

URBAN COUNTY COUNCIL
WORK SESSION SUMMARY
& TABLE OF MOTIONS

October 5, 2010

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

- I. Public Comment – Issues on Agenda-None
- II. Requested Rezoning / Docket Approval-None
- III. Approval of Summary-None
- IV. Budget Amendments-None
- V. New Business
 - A. Authorization to Accept an Award from the Department of Military Affairs, Kentucky Division of Emergency Management (KYEM) on Behalf of the Department of Environmental Quality for a Hazard Mitigation Grant Program (HMGP). (464-10) (Gooding/Bush)
 - B. Authorization to Submit Grant Application to the Environmental Protection Agency (EPA) on Behalf of the Department of Environmental Quality for a Brownfields Assessment Grant. (465-10) (Gooding/Bush)
 - C. Authorization to Repeal Sections 16-16.4 and 16-16.5 of the Code of Ordinances Regarding Solid Waste Collection. (469-10) (Bush)
 - D. Authorization to Accept an Award from the US Department of Justice Office on Violence Against Women and Approve Agreement with Sunflower Kids, Inc. on Behalf of the Department of Social Services for Operation of a Safe Havens Project – FY2011. (468-10) (Gooding/Helm)
 - E. Authorization to Accept an Award from the Kentucky Transportation Cabinet (KYTC) for Intelligent Transportation System/Congestion Management System (ITS/CMS) for a Traffic Improvements Project – FY2011. (467-10) (Gooding/Webb)
 - F. Authorization of Change Order No. 1 to Contract with Marrillia Design and Construction LLC, for the Lexington Downtown Streetscape Improvements

Project - Phase One – Cheapside Park Farmers Market Pavilion Project.
 (FINAL) (466-10) (Milligan/Webb)

- G. Authorization of a Purchase of Service Agreement with the Lexington Humane Society to Administer the Spay and Neuter Grant Fund Program within Lexington-Fayette County. (470-10) (Bennett)
- H. Authorization of a Purchase of Service Agreement (PSA) and a Lease Agreement with the Lexington-Fayette Animal Care and Control, LLC for Animal Control Services within Lexington-Fayette County. (471-10) (Bennett)
- I. Authorization to Submit Grant Application to the Kentucky Justice and Public Safety Cabinet (JPSC) Under the Violence Against Women Act (VAWA) on Behalf of the Department of Public Safety, Division of Police, and Accept the Award if Offered, to Continue the Sexual Assault Nurse Examiner (SANE) Program – FY2011. (472-10) (Gooding/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 Budget & Finance Committee Update

This update was given by Chair CM Stinnett. There were 2 motions to come forward.

A motion by CM Stinnett to approve refunding series 2001 B and series 2002 C estimated present value savings, seconded by CM Gorton, passed without dissent.

A motion by CM Stinnett to approve FY 2011 bonds that we have under contract (\$5,450,000) and go ahead and issue those bonds, seconded by CM Henson, passed without dissent.

B. Water Resources Oversight Committee Update

This update was given by Chair CM Blues. No motions came forward. CM Martin asked a question about cigarettes getting caught in the pipes. Acting Comm. Bush answered.

VII. Council Report

CM Stinnett-A motion by CM Stinnett to request a multiway stop at Andover Forest Dr and Brighton Place Dr, seconded by CM Crosbie, passed without dissent.

CM Blues-Announced the Highlands NA meeting on 10/7/10 at 7 pm.

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

CM Henson-Reminded everyone of the Cardinal Valley NA meeting at 7 pm on Oxford Cir. at Harvest Worship Center.

CM McChord-Thanked all LFUCG employees and volunteers going into the last week of the WEG; reminded everyone that on 10/10/10-2nd Sunday will be here again; this year there will be 115/120 KY counties participating; CM McChord stated that he was pleased to see the State Auditor's report come back; however he has a problem on pg.52-53 (reads paragraph).

CM Lawless responded that she was the CM who had the information, but didn't know what she had. Several other CMs asked questions. CM McChord stated that he thinks this is an ethics issue that needs to be looked at.

CM Ellinger-Asked Comm. Askew to come forward; he asked him about the balance left in the Dept. of Law's profession development budget- Comm. Askew said currently there is \$3,382 left.

Several CMs asked questions of Comm. Askew and Judge Crittenden. Mayor Newberry also made comments.

A motion by CM McChord to request that all legal bills stop after 10/20/10, (friendly amendment by CM Ellinger) to w/d all subpoenas and have it effective immediately, (friendly amendment by CM Gorton) and for Council to ask both sides to dismiss suit w/o prejudice, seconded by CM Henson passed by a 10-2: 1 absent-CM James and 2 recusals: CMs Lane and Myers

CM Feigel-Stated that she was personally pleased since the Special Investigative Committee found no evidence of fraud and the State Auditor's report concurred; in addition they found no indication of misrepresentation or concealment of material facts. As a member of this governmental body not so pleased to learn that 1. no procurement policies or procedures have ever been approved by Council; even though it is required by

state law and 2. that neither the Council nor the Audit Bd. ever followed-up with the by-laws under which to operate; which clearly came out very clearly in the investigative committee and these should have included regular communication of fraud charges to Council. This government has no established methods for employees or citizens to report issues of concern anonymously. This very controversial and expensive process has highlighted a short sided vision by past Councils which has led to this very painful and embarrassing ordeal. I believe that we must turn our attention and our focus on correcting these deficiencies in our policies and I would urge all CMs to try and put this issue behind us and that we begin to work together in a very cooperative manner to implement the recommendations from the State Auditor.

CM Lawless-Announced the Ayelsford Place NA meeting tonight at 7 pm; there was a dedication to the Garden Bus Stop on 9/21/10; Fire Prevention Parade is on 10/11/10 at 5-7 pm at Cheapside; AVOL is having a yard sale-like event at 225 Walton Ave, Ste 110 and will be accepting items from 9-5 pm on Friday; for more details, please call 225-3000.

VM Gray- Stated that he will be appointing a task force to examine the purchasing and procurement issues that were addressed by the Auditor, the recommendations made by the Auditor, and systems that we can undertake, changes that we need to make, the government needs to make in order to improve.

CM Crosbie asked if this task force would be looking at recommendations from the special investigative committee and VM Gray said that any suggestions that any CM would offer related to this, we could include in the scope of the task force examination.

CM Stinnett stated that some CMs are working on the procurement process through the IG Committee.

A motion by CM Lawless to place into the IG Committee the structuring of the Internal Audit Bd. (friendly amended by CM Gorton) to place all remaining recommendations by the State Auditor in to the IG Comm (amended by CM Feigel and 2nd by CM Gorton) to place the entire document and all recommendations into the IG Committee, seconded by CM Crosbie, failed by a 2-11 vote.

An amended motion by CM Gorton to place all non procurement issues into the IG Committee passed with a vote of 13-0.

VIII. Mayor's Report-None

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

X. Adjournment

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

Work session was adjourned at 5:11 pm.