

Lexington- Fayette Urban County Government Council Meeting

Lexington, Kentucky February 1, 2024

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on February 1, 2024 at 6:00 p.m. Present were Mayor Gorton in the chair presiding, and the following members of the Council: Sevigny, Wu, F. Brown, J. Brown, Ellinger, Fogle, Gray, LeGris, Lynch, Monarrez, and Reynolds. Absent were Council Members Sheehan, Worley, Elliott Baxter, and Plomin.

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

Ordinances No. 001-2024 through 015-2024, inclusive, and Resolutions No. 001-2024 through 030-2024, inclusive, were reported as having been signed and published and ordered to record.

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The Invocation was given by Pastor Shane Maples of Southern Heights Baptist Church.

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At 6:02 p.m., Mr. Worley joined the meeting.

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Mayor Gorton asked Evan Jayson Smith and his father, Kurt Smith, to join her at the podium, along with Ms. LeGris, and read a Proclamation declaring February 1, 2024 as Evan Jayson Smith Day in Lexington.

Mayor Gorton described Evan Jayson Smith's heroic actions on October 1, 2023 when he stopped a gunman from opening fire in a bar in Downtown Lexington. She described the road to recovery that Jayson had been on since that night.

Mr. Kurt Smith spoke of his son's natural tendency for selfless and heroic actions and expressed his pride for his son.

Ms. LeGris spoke of Evan's brave actions and perseverance. She thanked him for protecting the citizens of Lexington.

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Mayor Gorton asked Andrea Eden, the Executive Director of the American Heart Association of Kentucky to join her at the podium, and read a Proclamation declaring

February 2, 2024 as Wear Red Day in Lexington. She also read a Proclamation declaring February 2024 as American Heart Month in Lexington.

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

Aye: Sevigny, Worley, Wu, F. Brown, J. Brown, -----12
Ellinger, Fogle, Gray, LeGris, Lynch,
Monarrez, Reynolds

Nay: -----0

An Ordinance amending Sections 2-519 and 2-526 of the Code of Ordinances, changing the name of the Racial Justice and Equality Commission to “Racial Justice and Equity Commission.”

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 2024 Schedule No. 34.

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The following ordinances received first reading and were ordered to be placed on file for public inspection until February 15, 2024:

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 2024 Schedule No. 35.

An Ordinance amending the authorized strength by abolishing one (1) classified position of Social Worker Senior, Grade 518E, and creating one (1) classified position of Social Services Worker, Grade 516E, in the Div. of Community and Resident Services, effective upon passage of Council.

An Ordinance amending the authorized strength by creating one (1) classified position of Human Resources Manager, Grade 527E, in the Div. of Human Resources, to be located at the Div. of Community Corrections, effective upon the passage of Council.

An Ordinance amending the authorized strength by creating one (1) unclassified position of Senior Special Projects Administrator, Grade 530E, in the Office of the Chief Administrative Officer, effective upon the passage of Council.

An Ordinance amending Section 1 of Ordinance No. 134-2023, which adopted a schedule of meetings for the Lexington Fayette Urban County Council for calendar year 2024, to change the time of the Budget Committee of the Whole scheduled for May 28, 2024 at 1:00 p.m. to May 28, 2024 at 10:00 a.m. and to add a Budget Committee of the Whole meeting on May 30, 2024 at 1:00 p.m.

An Ordinance creating Section 2-31.2 of the Lexington Fayette Urban County Government Code of Ordinances, to prohibit discrimination in housing on the basis of lawful source of income or payment, all effective March 1, 2024.

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The following resolutions received second reading. Upon motion by Ms. Reynolds, and seconded by Vice Mayor Wu, the resolutions were approved by the following vote:

Aye: Sevigny, Worley, Wu, F. Brown, J. Brown, -----12
Ellinger, Fogle, Gray, LeGris, Lynch,
Monarrez, Reynolds

Nay: -----0

A Resolution ratifying the Permanent Classified Civil Service Appointment of: Patrick Jorgensen, Municipal Engineer Sr., Grade 528E, \$3,460.24 biweekly in the Div. of Engineering, effective February 7, 2024.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Hyatt Regency Lexington, for catering services for the Senior Intern Alumni Luncheon, at a cost not to exceed \$5,800.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement awarding a Class B (Infrastructure) Incentive Grant to Bluegrass Greensource, Inc., for a Stormwater Quality Project, at a cost not to exceed \$40,000.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement awarding a Class A (Neighborhood) Incentive Grant to Beaumont Residential Association, Inc., for a Stormwater Quality Project, at a cost not to exceed \$6,000.

A Resolution authorizing the Div. of Fire and Emergency Services to purchase cardiac monitors, upgrades and batteries 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 \$176,990.50.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement of Affiliation with Bluegrass Crime Stoppers, Inc., for funding of a \$1.00 fee added to court costs, at no cost to the government.

A Resolution authorizing and directing the Div. of Traffic Engineering to install four (4) speed tables on Kentucky Ave. between East Main Street and East High Street per guidelines in the Neighborhood Traffic Management Program, once the neighborhood matches are received, at a cost not to exceed \$20,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a modification to the Agreement with the Ky. Office of Homeland Security, under the FY 2022 State Homeland Security Grant Program, to extend the period of performance through July 31, 2025, and further authorizing the Mayor to execute any other necessary amendments related to that Agreement.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept an additional award of \$22,308.12 in Federal funds (ARPA) from the Ky. Cabinet for Health and Family Services, Dept. for Community Based Services, to support childcare expenses for the Extended School Program in the Div. of Parks and Recreation, the acceptance of which does not obligate the Urban County Government to the expenditure of funds, and authorizing the Mayor to transfer unencumbered funds within the Grant Budget.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement awarding a Class A (Neighborhood) Incentive Grant to the Rotary Club of Lexington, Ky., Inc., for a Stormwater Quality Project, at a cost not to exceed \$3,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept an additional award of \$104,028 in Federal funds (ARPA) from the Ky. Cabinet for Health and Family Services, Dept. for Community Based Services, to support childcare expenses at the Family Care Center, the acceptance of which does not obligate the Urban County Government to the expenditure of funds, and authorizing the Mayor to transfer unencumbered funds within the Grant Budget.

A Resolution authorizing the Div. of Police to purchase magnet forensics software from Grayshift LLC, a sole source provider, and authorizing the Mayor, on behalf of the Urban County Government, to execute any necessary Agreement with Grayshift LLC, related to the procurement, at a cost not to exceed \$50,595.

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Upon motion by Ms. J. Brown, seconded by Vice Mayor Wu, and approved by unanimous vote, a Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Services Agreement with Keeneland Association, Inc., related to the re-surfacing of the Mounted Police Indoor Riding and Training Area, at no cost to the government received first reading.

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

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

Aye: Sevigny, Worley, Wu, F. Brown, J. Brown, -----12
Ellinger, Fogle, Gray, LeGris, Lynch,
Monarrez, Reynolds

Nay: -----0

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A Resolution accepting the bid of Marrillia Design and Construction, in the amount of \$5,153,000 for construction of the Douglass Park Pool Aquatic Center, for the Div. of Parks and Recreation, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Marrillia Design and Construction, related to the bid received first reading.

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

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

Aye: Sevigny, Worley, Wu, F. Brown, J. Brown, -----12
Ellinger, Fogle, Gray, LeGris, Lynch,
Monarrez, Reynolds

Nay: -----0

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A Resolution accepting the bid of Natare Corporation in the amount of \$128,833 for the Woodland Pool Liner Project, for the Div. of Parks and Recreation, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Natare Corporation, related to the bid received first reading.

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

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

Aye: Sevigny, Worley, Wu, F. Brown, J. Brown, -----12
Ellinger, Fogle, Gray, LeGris, Lynch,
Monarrez, Reynolds

Nay: -----0

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A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Ky. State Police, Commercial Vehicle Enforcement Div., in order to accept \$30,000 in Federal funds, awarded under the Interstate Emphasis Grant, for the purpose of improving commercial motor vehicles safety and compliance, the acceptance of which does not obligate the Urban County Government to the expenditure of funds, and authorizing the Mayor to transfer unencumbered funds within the Grant Budget received first reading.

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

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

Aye: Sevigny, Worley, Wu, F. Brown, J. Brown, -----12
Ellinger, Fogle, Gray, LeGris, Lynch,
Monarrez, Reynolds

Nay: -----0

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A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement related to Neighborhood Development Funds with Black Male Working Academy (\$4,700); NABVETS (\$1,850); Broke Spoke (\$2,850); Ky.

Lions Eye Foundation (\$1,275); Lex Prom Project Inc. (\$2,100); and Ziva Project Incorporated (\$2,000), for the Office of the Urban County Council, at a cost not to exceed the sum stated received first reading.

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

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

Aye: Sevigny, Worley, Wu, F. Brown, J. Brown, -----12
Ellinger, Fogle, Gray, LeGris, Lynch,
Monarrez, Reynolds

Nay: -----0

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A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Supplemental Agreement No. 3 with the Ky. Transportation Cabinet, for the acceptance of additional Federal funds in the amount of \$300,000 for the Construction Phase of the Squires Rd. Sidewalk Project, the acceptance of which obligates the Urban County Government for the expenditure of \$75,000 as a local match, which is conditioned upon approval of the necessary Budget amendments, and further authorizing the Mayor to transfer unencumbered funds within the Grant Budget received first reading.

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

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

Aye: Sevigny, Worley, Wu, F. Brown, J. Brown, -----12
Ellinger, Fogle, Gray, LeGris, Lynch,
Monarrez, Reynolds

Nay: -----0

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A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Supplemental Agreement No. 5 with the Ky. Transportation Cabinet, for the acceptance of additional Federal funds in the amount of \$700,000 for the Construction Phase of the Wilson Downing Sidewalk Project, the acceptance of which

obligates the Urban County Government for the expenditure of \$175,000 as a local match, which is conditioned upon approval of the necessary Budget amendments, and further authorizing the Mayor to transfer unencumbered funds within the Grant Budget received first reading.

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

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

Aye: Sevigny, Worley, Wu, F. Brown, J. Brown, -----12
Ellinger, Fogle, Gray, LeGris, Lynch,
Monarrez, Reynolds

Nay: -----0

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A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement (RFP No. 110-2023) with Hinkle Construction Services, LLC, for construction costs related to the Squires Rd. and Wilson Downing Sidewalk Projects, at a cost not to exceed \$1,764,435.25, pending approval of the necessary Budget amendments received first reading.

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

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

Aye: Sevigny, Worley, Wu, F. Brown, J. Brown, -----12
Ellinger, Fogle, Gray, LeGris, Lynch,
Monarrez, Reynolds

Nay: -----0

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The following resolutions received first reading and were ordered to be placed on file for public inspection until February 15, 2024:

A Resolution ratifying the Permanent Classified Civil Service Appointment of: Tamar Tompkins, Revenue Compliance Analyst, Grade 518N, \$25.352 hourly in the Div. of Revenue, effective January 24, 2024.

A Resolution authorizing payment in the amount of \$11,750 to the Ky. Natural Lands Trust, as mitigation for the potential removal of wildlife habitat on the Legacy Business Park project site; and authorizing the Mayor, on behalf of the Lexington Fayette Urban County Government, to execute any necessary documents related to the payment.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with Voices of Hope, for placement of recovery coaches with the Community Paramedicine Program.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement awarding a Class B (Infrastructure) Incentive Grant to Mediocre Creative, LLC, for a feasibility study for a Stormwater Quality Project, at a cost not to exceed \$12,500.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement awarding a Class B (Infrastructure) Incentive Grant to Bread and Roses, LLC, for a feasibility study for a Stormwater Quality Project, at a cost not to exceed \$31,850.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Partial Release of Easement, releasing a portion of a detention easement on the property located at 2350 Norman Lane.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the University of Ky. Research Foundation (UKRF) for the provision of evaluation services for Community Paramedicine Overdose Outreach Lexington (CPOOL), for the Div. of Fire and Emergency Services, under the Comprehensive Opioid, Stimulant, and Substance Use Program, from the Dept. of Justice Bureau of Justice Assistance Grant Program, at a cost not to exceed \$83,619, and further authorizing the Mayor to execute any documents related to future renewals of such Agreement, subject to sufficient funds being appropriated in future fiscal years.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept an award of \$10,000 from the Jessamine County Fiscal Court for the support of planning activities and operating costs related to the Office of the Lexington Area Metropolitan Planning Organization (MPO) for Jessamine County, located within the Div. of Planning, the acceptance of which does not obligate the Urban County

Government to the expenditure of funds, authorizing the Mayor to execute any necessary Agreements related to this Grant, 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 an Agreement awarding a Class A (Neighborhood) Incentive Grant to Waterford II Homeowners Association, Inc., for a Stormwater Quality Project, at a cost not to exceed \$120,000.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Statement of Work with Industrial/Organizational Solutions, Inc. (I/O Solutions) for Police Sergeants and Police Lieutenants promotional testing cycle under the terms and conditions of the Contract for RFP 47-2019, for the Lexington Div. of Police, at a cost not to exceed \$106,065, effective upon passage of Council.

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At 6:39 p.m., Mr. Worley departed the meeting.

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Upon motion by Ms. Gray, and seconded by Ms. Fogle, the Communications from the Mayor (Appointments) were approved by majority vote (Mr. Worley was absent) and were as follows: (1) Recommending the seat changes of Jason Jones, UK Representative, and Christina Espinoza, Rehabilitation Professionals Representative, to the Access Lexington Commission, both with terms expiring January 1, 2027; (2) Recommending the appointment of Christina Dudek, filling the unexpired term of Deidra Dennie, to the Affordable Housing Governing Board with a term expiring October 23, 2024; (3) Recommending the appointment of Charles Fields to the Charles Young Neighborhood Center Board, with a term expiring March 1, 2028; (4) Recommending the appointment of Emily Elliott, At large, filling the unexpired term of Jessica Pence, to the Corridors Commission, with a term expiring August 1, 2027; (5) Recommending the appointment of Ryessia Russell, filling the unexpired term of Mindy Haas, and recommending the reappointment of Janice Wyatt Ross, to the Human Rights Commission, with terms expiring January 1, 2026 and January 1, 2028, respectively; (6) Recommending the appointments of Ryan Foster, filling the unexpired term of Laura Boison, and Taunya Phillips, filling the unexpired term of Kenton Ball, to the Parking

Authority Board, both with terms expiring June 1, 2026; and, (7) Recommending the reappointment of Councilmember Hannah LeGris, Council Seat, to the Sister Cities Program Commission, with a term expiring January 1, 2028.

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Upon motion by Vice Mayor Wu, and seconded by Ms. Gray, the Communications from the Mayor (Price Contracts) were approved by majority vote (Mr. Worley was absent) and were as follows: (1) (a) Div. of Fleet Services - Hydraulic Cylinder Repair – 143-2023 - Hydraulic Specialist, Inc.

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

1) Probationary Classified Civil Service Appointment of Marie Ford, Staff Assistant Sr., Grade 511N, \$20.000 hourly in the Div. of Revenue, effective February 12, 2024; (2) Probationary Classified Civil Service Appointment of David Every, Equipment Operator Sr., Grade 515N, \$22.859 hourly in the Div. of Water Quality, effective February 12, 2024; (3) Probationary Classified Civil Service Appointment of Kristin Jennings, Administrative Specialist, Grade 516N, \$24.091 hourly in the Div. of Water Quality, effective February 12, 2024; (4) Probationary Classified Civil Service Appointment of Ilber Uka, Public Service Worker, Grade 508N, \$16.556 hourly in the Div. of Waste Management, effective February 12, 2024; (5) Probationary Classified Civil Service Appointment of Andrew Moore, Computer Systems Manager, Grade 525E, \$3,726.16 biweekly in the Div. of Police, effective January 15, 2024; (6) Probationary Classified Civil Service Appointment of Cinthia Gutierrez, Code Enforcement Officer, Grade 517N, \$23.334 hourly in the Div. of Code Enforcement, effective February 12, 2024; (7) Probationary Classified Civil Service Appointment of Kyle Cloyd, Vehicle & Equipment Technician, Grade 517N, \$25.000 hourly in the Div. of Facilities and Feet Management, effective February 12, 2024; (8) Probationary Sworn Appointment of Kristofer Nelson, Fire Captain, Grade 316N, \$50.747 hourly in the Div. of Fire & Emergency Services, effective January 28, 2024; and, (9) Probationary Sworn Appointment of William Spalding, Fire Lieutenant, Grade 315N, \$39.441 hourly in the Div. of Fire & Emergency Services, effective January 28, 2024.

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Ms. Fogle reminded everyone it was Black History Month. She used her announcement time to show a video showcasing students, teachers, and staff at Lexington Technical Magnet School and shared that it was the school's goal to end gun violence.

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Ms. Lynch thanked everyone who was able to attend her "Shayla in the Second" event and mentioned there would be similar events in the future. She thanked Mr. J. Brown and Ms. Fogle for attending the meeting as well as others. Ms. Lynch also thanked everyone who had come out to support the Ordinance creating Section 2-31.2 of the Lexington Fayette Urban County Government Code of Ordinances, to prohibit discrimination in housing on the basis of lawful source of income or payment, all effective March 1, 2024 which had received first reading earlier in the evening.

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Ms. Gray shared that the United Way would be offering free assistance with taxes for any individuals who make under \$62,000 a year. She thanked Mary Todd Lincoln Elementary School for letting her speak about being a Councilmember while students participated in a service project. Finally, Ms. Gray spoke about meeting with the Fayette County Public School Family and Community Engagement (FACE) team and the discussions they had had about ways to better serve the community.

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Mr. Sevigny also thanked the members of the public who had come out to support the Ordinance creating Section 2-31.2 of the Lexington Fayette Urban County Government Code of Ordinances, to prohibit discrimination in housing on the basis of lawful source of income or payment, all effective March 1, 2024 which had received first reading earlier in the evening. He also thanked Grace Foley, Div. of Traffic Engineering, for her hard work serving the Lexington Fayette Urban County Government and wished her well in her retirement. Mr. Sevigny recognized Liam O'Sullivan, a nine year old from the 10th District, who had written a letter to Mr. Sevigny about traffic and cyclist safety. Mr. Sevigny thanked Liam for accepting his invitation to attend a Council Meeting and commended his early interest in local government. Mr. Sevigny continued to share about his experience at the Lexington Civic Expo at Lafayette High School with Vice Mayor Wu

and Mr. J. Brown. Lastly, Mr. Sevigny spoke of meeting Mr. Vaughn Drake, who at 105 years old, is the oldest constituent in the 10th District and talked about Mr. Drake's experience as a veteran who was at the bombing of Pearl Harbor.

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Ms. LeGris also thanked Grace Foley for her hard work making traffic safer in Lexington. She also thanked Liam O'Sullivan for reaching out to his councilmember and sharing his ideas for a safer Lexington.

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At 6:55 p.m., Mr. F. Brown departed the meeting.

At 7:01 p.m., Ms. LeGris departed the meeting. The meeting lost quorum.

At 7:03 p.m., Ms. LeGris joined the meeting, quorum was reestablished, and the meeting resumed.

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Maissa Abdallah, District 9, spoke about the conflict and devastation in Gaza. She asked the Council to issue a resolution supporting a cease-fire.

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Saria Santiago, District 3, spoke about the conflict and extreme conditions in Gaza, sharing stories and experiences from those currently living in Gaza. She also implored the Council to issue a resolution supporting a cease-fire.

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Ala Hassan, District 12, spoke about the conflict in Gaza. She shared that she was representing a local group of citizens called Lexington for Palestine. She noted that the group's mission was to have Council pass a resolution calling for a cease-fire.

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Upon motion by Ms. Fogle, seconded by Mr. Ellinger, and approved by unanimous vote, the meeting adjourned at 7:24 p.m.

Deputy Clerk of the Urban County Council