

Lexington- Fayette Urban County Government Council Meeting

Lexington, Kentucky June 24, 2021

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on June 24, 2021 at 6:06 p.m. Present were Mayor Gorton in the chair presiding, and the following members of the Council: LeGris, McCurn, Moloney, Plomin, Reynolds, Sheehan, Worley, Baxter, Bledsoe, F. Brown, J. Brown, Ellinger, Kay, Kloiber and Lamb.

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

Ordinances No. 49-2021 was reported as having been signed and published and ordered to record.

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Mayor Gorton welcomed attendees back to the Council Chambers, and reviewed public comment procedures and rules of decorum.

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The Invocation was given by Council Member Susan Lamb.

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Upon motion by Mr. McCurn, seconded by Vice Mayor Kay, and approved by unanimous vote, the Minutes of the June 10, 2021 and June 15, 2021 Council Meetings were approved.

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Mr. McCurn moved to separate for the vote, and hear public comment prior to second reading of, an Ordinance enacting Section 23-51 of the Code of Ordinances of the Lexington Fayette Urban County Government, banning the use of no knock warrants by the Div. of Police; requiring Lexington police officers to knock and announce themselves before entering a premises to execute a warrant; and requiring any Lexington police officer present in the initial entry and securing of the scene of a warrant to be equipped with and activate a body worn camera. Ms. Reynolds seconded, and the motion was approved by unanimous vote.

The ordinance received second reading.

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

Aye: LeGris, McCurn, Plomin, Reynolds, -----10
Sheehan, J. Brown, Ellinger, Kay, Kloiber,
Lamb

Nay: Moloney, Worley, Baxter, Bledsoe, F. -----5
Brown

Mr. J. Brown requested that any potential amendments to the ordinance be brought forward prior to hearing public comments. Mayor Gorton responded. Mr. J. Brown expressed his concerns with introducing an amendment after public comments had already been heard.

Mr. Worley spoke to parliamentary procedure. Mr. J. Brown clarified his intent.

Vice Mayor Kay elucidated that if the referenced amendment was to be introduced, it would constitute as a substitute ordinance and not an amendment. Mr. Worley responded. Vice Mayor Kay proposed the substitute ordinance be introduced and then he would make a motion to suspend the rules to allow for public comment. Mr. Worley responded.

Mayor Gorton asked if anyone was ready to make a motion to amend. Mr. J. Brown responded. Mr. Worley responded. Mayor Gorton, Vice Mayor Kay and Mr. Worley discussed parliamentary procedure. Mayor Gorton deferred to Keith Horn, Dept. of Law. Mr. Horn responded.

Vice Mayor Kay emphasized the importance of hearing public comment on the potential substitute ordinance. Mr. Worley responded. Mr. J. Brown reiterated the importance of providing the public an opportunity to comment on both the ordinance on the docket and the potential amendment. Mr. Worley responded. Mayor Gorton spoke to Council procedures.

Mr. J. Brown requested that if a proposed amendment were to be introduced, that copies of the amended language be made and distributed to the public in attendance. Mayor Gorton responded.

Mr. Moloney expressed concerns with the manner in which the proposed amendment would be introduced. Mayor Gorton reiterated the Council's parliamentary process, noting that the placement of public comment was at Council's discretion.

Vice Mayor Kay raised a point of order, in regards to amending and abandoning Council procedure, noting it is practiced when the Council suspends the rules with a vote of 10 Council Members. Mr. Horn responded. Vice Mayor Kay formally asked if anyone was planning to bring forth an amendment that contained a substitute ordinance.

Mr. Worley responded that he intended to propose a substitute ordinance.

Vice Mayor Kay moved to suspend the rules and allow the proposed ordinance to be distributed to the public.

Ms. Reynolds thanked Mr. J. Brown for his comments, and agreed that the public should be able to offer input immediately on the proposed amendment.

Mr. Worley articulated his reasons for proposing the substitute ordinance. He reviewed the changes made, and noted that it would mirror the language in 2021 Kentucky Senate Bill 4.

Mr. Worley moved to substitute the original ordinance with an Ordinance enacting Section 23-51 of the Code of Ordinances of the Lexington-Fayette Urban County Government, regulating the use of no-knock warrants by the Div. of Police; banning the use of no-knock warrants by the Div. of Police solely for the purpose of preventing the loss or destruction of evidence; and requiring any Lexington Police Officer involved in executing a no-knock warrant to be equipped with and activate a body-worn camera. Mr. Ellinger seconded, and the substitute ordinance failed by the following vote:

Aye: McCurn, Moloney, Worley, Baxter, -----7
Bledsoe, F. Brown, Ellinger

Nay: LeGris, Plomin, Reynolds, Sheehan, J. -----8
Brown, Kay, Kloiber, Lamb

Vice Mayor Kay moved to suspend the rules to allow for public comment on the proposed substitution, before the Council discussed the motion. Mr. Worley seconded the motion.

Ms. Sheehan requested the public receive copies of the proposed amendment.

Mayor Gorton requested clarification on the number of votes needed to approve the motion to suspend. Mr. Horn responded.

Mr. Worley called a point of order, explaining that the appropriate motion should be to postpone the discussion until a designated time. Vice Mayor Kay amended his

motion to postpone the discussion and vote by Council until after public comment. Mr. Worley seconded, and the motion was approved by unanimous vote.

Mayor Gorton reviewed the markup on the substitute ordinance. Mr. Worley moved to recess until the public could get copies of the markup ordinance.

Vice Mayor Kay called a point of order, noting that the proposed substitution was a completely new ordinance and was not an amendment to the original ordinance. Mayor Gorton requested she and the Council receive clean copies of the substitute ordinance.

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At 6:46 p.m., the meeting stood at recess.

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At 6:52 p.m., the meeting reconvened with the same persons present.

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Mayor Gorton explicated the process and timeline of the ordinance, should the substitution be approved.

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The following persons spoke in support of banning no-knock warrants and in opposition of the proposed amendment: (1) Reva Russell English, Council District 1; (2) Andrew Russell English, Council District 1; (3) Louise Tallen, Council District 11; (4) Naomi Clewett, Council District 4; (5) Pastor Nathan Moore, First African Baptist Church; (6) Emma Anderson, Council District 5; (7) James Woodhead, Council District 3; (8) DeBraun Thomas, Council District 3; (9) Pastor Joseph L. Owens, Council District 6; (10) Patty Cooper, Council District 11; (11) Tayna Fogle, Council District 1; (12) Roberta Burnes, Council District 11; (13) Roy Harrison, Council District 3; (14) Mark Swanson, Council District 3; (15) Jessica Bowman, Council District 9; (16) Jamila Green, Council District 11; (17) M. Caroline Bussen, Council District 5; (18) Adrielle Stapleton, Council District 3; (19) Liane Woodhead, Council District 3; (20) Beth Howard, Council District 7; (21) Russell Allen, Council District 8; (22) Garret Gabriel, Council District 1, (23) Will McComb, Council District 1; (24) Pastor Seibert F. Taylor, Council District 1, (25) Emily Moseley, Council District 1; (26) Shawn Saylor, Council District 1; (27) Robin Kunkel, City of Winchester; (28) Dana Rogers, Council District 1; (29) Rev. Clark Williams, Council District 7; (30) Rachel Ehlers, Council District 1; (31) Anna Bard, Council District 3; (32)

Susan Pollock, Council District 3; (33) Rev. Willis Polk, Council District 1; (34) Anne Donworth, Council District 5; and (35) Jessie Bollinger, Council District 12.

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At 8:20 p.m., the meeting stood at recess.

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At 8:34 p.m., the meeting reconvened with the same persons present.

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Mr. Kloiber talked about the tension and divisiveness the issue had created in the community. He discussed the history of the no-knock warrant policy and spoke against the proposed substitution ordinance.

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Ms. Reynolds spoke against the proposed substitute ordinance and the manner in which it was introduced.

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Ms. LeGris thanked the public for their input and expressed concerns over the manner in which the amendment was brought forth. She discussed the importance of transparency in government and spoke in favor of the original ordinance.

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Ms. Sheehan discussed the importance of transparency in government. She spoke against the proposed substitute ordinance and the manner in which it was introduced.

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Vice Mayor Kay stated that the substitute ordinance was not a compromise. He expressed his concerns over the content of the proposed language and spoke against the proposed substitute ordinance.

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Ms. Lamb talked about the amendment she had previously proposed. She expressed appreciation for her constituents engaging with her on the topic and spoke against the proposed substitute ordinance.

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Mr. Ellinger discussed about the divisiveness of the issue and the importance of compromise, noting the language banning no-knock ordinances for the preservation of

evidence. He asked Chief Lawrence Weathers, Div. of Police, about the substitute ordinance language. Chief Weathers responded. Mr. Ellinger spoke in support of the substitute ordinance and expressed his support of the ordinance banning no-knocks if the substitution should not pass.

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Mr. McCurn read a statement and talked about the divisiveness of the issue. He spoke in support of the proposed amendment.

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Mr. Worley asked Chief Weathers if he supported the proposed amendment. Chief Weathers responded. Mr. Worley stated his reasons for supporting the proposed amendment.

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Ms. Sheehan asked Chief Weathers if any no-knock warrants solely for the preservation of evidence had been approved in recent years. Chief Weathers responded.

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Mr. J. Brown spoke against the proposed substitute ordinance. He stated that supporting the ban on no-knock warrants does not equate to lack of support for the police department.

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Mayor Gorton closed the discussion on the motion to substitute the ordinance.

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Vice Mayor Kay recognized the importance of differences in opinions, and thanked the public for their input.

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Mayor Gorton spoke in support of Chief Weathers and the Lexington Police Dept. She thanked the Council for their thoughtful work and the public for attending. Mayor Gorton expressed pride in the City and called on the African American Faith Leaders, Police Officers, protestors, and every resident in Lexington to come together. She talked briefly about the ordinance establishing a permanent Commission on Racial Justice and Equality which was on the docket to receive first reading.

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

Aye: LeGris, McCurn, Moloney, Plomin, -----15
Reynolds, Sheehan, Worley, Baxter,
Bledsoe, F. Brown, J. Brown, Ellinger,
Kay, Kloiber, Lamb

Nay: -----0

An Ordinance changing the zone from a Single Family Residential (R-1C) zone to a planned Neighborhood Residential (R-3) zone, for 5.04 net and gross acres, from a Single Family Residential (R-1D) zone to a planned Neighborhood Residential (R-3) zone, for 0.18 net (0.38 gross) acre, and from a Townhouse Residential (R-1T) zone to a planned Neighborhood Residential (R-3) zone for 0.64 net and gross acre, for property located at 1100 Armstrong Mill Rd. (a portion of). (Wynndale Development, LLC; Council District 8).

An Ordinance creating Subsection 5-29(20) of the Code of Ordinances of the Lexington Fayette Urban County Government related to fee schedules for a fee of Fire Detection Systems of up to 20,000 square feet \$275; over 20,000 square feet \$275 plus \$30 for each additional 10,000 square feet; creating Section 5-29(21) of the Code of Ordinances related to fee schedule to create a fee of Fire Suppression Systems for 4-25 sprinkler systems \$150, 26-100 sprinkler systems \$200, 100-200 sprinkler systems \$250 201-300 sprinkler systems \$275; 301-400 sprinkler systems \$325; 401-750 sprinkler systems \$375; over 750 sprinkler systems \$375 plus \$.30 per sprinkler over 750, all other suppression systems \$275.

An Ordinance amending the authorized strength by abolishing one (1) vacant unclassified position of Fleet Parts Specialist, Grade 510N, and creating one (1) classified position of Service Writer, Grade 510N, in the Div. of Facilities and Fleet Management, effective upon passage of Council.

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. 51, as amended.

An Ordinance amending certain of the Budgets of the Lexington Fayette Urban County Government to reflect current requirements for funds in the amount of \$2,500 for

Environmental Services (Greenspace Commission) to assist with the final phase of Dantzler Court, Schedule No. 56.

An Ordinance amending certain of the Budgets of the Lexington Fayette Urban County Government to reflect current requirements for funds in the amount of \$1,800 for Aging And Disability Services for the purchase of reopening supplies for satellite locations, Schedule No. 55.

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An Ordinance changing the zone from a Planned Neighborhood Residential (R-3) Zone to a Highway Service Business (B-3) Zone, for 0.99 net (1.46 gross) acre, from a Light Industrial (I-1) Zone to a Planned Neighborhood Residential (R-3) Zone, for 5.72 net (6.72 gross) acres, and from a Light Industrial (I-1) Zone to a Mixed Use (MU-2) Zone, for 3.10 net (4.50 gross) acres, for property located at 508-619 De Roode St., 564 & 568 McKinley St., 555-565 Merino St., 800 & 833 Neville St., 565-637 Patterson St. (portions of odd addresses only), and 813 & 816 Pine St. (Urban County Planning Commission; Council District 3) received first reading.

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

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

Aye: LeGris, McCurn, Moloney, Plomin, -----15
Reynolds, Sheehan, Worley, Baxter,
Bledsoe, F. Brown, J. Brown, Ellinger,
Kay, Kloiber, Lamb

Nay: -----0

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An Ordinance providing that all full time and part time employees included in the unified pay plan who receive a satisfactory score on their performance evaluation, pursuant to Sections 21-29(d) and 22-26(5) of the Code of Ordinances, shall receive a three percent (3.0%) pay increase; providing that Sections 21-29(c) and 22-26(5) notwithstanding, all employees at or above the maximum of the grade salary range shall receive a three percent (3.0%) pay increase; amending Section 23-32(d) of the Code of Ordinances increasing the existing step structure for the positions of Police Chief, Grade 324E, and Fire Chief, Grade 324E by three percent (3.0%) and adjusting the salaries

accordingly; and increasing the salary by three percent (3.0%) for three (3) positions of Law Clerk P/T, within the Dept. of Law; one (1) position of Council Administrator within the Office of the Urban County Council; and one (1) position of Park Patrol Coordinator P/T, within the Div. of Parks and Recreation, all to become effective June 21, 2021 received first reading.

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

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

Aye: LeGris, McCurn, Moloney, Plomin, -----15
Reynolds, Sheehan, Worley, Baxter,
Bledsoe, F. Brown, J. Brown, Ellinger,
Kay, Kloiber, Lamb

Nay: -----0

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An Ordinance amending the Classified Civil Service authorized strength reallocating: one (1) position of Deputy Director of Traffic Engineering and the incumbent from Grade 529E to Grade 531E; one (1) position of Traffic Signal Systems Manager and the incumbent from Grade 527E to Grade 530E; one (1) position of Traffic Engineering Manager and the incumbent from Grade 527E to 530E; and four (4) positions of Traffic Engineer Senior and the incumbents from Grade 525E to Grade 528E; all in the Div. of Traffic Engineering; two (2) positions of Engineering Section Manager and the incumbents from Grade 527E to 530E; and nine (9) positions of Municipal Engineer senior and the incumbents from Grade 525E to Grade 528E; all in the Div. of Engineering; one (1) position of Engineering Section Manager and the incumbent from Grade 527E to Grade 530E; and five (5) positions of Municipal Engineer Senior and the incumbents from Grade 525E to Grade 528E; all in the Div. of Water Quality; two (2) positions of Social Worker Senior and the incumbents from Grade 516E to Grade 517E, in the Div. of Aging and Disability Services; one (1) position of Social Worker Senior and the incumbent from Grade 516E to Grade 517E and two (2) positions of Social Worker and the incumbents from Grade 513E to Grade 516E, in the Div. of Community and Resident Services; one (1) position of Social Worker Senior and the incumbent from Grade 516E to Grade 517E and two (2) positions of social worker and the incumbents from Grade 513E to Grade

516E, in the Div. of Family Services; three (3) positions of Social Worker Senior and the incumbents from Grade 516E to Grade 517E, one (1) position of Social Worker and the incumbent from Grade 513E to Grade 516E, abolishing two (2) positions of Social Worker Senior, Grade 516E and creating one (1) position of Licensed Clinical Social Worker, Grade 519E and one (1) position of Certified Social Worker, Grade 518E, in the Div. of Youth Services; reclassifying the incumbents; pursuant to Section 21-27(e) of the Code of Ordinances; amending the Unclassified Civil Service authorized strength reallocating one (1) position of Social Worker and the incumbent from Grade 513E to Grade 516E; in the Div. of Aging and Disability Services; abolishing one (1) position of Social Worker Senior, Grade 517E; and creating one (1) position of Licensed Clinical Social Worker, Grade 519E and reclassifying the incumbent; in the Div. of Youth Services; effective June 21, 2021 received first reading.

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

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

Aye: LeGris, McCurn, Moloney, Plomin, -----15
 Reynolds, Sheehan, Worley, Baxter,
 Bledsoe, F. Brown, J. Brown, Ellinger,
 Kay, Kloiber, Lamb

Nay: -----0

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The following ordinances received first reading and were ordered to be placed on file for public inspection until July 6, 2021:

An Ordinance amending Articles 8-21 and 8-22 of the Zoning Ordinance to revise the Adaptive Reuse and Flex Space Projects, and remove the Industrial Mixed Use Project. (Div. of Planning)

An Ordinance amending certain of the Budgets of the Lexington Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and re-appropriating funds, FY 2022 Schedule No. 1.

An Ordinance pursuant to Section 6.12 of the Lexington Fayette Urban County Government Charter, creating the Dept. of Housing Advocacy and Community Development; transferring the Divs. of Code Enforcement, Grants and Special Programs,

Historic Preservation, and Community and Resident Services, the incumbents and all vacant positions to the Dept. of Housing Advocacy and Community Development; amending the Classified Civil Service authorized strength creating one (1) position of Administrative Officer Sr., Grade 526E, in the Dept. of Housing Advocacy and Community Development; amending the Unclassified Civil Service authorized strength creating one (1) position of Commissioner of Housing Advocacy and Community Development, Grade 536E, in the Dept. of Housing Advocacy and Community Development; abolishing one (1) position of Administrative Officer, Grade 523E and one (1) position of Continuum of Care Coordinator, Grade 516N, in the Office of the Chief Administrative Officer; and creating one (1) position of Administrative Officer, Grade 523E and one (1) position of Continuum of Care Coordinator, Grade 516N, in the Div. of Grants and Special Programs; transferring the incumbents at their current job classification, pay grade and salary; effective July 1, 2021.

An Ordinance enacting Article L of Chapter 2 of the Code of Ordinances creating the Racial Justice and Equality Commission.

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A Resolution ratifying and approving the Fiscal Year 2022 Budget of the Downtown Lexington Management District was on the docket to receive second reading.

At 6:10 p.m., Mayor Gorton declared open a public hearing and invited public comment.

At 6:11 p.m., with no one appearing to speak, Mayor Gorton declared the public hearing closed.

The resolution received second reading.

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

Aye: LeGris, McCurn, Moloney, Plomin, -----15
Reynolds, Sheehan, Worley, Baxter,
Bledsoe, F. Brown, J. Brown, Ellinger,
Kay, Kloiber, Lamb

Nay: -----0

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A Resolution of the Lexington Fayette Urban County Government, giving preliminary approval of an Industrial Revenue Bond Financing for Astana LLC, and any

affiliates or assignees thereof; authorizing initiation of the acquisition, construction, equipping, and installation of an Industrial Project; agreeing to undertake the issuance of one or more Series of Industrial Revenue Bonds at the appropriate time or times; authorizing the execution and delivery of a Memorandum of Agreement and payment in lieu of taxes Agreements in connection with the issuance of the Bonds; and taking other preliminary actions was on the docket to receive second reading.

At 6:10 p.m., Mayor Gorton declared open a public hearing and invited public comment.

Danny Mayer, Council District 1, spoke in opposition of the resolution.

At 6:14 p.m., Mayor Gorton declared the public hearing closed.

Upon motion by Mr. McCurn, seconded by Ms. Reynolds, and approved by unanimous vote, the resolution was amended to add a PILOT agreement with the Lexington-Fayette County Health Department.

The resolution received second reading.

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

Aye: LeGris, McCurn, Moloney, Plomin, -----15
Reynolds, Sheehan, Worley, Baxter,
Bledsoe, F. Brown, J. Brown, Ellinger,
Kay, Kloiber, Lamb

Nay: -----0

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A Resolution approving and adopting substantial amendments to the 2019 Annual Action plan decreasing funds for the RHISE Rent Assistance Program (\$191,803.33) and Bluegrass Community Action Partnership Elder Nutrition Program (\$60,000.00) and reallocating those funds to the Lexington Housing Authority (\$251,803.33), and authorizing the Mayor to transfer unencumbered funds within the Grant Budget was on the docket to receive first reading.

At 9:59 p.m., Mayor Gorton declared open a public hearing and invited public comment.

At 10:00 p.m., with no one appearing to speak, Mayor Gorton declared the public hearing closed.

The resolution received first reading.

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Ms. Lamb moved to separate for the vote, a Resolution of the Urban County Council expressing the support of the Urban County Council for the expansion and continued permitting of the Central Ky. Landfill. Vice Mayor Kay seconded, and the motion was approved by majority vote (Mr. McCurn and Mr. F. Brown voted no). The resolution received second reading.

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

Aye: McCurn, Moloney, Reynolds, Sheehan, -----11
Worley, Baxter, Bledsoe, F. Brown, J.
Brown, Ellinger, Kloiber,

Nay: LeGris, Plomin, Kay, Lamb -----4

Ms. Lamb expressed concerns over the language representing the entirety of the Council in the body of the resolution.

Ms. Lamb motioned to amend the body of language to include only the Councilmembers who approved the ordinance instead of the full Urban County Council. Mr. J. Brown seconded.

Mayor Gorton inquired if the amendment would constitute as a material change. Keith Horn, Dept. of Law, responded.

Mr. McCurn spoke against the amendment.

Ms. Plomin asked Ms. Lamb for clarification on the amendment. Ms. Lamb responded.

Mayor Gorton deferred to Mr. Horn. Mr. Horn responded.

Mr. Worley spoke against the amendment.

Ms. Bledsoe concurred with Mr. Worley's remarks, noting her concerns with setting a precedent for dissent on future legislation.

Vice Mayor Kay spoke to the proposed amendment and moved to amend Ms. Lamb's motion, to rephrase the language to a Resolution of the Urban County Council expressing the support of a majority of the Urban County Council for the expansion and continued permitting of the Central Ky. Landfill. Ms. Lamb seconded and the motion failed by majority vote.

Mr. F. Brown asked if this amended language could be applied to any legislation going forward. Mr. Horn responded.

Ms. Lamb withdrew her motion to amend and reiterated her opposition to the resolution. Mr. J. Brown withdrew his second.

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

Aye: LeGris, McCurn, Moloney, Plomin, -----15
Reynolds, Sheehan, Worley, Baxter,
Bledsoe, F. Brown, J. Brown, Ellinger,
Kay, Kloiber, Lamb

Nay: -----0

A Resolution accepting the bid of CED, Inc., establishing a price contract for Downtown Street Light Equipment, for the Div. of Traffic Engineering.

A Resolution accepting the bids of Acme Supply Co., Ltd.; Bob Barker Co., Inc.; Charm-Tex, Inc.; Victory Supply, Inc.; and ICS Jail Supplies, Inc., establishing price contracts for Jumpsuits for Inmates, for the Div. of Community Corrections.

A Resolution accepting the bid of Tribute Contracting & Consultants, LLC, in the amount of \$3,582,778, for the Southeastern Hills Trunk Sewer Improvements, for the Div. of Water Quality, and authorizing the Mayor, on behalf of the Lexington-Fayette Urban County Government, to execute an Agreement with Tribute Contracting & Consultants, LLC, related to the bid.

A Resolution accepting the bids of Blue Tank and Pump Rental, LLC, and Allied Technical Services, Inc., establishing price contracts for Temporary Pumping Services, for the Div. of Water Quality.

A Resolution ratifying the Probationary Classified Civil Service Appointments of: John Brown, Public Service Supervisor Sr., Grade 517N, \$28.580 hourly in the Div. of Waste Management, effective June 21, 2021, Malcolm Irvin, Public Service Supervisor Sr., Grade 517N, \$24.616 hourly in the Div. of Waste Management, effective June 21, 2021, Jeffrey Jones, Public Service Supervisor Sr., Grade 517N, \$25.903 hourly in the Div. of Waste Management, effective June 21, 2021, Dominique Sparks, Resource Recovery Operator, Grade 513N, \$17.764 hourly in the Div. of Waste Management, effective June 21, 2021, Kendrick Shackelford, Trades Worker Sr., Grade 511N, \$17.102

hourly in the Div. of Streets and Roads, effective June 7, 2021, Jonelle Patton, Director of Enhanced 911, Grade 526E, \$3,846.16 biweekly in the Div. of Enhanced 911, effective June 21, 2021; and ratifying the Permanent Classified Civil Service Appointment of: Kalman Gortman, Engineering Technician, Grade 514N, \$19.468 hourly in the Div. of Engineering, effective June 15, 2021; and ratifying the Probationary Sworn Appointment of: Weslee Farley, Police Sergeant, Grade 315N, \$32.408 hourly in the Div. of Police, effective May 16, 2021.

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 Peachtree Rd. and Woodhill Dr. Stormwater Improvements Project, at a cost not to exceed \$211.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Ky. Transportation Cabinet (KYTC), for delegation for operation and maintenance of traffic signals and electrical traffic control devices in the State Primary Road System in Fayette County, at a cost not to exceed \$360,000 to be reimbursed by KYTC.

A Resolution accepting the bids of the following entities in response to RFP No. 5-2021 to provide information technology consulting and technical services, and establishing price contracts and authorizing the Mayor, on behalf of the Urban County Government, to enter into any additional necessary Agreements with each: Apax Software Development, Metaformers, DLZP Group, Step CG, Trinity Data Solutions & IT Services, the Solarity Group, Sitek, Trace3, SWOVA, SCUBE, Securance, Objective Results, Sirius Computer Solutions, Nuharbor Security, and Creative Breakthroughs.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a multi-year Agreement with Ion Wave Technologies, Inc., for a procurement system, at a cost not to exceed \$27,500 in Fiscal Year 2022.

A Resolution authorizing the Div. of Fire and Emergency Services to purchase cardiac monitors from ZOLL, a sole source provider, and authorizing the Mayor, on behalf of the Urban County Government, to execute any necessary Agreement with ZOLL, related to the procurement, at a cost not to exceed \$180,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Master Services Agreement with Ellipsis Information Security LLC, for the performance of a Web Application Assessment, for the Chief Information Officer, at a cost not to exceed \$4,450.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement awarding a Class B (Infrastructure) Incentive Grant to Huber Real Estate No. 1, LLC, for Stormwater Quality Projects, at a cost not to exceed \$12,000.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement awarding a Class B (Infrastructure) Incentive Grant to Wesley United Methodist Church of Lexington, Ky., Inc., for Stormwater Quality Projects, at a cost not to exceed \$24,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a statement of affiliation with the Div. of Fire and Emergency Services Rescue Team and Div. of Emergency Management in accordance with KRS Chapter 39F, for meeting requirements for Assistance Program Grants.

A Resolution authorizing the Div. of Human Resources to make conditional and promotional offers to the successful candidates for Classified Civil Service, Unclassified Civil Service and sworn positions; directing the Mayor to provide a list of the names of the successful candidates, pay grades and salaries no later than August 12, 2021; and providing that this authorization shall expire on August 6, 2021.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to accept the proposals for FY 2022 for excess liability insurance from, and to execute any necessary Contracts and documents on behalf of the Urban County Government with, the following insurance companies and/or their respective broker Marsh & McLennan Agency: aviation from Westchester Fire Insurance (CHUBB) at a cost not to exceed \$33,573.00; general, auto, public officials, law enforcement, and professional from Safety National Casualty Corporation at a cost not to exceed \$448,981.55; excess liability from Safety National Casualty Corporation at a cost not to exceed \$145,816.00; excess law enforcement liability from Kinsale Insurance Co. at a cost not to exceed \$116,528.17; property from Affiliated Factory Mutual (FM) at a cost not to exceed \$561,476.71; cyber from Crum & Forster Insurance Co. at a cost not to exceed

\$54,882.43; pollution from Illinois Union Insurance Co. (CHUBB) at a cost not to exceed \$21,262,.00; and workers' compensation from Safety National Casualty Corporation at a cost not to exceed \$395,580.00; all subject to sufficient funds being appropriated.

A Resolution establishing Sandoval Custom Creations, Inc., as a sole source provider for the purchase of Trans-Cam, Cobra-Cam and 360 Splice Boot-Cam camera systems and associated hardware for installation for the Div. of Police, and authorizing the Mayor or her designee, on behalf of the Urban County Government, to execute any necessary Agreements with Sandoval Custom Creations, Inc., related to the procurement of these goods, at a cost not to exceed \$51,604.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Ky. Transportation Cabinet for the acceptance of Federal funds, which Grant funds are in the amount of \$480,000 for the ITS/CMS (Intelligent Transportation System/Congestion Management System) Traffic Improvements Project for FY 2022, the acceptance of which obligates the Urban County Government for the expenditure of \$120,000 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 accept a Grant from the Cabinet for Health and Family Services, which Grant funds are in the amount of \$150,000 in Federal funds, for the purpose of enhancing the Quick Response Team within the Community Paramedicine Program as part of the Ky. Opioid Response Effort, the acceptance of which does not obligate the Urban County Government to the expenditure of funds, and authorizing and directing the Mayor to transfer unencumbered funds with the Grant Budget established for this Grant.

A Resolution amending Appendix A - Rules and Procedures of the Lexington-Fayette Urban County Council to allow members of the public to state their Council District instead of their address before making public comment.

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Upon motion by Vice Mayor Kay, seconded by Mr. J. Brown, and approved by unanimous vote, a Resolution approving the Unclassified Civil Service Appointments of: Kacy Allen-Bryant, Commissioner of Social Services, Grade 536E, \$5,229.20 biweekly, in the Department of Social Services, effective July 5, 2021; and Christopher Ford,

Commissioner of General Services, Grade 536E, \$5,229.20 biweekly, in the Department of General Services, effective July 5, 2021 was placed on the docket and received first reading.

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

Aye: LeGris, McCurn, Moloney, Plomin, -----15
Reynolds, Sheehan, Worley, Baxter,
Bledsoe, F. Brown, J. Brown, Ellinger,
Kay, Kloiber, Lamb

Nay: -----0

* * *

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute the One Kentucky Opioid Settlement Memorandum of Understanding with the Kentucky Attorney General for allocation and distribution of funds arising from bankruptcy proceedings and settlement of the multi-district opioid litigation received first reading.

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

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

Aye: LeGris, McCurn, Moloney, Plomin, -----15
Reynolds, Sheehan, Worley, Baxter,
Bledsoe, F. Brown, J. Brown, Ellinger,
Kay, Kloiber, Lamb

Nay: -----0

* * *

A Resolution authorizing the Div. of Human Resources to make a conditional offer to the following Probationary Classified Civil Service Appointments: Ann Gillis, Clerical Assistant Sr., Grade 507N, \$13.356 hourly in the Div. of Accounting, effective July 6, 2021, John Wasilko, Safety Specialist, Grade 518N, \$24.785 hourly in the Div. of Streets and Roads, effective July 6, 2021, Jessie Bradford, Trades Worker Sr., Grade 511N, \$17.614 hourly in the Div. of Streets and Roads, effective July 12, 2021, Aaron Williams,

Equipment Operator Sr., Grade 512N, \$20.000 hourly in the Div. of Waste Management, effective upon passage of Council, Jamel Bell, Resource Recovery Operator, Grade 513N, \$17.433 hourly in the Div. of Waste Management, effective July 19, 2021, Ceaser Lynch, Security Officer, Grade 507N, \$13.410 hourly in the Dept. of Public Safety, effective July 6, 2021; and authorizing the Div. of Human Resources to make a conditional offer to the following probationary Community Corrections Officer appointments: Zachary Dixon, Valeria Carter, Justin Douglas, Clifton Manica, Leandro Vera, and John Myles, all Community Corrections Officer Recruit, Grade 109N, \$15.384 hourly in the Div. of Community Corrections, effective upon passage of Council; and authorizing the Div. of Human Resources to make a conditional offer to the following Unclassified Civil Service appointments: Shawna Redding, Treatment Plant Operator Apprentice, Grade 509N, \$15.977 hourly in the Div. of Water Quality, effective July 6, 2021, Pecola Cowan, Public Works Apprentice, Grade 504N, \$13.738 hourly in the Div. of Waste Management, effective June 7, 2021, Albert Whitney, Public Works Apprentice, Grade 504N, \$13.500 hourly in the Div. of Waste Management, effective June 7, 2021 received first reading.

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

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

Aye: LeGris, McCurn, Moloney, Plomin, -----15
 Reynolds, Sheehan, Worley, Baxter,
 Bledsoe, F. Brown, J. Brown, Ellinger,
 Kay, Kloiber, Lamb

Nay: -----0

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A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Lease Agreement with United Way of the Bluegrass for approximately 201 square feet of the Charles Young Center in consideration of anticipated revenue in the amount of \$2,074.32 received first reading.

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

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

Aye: LeGris, McCurn, Moloney, Plomin, -----15
Reynolds, Sheehan, Worley, Baxter,
Bledsoe, F. Brown, J. Brown, Ellinger,
Kay, Kloiber, Lamb

Nay: -----0

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The following resolutions received first reading and were ordered to be placed on file for public inspection until July 6, 2021:

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Lexington-Fayette County Health Dept., which Grant funds are in the amount of \$412,000 Federal funds and \$144,000 Commonwealth of Ky. funds, for the Home Network Project, also known as Ky. Health Access Nurturing Development Services (HANDS), at the Family Care Center for FY 2022, 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 Commonwealth of Ky.'s Dept. of Community Based Services, for certification of the Family Care Center as a vendor with the State-funded Child Care Assistance Program, at no cost to the Urban County Government.

A Resolution establishing Thermal Equipment, as a sole source provider for the purchase and service of HVAC equipment.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Agreement with the Lexington Art League regarding the coordination, production and financial arrangements of the Woodland Art Fair.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement awarding a Class B (Infrastructure) Incentive Grant to Lexington Center Corporation, for Stormwater Quality Projects, at a cost not to exceed \$234,400.

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 L-M Asphalt Partners d/b/a ATS Construction, for the Town Branch Trail Phase 6, increasing the Contract price by \$54,311.29 and raising the total Contract price from \$3,854,486.96 to \$3,908,798.25.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Subrecipient Agreement with Community Action Council (“CAC”) in order to allocate \$3,000,000 of Federal Grant funds under the American Rescue Plan Act of 2021 for the operation and expansion of the Housing Stabilization Program, and authorizing the Mayor to execute any other needed Agreements or amendments with CAC related to the use of these funds.

A Resolution accepting the bid of Great Plains 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 Great Plains Communications, LLC, incorporating the terms and conditions of Ordinance No. 69-2016.

A Resolution accepting the bids of Truckers Lighthouse, On-Duty Depot, Inc., and L & W Emergency Equipment, establishing price contracts for Partitions and Cargo Boxes, for the Div. of Police.

A Resolution accepting the bid of G & J Pepsi Cola Bottlers, Inc., establishing a price contract for Beverage Products, for the Div. of Parks and Recreation.

A Resolution accepting the bid of OpenFiber Ky. Co., 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 OpenFiber Ky. Co., LLC, incorporating the terms and conditions of Ordinance No. 69-2016.

A Resolution accepting the bid of Pavement Technology, Inc., establishing a price contract for Asphalt Rejuvenation, for the Dept. of Environmental Quality and Public Works.

A Resolution accepting the bid of Lagco, Inc., in the amount of \$1,242,903, for the Meadows Northland Arlington Neighborhood Improvement Project 6B1 and 6B2, for the Div. of Water Quality, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Lagco, Inc., related to the bid.

A Resolution accepting the bid of Premiere Staffing Source, Inc., establishing a price contract for Temporary Labor, for the Div. of Parks and Recreation.

A Resolution ratifying the Probationary Classified Civil Service Appointments of: Teresa Doner, Administrative Specialist, Grade 513N, \$18.896 hourly in the Div. of Revenue, effective July 5, 2021, Daniel Layne, Staff Assistant Sr., Grade 510N, \$16.075 hourly in the Div. of Revenue, effective July 5, 2021, Timothy Higgins, Equipment Operator Sr., Grade 512N, \$18.162 hourly in the Div. of Water Quality, effective July 12, 2021, Charles Jennette, Maintenance Mechanic, Grade 515N, \$19.173 hourly in the Div. of Water Quality, effective July 12, 2021, Tommy Carter, Equipment Operator, Grade 510N, \$15.602 hourly in the Div. of Water Quality, effective July 12, 2021, Jennifer Carey, Director Environmental Services, Grade 531E, \$4,747.28 biweekly in the Div. of Environmental Services, effective July 19, 2021; and ratifying the Permanent Classified Civil Service Appointments of: Mark Chenault, Equipment Operator Sr., Grade 512N, \$16.548 hourly in the Div. of Streets and Roads, effective June 14, 2021, Dominique Sparks, Equipment Operator Sr., Grade 512N, \$16.602 hourly in the Div. of Streets and Roads, effective June 14, 2021, Sherry Gillum, Equipment Operator Sr., Grade 512N, \$17.238 hourly in the Div. of Streets and Roads, effective June 14, 2021, Lisa Farmer, Director Community Corrections, Grade 524E, \$4,384.64 biweekly in the Div. of Community Corrections, effective May 23, 2021, Donna Howard, Custodial Worker, Grade 505N, \$12.193 hourly in the Div. of Facilities and Fleet Management, effective June 14, 2021: and ratifying the Probationary Sworn Appointments of: David Waters, Fire Captain, Grade 316N, \$26.753 hourly in the Div. of Fire and Emergency Services, effective June 12, 2021, Joshua Elam, Fire Lieutenant, Grade 315N, \$20.902 hourly in the Div. of Fire and Emergency Services, effective June 12, 2021.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with HEALing Communities Study-Kentucky, to expand medications for opioid use disorder, for the Div. of Community Corrections, at a cost not to exceed \$1,500 in FY 2022.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Agreement with GRW Engineers, Inc., for investigation and design services for the West Hickman Waste Water Treatment Plant

Solids Processing Building Improvements Project, increasing the Contract price by the sum of \$70,800, from \$243,400 to \$314,200.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Addendum to the Health Services Agreement with Marathon Health, LLC, for Behavioral Health Services offered at the Samuel Brown Health Center, effective July 1, 2021.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the University of Ky. Albert B. Chandler Medical Center for the use of the emergency room as a clinical practice area for the Sexual Assault Nurse Examiner Program in FY 2021, at a cost not to exceed \$3,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the U.S. Dept. of Justice Edward Byrne Memorial Justice Assistance Grant Program, and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of \$153,791 in Federal funds for FY 2022, for the Div. of Police.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept an award of \$147,680 in Federal funds from the Ky. Cabinet for Health and Family Services, Dept. for Community Based Services, in order to support child care expenses in the Extended School Program at the Div. of Parks and Recreation, 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 and submit a Grant Application to the Ky. State Police-Vehicle Enforcement Div., 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 \$102,000 in Federal funds for the continued operation of the Motor Carrier Safety Assistance Program (MCSAP) for FY 2022, the acceptance of which obligates the Urban County Government for the expenditure of \$18,344 as a local match, which will be provided from documentation of existing Div. of Police staff salaries, and authorizing the Mayor to transfer unencumbered funds within the Grant Budget.

A Resolution requesting that the Mayor negotiate an Agreement with Ky. Utilities Co. related to clear cutting or removing trees in certain areas of Lexington-Fayette County.

A Resolution of the Urban County Council adopting a Diversity, Equity and Inclusion Statement in order to create a more inclusive and equitable work environment, increase government accessibility, and improve the ability to serve all residents.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Believing in Forever, 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 Ms. Reynolds, and seconded by Mr. Kloiber, the Communications from the Mayor were approved by unanimous vote and were as follows: (1) Recommending the appointment of David Wynn to the Alarm Advisory Board, with term expiring July 1, 2024; (2) Recommending the reappointment of Christopher Hoskins to the CASA of Lexington, with term expiring July 1, 2025; (3) Recommending the appointment of Anthony Wilson to the Dunbar Neighborhood Center Board, with term expiring March 1, 2025; (4) Recommending the appointment of Maurice Burden, At large, Zach Ferguson, At large, and Thomas Nieman, Landscape Architect Representative, to the Greenspace Commission, all with terms expiring June 30, 2025; and the appointment of Denise O'Meara, Horse Industry Representative, to the Greenspace Commission, with term expiring June 30, 2022; (5) Recommending the reappointment of Manish Patel, Bluegrass Hospitality Association Representative, to the Lexington Convention and Visitors Bureau, with term expiring September 1, 2025; (6) Recommending the reappointment of Catherine Perkins to the Paris Pike Corridor Commission, with term expiring July 1, 2025; (7) Recommending the appointment of Thomas Pettit, to the Parking Authority Board, with term expiring June 1, 2025; (8) Recommending the appointment of Marcellus Barksdale, District 1 Resident, to the Parks and Recreation Advisory Board, with term expiring June 1, 2025; and, (9) Recommending the appointment of Jon Parker to the Senior Services Commission, with term expiring September 1, 2024.

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The following Communications from the Mayor were received for information only:
(1) Classified Civil Service Reinstatement of Zachary Greer, Safety Officer, Grade 511N,
\$16.872 hourly in the Div. of Police, effective July 6, 2021.

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Mr. Kloiber invited everyone to attend Cinco De Y-O Themed Family Fun Day, at
the Hamburg YMCA between 2:00 – 5:00 p.m. on June 26, 2021.

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Upon motion by Mr. McCurn, seconded by Ms. Sheehan, and approved by
unanimous vote, the meeting adjourned at 10:17 p.m.

Deputy Clerk of the Urban County Council