

Lexington-Fayette Urban County Government

*200 E. Main St
Lexington, KY 40507*



Tuesday, September 24, 2013

3:00 PM

Packet

Council Chamber

Urban County Council Work Session

**URBAN COUNTY COUNCIL
SCHEDULE OF MEETINGS
September 23 – September 30, 2013**

Monday, September 23

No Meetings

Tuesday, September 24

Special Social Services & Community Development Committee.....1:00 pm
Council Chamber – 2nd Floor Government Center

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

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

Wednesday, September 25

Commission for Citizens with Disabilities.....9:30 am
Village Branch Library – 2185 Versailles Road

Parks Advisory Board.....4:30 pm
Picadome – 1642 Harrodsburg Road

Thursday, September 26

Confirmation Hearing – Chief Information Officer.....4:00 pm
Council Chamber – 2nd Floor Government Center

Council Meeting.....6:00 pm
Council Chamber – 2nd Floor Government Center

Friday, September 27

No Meetings

Monday, September 30

No Meetings

URBAN COUNTY COUNCIL

WORK SESSION SUMMARY

TABLE OF MOTIONS

September 17, 2013

Mayor Jim Gray called the meeting to order at 3:05pm. Council Members Chuck Ellinger, Steve Kay, Chris Ford, Shevawn Akers, Diane Lawless, Julian Beard, Kevin Stinnett, Jennifer Scutchfield, George Myers, Jennifer Mossotti, Harry Clarke, Peggy Henson, and Ed Lane were present. Vice Mayor Linda Gorton and Bill Farmer were absent.

I. Public Comment – Issues on Agenda – No

II. Requested Rezoning / Docket Approval – No

III. Approval of Summary – Yes

Motion by Stinnett to approve the summary. Seconded by Ellinger. Motion passed without dissent. Myers was absent for the vote.

IV. Budget Amendments – No

V. New Business – Yes

Motion by Beard to approve the new business. Seconded by Ellinger.

Motion by Ford to remove item c from the new business. Seconded by Ellinger. Motion passed without dissent. Myers was absent for the vote.

The amended new business items passed without dissent. Myers was absent for the vote.

VI. Continuing Business / Presentations – Yes

Motion by Ellinger to approve the Neighborhood Development Funds. Seconded by Mossotti. Motion passed without dissent. Myers was absent for the vote.

Motion by Ellinger to approve a Budget Analyst position for the Urban County Council. Seconded by Henson. Motion passed 12-0. Myers was absent for the vote.

Motion by Ellinger to hire a security officer for the front desk of the Urban County Council. Seconded by Henson. Motion passed 8-3. Akers, Beard, and Clarke voted nay. Kay abstained. Myers was absent for the vote.

Motion by Ellinger to distribute the Council calendar by the third week in October. Seconded by Mossotti. Motion passed 12-0. Myers was absent for the vote.

Motion by Ellinger to add a public hearing monthly in full meeting months at 4:00pm.
Seconded by Myers. Motion passed 13-0.

Motion by Ellinger to switch Standing Committee times annually except for the Budget
and Finance Committee and the Economic Development Committee of the Whole.
Seconded by Myers. Motion passed 13-0.

VII. Council Reports – Yes

VIII. Mayor's Report – No

IX. Public Comment – No

X. Adjournment – Yes

Motion by Scutchfield to adjourn. Seconded by Lane. Motion passed without dissent.

**Lexington-Fayette Urban County Government
Work Session Agenda
September 24, 2013**

- I. Public Comment - Issues on Agenda**
- II. Requested Rezoning/ Docket Approval – Yes**
- III. Approval of Summary – Yes, p. 1 - 2**
- IV. Budget Amendments – Yes, p. 8 - 9**
- V. New Business – Yes, p. 10 - 57**
- VI. Continuing Business/ Presentations**
 - a** Neighborhood Development Funds, September 24, 2013, p. 58
 - b** Public Safety Committee Summary, September 2013, p. 59 - 61
- VII. Council Reports**
- VIII. Mayor's Report – Yes**
- IX. Public Comment - Issues Not on Agenda**
- X. Adjournment**

Administrative Synopsis - New Business Items

- a 0975-13 Authorization to execute Service Agreement with Otis Elevator Company for elevator maintenance at the Division of Community Corrections. (L0975-13) (Ballard/Mason)**
This is a request to execute Service Agreement with Otis Elevator Company for elevator maintenance at the Division of Community Corrections. The cost for FY 2014 is \$1,844.40. Funds are budgeted. p. 10
- b 0995-13 Authorization to amend Res. No. 291-2013, which authorized the purchase of 8 Heil Multipack Garbage Packers from Central Indiana Truck Equipment, to include the cost of a larger CNG fuel tank. (L0995-13) (Baradaran/Reed)**
This is a request to amend Res. No. 291-2013, which authorized the purchase of 8 Heil Multipack Garbage Packers from Central Indiana Truck Equipment, to include the cost of a larger CNG fuel tank for an amount of \$52,000. This increase brings the new contract total cost to \$1,746,392. Funds are budgeted. p. 11 - 14
- c 0997-13 Authorization to execute Memorandum of Understanding (MOU) with the Federal Bureau of Investigation and Department of Veterans Affairs relative to Division of Police response in "emergency tactical situations" due to close proximity and response time. (L0997-13) (Basin/Mason)**
This is a request to execute MOU with the Federal Bureau of Investigation and Department of Veterans Affairs relative to Division of Police response in "emergency tactical situations" due to close proximity and response time. There is no budgetary impact. p. 15
- d 0998-13 Authorization to submit application to the U.S. Department of Homeland Security under the 2013 Assistance to Firefighters Grant Program, requesting federal funds for replacement of a front line fire engine and to replace 12 lead automated external defibrillators. (L0998-13) (Gooding/Mason)**
This is a request to submit application to the U.S. Department of Homeland Security under the 2013 Assistance to Firefighters Grant Program, requesting federal funds in the amount of \$900,000 for replacement of a front line fire engine and to replace 12 lead automated external defibrillators. A local match of \$100,000 (10%) is required. p. 16

- e 0999-13** Authorization to accept award of funds from the Bluegrass Community Foundation for construction of Isaac Murphy Memorial Art Garden. (L0999-13) (Gooding/Paulsen)
This is a request to accept award of funds in the amount of \$25,000 from the Bluegrass Community Foundation for construction of Isaac Murphy Memorial Art Garden. No matching funds are required. Budget amendment in process. p. 17
- f 1001-13** Authorization to submit application and accept award of funds from the Kentucky Board of Emergency Medical Services for purchase of EMS equipment-FY 2015-2016. (L1001-13) (Gooding/Mason)
This is a request to submit application and accept award of funds in the amount of \$20,400 from the Kentucky Board of Emergency Medical Services for purchase of EMS equipment-FY 2015-2016. No matching funds are required. p. 18
- g 1002-13** Authorization to accept a Deed of Easement from Transylvania University for relocation of an air release valve. (L1002-13) (Martin/Moloney)
This is a request to accept a Deed of Easement from Transylvania University for relocation of an air release valve. There is no budgetary impact. p. 19 - 24
- h 1003-13** Authorization to submit application to the Kentucky Division of Emergency Management requesting federal funds under the Federal Emergency Management Agency's Flood Mitigation Assistance/Pre-Disaster Mitigation programs. (L1003-13) (Gooding/Moloney)
This is a request to submit application to the Kentucky Division of Emergency Management requesting federal funds in the amount of \$1,422,000 under the Federal Emergency Management Agency's Flood Mitigation Assistance/Pre-Disaster Mitigation programs. A local match of \$474,000 (25%) is required. p. 25
- i 1004-13** Authorization to execute Change Order No. 3 with Churchill McGee, LLC, for the Carver Community Center renovation for the Newtown Pike Extension Project. (L1004-13) (Gooding/Reed)
This is a request to execute Change Order No. 3 in the amount of \$20,477.84 with Churchill McGee, LLC, for the Carver Community Center renovation for the Newtown Pike Extension Project. This increase brings the new contract total cost to \$1,121,059.25. Funds are budgeted. p. 26 - 39

- j 1005-13** Authorization to execute Change Order No. 1 with Fitzsimons Office of Architecture for additional design services for Carver Community Center renovation for the Newtown Pike Extension Project. (L1005-13) (Gooding/Reed)
This is a request to execute Change Order No. 1 for an amount of \$7,800 with Fitzsimons Office of Architecture for additional design services for Carver Community Center renovation for the Newtown Pike Extension Project. This increase brings the new contract total cost to \$92,800. Funds are budgeted. p. 40 - 46
- k 1007-13** Authorization to approve and adopt revised regulations for the procurement of personal/professional services on behalf of the Urban County Government through its Division of Central Purchasing. (L1007-13) (Slatin/O'Mara)
This is a request to approve and adopt revised regulations for the procurement of personal/professional services on behalf of the Urban County Government through its Division of Central Purchasing allowing the use of the design-build method and similar methods for the procurement of construction services.
p. 47- 49
- l 1010-13** Authorization to execute Federal Equitable Sharing Agreement and Certification with the Department of Justice and Department of the Treasury. The agreement covers requirements for participation in the federal equitable sharing program and restrictions upon the use of federally forfeited cash, property, proceeds, and any interest, which are equitably shared with participating law enforcement agencies. (L1010-13) (Bastin/Mason)
This is a request to execute Federal Equitable Sharing Agreement and Certification with the Department of Justice and Department of the Treasury. The agreement covers requirements for participation in the federal equitable sharing program and restrictions upon the use of federally forfeited cash, property, proceeds, and any interest, which are equitably shared with participating law enforcement agencies. There is no budgetary impact. p. 50
- m 1014-13** Authorization to execute Amendment to Sublease and Management Agreement with LexArts, Inc. for the management of the Downtown Arts Center (DAC). (L1014-13) (Atkins)
This is a request to execute Amendment to Sublease and Management Agreement with LexArts, Inc. for management of the DAC for an amount of \$109,250. Funds are budgeted. p. 51

- n 1016-13** Authorization to amend Resolution No. 286-2011 which grants a local Occupational License Fee (OLF) inducement to Lockheed Martin Corp., to also include its affiliate, Lockheed Martin Operations Support, Inc. (L1016-13) (Atkins)
This is a request to amend Resolution No. 286-2011 which grants a local Occupational License Fee (OLF) inducement to Lockheed Martin Corp., to also include its affiliate, Lockheed Martin Operations Support, Inc. There is no budgetary impact. p. 52
- o 1019-13** Authorization to execute Facility Usage Agreements with various youth baseball leagues to provide youth sports for the community by utilizing Park facilities. (L1019-13) (Hancock/Reed)
This is a request to execute Facility Usage Agreements with various youth baseball leagues to provide youth sports for the community by utilizing Park facilities. There is no budgetary impact. p. 53
- p 1020-13** Authorization to execute Construction Easement Agreement with R. J. Corman Railroad Property, LLC for a temporary construction easement needed to construct sidewalk along W. Fourth Street on the Fourth Street Improvements Project. (L1020-13) (Frazier/Paulsen)
This is a request to execute Construction Easement Agreement with R. J. Corman Railroad Property, LLC for a temporary construction easement needed to construct sidewalk along W. Fourth Street on the Fourth Street Improvements Project for a cost not to exceed \$500.00. Funds are budgeted. p. 54 - 57

BUDGET AMENDMENT REQUEST LIST

8

JOURNAL	72227	DIVISION	Parks and Recreation	Fund Name	General Fund
				Fund Impact	10,786.00
					10,786.00CR
					.00

To provide funds to allow purchase of Toro Workman for Downtown Maintenance District and to move money for purchase of Christmas Decorations for Downtown.

JOURNAL	72332-33	DIVISION	Streets and Roads	Fund Name	General Fund
				Fund Impact	1,300.00
					1,300.00CR
					.00

To provide funds for road surfacing material by recognizing reimbursement from the Fayette County Attorney.

JOURNAL	72350	DIVISION	Family Services	Fund Name	General Fund
				Fund Impact	9,452.00
					9,452.00CR
					.00

To provide funds for acting pay for part-time Equipment Operator (Grade 108N) by reducing funds for vacant Public Service Supervisor (Grade 111N) in the Division of Family Services.

JOURNAL	72322-23	DIVISION	Environmental Policy	Fund Name	Urban Fund
				Fund Impact	464.00
					464.00CR
					.00

To recognize revenue from Underground Storage Tank reimbursement and increase professional services to cover expenses in Remediation and Compliance.

JOURNAL	72325-26	DIVISION	Grants and Special Projects	Fund Name	US Department of HUD
				Fund Impact	77,537.18
					77,537.18CR
					.00

Amend CDBG FY 2013 to reflect actual program income received and to increase amount budgeted for housing rehab.

JOURNAL	72327-28	DIVISION	Grants and Special Projects	Fund Name	US Department of HUD
				Fund Impact	19,130.29
					19,130.29CR
					.00

Amend Home grant FY 2013 to reflect actual program income received and to increase budgeted amount for housing rehab.

JOURNAL	72047-48	DIVISION	Grants and Special Projects	Fund Name	US Department of Trans
				Fund Impact	25,000.00
					25,000.00CR
					.00

To amend Ticketing Aggressive Cars and Trucks (TACT) program to reflect actual award of federal funds and grant match.

JOURNAL	72228-29	DIVISION	Grants and Special Projects	Fund Name Fund Impact	US Department of Trans 20,000.00 20,000.00CR .00
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To establish grant budget for Distracted Driving-Kentucky Transportation Cabinet program.

JOURNAL	72234-35	DIVISION	Grants and Special Projects	Fund Name Fund Impact	Grants - Other 25,000.00 25,000.00CR .00
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To establish grant budget for Isaac Murphy Memorial Art Garden-2014.

JOURNAL	72331	DIVISION	Grants and Special Projects	Fund Name Fund Impact	Grants - State 5,581.81 5,581.81CR .00
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To amend Kentucky Pride FY 2013 to provide additional funds for Division of Streets and Roads for litter pick-up.

JOURNAL	72046	DIVISION	Parks and Recreation	Fund Name Fund Impact	PFC - Parks Projects 155,252.66 58,100.00CR 97,152.66
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To provide funds for Golf Course Contingency in the PFC-Parks Projects Fund by reappropriating fees earned during prior years for this purpose and to allocate golf course dedicated funds for the purchase of two mowers and Golf Trac software system.

JOURNAL	72329	DIVISION	Water Quality	Fund Name Fund Impact	Water Quality Const Fund 51,902.00 51,902.00CR .00
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To provide capital funds for Anniston/Wickland Phase 3 stormwater project by decreasing funds for engineering services. This will provide sufficient funds to accept current bid for the project.

BUDGET AMENDMENT REQUEST SUMMARY

Fund	1101	General Service District Fund	.00
Fund	1115	Full Urban Services District Fund	.00
Fund	3120	US Department of Housing and Urban Development	.00
Fund	3160	US Department of Transportation	.00
Fund	3300	Grants – Other	.00
Fund	3400	Grants – State	.00
Fund	4024	PFC Parks Projects Fund	97,152.66
Fund	4052	Water Quality Construction Fund	.00



Lexington-Fayette Urban County Government
DEPARTMENT OF PUBLIC SAFETY

Jim Gray
Mayor

Clay Mason
Commissioner

To: Sally Hamilton, CAO
Mayor Jim Gray
Councilmembers

From: Rodney Ballard, Director *RB*
Division of Community Corrections

Date: September 4, 2013

Subject: Approval of Service Agreement with Otis Elevator Company

Requesting approval of a service agreement between the Division of Community Corrections and Otis Elevator Company for the elevator maintenance at the Division of Community Corrections beginning September 1, 2013. This is a sole source provider due to existing patented equipment installed to remotely monitor the elevator equipment.

The fiscal impact for FY2014 will be \$1,844.40 Funds are budgeted in 1101-505401-5412-76101.

cc: Clay Mason, Commissioner
Department of Public Safety

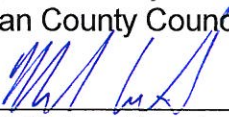


Lexington-Fayette Urban County Government
DEPARTMENT OF GENERAL SERVICES

Jim Gray
Mayor

Sally Hamilton
Chief Administrative Officer

TO: Mayor Jim Gray
Urban County Council Members

FROM: 
Mark Caton, Deputy Director
Division of Facilities and Fleet Management


Steve Feese, Director
Division of Waste Management

DATE: September 10, 2013

SUBJECT: Change Order #2 to Resolution #291-2013

Council Approval is requested for a change order to Resolution #291-2013. This request is in response to a request from the Division of Waste Management to increase the fuel capacity beyond that of the original bid specifications for eight CNG powered refuse collection vehicles currently on order. The cost of this request is \$6,500 per unit for a total increase of \$52,000 for eight units. The new grand total of \$1,746,392 is fully budgeted.



JUSTIFICATION FOR SOLE SOURCE CERTIFICATION

Sole Source Purchases are defined clearly, based upon a legitimate need, and are limited to a single supplier. Sole source purchases are normally not allowed except when based upon strong technological grounds such as operational compatibility with existing equipment and related parts or upon a clearly unique and/or cost effective feature requirement. The use of sole source purchases must be justified and shall be limited only to those specific instances in which compatibility or technical performance needs are being satisfied.

Sole Source Services are defined as a service provider providing technical expertise of such a unique nature that the service provider is clearly and justifiably the only practicable source available to provide the service. The justification shall be based on the uniqueness of the service, sole availability at the location required, or warranty or defect correction service obligations of the service provider.

This form must be filled out for the request to purchase any good or non-professional service that requires a competitive procurement process (informal quotes (\$1001-\$10,000), formal quotes (\$10,001 - \$19,999.99), or formal bid (\$20,000 or more) as defined in the LFUCG's Purchasing Manual. This form must be completed in its entirety and attached to the purchase requisition.

Note: Sole Source Purchase requests for goods exceeding \$20,000 will require approval by the Urban County Council by submitting an Administrative Review Form. A copy of this form must be signed off by Central Purchasing and attached to the Administrative Review Form.

Requesting Division

Name Dave Toombs Division/Dept Elect Management

Phone 258-3873 Email dtoombs@lexingtonky.gov

Type of Purchase: ☒ Goods/Materials/Equipment ☐ Services

Cost: 218,299.00

Sole Source Request for the Purchase of: Heil Multipack refuse bodies
to form a price contract.

☐ One Time Purchase ☒ To Establish Sole Source Provider Contract
(subject to annual review and approval by Central Purchasing and/or Urban County Council)

Vendor Information

Business Name Central Indiana Truck Equipment

Contact Name Danny Vaughn

Address 2128 S. Harding St. Indianapolis, In. 46221

Phone 317-639-4207 Email danny@citecorp.net

STATEMENT OF NEED: (Add additional pages as needed)



JUSTIFICATION FOR SOLE SOURCE CERTIFICATION

My division/department's recommendation for sole source is based upon an objective review of the product/service required and appears to be in the best interest of the LFUCG. I know of no conflict of interest on my part, and I have no personal involvement in any way with this request. No gratuities, favors, or compromising actions have taken place. Neither has my personal familiarity with particular brands, types of equipment, materials, persons or firms been a deciding influence on my request to sole source this purchase when there are other known suppliers to exist.

1. Describe the product or service and list the necessary features this product provides that are not available from any other option.

Acil Multi-pack return packer built to LFUCG Specs.

2. Below are eligible reasons for sole source. Check one and describe.

☒ Licensed or patented product or service. No other vendor provides this. Warranty or defect correction service obligations to the consultant. Describe why it is mandatory to use this licensed or patented product or service.

☐ Existing LFUCG equipment, inventory, custom-built information system, custom-built data inventory system, or similar products or programs. Describe. If product is off-the-shelf, list efforts to find other vendors (i.e. web site search, contacting the manufacturer to see if other dealers are available to service this region, etc.)

☐ Uniqueness of the service. Describe.

☐ The LFUCG has established a standard for this manufacturer, supplier, or provider and there is only one vendor. Attach documentation from manufacturer to confirm that only one dealer provides the product.

☐ Factory-authorized warranty service available only from this single dealer. Sole availability at the location required. Describe.

☐ Used item with bargain price (describe what a new item would cost). Describe.

☐ Other – The above reasons are the most common and established causes for an eligible sole source. If you have a different reason, please describe:

-

CONTRACT HISTORY FORMContractor: Central Indiana Truck EquipmentProject Name: REFUSE_2011Contract Number and Date Res. 291-2103 6/6/2013Responsible LFUCG Division: Fleet Management**CHANGE ORDER DETAILS**

	<u>Summary of Previous Change Orders To Date</u>	<u>Percent Change to Dollar Amount</u>	<u>Original Contract</u>
A.	Original Contract Amount:	\$1,478,729	
B.	Cumulative Amount of Previous Change Orders:	\$4416	0.01 (Line B / Line A)
C.	Total Contract Amount Prior to this Change Order:	\$1,694,392	
	<u>Current Change Order</u>		
D.	Amount of This Change Order:	52,000	0.04% (Line D / Line A)
E.	New Contract Amount Including this Change Order :	\$1,746,392	1.19% (Line E / Line A)

SIGNATURE LINES

Project Manager: _____

Date: _____

Reviewed by: _____

Date: _____

Division Director:  _____Date: 9-16-2013

**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: September 5, 2013

RE: Memorandum of Understanding – Federal Bureau of Investigation,
Department of Veterans Affairs

Please find attached Memorandum of Understanding (MOU) between the Federal Bureau of Investigation, Department of Veterans Affairs and the Lexington-Fayette Urban County Government.

The attached MOU states that while the FBI retains primary jurisdiction on this federal property, the Division of Police would be the primary response agency in "emergency tactical situations" due to the close proximity and response time of the response team. The MOU further states that following consultation with the FBI and U.S. Attorney's Office, the Division of Police could be notified to request assistance and to take primary response for an investigation. The MOU also notes Brian Schuman as Chief of Police Service for the Department of Veterans Affairs.

Upon Mayor Gray signing, please return original document to the Chief's Office to acquire additional signatures.

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

A handwritten signature in cursive script, appearing to read "R. Bastin".

Ronnie Bastin
Chief of Police

RB/rmh

Attachment

cc: Clay Mason, Commissioner of Public Safety



Lexington-Fayette Urban County Government
DIVISION OF GRANTS AND SPECIAL PROGRAMS

Jim Gray
Mayor

Sally Hamilton
CAO

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

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

DATE: SEPTEMBER 10, 2013

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO SUBMIT
APPLICATION TO THE U.S. DEPARTMENT OF HOMELAND
SECURITY UNDER THE 2013 ASSISTANCE TO FIREFIGHTERS
GRANT PROGRAM, REQUESTING FEDERAL FUNDS IN THE
AMOUNT OF \$900,000 FOR REPLACEMENT OF A FRONT LINE
FIRE ENGINE AND TO REPLACE 12 LEAD AUTOMATED
EXTERNAL DEFIBRILLATORS**

The Division of Fire and Emergency Services has prepared an application for submission to the U.S. Department of Homeland Security under the 2013 Assistance to Firefighters Grant Program, requesting federal funds for purchase of a replacement for Engine 12, the oldest front line engine, and for the purchase of 12 lead automated external defibrillators (AEDS) to replace aging units. Total cost of the equipment is \$1,000,000. Federal funds in the amount of \$900,000 is being requested. A 10% local match (\$100,000) is required. Match has been budgeted in the 2014 General Fund budget (1101-505702-5712-78201).

The Assistance to Firefighters Grant is a program of the National Preparedness Directorate in the Federal Emergency Management Agency. Grants are awarded to fire departments to enhance their ability to protect the public and fire service personnel from fire and related hazards.

Council authorization to submit the application is hereby requested.

Irene Gooding, Director

Xc: Clay Mason, Commissioner of the Department of Public Safety



Lexington-Fayette Urban County Government
DIVISION OF GRANTS AND SPECIAL PROGRAMS

Jim Gray
Mayor

Sally Hamilton
CAO

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

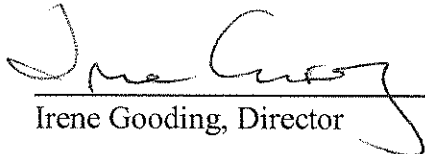
**FROM: IRENE GOODING, DIRECTOR
DIVISION OF GRANTS AND SPECIAL PROGRAMS**

DATE: SEPTEMBER 10, 2013

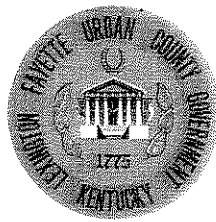
**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT AWARD
OF FUNDS IN THE AMOUNT OF \$25,000 FROM THE
BLUEGRASS COMMUNITY FOUNDATION FOR
CONSTRUCTION OF ISAAC MURPHY MEMORIAL ART
GARDEN**

The Bluegrass Community Foundation has offered the Lexington-Fayette Urban County Government funding in the amount of \$25,000 from the Gimbel Foundation for the construction of the Isaac Murphy Memorial Art Garden near Midland Avenue and Third Street. The park is planned to be a trailhead for the Legacy Trail. No matching funds are required.

Council authorization to accept the award is hereby requested.


Irene Gooding, Director

Xc: Derek Paulsen, Commissioner, Department of Planning, Preservation, and Public Works



Lexington-Fayette Urban County Government
DIVISION OF GRANTS AND SPECIAL PROGRAMS

Jim Gray
Mayor

Sally Hamilton
CAO

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

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

DATE: SEPTEMBER 11, 2013

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO SUBMIT APPLICATION
AND TO ACCEPT AWARD OF FUNDS FROM THE KENTUCKY
BOARD OF EMERGENCY MEDICAL SERVICES FOR PURCHASE OF
EMS EQUIPMENT—FY 2015-2016**

The Division of Fire and Emergency Services has prepared an application requesting funding from the Kentucky Board of Emergency Medical Services in the amount of \$10,000 for Fiscal Year 2015 and \$10,400 for Fiscal Year 2016. Funds will be used for the purchase of EMS equipment to include ambulance stretchers, automatic external defibrillators, and a 12 lead dysrhythmia generator. Purpose of this program is to improve emergency medical services.

These are state funds pursuant to KRS 311A.155. No matching funds are required.

Council authorization to submit application and accept the award is hereby requested.



Irene Gooding, Director

Xc: Clay Mason, Commissioner, Department of Public Safety



Lexington-Fayette Urban County Government
DEPARTMENT OF ENVIRONMENTAL QUALITY

Jim Gray
Mayor

Richard Moloney
Commissioner

TO: Mayor Jim Gray
Urban County Council

FROM: Charles Martin, P.E., Director *CM*
Division of Water Quality

DATE: September 11, 2013

SUBJECT: Transylvania University – Easement for Relocation of an Air Release Valve

The purpose of this memorandum is to request a resolution authorizing the acceptance of a Deed of Easement from Transylvania University for relocation of an air release valve.

Due to the construction of the new Transylvania Athletic Complex on Fourth Street, it will be necessary to relocate an air release valve presently located on the North Elkhorn force main. We have coordinated with Transylvania University to determine the best location for the new air release valve and Transylvania has requested that the new air release valve be relocated approximately 100' north of the existing location. This will involve constructing approximately 100' of sanitary sewer line to contain released air and will involve constructing a non-mechanical (passive) air release valve with an aerial vent tower approximately 55' high. The Division of Water Quality concurs with Transylvania's requested design and location. All of the construction cost will be paid for by Transylvania University and all the work will be done by their contractor. There is no anticipated cost to the LFUCG.

If you have any questions or need additional information, please let us know.

C: Rod Chervus, PE
Steve Farmer, PE
Patrick McFadden

DEED OF EASEMENT

THIS DEED OF EASEMENT is made and entered into this _____ day of _____, 2013, by and between TRANSYLVANIA UNIVERSITY, a Kentucky non-profit corporation, 300 North Broadway, Lexington, Kentucky 40508, Grantor, and the LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT, an urban county government, pursuant to KRS 67A, 200 East Main Street, Lexington, Kentucky 40507, Grantee.

WITNESSETH:

THAT FOR AND IN CONSIDERATION of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt of all of which is hereby acknowledged, the Grantor has bargained and sold and does hereby grant and convey unto the Grantee, its successors and assigns forever, a permanent easement for the purpose of installing, operating, inspecting, maintaining, repairing, reconstructing and removing a sanitary sewer line and appurtenances thereto including an aerial vent tower which height is approximately 55 feet, under, through and over the following described property located in Lexington, Fayette County, Kentucky:

See Exhibit A, "Metes and Bounds description of 20 foot wide sanitary sewer easement to be conveyed to the city of Lexington by Transylvania University" and Exhibit B, a graphic exhibit, attached hereto and incorporated by reference herein.

Being a portion of the property conveyed to Transylvania University, a Kentucky non-profit corporation from Ach-Bro, LLC, a Kentucky limited liability company, by deed dated December 12, 2011, recorded in Deed Book 3045, Page 595 in the Office of the Fayette County Clerk.

TOGETHER with the right to use such additional land on either side of the above-described permanent easement, as may be reasonably necessary for operation, inspection, maintenance, repair, reconstruction of and removal of said sewer and aerial vent tower and appurtenances.

TO HAVE AND TO HOLD said Easement unto the Grantee, its successors and assigns forever.

The Grantor shall have the full right to use the surface of the land of the easement area for any purpose desired, including athletic facilities, provided such use will not interfere with the Grantee's free use of the easement, and provided further that no building or permanent structure, other than athletic facilities and appurtenances, shall be erected upon, across, over or through said easement without the written consent of the Grantee.

This Easement runs with the land and is binding upon the successors and assigns of both parties.

The parties hereby certify that the consideration reflected in this Deed is the full consideration paid for the Easement. The Grantee joins in this Deed of Easement for the purpose of making this certification pursuant to KRS 382.135.

IN WITNESS WHEREOF, the parties have executed this Deed of Easement as of the date and year first above written

TRANSYLVANIA UNIVERSITY,
a Kentucky non-profit corporation, Grantee

By: Marc A. Mathews
Marc A. Mathews, Vice President for Finance
and Business

LEXINGTON-FAYETTE URBAN COUNTY
GOVERNMENT, an urban county government

By: _____
Title: _____

STATE OF KENTUCKY

COUNTY OF FAYETTE

The foregoing Deed of Easement was subscribed, sworn to and acknowledged before me this 5 day of September, 2013, by Marc A. Mathews, as Vice-President for Finance and Business, Transylvania University, a Kentucky non-profit corporation, for an on behalf of said non-profit corporation, Grantor.

My Commission Expires: 5-17-17

Leann Eshley
NOTARY PUBLIC, STATE-AT-LARGE,
KENTUCKY

488281
5-17-17

STATE OF KENTUCKY

COUNTY OF FAYETTE

The foregoing Deed of Easement was subscribed, sworn to and acknowledged before me this _____ day of _____, 2013 by _____, as _____, Lexington-Fayette Urban County Government, an urban county government pursuant to KRS 67A, for an on behalf of said government, Grantee.

My Commission Expires: _____

NOTARY PUBLIC, STATE-AT-LARGE,
KENTUCKY

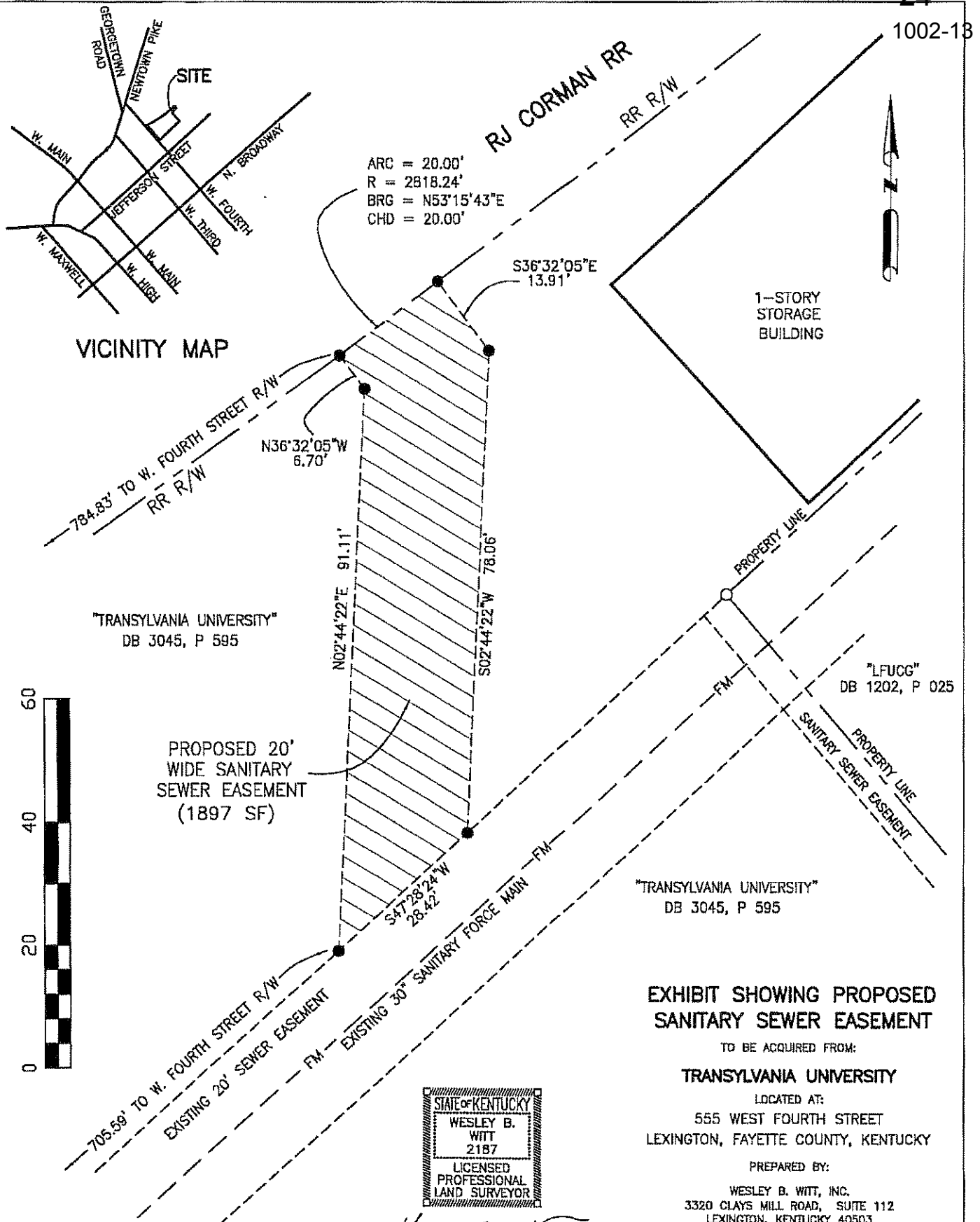
THIS INSTRUMENT WAS
PREPARED BY:

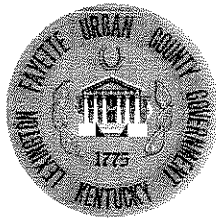
RICHARD V. MURPHY
RICHARD V. MURPHY, PLC
Lexington Financial Center
250 W. Main St., Suite 2510
Lexington, KY 40507
(859) 233-9811
Deed of Easement.docx

Metes and bounds description of
20 foot wide sanitary sewer easement
To be conveyed to the City of Lexington
By Transylvania University

Beginning at a point in the south right of way of the RJ Corman Railroad, said point being located 784.83 feet east of the east right of way of West Fourth Street as measured along said railroad right of way; thence along said railroad right of way along a curve to the left having an arc length of 20.00 feet, a radius of 2818.24 feet, and a chord bearing north 53 degrees 15 minutes 43 seconds east, a distance of 20.00 feet to a point; thence leaving the RJ Corman Railroad right of way south 36 degrees 32 minutes 05 seconds east a distance of 13.91 feet to a point; thence south 02 degrees 44 minutes 22 seconds west a distance of 78.06 feet to a point in the north line of an existing 20 foot wide sanitary force main easement; thence along the north line of said force main easement south 47 degrees 28 minutes 24 seconds west a distance of 28.42 feet to a point; thence leaving the force main easement north 02 degrees 44 minutes 22 seconds east a distance of 91.11 feet to a point; thence north 36 degrees 32 minutes 05 seconds west a distance of 6.70 feet to the point of beginning and containing 1,897 square feet.

The above description was prepared on March 25, 2013 by Wesley B. Witt, KY Land Surveyor Number 2187.





Lexington-Fayette Urban County Government
DIVISION OF GRANTS AND SPECIAL PROGRAMS

Jim Gray
Mayor

Sally Hamilton
CAO

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

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

DATE: SEPTEMBER 11, 2013

**SUBJECT REQUEST COUNCIL AUTHORIZATION TO SUBMIT APPLICATION
TO THE KENTUCKY DIVISION OF EMERGENCY MANAGEMENT
REQUESTING FEDERAL FUNDS UNDER THE FEDERAL
EMERGENCY MANAGEMENT AGENCY'S FLOOD MITIGATION
ASSISTANCE/PRE-DISASTER MITIGATION PROGRAMS**

The Division of Water Quality has prepared an application requesting federal funds from the Kentucky Division of Emergency Management under the Federal Emergency Management Agency's Flood Mitigation Assistance/Pre-Disaster Mitigation Assistance programs.

Federal funds in the amount of \$1,422,000 (75%) are being requested to support the cost of acquisition and demolition of up to ten residential properties in the Clarksdale Court and Shandon Drive/Pierson Drive areas. These properties have experienced repeated home flooding for an extended period time. A 25% local match in the amount of \$474,000 is required. Source of local match is Fund 4052.

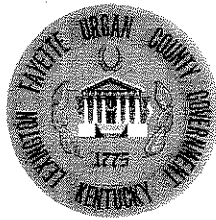
Total project cost is \$1,896,000.

The Flood Mitigation Assistance Program was created as part of the National Flood Insurance Reform Act of 1994 with the goal of reducing claims under the National Flood Insurance Program. The Pre-Disaster Mitigation Grant Program provides funds for implementation of mitigation projects prior to a disaster event.

Council authorization to submit application is hereby requested.


Irene Gooding, Director

Xc: Richard Moloney, Commissioner of the Department of Environmental Quality and Public Works



Lexington-Fayette Urban County Government
DIVISION OF GRANTS AND SPECIAL PROGRAMS

Jim Gray
Mayor

Sally Hamilton
CAO

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

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

DATE: SEPTEMBER 11, 2013

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE CHANGE ORDER NO. 3
WITH CHURCHILL MCGEE, LLC, FOR THE CARVER COMMUNITY CENTER
RENOVATION FOR THE NEWTOWN PIKE EXTENSION PROJECT**

The Lexington-Fayette Urban County Government has been awarded federal funds from the Kentucky Department of Transportation for the planning, design, and construction of the Newtown Pike extension. The Newtown Pike extension is authorized by Congress as a High Priority Project under the Transportation Equity Act for the 21st Century. Council approved project agreement on November 9, 2000 (Ordinance No. 344-2000). On June 23, 2011 (Ordinance No. 76-2011, Council approved acceptance of additional federal funds for final design of Phase II and Phase III, and mitigation expenses, which includes rehabilitation of Carver Center.

On February 28, 2013 (Resolution No. 062-2013), Council approved bid acceptance from Churchill McGee, LLC, in the amount of \$1,094,520 for the Carver Community Center Renovation.

On July 9, 2013 (Resolution No. 380-2013), Council approved Change Order No. 1 in the amount of \$3,655.85.

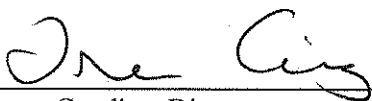
Change Order No. 2 in the amount of \$2,405.56 is in process of being approved by Council.

The Department of General Services has negotiated Change Order No. 3 in the amount of \$20,477.84 to (1) correct water infiltration problem in the basement by removing unused areaways and duct and infilling the area; and (2) providing tapered roofing system in one area to replace the specified roof insulation. New total is \$1,121,059.25. Kentucky Transportation Cabinet has approved the change order.

Funds are budgeted as follows:

FUND	DID	SECT	ACCT	PROJECT	BUD REF	ACTIVITY
3160	303202	3211	91012	NEWTOWNPK_2011	2011	FED_GRANT

Council authorization to execute Change Order No. 3 with Churchill McGee, LLC, is hereby requested.


Irene Gooding, Director

Xc: Geoffrey Reed, Commissioner of the Department of General Services

PROJECT: Carver Community Center Renovation	1004-13
CONTRACT NO. 62-2013	
CHANGE ORDER: 3	

1. Necessity for change: Item #1 will repair water infiltration into basement. Item #2 will provide a better roofing system for the existing conditions.
2. Is proposed change an alternate bid? ___ Yes X No
3. Will proposed change alter the physical size of the project? ____Yes X No
If "Yes", explain.
4. Effect of this change on other prime contractors: None
5. Has consent of surety been obtained? ____Yes X Not Necessary
6. Will this change affect expiration or extent of insurance coverage? ____Yes X No
If "Yes", will the policies be extended? ____Yes ____No
7. Effect on operation and maintenance costs: The change order will eliminate basement leaking and provide a better roof system.
8. Effect on contract completion date: 11 days

Recommended by Joyce L. Mayor (Project Manager)

Approved by Jim King (Grant Manager)

CONTRACT HISTORY FORM

29

1004-13

Contractor: Churchill McGeeProject Name: Carver Community Center RenovationContract Number and Date: 62-2013 02/28/2013Responsible LFUCG Division: General Services

CHANGE ORDER DETAILS

Summary of Previous Change Orders To Date

Dollar Amount

Percent Change to Original Contract

A. Original Contract Amount: \$ 1,094,520.00B. Cumulative Amount of
Previous Change Orders: \$ 6,061.411% %
(Line B / Line A)C. Total Contract Amount
Prior to this Change Order: \$ 1,100,581.41

Current Change Order #3

D. Amount of This Change Order: \$ 20,477.842% %
(Line D / Line A)E. New Contract Amount
Including this Change Order: \$ 1,121,059.25102% %
(Line E / Line A)

SIGNATURE LINES

Project Manager: Joyce LeeDate: 8/23/13Grant Manager: Don AgDate: 8/11/13

Division Director: _____

Date: _____

PROPOSAL REQUEST

OWNER ☐ General Services LFUCG
ARCHITECT ☐ Fitzsimons Office of Architecture
CONTRACTOR ☐ Churchill McGee
FIELD ☐
OTHER ☐

PROJECT: Carver Center Rehabilitation
(name, address) 522 Patterson St.
Lexington, KY

PROPOSAL REQUEST NO: **Six**

DATE: July 5, 2013

OWNER: LFUCG
201 East Main St.
Lexington, KY 40508

ARCHITECT'S PROJECT NO: 116-2012

CONTRACT FOR: General Construction

TO: (Contractor) Churchill McGee
1315 - C West Main St.
Lexington, KY 40508

CONTRACT DATED: 2/28/13

Please submit an itemized quotation for changes in the Contract Sum and/or Time incidental to proposed modifications to the Contract Documents described herein.

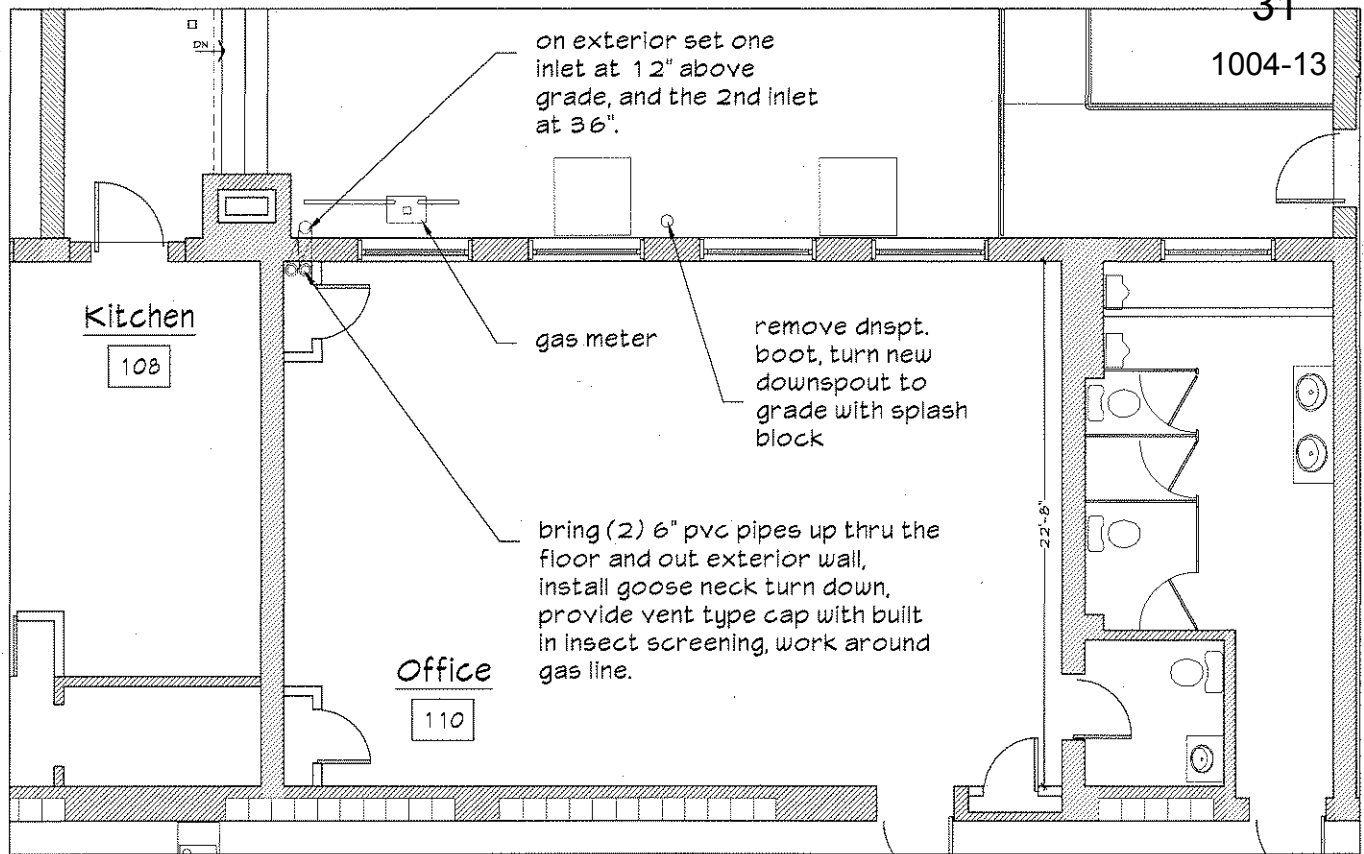
THIS IS NOT A CHANGE ORDER NOR A DIRECTION TO PROCEED WITH THE WORK DESCRIBED HEREIN.

Description: (Written description of the Work)

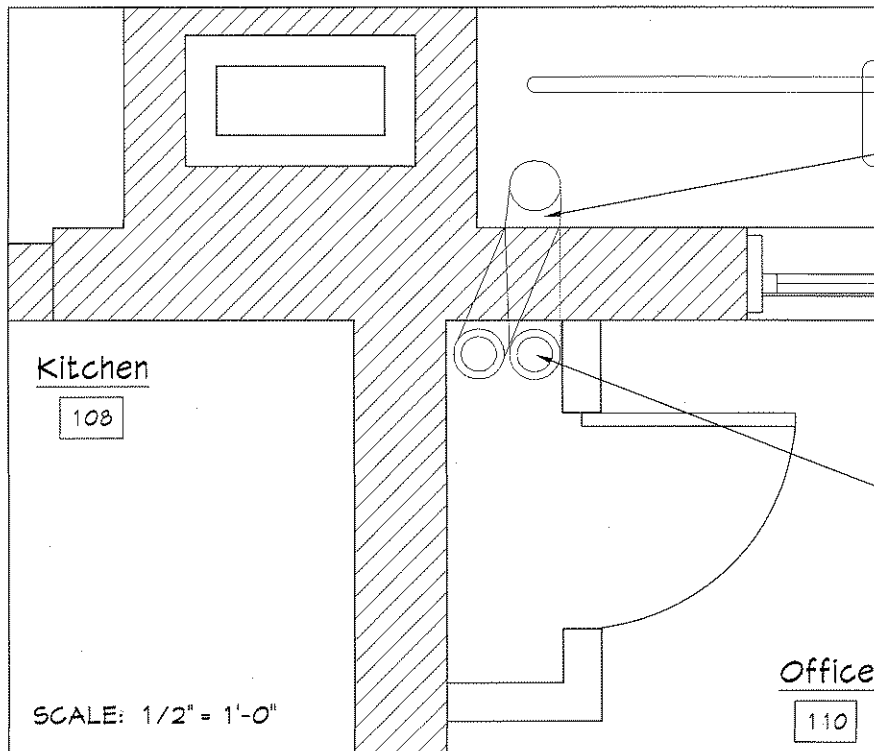
Provide all labor and materials required to demolish the required portions of the areaways that served as air intakes, removing sheet metal ductwork, fill the void with gravel, in-fill concrete block masonry air intake openings with concrete block, form and pour a new concrete cap to seal the area way. Remove existing downspout boot, provide splash block and turn the downspout onto grade to drain away from the building.

Attachments: (list attached documents that support description) SD-4, 5, and 6

ARCHITECT: Fitzsimons Office of Architecture
BY: Gregory Fitzsimons AIA



SCALE: 1/8" = 1'-0"



SCALE: 1/2" = 1'-0"

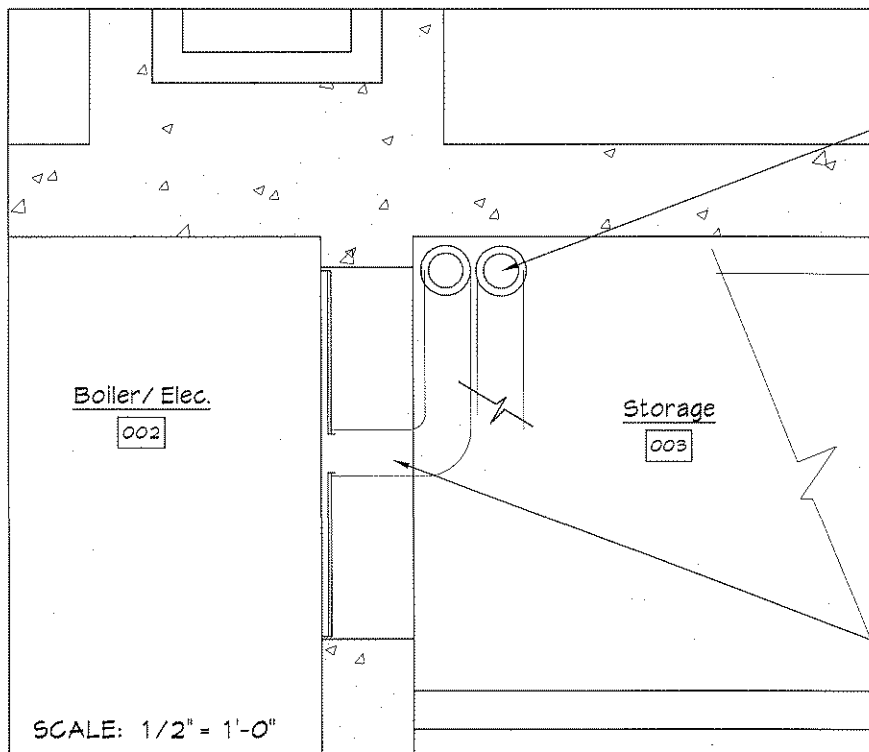
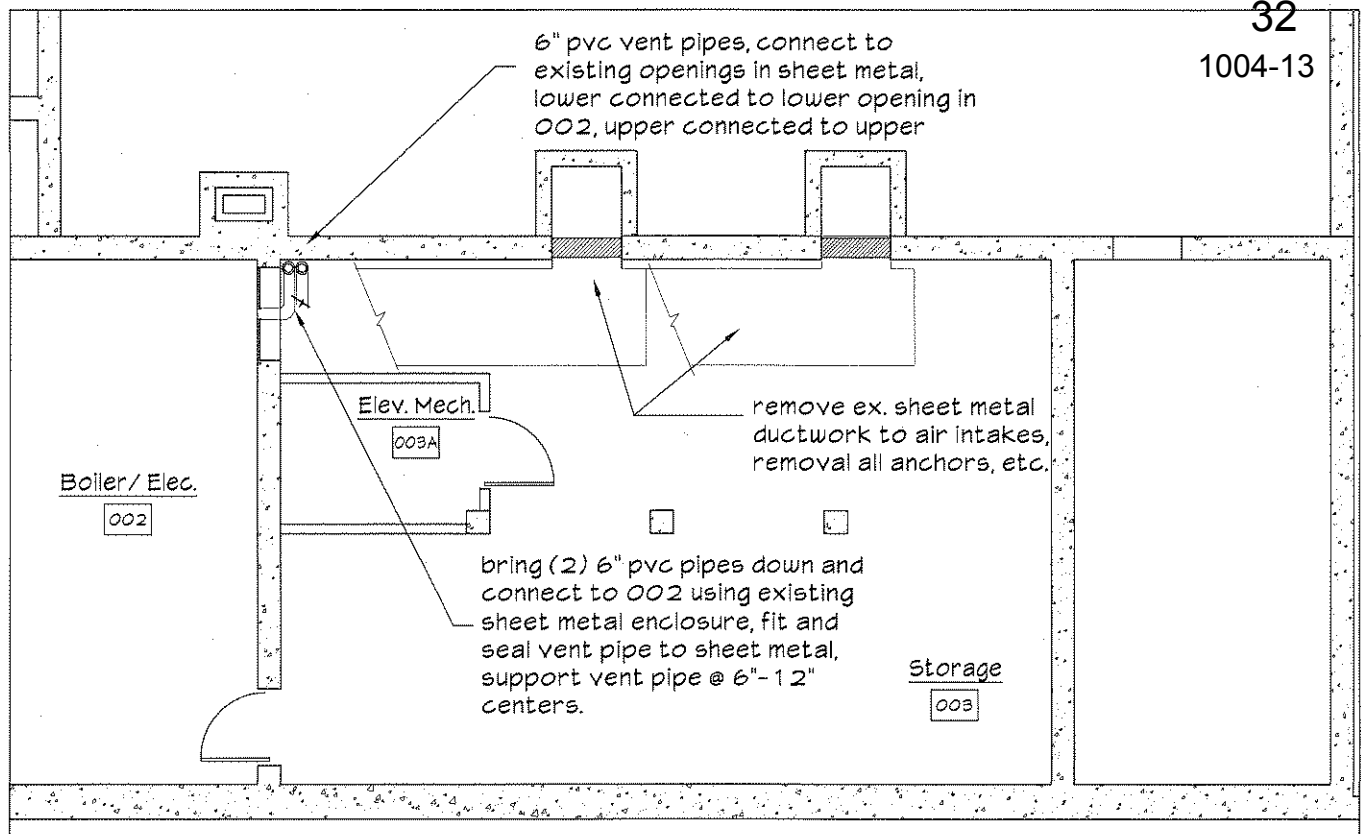
PARTIAL FLOOR PLANS 1st

FITZSIMONS OFFICE of ARCHITECTURE, INC.
 112 W. Third Street
 Tel 605-245-0838 Lexington, KY 40508
 Fax 605-226-3283

Partial Floor Plan
 Carver Community
 Center Renovation
 116-2012

Date	
Project	
Drawn	
Checked	
Revisions	
1	
2	
3	

SD-4



PARTIAL FLOOR PLAN basement

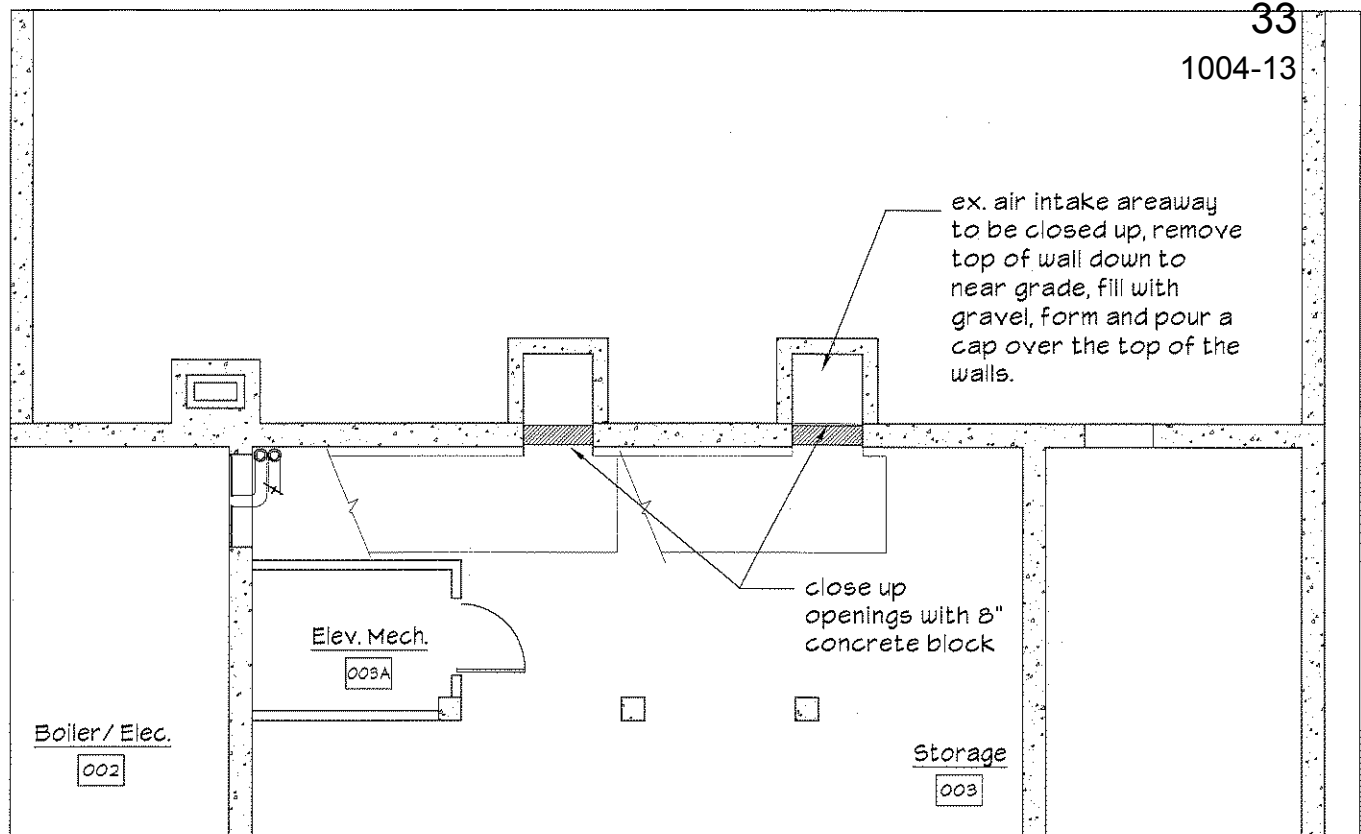
FITZSIMONS OFFICE OF ARCHITECTURE, INC.
112 W. Third Street
Tel 659-215-0630

Lexington, KY 40508
Fax 659-226-3283

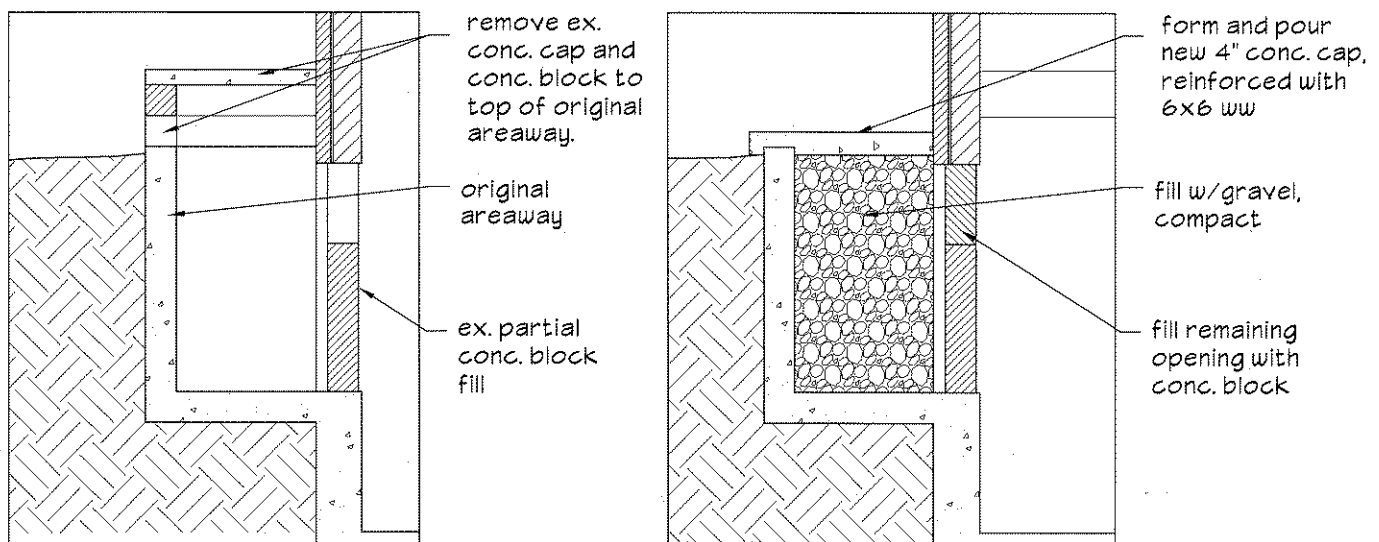
Partial Floor Plan
Carver Community
Center Renovation
116-2012

Date	
Project	
Drawn	
Checked	GP
Revisions	
1	
2	
3	

SD-5



SCALE: 1/8" = 1'-0"



SCALE: 1/4" = 1'-0"

AREAWAY CAP DETAIL

FITZSIMONS OFFICE of ARCHITECTURE, INC.
 112 W. Third Street
 Tel 605-245-0000 Lexington, KY 40508
 Fax 605-226-9203

Areaway Detail
 Carver Community
 Center Renovation
 116-2012

Date _____
 Project _____
 Drawn _____
 Checked _____
 Revisions
 1 _____
 2 _____
 3 _____

SD-6

Churchill McGee, LLC

Carver Air Vent Change Order

1 General Requirements

142.00 Insurance	15.00%
143.00 Overhead & Profit	
174.13 Dumpster (full size, normal wt.)	\$1,531.59

2 Existing Conditions

241.13 Select Demolition

100 Existing Air Intake	
200 Duct Work	
300 Core Drill-Floor & Exl Wall	\$3,000.00

3 Concrete

300.00 Basic Concrete Material

100 Infill Existing Air Intake (Rock)	
200 New 4" Concrete Cap	
300 Forms & W/W/F	\$2,252.00

4 Masonry

400.00 Masonry

100 Infill/Close existing opening & Repair Brick	
100 CMU	
200 Mortar	
300 Sand	\$789.75

22 Plumbing

2200.00 Plumbing

100 6" Pipe	
200 Fittings	\$3,187.00

TOTAL	\$10,760.34
--------------	--------------------

*****EXCLUDES ANY EXTERIOR WALL REPAIRS ONCE EXISTING AIR INTAKE AREAWAYS ARE REMOVED.
IT IS ASSUMED THAT THE EXISTING BRICK IS IN SUFFICIENT CONDITION.*****

Project schedule will increase by 7 days (weather pending upon approval)

PROPOSAL REQUEST

OWNER ☐ General Services LFUCG
ARCHITECT ☐ Fitzsimons Office of Architecture
CONTRACTOR ☐ Churchill McGee
FIELD ☐
OTHER

PROJECT: Carver Center Rehabilitation
(name, address) 522 Patterson St.
Lexington, KY

PROPOSAL REQUEST NO: **Seven**

DATE: August 1, 2013

OWNER: LFUCG
201 East Main St.
Lexington, KY 40508

ARCHITECT'S PROJECT NO: 116-2012

CONTRACT FOR: General Construction

TO: (Contractor) Churchill McGee
1315 - C West Main St.
Lexington, KY 40508

CONTRACT DATED: 2/28/13

Please submit an itemized quotation for changes in the Contract Sum and/or Time incidental to proposed modifications to the Contract Documents described herein.

THIS IS NOT A CHANGE ORDER NOR A DIRECTION TO PROCEED WITH THE WORK DESCRIBED HEREIN.

Description: (Written description of the Work)

Provide all labor and materials required omit the specified roof insulation and provide a tapered roof system at 1/8" per foot. The tapered insulation system is required due to the existing roof decking being below the adjacent bearing walls.

Attachments: (list attached documents that support description) None.

ARCHITECT: Fitzsimons Office of Architecture
BY: Gregory Fitzsimons AIA

Carver

7/12/2013

1 General Requirements

143.00 Overhead & Profit

Bid Cost						
Quantity	Unit	Material	Labor	Equipment	Sub	Total
1	LS					\$1,267.50

7 Moisture Protection

730.00 Roofing

Bid Cost						
Quantity	Unit	Material	Labor	Equipment	Sub	Total
1	LS				\$8,450.00	\$8,450.00

Bid Cost						
Quantity	Unit	Material	Labor	Equipment	Sub	Total
1	LS					\$0.00

Bid Cost						
Quantity	Unit	Material	Labor	Equipment	Sub	Total
1	LS					\$0.00

TOTAL \$9,717.50

Excludes: down spouts, roof drains, ceiling repairs, and masonry work.
Project schedule will increase by 4 days (weather pending upon approval)

S D M Contracting, Inc

Change Order #3

PROJECT:

Carver Community Center Renovation
522 Patterson Street
Lexington, Ky.

8/7/13

S D M Contracting, Inc. proposes to furnish materials and labor to do the following specification sections:

- 1) Install 1/8" tapered roof insulation over metal deck on roof area with drains.
- 2) All roof drains piping to be removed by others.
- 3) Must have a written change order back from Churchill McGee before work can begin.

Price \$8,450.00

If you should have any questions please feel free to contact me at (859) 552-6039.

Thank you!

Sincerely,

Steven Mitchell
S D M Contracting, Inc.
President

295 Chilesburg Rd
Lexington KY 40509

(859) 552-6039

Fax (859) 264-9151

Joyce Thomas

From: Andrew Grunwald
Sent: Tuesday, September 03, 2013 1:12 PM
To: Joyce Thomas
Subject: FW: Carver Community Center - Change Order #3

Ms. Thomas,

Please proceed with execution of Change Order #3.

Andrew Grunwald

From: Goodpaster, Stuart (KYTC-D07) [mailto:Stuart.Goodpaster@ky.gov]
Sent: Tuesday, September 03, 2013 1:11 PM
To: Andrew Grunwald
Subject: RE: Carver Community Center - Change Order #3

Mr. Grunwald:

I have reviewed Construction Contract Modification #3 for work being done to Carver Center as part of Environmental Mitigation for the Newtown Pike Extension Project. The work is in accordance with the Record of Decision (FHWA-KY-EIS-03-01-F). We concur with the work. You are authorized to proceed with a Change Order for the work.

If you have further questions, or need additional information please let me know.

STUART C. GOODPASTER, P.E.

Transportation Engineer I
Newtown Pike Extension Project Manager
763 West New Circle Rd
Lexington, KY 40512-0127
Phone: 859-246-2355
Fax: 859-246-2354
eMail: Stuart.Goodpaster@ky.gov

09/03/2013

From: Andrew Grunwald [mailto:AGrunwal@lexingtonky.gov]
Sent: Wednesday, August 28, 2013 4:32 PM
To: Goodpaster, Stuart (KYTC-D07)
Subject: Carver Community Center - Change Order #3

Stuart,

Attached for your review and approval is a Construction Contract Modification (CM#3) for the work being done to the Carver Center as part of the Newtown Pike Extension Project. The total cost of CM#3 is \$20,477.84. This will bring the construction cost of the Carver Center Renovation to \$1,121,059.25 (We are still within our budget). The CM contains two items...

1. Demolish areaways, remove ductwork, fill voids w/gravel, infill with masonry block the intake openings, form and pour new concrete cap per Progress Report #6
2. Omit specified roof insulation and provide tapered roof system per Progress Report #7

Review of CM...

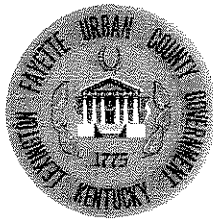
CM#1	\$ 3,655.85
CM#2	\$ 2,405.56
CM#3	\$20,477.84
Total CM to date	\$26,539.25

Please let me know if you are in agreement with this CM.

Thank you

Andrew Grunwald, P.E.
Municipal Engineer Sr.
LFUCG - Division of Engineering

09/03/2013



Lexington-Fayette Urban County Government
DIVISION OF GRANTS AND SPECIAL PROGRAMS

Jim Gray
Mayor

Sally Hamilton
CAO

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

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

DATE: SEPTEMBER 11, 2013

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE CHANGE ORDER
NO. 1 WITH FITZSIMONS OFFICE OF ARCHITECTURE FOR ADDITIONAL
DESIGN SERVICES FOR CARVER COMMUNITY CENTER RENOVATION
FOR THE NEWTOWN PIKE EXTENSION PROJECT**

The Lexington-Fayette Urban County Government has been awarded federal funds from the Kentucky Department of Transportation for the planning, design, and construction of the Newtown Pike extension. The Newtown Pike extension was authorized by Congress as a High Priority Project under the Transportation Equity Act for the 21st Century (TEA-21). The project provides for construction from West Main Street to South Limestone. The Newtown Pike Extension Project Record of Decision provides for renovation of the Carver Community Center as partial fulfillment of the Section 106 Memorandum of Agreement.

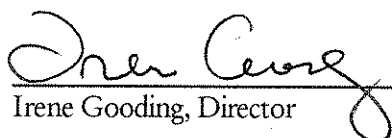
Fitzsimons Office of Architecture was selected by a committee in response to RFQ # 38-2011, at a negotiated price of \$85,000 for the scope of work. Council approved execution of the Consultant Services Agreement with Fitzsimons Office of Architecture on February 23, 2012 (Resolution No. 96-2012).

The Department of General Services has negotiated Change Order No. 1 in the amount of \$7,800 to this agreement to include the production of construction documents for interior finishes to include painting, carpet, wood floor refinishing, and acoustical ceiling tile. This is an expanded scope of work. New total is \$92,800. Kentucky Transportation Cabinet has approved this modification.

Funds are budgeted as follows:

FUND	DEPT ID	SECT	ACCOUNT	PROJECT	ACTIVITY	BUD REF
3160	303202	3211	91012	NEWTOWNPK 2011	FED GRANT	2011

Council authorization to execute Change Order No. 1 to Consultant Services Agreement with Fitzsimons Office of Architecture is hereby requested.


Irene Gooding, Director

Xc: Geoffrey Reed, Commissioner of the Department of General Services

CONTRACT HISTORY FORM

4

1005-13

Contractor: Fitzsimons Office of ArchitectureProject Name: Carver Community Center RenovationContract Number and Date: R-096-2012 02/23/2012Responsible LFUCG Division: General Services

CHANGE ORDER DETAILS

Summary of Previous Change Orders To Date

Dollar Amount

Percent Change to Original Contract

A. Original Contract Amount: \$ 85,000.00B. Cumulative Amount of
Previous Change Orders: \$ 0.000% %
(Line B / Line A)C. Total Contract Amount
Prior to this Change Order: \$ 85,000.00

Current Change Order #1

D. Amount of This Change Order: \$ 7,800.009% %
(Line D / Line A)E. New Contract Amount
Including this Change Order: \$ 92,800.00109% %
(Line E / Line A)

SIGNATURE LINES

Project Manager: Joyce ThomasDate: 8/21/13Grant Manager: Dre CgDate: 9-11-13Division Director: [Signature]Date: 8/21/13

CONTRACT CHANGE ORDER

To (Contractor):

Fitzsimons Office of Architecture

You are hereby requested to comply with the following changes from the contract plans and specification;

[illegible]

Total decrease	\$ -	
Total increase		\$ 7,800.00
Net increase/(decrease) in contract price		\$ 7,800.00

Current Contract Amount: \$85,000.00

New Contract Amount: \$92,800.00

Recommended by: Gayce Thomas (Project Manager)

Date _____

Accepted by _____
(Contractor)

Date 8/28/13

Approved by _____ (Grant Manager)

Date _____

Approved by Jeff Klein (Commissioner)

Date 8/2/13

Approved by _____
(Mayor or CAO)

Date _____

42
1005-13

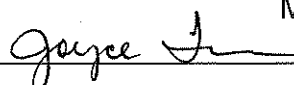
JUSTIFICATION FOR CHANGE

PROJECT: Carver Community Center Renovation 1005-13

CONTRACT NO. R-096-2012

CHANGE ORDER: 1

1. Necessity for change: To cover the administration of construction change orders LFUCG has asked the architect to prepare, process and oversee.
2. Is proposed change an alternate bid? __ Yes X No
3. Will proposed change alter the physical size of the project? ____Yes X No
If "Yes", explain.
4. Effect of this change on other prime contractors: None
5. Has consent of surety been obtained? ____Yes X Not Necessary
6. Will this change affect expiration or extent of insurance coverage? ____Yes X No
If "Yes", will the policies be extended? ____Yes ____No
7. Effect on operation and maintenance costs: Installing new finishes will decrease finish upgrade costs for the near future.
8. Effect on contract completion date:

Recommended by  Mayor _____ Date _____
(Project Manager)

Approved by _____ (Grant Manager)

August 16, 2013

Ms. Joyce Thomas
General Services
Lexington-Fayette County Urban Government
201 E. Main Street
Lexington, KY 40507

FITZSIMONS OFFICE OF ARCHITECTURE, INC.

112 W. Third St. Lexington, KY 40508-1700

tel 859●243●0838

fax 859●226●9283

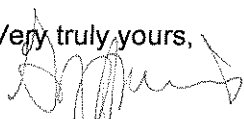
Re: Carver Community Center Renovation
Architect/Engineer Fee Increase Request for Change Order

The purpose of this letter is to request a fee increase based on the Owner's request for a change order estimated to be over \$25,000. The proposed change order scope of work includes interior finishes, painting, preparation for painting, carpet, wood floor refinishing, and acoustical ceiling tile. The scope of work shall not include any HVAC, plumbing or electrical work.

The construction cost as bid is \$1,094,520. The architect/engineer fee is \$85,000 or 7.8% of the actual construction cost. The estimate cost of the change order is \$100,000. Using 7.8% of the proposed change order amount to establish a fee on a similar basis would be \$7,800.

Services involved include; preparation of two room finish schedules, existing and proposed, several site visits to verify existing conditions, prepare floor plans with finish schedule, breaking down the change order proposal into options for the owner's budget consideration, meeting on site with contractors to review expectations for repaired finished for pricing, review proposal from contractor, negotiate final change pricing, prepare change order supporting documents, include additional time in contract administration and project close out.

Very truly yours,



Gregory Fitzsimons
C: file

Joyce Thomas

From: Andrew Grunwald
Sent: Tuesday, August 20, 2013 11:00 AM
To: Joyce Thomas
Subject: FW: CO#1 for Architect-Carver Center

Ms. Thomas,

Please find below the KYTC authorization to proceed with the proposed contract modification for *Fitzsimons Office of Architecture, Inc.* Please have a nice day.

Andrew Grunwald

From: Goodpaster, Stuart (KYTC-D07) [mailto:Stuart.Goodpaster@ky.gov]
Sent: Tuesday, August 20, 2013 10:39 AM
To: Andrew Grunwald
Subject: RE: CO#1 for Architect-Carver Center

Dear Mr. Grunwald:

We have reviewed the request from Fitzsimmons Office of Architecture for professional services relating to the administration of construction change orders. We concur that these changes are in accordance with the Newtown Pike Extension Record of Decision, and are reimbursable Mitigation Expenses for the Carver Center. They are also within the budget of the Carver Center renovation project Pike Project.

Therefore, you have approval to proceed with the processing of this contract modification.

If you have additional questions, please feel free to contact me.

Thanks,

STUART C. GOODPASTER, P.E.

Transportation Engineer I
Newtown Pike Extension Project Manager
763 West New Circle Rd
Lexington, KY 40512-0127
Phone: 859-246-2355
Fax: 859-246-2354
eMail: Stuart.Goodpaster@ky.gov

From: Andrew Grunwald [mailto:AGrunwal@lexingtonky.gov]
Sent: Tuesday, August 20, 2013 8:48 AM
To: Goodpaster, Stuart (KYTC-D07)
Subject: CO#1 for Architect-Carver Center

08/20/2013

Mr. Goodpaster,

At this time the Architect providing professional services for the Carver Center Mitigation renovations, *Fitzsimons Office of Architecture, Inc.*, is requesting a contract modification to cover the administration of construction change orders we have asked him to prepare, process and oversee. The increase would be \$7,800 (original fee \$85,000) bringing the total architectural fees to \$92,800. This increase is approximately 7.8% of the \$100,000 contract modification we have asked him to put together in order to finalize and manage the remainder of the mitigation funds to be spent on the Carver Center. The attached letter outlines the scope of services for Mr. Fitzsimons. After reviewing the scope and evaluating the current project it is my opinion that this contract modification for Mr. Fitzsimons is justified. With your authorization the LFUCG will begin processing this contract modification.

Andrew Grunwald, P.E.
Municipal Engineer Senior
Division of Engineering

08/20/2013

TO: Mayor Jim Gray
Urban County Council

FROM: Todd Slatin, Director, Division of Central Purchasing

DATE: September 12, 2013

SUBJECT: Procurement Regulations Source Selection: Professional Services

The purpose of this memorandum is to request Council approval of the proposed modification to the Purchasing Procurement Regulation Source Section: Personal/Professional Services regarding the procurement of construction services, which is highlighted on page 2 of the attached regulations.

The traditional method of procuring construction services used by the LFUCG is commonly known as the design-bid build method. In this process, an engineer or architect is selected using a Request for Proposal process to design the project and create a specification and drawing package. This specification/drawing package is then advertised as a competitive bid and a contractor is selected to provide the construction services for the project. In this scenario the engineer/architect helps to support the bid process and assists in overseeing the construction phase of the project. The owner(LFUCG) would have a separate contract with the engineer/architect providing design services and the contractor providing construction services.

However, there are three additional methods of construction services procurement - Design-Build, Construction Manager-at-Risk, and Construction Manager Agency - that are used by the state and other entities. LFCUG would like to modify its regulations to clearly include these other methods, which are further described below, in its procurement regulations.

Design-Build:

A method of procuring construction services known as design-build has been used in the private sector for many years and has gradually become accepted for public sector projects. With the design-build method, one entity is chosen to provide both engineering/architectural services as well as construction services. Key advantages of the design-build method are:

- Total accountability – one contract, one responsible entity
- Continuity – one entity involved from start to finish
- Reduced delivery timeframe – one entity increases process efficiency, reduces procurement processes from one to two
- Value engineering – construction personnel are involved during design phase to help drive cost savings, including the early resolution of constructability issues that can lead to costly change orders in the design-bid-build delivery method.

Construction Manager-at-Risk:

With CM at Risk, the agency engages a construction manager (CM) to act as the agency's consultant during the pre-construction phase and as the general contractor (GC) during construction.

During the design phase, the CM acts in an advisory role, providing constructability reviews, value engineering suggestions, construction estimates, and other construction-related recommendations. At a mutually agreed upon point during the design process, the CM and the agency will negotiate a Guaranteed Maximum Price (GMP). The GMP is typically based on a partially completed design and includes the CM's estimated cost for the remaining design features, general conditions, a CM fee, and construction contingency.

The construction contingency can be split into CM and agency components. The CM contingency will cover increased costs due to unavoidable circumstances, for example material escalation. The agency contingency would cover cost increases from agency-directed or agency-caused changes. The construction contingency can be handled in different ways under the contract. Unused CM contingency can be returned to the agency, shared by the agency and CM, or given to the CM.

Agencies are increasingly experimenting with sharing the contingency pool with the CM to provide the CM with an incentive to control cost growth associated with change orders to meet the GMP. The agency may elect to remove pricing of some material or work items as part of the GMP if pricing of these items results in an excessively high CM contingency or GMP. For example, if the price of steel were too volatile to achieve an acceptable GMP, the agency could establish a separate bid item and pre-pay or pay for the steel directly under this item at actual cost.

After the GMP is established, the CM can begin construction, allowing for the overlap of the design and construction phases to accelerate the schedule. Once construction starts, the CM assumes the role of a GC for the duration of the construction phase. The CM holds the construction contracts and the risk for construction costs exceeding the GMP.

Key advantages of the Construction Manager-at-Risk method are:

- CM holds construction contracts, transferring performance risk to GC
- Reduces agency's general management and oversight responsibilities
- Use of a GMP with a fixed-fee and opportunity for shared savings provides an incentive for CM to control costs and work within funding limits
- Potential to fast-track early components of construction prior to complete design

Construction Manager-Agency:

Construction Manager-Agency (also known as Program Management for multiple contracts or programs) is a fee-based service in which the construction manager (CM) is exclusively responsible to the agency and acts as the agency's representative at every stage of the project. The CM is selected based on qualifications and experience, similar to the selection process for design services. CM responsibilities may include providing advice during the design phase, evaluating bids from prime contractors, overseeing construction, and managing project cost, schedule, and quality. The CM may work with the designer or contractor to reduce the cost, but does not guarantee price or take on the contractual responsibility for design and construction.

Key advantages of the Construction Manager-Agency method are:

- Provides the opportunity for "fast-tracking" or overlapping design and construction phases – faster than traditional design-bid-build system
- Furnishes construction expertise to designer
- Augments the agency's own resources to help manage cost, time, and quality

- Reduces the agency's general management and oversight responsibilities

The Division of Central Purchasing believes that the recommend modifications are consistent with state statues and will provide the LFUCG with the best value possible in implementing future capital projects.

If you have any questions or need additional information, please contact me at extension 3328.



LEXINGTON DIVISION OF POLICE
OFFICE OF THE CHIEF

50

1010-13

TO: Mayor Jim Gray
Urban County Council

FROM: Chief Ronnie Bastin
Division of Police

DATE: September 10, 2013

RE: Federal Equitable Sharing Agreement and Certification

Please find attached Federal Equitable Sharing Agreement and Certification with the Department of Justice, The Department of the Treasury. This agreement sets forth the requirements for participation in the federal equitable sharing program and the restrictions upon the use of federally forfeited cash, property, proceeds, and any interest, which are equitably shared with participating law enforcement agencies. This agreement also requires the submission of any discrimination cases involving the Division of Police, which has been submitted by the Department of Law (see attached letter). The attached agreement is a prerequisite to receiving any equitably shared cash, property, or proceeds. Due to the time restraint on this agreement, we are requesting this documentation be expedited through the blue sheet process, with two readings requested at the September 26th Council Meeting. I have attached two (2) original agreements requiring the Mayor's signature.

There will be no budgetary impact. However, until this agreement is signed and delivered, the Division of Police will not be in compliance with the Federal Government. Upon approval and signing, please forward one original agreement to the Chief's Office.

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

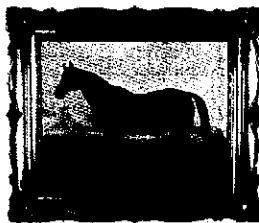
A handwritten signature in cursive script that reads "R. Bastin".

Ronnie Bastin
Chief of Police

RB/rmh

Attachment

cc: Clay Mason, Commissioner of Public Safety



Lexington-Fayette Urban County Government
OFFICE OF THE MAYOR

Jim Gray
Mayor

MEMORANDUM

To: Mayor Jim Gray
Urban County Council

From: Kevin Atkins 
Chief Development Officer

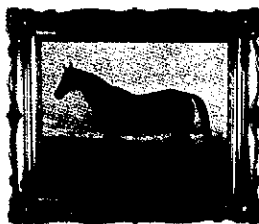
Date: September 12, 2013

RE: Approve Management Agreement With LexArts, Inc.

Council authorization is requested for the Mayor to execute the FY2014 Management Agreement with LexArts, Inc. for the management of the Downtown Arts Center (DAC) in the amount of \$109,250.

FOLLOW MAYOR GRAY:

www.facebook.com/JimGrayLexKY www.twitter.com/JimGrayLexKY

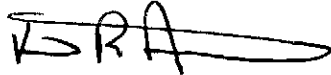


Lexington-Fayette Urban County Government
OFFICE OF THE MAYOR

Jim Gray
Mayor

MEMORANDUM

TO: Jim Gray, Mayor
Urban County Council

FROM: Kevin Atkins, Chief Development Officer 
Mayor's Office

DATE: September 12, 2013

SUBJECT: To amend the current local Kentucky Business Investment (KBI) resolution for Lockheed Martin Corporation

This is a request to amend Resolution No. 286-2011, which grants a local Occupational License Fee (OLF) inducement to Lockheed Martin Corporation, to also include its affiliate, Lockheed Martin Operations Support Inc. The current resolution was passed on July 7, 2011, and only identifies Lockheed Martin Corporation as the employer and recipient of the inducement. Because the affiliate of Lockheed Martin Corporation will be employing some of the workers required to qualify for the inducement, the resolution needs to be amended.

FOLLOW MAYOR GRAY:

www.facebook.com/JimGrayLexKY www.twitter.com/JimGrayLexKY




Lexington-Fayette Urban County Government
DEPARTMENT OF GENERAL SERVICES

Jim Gray
Mayor

Geoff Reed
Commissioner, General Services

MEMORANDUM

TO: Jim Gray, Mayor
Urban County Council Members

FROM: 
Jerry Hancock, Director
Parks and Recreation

RE: Facility Usage Contract

DATE: September 12, 2013

This is a request for Council approval of Facility Usage Agreements between the Lexington-Fayette Urban County Government and various youth baseball leagues.

These agreements are for the purpose of providing youth sports for the community by utilizing Park facilities. The Agreements are for the Fall leagues. The agreements have been used successfully for several years.

Please contact me if there are any questions.

CC: Geoff Reed

/df

**LEXINGTON - FAYETTE URBAN COUNTY GOVERNMENT**

Department of Planning, Preservation & Development

Division of Engineering

Jim Gray
MayorDerek J. Paulsen, Ph.D.
Commissioner**MEMORANDUM**

To: Jim Gray, Mayor
Urban County Council

From: James R. Wray *JRW*
Engineering Technician Principal

Date: September 16, 2013

Re: Resolution Authorizing Execution of a Construction Easement with R. J. Corman
Railroad Properties
Project No. 625 – Fourth Street Improvement Project – Jefferson to Railroad Crossing

The purpose of this memorandum is to request a resolution authorizing the execution of a construction easement agreement with R. J. Corman Railroad Property, LLC for a temporary construction easement needed to construct sidewalk along W. Fourth Street on the Fourth Street Improvements Project. This agreement is necessary in order to construct and reconstruct sidewalks along the south side of W. Fourth Street. Cost for this agreement not to exceed \$500.00.

Funds for the payment are budgeted in 1136-303202-3251-91715.

Approved by:

Derek J. Paulsen, Ph.D.
Commissioner, Department of
Planning, Preservation & Development

A. Bradley Frazier
Director, Division of Engineering

13.P625.406.bluesheet request memorandum R J Corman Agreement

HORSE CAPITAL OF THE WORLD

CONSTRUCTION EASEMENT AGREEMENT

THIS CONSTRUCTION EASEMENT AGREEMENT is made as of this the 18th day of September, 2013 by and between R. J. CORMAN RAILROAD PROPERTY, LLC, a Kentucky limited liability company, the address of which is 101 R. J. Corman Drive, P.O. Box 788, Nicholasville, Kentucky 40340, hereinafter called "Railroad" and the LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT, an urban county government of the Commonwealth of Kentucky, the address of which is 200 East Main Street, Lexington, Kentucky 40507, hereinafter called "Contractor".

WITNESSETH:

(Wherever used herein, the terms "Railroad" and "Contractor" may be construed in the singular or plural as the context may require or admit, and for purposes of exceptions, reservations and/or covenants, shall include the heirs, legal representatives and assigns of individuals or the successors, assigns, affiliates and subsidiaries of corporations and other entities.)

THAT, for and in consideration of the mutual promises, covenants, terms and conditions set out herein, the sufficiency of which is hereby acknowledged, Railroad does hereby GRANT unto Contractor, WITHOUT WARRANTY and only to the extent that Railroad's title permits, and FURTHER SUBJECT to the terms, conditions, exceptions and reservations herein made, a temporary, construction easement, on, over and across that certain property located in Fayette County, Kentucky, and more particularly shown on Exhibit A as attached hereto and incorporated herein (the "Easement area"), solely for use by Contractor in connection with its work as a part of the public project to improve Fourth Street, in Lexington, Kentucky, at and near Railroad's crossing of the same.

EXCEPTING and RESERVING unto Railroad, its successors and assigns, the right to continue to occupy, possess and use the Easement area for any and all railroad purposes consistent with Railroad's operations and needs, but only to the extent that such occupancy, possession and use do not interfere with Contractor's possession, use and occupancy of the same for the purpose hereby granted.

The Easement and rights herein granted are solely for the purpose herein contained and are subject to any public or private utilities, cables, wires, pipes and other facilities located in, on, over, under or across the Easement area, and all agreements, easements and rights granted or reserved therefor, whether the instruments granting or reserving the same be recorded or unrecorded; and are further subject the following terms, conditions, exceptions and reservations:

1. Contractor may, at Contractor's sole expense, erect a suitable temporary fence to secure the Easement area.
2. Contractor shall, at Contractor's sole expense, grade the Easement area and lay down gravel or other temporary surfacing as necessary to make the Easement area suitable for Contractor's purposes and to prevent rutting, ponding and erosion. Contractor shall, at the termination of the Easement and at Contractor's sole expense, grade as necessary to remove and correct any then existing rutting, ponding and erosion.
3. This Easement shall terminate upon the earlier of: completion of Contractor's work on the aforesaid Project; relinquishment of this Easement in writing by Contractor; or the expiration of six (6) months from the date hereof.

4 Upon termination of this Easement Contractor may, and shall if requested by Railroad, remove any and all fencing, signage and other fixtures and improvements placed on the Easement area, and shall leave the Easement area in as good usable condition as existed as of the date hereof.

5. To the extent permitted by law, Contractor shall defend, indemnify and hold Railroad, its owners, officers, directors and employees harmless from, any and all claims arising in any manner from Contractor's presence on or use of the Easement area, save and except only those claims arising from the alleged negligence, wrongful act or omission of Railroad. Nothing contained herein is intended to be, nor shall it act as, as waiver of any defense, including that of sovereign immunity, that Contractor may have as to any third party.

6. Contractor shall pay Railroad a one-time fee of \$500.00 for its administrative expenses incurred in connection herewith.

IN WITNESS WHEREOF, the parties have hereunto set forth their hands and seals the day and year first above written.

ATTEST:

R J CORMAN RAILROAD PROPERTY, LLC

Secretary

By:

Title

ATTEST:

LEXINGTON-FAYETTE URBAN COUNTY
GOVERNMENT

Jim Gray, Mayor

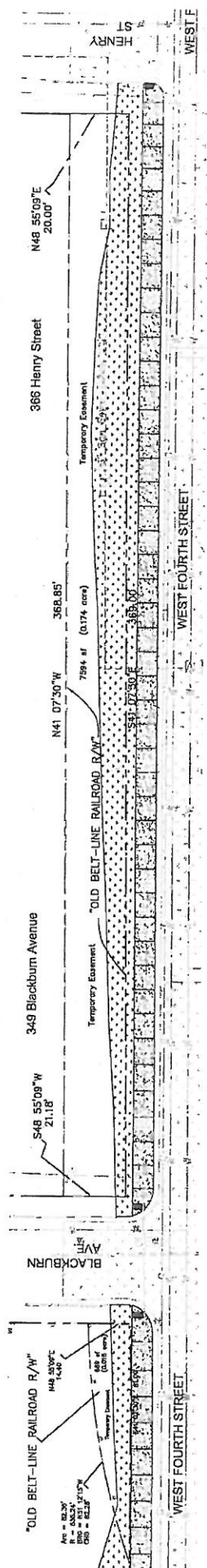


EXHIBIT A Easement Delineations RJ Corman Railroad

**Neighborhood Development Funds
September 24, 2013
Work Session**

Amount	Recipient	Purpose
\$ 250.00	LexArts 161 North Mill Street Lexington, KY 40507 Emily Evans	To provide funds for the East End Mural Dedication.
\$ 500.00	Harrod Hills Neighborhood Association, Inc. 2144 Rollingdale Road Lexington, KY 40513 Mary Beth Griffith	To provide funds for a concert and family fun day at Harrods Hill Park on October 5, 2013.
\$ 1,500.00	Kentucky PTA 148 Consumers Lane Frankfort, KY 40601 Carla Jackson	To provide funds for scholarships to send students from Athens Chilesburg on a field trip to Washington DC.



Public Safety Committee

September 10th, 2013

Summary and Motions

Chair Peggy Henson called the meeting to order at 1:05pm. Committee Members Shevawn Akers, Chuck Ellinger, Bill Farmer, Harry Clarke, Jennifer Mossotti, Ed Lane, Diane Lawless, and Kevin Stinnett were present. George Myers was absent.

1. Approval of Summary

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

2. Project Life Saver

Commander Armstrong from the Division of Police came to the podium to present on the Project Life Saver program. He said that Project Life Saver is a program of proactive involvement and specialized operations that assist First Responders with incidents where Alzheimer's patients and/or other subjects with related conditions become disoriented and cannot find their way back home. It was started in 1999 in Chesapeake Virginia with 10 clients.

The need is first identified and then contact is made to make the subject a member. Equipment is given to them and maintenance takes place. If needed, Law Enforcement responds and works with the family. The Division of Fire and Emergency Services responds and begins search and rescue activities.

There is a transmitter and battery and a receiver and an antenna. The batteries are \$8 each. Public Safety incurs no cost related to PLS. However, the use of the program reduces personnel allocation related to missing clients. Clients pay a \$300 one-time set up fee to cover equipment and an \$8 monthly fee to replace the batteries used in the transmitter. Information can be provided by Public Safety agencies, most healthcare providers, and many Social Service sources.

There is new technology on the market (GPS). The Division of Police is currently working with the Division of Fire and Emergency Services to review these programs to ensure that they recommend the best services to their clients.

Farmer asked about the \$300 and \$8 fees for clients. Armstrong said that the battery is for 24-hour radio transmission. Farmer expressed concern that the fee might be high for some people. Armstrong said that there are scholarships available for individuals with money flow issues. No one has been turned away.

Lawless commented that hearing aid batteries are likewise expensive. Lawless went on to say that the technology is antiquated. Lawless asked if the technology is the most efficient but said that she thinks the program is awesome.

Armstrong said that they are making improvements to the program.

Akers asked about the cost of the service and if people are turned away. Akers also asked if the program is provided to other people other than Alzheimer's patients. Armstrong said that it is open to everyone

with a medical condition that could lead them to become disoriented or lost. He did say, however, that there may not be scholarships available for everyone.

Clarke reiterated that the technology is antiquated.

Henson commented on the program and said that she wanted the public to be aware of the program. Armstrong said that it is important to be proactive with this type of program. Armstrong agreed to come back to present to the committee when significant improvements take place.

3. Smart911

Commissioner Clay Mason came to the podium to present on Smart911. He introduced David Lucas and thanked him for his years of service. Mason said that the State of Kentucky is using the Lexington-Fayette Urban County Government's (LFUCG) model.

Lucas said that Smart911 is a service that allows a citizen to proactively set up a profile. It is a free service. Lucas said that Lexington was the first in the State of Kentucky to use this system. You can enter medical information, addresses, and any other information. 98% of people keep their information up to date.

Clarke asked about Lifeline. Lucas discouraged the use of the product due to concerns about how people are notified. E911 is the third entity notified. They do not have information and E911 cannot speak to the person who is in trouble. Lifeline does not fit the need that the customer is expecting.

Lucas went on to speak about other accomplishments of E911.

Lane thanked Lucas for his service.

Henson talked about promoting Smart911 and Project Life Saver. She spoke about utility bill leaflets to promote the program. Mason spoke about another program with the United States Postal Service (USPS) and the Division of Social Services that is used when mail is not being removed from mailboxes. The mailman alerts the appropriate entity that there may be a problem inside the home.

Lucas said that Project Lifesaver is a great program that compliments Smart911.

4. E911 Structural Imbalance

Henson introduced the item, citing decreased landline use as the problem. She told committee members that Mason would return in October to present a strategic plan.

Mason approached the podium and talked about lobbying for changes at the state level. He said that there are several lawsuits in other jurisdictions about adding fees to other utility bills. The Kentucky League of Cities (KLC) has placed this item at the top of their agenda. They want to look at ways to fund E911.

Mason said that they are in a position to provide input to KLC.

Stinnett asked Mason asked about capital. Mason said that it was for the Division of Police radio project. Lueker said that she would look into it and report back at the next meeting. Stinnett also asked about the

\$3MM fund balance under revenue for FY13. Lucas said that the E911 fund only paid \$1.1MM of the total radio project. Lucas said of the \$2.3MM, only \$250,000 was E911 related.

Stinnett asked if the fund balance was from FY12. Lucas said yes. Lueker said that the only money that is included in the fund balance for E911 is the funds for the E911 radio project, not the General Fund fund balance dollars that were allocated. Those funds are listed under the General Fund for that project ID.

Lueker said that those funds are not reflected in their budget. Stinnett said that he would like to see the funds reflected somewhere because it is part of their budget.

Mossotti said that the E911 fund is mostly funded by landline fees. Lucas said that they collect \$2.58 as of July 1, 2013 for landline fees. Lucas went on to say that nationally 32% of people do not have landlines. There has been a 4-5% decrease in landline use each year for 6 years. Lucas said that when they increased the fee about 6 years ago, they imbedded a 4.5% increase every year. This increase is offsetting the number of people leaving.

Lucas said that they have not used General Fund dollars for years. Lucas said that he cut costs and has delayed projects.

Lawless asked if there was a fee built into cell phones that is lower than the landlines. Lucas said that municipalities get to set landline fees locally, but the State of Kentucky sets the fee for cell phones. It is \$0.70 per month. Prepaid cell phones pay lower fees; \$0.30. The \$0.70 rate was set many years ago. 20% of our total revenue comes from wireless, but 80% of the calls come from wireless.

Stinnett asked for a five year projection on revenues from these fees. He requested both operating and capital projections for the next meeting.

Henson said that they need to make every effort possible to get legislation changed or to balance this in some way.

Henson said that the item would be on the October agenda.

5. Items in Committee

Henson said that she had adjusted committee meetings. She wanted to cancel the September 24, 2013 meeting and reschedule it for October 15, 2013.

Motion by Farmer to cancel the September 24, 2013 meeting and reschedule that meeting for October 15, 2013 at 11:00am. Seconded by Mossotti. Motion passed without dissent.

Motion by Farmer to adjourn. Seconded by Mossotti. Motion passed without dissent.

Submitted by Jenifer Benningfield, Council Administrative Specialist.