

Gorton
Blues
Gray
Ellinger
James
Lawless
Beard
Feigel
Stinnett
McChord

A G E N D A

PLANNING COMMITTEE

February 17, 2009

1:00 P.M

1. **Electrical Inspector's Fee Schedule Update – McChord** (1-2)
2. **Private Retention/Retention Basin Maintenance –Myers** (3-33)
3. **Newtown Pike Status - Blues** (34-42)
4. **Liberty Road Project Status - Stinnett** (43)
5. **Loudon Avenue Project Status - James** (43)
6. **Items Referred to Committee** (44-45)

“Planning Committee, to which should be referred matters relating to parks, planning and zoning, housing, transportation, grants, legislation and social services.”

URBAN COUNTY COUNCIL
PLANNING COMMITTEE SUMMARY

January 20, 2009

The Planning Committee was convened at 1:03 PM. All committee members were present with the exception of VM Gray, CM Lawless and McChord. The first order of business was nomination and election of a new chairperson. Jerry Southers, council staff asked for a motion.

Motion by CM Ellinger to nominate and elect CM Gorton as Planning Committee Chair, seconded by CM Blues, motion passed without dissent.

CM Gorton thanked the committee members for their confidence and vote. She asked CM Blues to continue as the Planning Committee, Vice Chair. He agreed and was appointed as such.

I. Electrical Inspector's Fee Schedule

CM Gorton asked Commissioner Mike Webb and Dewey Crowe, Bldg. Inspection to provide a larger, more legible copy of the presentation included in the packet.

Mr. Crowe showed a new residential comparison, including significant listings for 2008. He showed comparison of fees by county for single family homes. He also did a comparison on how many in fees would be generated scenario. They also looked at commercial project fees, explaining the estimated cost of electrical work is 15% of the construction cost and the estimated annual cost of inspections is 1% of the electrical work. He told the committee the presentation is a snapshot of residential and commercial and does not include everything generated, this is not an accrual number reflected.

CM Gorton asked for discussion and comment.

Commissioner Webb said Brian Marcum, Director of Purchasing could answer any questions. He said the contract for electrical inspections is bid differently. The fees are set by ordinance and effects selection of a contractor and terms of the contract.

CM Beard asked about a cap on the contract. Mr. Marcum distributed copies of the contract to council members for review.

CM James asked how the contract can be amended and was referred to Section 9.2 of the contract which covers changes and additions.

CM Beard referred to construction on S. Limestone and asked how electrical inspections were handled for that type of work such as re-building, or adding on to existing structure.

CM Feigel expressed concern with a possible fee increase after the RPF is sent out, which changes the specifics. Her recommendation was to wait until the end of term of the contract.

CM James echoed concern about the proposed changes to the contract. Mr. Webb suggested amending item one (1), change in terms, contract end dates, etc. He added the law department is working to execute changes to the existing contract in an effort to avoid totally re-negotiating the entire contract.

Mr. Jones, the electrical inspector's attorney addressed the committee saying the council has the ability to enact a new ordinance without changing the contract. He said expenses are rising up 100% and changing the number of workers, equipment such as vehicles used would not alleviate those rising cost. He suggested looking closer at fee increases and a reduction in contractor requirements.

CM Beard asked if there was any way to have a "baseline" in the contract. He was told a baseline would have to be researched since there has been a significant leap in expenses and cost to the client due to labor changes since 2001.

CM Gorton asked the committee if any motions should be considered at this time. No motions were made.

CM Ellinger suggested keeping this item in committee, asking Commissioner Webb to come to a future meeting with more information and discussion.

2. Newtown Pike Design Ordinance

Chris King and Andrew Grunwald addressed the committee regarding Newtown Pike extension commercial design and property access standards. The presentation highlighted design and access studies, which included area maps, and objectives. They told the committees there were several public meetings held during the study process and notifications were sent to property owners. This was completed May, 2007.

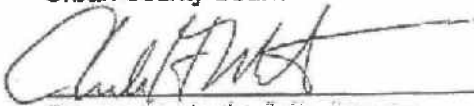
The presentation touched on urban and pedestrian character, building scale and off street parking. Also requirement of the ordinance were given. The final aspect of the presentation was about extension access management. The next steps of the project are education and feedback from property owners, fine tuning ordinance language, develop a final ordinance map and report back to the Planning Committee.



*056-09

Mayor Jim Newberry
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Division of Water Quality

To: Mayor Jim Newberry
Urban County Council

From: 
Charles H. Martin, P.E., Director
Division of Water Quality

Date: January 21, 2009

Re: Amend Code of Ordinance Chapter 16, Article I / Create Code of Ordinance Chapter 16,
Article X – Privately Owned Stormwater Control Maintenance

The purpose of this memorandum is to request an amendment to LFUCG Code of Ordinances Chapter 16, Article I and to create a Chapter 16, Article X for the purpose of requiring proper maintenance, cleaning and repair of privately owned stormwater control structures.

Amendment of Chapter 16, Article I is necessary to provide definitions for terms used in Article X. Creation of Article X is in response to requirements found in LFUCG's Federal Consent Decree, which was lodged with U.S. District Court on March 14, 2008. The specific requirement is as follows:

By January 31, 2009, develop and propose an ordinance to the UCC that would require proper maintenance, cleaning, and repair of privately-owned stormwater control structures which were required under approved plans or ordinances.

Questions regarding this memorandum should be directed to Charles Martin at 425-2455.

HORSE CAPITAL OF THE WORLD

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ORDINANCE NO. _____ - 2009

AN ORDINANCE RELATING TO STORMWATER DISCHARGES CREATING SECTION 16-1(f) OF THE CODE OF ORDINANCES DEFINING TERMS AND CREATING ARTICLE X OF CHAPTER 16 OF THE CODE OR ORDINANCES TO ENSURE COMPLIANCE WITH THE URBAN COUNTY GOVERNMENT'S MS4 PERMIT AND REDUCE IMPACTS TO PUBLIC HEALTH, WELFARE AND THE ENVIRONMENT DUE TO STORMWATER RUNOFF; INCORPORATING THE STORMWATER MANUAL BY REFERENCE; EXPRESSING INTENT TO ENSURE ADEQUATE MAINTENANCE OF STORMWATER CONTROL DEVICES ON PRIVATE PROPERTY; PROVIDING THAT IN RESIDENTIAL AREAS WHERE A PUBLIC EASEMENT FOR A STORMWATER CONTROL DEVICE EXISTS THE PRIVATE PROPERTY OWNER IS RESPONSIBLE FOR NON-STRUCTURAL MAINTENANCE OF ANY STORMWATER CONTROL DEVICE; PROVIDING THAT IN RESIDENTIAL AREAS WHERE A PUBLIC EASEMENT FOR A STORMWATER CONTROL DEVICE EXISTS THE URBAN COUNTY GOVERNMENT IS RESPONSIBLE FOR ALL STRUCTURAL REPAIRS NECESSARY TO MAINTAIN THE STORMWATER DETENTION FUNCTION OF THE STORMWATER CONTROL DEVICE BUT THE GOVERNMENT SHALL NOT UNDERTAKE ANY ACTION TO MAINTAIN THE STORMWATER CONTROL DEVICE AS A RETENTION FACILITY THAT PERMANENTLY CONTAINS WATER; PROVIDING THAT IN A RESIDENTIAL AREA WHERE NO PUBLIC EASEMENT EXISTS, THE PROPERTY OWNER IS RESPONSIBLE FOR ALL NON-STRUCTURAL MAINTENANCE AND STRUCTURAL MAINTENANCE OF THE STORMWATER CONTROL DEVICE; PROVIDING THAT NO TREES, STRUCTURES, EQUIPMENT, UNSAFE CONDITIONS, OR CONDITIONS THAT ADVERSELY AFFECT CONTROL OF WATER QUANTITY OR WATER QUALITY SHALL BE PERMITTED IN STORMWATER CONTROL DEVICES IN RESIDENTIAL AREAS; PROVIDING THAT ALL MAINTENANCE AND REPAIR OF STORMWATER CONTROL DEVICES IN COMMERCIAL AND INDUSTRIAL AREAS IS THE RESPONSIBILITY OF THE OWNER OR MANAGER OF THE PROPERTY; PROVIDING FOR NOTICE OF ANY MAINTENANCE OR REPAIR PROBLEMS; PROVIDING THAT WHERE A STORMWATER CONTROL DEVICE IS LOCATED FULLY OR PARTIALLY UNDERGROUND, THE OWNER OR MANAGER SHALL CAUSE AN ANNUAL INSPECTION TO BE PERFORMED AND REPORTED TO THE DIVISION OF WATER QUALITY AND PROVIDING THAT NO TREES, STRUCTURES, EQUIPMENT, UNSAFE CONDITIONS, CONDITIONS THAT ADVERSELY AFFECT CONTROL OF WATER QUANTITY OR WATER QUALITY SHALL BE PERMITTED IN STORMWATER CONTROL DEVICES IN COMMERCIAL AND INDUSTRIAL AREAS.

WHEREAS, the mission of the stormwater management program of the Urban County Government includes safely and efficiently managing stormwater runoff,

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enhancing public health and safety, protect lives and property, and minimize the discharge of pollutants in stormwater in compliance with applicable federal and state laws, and enhance the natural resources of the community; and

WHEREAS, the Urban County Government, the United States Environmental Protection Agency, and the Commonwealth of Kentucky have entered into a Consent Decree in a case styled *United States, et al. v. Lexington-Fayette Urban County Government*, United States District Court for the Eastern District of Kentucky, Case No. 5:06-CV-00386, that provides for an ordinance be developed and proposed to the Urban County Council by January 31, 2009 that would require proper maintenance, cleaning, and repair of privately-owned stormwater control structures which were required under approved plans or ordinances; and

WHEREAS, the responsibility for maintenance, cleaning, and repair of stormwater control structures is properly shared by private property owners and the Urban County Government depending on the location, property rights, and type of structure;

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

Section 1 - That Subsection 16-1(f) be and hereby is created to read as follows:

(f) With relation to article X of this chapter and any permits issued pursuant thereto the following definitions apply:

- (1) "Agricultural Activities" are activities related to planting of crops or pasture associated with farming or the horse industry, excluding construction for buildings or structures associated with such activities.
- (2) "Authorized Enforcement Agency" means employees or designees of the director of the division of environmental policy.

- (3) "Commercial area" means an area developed for commercial uses including retail, offices, apartment buildings, townhouse/condominium developments, golf courses or other non-residential, non-agricultural, or non-industrial uses.
- (4) "CWA" means the Clean Water Act, also referred to as "the Act" or the "Federal Water Pollution Control Act" as subsequently amended (33 U.S.C. Section 1251 et seq.).
- (5) "Detention basin" or "detention pond" means a stormwater quantity control device that is designed to control peak discharge during a rain event and to completely drain after the design storm passes.
- (6) "Drainage Way" means any channel that conveys surface runoff throughout the site.
- (7) "Hazardous Materials" means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
- (8) "Industrial area" means an area developed for industrial activity.
- (9) "Industrial Facility" means any facility located within LFUCG's jurisdictional boundary from which there is a "stormwater discharge associated with industrial activity" as defined in 401 KAR 5:002 Section 1, excluding Construction Sites. It also includes SARA Section 313 facilities referenced in 401 KAR 5:060 Section 12 that have a reasonable potential to discharge pollutants of concern at significant levels in stormwater from industrial activities.
- (10) "Manager" means a person who manages, controls, operates, maintains, and/or directs a commercial or industrial facility or activity.
- (11) MS4, or "Municipal Separate Storm Sewer System", is the conveyance, or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels and storm drains) that is owned or operated by LFUCG that discharges to waters of the United States
 - a. designed or used for collecting or conveying stormwater;
 - b. which is not combined sewer; and
 - c. which is not part of a Publicly Owned Treatment Works (POTW) as defined at KRS 224.01-010.
- (12) "Person" means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.
- (13) "Residential area" means an area which has been developed for single family or two-family dwelling units.
- (14) "Retention basin" or "retention pond" means a basin or pond that has a permanent pool exclusive of basins or ponds on property used solely for agricultural activities.
- (15) "Stormwater" means stormwater runoff, snowmelt runoff, surface runoff and drainage.

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- (16) "Stormwater control device" means any detention basin, detention pond, drainage way, extended detention basin, retention basin, catch basin, or any other structure or equipment designed to control stormwater quantity or improve stormwater quality.

Section 2 - That Article X of Chapter 16 of the Code of Ordinances be and hereby is Created to read as follows:

Article X. STORMWATER DISCHARGES.

A. General

Sec. 16-84. Purpose and Intent.

The purpose of this Article is to set forth ordinances that will ensure compliance with the urban county government's MS4 permit regulations implementing the Clean Water Act and reduce impacts to public health, welfare, and the environment due to stormwater runoff from public and private properties, including flooding and property damage.

Sec. 16-85. Stormwater Manual incorporated.

The urban county government Stormwater Manual, adopted in 2009, is incorporated herein by reference provided that in the event of any conflict between the manual and this Article the provisions of this Article shall apply.

B. Maintenance of Privately Owned Stormwater Controls

Sec. 16-86. Purpose and intent applicability.

(a) The purpose of sections 16-87 and 16-88 is to ensure adequate maintenance of stormwater control devices located on private property.

(b) These sections apply to any stormwater control device that is entirely or partially located on private property.

Sec. 16-87. Stormwater control devices in residential areas.

- (a) In a residential area where a public easement for a stormwater control device exists, the private property owner is responsible for non-structural maintenance of any detention basin, detention pond, retention basin, retention pond or any other stormwater control device located on the owner's property, including but not limited to mowing the area, including any embankment, removing algae and all debris that accumulates in the basin, including litter and tree limbs, sodding or

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seeding bare areas, including areas on the embankment, and taking care of any landscaped areas such as trees and shrubs.

- (b) In a residential area where a public easement for a stormwater control device exists, the urban county government is responsible for all structural repairs, maintaining the integrity of any embankment and the structural items in the embankment, including concrete, pipe, gabions, stone, spillways, headwalls, repairing eroded areas on the embankment that threaten the stability of the embankment, repairing paved ditches and inlet structures in the basin, removing excess silt that affects the functionality of the stormwater control device and removing large debris that obstructs any outlet pipes or spillways of any dam provided the above-described actions are necessary to maintain the stormwater detention function of the stormwater control devices. The urban county government shall not undertake any action, including, but not limited to, replacement of a liner, to maintain the stormwater control device as a retention facility that permanently contains water.
- (c) In a residential area where no public easement exists, the property owner is responsible for non-structural maintenance of any detention basin, detention pond, retention basin, retention pond or any other stormwater control device located on the owner's property, including but not limited to mowing the area, including any embankment, removing debris and all debris that accumulates in the basin, including litter and tree limbs, sodding or seeding bare areas, including areas on the embankment, and taking care of any landscaped areas such as trees and shrubs and is also responsible for all structural repairs, maintaining the integrity of any embankment and the structural items in the embankment, including concrete, pipe, gabions, stone, spillways, headwalls, repairing eroded areas on the embankment that threaten the stability of the embankment, repairing paved ditches and inlet structures in the basin, removing excess silt that affects the functionality of the stormwater control device as directed by the urban county government, and removing large debris that obstructs any outlet pipes or spillways of any dam.
- (d) No trees shall be planted on any dam structure associated with a stormwater control device.
- (e) No structures or equipment including but not limited to, fences, gazebos, swimming pools, trampolines, or buildings shall be placed in a stormwater control device.
- (f) No fill dirt shall be placed in a stormwater control device without prior approval by the director, division of water quality.
- (g) The property owner is responsible for taking reasonable care to ensure that a stormwater control device does not contain conditions that are unsafe or that

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adversely affect water quality including, but not limited to, leaving tools or equipment or misusing pesticides and/or herbicides in the basin.

(h) The property owner shall ensure that no equipment, structures, materials, or substances are located in the easement that may adversely affect the performance of a stormwater control device in controlling stormwater quantity or that adversely affect water quality.

(i) Nothing herein shall preclude the urban county government from assuming responsibility to maintain any stormwater control device, pursuant to contract, easement, or other legal arrangement.

Sec. 16-88. Stormwater Controls in Commercial and Industrial Areas.

- (a) Maintenance and repair of retention and detention basins and other stormwater control devices located on property used for commercial or industrial purposes is the responsibility of the property owner and the manager of the property who shall ensure the facilities are operating as intended.
- (b) The property owner and/or manager of the property may be notified in writing by the division of water quality of any problems or maintenance or repair concerns that must be addressed or corrected, such as removing debris from the basin, repairing eroded areas on the embankment, replacing a crushed pipe, or improving embankment stability.
- (c) On property where a stormwater control device is located fully or partially underground, the owner and manager of the property shall be responsible for causing an inspection of the facility to be performed annually and shall submit an annual inspection report to the division of water quality by January 31 of each year for the prior calendar year. The inspection report shall be prepared by a Professional Engineer licensed to practice in Kentucky and shall address the condition of the device for meeting its intended purpose.
- (d) No trees shall be planted on any dam structure associated with a stormwater control device.
- (e) No structures, including but not limited to, fences, gazebos, swimming pools, trampolines, or buildings shall be placed in a stormwater control device.
- (f) No fill dirt shall be placed in a stormwater control device without prior approval by the director, division of water quality.
- (g) The property owner or manager is responsible for taking reasonable care to ensure that a stormwater control device does not contain conditions that are unsafe or that adversely affect water quality including, but not limited to, leaving tools or equipment or misusing pesticides and/or herbicides in a basin.

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(h) The property owner or manager shall ensure that no structures, materials, or substances are located in the stormwater control device that may adversely affect its performance in controlling stormwater quantity or that adversely affect water quality.

Section 3 – That this Ordinance shall be effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF THE URBAN COUNTY COUNCIL

PUBLISHED:

00195926.DOC

ADMINISTRATIVE SYNOPSIS

New Business Items

- A. Authorization to Accept Donations from Hunter Presbyterian Church, Joshua C. Santana, PSC, and Richard and Judith Flewelling on Behalf of the Department of Social Services, Division of Adult & Tenant Services, Cardinal Valley Center. (037-09) (Helm)

This request will authorize the acceptance of donations from Hunter Presbyterian Church of \$500, Joshua C. Santana, PSC, of \$100, and Richard and Judith Flewelling of \$250 on Behalf of the Division of Adult & Tenant Services to sponsor the annual Holiday Celebration held at Cardinal Valley Center.p.9

- B. Authorization of an Exchange of Information Agreement with the Commonwealth of Kentucky, Finance & Administration Cabinet, Department of Revenue, on Behalf of LFUCG Department of Finance & Administration, Division of Revenue. (054-09) (O'Mara/Koch)

This request will authorize an Exchange of Information Agreement with the Kentucky Department of Revenue (KDOR) on behalf of LFUCG Division of Revenue for the sharing of information required for official government purposes only.p.10

- C. *Authorization to Purchase Rain Tainers for the Creation of the "Lily" Program as an Environmental Protection Agency (EPA) Green Infrastructure Project. (055-09) (Taylor)

This request will authorize the purchase of Rain Tainers and related parts at a cost not to exceed \$70,000 in FY2009 for the creation of the "Lily" Program as an EPA Green Infrastructure Project. This project will assist in fulfilling LFUCG's obligation to implement Supplemental Environmental Projects. This will be a cost-share program for citizens to purchase Rain Tainers. Funds are budgeted. p.11

-  D. *Authorization to Amend Article I, Chapter 16 and Create Article X, Chapter 16 of the Code of Ordinances. (056-09) (Martin/Taylor)

This request will authorize an amendment to the Code of Ordinances of Article I of Chapter 16 and create Article X under Chapter 16 for the purpose of requiring proper maintenance, cleaning and repair of privately owned Stormwater control structures. The amendment to Article I is necessary to provide definitions for terms in Article X. The creation of Article X is in response to requirements found in LFUCG's Federal Consent Decree that was lodged with US District Court on March 14, 2008.pp.12-19

***EPA Consent Decree**

Shaping Our Community



Memorandum

TO: Mayor Pam Miller
Urban County Council

FROM: Dave Uckotter, P.E. *DU*
Urban County Engineer

DATE: October 23, 2001

Re: Residential Detention Basins and Retention Ponds

Attached is a draft report and recommendation for consideration by the Urban County Council to implement a new program that would systematically upgrade the management of existing detention basins and retention ponds in the county. A number of supporting documents are also attached.

The government has required construction of detention basins for over 28 years. Most of the basins are on private property. The government has provided only limited or emergency maintenance in the past. Until two years ago the government did not monitor the condition of the system over time and there have been questions about the reliability and ability of the system to properly function. Since the creation of the drainage enforcement group in the Division of Engineering, we have developed an inventory and monitoring system that is the basis of these new recommendations.

There are three basic issues that apply to all detention basins and retention ponds. These are money, liability and who should take care of the facility. There may be different responses to these issues based on plat notes, size or type of facility and other factors. While different site conditions make it difficult to simplify this program, it is important that these issues and problems are addressed.

This report details property owner responsibility and government responsibility toward maintaining the system of detention basins and retention ponds. The government already provides emergency assistance to any property owner who calls, including removing obstructions from the outlets so that they function as designed. In addition, the new engineering manuals adopted in January 2001, will require all new detention basins to be constructed on separate lots and dedicated to the government. The estimated cost for the first year of the draft program is

Residential Detention Basins and Retention Ponds

\$166,900. Details of the program are in the report. The program is proposed to start in FY 2003, if funds are available to initiate the program. Our staff is available to respond to any questions that you might have.

Attachments

02.2000.200.detention/retention

Cc:	Bob Wiseman	Jeff Wilson	Darryl Bennett	Leo McMillen
	Bob Bayert	Eddie House	Wayne Waddell	Chris Westover
	Richard Walker			

Investigation of Large Detention Basin/Retention Pond Ownership and Maintenance Practices

Draft Recommendations for Further Action

**Department of Public Works
Division of Engineering
October, 2001**

Background

The Urban County Government began requiring the installation of detention basins to manage storm water quantity flows 28 years ago. Since that time, over 1100 basins and ponds have been constructed. These facilities have been identified and mapped into the geographic information system maintained by the Division of Engineering. The basins are located on commercial, industrial, single-family and homeowner association properties.

Citizen concerns about the maintenance and operation of the basins and ponds, especially in single-family developments, have raised a number of questions that should be answered by the government regarding this system of facilities. Many of these basins and ponds are small and compact while others are large and located on either multiple lots or are on lots owned by homeowner associations. Some of the facilities are dry basins and others have a permanent pool of water in them.

There are three basic issues that apply to all detention basins and retention ponds. These are money, liability and who should take care of the facility. Who pays the cost of repairs and maintenance for these facilities? How much money is needed for basic, moderate or maximum levels of maintenance? Is the government or the property owner liable for damages or accidents at the facility? What is the property owner supposed to do to maintain the facility? Does the property owner need to know how the basin works? There may be different answers to these questions based on plat notes, size or type of facility and other factors. While different site conditions make it difficult to simplify this program, it is important that these issues and problems are addressed.

The government hired Commonwealth Technology, Inc. (CTI) in October 2000 to evaluate residential detention basins and retention ponds greater than 1 acre in size to address maintenance concerns raised by the Urban County Council and citizens. Detention basins are normally dry storm water holding areas that control how fast rainfall runs off of upstream property. Retention ponds have a permanent pool of water in them and may have additional detention storage for rainfall runoff above the permanent pool of water. During the course of the study it was decided that the investigation of retention ponds should include all residential ponds, even those less than one acre. Twenty-four detention basins one acre or larger and 22 retention ponds of any size were identified and included in the analysis. Listings of the locations are attached.

Findings

Ownership of the detention basins and retention ponds has been a concern for many residents of the affected subdivisions. The ownership and maintenance responsibilities among the facilities are not consistent and sometimes maintenance notes on plats are confusing. A developer owns one of the 24 detention basins and homeowner associations own four. The number of homes in homeowner associations that are responsible for maintenance of basins is unknown. Individual property owners own the remaining 19 basins. The number of homeowners jointly owning these detention basins ranges from four to 37, with an average of 10 property owners. Table 3 provides more detailed information for each basin.

CTI inspected each detention basin to determine the work necessary to correct any existing problems. This information is included in Table 1 and Table 2. Table 1 describes the work required to correct existing problems, and Table 2 shows the estimated cost to correct those problems. The review shows that the basins are generally in good shape, with accumulations of silt being a common problem. The basin located in the Liberty Hills neighborhood is the only basin that requires a large amount of work, with an estimated cost of \$44,000 to correct existing problems. That basin is functioning well. The large cost is for extension of an outlet pipe affected by homebuilding activity. Excluding the Liberty Hills basin, the average cost to repair problems in the remaining 23 locations is about \$2600 per location.

CTI also reviewed the subdivision plats for each detention basin to determine maintenance responsibilities. Table 3 lists each basin and the maintenance responsibility for the property owner and/or homeowner association as determined from the plat. Table 3 also describes the maintenance that the government should perform on all the basins, even though this is not stated on all the plats.

Table 4 shows the list of retention ponds. There are 22 retention ponds in the survey. Homeowner associations own seven ponds, developers own four and adjoining property owners own the remaining eleven ponds. The number of adjoining property owners ranges from 1 to 15, with an average of 7 sharing the responsibility of maintaining these facilities.

CTI reviewed the plat of each retention pond to determine the maintenance responsibility for the property owner and/or homeowner association. All of the retention ponds are considered amenity ponds and the permanent water volume does not provide any flood control benefit. The subdivision developer created the ponds for the enjoyment of the residents. Some of the facilities do provide detention storage above the permanent water pool. Because the permanent water pools were not required, the government has generally provided only technical assistance to neighborhoods and has not provided any physical maintenance of the pond area.

Management of the information collected and subsequent recommendations for action are split into a variety of categories that are easier to understand. The following approach to detention basin/retention pond maintenance and corrective action is proposed.

Preliminary Review Criteria

Some neighborhoods have already requested that the government take over ownership and maintenance of their respective detention basin or retention pond. CTI developed a list of five conditions that must be met before the government would consider taking over any existing facility. The conditions include:

- The development is a single-family, two-family or townhouse/condominium development managed by the residents
- All of the property owners agree to deed all of the land containing the detention basin or retention pond to the Urban County Government
- The detention basin or retention pond was designed and functions as a flood control or water quality control structure and not just as an amenity pond
- The area of the detention basin or retention pond is greater than 1 acre, measured at the top of the dam
- There is sufficient access to and around the site for maintenance, as described in the Engineering Manuals

The government does not intend to maintain the back or side yard of a residential property. Therefore, the government will not assume ownership of property that is functioning as a yard. The backyard can generally be defined as the property within 50 feet of the wall of a residential structure that is routinely mowed by the property owner.

The government may need to develop more detailed procedures to implement this program. The outline presented here is intended to provide a general framework for operation of the program. Commercial and industrial detention basins or retention ponds are not included in this program.

Detention Basin Ownership

There are two detention basins that, through preliminary assessment, could meet the preliminary criteria. Homeowner associations own these basins. The basin locations are Eureka Springs and Squire Oak. Other facilities may meet some or all of the preliminary criteria but would require additional research before further consideration is given. Adequate access to basins is a concern with a number of the remaining facilities. Movement of equipment through private yards and driveways is a major concern that might disrupt the adjacent residents

If the homeowner associations of these developments choose to deed the property to the government, the government could take over ownership and maintenance of the property. Estimated costs for contract mowing of the property 15 times per year, including trash and litter pick-up, are:

- | | |
|------------------|----------------|
| • Eureka Springs | \$1,200 |
| • Squire Oak | <u>\$1,200</u> |
| • Total | \$2,400 |

These estimates are based on per-acre bids for existing mowing contracts with the government. The actual price for mowing these two facilities may vary with an actual maintenance bid for the properties.

The procedure for takeover of the facility by the government would be started by a written request from the homeowner association to the Chief Administrator's Office. This procedure would be similar to the process for takeover of private streets by the government. The association would be responsible for any costs associated with the transfer of the property to the government.

Detention Basin Corrective Action

Tables 1 and 2 outline the extent and estimated cost of corrective action required in all of the detention basins studied. This work would be over and above the emergency maintenance that is already provided by the Division of Streets and Roads. Some of the corrective work will be completed as part of normal subdivision development activity. The corrective work in the Liberty Hills Basin could be completed through construction plans prepared and administered by the Division of Engineering. The remainder of the work could be completed through a contract maintenance process.

Approximate costs for the work include:

	Bonded Development Work	New Government Cost
• Completion by Developer	\$11,000	
• Construction Contract		\$44,000
• Contract Maintenance		\$48,000
Total	\$11,000	\$92,000

Neither Engineering nor Streets and Roads have in-house staff available to complete the actual maintenance work. Engineering can prepare a maintenance contract bid and administer the first-year contract maintenance work. In any case, this work would be performed or directed by the government. Individual property owners will not be required to perform this work.

Detention Basin Annual Maintenance

Maintenance of detention basins will be the responsibility of both the government and the property owner/homeowner association. A description of work performed by both parties is described and listed in the notes on Table 3.

A program should be developed by the government to insure that the storm water drainage system functions as designed. The corrective action included above addresses only the largest

detention basins in the system. The remaining 250+ residential detention basins should be included on any long-term management program. Work in these basins might include both corrective and continuing maintenance activities.

The on-going annual maintenance program should reside in the Division of Streets and Roads. This division maintains all of the existing storm drainage structures in the county. Coordination of maintenance activities within detention structures and storm drainage facilities would be maximized. A multi-year maintenance schedule to correct problems identified in any residential detention basin should be developed. For example, a five-year work cycle could be developed that would allow Streets and Roads to work at 50 different sites per year. Additional staff in the Division of Streets and Roads would be required to administer such a program.

If the program is expanded to all residential basins and continued after the first year as a maintenance contract, one supervisor with a vehicle and associated equipment would be required in Streets and Roads to administer the program. This would cost approximately \$50,000. An additional \$50,000 would be required to fund the program on an annual basis. These items would not be needed in the first year of the program, but would be required after the initial corrective actions have been completed. Actual cost of the program would have to be evaluated and proposed budgets adjusted after the first year of work. Creation of an in-house program instead of contract maintenance may also be an option, depending on the needs of the program.

Inspections of Detention Basins and Retention Ponds

The Division of Engineering will perform functional inspections of the detention basins and retention ponds listed on Tables 3 and 4. If structural or non-routine problems are identified the Division may hire a consulting engineer to provide specialized technical assistance to the staff.

If problems appear at detention basins or on public right of way at a retention pond the Division will continue with detailed investigations and analysis necessary to address the problem identified. If problems appear at a retention pond, not on public right of way, the Division will notify the homeowner association of its findings and request that the problem be investigated and managed by that association. An example of this type of activity is the analysis and work that was performed at the Woodfield pond as a result of the seepage in the outlet pipe. Investigations were performed on the public right of way including soil borings and grouting of the outlet pipe. A budget of \$25,000 is proposed to fund the specialized assistance for inspections of all the residential detention basins and retention ponds within the urban service area, even those that are less than 1 acre in size.

Retention Pond Maintenance and Corrective Action

Notes at the end of Table 4 outline the extent of government maintenance responsibility for retention ponds. Retention ponds present additional maintenance problems as well as liability issues. Most structures provide both water retention as well as detention. Sediment deposits in retention ponds might not be a problem for several years because detention volume is not decreased, but eventually the aesthetic appearance of the basin will suffer. The amount of sediment does not reduce flooding protection.

Developers constructed the ponds for the pleasure of the subdivision residents. The government did not require the construction of retention ponds. Owners of retention ponds should be responsible for the liability and expense of maintaining the additional facilities. Likewise, the government should provide some assistance to the owners of retention ponds similar to the maintenance provided to the detention basins. The variability of conditions in retention ponds, including use of pond liners, special features or other factors create special conditions that make shared maintenance duties difficult to assign responsibility to either the government or the homeowner association. The Division is proposing a program that will provide cooperation between the government and the homeowner associations.

The proposed program for retention ponds is a two-part program that includes both an inspection and a funding element. The first part of the program includes a functional inspection of the dam by the Division of Engineering. This inspection would be performed on a monthly basis and include observations of the condition of the outlet structure and the dam itself, noting any blockages of the drainage way, erosion or any other unusual conditions. If any conditions are observed that require some action or further investigation, the Division will notify the homeowner association in writing. It will be the responsibility of the homeowner association to complete any and all maintenance work, repairs or improvements required, including any design or other work necessary.

The second part of the program includes a matching grant program that would be established to provide funds to homeowner associations to make any required repairs or other design or construction activity related to the pond. Eligible activities would include removal of sediment, repair or replacement of liners, algae control, repair of pond banks, any structural work on the dam, outlet or inlet structures, etc. Items not eligible for matching include routine maintenance items such as mowing around the pond, trash pickup, electrical power for fountains or lighting, insurance, etc.

The study performed by CTI estimated the cost of maintaining the retention ponds. CTI estimated that the cost of a 10-year maintenance program for the 22 retention ponds studied would be about \$950,000, requiring an allocation of \$95,000 annually for the program. The program would operate essentially the same as the Neighborhood Action Match Program, administered by the Division of Community Development that has been successful for many years. In this case, the government would be required to set aside \$47,500 annually to provide funding for its share of the program. If this approach is acceptable, further criteria would need to be set up to regulate the rules for application for the funds and the actual implementation of the program. At least one homeowner association has already requested and received funds from the

government's Neighborhood Action Match program. This would also be an alternative source of funds for the associations to receive government funding to maintain the both the pond features and the character that they want for their neighborhoods.

Implementation

Fiscal year 2002 has already begun. The budget for the existing storm water management program has not been funded to the extent requested or desired. The recommendations made above will require additional expenditures over what was proposed in the FY 2002 budget. The government will be initiating a new program to manage the maintenance of detention basins and retention ponds. The work proposed will be contracted out initially and will require future addition of personnel in the Division of Streets and Roads. The following recommendations are made as a proposal for the government to include in the FY 2003 budget, beginning July 1, 2002.

Description of Activity	FY 2003 Estimated Cost	FY 2004 Estimated Cost
Detention Basin Ownership -- Estimated cost to take over two detention basins as determined in study. This cost would change if more basins were taken over.	\$2,400	\$2,400
Detention Basin Corrective Action -- Work required to resolve issues listed on Table 1 of report	\$92,000	0
Detention Basin Annual Maintenance -Additional personnel and equipment in the Division of Streets and Roads for management of the program	0	\$50,000
-Contract maintenance work required to continue maintenance of detention basins after corrective action was completed	0	\$50,000
Inspections of Detention Basins and Retention Ponds -- provide funds to investigate non-routine issues	\$25,000	\$25,000
Matching Grant Program for Retention Ponds -- provide grant funds to neighborhoods for pond repairs	\$47,500	\$47,500
Total Estimated Annual Cost	\$166,900.00	\$174,900.00

Summary

This program provides a basis for discussion of how the government can provide assistance to homeowners to maintain detention basins and retention ponds. Costs may vary depending on how many detention basins are actually dedicated to the government. Access problems may make some maintenance activities more expensive than expected. These are issues that will be adjusted as the program is finalized. The government will continue to provide emergency or as-needed maintenance to detention and retention facilities to insure that they function properly.

Storm drainage is a very complex topic because every property contributes to the problem. The drainage system is composed of a web of public and private properties. As new detention basins are constructed under the guidelines of the Storm Water Manual the old problems that plague the community should diminish. The resolution of the issues in this report will require additional funds and commitment on behalf of both the citizens and the government to make it work.

Frequently Asked Questions or Comments About Detention Basins and Retention Ponds

A number of questions or issues have been asked regarding the maintenance or operation of detention basins or retention ponds. A summary of these and a response follow:

1. **Proper construction or function of a detention basin or retention pond.** The developer and the developer's engineer were responsible for the design, proper construction and initial proper function of the basin or pond until all homebuilding activity was completed. After all homebuilding construction was completed, the government accepted the responsibility to maintain the existing structure and to insure that the basin functions and will remove obstructions that keep it from doing so. The property owner is required to keep the area maintained as part of the yard, including items such as mowing, picking up trash, etc., and not leaving or placing items in the detention area that will reduce the ability of the detention area to perform its function, such as woodpiles, railroad ties, grass clippings, trampolines, etc. If a detention basin is not draining properly or if the property owner is concerned that debris might block the outlet of a basin, the property owner can contact the Division of Streets and Roads to report the problem.
2. **Transportation of dirt, debris, garbage from city and private collection, sod, concrete spills in the storm drainage system.** The Division of Engineering has been added to the list of enforcement agencies to stop such problems. Government forces should be held to the same standard as citizens with regard to floodplain activity. Citizens should report any suspected improper filling of a detention basin to the Division of Engineering. One of the duties of the government is to prohibit property owners or other government agencies from filling in any portion of a detention basin without the approval of the Division of Engineering. If a property owner or government agency is found to have filled in any portion of the detention basin, they will be responsible for the repairs to restore the original detention condition on that property.
3. **Removal of silt from detention basins.** During construction of a subdivision and the house construction period the government usually has a letter of credit, or bond, from the developer insuring that the developer will clean the silt from the basin once home development is completed. If large amounts of silt were deposited in the basin after the homebuilding was completed, the government will remove the silt. The property owner should be responsible for the removal of small amounts of silt that can be reasonably removed with hand tools.
4. **Removal of silt from retention ponds.** The subdivision developer constructed retention ponds for the enjoyment of the subdivision residents. The government did not require the construction of retention ponds. Owners of retention ponds should be responsible for the liability and expense of maintaining the additional facilities. The proposed government duties for retention ponds would be similar to the duties that the government performs for detention basins. The government will not provide any

maintenance of features of the facility related to the permanent pool because the pool is an amenity not required by the government. All maintenance activities related to the amenity features of the basin shall be at the discretion of the property owner. This includes mowing grass areas, controlling algae in the pond, removing trash and debris, repairing plastic liners, maintenance of edges of the pond, and removing sediment.

5. **Contaminated silt.** There is no reason to suspect that silt is contaminated. Most silt comes from properties upstream of the site. Unless the upstream site is contaminated there should be no problem with disposing of the material. If contaminated material is suspected and tests are completed to confirm the contamination, the government will work closely with the property owner to insure proper disposal.
6. **Liability regarding retention ponds, including fences and swimming.** The retention ponds exist because of a desire of the homeowner associations or property owners to keep them. The government did not require the construction of a retention pond. It is the responsibility of the property owners and/or the homeowner association to provide liability protection for the retention pond. Fences cannot encroach **into** the detention/retention area due to adverse effects on the drainage of the basin or pond or adjacent properties. Property owners may install fences **around** the detention/retention area if desired to provide whatever level of security they think they need for their property. Property owners may install any signs that they think are necessary on their property. There are no prohibitions on this from the government.
7. **Why have algae problems not been addressed?** As noted above, the government has not required the construction of a retention pond. Control of algae is a property owner maintenance item similar to mowing grass in a dry basin. It is part of maintaining the property.
8. **What provision has been made for an appeal process with regard to violations?** Property owners can pursue an appeal through the administrative court when it is established. Until that time, the appeal is through district court. The government will provide education assistance to property owners about their responsibilities. No changes are proposed that would increase penalties for non-compliance.
9. **Prohibited plantings – how will the government deal with violations when the citizens have not been informed otherwise?** Plantings are prohibited on the embankment structure because they will weaken the stability of the structure. Notes are already on plats to prohibit this action. Inventories completed to date do not indicate that this is a major problem. Situations will be evaluated on a case-by-case basis.
10. **Uniformity of maintenance throughout the storm water system.** Approximately 90% of property owners are doing a fine job of maintaining detention/retention facilities. We will take steps to educate and assist property owners to provide proper maintenance of all properties.

11. **Comments at Planning Commission that certain basins will be "difficult" to maintain.** A comment of this nature indicates to the Planning Commission that it would be very difficult for the government to maintain a particular basin, because of limited access to the area. As stated earlier, the government will maintain the structure of the detention facility. The property owner will take care of the land because it is part of the lot. All new basins approved since January 1, 2001 will be on separate lots and owned by the government.
12. **No mandatory design criteria.** The property owner is not responsible for the structural integrity of the detention/retention structure. The only liability the resident has for the function of the basin is to comply with normal maintenance of the yard and insure that no obstructions are placed in the basin or pond.
13. **No government inspection before a basin is turned over to a neighborhood.** The staff meets with the developer before release of the letters of credit for the basin and insures that all work required on the facility is completed. The staff will meet with the property owners or the homeowner association, if requested, and explain maintenance requirements and any other responsibilities that are in question. The staff cannot change any notes or requirements directed by Planning Commission action and placed on the final plat.
14. **Some basins don't get much water.** Our staff would like to get information on any basin that residents know or suspect does not detain water. Please send the information to the Division of Engineering.
15. **Location of basins.** The division has mapped over 1100 basins and ponds and this information is available to the public. If a citizen finds that a basin has been missed or not properly mapped, please contact the Division of Engineering. The basin will be added to or changed in the inventory.
16. **How are residents to be informed about their responsibility to maintain detention basins?** All affected property owners will receive a brochure that outlines their responsibility for maintaining the detention area. A sample brochure is attached. The brochure has not been finalized and can be modified before it is sent to residents.
17. **Educational material.** The division was directed to obtain the location of all basins and ponds and evaluate the feasibility of the government to take over ownership of the larger basins or ponds. It was important to take these steps before educational material was completed. Drafts of some educational material are included here. More can be prepared when final decisions are made on issues presented here.
18. **I'm a new property owner, or have read all of the information but still don't understand what I'm supposed to do?** If you are a new property owner and don't know what is required to maintain your portion of a detention basin, or if you don't

understand something in materials sent to you, call the Division of Engineering. Explain what you want and we will assist you in resolving your questions.

Table 1 -- Work Required to Correct Existing Problems in Dry Detention Basins

Banberry Hunt	Clean silt from concrete flume: 5 man crew, bobcat w/flume bucket, single axle dump truck Repair fences at inlet and outlet structures: 6 man crew.
Beaumont	Repair erosion and clean silt at two inlets: 5 man crew, bobcat, backhoe, single axle dump truck.
Copperfield	Clean silt from two outlets: limited access, 3 man crew with wheelbarrows.
Dogwood Trace	Clean debris from inlet: limited access, 3 man crew with wheelbarrows.
Dove Creek	Clean silt from concrete channels, 5 man crew, bobcat, single axle dump truck.
Eastwood II - Burkewood Drive	Clean silt from concrete channels, debris around outlet structure: limited access (small equipment only in basin), 5 man crew, bobcat w/flume bucket, single axle dump truck.
Eastwood II - Ridgebrook Rd.	Clean silt from concrete channels, cut trees out of emergency spillway, fence repair on outlet structure: 5 man crew cleaning channels, 6 man crew repairing fence, 3 man crew cutting trees. Limited access (small equipment only in basin), bobcat w/flume bucket, 2 single axle dump trucks.
Eureka Springs	Clean and repair structure at upper end of basin: 6 man crew, backhoe, single axle dump truck.
Harrods Hills	Clean silt from inlet and outlet of structure and repair concrete channels: 6 man crew, bobcat, backhoe, single axle dump truck.
Hartland - Woodfield Circle	Clean debris from outlet of structure: 5 man crew, bobcat, single axle dump truck.
Hartland - Winding Wood Lane	Clean silt from inlet of structure: limited access, 3 man crew with wheelbarrows.
Hartland Woods	Clean concrete channels and inlet, repair erosion around flume on side: 5 man crew, limited access (small equipment only in basin) bobcat w/flume bucket, single axle dump truck.
Headley Green	Clean silt from concrete channels, repair erosion beside channels, relay sod: 5 man crew, bobcat w/ flume bucket, single axle dump truck.
Kenesaw	Clean and repair erosion and silt at inlet/outlet structure: 5 man crew, limited access (small equipment only) bobcat, single axle dump truck.
Lancaster Woods	Repair concrete channel and stabilize erosion beside channel: 6 man crew, bobcat, single axle dump truck.
Lansdowne Merrick	Repair concrete channel and clean silt: 6 man crew, bobcat w/flume bucket, single axle dump truck.
Liberty Corners	Still under construction: Needs final cleanup.
Liberty Hills	Clean silt from concrete channels, extend one culvert on inlet 8 feet and construct new headwall, extend walls at outlet headwall, uncover storm sewer manhole, and regrade: 6 man crew, bobcat w/flume bucket, backhoe, single axle dump truck.
North Point	Clean silt from concrete channels: 5 man crew, bobcat w/flume bucket, single axle dump truck.
Rabbit Run	Clean silt from concrete channel: limited access, 3 man crew with wheelbarrows
South Point	Clean debris from inlet and culvert: 5 man crew, backhoe, single axle dump truck.
Squire Oak	Clean debris, cut trees, and repair fence at inlet, clean debris and repair erosion at outlet: Outlet on W.T. Young property, 5 man crew, backhoe, single axle dump truck.
Wyndham Downs	Clean silt from concrete channel: 5 man crew, bobcat w/flume bucket, single axle dump truck.
Wyndham Meadows	Clean silt from concrete channel: 5 man crew, bobcat w/flume bucket, single axle dump truck.

Table 2 - Construction Cost Estimate to Correct Existing Problems in Dry Detention Basins

Basin	Personnel			Equipment Rental			Headwall Extension		Replace Sod		Replace Fence	Concrete Channel Replacement			Channel Lining			Grand Total
	Hours	Rate	Total	Hours	Unit Pr./hr.	Total	Lump Sum	Length	Unit Pr./hr.	Total	Lump Sum	Length	Unit Pr./hr.	Total	Tons	Unit Pr./hr.	Total	
Barberry Hunt	88	\$ 25	\$ 2,200	8	\$ 107	\$ 856	\$ -	0	\$ -	\$ -	\$ 200	0	\$ -	\$ -	0	\$ 28	\$ -	\$ 3,256
Beaumont	40	\$ 25	\$ 1,000	8	\$ 172	\$ 1,376	\$ -	0	\$ -	\$ -	\$ -	0	\$ -	\$ -	3	\$ 28	\$ 84	\$ 2,460
Copperfield	12	\$ 25	\$ 300	0	\$ -	\$ -	\$ -	0	\$ -	\$ -	\$ -	0	\$ -	\$ -	0	\$ 28	\$ -	\$ 300
Dogwood Trace	12	\$ 25	\$ 300	0	\$ -	\$ -	\$ -	0	\$ -	\$ -	\$ -	0	\$ -	\$ -	0	\$ 28	\$ -	\$ 300
Dove Creek	20	\$ 25	\$ 500	4	\$ 107	\$ 428	\$ -	0	\$ -	\$ -	\$ -	0	\$ -	\$ -	0	\$ 28	\$ -	\$ 928
Eastwood II - Burkewood	120	\$ 25	\$ 3,000	24	\$ 107	\$ 2,568	\$ -	0	\$ -	\$ -	\$ -	0	\$ -	\$ -	0	\$ 28	\$ -	\$ 5,568
Eastwood II - Ridgetbrook	84	\$ 25	\$ 2,100	12	\$ 157	\$ 1,884	\$ -	0	\$ -	\$ -	\$ 100	0	\$ -	\$ -	0	\$ 28	\$ -	\$ 4,084
Eureka Springs	96	\$ 25	\$ 2,400	16	\$ 115	\$ 1,840	\$ -	0	\$ -	\$ -	\$ 150	0	\$ -	\$ -	3	\$ 28	\$ 84	\$ 4,474
Harrods Hills	96	\$ 25	\$ 2,400	16	\$ 172	\$ 2,752	\$ -	30	\$ 41	\$ 1,230	\$ -	30	\$ 41	\$ 1,230	5	\$ 28	\$ 140	\$ 6,522
Hartland - Woodfield Cir.	20	\$ 25	\$ 500	4	\$ 107	\$ 428	\$ -	0	\$ -	\$ -	\$ -	0	\$ -	\$ -	0	\$ 28	\$ -	\$ 928
Hartland - Winding Wood	6	\$ 25	\$ 150	0	\$ -	\$ -	\$ -	0	\$ -	\$ -	\$ -	0	\$ -	\$ -	0	\$ 28	\$ -	\$ 150
Hartland Woods	80	\$ 25	\$ 2,000	16	\$ 107	\$ 1,712	\$ -	0	\$ -	\$ -	\$ -	0	\$ -	\$ -	0	\$ 28	\$ -	\$ 3,712
Headley Green	40	\$ 25	\$ 1,000	8	\$ 107	\$ 856	\$ -	0	\$ -	\$ -	\$ 200	0	\$ -	\$ -	0	\$ 28	\$ -	\$ 2,056
Kenesaw	20	\$ 25	\$ 500	4	\$ 107	\$ 428	\$ -	0	\$ -	\$ -	\$ -	0	\$ -	\$ -	0	\$ 28	\$ -	\$ 928
Lancaster Woods	144	\$ 25	\$ 3,600	16	\$ 107	\$ 1,712	\$ -	20	\$ 41	\$ 820	\$ -	20	\$ 41	\$ 820	4	\$ 28	\$ 112	\$ 6,244
Lansdowne Merrick	48	\$ 25	\$ 1,200	8	\$ 107	\$ 856	\$ -	15	\$ 41	\$ 615	\$ -	15	\$ 41	\$ 615	0	\$ 28	\$ -	\$ 2,671
Liberty Corners	0	\$ 25	\$ -	0	\$ -	\$ -	\$ -	0	\$ -	\$ -	\$ -	0	\$ -	\$ -	0	\$ 28	\$ -	\$ -
Liberty Hills	720	\$ 25	\$ 18,000	120	\$ 172	\$ 20,640	\$ 5,200 (1)	0	\$ -	\$ -	\$ 200	0	\$ -	\$ -	0	\$ 28	\$ -	\$ 44,040
North Point	120	\$ 25	\$ 3,000	24	\$ 107	\$ 2,568	\$ -	0	\$ -	\$ -	\$ -	0	\$ -	\$ -	0	\$ 28	\$ -	\$ 5,568
Rabbit Run	12	\$ 25	\$ 300	0	\$ -	\$ -	\$ -	0	\$ -	\$ -	\$ -	0	\$ -	\$ -	0	\$ 28	\$ -	\$ 300
South Point	20	\$ 25	\$ 500	4	\$ 115	\$ 460	\$ -	0	\$ -	\$ -	\$ -	0	\$ -	\$ -	0	\$ 28	\$ -	\$ 960
Squire Oak	100	\$ 25	\$ 2,500	20	\$ 172	\$ 3,440	\$ -	0	\$ -	\$ -	\$ 100	0	\$ -	\$ -	0	\$ 28	\$ -	\$ 6,040
Wyndham Downs	20	\$ 25	\$ 500	4	\$ 107	\$ 428	\$ -	0	\$ -	\$ -	\$ -	0	\$ -	\$ -	0	\$ 28	\$ -	\$ 928
Wyndham Meadows	10	\$ 25	\$ 250	2	\$ 107	\$ 214	\$ -	0	\$ -	\$ -	\$ -	0	\$ -	\$ -	0	\$ 28	\$ -	\$ 464
																		\$ 102,881

1. Includes 8' extension of 36" R.C.P. storm sewer
2. Unit prices were based on the Division of Engineering unit price contracts. The highest and lowest bids were excluded, and the remaining bids were averaged.

There is a developer bond for completing work on North Point and Eastwood II (Burkewood Drive) basins:

**TABLE 3
MAINTENANCE RESPONSIBILITY
FOR DRY DETENTION BASINS**

Basin	Type	Size (Acres)	Owned By ¹	Maintenance Responsibility		
				Mowing ²	Routine Cleaning/ Landscaping ³	Non-Routine Maintenance ⁴
Banberry Hunt Forest Spring Ct.	Detention	2.0	8 PO	HOA	HOA	UCG
Beaumont Beaumont Centre Cir.	Detention	1.9	Developer (HOA)	Developer (HOA)	Developer (HOA)	Developer (UCG)
Copperfield Glennview Dr.	Detention	1.0	11 PO	PO	PO	UCG
Dogwood Trace Rhema Way	Detention	1.3	15 PO	PO	PO	UCG
Dove Creek Old Tates Ck. Ct.	Detention	1.2	4 PO	HOA	HOA	UCG
Eastwood II Burkewood Drive	Detention	3.3	37 PO	PO	PO	UCG
Eastwood II Ridgebrook Road	Detention	1.4	31 PO	PO	PO	UCG
Eureka Springs Eureka Springs Dr.	Detention	1.0	HOA	HOA	HOA	UCG
Harrods Hills Rollingdale Dr.	Detention	1.6	24 PO	PO	PO	UCG
Hartland Woodfield Circle	Detention	1.5	13 PO	PO	PO	UCG
Hartland Winding Wood Lane	Detention	1.5	13 PO	PO	PO	UCG
Hartland Woods Hartland Woods Way	Detention	2.1	HOA	HOA	HOA	UCG
Headley Green Mason Headley Rd.	Detention	1.0	9 PO	PO	HOA	UCG
Kenesaw Kenesaw Village Dr.	Detention	1.2	9 PO	PO	PO	UCG
Lancaster Woods Langley Circle	Detention	6.0	8 PO	PO	PO	UCG
Lansdowne Merrick Chinoe Road	Detention	1.1	5 PO	PO	PO	UCG
Liberty Corners Whispering Brook Trace	Detention	1.0	17 PO	HOA	HOA	UCG
Liberty Hills Independence Ct.	Detention	1.1	HOA	HOA	HOA	UCG
North Point Santa Anita Ct.	Detention	1.2	28 PO	PO	PO	UCG

**TABLE 3 - Continued
MAINTENANCE RESPONSIBILITY
FOR DRY DETENTION BASINS**

Basin	Type	Size (Acres)	Owned By ¹	Maintenance Responsibility		
				Mowing ²	Routine Cleaning/ Landscaping ³	Non-routine Maintenance ⁴
Rabbit Run Westmeath Place	Detention	1.1	7 PO	HOA	HOA	UCG
South Point Southpoint Dr.	Detention	1.2	10 PO	PO	PO	UCG
Squire Oak West Edgebrook Dr.	Detention	1.1	HOA	HOA	HOA	UCG
Wyndham Downs Heathmoor Ct.	Detention	1.5	10 PO	HOA	HOA	UCG
Wyndham Meadows Wyndham Hills Dr.	Detention	1.6	22 PO	HOA	HOA	UCG

1. HOA – Home Owners Association
PO – Property Owner(s)

The Developer is the current property owner where listed above and is responsible for mowing, routine cleaning and landscaping, and non-routine maintenance until the property is transferred to the HOA. The maintenance responsibilities then transfer to the HOA or UCG as noted.

- Mowing (including the dam) is the responsibility of the property owner or HOA as noted on the plat.
- As noted on the plat, this includes (1) removing all debris that accumulates in the basin, including litter and tree limbs, (2) sodding or seeding bare areas, including areas on the dam, and (3) taking care of any landscaped areas such as trees and shrubs
- The Urban County Government (UCG) will maintain the dam and the structural items in it. This includes repairing concrete, pipe, gabions, stone, spillways, and headwalls. It also includes repairing eroded areas on the dam that threaten the stability of the embankment. The UCG will repair paved ditches and inlet structures in the basin, remove excess silt that washes into the basin from upstream construction areas, and remove large debris that obstructs the outlet pipes or spillways of the dam. The UCG Division of Engineering will inspect the basin each month to determine the need for maintenance as described above.
- The Developer is the temporary owner of the property and is solely responsible for it until the property is transferred to the HOA.

Other HOA/Property Owner Responsibilities:

Neither the HOA nor the property owner shall plant trees on the dam because it will make the dam unstable. Trees may be planted in other areas of the basin.

Since water may sometimes cover the entire basin, no structures shall be placed in the basin that could float and obstruct the outlet pipes of the basin. No fences, gazebos, swimming pools, trampolines, or buildings shall be placed in the basin. Questions about what may be allowed in the basin should be directed to the UCG Division of Engineering (258-3410).

The HOA and the property owner shall ensure that the basin retains its original size (area and volume) and shape. Fill dirt shall not be placed in the basin unless approved in advance by the UCG Division of Engineering.

The HOA and the property owner should take reasonable care to ensure that the basin does not contain unsafe conditions. For example, any tools or lawn care equipment should not be left in the basin overnight, and the use of pesticides and herbicides should be used in accordance with manufacturer's recommendations.

TABLE 4
MAINTENANCE RESPONSIBILITY
FOR WET RETENTION PONDS

Pond	Type	Size (Acres)	Owned By ¹	Maintenance Responsibility		
				Mowing ²	Routine Cleaning/ Landscaping ³	Non-Routine Maintenance
Brighton Place 1244 Sherborne Pl.	Amenity Detention	0.9	4PO	PO	PO	UCG/PO ⁵
Castlegate 3536 Castlegate Wynd	Amenity Detention	1.3	9 PO	PO	PO	UCG/PO ⁴
Castlegate 3508 Castlegate Wynd	Amenity Detention	1.0	6PO	PO	PO	UCG/PO ⁴
Castlegate 3616 Hidden Pond	Amenity Detention	0.5	4PO	PO	PO	UCG/PO ⁴
Colony 1240 Cape Cod Circle	Amenity Detention	5.3	15 PO	HOA	HOA	UCG/HOA ⁴
Colony 4205 John Alden Ln	Amenity Detention	0.4	1PO	HOA	HOA	UCG/HOA ⁴
Colony 1201 Plymouth Rock	Amenity Detention	1.5	4 PO	HOA	HOA	UCG/HOA ⁴
Firebrook (Upstr.) Overlake Blvd.	Amenity Detention	5.7	HOA	HOA	HOA	UCG/HOA ⁴
Firebrook (Downst.) Overlake Blvd.	Amenity Detention	5.0	HOA	HOA	HOA	UCG/HOA ⁴
Heatherwood 260 Old Mt. Tabor	Amenity Detention	0.7	HOA	HOA	HOA	UCG/HOA ⁴
Lake Crossing 3504 Forest Cove Lake	Amenity Water Qual.	0.6	Developer (HOA)	Developer (HOA)	Developer (HOA)	Developer (UCG/HOA ⁴)
Rabbit Run 3145 Bleinheim Rd.	Amenity Detention	1.0	9PO	HOA	HOA	UCG/HOA ⁴
Saddle Club 1380 Saddle Club Way	Amenity Detention	3.3	14 PO	HOA	HOA	UCG/HOA ⁴
Springlake Springlake Drive	Amenity Detention	0.8	HOA	HOA	HOA	UCG/HOA ⁴
Walnut Ridge 791 Spyglass Lane	Amenity Detention	0.6	7PO	PO	PO	UCG/PO ⁴
Willow Oak Mill Pond Rd.	Amenity Detention	3.5	Developer (HOA)	Developer (HOA)	Developer (HOA)	Developer (UCG/HOA ⁴)
Woodfield Collinswood Dr.	Amenity Detention	1.7	HOA	HOA	HOA	UCG/HOA ⁴
Autumn Ridge 1037 Autumn Ridge	Amenity	1.9	HOA	HOA	HOA	HOA
Taborlake Taborlake Dr.	Amenity	1.2	HOA	HOA	HOA	HOA
Warrenton Woods 965 Warrenton Cir	Amenity	0.5	3PO	PO	PO	PO
Waterford Clearwater Way	Amenity	0.6	Developer (HOA)	Developer (HOA)	Developer (HOA)	Developer (HOA)
Waterford Clearwater Way	Amenity	1.1	Developer (HOA)	Developer (HOA)	Developer (HOA)	Developer (HOA)

1. HOA – Home Owners Association
PO – Property Owner(s)

The Developer is the current property owner where listed above and is responsible for mowing, routine cleaning and landscaping, and non-routine maintenance until the property is transferred to the HOA. The maintenance responsibilities then transfer to the HOA or UCG as noted.

2. Mowing (including the dam) is the responsibility of the property owner or HOA as noted on the plat.
3. As noted on the plat, the HOA/PO is responsible for (1) removing all debris that accumulates in the pond, including litter and tree limbs, (2) sodding or seeding bare areas, including areas on the dam, and (3) taking care of any landscaped areas such as trees and shrubs.
4. The Urban County Government (UCG) will maintain the portion of the basin within the public right of way. This includes repairing concrete, pipe, gabions, stone, spillways, headwalls, and inlet structures in the principal or emergency spillway if they are in the public right of way. It also includes repairing eroded areas on the dam within the public right of way if the erosion threatens the stability of the embankment. The UCG will remove large debris from the basin that obstructs the outlet of the principal or emergency spillway if it is in the public right of way.

The HOA/PO is responsible for maintaining the part of the basin that is not within the public right of way. The UCG Division of Engineering will inspect the basin each month to determine the need for maintenance as described above. In addition, they will inspect the portion of the basin that is on private property to ensure that the flood control or water quality control elements of the basin are working properly. The HOA/PO will be notified in writing of problems they need to correct, such as removing debris from the basin that is obstructing the outlet pipes, repairing eroded areas on the embankment, or replacing a crushed pipe.

5. As noted on the plat, the PO is responsible for (1) removing all debris that accumulates in the pond, including litter and tree limbs, (2) sodding or seeding bare areas, including areas on the dam, and (3) taking care of any landscaped areas such as trees and shrubs.

As noted on the plat, the UCG will maintain the dam and the structural items in it. This includes repairing concrete, pipe, gabions, stone, spillways, and headwalls. It also includes repairing eroded areas on the dam that threaten the stability of the embankment. The UCG will repair inlet structures in the basin and remove large debris that obstructs the outlet pipes or spillways of the dam. The UCG Division of Engineering will inspect the basin each month to determine the need for maintenance as described above.

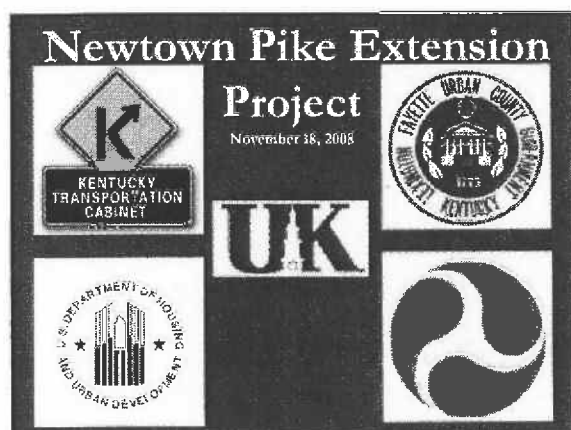
Other HOA/Property Owner Responsibilities:

Neither the HOA nor the property owner shall plant trees on the dam because it will make the dam unstable. Trees may be planted in other areas of the pond.

Ponds that provide detention shall have no structures in it that could float and obstruct the outlet pipes of the pond. No fences, gazebos, swimming pools, trampolines, or buildings shall be placed in the detention area. Questions about what may be allowed in the detention area should be directed to the UCG Division of Engineering (258-3410).

The HOA and the property owner shall ensure that the detention area retains its original size (area and volume) and shape. Fill dirt shall not be placed in the detention area unless approved in advance by the UCG Division of Engineering.

The HOA and the property owner should take reasonable care to ensure that the detention area does not contain unsafe conditions. For example, any tools or lawn care equipment should not be left in the area overnight, and the use of pesticides and herbicides should be used in accordance with manufacturer's recommendations.

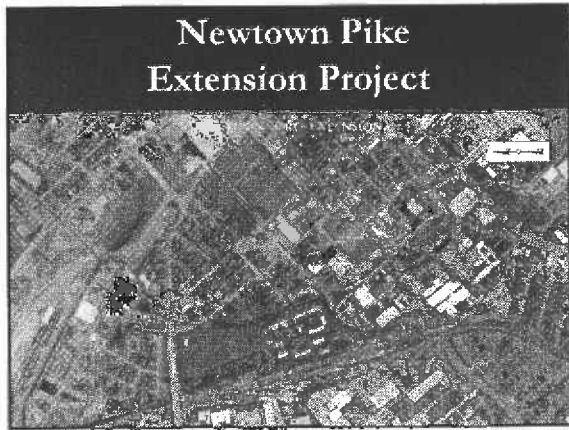


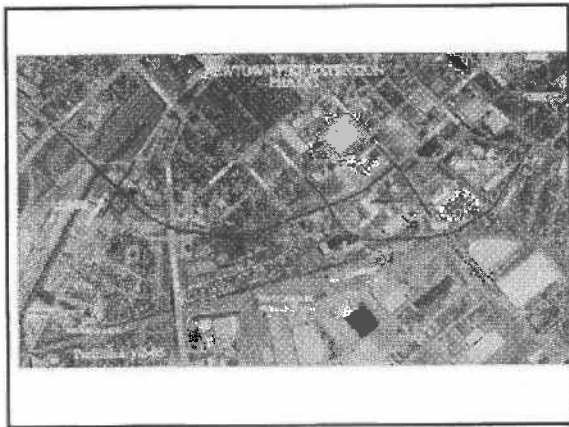
Points to Cover Today

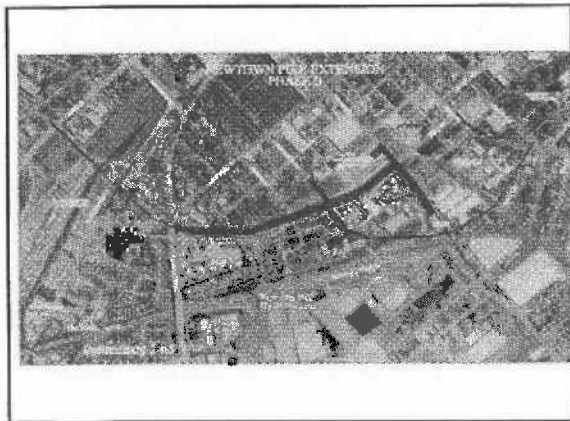
1. Project Scope & Brief History
2. Phase I - Temporary Housing (Manufactured Homes)
3. Phase IV (Main St. to Versailles Rd)
4. Name of Newtown Pike Extension?
5. Questions

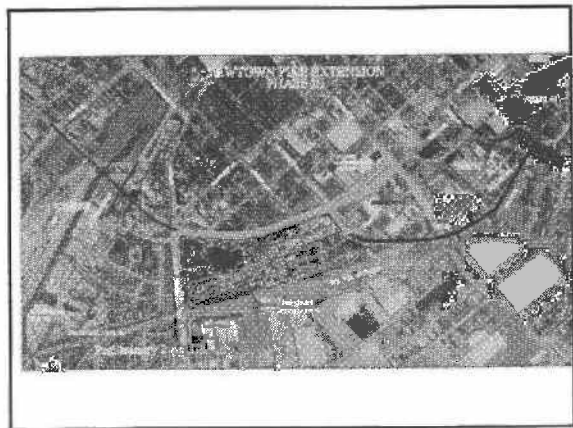
Project Scope & Brief History

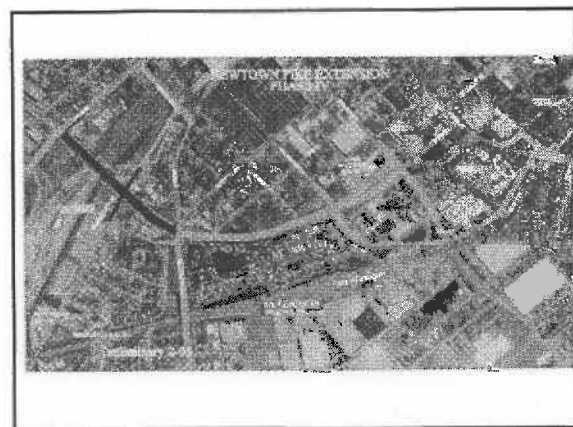
1. Project Overall - Map
2. Phases (1 through 4)
3. Brief History











Brief History

- The NFE Project has been discussed and incorporated into every City Lexington Master Plan Since the 1930's.
- Some preliminary work was done on the NFE Project was begun in the 1970's utilizing a limited access high speed design. The controversial alignment and highway design failed to produce an Environmental Impact Statement and was never funded.
- The NFE Project was revitalized in the late 1990's utilizing an abandon Railroad spur, boulevard type design, and commitments from the FHWA, KYTC, and LUCG to produce the project with out unfair burdens.

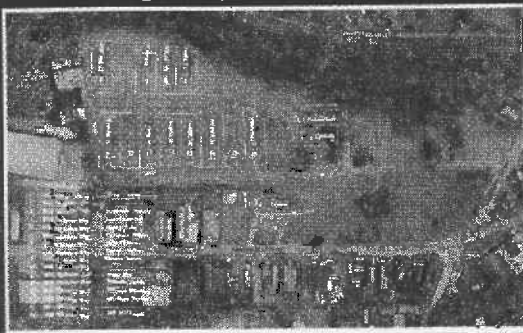
Phase I - Temporary Housing (Manufactured Homes)

1. Site Construction
2. Acquisitions and Relocations
3. Temporary Housing Move-in

Temporary Housing Site Construction

- Construction began November 2007.
- Delays in construction came from a number of factors.
- Temporary Housing Area was ready for occupancy with only minor tasks to complete December 2008.

Temporary Housing Area



Acquisition and Relocation

- Acquisition of property in the Phase I Area.
- A collaboration of independent consultants, the KYTC, and the LFUCG.
- Relocation benefits were calculated by independent consultants with KYTC approval.

Temporary Housing Move

- Individuals were given a choice.
- Escrow of the relocation benefits and participate in the Temporary Housing.
- Move in to Temporary Housing.

Pictures:



- Looking from end of Whitmer Way back to Temporary Housing Area.



- Front door

Pictures:



■ Looking from turn on Whimier Way



■ Looking from gate on Whimier Way

Pictures:



■ Looking at ramp to front door



■ Looking from front door down ramp

Phase IV (Main St. to Versailles)

1. Right-of-Way & Utility Relocations
2. Construction Schedule
3. Signature Bridge

Right-of-Way & Utility Relocation

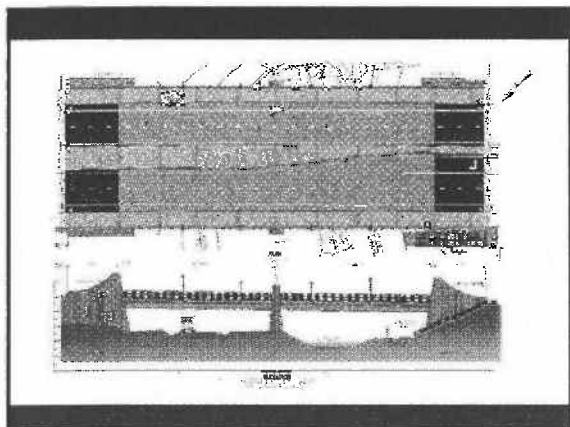
- The KYTC is handling Right-of-Way acquisition.
- The LFUCG is handling the Utility relocation efforts.

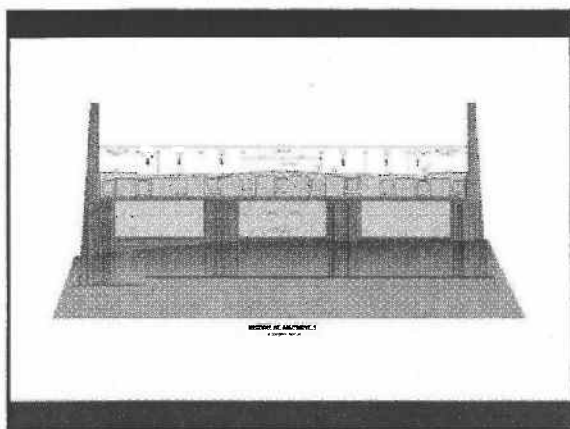
Construction Schedule

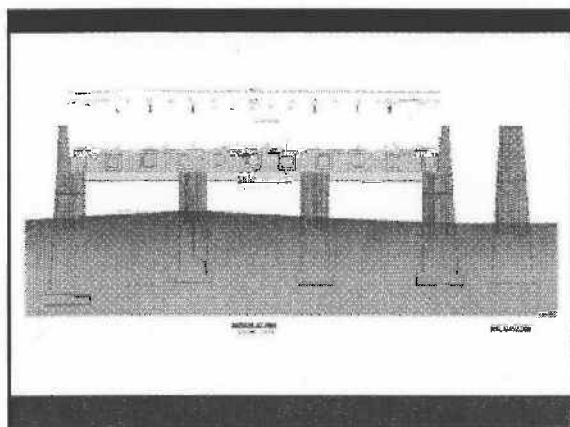
- Bridge plans have been sent to the KYTC Bridge Department for review (October, 2008). No feedback has been received to date.
- Final construction plans for Phase IV will likely undergo some minor changes as Right-of-Way acquisitions are finalized.
- The KYTC will bid and oversee construction of this phase of the project. A letting date of Summer 2009 has been assigned.

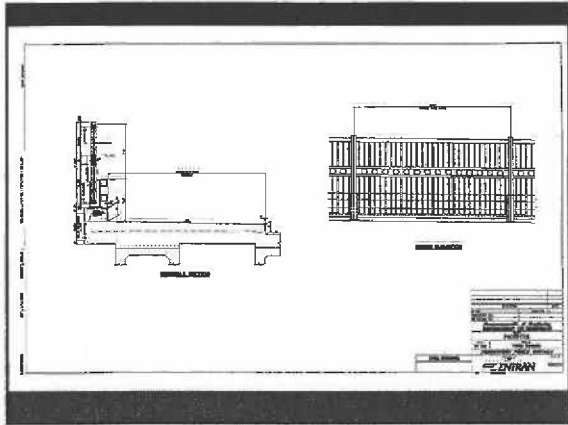
Signature Bridge

The NPE Project Team met with stakeholders to discuss and refine the design of the bridge. The final design of the structure is as follows -









Name of Newtown Pike Extension?

- The Current configuration of street name in Lexington introduces some confusion for the existing name of the proposed extension.
- We are working with the Division of Enhanced 911 to develop a new name for the street.

QUESTIONS

Planning Committee Update
Loudon Avenue and Liberty/Todds Phase 1B Projects
February 17, 2009

Loudon Avenue:

Loudon Avenue reconstruction at the intersection with Winchester Road was not quite completed prior to winter shut down due to utility poles and a fire hydrant that still required relocation. The intersection work will be completed, along with several remaining driveway connections, when the asphalt plant opens in a couple months. Some minor work items remain, such as resetting fences, handrail installation and minor sod placement. The detention basin will be re-seeded. Miscellaneous punch list items remain at this time.

Liberty/Todds, Phase 1B:

Right of Way acquisition remains to be completed on five parcels. Two of these are in Eminent Domain proceedings with the Transportation Cabinet; LFUCG is still negotiating with the other three.

Relocation and reimbursement agreements for four of the five affected utilities have been through Council. Water line relocation is supposed to start this month, with gas and electric relocations anticipated to start in March.

The project is scheduled to be bid in June by the Transportation Cabinet, who will also provide construction oversight. The ability to stay on this schedule depends on clearing these final right of way parcels and on suitable progress by the utility companies in relocating their facilities.

Planning Committee- Issues Outstanding

02.11.2009

Issue	Member Referred	Date Referred	Status
• Liberty Road Project Status	Stinnett	Jan 06	Bi Monthly Written Report
• Newtown Pike Status	Blues	Feb 06	Bi Monthly Report
• Loudon Avenue Phase 1 Status	James	Oct 06	Bi Monthly Written Report
• Buffering ED Zone	Gorton	Jan 07	Fayette Alliance Reviewing
• Development Plan Adherence	Myers	Jan 07	Winter-Spring 09
• Land Bank	James	June 07	Jan 09
• Student Housing Issues	??Stevens	Sept 07	Winter-Spring 09
• Fence Regulations	Blues	Dec 07	Unknown
• Mobile Home Trailer Park Quality of Life	James	Dec 07	Unknown
• Infill Redevelopment Committee Recommendations	Gray	Feb 08	Unknown
• Tree Protection Ordinance	James	Mar 08	Unknown
• Streetscape Plan	Gorton	Mar 08	
• Downtown Master Plan	??DeCamp	Apr 08	
• Electrical Inspector's Fee Schedule	McChord	May 08	Feb 09
• Management Audit Recommendations	Crosbie	May 08	Subcommittee Formed
• Family Care Center Audit	??Stevens	May 08	
• Review Civil Penalties/Impose Fines on Property Owners Who Operate a Home Office/Occupation in Violation of the Zoning Ordinance	Henson	July 08	Seeking Legal Opinion
• Impose Restrictions on Issuing Permits to Individuals/Property Owners When There are Pending Written Complaints Regarding Violations of Zoning Ordinances	Henson	July 08	Seeking Legal Opinion
• Place Reasonable Time Limits for Completion of construction projects approved for existing 1/2 Family Residential Building Permits and Fence/Retaining Wall Permits	Henson	July 08	Seeking Legal Opinion
• Special Districts	Myers	Sept 08	
• Zoning Violation Fines	Myers	Sept 08	
• Day Treatment Facility	Stinnett	Oct 08	
• Newtown Pike Design Ordinance	Gorton	Oct 08	Spring 09
• Backyard Setback	??Blevins	Oct 08	
• Courthouse Area Design Review Recommendations	??Stevens	Dec 08	Spring 09

- Destination 2040 Recommendations
- Private Retention/Detention Basin Maintenance

Ellinger
Myers

Jan 09
Jan 09

Feb 09

01.13.2009