

Lexington-Fayette Urban County Government

*200 E. Main St
Lexington, KY 40507*



Tuesday, February 5, 2013

3:00 PM

Packet

Council Chamber

Urban County Council Work Session

**URBAN COUNTY COUNCIL
SCHEDULE OF MEETINGS
February 4 – February 11, 2013**

Monday, February 4

Police Disciplinary Hearing.....3:00 pm
Council Chamber – 2nd Floor Government Center

Tuesday, February 5

General Government Committee.....11:00 am
Council Chamber – 2nd Floor Government Center

Public Safety Committee.....1:00 pm
Council Chamber – 2nd Floor Government Center

Council Work Session.....3:00 pm
Council Chamber – 2nd Floor Government Center

Wednesday, February 6

No Meetings

Thursday, February 7

Food Truck Work Group.....8:30 am
Conference Room – 5th Floor Government Center

Friday, February 8

No Meetings

Monday, February 11

No Meetings

URBAN COUNTY COUNCIL
WORK SESSION SUMMARY
TABLE OF MOTIONS
January 29th, 2013

Mayor Jim Gray called the meeting to order at 3:00pm. All Council Members were present.

I. Public Comment – Issues on Agenda - Yes

II. Requested Rezonings/Docket Approval - Yes

Motion by Lawless to schedule a public hearing for a special Council meeting for a zone change changing the zone from a Single Family Residential (R-1D) zone to a High Density Apartment (R-4) zone for 1.976 net, for property located at 116 and 118 Simpson Avenue; 1100-1110 Prospect Ave.; and a portion of 101 and 103 Burley Avenue for February 26th, 2013 at 6:00pm. Seconded by Ellinger. Motion passed 10-5. Gorton, Ford, Clarke, Henson and Lane voted nay.

Motion by Farmer to place on the docket for the January 31st, 2013 Council meeting a resolution authorizing the Mayor to accept the donation of two fans with an estimated value of \$1730.00 from Delta T. Corporation d/b/a Big Ass Fans, for use by the Urban County Council. Seconded by Lane. Motion passed without dissent.

Motion by Gorton to add to the docket for the January 31st, 2013 Council meeting a resolution endorsing the legalization of regulated industrial hemp and requesting that the Kentucky General Assembly consider adopting legislation which would allow for industrial hemp growth and production while addressing any public safety and law enforcement concerns; and hereby notifying Governor Steve Beshear, Senate President Robert Stivers, House Speaker Greg Stumbo, and Fayette County's legislators of this resolution. Seconded by Lane. Motion passed without dissent.

Motion by Myers to approve the docket. Seconded by Ellinger. Motion passed without dissent.

III. Approval of Summary - Yes

Motion by Ellinger to approve the summary. Seconded by Mossotti. Motion passed without dissent.

IV. Budget Amendments – Yes

Motion by Farmer to approve the budget amendments. Seconded by Ellinger. Motion passed without dissent.

V. New Business – Yes

Motion by Beard to approve the new business. Seconded by Gorton. Motion passed without dissent.

VI. Continuing Business / Presentations – Yes

Motion by Ellinger to approve the neighborhood development funds. Seconded by Gorton.

Motion by Scutchfield to add to the neighborhood development fund list an NDF for the Kentucky PTA (Athens-Chilesburg Elementary) to travel to Washington DC. Seconded by Henson. Motion passed without dissent.

Motion by Ellinger passed without dissent.

Motion by Farmer to refer the social services aspects of the Newtown Pike Extension issue, particularly the Land Trust and the neighborhood redevelopment to the Social Services and Community Development Committee. Seconded by Lane.

Motion by Ford to table Farmer's motion. Seconded by Lawless. Amended motion passed 14-1. Lane voted nay.

VII. Council Reports – Yes

Motion by Henson to refer the draft Public Nuisance Ordinance into the Public Safety Committee. Seconded by Gorton. Motion passed without dissent.

Motion by Kay to refer the budgetary implications of the report of the Homelessness Commission into the Budget and Finance Committee. Seconded by Ford. Motion passed without dissent.

Motion by Farmer to amend Kay's motion to refer the budgetary implications of the report of the Homelessness Commission into Budget and Finance Committee and to take it up within the realm of budgetary discussions, not by March 27th, 2013. Seconded by Lane. Motion failed 5-9. Mossotti, Scutchfield, Myers, Lane and Farmer voted yes.

Motion by Kay passed 14-0. (Farmer abstained)

Motion by Gorton to add to the January 31st, 2013 Council meeting docket a recommendation to approve Sally Hamilton as Chief Administrative Officer. Seconded by Lane. Motion passed without dissent.

Motion by Gorton to add to the January 31st, 2013 Council meeting docket a recommendation to approve Geoff Reed as the Commissioner of General Services. Seconded by Lane. Motion passed without dissent.

Motion by Gorton to refer the discussion and any potential action of the UK Agriculture Economic Impact Study into the Economic Development Committee of the Whole and to

without dissent.

Motion by Mossotti to refer the discussion of private streets (enforcement, maintenance and specifications) into the Planning and Public Works Committee. Seconded by Ford. Motion passed without dissent.

Motion by Myers to refer the notification process for H1 Overlays into the Planning and Public Works Committee. Seconded by Ellinger. Motion passed without dissent.

VIII. Mayor's Report – Yes

Motion by Farmer to approve the Mayor's Report. Seconded by Lane. Motion passed without dissent.

IX. Public Comment – Issues Not on Agenda – Yes

Motion by Gorton to enter into a closed session for a personnel discussion. Seconded by Farmer. Motion passed without dissent.

Motion by Farmer to enter into a closed session for a homeland security discussion. Seconded by Gorton. Motion passed without dissent.

Motion by Farmer to return from closed session. Seconded by Clarke. Motion passed without dissent.

Motion by Akers to adjourn. Seconded by Stinnett. Motion passed without dissent.

**Lexington-Fayette Urban County Government
Work Session Agenda
February 5, 2013**

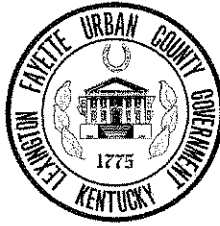
- I. Public Comment - Issues on Agenda**
- II. Requested Rezoning/ Docket Approval – No**
- III. Approval of Summary – Yes p. 1 - 3**
- IV. Budget Amendments – No**
- V. New Business – Yes p. 7 - 37**
- VI. Continuing Business/ Presentations**
 - a** Neighborhood Development Funds, February 5, 2013 p. 38
 - b** Social Services & Community Development Summary January 2013 p. 39 - 40
 - c** Presentation: Police Training Facility; By: Assistant Chief Mark Barnard
p. 41 - 44
- VII. Council Reports**
- VIII. Mayor's Report – No**
- IX. Public Comment - Issues Not on Agenda**
- X. Adjournment**

Administrative Synopsis - New Business Items

- a 0083-13** Authorization to amend Section 21-5 of the Code of Ordinances changing the position title of Social Worker Sr. (Grade 113E) to Life Skills Program Specialist, (Grade 113E) in the Division of Family Services. (L0083-13) (Maxwell/Mills)
This is a request to amend Section 21-5 of the Code of Ordinances changing the position title of Social Worker Sr. (Grade 113E) to Life Skills Program Specialist, (Grade 113E) in the Division of Family Services. There is no budgetary impact. p. 7
- b 0086-13** Authorization to execute Change Order No. 6 (Final) to contract with Woodall Construction Company for the Clays Mill Road Improvements Project. (L0086-12) (Gooding/Paulsen)
This is a request to execute Change Order No. 6 (Final) in the amount of \$183,901.23 to contract with Woodall Construction Company for the Clays Mill Road Improvements Project. This increase brings to total new project cost to \$3,934,591.83. Funds are budgeted. p. 8 - 14
- c 0088-13** Authorization to submit application to the Kentucky Division of Waste Management requesting a Waste Tire Crumb Rubber Grant for Kenwick Playground. (L0088-13) (Gooding/Hamilton)
This is a request to submit application to the Kentucky Division of Waste Management requesting a Waste Tire Crumb Rubber Grant in the amount of \$15,000 for Kenwick Playground. A match of \$3,750 is required. Additional costs estimated at \$11,500 will be provided by Parks and Recreation, bringing the total project cost to \$26,500. p. 15
- d 0093-13** Authorization to amend the accounting in Resolution #633-2012 that accepted the bid of Smith Contractors, Inc., for the West Hickman Odor Control Improvements. (L0093-12) (Martin/Moloney)
This is a request to amend the accounting in Resolution #633-2012 that accepted the bid of Smith Contractors, Inc., for the West Hickman Odor Control Improvements. The amount of the resolution was correct. The corrected accounting should be 4003 303401 3421 92711 WHWTPODOR_2012 CONSTRUCT. There is no budgetary impact. p. 16
- e 0094-13** Authorization to execute an agreement with the Kentucky Transportation Cabinet (KTC) for reimbursement for sanitary sewer improvements to replace failing sanitary sewer lines on Fourth Street. (L0094-12) (Martin/Moloney)

This is a request to execute an agreement with the KTC for reimbursement for sanitary sewer improvements to replace failing sanitary sewer lines on Fourth Street. The estimated cost is \$793,064. Funds are budgeted. p. 17

- f** **0101-13** Authorization to execute a Release of Easement releasing a temporary construction easement on property located at 233 Ruccio Way. (L0101-13) (Graham)
 This is a request to execute a Release of Easement releasing a temporary construction easement on property located at 233 Ruccio Way. There is no budgetary impact. p. 18 - 21
- g** **0102-13** Authorization to execute a Release of Easement releasing two temporary construction easements and a temporary access easement on property located at 225 Ruccio Way. (L0102-13) (Graham)
 This is a request to execute a Release of Easement releasing two temporary construction easements and a temporary access easement on property located at 225 Ruccio Way. There is no budgetary impact. p. 22 - 24
- h** **0108-13** Authorization to execute Change Order No. 1 to agreement with RCC Consultants, a sole source provider, for professional services for the Public Safety Radio Project. (L0108-13) (Bastin/Mason)
 This is a request to execute Change Order No. 1 to agreement with RCC Consultants, a sole source provider, in the amount of \$19,406.97 for professional services for the Public Safety Radio Project. This increase brings the total new project cost to \$55,226.97. Funds are budgeted. p. 25 - 30
- i** **0118-13** Authorization to execute a Memorandum of Agreement (MOA) with the Kentucky Community and Technical College System (KCTCS) on behalf of Bluegrass Community and Technical College (BCTC) covering the lease of the Megowan Building located on the Newtown Pike Campus to be used for the Division of Police Training Facility. (L0118-13) (Bastin/Mason)
 This is a request to execute a MOA with KCTCS on behalf of BCTC covering the lease of the Megowan Building located on the Newtown Pike Campus to be used for the Division of Police Training Facility. The cost is \$89,239 per year. p. 31 - 37



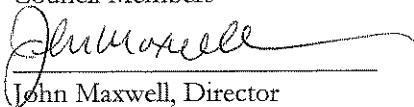
Lexington-Fayette Urban County Government
DIVISION OF HUMAN RESOURCES

Jim Gray
Mayor

Janet Graham
Commissioner

M E M O R A N D U M

TO: Jim Gray, Mayor
Richard Moloney, Chief Administrative Officer
Council Members

FROM: 
John Maxwell, Director
Division of Human Resources

DATE: January 22, 2013

RE: Title change - Division of Family Services

The attached action amends Section 21-5 of the Code of Ordinances changing the position title of Social Worker Sr. (Grade 113E) to Life Skills Program Specialist, (Grade 113E) in the Division of Family Services, effective upon passage by Council.

This request for the title change to Life Skills Program Specialist is because the job spec. reflects the duties, needs and responsibilities of the position.

There is no fiscal impact with this action.

If you have any questions, please contact Daniel H. Fischer at 258-3030.

Log # 13-0044



Mayor Jim Gray

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Division of Grants and Special Programs

TO: JIM GRAY, MAYOR
URBAN COUNTY COUNCIL

FROM: IRENE GOODING, DIRECTOR
DIVISION OF GRANTS AND SPECIAL PROGRAMS

DATE: JANUARY 22, 2012

SUBJECT: Request Council authorization to execute Change Order No. 6 (Final) in the amount of \$183,901.23 to contract with Woodall Construction Company for the Clays Mill Road Improvements Project

On January 13, 2011 (Resolution No. 10-2011), Council approved award of Bid # 179-2010 to Woodall Construction Company, Inc., in the amount of \$3,569,321.10 for construction of Clays Mill Road Improvement Project Section 2A.

On July 12, 2011 (Resolution No. 309-2011), Council approved Change Order # 1 in the amount of \$41,964.42.

On November 17, 2011 (Resolution No. 530-2011), Council approved Change Order # 2 in the amount of \$23,405.43.

On March 8, 2012 (Resolution No. 103-2012), Council approved Change Order # 3 in the amount of \$21,193.62.

On April 12, 2012 (Resolution No. 145-2012), Council approved Change Order # 4 in the amount of \$18,487.72.

On July 5, 2012 (Resolution No. 377-2012), Council approved Change Order # 5 in the amount of \$76,318.31.

Division of Engineering has negotiated Change Order # 6 in the amount of \$183,901.23 to make final adjustments to quantities for Clays Mill Road Improvements Project. New total cost is \$3,934,591.83.

Construction of this project is fully funded with SLX (Surface Transportation Lexington) federal dollars. Match for this project is provided by Kentucky Transportation Cabinet toll credits. Funds are budgeted as follows:

FUND	DEPT ID	SECT	ACCT	PROJECT	ACTIVITY	BUD REF
3160	303202	3251	91715	CLY ML RD 2005	FED GRANT	2005

Council authorization to execute Change Order No. 6 (Final) with Woodall Construction Company, Inc., is hereby requested.


Irene Gooding, Director

Xc: Derek Paulsen, Commissioner of the Department of Planning, Preservation, and Development

HORSE CAPITAL OF THE WORLD

200 East Main Street 6th Fl Lexington, KY 40507 PH (859)258-3070 FAX (859)258-3081 www.lexingtonky.gov

F:\WP51\HCD\GRANTS\FEDERAL\US DEPT OF TRANSPORTATION\CLAYS MILL ROAD\CHANGE ORDER NO. 6 WOODALL\13-000.doc

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT CONTRACT CHANGE ORDER										Date: November 30, 2012	
										Project: Clays Mill Road Improvement Section 2A	
										Location: Clays Mill Road	
										Change Order No: (6)	
To (Contractor):		Woodall Construction Co., Inc. 1332 Cahill Drive Lexington, KY 40504-1164								Contract No: 3-2011	
You are hereby requested to comply with the following changes from the contract plans and specification;											
Item No.	ADD / DEL	Description of changes	Units	Quantity	Unit Price	Decrease in contract price	Increase in contract price				
1	add	DGA Base	TN	1478.77	17.41		\$25,745.39				
2	add	Leveling & Wedging	TN	1149.92	74.01		\$85,105.58				
3	add	Class 2 Asphalt Base, 0.75D PG64-22	TN	170.83	71.75		\$12,257.05				
4	add	Class 1 Asphalt Surface, 0.38D PG64-22	TN	241.25	74.01		\$17,854.91				
5	del	Sanitary Sewer Force main -- 4", SIR 21	LF	-99.00	61.84	-\$6,122.16					
6	del	San. Sewer Pipe -- 10" Ductile Iron	LF	-36.00	110.08	-\$3,962.88					
8	add	Standard Curb & Gutter	LF	480.70	11.10		\$5,335.77				
9	add	Cement Concrete Entrance Pavement, 6"	SY	314.31	39.92		\$12,547.26				
11	del	Remove & Reset Fence	LF	-109.00	45.05	-\$4,910.45					
12	del	Aggregate Channel Lining	TN	-1.57	40.00	-\$62.80					
14	del	Edge Key	LF	-7168.00	2.75	-\$19,712.00					
15	del	Handrail Type A-1	LF	-7.00	115.50	-\$808.50					
18	add	Temporary Silt Fence	LF	200.00	3.00		\$600.00				
20	add	Sidewalk -- 4 1/2" Concrete	SY	210.15	31.46		\$6,611.32				
21	add	Remove Concrete Sidewalk	SY	95.85	5.74		\$550.18				
23	del	Seeding & Protection	SY	-1022.44	0.34	-\$347.63					
24	add	Sodding	SY	6394.00	4.20		\$26,854.80				
25	add	Pavement Striping, Temporary Paint -- 4"	LF	53390.00	0.21		\$11,211.90				
26	del	Pavement Striping, Permanent Paint -- 4"	LF	-8949.00	0.21	-\$1,879.29					
27	del	Pavement Striping, Permanent Paint -- 6"	LF	-384.00	5.25	-\$2,016.00					

Item No.	ADD / DEL	Description of changes	Units	Quantity	Unit Price	Decrease in contract price	Increase in contract price
29	del	Pavement Marking, Paint Cross Hatch	SF	-68.00	23.67	-\$1,609.56	
30	del	Pavement Marking, Pre Thermo Straight Arrow	EA	-1.00	420.00	-\$420.00	
32	del	Pavement Marker, TY IVA – By Temp	EA	-53.00	5.25	-\$278.25	
33	del	Drop Manhole (Sanitary)	EA	-1.00	2,657.81	-\$2,657.81	
34	del	Silt Trap, Type C	EA	-17.00	150.00	-\$2,550.00	
35	del	Pavement Marking, Thermo Bike	EA	-2.00	157.50	-\$315.00	
36	del	Remove & Reset Sign	EA	-28.00	144.42	-\$4,043.76	
38	add	Storm Sewer Pipe, 15"	LF	180.42	36.92		\$6,661.11
39	add	Storm Sewer Pipe, 18"	LF	376.82	40.99		\$15,445.85
40	del	Storm Sewer Pipe, 24"	LF	-182.75	51.26	-\$9,367.77	
41	add	Storm Sewer Pipe, 30"	LF	21.36	65.49		\$1,398.87
43	del	Storm Sewer Pipe, 42"	LF	-26.70	100.56	-\$2,684.95	
44	del	Storm Sewer Pipe, 48"	LF	-19.00	123.78	-\$2,351.82	
48	del	Curb Box Inlet, Type A – 10' length	EA	-2.00	2,467.18	-\$4,934.36	
50	add	Curb Box Inlet, Type B – 10' length	EA	2.00	2,318.79		\$4,637.58
51	del	Drop Box Inlet, Type B	EA	-2.00	1,940.15	-\$3,880.30	
53	del	Manhole, Type A	EA	-4.00	2,558.10	-\$10,232.40	
65	add	42" Steel Guardrail with Pickets (Retaining Wall)	LF	85.00	74.55		\$6,336.75
66	del	PVC Pipe 2"	LF	-380.00	5.25	-\$1,995.00	
67	add	Conduit 2" (Steel)	LF	590.00	22.84		\$13,475.60
68	del	Junction Box (Electrical)	EA	-6.00	472.50	-\$2,835.00	
69	del	Junction Box (Fiber Optic)	EA	-11.00	472.50	-\$5,197.50	
70	del	Conduit 2" (Fiber Optic)	LF	-255.00	1.31	-\$334.05	
76	del	No. 2 Stone Base	TN	-124.02	25.35	-\$3,143.91	
77	del	Safe loading	CY	-3.00	92.35	-\$277.05	
78	add	Plug Pipe	EA	7.00	194.17		\$1,359.19

Item No.	ADD / DEL	Description of changes	Units	Quantity	Unit Price	Decrease in contract price	Increase in contract price
79	del	Concrete Steps	EA	-1.00	1,057.46	-\$1,057.46	
80	del	Sidewalk Ramps	EA	-4.00	816.11	-\$3,264.44	
83	del	Asphalt Surface (Temporary Pavement)	TN	-4.74	83.23	-\$394.51	
84	add	Asphalt Base (Temporary Pavement)	TN	5.40	76.88		\$415.15
85	add	DGA Base (Temporary Pavement)	TN	12.61	18.94		\$238.83
87	add	Overlay Edge key	LF	164.00	10.25		\$1,681.00
90	add	Modified Catch Basins	EA	2.00	3,667.18		\$7,334.36
92	del	Adjust Sanitary Sewer Laterals	LF	-25.00	18.00	-\$450.00	
98	add	Concrete Retaining Wall	CY	8.50	447.74		\$3,805.79
105	del	Install Black Vinyl Fencing	LF	-27.00	33.00	-\$891.00	
107	add	12" 90 degree Elbow	EA	1.00	125.00		\$125.00
108	add	12" ADS Pipe	LF	18.00	25.00		\$450.00
109	add	12" inline drain with grate	EA	1.00	750.00		\$750.00
110	add	Tie to existing CBI	EA	2.00	750.00		\$1,500.00
112	del	15" 90 degree Elbow	EA	-1.00	225.00	-\$225.00	
113	add	15" ADS Pipe	LF	80.00	30.00		\$2,400.00
118	add	Milling and Texturing	SY	172.00	7.30		\$1,255.60
119	add	Excavation for Sidewalk	CY	114.81	33.50		\$3,846.14
120	add	Concrete Flume	CY	0.50	447.74		\$223.87
121	add	Water Valves	EA	4.00	200.00		\$800.00
122	add	Pavement Marking, 12" Thermo Continental Crosswalk	SF	372.00	10.00		\$3,720.00
123	add	Trench Drain	LF	20.00	272.00		\$5,440.00
124	add	Handrail Set up charge	LS	1.00	749.00		\$749.00
125	add	Miscellaneous Grading	LS	1.00	390.00		\$390.00

11
0086-13

Item No.	ADD / DEL	Description of changes	Units	Quantity	Unit Price	Decrease in contract price	Increase in contract price
Total decrease						-\$105,212.60	
Total increase							\$289,113.84
se) in contract price							183,901.23
Current Contract Amount = \$3,750,690.60						New Contract Amount = \$3,934,591.83	
Recommended by <u><i>[Signature]</i></u> <u>12/13/12</u> (Proj. Engr.)						Date <u>12/10/12</u>	
Accepted by <u><i>[Signature]</i></u> (Contractor)						Date <u>12-7-2012</u>	
Approved by <u><i>[Signature]</i></u> (Urban Co. Engr.)						Date <u>1/19/13</u>	
Approved by <u><i>[Signature]</i></u> (Commissioner)						Date <u>1/16/13</u>	
Approved by _____ (Mayor or CAO)						Date _____	

JUSTIFICATION FOR CHANGE

PROJECT: Clays Mill Road Project Section 2A

0086-13

CONTRACT NO. 3-2011

CHANGE ORDER: 6 Final

1. Necessity for change: additional quantities needed to complete project
2. Is proposed change an alternate bid? ___Yes XNo
3. Will proposed change alter the physical size of the project? ___Yes XNo
If "Yes", explain.
4. Effect of this change on other prime contractors: N/A
5. Has consent of surety been obtained? ___Yes XNot Necessary
6. Will this change affect expiration or extent of insurance coverage? ___Yes XNo
If "Yes", will the policies be extended? ___Yes ___No
7. Effect on operation and maintenance costs: N/A
8. Effect on contract completion date: N/A

Mayor_____
Date

CONTRACT HISTORY FORM

CO #6

Project Name Clays Mill Road Project Section 2A

Contractor: Woodall Construction Company Inc.

Contract Number and Date: 3-2011 January 13, 2011

Responsible LFUCG Division: Engineering

CONTRACT AND CHANGE ORDER DETAILS

A. Original Contract Amount: \$ 3,569,321.10
Next Lowest Bid Amount: \$3,692,976.85

B. Amount of Selected Alternate or Phase: \$ _____

C. Cumulative Amount of All Previous Alternates or Phases: \$ 3,569,321.10

D. Amended Contract Amount: \$ 3,569,321.10

E. Cumulative Amount of All Previous Change Orders: \$ 181,369.50 5.1%
(Line E / Line D)

F. Amount of This Change Order: \$ 183,901.23 5.2%
(Line F / Line D)

G. Total Contract Amount: \$ 3,934,591.83

SIGNATURES

Project Manager: Keith Horn Date: 12/10/12

Reviewed by: RA Bryant Date: 12/13/12

Division Director: A. Bradley Farris Date: 1/9/13



Mayor Jim Gray

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Division of Grants and Special Programs

**TO: JIM GRAY, MAYOR
URBAN COUNTY COUNCIL**

**FROM: IRENE GOODING, DIRECTOR
DIVISION OF GRANTS AND SPECIAL PROGRAMS**


DATE: JANUARY 22, 2013

**SUBJECT REQUEST COUNCIL AUTHORIZATION TO SUBMIT APPLICATION
TO THE KENTUCKY DIVISION OF WASTE MANAGEMENT
REQUESTING A WASTE TIRE CRUMB RUBBER GRANT FOR
KENWICK PLAYGROUND**

The Division of Parks and Recreation has prepared an application requesting state funds from the Kentucky Division of Waste Management under the Kentucky Waste Tire Crumb Rubber Grant Program. The Division is proposing the installation of a bonded rubber surface at Kenwick Playground. The bonded rubber surface will offer long term safety and maintenance solutions.

Funds are being requested in the amount of \$15,000 to support the purchase of waste tire materials to be installed at the playground. A local match equal to 25% of the requested grant amount is required. The Division of Parks and Recreation will support the costs of removing existing material, installing subbase, applying a top rubber surface to keep crumb rubber stationary, and promoting the project. These additional items will cost approximately \$11,500 and will come from the operating budget of the Division of Parks and Recreation. Total project cost is \$26,500.

Council authorization to submit application is hereby requested.


Irene Gooding, Director

Xc: Sally Hamilton, Commissioner of the Department of General Services

HORSE CAPITAL OF THE WORLD

200 East Main Street 6th Fl Lexington, KY 40507 PH (859)258-3070 FAX (859)258-3081 www.lexingtonky.gov

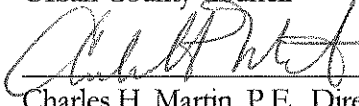


Lexington-Fayette Urban County Government
DEPARTMENT OF ENVIRONMENTAL QUALITY & PUBLIC WORKS

Jim Gray
Mayor

Richard Moloney
Acting Commissioner

To: Mayor Jim Gray
Urban County Council

From: 
Charles H. Martin, P.E., Director
Division of Water Quality

Date: January 15, 2013

Re: Accounting Correction to Resolution #633-12

The request is to amend the accounting in Resolution #633-2012 that accepted the bid of Smith Contractors, Inc. for the West Hickman Odor Control Improvements. Resolution #633-2012 had the correct amount for the bid award; however, the account number had the incorrect Dept Id and Section number.

The correct accounting should be: 4003-**303401-3421**-92711 WHWTPODOR_2012 CONSTRUCT.

Questions regarding this memorandum should be directed to Julie Mantrom at 859-425-2402

Cc: Betty Landrum, Division of Central Purchasing
Tiffany Rank, Division of Water Quality




Lexington-Fayette Urban County Government
DEPARTMENT OF ENVIRONMENTAL QUALITY AND PUBLIC WORKS

Jim Gray
Mayor

Richard Moloney
Commissioner of Environmental Quality and Public Works

MEMORANDUM

TO: Mayor Jim Gray
Urban County Council

FROM: Charles Martin, PE 
Director Division of Water Quality

DATE: January 16, 2013

SUBJECT: Agreement with Kentucky Transportation Cabinet for Reimbursement for
Improvements to the Sanitary Sewer System as part of the KTC
Newtown Pike Improvements Project

The purpose of this memorandum is to request approval of the agreement with the Kentucky Transportation Cabinet (KTC) for sanitary sewer improvements to replace failing sanitary sewer lines on Fourth Street.

As part of the Newtown Pike improvements project, KTC is making improvements to Fourth Street from Newtown Pike to the railroad tracks. While this roadway construction is underway, it will be possible to have a significant amount of failing sanitary sewer replaced as part of the contract. These sanitary sewer improvements will consist of installation of 1,600 linear feet of 18" ductile iron pipe, 411 linear feet of 8" SDR-35 sewer pipe, 165 linear feet of 4" PVC pipe, 16 – 5' diameter manholes and abandoning 1,576 linear feet of existing sanitary sewer line. The cost estimate for this work is \$793,064.00 and is to be reimbursed to the Transportation Cabinet. We have been working closely with KTC to coordinate these sanitary sewer improvements and both parties are in agreement as to the routes and locations of the sewers.

This agreement will allow the KTC to bid the sewer improvements portion of the project along with the roadway improvements for Newtown Pike. It will then be the LFUCG's responsibility to repay KTC for the work done on the sanitary sewers.

Funds are presently budgeted in:

4003-303408-3462-92811
BUDREF: 2013

PROJECT: SSREHAB_2013
ACTIVITY: CONSTRUCT

Please let us know if you have questions or need additional information.



Lexington-Fayette Urban County Government
DEPARTMENT OF LAW

Jim Gray
Mayor

Janet M. Graham
Commissioner

TO: Jim Gray, Mayor
Members, Urban County Council

FROM: Department of Law

DATE: January 23, 2013

RE: Release of Easement
233 Ruccio Way

This memo is to request a Resolution authorizing the Mayor to sign a Release of Easement Release releasing a temporary construction easement on property located at 233 Ruccio Way.

The proposed Release has been reviewed and approved by the Divisions of Engineering, Water Quality, and Traffic Engineering and the Department of Law. This action has no budgetary implication for LFUCG.

A handwritten signature in black ink, appearing to read "Ed W. Gardner Sr.", is written over a horizontal line.

Edward W. Gardner
Attorney Sr.

Enclosure

cc: Richard Moloney, CAO
Council Office

RELEASE OF EASEMENT

THIS RELEASE OF EASEMENT, made and entered into this ____ day of _____, 20__, by **LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**, 200 East Main Street, Lexington, Kentucky, 40507, an Urban County Government pursuant to KRS 67A (hereinafter "Government" or "First Party").

WITNESSETH:

WHEREAS, through those certain Plats of record in Plat Cabinet L, Slide 234 and Plat Cabinet L, Slide 487 in the Fayette County Clerk's Office, the First Party acquired a 12-foot Temporary Access Easement encumbering certain property located at 233 Ruccio Way; and

WHEREAS, the 12-foot Temporary Access Easement is no longer required by the First Party, and the First Party desires to release and extinguish its interest in and to said easement.

NOW, THEREFORE, for valuable consideration, the receipt of which is hereby acknowledged, First Party does hereby release, relinquish and terminate all of its right, title and interest in and to the aforesaid 12-foot temporary access easement.

It is understood that in making this Release, the other easements and any portion thereof shown on the aforesaid Plats remain unaffected by this Release.

IN WITNESS WHEREOF, the First Party has hereby caused its corporate name to be affixed by its duly authorized officer, on the day and year first above written.

**LEXINGTON-FAYETTE URBAN
COUNTY GOVERNMENT**

Title: _____
Print Name: _____

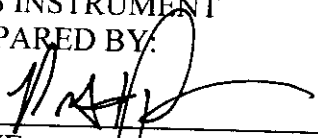
STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me by _____, as _____ of **LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**, an urban county government pursuant to KRS 67A, on behalf of said government, on this ____ day of _____, 2013.

My Commission expires: _____

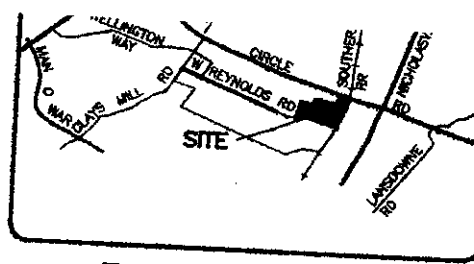
NOTARY PUBLIC

THIS INSTRUMENT
PREPARED BY:



NAME: R. Grant Dobson, Esq.
ADDRESS: 832 Georgia Avenue, Suite 1000
Chattanooga, TN 37402
PHONE: (423) 875-8266

EXISTING REYNOLDS ROAD



0 200' 400'
SCALE: 1" = 200'

NOTE:

THE IMPROVEMENTS TO THE PORTION OF REYNOLDS ROAD EAST OF THE ROUNDABOUT SHALL BE CONSTRUCTED IN CONJUNCTION WITH THE DEVELOPMENT OF THE RETAIL/INDUSTRIAL/PROFESSIONAL OFFICE AREA AS REQUIRED BY THE SUBDIVISION REGULATIONS. THERE SHALL BE NO RESTRICTION ON THE TIME WHEN PERMITTED USES ON ANY TRACTS OF THE SUBJECT PROPERTY SHALL BE PERMITTED TO COMMENCE EXCEPT THAT OBTAIN OCCUPANCY PERMITS AND COMMENCE OPERATIONS ON OR AFTER THIRTY SIX (36) MONTHS FROM JULY 26, 1997. RELATED APPROVALS SHALL NOT BE DENIED OR DELAYED BASED UPON THE FACT THAT THE REYNOLDS ROAD RAILROAD UNDERPASS AT THE EAST SIDE OF THE PROPERTY HAS NOT BEEN RECONSTRUCTED OR IMPROVED.

THIS PROPERTY IS SUBJECT TO AN AGREED JUDGEMENT DATED JULY 26, 1997.

**RAILROAD DEEDS

DB 52, PG 535	DB 190, PG 24
DB 62, PG 632	DB 252, PG 520
DB 54, PG 580	DB 253, PG 518
DB 179, PG 589	DB 253, PG 578
DB 179, PG 611	DB 598, PG 151

PURPOSE OF CONSOLIDATION:

TO CONSOLIDATE PARCEL	CONTAINING	TO PARCEL	CONTAINING	FOR A TOTAL OF
ONE	0.90 ACRES	TWO	2.80 ACRES	3.70 ACRES
THREE	0.09 ACRES	FOUR	2.21 ACRES	2.30 ACRES
FIVE	1.21 ACRES	SIX	3.90 ACRES	5.11 ACRES

PARCEL ONE SHALL BE SOLD OR TRANSFERRED ONLY TO PARCEL TWO FOR CONSOLIDATION PURPOSES.
PARCEL THREE SHALL BE SOLD OR TRANSFERRED ONLY TO PARCEL FOUR FOR CONSOLIDATION PURPOSES.
PARCEL FIVE SHALL BE SOLD OR TRANSFERRED ONLY TO PARCEL TWO FOR CONSOLIDATION PURPOSES.
ALL OTHER INFORMATION PREVIOUSLY RECORDED IN CAB. "L" SLIDE 234 IS APPLICABLE AND IS NOT SUPERSEDED.

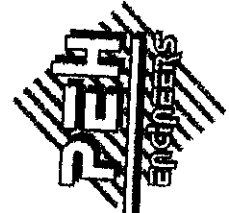
COMMISSION'S CERTIFICATION:

I DO HEREBY CERTIFY THAT THIS RECORD PLAT HAS MET THE REQUIREMENTS ESTABLISHED BY THE SUBDIVISION REGULATIONS FOR A MINOR PLAN, AND IS NOW ELIGIBLE FOR RECORDING.

Walter B. Thomas
PLANNING COMMISSION SECRETARY

CONSOLIDATION MINOR RECORD PL
NDC PROPERTY, UNIT 1B, SEC (WELLINGTON)
JULY 2001
LEXINGTON, FAYETTE COUNTY, KEN
FOR: CDI LEXINGTON, LLC
211 E. FOURTH STREET
COVINGTON, KENTUCKY 40111

ORDERED TO RECORD
PAID \$24.50 INC. TAX
AT 15:27:52 M
23 DAY OF JULY 2001
DONALD W. BLEVINS
FAYETTE COUNTY CLERK
BY *J. MEYER* D.C.
200107230290



BULL LEA ROAD, SUITE 100
LEXINGTON, KENTUCKY
225-8500

UNIT OF THE NDC PROPERTY
101 WEST REYNOLDS ROAD
LEXINGTON, KENTUCKY 40503

R ELEVATION:

ON AND FLOODPLAIN ARE ESTABLISHED AT THE
FAYETTE COUNTY GOVERNMENT BASED ON
RECORD MAKE NO REPRESENTATIONS THAT FLOOD WATERS
LEVELS ARE ESTABLISHED FOR THE FOLLOWING LOTS:
1014.00

AND SURVEYOR'S CERTIFICATION:

I DO HEREBY CERTIFY THAT THIS RECORD PLAT WAS
PREPARED UNDER MY DIRECTION AND THAT, TO THE BEST
OF MY KNOWLEDGE AND BELIEF, THE BOUNDARIES OF THE
PROPERTY BEING TRANSFERRED ARE TRUE AND ACCURATE.

James M. Chambliss, PLS
SURVEYOR



Lexington-Fayette Urban County Government
DEPARTMENT OF LAW

Jim Gray
Mayor

Janet M. Graham
Commissioner

TO: Jim Gray, Mayor
Members, Urban County Council

FROM: Department of Law

DATE: January 23, 2013

RE: Release of Easement
225 Ruccio Way

This memo is to request a Resolution authorizing the Mayor to sign a Release of Easement Release releasing two temporary construction easements and a temporary access easement on property located at 225 Ruccio Way.

The proposed Release has been reviewed and approved by the Divisions of Engineering, Water Quality, and Traffic Engineering and the Department of Law. This action has no budgetary implication for LFUCG.

A handwritten signature in cursive script, appearing to read "Edward W. Gardner Sr.", is written over a horizontal line.

Edward W. Gardner
Attorney Sr.

Enclosure

cc: Richard Moloney, CAO
Council Office

RELEASE OF EASEMENT

THIS RELEASE OF EASEMENT, made and entered into this ____ day of _____, 20__, by **LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**, 200 East Main Street, Lexington, Kentucky, 40507, an Urban County Government pursuant to KRS 67A (hereinafter "Government" or "First Party").

WITNESSETH:

WHEREAS, through that certain Deed of Easement dated June 30, 2003, of record in Deed Book 2385, Page 347, in the Fayette County Clerk's Office, the First Party acquired a Temporary Construction Easement encumbering certain property located at 225 Ruccio Way, as described on **Exhibit "A"** hereto; and

WHEREAS, through that certain Deed of Easement dated June 30, 2003 of record in Deed Book 2385, Page 354 in Fayette County Clerk's Office, the First Party acquired an additional Temporary Construction Easement encumbering certain property located at 225 Ruccio Way as described in **Exhibit "B"** hereto; and

WHEREAS, both of the aforementioned temporary construction easements together with a 12-foot temporary access easement are shown on Plats recorded in Plat Cabinet L, Slide 234, Plat Cabinet L, Slide 487, and Plat Cabinet K, Slide 608; and

WHEREAS, the existing easements are no longer required by the First Party, and the First Party desires to release and extinguish its interest in and to said easements.

NOW, THEREFORE, for valuable consideration, the receipt of which is hereby acknowledged, First Party does hereby release, relinquish and terminate all of its right, title and interest in and to those easements as described on **Exhibits "A"** and **"B"** attached hereto, together with the aforesaid 12-foot temporary access easement.

It is understood that in making this Release, the other easements and any portion thereof shown on the aforesaid Plats remain unaffected by this Release.

IN WITNESS WHEREOF, the First Party has hereby caused its corporate name to be affixed by its duly authorized officer, on the day and year first above written.

**LEXINGTON-FAYETTE URBAN
COUNTY GOVERNMENT**

Title: _____

Print Name: _____

STATE OF _____

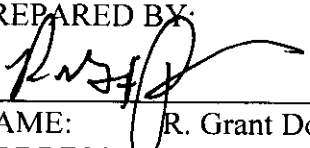
COUNTY OF _____

The foregoing instrument was acknowledged before me by _____,
as _____ of **LEXINGTON-FAYETTE URBAN COUNTY**
GOVERNMENT, an urban county government pursuant to KRS 67A, on behalf of said
government, on this ____ day of _____, 2013.

My Commission expires: _____

NOTARY PUBLIC

THIS INSTRUMENT
PREPARED BY:


NAME: R. Grant Dobson, Esq.
ADDRESS: 832 Georgia Avenue, Suite 1000
Chattanooga, TN 37402
PHONE: (423) 875-8266

**LEXINGTON DIVISION OF POLICE****150 East Main Street • Lexington, KY 40507 • (859) 258-3600**

TO: Mayor Jim Gray
Urban County Council

FROM: Chief Ronnie Bastin
Division of Police

DATE: January 24, 2013

RE: **Change Order No. 1**
RCC Consultants

Please find attached Change Order No. 1 on consulting work between RCC Consultants and Lexington-Fayette Urban County Government. RCC Consultants will provide professional services for the public safety radio system. RCC Consultants is a sole source provider.

The 800 MHz Public Safety Radio Project has entered the construction phase and tower work has commenced and cut-over to the new system should occur before summer. The Public Safety team assigned this project has relied heavily on the services of RCC Consultants to navigate a complicated technical review and tower site acquisition process. Due to unforeseen issues, the amount of funds remaining on the contract with RCC will be insufficient to complete this project. The unforeseen issues that consumed RCC billable hours include:

- Review and recommendation concerning microwave design options submitted by the radio system vendor.
- Review and recommendation of tower site lease language.
- Review of tower site lease costs to ensure that they are reasonable.
- Six hours added to evaluate the impact of Division of Community Corrections radios on the system proposed to support Police and Fire.
- The current agreement anticipated travel using a local RCC representative who is no longer with the firm. Since RCC does no longer have a local representative, the new managing consultant on this project will incur travel expenses.

In furtherance of this radio project, I recommend the continued services of RCC Consultants on this project since the firm's services have been very good and the firm is already familiar with this project. To date, RCC has absorbed 138 hours for travel and services that will not be billed to the LFUCG.

Attached is Resolution 371-2012, authorizing the current \$35,820 agreement between the LFUCG and RCC Consultants. There is \$7,416 remaining on the agreement, which is insufficient to complete this project. The accounting for this change order is 2601-505601-0001-71299, which are funds allocated in the Division of Enhanced 911 for this project.

If you have any questions or require additional information, please contact my office.

A handwritten signature in cursive script, appearing to read "R. Bastin", is written over a horizontal line.

Ronnie Bastin
Chief of Police

RB/rmh

Attachment

cc: Clay Mason, Commissioner of Public Safety

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT CONTRACT CHANGE ORDER Page 1 of 2		Date: January 16, 2013 27 Project: Public Safety Radio Project 0108-13 Location: 150 E. Main Street and various tower sites.	
To (Contractor) RCC Consultants 100 Woodbridge Center Dr., Suite 201, Woodbridge, NJ 07095		Contract No.371-2012 Change Order No. 1	
You are hereby requested to comply with the following changes from the contract plans and specification;			
Item No. (1)	Description of changes-quantities, unit prices, change in completion, etc. (2)	Decrease in contract price (3)	Increase in contract price (4)
1	2013 Statement of Work		19,406.97
	Change in contract price due to this Change Order:		
	Total decrease		XXXXXXXXXXXX.XX
	Total increase	XXXXXXXXXXXX.XX	19,406.97
	Net (increase) contract price		
The sum of \$ 19406.97 is hereby from the total contract price, and the total adjusted contract price to date thereby is \$ 55,226.97			
The time provided for completion in the contract and all provisions of the contract will apply hereto.			
Recommended by _____ (Project Engr.) Date _____			
Accepted by _____ (Contractor) Date _____			
Approved by _____ (Urban Co. Engr.) Date _____			
Approved by _____ (Commissioner) Date _____			
Approved by _____ (Mayor or CAO) Date _____			

JUSTIFICATION FOR CHANGE**PROJECT: Public Safety Radio Project****CONTRACT NO. 371-2012****CHANGE ORDER: 1**

1. **Necessity for change:** The Public Safety Radio project has used RCC Consultants to evaluate unexpected technical design changes and tower site leases. The original agreement included costs based on a local managing consultant. The replacement managing consultant must travel for aspects of the project yet to be completed (i.e., coverage and acceptance testing). This change notice does not pertain to the vendor selected to install the Public Safety Radio System.

2. **Is proposed change an alternate bid?** ☐ Yes ☒ No

3. **Will proposed change alter the physical size of the project?**

☒ Yes ☐ No

If "Yes", explain. The consultant will examine the capacity of the new radio system to determine if the Division of Community Corrections can migrate to it without adding channels.

4. **Effect of this change on other prime contractors:** None

5. **Has consent of surety been obtained?** ☐ Yes ☒ Not Necessary

6. **Will this change affect expiration or extent of insurance coverage?**

☐ Yes ☒ No

If "Yes", will the policies be extended? ☐ Yes ☐ No

7. **Effect on operation and maintenance costs:** None

8. **Effect on contract completion date:** Contract completion expected by June 2013

Mayor

Date



Lexington-Fayette Urban County
Division of Police
MEMORANDUM
Lexington, Kentucky

DATE OF ISSUE
January 16, 2013

EFFECTIVE DATE

29
NUMBER 0108-13
BOA:13-001

TO: Ronnie Bastin Chief of Police	SUBJECT: Public Safety Radio Project Blue Sheet – Resolution Authorizing A Change Order to a Consultant Services Agreement with RCC Consultants
FROM: Assistant Chief Robert Stack Bureau of Administration	

The 800 MHz Public Safety Radio Project has entered the construction phase and tower work has commenced and cut-over to the new system should occur before summer. The Public Safety team assigned this project has relied heavily on the services of RCC Consultants to navigate a complicated technical review and tower site acquisition process. Due to unforeseen issues, the amount of funds remaining on the contract with RCC will be insufficient to complete this project. The unforeseen issues that consumed RCC billable hours include:

- Review and recommendation concerning microwave design options submitted by the radio system vendor.
- Review and recommendation of tower site lease language.
- Review of tower site lease costs to ensure that they are reasonable.
- Six hours added to evaluate the impact of Division of Community Corrections radios on the system proposed to support Police and Fire.
- The current agreement anticipated travel using a local RCC representative who is no longer with the firm. Since RCC does no longer have a local representative, the new managing consultant on this project will incur travel expenses.

In furtherance of this radio project, I recommend the continued services of RCC Consultants on this project since the firm's services have been very good and the firm is already familiar with this project. To date, RCC has absorbed 138 hours for travel and services that will not be billed to the LFUCG.

Attached is Resolution 371-2012, authorizing the current \$35,820 agreement between the LFUCG and RCC Consultants. There is \$7,416 remaining on the agreement, which is insufficient to complete this project. I am requesting a blue sheet authorizing a change order in the amount of \$19,406.97, which covers the renewal RFB. The accounting for this change order is 2601-505601-0001-71299, which are funds allocated in the Division of Enhanced 911 for this project.

If you concur with this recommendation, please forward a blue sheet for processing.

Robert Stack

Assistant Chief Robert Stack
Bureau of Administration

RS/sc
Attachment

(RESOLUTION NO. 371 - 2012)

A RESOLUTION AUTHORIZING THE MAYOR, ON BEHALF OF THE URBAN COUNTY GOVERNMENT, TO EXECUTE AN AGREEMENT WITH RCC CONSULTANTS, INC., A SOLE SOURCE PROVIDER, FOR TECHNICAL SYSTEMS REVIEW SERVICES, AT A COST NOT TO EXCEED \$35,820.00.

BE IT RESOLVED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That the Mayor, on behalf of the Lexington-Fayette Urban County Government, be and hereby is authorized to execute an agreement, which is attached hereto and incorporated herein by reference, with RCC Consultants, Inc., a sole source provider, for technical system review services.

Section 2 - That an amount, not to exceed the sum of \$35,820.00, be and hereby is approved for payment to RCC Consultants, Inc., from account # 2601-505601-71299, pursuant to the terms of the agreement, and funds are appropriated pursuant to the agreement.

Section 3 - That this Resolution shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: July 5, 2012

MAYOR



ATTEST:


CLERK OF URBAN COUNTY COUNCIL

**LEXINGTON DIVISION OF POLICE****150 East Main Street • Lexington, KY 40507 • (859) 258-3600**

TO: Mayor Jim Gray
Urban County Council

FROM: Chief Ronnie Bastin
Division of Police

DATE: January 30, 2013

RE: Kentucky Community and Technical College System – Memorandum of Agreement

Please find attached Memorandum of Agreement (MOA) with the Kentucky Community and Technical College System (KCTCS) on behalf of Bluegrass Community and Technical College (BCTC) and Lexington-Fayette Urban County Government. KCTCS/BCTC hereby leases to the Division of Police an approximate 20,700 square feet of property of the Newtown Pike Campus, the Megowan Building, which consists of no more than all classrooms; restrooms, classrooms and the gymnasium. Also attached is the proposed cost and floor plans. This space will be utilized by the Division of Police Training Facility.

This space will be leased to the Division of Police at a cost of \$89,239 per year. This cost represents the lease of all described space and includes, all utilities (gas, electric, water and sewer).

The attached agreement is being forwarded for Council approval, Department of Law and Mayor Gray's signature. Upon completion of signatures, please return original for the Division of Police to acquire additional signatures.

A handwritten signature in cursive script, appearing to read "R. Bastin", with a circular stamp or mark below it.

Ronnie Bastin
Chief of Police

Attachment

cc: Clay Mason, Commissioner of Public Safety

MEMORANDUM OF AGREEMENT
by and between
Kentucky Community and Technical College System
and
Lexington Division of Police

PARTIES: This Memorandum of Agreement (hereinafter Agreement) is made and entered into this _____ day of _____ 2012, by and between the Kentucky Community and Technical College System with an address of 300 North Main Street, Versailles, Kentucky, 40383, (hereinafter KCTCS), on behalf of Bluegrass Community and Technical College (hereinafter BCTC or the College) and the Lexington Fayette Urban County Government (hereinafter the Police) with an address of 200 East Main Street Lexington, Kentucky 40507.

PURPOSE AND BENEFIT: BCTC and the Police enter into this agreement to set forth and ensure compliance with any and all terms and conditions of building and facility use for the space offered by the College to the Police. Such terms and conditions shall apply to use and enjoyment of office and training space in BCTC's building known as "The Newtown Pike Campus Megowan Building."

The Police and KCTCS/BCTC agree that the use of the Newtown Pike Campus as proposed, described, and agreed upon within this Agreement provides mutual and valuable benefit to both parties and that said benefits include access to and use of the facilities as agreed upon below by both parties.

SPACE LEASED: BCTC hereby leases to the Police an approximate 20,700 square feet of property of the Newtown Pike Campus, the Megowan Building, which consists of no more than all classrooms, restrooms, and the gymnasium. The Police shall have full use of approximately 12,486 square feet of the space while sharing approximately 7602 square feet with BCTC. BCTC shall have exclusive control of approximately 612 Square feet as per the attached "Exhibit A" in the facility. The space leased includes all specified and agreed upon space, including common areas and restrooms in the facility. The Police agree to accept and maintain the facility and areas leased in quiet and peaceful possession for the full and entire term of this agreement.

COST: BCTC will lease the space to the Police at a cost of \$89,239.00 per year. This cost represents the lease of all described space and includes, all utilities (gas, electric, water, and sewer), amortized costs, custodial, and any and all costs and expenditures incidental to the use and enjoyment of the facility. This cost is based on estimates of actual cost and the agreed upon percentage of use of the facility (79% Police/21% BCTC) as outlined per the attached "Exhibit B". Both parties recognize that these are estimated costs and the actual costs could vary from year to year. The Police shall make payments to BCTC in regular, monthly installments, payable on or before the 15th of each month during the term of this MOA.

EFFECTIVE TERM OF AGREEMENT: The term of this lease agreement is one year, commencing on approximately August 1, 2013 and ending on June 30, 2014. Parties shall have an option to renew the MOA under the same terms and conditions set forth in this Agreement. Renewals shall be on an annual basis and the option to renew under the same terms and conditions shall continue for seven additional years ending on June 30, 2021. Effective July 1, 2021, both parties may re-negotiate the terms and conditions set forth.

TERMINATION: Notwithstanding the above, either party may terminate this MOA with or without cause by giving the other party written notice of the termination at least 30 days in advance.

TERMS AND CONDITIONS OF ACCESS AND USE:

1. The Leased Premises shall remain subject to easements and restrictions of record and are subject to the restrictions and regulations of any and all federal, state, county, city and municipal authorities having jurisdiction and any amendments or additions thereto, and any rules or regulations promulgated by BCTC.
2. BCTC shall be responsible for securing and maintaining premises liability and casualty insurance on the building, including the Leased Premises. The Police shall be responsible for securing and maintaining contents insurance for equipment, and fixtures located within the Leased premises, and will name BCTC as an additional insured on their excess insurance policy and shall provide a Certificate of Liability at the time of the MOA signing.
3. The Police shall be responsible for all conduct of and liability for training and other activities conducted on the premises. KCTCS/BCTC shall not accept liability for any injury incurred as a result of Police's use of or training in the facility.
4. Pursuant to KRS 237.115, KCTCS has the authority to prohibit the possession of deadly weapons on campus except as otherwise provided by law. KCTCS recognizes that the Police are entitled pursuant to KRS 527.020 to carry concealed weapons on campus for law enforcement purposes. KCTCS further acknowledges that KCTCS Policy 3.3.23 on Deadly Weapons permits use of weapons for a legitimate academic activity. The training agreed upon and intended under this lease may include the use of such weapons. This use shall not in any other circumstance or on any other property prohibit KCTCS from enforcing its ability to prohibit deadly weapons on or in any of its facilities, buildings, or campuses.

5. BCTC shall maintain in good condition and repair the building, and shall make all repairs becoming necessary by reason of any structural defects in the Building; provided however, that BCTC shall not be required to make any repairs necessitated by reason of any act or omission of the Police, its officers, agents, employees, visitors, or anyone claiming under the Police or caused by any alteration, addition, or improvements made by the Police.
6. The Police shall not make any alterations, or changes to the Leased Premises without securing written consent from BCTC in advance. The Police shall be permitted to maintain existing fixtures and appurtenances in the Leased Premises, including the installation of and maintenance of video equipment, and/or wiring necessary for computers and networking.
7. The Police will supply the needed lockers for the Locker Room as shown, in accordance with BCTC's prior approval. The Police will also supply all required furniture and furnishings for the space.
8. The adjacent existing gravel parking area located between the Megowan Building and the Mule Barn shall be identified as parking for use by the Police. The Police may make improvements to this parking area at their discretion and with the approval of BCTC.
9. The Police will provide any needed wiring for telephone, computer cables and network drops at their own expense.
10. BCTC shall provide janitorial services for the building.
11. The Police will provide for trash and/or recycle services for the space.
12. The Police will provide for any needed snow and ice removal from the parking area, and outside of the building, including the entry way and sidewalks.
13. BCTC shall provide landscape services for the property.
14. BCTC will allow the Police to contract for vending services in the space and the Police will be responsible for such services.
15. The Police will not erect any interior or exterior signage, without written approval from BCTC.
16. BCTC will provide two (2) keys per door to the Police for use in the space. In order to receive keys the Police must sign a log in sheet maintained by BCTC for the keys.
17. Mule Barn may be used by both parties with use to be scheduled in advance.

18. Gymnasium will be a shared use space by the Police and BCTC. The Police will have priority on weekdays from 6 AM to 4 PM and BCTC will have priority on weekdays from 4 PM to midnight and Saturdays from Noon to 4 PM. There will be a calendar indicating the reserved times allowing flexibility for each party away from their priority times.
19. The Police will immediately contact Todd Gray, BCTC Security Manager at 859-753-8446 for any building emergencies.
20. This Agreement shall be modified and/or amended only by a written amendment executed by all parties to this Agreement.
21. The parties also agree hereto that the laws of the Commonwealth of Kentucky shall govern all questions as to the execution, validity, interpretation, construction, and performance of this Memorandum of Agreement. Furthermore, the parties hereto further agree that any legal action, which is brought on the basis of said Agreement shall be filed in either the Franklin County Circuit Court or Franklin County District Court, commensurate with the jurisdictional limits of those Courts, of the Commonwealth of Kentucky.

IN WITNESS WHEREOF, the parties hereto have executed this MEMORANDUM OF AGREEMENT and recommended the Agreement by signature:

Lexington Fayette Urban County Government
Mayor

Date:_____

Lexington Division of Police
Police Chief

Date:_____

Bluegrass Community and Technical College
President

Date:_____

Kentucky Community
and Technical College System, KCTCS

Date:_____

KCTCS Legal Counsel

Date:_____

Lexington Division of Police
Legal Counsel

Date:_____

ATTACHMENT A



ATTACHMENT B**PROPOSED POLICE ACADEMY RELOCATION COSTS**

BCTC Newtown Campus-Megowan Building

13-Nov-12

Space Breakdown

	Size	Police %	Police Sq Ft	BCTC %	BCTC Sq Ft
BCTC Offices	612	0%	0	100%	612
Gym	6170	50%	3085	50%	3085
Gym Restrooms	520	50%	260	50%	260
Police Training Area	12486	100%	12486	0%	0
Stage	354	50%	177	50%	177
Mechanical Rooms	558	50%	279	50%	279
Totals	20700	79%	16287	21%	4413

Building Shares

BCTC Share 4413/20700= 21%
Lex Police Share 16287/20700= 79%

Yearly Operating Costs

Utilities	\$ 60,000
Mech Maint Contract	\$ 10,000
BCTC Maintenance	\$ 3,000
Major Repair Budget	\$ 7,000
Custodial (< actual) *	\$ 8,000
Total	\$ 88,000

BCTC Share	\$80000 X .21 =	\$ 18,761
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Police Share	\$80000 X .79 =	\$ 69,239
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* Actual cost to BCTC is \$18,000/yr.-Will repropotion at end of amortization

Amortization of Lexington Police Improvements **

\$200,000 Total / 10 year amortization = \$20,000/yr

**Costs reflect improvements beyond what BCTC originally planned for renovation (\$1,000,000) (i.e. if doors, finishes, lighting, mechanical, etc. was already planned for an area, the Police Academy will not pay for it. They only pay for embellishments beyond the original scope of project).

Unamortized Improvements

\$1,000,000 Total - Renovation costs paid for by College

Total Yearly Costs to Police Academy

Operating Costs	\$ 69,239
Amortization	<u>20,000</u>
Total	\$ 89,239

**Neighborhood Development Funds
February 5, 2013
Work Session**

Amount	Recipient	Purpose
\$ 625.00	March Madness Marching Band 125 Edgemoor Drive Lexington, KY 40509 Lori Houlihan	To assist with transportation costs to Austin, TX
\$ 650.00	Lexington Woman's Club 3260 Sutherland Drive Lexington, KY 40517 Keitha Ames	To purchase clothing for Fayette Co. school children who visit the clothing center

Social Services & Community Development Committee
January 22, 2013 Summary & Motions

Gorton called the meeting to order at 1:35 PM. All members were present. Gorton also attended.

Election of the Committee Chair

On a motion by Myers, second Lane, Ford was nominated unanimously to be Chair. Ford accepted the nomination.

There were no other nominations.

On a motion by Myers, second Lane, Ford was elected Chair unanimously.

Selection of Vice Chair

Chair asked Akers to be Vice Chair. Akers accepted.

12.04.12 Committee Summary

On a motion by Kay, second Myers, the summary of the 12.04.12 Social Services & Community Development Committee was approved.

Workforce Development & Training

Ford called on Schoninger to present information on workforce investment and development.

Schoninger stated that at the November and December meetings the Committee had several information requests that he was responding to. The first was a list of workforce Training providers. The information includes training provider name, training description, annual number of students, placement rates, starting salary range and location of the training.

Schoninger stated that the second request was for placement, retention and average earnings for those trained through the Bluegrass Workforce Investment Board (BGWIB). Schoninger stated that the performance data indicated that BGWIB were meeting its goals.

The third request was for a comparison of training costs for the ten (10) Workforce Investment Boards in Kentucky. Schoninger stated that the data indicated that BGWIB expended \$ 9,167 per student trained from the individual training account, while the state average was \$ 3,597 per student in 2011.

Lane spoke about BEAM and stated that the region needed more training for manufacturing and industry.

Ford called on Darryl Smith, Chair of the Bluegrass Workforce Investment Board. Smith stated that the BGWIB was sector driven and they were participating in the BEAM efforts as well.

Smith stated that the WIB would present to the March 19 Social Services /Community Development Committee meeting.

Committee Referred Items

Ford briefly explained how he hoped to organize the Committee.

Lane asked about the new Senior Citizens Center. In response Beth Mills stated that the Administration will be presenting a report on the senior citizens center at the 1.29.13 Work Session.

Myers asked if he could submit questions beforehand regarding the 3.19.13 workforce investment presentation. In response Ford requested that they be submitted to him and they can be forwarded to the BGWIB prior to the March meeting.

The meeting was adjourned at 1:52 PM.

PAS 1.25.13



PROPOSED COMMUNITY PARTNERSHIP

*Between
Lexington Police
and
Bluegrass Community and Technical College*





INTERNAL BENEFITS

- Larger, updated classroom space
- All training aids housed together
- Community Partnership with BCTC
- Allow for reorganization and allocation of personnel
- Reduction in the number of facilities maintained
- Larger facilities to host trainings and/or conferences leading to reduced travel costs
- Police recruits integrated with students and faculty as a reminder of their service to the community

EXTERNAL BENEFITS

- Integration in Newtown Pike Corridor
- Entrenched in emerging University District
- Community Partnerships with YMCA, Transylvania University and BCTC
- Promotion of wellness and healthy living due to close proximity to YMCA and Legacy Trail
- Part of the revitalization of the Downtown Area
- Police Department presence on BCTC campus

BUILDING SHARE ALLOCATION



ESTIMATED YEARLY OPERATING COSTS

Based on 20,000 Square Feet

Utilities	\$ 60,000	BCTC Share 21% Facility	$\$88000 \times .21 =$	\$ 18,480
Mech Maint Contract	\$ 10,000			
BCTC Maintenance	\$ 3,000	LPD Share 79% Facility	$\$88000 \times .79 =$	\$ 69,520
Major Repair Budget	\$ 7,000			
Custodial (< actual)	\$ 8,000			
Total	\$ 88,000	Amortization of LPD Improvements		
		\$200,000 / 10 Year Amortization=	\$20,000/yr	

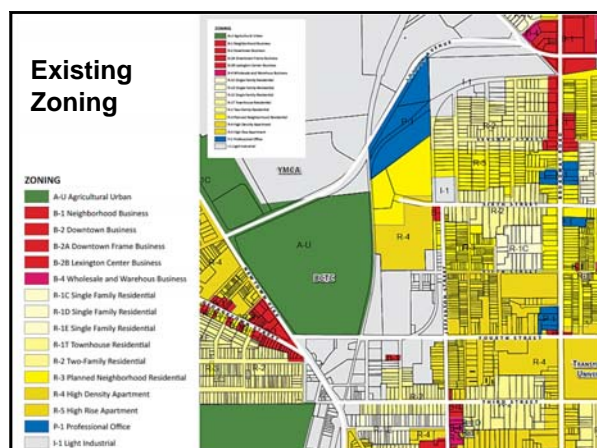
TOTAL LPD Estimated yearly cost \$89,520

Lexington Police Facility Reduction Comparison

	FY 2012			
Safety City Total Cost	\$6,813.51			
National Avenue Total Cost	\$46,915.10			
Estimated Cost Savings	\$53,728.61			
Megowan Building Yearly Operational Cost		\$69,520.00		
Megowan Building 10 YR Amortization		\$20,000.00		
Megowan Building Total Yearly Cost		\$89,520.00		
Current Facility Reduction Cost			\$53,278.61	
Proposed Yearly Expenditure			\$36,241.39	
After 10 Year Amortization				\$16,241.39

Fourth Street Strategic Area Plan

Commissioner of Planning
Dr. Derek Paulsen



Goals of Project

- Involve area property owners in discussions of future development plans.
- Create consensus on desired land use character to support the emerging University district.
- Identify potential development and public improvement projects
- Make recommendations on appropriate zoning to support desired land uses.

