



Environmental Quality & Public Works Committee

June 21, 2016

Summary and Motions

Chair Farmer called the meeting to order at 1:01 p.m. Committee Members Stinnett, Kay, Moloney, J. Brown, Gibbs, Evans, F. Brown, Mossotti, and Hensley were present. Council Members Scutchfield, Bledsoe, and Lamb attended as non-voting members.

I. Approval of Committee Summary – May 24, 2016

A motion was made by Mossotti to approve the May 24, 2016 Environmental Quality & Public Works Committee summary, seconded by Evans. The motion passed without dissent.

II. Pavement Management Plan

Farmer introduced the item and stated that a memo was included in the packet with a potential expedited report out schedule for this item.

F. Brown stated that the subcommittee working on the Pavement Management Plan began meeting in January, and that the Plan assumes a budget of \$12.8 million consistent with the proposed FY17 budget. He introduced Commissioner Hoskins Squier to present the Plan components to the Committee.

Squier provided a summary of FY16 paving activities, reviewed the Subcommittee's planning process, presented the Plan elements, and provided a budget comparison of benchmark cities. She stated that 116.3 lane miles were resurfaced in FY16, and there is a \$1.8 million balance which will be redistributed to Council districts for expenditure.

Squier stated that the Subcommittee has met seven times since January 2016, and she reviewed the resulting Plan components and objectives. A five-year CIP has been developed for major/minor arterials and collectors, and pavement condition data will be collected every three years for Plan updates. Fiscal Year budget allocations as a percentage of the total paving budget were proposed as follows: 33% toward major/minor arterials; 25% for collectors; and 42% of the total allocation toward local streets. Squier explained that Average Annual Daily Traffic ("AADT") was used to allocate budget percentages, which ensures that priority is placed on improvements to roadways carrying higher traffic volumes.

Squier presented the proposed budget by Council district, and recommended that 25% of the budget be used for pavement maintenance projects. The remaining 75% of the budget would

be used to move forward with repaving projects on roadways with the lowest Overall Condition Index (“OCI”).

Committee member questions and discussion is summarized as follows:

- Moloney asked for clarification regarding benchmark cities;
- Stinnett asked how maintenance would be addressed under the Plan, and Squier responded that more money (25%) would be allocated toward maintenance than in the past. Stinnett asked if thin overlay has been used in Fayette County, and Squier stated that this has been used on Short Street;
- Stinnett asked for clarification regarding the budget for ADA compliance;
- F. Brown explained that a threshold OCI of 60 was used for maintenance v. repaving, and clarified that the 75%/25% paving/maintenance budgets apply to collectors and arterials, but local streets are not addressed in this way in the Plan;
- Stinnett expressed concern that Council districts that continue to have roadways in poor condition will receive higher funding amounts each year;
- Kay stated that analysis and logic should drive the process, and was concerned that the budget allocations by roadway classification are inflexible;
- Lamb asked for a comparison of the current FY paving budget v. the proposed FY17 budget presented in the Plan, and asked for clarification regarding the OCI, which will be updated every three years;
- Scutchfield stated concern that there is not parity in proposed funding levels between Council districts. Squier responded that funding was allocated based on District lane miles and related data;
- In response to a question from J. Brown, Squier stated that the LFUCG does not own the equipment to determine roadway OCI, and discussed potentially collecting partial data (e.g. certain districts) on a more frequent basis;
- J. Brown asked for clarification regarding OCI thresholds and the consultant’s recommendations;
- Evans spoke in favor of the Plan as presented, and asked for information regarding how other cities allocate funding for roadway maintenance;
- Bledsoe noted the efficiency and appropriate timing of maintaining local roads adjacent to arterial and collector improvements, and stated the importance of committing funding for the Plan horizon;
- Gibbs asked for clarification regarding the 75%/25% allocation and confirmed that the 25% is intended for preventative maintenance. Squier stated that staff would work with Council Members to identify projects appropriate for preventative maintenance (identified by benefit/cost ratio) and repair (identified by OCI);
- In response to a question from Farmer, F. Brown confirmed that the Plan recommendations are supported unanimously by the Council Members that served on the Subcommittee;
- Hensley stated that Plan implementation is dependent on time, weather, and funding. He confirmed that the Subcommittee was unanimous in moving forward with the proposed Plan;

- Mossotti stated that the Subcommittee emphasized creating a Plan that is realistic and equitable for all Council Districts;
- In response to a question from Farmer, Squier stated that the Plan will be reviewed annually to accommodate changing budgets. Farmer stated that coordination with the State is required to move State road improvements forward;
- Moloney asked for information regarding the budget for ADA improvements, and Squier stated that she would provide that information to Council.
- Stinnett asked if the total capacity for road resurfacing was considered during the planning process. Squier responded that the consultant would increase capacity if necessary;
- Stinnett asked how unallocated funds would be used at the end of the Fiscal Year. Squier responded that FY16 unallocated funds go back to the Council Districts; FY17 unallocated funds would be reallocated within the major/minor arterial, collector, and local categories; and rollover funds from previous (FY15 and earlier) budgets will need to be reallocated using the prioritized project list;
- In response to a question from Stinnett, Squier stated that contingency is built into unit pricing in the Plan to address emergency repairs;
- Lamb asked for a timeline for implementation of the Plan. Squier stated that major/minor arterial and collector projects will begin after the start of the Fiscal Year, with adjacent local roads being addressed during these projects (as feasible), and the majority of local road paving being completed in the spring. Lamb asked for clarification regarding projects repairing base failures;
- Farmer asked if the Committee would like to approve annually the Administration's proposed list of arterial and collector paving. F. Brown responded that the approval structure for paving projects is included in the Plan;
- Stinnett asked for an annual summary of maintenance and paving by Council District; and
- Lamb noted that the study will not address recent base failures until the roads are reevaluated in three years.

A motion was made by F. Brown to move the proposed Pavement Management Plan forward for the Environmental Quality & Public Works Committee's consideration, seconded by Mossotti. The motion passed without dissent.

A motion was made by Stinnett to approve the Pavement Management Plan as presented and forward it to the Council for consideration, seconded by Kay. The motion passed without dissent.

A motion was made by Moloney to amend the motion to provide for allocation of the 25% maintenance budget by the Administration rather than by District Council Members, seconded by Stinnett. The motion failed 9-1 (Yay: Moloney).

A motion was made by F. Brown to direct the Administration to utilize a \$15 million budget in the Pavement Management Plan annually, beginning in FY 2017-2018, seconded by Mossotti. The motion passed without dissent.

A motion was made by F. Brown for the Committee Chair to report this item out to the Council during the June 28, 2016 Work Session meeting, seconded by Evans. The motion passed without dissent.

III. Engineering Manual – Enforcement

Doug Burton, Director of the Division of Engineering, presented proposed changes to the Engineering Manuals to improve enforcement. The Division of Environmental Services is authorized by the proposed Ordinance to enforce sections of the Zoning Ordinances and Subdivision Regulations related to the Engineering Manuals.

Farmer asked if affected parties were noticed and provided opportunity for comment. Burton replied that meetings have been held with stakeholders, and homeowners associations have been notified as well.

A motion was made by F. Brown, seconded by Lay to approve the proposed changes to the Engineering Manuals as presented. The motion passed without dissent.

IV. Items Referred to Committee

A motion was made by Gibbs, seconded by Hensley to remove the Urban Forestry Management Plan referral item from committee. The motion passed without dissent.

A motion was made by F. Brown, seconded by Stinnett to remove the Pavement Management referral item from committee. The motion passed without dissent.

A motion was made by F. Brown, seconded by Stinnett to remove the Five to Ten Year Pavement Management Plan referral item from committee. The motion passed without dissent.

A motion was made by Stinnett to adjourn, seconded by Moloney. The motion passed without dissent.

The meeting was adjourned at 2:47 p.m.

C.B. 6/22/2016

ORDINANCE NO. _____ - 2016

AN ORDINANCE CREATING SECTION 16-2.1 OF THE CODE OF ORDINANCES TO REQUIRE ANY PERSON ENGAGED IN THE DESIGN, REVIEW, CONSTRUCTION, REPAIR, AND/OR INSPECTION OF INFRASTRUCTURE IN LEXINGTON-FAYETTE COUNTY TO COMPLY WITH THE LFUCG ENGINEERING MANUALS AND TO PROVIDE THAT A FAILURE TO COMPLY WITH THE ENGINEERING MANUALS IS CLASSIFIED AS A VIOLATION SUBJECT TO CIVIL ENFORCEMENT; AMENDING SECTION 16-201(A) OF THE CODE TO AUTHORIZE CIVIL ENFORCEMENT FOR SUCH VIOLATIONS CONSISTENT WITH THE PROCEDURES SET FORTH IN CHAPTER 16, ARTICLE XII OF THE CODE; AND AMENDING SUBSECTION 14-10(f)(5) OF THE CODE TO DESIGNATE CITATION OFFICERS HAVING AUTHORITY TO ENFORCE THE ENGINEERING MANUALS.

WHEREAS, the Urban County Council has previously adopted seven (7) engineering manuals, consisting of the Procedures Manual, the Construction Inspection Manual, the Geotechnical Manual, the Roadway Manual, the Structures Manual, the Stormwater Manual, and the Sanitary Sewer and Pumping Station Manual (collectively, "Engineering Manuals"), to provide standards for the design, review, construction, repair, and inspection of infrastructure in Lexington-Fayette County; and

WHEREAS, in furtherance of the authority granted by KRS 65.8801 through KRS 65.8839, the Urban County Government desires to classify the failure of any person engaged in design, review, construction, repair, and/or inspection of infrastructure to comply with any provision of the Engineering Manuals as a violation and to authorize civil enforcement for those violations consistent with the procedures set forth in Chapter 16, Article XII of the Code of Ordinances; and

WHEREAS, in order to better facilitate enforcement of the engineering manuals, the Urban County Government desires to amend Section 14-10 of the Code to designate citation officers having authority to enforce the engineering manuals and those subsections of the Zoning Ordinance and the Land Subdivision Regulations that relate to the Engineering Manuals.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That Section 16-2.1 of the Code of Ordinances be and hereby is created to read as follows:

Section 16-2.1. Compliance with Engineering Manuals.

(1) Any person engaged in the design, review, construction, repair, and/or inspection of infrastructure in Lexington-Fayette County is required to comply with the engineering manuals of the Lexington-Fayette Urban County Government, as revised, modified, or amended from time to time. For purposes of this section, “engineering manuals” shall be defined as set forth in Section 16-1(c)(19) of the Code.

(2) Any failure to comply with the requirements of the engineering manuals, as revised, modified, or amended from time to time, constitutes a violation that is subject to civil enforcement consistent with the procedures set forth in Chapter 16, Article XII of the Code.

Section 2 – That Section 16-201(a) of the Code of Ordinances be and hereby is amended to read as follows:

(a) Article XII shall apply to all violations of any provision of articles II, V, VIII, and X of chapter 16, any provision of a permit issued by the urban county government pursuant to said articles, ~~and~~ any provision of an order or schedule issued by the urban county government relating to violations of said articles, and any provision of the engineering manuals as provided by Section 16-2.1 of the Code. For purposes of this article the before-mentioned articles, permits, orders, ~~and schedules~~ and manuals are hereinafter referred to collectively as "chapter 16" or "this chapter".

Section 3 – That subsection 14-10(f)(5) of the Code of Ordinances be and hereby is amended to read as follows:

(f) *Issuance of Citations.* The mayor may designate certain officers, agents, and employees, holding the positions listed below, to issue citations with respect to the ordinances set out for their respective positions.

TABLE INSET:

Subsection	Position Title	Ordinances To Be Enforced
(5)	Director of environmental policy services , and enforcement and compliance program manager and environmental enforcement specialist in the division of environmental policy services .	Code of Ordinances chapter 16; <u>subsections 5-4(b)(1), 16-2(g), and 19-7(g) of the zoning ordinance; sections 6-7 and 6-11 of the land subdivision regulations; and LFUCG engineering manuals</u>

Section 4 – That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL
xxx-xx_MSC:X:\Cases\ENVIROPOLICY\15-CC0261\LEG\00535859.DOC