

Lexington- Fayette Urban County Government Council Meeting

Lexington, Kentucky January 13, 2022

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 January 13, 2022 at 6:01 p.m. Present were Mayor Gorton in the chair presiding, and the following members of the Council: McCurn, Moloney, Plomin, Reynolds, Sheehan, Worley, Baxter, Bledsoe, F. Brown, Ellinger, Kay, Kloiber, Lamb, and LeGris. Absent was Council Member J. Brown.

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

Ordinances No. 129-2021 through 142-2021, inclusive, and Resolutions No. 683-2021 through 721-2021, inclusive, were reported as having been signed and published and ordered to record.

* * *

The Invocation was given by Rev. Jerry Johns of First Christian Church, Winchester.

* * *

Upon motion by Mr. Ellinger, seconded by Vice Mayor Kay, and approved by unanimous vote, the Minutes of the December 2 and December 7, 2021 Council Meetings were approved.

* * *

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

Aye: McCurn, Moloney, Plomin, Reynolds, -----14
Sheehan, Worley, Baxter, Bledsoe, F.
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 municipal expenditures, and appropriating and re-appropriating funds, FY 2022 Schedule No. 25.

*

*

*

The following ordinances received first reading and were ordered to be placed on file for public inspection until January 27, 2022:

An Ordinance changing the zone from a Single Family Residential (R-1C) zone to a High Density Apartment (R-4) zone, for 0.517 net (0.742 gross) acre, for properties located at 1114 N. Broadway and 1118 N. Broadway. (Broadway Twelfth LLC; Council District 1).

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. 26.

An Ordinance adopting the revised “Industrial Revenue Bonds Policies and Guidelines of the Lexington-Fayette Urban County Government”.

An Ordinance amending the authorized strength abolishing one (1) vacant unclassified position of Administrative Specialist, Grade 513N, and creating one (1) classified position of Administrative Specialist, Grade 513N, in the Div. of Water Quality, effective upon passage of Council.

An Ordinance amending the authorized strength creating one (1) unclassified position of Accountant Sr., Grade 520E, in the Div. of Accounting, with a term expiration date of December 31, 2026, unless extended, effective upon passage of Council.

*

*

*

A Resolution accepting the bid of Amteck, LLC, establishing a price contract for maintenance and repair of Outdoor Warning Sirens and AM Radio Interstate Signs, for the Div. of Emergency Management/911 received first reading.

Upon motion by Mr. Ellinger, seconded by Ms. Reynolds, and approved by majority vote (Ms. Baxter abstained), 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:	McCurn, Moloney, Plomin, Reynolds, Sheehan, Worley, Bledsoe, F. Brown, Ellinger, Kay, Kloiber, Lamb, LeGris	-----13
Nay:		-----0
Abstain:	Baxter	-----1

*

*

*

A Resolution approving and directing the permanent barricading of Concord Dr. at its northern terminus and waiving the procedures set forth in Resolution 339-81 received first reading.

Upon motion by Ms. Reynolds, seconded by Mr. Moloney, 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:	McCurn, Moloney, Plomin, Reynolds, Sheehan, Worley, Baxter, Bledsoe, F. Brown, Ellinger, Kay, Kloiber, Lamb, LeGris	-----14
Nay:		-----0

*

*

*

A Resolution authorizing and directing the Mayor, on behalf of the Lexington-Fayette Urban County Government, to execute and submit a Grant Application to the United States Dept. of Homeland Security, to provide any additional information requested in connection with the Grant Application, and to accept this Grant if the application is approved, which Grant funds are in the amount of \$600,000 Federal funds under the 2021 Assistance to Firefighters Grant Program, and are for the creation and implementation of a Fitness/Wellness Injury Reduction Training Program for Firefighters, the acceptance of which obligates the Urban County Government for the expenditure of \$60,000 as a local match received first reading.

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

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

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

Nay: -----0

*

*

*

The following resolutions received first reading and were ordered to be placed on file for public inspection until January 27, 2022:

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

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

A Resolution accepting the bid of Hydraulic Specialists, Inc., establishing a price contract for Hydraulic Cylinder Repair, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bids of Pro-Weld, LLC; Vest Fabrication Certified Welding, LLC; and Wrights Farm Service, Inc., establishing price contracts for Welding and Fabrication Services, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Hydromax USA, LLC, in the amount of \$147,375, for Capacity Assurance Program Flow Monitoring, for the Div. of Water Quality, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Hydromax USA, related to the bid.

A Resolution ratifying the Permanent Classified Civil Service Appointments of: Victor Annas, Engineering Technician, Grade 514N, \$20.417 hourly in the Div. of Engineering, effective November 17, 2021; Jonelle Patton, Director of Enhanced 911, Grade 526E, \$4,080.40 biweekly in the Div. of Enhanced 911, effective December 21, 2021; Sonya Gatewood, Public Service Worker, Grade 507N, \$13.655 hourly in the Div. of Facilities and Fleet Management, effective December 21, 2021; Paul Hooper, Information Office Supervisor, Grade 522E, \$2,652.32 biweekly in the Div. of Parks and Recreation, effective November 24, 2021; Samuel Niehaus, Equipment Operator, Grade 510N, \$16.786 hourly in the Div. of Parks and Recreation, effective January 26, 2022; Christopher Evilia, Planning Manager, Grade 526E, \$3,468.40 biweekly in the Div. of

Planning, effective December 14, 2021; and, ratifying the Permanent Sworn Appointments of: Christopher Beard, Police Officer, Grade 311N, \$23.004 hourly in the Div. of Police, effective July 26, 2021; Kyle Blankenship, Police Officer, Grade 311N, \$23.004 hourly in the Div. of Police, effective July 26, 2021; Adam Cervasio, Police Officer, Grade 311N, \$23.004 hourly in the Div. of Police, effective July 26, 2021; Hyun Choi, Police Officer, Grade 311N, \$23.004 hourly in the Div. of Police, effective July 26, 2021; Nathaniel Church, Police Officer, Grade 311N, \$23.004 hourly in the Div. of Police, effective July 26, 2021; Taylor Mitchell, Police Officer, Grade 311N, \$23.004 hourly in the Div. of Police, effective July 26, 2021; Caleb Croney, Police Officer, Grade 311N, \$23.004 hourly in the Div. of Police, effective July 26, 2021; Charles Davis, Police Officer, Grade 311N, \$23.004 hourly in the Div. of Police, effective July 26, 2021; Myles Foster, Police Officer, Grade 311N, \$23.004 hourly in the Div. of Police, effective July 26, 2021; Gregory Gerton, Police Officer, Grade 311N, \$23.004 hourly in the Div. of Police, effective July 26, 2021; Jonathan Gist, Police Officer, Grade 311N, \$23.004 hourly in the Div. of Police, effective July 26, 2021; Daniel Helo, Police Officer, Grade 311N, \$23.004 hourly in the Div. of Police, effective August 9, 2021; Charles Henderlight, Police Officer, Grade 311N, \$23.004 hourly in the Div. of Police, effective July 26, 2021; Talor Hines, Police Officer, Grade 311N, \$23.004 hourly in the Div. of Police, effective July 26, 2021; Korey Hundley, Police Officer, Grade 311N, \$23.004 hourly in the Div. of Police, effective July 26, 2021; Jacob Kennedy, Police Officer, Grade 311N, \$23.004 hourly in the Div. of Police, effective July 26, 2021; Ronald Sims, Police Officer, Grade 311N, \$23.004 hourly in the Div. of Police, effective July 26, 2021; Timothy Skaggs, Police Officer, Grade 311N, \$23.004 hourly in the Div. of Police, effective July 26, 2021; Christian Soriano-Altamirano, Police Officer, Grade 311N, \$23.004 hourly in the Div. of Police, effective July 26, 2021; Jordon Toler, Police Officer, Grade 311N, \$23.004 hourly in the Div. of Police, effective July 26, 2021; Jordan Whitman, Police Officer, Grade 311N, \$23.004 hourly in the Div. of Police, effective July 26, 2021; John Wilhoit, Police Officer, Grade 311N, \$23.004 hourly in the Div. of Police, effective July 26, 2021; Kelsey Young, Police Officer, Grade 311N, \$23.004 hourly in the Div. of Police, effective July 26, 2021; John McFaull, Police Officer, Grade 311N, \$23.413 hourly in the Div. of Police, effective February 2, 2021; and ratifying the Unclassified Civil Service Voluntary Demotion of: Madelyn Madden, Child Care Program

Aide, Grade 508N, \$15.096 hourly in the Div. of Family Services, effective January 17, 2022.

A Resolution amending Resolution 684-2004 to remove 111, 112, 115 and 116 Cherokee Park from the No Parking restrictions in Resolution 684-2004.

A Resolution accepting the bid of Ely Enterprises, Inc., in the amount of \$165,000, for the Baler Re-Line at the Material Recovery Facility, for the Div. of Waste Management, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Ely Enterprises, Inc., related to the bid.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Temporary Land Use License Agreement with Lexmark International, Inc., for the temporary detour of a portion of the Legacy Trail for construction of a wet weather storage tank, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Landscape Workshop LLC, for landscape renovations at the Lexington Senior Center, at a cost not to exceed \$11,726.05.

A Resolution establishing Harrell's, LLC, as a sole source provider for POLYON branded fertilizer products for the Div. of Parks and Recreation, and authorizing the Mayor, or her designee, on behalf of the Urban County Government, to execute any necessary Agreements with Harrell's, LLC, related to the procurement of these goods.

A Resolution approving the use of a standardized Memorandum of Agreement with non-profit organizations interested in participating in the WORK Program providing workforce development services at the Charles Young Center, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute the Memorandum of Agreement with Retaining Employment & Talent After Injury/Illness Network (RETAIN) Ky., and with any other non-profit organization approved by the Chief Development Officer and authorized to enter into an Agreement with the substantially similar material terms, at a cost not to exceed \$1,000 per organization and contingent upon the budgeting of sufficient funds.

A Resolution authorizing the Div. of Emergency Management to purchase outdoor warning siren from Federal Signal Corporation, a sole source provider, and authorizing the Mayor, on behalf of the Urban County Government, to execute any necessary

Agreement with Federal Signal Corporation, related to the procurement, at a cost not to exceed \$30,600.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Partial Release of Easement, releasing a utility easement on the property located at 340 Legion Dr.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement awarding a Class A (Neighborhood) Incentive Grant to the Prestwick Condominiums Association, Inc., for a Stormwater Quality Project, at a cost not to exceed \$51,940.

* * *

At 6:14 p.m. Ms. Bledsoe departed the meeting.

* * *

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an amendment to the Contract with Meridian Management Corporation, for Facility Management Services for the Fayette County Courthouses, to reflect the cost increase for the Contract, at a cost not to exceed \$432,536.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Bluegrass Crime Stoppers Inc., for court cost funding.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an amended Agreement with Hospice of the Bluegrass, Inc., d/b/a Bluegrass Care Navigators, to provide additional funding, available under the American Rescue Plan Act of 2021, for the continued operation of a Medical Respite Care Program, at a cost not to exceed \$137,102, and authorizing the Mayor to execute any other documents related to this Agreement.

A Resolution authorizing the Mayor, on behalf of the Lexington-Fayette Urban County Government, to execute Change Order No. 1 to the Contract with Central Bridge Co., LLC, for the Brighton Rail Trail Project, increasing the Contract price by \$123,526.65 and raising the total Contract price from \$2,854,768.01 to \$2,978,294.66.

A Resolution ratifying the Mayor's prior execution of an Agreement with the Ky. Cabinet for Health and Family Services, Dept. for Community Based Services, accepting

a Grant of \$1,017,480 in Federal funds for child care expenses at the Family Care Center, the acceptance of which does not obligate the Urban County Government for the expenditure of funds.

A Resolution authorizing the Mayor, on behalf of the Lexington-Fayette Urban County Government, to execute Supplemental Agreement No. 3 with the Ky. Transportation Cabinet, for acceptance of additional Federal funds in the amount of \$8,000 for the Wilson Downing Sidewalks Project, the acceptance of which does not obligate the Urban County Government for the expenditure of funds.

A Resolution ratifying the Mayor's prior execution of an Agreement with the U.S. Dept. of Housing and Urban Development, Office of Community Planning and Development, accepting a Grant in the amount of \$60,501 in Federal funds for the Continuum of Care Program, the acceptance of which obligates the Urban County Government to a \$15,125 in-kind match, and authorizing the Mayor to transfer unencumbered funds within the Grant Budget.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Planned Parenthood Northwest, for transport to their facility.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept an award from the Ky. Dept. of Military Affairs, Div. of Emergency Management, in the amount of \$100,563.39 in Federal funds, for FY 2022 Emergency Management Assistance Project, the acceptance of which obligates the Urban County Government to an in-kind match in the amount of \$110,519.00, and authorizing the Mayor to transfer unencumbered funds within the Grant Budget.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an amendment to an Agreement with LexTran, for Transit Planning, to extend the period of performance through June 30, 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, which Grant funds are in the amount of \$178,909.17 Commonwealth of Ky. funds, for the continuation of the Litter Abatement Grant Funding Program for Fayette County, the acceptance of which does not obligate the Urban County Government for the expenditure

of funds, and authorizing the Mayor to execute any necessary Agreements with the Ky. Energy and Environment Cabinet related to this Grant.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute modifications to Agreements with the Ky. Dept. of Military Affairs, Div. of Emergency Management, extending the period of performance through September 30, 2022, under the Chemical Stockpile Emergency Preparedness Program (CSEPP) for FY 2017 and FY 2018.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute certificates of consideration and other necessary documents, and to accept deeds for property interests needed for the West Hickman Main Trunk E Sewer Project, a Remedial Measures Project required by the Consent Decree, at a cost not to exceed \$17,500.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement awarding a Class A (Neighborhood) Incentive Grant to Neighbors United for South Elkhorn Creek, Inc., for a Stormwater Quality Project, at a cost not to exceed \$11,200.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Purchase of Service Agreement with Ky. Veterans Hall of Fame Foundation, Inc. for various services related to the Ky. Veterans Hall of Fame, at a cost not to exceed \$30,000.

* * *

At 6:20 p.m. Ms. Bledsoe rejoined the meeting.

* * *

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with United Way of the Bluegrass, Inc. (\$200), and Arbor Youth Services, Inc. (\$500) for the Office of the Urban County Council, at a cost not to exceed the sums stated.

* * *

Upon motion by Ms. Plomin, and seconded by Ms. LeGris the Communications from the Mayor were approved by unanimous vote and were as follows: (1) Recommending the reappointments of Phyllis Abbot, Veteran Services Organization

Representative, Jeffrey Clark, US Army Veteran, Susan Murray, Veteran Services Organization Representative, Jim Thurman, Kentucky Veterans Hall of Fame Inductee, and Annemarie Vandevort, Veteran Services Organization Representative, to the Commission on Veterans' Affairs all with terms expiring July 1, 2025; (2) Recommending the appointment of Jason Ervin, Tenant Representing Owners, to the Downtown Lexington Management District with a term expiring December 1, 2025; (3) Recommending the appointments of Michael Hilton and Stephanie Spires to the Explorium of Lexington both with terms expiring July 1, 2024; (4) Recommending the reappointment of Nkonglolo Kalala, African Representative, to the Mayor's International Affairs Advisory Commission with a term expiring August 1, 2025; and, (5) Recommending the reappointment of Joshua Carter, Local Lending Institution Representative, to the Vacant Property Review Commission with a term expiring January 1, 2026.

*

*

*

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

(1) Probationary Classified Civil Service Appointment of Christopher Kirkland, Network Systems Administrator Sr., Grade 522E, \$2,174.48 biweekly in the Div. of Computer Services, effective January 3, 2022; (2) Probationary Classified Civil Service Appointment of Steven Rowlett, Producer, Grade 515N, \$19.915 hourly in the Div. of Government Communications, effective January 24, 2022; (3) Probationary Classified Civil Service Appointment of William Hill, Equipment Operator Sr., Grade 512N, \$17.668 hourly in the Div. of Streets and Roads, effective January 3, 2022; (4) Probationary Classified Civil Service Appointment of Darrell Ford, Equipment Operator Sr., Grade 512N, \$18.494 hourly in the Div. of Streets and Roads, effective January 3, 2022; (5) Probationary Classified Civil Service Appointment of Gary Rowland, Trades Worker Sr., Grade 511N, \$17.259 hourly in the Div. of Streets and Roads, effective January 10, 2022; (6) Probationary Classified Civil Service Appointment of Manuel Coffey, Trades Worker Sr., Grade 511N, \$17.308 hourly in the Div. of Streets and Roads, effective January 10, 2022; (7) Probationary Classified Civil Service Appointment of Roderick Gray, Trades Worker Sr., Grade 511N, \$17.780 hourly in the Div. of Streets and Roads, effective January 18, 2022; (8) Probationary Classified Civil Service Appointment of Jesse

McKinney, Public Service Worker Sr., Grade 509N, \$15.583 hourly in the Div. of Streets and Roads, effective January 18, 2022; (9) Probationary Classified Civil Service Appointment of Jacob Lovell, Public Service Worker Sr., Grade 509N, \$15.808 hourly in the Div. of Streets and Roads, effective February 7, 2022; (10) Probationary Classified Civil Service Appointment of Matt McFarland, Public Service Worker Sr., Grade 509N, \$15.549 hourly in the Div. of Streets and Roads, effective January 10, 2022; (11) Probationary Classified Civil Service Appointment of Thomas Johnson, Public Service Worker Sr., Grade 509N, \$16.719 hourly in the Div. of Streets and Roads, effective January 10, 2022; (12) Probationary Classified Civil Service Appointment of Jason Martin, Infrastructure Program Manager, Grade 522E, \$2,320.00 biweekly in the Div. of Water Quality, effective January 3, 2022; (13) Probationary Classified Civil Service Appointment of Ronald Hinton, Maintenance Mechanic, Grade 515N, \$19.556 hourly in the Div. of Water Quality, effective January 17, 2022; (14) Probationary Classified Civil Service Appointment of Austin White, Public Service Worker Sr., Grade 509N, \$15.532 hourly in the Div. of Water Quality, effective December 27, 2021; (15) Probationary Classified Civil Service Appointment of Donald Johnson, Public Service Worker Sr., Grade 509N, \$15.144 hourly in the Div. of Water Quality, effective January 18, 2022; (16) Probationary Classified Civil Service Appointment of Brandon Darland, Resource Recovery Operator, Grade 513N, \$18.950 hourly in the Div. of Waste Management, effective January 3, 2022; (17) Probationary Classified Civil Service Appointment of Pecola Cowan, Resource Recovery Operator, Grade 513N, \$17.546 hourly in the Div. of Waste Management, effective December 20, 2021; (18) Probationary Classified Civil Service Appointment of Zachary Prewitt, Arborist Technician, Grade 515N, \$22.403 hourly in the Div. of Environmental Services, effective January 10, 2022; (19) Probationary Classified Civil Service Appointment of Nathaniel Skinner, City Arborist, Grade 521E, \$2,345.60 biweekly in the Div. of Environmental Services, effective December 20, 2021; (20) Probationary Classified Civil Service Appointment of Daniel Partin, Administrative Specialist Sr., Grade 516N, \$21.500 hourly in the Div. of Emergency Management, effective January 31, 2022; (21) Probationary Classified Civil Service Appointment of Aaron Varney, Safety Officer, Grade 511N, \$17.062 hourly in the Div. of Police, effective December 20, 2021; (22) Probationary Classified Civil Service Appointment of Lara Pizycki, Certified Social

Worker, Grade 518E, \$1,900.16 biweekly in the Div. of Youth Services, effective January 10, 2022; (23) Probationary Classified Civil Service Appointment of Ronnie Conquest, Vehicle & Equipment Technician, Grade 514N, \$20.798 hourly in the Div. of Facilities and Fleet Management, effective January 24, 2022; (24) Probationary Classified Civil Service Appointment of Phoebe Kingsley, Administrative Specialist, Grade 513N, \$18.100 hourly in the Div. of Parks and Recreation, effective January 3, 2022; (25) Probationary Classified Civil Service Appointment of Elizabeth Johnson, Administrative Specialist, Grade 513N, \$20.868 hourly in the Div. of Parks and Recreation, effective January 18, 2022; (26) Probationary Classified Civil Service Appointment of Dina Melvin, Administrative Specialist Sr., Grade 516N, \$30.494 hourly in the Div. of Grants and Special Programs, effective January 3, 2022; (27) Probationary Classified Civil Service Appointment of Paula Schumacher, Staff Assistant Sr., Grade 510N, \$16.230 hourly in the Div. of Planning, effective January 18, 2022; (28) Sworn Probationary Appointment of Donnell Gordon, Police Lieutenant, Grade 317E, \$3,346.89 biweekly in the Div. of Police, effective January 17, 2022; (29) Sworn Probationary Appointment of Brandon Gibbs, Police Sergeant, Grade 315N, \$35.576 hourly in the Div. of Police, effective January 17, 2022; (30) Sworn Probationary Appointment of Elizabeth Kanis, Police Sergeant, Grade 315N, \$35.576 hourly in the Div. of Police, effective January 17, 2022; (31) Sworn Probationary Appointment of Michelle Patton, Police Sergeant, Grade 315N, \$35.576 hourly in the Div. of Police, effective January 17, 2022; (32) Sworn Probationary Appointment of Jessica Bowman, Fire Major, Grade 318E, \$4,156.60 biweekly in the Div. of Fire and Emergency Services, effective January 3, 2022; (33) Sworn Probationary Appointment of Richard Harris, Fire Major, Grade 318E, \$4,156.60 biweekly in the Div. of Fire and Emergency Services, effective January 3, 2022; (34) Sworn Probationary Appointment of Jonathan Ott, Fire Major, Grade 318E, \$4,156.60 biweekly in the Div. of Fire and Emergency Services, effective January 3, 2022; (35) Sworn Probationary Appointment of James Roff, Fire Major, Grade 318E, \$4,156.60 biweekly in the Div. of Fire and Emergency Services, effective January 3, 2022; (36) Sworn Probationary Appointment of Paul Welch, Fire Major, Grade 318E, \$4,156.60 biweekly in the Div. of Fire and Emergency Services, effective January 3, 2022; (37) Sworn Probationary Appointment of James Cropper, Fire Captain, Grade 316N, \$26.753 hourly in the Div. of

Fire and Emergency Services, effective January 2, 2022; (38) Sworn Probationary Appointment of Adam Day, Fire Captain, Grade 316N, \$26.753 hourly in the Div. of Fire and Emergency Services, effective December 31, 2021; (39) Sworn Probationary Appointment of Kevin Deweese, Fire Captain, Grade 316N, \$26.753 hourly in the Div. of Fire and Emergency Services, effective January 3, 2022; (40) Sworn Probationary Appointment of Maquel Johnson, Fire Captain, Grade 316N, \$26.753 hourly in the Div. of Fire and Emergency Services, effective January 2, 2022; (41) Sworn Probationary Appointment of Billy McIntosh, Fire Captain, Grade 316N, \$26.753 hourly in the Div. of Fire and Emergency Services, effective January 2, 2022; (42) Sworn Probationary Appointment of Timothy Boniface, Fire Lieutenant, Grade 315N, \$20.902 hourly in the Div. of Fire and Emergency Services, effective January 2, 2022; (43) Sworn Probationary Appointment of Scott Fett, Fire Lieutenant, Grade 315N, \$20.902 hourly in the Div. of Fire and Emergency Services, effective December 31, 2021; (44) Sworn Probationary Appointment of Michael Garrett, Fire Lieutenant, Grade 315N, \$20.902 hourly in the Div. of Fire and Emergency Services, effective January 3, 2022; (45) Sworn Probationary Appointment of Shawna Hannan, Fire Lieutenant, Grade 315N, \$20.902 hourly in the Div. of Fire and Emergency Services, effective January 2, 2022; (46) Sworn Probationary Appointment of Russell Jones, Fire Lieutenant, Grade 315N, \$20.902 hourly in the Div. of Fire and Emergency Services, effective January 1, 2022; (47) Sworn Probationary Appointment of Larkin Lair, Fire Lieutenant, Grade 315N, \$20.902 hourly in the Div. of Fire and Emergency Services, effective January 2, 2022; (48) Sworn Probationary Appointment of Joshua Lile, Fire Lieutenant, Grade 315N, \$20.902 hourly in the Div. of Fire and Emergency Services, effective January 1, 2022; (49) Sworn Probationary Appointment of Keaton Reeves, Fire Lieutenant, Grade 315N, \$20.902 hourly in the Div. of Fire and Emergency Services, effective January 2, 2022; (50) Sworn Probationary Appointment of Nicholas Stump, Fire Lieutenant, Grade 315N, \$20.902 hourly in the Div. of Fire and Emergency Services, effective December 31, 2021; (51) Probationary Community Corrections Officer Appointment of Trevor Smith, Community Corrections Lieutenant, Grade 114E, \$2,394.00 biweekly in the Div. of Community Corrections, effective January 3, 2022; (52) Probationary Community Corrections Officer Appointment of Phillip Mondelli, Community Corrections Sergeant, Grade 112N, \$23.937 hourly in the

Div. of Community Corrections, effective January 3, 2022; (53) Probationary Community Corrections Officer Appointment of Erika Auld, Community Corrections Officer Recruit, Grade 109N, \$15.384 hourly in the Div. of Community Corrections, effective January 3, 2022; (54) Probationary Community Corrections Officer Appointment of William Sparks, Community Corrections Officer Recruit, Grade 109N, \$15.384 hourly in the Div. of Community Corrections, effective January 3, 2022; (55) Probationary Community Corrections Officer Appointment of Tonya Mandujano, Community Corrections Officer Recruit, Grade 109N, \$15.384 hourly in the Div. of Community Corrections, effective December 6, 2021; (56) Probationary Community Corrections Officer Appointment of Joseph Hardin, Community Corrections Officer Recruit, Grade 109N, \$15.384 hourly in the Div. of Community Corrections, effective December 6, 2021; (57) Unclassified Civil Service Appointment of Jenifer Wuorenmaa, ARPA Project Manager, Grade 528E, \$4,148.16 biweekly in the Office of the Chief Administrative Officer, effective December 20, 2021; (58) Unclassified Civil Service Appointment of Hilary Angelucci, Administrative Officer Sr., Grade 526E, \$3,309.68 biweekly in the Office of the Chief Administrative Officer, effective January 14, 2022; (59) Unclassified Civil Service Appointment of Terri Jones, Public Works Apprentice, Grade 504N, \$11.597 hourly in the Div. of Streets and Roads, effective January 3, 2022; (60) Unclassified Civil Service Appointment of Larry Coomer, Public Works Apprentice, Grade 504N, \$11.827 hourly in the Div. of Streets and Roads, effective January 3, 2022; (61) Unclassified Civil Service Appointment of Riki Davis, Eligibility Counselor, Grade 513N, \$18.359 hourly in the Div. of Community and Resident Services, effective January 10, 2022; (62) Unclassified Civil Service Appointment of George Young, Life Skills Program Instructor, Grade 512N, \$21.117 hourly in the Div. of Youth Services, effective January 18, 2022; (63) Unclassified Civil Service Appointment of Leslie Neimeier, Extended School Program Coordinator, Grade 516E, \$1,692.32 biweekly in the Div. of Parks and Recreation, effective January 24, 2022; (64) Classified Civil Service Temporary Appointment of Demont Clark, Public Service Supervisor, Grade 514N, \$19.081 hourly in the Div. of Water Quality, effective November 15, 2021; and, (65) Classified Civil Service Transfer of Elizabeth McKinney-Thompson, Staff Assistant Sr., Grade 510N, \$20.615 hourly in the Div. of Revenue, effective January 16, 2022.

*

*

*

Chief Lawrence Weathers, Div. of Police, presented a disciplinary matter regarding Officer James Chism. An allegation has been made that Officer Chism has committed the offense of Misconduct 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 1.02 in that on the 25th day of June, 2021 he/she allegedly:

(1) On June 25, 2021 at approximately 0130 hours, Officer Chism was dispatched to Maywick View and Roanoke Road where he located and arrested a disorderly subject. While waiting for the patrol wagon to arrive and transport the subject to FCDC, the female subject continued attempts to aggravate and verbally berate Officer Chism to a point she was able to get a negative response from him. Officer Chism should have been able to de-escalate the situation based on his training and experience, but instead he contributed to escalating the encounter which ultimately led to the subject kicking Officer Chism.

After being kicked, Officer Chism once again failed to de-escalate the situation and his response was unprofessional.

Officer Chism violated the above policy which states "officers shall conduct themselves at all times, both on and off- duty, in such a manner as to reflect most favorably on the department and not to cast doubt on the officer's integrity, honesty, judgement or character.

The appropriate punishment for this conduct is **Two (2) Weeks Suspension Without Pay.**

Upon motion by Mr. Ellinger, 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 Myles Foster. An allegation has been made that Officer Foster has committed the offense of Misconduct which constitutes misconduct under the provisions of KRS 95.450 and/or KRS 15.520 General Order 1973-02K, Disciplinary Procedures, Appendix B, Operational Rule 1.02 in that on the 8 day of October, 2021 he/she allegedly:

(1) On Friday October 8, 2021 at approximately 2100 hours Officer Myles Foster made contact with a group of subjects in the parking lot located at 321 E. Vine Street. During this interaction, the complainant alleged Officer Myles Foster was unprofessional, antagonistic and made threats to multiple individuals gathered at a "car show".

At the conclusion of the investigation it was determined Officer Fosters violated the above policy which states: "Officers shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the department and to not cast doubt on the officer's integrity, honesty, judgement, or character. Misconduct of an officer shall include that which tends to bring the department into disrepute or reflects discredit upon the officer as an employee of the department, or that which tends to impair the operation and efficiency of the department or officer".

This is Officer Myles Foster's first sustained formal complaint since his employment on January 20, 2020.

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

Upon motion by Vice Mayor Kay, seconded by Mr. Ellinger and approved by unanimous vote, the disciplinary recommendation was approved.

Ms. Reynolds asked about the process by which a disciplinary item reaches the Chief for consideration. Chief Weathers responded.

* * *

Ms. Lamb spoke about the recent extension by the General Assembly of certain provisions in Senate Bill 150, which would allow the Council to continue to meet virtually. She asked the Dept. of Law to provide clarity and guidance on the new legislation. Mayor Gorton asked a clarifying question about the nature of Ms. Lamb's request. Ms. Lamb responded.

* * *

Vice Mayor Kay noted that Council will not have another opportunity to address the continuation of virtual meetings prior to next week's previously scheduled in-person session. He asked his colleagues to offer their thoughts about sustaining virtual meetings

during the current rise in COVID cases, indicating that he would make a motion regarding virtual meetings should his fellow Councilmembers desire.

* * *

Ms. Lamb urged her colleagues to strongly consider conducting meetings virtually.

* * *

Mr. McCurn asked if there would be a timeframe included in the motion. Vice Mayor Kay responded.

* * *

Ms. Baxter asked if a representative from the Dept. of Law could join the meeting in order to answer any questions. Sally Hamilton, Chief Administrative Officer, and Glenda George, Dept. of Law, joined the meeting. Ms. George noted that the Dept. of Law had not had the opportunity to review the legislation and could not offer specific guidance at the moment. CAO Hamilton concurred. Vice Mayor Kay, in response, stated he was ready to make a motion that took into consideration the conditional allowance for virtual meetings. Ms. George indicated that in discussion with the Kentucky League of Cities it was confirmed that the Bill did pass and did extend the allowance until April, but could not offer more specifics.

* * *

Ms. Reynolds asked about upcoming meetings and the continuation of business. Vice Mayor Kay indicated his preference was to postpone the upcoming meeting regarding American Rescue Plan Act (ARPA) funds until they could meet in-person.

* * *

Mr. Worley, indicating he would support the motion when it was made, encouraged his fellow Councilmembers not to postpone business based on the meeting format. He noted his preference was to meet in-person, but that business could be conducted regardless.

* * *

Mr. Moloney concurred with Mr. Worley, noting that there were some items of budgetary urgency and asked if the Administration could bring those items before the Council for consideration. Recognizing the need for public input and the challenges virtual meeting present to gaining public insight, he still supported the continuation of virtual

meetings while maintaining daily business. He stated he did not wish to hold up the budget process by postponing.

* * *

Mayor Gorton reminded Councilmembers that it was not within the Administration's ability to adjudge items of business on behalf of Council.

* * *

Ms. Bledsoe stated her preference was to include a timeframe for meeting virtually, at the end of which the Council would determine the best path forward.

* * *

Vice Mayor Kay moved to hold Council Meetings virtually for two (2) weeks, contingent upon the extension of the provisions in Senate Bill 150, and upon the end of the stated timeframe, the Council would reconsider the continuation of virtual meetings. The motion was seconded by Mr. Ellinger.

Mayor Gorton noted there was a Council Meeting scheduled at the end of the proposed two weeks and wished to confirm that the Council would meet virtually and discuss the format for future meetings at that time. Vice Mayor Kay affirmed the clarification.

The motion passed by unanimous vote.

* * *

Vice Mayor Kay then spoke about the upcoming Committee of the Whole (COW) meeting. Recognizing it was preferred to meeting in person, he spoke about the reality of the current health crisis and noted it may not be possible to do so. He stated his willingness to discuss the desire of the Council in regards to this upcoming meeting, indicating he would not make the motion to postpone.

* * *

Ms. Lamb asked about public comment and input during the ARPA discussions. Vice Mayor Kay responded. Ms. Lamb shared her concerns about transparency but indicated she would support the will of the Council.

* * *

Ms. Reynolds addressed the nature of public comment thus far, noting that many members of the public have attended the in-person ARPA meetings despite not offering

input. She proposed that the upcoming COW meeting be postponed for two weeks, at which time the Council would determine how to proceed with the meeting.

* * *

Mr. Worley asked if the Administration was prepared to give the previously requested presentation regarding the proposed project list for ARPA funds. He reiterated his desire to continue with the business of Council.

* * *

Vice Mayor Kay wished to remind the Council of the scheduled meetings already on the calendar and noted it would be challenging to find additional times to reschedule meetings.

* * *

Mayor Gorton restated the passing of the previous motion to allow for virtual meetings through January 27, 2022 and asked about the inclusion of the COW meeting regarding ARPA funds. Vice Mayor Kay responded.

* * *

Ms. Reynolds moved to postpone the January 20, 2022 COW meeting until the week of January 31, 2022 in order to meet in-person, unless the Council later determines it should be held virtually. Mr. Ellinger seconded the motion.

Ms. Baxter asked CAO Hamilton about the length of the presentation. CAO Hamilton responded, noting the voluminous nature of the subject matter. Ms. Baxter stated she would not support the motion.

Ms. Bledsoe stated she appreciated the sentiment, but said she could not support the motion at this time.

Mr. Moloney concurred with Ms. Bledsoe and Ms. Baxter, stating he believed the Council should continue with the scheduled business. He stated he could not support the motion.

Vice Mayor Kay concurred with his colleagues. He spoke about the presentation created by the Administration, indicating he hoped it would be sent out by the following Monday.

Mayor Gorton reminded the Council that Monday was a holiday and asked if it pleased the Council to allow the Administration until Tuesday to complete the presentation. Vice Mayor Kay responded. CAO Hamilton responded.

Mr. Moloney spoke about the impending winter storm and said he supported a Tuesday deadline. CAO Hamilton responded, indicating the Monday was agreeable.

Vice Mayor Kay, stating it was his understanding that the presentation was complete, shared his desire to have it in the nearer future. CAO Hamilton responded.

The motion failed by majority vote (Reynolds voted Yes all other Council Members voted No).

* * *

Mayor Gorton again confirmed the Council would revisit the virtual format on January 27, 2022 and CAO Hamilton would get the presentation to the Council by Monday, January 17.

* * *

Mr. Ellinger asked about the format of the upcoming Council retreat. Vice Mayor Kay responded.

* * *

Mr. Worley shared he was having technical difficulty and asked for clarification on the recent discussion and motions. Mayor Gorton responded.

* * *

Upon motion by Ms. Baxter, seconded by Ms. Plomin, and approved by unanimous vote, the meeting adjourned at 7:07 p.m.

Clerk of the Urban County Council