



Planning and Public Works Committee October 8th, 2013 Summary and Motions

Chair Bill Farmer Jr. called the meeting to order 1:00pm. Committee Members Linda Gorton, Jennifer Mossotti, Charles Ellinger, Steve Kay, Chris Ford, Diane Lawless, Julian Beard, Harry Clarke, and Peggy Henson were present. Shevawn Akers and Kevin Stinnett attended as non-voting members.

1. Approval of Summary

Motion by Beard to approve the summary. Seconded by Clarke. Motion passed without dissent.

2. Erecting Large Utility Poles in the Right of Way

Clarke introduced his Legislative Aide, Jonathan Hollinger, who began his presentation on the item. Hollinger said that when the item was originally presented in 2012, the original policy proposals were as follows:

- 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.

There were several issues with the original policy proposals. The issues were as follows:

- Width, height, ground clearance, material, and other aspects of utility poles are dictated by National Electrical Safety Code (NESC).
- The Lexington-Fayette Urban County Government (LFUCG) cannot have requirements in conflict with these regulations.
- Kentucky Utilities already has notification procedures for utility projects.
- Per Kentucky Revised Statutes (KRS) 100.324, Public Service Commission (PSC) regulated utilities are exempt from planning commission approval of the location or relocation of any service facilities.
- Location or land-use based restrictions may conflict with this statute.

Hollinger told committee members that they wanted to present a new proposal:

- Create a notification system for the Council and the Mayor for significant utility projects.
 - A staff member would attend utility coordinating meetings and report back to the Council and the Mayor with a summary of upcoming projects. There are two (2) meetings that occur: right of way utilities and project-based meeting. One (1) is quarterly, one (1) is bi-monthly.
 - The summary would include a district level synopsis for Council Members.

- Allows elected officials to stay in the loop on significant projects.
- Creates an avenue for input early in the project timeline.
- Provides a means of coordinating public information about projects.
- The process would be operated on a pilot basis: A draft utility projects report would be brought to the committee and the format and delivery timeline can then be codified.

Hollinger volunteered to attend the meetings and draft the report and bring it back to the Planning and Public Works Committee.

Farmer asked Hollinger if there is a difference between erecting the poles in the right of way versus mandating at some point that the utility lines go underground. Hollinger said that if it is the will of the committee and the Council to mandate major infrastructure changes to utilities, there are avenues to pursue it. Hollinger went on to say that in his previous presentation he had presented that it would be very expensive to pursue placing utilities underground. Hollinger also said that the utility companies may pursue a rate increase in response to the revised policy.

Lawless thanked Hollinger and Clarke and reminded the committee members that the giant utility poles transmit a lot of power. She said that Doug Martin referred the item into the Planning and Public Works Committee because of the erection of the large utility poles on Woodland and Euclid. She said that the poles are on the University of Kentucky's right-of-way. She said that the LFUCG had no policy to stop UK then or in the future.

Henson thanked Hollinger as well. She asked Hollinger if there was any thought given to camouflaging them. Hollinger said that the large poles are transmission lines and they would be much more expensive to put underground. Henson just asked that the committee consider creative ways to camouflage them. Beard told Hollinger that the University of Kentucky has eminent domain and the LFUCG might like where they are now versus where they could have placed them. Beard said that they might have to live with some of them, but said that painting them might help. He thanked Hollinger for his willingness to attend the meetings.

Clarke said that they spoke to representatives from Kentucky Utilities and he and Hollinger think that this is a good route to take. He said that the LFUCG could restrict placement but they do not see the point in it.

Clarke said that UK worked with the LFUCG to get permission to place the poles. He said that when UK built the new hospital, they needed to have power. They did not want the lines running down Rose Street, which is why they turned the corner. The depth of the poles is 60 feet.

3. Capital Road Projects for Major Corridors and the Ability of the LFUCG to Maintain Those Roads

Kevin Wenthe said that he was going to present additional information to the Committee. Wenthe provided more detail of the major corridors.

Wenthe said that when they begin resurfacing, they divide the monies by Council District based on greatest need. Wenthe said that the issue that has come to light is major corridors that cross multiple Council Districts.

Wenthe illustrated the roadways that the LFUCG is responsible for maintaining. The roads highlighted in red are the responsibility of the LFUCG to maintain. The cost of \$11MM is for milling and resurfacing at 1.5 inches for the roadways highlighted in red.

Wente said the minor arterials are roads such as Wilson Downing, Armstrong Mill, Southland Drive, Rosemont Garden, and Lane Allen. The cost of \$15MM is associated with those roadways.

Wente then illustrated the impact per Council District. Wente said individual Council Members usually pay for the resurfacing with the allocations from the annual resurfacing budget.

Wente said that he would like the Council to consider having a pot of money set aside for minor arterials to address issues such as resurfacing and base failure repairs. He gave the example of Man O War and the high cost of resurfacing.

Wente said next are the collector streets. He placed an illustration of the collector streets on the overhead. The total for all three classifications of streets is \$42,745,000.

Wente's final slide illustrated where the \$13MM bond had been spent throughout the county. Wente said that he is in the process of breaking those numbers down in terms of what has been spent per Council District so they can see what monies are remaining so they can apply the additional funds to other streets in their districts.

Farmer told committee members that Wente's final slide shows the policy that Stinnett wanted to illustrate. He said that currently the Council Members do things individually but they need to take a holistic look.

Mossotti asked Wente what he needs for the roads that are still out there to be paved. Wente said that he will get the Council Members the amounts of monies that remain for each Council District.

Wente said that looking ahead; they are going to be looking at a far lesser amount of money dedicated to resurfacing unless they approve another bond allocation for resurfacing. Wente said that our MAP monies usually run \$3.5MM that is divided among the Council Districts. Wente said that starting next fiscal year, \$1MM will need to be used to pay back the \$13MM bond. Wente said that the LFUCG made a large dent in the roads that needed to be resurfaced.

Richard Moloney clarified that they would be taking \$1.5MM off the top to pay back the \$13MM bond.

Wente said they do assess roads for paving ratings.

Wente said that with the \$13MM allocation for this year, he had estimated 10% above to account for the unknowns. Wente said that they have spent \$11.5MM. The allocation per Council District is skewed.

Mossotti asked Wente how much road mileage they did. Wente said that he will run the numbers and get it to Council Members. Wente said that it was probably 25-30 miles.

Beard asked about the classifications of minor and major arterials. He said that Wilson Downing is a minor arterial. Brad Frazier, the Director of Engineering, came to the podium to speak on the issue.

Frazier said that it is based on several factors. One is the linkage. Another way is its volume and its importance. This is determined through the MPO process. Frazier said that there is a zoning component.

Lawless mentioned that many of the roads that are illustrated are state roads. Wente said that the roads highlighted in red and blue are the responsibility of the LFUCG to maintain. Lawless thanked him for his hard work.

Wente said that Moloney had conducted biweekly meetings with the contractor to ensure that the allocation of the \$13MM was on schedule.

Stinnett mentioned the \$26MM need for major and minor arterials. Stinnett asked Wentz if they have surveyed when they were resurfaced last. Wentz said that they do have the information in the Pavement Management System. Wentz mentioned the GIS based system that is currently being tested.

Stinnett said that he would like to see how much of the \$26MM can be put into the budget each year and how much of the pavement can be done each budget cycle.

Stinnett said that the Council can pay the bond anyway they want. Stinnett said that they can use General Fund monies for paving.

Stinnett asked Wentz for a number illustrating the total paving need in Fayette County.

Clarke said he did not receive a single call thanking him for paving their street, but did receive calls the other way. Clarke asked Wentz how old the street rating list was. He said that it did not seem completely accurate, because he had driven all the streets in his district and some of the rankings did not appear to be accurate.

Wentz said that they used to evaluate 1/3 of the streets of Fayette County each year and the fourth year they would evaluate all the streets. At any one point, the rating could be current or three years old. Wentz said that they changed it, so they now rate them every year. The Division of Engineering does the evaluation.

Clarke asked Wentz what the plan is for Southview Drive. Wentz said there was a manhole that had a partial collapse. Water Quality is looking into the repair now.

Akers asked Wentz how roads and streets are included in a certain list. Akers asked when the numbers are calculated. Frazier said that during the Comprehensive Plan's transportation component, there are streets networks based on zoning. He mentioned Masterson Station Drive and Sandersville Road as collector roads.

Akers asked how a road could be added to a collector list. She mentioned Trailwood Drive and Lucille Drive. Frazier said that he would consult with the MPO and get back to her with an answer.

Beard asked if ATS ever subcontracts work. Wentz said not for the actual resurfacing. He said that they may subcontract striping. Wentz said that three asphalt plants were opened to accommodate the \$13MM bond for paving.

Moloney thanked ATS.

Henson thanked everyone for their hard work. Henson said that she would like to get to the rating of "60" mark.

Farmer asked Wentz if the Council were to give them a signal to proceed using major or minor arterials as the base for how to regularly fund resurfacing, would it work. Wentz said that he wants to look at the ratings and then come back to the Planning and Public Works Committee to look at what the need would be and what the cost would be. He said they can then assess how to fund it. He suggested taking a percentage of MAP funds for major or minor arterials. Wentz said that they should focus on the major and minor arterials as a separate pool of money.

Farmer said that he wanted the committee's approval to use major or minor arterials as the group to work from. The committee members were in agreement.

Wente said that he could present in November.

4. Merge the Divisions of Streets and Roads and Traffic Engineering into a New Division of Transportation.

Glenn Brown asked that the committee table the item until November. Farmer agreed to do so.

5. Private Streets: Enforcement, Maintenance, Specification

Mossotti said that she wanted to separate residential from commercial because of the huge difference between the two. Mossotti said that she did not see any reason to issue private streets going forward. She cited safety concerns.

Farmer said that they may want to consider changes to the enforcement and maintenance instead of taking the idea of private streets out of the toolbox.

Gorton said for years the LFUCG has been asked to take streets that do not meet our standards and said it is a safety issue. Gorton said she was happy to read that they were going to require a 50 foot easement. Gorton said that the committee needs to be discussing this issue.

Stinnett said that there are two issues. The first is how to accept the private streets into our current system and the other issue is whether or not to allow them at the planning stage.

Stinnett told committee members that there is a big difference between allowing commercial and residential private streets. Commercial are easier to add and are better maintained.

Stinnett wants changes to the CAO policies about how the LFUCG accepts private streets into the system.

Henson told committee members that when the private street is in disrepair it impacts surrounding neighborhoods. She also expressed concerns about water and run-off issues causing flooding onto another area. She asked the Planning staff to look at this issue.

Clarke asked how a developer builds a private street without the same requirements that the LFUCG requires for a public street. Clarke said that they may need to impose standards for the development of private streets.

King said that there are requirements in the Land Subdivision Regulations and there are restrictions. There is more flexibility in the development of private streets.

King said that they could remove or restrict the possibility of private streets from the ordinance. He said that it would require a text amendment of the Land Subdivision Regulations. He suggested the committee members review that language.

Clarke asked King why we couldn't require the same standards for private streets as they do for public streets. King said that there will be physical or cost implications, but it is within the Council's purview to initiate that change.

Lawless asked about the University of Kentucky. Wente said that in recent years, the University of Kentucky has asked the LFUCG to transfer right-of-ways to them.

Gorton asked if they could split out townhouses and large apartment complexes from residential single family. King said that they could differentiate them.

Gorton asked if we can get a fire truck and engine down every street we have. King said yes, we can.

King said that in a neighborhood like that on the island, the Council can request that those streets be made public.

Gorton asked if there is parking allowed on private streets. King said no, he cannot say that it is allowed on all streets, even older public streets.

Mossotti asked King for the number of private streets that are not in multi-family developments that are strictly subdivision streets. Mossotti asked King what they need to do to not allow any new residential subdivisions to have private streets.

King said that to not allow any new single family residential subdivisions to have private streets they would have to initiate a ZOTA of the Land Subdivision Regulations. They would then refer it to the Planning Commission and the Planning Commission would hold a public hearing and make a recommendation back to the Council.

Mossotti asked how many subdivisions have come on in the last 5 years with private streets. Sallee answered that there have not been many at all with the housing downturn. Sallee said that there are applications coming in at a higher rate this year, but only recalled one or two of them requesting private streets.

Farmer suggested that it would be a good time to review this issue since private streets were more popular before the housing downturn and may become more prevalent again.

Beard mentioned streets in the packet that are within Keeneland. Wente said for the packet he ran a query for everything associated with private within the Urban Service Area. Wente said that there were streets outside of the Urban Service Area that have requested to be added to the public street system as well.

King said he wanted to add that as it relates to commercial and rural areas there were places that were not reviewed as streets that were basically driveways that because of modifications to the addressing system (the introduction of the E911 system), a whole lot of things that were driveways were given names. These were never reviewed as private streets but were given that status at that time.

Motion by Mossotti to initiate a text amendment to not allow private streets in residential subdivisions. Seconded by Gorton.

King said that before they can initiate a text amendment, they have to have specific language to present. King said that he wanted to suggest that the Planning staff would be willing to draft language for them to review.

Gorton wants input from all entities, including the development community.

Gorton asked if they want to form a working group to assist with drafting the text amendment.

King said that they could have the conversation in committee before the process is really initiated.

Kay asked King about the upsides and downsides to not allowing private streets. King said that he leans towards public streets, but that it is a subjective personal opinion. However, King said that there are cases where an access easement is excessive and contrary to providing affordable housing.

Motion passed 9-1. Farmer voted nay.

6. Items Referred to Committee

Motion by Lawless to remove Adult Day Cares from the items referred list. Seconded by Henson. Motion passed without dissent.

Motion by Kay to remove the Elm Tree Lane Sidewalk Closure from the items referred list. Seconded by Mossotti. Motion passed without dissent.

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

Submitted by Jenifer Benningfield, Council Administrative Specialist