



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

April 30, 2024

### **Summary and Motions**

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Vice-Chair LeGris called the meeting to order at 1:02 p.m. Committee Members Vice Mayor Wu, Council Members Fogle, Lynch, Monarrez, Gray, Worley, F. Brown, and Sevigny were present. Chair Sheehan was absent. Council Member Plomin was present as a non-voting member.

#### **I. Approval of March 12, 2024 Committee Summary**

Motion by Sevigny to approve the March 12, 2024 Environmental Quality & Public Works Committee Summary. Seconded by Gray. Motion passed without dissent.

#### **II. Review of Urban Services Fund**

Erin Hensley, Commissioner of the Department of Finance, began with the LFUCG Fund overview which includes Sanitary Sewer Funds, Urban Services District Fund, General Services Fund, and other funds. The Urban Services Fund was established to account for streetlights, refuse collection, and street cleaning so citizens pay for only the services they use. As such, the fund is restricted for these purposes. The fund revenue is primarily derived from an ad valorem tax established for each district estimated at \$47.8M for FY24. She spoke about the different tax service districts and showed a map to illustrate where each tax service district is located. The revenue driver for streetlights is ad valorem property taxes for the fiscal year and the expense driver is utility expenses. She displayed a street light census to illustrate the location of streetlights in Lexington and she reviewed streetlight financials. The revenue driver for street cleaning is ad valorem property taxes for the fiscal year and the expense drivers are vehicle fuels and repairs, vehicle replacements, and personnel. For refuse collection, the revenue driver is ad valorem property taxes for the fiscal year and expense drivers are vehicle fuel and repairs, vehicle replacement, facility expenses and capital improvements/repairs, and personnel.

When asked if tax districts are charged if they do not have the streetlights yet, Commissioner Albright explained if they move in before the lights are installed, they are eligible for a refund. When asked how someone who does not receive services could be moved into another tax district, Nathan Dickerson, Administrative Officer in Environmental Quality & Public Works, suggested they contact him. Speaking about petitioning for streetlights and next steps, Dickerson said August 1 is the deadline because it requires a public hearing, 2 resolution readings, and 2 ordinance readings which need to occur by the end of the calendar year. The change would take effect in the next fiscal year (July 1). He described the placement of new streetlights and said they are placed a certain distance apart within the neighborhood streets. For more information, Dickerson referenced the website ([lexingtonky.gov/urban-services](http://lexingtonky.gov/urban-services)) and said "petitioning for urban services" will be on the sidebar.

Albright explained how electric companies take direction about streetlights and the consideration of less expensive methods. She said we typically switch to LED when the light has reached the end of its useful service life. When a light has reached the end of its useful service life, the utility company pays for the switch to LED; however, if we petition to switch it over early, we must pay the cost of conversion. When asked if the fund balance for all 3 funds is totaled or if we track them separately, Hensley said they are aggregated for reporting/auditing purposes. Speaking about justifying taxes and the 311 allocations, Hensley said they study how many calls they receive for what activity and their time is charged as calls

are received. Richard Dugas, Administrative Officer in Environmental Quality & Public Works, pointed out KU has difficulty identifying the accurate location of the streetlight to repair and he stressed the importance of stating the exact location when reporting. No action was taken on this item.

### **III. Urban Forestry/Street Tree Update**

Heather Wilson, Urban Forestry Section Manager in Division of Environmental Services, provided a background on street trees in Lexington which shows LFUCG maintained street trees are 10% while privately maintained are at 90%. She pointed out the \$150,000 allocation from the Tree Ad Hoc Committee that allowed them to clear the backlog. She reviewed the LFUCG Hazardous Tree Removals/Replacements by Council District and expenses from that for FY15-FY24. This program has shown reductions in LexCalls related to dead or dying trees; time from identification to removal of a hazard; and staff time and costs related to enforcement and abatement.

She spoke about street tree clearance pruning taking place soon and said certified arborists will be doing this work. She showed maps to illustrate where street tree clearance pruning is taking place in the city and noted 35,988 street trees have been pruned from FY16-FY24 at a cost of \$491,603. She spoke about success stories with the street tree pruning program which shows reductions in ice and windstorm damage; hanging and falling limbs; LexCalls related trees blocking roads and sidewalks; and staff time/costs related to street tree compliance assistance. She displayed a map that indicates districts showing where pruning occurs and pointed out areas in higher need. She reviewed the path forward which includes continuing clearance pruning each winter and continuing the Hazardous Street Tree Cost Share Program.

Jennifer Carey, Director of Environmental Services, presented Chapter 16 and 17B ordinance changes. Chapter 16 relates to civil fines and removing the 1/3 reduction in fine for not appealing. The reduction was meant to apply if the violator brought their site into compliance and did not appeal the citation and fine amount. In practice, cited entities submitted payments they reduced by 1/3 but have not brought their site into compliance. Attempts to collect an additional 1/3 of the assessed penalty are time consuming and often unsuccessful while the site is still out of compliance. In Chapter 17B, they cleaned up language, updated definitions, and addressed gaps in enforcement.

Wilson explained the color coding of the tree maps which shows where the highest need for tree canopy improvement is needed: red is the highest priority and green is the lowest priority (highest coverage). Wilson addressed how hazardous trees are assessed by the arborist. She explained a hazardous tree means the tree is losing its bark and the limbs are dead or dying which makes it a hazard to the public right of way. Additionally, if the tree has been impacted by a sidewalk or road, it can be considered hazardous. Speaking about removal costs and why there is an increase, Wilson attributes the increase to replacement costs. When asked how to encourage people to participate in the program and take advantage of the 100% funding for removal of a hazardous street tree, Wilson said public information outreach groups are used to get the word out.

Addressing the concern about tall trees being a hazard during windstorms, Carey said it would require a certified arborist who is qualified to do the tree risk assessment to determine if the tree is hazardous. Wilson explained the biology of trees and spoke about the importance of their design and the capability of their structure to withstand weather conditions. When asked what can be done to influence what people are buying for their yards, Wilson suggested reaching out to friends and neighbors to educate them and sharing why invasive species shouldn't be planted. Speaking about the pruning program and our relationship with KU, Wilson clarified no arborist (unless a certified line clearing arborist) can work

within ten feet of a power line. She noted KU must clear the line, or we don't have power. She mentioned working closely with the local KU arborists, and said they communicate and coordinate on a lot of things.

When asked about partnering with Fayette County Public Schools (FCPS), Wilson said she talks with them regularly. With current staffing, their number one priority is mowing, but they are slowly pushing for an increase in tree canopy. Speaking about the Hazardous Street Tree Cost Share Program, Wilson confirmed there is follow-up done after the planting has happened, but she is uncertain if there has been follow-up in years after that. She noted this could be a reason to have a street tree inventory which would allow us to have more information on trees in our community. She mentioned the tree plotter shows the canopy which is square inch leaf surface coverage. A tree inventory tells us what tree is where, how healthy it is, size, damage, etc. and this allows us to track it over time.

Motion by LeGris to approve an ordinance amending section 16-203 of the Lexington-Fayette Urban County Code of Ordinances to update division titles and remove the penalty reduction for failing to contest citations. Seconded by Gray. Motion passed without dissent.

Motion by LeGris to approve the proposed amendments to Chapter 17B of the Code of Ordinances, relating to street trees, as presented to the committee, and as set forth in the committee packet. Seconded by Gray. Motion passed without dissent.

#### **IV. Pavement Management Plan**

Nancy Albright, Commissioner of Environmental Quality & Public Works, began with a history of the Pavement Management Plan. In 2022, the Paving Subcommittee reconvened to review the plan and recommended updates. In 2023, Council approved updates for Fiscal Year 2024. She provided an overview of the plan and explained how roads are scored using the Overall Condition Index (OCI). She reviewed how the updated plan recommends allocations be apportioned according to new percentages. She spoke about the paving sharing program which seeks to coordinate LFUCG paving priorities and combine efforts to provide the highest quality finished paving surface at the lowest total cost. Moving forward, they are looking at a \$500,000 project for pavement condition scan and scoring. They will continue to explore opportunities for benchmarking, utilize performance metrics, and seek best practice models used by comparable municipalities.

There was a concern about the potential correlation between the new solvent used for snow/ice removal and the number of potholes. Rob Allen, Director of Streets and Roads, said the solvent doesn't affect pavement, but it does produce more water. Speaking about the collector and arterial roads chosen by the administration and how they consider suggestions from Council Members, Albright said they take suggestions seriously. When they are given reports about specific road conditions, they typically send a project manager out to get a true assessment. Albright noted they expect to receive results from the pavement condition scan by spring 2025. When asked what the best practice is for how often a road should be paved, Albright explained the local roads can go a longer time between paving. Allen pointed out a lot of it has to do with traffic count. Collectors and arterials get more traffic, so they need paving more often.

Speaking about the amount of paving over time, Albright said paving costs have not been constant. Like other construction costs, paving has increased over time. She said salaries and equipment have increased and generally the price goes up as well; however, we are currently experiencing a price

decrease. Addressing if there is a fixed price or if this varies by month, Albright said an adjustment can be requested once a month, but they generally ask for one about twice a year. When asked about bond issues for paving, Erin Hensley, Commissioner of Finance, said the last 6-7 years we have relied heavily on bonding as a mechanism for financing paving.

Albright spoke about the roads paved using Council dollars and said they keep track of the projects and will monitor when those funds run out. When asked if Man O War is included in the budgetary amount as an arterial, Albright said they always set aside funds for paving on Man O War and they have lined up a section from Nicholasville Road to Saron Drive to be done this summer. When asked how closely we work with FCPS properties, Albright confirmed we coordinate with them especially if we know we are on or near an entrance. No action was taken on this item.

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

No Action was taken on this item.

The meeting adjourned at 2:42 p.m.