

MINUTES
WATER QUALITY FEES BOARD
October 12, 2023
Regular Meeting

- I. **CALL TO ORDER** – George Woolwine called the October 12th 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 9:00 a.m.

Water Quality Fees Board Members in Attendance: Harry Clarke, Donna Fogle, George Woolwine, and Aaron Vaught. David Lowe was absent.

Staff Members in Attendance: Charlie 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 August 8, 2023, Water Quality Fees Board Meetings.

Mr. Woolwine noted that Ms. Fogle was not in attendance for the August 8th meeting, and the motion on page 5 under Bluegrass Greensource, indicated she had seconded the motion. Mr. Mabson noted that the minutes would be corrected.

Mr. Clarke moved to accept the minutes noting that the motion on page 5 under Bluegrass Greensource would be corrected. The motion was seconded by Mr. Vaught and the motion passed unanimously. Mr. Lowe was absent.

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

- IV. **NEW BUSINESS**

A. **Incentive Grants**

1. **FY 2024 Class B Infrastructure Grant Selection** – Mr. Mabson provided the Board with an overview of the funds available for allocation for the FY 2024 Class B Infrastructure Grants:

- \$360,000.00 maximum per grant
- Target of \$55,000.00 for Feasibility Only Projects
(NOTE: There were three (3) applications submitted for this category.)
- Target of \$186,532.50 for Projects \$75,000.00 or Less
(NOTE: There was one (1) application submitted in this category.)
- Innovation / Experimentation (IE) Pool: \$156,800.00 (available for use in any grant class)
(NOTE: There were no applications submitted in this category.)
- Available in FY24 Budget: \$1,155,097.71
- Available from unused grant funds: \$127,050.00 (available from previous FYs' grants that were completed under budget or were cancelled or terminated)
- Available from remaining FY23 funds: \$0.00
- Available after funding FY24 Class A & B Education grant applications: \$72,214.96
- Total available for FY24 funding: **\$1,354,362.13**
- \$1,291,619.94 requested in the 9 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

Wesley United Methodist Church of Lexington, KY., Inc. [Application number BI-APP1-2023] – Score 74.50, \$305,373.60 requested.

The proposed project elements are part of the FY21 Wesley United Methodist Church of Lexington, KY Stormwater Quality Incentive Grant Feasibility Study that identified and developed a series of Best Management Practices. The project elements include retrofitting the lowest area of the existing asphalt lot with permeable pavers (approx. 3,725 ft²); replacing

the existing concrete flume and repairing the outfall riser; tree canopy (approx. 3,000 ft²); improving the eroding stream area via riparian buffer and stormwater stilling mechanism with invasive plant removal and replanting; and Stormwater Educational Signage and Outreach.

Director recommended full funding in the amount of \$305,373.60 requiring a minimum \$76,343.40 cost share with stipulations that the Applicant shall verify the need and ensure all permits are received (e.g., local, FEMA, Army Corps, KDOW, etc.) prior to work. Permeable pavement shall not be installed within 10' on 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, the property owner will be required to conform to LFUCG Code of Ordinances Chapter 16, Article X, Division 2. 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. 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. Because of modifications to the parking areas, the applicant will need to work with LFUCG Division of Planning to verify the regulatory requirements. Permanent signage designs to be approved by the Grant Manager or Administrator prior to production. 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.

Dan Partin, Partin Lex Acquisitions, LLC [Application number BI-APP2-2023] – Score 74.14, \$186,983.63 requested.

The proposed project will retrofit the existing parking lot with pervious pavers (approx. 5,852 ft²) and underground detention/infiltration basin, as needed; tree canopy (approx. 2,471 ft²); and provide Stormwater education through permanent signage and WaterSmart Workforce Program (a series of interactive workshops, seminars, and hands-on training sessions conducted by experts in the field of water quality management).

Director recommended full funding in the amount of \$186,983.63 requiring a minimum \$46,795.90 cost share with stipulations that the Applicant shall verify the need and ensure all permits are received (e.g., local, FEMA, Army Corp, DOW, 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, 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. Permeable pavement shall not be installed within 10' on either side of an existing sanitary sewer and measures taken to prevent infiltrating water from entering into the sanitary sewer stone trench. 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, the applicant will need to work with the LFUCG Division of Planning to verify the regulatory requirements. Permanent signage designs to be approved by the Grant Manager or Administrator prior to production. If an undrain in not proposed, applicant to provide soil infiltration test results in accordance with LFUCG Stormwater Manual Chapter 10.3.3. Both electronic and hard copies of all materials are to be provided to LFUCG, for its use, as part of the grant deliverables. Organization proposes a larger cost share beyond that required by the grant program. Budget shall reflect the 20.36% cost share offered in the application (approximately \$47,792.53).

University of Kentucky Research Foundation (UKRF) [Application number BI-APP3-2023] – Score 72.46, \$316,126.75 requested.

The proposed project will provide stabilization and greening (approx. 600 LF) to a channelized blue-line stream; the vision is to remove asphalt millings (accrued sedimentation), remove invasive species, provide native species, and provide positive drainage with small “pools” or “steps” in the narrow areas; new detention & infiltration area; tree canopy (40 new medium-size trees) (approx. 16,000 SF); and Stormwater Education.

Director recommended full funding in the amount of \$316,126.75 requiring a minimum \$79,031.68 cost share with stipulations that the Applicant shall verify the need and ensure all permits are received (e.g., local, FEMA, Army Corp, DOW, 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. Permanent signage designs to be approved by the Grant Manager or Administrator prior to production. Both

electronic and hard copies of all materials are to be provided to LFUCG, for its use, as part of the grant deliverables. Organization proposes a larger cost share beyond that required by the grant program. Budget shall reflect the 20.02% cost share offered in the application (approximately \$79,112.50).

Fayette County Public Schools [Application number BI-APP4-2023] – Score 71.03, \$72,660.00 requested.

The proposed project will explore, evaluate and implement Tree Canopy Establishment/Expansion as a stormwater BMP. The project elements include a t Tree Canopy Establishment/Expansion by creating (+/-) 360,000 square feet (+/- 8.26 Acres) of additional tree canopy with 500 new trees spread over multiple locations; and provides the opportunity for cohorts of student interns in the FCPS Experience-Based Career Education Program to be trained by design professionals to gain workplace experience with web-based tools and software applications (such as *Google Earth*, *US EPA National Stormwater Calculator* and/or *iTree*). Other FCPS student interns will earn hands-on experience with tree planting and workforce development in the “green” trade.

Director recommended full funding in the amount of \$72,660.00 requiring a minimum \$18,165.00 cost share with 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. Tree removal and planting activities shall be reviewed and approved by the Division of Environmental Services Urban Forester and/or Arborist prior to any tree removal or planting activities. 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. 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. Organization proposes a larger cost share beyond that required by the grant program. Budget shall reflect the 20.7% cost share offered in the application (approximately \$20,107.50).

Rob Prop, LLC (2592 Palumbo Drive) [Application number BI-APP5-2023] – Score 58.09, \$173,103.56 requested.

The proposed project will improve parking facilities and vehicular circulation; effectively manage stormwater runoff from parking lot and roof surfaces; mitigate erosion and deterioration of the current drainage area; and improve runoff quality. The project components include retrofitting a portion of the existing lot with permeable pavers (approx. 1,306 ft²) with underground detention, as needed; constructing a bioswale with plantings in the landscape island to treat stormwater runoff; tree canopy (approx. 5,250 ft² of canopy) and provide Stormwater Education through permanent signage and develop the WaterSmart Workforce Program (series of interactive workshops, seminars, and hands-on training sessions conducted by experts in the field of water quality management).

Director recommended full funding in the amount of \$173,106.56 requiring a minimum \$43,275.89 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 (e.g., local, FEMA, Army Corp, DOW, 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, 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. Permeable pavement shall not be installed within 10’ on either side of an existing sanitary sewer and measures taken to prevent infiltrating water from entering into the sanitary sewer stone trench. 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 the Division of Environmental Services Urban Forester and/or Arborist prior to any tree removal or planting activities. Because of modifications to the parking areas, the applicant will need to work with the LFUCG Division of Planning to verify the regulatory requirements. Since the 36” line will be part of the public drainage system, applicant is required to conform to standards referenced in the LFUCG Stormwater Manual. If through the design process applicant elects to use any kind of enclosure to extend the 36” it would be the responsibility of the Consultant/Applicant to update the plat and get the easement created. Both electronic and hard copies of all materials are to be provided to LFUCG, for its use, as part of the grant deliverables. Organization proposes a larger cost share beyond that required by the grant program. Budget shall reflect the 20.08% cost share offered in the application (approximately \$43,486.04).

Bread & Roses, LLC [Application number BI-APP6-2023] – Score 52.69, \$31,850.00 requested.

The Feasibility study will evaluate the opportunities to integrate stormwater management into a parking lot retrofit to have an action plan for the next steps in implementing a parking lot retrofit that addresses pedestrian connectivity, removes impervious surfaces, plants native vegetation, and tree canopy. The project will also include stormwater education (organization to host a workshop with Trees Lexington to discuss the importance of the stormwater incentive grant program & the new tree canopy scoring for the program).

Director recommended full funding in the amount of \$31,850.00 requiring a minimum \$7,962.50 cost share with stipulations that the Applicant shall obtain written approval/agreement prior to work being done on properties not owned by the Applicant. Both electronic and hard copies of all materials are to be provided to LFUCG, for its use, as part of the grant deliverables. 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 \$8,200.00).

OP Innovates, LLC [Application number BI-APP7-2023] – Score 50.57, \$29,890.00 requested.

The Feasibility study will identify green infrastructure BMPs that may be utilized to reduce flooding hazards along Town Branch as well as provide options to improve water quality and reduce stormwater runoff. It will also determine the location of an educational sign along the Town Branch Trail, and the possibility of a public space to demonstrate the concepts of green infrastructure practices and provide resources for visitors using the Town Branch Trail.

Director recommended full funding in the amount of \$29,890.00 requiring a minimum \$7,472.50 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 to avoid permeable concrete/asphalt as BMP alternatives. Both electronic and hard copies of all materials are to be provided to LFUCG, for its use, as part of the grant deliverables. 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 \$7,490.00).

Rob Prop, LLC (2512 Palumbo Drive) [Application number BI-APP8-2023] – Score 43.47, \$163,132.40 requested.

The purpose of the project is to improve parking and loading facilities; the project elements include a rain garden, native grasses and pollinators, an infiltration swale, removal of the existing grate inlet and replacing it with a trench drain, remove and replace the existing sump pump sized to drainage calculations, re-pave asphalt entry, and stormwater education (permanent signage).

Not recommended for funding.

The proposed project does not meet the goals of the Stormwater Quality Projects Incentive Grant Program.

Mediocre Creative LLC [Application number BI-APP9-2023] – Score 32.82, \$12,500.00 requested.

The Feasibility study will identify, evaluate, and select Best Management Practices (BMPs) capable of reducing the impact of pollutant loading and flooding at 712 & 714 North Limestone Streets. The study will identify potential projects to benefit the immediate areas of True Alley and North Limestone and the downstream Cane Run Watershed and to improve water quality and quantity through potential rainwater retention systems, removal of impervious parking areas, and additional tree canopy.

Director recommended full funding in the amount of \$12,500.00 requiring a minimum \$3,125.00 cost share with stipulations that the Applicant shall obtain written approval/agreement prior to work being done on properties not owned by the Applicant. Both electronic and hard copies of all materials are to be provided to LFUCG, for its use, as part of the grant deliverables. Organization proposes a larger cost share beyond that required by the grant program. Budget shall reflect the 21.9% cost share offered in the application (approximately \$3,500.00).

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.

- Wesley United Methodist Church of Lexington, KY [Application number BI-APP1-2024]

Board comments and questions: Mr. Clarke noted Chevy Chase was listed in the application. Mr. Mabson indicated the staff noticed the error.

Mr. Clarke moved to accept the Director's Recommendations for Wesley United Methodist Church of Lexington, KY [Application number BI-APP1-2024]; seconded by Mr. Vaught. The motion passed unanimously. Mr. Lowe was absent.

- Dan Partin, Partin Lex Acquisitions, LLC (2514 Regency Road) [Application number BI-APP2-2024]

Board comments and questions: Mr. Clarke said that the Grant Determination Form lists this request as Design and Construction, but the application is marked as Feasibility and Design and Construction, which is misleading. Mr. Mabson replied the application was marked as feasibility in error. The request is for Design and Construction only.

Mr. Vaught moved to accept the Director's Recommendations for Dan Partin, Partin Lex Acquisitions, LLC (2514 Regency Road) [Application number BI-APP2-2024]; seconded by Mr. Clarke. The motion passed unanimously. Mr. Lowe was absent.

- University of Kentucky Research Foundation (UKRF) - University Court [Application number BI-APP3-2024]

Board comments and questions: Mr. Clarke asked if this project ties into the Alumni Drive Stream Restoration Project. Ms. Nicholas noted that this project does connect to the Alumni Drive Stream Restoration; the water coming from this project is upstream from the first Alumni Drive roundabout near Nicholasville Road.

Mr. Clarke commented that there was a fatality in this area from the excess water. Mr. Mabson replied affirmatively.

Mr. Clarke moved to accept the Director's Recommendations for the University of Kentucky Research Foundation (UKRF) - University Court [Application number BI-APP3-2024]; seconded by Ms. Fogle. The motion passed unanimously. Mr. Lowe was absent.

- Fayette County Public Schools (FCPS) [Application number BI-APP4-2024]

Board comments and questions: Mr. Woolwine asked if this request would be used on several school properties. Mr. Mabson replied affirmatively, noting that the applicant would determine the best sites to plant the trees. Mr. Woolwine said that this request incorporates a tree canopy as part of the project elements. Mr. Mabson agreed.

Mr. Clarke said that the applicant is proposing to plant 500 trees, and asked if there is a way for all the Fayette County students to benefit from this project. Mr. Martin suggested using the school curriculum to get the information to the students.

Ms. Fogle asked if this project would be at every school or specific schools. Mr. Clarke commented that the school would need available land to plant the trees. Ms. Nicholas indicated the FCPS Experience-Based Career Education Program would be working with two different groups that will be trained on the design and selection of trees.

Ms. Fogle indicated that it is important for the schools that are not participating in the program to have access so they are exposed to the project. Mr. Mabson replied that the students could take part in a field trip to the participating schools. Ms. Nicholas does not believe every school is involved, but the students whose career path is focused on the project elements would participate. Mr. Mabson said that the student would be involved throughout the entire process of the project.

Ms. Fogle suggested the project be advertised to the other schools so teachers and students have the same opportunity even if they are not participating in the program. Mr. Clarke agreed. Mr. Mabson indicated that the staff could add a language to the grant to address Ms. Fogle concerns.

Mr. Woolwine said that stipulation #2 reads “Tree removal and planting activities shall be reviewed and approved by the Division of Environmental Services Urban Forester and/or Arborist prior to any tree removal or planting activities.” and asked what assurance there are so the correct trees are used. Mr. Mabson replied that tree selection must be approved by the Urban Forester and/or Arborist. Mr. Clarke commented that the list is also in the Ordinance.

Ms. Fogle moved to accept the Director’s Recommendations for the Fayette County Public Schools (FCPS) [Application number BI-APP4-2024]; seconded by Mr. Vaught. The motion passed unanimously. Mr. Lowe was absent.

Note: Mr. Woolwine recused himself from Rob Prop, LLC (2592 Palumbo Drive) [Application number BI-APP5-2024] and Rob Prop, LLC (2512 Palumbo Drive) [Application number BI-APP8-2024] due to a conflict of interest in knowing Rob Sharp, Jr. Mr. Mabson commented that the Rob Sharp Jr. is also part of the Dan Partin, Partin Lex Acquisitions, LLC (2514 Regency Road) [Application number BI-APP2-2024]. Mr. Woolwine indicated he did not see Rob Sharp Jr. listed in the application for 2514 Regency Road. Mr. Mabson indicated his name is listed on the Secretary of State.

Mr. Clarke presided over the next item.

- Rob Prop, LLC (2592 Palumbo Drive) [Application number BI-APP5-2024]

Board comments and questions: There were none.

Mr. Vaught moved to accept the Director’s Recommendations for the Rob Prop, LLC (2592 Palumbo Drive) [Application number BI-APP5-2024]; seconded by Ms. Fogle. The motion passed unanimously. Mr. Lowe was absent.

Mr. Vaught asked if there was any infrastructure data to show the Board. Mr. Mabson replied that the staff does have a map showing the BMPs around Lexington.

- Bread & Roses, LLC [Application number BI-APP6-2024]

Board comments and questions: There were none.

Mr. Clarke moved to accept the Director’s Recommendations for Bread & Roses, LLC [Application number BI-APP6-2024]; seconded by Mr. Vaught. The motion passed unanimously. Mr. Lowe was absent.

- OP Innovates, LLC [Application number BI-APP7-2024]

Board comments and questions: There were none.

Mr. Vaught moved to accept the Director’s Recommendations for OP Innovates, LLC [Application number BI-APP7-2024]; seconded by Mr. Clarke. The motion passed unanimously. Mr. Lowe was absent.

Note: Mr. Woolwine recused himself from Rob Prop, LLC (2512 Palumbo Drive) [Application number BI-APP8-2024] due to a conflict of interest.

Mr. Clarke presided over the next item.

- Rob Prop, LLC (2512 Palumbo Drive) [Application number BI-APP8-2024]

Board comments and questions: There were none.

Mr. Vaught moved to accept the Director’s Recommendations for Rob Prop, LLC (2512 Palumbo Drive) [Application number BI-APP8-2024].

Board questions: Ms. Fogle said that this request is not recommended for funding and asked what is the difference between this request and Rob Prop, LLC (2592 Palumbo Drive). Mr. Mabson replied that the applicant's design on

2592 Palumbo Drive was being proposed over a sanitary line, which is prohibited. Ms. Nicholas explained that 2512 Palumbo Drive's design could not be shifted or moved away from the sanitary line whereas 2592 Palumbo Drive was able to redesign the proposal.

The motion was seconded by Ms. Fogle. The motion passed unanimously. Mr. Lowe was absent.

- Mediocre Creative, LLC [Application number BI-APP9-2024]

Board comments and questions: There were none.

Mr. Clarke moved to accept the Director's Recommendations for Mediocre Creative, LLC [Application number BI-APP9-2024]; seconded by Ms. Fogle. The motion passed unanimously. Mr. Lowe was absent.

IV. REMAINING FUNDS RECOMMENDATION / DISCUSSION – Mr. Mabson said that the FY 2024 Class B Infrastructure Grant Awards totaled \$1,128,487.54. The budgeted funds remaining are \$225,874.59.

Mr. Mabson also commented that staff recommends reallocating the remaining funds to Fiscal Year 2025.

Board questions and comments: Mr. Woolwine confirmed that the unallocated funds would be used for Fiscal Year 2025. Mr. Mabson replied affirmatively and said that the remaining funds would be redistributed according to the originating class for the next round of grants.

No action was taken to allocate the remaining funds for FY 2025 Stormwater Quality Projects Incentive Grants.

VI. INCENTIVE GRANT STATUS UPDATE – Ms. Nicholas and Mr. Mabson briefly provided an update on the Incentive Grants between FY 2016 to FY 2023, commenting on a few select projects, as well as commenting on how the grants are now being tracked through a new Grant Tracker program.

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

VII. OTHER MATTERS

1. **FY 2024 Budget Summary** – Ms. Nicholas and Mr. Mabson gave a brief summary of the handout.
2. **Publicizing the Stormwater Quality Projects Incentive Grants** – Ms. Nicholas briefly explained that the staff would be promoting the grant program in hopes of receiving more competitive applications.
3. **Tree Canopy** – Ms. Nicholas directed the Board to Tree Canopy handout and gave a brief description.
4. **Infrastructure Map** – Ms. Nicholas directed the Board to the Incentive Grant BMP Map and gave a brief description.
5. **Public Notice for 2024 Meetings** – Mr. Mabson presented the Public Notice for 2024 meeting dates. He recommended a vote to accept the meeting dates as January 11, April 11, July 11, and October 10, 2024, unless there were any scheduling conflicts.

The WQFB had no objections to the proposed future meeting dates for the 2024 calendar year.

Mr. Clarke moved to accept the date(s), as listed and adjusted above, for the 2024 Calendar Year Meeting schedule; seconded by Ms. Fogle. The motion passed unanimously.

6. **Member's Terms Expiring** – Mr. Mabson informed the Board that Mr. Lowe would be reappointed by the Mayor's Office for a second term. He then said that Mr. Clarke has served two (2) terms, which is the limit, and his last meeting would be on January 11, 2024.

VIII. ADJOURNMENT – Mr. Woolwine asked LFUCG staff if there were any other matters to address. There were none.

Mr. Vaught moved to adjourn the meeting. The motion was seconded by Mr. Clarke, and the motion passed unanimously. The meeting was adjourned at 10:07 a.m.

Approved