



## Environmental Quality & Public Works Committee

April 18, 2017

### Summary and Motions

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Chair Farmer called the meeting to order at 1:00 p.m. Committee Members Stinnett, Moloney, Gibbs, Evans, F. Brown, Mossotti, Plomin, Bledsoe and Scutchfield were present. Council Members Kay and Henson were also in attendance as non-voting members.

#### I. Approval of Committee Summary – February 21, 2017

A motion was made by CM Scutchfield to approve the February 21, 2017 Environmental Quality & Public Works Committee Summary & Motions, seconded by CM Stinnett. The motion passed without dissent.

#### II. Traffic Calming Reed Lane: Lafayette HS Streets

CM Henson gave a brief summary explaining how this came into committee when she was approached by Lafayette High School about the hazards in front of the school as it relates to pedestrians. Jeff Neal with Traffic Engineering presented the item. He said existing conditions include a wide open street in front of the high school, poor parking arrangements, poor pedestrian connections, and poor before and after school circulation which leads to chaos. Neal said they approached an engineering consulting firm to determine what course to take. He said they will remove 3 spaces on West Vista and 5 spaces on Southport Drive to make for shorter crossing distance. They are also adding speed tables and ADA ramps which allow for safer crossing.

CM Bledsoe commented that she was at Lafayette High School a couple of weeks ago and had to park in the grass on the Vista side. She said there is a lack of parking available and with them taking additional spots she asked if there will be a way to increase parking for visitors. Neal said they are losing 11 spaces, but those spaces should not have been allowed in the beginning. CM Henson added that at the intersection of Southport and Lafayette Parkway, they are parking in the intersection. She said now they have taken out those spaces so this will not occur. She said there is event parking in the back; and with the GE plant closing, the school is hoping to get that parking. Neal said that if there was not an objection, they would like to begin construction this summer. CM Farmer asked if funding was available. Neal said they have \$50,000 with \$20,000 in reserve.

CM Stinnett asked if they have met with the neighborhood and talked to residents in the adjacent areas. Neal said CM Henson met with the Neighborhood Association and they sent a letter of support for this project and there is also a letter of support from the principal of Lafayette High School. CM Stinnett asked if the actual homeowners were notified of the change. Neal said yes they were. CM Stinnett asked if there was any feedback and Neal said

only positive feedback such as the letters of support. CM Stinnett said he appreciates them handling it properly.

CM F. Brown asked how many meetings were had with Lafayette High School and asked how involved they were. He said he can see there is a letter from the principal but asked if there was any other contact and if they attended the meetings. He said this does impact their parking so we need to make sure students and parents know about this.

A motion was made by CM Plomin to approve the Traffic Calming Reed Lane: Lafayette HS Streets item, seconded by CM Scutchfield, the motion passed without dissent.

### **III. Electronic Billboards**

CM Stinnett gave a brief introduction regarding the state law changes that affect local municipalities regulating electronic billboards. Paul Schoninger with Council Office presented the item. Schoninger reviewed current regulations and how other cities regulate this. He also reviewed what Lexington is doing to review the current ordinance. He said there are 2 zones in Lexington that allow for electronic billboards; one is a B-2B zone which would be the Lexington Convention Center and the other is a B-3 zone or highway service zone which would include an indoor or outdoor stadium/arena like Whitaker Bank Ballpark. He said there are 480 municipalities that permit or regulate electronic billboards and Lexington, Louisville and Owensboro are included. He reviewed the regulatory issues with e-signage and lastly he reviewed the LFUCG actions regarding e-signage. He said with the Supreme Court ruling on content-neutral signage, our sign ordinance is being reviewed in the Planning and Public Safety committee. He said there is an internal group that is looking at the entire signage ordinance, including the electronic component.

CM Stinnett said he would like both sign ordinances to be parallel. Craig Bencz with Division of Planning said the 2 ordinances are on the same track and they are looking at electronic signage as part of the comprehensive rewrite of the sign ordinance. CM Stinnett, to clarify, said this one is just billboards – not other electronic signs and he asked if there was a way to distinguish between the 2 ordinances. CM Stinnett asked if our current ordinance distinguishes between a billboard and other types of signage. Jim Duncan with Division of Planning said billboards are a separate type of sign and are only permitted at certain locations in certain zoning districts. CM Stinnett asked about the state law changes and if this just changes the federal highway locations or can this be changed for all zones in the community. Traci Wade with Division of Planning said billboards in Kentucky are defined as advertising signs and by state regulation they are only allowed on federal highways. She said in Fayette County that is most of our arterial roadways. CM Stinnett asked about New Circle Road and Wade said that would not be federal highway, but Harrodsburg Road and Nicholasville Road would be.

CM Evans said there are a couple of billboards on New Circle Road so she is wondering how those would relate. She said she thinks it would be a good idea to have electronic signage

because they would be more aesthetic. Wade said our zoning ordinance does regulate them on state and federal highways so the state highways would have the same requirements.

CM Plomin asked about the 320 billboards and the 3 different types. She asked what the combination is percentage-wise between electronic billboards and other billboards. Bryan Sayre with Lamar Advertising said they are not looking to change everything to electronic. He said the biggest thing is that the state is on board and they are looking to get the city involved. He said they are not looking to put new boards up; they are only looking to convert existing boards. He said it would be about 10-20% electronic. Sayre said they can also be used as a medium for notifying the public about crimes and missing persons which can be posted immediately. CM Plomin asked about the price placement and Sayre said it depends on location.

CM Mossotti asked if they will have final determination on content and how it will look. Sayre said again that he is not looking to put up new boards, but to convert existing ones. He said as far as artwork goes they have artists who are available to make any type of art. Sayre said it will not scroll, flash, or show video. CM Mossotti asked how much time is given when purchasing ad space for the billboard. Sayre said normally they would do a month, but with digital you can do a week or a day.

CM Gibbs said he is not supportive of billboards; he said he does not like the distraction. CM Gibbs asked if they have data on distracted drivers and Sayre said the study shows it was 1.26 seconds and anything over 2 seconds is a distraction. Sayre said this one is 1.2 seconds. CM Gibbs said they are all distracting and he asked what the benefit is to this. Sayre said that public service benefits and so does Big Brothers Big Sisters. CM Gibbs asked for data showing how many people have been killed each year as a result. Sayre said he does not believe there is any data that shows this. CM Gibbs asked to see good examples. He commented on the recent Supreme Court decision to keep the message simple and asked how we regulate that. Duncan said part of the complexity of reviewing the sign ordinance is trying to decide what content is and what free speech is and what is protected and what should be regulated. CM Gibbs said that his concern is that we will have really complex billboards out there and not be able to regulate that aspect. Sayre said this will be just like a static board. CM Gibbs said if you know it will change you will keep an eye on it longer.

CM F. Brown asked if this will enhance or improve state law. Sayre said they are trying to follow state law. CM F. Brown said he knows they are distracting and he sees a safety issue. He said he would like to see an inventory on signs in Fayette County and the roads where these are located.

CM Moloney asked about lighting and location. He said he doesn't mind them being on a highway, but they bother him more in town and around buildings. He said we have enough problems with traffic issues and distracted driving. Sayre said they will not flash, they will not scroll and they will not show video.

CM Scutchfield asked how billboards are regulated under our current sign laws. Wade said

billboards are permitted in the B-3, B-4, I-1 and I-2 zones only. She said they are located on federal highways and there are spacing requirements. CM Scutchfield asked about the sign in front of Rupp Arena and Wade said the sign in front of Rupp or Whitaker Bank Ballpark are electronic message display systems that are specifically allowed for that use. CM Scutchfield said the recent case law allows us to regulate with different parameters given what the state has said. She asked if we can put them on other streets besides state and federal highways. Wade said she does not think we can go beyond what the state regulates. CM Scutchfield asked if we chose to go electronic with only one advertisement, could they do that. Sayre yes and that would be the same as a static billboard.

CM Evans agreed with CM Stinnett and said it would be worth separating the two types of signage. She said New Circle Road wouldn't need to be changed to electronic signs because there are neighborhoods behind there and there will be concerns. She said we do need to look into this further. Agreeing with CM F. Brown, she said we need an inventory and we need to know where these are located.

CM Bledsoe said they are billboards now; the only difference is they will be lit. She asked if the lights will be brighter than they are now. Sayre said no, the electric billboards are not as bright. He said the ones we have now are probably worse. CM Bledsoe said the concern would be seeing them change more often during the day and that is the distraction. She said she would like to see them used for Amber Alert and other public safety emergencies which could be posted immediately. Sayer said there have been over 800 children found due to an Amber Alert on a billboard.

CM Stinnett asked if all their billboards are lit. Sayre said about 85%. CM Stinnett asked how they determine if they are lit or not and Sayre said it depends on location. CM Stinnett commented on taking a billboard out and putting a new one in and asked who determines which ones to take out and which to keep. Sayre said that is how the state law is written and it would be his company who determines this. CM Stinnett asked if they have billboards in Louisville and Sayre said they do. CM Stinnett asked if they are all electronic in Louisville. Sayer said no and he does not want to go all electronic here either. CM Stinnett asked how many in Louisville are electronic and Sayre said out of 500 billboards, only 5 are digital.

CM Farmer asked Bencz if he was involved in the rewrite of the sign ordinance. Bencz said yes he is helping with the coordination of that effort. CM Farmer asked if it would be done in 6 months and Bencz said it should be done by fall. CM Farmer asked if the two types of signage could be separated. Bencz said they are taking a comprehensive look at the sign code and it would be their preference to look at this issue as part of that re-write, but if the direction of the committee is to take other action, they will. CM Farmer commented that this might be considered a manifest destiny of the freedom of speech and asked if we would be able to say no to it. Tracy Jones with Law Department said in the review of the ordinance they are looking at the regulation of content and we can't regulate that. She said if we get into a situation asking what is said or who said it, we will have difficulty getting around that case.

CM Scutchfield said since this is a comprehensive look at the sign ordinance, she asked if this should be in Planning and Public Safety committee since that committee is looking at the entire sign ordinance. CM Stinnett said it did not originally include billboards and he said he and Commissioner Paulsen agreed that the 2 types of signage could go on parallel tracks because he does not want this one issue to bog down the comprehensive review of the entire ordinance. CM Scutchfield said this will bog down the comprehensive review if we are holding back on this.

Amy Clark spoke on the item. Beauty, safety, and tree canopy are her concerns.

No further comment or action on this item.

#### **IV. Division of Water Quality Projects Report**

Charlie Martin presented the Division of Water Quality Projects Report and gave an overview of projects completed in the last 6 months; projects underway; and projects that begin in the next 6 months.

CM Stinnett asked about #82 Town Branch Commons and if \$366,226 is how much they are asking Kentucky Infrastructure Authority for. Martin said this is going to Gresham to do the design work. He said that would come out of the Water Quality Management fee, but no funding is being devoted to it; it is all about sanitary. He said they have not done any work on the storm water project. CM Stinnett asked if this will come out of the storm water fee money. Martin said yes, if we were paying that bill. He said Gresham has a larger contract and \$275,000 is sanitary and \$366,226 is the storm water component. He said we have not paid any bills from the \$366,226 so we have the opportunity to change that to a different fund if we need to. CM Stinnett asked about # 89 and if that will include Allen Drive. Martin said yes it would. CM Stinnett asked about the un-sewer areas, Martin said it was put on the back burner for two reasons. One reason is because the grant money we were getting came from the tobacco settlement and we are not getting that any more. The second reason is because the consent decree came along and they were overwhelmed with problems from existing customers that dealing with new customers was not there.

CM Moloney asked about the 2.5 acres near I-75 and if that is outside Urban Services Boundary (USB). Martin said no, but it is on the cusp; just inside. CM Moloney asked about the \$420,000 we are paying and why the appraisal was so high. Martin said there were competing appraisals, but he found an exactions agreement from 2016 for that area. He said we had already basically agreed to this price.

CM Plomin asked what areas would need more hours. Martin said it was #35 West Hickman Trunk B and C, behind Clearwater and Fiddler Creek.

CM Stinnett commented on the 2 acres we are purchasing and asked if it would be less expensive to go outside USB. Martin said it is all a guess. He said the consent decree does not give us much leverage in purchasing. CM Stinnett asked if this was the best choice for the site

and that is why it was chosen or was it chosen because it is inside the USB. Martin said it was in the plan that was approved by Council, but it is also platted as a pump station site.

CM F. Brown asked about eminent domain and if that is a possibility. Martin said we have used that in the past. Martin said in this particular instance we had competing appraisals. He said when he has a Council Resolution that establishes a price point of \$235,000 per acre for roadway in front of the parcel, it isn't worth arguing. CM F. Brown asked if they do look at that eminent domain angle and Martin said yes.

CM Farmer said it sounds like you are more interested in trying to complete the task under the consent decree as it was arbitrated to rather than trying to change anything about it. Martin said they do both, but at some point you start running out of time. He said then you start balancing between missing the deadline and the financial penalties that the consent decree allows for under that. He said the penalties section allows for \$5,000 per day for 30 days and it escalates over time. CM Farmer asked if we stay in contact with EPA on our progress and Martin said we do. Martin said they gave us a minor scheduling modification in February. He said with the new administration, he doesn't know the people he is talking to like he used to. CM Farmer thanked Martin for fostering a great relationship between Council and KIA.

No further comment or action on this item.

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

No further comment or action on this item.

A motion was made by CM Plomin to adjourn, seconded by CM Evans. The motion passed without dissent.

The meeting was adjourned at 2:21 p.m.

K.T. 5.1.17