

Lexington- Fayette Urban County Government Council Meeting

Lexington, Kentucky October 28, 2021

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on October 28, 2021 at 6:00 p.m. Present were Mayor Gorton in the chair presiding, and the following members of the Council: Ellinger, Kay, Kloiber, Lamb, McCurn, Moloney, Plomin, Reynolds, Sheehan, Worley, Baxter, Bledsoe, F. Brown, and J. Brown. Absent was Council Member LeGris.

The reading of the Minutes of the previous meeting was waived.

Ordinances No. 94-2021 through 98-2021, inclusive, and Resolutions No. 547-2021 through 572-2021, inclusive, were reported as having been signed and published and ordered to record.

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The Invocation was given by Pastor Brian Bolton of CenterPointe Christian Church.

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Upon motion by Ms. Plomin, seconded by Ms. Baxter, and approved by unanimous vote, the Minutes of the October 14, 2021 Council Meeting were approved.

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Upon motion by Mr. Moloney, seconded by Ms. Lamb, and approved by unanimous vote, a presentation honoring Don Pratt was added to the docket.

Mayor Gorton asked Don Pratt to join her at the podium, along with Mr. Moloney, and read a Proclamation declaring October 28, 2021 as Don Pratt Day in Lexington.

Mr. Pratt emphasized the importance of maintaining awareness about child abuse, particularly noting the increase in cases which resulted from the COVID-19 pandemic. He acknowledged that the voluminous backpack, duffel bag, and suitcase donations to foster children over the years would not have been possible without the generosity of Kentuckians throughout the state. Mr. Pratt also expressed appreciation for the media coverage he had received which helped to draw attention to the donation program, stating his desire to see the program evolve into a national effort. He thanked the Mayor and the Council for his award and recognition, and encouraged them to listen the Malcolm Smith's

presentation on gun violence, originally given at the 18th Annual Bluegrass Regional Grandparents Raising Grandchildren Conference.

Mr. Moloney shared how he and his wife had first learned about Mr. Pratt's donation program and thanked him for his compassionate service with foster children.

Mayor Gorton thanked Mr. Pratt for all that he does for the community.

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The following ordinances received second reading. Upon motion by Mr. Ellinger, and seconded by Vice Mayor Kay, the ordinances were approved by the following vote:

Aye: Ellinger, Kay, Kloiber, Lamb, McCurn, -----14
Moloney, Plomin, Reynolds, Sheehan,
Worley, Baxter, Bledsoe, F. Brown, J.
Brown

Nay: -----0

An Ordinance amending certain of the Budgets of the Lexington Fayette Urban County Government to provide funds for purchase orders rolling from FY 2021 into FY 2022, and appropriating and re-appropriating funds, Schedule No. 13.

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 2022 Schedule No. 14.

An Ordinance amending the authorized strength by abolishing one (1) vacant classified position of Social Worker Sr., Grade 517E, and creating one (1) classified position of Certified Social Worker, Grade 518E, in the Div. of Youth Services, effective upon passage of Council.

An Ordinance amending Articles 1-11, 3-12(a) (o), 5-4(a)(2), 8-5(c)(10), 8-5(d)(14), 8-9(c)(9), 8-10(c)(9), 8-12(c)(1), 22B-3(8), 23-3(d), 23A-5(c) and 23A-5(d)(10) of the Zoning Ordinance to include general zoning provisions for the incorporation and regulation of Accessory Dwelling Units (ADU's). (LFUCG Planning Commission).

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Upon motion by Vice Mayor Kay, seconded by Ms. Lamb, and approved by unanimous vote, an Ordinance amending Ordinance No. 6-2021, to extend Classified Civil Service employees' vacation leave balance carryover date from December 31, 2022 to December 31, 2023 received first reading.

Upon motion by Vice Mayor Kay, seconded by Ms. Plomin, and approved by unanimous vote, the rules were suspended and the resolution received second reading.

Upon motion by Ms. Plomin, and seconded by Ms. Baxter, the resolution was approved by the following vote:

Aye: Ellinger, Kay, Kloiber, Lamb, McCurn, -----14
Moloney, Plomin, Reynolds, Sheehan,
Worley, Baxter, Bledsoe, F. Brown, J.
Brown

Nay: -----0

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Upon motion by Vice Mayor Kay, seconded by Ms. Sheehan, and approved by unanimous vote, an Ordinance extending the accumulated holiday leave balance carryover for Classified Civil Service employees from December 31, 2021 to December 31, 2023; providing that Classified Civil Service employees shall have their holiday leave balances reduced to ten (10) working days (eighty hours) on December 31, 2023; and providing that a Classified Civil Service employee who separates from service prior to December 31, 2023 shall be paid for all accumulated holiday leave; effective upon passage of Council received first reading.

Upon motion by Vice Mayor Kay, seconded by Ms. Plomin, and approved by unanimous vote, the rules were suspended and the resolution received second reading.

Upon motion by Ms. Plomin, and seconded by Ms. Baxter, the resolution was approved by the following vote:

Aye: Ellinger, Kay, Kloiber, Lamb, McCurn, -----14
Moloney, Plomin, Reynolds, Sheehan,
Worley, Baxter, Bledsoe, F. Brown, J.
Brown

Nay: -----0

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Upon motion by Vice Mayor Kay, seconded by Ms. Reynolds, and approved by unanimous vote, an Ordinance amending Section 21-38 of the Code of Ordinances declaring Juneteenth Independence Day (June 19th) and Veterans Day (November 11th) as holidays for all Classified Civil Service employees, effective January 1, 2022 received first reading.

Upon motion by Vice Mayor Kay, seconded by Ms. Plomin, and approved by unanimous vote, the rules were suspended and the resolution received second reading.

Upon motion by Ms. Plomin, and seconded by Ms. Baxter, the resolution was approved by the following vote:

Aye: Ellinger, Kay, Kloiber, Lamb, McCurn, -----14
Moloney, Plomin, Reynolds, Sheehan,
Worley, Baxter, Bledsoe, F. Brown, J.
Brown

Nay: -----0

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Upon motion by Vice Mayor Kay, seconded by Ms. Lamb, and approved by unanimous vote, an Ordinance amending Section 21-27(f) of the Code of Ordinances increasing the on-call pay supplement from two dollars and fifty cents (\$2.50) per day to ten dollars (\$10.00) per day (Monday through Friday) and from four dollars (\$4.00) per day to fifteen dollars (\$15.00) per day on weekends and holidays for any Classified Civil Service employee who is officially designated as "on-call", effective December 6, 2021 received first reading.

Upon motion by Vice Mayor Kay, seconded by Ms. Plomin, and approved by unanimous vote, the rules were suspended and the resolution received second reading.

Upon motion by Ms. Plomin, and seconded by Ms. Baxter, the resolution was approved by the following vote:

Aye: Ellinger, Kay, Kloiber, Lamb, McCurn, -----14
Moloney, Plomin, Reynolds, Sheehan,
Worley, Baxter, Bledsoe, F. Brown, J.
Brown

Nay: -----0

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Upon motion by Ms. Bledsoe, seconded by Mr. J. Brown, and approved by unanimous vote, an Ordinance amending Section 21-27(h) of the Code of Ordinances increasing the hazardous duty supplement from fifty dollars (\$50) per month to ninety dollars (\$90) per month for full-time non-sworn exempt and nonexempt employees meeting the high risk criteria set forth in the Ordinance, effective December 6, 2021 received first reading.

Upon motion by Vice Mayor Kay, seconded by Ms. Plomin, and approved by unanimous vote, the rules were suspended and the resolution received second reading.

Upon motion by Ms. Plomin, and seconded by Ms. Baxter, the resolution was approved by the following vote:

Aye: Ellinger, Kay, Kloiber, Lamb, McCurn, -----14
Moloney, Plomin, Reynolds, Sheehan,
Worley, Baxter, Bledsoe, F. Brown, J.
Brown

Nay: -----0

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Upon motion by Ms. Bledsoe, seconded by Ms. Reynolds, and approved by unanimous vote, an Ordinance granting a pay increase to a minimum rate of fifteen dollars (\$15) hourly for any full-time, part-time and seasonal non-Contract Bargaining Unit employees whose hourly rate of pay is less than fifteen (\$15) dollars per hour after receiving the additional three percent (3%) salary increase for FY 2022, if applicable, effective beginning January 3, 2022 received first reading.

Upon motion by Vice Mayor Kay, seconded by Ms. Plomin, and approved by unanimous vote, the rules were suspended and the resolution received second reading.

Upon motion by Ms. Plomin, and seconded by Ms. Baxter, the resolution was approved by the following vote:

Aye: Ellinger, Kay, Kloiber, Lamb, McCurn, -----14
Moloney, Plomin, Reynolds, Sheehan,
Worley, Baxter, Bledsoe, F. Brown, J.
Brown

Nay: -----0

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Upon motion by Ms. Bledsoe, seconded by Ms. Sheehan, and approved by unanimous vote, an Ordinance amending the compensation system salary schedules providing a two percent (2%) structure movement to the salary schedules applicable to all full-time and part-time positions in the classification and compensation system's unified pay plan; effective January 3, 2022; providing that all full-time and part-time employees included in the unified pay plan shall receive an additional three percent (3.0%) pay increase for FY 2022; providing that Sections 21-29(c) and 22-26(5) notwithstanding, all employees at or above the maximum of the grade salary range shall receive an additional

three percent (3.0%) pay increase for FY 2022; amending Section 23-32(d) of the Code of Ordinances increasing the existing step structure for the positions of Police Chief, Grade 324E, and Fire Chief, Grade 324E by an additional three percent (3.0%) and adjusting the salaries accordingly; and increasing the salary by an additional three percent (3.0%) for three (3) positions of Law Clerk – P\T, within the Dept. of Law; one (1) position of Council Administrator within the Office of the Urban County Council; and one (1) position of Park Patrol Coordinator – P/T, within the Div. of Parks and Recreation, retroactive to July 5, 2021 received first reading.

Upon motion by Vice Mayor Kay, seconded by Ms. Plomin, and approved by unanimous vote, the rules were suspended and the resolution received second reading.

Upon motion by Ms. Plomin, and seconded by Ms. Baxter, the resolution was approved by the following vote:

Aye: Ellinger, Kay, Kloiber, Lamb, McCurn, -----14
Moloney, Plomin, Reynolds, Sheehan,
Worley, Baxter, Bledsoe, F. Brown, J.
Brown

Nay: -----0

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Upon motion by Ms. Bledsoe, seconded by Ms. Plomin, and approved by unanimous vote, an Ordinance providing a one-time supplement payment of five thousand dollars (\$5,000) for full-time non-bargaining employees included in the unified pay plan who qualify for premium pay under the American Rescue Plan Act and a one-time supplement of three thousand five hundred dollars (\$3,500) for all other full time non-bargaining employees included in the unified pay plan, including the Council Administrator, effective upon passage of Council received first reading.

Upon motion by Vice Mayor Kay, seconded by Ms. Plomin, and approved by unanimous vote, the rules were suspended and the resolution received second reading.

Upon motion by Ms. Plomin, and seconded by Ms. Baxter, the resolution was approved by the following vote:

Aye: Ellinger, Kay, Kloiber, Lamb, McCurn, -----14
Moloney, Plomin, Reynolds, Sheehan,
Worley, Baxter, Bledsoe, F. Brown, J.
Brown

Nay: -----0

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An Ordinance amending and restating Ordinance No. 42-2020, as amended and restated by Ordinance No. 54-2020; Ordinance No. 80-2020; Ordinance No. 103-2020; and Ordinance No. 18-2021, which pertains to the suspension of certain Ordinances for expanded restaurant, bar, and retail business uses, to extend the deadline through December 31, 2021; to remove certain references to the Governor’s business reopening requirements; to require businesses acting under this Ordinance to refrain from blocking sewer inlets; to require any barriers utilized to protect patrons from vehicles be crashworthy; to clarify that businesses will be required to obtain a sidewalk cafe permit for use of the public right of way after December 31, 2021; and to clarify that insurance coverage shall be required at all times for businesses utilizing sidewalks, on street parking, or parks under this Ordinance, effective upon passage of Council received first reading.

Upon motion by Ms. Baxter, seconded by Ms. Sheehan, and approved by unanimous vote, the rules were suspended and the resolution received second reading.

Upon motion by Ms. Plomin, and seconded by Ms. Baxter, the resolution was approved by the following vote:

Aye: Ellinger, Kay, Kloiber, Lamb, McCurn, -----14
 Moloney, Plomin, Reynolds, Sheehan,
 Worley, Baxter, Bledsoe, F. Brown, J.
 Brown

Nay: -----0

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Upon motion by Vice Mayor Kay, seconded by Ms. Bledsoe, and approved by unanimous vote, the rules were suspended and public comment was moved from the end of the docket to after Ordinances for First Reading.

Mr. Worley asked if the motion was to hear only public comment pertaining to the Ordinances walked onto the docket, or for all issues. Vice Mayor Kay responded.

Ms. Lamb clarified when public comment should be heard and suggested it occur after the walked-on Ordinances received first reading.

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Hamilton Cole, Larkwood Dr., spoke about the essential workers’ pay for employees who worked throughout the pandemic, but had recently retired.

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Fayette Co. Sheriff Kathy Witt addressed remarks made in a prior meeting regarding the Sheriff’s Office budget and premium pay allotted by the American Rescue Plan Act (ARPA). She spoke about the duties of the employees throughout the COVID-19 pandemic, and their general duties as a Fayette County agency, mentioning an email she had sent to the Council earlier in the day. Sheriff Witt shared that she had consulted the Department of Local Government on her office’s qualifications under the CARES Act and ARPA, and requested that she and her employees be included in premium pay disbursement.

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Dion Henry, Council District 7, asked for all Div. of Waste Management employees seated in the audience to stand up. He stated his dissatisfaction with the proposed 3% raise for the Div. of Waste Management essential workers. Mr. Henry expressed pride in the Div. employees and spoke about the daily challenges they face. He thanked Chief Administrative Officer Sally Hamilton and the Commissioner for their efforts.

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Thomas Hager, Div. of Waste Management, spoke about employee morale in the Division and premium pay for the essential employees.

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Javier Perez, Div. of Waste Management, spoke of the employees’ dedication to keeping Lexington clean and of his dissatisfaction with the proposed 3% raise.

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Brittanie Price, Red Mile Rd., spoke about their past military service, and their experience as a veteran volunteer. They thanked the military veterans in the armed forces, various law enforcement agencies, police officers and the Sheriff’s Dept. for their hard work and for keeping peace in the United States.

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Bernard McCarthy, District 1, spoke about public transportation planning policies.

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Mr. Moloney expressed concerns regarding the issues brought forward in Sheriff Witt’s comments.

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Ms. Bledsoe shared that she had been unaware of Sheriff Witt's email and apologized for inadvertently overlooking it. She expressed interest in reconsidering allocating ARPA funds to the Sheriff's Office staff and suggested the relative financial information be presented for discussion during the Special Committee of the Whole meeting on Tuesday, November 2, 2021 at 5:00 p.m. Ms. Bledsoe noted that approving the compensatory ARPA ordinances currently on the docket would not preclude any future compensatory allocations for the Sheriff's Office, or other applicable agencies.

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Mr. Worley concurred with Ms. Bledsoe's remarks, and spoke in support of approving the compensatory ARPA ordinances on the docket.

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Ms. Reynolds inquired if the compensatory ARPA ordinances were time sensitive in nature. Comm. Erin Hensley, Dept. of Finance, responded. Ms. Reynolds expressed concerns regarding the issues brought forward in Sheriff Witt's comments and spoke in support of postponing the approval of the compensatory APRA ordinances, if possible.

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Vice Mayor Kay agreed with Ms. Bledsoe and Mr. Worley, in that the approval of the ordinances in question would not preclude any additional requests or considerations. He emphasized ARPA fund allocations were still undergoing considerations and nothing was off the table as of yet. Vice Mayor Kay spoke in support of approving the compensatory ARPA ordinances in order to ensure the supplements would be distributed timely and suggested other concerns be shared during the November 2 Special Committee of the Whole meeting.

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The following ordinances received first reading and were ordered to be placed on file for public inspection until November 4, 2021:

An Ordinance pursuant to Section 2-1(a) of the Code of Ordinances of the Lexington Fayette Urban County Government, adopting a schedule of meetings for the Council for the calendar year 2022.

An Ordinance changing the zone from a Neighborhood Business (B-1) zone to a Planned Neighborhood Residential (R-3) zone, for 0.32 net (0.47 gross) acre, for properties located at 309, 311 and 315 Race St. and 431 and 433 E. Third St. (Lexington Home Ownership; Council District 1).

An Ordinance changing the zone from a Wholesale and Warehouse Business (B-4) zone to a Restricted Light Industrial (I-1) zone, for 2.33 net (2.49 gross) acres, for property located at 720 740 National Ave., and for 1.69 net (2.41 gross) acres, for property located at 737 National Ave. (Walker Properties of Central KY, LLC; Council District 3).

An Ordinance suspending Ordinance No. 292-2005 for the submission of the Mayor's proposed annual operating and capital improvements Budgets for FY 2023, and directing that these Budgets be submitted to the Urban County Council by no later than April 19, 2022.

An Ordinance amending certain of the Budgets of the Lexington Fayette Urban County Government for VisitLex in the amount of \$1,000,000 out of American Rescue Plan Act Funds as approved at Work Session October 26, 2021, and appropriating and re-appropriating funds, Schedule No. 17.

An Ordinance amending certain of the Budgets of the Lexington Fayette Urban County Government for Affordable Housing in the amount of \$10,000,000 out of American Rescue Plan Act Funds as approved at Work Session October 26, 2021, and appropriating and re-appropriating funds, Schedule No. 18.

An Ordinance amending certain of the Budgets of the Lexington Fayette Urban County Government for broadband infrastructure in the amount of \$30,000 out of American Rescue Plan Act Funds as approved at Work Session October 26, 2021, and appropriating and re-appropriating funds, Schedule No. 19.

An Ordinance amending certain of the Budgets of the Lexington Fayette Urban County Government for overnight shelter in the amount of \$1,400,000 out of American Rescue Plan Act Funds as approved at Work Session October 26, 2021, and appropriating and re-appropriating funds, Schedule No. 20.

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 2022 Schedule No. 15.

An Ordinance amending certain of the Budgets of the Lexington Fayette Urban County Government for Committee of the Whole appropriations for parking repairs, compensation study, and IT infrastructure as approved at Work Session October 26, 2021, and appropriating and re-appropriating funds, Schedule No. 21.

An Ordinance amending the authorized strength by abolishing one (1) vacant classified position of Licensed Clinical Social Worker, Grade 519E, and creating one (1) classified position of Certified Social Worker, Grade 518E, in the Div. of Youth Services, effective upon passage of Council.

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The following resolutions received second reading. Upon motion by Vice Mayor Kay, and seconded by Ms. Plomin, the resolutions were approved by the following vote:

Aye: Ellinger, Kay, Kloiber, Lamb, McCurn, -----14
Moloney, Plomin, Reynolds, Sheehan,
Worley, Baxter, Bledsoe, F. Brown, J.
Brown

Nay: -----0

A Resolution accepting the bid of Cleary Construction, Inc., in the amount of \$1,017,865 for Southland Park Stormwater Improvements, for the Div. of Water Quality.

A Resolution accepting the bid of MAC Construction & Excavating, Inc., in the amount of \$935,000, for the River Park Pump Station Replacement Project, for the Div. of Water Quality, and authorizing the Mayor, on behalf of the Lexington Fayette Urban County Government, to execute an Agreement with MAC Construction & Excavating, Inc., related to the bid.

A Resolution accepting the bid of Alliance Comfort Systems, Inc., in the amount of \$116,670, for the Walk-In Cooler System Replacement Project, for the Div. of Community Corrections, and authorizing the Mayor, on behalf of the Lexington Fayette Urban County Government, to execute an Agreement with Alliance Comfort Systems, Inc., related to the bid.

A Resolution accepting the bids of Accuprint, Inc.; Copy Express; Warner's Printing Service LLC; Elite Graphics LLC; Thoroughbred Printing; Innovative Business Concepts, Inc.; PrintLex LLC; and SouthEast Printing & Mailing, establishing price contracts for Printing Services, for the Div. of Environmental Services.

A Resolution accepting the bid of All Pro Lawn and Landscaping, establishing a price contract for Snow Removal, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Brownfields Development LLC, establishing a price contract for Mowing for Haley Pike, for the Div. of Waste Management.

A Resolution accepting the bid of Duke's Root Control, Inc., establishing a price contract for Sewer Line Chemical Root Control, for the Div. of Water Quality.

A Resolution accepting the bid of Midland Radio Corporation, establishing a price contract for Weather Alert Radios, for the Div. of Emergency Management.

A Resolution initiating for Planning Commission review and recommendation the re zoning of approximately two hundred (200) acres of property located at 2850 Georgetown Rd. and 1490 Bull Lea Rd. from an Agricultural Urban (A-U; 56.33 acres net/63.17 acres gross) zone, an Agricultural Rural (A-R; 136.26 acres net/172.26 acres gross) zone and a University Research Campus (P-2; 7.41 acres net/gross) zone to a Light Industrial (I-1) zone.

A Resolution changing the property street names of 1917 Westmeath Pl. to 1937 Westmeath Pl., 413-415 Johnson Ave. to 415 Johnson Ave., 1665 Margate Dr. PVA 19302460 to 1667 Margate Dr., 1681 Margate Dr. PVA 19302500 to 1683 Margate Dr., and changing the street name and property address number of 407 Douglas Ave. to 705 Chiles Ave., 373 Linden Walk to 307 Euclid Ave., all effective thirty (30) days from passage.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Partial Release of Easement, releasing a utility easement on the properties located at 406 Gibson Ave., 410 Gibson Ave., and 1207 South Broadway.

A Resolution ratifying the Mayor's prior execution of an Agreement with the United States Dept. of Housing and Urban Development (HUD) for the acceptance of an award of \$4,865,246 in Federal funds under the American Rescue Plan Act of 2021, in order to provide housing and supporting services to vulnerable populations, the acceptance of which does not obligate the Urban County Government to the expenditure of funds, and authorizing and directing the Mayor to submit an allocation plan to HUD and to provide any additional information requested by HUD in connection with that allocation plan, and authorizing the Mayor to transfer unencumbered funds within the Grant Budget.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the University of Ky., for paramedic clinical training.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement, and/or to amend an existing Agreement, with Management Registry, Inc., in order to continue providing support staff for the Chemical Stockpile Emergency Preparedness Program (CSEPP), at a cost not to exceed \$223,000 in FY 2022.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with Saddle Club Subdivision HOA, Inc. (\$500), FDHS Swim and Dive Boosters, Inc. (\$600), Georgetown Street Area NA, Inc. (\$500), Share Center Lexington, Inc. (\$1,600), Ky. Refugee Ministries, Inc. (\$1,175), the Larry Gilbert-Dave Bunnell Foundation, Inc. (\$950), and CASA of Lexington (\$1,000), for the Office of the Urban County Council, at a cost not to exceed the sums stated.

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A Resolution authorizing the Dept. of Environmental Quality and Public Works, on behalf of the Urban County Government, to purchase services and materials for the installation, maintenance, and repair of the electrical system at the Materials Recycling Facility, from AE Electrical Solutions, a sole source provider, and authorizing the Mayor, on behalf of the Urban County Government, to execute any necessary Agreements with AE Electrical Solutions related to the procurement received first reading.

Upon motion by Mr. McCurn, seconded by Ms. Plomin, and approved by unanimous vote, the rules were suspended and the resolution received second reading.

Upon motion by Ms. Lamb, and seconded by Ms. Plomin, the resolution was approved by the following vote:

Aye: Ellinger, Kay, Kloiber, Lamb, McCurn, -----14
Moloney, Plomin, Reynolds, Sheehan,
Worley, Baxter, Bledsoe, F. Brown, J.
Brown

Nay: -----0

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A Resolution authorizing the Dept. of Environmental Quality and Public Works, on behalf of the Urban County Government, to purchase services for the removal, redesign,

and reinstallation of a portion of the sprinkler system at the Materials Recycling Facility, from Landmark Sprinkler, Inc., a sole source provider, and authorizing the Mayor, on behalf of the Urban County Government, to execute any necessary Agreement with Landmark Sprinkler, Inc., related to the procurement, at a cost estimated not to exceed \$108,500 received first reading.

Upon motion by Mr. McCurn, seconded by Ms. Plomin, and approved by unanimous vote, the rules were suspended and the resolution received second reading.

Upon motion by Ms. Lamb, and seconded by Ms. Plomin, the resolution was approved by the following vote:

Aye: Ellinger, Kay, Kloiber, Lamb, McCurn, -----14
Moloney, Plomin, Reynolds, Sheehan,
Worley, Baxter, Bledsoe, F. Brown, J.
Brown

Nay: -----0

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A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Renewal Contract with Bateman Community Living, LLC, d/b/a Trio Community Meals, LLC, for catering services for the Family Care Center, at a cost not to exceed \$164,875.35 received first reading.

Upon motion by Ms. Lamb, seconded by Ms. Baxter, and approved by unanimous vote, the rules were suspended and the resolution received second reading.

Upon motion by Ms. Lamb, and seconded by Ms. Plomin, the resolution was approved by the following vote:

Aye: Ellinger, Kay, Kloiber, Lamb, McCurn, -----14
Moloney, Plomin, Reynolds, Sheehan,
Worley, Baxter, Bledsoe, F. Brown, J.
Brown

Nay: -----0

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A Resolution amending Resolution No. 540-2021 to revise the amounts and corresponding account numbers for payment of \$110,233.94 to Everbridge, Inc., for the Alert Notification System for the Div. of Emergency Management received first reading.

Upon motion by Mr. J. Brown, seconded by Mr. Ellinger, and approved by unanimous vote, the rules were suspended and the resolution received second reading.

Upon motion by Ms. Lamb, and seconded by Ms. Plomin, the resolution was approved by the following vote:

Aye: Ellinger, Kay, Kloiber, Lamb, McCurn, -----14
Moloney, Plomin, Reynolds, Sheehan,
Worley, Baxter, Bledsoe, F. Brown, J.
Brown

Nay: -----0

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A Resolution accepting the bid of Raynor Garage Doors of Lexington, in the amount of \$33,820, for the Material Recycling Center Overhead Door Installation, for the Div. of Environmental Quality & Public Works received first reading.

Upon motion by Mr. McCurn, seconded by Ms. Plomin, and approved by unanimous vote, the rules were suspended and the resolution received second reading.

Upon motion by Ms. Lamb, and seconded by Ms. Plomin, the resolution was approved by the following vote:

Aye: Ellinger, Kay, Kloiber, Lamb, McCurn, -----14
Moloney, Plomin, Reynolds, Sheehan,
Worley, Baxter, Bledsoe, F. Brown, J.
Brown

Nay: -----0

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A Resolution accepting the Collective Bargaining Agreement by and between the Lexington Fayette Urban County Government and Bluegrass Fraternal Order of Police, Lodge No. 4, Police Officers and Sergeants Unit received first reading and was ordered to be placed on file for public inspection until November 4, 2021.

A motion was made by Mr. F. Brown, seconded by Mr. Ellinger, to suspend the rules and give the resolution second reading. The motion failed by the following vote:

Aye: Ellinger, Lamb, McCurn, Moloney, Plomin, -----9
Worley, Baxter, Bledsoe, F. Brown

Nay: Kay, Kloiber, Reynolds, Sheehan, J. -----4
Brown

Vice Mayor Kay expressed concerns with suspending the ordinance, stating he wanted to allow the opportunity for public comment.

Mr. J. Brown concurred with Vice Mayor Kay's remarks.

Vice Mayor Kay provided clarification on Council Rules and why the motion failed with the vote.

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The following resolutions received first reading and were ordered to be placed on file for public inspection until November 4, 2021:

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a permanent forty (40) foot access easement of a portion of 1180 Newtown Pike from Lexmark International Inc., for the relocation of the Legacy Trail.

A Resolution amending Resolution 029 2020 to revise the amount of the Grant Award from the Ky. Transportation Cabinet from \$275,000 to \$272,000, and authorizing and directing the Mayor to execute an Amendment to an Agreement with the Cabinet for a School Zone Enhancement Project.

A Resolution authorizing the Div. of Police to purchase maintenance and support for fingerprint identification system from Idemia Identity & Security USA LLC, a sole source provider, and authorizing the Mayor, on behalf of the Urban County Government, to execute any necessary Agreement with Idemia Identity & Security USA LLC, related to the procurement, at a cost not to exceed \$9,344.

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At 7:15 p.m., Ms. Bledsoe departed the meeting.

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A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept donations of a portrait depicting the first elected Mayor of Lexington, Charles W. Foushee, and two family Bibles owned by former Mayor Foushee.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Five Year Lease Agreement, with Dell Financial Services, as well as any documents related to the lease, for the preservation of historic data from the mainframe system, for the Chief Information Officer, at a cost not to exceed \$35,518.25 in FY 2022.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Service Site Agreement between the Lexington Fayette Urban County Government and the Ky. Environmental Education Leadership Corps (an AmeriCorps

Program of the Ky. Environmental Education Council), for the assignment of an AmeriCorps member to the Div. of Parks and Recreation for a period of one year, at a cost not to exceed \$4,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Quote and Lease Agreement with Software Information Systems, for new hardware and security software, at a cost not to exceed \$161,045.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Voluntary Collection Agreement with HomeAway.com, Inc., for the collection and remittance of local transient room taxes on behalf of hosts, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Agreement (awarded pursuant to RFP 20-2021) with Capital Court Authority, LLC, for the provision of drug testing services and reporting for offenders on electronic monitoring and for those on supervised probation, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to purchase a Four (4) Year Extended Warranty Agreement from Romaine Companies, Inc., for the body scanner located at the Fayette County Detention Center.

A Resolution accepting the bid of EHI Consultants in the amount of \$37,000 for design services, construction services, and other related services at Shillito and Southland Parks, as outlined in the response to RFP No. 25-2021, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with EHI Consultants related to the bid.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a license Agreement with the Lexington Center Corporation to host Kiddie Kapers at the Lexington Opera House, at a cost not to exceed \$9,900.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to negotiate and enter into a Redevelopment Agreement (awarded pursuant to RFP 27-2021) with the United Way of the Bluegrass, for renovation and adaptive reuse of the former Palmer Pharmacy Building, located at 400 East Fifth St., at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Lexington Fayette Urban County Government, to execute Contract Modification No. 2 with EA Partners, in order to increase the Contract price by \$39,295 for design services related to Town Branch Trail Crossing, raising the total Contract price from \$91,600 to \$130,895.

A Resolution establishing Locus Diagnostics, LLC, d/b/a LocusUSA, as a sole source provider for DiagnostX for the Div. of Emergency Management, and authorizing the Mayor, or her designee, on behalf of the Urban County Government, to execute any necessary Agreements with Locus Diagnostics, LLC, d/b/a LocusUSA, related to the procurement of these goods, at a cost not to exceed \$54,205.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a \$500 Grant from Ky. American Water's Firefighting Support Grant Program for the purchase of Personal Protective Equipment Hoods for the Div. of Fire and Emergency Services, the acceptance of which does not obligate the Urban County Government to the expenditure of funds, and authorizing the Mayor to transfer unencumbered funds within the Grant Budget.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a \$3,000 Grant from the Norfolk Southern Corporation Community Impact Grant Program, for the purchase of an E bike for the Div. of Police, the acceptance of which does not obligate the Urban County Government for expenditure of funds, and authorizing the Mayor to transfer unencumbered funds within the Grant Budget.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute modifications to two (2) Agreements with the Ky. Dept. of Military Affairs, Div. of Emergency Management, under the Chemical Stockpile Emergency Preparedness Program (CSEPP) for FY 2019 and FY 2020, extending the period of performance for both Agreements through September 30, 2022.

A Resolution authorizing and directing the Mayor, on behalf of the Lexington Fayette Urban County Government, to execute an Amendment to an Agreement with New Beginnings Bluegrass, Inc, to extend the period of performance to August 31, 2022.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to the Agreement with FoodChain to shift funding

from one eligible expense to another, and further authorizing the Mayor to execute any other necessary amendments that authorize the shifting of funds already budgeted.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Cabinet of Health and Family Services, Dept. for Community Based Services, which Grant funds are in the amount of \$137,540 in Federal funds, for the support of child care expenses in the Extended School Program in the Div. of Parks and Recreation, the acceptance of which does not obligate the Urban County Government to the expenditure of funds, and authorizing the Mayor to transfer unencumbered funds within the Grant Budget.

A Resolution authorizing and directing the Mayor, on behalf of the Lexington Fayette Urban County Government, to execute Contract Modification No. 1 with Stantec Consulting Services, Inc., to increase the contract price by \$14,442.14 for aide related to the design of a retaining wall for the Town Branch Trail/Commons, raising the total Contract price from \$94,000.00 to \$108,442.14.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Neighborhood Action Match Grant Program Contracts with Cave Hill Community Association, Inc. (\$2,332), Darby Creek Townhomes Association (\$4,250), Dogwood Trace Neighborhood Association (\$10,000), Gratz Park Neighborhood Association (\$2,755), Griffin Gate Community Association (\$10,000), Lakeshore Village Homeowner Neighborhood Association (\$7,100), Lake Area Neighborhood Association (\$5,000), Rabbit Run HOA (\$10,000), Saddle Club Homeowners Association (\$6,750), Still Meadow HOA (\$10,000), Sunny Slope Farm Homeowners Association (\$10,000), The Fairways at Andover Neighborhood Association (\$10,000), and Westmoreland Neighborhood Association (\$6,843), for the purpose of carrying out various neighborhood activities and improvements for FY 2022, at a cost not to exceed \$95,030.

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At 7:21 p.m., Ms. Bledsoe rejoined the meeting.

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A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute agreements with Lexington Housing for the Handicapped, Inc. (\$4,949), Step by Step, Inc. (\$400), and Lexington African American Sports Hall of Fame,

Inc. (\$350), for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution accepting the bid of Sorrell Construction Services LLC, in the amount of \$71,250, for Pond Cleaning and Expansion at Haley Pike Landfill, for the Div. of Waste Management, and authorizing the Mayor, on behalf of the Lexington Fayette Urban County Government, to execute an Agreement with Sorrell Construction Services LLC, related to the bid.

A Resolution ratifying the Permanent Classified Civil Service Appointments of: Kendrick Adams, Recreation Manager, Grade 518E, \$2,099.60 biweekly in the Div. of Parks and Recreation, effective September 15, 2021, Phoebe Kingsley, Public Service Worker, Grade 507N, \$14.214 hourly in the Div. of Parks and Recreation, effective October 26, 2021; and ratifying the Permanent Sworn Appointment of: Timothy Graul, Police Sergeant, Grade 315N, \$32.408 hourly in the Div. of Police, effective September 15, 2021.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Subrecipient Agreement with VisitLex in order to allocate \$1,000,000 of Federal funds awarded pursuant to the American Rescue Plan Act of 2021, and authorizing the Mayor to execute any other needed Agreements or amendments with VisitLex related to the use of these funds.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to apply for a Broadband Deployment Grant with the Ky. Infrastructure Authority and in partnership with Spectrum Mid America, LLC, for the provision of Broadband to households in Fayette County, and to execute any related documents, and further authorizing payment in an amount not to exceed \$10,000 toward this project.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Commonwealth of Ky.'s Dept. of Community Based Services, for certification of the Family Care Center as a vendor with the State Funded Child Care Assistance Program, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute the second renewal of the Agreement with New Life Day Center,

for the Litter Pickup Services with Panhandler Participation Program, at a cost not to exceed \$150,000.

A Resolution authorizing the Div. of Fire and Emergency Services to purchase cardiac monitors from Zoll, a sole source provider, and authorizing the Mayor, on behalf of the Urban County Government, to execute any necessary Agreement with Zoll, related to the procurement, at a cost not to exceed \$191,147.31.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a fourth renewal of the Agreement with Stantec Consulting Services, Inc., for continued program management services for the Sanitary Sewer Capacity Assurance Program required by the Consent Decree, at a cost estimated not to exceed \$329,370.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement (awarded pursuant to RFP No. 28-2021) with Strand Associates, Inc., for investigation and design services for the West Hickman Waste Water Treatment Plant RAS/WAS Improvements Project, a Remedial Measures Project required by the Consent Decree, at a cost not to exceed \$179,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Supplemental Agreement No. 4 with Ky. Transportation Cabinet, for administration and inspection of Armstrong Mill Rd. Sidewalk Project, at a cost not to exceed \$ 299,400.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Contract Modification No. 8 to the Agreement with Gresham Smith and Partners for Construction Administrative Services related to the Town Branch Commons Corridor Project, at a cost not to exceed \$79,954.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. Three (3) to the Agreement with Pace Contracting, LLC, for the Town Branch Commons Corridor Construction Project Zones 1 4, increasing the contract price by \$1,042,942.57 and raising the total contract price from \$20,877,417.00 to \$21,920,359.57, pending approval from the Ky. Transportation Cabinet.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the U.S. Dept. of Justice (DOJ) under the Edward

Byrne Memorial Justice Assistance Grant Program, which Grant funds are in the amount of \$153,791 in Federal funds, for the purchase of equipment and technology investments for the Div. of Police, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, and authorizing the Mayor to transfer unencumbered funds within the Grant Budget.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with Lady Veterans Connect, Inc. (\$1,200), Greenhouse17, Inc. (\$2,300), and Lexington Leadership Foundation, Urban Impact (\$350), for the Office of the Urban County Council, at a cost not to exceed the sums stated.

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Upon motion by Ms. Plomin, and seconded by Ms. Lamb, the Communications from the Mayor were approved by unanimous vote and were as follows: (1) Recommending the reappointment of Daniel Mason and the appointment of Marc Mathews to the Airport Board both with terms expiring December 31, 2025; (2) Recommending the removal of Sarah Van Vooren, US Navy Veteran Representative, and the appointment of Terrie Nagey, US Navy Veteran Representative, to the Commission on Veterans' Affairs with a term expiring July 1, 2025; (3) Recommending the reappointment of Tim Queary, Urban Forester, to the Corridors Commission with a term expiring August 1, 2025; (4) Recommending the reappointment of Shannon Singleton to the Ethics Commission with a term expiring October 1, 2025; (5) Recommending the appointment of Marc Woods, filling the unexpired term of Carrie Rudzik, to the Homelessness Prevention and Intervention Board with a term expiring October 1, 2022; (6) Recommending the reappointments of Mindy Haas and Dan Wu, and the appointments of Trevion McFarland, filling the unexpired term of Vibert Forsythe, and Tina Nance to the Human Rights Commission with terms expiring January 1, 2026, January 1, 2026, January 4, 2024, and January 1, 2026, respectively; (7) Recommending the appointment of Paul Schoninger to the Transit Authority Board with a term expiring June 30, 2025; (8) Recommending the reappointment of Chad Walker, Real Estate Agent/ Appraiser, to the Vacant Property Review Commission with a term expiring January 1, 2026; and, (9) Recommending the appointment of Aaron Vaught, and the reappointment

of George Woolwine to the Water Quality Fees Board both with terms expiring December 1, 2025.

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The following Communications from the Mayor were received for information only:

(1) Probationary Classified Civil Service Appointment of Charlene Ptasnik, Administrative Specialist Sr., Grade 516N, \$20.132 hourly in the Div. of Revenue, effective October 25, 2021; (2) Probationary Classified Civil Service Appointment of John Pennington, Maintenance Supervisor, Grade 519E, \$2,300.48 biweekly in the Div. of Water Quality, effective October 25, 2021; (3) Probationary Classified Civil Service Appointment of Shaun Gatewood, Engineering Technician Sr., Grade 516N, \$21.957 hourly in the Div. of Water Quality, effective October 25, 2021; (4) Probationary Classified Civil Service Appointment of Bobby Purchase, Maintenance Mechanic, Grade 515N, \$22.032 hourly in the Div. of Water Quality, effective October 25, 2021; (5) Probationary Classified Civil Service Appointment of Darryl Gibbons, Public Service Worker Sr., Grade 509N, \$14.971 hourly in the Div. of Water Quality, effective November 8, 2021; (6) Probationary Classified Civil Service Appointment of Jayquan Johnson, Public Service Worker Sr., Grade 509N, \$14.496 hourly in the Div. of Water Quality, effective October 25, 2021; (7) Probationary Classified Civil Service Appointment of Jesse Henderson, Resource Recovery Operator, Grade 513N, \$18.200 hourly in the Div. of Waste Management, effective October 25, 2021; (8) Probationary Classified Civil Service Appointment of Emmanuel Potter, Resource Recovery Operator, Grade 513N, \$17.419 hourly in the Div. of Waste Management, effective November 8, 2021; (9) Probationary Classified Civil Service Appointment of Lucille Baron, Administrative Specialist Sr., Grade 516N, \$20.132 hourly in the Div. of Human Resources, effective November 8, 2021; (10) Probationary Classified Civil Service Appointment of David Wynn, Building Inspector, Grade 517N, \$21.984 hourly in the Div. of Building Inspection, effective October 25, 2021; (11) Probationary Classified Civil Service Appointment of Baird Carey, Skilled Trades Worker, Grade 515N, \$21.700 hourly in the Div. of Facilities and Fleet Management, effective November 22, 2021; (12) Probationary Classified Civil Service Appointment of Shawn Prouty, Vehicle & Equipment Technician, Grade 514N, \$19.356 hourly in the Div. of Facilities and Fleet Management, effective October 25, 2021; (13) Probationary Classified

Civil Service Appointment of Matthew Henry, Fleet Parts Specialist, Grade 510N, \$15.800 hourly in the Div. of Facilities and Fleet Management, effective November 22, 2021; (14) Probationary Classified Civil Service Appointment of Sarah Reynolds, Historic Preservation Specialist, Grade 516E, \$1,961.60 biweekly in the Div. of Historic Preservation, effective December 13, 2021; (15) Probationary Classified Civil Service Appointment of Jessica Bailey, Financial Coordinator, Grade 516N, \$20.132 hourly in the Div. of Grants and Special Programs, effective October 25, 2021; (16) Probationary Community Corrections Officer Appointment of Jeffrey Poe, Community Corrections Officer Recruit, Grade 109N, \$15.384 hourly in the Div. of Community Corrections, October 18, 2021; (17) Probationary Community Corrections Officer Appointment of Michael Hack, Community Corrections Officer Recruit, Grade 109N, \$15.384 hourly in the Div. of Community Corrections, October 20, 2021; (18) Probationary Community Corrections Officer Appointment of Dariahn Williams, Community Corrections Officer Recruit, Grade 109N, \$15.384 hourly in the Div. of Community Corrections, October 25, 2021; (19) Probationary Community Corrections Officer Appointment of Brian Henning, Community Corrections Officer Recruit, Grade 109N, \$15.384 hourly in the Div. of Community Corrections, November 1, 2021; and, (20) Classified Civil Service Acting Assignment of Holland Buck, Public Service Supervisor, Grade 514N, \$23.040 hourly in the Div. of Streets and Roads, effective October 11, 2021.

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At 7:36 p.m., Mr. F. Brown departed the meeting.

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Vice Mayor Kay proposed a Council Workshop be held at 1:30 p.m. on November 4, 2021, for a presentation of the final recommendations from the Redistricting Committee, followed by a motion during the Council meeting that same evening to place an Ordinance amending the Council Districts, on the November 18, 2021 docket for First Reading, subsequently set to receive Second Reading at the December 2nd, 2021 Council meeting. He emphasized both the ordinance and redistricting process were time sensitive. Mayor Gorton requested the schedule discussion be continued the following day. Vice Mayor Kay agreed.

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Ms. Reynolds announced the Dia de los Muertos (Day of the Dead) Festival from 6:30 – 9:00 p.m. in Valley Park on Monday, November 1, 2021, and invited residents to bring items for a community *ofrenda*. She shared that the event was sponsored by the Div. of Parks and Recreation and talked about the various activities and performances scheduled.

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Upon motion by Ms. Bledsoe, seconded by Ms. Baxter, and approved by majority vote (Mr. F. Brown was absent), the meeting adjourned at 7:39 p.m.

Deputy Clerk of the Urban County Council