

# Lexington-Fayette Urban County Government

200 E. Main St  
Lexington, KY 40507



## Minutes

Tuesday, November 15, 2022

3:00 PM

Packet

Council Chamber

**Urban County Council Work Session**

**I. Public Comment - Issues on Agenda**

**Present** 10 - Steve Kay, Chuck Ellinger, Susan Lamb, Liz Sheehan, David Kloiber, Preston Worley, Fred Brown, Whitney Baxter, Amanda Bledsoe, and Kathy Plomin

**Absent** 5 - Richard Moloney, James Brown, Josh McCurn, Hannah LeGris, and Jennifer Reynolds

**II. Requested Rezonings/ Docket Approval**

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

A motion was made by Council Member Amanda Bledsoe, seconded by Council Member Chuck Ellinger II, that this Agenda Item be Approved and Referred to Docket.and sent to the Urban County Council to return on 11/17/2022.The motion PASSED by majority vote (Mr. Kloiber voted no).

A motion was made by Council Member Amanda Bledsoe, 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 11/17/2022.The motion PASSED by unanimous vote.

A motion was made by Council Member Kay, seconded by Council Member Bledsoe, that this Agenda Item be Approved and Referred to Docket.and sent to the Urban County Council, due back on 11/17/2022. The motion PASSED by the following vote:

**Aye:** 10 - Steve Kay, Chuck Ellinger, Josh McCurn, Liz Sheehan, David Kloiber, Preston Worley, Fred Brown, Whitney Baxter, Amanda Bledsoe, and Kathy Plomin

**Nay:** 1 - Susan Lamb

**Absent:** 4 - Richard Moloney, James Brown, Hannah LeGris, and Jennifer Reynolds

**III. Approval of Summary**

**a** Table of Motions: Council Work Session, October 1, 2022

A motion was made by Council Member Whitney Baxter, seconded by Council Member Amanda Bledsoe, that this Summary be Approved.The motion PASSED by unanimous vote.

**IV. Budget Amendments**

A motion was made by Council Member Steve Kay, seconded by Council Member Kathy Plomin, that this Agenda Item be Approved as amended and Referred to Docket.and sent to the Urban County Council to return on 11/17/2022.The motion PASSED by unanimous vote.

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

**VI. New Business**

**VII. Continuing Business/ Presentations**

**Present** 10 - Steve Kay, Chuck Ellinger, Josh McCurn, Susan Lamb, Liz Sheehan, David Kloiber, Fred Brown, Whitney Baxter, Amanda Bledsoe, and Kathy Plomin

**Absent** 5 - Richard Moloney, James Brown, Hannah LeGris, Preston Worley, and Jennifer Reynolds

**a** Summary: General Government and Social Services Committee, October 27, 2022

**Received and Filed**

**b** Proclamation: Michelle Kosieniak

**Received and Filed**

**c** Presentation: Lexington-Fayette Urban County Government 2022 Disparity Study

**Received and Filed**

**VIII. Council Reports**

**IX. Mayor's Report**

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

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

A motion was made that this be Approved.The motion PASSED by unanimous vote.

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

**XII. Adjournment**

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

## Administrative Synopsis - New Business Items

- a** Authorization to accept Deeds of Easement from the owner of record on properties needed for the construction of the Sutherland Trunk Sanitary Sewer Project, a Remedial Measures Project required by the Consent Decree, at a cost not to exceed \$500.00. Funds are budgeted. (L1118-22) (Martin/Albright)
- A motion was made by Council Member Steve Kay, 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 11/17/2022.The motion PASSED by unanimous vote.**
- b** Authorization to execute a Purchase of Service Agreement with the Lyric Theatre for the operation of the Lyric Theatre beginning July 1, 2022, for a 12-month period, at a cost not to exceed \$127,500. Funds are budgeted. (L1126-22) (Lyons/Scott)
- A motion was made by Council Member Steve Kay, 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 11/17/2022.The motion PASSED by unanimous vote.**
- c** Authorization to execute a Memorandum of Agreement with the Kentucky Solar Energy Society (KYES) to assist with various professional services throughout the duration of the Solarize Lexington Program, a proposed initiative to promote and encourage the use of photovoltaic (PV) on residential and non-residential properties. No budgetary impact. (L1127-22) (Carey/Albright)
- A motion was made by Council Member Steve Kay, 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 11/17/2022.The motion PASSED by unanimous vote.**
- d** Authorizing to establish Routeware, Inc. as a sole source provider for the purchase of hardware and database maintenance required as part of the government-wide GPS program for LFUCG's fleet. Annual database maintenance cost is \$46,064.64. Funds are budgeted. (L1132-22) (Martin/Albright)
- A motion was made by Council Member Steve Kay, 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 11/17/2022.The motion PASSED by unanimous vote.**
- e** Authorization to execute the 2023 General Term Orders for the Fayette County Clerk and the Fayette County Sheriff, establishing the number of deputies and assistants allowed to each and their respective

compensations, subject to the limits for each category as specified in the General Term Orders and the requirements established by law.

(L1134-22) (Hensley)

**A motion was made by Council Member Steve Kay, 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 11/17/2022.The motion PASSED by unanimous vote.**

- f** Authorization to execute a Purchase of Service Agreement, pursuant to RFP No. 42-2022, with Tetra Tech, Inc., to perform a Leachate Management Alternatives Analysis and Engineering Study at Haley Pike Landfill at a cost of \$77,700.00. (L1135-22) (Carey/Albright)

**A motion was made by Council Member Steve Kay, 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 11/17/2022.The motion PASSED by unanimous vote.**

- g** Authorization to establish 45Drives as a sole source vendor for a replacement storage solution for the computer network within the Division of Police and increase storage requirements of investigations, at a cost of \$70,950. Funds are budgeted. (L1136-22) (Weathers/Armstrong)

**A motion was made by Council Member Steve Kay, 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 11/17/2022.The motion PASSED by unanimous vote.**

- h** Authorization to create a new section of the Code of Ordinances to authorize up to four weeks of paid parental leave to eligible employees and up to two weeks of paid parental leave for foster or kinship care, effective upon passage at a cost not to exceed \$100,000 for FY 2023. Funds are budgeted. (L1140-22) (Wuorenmaa/Hamilton)

**A motion was made by Council Member Steve Kay, 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 11/17/2022.The motion PASSED by unanimous vote.**

- i** Authorization to amend the classified civil service authorized strength by creating positions as approved in the FY 2023 budget process, to become effective July 1, 2022. The fiscal impact for FY 2023 (26 pay periods) will be budget neutral. All funding for the new positions is included in the FY 2023 approved budget. (L1143-22) (Walters/Hamilton)

**A motion was made by Council Member Steve Kay, 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 11/17/2022.The motion PASSED by unanimous vote.**

- j** Authorization to change street names and/or individual numbers of

addresses within the 1st, 3rd, 5th, 10th and 11th Council Districts to ensure proper operation of the Enhanced 9-1-1 system. Properties include 970 W. New Circle Rd. to 1196 Finney Dr., 980 W. New Circle Rd. to 1192 Finney Dr., 990-992 New Circle Rd. to 1188 Finney Dr., 996 W. New Circle Rd. to 1184 Finney Dr., 1000 W. New Circle Rd. to 1180 Finney Dr., 1004 New Circle Rd., to 1172 Finney Dr., 1008 New Circle Rd. to 1156 Finney Dr., 1010 New Circle Rd. to 1160 Finney Dr., 1040 New Circle Rd. to 1164 Finney Dr., 519-531 Laketower Dr. to 531 Laketower Dr., 142-144 N. Broadway to 144 N. Broadway, 347-349 Southland Dr. Unit 1 to 347 Southland Dr., 347-349 Southland Dr. Unit 2 to 349 Southland Dr., 1954 Stanton Way to 1950 Stanton Way. No budgetary impact. (L1144-22) (Patton/Armstrong)

**A motion was made by Council Member Steve Kay, 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 11/17/2022.The motion PASSED by unanimous vote.**

- k** Authorization to execute a Purchase of Service Agreement, pursuant to RFP No. 50-2022, with New Life Day Center, Inc., to perform Litter Pickup Service with Panhandler Participation at a cost of \$150,000.00 per year. Funds are budgeted. (L1145-22) (Carey/Albright)

**A motion was made by Council Member Steve Kay, 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 11/17/2022.The motion PASSED by unanimous vote.**

- l** Authorization to execute an agreement with the Lexington Center Corporation for Lexington Parks & Recreation to hold its annual Kiddie Kapers Spring Recital at the Lexington Opera House. No budgetary impact. (L1147-22) (Conrad/Ford)

**A motion was made by Council Member Steve Kay, 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 11/17/2022.The motion PASSED by unanimous vote.**

- m** Authorization to accept an additional award of federal funding from the Federal Emergency Management Agency (FEMA) in the amount of \$15,000 from the Hazard Mitigation Grant Program and \$2,400 from the state due to an increase in construction cost and necessary engineering assessment for the Lexington-Fayette Animal Care and Control Facility. An additional match in the amount of \$2,600 is required. Budget amendments are in process. (L1148-22) (Dugger/Armstrong)

**A motion was made by Council Member Steve Kay, 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 11/17/2022.The motion PASSED by unanimous vote.**

- n** Authorization to execute an agreement and accept award of federal funding from the Federal Emergency Management Agency (FEMA) in the amount of \$215,304 from the Hazard Mitigation Grant Program, and accept \$34,448 from the state, to overhaul electrical infrastructure at the Division of Streets and Roads maintenance and dispatch facilities. Match in the amount of \$37,320 is required. Budget amendment in process. (L1149-22) (Dugger/Armstrong)
- A motion was made by Council Member Steve Kay, 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 11/17/2022.The motion PASSED by unanimous vote.**
- o** Authorization to execute first renewal agreement with Kentucky Association for Environmental Education (KAEE) effective July 1, 2022 through June 30, 2023 for Environmental Education Coordination Services. Cost not to exceed \$276,855.76. Funds are budgeted. (L1150-22) (Carey Albright)
- A motion was made by Council Member Steve Kay, 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 11/17/2022.The motion PASSED by unanimous vote.**
- p** Authorization to approve a Memorandum of Agreement with Kentucky River Watershed Watch (KRWW) to coordinate volunteers to provide water quality monitoring in the Wolf Run Watershed at a cost of \$5,000. Funds are budgeted. (L1151-22) (Martin/Albright)
- A motion was made by Council Member Steve Kay, 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 11/17/2022.The motion PASSED by unanimous vote.**
- q** Authorization to execute Change Order No. 6 with ATS Construction for work on Town Branch Trail Phase 6, increasing the contract by \$111,417.50 for a total contract cost of \$4,985,464.75. This change order is being submitted concurrently to KYTC. The approval of Change Order No. 6 by LFUCG is contingent on approval by KYTC. Funds are budgeted. (L1152-22) (Burton/Albright)
- A motion was made by Council Member Steve Kay, 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 11/17/2022.The motion PASSED by unanimous vote.**
- r** Authorization to accept additional award of federal funds from the Kentucky Cabinet for Health and Family Services, Department for Community Based Services in the amount of \$139,687.74 under the American Rescue Plan Act (ARPA) to support child care expenses for the Extended School Program in the Division of Parks & Recreation. No

matching funds required. (L1153-22) (Conrad/Ford)

**A motion was made by Council Member Steve Kay, 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 11/17/2022.The motion PASSED by unanimous vote.**

- s** Authorization to submit application and accept award if offered, to the Federal Emergency Management Agency (FEMA) requesting federal funding in the amount of \$825,000 from the Building Resilient Infrastructure and Communities (BRIC) Grant Program for the Joyland Area Stormwater Improvements Project - Phase 2. Match in the amount of \$275,000 is required. (L1154-22) (Martin/Albright)

**A motion was made by Council Member Steve Kay, 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 11/17/2022.The motion PASSED by unanimous vote.**

- t** Authorization to accept award of federal funding from the Federal Emergency Management Agency (FEMA) in the amount of \$107,184.03 from the Kentucky Emergency Management for reimbursement of expenses incurred from the Western Kentucky Tornado. No match is required. (L1155-22) (Dugger and Wells/Armstrong)

**A motion was made by Council Member Steve Kay, 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 11/17/2022.The motion PASSED by unanimous vote.**

- u** Authorization to accept award and execute agreement from the U.S. Department of Justice in the amount of \$6,363 under the 2021 Bureau of Justice Assistance FY 2021 State Criminal Alien Assistance Program (SCAAP). No matching funds are required. (L1156-22) (Ballard/Armstrong)

**A motion was made by Council Member Steve Kay, 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 11/17/2022.The motion PASSED by unanimous vote.**

- v** Authorization to execute Change Order No. 5 to the agreement with ALL4, LLC for the Pump Stations Maintenance and Wastewater Treatment Plants Safety Program Audit and Post Audit Implementation Services at a cost of \$337,000.00, increasing the total contract from \$1,318,750.25 to \$1,655,750.25. Funds are budgeted. (L1157-22) (Martin/Albright)

**A motion was made by Council Member Steve Kay, 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 11/17/2022.The motion PASSED by unanimous vote.**



**w**

Authorization to amend section 2-172 of the Code of Ordinances (related to the transient room tax) to 1) apply the transient room tax to every type of accommodation and platform; accommodations subject to the transient room tax; 2) require online platforms (like Airbnb and VRBO) to collect and remit transient room taxes on rent charged by the platform; 3) establish that rentals of a continuous period of thirty (30) days to a person are not subject to the transient room tax; and 4) to define certain terms relevant to the above changes, effect January 1, 2023. These changes will model the LFUCG ordinance after state law. Any additional revenue would be distributed to VisitLex and the Convention Center. No budgetary impact. (L1162-22) (Holbrook/Hensley)

**A motion was made by Council Member Steve Kay, 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 11/17/2022. The motion PASSED by majority vote (Vice Mayor Kay and Mr. Ellinger recused).**