



Planning & Public Safety Committee

August 16, 2016

Summary and Motions

Chair Mossotti called the meeting to order at 1:02 p.m. Committee Members Scutchfield, Kay, Stinnett, Gibbs, Lamb, Farmer, Bledsoe, and Henson were present. Committee Member Akers was absent. Council Members F. Brown, and Hensley were in attendance as non-voting members.

I. Committee Summary

A motion was made by Lamb to approve the June 14, 2016 Planning & Public Safety Committee Summary, seconded by Kay. The motion passed without dissent.

II. Rose Street Closure

Gibbs introduced the topic and turned the presentation to Jonathan Hollinger. Hollinger stated that the University of Kentucky requested that Rose Street be permanently closed between Columbia and Huguelet. He stated that a 20 foot wide shared use path would be available for emergency and service access. In addition local traffic would still have access to the accessible parking on Funkhouser Drive.

Hollinger stated that the request was reviewed internally by Planning, Engineering, Water Quality, Streets & Roads, Traffic, E911, Fire and several utilities Kentucky Utilities, Columbia Gas, Kentucky American Water and Windstream.

Hollinger stated that Administration is recommending that Rose Street be closed as the University requests if conditions are met and maintained, including:

1. Retain all necessary and appropriate easements for utility service;
2. Transfer approximately 11 street lights from LFUCG to UK;
3. Rework the intersection of Woodland Avenue and Sports Center Drive;
4. Create an MOA for operation/maintenance of the traffic signal at Rose and Huguelet;
5. LFUCG Public Safety must approve design of Rose Street improvements;
6. Future changes to Rose Street must receive approval from LFUCG Public Safety; and
7. Acknowledge in writing that Hilltop is an LFUCG road.

Mary Vosevich, University of Kentucky Vice President for Facilities stated that the University is generally supportive of the conditions proposed with a few changes. She stated that the University is fully supportive of items #1, #2 and #4. She stated that #3 can be accomplished with improved signage. She stated that the University and LFUCG would work jointly on #5 and #6. She stated that there is a still a difference of opinion regarding ownership of Hilltop. Vosevich stated that the University would need to work with LFUCG regardless if LFUCG owned all or just half of the right of way.

In response to a question from Gibbs, Hollinger stated that the current closure permit for Rose Street expires January 2017.

Gibbs stated that he recommended further conversations between LFUCG and UK before taking action on the proposal. Mossotti suggested that Gibbs and the University host meetings with surrounding neighborhoods that might be impacted by the closure of Rose Street.

Bledsoe requested that the University work with the Christian Student Fellowship (CSF) as the CSF property would be affected by any changes. In response Vosevich stated that they have worked with both the CSF and the Wesley Foundation.

Hensley requested information on ownership of the street network in the University area and surrounding neighbors. He also asked for information pertaining to future parking facilities on campus as well as EMS, Fire & Police runs that might be impacted with the closing of Rose St.

In response Vosevich stated that they have made improvements to reduce the need for cars on campus, including better transit routes/schedules, improved bike facilities and voucher payments for employees who walk, use transit or bike to campus.

Kay stated that he would refrain from commenting and recused himself due to a contractual relationship he has with the University.

Two citizens, Mark Barker and Amy Clarke, spoke against the permanent closure of Rose Street and Hilltop Avenue.

III. Special Event Permitting in the Rural Areas

Hensley stated that he referred this issue in response to the 20,000 people who attended a Luke Bryan concert at Talon Winery last fall. He stated that the rural road network could not handle that amount of traffic. Hensley stated that he realized that the concert promoters and event planners did not need any type of permit and that there was little or no regulation over such events.

Hollinger presented the Administration proposal. Hollinger reviewed the current permitting processes in the downtown area, City Parks as well as other City property. In addition he discussed the framework for a proposed permitting process for the entire County.

Hollinger stated that there are approximately 300 special events annually in Lexington. The events are held in the downtown, parks, neighborhoods and other facilities such as Keeneland, the Red Mile, the Horse Park and the University of Kentucky.

Hollinger stated that the downtown events are reviewed and permitted by the Special Events Commission. Events held in parks are reviewed and permitted by the Division of Parks & Recreation. He stated that permitting varies for events held in other locations.

Hollinger stated that the Administration is proposing that a centralized special event application must be filed for all events that meet the following requirements:

- When hosting an event for 50+ attendees AND when 2 or more City services are needed;
- OR when an event will affect City streets, sidewalks, parks;
- OR when displaying fireworks, selling food and alcohol, bagging meters or using large tents.

Hollinger stated that the application would apply to any location within the County when any of the thresholds were met. It would be reviewed by appropriate divisions and approved by the Special Events Commission. An actual permit would be issued with enforceable conditions. The permit would include liability, traffic & parking, public safety, a site plan, an operations plan, an entertainment plan, food/alcohol sales, clean-up plan and reimbursement if required.

Hollinger stated that the Administration will draft the necessary ordinance changes, create an on-line application form, develop a Special Events Handbook and create a Special Events Calendar. He stated that the Administration will come back in 3-4 months with all the necessary changes for Council review and approval.

Farmer stated that the proposal appeared to be government friendly and not user friendly. He stated that the comprehensive approach is too complicated and not necessary. He suggested limiting the scope to large rural events that are unregulated now as requested by Hensley.

Bledsoe agreed with Farmer that the regulatory process needed to be user friendly. She stated the regulations might not be necessary for the events already regulated/permitted by Parks. She stated that her constituents wanted quicker responses to special event requests from Parks not new regulations.

Hensley stated that this issue got started because a private venue in the rural area held a concert for 20,000 people and the area could not handle that many people. He stated that the threshold needed to be raised from the proposed 50 attendees. In response Hollinger stated that the 50 attendees was only the initial minimum threshold but that the event would also require 2 or more City services OR when an event would affect City streets, sidewalks or LFUCG parks OR when displaying fireworks, selling food and alcohol, bagging meters or using large tents. Hollinger stated that the draft was modelled after a similar effort in Louisville.

Hensley stated that the definition of a 'special event' should be more narrowly defined. He also suggested better event filters or thresholds be developed so that the true problem of carrying capacity can be dealt with appropriately.

Henson stated that the threshold should be raised from the current 50 attendees. She didn't want any one from being discouraged from using a City park for a neighborhood event.

Kay complimented the Administration on the comprehensive approach. He suggested that a list of examples be developed indicating type of event and whether a permit would be necessary.

Bledsoe stated that if the Special Events Commission was proposed to review and issue event permits throughout the City, the scope and membership of the Commission should be altered to reflect the entire County rather than concentrating its efforts exclusively downtown.

Hensley requested that this item should stay in the Committee until the Administration can incorporate the changes suggested by Committee members as well as the draft ordinances, the on-line application, the Special Events handbook and corresponding event calendar.

IV. Sidewalk Snow Shoveling

Gibbs stated that he was interested in the snow shoveling issue because it was a public safety issue for pedestrians. He stated that if the ordinance was adopted a public relations education campaign would be initiated. Gibbs stated his goal was simplicity and enforceability. He introduced Ken Armstrong, Director of Code Enforcement who made the presentation.

Armstrong stated that the current ordinance enacted in 1979 was vague and had not been enforced in some time. He stated that it required an owner, occupant or responsible person to remove all snow from the abutting sidewalk within 4 hours after daylight after the snow has stopped.

Armstrong stated that he and others had reviewed various other municipalities' sidewalk snow removal policies. He stated that under the proposed ordinance it would be the responsibility of the property owner to remove snow, if the accumulation was 2 or more inches within 24 hours after the end of a snow event. He stated that Code Enforcement would not issue a violation if the street abutting the property had not been plowed. He also stated that it would be complaint driven.

Armstrong stated that the end of the snow event would be indicated on the government's website and in public communications and in any notice of violation. He stated that in the event of extreme weather conditions, the Mayor or his designee may hold the enforcement in abeyance until conditions improve.

Bledsoe asked if this would lead to increased risk on the City's part if someone was injured because it appeared that the sidewalk was clear but was covered in black ice as an example. In response Mike Sanner stated that it would be a civil matter driven by facts in that specific case.

In response to a question from Bledsoe, Armstrong stated that a major component of any snow removal effort would be public education.

Henson asked about assistance programs for the elderly and disabled that may not be able to shovel their sidewalk. In response Armstrong stated that in many communities examined they initiated assistance through their respective social services department.

Farmer stated that it may be more practical to defer this matter until LFUCG had adequate resources to clear its own public sidewalks.

Hensley stated that this issue was full of unintended consequences. In response Armstrong stated that communications for the code enforcement officers was a key component. He also stated that common sense and discretion would be a key element of compliance and enforcement.

In response to Henson, Gibbs stated that he was working with Chris Corcoran in the Mayor's Office to identify fraternities, sororities and other service groups like the Boy Scouts that might help with the elderly or disabled who could not shovel their sidewalk.

A motion was made by Gibbs to approve the snow shoveling ordinance and refer it to the full Council, seconded by Henson. The motion passed on a 7-1 vote (Mossotti, Scutchfield, Kay, Stinnett, Gibbs, Bledsoe, Lamb- Yes; Farmer-No).

V. Items Referred

A motion was made by Kay to remove the Design Excellence referral item from committee. The motion passed unanimously.

A motion was made by Henson to remove the Oxford Circle Redevelopment referral item from committee, seconded by Gibbs. The motion passed unanimously.

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

AN ORDINANCE CREATING SECTION 12-8.4 (a) OF THE CODE OF ORDINANCES RELATED TO ACCUMULATION OF SNOW TO DECLARE ACCUMULATION OF SNOW ON A SIDEWALK A NUISANCE; CREATING SECTION 12-8.4 (b) OF THE CODE OF ORDINANCES RELATED TO ACCUMULATION OF SNOW TO PROVIDE FOR ABATEMENT ON ANY NUISANCE IN VIOLATION OF THIS SECTION; CREATING SECTION 12-8.4(b)(1) OF THE CODE OF ORDINANCES RELATED TO ACCUMULATION OF SNOW TO REQUIRE SIDEWALKS BE CLEARED AFTER AN ACCUMULATION OF TWO OR MORE INCHES OF SNOW; CREATING SECTION 12-8.4(b)(2) OF THE CODE OF ORDINANCES RELATED TO ACCUMULATION OF SNOW TO REQUIRE SIDEWALKS BE CLEARED WITHIN TWENTY FOUR HOURS OF THE END OF THE SNOW EVENT; CREATING SECTION 12-8.4(b)(3) OF THE CODE OF ORDINANCES RELATED TO ACCUMULATION OF SNOW TO ESTABLISH THE END OF THE SNOW EVENT AS POSTED ON THE GOVERNMENT WEBSITE; CREATING SECTION 12-8.4(c) OF THE CODE OF ORDINANCES RELATED TO THE ACCUMULATION OF SNOW TO PROVIDE FOR NO CITATIONS FOR SIDEWALKS NOT CLEARED WHEN THE ABUTTING STREET HAS NOT BEEN PLOWED; CREATING SECTION 12-8.4(d) OF THE CODE OF ORDINANCES RELATED TO THE ACCUMULATION OF SNOW TO ALLOW THE MAYOR OR HIS DESIGNEE TO HOLD IN ABEYANCE THE PROVISIONS OF THIS SECTION IN THE PRESENCE OF EXTREME WEATHER.

BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That Section 12-8.4 of the Code of Ordinances of the Lexington-Fayette Urban County Government be and hereby is created to read as follows:

(a). Accumulation of snow upon a sidewalk so as to endanger the public health and safety by preventing the safe and reasonable flow of pedestrian traffic is hereby declared a nuisance.

(b). Any person who causes or maintains a nuisance in violation of subsection (a) of this section is subject to the abatement procedure provided in Section 12-7 of this code subject to the following:

(1). The owner or occupant of property abutting any sidewalk shall clear the sidewalk after any snow event with an accumulation of two (2) or more inches.

(2). The owner or occupant of property on which a sidewalk abuts any street must have such sidewalk cleared within twenty-four (24) hours of the end of the snow event.

(3). The end of the snow event shall be indicated on the government's website, in public communications made by the government related to the end of the snow event and in any notice of violation .

(c). The government shall not issue a notice of violation for a violation of this section if the street abutting the property has not been plowed.

(d) In the event of the presence of extreme weather conditions, the Mayor or his

designee may hold the enforcement of this section in abeyance until conditions improve. Any such announcement will be made on the government's website and in all public communications made by the government during and immediately following the snow event.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

PUBLISHED:

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