URBAN COUNTY COUNCIL

WORK SESSION SUMMARY

& TABLE OF MOTIONS

April 21, 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 Beard to place on the docket without a hearing for the Thursday April 23, 2009 Council Meeting, an ordinance changing the zone from a Single Family Residential (R-1B) zone to a Neighborhood Business (B-1) zone for 0.31 net (0.46 gross) acre; and from a Single Family Residential (R-1C) zone to a Neighborhood Business (B-1) zone for 1.86 net (2.22 gross) acres, for property located at 3256 and 3300 (a portion of)Lansdowne Drive, subject to certain use restrictions imposed as conditions of granting the zone change (Club Facilities, LLC (AMD)), seconded by CM Gorton, passed without dissent.

A motion by CM Lawless to place on the docket without a hearing for the Thursday April 23, 2009 Council Meeting, an ordinance changing the zone from a Two- Family Residential (R-2) zone to a Downtown Center Business (B-2B) zone for 0.4789 net (0.5859 gross) acre; and from a High Density Apartment (R-4) zone to a Downtown Center Business (B-2B) zone for 0.9066 net (0.9846 gross) acre, for property located at 200 West High Street (a portion of); 318 South Mill Street; and 323 and 327 South Upper Street, subject to certain use restrictions imposed as conditions of granting the zone change (Trustees of the First United Methodist Church of Lexington, Kentucky), seconded by CM Ellinger, passed by a 13-0 vote (with 2 Recusals: CMs Feigel and Martin).

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

III. Approval of Summary-Yes

A motion by CM Gorton to approve the summary of 4/14/09, seconded by CM Myers, passed without dissent.

IV. Budget Amendments-Yes

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

V. New Business

A. *Authorization to Approve Proposed Ordinance for a Water Quality Management Fee Required by the Federal Consent Decree. (629-08) (Martin/Taylor)

B. Authorization of a Statement of Work for Metaformers™ to Provide Infrastructure Performance Management Support for Project Synergy. (249-09) (Dhuwaraha)

C. Authorization to Submit Application to the Kentucky Energy and Environment Cabinet on Behalf of the Department of Environmental Quality under the Household Hazardous Waste Grant Program. (251-09) (P. King/Taylor)

D. Authorization to Submit Application to the Kentucky Energy and Environment Cabinet on Behalf of the Department of Environmental Quality under the Kentucky Recycling and Household Hazardous Waste Grant Programs. (252-09) (P. King/Taylor)

E. Authorization to Rescind Funding for Hollywood-Mt Vernon Neighborhood Association, Inc. Under Resolution No. 544-2006. (253-09) (Langston)

F. Authorization to Amend Section 21-5 of the Code of Ordinances within the Department of Social Services, Division of Family Services. (257-09) (Allen/Helm)

G. 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 – FY2010. (258-09) (P. King/Webb)

H. Authorization of Change Order No. 1 to Contract with Todd Johnson Contracting Regarding the Meadows / Northland / Arlington Public Improvements Project – Phase 2D. (FINAL) (259-09) (P. King/Webb)

I. Authorization of an Agreement with Fleetwood Land Management Services, LLC, for the Bluegrass Aspendale Collector Street – Phase 2. (261-09) (Rayan/Webb)

J. Authorization of a Memorandum of Agreement (MOA) with Kentucky State Police for Reimbursement of Laboratory Services under the Cold Case Squad Project. (254-09) (P. King/Bennett)

K. Authorization of an Amendment to Agreement with the Kentucky Office of Homeland Security for Extension of the Metropolitan Medical Response System (MMRS) Project. (255-09) (P, King/Bennett)

L. Authorization of an Agreement with A-T Solutions, Inc. on Behalf of the Division of Police for Training of FBI-Certified Bomb Squads in Kentucky. (256-09) (P. King/Bennett)

M. Authorization of an Agreement with The Inocon Group, LLC, Regarding the 2010 Alltech FEI World Equestrian Games™. (260-09) (P. King/Bennett)

N. Authorization to Engage Mountjoy and Bressler, LLP to Conduct a Financial Audit of LFUCG Funds for FY2009. (262-09) (O'Mara)

O. Authorization of a Memorandum of Understanding (MOU) with the Kentucky Finance and Administration Cabinet and the Kentucky Cabinet for Health and Family Services Regarding a New State Mental Facility in Fayette County. (263-09) (O'Mara)

P. Authorization to Amends or Deletes Sections of the Code of Ordinances as Part of PeopleSoft® Implementation and as Requested by the Division of Human Resources. (264-09) (Dhuwaraha)

Q. Authorization of a Letter of Intend with the University of Kentucky to Operate the Family Care Center Health Clinic. (265-09) (Askew)

***EPA CONSENT DECREE**

Several CMs and citizens spoke on item 'A'. CM Stinnett asked that a correction be made to item 'A'-change 'was reviewed by…to the Storm Water Task Force'.

A motion by CM Blues to amend Sec. 16-408(2) of the draft ordinance as follows: "the board…shall be composed of five citizens appointed by the mayor and one non-voting ex-officio attorney from LFUCG Department of Law (a friendly amendment by CM Myers to add "no more than one from any council district", seconded by CM Gorton, passed without dissent.

A motion by CM Ellinger to table item 'A' until a public meeting is held, seconded by CM Crosbie, failed to pass with a 2-13 vote.

A motion by CM Blues to approve a public meeting on April 28th at 6 pm on item 'A', seconded by CM Beard, was amended to add another meeting on April 30th at 6 pm in Council Chambers, passed with a 13-2 vote (No: CMs Crosbie and Ellinger).

A motion to receive public input on item 'A' on April 28th and April 30th at 6 pm, passed by a 13-2 vote (No: CMs Crosbie and Ellinger).

A motion by CM Beard to approve new business items A-Q as amended, seconded by CM Myers , passed without dissent, except item 'A' with 2 dissents (CMs Crosbie and Ellinger).

VI. Continuing Business / Presentations

A. Inter Governmental Committee Update

This update was given by Chair CM James. There was 1 motion to come forward from this meeting.

A motion by CM James to establish a sub committee to deal with how the grievance process works and its effectiveness, seconded by CM Henson, passed with an 11-2 vote, with 2 absent.

B. Corridors Committee Update

This update was given by CM Blues for former CM Stevens, who presided.

C. Public Health Heroes Award

This award was presented to the Lions Club, Linda Allen and Sue Alexander representatives, by Dr. Rowe, Commissioner of Health, Lexington Fayette County Health Department.

VII. Council Report

CM James-Made Council aware of exciting things going on in the east end: successful event w/Community Development Corp; Byron Marshall from Austin was here to speak; thanked Legacy Center, Atomic Café, Knight Foundation, Sarah Brown, Doodles, Bluegrass Community Foundation; also thanked the mayor for attending William Wells Brown Elementary for Born Learning Trail-partnership w/United Way, Knight Foundation, FCPS, Legacy Center, and all the children who were there to participate.

CM Feigel-Congratulated 3 neighborhood associations-Fairway, Chevy Chase, and Shriners for receiving Neighborhood Sustainable Grants; thanked the neighborhood associations for taking the initiative; attended the 2009 Ice Storm review meeting-asked the mayor if there could be a full presentation to Council.

A motion by CM Feigel to place on the docket for the April 23, 2009, Council Meeting a resolution honoring Virginia Bell for her many outstanding contributions that have helped countless Alzheimer's patients and their families and friends, seconded by CM Lane, passed without dissent.

CM Henson-Announced that on 4/22, Bennett Ave NA will meet at 6 pm and Port Royal NA will meet at 7 pm-they received a sustainable grant; also on Sunday at 2 pm, there will be a Wolf Run Creek clean-up-special invite to CM Blues and all citizens.

A motion by CM Henson to place on the docket for Thursday April 23, 2009 Council Meeting an ordinance amending section 22-59 of the Code of Ordinances to make the following changes:

1. Seasonal employees will no longer accrue vacation and sick leave or be eligible to purchase health insurance.

2. Part time employees must work twenty-four continuous months in order to accrue vacation and sick leave and are no longer required to work eighty-hours for two consecutive pay periods in order to be eligible.

3. Part time employees must work twenty-four continuous months in order to be eligible to purchase health insurance.

4. Part time employees will accrue vacation and sick leave at a rate of five (5) hours a month for each.

5. Part time employees may use vacation and sick leave in any increment.

6. Supervisors will no longer be required to keep records relating to leave time accruals and expenditures.

7. Part time employees may obtain verbal approval to use vacation time.

8. Section 22-59(c) which gives the Director of Human Resources the ability to make reasonable rules and procedures concerning the implementation of Section 22-59 has been deleted so that this

section is consistent with similar sections in Chapter 22 of the Code of Ordinances.

seconded by CM Lane, passed without dissent. CM Lane asked that the date on the above motion be corrected.

CM Gorton-Thanked Planning Committee members for attending the 2 meetings held today; announce the next joint Planning Committee/Commission meeting will be on 6/30 at 9 am in the basement of the library; stated that she has been working with the District 7 State Highway Dept. office on a joint cleanup, which will be held this Friday morning when the job corps folks will be cleaning up Winchester/ Cleveland Roads area.

CM McChord-Congratulated CM James on her picture in Sunday's paper about the wellness event; encouraged everyone to participate in the 2nd Sunday event on 10/11/09.

CM Lawless-Congratulated 4 neighborhood associations on receiving sustainable grants-Seven Parks, Ayelsford, Mentelle, and Columbia Heights.

CM Beard-A motion by CM Beard to approve the NDF list of 4/14/09, seconded by CM McChord passed without dissent.

CM Crosbie-Congratulated Parks for the Kiddie Kapers program last weekend; stated that downtown was jammed pack and she hopes that the parking meter issue is resolved soon.

CM Blues-Congratulated his 5 neighborhood associations for receiving sustainable grants-Meadowthorpe, Winburn, Westwood, Western Suburbs, and McConnells trace.

Mayor Newberry commented about the 24/39 sustainable grant awards given out.

CM Lane-Recognized CM Gorton on her efforts with the Storm Water Task Force and complimented Comm. Taylor on a job well done thus far.

CM Martin-Thanked Comm. Taylor for representing LFUCG at Commerce Lexington's Issues Forum today; announced that Firebrook NA will meet tonight at 7 pm at the clubhouse; thanked Mayor Newberry for inviting him and Congress Chandler for attending the news conference on the groundbreaking for the new South Elkhorn Sewage Treatment Plant; thanked Pasadena and Harrods Hill NA for the invitation to their meetings.

VIII. Mayor's Report-Yes

A motion by CM Gorton to pull the Ethics Commission from the Mayor's Report until a confirmation hearing could be held, seconded by CM James, passed without dissent.

A motion by CM Gorton to approve the Mayor's Report as amended, seconded by CM James, passed without dissent.

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

Citizen, Lewis Cobb spoke.

VI. Continuing Business/Presentation (cont).

D. Eastern State Hospital Report by State Officials

This report and presentation was given by Sec. Janie Miller, Cabinet for Health and Family Services and Sec. Jonathan Miller, Finance & Administration Cabinet. Gov. Steve Beshear also spoke. Several CMs asked questions.

A motion by CM Myers to approve the Memorandum of Understanding between LFUCG and the Commonwealth in the financing of the new Eastern State Hospital, seconded by CM Gorton, passed without dissent.

A motion by CM Gorton to adjourn, seconded by CM James, passed without dissent.

Work Session was adjourned at 5:18 pm.