

SERVICES COMMITTEE MEETING 9-1-2009 SUMMARY

All committee members were present. The meeting was called to order at 1:00 pm

1. Slaughtering Livestock - Henson

Henson explained this issue was brought before the committee due to a complaint regarding an incident that occurred in the 11th council district. She asked the law department to cover details of the existing ordinance, noting there was nothing in the ordinance talking about consumption for personal use. Four citizens in the audience requested to speak on the matter. Some told the committee they raise chickens and were concerned at how this issue might affect them.

Lawless asked for confirmation on the issue, was it raising livestock or slaughtering livestock.

Henson said the issue is slaughtering and would like to amend the ordinance allowing requirement of a permit to slaughter livestock within the urban service boundary. A representative from the health department said no such permit exists at this time, adding this could include involvement of other agencies.

Lawless wanted to know if the health department has the means to issue such a permit. They were not sure but would discuss the matter and provide an answer.

Henson explained she would like to see a draft ordinance to review and discuss at a future meeting.

Crosbie asked how the proposed ordinance would be enforced and who would provide oversight of the permit process.

Henson replied the police department and asked for input from Public Safety.

Rick Curtis told the committee this would also take involvement of animal control and suggested addressing the community at large. He also called for the need to differentiate livestock versus wildlife.

Lane commented on current laws regarding animals on personal property adding restrictions should be for commercial applications and comply with zoning.

Beard asked about the scope of this complaint and the number of citizens slaughtering animals, adding he would like to know the background behind these complaints.

Feigel said she understands there are cultural issues involved, but would like to see some perimeters applied.

Martin expressed concern about the use of personal property and is in favor of reviewing a draft amendment to the current ordinance.

Motion by Henson directing the law department to draft an amendment to the ordinance dis-allowing slaughter of livestock, not including fowl within the urban service boundary without a permit, seconded by Feigel, passed without dissent.

David Barbarie, Law Department noted the need to define livestock.

2. Sign Ordinance - Lane

Lane explained problems involved with the current sign ordinance as it relates to commercial and neighborhood association signage. Chris King, Planning told the committee, sign regulations are under the responsibility of zoning ordinances. He explained a number of ways they can be amended, either by initiation by council or the planning commission. He added, even land owners are allowed input on changes to sign ordinances. He said the Planning Commission must hold a public hearing on the proposed recommendations dealing with signs in the right-of-way or real estates signs. He noted the division of building inspection has received complaints regarding the size requirement of 6 square feet.

Lane asked King about addressing issue of commercial signs by defining specific areas and dealing with the one at a time. King said dealing with the entire sign ordinance would be a very lengthy process.

Martin agreed there are a number of sections of the ordinance that need to be addressed and wanted to know if we can come up with an amendment to just one section of the ordinance. Adding he would like to see the issue of neighborhood association and commercial signs fixed. He said many are not in compliance with the ordinance and do follow common practice for Fayette county (referring to size of 6 square feet).

Lane yielded the floor to Myers who had experience via another committee dealing with sign ordinance. Myers encouraged the committee to support changing the law in order to increase any applicable fines/fees regarding signage.

Beard referred on signage (bill boards) on Nicholasville Road, saying it was extremely innovative. He asked Harold Tate, DDA how signage played a part in the downtown master plan. Tate shared plans regarding signage and how technology is changing the way signage is applied.

Tandy Patrick, Greenebaum, Doll & McDonald, PLLC told the committee her firm has filed a text amendment on behalf of a neighborhood association, saying several members were fined for violations. She said the text amendment is asking that real estate signs also be held in compliance. Her

proposal also includes use of property as to what signage would apply and definition of commercial real estate.

Martin asked for a definition of real estate signs and outline of the proposal. Ms. Patrick said the proposal is based on *use* of property.

Crystal Blackburn, Lexington Board of Realtors spoke to the committee regarding the importance of real estate signage and the impact on tax revenues. Lane had a question on current sign application. Blackburn could not comment, but would get back to the committee with that answer.

Don Sebastian, real estate attorney spoke addressing enforcing the ordinance the way it is now would be detrimental to the real estate industry. Lexington Home Builder Association also commented on regulations and enforcement of the current sign ordinance. Lane summarized, to be on equal footing with other markets, commercial real estate signage should be addressed. He said issues specific to residential real estate seem to be working adequately.

Chris King recommended against amending the entire ordinance and to review sign regulations specific to Article 17-6. He said ultimately council would have to vote either up or down any amendment to the ordinance and planning commission recommendations.

Martin asked if any modification approved by council have to go before the planning commission King said they may not need to.

Martin said he would like to introduce a possible change to the time frame of putting signs out, but does not want to hinder needs of commercial signage.

Motion by Martin directing law department to draft an amendment to article 17-6: Permitted Signs In all Zones changing wording: from and to or, seconded by Lane, passed without dissent.

"Temporary signs related to events that are sponsored by residential neighborhood ~~and or~~ owners associations that are located with the public or private street right-of-way of that neighborhood, and that are located within the required sight triangle of any intersection under Section 17-4(j). such signs shall not exceed six (6) square feet in area and six (6) feet in height, and shall not be displayed more than ~~ten (10)~~ **seven (7)** day prior to the event, and must be removed within ~~five (-5-)~~ **two (2)** business days of the completion of the event." **And shall not exceed ten (10) signs per event.**

Emma Tibbs told the committee many neighborhoods have deed restrictions regarding signs and most neighborhood associations have no problem other than with temporary signs.

Myers had several questions about temporary signs and enforcement. He asked King and Dewey Crowe, Building Inspection for recommendation to strengthen the law and collecting fees.

David Barberie explained this would require a change to KRS, (state law criminal code. Myers asked Barberie to draft legislation asking for a change to KRS.

Motion by Feigel making a friendly amendment to Martin's motion regarding neighborhood signs, add to the motion "shall not exceed ten (10) signs and change "not more than ten (10) prior to seven (7) days prior, seconded by Lane, passed without dissent.

Motion by Beard recommendation to amend "two (2) business days instead of five (5) days of the event". Seconded by Feigel, passed without dissent.

3. Items in Committee

Paul Schoninger, Council Staff went over items and advised the committee status of each.

Motion to adjourn, passed, meeting adjourned at 2:38 pm