



## **Environmental Quality & Public Works Committee**

August 23, 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.

#### **I. Approval of Committee Summary – June 21, 2016**

A motion was made by Mossotti to approve the June 21, 2016 Environmental Quality & Public Works Committee summary, seconded by F. Brown. The motion passed without dissent.

#### **II. Tree Protection Language**

Susan Plueger, Director, Division of Environmental Services stated that this item focuses on the protection of existing trees potentially affected by LFUCG capital projects. She presented the causes of tree damage during construction, including root damage due to improper trenching in the vicinity of existing trees. She defined tree protection as fencing off a tree protection area (generally delineated by the dripline of the tree) and protection of the root zone, in addition to proper pruning and other measures.

Plueger reviewed helpful practices municipalities can implement to protect trees during construction, and provided draft tree protection standards as well as next steps and future coordination efforts.

In response to a question from Gibbs, Plueger stated that the pilot program will begin implementation in the near future. Gibbs stated the importance of efforts such as this one to protect and expand the urban tree canopy.

Farmer asked how the proposed language differs from the existing tree protection ordinance. Plueger stated that the existing ordinance applies to new development and tree canopy requirements, while the proposed language specifically applies to tree protection on LFUCG capital projects. In response to a follow up question from Farmer, Plueger stated that the photos in the presentation are a mix of LFUCG projects as well as other communities.

#### **III. Capacity Assurance Program – Audit Results**

Charles Martin, Director, Division of Water Quality presented the results of the Sanitary Sewer Capacity Assurance Program ("CAP") audit. The CAP resulted from a Consent Decree

requirement to monitor and account for sanitary sewer capacity. He explained that the storage tanks that the LFUCG has been constructing have provided significant expansion of sanitary sewer system capacity.

Martin provided a history of CAP implementation in Lexington, which began in 2012 with the development of a task force. He stated that an audit of the program must be completed every two years, and the final audit results must be presented to the Urban County Council. The audit randomly selected 60 applications from a total of 570 applications.

Mossotti asked if all new development must apply for a permit, and Martin responded that all development not connected to the system prior to the time the requirements were adopted (or otherwise grandfathered in) are required to undergo the approval process for sanitary sewer capacity. In response to a follow up question, he stated that adequate capacity has been available to date, and no applications have been denied.

Martin stated that the independent audit found that the process meets the intent of the ordinance.

Kay stated that the CAP responded to concerns regarding development pressure in the community, and provided assurance of adequate capacity. Martin confirmed that the new system results in creation of adequate capacity to address future service requirements. In response to a follow up question from Kay, Martin stated that the approval process provides certification of adequate capacity.

Evans asked if other cities are using a CAP, and Martin provided regional examples of cities that have implemented a CAP. In response to a question from Evans, Martin clarified that capacity cannot be moved from one "bank" to another, so adequate capacity must be projected and implemented in each area.

Farmer asked why the audit chose 60 of the 570 applications. Martin replied that the auditor chose that sample size, but no complaints regarding the program have been received.

Farmer stated that there was past discussion regarding there being too many "banks", and he asked if they had been consolidated as a result. Martin stated that some banks have been merged, and explained the rationale for the geographic boundaries of the banks.

Kay made positive comments regarding the process that resulted in the CAP.

#### **IV. Division of Water Quality Projects Report**

Charles Martin, Director, Division of Water Quality provided an update on active Water Quality projects, and reviewed timeline and budget data.

F. Brown asked for information regarding the consent decree deadline, and Martin stated that the final deadline for completion of all projects is December 31, 2026 with interim requirements. In response to a follow up question from F. Brown, Martin replied that projects are generally meeting funding and schedule requirements.

Farmer asked how many storage tanks are being built. Martin stated that nine tanks are being built, and provided information regarding project phasing. Farmer asked for additional information regarding how additional revenues resulting from fee increases are being utilized.

Farmer asked for clarification regarding a recent violation, and Martin provided information.

#### **V. Items Referred to Committee**

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

A motion was made by Kay, seconded by Moloney to remove the Empower Lexington Plan referral item from committee. The motion passed without dissent.

A motion was made by Moloney, seconded by Stinnett to remove the Maintenance of Bike Trails and Sidewalks referral item from committee. The motion passed without dissent.

A motion was made by F. Brown, seconded by Mossotti to remove the Engineering Manual -- Enforcement referral item from committee. The motion passed without dissent.

A motion was made by F. Brown, seconded by Hensley to remove the Capacity Assurance Program (CAP) Presentation 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 2:41 p.m.

C.B. 9/13/2016