URBAN COUNTY COUNCIL

WORK SESSION SUMMARY

& TABLE OF MOTIONS

March 24, 2009

Mayor Newberry chaired the meeting. All Council Members were present.

I. Public Comment – Issues on Agenda-None

II. Requested Rezonings / Docket Approval-Yes

A motion by CM Stinnett to place on the docket without a hearing for the Thursday March 26, 2009 Council Meeting, an ordinance changing the zone from a Single Family Residential (R-1D) zone to High Density Apartment (R-4) zone for 0.08 net (0.09 gross) acre; and from a Planned Neighborhood Residential (R-3) zone with conditional zoning restrictions to a High Density Apartment (R-4) zone, for 0.358 net (net 0.40 gross) acre, for property located at Campbell Ln, subject to certain use restrictions imposed as conditions of granting the zone change(RML Construction, RLLP (AMD.)), seconded by CM Gorton, passed without dissent.

A motion by CM Gorton to place on the docket without a hearing for the Thursday March 26, 2009 Council Meeting, an ordinance changing the zone from a Single Family Residential (R-1B) zone to a Light Industrial (I-1) zone, for 1.16 net (1.26 gross) acres, for property located at 550 and 560 Stone Rd. subject to certain use restrictions imposed as conditions of granting the zone change, Property Partners, LLC), seconded by CM Stinnett, passed without dissent.

A motion by CM Stinnett to place on the docket for the March 26, 2009 Council Meeting, a resolution for 2010 World Equestrian Games (WEG)-to recognize the games as a local celebration and related decorations and display are generally exempt pursuant to section 17-2 (e) of the zoning ordinance, seconded by CM Gorton, passed without dissent. one abstention (CM Gorton).

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

III. Approval of Summary-Yes

A motion by CM Beard to approve the summary of 3/17/09, seconded by CM Gorton, passed without dissent.

A motion by CM Stinnett to approve the amended 3/10/09 summary (add the appointing of the Lyric Theatre working group motion), seconded by CM James, 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 Permanent Sanitary Sewer and Temporary Construction Easements at Property Located at 1211 Manchester Street for the North Elkhorn Force Main Project. (213-09) (Martin/Taylor)

B. Authorization of a Memorandum of Agreement (MOA) with the Commonwealth of Kentucky, Energy and Environmental Cabinet, Regarding Waste Tire Amnesty Program. (218-09) (Taylor)

C. Authorization to Join the WasteBuster Program on Behalf of the Department of Environmental Quality, Division of Environmental Policy. (219-09)_ (Taylor)

D. Authorization of a Lease Agreement with the Lexington and Fayette County Parking Authority (LFCPA) for Office Space in the Phoenix Building. (214-09) (Cole)

E. 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. (223-09) (Hancock/Cole)

F. 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. (224-09) (Hancock/Cole)

G. Authorization of a Designation of Applicant Agent for LFUCG under the Disaster Relief Act of 1974 (Public Law 93-288), as Amended. (215-09) (Dugger/Bennett)

H. Authorization to Submit an Application to Kentucky Office of Homeland Security on Behalf of the Department of Public Safety, Division of Police under the Law

Enforcement Protection Program (f/k/a Body Armor Program) – FY2009. (222-09) (P. King/ Bennett)

I. Authorization of a Purchase of Service Agreement (PSA) with the Farm and Garden Market Cooperative Association, Inc. (d/b/a Lexington Farmers' Market. (220-09) (Rabold)

J. Authorization of a Memorandum of Agreement (MOA) with Kentucky Economic Development Finance Authority (KEDFA) Regarding Entry into a Tax Incentive Agreement for the Phoenix Park / Courthouse TIF Project. (221-09) (Kelly)

K. Authorization of Amendment No. 1 to an Engineering Services Agreement with Strand Associates, Inc. Regarding the Salt Barn Site 5680 Athens Boonesboro Road Project. (209-09) (Rayan/Webb)

L. Authorization of a Deed of Acceptance of a Temporary Construction Easement at Property Located at 3487 Clays Mill Road for the Clays Mill Road Improvements Project. (210-09) (P. King/Webb)

M. Authorization of a Deed of Acceptance of a Temporary Construction Easement at Property Located at 3367 Clays Mill Road for the Clays Mill Road Improvements Project. (211-09) (P. King/Webb)

N. Authorization of a Permanent Sidewalk Easement at 462 Shawnee Avenue for the Meadows-Northland-Arlington Neighborhood Improvement Project – Phase 3C. (212-09) (P. King/Webb)

O. Authorization to Accept an Award from the Kentucky Transportation Cabinet (KYTC) on Behalf of the Department of Public Works and Development, Division of Traffic Engineering, for the Intelligent Transportation System / Congestion Management System (ITS / CMS) Traffic Improvements Project – FY2009. (216-09) (P. King/Webb)

P. Authorization of a Permanent Drainage Easement at 404 Shawnee Avenue for the Meadows-Northland-Arlington Neighborhood Improvement Project – Phase 3C. (217-09) (P. King/Webb)

A motion by CM Beard to amend new business item J. pertaining to the Memorandum of Agreement with the Kentucky Economic Development Finance Authority for the Phoenix Park Courthouse TIF District to also authorize the Mayor to execute a letter agreement with CentrePointe, LLC regarding payment of the consulting fee in an amount up to $50,000, seconded by CM Stinnett, passed with a 12-2 (VM Gray & CM Gorton) vote, with 1 recusal (CM Lane).

A motion by CM James to approve new business items A-Y as amended, seconded by CM Lawless, passed without dissent.

VI. Continuing Business / Presentations

A. Planning Committee Update

This update was given by Chair CM Gorton. There were 4 motions to come forward from this meeting.

A motion by CM Gorton to establish an ad-hoc committee to review possible changes for both time limits and increased fines on zoning/building permits, seconded by CM Ellinger, passed without dissent.

A motion by CM Gorton to withdraw the issue of the Heritage Tree Program from the Planning Committee, seconded by CM Beard, passed without dissent.

A motion by CM Gorton to initiate a text amendment to include the Courthouse Area Design Review Board recommendations and specific language regarding non-compliance, enforcement, and penalties, seconded by CM Blues, passed without dissent.

A motion by CM Gorton to add 2 additional Planning Committee meetings to the calendar, 4/9/09 at 5:30 pm and 4/21/09 at 9 am, with the agendas being Destination 2040 Vision, Parks Master Plan, Extended Stay Zoning Text Amendment, and Big Blue Horse Branding, seconded by CM Henson, passed without dissent.

B. Social Services Month Proclamation

This proclamation was presented by Mayor Newberry to Comm. Helm. Comm. Helm thanked Mayor Newberry, Council, and the community.

C. Stationary Redesign Presentation

This presentation was given by Brian Marcum, Director of Purchasing and Johnny Martinez, Government Communications. Several CMs asked questions.

D. Downtown Streetscape Plan Update

This update was given by Clete Benken, RLA, ASLA Principal, Kinzelman Kline Gossman. There were some citizens there to make comments. Several CMs asked questions. There was a motion made by CM McChord to adopt the proposed benchmarks presented by Mr. Benken. However, it failed by a 6-9 vote.

A motion by CM McChord to authorize Clete Benken to do further detail design of that particular design section, seconded by CM Martin, passed without dissent.

VII. Council Report

CM Blues-A motion by CM Blues to place on the docket for the Thursday March 26, 2009 Council Meeting a resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Agreement with the Kentucky Economic Development Finance Authority Regarding Entry Into Tax Incentive Agreement for the Lexington Distillery District Mixed-use Redevelopment Tax Increment Financing Project at an initial cost not to exceed $47,000.00, seconded by CM Lawless, passed with a 10-1 vote and 1 recusal (CM Lane).

CM Gorton-Announced that there was a joint Planning Committee/Commission meeting held this morning; the next joint meetings will be on 4/7/09 and 6/30/09, both at 9 am; Storm Water Fee Task Force met last week and will be meeting again this Thursday at 9am in Council Chambers; the agenda will be to look at the final draft ordinance and final expense model. This meeting will also include stakeholders.

A motion by CM Gorton to request that funds from the Street Sweeping Urban Services fund balance be used to complete a study to evaluate and redesign the street sweeping program to focus on water quality, seconded by CM Beard, passed without dissent.

CM Henson-Announced 2 meetings for 3/25/09: apartment association at noon at Cardinal Crossing-1346 Village Dr and Valley Park at 6 pm.

CM McChord-Reminded everyone of the Qualifications Based Selections (QBS) workshop on Thursday at 5 pm in the 5th floor conference room; thanked Mayor Newberry and his staff for Lexington again hosting the Sweet Sixteen tournament.

Mayor Newberry stated that it is almost time to renew the contract for the tournament and he hopes that Lexington can keep it here.

CM Lane-Explained his recusals on 2 motions from today's Work Session.

VM Gray-Stated that the Government Center Task Force has recommended to administration to proceed with the RFP; mentioned the Herald-Leader layoffs and that Michelle Ku was one laid off; stated that her work was a tribute to the H-L, institution, friends, and herself. It is a chance to reflect on the importance of the free press and the work they do; Michelle should know that she has a friend here for many years.

CM Beard-A motion by CM Beard to approve the NDF list of 3/24/09, seconded by CM McChord passed without dissent.

CM Beard agreed with VM Gray about Michelle Ku and said that she will be missed.

VIII. Mayor's Report-None

IX. Public Comment-Issues not on the agenda-Yes

Citizens, Lewis Cobb, Glen Powell, and Debbie Tester spoke.

A motion by CM Lane to adjourn work session, seconded by VM Gray, passed without dissent.

Work Session was adjourned at 6:45pm.