

Lexington- Fayette Urban County Government Council Meeting

Lexington, Kentucky December 5, 2024

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on December 5, 2024 at 6:02 p.m. Present were Mayor Gorton in the chair presiding, and the following members of the Council: Lynch, Plomin, Reynolds, Sheehan, Sevigny, Worley, Wu, F. Brown, J. Brown, Ellinger, Elliott Baxter, Fogle, Gray, and LeGris. Absent was Council Member Monarrez.

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

Ordinances No. 132-2024 through 133-2024, inclusive, and Resolutions No. 599-2024 through 609-2024, inclusive, were reported as having been signed and published and ordered to record.

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The Invocation was given by Rev. Keith Tyler of Antioch Baptist Church.

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Mayor Gorton asked Robert “Dee” Bishop, Director of Bands at Lafayette High School, to join her at the podium, along with his associate directors and the four field commander students, and read a Proclamation declaring December 5, 2024 as Lafayette High School Marching Band Day in Lexington.

Mayor Gorton detailed her history with the Lafayette High School Marching Band, having had children in the band and being married to a former Lafayette High School Marching Band member. She announced that the Lafayette High School Marching Band had won its 24th Kentucky Music Educators Association Band Championship in the Class 5A State Finals.

Mr. Bishop thanked the Mayor and Council for their support of the Lafayette High School Marching Band.

Mr. Sevigny congratulated the group and noted that Lafayette High School was in his district, reiterating that the 10th District was the music capital of Lexington.

Mr. F. Brown extended his congratulations to the band and spoke about his experience repeatedly watching the performance. He boasted about his long and storied family involvement in the band.

Vice Mayor Wu shared that he was a recently retired Lafayette Band Parent and that his partner, a teacher at Lafayette, was involved as a volunteer. He spoke of the positive effect that being a part of the Marching Band had had upon his child and thanked the Band Directors.

Ms. Elliott Baxter reminded the Council that she was a four-time Lafayette High School Marching Band Champion and that despite Lafayette High School being in the 10th District, most of the students lived in the 9th District. She expressed her pride in the marching band and attributed her work ethic to her time in the Lafayette Marching Band.

Ms. Fogle expressed her congratulations for the Lafayette Marching Band.

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Mayor Gorton asked Lonnie Cowan to join her at the podium, along with Ms. Fogle, and read a Proclamation declaring December 5, 2024 as Lonnie Cowan Day in Lexington.

Mayor Gorton spoke about Mr. Cowan's advocacy for people suffering with chronic pain and his leadership of the Chronic Pain Support Group.

Mr. Cowan thanked the Mayor and the Council for the honor and recognition. He spoke about the importance of working together, the community, and his work.

Ms. Fogle offered Mr. Cowan thanks for his dedication and work towards people with chronic pain.

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An Ordinance amending Section 13-76 of the Code of Ordinances to require certain documents to prove primary residency; amending Section 13-77 of the Code to clarify that approval by the Div. of Planning is necessary to apply for a special fee license and to provide that a license shall automatically expire upon a change in use from one form of Short-Term Rental (hosted or un-hosted) to the other; amending Section 13-79 of the Code to amend the maximum occupancy of a Short-Term Rental, to limit the number of Contracts or bookings a Short-Term Rental may have at one time, and to require that only a portion of the dwelling unit not otherwise occupied may be rented at one time; all effective upon passage of Council received second reading.

Upon motion by Ms. Fogle, and seconded by Ms. Gray, the ordinance was approved by the following vote:

Aye: Lynch, Plomin, Reynolds, Sheehan, -----13
Sevigny, Worley, Wu, F. Brown, J.
Brown, Elliott Baxter, Fogle, Gray,
LeGris

Nay: -----0

Abstain: Ellinger -----1

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An Ordinance amending and renumbering Articles 3-13(b), (c), (g), (h), (i), (j), and (k), creating Articles 3-13(l), (m), (n)(1),(2),(3), and (o), amending Articles 8-5(c)(11), 8-5(d)(14), 8-9(c)(10), 8-10(c)(10), 23a-5(c)(9), 23a-5(d)(10), 8-25(d)(7), and 8-25(e)(15), and deleting Article 8-5(d)(15), in order to: revise the allowable occupancy for all Short Term Rentals; restrict the number of dwelling units allowed as Short Term Rentals in Residential zones; further define conditions applicable for Short Term Rentals regulated as conditional uses; and allow Short Term Rentals as an accessory use and conditional use in Corridor Node zones, and providing that the Board of Adjustment may consider up to ten (10) new Conditional Use Permit Applications for Short Term Rentals per month, with an effective date of December 12, or the date of passage, whichever is later. (Urban County Council) received second reading.

Upon motion by Ms. Fogle, and seconded by Ms. Gray, the ordinance was approved by the following vote:

Aye: Lynch, Plomin, Reynolds, Sheehan, -----13
Sevigny, Worley, Wu, F. Brown, J.
Brown, Elliott Baxter, Fogle, Gray,
LeGris

Nay: -----0

Abstain: Ellinger -----1

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The following ordinances received second reading. Upon motion by Ms. Fogle, and seconded by Ms. Gray, the ordinances were approved by the following vote:

Aye: Lynch, Plomin, Reynolds, Sheehan, -----14
Sevigny, Worley, Wu, F. Brown, J.
Brown, Ellinger, Elliott Baxter, Fogle,
Gray, LeGris

Nay: -----0

An Ordinance expanding and extending the Full Urban Services District #1 for the Urban County Government for the provision of street lighting, street cleaning, and garbage and refuse collection, to include the area defined as certain properties on the following streets: Bay Shoals Dr.; Blackford Parkway; Calista Flat; Caversham Park Lane; Clematis Way; Corsage Court; Cravat Pass; Man O' War Boulevard; Night Heron Way; Peninsula Way; Polo Club Boulevard; Sandersville Rd.; Shady Cove; Squires Rd.; and Stolen Horse Trace.

An Ordinance expanding and extending Partial Urban Services District #3 for the Urban County Government for the provision of garbage and refuse collection, to include the area defined as certain properties on the following streets: Harper Woods Lane; Kestrel Cove; Koah Park; Spring Bay Court; Spring Leaf Court; Raven Circle; and Weston Park.

An Ordinance expanding and extending Partial Urban Services District #4 for the Urban County Government for the provision of street lighting, to include the area defined as certain properties on Higbee Mill Rd.

An Ordinance expanding and extending Partial Urban Services District #5 for the Urban County Government for the provision of street lighting and garbage and refuse collection, to include the area defined as certain properties on the following streets: Denver Lane; Hannibal Court; Plymouth Dr.; Vanderbilt Dr.; and Weber Way.

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 2025 Schedule No. 14.

An Ordinance amending the civil service authorized strength by creating one (1) classified position of Engineering Technician Principal, Grade 519N, in the Div. of Water Quality, and creating one (1) classified position of Program Manager Sr., Grade 525E, in the Div. of Environmental Services, all effective July 1, 2024.

An Ordinance amending the civil service authorized strength by abolishing one (1) classified position of Planner, Grade 519N, and creating one (1) classified position of Digital Content Administrator, Grade 521E, all in the Div. of Planning, effective upon passage of Council.

An Ordinance amending the civil service authorized strength by creating one (1) classified position of Project Manager, Grade 520N, in the Dept. of Environmental Services, effective upon passage of Council.

An Ordinance amending the civil service authorized strength by abolishing one (1) classified position of Vehicle and Equipment Technician, Grade 517N, in the Div. of Facilities and Fleet Management, effective upon passage of Council.

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

Aye: Lynch, Plomin, Reynolds, Sheehan, -----14
Sevigny, Worley, Wu, F. Brown, J. Brown,
Ellinger, Elliott Baxter, Fogle, Gray, LeGris

Nay: -----0

A Resolution accepting the bid of Lagco, Inc., in the amount of \$1,083,653 for the Joyland Area Storm Drainage Project, for the Div. of Water Quality, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Lagco, Inc., related to the bid.

A Resolution accepting the bid of Hydromax USA, LLC, in the amount of \$204,124 for the temporary flow monitoring, for the Div. of Water Quality, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Hydromax USA, LLC, related to the bid.

A Resolution authorizing the Div. of Fire and Emergency Services to purchase replacement cardiac monitors from Zoll, a sole source provider, and authorizing the Mayor, on behalf of the Urban County Government, to execute any necessary Agreement with Zoll, related to the procurement at a cost not to exceed \$182,062.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Center for Patient Safety, for protections under the Patient Safety Act at a cost not to exceed \$1,800.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with Saint Joseph Health Systems Inc., for support for the Community Paramedicine Program.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a fee neutral multi-year Letter Agreement and any other necessary related Agreements with JP Morgan Chase Bank, N.A., extending the period to provide general banking services.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Charter Communications d/b/a Spectrum to support an award from Ky.'s Better Internet Grant Program with local match funds for the provision of fiber optic broadband internet services to households in Fayette County, to execute any related documents, and further authorizing payment in an amount not to exceed \$10,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 (final) to the Agreement with Delmae LLC, for services related to the Pebble Creek Bank Stabilization Project, for the Div. of Water Quality, increasing the Contract by the sum of \$40,856.25, from \$83,300.00 to \$124,156.25.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute the second renewal of the Contract with Hazen and Sawyer, P.S.C., for Sanitary Sewer Remedial Measures Program Management Consulting Services, for the Div. of Water Quality, at a cost not to exceed \$900,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Stormwater Quality Projects Incentive Grant Agreement with Bluegrass Greensource, Inc., canceling a Stormwater Quality Project, decreasing the Contract by the sum of \$202,202.60, from \$202,202.60 to \$0.00.

A Resolution accepting the dedication of private sanitary sewer easements, located across 3050 Helmsdale Place, to the public, and further accepting \$15,000 from the property owner for anticipated future repairs associated with the sewer lines dedicated herein.

A Resolution authorizing the Div. of Water Quality, on behalf of the Urban County Government, to purchase a Huber Technology replacement wash press for the Town Branch Waste Water Treatment Plant, from Pelton Environmental Products, Inc., a sole source provider, at a cost estimated not to exceed \$68,013.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to officially name and designate the recently acquired park property located at 2490 Paris Pike as the "William Floyd Park."

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute the 2025 General Term Orders for the Fayette County Sheriff, establishing the number of deputies and assistants allowed to the sheriff and their respective compensation, subject to the limits for each category as specified in the General Term Orders and the requirements established by law.

A Resolution authorizing and directing the Mayor, on behalf of the Lexington-Fayette Urban County Government, to execute an Agreement with the Ky. Transportation Cabinet (KYTC) for the acceptance of Federal funds, which Grant funds are in the amount of \$1,200,000 for the design of Phase III of the Newtown Pike Extension Project, the acceptance of which obligates the Urban County Government to the expenditure of \$300,000 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 Amendment No. 17 to the Contract with Stantec Consulting Services, Inc. (formerly known as Entran, PLC, formerly known as American Consulting Engineers, PLC) for professional services for the Newtown Pike Extension Project, increasing the Contract price by the sum of \$1,469,422.00, from \$10,614,807.39 to \$12,084,229.39.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the U.S. Dept. of Homeland Security, to provide any additional information requested in connection with this Grant Application, and to accept this Grant if awarded, which Grant funds are in the amount of \$600,000 in Federal funds under the FEMA 2024 Assistance to Firefighters Grant Program, to acquire a boat or brush trucks, the acceptance of which obligates the Urban

County Government to the expenditure of \$60,000 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 a Second Amendment to the Garden Meadows Homeowners Association Neighborhood Action Match Agreement to extend the period of performance to June 30, 2025, at no additional expense to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Contract Modification No. 4 to the Agreement with Gresham Smith for expanded services on the Phase III Archaeological Data Recovery in the Legacy Business Park Project, at a cost not to exceed \$341,201.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Volunteer Income Tax Assistance/Tax Counseling for the Elderly (VITA/TCE) Partner Sponsor Agreement and any related documents, for the provision of the 2025 VITA/TCE Tax Preparation Assistance Programs at the Charles Young Center, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Agreement with NAMI Lexington (KY), Inc., and any other documents related to the purchase of property located at 865-869 Sparta Court, the final form of which shall be subject to the approval of the Dept. of Law, at a cost not to exceed \$141,211.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Revised Agreement with Saint Joseph Health System, for use of the emergency room for the Sexual Assault Nurse Examiner at a cost not to exceed \$3,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute amendments to Subrecipient Agreements with Northern Ky. Legal Aid Society, Inc., dba Legal Aid of the Bluegrass, and Office of Ky. Legal Services Programs, Inc., dba Ky. Equal Justice Center, for the provision of housing stability services, extending the period of performance through June 30, 2025.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with Northern Ky. Legal Aid Society, Inc., dba Legal

Aid of the Bluegrass, and Office of Ky. Legal Services Programs, Inc., dba Ky. Equal Justice Center, for the provision of Housing Stability Services through the Housing Stabilization Program for tenants facing potential eviction, at a cost not to exceed \$500,000, contingent upon approval of the necessary Budget amendments.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the University of Ky., College of Medicine, Dept. of Toxicology and Cancer Biology, to create an Internship Program relating to Forensic Science and Biology.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept the additional funds awarded by the Ky. Office of Homeland Security (KOHS) from the FY2024 DHS/FEMA Grant Program in the amount of \$490.50, the acceptance of which does not obligate the Urban County Government to the expenditure of funds, and lastly, authorizing the Mayor to transfer unencumbered funds within the Grant Budget.

A Resolution authorizing the Div. of Police to purchase a Cellebrite Inseyets Pro Software upgrade with three (3) license renewals from Cellebrite Inc., a sole source provider, and authorizing the Mayor, on behalf of the Urban County Government, to execute any necessary Agreement with Cellebrite Inc., related to the procurement, at a cost not to exceed \$29,660.92.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute the First Amendment to the Contract for Services with the Ky. Association for Environmental Education (KAEE), Contract No. 199-2024, for Education and Career Development related to sanitary sewers and sustainability, increasing the Contract amount by \$131,000.00, and raising the total Contract amount to \$648,636.27 per year.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute the Purchase of Service Agreement with New Life Day Center, Inc., to replace and supersede the PSA approved pursuant to R-649-2022, for Litter Pickup with Panhandler Participation, for the Dept. of Environmental Services, at a cost not to exceed \$150,000 per year.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with Instant Signs to protect the three

Lexington Welcome Signs, the surrounding landscaping, and electrical components during the installation and removal of the 250 Lex Signs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements related to Council Capital Project expenditure funds with lexarts, Inc. (\$55,000.00); Community Action Council for Lexington-Fayette, Bourbon, Harrison, and Nicholas Counties, Inc. (\$5,000.00); LexArts, Inc. (\$75,000.00); LFUCG Div. of Parks and Recreation (\$16,670.12); LFUCG Dept. of Environmental Quality and Public Works (\$41,775.54); LFUCG Div. of Parks and Recreation (\$22,817.80); LFUCG Div. of Traffic Engineering (\$20,000.00); LFUCG Dept. of Environmental Services (\$40,000.00); LFUCG Div. of Aging and Disability Services (\$4,200.00); LFUCG Corridors Commission (\$196.00); LFUCG Div. of Parks and Recreation (\$20,735.78); Meadowthorpe Neighborhood Association, Inc. (\$1,800.00); LFUCG Div. of Traffic Engineering (\$2,150.85); LFUCG Div. of Traffic Engineering (\$15,238.09); LFUCG Council Office (\$1,000.00); LFUCG Div. of Government Communications (\$32,676.00); the Lyric Theatre and Cultural Arts Center Corporation (\$25,000.00); Ashland Neighborhood Association, Inc. (\$1,274.13); LFUCG Div. of Traffic Engineering (\$18,725.00); LFUCG Div. of Parks and Recreation (\$30,000.00); Operation Making a Change Incorporated (\$6,000.00); Henry Clay Memorial Foundation (\$10,000.00); LFUCG Fire Dept. (\$1,500.00); LFUCG Div. of Parks and Recreation (\$65,000.00); LFUCG Div. of Traffic Engineering (\$65,000.00); St. Martin's Village Neighborhood Association, Inc. (\$5,000.00); LFUCG Dept. of Environmental Quality and Public Works (\$57,500.00); and the Living Arts and Science Center, Inc. (\$9,525.00), Lexington Leadership Foundation (\$50,000.00), and LFUCG Div. of Parks and Recreation (\$5,000.00), for the Office of the Urban County Council, at a cost not to exceed the sum stated.

A Resolution of the Lexington-Fayette Urban County Council approving the Economic Development Partnership with Madison County, Scott County, and City of Berea, authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Interlocal Cooperation Agreement, Membership Agreement, and other necessary and related documents, forming the Central Ky. Business Park Authority; and authorizing payment in the amount of \$2,125,000 to the Authority for the purpose of

carrying out the duties and powers of the Authority as limited by the aforementioned Agreements and relevant state law; all contingent upon approval of the Authority's creation, and execution of all necessary Agreements, by all parties to the Interlocal Cooperation Agreement.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the U.S. Department of Homeland Security, to provide any additional information requested in connection with this Grant Application, and to accept this Grant if awarded, which Grant funds are in the amount of \$1,000,000 in Federal funds under the 2024 Assistance to Firefighters Grant Program, to host a paramedic training course, the acceptance of which obligates the Urban County Government to the expenditure of \$100,000 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 Commonwealth of Ky. Cabinet for Health and Family Services, to maintain a Quick Response Team.

A Resolution amending Section 3.102(2) of Appendix A, Rules and Procedures of the Lexington-Fayette Urban County Council, relating to the order of business at Council meetings, to provide a separate opportunity for public comment for issues on the docket prior to consideration of legislative items by the Urban County Council, all effective upon passage of Council.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Downtown Lexington Corporation d/b/a Downtown Lexington Partnership, to present public events on behalf of, and in partnership with, LFUCG, including Luminate Lexington Christmas Tree Lighting, Christmas Parade, and Thursday Night Live.

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Upon motion by Mr. Ellinger, and seconded by Vice Mayor Wu, and approved by unanimous vote, Communications from the Mayor (Appointments) was placed on the docket.

Upon motion by Mr. Worley and seconded by Ms. Fogle, and approved by unanimous vote, Chrisandrea Turner, Representative of the Greater Lexington Chamber

of Commerce, was appointed to the Ethics Commission with a term expiring on March 1, 2029 was approved.

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Mr. J. Brown expressed his admiration for the outgoing Councilmembers, Ms. Fogle, Mr. Worley, Mr. F. Brown, and Ms. Plomin.

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Vice Mayor Wu wished the outgoing Councilmembers well and spoke about his admiration for each of them and their leadership styles.

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Mr. Sevigny announced the Fire Station 12 Christmas Tree Lighting that was happening on Friday December 6, 2024 from 5:30 p.m. to 5 p.m. He also spoke about compost bins.

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Ms. Reynolds shared her admiration for the outgoing Councilmembers.

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Ms. Elliott Baxter also spoke about her esteem of the outgoing Councilmembers. She spoke specifically about her connection with Mr. F. Brown.

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Ms. LeGris expressed her appreciation for the outgoing Councilmembers.

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Ms. Fogle spoke about her accomplishments during her time on the Council and spoke about her relationship with the Mayor and the other Councilmembers.

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Ms. Lynch joined in praising the outgoing Councilmembers and thanked them and the other Councilmembers for making her first term a great one.

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Mr. Worley shared his thoughts about his tenure as a Councilmember, touching on his appreciation for his aide, Renea Buckles, the Mayor, and his colleagues as well as the staff of the Lexington Fayette Urban County Government.

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Ms. Fogle thanked her constituents, God, and stated that she had accomplished what she believed she was supposed to do.

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Mr. Ellinger thanked the outgoing Councilmembers and touched on his relationship with each of them.

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Ms. Sheehan expressed her adulation for the outgoing Councilmembers and shared the hallmarks of her professional relationship with each one.

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Ms. Gray spoke about an earlier meeting, the new Director of the Div. of Waste Management, and her ongoing work with Code Enforcement. She also shared her well wishes for the outgoing Councilmembers.

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Ms. Plomin told some anecdotes from her time serving the 12th District and stated that her colleagues had given her strength. She shared that she would miss working with them all.

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Alyssa Rigney, District 11, spoke about the war in Gaza, the recent arrival of a refugees from Palestine.

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Chris Huestis, District 11, spoke against the new ordinances pertaining to Short Term Rentals.

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Ala Hassan, District 12, spoke about the war between Israel and Hamas.

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Mouss Samaan, District 9, clarified some misconceptions that he had overheard about the Keffiyeh. He wished everyone a Happy Holiday no matter what they celebrated.

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Mayor Gorton expressed her admiration of the Outgoing Councilmembers. She wished everyone happy holidays.

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Upon motion by Ms. Fogle, seconded by Ms. Reynolds, and approved by unanimous vote, the meeting adjourned at 7:54 p.m.

Deputy Clerk of the Urban County Council