

# Lexington-Fayette Urban County Government

200 E. Main St  
Lexington, KY 40507



## Minutes

Tuesday, March 7, 2023

3:00 PM

Packet

Council Chamber

**Urban County Council Work Session**

## I. Public Comment - Issues on Agenda

**Present** 15 - Dan Wu, James Brown, Chuck Ellinger, Tayna Fogle, Shayla Lynch, Hannah LeGris, Brenda Monarrez, Liz Sheehan, Denise Gray, Preston Worley, Fred Brown, Whitney Elliott Baxter, Dave Sevigny, Jennifer Reynolds, and Kathy Plomin

**Absent** 0

## II. Requested Rezonings/ Docket Approval

**A motion was made by Council Member Plomin, seconded by Council Member Sheehan, that the be Approved The motion PASSED by unanimous vote.**

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Letter of Engagement to retain the professional services of Dean Dorton Allen Ford, PLLC (awarded pursuant to RFP no. 3-2023), to conduct an audit of utility franchise fee revenues received from Ky. Utilities Co., Columbia Gas of Ky., Inc., and Bluegrass Energy Cooperative Corporation, and to enter into a Letter of Arrangement related to the services at a cost not to exceed \$47,000 (FY2023); and authorizing the Mayor or her designee to enter into any related Agreements. [Council Office, Maynard]

**A motion was made by Council Member James Brown, seconded by Council Member Denise Gray, that this Agenda Item be Approved and Referred to Docket.and sent to the Urban County Council to return on 3/9/2023.The motion PASSED by unanimous vote.**

An Ordinance modifying a conditional zoning restriction in the Neighborhood Business (B-1) zone, for 0.92 net (1.15 gross) acres, for property located at 2400 Versailles Rd. (Caller Properties, LLC; Council District 10). Disapproval 5-3 (To Be Heard by April 26, 2022) [Div. of Planning, Duncan]

**A motion was made by Council Member Dave Sevigny, seconded by Council Member Dan Wu, that this Ordinance be Approved and Referred to Docket with Hearing.and sent to the Urban County Council to return on 4/18/2023.The motion PASSED by unanimous vote.**

An Ordinance changing the zone from a Neighborhood Business (B-1) zone to a High Rise Apartment (R-5) zone, for 2.29 net (2.52 gross) acres, for property located at 340 Legion Dr. (Cowgill Development, LLC; Council District 10). Approval 8-0 (To Be Heard By April 26, 2023) [Div. of Planning, Duncan]

**A motion was made by Council Member Dave Sevigny, seconded by Council Member Chuck Ellinger II, that this Ordinance be Approved and Referred to Docket without Hearing.and sent to the Urban County Council to return on 3/9/2023.The motion PASSED by unanimous vote.**

An Ordinance changing the zone from a Neighborhood Business (B-1)

zone to a Planned Neighborhood Residential (R-3) zone, for 0.10 net (0.12 gross) acres, for property located at 712 Lancaster Ave. (Lexington Habitat for Humanity, Council District 1). Approval 8-0 (To Be Heard By April 26, 2023) [Div. of Planning, Duncan]

**A motion was made by Council Member Tayna Fogle, seconded by Council Member Preston Worley, that this Ordinance be Approved and Referred to Docket without Hearing, and sent to the Urban County Council to return on 3/9/2023. The motion PASSED by unanimous vote.**

An Ordinance changing the zone from a Single Family Residential (R-1D) zone to a Planned Neighborhood Residential (R-3) zone, for 0.97 net (1.15 gross) acres, for property located at 2819 Liberty Rd. (Liberty Park Development, LLC; Council District 6) Approval 8-0 (To Be Heard By April 26, 2023) [Div. of Planning, Duncan]

**A motion was made by Council Member Denise Gray, seconded by Council Member Fred Brown, that this Ordinance be Approved and Referred to Docket without Hearing, and sent to the Urban County Council to return on 3/9/2023. The motion PASSED by unanimous vote.**

An Ordinance changing the zone from a Professional Office (P-1) zone to a Planned Neighborhood Residential (R-3) zone, for 2.00 net (2.50 gross) acres, for property located at 410 Sporting Court (a portion of). (AU Associates, Inc. Council District 9). Approval 8-0 (To Be Heard By April 26, 2023) [Div. of Planning, Duncan]

**A motion was made by Council Member Whitney Elliott Baxter, seconded by Council Member Dan Wu, that this Ordinance be Approved and Referred to Docket without Hearing, and sent to the Urban County Council to return on 3/9/2023. The motion PASSED by unanimous vote.**

An Ordinance changing the zone from an Interchange Service Business (B-5P) zone to a Highway Service Business (B-3) zone for 30.24 net (37.36 gross) acres, for property located at 5380 Athens Boonesboro Rd. and 5354 Athens Boonesboro Rd. (a portion of). (IVCP Athens South LLC; Council District 12). Approval 8-0 (To Be Heard By May 26, 2023) [Div. of Planning, Duncan]

**A motion was made by Council Member Kathy Plomin, seconded by Council Member James Brown, that this Ordinance be Approved and Referred to Docket with Hearing, and sent to the Urban County Council to return on 4/25/2023. The motion PASSED by unanimous vote.**

### III. Approval of Summary

a

Table of Motions: Council Work Session, February 28, 2023

**A motion was made by Council Member Whitney Elliott Baxter, seconded by Council Member Liz Sheehan, that this Agenda Item be Approved. The motion PASSED by unanimous vote.**

#### IV. Budget Amendments

An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and re-appropriating funds, FY 2023 Schedule No. 31. [Div. of Budgeting, Lueker]

**A motion was made by Council Member Chuck Ellinger II, seconded by Council Member Denise Gray, that this Agenda Item be Approved and Referred to Docket and sent to the Urban County Council to return on 3/9/2023. The motion PASSED by unanimous vote.**

#### V. Budget Adjustments - For Information Only

#### VI. New Business

#### VII. Continuing Business/ Presentations

**a** Neighborhood Development Fund: March 7, 2023

**A motion was made by Council Member Chuck Ellinger II, seconded by Council Member Whitney Elliott Baxter, that this Agenda Item be Approved and Referred to Docket and sent to the Urban County Council to return on 3/9/2023. The motion PASSED by unanimous vote.**

**b** Summary: General Government & Planning Committee, February 14, 2023

**Received and Filed**

An Ordinance amending Section 21-33(a) of the Code of Ordinances to increase the vacation leave balance carry forward for Classified Civil Service employees to three hundred and thirty six (336) hours; amending Section 21-33(e) to provide that, upon separation of service, Classified Civil Service employees shall be entitled to receive payment for accumulated vacation leave at their then current pay rate computed on an hourly basis, capped in an amount not to exceed three hundred thirty six (336) hours of accumulated leave; amending Section 21-33(h) to provide that an employee Granted a vacation leave carryover extension who separates from service shall be paid for not more than three hundred and thirty-six (336) hours of accumulated vacation leave; and amending Ordinance No. 104-2021 relating to the vacation leave carryover extension to provide that employees shall not carry forward more than three hundred and thirty six (336) hours of vacation leave after December 31, 2023 or the end of the first payroll period in which December 31, 2023 falls and to further provide that employees who separate from

service prior to December 31, 2023 shall be paid for all accumulated vacation leave. [Council Office, Maynard]

**A motion was made by Council Member Preston Worley, seconded by Council Member Liz Sheehan, that this Agenda Item be Approved and Referred to Docket and sent to the Urban County Council to return on 3/9/2023. The motion PASSED by unanimous vote.**

A Resolution initiating for Planning Commission review and recommendation Zoning Ordinance Text Amendments to define Short Term Rental, Hosted Short Term Rental, and Un-Hosted Short Term Rental; to provide General Regulations for Short Term Rentals; to make Hosted Short Term Rentals an Accessory Use in Zones R-1A, R-1B, R-1C, R-1D, R-1E, R-1T, R-2, R-3, R-4, R-5, EAR-1, eaR-2, eaR-3, B-1, P-1, MU-1, MU-2, and MU-3; to make Hosted Short Term Rentals and Un-Hosted Short Term Rentals a principal use in zones B-2, B-2a, B-2b, B-4 (when part of an Adaptive Reuse Project, Industrial Reuse Project or Entertainment Mixed Use Project), I-1 (when part of an Adaptive Reuse Project, Industrial Reuse Project or Entertainment Mixed Use Project), I-2 (when part of an Adaptive Reuse Project, Industrial Reuse Project or Entertainment Mixed Use Project), CC, B-6P, and MU-3; and to make Un-Hosted Short Term Rentals a Conditional Use in Zones R-1A, R-1B, R-1C, R-1D, R-1E, R-1T, R-2, R-3, R-4, R-5, EAR-1, EAR-2, EAR-3, B-1, P-1, MU-1, MU-2, and MU-3.

**A motion was made by Council Member Preston Worley, seconded by Council Member Kathy Plomin, that this Agenda Item be Approved and Referred to Docket and sent to the Urban County Council to return on 3/9/2023. The motion PASSED by majority vote (Council Member Ellinger recused).**

**A motion was made by Council Member Preston Worley, seconded by Council Member Hannah LeGris, that this Agenda Item be Approved. The motion PASSED by unanimous vote.**

**A motion was made by Council Member Preston Worley, seconded by Council Member James Brown, that this Agenda Item be Tabled until the Planning Commission approves STR ZOTA and returns it to the Council within 60 days. The motion PASSED by majority vote (Council Member Ellinger recused).**

c

Received and Filed

## VIII. Council Reports

### IX. Mayor's Report

**A motion was made by Council Member Wu, seconded by Council Member Gray, that the be Approved The motion PASSED by unanimous vote.**

### X. Mayor's Report - Price Contract Bid Recommendations

A motion was made by Council Member Plomin, seconded by Council Member Sheehan, that the be Approved The motion PASSED by unanimous vote.

**XI. Public Comment - Issues Not on Agenda**

**XII. Adjournment**

A motion was made by Council Member Fogle, seconded by Council Member Gray, that the be Adjourned The motion PASSED by unanimous vote.

## Administrative Synopsis - New Business Items

- a** Authorization to execute a release of a portion of a utility easement at 3509 Harper Woods Lane. The easement is no longer needed. No budgetary impact. (L0222-23) (Martin/Albright)
- A motion was made by Council Member Kathy Plomin, seconded by Council Member Tayna Fogle, that this Agenda Item be Approved and Referred to Docket.and sent to the Urban County Council to return on 3/9/2023.The motion PASSED by unanimous vote.**
- b** Authorization to approve a Class B Infrastructure Stormwater Quality Project Incentive Grant for Huber Real Estate No. 1, LLC. in the amount of \$180,000.00. Funds are budgeted. (L0223-23) (Martin/Albright)
- A motion was made by Council Member Kathy Plomin, seconded by Council Member Tayna Fogle, that this Agenda Item be Approved and Referred to Docket.and sent to the Urban County Council to return on 3/9/2023.The motion PASSED by unanimous vote.**
- c** Authorization to approve a sanitary sewer service Site Specific Agreement between the Lexington-Fayette Urban County Government (LFUCG), Cassity Family, LLC (CASSITY) and Jessamine-South Elkhorn Water District (JESWD) for LFUCG to provide sanitary sewer conveyance and treatment capacity for properties identified in the agreement. No budgetary impact. (L0225-23) (Martin/Albright)
- A motion was made by Council Member Kathy Plomin, seconded by Council Member Tayna Fogle, that this Agenda Item be Approved and Referred to Docket.and sent to the Urban County Council to return on 3/9/2023.The motion PASSED by unanimous vote.**
- d** Authorization to execute a purchase of service agreement with the University of Kentucky Community Innovation Lab to evaluate the One Lexington Strategic Plan, at a cost of \$26,000. Funds are budgeted. (L0226-23) (Scott)
- A motion was made by Council Member Kathy Plomin, seconded by Council Member Tayna Fogle, that this Agenda Item be Approved and Referred to Docket.and sent to the Urban County Council to return on 3/9/2023.The motion PASSED by unanimous vote.**
- e** Authorization to amend Article XLV of the Code of Ordinances to create the Neighborhood Investment Fund, and authorizing the Affordable Housing Board, in collaboration with the Office of Affordable Housing, to manage that fund, and any other funds the Council allocates to Affordable Housing. No budgetary impact. (L0227-23) (McQuady/Lanter)

**A motion was made by Council Member Kathy Plomin, seconded by Council Member Tayna Fogle, that this Agenda Item be Approved and Referred to Docket.and sent to the Urban County Council to return on 3/9/2023.The motion PASSED by unanimous vote.**

- f** Authorization to approve an Easement Acquisition for the Barnard Drive Stormwater Improvements Project at a cost not to exceed \$3,000.00. Funds are budgeted. (L0236-23) (Martin/Albright)

**A motion was made by Council Member Kathy Plomin, seconded by Council Member Tayna Fogle, that this Agenda Item be Approved and Referred to Docket.and sent to the Urban County Council to return on 3/9/2023.The motion PASSED by unanimous vote.**

- g** Authorization to approve and execute all Commitment Letters, Loan Agreements, Promissory Notes, Mortgages, Deed Restrictions, Releases, and any other documents related to the disbursement of Neighborhood Investment Funds, established in Chapter 2, Article XVI of the code of Ordinances. No budgetary impact. (L0237-23) (McQuady/Lanter)

**A motion was made by Council Member Kathy Plomin, seconded by Council Member Tayna Fogle, that this Agenda Item be Approved and Referred to Docket.and sent to the Urban County Council to return on 3/9/2023.The motion PASSED by unanimous vote.**

- h** Authorization to approve a Class B Infrastructure Stormwater Quality Projects Incentive Grant for Windswept Ventures, LLC., in the amount of \$316,564.80. Funds are budgeted. (L0238-23) (Martin/Albright)

**A motion was made by Council Member Kathy Plomin, seconded by Council Member Tayna Fogle, that this Agenda Item be Approved and Referred to Docket.and sent to the Urban County Council to return on 3/9/2023.The motion PASSED by unanimous vote.**

- i** Authorization to submit applications for funding and to accept awards for FY 2024 Transportation Planning Activities that finance the federally-mandated transportation planning process for the Lexington Area Metropolitan Planning Organization; subject to the availability of sufficient funds in FY 2024. The total federal funding being requested for FY24 is \$965,515, with an additional \$28,250 being provided by the state. LFUCG is required to provide a match of \$213,129, as requested in the FY 2024 budget. The total cost in the budget is \$1,206,894. (L0240-23) (Duncan/Atkins)

**A motion was made by Council Member Kathy Plomin, seconded by Council Member Tayna Fogle, that this Agenda Item be Approved and Referred to Docket.and sent to the Urban County Council to return on 3/9/2023.The motion PASSED by unanimous vote.**

- j** Authorization to submit an application, and accept an award if offered in the amount of \$102,000 for the support of a one-day household hazardous waste recycling event for Fayette County, the acceptance of



which obligates the government to provide a match in the amount of \$25,500. A budget amendment will be processed if approved.  
(L0241-23) (Thurman/Albright)

**A motion was made by Council Member Kathy Plomin, seconded by Council Member Tayna Fogle, that this Agenda Item be Approved and Referred to Docket.and sent to the Urban County Council to return on 3/9/2023.The motion PASSED by unanimous vote.**

**k** Authorization to create one (1) unclassified position of Community Reentry Advocate (Grade 517N) for a term of one (1) year ending March 31, 2024 with the potential of a twenty-four (24) month extension renewal, in the Department of Social Services, effective the first payroll Monday following passage of Council. This has a 12-month future impact of a cost of \$73,847.93 and will be granted funded. (L0242-23) (Walters/Hamilton)

**A motion was made by Council Member Kathy Plomin, seconded by Council Member Tayna Fogle, that this Agenda Item be Approved and Referred to Docket.and sent to the Urban County Council to return on 3/9/2023.The motion PASSED by unanimous vote.**

**l** Authorization to approve a Class A Neighborhood Stormwater Quality Projects Incentive Grant for Waterford II Homeowners Association, Inc. in the amount of \$40,000.00. Funds are budgeted. (L0243-23)  
(Martin/Albright)

**A motion was made by Council Member Kathy Plomin, seconded by Council Member Tayna Fogle, that this Agenda Item be Approved and Referred to Docket.and sent to the Urban County Council to return on 3/9/2023.The motion PASSED by unanimous vote.**

**m** Authorization to execute the Engineering Services Agreement with Strand Associates, Inc., for the design of the Salt Dome and Associated Facilities at 1791 Old Frankfort Pike, at a cost not to exceed \$196,780.00. Funds are budgeted. (L0250-23) (Albright)

**A motion was made by Council Member Kathy Plomin, seconded by Council Member Tayna Fogle, that this Agenda Item be Approved and Referred to Docket.and sent to the Urban County Council to return on 3/9/2023.The motion PASSED by unanimous vote.**

**n** Authorization to approve an amendment of Resolution No. 042-2022, increasing the easement acquisition budget by \$106,900.00 for the Wolf Run Main Trunk F Sanitary Sewer Project, from \$27,714.00 to \$134,614.00. Funds are budgeted. (L0253-23) (Martin/Albright)

**A motion was made by Council Member Kathy Plomin, seconded by Council Member Tayna Fogle, that this Agenda Item be Approved and Referred to Docket.and sent to the Urban County Council to return on 3/9/2023.The motion PASSED by unanimous vote.**

**o**

Authorization to execute an amendment to the purchase of service agreement with Community Action Council, regarding the administration of ONE Lexington Gun Violence Prevention Grant Programming as approved by Resolution 667-2022, increasing the cost by \$55,500, bringing the total cost to \$155,500, and extending the agreement through December 31, 2023, with automatic renewal for one (1) year. Funds are budgeted. (L0254-23) (Scott)

**A motion was made by Council Member Kathy Plomin, seconded by Council Member Tayna Fogle, that this Agenda Item be Approved and Referred to Docket.and sent to the Urban County Council to return on 3/9/2023.The motion PASSED by unanimous vote.**

**p**

Authorization to execute a Memorandum of Understanding with Town Branch Park, Inc. and Lexington Center Corporation related to the High Street Town Branch Park entrance design and construction, pending partner agency approvals. Cost to construct the roadway and pedestrian improvements to the park as referenced in the MOU is not to exceed \$7,420,300. Budget amendments in process to move budgeted funds to proper capital project accounts. (L0256-23) (Peacher/Scott)

**A motion was made by Council Member Kathy Plomin, seconded by Council Member Tayna Fogle, that this Agenda Item be Approved and Referred to Docket.and sent to the Urban County Council to return on 3/9/2023.The motion PASSED by unanimous vote.**

**q**

Authorization execute Change Order No.4, with Pace Contracting, for the Splash! at Charles Young Park construction project, increasing the contract price by the sum of \$28,297.75 from \$1,480,048.15 to \$1,508,345.90, and extending the completion deadline to July 3, 2023. Funds are budgeted. (L0257-23) (Peacher/Scott)

**A motion was made by Council Member Kathy Plomin, seconded by Council Member Tayna Fogle, that this Agenda Item be Approved and Referred to Docket.and sent to the Urban County Council to return on 3/9/2023.The motion PASSED by unanimous vote.**

**r**

Authorization to execute an annual agreement with iconectiv, LLC for the Division of E911 to access iconectiv's sole database of phone numbers and corresponding carriers utilized by the 911 system nationwide, which is managed under contract with the FCC, at a cost of \$6,000. Funds are budgeted. (L0258-23) (Patten/Armstrong)

**A motion was made by Council Member Kathy Plomin, seconded by Council Member Tayna Fogle, that this Agenda Item be Approved and Referred to Docket.and sent to the Urban County Council to return on 3/9/2023.The motion PASSED by unanimous vote.**

**s** Authorization to execute an agreement and accept award of federal funding from the Kentucky Office of Homeland Security under the FY2022 State Homeland Security Grant Program in the amount of \$52,700. The Division of Fire and Emergency Services Special Operations Urban Search and Rescue Team will use funds to purchase approved FEMA Courses for the training of Technical Search Specialists and Heavy Rigging Specialists. No matching funds required. (L0259-23)  
(Wells/Armstrong)

**A motion was made by Council Member Kathy Plomin, seconded by Council Member Tayna Fogle, that this Agenda Item be Approved and Referred to Docket and sent to the Urban County Council to return on 3/9/2023. The motion PASSED by unanimous vote.**