

Lexington- Fayette Urban County Government Council Meeting

Lexington, Kentucky June 23, 2022

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on June 23, 2022 at 6:04 p.m. Present were Mayor Gorton in the chair presiding, and the following members of the Council: Moloney, Plomin, Reynolds, Sheehan, Worley, Baxter, F. Brown, J. Brown, Ellinger, Kay, Kloiber, Lamb, and LeGris. Absent were Council Members McCurn and Bledsoe.

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

Ordinances No. 049-2022 through 051-2022, inclusive, were reported as having been signed and published and ordered to record.

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The Invocation was given by the Very Reverend Carol Wade, Dean and Rector of Christ Church Cathedral.

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Upon motion by Mr. Ellinger, seconded by Vice Mayor Kay, and approved by unanimous vote, the Minutes of the June 9, 2022 Council Meeting and the June 14, 2022 Council Meeting were approved.

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Mayor Gorton asked Virginia Bell to join her at the podium. She noted that Ms. Bell would be celebrating her 100th birthday on June 30, 2022. Mayor Gorton spoke of Ms. Bell's work with people afflicted with Alzheimer's and Dementia and specifically her work

with Dementia Friendly Lexington. Mayor Gorton read a Proclamation declaring June 30, 2022 as Dementia Friendly Day in Lexington.

Ms. Bell attributed her achievements to all the people who helped with her cause and spoke of her dreams for a Dementia Friendly Lexington.

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A Resolution ratifying and approving the Fiscal Year 2023 Budget of the Downtown Lexington Management District was on the docket to receive second reading.

At 6:14 p.m., Mayor Gorton declared open a public hearing and invited public comment.

At 6:15 p.m., with no one appearing to speak, Mayor Gorton declared the public hearing closed.

The Resolution received second reading.

Upon motion by Ms. Plomin, and seconded by Ms. Sheehan, the Resolution was approved by the following vote:

Aye: Moloney, Plomin, Reynolds, Sheehan, -----13
Worley, Baxter, F. Brown, J. Brown,
Ellinger, Kay, Kloiber, Lamb, LeGris

Nay: -----0

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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 the Div. of Family Services from Neighborhood Development Funds to assist with access to the Children's Garden at the Arboretum, Schedule No. 48 received second reading.

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

Aye: Moloney, Plomin, Reynolds, Worley, -----11
Baxter, F. Brown, J. Brown, Ellinger,
Kay, Kloiber, Lamb

Nay: -----0

Recuse: Sheehan, LeGris -----2

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The following Ordinances received second reading. Upon motion by Mr. Ellinger, and seconded by Vice Mayor Kay, the Ordinances were approved by the following vote:

Aye: Moloney, Plomin, Reynolds, Sheehan, -----13
Worley, Baxter, F. Brown, J. Brown,
Ellinger, Kay, Kloiber, Lamb, LeGris

Nay: -----0

An Ordinance amending certain of the Budgets of the Lexington Fayette Urban County Government to reflect current requirements for funds in the amount of \$2,000 for the Div. of Aging and Disability Services from Neighborhood Development Funds for the Senior Intern Program, Schedule No. 46.

An Ordinance amending certain of the Budgets of the Lexington Fayette Urban County Government to reflect current requirements for funds in the amount of \$2,800 for the Div. of Traffic Engineering for the installation of safety measures in the Third Council District, Schedule No. 45.

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. 43.

An Ordinance amending certain of the Budgets of the Lexington Fayette Urban County Government to reflect current requirements for funds in the amount of \$4,000 for the Div. of Parks and Recreation from Neighborhood Development Funds for cleaning and repair of World War I Memorial in Veterans Park, Schedule No. 47.

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An Ordinance repealing Article XVII of Chapter 2 of the Code of Ordinances to abolish the Urban County Arts Review Board and transferring the duties and powers of the Urban County Arts Review Board to the Lexington Fayette Urban County Government Public Arts Commission, and recognizing the completion of the Public Art Master Plan, by amending Section 2-451 of the Code of Ordinances to include reviewing applications for permanent visual artwork in public spaces as a purpose of the Commission; creating Section 2-451.1 of the Code of Ordinances to include definitions for “artist”, “permanent artwork”, and “public spaces”; amending Section 2-452 of the Code of Ordinances to expand the membership of the Commission to sixteen members to include a licensed civil engineer, a landscape architect, a licensed architect or design professional, an artist with public art experience, and a representative from LexArts, who shall be a non-voting, ex officio member; amending Section 2-454 of the Code of Ordinances to include Open Meetings Act language and providing that a staff person within the Office of the Mayor will staff the Commission; amending Section 2-455 of the Code of Ordinances to require the adoption of Bylaws, to Grant authority to review applications for permanent artwork in public spaces, to promulgate rules and regulations consistent with the Public Art Master Plan to create a selection process and selection criteria for the approval of artwork for public spaces and to establish the process and criteria for making recommendations for

the acquisition, funding, and placement of public art by the Urban County Government; and creating Section 2-255.1 of the Code of Ordinances to subject Urban County Government Public Arts Commission Members to the Code of Ethics as provided in article 16 of the Urban County Charter received first reading.

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

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

Aye: Moloney, Plomin, Reynolds, Sheehan, -----13
Worley, Baxter, F. Brown, J. Brown,
Ellinger, Kay, Kloiber, Lamb, LeGris

Nay: -----0

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An Ordinance amending the compensation system salary schedules providing a two and one half percent (2.5%) structure movement to the salary schedules applicable to all full time and part time positions in the classification and compensation system's unified pay plan; providing that all full time and part time employees included in the unified pay plan shall receive a five percent (5.0%) pay increase for FY2023; providing that sections 21-29(c) and 22-26(3) notwithstanding, all employees at or above the maximum of the grade salary range shall receive a five percent (5.0%) pay increase for FY2023; 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 five percent (5.0%) and adjusting the salaries accordingly; and increasing the salary by

five percent (5.0%) for three (3) positions of Law Clerk -P\T, within the Dept. received first reading.

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

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

Aye: Moloney, Plomin, Reynolds, Sheehan, -----13
Worley, Baxter, F. Brown, J. Brown,
Ellinger, Kay, Kloiber, Lamb, LeGris

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 5, 2022:

An Ordinance amending Chapter 21 of the Code of Ordinances as follows: Section 21-1, amending or creating the definitions of: authorized strength, classification or class, qualified adult, unified pay plan, deleting reference to Section 21-5, and renumbering Subsections; amending Section 21-2, updating terminology; Section 21-3, updating terminology; Section 21-6, updating terminology, updating references to the Kentucky Revised Statutes and Kentucky Administrative Regulations and renumbering Subsections; Section 21-7, updating terminology; Section 21-8, updating terminology; Section 21-9, updating terminology and deleting Subsection 21-9(b); Section 21-10, updating terminology; Section 21-11, updating terminology; Section 21-12 updating terminology consistent with KRS chapter 67a, and renumbering Subsections; Section 21-13, updating terminology, deleting Subsection 21-13(e), and renumbering

Subsections; Section 21-14, updating terminology; Section 21-15, updating terminology; Section 21-16, updating terminology; Section 21-17, updating terminology and providing that employees who transfer to a new position shall serve a six-month probationary period in their new job class; Section 21-18, updating terminology and renumbering Subsections; Section 21-23, updating terminology, deleting Subsection 21-23(e) and renumbering a Subsection; Section 21-26, updating terminology and renumbering Subsections; Section 21-26.1, updating terminology; Section 21-27, updating terminology, deleting Subsections 21-27(c) and (g), and remembering Subsections; Section 21-28, updating terminology and renumbering Subsections; Section 21-29, clarifying the process for within grade salary increases and renumbering Subsections; Section 21-30, updating terminology; Section 21-32, updating terminology, deleting Subsection 21-32(d) and renumbering Subsections; Section 21-33, deleting references to Sections 21-25 and 21-31; Section 21-34, updating terminology, deleting references to Sections 21-25 and 21-31 and amending immediate family for purposes of sick leave to include qualified adult relationships; Section 21-35, updating terminology and amending immediate family for purposes of bereavement leave to include qualified adult relationships; Section 21-37, updating terminology and updating references consistent with KRS 337.015 and renumbering Subsections; Section 21-37.1, updating terminology and renumbering Subsections; Section 21-37.2, updating terminology and renumbering Subsections; Section 21-38, creating Section 21-38(d); Section 21- 39, deleting reference to Sections 21-25 and 21-31; Section 21-40, updating terminology and deleting reference to Section 21-25 and 21-31; Section 21-41, updating terminology and deleting reference to Section 21-25 and 21-31; Section 21-42, deleting reference to the Division of Risk Management;

Section 21-45, updating terminology; Section 21-52, updating the Drug Free Workplace Policy to include any amendments; all effective upon passage of Council.

An Ordinance amending Chapter 22 of the Code of Ordinances as follows: Section 22-1, creating or amending the definitions of authorized strength, classification or class, qualified adult, and unified pay plan, renumbering Subsections, and deleting references to Section 22-5; Section 22-2, updating terminology and renumbering Subsections; Section 22-3, updating terminology and renumbering Subsections; Section 22-6, updating terminology, updating references to the Kentucky Revised Statutes and Kentucky Administrative Regulations and renumbering Subsections; Section 22-7, updating terminology and renumbering Subsections; Section 22-9, updating terminology; Section 22-16, updating terminology; Section 22-18, renumbering Subsections; Section 22-19, renumbering Subsections; Section 22-20, updating terminology, deleting Section 22-20(5) and renumbering Subsections; Section 22-23, updating terminology and renumbering Subsections; Section 22-24, updating code references; Section 22-25, updating terminology and renumbering code Sections; Section 22-26, clarifying the process for within grade salary increases and renumbering Subsections; Section 22-27, clarifying the process for reclassification and updating terminology; Section 22-28, renumbering Subsections; Section 22-29, clarifying dismissal process; Section 22-30, renumbering Subsections; Section 22-31, updating terminology and renumbering Subsections; Section 22-32, updating terminology and renumbering Subsections; Section 22-34, updating references to the drug free workplace policy to include any amendments; Section 22-40, deleting reference to Section 22-5, updating terminology and renumbering Subsections; Section 22-41, updating terminology, deleting reference to Section 22-5 and

renumbering Subsections; Section 22-42, updating terminology, deleting reference to Section 22-5 and renumbering Subsections; Section 22-43, updating terminology, deleting reference to Section 22-5 and renumbering Subsections; Section 22-44, updating terminology, deleting reference to Section 22-5 and renumbering Subsections; Section 22-45, updating terminology, deleting reference to Section 22-5, renumbering Subsections, and changing the term of the position of Council administrator from a term of two (2) years corresponding with the terms of the district Councilmembers to a term of four (4) years corresponding with the term of the at-large Councilmembers; Section 22-46, updating terminology, deleting reference to Section 22-5 and renumbering Subsections; Section 22-47, updating terminology, deleting reference to Section 22-5 and renumbering Subsections; Section 22-48, updating terminology, deleting reference to Section 22-5 and renumbering Subsections; Section 22-49, updating terminology, deleting reference to Section 22-5, deleting Section 22-49(3) and renumbering Subsections; Section 22-50, updating terminology, deleting reference to Section 22-5 and renumbering Subsections; Section 22-51, updating terminology, deleting reference to Section 22-5 and renumbering Subsections; Section 22-52, updating terminology and deleting reference to Section 22-5; Section 22-52.1, renumbering Subsections; Section 22-53.1, updating terminology and amending maximum age for submitting an application from thirty-seven to forty-one (41); Section 22-53.2, updating terminology and renumbering Subsections; Section 22-54, updating terminology and renumbering Subsections; Section 22-55, updating terminology, deleting reference to Section 22-5 and renumbering Subsections; Section 22-55.1, updating terminology, changing references to the Division of Risk Management to the Department of Law, and renumbering Subsections; Section 22-56, updating

terminology, deleting reference to Section 22-5 and renumbering Subsections; Section 22-57, updating terminology, deleting reference to Section 22-5 and renumbering Subsections; Section 22-58, updating terminology, deleting reference to Section 22-5 and renumbering Subsections; and Section 22-59, updating terminology, amending immediate family for purposes of sick leave to include qualified adult relationships, and deleting Subsection (2) relating to health insurance for part-time employees and renumbering Subsections; all effective upon passage of Council.

An Ordinance suspending Section 16-403(2)(c) of the Code of Ordinances, which authorizes the adjustment of the Water Quality Management Fee on July 1 based on the Consumer Price Index for all urban consumers, for FY2023, and in lieu of an increase based on the Consumer Price Index, increasing the Water Quality Management Fee for each parcel from \$5.23 per equivalent residential unit per month to \$5.37 per equivalent residential unit per month, effective July 1, 2022.

An Ordinance of the Lexington-Fayette Urban County Government, authorizing the issuance of three series of Industrial Revenue Bonds having a combined aggregate principal amount of up to \$39,000,000 and designated the Lexington-Fayette Urban County Government, Kentucky, Industrial Building Revenue Bonds, Series 2022a (Speigle Heights Redevelopment Project - Astana), the Lexington-Fayette Urban County Government, Kentucky, Industrial Building Revenue Bonds, Series 2022b (Speigle Heights Redevelopment Project - New Circle), and the Lexington-Fayette Urban County Government, Kentucky, Industrial Building Revenue Bonds, Series 2022c (Speigle Heights Redevelopment Project - New Octagon), for the purpose of financing an industrial building project; approving and authorizing the execution and delivery of (a) a Lease

Agreement between the Urban County Government, as lessor, and Astana LLC, as lessee, (b) a Lease Agreement between the Urban County Government, as lessor, and New Circle Investments LLC, as lessee, (c) a Lease Agreement between the Urban County Government, as lessor, and New Octagon Limited Liability Company, as lessee, (d) separate bond purchase Agreements providing for the issuance, sale, and delivery of each series of the bonds and providing for their negotiated sale, and (e) other related documents; and taking other related actions.

An Ordinance changing the zone from an Agricultural Urban (A-U) zone to a Planned Neighborhood Residential (R-3) zone, for 0.66 net (1.64 gross) acres, for property located at 601 Old Todds Rd. and 96 Codell Drive, as well as a portion of closed public right-of-way. (AU Associates, Inc; Council District 7)

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. 1.

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The following Resolutions received second reading. Upon motion by Ms. Plomin, and seconded by Ms. Sheehan, the Resolutions were approved by the following vote:

Aye: Moloney, Plomin, Reynolds, Sheehan, -----13
Worley, Baxter, F. Brown, J. Brown,
Ellinger, Kay, Kloiber, Lamb, LeGris

Nay: -----0

A Resolution authorizing the Div. of Revenue to include the processing of net profit payments in the Lockbox Processing Services provided by Fifth Third Bank pursuant to Resolution No. 572-2019; and authorizing and directing the Mayor, on behalf of the Urban

County Government, to execute any necessary documents related to the services, at an additional cost not to exceed \$30,000 annually.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Purchase of Service Agreement with the Hope Center, Inc., for the Detention Center Recovery Program, at a cost not to exceed \$181,000 (FY 2023).

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Gimmel LLC, for the Infolinx software upgrade and yearly cost of services for records tracking and retrieval, at a cost not to exceed \$30,000 (FY2022).

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Release of Claims Agreement with Officer Jackie Hoskins, for care of retired canine Destro and Officer Shane Slark for care of retired canine Tracker.

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 of easement from owners of record, for property interests needed for the East Loudon Avenue Sanitary Sewer Relocation Project, at a cost not to exceed \$906.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Engineering Services Agreement (awarded pursuant to RFP No. 13-2022) with Stantec Consulting Services, Inc., for continued implementation of the Sanitary Sewer Capacity Assurance Program required by the Consent Decree, at a cost estimated not to exceed \$600,000. (FY 2023).

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute the Search and Rescue Affiliation Agreement to establish

responsibilities for the Div. of Fire and Emergency Services Special Operations Team and the Rescue Squad and the Div. of Emergency Management for Rescue Squad Services.

A Resolution establishing Cummins as a sole source provider for the repairs for a 2016 Peterbilt Front Loader, for the Div. of Facilities and Fleet Management, and authorizing the Mayor, on behalf of the Urban County Government, to execute any necessary Agreements with Cummins related to the repairs, at a cost not to exceed \$14,492.55.

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. of \$475,000 in Federal funds and \$175,000 in Commonwealth of Ky. funds for the Home Network Project, also known as Ky. Health Access Nurturing Development Services (HANDS), for the Family Care Center for FY 2023, 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 approving the FY 2023 Budget of the Transit Authority of the Lexington Fayette Urban County Government (LexTran) pursuant to KRS 96A.360 and requesting that the Comm. of Finance authorize the Fayette County Sheriff's Office to disburse the funds to LexTran collected from the ad valorem tax approved by voters on November 9, 2004.

A Resolution accepting the bids of Riley Oil Co., Key Oil Co., Apollo Oil, LLC, and Woodford Oil Co., establishing price contracts for Hydraulic Oil, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bids of Ziegler Tire & Supply, Co., and S & S Tire, establishing price contracts for Michelin Tires, for the Div. of Fire and Emergency Services.

A Resolution accepting the bids of Cunningham Golf & Utility Vehicles, and Midwest Golf & Turf, establishing price contracts for golf carts, for the Div. of Parks and Recreation.

A Resolution ratifying the Permanent Classified Civil Service Appointments of: Adrienne Godfrey Thakur, Deputy Director of Recreation, Grade 528E, \$3,327.76 biweekly in the Div. of Parks and Recreation, effective March 9, 2022, and Sylvia Schmonsky, Administrative Specialist Principal, Grade 518E, \$2,178.96 biweekly in the Div. of Planning, effective May 22, 2022.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with ADS LLC d/b/a ADS Environmental Services, a sole source provider, for sanitary sewer overflow monitoring and reporting services related to the existing monitoring system, at a cost not to exceed \$118,536.

A Resolution ratifying the Mayor's prior execution of an Agreement with the Cabinet for Health and Family Services accepting \$75,150 in Federal funds for the Ky. Opioid Response Effort, in order to support the Community Paramedicine Program, the acceptance of which does not obligate the Urban County Government to the expenditure of funds, and authorizing the Mayor to execute any necessary documents related to these funds, and also authorizing the Mayor to transfer unencumbered funds with the Grant Budget established for this Grant.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement (awarded pursuant to RFP No. 23-2022) with Wiser Strategies, for mass marketing and advertisement placement services, for the Dept. of Environmental Quality and Public Works, at a cost not to exceed \$360,000 in FY2023, with an option for three additional one year renewals at a cost not to exceed \$360,000 per fiscal year, subject to sufficient funds being appropriated in future fiscal years.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Second Amendment to an Agreement with Lexington Rescue Mission, Inc., for its Rapid Rehousing Program, in order to extend the period of performance through August 31, 2023, and further authorizing the Mayor to execute any other necessary amendments related to that Agreement.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Grant Award Agreement with Friends of Wolf Run, Inc., for a Stormwater Quality Project, decreasing the Grant award by the sum of \$2,040.03, from \$62,391.20 to \$60,351.17.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a donation in the amount of \$2,000 from Harry and Betty Hall, in appreciation of youth programming at William Wells Brown Community Center, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a donation in the amount of \$2,500 from Lloyd Maury, for a memorial bench to be placed in Woodland Park.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Grant Award Agreement with the University of Ky. Research Foundation (UKRF), for a Stormwater Quality Project, increasing the Grant award by the sum of \$143,200, from \$216,800 to \$360,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Intertek, to become a NFPA 1851 Independent Service Provider, at a cost not to exceed \$17,485.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to an Agreement with the Ky. Emergency Management Agency for the Thompson Rd. Recycling Center Tornado Shelter Project, extending the period of performance through June 30, 2024.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a third Amendment to an Agreement with Greenhouse17 for its Emergency Shelter and Rapid Rehousing Programs, in order to extend the period of performance through August 31, 2023, and further authorizing the Mayor to execute any other necessary amendments related to that Agreement.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Amendments to two (2) Agreements with Hope Center, Inc., under the Emergency Solutions Grants Program, to extend the period of performance for the Hope Center Emergency Shelter Agreement and Hope Center Street Outreach Agreement to August 31, 2023, and further authorizing the Mayor to execute any other necessary amendments related to either of these Agreements.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to an Agreement with Mountain Comprehensive Care Center for its case management and Rapid Rehousing Program, in order to revise the Budget and extend the period of performance through August 31, 2023, and authorizing the Mayor to execute any other necessary amendments related to that Agreement.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to accept the proposals for FY 2023 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 \$36,868.91; General, Auto, Public Officials, Law Enforcement, and Professional from Safety National Casualty Corporation at a cost not to exceed \$499,931.03; Excess Liability from Safety National Casualty Corporation at a cost not to exceed \$116,588.00; Excess Liability from Gemini Insurance Co. (Berkley) at a cost not to exceed \$387,346.04; Property from Affiliated Factory Mutual (FM) at a cost not to exceed \$645,678.72; Cyber from Crum & Forster Insurance Co. at a cost not to exceed \$98,820.00; Pollution from Illinois Union Insurance Co. (Chubb) at a cost not to exceed \$24,427.21; and Workers' Compensation from Safety National Casualty Corporation at a cost not to exceed \$436,994.00; all subject to sufficient funds being appropriated.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to an Agreement with the Ky. Emergency Management Agency, for the Lexington Fayette Animal Care and Control Facility

Generator Project, extending the period of performance through June 30, 2024, and authorizing the Mayor to execute any other necessary amendments related to that Agreement.

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. Emergency Management Agency for the Fayette County Weather Radios Project.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to an Agreement with New Beginnings Bluegrass, Inc., for a Rapid Rehousing Program, extending the period of performance through August 31, 2023, and authorizing the Mayor to execute any other necessary amendments related to that Agreement.

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 \$109,250 in Federal funds for the continued operation of the Motor Carrier Safety Assistance Program (MCSAP) for FY 2023, the acceptance of which obligates the Urban County Government to the expenditure of \$5,750 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 authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Justice and Public Safety Cabinet, which Grant funds are in the amount of \$49,500 in Federal funds for the

continuation of the Street Sales Drug Enforcement Project for FY 2023, to provide any additional information requested in connection with this Grant Application, and to accept this Grant award if offered, the acceptance of which will obligate the Lexington Fayette Urban County Government to the expenditure of \$5,500 as a local match, and authorizing the Mayor to transfer unencumbered funds within the Grant Budget.

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Upon motion by Ms. Lamb, seconded by Ms. Baxter, and approved by unanimous vote, a Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an order form with LinkedIn Corporation, to provide job listings on its platform, for the Public Information Office, at a cost not to exceed \$14,625 received first reading.

Upon motion by Ms. Lamb, seconded by Ms. Sheehan, and approved by majority vote (Mr. F. Brown voted no), the rules were suspended and the Resolution received second reading.

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

Aye: Moloney, Plomin, Reynolds, Sheehan, -----13
Worley, Baxter, F. Brown, J. Brown,
Ellinger, Kay, Kloiber, Lamb, LeGris

Nay: -----0

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A Resolution accepting the bid of Community Action Council (“CAC”) to RFP No. 22-2022 and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Subrecipient Agreement with CAC in order to allocate

\$4,000,000 of Federal Grant funds awarded pursuant to the American Rescue Plan Act of 2021 to the CAC for a Transitional Housing Pilot Project, and authorizing the Mayor to execute any other needed Agreements or amendments with the CAC related to the use of these funds received first reading.

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

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

Aye: Moloney, Plomin, Reynolds, Sheehan, -----13
Worley, Baxter, F. Brown, J. Brown,
Ellinger, Kay, Kloiber, Lamb, LeGris

Nay: -----0

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A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Second Amendment to the Waste Supply and Disposal Agreement with Waste Services of the Bluegrass, Inc., authorizing the institution of a fixed fuel surcharge in the amount \$2.68 per ton when diesel prices exceed certain thresholds, and further authorizing the Mayor or her designee to negotiate adjustments to the fixed fuel surcharge when diesel prices exceed certain thresholds received first reading.

Upon motion by Mr. F. Brown, 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 Ms. Plomin, the resolution was approved by the following vote:

Aye: Moloney, Plomin, Reynolds, Sheehan, -----13
Worley, Baxter, F. Brown, J. Brown,
Ellinger, Kay, Kloiber, Lamb, LeGris

Nay: -----0

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A Resolution authorizing the Div. of Fire and Emergency Services to purchase Hal S3000 Adult Simulator Package from Guarmard, a sole source provider, and authorizing the Mayor, on behalf of the Urban County Government, to execute any necessary Agreement with Guarmard, related to the procurement, at a cost not to exceed \$39,193 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 Ms. Plomin, the resolution was approved by the following vote:

Aye: Moloney, Plomin, Reynolds, Sheehan, -----13
Worley, Baxter, F. Brown, J. Brown,
Ellinger, Kay, Kloiber, Lamb, LeGris

Nay: -----0

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A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept an additional award of \$49,155 in Federal and Commonwealth of Ky. funds, from the Ky. Div. of Emergency Management's Hazard Mitigation Grant Program, for the Thompson Rd. Safe Room, the acceptance of which obligates the Urban County Government to the expenditure of \$7,345 as a local match, authorizing the Mayor

to execute any necessary Agreements related to these funds, and authorizing the Mayor to transfer unencumbered funds within the Grant Budget 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 Mr. Ellinger, and seconded by Ms. Plomin, the resolution was approved by the following vote:

Aye: Moloney, Plomin, Reynolds, Sheehan, -----12
Worley, Baxter, F. Brown, J. Brown,
Ellinger, Kay, Kloiber, Lamb, LeGris

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 5, 2022:

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, Dept. of Environmental Protection, Div. of Waste Management, which Grant funds are in the amount of \$4,000 in Commonwealth of Ky. funds for Fiscal Year 2023 for the disposal and recycling of waste tires, 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 from the Commission on Fire Protection, Personnel, Standards, and Education, which Grant funds are in the amount of \$3,595,162 in Commonwealth of Ky. funds, for Fire Training Incentives for Firefighters for FY 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 Urban County Government, to accept a Grant from the Ky. Justice and Public Safety Cabinet under the Ky. Law Enforcement Foundation Program Fund, which Grant funds are in the amount of \$3,433,110 in Commonwealth of Ky. funds for Police Training Incentives for FY 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 Urban County Government, to execute Contract Modification No. Two (2) to an Agreement with Palmer Engineering for additional design of Town Branch Trail Phase V, increasing the Contract price by the sum of \$43,500 and raising the total Contract price from \$696,502 to \$740,002.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to an Agreement with the Charleston Garden Homeowners Association, Inc., under the Neighborhood Action Match Program, extending the project to May 31, 2023.

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 2023, 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.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Contract (awarded pursuant to RFP No. 21-2022) with Bluegrass Greensource, Inc., for environmental outreach services related to the implementation of the Green Check Program, at a cost estimated not to exceed \$65,000 in FY 2023.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Contract (awarded pursuant to RFP No. 28-2022) with Mackey Group, LLC d/b/a Wiser Strategies, for creative design services for public outreach and media campaigns relating to stormwater and water quality education, at a cost not to exceed \$50,000 in FY 2023.

A Resolution accepting the bid of Knight Electric, Inc., in the amount of \$222,270, for the Kirklevington Park Pickleball Sports Lighting, for the Dept. of Housing Advocacy and Community Development, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Knight Electric, related to the bid.

A Resolution accepting the bid of NAC Heavy Highway, Inc., in the amount \$1,283,052, for the Leestown Industrial Pump Station Replacement Project, for the Div. of Water Quality, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with NAC Heavy Highway, Inc., related to the bid.

A Resolution accepting the bid of Path Master, Inc., establishing a price contract for Advanced Transportation Controller Cabinet, for the Div. of Traffic Engineering.

A Resolution ratifying the Permanent Classified Civil Service Appointment of: Nathaniel Skinner, City Arborist, Grade 521E, \$2,416 biweekly in the Div. of Environmental Services, effective June 20, 2022.

A Resolution accepting the response of Sentinel Offender Services, LLC, to RFP No. 12-2022, to provide court ordered electronic monitoring services for the offender population on home incarceration, for the Div. of Community Corrections, compensation to be determined based on participation, not to exceed \$240,000.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Engineering Services Agreement (awarded pursuant to RFP No. 04-2022) with Bell Engineering, for an audit of the Capacity Assurance Program, at a cost estimated not to exceed \$13,500.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Lease Agreements for residential park properties with the following individuals for the listed properties in consideration of the sums stated in annual rent: Samuel Garcia for 3990 Raven Run Way, \$7,080; and Fred Williamson for 4051 Richmond Rd., \$2,220.

A Resolution changing the property street name of 2181 Versailles Rd. to 2177 Versailles Rd., and changing the street name and property address number of 404 Reeces Run to 404 Dentons Trail, 405 Reeces Run to 405 Dentons Trail, 1812 Versailles Rd. to 1824 Hill Rise Dr., 1303 West Main St. to 160 Turners Common Way, 1301 West Main St. to 125 Turners Commons Way, 365 Old Vine St. to 360 East Vine St., and 3825 Branham Park to 449 Weston Park, all effective thirty (30) days from passage.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Ky. Underground Storage, Inc., to alleviate space issues at the Records Center and Archives Warehouse, at a cost not to exceed \$17,912.80.

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 Federal funds in the amount of \$250,000, provided under the Coronavirus Response and Relief Supplemental Act, for the design phase of the Citation Boulevard Phase 3B 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 the Dept. of Law to institute Condemnation Proceedings in Fayette Circuit Court to obtain permanent and temporary easements upon portions of the property located at 1501 Russell Cave Rd. for the New Circle Rd. Trunk Sewer A & B Improvements Project.

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Upon motion by Vice Mayor Kay, and seconded by Ms. LeGris, the Communications from the Mayor were approved by unanimous vote and were as follows: (1) Recommending the reappointment of Linda Bebrowsky and the appointment of Cassandra Hockenberry to the Library Board of Trustees, both with terms expiring July 20, 2026; (2) Recommending the appointments of Darlene Barber, Allison Connelly and James Sichko, Alternate, to the Police Disciplinary Review Board, with terms expiring June 1, 2025, June 1, 2026, and June 1, 2026, respectively; and, (3) Recommending the

reappointment of Hazel Teichen to the Senior Services Commission, with term expiring September 1, 2026.

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The following Communications from the Mayor were received for information only:

(1) Probationary Classified Civil Service Appointment of Jessica McClung, Customer Account Specialist, Grade 512N, \$18.287 hourly in the Div. of LexCall, effective June 15, 2022; (2) Probationary Classified Civil Service Appointment of Ashley Lewis, Customer Service Specialist, Grade 510N, \$15.349 hourly in the Div. of LexCall, effective June 14, 2022; (3) Probationary Classified Civil Service Appointment of Lorraine Williams, Customer Service Specialist, Grade 510N, \$17.762 hourly in the Div. of LexCall, effective June 20, 2022; (4) Probationary Classified Civil Service Appointment of Luke Morgan, Budget Analyst, Grade 519N, \$25.989 hourly in the Div. of Budgeting, effective July 5, 2022; (5) Probationary Classified Civil Service Appointment of Candice Long, Administrative Specialist, Grade 513N, \$19.514 hourly in the Div. of Revenue, effective July 11, 2022; (6) Probationary Classified Civil Service Appointment of James Duff, Public Service Supervisor, Grade 514N, \$21.113 hourly in the Div. of Water Quality, effective June 13, 2022; (7) Probationary Classified Civil Service Appointment of Patrick Tillson, Environmental Inspector, Grade 516N, \$20.736 hourly in the Div. of Water Quality, effective June 13, 2022; (8) Probationary Classified Civil Service Appointment of Kevin White, Public Service Worker Sr., Grade 509N, \$16.246 hourly in the Div. of Water Quality, effective June 13, 2022; (9) Probationary Classified Civil Service Appointment of Jayquan Johnson, Public Service Worker Sr., Grade 509N, \$18.271 hourly in the Div. of Water Quality, effective June 20, 2022; (10) Probationary Classified Civil Service

Appointment of Carlos Ross, Managing Attorney, Grade 534E, \$4,319.36 biweekly in the Dept. of Law, effective August 8, 2022; (11) Probationary Classified Civil Service Appointment of Kim Nader, Telecommunicator Sr., Grade 517N, \$23.758 hourly in the Div. of Enhanced 911, effective June 21, 2022; (12) Probationary Classified Civil Service Appointment of William Regensburger, Skilled Trades Manager, Grade 521E, \$2,839.04 biweekly in the Div. of Community Corrections, effective June 20, 2022; (13) Probationary Classified Civil Service Appointment of Denise McCargo, Life Skills Program Specialist, Grade 515N, \$21.610 hourly in the Div. of Community Corrections, effective June 14, 2022; (14) Probationary Classified Civil Service Appointment of Adam McKinney, Skilled Trades Worker, Grade 515N, \$25.234 hourly in the Div. of Community Corrections, effective July 4, 2022; (15) Probationary Classified Civil Service Appointment of Ann Gillis, Administrative Specialist, Grade 513N, \$18.648 hourly in the Div. of Community Corrections, effective July 4, 2022; (16) Probationary Classified Civil Service Appointment of Felicia Jones, Administrative Specialist, Grade 513N, \$20.302 hourly in the Div. of Police, effective July 5, 2022; (17) Probationary Community Corrections Officer Appointment of Michael Hack, Community Corrections Officer Recruit, Grade 110N, \$20.000 hourly in the Div. of Community Corrections, effective June 20, 2022; and, (18) Unclassified Civil Service Appointment to the Office of the Urban County Council of Nicole Saitta, Aide to Council, Grade 518E, \$2,307.70 biweekly in the Office of the Urban County Council, effective June 21, 2022.

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Police Chief Lawrence Weathers, Div. of Police, presented a disciplinary matter regarding Officer Benjamin Starkey. An allegation has been made that Officer Starkey

has committed the offense of Conduct Toward the Public and Conduct Toward Department Employees which constitutes misconduct under the provisions of KRS 95.450 and/or KRS 15.520 and General Order 1973-02K Disciplinary Procedures of Sworn Officers Section 1.07 in that on the 7th day of December 2021, he/she allegedly:

On December 7th, 2021 Officer Benjamin Starkey violated the Operational Rules by distributing an altered photo to a fellow employee. The photograph included a department employee's picture that was unprofessional and demeaning to that employee.

The above listed policy states:

- Officers shall conduct themselves in a manner that fosters cooperation among employees of this department, showing respect and courtesy. Officers shall be civil and professional in their dealings with other employees at all times.
- Officers shall not use language or engage in any acts that threaten, demean, harass, intimidate, or torment other employees, to include applicants for employment, volunteers, interns, or any individual engaged in department- sponsored mentoring activities.
- No officer shall use blogs, social networking sites, or other Internet communication devices to harass another employee. This prohibition includes the officer's use of Internet or social networking sites outside of the workplace.

The appropriate punishment for this conduct is One (1) day Suspension Without Pay.

Upon motion by Mr. J. Brown, seconded by Mr. Ellinger and approved by unanimous vote, the disciplinary recommendation was approved.

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Police Chief Weathers, Div. of Police, presented a disciplinary matter regarding Officer Joseph Williams. An allegation has been made that Officer Williams has committed the offense of Conduct Toward the Public and Conduct Toward Department Employees which constitutes misconduct under the provisions of KRS 95.450 and/or KRS 15.520 and General Order 1973-02K Disciplinary Procedures of Sworn Officers Section 1.07 in that on the 7th day of December 2021, he/she allegedly:

On December 7th, 2021 Officer Joseph Williams violated the Operational Rules by distributing an altered photo to a fellow employee. The photograph included a department employee's picture that was unprofessional and demeaning to that employee. The above listed policy states:

- Officers shall conduct themselves in a manner that fosters cooperation among employees of this department, showing respect and courtesy. Officers shall be civil and professional in their dealings with other employees at all times.
- Officers shall not use language or engage in any acts that threaten, demean, harass, intimidate, or torment other employees, to include applicants for employment, volunteers, interns, or any individual engaged in department- sponsored mentoring activities.
- No officer shall use blogs, social networking sites, or other Internet communication devices to harass another employee. This prohibition

includes the officer's use of Internet or social networking sites outside of the workplace.

The appropriate punishment for this conduct is One (1) day Suspension Without Pay.

Upon motion by Ms. Baxter, seconded by Ms. Reynolds and approved by unanimous vote, the disciplinary recommendation was approved.

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Ms. LeGris invited everyone to attend Lexington's Pride Festival, hosted by the Lexington Pride Center, on Saturday June 25, 2022 from 11:00 a.m. to 10:00 p.m. at the Robert F. Stephens Court House Plaza.

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Vice Mayor Kay introduced his new aide, Nicole Saitta.

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Ms. Reynolds announced that on Friday, June 24, 2022, from 8:00 a.m. to 10:00 a.m., Creative Mornings would be taking place at McConnell Springs. She shared that Jennifer Hubbard-Sanchez, Recreation Manager for Raven Run, would be giving a lecture about the world "Wilderness" and there would also be an opportunity to interact with an owl.

Ms. Reynolds also announced a new event to be held in the Distillery District that would include a Div. of Water Quality Presentation and a clean-up of the Town Branch Creek. She shared that the event would take place on Saturday, June 25, 2022 starting at 9:00 a.m. at Weisberg Cider and would run until 12:30 p.m.

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Mr. J. Brown spoke of his attendance at the Kentucky Pro Football Hall of Fame reception that took place in the lobby of the Government Center the previous day, as well as the accompanying honorary dinner. He spoke of the interactions and conversations between the honorees as well as the role that the Lexington Fayette Urban County Government had served in celebrating 20 years of the Kentucky Pro Football Hall of Fame.

Mr. J. Brown praised the Hope Center and its program, One Parent Scholar House which provided services to single parents.

He also noted that the Div. of Parks and Recreation would be hosting many events going on this week, including Northside Nights on Friday June 24, 2022 at Castlewood Park as well as the live musical performances at Douglas Park occurring at 7:30 p.m. that night, June 23, 2022.

Mayor Gorton expressed her pride at being the only state in the nation to have a Pro Football Hall of Fame.

Mr. J. Brown shared that Mayor Gorton had been dazzled by the athletes at the event and as a response Mayor Gorton shared that she was a football fan, specifically of the Green Bay Packers as they are the only team to be owned by citizens.

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Ms. Baxter welcomed the Florida based grocery store chain, Publix, to the 9th District. She spoke of their intention to open the first store in Lexington which would be located at the Fountains at Palomar and was slated to open sometime in late 2024. She expressed the excitement felt by the community regarding this matter.

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Dottie Bean, 8th Council District, shared her displeasure that the Police Roll Call station at Gainesway Center on Center Parkway would be relocated to a newly built center at Veterans Park on land near the Fire Station and Clearwater Drive. She spoke of the positive influence the Roll Call Center had had on the area and expressed her concern that relocating it would harm the area. Ms. Bean spoke of her belief that a need of the need for a police presence in this area and explained some of the problems that faced the area.

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Upon motion by Ms. Plomin, seconded by Ms. LeGris, and approved by unanimous vote, the meeting adjourned at 7:13 p.m.

Deputy Clerk of the Urban County Council