

# **Lexington-Fayette Urban County Government**

*200 E. Main St  
Lexington, KY 40507*



**Tuesday, October 14, 2014**

**3:00 PM**

**Packet**

**Council Chamber**

**Urban County Council Work Session**

**URBAN COUNTY COUNCIL  
SCHEDULE OF MEETINGS  
October 13 – October 20, 2014**

**Monday, October 13**

Senior Center Groundbreaking.....10:00 am  
Idle Hour Park – Park Behind Southland Christian Church (Richmond Rd.)

**Tuesday, October 14**

Environmental Quality Committee.....11:00 am  
Council Chamber – 2<sup>nd</sup> Floor Government Center

Planning & Public Works Committee.....1:00 pm  
Council Chamber – 2<sup>nd</sup> Floor Government Center

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

**Wednesday, October 15**

Vacant Property Review Commission.....10:00 am  
Conference Room – 7<sup>th</sup> Floor Government Center

**Thursday, October 16**

Keep Lexington Beautiful.....9:00 am  
Conference Room – 5<sup>th</sup> Floor Government Center

Corridors Commission.....11:00 am  
Conference Room – 5<sup>th</sup> Floor Government Center

**Friday, October 17**

No Meetings

**Monday, October 20**

No Meetings

**URBAN COUNTY COUNCIL  
WORK SESSION  
TABLE OF MOTIONS  
October 7, 2014**

Mayor Gray called the meeting to order at 3:00pm. Council Members Gorton, Ellinger, Kay, Ford, Akers, Lawless, Beard, Stinnett, Scutchfield, Myers, Mossotti, Clarke, Henson and Lane were present. Council Member Farmer was absent.

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

Motion by Scutchfield to approve the October 9, 2014 docket. Seconded by Beard. Motion passed without dissent.

Motion by Henson to place on the Docket for the Thursday, October 9, 2014 Council Meeting, under first reading Ordinances, an Ordinance amending Sections 2-458, 2-460, and 2-462 of the Code of Ordinances relating to membership requirements, election of officers and meeting requirements for the Commission for Citizens with Disabilities. Seconded by Ellinger. Motion passed without dissent.

Motion by Scutchfield to place on the docket for the October 9th, 2014 Council meeting a resolution authorizing and directing the Division of Traffic Engineering, pursuant to code of ordinances section 18-86, to reduce the speed limit reduction from 35mph to 30mph installing signs where appropriate along Jouett Creek Drive. Seconded by Mossotti. Motion passed without dissent.

Motion by Scutchfield to place on the docket for the October 9th, 2014 Council meeting a resolution authorizing and directing the Division of Traffic Engineering, pursuant to code of ordinances section 18-66, to reduce the speed limit from 30mph to 25mph, installing signs where appropriate along Ellerslie Park Boulevard. Seconded by Myers. Motion passed without dissent.

Motion by Scutchfield to place on the docket for the October 9th, 2014 Council meeting a resolution authorizing and directing the Division of Traffic Engineering, pursuant to code of ordinances section 18-86, to install multi-way stop controls at Blazer Parkway and North Eagle Creek Drive. Seconded by Lane. Motion passed without dissent.

Motion by Scutchfield to place on the docket for the October 9th, 2014 Council meeting a resolution authorizing and directing the Division of Traffic Engineering, pursuant to code of ordinances section 18-86, to install multi-way stop controls at

Rio Dosa Drive and North Locust Hill Road. Seconded by Henson. Motion passed without dissent.

Motion by Beard to approve the docket as amended. Seconded by Myers. Motion passed without dissent.

Motion by Lawless to schedule a public hearing for ordinance #7 on November 17, 2014 @ 5:00pm. Seconded by Clarke. Motion passed without dissent.

Motion by Gorton to go into closed session pursuant to KRS 61.810 (1)(c) for the purpose of discussing potential litigation and pursuant to KRS 61.810 (1)(f) for a discussion that may lead to the appointment of an employee. Seconded by Kay. Motion passed without dissent.

Motion by Gorton to return from closed session. Seconded by Ellinger. Motion passed without dissent.

Motion by Gorton to place on the docket for the October 9, 2014 Council meeting: 1. A resolution denying the transfer of control of Time Warner Cable to Comcast Corporation: and 2. A resolution denying the transfer of control of Comcast Corporation to Charter Communications, Inc. Seconded by Myers. Motion passed without dissent.

Motion by Lawless to amend the docket to add Time Warner Cable motions. Seconded by Akers. Motion passed without dissent.

### III. Approval of Summary

Motion by Gorton to approve the September 23, 2014 work session summary. Seconded by Myers. Motion passed without dissent.

### IV. Budget Amendments

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

### V. New Business

Motion by Gorton to approve new business. Seconded by Kay. Motion passed without dissent.

Motion by Gorton to amend item N (Marilla Design for Sr. Center) to not exceed \$22,200. Seconded by Clarke. Motion passed without dissent.

VI. Continuing Business/Presentations

Motion by Akers to approve neighborhood development funds. Seconded by Scutchfield. Motion passed without dissent.

Motion by Henson to approve the substance abuse coordinator position proposal. Seconded by Myers. Motion passed without dissent.

Motion by Gorton to amend the agenda to add a presentation on the Affordable Care Act by Benji Marrs. Seconded by Henson. Motion passed without dissent.

VII. Council Reports

Motion by Scutchfield to amend the neighborhood development fund list changing Andover Estates HOA to The Golf Townhomes at Andover HOA, Inc. Phase II and changing Andover Forest HOA to The Golf Townhomes of Andover Estate Section HOA, Inc. Seconded by Henson. Motion passed without dissent.

Motion by Henson to place into the Public Safety Committee a presentation by the CIO to provide an update on current and future IT needs in the Division of Public Safety. Seconded by Mossotti. Motion passed without dissent.

Motion by Myers to place the issue of streetlights, LED, style, etc into the Planning & Public Works Committee. Seconded by Mossotti. Motion passed without dissent.

VIII. Mayor's Report

Motion by Beard to approve Mayor's report. Seconded by Scutchfield. Motion passed without dissent.

IX. Public Comment – Issues Not on Agenda

X. Adjournment

Motion by Scutchfield to adjourn. Seconded by Mossotti. Motion passed without dissent.

**Lexington-Fayette Urban County Council  
Work Session Agenda  
October 14, 2014**

- I. Public Comment - Issues on Agenda**
- II. Requested Rezoning/ Docket Approval – No**
- III. Approval of Summary – Yes, p. 1-3**
- IV. Budget Amendments – No**
- V. New Business – Yes, p. 7-13**
- VI. Continuing Business/ Presentations**
  - a** Budget & Finance Committee, September 23, 2014 Summary, p. 14-15
  - b** General Government Committee, September 9, 2014 Summary, p. 16-18
  - c** Planning & Public Works Committee, September 9, 2014 Summary, p. 19-25
- VII. Council Reports**
- VIII. Mayor's Report – No**
- IX. Public Comment - Issues Not on Agenda**
- X. Adjournment**

## Administrative Synopsis - New Business Items

- a**            **0998-14**            Authorization to execute a three year lease agreement with VAR to provide Apple iMac Desktop Computers to the Coroner's office. (L0998-14) (Nugent/Valicenti)  
This is a request to execute a three year lease agreement with VAR to provide Apple iMac Desktop Computers to the Coroner's office at a cost of \$12,597 for three years. p. 7
- b**            **1041-14**            Authorization to accept permanent and temporary construction easements from owners of record needed for the Loudon Avenue Sidewalk Project. (L1041-14)(Gooding/Paulsen)  
This is a request to accept permanent and temporary construction easements from owners of record needed for the Loudon Avenue Sidewalk Project at a cost not to exceed \$15,000. Funds are budgeted. p. 8
- c**            **1043-14**            Authorization to change street names and/or individual property address numbers within various Council Districts in order to eliminate problem addresses within Fayette County and to insure the proper operation of the Enhanced 9-1-1 system. (L1043-14) (Stack/Mason)  
This is a request to change street names and/or individual property address numbers within various Council Districts in order to eliminate problem addresses within Fayette County and to insure the proper operation of the Enhanced 9-1-1 system. There is no budgetary impact. p. 9
- d**            **1046-14**            Authorization to execute modifications to agreements with the Kentucky Department of Military Affairs, Division of Emergency Management for federal funds under the Chemical Stockpile Emergency Preparedness Program (CSEPP), FY 2011, FY 2012, and FY 2013, extending the performance period through September 30, 2015 (L1046-14) (Gooding/Mason)  
This is a request to execute modifications to agreements with the Kentucky Department of Military Affairs, Division of Emergency Management for federal funds under the Chemical Stockpile Emergency Preparedness Program (CSEPP), FY 2011, FY 2012, and FY 2013, extending the performance period through September 30, 2015. There is no budgetary impact. p. 10-11
- e**            **1050-14**            Authorization to execute standardized Memorandum of Agreements (MOAs) with recycling agencies who wish to have materials processed at LFUCG's Materials Recovery Facility (MRF). (L1050-14) (Thurman/Holmes)

This is a request to execute standardized Memorandum of Agreements (MOAs) with recycling agencies who wish to have materials processed at LFUCG's Materials Recovery Facility (MRF). There is no budgetary impact.  
p. 12

- f**      **1056-14**      Authorization to approve change order #2 to the contract with T.E.M. Group, Inc., for Emergency Generator Connections, increasing the contract price by the sum of \$6,309.50 (L1056-14) (Martin/Holmes)  
This is a request to approve change order #2 to the contract with T.E.M. Group, Inc., for Emergency Generator Connections, increasing the contract price by the sum of \$6,309.50. The new contract price is \$379,376.50. Funds are budgeted. p. 13





7  
0998-14

Lexington-Fayette Urban County Government  
DIVISION OF COMPUTER SERVICES

Jim Gray  
Mayor

Aldona Valicenti  
Chief Information Officer

To: Mayor Jim Gray  
Urban County Council

From: Mike Nugent  
Director, Computer Services

Date: September 18, 2014

Re: VAR Lease Agreement

Council authorization is requested to execute a lease agreement with VAR Resources through CDW-G to provide Apple iMac Desktop Computers to the Coroner's Office. The lease requires a 3-year agreement with a quarterly cost of \$1,049.75. Funds are budgeted.



Lexington-Fayette Urban County Government  
DIVISION OF GRANTS AND SPECIAL PROGRAMS

Jim Gray  
Mayor

Sally Hamilton  
CAO

**TO: JIM GRAY, MAYOR  
URBAN COUNTY COUNCIL**

**FROM: IRENE GOODING, DIRECTOR  
DIVISION OF GRANTS AND SPECIAL PROGRAMS**

**DATE: OCTOBER 1, 2014**

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT  
PERMANENT AND TEMPORARY CONSTRUCTION  
EASEMENTS FROM OWNERS OF RECORD NEEDED FOR  
THE LOUDON AVENUE SIDEWALK PROJECT**

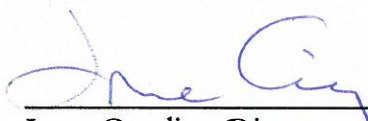
On October 21, 2010 (Resolution No. 184-2010), Council approved the acceptance of federal funds from the Kentucky Transportation Cabinet for construction of the Loudon Avenue Sidewalk Project.

Division of Engineering is in process of appraising properties. Council authorization is requested to accept permanent and construction easements on a maximum of four properties from owners of record at a cost not to exceed \$15,000.

Funds are budgeted as follows:

| FUND | DEPT ID | SECT | ACCT  | BUD REF | PROJECT        | ACTIVITY  |
|------|---------|------|-------|---------|----------------|-----------|
| 3160 | 303202  | 3251 | 91714 | 2011    | LOUD SIDE 2011 | FED GRANT |

Council authorization to purchase necessary easements for project is hereby requested.

  
Irene Gooding, Director

XC: Derek Paulsen, Commissioner of the Department of Planning, Preservation, and Development



Lexington-Fayette Urban County Government  
DEPARTMENT OF PUBLIC SAFETY

Jim Gray  
Mayor

Clay Mason  
Commissioner

**MEMORANDUM**

TO: Mayor Jim Gray and Urban County Council

FROM: Robert Stack, Director, Division of Enhanced 911  
*Robert Stack*

DATE: October 1, 2014

RE: 3<sup>rd</sup> Quarter 2014 Address Changes for Enhanced 9-1-1 Compliance

This request will change street names and individual numbers of addresses within the 2<sup>nd</sup> Council District. The street name and/or number changes are needed to ensure the proper operation of the Enhanced 9-1-1 system. The corrections eliminate confusing, duplicate and/or improperly named and numbered addresses in Fayette County.

The official date of change should be thirty (30) days from date of passage, to allow for new sign placement, utility and Post Office notification and final citizen notification.

The following documents are attached:

1. Individual address list/Draft of Resolution





Lexington-Fayette Urban County Government  
DIVISION OF GRANTS AND SPECIAL PROGRAMS

Jim Gray  
Mayor

Sally Hamilton  
CAO

**TO: JIM GRAY, MAYOR  
URBAN COUNTY COUNCIL**

**FROM: IRENE GOODING, DIRECTOR  
DIVISION OF GRANTS AND SPECIAL PROGRAMS**

**DATE: OCTOBER 2, 2014**

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE  
MODIFICATIONS TO AGREEMENTS WITH THE KENTUCKY  
DEPARTMENT OF MILITARY AFFAIRS, DIVISION OF  
EMERGENCY MANAGEMENT FOR FEDERAL FUNDS UNDER  
THE CHEMICAL STOCKPILE EMERGENCY PREPAREDNESS  
PROGRAM (CSEPP), FY 2011, FY 2012, AND FY 2013,  
EXTENDING THE PERFORMANCE PERIOD THROUGH  
SEPTEMBER 30, 2015**

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On April 14, 2011 (Ordinance # 41-2011), the Urban County Council accepted award of federal funds from the Kentucky Department of Military Affairs, Division of Emergency Management for the continuation of the Chemical Stockpile Emergency Preparedness Program (CSEPP) for Fiscal Year 2011.

On April 12, 2012 (Resolution # 162-2012), the Urban County Council accepted award of federal funds from the Kentucky Department of Military Affairs, Division of Emergency Management for the continuation of the Chemical Stockpile Emergency Preparedness Program (CSEPP) for Fiscal Year 2012.

On January 31, 2013 (Resolution # 14-2003), Council approved execution of modifications to agreements for Chemical Stockpile Emergency Preparedness Program (CSEPP) for Fiscal Years 2011 and 2012 through September 30, 2013.

On October 24, 2013 (Resolution # 569-2013), Council approved execution of modifications to agreements for Chemical Stockpile Emergency Preparedness Program (CSEPP) for Fiscal Years 2011 and 2012 through September 30, 2014.

On April 25, 2013 (Resolution # 176-2013), the Urban County Council accepted award of federal funds from the Kentucky Department of Military Affairs, Division of Emergency

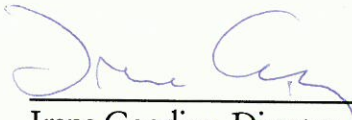
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Management for the continuation of the Chemical Stockpile Emergency Preparedness Program (CSEPP) for Fiscal Year 2013.

The source of federal funds is the Department of Homeland Security/Federal Emergency Management Agency. CSEPP funds are used to support emergency preparedness activities in a nine county area that surrounds the Blue Grass Army Depot in Richmond, the site of a stockpile of chemical weapons.

The Kentucky Department of Military Affairs, Division of Emergency Management has offered the LFUCG modifications to these agreements extending the performance period Chemical Stockpile Emergency Preparedness Program (CSEPP) for Fiscal Year 2011, 2012, and 2013 through September 30, 2015.

Council authorization to execute modifications to these agreements is hereby requested.

  
\_\_\_\_\_  
Irene Gooding, Director

Xc: Clay Mason, Commissioner of Public Safety





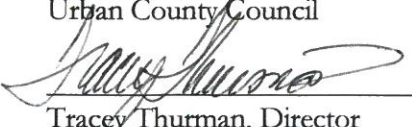
Lexington-Fayette Urban County Government  
DEPARTMENT OF ENVIRONMENTAL QUALITY AND PUBLIC WORKS

Jim Gray  
Mayor

David L. Holmes  
Commissioner

**MEMORANDUM**

**TO:** Mayor Jim Gray  
Urban County Council

**FROM:**   
Tracey Thurman, Director  
Division of Waste Management

**DATE:** October 2, 2014

**SUBJECT:** **Requesting Approval to Enter Into Memorandums of Agreement (MOAs) With Various Materials Recovery Facility (Recycling) Affiliates**

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The purpose of this memorandum is to request approval authorizing the mayor to execute standardized Memorandum of Agreements (MOAs) with recycling agencies who wish to have materials processed at LFUCG's Materials Recovery Facility (MRF).

On June 24, 2014, the Department of Environmental Quality and Public Works provided the Environmental Quality Committee with an update on actions taken in response to a January 2014 report issued by the Division of Internal Audit. One of the action items discussed during the June 24<sup>th</sup> presentation was the need to engage each recycling affiliate in a Memorandum of Agreement that clearly states the obligations of all parties utilizing the MRF. After the general components and structure of the standardized MOAs was discussed by the committee, the committee took no action to discourage the distribution of the MOAs to prospective affiliates.

Individual, standardized agreements for the consignment, processing and marketing of recovered materials were issued to over 17 prospective recycling affiliates. Approval authorizing the mayor to execute each signed MOA will streamline the process for getting all agreements in place.

If you have any questions or need additional information, please contact me at 425-2836.

Enclosure: MOA document issued to affiliates

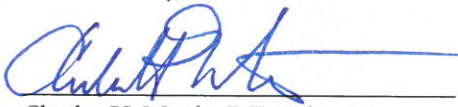


Lexington-Fayette Urban County Government  
DEPARTMENT OF ENVIRONMENTAL QUALITY AND PUBLIC WORKS

Jim Gray  
Mayor

David L. Holmes  
Commissioner

To: Mayor Jim Gray  
Urban County Council

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

Date: October 6, 2014

Re: Request Approval for Change Order #2—Emergency Generator Connections  
**CONSENT DECREE**

The Division of Water Quality requests approval of Change Order #2 to the contract with TEM Group, Inc. The original agreement (Resolution #363-2013) was for the installation of 18 emergency generators and 61 surge protectors at pump stations as required by the CMOM (Capacity, Management, Operations and Maintenance) Plan approved by EPA.

Change Order #2 is for additional work to install:

- A surge Protection Device (SPD) for the Government Center Pump Station, and
- An emergency generator disconnect at the Grinder pump station.

Change Order #1 reduced the original contract amount by \$20,000 (-5.09%) from \$393,067 to \$373,067. Change Order #2 would increase the revised contract amount by \$6,309.50 to \$379,376.50—which is a 1.66% increase from the revised contract, but still -3.48% less than the original contract awarded to TEM Group, Inc.

Questions regarding this request should be directed to Charles Martin at 425-2455.

Attachment

Pc: Chase Azevedo, P.E., Division of Water Quality

Budget & Finance Committee  
September 23, 2014  
Summary and Motions

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Chair Ellinger called the meeting to order 1:00pm. Committee members Stinnett, Gorton, Kay, Ford, Beard, Farmer, Scutchfield, Mossotti and Henson were present. Councilmember's Clarke and Myers attended as non-voting members.

**1. August 26, 2014 Committee Summary**

Motion by Farmer to approve the August 26 summary, second Mossotti. Motion passed without dissent.

**2. Monthly Financial Report**

Rusty Cook and Elizabeth McGee reviewed the monthly financial report for August. Cook stated that the General Fund revenue is approximately \$ 1.5 million over budget. McGee stated that expenses are about \$ 4.8 million under budget leaving a positive variance of approximately \$ 6.3 million through August.

Gorton commented on the increase in franchise fee revenue.

In response to a question from Gorton, McGee discussed the expenditure delay associated with the annual Council summer recess.

**3. Partner Agency Reporting Measures**

Scutchfield introduced the subject and called upon Kevin Atkins to describe the changes. Atkins described the changes in the quarterly reporting system. He stated that the performance measures will more accurately describe how each partner agency is performing their respective development endeavors.

Scutchfield discussed the need to analysis return on investment for each economic development partner agency allocation.

Mossotti discussed the need for meaningful performance measures when assessing the partner agency effectiveness.

Scutchfield requested that the Administration review the performance measures annually.

In response to a question from Clarke, Atkins discussed the input the partner agencies had in the development of the performance measures utilized.



Kay suggested that the partner agencies make an annual presentation discussing their effectiveness at improving the local economy.

#### **4. Lyric Theater Audit**

Clarke introduced the subject. He stated that the General Services Link request that the Lyric Theater undertake a financial audit. Paula King, Vice Chairman of the Lyric Board stated that the board issued a request for proposals earlier this year and will select a firm to conduct the audit within the next month.

Gorton and Clarke thanked the Lyric for being open to a financial audit.

Bruce Sahli stated that Internal Audit will conduct a management audit of the Lyric Theater later this year.

Ford stated that the Lyric had grown substantially in the last year under new management. He stated that the financial audit will build community trust in the management of the Lyric. He stated that it would be premature and unproductive to have Internal Audit review Lyric Theater activities this year.

#### **5. Items in Committee**

Motion by Scutchfield to remove the Economic Development Partner Agency Performance Measurement issue from the Committee referral list, second Gorton. Motion passed without dissent.

Motion by Gorton to remove the Activity Based Accounting issue from the Committee referral list, second Kay. Motion failed on a 4-5 vote (Gorton, Kay, Ford, Henson- Yes; Stinnett, Beard, Farmer, Scutchfield, Mossotti- No.

Motion by Scutchfield to adjourn at 1:45pm, seconded by Mossotti, the motion passed without dissent.

## **General Government Committee**

September 09, 2014

### **Summary and Motions**

Chair Kay called the meeting to order at 11:01 AM. Committee members Scutchfield, Ford, Akers, Beard, Myers, Clarke, and Lane were present. Committee members Gorton and Lawless were absent. Councilmember Stinnett attended as a non-voting member.

#### **1. Approval of Summary for August 12, 2014**

Motion by CM Clarke to approve the summary. Seconded by CM Beard. Motion passed without dissent.

#### **2. Coroner's Office Salary & Classification**

Glenda George presented an amendment to Section 22-24 of the Code of Ordinances to provide a salary supplement to Deputy Coroners in the Coroner's office.

CM Kay reminded the committee that the committee separated the issues of compensation and hazardous duty salary supplements, and that this item related to the latter.

Motion by CM Beard, second by CM Clarke, to refer the Coroner's Office Salary and Classification issue to the full Council for approval. The motion passed without dissent.

#### **3. Procedure for Underwriting/Sponsoring Parks Facilities**

Roger Daman presented the item, and explained that two CAO policies have been created to address donation and recognition guidelines; and to create guidelines for naming parklands, features and facilities with a fair market value exceeding \$50 thousand. Daman reviewed changes that had been made to the policies per Councilmember comment and review by the Parks Advisory Board. The Parks Advisory Board has approved the policies.

In response to a question from CM Kay, Mr. Daman stated that no committee action is required, and the policies are being presented for the committee's information.

CM Scutchfield and CM Clarke thanked Mr. Daman for his work on the policies. CM Kay spoke favorably of the policy development process.

#### **4. Impact of Vacant Positions**

Brad Chambers presented a quarterly review of vacancies in the LFUCG Parks & Recreation Department. He reviewed the hiring process and timeline, and explained that Parks has filled 39 full-time positions since fall of 2012. A vacancy rate of 12 to 14 persons – less than 10 percent of the Parks workforce – is the Department’s goal.

In response to a question from CM Clarke, Chambers stated that the timeline for offering a position to a candidate is six weeks to two months, which is affected by the time required for background checks and related processes. CAO Hamilton clarified that the minimum time to fill a personnel vacancy is typically 90 days. She stated that this may be decreased by requiring one approval before the Civil Service Commission rather than two, pending further review. She is also exploring the possibility allowing some positions to be filled without specific approvals from Commissioners.

In response to a question from CM Lane, Chambers stated that applicants will sometimes turn down offers based on starting salary. CM Lane suggested that HR explore the possibility of discussing pay scales with applicants earlier in the process.

CM Akers asked about potential reorganization of some positions in Parks & Recreation. Chambers stated that he is in the process of identifying and evaluating needs, and will report that information to the committee at a later date.

CM Kay clarified that no further action is required at this time.

#### **5. Parks Foundation**

Brad Chambers provided a presentation regarding the purpose and benefits of a Parks Foundation (“Foundation”). He explained that Foundations provide a vehicle for tax exempt gifts to a 501c(3) organization. In addition to funding for projects, Foundations can provide maintenance endowments to ensure ongoing maintenance of facilities. Chambers stated that the selection of Foundation Board members would be approved by Council. He stated that the next steps in the process would be to invite an expert to present on this item, and revisit the item as required. Challenges associated with Foundations include the time to establish the Foundation,

upfront costs, and the continuous communication required between the Foundation Board and Parks & Recreation to establish priority needs for funding.

In response from a question from CM Beard, Chambers stated that the Parks Advisory Board would have significant input regarding Foundation Board membership. CM Beard asked if any Council members will be on the Foundation Board. Chambers stated he would look into this issue and report back to CM Beard.

CM Clarke asked about leadership of the Foundation. Chambers stated that the leadership position of the Foundation Board would be a Council appointment. In response to a follow up question from Clarke, Chambers stated that hiring compensated staff would be a goal of the Foundation.

CM Kay commented that there is no down side to having a Foundation, and this would provide an advantage with regard to fundraising and promoting the development and maintenance of parks. He asked for Chambers to bring a specific proposal back to the committee to consider moving forward with next steps in the process.

## **6. Items Referred**

A motion by CM Ford, seconded by CM Myers, to remove the “Moving Human Resources from the Department of Law to the Office of the CAO” referral item from committee. Motion passed without dissent.

The meeting was adjourned at 11:45 a.m.

**Planning and Public Works Committee Meeting  
September 9, 2014  
Summary and Motions**

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Chair Bill Farmer Jr. called the meeting to order 1:00 p.m. Committee members Mossotti, Ellinger, Kay, Ford, Beard, Henson, and Clarke were in attendance. Committee members Gorton and Lawless were absent. CMs Akers and Stinnett were also in attendance.

**1. July 1, 2014 Special Committee Summary**

Motion by CM Ellinger, second CM Ford to approve the August 12, 2014 committee summary.  
Motion passed unanimously.

**2. Permanent Barricading of Agape Drive**

CM Clarke introduced the item, and discussed concerns with regard to removing the existing barricade on Agape Drive to provide a vehicular connection. He asked that the committee move this item forward to the full Council for additional consideration.

John Yozwiak spoke in favor of barricading the northern terminus of Agape Drive. He provided information related to increases in traffic that would result from the connection of Agape Drive, and stated concern for the impact on the existing Dogwood Trace community. Mr. Yozwiak stated in favor connecting Twain Ridge Drive rather than Agape Drive.

Roger Schnabel stated that the proposed development and connection would bring a tremendous amount of traffic to Agape Drive, and stated that Twain Ridge Drive would be a more reasonable connection point.

Mark Sok provided a petition in favor of permanently barricading Agape Drive, which was signed by more than 75 percent of the affected community (more than 500 signatures). He stated that Agape Drive does not have an adequate pavement width to be classified as a connector. Twain Ridge should be developed as a connector. Mr. Sok stated safety concerns with connecting Agape Drive. He provided goal and objective language from the Roadway Manual supportive of the request to barricade Agape Drive, and asked that the committee move this item forward for a full Council vote.

Bob Pattie stated safety concerns with the connections to Harrodsburg Road. He stated that traffic backs up at Military Pike on both sides of Harrodsburg Road.

Donna Bruszewski stated that the left turn movement into Dogwood Trace from Harrodsburg Road is hazardous due to the curve on Harrodsburg Lane near the turn, and the addition of additional traffic will cause additional traffic issues. Ms. Bruszewski spoke in favor of a permanent barricade on Agape Drive.

Chris King stated that the Planning Commission, the Planning Department, Traffic Engineering, Police, and Fire oppose the permanent barricading of Agape Drive. He provided exhibits from the 1988 Comprehensive Plan and current Comprehensive Plan, and discussed the development and connectivity adjacent to the subject area.

Mr. King explained that the LFUCG cannot legally require connectivity of Twin Ridge Drive, and stated the importance of the Agape Drive connection. Agape Drive was reduced from 36 feet to 31 feet wide at the time of construction with approval from the LFUCG as a traffic calming measure, and in recognition of the localized nature of traffic that will use the street. He shared an exhibit showing that the majority of streets in Lexington-Fayette County are 31 feet in width or less.

Dowell Hoskins-Squier stated that the Division of Traffic Engineering does not support the barricading of Agape Drive at its northern terminus for reasons of connectivity and safety. Connectivity reduces travel times, and reduces service times. She stated that the traffic study showed approximately 100 peak hour vehicle trips using Agape Drive, which is a relatively small number of trips.

Captain Greg Lengal provided a comparison of access points in adjacent communities, and related this to response times. Fire does not support the barricading of Agape Drive.

CM Henson requested clarification regarding access points to Dogwood Trace; clarification was offered with regard to a second point of access from Jessamine County.

In response from a question from CM Mossotti, Chris King clarified proposed access to the community. CM Mossotti stated concerns with safety and access.

CM Stinnett asked if cost estimates had been completed to extend Twain Ridge. Mr. King responded that the LFUCG is in the early stages of producing those estimates. In response to a question from CM Stinnett, Mr. King stated that a future Council could vote to remove the barricade. CM Stinnett stated that the decision is premature until the property directly to the north is developed. CM Stinnett requested additional clarification regarding emergency access and secondary access points.

In response to a question from CM Kay, Mr. King replied that the recommendation for connectivity of Twain Ridge would have remained regardless of the lawsuit issue. CM Kay asked if development of the adjacent property to the north would result in additional access points to Harrodsburg Road. Mr. King responded that direct connections to Harrodsburg Road would not be provided, due to safety and roadway capacity issues. Connectivity issues will be addressed at the time that property is developed.

CM Henson stated that Agape Road is too narrow to be a connector street. She stated that speeding in neighborhoods is an issue.

CM Mossotti stated that Council had decided not to utilize barricades in 1997, and received confirmation from the Law Department that this issue would be revisited when the parcel to the immediate north is developed.

In response to a question from CM Stinnett, Mr. King stated that staff would advocate for the right-of-way to remain open. He stated the existing homes on Agape Drive need the existing paved stubout for access.

CM Kay asked if construction of Twain Ridge would affect staff's opinion regarding Agape Drive. Mr. King stated that the staff recommendation would be for both roadways to be available. CM Kay stated that this decision should be made at the time the property to the immediate north is developed, and that he is not in favor of moving this item forward to Council at this time.

CM Henson stated that a pathway should be considered rather than a street for park access.

CM Farmer asked for clarification regarding the proposed location of a barricade, and CM Clarke responded that the barricade would be placed at the northern terminus of Agape Drive. CM Farmer asked for clarification regarding a waiver, and CM Clarke responded that he had followed that process.

CM Clarke stated that Agape Drive should not be a connector street. He refuted staff objections to the barricade.

Motion to approve to request Law to draft a resolution to permanently barricade Agape Drive at the northern terminus in order to protect the character of the Dogwood Trace Neighborhood and place the resolution into Work Session for full Council consideration. Seconded by CM Beard. Motion passed unanimously.

CM Ford asked if two cars could pass on Agape Drive if cars are parked on both sides of the street. Mr. King stated that it depends on the type of vehicles, but the width of the street would provide traffic calming. He stated that excess road width encourages speeding, which is detrimental to the character of neighborhoods. In response to a question from CM Ford, Mr. King stated that Agape Drive is shown as a collector street in the Comprehensive Plan.

CM Kay stated that he is not in support of closing the street at this time, but would vote in favor of moving the item forward to Council for discussion.

CM Mossotti stated that the street is already barricaded. CM Clarke responded that he was seeking language formalizing permanent barricading of Agape Drive.

### **3. Municipal Aid Program (MAP)**

Commissioner Paulsen reported the Law Department has determined that KRS 177.365 allows for the use of Municipal Aid Program (MAP) funds for the construction of trails. He presented the use of MAP funds by LFUCG divisions over the past five years, with a summary of projects.

CM Stinnett stated that the LFUCG needs to establish a local policy regarding the use of MAP funds. He stated that there is no long-range plan for trails, and formulation of a local policy should be part of that plan. In response to a question from CM Stinnett, Commissioner Paulsen stated that a bicycle plan is being developed, and a monthly meeting with divisions receiving MAP funds and Finance is being held for coordination purposes. CM Stinnett stated that the need exists for one staff person that coordinates planning, construction and maintenance of trails.

In response to a question from CM Beard, Commissioner Paulsen stated that shared use pathways are not necessary adjacent to roadways. He clarified that shared use paths are not necessarily designed for vehicular access.

### **4. Todd's Road Widening Phase II**

Keith Lovan stated that the project is currently in the right-of-way acquisition phase, and 9 of 52 necessary parcels have been acquired. Utility relocations are underway. District 7 of the Highway Department will begin construction in Spring 2015, and the project will be completed by August 2016.

CM Stinnett asked if fiber optic lines will be installed adjacent to the road during construction, and stated that the city needs to take advantage of the opportunity to install fiber optic lines during roadway construction projects.

### **5. Fiber Optic Technology**

Aldona Valicenti, CIO, presented the item, discussed cities that have self-invested in fiber optic infrastructure, and provided approximate costs for same. She discussed financing models, which include investing through utility structures and bonding, discussing investment with cable providers, exploring public-private partnerships, and exploring non-traditional models such as selecting several broadband service providers.

CIO Valicenti stated that the Traffic Division is in the eighth year of a ten year plan to install fiber optic cable along major corridors for better communication with traffic signals and streaming video. The city has formed a Fiber Team with representatives from each department, and has had discussions with several companies. Conversations will continue with potential providers, with the goal to issue an RFI and eventual RFP.



CM Stinnett stated the need to provide free WiFi access to the community. CIO Valicenti responded that the implementation of broadband infrastructure is the first step in that process.

CM Farmer stated that the Mayor has announced that Lexington is taking steps towards becoming a Gigabit City, and thanked CIO Valicenti for her presentation.

Meeting adjourned at 2:56 PM.

CLB 2014-09-29



ID: 1584  
Plan: DP 2013-96  
Name: Harvey P Property  
Comment:  
Approved: 2/27/2014  
Sign: 5/9/2014





Draft

RESOLUTION NO. \_\_\_\_\_-2014

A RESOLUTION DIRECTING THAT AGAPE DRIVE BE PERMANENTLY BARRICADED AT ITS NORTHERN TERMINUS POINT.

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WHEREAS, in order to protect the character of Agape Drive it is necessary that Agape Drive be barricaded at its northern terminus point (meaning the northern point just past LaCross Court at the current stub street point of Agape Drive) ; and

WHEREAS, permitting Agape Drive, a small residential street with on-street parking, to be converted into a connector would cause traffic congestion and endanger the safety and welfare of the residents of Agape Drive; and

WHEREAS, the portion of Agape Drive that would be extended is currently too narrow to be considered a major thoroughfare and barricading Agape Drive at its northern terminus point will not effect the adequacy of the ingress and egress points for the residents of this portion of the street; and

WHEREAS, historically, traffic flow on Agape Drive has not been a problem and sufficient evidence has not been presented to demonstrate that granting the barricade requests will create a traffic flow problem in the area.

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

Section 1 – That the Council agrees to waive the procedure for action on requests to dead end a public street, provided in Resolution No. 339-81.

Section 2- That the Division of Streets and Roads take whatever action is necessary to erect a permanent barricade at the northern terminus point of Agape Drive (meaning the northern point just past LaCross Court at the current stub street point of Agape Drive), and Traffic Engineering take whatever action is necessary to rename any Agape Drive street remnants created by this barricade .

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

PASSED URBAN COUNTY COUNCIL:

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MAYOR

ATTEST:

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CLERK OF URBAN COUNTY COUNCIL