

Farmer, Chair
Stinnett, Vice Chair
Kay
Moloney
J. Brown
Gibbs
Evans
F. Brown
Mossotti
Hensley

A G E N D A
Environmental Quality & Public Works Committee
January 19, 2016
1:30 P.M.

- | | | |
|----|---|------------------|
| 1. | Approval of Committee Summary | (1 - 7) |
| 2. | Downtown Speed Limits (Farmer) | (8 - 10) |
| 3. | Neighborhood Traffic Management Program – Update (Moloney) | (11 - 14) |
| 4. | Fiber Optic Technology (Farmer) | (15 - 31) |
| 5. | Retention/Detention Maintenance & Enforcement (Mossotti/Scutchfield) | (32 - 52) |
| 6. | Items Referred to Committee | (53) |

“Environmental quality and public works committee to which shall be referred matters relating to the department of environmental quality and its divisions, and any related partner agencies and the department of public works and its related divisions, including capital improvement projects and any related partner agencies.” Council Rules & Procedures, Section 2.102 (3) Effective January 1, 2015. Adopted by Urban County Council September 25, 2014

2016 Meeting Schedule

January 19 (1:30 p.m.)	August 23
February 16	September 20
April 19	October 18
May 24	November 15
June 21	



Environmental Quality & Public Works Committee

November 17, 2015
Summary and Motions

Chair Farmer called the meeting to order at 1:00 p.m. Committee Members F. Brown, Gibbs, Kay, Moloney, Mossotti, J. Brown and Hensley were present. Committee Members Evans and Stinnett were absent. Council Members Lamb, Bledsoe, Akers and Henson were also in attendance.

I. October 20, 2015 Committee Summary

A motion was made by Moloney to approve the October 20, 2015 Environmental Quality & Public Works Committee Summary, seconded by Kay. The motion passed without dissent.

II. Snow & Ice Control Plan Update

Commissioner Holmes reviewed the changes to the FY15-16 Snow & Ice Control Plan per Council input. He explained that stakeholder meetings and Council Member input resulted in the addition of significant lane miles to the Plan. Holmes reviewed service levels according to street ranks, and presented a proposed three-year schedule for implementation of the sidewalk snow removal plan.

Farmer asked for clarification regarding communication with Council as it relates to the workflow diagram.

Mossotti inquired if the recommendations that were submitted by Council made their way into the newest street rankings. Holmes stated they tried to include as many Council recommendations as possible, while allowing for connectivity of streets and omitting cul-de-sacs.

In response to a question from F. Brown regarding street rankings, Albert Miller, Director of Streets and Roads, stated that the City was divided into nine unique areas for the purposes of developing the Plan. F. Brown suggested adding a map delineating the 12 Council Districts in the Plan.

Hensley asked why the EOC was not included in place of the Mayor/CAO on the Communications Workflow diagram. Holmes provided additional clarification.

Moloney asked if hilly side roads connecting to arterials are included for clearing in the updated Plan. Miller responded that most examples are cul-de-sacs or dead end streets, which are not typically included in the Plan. Moloney asked for an update regarding the Salt Barn. Holmes

stated that a design RFP is being developed at this time, and reviewed the tentative construction schedule.

Akers asked for clarification of downtown street rankings, and asked for an update regarding a request for a street to be included in the Plan. Miller stated that the requested street is privately owned and maintained.

In response to a question from Henson, Holmes stated that an updated Council District map had been provided to each Councilmember. Henson asked follow up questions regarding the clearing of cul-de-sacs.

Lamb stated that 109 lane miles have been added to the Plan, but it is stated elsewhere in the Plan that additional capacity exists. Holmes clarified that the utilization of contractors and additional capacity will allow expedited street clearing. Lamb also inquired about streets that were omitted that did not connect to cul-de-sacs. Holmes stated they could discuss those individually.

J. Brown suggested that the nine sectors be overlain on the snow removal map.

III. Downtown Speed Limits

Dowell Hoskins-Squier, Director of Traffic Engineering, presented information supportive of reducing the speed limit in the Downtown area. She stated that the speed limit reduction is one component in increasing pedestrian safety; enforcement is also being enhanced to reduce traffic speeds in the Downtown area, as well as other efforts. Hoskins-Squier presented pedestrian volumes during Downtown peak hours, and provided comparisons with other cities. She stated that the impact on Downtown commute times would be insignificant, but there would be a resultant significant improvement in pedestrian safety. She stated that the fiscal impact of changing 158 Downtown speed limit signs would be \$5,900, which is funded in the FY16 Budget.

Griffin Van Meter provided a petition to reduce the speed limit to 25 mph in Downtown Lexington and all surrounding neighborhoods, and spoke in favor of the proposal. Kris Nonn spoke in favor of the proposal, and stated that a lower speed limit can also provide economic benefits to the community. Richard Young also spoke in favor of the proposal, and provided examples of pedestrian safety issues in the Downtown.

Mossotti spoke in favor of the proposal, but asked that similar consideration be provided for more suburban areas. Hoskins-Squier suggested that this be addressed as part of the NTMP discussion during the January 2016 committee meeting.

J. Brown stated that speeding and pedestrian safety is a primary concern, and this effort is a first step toward considering speed limit reductions in other areas of the community. He stated that sidewalk improvements are also necessary to address pedestrian safety. In response to a

question from J. Brown, Hoskins-Squier stated that the State is not in favor of lowering the speed limit on State routes.

J. Brown stated he would like to see a plan for neighborhood streets brought to committee separately. Mossotti stated she would like to see neighborhood streets given similar consideration and is supportive of lowering speed limits on neighborhood streets. Hoskins-Squier stated she recommends including bike and pedestrian considerations in the NTMP manual, which will be presented to the committee in January.

There was discussion initiated by Kay about what could be done to encourage the State to reconsider policies and procedures with regard to lower downtown speed limits. Hoskins-Squier affirmed it would be helpful for Council to draft a resolution to send to the State about the issue.

J. Brown noted an earlier motion he made to add more streets to the area of the study. Hoskins-Squier stated she has not adjusted the boundaries at this time.

Kay stated he would like to see a draft Resolution to consider sending to the Transportation Cabinet at the next Committee Meeting.

(From Sept. 15, 2015 meeting – report out held) A motion was made by J. Brown to approve the inclusion of North Limestone Street between Loudon and New Circle Road and Bryan Avenue between Loudon and New Circle Road to the study area, seconded by Gibbs. The motion passed without dissent. (Yay: F. Brown, Evans, Farmer, Gibbs, Kay, Moloney, Stinnett, J. Brown, Hensley. Mossotti was absent for the vote.)

A motion was made by Gibbs to approve downtown speed limit reductions and forward the issue to the full Council, seconded by J. Brown. The motion passed without dissent.

A motion was made by Hensley to amend the motion to move the item to full Council and to include neighborhood streets in the plan, seconded by Mossotti. The motion was withdrawn.

IV. Maintenance of Bike Trails & Sidewalks

Rob Allen, Deputy Director of Streets and Roads, provided a presentation on the maintenance of trails and sidewalks. There are currently 44.3 miles of trails, most of which are in public parks. To date, no coordinated ongoing maintenance efforts have been implemented. There are several new trails coming online in the future.

Mossotti clarified that this item only pertains to existing trails requiring maintenance. Jonathan Hollinger stated that this presentation relates to grant funded trails. There was further discussion regarding referring the citywide trail system to committee for further consideration.

Kay inquired if there is adequate funding to keep the trails well-maintained, and stated he would like to see a proposal come forward of the entire cost of fully maintaining all current trails. Hollinger stated that this information will be provided.

Moloney reviewed the funding needs for the maintenance of the existing trail system. Akers inquired about the average life span of a trail, to which Allen stated it is approximately 10-15 years. There was further discussion with Hollinger.

A motion was made by Hensley to change the amount to \$75,000. The motion died for lack of a second.

A motion was made by Moloney to allocate \$150,000 in the FY17 budget for the maintenance of the trail system, seconded by Hensley. The motion passed by a 6 - 2 vote. (Aye: Farmer, Gibbs, Kay, Moloney, Mossotti, J. Brown Nay: F. Brown, Hensley)

A motion was made by Kay to amend the previous motion to a minimum of \$150,000 for trail maintenance, seconded by Moloney. The motion passed by a 5 - 2 vote. (Aye: Gibbs, Kay, Moloney, Mossotti, J. Brown Nay: F. Brown, Hensley)

V. Division of Water Quality Projects Report

Charlie Martin, Director of Water Quality, provided an overview of ongoing DWQ projects.

There was brief committee discussion on the status of several projects.

VI. Pavement Management

Commissioner Holmes provided a progress update regarding the implementation of the street paving plan.

Farmer asked for an update of the new method of data collection as it was applied during the paving process. Holmes stated this is still a work in progress, and the data will be fully analyzed by Spring.

Hensley stated the need for a workgroup to create a formalized strategy for paving.

A motion was made by Hensley to appoint a subcommittee to develop a paving strategy, seconded by F. Brown. The motion passed without dissent.

VII. Items Referred

A motion was made by Kay to adjourn, seconded by F. Brown. The motion passed without dissent.

The meeting was adjourned at 2:59 p.m.

D.S. 11-18-2015

RESOLUTION NO. _____-2015

A RESOLUTION DESIGNATING THE SPEED LIMIT ON VARIOUS SECTIONS OF STREETS LOCATED IN DOWNTOWN LEXINGTON-FAYETTE COUNTY AS 25 MILES PER HOUR, AND AUTHORIZING AND DIRECTING THE DIVISION OF TRAFFIC ENGINEERING TO INSTALL PROPER AND APPROPRIATE SIGNS IN ACCORDANCE WITH THE DESIGNATION.

WHEREAS, pursuant to Code of Ordinances Section 18-51 and other authorities, the Division of Traffic Engineering is authorized and empowered to maintain traffic-control signs, signals, and devices deemed necessary to regulate traffic; and

WHEREAS, pursuant to Section 18-66 of the Code of Ordinances, the Urban County Government may determine that certain speed regulations shall be applicable on certain streets or in certain areas; and

WHEREAS, in 2014, there were approximately 229 collisions involving pedestrians and cyclists with vehicles in Lexington-Fayette County; and

WHEREAS, it has been shown that speed plays a major role in the pedestrian fatality rate in vehicular/pedestrian collisions; and

WHEREAS, the Urban County Council has determined that the speed limit should be 25 miles per hour on various sections of streets located in downtown Lexington-Fayette County.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That the speed limit on the following North-South street segments be and hereby is designated as 25 miles per hour: Jefferson Street between Main Street and W. Sixth Street; Upper Street between Avenue of Champions and W. Seventh Street; Limestone Street between Avenue of Champions and Loudon Avenue; Martin Luther King Boulevard between Avenue of Champions and E. Sixth Street; Maple Avenue between E. Sixth Street and E. Loudon Avenue; Rose Street/Elm Tree Lane between Huguelet Drive and E. Sixth Street; Woodland Avenue between Hilltop Avenue and E. Main Street; Walton Avenue between E. Main Street and Winchester Road; and S. Ashland Avenue between Euclid Avenue and E. Main Street.

Section 2 - That the speed limit on the following East-West street segments be and hereby is designated as 25 miles per hour: Waller/Cooper between S. Broadway and Tates Creek Road; Virginia Avenue between S. Broadway and S. Upper Street; Maxwell

Street between S. Broadway and E. High Street; High Street between S. Broadway and Sunset Drive; Second Street between Newtown Pike and N. Limestone Street; Third Street between Newtown Pike and Midland Avenue; Fourth Street between Newtown Pike and Withrow Way; W. Sixth Street between Jefferson Street and N. Broadway; Seventh Street between N. Broadway and Montgomery Avenue; and Loudon Avenue between Newtown Pike and Winchester Road.

Section 3 – That the Division of Traffic Engineering is authorized and directed to install proper and appropriate signs in accordance with the designated street segments listed in Sections 1 and 2.

Section 4 - That this Resolution shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

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RESOLUTION NO. _____ - 2016

A RESOLUTION REQUESTING AND ENCOURAGING THE KENTUCKY TRANSPORTATION CABINET (KYTC) TO DESIGNATE THE SPEED LIMIT FOR VARIOUS SECTIONS OF STREETS ON THE STATE ROUTE SYSTEM IN DOWNTOWN LEXINGTON-FAYETTE COUNTY AS 25 MILES PER HOUR.

WHEREAS, in 2014, there were approximately 229 collisions involving pedestrians and cyclists with vehicles in Lexington-Fayette County; and

WHEREAS, it has been shown that speed plays a major role in the pedestrian fatality rate in vehicular/pedestrian collisions; and

WHEREAS, the Lexington-Fayette Urban County Government has established safety goals regarding the improvement of public health and safety by reducing transportation-related fatalities and injuries across all modes of travel in accordance with the United States Department of Transportation's (USDOT) Strategic Plan for FY 2014-2018; and;

WHEREAS, the Lexington-Fayette Urban County Government, in collaboration with the Kentucky Transportation Cabinet (KYTC), is committed to promoting pedestrian safety on the state route system within Lexington-Fayette County.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That the Council of the Lexington-Fayette Urban County Government hereby requests and encourages the Kentucky Transportation Cabinet (KYTC) to designate the speed limit as 25 miles per hour on the following East-West state route segments: Bolivar Street between S. Broadway and S. Upper Street; Avenue of Champions/Euclid Avenue between S. Upper Street and E. High Street; W. Maxwell Street between Oliver Lewis Way and S. Broadway; W. High Street between DeRoode Street and S. Broadway; Manchester Street between Oliver Lewis Way and Jefferson Street; Vine Street/Midland Avenue between W. Main Street and Loudon Avenue; and Main Street between Oliver Lewis Way and Ashland Avenue.

Section 2 – That the Council of the Lexington-Fayette Urban County Government hereby requests and encourages the Kentucky Transportation Cabinet (KYTC) to designate the speed limit as 25 miles per hour on the following North-South state route

segments: Oliver Lewis Way/Newtown Pike between Pine Street and W. Loudon Avenue; Broadway between Burley Avenue and Loudon Avenue; S. Limestone between Cooper Drive and Avenue of Champions; and Tates Creek Road between Cooper Drive and Sunset Drive.

Section 3 – That the Clerk of the Urban County Council is hereby authorized and directed to send a copy of this Resolution to the Kentucky Transportation Cabinet (KYTC).

Section 4 – That this Resolution shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

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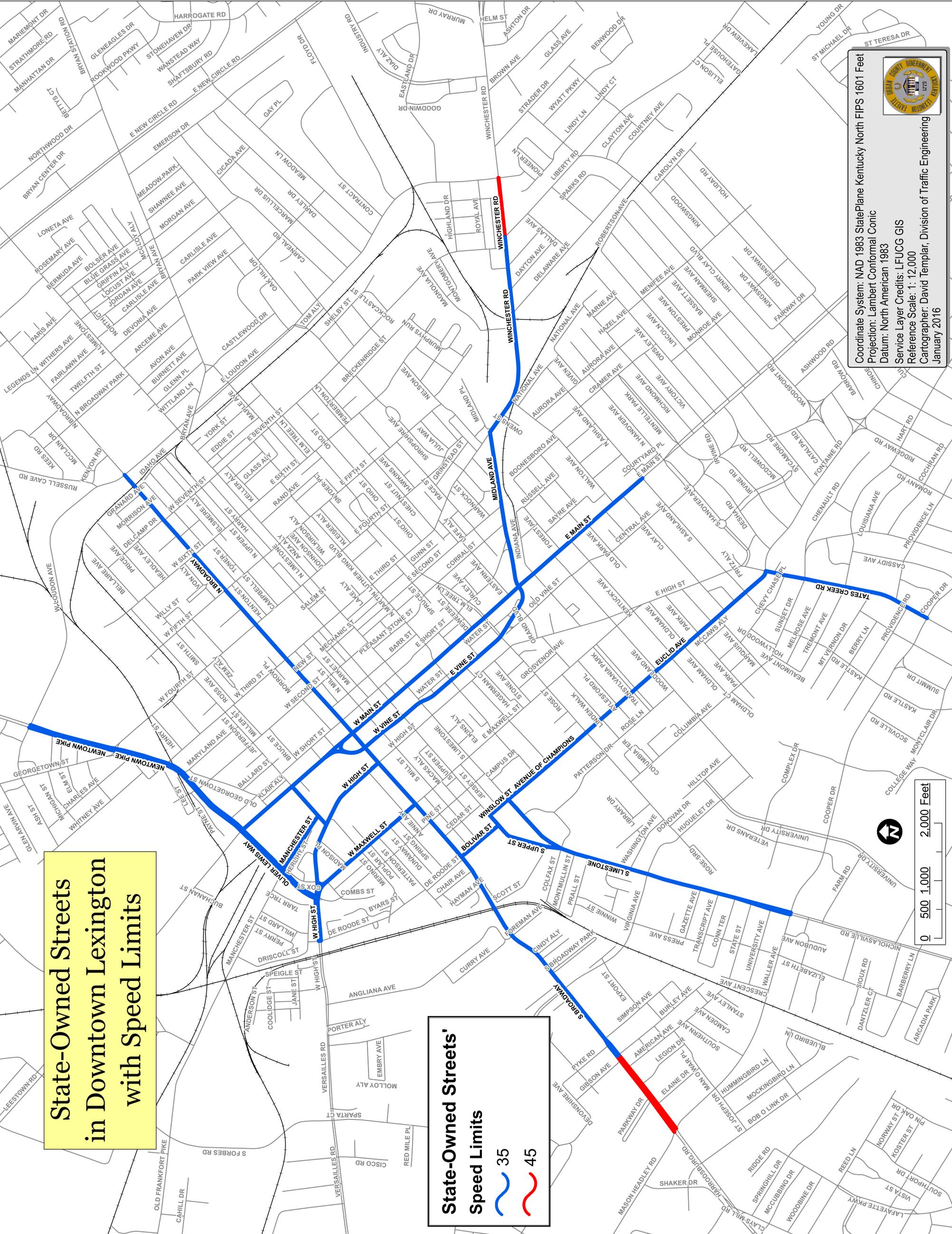
State-Owned Streets in Downtown Lexington with Speed Limits

State-Owned Streets'
Speed Limits

-  35
-  45




Coordinate System: NAD 1983 StatePlane Kentucky North FIPS 1601 Feet
 Projection: Lambert Conformal Conic
 Datum: North American 1983
 Service Layer Credits: LFUGG GIS
 Reference Scale: 1 : 12,000
 Cartographer: David Templar, Division of Traffic Engineering
 January 2016



Revisions to the Neighborhood Traffic Management Program (NTMP)

Environmental Quality &
Public Works Committee

January 19, 2015

Department of Environmental Quality & Public Works
Division of Traffic Engineering

Revisions to the NTMP

- Major changes include:
 - Deadlines
 - 90 days for initial petitions (all Types)
 - Three week minimum for ballot petitions (Types 2 & 3)
 - Study reevaluation
 - A similar study cannot be started within 12 months of a final NTMP report unless traffic patterns significantly change within that time frame

Revisions to the NTMP

- Based on feedback in the June presentation to the EQ&PW Committee, modifications were made to recent revisions:
 - Cost sharing methodology restored; breakdown of cost sharing based on property value information (PVA)
 - Clarification for sponsor payment method
 - Clarification for criteria used when considering lower speed limits in residential areas
 - Beacons/flashing signs added to Type 1 traffic calming options.

Questions?

Fiber Optics/Broadband Update

Environmental Quality & Public Works Committee

January 19, 2016

Agenda

- Vision and Goals
- RFI Results
- Discussion with Responders
- Consultant Engagement / Build Assessment
- Discussion of Direction
- Next Steps
- Partnering with State KYWired Initiative
- Appendix

Broadband Vision for Lexington

GigforLex is a City-led project to ensure that:

- every Lexingtonian can access advanced communications networks
- high-speed, high quality, fiber connections to the internet are available

Broadband Goals for Lexington

To have available:

- Competitively priced services (internet, CATV, telephone) to any customer connected to the network
- Excellent customer service
- Highly reliable network
- Network with increased bandwidth for the “internet of things”

RFI Results

- 12 Responses in 3 categories
- Incumbents, TWC and Windstream
- Private Build
- Public-Private Partnership
 - Majority of companies offered variations of this model
 - Shared funding, various % for partners
 - City builds and partner runs it
 - City builds and company leases
 - Other variations

Consultant Engagement / Build Assessment

- Engaged CTC, same company engaged by state, recently Louisville, Seattle, and many other cities
- CTC has engineering arm of consulting company who came and assessed Lexington's environment, drove streets, looked at poles, etc.
- **PRELIMINARY, HIGH-LEVEL estimate: \$175-200M to build network to include construction, labor, materials, engineering, pole attachment, etc.**



Discussion of Direction

- Leveraged CTC to provide a financial pro forma for our use to evaluate various scenarios
- Plugging various numbers from several scenarios
- Issue an RFP with 2 options:
 - Private build with input for possible city participation to get city-wide coverage
 - Private-Public Partnership options



Committee Structure

- **Executive Steering Committee**
 - Scott Shapiro, Chad Cottle, Todd Slatin, Jonathan Hollinger, Bill O'Mara, Andrea Brown, Aldona Valicenti, Terry Barnes (project manager), Joanne Hovis (CTC consultant)
- **Fiber Team**
 - Steering Committee members
 - Representation from every department
 - Representative from Vice Mayor's office
 - Library representative
 - Several private sector participants
 - UK represented

Next Steps

- Write, review, issue RFP
- Ongoing work with KYWired project

Partnering with KYWired

- KYWired to lay fiber dedicated to the city's ownership and use as they build
- KYWired beginning build in Lexington
- City responsible for buying fiber optic material and state will lay fiber at no charge to the city
- Examining/overlaying engineering maps from KYWired with city maps and our infrastructure
- Big win for Lexington; city will own the fiber, for use as our asset

Appendix: Definitions

Broadband refers to the wide bandwidth characteristics of a transmission medium and its ability to transport multiple signals and traffic types simultaneously. The medium can be coaxial cable, optical fiber, twisted pair, DSL local telephone networks or wireless.

Fiber Optics (optical fiber) is a flexible fiber made of extruded glass (silica) or plastic, slightly thicker than a human hair. Optical fibers are widely used in fiber-optic communications, where they permit transmission over longer distances and at a higher bandwidth (data rates) than wire cables.

Appendix: Definitions

Fiberhood: Google’s term that would allow residents to connect to the Google Fiber Optics Network for both internet and TV, where neighbors can, essentially, work together to compete for the service.

Dark fiber is optical fiber infrastructure that is in place but not yet in use. It is “unlit.” The dark strands can be leased to individuals, companies, etc., who want to use it.

FTTH: Stands for Fiber to the Home

Appendix: Definitions

▪ Gigabit internet: a fiber-optic cable internet connection offering speeds of 1,000 megabits per second. That kind of connectivity, according to

Google, allows for the:

- downloading of a high-definition movie in about 30 seconds
- streaming five HD movies at once without so much as a hiccup
- transferring data over the web faster than is possible over a thumb drive.

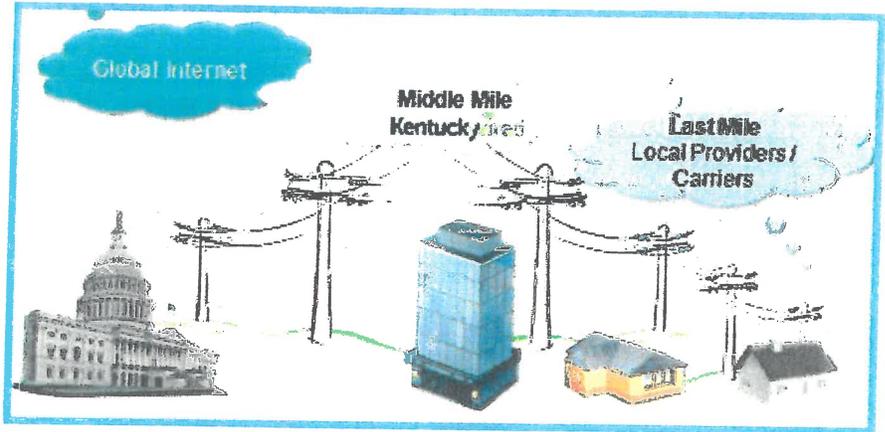
Appendix: Definitions

Middle-mile: Components of a broadband infrastructure project that provide broadband service from an internet point of presence (POP) to one or more centralized facilities (i.e. the central office, the cable headend, the wireless switching station or other centralized facility), which allows a last mile provider to provide internet access to a home, business or anchor institution device.

Last-mile: Components of a broadband infrastructure project that provide service to end-user devices. In most cases, the last-mile connection goes to the end-user device in a home, business, or anchor institution.

Questions?

The KentuckyWired infrastructure project is unlike any other seen in Kentucky in the last 50 years. Broadband, now considered an essential utility service, will improve Kentucky's dismal connectivity and slow speeds to some of the fastest and highest capacity service in the U.S.--all with the potential to lower consumer costs and improve coverage as well. A modern, high-capacity fiber infrastructure allows businesses to compete globally, educators to expand their use of rich teaching resources, students to access the knowledge of the world, health care entities to collaborate and first responders to communicate easily in emergency situations.



- These major fiber lines are called the “middle mile.”
- 3,000+ miles of high-speed Internet connectivity throughout Kentucky's 120 counties.

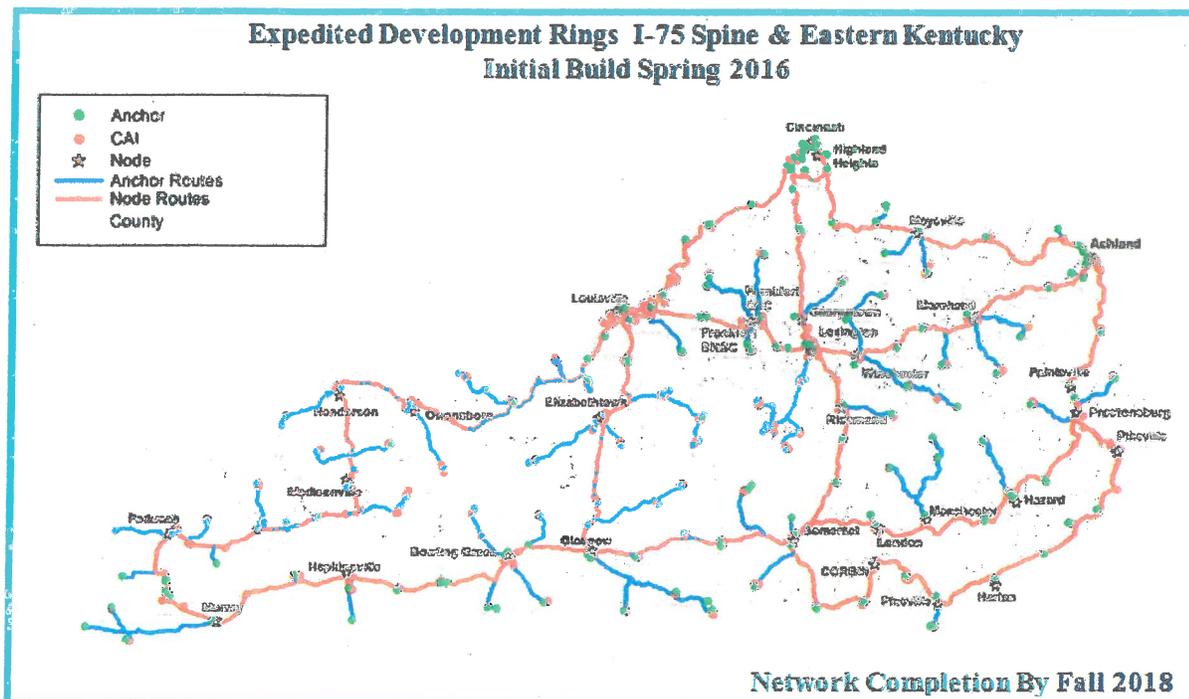
 <p>MACQUARIE World's largest infrastructure investor \$23 billion infrastructure equity capital raised in last 5 years >\$390 billion under management</p>	 <p>First Solutions CONNECTING THE DOTS Over 144 years executive experience 5m+ end users directly served \$9bn+ in total managed P&L experience</p>
 <p>LECOR Building and servicing communication networks for customers across North America since 1979. Lecor currently employs over 7,000 staff across 20 offices.</p>	 <p>FUJITSU World's 3rd largest IT services provider Extensive multivendor services #1 OTN patent holder in the US >\$2bn annual R&D investment</p>
 <p>BLACK & VEATCH Building a world of difference. #1 Ranked Telecommunications Design / Engineering contractor for past 5 years 10 year operating history in Kentucky Established network of local subcontractors</p>	 <p>Bowlin Kentucky-based contractor founded in 1997 Completed over \$400m Kentucky projects Ongoing business development role via Jack Givens</p>

- Initial Design and cost estimates were delivered March 2015.
- Public-private partnership (PPP) with Macquarie Capital to develop this robust, reliable, fiber “backbone” infrastructure; critical first components scheduled to be operational in less than two years.
- KentuckyWired is unique in that it will be an “open access” network. This means cities, partnerships, private companies or other groups may tap into those “middle mile” lines to complete the “last mile” – the lines that run to individual homes or businesses.

- Macquarie Capital's team of market-leading specialists will design, develop and operate the network over the next 30 years.
- Project will be paid for up front by leveraging private capital at no additional cost to Kentucky taxpayers. Private sector partners bear developmental and operational risks of the project; the Commonwealth retains ownership of the network.
- Underserved eastern Kentucky region will be the first priority area for the project, beginning Summer 2015 and completed by Spring 2016. The Center for Rural Development in Somerset will partner with the Commonwealth, focusing on communities east of Interstate 75.

KentuckyWired

Conceptual Network Routes



- Where already in place, existing infrastructure will be used; thus partnering with local telecommunications companies, municipalities and major carriers to deliver the network more quickly, reducing construction costs.
- Total cost of the project depends upon the ability to leverage existing infrastructure versus deploying new routes, which will be determined during the design phase.
- Overall, the project is estimated to cost between \$250 million to \$350 million, and will be supported by approximately \$30 million in state bonds and \$15 to \$20 million in federal grants. The remainder will come from private investment.

Contact Information

Website

KentuckyWired.ky.gov

Email

KentuckyWired@ky.gov

Telephone

(502) 782-9549

Retention / Detention Maintenance and Enforcement

Environmental Quality & Public Works
Committee

January 19, 2016

Environmental Quality & Public Works

Division of Environmental Services

Agenda

- Retention / Detention Basin Maintenance Requirements
- Example Compliance Issues
- Recommendations
- Questions

Basin Maintenance Requirements

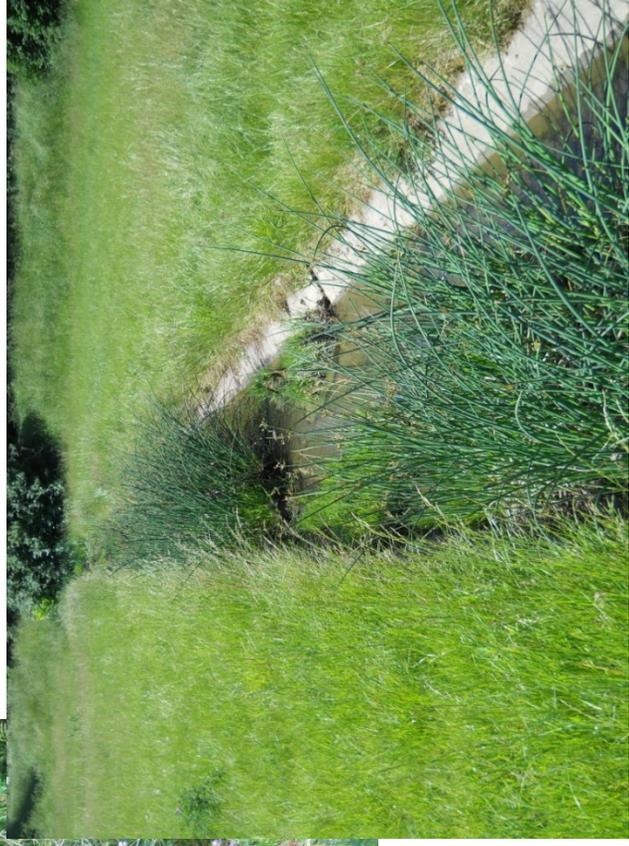
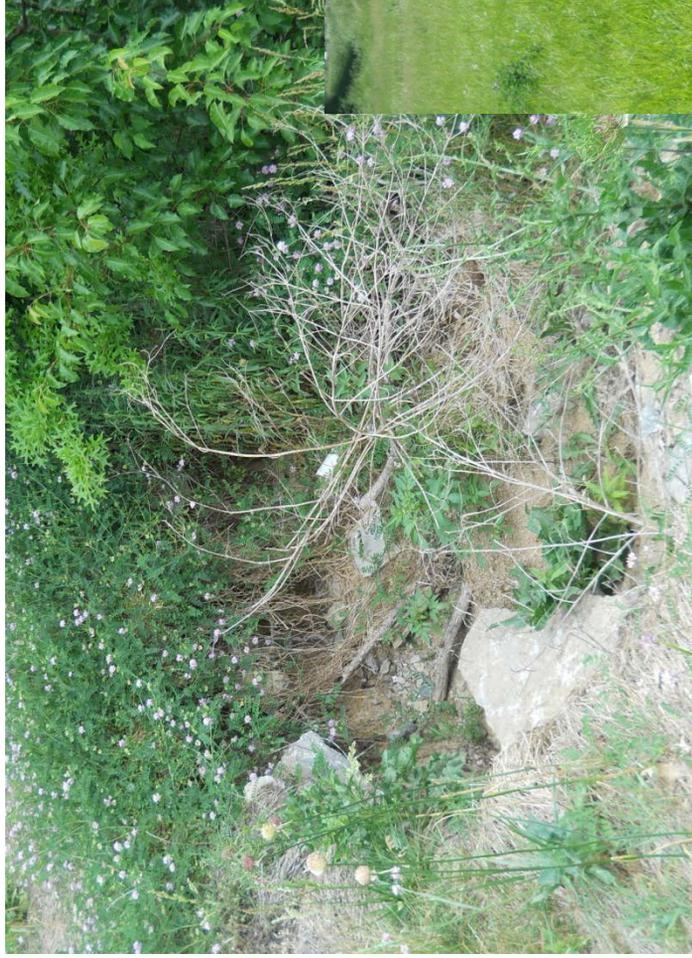
- **Ord. Sections 16-84 to 16-88 define maintenance roles and responsibilities**
- **LFUCG-owned Properties:** LFUCG responsible for all maintenance
- **Commercial Properties:** Property Owner responsible for all maintenance
- **Residential Properties with no public easement:** Property Owner(s) responsible for all maintenance
- **Residential Properties with public easement:**
 - Property Owner(s) responsible for non-structural maintenance (e.g. mowing/litter etc.)
 - LFUCG responsible for structural maintenance
 - LFUCG is not responsible to maintain ponds as an aesthetic feature

Basin Maintenance Requirements

- **Maintenance guidelines**
 - Ordinance lists specific maintenance activities
 - Additional guidance in LFUCG Stormwater Manual
 - Basin should be structurally sound and function as designed to detain stormwater runoff
- **Division of Water Quality activities**
 - EPA Consent Decree mandated inspections
 - Twice a year for detention basins
 - Once a month for retention basins (i.e. ponds)
 - Structural repairs where LFUCG is responsible party
 - Compliance assistance to property owners
 - Notices of Violation
- **Division of Environmental Services activities**
 - Enforcement per Sec. 16-200 to 16-213 (e.g. citations, civil penalties, abatement, appeals)
 - Mowing of LFUCG-owned basins

Example Compliance Issues

- **Erosion, Silted Flumes**



Example Compliance Issues

- **Litter, Encroachments**



Example Compliance Issues

- Dumping



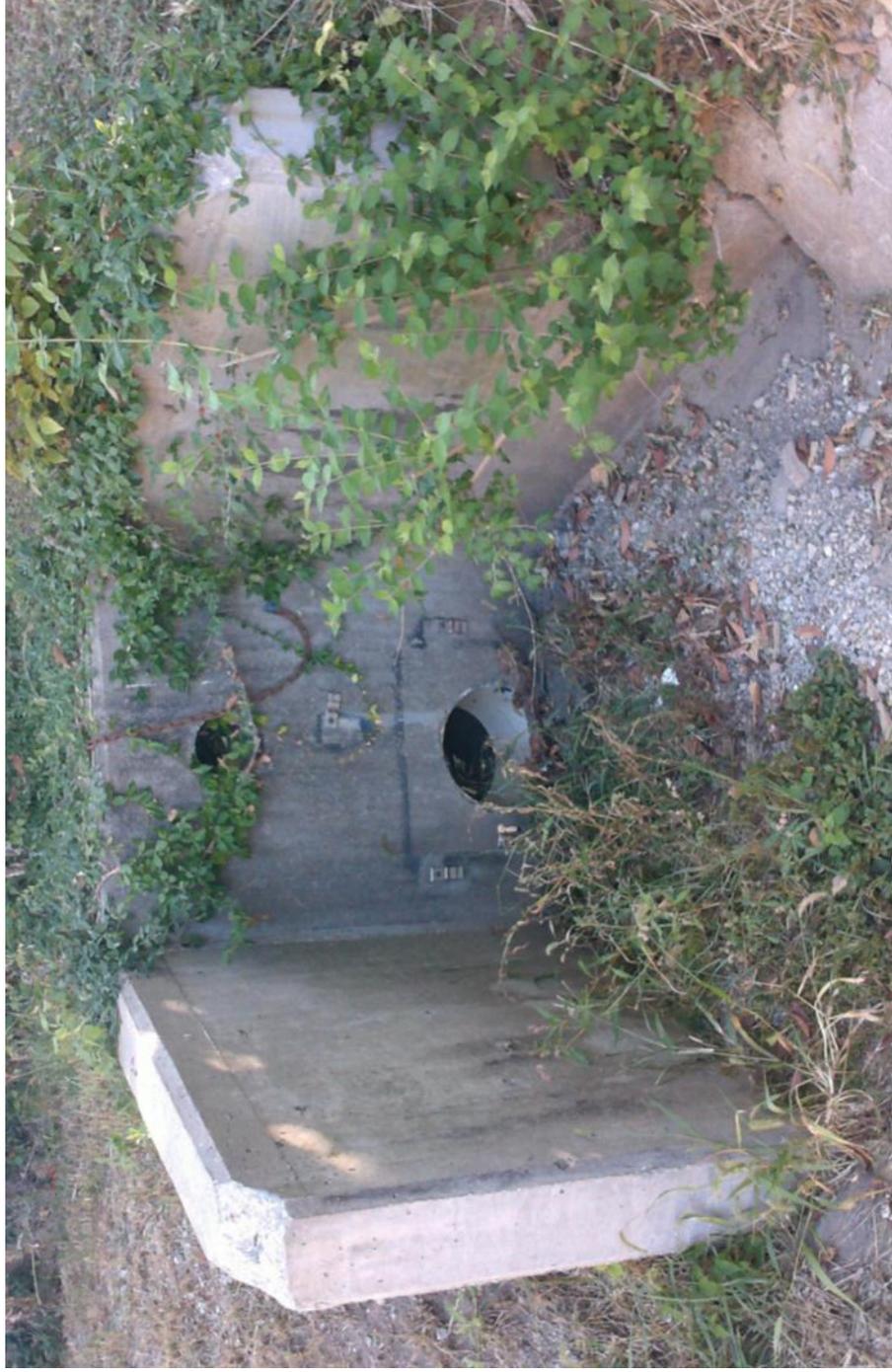
Example Compliance Issues

- **Damaged infrastructure**



Example Compliance Issues

- **Altered outlets**



Example Compliance Issues

- Blocked outlets



Example Compliance Issues

- Old temporary sediment control measures left in place



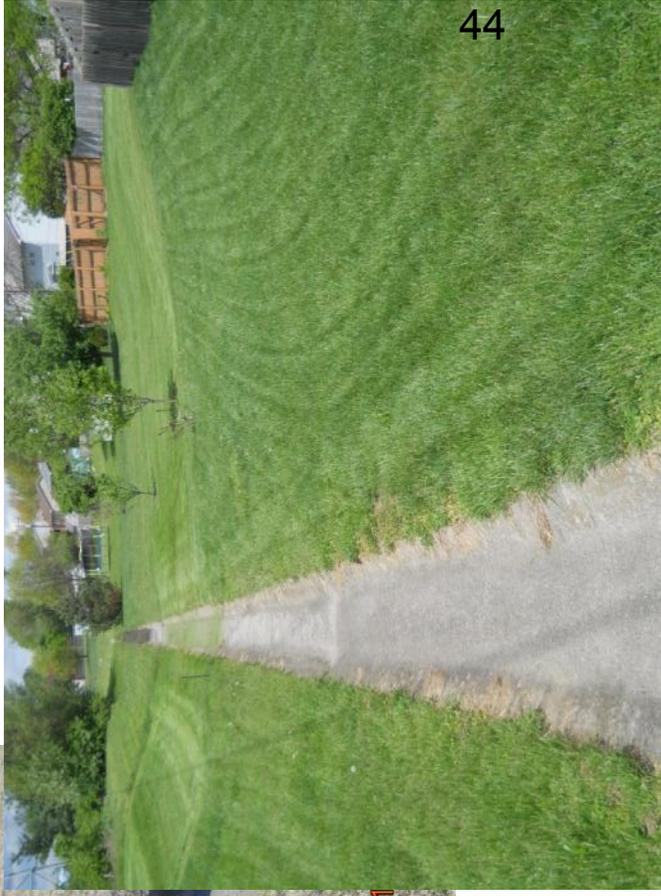
Example Compliance Issues

- **Vegetation blocking outlets**
 - Vegetation should not block outlets or damage dam integrity.



Example Compliance Issues

- **Mowing of Detention Basins**



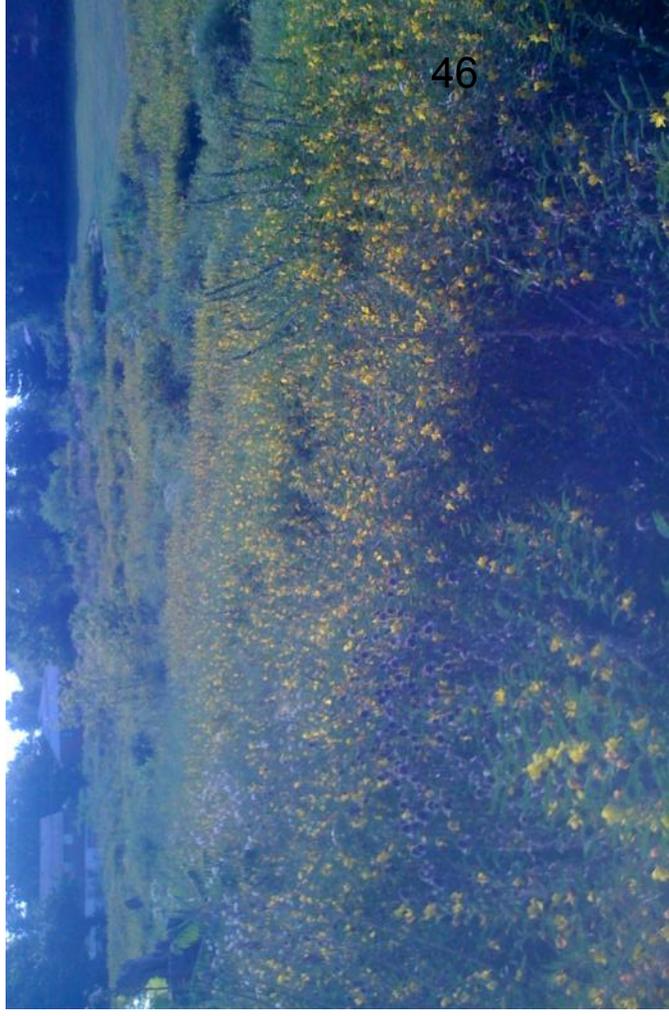
Example Compliance Issues

- **Unmowed bottom areas**



Example Compliance Issues

- **Mowing of Detention Basins**
 - Ord. Section 12-5. Weeds, grass or plants (other than crops, trees, bushes, flowers or other ornamental plants) must be kept < 1 ft high unless a riparian buffer permit is in place.
 - However - Naturalized Basins can provide water quality benefit and/or habitat.
 - Riparian Buffer Permit Program was established in 2000 to allow for managed naturalized areas along streams and wetlands.



Recommendations

- Allow for option of naturalized detention basin bottoms.
- Expand the Riparian Buffer Permit Program to cover “naturalized detention basin bottoms” as a permitted condition.
 - Allows for managed vegetation above the 1 foot height
 - Provides exemption from nuisance ordinance
 - Requires invasive species and weeds to be controlled
 - Budget neutral approach
 - Provides clarity to staff and property owners

Recommendations

- Council Action Required: Text Amendments
 - a) Riparian Buffer Ordinance (Section 12-71 to 12-76)
 - Add “naturalized detention basin bottoms” to the list of allowable riparian areas.
 - Designate the Division of Environmental Services as the permitting and enforcement agency.
 - b) Citation Officers Ordinance (Section 14-10)
 - Clarify citation authority to include enforcement staff in Division of Environmental Services.

Questions?

ORDINANCE NO. _____ - 2016

AN ORDINANCE AMENDING ARTICLE III, CHAPTER 12 OF THE CODE OF ORDINANCES, RELATING TO RIPARIAN AREAS, RIPARIAN BUFFER ZONES, AND RIPARIAN BUFFER PERMITS, AS FOLLOWS: AMENDING SECTION 12-71(1) OF THE CODE TO INCLUDE NATURALIZED DETENTION BASIN BOTTOMS IN THE DEFINITION OF RIPARIAN AREA; AMENDING SECTION 12-71(3) OF THE CODE TO AUTHORIZE A MAXIMUM BUFFER ZONE OF TWENTY-FIVE (25) FEET FROM THE EDGE OF NATURALIZED DETENTION BASIN BOTTOMS; AND AMENDING SECTIONS 12-71, 12-72, AND 12-73 OF THE CODE TO PROVIDE THAT THE DIVISION OF ENVIRONMENTAL SERVICES OR ITS DESIGNEE SHALL HAVE THE AUTHORITY TO ISSUE RIPARIAN BUFFER PERMITS, APPROVE RIPARIAN VEGETATION, AND INSPECT RIPARIAN AREAS FOR COMPLIANCE WITH THE TERMS AND CONDITIONS OF RIPARIAN BUFFER PERMITS.

WHEREAS, the Urban County Council recognizes the importance of and benefits conferred by riparian areas in improving surface drainage and reducing the effects of storm water flooding, filtering non-point source pollution from area streams, enhancing water quality, stabilizing soil and thereby minimizing erosion, and providing habitat for wildlife; and

WHEREAS, in recognition of the benefits of riparian areas, the Urban County Council has previously established a riparian buffer permit process, codified in Article III of Chapter 12 of the Code of Ordinances, Sections 12-71 through 12-76, setting forth the terms and conditions for the issuance of riparian buffer permits for riparian area buffer zones; and

WHEREAS, the Urban County Council desires to amend Article III of Chapter 12 of the Code of Ordinances to include naturalized detention basin bottoms in the definition of riparian area, to authorize the issuance of riparian buffer permits for buffer zones adjoining or including naturalized detention basin bottoms, subject to the terms and conditions for riparian buffer permits set forth in Section 12-71 through 12-76 of the Code of Ordinances, and to provide that the Division of Environmental Services shall have the authority to issue riparian buffer permits, to approve riparian vegetation, and to inspect riparian areas for compliance with the terms and conditions of riparian buffer permits.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That Section 12-71 of the Code of Ordinances be and hereby is amended in part to read as follows:

Sec. 12-71. - Permit.

Any person whose property contains a riparian area, as defined herein, may create a buffer area bordering the riparian area upon obtaining a permit from the ~~urban forester~~ **Division of Environmental Services** or his **its** designee. Such a buffer area shall be exempt from the nuisance provisions of chapter 12 provided that the area is properly maintained as defined herein and acceptable species of vegetation are utilized. Upon application, the ~~urban forester~~ **Division of Environmental Services or its designee** shall inspect the area and determine whether a permit should be granted. The permit shall be granted providing the following conditions are met:

- (1) The property must contain a riparian area, hereby defined as real property related to or located in conjunction with a wetland, river or stream, **naturalized detention basin bottom**, or along the edge of a lake, which real property is influenced by and influences the neighboring body of water.

* * * * *

- (3) The maximum area for a buffer zone shall be twenty-five (25) feet from the edge of the wetland, river, stream, ~~or lake,~~ **or naturalized basin bottom**, unless a larger area is approved by the ~~urban forester~~ **Division of Environmental Services** and so designated on the permit.

* * * * *

- (5) The ~~urban forester~~ **Division of Environmental Services** or his **its** designee may deny a permit although all conditions have been met, for just cause based on circumstances unique to the property affected which would create a threat to public welfare and/or safety if the proposed planting were permitted.

- (6) The decision of the ~~urban forester~~ **Division of Environmental Services** or his **its** designee shall be made within thirty (30) days after an application is filed. Failure to issue such decision within said time period shall have the same effect as approval of the application.

Section 2 – That Section 12-72 of the Code of Ordinances be and hereby is amended in part to read as follows:

Sec. 12-72. - Maintenance; species; compliance.

* * * * *

- (2) Riparian species shall be approved by the ~~urban forester~~ **Division of Environmental Services** prior to planting. Riparian species include vegetative species of trees and understory which have adapted to conditions that constitute root systems surviving where there are shallow water tables, and can exist adjacent to streams, creeks, rivers, lakes and in wetlands or other saturated soil conditions. Examples of riparian species are green ash, willow, sycamore, boxelder and cypress.

- (3) The ~~urban forester~~ **Division of Environmental Services** or his **its** designee shall check proposed planting sites for compliance with requirements under this article. The ~~urban forester~~ **Division of Environmental Services** or his **its** designee may waive any of the conditions in granting a permit where such action would promote

the preservation of the health, integrity or appearance of an area's riparian characteristics. Further, where such action would promote the public welfare, the ~~urban forester~~ **Division of Environmental Services** or his **its** designee may condition the granting of a permit upon the applicant's agreement to plant only a certain species of vegetation.

Section 3 – That Section 12-73 of the Code of Ordinances be and hereby is amended in part to read as follows:

Sec. 12-73. - Revocation of permit.

If a buffer area for which a permit has been issued is not properly maintained or has not met the conditions set forth in the permit, the ~~urban forester~~ **Division of Environmental Services** or his **its** designee may revoke the permit by providing written notice of the revocation to the permit holder. If a permit is revoked, the buffer area shall become subject to the nuisance provisions of chapter 12.

Section 4 – That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL
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Environmental Quality & Public Works Committee Referrals

Committee Item	Referred By	Date	Status	File ID
Waste Management Funding Options	Stinnett	5/13/2011	Waste Management Task Force	
Empower Lexington Plan	Kay	3/20/2012	Annual Update	
Urban Forestry Management Plan	Gibbs	1/28/2014	Item recommended in Tree Canopy Survey - Spring 2016	
Tree Protection Language in RFPs / Tree Protection Planning	Gibbs	6/16/2015	1st quarter 2016	
Retention/Detention Maintenance & Enforcement	Mossotti/Scutchfield	10/14/2014 and 8/12/2015	January 2016	12-16
Private Streets: Enforcement, Maintenance & Specifications	Mossotti	11/29/2013	1st quarter 2016	
Review & Update Snow & Ice Control Plan / Annual Update	Stinnett / Brown	2/24/2015	May 2015; Aug. 2015; Oct. 2015; Nov. 2015	1025-15
Fiber Optic Technology	Farmer	5/6/2014	Sept 2014; January 2016	11-16
Pavement Management	Farmer	2/12/2015	February 2015; September 2015; November 2015	0220-15
Keep Lexington Beautiful Annual Report	Henson	3/10/2015	Annual Update -- February 2016	
Sidewalks -- Priority List & Funding	Stinnett	6/2/2015	October 2015	1303-15
Street trees	Stinnett	6/16/2015	1st quarter 2016	
Curbs	Gibbs	7/7/2015	1st quarter 2016	
Maintenance of bike trails and sidewalks	Moloney	8/18/2015	November 2015	1054-15
Neighborhood Traffic Management Program	Moloney	4/14/2015	June 2015; January 2016	0631-15
Downtown Speed Limits	Farmer	8/24/2015	September 2015; November 2015; January 2016	1086-15
Municipal Separate Storm Sewer System (MS4)	Farmer	9/8/2015	October 2015	1304-15
Presentation re: Financial Performance of Materials Recycling Facility	Henson	9/22/2015	February 2016	
Five to Ten Year Pavement Management Plan	F. Brown	10/27/2015	Subcommittee	
Comprehensive Trails Plan	Mossotti	11/17/2015		

CLB 2015-12-15