

Lexington-Fayette Urban County Government

200 E. Main St
Lexington, KY 40507



Minutes

Tuesday, November 29, 2022

3:00 PM

Packet

Council Chamber

Urban County Council Work Session

I. Public Comment - Issues on Agenda

Present 14 - Steve Kay, Chuck Ellinger, James Brown, Josh McCurn, Hannah LeGris, Susan Lamb, Liz Sheehan, David Kloiber, Preston Worley, Fred Brown, Whitney Baxter, Amanda Bledsoe, Jennifer Reynolds, and Kathy Plomin

Absent 1 - Richard Moloney

II. Requested Rezonings/ Docket Approval

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

An Ordinance changing the zone from a Light Industrial (I-1) zone to a Commercial Center (B-6p) zone, for 10.113 net (11.692 gross) acres, for property located at 1510 Greendale Rd. and 2440 Innovation Dr. (a portion of). (Winterwood, Inc.; Council District 2.) Disapproval 7-2 (**Public Hearing January 17, 2023 5:00 p.m.**) [Div. of Planning, Duncan]

A motion was made by Council Member Josh McCurn, seconded by Council Member Chuck Ellinger II, that this Ordinance be Approved and Referred to Docket with Hearing.and sent to the Urban County Council to return on 12/1/2022.The motion PASSED by majority vote (Worley recused).

An Ordinance changing the zone from a Two-Family Residential (R-2) zone to a High Density Apartment (R-4) zone, for 1.089 net (1.346 gross) acres, for property located at 530 East High St. (Winterwood, Inc.; Council District 3). Approval 8-0 (To Be Heard By January 25, 2023) [Div. of Planning, Duncan]

A motion was made by Council Member Hannah LeGris, seconded by Council Member Kathy Plomin, that this Ordinance be Approved and Referred to Docket without Hearing.and sent to the Urban County Council to return on 12/1/2022.The motion PASSED by majority vote (Worley recused).

An Ordinance changing the zone from a Wholesale and Warehouse Business (B-4) zone to a Light Industrial (I-1) zone for 2.3827 net (2.5584 gross) acres, for property located at 101 and 109 W. Loudon Avenue. (Northyard, LLC; Council District 1). Conditional Approval 8-0-1(To Be Heard By January 25, 2023) [Div. of Planning]

A motion was made by Council Member James Brown, seconded by Council Member Josh McCurn, that this Ordinance be Approved and Referred to Docket without Hearing.and sent to the Urban County Council to return on 12/1/2022.The motion PASSED by unanimous vote.

III. Approval of Summary

a Table of Motions: Council Work Session, November 15, 2022

A motion was made by Council Member Chuck Ellinger II, seconded by Council Member Josh McCurn, that this Agenda Item be Approved.The motion PASSED

by unanimous vote.

IV. Budget Amendments

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 2023 SCHEDULE NO. 0021.

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

A motion was made by Council Member Kathy Plomin, seconded by Council Member Whitney Baxter, that this Agenda Item be Approved and Referred to Docket. and sent to the Urban County Council to return on 12/1/2022. The motion PASSED by unanimous vote.

V. Budget Adjustments - For Information Only

VI. New Business

VII. Continuing Business/ Presentations

a Neighborhood Development Funds: November 29, 2022

A motion was made by Council Member Chuck Ellinger II, seconded by Council Member Kathy Plomin, that this Agenda Item be Approved and Referred to Docket. and sent to the Urban County Council to return on 12/1/2022. The motion PASSED by unanimous vote.

b Summary: Special Budget, Finance and Economic Development Committee, October 25, 2022

Accelerate Lexington

A motion was made by Council Member Amanda Bledsoe, seconded by Council Member James Brown, that this Agenda Item be Approved and Referred to Docket. and sent to the Urban County Council to return on 12/1/2022. The motion PASSED by unanimous vote.

Tax District Work Group Report-Out

A motion was made by Council Member Amanda Bledsoe, seconded by Council Member Susan Lamb, that this Agenda Item be Approved and Referred to Docket. and sent to the Urban County Council to return on 12/1/2022. The motion PASSED by unanimous vote.

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A motion was made by Council Member Amanda Bledsoe, seconded by Council Member Susan Lamb, that this Agenda Item be Approved and Referred to Docket.and sent to the Urban County Council to return on 12/1/2022.The motion PASSED by unanimous vote.

Compensation Study Update

A motion was made by Council Member Amanda Bledsoe, seconded by Council Member Steve Kay, that this Agenda Item be Approved and Referred to Docket.and sent to the Urban County Council to return on 12/1/2022.The motion PASSED by unanimous vote.

A motion was made by Council Member Amanda Bledsoe, seconded by Council Member Steve Kay, that this Agenda Item be Approved and Referred to Docket.and sent to the Urban County Council to return on 12/1/2022.The motion PASSED by unanimous vote.

Redistricting Workgroup Follow-Up

A motion was made by Council Member Susan Lamb, seconded by Council Member Jennifer Reynolds, that this Agenda Item be Approved and Referred to Docket.and sent to the Urban County Council to return on 12/1/2022.The motion PASSED by unanimous vote.

VIII. Council Reports

IX. Mayor's Report

X. Mayor's Report - Price Contract Bid Recommendations

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

XI. Public Comment - Issues Not on Agenda

XII. Adjournment

Administrative Synopsis - New Business Items

- a** An Ordinance amending Section 22-52.1 of the Lexington-Fayette Urban County Government Code of Ordinances, related to Constables, establishing the amount of the bond to be provided by Constables and Deputy Constables; providing that Constables May not appoint Deputy Constables unless authorized to do so by the Mayor and subject to any standards established by the Mayor; requiring the timely filing of the monthly activity report required by KRS 70.430; prohibiting Constables and Deputy Constables from equipping vehicles with certain emergency equipment and establishing a penalty for violation; and amending Section 22-55.1 of the Code of Ordinances, related to local Constitutional Officers, to increase the amount of the bond that must be provided by a Constable to \$25,000; all effective January 1, 2023. [Dept. of Law, Speckert]

A motion was made by Council Member Kathy Plomin, seconded by Council Member Whitney Baxter, that this Agenda Item be Approved and Referred to Docket.and sent to the Urban County Council to return on 12/1/2022.The motion PASSED by unanimous vote.

- b** A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with the Fayette County Board of Education for space to host the Extended School Programs and the Recreational Enrichment and Learning Programs for the 2022-2023 school year, at a cost not to exceed \$58,500. [Div. of Parks and Recreation, Conrad]

A motion was made by Council Member Kathy Plomin, seconded by Council Member Whitney Baxter, that this Agenda Item be Approved and Referred to Docket.and sent to the Urban County Council to return on 12/1/2022.The motion PASSED by unanimous vote.

- c** A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Lease Agreement with James R. Kemper for property located at 951 Enterprise Dr. for Div. of Water Quality maintenance operations, for an initial term of 36 months with annual rent not to exceed \$93,262.44 in FY 2023 and subsequent increases of two percent (2.00%) annually thereafter. [Div. of Water Quality, Martin]

A motion was made by Council Member Kathy Plomin, seconded by Council Member Whitney Baxter, that this Agenda Item be Approved and Referred to Docket.and sent to the Urban County Council to return on 12/1/2022.The motion PASSED by unanimous vote.

- d** A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a First Amendment to American Rescue Act of 2021 Subrecipient Agreement with Community Action Council for

Lexington-Fayette, Bourbon, Harrison, and Nicholas Counties, Inc., for the operation of Expanded Intensive Street Outreach Services, at a cost not to exceed \$449,162.55. [Div. of Grants and Special Programs, Reynolds]

A motion was made by Council Member Kathy Plomin, seconded by Council Member Whitney Baxter, that this Agenda Item be Approved and Referred to Docket.and sent to the Urban County Council to return on 12/1/2022.The motion PASSED by unanimous vote.

- e** An Ordinance amending and restating Ordinance No. 51-2017, which created the Public Infrastructure Program, in its entirety, and providing for its purpose, program fund protections, priorities, limitations, criteria, an application process, administration by the Mayor's Chief Development Officer with oversight by the Economic Development Investment Board, and a Program Fund; all effective upon date of passage. [Mayor's Office, Atkins]

A motion was made by Council Member Kathy Plomin, seconded by Council Member Whitney Baxter, that this Agenda Item be Approved and Referred to Docket.and sent to the Urban County Council to return on 12/1/2022.The motion PASSED by unanimous vote.

- f** An Ordinance amending Ordinance No. 203-80, as previously amended, relating to the Economic Development Investment Board, to include oversight over the Lexington Public Infrastructure Program, with final approval of funding to be made by the Urban County Council. [Mayor's Office, Atkins]

A motion was made by Council Member Kathy Plomin, seconded by Council Member Whitney Baxter, that this Agenda Item be Approved and Referred to Docket.and sent to the Urban County Council to return on 12/1/2022.The motion PASSED by unanimous vote.

- g** A Resolution authorizing and directing the Mayor, or her designee, on behalf of the Urban County Government, to execute a Letter of Intent with ETJ Holdings Incorporated, for the purchase of 5.58 acres of the Coldstream Research Campus, for the amount of \$1,155,000, and authorizing the Mayor to execute a purchase and Sale Agreement that materially complies with the Letter of Intent, as well as all other necessary and related documents, and authorizing other necessary actions related to the transfer of property. [Mayor's Office, Atkins]

A motion was made by Council Member Kathy Plomin, seconded by Council Member Whitney Baxter, that this Agenda Item be Approved and Referred to Docket.and sent to the Urban County Council to return on 12/1/2022.The motion PASSED by unanimous vote.

- h** A Resolution rescinding Resolution No. 566-2022 and in its place, resolving to authorize the Mayor, on behalf of the Urban County Government, to execute an Agreement with Community Action Council for Lexington-Fayette, Bourbon, Harrison and Nicholas Counties, Inc., to

serve as Grants Administrator and/or fiscal agent for the ONE Lexington Gun Violence Prevention Grant Program for FY2023, at a total cost not to exceed \$100,000. [Mayor's Office, Carama]

A motion was made by Council Member Kathy Plomin, seconded by Council Member Whitney Baxter, that this Agenda Item be Approved and Referred to Docket.and sent to the Urban County Council to return on 12/1/2022.The motion PASSED by unanimous vote.

- i 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. [Div. of Police, Weathers]

A motion was made by Council Member Kathy Plomin, seconded by Council Member Whitney Baxter, that this Agenda Item be Approved and Referred to Docket.and sent to the Urban County Council to return on 12/1/2022.The motion PASSED by unanimous vote.

- j Authorization to execute an agreement with the Drug Enforcement Administration (DEA), Program Funded State & Local Task Force to allow for one Lexington Police Department officer to be assigned to the DEA Program Funded State & Local Task Force for the period of October 1, 2022 through September 30, 2026. No budgetary impact. (L1188-22) (Weathers/Armstrong)

A motion was made by Council Member Kathy Plomin, seconded by Council Member Whitney Baxter, that this Agenda Item be Approved and Referred to Docket.and sent to the Urban County Council to return on 12/1/2022.The motion PASSED by unanimous vote.

- k Authorization to establish Flock Group Inc., as a sole source vendor and execute a Government Agency Agreement and Services Agreement Order Form for the expansion of the Flock Safety Automatic License Plate Reader (ALPR) program for an additional 75 ALPR's to be installed throughout the city under a one-year agreement, at a cost of \$236,250. Funds are budgeted. (L1189-22) (Weathers/Armstrong)

A motion was made by Council Member Kathy Plomin, seconded by Council Member Whitney Baxter, that this Agenda Item be Approved and Referred to Docket.and sent to the Urban County Council to return on 12/1/2022.The motion PASSED by unanimous vote.

- l Authorization to execute a Memorandum of Understanding between CASA of Lexington, Inc. and the Department of Social Services, the Fayette County Family Courts, and the Fayette County Attorney's Office (FCAO) to provide statutorily required services for children in Fayette County. No budgetary impact. (L1190-22) (Allen-Bryant)

A motion was made by Council Member Kathy Plomin, seconded by Council Member Whitney Baxter, that this Agenda Item be Approved and Referred to Docket.and sent to the Urban County Council to return on 12/1/2022.The motion

PASSED by unanimous vote.

- m** Authorization to approve the building lease agreement with FRM Lawson LLC for operational and office space located at 900 Enterprise Drive, the Sewer Line Maintenance facility. Initial lease term is four years, with three one-year renewals. For the period January 15, 2023, through January 14, 2024, the annual cost is \$201,286.08. Funds are budgeted for FY 2023. (L1191-22) (Martin/Albright)

A motion was made by Council Member Kathy Plomin, seconded by Council Member Whitney Baxter, that this Agenda Item be Approved and Referred to Docket.and sent to the Urban County Council to return on 12/1/2022.The motion PASSED by unanimous vote.

- n** Authorization to enter into a License of Agreement with Transylvania University for Lexington Parks & Recreation to hold its annual Kiddie Kapers Holiday Show at Haggin Auditorium. (L1192-22) (Conrad/Ford)

A motion was made by Council Member Kathy Plomin, seconded by Council Member Whitney Baxter, that this Agenda Item be Approved and Referred to Docket.and sent to the Urban County Council to return on 12/1/2022.The motion PASSED by unanimous vote.

- o** Authorization to approve an amendment to two agreements with Commerce Lexington, Inc. related to the Regional Economic Development Collective and the Accelerate Lexington program to reallocate \$142,000.00 from Accelerate Lexington to the Regional Economic Development Collective. (L1193-22) (Atkins)

A motion was made by Council Member Kathy Plomin, seconded by Council Member Whitney Baxter, that this Agenda Item be Approved and Referred to Docket.and sent to the Urban County Council to return on 12/1/2022.The motion PASSED by unanimous vote.

- p** Authorization to execute an extension to agreement with the University of Kentucky Research Foundation (UKRF) through December 30, 2022, for the provision of evaluation services for Year 4 of the First Responders and Community Partners Overdose Prevention Project funded under the U.S. Department of Health and Human Services First Responders - Comprehensive Addiction and Recovery Act Grant Program, at no additional cost. (L1199-22) (Allen-Bryant)

A motion was made by Council Member Kathy Plomin, seconded by Council Member Whitney Baxter, that this Agenda Item be Approved and Referred to Docket.and sent to the Urban County Council to return on 12/1/2022.The motion PASSED by unanimous vote.

- q** Authorization to execute an extension to agreement with the Lexington-Fayette County Health Department through December 30, 2022, for the First Responders and Community Partners Overdose Prevention Project funded under the U.S. Department of Health and Human Services First Responders - Comprehensive Addiction and

Recovery Act Grant Program, at no additional cost. (L1200-22)
(Allen-Bryant)

A motion was made by Council Member Kathy Plomin, seconded by Council Member Whitney Baxter, that this Agenda Item be Approved and Referred to Docket.and sent to the Urban County Council to return on 12/1/2022.The motion PASSED by unanimous vote.

r Authorization to execute an agreement in the amount of \$99,997 with the University of Kentucky Research Foundation (UKRF) for the provision of evaluation services for Year 1 of the Expanded First Responders and Community Partners Overdose Prevention Project (EFRCPOPP) funded under the U.S. Department of Health and Human Services First Responders - Comprehensive Addiction and Recovery Support Service Grant (FR-CARA). Budget Amendment in process. (L1201-22)
(Allen-Bryant)

A motion was made by Council Member Kathy Plomin, seconded by Council Member Whitney Baxter, that this Agenda Item be Approved and Referred to Docket.and sent to the Urban County Council to return on 12/1/2022.The motion PASSED by unanimous vote.

s Authorization to execute Contract Modification No. 5 with CDP Engineers, Inc. in the amount of \$86,000 for additional design services of Town Branch Trail Phase III Project, increasing the contract total to \$223,880. Funds are budgeted. (L1202-22) (Burton/Albright)

A motion was made by Council Member Kathy Plomin, seconded by Council Member Whitney Baxter, that this Agenda Item be Approved and Referred to Docket.and sent to the Urban County Council to return on 12/1/2022.The motion PASSED by unanimous vote.

t Authorization to execute Change Order No. 2 with Gresham Smith for design services to include an emergency shower in the mechanical room for Splash! at Charles Young Park for a contracted cost of \$12,300; increasing the contract from \$182,000 to \$194,300. Funds are budgeted. (L1203-22) (Peacher/Scott)

A motion was made by Council Member Kathy Plomin, seconded by Council Member Whitney Baxter, that this Agenda Item be Approved and Referred to Docket.and sent to the Urban County Council to return on 12/1/2022.The motion PASSED by unanimous vote.

u Authorization to execute Change Order No. 2, with Pace Contracting, for the Splash! at Charles Young Park construction project to include changes to the emergency eye wash and shower within the mechanical pump room, increasing the contract price by the sum of \$49,447.95 from \$1,411,863.18 to \$1,461,311.13. Funds are budgeted. (L1204-22)
(Peacher/Scott)

A motion was made by Council Member Kathy Plomin, seconded by Council Member Whitney Baxter, that this Agenda Item be Approved and Referred to

Docket.and sent to the Urban County Council to return on 12/1/2022.The motion PASSED by unanimous vote.

- v** Authorization to submit an application to the Kentucky Office of Homeland Security requesting federal funds in the amount of \$387,094 for FY 2023 from the Law Enforcement Protection Program to purchase body armor kits for all sworn officers. No matching funds required. (L1205-22) (Weathers/Armstrong)

A motion was made by Council Member Kathy Plomin, seconded by Council Member Whitney Baxter, that this Agenda Item be Approved and Referred to Docket.and sent to the Urban County Council to return on 12/1/2022.The motion PASSED by unanimous vote.

- w** Authorization to execute Contract Modification No. 3 to the professional services agreement with CDP Engineers in the amount of \$26,542.00 for Clays Mill Road Section 1 Improvements for additional construction administration engineering design services over and above the original scope of services, increasing the total contract price to \$844,001. Funds are budgeted. (L1206-22) (Burton/Albright)

A motion was made by Council Member Kathy Plomin, seconded by Council Member Whitney Baxter, that this Agenda Item be Approved and Referred to Docket.and sent to the Urban County Council to return on 12/1/2022.The motion PASSED by unanimous vote.

- x** Authorization to execute an agreement with HDR Engineering, Inc. in the amount of \$248,401 for the design of Citation Boulevard Phase III-B. Grant funds are budgeted. (L1207-22) (Burton/Albright)

A motion was made by Council Member Kathy Plomin, seconded by Council Member Whitney Baxter, that this Agenda Item be Approved and Referred to Docket.and sent to the Urban County Council to return on 12/1/2022.The motion PASSED by unanimous vote.

- y** Authorization to execute a renewal agreement with Anthem Health Plans of Kentucky, Inc. for administrative services, rates and fees within the agreement for the period beginning January 1, 2023 through December 31, 2023. Funds are budgeted. (L1208-22) (Walters/Hamilton)

A motion was made by Council Member Kathy Plomin, seconded by Council Member Whitney Baxter, that this Agenda Item be Approved and Referred to Docket.and sent to the Urban County Council to return on 12/1/2022.The motion PASSED by unanimous vote.

- z** An Ordinance amending the authorized strength by abolishing one (1) vacant unclassified position of Engineering Technician, Grade 515N, and restoring funding for one (1) classified position of Municipal Engineer Sr., Grade 528E, all in the Div. of Engineering, effective upon passage of Council. [Div. of Human Resources, Walters]

A motion was made by Council Member Kathy Plomin, seconded by Council Member Whitney Baxter, that this Agenda Item be Approved and Referred to

Docket.and sent to the Urban County Council to return on 12/1/2022.The motion PASSED by unanimous vote.

aa Authorization to execute an Engineer Service Agreement with Strand Associates, Inc., pursuant to RFQ No. 37-2022, in the amount of \$103,652 for design engineering services for Brighton Trail Connection. Funds are budgeted. (L1210-22) (Burton/Albright)

A motion was made by Council Member Kathy Plomin, seconded by Council Member Whitney Baxter, that this Agenda Item be Approved and Referred to Docket.and sent to the Urban County Council to return on 12/1/2022.The motion PASSED by unanimous vote.

bb Authorization to execute an amendment to the agreement with Explorium of Lexington to move Community Development Block Grant program CARES Act funds to travel and supplies from salaries and fringe benefits in the amount \$9,220, to extend the period of performance to July 15, 2023, and to execute any other agreements or amendment related to the use of these funds. (L1211-22) (Reynolds/Lanter)

A motion was made by Council Member Kathy Plomin, seconded by Council Member Whitney Baxter, that this Agenda Item be Approved and Referred to Docket.and sent to the Urban County Council to return on 12/1/2022.The motion PASSED by unanimous vote.

cc Authorization to accept a direct reallocation of federal Emergency Rental Assistance grant funds in an amount not to exceed \$30,000,000.00 from the U.S. Department of the Treasury and to execute sub-recipient agreements with Community Action Council and Legal Aid of the Bluegrass as necessary for continued administration of the Housing Stabilization Program. (L1212-22) (Lanter)

A motion was made by Council Member Kathy Plomin, seconded by Council Member Whitney Baxter, that this Agenda Item be Approved and Referred to Docket.and sent to the Urban County Council to return on 12/1/2022.The motion PASSED by unanimous vote.

dd Authorization to execute an agreement with Saint Joseph Health System in the amount of \$3,000 for use of the emergency room as a clinical practice area for the Sexual Assault Nurse Examiner Program-FY 2023. Funds are budgeted. (L1213-22) (Weathers/Armstrong)

A motion was made by Council Member Kathy Plomin, seconded by Council Member Whitney Baxter, that this Agenda Item be Approved and Referred to Docket.and sent to the Urban County Council to return on 12/1/2022.The motion PASSED by unanimous vote.

ee Authorization to enter into an agreement with Tyler Technologies in the amount of \$38,420 to provide a fire-driven mobile client software for the dispatching of all fire and emergency apparatus. Funds are budgeted. (L1214-22) (Wells/Armstrong)

A motion was made by Council Member Kathy Plomin, seconded by Council

Member Whitney Baxter, that this Agenda Item be Approved and Referred to Docket.and sent to the Urban County Council to return on 12/1/2022.The motion PASSED by unanimous vote.

ff

Authorization to adopt a resolution amending the following sections of Appendix A, Rules and Procedures of the Lexington-Fayette Urban County Council: Section 1.102 to update the initial term of appointment for certain council office staff; section 3.103 to update the time and manner of introduction; section 4.103 to remove redundant clause; and section 4.104 to update the order of business; and creating part seven (7) of the rules to formally adopt the Council Capital Project Expenditure Policy.

A motion was made by Council Member Kathy Plomin, seconded by Council Member Whitney Baxter, that this Agenda Item be Approved and Referred to Docket.and sent to the Urban County Council to return on 12/1/2022.The motion PASSED by unanimous vote.