



Planning and Public Works Committee
March 12th, 2013
Summary and Motions

Chair Bill Farmer Jr. called the meeting to order 1:03pm. Committee Members present were VM Linda Gorton, Jennifer Mossotti, Charles Ellinger, Steve Kay, Chris Ford, Julian Beard, Harry Clarke, and Peggy Henson. Council Members Jennifer Scutchfield and Kevin Stinnett were also present. Diane Lawless was absent.

1. Approval of February 12th, 2013 Summary

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

2. Right of Entry

Chris King, the Director of Planning, came to the podium and introduced the item. He said that the recommendations originally came out of the Building Inspection Task Force. One of the recommendations that came out of the Task Force was to allow for right of entry. This was initiated by the Urban County Council. The Planning Commission had 60 days to review it and conduct a public hearing. During the public hearing, the Lexington Apartment Association raised questions about right of entry. The Planning Commission was at the last possible day to act; they could not explore the issue further or consider alternative language. They chose to recommend it to Council. When it came back to the Council, the right of entry was referred back to the Planning and Public Works Committee.

On January 1st, 2012 zoning enforcement duties were transferred to the Division of Planning from Building Inspection. King said that there are property owners that are not interested in having employees from the LFUCG enter their property to look for a zoning violation. This language would allow the Director of Planning or his/her designee to develop guidelines/policies to enter a property. King said that the proposed language does not make this clear.

King said that the ordinance needs clarification. Current laws do not allow staff from the Division of Planning to enter a property. He said that the language needs to be established by the Law Department.

King said that he reviewed municipalities around the United States. He provided examples of other communities that have right of entry. He recommended changing the language to parallel one of the communities he reviewed. He suggested that any policy or program that the Director of Planning develops would need to be approved by a Commissioner or CAO.

King said he could write out a draft of Administrative Guidelines to share with the Planning and Public Works Committee.

Mossotti asked King how often zoning violations happen. King said that they received 494 zoning violation complaints last year. 346 were actual violations. He said that in most cases the property owner is cooperative, but some are not. They found 116 illegal businesses. King said that he could not recall any case from last year when they had to obtain a search warrant.

King said it is not his goal to punish people; he just wants to ensure compliance.

Gorton said that she would like King, Farmer, and Barberie to draft language to assist the Division of Planning. She would like it to be presented at the April 2013 meeting.

Farmer said that the current draft language is too broad. Farmer said that he wants the new language to clarify why they need right of entry.

Gorton suggested changing the title from right of entry to something else. Barberie said that they have similar language for sanitary sewers so he offered to review that language.

Henson told King that she believes zoning violations are a large problem and often you cannot see the violation from beyond the property line. Henson suggested running the draft legislation by those who will be impacted by the potential legislation.

3. Newtown Pike Extension Update

Andrew Grunwald came to the podium to present his quarterly update on the Newtown Pike Extension. He said that Central Bridge began construction on the Lower Town Branch Box Culvert in October. He went on to say that on November 23, 2012, KYTC opened bids for Phase I infrastructure construction. The contract was awarded to L-M Asphalt Partners. AU Associates is preparing to submit their applications for Low Income Tax Credits. He also said that bids were received for renovations to the Carver Center on December 21, 2012.

Grunwald said that the Community Land Trust finally received 501c3 status.

Grunwald said that the design plans for Phase II (Versailles Road to South Broadway) are approximately 70% complete. They have held meetings with Nathaniel Mission. Additionally, utility costs are estimated at \$5.4MM and construction costs at \$16.1MM; funds are programmed within the state's Six Year plan.

Finally, Grunwald said that the final design for Phase III (Scott Street Connector) has not begun. Phase III has estimated utility costs of \$3.5MM and construction costs of \$8.7MM; funds are programmed for beyond 2014 in the state's Six Year Plan.

Beard asked about the road's connection to the University of Kentucky. Grunwald said that the Scott Street Connector will bridge South Broadway to Limestone. The University of Kentucky will realign their entrance. Part of Limestone will be closed permanently. Grunwald said that it

is an attempt to tighten up the whole intersection. The intersection will have a new traffic signal.

Clarke asked Grunwald about Phase II and the increased traffic onto Upper Street. He asked if they would alter Boliver to adjust that traffic flow. Grunwald said that there will be increased traffic at that intersection.

Clarke also asked about building a tunnel or bridge to accommodate pedestrian traffic near the University of Kentucky and the new intersection at Limestone and Upper. Grunwald said that tightening up the intersection is as far as they are going to go at this point. They will have pedestrian walkway signals there.

4. Todds Road Update

Brad Frazier, the Director of Engineering, came to the podium to present the update. Frazier said that the design phase is 70% complete. He said that they are incorporating the changes that resulted from the Practical Solutions Review. Frazier went on to say that \$1MM is programmed in the Transportation Improvement Program (TIP) for right of way acquisition. There is approximately \$2MM programmed in the TIP in FY13 for utility relocation. Frazier also said that funding for construction, estimated at \$10MM is currently spread between two fiscal years in the TIP but the full amount will be available at bid time.

Stinnett asked Frazier when the physical construction will start. Frazier said that it is now going to be just one project. Frazier said that they are in the right of way acquisition phase. Then in the beginning of 2014, the utilities will be relocated. Construction should start in May of 2014 and will continue until July 2015.

Frazier said that Hays Boulevard to Polo Club is a five lane section. The emphasis will be on that section. But it is one contract.

Stinnett asked if the monthly utility reports could be updated to be one document since it is one contract. Frazier agreed to do that.

5. Paving Update

Kevin Wenthe came to the podium to give a brief update on paving. Wenthe said that he was asked to present answers to three questions that he received from Council Member Clarke's office. The first was how much of the original FY13 repaving is not completed. Wenthe said that there is \$500,000 not completed. The second question was the status of the bond. Wenthe said that the bond received two readings. Finally, Clarke asked when the resurfacing will begin for this season. Wenthe said that they were paving in the 8th district as the meeting was taking place.

Stinnett asked Wenthe if all Council Districts had submitted their paving lists. Wenthe said no, only half had submitted them. Stinnett expressed concern that Council Members had not met their deadlines for submission. Stinnett suggested that Wenthe pick the streets for them in the future if the lists are not turned in.

Farmer asked about the remaining balance for FY13. He asked Wentz to make sure that all paving that was programmed be completed. Wentz said that he will get the Council Members a list.

6. Items in Committee

Farmer said that the items listed under Doug Martin need to be changed to Harry Clarke.

Kay said that the Design Excellence Update needs to be held until mid-summer.

Kay also asked to list Adult Day Care Centers under Ford.

Motion by Henson to remove Emergency Preparedness from the items referred list. Seconded by Kay. Motion passed without dissent.

Farmer asked Commissioner Paulsen to come to the podium. He thanked him for his weekly report. Farmer mentioned that the Council has been having a difficult time getting a quorum for the public hearings. He asked Paulsen to provide a brief synopsis for Council Members to inform them of issues that were heard by the Planning Commission immediately following the Planning Commission's meetings. Gorton asked if he could include the vote on each item. Farmer said that providing this report will allow the Council Members to be informed and will put specific issues on their radar.

Clarke told Council Members that his office had not yet turned in their paving list but it was because as a new Council Member, Clarke drove each street in his district to ensure a fair process when determining the streets that would be paved in the 10th district.

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

Submitted by Jenifer Benningfield, Council Administrative Specialist