

URBAN COUNTY COUNCIL
WORK SESSION SUMMARY
& TABLE OF MOTIONS

September 28, 2010

Mayor Newberry chaired today's work session meeting. All Council Members were present, except CM McChord.

- I. Public Comment – Issues on Agenda-None
- II. Requested Rezoning / Docket Approval-None
- III. Approval of Summary-Yes

A motion by CM Ellinger to approve the summaries from August 31 and September 21, 2010, seconded by CM Myers, was passed without dissent.

- IV. Budget Amendments-None
- V. New Business

- A. Authorization of a Deed of Acceptance with Walnut Hill Properties, LLC for Property Located at 3278 Sweet Clover Lane as Dedicated Greenway. (459-10) (Rayan/Webb)
- B. Authorization of a LEAP (Local Number Portability Enhanced Analytical Platform) Service Agreement with NeuStar®, Inc. on Behalf of the Department of Public Safety, Division of Emergency Management/911, Enhanced 911 System. (460-10) (Lucas/Bennett)

A motion by CM Beard to approve the New Business items, seconded by CM Myers, passed without dissent.

- VI. Continuing Business / Presentations-Yes
- A. Council Planning Committee Update

This update was given by Chair CM Gorton. There were 3 motions to come forward.

A motion by CM Gorton to initiate text Amendment incorporating option 2 (for fencing regulations): 15-4 (c) Fence orientation abutting public property-in all

zones other than agricultural zones, where fencing is located adjacent to a public street, part or other publicly owned property the fencing shall be installed with the structural members or framing directed inward toward the property and the fence height guidelines (refer to 15-4 (b), seconded by CM Blues, passed without dissent.

A motion by CM Gorton to approve the resolution for the Secure by Design program, seconded by CM Crosbie, passed with a 10-4 vote.

A motion by CM Gorton to ask the VM to form a task force for the Parks Master Plan Funding made up of the Parks Advisory Board, Planning Committee, and the University of Kentucky Center for Non-Profits to pursue setting up a 501 c funded Parks Foundation and then report back to the Planning Committee, seconded by CM Feigel, passed without dissent.

B. FY 2011 General Fund Budget Position-Elimination Update

This update was given by Leslie Jarvis, Acting Director of Human Resources. Several CMs asked questions.

C. Internal Audit Presentation

This presentation was given by Jennifer Burke, Interim Chair of the Internal Audit Board. Several CMs asked questions.

A motion by CM Myers to extend the time for questions and answers of the CMs, seconded by CM Crosbie, passed with a 9-4 vote and 1 abstention.

A motion by CM Ellinger to extend the presentation times an additional 15 mins. and individual CMs' times, seconded by CM Lane, passed with a 9-5 vote.

A motion by CM Ellinger to suspend the rules and extend the CMs time to 10 minutes maximum up to 2 times, seconded by CM Crosbie, failed 9-5 (informed by Mayor vote had to pass by 2/3 vote).

Comm. Askew was present to assist with this issue. Attorney Terry Sellars was present and answered questions also. Mr. Sellars stated that if Judge Crittenden agreed to take this issue directly to the Circuit Court Judge for a judgment, he would work pro bono from now on, if Judge Crittenden agreed to work pro bono also.

A motion by CM Martin to have the Council withdraw the subpoena issued by the Special Investigative Committee to Mr. Sahli, in the interest of resolving the existing lawsuit that exists regarding the subpoena, died for lack of a second.

VII. Council Report

CM Lane-Made a closing comment about the Internal Audit Board.

CM James-Announced the registration kickoff to the Biggest Loser at William Wells Brown Center tonight at 6-8 pm at 548 E 6th St- for ages 18 & up; the cost is free and the challenge is every Tues. and Thurs. for the next couple of months; announced on 9/30 there will be a 1st Dist. Forum from 7-8:30 pm at Douglass Park-hosted by Community Action.

CM Henson-Congratulated Cardinal Valley School with their improvement numbers in their test scores; announced the Cardinal Valley NA meeting on next Tuesday at 7 pm on Oxford Circle at Harvest Worship Center.

A motion by CM Henson to refer to the Planning Committee the issue to amend the zoning ordinances to define circuses and carnivals and further restrict their use in the B zones, seconded by CM James, passed without dissent.

A motion by CM Henson to refer to the Services Committee the issue to amend the code of ordinances pertaining to itinerant merchants and peddlers to require a license and permit to operate and establishing standards to operate on private and public property, seconded by CM Blues, passed without dissent.

CM Blues-Announced that on 9/30 at 7 pm, he is hosting an At-Large Candidate Forum at the Masterson Station Clubhouse; also announced 2 neighborhood association meetings: on 10/4, Georgetown Street at 6 pm in the O'Rear Center and Green Acres/Hollow Creek/Breckinridge at 7 pm in the community center in the Park.

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

Stated that he caught the tail end of a money magazine interview that talked about Lexington being a good place to retire-it went on further to say what fantastic downtown hot spots we have and within 10 minutes, there is beautiful horse country; also stated that he has know Jennifer Burke for at least 11 years and he thinks the highest of her and doesn't want anyone to think otherwise.

CM Lawless-Stated that Ms. Burke was not the chairperson when the IAB issue began; announced on 10/5 Ayelsford NA will meet; Goodrich NA cleanup will be Sat. at 10 am; Goodrich NA meeting will be on

Thursday at 7 pm; continued to remind citizens to go to Spotlight Facebook and web pages for updates.

CM Ellinger- Stated that he went to the opening WEG ceremonies and it was very easy to get into and so was Spotlight Lexington downtown; asked Comm. Askew how do we get the lawsuit stopped- Comm. Askew answered to direct no further funds to be expended and do what CM Martin suggested about w/d subpoenas.

A motion by CM Ellinger to w/d subpoena and direct no further payments for either attorney after today, 9/28/10, seconded by CM Feigel, was postponed until the Council Meeting on 10/14/10.

CM Martin- Gave a follow-up comment to the subpoena issue and requesting that Judge Crittenden reports to full Council as CM Myers' representative because he is named in the lawsuit in his capacity as a CM and the chair of a Council committee, not as an individual; CM Martin states that CM Myers does not speak for Council or the govt. and he is only in the lawsuit as a representative thereof.

CM Crosbie- Thanked Roger Damon with the MPO for sending out memos about traffic in the District 7 area; stated that it is important for the public to continue to check the city's website for changes in the Spotlight Lexington schedule.

CM Myers- Congratulated TC Middle School for becoming a Baccalaureate school; he will be sending a pass-around out for them.

VIII. Mayor's Report-None

Mayor Newberry stated that the tickets for the next day's events for WEG were being sold at Cheapside Park at about 50% discount from 4-11 pm, the night before.

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

X. Adjournment

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

Work session was adjourned at 5:56 pm.