

Lexington- Fayette Urban County Government Council Meeting

Lexington, Kentucky May 6, 2021

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

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on May 6, 2021 at 6:00 p.m. Present were Mayor Gorton in the chair presiding, and the following members of the Council: Ellinger, Kay, Kloiber, Lamb, LeGris, McCurn, Moloney, Plomin, Reynolds, Sheehan, Worley, Baxter, F. Brown, and J. Brown. Absent was Council Member Bledsoe.

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

Ordinances No. 29-2021 through 31-2021, inclusive, and Resolutions No. 179-2021 through 209-2021, inclusive, were reported as having been signed and published and ordered to record.

* * *

The Invocation was given by Rev. David Shirey of Central Christian Church.

* * *

Mayor Gorton introduced Coach Harold Mullins and the UK Rifle Team. She spoke about the team's recent win at the 2021 NCAA Rifle National Championship and the medals won in the NCAA Air Rifle Individual Championship by team members Mary Tucker and Will Shaner. Mayor Gorton read a Proclamation declaring May 6, 2021 as UK Rifle National Champions Day in Lexington.

Coach Mullins expressed pride in the team members and thanked the Mayor and the Council for the recognition.

Mary Tucker stated her pride in the team and spoke about the challenges of preparing for the championship throughout the pandemic.

Hailee Sigmon thanked everyone for their support and spoke about her team members' work ethics.

* * *

Mayor Gorton talked about a proclamation she read earlier in the week recognizing the Community Corrections Officers at the Fayette County Detention Center.

* * *

April Taylor, Council District 1, spoke about police accountability and issues within the Police Dept.

* * *

Mr. F. Brown and Mr. Worley departed the meeting.

* * *

Emma Anderson, Council District 6, spoke about police accountability, and the need to fund the Paramedicine Program and the New Vista Crisis Response Team.

* * *

Mr. Worley rejoined the meeting.

* * *

James Woodhead, Council District 3, spoke in support of the Ordinance banning no-knock warrants, and expressed concern with the amendment which removed the provision requiring officers to wait 15 seconds after knocking and announcing before entering the premises.

* * *

Mr. F. Brown rejoined the meeting.

* * *

Garret Gabriel, E. Sixth St., spoke about police accountability, discriminatory articles contained within the Collective Bargaining Agreements, and requested the wait-time provision be added back into the Ordinance banning no-knock warrants.

* * *

Sarah Williams, Council District 1, concurred with remarks made by the previous public commenters. She spoke in support of the Ordinance banning no-knock warrants and adding the wait-time provision back into the Ordinance. Ms. Williams expressed concerns about the Police Dept.'s formal complaint process and spoke about the retention policy regarding worn body camera footage.

* * *

At 6:28 p.m., Mayor Gorton declared open the public hearing on the FY22 Mayor's Proposed Budget and invited public comment.

April Taylor, Council District 1, emphasized the importance of funding a Citizen Liaison and suggested funds be allocated to more recommendations from the Commission for Racial Justice and Equality.

James Woodhead, Council District 3, spoke about the use of American Rescue Plan Act funds and suggested funding be allocated to more recommendations made by the Commission for Racial Justice and Equality.

Garret Gabriel, E. Sixth St., suggested funding be allocated to implement both a Citizens' Review Board and a Community Liaison and talked about the expenses that the City incurs in situations involving police misconduct.

Sarah Williams, Council District 1, spoke about shifting funds from public safety and redirecting them to community resources, as well as potential events that could affect future allotments.

Brittany Roethemeier, Executive Dir. of Fayette Alliance, W. Short St., spoke in support of the funding allocations for community services, housing, infrastructure, economic development, quality of life, and rural areas in the proposed budget.

At 6:44 p.m., Mayor Gorton declared the public hearing closed.

* * *

Upon motion by Ms. Plomin, seconded by Mr. McCurn, and approved by unanimous vote, the Minutes of the April 22, 2021 Council Meeting were approved.

* * *

Vice Mayor Kay asked to speak in regards to some of the public comments heard. He read a section of the Council Rules which pertained to conduct and the manner of speaking in Council meetings.

Mayor Gorton requested clarification. Vice Mayor Kay responded. Mayor Gorton asked the Council how it would prefer the issue to be addressed in future public comments. Vice Mayor Kay responded.

Mr. McCurn queried if a copy of the Council Rules and Procedures could be sent to all persons who sign up for public comment. Council Administrator Stacey Maynard responded.

*

*

*

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

Aye: Ellinger, Kay, Kloiber, Lamb, LeGris, -----14
McCurn, Moloney, Plomin, Reynolds,
Sheehan, Worley, Baxter, F. Brown, J.
Brown

Nay: -----0

An Ordinance creating Sections 14-107 to 14-112 of the Code of Ordinances prohibiting mental health professionals from engaging in sexual orientation and gender identity change efforts, also known as conversion therapy, to minors and prohibiting public funds from being distributed to any provider that provides conversion therapy to a minor; and amending Section 2-30 of the Code of Ordinances to include enforcement of the prohibition on the use of conversion therapy to a minor in the duties of the Lexington Fayette Urban County Human Rights Commission.

An Ordinance amending the authorized strength by abolishing one (1) vacant classified position of Collection & Conveyance Manager, Grade 530E, and creating one (1) classified position of Engineering Section Manager, Grade 527E, in the Div. of Water Quality, effective upon passage of Council.

An Ordinance amending certain of the Budgets of the Lexington Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and re-appropriating funds, FY 2021 Schedule No. 44.

An Ordinance amending certain of the Budgets of the Lexington Fayette Urban County Government to pre-fund various components of the Fiscal Year 2022 Budget, as outlined in the Fiscal Year 2022 Mayor's Proposed Budget document and appropriating and re-appropriating funds, Schedule No. 45.

An Ordinance amending certain of the Budgets of the Lexington Fayette Urban County Government for the Small Business Economic Stimulus Program as approved at Work Session April 20, 2021, and appropriating and re-appropriating funds, Schedule No. 47.

*

*

*

The following ordinances received first reading and were ordered to be placed on file for public inspection until May 27, 2021:

An Ordinance amending certain of the Budgets of the Lexington Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and re-appropriating funds, FY 2021 Schedule No. 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 \$1,500 for the Div. of Parks and Recreation from Neighborhood Development Funds for an additional swing at the Southland Park Playground, Schedule No. 48.

An Ordinance amending the authorized strength by abolishing one (1) vacant unclassified position of Project Engineering Coordinator, Grade 525E, and creating one (1) unclassified position of Construction Supervisor, Grade 524E, in the Div. of Water Quality, effective upon passage of Council.

* * *

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

Aye: Ellinger, Kay, Kloiber, Lamb, LeGris, -----14
McCurn, Moloney, Plomin, Reynolds,
Sheehan, Worley, Baxter, F. Brown, J.
Brown

Nay: -----0

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Wood Environment & Infrastructure Solutions Inc., for Water Monitoring at the Haley Pike Landfill, at a cost not to exceed \$45,200.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Lease Extension Agreement with Metro Employees Credit Union to extend the term of the lease of 1306 Versailles Rd. and 101 East Vine St. by a period of one (1) year, in consideration of a combined sum of \$47,156.04 per year.

* * *

Ms. Plomin departed the meeting.

* * *

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with You Matter Ky!, Inc. to support the creation of the Juvenile Treatment Court Program, at a cost not to exceed \$100,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to the Agreement with Tyler Technologies (598 2017), for amending maintenance costs upon “go live”, at no budgetary impact.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Transit Authority of the Lexington Fayette Urban County Government, for access to the 800 MHz Radio System owned by the Government, at no budgetary impact.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Release of Easements, releasing two (2) retention easements on the property located at 3101 Clays Mill Rd.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Purchase of Service Agreement with the Bluegrass Area Development District (BGADD), for FY 2021 local dues payment to support workforce development, aging services, and regional planning, at a cost not to exceed \$58,600.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Master Subscription Agreement and related order form with Zoom Video Communications, Inc., for video conferencing services, for the Urban County Government, at a cost not to exceed \$18,718.20; and authorizing the Chief Information Officer to execute necessary Change Orders or renewals for these services up to an amount not to exceed \$25,000.00 per fiscal year.

A Resolution authorizing the Div. of Streets and Roads to purchase manhole castings from J.R. Hoe & Sons, a sole source provider, and authorizing the Mayor, on behalf of the Urban County Government, to execute any necessary Agreement with J.R. Hoe & Sons, related to the procurement, at a cost not to exceed \$43,600.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a utility easement with Ky. American Water Co., granting a permanent easement at 1856 Clays Mill Rd., at no cost to Ky. American Water Co., for the construction, operation, and maintenance of water lines.

* * *

Ms. Plomin rejoined the meeting.

* * *

A Resolution authorizing the Div. of Water Quality, on behalf of the Urban County Government, to purchase two (2) Sulzer ABS Submersible Pumps for the Town Branch Waste Water Treatment Plant, from Southern Sales Co., Inc., a sole source provider, and authorizing the Mayor, on behalf of the Urban County Government, to execute any necessary Agreement with Southern Sales Co., Inc., related to the procurement, at a cost estimated not to exceed \$91,900.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept an award of \$134,398 in Federal funds under the FY 2020 Homeland Security Grant Program from the Ky. Office of Homeland Security, in partnership with the Ky. Office of the Secretary of State, in order to purchase Yubikey for cybersecurity for county election officials, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, and authorizing and directing the Mayor to transfer unencumbered funds within the Grant Budget.

A Resolution amending Resolution 045-2020 to revise account numbers for payment of \$3,854,486.96 to L-M Asphalt Partners Ltd. d/b/a ATS Construction, for services under a construction Contract related to Town Branch Trail Phase 6 and Turn Lane at Manchester and Forbes Projects.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept an award of \$5,200 in Commonwealth of Ky. funds from the Ky. Transportation Cabinet as reimbursement for completed Drug Recognition Expert Evaluations in FY 2021, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, and authorizing and directing 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 and 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 \$52,156 in Federal funds under the Victim Assistance Formula Grant funded by the Victims of Crime Act (VOCA), for the support of a Bilingual Victims Advocate in the Div. of Police, the acceptance of which obligates the Urban County

Government to an expenditure of \$13,039 as a local match, and authorizing the Mayor to transfer encumbered 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. Justice and Public Safety Cabinet to accept a Grant in the amount of \$100,000 in Federal funds under the Victim Assistance Formula Grant funded by the Victims of Crime Act (“VOCA”), for the implementation of the Underserved Minorities Victims Advocacy Program in the Dept. of Social Services in FY 2022, the acceptance of which obligates the Urban County Government to the expenditure of \$65,718 as a local cash match and a \$500 in kind match, and authorizing the Mayor to transfer unencumbered funds within the Grant Budget.

A Resolution accepting the bid of Oldcastle Infrastructure, establishing a price contract for concrete items, for the Div. of Water Quality.

A Resolution ratifying the Probationary Classified Civil Service Appointments of: David Reed, Public Service Supervisor, Grade 514N, \$24.969 hourly in the Div. of Streets and Roads, effective May 3, 2021, Kyle Spivey, Equipment Operator Sr., Grade 512N, \$17.000 hourly in the Div. of Streets and Roads, effective May 3, 2021; and ratifying the Permanent Classified Civil Service Appointments of: Michael Wiley, Facilities Manager, Grade 523E, \$2,692.31 biweekly in the Div. of Facilities and Fleet Management, effective April 26, 2021, Brandon Angle, Vehicle and Equipment Technician, Grade 514N, \$21.000 hourly in the Div. of Facilities and Fleet Management, effective April 26, 2021, and Kameron Reese, Staff Assistant Sr., Grade 510N, \$15.907 hourly in the Div. of Human Resources, effective April 19, 2021.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Immunization Registry Participation Agreement with the Commonwealth of Ky., Cabinet for Health and Family Services, to access or provide immunization data for a permitted use, for the Family Care Center, at no cost to the Urban County Government.

A Resolution authorizing the Div. of Waste Management to purchase equipment repairs and services for the Materials Recovery Facility from Industrial Service Solutions, a sole source provider, and authorizing the Mayor, on behalf of the Urban County

Government, to execute any necessary Agreement with Industrial Service Solutions, related to the procurement, at a cost not to exceed \$40,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Second Amendment to the Agreement with New Life Day Center, Inc., for the operation of the Litter Pickup Services with Panhandler Participation Program, increasing the Contract price by the sum of \$30,000, from \$120,000 to \$150,000 annually.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. Three (3) to the Agreement with Pace Contracting, LLC, for the Fourth Street Corridor Enhancement and Legacy Trail Phase 3 Projects, extending the Contract term by 123 calendar days.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Ky. Association for Environmental Education to provide environmental education services for fourteen (14) months in FY 21 and FY 22 at a cost not to exceed \$319,448.91.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit the 2021 Consolidated Plan/Grant Application to the United States Dept. of Housing and Urban Development (HUD), to provide any additional information requested in connection with this Grant Application, and to accept the Grant if the application is approved, which Grant funds are in the amount of \$3,936,100 in Federal funds, and are for the FY 2021 Community Development Block Grant (CDBG) Program (\$2,404,696), HOME Program (\$1,324,387), and Emergency Solutions Grant (ESG) Program (\$207,017), the acceptance of which obligates the Urban County Government for the expenditure of \$363,065 from various funding sources as a local cash match and \$143,952 as an in kind match; and authorizing the Mayor to execute Agreements for the approved plan; 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 Lexington Community Radio (\$1,475), for the Office of the Urban County Council, at a cost not to exceed the sum stated.

A Resolution creating the LFUCG Small Business Economic Recovery Program to provide Grants of up to \$2,500,000 (cumulatively) to qualifying local small businesses, with additional sums for the program requiring a separate Resolution; providing for the Program's purpose; setting a goal of 50% funds distributed to minority or women owned businesses or businesses located within lower income areas; limiting Grants to an amount not to exceed a maximum of \$25,000 each with a one year compliance period; setting eligibility requirements and business impact criteria; providing for applications and authorization to execute necessary Agreements with Grantees; and authorizing and directing the Mayor, on behalf of the Urban County Government to execute an Agreement with Commerce Lexington, Inc., for a fee in an amount of 7.5% of the funds distributed (not to exceed \$187,500) to administer the Program, including application review and compliance; and further authorizing the Mayor or her designee to take any other additional necessary actions; all effective upon passage of Council.

*

*

*

A Resolution accepting the bid of Malor & Co., Inc., establishing a price contract for Hospital PPE Kits, for the Div. of Emergency Management/911 was on the docket to receive first reading.

Upon motion by Mr. J. Brown, seconded by Ms. Plomin, and approved by unanimous vote, the Resolution was removed and was replaced with a resolution accepting the bid of Aramsco, Inc., for the same equipment.

Ms. Lamb requested clarification behind the removal and replacement of the resolution. Mr. Dave Barberie, Dept. of Law, responded.

A Resolution accepting the bid of Aramsco, establishing a price contract for Hospital PPE Kits, for the Division of Emergency Management/911 received first reading and was ordered to be placed on file for public inspection until May 27, 2021.

*

*

*

A Resolution authorizing the Div. of Human Resources to make a conditional offer to the following Probationary Classified Civil Service Appointments: Victor Annas, Engineering Technician, Grade 514N, \$19.245 hourly in the Div. of Engineering, effective May 17, 2021, Josiah Graham, Public Service Worker Sr., Grade 509N, \$15.664 hourly in the Div. of Streets and Roads, effective May 24, 2021, Chris Garnett, Public Service

Worker Sr., Grade 509N, \$15.664 hourly in the Div. of Streets and Roads, effective May 24, 2021, Dirk Walker, Equipment Operator, Grade 510N, \$14.889 hourly in the Div. of Water Quality, effective May 24, 2021, Robert Murphy, Public Service Worker, Grade 507N, \$12.803 hourly in the Div. of Waste Management, effective May 24, 2021, Brian Black, Public Service Worker, Grade 507N, \$12.829 hourly in the Div. of Waste Management, effective May 24, 2021, Dylan Campbell, Public Service Worker, Grade 507N, \$12.797 hourly in the Div. of Waste Management, effective May 24, 2021, Clifton Patterson, Public Service Worker, Grade 507N, \$12.797 hourly in the Div. of Waste Management, effective May 24, 2021, Andre Davis, Public Service Worker, Grade 507N, \$12.776 hourly in the Div. of Waste Management, effective May 24, 2021, Kendall Kiser, Staff Assistant Sr., Grade 510N, \$15.220 hourly in the Div. of Police, effective June 7, 2021, Latisha Williams, Staff Assistant, Grade 508N, \$14.506 hourly in the Div. of Youth Services, effective May 24, 2021, Phillip Lewis, Public Service Worker Sr., Grade 509N, \$14.062 hourly in the Div. of Parks and Recreation, effective May 24, 2021, Steve Rollins, Trades Worker, Grade 509N, \$14.869 hourly in the Div. of Parks and Recreation, effective June 7, 2021, Paul Hooper, Information Office Supervisor, Grade 522E, \$2,500.00 biweekly in the Div. of Parks and Recreation, effective May 24, 2021; and authorizing the Div. of Human Resources to make a conditional offer to the following Probationary Community Corrections Officer Appointments: Christina Plowman and William Rowe Jr., all Community Corrections Officer Recruit, Grade 109N, \$15.384 hourly in the Div. of Community Corrections, effective upon passage of Council; and authorizing the Div. of Human Resources to make a conditional offer to the following Unclassified Civil Service Appointments: Granville Lewis, Public Service Worker Grade 507N, \$12.903 hourly in the Div. of Waste Management, effective May 24, 2021, Charles Covington, Public Service Worker, Grade 507N, \$14.207 hourly in the Div. of Waste Management, effective May 24, 2021 received first reading.

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

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

Aye: Ellinger, Kay, Kloiber, Lamb, LeGris, -----14
McCurn, Moloney, Plomin, Reynolds,
Sheehan, Worley, Baxter, F. Brown, J.
Brown

Nay: -----0

*

*

*

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the U.S. Dept. of Housing and Urban Development, which Grant funds are in the amount of \$1,441,081 in Federal funds, for continuation of the Housing Opportunities for Persons with Aids (HOPWA) Program, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, authorizing the Mayor to transfer unencum-bered funds within the Grant Budget, and authorizing and directing the Mayor to execute a Subrecipient Agreement with AVOL Ky., Inc., for continuation of the Project, at a cost not to exceed \$1,397,849 received first reading.

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

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

Aye: Ellinger, Kay, Kloiber, Lamb, LeGris, -----14
McCurn, Moloney, Plomin, Reynolds,
Sheehan, Worley, Baxter, F. Brown, J.
Brown

Nay: -----0

*

*

*

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with Jubilee Jobs of Lexington, Inc. (\$1,900), 16th District PTA c/o Hayes Middle School (\$1,150), Bryan Station Alumni Assoc., Inc. (\$1,300), Squires Elementary, PTA (\$500), Sandersville Elementary PTA, Inc. (\$500), Food Chain (\$1,500), Lexington Community Radio, Inc. (\$1,500), and SeedLeaf (\$1,000), for the Office of the Urban County Council, at a cost not to exceed the sums stated received first reading.

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

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

Aye: Ellinger, Kay, Kloiber, Lamb, LeGris, -----14
McCurn, Moloney, Plomin, Reynolds,
Sheehan, Worley, Baxter, F. Brown, J.
Brown

Nay: -----0

* * *

The following resolutions received first reading and were ordered to be placed on file for public inspection until May 27, 2021:

A Resolution authorizing the Div. of Waste Management to purchase parts and services for the Materials Recovery Facility from Louisville Industrial Supply, a sole source provider, and authorizing the Mayor, on behalf of the Urban County Government, to execute any necessary Agreement with Louisville Industrial Supply, related to the procurement, at a cost not to exceed \$20,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Contract with Populus Technologies, Inc., for data management services related to dockless vehicles (shared mobility), for the Div. of Planning, at a cost not to exceed \$5,000.

* * *

Mr. F. Brown departed the meeting.

* * *

A Resolution authorizing the Div. of Waste Management to purchase hardware, software and support services for scales from Mettler Toledo, a sole source provider, and authorizing the Mayor, on behalf of the Urban County Government, to execute any necessary Agreement with Mettler Toledo, related to the procurement.

A Resolution authorizing the Div. of Waste Management to purchase hardware, software, professional services, cellular data plans and/or software maintenance support from RouteWare Global, Inc., a sole source provider, and authorizing the Mayor, on behalf of the Urban County Government, to execute any necessary Agreement with RouteWare Global Inc., related to the procurement.

A Resolution authorizing the Div. of Waste Management to purchase electronic vehicle inspection reporting software, hardware, data plans and professional services from Zonar Systems, LLC, a sole source provider, and authorizing the Mayor, on behalf of the Urban County Government, to execute any necessary Agreement with Zonar Systems, LLC., related to the procurement.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with University of Ky. College of Health Sciences and Depts. of Athletic Training and Clinical Nutrition, for clinical learning experiences from the Div. of Fire and Emergency Services.

A Resolution authorizing and directing the Mayor to execute a Memorandum of Understanding with Community Action Council for Lexington-Fayette, Bourbon, Harrison, and Nicholas Counties, Inc., for the provision of temporary non-congregate emergency shelter and case management services for those experiencing homelessness in the month of April 2021, at a cost not to exceed \$92,521.06.

A Resolution authorizing the Div. of Fire and Emergency Services to purchase corrosion repair from Paul Miller, a sole source provider, and authorizing the Mayor, on behalf of the Urban County Government, to execute any necessary Agreement with Paul Miller, related to the procurement, at a cost not to exceed \$65,000.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Addendum to the current Lease Agreement with Bluegrass Community and Technical College, to extend the current Police Academy Lease of the Megowan Building for two years.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Keeneland Association, to provide EMS Services.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Drug Enforcement Administration Provisional State & Local Task Force, for assignment of one detective to the Task Force.

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 college course credits for Police Personnel, at a cost not to exceed \$60,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a First Amendment to Agreement with Corizon, Inc., to address the change in HIV medication responsibility and amend the per diem rate, at a cost savings of \$120,000.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement awarding a Class A (Neighborhood) Incentive Grant to Ellerslie at Delong Homeowners Association, Inc., for Stormwater Quality Projects, at a cost not to exceed \$100,000.

A Resolution authorizing and directing the Div. of Grants and Special Programs to purchase up to three (3) additional Neighborly Software user licenses under an existing Agreement with Benevate, Inc., for use in Grants and Special Programs Administration, at a cost not to exceed \$2,362.50.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Fayette County Extension District Board to use approximately 4.48 acres of land adjacent to Fayette County Extension Center at 1140 Harry Sykes Way for sponsored activities approved by the Dept. of General Services, at no cost to the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with New Lexington Clinic, P.S.C to lease New Lexington Clinic, P.S.C (35) spaces in the Picadome parking lot for a period of ten (10) years from June 30, 2021 to June 30, 2031.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit two (2) Grant Applications to the Ky. Office of Homeland Security and to provide any additional information requested in connection with these Grant Applications, which Grant funds are in the amount of \$121,846.50 in Federal funds under the 2021 Ky. Office of Homeland Security Grant program, for the Div. of Fire and Emergency Services' Special Operations Team, in order to purchase ten (10) self-contained breathing apparatus with air cylinders and a remotely operated vehicle for

water/dive response, and also purchase any associated equipment, installation, and maintenance.

* * *

Mr. F. Brown rejoined the meeting.

* * *

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept an award of \$179,400 in Federal funds from the Ky. Cabinet for Health and Family Services, Dept. for Community Based Services, in order to support child care expenses in the Extended School Program at the Div. of Parks and Recreation, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, and authorizing the Mayor to transfer unencumbered funds within the Grant Budget.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute the First Renewal of the Agreement with Tetra Tech, Inc., for annual Program Management Services for Consent Decree Implementation and MS4 Permit Compliance, at a cost not to exceed \$719,258.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Agreement with Ky. River Watershed Watch, Inc., to provide services relating to water quality monitoring in the Town Branch Watershed, at a cost not to exceed \$4,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with Believing in Forever, Inc. (\$850), New Life Day Center, Inc. (\$3,000), East End Community Development Corp. (\$350), Pearlz of Wisdom, Inc. (\$300), Stonewall Community Assoc. (\$1,000), and Lexington Community Radio (\$500), for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution accepting the bid of Riley Oil Co., establishing a price contract for Commercial Fuel - Diesel, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of L & W Emergency Equipment, establishing a price contract for Mobile Docking Stations, for the Div. of Police.

A Resolution accepting the bid of Central Seal Co., establishing a price contract for City Street Striping and Marking, for the Div. of Streets and Roads.

* * *

Mr. Worley departed the meeting.

* * *

A Resolution ratifying the Probationary Classified Civil Service Appointments of: Jeffinisha Cobb, Customer Account Specialist Sr. Grade 514N, \$18.922 hourly in the Div. of LexCall, effective May 10, 2021, Hunter Pace, Environmental Inspector, Grade 516N, \$19.951 hourly in the Div. of Water Quality, effective May 6, 2021, Jarrod Keltner, Environmental Inspector, Grade 516N, \$19.737 hourly in the Div. of Water Quality, effective May 31, 2021, Aaron Miller, Public Service Worker, Grade 507N, \$12.723 hourly in the Div. of Waste Management, effective May 10, 2021, Brada Minton, Staff Assistant, Grade 508N, \$16.043 hourly in the Div. of Grants and Special Programs, effective May 10, 2021, Kelly Justice, Program Administrator, Grade 524E, \$2,332.96 biweekly in the Div. of Youth Services, effective June 7, 2021; and ratifying the Permanent Classified Civil Service Appointments of: Ashley Isom, Staff Assistant Sr., Grade 510N, \$15.757 hourly in the Div. of Accounting, effective April 26, 2021, Leangela Drake, Risk Management Accountant, Grade 518N, \$23.247 hourly in the Div. of Accounting, effective April 19, 2021, Hilori Morgan, Revenue Supervisor, Grade 520E, \$2,287.20 biweekly in the Div. of Revenue, effective April 26, 2021, Jaala Stone, Administrative Specialist Sr., Grade 516N, \$19.737 hourly in the Dept. of Law, effective April 26, 2021, Amon Trumbo, Public Service Worker, Grade 507N, \$12.808 hourly in the Div. of Parks and Recreation, effective April 26, 2021, Ashley Lawrence-Simpson, Administrative Officer Sr., Grade 526E, \$3,461.54 biweekly in the Dept. of Finance, effective April 1, 2021; and ratifying the Unclassified Civil Service appointment of: Deanna Alford, Treatment Plant Operator Apprentice I, Grade 510N, \$16.015 hourly in the Div. of Water Quality, effective April 26, 2021.

* * *

Mr. Worley rejoined the meeting.

* * *

A Resolution amending Resolution No. 269-2020, which placed \$6,400,000 of Federal reimbursement funds received from the Dept. for Local Government into the Contingency Designation Fund (Ordinance No. 50-2016), to reduce the amount to \$1,800,000, with the difference of \$4,600,000 being placed into the General Fund (Budget Stabilization Reserve).

A Resolution authorizing the Mayor or the Commissioner of Finance, on behalf of the Urban County Government, to execute a Letter Agreement and any other necessary documents with Strothman and Co., Certified Public Accountants and Auditors, for preparation of the Sheriff's Settlement for the 2020 Property Tax Year, at a cost not to exceed \$8,500 (FY2022).

A Resolution authorizing Strothman and Co., Certified Public Accountants and Advisors, to conduct a financial audit of all Lexington-Fayette Urban County Government funds for Fiscal Year 2021 for an amount not to exceed \$158,000 (FY2022), and authorizing the Mayor, on behalf of the Urban County Government, to execute a Letter Agreement and any other necessary documents with Strothman and Co. related to the audit.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Professional Services Agreement (awarded pursuant to RFP No. 32-2020), with BBC Research and Consulting, for a Disparity and Availability Study and related services, at a cost not to exceed \$389,910.

A Resolution authorizing the Div. of E911 to purchase maintenance and parts for audio and video equipment at the Public Operations Center from M3 Technology Group Inc., a sole source provider, and authorizing the Mayor, on behalf of the Urban County Government, to execute any necessary Agreement with M3 Technology Group Inc., related to the procurement.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept donations from various individuals totaling \$900 for memorial trees for Ken Ross and Jim Grant.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept donations from Charles E. and Mary Robbins Duncan, Kenneth

C. Nash, and Gary N. and Marianne W. Mosley totaling \$200 for Therapeutic Recreation program use.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Public Acquisition Minor Plat, to accept deeds of easement, and to execute any other documents necessary for the acquisition of property interests for the River Park Pump Station Project, at a cost not to exceed \$25,000.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Grant Award Agreement with Community Montessori School, Inc., for a Stormwater Quality Project, canceling the Grant Award in its entirety, in the amount of \$88,704.

A Resolution affirming the priority of issues related to housing scarcity and affordability and urging the Div. of Planning to consider any and all tools available to address housing scarcity in Lexington-Fayette County when developing recommendations for Goals and Objectives for the 2023 Comprehensive Plan Update.

* * *

Upon motion by Ms. Plomin, and seconded by Vice Mayor Kay, the Communications from the Mayor were approved by unanimous vote and were as follows: (1) Recommending the reappointment of Lee Dossett, Licensed Physician, to the Board of Health with a term expiring June 30, 2023; (2) Recommending the reappointment of Mason Bishop, District 11 Resident, to the Environmental Commission with a term expiring June 15, 2025; (3) Recommending the reappointment of Denotra Spruill-Gunther, John Rowe Chapter of the Bar Association Representative, to the Ethics Commission with a term expiring May 11, 2025; (4) Recommending the reappointment of Traci Wade, Planning Representative, to the Historic Preservation Commission with a term expiring June 30, 2025; (5) Recommending the appointments of Jitana Benton-Lee and Minday Haas, filling the unexpired term of Courtney Han, to the Human Rights Commission with terms expiring January 1, 2025 and January 1, 2022, respectively; (6) Recommending the reappointment of Richard Young, Professional Artist, to the Public Arts Commission with a term expiring December 31, 2024; (7) Recommending the reappointment of Christine Stanley, Historic Preservation Representative, to the Rural Land Management Board with a term expiring July 1, 2025; and, (8) Recommending the

appointments of Koffi Akakpo, filling the unexpired term of Joe Smith, and Lindsay Thurston, filling the unexpired term of Peggy Henson, to the Transit Authority Board both with terms expiring June 30, 2022.

*

*

*

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

(1) Classified Civil Service Temporary Appointment of Kyle Spivey, Equipment Operator Sr., Grade 512N, \$16.237 hourly in the Div. of Streets and Roads, effective April 19, 2021; (2) Resignation of Patricia Sidney, Staff Assistant, in the Div. of Youth Services, effective April 2, 2021; (3) Resignation of Donald Mott, Resource Recovery Operator, in the Div. of Waste Management, effective April 18, 2021; (4) Resignation of David Biliter, Park Designer, in the Div. of Parks and Recreation, effective April 11, 2021; (5) Resignation of Kenneth Goble, Public Service Worker, Sr., in the Div. of Water Quality, effective April 2, 2021; (6) Resignation of Brenna Angel, Public Information Officer, in the Div. of Police, effective April 4, 2021; (7) Resignation of Joseph Federspiel, Police Officer, in the Div. of Police, effective April 25, 2021; (8) Resignation of Robert Daugherty, Police Officer, in the Div. of Police, effective April 16, 2021; (9) Resignation of Branden Purnell, Police Officer, in the Div. of Police, effective April 17, 2021; (10) Resignation of Timothy Gulley, Corrections Officer, in the Div. of Community Corrections, effective April 6, 2021; (11) Resignation of Jean Bonel Dumay, Corrections Officer, in the Div. of Community Corrections, effective April 4, 2021; (12) Resignation of Christopher Wilhelm, Corrections Officer, in the Div. of Corrections, effective April 6, 2021; (13) Resignation of Hannah Kaczmarek, Police Officer, in the Div. of Police, effective April 15, 2021; (14) Resignation of Patrick Boyken, Police Officer, in the Div. of Police, effective April 18, 2021; (15) Resignation of Christian Holman, Police Officer, in the Div. of Police, effective April 12, 2021; (16) Resignation of Austin Wright, Police Officer, in the Div. of Police, effective April 15, 2021; and, (17) Resignation of Stephen Kietz, Police Officer, in the Div. of Police, effective April 15, 2021.

*

*

*

Chief Jason Wells, Div. of Fire and Emergency Services, presented a disciplinary action regarding Firefighter Gregg Shroyer. An allegation has been made that Firefighter Gregg Shroyer has committed the offense of violation of Courtesy and Conduct

Unbecoming in violation of KRS 95.450 and UDG 4.02 (Courtesy) and UDG 2.01 (Conduct Unbecoming) in that on the 15th day of September, 2020, he/she allegedly used profane and unprofessional language with a health department official.

The appropriate punishment for this conduct is 48 hour suspension.

Upon motion by Mr. Worley, seconded by Mr. McCurn and approved by unanimous vote, the disciplinary recommendation was approved.

*

*

*

Chief Lawrence Weathers, Div. of Police, presented a disciplinary matter regarding Officer Ray Asbury. An allegation has been made that Officer Asbury has committed the offense of Violating any Rules of the Department – Weapons Policy which constitutes misconduct under the provisions of KRS 95.450 and/or KRS 15.20 and General Order 1973-02K Disciplinary Procedures of Sworn Officers, Appendix B, Operational Rule 1.35 Violating any Rules of the Department, General order 2011-02J Weapons Policy in that on the 3rd day(s) of February 2021, he/she allegedly:

- (1) On the above listed date Officer Ray Asbury was at a cabin in Gatlinburg, Tennessee with a group of fellow officers. Officer Asbury was consuming alcohol while off-duty and was armed with a firearm.

This is Officer Asbury's first formal complaint since being employed on October 19, 2015.

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

Upon motion by Mr. Worley, seconded by Mr. McCurn and approved by unanimous vote, the disciplinary recommendation was approved.

*

*

*

Chief Weathers, Div. of Police, presented a disciplinary matter regarding Detective Andrew Strong. An allegation has been made that Det. Strong has committed the offense of Violating any Rules of the Department – Emergency and Pursuit Driving which constitutes misconduct under the provisions of KRS 95.450 and/or KRS 15.20 and General Order 1973-02K, Disciplinary Procedures of Sworn Officers, Appendix B, Operational Rule 1.35 Violating any Rules of the Department, General Order 2011-08F

Emergency and Pursuit Driving in that on the 17th day(s) of February 2021, he/she allegedly:

(1) At approximately 0213 hours on the above date Detective Andrew Strong was heading home at the end of his shift and heard a dispatched call for a vehicle traveling the wrong direction on the outer loop of New Circle Road near Tates Creek Road. Detective Strong entered New Circle Road from Harrodsburg Road and observed the vehicle approaching him traveling the wrong direction on New Circle Road. Detective Strong engaged in a brief vehicle pursuit while traveling the wrong way on a limited access highway.

Detective Strong violated the above listed policy which states “Officers shall not immediately follow a pursued vehicle traveling in the wrong direction on a limited access highway. If officers decide to continue the pursuit they shall follow the pursued vehicle while traveling on the correct side of the limited access highway.”

This Detective Strong’s first sustained formal complaint since being employed on November 4, 2013. He understands his actions were against policy and has accepted fully responsibility.

The appropriate punishment for this conduct is A Written Reprimand.

Upon motion by Mr. Worley, seconded by Ms. Plomin and approved by unanimous vote, the disciplinary recommendation was approved.

*

*

*

Chief Weathers, Div. of Police, presented a disciplinary matter regarding Officer Michael Dick. An allegation has been made that Officer Dick has committed the offense of Preventable Collisions which constitutes misconduct under the provisions of KRS 95.450 and/or KRS 15.20 and General Order 1973-02K, Disciplinary Procedures, Appendix B, Operational Rule 1.40 – Preventable Collisions in that on the Various day(s) of Various 2020/2021 he/she allegedly:

(1) Officer Michael Dick has been involved in three (3) at fault collisions within a twelve (12) month period. The collisions occurred on July 16, 2020, December 24, 2020, and February 5, 2021. The collisions resulted in property damage

and no members of the police department or the public were injured. Officer Dick completed driver retraining on February 26, 2021.

Although each of the collisions was the result of different factors, Officer Dick acknowledged that he will work on operating his department issued vehicle more conscientiously to prevent additional collisions. Officer Dick took full responsibility for each of the collisions.

This is Officer Dick's first formal complaint since being employed on April 15, 2019.

The appropriate punishment for this conduct is Written Reprimand and two (2) week suspension of Home Fleet.

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

* * *

Mr. F. Brown departed the meeting.

* * *

Ms. Plomin spoke about the Mayor's proclamation honoring the Fayette Alliance earlier in the week. She congratulated the non-profit for their fifteen years of service, and shared some of the Fayette Alliance's plans to commemorate the milestone.

* * *

Ms. Lamb spoke about the significant impact of the Council's approval of the LGBTQ Youth Mental Health Protection Ordinance, which prohibits conversion therapy on minors. She thanked the community for their collaboration and support of the Ordinance.

* * *

Ms. Sheehan echoed Ms. Lamb's remarks pertaining to the LGBTQ Youth Mental Health Protection Ordinance and talked about the impact it carries. She thanked Mayor Gorton and her staff, Ms. Lamb, Evan Thompson, Craig Cammack, and the other members of the Council, as well as the many community members for their support of the Ordinance.

* * *

Mr. McCurn invited everyone to attend the opening of Fatherhood Initiative's new center located at 436 Georgetown St. on Saturday, May 8.

* * *

Mr. Moloney spoke about the pivotal points he had witnessed in previous Mayors' terms. He noted the disjunction in recommendations on no-knock warrants made by the Commission for Racial Justice and Equality and the Police Dept. He requested Mayor Gorton offer guidance on the matter. Mayor Gorton responded.

* * *

Mr. J. Brown spoke about the recent departures of two LFUCG employees, Andrea James, Office of the Mayor, and Mattie Morton, Dept. of Social Services.

* * *

Vice Mayor Kay spoke in response to Mr. Moloney's comments. He remarked that there were several sides to the issue and talked about the Council's responsibility to find balance on such matters.

* * *

Upon motion by Ms. Lamb, seconded by Ms. Plomin, and approved by majority vote (Mr. F. Brown was absent), the meeting adjourned at 7:49 p.m.

Deputy Clerk of the Urban County Council