

URBAN COUNTY COUNCIL

WORK SESSION SUMMARY

& TABLE OF MOTIONS

September 11, 2007

Mayor Newberry chaired the meeting, calling it to order at 3:00 pm. All Council Members were present, except CM Gorton.

Mayor Newberry asked everyone to stand and observe a moment of silence in remembrance of the victims of 9/11/2001.

The public hearing on the Waste Management plan was opened-no one requested to speak-public hearing adjourned.

- I. Public Comment – Issues on Agenda, other than Expanded Alcohol Sales-None
- II. Requested Rezoning / Docket Approval-Yes

A motion by CM Blues to place on the docket for Thursday, September 13, 2007, without a hearing, the issue of changing the zone from an Agricultural Urban (A-U) zone to a Highway Service Business (B-3) zone for 1.405 net (1.469 gross) acres of property located at 2509 and 2497 Georgetown Road, subject to certain use restrictions imposed as conditions of granting the zone change, seconded by CM Ellinger, passed unanimously.

A motion by CM James to place on the docket for Thursday, September 13th a resolution approving the issuance by the City of Stamping Ground of Industrial Revenue Bonds for Central Christian Church, LLC, in an amount not to exceed \$7.5 million, seconded by CM Myers, passed unanimously.

A motion by CM Ellinger to approve the docket as amended, seconded by CM Crosbie, passed unanimously.

- III. Approval of Summary – Yes

A motion by CM Blues to approve the summary from August 28, 2007 was seconded by CM Beard, passed unanimously.

IV. Budget Amendments-Yes

A motion by CM DeCamp to approve the budget amendments, seconded by CM Stevens, passed unanimously.

V. New Business

- A. Authorization of a Resolution to Change Street Names and Individual Address Numbers within Council Districts 1, 4, and 12 for the Enhanced 9-1-1 System. (442-07) (Bennett)
- B. Authorization to Adopt Resolution Requesting Kentucky Economic Development Finance Authority (KEDFA) to Issue ED Bonds for Christian Care Communities, Inc. (466-07) (J. Kelly)
- C. Authorization to Amend Resolution No. 273-2003 to Change the Company of the Approved Company from Tempur Pedic, Inc. to Tempur Pedic World LLC and to Recognize Tempur-Pedic North America, Inc. as the sole Approved Affiliate. (472-07) (Askew)
- D. Authorization of Amendment No. 1 to the Frequency Reconfiguration Agreement with Nextel West Corporation on behalf of the Division of Fire & Emergency Services. (443-07) (Bennett)
- E. Authorization to Amend Ordinance No. 161-2007 to Correct a Typographical Error. (445-07) (Askew)
- F. Authorization to Amend Ordinance No. 7-2005 to Reflect Acquisition of Property at 677 E. Loudon Avenue from Current Owner for the Loudon Avenue Improvements Project. (470-07) (Askew)
- G. Authorization of a Rebanding Agreement with Lexington Call Mobile on behalf of the Division of Fire & Emergency Services (444-07) (Bennett)
- H. Authorization of a Dell TechknowTM Program Agreement in Cooperation with LFUCG and Fayette County Public Schools (FCPS) for Tubby's Clubhouse. (446-07) (Cole)
- I. Authorization of a Pipeline Crossing Agreement with CSX Transportation (CSX Agreement No. CSX-04167) for the North Elkhorn Diversion Wastewater Project. (447-07) (D. Kelly)
- J. Authorization of a Pipeline Crossing Agreement with CSX Transportation (CSX Agreement No. CSX-048165) for the North Elkhorn Diversion Wastewater Project. (448-07) (D. Kelly)

- K. Authorization of a Pipeline Crossing Agreement with CSX Transportation (CSX Agreement No. CSX-048166) for the North Elkhorn Diversion Wastewater Project. (449-07) (D. Kelly)
- L. Authorization of an Agreement with Ad-Success for the Mobility Office Marketing Campaign – FY2008. (453-07) (King/D. Kelly)
- M. Authorization of an Agreement with Gail Hayden to Provide Clerical Services to the Department of Social Services. (468-07) (Helm)
- N. Authorization to Renew Lease Agreement with MES Enterprises, LLC for Office Space at the Triangle Center for the STARS Project. (452-07) (Koch)
- O. Authorization of a Joint Funding Agreement for Water Resources Investigations with the US Geological Survey (USGS). (460-07) (D. Kelly)
- P. Authorization of an Engineering Services Agreement with GRW, Inc. for the Creation of a New GIS Impervious Area Data Layer within the Division of Water and Air Quality. (469-07) (D. Kelly)
- Q. Authorization of a Purchase of Service Agreement (PSA) with Bluegrass State Games, Inc. (BGSF). (436-07) (Cole)
- R. Authorization of Purchase of Service Agreements (PSA) with Baby Health Services, Bluegrass Area Development District (BGADD), Bluegrass Community Action Agency, Bluegrass Domestic Violence Program, Inc. Bluegrass Rape Crisis Center (BRCC), Bluegrass Technology Center, Inc. (BTC), Center for Women, Children & Families, Community Action Council (CAC), Comprehensive Care Center, Chrysalis House, Emmaus Road Village, Inc. (ERV), Family Counseling Services, Hope Center, Metro Group Homes, Moveable Feast Lexington, Nursing Home Ombudsman Program, Operation Read, and the Salvation Army on behalf of the Department of Social Services – FY2008. (454-07) (Helm)
- S. Authorization of a Purchase of Service Agreement (PSA) with the Downtown Lexington Corporation (DLC) for FY2008. (463-07) (J. Kelly)
- T. Authorization of a Facility Usage Contract with the Fayette County Board of Education on behalf of the Division of Parks & Recreation for the Extended School Program (ESP) and the Recreational Enrichment And Learning (REAL) Program. (450-07) (Cole)
- U. Authorization of Change Order No. 1 to Contract with Lenco Excavation Company, Inc. for the Seventh Street at the Old Rail Road Crossing Improvements Project. (467-07) (D. Kelly)

- V. Authorization of Annual Ratification and Approval of the Policy and Procedure Manual for the Detention Center as Required by Titles 501 and 505 of the Kentucky Administrative Regulations. (465-07) (Bennett)
- W. Authorization to Submit an Application to the Kentucky Environmental and Public Protection Cabinet and Accept the Award if Offered, for the Continuation of the Anti-Litter Control Program in Fayette County – FY2008. (462-07) (King/D. Kelly)
- X. Authorization to Submit an Application to the Kentucky Justice Cabinet under the Violence Against Women Act and Accept the Award if Offered, for the Continuation of the Sexual Assault Nurse Examiner (SANE) Program for FY2008. (474-07) (King/Bennett)
- Y. Authorization of a Deed of Temporary Construction Easement at 215 Floral Park for the Elizabeth Street Drainage Improvements Project. (458-07) (D. Kelly)
- Z. Authorization of a Deed of Temporary Construction Easement at 225 Forest Park Road for the Elizabeth Street Drainage Improvements Project. (459-07) (D. Kelly)
- AA. Authorization to Proceed with the Annual Urban Service Legal Process for 2007. (461-07) (D. Kelly)
- BB. Authorization to Amend Section 21-5 of the Code of Ordinances within the Division of Human Resources and Accounting. (456-07) (Allen/Koch)
- CC. Authorization to Amend Section 21-5 of the Code of Ordinances within the Division of Computer Services. (457-07) (Allen/Koch)
- DD. Authorization to Amend Section 21-5 of the Code of Ordinances within the Division of Internal Audit. (471-07) (Allen/Kelly)
- EE. Authorization to Approve the Five-Year Solid Waste Management Plan. (475-07) (Kelly)

A motion by CM DeCamp to approve new business items A-EE seconded by CM Beard, passed with 1 nay on items j, k, & l from CM Moloney.

VI. Continuing Business / Presentations

A. Budget & Finance Committee Update

This update was given by Chair CM Stevens. CM Stevens stated that Comm. Koch will make a STARS presentation on Sept. 18; Dir. of Budgeting, Jim Deaton, discussed the general fund allotments from capital funds projects;

answered a citizens question about paying property tax in installments-per state statute, property tax has to be paid in a lump sum by a certain date.

B. Christian Church Industrial Bond Review Proposal

This proposal was given by Joe Kelly of the Mayor's Office. Mr. Kelly stated that this is the Central Christian Church Project; none of the bond proceeds are to be used for renovating or improving the sanctuary; CM DeCamp & CM Beard asked about separation of church and state.

C. Annual Safety Performance Awards

These awards were given out by Patrick Johnston, Dir. of Risk Management and Michael Skidmore. Office Awards-1st place=Council Clerk's Office; 2nd place=Div. Historic Preservation; and 3rd place=Div. of Budgeting; Operational Awards-1st place=Fleet Services; 2nd place=DEEM; 3rd place=Family Services.

D. Insurance Presentation

This presentation was done by Comm. Logan Askew.

A motion by CM Blevins to place on the docket for Thursday, September 13, 2007 Council Meeting, a resolution authorizing and directing the Mayor to execute a contract with the Kentucky League of Cities to provide excess auto/general/public officials liability insurance coverage to the Lexington-Fayette Urban County Government. The total price of the contract is \$615,010.00, seconded by CM McChord, passed with one Nay: CM Moloney.

A motion by CM Moloney to place the insurance issue into the Intergovernmental Committee, seconded by CM Lane, failed by a vote of 11-3.

VM Gray explained his reason for voting against sending insurance issue to IG Comm.-mainly a timing issue.

VII. Council Report

CM Lane-No Report.

CM Beard-No Report.

CM Crosbie-No Report.

CM Blues-Announced that Great Acres NA will be having a planning meeting on

7/13/07 at 7 pm at the 1st Baptist Bracktown Church; Winburn NA will meet on 7/17/07 at 6:30 pm; Meadowthorpe NA will meet on 7/18/07 at 7 pm; the Youth Issues Group will meet on 7/13/07 at 5:30 pm @ Morton School on Bates Creek.

CM McChord-A motion by CM McChord to place on the docket for the Thursday, September 13, 2007 Council Meeting, an ordinance authorizing and directing the Mayor to execute Supplemental Agreement No. 1 with the Kentucky Transportation Cabinet for up to \$7,063,231.00 in state reimbursable funds for road resurfacing in Fayette County, seconded by CM Blevins, passed unanimously.

announced that 10 am Sat 7/15 there will be a dedication of Shiloto Park Miracle League Field; also will be honoring 12 yr olds from South Lex Baseball League for winning World Series in Arkansas; on 7/16, Blue Star Mothers will hold their picnic @ Jacobson Park Shelter #5 from 2-6 pm; sent condolences to the family of LFUCG employee Michael E. Williamson-Supt of Pools; asked Mayor to invite Fayette Co Neighborhood Council to work session to explain their mission and to bring letters from the associations they represent.

CM Stevens- Announced infill & redevelopment launched phase 2 this morning; there will be meetings the next 4-5 mos.-issues involved w/infill & redevelopment; meetings will be posted on UCG website.

CM James- Stated that a fun & festive time was had at the Roots & Heritage Festival street fair this past weekend; over 1000 people went inside the Lyric Theatre to see the new plans; tonight @ 7 pm Meadow Park NA will meet and the MLK NA will also meet at the Living Arts & Sciences Center; Gratz Park NA will be holding an event on 7/16 at 6 pm and also Fayette Park NA will meet at 6:30 pm; on Sat 7/15, Duncan Park area citizens will be cleaning that neighborhood from 9-11 am; for more information, please call District 1 office at 258-3216.

CM Blevins-A motion by CM Blevins to approve the NDF list, seconded by CM McChord passed unanimously.

A motion by CM Blevins to place the review of the noise ordinance during special events into the Services Committee, seconded by CM McChord, passed unanimously.

CM Moloney- Sent condolences to family of Gay Brewer; mentioned that he thinks that last week's Town Branch experience will eventually be overwhelming to the city.

CM Myers-Announced Gainesway NA meeting tonight at 7 pm at the apartment of

T/C Golf Course and also tonight Centre Pkwy NA meeting at 7 at St John Church; also stated that it was his 1st time being in the Lyric Theatre this weekend during the Roots & Heritage Festival and the plans are very exciting.

CM Stinnett-A motion by CM Stinnett to move the issue of the relationship between Co. Atty's Office & Council Office from Intergovernmental Comm. to Budget & Finance Comm., seconded by CM Stevens, passed unanimously.

CM DeCamp- Announced that the public hearing scheduled for Thursday, 9/13, has been cancelled; also there will be a meeting next Tuesday with the neighborhoods surrounding UK at Southside Church on S. Limestone.

CM Ellinger- Stated that during the Services Committee meeting today, they established a subcommittee to review the Meadowbrook Golf Course issue; the chair will CM Beard and CMs Blevins and Blues will be on the committee also.

VM Gray- Spoke about the regeneration of the N. Limestone area.

CM McChord-Spoke again to mention that he had spoken to Dir. of Community Corrections, Ron Bishop, about inmate labor cleaning up after UK games. Dir. Bishop said that this could be done.

Mayor Newberry sent out his sympathies to the family of Staff Sgt. Delmar White, who was killed last week in Iraq. Staff Sgt. White was also an LFUCG employee.

VIII. Mayor's Report-Yes

A motion by CM Ellinger to approve the Mayor's report, seconded by CM Crosbie, passed unanimously.

Comm. Askew was asked by the Mayor to give an update on what we had in reference to Meadowbrook Golf Course.

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

E. Sunday Alcohol Sales

David Barberie, Dept. of Law and an ABC Officer spoke. Several citizens spoke in favor of and against the proposed expansion of Sunday alcohol sales.

In Favor

Renee Jackson
Ben O'Daniel
Fran Taylor
Debbie Long
Larry Bell
Ted Mason
Robert Dalton
Shari Fiveash
Ann McBrayer
Shawn Taylor
J P Johnson
Jeff Morgan

Against

Pastor Jeff Fugate
Dr. Gil Daley
Pastor Shannon Back
Pastor David McCracken
Pastor Joseph McDowell
Alan Cloud
John Slabaugh
Jarrod Carvell
Bill Haddox
Tom Rouneux
Lewis Cobb
Pastor William Davis
David Darnell
David Smith
Nathaniel McClain
Nora Reynolds
Pablo Ramirez
Joel Fugate
Aaron Jones
Michelle Powers
Stephanie Lewis
Shawn Ham
Brett Lindke
John Goodloe
Steven Johnson
Kevin Spears
Pastor DeWayne Walker
Elizabeth Ellenberg
Dr. Patrick Schneider
Ed McCracken
Angie Tedder
Nicole Anderson
Pastor Alfred Glasper
Jim Cloud
Okoarye Dishman
James Paul Jorgenson
David Blakeman
Jim Blakeman
James Jorgenson
Jenny Ramsey
David Biber
Joel Beharry
Jeff Smith
Jim Rollins
Ed Tedder

Against
Blake Perry
Nick Blades
Paul Chamberlain
Francis Francois

A motion by CM Ellinger to adjourn, seconded by CM Crosbie, passed unanimously.

Work Session was adjourned at 7:13 pm.