URBAN COUNTY COUNCIL

WORK SESSION SUMMARY

& TABLE OF MOTIONS

September 29, 2009

Mayor Newberry chaired today's work session meeting. All Council Members were present except CM Myers. Mayor Newberry welcomed our foreign visitors to Lexington and to the work session.

I. Public Comment – Issues on Agenda-Bone

II. Requested Rezonings / Docket Approval-Yes

A motion by CM Henson to place on the docket for Thursday, October 1, 2009 without a hearing, an ordinance changing the zone from a Two-Family Residential (R-2) zone to a Hioh Density Apartment (R-4) zone for 1.288 net (1.49 gross) acres, for property located at 1612 Versailles Rd., subject to certain use restrictions imposed as conditions of granting the zone change(Homestead Nursing Center, LLC), seconded by CM Ellinger, passed without dissent.

A motion by CM Gorton to approve the amended docket, seconded by CM Beard, passed without dissent.

III. Approval of Summary-Yes

A motion by CM McChord to approve the summary from September 22, 2009, seconded by CM Crosbie, passed without dissent.

CM Gorton asked that on page 9 the word be changed from committee to workshop.

IV. Budget Amendments-Yes

A motion by CM Beard to approve the budget amendments, with BA 2478 added to the list, seconded by CM Gorton, passed without dissent.

V. New Business

A. Authorization of a Special Construction Agreement with BellSouth Telecommunications, Inc. (d/b/a AT&T Southeast) Regarding the South Limestone Streetscape Project - Phase 1. (571-09) (P. King/Webb)

B. Authorization of Change Order No. 3 to Contract with Central Rock Mineral Company, LLC (ATS Construction) for the Loudon Avenue Improvements Project. **(FINAL)**. (575-09) (P. King/Webb)

C. Authorization of a Deed of Acceptance for a Greenway Parcel at Property Located at 6500 Man O' War Boulevard as Part of the Expansion Area Master Plan. (580-09) (Rayan/Webb)

D. Authorization of an Agreement with the Kentucky State Police (KSP) to Provide Improvised Explosive Device (IED) Response Equipment Training for FBI Credited Bomb Squads and for the Transfer of Equipment. (577-09) (P. King/Bennett)

E. Authorization of an Agreement with the Kentucky State Police (KSP) to Provide Improvised Explosive Device (IED) Training for FBI Credited Bomb Squads and for the Transfer of Equipment. (578-09) (P. King/Bennett)

F. Authorization to Accept an Award Offered by the US Department of Justice on Behalf of the Department of Public Safety, Division of Police, under the 2009 Recovery Act Edward Byrne Memorial Competitive Grant Program: Hiring of Civilian Staff in Law Enforcement Agencies. (583-09) (P. King/Bennett)

G. Authorization to Accept an Award from the US Department of Justice, Office on Violence Against Women on Behalf of the Department of Public Safety, Division of Police for Continuation of the Arrest Policies Project and Execute Subrecipent Agreements. (584-09) (P. King/Bennett)

H. Authorization of a Resolution for Reimbursement of Temporary Advances for Capital Expenditures on Behalf of the Department of Public Safety, Divisions of Police, Fire & Emergency Services, and Emergency Management / 911 for the Radio Interoperability Project. (581-09) (Lucas/Bennett)

I. Authorization of a System Purchase Contract with Harris Corporation, RF Communications Division on Behalf of the Department of Public Safety for the Upgrade of the 800 MHz Radio System. (582-09) (Lucas/Bennett)

J. Authorization to Purchase Property Located at 529 E Third Street for the Ann Street Acquisition Project and Transfer the Property to the HOPE IV Project. (572-09) (P. King/O'Mara)

K. Authorization of a Revenue Enhancement Agreement (Tax Discovery / Recovery) with PRA Government Services, LLC (d/b/a RDS) for Collection of Unpaid Occupational License Taxes. (576-09) (O'Mara)

L. Authorization to Approve ACL™ Services Ltd. as Sole Source Provider for AuditExchange Software and Programming Services for the Division of Internal Audit. (573-09) (Sahli/Kelly)

M. Authorization of a Partial Release of Easement for a Portion of a Sanitary Sewer Easement at Property Located at 149 Old Towne Walk. (579-09) (Askew)

N. Authorization to Accept Deeds of Easements from Record Property Owners for the Rookwood Parkway Stormwater Improvement Project. (574-09) (Martin/Taylor)

O. Authorization of Change Order No. 1 to Contract with Dixon Electric, Inc. for the Town Branch Waste Water Treatment Plant (WWTP) Primary Effluent Pump Station Emergency Generator Project. **(FINAL)**. (585-09) (Martin/Taylor)

P. Authorization of Change Order No. 2 to Contract with Herrick Company, Inc. for the Town Branch Waste Water Treatment Plant (WWTP) Chlorination Equipment Replacement Project. (586-09) (Martin/Taylor)

Q. Authorization to Accept a Donation of Labor and Material by Cricket Communications, Inc. on Behalf of the Department of General Services, Division of Parks and Recreation. (587-09) (Hancock/Cole)

R. Authorization of a Facility Usage Contract with the Fayette County Board of Education on Behalf of the Department of General Services, Division of Parks and Recreation for the Kiddie Kapers Program. (588-09) (Hancock/Cole)

S. Authorization for the Issuance of Industrial Revenue Bonds (IRBs) to Anchor Baptist Church. (590-09) (Wright/Kelly)

T. Authorization of a Memorandum of Understanding (MOU) with the Lexington-Fayette Urban County Housing Authority Regarding the Equestrian View Neighborhood. (591-09) (Askew)

U. Authorization of Taxable Sewer System Revenue Bonds, for Reimbursement for Sewer Construction Projects, and to Acceptance of Successful Bids for Improvements to the Sewer Systems. (592-09) (O'Mara)

A motion by CM Crosbie to delete items H and I from the new business items list until after the presentation, seconded by CM McChord, passed without dissent.

A motion by CM Lawless to place on the docket for Thursday, October 1, 2009, a resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Definitive Relocation Agreement with Kentucky Utilities

Company for relocation of overhead facilities to underground in conjunction with the South Limestone Streetscape Project, at a cost not to exceed $1,252,727, seconded by CM James, passed without dissent.

A motion by CM James to approve that a condition be placed in the MOU with the Lexington-Fayette County Housing Authority stating that the entrance sign for the Equestrian View neighborhood reads Equestrian View at East End, seconded by CM Gorton, passed without dissent.

A motion by CM Blues to place on the docket for the meeting on October 1 a resolution authorizing and directing the Mayor to execute an agreement with the Commonwealth of Kentucky for distribution of the assets of Fayette County Legal Aid, Inc, seconded by CM Beard, passed without dissent.

A motion by CM Beard to approve new business items, seconded by CM Gorton passed without dissent.

VI. Continuing Business / Presentations-Yes

A. Planning Committee Report

This report was given by Chair CM Gorton. There were no motions to come forward. CM Gorton welcomed our foreign visitors to work session.

B. Lyric Theatre Project Monthly Report

This report was given by Shaye Rabold, Mayor's Chief of Staff.

C. Water Quality Management Fee Implementation Status Report

This report was given by Charlie Martin, Dir. of Water Quality. Several CMs asked questions.

D. Radio Interoperability Project

This presentation was given by David Lucas, Dir. of Enhanced 911. Several CMs asked questions.

A motion by CM Myers to have a resolution drafted to require that any tower placement has to be approved by Council first, seconded by CM Gorton, passed without dissent.

VII. Council Report

CM Gorton-Announced the next Water Quality Incentive Group meeting will be on October 9tha t 9:30 am at the Town Branch Wastewater Plant; reminded everyone about the confirmation on October 1 for Comm. of Finance nominee Linda Rumpke and October 15 at 6:30 pm for LaTaoi Mayo for the Ethics Commission; thanked CM Tom Blues for standing in for her at the Joint Planning workshop in her absence.

CM Feigel- A motion by CM Feigel to approve the NDF list, seconded by CM Myers passed without dissent.

CM Blues-Congratulated Historic Western Suburb NA on receiving an Environmental Commission Awards and also McConnell's Trace NA with Greenway Committee received a certificate of appreciation-awards will be given at the Green Breakfast on October 23rd; announced that on tomorrow at 6:30 pm he will be hosting the 2nd District President's meeting at the Community Center in Oakwood Park; on 10/5 Georgetown Street NA will meet at 6pm; at 7 pm Green Acres/Hollow Creek/Breckinridge NA will meet; career fair going on today at the VA Center on Leestown Rd from 8 am-8 pm.

CM Lawless-Asked again for an update on the library audit-Mayor Newberry answered and said that he already provided an update-there is no time frame on when it will be available; asked about a crosswalk on W Main and Vine Streets.

A motion by CM Lawless to place into the Services Committee, the issue of the crosswalk at W Main and Vine Streets, seconded by CM Henson, passed without dissent.

CM Martin-Stated that he had a good meeting with the neighbors around The Springs Inn/Southland Dr, city officials, and the owners of The Springs Inn; also met with Palomar NA and Comm. Webb about the resurfacing roads list.

A motion by CM Martin to refer to the Services Committee Sect. 4-2 (a) of the Code of Ordinances referring to the care and treatment of animals, seconded by CM Lane, passed without dissent.

VIII. Mayor's Report-Yes

A motion by CM Gorton to withdraw LaTai Mayo's name from the Ethics Commission nomination list, seconded by CM Crosbie, passed without dissent.

A motion by CM James to withdraw Grace Akers' name from the Social Services Advisory Board nomination list, seconded by CM Myers, passed without dissent.

A motion by CM Stinnett to approve the Housing Authority Board nomination, seconded by CM Lane passed without dissent.

IX. Public Comment-Issues not on the agenda-Yes

Citizen, Lewis Cobb, Spoke.

X. Closed Session-Litigation

A motion by CM Henson to go into closed session pursuant to KRS 61.810(1)(c) for the purpose of discussing pending litigation, seconded by CM Crosbie, passed without dissent.

A motion by CM Lane to go back into open session, seconded by CM Beard, passed without dissent.

A motion by CM Myers to place on the docket for the Council Meeting on October 1, 2009 a resolution authorizing and directing the Dept. of Law to institute a declaration of rights action against the Lexington Herald-Leader in Fayette Circuit Court to determine the legality of the rates being charged by the Herald-Leader for statutorily required publishing and to seek other appropriate relief, seconded by CM McChord, passed without dissent.

A motion by CM Lane to adjourn, seconded by CM Ellinger passed without dissent.

Work session was adjourned at 5:10 pm.