

Lexington- Fayette Urban County Government Council Meeting

Lexington, Kentucky August 27, 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 August 27, 2020 at 6:00 p.m. Present were Mayor Gorton in the chair presiding, and the following members of the council: Swanson, Bledsoe, F. Brown, J. Brown, Ellinger, Farmer, Higgins-Hord, Kay, Lamb, McCurn, Moloney, Mossotti, Plomin, and Reynolds. Absent was Council Member Worley.

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

Resolutions No. 362-2020 through 367-2020, inclusive, were reported as having been signed and published and ordered to record.

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The Invocation was given by Daniel P. Murphy, Jr. of the University of Kentucky College of Law.

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Upon motion by Vice Mayor Kay, seconded by Ms. Plomin, and approved by unanimous vote, the Minutes of the August 13, 2020 Council Meeting were approved.

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Ms. Mossotti departed the meeting at 6:15 p.m.

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An Ordinance amending Article 8-12, 8-13 and 8-14 of the Zoning Ordinance to modify the allowable floor area ratio (FAR) and lot coverage in the Planning Neighborhood Residential (R-3), High Density Apartment (R-4) and High Rise Apartment (R-5) zones. (Urban County Planning Commission) was on the docket to receive second reading.

Upon motion by Vice Mayor Kay, seconded by Ms. Reynolds, and approved by unanimous vote, the rules were suspended to allow a presentation.

Director Jim Duncan, Div. of Planning, gave a presentation on the recommendation of the Planning Commission. He reviewed the terminology and talked about what changes would be made and why they were being amended. Dir. Duncan also addressed questions regarding the Zoning Ordinance Text Amendment (ZOTA) that had been asked by members of the community.

Mr. Moloney thanked Dir. Duncan for his presentation and asked if all members of the Planning Commission were present when they voted on this item. Dir. Duncan responded that there were eight out of eleven members present and all of the members present at the meeting voted to approve the amendment.

Mr. Farmer thanked Dir. Duncan for his presentation and commented that the proposed ZOTA demonstrated the 2018 Comprehensive Plan in action, and as such, was a moderate change to the outdated definitions. Dir. Duncan concurred. Mr. Farmer stated that there should be a way to receive public input on the item outside of placing it into the Planning and Public Safety Committee, if that were to be the Vice Mayor's motion after discussion.

Mr. J. Brown thanked Dir. Duncan for his presentation and inquired about the proportion of FAR increases in relation to height increases, and the reasoning behind the decisions. Dir. Duncan responded that the height is only a specified number within the R-3 encompassed in the ordinance, and in the R-4 and R-5 zones, there is not a specific height number, but rather other factors. Mr. J. Brown asked about parking to accompany the FAR ZOTA. Dir. Duncan responded that there would be two text amendments coming before the Council to accompany the FAR ZOTA, one of which addresses parking specifically for Affordable Housing Units, and was on the current docket. He went on to summarize each of the parking ZOTAs and the decisions behind the proposed changes.

Ms. Lamb thanked Dir. Duncan for his clarification and presentation, and asked him to elaborate on how the FAR ZOTA would affect properties with overlays, such as ND-1, or infill. Dir. Duncan responded that it would not change any of the requirements mandated by overlays, setbacks, or other development plans.

Ms. Reynolds thanked Dir. Duncan for his clarification and asked him what the effect would be on the FAR ZOTA in the hypothetical event that the corresponding parking ZOTA failed to pass. She elaborated that there are prevalent parking issues in her district

among the many multi-family dwelling units, and if reducing the amount of parking was necessary for the FAR ZOTA. Dir. Duncan responded that the FAR ZOTA was necessary to be the first change approved and should the parking ZOTA fail, it would have no impact on the FAR text amendment. He specified that the Affordable Housing parking ZOTA on the docket, while unrelated to the FAR ZOTA, did not have a maximum parking requirement, and only addressed reducing the parking requirements on Affordable Housing developments.

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Ms. Mossotti rejoined the meeting at 6:32 p.m.

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Vice Mayor Kay clarified his anticipated motion would not be in regards to the merits of the FAR ZOTA, but rather to allow the public more time to review the proposed changes.

Vice Mayor Kay moved to postpone the ordinance until the October 22, 2020 Council Meeting. Mr. McCurn seconded, and Mayor Gorton open the floor for discussion on the motion.

Ms. Mossotti thanked Dir. Duncan for his presentation and asked him about the potential effects the delay would have on future developments. Dir. Duncan spoke about the approaching 'building season' and the possibility of hindering particular developments.

Ms. Lamb thanked Dir. Duncan for his presentation and asked Vice Mayor Kay the intention behind a two month delay. Vice Mayor Kay elucidated that it would allow more time for the councilmembers to hold discussions with the administration and adequately respond to constituents concerns. He spoke about the significant impact of updating the requirements, in any manner, on those zones (R-3, R-4, and R-5) that were originally instituted in the 1950's. Ms. Lamb spoke in support of postponing the second reading, but noted she intended to amend the motion to a shorter duration, after the Councilmembers had all spoken.

Ms. Bledsoe thanked Dir. Duncan for his presentation and spoke in support of postponement, but disagreed with the two month delay. She divulged that she wanted to

amend the date of the motion to September 24, 2020, but would be withholding it out of respect for Ms. Lamb.

Mr. McCurn thanked Dir. Duncan for his presentation and talked about the impact of public comment restrictions on virtual meetings, and stated he would be in support of the current motion, or a motion with a shorter duration.

Mr. Farmer commented on the Vice Mayor's well-expressed explanation of the intent behind the motion, but stated his support of a shorter duration. Mr. Farmer commended the Planning Staff and the Planning Commission in their efforts bringing this text amendment forward. He commented that if the Council was wanting to make any changes to the proposed text amendment, the changes should be brought forward immediately instead of two months later.

Mr. J. Brown concurred with Mr. Farmer's comments and agreed with the Vice Mayor's intent to further transparency and allow more conversations. He spoke about the Comprehensive Plan and the multiple components involved in attaining the goals outlined in it. Mr. J. Brown commented on the many complaints of the unaffordability of Affordable Housing that came to light during prior Neighborhoods in Transition processes. He spoke in support of the ZOTA, as it would allow an increase in Affordable Housing due to the increase in the FAR. He commented on the accompanying Affordable Housing parking resolution also on the docket. Mr. J. Brown spoke in support of the motion with an amendment to postpone to a meeting in September.

Mr. Moloney spoke about answering recent questions from constituents. He commended the Planning Staff and Planning Commission for their work on the text amendment. Mr. Moloney stated the imperative nature of improving the Affordable Housing development requirements. He spoke in support of allowing the ordinance to proceed with the natural timeline, and the Council getting any questions answered in the next two weeks before it would be set to receive second reading.

Mr. F. Brown spoke in opposition of the motion. He talked about the importance of following the Comprehensive Plan and noted that the appropriate steps and notification were followed in the process in creating this ZOTA. He thanked Dir. Duncan for his presentation. Mr. F. Brown responded to Mr. Moloney's comment and noted that the ordinance was set for second reading on the current docket.

Mr. Ellinger reiterated that since the item was currently on the docket for second reading, it would be up to receive a vote of approval if the motion to the delay failed.

Ms. Plomin commented that hearing the current discussion, it would appear that more time was needed. She also commented that perception is reality, and the majority of her constituents felt as if the information had not been communicated thoroughly. Ms. Plomin supported postponing the second reading but for a duration less than two months.

Ms. Lamb thanked the Vice Mayor for his motion. She noted that Walt Gaffield, President of the Fayette County Neighborhood Council, Inc., had reached out to her and while he had no questions yet, she wanted to allow him to review Dir. Duncan's presentation and to come back with any questions for the Council.

Upon motion by Ms. Lamb, seconded by Vice Mayor Kay, and approved by majority vote (Mr. F. Brown and Mr. Farmer voted no), the motion was amended to postpone the second reading until the September 24, 2020 Council Meeting.

Vice Mayor Kay called the question, Ms. Lamb seconded and it was approved majority (Mr. Farmer voted no).

Upon motion by Vice Mayor Kay, seconded by Mr. McCurn and approved by majority vote (Mr. F. Brown voted no), the second reading of an Ordinance amending Article 8-12, 8-13 and 8-14 of the Zoning Ordinance to modify the allowable floor area ratio (FAR) and lot coverage in the Planning Neighborhood Residential (R-3), High Density Apartment (R-4) and High Rise Apartment (R-5) zones. (Urban County Planning Commission) was postponed until the September 24, 2020 Council Meeting.

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

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

Nay: -----0

An Ordinance changing the zone from a Single Family Residential (R-1D) zone to Neighborhood Business (B-1) zone, for 0.061 net (.095 gross) acres, for property located at 706 Aurora Ave. (Schilling Properties; Council District 3)

An Ordinance changing the zone from a Neighborhood Business (B-1) zone to a Wholesale and Warehouse Business (B-4) zone, for 0.6 net (0.69 gross) acre, from a Light Industrial (I-1) zone to a Wholesale and Warehouse Business (B-4) zone, for 0.466 net (0.482 gross) acre, and from a Planned Neighborhood Residential (R-3) zone to a Wholesale and warehouse Business (B-4) zone (ROW) for 0.038 gross acre, for properties located at 132 and 148 Louie Pl. (Centennial American Properties; Council District 2)

An Ordinance changing the zone from a Highway Service Business (B-3) zone to a Wholesale and Warehouse Business (B-4) zone, for 1.744 net (2.745 gross) acres, for properties located at 1540 Eastland Parkway (a portion of). (Centennial American Properties; Council District 6)

An Ordinance changing the zone from a Highway Service Business (B-3) zone to a High Density Apartment (R-4) zone, for 8.163 net (8.727 gross) acres, and from a Professional Office (P-1) zone to a High Density Apartment (R-4) zone, for 0.027 net (1.352 gross) acres, for properties located at 2679 Leestown Rd. (a portion of). (MVO Acquisitions, LLC; Council District 2)

An Ordinance amending Article 23c-7(c), Claiming and Application of Credits, of the Zoning Ordinance to clarify the application and reallocation of exaction credits in the Expansion Areas of the Urban County. (Urban County Planning Commission)

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. 6.

An Ordinance amending certain of the Budgets of the Lexington Fayette Urban County Government to provide funds for pre-paid expenses rolling from FY 2020 into FY 2021, and appropriating and re-appropriating funds, Schedule No. 7.

An Ordinance amending certain of the Budgets of the Lexington Fayette Urban County Government to reflect current requirements for funds in the amount of \$19,000 to provide funds for Council Projects in the Div. of Parks and Recreation for the development of a dog park at Veterans Park and appropriating and re-appropriating funds, Schedule No. 9.

Ordinance of the Council of the Lexington Fayette Urban County Government authorizing and approving the execution of a 2020 Amendment to the Sixth Supplemental Lease Agreement between the Lexington Fayette Urban County Airport Board as the lessor and the Lexington Fayette Urban County Government as the lessee in connection with the 2020 Amendments to the 2018 Amended Credit Facility, by and between the Lexington Fayette Urban County Airport Board and Trust Bank (formerly Branch Banking and Trust Company), which will be entered into to (1) expand the scope of purposes for which Credit Facility Advances thereunder may be made to include current expenses of the board and (2) add certain provisions regarding the determination of the interest rate applicable to Credit Facility Advances thereunder.

An Ordinance of the Lexington Fayette Urban County Government authorizing the issuance of its Various Purpose General Obligation Bonds, Series 2020, in one or more subseries, in an aggregate principal amount of \$8,000,000 (which amount may be increased by an amount of up to ten percent (10%) or decreased by an unlimited amount); approving a form of Series 2020 Bonds; authorizing designated officers to execute and deliver the Series 2020 Bonds; authorizing and directing the filing of notice with the State Local Debt Officer; providing for the payment and security of the Series 2020 Bonds; creating a Sinking Fund; creating a Bond Payment Fund for the Series 2020 Bonds; authorizing acceptance of the bid(s) of the bond purchaser of the Series 2020 Bonds; and repealing inconsistent Ordinances.

An Ordinance creating Section 21-34.2 of the Lexington Fayette Urban County Code of Ordinances to create a leave category related to Organ or Bone Marrow Donation and define benefits provided under such leave category, effective upon passage of Council.

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An Ordinance amending and restating Ordinance No. 42-2020, as amended and restated by Ordinance No. 54-2020, which pertains to the suspension of certain Ordinances to allow for expanded restaurant, bar, and retail business uses; to extend the deadline through November 8, 2020; and to include additional definitions and clarifications; effective upon passage of Council received first reading.

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

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

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

Nay: -----0

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An Ordinance changing the zone from an Agricultural Urban (A-U) zone to a Planned Neighborhood Residential (R-3) zone, for 138.20 net (143.01 gross) acres, for property located at 2300 Sandersville Rd. (Ball Homes, LLC; Council District 2) received first reading and was ordered to be placed on file for public inspection until September 3, 2020

Ms. Lamb spoke about the importance of significant land use buffers in the development as it was close proximity to industrial property.

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The following ordinances received first reading and were ordered to be placed on file for public inspection until September 3, 2020:

An Ordinance changing the zone from an Agricultural Urban (A-U) zone to a High Density Apartment (R-4) zone, for 8.62 net and gross acres, for property located at 3330 Todds Rd. (a portion of). (Anderson Communities, Inc.; Council District 7)

An Ordinance changing the zone from a Highway Service Business (B-3) zone to a Wholesale and Warehouse Business (B-4) zone, for 2.02 net and gross acres, for property located at 109 Sand Lake (a portion of). (Centennial American Properties; Council District 7)

An Ordinance amending Article 8-15(o), 8-16(o), and 16-10 of the Zoning Ordinance to revise parking requirements for mixed income housing developments. (Urban County Planning Commission)

An Ordinance changing the zone from a Wholesale and Warehouse Business (B-4) zone to a Neighborhood Business (B-1) zone, for 2.24 net (2.53 gross) acres, for



properties located at 1016 - 1024 South Broadway. (Gateway Lofts Lexington; Council District 3)

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. 8.

An Ordinance amending certain of the Budgets of the Lexington Fayette Urban County Government to amend Budget related to purchase orders rolled to FY 2021 and expensed to FY 2020, and appropriating and re appropriating funds, Schedule No. 10.

An Ordinance amending certain of the Budgets of the Lexington Fayette Urban County Government to reflect current requirements for the Div. of Environmental Services for funds in the amount of \$243 from Neighborhood Development Funds for tree replacement in Cave Court median, Schedule No. 12.

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A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute the First Amendment to the Agreement with Access Wellness Group, Inc., extending the Agreement to provide Employee Assistance Program (EAP) services through December 31, 2021, with five subsequent one year extensions, at a cost not to exceed \$56,700 in FY 2021, with funding for future fiscal years contingent upon the appropriation of sufficient funds received second reading.

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

Aye:	Swanson, Bledsoe, F. Brown, J. Brown, Ellinger, Farmer, Higgins-Hord, Kay, Lamb, McCurn, Moloney, Mossotti, Plomin,	-----14
Nay:		-----0
Abstain:	Reynolds	-----1

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The following resolutions received second reading. Upon motion by Ms. Plomin, and seconded by Ms. Higgins-Hord, the resolutions were approved by the following vote:

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

Nay: -----0

A Resolution accepting the bid of Bluegrass International Trucks, Buses, RV's & Idealease, establishing a price contract for Installation, Repair and Removal of Vehicle Electronic Equipment, for the Div. of Waste Management.

A Resolution accepting the bid of Key Oil Co., establishing a price contract for Motor Oil 15W40, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bids of Advanced Turf Solutions, Inc.; Harrell's, LLC; and the Hill Co., establishing price contracts for Horticulture for Golf Courses, for the Div. of Parks and Recreation.

A Resolution accepting the bid of Nugent Sand Co., establishing a price contract for Sand for Golf Courses, for the Div. of Parks and Recreation.

A Resolution accepting the bid of Inciner8 Limited, in the amount of \$34,152, for an incinerator, for the Div. of Police.

A Resolution accepting the bid of Man O'War Harley Davidson, establishing a price contract for motorcycles for Police Enforcement, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Premier Power Maintenance, establishing a price contract for Electrical Switch Gear Maintenance and Testing, for the Div. of Water Quality.

A Resolution accepting the bid of Paul Miller Ford, Inc., establishing a price contract for Ford Transit Prisoner Transport, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Haire Construction, establishing a price contract for ADA Sidewalk Installation and Reconstruction, for the Dept. of Environmental Quality and Public Works.

A Resolution ratifying the Permanent Civil Service Appointments of: Kelsey Parry, Public Service Worker Sr., Grade 509N, \$14.775 hourly in the Div. of Streets and Roads, effective August 10, 2020; Erin Dixon, Stores Clerk, Grade 508N, \$14.000 hourly in the

Div. of Streets and Roads, effective August 18, 2020; Cecil Renfro, Heavy Equipment Technician, Grade 518N, \$25.000 hourly in the Div. of Fire and Emergency Services, effective August 3, 2020; Ryan Combs, Code Enforcement Officer, Grade 516N, \$20.806 hourly in the Div. of Code Enforcement, effective July 27, 2020; Matthew Woodson, Fleet Operations Supervisor, Grade 519N, \$26.000 hourly in the Div. of Facilities and Fleet Management, effective August 3, 2020; Johnny Davis, Heavy Equipment Technician, Grade 518N, \$22.558 hourly in the Div. of Facilities and Fleet Management, effective August 18, 2020; Hannah Brosnan, Child Care Program Aide, Grade 508N, \$14.272 hourly in the Div. of Family Services, effective May 4, 2020; Julie Fight, Child Care Program Aide, Grade 508N, \$13.537 hourly in the Div. of Family Services, effective April 21, 2020; Donna Lewis, Administrative Specialist, Grade 513N, \$23.468 hourly in the Div. of Planning, effective April 25, 2020; Anna Wiker Pieczynski, Parks Naturalist, Grade 516N, \$20.272 hourly in the Div. of Parks and Recreation, effective August 18, 2020; ratifying the Permanent Sworn Appointments of: Andre Grider, Police Sergeant, Grade 315N, \$32.408 hourly in the Div. of Police, effective July 20, 2020; Ronald Keaton, Police Lieutenant, Grade 317E, \$3,346.89 biweekly in the Div. of Police, effective July 20, 2020; Samantha Moore, Police Lieutenant, Grade 317E, \$3,346.89 biweekly in the Div. of Police, effective July 20, 2020; Danny Page, Police Sergeant, Grade 315N, \$32.408 hourly in the Div. of Police, effective July 20, 2020; Ilya Sharapov, Police Sergeant, Grade 315N, \$32.408 hourly in the Div. of Police, effective July 20, 2020; Tyler Smith, Police Sergeant, Grade 315N, \$32.408 hourly in the Div. of Police, effective July 20, 2020; Kyle Williams, Police officer, Grade 311N, \$21.695 hourly in the Div. of Police, effective June 21, 2020; approving Classified Civil Service Council Leave for: Julie Fight, Child Care Program Aide, Grade 508N, \$13.537 hourly in the Div. of Family Services, effective July 6, 2020 through July 14, 2020; approving the Classified Civil Service Voluntary Demotion of: Joyce Rifembark, Telecommunicator, Grade 514N, \$19.393 hourly in the Div. of Enhanced 911, effective July 20, 2020; effective upon passage of Council.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a consent to Assumption Agreement with Granicus, LLC, authorizing Granicus to assume the rights, duties, benefits, and obligations of Vision Technology Solutions,

LLC, in its Contract with the Urban County Government for intranet services, at a cost not to exceed \$8,599.50 in fiscal year 2021, and increasing 5% annually thereafter.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept \$30,720 in Federal funds under the CARES Act from the Ky. State Board of Elections, for the purpose of reimbursing expenses of the Fayette County Clerk's Office for hiring additional staff during the 2020 primary election as a result of the COVID 19 pandemic, 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 Grants Budget.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement awarding a Class B (Infrastructure) Incentive Grant to Ashwood Townhouses of Laredo Association, Inc., for stormwater quality projects, at a cost not to exceed \$99,860.38.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Second Amendment to the Mental Health Services Agreement with New Vista, allowing New Vista to change the staffing compliment required in the Contract, 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 Fourth Amendment to Agreement with Aramark Correctional Services, LLC, for the price per meal charge increase mandated in the Agreement, for the Div. of Community Corrections, at a cost not to exceed \$1,930,485 for FY 2021.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. Five (5) to the Contract with Unique Security, for the jail security solution, adding new cameras and relocating one camera, for the Div. of Community Corrections, increasing the Contract price by the sum of \$62,463.49, from \$3,515,835.23 to \$3,578,298.72.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Agreement with Hazen & Sawyer, P.S.C., for Sanitary Sewer Remedial Measures Program Management Consulting Services, increasing the Contract price by the sum of \$900,000, from \$900,000 to \$1,800,000, and extending the Contract through August 29, 2021.

A Resolution authorizing the Div. of Streets and Roads to purchase GPS services from Routeware, Inc., a sole source provider, and authorizing the Mayor, on behalf of the Urban County Government, to execute any necessary agreement with Routeware, Inc., related to the procurement, at a cost estimated not to exceed \$32,972.46.

A Resolution changing the name of Cheapside Park, located at 251 West Main St., to Henry A. Tandy Centennial Park.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an agreement awarding a Class B (Infrastructure) Incentive Grant to the University of Ky. Research Foundation, for stormwater quality projects, at a cost not to exceed \$216,800.

A Resolution establishing Everbridge, Inc., as a sole source provider for the Alert Notification System for the Div. of Emergency Management, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute any necessary agreements with Everbridge, Inc., related to the procurement of this Alert Notification System, at a cost not to exceed \$104,918.04.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Justice Cabinet under the Violence Against Women Act (VAWA) Program, to provide any additional information requested in connection with this Grant Application, and to accept this Grant if the application is approved, which Grant funds are in the amount of \$54,708 in Federal funds and \$10,000 in Commonwealth of Ky. funds, and are for the continuation of the Sexual Assault Nurse Examiner (SANE) Program for FY 2021, the acceptance of which obligates the Lexington Fayette Urban County Government for the expenditure of \$23,070 as a local match, and authorizing the Mayor to transfer unencumbered funds within the Grant Budget.

A Resolution approving the Fayette County Sheriff's Settlement 2019 Taxes, for taxes collected as of May 15, 2020, and granting the Sheriff a Quietus.

A Resolution of the Lexington Fayette Urban County Government authorizing the advertisement for bids and the distribution of a Preliminary Official Statement for the purchase of the principal amount of its Various Purpose General Obligation Bonds, Series

2020, in an aggregate principal amount of \$8,000,000 (which amount may be increased by an amount of up to ten percent (10%) or decreased by an unlimited amount).

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to accept a donation from Star Bio Solutions of a Microshield 360 treatment for the Moondance Amphitheater.

A Resolution authorizing the Div. of Police, on behalf of the Urban County Government, to accept an Aircraft Storage Agreement with TAC Air, a sole source provider, at a cost not to exceed \$22,243.80.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to approve and adopt Substantial Amendments to the 2019 Annual Action Plan and to accept \$3,226,490 in Federal Emergency Solutions Grant funds from the U.S. Dept. of Housing and Urban Development under the Coronavirus Aid, Relief and Economic Security Act (CARES Act) for response to COVID-19, 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 the Mayor, on behalf of the Urban County Government, to execute a Plan Renewal Agreement with Humana for the Medicare Advantage Plan, for the period beginning January 1, 2021 through December 31, 2021.

A Resolution changing the property street names of 2248 2256 Dinsmore Dr. to 2256 Dinsmore Dr., 1196 Liggett St. to 1180 Liggett St., 1198 Liggett St. to 1184 Liggett St., 1200 Liggett St. to 1188 Liggett St., 1200 Liggett St. 1/2 to 1192 Liggett St., and changing the street names and property address numbers of 3495 Appian Way to 3460 Campus Way, 4731 Georgetown Rd. to 4801 Last Chance Trail, all effective thirty (30) days from passage.

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Upon motion by Vice Mayor Kay, seconded by Mr. Farmer, and approved by unanimous vote, a Resolution ratifying the Unclassified Civil Service Appointment of Erin Hensley, Commissioner of Finance, Grade 536E, \$5,076.92 biweekly, effective October 12, 2020 received first reading.

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

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

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

Nay: -----0

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A Resolution authorizing the Div. of Human Resources to make conditional offers to the following Probationary Classified Civil Service Appointments: Sachatawana Toller, Equipment Operator Sr., Grade 512N, \$16.291 hourly in the Div. of Streets and Roads, effective September 21, 2020; Haysten Robinson, Heavy Equipment Technician, Grade 518N, \$23.936 hourly in the Div. of Facilities and Fleet Management, and Julio Ortega, Public Service Worker, Grade 507N, \$12.755 hourly in the Div. of Parks and Recreation, effective upon passage of Council received first reading.

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

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

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

Nay: -----0

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A Resolution formally requesting a Product Development Initiative Grant (“Grant”) in the amount of \$500,000 on behalf of the University of Ky. for the University of Ky.’s Coldstream Research Campus to fit up laboratory space in the proposed laboratory high tech building, and authorizing and directing the Mayor, or her designee, on behalf of the Urban County Government, to execute the local portion of the University of Ky.’s application related to the Grant and the Product Development Initiative Grant Agreement with the Ky. Cabinet for Economic Development; to accept the Grant and distribute the Grant funds to the University of Ky. if the relevant application is approved; and to take any further action necessary related to the Grant received first reading.

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

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

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

Nay: -----0

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A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Coronavirus Relief Fund Application for reimbursement of certain eligible expenses to the Dept. for Local Government in the amount of \$15,628,924, consistent with Resolution No. 260-2020, to provide any additional information or documentation required, and to take any other necessary related action including the acceptance of the funds received first reading.

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

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

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

Nay: -----0

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The following resolutions received first reading and were ordered to be placed on file for public inspection until September 3, 2020:

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an agreement with the National Alliance on Mental Illness (NAMI) Lexington, for the continued operation of the Fayette County Mental Health Court, at a cost not to exceed \$170,000.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 (Final) to the Agreement with Churchill McGee, LLC, for



the Dartmouth Drive Culvert Replacement Project, increasing the Contract Price by the sum of \$3,916.29, from \$507,900.00 to \$511,816.29, and extending the date of completion to May 22, 2020.

A Resolution authorizing the mayor, on behalf of the Urban County Government, to execute a Memorandum of Agreement with the Commonwealth of Kentucky, for the use and benefit of the University of Kentucky, for the replacement of sanitary sewer infrastructure in connection with a parking structure expansion project, at a cost estimated not to exceed \$110,828.50.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Kentucky Board of Emergency Medical Services, to continue the Community Paramedicine Program.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Bryan Station High School Alumni Assoc., Inc. (\$100), William Wells Brown Neighborhood Assoc., Inc. (\$300), St. Paul African Methodist Episcopal Church, Inc. (\$50), the Salvation Army (\$1,000), and Tanbark Association of Neighbors (\$600) for the Office of the Urban County Council, at a cost not to exceed the sum stated.

A Resolution accepting the bid of Detroit Salt Co., establishing a price contract for Treated Rock Salt (bid issued by KACO - 2020 Road Salt Auction), for the Div. of Streets and Roads.

A Resolution accepting the bid of Mobile Network Supply, LLC, establishing a price contract for Tactical Headsets, for the Div. of Police.

A Resolution ratifying the Probationary Classified Civil Service Appointments of: Darren Lizer, Heavy Equipment Technician, Grade 518N, \$23.186 hourly in the Div. of Facilities and Fleet Management, effective August 31, 2020; Danny Stevens, Equipment Operator, Grade 510N, \$20.544 hourly in the Div. of Parks and Recreation, effective September 14, 2020; and Thomas Allen, Public Service Supervisor, Grade 514N, \$20.050 hourly in the Div. of Parks and Recreation, effective September 14, 2020; ratifying the Permanent Classified Civil Service Appointment of: Robert Purchase, Vehicle & Equipment Technician, Grade 514N, \$19.991 hourly in the Div. of Facilities and Fleet Management, effective August 24, 2020; ratifying the Probationary Sworn Appointments

of: Christopher Cooper, Police Lieutenant, Grade 317E, \$3,346.88 biweekly; and Ron Moore, Police Sergeant, Grade 315N, \$32.408 hourly, all in the Div. of Police, effective August 31, 2020; approving Classified Civil Service Council Leave for: Mark Grimes, Public Service Worker Sr., Grade 509N, \$18.069 hourly in the Div. of Parks and Recreation, effective August 18, 2020 through October 26, 2020; effective upon passage of Council.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Purchase of Service Agreement with the Hope Center, Inc., for the operation of an emergency homeless shelter, at a cost not to exceed \$650,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the United States Dept. of Health and Human Services, which Grant funds are in the amount of \$508,928 in Federal funds, under the First Responders - Comprehensive Addiction and Recovery Act Program Year 3 Continuation Grant, and are to be used to help reduce Opioid Overdose Fatalities, 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 a Ride Services Agreement with ITNBluegrass, Inc. for transportation services for Senior Center participants, at a cost not to exceed \$12,000.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 6 to the Agreement with Banks Engineering, Inc., for the Southland Area Stormwater Improvement Project, increasing the Contract Price by the sum of \$20,000, from \$654,815 to \$674,815.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to the Grant Agreement with the Bluegrass Area Development District, Inc., to include the amended Budget and a breakdown of eligible reimbursable expenses for the operation of the Senior Citizens Center in FY 2021.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with the Dept. of Veterans Affairs, for patrolling and policing properties assigned to the Burr Initiative EUL.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Wellesley Heights Neighborhood Assoc. (\$300), 16th District PTA c/o Hayes Middle School (\$350), and Old Paris Neighborhood Assoc., Inc. (\$350) for the Office of the Urban County Council, at a cost not to exceed the sum stated.

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Upon motion by Vice Mayor Kay, seconded by Mr. McCurn, and approved by unanimous vote, the Communications from the Mayor was amended to include the appointment of Ivy Barksdale to the Planning Commission, with term expiring July 1, 2024.

Upon motion by Vice Mayor Kay, and seconded by Mr. McCurn, the Communications from the Mayor were approved, as amended, by unanimous vote and were as follows: (1) Recommending the reappointment of Jeff Fugate and Paul Thornsberry to the Affordable Housing Governing Board, with terms expiring October 27, 2024 and October 2, 2024, respectively; (2) Recommending the appointment of Gregg Jones and Roy Wilson to the Bluegrass Crime Stoppers, both with terms expiring August 27, 2024; (3) Recommending the reappointment of Marcus Underwood, Area Resident, to the Charles Young Center Advisory Board, with term expiring July 5, 2024; (4) Recommending the appointment of Rania Belmadani, At large, to the Domestic and Sexual Violence Prevention Coalition, with term expiring August 27, 2024; (5) Recommending the reappointment of Anne Tyler Morgan, At large, to the Economic Development Investment Board, with term expiring November 3, 2024; (6) Recommending the reappointment of Beau Revlett and Adrian Wallace, to the Homeslessness Prevention and Intervention Board, with terms expiring November 3, 2024 and November 17, 2024, respectively; (7) Recommending the appointment of Allison Connelly, filling the unexpired term of Lance Poston, to the Human Rights Commission, with term expiring July 15, 2021; (8) Recommending the appointment of Jessica Sanchez, filling the unexpired term of Tim Sineath, to the Library Board of Advisors, with term expiring January 1, 2021; (9) Recommending the appointment of Phil Hager, Kentucky Thoroughbred Association Representative, to the Rural Land Management Board, with term expiring July 1, 2024; (10) Recommending the appointment of Glen Krebs, to the Sister Cities Program Commission, with term expiring

August 27, 2024; and, (11) Recommending the appointment of Ivy Barksdale to the Planning Commission, with term expiring July 1, 2024.

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Commander Holland, Div. of Police, presented a disciplinary matter regarding Officer Joseph Lusardi. An allegation has been made that Officer Lusardi has committed the offense of Misconduct which constitutes misconduct under the provisions of KRS 95.450 and/or KRS 15.520 and General Order 1973-02J, Disciplinary Procedures, Appendix B, Operational Rule 1.02 - Misconduct in that on the 17 day of May 2020, he allegedly:

- (1) On May 17<sup>th</sup>, 2020, at approximately 1947, Officer Lusardi failed to maintain control of his emotions and became belligerent with an arrested subject. Officer Lusardi's actions led to other on-scene officers having to restrain Officer Lusardi and escort him from the scene.
- (2) The appropriate punishment for this conduct is Forty (40) Hour Suspension without Pay.

Upon motion by Mr. Farmer, seconded by Ms. Plomin and approved by majority vote (Mr. Swanson abstained), the disciplinary recommendation was approved.

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Mr. Farmer thanked Mayor Gorton for holding the press conference earlier in the day regarding gun violence among youth in Lexington, and commended Mayor Gorton and Police Chief Lawrence Weathers for their words. He spoke about his upbringing and the perceived gun culture in society.

Mayor Gorton thanked Mr. Farmer for his comments and discussed the ongoing conversations between her and Chief Weathers. She spoke about the limits of government to correct the issues with gun violence and the necessity of action and cooperation between government and the community. Mayor Gorton noted that they had already received calls on the mental health resource phone numbers which were provided during the press conference.

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Mr. Moloney commended Mayor Gorton on her press conference. He talked about his frugality in government spending and shared Kentucky Housing's announcement to

provide funds for low-income residents for a period of six months. He spoke with confidence about Erin Hensley's appointment as Finance Commissioner, and suggested she contact the Community Action Council and the Dept. of Local Government to request their assistance in paying for utilities for low-income residents. He also suggested the administration look into using leftover funds from any finished Community Development Block Grants.

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Mr. Swanson explained his abstention, noting that this was his first disciplinary matter to review since being appointed to the Council. He stated that he was horrified at the lack of information provided to the Council for disciplinary review and approval, particularly as the Council is considered to be the Citizen Review Board for police and fire disciplinary matters. Mr. Swanson commented that he looks forward to the findings on such items as will be presented by the Law Enforcement, Justice & Accountability subcommittee.

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Ms. Bledsoe invited the public to attend the DV8 Night of Dining Event, held in collaboration with Saul Good's, from 5 p.m. to 9 p.m. She spoke about the fundraising cause and other DV8 fundraising events in the years prior.

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Ms. Lamb talked about watching the Law Enforcement, Justice & Accountability subcommittee meeting and praised the hard work of all of the members and staff involved. She spoke in anticipation in receiving their final report, and thanked all who were involved in the Mayor's Commission for Racial Justice & Equality subcommittees.

Mayor Gorton thanked Ms. Lamb for her comments and thanked the seventy volunteers on the commission and subcommittees. She mentioned that due to extending the subcommittees' meeting deadline until the end of August that the final reports may not come to fruition until the first week of October, instead of the end of September as originally planned.

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Mayor Gorton discussed the incident that occurred at the government center envelope repair work the previous night. She explained that some of the outside

scaffolding collapsed under three contractors, one of which was able to get to the ground by himself. She noted that everyone left without injury. Mayor Gorton extended her gratitude to Fire & Emergency Services for coming and assisting them, specifically commending Ladder #1, who rescued the contractors who were suspended in the air.

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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 Mr. Farmer, seconded by Mr. Ellinger, and approved by unanimous vote, the meeting adjourned at 7:48 p.m.

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Deputy Clerk of the Urban County Council