

Lexington- Fayette Urban County Government Council Meeting

Lexington, Kentucky October 8, 2020

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

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on October 8, 2020 at 6:10 p.m. Present were Mayor Gorton in the chair presiding, and the following members of the council: J. Brown, Ellinger, Farmer, Higgins-Hord, Kay, Lamb, McCurn, Moloney, Mossotti, Plomin, Reynolds, Swanson, Worley, Bledsoe, F. Brown.

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

Ordinances No. 93-2020 through 95-2020, inclusive, and Resolutions No. 422-2020 through 443-2020, inclusive, were reported as having been signed and published and ordered to record.

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The Invocation was given by Councilmember Preston Worley.

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Upon motion by Mr. Farmer, seconded by Vice Mayor Kay, and approved by unanimous vote, the Minutes of the September 24, 2020 Council Meeting were approved.

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

Nay: -----0

An Ordinance amending certain of the Budgets of the Lexington Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and re-appropriating funds, FY 2021 Schedule No. 13.

An Ordinance amending certain of the Budgets of the Lexington Fayette Urban County Government to amend Budget related to purchase orders expensed to FY 2020, and appropriating and re-appropriating funds, Schedule No. 14.

An Ordinance amending certain of the Budgets of the Lexington Fayette Urban County Government to reflect current requirements for funds in the amount of \$6,582.65 to provide funds for Council Projects in the Div. of Traffic Engineering for costs associated with a multi way stop at Lane Allen Rd. and Georgian Way and appropriating and re-appropriating funds, Schedule No. 15.

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The following ordinances received first reading and were ordered to be placed on file for public inspection until October 22, 2020:

An Ordinance amending certain of the Budgets of the Lexington Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and re-appropriating funds, FY 2021 Schedule No. 16.

An Ordinance amending certain of the Budgets of the Lexington Fayette Urban County Government to reflect current requirements for funds in the amount of \$15,000 to provide funds for Council projects in the Div. of Parks and Recreation for a water fountain at Cardinal Run Park and appropriating and re-appropriating funds, Schedule No. 17.

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

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

Nay: -----0

A Resolution accepting the bid of L-M Asphalt Partners ltd. d/b/a ATS Construction, in the amount of \$10,683,653.39, for the Clays Mill Rd. Improvements Section 1, for the

Div. of Engineering, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with ATS Construction, related to the bid.

A Resolution accepting the bid of Bachman Auto Group, Inc. d/b/a Bachman Auto Sales, establishing a price contract for Chevrolet Equinox, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Paul Miller Ford, Inc., establishing a price contract for Automotive Repair for Ford Vehicles, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Bachman Auto Group, Inc., establishing a price contract for Chevrolet Trucks, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Bradley Hook It Up Mobile, LLC, establishing a price contract for Vehicle Washing and Downtown Corral, for the Div. of Waste Management.

A Resolution ratifying the Probationary Classified Civil Service Appointments of: Danny Hyatt, Plant Operator Supervisor Sr., Grade 525E, \$3,009.68 biweekly in the Div. of Water Quality, effective October 12, 2020, Doug Holloway, Project Manager, Grade 517E, \$1,782.88 biweekly in the Div. of Water Quality, effective October 12, 2020, David Fulton, Project Manager, Grade 517E, \$2,426.80 biweekly in the Div. of Water Quality, effective October 12, 2020, Jennifer Hubbard Sanchez, Parks & Recreation Superintendent, Grade 525E, \$2,830.96 biweekly in the Div. of Parks and Recreation, effective September 28, 2020; and ratifying the Permanent Sworn Appointments of: Skip Burke, Information Officer, Grade 518E, \$1,943.92 biweekly in the Div. of Government Communications, effective September 2, 2020, Stephanie Ballard, Administrative Specialist Sr., Grade 516N, \$21.323 hourly in the Div. of Revenue, effective September 16, 2020, Daniel Layne, Staff Assistant, Grade 508N, \$14.188 hourly in the Div. of Revenue, effective September 9, 2020, Sara Burd, Administrative Specialist, Grade 513N, \$18.420 hourly in the Div. of Engineering, effective September 30, 2020, Danetta Owsley, Custodial Worker, Grade 505N, \$12.058 hourly in the Div. of Facilities and Fleet Management, effective September 16, 2020; and ratifying the Classified Civil Service demotions of: Jordan Ivey, Vehicle & Equipment Technician, Grade 514N, \$18.714 hourly in the Div. of Facilities and Fleet Management, effective August 31, 2020.

A Resolution specifying the intention of the Urban County Council to expand and extend the Full Urban Services District #1 to provide street lighting, street cleaning, and garbage and refuse collection; finding a need for this service in the area included; and finding the ability of the Urban County Government to provide this service in this area, which area is defined as certain properties on the following streets: Angus Trail, Battery St., Bellefonte Dr., Captains Court, Enterprise Court, Fountain View Cove, Haymaker Pkwy., Lucille Dr., Maybank Park, Moon Rise Way, Morning Glory Ln., Nantucket Dr., Rockaway Place, Stolen Horse Trace, Tidewater Flat, Twilight Shadow Dr., Wescott Circle, and Wolf Run Dr.

A Resolution specifying the intention of the Urban County Council to expand and extend Partial Urban Services District #3 to provide garbage and refuse collection; finding a need for this service in the area included; and finding the ability of the Urban County Government to provide this service in this area, which area is defined as certain properties on the following streets: Harper Woods Ln., Patchen Lake Ln., Spring Bay Court, And Spring Leaf Court.

A Resolution specifying the intention of the Urban County Council to expand and extend Partial Urban Services District #5 to provide street lighting and garbage and refuse collection; finding a need for this service in the area included; and finding the ability of the Urban County Government to provide this service in this area, which area is defined as certain properties on the following streets: Aberdeen Dr., Argyle Dr., Brigadoon Pkwy., Claridge Court, Darien Dr., Dundee Dr., Edinburgh Court, Edinburgh Dr., Inverness Dr., Ipswich Court, Loch Lomond Dr., Tartan Dr., Wallace Court, And Westridge Circle.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Purchase of Service Agreement with the Bluegrass Area Development District (BGADD), for the operation of the Homecare Program for homebound seniors, at a cost not to exceed \$48,610.

A Resolution authorizing the Div. of Grants & Special Programs to purchase one (1) additional Neighborly Software user license from Benevate, Inc., for use in Grants and Special Programs Administration, and authorizing the Mayor to execute any necessary addendum or Agreement with Benevate, Inc., related to the license, at a cost not to exceed \$1,090.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute and submit an application to the Ky. Dept. of Education (KDE), for provision of Preschool Education Services at the Family Care Center for the 2020-2021 school year.

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 Southeastern Hills Trunk Sewer Project, a Remedial Measures Project required by the Consent Decree, at a cost not to exceed \$25,600.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute certificates of consideration and other necessary documents, and to accept deeds for property interests needed for the New Circle Rd. Trunk Sewers A & B Project, a Remedial Measures Project required by the Consent Decree, at a cost not to exceed \$51,000.

A Resolution authorizing the Div. of Fire and Emergency Services to purchase Cardiac Monitors from Zoll, a sole source provider, and authorizing the Mayor, on behalf of the Urban County Government, to execute any necessary Agreement with Zoll, related to the procurement, at a cost not to exceed \$180,294.40.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 (Final) to the Agreement with The Allen Co., Inc., for the Elizabeth Street and Forest Park Site Improvements Project, decreasing the contract price by the sum of \$17,166.49, from \$179,185.10 to \$162,018.61.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Construction Agreement with R.J. Corman Railroad Co./Central Ky. Lines, LLC, for the Town Branch Trail Phase 6 Project, at a cost not to exceed \$1,500.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with Baptist Healthcare System, Inc. (d/b/a Baptist Health Lexington) to allow the entity to participate in the drug discount program established pursuant to Section 340B of the Public Health Services Act, to provide healthcare services to low income individuals, at no cost to the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to accept a donation of \$6,000 from the Friends of McConnell Springs for funding a part time AmeriCorps Service Member for McConnell Springs.

A Resolution renewing the franchise Agreement with Ky. American Water for an additional term of five years pursuant to the provisions of Ordinance No. 144-15, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute any necessary documents related to the renewal.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Residential Lease Agreement with Robert Craig for the Masterson Station Park caretaker property located at 3561 Shamrock Lane in consideration of annual rent in the amount of \$4,725.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Mountain Comprehensive Care Center, Inc., to provide case management services for residents staying at the Catholic Action Center Emergency Shelter, at a cost not to exceed \$190,670.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept deeds and to execute any documents necessary for the acquisition of property interests needed for the Citation Boulevard Phase IIIA Project, at a cost not to exceed \$1,446,000.

A Resolution authorizing and directing the Div. of Emergency Management to use staff provided by Management Registry, Inc., to perform emergency response activities, at a cost not to exceed \$15,021.74.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to the Grant Agreement with the Ky. 911 Services Board, extending the Period of Performance through January 31, 2022.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the United States Dept. of Homeland Security, which Grant funds are in the amount of \$23,810.55 in Federal funds under the 2019 Fire Prevention and Safety Grant Program, for the purchase and installation of smoke alarms for households in high risk neighborhoods, the acceptance of which obligates the Urban

County Government for the expenditure of \$1,190.53 as a local match, 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 Change Order No. 1 to the Agreement with The Allen Co., Inc., for the Beaumont YMCA Trail Project, increasing the Contract price by the sum of \$60,867.29 from \$333,522.55 to \$394,389.84.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Neighborhood Action Match Grant program Contracts with Ashland Neighborhood Association (\$2,295), Charleston Gardens Homeowners Association (\$2,909), Cumberland Hills (\$975), East Cooper Neighborhood Association (\$3,072), Fayette Park Homeowner Association (\$6,317), Garden Meadows Homeowner Association (\$6,800), Gleneagles Owners Association (\$4,577), Griffin Gate Community Association (\$6,800), Kenwick Neighborhood Association (\$6,800), Pensacola Park Neighborhood Association (\$2,040), the Oak Condominiums of Lexington KY (\$6,800), Walnut Ridge Homeowners Association (\$3,220), and Wellington Maintenance Association (\$6,800) for the purpose of carrying out various neighborhood activities and improvements for FY 2021, at a cost not to exceed \$59,405.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Dept. of Education/Div. of School and Community Nutrition, 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 \$79,000 in Federal funds and are for participation in the United States Dept. of Agriculture's Child Care Food Program and operation of the Nutrition Program at the Family Care Center in FY 2021, 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 the Mayor, on behalf of the Urban County Government, to execute a Purchase of Service Agreement and a Vehicle Lease Agreement with Lexington Fayette Animal Care and Control, LLC, for animal control services, at a cost not to exceed \$1,495,273.

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A Resolution authorizing the Div. of Human Resources to make a conditional offer to the following Probationary Classified Civil Service Appointments: Hailey Salyers, Producer, Grade 515N, \$19.095 hourly in the Div. of Government Communications, effective October 19, 2020, Jathniel Chenault, Public Service Worker Sr., Grade 509N, \$14.687 hourly in the Div. of Streets and Roads, effective October 26, 2020, Jason Shelton, Public Service Worker Sr., Grade 509N, \$14.226 hourly in the Div. of Streets and Roads, effective October 26, 2020, Chase Dugas, Public Works Apprentice, Grade 504N, \$11.642 hourly in the Div. of Streets and Roads, effective November 2, 2020, Kameron Reese, Staff Assistant Sr., Grade 510N, \$15.907 hourly in the Div. of Human Resources, effective October 19, 2020, Mary Hardin, Telecommunicator Sr., Grade 517N, \$21.415 hourly in the Div. of Enhanced 911, effective October 26, 2020, Robert Wilson, Heavy Equipment Technician, Grade 518N, \$22.159 hourly in the Div. of Facilities and Fleet Management, effective upon passage of Council, Brandon Angle, Vehicle & Equipment Technician, Grade 514N, \$21.000 hourly in the Div. of Facilities and Fleet Management, effective upon passage of Council, Amon Trumbo, Public Service Worker, Grade 507N, \$12.808 hourly in the Div. of Parks and Recreation, effective upon passage of Council, Eugene Thomas, Educational Program Aide, Grade 508N, \$14.138 hourly in the Div. of Youth Services, effective October 19, 2020 and Christopher Cooper, Grants Administrative Aide, Grade 516N, \$21.809 hourly in the Div. of Grants and Special Programs, effective October 19, 2020; and authorizing the Div. of Human Resources to make a conditional offer to the following Unclassified Civil Service Appointments: Corey McKinney, Treatment Plant Operator Apprentice, Grade 509N, \$14.378 hourly in the Div. of Water Quality, effective October 26, 2020 and Grayson Barnett, Custodial Worker P/T, Grade 505N, \$12.000 hourly in the Div. of Family Services, effective October 19, 2020 received first reading.

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

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

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

Nay: -----0

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A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Lexington Public Library and the Fayette County Clerk's Office for in person voting locations for the 2020 General Election, at no cost to the Urban County Government received first reading.

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

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

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

Nay: -----0

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A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a certificate of consideration and other necessary documents, and to accept a deed for a portion of the property located at 2319 Clays Mill Rd., for the Southland Area Stormwater Improvement Project, at a cost not to exceed \$50,000 received first reading.

Upon motion by Ms. Bledsoe, 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 Mr. McCurn, the resolution was approved by the following vote:

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

Nay: -----0

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A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 3 to the Agreement with Lagco, Inc., for the Manchester St. and Willard St. Sanitary Sewer Improvements Project, increasing the Contract price by the sum of \$52,436.21, from \$2,280,830.00 to \$2,333,266.21, and extending the date of completion by 120 calendar days, from July 3, 2020 to October 31, 2020 received first reading.

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

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

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

Nay: -----0

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A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Ky. Transportation Cabinet in order to accept a Grant from the Ky. Transportation Cabinet (KYTC)-Office of Local Programs and the Lexington Area Metropolitan Planning Organization (MPO), which Grant funds are in the amount of \$480,000 in Federal funds under SLX, for the construction phase of the Euclid Avenue Multi Modal Improvements Project, the acceptance of which obligates the Urban County Government to the expenditure of \$120,000 as a local match, and authorizing the Mayor to transfer unencumbered funds within the Grant Budget received first reading.

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

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

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

Nay: -----0

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The following resolutions received first reading and were ordered to be placed on file for public inspection until October 22, 2020:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A Resolution establishing Burdine Security Group as a sole source provider for installing and performing repairs on security systems for LFUCG owned buildings, for the Div. of Facilities and Fleet Management, and authorizing the Mayor or designee, on behalf

of the Urban County Government, to execute any necessary Agreements with Burdine Security Group related to the procurement of these goods and services.

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

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

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

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

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

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

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

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

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Upon motion by Ms. Plomin, and seconded by Ms. Lamb, the Communications from the Mayor were approved by unanimous vote and were as follows: (1) Recommending the appointment of Shirie Hawkins and Tonya Jackson, to the Airport Board, both with terms expiring December 31, 2024; (2) Recommending the appointment of Carllen Warner, to the Bluegrass Crime Stoppers, with term expiring October 8, 2024; (3) Recommending the appointment of Hannah Emig, LBAR Representative, filling the unexpired term of Zach Davis, to the Rural Land Management Board, with term expiring July 1, 2024; and, (4) Recommending the appointment of Ellen Ferguson, filling the unexpired term of Linda Brown, to the Tree Board, with term expiring May 1, 2021.

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The following Communications from the Mayor were received for information only: (1) Resignation of Robert Williams, Network Systems Administrator, Div. of Computer Services, effective September 14, 2020; (2) Resignation of Araceli Castillo, Family Support Worker, Sr., Div. of Family Services, effective September 8, 2020; (3) Resignation of David Ware, Firefighter 56, Div. of Fire, effective September 13, 2020; (4) Resignation of Katherine Forte, Police Officer, Div. of Police, effective September 10, 2020.

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Chief Lawrence Weathers, Div. of Police, appeared before the Council to answer questions regarding the process of Police Agreements of Conformity before they are presented to the Council. Chief Weathers explained that when he decides what punishment an officer is to receive, he consults both the Division of Police's Public Integrity Unit (PIU), and the officer's past supervisor, as well as considering the character and attitude, and past discipline history of the Officer. He also explained that he considers the severity of the incident that occurred and the events that led to that incident.

Mr. J. Brown thanked Chief Weathers for his explanation. He asked what would happen if the Council disapproved a Police Disciplinary action. Keith Horn, Dept. of Law, said that he had consulted with the Fraternal Order of Police regarding this matter since it is not addressed in the Collective Bargaining Agreement, but the default procedure is that should the Council disapprove a Police Disciplinary action, the matter would be sent to the Dept. of Law to draft charges, file them, and schedule a Police Disciplinary hearing with the Council.

Mr. J. Brown asked how the Chief decides which disciplinary matters he will personally consider and which ones he will send to the Disciplinary Review Board. Chief Weathers stated that most times he handles the disciplinary matters himself, but consults with the Disciplinary Review Board on cases that are very unique or where there is no precedent to look to. He stated that he also sends cases that he feels conflicted about to the Disciplinary Review Board. Chief Weathers noted that he does not have to accept the decision of the Disciplinary Review Board, but can use it as guidance.

Ms. Lamb thanked Chief Weathers for appearing before the Council and explained that she has confidence in his decisions about disciplinary matters. She asked about the order of procedures and when Chief Weathers receives the disciplinary matter for consideration. Chief Weathers stated that the investigation by the Public Integrity Unit is completed before the matter comes before him, but he works with the Unit to collect any additional information during his decision making process about the proper disciplinary action.

Vice Mayor Kay shared that he is currently revising the Rules and Procedures of the Lexington-Urban County Council concerning Police Disciplinary matters. He explained this revision would outline the gathering of information prior to the presentation and procedural change as well as some procedural changes. Since the amendment was still in draft form, Vice Mayor Kay stated he would not share anymore until the draft was ready to be presented.

Mr. Swanson asked Chief Weathers if civilian input was included on Police Disciplinary matters before they appear for approval before the Council. Chief Weathers explained that because it was a Police matter, civilian input was not sought. Mr. Swanson

expressed concern that the Council was not given enough information to make informed decisions as the only civilian review involved in the Police Disciplinary process.

Ms. Mossotti asked Chief Weathers how long a disciplinary infraction stays on an officer's record. The Chief explained that infractions stay on the record of an officer for five years after they have left the Lexington Police Department. Ms. Mossotti asked if potential employers ever ask about that information and Chief Weathers said that the number of requests had increased in recent years. He also went into detail about the release that all officers sign when they join the Police Department that allows for that information to be shared upon request. Ms. Mossotti restated for clarification that an officer's record does not get expunged for the whole time the officer is employed with the city. Chief Weathers confirmed the clarification was correct.

Mr. Ellinger asked why the information provided to the council about disciplinary action charges was so limited when the Council was expected to act as a jury and provide due process to the officer. Mr. Horn responded that each case of a disciplinary action is different. He explained that under KRS 15.520, no public statements shall be made concerning the alleged violation by any person or persons of the employing agency or the officer so charged, until final disposition of the charges. Mr. Horn also elaborated that the process of approving a conformity agreement needed to follow the Police Officer's Bill of Rights.

Mr. Moloney spoke about the orientation that a new councilmember receives when they are elected. He mentioned that they receive training on police disciplinary matters and spoke of the importance of hearing both sides. He stressed the importance of neutrality in these matters and of the importance of the Dept. of Law in providing guidance. He also commended Chief Weathers for his work and for appearing before the Council before expressing his total support of the Chief.

Vice Mayor Kay clarified that he has been working with the Dept. of Law on his proposed Council Rules and believed it was inappropriate for councilmembers to be speaking about police disciplinary actions before they come before the Council. He also stated that in the past, it had been hard for the Council to have adequate judgement based on the information provided, but expressed that the last few conformity agreements had enough detail to make a judgement based on the information provided.

Ms. Lamb asked Chief Weathers what parameters were used when filling out the Agreement of Conformity, specifically when describing the allegations against an officer. Chief Weathers responded that the Agreement of Conformity includes the infraction and some facts about the incident, but does not go into too much detail, in order to prevent violating the rights of any involved parties. He explained that once the Agreement of Conformity is written, the offending officer and their counsel get a copy of that agreement, which the officer can agree or refuse to sign if they believe it violates their rights.

Mr. Moloney asked if the Council would be expecting Chief Weathers to appear at every Police Disciplinary approval from now on. Mr. J. Brown said that he thought that subject would be covered in Vice Mayor Kay's proposal. Mr. Moloney made a motion to have Chief Weathers present the Police Discipline from now on, allowing leeway for an assistant Chief to present if the Chief cannot be available for the Council Meeting. Mr. Ellinger seconded the motion.

At this time, the Mayor opened the floor for discussion on the motion.

Mr. J. Brown said that he would be waiting for the Vice Mayor's proposal which should cover the issue of the Chief presenting Police Disciplinary actions.

Ms. Lamb stated there should be a formal procedure for this effort set forth in the Rules, thus eliminating the transient sentiment of the motion.

Vice Mayor Kay stated that his proposal would address the issue and asked that the Council disapprove this motion so it can be discussed at the upcoming Work Session.

Ms. Mossotti asked the Vice Mayor if his proposal was about the Council's role in deciding Police Disciplinary matters. Vice Mayor Kay clarified that that his proposal would be about the Council's role in Police Disciplinary matters.

Mr. Moloney expressed that he made the motion to ensure the Chief was at the upcoming disciplinary motions and he intended to support his motion.

The motion was disapproved by majority vote (J. Brown, Farmer, Higgins-Hord, Kay, Lamb, Mossotti, Plomin, Reynolds, Swanson, Bledsoe, F. Brown voted nay).

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Chief Weathers, Div. of Police, presented a disciplinary matter regarding Officer Benjamin Fielder. An allegation has been made that Officer Fielder has committed the offense of Use of Force which constitutes misconduct under the provisions of KRS 95.450

and/or KRS 15.20 and General Order 1973-02K, Disciplinary Procedures, Appendix B, Operational Rule 1.23-Use of Force in that on the 20th day of May 2020, he allegedly:

(1) On May 24th, 2020, Officer Fielder was involved in the arrest of a subject.

During the encounter, Officer Fielder used force that was above the amount appropriate for the resistance presented by the arrestee. Twice, when dealing with the non-compliant suspect, Ofc. Fielder briefly grabbed the suspect in the throat/neck area to gain control. Ofc. Fielder also pointed his taser at the suspect's head and face area to gain compliance. Additionally, while trying to seat belt the suspect in the back of the patrol car, the suspect pulled away in a manner that was threatening to Ofc. Fielder which resulted in Ofc. Fielder pulling the suspect out of the patrol car by his ankles and onto the street causing minor injury that was treated by Fire personnel at the scene.

The appropriate punishment for this conduct is Three weeks, (120) hours, of Suspension Without Pay and Re-training on Use of Force, Conflict Resolution and De-escalation.

Upon motion by Mr. Farmer, seconded by Ms. Mossotti and approved by majority vote, (Mr. Swanson voted no), the disciplinary recommendation was approved.

Mr. J. Brown asked if the complaint had been filed by an internal or external person. Chief Weathers responded that it had been internal.

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Chief Weathers, Div. of Police, presented a disciplinary matter regarding Officer Benjamin Fielder. An allegation has been made that Officer Fielder has committed the offense of Unsatisfactory Performance/Inefficiency which constitutes misconduct under the provisions of KRS 95.450 and/or KRS 15.20 and General Order 1973-02K Disciplinary Procedures of Sworn Officers, Appendix B, Operational Rule 1.11 Unsatisfactory Performance / Inefficiency in that on the 22nd day of July 2020, he allegedly:

(1) On or about July 22, 2020, Officer Ben Fielder made an arrest of an intoxicated person who, while being loaded into the patrol wagon, claimed an injury and was ultimately transported by an EC Unit to the hospital. Officer Fielder did not maintain custody of said prisoner and violated GO 1992-16H Prisoner Custody, Security and Transportation when he failed to ride with the prisoner in back of

the EC Unit and did not continually maintain custody and security of the prisoner. Officer Fielder's actions resulted in the prisoner being transported in the custody of Fire personnel and arriving at the hospital without a custody officer which ultimately required intervention by UK Police until a Lexington Police Officer could respond to that location and take control over Officer Fielder's prisoner.

The appropriate punishment for this conduct is Two (2) Day Suspension without Pay.

Upon motion by Mr. Farmer, seconded by Ms. Higgins-Hord and approved by majority vote, (Mr. Swanson voted no), the disciplinary recommendation was approved.

Mr. Swanson noted that this Officer was the same as in the disciplinary action immediately preceding this one and asked Chief Weathers what the two day suspension is supposed to teach the officer that the previous punishment, a three week suspension, did not. Chief Weathers said that he looked at the two disciplinary matters separately as the Div. of Police is allowed to use progressive discipline. Mr. Swanson asked what progressive discipline was and Chief Weathers responded that it was the practice of escalating punishment in response to certain actions.

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Chief Weathers, Div. of Police, presented a disciplinary matter regarding Officer Ryan Wells. An allegation has been made that Officer Wells has committed the offense of Unsatisfactory Performance which constitutes misconduct under the provisions of KRS 95.450 and/or KRS 15.20 and General Order 1973-02J, Disciplinary Procedure, Appendix B, Operational Rule 1.11-Unsatlafactory Performance in that on the various days of December 2019 and various days of March and April 2020, he allegedly:

- (2) On December 12th, 2019, March 31st, 2020, and April 29th, 2020, Officer Ryan M. Wells received Coaching and Counseling due to his failure to perform consistently with Department expectations. These failures to perform to acceptable standards in multiple Instances have resulted in this formal complaint.

The appropriate punishment for this conduct is Six (6) weeks Suspension without Pay.

Upon motion by Mr. Farmer, seconded by Ms. Bledsoe and approved by majority vote, (Mr. Swanson voted no), the disciplinary recommendation was approved.

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Mr. Moloney asked about the COVID-19 testing backlog at the Lexington-Fayette County Health Department. Mayor Gorton explained that the Health Department was short-staffed when it came to entering COVID-19 data, especially since Fayette County is doing more testing than most other counties in the state and has one of the largest Health Departments in Kentucky. Mayor Gorton disseminated that Dr. Steven Stack, Commissioner of the KY Dept. for Public Health, Dr. Kraig Humbaugh, Commissioner of Health of the Lexington-Fayette County Health Department, Dr. Eli Capiluto, President of the University of Kentucky, Emmanuel Caulk, Fayette County Schools Superintendent, and Tyler Scott, Office of the Mayor met to discuss COVID-19 testing and concerns with voting the week prior. Mr. Moloney expressed concern over the safety of in-person voting and suggested the administration ask some of the other larger counties how they have been keeping up with the testing. Mayor Gorton pointed out that Fayette County is larger than most of the counties in Kentucky. Ms. Reynolds, who serves on the Board of Health, said she would be happy to set up a presentation with the Health Department about COVID-19 testing at the Work Session.

Mr. Farmer made a motion to have the Health Department present a COVID-19 Update at Work Session. Ms. Mossotti seconded, and the motion was approved by unanimous vote.

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Mr. Worley departed the meeting at 7:43 p.m.

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Mr. Farmer thanked Mayor Gorton for her comments regarding Mr. Moloney's COVID-19 question. Mr. Farmer thanked the Mayor for her efforts to help correct the horrible rutting on Euclid Ave. left as a result of a recent construction project. He included a reminder to his fellow Councilmembers, Commissioners, and Directors to remember that they are there to serve the public. Mr. Farmer touched on the negotiations with the Main Street Baptist Church over the on-going parking situation, stating that all parties were quality people and there was going to be a quality outcome.

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Mr. J. Brown thanked Chief Weathers for coming to the Council Meeting and for answering their questions. He believed that Vice Mayor Kay's proposal will move the Council into a better place to make decisions about Police Disciplinary actions. He stressed the complexity of the situation and the Council's commitment to transparency. Mr. J. Brown spoke of his experience going to the Consolidated Baptist Church to receive the flu vaccination and thanked the Health Department, specifically Kevin Hall and Dr. Humbaugh for all their tireless efforts. He thanked Mr. Ellinger, Mr. Farmer, Ms. Reynolds, and Ms. Plomin, as well as the Mayor, for coming out to the dedication of the Legacy Trail. He also thanked Vice Mayor Kay for all his hard work on the Legacy Trail Project over the years.

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Ms. Mossotti congratulated the 2020 winners of the Nobel Prize in Chemistry, Emmanuelle Charpentier and Jennifer A. Doudna, who discovered the CRISPR/Cas9 genetic scissors. Ms. Mossotti was pleased to note that this was the first time in history that two women have jointly won the Nobel Prize in Chemistry and noted that only 57 women have won Nobel Prizes in the 125 year history of the Prize. She shared her belief that women were getting closer to "breaking the glass ceiling."

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Vice Mayor Kay thanked Mr. J. Brown for recognizing his efforts on the spearheading the implementation of the Legacy Trail. He shared that he has chosen to not go out to unnecessary events during the pandemic and has missed a lot of things he wanted to participate in. He expressed his regret in not attending the Legacy Trail Dedication Ceremony, and talked about the work involved in the Legacy Trail Project. However, he expressed what a terrific addition it was to the community, specifically to the East End. He said he had already seen people using it, and noted he was looking forward to the Legacy Trail becoming an integral part of the community.

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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 Ms. Mossotti, seconded by Ms. Lamb, and approved by unanimous vote, the meeting adjourned at 7:51 PM.

Deputy Clerk of the Urban County Council