

Planning and Public Works Committee Meeting
May 6, 2014
Summary and Motions

Chair Bill Farmer Jr. called the meeting to order 1:04pm. All committee members except Mossotti were in attendance. Akers and Stinnett also attended but were not part of the Committee quorum.

1. April 15, 2014 Committee Summary

Motion by Clarke, second Ellinger to approve the April 15, 2014 Committee summary.
Motion passed unanimously.

2. Leaf Collection Review

Charles Martin discussed the vacuum leaf collection program. He discussed the equipment and staff that is utilized to deliver the program, including 7 retrofitted dump trucks, 5 retired packer trucks, 12 street sweeper drivers and approximately 30-35 seasonal employees. He stated that the vacuum leaf collection program is managed by Streets & Roads.

Martin stated that the vacuum collection started on November 18 this past year. However due to snow conditions 16 days were lost to weather by January 30. An additional 6 days were lost due to holidays.

Martin discussed the current communication plans using LexCall, print and TV ads, the Lexingtonky.gov website and social media. He stated in addition several Councilmember's posted leaf collection information on their respective newsletters.

Martin stated that the current system utilizes the Old Frankfort Pike property as the collection area so drive time affects the productivity of the program. Her also stated that the conventional work week restricts the productivity

Martin stated that too much emphasis is placed on start time and not enough focus on completion time.

Martin discussed how other communities manage leaf collection. He stated that several including Dayton, Ohio; Nashville, Tennessee; Ann Arbor, Michigan; Omaha, Nebraska; Kansas City, Missouri; Baltimore, Maryland; Cincinnati, Ohio; Columbus, Ohio; Louisville, Kentucky; Denver, Colorado; and Nicholasville, Kentucky no longer offer vacuum leaf collection.

He stated that other communities still offer vacuum leaf collection including: Frankfort,

Kentucky; Greensboro, North Carolina; Charleston, West Virginia; Chattanooga, Tennessee; Toledo, Ohio and Knoxville, Tennessee. Martin stated that Greensboro has tried to outsource a part of their vacuum leaf collection program. Martin stated that these communities offered the service between 2 & 4 times.

Martin stated that Lexington citizens have many alternatives to vacuum leaf collection, including: the Lenny yard waste containers; 30 gallon leaf bags; leaves can be taken to the Haley Pike composting facility; residents can make their own compost bin; or residents can use a mulching lawn mower.

Martin offered 2 options to improve the vacuum leaf collection program. Both options would shorten the collection duration so that all customers are serviced at least 7 calendar. Both options would also move the program from Streets & Roads so that snow events do not compromise collection schedules. Both options would also implement mandatory overtime so that the program duration is shortened to a narrower timeframe. Martin stated that the 1st option will require additional equipment and staff. The 2nd option will outsource a portion of the vacuum leaf collection so capacity can be increased. He stated that if that option is chosen, an RFP will be issued soliciting outside vendor participation.

Martin stated that both options will require an improved communication plan with improved information flow from operations to residents via LexCall and the web site that is updated daily.

In response to a question from Ellinger, Martin stated that leaf collection services are currently funded by the urban services tax and is provided to those addresses that pay that tax. Martin stated that if Council wants to open it up to all who pay the Water Quality Fee that is a taxing issue that should be discussed and decided by the Council.

Farmer stated that all property owners do pay the Water Quality Fee however. In response Martin stated that that was correct

Stinnett stated that there was a 3rd option; outsource the entire vacuum leaf collection program. In response Martin stated that he viewed option 2 as a pilot and if successful it might move into a fully outsourced service.

Stinnett stated that he hoped that the City would proceed with the RFP to see what types of capacities were available from the private sector.

Stinnett asked about performance measurements. In response Martin stated that the charge to date has been collect the leaves so there hasn't been any priority given to performance matrixes but that the program would benefit from that analysis.

Stinnett asked Martin to consider offering incentives to use other methods of leaf disposal.

Henson stated that several communities had stopped vacuum leaf collection because it was an inefficient method to collect leaves and it was not sustainable. In response Martin stated that from a water quality perspective there is a benefit to collecting leaves before they end up in the water system.

Clarke stated that there appeared to be 3 components to the program's success, including Equipment; personnel; and adhering to a schedule.

In response to a question from Clarke, Martin stated that there was an array of vacuum leaf collection and they all had their advantages and disadvantages.

Clarke stated that in the future he would not request that the program deviate from its intended schedule to satisfy certain constituency requests in his District.

Gorton stated that several communities have curtailed vacuum leaf collection services.

She asked about compliance and enforcement issues in the other communities Martin surveyed. In response Martin stated that compliance was not a high priority regarding program services generally.

Gorton asked about incentives for not utilizing the service. In response Martin stated that until Stinnett brought that up he had not considered that option but he will develop some potential options for consideration.

Gorton asked if Martin wanted a motion to proceed with the RFP. Farmer responded that he did not think that Martin needed Council authorization to proceed with the RFP.

Martin stated that the preferred option was the blended in house/outsourced option.

Farmer stated that he felt that Waste Management should be managing the program rather than Streets & Roads.

3. Initiate Text Amendment for Food Trucks in the P-1 Zone

Motion to Approve take up the Initiate Text Amendment in the P-1 Zone for Food Trucks moved by Gorton, seconded by Clarke. [Motion passed unanimously.](#)

Akers addressed the draft text amendment. She stated that she was requesting that Council initiate the text amendment to allow food trucks in the Professional Office zone similarly to the Council action to allow food trucks in the industrial zones.

Chris King was asked if he would like to comment on this item. King stated that they did not have a position on this one way or another; they just prepared the amendment at the request of Akers. There may be concerns from neighborhood associations.

In response to a question from Gorton, King stated as drafted the mobile food vendors would be an accessory use. He stated that applicants, the owner of the P-1 property or their representative, would need to submit a site plan to Planning. This would allow Planning to review parking requirements and designate where the vendors could set up so parking and circulation would not be disturbed.

In response to a question from Henson, King stated that at present the mobile food vendors are

not permitted currently in the P-1 zone.

Lawless stated that she was supportive of the amendment but suggested that it be conditional rather than accessory. In response King offered another alternative, the utilization of the Professional Office Project zone.

Kay requested a list of conditional uses in the P-1 zone.

In response to a question from Henson, King briefly described the Council action allowing food trucks on some public streets in the downtown area.

Akers stated that she was supportive of the limitations being discussed.

Kay stated that the adjacency to residential neighborhoods was key. He suggested that the text could be amended to allow the mobile food vendors as accessory use in the Professional Office Project zone but as a conditional use in other P-1 zones in close proximity to residential neighborhoods.

In response to a question from Gorton, King stated that he was only concerned about the proximity to residential areas. He stated that in some cases the P-1 zone is used as a buffered between residential zones and more intensive urban land uses.

King offered to bring several alternatives to the next meeting including as drafted with some amendments; as an accessory use in the Professional Office Projects and conditional in other P-1 Zones; and as conditional use in P-1 zones in close proximity to residential areas and accessory elsewhere.

Gorton wanted to see maps of the P-1 zones. King provided.

Kay wanted a list of conditional uses in the P-1 zone.

4. Assistance for Code Enforcement Compliance

Jonathan Hollinger presented the information. He stated that the goal of Code Enforcement is a safe, well maintained community, not the issuance of fines, penalties and liens.

Hollinger stated that several programs are available to assist low-income homeowners with violations, but gaps exist in coverage due to eligibility requirements.

Hollinger summarized the process for housing violations, nuisance violations and sidewalk violations. He stated that the City can abate nuisance violations but not housing violations. Hollinger stated that liens are filed on unpaid civil penalties and the city can initiate

foreclosure action for unaddressed violations. He stated that Code Enforcement can demolish structures in extreme cases. Code Enforcement only inspects the exterior of a building. Hollinger stated that an appeal or eligibility for assistance programs stops the Code Enforcement process.

Hollinger discussed LFUCG assistance programs including the Sidewalk Assistance Program, Emergency Repair Program and the Housing Rehab Program. He stated that the Housing Rehab Program has a waiting period of approximately 1 year. He also identified other assistance programs including Realtors Community Housing Foundation, Community Action Council Weatherization program and Assisting Better Living Everywhere (ABLE).

Hollinger recommended his office work with Social Services, Grants & Special Programs, and community groups to create a flyer with information about all existing assistance programs to be sent with every Code Enforcement notice. He also stated that they plan on holding training sessions with Social Services and Code Enforcement Officers to share information and resources. Hollinger stated that they will explore the establishment of an assistance program for housing violations that includes coordination of volunteer based programs, and a matching grant program modeled after the sidewalk assistance program.

In response to a question from Gorton, Hollinger described the Realtors Community Housing Foundation outreach.

Kay stated it appears that more resources should be allocated to the Housing Rehab Program. He stated that the revenue from Code Enforcement fines, penalties and liens could be dedicated to improving housing stock.

Clarke stated that he was in favor of more cooperation and training among and between Code Enforcement and Social Services.

Ford stated that he was an employee in the LFUCG Housing Rehab Program and the long waiting period was due to many factors not just limited resources.

5. Code Enforcement Fines

Hollinger gave an overview of the Code Enforcement fines. He stated that the goal was a standard and consistent method of enforcement for equal transparent compliance. He stated that Code Enforcement cites for three types of violations: Housing; Nuisance; and Sidewalks. Hollinger stated that the Code of Ordinances authorizes fines and civil penalties for all three violation types.

Hollinger stated that housing violation fines can be between \$ 100 to \$ 2,500 per offense, per

day in District Court. He stated that civil penalties, based on the number of re inspections and violations, can be between \$ 100- \$ 10,000 per parcel.

Hollinger stated that nuisance violations for tall grass, weeds, junk vehicles, indoor furniture outdoors and trash & debris can be abated and the cost billed to the property owner. He stated that housing violation fines can be between \$ 100 to \$ 2,500 per offense, per day in District Court but would only be used in extreme cases. He stated that civil penalties can be between \$ 100- \$ 1,000 per property.

Hollinger stated that sidewalk violation can be up to \$ 25 per offense, per day in District Court but would only be used in extreme rare cases. He stated that civil penalties can be between \$ 10- per square foot up to \$ 500 for each 30 day period in which the work remains incomplete.

Hollinger provided recommendations, including: Establishing a new Standard Operation Procedure (SOP) clearly indicating where fines are to be used; where civil penalties should be assessed; and the amount of fines or civil penalties; Establish a new SOP providing guidance for cases where nuisance violations are to be abated by the city and timeline for the abatement; and Clarify existing SOP to provide specific guidance regarding notice timelines and extensions fort all types of violations.

Hollinger stated that the goal was a standard and consistent enforcement effort to a safe, well maintained housing stock for the entire community.

Kay thanked Hollinger and stated it was critical that Code Enforcement enforced compliance in a standard, consistent and transparent manner. In response Hollinger stated that the Department, utilizing FY 14 funds will be purchasing tablets for all of the Code Enforcement officers. In addition staff, Council and citizens will have historical data available.

Lawless thanked Hollinger and asked if she and her colleagues could send suggestions to improve the Code Enforcement process.

Farmer stated that the issue will stay in Committee to receive updates on the SOP compliance changes.

6. Valley & Glendover 3-Way Stop

The item was deferred.

7. Items Referred

There were no changes to the referral list.

The meeting adjourned at 2:58

PAS 5.30.14