

- L. Sheehan, Chair
- H. LeGris, Vice-Chair
- D. Wu
- T. Fogle
- S. Lynch
- B. Monarrez
- D. Gray
- P. Worley
- F. Brown
- D. Sevigny



AGENDA

Environmental Quality & Public Works Committee

March 12, 2024

1:00 P.M.

- | | | |
|------|--|----------------|
| I. | Approval of the February 6, 2024 Committee Summary | (1-2) |
| II. | Lex Grow Trees Update [LeGris/Wilson, Carey] | (3-30) |
| III. | Status Update: Energy Initiatives [Sheehan/Bush] | (31-40) |
| IV. | Chapters 16 & 17B Ordinance Update Preview [LeGris/Carey] | (41-48) |
| V. | Items Referred to Committee | (49) |

"Environmental Quality and Public Works committee to which shall be referred matters relating to the department of Environmental Quality and Public Works and its divisions, including capital improvement projects and any related partner agencies."- Council Rules & Procedures, Section 2.102 (3). Effective January 1, 2023. Adopted by Urban County Council September 22, 2022.

2024 Meeting Schedule

February 6	August 20
March 12	October 22
April 30	December 3
June 18	



Environmental Quality & Public Works Committee

February 6, 2024

Summary and Motions

Chair Sheehan called the meeting to order at 1:04 p.m. Committee Members Vice Mayor Wu, Lynch, LeGris, Monarrez, Gray, Worley, F. Brown, and Sevigny were present. Committee Member Worley was absent. Council Members Plomin, Baxter, Reynolds, and Ellinger were present as non-voting members.

I. Approval of December 5, 2023 Committee Summary

Motion by LeGris to approve the December 5, 2023 Environmental Quality & Public Works Committee Summary. Seconded by Wu. Motion passed without dissent.

II. Microtransit

Chuck Ellinger, Council Member At Large, introduced *Microtransit*, sometimes called on-demand transit, which is public transportation that captures trip requests and groups passengers into shared rides in real-time. There are options for how microtransit is deployed by cities and Lextran would prefer a turnkey partnership. Ellinger explained what the *Via Rider App* is, what the possible benefits are, and how it can be implemented in Lexington. He shared three success stories from Memphis, TN, Columbus, OH, and Birmingham, AL.

The company Via would help Lexington identify and access funding sources for their turnkey services. Via leverages industry experience and connections to help partners turn pilot programs into long-term, sustainably funded services.

Emily Elliot from Lextran continued the presentation by explaining the gaps in public transportation. Ultimately, microtransit can be funded sustainably through a variety of unique means based on local dynamics. When asked about the gaps in Lextran services, Elliott explained the original plan was to improve services, but they are dealing with operator shortages. Speaking about MPO grants and federal funding for this program, Chris Evilia, Planning Manager in Transportation Planning, said the demand nationally exceeds our ability to get funding. Historically, we have horribly underfunded public transportation. When asked if Via is the preferred company for this potential venture or if we are looking at multiple companies, Evilia said that we would issue an RFP, and this would be open to anyone.

Speaking about the virtual bus stop, Elliott said most of the apps would provide you with walking information to and from the stop. The virtual bus stop allows you to have a centralized location in an area, but it can be wherever you want. When asked how we came up with \$400,000 to earmark, Ellinger said it was based on Lextran's analysis. They looked at an in-house model and a turnkey model. Elliott clarified turnkey is a third party that is built out to do this. Elliott said they were more focused on making near and mid-term improvements to the system that currently exists. There was concern that we would have to be willing to double the tax rate to make this happen. Considering the city's goal is carbon neutrality, there were concerns about the impact of adding additional vehicles to the road. No action was taken on this item.

III. Odor Control Plan

Charlie Martin, Director of Division of Water Quality, spoke about the sources and reasons for the odors in the sewers. The pipelines have a long time of travel in an oxygen deficient situation and venting is a risk. The air release valves are designed to emit trapped air pockets in pressurized pipelines. The treatment plants and pump stations are concentrated points of collection and retention. Weather and the lack of rainfall reduces flow to minimum when the system is designed for the maximum. Fall seems to be the worst time because it is warm in the daytime and cool at night. The result is temperature inversions that trap odor at ground level.

Martin reviewed the 2023 to present odor control response at treatment plants. This includes regenerated carbon unit at Town Branch north primary; cleaned and rebalanced odor collection for West Hickman Headworks; regenerated ASH tank scrubber at West Hickman; created a unit price contract so that odor monitoring equipment can be installed at high-risk locations. They signed an emergency purchase order issued by the mayor to hire Webster Environmental Associates. Martin reviewed next steps which include executing a long-term contract with Odor Control Program Management team to design and construct the treatment plant equipment improvements; direct optimization of chemical feeds or other solutions intended to mitigate point source odors in the collection system and limit odor loadings at treatment plants; plan and execute collection system investigations; and assist Division of Water Quality in providing progress reports to interested parties. When asked about the carbon scrubber, he confirmed that has not been replaced. The quote for that was \$300,000 and it was only 3-4% of the issue so replacing the scrubber would not be beneficial.

Speaking about health concerns that residents have, Martin said the chemicals are nitrate-based, but it is very inert, and it is just lending oxygen to the sewage, so it doesn't attack sulfate which produces the smell. The chemical itself is not the problem, the bigger problem is the chemical used in the scrubber which doesn't get out anywhere else. When asked about the odor that is now in people's homes where it wasn't before, Martin said they will be doing smoke testing. There was some concern about the cost of chemicals and Martin said the cost adds up quickly. As an example, he said it costs about \$140,000 annually to feed 300 gallons a day at East Hickman in chemical dosing alone.

When asked how long it has been since we have issued an RFP for these services, Martin said there has not been anyone in charge of odor control since before the consent decree started in 2007. We have always done odor control improvements when we have upgraded things such as Headworks. When asked how many responses there were to the RFP that was issued, Martin said there were three responses and the workgroup reviewed them and made a recommendation which is on the Work Session for today. He clarified the design work at both treatment plants is estimated at \$550,000. There is additional work that will be issued via task order for smoke testing, chemical optimization, etc. He pointed out they are following the model that was used for the Consent Decree. Martin confirmed the goal is for the smell to eventually be at zero and they are trying everything to make that happen. No action was taken on this item, but the item remains in committee for periodic updates.

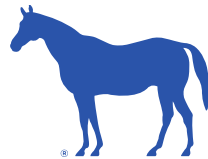
IV. Items Referred to Committee

No Action was taken on this item.

The meeting adjourned at 2:54 p.m.

LEX GROW TREES UPDATE

*Heather Wilson, Urban Forestry Section Manager
Jennifer Carey, Director of Environmental Services
Environmental Quality & Public Works Committee
March 12, 2024*



LEXINGTON

Topics

- **Background**
 - What is an Urban Forest? What is Urban Forestry?
 - How Trees Benefit Lexington – Our *Why*?
 - Urban Tree Canopy Assessment – A Quick Recap
- **\$1.5 Million for Tree Canopy Growth & Support**
- **Lex Grow Trees Grant Program**
- **Next Steps**
- **Questions**

Background

What is an Urban Forest? What is Urban Forestry?

- An Urban Forest is composed of all the trees within our urban lands and includes
 - Individual trees
 - Tree stands / small groupings of trees
 - Trees found along streets, in gardens and parks, along greenways and in planned green / naturalized spaces, in nature preserves, and along corridors
 - Trees on both public and private property
 - The various ecosystem components that exist with these trees (e.g., – soils, understory flora, wildlife)
- Urban Forestry is the careful and purposeful management of our Urban Forest

Background

How trees benefit Lexington – Our Why?

- Environmental
 - Provide stormwater mitigation
 - Reduce heat island effect
 - Remove airborne pollutants
 - Sequester carbon
- Human Health
 - Reduce hospital stays
 - Reduce rates of cardiac disease
 - Improve mental health & reduce stress
 - Improve our immune systems
- Social
 - Reduce rates of crime
 - Encourage community engagement & connectivity
 - Decrease aggression & violence
- Economic
 - Reduce costs of city services
 - Increase property values
 - Reduce energy bills
 - Support tourism

Background

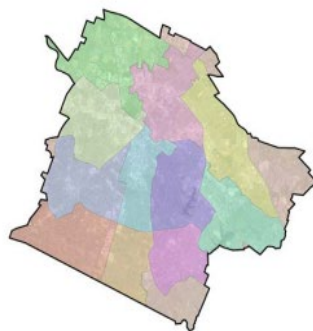
Urban Tree Canopy Assessment – a quick recap

- **Tree Canopy Assessment – 2012 (21% canopy coverage)**
- **Tree Canopy Change Analysis – 2020 (23% canopy coverage)**



URBAN SERVICE AREA

The Lexington **urban service area** is the one (1) main area of interest over which all metrics are summarized.



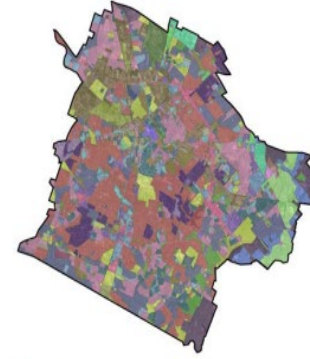
CITY COUNCIL DISTRICTS

Twelve (12) **city council districts** were assessed to inform the council members and citizens residing in each individual voting district.



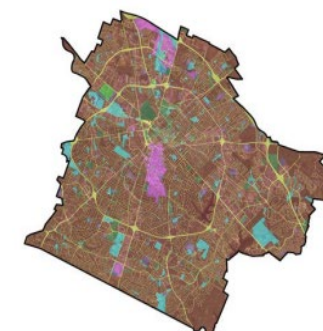
HUC-12 WATERSHEDS

Since trees play an important role in stormwater management, six (6) USGS HUC-12 watersheds were assessed.



ZONING

Thirty-six (36) **zoning types** were assessed to further dissect urban tree canopy on different types of land use.



PROPERTY OWNERSHIP

Property ownership summarizes parcels by ownership type, including public schools, local government-owned parcels, University of Kentucky, Lexington-Fayette Urban County Housing Authority, and privately owned lands.



CENSUS TRACTS

Eighty-one (81) **census tracts** were assessed to show the relationship between tree canopy and socio-demographics and highlight potential environmental justice issues.



Background

Urban Tree Canopy Assessment – a quick recap

Table 2. Urban tree canopy assessment results by acres and percent (percentages based on land acres).

Lexington Urban Service Area	Acres	%
Total Area	54,648	100%
Land Area	54,055	99%
Urban Tree Canopy	12,649	23%
Total Possible Planting Area	17,668	33%
Total Unsuitable Area	23,738	44%

CITYWIDE URBAN TREE CANOPY CHANGE

Over the eight-year study period, there was an increase in Lexington's urban tree canopy. Tree canopy increased by 1,736 acres citywide, yielding a 3% raw increase since 2012 (16% relative to 2012 acreage). This increase in canopy can be attributed to crown growth of maturing trees and growth of newly planted trees since 2012. Current levels of urban tree canopy in Lexington can continue to be improved with careful planning and planting efforts. See Table 4 for more details.

■ Total Unsuitable UTC % ■ Total PPA % ■ UTC %

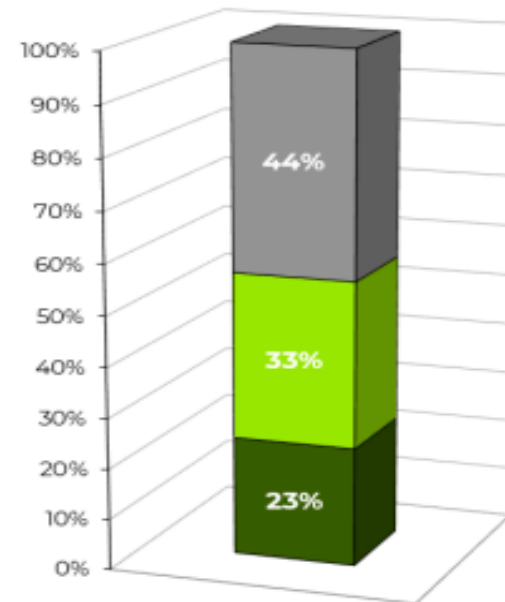


Figure 9. Urban tree canopy, possible planting area, and area unsuitable for UTC in the Lexington Urban Service Area.

Property Ownership (UTC%)

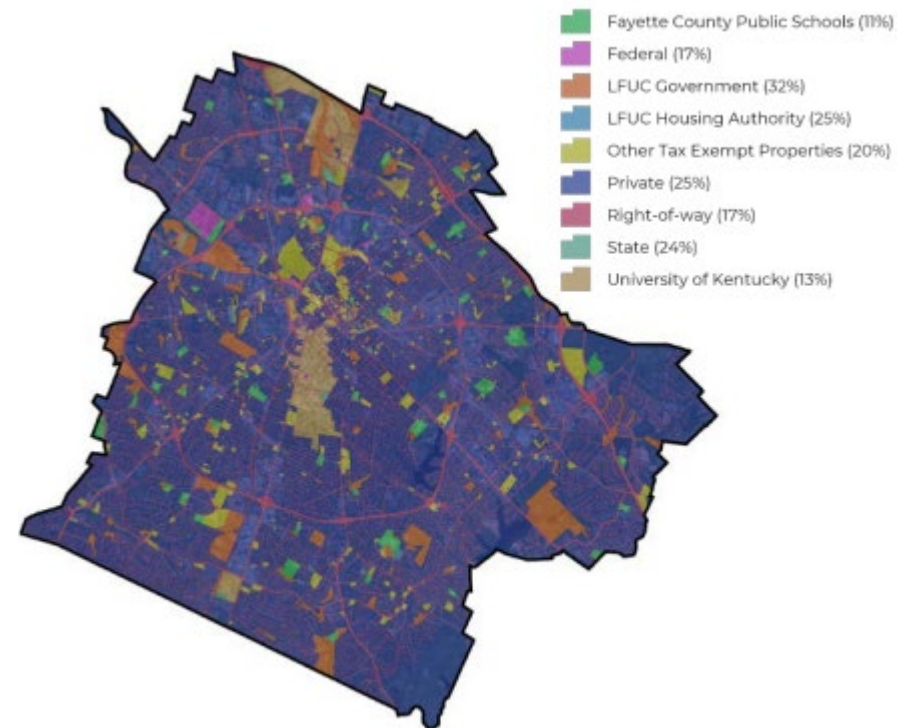
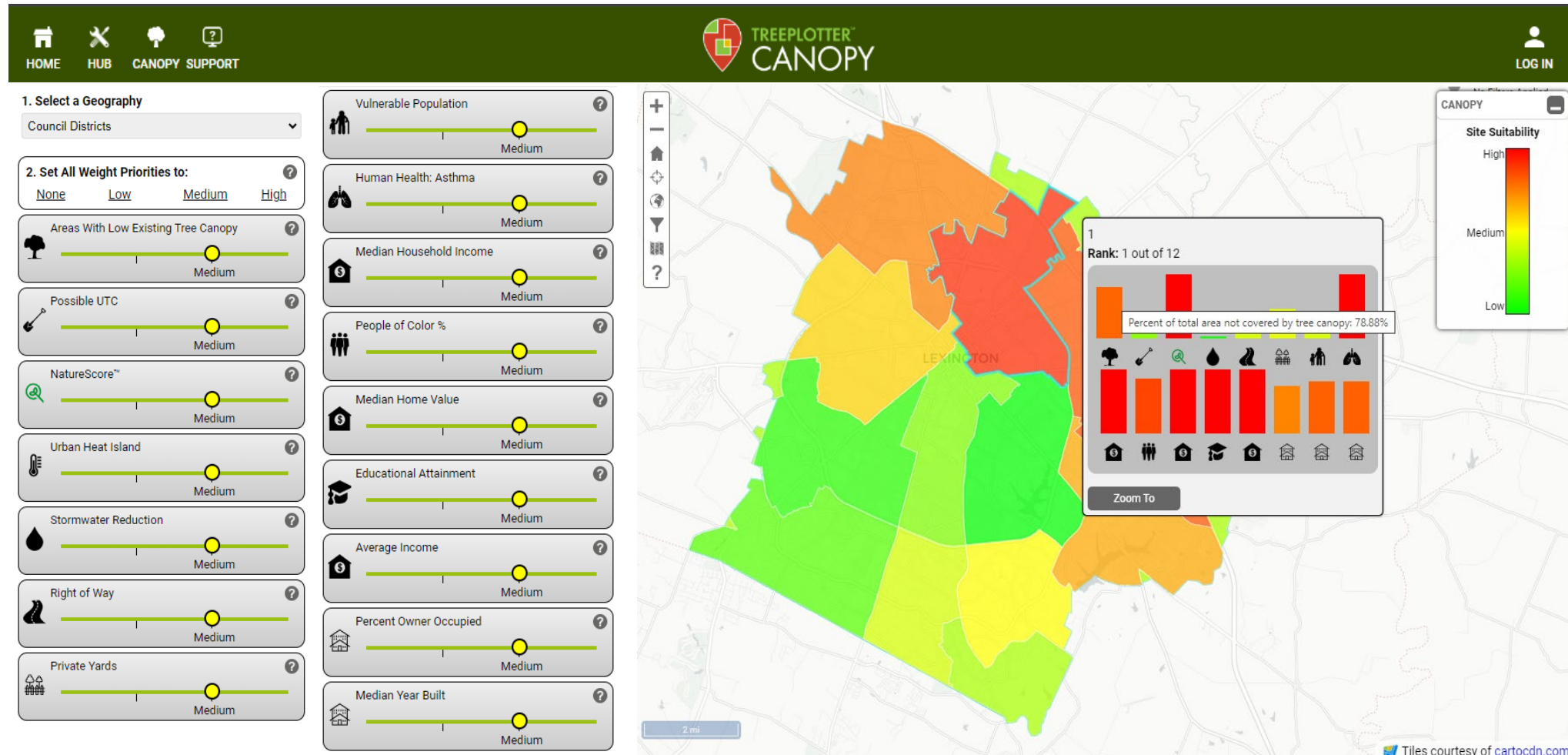


Figure 10. Property ownership and urban tree canopy percentages in Lexington.



Background

Urban Tree Canopy Assessment – a quick recap



\$1.5 Million for Tree Canopy Growth & Support

Beginnings

- Council allocated through Budget Stabilization Funds (2022)
- Funds placed in Environmental Services' budget
- Formed Tree Canopy Ad Hoc Committee
 - Comprised of Councilmembers, Council Staff, Community Members, LFUCG Staff
- Tree equity is our driving factor
 - Timing with Tree Canopy Assessment
 - Timing with recognition of tree equity needs across United States

\$1.5 Million for Tree Canopy Growth & Support

Framing Our Values

- Strategic Planning Session (August 9, 2022)
- Creation of our guiding principles
- Target areas
 - Communication
 - Education & Awareness
 - Community Engagement
 - Tree Planting
 - Tree Maintenance & Support

\$1.5 Million for Tree Canopy Growth & Support

Initial Priorities

Infusion of funds to Hazard Street Tree (Cost-Share) Program (FY23)

- \$150K – Clear the backlog
- \$ 50K – Targeted

Branding and Marketing Campaign

- Telling our story
 - Branding our message
 - Reaching into the community
 - Targeting our impact
 - Project tracking and management
 - Tracking our spending
 - Showcasing long-term impacts



\$1.5 Million for Tree Canopy Growth & Support

Funds Spent To Date

- 3 Pilot Projects
- A total of \$62,600
 - Geomancer Permaculture, LLC
 - Seedleaf, LLC
 - Trees Lexington!
- Targeted Goals Addressed
 - Education & Community Engagement
 - Tree Care Education
 - Tree Care Maintenance
 - Tree Planting
 - Work Force Training

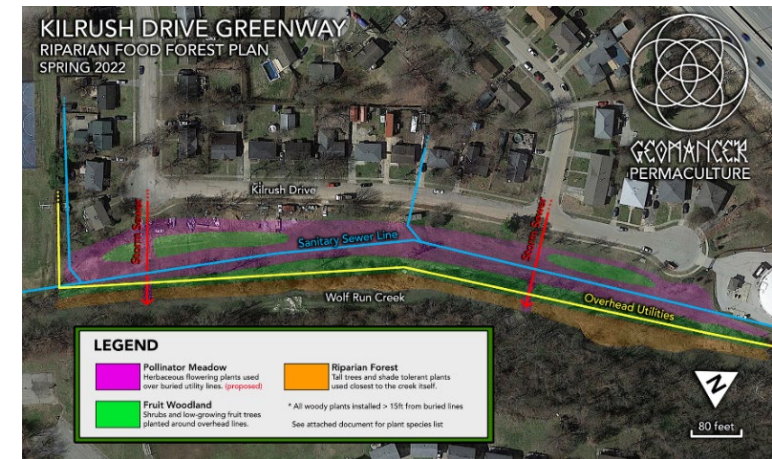




\$1.5 Million for Tree Canopy Growth & Support

Pilot Projects – Geomancer Permaculture, LLC

- Approved amount – \$15,000
- Project – Food Forest Development Project
 - 2-year project
 - Provide workforce training
 - Demonstrate alternative management options for public lands
- 200 edible trees and shrubs to be purchased and planted





\$1.5 Million for Tree Canopy Growth & Support

Pilot Projects – Seedleaf, LLC

- Approved amount – \$7,600.16
- Project – Food Forest Design Training Program
 - 6-module course
 - Target audience – individuals aged 17 years and older
 - Provide career path training
- 88 trees to be purchased and planted
- Irrigation for long-term survivability





\$1.5 Million for Tree Canopy Growth & Support

Pilot Projects – Trees Lexington!

- Approved amount – \$40,000
- Project – Community-Based Tree Planting Pilot Program
 - Time frame – 1 year
 - Community engagement & education
 - Target area – Districts 1, 2, 7
- 100 trees purchased and planted



Bainbridge Place (District 7)

- Existing plans by HOA
- 10 B&B + 17 3-gallon trees
- 40 volunteers



WWB Elementary School and Community Center (District 1)

- Building on the work with FCPS and Shropshire Circle
- 23 B&B + 19 3-gallon trees
- 75 volunteers



Lex Grow Trees Grant Program

- Two rounds of grants (spring, fall)
 - ~\$500,000 available each round
 - up to \$100,000 per applicant per round
- 1st grant application window
 - March 15 – April 26
- Applications scored via rubric
 - Project impact
 - Project engagement
 - Tree mobilization
 - Project success
 - Cost efficiency
- Who can apply?
 - Organizations of all sizes
 - Non-profits
 - For profit companies
 - Neighborhood associations
 - HOAs
- Collaborations and partnerships are strongly encouraged





Lex Grow Trees Grant Program

- Grant Program Guidelines (see packet) were informed by:
 - Implementing / managing the three pilot projects
 - Stormwater Quality Projects Incentive Grant Program
 - Corridors Neighborhood Enhancement Match Grant Program
- Selecting Grant Recipients and Awarding Funds:
 - Scoring Committee will score applications using rubric
 - Scored applications will be presented to the Tree Canopy Ad Hoc Committee for recommendation to Council
 - Recommended applicants will be presented with a Grant Agreement
 - Accepted Grant Agreements will come to Council for approval and Mayor's signature
 - Once Grant Agreement is fully executed, grant recipients may initiate their project and begin receiving grant funds

Lex Grow Trees Grant Program

- DES requests that the EQPW Committee:
 - Review and comment on the proposed draft resolution (see packet) that
 1. establishes the Lex Grow Trees Grant Program
 2. approves the grant program guidelines
 3. authorizes the Tree Canopy Ad Hoc Committee over the grant program
 - Consider approving the drafted resolution
 - Support the resolution once it is brought to the full Council

Next Steps

- Press release – March 18, 2024
- How you can help
 - Newsletters
 - Word of mouth
 - Volunteer
 - Community meetings / Neighborhood meetings
 - Assist your community in accessing our information and funds
- Informational Q & A Sessions
 - Wednesday, March 27, 2024 – Northside Library Large Meeting Room, 5:30 – 6:30 p.m.
 - Thursday, March 28, 2024 – via Zoom*, 6:30 – 7:30 p.m.



<https://lexgrowtrees.com/>

*will be recorded and made available

Questions?



LEXINGTON

Lex Grow Trees Grant Program Guidelines

Objectives

1. Increase the scale and health of our tree canopy.
2. Increase community buy-in and resident engagement in assuring the creation and maintenance of our tree canopy.
3. Guide a cultural shift in the understanding of the benefits of trees for individuals, our economy, our community's social structure, and our collective community's health.
4. Address the equity challenges of access to the benefits of a healthy tree canopy.

Background

As a result of several opportunities and issues facing the residents of Lexington over the past several years, there has been an unprecedented level of concern for our City's tree canopy. Upon hearing these concerns and during discussions on how the City would allocate its share of Federal ARPA funds, the Urban County Council and the administration desired to allocate funds to growing Lexington's tree canopy. In February 2022, the Council authorized \$1.5 Million from budget stabilization funds for improving Lexington's tree canopy. The funds were placed with the Division of Environmental Services to oversee their expenditure. The Tree Canopy Ad Hoc Committee was formed to provide input to the division as to how the funds should be allocated. The committee created the Lex Grow Trees campaign which is dedicated to addressing tree canopy inequalities in Lexington. Four areas of focus that Lex Grow Trees determined are:

1. Mobilization of community and neighborhood tree advocates and stewards
2. Tree planting
3. Tree maintenance
4. Tree education

In the FY22 budget, \$75,000 was allocated to update Lexington's Urban Tree Canopy Study, which had been completed in 2012. The change analysis, completed in the fall of 2022, looked at the most recent data from 2020 as compared to the 2012 data. It provides information on the tree canopy by council district, watershed, census tract, and types of property ownership. The assessment also includes planting plans to achieve various canopy goals. We encourage potential applicants to review this study to help spark potential project ideas.

Eligible Organizations

1. Federally recognized non-profit organizations 501(c)(3)
2. Incorporated, active neighborhood or homeowners associations
3. For profit organizations

Eligible Activities

1. Tree planting
2. Tree maintenance
3. Tree education
4. Develop and support tree advocates and stewards

Application Requirements

Applications must include the following information:

1. Organization info
 - a. Name of organization
 - b. Street address and zip code
 - c. Phone number
 - d. Email address
2. Contact information
 - a. Contact person name
 - b. Contact person title
 - c. Contact person phone number
 - d. Contact person email address
3. Project narrative, scope of work, and community objectives (If applicable, include a list of project partners and tree experts who will be engaged in your project.)
4. Project dates and project schedule
 - a. Starting date
 - b. Milestone dates
 - c. Expected completion date
5. Project budget and explanation
6. List the address/addresses and Council District where the project is located. (Find the Council District here: <https://www.lexingtonky.gov/>)
7. Supplemental material
 - a. A minimum of three (3) color photographs of the project area.
 - b. A map of the proposed project location (This can be a screenshot of a map but the project site must be identified.)
 - c. Any other supporting documents or letters of support
8. Page limit: 10 pages with font size 12

Selection Criteria

Applications for each funding cycle will be evaluated by the Tree Canopy Ad Hoc Committee. Applications and the activities proposed will be evaluated and grant awards will be made based on consideration of the following factors (the scoring rubric is at the end of this document):

1. Location with a focus on equity (See the [2022 Urban Tree Canopy Study](#).)
2. Number of people reached via engagement or education
3. Ability of the applicant to maintain the project
4. Cost efficiency
5. Number of trees (newly planted)
6. Number of trees (maintenance or care of existing)

Additional Grant Program Guidelines and Requirements

1. All applicants must submit a completed application by the deadline.
2. A detailed project plan and budget for all expenses shall be prepared and included in the application. If selected for a grant, a more detailed project plan and budget may be required for the Grant Award.

3. If selected for a grant, the organization must have a taxpayer ID and be willing to provide a W-9 to LFUCG.
4. If selected for a grant, the organization must be willing to sign the Grant Agreement that will be processed for approval by the Urban County Council and the Mayor's signature. A copy of the Grant Agreement is attached.
5. To receive grant funds, grantees will submit Requests for Reimbursement for consideration. Each Request for Reimbursement shall include documentation to support the reimbursement request (*e.g.*, paid invoices, receipts, pay stubs) or quotes for items to be purchased within thirty (30) days of the funds disbursement.
6. Grantees will have up to 24 months from the time of the execution of the Grant Agreement to complete the projects.
7. Full responsibility for management of the project lies with the organization awarded funds. This includes the following:
 - a. Obtaining approvals.
 - b. Sign-offs from LFUCG offices regarding species selection, sight distance, encroachment/location issues, planting safety issues, and maintenance specifications.
8. All grant-funded projects must be completed in accordance with applicable local, state, and federal law. All required permits, agreements, permissions, approvals, etc. must be obtained by the grant recipient or their representatives prior to commencing work.
9. Any project that includes movement of soil and/or land disturbance shall call 811 for utility locating services per state regulations.
10. The project cannot include permanent changes within the street right-of-way without the prior express written approval from LFUCG or KYTC, as appropriate. Likewise, the project cannot include permanent changes on properties not owned and/or controlled by the grant recipient without the prior express written approval from the property owner.
11. Any project proposing tree planting shall follow LFUCG's Planting Manual under the advisement of LFUCG's Urban Forester (see: www.lexingtonky.gov/forestry). Grantees are encouraged to contact the Urban Forestry staff with questions about proper planting procedures and correct maintenance techniques.
12. All project materials and any associated marketing must be co-branded using the Lex Grow Trees branding.
13. A final report must be submitted within 30 days of completion of the project. This report shall include:
 - a. A description of the project and the benefits derived from its implementation;
 - b. Locations of trees planted, including species;
 - c. Locations of trees pruned or maintained, including species;
 - d. Information about events hosted, including topic, location, numbers of attendees, and photographs taken during the events;
 - e. A maintenance plan, if appropriate, or documentation of having maintenance discussions with individual property owners;
 - f. A summary table comparing the project budget to actual expenditures, along with supporting documentation;
 - g. Sample outreach and/or educational materials used.

LexGrowTrees Grant Porgram	APPLICANT NAME		NAME1	NAME2	NAME3	NAME4	NAME5
	FUNDING REQUESTED		AMOUNT REQUESTED	AMOUNT REQUESTED	AMOUNT REQUESTED	AMOUNT REQUESTED	AMOUNT REQUESTED
PROJECT IMPACT (30%)							
Is the project location within the focus areas identified by the grant program and/or the 2022 Urban Tree Canopy Assessment?	Points Available:	10					
Is the project location within Council Districts or Census Tracts that are identified in the 2022 Urban Tree Canopy Assessment to be an area of priority for environmental and/or human health?		10					
Is the project location accessible to individuals and/or the public?		10					
	Total Score:	30	0	0	0	0	0
PROJECT ENGAGEMENT (25%)							
Does the applicant demonstrate a community need for the project?	Points Available:	10					
Is the applicant proposing to involve an audience/volunteers?		5					
If so, what is the size of the target audience/volunteers? i. 0-10 People ii. 11-20 People iii. 21-50 People iv. More than 50 People							
Is there an educational component to the proposed project? I.e. Does the project help to increase the understanding of the benefits of trees in our community?		10					
	Total Score:	25	0	0	0	0	0
TREE MOBILIZATION (25%)							
How many trees is the applicant proposing to plant and/or maintain? i. 0-10 Trees ii.11-20 Trees iii. 21-50 Trees iv. More than 50 Trees		15					
Is the applicant prepared to maintain trees past the grant program deadline or has plans for maintenance?		10					
	Total Score:	25	0	0	0	0	0
PROJECT SUCCESS (10%)							
Does the applicant demonstrate readiness and ability to create and implement the grant program?	Points Available:	5					
Does the applicant demonstrate readiness and ability to abide by the schedule of the grant program?		2.5					
Does the applicant provide appropriate and quantifiable program success measures?		2.5					
	Total Score:	10	0	0	0	0	0
COST EFFICENCY (10%)							
Are the applicant's budget narrative and proposal specific, justified, and reasonable?	Points Available:	10					
	Total Score:	10	0	0	0	0	0
	Total Applicant Score Out of 100 Points:		0	0	0	0	0

GRANT AGREEMENT

THIS AGREEMENT, made and entered into on the _____ day of _____, 202__ by and between the **LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**, an Urban County Government of the Commonwealth of Kentucky, created pursuant to KRS Chapter 67A (hereinafter "Government"), and _____ (Hereinafter "Organization"), with the mailing address of _____, _____, _____.

W I T N E S S E T H:

WHEREAS, the Urban County Council created the Lex Grow Trees Grant Program to provide local funding to certain eligible property owners and organizations as reimbursement for eligible activities, such as tree planting, tree maintenance, tree education, and the development of tree advocates and stewards.

WHEREAS, the Government finds that such a grant program would provide a benefit to the public through improvements to air and water quality, energy savings, and habitat and conservation in the urban county; and

WHEREAS, Organization has applied for a grant from the Lex Grow Trees Grant Program, and the Tree Canopy Ad Hoc Committee has approved the application.

NOW FOR AND IN CONSIDERATION OF THE MUTUAL PROMISES AND COVENANTS HEREIN EXPRESSED, GOVERNMENT AND ORGANIZATION AGREE AS FOLLOWS:

1. **Amount of Grant.** Government hereby grants Organization the sum not to exceed \$_____ as reimbursement or prepayment (as provided in Section 2) for the activities described in the Organization's application, which is attached hereto and incorporated herein by reference as Attachment A.
2. **Payments.** Government shall pay the Organization for expenditures the Organization actually incurred, or for expenditures made within thirty days after payment by Government, up to the total amount provided above, only after receipt of an invoice. The funds are limited to the services provided herein and may not be spent by the Organization for any other purpose without the prior written consent of Government. Any invoice must include evidence satisfactory to Government to document entitlement to payment, as well as a progress report. If Organization receives funds under this Agreement for expenditures made after receipt of the grant funds, Organization shall also provide evidence satisfactory to Government that the expenditure was made. Failure to provide any evidence required by this section shall require the Organization to repay grant funds.
3. **Compliance with Program Regulations.** As a condition for receipt of funds provided by this grant, Organization agrees that it has complied with and will continue to comply with all requirements provided in the Lex Grow Trees Grant Program guidelines, attached hereto and incorporated herein by reference as Attachment B, as well as in any grant approval letter provided by the Division of Environmental Services. Failure to comply with these requirements may result in denial of funds or repayment.

4. **Final Report Required.** A final report must be submitted within 30 days of completion of the project. This report shall include:
- a. A description of the project and the benefits derived from its implementation;
 - b. Locations of trees planted, including species;
 - c. Locations of trees pruned or maintained, including species;
 - d. Information about events hosted, including topic, location, numbers of attendees, and photographs taken during the events;
 - e. A maintenance plan, if appropriate, or documentation of having maintenance discussions with individual property owners;
 - f. A summary table comparing the project budget to actual expenditures, along with supporting documentation; and
 - g. Sample outreach and/or educational materials used.
5. **Amendments.** By mutual agreement, the parties to this Agreement may, from time to time, make written changes to any provision hereof. Organization acknowledges that Government may make such changes only upon approval of its legislative authority, the Lexington-Fayette Urban County Council, and the signature of its Mayor.
6. **Entire Agreement.** This Agreement shall constitute the entire agreement between the parties and no representations, inducements, promises or agreements, oral or otherwise, which are not embodied herein shall be effective for any purpose. This Agreement shall replace any previous agreement between the parties on the same subject matter.

IN WITNESS WHEREOF, the parties have executed this Agreement at Lexington, Kentucky, the day and year first above written.

LEXINGTON-FAYETTE URBAN
COUNTY GOVERNMENT

BY: _____
LINDA GORTON, MAYOR

ATTEST:

Clerk of the Urban County Council

Organization Name (Printed)

BY: _____
Signature

Title

WITNESS SIGNATURE

WITNESS PRINTED NAME

DATE

RESOLUTION NO. _____ - 2024

A RESOLUTION ESTABLISHING A GRANT PROGRAM TO BE KNOWN AS THE LEX GROW TREES GRANT PROGRAM AND PROVIDING FOR ITS PURPOSE AND OBJECTIVES; APPROVING AND ADOPTING GUIDELINES FOR THE LEX GROW TREES GRANT PROGRAM; AND PROVIDING FOR THE AUTHORITY OF THE TREE CANOPY AD HOC COMMITTEE OVER THE LEX GROW TREES GRANT PROGRAM, AT A TOTAL COST NOT TO EXCEED \$1,000,000.00.

WHEREAS, the Tree Canopy Ad Hoc Committee was allocated \$1,500,000.00 to increase Lexington-Fayette County’s tree canopy;

WHEREAS, the Tree Canopy Ad Hoc Committee has recommended to use approximately \$1,000,000.00 of the \$1,500,000.00 for the creation of a tree canopy grant program to improve Lexington’s tree canopy by providing grants to eligible property owners and organizations for eligible activities, such as tree planting, tree maintenance, tree education, and the development of tree advocates and stewards;

WHEREAS, a locality’s tree canopy plays an important role in improving air and water quality, creating energy savings, and aiding wildlife habitat and conservation in urban areas (See Coder 1996; Lovasi et al. 2008; Ulrich 1984; Seitz 2008; Smith 1999; Dolan 2015); and

WHEREAS, the Lexington-Fayette Urban County Government finds that such a grant program would provide a benefit to the public through improvements to air and water quality, energy savings, and habitat and conservation in the urban county.

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

Section 1 – In an effort to aid in the proliferation of Lexington’s tree canopy, there is hereby established a grant program, to be otherwise known as the “Lex Grow Trees Grant Program” (hereinafter referred to as “the Program”), to provide local funding to certain eligible property owners and organizations as reimbursement or prepayment for eligible activities, such as tree planting, tree maintenance, tree education, and the development of tree advocates and stewards.

Section 2 – That the Program shall have the following objectives:

- (a) Increase the scale and health of Lexington-Fayette County’s tree canopy;
- (b) Increase community buy-in and resident engagement in assuring the creation and maintenance of Lexington-Fayette County’s tree canopy;

- (c) Guide a cultural shift in the understanding of the benefits of trees for individuals, our economy, our community's social structure, and the collective health of our community; and
- (d) Address the equity challenges of access to the benefits of a healthy tree canopy.

Section 3 - All funds awarded pursuant to the Program shall be solely at the discretion of the Urban County Government and shall be in the form of a grant agreement. An eligible property owner or organization shall only be eligible for a maximum of one grant per eligible property. This does not preclude an eligible property owner or organization from applying for an amendment to its existing grant agreement.

Section 4 – The maximum amount of any grant shall not exceed \$100,000.00. Upon the recommendation of the Director of Environmental Services and the Tree Canopy Ad Hoc Committee, and the final approval of the Urban County Council, the funding may exceed the above amounts.

Section 5 – That the guidelines, attached hereto and incorporated herein by reference, for the Program be and hereby are approved and adopted.

Section 6 – (a) Any eligible property owner interested in obtaining funding must submit an application to the Division of Environmental Services for initial review. The application shall contain the minimum criteria contained in the regulations approved pursuant to this Resolution.

- (b) If the application meets the minimum criteria, the Division of Environmental Services will make a recommendation to the Tree Canopy Ad Hoc Committee regarding the application.
- (c) The Tree Canopy Ad Hoc Committee will consider and review the submitted application and the Division's recommendations and shall provide its recommendation to the Urban County Council.
- (d) The Urban County Council shall approve or deny, at its discretion, all grant agreements with applicants who received approval, in whole or in part, from the Tree Canopy Ad Hoc Committee. Funds shall not be disbursed to applicants until a grant agreement is executed.

Section 7 - That an amount, not to exceed the collective sum of \$1,000,000.00, be and hereby is approved from account # 1105-313201-3703-78112 for grants approved pursuant to this Program.

Section 8 – That this Resolution shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

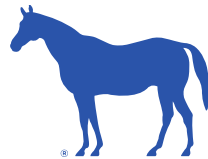
MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

STATUS UPDATE: ENERGY INITIATIVES

*James Bush, Energy Initiatives Section Manager
Environmental Quality & Public Works Committee
March 12, 2024*



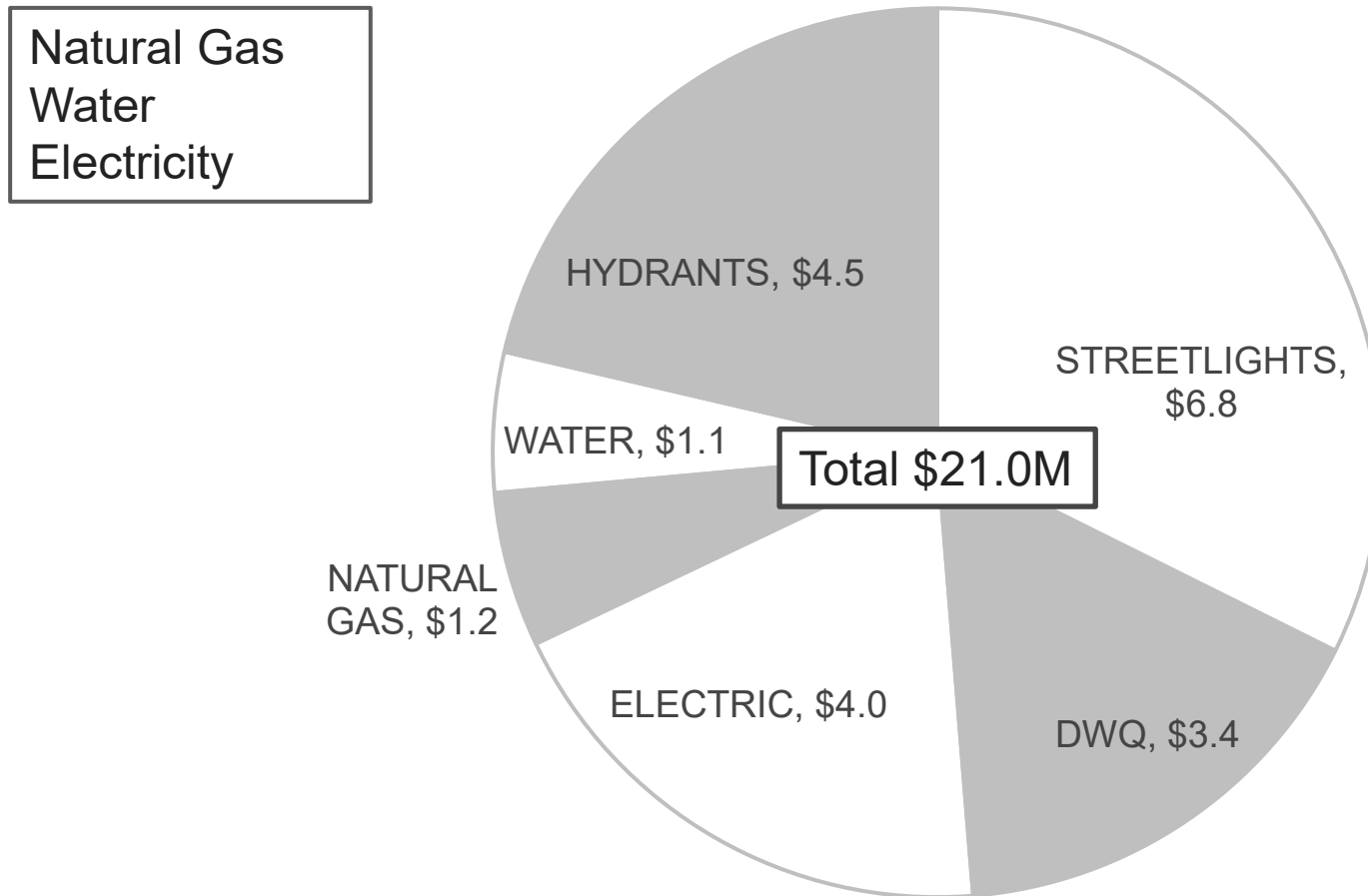
LEXINGTON

Presentation Outline

- Utility Snapshot
- FY 2024 EIF Projects
- EIF Fund Balance
- Comments & Conclusions



FY 2023 Utility Expenses (millions)



Prior Years

FY20	\$19.7M
FY21	\$19.2M
FY22	\$20.5M
FY23	\$21.0M

FY 2024 Solar Projects

- **Tates Creek Community Center**
- **South Base Facility**
- **Masterson Station Maintenance Building - *In Process***

- **Added capacity +54 kWdc**

- **Total capacity 154 kWdc
(8 installs; 2 on-bill)**

EIF Investment:

\$136,778

**Year 1 Estimated Cost
Avoidance:**

\$7,575 /yr

Estimated Energy Avoidance:

62,891 kWh/yr

Tates Creek Community Center

Location: 3460 Campus Way

Solar Array: 12.3 kWdc

Est Output: 13,995 kWh

Est Savings: \$1,710



South Base Maintenance

Location: 600 Laramie Dr

Solar Array: 17.2 kWdc

Est Output: 19,553 kWh

Est Savings: \$2,381



FY 2024 continued

- Fire Station #22
Requesting proposals under RFP #17-2024
- KU Solar Share Program
Buildings not compatible with on-site installation can participate in this program to receive solar offsets/credits on the utility bill
- Working with Finance to pursue federal rebates for LFUCG solar projects
- Lighting projects < \$10,000 this year

Energy Improvement Fund Balance (as of 2/27/2024)

General Services (1101, 1105)	\$47,987
Urban Services (1115, 1116)	\$30,824
Sanitary Sewer (4002, 4003)	\$263,502

- EIF-1101 is fully allocated and part of annual appropriation request. Additional funding is expected through federal EECBG program.
- EIF-1115 and EIF-4002. Funding requests have been paused. Will proceed on a project basis (year-to-year).



Conclusions & Comments

- Continued emphasis on solar PV
- Coordinating with re-roofing projects
- Obstacles with new construction:
 - Considered an accessory
 - High cost when isolated as an alternate
- New Police East Sector was designed to be 'solar ready'
- New Therapeutic Center TBD
- Solar at the time of construction would require policy/directive

Questions?



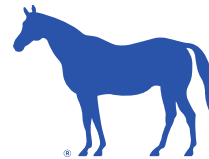
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CHAPTERS 16 & 17B ORDINANCE UPDATE PREVIEW

Environmental Quality & Public Works

Jennifer Carey, Director

March 12, 2024

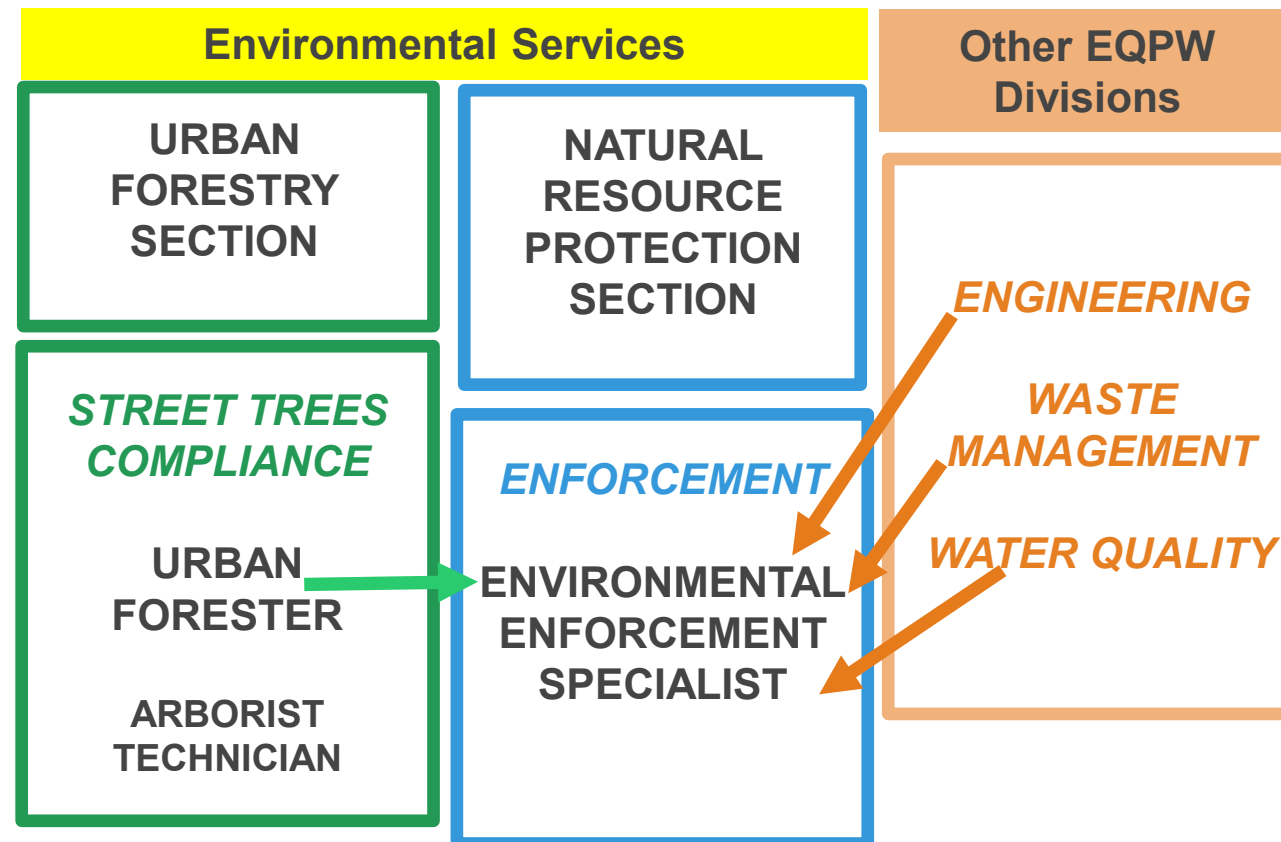


LEXINGTON



Primary Reason for Updates

- To provide more consistency in how enforcement referrals are handled when they are escalated to the Natural Resource Protection Section in DES





Chapter 16 Updates

- Sec. 16-203. - Civil fines.
 - Removing the offered 1/3 reduction in fine amount for not appealing
- Based on 15 years of experience implementing this ordinance and lessons learned
 - The reduced fine was not the “carrot” we originally envisioned back in 2009.
- The reduction was only to apply if the violator brought their site into compliance AND did not appeal the citation and fine amount
- In practice, cited entities are submitting payments that they have reduced by 1/3, but they ARE NOT bringing their site into compliance
- Attempts to collect the additional 1/3 of the assessed civil penalty are time consuming and oftentimes unsuccessful (and the site is still out of compliance)

Chapter 17B Updates

- Clean up language throughout and update definitions
- Align street tree distance requirements with Traffic Engineering and Land Subdivision Regulations
- Proposed changes will align enforcement of 17B with other EQPW divisions
- Address gaps in enforcement (removal of street tree, but silent on grinding or removal of stump)
- Reordering sections to follow the chronological process of enforcement



Chapter 17B Updates

- Sec. 17B-1. - Definitions.
 - Adding definition for Tree Removal
 - To clarify that the removal of a tree also includes the removal or grinding of the stump
- Sec. 17B-2. - Tree planting.
 - Removing recommended spacing requirements between street trees
 - Too prescriptive and too difficult to follow when complying with other distance requirements
 - Changing minimum distance between street trees and stop signs / intersections from 75 feet to 50 feet
 - To align with the Land Subdivision Regulations and Traffic Engineering's requirements
- Sec. 17B-3. - Tree removal.
 - Correcting gender language
 - Correcting “may” to “shall”
 - Adding language including the “associated stump” in regards to tree removals



Chapter 17B Updates

- Sec. 17B-4. - Abuse or damage of street trees.
 - Adding language that includes damage to a street tree's root zone as a prohibited act
 - Addresses damages from parking / driving / storing materials on and within the root zone which leads to compacted soils and increases the likelihood of the tree becoming hazardous
- Sec. 17B-9. - Tree protection.
 - Adding language about protecting entirety of trees including root zone
 - See above
- Sec. 17B-12. - Violation.
 - Removing language linking the number of previous citations to a maximum civil fine and replacing it with language that mirrors Chapter 16
 - Aligns this chapter with the enforcement article in Chapter 16

Next Steps

- Finalize ordinance updates
- Present ordinance updates to the Tree Board at their meeting on April 10
- Include the ordinance updates in the Urban Forestry and Street Trees Update Presentation to the EQPW Committee on April 30

Questions?



LEXINGTON

Environmental Quality & Public Works

Referral Item	Current Sponsor	Date Referred	Last Presentation	Status	Legistar File ID
1 Waste Digester Feasibility Study	L. Sheehan/D. Sevigny	March 29, 2022	October 24, 2023		0445-22
2 Explore Lexington's Sustainability Options	L. Sheehan	February 20, 2018	May 23, 2023		0499-21
3 Streets and Roads Fleet Depreciation and Replacement	H. LeGris	May 30, 2023			
4 Update to Chapter 8 in Code of Ordinances Related to Blasting	D. Gray	July 11, 2023			
5 Review of Revenue and Expenditure of Refuse, Street Lights, and Street Sweeping	D. Sevigny	August 22, 2023		April 30, 2024	
6 Odor Control Plan at the Waste Water Treatment Plant	J. Reynolds	October 31, 2023	February 6, 2024		
7 Microtransit	C. Ellinger	November 14, 2023	February 6, 2024		
Annual / Periodic Updates					
8 Recycling General Practices * Note: Several recycling items were combined into this one item on March 9, 2021	P. Worley	March 9, 2021			0292-19
9 Backyard Composting - Home Compost Pilot Program	H. LeGris	February 2, 2021	May 23, 2023		0500-21
10 Urban Forestry / Hazardous Street Trees Update (Chapter 16 and 17 Ordinance Changes , Lex Grow Trees Program)	H. LeGris	September 17, 2019	July 11, 2023	March 12, 2024	0501-21
11 Capacity Assurance Program (CAP) Audit Update	L. Sheehan	August 30, 2018	April 18, 2023		0964-20
12 Annual Energy Improvement Fund Update	L. Sheehan	January 10, 2017	July 11, 2023	March 12, 2024	0572-22
13 Annual Snow/Ice Removal Plan	L. Sheehan	February 15, 2014	October 24, 2023		1034-22
14 Annual Pavement Management Plan / Curbs Assessment	L. Sheehan	May 26, 2020	April 18, 2023	April 30, 2024	0440-22
15 Annual Stormwater Priority List Update	L. Sheehan	February 20, 2018	September 12, 2023		0922-22
16 Annual Municipal Separate Storm Sewer System (MS4) Program Update	L. Sheehan	February 20, 2018	October 24, 2023		1122-22
17 Annual Consent Decree and Remedial Measures Plan Update	L. Sheehan	January 22, 2019	December 5, 2023		0222-22
18 Annual Division and Program Review (Pilot Program)	L. Sheehan	November 30, 2021	November 1, 2022		0127-22
Subcommittees, Workgroups, Task Forces					
19 Waste Digester Task Force	D. Sevigny	November 14, 2023			