

Lexington- Fayette Urban County Government Council Meeting

Lexington, Kentucky January 31, 2023

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on January 31, 2023 at 5:01 p.m. Present were Mayor Gorton in the chair presiding, and the following members of the Council: Plomin, Reynolds, Sevigny, Sheehan, Worley, Wu, F. Brown, J. Brown, Ellinger, Elliott Baxter, Fogle, Gray LeGris, Lynch, and Monarrez.

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

Ordinances No. 001-2023 through 002-2023, inclusive, and Resolutions No. 001-2023 through 004-2023, inclusive, were reported as having been signed and published and ordered to record.

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The Council observed a moment of silence in memoriam of Tyre Nichols.

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The Invocation was given by Pastor Ron Edmondson of Immanuel Baptist Church.

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Upon motion by Ms. Gray, seconded by Mr. Ellinger, and approved by unanimous vote, the Minutes of the December 6, 2022 Council Meeting, the January 17, 2023 Zone Change Public Hearing, the January 19, 2023 Council Meeting, and the January 24, 2023 State of the City County Address Council Meeting were approved.

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An Ordinance changing the zone from a High Density Apartment (R-4) zone to a Professional Office (P-1) zone, for 0.768 net (1.027 gross) acres, for property located at 203 E. Fourth St. (Elmwood Oz Fund LLC; Council District 1) received second reading.

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

Aye: Plomin, Reynolds, Sevigny, Sheehan, Wu, F. Brown, J. Brown, Ellinger, Elliott Baxter, Fogle, Gray LeGris, Lynch, Monarrez -----14

Nay: -----0

Recused: Worley

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

Aye: Plomin, Reynolds, Sevigny, Sheehan, -----15  
Worley, Wu, F. Brown, J. Brown,  
Ellinger, Elliott Baxter, Fogle, Gray  
LeGris, Lynch, Monarrez

Nay: -----0

An Ordinance amending Articles 1-11, 8-1(k), 8-2(k), 8 3(k), 8-4(k), 8-5(k), 8-6(k), 8-7(k) and (o)(1), 8-8(k) and (o)(1), 8-9(k) and (o)(2), 8-10(k), 8-11(k) and (o)(4), 8-12(k) and (o)(4) and (o)(5), 8-13(k), 8-14(k), 8-15(k) and (o)(1), 8-16(k), 8-17(k), 8-18(k) and (m), 8-19(k), 8 -20(k), 8-21(k)(4) and (k)(5), 8-22(k), 8-23(k), 8-24(k) and (o)(3), 9-6(h) and (j), 9 -7(c), 10-8(c), 11-7(f), 12-8(d)(3), 21-6(a)(7), 23a-5(j)(1), 23a-6(k)(2), 23a-7(k)(2), 23a-9(k)(1), 23a-10(j)(1), 28-3(f)(6), 28-4(f)(6), 28-5(f)(6) and (h)(6); deleting Article 8-10(o)(3) and renumbering and amending Article 8-10(o)(4); deleting Article 8-15(o)(2); deleting Article 8-16(o)(2) and renumbering Sections; and creating Article 20 Open Space Standards of the Zoning Ordinance to update and clarify open space standards to more clearly align with the Adopted Comprehensive Plan. (Urban County Planning Commission).

An Ordinance amending Articles 5-1, 5-7, 7-6(a)(7) and (8), 7-6(e), and 7-8 of the Zoning Ordinance to update the Zoning Ordinance to reflect organizational changes authorized by the Urban County Council related to zoning enforcement functions. (Planning Commission)

An Ordinance amending certain of the Budgets of the Lexington Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and re-appropriating funds, FY 2023 Schedule No. 27.

An Ordinance amending the Unclassified Civil Service authorized strength by abolishing two (2) unclassified positions of Aide to Council P/T, Grade 518E, and creating one (1) unclassified position of Aide to Council, Grade 518E, in the Office of the Urban County Council, effective upon passage of Council.

An Ordinance amending the Classified Civil Service authorized strength by abolishing one (1) classified position of Enforcement Officer, Grade 516N, and creating

one (1) classified position of Environmental Enforcement Specialist, Grade 518N, in the Div. of Environmental Services, effective July 1, 2022.

An Ordinance amending the Classified Civil Service authorized strength by abolishing one (1) classified position of Grants Compliance Officer, Grade 518N, and creating one (1) classified position of Grants Compliance Officer Sr., Grade 519N, in the Div. of Grants and Special Programs, effective upon passage of Council.

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The following ordinances received first reading and were ordered to be placed on file for public inspection until February 9, 2023:

An Ordinance changing the zone from a High Density Apartment (R-4) zone, a Neighborhood Business (B-1) zone and a Light Industrial (I-1) zone to an Industrial Redevelopment Planned Unit Development (PUD-3) zone, for 27.087 net (27.461 gross) acres, for property located at 125 Turner Commons Way and 1409 N. Forbes Rd. (Turner Property 4, LLC; Council District 11).

An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and re-appropriating funds, FY 2023 Schedule No. 28.

An Ordinance amending Article XLIII of Chapter 2 and Section 2-457 of the Lexington Fayette Urban County Code of Ordinances to change the name of the Commission provided therein to the Access Lexington Commission; amending Section 2-458 of the code to increase the membership of the commission to nineteen (19) members by adding a member representing a public transportation agency and the director of Building Inspection, or their designee, and otherwise designating certain employees of Officers of the Urban County Government as ex officio members; amending Section 2-459 of the Code to account for ex officio members in addition to Councilmembers; and amending Section 2-463 to utilize more inclusive language; all effective upon passage of Council.

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

Aye: Plomin, Reynolds, Seigny, Sheehan, -----15  
Worley, Wu, F. Brown, J. Brown, Ellinger,  
Elliott Baxter, Fogle, Gray LeGris, Lynch,  
Monarrez

Nay: -----0

A Resolution accepting the bid of Frankfort Toyota, in the amount of \$93,930 for Toyota Sienna Vans, for the Division of Fire & Emergency Services, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Frankfort Toyota, related to the bid.

A Resolution accepting the bids of the Abbie Jones Consulting, PSC., GRW Engineers, Inc., and Vision Engineering, LLC, establishing price contracts for General Surveying Services, for the Div. of Water Quality.

A Resolution accepting the bid of Hydromax USA, LLC, in the amount of \$155,404, for Capacity Assurance Temporary Flow Monitoring, for the Div. of Water Quality, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Hydromax USA, LLC, related to the bid.

A Resolution accepting the bid of Emergent Coils, LLC, in the amount of \$166,817, for HVAC York Coils and Fan Boxes, for the Div. of Community Corrections, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Emergent Coils, LLC, related to the bid.

A Resolution ratifying the Permanent Classified Civil Service Appointments of: Candice Long, Administrative Specialist, Grade 516N, \$21.798 hourly in the Div. of Revenue, effective January 11, 2023, Dayna Miller, Staff Assistant Sr., Grade 511N, \$18.067 hourly in the Div. of Revenue, effective January 18, 2023, Emilee Buttrum, Attorney, Grade 526E, \$2,761.25 biweekly in the Dept. of Law, effective December 13, 2022, Jason Hernandez, Attorney, Grade 526E, \$2,761.25 biweekly in the Dept. of Law, effective December 13, 2022, Sonja Blackburn, Paralegal, Grade 519N, \$27.300 hourly in the Dept. of Law, effective December 17, 2022, Abigail Kerins, Administrative Specialist Sr., Grade 518N, \$25.725 hourly in the Div. of Parks and Recreation, effective December 6, 2022, Sarrita Guy, Public Service Worker, Grade 508N, \$15.861 hourly in the Div. of

Parks and Recreation, effective November 9, 2022; and ratifying the Unclassified Civil Service pay increase to the Office of the Urban County Council: Sara Moreles, Aide to Council, Grade 518E, from \$2,301.92 biweekly to \$2,384.61 biweekly, effective December 19, 2022.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Volunteer Income Tax Assistance/Tax Counseling for the Elderly (VITA/TCE) Partner Sponsor Agreement and any related documents, for the provision of the 2023 VITA/TCE Tax Preparation Assistance Programs at the Charles Young Center, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Contract with Fayette County Public Schools, for preschool education and related services for the 2022-2023 academic school year, at the Family Care Center, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Agreement with Bluegrass Community and Technical College, for participation in college courses, at a cost not to exceed \$60,000.

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 Armstrong Mill Pump Station Replacement, formerly known as the DeLong Rd. Pump Station, a Remedial Measures Project required by the Consent Decree, at a cost not to exceed \$651,200.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Release of Utility Easement, releasing certain utility easements on the property located at 2650/2660 Palumbo Dr.

A Resolution authorizing payment in the amount of \$25,000 to the Commonwealth of Ky., Ky. State Treasurer, and \$25,000 to the United States Dept. of Justice, as stipulated penalties under the Consent Decree, and authorizing the Mayor, on behalf of the Lexington Fayette Urban County Government, to execute any necessary documents related to the payment.

A Resolution authorizing the Div. of Emergency Management to increase the Contract with CavCom Inc., a sole source provider, by \$239.34 and authorizing the

Mayor, on behalf of the Urban County Government, to execute any necessary Agreement with CavCom Inc., related to the procurement, at a cost not to exceed \$50,022.14.

A Resolution authorizing and directing the Mayor, on behalf of the Lexington Fayette Urban County Government, to accept a Grant from the Consumer Product Safety Commission of \$5,000 in Federal funds in order to purchase supplies for a Fire Safety and Prevention Project, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, and authorizing the Mayor to transfer unencumbered funds within the Grant Budget.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Conditional Commitment Letter and Agreement with the Ky. Infrastructure Authority to accept an award of \$906,645 in Federal funds under the Ky. Cleaner Water Round 2 Grant (American Rescue Plan Act Funds), for design and construction of water quality improvements on Urban County Government property on Furlong Dr., the acceptance of which does not obligate the Urban County Government to the expenditure of funds, and authorizing the Mayor to transfer unencumbered funds within the Grant Budget.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Conditional Commitment Letter and Agreement with the Ky. Infrastructure Authority to accept an award of \$1,345,000 in Federal funds under the Ky. Cleaner Water Round 2 Grant (American Rescue Plan Act Funds), for design and construction of West Hickman Creek Improvements on the Urban County Government's property at Veterans Park, the acceptance of which does not obligate the Urban County Government to the expenditure of funds, and authorizing the Mayor to transfer unencumbered funds within the Grant Budget.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Conditional Commitment Letter and Agreement with the Ky. Infrastructure Authority to accept an award of \$9,497,206 in Federal funds under the Ky. Cleaner Water Round 2 Grant (American Rescue Plan Act Funds), for the Consent Decree project, the acceptance of which does not obligate the Urban County Government to the expenditure of funds, and authorizing the Mayor to transfer unencumbered funds within the Grant Budget.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant of \$21,025 in Federal funds under the American Rescue Plan Act of 2021, awarded by the Ky. Justice and Public Safety Cabinet, for salary, training, and travel expenses for the Div. of Police from November 1, 2022 through October 31, 2023, the acceptance of which does not obligate the Urban County Government to the expenditure of funds, and authorizing the Mayor to transfer unencumbered funds within the Grant Budget.

A Resolution authorizing and directing the Mayor, on behalf of the Lexington Fayette Urban County Government, to execute Professional Services Agreements with Marinda Beasley, Kristin Beers, Angela Begley, Anita Capillo, Megan Magsam, and Angela Wallace, to serve as Sexual Assault Nurse Examiners on an on call basis for the performance of forensic examinations in 2023, at a cost not to exceed \$68,252.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Institutional Review Board Authorization Agreement with the University of Ky. Research Foundation (UKRF), related to the provision of evaluation services for the Barrier Free Re-Entry and Recovery Initiative (BFREE) under the U.S. Dept. of Health and Human Services, Substance Abuse and Mental Health Service Administration from the Consolidated Appropriations Act, 2022.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One (1) to the Professional Services Agreement with Tetra Tech, Inc., for services related to the Former Jacks Creek Pike Landfill Improvement Project at Raven Run Nature Sanctuary, increasing the Contract price by \$119,350 and raising the total Contract price from \$37,000 to \$156,350.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Q-Free America, by and through Traffic Control Products, Inc., a sole source provider, for the Div. of Traffic Engineering, for annual software maintenance of a computerized traffic control system, at a cost not to exceed \$41,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a \$500 Grant from Ky. American Water's Firefighting Support Grant Program for the purchase of Personal Protective Equipment, for the Div. of Fire and Emergency Services, 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 Amendment No. 1 to an Agreement with the Ky. Transportation Cabinet to accept additional terms and conditions in FY 23 for the FTA Section 5303 Grant, awarded for transportation planning activities under the Unified Planning Work Program.

A Resolution authorizing the Mayor to execute an Agreement with the Cabinet for Health and Family Services accepting an additional \$75,150 in Federal funds for the Ky. Opioid Response Effort, the acceptance of which does not obligate the Urban County Government to the expenditure of funds, authorizing the Mayor to execute any necessary amendments related to the use of these funds, and authorizing the Mayor to transfer unencumbered funds with the Grant Budget established for this Grant.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Energy and Environment Cabinet, in the amount of \$162,976.50, for the continuation of the Litter Abatement Grant Funding Program for Fayette County, the acceptance of which does not obligate the Urban County Government for the expenditure of funds; authorizing the Mayor to execute any necessary Agreements with the Ky. Energy and Environment Cabinet related to this Grant; and further authorizing the Mayor to transfer unencumbered funds within the Grant Budget.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Ky. Transportation Cabinet to accept a Grant of \$25,120 in Federal funds from the Ky. Transportation Cabinet Surface Transportation Alternatives Program (TAP), for the right of way phase of the Citation Trail Phase 2 Project, the acceptance of which obligates the Urban County Government to the expenditure of \$6,280 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 all documents necessary for the purchase of temporary construction easements for the right of way phase of the Citation Trail Phase 2 Project, at a total cost not to exceed \$31,400.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Div. of Water, and to provide any additional information requested in connection with this Grant Application, which seeks \$320,000 in Commonwealth of Ky. funds under the 2023 Section 319(h) Grant Program, for the Wolf Run Watershed Project for the Div. of Environmental Services, Environmental Quality and Public Works.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. Five (5) to the Agreement with Pace Contracting for the Town Branch Commons Corridor Construction Project, increasing the Contract price by \$160,969.18 and raising the total Contract price from \$22,097,518.78 to \$22,258,487.96, pending approval from the Ky. Transportation Cabinet.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to an Agreement with AVOL Ky., Inc., under the Home Investment Partnerships Program, to extend the performance period through September 30, 2023.

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 Homeland Security, to provide any additional information requested in connection with this Grant Application, and to accept this Grant if awarded, which Grant funds are in the amount of \$1,000,000 in Federal funds under the 2022 Assistance to Firefighters Grant Program, to host a paramedic training course, the acceptance of which obligates the Urban County Government to the expenditure of \$100,000 as a local match, and authorizing the Mayor to transfer unencumbered funds within the Grant Budget.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements related to Neighborhood Development Funds with 16th District PTA Inc. c/o Garrett Morgan Elementary School (\$250); and Bluegrass Tomorrow, Inc. (\$500), for the Office of the Urban County Council, at a cost not to exceed the sums stated.

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A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements related to Neighborhood Development Funds with

Pensacola Park Neighborhood Association, LLC (\$1,500); and A Caring Place, Inc. (\$500), for the Office of the Urban County Council, at a cost not to exceed the sums stated received first reading.

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

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

Aye: Plomin, Reynolds, Sevigny, Sheehan, -----15  
Worley, Wu, F. Brown, J. Brown, Ellinger,  
Elliott Baxter, Fogle, Gray LeGris, Lynch,  
Monarrez

Nay: -----0

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A Resolution accepting a Memorandum of Agreement between the Lexington Fayette Urban County Government and the Fraternal Order of Police Town Branch Lodge #83, representing the Corrections Officers and Sergeants in the Div. of Community Corrections, to increase base pay and address retention issues received first reading.

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

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

Aye: Plomin, Reynolds, Sevigny, Sheehan, -----15  
Worley, Wu, F. Brown, J. Brown, Ellinger,  
Elliott Baxter, Fogle, Gray LeGris, Lynch,  
Monarrez

Nay: -----0

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A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements related to Neighborhood Development Funds with Sisters Road to Freedom, Inc. (\$675); Bluegrass Families First, Inc. (\$1,225); 16th District PTA Inc. c/o Brenda Cowen Elementary (\$1,000); and East End Community Development Corporation (\$700), for the Office of the Urban County Council, at a cost not to exceed the sums stated received first reading.

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

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

Aye: Plomin, Reynolds, Sevigny, Sheehan, -----15  
Worley, Wu, F. Brown, J. Brown, Ellinger,  
Elliott Baxter, Fogle, Gray LeGris, Lynch,  
Monnarez

Nay: -----0

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A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute any Agreements related to the settlement of the National Opioid Litigation, or related to bankruptcy proceedings filed by any defendant(s) to that litigation, in order to receive funds arising from those proceedings or to address any other matters related to the litigation received first reading.

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

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

Aye: Plomin, Reynolds, Sevigny, Sheehan, -----15  
Worley, Wu, F. Brown, J. Brown, Ellinger,  
Elliott Baxter, Fogle, Gray LeGris, Lynch,  
Monarrez

Nay: -----0

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The following resolutions received first reading and were ordered to be placed on file for public inspection until February 9, 2023:

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Mavron, Inc., a sole source provider, for the Div. of Facilities and Fleet Management, for three prisoner transport van inserts, at a cost not to exceed \$117,390.60.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to donate three chainsaws and a walk behind concrete saw to Letcher County Rd. Dept. for rehabilitation from flood damage.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to remit \$21,460 to LexArts, Inc., as reimbursement for costs related to the commissioned art panel installation at Isaac Murphy Memorial Art Garden.

A Resolution establishing Henry P. Thompson Co. as a sole source provider of Boerger Replacement Pumps for the Div. of Water Quality, and authorizing the Mayor, or her designee, on behalf of the Urban County Government, to execute any necessary Agreements with Henry P. Thompson Co. related to the procurement of these goods, at a cost not to exceed \$46,243.14.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant of \$106,597.90 in Federal funds from the Ky. Dept. of Military Affairs, Div. of Emergency Management, under the FY 2023 Emergency Management Assistance Project, for the Div. of Emergency Management, in order to support emergency preparedness activities in Fayette County, the acceptance of which obligates the Urban County Government for the expenditure of \$119,195.00 as a local match, and authorizing the Mayor to transfer unencumbered funds within the Grant Budget.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an amendment to an Agreement with New Vista of the Bluegrass to amend the Budget and extend the performance period through April 1, 2023, and further authorizing the Mayor to execute any other amendments with New Vista of the Bluegrass related to this Agreement.

A Resolution authorizing and directing the Mayor, on behalf of the Lexington Fayette Urban County Government, to execute a Professional Services Agreement with Element Design, PLLC, for design services for the Oliver Lewis Way Bus Shelter, at a cost not to exceed \$32,600.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Ky. Transportation Cabinet ("Cabinet") in order to accept a Grant from the Cabinet and the Lexington Area Metropolitan Planning Organization ("MPO"), which Grant funds are in the amount of \$120,000 in Surface Transportation Block Grant Lexington (STBG-SLX) Federal funds for the Virginia/Red Mile/Forbes Trail Connectivity Safety Study as part of the MPO'S FY 2021 2024

Transportation Improvement Program, the acceptance of which obligates the Urban County Government to the expenditure of \$30,000 as a local match, and authorizing the Mayor to execute an Agreement with the University of Ky. to contribute \$15,000 toward this match requirement, 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 amendment to an Agreement with Stonewall Terrace, LLC, under the Home Investment Partnerships Program, to provide that Stonewall Terrace, LLC, may give a preference to low income households who are living with HIV/Aids, and further authorizing the Mayor to execute any other amendments related to this Agreement.

A Resolution accepting the bid of Seiler Instrument and Manufacturing Co., Incorporated, in the amount of \$44,307.05, for FSU Trimble X7 Scanner, for the Div. of Police, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Seiler Instrument and Manufacturing Co., incorporated, related to the bid.

A Resolution accepting the bid of Todd Johnson Contracting, Inc., in the amount of \$155,195.24, for the De Roode Street Manhole Project, for the Div. of Water Quality, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Todd Johnson Contracting, Inc., related to the bid.

A Resolution accepting the bid of Seagrave Fire Apparatus, LLC, in the amount of \$1,642,683, for a ladder truck, for the Div. of Fire and Emergency Services, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Seagrave Fire Apparatus, LLC, related to the bid.

A Resolution ratifying the Permanent Classified Civil Service Appointments of: Michael Sexton, Accounting Technician, Grade 509N, \$16.312 hourly in the Div. of Accounting, effective January 18, 2023, Charles Sayre, Engineering Technician, Grade 515N, \$21.000 hourly in the Div. of Engineering, effective December 13, 2022, Eric Howard, Deputy Director of Human Resources, Grade 531E, \$4,332.32 biweekly in the Div. of Human Resources, effective February 1, 2023, Brian Estes, Administrative Specialist, Grade 516N, \$22.211 hourly in the Div. of Facilities and Fleet Management,

effective February 1, 2023, William Wood, Project Manager, Grade 520N, \$26.780 hourly in the Div. of Facilities and Fleet Management, effective February 1, 2023, Rachael Lay, Staff Assistant Sr., Grade 511N, \$17.073 hourly in the Div. of Planning, effective January 18, 2023.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Addendum to the Agreement with Industrial/Organizational Solutions, Inc., to provide continued services for Police Sergeants and Police Lieutenants promotional processes, for the Lexington Div. of Police, at a cost not to exceed \$75,953.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to accept settlement funds in the amount of \$2,891,826.38, reflecting total disbursements from Johnson & Johnson and the first disbursement from McKesson, AmerisourceBergen and Cardinal Health, pursuant to the One Ky. Opioid Settlement Memorandum of Understanding related to multi district opioid litigation, and further authorizing the Mayor to execute any necessary documents related to the acceptance of these funds.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute the fourth Renewal of the Agreement with Advanced Mulching Technologies, Inc. d/b/a EcoGro, for post construction monitoring, reporting, and maintenance relating to the Coldstream Park Stream Corridor Restoration and Preservation Project, a Supplemental Environmental Project required by the Consent Decree, at a cost estimated not to exceed \$59,397.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to donate a 2004 Toro Z Master Mower and 2016 and 2017 Stihl Chainsaws to Eastern Ky. Flood Relief.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a donation from Orange Theory Fitness of a Free Motion Treadmill, for use at the Div. of Police, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Professional Services Agreement (awarded pursuant to RFP 68-2022) with Gresham Smith, to perform a Corridors Typology Study and Strategic Design Guide, for the Div. of Environmental Services, at a cost not to exceed \$150,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the University of Ky. in order to provide \$500,000 for the expansion of the Visitor Center at the Arboretum.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Ky. Office of Homeland Security for acceptance of a Grant in the amount of \$447,898 Federal funds, under the FY 2022 State Homeland Security Grant Program, for the Div. of Police, in order to purchase and install an MX10 thermal imaging camera system, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, and authorizing the Mayor to transfer unencumbered funds within the Grant Budget.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Ky. Office of Homeland Security for acceptance of a Grant in the amount of \$164,422 in Federal funds under the FY 2022 State Homeland Security Grant Program, for the Div. of Police, in order to purchase a Utility Terrain Vehicle and an explosive/chemical analyzer, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, and authorizing the Mayor to transfer unencumbered funds within the Grant Budget.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Ky. Office of Homeland Security for acceptance of a Grant in the amount of \$39,840 in Federal funds, under the FY 2022 state Homeland Security Grant Program, for the Div. of Fire and Emergency Services, in order to purchase a Utility Terrain Vehicle and trailer, 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 accept a Grant award of \$50,000 from the Blue Grass Community Foundation for the installation of permanent educational elements for Splash! at Charles Young Park, 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 accept a Grant award of \$20,000 from Friends of the Parks of Fayette County, awarded by the American Water Charitable Fund in 2021, for fabrication and installation of educational signs along the Town Branch Commons Educational Walking Trail, 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 an Agreement with Benefit Insurance Marketing to comply with HIPAA regulations and Security Rules, at no cost to the Urban County Government.

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Upon motion by Ms. Fogle, and seconded by Ms. Sheehan, the Communications from the Mayor (Price Contracts) were approved by unanimous vote and were as follows: (1) Accepting and approving the following bids and establishing price contracts for the following Departments or Divisions as to the specifications and amount set forth in the terms of the respective bids: (a) Dept. of General Services - Fire Alarm Monitoring and Maintenance 165-2022 - Marmic Fire & Safety Company, Inc.; (b) Div. of Environmental Services - Arboricultural Services 139-2022 - Aphix LLC, Woodchuck Holdings LLC dba Big Beaver Tree Service, Dave Leonard Consulting Arborist Inc dba Dave Leonard Tree Specialists, Advanced Mulching Technologies Inc. dba EcoGro; (c) Div. of Parks and Recreation - Mowing for Parks and Recreation 133-2022 - Brownfields Development LLC, DT Property Maintenance, Klausung Group Inc, McGee Springs, Inc, Aphix LLC, CCM Contractors LLC dba Casey's Custom Mowing, Green Solutions Landcare, Lexington Landscape & Maintenance LLC; (d) Div. of Fleet Services - Bulk Fuel 3 - 2023 - Bulk Plants Inc; (e) Div. of Police - ERU Tactical Body Armor 160-2022 - Kiesler Police Supply; (f) Div. of Water Quality - Custodial Services for Town Branch WWTP 163-2022 - Cleaning By Regina & Associates LLC

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The following Communications from the Mayor were received for information only: (1) Probationary Classified Civil Service Appointment of Terri Thomas, Staff Assistant Sr., Grade 511N, \$19.238 hourly in the Div. of Accounting, effective January 30, 2023; (2)

Probationary Classified Civil Service Appointment of Austin White, Resource Recovery Operator, Grade 515N, \$20.280 hourly in the Div. of Waste Management, effective February 13, 2023; (3) Probationary Classified Civil Service Appointment of James Seales, Fleet Parts Specialist, Grade 512N, \$18.687 hourly in the Div. of Facilities and Fleet Management, effective February 6, 2023; (4) Probationary Classified Civil Service Appointment of Anne Archer, Staff Assistant Sr., Grade 511N, \$18.416 hourly in the Div. of Police, effective February 13, 2023; (5) Probationary Classified Civil Service Appointment of Samuel Garcia, Recreation Supervisor, Grade 514E, \$1,730.77 biweekly in the Div. of Parks and Recreation, effective January 23, 2023; (6) Probationary Classified Civil Service Appointment of Jennifer Epperly, Grants Manager, Grade 524E, \$2,510.64 biweekly in the Div. of Grants and Special Programs, effective February 6, 2023; (7) Probationary Classified Civil Service Appointment of John Pinson, Grants Manager, Grade 524E, \$2,560.96 biweekly in the Div. of Grants and Special Programs, effective January 30, 2023; (8) Unclassified Civil Service Appointment of Julie Moon, Educational Program Aide P/T, Grade 510N, \$17.539 hourly in the Div. of Youth Services, effective February 13, 2023; (9) Sworn Probationary Appointment of Thomasena Grider, Police Lieutenant, Grade 317E, \$4,194.23 biweekly in the Div. of Police, effective January 30, 2023; (10) Sworn Probationary Appointment of Cory Vinlove, Police Sergeant, Grade 315N, \$40.490 hourly in the Div. of Police, effective February 13, 2023; (11) Sworn Probationary Appointment of Scott Marshall, Fire Major, Grade 318E, \$4,239.73 biweekly in the Div. of Fire and Emergency Services, effective January 2, 2023; (12) Sworn Probationary Appointment of Nathan Settles, Fire Major, Grade 318E, \$4,239.73 biweekly in the Div. of Fire and Emergency Services, effective January 2, 2023; (13) Sworn Probationary Appointment of Matthew Swiderski, Fire Major, Grade 318E, \$4,239.73 biweekly in the Div. of Fire and Emergency Services, effective January 2, 2023; (14) Sworn Probationary Appointment of Christopher Warren, Fire Major, Grade 318E, \$4,239.73 biweekly in the Div. of Fire and Emergency Services, effective January 2, 2023; (15) Sworn Probationary Appointment of Nathan Thayer, Fire Captain, Grade 316N, \$30.935 hourly in the Div. of Fire and Emergency Services, effective January 3, 2023; (16) Sworn Probationary Appointment of Joshua Elam, Fire Captain, Grade 316N, \$30.935 hourly in the Div. of Fire and Emergency Services, effective January 2, 2023;

(17) Sworn Probationary Appointment of Robert Bruin, Fire Captain, Grade 316N, \$30.935 hourly in the Div. of Fire and Emergency Services, effective January 2, 2023;

(18) Sworn Probationary Appointment of Andrew Cizek, Fire Captain, Grade 316N, \$30.935 hourly in the Div. of Fire and Emergency Services, effective January 2, 2023;

(19) Sworn Probationary Appointment of Kevin Pletzke, Fire Captain, Grade 316N, \$30.935 hourly in the Div. of Fire and Emergency Services, effective January 2, 2023;

(20) Sworn Probationary Appointment of Benjamin Runnels, Fire Captain, Grade 316N, \$30.935 hourly in the Div. of Fire and Emergency Services, effective January 3, 2023;

(21) Sworn Probationary Appointment of Bruce Lester, Fire Captain, Grade 316N, \$29.282 hourly in the Div. of Fire and Emergency Services, effective December 31, 2022;

(22) Sworn Probationary Appointment of Nicholas Robbins, Fire Lieutenant, Grade 315N, \$22.389 hourly in the Div. of Fire and Emergency Services, effective January 1, 2023;

(23) Sworn Probationary Appointment of Andrew Thompson, Fire Lieutenant, Grade 315N, \$22.389 hourly in the Div. of Fire and Emergency Services, effective December 31, 2022;

(24) Sworn Probationary Appointment of Brian Stamper, Fire Lieutenant, Grade 315N, \$24.041 hourly in the Div. of Fire and Emergency Services, effective January 2, 2023;

(25) Sworn Probationary Appointment of Francis Abell, Fire Lieutenant, Grade 315N, \$24.041 hourly in the Div. of Fire and Emergency Services, effective January 2, 2023;

(26) Sworn Probationary Appointment of Penn Edward, Fire Lieutenant, Grade 315N, \$24.041 hourly in the Div. of Fire and Emergency Services, effective January 2, 2023;

(27) Sworn Probationary Appointment of Larry Durst, Fire Lieutenant, Grade 315N, \$24.041 hourly in the Div. of Fire and Emergency Services, effective January 2, 2023;

(28) Sworn Probationary Appointment of Gregory Hanner, Fire Lieutenant, Grade 315N, \$24.041 hourly in the Div. of Fire and Emergency Services, effective January 2, 2023;

(29) Sworn Probationary Appointment of Timothy Buchenroth, Fire Lieutenant, Grade 315N, \$24.041 hourly in the Div. of Fire and Emergency Services, effective January 2, 2023.

(30) Sworn Probationary Appointment of Justin Villanueva, Fire Lieutenant, Grade 315N, \$24.041 hourly in the Div. of Fire and Emergency Services, effective January 3, 2023;

(31) Sworn Probationary Appointment of Daniel Hall, Fire Lieutenant, Grade 315N, \$24.041 hourly in the Div. of Fire and Emergency Services, effective January 3, 2023;

(32) Unclassified Civil Service Appointment to the Office of the Urban County Council of

LaShawn Barber, Aide to Council, Grade 518E, \$2,769.28 biweekly in the Office of the Urban County Council, effective January 23, 2023; (33) Unclassified Civil Service Pay Increase to the Office of the Urban County Council of Layton Garlington, Aide to Council, Grade 518E, from \$2,515.44 biweekly to \$2,641.28 biweekly, effective January 2, 2023; and, (34) Classified Civil Service Lateral Transfer of Tamara Hernandez Serrano, Equipment Operator Sr., Grade 515N, \$20.793 hourly in the Div. of Water Quality, effective February 13, 2023.

\* \* \*

Mayor Gorton thanked Don Blevins Jr. for his many years of services as County Clerk as he was retiring that day.

\* \* \*

Mr. F. Brown noted that there was a Water Quality Stake Holder Meeting about a construction project on Greentree Road in the 8<sup>th</sup> District on Monday February 6, 2023 at 6:00 p.m. He added that the meeting would be held at Tates Creek High School.

\* \* \*

Vice Mayor Wu pointed citizens to the city's webpage regarding the American Rescue Plan Act projects that could be found at <https://www.lexingtonky.gov/ARPA>.

\* \* \*

Mr. Sevigny shared that there would be a meeting about a proposed cell tower that would be on the corner of Fort Harrods Dr. and Man'O'War Blvd. He noted that he and Ms. Baxter would attend the meeting which would be held at the Beaumont Branch of the Lexington Public Library on February 2, 2023 at 5:30 p.m. and expected it to run about an hour.

\* \* \*

Ms. Fogle said that with February being designated as Black History Month, she would be inviting students from the 1<sup>st</sup> District to speak about Lexington Black History pioneers as well as honoring teachers in the 1<sup>st</sup> District.

Ms. Fogle shared her excitement that she had been invited to speak at Veterans Park Elementary School on Friday February 3, 2023 about Black History Month.

\* \* \*

Ms. Gray shared that she would also be speaking at the same event celebrating Black History Month at Veterans Park Elementary School.

She added that she would be presenting an award on Saturday February 4, 2023 at the 38th Annual Kentucky American Water - Fayette County Public Schools District Science Fair.

\* \* \*

Dottie Bean, 8<sup>th</sup> District, shared concerns about the policy of disallowing public comment at committee meetings as well as time limits on Council comments and public comment.

\* \* \*

Josh Buckman, 6<sup>th</sup> District, spoke about the importance of the Wheels Service. He spoke about the challenges and barriers people faced in attaining access to the Wheels Service.

Upon motion by Mr. Sevigny, seconded by Ms. Gray, and approved by unanimous vote, the meeting adjourned at 5:45 p.m.

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Deputy Clerk of the Urban County Council