



Planning and Public Works Committee
December 11th, 2012
Summary and Motions

Chair Farmer called the meeting to order at 1:02pm. Council Members present were CM Ellinger, VM Gorton, CM Kay, CM Ford, CM Blues, CM Beard, CM Martin and CM Henson. CM Lawless was absent.

1. Approval of Summary

Motion by Beard to approve the summary. Seconded by Blues.

Gorton asked about the last paragraph on page 4 regarding her comments about easements. Gorton asked Kevin Wentz to provide further clarification. Wentz said it is a recommendation, not a requirement. Gorton said that there is no easement for planting street trees inside the sidewalk.

Farmer asked Benningfield to revise the minutes.

Beard withdrew his motion. Blues withdrew his second.

The minutes will be reviewed at the January 2013 meeting.

2. Re-Paving Program

Commissioner Jane Driskell came to the podium to present an update to the Committee members. Driskell said that there are several points they are taking into consideration. The first being when they will spend the money. Second, when it might be best to borrow the money and finally, the job outlook and how it might affect rates. She has looked at initial borrowing around March 2013. Driskell said she is also reviewing cash flow needs while looking at other bonding for the upcoming year.

Driskell said there will be a schedule distributed before her departure from LFUCG. The Bond Council, financial advisors, and budget staff will receive the schedule.

Wentz came to the podium and introduced Brian Billings from ATS. Wentz said they will continue using the same information allocated to Council earlier in the year. He stressed that they would like Council Members to report their list to his department by the end of January or first week of February. Farmer asked Wentz about the 12 way split. Wentz said that he will work on the allocations based on what they have already paved this year.

Billings said that ATS has three asphalt plants in Fayette County but they only ran one plant this year. A plant can do 250-350k tons in a year. They can do 800k-900k tons in a given year. He said that they would be happy to open the other two plants if needed. Farmer asked Sam Williams if they have enough inspectors to do that amount of paving. Williams said that they have two full time inspectors now and they can pull from other areas to get the inspections completed. He said three inspectors would be adequate.

Williams said that it costs \$100 per installed ton.

Beard asked Driskell if the bond amount is \$13MM. Driskell said yes. Driskell said there was also \$3MM in MAP and also some money from coal severance and County Aid funds. The \$13MM is in addition to what was budgeted.

Henson asked Williams about interruptions to traffic patterns. Williams said that most of the paving will not be done to major thoroughfares. Williams said that they will work with the contractor to do busier roads during off hours. He said they usually pave between 9:00 am – 3:00 pm. They can also do night paving if necessary.

Henson asked if they are really prepared to do this much paving in one year. Williams said that they are prepared.

Driskell said that MAP money will be used for debt service. \$1.5MM will be debt service each year on the bond.

Farmer asked Billings about the New Circle road widening. Billings said that he would be surprised to see it started before FY14. Billings said that it will be a good improvement for the north side of town.

3. Erecting Large Utility Poles in the Right of Way

Martin introduced his legislative aide Jonathan Hollinger to begin the presentation.

Hollinger mentioned the utility poles that had been erected on Euclid Avenue and Rose Street and on Cooper Drive. He also mentioned Landsdowne Drive.

Hollinger said that his presentation would define the current LFUCG policies on utility poles, discuss policies in other cities and suggest ordinance changes and aesthetic guidelines. He read Chapter 17C-3: Annual General Permit. This is a permit given to utility companies for work in the right-of-way. He said that the annual general permit means a permit issued annually by the division to repair, replace, or maintain existing above-ground facilities, including poles, in the same location with no street, curb, apron, or sidewalk cuts, provided any replacement facilities are not more than twenty (20) percent larger in size than the existing facilities. The annual general permit does not cover the installation of any facility that is not listed in 17C-3. The permittee shall be required to provide daily notifications to the division as further provided in subsection 17C-21(a).

Hollinger said that Chapter 17C-20 deals with utility poles and says that to the extent possible, registrants should use existing poles and conduit existing at the time of permitting in installing their facilities.

Hollinger went on to explain Article 6-5(a) of the Subdivision Regulations. All distribution lines or cables for utilities shall be installed below ground within the subdivision. Major facilities may be located above ground.

Hollinger mentioned the policies of other comparable cities. He said that in Boulder Colorado, no permits are issued for above ground utility structures. All new, replacement, and relocated utilities must be installed underground. Ann Arbor Michigan allows the Council to create underground utility districts by resolution. The policy does not apply to transmission lines in excess of 34,500 volts.

Hollinger said that in Madison Wisconsin, there are no new overhead entrance facilities for buildings in the downtown area or on specified corridors. Replacement entry facilities must be installed underground when the cost of remodeling exceeds 50% or more of the assessed value of the building. That requirement is waived if the cost of new entrance facilities exceeds 5% of the total remodeling cost.

In Nashville Tennessee, all new residential developments must have underground utilities. Any residential plot greater than 40,000 square feet is exempt. Furthermore, distribution lines on major streets, and transmission lines are exempt. Finally, the property owner or developer is responsible for costs of undergrounding.

The final city mentioned in Hollinger's presentation was Raleigh North Carolina. Their ordinance states that all utilities that serve a subdivision must be installed underground within the entire development. Ground mounted transformers cannot be in the public right-of-way within subdivisions of land.

Hollinger presented various policy options to the Committee members:

- Require more stringent review of proposed overhead utility structures by amending Chapter 17C.
- Require notification of property owners upon application to install major utility infrastructure.
- Establish aesthetic guidelines already referenced in Chapter 17C.

Hollinger then presented potential ordinance changes:

- Remove "more than 20%" from 17C-3.
- Amend the criteria for denying an installation permit.
- Could require applicants for installation to notify property owners.

Hollinger then mentioned aesthetic guidelines components:

- Location based restrictions

- Requirements to examine alternate paths
- Cost threshold requirements
- Priority installation areas
- Size, materials, and landscaping requirements

Hollinger reminded the Committee members that PSC regulated utility companies can ask for a rate increase based on a local policy that causes them to incur additional costs.

Hollinger concluded his presentation by suggesting that the Committee members discuss aesthetic guidelines components and ordinance changes. They could then draft guidelines and corresponding changes to the code of ordinances based on committee suggestions. Next they should engage stakeholders. Finally, the Committee should move their recommendations forward to the full Council.

Blues asked Hollinger what an entrance facility is. Hollinger said that it is where the utility lines come from the utility pole from a business or a home.

Henson spoke funding opportunities. She mentioned the fund that pays for street lights. Hollinger said that in Ann Arbor the homeowner must pay to convert the wire that runs to their home from the utility line. According to Kentucky Utilities that conversion can cost upwards of \$2000.

Henson also asked about available data on power outages with underground utilities versus overhead. Hollinger said that there is a lot of literature on the issue, but even if a line is underground in a specific area, the line does come out of the ground somewhere. Also, overhead utilities are much faster to fix than underground. Hollinger said that he would find better data and provide it to Henson.

Beard said that it is more difficult to locate a break when the utilities are underground. Beard asked Hollinger if the cities he mentioned deal with private utilities. Hollinger said that he thinks there are all private but will double check and provide the information to Beard.

Martin said that he would like to get some direction from Council Members for the staff to move forward on the issue. Martin said that what happened on Euclid Avenue cannot happen again. Martin said the total ban of overhead utility lines is not feasible now. Martin asked Hollinger what a major utility is. Hollinger said that it could be measured in kilovolts but suggested that someone with engineering expertise answer the question.

Martin said that they must work to balance the cost with quality of life for Fayette County's citizens.

Gorton said that when Pam Miller was the Mayor, the Council made it a priority to put a certain amount of money into the budget to bury lines in the downtown corridor.

Farmer said that they will keep the issue in committee and would like the staff to continue to work on the issue.

Martin suggested that the new committee invite Kentucky Utilities to come to an upcoming meeting.

4. Items Referred to Committee

Gorton said that a Council Member can pick up an issue referred by an outgoing Council Member if they are interested in continued discussion of that item.

Motion by Ellinger to remove the Building Permit Extensions in ND-1 and H-1 from the items referred list. Seconded by Blues. Motion passed without dissent.

Farmer asked Henson if he could change the Emergency Preparedness item as referred by her and she agreed to that change.

Gorton suggested changing the Design Excellence item as referred from Blues to Kay. Kay agreed to that change.

Blues gave a brief update on the Design Excellence item. Blues said that they received two responses to the RFQ and the working group will meet with both firms to ask questions that they did not think were fully answered in the two proposals.

Motion by Gorton to adjourn. Seconded by Beard. Motion passed without dissent.

Submitted by Jenifer Benningfield, Council Administrative Specialist