

Lexington-Fayette Urban County Government Special Council Meeting

Lexington, Kentucky October 27, 2009

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in special session on October 27, 2009 at 3:00 P.M. Present were Mayor Jim Newberry in the chair presiding, and the following members of the Council: Council Members Lawless, Martin, McChord, Myers, Stinnett, Beard, Blues, Crosbie, Ellinger, Feigel, Gorton, Gray, Henson and James. Absent was Council Member Lane.

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The Mayor opened a Public Hearing on the Showprop Lexington Development Plan.

Ms. Chris Westover, attorney representing Showprop Lexington, LLC, gave a presentation, and filed the following exhibits: (1) List of Awards and Recognitions presented to Krikorian Premiere Theaters; (2) Booklet of Information and Photographs about Krikorian Premiere Theaters; (3) Booklet Demonstrating Existing Conditions in the Development Plan Area; and (4) Preliminary Development Plan Exhibit Book including (a) Renderings of Showprop Lexington, LLC Adaptive Re-use Project; (b) Photographs of the tobacco warehouse to be adaptively re-used; (c) Photographs taken from the site and in the vicinity; (d) Examples of developer's other projects; (e) Information and articles about the developer, including awards received and community involvement.

Mr. Chad Harpole, Vice-President of Commerce Lexington, spoke and expressed his support for the Showprop Lexington Development Plan.

There being no other speakers, the Mayor closed the Public Hearing.

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An Ordinance enacting Article XXI of Chapter 2 of the Code of Ordinances to authorize the organization of a non-profit Ky. corporation to be called the "Lyric Theatre and Cultural Arts Center Corporation" for the purpose of overseeing the management of and programming for the Lyric Theatre and any and all other appropriate purposes; providing that the corporation shall consist of fifteen (15) appointed members and shall have all the powers conferred upon a corporation

organized under Chapter 273 of the Ky. Revised Statutes dealing with non-stock non profit corporations, including all powers necessary and proper to fulfill and further the purpose of said corporation; authorizing the Mayor or his designees to serve as incorporators; and authorizing the submission of an application for tax exempt status to the Internal Revenue Service was on the docket for second reading.

Ms. James made a motion, seconded by Ms. Gorton, and approved by a majority vote of 8-6 (McChord, Myers, Stinnett, Beard, Crosbie, Ellinger voted **no**), to amend the Ordinance to require that the initial appointments to the Lyric Theatre and Cultural Arts Center Corporation Board be made by the Mayor subject to confirmation by the Council, that after the terms of initial appointments expire, future appointments shall be made by the Board of Directors, and that this was a material change and required a new first reading.

The Council discussed the amendment to the Ordinance.

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Ms. James made a motion, seconded by Mr. Martin, to suspend the rules in order to give second reading to the Ordinance. The motion **failed** to pass by vote of 7-7 (McChord, Myers, Stinnett, Beard, Crosbie, Ellinger, Feigel voted **no**).

The Ordinance was ordered placed on file until November 5, 2009 for public inspection.

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A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with the University of Ky., to allow the University of Ky. to enforce its Tobacco Free Policy on public sidewalks, at no cost to the Urban County Government was given first reading.

The Council discussed the Resolution.

The Council asked questions of Mr. Anthany Beatty, Assistant Vice-President for Campus Services at the University of Ky., and Mr. Frank Butler, Vice-President for Medical Center Operations at the University of Ky., regarding the Memorandum of Understanding.

Ms. Lawless made a motion, seconded by Ms. Feigel, to remove the Resolution from the docket and to place the issue into the Council Intergovernmental Committee for the purposes of continued discussion.

The Council discussed the motion.

The motion **passed** by a majority vote of 8-6 (McChord, Myers, Stinnett, Beard, Blues, and Henson voted **no**)

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Upon motion of Mr. Stinnett, seconded by Mr. McChord, the Council adjourned at 3:58 p.m.

Clerk of the Urban County Council