

Lexington- Fayette Urban County Government Council Meeting

Lexington, Kentucky July 9, 2020

Due to the COVID-19 pandemic, state of emergency and Governor Beshear’s Executive Orders regarding social distancing, this meeting of the Urban County Council is being held via video-teleconference pursuant to Senate Bill 150 (as signed by the Governor on March 30, 2020) and Attorney General Opinion 20-05, 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 virtual session on July 9, 2020 at 7:25 p.m. Present were Mayor Gorton in the chair presiding, and the following members of the council: Plomin, Reynolds, Swanson, Worley, Bledsoe, F. Brown, J. Brown, Ellinger, Evans, Farmer, Kay, Lamb, McCurn, Moloney, and Mossotti.

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

Ordinances No. 55-2020 through 56-2020, inclusive, and Resolutions No. 287-2020 through 308-2020, inclusive, were reported as having been signed and published and ordered to record.

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The Invocation was given by Councilmember Jennifer Mossotti.

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The following ordinances received second reading. Upon motion by Mr. Farmer, and seconded by Mr. McCurn, the ordinances were approved by the following vote:

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

Nay: -----0

An Ordinance extending the accumulated vacation leave balance carryover for Classified Service employees from December 31, 2020 to December 31, 2021; providing that Classified Civil Service employees shall have their vacation leave balances reduced to twenty one (21) working days (one hundred sixty eight hours) on December 31, 2021;

and providing that a Classified Civil Service employee who separates from service prior to December 31, 2021 shall be paid for all accumulated vacation leave; effective upon passage of Council.

An Ordinance amending certain of the Budgets of the Lexington Fayette Urban County Government to reflect current requirements for funds in the amount of \$30,000 to provide funds for Council Projects in the Div. of Parks and Recreation for signage in the East End and art for Isaac Murphy Memorial Art Garden and appropriating and re appropriating funds, Schedule No. 5.

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. 2.

An Ordinance amending certain of the Budgets of the Lexington Fayette Urban County Government to provide funds for purchase orders and pre-paid expenses rolling from FY 2020 into FY 2021, and appropriating and re appropriating funds, Schedule No. 3.

An Ordinance pursuant to Section 6.12 of the Lexington Fayette Urban County Government charter creating the Office of Affordable Housing in the Office of the Chief Administrative Officer; abolishing one (1) position of Affordable Housing Manager, Grade 526E, in the Div. of Grants and Special Programs and creating one (1) position of Affordable Housing Manager, Grade 526E, in the Office of Affordable Housing and transferring the vacant position; amending section 22 5(2) of the Code of Ordinances to renumber the affected sections; effective upon date of passage

An Ordinance of the Lexington Fayette Urban County Government directing the Lexington Fayette Urban County Government Public Facilities Corporation to take certain formal actions as the agency and instrumentality and as the Constituted Authority of the Lexington Fayette Urban County Government; specifically directing, authorizing, and approving the issuance by said Lexington Fayette Urban County Government Public Facilities Corporation of its Taxable Project Refunding Bonds, Series 2020 (Lexington Fayette Urban County Government General Obligation), in the approximate principal amount of \$34,000,000 (which amount may be increased or decreased by an amount of up to \$3,400,000); authorizing a Ground Lease Agreement, a Lease Agreement and a

Supplemental Lease Agreement to provide additional security for the Series 2020 Bonds; and authorizing other actions in connection therewith.

An Ordinance of the Lexington Fayette Urban County Government directing and authorizing the advertisement for bids and distribution of a preliminary official statement by the Lexington Fayette Urban County Government Public Facilities Corporation for the purchase of its taxable project Refunding Bonds, Series 2020 (Lexington Fayette Urban County Government General Obligation) in an approximate principal amount of thirty four million dollars (\$34,000,000).

An Ordinance amending Section 21-32(e) and Section 21-32(f) of the Code of Ordinances relating to tool maintenance allowances for certain job classifications to update outdated classifications and to increase the tool maintenance allowance amounts to align with current practice, at no additional fiscal impact to the Urban County Government; effective upon passage of Council.

An Ordinance amending the Unclassified Civil Service authorized strength by abolishing one (1) position of Affordable Housing Manager, Grade 526E and amending the Classified Civil Service authorized strength by creating one (1) position of Affordable Housing Manager, Grade 526E all in the Div. of Grants and Special Programs; effective upon passage of Council.

An Ordinance amending the Classified Civil Service authorized strength by abolishing one (1) position of Staff Assistant Sr., Grade 510N and creating one (1) position of Fleet Parts Specialist Sr., Grade 513N in the Div. of Fire and Emergency Services effective upon date of passage.

An Ordinance amending certain of the Budgets of the Lexington Fayette Urban County Government to reflect current requirements for funds in the amount of \$21,000 to provide funds for Council Projects in the Div. of Traffic Engineering for the installation of speed feedback signs in the Eleventh Council District and appropriating and re appropriating funds, Schedule No. 4.

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An Ordinance pursuant to section 6.12 of the Lexington-Fayette Urban County Government charter abolishing the div. of risk management; abolishing one (1) position of Dir. of Risk Management, Grade 532E, abolishing one (1) position of Manager of Safety

and Loss Control, Grade 526E, abolishing one (1) position industrial Hygiene/Loss Control Specialist, Grade 520E, abolishing one (1) position of Risk Management Analyst, Grade 519E, all in the Div. of Risk Management; creating one (1) position of Human Resources Manager of Safety and Loss Control, Grade 526E, creating one (1) position of Safety and Loss Control Specialist, Grade 520E, creating one (1) position of Risk Analyst, Grade 519E, all in the Div. of Human Resources; amending the Classified Civil Service authorized strength; transferring the incumbents at their current pay grade and salary; adjusting job titles as needed; abolishing one (1) position of Administrative Specialist Sr. P/T, Grade 516N in the Div. of Risk Management and creating one (1) position of Administrative Specialist Sr. P/T, Grade 516N the Div. of Human Resources; amending the Unclassified Civil Service authorized strength; transferring the incumbent at her current pay grade and salary; changing the name of the Div. of Adult and Tenant Services to the Div. of Community and Resident Services; amending the Unclassified Civil Service authorized strength creating one (1) position of Clerical Assistant P/T, Grade 505N, in the Div. of Aging and Disabilities Services; effective retroactive to July 1, 2020, received first reading.

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

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

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

Nay: -----0

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A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Contract Modification No. 6 to the Agreement with AECOM Technical Services, Inc., d/b/a AECOM, for additional professional program management services related to the Town Branch Commons Project, increasing the contract price by the sum of \$51,707.00 from \$3,348,841.50 to \$3,400,548.50 received second reading.

Upon motion by Mr. McCurn, and seconded by Vice Mayor Kay, the resolutions were approved by the following vote:

Aye: Plomin, Reynolds, Swanson, Worley, -----14
Bledsoe, F. Brown, J. Brown, Ellinger,
Evans, Farmer, Kay, Lamb, McCurn,
Mossotti

Nay: Moloney, -----1

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

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

Nay: -----0

A Resolution accepting the bid of L-M Asphalt Partners, Ltd d.b.a. ATS Construction, establishing a price contract for (FY 2021-22) City Street Resurfacing, for the Div. of Streets and Roads.

A Resolution accepting the bid of Profetick Plumbing, establishing Price Contract for WGPL Plumbing Work, for the Div. of Water Quality.

A Resolution accepting the bid of L-M Asphalt Partners Ltd. d/b/a ATS Construction, in the amount of \$288,017, for Citation Trail Phase 1, for the Div. of Grants and Special Programs, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with ATS Construction, related to the bid.

A Resolution accepting the bid of Toni Levy and Associates, Inc., in the amount of \$36,734.30, for Headworks Standby Generator and Automatic Transfer Switch, for the Div. of Water Quality.

A Resolution accepting the bid of Todd Johnson Contracting, Inc., in the amount of \$257,113.69, for the Jimmie Campbell Bridge Project, for the Div. of Water Quality, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Todd Johnson Contracting, Inc., related to the bid.

A Resolution accepting the bid of Mac Construction & Excavating, Inc., in the amount of \$2,757,108.22, for the Versailles Rd. Corridor Improvements, for the Div. of

Engineering, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Mac Construction & Excavating, Inc., related to the bid.

A Resolution accepting the bid of H.C. Hodge Mobile Truck Wash, Inc., establishing a price contract for Vehicle Pressure Washing, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Adams Contracting, LLC, in the amount of \$497,600, for the Jacobson Park Rd. Widening Project, for the Div. of Grants and Special Programs, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Adams Contracting, LLC, related to the bid.

A Resolution ratifying the Permanent Civil Service Appointments of: Pete Spencer, Security Officer, Grade 507N, \$14.175 hourly in the Dept. of Public Safety, effective June 23, 2020; Darrin Polley, Heavy Equipment Technician, Grade 518N, \$22.485 hourly in the Div. of Facilities and Fleet Management, effective July 6, 2020; Matthew Christopher, Vehicle and Equipment Technician, Grade 514N, \$18.424 hourly in the Div. of Facilities and Fleet Management, effective July 6, 2020; ratifying the Permanent Sworn Appointment of: Lawrence Saval, Police Sergeant, Grade 315N, \$32.408 hourly in the Div. of Police, effective June 9, 2020; approving the Classified Civil Service Council Leave of: Robert Warren, Public Service Worker Sr., Grade 509N, \$14.354 hourly in the Div. of Streets and Roads, effective July 7, 2020 through October 4, 2020; effective upon passage of Council.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Affiliation Agreement between the Div. of Fire and Emergency Services Rescue Team and the Div. of Emergency Management, for Search and Rescue.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept \$478,748 in Federal funds from the Office of Justice Programs at the U.S. Dept. of Justice, under the Coronavirus Emergency Supplemental Funding (CSEF), for the purpose of paying overtime and purchasing equipment and supplies for the Div. of Police and Community Corrections to prevent, prepare for and respond to the coronavirus, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, and to transfer unencumbered funds within the Grants Budget.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept \$1,036,765 in Federal funds from the Ky. Dept. of Military Affairs, Div. of Emergency Management, awarded under the FY 2020 Chemical Stockpile Emergency Preparedness Program (CSEPP) for the purpose of protecting the community and enhancing emergency response in case of chemical accidents during and after destruction of the chemical weapons stockpile at the Bluegrass Army Depot, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, to transfer unencumbered funds within the Grants Budget, and to execute an Agreement with the Ky. Dept. of Military Affairs, Div. of Emergency Management.

A Resolution changing the property street names of 1871 Battery St. to 1874 Battery St., 3825 Branham Pk. to 3846 Branham Pk., 947 Delaware Ave. 1/2 to 947 Delaware Ave. B, 949 Delaware Ave. 1/2 to 949 Delaware Ave. B, 949 Delaware Ave. to 949 Delaware Ave. A, 951 Delaware Ave. 1/2 to 951 Delaware Ave. B, 951 Delaware Ave. to 951 Delaware Ave. A, 947 Delaware Ave. to 947 Delaware Ave. A, 541 Maryland Ave. 1/2 to 541 Maryland Ave. Lot B, 541 Maryland Ave. to 541 Maryland Ave. Lot A, and changing the street names and property address numbers of 400 McKenna Court to 1754 Bryan Station Rd., 3921 Kenny Ln. to 3921 Kenney Ln., 4250 Kenny Ln. to 4250 Kenney Ln., 4400 Kenny Ln. to 4400 Kenney Ln., 1444 Bryan Ave. to 401 Meadow Pk., all effective thirty (30) days from passage.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Grant Award Agreement with Ashwood Townhomes of Laredo Association, Inc., for a stormwater quality project, decreasing the Grant award by the sum of \$78.96, from \$16,170.00 to \$16,091.04.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Grant Award Agreement with Gardenside Neighborhood Association, Inc., for a stormwater quality project, decreasing the Grant award by the sum of \$872.30, from \$8,985.00 to \$8,112.70.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Agreement with the Ky. Transportation Cabinet (KYTC), for turf mowing and vegetation management services by the Div. of Environmental Services on state owned right of way, for which the Urban County Government shall be

compensated at the rate of \$35 per acre for areas along Citation Blvd. and \$58 per acre for all other areas.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Geopliant, LLC, for the purchase of Crisis Track License Software for the Ky. Div. of Emergency Management, at a cost not to exceed \$6,200.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Affiliation Agreement with the University of Louisville, providing graduate students from the University's Kent School of Social Work to support the Family Care Center and the Div. of Family Services, at no cost to the Urban County Government; effective upon passage of Council.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Carton Council of North America, Inc., for the acceptance of a Grant from the Carton Council of North America, Inc., which Grant funds are in the amount of \$150,000, for the purchase and installation of an Optic Sorter for the Div. of Waste Management, 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 Grants Budget.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. Two (2) to the Agreement with the Allen Co., Inc., for the West Hickman Trail Project, decreasing the contract price by the sum of \$57,144.08 from \$697,142.93 to \$639,998.85.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with the Cabinet for Health and Family Services to accept \$42,000 in Federal funds under the CARES Act as start-up stipends for the Div. of Parks and Recreation Extended School Program sites, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, and ratifying, on behalf of the Urban County Government, the Mayor's previous execution of an Agreement with the Cabinet for Health and Family Services for the acceptance of \$6,000 in Federal funds under the CARES Act as a start-up stipend for the Family Care Center, 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 Grants Budget.

A Resolution authorizing the Div. of Water Quality to purchase GPS Hardware and Database Maintenance Services from Routeware, Inc., a sole source provider, and authorizing the Mayor, on behalf of the Urban County Government, to execute any necessary Agreement with Routeware, Inc., related to the procurement, at a cost estimated not to exceed \$43,905.36.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Grant Award Agreement with North Lexington Holdings II, LLC, for a Stormwater Quality Project, decreasing the Grant award by the sum of \$58.07, from \$22,458.07 to \$22,400.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit applications to the KY. Infrastructure Authority (KIA), and to provide any additional information requested in connection with the applications, for Low Interest State Revolving Fund Loans in the following amounts to facilitate the following sanitary sewer related projects: \$9,586,500 for the Overbrook Pump Station and Force Main Project and \$8,556,900 for the Overbrook Trunk Sewer Project.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement awarding a Class B (Infrastructure) Incentive Grant to North Lexington Holdings II, LLC, for Stormwater Quality Projects, at a cost not to exceed \$284,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with Federal Bureau of Investigation Bluegrass Drug WTOC Task Force, for designation of task force responsibilities.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a salary Data Agreement with Salary.com for access to salary research and salary studies for the Div. of Human Resources, at a cost not to exceed \$8,500 in Fiscal Year 2021, to increase no more than 5% upon renewal which shall be subject to the appropriation of funds; effective upon passage of Council.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Grant award Agreement with R & N Group, LLC, for a stormwater quality project, terminating the Grant award in its entirety, in the amount of \$3,924.90.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Parking Agreement with Event Parking Expert, LLC, for traffic control and parking assistance for Lexington's 4th of July Fireworks display, at a cost not to exceed \$1,500.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to the Agreement with the Ky. Emergency Management Agency extending the period of performance through June 30, 2022, for the Thompson Rd. Recycling Center Tornado Shelter Project, 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 Grant from the Commission on Fire Protection, Personnel, Standards, and Education, which Grant funds are in the amount of \$3,349,920 in Commonwealth of Ky. Funds, and are for Fire Training Incentives for Firefighters for FY 2021, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, and authorizing the Mayor to transfer unencumbered funds within the Grant Budget.

A Resolution authorizing 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 \$3,534,166.00 in Commonwealth of Ky. funds and are for Police Training Incentives for FY 2021, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, and authorizing the Mayor to transfer unencumbered funds within the Grant Budget.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the KY. Dept. of Environmental Protection - Div. of Waste Management, which Grant funds are in the amount of \$100,000 in Commonwealth of KY funds and are for the purpose of supporting a one day household hazardous waste

recycling event in Fayette County in FY 2021, the acceptance of which obligates the Urban County Government for the expenditure of \$25,000 as a local match, to execute an Agreement with the KY. Dept. of Environmental Protection - Div. of Waste Management, and to transfer unencumbered funds with the Grants Budget.

A Resolution of the Lexington Fayette Urban County Government authorizing and approving Lexington Center Corporation entering into a \$2.75 million Line of Credit Facility with Central Bank and Trust Company.

A Resolution ratifying, on behalf of the Urban County Government, the Mayor's previous execution of an Amendment to the Agreement with the Ky. Emergency Management Agency, extending the period of performance through June 30, 2022, for the update of the Lexington Fayette Hazard Mitigation Plan, at no cost to the Urban County Government.

A Resolution establishing Siemens Building Technologies, as a sole source provider for the Smoke Alarm upgrade, for the Div. of Community Corrections, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Siemens Building Technologies, related to the procurement, at a cost not to exceed \$367,174.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Fayette Fiscal Court accepting and establishing funding for Fiscal Year 2021 County Road Aid projects in the Rural Service Area.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 2 to the Agreement with Judy Construction Co., for the Town Branch Waste Water Treatment Plant Primary Digester Complex Improvements Project, increasing the contract price by the sum of \$5,602.12, from \$9,800,708.58 to \$9,806,310.70, and extending the date of completion to July 31, 2020.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 2 to the Agreement with LAGCO, Inc., for the Manchester Street and Willard Street Sanitary Sewer Improvements Project, increasing the contract price by the sum of \$118,100, from \$2,162,730 to \$2,280,830, and extending the date of completion to July 3, 2020.

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 a Grant from the KY. Transportation Cabinet Office of Local Programs Congestion Mitigation and Air Quality (CMAQ) Program, which Grant funds are in the amount of \$1,096,000 in Federal funds and are for the Mt. Tabor Multi Modal Improvements Project, the acceptance of which obligates the Urban County Government to the expenditure of \$274,000 as a local match, and authorizing the Mayor to transfer encumbered funds within the Grants Budget.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Amendment No. 2 to the Grant Agreement with the Ky. Transportation Cabinet, to extend the Grant through June 30, 2021, and to accept additional Grant funds in the amount of \$48,400 in Federal funds, the acceptance of which obligates the Urban County Government to the expenditure of \$12,100 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 accept donation of the Breaking the Bronze Ceiling Monument and to execute all documents necessary thereto, including without limitation a Transfer of Title Agreement.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Right of Way Agreement granting Columbia Gas of Ky., Inc., utility easements for gas pipelines and a gas regulator station at 1345 Old Frankfort Pike.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Purchase of Service Agreements with Commerce Lexington Inc. (\$155,155.00); EHI Consultants and the Urban League of Lexington Fayette County (\$77,000.00); and Euphrates International Investment Co., LLC (\$66,589.60), for Economic Development Services for the Urban County Government, at a cost not to exceed the sums stated; effective upon passage of Council.

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 funds are in the amount of \$480,000 and are for the ITS/CMS (Intelligent Transportation System/Congestion Management System) Traffic Improvements Project for FY 2021, the acceptance of which obligates the Urban County

Government for 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 Change Order No. 1 to the Grant Award Agreement with Seven Parks Neighborhood Association, Inc., for a stormwater quality project, decreasing the Grant award by the sum of \$2,997, from \$99,900 to \$96,903.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Grant Award Agreement with Harrod Hills Neighborhood Association, Inc., for a stormwater quality project, decreasing the Grant award by the sum of \$759.67, from \$3,530.00 to \$2,770.33.

A Resolution authorizing the Div. of Enhanced 911, on behalf of the Urban County Government, to continue use of Intrado Life & Safety Solution's ECaTS statistical package from Intrado Life & Safety Solution, a sole source provider, at a cost not to exceed \$7,579.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with ArtsConnect c/o LexArts (\$500) and Winburn Neighborhood Association (\$150) for the Office of the Urban County Council, at a cost not to exceed the sum stated.

A Resolution creating a Local Small Business Economic Stimulus Program to provide funding of up to \$2,500,000 to qualifying local Small Businesses by no later than December 31, 2020 and providing for its purpose, a goal of 50% funds distributed to minority or women owned businesses or businesses located within lower income areas, Grants not to exceed a maximum of \$25,000 each, eligibility requirements, business impact criteria, applications and authorization to execute necessary Agreements with Grant recipients; 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 not to exceed \$125,000 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.

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Upon motion by Mr. Farmer, seconded by Ms. Evans, and approved by unanimous vote, a Resolution authorizing and directing the Mayor, on behalf of the urban county government, to execute a Purchase of Service Agreement with the Lighthouse Ministries, Inc., to provide a Day Center Program at 190 Spruce St., at a cost not to exceed \$2,500 received first reading.

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

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

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

Nay: -----0

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Upon motion by Ms. Mossotti, seconded by Mr. McCurn and approved by unanimous vote, a Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the 16th District PTA c/o Stonewall Elementary School (\$500), for the Office of the Urban County Council, at a cost not to exceed the sum stated received first reading.

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

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

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

Nay: -----0

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Upon motion by Vice Mayor Kay, seconded by Mr. McCurn, and approved by unanimous vote, Item #11 from the July 7, 2020 Mayor's Report was reconsidered.

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Vice Mayor Kay moved to approve the appointments of Zachary Davis and Janice Meyers to the Planning Commission. Mr. Farmer seconded and the motion was approved by unanimous vote.

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Vice Mayor Kay moved to approve the appointment of Candice Wallace to the Planning Commission. Mr. Swanson seconded and the motion was approved by majority vote (Mr. Worley, Mr. F. Brown, Mr. Ellinger, Ms. Lamb, Mr. McCurn and Mr. Moloney voted no.)

Ms. Reynolds requested the motion be restated as there was some confusion on the proposed motion.

Vice Mayor Kay clarified that the motion needed to be made in the affirmative, and any Councilmembers who opposed the motion should vote no.

Vice Mayor Kay motioned to reconsider the vote. Mr. Swanson seconded, and the motion to approve the appointment of Candice Wallace to the Planning Commission was disapproved by majority vote (Ms. Plomin, Mr. Worley, Ms. Bledsoe, Mr. F. Brown, Mr. Ellinger, Mr. Farmer, Ms. Lamb, Mr. McCurn, Mr. Moloney, and Ms. Mossotti voted no.)

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Ms. Lamb moved to place into the General Government and Social Services Committee, the creation of a Juvenile Treatment Court and expand the Adult Mental Health Court with an after-care program, with presentations to be made during the August Committee meeting. Mr. J. Brown seconded and the motion was approved by unanimous vote.

Ms. Lamb shared the following proposals to be submitted to the co-chairs of the Mayor's Commission on Racial Justice & Equality for consideration in its sub-committees: the creation of police store-fronts or substations; the expansion of the Paramedicine Program to ensure mental health professionals and Crisis Stabilization Units are used to their full potential; and the implementation of Crisis Intervention Team Training for youth with police officers, all to be established in critical incident areas in order to build a stronger relationship between police and neighborhoods.

Ms. Lamb expressed appreciation for being able to serve alongside Ms. Evans, and excitement for Ms. Evans' journey as she resigned from her Council seat in order to pursue her Master's Degree in Public Policy at Princeton University.

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Mr. Worley discussed the efforts involved in preparing the Small Business Stimulus Package and spoke about the impact it will have on the community. He commented that this was now the second time he had to say goodbye to Ms. Evans, and wished her the best on her upcoming endeavors.

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Mr. J. Brown praised the workers at the Shiloh Church Covid19 testing event and remarked on the positive turnout. He thanked Mr. Worley for bringing forward the Small Business Grant Program and talked about the impact it will have on the community. Mr. J. Brown congratulated Ms. Evans on her new journey and praised her passion, commitment and advocacy for public policy. Mr. J. Brown spoke of his support for the Lexington Police Department and Chief Weathers and acknowledged the protection they provide to the community on a daily basis.

Mr. J. Brown moved to place into the Planning and Public Safety Committee, a complete review of the Lexington Police Department General Orders, with an emphasis on the body camera policy, the use of force policy, off-duty employment, and serving warrants. Vice Mayor Kay seconded the motion.

Mr. F. Brown asked Mr. J. Brown if he was placing it into committee, and what committee date it would be heard. Mr. J. Brown confirmed and responded the next committee date was August 18. He suggested prioritizing one of the topics per meeting going forward. Mr. F. Brown commented that there are only ten Councilmembers in the Planning and Public Safety Committee and inquired how Mr. J. Brown's motion coincided with the July 14 Special Planning and Public Safety Committee Meeting. Mr. J. Brown explicated that if the Council agreed to place these items into the committee, there would be no need to hold the July 14 Meeting. Mr. F. Brown read the following statement:

As related to police policies and negotiations with the Police Union, and our Council's renewed efforts to discuss issues concerning the citizens of Lexington, I will support reviewing items of concern related to the Police Department. I believe that Black

lives matter and we can do a better job as elected officials if we know a lot more about our Police Department. I also believe we have made past decisions to enhance the police department that has the respect of most citizens of Lexington.

Mr. F. Brown amended the motion to include a review of the position of Police Chaplain and definition. Mr. J. Brown seconded and the motion was approved by majority vote (Ms. Reynolds voted no.) Mr. F. Brown continued reading from the following statement:

It has been a part of the police department for many years. The position and title should be maintained, however, I am not opposed to having a change in the job description for this position that would meet the needs of all of our police officers, whether they have their own personal ministers or not. Only a police officer/chaplain can understand the needs of officers and their families in times of joy and/or sadness. I speak as a person who has a retired officer in our family and I know firsthand about the workings of the daily police officer. It is a thankless job and has more stress than just about any profession. However, how many citizens see death in reality? Gunshot wounds? Fights and beatings? Wreck victims? Spousal abuse? And on and on and on. We do not need a Wellness Coordinator or a Mental Health Counselor. We need a Chaplain.

Ms. Mossotti concurred on the significance of the topics being placed into committee. She spoke about the knowledge she obtained and the quality of the discussion had during the Law Enforcement, Justice, and Accountability sub-committee meeting she attended. Ms. Mossotti requested Mr. J. Brown and Mr. F. Brown let her know how they would like the Planning and Public Safety Committee to handle the topics placed into committee by the motion, so they may addressed thoroughly and appropriately.

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Mr. J. Brown talked about the need to enhance the Lexington Police Department's Minority Recruitment and Diversity Training and discussed the success of the programs in prior years. He suggested the Officer of Diversity and Inclusion, Arthur Lucas, be sent on special assignment to the Lexington Police Department, to help establish recruiting and hiring targets, to enhance diversity training by scheduling routine training on unconscious bias, cultural communication training, verbal communication strategies,

customer service and soft skill training. Mr. J. Brown suggested Mr. Lucas work with the police department to create a survey to be administered to the public to share their thoughts on what changes they would like to see.

Mayor Gorton inquired about the duration in which Mr. J. Brown recommended Mr. Lucas be relocated on special assignment, and asked his suggestions on how the other city departments should proceed with issues involving diversity and inclusion in Mr. Lucas' absence.

Mr. J. Brown responded, stating the rest of the city government was primarily focused on handling the Covid19 pandemic. He also suggested that since minority recruitment and hiring is a major factor in the police department, that after Mr. Lucas finished implementing programs there, he could help establish those programs in the rest of the city government. Mr. J. Brown pointed out that the Lexington Police Department was currently hiring and in the current climate, it would benefit the whole city to have Mr. Lucas focusing on their minority recruitment and diversity training.

Mayor Gorton commented that she would work with Chief Administrative Officer, Sally Hamilton, to devise a temporary plan to relocate Mr. Lucas.

Mr. J. Brown asked for guidance as to how the Council should handle discussion with the administration regarding the negotiation of collective bargaining agreements.

Mr. Dave Barberie, Dept. of Law, responded, stating there was no open meetings law exception to go into closed session for that reason. He strongly suggested Councilmembers hold one-on-one meetings with the administration if they had any questions, due to the risk of losing negotiation power when negotiating points are made public.

Mayor Gorton commented that her Chief of Staff, Tyler Scott, was representing her in the negotiations and suggested Councilmembers reach out to Mr. Scott with any questions or issues.

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Mr. McCurn congratulated Ms. Evans, wished her best of luck in her endeavors and thanked her for the help she has provided to him during his time on Council.

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Ms. Reynolds requested to change her vote from a yay to a nay vote on the approval of Candice Wallace's appointment to the Planning Commission. She congratulated Ms. Evans, and expressed admiration for Ms. Evans' confidence, candidness and leadership in approaching matters. Ms. Reynolds thanked Ms. Evans for teaching her about public policy.

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Mr. Moloney commended several recently retired police officers and thanked them for their service. He spoke about working with Patrick McFadden, Div. of Water Quality, throughout the years and congratulated him on his retirement at the end of the month. Mr. Moloney reminisced on the many years he and Ms. Evans worked together. He wished her the best of luck and commended her for all of her hard work.

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Vice Mayor Kay congratulated Ms. Evans and thanked her for all of her good work serving on Council. He praised her commitment to and representation of the community. He also recommended she purchase a very heavy coat and sturdy boots for her move to the north.

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Ms. Bledsoe wished Ms. Evans the best of luck in her endeavors and shared some memories from when they first began working together. She thanked Ms. Evans for her service and described her as a timeless advocate for her district and the community.

Ms. Bledsoe asked Commissioner Armstrong, Dept. of Public Safety, to share with Council in August, the plans for the community wellness program devised by the police department. Comm. Armstrong agreed. Ms. Bledsoe stated several constituents had inquired about permits and protests. She noted that while protests tend to occur organically, and parades, which require permits, do not, that some constituents were concerned about traffic safety in regards to protest spill-out in streets and roads. Comm. Armstrong reviewed some policies and planning as related to special event permits. He stated that while it may have occurred a couple of times previously, enforcement had been mostly deferred as to allow for the safe practice of free speech for all involved. Comm. Armstrong noted there were several options under consideration for protests going forward. Ms. Bledsoe thanked Comm. Armstrong for his response and clarified that

some of the citizens were concerned about potentially doing something wrong or to affect the protestors negatively. Comm. Armstrong said that concern was valid and mentioned that a few protest marches had been held after communicating plans with the police department.

Ms. Bledsoe offered a congratulations to several police officers who had recently retired.

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Ms. Plomin wished her office and district neighbor, Ms. Evans, the best of luck and stated she looked forward to seeing Ms. Evans on her visits back to Lexington.

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Mr. Swanson complimented Mr. J. Brown on his deliberate approach to the current issues, regarding race and policing, to be addressed. He divulged that he had been meeting with members on all sides of the issues to listen to their concerns, and confessed that while no one had suggested that Council act quickly, many had suggested that Council act deliberately and cautiously.

Mr. Swanson razzed Ms. Evans and commented that he was angry she was leaving so soon after he got on Council. Mr. Swanson, in regards to Ms. Evans' recent announcement and familiar with the highly esteemed Princeton Public Policy program, noted that its recruiters recognized the same leadership qualities to which Council had become so accustomed. He jokingly cautioned Ms. Evans that she should not expect any fewer controversies in the North and commented that he expected to hear of her involvement with renaming the school.

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Ms. Mossotti moved to cancel the July 14 Planning and Public Safety Committee Special Meeting. Mr. Farmer seconded and the motion was approved by unanimous vote.

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Ms. Mossotti addressed concerns held by police officers in her district that her signature was not on the letter sent to the Fraternal Order of Police. She stated that she fully supports the police, noting that her son and husband were both police officers. Ms. Mossotti acknowledged that being a police officer is one of the most important and difficult jobs, but emphasized that she was not going to take sides. Ms. Mossotti praised Ms.

Bledsoe and Mr. Worley for their work setting up the Small Business Economic Stimulus Package. She spiritedly encouraged Ms. Evans to break the glass ceiling and advocated Ms. Evans to pursue a spot on the Supreme Court after graduating from Princeton University. Ms. Mossotti reiterated that Ms. Evans will need to prepare for the colder climate and encouraged her to enjoy herself.

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Mr. Ellinger commended Ms. Evans for all of her hard work and congratulated her on the new opportunity. In response to Ms. Mossotti's comment, Mr. Ellinger remarked that he would prefer to see Ms. Evans' come back and lead Lexington in the future, although he could see her in the role of President or on the Supreme Court.

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Mr. Farmer shared an anecdote about conversations on the dais with Ms. Evans, and congratulated her. He jovially reminded her to wear her mask, and keep her distance.

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Mr. F. Brown spoke about the recent retirement of Donovan Stewart, former Police Chaplain and how it affected the investigation regarding an incident at Fayette Mall in 2019. Mr. Keith Horn, Dept. of Law, responded that the disciplinary aspect of the matter would be considered final, as action cannot be taken against a retired employee. Mr. F. Brown inquired if Council could have access to the police department's investigation and discipline records since Mr. Stewart had retired. Mr. Horn elucidated that they could not be released as the Public Integrity Unit (PIU) investigation was on hold, pending the completion of the juvenile investigation. Mr. F. Brown asked if that was a matter of policy or part of the collective bargaining agreement, as he had been informed by another party that the investigation had been closed. Mr. Horn recapitulated that the case status was still reported as pending investigation and as such, no records could be released. Mr. F. Brown asked if the matter could come back before the Council. Mr. Horn remarked that as there would be no disciplinary action taken, there would be no matter to come forward to the Council. Mr. F. Brown requested clarification that the Council would not need to sit in a hearing or be called to testify in the matter. Mr. Horn confirmed that there would be no hearing held by the Council. Mr. F. Brown thanked Mr. Horn and expressed his uncertainty in the responses.

Mr. F. Brown congratulated Ms. Evans on furthering her career and education and wished her the best on the opportunities that lay ahead.

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Mr. J. Brown expressed concern that the Council had been instructed not to comment on the Donovan Stewart investigation, under the impression that they would be discussing the findings at a later date, and as a result of Officer Stewart's retirement, that would no longer occur. He noted that this particular incident illustrates the precise concerns raised over police accountability, and as a result, expected that the Council would be criticized for not pursuing accountability, despite the Council having no possible recourse. Mr. Horn clarified that he did not intend to imply that the investigation may not have a conclusion, but as it was still in process, there were no findings to be made at the current time. He explained that investigations do not only pertain to disciplinary actions, but may reveal potential policy or procedural changes. Mr. J. Brown thanked Mr. Horn and remarked that potential changes to policies and/or procedures and other issues are conclusions that both the Council and the public were looking for.

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Vice Mayor Kay requested confirmation that there was no way to issue any discipline action against Officer Stewart because he was no longer an employee of the City. Mr. Horn confirmed that was correct. Vice Mayor Kay asked if the investigation was still focused on Officer Stewart's actions. Mr. Horn confirmed that was correct. Vice Mayor Kay asked if the reason the PIU investigation was pending, was due to charges against the juvenile involved. Mr. Horn confirmed that was correct. Vice Mayor Kay requested confirmation that the information involved in both cases would not be released in any way until the investigation was concluded. Mr. Horn confirmed that was correct, and offered a reminder that some information may be redacted because the juvenile was underage. He commented that the information that the Council was looking to review would most likely be made available at the end of the investigation. Vice Mayor Kay inquired if the information would be released, with potential redactions, to both the Council and the public. Mr. Horn confirmed that was correct. Vice Mayor Kay clarified that the reason the PIU investigation was on hold, was due to the outcome of the criminal charges potentially

jeopardizing the interest of the juvenile. Mr. Horn noted that the term 'criminal' in this case is used as a shorthand term, as charges in the juvenile court are not criminal, but are just referred to as such in a manner of speaking. He explained that another reason to pause the PIU investigation was to prevent the investigation's activities from interfering with the charges against the juvenile, for example, interviewing persons that may be involved in both cases.

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Mr. Ellinger inquired as to what law or policy determines the prevention of the PIU investigation and criminal case investigation being conducted simultaneously. Mr. Horn clarified that it was not considered illegal to investigate both cases at the same time, but that it was generally considered to best practice of law to allow for one case to reach conclusion before continuing a related investigation. Mr. Ellinger asked why a PIU investigation may taint a criminal case. Mr. Horn explained that it may not definitively taint or interfere with a case, but it could allow for allegations of tainting or interference, so the best way to avoid those allegations would be not to interfere with the case in process. Mr. Ellinger inquired as to where Mr. Horn obtained the concept of this particular best practice. Mr. Horn clarified that it was not his personal best practice, but that it was a longstanding standard best practice of the Lexington Police Department and the City of Lexington. He reiterated that there was no law declaring this to be a best practice, but that it was generally considered not to be a good idea to interfere with a criminal case.

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Ms. Evans concurred with Mr. Horn's statements. She stated the best practice concept in discussion is recognized and followed in the Attorney General's Office. Ms. Evans explained that it is best practice to defer 'civil professional' prosecution when a criminal matter is in process because a person's civil liberties and freedom is at stake.

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Ms. Reynolds inquired as to the process in which the matter would be handled if an issue involving a police officer was determined at the conclusion of the PIU investigation. Mr. Horn responded that police misconduct, as defined in statutes related to discipline, does not necessarily arise to the level of criminal charges. Ms. Reynolds rephrased her question, asking if charges would be filed should the investigation

determine that the retired officer was at fault. Mr. Horn stated he was unsure of what Ms. Reynolds was referring to by charges, but explained that generally speaking, if a matter requiring discipline was revealed at the end of the PIU investigation, then disciplinary action would be taken. He specified, that in this particular case, since the police officer had retired, no disciplinary action could be taken, since the city cannot discipline someone who has ended their employment with the city. Ms. Reynolds inquired if that meant that no criminal charges could be filed. Mr. Horn stated that criminal charges could be filed if it was found that a crime had been committed. He went on to explain that if the investigation discovered that other officers had engaged in misconduct, an investigation into those officers could be opened. Ms. Reynolds thanked Mr. Horn and clarified that she was not trying to imply fault against anyone but wanted clarification about the process.

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Ms. Evans sincerely thanked all of the Councilmembers and said it was a pleasure to serve alongside them all. She referenced her comments made at her resignation announcement press conference held the day prior, and admitted to Mayor Gorton that she may not have experienced Angela Evans Day to the fullest but she did thoroughly enjoyed it. Ms. Evans expressed appreciation and admiration for the unique qualities of each Councilmember, and acknowledged the periodic dissension among them was not problematic and actually necessary in a democracy. She thanked everyone for the well wishes from her current and former constituents, the administration and Councilmembers. Ms. Evans remarked that she had plans to return home to Lexington and she has very much enjoyed her time on Council. She also extended a very special thank you to her legislative aide, Deborah Slone, for her assistance over the years.

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Mayor Gorton addressed the recent mandate by Governor Andy Beshear requiring all Kentuckians to wear a mask or face covering, over the nose and the mouth, both indoors and outdoors when they are unable to social distance, which takes effect July 10, at 5 p.m. and will last for 30 days. She wished the Councilmembers a wonderful summer break.

Mayor Gorton acknowledged Ms. Evans' resignation letter and spoke of the once-in-a-lifetime opportunity she has been afforded. She also spoke about Ms. Evans'

dedication to her constituents and humility in her elected position. Mayor Gorton wished Ms. Evans the best of luck and congratulated her, echoing the advice shared earlier to be sure she has plenty of cold weather attire.

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Upon motion by Ms. Evans, seconded by Mr. Farmer, and approved by unanimous vote, the meeting adjourned at 9:08 p.m.

Deputy Clerk of the Urban County Council