

Lexington- Fayette Urban County Government Council Meeting

Lexington, Kentucky September 24, 2020

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 September 24, 2020 at 6:05 p.m. Present were Mayor Gorton in the chair presiding, and the following members of the council: F. Brown, J. Brown, Ellinger, Farmer, Higgins-Hord, Kay, Lamb, McCurn, Moloney, Plomin, Reynolds, Swanson, and Bledsoe. Absent were Council Members Mossotti and Worley.

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

Ordinances No. 81-2020 through 92-2020, inclusive, and Resolutions No. 402-2020 through 421-2020, inclusive, were reported as having been signed and published and ordered to record.

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The Invocation was given by the Reverend Laurie Brock, Rector of St. Michael's Episcopal Church

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Upon motion by Mr. Farmer, seconded by Vice Mayor Kay, and approved by unanimous vote, the Minutes of the August 27, 2020 and September 3, 2020 Regular Council Meetings and the September 15, 2020 Special Council Meeting were approved.

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Mayor Gorton read a Proclamation declaring September 24, 2020 as Bill O'Mara Day in Lexington. She spoke about Commissioner O'Mara's twenty-five years with the city, serving as both Director of Revenue and Commissioner of Finance, noting that she had worked with him for twenty-one years and had learned a lot from him. Mayor Gorton described Comm. O'Mara as the ultimate professional, ethical to-the-bone, a good friend and a decent, wonderful human being. She praised his calm, consistent, factual

approach, which had earned him the nickname, “Bad News Bill”. Mayor Gorton presented Comm. O’Mara with a framed key to the city.

Comm. O’Mara thanked the Mayor for the proclamation and presentation and her kind words. He talked about the enjoyment he got out of his years at LFUCG. He spoke in appreciation of the Council and Mayor Gorton for their dedication to public service and their support over the previous two years while he was in the hospital. He extended a special thank you to Chief Administrative Officer Sally Hamilton and her staff in the Office of the CAO, for their support, encouragement and friendship. Comm. O’Mara stated his career with the city had been a great experience and thanked the Mayor, Council and CAO for the opportunity to serve.

Vice Mayor Kay described Comm. O’Mara as the epitome of a public servant and commended his transparency, respect and dependability.

Mr. F. Brown spoke of the shared history with Comm. O’Mara and wished him well. He expressed appreciation for his straight-forward approach and clarity when explaining the complexities of government finance. Mr. F. Brown hoped Comm. O’Mara would enjoy reading the books he had sent to him, as well as spending more time with his kids, grandchildren, and wife, Judy.

Ms. Lamb shared a memory of how Comm. O’Mara’s reputation had preceded him when she first met him. She talked about the numerous projects they worked on together, noting the impact he has had on people across city government. Ms. Lamb stated he was a role model to her in many fashions, thanked him for his service and wished him well.

Ms. Plomin shared some personal anecdotes of Comm. O’Mara. She wished him well and thanked him for his service and dedication to the city.

Mr. J. Brown commended Comm. O’Mara on his professionalism, clarity, and resiliency. He shared some memories of Comm. O’Mara. Mr. J. Brown spoke of Comm. O’Mara’s recent health struggles and congratulated him for being able to retire on his own terms.

Mr. Farmer spoke in admiration of the calmness often provided by Comm. O’Mara in chaotic situations over the years. He thanked him for his service, wished him well, and hoped to see him again soon.

Mr. McCurn shared memories of Comm. O'Mara and spoke highly of his clarity in helping explain the budget. He congratulated Comm. O'Mara and wished him well.

Mr. Moloney commented on the respect and adoration Comm. O'Mara's employees had for him. He spoke of the many years they had worked alongside each other and shared a personal anecdote of working long hours together in years prior. Mr. Moloney wished him well and noted the city will feel a loss with Comm. O'Mara's retirement.

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The following ordinance received second reading. Upon motion by Ms. Bledsoe, and seconded by Ms. Lamb, the ordinance was approved by the following vote:

Aye: F. Brown, J. Brown, Ellinger, Farmer, -----13
Higgins-Hord, Kay, Lamb, McCurn,
Moloney, Plomin, Reynolds, Swanson,
Bledsoe

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 2021 Schedule No. 11.

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Vice Mayor Kay motioned to separate the vote for approval for the second reading ordinances. Ms. Lamb seconded and the motion was approved by majority vote (Mr. Farmer voted no.)

Vice Mayor Kay thanked the Council for postponing this ordinance second reading and Dir. Jim Duncan, Div. of Planning, for answering questions. He addressed concerns of lack of notification previously expressed by constituents in the prior month. Vice Mayor Kay emphasized that the Planning Commission and Div. of Planning followed the proper procedures for notifications. He spoke about the suspension of the Infill and Redevelopment Committee he chairs and the impact that had on conveying the information to the public. He explained that he had anticipated returning to in-person meetings thus delaying the items to be discussed, and apologized for his error in judgement, noting that the Infill and Redevelopment Committee meetings resume in October. He talked about the importance of making more effort to convey information related to future proposed developments and provide opportunity for public input, while

under Covid19 restrictions. Vice Mayor Kay talked about valid concerns regarding increased density raised about the Zoning Ordinance Text Amendment (ZOTA) on the docket. He acknowledged there was no easy decision to make on the FAR ZOTA, but that the opportunities to increase density outweigh the potential negative impacts to the neighbors in those communities.

Ms. Lamb concurred with Vice Mayor Kay's comments. She spoke of other concerns brought up by constituents about the ZOTA, and responses she has received after Dir. Duncan's presentation. Ms. Lamb emphasized her desire to coordinate with neighborhoods going forward and the importance of moving forward despite the hurdles.

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Mr. Worley joined the meeting at 6:39 p.m.

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The following ordinance received second reading. Upon motion by Ms. Plomin, and seconded by Mr. F. Brown, the ordinance was approved by the following vote:

Aye: F. Brown, J. Brown, Ellinger, Farmer, -----14
Higgins-Hord, Kay, Lamb, McCurn,
Moloney, Plomin, Reynolds, Swanson,
Worley, Bledsoe

Nay: -----0

An Ordinance amending Article 8-12, 8-13 and 8-14 of the Zoning Ordinance to modify the allowable floor area ratio (FAR) and lot coverage in the Planning Neighborhood Residential (R-3), High Density Apartment (R-4) and High Rise Apartment (R-5) zones. (Urban County Planning Commission).

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An Ordinance amending Section 2-141(1), of Article IX, Neighborhood Center Boards, of Chapter 2 of the Code of Ordinances of the Lexington Fayette Urban County Government, expanding the qualifications of the nine (9) resident members to include individuals who previously lived in the neighborhood and to include individuals who graduated from the former schools the neighborhood center now represents received first reading.

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

Upon motion by Vice Mayor Kay, and seconded by Ms. Higgins-Hord, the resolution was approved by the following vote:

Aye: F. Brown, J. Brown, Ellinger, Farmer, -----14
Higgins-Hord, Kay, Lamb, McCurn,
Moloney, Plomin, Reynolds, Swanson,
Worley, Bledsoe

Nay: -----0

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The following ordinances received first reading and were ordered to be placed on file for public inspection until October 8, 2020:

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. 13.

An Ordinance amending certain of the Budgets of the Lexington Fayette Urban County Government to amend Budget related to purchase orders expensed to FY 2020, and appropriating and re appropriating funds, Schedule No. 14.

An Ordinance amending certain of the Budgets of the Lexington Fayette Urban County Government to reflect current requirements for funds in the amount of \$6,582.65 to provide funds for Council Projects in the Div. of Traffic Engineering for costs associated with a multi way stop at Lane Allen Rd. and Georgian Way and appropriating and re appropriating funds, Schedule No. 15.

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

Aye: F. Brown, J. Brown, Ellinger, Farmer, -----14
Higgins-Hord, Kay, Lamb, McCurn,
Moloney, Plomin, Reynolds, Swanson,
Worley, Bledsoe

Nay: -----0

A Resolution accepting the bid of TelrepcO, Inc., establishing a price contract for refurbished computers, for the Div. of Fire and Emergency Services.

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

A Resolution ratifying the Probationary Classified Civil Service Appointment of: Anthony Meza, Social Worker Sr., Grade 516E, \$1,668.16 biweekly in the Div. of Youth Services, effective September 28, 2020.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with the Commonwealth of Ky., Education and Workforce Development Cabinet, Dept. of Workforce Investment, in order for the Div. of Police to obtain information directly from the Cabinet, at a cost not to exceed \$2,400.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Lexington Fayette County Health Dept., which Grant funds are in the amount of \$342,364 Federal funds and \$144,056 Commonwealth of Ky. funds, are for the Home Network Project, also known as Ky. Health Access Nurturing Development Services (HANDS), at 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 Grant Budget.

A Resolution amending Resolution No. 256-2020, authorizing the acceptance of deeds for property interests needed for the Wolf Run Trunk Sewers D & E Project, a Remedial Measures Project required by the Consent Decree, increasing the cost of acquisition of easements by the sum of \$11,000, from \$31,200 to \$42,200.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Interlocal Cooperative Agreement with the Ky. Counties of Anderson, Bourbon, Boyle, Clark, Estill, Franklin, Garrard, Harrison, Jessamine, Lincoln, Madison, Mercer, Nicholas, Powell, Scott and Woodford, for the continued operation of and participation in the Bluegrass Workforce Innovation Board.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement (awarded pursuant to RFP No. 9-2020) with Bluegrass Greensource, Inc., for Environmental Outreach Services related to the implementation of the Green Check Program, at a cost estimated not to exceed \$64,917.50.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with the United States

Attorney for the District of Columbia, the Metropolitan Police Dept. of Washington, D.C., for participation in the 2021 Presidential Inauguration.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Lexarts, Inc. (\$2,000) for the Office of the Urban County Council, at a cost not to exceed the sum stated.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Sisters Road to Freedom, Inc. (\$500), and Lighthouse Ministries, LLC. (\$700) for the Office of the Urban County Council, at a cost not to exceed the sum stated.

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A Resolution authorizing the Div. of Human Resources to make a conditional offer to the following Probationary Classified Civil Service Appointments: LeAngela Drake, Risk Management Accountant, Grade 518N, \$23.247 hourly in the Div. of Accounting, effective October 5, 2020, Freddie Pensinger, Equipment Operator Sr., Grade 512N, \$17.401 hourly in the Div. of Streets and Roads, effective October 12, 2020, James Turley, Trades Worker Sr., Grade 511N, \$17.527 hourly in the Div. of Streets and Roads, effective October 12, 2020, Michael Wiley, Facilities Manager, Grade 523E, \$2,692.31 biweekly in the Div. of Facilities and Fleet Management, effective upon passage of Council, John Hancock, Fleet Parts Specialist Sr., Grade 513N, \$19.500 hourly in the Div. of Fire and Emergency Services, effective upon passage of Council; and authorizing the Div. of Human Resources to make a conditional offer to the following Probationary Community Corrections Officer Appointment: Oscar Guevara, Community Corrections Officer Recruit, Grade 109N, \$15.384 hourly in the Div. of Community Corrections, effective upon passage of Council; and authorizing the Div. of Human Resources to make a conditional offer to the following Unclassified Civil Service Probationary Appointments: Norma White, Records Management Assistant P/T, Grade 507N, \$14.207 hourly in the Office of the Council Clerk, effective October 5, 2020. Donald Johnson, Public Works Apprentice, Grade 504N, \$13.000 hourly in the Div. of Water Quality, effective October 12, 2020 received first reading.

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

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

Aye: F. Brown, J. Brown, Ellinger, Farmer, -----14
Higgins-Hord, Kay, Lamb, McCurn,
Moloney, Plomin, Reynolds, Swanson,
Worley, Bledsoe

Nay: -----0

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A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Purchase of Service Agreement with Stantec Consulting, Inc, for the development of an objective process to guide decisions regarding the future alignment of the Urban Service Boundary, at a cost not to exceed \$150,000 received first reading.

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

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

Aye: F. Brown, J. Brown, Ellinger, Farmer, -----14
Higgins-Hord, Kay, Lamb, McCurn,
Moloney, Plomin, Reynolds, Swanson,
Worley, Bledsoe

Nay: -----0

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A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Purchase of Service Agreement with the Lyric Theatre for the operation of the Lyric Theatre, at a cost not to exceed \$127,500 received first reading.

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

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

Aye: F. Brown, J. Brown, Ellinger, Farmer, -----14
Higgins-Hord, Kay, Lamb, McCurn,
Moloney, Plomin, Reynolds, Swanson,
Worley, Bledsoe

Nay: -----0

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A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Copperfield Neighborhood Association (\$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. Worley, seconded by Vice Mayor Kay, and approved by unanimous vote, the rules were suspended and the resolution received second reading.

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

Aye: F. Brown, J. Brown, Ellinger, Farmer, -----14
Higgins-Hord, Kay, Lamb, McCurn,
Moloney, Plomin, Reynolds, Swanson,
Worley, Bledsoe

Nay: -----0

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A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to approve and adopt the Hazard Mitigation Plan, for mitigating damage and losses caused by natural hazards received first reading.

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

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

Aye: F. Brown, J. Brown, Ellinger, Farmer, -----14
Higgins-Hord, Kay, Lamb, McCurn,
Moloney, Plomin, Reynolds, Swanson,
Worley, Bledsoe

Nay: -----0

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A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Agreement with the Ky. Housing Corporation for the sharing of data, at no cost to the Urban County Government received first reading.

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

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

Aye: F. Brown, J. Brown, Ellinger, Farmer, -----14
Higgins-Hord, Kay, Lamb, McCurn,
Moloney, Plomin, Reynolds, Swanson,
Worley, Bledsoe

Nay: -----0

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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, 2021, under the Chemical Stockpile Emergency Preparedness Program (CSEPP) for FY 2018 and FY 2019 received first reading.

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

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

Aye: F. Brown, J. Brown, Ellinger, Farmer, -----14
Higgins-Hord, Kay, Lamb, McCurn,
Moloney, Plomin, Reynolds, Swanson,
Worley, Bledsoe

Nay: -----0

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A Resolution authorizing and directing the Mayor or her designee, on behalf of the Urban County Government, to execute the contract amendment to the Information Systems Agreement with Systems & Software, Inc., to utilize Invoice Cloud as Payment Gateway Provider and IVR for LEXServ Payments, and any other related documents with the Contractor or any other necessary party, at no additional cost to the Urban County Government; and authorizing the Mayor or her designee to execute any future amendment to the Information Systems Agreement and any other necessary documents changing sub-contractors that do not increase the contract price and is approved by the Div. of Revenue received first reading.

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

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

Aye: F. Brown, J. Brown, Ellinger, Farmer, -----14
Higgins-Hord, Kay, Lamb, McCurn,
Moloney, Plomin, Reynolds, Swanson,
Worley, Bledsoe

Nay: -----0

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A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Purchase of Service Agreements with the following twenty nine (29) Extended Social Resource (ESR) Program Grantee agencies, pursuant to RFP #3-2020 (Community Wellness and Safety), RFP #4-2020 (Childhood and Youth Development), RFP #5-2020 (Food Insecurity and Nutritional Access), and RFP #6-2020 (Emergency Overnight Shelter): Arbor Youth Services (\$205,000), AVOL Ky. (\$55,000), Big Brothers Big Sisters of the Bluegrass (\$65,000), Hospice of the Bluegrass, Inc. d/b/a Bluegrass Care Navigators (\$55,000), Bluegrass Council of the Blind (\$32,000), Central Music Academy (\$24,000), Children’s Advocacy Center of the Bluegrass (\$75,000), Chrysalis House, Inc. (\$100,000), Common Good Community Development Corporation (\$56,000), Community Action Council for Lexington Fayette, Bourbon, Harrison, and Nicholas Counties, Inc. (\$127,000), Foodchain (\$52,000), Glean Ky., Inc.(\$23,000), God’s Pantry Food Bank (\$67,000), Greenhouse17 (\$168,000), Lexington Gay Services Organization d/b/a Pride Community Services Organization (\$29,000), Lexington Hearing and Speech Center d/b/a the Hearing and Speech Center (\$52,000), Lexington Leadership Foundation, Inc. (\$157,700), Lexington Rescue Mission (\$87,000), Moveable Feast Lexington, Inc. (\$60,000), Nami Lexington (Ky), Inc. (\$57,400), Natalie’s Sisters, Inc. (\$37,900), New Beginnings, Bluegrass, Inc. (\$68,000), Repairers Lexington, Inc. (\$5,000), the Nathaniel Mission (\$130,000), the Nest - Center for Women, Children, and Families (\$62,000), the Refuge Clinic (\$62,000), the Salvation Army (\$100,000), Visually Impaired Preschool Services (VIPS) (\$38,000), and YMCA of Central Ky. (\$50,000) to provide services to the public, at a cost not to exceed \$2,100,000 received first reading.

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

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

Aye: F. Brown, J. Brown, Ellinger, Farmer, -----14
Higgins-Hord, Kay, Lamb, McCurn,
Moloney, Plomin, Reynolds, Swanson,
Worley, Bledsoe

Nay: -----0

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A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement (awarded pursuant to RFP No. 12-2020) with Stantec Consulting, Inc., for a comprehensive evaluation of the costs and public infrastructure requirements associated with the Exactions Program, at a cost estimated not to exceed \$215,900 received first reading.

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

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

Aye: F. Brown, J. Brown, Ellinger, Farmer, -----14
Higgins-Hord, Kay, Lamb, McCurn,
Moloney, Plomin, Reynolds, Swanson,
Worley, Bledsoe

Nay: -----0

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A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with NAMI, Lexington (KY), Inc., (\$500), North Limestone Community Development Corp. (\$1,250), the Fayette County Sheriff's Office (\$1,050), and Botts Beauty Barber Foundation, Inc. (\$500), for the Office of the Urban County Council, at a cost not to exceed the sums stated received first reading.

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

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

Aye: F. Brown, J. Brown, Ellinger, Farmer, -----14
Higgins-Hord, Kay, Lamb, McCurn,
Moloney, Plomin, Reynolds, Swanson,
Worley, Bledsoe

Nay: -----0

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The following resolutions received first reading and were ordered to be placed on file for public inspection until October 8, 2020:

A Resolution accepting the bid of L-M Asphalt Partners Ltd. d/b/a ATS Construction, in the amount of \$10,683,653.39, for the Clays Mill Rd. Improvements Section 1, for the Div. of Engineering, 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 Bachman Auto Group, Inc. d/b/a Bachman Auto Sales, establishing a price contract for Chevrolet Equinox, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Paul Miller Ford, Inc., establishing a price contract for Automotive Repair for Ford Vehicles, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Bachman Auto Group, Inc., establishing a price contract for Chevrolet Trucks, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Bradley Hook It Up Mobile, LLC, establishing a price contract for Vehicle Washing and Downtown Corral, for the Div. of Waste Management.

A Resolution ratifying the Probationary Classified Civil Service Appointments of: Danny Hyatt, Plant Operator Supervisor Sr., Grade 525E, \$3,009.68 biweekly in the Div. of Water Quality, effective October 12, 2020, Doug Holloway, Project Manager, Grade 517E, \$1,782.88 biweekly in the Div. of Water Quality, effective October 12, 2020, David Fulton, Project Manager, Grade 517E, \$2,426.80 biweekly in the Div. of Water Quality, effective October 12, 2020, Jennifer Hubbard Sanchez, Parks & Recreation Superintendent, Grade 525E, \$2,830.96 biweekly in the Div. of Parks and Recreation, effective September 28, 2020; and ratifying the Permanent Sworn Appointments of: Skip

Burke, Information Officer, Grade 518E, \$1,943.92 biweekly in the Div. of Government Communications, effective September 2, 2020, Stephanie Ballard, Administrative Specialist Sr., Grade 516N, \$21.323 hourly in the Div. of Revenue, effective September 16, 2020, Daniel Layne, Staff Assistant, Grade 508N, \$14.188 hourly in the Div. of Revenue, effective September 9, 2020, Sara Burd, Administrative Specialist, Grade 513N, \$18.420 hourly in the Div. of Engineering, effective September 30, 2020, Danetta Owsley, Custodial Worker, Grade 505N, \$12.058 hourly in the Div. of Facilities and Fleet Management, effective September 16, 2020; and ratifying the Classified Civil Service demotions of: Jordan Ivey, Vehicle & Equipment Technician, Grade 514N, \$18.714 hourly in the Div. of Facilities and Fleet Management, effective August 31, 2020.

A Resolution specifying the intention of the Urban County Council to expand and extend the Full Urban Services District #1 to provide street lighting, street cleaning, and garbage and refuse collection; finding a need for this service in the area included; and finding the ability of the Urban County Government to provide this service in this area, which area is defined as certain properties on the following streets: Angus Trail, Battery St., Bellefonte Dr., Captains Court, Enterprise Court, Fountain View Cove, Haymaker Pkwy., Lucille Dr., Maybank Park, Moon Rise Way, Morning Glory Ln., Nantucket Dr., Rockaway Place, Stolen Horse Trace, Tidewater Flat, Twilight Shadow Dr., Wescott Circle, and Wolf Run Dr.

A Resolution specifying the intention of the Urban County Council to expand and extend Partial Urban Services District #3 to provide garbage and refuse collection; finding a need for this service in the area included; and finding the ability of the Urban County Government to provide this service in this area, which area is defined as certain properties on the following streets: Harper Woods Ln., Patchen Lake Ln., Spring Bay Court, And Spring Leaf Court.

A Resolution specifying the intention of the Urban County Council to expand and extend Partial Urban Services District #5 to provide street lighting and garbage and refuse collection; finding a need for this service in the area included; and finding the ability of the Urban County Government to provide this service in this area, which area is defined as certain properties on the following streets: Aberdeen Dr., Argyle Dr., Brigadoon Pkwy.,

Claridge Court, Darien Dr., Dundee Dr., Edinburgh Court, Edinburgh Dr., Inverness Dr., Ipswich Court, Loch Lomond Dr., Tartan Dr., Wallace Court, And Westridge Circle.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Purchase of Service Agreement with the Bluegrass Area Development District (BGADD), for the operation of the Homecare Program for homebound seniors, at a cost not to exceed \$48,610.

A Resolution authorizing the Div. of Grants & Special Programs to purchase one (1) additional Neighborly Software user license from Benevate, Inc., for use in Grants and Special Programs Administration, and authorizing the Mayor to execute any necessary addendum or Agreement with Benevate, Inc., related to the license, at a cost not to exceed \$1,090.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute and submit an application to the Ky. Dept. of Education (KDE), for provision of Preschool Education Services at the Family Care Center for the 2020-2021 school year.

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 Southeastern Hills Trunk Sewer Project, a Remedial Measures Project required by the Consent Decree, at a cost not to exceed \$25,600.

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 New Circle Rd. Trunk Sewers A & B Project, a Remedial Measures Project required by the Consent Decree, at a cost not to exceed \$51,000.

A Resolution authorizing the Div. of Fire and Emergency Services to purchase Cardiac Monitors from Zoll, a sole source provider, and authorizing the Mayor, on behalf of the Urban County Government, to execute any necessary Agreement with Zoll, related to the procurement, at a cost not to exceed \$180,294.40.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 (Final) to the Agreement with The Allen Co., Inc., for the

Elizabeth Street and Forest Park Site Improvements Project, decreasing the contract price by the sum of \$17,166.49, from \$179,185.10 to \$162,018.61.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Construction Agreement with R.J. Corman Railroad Co./Central Ky. Lines, LLC, for the Town Branch Trail Phase 6 Project, at a cost not to exceed \$1,500.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with Baptist Healthcare System, Inc. (d/b/a Baptist Health Lexington) to allow the entity to participate in the drug discount program established pursuant to Section 340B of the Public Health Services Act, to provide healthcare services to low income individuals, at no cost to the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to accept a donation of \$6,000 from the Friends of McConnell Springs for funding a part time AmeriCorps Service Member for McConnell Springs.

A Resolution renewing the franchise Agreement with Ky. American Water for an additional term of five years pursuant to the provisions of Ordinance No. 144-15, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute any necessary documents related to the renewal.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Residential Lease Agreement with Robert Craig for the Masterson Station Park caretaker property located at 3561 Shamrock Lane in consideration of annual rent in the amount of \$4,725.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Mountain Comprehensive Care Center, Inc., to provide case management services for residents staying at the Catholic Action Center Emergency Shelter, at a cost not to exceed \$190,670.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept deeds and to execute any documents necessary for the acquisition of property interests needed for the Citation Boulevard Phase IIIA Project, at a cost not to exceed \$1,446,000.

A Resolution authorizing and directing the Div. of Emergency Management to use staff provided by Management Registry, Inc., to perform emergency response activities, at a cost not to exceed \$15,021.74.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to the Grant Agreement with the Ky. 911 Services Board, extending the Period of Performance through January 31, 2022.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the United States Dept. of Homeland Security, which Grant funds are in the amount of \$23,810.55 in Federal funds under the 2019 Fire Prevention and Safety Grant Program, for the purchase and installation of smoke alarms for households in high risk neighborhoods, the acceptance of which obligates the Urban County Government for the expenditure of \$1,190.53 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 Agreement with The Allen Co., Inc., for the Beaumont YMCA Trail Project, increasing the Contract price by the sum of \$60,867.29 from \$333,522.55 to \$394,389.84.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Neighborhood Action Match Grant program Contracts with Ashland Neighborhood Association (\$2,295), Charleston Gardens Homeowners Association (\$2,909), Cumberland Hills (\$975), East Cooper Neighborhood Association (\$3,072), Fayette Park Homeowner Association (\$6,317), Garden Meadows Homeowner Association (\$6,800), Gleneagles Owners Association (\$4,577), Griffin Gate Community Association (\$6,800), Kenwick Neighborhood Association (\$6,800), Pensacola Park Neighborhood Association (\$2,040), the Oak Condominiums of Lexington KY (\$6,800), Walnut Ridge Homeowners Association (\$3,220), and Wellington Maintenance Association (\$6,800) for the purpose of carrying out various neighborhood activities and improvements for FY 2021, at a cost not to exceed \$59,405.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Dept. of Education/Div. of School and Community Nutrition, to provide any additional information requested in

connection with this Grant Application, and to accept this Grant if the application is approved, which Grant funds are in the amount of \$79,000 in Federal funds and are for participation in the United States Dept. of Agriculture's Child Care Food Program and operation of the Nutrition Program at the Family Care Center in 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 the Mayor, on behalf of the Urban County Government, to execute a Purchase of Service Agreement and a Vehicle Lease Agreement with Lexington Fayette Animal Care and Control, LLC, for animal control services, at a cost not to exceed \$1,495,273.

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Upon motion by Mr. McCurn and seconded by Mr. Farmer, the Communications from the Mayor were approved by majority vote (Mr. F. Brown was absent for the vote) and were as follows: (1) Recommending the appointment of Darren Johnson and Brett Owens to the Bluegrass Crime Stoppers, both with terms expiring September 24, 2024; (2) Recommending the reappointment of Michael Friesen, At large, and the appointment of Charnise Moore, At large, to the Board of Health, both with terms expiring June 30, 2022; (3) Recommending the appointment of Joshua Douglas, filling the unexpired term of Jeanette Lucas, and Veda Stewart, filling the unexpired term of Pamela Perlman, to the Carnegie Center for Literacy Board of Directors, both with terms expiring September 1, 2021; (4) Recommending the appointment of Carrie Rudzik, filling the unexpired term of Don Rogers, to the Homelessness Intervention and Prevention Board, with term expiring October 1, 2022; (5) Recommending the reappointment of Kimberly Scott to the Housing Authority Board, with term expiring June 30, 2024; (6) Recommending the reappointment of Michael Lamb, Audit Professional, to the Internal Audit Board, with term expiring December 1, 2024; and, (7) Recommending the reappointment of Sarah Thrall, Lexington Philharmonic Representative, to the Picnic with the Pops Commission, with term expiring July 1, 2024.

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The following Communications from the Mayor were received for information only:
(1) Classified Civil Service Lateral Transfer of Allison Morris, Administrative Specialist,

Grade 513N, \$17.049 hourly in the Division of Revenue, effective October 12, 2020; (2) Classified Civil Service Lateral Transfer of Trina Brown, Administrative Specialist Sr., Grade 516N, \$22.281 hourly in the Division of Community & Resident Services, effective September 28, 2020; and, (3) Classified Civil Service Lateral Transfer of Shanreka Shackelford, Administrative Specialist Sr., Grade 516N, \$21.365 hourly in the Commissioner's Office of Social Services, effective September 28, 2020.

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Chief Kristin Chilton, Div. of Fire and Emergency Services, presented a disciplinary action regarding Firefighter Robert Lutz. It is alleged that Firefighter Lutz has committed the offense of Operating an emergency vehicle involved in an at-fault collision in violation of KRS 95.450 and UDG 1.07, At-Fault Collisions, in that on the 28 of May, 2020, he allegedly failed to properly clear an intersection and was involved in an at-fault collision. The appropriate punishment for this conduct is Written Reprimand.

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

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Mr. J. Brown inquired if the Police Discipline regarding Use of Force would be presented first and noted that he had some questions for the Law Dept. before it was presented. Commander Sam Murdock, Div. of Police, was presenting the discipline and said he could present whichever at the will of the Council. Mr. J. Brown requested that the non-Use of Force discipline be presented first.

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Commander Murdock, Div. of Police, presented a disciplinary matter regarding Officer Richard Gray. An allegation has been made that Officer Gray has committed the offense of Unsatisfactory Performance/Inefficiency which constitutes misconduct under the provisions of KRS 95.450/or KRS 15.520 and General Order 1973-02K, Disciplinary Procedures, Appendix B, Operational Rule 1.11 – Unsatisfactory Performance/Inefficiency in that on the 21 days of May 2020, he allegedly:

- (1) As the reporting officer on a death investigation call for service, Officer Gray violated policy by failing to accurately document the circumstances involved in

the incident, deactivating his body worn camera while on the call, and failing to book in evidence.

(2) If the above allegations are true, Officer Gray is in violation of General Order 1973-02K, Disciplinary Procedures, Appendix B, Operational Rule 1.11 – Unsatisfactory Performance/Inefficiency.

The appropriate punishment for this conduct is Three (3) day Suspension without Pay.

Upon motion by Mr. Farmer, seconded by Ms. Bledsoe, and approved by majority vote (Mr. Swanson voted no), the disciplinary recommendation was approved.

Mr. Swanson asked Comdr. Murdock if he could elaborate on the type of evidence that was not booked in and expressed concern at the gravity of Officer Gray's withholding information. Commander Murdock read the allegations listed in the agreement of conformity.

Mayor Gorton asked Mr. Swanson if that helped to answer his question.

Mr. Swanson stated the response did not help and explained he would be voting against the discipline recommendation, as he understood disapproving the recommendation would be the only manner in which the Council would be able to receive more information on the allegations and discipline. He commented that the Council serves as the Citizen Review Board, but instead he felt that the Council was asked to act as a rubber stamp. Mr. Swanson stated he had no reason to believe the recommendation was inappropriate, but also had no evidence to indicate that the recommendation was appropriate.

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Mr. J. Brown asked Keith Horn, Dept. of Law, where a Police Discipline would be sent if the Council were to disapprove a recommendation. Mr. Horn stated it would return to the Div. of Police, and from there it would need to be determined if it would be returned to the Disciplinary Review Board or if it would be referred to the Dept. of Law to have charges to be filed and later, a hearing before Council. He commented that a Police Discipline has never been disapproved by the Council so the determination of where the discipline should go would need to be jointly determined by the Dept. of Law and the Disciplinary Review Board. Mr. Horn clarified that if it were to return to the Disciplinary

Review Board, the discipline would eventually return to the Council to be approved again via an Agreement of Conformity.

Mr. J. Brown spoke of his heightened awareness of matters involving Use of Force. Mr. J. Brown motioned to postpone the Police Discipline Recommendation involving Use of Force until the next Council meeting when Police Chief Lawrence Weathers could be in attendance to answer questions. Mr. McCurn seconded the motion and the floor was opened to discussion.

Vice Mayor Kay asked Mr. Horn who would handle the next steps in the procedure for the Div. of Police if the Council were to disapprove the recommendation. Mr. Horn elucidated that this specific recommendation had not previously been to the Discipline Review Board, and that in this case, it would return to Chief Weathers who would potentially elect to send the recommendation to the Discipline Review Board, who would then submit a recommendation back to Chief Weathers and he would then make a determination in reaching an agreement with the officer. Mr. Horn remarked that because that situation had never happened before, it was likely discussions would need to be held with the Fraternal Order of Police. He specified that this process would only occur if the Council were to disapprove the recommendation, not postpone it. Vice Mayor Kay asked Mr. Horn to reiterate who would make the next decision in the event the Council were to disapprove the recommendation. Mr. Horn responded that it would be Chief Weathers. Vice Mayor Kay asked Mr. Horn what would happen if the Council disapproved the recommendation, and Chief Weathers decided to keep the discipline recommendation the same. Mr. Horn responded that it would likely return to the Council to be heard as a disciplinary hearing.

Mayor Gorton pointed out that despite the discussion on the discipline item pertaining to Use of Force that it had not yet been presented to the Council yet. She asked Mr. Horn if the recommendation would have to be presented and read by Comdr. Murdock before the Council could take any action on it. Mr. Horn explained that if no action is taken and the item is postponed, then the Council will be in the same situation in the next meeting. Mayor Gorton clarified her question, asking if the recommendation would need to be read into the record prior to the Council taking any action on it.

Mr. J. Brown responded to Mayor Gorton, elucidating that his intention was to postpone the item prior to it being read, due to its sensitive nature and wanting to prevent it being spread out over several weeks.

Mayor Gorton reiterated her question to Mr. Horn. Mr. Horn offered a phrasing of a motion. Mr. J. Brown reiterated his intent behind the motion. Mayor Gorton asked Mr. Horn if he was comfortable with the motion being made on the item without Comdr. Murdock presenting it, with the only information being that the discipline involved the Use of Force. Mr. Horn responded affirmatively and noted that in order to keep the record clear, Comdr. Murdock would just need to acknowledge that there is a discipline related to Officer Fielder. Mayor Gorton proposed continuing the discussion on the motion, having Comdr. Murdock's acknowledgement after the discussion was complete, then allowing the Council to take a vote on the motion. Mr. Horn concurred.

Mr. Swanson asked Mr. Horn to clarify his earlier statement that the Council has never disapproved a Police Discipline Recommendation. Mr. Horn specified that he was basing that off of his own memory and had no recollection of going through that process. Mayor Gorton noted that the Council has disapproved a discipline recommendation from Fire previously. Mr. Swanson asked Mr. Horn to state his tenure with the city to provide a gauge of the timeframe in reference. Mr. Horn stated he has been with the Lexington-Fayette Urban County Government since 2005, but did not begin primarily handling discipline matters until approximately 2012 or 2013.

Mr. Worley commented that he appreciated Mr. J. Brown's intentions behind the motion. He noted that public transparency was paramount but that there is a process in which these types of matters are handled. Mr. Worley expressed concern over potentially impacting the officer negatively or unfairly if the recommendation was suspension or without pay. Mr. Horn responded that while Mr. J. Brown's motion was to postpone the recommendation prior to its presentation, the Council could choose to postpone the vote on the recommendation after it was presented.

Mr. Moloney spoke about his experience with previous police disciplines, noting that the only Police Discipline Hearing he had participated in came as a result of the officer refusing to accept the Police Chief's punishment recommendation. He expressed potential concerns over delaying the recommendation since it appeared that some

Councilmembers had information about the allegations and some did not. Mr. Moloney expressed concerns over the message conveyed to the public regarding lack of transparency.

Mr. J. Brown responded to Mr. Moloney's comments. He clarified that the information he had received was the same information all Councilmembers should have received. Mr. J. Brown explained that based off of the recommended punishment, it was necessary to have Chief Weathers present for questions, as Comdr. Murdock may not have all of the details relating to the allegations, and noted that with the current sensitivity to police discipline, that was an important factor in transparency. He disclosed that as it stood, he was inclined to disapprove the recommendation and send it back to the Disciplinary Review Board, but he did not believe it was the best route to take at this time. He explicated that his intention to postpone the recommendation without the allegations being read was out of respect to the officer, so as to not have the details shared publicly until Chief Weathers could answer questions and the Council was prepared to take action on it.

Mr. McCurn concurred with Mr. Moloney's comments and spoke in support of hearing the presentation from Comdr. Murdock before postponing the vote on the discipline recommendation.

Vice Mayor Kay talked about fairness in transparency. He noted that the concerns expressed now have not been an issue in the past, but were pertinent now due to the current climate. Vice Mayor Kay acknowledged that the Council has largely trusted in the Police Chief and Disciplinary Review Board and their recommendations, and recognized that the public would no longer find that acceptable. He spoke in support of the motion. Vice Mayor Kay suggested that the Chief Weathers present all Police Disciplines in the future so that the Council could ask questions as necessary.

Mr. Worley reiterated concerns of delaying a discipline recommendation that potentially would affect an officer's pay but commented that he better understood Mr. J. Brown's intent after further discussion. He spoke in support of the motion.

Ms. Lamb thanked Mr. J. Brown for the motion and manner in which it was brought forward. She concurred with Vice Mayor Kay's suggestion to have Chief Weathers present all Police Discipline items to the Council in order to answer any questions. Ms.

Lamb suggested the Council have a group discussion prior to Council meetings so that they all may understand what would be presented at the meeting.

Mayor Gorton asked Mr. Horn a procedural question. Mr. Horn responded. Mayor Gorton asked Mr. J. Brown to repeat his motion for the record.

Mr. J. Brown motioned to postpone the presentation of the Police Discipline Recommendation involving Officer Fielder until the October 8, 2020 Council Meeting to allow Chief Weathers to present the item. Ms. Higgins-Hord seconded and the motion passed by majority vote (Mr. F. Brown voted no).

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Mr. F. Brown departed the meeting 7:47 p.m.

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Mr. Worley recognized Officer Kelven Eden, Neighborhood Resource Officer – East Sector, and congratulated him on his retirement. He spoke of Officer Eaton’s military history and dedication to serving his country and community.

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Mr. J. Brown thanked the Councilmembers for supporting his motion to postpone the Police Discipline Recommendation. He announced that Sheriff Kathy Witt, in honor of the late Anita Franklin, would be holding the Annual Lexington Peace Walk at Duncan Park on Sunday, September 27 at 3:00 p.m. and invited all Councilmembers to attend. He spoke in appreciation of Sheriff Witt’s actions taken in response to the recent rash of youth gun violence in the city. He asked Polly Ruddick, Dir. of Office of Homelessness about exacerbated homelessness issues, particularly in his district, as well as a possible increase in the homelessness population. He spoke of concerns about incriminating the homeless simply for congregating. Dir. Ruddick responded there was not an overall increase in homelessness in the county, but they saw a large decrease in shelter usage. She clarified that when reports come out stating 50% of homeless are in shelters, it does not mean that the other 50% are no longer homeless, but instead are living on the street. Dir. Ruddick went on to explain that typically during the summer, there are approximately fifty or so homeless persons that remain on the street in Lexington, and this year, there are over three hundred. She noted the challenges in creating a plan for winter shelters due to the high population of the homeless in addition to Covid19 precautions and

restrictions. Mr. J. Brown commended Dir. Ruddick on her efforts, and spoke of the responsibility the Council may have to step up in the winter.

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Mr. Swanson spoke of the recent rulings in the Breonna Taylor case in Louisville. He spoke of recent conversations held with local police officers and thanked the Lexington Police Department (LPD) for their efforts and practicing restraint in the resulting protests. He spoke of his time remaining on the Council and pledged his diligence to the issues at hand, and assured the community that they are not being ignored. He thanked the Mayor for inviting him to the Southland Dr. Revitalization Celebration and commended Ms. Reynolds' and Ms. Bledsoe's efforts in the project. Mr. Swanson spoke of the uniqueness of the local shops and general atmosphere of Southland Dr.

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Mayor Gorton announced the Report from the Commission on Racial Justice and Equality will come out mid-October and explained the co-chairs had requested an extension on preparing their report. She spoke about conversations she had with the Vice Mayor and their intent to get the legislative recommendations to the Council and the administrative recommendations to the Mayor so all appropriate action may be taken as quickly as possible.

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Ms. Reynolds announced the Neighborhood Mobile Covid19 Testing Unit will be at Valley Park on Friday, September 25, from 11:00 a.m. – 7:00 p.m. and Saturday, September 26, from 9:00 a.m. to 4:00 p.m. She encouraged everyone to get tested and shared questions from citizens asking if testing would be going to areas of town with higher reports of infection, and she clarified that there is not a map of infection, but the Lexington Health Department is aware that certain communities have been affected more often than other communities. Ms. Reynolds spoke in appreciation of the LPD and emphasized the need for cooperation between the police, government and community as they all work to make much-needed improvements.

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By order of the Council at the August 11, 2020 Work Session, Public Comment was suspended for all virtual Council Meetings and Work Sessions until further notice.

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Upon motion by Mr. Farmer, seconded by Vice Mayor Kay, and approved by unanimous vote, the meeting adjourned at 8:03 p.m.

Deputy Clerk of the Urban County Council