



## Planning & Public Safety Committee

August 29, 2017

### Summary and Motions

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Chair Scutchfield called the meeting to order at 1:02 p.m. Council Members Kay, Bledsoe, Gibbs, Henson, Mossotti, Plomin, J. Brown, Lamb and Smith were in attendance. Council Members Stinnett, Moloney, and F. Brown were also in attendance as non-voting members.

#### I. Approval of June 13, 2017 Committee Summary

A motion was made by CM Plomin to approve the June 13, 2017 Planning & Public Safety Committee Summary, seconded by CM Mossotti. The motion passed without dissent.

#### II. Street Access for Fire Safety

Chair Scutchfield introduced the item on street access for fire safety and explained how this came to committee. She said there were several concerned residents who reached out to her especially in some of the newer neighborhoods. She said upon looking at the regulations they discovered that there were three different street widths through Fire, Planning and Engineering. She introduced Christofer Sweat, Assistant Fire Chief, who presented the item. Chief Kristin Chilton, Lieutenant Joshua Thiel, and Captain Greg Lengal were also present to answer questions.

Sweat reviewed the needs of the Fire Department in accessing narrow streets with their apparatus. He also discussed the discrepancy in Uniform Fire Code and Land Subdivision regulations. He said the current practice is that when a complaint is received regarding street width, Division of Fire investigates and they make a decision regarding parking restrictions. If parking is restricted, signs are posted stating so. He said there were 55 streets reviewed during 2014-2016 and of those 55 streets, 43 of them had restricted parking. The proposed resolution is to have parking restricted to one side on all newly-constructed streets that are less than 30-foot wide and "No Parking" signs are posted prior to occupancy of the home which informs homeowners prior to purchase. Under this proposed resolution, the 24-foot streets are eliminated. These changes are only for new developments. The existing streets will be reviewed when a complaint is filed.

CM Henson asked if there have been situations where an ambulance or fire truck could not maneuver down a street because of this. Lieutenant Thiel said they have received letters from crews and companies showing those situations so it has happened. Henson said with existing streets, she feels that we should go ahead and put parking restrictions on them. Chief Sweat said this is something they can look into. CM Henson said if it is a real issue and we are unable to get to emergencies then we should look at this. Chief Sweat said he could not argue with that. CM Henson also said houses in some these neighborhoods sit very close together and when there has been a structure fire, more than one house is affected. She said she thinks there were changes in the building code and asked for comment on that. Derek Paulsen, Commissioner of Division of Planning said that the setback is determined by building code. He

said the houses are built according to building code in terms of the setback distance in the new development areas; he said they would have put in a firewall to get that close.

CM Bledsoe said she supports the plan, but she said there are cities that have smaller streets. She said with pedestrians, her biggest complaint is the bigger the street, the faster the speed of cars. She said it makes pedestrian access more difficult and child safety problematic. She said her first thought was to get smaller fire trucks and she asked if this was an option. Captain Lengal said there are also cities that have wider streets. He said they get trucks to specification because they carry a lot of equipment. Chief Chilton added that they have no control over the size of the truck; she said that is based on the manufacturer. CM Bledsoe asked Planning if they felt like this was a good solution. Jim Duncan with Division of Planning said this is something they have talked about. He said the solutions are not ideal for all issues but you have to prioritize what you are trying to address.

CM Plomin said in her district there are many of these smaller streets in some of the new developments. She commented on the "No Parking" signs in new developments and asked if those signs will go up immediately so people will know parking is restricted before purchasing a home. She also asked if the signs stay up when the home is occupied. Lengal said that the signs are permanent and would stay up. CM Plomin asked how they determine which side to restrict and Lengal said it is based on which side the hydrant is on.

CM J. Brown commented on the 55 streets that were reviewed last year asking if the 12 that were not changed were 30 feet or wider. Captain Lengal said yes. CM J. Brown asked whose responsibility it is for the signs to install and maintain them. Captain Lengal said right now it is the city's responsibility. He said the complaint goes to Traffic Engineering and if it is a safety issue it goes to the Division of Fire who does a site visit and requests a parking restriction; then it is up to the city to pay to put the sign in after the fact and maintain it if it gets taken down or removed. CM J. Brown commented on projects that have been approved where construction has not started yet. He asked if we move forward with this resolution, will the developer be responsible for the sign or are they grandfathered in to existing conditions. Paulsen said they cannot force someone who already has a development plan approved. He said we are looking at this moving forward. CM J. Brown asked if there is a process in place to get a variance on the setback if the street width is going to impact the development. Paulsen said this does not require the developer to build the 30 foot street; they still have the option of a smaller street with restricted parking. He said building a wider street will have an impact on the setback.

CM Mossotti asked what parties were at the table as far as determining how this was going to be implemented. She said she has an email from the neighborhood council with several questions regarding how neighborhoods will be impacted. Captain Lengal said it was Division of Fire, Planning, Traffic Engineering, and Division of Police. Mossotti asked if everyone agreed on this course of action. Lengal said yes. Mossotti asked if the development community agreed as well. Lengal said there were no developers involved. Mossotti said with infill and redevelopment she just wants to make sure everyone is in agreement that this is the best way to move forward. Sweat said there was some give and take. He said the proposed resolution was a consensus between the parties involved. Sweat said this would not affect the existing

neighborhoods; those will be complaint driven as they are now. Mossotti asked what the practice is for existing neighborhoods. Sweat said it is complaint driven and Traffic Engineering receives the complaint which is then turned over to Division of Fire who evaluates and if it is determined that the street is too narrow, parking is restricted.

CM Lamb said she is familiar with this process because she has had a street in her district where cars were ticketed for parking on the road where there was restricted parking. She said at the end of the day we want our neighborhoods to be safe. She said she supports this moving forward.

CM J. Brown commented on this process putting additional responsibility on the developer on the front end to keep the city from having to come in on the back end and justify parking on one side of the street or the other. He asked how this will impact developments. Todd Johnson, a Lexington Home Builder, said they were not present for the initial conversations, but they have reviewed documents provided by Division of Fire. He said they are not opposed to the changes on the safety aspect of this. He said he has contacted his developers and they can comply with this, but the concern is the design-phase. He said he would like to look at ways to adjust the set-back when there is restricted parking. He also said sometimes the signs are removed from in front of homes so they will put notification in the buyer's contract so when the home is purchased, the buyer knows there is restricted parking.

CM Gibbs said he has concerns about widening streets because of traffic calming. He said street widening invites people to speed. He asked Jeff Neal with Traffic Engineering if there was data that showed if speed increases with the widening of a street. Neal said there is probably a study out that shows this, but he is unsure what that figure is. Neal agreed that the wider the street, the more opportunity there is for speeding. He said they will advocate for the 30-foot street so there can be parking on both sides. He also said on developing streets, they will need to be temporary signs until they can put the permanent signs up. CM Gibbs asked if there will be data kept on this when children are injured due to speeding cars because the street is too wide. Neal said this is not something they will keep track of unless there are issues brought to their attention.

Amy Clark with the Fayette County Neighborhood Council spoke on the item. She said they have 2 big concerns. One of those is people paving their yards because they need extra parking. The other is traffic calming.

CM Gibbs asked if Division of Fire would be willing to sit down with the Fayette County Neighborhood Council and take another look at this. Lengal said NFP1 states 20 feet and he feels like we are compromising right now and this is something we have talked about for years. He said we are open to discussion, but if someone has an emergency, we need to get there. Chief Chilton said we are open to discussion, but it is not their decision. She said ultimately it is this committee's decision to go back and re-evaluate this. She said they are willing to be an equal player in whatever the committee decides to do moving forward. CM Gibbs said he would prefer to slow it down and get input from Neighborhood Council. CM Scutchfield said she has

heard this from her neighborhoods and her neighborhoods are not part of the Neighborhood Council.

CM Mossotti suggested that the Neighborhood Council sit down with Division of Planning to discuss this. Traci Wade with Division of Planning said this item will go before the Planning Commission for further consideration. She said there will be a 60-day window and there will be a public hearing and an avenue for the Fayette County Neighborhood Council to attend Work Session, Zoning Committee meetings and Planning Commission's public hearing to voice their opinion.

CM Henson asked if people are allowed to pave their front yard and back yard. Wade said the zoning ordinance does provide regulations about paving those areas. She said typically the front yard of a single family home can be paved up to 50%, but there is more flexibility in the back yard.

VM Kay said appreciates CM Gibbs' concerns about timing and input, but he feels this will not be reported out until next month and there will be time after that to discuss so if people have specific changes that might be appropriate, they can bring them forward. He said the resolution could be amended at that time.

A motion was made by CM Plomin to approve the Resolution Initiating a Text Amendment to the Land Subdivision Regulations to Amend Design and Improvement Standards for Major Subdivisions and move it to the full Council, seconded by CM J. Brown. The motion passed without dissent.

### **III. Code Enforcement Update**

Ken Armstrong, Director of Code Enforcement, presented the item. He discussed the updates to Chapter 12 of the Code of Ordinances and Aldona Valicenti, Chief Information Officer, provided a brief overview of the new code enforcement database. Director Armstrong requested to have these changes effective January 1, 2018.

VM Kay asked what the timeline was for the database. Valicenti said the Accela portion could be done in a matter of months and she expects the same with 311. She said they are not writing new software; they have software in place that needs to be configured. She said in the next few weeks she will be able to give an exact date. VM Kay asked if the public will have access to information that code enforcement has that is public record. Valicenti said that she will have to go back and look, but part of what Accela is supposed to do will allow for this. VM Kay commented to Director Armstrong that they are moving in the right direction and the changes they are making have been needed for a long time.

CM J. Brown commented that Director Armstrong has been very responsive to his office. He asked if on-site citations that the officer writes and mails are identical to the one that gets posted. Armstrong said yes, it is a 3-part copy. The officer retains a copy, mails a copy and posts a copy. CM J. Brown said he appreciates the contact information. Armstrong said this is directly on the notice; it gives the officer's name, cell phone number and e-mail address. CM J. Brown

asked what mechanism is in place for foreclosures. Armstrong said sometimes it is Code Enforcement's actions that bring on the foreclosure. He said if they receive a complaint about a property, they go out and send a notice of violation. He said if they have liens on a property and it goes into foreclosure before they get to the point where they would have to force it, the Law Department is made aware that a foreclosure has been filed on the property and then the Law Department makes Code Enforcement aware so it can be put on the list.

CM Bledsoe expressed appreciation for Director Armstrong's persistence in this role. She said his responsiveness has been fantastic.

A motion was made by VM Kay to approve the Code Enforcement Update item and move it to the full Council, seconded by CM Henson. The motion passed without dissent.

#### **IV. Special Event Permitting in Rural Areas**

CM Plomin gave a background on how this came to committee and she introduced Zac Losey, Legislative Aide, who presented the item. He reviewed the goals of this process including a streamlined process to review special events; creating a single point of entry for online applications; and having a centralized location to share information about special events.

CM Mossotti asked how a neighborhood will know whether or not they need a permit. Losey said through the application process, you would enter the event, how many people are expected and if it will require city services. If it is determined through this initial process that they do or do not need a permit, the user(s) are notified. He said if you will not require city services then it is likely that you will not need a special events permit. CM Mossotti asked if this was still a work in progress and Losey said yes.

CM Scutchfield asked if this will help resolve the issue that happened with the Luke Bryan concert. Losey said it is related, but the application process he is speaking about today will not resolve that. He said that would be resolved by changes to the ordinance that they are hoping to present at a later date.

Aldona Valicenti said there are 2 parts to this. She said we need to educate citizens on what is required if you need a special events permit so you can quickly determine if a permit is needed or not. She said next there is an approval process that explains what levels of approval one will need based on the event, the location, if there will be a street closure, or if liquor or goods will be sold. She said there are several software options, but we have not yet explored all of those.

No further action or discussion on this item.

#### **V. Comprehensive Review of Purchase of Development Rights (PDR) Process**

Elizabeth Overman, PDR Manager, presented the item. She gave an overview of the Purchase of Development Rights (PDR) Program. She described the application process and provided a 2-year timetable. She reviewed the status of Easements and the Federal Cooperative Agreement

as well as pending applications. Lastly, Overman described the acquisition summary including how much farmland we have acquired at what cost.

CM Mossotti if rankings could be included with the next presentation. Overman said yes.

Further discussion of this item was postponed to a special meeting scheduled for September 19, 2017 at 11 A.M. due to time constraints.

#### **VI. Items Referred to Committee**

A motion was made by VM Kay to remove the Lexington Fire Station #24 item from committee, seconded by CM Plomin. The motion passed without dissent.

A motion was made by CM Mossotti to remove the Usage of Texting & Driving as a Citable Offense item from committee, seconded by VM Kay. The motion passed without dissent.

A motion was made by CM Mossotti to remove the Police Body Cameras item from committee, seconded by CM Plomin. The motion passed without dissent.

A motion was made by VM Kay to remove the Fire PSSI Study Update item from committee, seconded by CM Plomin. The motion passed without dissent.

A motion was made by VM Kay to remove the Fayette County Public Schools item from committee, seconded by CM Plomin. The motion passed without dissent.

A motion was made by CM Plomin to remove the Officer Turnover in Community Corrections item from committee, seconded by VM Kay. The motion passed without dissent.

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

The meeting was adjourned at 2:52 p.m.

KT 9.1.17