

Communities of the Future Advisory Committee Meeting

September 22, 2011; 10 AM – 12PM
MSD Administrative Building, Rooms 105/106/129

In Attendance:

Margo Warminski, CPA	Sam Stephens, Cincinnati Community Development
JoAnne Metz, San Antonio	Laith Alfaqih, MSD
Brian Wamsley, HCP&D	Dennis Smith, South Fairmount Business Association
Dean Niemeyer, HCP&D	Elliot Ellis, S.F. Community Council
Sharon Jean-Baptiste, MSD	Bruce Koehler, OKI
Markiea Gore, Cincinnati Community Development	Jennifer O'Donnell, Office of Vice Mayor Qualls
Chris Jones, Greater Cincinnati Energy Alliance	Cecilia Kloecker, Sierra Club
Joe Thoman, South Fairmount	Mary Huller, Q.C. Catalytic Development Corp.
Barry Cholak, South Fairmount	Brian Bohl, HC Soil and Water Conservation District
Charles Young, S.F. Community Council	Matt Trokan, Sierra Club
Todd Kinskey, HCP&D	Robin Corathers, Mill Creek Restoration Project
Dustin Lester, City Planning/MSD	Ray West, Interfaith Business Builders
Dave Gamstetter, Cincinnati Parks	MaryLynn Lodor, MSD
John Johnston, United Dairy Farmers	Tony Parrott, MSD
Tim Kling, United Dairy Farmers	Karen Ball, Hamilton County
Mari Piekutowski, Ohio EPA	Chris Manning, Human Nature
Kari Klug, Sierra Club	Joseph Danyluk, Human Nature

Meeting Agenda and Recap:

A. Welcome & Introductions (Tony Parrott)

B. Updates since May meeting (Tony Parrott)

1. *Presidential Executive Order 13563 – Federal Review of CSO Policies*

A new Presidential Executive Order indicates a new permitting approach that allows municipalities to develop plans to prioritize CSO and wet weather investments. This order would provide continued flexibility and combined funding for water/wastewater infrastructure needs.

2. *CFAC Workshops/Events Held*

Since the last meeting on August 4, 2011, there have been several events related to our stormwater planning efforts:

- Bethany House Children's Festival (July 2011)
- Lick Run Watershed Tours (July – August, over 70+ people)
- CFAC Lick Run Technical Planning Review (August 4, 2011)
- Land Use Policies and Stormwater Best Practices Meeting (August 5, 2011)

3. *Policy Gap Analysis (On-going)*

The City of Cincinnati Stormwater Management Utility (SMU) is updating the City Stormwater Ordinances to address gaps to meet the NPDES Phase II requirements. Tony Parrott asked the CFAC to assist in advancing supportive policies/regulations/codes that could support MSD with

Consent Decree negotiations. Once the updates have been finalized by the MSD/SMU, they will be submitted for approval to the City of Cincinnati Council in early 2012.

4. *Historic and Cultural Section 106 Review*

The CFAC was informed of the historic preservation process and efforts as they relate to the stormwater planning in the Lick Run corridor:

- Previous Step: State Historic Preservation Office (May 2011)
- Current Step: Complete architecture resource identification survey (September 2011)
- Next Step: Meet with Federal Lead Agency (Army Core of Engineers – Late Fall 2011)
- Next Step: MSD will begin consultation with “consulting parties” (CFAC is a consulting party in 106 review)

5. *Clean Ohio Grant Submittal*

The Ohio Department of Development (ODOD) administers a Clean Ohio Fund for Brownfield Revitalization, which MSD has applied for to implement a sustainable infrastructure installation called the *Beekman Early Success Project* (ESP). This ESP could turn a former fire station and city storage area for equipment into a public amenity featuring a walking trail, a meadow with native vegetation, and rain gardens. The grant request was \$1,279,354, which would cover a large portion of the \$1,695,731 total project costs amount. The winners of the grant will be announced November 2011.

6. *Upcoming Events*

Urban Water Sustainability Leadership Conference (October 4, 2011)

MSD is presenting our stormwater planning efforts at this year’s conference in Milwaukee, Wisconsin. MSD has officially applied to be next year’s host of this conference, which would be a major honor for the City of Cincinnati.

St. Francis Court Apartments “Learning Gardens” (TBD)

There are two spaces at the St. Francis Court Apartments Early Success Project for a “learning garden”. Dave Dyke from the OSU Extension, Hamilton County Horticulture Program, is working to find schools interested in this opportunity.

Lick Run Watershed Tours (October)

Additional Lick Run Watershed Tours will be offered this October, prior to Second Lick Run Design Workshop. The dates will be announced to the CFAC by email once they are finalized.

“Make a Difference Day” cleanup (Oct. 22, 2011)

MSD is organizing a cleanup effort at St. Clair Park in South Fairmount for “Make a Difference Day” on October 22, 2011. If you interested in participating as a volunteer please contact MaryLynn Lodor.

C. Integrating Water Quality with Quantity (MaryLynn Lodor)

Water Quality Monitoring and Bio-assessment Plan for the MSD Greater Cincinnati Service Area

Chris Yoder and the Midwest Biodiversity Institute have monitored over 100 sites for a four-year cycle beginning July 2007 and scheduled to end October 2011. They have been collecting biological, chemical and physical water quality data. In 2012, this data will be prepared into a report that will develop integrated priority systems and recommend actions and potential projects for water quality improvements.

USEPA and USGS Water Quality and Quantity Monitoring

The USEPA and USGS have been analyzing the effectiveness of several best management practices including the St. Francis Apartments and Quebec Heights/Glenway Woods Early Success Projects. They have also been conducting a watershed analysis that evaluates urban soils and hydrology, buried streams (nutrient cycles) and water quality sampling (Cincinnati State and EPA (pervious pavers)). In addition to this they have been studying the biological response to green systems.

D. Lick Run Master Plan (Joseph Danyluk)

Community Design Workshop #1

Joseph Danyluk of Human Nature went through a quick review of the first Lick Run Community Design Workshop #1, which took place in August at Roberts Paideia Academy. See the presentation of this meeting for details.

Community Design Workshop #2

The CFAC was then introduced to some prior planning and logistics for the Lick Run Community Design Workshop #2, before being asked to provide input on the process. A new location, Dater Montessori, was selected for logistical reasons. The beginning of this meeting will start with a review of the results from the first Community Design Workshop and then move to small groups for review and discussion of materials. The materials will include eight conceptual alternatives for the Lick Run corridor between Queen City Avenue and Westwood.

The small groups will also look at watershed-wide opportunities for the larger watershed-planning framework. These opportunities are framed by four themes:

- Green Planning Principals
- Transportation Network Opportunities
- Trail Network Opportunities
- Community Development Strategies

Feedback from CFAC

- “Beginning of process should focus on planning principals”
- “Need more discussions on jobs and economic development”
- “The Community Plan needs to be backed up by estimates of costs”
- “The Lick Run Corridor has an annual aggregate total of \$50 million dollars in sales and 450 jobs (according to Dennis Smith, Owner of Paper Products Company and President of South Fairmount Business Association). We need to make sure that we are not driving these away”

E. Breakout Discussions (Policy, Economic Development, Inform and Influence)

F. Next Meeting: Tentative December 8 or 9, 2011

The CFAC will get an email once the date is finalized.

CFAC Policy Sub-committee Meeting Summary

Background

At the August 5, 2011 CFAC Policy Sub-committee meeting a major topic that arose was the City of Cincinnati Stormwater Code Compliance efforts. Members of the Policy Sub-committee believed that these ordinances needed to be addressed in a separate process than the Land Development Code (LDC) process because this would delay the stormwater code revisions until the implementation of the LDC in 2014.

At the September 22, 2011 CFAC meeting, Tony Parrot announced that MSD is anticipating the Stormwater Code Compliance efforts to be submitted for approval to the City Council in early to mid 2012. Once the ordinances are finalized, they would be shared with the CFAC.

For the Policy Sub-committee discussion, our group focused on the stormwater policy gaps as they fit into the Stormwater Code Compliance process and the Land Development Code process. There seemed to be some confusion among the Policy Sub-committee as to which ordinances are being addressed with each of these two major processes.

Questions regarding Stormwater Regulations Discussed:

- Are downspout disconnection regulations going to be submitted with the other mandatory NPDES Phase 2 stormwater regulations for approval by 2012?
- Will the Post Construction Stormwater Management Codes go beyond the minimum standards set by the NPDES permit?
- What is the status of Rainwater Harvesting code revisions?
- Will Riparian Corridor Regulations be submitted with the 2012-stormwater regulations?
- Will revisions to City Stormwater Regulations apply equally to both separated sewer areas and combined sewers areas or are there exceptions in the MS4 permit for the latter?
- What is the status of the *MSD Green Initiative: Off-set Credit Policy for Green Controls (2009)*? Could it still be implemented?

Low Impact Development

Some members of the Policy Sub-committee would like to see MSD pursue a more aggressive strategy for encouraging low impact development (LID) on private property. Other members believe that MSD is already pursuing low impact development through the land-use ordinances incorporated into the City of Cincinnati Land Development Code. Specifically mentioned, the Light Imprint Tool is being advanced as a means for incorporating LID into the environment based on the land use transect. It was acknowledged, that more could be done regarding the incorporation of LID.

Policy Gaps

Furthermore, with the role of the CFAC as an “advisory” agent, we started brainstorming the policy “gaps” that would improve the future regulatory environment for wet weather projects.

It was suggested that we develop a table to focus the discussion of the Policy Sub-committee. The table below could be used as a tool for discovering the actions and status of these stormwater regulation gaps.

Policy Gaps

Issue/Ordinance	Task Authority	Status/Action
1. Weeds Ordinance	Parks?	drafted- awaiting approval? (Update: Approved 2011)
2. NPDES Stormwater Code Compliance	MSD/SMU	drafted?
3. Downspout Disconnection		
4. Rainwater Harvesting		Follow up with Rainwater Harvesting Task Force (Bob Knight, Emersion Design – Green Partnership for Greater Cincinnati)
5. Green Streets	CDOTE	
6. Parking Regulations	City Planning	
7. Riparian Setback	MSD/SMU/City Planning/HCSWD	
8. Off-set Credit Policy	MSD	drafted (2007-2009), status?
9. Easement Sharing	MSD	
10. Land Use Controls: Long-term assurances (e.g. easements)	MSD	

1. Weeds Ordinance

Many of the perennials that are used in bio-infiltration and natural habitat restoration projects are classified as “weeds” under the municipal weed ordinance. The Policy Sub-committee brought up a concern that the proposed Weed Ordinance revisions from 2009, which would resolve this matter, were not approved. The next morning, one of the members of the Policy Sub-committee announced that this set of revisions was indeed passed in June 2011 and provided the new Weed Ordinance for reference.

2. NPDES permit - City of Cincinnati Stormwater Code Compliance

There was confusion regarding the revised stormwater regulations and if they applied equally to combined sewer areas under an MS4 permit. One of the members pointed out that there would be some conflict/overlap between MSD’s Rules and Regulations and the revised Stormwater Regulations for NPDES Phase II compliance.

3. Downspout Disconnection

Some members of the Policy Sub-committee believe that the regulations for downspout disconnection have been drafted for inclusion into the revised stormwater regulations to be submitted for approval 2012. Some question arose to the barriers that have been overcome and still need to be overcome to allow for this.

4. Rainwater Harvesting

The status of the Rainwater Harvesting code/regulation conflicts was unclear. Some members mentioned the efforts of the Rainwater Harvesting Task Force, a project of the Green Partnership of Greater Cincinnati, and inquired to the progress that they have made and the barriers that they have encountered.

Could the regulations prohibiting rainwater harvesting be amended at the same time as the NPDES Stormwater Code revisions?

5. Green Streets

A green streets plan for the City of Cincinnati was discussed as a potential policy gap.

6. Parking Regulations

CFAC Policy Sub-committee members agreed that the parking lot regulations for all jurisdictions could be re-examined in the context of stormwater improvements. It was specifically brought up that the parking lot regulations could encourage or mandate curb cuts for vegetated islands and maximum parking limits for the purposes of stormwater management.

Another suggestion was to encourage dual use parking lots. A Policy Sub-committee member gave an example of a dual use parking lot, the Cincinnati Zoo, which has solar panels above the parking lot. Likewise, examples were given of places with pervious pavers for overflow parking areas that allow vegetation to grow through them most of the year and then reclaimed when needed for the extra parking capacity. These concepts and more should be examined for incorporation into parking lot regulations.

7. Riparian Corridor

Riparian corridor regulations were another identified policy gap. Would they be included with the revised stormwater regulations in 2012? Since large segments of the Mill Creek tributaries have been culverted to sewers or channelized, would riparian corridor regulations even have much of an effect?

8. Off-set Credit Policy for Green Controls

One of the CFAC Policy Sub-committee members mentioned the *MSDGC Green Initiative: Off-set Credit Policy for Green Controls*. The off-set credit policy initiative was studied by MSD between 2007 to 2009. CFAC Members would like more information on this initiative as it would be a tremendous utility for incentivizing low impact development on private properties. A report of the *Off-set Credit Policy for Green Controls* was forwarded to members of the Policy Sub-committee afterwards for review.

9. Easement Sharing

Some members of the CFAC Policy Sub-committee mentioned that MSD's easement policy could be a policy gap worth studying. The concern with easement sharing was that each utility company/department is moving towards a policy of exclusive access, which is causing a larger footprint of disturbance in natural areas where utilities are run through.

10. Land Use Controls: Long-term Assurances

The conversation regarding land use controls and long-term assurances started from the August 5, 2011 Policy Subcommittee meeting. There were two similar but different issues raised in this discussion.

The first issue was regarding the Memorandum of Understanding (MOU) between MSD and landowners with MSD's Enabled Impact Projects such as demonstrations or Early Success Projects (ESPs); these would not be enough to gain credit under the Consent Decree. MSD explained that long-term assurances would not matter in the case of ESPs because are small scale given the magnitude of the volume needed

to reduce but the enabled impact projects are good demonstration projects that are beneficial as a resource and educational tool for community residents and partner organizations. This issue was briefly mentioned again at the September 22, 2011 Policy Breakout Meeting.

The second separate but related issue was concerning the potential stormwater land use controls (i.e. Low Impact Development, Light Imprint, and Best Management Practices) that the City of Cincinnati is studying for possible incorporation into the Land Development Code (LDC). What long-term assurances could be tied to private properties to guarantee that LID practices remained in place and functioning as intended? Would MSD get credit under the Consent Decree for private property LID with long-term assurances? The complicated and difficult questions that the CFAC raised should be explored as MSD's Project Groundwork and the City of Cincinnati's LDC moves forward.

Next CFAC Policy Sub-committee Meeting

The Policy Sub-committee would like to schedule a meeting a follow up (November 10) to go further into the policy "gaps" identified centering on storm water management. This date was tentative and CFAC Policy Subcommittee members will be informed when the date is finalized.

CFAC Inform & Influence Sub-committee Meeting Summary

September 22, 2011

Discussion:

The subcommittee meeting focused on gathering input on the Lick Run Community Design Workshop #2, scheduled for October 26, 2011 at Gilbert A. Dater Montessori (elementary school).

An overview of the workshop was presented by MaryLynn Lodor of MSD and Joseph Danyluk of Human Nature.

The workshop will begin at 6:00 p.m. for registration and an optional 30-minute open house for newcomers and other interested attendees. Following the open house will be an overview presentation to discuss the Lick Run Alternative project, the results of the first workshop, and the purpose of the second workshop. The participants will then split up into groups of eight to review and discuss watershed-wide guidelines and design concepts for the proposed urban waterway in South Fairmount. The groups will review principles and guidelines relating to green planning principles, the transportation network, trail opportunities, and community development strategies. Participants will then have an opportunity to evaluate strengths and weaknesses of design concepts for the proposed urban waterway. The proposed urban waterway corridor, covering the area from White Street to Mill Creek, will be split into three zones.

Group members offered the following recommendations, questions and comments:

- Would like to see each group “report out” on highlights of their review/discussion to the entire group at the end of the night
- How are comments going to be gathered? A designated representative will record and/or collect verbal and written comments, and a report (similar to the one developed for the first workshop) will be disseminated to the public via a hard copy report and on the Lick Run website.
- Highlight favorable characteristics of South Fairmount (e.g., \$50 million in revenues from local businesses; local businesses employ 450), not just the statistics about crime, homelessness
- Begin with planning principles and talk about how poor planning destroyed South Fairmount
- Outsiders (those who don’t live in South Fairmount) shouldn’t be making a decision about what’s going to happen in South Fairmount
- Project is bigger than South Fairmount; South Fairmount is a main gateway to the western communities, so the project is of vital importance to the whole city
- Traffic pattern is an issue; need to communicate with DOTE/Metro SORTA
- MSD should consider geothermal as part of project
- 100-year opportunity that shouldn’t be passed up; need to build trust between MSD and the community
- Don’t oversell what can be delivered

CFAC Economic Development Subcommittee Meeting Summary

September 22, 2011

Discussion:

The Economic Development Subcommittee framed the discussion on the two different (though not mutually exclusive) economic development needs in this neighborhood, described as short-term and long-term.

In the short-term, the retention of businesses impacted or displaced by the proposed Lick Run project requires the immediate attention of MSD, City Development staff, and the neighborhood. The ED subcommittee formulated that the next step to address this issue is the creation and distribution of the business survey to be distributed at the next South Fairmount Business Association meeting.

Over the long-term, the ED subcommittee has the opportunity to identify and facilitate a variety of economic redevelopment opportunities that could be catalyzed by MSD's investment in the Lick Run urban waterway solution. The subcommittee recommended expanding its membership to involve more private-sector economic and residential redevelopment experience, the need to address social issues like crime and homelessness, and the possible incorporation of stormwater retention/alternative energy technology that could benefit private property owners in the corridor as next steps or future discussion items.

Group members offered the following recommendations, questions and comments:

- Local businesses and manufacturers that do not serve the public directly still need to be given extra consideration regarding the impacts that the Lick Run urban waterway project would have upon their businesses' long-term viability.
- South Fairmount has been plagued by many negative economic-social issues over the past, and this could discourage future investment.
- The topography of South Fairmount is not conducive to the current market demand for newer and larger manufacturing.
- The ED subcommittee does not have boundaries from MSD to focus their economic development efforts. Chris Manning from *Human Nature* explained that once the Lick Run Community Master Plan was finished, there would be a target area with boundaries.
- MSD should convene a group of developers and realtors to discuss economic development opportunities/limitation in the Lick Run corridor.
- The ED subcommittee strategy should focus on key neighborhood blocks to get a vision and to develop interest from private-sector developers.
- The Lick Run Corridor has an annual aggregate total of \$50 million dollars in sales and 450 jobs (according to Dennis Smith, Owner of Paper Products Company and President of South Fairmount Business Association (SFBA)).
- MSD has convened with various business owners in the Lick Run corridor to inform them of the services that the Department of Community Development has to offer. The Department of

Community Development continues to meet with affected property owners to discuss property acquisition and relocation options. A survey was developed to capture more information from the approximately 40 business owners in the SFBA. The ED subcommittee reviewed the survey and made suggestions for improvement.

- Another entity (other than ED subcommittee) should take the lead on addressing long-term residential housing issues and opportunities.
- Geothermal and other alternate energy technologies have not been explored by MSD, but they are receptive to any private-sector interest wanting to explore this technology.
- Chris Manning from *Human Nature* explained that the next Lick Run Community Design Workshop would have some focus on a framework for green buildings and energy efficiency.