

Lexington- Fayette Urban County Government Council Meeting

Lexington, Kentucky February 22, 2018

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on February 22, 2018 at 6:04 p.m. Present were Mayor Gray in the chair presiding, and the following members of the council: Worley, Bledsoe, F. Brown, J. Brown, Evans, Farmer, Gibbs, Henson, Kay, Lamb, Moloney, Mossotti, Plomin, Smith, and Stinnett.

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

Ordinances No. 4-2018 through 8-2018, inclusive, and Resolutions No. 63-2018 through 96-2018, inclusive, were reported as having been signed and published and ordered to record.

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The Invocation was given by Pastor Dr. Iosmar Alvarez of the Fuente de Avivamiento.

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Mayor Gray congratulated the Elementary, Middle, and High School student winners of the Kentucky American Water Science Fair, and invited the winners to be recognized. He commended the students, their mentors and families, and also thanked the Fair's sponsor, Kentucky American Water.

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The following ordinances received second reading. Upon motion by Vice Mayor Kay, and seconded by Ms. Plomin, the ordinances were approved by the following vote:

Aye: Worley, Bledsoe, F. Brown, J. Brown, Evans, -----15
Farmer, Gibbs, Henson, Kay, Lamb,
Moloney, Mossotti, Plomin, Smith, Stinnett

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, Schedule No. 31.

An Ordinance amending the authorized strength by abolishing one (1) vacant Classified Civil Service Position of GIS Developer, Grade 522E, and creating one (1) Classified Civil Service Position of Network Systems Administrator Sr., Grade 522E, in the Div. of Computer Services, effective upon passage of Council.

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Ms. Evans departed the meeting.

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The following ordinances received first reading and were ordered placed on file for public inspection until March 8, 2018:

An Ordinance amending the Unclassified Civil Service authorized strength by creating two (2) positions of Program Specialist, Grade 513N, in the Office of the Commissioner of Social Services, effective upon passage of Council.

An Ordinance amending Article 17-7(q) of the Zoning Ordinance relating to signage for churches in the Expansion Area zones. (Crossroads Community Church, Inc).

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, Schedule No. 32.

An Ordinance amending Chapter 16 of the Code of Ordinances as follows:
amending Section 16-6.2(b) to increase the fee for roll-off refuse containers to ninety dollars (\$90) per weekday, to provide that such fee shall be adjusted annually on July 1 in accordance with the Consumer Price Index for all urban consumers, and to provide that notice shall be provided by publication of the adjusted fee on the Urban County Government's website; amending Section 16-11(a) to increase the fee for additional dumpster collections to fifty dollars (\$50), to provide that such fee shall be adjusted annually on July 1 in accordance with the Consumer Price Index for all urban consumers, and to provide that notice shall be provided by publication of the adjusted fee on the Urban County Government's website; and amending Section 16-10(c) to allow a notice of violation to be affixed to the front door of the residence or structure or on the roll cart container or other conspicuous place, as appropriate.

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

Aye: Worley, Bledsoe, F. Brown, J. Brown, -----14
Farmer, Gibbs, Henson, Kay, Lamb,
Moloney, Mossotti, Plomin, Smith, Stinnett

Nay: -----0

Absent: Evans

A Resolution accepting the bid of Apollo Lubricants, LLC, establishing a price contract for Motor Oil – 15W40, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Arrow Electric Co., Inc., establishing a price contract for Underground Electrical Service Installation, for the Div. of Parks and Recreation.

A Resolution accepting the bid of Bison Services, LLC, in the amount of \$120,000, for the HVAC Renovation of Small Engine Repair Shop at Fleet Services, for the Div. of Facilities and Fleet Management, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Bison Services, LLC, related to the bid.

A Resolution accepting the bid of Rafas Construction, LLC, in the amount of \$44,680, for construction of a detached garage at Fire Station No. 11, for the Div. of Fire and Emergency Services.

A Resolution ratifying the Probationary Classified Civil Service Appointments of: Jonathan Johnson, Safety Officer, Grade 511N, \$17.377 hourly in the Div. of Police, effective March 5, 2018, David Smith, Safety Officer, Grade 511N, \$16.414 hourly in the Div. of Police, effective March 5, 2018 and Michael Cook, Property and Evidence Supervisor, Grade 518E, \$2,260.48 biweekly in the Div. of Police, effective February 5, 2018; ratifying the Permanent Civil Service Appointment of: Michael Johnson II, Deputy Director of Enterprise, Grade 528E, \$3,100.00 biweekly in the Div. of Parks and Recreation, effective February 28, 2018 and ratifying the Classified Civil Service lateral appointment of: Katherine Osborne, Staff Assistant Sr., Grade 510N, \$15.919 hourly in the Div. of Purchasing, effective March 5, 2018.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Supplemental Agreement No. 1 with the Ky. Transportation Cabinet, for the acceptance of additional Federal funds in the amount of \$55,000 for the Wilson Downing Sidewalk Project and amending the scope of work, the acceptance of which obligates the Urban County Government for the expenditure of \$19,621 as a local match.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Purchase of Service Agreement with Children's Advocacy Center of the Bluegrass, for funding for forensic interviews, at a cost not to exceed \$50,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with PRISim CUBIC Defense Applications, Inc., for an upgrade to the PRISim system, at a cost not to exceed \$13,239.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Millennium Learning Concepts, for diversity and inclusion training program, at a cost not to exceed \$39,150.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement awarding a Class B (Infrastructure) Incentive Grant to Ky. American Water Co., for stormwater quality projects, at a cost not to exceed \$261,208.40.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement awarding a Class A (Neighborhood) Incentive Grant to Friends of Wolf Run, Inc., for stormwater quality projects, at a cost not to exceed \$33,500.

A Resolution authorizing the Div. of Fire and Emergency Services, on behalf of the Urban County Government, to purchase intraosseous needles, from Arrow International, a sole source provider, at a cost not to exceed \$55,000.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Lexington Rescue Mission (\$700), for the Office of the Urban County Council, at a cost not to exceed the sum stated.

A Resolution renaming Lexington Day Treatment Center the Audrey Grevious Center in honor of the late Audrey Louise Ross Grevious.

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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: Demont Clark, Public Service Worker Sr., Grade 509N, \$13.798 hourly in the Div. of Water Quality, effective March 19, 2018, Rebecca Carpenter, Administrative Specialist Sr., Grade 516N, \$19.705 hourly in the Dept. of Law, effective March 5, 2018, Gina Christensen, Telecommunicator Sr., Grade 517N, \$22.688 hourly in the Div. of Emergency Management/911, effective March 19, 2018, Nicole Davidson, Telecommunicator, Grade 514N, \$17.668 hourly in the Div. of Emergency Management/911, effective

Absent: Evans

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A Resolution authorizing the Chief Information Officer, or her designee, on behalf of the Urban County Government, to execute a statement of work with NTT Data, Inc. for Phase II of the LexCall Citizen Request Management (CRM) System/Salesforce Project (\$396,347.17) (awarded to pursuant to RFP No. 59-2015); and a statement of work with Solaritech, LLC (d/b/a Solarity) (\$78,000), for related project management services, at a cost not to exceed \$474,347.17 received first reading.

Upon motion by Ms. Lamb, seconded by Ms. Henson, and approved by majority vote (Ms. Evans was absent for the vote), the rules were suspended and the resolution received second reading.

Upon motion by Ms. Henson, and seconded by Ms. Lamb, the resolution was approved by the following vote:

Aye: Worley, Bledsoe, F. Brown, J. Brown, -----14
Farmer, Gibbs, Henson, Kay, Lamb,
Moloney, Mossotti, Plomin, Smith, Stinnett

Nay: -----0

Absent: Evans

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A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a proposal to the Commonwealth of Ky.'s Cabinet for Economic Development requesting that the Governor nominate certain census tracks in Lexington-Fayette County as "Opportunity Zones" to attract capital investment to the areas, at no cost to the Urban County Government received first reading.

Upon motion by Mr. J. Brown, seconded by Ms. Plomin, and approved by majority vote (Ms. Evans was absent for the vote), the rules were suspended and the resolution received second reading.

Upon motion by Ms. Henson, and seconded by Ms. Lamb, the resolution was approved by the following vote:

Aye: Worley, Bledsoe, F. Brown, J. Brown, -----14
Farmer, Gibbs, Henson, Kay, Lamb,
Moloney, Mossotti, Plomin, Smith, Stinnett

Nay: -----0

Absent: Evans

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Upon motion by Ms. Mossotti, seconded by Ms. Plomin, and approved by majority vote (Ms. Evans was absent for the vote), the following resolution was added to the docket, received first reading, and was ordered placed on file for public inspection until March 8, 2018:

A Resolution expressing the support of the Urban County Council for the erection of monuments and memorials in honor of the many women who have led our community and stating the commitment of the Council to increasing female representation in street names, public art, and appointed commissions by 2020.

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The following resolutions received first reading and were ordered placed on file for public inspection until March 8, 2018:

A Resolution accepting the bid of People Plus, Inc., establishing a price contract for Temporary Services for E911, for the Div. of Emergency Management/911.

A Resolution accepting the bids of Alliance Comfort Systems, Inc.; Alpha Mechanical Service, Inc.; Debra-Kuempel, Inc.; Disponette Service Co., Inc.; Finney Co., Inc.; and Medyna Plumbing, Inc., establishing price contracts for Plumbing Services (Reissued), for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Judy Construction Co., in the amount of \$13,152,000, for the East Hickman Wet Weather Storage and Pump Station, for the Div. of Water Quality, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Judy Construction Co. related to the bid.

A Resolution ratifying the Probationary Classified Civil Service Appointment of: Kevin Dennis, Operations Supervisor, Grade 518E, \$2,260.48 biweekly in the Div. of Streets and Roads, effective March 12, 2018, Jonathan Washington, Community Program Coordinator, Grade 514N, \$19.599 hourly in the Div. of Police, effective March 5, 2018, Whitney Mattingly-Peacock, Early Child Care Teacher, Grade 512E, \$1,285.28

biweekly in the Div. of Family Services, effective March 19, 2018 and Katie Newland, Custodial Worker, Grade 505N, \$12.000 hourly in the Div. of Family Services, effective March 19, 2018; ratifying the Permanent Classified Civil Service Appointments of: Mitchum Coyle, Maintenance Mechanic, Grade 515N, \$21.801 hourly in the Div. of Water Quality, effective December 26, 2017, Matthew Marsh, Maintenance Mechanic, Grade 515N, \$21.463 hourly in the Div. of Water Quality, effective September 20, 2017, Cameron Morgan, Administrative Specialist, Grade 513N, \$18.094 hourly in the Div. of Waste Management, effective March 5, 2018, Vanna Rickwa, Administrative Specialist, Grade 513N, \$18.665 hourly in the Div. of Waste Management, effective March 5, 2018, Joseph Baker, Public Service Supervisor Sr., Grade 517N, \$20.878 hourly in the Div. of Waste Management, effective February 21, 2018, Dean Chambers, Public Service Supervisor Sr., Grade 517N, \$25.039 hourly in the Div. of Waste Management, effective February 21, 2018, Ashley Beasley, Public Service Worker, Grade 507N, \$13.752 hourly in the Div. of Waste Management, effective March 5, 2018, Rhonda Brown, Code Enforcement Officer, Grade 516N, \$23.000 hourly in the Div. of Code Enforcement, effective February 7, 2018, Wanda Kean, Deputy Director of Fleet Services, Grade 529E, \$3,598.00 biweekly in the Div. of Facilities and Fleet Management, effective November 1, 2017, and Clyde Dean Jr., Recreation Manager, Grade 518E, \$1,835.36 biweekly in the Div. of Parks and Recreation, effective March 5, 2018; ratifying the Permanent Community Corrections Officer Appointments of: George Debord and Bethany Wagoner, both Community Corrections Sergeant, Grade 112N, \$23.937 hourly in the Div. of Community Corrections, effective March 5, 2018; ratifying the Probationary Sworn Appointment of: Lawrence Weathers, Police Chief, Grade 324E, \$6,303.44 biweekly in the Div. of Police, effective March 5, 2018; ratifying the Permanent Sworn Appointments of: Adam Acree, Ryan Bedtelyon, Joshua Cameron, Zachary Clark, Cody Coleman, Brian Hall, Alec Hood, Clint Leach, David Smith, Bryton Turley, and Jacob Waid, all Police Officer, Grade 311N, \$19.959 hourly in the Div. of Police, effective February 8, 2018; ratifying the Unclassified Civil Service Appointment of: Renea Buckles, Aide to Council, Grade 518E, \$2,240.00 biweekly in the Office of the Urban County Council, effective March 5, 2018; ratifying the Unclassified Civil Service pay

increase: Shauntae Hall, Aide To Council, Grade 518E, from \$2,530.40 to \$2,560.00 biweekly in the Office of the Urban County Council, effective February 19, 2018.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Consultant Services Agreement with Element Design, PLLC, for architectural and engineering design services for the Shillito Park Playground Project, at a cost not to exceed \$49,000.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to accept a donation from the Creech Family Foundation, Inc., in the amount of \$23,163.70 for the purchase of one (1) handicap accessible kayak or canoe launch module and one (1) A.D.A. accessible pedal boat.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Spec Rescue International, for the purpose of conducting an Urban Search and Rescue Technical Search Course, for the Div. of Fire and Emergency Services, at a cost not to exceed \$39,200.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to the Agreement with the Lexington-Fayette County Health Dept., to increase the allowable billable amount for multigravida funds to \$71,220 for the Home Network Project at the Family Care Center for FY 2018, 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 execute an Agreement with Center for Public Safety Excellence, Inc., for strategic planning process, at a cost not to exceed \$16,800.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement awarding a Class A (Neighborhood) Incentive Grant to WGPL Neighborhood Association, Inc., for stormwater quality projects, at a cost not to exceed \$11,575.

A Resolution authorizing payment in the amount of \$14,000 to the Commonwealth of Ky., Ky. State Treasurer, and \$14,000 to the United States Dept. of Justice, as stipulated penalties under the Consent Decree, 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 the Mayor, on behalf of the Urban County Government, to execute Agreements with William Wells Brown NA, Inc. (\$1,200) and Building Industry Association Cares, Inc. (\$3,300), for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Lexington Fayette County Health Dept., for affiliation and provision of worker's compensation for Lexington Fayette Medical Reserve Corp.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Agreement with Gresham, Smith and Partners to provide additional services related to the Midland Avenue Sanitary Sewer/Phase 1 Town Branch Commons Project, increasing the contract price by the sum of \$156,512.39 from \$3,029,283.00 to \$3,185,795.39.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Bill Belichick Foundation, which Grant funds are in the amount of \$10,000, and are for the Lexington-Fayette Urban County Parks and Recreation Football Program, 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 Amendment No. 3 to the Agreement with Sunflower Kids, Inc., for the Safe Havens Project, increasing the contract price by the sum of \$10,978.33, from \$473,790.00 to \$484,768.33.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Martin Luther King NA, Inc. (\$500), America in Bloom Lexington, Inc. (\$1,220), and Seedleaf, Inc. (\$2,700), for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution naming bur oak the official tree of Lexington.

Declaration of official intent with respect to reimbursement of temporary advances made for capital expenditures to be made from subsequent borrowings, with respect to the Lexington Convention Center Project.

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Upon motion by Mr. Stinnett, and seconded by Ms. Henson, the Communications from the Mayor were approved by majority vote (Ms. Evans was absent for the vote) and were as follows: (1) Recommending the appointment of Ms. Bethany Baxter to the Administrative Hearing Board, filling an unexpired term, with term expiring July 1, 2020; (2) Recommending the appointment of Ms. Nieta Wigginton, Area Resident Representative, to the Black and Williams Neighborhood Community Center Board, filling an unexpired term, with term expiring January 1, 2019; and (3) Recommending the appointment of Council Member Preston Worley to the Picnic with the Pops Commission, filling an unexpired term, with term expiring August 27, 2019.

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The following Communications from the Mayor were received for information only: (1) Classified Civil Service Temporary Appointment of Michael Cook, Property and Evidence Supervisor, Grade 518E, \$28.256 hourly in the Div. of Police, effective January 22, 2018 through February 4, 2018.

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Mr. Scott Fitzgerald, Kenesaw Village Dr., spoke in support of Kentucky House Bill 166 (HB166), which provides for legal use of medical cannabis. Mr. Fitzgerald talked about the many pain management and other benefits to medical cannabis.

Mr. Mike Miller, 12th St., spoke about his addiction to opioids and his use of cannabis to overcome that addiction. He described his work as a pastor visiting ill patients and the relief he believes would be granted to them through the use of medical cannabis.

Mr. Chris Bressmen, Michelle Park, talked about his disabilities as the result of several injuries and misadventures. He spoke about the myriad drugs he has been prescribed over years. He asked the Council to support safe and legal access to medical cannabis.

Mr. Matthew Wilcoxin, Southerland Dr., discussed his experience with post-combat Post-Traumatic Stress Disorder and the reprieve granted to him via the use of medical cannabis.

Ms. Nicholas Liden, Ballard Ave., described how a tick bite caused severe health issues that almost derailed his life. He described using medical cannabis in another state and how it diminished his seizures and improved his quality of life. Upon motion by Ms. Henson, seconded by Mr. Farmer, Mr. Liden was granted additional speaking time.

Mr. Josh Hicks, a candidate for the Kentucky State House, talked about his support for HB166, discussing how it can help veterans and people in pain.

Mayor Gray thanked the speakers for participating and invited Council comments.

Mr. F. Brown expressed his support for the speakers and asked about proper procedure to express the Council's support for the proposed state legislation. Mayor Gray responded.

Mr. Moloney expressed his support for a resolution in support of a state law to permit the use of medical cannabis.

Mr. Dave Barberie, Dept. of Law, informed the Council that a resolution has been drafted.

Mr. Stinnett talked about considering a resolution in the coming week.

Ms. Henson spoke in support of medical marijuana but asked for a delay beyond today to read the documentation related to the proposed HB166.

Ms. Plomin spoke in support of HB166.

Ms. Lamb asked about the status of HB166. Mr. Jaime Montalvo, Louisville, responded. Mr. Montalvo also described some specifics of the bill.

Vice Mayor Kay thanked the speakers and expressed his support for a short delay to better investigate the proposed bill.

Mr. Farmer thanked the speakers and asked about the timeline for moving forward.

Ms. Mossotti thanked everyone for their participation and asked if there is feedback available from the medical community. Mr. Montalvo responded.

Mr. Gibbs expressed his thanks for the participation of the speakers and his eagerness to learn more about HB166.

Mr. Moloney spoke in support of the speakers and HB166, and expressed his hope for an accelerated timeline.

Mr. Stinnett asked about the legislative schedule for HB166.

Upon motion by Mr. Farmer, seconded by Mr. Moloney, and approved by majority vote (Ms. Evans was absent for the vote), a Special Meeting was scheduled for Tuesday, February 27, 2018 at 5:00 p.m. to entertain a resolution in support of medical cannabis.

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Upon motion by Mr. Farmer, seconded by Ms. Mossotti, and approved by majority vote (Ms. Evans was absent for the vote), the meeting adjourned at 7:28 p.m.

Clerk of the Urban County Council