



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

August 20, 2019

### **Summary and Motions**

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Chair Bill Farmer, Jr. called the meeting to order at 1:03 p.m. Committee Members Steve Kay, Richard Moloney, Josh McCurn, Jake Gibbs, Angela Evans, Preston Worley, Fred Brown, and Amanda Bledsoe were present. Council Member Jennifer Mossotti was absent. Council Members Jennifer Reynolds, Susan Lamb, and Kathy Plomin were also in attendance as non-voting members.

#### **I. Approval of April 23, 2019 Committee Summary**

A motion was made by CM McCurn to approve the April 23, 2019 Environmental Quality & Public Works Committee Summary, seconded by VM Kay. The motion passed without dissent.

#### **II. Division of Water Quality Projects**

Charlie Martin, Director of Water Quality, reviewed the list of various Division of Water Quality projects around Lexington.

Chair Farmer asked if a request can be submitted to EPA for separate set-asides or deadlines in specific instances. Martin explained that there are multiple milestones within these projects including completion of design, awarding construction, completing construction all wrapped around the December 31, 2026 deadline. He said EPA has been flexible with some of these interim milestone dates but we do not intend to ask them to move the 2026 deadline because that would require going to court.

Martin explained the pump station and the storage shed on Richmond Road and the potential to auction those off in an effort to maximize the return on the investment.

CM F Brown asked what happens to the money generated by that auction. Martin said it goes back into fund it came out of.

Chair Farmer asked if the pump station is in working order and ready to go into action. Martin said for the most part, but there are kinks that need to be worked out and we are waiting on some rain events to make sure it can do what it is supposed to do.

CM Worley said this is an expensive project and he asked about the work that has been done as well as the cost savings. He said the last time he looked, we were \$95 million to the good, but expressed concern about current work that is being done which could possibly feed into the \$95 million savings because it is hard to save money on pipes and manholes.

Martin continued by reviewing the trunks around University of Kentucky and said the design solutions have been worked on for a while. He said it was almost at a point where it could be bid out to break ground by the end of this year; however, information was received that caused concern so this one is on hold for now. He said Midland Avenue was a big project and is now complete. He discussed the stormwater projects and highlighted seven projects in the design phase. He said there are good things happening in the stormwater program, but there is concern about elevating it. He mentioned the salary study by human resources and said it has been difficult to hire and retain staff. He explained that his division is short-staffed making it challenging to respond to all of the calls for solutions, but the process

has started to award stormwater contracts for indefinite service with six different engineering firms to help with this.

CM F. Brown asked if any of the projects overlap and Martin said they work on them simultaneously. F. Brown asked about the projects in red ink and Martin explained that the RMP projects are in red. He said if deadlines are not met on the RMP projects, there are significant penalties. He said the projects in black are stormwater projects which do not have a stipulated penalty on missed deadlines. F. Brown asked if these are still under the consent decree and Martin said they are, but there is no schedule associated with those projects. Martin explained that there are things outside of consent decree projects that need to be fixed.

CM Moloney asked if the wet weather has an effect on the deadlines of the consent decree with the EPA. Martin said as of right now, we are locked into this deadline. Our commitment was to handle a two-year, 24-hour storm, without getting extraneous water out of the system. The goal is to have something even better that will handle more than a two-year, 24-hour storm. Moloney asked if neighborhoods have been educated. Martin said it is a work in progress, but we continue to communicate. Moloney asked if we are on track to meet the deadline and Martin said he has concerns with the decrease in staffing and the speed at which they currently complete projects.

No further comment or action was taken on this item.

### **III. Storm Water Priority List Update**

Greg Lubeck, Stormwater Section Manager in the Department of Environmental Quality & Public Works, provided an update on the Storm Water Priority List. He explained the severity scoring process to prioritize projects.

VM Kay commented on the Ohio Street issue and asked how a constituent is to determine whether a particular issue fits the criteria and what they can do to get a response. Lubeck said the best thing to do is call 3-1-1 and report it; but it can also go through Council Office or Division of Water Quality. Martin added that he has looked at this one and the 3-1-1 calls came in as a maintenance issue and always marked as completed. He said it never made it out of maintenance and into capital projects. Moving forward, we will have to make sure maintenance is aware that these projects are to be elevated when no specific problem can be found. VM Kay asked what the appropriate response to this constituent would be and Martin said this will be explained later in the presentation.

Lubeck explained the new projects policy which states that new projects added to the priority list have a two-year waiting period before any action can be take and he reviewed the active priority projects.

CM Worley commented on the Woodhill/Palumbo project and asked if most of this was designed to go through the existing street. Lubeck said that is correct. Worley asked about easements and right of way acquisition. Lubeck said on both ends of the project, they will need access to parking lots and drives. Worley asked for clarification that majority of this was on the street and not through people's yards. Lubeck said that is correct.

Lubeck continued by reviewing the issues that did not turn out so well including the Ohio Street project VM Kay referenced earlier. He said it is on their radar now. He reviewed the potential projects to be added to the priority list. He spoke about the potential project on Ohio Street and after flooding in July, the storm system was inspected for defects and it was found that a sewer line was penetrating a

manhole. DWQ will hire a consultant to prepare a report that will provide alternative solutions. VM Kay asked what the appropriate response is when a constituent complains about this and Martin explained that an engineer will look at what the potential options are and said it could be a very direct solution. He said if it is a traditional stormwater fix where new pipes need to be installed along the street, it will go on the priority list. He said the reason for the 2 year wait is so the project next on the list does not get bumped by another one and said this used to be a real issue. VM Kay concluded from this that the appropriate response is there are many people who have similar problems ahead of this one on the list so it will take some time for this to get resolved.

CM Bledsoe commented on the two-year waiting period and said it is frustrating. She used Lyon Drive as an example of one that had a lot of Stormwater in the area and constituents called and 6 months later it was added to the list, but were told that it would be a two-year waiting period. She said when you have water damage the waiting period can be frustrating. She said several years there were 5 projects along southland drive that were combined to create one big project. She said three years later we are just getting to the solutions with construction.

VM Kay asked if the two-year wait is due to staffing, funding, a combination of both, or something else. Martin responded referencing a memo from division of engineering in a previous slide. The memo stated that according to protocol they would need wait two years and it was explained to him that the reason for waiting two years was to prevent projects from being bumped and not because of staff capacity. VM Kay commented on changing this rule and asked if we could take the list and work through it to get back up to speed to avoid a two-year waiting period and if we can do this with current staffing and funding. Martin said the problem you run into is when you talk about the changes that need to happen that impact people's property. He said often times the solution is not where the problem is. He used CM Worley's earlier question as an example and said to fix the problem, they have to go through two private parking lots. Those lots do not have a stormwater problem but they will when work begins. He said this causes private property owners to be hesitant to be part of the solution which kills projects more than anything else. VM Kay asked about the projects that are down on the list where work has not begun and asked if it is a staffing or funding problem causing the delay. Martin said at the end of the day we cannot fix all the problems at one time so at some point priorities had to be set. The concern was that a project on the list that has waited a long time to be the next priority, might get bumped back by a new project. Kay said he does not want to bump projects but he wants to get through this list more quickly whether we need to increase staffing or funding. He said it is more about the capacity of this government to carry out the things we are committed to do for the citizens and if our pay scale does not reflect the market then we are doing a disservice to the community.

CM Moloney asked if stormwater money was enough to keep these projects going or if more will be requested. Martin said money is not the issue. Moloney commented on the consultant and asked if there are advantages to having contractors. Martin said in most stormwater capital projects, design work is outsourced to an engineering firm, but an Urban County employee manages the consultant. He said when it gets into the easement, the consultant is not involved in that process. Urban County Government employees are better equipped to request right of way as opposed to outsourcing.

Chair Farmer commented on the memo from Division of Engineering in the packet. He said at the time, it was difficult to get a project on that list and have it funded and completed. He said what is important about this list is the change that was made 3 years ago. We took a holistic approach and the change we made gives the opportunity for things to be dynamic on the list while not dis-serving others.

Lubeck continued the presentation with nuisance and maintenance issues and said we are getting a better handle on those.

CM F. Brown asked how many projects we have on the list with a two-year waiting period. Martin explained that this was set up using a scoring matrix, putting the most difficult and costly projects at the end. He said if something is discovered to be a maintenance issue, it is an easier fix and it will not have to wait two years. F. Brown asked what the backlog is for the capital projects and if we are currently adding projects with a two-year waiting period. Martin said currently there are 110 projects on the list and we are working on number 80. F. Brown asked what the dollar value is for those. Martin used Ashland Ave/National Ave as an example and said the estimate was \$15M the last time he saw, but those numbers go up.

No further comment or action was taken on this item.

#### **IV. Fiber optic Technology (MetroNet)**

Kris Smith, Governmental Affairs Manager for MetroNet, provided an update on the fiber optic installations throughout Lexington. She said there are over 44,000 homes eligible and of those, 7,200 are MetroNet customers. She also explained the process for submitting a customer service inquiry and this process can also be used to monitor unprofessional or unsafe behavior.

CM Evans asked if there are plans to go back and contract with HOAs. Smith said if it is privately owned, there are community developers who go out and meet with them and have an agreement signed which provides permission to build. She said she can reach out to them and provide construction communication as well as attending HOA meetings to answer questions.

CM Bledsoe spoke about the experience with MetroNet in her neighborhood and poor notification process and the length of time it takes to complete the installation. Smith explained that the MetroNet construction workers should be knocking on doors and notifying residents of their presence. She said sometimes the projects take longer than expected.

CM Reynolds expressed appreciation for responsiveness to concerns of constituents. She expressed concern about the professionalism of the workers and complaints that she has heard. Smith pointed out the importance of the construction ticket so inquiries and complaints can be tracked. She said the workers will be asked to leave if it is found that they are repeatedly disrespectful to citizens and/or property.

CM F. Brown asked about the GTV channel. Chris Edwards said we would have two channels available with MetroNet and both will be HD. He said fiber will run from MetroNet to the basement of the Government Center.

CM Moloney commented on easements and asked who MetroNet works with regarding easements to make sure it is the correct one. Smith said they use a plat that shows where utility easements are located. Moloney said there are Spectrum customers whose lines have been cut and asked if the property owner is responsible for calling or the workers' responsibility. Smith said if the workers are present when the homeowner discovers a line has been cut, they will repair it. If the workers have left,

the property owner will need to call Spectrum because Spectrum will not take a call from MetroNet on behalf of a property owner.

CM McCurn expressed concern with complaints about lines being cut in his district. He said this is happening more than it should be. Smith said the intention is to not ever cut anything which is why companies come out and mark where utilities are located. She said workers take precautions and do their best to avoid cutting a line. She pointed out that this is another concern that can be tracked through the ticketing process and she added that if Spectrum is not able to repair the line in 24-48 hours, MetroNet will come out and repair it. McCurn asked about tree limbs being cut too short and Smith said the Tree Board has met with project managers and they will have coaching sessions to learn how to minimize these situations. McCurn asked about the bundling and removal of these limbs. Smith explained that the intent is to work down an entire street and then go back through to collect limbs so it might be the next day before they are collected. McCurn asked who we should notify if limbs have not been bundled and Smith said her office can handle those calls.

CM Worley expressed frustration with MetroNet and spoke about his experiences since they came to his district over a year ago. He said he has seen improvements in professionalism, but there are still contractors who are not following protocols. He said this is something we need to keep an eye on because it is not getting better.

Chair Farmer spoke about concerns he has heard which are mostly with the notification process. He said many residents are surprised to find workers in their backyard without being notified in advance. Smith said they continuously strive to improve the communication process. She said residents who are sent her way are asked if they have received a postcard or seen a yard notification. Their response is that they have received these notifications, but no one has physically told them. She said there will always be better ways to reach people.

CM Lamb said she has seen complaints about the notification process on Facebook. She said it is not feasible to go to every neighborhood meeting and speak about this, but she wants to make sure that every crew going out to each neighborhood ensures that the residents are properly notified. She explained that council is engaged with the constituency which should be helpful in this process and said she tries to be respectful of all of the companies that are here without showing favoritism. She is hopeful that the concerns regarding construction will be reduced and we will start hearing the positives instead of the negatives.

VM Kay asked about the vetting process for contractors and subcontractors who are doing the construction. Smith said they look for those who have fiber installation experience and she explained that they are required to sign an agreement which stipulates that unprofessional behavior will not be tolerated. She pointed out that in the last two months, they have terminated 22 crews based on feedback received by the city. VM Kay commented that from the start, we were assured that MetroNet had the capacity to get the work completed, but now we are hearing that the oversight of the crews has not been sufficient. He said it is not acceptable that people are not receiving notice prior to the crew showing up and working in their backyard. He said there needs to be sufficient oversight, training, and vetting of these crews. He said it is good that these crews have been let go, but the fact that they were ever hired and then failed to meet the standards is not acceptable.

CM Evans expressed appreciation for adjusting the timeline in one of her neighborhoods so they could receive service earlier than planned. She suggested that constituents who have had a good experience share that as well as the bad experiences. Smith said they hold monthly meetings with contractors and they are required to sign an agreement that states the level of professionalism they will be held to. She said it is more of an issue of holding the contractors accountable and said our goal is to do better than we did yesterday.

CM Plomin spoke about the comments she received on *Next Door* and she expressed appreciation for MetroNet's responsiveness to calls. She said she has heard of both good and bad experiences that have been had.

Public comment on recycling of Styrofoam was provided at the conclusion of this meeting.

**V. Items Referred to Committee**

No comment or action was taken on this item.

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

The meeting was adjourned at 2:53 p.m.

KT 9.4.2019