the Mayor to execute agreements with recipients of ONE Lexington's Gun Violence Prevention Grant Program. Seconded by Plomin. Motion passed without dissent.

Motion by Lynch to place ordinance #12 (An Ordinance changing the zone from a Highway Service Business (B-3) zone to a Light Industrial (I-1) zone for 0.823 net (1.037 gross) acres, for property located at 1793 Atoma Dr.) on the docket without a public hearing. Seconded by Baxter. Motion passed without dissent.

Motion by J. Brown to place ordinance #11 (An Ordinance changing the zone from a Neighborhood Business (B-1) zone to a Light Industrial (I-1) zone for 1.80 net (2.22 gross) acres, for property located at 1301 Winchester Rd.) on the docket without a public hearing. Seconded by Wu. Motion passed without dissent.

Motion by Worley to postpone ordinance #10 (An Ordinance changing the zone from Planned Neighborhood (R-3) zone to a Neighborhood Business (B-1) zone, for 0.2916 net (0.3516 gross) acres, for property located at 507 S. Limestone (a portion of) pending

public hearing until April 18th work session. Seconded by Ellinger. Motion passed without dissent.

III. Approval of Summary

Motion by Plomin to approve the March 14, 2023 work session summary. Seconded by Sevigny. Motion passed without dissent.

IV. Budget Amendments

Motion by Ellinger to approve budget amendments. Seconded by Reynolds. Motion passed without dissent.

V. Budget Adjustments-For Information Only

VI. New Business

Motion by Baxter to approve new business. Seconded by Gray. Motion passed without dissent with one recusal on item d and f. Gray recused on d and f.

VII. Continuing Business/Presentations

Motion by Wu to approve neighborhood development funds. Seconded by Baxter. Motion passed without dissent.

Motion by Plomin to approve council capital projects. Seconded by Baxter. Motion passed without dissent.

J. Brown provided a summary of the February 28, 2023 BFED Committee meeting. There were no motions to report from the meeting.

Pat Hoagland, Brandstetter Carol, Inc., presented the Cardinal Run Park, Phase I Development plan to council.

Commissioner Lanter presented proposed ordinance changes for Community and Resident Services Financial Programs.

VIII. Council Reports

Motion by Sheehan to refer VIII. Council Reports - sustainability piece to SSPS. Seconded by Plomin. Motion passed without dissent.

IX. Mayor's Report

Motion by Sevigny to approve the Mayor's Report. Seconded by Gray. Motion passed without dissent.

X. Mayor's Report-Price Contract Bid Recommendations

XI. Public Comment – Issues Not on Agenda

XII. Adjournment

Motion by Baxter to adjourn at 4:23pm. Seconded by Gray. Motion passed without dissent.

SAM, 3/24/23

BUDGET AMENDMENT REQUEST LIST

JOURNAL	140075-76	DIVISION	Streets and Roads	Fund Name Fund Impact	General Fund 1,500.00 1,500.00CR .00
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To provide funds for Public Works Conference in Charlotte, NC for President Rob Allen by recognizing reimbursement from American Public Works Association (APWA) Kentucky State Chapter.

JOURNAL	140276-77	DIVISION	Office Of The Mayor	Fund Name Fund Impact	General Fund 102.50 102.50CR .00
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To provide funds to operating expenses by recognizing revenue received for reimbursement.

JOURNAL	140278-79	DIVISION	Fire and Emergency Services	Fund Name Fund Impact	General Fund 5,310.00 5,310.00CR .00
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To provide funds for operating supplies by recognizing reimbursements from Emergency Vehicle Training participants.

JOURNAL	140280-81	DIVISION	Fire and Emergency Services	Fund Name Fund Impact	General Fund 22,021.18 22,021.18CR .00
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To provide funds for minor equipment by recognizing reimbursements related to hazmat spill clean-ups.

JOURNAL	140282-83	DIVISION	Fire and Emergency Services	Fund Name Fund Impact	General Fund 2,739.95 2,739.95CR .00
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To provide funds for operating supplies by recognizing funds from the sale of scrap metal and the sale of surplus online auction items.

JOURNAL	140284	DIVISION	Fire and Emergency Services	Fund Name Fund Impact	General Fund 14,743.00 14,743.00CR .00
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To provide funds for the purchase of a rescue boat for special operations by decreasing funds for minor equipment.

JOURNAL	140286-87	DIVISION	Fire and Emergency Services	Fund Name Fund Impact	General Fund 53,922.95 53,922.95CR .00
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To provide funds for overtime by recognizing reimbursement from Keeneland for EMS associated with Breeders Cup and Keeneland Sales.

JOURNAL	140288-89	DIVISION	Fire and Emergency Services	Fund Name Fund Impact	General Fund 24,622.47 24,622.47CR .00
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To provide funds for overtime by recognizing reimbursement from Ohio Task Force for overtime expenses incurred working the Champlain Tower (Florida) Collapse.

JOURNAL	140454-55	DIVISION	Parks and Recreation	Fund Name Fund Impact	General Fund 1,469.98 1,469.98CR .00
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To provide funds for Dunbar Community Center expenses by recognizing funds received from partner agencies, and to provide funds for Pool Administrative Operating Supplies and Expenses by recognizing refund from credit card processor.

JOURNAL	140505-06	DIVISION	Fire and Emergency Services	Fund Name Fund Impact	General Fund 21,824.49 21,824.49CR .00
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To provide funds for equipment by recognizing reimbursements related to hazmat spill clean-ups.

JOURNAL	140507-08	DIVISION	Fire and Emergency Services	Fund Name Fund Impact	General Fund 712.52 712.52CR .00
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To provide funds for operating supplies by recognizing funds from the sale of scrap metal and the sale of surplus online auction items.

JOURNAL	140511-12	DIVISION	Traffic Engineering	Fund Name Fund Impact	General Fund 2,364.48 2,364.48CR .00
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To provide funds for miscellaneous equipment communications by recognizing revenue from scrap metal recycling.

JOURNAL	139935-36	DIVISION	Family Services	Fund Name Fund Impact	Donation Fund 100.00 100.00CR .00
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To recognize a donation for assistance to Family Care Center clients.

JOURNAL	139937-38	DIVISION	Family Services	Fund Name Fund Impact	Donation Fund 100.00 100.00CR .00
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To recognize donation for operating supplies and expenses.

JOURNAL	139939-40	DIVISION	Family Services	Fund Name	Donation Fund	
				Fund Impact		325.00
						325.00CR
						.00

To recognize donations in honor of Nancy Rawlings and Eddie Rawlings to be used for operating supplies and expenses.

JOURNAL	139941-42	DIVISION	Family Services	Fund Name	Donation Fund	
				Fund Impact		926.91
						926.91CR
						.00

To recognize revenue from bake sale and pumpkins by Family Care Center high school students for operating supplies and expenses.

JOURNAL	139943-44	DIVISION	Family Services	Fund Name	Donation Fund	
				Fund Impact		4,929.01
						4,929.01CR
						.00

To recognize a donation for courtyard beautification workers.

JOURNAL	140190-91	DIVISION	Parks and Recreation	Fund Name	Donation Fund	
				Fund Impact		50,386.02
						50,386.02CR
						.00

To provide funds for playground equipment, memorial benches, trees, and seasonal golf labor by recognizing donations received for those purposes.

JOURNAL	140245-46	DIVISION	Environmental Services	Fund Name	Donation Fund	
				Fund Impact		5,500.00
						5,500.00CR
						.00

To provide fund for Reforest the Bluegrass by recognizing donations from Middle Ground Management and Wild Birds Unlimited.

JOURNAL	140471	DIVISION	Facilities and Fleet Management	Fund Name	General Capital Fund	
				Fund Impact		120,000.00
						120,000.00CR
						.00

To provide funds to complete the Kentucky Theatre HVAC Replacement Project not covered by the Small Business Administration Grant due to grant expiration by transferring funds remaining for PSOC Computer Room Air Conditioner Units Project.

JOURNAL	140120	DIVISION	Engineering	Fund Name	Municipal Aid Program	
				Fund Impact		21,589.32
						.00CR
						21,589.32

To provide funds for Windstream Communications Telecom Relocation for Brighton Trail.

JOURNAL	140473	DIVISION	Facilities and Fleet Management	Fund Name Fund Impact	2017 Bond Projects Fund 44,890.00 44,890.00CR .00
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To provide funds to complete the Kentucky Theatre HVAC Replacement Project not covered by the Small Business Administration Grant due to grant expiration by transferring bond funds remaining for PSOC Computer Room Air Conditioner Units Project.

JOURNAL	140352-53	DIVISION	Grants and Special Programs	Fund Name Fund Impact	US Dept of Homeland Sec 24,994.94 24,994.94CR .00
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To establish grant budget for Assistance to Firefighter Grant Program-Fire Prevention & Safety Grant FY 2023.

JOURNAL	139966-67	DIVISION	Grants and Special Programs	Fund Name Fund Impact	US Dept of Treasury 2,000,000.00 2,000,000.00CR .00
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To budget additional American Rescue Plan Act (ARPA) State and Local Recovery Funds for Affordable Housing.

JOURNAL	140337-38	DIVISION	Grants and Special Programs	Fund Name Fund Impact	US Dept of Treasury 3,725,000.00 3,725,000.00CR .00
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To establish grant budget for Kentucky Cleaner Water Round 2 Grant from American Rescue Funds for the Town Branch Waste Water Treatment Plant De-watering Pump Station Rehabilitation project.

JOURNAL	140438-39	DIVISION	Grants and Special Programs	Fund Name Fund Impact	US Dept of Treasury 2,000,000.00 2,000,000.00CR .00
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To establish grant budget for American Rescue Plan Act (ARPA) State and Local Recovery Funds for Lexington Community Land Trust.

JOURNAL	140354	DIVISION	Finance Administration	Fund Name Fund Impact	Sanitary Sewer Fund 40,000.00 .00CR 40,000.00
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To provide additional funds for Bank Fee budget due to higher volume leading to increase in processing fees in the Sanitary Sewer Fund.

JOURNAL	140478	DIVISION	Water Quality	Fund Name Fund Impact	Sanitary Sewer Fund 245,000.00 245,000.00CR .00
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To provide funds for sludge hauling from Town Branch WWTP and West Hickman WWTP to the Landfill located in Morehead, by reducing the funds for treatment plant remodeling.

JOURNAL	140487	DIVISION	LexCall	Fund Name	Sanitary Sewer Fund
				Fund Impact	2,650.00
					.00CR
					2,650.00

To provide fund for LexCall Language Line expenses in the Sanitary Fund for the remainder of the fiscal year.

JOURNAL	139990	DIVISION	Water Quality	Fund Name	Sewer Construction
				Fund Impact	103,421.95
					103,421.95CR
					.00

To move savings from Sharon Force Main remedial measures project to cover a paving invoice for UK Trunk project, and to reimburse Streets and Roads for project related paving costs under a cost sharing arrangement.

JOURNAL	139984-85	DIVISION	Finance Administration	Fund Name	PFC - General Fund
				Fund Impact	150,000.00
					150,000.00CR
					.00

To budget additional revenues and professional services/management agreement for Kentucky Theatre based on current operations.

JOURNAL	140355	DIVISION	Finance Administration	Fund Name	Water Quality Mgmt Fund
				Fund Impact	20,000.00
					.00CR
					20,000.00

To provide additional funds for Bank Fee budget due to higher volume leading to increase in processing fees in the Water Quality Fund.

JOURNAL	140489	DIVISION	LexCall	Fund Name	Water Quality Mgmt Fund
				Fund Impact	1,350.00
					.00CR
					1,350.00

To provide fund for LexCall Language Line expenses in the Water Quality Fund for the remainder of the fiscal year.

JOURNAL	140509	DIVISION	Water Quality	Fund Name	Water Quality Construction
				Fund Impact	527,797.83
					527,797.83CR
					.00

To provide funds for Joyland project bid by reallocating funds from completed projects or projects that came in under budget.

JOURNAL	140356	DIVISION	Finance Administration	Fund Name	Landfill Fund
				Fund Impact	15,000.00
					.00CR
					15,000.00

To provide additional funds for Bank Fee budget due to higher volume leading to increase in processing fees in the Landfill Fund.

JOURNAL		DIVISION		Fund Name	
140477		LexCall		Landfill Fund	
				Fund Impact	1,000.00
					.00CR
					1,000.00

To provide fund for LexCall Language line expenses in the Landfill Fund for the remainder of the fiscal year.

BUDGET AMENDMENT REQUEST SUMMARY

1101	General Services District Fund	.00
1103	Donation Fund	.00
1105	General Fund Capital Projects	.00
1136	Municipal Aid Program Fund	21,589.32
2607	2017 Bond Projects Fund	.00
3200	US Department of Homeland Security	.00
3230	US Department of Treasury	.00
4002	Sanitary Sewer Revenue and Operating Fund	42,650.00
4003	Sanitary Sewer Construction Fund	.00
4022	PFC - General Fund	.00
4051	Water Quality Management Fund	21,350.00
4052	Water Quality Construction Fund	.00
4121	Landfill Fund	16,000.00

For Information Only

BUDGET ADJUSTMENT LIST
APPROVED MARCH 12 THROUGH APRIL 8, 2023

JOURNAL	139986	DIVISION	Community and Resident Services	Fund Name Fund Impact	General Fund 13,483.00 13,483.00CR .00
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To move funding for one position of Eligibility Counselor in Community and Resident Services from unclassified to classified for the remainder of the year. This is authorized by Ordinance 021-2023.

JOURNAL	139989	DIVISION	Facilities and Fleet Management	Fund Name Fund Impact	General Fund 137,770.00 137,770.00CR .00
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To reallocate funds within Facilities and Fleet Services to correct overages and providing funding in essential accounts for the remainder of the fiscal year.

JOURNAL	139997	DIVISION	Council Office	Fund Name Fund Impact	General Fund 500.00 500.00CR .00
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To transfer funds from operating to equipment to purchase iPads for new public comment sign-in process.

JOURNAL	140021	DIVISION	Finance Administration	Fund Name Fund Impact	General Fund 2,000.00 2,000.00CR .00
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To provide funds for materials needed to repair and maintain the 3rd Floor Breakroom improvement/upgrade project by reducing funds from business travel.

JOURNAL	140077	DIVISION	Emergency Management	Fund Name Fund Impact	General Fund 534.00 534.00CR .00
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To provide funds for subscriptions and publications for the Journal of Emergency Management. In prior years, this cost was included in EMPG grant funds but this year the expense was not covered.

JOURNAL	140089	DIVISION	Finance Administration/Accounting	Fund Name Fund Impact	General Fund 2,350.00 2,350.00CR .00
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To provide funds for office furniture in the Division of Accounting by reducing funds for Professional Services, all within the Department of Finance.

For Information Only

For Information Only

JOURNAL	140123	DIVISION	Parks and Recreation	Fund Name	General Fund	
				Fund Impact		5,900.00
						5,900.00CR
						.00

To reallocate funds to cover overages in electric accounts, all within Parks and Recreation.

JOURNAL	140243	DIVISION	Environmental Services	Fund Name	General Fund	
				Fund Impact		3,000.00
						3,000.00CR
						.00

To provide funds for professional services for print and digital ads to promote Solarize Lexington by reducing funds for operating supplies and expenses.

JOURNAL	140244	DIVISION	Environmental Services	Fund Name	General Fund	
				Fund Impact		500.00
						500.00CR
						.00

To provide funds for Reforest The Bluegrass by recognizing funds from the Tree Board.

JOURNAL	140285	DIVISION	Aging and Disability Services	Fund Name	General Fund	
				Fund Impact		27,100.00
						27,100.00CR
						.00

To reallocate funds within Aging and Disability Services to provide funds for Operating Supplies and Outside Labor.

JOURNAL	140335	DIVISION	Environmental Services	Fund Name	General Fund	
				Fund Impact		28,210.00
						28,210.00CR
						.00

To provide funds for spring local road mowing by reducing funds for rental/lease and repairs and maintenance accounts.

JOURNAL	B140020	DIVISION	Council Office	Fund Name	General Fund	
				Fund Impact		1,000.00
						1,000.00CR
						.00

To provide funds for Aging and Disability Services to assist with the annual Senior Intern luncheon by decreasing funds for Neighborhood Development. This is authorized by NDF resolution 202-2023.

JOURNAL	140241	DIVISION	Police	Fund Name	Police Confiscated Federal	
				Fund Impact		18,118.00
						18,118.00CR
						.00

To provide funds for conferences and other training by reallocating funds with in Police Confiscated Federal Funds.

For Information Only

For Information Only

JOURNAL	140192	DIVISION	Grants and Special Programs	Fund Name Fund Impact	US Dept of Treasury 30,248.27 30,248.27CR .00
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To reallocate funds to cover overages on Extended School Program from the Kentucky Cabinet for Health and Family Services, Department for Community Based Services American Rescue Plan Act (ARPA) funding.

JOURNAL	140074	DIVISION	LexCall	Fund Name Fund Impact	Sanitary Sewer Fund 38.00 38.00CR .00
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To provide funds to Professional Services/Language Line by reducing funds for Clothing / Equipment - Other within the Sanitary Sewer Fund.

JOURNAL	140139	DIVISION	Facilities and Fleet Management	Fund Name Fund Impact	Sanitary Sewer Fund 156,851.99 156,851.99CR .00
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To redistribute vehicle and off-road equipment accounts to accurately reflect types of vehicles purchased.

JOURNAL	140336	DIVISION	Water Quality	Fund Name Fund Impact	Sanitary Sewer Fund 14,000.00 14,000.00CR .00
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To re-allocate funds for water accounts in the Sanitary Sewer Fund to match current usage.

JOURNAL	140073	DIVISION	LexCall	Fund Name Fund Impact	Water Quality Mgmt Fund 68.00 68.00CR .00
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To provide funds to Professional Services/Language Line by reducing funds for Clothing / Equipment - Other within the Water Quality Fund.

JOURNAL	140072	DIVISION	LexCall	Fund Name Fund Impact	Landfill Fund 36.00 36.00CR .00
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To provide funds to Professional Services/Language Line by reducing funds for Clothing / Equipment - Other within the Landfill Fund.

JOURNAL	139934	DIVISION	Grants and Special Programs	Fund Name Fund Impact	US Dept of HUD 1,325.50 1,325.50CR .00
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To move funds from Newspaper advertising to Cell Phones on Community Development Block Grant (Coronavirus Funds) FY 2020.

For Information Only

For Information Only

JOURNAL		DIVISION		Fund Name	
139968		Grants and		US Dept of HUD	
		Special		Fund Impact	17,191.00
		Programs			17,191.00CR
					.00

To move funds from Outside Agency Service to Other Grant Match on Emergency Solutions FY 2022.

JOURNAL		DIVISION		Fund Name	
140242		Grants and		US Dept of Treasury	
		Special		Fund Impact	34,772.38
		Programs			34,772.38CR
					.00

To move funds from civil service salaries to non-civil service salaries on Extended School Program from the Kentucky Cabinet for Health and Family Services, Department for Community Based Services American Rescue Plan Act (ARPA) funding.

BUDGET ADJUSTMENT SUMMARY

1101	General Services District Fund	.00
1131	Police Confiscated Federal Fund	.00
3120	US Department of Housing and Urban Development	.00
3230	US Department of Treasury	.00
4002	Sanitary Sewer Revenue and Operating Fund	.00
4051	Water Quality Management Fund	.00
4121	Landfill Fund	.00


For Information Only

MAYOR LINDA GORTON

LEXINGTON

CHRIS FORD
COMMISSIONER
GENERAL SERVICES

TO: Mayor Linda Gorton
Urban County Council

FROM: 
Jamshid Baradaran, Director, Facilities & Fleet Management

DATE: March 16, 2022

SUBJECT: Bid Recommendation, RFP #7-2023, Facilities Management Services for the
Fayette County Courthouse Complex

Request: Authorization to enter into an agreement with Meridian Management Corporation to provide facility management services for operations and maintenance at the Fayette County Courthouses beginning July 1, 2023.

Purpose: The cost for these services will be \$1,220,448 annually (\$101,704 monthly) for the first 3 years of the contract. Discussions for price adjustments based on the Consumer Price Index will begin in the spring of 2026 with the new pricing going into effect at the beginning of Fiscal Year 2027. Any unplanned major repairs in excess of \$5,000 will be charged an additional 12.35% project administration fee. Meridian Management Corporation was the only respondent to this RFP.

The initial term of this agreement is for 5 years, beginning July 1, 2023 and ending June 30, 2028, with an option for five annual extensions at LFUCG's discretion. LFUCG may terminate this contract if: the contractor fails to perform its contractual duties; the contractor is determined to be in default and does not cure the deficiencies; terminate at-will providing a thirty (30) day written notice of the intent to terminate.

Budgetary Implication: The cost of services for the first 3 years of the contract totals \$3,661,344.

Are the funds budgeted? Funds are requested as part of the FY 2024 Mayor's Proposed Budget, 4022-707501-7044-71254.

File Number: 0333-23

Director/Commissioner: Jamshid Baradaran/Chris Ford


MAYOR LINDA GORTON



LEXINGTON

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

TO: Mayor Linda Gorton
Urban County Council

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

DATE: February 21, 2023

SUBJECT: Final Change Order No. 3 –Wolf Run Trunk D & E, Contract No. 036-2021

Request

The Division of Water Quality requests authorization to execute Change Order No. 3 (Final) to the contract with Tribute Contracting & Consultants, LLC for the Wolf Run Trunks D & E project, decreasing the final contract price by the sum of \$287,597.01 from \$3,956,920.02 to \$3,669,323.01.

Why are you requesting?

Final Adjusting Change Order No. 3 is a decrease the contract amount by \$287,597.01, bringing the cumulative total of all change orders to \$3,669,323.01 or a 21.46% overall increase to the original contract price. Change Order No. 3's decrease is the result of the final adjustment in quantities used in executing the contract.

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

The Change Order results in a decrease of \$287,597.01 to the contact
The cost for future FY is: N/A

Are the funds budgeted?

Not Applicable- Budget Reduction

4003-303408-3466-92811 2020 LFUCG WRMAINTRKD_2020 CONSENT_DE
4003-303408-3466-92811 2020 LFUCG WRMAINTRKE_2020 CONSENT_DE

Martin / Albright

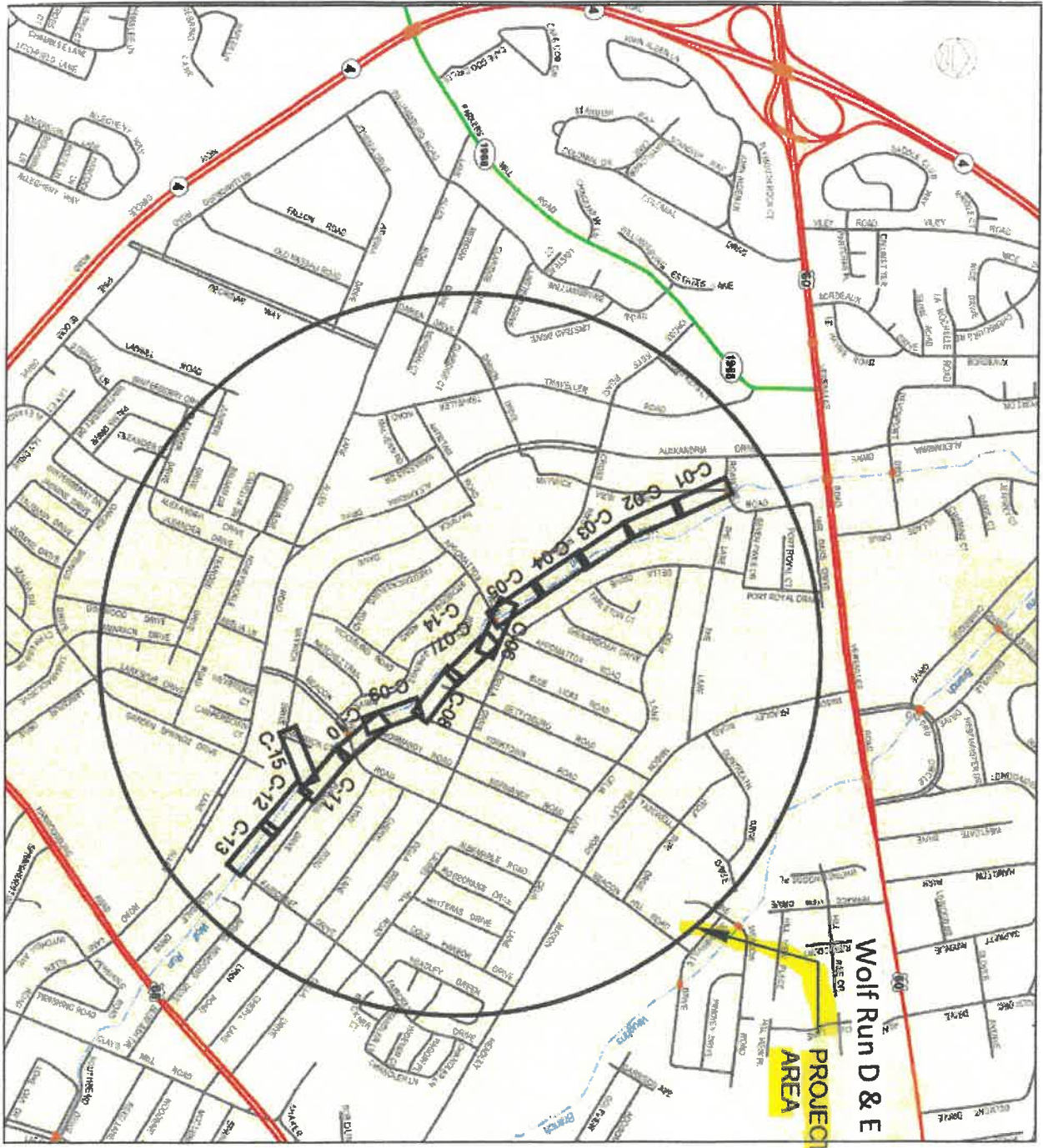


JUSTIFICATION FOR CHANGE

PROJECT:	Wolf Run Trunk D & E
CONTRACT NO.	036-2021
CHANGE ORDER:	3 (Final)

1. Necessity for change: Adjustment in contract amount due to final adjustment of installed quantities.
2. Is proposed change an alternate bid? ___Yes XNo
3. Will proposed change alter the physical size of the project? ___Yes XNo
If "Yes", explain.
4. Effect of this change on other prime contractors: N/A
5. Has consent of surety been obtained? ___Yes XNot Necessary
6. Will this change affect expiration or extent of insurance coverage? ___Yes XNo
If "Yes", will the policies be extended? XYes ___No
7. Effect on operation and maintenance costs: N/A
8. Effect on contract completion date: N/A

_____ Mayor _____ Date



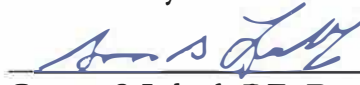
MAYOR LINDA GORTON



LEXINGTON

CHARLES MARTIN
DIRECTOR
WATER QUALITY

TO: Mayor Linda Gorton
Urban County Council

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

DATE: March 13, 2023

SUBJECT: Recommendation for an FY23 (Class B Education) Stormwater Quality Projects Incentive Grant for The Living Arts and Science Center, Inc. (LASC)

Request

The purpose of this memorandum is to request approval of an FY23 (Class B Education) Stormwater Quality Projects Incentive Grant for The Living Arts and Science Center, Inc. (LASC) in the amount of \$35,296.00.

Purpose of Request

Grant funds are to be used to develop and present additional water quality-related curricula and to disseminate educational content utilizing established programs at LASC's facilities and grounds. LASC project elements will support programs such as the Kentucky Wild and Wonderful; the Kentucky Wildlife and Water outreach programs, an after-school ecology curriculum for Science Explores, Eco Workshops for families, monthly PreK STEM Days, and Water is Life Day community events and ongoing educational displays. LASC anticipates reaching students, teachers, and family members through its various programs, regular classes, and workshops throughout the year. They also anticipate reaching additional audiences through field trips and activities at LASC, on their website, social media, and through mailings.

Project Cost in FY23 and in Future Budget Years

The grant has been approved for FY 2023 funding by the Water Quality Fees Board in the amount of \$35,296.00.

Are Funds Budgeted

Funds are budgeted in: 4052 – 303204 – 3373 – 78112 – WQINCENTIVE_23 – WQ_GRANT

Martin/Albright



Stormwater Quality Projects Incentive Grant Program




MAYOR LINDA GORTON



LEXINGTON

CHARLES MARTIN
DIRECTOR
WATER QUALITY

TO: Mayor Linda Gorton
Urban County Council

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

DATE: March 10, 2023

SUBJECT: Recommendation for an FY23 (Class B Infrastructure) Stormwater Quality Projects Incentive Grant for The University of Kentucky Research Foundation (UKRF).

Request

The purpose of this memorandum is to request approval of an FY23 (Class B Infrastructure) Stormwater Quality Projects Incentive Grant for The University of Kentucky Research Foundation (UKRF) in the amount of \$35,000.00.

Purpose of Request

Grant funds to be used to support a five-year plan for strategic improvement of the stormwater infrastructure across 813 acres and three watersheds through the development of a Stormwater Improvement Feasibility Study. The study will be conducted to benefit overall water quality and quantity on the campus and surrounding community. The primary deliverable of the study will be a professional recommendation building upon the existing strategic plans for stormwater management. The project also includes evaluating the potential for educational opportunities including programming and curriculum based on selected projects from the study.

Project Cost in FY23 and in Future Budget Years

The grant has been approved for FY 2023 funding by the Water Quality Fees Board in the amount of \$35,000.00.

Are Funds Budgeted

Funds are budgeted in: 4052 – 303204 – 3373 – 78112 – WQINCENTIVE_23 – WQ_GRANT

Martin/Albright



Stormwater Quality Projects Incentive Grant Program




MAYOR LINDA GORTON



LEXINGTON

CHARLES MARTIN
DIRECTOR
WATER QUALITY

TO: Mayor Linda Gorton
Urban County Council

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

DATE: March 13, 2023

SUBJECT: Recommendation for an FY23 (Class B Infrastructure) Stormwater Quality Projects Incentive Grant for the University of Kentucky Research Foundation (UKRF).

Request

The purpose of this memorandum is to request approval of an FY23 (Class B Infrastructure) Stormwater Quality Projects Incentive Grant for the University of Kentucky Research Foundation (UKRF) in the amount of \$360,000.00.

Purpose of Request

The purpose of this project is to support the University of Kentucky's (UK) utilization of urban trees to reduce stormwater volume and improve stormwater quality through the installation of up to 30 soil cells in high-impact locations. The project has identified two sites for the soil cells, a priority location of approximately two acres of surface parking located north of Memorial Coliseum/Craft Center, and an alternate location for trees around Kroger Field. The project also has a stormwater educational component that includes integration with several academic courses and programs, research for long-term performance, and partnerships with internal and external stakeholders to provide educational workshops to the public that highlight the benefits of the tree soil cells.

Project Cost in FY23 and in Future Budget Years

The grant has been approved for FY 2023 funding by the Water Quality Fees Board in the amount of \$360,000.00.

Are Funds Budgeted

Funds are budgeted in: 4052 – 303204 – 3373 – 78112 – WQINCENTIVE_23 – WQ_GRANT

Martin/Albright



Stormwater Quality Projects Incentive Grant Program




MAYOR LINDA GORTON



LEXINGTON

CHRIS FORD
COMMISSIONER
GENERAL SERVICES

TO: Mayor Linda Gorton
Honorable Members, Urban County Council

FROM: 
Chris Ford, Commissioner of General Services

DATE: March 22, 2023

SUBJECT: Facility Lease Agreement at Versailles Road Government Campus
Bluegrass Community Health Center

Request:

Request Council Authorization for the Mayor to enter into a lease agreement with Bluegrass Community Health Center for space located at the Versailles Road Government Campus, 1306 Versailles Road. The area consists of approximately 7,577 square feet. The initial term will be for one year, with the option for three additional annual renewals. Lease terms begin on July 1, 2023.

Purpose:

Bluegrass Community Health Center provides integrated health care services to the migrant and seasonal farm worker, the homeless and offers various outreach services throughout Fayette County and neighboring communities.

Budgetary Implication:

Year one annual rental revenue: \$117,519.27

Are the funds budgeted?

Yes, at 1101-606402-6421-42181

File Number: 0345-22

Director/Commissioner: Chris Ford



LINDA GORTON
MAYOR



LEXINGTON

MONICA CONRAD
DIRECTOR
PARKS & RECREATION

MEMORANDUM

TO: Linda Gorton, Mayor
Sally Hamilton, CAO
Urban County Council Members

FROM: 
Monica Conrad, Director
Parks and Recreation

RE: Hisle Park Tree Donation

DATE: April 10, 2023

Request

This is a request for Council approval to accept a donation of 24-30 red mulberry trees from Julian Campbell. The trees will be planted to start an orchard at Hisle Park.

Why are you requesting?

Department needs this action completed because:

The native tree orchard at Hisle Park will be used for educational purposes.

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

The cost for this FY is: N/A

The cost for future FY is: N/A

Are the funds budgeted? No

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

Account number: N/A

File Number: 0346-23

Director/Commissioner: Monica Conrad/Chris Ford



MAYOR LINDA GORTON



LEXINGTON

CHRIS FORD
COMMISSIONER
GENERAL SERVICES

TO: Mayor Linda Gorton
Honorable Members, Urban County Council

FROM: 
Chris Ford, Commissioner of General Services

DATE: March 24, 2023

SUBJECT: Addendum to Memorandum of Agreement for Leased Space
Police Training Academy at BCTC Newtown Campus

Request:

Request Council authorization for the Mayor to execute an Addendum to Memorandum of Agreement with Kentucky Community & Technical College System (KCTCS) for leased space at Bluegrass Community & Technical College's Newtown Campus for the Police Training Academy. The addendum renews the current lease for one (1) additional year, through June 30, 2024.

Purpose:

LFUCG originally entered into the Memorandum of Agreement with KCTCS in February 2013. The agreement provides the Division of Police with approximately 20,700 square feet of leased space at the BCTC Newtown Campus' Megowan Building for operation of the Lexington Police Training Academy. The current agreement expires June 30, 2023. The addendum extends the lease's current terms and conditions through June 30, 2024.

Budgetary Implication:

The annual expenditure for lease payments is \$89,238.96.

Are the funds budgeted?

Funds are requested as part of the FY2024 budget in 1101-505507-5571-71302.

File Number: 0356-23

Director/Commissioner: Jamshid Baradaran / Chris Ford




MAYOR LINDA GORTON



LEXINGTON

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

TO: Mayor Linda Gorton
Urban County Council

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

DATE: March 16, 2023

SUBJECT: **Site Specific Agreement:
Drakes Landing, Unit 3**

Request

The purpose of this memorandum is to request a resolution authorizing a sanitary sewer service Site Specific Agreement between the Lexington-Fayette Urban County Government (LFUCG), Long Ridge Development, LLC (LRD) and Jessamine-South Elkhorn Water District (JSEWD).

Capacity for JSEWD

5,600 gallons per day (gpd) for Drakes Landing, Unit 3
66% of the 2 million gpd capacity has been used or reserved

Purpose of Request

The agreement is for LFUCG to provide sanitary sewer conveyance and treatment capacity for properties identified in the Site Specific Agreement in accordance with the Master Agreement between LFUCG and JSEWD (Resolution 690-2002).

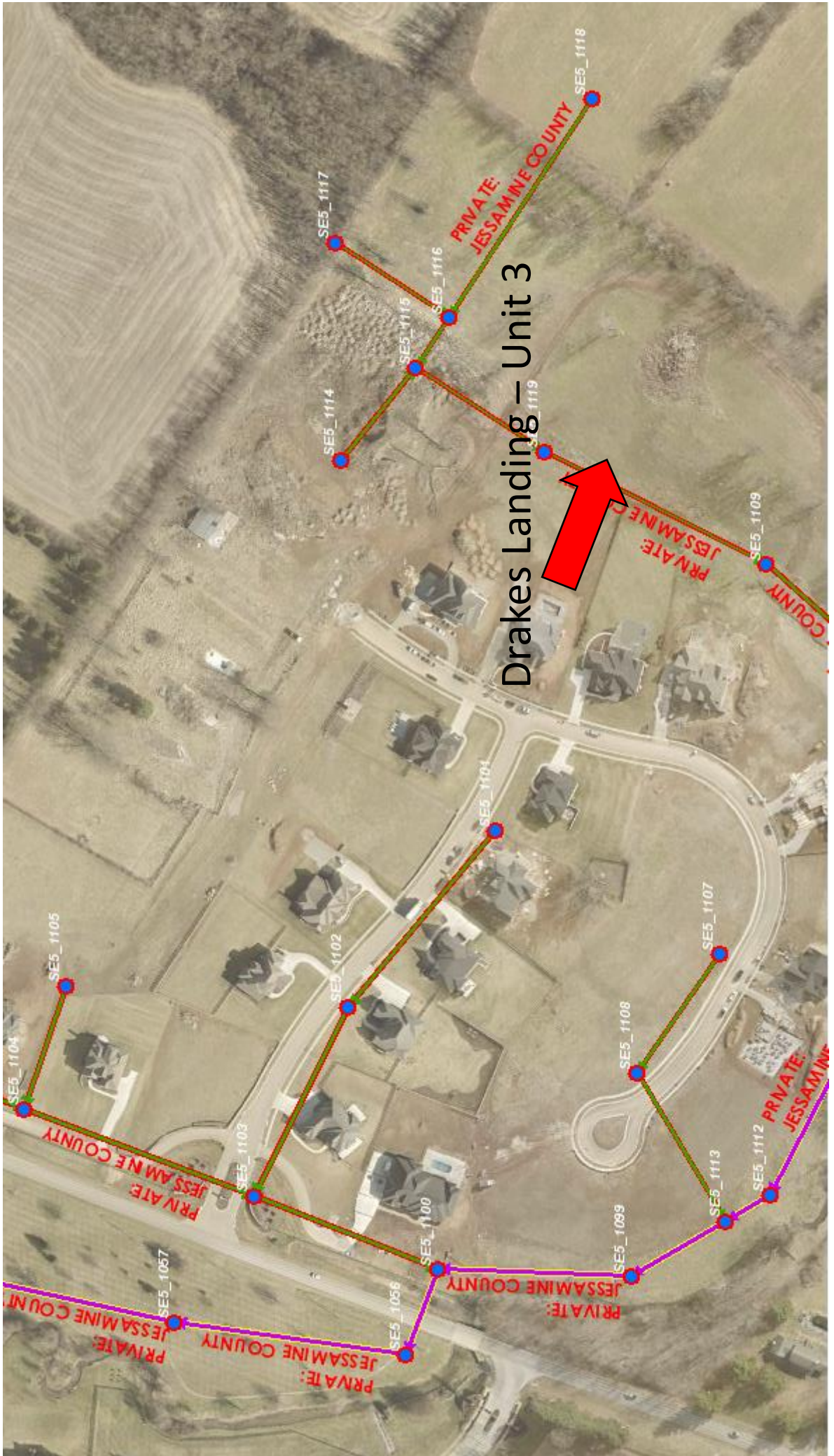
Project Cost in FY23 and in Future Budget Years

Execution of the terms and conditions of the Site Specific Agreement will be at no cost to LFUCG.

Are Funds Budgeted – N/A

Martin/Albright





Drakes Landing - Unit 3

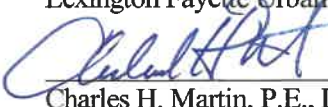
MAYOR LINDA GORTON



LEXINGTON

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

To: Mayor Linda Gorton
Lexington Fayette Urban County Council

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

Date: March 17, 2023

Subject: Sole Source Request for the Keeneland Pump Station

Request

The purpose of this memorandum is to request approval for the sole source purchase of replacement pumps for the Keeneland pump station from Straeffler Pump and Supply. The quote provided by Straeffler Pump and Supply for equipment and installation is \$62,260.

Purpose of Request

The Keeneland pump station has been experiencing pumping problems since mid-2022. Emergency pumps were installed during the 2022 Breeders Cup to improve both pump capacity and reliability during the event. This sole source purchase request is necessary because the old pumps, piping and controls were also supplied by Straeffler and switching suppliers at this time would require the purchase and installation of additional pump compatibility and conversion equipment, thus increasing the overall cost of this improvement.

The recommended pumps are available and in stock ready for delivery.

Project Cost in FY23 and in Future Budget Years

The quote provided by Straeffler Pump and supply for the replacement pumps is \$62,260. No additional costs are expected beyond typical annual O & M costs.

Are Funds Budgeted

Funds are budgeted in: 4003 303408 3468 92811 KEENELAND_PS_23 CONSTRUCT_CAP 2023

Martin/Albright




MAYOR LINDA GORTON



LEXINGTON

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

TO: Mayor Linda Gorton
Urban County Council

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

DATE: March 16, 2023

SUBJECT: Sole Source Request for Bar Screen Repair – Expansion Area 3 Pump Station

Request

The purpose of this memorandum is to request approval for the sole source repair of the bar screens at the Expansion Area (EA) 3 pump station by Huber Technology. The quote provided by Huber Technology for the bar screen repair is \$58,103.63.

Purpose of Request

The EA 3 pump station is equipped with Huber screens on the flow influent channel. Huber Technology is the exclusive, sole source manufacturer in Kentucky for this type of system. The existing drive chains and flights need to be replaced due to failure and using a vendor other than Huber would require replacement of the remaining parts of the system (sprockets, drives, etc.) that are still in serviceable condition.

Project Cost in FY23 and in Future Budget Years

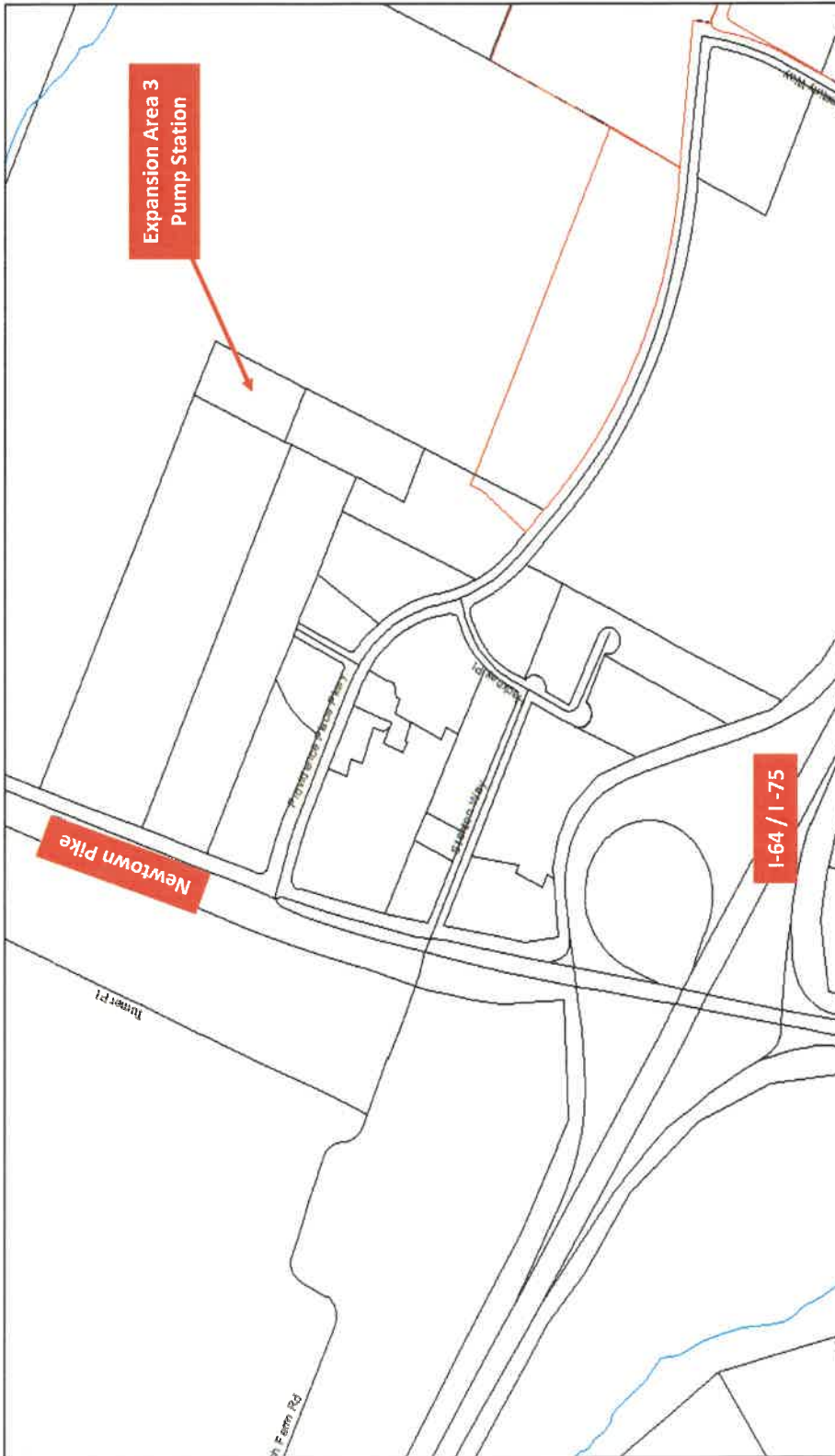
The quote provided by Huber Technology for the screen repair is \$58,103.63. No additional costs are expected beyond typical annual O&M costs.

Are Funds Budgeted

Funds are budgeted in: 4003 303408 3466 92811 EA3PS_2016 CONSENT_DE 2016

Martin/Albright





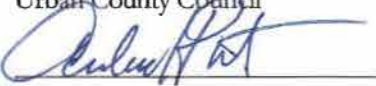
MAYOR LINDA GORTON



LEXINGTON

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

TO: Mayor Linda Gorton
Urban County Council

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

DATE: March 20, 2023

SUBJECT: Amendment of Resolution No. 460-2022, Easement Acquisitions for Parkers Mill Trunk Sewer – Consent Decree Project (RMP No. WR-9)

Request

The purpose of this memorandum is to request amendment of Resolution No. 460-2022, increasing the easement acquisition budget by \$38,540.00 for the Parkers Mill Trunk Sewer Project from \$19,800.00 to \$58,340.00.

Purpose of Request

Resolution 460-2022 provided funding for the purchase of permanent and temporary easements necessary for the Parkers Mill Trunk Sewer project. This recommended increase to Resolution 460-2022 is the result of further negotiations with two relevant property owners and LFUCG.

Project Cost in FY23 and Future Budget Years

The cost to acquire the necessary easements will not exceed \$58,340.00.

Are Funds Budgeted

The funds are budgeted in the following account:

<u>FUND</u>	<u>DEPT ID</u>	<u>SECT</u>	<u>ACCT</u>	<u>PROJECT</u>	<u>ACTIVITY</u>	<u>BUD REF</u>
4003	303408	3466	92811	PARKERSMILLTRNK	CONSENT_DE	2022

Director / Commissioner

Martin / Albright



Parkers Mill Trunk (RMP Project No. WR-9) - Project Location Map (No. 1)



Parkers Mill Trunk (RMP Project No. WR-9) - Project Location Map (No. 2)



MAYOR LINDA GORTON




LEXINGTON

TAMARA WALTERS
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: 
Tamara Walters, Director
Division of Human Resources

DATE: March 27, 2023

RE: Create Position – Division of Police

Request:

The attached action is requesting authorization to create one (1) unclassified position of Behavioral Health and Wellness Coordinator (Grade 523E) for a term of two (2) years ending August 31, 2024 with the potential of a six (6) month extension renewal, in the Division of Police, effective upon passage of Council.

Why are you requesting:

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

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

This has a 12-month future impact of a cost of \$96,972.29 and will be grant funded.

File Number:

0365-23

Director/Commissioner: John Maxwell/Sally Hamilton



MAYOR LINDA GORTON



LEXINGTON

Jason G. Wells
Fire Chief

TO: Mayor Linda Gorton
FROM: Jason G. Wells, Fire Chief
DATE: March 31, 2023

SUBJECT: Mutual Aid Agreement between the LFUCG Division of Fire and Emergency Services, Emergency Services of Counties Contiguous to Fayette County and Member Counties of the Bluegrass Emergency Response Team (BERT)

The Division of Fire and Emergency Services request authorization to execute a mutual aid agreement with Madison County, Kentucky to establish guidelines for providing assistance and aid during certain events, and further authorizing entering into mutual aid agreements with the same material terms with any other local government that is contiguous to Fayette County or a member of the Bluegrass Emergency Response Team (BERT).

Why are you requesting? We are requesting for approval for the Mayor to sign the attached mutual aid agreement with Madison County and for establishing formal Mutual Aid Agreements with other local governments' emergency response entities to request, receive or provide emergency resources as response to incidents that overwhelm local available resources.

Department needs this action completed because: This document will provide the framework for notifications, request process, supervision, and integration within the Incident Command System, deployment and reception of resources to or from emergency incidents. It also codifies immunity, waiver of liability, expectations and recoupment of compensation, materials and supplies as applicable. Allowing the Mayor to execute future mutual aid agreements with the same material terms with any other local government's response entities would reduce the number of resolutions passed through Council for agreements that read identically. No budgetary impact.

The initial term of the agreement is one year, with automatic renewal from year to year. Either party to the agreement may terminate the agreement through a 30-day written notice.

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

The cost for this FY is: N/A

The cost for future FY is: N/A

Are the funds budgeted? N/A

File Number:

Director/Commissioner: Wells/Armstrong



MAYOR LINDA GORTON



LEXINGTON

SALLY HAMILTON
CHIEF ADMINISTRATIVE OFFICER

TO: Mayor Linda Gorton
FROM: Jason G. Wells, Fire Chief
DATE: March 31, 2023
SUBJECT: Medical Director Contract

The Division of Fire Request authorization to accept the Professional Services Agreement with DR. Ryan Stanton to continue serving as Medical Director of EMS for the Division of Fire. Lexington Fayette County Government contracts with Doctor Stanton for the provision of Medical Director Services for the period beginning March 1, 2023, and continuing thereafter for one year, unless earlier terminated. Government may terminate this Agreement by giving Medical Director thirty (30) days prior written notice of termination. The term of this Agreement shall automatically renew for three (3) additional terms of one (1) year each unless either party gives written notice of non- renewal or termination to the other party at least sixty (60) days prior to the expiration of the original or any renewal term of this Agreement.

Why are you requesting? Current Medical Director Agreement is up for renewal.

Department needs this action completed because: The Division of Fire’s Emergency Medical Service providers are required to operate under the direction of a qualified physician.

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

The cost for this FY is: \$23,625.00

The cost for future FY is: \$100, 00.00 which is no increase from previous years

Are the funds budgeted? Currently budgeted for this FY.

Account number: 1101 505702 5712 71203

Director/Commissioner: Wells/Armstrong



MAYOR LINDA GORTON



LEXINGTON

THERESA REYNOLDS
DIRECTOR
GRANTS & SPECIAL PROGRAMS

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

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

DATE: APRIL 3, 2023

SUBJECT: Amendment to Agreement with Polo Club Park Apartments, LLLP

Request:

Council authorization to execute an amendment to the agreement with Polo Club Park Apartments, LLLP under the HOME Investment Partnerships Program to extend the period of performance through September 15, 2023, and authorizing the mayor to execute any other agreements or amendment with Polo Club Park Apartments, LLLP related to the use of these funds.

Purpose of Request:

On June 6, 2019, (Resolution No.295-2019) Council authorized execution of an agreement with Polo Club Park Apartments, LLLP awarding \$453,409 of HOME Investment Partnerships Program funds provided by the 2019 Consolidated Plan for development of rental housing for low-income HOME-eligible persons and/or households. The project has experienced delays due to construction delays and final closeout paperwork.

The amendment would extend the period of performance through September 15, 2023.

What is the cost in this budget year and future budget years? All funds were previously budgeted. No budgetary impact.

Are the funds budgeted? Grant funds are budgeted

File Number: 0371-23

Director/Commissioner: Reynolds/Lanter



MAYOR LINDA GORTON



LEXINGTON

THERESA REYNOLDS
DIRECTOR
GRANTS & SPECIAL PROGRAMS

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

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

DATE: APRIL 3, 2023

**SUBJECT: Acceptance of Award from Kentucky Cleaner Water Round 2 Grant from
American Rescue Funds for the Town Branch WWTP Dewatering Pump Station
Rehabilitation project.**

Request: Council authorization to execute a Conditional Commitment Letter and a Final Assistance Agreement to accept an award of federal funding from the Kentucky Cleaner Water Round 2 Grant (American Rescue Plan Act funds) in the amount of \$3,725,000 for the above referenced project. No matching funds are required.

Purpose of Request: This grant is for the design and construction of a rehabilitated pumping station that is a component of the wastewater treatment process at Town Branch. While the 1960's era structure is still functional, the mid-1980's pumps, motors and controls are failing and replacement parts are no longer available.

What is the cost in this budget year and future budget years? \$3,725,000 has been awarded for FY2023. No match required. No future funding are anticipated.

Are the funds budgeted? Budget amendment is in process.

File Number: 0372-23

Director/Commissioner: Martin/Albright



MAYOR LINDA GORTON



THERESA REYNOLDS
DIRECTOR
GRANTS & SPECIAL PROGRAMS

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

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

DATE: APRIL 3, 2023

**SUBJECT: Acceptance of 2021 Fire Prevention and Safety Program Grant for Division of
Fire and Emergency Services**

Request: Council authorization to accept award from the U.S. Department of Homeland Security under the 2021 Assistance to Firefighters Grant Program – Fire Prevention and Safety (FP&S) in the amount of \$23,804.70, to purchase and install smoke alarms for households in high-risk neighborhoods. Match of \$1,190.24 is required.

Purpose of the Request: On February 17, 2022 (Resolution 086-2022), Council approved to execute and submit a grant application to U.S. Department of Homeland Security under the 2021 Assistance to Firefighters Grant Program – Fire Prevention and Safety. The U.S. Department of Homeland Security under the 2021 Assistance to Firefighters Grant Program has offered federal award of \$23,804.70 to purchase new hard wired and 10-year battery smoke alarms to install in Fayette County. Match of \$1,190.24 is required.

What is the cost in this budget year and future budget years? The cost for FY2023 is \$24,994.94 total: \$23,804.70 federal funds and \$1,190.24 local match. Future years funding is dependent upon availability of grant funding.

Are the funds budgeted? Budget amendment is in process.

File Number: 0373-23

Director/Commissioner: Wells/Armstrong



MAYOR LINDA GORTON



LEXINGTON

THERESA REYNOLDS
DIRECTOR
GRANTS & SPECIAL PROGRAMS

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

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

DATE: APRIL 3, 2023

**SUBJECT: Extension of Performance Period for 2020 State Homeland Security Grant
Program to Purchase Cradlepoint Devices**

Request: Council authorization to execute modifications to agreements with the Kentucky Office of Homeland Security in partnership with the State Board of Elections (SBE) for the purchase, installation, and servicing of Cradlepoint Devices, to extend the performance period through December 31, 2023.

Why are you requesting? On March 17, 2020 (Resolution 174-2020), Council authorized an application to the Kentucky Office of Homeland Security requesting federal funds from the Fiscal Year 2020 Homeland Security Grant Program. On May 6, 2021 (Resolution 221-2021), Council accepted award of \$178,120 to purchase and install Cradlepoint Devices and on June 10, 2021 (Resolution 309-2021) Council accepted award of \$134,398 to purchase Yubikey from this program. On November 17, 2022 (Resolution 633-2022), Council approve authorized to execute modifications to agreements with the Kentucky Office of Homeland Security, in partnership with the State Board of Elections to purchase Cradlepoint Devices.

The Kentucky Office of Homeland Security in partnership with the State Board of Elections (SBE) has offered the LFUCG modifications to these agreements extending the performance period through December 31, 2023.

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

Are the funds budgeted? All grant funds are budgeted.

File Number: 0374-23

Director/Commissioner: Reynolds/Lanter



MAYOR LINDA GORTON



LEXINGTON

THERESA REYNOLDS
DIRECTOR
GRANTS & SPECIAL PROGRAMS

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

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

DATE: APRIL 3, 2023

**SUBJECT: Acceptance of Funding from the Cabinet for Health and Family Services for
the Lexington Fire Department**

Request: Council approval to execute agreement and accept funding from the Kentucky Opioid Response Effort administered by the Commonwealth of Kentucky, Cabinet for Health and Family Services, in the amount of \$149,475 to help fund the Community Paramedicine Program. No matching funds required.

Purpose of Request: The purpose of the grant is a continuation Quick Response Team capabilities through existing staffing within the Community Paramedicine Program. Grant funding will allow for the continuation of having the firefighter off the line to work in the Community Paramedicine and paying the backfilled overtime costs generated by the move. The Kentucky Opioid Response Effort (KORE) seeks to expand and sustain a comprehensive, equitable recovery-oriented system of care to end the opioid epidemic that has reached into every community in Kentucky. To achieve this aim, KORE and its partners commit to a trauma informed care and anti-racist framework to reduce overdose deaths and increase access to high quality, evidence-based prevention, treatment, and recovery support services.

What is the cost in this budget year and future budget years? Estimated Cost is \$149,475 for FY2024. No costs are anticipated in future years.

Are the funds budgeted? FY2024 budget amendment will be completed.

File Number: 0375-23

Director/Commissioner: Wells/Armstrong



MAYOR LINDA GORTON

**LEXINGTON**

THERESA REYNOLDS

DIRECTOR

GRANTS & SPECIAL PROGRAMS

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

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

DATE: APRIL 3, 2023

SUBJECT: Kentucky Office of Homeland Security FY 2023 Applications for the Division of Police

Request:

Council authorization to submit two applications, and accept awards if offered, to the Kentucky Office of Homeland Security requesting federal funds in the amount of \$544,277 for the Division of Police under the State Homeland Security Grant Program. No matching funds are required.

Purpose of Request:

The Kentucky Office of Homeland Security is accepting applications from local governments requesting federal funding from the Homeland Security Grant Program. This federally funded program, originating from the U.S. Department of Homeland Security, provides financial assistance to the states to prevent, respond to, and recover from acts of terrorism. The states have the responsibility for apportioning funding to local governments.

The Division of Police Hazardous Devices Unit (HDU) is preparing an application for funding to purchase a new Hazardous Devices Unit Response Truck, two Med- Eng. Bomb Suits and one tactical x-ray generator at a cost of \$455,000. This truck would replace the Hazardous Devices Unit's main response truck that has been in service since 2002. In addition, the Air Support Unit is preparing an application for funding to host two electronics-related training courses for certified bomb technicians or active members of FBI accredited bomb squads who are in an active training status at a cost of \$89,277. Both courses will provide hazardous devices technicians from across the Commonwealth with the skills and knowledge to mitigate threats associated with improvised explosive devices. Lodging costs are requested to cover those traveling from across the state, and are sufficient to cover both courses.

What is the cost in this budget year and future budget years? A total of \$544,277 in federal funds is being requested for Fiscal Year 2024. No matching funds are required. Future years funding is dependent upon availability of grant funding.

Are the funds budgeted? Budget amendments will be completed if approved for funding.

File Number: 0376-23

Director/Commissioner: Weathers/Armstrong



MAYOR LINDA GORTON



LEXINGTON

Jason G. Wells
Fire Chief

TO: Mayor Linda Gorton
FROM: Jason G. Wells, Fire Chief
DATE: April 5, 2023
SUBJECT: Emergent Agreement

The Division of Fire and Emergency Services request authorization to enter into an agreement with Emergent, an emergency logistics system that provides a centralized knowledge portal that delivers real time data to improve emergency response. The terms of this agreement will continue through 6 months from the effective date, March 16, 2023.

Why are you requesting? To utilize an App that is developed to allow EMS providers to access protocols on IOS devices. The App will allow real time updates of hospital specialty status to assist with hospital destination

Department needs this action completed because: It will help assist in providing the residents of Lexington with the best care.

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

The cost for this FY is: N/A

The cost for future FY is: N/A

Are the funds budgeted? N/A

Director/Commissioner: Wells/Armstrong



MAYOR LINDA GORTON



LEXINGTON

THERESA REYNOLDS
DIRECTOR
GRANTS & SPECIAL PROGRAMS

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

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

DATE: APRIL 6, 2023

**SUBJECT: Climate Pollution Reduction Grant Notice of Intent to Participate and
Acceptance of Award, if offered**

Request:

Council authorization for the Mayor to sign the Notice of Intent to Participate in the Climate Pollution Reduction Grant (CPRG) Planning Grant program that designates the Lexington-Fayette Urban County Government as the local government in the Lexington-Fayette Metropolitan Statistical Area (MSA) to oversee and be responsible for the management of the grant funds, activities, and deliverables; and to accept award, if offered, of federal funds in the amount of \$1,000,000 for the development of a plan to reduce greenhouse gas emissions in the Lexington-Fayette MSA. No match required.

Purpose of Request:

The Environmental Protection Agency has funding for states and Metropolitan Statistical Areas to develop plans for reducing greenhouse gas emissions. The Lexington-Fayette MSA is eligible for \$1M in funding to develop a pollution reduction plan for the six-county area of Bourbon, Clark, Fayette, Jessamine, Scott, and Woodford counties. As the largest municipality in the MSA, LFUCG is the appropriate entity to submit the Letter of Intent to Participate on behalf of the six counties and accept the award of federal funds, if offered.

What is the cost in this budget year and future budget years? A total of \$1,000,000 in federal funds will be requested. No matching funds are required.

Are the funds budgeted? A budget amendment will be completed if approved for funding.

File Number: 0380-23

Director/Commissioner: Carey/Albright




MAYOR LINDA GORTON



LEXINGTON

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

TO: Mayor Linda Gorton
Urban County Council

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

DATE: April 6, 2023

SUBJECT: Encroachment Permit Application for Athens Boonesboro Road Welcome Sign

Request

The purpose of this memorandum is to request Council authorization for the Mayor to sign the Kentucky Transportation Cabinet (KYTC) Application for Encroachment Permit for a welcome sign on Athens Boonesboro Road.

Why are you requesting?

The site selected for construction of the Corridors Commission’s third welcome sign is within KYTC right-of-way on the inbound side of Athens Boonesboro Road between the I-75 interchange and Brenda Cowan Elementary School. The placement of a permanent structure by LFUCG within KYTC right-of-way requires the issuance of a permit to LFUCG by KYTC. Once the permit is approved, construction documents can be finalized and the construction project can be bid.

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

N/A

Are the funds budgeted?

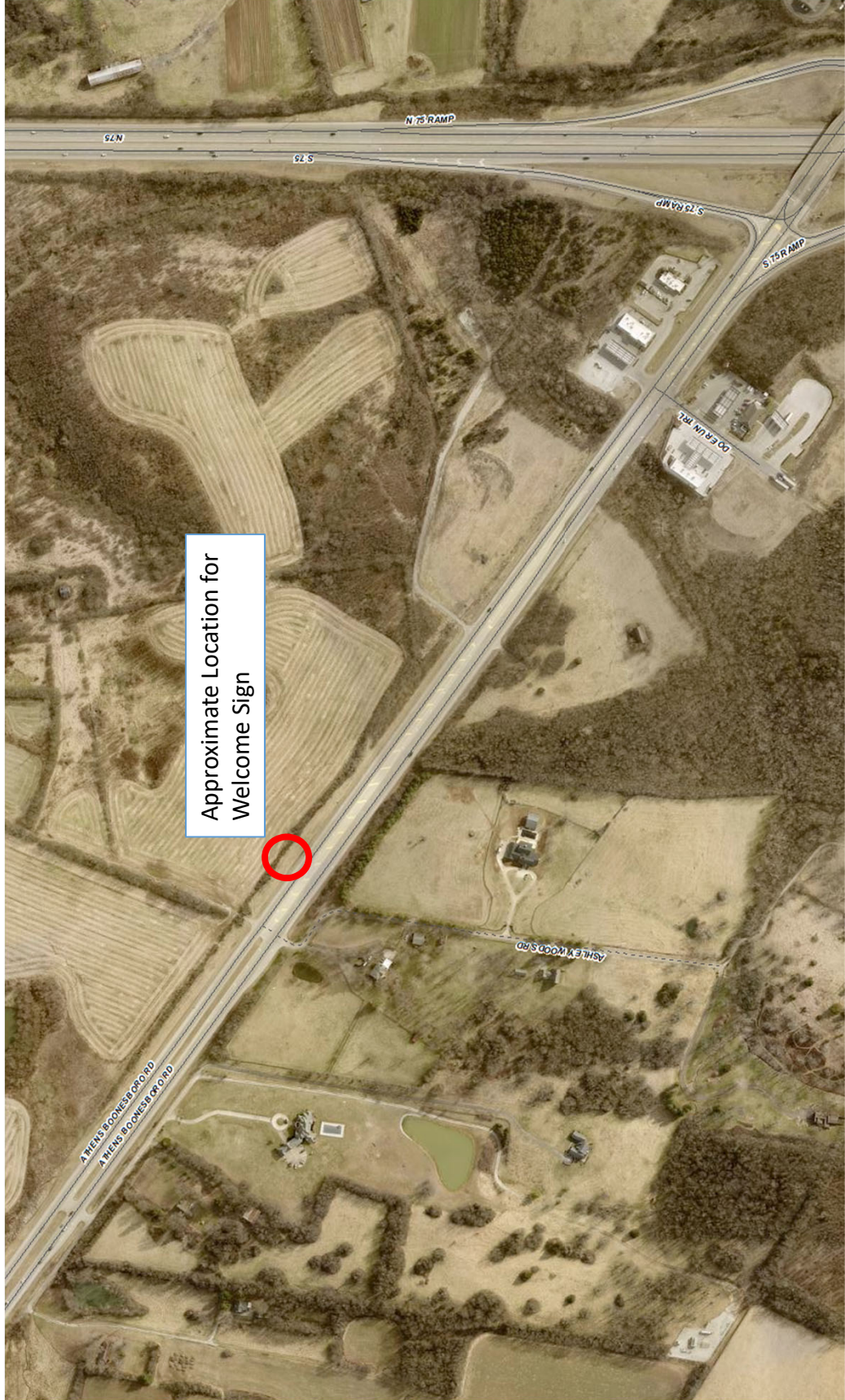
N/A

File Number: 0382-23

Director / Commissioner: Carey / Albright



Proposed Welcome Sign Location Athens Boonesboro Road




MAYOR LINDA GORTON



LEXINGTON

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

TO: Mayor Linda Gorton
Urban County Council

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

DATE: April 6, 2023

SUBJECT: Encroachment Permit Application for Planting of Leestown Medians

Request

The purpose of this memorandum is to request Council authorization for the Mayor to sign the Kentucky Transportation Cabinet (KYTC) Application for Encroachment Permit for converting four medians from turf grass to beautification beds on Leestown Road between Westhampton Drive and McConnells Trace/Ruffian Way.

Why are you requesting?

In 2022, Council approved capital funds to beautify medians on Leestown Road by replacing the turf grass with a variety of plantings. The four medians selected are within KYTC right-of-way located in the stretch from Westhampton Drive to McConnells Trace/Ruffian Way. The alteration of these medians from their current state by LFUCG within KYTC right-of-way requires the issuance of an encroachment permit to LFUCG by KYTC. Once the permit is approved, installation of the plantings will begin.

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

N/A

Are the funds budgeted?

N/A

File Number: 0383-23

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: April 10, 2023

SUBJECT: Institute of Police Technology and Management (IPTM) Agreement

Request: Council authorization to execute the agreement between the Institute of Police Technology and Management (IPTM) and the Lexington Police Department for thirty officers to attend two IPTM courses. Cost not to exceed \$29,000.

Purpose of Request: The Lexington Police Department (LPD) requests agreements with Institute of Police Technology and Management to allow the LPD to host two IPTM courses during the grant fund year. These courses will allow up to 30 officers to attend with no travel costs or per diem, if local. The officers will then be certified in Collision Reconstruction and able to conduct investigations across the state for fatal collisions and any other collisions needing a specialized investigator.

IPTM travels to the hosting departments for \$14,500 per training class, which is a significant cost decrease from paying for each individual officers to travel to attend the courses. If approved, the LPD will schedule and host the training for their officers and several other officers within the state of Kentucky.

What is the cost in this budget year and future budget years? Total cost in FY23 is \$29,000.00. No future cost anticipated in future budget years.

Are the funds budgeted? Yes, funds are from Traffic Safety Grant (TRAFSAFTY_2023); 3160-505505-5543-74102

File Number: 0385-23

Director/Commissioner: Weathers/Armstrong



MAYOR LINDA GORTON




LEXINGTON

TAMARA WALTERS
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: 
Tamara Walters, Director
Division of Human Resources

DATE: April 10, 2023

RE: **Abolish/Create position - Division of Fire and Emergency Services**

Request:

The attached action is requesting authorization to abolish one (1) classified position of Fleet Operations Supervisor (Grade 520N) and create one (1) classified position of Heavy Technician (Grade 519N) in the Division of Fire and Emergency Services, effective upon passage of Council.

Why are you requesting?

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

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

This action has a 12-month future impact savings of \$5,104.47.



Position Title	Annual Salary Before	Annual Salary After	Annual Increase/Decrease
Fleet Operations Supervisor	(\$58,537.44)	\$0	(\$58,537.44)
Heavy Equipment Technician	\$55,750.24	\$0	\$55,750.24
Total Annual Impact/ Salary and Benefits (\$5,104.47)			

File Number:

0391-23

Director/Commissioner: Tamara Walters/Sally Hamilton

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



MAYOR LINDA GORTON

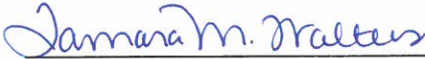


LEXINGTON

TAMARA WALTERS
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: 
Tamara Walters, Director
Division of Human Resources

DATE: March 3, 2023

SUBJECT: FLSA Re-evaluation: Skilled Trades Supervisor change from Exempt to Non-Exempt

Request:

The attached is requesting authorization to abolish and create positions in order to conform with the Fair Labor Standards Act (FLSA) and transfer the incumbents from exempt to non-exempt status, effective the first payroll Monday following passage of Council.

Why are you requesting:

The Division of Human Resources performed a re-evaluation of the current exemption status for Skilled Trades Supervisor at the request of the Divisions of Facilities and Fleet Management and Parks and Recreation. Although the Divisions of Fire and Emergency Services, Community Corrections did not request an evaluation, the Skilled Trades Supervisor positions in those divisions were also included in this study. After further review of the classification's duties in accordance with the U.S. Department of Labor's FLSA regulations, the primary duties of the Skilled Trades Supervisor do not meet the current regulation requirements. Therefore, the Division of Human Resources has concluded that the following classifications and the incumbents will change from exempt to non-exempt status.



Division	Employee Name	Current Grade	New Grade
Facilities and Fleet Management	Jason Oesterling Garland Martin Robert Nichols Scott Kelsey William Sinclair	522E	522N
Parks and Recreation	William Hamilton Robert Ledford Stephen Collins Stevie Brewer Richard Strange	522E	522N
Community Corrections	William Regensburger	522E	522N
Fire & Emergency Services	Phillip Smyth	522E	522N

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

While the base salaries remain the same, there may be a potential fiscal impact due to the fact that these employees will become eligible for overtime pay.

File Number:

0394-23

Director/Commissioner: Tamara Walters/Sally Hamilton



MAYOR LINDA GORTON




LEXINGTON

TAMARA WALTERS
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: 
Tamara Walters, Director
Division of Human Resources

DATE: April 10, 2023

SUBJECT: Voluntary Benefit - EyeMed

Request:

We request authorization to execute an agreement with EyeMed for Vision Care Insurance Plans for all eligible Lexington-Fayette Urban County Government employees. All plan benefits and rates will remain the same for the period beginning January 1, 2024 through December 31, 2027.

There is no charge to Lexington-Fayette Urban County Government.

File Number:

0397-23

Director/Commissioner:

Tamara Walters/Sally Hamilton

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



MAYOR LINDA GORTON



COMMISSIONER CHARLIE LANTER
HOUSING ADVOCACY &
COMMUNITY DEVELOPMENT

TO: LINDA GORTON, MAYOR
URBAN COUNTY COUNCIL

FROM: CHARLIE LANTER, COMMISSIONER
HOUSING ADVOCACY & COMMUNITY DEVELOPMENT

DATE: April 10, 2023

SUBJECT: Authorization to execute sub-recipient agreements with Legal Aid of the Bluegrass and Kentucky Equal Justice Center to provide housing stability services through the Housing Stabilization Program for tenants facing potential eviction

Request: Council authorization to execute sub-recipient agreements with Northern Kentucky Legal Aid Society, Inc. (dba Legal Aid of the Bluegrass) and Office of Kentucky Legal Services Programs, Inc. (dba Kentucky Equal Justice Center) and allocate \$1,899,853.00 of Emergency Rental Assistance grant funds from the U.S. Department of the Treasury for the provision of housing stability services through the Housing Stabilization Program for tenants facing potential eviction.

Purpose of Request: Since January 2021, LFUCG has received Emergency Rental Assistance (ERA) funds totaling over \$63 million from the U.S. Department of the Treasury to provide rental and utility assistance to eligible residents of Fayette County, including an award of reallocated ERA funds received by LFUCG in December 2022 in the amount of \$15,757,841.65. The Department of Housing Advocacy & Community Development administers spending of these funds through the Housing Stabilization Program. Day-to-day operation of the program is carried out by sub-recipient organizations.

Following the receipt of additional ERA funding in December 2022, LFUCG solicited bids (via RFP #12-2023) for one or more sub-recipients to provide housing stability services intended to keep Lexington residents facing a high risk of eviction stably housed. Following evaluation of the responses received and negotiations with the successful bidders, the sub-awards below will be made upon approval by Council:

- Legal Aid of the Bluegrass - \$819,473 to provide housing stability services, including eviction mediation or similar eviction diversion activities, expanded access to legal counsel for tenants, and housing navigation or other similar case-management related to housing stability; and, \$100,000 to provide direct financial assistance for the payment of rent and other eligible expenses on behalf of tenants participating in eviction mediation.
- Kentucky Equal Justice Center - \$980,380 to provide housing stability services, including data collection and reporting on tenants facing eviction, tenant outreach and early connection to safety net resources, asset mapping of programs and resources that support tenants facing eviction, and expanded access to legal counsel for tenants.

These sub-recipient agreements will be for a fixed term, beginning on the date of execution and ending on December 31, 2024.

What is the cost in this budget year and future budget years? The \$1,899,853.00 allocation in the proposed sub-recipient agreements is funded entirely by federal grant funds. Any funds unspent in FY23 will remain available for spending in FY24 until December 31, 2024 or the expiration of any extension granted by the U.S. Department of the Treasury.

Are the funds budgeted? Yes, 3230-160201-0001-71101; CV_EARP_2021

File Number: 0401-23

Director/Commissioner: Wright/Lanter



MAYOR LINDA GORTON



LEXINGTON

THERESA REYNOLDS
DIRECTOR
GRANTS & SPECIAL PROGRAMS

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

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

DATE: APRIL 12, 2023

**SUBJECT: Kentucky Office of Homeland Security (KOHS) FY2023 Applications for the
Lexington Fire Department**

Request: Council authorization to submit applications, and accept awards if offered, to the Kentucky Office of Homeland Security under Homeland Security Grant Program for funding of \$330,598.33 to purchase equipment and conduct training for our Special Operations Team. No grant match is required.

Why are you requesting: The Kentucky Office of Homeland Security is accepting applications from local governments requesting federal funding from the Homeland Security Grant Program. This federally funded program, originating from the U.S. Department of Homeland Security, provides financial assistance to the states to prevent, respond to, and recover from acts of terrorism. The states have the responsibility for apportioning funding to local governments. The equipment is outlined below:

#1 FEMA Structural Collapse Specialist Course at a cost of \$54,587.55. The FEMA Structural Collapse Specialist course will enhance mass search and rescue capabilities for our Urban Search and Rescue Team and other USAR teams across Kentucky through an eighty-hour training course.

#2 All-band, all-hazard portable radios and extra batteries at a cost of \$276,010.78. These portable radios will enhance our interoperability with other agencies when responding to out-of-county emergencies or special events. The Lexington Fire Department has responded to events and incidents across the Commonwealth where communications were a significant issue. These radios will allow us to communicate on various bands and frequencies that other counties use.

What will this cost in this budget year and future budget years? A total of \$330,598.33 is being requested for Fiscal Year 2024. No matching funds are required. Future years funding is dependent upon availability of grant funding.

Are the funds budgeted? Budget amendments will be completed if approved for funding.



Page 2 of 2
Fire KOHS Applications

File Number: 0404-23

Director/Commissioner: Weathers/Armstrong



**Neighborhood Development Funds
April 18, 2023
Work Session**

Amount	Recipient	Purpose
\$ 826.25	16th District PTA, Inc. c/o Deep Springs Elementary School PTA Nathaniel Blankenship 1126 Russell Cave Road Lexington, KY 40505	To assist with revitalization and programming.
\$ 826.25	16th District PTA, Inc. c/o Dixie Magnet Elementary School PTSA C. Ruth Willoughby 1126 Russell Cave Road Lexington, KY 40505	To assist with providing a Good Faith Effort Award for students completing spring assessments.
\$ 826.25	Bryan Station High School Alumni Association Glenn Jones 677 Northside Drive Lexington, KY 40505	To assist with scholarships for students.
\$ 500.00	Garden Springs Neighborhood Association, Inc. Lisa Fernandez 2119 Tamarack Drive Lexington, KY 40504	To assist with the fabrication and installation of a new neighborhood sign.
\$ 525.00	LFUCG-Traffic Engineering Brian Knapp 1101-303602-3606-91613 BA #12279	To assist with traffic markings in the 3rd district.
\$ 500.00	LFUCG-Aging and Disability Services Kristy Stambaugh 1101-606102-6063-75101 BA #12280	To assist the senior intern program.

**Council Capital Projects
April 18, 2023
Work Session**

Amount	Recipient	Purpose
\$ 190,000.00	LFUCG-Parks and Recreation Michelle Kosieniak 1105-707602-7221-90320-735 BA #12233	To assist with the Gainesway Park Playground Project.
\$ 7,400.00	LFUCG-Traffic Engineering Brian Knapp 1105-303602-3606-91614 BA #12219	To assist with the installation of two speed feedback signs for Margaret Drive.
\$ 21,300.00	LFUCG-Parks and Recreation Michelle Kosieniak 1105-707602-7221-91015 BA #12220	To purchase three water fountain fixtures (Dogwood, Waverly and Wellington Parks)
\$ 3,700.00	LFUCG-Traffic Engineering Brian Knapp 1105-303602-3606-91614 BA #12221	To purchase a solar speed sign traffic device.
\$ 20,000.00	LFUCG-Parks and Recreation Michelle Kosieniak 1105-707602-7221-90319 BA #12232	To improve lighting at Isaac Murphy Memorial Art Garden.
\$ 43,295.50	LFUCG-Environmental Services Demetria Mehlhorn/Eve Miller 1105-313201-3092-75102 BA #12261	To assist with the 3rd and 4th project areas for the Can Run site off Bryan Station Road.
\$ 63,000.00	LFUCG-Traffic Engineering Grace Foley/Jeff Neal 1105-303602-3606-91614 BA #12282	To assist with various projects in the 10th district.
\$ 17,000.00	LexArts 161 N. Mill Street Lexington, KY 40507 Nathan Zamarron	To assist with beautification of Southland Drive over Norfolk Southern.



Environmental Quality & Public Works Committee

February 7, 2023

Summary and Motions

Chair Sheehan called the meeting to order at 1:04 p.m. Committee Members LeGris, Wu, Fogle, Lynch, Monarrez, Gray, Worley, F. Brown, and Sevigny were present. Council Member Plomin was present as a non-voting member.

I. Approval of November 1, 2022 Committee Summary

Motion by Wu to approve the November 1, 2022 Environmental Quality & Public Works Committee Summary. Seconded by Gray. Motion passed without dissent.

II. Capacity Assurance Program (CAP) Audit Update

Chris Dent, Sanitary Sewer Section Manager with Division of Water Quality, began the presentation on the *Capacity Assurance Program (CAP) Audit Update* by reviewing what CAP means with regard to the sewer system and the consent decree. He displayed the website for locating additional information and explained the capacity tracking map. He reviewed the history of the CAP program and mentioned the formation of a taskforce which began work in May 2012 with a completion date of September 2012. Taskforce meetings were facilitated by Stantec and they brought forward 19 recommendations that became the framework of the program moving forward. One of the recommendations was an audit to take place every two years to ensure compliance. The audit presented today is from July 2019 to June 2021 with 18 random applications reviewed out of a total of 171 applications. CAP audit findings showed everything was in compliance with requirements outlined in the ordinance.

Dent confirmed the audits are not ordered by the consent decree and it came as a recommendation from the taskforce. When asked if there is a reason why the audit is done every 2 years, Dent explained this is codified in the ordinance so Council will need to make this change. Charlie Martin, Director of Division of Water Quality, said the frequency was chosen out of an abundance of caution to be fair and transparent. Speaking about where they are in the process, Dent said there were 111 sanitary sewer pumps to start and 84 of those have been abated. When asked how transparency is helpful for the public and what the recommended timeline would be, Dent feels 5 years is adequate. The committee requested a Draft Ordinance recommending a change to the audit timeline be presented at the next committee meeting scheduled for April 18. No action was taken on this item.

III. Hazardous Street Tree (Cost-Share) Program

Jennifer Carey, Director of Division of Environmental Services, began with proposed changes to Chapter 17B in the Code of Ordinances as it pertains to street trees. The ordinance was last updated in May 1994 and the Tree Board supports the proposed changes. Potential changes include height requirements; changes to the Tree Board membership and the number of Tree Board meetings; and clarifying 2 types of appeals based on various issues. She provided a background on the guidelines for the *Hazardous Street Tree (Cost-Share) Program* and said the guidelines provide a framework (intent, eligibility, participation guidelines, etc.) for the program. Updating the program guidelines would expand this program to include properties in the Urban Service Area and other rural residential areas. Guidelines also address the equity issues and Carey reviewed new options available. She concluded with a brief review of the draft ordinance

and draft guidelines and she requested consideration of the proposed draft ordinance and guidelines updates.

Regarding the responsibility for tree pruning, Carey said there are requirements for clearance pruning that fall to the property owner to make sure there is adequate clearance over the roadway and the sidewalk. She spoke about a program to provide street tree clearance pruning, but it is only offered in tax districts that contribute to fund 1115. When asked if there is a provision in place for removing and replacing trees that have grown into each other or if a person needs special permission from DES, Carey said they want the property owner to obtain a permit to remove and replace the street tree. When asked about reporting dead or overgrown street trees through the 3-1-1 system (Lex-Call), Carey explained there are specific codes for this when calling Lex-Call and there is also a code for additional information on the cost share program. Carey confirmed the proposed changes don't really impact the process for utilities, but they have tried to restrict in areas with overhead utility easements.

When asked about diversity on the Tree Board, Carey said the board is not currently diverse except for gender, but addressing diversity is one of the goals for bringing these changes forward. By not so clearly defining what types of background someone needs to possess to qualify for the board's positions, it provides an opportunity to diversify the board. There was some concern about making the membership requirements too broad in an effort to make it more diverse because this particular board should have expertise. Carey said she is comfortable with it because the passionate people who are on the Tree Board have the qualifications that they are seeking. Members of the public who attend the Tree Board meetings, but aren't Tree Board members, create a deep pool of qualified people that can fill expired terms. Addressing the removal of the Building Inspection Director from the board, Carey explained that reason for this is because streets trees aren't in the purview of Building Inspection. Additionally, they wanted to reduce the membership by one staff member so this was the logical choice.

When asked how much is allocated to the *Hazardous Street Tree (Cost-Share) Program*, Carey said funding is \$50,000 in the budget for 1101. Additionally, the Ad Hoc committee allocated \$150,000 to help clear and work through the backlog. Speaking about the expertise on staff, Carey explained that she, along with Tim Queary, Traci Wade, Doug Burton, and several folks in the Urban Forestry program, attend to provide support and knowledge. Carey said they try to keep close tabs on the queue so when they approach the maximum budget, the application is removed from the web site. If applications are received after the funds have run out, they notify the applicant that their application will be kept on file for future funding. Carey clarified if someone applies but does not ask to be considered for the (100%) low income/middle income qualification, the 50% grant is the default and they are kept on track for getting the 50% cost-share upon completion. If someone wants to be considered for the 100% grant and is determined to not be eligible, they are offered the 50% grant as a way for the city to pay 50% of the cost up front. Speaking about funding capacity, Carey said they could easily accommodate \$150,000 a year because the staff has proven they can handle that number of applications and get them through the entire application process. Carey explained the guidelines propose setting aside 25% of the budget to award 100% grants so they would carve out this piece to make sure it is not spent by those who do not need the grant. Regarding reaching out to underserved communities, Carey said they track council districts of participants and she can provide more information this summer at their annual committee update.

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

Motion by Sheehan to approve a Resolution approving guidelines for the *Hazardous Street Tree (Cost-Share) Program*, to provide financial assistance to owners of owner-occupied residential property in removing hazardous street trees pursuant to Chapter 17B of the Code of Ordinances. Seconded by LeGris. Motion passed without dissent.

Motion by Sheehan to have the Resolution approving guidelines for the *Hazardous Street Tree (Cost-Share) Program* reported out at Work Session today, February 7, 2023. Seconded by Monarrez. Motion passed without dissent.

IV. Items Referred to Committee

Motion by LeGris to remove *Wrong Way Driving* from the list of committee referral items. Seconded by Wu. Motion passed without dissent.

Motion by Worley to remove the *Single Use Plastics/Energy Conservation* from the list of committee referral items [this item will now be included with the *Explore Lexington's Sustainability Options* item]. Seconded by Gray. Motion passed without dissent.

Motion by LeGris to remove *Waste Management Fines* from the list of committee referral items. Seconded by Monarrez. Motion passed without dissent.

Motion by Lynch to remove the *5G Small Cell Wireless Plan Update* from the list of committee referral items. Seconded by LeGris. Motion passed without dissent.

Motion by Sheehan to remove *Hazardous Street Tree (Cost-Share) Program* from the list of committee referral items. Seconded by Worley. Motion passed without dissent.

Motion by Fogle to adjourn at 2:29 p.m. Seconded by Gray. Motion passed without dissent.

ORDINANCE NO. _____ - 2023

AN ORDINANCE AMENDING CHAPTER 17B OF THE CODE OF ORDINANCES OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT, RELATING TO STREET TREES, AS FOLLOWS: AMENDING SUBSECTIONS 17B-1(2), (3), (4), AND (6) TO AMEND THE DEFINITIONS OF LARGE TREE, MEDIUM TREE, SMALL TREE, AND TREE PLANTING EASEMENT; AMENDING SECTION 17B-2 TO DESIGNATE THE DIVISION OF ENVIRONMENTAL SERVICES AS THE AUTHORITY RESPONSIBLE FOR ISSUING TREE PLANTING PERMITS AND TO PROVIDE REQUIREMENTS FOR TREE PLANTINGS RELATIVE TO REGULATORY SIGNS AND OVERHEAD UTILITIES; AMENDING SECTION 17B-3 TO DESIGNATE THE DIVISION OF ENVIRONMENTAL SERVICES AS THE AUTHORITY RESPONSIBLE FOR ISSUING TREE REMOVAL PERMITS; AMENDING SECTION 17B-4 TO PROHIBIT THE ATTACHMENT OF WIRE OR NAILS TO STREET TREES; AMENDING SECTION 17B-5 TO DESCRIBE JURISDICTION FOR APPEALS TO THE TREE BOARD AND TO THE INFRASTRUCTURE HEARING BOARD; AMENDING SECTION 17B-6 RELATING TO THE COMPOSITION, MEMBERSHIP TERM, MEETINGS, AND DUTIES OF THE TREE BOARD; AMENDING SECTION 17B-7 TO PROVIDE THAT TREE TOPPING SHALL ONLY BE PERMITTED BY WRITTEN APPROVAL OF THE URBAN FORESTER OR THEIR DESIGNEE; AMENDING SECTION 17B-9 TO REQUIRE REPLACEMENT TREES TO MEET STREET TREE REQUIREMENTS; REPEALING SECTION 17B-11 AND AMENDING SECTION 17B-10 TO DESCRIBE SUGGESTED TREE SPECIES AND UNACCEPTABLE TREE SPECIES; RENUMBERING SECTION 17B-12 AS SECTION 17B-11; RENUMBERING SECTION 17B-13 AS SECTION 17B-12 AND AMENDING SECTION 17B-12 TO PROVIDE THAT APPEALS FROM CITATIONS FOR VIOLATIONS OF CHAPTER 17B OF THE CODE SHALL BE TAKEN TO THE INFRASTRUCTURE HEARING BOARD, WITH ENFORCEMENT PROCEDURES TO CONFORM TO CHAPTER 2B OF THE CODE; AND AMENDING SECTION 16-76 OF THE CODE TO DESIGNATE THE INFRASTRUCTURE HEARING BOARD AS THE CODE ENFORCEMENT BOARD HEARING MATTERS RELATING TO ENFORCEMENT OF ORDINANCES BY THE DIVISION OF ENVIRONMENTAL SERVICES.

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

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

Sec. 17B-1. - Definitions.

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

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

- (4) Small tree shall mean any tree species which normally attains a height between ten (10) feet and fifteen (15) feet at maturity.
- (5) Person shall mean any person, corporation, partnership, company, contracting firm or other entity, including those employed under a contract with the urban county government.
- (6) Tree planting easement shall mean a planting area with a minimum width of ten (10) feet located immediately adjacent and parallel to the street right-of-way or directly adjacent to the sidewalk, if applicable.
- (7) Hazardous tree shall mean any street tree that is dead, diseased, or insect infested such that it poses a health threat to neighboring trees or creates a threat to the public safety or to property.

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

Sec. 17B-2. - Tree planting.

- (a) Any person may plant a tree within the urban county government right-of-way immediately adjacent to their property upon obtaining a permit from the division of environmental services.
- (b) The permit shall be granted providing the following conditions are met:
 - (1) The tree to be planted is not an unacceptable tree species, as provided in section 17B-10 of this chapter.
 - (2) The recommended spacing between this and other trees is forty-five (45) feet (large tree), thirty-five (35) feet (medium tree), and twenty-five (25) feet (small tree).
 - (3) The minimum size of the planting area complies with the requirements of Article 6-10 of the Land Subdivision Regulations.
 - (4) If installed between the sidewalk and the street, the tree location is to be at least seventy-five (75) feet in advance of stop or yield signs, twenty-five (25) feet in advance of any other standard regulatory or warning signs, and ten (10) feet from fire hydrants or utility poles.

- (5) Only small trees shall be permitted for planting in areas where overhead utility wires are located or where utility easements for overhead utility wires have been dedicated.
 - (6) The property owner shall call Kentucky 811 to locate utilities and check proposed planting sites for compliance with requirements relating to utilities, obstructions and potential interference with future construction, including but not limited to compliance with KRS 367.4901 et seq.
 - (7) The property owner shall maintain the tree after the tree is planted. Maintenance shall include watering, pruning, removal of dead or diseased limbs and insect control, as necessary. The property owner also shall be responsible for any damage to existing utilities caused by the tree installation.
- (c) The division of environmental services may waive any of the conditions in granting a permit where such action would promote the preservation of the health, integrity or appearance of an area's tree population. Further, where such action would promote the public welfare, the urban forester or his designee may condition the granting of a permit upon the applicant's agreement to plant only a certain species of tree.
 - (d) The division of environmental services may deny a permit although all conditions have been met, but only for just cause based on circumstances unique to the property affected which would create a threat to public welfare and/or safety if the proposed planting were permitted.
 - (e) The decision of the division of environmental services shall be made within fourteen (14) days after an application is filed. Failure to issue such decision within said time period shall have the same effect as approval of the application.

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

Sec. 17B-3. - Tree removal.

- (a) No person may remove a tree larger than three (3) inches in diameter, measured at a point four and one-half (4½) feet above the ground within the urban county government right-of-way without obtaining a permit from the division of environmental services.
- (b) The permit shall be granted provided the tree to be removed is dead or dying.
- (c) The division of environmental services may issue permits for the removal of live trees only in special circumstances. Instances where a permit for the removal of a live tree may be issued include, but are not limited to, the following:
 - (1) The tree is a threat to the public safety;
 - (2) The tree is a threat to the health of other trees in the community; or
 - (3) The tree is to be replaced by a more desirable tree.
- (d) If the division of environmental services determines that a street tree is a hazardous tree, he can order the property owner to remove the hazardous tree in a timely manner, as determined by the division of environmental services at the property owner's expense.
- (e) The division of environmental services can order the property owner to remove any street tree planted without a permit, or in violation of permit conditions.
- (f) Nothing contained in this chapter is intended to infringe on the authority of the urban county engineer, pursuant to KRS 179.070, to remove trees from the right-of-way of any publicly dedicated road when the trees become a hazard to traffic.
- (g) Except as provided in subsection (e) above, any person who removes a tree within the urban county government right-of-way shall replace the removed tree in accordance with the requirements set forth in section 17B-2(b). This requirement may be waived by the division of environmental services where replacement would be inappropriate under the standards set forth in section 17B-2(b).

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

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

No person shall intentionally damage, cut, poison, carve, transplant or remove any tree without a permit as required by section 17B-3 of this chapter; nor shall any person attach any rope, wire, nails, advertising posters or other contrivance to any street tree; allow any gaseous liquid, herbicide or solid substance which is harmful to trees to come in contact with them; or set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any tree.

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

Sec. 17B-5. - Appeals.

Except as otherwise provided herein, any person adversely affected by any decision of the division of environmental services in the application or interpretation of any of the provisions of this chapter may appeal the decision of the division of environmental services to the tree board established by this chapter.

(a) The appeal provided herein shall be taken by filing written notice thereof with the clerk of the urban county council, with a copy thereof to be filed with the urban forester within ten (10) days from notification of the decision. The written notice provided for herein shall recite the reasons why the appeal is being taken.

(b) The appeal provided herein shall be heard at the first tree board meeting following the filing of this appeal. The urban forester, as a member of the tree board, shall abstain from voting on the appeal.

(c) Notwithstanding the foregoing, all appeals from civil citations issued pursuant to Section 17B-12 of the Code of Ordinances shall be taken by filing an appeal with the infrastructure hearing board, with the citations and civil process to conform to Section 17B-12 and Chapter 2B of the Code of Ordinances.

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

Sec. 17B-6. - Tree board.

- (a) A tree board, appointed by the mayor, shall be established. The tree board shall consist of fifteen (15) members including the following:
- (1) Eight (8) concerned and interested residents of Lexington, Fayette County, two (2) of whom shall be professionals in arboriculture;
 - (2) The commissioner of environmental quality and public works, or their representative;
 - (3) The director of parks and recreation, or their representative;
 - (4) The director of engineering, or their representative;
 - (5) A member of the urban county council, or their representative;
 - (6) The director of planning or their representative;
 - (7) The urban forester; and
 - (8) The director of streets and roads or their representative.
- (b) The membership of the commissioner of environmental quality and public works, the director of parks and recreation, the director of engineering, the director of planning, the urban forester, and the director of streets and roads, or their respective representatives shall serve ex officio. The urban county council member or their representative shall serve for the duration of their term in office. All other tree board members shall serve terms of four (4) years. All tree board members may only serve two (2) consecutive full terms. Members who have served two (2) consecutive full terms shall not be eligible for re-appointment to the tree board until the lapse of twelve (12) months from the end of their second consecutive full term.
- (c) In the event a vacancy shall occur during the term of any appointed member, a successor shall be appointed for the unexpired portion of the term. All members of the tree board shall serve without pay.
- (d) The tree board shall establish the board's rules, regulations and procedures and arrange for the holding of meetings on a regular basis, with not less than ten (10) meetings per calendar year.
- (e) The duties of the tree board shall be as follows:
- (1) To promote urban forestry and advise appropriate municipal agencies on arboricultural matters.

- (2) To hear all appeals from any decision of the division of environmental services in the application or interpretation of any of the provisions of this chapter as authorized herein and to adopt rules for the conduct of such hearings, which rules shall uniformly apply to all such appeals and shall provide that both the appellant and the appellee shall have the right to:
- (i) Offer and examine witnesses and present evidence in support of their cases;
 - (ii) Cross-examine witnesses and offer evidence to refute evidence offered in opposition; and
 - (iii) Following the hearing of such appeals, receive the board's decision reduced to writing, such decision to contain the findings of fact based upon evidence produced at the hearing.

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

Sec. 17B-7. - Tree topping.

- (a) It shall be unlawful as a normal practice for any person to top any tree within the urban county right-of-way or designated tree planting easement. "Topping" is defined as the severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or trees under utility wires or other obstruction where other pruning practices are impractical, can be exempted from this section only by written approval of the urban forester or their designee.
- (b) It shall be unlawful to prune any tree within the urban county right-of-way or designated tree planting easement in such a way as to remove the normal canopy or twenty-five (25) percent or more of the crown for the purpose of increasing visibility of outdoor signs or building facades.

Section 8 – That Section 17B-9 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 17B-9. - Tree protection.

All street trees within ten (10) feet of any excavation or construction of any building, structure, street work, or sidewalk, shall be guarded with a protective barrier of at least eight (8) feet square. All building materials, dirt or other debris shall be kept outside the barrier. Any trees damaged or removed due to excavation or construction shall be replaced in the original location or as close to the original location as possible by the person doing the excavation or construction. Replacement trees shall at a minimum meet original street tree requirements.

Section 9 – That Section 17B-10 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 17B-10. – Suggested and unacceptable tree species.

Trees with characteristics that make them appropriate for use in the public right-of-way and which are recommended as suggested street trees can be found in the Planting Manual for the Lexington-Fayette Urban County Government. Characteristics that make trees unacceptable for use in public rights-of-way and are not permitted for street trees include, but are not limited to:

- (1) Disease or insect problems;
- (2) Dirty, drooping branches, objectionable fruit or bark;
- (3) Weak-wooded, apt to lose large branches in wind or with age;
- (4) Unpredictable or irregular habits that may develop;
- (5) Root problems, shallow and destructive roots; or
- (6) Unsafe, dangerously thorny or poisonous.

Section 10 – That Section 17B-11 of the Code of Ordinances be and hereby is repealed.

Section 11 – That Section 17B-12 of the Code of Ordinances be and hereby is renumbered as Section 17B-11 of the Code of Ordinances.

Section 12 – That Section 17B-13 of the Code of Ordinances be and hereby is renumbered as Section 17B-12, and be and hereby is amended to read as follows:

Sec. 17B-12. - Violation.

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

- (a) Prior to the issuance of the first civil citation for a violation of a section of this chapter, the urban county government shall issue a notice of violation, which shall specify a time period of at least twenty-four (24) hours for the correction of the violation. The time period specified shall not impose unrealistic requirements under prevailing weather and site conditions. If the violation is not corrected as specified in the written notice, the urban county government may issue a civil citation. A notice of violation shall precede the issuance of the first civil citation for such offense unless the violation is deemed to be a serious threat to the public health, safety and welfare; or, if in the absence of immediate action, the effects of the continuation of the violation would be irreparable or irreversible. No notice of violation shall be required prior to the issuance of a citation for any offense which occurs after the first citation is issued to a person or entity.
- (b) Appeal of the civil citation may be made to the infrastructure hearing board, as provided in sections 17B-5 and 16-76 of the Code of Ordinances.
- (c) For violations of this chapter, the civil fines associated with the issuance of a civil citation are as follows:
 - (1) Upon issuance of the first citation within any 12-month period the civil fine shall be a maximum of two hundred dollars (\$200.00).
 - (2) The civil fine imposed upon the issuance of the second citation for violation of the same section of this chapter within any 12-month period shall be a maximum of three hundred dollars (\$300.00).

- (3) The civil fine imposed upon issuance of the third citation for violation of the same section of this chapter within any 12-month period shall be a maximum of four hundred fifty dollars (\$450.00).
- (4) The civil fine imposed upon issuance of the fourth or more citation for violation of the same section of this chapter within any 12-month period shall be a maximum fine of five hundred dollars (\$500.00).
- (d) When there is reason to believe that the violation poses a serious threat to the public health, safety or welfare; or in situations where continuation of the violation would be irreparable or irreversible, the government may, without further notice, proceed to abate the conditions. In such cases, the government may, in addition to any fine imposed herein, charge the responsible person, persons or entities with the cost of the abatement, including equipment expense, disposal fee, if any, and an administrative fee of seventy-five dollars (\$75.00). The urban county government may file a lien for such abatement, in accordance with section 2B-9 of the Code of Ordinances and KRS 65.8835. Citations, if issued, shall not preclude the government from abating the conditions and billing the responsible person, persons or entities for the cost of abatement.
- (e) Nothing contained herein shall prohibit the urban county government from enforcement of this chapter by any means authorized by law.

Section 13 – That Section 16-76 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 16-76. - Hearing boards; establishment; powers.

Two (2) hearing boards are hereby created pursuant to KRS 65.8801 through 65.8840, one (1) to be known and referred to as the infrastructure hearing board and one (1) to be known and referred to as the environmental hearing board. The infrastructure hearing board shall hear matters regarding enforcement of ordinances by the divisions of engineering, water quality, planning, traffic engineering, environmental services, and streets and roads, as specified in applicable code sections, and those portions of the zoning ordinance and subdivision regulations subject to enforcement through civil citations. The environmental hearing board shall hear matters regarding enforcement of

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ordinances by the division of solid waste and shall also hear matters relating to the enforcement of section 14-105 of the Code which classifies littering as a civil offense. The boards shall operate under and be subject to the provisions of chapter 2B of the Code.

Section 14 – That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

PUBLISHED:

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RESOLUTION NO. _____ - 2023

A RESOLUTION APPROVING GUIDELINES FOR THE HAZARDOUS STREET TREE (COST-SHARE) PROGRAM, TO PROVIDE FINANCIAL ASSISTANCE TO OWNERS OF OWNER-OCCUPIED RESIDENTIAL PROPERTY IN REMOVING HAZARDOUS STREET TREES PURSUANT TO CHAPTER 17B OF THE CODE OF ORDINANCES.

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

Section 1 – That Guidelines for the Hazardous Street Tree (Cost-Share) Program, which are attached hereto and incorporated herein by reference, be and hereby are approved, to provide financial assistance to owners of owner-occupied residential property in removing hazardous street trees pursuant to Chapter 17B of the Code of Ordinances.

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

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

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MAYOR LINDA GORTON

TODD SLATIN
DIRECTOR
CENTRAL PURCHASING

Urban County Council Council Meeting April 20, 2023

The following price contract bid recommendations will be placed on the Mayor's Report for approval at the April 20, 2023 Council Meeting;

- (1) Accepting and approving the following bids and establishing price contracts for the following Departments or Divisions as to the specifications and amount set forth in the terms of the respective bids:
 - (a) Div. of Traffic Engineering – Granville Street Light Equipment 25-2023 – Path Master, Inc.

