



Environmental Quality & Public Works Committee

April 24, 2018

Summary and Motions

Vice-Chair F. Brown called the meeting to order at 1:02 p.m. Committee Members Stinnett, Moloney, Gibbs, Evans, Worley, Mossotti, Bledsoe, and Plomin were present. Chair Farmer was absent. Council Members Smith and VM Kay were also in attendance as non-voting members.

I. Approval of Committee Summary – February 20, 2018

A motion was made by CM Plomin to approve the February 20, 2018 Environmental Quality & Public Works Committee Summary, seconded by CM Mossotti. The motion passed without dissent.

II. Glass Recycling

Dowell Hoskins-Squier, Commissioner of Environmental Quality and Public Works presented the item. She said about 60% of recyclables sent to the Materials Recovery Facility (MRF) is coming from Lexington and 40% is coming from other communities. She said the majority of material that we ship out from the MRF is fiber with trash, glass, plastic and metal being the other materials. She reviewed the collection types which include single stream curbside, single stream + glass, and drop off location without curbside collection. She discussed the various types of glass processing which include air jets, additional screens, secondary magnet, glass crushing equipment, and silo system. She listed the various end uses for glass which include glass cullet, feedstock cover for landfill, feedstock for fiberglass, and trench bedding. She discussed the market value for recycled glass and reviewed the options for consideration.

CM Moloney said he has concerns and he said the sand material is always going to be needed. He said we could use some of the money in the landfill fund to buy equipment which could be paid off in 6 years. He said Lexington needs to take a lead on this because surrounding counties come here since we are a recycling city and there is an opportunity for us to take the next step. He said we have options and he would like us to continue to review the options because there are not many things we can pay for and get money back on. He said having this equipment will be very helpful for the community.

CM Plomin asked how many counties were included and if they are contiguous. Hoskins-Squier named surrounding counties. CM Plomin asked what the revenue was. Hoskins-Squier said they share the revenue with affiliates. Barry Prater with the MRF said our revenue is derived from processing fees, marketing fees, as well as our share of the sale of materials. He said last year our portion of the revenue was about \$2.3 million. CM Plomin asked if there were any plans or a timetable. Hoskins-Squier said we have no plans to add additional recycling pick-up locations, but we can look into it. CM Plomin said the residents outside the Urban Service Boundary do not pay for recycling and the private services do not include recycling.

CM Gibbs commented on scenario 3 about the market-ready cullet and how we would get the glass; he asked if it was home pick-up or drop-off. Hoskins-Squier said in order to have a lower contamination rate, it should be source separated. Prater said providing that the \$4M equipment is in place, you could get it from our material and derive it from the 50%, but when we put in that much of an investment, we will have to go to other sources for material because right now we are only processing 4,000 tons of glass a year. He said to cost justify this, we need about 10,000-15,000 tons of material. He commented on Lexington being a leader on this and said Kentucky does not have a glass processing facility and the closest one is in Dayton, OH. He said there would be tremendous reckoning with the state of Kentucky because they promote the recycling of glass, but there are no markets to get rid of it. CM Gibbs asked about scenario 2 regarding source separated collection and expressed a concern for the inconvenience to citizens who have to drop it off if trucks won't pick up.

VM Kay commented on the market ready cullet and the price of golf course sand being \$24-30 a ton. He asked why there is a market of \$175 a ton for highly processed glass. Prater said the processed glass could be used for various

things besides golf course and he is not sure where the concept of replacing golf course sand came from because the sandblasted material is very similar to a bead. VM Kay asked if the \$175 was based on an estimate from the market. Prater said for the most part, that would be the market price. VM Kay said there was a time when the glass product we had was marketable and the market changed significantly. He questioned the possibility that the same thing could happen to the cullet which is now \$175 a ton and asked if in 2 or 3 years it might be worth less. Prater said we have never marketed glass and we have never received money for glass. He said the market could change and we have no way of controlling that. VM Kay said scenario 3 would also require separating the glass and having drop-off centers and he has concerns that we would not get the same kind of participation at a drop-off center that we get with curbside. Hoskins-Squier said part of the cost is the secondary processing equipment and we would be purchasing the processing equipment that whoever we send this 50% contaminated glass to; they have that equipment to further process the glass and clean it. She said we can continue the curbside collection and still end up with a marketable product. VM Kay asked if the recommendation today would be status quo. Hoskins-Squier said status quo or source separated because of the wear and tear on the equipment that the glass is creating and the downtime we experience because of this that decreases the efficiency and the ability to process the other commodities we make a profit on such as aluminum cans and paper. VM Kay asked if we would stop putting glass in with everything else and take it to a drop-off location. Hoskins-Squier that is correct.

CM Mossotti commented on scenario 3 and said CM Moloney had mentioned taking this money out of the landfill fund and asked if that was correct. CAO Hamilton said they will speak with Law Department and get an answer. CM Mossotti said that will help determine which direction to go with this. She said horse farms would be prospective clients for this. She said something we could look into is charging a bottle fee like other states do. Prater said this goes back to extended producer responsibility which is a national debate as to who is responsible for the cost and burden of solid waste – manufacturer, retailer, consumer, or government. He said in this case, Kentucky is unfunded unlike other states that are doing this. CM Mossotti asked if the General Assembly has ever been approached about this and Prater said he could not say.

CM Worley said he discourages drop off points because it would force people to drive across town and it will decrease participation. He said from an environmental standpoint, using gas to get to a drop off location is not environmentally friendly. He said option 3 seems like an exciting thing and Lexington could become an example in the state and it could be a great revenue producer for us. He said we should review the market and do a market study to see how many other communities would send their glass to us and what communities could be involved.

CM Bledsoe said it is difficult to change culture. She said is important to educate people on what they can and cannot do.

CM Moloney would like to leave this in committee to review the options and have Law and Commissioner Hoskins-Squier come back with answers.

No further comment or action on this item

III. Electronic Billboards

CM Mossotti commented that this item should be in the Planning and Public Safety Committee for procedural purposes and she questioned why the item is in this committee and she expressed concern that items are not being put in the appropriate committees. CM Stinnett responded and said Council agreed to put it in this committee because it is part of Public Works and he said this is separate from the sign ordinance. CM Stinnett introduced the item saying this is electronic billboards, not electronic signage. Derek Paulsen, Commissioner of Planning, reviewed the billboard regulation and discussed the key issues. He reviewed the appropriate orientation and proximity between these billboards. He talked about the brightness of these billboards and reviewed the appropriate light levels. He said the billboard must have installed an ambient light monitor and he reviewed some of the cautions which include distracted driving. He reviewed the next steps which include additional discussion, Planning Commission review, and the Bluesheet process.

Tom Fahey, with Lamar Advertising, spoke about the item and said there are no reports that show distracted driving is caused by digital billboards and they have done several studies. He said the Federal Highway Commission has issued a report that shows there is no distracted driving caused by digital billboards. He said this will not be an issue that will put the public in any danger.

VM Kay asked CM Stinnett if people in the community have expressed an interest in electronic billboards and if this proposal is meant to solve a problem or address an issue. CM Stinnett said this was put in committee because state law changed. CM Stinnett said an advantage to this would be for public safety to be able to put up messages instantly across the city. VM Kay asked if this will improve the way we do advertising as a community. CM Stinnett said it will add to the growing list of improvements throughout the community. VM Kay expressed concern that the community may not want these.

CM Gibbs said he has reservations about this and he is not convinced we need to move forward with this. He said there might be a need for emergency situations, but they do not improve our landscape. He said the studies on this are mixed and these are distracting despite what the studies show. He said this would be difficult to enforce and he does not want to move forward as he does not see the advantage to this.

CM Evans said she would like to see ordinances from other cities where this has been implemented. She asked if we would take a vote whether we want these here or not. Paulsen said that is up to Council. He said there are options moving forward and you could put this in a subcommittee to get more information about how the public feels. He said a lot of issues that have come up deal with the regulation and he understands there will be a lot of discussion people will want to have on this and questions that will need to be answered. CM Evans asked CM Stinnett if he has an idea on how to proceed. CM Stinnett said based on feedback, he would like to work with a subcommittee to bring a draft back and then get input from the public.

CM Bledsoe said there is a Public Safety argument to be made and it would be nice to have another option when there is an alert. She said there is a demographic that might see an option for this. She said it is hard to get consensus on what this community wants or does not want. She said there is nothing more distracting than a cell phone and a billboard can't be as distracting.

CM Moloney asked if these can be put up on federal highways and said the state passed a law that state owned highways are exempt from a lot of things. He asked if they would be allowed to put up an electronic billboard with this law in place. Paulsen said that is a question for Law Dept. CM Moloney said there might be some areas along the interstate that are state owned properties. Paulsen said currently billboards are allowed in (4) zones which have to abut a state or federal highway.

CM Mossotti asked what the timeline is. CM Stinnett said over the summer we can look at this, but he is open. He said maybe we can have a rough draft presented after summer recess.

CM Stinnett said the only people who have electronic billboards in this community is us and we were grandfathered in with Rupp Arena; we own that property and they have electronic message boards. He said one of the benefits is to business owners who would see advertising costs go down because you can do more advertising at once. He said for every 1 digital billboard they will have to remove other billboards which would remove clutter. He said UK can already do these and they do not need our permission because our zoning ordinance exempts them. He said the school system is the same way and we cannot do anything about it, but they are trying to be good partners. He said we will work on a subcommittee and go from there.

CM Gibbs said if we have public hearings we will know how the citizens feel. He said he is not sure that if these go up, others will come down because there is no guarantee. He said cell phones are distracting, but so are these signs.

VM Kay asked about the procedure of the subcommittee and if it will be part of this committee. CM Stinnett said it has not been decided yet; it could be a work group or subcommittee and we need to talk about the best way to move forward. VM Kay said that might help us to determine which committee it should be in.

CM Mossotti suggested this be in Planning and Public Safety committee.

CM Evans said she would like to be included in the further discussion of this because she is not on the Planning & Public Safety committee but she has an interest in this.

No further comment or action on this item

IV. MS4 Update – Pursuing Illicit Discharges to Resolve an Enforcement Action

Charlie Martin, Director of Water Quality and Jennifer Carey, MS4 Coordinator, presented the item. Martin said the purpose for the update is that they have a pending enforcement action with the state near Spurr Road that was releasing sewage while they tried to get it closed up. He said the state's proposal is to develop a Standard Operating Procedure to mitigate future problems. He said they also propose a penalty of \$17,500 or complete a Supplemental Environmental Project (SEP) with a minimum investment of \$35,000. He reviewed Division of Water Quality's evaluation of potential SEPs including options, risks, and rewards. Carey said this presentation will keep them in compliance and they are recommending a pilot program. She said this addresses the gap not covered by consent decree. She reviewed the next steps which include finalized SEP requirements based on Environmental Quality and Public Works committee recommendation; confirm state's endorsement; bluesheet for Mayor's signature; conduct neighborhood meeting; and finalize data. Martin said the state is offering us the opportunity to do a Supplemental Environmental Project; something we are not required to do, but is environmentally beneficial. He said we are spending a lot of money on the public side trying to fix these problems and we can use this SEP to look more closely at private property and develop the final bullet so we have data and anecdotal information to decide if we, as a government, want to get more involved.

CM F. Brown asked if he was looking for the committee to approve a resolution to take to the work session. Martin said they would like the endorsement of the committee so he can do a bluesheet.

CM Mossotti asked if there were other potential areas down the road besides Highlands. Carey said there are several subdivisions where there are older, deteriorating pipes. CM Mossotti said she likes the idea of a buy-in and getting neighbors involved. She asked if this is the first time we are doing this, if this will be the precedent and if this how we will handle all of these situations down the road or if there will be something different. Martin said once the work is done and the report is prepared they would submit it to the state and come back to this committee with findings. He said in order to expand the program, it would take an ordinance change and budget requirements and they would not be able to move forward without some direction. CM Mossotti asked if what we are going forward with would be applicable to other areas in the city. Martin said he believes so and they continue to collect data to target where problems are so our resources are devoted appropriately. CM Mossotti asked if this was a pilot project to see if we get a positive reaction before moving forward to other neighborhoods experiencing similar problems. Carey said yes.

A motion was made by CM Moloney to approve the Update Pursuing Illicit Discharges to Resolve an Enforcement Action - pilot program item to the full council, seconded by CM Worley, the motion passed without dissent.

CM Gibbs asked if this was just \$35,000. Martin said we are only committing to spend a minimum of \$35,000 and if it is hugely problematic, he will report that. He said all we are committing to now is \$35,000 to execute a pilot program as opposed to writing a \$17,500 check and getting nothing out of it. CM Gibbs asked if that would replace 15 lines. Martin said that depends; that is one of the problems with replacing laterals even when people have to do it. He said you could end up tearing up the yard and working in people's yards is very sensitive and costs could be all over the place. He said the report at the end is important because it will show costs and hurdles that you have

to overcome to make this program viable and solve the root problem which is a sewer pipe that LFUCG does not own and it is leaking which contaminates streams and no one is doing anything about it.

V. Proposed Public Works Skills Academy

Elodie Dickinson, Workforce Development Manager, presented the item. She provided a background and discussed internships available. She said the reason this item was brought to this committee was because in talking about snow removal last year, there was talk about the lack of CDL drivers. She said there are at least 26 vacancies in the city that require a CDL license and they are working with streets and roads. The idea is to train interns to obtain CDL permits and licenses to garner a workforce. Rob Allen, Director of Streets and Roads, also spoke on the item and talked about the proposal and what the program would consist of and he reviewed the project curriculum. He said this item has been vetted through Risk Management. He discussed the project liability and the admission requirements. Lastly, he reviewed the next steps including a marketing plan and CDL classes. Dickinson asked the committee for their support of an MOU for ResCare because they are the employer of record. She expressed appreciation for the Administration's support of the project.

CM F. Brown asked if we need a resolution to move forward with this. Allen said we are asking for support when the bluesheet comes through.

CM Moloney expressed appreciation and said this is something we have needed for years.

A motion was made by CM Moloney to Approve Proposed Public Works Skills Academy item and move forward to the full council, seconded by CM Bledsoe, the motion passed without dissent.

CM Bledsoe said this is exactly what we talked about how to expand CDL options and how to partner with outside organizations to do things the city needed which was to license people to do work we have for the constituents. She said she is supportive.

CM Plomin commented on the 26 vacancies and what total number of positions these were out of. Allen said it was out of the Divisions of Environmental Quality and Public Works which would only be 5 divisions. He said this is a pilot program and if it works, it can be expanded to include other types of training. He said it is more complex than they can get into today, but if the program is expanded to last for a year, there is an opportunity to look at an apprenticeship certificate from the state that is accredited throughout the country. CM Plomin asked if there were vacancies because there is not organized access to training. Dickinson said there is a cost for training if you go to a for-profit and it is about \$3,500 per class.

VM Kay said this is a good idea and it is well-implemented. He said if there are employment opportunities that come at the end of this that would not require a criminal background check; he hopes the program would accept people who have felonies in their background. He said as much as possible, we want to allow people to re-enter the workforce and this is a good program for them. Allen said this was a result of our litter collection program and some of the barriers to the folks who were ready to re-enter the workforce and they have worked with HR and Law to determine who they can accept and they are trying to connect to a wide range of candidates.

A vote was taken on this motion.

VI. Items Referred to Committee

No further comment or action was taken on this item

A motion was made by CM Plomin to adjourn, seconded by CM Mossotti. The motion passed without dissent.

The meeting was adjourned at 2:54 p.m.

KT 5.7.18