URBAN COUNTY COUNCIL

WORK SESSION SUMMARY

& TABLE OF MOTIONS

August 11, 2009

Mayor Newberry chaired today's work session 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, an Ordinance changing the zone from a Wholesale & Warehouse Business (B-4) zone to a Highway Service Business (B-3) zone for 4.63 net (6.07 gross) acres, for property located at 1837 and 1844 Plaudit Place, subject certain use restrictions imposed as conditions of granting the zone change (KYROB II, LLC), seconded by CM Gorton, passed without dissent; one recusal: CM Martin.

A motion by CM Stinnett to place on the docket without a hearing, an ordinance changing the zone from a Two Family Residential (R-1T) zone for 0.21 net (0.24 gross) acre; and from a Planned Neighborhood Residential (R-3) zone to a Townhouse Residential (R-1T) zone for 0.73 net (0.81 gross) acres, for property located at 310 Romany RD, seconded by CM Crosbie, passed without dissent; one recusal: CM Martin.

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

III. Approval of Summary-Yes

A motion by CM Crosbie to approve the summary of 7/7/09, seconded by CM Blues, passed without dissent.

IV. Budget Amendments-Yes

A motion by CM Gorton to amend budget journal 35940 reference po's on utility truck body fund to $125,990.00, seconded by CM Crosbie, passed without dissent.

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

V. New Business

A. Authorization to Amend Sections 21-5 and 22-5 of the Code of Ordinances within the Department of Social Services, Division of Family Services. (459-09) (Allen/Helm)

B. Authorization to Accept an Award from the Lexington-Fayette County Health Department (LFCHD) for Continuation of the Home Network Project at the Family Care Center – FY2010. (464-09) (P. King/Helm)

C. Authorization to Submit an Application to the Knight Foundation on Behalf of the Department of Social Services, Division of Youth Services, for the *Another Chance* Program. (481-09) (P. King/Helm)

D. Authorization of a Mental Health Services Agreement with the Bluegrass Regional Mental Health-Mental Retardation (MH-HR) Board, Inc., on Behalf of the Department of Social Services, Division of Youth Services, (482-09) (Gales/Helm)

E. Authorization to Accept a Cash Donation from Marcella Nazario on behalf of the Department of Social Services, Family Care Center, for Purchase of Books and Supplies for the Early Start Program. (487-09) (Hendrix/Helm)

F. *Authorization to Amend Sections 21-5 and 22-5 of the Code of Ordinances within the Department of Environmental Quality, Division of Water Quality. (460-09) (Allen/Taylor)

G. Authorization to Amend Section 21-5 of the Code of Ordinances within the Department of Environmental Quality, Division of Waste Management and the Department of General Services, Division of Facilities and Fleet Management. (461-09) (Allen/O'Mara)

H. Authorization to Amend Resolution No. 500-2009 Regarding Salary of a Probationary Civil Service Appointment. (463-09) (Allen/O'Mara)

I. Authorization to Amend Resolution No. 517-2009 Regarding Salary of a Probationary Community Corrections Officer Appointment. (469-09) (Allen/O'Mara)

J. Authorization to Accept an Award from the Kentucky Justice and Public Safety Cabinet on Behalf of the Department of Public Safety, Division of Police, for the Law Enforcement Service Fee Grant Program – FY2010. (465-09) (P. King/Bennett)

K. Authorization to Accept an Award Offered by the Kentucky Justice and Public Safety Cabinet on Behalf of the Department of Public Safety, Division of Police and the Fayette County Commonwealth Attorney's Office for Continuation of the Street Sales Drug Enforcement Project – FY2010. (466-09) (P. King/Bennett)

L. Authorization of an Administrative Modification Agreement to Agreement with the Kentucky Office of Homeland Security on Behalf of the Department of Public Safety, Division of Emergency Management / 911 Regarding the Metropolitan Medical Response System (MMRS) Project. (471-09) (P. King/Bennett)

M. Authorization of an Agreement with the Internal Revenue Service on Behalf of the Department of Public Safety, Division of Police, for Reimbursement of Expenses. (472-09) (Bastin/Bennett)

N. Authorization of a Facility Usage Agreement Offered by the Consolidated Baptist Church to the Department of Public Safety, Division of Police, for the Lexington Police Activities League (PAL). (483-09) (Bastin/Bennett)

O. Authorization of a Memorandum of Understanding (MOU) with the Kentucky Army National Guard (KyARNG) on behalf of the Department of Public Safety, Division of Emergency Management / 911. (473-09) (Dugger/ Bennett)

P. Authorization to Accept a Donation from the Madison County Emergency Management Agency on behalf of the Department of Public Safety, Division of Emergency Management / 911. (478-09) (Dugger/Bennett)

Q. Authorization to Accept an Award from the Kentucky Transportation Cabinet (KYTC) on behalf of the Department of General Services for the Gainesway Trail Project – FY2007. (470-09) (P. King/Cole)

R. Authorization to Rescind Resolution No. 105-2003 and Appoint the Commissioner of General Services as Attorney-in-Fact and Approve a Power of Attorney on Behalf of LFUCG Regarding US Department of Agriculture (USDA), Farm Service Agency (FSA) and Community Credit Corporation (CCC) Programs. (479-09) (Hancock/Cole)

S. Authorization of Change Order No. 2 to Contract with G & G Paving and Construction, Inc. for the Valley Park Parking Renovation Project. (488-09) (P. King/Cole)

T. Authorization to Amend Section 21-5 of the Code of Ordinances for the Department of General Services, Division of Parks and Recreation. (491-09) (Allen/Cole)

U. Authorization of Change Order No. 2 to Contract with MAC Construction & Excavating, Inc. Regarding the Meadows / Northland / Arlington Public Improvements Design – Phase 3B. (462-09) (P. King/Webb)

V. Authorization of an Amendment to Agreement with the Kentucky Transportation Cabinet (KYTC) Regarding the Fiber Optic Cable Installation Project. (474-09) (P. King/Webb)

W. Authorization of Supplemental Agreement No. 3 to Agreement with the Kentucky Transportation Cabinet (KYTC) Regarding the Loudon Avenue Improvements Project. (475-09) (P. King/Webb)

X. Authorization of Change Order No. 2 to Contract with Central Rock Mineral Company, LLC, (ATS Construction, LLC) Regarding the Loudon Avenue Improvements Project. (480-09) (P. King/Webb)

Y. Authorization of Amendment to Agreement with Kentucky Utilities Companies Regarding the Todds / Liberty Road Reconstruction Project. (489-09) (P. King/Webb)

Z. Authorization of a Professional Services Agreement with Berkley Appraisal Company for Appraisals Regarding the Citation Boulevard – Phase II. (490-09) (P. King/Webb)

AA. Authorization for Temporary Construction and Permanent Sanitary Sewer Easements for the Beverly Avenue Sanitary Sewer Project. (476-09) (Rayan/Webb)

BB. Authorization for Temporary Construction and Permanent Sanitary Sewer Easements for the Leesway Drive Sanitary Sewer Project. (477-09) (Rayan/Webb)

CC. Authorization of an Assignment of Collateral Agreement by and between Providence Business Center, LLC, Fifth Third Bank, and LFUCG Regarding the Construction of Providence Parkway. (468-09) (C. King/ Webb)

DD. Authorization of Partial Release of Easements of Sanitary Sewer Easements on Properties located at 3207 Richmond Road and 105 Sand Lake Drive. (486-09) (Askew)

EE. Authorization for the Issuance of Industrial Revenue Bonds (IRBs) to the Lexington Christian Academy. (484-09) (Wright/Kelly)

FF. Authorization of a Resolution for the Kentucky Economic Development Finance Authority (KEDFA) to Issue Industrial Building Revenue Bonds for a New Goodwill Donation Center. (485-09) (Wright/Kelly)

GG. Authorization of an Amendment to Chapter 25 of the Code of Ordinances Regarding the Ethics Commission. (492-09) (Rabold)

HH. Authorization of an Amendment to Section 14-83(3) of the Code of Ordinances Regarding the Stone Wall Appeals Board. (493-09) (Rabold)

II. Authorization to Approve a Change in Membership of the Industrial Revenue Bond Commission. (494-09) (Rabold)

A motion by CM McChord to table item DD, seconded by CM Beard, passed; one recusal: CM Martin.

A motion by CM Crosbie to amend item GG to read…we put the John Rowe Chapter in place of the AALE that does not exist any longer…, seconded by CM Ellinger, passed without dissent.

A motion by CM Beard to approve new business items A-II, except item DD, seconded by CM Ellinger, passed without dissent.

VI. Continuing Business / Presentations-Yes

A. Budget & Finance Committee Update

This update was given by Chair CM Stinnett.

A motion by CM Myers to ask the Internal Auditor to present the latest Engineering Audit at next week's Work Session, seconded by CM Blues, passed without dissent.

A motion by CM Stinnett to approve the procedure outlined on how to bring status, progress of link recommendations back to either Budget & Finance Committee or Work Session, seconded by CM Lane passed without dissent.

VII. Council Report

CM Blues-Announced several meetings: tonight at 6 pm, South Hill at 200 W High St; at 7 pm Meadowthorpe and tomorrow at 6:30 pm St Martin's Village; on 8/17/09 at 6:30 pm, Winburn.

CM Gorton-Stated that there are lingering issues in the Planning Committee and the 8/18/09 meeting may be cancelled.

CM Crosbie-A motion by CM Crosbie to take item DD off the table and place back on the agenda, seconded by CM Beard, passed without dissent.; one recusal: CM Martin

A motion by CM Crosbie to amend item DD to remove reference to 3270 Richmond Rd, seconded by CM McChord, passed without dissent; one recusal: CM Martin.

A motion by CM Crosbie to place the Ethics Commission and all groups that make nominations for confirmation into the Inter Governmental Committee, seconded by CM Gorton, passed without dissent.

CM Henson-Tonight at 7 pm will be the last meeting of the Red Mile working group at the clubhouse; on 8/18/09 at 7 pm Golfview NA will meet.

A motion by CM Henson to place into the Services Committee the issue of slaughtering livestock, seconded by CM James, passed without dissent.

CM McChord-Announced the 2nd Sunday meeting tonight at 5:30-7; sent congratulations to the 10 yr old S. Lexington Baseball; thanked Mayor and Parks for getting the Wellington Trail put in; asked Comm. Webb for an update on Shilito Park; stated that tomorrow will be very busy with school starting so please exercise patience.

CM Lawless-Reiterated the South Hill meeting tonight at 6 pm; asked that everyone please support the S. Limestone businesses; sent congratulations to First Presbyterian Church for their new affordable housing apartments in a historic building that was condemned; asked for an update on the wayfinding signs.

CM Lane-A motion by CM Lane to place into the Services Committee street signage review, seconded by CM Crosbie, passed without dissent.

A motion by CM Lane to place into the Services Committee commercial development signage to review and possibly propose a text amendment, seconded by CM Crosbie, had a friendly amendment added by CM Martin to include neighborhood association signs, passed without dissent.

CM Ellinger-A motion by CM Ellinger to approve the NDF list for 8/11/09, seconded by CM Crosbie, passed without dissent.

CM Myers-Announced 2 neighborhood meetings: tonight Centre Pkwy and Gainesway at 7 pm asked the Mayor to ask the Airport Board to come to work session on 8/25/09.

CM Martin-Announced on 8/21/09 Beaumont YMCA will have a Parent's Night; tonight the Beaumont NA will meet; on Sunday's from 10-2 pm is the Southland Farmer's Market; Southland Jamboree at 7 pm at Collins Bowling Lane.

CM Stinnett-Asked for an update on the Sewer break from Comm. Taylor; stated that the home rental during WEG is illegal-asked for an update from Joe Kelly.

VIII. Mayor's Report-None

Mayor Newberry asked for Commissioners Taylor and O'Mara to come forward; Comm. Taylor will do a presentation on her issue at next Tuesday's work session; Interim Comm. O'Mara, Elizabeth McGee, and Dir. Rama Dhuwaraha spoke on the ad valorem tax and update on IT issues. Several CMs asked questions.

<u>A motion by CM Myers to approve a budget amendment to take $150,000 from IT, $150,000 from '08 Fund Balance, and $300,000 from Personnel Lapse to pay for the request for additional money for the PeopleSoft project, seconded by CM Gorton was amended by CM Beard and seconded by CM Lane to take the $600,000 from reimbursement bonds passed by a 10-4 vote.</u>

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

Citizens, Eric Patrick Marr, Graham Pohl, Clive Pohl, and Lewis Cobb, requested to speak. Several CMs also spoke.

<u>A motion by CM Lawless to extend Graham Pohl's speaker time an additional 3 minutes, seconded by CM Martin, passed without dissent.</u>

<u>A motion by CM Crosbie to adjourn, seconded by CM Stinnett, passed without dissent.</u>

Work session was adjourned at 6:24 pm.