

Fayette Fiscal Court Meeting Minutes 4/13/2023

Location: Fayette County Clerk, 162 E. Main Street, Lexington, Ky. 40507 & Remotely Via Zoom Platform Meeting Online, hosted by Fayette County Clerk.

Present: County Judge/Executive Mary Diane Hanna, District 1 County Commissioner Brian Miller, District 2 County Commissioner Alayne White, District 3 County Commissioner David Lowe, Meredith Watson (Fayette County Clerk), Nancy Albright (LFUCG Dept. of Environmental Quality & Public Works), Andrew Grunwald (LFUCG Div. of Engineering), Doug Burton (LFUCG Div. of Engineering), Mark Feibes (LFUCG Div. of Engineering), Scott Gabbard (LFUCG Div. of Engineering), Jeff Neal (LFUCG Div. of Traffic Engineering), Bill Osborne (LFUCG Div. of Streets & Roads), Robert Allen (LFUCG Div. of Streets & Roads), Kathy Plomin (LFUCG 12th District Council), Shaun Denney (LFUCG), John Cirigliano (Hume Rd. Neighborhood Association).

1:31 p.m.: Ms. Hanna called the meeting to order and welcomed everyone present.

Introductions both in the room and on the Zoom meeting were conducted.

Ms. Hanna asked if any attendee wanted the minutes read into the record, or if additions or corrections to the minutes of the June 9, 2022, meeting were necessary. There were none. Ms. White made a motion, seconded by Mr. Lowe, to approve the Minutes of the June 9, 2022, Fiscal Court meeting. The motion was approved by unanimous vote.

Old Business

Review of County Road Program for FY 2023. Mr. Grunwald reviewed the project status for FY 2023 projects, 4.94 miles completed, and noted that all projects were complete. There were several additional projects for the fiscal year. A guardrail was installed on Bowmans Mill Road, done by Tom Chestnut Excavation and Construction (\$11,858.00). Two culverts were replaced on Kearney Road by Leak Eliminators, LLC (\$19,046.10). For the Jacks Creek Pike Culvert Repair, the project received one bid from NAC Heavy Highway, Inc. During the bid process, there was a slope failure on Jacks Creek Pike so NAC Heavy Highway, Inc., has been engaged for both the culvert repair and slope failure, final cost to be determined. Estimated cost for the culvert repair is \$213,482.00 and for the slope failure, \$198,560.00.

Mr. Grunwald explained that money would carry over for the needed repairs. Ms. Hanna asked questions about the funding.

Ms. White asked about planned signage on Dry Branch Road regarding safety. Mr. Grunwald stated signage had been placed. He also noted there was a private culvert at the end of Dry Branch Road which was having issues, and that the property owner had been notified.

New Business

Mr. Grunwald stated he had one request to his office to review a road for resurfacing, Berea Road. He asked for any other requests. Ms. Plomin asked for a review of Mt. Horeb Road. Ms. Hanna asked for a review of Grimes Mill Road.

Mr. Cirigliano stated that the neighbors of Hume Road have expressed some concerns about speeding cars in the area. He also noted that the shoulders are narrow on Hume Road, so the structure of the road makes the speeding a major safety issue.

Ms. Hanna and Mr. Grunwald noted that traffic signage would not be a matter for the Fiscal Court, but that the issue could be referred to the LFUCG Div. of Traffic Engineering. Mr. Cirigliano also asked about having a speed bump installed, or decreasing the speed limit to 25 MPH.

Mr. Neal spoke to the issue, and stated there were advisory signs in the area. Ms. Albright also spoke about the process for approving and adding signage, and the challenges with reducing and enforcing the speed limit on a road. Mr. Grunwald also spoke about process, and the primary focus of the Fiscal Court, which is decision-making regarding rural road repair and repaving.

Mr. Neal stated the specific request about speed limits on the road should be directed to his office.

Ms. White requested a detail map of the area, which Mr. Grunwald will provide.

Consideration of Resolution Approving the 2024 Rural Secondary Program for Fayette County (KYTC – District 7). Mr. Grunwald explained the purpose of the Rural Secondary Program through the Kentucky Transportation Cabinet and how the funding allocation works. For FY 2024, the KYTC is recommending the repaving of a portion of KY 1973 (Iron Works Pike), 2.405 miles, and a portion of KY 1977 (Spurr Road), 2.369 miles, for a total of \$375,228. He recommended moving ahead with the recommendations.

Mr. Lowe made a motion, seconded by Mr. Miller, to approve the KYTC recommendations for FY 2024 and to allow the KYTC to use the available FLEX funds. The motion was approved by unanimous vote.

County Reapportionment. Ms. Watson explained that county reapportionment of magisterial districts is required after each decennial census, and that the Fiscal Court's role would be to nominate and approve three county reapportionment commissioners to serve on an official commission. Once the Fiscal Court approves the list of names, the Urban County Council will approve the list, the Commission will meet to complete their work, and then the Urban County Council will review and approve their recommendations.

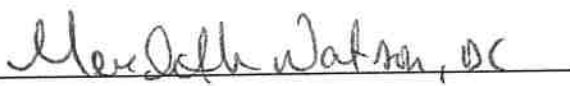
Ms. White suggested consulting with the League of Women Voters for potential members of the reapportionment commission.

The date of the next Fiscal Court meeting is May 11, 2023, at 1:30 p.m.

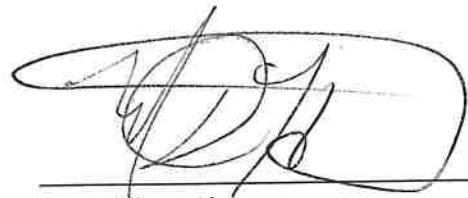
There being no further discussion or new business items, Ms. Hanna asked for a motion to adjourn.

Upon motion of Ms. White, seconded by Mr. Lowe, the meeting adjourned at 2:18 p.m. by unanimous vote.

Respectfully submitted,


Meredith Watson

County Judge/Executive


Mary Diane Hanna



Department of Highways ♦ District 7 Office
800 Newtown Court ♦ Building 2
P.O. Box 11127 ♦ Lexington, KY 40512
P: 859.246.2355 ♦ F: 859.246.2354
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FY 2024
RURAL SECONDARY PROGRAM

034 – FAYETTE COUNTY

County Judge/Executive: **Mary Hanna** |

63.040 RS Miles ➔

	FY 2022	FY 2023	FY 2024
FLEX Percentage (Maintenance Rating-based beginning FY14)	20%	20%	20%
RS/CR Bituminous Resurfacing FLEX Funds	\$144,551	\$151,235	\$159,042
Balance for RS Projects	\$282,426	\$209,055	\$216,186
Total RS + FLEX Project Funds (PROJECTED)	\$426,977	\$360,290	\$375,228

♦ **FY22 Authorized RS Projects** [TC10# 14179-0 | FlexOnRS:Y | Completed:Y]

KY 1970 (BRYAN STATION RD): 2.968 miles; BMP 0.000 (KY 57); EMP 2.968 (0.161 miles east of KY 1973)	\$545,029 4.495 mi \$121,252 / mi
KY 1970 (BRYAN STATION RD): 0.277 miles; BMP 2.968 (0.161 miles east of KY 1973); EMP 3.245 (Fayette-Bourbon CL)	
KY 1975 (JACKS CREEK PIKE): 1.250 miles; BMP 4.160 (0.103 miles south of Shephard Lane); EMP 5.410 (US 25)	

♦ **FY23 AUTHORIZED RS Projects** [TC10# 16034-0 | FlexOnRS:Y | Completed:Awarded]

KY 1975 (Jacks Creek Pike): 1.260 miles; BMP 2.900 (Crawley Lane); EMP 4.160 (Shephard Ln)	\$252,968
KY 2335 (Houston Antioch Road): 0.691 miles; BMP 0.000 (Briar Hill Road); EMP 0.691 (Ware Road)	1.951 mi \$129,661 / mi

♦ **FY24 Recommended RS Projects [TOTAL: 2.405mi | \$216,000]**

KY 1973 (Iron Works Pike): 2.405mi; BMP 16.800 (KY 353); EMP 19.205 (KY 922). [Last Resurfaced: 2013; Width: 20; ADT: 3585]	\$216,000
[NOTE: R=Year Last Resurfaced; W=Width; ADT=Average Daily Traffic; C=Surface Condition]	

♦ **FY24 Recommended RS Projects using FLEX Funds [TOTAL: 2.369 mi | \$159,000]**

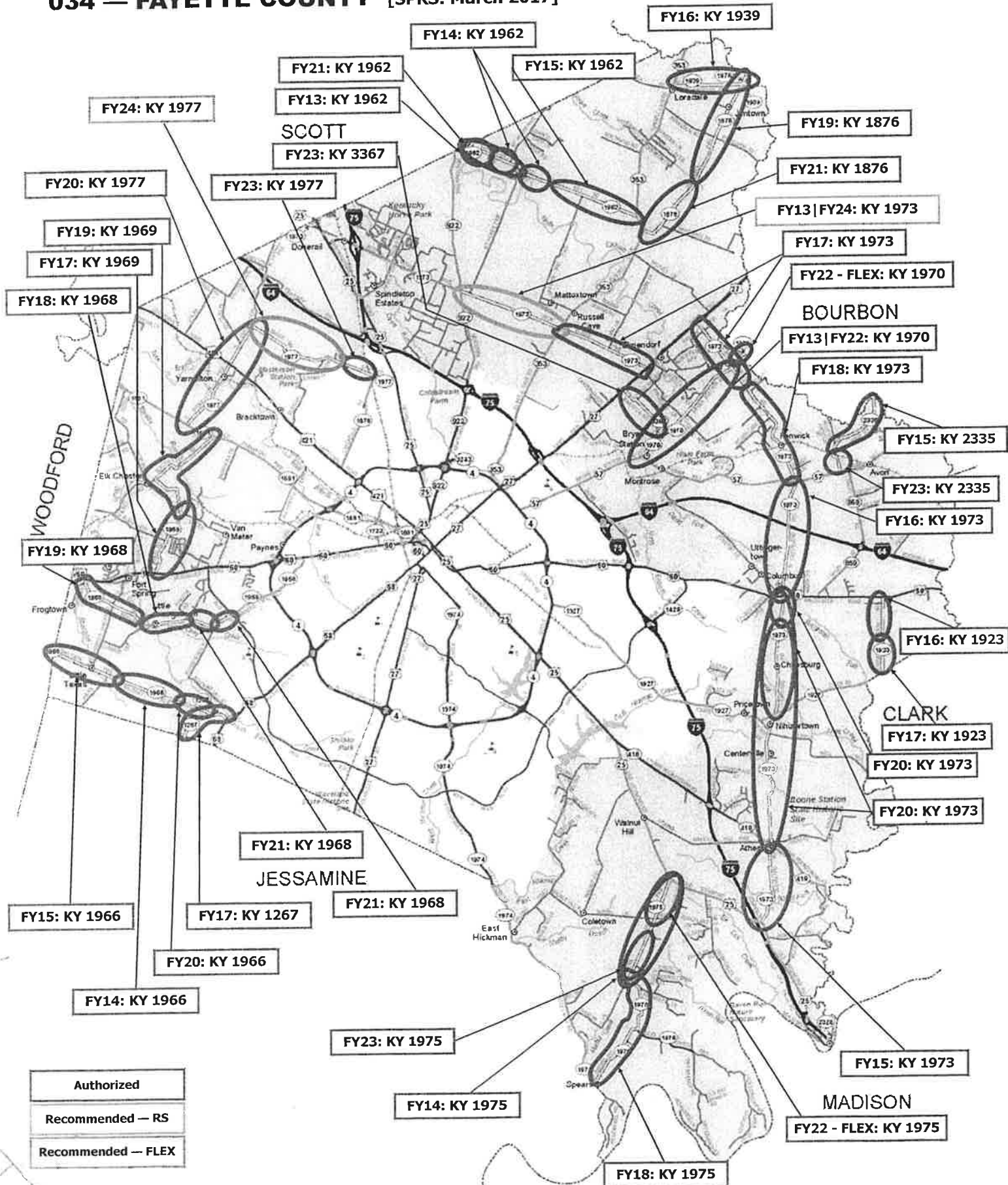
KY 1977 (Spurr Road): 2.369mi; BMP 2.664 (N Yarnallton Pike); EMP 5.033 (Blackburn Correctional B). [Last Resurfaced: 2012; Width: 16-20; ADT: 623] Microsurfacing	\$159,000
• DECISION: Use RS/CR Bituminous Resurfacing Flex Funds on District RS Recommendations? <input checked="" type="radio"/> YES / <input type="radio"/> NO	


County Judge/Executive Signature of Fiscal Court Approval

04/13/23

Date

034 — FAYETTE COUNTY [SPRS: March 2017]



KY Transportation Cabinet ♦ Department of Highways – District 7
FY24 (2023 – 2024) RURAL SECONDARY PROGRAM

RS24 ANNUAL CJE MEETING SCHEDULE

Tuesday, February 28, 2023:

- 1:30 pm – Jessamine Co. [FC: 1st, 3rd, 5th T, 4p]

Thursday, March 2, 2023:

- 1:30 pm – Boyle Co. [FC: 2nd, 4th T, 9a]

Tuesday, March 7, 2023:

- 2:30 pm – Clark Co. [FC: 2ndW, 9:30a, 4thR, 6:30p]

Tuesday, March 14, 2023:

- 1:30 pm – Garrard Co. [FC: 2nd M, 6p]

Wednesday, March 15, 2023:

- 1:00 pm – Madison Co. [FC: 2nd, 4th T, 9:30a]

Thursday, March 16, 2023:

- 9:30 am – Fayette Co. [FC: R, 4/13, 5/11, 1:30p]

Monday, March 20, 2023:

- 9:00 am – Anderson Co. [FC: 1st T, 10a, 3rd T, 7p]

Wednesday, March 22, 2023:

- 9:00 am – Woodford Co. [FC: 2nd, 4th T, 5:30p]
- 1:30 pm – Scott Co. [FC: 2nd F, 9a, 4th R, 7p]

Thursday, March 23, 2023:

- 9:00 am – Bourbon Co. [FC: 2nd, 4th R, 5:30p]

Wednesday, March 29, 2023:

- 9:00 am – Mercer Co. [FC: 2nd, 4th T, 10a]

Thursday, March 30, 2023:

- 9:00 am – Montgomery Co. [FC: 3rd T, 10a & 6p]

KYTC DISTRICT 7 CONTACT INFO

KYTC Department of Highways – District 7

800 Newtown Court, Lexington, KY 40511

P: 859.246.2355 ♦ F: 859.246.2354

<http://transportation.ky.gov/DistrictSeven>

• Chief District Engineer:

Kelly Baker, PE (KellyA.Baker@ky.gov)

• Engineering Support (also includes Materials, Equipment, Roadside Environment):

Daniel Kucela, PE (Daniel.Kucela@ky.gov)

Bridges: **Cory Jones, PE**

Permits: **Robert Baker, PE**

Traffic: **Natalia McMillan, PE**

Snow & Ice: **Matthew Bland**

• Project Delivery & Preservation I:

Tony McGaha, PE (Tony.McGaha@ky.gov)

Fayette/Jessamine: **Alex Mucci, PE**

Woodford/Scott: **Austin Shields, PE**

• Project Delivery & Preservation II:

Jonathan Taylor, PE (Jonathan.Taylor@ky.gov)

Bourbon/Clark/Montgomery: **Chris Heil, PE**

Garrard/Madison: **Clyde Newcomer, PE**

Anderson/Boyle/Mercer: **Nick Lester, PE**

• Project Development (also includes Environmental, Right of Way, Utilities, Surveying, Geotechnical):

Rob Sprague, PE (Robin.Sprague@ky.gov)

Design: **Joshua Samples, PE**

Planning: **Casey Smith, PE**

HSIP/LPA Coordinator: **Shane Tucker**

STATE PRIMARY ROAD SYSTEM

Under KRS 177.020, the State Primary Road System classifies state-maintained roadways by the type of service and function they provide. 603 KAR 3:030 designates the following classes:

State Primary System: Interstates (symbolized by black lines on maps), parkways (brown lines) and other long-distance, high-volume intrastate routes (red lines) of statewide significance that generally link major urban areas within the state.

State Secondary System: Regionally significant routes (green lines) which provide mobility and access to land use activity, generally serving smaller cities and county seats within a region.

Rural Secondary System: Routes of sub-regional significance (yellow lines) which might include urban arterial streets and other collectors, often with access to land use activity, such as farm-to-market routes as their main function.

Supplemental Roads: All other state-maintained routes (purple lines) such as frontage roads, cross roads and local access roads such as farm-to-market routes as their main function. ♦

RURAL SECONDARY PROGRAM

This program was established as a mechanism of funding for roads classified as Rural Secondary under the State Primary Road System. These are the yellow roads on the State Primary Road System Map.

Each fiscal year, funds are allocated to the Rural Secondary Program as authorized in Kentucky Revised Statutes sections 177.320 through 177.360. These statutes delineate that the funds shall be used for construction, reconstruction & maintenance of secondary and rural roads in each county. Also each year, Transportation Cabinet representatives meet with fiscal court members to jointly agree on which rural secondary projects will be funded. ♦

HOW RS FUNDS ARE CALCULATED

The RS Road Fund Allotment is an estimate based upon anticipated motor fuel consumption that is calculated 6 months prior to distribution. KY's Motor Fuel Excise Tax (Jan 2020) is 24.6/21.6 cents per gallon (cpg) for gas/diesel (includes 5 cpg highway user tax on gas) plus 1.4 cpg storage tank fee for a total of 44.4/47.4 cpg for gas/diesel, including federal tax of 18.4/24.4 cpg, respectively (US Average: 52.18/60.63 cpg). KY also taxes commercial carriers quarterly for gas/special fuels.

KY variable tax rate, indexed to AWP (average wholesale price), is 10% AWP at close of previous FY with AWP "floor" of \$2.177/gal through 6/30/16 (HB 299). Rates remain same thru 6/30/18. [api.org/tax]

By statute, 22.2% of the projected motor fuel tax is set aside for the RS Program. The budget office puts 10% of that amount into the undistributed budget (CB05) & releases by Official Order 90% to the Dept of Rural & Municipal Aid (DRMA), which reserves 6% for emergency funds & 3% for administrative purposes. The remaining 91% (of the original 90%) is distributed to each county as an **initial allotment** using the Fifts Formula, as follows:

- 20% equal portion to all 120 counties;
- 20% based on rural population (<2500) ratio;
- 20% based on rural road mileage ratio;
- 40% based on square-mile rural area ratio.

At the end of the fiscal year, the undistributed budget is adjusted to actual revenues & consumer price index changes, then released to DRMA & added to each county's RS pool as **undistributed funds** using the Fifts Formula. Counties not using all allotted RS funds carry a **free balance** of unauthorized funds available the following year. At times, this balance can be negative due to asphalt price increases or field estimates (on which project approvals are based) lower than actual low bids. In negative balance situations, undistributed funds cover the difference.

The sum of the initial distribution, free balance & undistributed funds is the **RS Project Balance** for the upcoming FY. Deducted from this amount are **RS routine maintenance & traffic** (provided by district unless maintained by county per agreement) & **CJE expenses** (per KRS: \$600/qtr). The remainder, less any FLEX funds (if authorized), is used for resurfacing RS routes.

For FY12 – FY24, **FLEX Funds** (10-25% of initial allotment, based on KYTC maintenance rating) have been authorized for bituminous resurfacing or full-width strip patching of RS or county roads. To accommodate greater traffic volumes & shorten the RS resurfacing cycle, FLEX funds can be applied to the D7 RS recommendations with fiscal court approval. ♦

For additional info, please contact: **Casey Smith, PE**
D7 Planning ♦ casey.smith@ky.gov ♦ 859.246.2355

USEFUL TRANSPORTATION WEBSITES

- KYTC Home Page: <http://transportation.ky.gov>
- 2020 Enacted Highway Plan: <https://transportation.ky.gov/Program-Management/Pages/2020-Highway-Plan.aspx>
- Historic SYP: <http://transportation.ky.gov/Program-Management/Pages/Historic-SYP-Highway-Plans.aspx>

For info on the following KYTC Department of Rural & Municipal Aid Offices, please contact Craig Caudill (Craig.Caudill@ky.gov) at 502.564.2060:

- DRMA Field Representative for Clark & Montgomery: Barry Davis (BarryH.Davis@ky.gov)
- DRMA Field Representative for Anderson, Bourbon, Boyle, Fayette, Garrard, Jessamine, Madison, Mercer, Scott, & Woodford: Loren Carl (loren.carl@ky.gov)
- Rural Secondary Roads (County & Municipal Road Aid, RS Program): <https://transportation.ky.gov/RuralandMunicipalAid>
- Local Programs (TAP-Transportation Alternatives Program, CMAQ-Congestion Mitigation & Air Quality, Scenic Byways & Highways): <http://transportation.ky.gov/LocalPrograms/>

