

MINUTES
WATER QUALITY FEES BOARD
October 20, 2022
Regular Meeting

- I. **CALL TO ORDER** – George Woolwine called the October 20th meeting of the Water Quality Fees Board (WQFB) to order at the Division of Water Quality (DWQ) Tate Building, North Elkhorn Conference Room, 125 Lisle Industrial Avenue, Suite 180 at 9:01 a.m.

Water Quality Fees Board Members in Attendance: Harry Clarke, Donna Fogle (arrived at 9:05 a.m.), David Lowe, and George Woolwine. Aaron Vaught was absent.

Staff Members in Attendance: Charles Martin, P.E., Director, DWQ; Lindsie Nicholas, P.E., DWQ, Frank Mabson, DWQ; Denice Bullock, DWQ; and Evan P. Thompson, Department of Law.

Guests: Scott Southall, Earthcycle Design, LLC.

- II. **APPROVAL OF MINUTES** – Mr. Woolwine asked the WQFB to review the minutes of the July 21, 2022, and October 13, 2022, Water Quality Fees Board Meetings.

Mr. Clarke moved to accept the minutes as written. The motion was seconded by Mr. Lowe and the motion passed unanimously. Ms. Fogle and Mr. Vaught absent.

Note: Ms. Fogle arrived at this time.

- III. **OLD BUSINESS** – There was none.

IV. **NEW BUSINESS**

A. **Incentive Grants**

1. **FY 2023 Class B Infrastructure Grant Selection** – Mr. Mabson provided the Board with an overview of the funds available for allocation for the FY 2023 Class B Infrastructure Grants:

- \$360,000 maximum per grant
- Target of \$55,000 for Feasibility Only Projects (NOTE: There were three (3) applications submitted for this category.)
- Target of \$177,750 for Projects \$60,000 or Less (NOTE: There were no applications submitted in this category.)
- Innovation / Experimentation (IE) Pool: \$156,800.00 (available for use in any grant class)
NOTE: \$143,200 of the IE funds were used to fund the FY 2020 UKRF Class BI Change Order request.
- Available in FY 2023 Budget: \$1,185,000.00
- Available from unused grant funds: \$304,485.58 (available from previous FYs' grants that were completed under budget or were cancelled or terminated)
- Available from remaining FY22 funds: \$451,506.29
- Total available for FY 2023 funding = \$1,940,991.87
- \$2,552,954.10 requested in the 11 applications

Mr. Mabson introduced the Class B Infrastructure Grant Applications. Mr. Mabson and Ms. Nicholas read the Director's Recommendations to include the score, amount requested, and stipulations for each application.

Summary of Applications

Huber Real Estate LLC #1 (701 E 7th Street) [Application number BI-APP1-2023] – Score 87.70, \$180,000.00 requested.

The proposed project elements are part of the FY21 Huber Real Estate Stormwater Quality Incentive Grant Feasibility study that identified, evaluated, and selected BMPs capable of reducing the impact of pollutant loading and flooding at the 701 E 7th Street sinkhole and upstream Royal Spring Aquifer. The project will have a bioretention basin installed within the existing sinkhole footprint; revegetate overflow swale; installation of curb and gutter along the adjacent parking lot to limit sheet flow and erosion along the bank of the swale; installation of a fence around the sinkhole to deter access to the sinkhole and future detention area, and provide stormwater education in the form of permanent signage and facility tours for professional groups and outdoor classroom curriculum for student groups.

Director recommended full funding in the amount of \$180,000.00 requiring a minimum \$45,000.00 cost share with stipulations that the Applicant shall obtain written approval / agreement prior to work being done on properties not owned by the Applicant; the Applicant shall verify the need and ensure all permits are received (i.e., FEMA, Army Corp, DOW, etc.) prior to any work; the Applicant to notify the Royal Spring Aquifer / Wellhead Protection Committee prior to work being done on properties; the Inspection, Operation, and Maintenance (IOM) Plan shall be provided at the conclusion of the project; permanent signage designs to be approved by the Grant Manager or Administrator prior to production; and tree removal and planting activities shall be reviewed and approved by Division of Environmental Services Urban Forester and/or Arborist prior to any tree removal or planting activities. A maintenance plan for tree plantings shall be provided for approval to the Grant Manager prior to plantings.

University of Kentucky Research Foundation (UKRF) [Application number BI-APP2-2023] – Score 80.81, \$360,000.00 requested.

The proposed project elements will use Soil Cells to utilize urban trees to reduce stormwater volume and improve stormwater quality through the installation of up to 30 soil cells in high-impact locations. The project has identified 2 sites for the soil cells, a priority location of approximately 2 acres of surface parking located north of Memorial Coliseum/Craft Center, and an alternate location for trees around Kroger Field; and provide Stormwater Education – Integration with several academic courses and programs, research for long-term performance, and partnerships with internal and external stakeholders to provide educational workshops to the public that highlight the benefits of the tree soil cells.

Director recommended full funding in the amount of \$360,000.00 requiring a minimum \$90,000.00 cost share with stipulations that the Applicant shall obtain written approval / agreement prior to work being done on properties not owned by the Applicant; Applicant shall verify the need and ensure all permits are received (i.e., Engineering, etc.) prior to any work; Tree plantings shall be coordinated with existing utilities prior to plantings, and if possible, trees shall not be planted within 10' of an existing utility. Encroachment agreements shall be obtained when working within any private utility areas; An Inspection, Operation, and Maintenance (IOM) Plan shall be provided at the conclusion of the project; Organization proposes a larger cost share beyond that required by the grant program. Budget shall reflect the 20.5% cost share offered in the application (approximately \$92,850.00).

The Fayette County Public Schools Education Foundation Corporation [Application number BI-APP3-2023] – Score 80.43, \$360,000.00 requested.

The proposed project elements will install permeable pavers in lieu of traditional asphalt in the parking stalls for staff and visitors in the west parking lot of the site; a Broadcasting / Media Arts to create related Public Service Announcements, documentaries (docuseries) or new coverage on stormwater issues; and the Career and Technical Educational (CTE) Building will offer educational classes to students in the Carpentry Program, Firefighting Program, Aviation, and Heavy Equipment where project elements can be incorporated into the curriculum.

Director recommended full funding in the amount of \$360,000.00 requiring a minimum \$90,000.00 cost share with stipulations that the Applicant shall obtain written approval / agreement prior to work being done on properties not owned by the Applicant; permeable pavement shall not be installed within 10' either side of an existing sanitary sewer and measures taken to prevent infiltrating water from entering into the sanitary sewer stone trench; an Inspection, Operation, and Maintenance (IOM) Plan shall be provided at the conclusion of the project. The Operations and Maintenance Plan (O&M Plan) shall preclude storage of certain materials on the permeable pavement; because of modifications to the parking areas, applicant will need to work with LFUCG Division of Planning to verify the regulatory requirements; if underground detention is provided, property owner will be required to conform to LFUCG Code of Ordinances Chapter 16, Article X, Division 2; tree removal and planting activities shall be reviewed and approved by Division of Environmental Services Urban Forester and/or Arborist prior to any tree removal or planting activities. A maintenance plan for tree plantings shall be provided for approval to the Grant Manager prior to plantings; both electronic and hard copies of all educational materials are to be provided to LFUCG, for its use, as part of the grant deliverables; the project elements shall not be utilized to meet regulatory requirements, including LFUCG new / redevelopment requirements. A final Agreement will not be executed until Stormwater Management regulatory requirements are determined by LFUCG's Division of Engineering; Applicant shall verify the need and ensure all permits are received (i.e., Engineering, etc.) prior to any work; and Organization proposes a larger cost share beyond that required by the grant program. Budget shall reflect the 28.0% cost share offered in the application (approximately \$140,000.00).

Centenary United Methodist Church, Inc., [Application number BI-APP4-2023] – Score 78.87, \$302,672.00 requested. The proposed project elements will include a detention basin retrofit / addition of bio-infiltration media; failing Infrastructure Replacement; streambank stabilization and invasive removal; a Stormwater Education and Outreach – A sign will be installed showing the improvements to the stormwater infrastructure and stream. Also, a workshop session will be held for teachers at Centenary School to offer them activities and educational materials to use for educational activities with children at the stream.

Director recommended full funding in the amount of \$302,672.00 requiring a minimum \$75,668.00 cost share with stipulations that the Applicant shall obtain written approval / agreement prior to work being done on properties not owned by the Applicant; the project shall not proceed with field work until written approval to proceed is obtained from the Grant Administrator or Director of Water Quality, because of the potential for conflict with future LFUCG projects; Applicant shall verify the need and ensure all permits are received (i.e., Engineering, FEMA, Army Corp, DOW, etc.) prior to any streambank stabilization work; the Inspection, Operation, and Maintenance (IOM) Plan shall be provided at the conclusion of the project, and shall clearly define who is responsible; if underground detention is provided, property owner will be required to conform to LFUCG Code of Ordinances Chapter 16, Article X, Division 2; Applicant to coordinate with Division of Planning (Board of Adjustment) to ensure landscape compliance prior to removing vegetation; Tree removal and planting activities shall be reviewed and approved by Division of Environmental Services Urban Forester and/or Arborist prior to any tree removal or planting activities; permanent signage designs to be approved by the Grant Manager or Administrator prior to production; and both electronic and hard copies of all materials intended for the workshop are to be provided to LFUCG, for its use, as part of the grant deliverables.

First United Methodist Church (parking lot) [Application number BI-APP5-2023] – Score 76.15, \$359,814.00 requested.

The proposed project elements will retrofit existing parking areas with permeable pavers (approximately 14,500 SF); landscape islands and / or greenspaces; underground detention utilizing #2 stone and 12” diameter perforated HDPE, as needed; and educational panel signs will also be installed adjacent to the permeable pavement area in front of the church entrance.

Director recommended full funding in the amount of \$359,814.00 requiring a minimum \$89,953.00 cost share with stipulations that the Applicant shall obtain written approval / agreement prior to work being done on properties not owned by the Applicant; due to the property being located in a Historic Overlay (H-1) District, the Applicant will need to work with the LFUCG Historic Preservation to obtain a Certificate of Appropriateness prior to project; Applicant shall provide soil infiltration test results to ensure full underdrain requirements are met, per the LFUCG Stormwater Manual; if underground detention is provided, property owner will be required to conform to LFUCG Code of Ordinances Chapter 16, Article X, Division 2; permeable pavement shall not be installed within 10’ either side of an existing sanitary sewer and measures taken to prevent infiltrating water from entering into the sanitary sewer stone trench; an Inspection, Operation, and Maintenance (IOM) Plan shall be provided at the conclusion of the project. The IOM shall preclude storage of certain materials on the permeable pavement; permanent signage designs to be approved by the Grant Manager or Administrator prior to production; and organization proposes a larger cost share beyond that required by the grant program. Budget shall reflect the 20.04% cost share offered in the application (approximately \$90,166.00).

United Landscape Services, Inc. (aka James McFarlane) [Application number BI-APP6-2023] – Score 65.05, \$324,564.80 requested.

The proposed project elements will remove and replace the temporary ditch along the office building foundation with a new enhanced french drain swale / bioswale. (Project Area A); construct a new doorway awning structure with demonstration vegetated roof and walkway to pass over the new bioswale. (Project Area A); remove existing gravel area. (Project Area A); connect existing downspouts to the Office Entrance bioswale, leading to the Area B rain garden/infiltration basin. (Project Area B); install a rain garden for bioretention. (Project Area B); add stormwater harvesting container. (Project Area B); remove stored materials from Area B inside fence at north corner for rain installation of rain garden. (Project Area B); replace existing gravel parking area with permeable parking pavers to reduce impervious area by removing pavement. (Project Area B); and Stormwater educational signage.

Director recommended partial funding in the amount of \$316,564.80 requiring a minimum \$79,141.20 cost share with stipulations that the Applicant shall obtain written approval / agreement prior to work being done on properties not owned

by the Applicant; permeable pavement shall not be installed within 10' either side of an existing sanitary sewer and measures taken to prevent infiltrating water from entering into the sanitary sewer stone trench; an Inspection, Operations, and Maintenance (IOM) Plan shall be provided at the conclusion of the project. The IOM Plan shall preclude storage of certain materials on the permeable pavement; BMP locations to be modified to comply with the minimum setback distances stipulated in the Engineering Manuals, Codes, Regulations, and Ordinances; because of modifications to the parking areas, applicant will need to work with LFUCG Division of Planning to verify the regulatory requirements; if underground detention is provided, property owner will be required to conform to LFUCG Code of Ordinances Chapter 16, Article X, Division 2; Applicant to notify the Royal Springs Aquifer / Wellhead Protection Committee prior to work being done on the property; tree removal and planting activities shall be reviewed and approved by Division of Environmental Services Urban Forester and / or Arborist prior to any tree removal or planting activities. A maintenance plan for tree plantings shall be provided for approval to the Grant Manager prior to plantings; plantings shall be selected from the Lexington-Fayette Urban County Government's (LFUCG) Rain Garden Manual; item #23, "Fence and Gate Replacement", is not an eligible grant expense. Applicant to provide the Division of Water Quality with a revised budget omitting the "fence and gate replacement" activity budget item for inclusion in the Grant Award Agreement – Attachment A document; Applicant to clarify the media (i.e., permeable pavers, permeable pavement, etc.) intended for the gravel parking areas proposed in the application for inclusion in the Grant Award Agreement; and since the budget does not include costs for an underdrain system, Applicant must provide results from soil testing to verify soil infiltration rates, per the LFUCG Stormwater Manual.

Running Away Incorporated (aka John's Run/Walk Shop) [Application number BI-APP7-2023] – Score 60.52, \$349,660.80 requested.

The proposed project elements will retrofit existing parking lot with permeable interlocking concrete pavers (approximately 4,000 SF); redirection of downspouts from the building to allow for flow towards the green infrastructure systems to reduce or eliminate the flooding; provide underground storage as needed; replace concrete pad at front lawn with permeable rubberized surface (approximately 121 SF); and Stormwater education

Not recommended for funding this fiscal year.

If the Grant Application is approved by the Board, approve with the stipulations that the Applicant shall obtain written approval / agreement prior to work being done on properties not owned by the Applicant; if the intent of the Applicant is to incorporate the project element as part of the public system, it will need to be inspected by an engineer hired by Applicant; permeable pavement shall not be installed within 10' either side of an existing sanitary sewer and measures taken to prevent infiltrating water from entering into the sanitary sewer stone trench; an Inspection, Operations, and Maintenance (IOM) Plan shall be provided at the conclusion of the project. IOM Plan shall preclude storage of certain materials on the permeable pavement; if underground detention is provided, property owner will be required to conform to LFUCG Code of Ordinances Chapter 16, Article X, Division 2; because of modifications to the parking areas, applicant will need to work with LFUCG Division of Planning to verify the regulatory requirements; permanent educational signage designs to be approved by the Grant Manager or Administrator prior to production; a surety bond will be required for all public infrastructure installed in LFUCG ROW. This is required to be in place before LFUCG can sign off on final construction approval; and stormwater facilities constructed in publicly owned areas shall be dedicated to the city at the conclusion of the project.

LCP Holdings, LLC [Application number BI-APP8-2023] – Score 52.96, \$20,000.00 requested.

The feasibility study will evaluate and recommend water quality and quantity BMPs on property located at 219 E High Street. The current project components would include permeable pavement retrofit, bioretention strip, enhancement to neighboring stormwater infrastructure, and stabilization of existing stacked stone retention wall.

Director recommended full funding in the amount of \$20,000.00 requiring a minimum \$5,000.00 cost share with stipulations that the Applicant shall obtain written approval / agreement prior to work being done on properties not owned by the Applicant.

University of Kentucky Research Foundation (Feasibility Study) [Application number BI-APP9-2023] – Score 51.07, \$55,000.00 requested.

The feasibility study will review existing conditions of stormwater infrastructure on UK's campus across 813 acres and 3 watersheds and develop a 5-year plan of strategic water quality and quantity BMP projects totaling \$2 million for future application. Includes a high-level layout of 5 or more proposed projects.

Director recommended partial funding in the amount of \$35,000.00 requiring a minimum \$8,750.00 cost share with stipulations that the Applicant shall obtain written approval / agreement prior to work being done on properties not owned by the Applicant.

Copperhead Environmental Consulting, Inc., [Application number BI-APP10-2023] – Score 49.12, \$12,000.00 requested.

The feasibility study will evaluate and recommend water quality and quantity BMPs for the parking lots and buildings along the western side of Walton Avenue (125 Walton Avenue through 157 Walton Avenue) that experience stormwater flooding issues.

Not recommended for funding this fiscal year.

If the Grant Application is approved by the Board, approve with the stipulations that the project shall not proceed with field work until written approval to proceed is obtained from the Grant Administrator or Director of Water Quality, because of the potential for conflict with future LFUCG projects; and Applicant shall obtain written approval / agreement prior to work being done on properties not owned by the Applicant.

First United Methodist Church (side walk) [Application number BI-APP11-2023] – Score 45.79, \$229,424.50 requested.

The proposed project elements will design and construct fifteen (15) planter islands (approximately 7,350 SF) in the rights-of-way along West High Street and Mill Street; and permanent educational signage

Not recommended for funding this fiscal year.

If the Grant Application is approved by the Board, approve with the stipulations that the Applicant shall obtain written approval / agreement prior to work being done on properties not owned by the Applicant; due to the property being located in a Historic Overlay (H-1) District, the Applicant will need to work with the LFUCG Historic Preservation; plantings shall be selected from the Lexington-Fayette Urban County Government's (LFUCG) Rain Garden Manual; if the intent of the Applicant is to incorporate the project element as part of the public system, it will need to be inspected by an engineer hired by Applicant; tree removal and planting activities shall be reviewed and approved by Division of Environmental Services Urban Forester and / or Arborist prior to any tree removal or planting activities; since the sidewalk will be replaced and planters installed along the rights-of-way, the applicant will need to consult with the utility companies, Division of Traffic, and Division of Engineering; permanent educational signage designs to be approved by the Grant Manager or Administrator prior to production; an Inspection, Operations, and Maintenance (IOM) Plan shall be provided at the conclusion of the project. IOM Plan shall preclude storage of certain materials on the permeable pavement; organization proposes a larger cost share beyond that required by the grant program. Budget shall reflect the 20.01% cost share offered in the application (approximately \$57,357.00).

Public Comment – Mr. Woolwine opened the floor for public comments. There were none.

Board Discussions – Mr. Woolwine opened the floor for discussion of the Class B Infrastructure Grant Applications.

- **Huber Real Estate LLC #1 (701 E 7th Street)** [Application number BI-APP1-2023]

Board questions – Mr. Woolwine said that the staff report indicates the property is downstream from the Royal Spring Aquifer. Ms. Nicholas replied that the staff report is incorrect, adding that the property is upstream from the Royal Spring Aquifer.

Mr. Clarke asked for clarification regarding the chain link fences being proposed around the sinkhole. Mr. Mabson replied that the chain link fence is for safety purposes around the sinkhole so the staff felt it was appropriate.

Mr. Clarke moved to accept the Director's Recommendations for Huber Real Estate LLC #1 (701 E 7th Street) [Application number BI-APP1-2023]; seconded by Mr. Lowe. The motion passed unanimously. Mr. Vaught absent.

- **University of Kentucky Research Foundation (UKRF)** [Application number BI-APP2-2023]

Board questions – Mr. Woolwine said that the applicant is requesting \$360,000.00, which is the maximum amount to be approved for a Class B Infrastructure grant. Mr. Mabson replied affirmatively, adding that the grantee would not be eligible to receive additional funding.

Mr. Clarke was unfamiliar with soil cells and asked if this is a new concept. Mr. Mabson indicated that the soil cells will help protect the roots of the tree. Ms. Nicholas noted that soil cells were used in the Town Branch Commons Project.

Mr. Lowe moved to accept the Director's Recommendations for the University of Kentucky Research Foundation (UKRF) [Application number BI-APP2-2023]; seconded by Ms. Fogle. The motion passed unanimously. Mr. Vaught absent.

- **The Fayette County Public Schools Education Foundation Corporation** [Application number BI-APP3-2023]

Board questions – Mr. Woolwine said that a portion of the parking would be facing East Main Street. Mr. Mabson replied affirmatively.

Mr. Clarke said that a lot of the categories on the Class B Infrastructure scoresheet do not apply to feasibility grants, and asked if it would be practical to have a separate scoresheet for only feasibility studies. Mr. Mabson replied that the staff compares all the applications and the ones that receive the highest score are eligible for funding. The feasibility applications typically grade lower than the other applications. However, "Feasibility Only" applications are then compared to other "Feasibility Only" applications until funding for that particular target is achieved.

Ms. Nicholas said that separating the feasibility studies will require the creation of another type of grant. Mr. Mabson said that this topic could be placed on the January agenda for discussion.

Mr. Clarke moved to accept the Director's Recommendations for Fayette County Public Schools Education Foundation Corporation [Application number BI-APP3-2023]; seconded by Ms. Fogle. The motion passed unanimously. Mr. Vaught absent.

- **Centenary United Methodist Church, Inc.,** [Application number BI-APP4-2023]

Board questions – Mr. Clarke said that the applicant does not provide detail on the grant cost-share other than noting on page 13 that "Centenary United Methodist will provide partial funding as described on the application form. Fifty percent of the applicant's share will be dedicated to the design cost, and the other fifty will be dedicated to construction cost" which is a vague description. Mr. Mabson agreed.

Mr. Clarke moved to accept the Director's Recommendations for Centenary United Methodist Church, Inc., [Application number BI-APP4-2023]; seconded by Mr. Lowe. The motion passed unanimously. Mr. Vaught absent.

- **First United Methodist Church (parking lot)** [Application number BI-APP5-2023]

Board questions – Mr. Clarke said that the Executive Summary indicated that this project will consist of the addition of a covered drop-off to the Porte Cochere of the existing building. Mr. Mabson said that the application includes additional items they plan to complete outside of the scope of the grant which is why the covered drop-off is not included in the budget.

Mr. Lowe moved to accept the Director's Recommendations for First United Methodist Church (parking lot) [Application number BI-APP5-2023]; seconded by Ms. Fogle. The motion passed unanimously. Mr. Vaught absent.

- **United Landscape Services, Inc. (aka James McFarlane)** [Application number BI-APP6-2023]

Board questions – Mr. Clarke said that the budget shows a 20% contingency. Mr. Mabson replied affirmatively, adding that the 20% contingency is allowed by the Program to help cover unforeseen issues.

Mr. Woolwine said that the Director's recommendations is recommending a partial grant. Mr. Mabson replied that the applicant had proposed to replace the fence and gate. These items were not addressing any safety concerns so the scorers agreed they are ineligible as grant expenses. The applicant will need to submit a revised budget for inclusion in the Grant Award Agreement – Attachment A document.

Mr. Clarke asked how the cost share is determined for partial funding. Mr. Mabson gave a brief explanation of how the cost share is determined.

Mr. Lowe moved to accept the Director's Recommendations for United Landscape Services, Inc. (aka James McFarlane) [Application number BI-APP6-2023]; seconded by Mr. Clarke. The motion passed unanimously. Mr. Vaught absent.

- **Running Away Incorporated (aka John's Run/Walk Shop)** [Application number BI-APP7-2023]

Board questions – Mr. Woolwine commented that the Directors recommendation is not to fund this project this fiscal year.

Mr. Clarke moved to accept the Director's Recommendations for Running Away Incorporated (aka John's Run/Walk Shop) [Application number BI-APP7-2023]; seconded by Ms. Fogle. The motion passed unanimously. Mr. Vaught absent.

- **LCP Holdings, LLC** [Application number BI-APP8-2023]

Board questions – Mr. Woolwine asked for clarification that this feasibility study is located near the High Street YMCA. Mr. Mabson replied affirmatively.

Mr. Clarke moved to accept the Director's Recommendations for LCP Holdings, LLC [Application number BI-APP8-2023]; seconded by Mr. Lowe. The motion passed unanimously. Mr. Vaught absent.

- **University of Kentucky Research Foundation (Feasibility Study)** [Application number BI-APP9-2023]

Board questions – Mr. Woolwine confirmed that the Directors recommendation is to award partial funding. Mr. Mabson replied affirmatively.

Mr. Woolwine said that this feasibility study is a strategic plan for the improvement of stormwater infrastructure for the entire campus. Mr. Mabson agreed.

Mr. Lowe asked if there are remaining funds that could be utilized for the University of Kentucky feasibility study. Mr. Mabson replied yes if it was the Boards decision. Ms. Nicholas commented that there is a little over \$6,000.00 remaining in the FY23 budget.

Mr. Woolwine said that any remaining funds is recommended to potentially be used for grants impacted by inflation.

Mr. Clarke indicated that he was still trying to understand the math as to how the 20% cost share (\$8,750.00) is determined for a partial award. Mr. Mabson explained how the cost share is determined for a partial award grant, adding if the applicant proposes a larger cost share than required then the grants portion, the 80%, is also adjusted.

Mr. Lowe said that the applicant is proposing to use \$5,155.00 as part of the 20% cost share for the salary and benefits match (Line 6 of the budget). Mr. Mabson said that the applicant would need to submit a copy of their record or paystubs to confirm how the funds are allocated. Ms. Nicholas said that since this is a partial award a revised budget will be required from the applicant. Mr. Mabson said that a stipulation to submit a revised budget could be included in the Board's recommendation of approval. Mr. Clarke agreed.

Mr. Clarke moved to accept the Director's Recommendations for the University of Kentucky Research Foundation (Feasibility Study) [Application number BI-APP9-2023] to include the following additional stipulation:

"Since partial funding was awarded, Applicant shall provide the Division of Water Quality with a revised budget listing how the approved funds and associated cost share will be allocated for inclusion in the Grant Award Agreement."

Mr. Lowe asked if utilizing the remaining FY23 pool is part of the motion. Mr. Woolwine replied negatively but indicated that the motion on the floor could be amended.

Mr. Mabson recommended for the Board wait until there is a discussion on the remaining funds. Ms. Nicholas said that those funds are part of this fiscal year's money.

Mr. Lowe said that there is a difference in change orders and the grantee's ability to pay. Mr. Mabson said that at this junction the remaining funds, if possible, may help salvage some projects. Mr. Woolwine agreed, adding that some organizations may need additional funding to complete the project.

Mr. Woolwine said that the motion on the floor is to approve the partial amount of \$35,000.00.

The motion was seconded by Mr. Lowe. The motion passed unanimously. Mr. Vaught absent.

- **Copperhead Environmental Consulting, Inc.,** [Application number BI-APP10-2023]

Board questions – Mr. Woolwine commented that the Directors recommendation is not to fund this project this fiscal year.

Mr. Lowe moved to accept the Director's Recommendations for Copperhead Environmental Consulting, Inc., [Application number BI-APP10-2023]; seconded by Mr. Clarke. The motion passed unanimously. Mr. Vaught absent.

- **First United Methodist Church (sidewalk)** [Application number BI-APP11-2023]

Board questions – Mr. Woolwine commented that the Directors recommendation is not to fund this project this fiscal year.

Mr. Clarke moved to accept the Director's Recommendations for First United Methodist Church (sidewalk) [Application number BI-APP11-2023]; seconded by Mr. Fogle. The motion passed unanimously. Mr. Vaught absent.

- V. **REMAINING FUNDS RECOMMENDATION / DISCUSSION** – Mr. Woolwine said that the staff is recommending utilizing the funds remaining after FY23 awards along with unused funds from previous projects that came in under budget or canceled which total \$109,653.00 to seed a pool for future Change Orders. The staff had received several inquiries from grantees seeking additional funding due to high construction bids; some of which have expressed interest in canceling their grant due to lack of funding to cover this additional cost. The Change Order pool fund would be capped at 10% of the Annual FY Budget. Each year the Change Order pool would be replenished but not to exceed the capped amount of 10% of the FYs budget for that year.

Ms. Nicholas and Mr. Mabson directed the Boards attention to the handout and briefly explained how the staff came to their recommendation.

Discussions between the Board, Law Department, and staff took place regarding the impact of establishing the Change Order pool.

No action was taken to allocate the remaining funds for FY 2023 Stormwater Quality Projects Incentive Grants.

The item to be added to the list of discussion items for the January 2023 meeting.

- VI. INCENTIVE GRANT STATUS UPDATE** – Ms. Nicholas and Mr. Mabson briefly provided an update on the Incentive Grants between FY 2016 to FY 2022, commenting on a few select projects.

Scott Southall, Earthcycle Design, LLC, gave a brief update on the Incentive Grants his company is involved with.

VII. OTHER MATTERS

1. **Public Notice for 2023 Meetings** – Mr. Mabson presented the Public Notice for 2023 meeting dates. He recommended a vote to accept the meeting dates as January 12; April 13; July 13; and October 12, 2023, unless there were any scheduling conflicts.

Ms. Nicholas indicated that the 2023 Kentucky Stormwater Association is scheduled during the week of the July 13th WQFB meeting and requested the meeting date be changed to July 20th.

The WQFB had no objections to the proposed future meeting dates for the 2023 calendar year.

Mr. Clarke moved to accept the date(s), as listed and adjusted above, for the 2023 Calendar Year Meeting schedule; seconded by Mr. Lowe. The motion passed unanimously.

- VIII. ADJOURNMENT** – The meeting was adjourned at 10:27 a.m.

Approved