



## Planning and Public Safety Committee Meeting

September 11, 2018

### Summary and Motions

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Chair Mossotti called the meeting to order at 1:02 p.m. Committee Members Kay, Bledsoe, Gibbs, Henson, Plomin, Lamb, Smith, and Worley were present. Council Members F. Brown and Farmer were also present as non-voting members. Committee Member J. Brown was absent.

#### I. Approval of August 21, 2018 Committee Summary

A motion was made by CM Plomin to approve the August 21, 2018 Planning and Public Safety Committee Summary, seconded by VM Kay, the motion passed without dissent.

#### II. Shared Mobility Vehicles (Scooters)

CM Gibbs introduced Scott Thompson with the Division of Planning who provided a general description of the shared mobility vehicles. Thompson said Lexington formed a bike share advisory committee in January, 2018 which researched companies in similar-sized cities. He reviewed some statistics from the first month of the bike share program and he said with *Spin's* announcement that the industry is evolving to include other shared mobility vehicles, they began to see rogue e-scooter launches in cities across America from different shared mobility providers. Thompson said the committee agreed to work with one provider for the duration of the one-year pilot program. He explained that it was determined by Law and Public Safety that, if the company did not have permission to operate, the e-scooters could be impounded as they would be viewed as abandoned property. Lastly, he reviewed objectives and explained how this can impact finances and services in our community.

CM Henson asked what the committee's involvement is and Thompson explained that the committee will study this for a year and develop policy for how this program could operate. CM Henson asked what they are observing and how certain issues of abandoned bikes are being corrected. Thompson said they are learning as they go and adjusting the program based on needs that come up and he mentioned the 200 additional bikes that have been added to the bring the total to 500 bikes. CM Henson asked about options for people with disabilities, particularly with the addition of scooters. Thompson said there is one provider that does have resources but it is cost prohibitive.

CM Plomin asked how long the program will last and Thompson said that it is a one-year pilot program and there will be additional considerations as the program develops. CM Plomin asked if we would phase out the bikes with the scooters and Thompson said we would have both. He said there is clear evidence that people are using these bikes to get to and from work outside of transit hours and he described a few impacts that a program like this might have on the community.

CM Worley asked for clarification that during the pilot program, they will continue to have the bikes. Thompson said they are committed to pedal-power bikes for at least one year and the scooters would be in addition to the bikes for now. CM Worley expressed concern about the safety of scooters and he said he would like the bikes to stay. Thompson said *Spin* has informed us that they are moving away from bicycles in certain markets, but there are different providers who offer different modes of transportation and they hope to add these modes during this pilot program so each can be evaluated.

CM Lamb asked where our residents are permitted to ride an electric scooter today. Thompson said state law governs that and he understands them to be allowed on roads, sidewalks and bike lanes. He said generally people adjust to what is around them so he does not anticipate that the scooters will speed down a busy sidewalk. CM Lamb asked about walkways in our parks and whether Division of Parks will be involved because of safety concerns there present. Thompson said they do not intend for scooters to be dropped in these areas and they will continue to communicate closely with Parks throughout this process.

VM Kay asked how the city and the University of Kentucky can work together on these programs. Thompson said the University has started a Scooter Advisory Board and he attends or gets minutes from those meetings regularly. He said they are both evaluating this and making decisions simultaneously. VM Kay asked if we are working in parallel with the University regarding anyone who comes into the community and offers these services. Thompson said the University has exclusivity where we do not, but we can work with the vendors to make sure they know where their vehicles can be placed.

CM Mossotti asked how many scooters they anticipate adding to the program. Thompson said they would most likely start with 500, but they are looking at similar sized cities to determine that number. He said they plan to roll out the scooters gradually. CM Mossotti commented on the city of Lexington's contract with the provider and the addition of scooters and asked if this was *Spin's* initiative. Thompson said dock less bikes made it a viable option for us to have a bike share program. He said prior to the execution of MOU, they started seeing the inception of e-bikes and scooters to the market so they changed the language to say Shared Mobility Vehicles; which means at any point, they can add a different vehicle to the program to study and evaluate.

CM Gibbs said we have already increased from 300 to 500 bikes and he summarized the timeline of the revised MOU with the provider to allow scooters with final approval from the Council. Thompson confirmed that the MOU would be revised and brought back the committee for approval at the first of the year and scooters could be rolled out by spring. CM Gibbs said we were trying to act quickly on this because we misunderstood the urgency of the matter. Thompson added that he thought they were going to have to amend the contract with *Spin*, but that is not the case. He said if there was a rogue launch of scooters, they would currently be considered as abandoned property without having permission to operate here.

No further comment or action was taken on this item.

### **III. Sign Ordinance Amendments**

CM Worley explained that this item was brought into committee in August 2016 and it is a complex issue. He described the Supreme Court Case which determined that content-based sign regulation is a violation of free speech. He said having an unenforceable sign ordinance is problematic and can not only lead to litigation, but is also a waste of government resources. He said our goal is to make content neutrality the theme of our sign ordinance.

Craig Bencz with Division of Planning said this item was based on the Supreme Court Case *Reed v. Town of Gilbert* which applies to the regulation of all signs. He explained that all sign ordinances must be content-neutral which means the language in the code cannot dictate what is on the face of the sign. He said the sign ordinance work group did a line by line review of the ordinance to remove all references to content. He reviewed the proposed amendments for billboards, construction screening, and temporary signage. Bencz mentioned the comments they received by the Fayette County Neighborhood Council (FCNC) and explained they have had several meetings; and received multiple letters, e-mails, and phone calls from them throughout this process.

CM Worley said after speaking with the FCNC, he recommends that the Planning staff and the Planning Commission are best suited to address the concerns and not this committee. He said the concern is the complexity of the ordinance and only having 60 days from a Council-initiated text amendment. He said it is his preference to go directly to the Planning staff and Planning Commission to start the process so the Planning Commission would not be bound by the 60-day limit to return their recommendation.

VM Kay expressed concern about sending a recommendation to Planning Commission considering the time limit, but if we can address those issues before sending it to the Planning Commission then we should. He asked if the Council would then have 60 days to react to the Planning Commission's recommendations. Jim Duncan, Director of

Planning, said when the Planning Commission makes their recommendation, there is no time limit and Council can start all over again if necessary. VM Kay said that he supports CM Worley's approach to move forward.

CM Lamb asked about the notification process of text amendments and who would receive the notifications. Duncan explained that notification is sent to Neighborhood Associations; FCNC; they have a legal ad that is run in the newspaper; and it is also on the web site. CM Lamb requested that the Division of Planning notify Council as well.

A motion was made by CM Worley to refer the Sign Ordinance Amendments item to the Planning Staff and Planning Commission to take this issue up, but leaving this in committee to monitor the progress, seconded by CM Lamb. The motion passed without dissent.

Elizabeth Pitchford with Ruggles Signs, Walt Gaffield with FCNC, and Amy Clark with FCNC provided public comment.

#### **IV. Items Referred to Committee**

A motion was made by CM Gibbs to remove the Changes in Section 14-10 of the Code of Ordinances, regarding the authority to cite for parking violations item from committee, seconded by CM Henson, the motion passed without dissent.

A motion was made by CM Plomin to adjourn, seconded by CM Bledsoe, the motion passed without dissent.

The meeting was adjourned at 2:05 p.m.

KT 9.12.2018