

Lexington- Fayette Urban County Government Council Meeting

Lexington, Kentucky March 19, 2020

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on March 19, 2020 at 6:00 p.m. Present were Mayor Gorton in the chair presiding, and the following members of the council: J. Brown, Ellinger, Evans, Farmer, Lamb, Moloney, Plomin, Reynolds, Worley, Bledsoe, F. Brown. Absent were Council Members Kay, McCurn, and Mossotti.

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

Ordinances No. 27-2020 through 31-2020, inclusive, and Resolutions No. 127-2020 through 177-2020, inclusive, were reported as having been signed and published and ordered to record.

*

*

*

The Invocation was given by Council Member Farmer.

*

*

*

An Ordinance re-establishing and continuing, pursuant to KRS 91.750, *et seq.*, the “Downtown Lexington Management District”, previously created and established pursuant to Ordinance No. 52-2015, and providing for its boundaries; a fifteen member Board, the requirements and appointing process for Board members, and their term limits; the powers of the Board; a fiscal year commencing on July 1st, the undertaking of economic improvements by the Board; a budget and audit process; an Affirmative Action Plan; public information; an assessment not to exceed \$.10 of \$100 of the Assessed Property Value for each assessed property within the district; a contesting and appeal process; liens; an Annual Report to property owners; ethical requirements on Board members; termination of the district on July 1, 2025 unless re-established by the Urban County Council in accordance with state statute; board guidelines; Contracting requirements; management, marketing, and administration; reporting requirements; an Advisory Council to the Board; severability; all effective upon date of passage, was on the docket to receive second reading.

At 6:03 p.m., Mayor Gorton declared open a public hearing and invited public comment.

At 6:04 p.m., with no one appearing to speak, Mayor Gorton declared the public hearing closed.

The ordinance received second reading.

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

Aye: J.Brown, Ellinger, Evans, Farmer, Lamb, -----11
Moloney, Plomin, Reynolds, Worley,
Bledsoe, F. Brown

Nay: -----0

*

*

*

An Ordinance imposing an annual assessment on the real property located at 1810 Bryant Rd. pursuant to the Energy Project Assessment District Program created by Ordinance No. 24-2018 and KRS 65.205 et seq (the Energy Project Assessment District (EPAD) Act of 2015) in the amount provided in the related notice of assessment; authorizing and directing the Mayor, on behalf of the Urban County Government, to execute the notice of assessment, EPAD Program Financing Agreement, and other related Agreements with Rainmaker Holdings VII LLC; SSHCOF III Pace Lexington, LLC; and the Fayette County Sheriff; authorizing and directing the Dept. of Finance to remit the amounts received from the assessments, minus an administrative fee, to the applicable lender; and authorizing and directing the administrator of the EPAD Program to file the notice of assessment in the records of the Fayette County Clerk; all which shall be effective upon passage of Council, was on the docket for second reading.

Mr. Worley moved to remove the ordinance from the docket. Mr. Ellinger seconded the motion. The motion passed by unanimous vote.

*

*

*

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

Aye: J.Brown, Ellinger, Evans, Farmer, Lamb, -----11
Moloney, Plomin, Reynolds, Worley,
Bledsoe, F. Brown

Nay: -----0

An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$43,500 to

provide funds for Council Projects in the Div. of Parks and Recreation to assist with Phase 1 of Masterson Station Playground Improvements and appropriating and re-appropriating funds, Schedule No. 41.

An Ordinance of Lexington-Fayette Urban County Government authorizing the issuance of Lexington-Fayette Urban County Government General Obligation Pension Funding Refunding Bonds, Series 2020A (federally taxable), in one or more subseries, in an aggregate principal amount of \$17,775,000 (which amount may be increased by an amount of up to ten percent (10%)) for the purpose of refunding all or a portion of the outstanding principal amount of Lexington-Fayette Urban County Government Taxable General Obligation Pension Funding Bonds, Series 2012A; approving a form of bond; authorizing designated officers to execute and deliver the bonds; providing for the payment and security of the bonds; creating a Bond Payment Fund and Escrow Funds; maintaining the heretofore established Sinking Fund; authorizing a Certificate of Award for the acceptance of the bid of the bond purchaser for the purchase of the Series 2020A Bonds; authorizing an Escrow Trust Agreement; and repealing inconsistent ordinances.

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. 40.

An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$3,000 to provide funds for Council Projects in the Div. of Parks and Recreation to install a fence at Burley Park and appropriating and re-appropriating funds, Schedule No. 42.

An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$27,000 to provide funds for Council Projects in the Div. of Parks and Recreation for a pedestrian safety project at the Tates Creek Golf Course and Aquatic Center and appropriating and re-appropriating funds, Schedule No. 44.

*

*

*

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

Aye: J.Brown, Ellinger, Evans, Farmer, Lamb, -----11
Moloney, Plomin, Reynolds, Worley,
Bledsoe, F. Brown

Nay: -----0

A Resolution of the Lexington-Fayette Urban County Government authorizing the advertisement for bids and the distribution of a Preliminary Official Statement for the purchase of the principal amount of its General Obligation Pension Funding Refunding Bonds, Series 2020A (federally taxable) in an aggregate principal amount of \$17,775,000 (which amount may be increased by an amount of up to ten percent (10%)).

A Resolution adopting Expansion Area Exaction Rate Tables for January 1, 2015 and March 1, 2020 for roads, parks, stormwater, open space, sewer transmission and sewer capacity to reflect actual and/or Contracted costs for eligible system improvements constructed for the Dept. of Finance, the Dept. of Environmental Quality and Public Works, and the Divs. of Planning and Engineering, and further authorizing and directing the administration to engage necessary consultants to perform a comprehensive review of the existing exactions program to determine whether alternatives exist to equitably allocate and distribute the costs of improvements in the expansion areas, with the ultimate objective of bringing the program to a full and final conclusion.

*

*

*

Upon motion by Mr. J. Brown, seconded by Mr. Farmer, and approved by unanimous vote, a Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit four (4) Grant Applications to the Ky. Office of Homeland Security and to provide any additional information requested in connection with these Grant Applications, which Grant funds are in the total amount of \$78,845 in Federal funds, under the Homeland Security Grant Program for Fiscal Year 2020, and are for the purchase of a structural Collapse Specialist Course (\$53,000), Hazmat Camera (\$10,078), Firelite Skid Mounted Tank/Pump/Reel Ensemble (\$8,000), and a Plum Case (\$7,767), received first reading.

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

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

Aye: J.Brown, Ellinger, Evans, Farmer, Lamb, -----11
Moloney, Plomin, Reynolds, Worley,
Bledsoe, F. Brown

Nay: -----0

* * *

Upon motion by Mr. J. Brown, seconded by Mr. Farmer, and approved by unanimous vote, a Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Justice and Public Safety Cabinet, and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of \$76,243 Federal funds, and are for the continuation of the Street Sales Drug Enforcement Project for FY 2021, received first reading.

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

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

Aye: J.Brown, Ellinger, Evans, Farmer, Lamb, -----11
Moloney, Plomin, Reynolds, Worley,
Bledsoe, F. Brown

Nay: -----0

* * *

Commander Jesse Harris, Div. of Police, presented a disciplinary matter regarding Officer Tanner Kirby. It is alleged that Officer Kirby has committed the offense of Misconduct in violation of KRS 95.450 and General Order 1973-02J, Disciplinary Procedures, Appendix B, Operational Rule 1.02- Misconduct in that on the 6th day of December, 2019 he allegedly:

(1) On Wednesday, December 6th, 2019, Officers Tanner Kirby and Jonathan Haynes were attempting to locate a subject to serve him with misdemeanor warrants for his arrest. Officers had reason to believe he was inside a residence, on Spangler Drive and attempted to make contact with the residents. After several unsuccessful attempts to make contact, the officers contacted their supervisor. The supervisor directed them to attempt to make contact for a few more minutes, but they did not have cause to enter the premises forcibly or without permission. Officers ultimately entered the premises without permission through an unsecured rear door. When confronted by the resident as to why they entered her home without permission or a warrant, Officers Kirby and Haynes could not provide her with an adequate justification. 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.

*

*

*

Commander Jesse Harris, Div. of Police, presented a disciplinary matter regarding Officer Jonathan Haynes. It is alleged that Officer Haynes has committed the offense of Misconduct in violation of KRS 95.450 and General Order 1973-02J, Disciplinary Procedures, Appendix B, Operational Rule 1.02- Misconduct in that on the 6th day of December, 2019 he allegedly:

(1) On Wednesday, December 6th, 2019, Officers Tanner Kirby and Jonathan Haynes were attempting to locate a subject to serve him with misdemeanor warrants for his arrest. Officers had reason to believe he was inside a residence, on Spangler Drive and attempted to make contact with the residents. After several unsuccessful attempts to make contact, the officers contacted their supervisor. The supervisor directed them to attempt to make contact for a few more minutes, but they did not have cause to enter the premises forcibly or without permission. Officers ultimately entered the premises without permission through an unsecured rear door. When confronted by the resident as to why they entered her home without permission or a warrant, Officers Kirby

and Haynes could not provide her with an adequate justification.

The appropriate punishment for this conduct is Written Reprimand.

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

*

*

*

Commander Jesse Harris, Div. of Police, presented a disciplinary matter regarding Officer Christopher Flannery. It is alleged that Officer Flannery has committed the offense of Operation of Vehicles and Body-Worn Cameras in violation of KRS 95.450 and General Order 1973-02J, Disciplinary Procedures of Sworn Officers, Operational Rule 1.13 Operation of Vehicles, and General Order 1973-02J Disciplinary Procedures of Sworn Officers, Operational Rule 1.35 Violation of Any Rule of the Department, specifically: General Order 2015-15A Body-Worn Cameras in that on the 28th day of January, 2020 he allegedly:

(1) On Tuesday, January 28, 2020 at approximately 0825 hours Officer Christopher Flannery was operating his marked Lexington Police Cruiser with lights and siren activated while responding to a possible injury accident. During such time, Officer C. Flannery was involved in an injury collision of his own at Richmond Rd and Man O War Blvd where he struck another vehicle. Pursuant to the investigation into said collision, Officer C. Flannery advised that he was not wearing his seatbelt while operating his Lexington Police Cruiser. It was also discovered that he failed to place his BWC in the Event Mode while he was operating his vehicle as an emergency vehicle until he was involved in the collision. The appropriate punishment for this conduct is Written Reprimand.

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

*

*

*

Mr. J. Brown spoke about concerns from citizens, the Lexington Landlord Association, and the Greater Apartment Association regarding evictions during the current coronavirus emergency. He went on to thank the Mayor, her staff, employees, and first responders who are working during this time.

*

*

*

Mr. Moloney spoke about his disquietude for employees working during this time and offered his personal workspace to help ease the burden of the social distancing recommendation to remain 6 feet apart at all times.

Mayor Gorton thanked Mr. Moloney for his comments and for his offer and invited CAO Sally Hamilton to address the workspace issues. CAO Hamilton responded. CIO Aldona Valicenti also responded. CIO Valicenti spoke about the efforts to move many employees to telecommuting from home during this time.

* * *

Mr. Ellinger asked about the “Rainy Day Fund.” CAO Hamilton responded. Mr. Ellinger asked about the corrections facility. Mayor Gorton responded. Mr. Ellinger asked about the homeless population. Mayor Gorton responded.

* * *

Mayor Gorton addressed concerns surrounding the current emergency situation and the Coronavirus.

* * *

Mr. F. Brown voiced his concerns for the health of our economy in light of the emergency. He asked about plans in the event that Council cannot return in time to create a budget. Mayor Gorton responded.

* * *

Ms. Bledsoe also spoke about the current situation, the current and future budget, and the epidemic our community is facing.

* * *

Ms. Lamb asked about technology and offered her assistance. CAO Hamilton responded and included comments about the budget and the challenges the City faces. Mayor Gorton also addressed the limitations regarding the utilization of technology and the uncertainty of the current quarter, as well as the future.

* * *

Ms. Reynolds spoke about the Mayoral staff and asked to be informed of any new developments.

* * *

Mayor Gorton spoke about certain venues remaining open and commended the government employees on finding creative ways to work around the situation.

*

*

*

Mr. Moloney voiced his concerns for traffic should a drive-thru option be developed and offered for Coronavirus testing. Mayor Gorton responded.

*

*

*

Mr. F. Brown asked about the upcoming Mayoral Press Conference. The Mayor responded.

*

*

*

Mayor Gorton spoke about the calm and intentional movement of the government asked everyone to stay safe and healthy.

*

*

*

Upon motion by Mr. Ellinger, seconded by Ms. Bledsoe, and approved by unanimous vote, the meeting adjourned at 7:06 p.m.

Clerk of the Urban County Council