

Lexington- Fayette Urban County Government Council Meeting

Lexington, Kentucky July 9, 2019

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on July 9, 2019 at 5:06 p.m. Present were Mayor Gorton in the chair presiding, and the following members of the council: McCurn, Moloney, Mossotti, Plomin, Reynolds Worley, Bledsoe, J. Brown, Ellinger, Farmer, Gibbs, Kay, and Lamb. Absent were Council Members F. Brown and Evans.

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

Ordinances No. 44-2019 through 48-2019, inclusive, and Resolutions No. 348-2019 through 379-2019, inclusive, were reported as having been signed and published and ordered to record.

* * *

The Invocation was given by Council Member Amanda Mays-Bledsoe.

* * *

Upon motion by Mr. Farmer, seconded by Mr. Ellinger, and approved by unanimous vote, the Minutes of the June 20, 2019 Council Meeting were approved.

* * *

Ms. Evans arrived at 5:09 p.m.

* * *

Mayor Gorton asked Ms. Carrie Butler, General Manager of Lextran, to join her at the podium to recognize those employees who were part of the Lextran Million Milers, a group of staff that have gone 12 or more years without a preventable accident. Ms. Butler recognized the Million Milers that were able to attend that night: Mr. Terry Russell, Mr. Anthony Hamilton, Mr. Anthony Angelicchio, and Ms. Mary George.

* * *

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

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

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 2020 Schedule No. 1.

An Ordinance amending sections 2-250, 2-251, 2-253 and 2-256 of the Code of Ordinances changing the name to the Lexington-Fayette Urban County Domestic and Sexual Violence Prevention Coalition, changing the terminology from Domestic Violence to Interpersonal Violence, changing the board membership composition from seven (7) to ten (10) appointed members, deleting the membership requirement of the Director of Sunflower Kids Supervised Visitation Center, and adding the Fayette Friend of the Court, the Lexington-Fayette Urban County Multicultural Affairs Coordinator, the Violence Against Women Act Attorney from the Legal Aid of the Bluegrass, and the Director of the Div. of Family and Youth Services for CHES Solutions Group as ex-officio members.

An Ordinance amending the authorized strength by transferring one (1) Classified Civil Service Position of Administrative Officer Sr., Grade 526E, and the incumbent, from the Dept. of General Services to the Div. of Facilities and Fleet Management, the funds associated with the position also to transfer, effective upon passage of Council.

*

*

*

The following ordinances received first reading and were ordered placed on file for public inspection until August 15, 2019:

An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to provide funds for purchase orders and pre-paid expenses rolling from FY 2019 into FY 2020, and appropriating and re-appropriating funds, Schedule No. 2.

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. 3.

*

*

*

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

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

Nay: -----0

A Resolution accepting the bid of KOI Auto Parts, establishing a price contract for Motorcraft Batteries, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Schaefer Systems International, Inc., establishing a price contract for rollout carts, for the Div. of Waste Management.

A Resolution accepting the bid of Advanced Mulching Technologies d/b/a EcoGro, in the amount of \$152,962, for the WGPL Green Infrastructure Project, for the Div. of Water Quality.

A Resolution accepting the bid of Herrick Co., Inc., in the amount of \$95,000, for the West Hickman Waste Water Treatment Plant Aeration Blower Improvements, for the Div. of Water Quality, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Herrick Co., Inc., related to the bid.

A Resolution accepting the bid of Trademark Excavating Co., LLC, in the amount of \$115,000, for the Firethorn Detention Basin Water Quality Improvements, for the Div. of Water Quality, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Trademark Excavating Co., LLC, related to the bid.

A Resolution accepting the bid of Landmark Sprinkler, Inc., in the amount of \$525,000, for Fire Protection System Replacement at the Material Recovery Facility, for the Dept. of Environmental Quality and Public Works, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Landmark Sprinkler, Inc., related to the bid.

A Resolution accepting the bid of Churchill McGee, LLC, in the amount of \$507,900, for the Dartmouth Drive Culvert Replacement, for the Div. of Water Quality, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Churchill McGee, LLC, related to the bid.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Agreement with the American Red Cross for facility use for emergency and disaster related activities.

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 Lexmark Trunk A Sewer Project, a Remedial Measures Project required by the Consent Decree, at a cost not to exceed \$16,910.

A Resolution correcting the spelling of the property address street name from Winnepeg Way to Winnipeg Way for property address numbers 4011 through 4119; and changing the street names and property address numbers of 2214 Mary Fay Pl. to 1255 Providence Place Parkway, 1075 Greendale Rd. to 2420 Mulundy Way, 1100 Greendale Rd. to 2400 Mulundy Way, 4131 Todds Rd. to 3801 Polo Club Blvd., 4135 Todds Rd. to 3775 Polo Club Blvd., and 8622 Old Richmond Rd. to 8622 Adams Ln., all effective thirty (30) days from passage.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Community Action Council for Lexington-Fayette, Bourbon, Harrison, and Nicholas Counties, which Grant funds are in the amount of \$32,685 Federal funds, are for the provision and support of early childhood care and education services under the Head Start Program at the Family Care Center for FY 2020, the acceptance of which obligates the Urban County Government for the expenditure of \$8,172 as a local match, and authorizing the Mayor to transfer unencumbered funds within the Grant Budget.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Group CJ, LLC, for the alternative transportation marketing campaign, at a cost not to exceed \$100,000 for FY 2020.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement (awarded pursuant to RFP No. 20-2019) with Palmer Engineering Co., for services related to the development of the West Hickman Watershed Management Plan, at a cost estimated not to exceed \$134,580.

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 \$400,000 Federal funds, are for the continuation of the Home Network Project at the Family Care Center for FY 2020, 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 the Fayette County Fiscal Court (Fayette County Judge/Executive), relating to the expenditure of County Road Aid Fund Program monies for Fayette County in FY 2020; and establishing a Budget for county road projects in the amount of \$751,471.16.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Contract with Adams Contracting, LLC for work on the Wilson Downing Bridge Repair Project for the Div. of Engineering, increasing the Contract price by the sum of \$31,677.05 from \$338,849.75 to \$370,526.80.

A Resolution authorizing the Lexington-Fayette Urban County Government to partner with the Kentucky Cabinet of Health and Family Services on the National Dislocated Worker Grant Application to the United States Dept. of Labor and to execute any additional related and necessary documents in connection with the Grant Application and its acceptance. A Resolution Authorizing and Directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Dr. Patty Howard, for EMS Training Coordinator, at a cost not to exceed \$23,500.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Purchase of Service Agreement with Hope Center, for the operation of the Men's Emergency Homeless Shelter, at a cost not to exceed \$850,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Agreement with the Commonwealth of Ky. State Board of Elections renewing the Agreement for the acceptance of \$1,125,000 for the purchase of voting equipment and authorizing the provision and use of the remaining \$956,600 for FY 2020.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the William R. Kenan, Jr. Charitable Trust, which Grant funds are in the amount of \$300,000, and are for the FEND (Full Energy, No Drugs)

Lexington-Fayette Project, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, authorizing the Mayor to transfer unencumbered funds within the Grant Budget, and authorizing and directing the Mayor to execute a three-year Agreement with Preventum Initiative, Inc., for the development and implementation of a mobile device application that targets and educates Lexington youth and young adults about the severity of the opioid addiction crisis, at a cost not to exceed \$300,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Agreement with Kentucky Community and Technical College System, Bluegrass Community and Technical College, for student participation in the Internship Program with the Div. of Police.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from LG&E and KU Energy LLC, which Grant funds are in the amount of \$3,500, are for a Tree Planting Project in Shillito Park, the acceptance of which obligates the Urban County Government for the expenditure of \$3,500 as a local match, and authorizing the Mayor to transfer unencumbered funds within the Grant Budget.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the United States Dept. of Transportation and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of \$26,500,000 Federal funds, under the Better Utilizing Investments to Leverage Development (BUILD) Transportation Discretionary Grant program and are for the Newtown Pike Extension (Scott St. Connector) Project.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Dept. of Corrections, which Grant funds are in the amount of \$65,700 Commonwealth of Ky. funds, are for the operation of a Substance Abuse Recovery Program for women at the Fayette County Detention Center for FT 20, 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 renewal Agreement with ACL Services, Ltd. d/b/a Galvanize, with an end date of October 31, 2019, to upgrade ACL Analytics Client Server to the ACL Robotics Enterprise Platform Solution, for the Office of Internal Audit, at no additional cost to the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 (Final) to the Agreement with Jones Contracting, Inc., for the Liberty Rd. Pump Station Replacement Project, increasing the Contract price by the sum of \$5,955, from \$230,226 to \$236,181, and extending the date of completion by 100 calendar days, to May 31, 2019.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Renewal Agreement with Management Registry, Inc., (f/k/a Omnisource Integrated Supply, LLC), for WebEOC Coordinator Services, at a cost not to exceed \$93,000.

A Resolution establishing Everbridge, Inc., as a sole source provider for the Alert Notification System for Div. of Emergency Management, and authorizing the Mayor or her designee, on behalf of the Urban County Government, to execute any necessary Agreements with Everbridge, Inc., related to the procurement of the these goods and services, at a cost not to exceed \$103,221.94.

A Resolution authorizing payment of \$72,000 to the owners of 1287 Manchester St. for lost rental income as part of the compensation for property interests needed for the Town Branch Trail Project.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Dept. of Military Affairs, Div. of Emergency Management which Grant funds are in the amount of \$106,900 Federal funds, under the FY 2020 Emergency Management Assistance Project, and are for the support of emergency preparedness activities in Fayette County, the acceptance of which obligates the Urban County Government for the expenditure of \$106,900 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 Contract Modification No. 4 to the Agreement with Gesham Smith and

Partners, for additional design services related to the Town Branch Commons Project, increasing the Contract price by the sum of \$61,997.00 from \$3,123,818.39 to \$3,185,795.39.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to the Agreement with RED7E, extending the effective term through August 31, 2019, for the design and implementation of an overdose prevention awareness campaign, for the First Responders and Community Partners Overdose Prevention Program, at no cost to the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement of Sale, Certificates of Consideration, and all other necessary documents to purchase the property located at 468 Parkway Dr., Lexington, Ky., at a cost not to exceed \$193,500.

A Resolution authorizing the Dept. of Law to institute condemnation proceedings in Fayette Circuit Court to obtain the real property located at 190 South Forbes Rd., 1265 Manchester St., and 1201 Manchester St. in fee simple, and to further obtain fee simple interests in a portion of and temporary easements upon 1332 Old Frankfort Pike and 1300 Old Frankfort Pike, for the Town Branch Trail Project.

A Resolution amending Resolution 553-2004 to include the entire 200 block of North Mill St., instead of 10 designated spaces at midblock to the Mill Street Residential Parking Permit Program.

A Resolution amending Resolution 502-95 to change the residential parking permit requirements on the 200 blocks of Market and Mechanic St. to delete the restriction of permit parking only from 8:00 a.m. through 10:00 a.m. Monday through Friday and to replace it with restrictions allowing residential permit parking only from 10:00 a.m. through 11:00 a.m. and 2:00 p.m. through 3:00 p.m. Monday through Friday with 5 parking spaces located at the northern most end of Market St. designated as permit parking only 24 hours a day, seven (7) days a week.

*

*

*

Upon motion by Mr. J. Brown, seconded by Ms. Plomin, and approved by unanimous vote, a Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Martin Luther King Football League, Inc.

(\$300), St. Peter Clavier Church (\$250), Winburn Neighborhood Association, Inc. (\$250), and East End Family Reunion Coalition (\$1050), for the Office of the Urban County Council, at a cost not to exceed the sums stated, was added to the docket and received first reading.

Upon motion by Mr. Ellinger, 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 Vice Mayor Kay the resolution was approved by the following vote:

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

Nay: -----0

*

*

*

The following resolutions received first reading.

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

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

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

Nay: -----0

A Resolution authorizing the Div. of Human Resources to make a conditional offer to the following Probationary Classified Civil Service Appointments: Leeshaun Masby, Public Service Worker, Grade 507N, \$13.264 hourly in the Div. of Water Quality, effective upon passage of Council; Johnny Lang, Skilled Trades Worker, Grade 515N, \$20.050 hourly in the Div. of Parks and Recreation, effective upon passage of Council; and Raquel Bowers, Hostler, Grade 505N, \$14.500 hourly in the Div. of Police, effective upon passage of Council.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Federal Emergency Management Agency (FEMA) and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of

\$47,332.50 Federal funds, under the Hazard Mitigation Grant Program and \$7,573.20 Commonwealth of Ky. funds, under the Weather Radio Project, and are for the purchase of Emergency Weather All-Hazard Radios for Fayette County mobile homes.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Agreement with Fuelband, LLC, for the Truck Wash Facility Renovation Project, increasing the Contract price by the sum of \$4,449, from \$468,888 to \$473,337.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Agreement with Fuelband, LLC, for the new Police Canine Facility Project, increasing the Contract price by the sum of \$29,910, from \$1,048,888 to \$1,078,798, and adding thirty (30) calendar days to the construction schedule.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with The Plantory, for provision of an Americorps VISTA member, for support and services for the Office of Multicultural Affairs (Global Lex), at a cost not to exceed \$5,500.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute partial releases of easement, releasing a portion of the utility easement on the property located at 3900 Boston Rd. and a portion of the sanitary sewer easement on the property located at 761 Mill Ridge Rd., provided that the Dept. of Environmental Quality and Public Works determines that such easements are no longer required.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. State Police-Vehicle Enforcement Division, 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 \$68,000 Federal funds, and are for the continued operation of the Motor Carrier Safety Assistance Program (MCSAP) for FY 2020, the acceptance of which obligates the Urban County Government for the expenditure of \$12,000 as a local match, which will be provided from documentation of existing Div. of Police staff salaries, and authorizing the Mayor to transfer unencumbered funds within the Grant Budget.

A Resolution authorizing and directing the Mayor or her designee, on behalf of the Urban County Government, to execute a Letter of Intent with A&W Restaurants, Inc., for the purchase of 3 acres of the Coldstream Research Campus by the Company, for the amount of \$585,000, and to take further action related to the transfer of the property.

*

*

*

Upon motion by Mr. Ellinger, and seconded by Vice Mayor Kay, the Communications from the Mayor were approved by unanimous vote and were as follows: (1) Recommending the reappointment of Mr. Matthew Boyd, Licensed to Practice Law/ Mediation, to the Administrative Hearing Board with a term expiring July 1, 2021; (2) Recommending the appointment of Mr. Kyle Wicker to the Affordable Housing Governing Board, filling an unexpired term, with a term expiring October 23, 2022; (3) Recommending the reappointments of Ms. Joanna Rodes, LFUCG Member, and Ms. Shelia Simpson, Area Resident, to the Black & Williams Neighborhood Community Center Board with terms expiring August 13, 2023 and September 10, 2023, respectively; (4) Recommending the appointment of Mr. Gregory Beard and the reappointment of Mr. Matthew Valentine to the Bluegrass Crime Stoppers with terms expiring July 9, 2023 and March 19, 2023, respectively; (5) Recommending the appointments of Ms. Paige Bensing and Mr. Chester Grundy, and the reappointments of Ms. Lisa Higgins-Hord and Ms. Jennifer Kane to the Carnegie Center for Literacy, all with terms ending August 27, 2023; (6) Recommending the reappointment of Mr. Tim Schuler to the CASA of Lexington, with a term expiring July 1, 2023; (7) Recommending the reappointment of Mr. Jason Jones, Rehabilitation Professionals Representative, to the Commission for People with Disabilities with a term expiring August 26, 2023; (8) Recommending the reappointment of Dr. Jeffrey Violette, Full-time ER Physician, Lexington VA Medical Center, to the Emergency Medical Advisory Board with a term expiring September 10, 2023; (9) Recommending the reappointment of Ms. Marlena Sanchez to the Human Rights Commission with a term expiring September 10, 2023; (10) Recommending the appointments of Ms. Karen Hill and Mr. Ed Holmes to the Lexington Center Corporation both with terms expiring August 27, 2023; (11) Recommending the reappointment of Ms. Susan Wright to the Library Board of Trustees with a term expiring August 27, 2023; (12)

Recommending the appointment of Mr. Seon Jackson, Business Community member, to the Lyric Theatre & Cultural Arts Center, filling an unexpired term, with a term expiring December 8, 2019; (13) Recommending the appointment of Mr. Anthony de Movellan and the reappointment of Mr. Frank Penn to the Planning Commission both with terms expiring July 1, 2023; and, (14) Recommending the reappointment Mr. Christian Motley to the Transit Authority Board with a term expiring June 30, 2023.

*

*

*

Mr. J. Brown thanked the Council and staff for their work on the Fourth of July festivities. He also commented on the recent zone change meetings that occurred in the past two weeks and recognized the difficulties in determining the outcomes of such meetings. He went on to ask about the Sustainable Growth Committee (formerly known as the Trigger Committee) in regards to the process of zone changes and the Planning Commission. Mayor Gorton responded. Mr. J. Brown also congratulated Mr. Kevin Atkins on his hard work done in order to purchase of the Coldstream Research Campus.

Mr. Worley expressed gratitude to his colleagues for devoting their time and efforts during the recent zone change meetings.

Mayor Gorton wished the Council a happy break.

*

*

*

Upon motion by Mr. Ellinger, seconded by Vice Mayor Kay, and approved by unanimous vote, the meeting adjourned at 5:44 p.m.

Clerk of the Urban County Council