



General Government & Social Services

May 2, 2017

Summary and Motions

Chair Lamb called the meeting to order at 1:02 p.m. Committee members Evans, Kay, Moloney, Stinnett, J. Brown, Farmer, F. Brown, Farmer and Henson were present. Council Members Plomin, Gibbs, Bledsoe, and Scutchfield were also in attendance as non-voting members. The 2nd district seat was vacant.

I. Approval of Committee Summary

A motion was made by CM Stinnett to approve the March 7, 2017 General Government & Social Services Committee Summary, seconded by CM Henson. The motion passed without dissent.

II. Pedestrian and Traffic Safety Ordinance

CM Stinnett introduced the item. Keith Horn presented the ordinance to the committee. The law department recommends a three part solution: **1)** further limit jaywalking by amending section 18-100 **2)** prohibit being in the roadway and approaching cars on Lexington's arterial roads **3)** prohibit being in medians in Lexington's arterial roads, except for the purpose of crossing the street. Horn stated that this ordinance would take effect 60 days after the date of passage to allow for public education.

CM Stinnett provided closing comments. He said this will not make us safe tomorrow but it will have a huge impact on safety down the road. He said this still relies heavily on citizens calling us to let us know what is happening in our roadways and the Police Department will be responsible for enforcing this.

VM Kay commented on the arterial roads and asked if we have simply adopted the categories that exist in labeling our streets and roads. Horn said yes. VM Kay asked if we could add streets since there is a process for review or would they have to be relabeled as arterials. Horn said that having a street reclassified was an option but we were trying to avoid having an ordinance that would be considered overly broad, adding that there had been legal cases in other cities that have done this that were struck down for being "overly broad." VM Kay asked about the process for having a street classified as an arterial. Horn said he was not sure of the process but Planning could likely help to understand that process.

CM Scutchfield suggested that we change the review from once a year to "at least once a year." She would also like to see something included for sitting at bus stops. She asked how this would impact fundraisers (i.e. car washes), or people on the street during football season trying to allow people to park in their yards. Horn stated that people should not be in the street doing these things anyway. CM Scutchfield commented on regulating hand held signs. Horn said this can be addressed separately. He said he thinks there will be a problem if we attempt to try to permit protected speech. Horn said if you are trying to say no one can hold signs on roadways in Fayette County that will not pass constitutionally.

CM F. Brown asked if jaywalking applied to arterials only. Horn said no. CM F. Brown asked if it applied to residential streets. Horn said yes. CM F. Brown is concerned about people crossing a residential street to speak to their neighbors. He cannot support this ordinance if there is not an exception for this. He said he understands the arterials and thinks there may even be exceptions in the arterial streets because

some residential streets are listed as arterials. Horn said it is up to the Council to decide how they want the jaywalking ordinance to apply.

CM Moloney commented that the jaywalking law has always been there, but we never put teeth into it. He asked how the enforcement is going to work when we have had jaywalking for many years. Horn said this would be enforced when an issue arises or when there is a focus on a particular street. He said in neighborhoods when there is a complaint about speeding, police will set up to specially monitor that area and it would be similar to this. CM Moloney said he is glad we are doing this, but he is concerned about whether or not it will be enforced.

CM Henson shared CM Moloney's concerns about jaywalking complaints on Versailles Road, adding that it has not been a priority for Police. She also stated that she has the same concern as CM F. Brown with visiting her neighbor across the street. She said enforcing this does not make sense. She said if she lived on an arterial road like Versailles road that would be a huge issue. She would like to have language added to the ordinance regarding this. CM Henson asked if it was okay for someone to be waiting for a bus on the sidewalk and Horn said yes.

CM Evans expressed concern about the 200-foot buffer and asked if that would impact anyone trying to do any kind of advertising. Horn said yes. CM Evans asked if the person was doing this for a purpose that no one was offended by, would there still be a 200-foot buffer. Horn responded that they just cannot be in the street. CM Evans asked if anyone can be on the sidewalk and Horn said that is correct. She said Bryan Station is on the list and she has concerned citizens who have requested crosswalks, but have been told they cannot get them. She said she is concerned about the unintended consequences, particularly when it comes to a bus stop. Horn said we can add "buses" or "public transportation" as an exception. Horn said pedestrian safety is not only to protect people from standing in the middle of the street soliciting, but it is for those who improperly cross the street.

CM J. Brown asked if the Pedestrian Safety Workgroup is active today. Dowell Hoskins-Squier, Commissioner of Environmental Quality and Public Works, said Pedestrian Safety Workgroup is still active and have been since October 2014. CM J. Brown said they may want to weigh in on this topic so we should try to get their input. He asked about the Downtown Speed Reduction study and asked where we are with that. Hoskins-Squier said last year we had an ad campaign. She said this year Bullhorn was requested to put together Pedestrian Safety marketing materials and those are just now being completed. She said it is almost finalized. CM J. Brown said that the educational piece to this is important because if we make a change, it is not beneficial if we do not inform pedestrians and motorists. He said during the 60-day period before this would become effective, the crosswalks of these intersections need to be improved. He asked what the procedure would be for a pedestrian crossing an intersection if a car was blocking it. Chief Barnard said an officer would need to see this to enforce it and it would be complaint driven, but pedestrians do have the Right of Way in a crosswalk.

CM Plomin commented on enforcement and asked what happens when someone is cited but they do not pay the fine and we cannot locate them. Barnard said that if we cited an individual and they do not show up for court, it would be a show-cause and a summons would be issued or a warrant where if the person was located we could bring them to court; they would receive a separate charge in addition to the initial citation.

CM Gibbs asked about medians, ramps and street corners which are his main concerns. Horn said the ordinance would apply to all of those areas if the person enters the roadway. CM Gibbs expressed concern about the language that says "no person shall be upon an arterial roadway 'and' approach a

vehicle” suggesting that it be changed from “and” to “or” or “and/or”. Horn said this language has been discussed and it might need to be changed to “or” but it might also need other changes. CM Gibbs added that we need to put pressure on the state to work with us in adding more crosswalks. CM Gibbs said we need to enforce motorists who are driving through the crosswalks rather than stopping. He said we need to educate both pedestrians and motorists on this issue. He asked if people are cited for driving through a crosswalk. Barnard said this ordinance is a perfect opportunity to take a program forward and talk about the issues, educate and discuss why this will be enforced.

CM Bledsoe commented on pedestrian safety enhancements and suggested a review of the Mayor's proposed budget for pedestrian improvements. She said if we are going to ask people to follow this ordinance, we need to make sure that we have funded the safety and improvements of our intersections and crosswalks.

CM Lamb asked if we had a definition of intersection. Horn stated that he did not think we have anything official but he provided the common meaning of intersection - where two roads intersect. CM Lamb asked CM Stinnett if he had any ideas about educating the public.

CM Stinnett commented on the questions that came up during the discussion. He supports requesting money in next year's budget for intersection improvements and crosswalks. He asked Horn to re-address New Circle Road on and off ramps and asked if there was already a state law prohibiting people from being in those roadways. Horn said yes.

A motion was made by CM Stinnett to amend the Pedestrian and Traffic Safety ordinance and add “public transportation or buses” to section 3-c, seconded by CM Evans. The motion passed without dissent.

CM F. Brown expressed concern that the jaywalking ordinance is included in the Pedestrian and Traffic Safety Ordinance which applies to arterials only. Horn said that since the jaywalking ordinance was being amended, it was included in this. He said it is not part of 18-94, but if the preference is to limit that section to the arterials listed in 18-94 we can write it that way.

A motion was made by CM F. Brown to amend the Pedestrian and Traffic Safety ordinance so that it is concise and to keep the jaywalking portion, but identify arterial streets, seconded by CM J. Brown. The motion was later withdrawn.

CM Moloney commented that we already have a law for jaywalking. Horn said it is limited. CM Moloney asked what that means and what area that applies to. Horn said it applies to adjacent intersections at which traffic control signals are in operation. He added that no pedestrian shall cross a roadway other than in a crosswalk in the central traffic district or in any business district. CM Moloney said he likes the ordinance written this way because it allows Council Members to add streets that need to be included in this and jaywalking should be enforced where crosswalks and traffic signals are not being used.

CM Evans commented on the motion made CM F. Brown asked if this would mean the new ordinance would not address individuals who are standing on the corner for any reason and going into traffic. She asked if we would need to address jaywalking portion later if we were to remove it. Horn said that removing the jaywalking amendment would have more unintended consequences for the new ordinance than potentially including streets that you did not mean to for jaywalking. He suggested having Law Department review this and put in an exception to neighborhood streets so that you are still greatly impacting pedestrian safety not just the circumstances defined in 18-94, but generally in the community. CM Evans asked if it was preferred that they handle this all now at one time. Horn said yes

and he added that like any other ordinance, there will be a trial and error period and we can go back and make changes as necessary.

CM Stinnett asked if we could exclude any neighborhood streets unless they are otherwise named in this ordinance. Horn asked if he is trying to relate this back to jaywalking. CM Stinnett said no; to put it in 18-94 that this ordinance applies to roads named in this ordinance only and excludes neighborhood streets. Horn said he thinks it is clearly defined in the ordinance. He said the concern seems to be that the jaywalking ordinance is going to impact neighborhoods and that is technically accurate. He said if you are trying to reach the jaywalking ordinance then we can put an exception for neighborhood streets in the jaywalking ordinance. CM Stinnett said we are trying to make sure the ordinance presented today does not apply to crossing a neighborhood street. Horn said he believes that is accurate but we can always add explicit language. CM Stinnett asked if what is being proposed today would apply to crossing a neighborhood street. Horn said not what is in 18-94. CM Stinnett said earlier it was stated that it would and that has caused some confusion. Horn said maybe he misunderstood. He said the amendment to 18-100 which is an existing ordinance would technically impact neighborhood streets. CM Stinnett asked if we can add an exception to the ordinance. Horn said yes if you want people to be able to cross a neighborhood street without a crosswalk or traffic signal. CM Stinnett added unless that street is named in this ordinance. He said you have certain streets that are neighborhood streets, but they are also listed in the ordinance.

VM Kay suggested that we clean up the concern about jaywalking in neighborhoods with an exemption to neighborhood streets. He said his concern that broadening the exemption to apply to 18-94 is that he goes up and down a street that is not listed in the ordinance that is in a neighborhood and he does not want it exempted. He said there are a number of streets downtown that are not arterials and we do not want people jaywalking in these streets. He said he is supportive of amending section 18-100 to exempt neighborhood streets, but not applying that more broadly to section 18-94.

CM Scutchfield said we have an issue in front of us that is timely, but we are bringing into it another issue that is not necessarily in front of us and we are trying to amend what is not in front of us partially because we mention it in another ordinance. She said we need to see both of these side by side because there may be unintentional consequences which we are discovering now. She said discussing one without the other is where we will have an issue.

A motion was made by CM F. Brown to amend section 18-100 of the Pedestrian and Traffic Safety ordinance so that it does not apply to neighborhood streets, but would apply only to the arterial streets listed in 18-94, seconded by VM Kay. The motion failed by a vote of 4-4 (F. Brown, Lamb, Evans and Kay – yes; Moloney, Henson, J. Brown and Stinnett – no).

CM Bledsoe asked how this will be enforced. Chief Barnard said we have not seen a lot of enforcement for jaywalking because the emphasis has not been there. He said he does not see spending the resources needed to put officers in neighborhoods where people are crossing to their neighbor's house unless there was a complaint. If there was a complaint police would visit with the neighbors and educate them about the ordinance. He said he sees this affecting more of the areas in front of large intersections or on islands or New Circle Road on and off ramps. He said the neighborhood/arterial streets are clearly defined in section 18-94 so that should alleviate some concern about officers enforcing jaywalking in neighborhood streets.

A motion was made by CM Stinnett to remove the (amended) Pedestrian and Traffic Safety Ordinance item from committee and report it out to the full Council on May 9, 2017, seconded by CM Moloney. The motion passed without dissent.

III. Lexington History Museum Update

Foster Ockerman presented the item. He reviewed the Lexington History Museum and discussed the timeline for this project. He discussed some of the exhibits at the museum and reviewed the funding sources. Lastly, he reviewed some of the challenges and he gave a brief demonstration of the website navigation.

CM Plomin expressed her support of this and said Lexington has a rich history and we have 300 boxes of artifacts that tell our story and we do not have a place to showcase these. She said with Ockerman's leadership and the support of Council, we should make this happen.

CM Henson asked if there is preference for the museum to be located downtown. Ockerman said that is where they are traditionally located, but parking can be an issue. He said the right building in the right location could be anywhere in Fayette County; he said they are open to any suitable building.

Stinnett said this makes our past history a reality and asked how much square footage they need for this to work. Ockerman said they have 2 components; the front office and the back office. He said 3,000 - 5,000 square feet of exhibit space would be as big as they could properly manage. He said they have about 1,600 square feet of office space today plus storage so about 2,000 for exhibit preparation, storage and back office would be adequate. He said 5,000 total square feet more or less would take care of them. Stinnett asked if they have had discussions with the Public Library and Ockerman said they have an exhibit there. CM Stinnett asked if there was space in the downtown library and Ockerman said they have an exhibit hall in the downtown library where they rotate exhibits, but Ockerman said they are not ready to do that yet. He said Downtown Art Center has been looked at.

No further action or discussion on this item.

IV. Veterans Affairs

CM J.Brown said this item will be presented at the June 6 meeting.

No further action or discussion on this item.

V. Items in Committee

A motion was made by CM Henson to remove the EMS Service Fees item from Committee, seconded by CM Farmer. The motion passed without dissent.

A motion was made by CM Henson to adjourn, seconded by CM Stinnett. The motion passed without dissent.

The meeting was adjourned at 2:50 p.m.

K.T. 5.9.17