

Clifton Community Council

Board of Directors Meeting

May 15, 2012

6 p.m., Clifton Center, Alcove Room

MINUTES

Board Members Attending: John Beckman, Jason Brauner, Jim Brauner, Pam Sheehan, Lisa Work

Board Members Absent: Sam Dodson (excused), Edgar Eaves, Janie Estes

Liaisons Present: Officer Daniel English, Cassandra Culin

Guests: Charles Cash, Tabb Ormsby, Mike O'Leary, Phil Samuel

Co-Chair Jason Brauner called the meeting to order. All present introduced themselves.

Crime Report: Officer Dan English presented the attached crime report which is made a part of these minutes by reference.

Tree Canopy: Charles Cash, with Urban One, has been retained by the Billy Goat Hill Community Garden to write a master plan for trees along Frankfort Avenue to Ewing. He and Tabb Ormsby gave a Power Point presentation which included the following information:

The plan is for a one mile corridor along Frankfort Avenue in Clifton

A variety of trees have been selected to work within the various planting conditions of sites

Some existing trees are the size of the hole in which they're planted

The sidewalk is narrow in some areas

Trees grow into power lines on the south side of the street (closer to Ewing)

The plan has been presented to FABA

There is poor visual quality at each end of the Avenue

The best area for trees is between State Street & Bellarmine

Zone I, at the north end, has 15 - 20% of the potential tree cover

Zone III, by the School for the Blind, has 75 – 80% of the potential tree cover

Zone VII, at the Ewing end, is the most commercial and has 25 – 30% of the potential tree cover

Trellises may be used for planting along buildings in poor tree areas

They plan to test guidelines framework in a model block

Mike O'Leary said that the Master Plan is being supported by Tina Ward-Pugh, D.D. Williamson and LG&E. They will seek funding for planting when the plan is in place. It was suggested that they have guidelines for those wanting to purchase trees, perhaps dedicated to someone.

If approved, property owners would have to adhere to trees on the plan or by an arborist, and ARC approved trees for the right of way.

The Billy Goat Hill Garden staff report will be presented to ARC the third Wednesday in June.

The presenters were thanked and excused themselves. Lisa moved to support the tree canopy project at this time, with further support determined as additional information is

received. John seconded the motion which was unanimously carried.

Minutes: John moved to approve the April minutes. The motion was seconded by Jim and unanimously carried.

Co-Chair Report: Jason reported that the membership letter campaign has gone well for renewals. He and Sam would like to make Clifton t-shirts. A Clifton resident buying a shirt would receive a one year free membership. It was suggested that we have booths at the Crescent Hill July 4th Celebration, the Sustainability Fair on June 29th, and at Center for Neighborhoods events.

LUPC: The committee report is attached and made a part of these minutes by reference. John further reported that there has been an appeal to an ARC decision affecting Clifton by neighbors regarding the side yard deck on William Street. They are asking that Landmarks overturn the ARC approval for this project. John said that this will determine how effective our guidelines are. The deck did not meet the guidelines.

Beautification: Pam reported that the committee has been weeding gardens, including the traffic calmer on Payne Street. Lisa said that the grant balance for beautification is minus \$55.81, and gave the report to Pam to confirm this. Cathy Warner purchased flowers and would like to be reimbursed.

Sustainability: Pam inquired regarding a possible conflict of interest about requesting sponsorship support for the Sustainability Fair, since she serves on the CCC board, the CCC sustainability committee and being our liaison to the Clifton Universalist Unitarian Church Sustainability Fair. The members present felt that there was not a conflict. Pam asked if the CCC would be interested in a corporate sponsorship of the Fair at \$250. Lisa suggested that they consider a smaller amount for a nonprofit sponsorship. Pam moved to give CCC a booth and sponsorship not to exceed \$100, which would include equal billing with other sponsors. It was seconded by Lisa and unanimously approved.

Pedestrian and Bicycle Access: Cassandra reported that Lisa Dettinger, with the Center for Neighborhoods, suggested a walkability assessment of Frankfort Avenue which will take place June 21st at 6 p.m. The results will be appended to the Tree Canopy Plan

and used by Metro and the Pedestrian & Bike Access committee in planning improvements.

The Brownsboro Road comment period is closed. It is hoped that construction will start at the end of June.

Patrick Schmidt, President of FABA, has appointed Kirk Kandle to work with the committee on the Safe Passage Initiative.

Events: Jason will contact Janie about the recent plant swap she held. If the plant swap raffle has not been completed, we will sell raffle tickets at CCC booth events and at the annual meeting.

Other Business:

Minutes for the March 27th Quarterly Meeting were presented. Jason move to approve the minutes. It was seconded by Pam and unanimously carried.

Lisa moved to approve payment of our liability insurance bill in the amount of \$445.27. It was seconded by Jason and unanimously carried.

John presented a motion from the LUPC committee regarding a recommendation to MSD, based on recommendation made by the CCC board four years ago. The motion is attached and made a part of these minutes by reference. John moved to approve the motion. It was seconded by Lisa and unanimously carried.

There being no further business, the meeting was adjourned.

Respectfully submitted by: Lisa Work

Secretary

(**CRIME REPORT** – attachment to follow)

LUPC REPORT

May 2012 LUPC report to the CCC Board:

1) The April 2012 meeting had one agenda item—discussion of committee findings over the course of the last four months regarding the MSD proposed I-64/Grinstead storm water storage basin. Committee consensus was to formulate a motion of suggested action for consideration by the CCC board at the May 15th meeting. Since that meeting John Beckman and Phil Samuel toured a MSD storage basin (Wheeler Basin, near Taylor Blvd. and the Watterson). We saw a facility that was somewhat different looking than the proposed I-64/Grinstead facility, but designed to operate similarly to what is proposed. We witnessed an open and exposed concrete storm water storage basin (approximately 120' long x 70' wide x 12' deep) that was situated within a 10-12 acre excavated and naturally bermed-up area, which is used as a spillover excess capacity container when the concrete basin itself is over-capacity. In effect the spillover area beyond the concrete basin structure has become a wetlands habitat. The design has excess spillover storage percolating through the soil to reenter the basin for out-going pumping. We saw water tanks over the basin used for flushing and cleaning the basin as it's being evacuated of storm/sewer water. This water is pumped out of the basin into the same sewer it had previously overflowed from, to make its way to a treatment facility at a time when the facility can handle the capacity. The concrete basin was nearly empty at the time we toured the facility, but there was no evidence of malodorous smell unless you stood a foot from the out-going pump well itself. This facility is mostly operated remotely, and had the look of a well-maintained storm water drainage operation.

2) The Clifton Guidelines Task Force continues to meet and has reviewed around two-thirds of the seventeen sections of Clifton HP guidelines. So far Clifton Cultural Landscape, Sign, Addition, Door, New Construction, Masonry, Metal, one half of Site, Streetscape, Roof, and Garage sections have been reviewed. The next meeting on May 22nd covers the Demolition section and the map of contributing and non-contributing structures in Clifton. The current schedule has a series of meetings to discuss and approve suggestions for revision beginning on July 10th, 2012. While community attendance has been sparse, the Task Force discussions have been thorough as to the substance of the current guidelines, and how the guidelines affect Clifton applicants.

--Submitted by John Beckman, co-chair Clifton Community Council Land Use & Preservation Committee, 5/10/2012.

PEDESTRIAN AND BICYCLE ACCESS REPORT – to follow

LUPC MOTION FOR RECOMMENDATION TO MSD

Details of proposed CCC LUPC motion to the Clifton Community Council Board of Directors for consideration at its 5/15/2012 meeting:

In addition to the other components of this proposed CCC motion, LUPC consensus suggests that MSD most aggressively pursue green/gray/natural retention options in Clifton. We are asking that the board reaffirm the previous 2008 Clifton Council motion, *which contains the basis for pursuit of green options*. While LUPC acknowledges the apparent 2012 need for a storage basin at I-64/Grinstead, we are asking for Clifton Council Board support of this component of “aggressive pursuit” of other options to the proposed storage basin. A Clifton-based list of specific suggestions for “aggressively pursuing additional options” is attached to this motion as Appendix C.

The Clifton Community Council makes these suggestions from a stance of readiness to enter into a partnership with MSD in attempting to keep storm runoff out of the sewers our neighborhood source--Clifton. Presently the Sustainable Clifton Committee has entered into partnership with MSD with the Payne Street Rain Barrel Pilot Project. The motion that LUPC urges the Clifton Council to consider:

The 2012 Clifton Community Council reaffirms the substance of a 2008 Council Board-approved MSD/storage basin motion (attached here as Appendix A).

Additionally the Clifton Council urges MSD to reexamine the alternate site of the present WLLV radiotower as a site for construction of its proposed I-64/Grinstead storm waterstorage basin. The Council Board maintains that this site has distinct advantages in less disturbance or destruction of the existing natural environment over the only site under consideration presently behind Jim Porter’s Restaurant. (A listing of these advantages here in Appendix B.)

Additionally the Clifton Council with this motion urges MSD to aggressively pursue options using green/gray/natural retention storage of storm runoff. (These suggestions here in Appendix C.)

Appendix A: Re-affirmation of CCC 2008 Board approved letter to MSD:

Dec. 5, 2008

Clifton Community Council 2337 Frankfort Ave. #333, Louisville, KY 40206

Sent via email to commentsIOAP@msdlouky.org

Mr. H.J. Schardein, Jr. Metropolitan Sewer District 700 W. Liberty Street Louisville, KY 40203

RE: Draft Integrated Overflow Abatement Plan (“IOAP”) USDOJ Consent Decree #90-5-1-1-08254/1

Dear Mr. Schardein:

What follows are the comments of the Clifton Community Council (“CCC”) on the draft IOAP and the Amended Consent Decree referenced above. The Amended Consent Decree was noticed for public comment in the Dec. 1, 2008 Federal Register.

The CCC supports implementation of the IOAP and the Consent Decree to reduce discharges from combined sewer overflows (“CSOs”) in our and adjacent urban neighborhoods. These discharges have degraded the water quality of Beargrass Creek and posed risks for human contact for decades. Our comments focus on the following three areas:

Source reduction

Proposed stream restoration Supplemental Environmental Project; (“SEP,” Exhibit H, Amended Consent Decree)

Capitalproject implementation in historic urban neighborhoods.

Source Reduction

We suggest that the draft IOAP focus more resources on source reduction. At least in our geographic area, there are several large (multi-million gallon capacity), concrete basins planned for off-line storage of wet weather flows as a way to mitigate discharges. Our concern is that without an equal, or at least substantial, focus on reducing storm-water contributions, these storage projects will not meet the long-term needs of the system. We recommend two specific areas of source reduction:

- 1) Aggressive modifications to the MSD Plan Review process to reduce the amount and type of impervious cover in proposed land use development and encourage alternative paving techniques and materials; and
- 2) Implementation of a concerted program to eliminate residential, business, and institutional downspout connections to the combined sewer system.

Regarding item 1), the CCC is an active stakeholder in land development projects within our neighborhood. We are also a Louisville Landmarks and Historic Preservation District. Compliance with our Landmarks Guidelines entails a legally mandated Metro Louisville review process for all changes to structures and landscapes within the district. We intentionally crafted guidelines that support the minimization of impervious cover through design of the footprint of structures and the size and type of parking surfaces.

Nevertheless, one of our frustrations in the land development process is that developer proposals for conventional parking lots and driveways and materials of construction routinely receive plan approval through the MSD development drainage review process. **This plan review process has effectively trumped our efforts to minimize CSO problems in our neighborhood.** “Green” approaches can often save the developer money and better serve environmental needs. However, the plan review process within MSD and Metro Public Works has not kept pace with such approaches in our experience. We acknowledge that in some instances design or standard exceptions may need to be granted and can be done so without jeopardizing public

safety. The CCC encourages prompt modifications to the current land development review process as a component of source reduction for the IOAP.

Regarding item 2), Clifton has had a long-standing interest in educating our homeowners, businesses, churches, and educational facilities on the benefits of minimizing each of our own contribution to the CSO problem. As an additional source reduction measure within the IOAP or as an additional SEP, we propose a Clifton (and Irish Hill) pilot program outlined in Attachment A to these comments. We have titled it the “GRaB”—Grassroots Rain Barrel--Project. As described in the attachment, this project would have a strong grassroots, volunteer focus, with some MSD support, and would yield data on the cumulative impacts of removal of individual contributions to the CSO problem.

Stream Restoration SEP

The Amended Consent Decree includes a new SEP (Exhibit H) consisting of a \$400,000 project for stream restoration. **We strongly discourage use of such funds for litter and trash pick-up along affected creeks in favor of a**

meaningful effort to actually achieve restoration of the form and function of a segment of a creek. In particular, we support the use of such funds for a segment of Beargrass Creek in the vicinity of the proposed I-64 and Grinstead Dr. off-line storage basin. The University of Louisville has developed a comprehensive restoration and partial re-alignment plan for this stretch, the implementation of which would significantly exceed \$400,000. However, some portion of this plan could be implemented and/or the \$400,000 could possibly be used to leverage further funding for scientific and engineering work to restore the natural functions of this segment of the creek.

We are mindful that IOAP implementation will not eliminate fecal coliform contributions to the degradation of Beargrass Creek. We particularly noted the statement in the IOAP that “...fecal coliform is expected to continue primarily due to storm water runoff and sources other than sewer overflows” (Vol. 1, Ch. 5, p. 5) and that with full implementation of the capital projects “sewer overflows...could still be the cause of water quality standards exceedances 5 percent of the time (Id.). We encourage the stream restoration SEP to also evaluate the potential for residual contamination of soils and vegetation to serve as a continuing source of water quality problems and the benefits of stream remediation as well. We acknowledge that the SEP funding will not actually achieve remediation.

Capital Project Implementation

The proposed capital projects are an integral part of the engineering solution to control CSOs in response to the Consent Decree. The siting, construction, and operation and maintenance of these projects pose potential adverse impacts to affected neighborhoods. The structures and landscapes of the urban neighborhoods of near-east Louisville and west Louisville have historic significance and contain archaeological resources. The Clifton Historic District (400 acres) is listed on the National Register of Historic Places in addition to its status as a local preservation district. Portions of Irish Hill have been surveyed and determined to be National

Register-eligible. Other neighborhoods, such as Clifton Heights, have not been surveyed but could contain eligible structures or areas.

In planning and implementation for projects in these areas, the CCC urges the following:

- Early consultation and coordination with the Metro Historic Preservation office (and Landmarks) staff and the State Historic Preservation Officer on the location and extent of eligible and listed properties and districts.
- Archaeological surveys by qualified professionals in areas requiring subsurface excavation.
- Prompt implementation of the Section 106 process under the National Historic Preservation Act (“NHPA”) for projects requiring federal approvals (e.g., U.S. Army Corps of Engineers nationwide or individual permit), including early contact with individuals and organizations interested in serving as Consulting Parties.
- Budgeting and funding of mitigation for projects determined to have an adverse effect on eligible or listed properties or districts through the Section 106 process.

Some capital projects may impact community resources that are not strictly “historic” or, even if historic, do not strictly experience “adverse effects” within the meaning of the NHPA. We also encourage some budgeting for mitigation for those projects as “Advanced Site Restoration” for context-sensitive landscaping, fencing, lighting, and signage.

In closing, we appreciate the opportunity to comment on this significant matter and look forward to hearing from you in response to our suggestions and concerns.

Sincerely,

John Baker, Co-Chair Mike O’Leary, Co-Chair

c:

Clifton Community Council Board Metro Councilwoman Tina Ward-Pugh

Doug Mundrick, Water Enforcement Branch, USEPA Region IV

Mark Cleland, Division of Enforcement, KY DEP U.S. Dept. of Justice, pubcomment-ees.enrd@usdoj.gov

William Schreck, Metro Director of Code and Reg. Enforcement

Ted Pullen, Metro Director of Public Works and Assets

Bob Vice, Chair, Metro Landmarks Commission

Lisa Dettlinger and Lisa Santos, Irish Hill Neighborhood Association

Anne McMahon and Dolores Collins, Clifton Heights Neighborhood Assoc.

Attachment A: Grassroots Rain Barrel (“GRaB”) Project

1. The Clifton Community Council and Irish Hill Neighborhood Association create a joint-neighborhood task force.
2. The task force works with the Jefferson County Property Valuation Administrator and his staff to secure the addresses and square foot measurements of all structures within the two neighborhoods.

3. The task force creates a data-base with every address for each of our two neighborhoods, or the PVA allows us to access their data-base.
4. Our task force would be made up of neighborhood volunteers and save MSD the cost of hiring a consultant to pull this information together.
5. For those who want to participate in the pilot project, MSD offers to pay for rain barrels and the cost of installation for all Clifton and Irish Hill properties with structures.
6. We encourage MSD to use the non-profit organization Youth Build Louisville to make the rain barrels and install them.
7. Rain gauges are placed throughout the two neighborhoods to measure rainfall. MSD (or task force) would have a list of properties in the pilot project with the square footage of each structure. After each rain MSD (or task force, with MSD technical assistance) would calculate how much rainwater run-off went into the rain barrels instead of the sewer system.
8. MSD and the task force would have a long-term, urban neighborhood- based test area measuring the success of rain barrels in preventing rainwater from draining into the area CSOs.
9. Clifton and Irish Hill would get rain barrels installed on their structures at no cost to the property owner and be active participants in sustainability practices.
10. According to the MSD website, there are thirteen MSD capital projects within the Clifton and Irish Hill neighborhoods. The projects do not have a time frame but the estimated capital cost for the projects add up to \$33,196,000.00. (Thirty-three million, one hundred, ninety-six thousand dollars.)
11. The Clifton and Irish Hill pilot project could show the cost-benefit of using rain barrels with actual rain gauge measurements within these urban neighborhoods.
12. Clifton is on the north side of Beargrass Creek with Irish Hill on the south side; both neighborhoods' watershed flow into the creek. This project could demonstrate how urban, grassroots neighborhood associations could make a measurable difference in revitalizing and protecting Beargrass Creek.

Appendix B: (Re-examination of retention basin site):

As the current proposed siting of the retention basin ("behind Jim Porter's") was selected by MSD with the information available prior to September, 2011, we suggest and request that MSD re-examine other optional sites. In particular the "radio tower field" should be investigated with more detail for the following reasons:

- The Jim Porter site would have to be cleared of trees and a wetland habitat would have to be modified topographically before construction begins. The radio tower field is already cleared of trees. The current proposal would result in a major disruption to the existing woodland and wetland areas. The current proposal is owned by the Kentucky Department of Transportation and leased to Louisville Metro Parks, and a portion of the area (along Beargrass Creek) is presently in use through its bicycle/walking path as a recreational area. Proposed mitigation for the destruction of the wetlands has not been established but should therefore be established prior to selection of the site. Construction at the radio tower site would have much less effect on the

continued use of the existing path and the riparian (bank) areas of Beargrass Creek.

- The radio tower field was "quickly ruled out" as an alternative in 2010 "due to the significant cost associated with acquiring private land and relocating the radio tower as well as the fact that the entire site lies within the existing 100-year floodplain." While the original site may have been completely above the 100-year flood plain, the current (much larger) proposed basin would be significantly(60-80%?) within the 100-year flood plain. If the radio tower field is ruled out for this reason, then the current proposed site should also be ruled out. The cost of the field is at this point speculative and should not be considered as a deterrent for use until a professional appraisal has been made. A low cost (because of public lands) is not in itself a positive in site selection when there are negative factors with that site.
- Construction could have access for the radio tower field off Lexington Rd. near the old 'Liebert' house (demolished). This would move heavy-equipment access away from an area on Lexington Rd. that is significantly populated by commercial entities that would be much burdened by the presence of such access for the two-year construction period. Although access for equipment ingress/egress may be "sufficient" this does not make it the best option: insufficient for access, or safety concerns, should not be the limits when choosing access for equipment.

Appendix C: Aggressive pursuit of green/gray/natural retention

Clifton findings:

-Clifton has approx. 1125 structures (This figure comes from Landmarks data for Clifton. Zoning info used by MSD reveals 709 residential parcels, and 185 commercial parcels.) that could be outfitted with rain barrels. All of these structures should be incentivized to capture water from impervious roof areas.

-Each residence in Clifton averages four downspouts per home (not including a garage which averages two/garage).

-The MSD Payne St. Pilot Project currently in process contains 100 residential subject properties. There are+100 downspouts connected to the MSD sewer system in the Payne St. Pilot Project Clifton.

Incentive ideas: (Appendix C to motion language below.)

1) Offer residents \$ TBD per downspout plus a rain barrel including installation, plus a 50-foot soaker hose. The offer would have the condition that participating property owners would have to agree to attach rain barrels to all downspouts at ground level of the structure. This offer would include a MSD disconnection of each downspout from the sewer system where applicable. After MSD has verified that the rain barrel installation is complete and functioning, the homeowner would be eligible for a TBD %discount on the sewer fee portion of their Louisville Water Co. monthly bill. This incentive program would be retroactively made available to homeowners in both the Payne St. Pilot Project and other homeowners throughout Clifton who have previously chosen to disconnect and/or use rain barrels. Homeowners in this group would be eligible for soaker hose per rain barrel. This program might be further incentivized

toward immediate action by scheduling amount-decreasing steps of the incentive amounts.

2) We suggest a residential incentive program aimed toward the installation of rain gardens, and other options for recovering runoff from impervious surfaces at a residence. The incentive program would look and act like the business incentive program currently in use by MSD (see details of the business incentive program in #3 below.)

3) These are the parameters of the MSD business incentive program: A short-term construction cost recovery stipend of up to \$1.50 /square foot (of impervious area drained) when a property owner drains an impervious surface area into a rain garden, installs pervious pavement or a infiltration drain, or does water harvesting. A construction cost recovery stipend of \$2.25-\$3.75/square foot is offered when the option of avegetative roof is chosen. Additionally long-term storm water drainage credits can be earned (up to a total of 50%) and applied towards the drainage portion of the owners Louisville Water Co. monthly bill.

There is no suggestion for change to this business incentive program, but a suggestion for a change in publicizing--MSD contacts each business for a MSD-representative-visit to the owner to outline the program and establish a sign-on date. This program might be further incentivized toward immediate action by scheduling amount-decreasing steps of the incentive amounts.

4) We suggest that MSD evaluate and designate the areas in Clifton where there exist sources of storm runoff from impervious parking areas, and armed with this information, use their own environmental and mechanical engineering staff in partnership with Metro Landmarks and a landscape designer to explore the acquisition and development of land for the creation of a natural retention basin in Clifton.

--Submitted by John Beckman, co-chair Clifton Community Council Land Use & Preservation