



## **Planning and Public Safety Committee Meeting**

April 9, 2019

### **Summary and Motions**

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Chair Mossotti called the meeting to order at 1:05 p.m. Committee Members Chuck Ellinger, James Brown, Josh McCurn, Jake Gibbs, Susan Lamb, Preston Worley, Amanda Bledsoe, Jennifer Reynolds, and Kathy Plomin were present. VM Steve Kay and CM Fred Brown were also present as non-voting members.

#### **I. Approval of March 5, 2019 Committee Summary**

A motion was made by CM Plomin to approve the March 5, 2019 Planning and Public Safety Committee Summary, seconded by CM Bledsoe, the motion passed without dissent.

#### **II. Shared Mobility Pilot Program**

CM Gibbs requested to remove this item from the agenda and postpone to a future date.

No further comment or action was taken on this item.

#### **III. ZOTA for B2, B2-B, and B2-A Zones**

Brandi Peacher, Director of Project Management, presented this item. She explained that this is another step to protect the investment of Town Branch Commons (TBC). She explained that the B2 zoning amendments work hand-in-hand with items already in place including the 17C Ordinance. She explained the intent is to accommodate existing and future development in the central business district and they are proposing a special provisions item so anything adjacent to or connected to TBC will need to reference the TBC Master Plan and Design Standards. She explained that TBC is the sidewalk, landscaped area, and bike path and the adjacent zones are from the property line back. She said there are water features incorporated so it is important to coordinate as private developments occur.

CM Ellinger asked for the anticipated date of completion. Peacher said for the zone, they are finalizing ROW acquisitions on the downtown portion and Newtown Pike and she will go to construction on that this fall pending state approvals. She said the trail will be constructed this year if everything goes as planned. She said it has to be substantially completed by 2021 with final touches applied in 2022.

VM Kay commented on parts of the map that show Midland Avenue not included in the B2, B2-A, and B2-B zones. Peacher said that is correct; however, near 3<sup>rd</sup> Street and Midland Avenue corridor there is a triangular piece owned by Community Ventures which has been rezoned to a B2 zone. Other than that, the area is a B4 zone. VM Kay requested clarification that these properties would not be subject to this change in regulation and Peacher said that is correct.

A motion was made by CM Gibbs to approve the proposed changes to Section 8-17, 8-18, and 8-19 of the Zoning Ordinance and to initiate the zoning ordinance text amendment as presented, seconded by CM Plomin. The motion passed without dissent.

#### **IV. Sidewalk Assistance Program (Code Enforcement)**

Alex Olszowy, Director of Code Enforcement presented the item. He said when this program started 30 years ago, homeowners were responsible for sidewalk maintenance and sidewalks were originally installed as part of the subdivision regulations. He reviewed the replacement assistance program which includes the qualified property owners' assistance program which is the 100-percenter program for which all of the money to repair the sidewalk will be reimbursed by the city. He said this is approved based on income, assets, and other issues and by ordinance, Code Enforcement keeps 25 percent of the allotment for the sidewalk program in abeyance until the end of the year until all of the 100-percenters have been dealt with for the season. He explained that other residential property owners are offered up to 50 percent which is based on current market price for sidewalks. He continued the presentation by reviewing the program's funding history and the end goal.

CM Bledsoe commented on the 25% appropriated for the sidewalk program made available for grants to qualified property owners (100-percenters). As an example she used a \$100,000 budget and said that would mean \$25,000 is taken and she asked if another \$25,000 is held until the work is finished. Olszowy said only \$25,000 is held. Bledsoe asked how many individuals fall into the 100-percent category and Olszowy said less than 5 and he said only \$2,800 was spent on 100-percenters this year. Bledsoe asked if this because they do not know they qualify and Olszowy said his guess is they do not qualify because the criteria is very strict and is low-income driven. He said he does not have the history on the reserve limit and why it was set that high. He said he has talked with CM Brown about potentially lowering the reserve so the funds could be freed up earlier. Bledsoe said this is one of the assistance programs she gets asked about and they do not like waiting so it would be good to release the money earlier.

CM Reynolds asked for an explanation of the grant application process. Olszowy said a grant application is completed and sent to Code Enforcement and placed in a queue. He explained that all panels marked for replacement are eligible – the only criteria is for 100-percenters; otherwise, it is first come first serve. Reynolds asked if apartment owners can apply for the sidewalks that connect to their property. Olszowy said they can apply; technically they are residential, but they prioritize 1 or 2 owner-occupied first, then rentals, and commercial.

CM Plomin asked if those who are asking for financial support are first come, first serve. Olszowy said when the applications come in, they are filed in chronological order. Plomin asked if they take into consideration the condition of the sidewalk in terms of how they are placed in order and Olszowy said no. Plomin asked if they have exhausted the amount of money for the lower income and run out of money for the others. Olszowy said they might run out because they have \$8,000 outstanding in grant applications and they just paid the last of the 100-percent applications. Plomin asked if that money rolls over if it is not used in the prior year. Olszowy said no, everyone starts anew.

CM F. Brown said he has received complaints that they are not being reimbursed because there was no money left in the fund. He said he appealed to CAO to put additional funding in the program to make those reimbursements. F. Brown said it is supposed to be a 50% match, but he understands they also go by square footage. Olszowy confirmed it is square footage. F. Brown said the ordinance says it is a 50% match. Olszowy said his understanding is that previously they did a bid process, but they stopped that. F. Brown said they had a list of contractors, but it did not work out where we would submit those and some were good, but some were not. He said the numbers fluctuate for dollars per square foot and the percentage for the match. F. Brown said the 25% for 100-percenters seems excessive and we could reduce that. He asked for this item to come back to committee with recommendations on improving the

ordinance to illustrate what is actually being done with this program, making it more flexible and easier to administer. He asked what kind of marketing we are doing and Olszowy said they do not do any marketing.

CM J. Brown asked for this item to come back to committee with recommendations for amendments to the ordinance. He said this assistance is geared towards property owners and since apartment complexes produce revenue, he would not make them more of a priority than residential. He asked for this item to come back with a projection on how we can increase the fund because the need for sidewalk assistance is only going to increase in older neighborhoods and we will probably see more requests moving forward.

No further comment or action was taken on this item.

#### **V. Items Referred to Committee**

A motion was made by CM Gibbs to remove the ZOTA for B2, B2-B and B2-A Zones item from committee, seconded by CM J. Brown. 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 1:49 p.m.

KT 4.10.2019