

Lexington- Fayette Urban County Government Council Meeting

Lexington, Kentucky October 22, 2020

*Due to the COVID-19 pandemic and State of Emergency, this meeting is being held via live video teleconference pursuant to 2020 Senate Bill 150, and in accordance with KRS 61.826, because it is not feasible to offer a primary physical location for the meeting.*

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on October 22, 2020 at 6:01 p.m. Present were Mayor Gorton in the chair presiding and the following members of the council: Ellinger, Farmer, Higgins-Hord, Kay, Lamb, McCurn, Moloney, Mossotti, Plomin, Reynolds, Swanson, Worley, Bledsoe, F. Brown, and J. Brown.

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

Ordinances No. 96-2020 through 98-2020, inclusive, and Resolutions No. 444-2020 through 478-2020, inclusive, were reported as having been signed and published and ordered to record.

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The Invocation was given by Councilmember Fred Brown.

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Upon motion by Mr. Farmer, seconded by Ms. Plomin, and approved by unanimous vote, the Minutes of the October 8, 2020 Council Meeting were approved.

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Upon motion by Vice Mayor Kay, seconded by Ms. Mossotti, and approved by unanimous vote, a presentation reintroducing in-person public comment was placed on the docket.

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Mayor Gorton invited Chief Administrative Officer Sally Hamilton to join the call in order to give a presentation regarding the reinstatement of public comment back into the Work Sessions and Council Meetings, both of which are currently held via virtual teleconference. CAO Hamilton spoke about the progress city employees had made in the

last 48 hours devising a way to incorporate public comment in a manner that would be both beneficial and safe for citizens, as well as all administrative staff in the Council Chambers during a meeting. She shared that the proposed plan for restoring public comment would take effect at the Council Work Session on Tuesday, October 24, 2020. CAO Hamilton introduced Jenifer Wuorenmaa, Office of the Chief Administrator, to give an overview of the plan. Ms. Wuorenmaa shared a draft document entitled “In-Person Public Comment Protocol” that outlined the proposed protocol for citizens to come into the building to give public comment during a meeting. She explained that there would be two ways in which citizens may sign up to speak: by submitting an online form, or by calling a designated phone number. Both options would be made available on the website Friday, October 23, 2020. Requests would be accepted until noon the day prior to the meeting so administrative staff could prepare for the number of people entering the Government Center. Ms. Wuorenmaa shared a draft of the online submission form and detailed the required information needed in order to sign up. She spoke of the COVID-19 safety precautions and social distancing parameters being taken to allow citizens into the Government Center.

Mr. Ellinger expressed his desire for public comment to return, but shared his concern about citizens who may not feel comfortable coming to the Government Center for in-person public comment. He asked if there would be an opportunity for those individuals to be able to participate in public comment. CAO Hamilton replied that the focus had been placed on reopening in-person public comment and stated that Chief Information Officer Aldona Valicenti was working to set up alternative options. Mr. Ellinger restated his concern.

Mayor Gorton interjected that the intent was to introduce an option for public comment presently, but the process would be incremental.

Mr. McCurn expressed enthusiasm for the efforts, but concurred with Mr. Ellinger’s concerns. He asked how a citizen might participate were they to miss the sign up deadline. CAO Hamilton shared the reasoning behind including a sign up deadline, but added that requests submitted the day of the meeting would be considered on a case-by-case basis. She explained that she, Glenn Brown, Deputy Chief Administrative Officer, and Commissioner Ken Armstrong, Dept. of Public Safety, would be in Council Chambers

the day of the meeting to answer questions. Mr. McCurn asked about COVID-19 safety precautions for Government Center security employees. Ms. Wuorenmaa explained that security employees would be donning shields and masks. She added that there would be a sanitizing station for anyone coming into the building, and masks available for anyone who may not already be wearing one.

Mr. Moloney spoke about his concern for those who may feel uncomfortable coming out during the pandemic, but reminded his colleagues that prior to the pandemic, citizens who did not want to attend a meeting, instead emailed their comments to Councilmembers. Mr. Moloney expressed support for all the work done to allow citizens back in Council Chambers.

Ms. Lamb expressed concern about protecting the Government Center employees. She asked when the new public comment protocol would start. Ms. Wuorenmaa stated that the staff will be ready to start at 10:00 AM on Tuesday October 27<sup>th</sup>, 2020 for the Budget, Finance, and Economic Development Committee. Mayor Gorton remarked that it would be at the will of the Council as to when the in-person public comment protocol would start. Ms. Lamb speculated that there may be a large group of people who want to give public comment at the Budget, Finance, and Economic Development Committee and expressed concern over implementing a new protocol on a potentially large amount of speakers.

Ms. Plomin thanked the staff who quickly created this new public comment protocol. She asked about Councilmembers attending in-person meetings and the effects this might have on capacity restrictions, and any corresponding procedures. Mayor Gorton clarified that Councilmembers would still be appearing virtually over Zoom and that efforts to create a safe and effective hybrid Council meeting were still ongoing.

Vice Mayor Kay shared that a group of demonstrators petitioning for the reinstatement of public comment had gathered outside of his home. He stated that he was pleased to inform them that the Council was presently discussing a protocol to allow in-person public comment. He hypothesized that the Council would see a good deal of citizens showing up for public comment once the protocol started and spoke in support of the motion.

Mayor Gorton agreed with Vice Mayor Kay's expectation that there would be a large number of citizens participating in public comment. She continued, noting that the advance sign up was to allow for appropriate preparation in light of COVID-19 safety recommendations.

Vice Mayor Kay noted that he would briefly depart the meeting in order to speak with the demonstrators.

Ms. Bledsoe spoke in support of the forthcoming motion, but expressed reservations about starting the new public comment protocol at the Budget, Finance, and Economic Development Committee meeting. Due to the full agenda, limited meeting time, and the following Council Work Session directly after, it was an ideal time to test the new procedure. She stated that she would make the accommodations if it was the Council's desire to do so, but spoke in support of beginning the procedures at the October 24, 2020 Work Session.

Mr. Moloney concurred with Ms. Bledsoe and believed that it would be more beneficial to have the new public comment protocol take effect at the next work session. Mr. Moloney made a motion to begin public comment at the upcoming Work Session. Mayor Gorton indicated that Ms. Reynolds was prepared to make the motion as it had been previously written to include the correct legal terminology. Ms. Reynolds added that her prepared motion would include the protocol to start at the next work session. Mr. Moloney withdrew his motion.

Mayor Gorton announced that Nick Brock, Office of Public Information, was present to answer any questions.

Ms. Lamb read an email from a constituent asking if all citizens wishing to speak were required to sign in. Ms. Lamb responded that, based upon the presentation, they did. Ms. Wuorenmaa confirmed that citizens will need to sign up via the online form, or over the phone. She also clarified that in-person public comment would take place at the beginning of the designated meetings. Ms. Lamb specified that the constituent was asking about provisions in 2020 Senate Bill 150 that did not require persons to identify themselves to attend the meeting. Ms. Lamb suggested further investigation into this assertion. Mayor Gorton noted that the LFUCG lawyers, Chief of Staff, Commissioner of Public Safety, and CAO Hamilton were all present during the meetings when the protocols

were created and invited CAO Hamilton to elaborate. CAO Hamilton remonstrated the distinction between making public comment and attending the meeting. She reminded the Council that the building was still closed to the public under the current restrictions, but the proposed procedures would allow members of the public to enter the building briefly to give in-person public comment. She also advised the Council the before the pandemic, those wishing to participate in public comment were required to sign up beforehand. Mayor Gorton commented on the ushering of speakers in and out of the building under the new protocol for public comment. Mr. Keith Horn, Dept. of Law, confirmed that CAO Hamilton's distinction between attending the meeting and giving public comment was correct.

Ms. Reynolds thanked the administrative staff for their expeditious solution regarding public comment. She commented that she has a motion to start the new protocol for public comment at the October 26, 2020 Council Work Session.

Mayor Gorton thanked Nick Brock for being available for questions and dismissed him from the meeting.

Mr. Worley asked Ms. Wuorenmaa if the citizens signed up for public comment would be limited to speaking about items on the agenda. Ms. Wuorenmaa indicated that citizens would be able to speak on any item- on or off the agenda.

Mr. Ellinger inquired if there would be a limit to the number of people who would be allowed to give in-person public comment at a meeting. Ms. Wuorenmaa noted that during discussions, the decision agreed upon was to allow up to fifteen people on the mezzanine but more could be spaced six feet apart out the door and lining up down the sidewalk, if needed. Mr. Ellinger remarked that there were several high interest items that may attract a large number of people who would want to give public comment. Mr. Horn clarified that due to current COVID-19 safety restrictions there was currently a capacity limit, but that people could wait outside in a socially distanced line. Mr. Horn also mentioned that the Council could set a limit on the number of speakers. Mr. Ellinger remarked that the number of speakers would be known due to the advance sign up. Mr. Horn acknowledged that having the citizens register prior to a meeting would better allow staff and the Council to anticipate how many citizens would be speaking, and that the number of people would be determined by noon the day before each meeting.

Mayor Gorton asked if there was only one public entrance to the Government Center at the moment. Ms. Wuorenmaa confirmed that, due to the construction on the main vestibule, there was only one public entrance and stated that a security employee would be stationed at the entrance to ensure citizens coming to and from the building for public comment were maintaining social distance. CAO Hamilton mentioned the many staff members that would be on hand in order to assist with the public comment, and also noted that the protocol could be assessed and adjusted as needed after it was put into practice.

Mayor Gorton thanked all those who had worked on the proposal to permit the return of a safe in-person public comment.

Upon motion by Ms. Reynolds, seconded by Ms. Higgins-Hord, and approved by unanimous vote, that beginning with Work Session on October 27, 2020, the Council will permit public comment at Council Work Sessions, Council Meetings and Council Committee meetings. Public comment will be in person, be at the beginning of the meeting, and in accordance with LFUCG protocols, which will be posted on the LFUCG website.

Mayor Gorton asked Mr. Horn if it would be placed on the docket in the form of a resolution or if it was just a motion. Mr. Horn responded that it would only be in the form of a motion.

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

Aye: Ellinger, Farmer, Higgins-Hord, Kay, Lamb, -----15  
McCurn, Moloney, Mossotti, Plomin,  
Reynolds, Swanson, Worley, Bledsoe,  
F. Brown, J. Brown

Nay: -----0

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 2021 Schedule No. 16.

An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$15,000 to

provide funds for Council projects in the Div. of Parks and Recreation for a water fountain at Cardinal Run Park and appropriating and re-appropriating funds, Schedule No. 17.

An Ordinance repealing Article XI of Chapter 2 of the Code of Ordinances; removing the Keep Lexington Beautiful Commission from the collection of littering civil penalties; and providing for the distribution of the funds raised by Keep Lexington Beautiful Commission to the non-profit organization created by the members of the Commission.

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Vice Mayor Kay departed the meeting at 6:45 PM.

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An Ordinance amending Article 1 of the Zoning Ordinance to replace the term and definition of “Tenant Home” with the term “Dwelling Unit, Farm Employee” and definition; and to replace the term “Tenant Home” in Articles 8 and 10 of the Zoning Ordinance with the new term as defined received first reading.

Upon motion by Ms. Mossotti, seconded by Ms. Plomin, and approved by majority vote (Vice Mayor Kay and Mr. J. Brown were absent), the rules were suspended and the ordinance received second reading.

Upon motion by Mr. Ellinger, and seconded by Ms. Plomin, the ordinance was approved by the following vote:

Aye:	Ellinger, Farmer, Higgins-Hord, Lamb, McCurn, Moloney, Mossotti, Plomin, Reynolds, Swanson, Worley, Bledsoe, F. Brown,	-----13
Nay:		-----0
Absent:	Kay, J. Brown	-----2

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An Ordinance amending and restating Ordinance No. 42-2020, as amended and restated by Ordinance No. 54-2020 and Ordinance No. 80-2020, which pertains to the suspension of certain Ordinances to allow for expanded restaurant, bar, and retail business uses; to extend the deadline through May 2, 2021; to temporarily suspend the Zoning Ordinance’s requirement for a conditional use permit for tents or temporary structures; to include requirements for the use of heating devices within tents or

temporary structures; and to include additional clarifications, effective upon passage of Council received first reading.

Upon motion by Ms. Lamb, seconded by Mr. McCurn, and approved by majority vote (Vice Mayor Kay and Mr. J Brown were absent), the rules were suspended and the ordinance received second reading.

Upon motion by Mr. Ellinger, and seconded by Ms. Plomin, the ordinance was approved by the following vote:

Aye:	Ellinger, Farmer, Higgins-Hord, Lamb, McCurn, Moloney, Mossotti, Plomin, Reynolds, Swanson, Worley, Bledsoe, F. Brown,	-----13
Nay:		-----0
Absent:	Kay, J. Brown	-----2

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An Ordinance amending Article XV of Chapter 2 of the Code of Ordinances, related to the Picnic with the Pops Commission, to: remove reference to the Ky. Horse Park Amphitheater; reduce the membership of the Commission from thirteen (13) to eleven (11); provide for the Mayor to select a designee; add gender neutral language; correct punctuation; and make other corresponding changes received first reading and was ordered to be placed on file for public inspection until November 12, 2020.

Mr. Farmer asked why the Commission was reducing the number of members. Mr. Farmer asked if Ms. Heather Lyons, Office of the Mayor, would email him the answer.

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The following ordinances received first reading and were ordered to be placed on file for public inspection until November 12, 2020:

An Ordinance changing the zone from a Two Family Residential (R-2) zone to a High Rise Apartment (R-5) zone, for 0.655 net (.717 gross) acre, for property located at 325, 329 and 333 Blackburn Ave. (Blackburn Development, LLC; Council District 2).

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 2021 Schedule No. 18.



An Ordinance amending the authorized strength by creating one (1) Unclassified position of Financial Coordinator, Grade 516N, for a term of three (3) years, in the Div. of Grants and Special Programs, effective upon passage of Council.

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Vice Mayor Kay returned to the meeting at 6:55 p.m.

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A Resolution accepting the bid of Family Guy Cleaning, LLC, establishing a price contract for Sanitary Sewer Overflow Cleanup, for the Div. of Water Quality was on the docket for second reading.

Upon motion by Ms. Lamb, seconded by Ms. Bledsoe, and approved by majority vote (Mr. J. Brown was absent for the vote), the resolution was removed from the docket.

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The following resolutions received second reading. Upon motion by Mr. F. Brown, and seconded by Ms. Reynolds, the resolutions were approved by the following vote:

Aye: Ellinger, Farmer, Higgins-Hord, Kay, Lamb, -----15  
McCurn, Moloney, Mossotti, Plomin,  
Reynolds, Swanson, Worley, Bledsoe,  
F. Brown, J. Brown

Nay: -----0

A Resolution accepting the bid of Worldwide Equipment, Inc., establishing a price contract for Rearloader (Rebid), for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of S & S Tire, establishing a price contract for Tire Retreading, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Key Oil Co., establishing a price contract for Hydraulic Oil, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bids of Stello Products, Inc.; Osburn Associates, Inc.; and Lightle Enterprises of Ohio, LLC, establishing price contracts for Traffic Signs, for the Div. of Traffic Engineering.

A Resolution accepting the bids of 911 Fleet & Fire Equipment Holdings, LLC, and Finley Fire Equipment Co., establishing price contracts for SCBA Equipment, for the Div. of Fire and Emergency Services.

A Resolution accepting the bids of Finley Fire Equipment Co., and America's Bravest Equipment Co., establishing price contracts for Fire Helmets, for the Div. of Fire and Emergency Services.

A Resolution accepting the bids of General Parts Distribution, LLC d/b/a Advance Auto Parts; Bachman Auto Group, Inc., Fleet Pride, Inc.; Worldwide Equipment, Inc.; NAPA Auto Parts; Kentuckiana Auto & Truck Supply, LLC; and Lexington Truck Sales, Inc., establishing price contracts for Filters, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bids of Dukes A&W Enterprises, LLC; General Parts Distribution, LLC d/b/a Advance Auto Parts; Fleet Pride, Inc.; Bachman Auto Group, Inc.; Kentuckiana Auto & Truck Supply, LLC; Worldwide Equipment, Inc.; and Smyth Automotive, establishing price contracts for Light Duty Automotive Parts, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bids of Core & Main LP; Hayes Pipe Supply, Inc.; and C.I. Thornburg Co., establishing price contracts for Sanitary Sewer Repair Material, for the Div. of Water Quality.

A Resolution accepting the bid of Hydro Controls, Inc., in the amount of \$36,516, for Stainless Steel Slide Gates for Town Branch WWTP, for the Div. of Water Quality.

A Resolution ratifying the Probationary Classified Civil Service Appointments of: Joel Ragland, Equipment Operator Sr., Grade 512N, \$23.614 hourly in the Div. of Streets and Roads, effective October 12, 2020, Brandon Compton, Treatment Plant Operator, Grade 515N, \$19.723 hourly in the Div. of Water Quality, effective October 26, 2020, and Jaala Stone, Administrative Specialist Sr., Grade 516N, \$19.737 hourly in the Dept. of Law, effective October 26, 2020; and ratifying the Classified Civil Service Permanent Appointments of: Mary Clark, Paralegal, Grade 517N, \$23.142 hourly in the Dept. of Law, effective September 2, 2020, Jay Small, Administrative Specialist, Grade 513N, \$18.413 hourly in the Div. of Parks and Recreation, effective September 16, 2020, and Robert Clay, Public Service Worker, Grade 507N, \$12.962 hourly in the Div. of Parks and Recreation, effective September 23, 2020; and ratifying the Unclassified Civil Service Appointment of: Donald Randolph, Treatment Plant Operator Apprentice-Class I, Grade 510N, \$15.510 hourly in the Div. of Water Quality, effective September 14, 2020.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a renewal catering Contract with Bateman Community Living, LLC, d/b/a TRIO Community Meals, for catering services for the Family Care Center, at a cost not to exceed \$158,737.50.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 2-Final to the Agreement with Palmer Engineering, Inc., for the Southland Drive Sidewalk Project, increasing the Contract price by the sum of \$4,300 from \$217,200 to \$221,500.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with QuickSeries, for the iOS/Android BeReadyLexington mobile app, at a cost not to exceed \$4,800.

A Resolution establishing Burdine Security Group as a sole source provider for installing and performing repairs on security systems for LFUCG owned buildings, for the Div. of Facilities and Fleet Management, and authorizing the Mayor or designee, on behalf of the Urban County Government, to execute any necessary Agreements with Burdine Security Group related to the procurement of these goods and services.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 3-Final to the Agreement with Bluegrass Contracting Corporation, for the Southland Drive Sidewalk Project, increasing the Contract price by the sum of \$36,185.68 from \$2,071,764.84 to \$2,107,950.52.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Drug Enforcement Administration, for participation in the Tactical Diversion Squad Task Force.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Drug Enforcement Administration, for participation in the Program Funded State & Local Task Force.

A Resolution directing and authorizing the Mayor on behalf of the Urban County Government, to execute an Agreement with Central Business Systems, Inc., on behalf of Quadient (formerly Neopost and Hasler), and Commonwealth of Ky. for False Alarms Unit Mailing Equipment, Supplies and Maintenance, and authorizing Quadient as a sole source provider at a cost not to exceed \$162.74 per month.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute certificates of consideration and other necessary documents, and to accept deeds for property interests needed for the Upper Cane Run Wet Weather Storage Project, a remedial measures project required by the Consent Decree, at a cost not to exceed \$10,600.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute certificates of consideration and other necessary documents, and to accept deeds for property interests needed for the Southland Area Stormwater Improvement Project, at a cost not to exceed \$5,000.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a renewal Agreement with Anthem Health Plans of Ky., Inc., for administrative services, rates and fees within the Agreement, for the period beginning January 1, 2021 through December 31, 2021.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with Stonewall Equestrian Neighborhood Assoc., (\$500), and Ky Distinguished Young Women Scholarship Program (\$500), for the Office of the Urban County Council, at a cost not to exceed the sums stated.

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A Resolution creating Section 4.109 within Part 1 of Chapter IV of Appendix A - Rules and Procedures of the Lexington-Fayette Urban County Council, related to Police Discipline Recommendations was on the docket to receive first reading.

Vice Mayor Kay explained that he had introduced the motion at the previous work session so as to expedite the simplification process of Police Disciplinary matters. He continued, saying that he had distributed to the other Councilmembers, a strengthened version of his original proposal, to which Ms. Bledsoe further suggested changes. He clarified that he was interested in moving this resolution forward, but with the language Ms. Bledsoe had suggested. Vice Mayor Kay expounded that the disciplinary process was complex and guided by state statute, which limits the transparency as perceived by the public. The information presented during a Council Meeting was, at times, an abridged version of that which is submitted on the Agreement of Conformity. He noted that details could be sought by the Council before action was taken at a meeting, but that no public

comments could be made, nor details shared, publicly beforehand. Vice Mayor stated that by moving the Resolution forward, his hope was to install confidence from the public that Council is taking actions on disciplinary matters appropriately.

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Vice Mayor Kay moved to amend the resolution and adopt the language Ms. Bledsoe had suggested with the exception of leaving item number five as originally written, which had to do with the discussion of items before they come to Council. Mr. J. Brown seconded the motion and the motion failed by the following vote:

Aye: Kay, McCurn, Plomin, Worley, Bledsoe, -----7  
F. Brown, J. Brown.

Nay: Ellinger, Farmer, Higgins-Hord, Lamb, -----8  
Moloney, Mossotti, Reynolds, Swanson,

Mayor Gorton opened the floor for discussion of the motion.

Mr. Swanson expressed his appreciation to Vice Mayor Kay and Ms. Bledsoe for their attempt to bring clarity to Police Disciplinary matters, but felt it was poor timing to pass this motion with the report from the Mayor's Commission on Racial Justice & Equality coming out the next day and public comment starting back up soon. He expressed concern about passing the motion without input from the community. He spoke in opposition of the motion at this time.

Ms. Lamb shared the same concerns. She felt that passing the motion could result in unintentional consequences. She too spoke in opposition of the motion at this time.

Mr. Worley expressed appreciation for Vice Mayor Kay's efforts, but voiced concern about the possible risk of public misconception of the language contained therein the amended resolution. He shared examples of sentences in the Resolution that could be problematic. He suggested that this may better placed in the Planning and Public Safety Committee.

Ms. Reynolds asked Commissioner Armstrong if further detail was allowed to be given when a Police Disciplinary matter came before the Council. Commissioner Armstrong stated that further detail was not allowed and explained that when presenting the matters publicly, only a synopsis of the events leading to the discipline could be shared. Ms. Reynolds clarified and restated her question, asking that due to public perception, if additional details could be shared prior to a vote by Council. Armstrong

deferred to Mr. Horn to speak to specific questions that may be asked. Mr. Horn agreed that the information in the Agreement of Conformity could not be shared until the Council voted to approve it. Mr. Horn denoted that Council receives more information from the Agreement of Conformity than that which is presented to them during a meeting.

Ms. Bledsoe thanked the Vice Mayor for his efforts in creating this Resolution and stressed that her intentions were to provide transparency and efficiency to the Agreement of Conformity approval process. She believed the Resolution should move forward with the changes she had proposed, but also wished to exclude item number five in the Resolution.

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Ms. Bledsoe moved to amend the motion on the table, to remove item number five. The motion was seconded by Mr. J. Brown. The motion to amend passed by the following vote:

Aye: Ellinger, McCurn, Plomin, Reynolds, -----8  
Worley, Bledsoe, F. Brown, J. Brown

Nay: Farmer, Higgins-Hord, Kay, Lamb, -----7  
Moloney, Mossotti, Swanson

Ms. Mossotti asked Ms. Bledsoe to read item number five of the Resolution. Ms. Bledsoe read the item which stated “Other than procedural issues, Council Members shall not discuss an Agreement of Conformity with anyone prior to the disciplinary recommendation being presented to the Council.” Ms. Mossotti spoke in opposition of the motion, pending the report from the Mayor’s Commission on Racial Justice & Equality.

Mr. J. Brown spoke in support of the original motion and amendment. He believed the intent was to encourage transparency and offer greater clarity regarding the Agreement of Conformity approval process. Additionally, he spoke in support of removing item number five from the Resolution.

Ms. Plomin asked Ms. Bledsoe to disclose her reasoning behind the exclusion of item number five. Ms. Bledsoe explained that as the item currently stood, it would not allow for Councilmembers to gather information from sources like the Dept. of Law or Div. of Police, if necessary. Further, Ms. Bledsoe suggested that should item number five remain, language about consulting the Dept. of Law or Div. of Police should also be included.

Vice Mayor Kay noted his empathy for the concerns mentioned, but noted that additional information collected could not be shared publicly. He compared the protocol of Police Disciplinary Hearings with that of Zone Change Hearings. During a Zone Change Hearing, the Council could not ascertain any additional information, but rather must make their decision based solely on the information presented at the Hearing. He stressed the distinction between asking questions about the procedure and the information contained within the Agreement of Conformity. He asked Mr. Horn to provide perspective. Mr. Horn responded. He stated that Vice Mayor Kay's statements were consistent with the guidance Council has consistently received. Mr. Horn postulated that Ms. Bledsoe was referring to speaking, not about specific details of Agreements of Conformity, but rather about Police policy or precedents set by past Police Disciplinary matters. Vice Mayor Kay reiterated that he was attempting to make this procedure as transparent as possible. He stated his acceptance of the exclusion of item number five, notwithstanding, it was his desire for the item to remain.

Mr. Moloney spoke in opposition of the Resolution. He believed that it should be placed into committee for discussion.

Mr. J. Brown shared that he had received evaluative information concerning item number five. Because of this, he could only support the amendment and Resolution if the problematic item was removed.

Mr. Ellinger clarified that the Resolution was on the docket for the first reading and reminded the Council that no vote was required on said item.

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Mayor Gorton opened the floor to resume discussion regarding the original motion.

Vice Mayor Kay clarified that the motion as amended would still include Ms. Bledsoe's language, with item number five removed.

Mr. Worley expressed reluctance to support the Resolution. He asserted his belief that the Resolution be placed in committee and indicated that further study of the material was needed. He asked if Vice Mayor Kay still wished to move forward.

Vice Mayor Kay expressed his enduring desire to move the Resolution forward. He stated that, having been present during various meetings of the Mayor's Commission on Racial Justice and Equality, this matter had not been addressed previously. Stressing

that there was time to work on the Resolution and its intent prior to approval, he shared that having this amendment would allow for greater clarity, but that he would acquiesce to the will of the Council. Mr. Worley asked Vice Mayor Kay if he still wished to move forward despite the change to the original language. Vice Mayor Kay concluded that he was still in support of moving forward with the Resolution.

Ms. Mossotti shared that the projected second reading of the Resolution would be November 12th, 2020, but that she, as Chair, would be happy to put it on the agenda for discussion at the November 17, 2020 of the Planning and Public Safety Committee meeting.

Mr. Moloney reiterated that the Resolution should be placed into the Planning and Public Safety Committee.

Ms. Bledsoe clarified that if Vice Mayor Kay's motion, as amended, failed to pass, the language, as originally written and currently on the docket, would be the language to receive first reading.

Mayor Gorton concurred, and added that if the motion passed, the new language would be added and would receive first reading.

Mr. Moloney made a motion to remove the Resolution creating Section 4.109 within Part 1 of Chapter IV of Appendix A - Rules and Procedures of the Lexington-Fayette Urban County Council, related to Police Discipline Recommendations presented to Council from the docket and place it in the November 17, 2020 Planning and Public Safety Committee. Ms. Lamb seconded the motion.

Mayor Gorton asked Mr. Moloney to clarify his motion.

Vice Mayor Kay called Point of Order.

Mr. Moloney withdrew his motion.

Mr. Worley, Council Parliamentarian, advised that Council would need to vote on the current motion before a new one could be set forth.

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Upon motion by Mr. Moloney, seconded by Mr. Ellinger, and approved by unanimous vote, the resolution was placed into the November 17, 2020 Planning and Public Safety Committee Meeting.



Mayor Gorton asked for clarification, inquiring if Mr. Moloney's motion was to place the Resolution into committee. Mr. Moloney confirmed that was indeed his intention. Mr. Worley further asked for clarification, if it was his intent to remove the Resolution from the docket and place it in committee. Mr. Moloney answered in the affirmative.

Ms. Bledsoe shared her appreciation for Mr. Moloney's motion as she said she could no longer support the motion without the new language.

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Mr. F. Brown left the meeting at 7:41 PM.

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Upon motion by Mr. Farmer, seconded by Ms. Lamb, and approved by majority vote (Mr. F. Brown was absent for the vote), a Resolution accepting the bid of L-M Asphalt Partners, Ltd. d/b/a ATS Construction, in the amount of \$799,376.86, for the Avenue of Champions and Euclid Avenue Multimodal Improvements Project, contingent upon approval of the award by the Ky. Transportation Cabinet, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with L-M Asphalt Partners, Ltd. d/b/a ATS Construction, related to the bid received first reading.

Upon motion by Mr. Farmer, seconded by Ms. Plomin, and approved by majority vote (Mr. F. Brown voted no), the rules were suspended and the resolution received second reading.

Upon motion by Mr. Ellinger, and seconded by Vice Mayor Kay, the resolution was approved by the following vote:

Aye: Ellinger, Farmer, Higgins-Hord, Kay, -----14  
Lamb, McCurn, Moloney, Mossotti,  
Plomin, Reynolds, Swanson, Worley,  
Bledsoe, J. Brown

Nay: -----0

Absent: F. Brown -----1

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Mr. F. Brown returned to the meeting at 7:46 PM.

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Mr. F. Brown left the meeting at 7:48 PM.

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A Resolution authorizing the Div. of Human Resources to make a conditional offer to the following Unclassified Civil Service Appointment: Markus Brown, Juvenile Probation Officer, Grade 515N, \$18.891 hourly in the Div. of Youth Services, effective November 9, 2020 received first reading.

Upon motion by Mr. J. Brown, seconded by Ms. Plomin, and approved by majority vote (Mr. F. Brown was absent), the rules were suspended and the resolution received second reading.

Upon motion by Mr. Ellinger, and seconded by Vice Mayor Kay, the resolution was approved by the following vote:

Aye: Ellinger, Farmer, Higgins-Hord, Kay, -----0  
Lamb, McCurn, Moloney, Mossotti,  
Plomin, Reynolds, Swanson, Worley,  
Bledsoe, J. Brown

Nay: -----0

Absent: F. Brown -----1

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Mr. F. Brown returned to the meeting at 7:50 PM.

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The following resolutions received first reading and were ordered to be placed on file for public inspection until November 12, 2020:

A Resolution accepting the bid of Level 3 Communications, LLC, in accordance with the provisions of Ordinance No. 69-2016, creating and offering for sale a franchise for the operation of a non-exclusive telecommunications (or related non-cable) system in Fayette County, and authorizing the Mayor, on behalf of the Urban County Government, to execute a Franchise Agreement with Level 3 Communications, LLC, incorporating the terms and conditions of Ordinance No. 69-2016.

A Resolution accepting the bids of Central Indiana Truck Equipment, Corp., and J. Edinger & Son, Inc., establishing price contracts for Refuse Body Repairs, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Riley Oil Co., establishing a price contract for Synthetic Transmission Fluid, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bids of Alton Blakley Ford; Bachman Auto Group, Inc.; Bluegrass International; Lexington Truck Sales, Inc.; and Worldwide Equipment, Inc.,

establishing price contracts for Automotive and Truck Parts OEM, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Employment Solutions, Inc., establishing a price contract for Temporary Labor for General Services, for the Div. of Facilities and Fleet Management.

A Resolution ratifying the Probationary Classified Civil Service Appointments of: Ashley Isom, Staff Assistant Sr., Grade 510N, \$15.757 hourly in the Div. of Accounting, effective October 26, 2020, Hilori Morgan, Revenue Supervisor, Grade 520E, \$2,287.20 biweekly in the Div. of Revenue, effective October 26, 2020, Andre Ingram, Public Service Worker Sr., Grade 509N, \$15.125 hourly in the Div. of Water Quality, effective October 26, 2020, Mark Sanders, Engineering Section Manager, Grade 527E, \$3,363.44 biweekly in the Div. of Water Quality, effective November 16, 2020. and Stephon Brown, Operations Manager, Grade 520E, \$2,392.00 biweekly in the Div. of Waste Management, effective October 26, 2020; ratifying the Permanent Classified Civil Service Appointments of: Emily Epperson, Municipal Engineer Sr., Grade 525E, \$2,769.24 biweekly in the Div. of Water Quality, effective September 16, 2020, William Gahafer, Engineering Technician Sr., Grade 516N, \$22.400 hourly in the Div. of Water Quality, effective October 27, 2020, Whitney Johnson, Telecommunicator, Grade 514N, \$17.992 hourly in the Div. of Enhanced 911, effective October 13, 2020, Shawn Swanner, Skilled Trades Worker, Grade 515N, \$20.990 hourly in the Div. of Facilities and Fleet Management, effective October 20, 2020, and Sara Burd, Administrative Specialist, Grade 513N, \$18.420 hourly in the Div. of Engineering, effective September 30, 2020.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Assignment of Agreement, assigning the Agreement with Smith Management Group, Inc., for the audit of the Waste Water Treatment Plant Safety Program and post audit implementation services, to ALL4, LLC, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Untold Content, LLC, to develop, implement and manage a communications strategy for the Lexington-Fayette Urban County Government's Homelessness Prevention and Intervention Board/Continuum of Care

Board and the Office of Homelessness Prevention and Intervention, at a cost not to exceed \$233,763.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Emergency Services with Healing Communities Study, Inc., for receipt and distribution of naloxone.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Contract with Blue Grass Tours, Inc., for travel to Washington D.C., at a cost not to exceed \$5,495.00.

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

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a donation from Lexington Police Foundation of various items, for use at the Police Canine Unit, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a grant from the United States Dept. of Justice (DOJ), under the Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY-2021, which Grant funds are in the amount of \$135,250 in Federal funds, for the purchase of equipment 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 an Agreement with the University of Ky. Research Foundation (UKRF), for the provision of evaluation services for Year 3 of the First Responders and Community Partners Overdose Prevention Project, at a cost not to exceed \$101,786.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Lexington-Fayette County Health Dept. for the First Responders and Community Partners Overdose Prevention Project, funded under the U.S. Dept. of Health and Human Services First Responders - Comprehensive Addiction and Recovery Act Grant Program, at a cost not to exceed \$261,000.00

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept additional Federal funds in the amount of \$40,000 from the Ky. Dept. of Military Affairs, Div. of Emergency Management, under the FY 2020 Chemical Stockpile Emergency Preparedness Program (CSEPP).

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One (1) to the Agreement with Pace Contracting, LLC, for the Fourth Street Corridor Enhancement and Legacy Trail Phase 3 Projects, increasing the Contract Price by the sum of \$12,570 from \$3,900,727 to \$3,913,297.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept additional Federal funds in the amount of \$40,000 from the Ky. Dept. of Military Affairs, Div. of Emergency Management, under the FY 2019 Chemical Stockpile Emergency Preparedness Program (CSEPP), for the purchase of a Zumro tent and decon system for the support of Continued Emergency Preparedness Activities in Fayette County, the acceptance of which does not obligate the Urban County Government for the expenditure of funds.

A Resolution authorizing and directing the Mayor, on behalf of the Lexington-Fayette Urban County Government, to execute the First Amendment to the Memorandum of Understanding between the Lexington-Fayette Urban County Government and the Administrative Office of the Courts (AOC) for Appellate Renovations at the Fayette County Court House. The addendum will revise the construction cost cap from \$800,000 to \$396,700 per Contract #18-2020 (R-164-2020) and revise the date from June 30, 2020 to June 30, 2021 as the date in which AOC funds appropriations end.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Professional Services Agreement (awarded pursuant to RFP No. 11-2020), with Gresham Smith, for site evaluation, development of a master plan, and related services, for the 200 acre Coldstream Industrial Park Site, at a cost not to exceed \$148,500.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Contract Modification No. 1 to the Agreement with Konica Minolta Business Solutions U.S.A., Inc. to increase the number of hardcopy files to be scanned and

electronically archived for the Div. of Engineering, increasing the Contract price by the sum of \$18,246, from \$55,225 to \$73,471.

A Resolution authorizing the Div. of Water Quality to purchase replacement parts and services for the rebuild of three (3) centrifuges at the Town Branch Waste Water Treatment Plant, from Flottweg Separation Technology, Inc., a sole source provider, and authorizing the Mayor, on behalf of the Urban County Government, to execute any necessary Agreement with Flottweg Separation Technology, Inc., related to the procurement, at a cost estimated not to exceed \$100,000.

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 Corp (an AmeriCorps program of the Ky. Environmental Education Council) for the placement of an AmeriCorps member for the Div. of Parks and Recreation through August 31, 2021 at a cost not to exceed \$6,000.

A Resolution authorizing approval of a Customer Service Amendment to the Agreement with Windstream, a sole source provider for SDWAN and internet services for E911 at a cost not to exceed \$23,598.40.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Community Action Council for Lexington Fayette, Bourbon, Harrison, and Nicholas Counties, which Grant funds are in the amount of \$31,692 in Federal funds for the provision and support of early childhood care and education services under the Head Start Program at the Family Care Center for FY 2021, the acceptance of which obligates the Urban County Government for the expenditure of \$8,000 as a local match, 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 Lexington Citizen Police Academy Alumni Association, Inc. (\$1,650) and Stonewall Community Association (\$500), for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution condemning the tree removal practices of KY Utilities; demanding reconsideration thereof; requesting KY Utilities' practices be proportionate to the actual

threat posed upon the Co.'s electric service; requesting that KY Utilities enter into meaningful, collaborative, and cooperative dialogue with the Lexington Fayette Urban County Government and other financially invested civil organizations; and directing the Council Clerk to mail this Resolution to David Freibert, Vice President of KY Utilities; Terry Snow, Senior Transmission Line Engineer; and Kent Chandler, Executive Director of the KY Public Service Commission.

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The following Communications from the Mayor were received for information only:  
(1) Classified Civil Service Temporary Appointment of Harold Byrne, Director of Community Corrections, Grade 534E, \$4,082.32 biweekly in the Div. of Community Corrections, effective October 1, 2020.

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Ms. Mossotti thanked the Mayor and Councilmembers for wearing purple in support of Domestic Violence Prevention Month and Greenhouse17.

\* \* \*

Ms. Plomin thanked Ms. Mossotti for bringing Domestic Violence Prevention Month to her attention and commented that she had purchased a purple blouse exclusively for the Domestic Violence Prevention Month. She also shared that Friday, October 23, 2020, would be the penultimate day of the Keeneland Fall Meet. This day would coincide with Keeneland College Scholarship Day, during which various scholarships and prizes provided by Keeneland would be announced. She advised the public that there was still time to apply for scholarship awards on Keeneland's website; the awards would applied towards tuition at the University of Kentucky.

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Ms. Lamb provided an update on her meeting about the Zone Change Public Hearing with Mr. McCurn and the Div. of Planning staff. She added that there are a several items that the Council may need to discuss, but that overall, the meeting had been productive.

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Mayor Gorton reminded the Council and the public that the Mayor's Commission on Racial Justice & Equality, led by co-chairs Ms. Roszalyn Akins and Dr. Gerald L. Smith,

would be briefing her Friday, October 23, 2020 on their report. She encouraged Councilmembers to sit in on the virtual meeting. Mayor Gorton also shared that Vice Mayor Kay would be holding a Committee of the Whole meeting after in order to discuss the findings and ask questions. She clarified that the meeting would be available virtually to citizens via livestream on LexTV as well as archived on Youtube. Mayor Gorton announced that Dr. Smith, Ms. Akins, Councilmembers who served on the Mayor's Commission, Mr. J. Brown, Ms. Plomin, Mr. Swanson, Ms. Mossotti, and Commissioner Chris Ford, Dept. of Social Services, would be joining her for a press conference that same day at 1:30 p.m. to discuss the findings of the report. She thanked Commissioner Ford and his staff for providing the administrative support for the commission and all of its subcommittees.

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By order of the Council at the August 11, 2020 Work Session, Public Comment was suspended for all virtual Council Meetings and Work Sessions until further notice.

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Upon motion by Vice Mayor Kay, seconded by Ms. Lamb and approved by majority votes (Mr. F. Brown was absent), the meeting adjourned at 7:55 PM.

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Clerk of the Urban County Council