



Environmental Quality & Public Works Committee

January 23, 2018

Summary and Motions

Chair Farmer called the meeting to order at 1:01 p.m. Committee Members Stinnett, Moloney, Gibbs, Evans, F. Brown, Worley, Mossotti, and Bledsoe were present. Vice Mayor Kay and Council Member Smith were also in attendance as non-voting members. Committee Member Plomin was absent.

I. Approval of Committee Summary – November 14, 2017

A motion was made by CM F. Brown to approve the November 14, 2017 Environmental Quality & Public Works Committee Summary, seconded by CM Mossotti. The motion passed without dissent.

II. Lexington's Official Tree

Tim Queary, Urban Forester, presented the item on behalf of the Lexington Tree Board. He said the purpose of this item is to have Council and the community to think about and adopt an official tree. He said the hope is that if an official tree is adopted, it will bring more awareness to that particular species and to trees in general. He said they looked at other states to see if other cities had official trees and they found that there are several examples of this. He said this will be the first official tree for any city in Kentucky if we adopt one for Lexington. The choices came down to the Bur Oak, Chinkapin Oak, and Shumard Oak which are native to the Bluegrass Region and worthy of this recognition. He said the Tree Board voted to have the Bur Oak as the official tree because it is popular among the tree community in Lexington. Rather than making the final decision, the Tree Board asked for a public vote. They worked with Public Information and Outreach Education branch in Environmental Services and put together an online voting platform. He said the Bur Oak overwhelmingly received the most votes. Queary said they are asking the Council to approve a resolution once the Tree Board has had a chance to review it.

CM Gibbs stated that he is in support of what Mr. Queary suggested and he said if anyone has any objections or concerns we can discuss those now and at the next meeting we can review this resolution or an amended version.

CM F. Brown said he is not familiar with the Bur Oak and asked if there are many in Fayette County. Queary said there are several in Fayette County and that species has caught the attention of the public more than any other tree species that he is aware of. He said if there is any one iconic tree, the Bur Oak was probably the most prominently large tree in our landscape. He said we still see some of those today that are over 300 years old. CM F. Brown asked if it was a hearty tree. Queary said yes, they are very long-lived and majestic.

CM Evans said she has to raise a concern when talking about development that if this specific species is selected, we would want to give it extra protection. Queary said when a historic or significant tree like Bur Oak, Chinkapin, or Shumard is recognized, we try every way possible to preserve and protect those. CM Evans said she is still concerned how this will impact potential development concerns because we just went through an expansion discussion and if a Bur Oak is located in an area that we decide would be developed, she asked how that would impact the development. Queary said the easiest way to answer this would be if we officially adopt the Bur Oak as Lexington's official tree. He said it will help us plant, protect, and preserve that species on public and private property. CM Evans asked when there is a site that someone wants to develop and there is a Bur Oak on it, how it is addressed currently when there is semi-awareness or protection. Queary said that Article 26 of the Zoning Ordinance calls for special protection of significant trees which includes any tree that is over 36 inches in diameter. He said they make every attempt to work with the developer to preserve those trees. He said ultimately it is not a tree preservation ordinance so they are allowed to remove that tree if there is no other way to develop that site. He said they make every effort to preserve them if they can.

CM Gibbs said some of the Bur Oaks and other Oaks are ancient; they grow huge and last forever and that is why they are special. CM Gibbs said this will come back before committee for approval at the next meeting.

No further comment or action on this item

III. Chapter 16 Ordinance Changes

Dowell Hoskins-Squier, Commissioner of Environmental Quality and Public Works, presented the item. She discussed proposed changes to 3 sections of the Chapter 16 Code of Ordinances, all of which are related to the Division of Waste Management. She reviewed the reasons why they are proposing the changes, the process used to develop the proposed changes, and the proposed changes of the ordinance language.

CM F. Brown commented on the Loan-A-Box fees and he asked if that was a one-size box. Hoskins-Squier said yes, it is a 10-cubic yard container. CM F. Brown said he sees these around town when people are working on homes and he expressed concern that one day would not be enough time. She said the vast majority of open top containers are from private haulers. CM F. Brown asked what the cost of the private of haulers would be. Hoskins-Squier said she does not know, but she feels certain it costs more than \$90 per day. CM F. Brown asked if that \$90 was for delivery, pick up, and disposal. Hoskins-Squier said yes. CM F. Brown asked why there would be a difference in one day or two because it is still the same cost for us. Hoskins-Squier said she feels like we are losing an opportunity to loan that box out to someone else so we have lost potential revenue we could have received if we had rented it out to someone else the following day. She said an analysis was done that showed how long people hold these containers and it is typically 2 days with 50% of the people only having it for 24 hours. CM F. Brown asked if all 30 containers are always loaned out. Hoskins-Squier said yes, most of the time. He said it sounds like there is a demand. He asked if we are currently charging \$75 and Hoskins-Squier said it is \$75 per day if you are in the collection area and \$180 for 3 days if you are outside the collection area.

VM Kay said he has a similar question and he is trying to determine the fair thing to do with the extra day. He asked if we could have all of them loaned out all of the time. Hoskins-Squier said that is correct. VM Kay said anyone who holds a box for a day is lost revenue. He asked if there was consideration of a basic fee and then an additional day charge that would be less. Hoskins-Squier said it was not considered, but it is an option. She asked if he was thinking \$90 for the first day and a discounted rate for the subsequent days. VM Kay said that was his initial thought, but since there is opportunity cost, maybe not. He said it seems to have been explained why this fee structure was chosen and it makes sense to him.

CM Stinnett asked if we have the ability to reserve a dumpster and pay online. He said we asked for this five years ago when we changed the fee to \$75. He asked if we still mail in a check or if we can pay with a credit card over the phone. Eddie Dean with Division of Waste Management said we use a reservation system called Checkfront that allows us to maintain the inventory and prioritize. He said the front desk at Waste Management can reserve the box through Checkfront and use Kentucky Interactive to process the payment. He said this gives us control over the inventory of our boxes since we have a limited number. CM Stinnett asked if we go to \$90 per day and someone gets the box on a Friday, if they will have to pay \$90 on Friday, Saturday, and Sunday. Hoskins-Squier said that is what they are proposing. CM Stinnett said, as someone who has used this before, everyone wants to have this on Friday because they can keep it until Monday. He asked if they have looked at picking up on Saturday if someone really only wants it for one day. Hoskins-Squier said typically if the person only wants it for one day and we can come back and get it in one day, they are only charged for the one day. She said they have not explored having people work on the weekend to collect these boxes. CM Stinnett said he is not sure it would be worth our cost to have someone come out on a Saturday or a Sunday, but he would like to see us keep the same policy we have now. Hoskins-Squier asked if he was proposing that rather than \$90 per calendar day, it would be \$90 per weekday. CM Stinnett said that is correct.

CM Mossotti agreed with CM Stinnett that we should look at weekday rate rather than calendar day. She said this is especially concerning for those neighborhoods that do not have a lot of money.

VM Kay asked if they have thought about increasing the number of boxes; and if they did increase the number, would they be able to service the boxes with the existing inventory of trucks. Hoskins-Squier said she does not

think so, but she said they increased the number last fiscal year and now they have three trucks and three drivers that pick up and drop off the loan-a-box containers and they go to 60 different services points a week. John Howard with Waste Management said they would need to add another truck and manpower. VM Kay said that is a big capital expense and Howard said yes. Hoskins-Squier said that is a good point because this is a successful program and there is a high demand.

CM Stinnett asked if we have made any changes toward using compactors. He said new developments are coming and they are starting to use compactors rather than dumpsters because of space requirements especially at apartments. He said we talked about this a year or so ago, and asked if this is being discussed now. Hoskins-Squier said the last time it was discussed before Council, she was waiting on the result of a lawsuit. She said she does not think the lawsuit has moved forward, but they have not made any progress in making compactor service a city service. CM Stinnett asked if we have the ability to pick up a compactor with our existing equipment. He said he thinks a truck was purchased when CM Moloney was CAO. Hoskins-Squier said it would be the same type of truck that services the Loan-A-Boxes, but it would be bigger. Howard said they have one truck that services the MRF and outside of that it does two pick-ups a day, but that truck is fairly stressed. He said if we were going to do more, we would need more trucks. CM Stinnett said we may need to look at contracting with the private sector for this service. He asked if they did an inventory to see how many of these are out there. Hoskins-Squier said there are probably more than 1,000 and what they have found is that these compactors are hidden.

A motion was made by CM Stinnett to amend the language in Chapter 16 Ordinance Changes, section 16-6.2(b) from \$90 per calendar day to \$90 per weekday, seconded by CM F. Brown. The motion passed without dissent.

CM Bledsoe asked if they could do a surcharge on Friday and have a weekend charge if it will not be picked up until Monday. She said this would eliminate Saturday and Sunday pick-up, but will allow additional revenue. She said if it is high demand, let the market play out and charge \$150 or so. She said she is in favor of not having Saturday or Sunday pick-up, but if the demand is there, charge a little more for Friday and they can have it for the weekend.

CM Stinnett said it is still the same fee whether you pick it up Saturday or Monday unless you have to pay overtime to come in Saturday. He said the \$90 fee will keep it consistent across the board. He said if a person just wants it one day, they will need to choose a day Monday through Thursday, you cannot select Friday.

A vote was taken on this motion

CM Moloney said in order for the city to build up, we need compactors, not dumpsters. He said we have money to purchase compactors. He said if we are doing one business it could be an issue for those who are not getting compactors picked up when they are paying taxes. As an example, he said a person can decide they are not going to use dumpsters. He said they would be willing to pay taxes for the dumpsters, but pay extra for the compactor so they can build more apartment units. He said 20 years later, someone will buy the business and inquire as to why there is no service to pick up the trash when they are paying for two services. He said this is how we get into lawsuits; because the person who sold the business did not explain the service process to the buyer. He said he suggests that we move forward with using compactors because they allow us to build more units and allow us to build up. He said additionally, if we do this for one or two businesses, we should be fair and provide this for all. He said he hopes to see compactors listed as an item in the upcoming budget.

CM Farmer, on behalf of CM Lamb who could not attend this meeting, suggested that when it is changed there is public notification. He said if it is going to change, people need to know what it is changing to so they are aware. Hoskins-Squier said she is unsure how we would typically do this for ordinance changes. CM Farmer suggested using the PIO office. Hoskins-Squier said they can certainly figure out a way to notify the public. CM Farmer asked how anxious they are to move this forward. Hoskins-Squier said there is no real sense of urgency. She said they did the research as a result of the internal audit and they came up with these recommendations. CM Farmer asked if this could be brought back to committee in a form they could approve at next month's meeting. Hoskins-Squier said yes.

A motion was made by CM F. Brown to approve Chapter 16 Ordinance Changes (as amended) and refer to the full council, seconded by CM Mossotti. The motion passed without dissent.

IV. Electronic Billboards / Digital Signage

Derek Paulsen, Commissioner of Planning, presented the item. He said next month at the Planning and Public Safety committee, there will be a presentation on the overall sign ordinance. He said they have been working on that for about a year. He said they just wrapped it up and plan to bring a report-out to that committee meeting for discussion. He said next they will send to the Planning Commission for a text amendment. He said on a separate path are the electronic billboards. He said they would like to keep them separate so they can keep the overall sign ordinance moving forward. He said they have received some proposed language and they are working on putting it into draft-form which they hope to bring back to this committee in March this year. He said he prefers the committee to initiate this to the Planning Commission because it would move forward quicker and put them on a time limit of a couple of months. He said hopefully when they come back in March they can have public discussion and if we report it out quick enough they can get this in ordinance form quicker. CM Stinnett added that this is just electronic billboards. He said it does not address electronic message boards or electronic signage in any other format. He said most of these billboards are owned by one entity. He said he hopes to bring to the March meeting some model language and a map so the entire committee can see where they are located. (Note: the Environmental Quality & Public Works committee does not meet in March so it will be presented at the April 24 committee meeting).

CM F. Brown asked if this was just a heads up. Paulsen said there is no presentation today. CM F. Brown said he doesn't think anyone has a question on it. CM F. Brown asked if this would come back in March and Paulsen said he plans to, but he is happy to answer any questions he can today. He said they are in the initial stages of going through the proposed language. He said when you get into electronic signage which we will with electronic billboards, there are issues such as brightness; timing; and when does it come on and go off. (Note: the Environmental Quality & Public Works committee does not meet in March so it will be presented at the April 24 committee meeting).

CM Mossotti asked why this is in Environmental Quality & Public Works committee when it will be in Planning and Public Safety next month. Paulsen said he is unsure how it got in two committees. He said they came up at two different times. He said one item is the overall sign ordinance which was started as part of a presentation in Planning and Public Safety committee and they have reviewed it for the last year to come up with an overall sign ordinance and electronic billboards came separately. CM Mossotti said next month we are going to be discussing the overall sign ordinance, but nothing to do with digital signage. Paulsen said that is correct. CM Mossotti asked if he thinks they go hand in hand. He said they do, but it works better in terms of getting everything through if you can discuss them separately. He said the ordinance is very dense because it is the entire sign ordinance and there is a lot of information in there. He said he thinks to have the discussions separately would be beneficial. CM Mossotti said she is concerned about cohesiveness when talking about signage. She thinks the conversation with overall signage might go to electronic billboards because it is a hot topic. Paulsen said it is not his decision which committee it is in. CM Mossotti said it will be up to CM Stinnett since he put the item in. CM Stinnett said it got referred to this committee because he is on this committee and it is part of Public Works being on the interstate system. He said he is fine with it being anywhere but he thinks the discussion of the overall sign ordinance will get into digital signage and that is different than electronic billboards. CM Mossotti said she is thinking about cohesiveness and the research that will have to go into it.

CM Bledsoe said she thinks they should be kept separate. She said Planning in the sense of where they should go and Environmental Quality for what they should look like and how they affect the environment. She said the lights that are involved with electronic billboards seem more like Environmental Quality than Planning.

No further comment or action on this item.

V. Annual Energy Improvement Fund

James Bush, Program Manager with Environmental Quality & Public Works, presented the item. He discussed the energy initiatives and FY2017 projects. He provided examples of energy savings and reviewed the fund balances. Lastly, he discussed the lessons and insights as well as other comments on improving energy.

CM Mossotti said she appreciates the work done on this. She said we have a long way to go. She commented that Louisville has a sustainability council with specific goals and targets that they look at. She said they have been recognized as a four-star community for the things they have done. She said they are talking about energy, environment, transportation, and economy in community and how we can be more sustainable. She said they have incentives for cool roofs, promoting bicycling, hybrid buses, more community projects like local foods, and many other types of goals and options. She said as a Council, we have a responsibility to our citizens to promote this. She said if we can't say we are looking forward to sustainability and clean air and clean water, we are doing a disservice to the community. She said there are options we can take advantage of and she is interested if anyone else has suggestions to move forward with this.

CM Moloney said in looking at the buildings we have to maintain and how much money we have saved over the years, it is amazing. He said he commends Bush for the amount of money he has helped the city save and for all the work he has done over the years.

VM Kay expressed appreciation for the presentation and work that has been done. He asked Mr. Bush if he could explain the actual accounting and how that works as far as funding, allocation of funds, estimated return, etc. Bush said this relates back to the budget amendments that were presented at work session a week ago pertaining to the Energy Improvement Fund. He said the way the program was set up; it requires a revolving loan because you are take small savings from projects and build it over time to fund another project and requires some transfer through fiscal years. He said in the government system there is an allocation to the operating budget of Environmental Services each year and the budget amendment transfers money from the operating budget to the capital pool called the EIF, that way it can roll between years as they are doing projects. He said neither the savings nor the projects are tied to a particular year. VM Kay asked when there are savings from a particular project if that gets credited. Bush said they have to demonstrate the savings and during the budget period, they present how much the savings were and the allocation we are requesting. He said it does not make sense to ask for the full amount since they lack the resources to push those projects through. VM Kay asked if the savings generated have exceeded the actual expenditures in the last fiscal year. Bush said it is absolutely fair to say that. He said at his presentation last year, they went to the root numbers and quantified that and the allocation is somewhere in the 25% of actual savings. VM Kay said this is a very good thing for the government and for our tax payers to know.

CM Gibbs agreed with CM Mossotti and said our government needs to be doing more. He said the burden is on the the Council and the administration to up our game toward sustainability. He said one of the things he is interested in is solar energy. He said on page 38 of the packet about solar PV and he asked Mr. Bush to elaborate. Bush said he has been monitoring the solar market for a while. He said they have been willing to do demonstration projects. He said the Woodland Park lights project is a good example of that. He said since they are only used heavily 4 or 5 months out of the year, there is not enough use yet to get your money back. He said he is also interested in having a solar rate structure as part of the portfolio so they can legitimately intervene in rate cases on behalf of solar customers. He said right now they don't have the net metering tariff on the books for LFUCG. He said fire stations are a good candidate because they are pushing a lot of energy and they have a high IT component. He said it is not much different than energy efficiency. He said fire stations are publicly visible in terms of wanting to demonstrate the city's attitudes toward the environment as well as compatible on the economic side. CM Gibbs asked if they have cut out reverse metering and if that is why we do not want any excess at these projects. Bush said they have not cut it out yet, but there was Senate Bill 214 last year which was pulled, but they have pre-filed this year. He said he does not know the details; this is something he will need to review.

CM Mossotti asked if there is anything we can do on a limited budget with limited personnel. Bush said the Louisville sustainability group mentioned earlier is more holistic and community-wide. He said that is where we

differentiate; we are focused on LFUCG facilities and operations. He said if you want to move bigger and bolder, it takes a holistic approach and it requires top-level support. He said with any sustainability program, if you are trying to push it up and get people to change their behavior, it tends to look self-serving. He said it really needs to be top-down support; and the buy-in such as rebates and incentives for builders and construction takes financial capital, not just human. CM Mossotti asked CAO Hamilton what we can do as a city to become more sustainable. Hamilton said we would need to know how the Council feels and how far in they want to go with this and that would guide us on what they do in a budget situation. She said this is going to be an extremely tight year for increased programs and the sustainability of government. She said this is where Council has the ability to pick and choose what they think is the most important thing. She said we need the guidance of the entire Council to see if this is something we really want to concentrate on and if we do, how big we should go. Hamilton said if she remembers correctly this is something that we discussed with the Mayor last year about what Louisville was doing, but at that time we did think we could take these steps. She said that does not mean that we cannot do this in the future or in increments.

CM Moloney said in order to make this work; it is up the Council to do something. He said we have to do this as a community-wide project like Louisville did. He said budget should not have anything to do with it. He said if we want to go this direction, we would have to set it up like any other committee and put people together to educate. He said when we have the meeting, Bush would be the perfect person to speak to how much we have saved and what we have done. He said he does not want to put this on the administration. He said he thinks this is a Council decision; it is a good idea and we need to look at how Louisville did it and put it together.

VM Kay said there is a plan that was put together that is called Empower Lexington. He said there is a group that worked on that plan for several years and it was staffed by a city employee in Environmental Quality. He said for a variety of reasons, it lost steam and support. He said there are citizens looking at that plan to see if there are some or all parts of it that can be resurrected. He said at a certain point, they will be coming to this Committee or full Council with recommendations. He said if we are going to do something like that and engage the community, it is not a simple task. He said at a very minimum it needs to be staffed and that costs money so it is a budget issue. He said hopefully we will have an opportunity in the coming months to look at this in more detail. He said this is something that has been worked on and is currently being worked on. He said hopefully there will be information provided to Council before we get too deep into budget.

No further comment or action on this item.

VI. Items Referred to Committee

A motion was made by CM Mossotti to remove the Chapter 16 Ordinance Changes item from committee, seconded by CM Bledsoe. The motion passed without dissent.

A motion was made by CM Bledsoe to adjourn, seconded by CM Evans. The motion passed without dissent.

The meeting was adjourned at 2:32 p.m.

KT 2.12.18