

URBAN COUNTY COUNCIL
PLANNING COMMITTEE SUMMARY

February 17, 2009

The Planning Committee was convened at 1:00 PM. All committee members were present. CM Myers attended as a non voting member.

I. Electrical Inspector's Fee Schedule Update

Commissioner Mike Webb advised the committee an amendment to the contract has been completed and asked the council to move it forward for approval.

CM Gorton asked for discussion or questions and there was none.

2. Private Retention/Retention Basin Maintenance

This was a new business item in late January which was pulled and referred to the Planning Committee. A dissent decree is asking for an ordinance on maintenance of privately owned storm water control structures.

Charlie Martin gave a presentation explaining the reason for this proposal. The requirement is proper maintenance, cleaning and repair of privately owned storm water control structures which were required under approved plans already established. Martin gave history - timeline and noted new residential basins/ponds constructed since 2001 will be owned by LFUCG.

Martin covered current expenses of homeowners and HOA's noting LFUCG takes care of structural repairs with limited general fund allocations. Martin explained the current environment, basin/pond inspection, etc. He talked about the impact of the proposed ordinance which he felt there was essentially no impact, saying the homeowner is responsible for light maintenance, LFUCG for all heavy maintenance. And in the case of commercial applications, all maintenance is their responsibility.

He covered additional specific regulatory requirements for basins and ponds. Martin walked the committee members through sections of the proposed ordinance and key text.

He also covered key text from Oct. 2001 report which stated ownership & maintenance responsibilities are not consistent, all retention ponds considered amenity and permanent water volume does not provide any flood control benefit. He referred to table 4 of the Oct. 2001 report for more findings. Conclusion: fundamental issues associated with maintenance of privately owned storm water control devices remain. EPA and KyEEC concerned enough to make the issue an enforceable water quality issues.

Darryl Bennett spoke further on ownership and maintenance practices detention basins and retention ponds. He covered background, criteria for accepting basin ownership and procedure for accepting ownership

there were not questions about that portion of presentation Bennett talked about affected properties - Bold Bidder and situation summary, He talked about 2 plats affected both plats referenced a contiguous open space "dedicated to public use" council decided land was not suitable for park or any public use. The property was obtained by property owners and was transferred 1983 Gorton asked if this instance was being used as an example, Martin explained how the proposed ordinance would be applied to correct issues. A situation like this could be handled with the proposed ordinance

Myers commented about property transfer. He wanted to comment on what initiated the situation. Apparently, he knows the property owners? He asked Martin for distinction between terms "light and heavy" lifting required by property owners and LFUCG. Myers wants to insure part of storm water fee goes to making sure these things are handled. Trees falling, etc. Myers asked Martin about a method to insure having funds for this type of maintenance. Feigel question: concern about a section of the proposed ordinance, Do we have an inventory of facilities that neighborhoods may not be aware of? How can we alert people in city who have detention basin to let them know what they need to do if they want to deed to the city?

Feigel asked how to alert the public if they wanted to grant an easement. Martin said he would like to find a way to insure this information is communicated to property owners. Feigel suggested an inventory or listing so the public could check to see where those issues are and there is time to alert neighborhoods about easements, etc

James said terminology is important and finding a way to educate the public about this issue before it's implemented. Martin said the difficulty is getting public to pay attention. It's an on- going problem with storm water program since it's a mixture of public and private property.

James recommended being proactive about educating the public about their responsibility on this matter.

Gorton reminded Martin about adding an agency into the mix about educating the public.

Gorton asked if one of the requirements of the ordinance to prepare a list, Martin said it was a separate detail that would need to be addressed.

Gorton reminded the committee, the questions were more in line with work of the Storm Water Fee Task Force.

Myers had other questions saying this was more about retention basins and ponds, Storm water controls includes other things, Martin replied and when asked about budget said he was not fully prepared to talk about storm water fee. Martin talked about a plan of implementation. Myers asked when citizens would see their dollars at work once storm water fee is in effect. Martin explained there would be a period of time and lots of background work done before full effect would be realized. Martin to put together a model.

Gorton reminded the committee, the questions were more in line with work of the Storm Water Fee Task Force.

Gorton asked if one of the requirements of the ordinance to prepare a list, Martin said it was a separate detail that would need to be addressed.

Committee members agreed to hear more at a later date on retention basin maintenance.

Motion by VM Gray to move this issue back to council as a new business item to be added to the docket for approval and creation of an ordinance, seconded by CM Beard, passed without dissent.

3. Newtown Pike Status

Project update by Andrew Grunwald who gave scope, brief history, description and update on phase 1 through 4(temporary housing and manufactured homes) and phase 4 -(Main St. to Versailles Rd) Temporary housing construction began Nov. 2007 and ready for occupancy Dec. 2008.

He also gave highlights of project scope and brief history. He talked about phase 4, Main St. to Versailles Rd. - right of way & utility relocations, construction schedule and Signature Bridge.

He told the committee KYTC is handling right of way and LFUCG handling utility construction plans for the bridge sent to KYTC. No feedback to date. KYTC will bid and oversee construction of this phase of Newtown Pike Extension. Letting date of summer 2009 has been assigned. He shared concept pictures of the bridge and talked about coming up with a new name for the street of the proposed new construction.

Feigel asked about moving utilities, referring to the loose of power during the recent ice storm asking if we are planning to bury utilities. He addressed question about utilities for the extension itself. Feigel suggested now is the best time to look at correcting utility issues

4. Liberty Road Project Status

Bob Bayert told the committee right of way acquisition needs to be completed on 5 parcels. The KYTC and LFUCG are both negotiating these. Relocation and reimbursement agreements for some of the parcels have been through Council. Water line relocation to start this month, with gas and electric relocations anticipated to start in March.

Stinnett thanked Bayert for the update and wanted to know if we would be on track for March. Bayert explained since both KYTC and LFUCG are handling portions of the project, the ability to stay on track depends on several factors.

Stinnett asked Bayert to email him more specifics on the project as they become available.

5. Loudon Avenue Project Status

Bob Bayert is also the contract for this project. He said the intersection @ Winchester Rd. was not complete due to relocation of utility poles and a fire hydrant. Intersection and drive way work will be complete when the asphalt plant opens in a couple of months. Some minor work remains along with miscellaneous punch list items.

James thanked Bayert and reminded constituents of some infrastructure work being done by Columbia Gas. She also noted a new traffic signal at Eastland, cautioning drivers to be aware of it.

6. Items Referred to Committee

All items in committee remained with exceptions noted below:

Downtown Master Plan member referral changed from DeCamp to Lawless.

Family Care Center Audit – Paul Schoninger to check with

Commissioner Helm to confirm status.

Motion by Stinnett to remove Day Treatment Facility from the items referred list, seconded by James, motion passed.

Motion by James to remove Backyard Setback from the items referred list, seconded by Blues, motion passed.

Courthouse Area Design Review Recommendations referral changed from Stevens to Lawless.

Meeting adjourned at 2:55 pm