URBAN COUNTY COUNCIL

WORK SESSION SUMMARY

& TABLE OF MOTIONS

November 17, 2009

Mayor Newberry chaired today's work session meeting. All Council Members were present except CMs Beard and Martin.

I. Public Comment – Issues on Agenda-None

II. Requested Rezonings / Docket Approval-Yes

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

III. Approval of Summary-Yes

A motion by CM James to approve the summary from November 3, 2009, seconded by CM Gorton, passed without dissent.

IV. Budget Amendments-Yes

A motion by CM Gorton to approve the budget amendments, seconded by CM Myers, passed without dissent.

V. New Business

A. Authorization of a Deed of Acceptance for a Dedicated Greenway under the Greenway Master Plan. (649-09) (Rayan/Webb)

B. Authorization of a Deed of Permanent Sanitary Sewer Easement at Property Located at 2550 Winchester Road for the Hamburg East Development. (660-09) (Rayan/Webb)

C. Authorization of an Assignment of Scenic and Conservation Easements from LFUCG to the Fayette County Rural Land Management Board, Inc. by the Board of Directors of the Mary E. Wharton Nature Sanctuary of Floracliff, Inc. (671-09) (Van Pelt/Webb)

D. Authorization of Change Order No. 1 to Contract with Schroeder Construction, Inc. for the Cadentown / Versailles Road Sanitary Sewer Improvements Project. (676-09) (P. King/Webb)

E. Authorization of an Agreement with Kentucky Utilities Company (KU) to Permit Attachment of Banner Equipment and Banners to KU Poles. (672-09) (Ebel/Rabold)

F. Authorization of a Resolution and a Bond Ordinance for the Issuance of Industrial Revenue Bonds (IRBs) for the Roman Catholic Diocese of Lexington. (667-09) (Wright/Kelly)

G. Authorization to Approve Ordinance and Local Participation Agreement with Krikorian Premiere Theaters for the Showprop Tax Incremental Financing (TIF) Development Project. (674-09) (Kelly)

H. Authorization to Amend Lease for Commercial Office Space offered by MES Enterprises, LLC. (661-09) (Baradaran/Cole)

I. Authorization of a Facility Usage Contract with the Fayette County Board of Education (FCBE) on Behalf of the Department of General Services, Division of Parks and Recreation for use of Jesse Clark Elementary School Gymnasium. (668-09) (Hancock/Cole)

J. Authorization of a Facility Usage Contract with the Fayette County Board of Education (FCBE) on Behalf of the Department of General Services, Division of Parks and Recreation for use of Yates Elementary School Gymnasium. (669-09) (Hancock/Cole)

K. Authorization of a Commonwealth of Kentucky Court of Justice Memorandum of Agreement (MOA) with the Administrative Office of the Court (AOC) on Behalf of the Department of Public Safety, Fayette County Detention Center (FCDC) (Division of Community Corrections). (657-09) (Bishop/Bennett)

L. Authorization of a Professional Services Agreement with Greenberg Traurig, LLP on Behalf of the Department of Public Safety, Division of Community Corrections. (662-09) (Bishop/Bennett)

M. Authorization of a Memorandum of Understanding (MOU) Emergency Medical Services with the Lexington-Fayette County Health Department on Behalf of the Department of Public Safety, Division of Fire and Emergency Services. (675-09) (Hendricks/Bennett)

N. *Authorization of an Engineering Services Agreement with Strand Associates, Inc.® to Proceed with the Investigation / Design Services for Process and Control Improvements at Town Branch Waste Water

Treatment Plant (WWTP), West Hickman WWTP and all Pump Stations Maintained by LFUCG. (663-09) (Martin/Taylor)

O. *Authorization of an Engineering Services Agreement with Kenvirons, Inc. to Proceed with the Dixie Pump Station Upgrade and Force Main Improvements Project. (664-09) (Martin/Taylor)

P. *Authorization of an Engineering Services Agreement with BTM Engineering, Inc. to Proceed with the Deep Springs Pump Station Upgrade and Force Main Improvements Project. (665-09) (Martin/Taylor)

Q. Authorization of a Release of Easement at Property Located at 2705 and 2709 Meadowsweet Lane for a Streetlight Easement. (666-09) (Askew)

R. Authorization of an Acquisition, Arbitration and Settlement Agreement by and among LFUCG, LFUC Airport Board, Elkhorn Bend, LLC and Wayne Murty. (678-09) (Askew)

S. Authorization of Agreements with Direct Connect, LLC and Plug & Play Technologies on Behalf of the Department of General Services, Division of Parks and Recreation. (673-09) (O'Mara/Rumpke)

T. Authorization of a Memorandum of Understanding (MOU) by and between LFUCG, the Lexington-Fayette Urban County Housing Authority (LFUCHA) and REACH, Inc. regarding the 2005 HOPE VI Revitalization Project, Equestrian View Development. (677-09) (Helm)

U. Authorization of a Purchase of Service Agreement (PSA) with Bluegrass State Games, Inc. (679-09) (Rabold)

V. Authorization of an Ordinance to Provide Roll Cart and Refuse Collection to Gess Property Chilesburg Units 2A, 2B, and 2C. (680-09) (Askew)

A motion by CM Blues to approve new business items A-V, seconded by CM Myers, passed without dissent.

VI. Continuing Business / Presentations-Yes

A. Special Planning Committee Report

This report was given by Chair CM Gorton. There were three motions to come forward.

A motion by CM Gorton to approve establishing a n enterprise fund to put a maximum of $200,000 of recovered funds to Code Enforcement's budget every year beginning FY 2011, seconded by CM McChord, passed without dissent.

A motion by CM Gorton to approve the review and revise the hearing ordinance to clarify the code to increase fines and effectively discourage payment of fines as a cost of doing business, seconded by CM James, passed without dissent.

A motion by CM Gorton to approve the move of recommendation #5 (expanded enforcement-create system for civil fines, abatement, and placement of liens on offending properties for violations of any code enforced by Div. of Building Inspection into Bldg Insp Task Force, seconded by CM Feigel, passed without dissent.

B. Budget & Finance Committee Report

This report was given by Chair CM Stinnett. There were no motions to come forward.

C. Services Committee Report

This report was given by Chair CM Ellinger. There were no motions to come forward.

D. Lyric Theatre Monthly Report

This report was for informational purposes only.

E. Emerald Ash Borer

This report was given by Karen Angelucci, Chair of LFUCG Tree Board. Several CMs asked questions.

F. LFUCG Airport Board Update

This update was given by Robert Owens, Chair of LFUCG Airport Board. Several CMs asked questions.

VII. Council Report

CM Stinnett-Announced the Eastland NA meeting tonight and on Dec 1, there will be a Bldg. Inspection Task Force meeting in the 5th floor conference room.

A motion by CM Stinnett to approve a resolution authorizing and directing the Div. of Traffic Engineering to lower the speed to 25 mph on Pleasant Ridge Dr from Aspen Street to Autumn Ridge Dr, seconded by CM James, passed without dissent.

CM Gorton-A motion by CM Gorton to approve a resolution authorizing and directing the Div. of Traffic Engineering pursuant to Code of Ordinances sect 18-46 to designate David Dr as prohibited to through trucks and to install signage appropriate to such designation pursuant to Code of Ordinances section 18-50, seconded by CM Crosbie, passed without dissent.

A motion by CM Gorton to ask the VM to appoint a work group to address solutions on the moratorium issue, seconded by CM Lawless, passed without dissent.

CM Blues-Made several announcements: on 10/24 McConnell's Trace Greenways planted 60 trees through a sustainability grant and on 11/21 at 10 am the committee wants to finish; volunteers are needed and should meet at the pump station on the trail at the bottom of Longbranch Lane; tonight Coventry Homeowners will meet at Imani Baptist Church at 6 pm; also tonight at 7 pm Marehaven neighborhood watch will meet in Masters' Church; on 11/19 Speigle Heights NA will meet at 7 pm at Antioch Baptist Church; and on 11/23 at 7 pm, Radcliffe-Marlboro and Oakwood NAs will meet at their respective shelters. Best wishes to CM Beard who had surgery.

CM Henson-Mentioned Lewis Cobb's passing and asked the Mayor if a moment of silence could be recognized today during the Public Comment section (the area which Mr. Cobb always requested to speak).

A motion by CM Henson to approve a resolution requesting that the legislature amend KRS 100.991 to expressly authorize Urban County Governments and other local governments to issue civil fines for violating the provisions of KRS Chapter 100.991 (zoning law) and a resolution requesting that the legislature amend KRS 100.991 to increase the penalties, seconded by CM Gorton, passed without dissent.

CM Lawless-Mentioned that Elizabeth St, 7 Parks, and several other NA will meet tonight at 7 pm at the 1st Christian Church; mentioned Lewis Cobb's passing.

CM McChord-Mentioned that this past weekend was a big one in Lexington with all the different events going on, e.g., 10 year celebration of Jesus Prom; also mentioned to Asst. Chief Newton that the Police volunteers were invaluable.

CM James-Announced several neighborhood meetings: on 11/19 N. Upper St NA at 6 pm and also Northside NA at Graham Cottage at 6 pm; on 11/18 therapeutic recreation will be hosting an event at the Bell House from

6-8 pm; stated that several football will be heading out of town this weekend and for everyone to be safe.

CM Crosbie-Asked the Mayor about the Board and Commissions trainings; Ms. Shaye Rabold answered question and stated that the next board training will be in February and anyone wanting to attend should contact the Mayor's Office.

VM Gray-Mentioned Lewis Cobb's passing; stated that the newly formed Traffic Engineering Task Force should have a report-out on issues on Dec. 7.

CM Lane-Mentioned Lewis Cobb's passing.

VIII. Mayor's Report-Yes

A motion by CM Crosbie to approve the Mayor's Report, seconded by CM Henson, passed without dissent.

IX. Public Comment-Issues not on the agenda-None

A moment of silence was observed in memory of Lewis Cobb, a Lexington citizen who would frequent the Council Work Sessions, who passed away last week. Several CMs mentioned Lewis' passing and stated that he will be missed in the work sessions and in Lexington.

A motion by CM Crosbie to adjourn, seconded by VM Gray passed without dissent.

Work session was adjourned at 5:55 pm.