



## General Government & Social Services Committee

August 17, 2021

### Summary and Motions

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Committee chair, Council Member Susan Lamb, called the meeting to order at 1:01 p.m. Committee members Vice Mayor Steve Kay and Council Members Richard Moloney, James Brown, Hannah LeGris, Liz Sheehan, Fred Brown, Whitney Baxter, Jennifer Reynolds, and Kathy Plomin attended the meeting.

#### I. Approval of June 15, 2021 Committee Summary

Motion by Plomin to approve the June 15, 2021, General Government & Social Services Committee summary; seconded by Sheehan. The motion passed without dissent (J. Brown was absent for this vote).

#### II. Amendment to the Nuisance Ordinance – Naturalized Gardens

Kay first explained how people have begun to think about their yards not simply as a yard and a few flowers but as a range of things; adding that some naturalized gardens are subject to citations by the Division of Code Enforcement because of the way the ordinances are written. He proposed an amendment to the Code of Ordinances, Section 12-2(c)(4) *Nuisances*, which would give more guidance for Code Enforcement officers to help them determine weeds that are not acceptable or encroaching versus a variety of plants that are beneficial to the environment. Alex Olszowy, Director of Code of Enforcement, pointed out the amendment's reference of a list of [Kentucky Exotic Pest Plants](#) to give officers parameters that are more relevant to Kentucky plants when they look at naturalized gardens. He said the amendment provides Code Enforcement a tool to help naturalized gardens exist.

Sheehan said this has been a discussion point within the Environmental Commission, particularly for pollinator gardens. She pointed out the distinction between vegetation abandonment and a managed growth area. Moloney and Olszowy discussed different tools to help officers identify plants, including phone applications and manuals from the Kentucky Department of Fish and Wildlife. Olszowy doesn't have an example of a good naturalized garden. He said Code Enforcement officers will have to learn more to identify plants; the common plants can be identified more easily and they will use tools to identify exotic plants.

Plomin and Olszowy discussed the history of this issue; there were series of appeals for three specific properties where residents tried to maintain naturalized gardens while the neighbors complained they were unmanaged and overgrown. He said the question becomes when is a naturalized garden overgrown to the point it is not maintained. Agricultural zones are not required to comply with this.

Baxter asked for more details regarding a *clearly defined location*, which Olszowy described as an area having a geographic parameter that can be sectioned off in a variety of ways. It is not across a whole yard or strewn about randomly. Property owners would be responsible to rectify the situation if they receive a citation. On occasion, LFUCG can abate a property but there is a process that builds up to an abatement, including the issuance of a citation first. These are done in the interest of general welfare or safety.

Reynolds established that this amendment would not be retroactive. Olszowy said open cases could be reviewed to see if they comply with the amendment if it passed. It was established that riparian buffers

have separate requirements that are monitored by Environmental Services. Flowers and vegetables are maintained differently and addressed in the existing ordinance. Olszowy said issues arise when areas are not maintained and overgrown. F. Brown confirmed there is no criteria on density and asked about naturalized gardens promoting rodents and snakes. Olszowy said they don't have data that indicates the height of grass contributes to snakes and rodents but it can create cover for other small critters.

Motion by Kay to draft the relevant ordinance [to amend the nuisance ordinance to address naturalized gardens] and move it forward to place it on the docket; seconded by J. Brown. The motion passed without dissent.

#### **V. Items Referred to Committee**

Motion by Kay to remove items 9 (*implicit bias training proposal*) and 10 (*reorganization of parts of the administration*), seconded by LeGris. The motion passed without dissent.

Motion by Sheehan to remove item 11 (*LGBTQ youth mental health protection ordinance*); seconded by Kay. The motion passed without dissent.

Motion by Kay to remove item 17 (*LFUCG diversity, equity, and inclusion statement*); seconded by Plomin. The motion passed without dissent.

Plomin stated she would like to make item 12 (*Lexington History Museum*) an annual update.

Motion by Plomin to adjourn (at 1:32 p.m.); seconded by Baxter. The motion passed without dissent.

Meeting materials: <https://lexington.legistar.com/MeetingDetail.aspx?ID=885933&GUID=4AD7BDB3-87B5-4DE2-8A21-ECA182154748&Options=info|&Search>

Recording of the meeting: [http://lfucg.granicus.com/player/clip/5409?view\\_id=4&redirect=true](http://lfucg.granicus.com/player/clip/5409?view_id=4&redirect=true)