



Environmental Quality & Public Works Committee

February 21, 2017

Summary and Motions

Chair Farmer called the meeting to order at 1:05 p.m. Committee Members F. Brown, Moloney, Stinnett, Gibbs, Evans, Scutchfield, Mossotti, Bledsoe, and Plomin were present. J. Brown, Kay, and Henson were also in attendance as non-voting members.

I. Approval of Committee Summary – January 24, 2017

A motion was made by Plomin to approve the January 24, 2017 Environmental Quality & Public Works Committee Summary & Motions, seconded by Evans. The motion passed without dissent.

II. Maintenance of Streets in Transition from Development to Completion

Scutchfield introduced Doug Burton, Urban County Engineer, who presented the item. He reviewed the private street construction standards which are the same ones used in public streets. He discussed the maintenance of streets and it being the responsibility of the property owner according to the Land Subdivision Regulations. He also discussed the enforcement process of public and private infrastructure. He discussed the process when problems arise and how to fix those problems.

F. Brown asked about the gated communities and if they are private. Burton said yes, typically. F. Brown said there are several private streets from a long time ago that have no sidewalks and curbs and he asked if those were still private with regard to what we are discussing here. Burton said likely, yes; he said if we had an issue with those we would have to go through this same process. Burton added that if we have not accepted the private street as public per CAO Policy 32, the street is still private. F. Brown asked if we can accept those private streets if they do not have sidewalks or curbs. Burton said typically they need to be brought up to current standards. F. Brown asked if these streets are laid out in map form, adding that he is particularly interested in his district as far as what are considered private streets and what are not. Burton said that information is readily accessible and he can get that from GIS. F. Brown asked if we are paving some of those private streets and we do not know it. Burton said considering our budget, he doubts that we are paving private streets.

Farmer asked if there was a list that is checked-off to make sure. Hoskins-Squier said she does not think we have a formal check-off process but they review the list of streets that each Council Member submits for local street paving. She said she can't say they go over each one to determine if it is a private or public street, but they would not intentionally pave a private street.

Moloney said this has been an issue in new subdivisions for a while. He said there are streets off Versailles Road and in other older neighborhoods that do not have sidewalks so they are not private streets; they were county streets and now they are city streets. He said the people in the Neighborhood Associations need to know what they are getting into with regard to the process of private to public streets. Burton said this is an agreement between 2 parties (the developer and the HOA) and the city cannot get involved.

Plomin asked if it has been communicated that the developer is responsible. Burton said it has not been communicated yet.

Evans asked if the onus is on the developer. Burton said the developer is constructing the project so they should be responsible. Evans asked if there was an issue with developers not accepting responsibility. Burton said there have not been issues yet.

Scutchfield said the roads are in bad shape and they have looked at regulations in a nearby community where neighborhoods are looked at 3-5 years later to see how the roads are maintained.

A motion was made by Scutchfield to bring an update of Maintenance of Streets in Transition from Development to Completion item back to committee, seconded by Evans, the motion passed without dissent.

III. Division of Water Quality Projects Report

Charlie Martin presented the Division of Water Quality Projects Report and gave a brief overview of where we stand on those projects.

Stinnett expressed concern about being halfway through the ten-year mark for storm water projects and asked if we could have a separate update to discuss how we are going to get through \$30 million of projects. Stinnett asked if Martin had an idea how many projects have been completed toward that total over the ten-year period and when our time is up. Martin said our time is up January 3, 2021; he said we are at approximately 50% spent for 50% of the projects. Martin said he will bring an update. Stinnett asked if we would request an extension if we do not meet the January 3, 2021 deadline or is it an automatic fine. Martin said it is a conversation we would have with the state because it is a state supplemental environmental project and not federal so the decision rests with Frankfort. Stinnett asked what the plan is for spending the rest of the money. Martin said a lot of it is riding on the fact that we focused on the Wolf Run drainage area and there were 5 projects that totaled between \$11 – 15 million. Stinnett asked about the Town Branch Trail where we applied for the KIA Grant and how it fits in to this picture and will it go toward the \$30 million. Martin said it will not because the \$30 million has to be projects that are listed on the priority projects list. Stinnett asked if we will get the KIA Grant for the storm water project along the Town Branch Trail. Martin said we are in a position to apply for the loan any time and we will be submitting an application that has to come through Council. Stinnett asked Martin if the storm water folks in his division would be

managing and implementing it. Martin said no. He said Hollinger would be project manager for it and (Martin) will be helping with the KIA part of it; they will do it as a team.

F. Brown asked about the 2 different lists. He asked if they are all consent decree projects. Martin said if it is in red, it is consent decree project, if it is in black, it is not a consent decree project. Martin said as he's been going through it, there are some items that need to be checked for duplication. Martin said we still have projects that we are required to do whether it is a consent decree project or not. F. Brown asked about the projects on page fifteen with a new list numbered 1 through 55 and does that relate. Martin said the 2nd sheet is all Grant Funded Projects, exclusively Water Quality Management Fee Grant Projects which are funded by the storm water fee. F. Brown asked if there was duplication in the two lists and Martin said it is because the list got to be so long, they decided to make a separate sheet. F. Brown asked about project # 103 in District 8, trying to determine where that is located. Martin said he will get back to him on that one. F. Brown asked about numbers 20 and 30 and if they are duplicated. Martin said yes they are. F. Brown asked about number 40 with an EPA deadline of December 2017 and if that one is on schedule. Martin said it is and they are working on it now. He said they are going to have to make some pretty good progress, but fortunately most of it is open country. F. Brown asked for a map of that particular one and Martin said he will get that for him.

Moloney asked if we get credit for work completed on projects before the consent decree. Martin said we do not get credit for anything that was done before the consent decree was entered on January 3, 2011. Moloney asked why we cannot get credit for that especially in Wolf Run. Martin said going back 10 years or more to the creation of the consent decree, there was a strong desire by leadership that if we have a \$100 million or more storm water priority list and we settle a consent decree that doesn't help address priorities, then people will not understand because flooding is not regulated by the consent decree. The decision was starting from that point forward; we would commit ourselves to addressing that priority list by another \$30 million, so our timeline started at that time moving forward. Moloney asked about the Midland Avenue project and where we are and is that bumping big projects out of the way. Martin said we have had a commitment to do a project on Midland Avenue and we are moving it up but it makes sense to do the project when the street is torn up rather than coming back and doing it later. Martin said he will leave it to Council to see how they want to pay for the project. Moloney asked if it made the list as one of the top priorities. Martin said on the sanitary end it was on the list because the pipe was undersized to where it would not meet the capacity assurance program. So the decision was made to fix sewers that cannot meet the CAP criteria because it made no sense to have something sitting in an under-developed area and not be able to connect anything to it. He said they are upgrading the pipe segment to allow for that to happen. Martin said his role was to submit an application to KIA to get funding for that through their loan program because they fund projects like that.

Farmer asked about Kentucky Infrastructure Authority (KIA). Martin said we have been approved for the loan and we have not acted on accepting them. Martin said he has a couple of

other projects in there with them that are on the sanitary end with legislation regarding prevailing wage and we are looking at it very carefully.

No further comment or action on this item.

IV. Keep Lexington Beautiful Annual Report

Amy Sohner, Chair of Keep Lexington Beautiful, spoke on the item. She went over the mission, purpose, members, priorities, finances and goals for 2017. She discussed the Cigarette Litter Prevention Program which has greatly reduced the cigarette litter since its inception. She also discussed the Great American Cleanup and educational outreach.

Scutchfield asked about the map and asked if those are the only areas that were done. Sohner said no, this is just 1 of 10 sectors. Scutchfield asked how many of the 179 projects were in the 7th District. Sohner said she can't say now, but she will get the info. Scutchfield just wanted to make sure is done all around the city and not just in certain areas.

Farmer asked when drawing boundaries for the ten sectors if there is a particular pattern followed in drawing those. Sohner said the guidance from Keep America Beautiful was to do it as broadly and outreach as much as possible and as randomly as possible.

Plomin asked about the change in acres of parks cleaned from 2014 to 2016 and what was the reason for that. Sohner said she cannot answer that, but she will find out. Plomin also asked about the lowest community appearance index in 2012 and why we were so clean that year. Sohner said one of the reasons for the movement between 2011 and 2012 could be because the first time they did it was in September and it was move-in or move-out day at UK and they decided from that point forward to always do it March so that was the difference in the first 2 years.

Bledsoe asked if we can help to do a better job or get more sponsorship in the private sector to help do this. Sohner said absolutely and anytime we can get money is always a good thing. Sohner thinks the connection with Republic Services and Keeneland's commitment really strengthens them as an organization both financially and because they get a broader outreach. Sohner added that if there are people you have in mind that she can talk to in order to make a connection it would be a wonderful way to increase that. Bledsoe said maybe a corridors project would be an idea as a way to leverage some of those funds.

Evans asked about cigarette butts in traffic and how that is being addressed. Evans said there are many neighborhoods that do not have organized associations and she would like to brainstorm about that and reach out to organizations and neighborhood associations; she asked if there is a national trend or project that focuses on cigarette butts in traffic. Sohner said in getting organizations to participate in the Great American Cleanup, they do not have to be part of a neighborhood association. Entities are formed and they go out and clean up areas as a group, not as a neighborhood. Susan Plueger responded to cigarette butts in traffic and said

funding was used from the Kentucky Pride Litter Grant to purchase a Madvac vacuum for cleaning up these intersections. She said they are compiling a list of the worst ones and will start doing more routine cleaning.

Henson thanked the commission for the work involved and for being present. Henson urged Council to identify projects in their district that will benefit us all.

No further comment or action on this item.

V. Items Referred to Committee

A motion was made by Stinnett to remove the Sidewalks – Priority List and Funding item from committee, seconded by Kay, the motion passed without dissent.

A motion by Stinnett to remove the Street Trees item from committee, seconded by Bledsoe, the motion passed without dissent.

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

The meeting was adjourned at 2:26 p.m.

K.T. 3.2.17