

# **Lexington-Fayette Urban County Government**

*200 E. Main St  
Lexington, KY 40507*



**Tuesday, August 18, 2015**

**3:00 PM**

**Packet**

**Council Chamber**

**Urban County Council Work Session**

**URBAN COUNTY COUNCIL  
SCHEDULE OF MEETINGS  
August 17 – August 24, 2015**

**Monday, August 17**

No Meetings

**Tuesday, August 18**

Environmental Quality & 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

Special Council Meeting-Zone Change Hearing.....6:00 pm  
Council Chamber – 2<sup>nd</sup> Floor Government Center

**Wednesday, August 19**

Vacant Property Review Commission.....10:00 am  
Conference Room – 5<sup>th</sup> Floor Government Center

**Thursday, August 20**

Keep Lexington Beautiful Commission.....9:00 am  
Thoroughbred Training Center – 3380 Paris Pike

Corridors Commission.....11:00 am  
Caucus Room – 2<sup>nd</sup> Floor Government Center

Special COW Meeting.....4:00 pm  
Council Chamber – 2<sup>nd</sup> Floor Government Center

**Friday, August 21**

No Meetings

**Monday, August 24**

Special Council Meeting-Fire Disciplinary Hearing.....5:00 pm  
Council Chamber – 2<sup>nd</sup> Floor Government Center

**Lexington-Fayette Urban County Council  
Work Session Agenda  
August 18, 2015**

- I. Public Comment - Issues on Agenda**
- II. Requested Rezoning/ Docket Approval – No**
- III. Approval of Summary – Yes**
  - a** Table of Motions, August 11, 2015 Work Session, p. 1-3
- IV. Budget Amendments – No**
- V. New Business – Yes, p. 4-10**
- VI. Continuing Business/ Presentations – Yes**
  - a** Neighborhood Development Funds, August 18, 2015, p. 11
  - b** Summary: General Government & Social Services Committee, July 7, 2015, p. 12-17
  - c** Summary: Environmental Quality & Public Works Committee, June 16, 2015, p. 18-22
  - d** Presentation: Historic Fayette County Courthouse Rehabilitation Project, p. 23-40
- VII. Council Reports**
- VIII. Mayor's Report – No**
- IX. Public Comment - Issues Not on Agenda**
- X. Adjournment**

## **Administrative Synopsis - New Business Items**

- a**            **0979-15**            Authorization to execute an extension of the contract between the LFUCG and Fayette County Attorney's Office for a Driver's Education Program at 1631 Old Frankfort Pike. This will be the first amendment to the agreement and will extend the program that is currently in place. There is no budgetary impact. (L0979-15)(Thurman/Holmes) p. 4-5
- b**            **0986-15**            Authorization to execute an agreement between the LFUCG and Kentucky Energy and Environment Cabinet to facilitate a 2015 tire collection event in Fayette County on October 1-3, 2015. The program takes place every three years in Fayette County and was established to help clear Kentucky's landscape of waste tires. This work will be done by a certified vendor selected by bid process through the Commonwealth of Kentucky. Waste Management will safely manage all aspects of the event. The cost will be \$5,000 for fiscal year 2016. Funds are budgeted. (L0986-15) (Thurman/Holmes) p. 6-7
- c**            **0988-15**            Authorization to sign the Mayor-Council Plan for Continuity of Government. The continuity of Government will provide an orderly succession of the Mayor in the event of absence or disability of the Mayor. The continuity of government is a required in KRS 39A.100(200)) and is in accordance with our Emergency Preparedness Grant. There is no budgetary impact. (L0988-15)(Dugger/Bastin) p. 8
- d**            **1011-15**            Authorization to abolish one (1) vacant classified position of Staff Assistant Sr., (Grade 510N), and creating one (1) classified position of Community Program Coordinator (Grade 514N), effective upon passage of Council. The Community Program Coordinator will work within the Bureau of Special Operations in the Community Services Section and will be responsible for development and coordination of our Police Activities League. This position will work specifically with the youth of our community and will enhance the programs that we can offer our youth and broaden our community partnerships. This will add a non-sworn position to Community Services Section, which is necessary for program development. Upon the request of the Division and in accordance with Section 21-2 of the Code of Ordinances, the Division of Human Resources conducted a classification study on the requested position. The study was conducted according to standard procedures using the Job Analysis Questionnaire (JAQ) and position audit. The position was analyzed by staff using the whole job rank and factor comparison methods. As a result, a recommendation for their requested position is described in this action. Funds are budgeted. To illustrate, this has a 12-month future impact of a savings of \$1,379.99. (L1011-15)(Maxwell/Bastin) p. 9

e

**1012-15**

Authorization to create one (1) unclassified position of Records Management Assistant P/T (Grade 507N) in the Office of the Clerk of the Urban County Council, effective upon passage by Council. Recently it was determined that a long standing legal hold could be lifted and records can be reviewed for disposition. As such, a part-time staff person is warranted to fill 15-20 hours per week to help complete deliveries of record requests, pick-up record transmittal and free the Records Management Analyst Sr. to handle more important matters requiring attention. Upon the request of the division, and in accordance with Section 22-2 (4) of the Code of Ordinances, the Division of Human Resources conducted a classification study on the requested position of Records Management Assistant P/T within the Clerk's Office. The positions were analyzed by staff using the whole job rank and factor comparison methods. As a result, a recommendation for their requested position is described in this action. Funds are budgeted. This has a 12-month future impact of a cost of \$15,079.82.(L1012-15)(Maxwell/Hamilton) p. 10

**URBAN COUNTY COUNCIL  
WORK SESSION  
TABLE OF MOTIONS  
August 11, 2015**

Mayor Gray called the meeting to order at 3:00pm. Council Members Stinnett, Moloney, J. Brown, Akers, Gibbs, Farmer, Evans, Scutchfield, F. Brown, Mossotti, Henson and Bledsoe were present. Council Members Kay and Lamb were absent. The 12<sup>th</sup> District was vacant due to the passing of Council Member Lane.

Motion by Stinnett to enter closed session pursuant to KRS 61.810(1)(c) for the purpose of discussions regarding potential litigation. Seconded by Farmer. Motion passed without dissent.

Motion by Stinnett to return from closed session. Seconded by Farmer. Motion passed without dissent.

I. Public Comment – Issues on Agenda

II. Requested Rezoning/Docket Approval

Motion by Henson to approve the August 13, 2015 council meeting docket. Seconded by Scutchfield. Motion passed without dissent.

Motion by Farmer to place on docket for the August 13<sup>th</sup> council meeting a resolution authorizing the approval of Kelly Nursery, LLC as a sole source provider of plant material for the Breeder's Cup Beautification projects on Newtown Pike at Main Street, on Newtown Pike at I-75 and on Oliver Lewis Way. Seconded by Henson. Motion passed without dissent.

III. Approval of Summary

Motion by Farmer to approve the July 7, 2015 summary. Seconded by Mossotti. Motion passed without dissent.

IV. Budget Amendments

Motion by Farmer to approve budget amendments. Seconded by Mossotti. Motion passed without dissent.

V. New Business

Motion by Farmer to approve new business. Seconded by Akers. Motion passed without dissent.

Motion by Evans to correct the price on item I from \$28,600 to a price not to exceed \$200,000. Seconded by Henson. Motion passed without dissent.

VI. Continuing Business/Presentations

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

Motion by Stinnett to adopt ad valorem option 1 for all general services fund categories. Seconded by F. Brown. Motion passed without dissent.

Motion by Stinnett to place an ordinance pertaining to these taxes on the docket for the Thursday, August 13, 2015 council meeting. Seconded by Henson. Motion passed without dissent.

Motion by Stinnett to adopt ad valorem option 1 for urban services fund taxes. Seconded by F. Brown. Motion passed without dissent.

Motion by Stinnett to place an ordinance pertaining to these taxes on the docket for the Thursday, August 13, 2015 council meeting. Seconded by Mossotti. Motion passed without dissent.

Motion by Stinnett to adopt the requested ad valorem rates for the conservation and soil district. Seconded by F. Brown. Motion passed without dissent.

Motion by Stinnett to Approve adopt the requested ad valorem rate for the extension office. Seconded by Farmer. Motion passed with a 11 - 1 vote.

Motion by Stinnett to adopt ad valroem requested rates for health. Seconded by Akers. Motion passed without dissent.

Motion by Stinnett to place ordinances pertaining to these taxes on docket for the August 13, 2015 council meeting. Seconded by Farmer. Motion passed without dissent.

Motion by Stinnett to schedule a public hearing for ad valorem tax rates at the August 27, 2015 council meeting. Seconded by Farmer. Motion passed without dissent.

VII. Council Reports

Motion by Akers to schedule a public hearing for Thistle Station TIF on Thursday, August 27<sup>th</sup> at 6pm. Seconded by Evans. Motion passed without dissent.

Motion by Scutchfield to refer to the Environmental Quality & Public Works committee the issue of retention and detention areas maintenance & enforcement. Seconded by Akers. Motion passed without dissent.

Motion by Henson to place the fire station location study into the Planning & Public Safety committee for a presentation. Seconded by Akers. Motion withdrawn.

VIII. Mayor's Report

Motion by Farmer to approve Mayor's report. Seconded by Stinnett. Motion passed without dissent.

IX. Public Comment – Issues Not on Agenda

X. Adjournment

Motion by Farmer to adjourn at 5:07pm. Seconded by Bledsoe. Motion passed without dissent.



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:**

Tracey Thurman, Director  
Division of Waste Management

**DATE:** August 7, 2015

**RE:** Request to Extend Agreement with the Fayette County Attorney's Office to conduct a Driver's Education Program at 1631 Old Frankfort Pike

**Request:** The purpose of this memorandum is to request approval to execute an extension of the contract for an additional three (3) years to expire on December 31, 2018.

**Authorization to:** This request constitutes the First Amendment to the Agreement of the Fayette County Attorney's Office to conduct a Driver's Education Program at the Old Frankfort Pike Landfill at no cost to the Urban County Government.

**Why are you requesting?** Extend Agreement with the Fayette County Attorney's Office to conduct a Driver's Education Program.

**Department needs this action completed because:** This contract expired.

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

The cost for this FY is: 0

The cost for future FY is: 0

**Are the funds budgeted?** No funds needed.

**The funds are budgeted or a budget amendment is in process:** Not applicable.

**Account number:** Not applicable.

The original contract was signed on May 17, 2012 and approved by Council per Resolution 286-2012. Both of these documents are attached. The First Amendment to the Agreement is for three (3) years, expiring on December 31, 2018.

Attachments:   Contract  
                      Resolution 286-2012




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:**   
Tracey Thurman, Director  
Division of Waste Management

**DATE:** August 7, 2015

**RE:** 2015 Statewide Tire Collection Program

**Request:** The purpose of this memorandum is to request approval to enter into an agreement with the Kentucky Energy and Environment Cabinet to facilitate a 2015 tire collection event in Fayette County.

**Authorization to:** Conduct a 2015 tire collection event on October 1-3, 2015.

**Why are you requesting?** This program takes place every three (3) years in Fayette County and was established to help clear Kentucky's landscape of waste tires. This work will be done by a certified vendor selected by bid process through the Commonwealth of Kentucky. Waste Management will safely manage all aspects of the event.

**Department needs this action completed because:** Fayette County residents may safely dispose of their waste tires during the event period. The last event conducted for this service took place in November 2012, and 39,415 tires were collected.

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

**The cost for this FY is:** Not to exceed \$5,000 for advertising (TV/radio/newspaper, as well as using free outlets such as GTV3, press releases, social media, and website announcements).

**The cost for future FY is:** 0

**Are the funds budgeted?** Yes.

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

**Account number:** 1115 303501 0001 71299

0986-15

The original contract was signed on May 17, 2012 and approved by Council per Resolution 286-2012. Both of these documents are attached. The First Amendment to the Agreement is for three (3) years, expiring on December 31, 2018.

Attachments: Contract  
Resolution 286-2012



**Lexington-Fayette Urban County Government**  
Department of Public Safety  
Division of Emergency Management

Jim Gray  
Mayor

Ronnie Bastin  
Public Safety Commissioner  
Patricia L. Dugger, RS MPA  
Emergency Management Director

## MEMORANDUM

**TO:** Mayor Jim Gray and Urban County Council  
**FROM:** Patricia L. Dugger, RS, MPA, Director DEM *PtD*  
**RE:** Resolution for Continuity of Government  
**DATE:** August 4, 2015

---

The Division of Emergency Management is requesting the Lexington Fayette Urban County Council to authorize the Mayor to sign a resolution for Continuity of Government. The Continuity of Government will provide an orderly succession of the Mayor in the event of absence or disability of the Mayor.

The Continuity of Government is a requirement in KRS 39A.100(200) and in accordance with our Emergency Management Preparedness Grant.

The following documents are attached:

- 1.) Mayor – Council plan Continuity of Government

Please return completed documents to my attention for final disposition.

File Number: 0988-15

xc: Ronnie Bastin, Commissioner of Public Safety  
Sally Hamilton, CAO  
EOP File 2015  
KYEM SharePoint



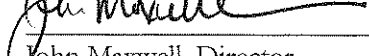
Lexington-Fayette Urban County Government  
DIVISION OF HUMAN RESOURCES

Jim Gray  
Mayor

Sally Hamilton  
Chief Administrative Officer

**MEMORANDUM**

**TO:** Jim Gray, Mayor  
Sally Hamilton, Chief Administrative Officer  
Council Members

**FROM:**   
John Maxwell, Director  
Division of Human Resources

**DATE:** August 10, 2015

**SUBJECT:** Abolish/Create Position—Division of Police

The attached is requesting authorization to abolish one (1) vacant classified position of Staff Assistant Sr., (Grade 510N), and creating one (1) classified position of Community Program Coordinator (Grade 514N), effective upon passage of Council.

The Community Program Coordinator will work within the Bureau of Special Operations in the Community Services Section and will be responsible for development and coordination of our Police Activities League. This position will work specifically with the youth of our community and will enhance the programs that we can offer our youth and broaden our community partnerships. This will add a non-sworn position to Community Services Section, which is necessary for program development.

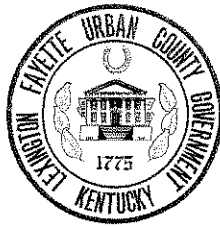
Upon the request of the Division and in accordance with Section 21-2 of the Code of Ordinances, the Division of Human Resources conducted a classification study on the requested position. The study was conducted according to standard procedures using the Job Analysis Questionnaire (JAQ) and position audit. The position was analyzed by staff using the whole job rank and factor comparison methods. As a result, a recommendation for their requested position is described in this action.

Funds are budgeted. To illustrate, this has a 12-month future impact of a savings of \$1,379.99.

Position Title	Annual Salary Before	Annual Salary After	Annual Increase/Decrease
Staff Assistant Sr.	\$(40,474.72)	\$0	\$(40,474.72)
Community Program Coordinator	\$0	\$39,369.41	\$39,369.41
<b>Total Annual Impact/ Salary and Benefits \$(1,379.99)</b>			

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

Log# 16-0002



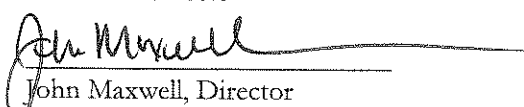
Lexington-Fayette Urban County Government  
DIVISION OF HUMAN RESOURCES

Jim Gray  
Mayor

Sally Hamilton  
Chief Administrative Officer

**M E M O R A N D U M**

**TO:** Jim Gray, Mayor  
Sally Hamilton, Chief Administrative Officer  
Council Members

**FROM:**   
John Maxwell, Director  
Division of Human Resources

**DATE:** August 10, 2015

**SUBJECT:** Create position – Records Management Assistant P/T, Office of the Clerk of the Urban County Council

The attached action is requesting authorization to create one (1) unclassified position of Records Management Assistant P/T (Grade 507N) in the Office of the Clerk of the Urban County Council, effective upon passage by Council.

Recently it was determined that a long standing legal hold could be lifted and records can be reviewed for disposition. As such, a part-time staff person is warranted to fill 15-20 hours per week to help complete deliveries of record requests, pick-up record transmittal and free the Records Management Analyst Sr. to handle more important matters requiring attention.

Upon the request of the division, and in accordance with Section 22-2 (4) of the Code of Ordinances, the Division of Human Resources conducted a classification study on the requested position of Records Management Assistant P/T within the Clerk's Office. The positions were analyzed by staff using the whole job rank and factor comparison methods. As a result, a recommendation for their requested position is described in this action.

Funds are budgeted. To illustrate, this has a 12-month future impact of a cost of \$15,079.82

Position Title	Annual Salary Before	Annual Salary After	Annual Increase/Decrease
Records Management Assistant P/T	\$0	\$13,989.87	\$13,989.87
<b>Total Annual Impact/ Salary and Benefits \$15,079.82</b>			

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

Log# 16-0005

200 East Main Street

• Lexington, KY 40507 •  
www.lexingtonky.gov  
HORSE CAPITAL OF THE WORLD

(859) 425-2255 •

**Neighborhood Development Funds  
August 18, 2015  
Work Session**

<b>Amount</b>	<b>Recipient</b>	<b>Purpose</b>
<b>\$ 700.00</b>	YMCA of Central KY 3251 Beaumont Center Circle Lexington, KY 40513 Erin Jones	To provide support for the Beaumont YMCA Kids Triathlon.
<b>\$ 850.00</b>	Lyric Theater and Cultural Arts Center Corp. 300 East Third Street Lexington, KY 40508 Donald Mason	To provide support for the "Brown Girl Bluegrass" theatrical performance.
<b>\$ 950.00</b>	One World Films, Inc. 637 Lakeshore Drive Lexington, KY 40502 Annette Mayer	To provide programming support.
<b>\$ 3,050.00</b>	Fayette Co. Education Assoc., Inc. 523 Wellington Way, Suite 180 Lexington, KY 40503 Terry Watson	To provide support for a field trip to Washington DC.
<b>\$ 800.00</b>	American Diabetes Assoc. PO Box 21903 Lexington, KY 40522 Kristin Rowland	To support the 2015 Kiss a Pig Signature Event.
<b>\$ 800.00</b>	Alzheimer's Assoc., Greater KY & Southern IN Chapter 465 East High Street, Suite 200 Lexington, KY 40507 Mauritia Kamer	To support the Lexington Walk to End Alzheimer's.
<b>\$ 750.00</b>	Dunbar Advisory Council, Inc. 545 North Upper Street Lexington, KY 40508 Jacquelyn French	To provide support to host S. T. Roach Basketball & Cheerleading Clinic at the Dunbar Community Center.
<b>\$ 600.00</b>	Tweens Nutrition and Fitness Coalition 501 W. 6th Street, Suite 250 Lexington, KY 40508	To provide funds to pay for signs for 10 new Better Bites partners.



## **General Government & Social Services Committee**

July 7, 2015

### **Summary and Motions**

---

Chair Lamb called the meeting to order at 1:06 p.m. All Committee Members were present: Akers, Bledsoe, F. Brown, Evans, Gibbs, Henson, Moloney, Scutchfield, and J. Brown were in attendance. Council Member Stinnett was also in attendance.

#### **I. Approval of Committee Summary**

A motion was made by Henson to approve the May 5<sup>th</sup>, 2015 General Government & Social Services Committee Meeting summary, seconded by Evans. The motion passed without dissent.

#### **II. Workforce Investment & Training Update**

Henson introduced the Workforce Investment & Training Update presentation. Kevin Atkins, Chief Development Officer, presented the update to Council.

Atkins reviewed the history of Council actions related to this item, and presented the issues that were identified in the State Auditor's report. Several Kentucky Workforce Board policies were reviewed, which helped shape the new Interlocal Cooperative Agreement.

Atkins reviewed the components of the new Interlocal Cooperative Agreement proposal, which designates the Mayor of Lexington as permanent Co-Chief Local Elected Official along with a Judge/Executive elected at large; requires that designation of a fiscal agent, grant subrecipient and one-stop operator be done in accordance with federal law and state policies; provides for a dispute resolution process; shares liability for workforce funds; and clarifies the nomination process and respective roles of local workforce board members.

Atkins presented the required elements of the Partnership Agreement, which will be developed subsequent to the adoption of the new Interlocal Cooperative Agreement

Moloney inquired how many individuals would be on the Board in total, to which Atkins replied there will be approximately 19. Moloney stated his concerns related to the amount of funding that Fayette County receives. Atkins replied that there will be a new Workforce Board and that every county is no longer guaranteed a seat on the Board. Moloney inquired if Fayette could have a larger number of seats on the board, due to the number of jobs in Fayette County, which Atkins confirmed.

Henson asked how future changes to policies would be addressed. Atkins stated that changes would first have to be approved by the State Workforce Board with the involvement of the Governor. Keith Horn, from Law, stated this is a good example of why Lexington should monitor changes to State law, but noted that he doesn't have any reason to believe that the State would want to change the policy as it relates to the procurement process.

Henson further inquired if the Mayor will have time to serve on the board. Atkins stated the Mayor has already committed to serving on the board. Henson stated that outcomes and accountability are important, and inquired if Council will receive this information. Atkins stated that success will be tracked and reported. Henson stated she would like for Council to receive updates on the number of people served, how they were served, and measures of their success.

Stinnett inquired how much funding Fayette has received in the past, to which Atkins replied the contract ran for 2 years and the region received approximately \$11M. In response to a question from Stinnett, Atkins stated that there is no guarantee regarding the percentage of funding that will be allocated to Fayette County. Stinnett inquired who selects the training providers, to which Atkins replied that the board chooses the training providers. Stinnett inquired if this will remain the case going forward. Atkins stated the State maintains a list of qualified trainers from which the providers will be chosen. Stinnett inquired how the Workforce & Investment Training Board's work relates to the work of Commerce Lexington and others going forward. Atkins stated that recent progress has been positive, but additional coordination will need to continue to occur with the Business Education Network and Commerce Lexington. Stinnett stated that in 2007 workforce training efforts relied solely on allocated funding and stated Lexington can only move forward with a holistic approach to addressing workforce training needs.

F. Brown inquired about the structure of the Bluegrass Area Development District ("BGADD") as it relates to the Board. Atkins stated the region is the same and mirrors the BGADD region, but clarified that the Workforce Board is separate from the BGADD, although the geographic area and many of the players are the same. Atkins stated that the BGADD's involvement in the procurement process would be competitive.

Lamb stated she would like Council to receive the Partnership Agreement when it is created, and inquired if there is opportunity for Fayette County citizens to be involved on the Workforce Board. Atkins stated for the private sector members, names will be submitted and selected based on qualifications and specific membership qualifications. Lamb inquired if there had ever been a member of Council on the Board. Atkins stated there has not been a Council Member on the board that he is aware of.

A motion was made by Gibbs to approve a Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Interlocal Cooperative Agreement for the continued operation of and participation in the Bluegrass Workforce Investment Board, seconded by Henson. The motion passed without dissent.

A motion was made by F. Brown to allow the Committee Chair to report this item out during the July 7<sup>th</sup> Work Session meeting, seconded by Akers. The motion passed without dissent.

### **III. Ord. 271-2009 – Oath of Office for Boards, Agencies & Commissions**

Meredith Nelson, Council Clerk, gave a presentation of the Oath of Office for Boards, Agencies & Commissions. She stated that there are approximately 71 boards, agencies and commissions of the LFUCG. Ordinance 271-2009 directs all appointees to take an oath of office before taking office. Nelson stated that 637 current appointees, and 170 outstanding forms. The proposed amendment to the ordinance will require an oath by affidavit form, which must be completed and returned within 60 days of Council confirmation, and the language requiring Council Clerk administration of the oath is stricken. The notarization requirement is also proposed for amendment to allow for witness in lieu of notarization.

Scutchfield inquired about amendments to the ordinance made in 2009. Nelson stated it was a new ordinance at that time.

Evans inquired if the extended time would address the issue. Evans further inquired if each individual board, agency or commission could administer the oath of office. Nelson stated they worked with many staff responsible for boards, agencies and commissions and noted that board staffers themselves were concerned about attendance at board meetings. Nelson stated that ordinance currently states that the Council Clerk is responsible for administering the oath. Nelson stated that a 60 day period would allow time for a reminder to be sent.

F. Brown inquired how many boards LFUCG appoints. Nelson stated there are 71. F. Brown inquired if the Ordinance was created because of legal issues. Glenda George stated that the ordinance was drafted for accountability purposes, rather than legal concerns. He requested a list of subject boards, as well as information related to which boards must comply with the Ethics Act.

Lamb stated that the Committee needs to decide if they would like to move the proposed amendments forward, or if the Ordinance remains necessary.

Henson stated the Mayor's Office monitors the various boards. Henson echoed Lamb's previous question regarding the necessity of the Ordinance.

Scutchfield stated the need for a quarterly report to Council of board vacancies, as well as meeting frequency.

Lamb stated she felt it would be appropriate to continue this discussion during the Committee's September 1, 2015 meeting. Scutchfield stated she feels it would be good accounting to further review this issue. Lamb requested input regarding the Committee's preference.

Moloney stated that Council received a report in the past regarding board vacancies. Moloney further stated he would like to hear from the Administration how to reinstitute this process.

Henson stated that the proposed amendments to the ordinance are not directly related to receiving a quarterly report. Henson further stated she would like to see this issue remain in committee.

Lamb noted her concerns about enforceability of the ordinance. George stated that the current ordinance language does not allow an appointee to take office until the oath is completed. Lamb inquired if there is tracking to see who has not completed the oath of office paperwork. Nelson stated she maintains this information in a spreadsheet.

Bledsoe inquired if the oath of office paperwork has not been completed they cannot be counted as part of the quorum and they should not have a vote, which George affirmed. Bledsoe stated these are important points, noting this could nullify the meeting taking place.

Akers inquired if there was a way to signify, perhaps on the website, if a member has not completed this important step. Nelson stated this is a process question she would have to discuss with the Mayor's office. Akers stated she would also like to see regular reporting of board vacancies.

A motion was made by Akers to move the ordinance to the full Council, seconded by Henson. The motion was withdrawn.

Scutchfield inquired if the proposed ordinance was necessary and stated her preference to delay a decision until they have examined the issue more fully.

F. Brown stated he has no issue with the recommendations, but additional discussion is necessary.

A motion was made by F. Brown to table the proposed ordinance until the September 1, 2015 General Government and Social Services Committee meeting. The motion failed for lack of a second.

Akers inquired Council can simply appoint these positions without an oath of office requirement. Keith Horn stated that there are boards which require an oath of office by

Statute and noted the proposed ordinance is not needed for boards and commissions who are mandated to take this oath. Horn stated board and commission members would still receive open record and other trainings if the ordinance were repealed.

Moloney requested information regarding the process to repeal Ordinance 271-2009. Horn advised Council would need to pass an ordinance repealing Ordinance 271-2009, and the committee could make that recommendation.

A motion was made by Moloney to report out a recommendation to full council to remove the 2009 Ordinance. The motion was withdrawn.

Evans noted her hesitancy to repeal the ordinance, noting the shortage of training for some board members. Evans noted she would like to have further discussion that acknowledges the need for training.

Scutchfield stated she feels there needs to be more discussion before the committee reaches a decision.

Lamb requested that the Administration provide additional information at the September 1<sup>st</sup> meeting.

Moloney stated his desire to remove the 2009 ordinance so that Council can begin to examine the inefficiencies of the oath of office process.

A motion was made by Gibbs to postpone the item until the September 1<sup>st</sup>, 2015 General Government and Social Services Committee meeting, seconded by Bledsoe. The motion passed without dissent.

#### **IV. Cell Towers – Location Approval & Revenue**

Roger Daman, Department of General Services, introduced the Cell Towers Location Approval and Revenue presentation.

Barbara Rackers, from Planning, presented the key provisions of KRS, which provides for a statewide uniform application process, and a 60 day timeline for local government action through the Planning Commission. She discussed the difference in approval processes for requests to locate towers on public and private property, and presented location criteria and design standards for cell towers.

Daman discussed General Services' role in the cell tower location approval. General Services reviews applications, coordinates review with other departments, and coordinates the lease drafting process.

J. Brown inquired if the process is for applications within Lexington's parks. Daman replied that the application is for cell towers on government property. J. Brown inquired at what point in the process that the public is notified. Daman outlined the process for giving public notice. Rackers stated that the Planning Department cannot approve or disapprove a tower on public property, and that it is best to inform the public of this prior to the public hearing. Keith Horn stated that the Council will have final say over the lease of government property and can address items of concern within that document.

Moloney inquired if the city is required to approve cell towers on government property. Horn stated that, per the Federal Telecommunications Act, a cell tower cannot be disapproved if disapproval would result in a denial of service; however, Council is not required to approve the location of cell towers on public property. Moloney inquired if a zone change is required to place a tower on a building. Rackers stated that an antenna on a building would not have to go through the uniform application process, but a full tower it would be required to go through the full approval process. In response to a question from Moloney, Daman stated that denial of a tower on public property typically results in the company identifying private properties for location.

Bledsoe asked for an update regarding a current appeal of cell tower being located on private property on Southland Drive. Keith Horn stated he did not have an update on this case, but will provide this information.

Lamb requested an example of conditional approval, to which Rackers responded, noting there generally are not that many conditions placed on approvals unless a significant issue exists that requires mitigation. Lamb inquired if it would be beneficial to draft a CAO policy to address the cell tower approval process. Geoff Reed, Commissioner of General Services, stated that towers should not be approved without significant study and consultation, and spoke in favor of a CAO policy.

## **V. Items in Committee**

A motion was made by Gibbs to remove Workforce Investment & Training from Committee, seconded by Evans. The motion passed without dissent.

A motion was made by Evans to remove Cell Towers, Location, Approval & Revenue from Committee, seconded by Scutchfield. The motion passed without dissent.

A motion was made by Scutchfield to adjourn, seconded by Evans. The motion passed without dissent.

The meeting was adjourned at 2:50 p.m.



Environmental Quality and Public Works Committee Meeting  
June 16, 2015  
Summary and Motions

---

Vice Chair Stinnett called the meeting to order at 1:00 p.m. Committee Members Kay, Moloney, J. Brown, Gibbs, Evans, F. Brown, Mossotti, and Lane were in attendance. Chair Farmer was absent.

**I. Approval of Committee Summary**

A motion was made by Mossotti to approve the May 19, 2015 Environmental Quality & Public Works Committee Summary, seconded by F. Brown. The motion passed without dissent

**II. Neighborhood Traffic Management Program (NTMP)**

Roger Mulvaney presented recent revisions made to the Neighborhood Traffic Management Program (NTMP). He explained that the NTMP was created in 2000 to establish traffic calming standards, and the recent revisions provide for clear and consistent policies. Major changes to the NTMP include the establishment of timelines for the review of petitions, and removal of cost sharing options for certain traffic calming measures.

Gibbs inquired why cost sharing programs for neighborhoods are being removed. Stinnett clarified that the proposal would not cut all funding for the traffic calming devices, but would eliminate the cost sharing program. Mulvaney stated that speed tables are amenities not necessarily prescribed by federal or state agencies. Mulvaney noted that the devices slow response times for emergency vehicles and can move issues onto adjacent streets. Gibbs stated that neighborhoods should have the option, and that removal of cost sharing impacts neighborhood safety.

Lamb inquired about the difference between local residential streets and residential collector streets. Mulvaney replied local streets are intended for access points, such as driveways. Collectors balance access and traffic volume.

Lamb asked about the criteria for evaluation of installing a four-way stop. Mulvaney stated that the proximity of a potential multi-way stop to existing stops is evaluated as one factor that may discourage a new multi-way stop from being built. Lamb noted that there are two elementary schools in her district with serious traffic issues and asked if Traffic Engineering coordinates with Fayette County Schools regarding traffic issues. Mulvaney stated that coordination effort typically occur during land development planning. Lamb also stated she has issues with the loss of the cost-sharing program and its effect on traffic calming.

Bledsoe inquired if they are trying to discourage neighborhoods from using Type II & III options for traffic calming. Mulvaney stated they are not trying to discourage these options, but rather make the point that they are more of an amenity and are expensive to install and maintain; he also noted these options are not mandated by the Federal Highway Administration. Dowell Hoskins-Squier stated that there are very few speed tables in the city, and noted that they do not want to have speed tables all over the city. Squier stated that speed tables reduce driving speeds but there are other effective options, including painting white edge lines and working with Police for enforcement. Bledsoe stated her agreement with the need for enforcement and inquired if Type I is as effective as Type II & III. Squier stated they could provide some studies about the various types which would not be specific to Lexington. Bledsoe stated this would be important to show the public.

Mossotti inquired about the difference between a ballot petition and a regular petition. Mulvaney replied that a regular petition results in a study of the request; if those findings warrant a traffic calming device, they follow up with a ballot petition to the addresses on the prior petition. Mossotti inquired if the ballot petition is sent by registered mail. Mulvaney stated they are sent through USPS. Mossotti inquired if only homeowners are considered in a petition. Mulvaney replied that for a Type II or III the petition is limited to homeowners, but for a Type I all residents are petitioned because those measures are not likely to affect property values.

Akers inquired about the previous deadlines for the review of initial petitions. Mulvaney stated there was not an established timeline and that the revisions to the NTMP establish deadlines. In response to a question from Akers, Mulvaney responded that there is no deadline for returning ballots. Akers stated her agreement with Gibbs regarding the importance of the cost sharing program. Akers inquired what the NTMP budget for speed tables has been for the past few years. Mulvaney stated past budgets are approximately \$25,000. Akers inquired how much of that budget they have spent. Mulvaney stated most of the budget has been spent on signs. Akers asked how much has been used for Type II & III, to which Mulvaney replied they have not installed these since at least 2013.

In response to a question from Akers, Mulvaney stated that NTMP funds will be utilized for Type I measures. Akers stated she has been working to get speed humps on Ash Street and stated that without the cost sharing the community will not be able to afford the speed humps. Akers stated she feels the policy favors wealthy neighborhoods.

Evans inquired if existing speed humps will be replaced with speed tables. Mulvaney stated if Type II and III meet warrants, there would be not be any legal obligation that the City or neighborhood installs them. Meeting warrants allows, but does not require, the installation of traffic calming measures. Mulvaney stated he would report back to Council about the replacement of existing humps.

F. Brown stated his concern for traffic flow and inquired if Type II & III would affect collector streets. Mulvaney stated they may not be used on Collector streets. F. Brown asked about the

process to initiate a study for a traffic calming option. Mulvaney stated that, to warrant a study, signatures are required for at least 65% of the properties listed; for a stop sign to be studied they need 65% within 500 feet from a proposed multi-way-stop intersection; for a speed limit study they require 65% of the entire street to be studied. There was further conversation about these requirements as they relate to connector streets.

Kay asked for clarification about the petition process and Mulvaney provided an overview. Kay stated he has an issue with unreturned ballot cards being counted as “no” responses, noting that it unfairly weights the decision. Kay stated he feels it is a mistake to remove the cost sharing program.

In response to a question from Stinnett, Mulvaney stated there is not a specified maintenance budget for traffic calming devices within Traffic Engineering, and maintenance funds would be located within Streets & Roads’ budget. Mulvaney stated Traffic Engineering repairs the speed cushions and Streets and Roads maintains the others. Stinnett stated that lower income neighborhoods cannot afford the cost sharing program, anyway, and the proposal does not say it will not fund speed tables. Stinnett stated Council can fund speed tables at their discretion. Stinnett stated that it was complicated and difficult for neighborhoods to use the cost sharing program in the first place.

Lamb inquired about speed cushions. Mulvaney stated that speed cushions are no longer utilized due to maintenance requirements, and described maintenance issues.

Akers inquired if the Council advocates for devices if that would interfere with Traffic Engineering’s approval process. Squier stated that the policies will remain the same with the exception of the cost sharing language. Mulvaney noted that Council funding a studied and recommended device does not circumvent the process, but supports it.

There was further discussion about adding additional funding for traffic calming devices during the budget process.

### **III. Traffic Signal System**

Dowell Hoskins-Squier provided an overview of the existing traffic signal system. She stated that there are a total of 377 signalized intersections in Fayette County, of which 137 are owned by the LFUCG, and all signals are maintained by the LFUCG. Squier reviewed signal structure types and installation costs, as well as maintenance costs and priorities. There are significant wiring and infrastructure deterioration issues at over 40 LFUCG owned intersections. Squier reviewed new technologies being utilized, as well as improvements included in the FY16 Mayor’s Proposed Budget.

Mossotti inquired about increasing the time to cross busy intersections and Squier stated that Council can forward those requests for review to Traffic Engineering at any time. Squier informed the Council about the Mayor’s recent Safer People, Safer Streets initiative.

Lamb inquired if the information presented included lights other than stoplights. Squier stated flashing beacons and other measures were not included. Lamb inquired about the construction timeline for the six signalized intersection rebuilds. Squier noted that the department hopes to have all of them in some phase of design or construction within the next fiscal year. Lamb inquired about protocol and if Traffic Engineering will reach out to Council Members prior to construction. Squier stated they would.

Akers agreed with Lamb's request to be notified of construction timelines.

Stinnett inquired about the difference between types of signals and the methodology involved in choosing each type. Squier stated she would provide that information. Stinnett asked about the costs and benefits of intersection improvements. Squier stated they are working on quantifying the data.

#### **IV. Division of Water Quality Projects Report**

Charlie Martin provided an overview of active and planned projects.

Kay inquired about the plans for the appearance of the Lower Cane Run storage tank. Martin stated they are engaging stakeholder input and are compiling those suggestions. Kay inquired if they are seeking opportunities to make the space an attraction or otherwise enhance the community. Martin stated they are having those discussions and noted cost and maintenance considerations.

Akers inquired about the progress of the latest design ideas and Martin gave an update.

Moloney stated his desire to see the project progress to meet EPA deadlines and not to allow the aesthetics to detract from that goal, noting that a board or committee could be created to oversee aesthetic issues. In response to a question from Kay, Akers stated that there have been meetings since fall about the Lower Cane Run facility. Lane noted there have been many ideas expressed for the exterior in previous sessions. Moloney stated he feels there should be a committee put together to address the many upcoming opportunities, noting the tank on Richmond Road which will have similar concerns. Kay stated he feels that could be considered after this process is complete. Martin noted that addressing aesthetics separately is keeping the project on track.

#### **V. Items Referred to Committee**

A motion was made by Kay to remove Consolidate Greenway Responsibilities from Committee, seconded by Gibbs. The motion passed without dissent.

A motion was made by Kay to remove the Distillery District Update from Committee, seconded by F. Brown. The motion passed without dissent.

A motion was made by Mossotti to remove Streetlights analysis from Committee, seconded by Evans. The motion passed without dissent.

A motion was made by Evans to remove Todd's Road Widening Phase II from Committee, seconded by F. Brown. The motion passed without dissent.

A motion was made by F. Brown to remove Safe Routes to School from Committee, seconded by Gibbs. The motion passed without dissent.

A motion was made by Kay to remove Traffic Signal System from Committee, seconded by Gibbs. The motion passed without dissent.

A motion was made by Gibbs to remove Changing Signalized Intersections to Four Way Stops from Committee, seconded by Mossotti. The motion passed without dissent.

A motion was made by Gibbs to remove the Reduction of Speed Limit on Jouett Creek Drive from Committee, seconded by Lane. The motion passed without dissent.

A motion was made by Evans to adjourn, seconded by F. Brown. The motion passed without dissent.

The meeting was adjourned at 2:56 p.m.

DS 6-19-2015

# Historic Fayette County Courthouse Rehabilitation Project

Council Work Session

August 18, 2015

Office of the CAO

# Agenda

---

- How We Got Here
- Overview of Work Completed or In Progress
- Historic Tax Credit (HTC) Program Overview
- The Structure
- Next Steps
- Questions

# How We Got Here

## Why Save it?

---

- Largest Richardsonian Romanesque building in Kentucky
- A visual, architectural, and cultural landmark
- Iconic, historical building that cannot be replaced
- Central component to the nationally registered Downtown Commercial District

# How We Got Here

## Why Now?

---

- Assessment report told us the building can and should be saved
  - Time is of the essence
- Most responsible approach is the Historic Tax Credit (HTC) process
  - Opportunity to leverage private funds for rehabilitation

# How We Got Here

## Why This Approach?

---

- Capital costs too large for private developer to take on without requiring unattainable lease prices
- The LFUCG's involvement (bond contribution and formation of managing entity) in the Private Public Partnership (PPP) makes the difference
  - The LFUCG requires entity to generate revenue to cover operating expenses vs. private developer requirement for much greater Return On Investment (ROI)
  - Maintain greater control over the uses of building



# Overview of Work Completed or In Progress

---

- Since the March 2015 Historic Courthouse Council Workshop we have:
  - Procured a Development Agent
    - City Visions/AU Associates
  - Received State approval of our eligibility under the State Extended Tax Credit statute
  - Received Federal approval for the Part 1 (the first step of the tax credit certification process)

# Overview of Work

## Completed or In Progress

---

- Drafted and advertised the Architectural/Engineering (A/E) RFP-
  - Proposals received on July 27<sup>th</sup>, 2015
  - Selection Committee met on August 6<sup>th</sup>, 2015
    - + Selected three firms to interview
    - + Interviews scheduled for August 17<sup>th</sup>, 2015
- Drafted and advertised the Legal RFP
  - Proposals received on August 7<sup>th</sup>, 2015
  - Selection Committee to meet on August 20<sup>th</sup>, 2015
- Currently advertising the Accounting RFP
- Received 2 Brownfield grants worth \$212K

# Historic Tax Credits

## Program Overview

- Provides an opportunity to leverage private money through equity contributed by a tax credit investor
- Federal and State programs require strict adherence to the historic preservation standards of the Secretary of the Interior
  - Defines the qualified expenses eligible for HTC Program

# Historic Tax Credits

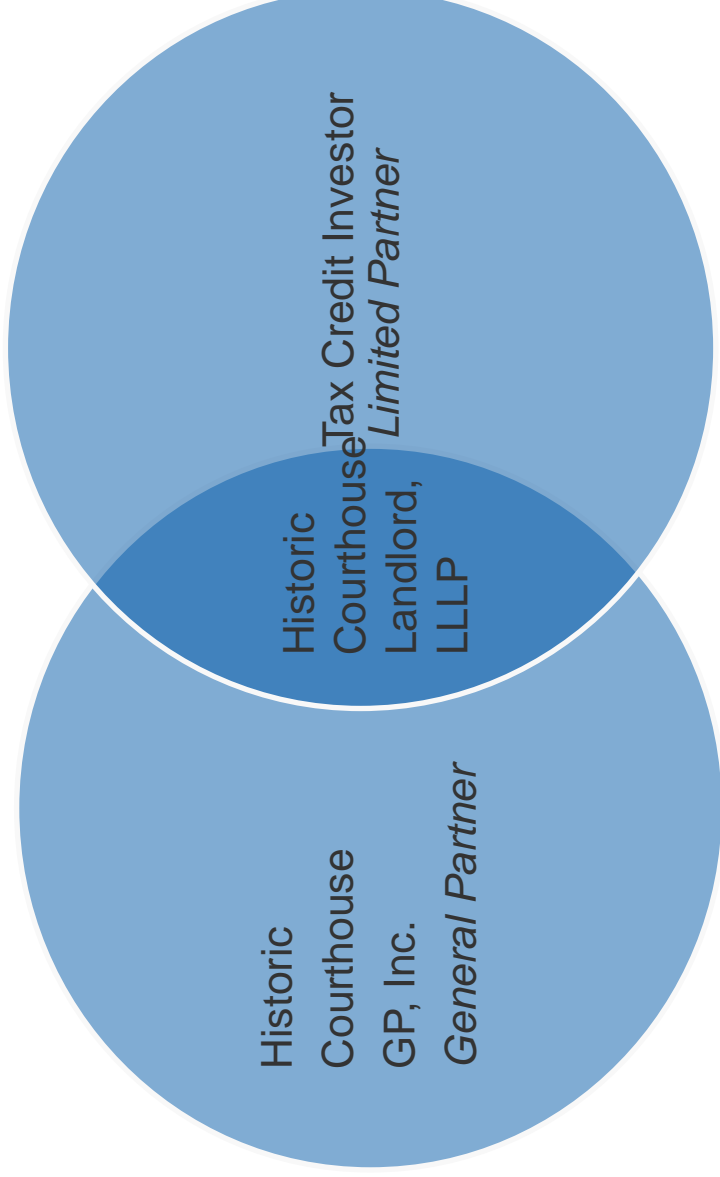
## Program Overview

---

- Key Points
  - State enhanced program required us to start July 1<sup>st</sup>, 2015, no deadline on Federal program
  - State Maximum credits= 20% of project cost, \$6m cap, 24 consecutive month window
  - Fed Maximum credits= 20% of project cost, no cap
  - HTC Process outlines uses of the property upon completion of project

# The Structure

---



NOTE: Structure and analysis will be tested and potentially updated as financing and operating assumptions are further developed.

# The Structure

## For-Profit Partnership Development

---

- For-profit partnership (LLLP) must be created to facilitate tax credit equity investment
  - Must be a taxable (for-profit) entity to use the credits

# The Structure

## Role of the Legal Entities

---

- Historic Courthouse General Partner (GP) (Corporation)
  - Serves as General Partner of the Historic Courthouse, LLP
  - Will work with legal experts to determine maximum level of involvement LFUCG can maintain without jeopardizing tax credits
  - Operated by a board appointed by the LFUCG
    - Membership will consist of LFUCG representatives

# The Structure

## Role of the Legal Entities

---

- Historic Courthouse Landlord, LLLP
  - Leasing and Operating Entity
    - Holds long-term (75-99 yrs, e.g.) lease with the LFUCG (The LFUCG retains ownership)
    - Procures construction contract, awards contract, and dispenses payments
    - Executes operations, including tenant management and leasing and maintenance of facility
    - Contracts originally initiated by the LFUCG will transfer to the Historic Courthouse Landlord, LLC (A/E, Legal, Accounting, Construction Management Services)

# Next Steps

---

- Award Architectural/Engineering (A/E) Contract in August 2015
  - Initiate Schematic Design Phase
  - Create a bifurcated process to maximize HTCs
    - Plan for separate work on exterior and potentially the roof replacement
    - Work in tandem with Development Agents and potential tenants

# Next Steps

---

- Evaluate and determine potential uses and solicit potential tenants
  - Process is currently underway
  - More than 51% of the building must be leased by private entities or meet certain requirements with respect to the lease terms
  - Prepare financial models and develop pro formas and cash flows to determine viability of the project
    - What are the operational costs?
    - What are the anticipated revenues?
    - Is there a gap?

# Next Steps

---

- Procure Legal and Accounting Services
  - To Council for approval in August/September 2015
  - Necessary for
    - HTC process- compliance and maximization
    - Creation of the GP and LLLP
    - Financial projections and planning for investors

# Next Steps

---

- Historic Courthouse GP, Inc. and the Historic Courthouse Landlord, LLLP will be created by the LFUCG and presented to the Urban County Council for approval
  - Board of Directors will be appointed
  - All contracts will transfer to this entity
  - Bond proceeds will transfer to this entity

# Questions?