

James
Crosbie
Myers
Gray
Blues
Beard
Henson
Feigel
Lawless
Martin

SPECIAL INTER-GOVERNMENTAL COMMITTEE

June 30, 2009
1:00 P.M.

A G E N D A

- 1. Authority of Downtown Development Authority – James (1-5)**
- 2. Update on Committee Items (6)**

“Inter-Governmental Committee, to which should be referred matters relating to wages and classification, personnel, government organization, employee relations, government buildings and property maintenance.”

Council Rules & Procedures, Section 2.102(2)



Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Department of Law

TO: Andrea James, 1st District Councilmember
Chair Intergovernmental Committee

FROM: Department of Law

DATE: June 24, 2009

RE: Downtown Development Authority
Log No. 09-CC0614

You have requested an opinion as to the authority of the Lexington Downtown Development Authority, Inc. ("DDA"), which is a non-profit corporation created by the Urban County Council pursuant to Chapter 58 of the Kentucky Revised Statutes. (See Chapter 2, Article XXXX of the Code of Ordinances, Lexington-Fayette Urban County Government (the "Code")(attached)). The purpose of the DDA is to "act as an agency, instrumentality and constituted authority of the urban county government in the acquisition and financing of any "public project" (as defined in KRS 58.180) which may be undertaken by the urban county government pursuant to the provisions of Kentucky law and thus accomplish a public purpose of the urban county government." (Section 2-428 of the Code).

It is the opinion of the Department of Law that the authority of the DDA is provided in Section 2-429 of the Code, which is stated below:

Sec. 2-429. Powers and duties.

The development authority shall possess and exercise all powers of a corporation pursuant to KRS Chapter 58. The development authority may exercise its powers and duties throughout Fayette County, with particular focus on the downtown area. The duties of the development authority shall include, but not be limited to, the following:

- (1) Facilitate development and redevelopment projects within Fayette County;
- (2) Acquire, construct, maintain, add to, and improve any "public project" as defined in KRS 58.010.
- (3) Coordinate urban county policies and programs relating to public investment for financing development and redevelopment projects within Fayette County;
- (4) Develop and coordinate the implementation of downtown, neighborhood, area-wide and corridor plans and policies of the urban county government, consistent with, and in coordination with, other urban county departments and agencies with responsibilities in the same area;

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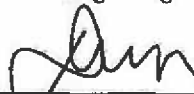
**Please note new mailing address

Councilmember James
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- (5) Establish design and related standards or guidelines for development and redevelopment projects within Fayette County, consistent with, and in coordination with, other urban county departments and agencies with responsibilities in the same area; and
- (6) Coordinate the activities of other urban county government supported departments, offices, organizations and corporations involved in development and redevelopment related activities.

Provided, however, the development authority shall not acquire, construct, maintain, add to, or improve any "public project" as defined in KRS 58.010 with respect to the Lexington Center Corporation, or its property, without its consent. (Section 2-429 of the Code).

Please contact me should you have any questions regarding this matter.



David J. Barberie
Attorney Senior

Attachment
cc: (via e-mail only)
Joe Kelly, Senior Advisor to the Mayor for Management
Members of the Intergovernmental Committee
Councilmember Linda Gorton, Chair, Council Planning Committee
Paul Schoninger, Staff to Council
Sarah Brown, Aide to Council
Rebecca Langston, Council Administrator
Harold Tate, President/Executive Director, Lexington Downtown Development Authority
DJB/X:\Cases\Council\09-000614\MEMO\00217205

ARTICLE XXXX. DOWNTOWN DEVELOPMENT AUTHORITY

Sec. 2-428. Created; purpose.

A nonprofit, non-stock corporation shall be created pursuant to Chapter 58 of the Kentucky Revised Statutes to be known as the "Lexington Downtown Development Authority, Inc.," hereinafter referred to as the "development authority." The development authority shall be created to act as an agency, instrumentality and constituted authority of the urban county government in the acquisition and financing of any "public project" (as defined in KRS 58.180) which may be undertaken by the urban county government pursuant to the provisions of Kentucky law and thus accomplish a public purpose of the urban county government.

(Ord. No. 312-2001, § 1, 12-13-01)

Sec. 2-429. Powers and duties.

The development authority shall possess and exercise all powers of a corporation pursuant to KRS Chapter 58. The development authority may exercise its powers and duties throughout Fayette County, with particular focus on the downtown area. The duties of the development authority shall include, but not be limited to, the following:

- (1) Facilitate development and redevelopment projects within Fayette County;
- (2) Acquire, construct, maintain, add to, and improve any "public project" as defined in KRS 58.010.
- (3) Coordinate urban county policies and programs relating to public investment for financing development and redevelopment projects within Fayette County;
- (4) Develop and coordinate the implementation of downtown, neighborhood, area-wide and corridor plans and policies of the urban county government, consistent with, and in coordination with, other urban county departments and agencies with responsibilities in the same area;
- (5) Establish design and related standards or guidelines for development and redevelopment projects within Fayette County, consistent with, and in coordination with, other urban county departments and agencies with responsibilities in the same area; and
- (6) Coordinate the activities of other urban county government supported departments, offices, organizations and corporations involved in development and redevelopment related activities.

Provided, however, the development authority shall not acquire, construct, maintain, add to, or improve any "public project" as defined in KRS 58.010 with respect to the Lexington Center Corporation, or its property, without its consent.

(Ord. No. 312-2001, § 1, 12-13-01)

Sec. 2-430. Board of directors.

The development authority shall have a board of directors of five (5) to nine (9) members. The board shall consist of the mayor or the mayor's designee and such other members as appointed by the mayor, subject to confirmation by a majority of the urban county council members. The board shall elect one (1) of its members to act as chairman of the board. The appointed members of the board shall serve a term of four (4) years from the date of appointment, provided that the terms of those originally appointed shall be staggered in the manner required by Section 7.02 of the Urban County Charter. Vacancies shall be filled for the unexpired term in the manner prescribed for in the original appointment. All members of the board shall have an interest in downtown redevelopment.

(Ord. No. 312-2001, § 1, 12-13-01)

Sec. 2-431. Officers; records; frequency of meetings.

The development authority shall appoint an executive director to serve a two-year term. The board of directors may elect other officers as the board deems necessary. The duties of the officers shall be as specified in the bylaws. The board shall determine its own rules and order of business and shall provide for keeping a record of its proceedings. The board shall meet at least quarterly at a date, place and time to be selected by the chairman.

(Ord. No. 312-2001, § 1, 12-13-01)

Sec. 2-432. Quorum.

A majority of the board of directors shall constitute a quorum for transaction of business at any meeting of the development authority. The acts of the majority of those members present at any regular or special meeting of the development authority shall be the acts of the development authority.

(Ord. No. 312-2001, § 1, 12-13-01)

Sec. 2-433. Bylaws.

The board of directors may adopt bylaws, rules and regulations as are necessary to carry out its duties and purposes as set forth in this article.

(Ord. No. 312-2001, § 1, 12-13-01)

Secs. 2-434--2-440. Reserved

DOWNTOWN MASTER PLAN RECOMMENDATIONS

1. Change land use
2. Establish form-based building guidelines
3. Convert all one-way streets to two-way
4. Increase residential development
5. Create a parking authority
6. Maximize density in vacant sites
7. Celebrate urban entrances
8. Invest in a pedestrian network
9. Integrate Rupp Arena into the urban fabric
10. Development Vine Street
11. Create an amphitheater
12. Create community center/museum site for the history of the Eastend Neighborhood
13. Define the spatial character of Thoroughbred Park with buildings
14. Create a new green space at Main, Vine, Elm Tree and Rose
15. Make Farmer's Market a permanent amenity
16. Incorporate Town Branch Trail into Downtown

Intergovernmental Committee Items-Pending

<u>Item</u>	<u>Referred By</u>	<u>Date Referred</u>	<u>Status</u>
Authority of the Downtown Development Authority: Article 40 Section 2-248 of Code of Ordinances	James	6-8-09	June 30, 2009
Oath for Boards/Commissions	Beard	3-3-09	Sub Committee/Working Group
Grievance Procedures	James	4-8-08	Sub Committee
Citizens' Advocate Office Draft Policy & Procedures Manual	Myers/ Ellinger	2-5-08	Sub Committee Meeting Pending
Boards & Commissions That Adhere to Ethics Act Financial Disclosure	Myers	8-14-07	Sept Meeting
Review Current Boards & Commissions	Myers	6-12-07	June Meeting
Boards/Commissions Reporting	Myers	8-14-07	Sept Meeting
Council Standing Committees	Myers	1/16/07	COW Discussion
High Risk Pay Supplement	Gorton	2/14/06	Unknown
Proposed New Compensation System	Gorton	1/15/05	Delayed-Finance & HR