

Ellinger
Myers
Lawless
Beard
Feigel
Crosbie
McChord
Martin
Henson
Lane

SPECIAL SERVICES COMMITTEE

August 31 2010

9:00 A.M.

A G E N D A

1. Utility Pole Placement - Martin (1-19)
Additional materials may be distributed at the 8-31-10 meeting
2. Street Re-Paving List Priority Plan - Lawless (20-23, 25-31)
Additional materials will be distributed at the 8-31-10 meeting
3. Snow Emergency Update - James (20-21, 24-25, 32)
(26)
Additional materials will be distributed at the 8-31-10 meeting
4. Items in Committee (33-34)

"Services Committee, to which should be referred matters relating to public safety, public works, urban county courts, and constitutional officers."

Euclid



an **e-on** company

On April 8, 2008 there was a meeting with Kentucky Utilities (KU) and Lexington-Fayette Urban County Government (LFUCG) to discuss KU's proposed construction along Euclid Ave and Woodland Ave. LFUCG requested technical information regarding the necessity and purpose of the proposed construction. Below is a brief summary of the project's history and technical aspects.

Timeline of KU's utility relocation for the University of Kentucky

- November 2005: UK made its initial request for KU to relocate its circuits that feed the UK Medical Center Substation, specifically the Race Street circuit that runs along Rose St and Limestone.
- March 2006: KU presented several relocation options for UK to consider
- May 2006: UK decides to proceed with "Option 1" which leaves all lines along Rose St and Euclid Ave as they exist today. All lines along Limestone between Cooper Dr and Rose St are to be placed underground.
- June 2006: KU begins initial project investigation to relocate the transmission circuits for UK.
- August 2006: Stantec (formerly FMSM Engineers) is contracted to perform a complete sub-surface investigation and design a route for the new underground transmission and distribution lines along Limestone.
- December 2006: KU, Stantec and UK decided the area along Limestone on UK's property is too congested to allow for the construction of the transmission and distribution ductbank. Investigate placing the ductbank in a lane of Limestone.
- January 2007: KU, Stantec, and UK decide there are still too many underground utility conflicts underneath Limestone.
- February 2007: An option is selected to re-route the Race St circuit along Woodland Ave, Hilltop Dr and University Dr to the substation. (This is the option that is currently being constructed).

- December 2007: Construction begins on Cooper Drive for the relocation of KU transmission and distribution facilities.
- March 2008: KU prepares for overhead line construction along Euclid and Woodland Ave, applies for installation permit.

Summary of KU's utility construction along Euclid and Woodland Avenues

- Currently, along Euclid Ave, between Rose St and Park Ave there are 16 joint-use (transmission and distribution poles) and 3 distribution-only poles for a total of 19.
- Proposed, there will be 11 joint-use poles and 8 distribution-only poles for a total of 19, along the same corridor.
- Currently, the pole heights (out of ground) range from 60-75', utilizing 8' and 10' cross-arms mounted horizontally on the pole, with vertical post insulators at the ends.
- Proposed, the pole heights (out of ground) will range from 75-85', utilizing horizontal post insulators for a more "streamlined" appearance.
- Currently, the section of line along Euclid Ave is a tap off the "main-line" (which is the Race Street circuit that runs along Rose Street at this location) and feeds KU's Ashland Ave Substation.
- Proposed, the section of line along Euclid (and also Woodland Ave) will become the new "mainline Race St Circuit" with the Ashland Ave tap point being relocated to Euclid & Woodland Ave.
- The overhead conductor wire sizes along Euclid Ave are increasing approximately 2.5 times the existing wire size to 1.108" in diameter and increasing in weight by nearly 6 times the existing weight to 1.094 lb/ft.
- KU decided not to do a "one-for-one" transmission pole replacement, instead utilizing fewer, yet, slightly taller transmission poles along Euclid Ave.
- The proposed pole diameters at ground-line along Euclid Ave range from 20-7/32" to 21-3/8". The two exceptions are at Rose St and Woodland Ave, they are 59-7/32" and

41-5/16" respectively. Along Woodland Ave, the ground-line diameters range from 20-23/32" to 25-1/2".

- These ground-line diameters have been restricted and are not the optimum (weight-saving) design. These are the smallest diameters that can be manufactured for the size and design loads of the poles. One manufacturer could not submit a bid, due to their inability to meet the diameter constraints.
- All of these project-specific poles have been manufactured and delivered to the lay-down lot south of Commonwealth Stadium, on Alumni Drive. (The total cost of poles for the Euclid/Woodland section is \$277,700).
- The "riser pole" location on Woodland Ave (where the underground transitions to overhead) was selected by the University of Kentucky. Due to the extra expense of underground construction (vs. overhead), UK could not economically justify extending the ductbank along Woodland Ave.
- If the underground lines are extended along Woodland Ave, there will still be a very large riser pole and switch pole along Euclid Ave. An extension of the ductbank along Woodland Ave will be a very expensive venture for UK to fund. All cable for this project has been delivered and is project-specific. Cable manufacturers will place a hefty price premium to produce such a short run of cable (5,000' minimums are typical requirements for this non-stock cable). Cable lead times (16+ weeks) and additional engineering will delay UK's construction schedule.
- UK and Turner Construction has requested that all of the transmission lines be relocated by August 1, 2008 so the construction of the new hospital is not delayed.
- KU needs to construct the section of line along Euclid Ave (within the vicinity of Woodland Ave) before summer. (This is related to the increased electrical loading of air conditioning on the Ashland Ave Substation). If this isn't completed before May is over, the outage constraints will force this work to be done in the fall, thus delaying UK's construction schedule. A two week delay now for KU (in permitting) will effectively become a 5-6 month delay with the line outage window.
- KU currently has three 69 kV transmission circuits that feed the UK Med Center Substation. This project is merely a utility relocation requested by UK for the construction of their new hospital. After construction, three 69 kV circuits will remain the only transmission sources for the UK Med Center Substation. KU does not receive any benefit to the transmission system with this relocation.

From: Freibert, David [mailto:David.Freibert@eon-us.com]
Sent: Wednesday, June 30, 2010 3:08 PM
To: Paul Schoninger
Subject: Re: KU Utility Poles

4

Paul

Pretty straight-forward. All part of the massive UK Med Center project. I'll have our account guy give me an overview I'll pass to you, but...

We currently have multiple transmission "feeds" to Chandler - for the obvious reliability reasons. One gets hit by lightning, ice or a bus, we switch and keep the hospital on.

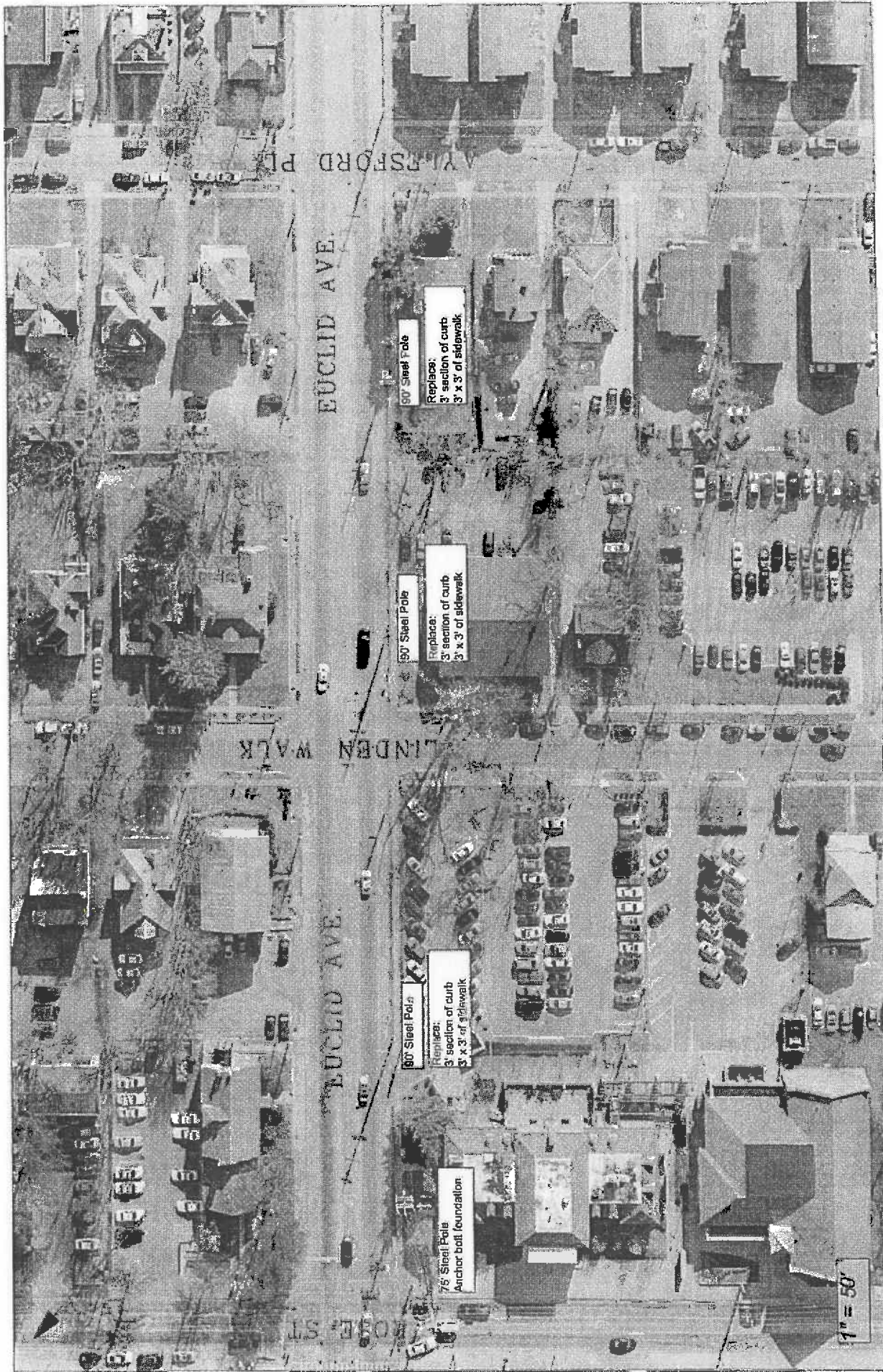
The footprint of the huge new Med Center is atop one of the old underground transmission feeds. Working with us and the city, UK developed a new right of way/facilities path for us and other utilities. The new overhead stuff pretty much follows existing pole lines. Along Euclid, some of the new poles ARE taller than the old ones - but that allowed us to eliminate several of the old ones.

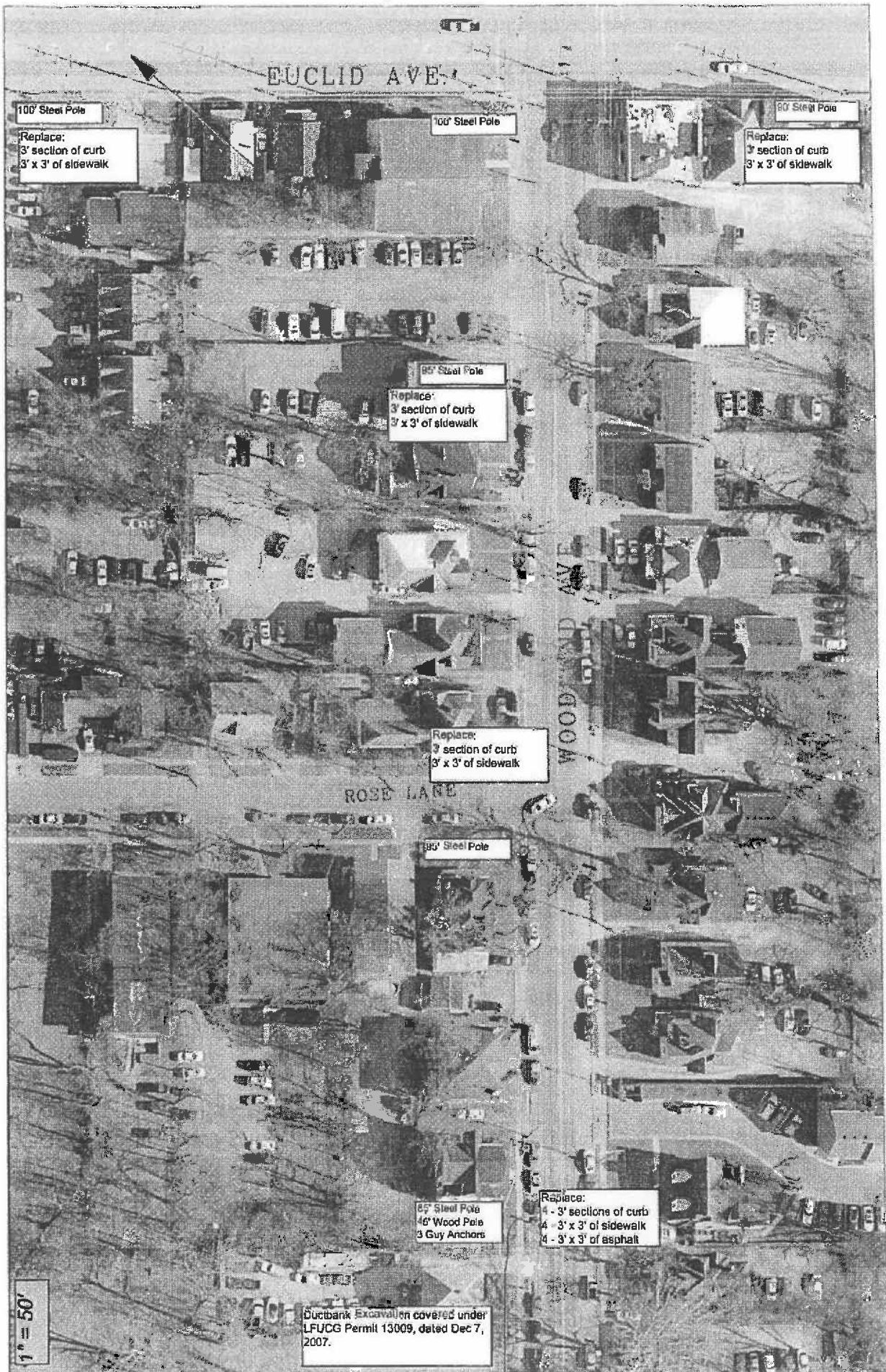
Also, UK ponied up several millions to replace much of the old overhead stuff with a lot of underground. Just not that section along Euclid.

I guess Councilmember Martin was not yet on council when all this came to a head when the Mayor called Dr. Todd to discuss the issue and UK did a number of neighborhood meetings.

Please give him my cell 421-0218 - and encourage him to call with any KU questions.

08/25/2010





Paul Schoninger

From: Daniel Kiser
Sent: Friday, April 04, 2008 2:48 PM
To: 'Snow, Terry'
Cc: Don Kelly; Kevin Wente; Marwan Rayan; Robert Bayert; Sharon Stevenson
Subject: KU - Permits for Euclid & Woodland Avenues

Terry,

Unfortunately, the ROW construction permits that you have requested for the installation of new overhead transmission facilities along Euclid and Woodland Avenues, Confirmation Numbers 13828 & 13829, must be conditionally denied. The basis for this denial is consistent with Sections 17C-19(e)(3)a.&d. of the Code of Ordinances. The issues associated with this action are currently in active discussion between U of K and LFUCC. Hopefully, a resolution will be forthcoming in the near future

However, we would like to take advantage of your offer to discuss the technical aspects of this installation. Could you be available to meet with us Tuesday morning, April 8, 2008 at 11:00 AM in our Engineering Conference Room located on the 4th floor of the Phoenix Building at 101 East Vine Street?

Thanks for your patience.

Dan.

Daniel L. Kiser, PE / Municipal Eng. Sr. / Right-of-Way Mgmt. Branch / 859-258-3595

From: Snow, Terry [mailto:Terry.Snow@eon-us.com]
Sent: Friday, April 04, 2008 8:30 AM
To: Daniel Kiser
Subject: KU - Permit for Euclid Ave

Dan,

08/25/2010

Paul Schoninger

From: Marwan Rayan
Sent: Thursday, July 01, 2010 2:49 PM
To: Paul Schoninger
Subject: RE: KU Utility Poles
Paul,

If you recall, when we became aware of the plan by KU to install the poles for UK in the right-of-way (ROW) along Euclid Avenue Dan Kiser got involved. Dan argued against the turning pole at the corner of Euclid and Woodland because it would have occupied a large portion of the ROW leaving little room for the sidewalk. Then UK acquired private easement from the corner property and the pole was kept off of the ROW. The other smaller poles along Euclid between Rose Street and Woodland Avenue were issued permit.

Engineering was not involved in the meetings UK had with the neighborhoods.

Marwan A. Rayan, P.E.
Urban County Engineer
Division of Engineering
101 E. Vine Street
Lexington, KY 40507
mrayan@lexingtonky.gov
(859) 258-3410 Office
(859) 258-3458 Fax

From: Paul Schoninger
Sent: Wednesday, June 30, 2010 3:35 PM
To: 'sbyar2@uky.edu'; 'robert.wiseman@uky.edu'
Cc: Kevin Wentz; Marwan Rayan; Joseph Kelly
Subject: FW: KU Utility Poles

Bob/Steve:

Maybe you can help. Recently Councilmember Doug Martin referred the issue of large utility poles being installed along public right of way.
It's probably in response to the utility poles being installed along Euclid and elsewhere toward the UK Med Center.

As you can see from David Freibert's e mail David refers to meetings UK had with neighborhoods to explain the project. Do you have any information on these meetings—when they were held, # of neighborhoods, any outcomes that you would be willing to share with Council?

In addition if you have any other information on the project—benefits, costs, etc that would be greatly appreciated. The Services Committee where this issue was referred to is probably going to meet Tue Aug 31 to discuss this item.

Joe/Kevin/Marwan:

If you have any information on this project that also would be greatly appreciated.

08/25/2010

Paul Schoninger

From: Paul Schoninger
Sent: Tuesday, July 13, 2010 8:29 AM
To: Daniel Kiser
Subject: FW: KU Utility Poles

Dan;

Please see Councilmember Martin's e mail attached. At the Aug 31 meeting you might be asked for your comments.

Paul

From: Doug Martin
Sent: Monday, July 12, 2010 2:36 PM
To: Paul Schoninger
Cc: Jonathan Hollinger
Subject: RE: KU Utility Poles

Paul:

I think the KU issue is going to take a couple of meetings of the Services Committee. It is a larger issue than just Euclid, which is not in my district. The concern is that if KU is pursuing these large structures as their general strategy / policy, they will eventually make their way to the 10th District and then it will be too late. Also, I am concerned about this affects Lexington generally, and we're all in this boat together.

I think at the first meeting, it would be helpful to look at the big picture, and then get deeper into the issue in subsequent meetings. At the first meeting, I think it would be helpful to hear about (and from) the following:

1. KU's policy regarding these large utility structures, and how KU intends to pursue this policy in the future. What streets are next? I think KU and District 7 would be the presenters here or be available to answer questions. In this context, it might be helpful to hear about the cost of burying the utilities on Newtown Pike.
2. The public's view of these large utility structures. I think Graham and Clive Pohl would hopefully be available to discuss these structures from an urban design standpoint.
3. The legal nature of KU's rights to construct these large utility structures. I think LFUCG legal would be the ones to present and answer questions. Essentially, KU holds easements within which KU constructs and maintains its utilities lines. However, KU's rights are not unlimited, and LFUCG legal can help advise us as to what KU's limitations are, and whether KU has exceeded its authority.

My guess is that ultimately, the large utilities lines should go in people's back yards, where they are less visible, and not on the public right of way, where they are very visible. The other alternative would be to begin a larger project of burying lines in the public right of way. Examination of cost vs benefits should be a part of this discussion.

Does this sound OK? Please let me know if you need me to talk to KU, LFUCG legal, or either of the Pohls.

Many thanks.

Doug.

08/25/2010

Lexington-Fayette County, Kentucky, Code of Ordinances >> - CODE OF ORDINANCES >>
Chapter 17C - PUBLIC RIGHTS-OF-WAY >>

Chapter 17C - PUBLIC RIGHTS-OF-WAY

- Sec. 17C-1. - Title.
- Sec. 17C-2. - Purpose; not in lieu of franchise; not intended to impair existing contracts; reservation of regulatory powers.
- Sec. 17C-3. - Definitions.
- Sec. 17C-4. - Incorporated documents.
- Sec. 17C-5. - Rules of construction.
- Sec. 17C-6. - Administration, enforcement.
- Sec. 17C-7. - General conditions related to facilities located in the rights-of-way.
- Sec. 17C-8. - Existing facilities.
- Sec. 17C-9. - Requirement to register and pay fees; registration required; effect of registration; exceptions.
- Sec. 17C-10. - Registration statement.
- Sec. 17C-11. - Rejection or cancellation of registration.
- Sec. 17C-12. - Reconsideration of rejection or cancellation.
- Sec. 17C-13. - Term of registration.
- Sec. 17C-14. - Registration fee.
- Sec. 17C-15. - Emergencies; power to order repairs.
- Sec. 17C-16. - Insurance.
- Sec. 17C-17. - Indemnification; hold harmless.
- Sec. 17C-18. - Joint planning and construction; coordination of excavation.
- Sec. 17C-19. - Installation, relocation or removal of facilities.
- Sec. 17C-20. - Utility poles.
- Sec. 17C-21. - Permits required; notice of activities; exceptions; details.
- Sec. 17C-22. - Permit fees; credits; display.
- Sec. 17C-23. - Performance bond.
- Sec. 17C-24. - Patching and restoration standards.
- Sec. 17C-25. - Inspection.
- Sec. 17C-26. - Appeal.
- Sec. 17C-27. - Right-of-way maintenance fund.
- Sec. 17C-28. - Right of-way vacation.

| Sec. 17C-1. - Title.

This chapter shall be known as the "Lexington-Fayette Urban County Government Public Right-of-Way Ordinance", hereinafter the "chapter".

(Ord. No. 166-2002, § 1, 7-11-02)

| Sec. 17C-2. - Purpose; not in lieu of franchise; not intended to impair existing contracts; reservation of regulatory powers.

- (a) *Purpose.* The purpose and intent of this chapter is to establish and promote a policy and regulations specifically pertaining to the rights-of-way that:
- (1) Govern the placement and maintenance of certain facilities that are used to provide utility or similar services;
 - (2) Promote their conservation;
 - (3) Provide for the granting and management of reasonable access thereto;
 - (4) Ensure that the government's current and ongoing costs of granting and regulating private access thereto and use thereof are borne by the party seeking such access and causing such cost;
 - (5) Provide for the payment of fair and reasonable fees to the government to ensure that this chapter is properly administered and enforced;
 - (6) Minimize street cuts, damages to persons or property, and hardship to the general public;
 - (7) Promote cooperation among parties using the rights-of-way;
 - (8) Prescribe reasonable requirements regarding the placement and management of facilities therein consistent with federal and state law.
- (b) *Chapter not in lieu of franchise.* Compliance with the requirements of this chapter shall not excuse any person from complying with all other requirements of law, including holding a valid franchise,

contract or easement of the government. Any franchise, contract or easement may include additional regulations, obligations, fees and costs.

- (c) *Chapter not intended to impair existing contracts.* Nothing in this chapter is intended to impair the legal right or obligation of any contract, franchise, or easement previously granted by the government.
- (d) *Reservation of regulatory and police powers.* The government does not diminish or to any extent lose, waive, impair or lessen the lawful powers and rights which it now or may have hereafter to regulate the use of the rights-of-way or charge reasonable compensation for such use.

(Ord. No. 166-2002, § 1, 7-11-02)

Sec. 17C-3. - Definitions.

The following definitions apply to this chapter. References herein to "sections" are, unless otherwise specified, references to sections of this chapter.

Annual general permit means a permit issued annually by the division to perform the following types of activities within the right-of-way in locations other than high density utility areas:

- (1) Installation or replacement of wiring on existing utility poles;
- (2) Repair, replacement or maintenance of existing above-ground facilities, including poles, in the same location with no street, curb, apron, or sidewalk cuts, provided any replacement facilities are not more than twenty (20) percent larger in size than the existing facilities;
- (3) Excavations of existing facilities of up to twenty-five (25) square feet with no street, curb, apron or sidewalk cuts, with the exception of subsections (4) and (5) immediately following;
- (4) Installation of new underground lines in trenches of less than two hundred fifty (250) linear feet with a width of six (6) inches or less and with no street, curb, apron or sidewalk cuts;
- (5) Installation of new underground lines in trenches of less than fifty (50) linear feet with a width of twenty-four (24) inches or less and with no street, curb, apron or sidewalk cuts;
- (6) Any underground boring, except borings larger than three (3) inches in diameter which are performed in locations under a street, curb, apron or sidewalk; or
- (7) Any work performed inside existing conduits.

The annual general permit does not cover the installation of any facility that is not listed above. The permittee shall be required to provide daily notifications to the division as further provided in subsection 17C-21(a). Any activity with respect to facilities in the right-of-way that is not listed above or otherwise exempted under this chapter shall require that either an installation permit or surface cut permit, as appropriate, be obtained prior to performing the activity.

Council means the legislative body of the Lexington-Fayette Urban County Government.

Degradation means a decrease in the useful life of the right-of-way caused by excavation in or disturbance of the right-of-way, resulting in the need to reconstruct such right-of-way earlier than would be required if the excavation did not occur.

Director means the director of the government's division of engineering, or his designee, unless otherwise specified.

Division means the Lexington-Fayette Urban County Government's division of engineering.

Emergency means a situation when placement or maintenance of facilities is needed to be undertaken immediately because of a danger to human life or health or of significant damage to property, including but not limited to, unanticipated leaks interruptions or reductions in existing services, or other situations defined as being emergency or dangerous conditions pursuant to federal, state or local law. The installation of facilities that only serve to expand existing service or provide new service shall not be considered an emergency.

Excavate or excavation means to dig into or in any way remove or physically cut, disturb or penetrate any part of a right-of-way.

Facility or facilities means any tangible asset in the right-of-way, including but not limited to equipment and apparatus such as pipes, conduits, wires, cables, amplifiers, transformers, fiber optic lines, antennae, pole, or ducts, required, necessary, used or useful in the provision of utility or other services.

Government means the Lexington-Fayette Urban County Government, an urban county government and political subdivision of the Commonwealth of Kentucky created pursuant to Chapter 67A of the Kentucky Revised Statutes.

Greenway means any area designated as a greenway in the comprehensive plan, as amended.

- (b) If the division determines that the right-of-way associated with a surface cut has degraded or caved-in more than one-half ($\frac{1}{2}$) inches below grade, and within two (2) years after any surface cut, it shall notify the party or parties responsible for making the surface cut of this determination and:
- (1) In the case of a clear and immediate danger or hazard to vehicular or pedestrian traffic, the government shall order the party or parties responsible to take immediate precautionary measures to direct vehicular or pedestrian traffic around and away from the degradation or cave-in. In addition, the government shall order the party or parties responsible to make all necessary corrections and repairs to cure the immediate danger or hazard within five (5) days and perform any additional work consistent with the issuance of any necessary permit.
 - (2) In all other cases of degradation or cave-in the government shall order the party or parties responsible to take immediate precautionary measures to direct vehicular or pedestrian traffic around and away from the degradation or cave-in, and shall order the party or parties responsible to make all necessary corrections and repairs within thirty (30) days.
 - (3) In the event the division orders corrections or repairs and the party responsible fails to respond to reasonable deadlines set forth in said order, the division shall cause the necessary corrections and repairs to be made, and shall submit a statement for the costs incurred by the government in making such corrections and repairs to the responsible party, which statement shall include an additional administrative fee not to exceed five hundred dollars (\$500.00). In that event, and if the said statement of costs and fees is not paid by the said responsible party within forty-five (45) days, the director shall suspend the issuance of all future permits to the said responsible party until such time as the said costs are paid.
 - (4) This section shall not be interpreted to preclude the government from taking any and all reasonable protective measures with respect to the right-of-way and the health and safety of the general public, including but not limited to blocking the general public's access to the area, temporarily repairing the right-of-way or removing any facility that constitutes an immediate health or safety concern. The government shall not undertake to repair or remove a facility unless all other reasonable methods of response to the emergency have been exercised.

(Ord. No. 166-2002, § 1, 7-11-02; Ord. No. 134-2005, § 5, 6-9-05)

Sec. 17C-16. - Insurance.

Each registrant shall maintain in full force and effect a commercial general liability insurance policy reasonably acceptable to the government's division of risk management with a minimum policy limit of one million dollars (\$1,000,000.00) per occurrence and shall provide the government with a certificate of insurance evidencing the insurance policy required by this section. The certificate shall state that the insurance policy shall not be canceled, materially changed or non-renewed until after thirty (30) days' notice has been provided to the government; however, insurance may be canceled and replaced with a policy that continues to meet the requirements of this section. A registrant may satisfy the insurance requirements and conditions of this section under a self-insurance plan that is acceptable to the government's division of risk management. The government reserves the right to impose additional insurance requirements as part of a franchise agreement.

(Ord. No. 166-2002, § 1, 7-11-02)

Sec. 17C-17. - Indemnification; hold harmless.

- (a) Each registrant shall defend, indemnify, and hold harmless the government, its officials, boards, members, agents and employees against any and all claims, suits, causes of action, proceedings, judgments for damages or equitable relief, and costs and expenses, including reasonable attorney's fees, arising from liability or claims of liability for bodily injury or death to persons or property damage in which the claim arises out of the installation, construction, repair, maintenance or operation of its facilities, and in the event of a final judgment being obtained against the government either independently or jointly with the registrant, the registrant shall pay such judgment with all costs and hold the government harmless thereon.
- (b) The government shall notify the registrant in writing within a reasonable time of receiving notice of any issue it determines may require indemnification and the registrant shall defend the government at the cost of the registrant.

(Ord. No. 166-2002, § 1, 7-11-02)

Sec. 17C-18. - Joint planning and construction; coordination of excavation.

- (a) Any registrant owning, operating or installing facilities in the rights-of-way that provide water, sewer, gas, electric, telephony, internet, cable, video or other utility services, ~~shall prepare and submit to the director a master plan~~. Registrants shall submit an initial master plan no later than one hundred eighty (180) days after the effective date of the chapter. Thereafter, each such registrant shall submit semi-annually, as required by the director, a revised and updated master plan. As used in this subsection,

High density utility areas means geographic areas in which significant issues exist with respect to the location of facilities because of space or density issues in the right-of-way. The following geographic areas are currently identified as high density utility areas:

- (1) The area located inside and abutting to Third Street on the northeast, Midland Avenue and Rose Street on the south, Maxwell Street on the southwest and Cox Street and Newtown Pike on the northwest;
- (2) The area abutting Corporate Drive;

The council, through the adoption of a resolution or ordinance, may add or delete geographic areas that constitute high density utility areas upon the recommendation of the director. Prior to the consideration of change in the scope of the high density utility areas by the council, all registrants shall be notified by the government, and an attempt to reach a consensus on the scope of the change shall be made.

Installation permit means a permit issued by the division to perform any construction, installation, repair, replacement or maintenance of facilities in the right-of-way that is not covered by an annual general permit or a surface cut permit.

Lessee means a person who provides services within Fayette County solely by leasing facilities and who has no control over what or where or how any facilities are erected, installed, maintained, operated, repaired, removed, restored, or otherwise used.

Party or person means any natural or corporate person, business association or other business entity including, but not limited to, a partnership, a sole proprietorship, a political subdivision, a public or private agency of any kind, a utility, a successor or assign of any of the foregoing, or any other legal entity.

Public utility or utility means a party that is defined in KRS ch. 278 as a utility and (i) is subject to the jurisdiction of the Kentucky Public Service Commission, the FCC, or the Federal Energy Regulatory Commission, or (ii) is required to obtain a franchise from the government to use and occupy the right-of-way pursuant to Sections 163 and 164 of the Kentucky Constitution.

Registrant means any party filing a registration statement required by this chapter.

Reseller service provider means person who provides services within Fayette County solely by reselling services and who has no control over what, where or how any facilities are erected, installed, maintained, operated, repaired, removed, restored or otherwise used.

Right-of-way means the surface of and the space above and below a public roadway, highway, street, freeway, lane, path, sidewalk, alley, court, boulevard, avenue, parkway, cartway, bicycle lane or path, public sidewalk, or easement held by the government for the purpose of public travel and shall include rights-of-way as shall be now held or hereafter held by the government. A right-of-way does not include the airwaves above a right-of-way with regard to cellular or other non-wire telecommunications or broadcast service. The right-of-way shall not include greenways, and the ability to install facilities in a greenway shall require separate approval pursuant to the appropriate governmental legislation or regulation.

Surface cut permit means a permit issued by the division to excavate, dig or cut into and through a paved street surface within the rights-of-way or to bore, dig or tunnel under such a paved street surface except as authorized by an annual general permit.

Tariff means the internal regulations or guidelines of the utility industry as promulgated or adopted by the Kentucky Public Service Commission or the Federal Communications Commission.

(Ord. No. 166-2002, § 1, 7-11-02; Ord. No. 134-2005, § 1, 6-9-05)

Sec. 17C-4. - Incorporated documents.

- (a) A number of documents are incorporated herein by reference, including, but not limited to, certain other written and published ordinances, resolutions, regulations, requirements and standards. All such references are to have the same effect as if the documents were reproduced verbatim herein, and all such documents automatically include any and all subsequent amendments thereto as long as the parties that will be effected by such amendments have the ability to meaningfully participate in the process that is utilized to amend such document, or unless expressly indicated otherwise by a provision of this chapter. This provision shall not be interpreted to require that work performed prior to the adoption or amendment of such a document be subject to any newly created standard.

(Ord. No. 166-2002, § 1, 7-11-02)

Sec. 17C-5. - Rules of construction.

- (a) *Shall* is mandatory, not merely directive.

the term "master plan" refers to a document reflecting any known future activity planned by the registrant to occur within one (1) year of its submission that would also require the issuance of a surface cut permit.

- (b) The director shall keep all master plans confidential in accordance with the provisions of the Kentucky Open Records Act, KRS §§ 61.870, et seq., if directed by the registrant, and shall establish procedures to ensure that said master plans are utilized and inspected only for the purposes intended by this chapter.
- (c) The government shall annually prepare a listing of streets that are to be repaved in the current government fiscal year, as well as an annual list of all streets eligible for resurfacing based on their pavement condition. The government shall provide each registrant with a proposed annual repaving list by no later than May 1 of each year, and the annual repaving list shall be made available for public inspection, including posting on the government's web-site by no later than July 1 of each year, and the annual eligibility list available by no later than January 15 of each year. These lists shall be kept on file with the director for review by the registrants. The final annual repaving list is contingent upon the approval of the council.
- (d) Prior to applying for a surface cut permit, a party shall review the lists referenced above and shall coordinate, to the extent practicable, with each registrant, utility and street work shown on such plan to minimize damage to, and avoid undue disruption and interference with the public use of the rights-of-way.
- (e) The issue of joint planning and coordination shall be discussed at each regularly scheduled meeting of the utility coordinating committee pursuant to section 17C-7(h).

(Ord. No. 166-2002, § 1, 7-11-02)

Sec. 17C-19. - Installation, relocation or removal of facilities.

- (a) *Provisions apply unless direct conflict exists.* The provisions of this section shall apply unless they directly conflict with a tariff, state or federal law, or the provisions of the applicant's franchise agreement with the government. This section shall not be interpreted to impair the ability of a party using an annual general permit to perform work under such a permit unless a public safety concern would arise if such work were to be performed.
- (b) *General application.* Upon the written notice of and at the direction of the director, a registrant shall relocate or remove facilities, or rearrange aerial facilities, if required by a tariff, state or federal law, a franchise agreement with the government, or the director in exercising his authority under this section.
- (c) *Coordination.* Registrants are encouraged to coordinate the installation, relocation or removal of their facilities with each other in order to avoid issues with respect to the location of facilities within the right-of-way.
- (d) *Appeal.* Any party aggrieved by a determination of the director with respect to the installation, relocation, or removal of a facility may appeal such decision pursuant to section 17C-26.
- (e) *Installation.*
 - (1) *Definition.* For purposes of this section, the term "install", "installed" or "installation" shall mean placement of new facilities within the rights-of-way, including the replacement of existing facilities not covered under an annual general permit. An installation requires the issuance of an installation permit or surface cut permit.
 - (2) *Procedure.* The director shall notify the applicant if the director determines that a facility may not be installed as requested by the applicant. Upon determining that a facility may not be installed as requested, the director shall provide written notice to the applicant as early as practicable and in conformity with any specific applicable notice requirement. The notice shall contain a description of the area affected as well as the reason for the director's determination. The director may issue a permit that is contingent upon certain condition(s) being fulfilled with respect to the criteria contained below.
 - (3) *Criteria.* A decision by the government to deny an installation permit or surface cut permit application must be based on at least one (1) of the following criteria:
 - a. It significantly conflicts with the location of existing facilities or facilities that are planned or permitted for installation, or government improvements or facilities that are planned in that area;
 - b. It significantly conflicts with the timing of other ongoing activity taking place in the same area of the right-of-way, or with a previously scheduled activity;
 - c. It conflicts with the planned grading, re-grading, construction, reconstruction, widening or altering of any right-of-way or the construction, reconstruction, repair, maintenance or alteration of a public improvement, including, but not limited to, storm sewers, sanitary sewers and street lights;
 - d. It conflicts with an approved development plan in that geographic area that requires all or certain types of facilities to be located in certain locations, areas, or parts of the rights-of-way, or is located in a high density utility area;

*

- e. It is an above-ground facility other than a utility pole, fire hydrant, or street light that because of its size presents significant public safety concerns or violates guidelines or procedures pertaining to aesthetics that are duly adopted by the council;
 - f. It fails to take reasonable measures to disguise or cover the facility as required by the government pursuant to guidelines or procedures pertaining to aesthetics that are duly adopted by the council;
 - g. It conflicts with a requirement contained in the applicant's franchise agreement;
 - h. It is located in a type of right-of-way, such as a bicycle lane or path, in which the government has made a determination that facilities are not to be installed;
 - i. It would threaten public health, safety, or welfare or otherwise constitute a violation of the provisions of this chapter; or
 - j. The applicant is not otherwise in material compliance with the provisions of this chapter.
- (4) *Reservation of rights.* Notwithstanding any other provision in this chapter, the government specifically reserves the right to order the removal or relocation of any facility installed after the effective date of this chapter, at no cost to the government, for which an installation permit or surface cut permit was not obtained.
- (5) *Preclusion on cutting newly paved surfaces.* If any street is about to be resurfaced by the government, on advance written notice from the director pursuant to section 17C-18(c), the registrant shall make any extensions, changes, or installations of or to its facilities ahead of such activity. Registrant shall notify director by July 15 of its desire to perform such extensions, changes, or installations, and may be allowed up to ninety (90) additional days to complete the work. If any street is about to be constructed, reconstructed, widened, altered, or paved by the government, upon receipt of final plans from the director, the registrant shall make any extensions, changes, or installations of or to its facilities ahead of such activity. Depending on the amount of such extensions, changes, or installations to be performed, the registrant may be allowed up to one hundred twenty (120) days to complete the work. If the registrant fails to do such extensions, changes, or installations, it shall be precluded for a period of one (1) year from disturbing such paving without the express permission of the director. The director shall only grant such permission upon a sufficient showing by the registrant that undue hardship would be caused if the registrant were not allowed to disturb the pavement and that it shall satisfactorily comply with all other relevant provisions of this chapter, including the requirements contained in section 17C-24(a) pertaining to resurfacing.
- (f) *Relocations.* The government shall have the ability to order the relocation of any facility located within the rights-of-way. The government shall not normally direct the exact location that the facility is to be relocated to, but instead shall work with the registrant or permittee as part of the permitting process. There shall be no fee associated with a permit required as a result of a relocation ordered by the government.
- (1) *Public projects.* Whenever the government shall grade, regrade, construct, reconstruct, widen or alter any right-of-way or shall construct, reconstruct, repair, maintain or alter a public improvement, including, but not limited to, storm sewers, sanitary sewers and street lights therein, it shall be the duty of the registrant, when so ordered by the government, to change, relay and relocate its facilities in the right-of-way at no cost to the government so as to conform to the established grade or line of such right-of-way and so as not to interfere with such public improvements so constructed, reconstructed or altered. However, notwithstanding the above, if as part of said public improvement the government orders that facilities that were previously and lawfully located above-ground, to be relocated to underground, the government shall bear the cost for the difference in cost between an aerial and underground facility of the same type, unless an agreement to the contrary is otherwise entered into by the appropriate parties.
 - (2) *Relocation for public safety reasons.* If the basis for the government ordering the relocation of a facility is a public safety concern, the registrant shall relocate the facility at no cost to the government.
 - (3) *Relocations to assist in the placement of other facilities.* If the reason the government is ordering the relocation is to assist in the installation of facilities by another registrant or permittee, the party seeking to install the facilities shall bear the costs of said relocation, unless an agreement is otherwise reached.
 - (4) *Relocations where the cost is borne by the government.* Notwithstanding any language in this chapter to the contrary, unless an agreement to the contrary is otherwise entered into by the appropriate parties, the cost of the following types of relocations shall be borne by the government:
 - a. If the reason the government is ordering the relocation is that it has adopted a plan or policy requiring that facilities be placed underground in that location, if, at the time the facility was installed, such a plan was not in place;
 - b. If, at the time the facility was installed, the location in which the facility is currently sited was not a part of the right-of-way or was not otherwise owned or controlled by the government;

- c. If the government has already ordered that the facility be relocated to comply with a public improvement project, the registrant or party has substantially complied with such order, and the government then orders the registrant or party to relocate that facility to a different area as part of the same project; or
- d. If the government orders the relocation of a facility to accommodate a public improvement project and the construction of such project is subsequently terminated by the council.

(g) *Removal.*

- (1) If the government requires a facility that is no longer being used to provide service, as defined below, to be taken out of the right-of-way, such removal shall be pursuant to the requirements of this subsection.
- (2) *Definition.* A facility shall be considered to be "no longer in use" if such facility has not been used to provide service for a period of one (1) year, or the registrant or the party responsible for the facility has notified the director that it no longer intends to use the facility. If the government determines that a facility is "no longer in use" based on the fact that it has not been used for a period of more than one (1) year, the responsible party may petition the director for a reasonable extension of time based on that party's desire to use the facility to provide service or to sell or transfer such facility within a reasonable amount of time. Such an extension of time shall not be unreasonably withheld.
- (3) *Procedure for notification.* Any party discontinuing use of a facility shall notify the director in writing of such discontinued use within thirty (30) days. Said notice shall describe the facilities for which the use is to be discontinued and include a statement as to whether the registrant intends to leave the facilities in place for potential future use, remove the facilities, or abandon the facilities in place. The registrant shall remain responsible for the maintenance, repair and condition of discontinued facilities at all times.
- (4) *Criteria and procedure for removal.* Upon providing reasonable advanced written notice to the registrant or other responsible party, the director may order the removal of any facility that has been determined to be "no longer in use", if any of the following arise with respect to that facility:
 - a. It significantly conflicts with the location of existing facilities or facilities that are planned or permitted for installation, or government improvements or facilities that are planned in that area;
 - b. It conflicts with the planned grading, re-grading, construction, reconstruction, widening or altering of any right-of-way or the construction, reconstruction, repair, maintenance or alteration of a public improvement, including, but not limited to, storm sewers, sanitary sewers and street lights;
 - c. It conflicts with an approved development plan in that geographic area that requires all or certain types of facilities to be located in certain locations, areas, or parts of the rights-of-way, or is located in a high density utility area;
 - d. It conflicts with a requirement contained in that party's franchise agreement;
 - e. The current location of the facility threatens public health, safety, or welfare or otherwise constitutes a violation of the provisions of this chapter; or
 - f. It is an above-ground facility that has been determined to be "no longer in use" for a period of more than ninety (90) days.
- (5) *Facilities located underground.* Notwithstanding the foregoing, the government shall not order the removal of any underground facility unless the surface above the facility is currently being, or will be, substantially excavated, or the presence of that facility causes an emergency or threatens public health, safety, or welfare. In any event, the removal of such a facility shall be limited to that portion of the facility that actually presents an issue.
- (6) *Cost of removal.* The government shall not normally bear any portion of the cost of the removal of any facility, unless it is part of a government project and the costs of such removal are minimal. Depending on the circumstances, the director may order that the party responsible for such facility, the party seeking a permit, or both, bear the costs and the responsibility of such removal. However, in the event that the facility is being removed to accommodate the placement of a non-government facility, the cost of such removal shall be the responsibility of the party or parties applying for the permit, so long as the existing facility was lawfully installed. The council may agree, upon a recommendation from the director, that the government will share in the costs of removal or limit the scope of removal based on extenuating circumstances.
- (7) In the event the registrant or other responsible party elects to abandon the facility in place and the council approves such abandonment, the registrant or party shall convey full title and ownership of such abandoned facility to the government in consideration of the abandonment in place and without the need of the government to pay compensation to the registrant. The registrant shall, however, continue to be responsible for all taxes on such facilities or other liabilities associated therewith, until the date the same is conveyed to the government.

- (8) Should any registrant or other responsible party fail, after notice, to remove a facility upon the order of the director as specified in this section, the government may, at its option and in addition to the imposition of any other remedies hereunder or in a franchise agreement with that party, undertake or cause to be undertaken, such necessary removal. The government shall have no liability for any damage caused by such removal and the registrant or other responsible party shall be liable to the government for all reasonable costs incurred by the government in such removal.

(Ord. No. 166-2002, § 1, 7-11-02)

Sec. 17C-20. - Utility poles.

- (a) To the extent possible, registrants shall use existing poles and conduit existing at the time of permitting in installing their facilities.
- (b) All poles or wire holding structures are subject to any applicable, duly adopted regulations regarding location, height, type, or other pertinent aspect.
- (c) All transmission and distribution structures, poles and other lines and equipment installed or erected by registrant under this chapter shall be located so as to minimize any interference with the proper use of the right-of-way with the rights and reasonable convenience of property owners whose property adjoins or abuts any affected right-of-way. Subject to applicable codes, overhead drops shall be as close as possible to other utility drops in order to concentrate the drops in as small an area as possible to minimize visual clutter and interference with the use of private property.

(Ord. No. 166-2002, § 1, 7-11-02)

Sec. 17C-21. - Permits required; notice of activities; exceptions; denials.

Unless otherwise exempted by this chapter, any party performing an activity within the rights-of-way that requires a permit pursuant to this chapter must obtain the applicable permit prior to the performance of such activity and pay any applicable permit fee.

- (1) An annual general permit shall be obtained at the time of the submission of the registration statement or immediately upon the registrant or the division determining that the registrant is performing activity within the right-of-way that requires the issuance of such a permit. Each time that a registrant is performing any of the activities listed below, it shall provide the government notification via the government's website. Any work performed without proper notification shall constitute work being done without a permit, and as such subject to the levy of fines.
- a. Installation or replacement of wiring on existing utility poles when the work (a) necessitates presence in the right-of-way for more than one (1) day or (b) involves more than one thousand (1,000) line feet of cable or wire;
 - b. Replacement of existing utility poles when the work (a) necessitates presence in the right-of-way for more than two (2) days or (b) involves more than one thousand (1,000) line feet of cable or wire;
 - c. Excavations of existing facilities from ten (10) to twenty-five (25) square feet with no street or sidewalk cuts;
 - d. Installation of new underground lines in trenches of less than two hundred fifty (250) linear feet with a width of six (6) inches or less and with no street, curb, apron or sidewalk cuts;
 - e. Installation of new underground lines in trenches of fifty (50) linear feet or less with a width of twenty-four (24) inches or less and with no street, curb, apron or sidewalk cuts;
 - f. An underground boring larger than three (3) inches in diameter; or
 - g. Any underground boring located under a paved street.

Any other activity performed pursuant to an annual general permit need not be reported to the government unless otherwise required under this chapter. The notification shall consist of, at a minimum, the name of the registrant, a general description of the location (by address(es) or street(s)) and the nature or type of the activity performed (e.g. installation of wiring, boring, pole replacement, etc). In the event that the notification cannot be provided to the government's website said notification may be provided in writing via e-mail or facsimile transmission.

- (2) An installation permit or a surface cut permit for the performance of non-emergency work shall be applied for at least ten (10) days prior to such planned activity. Notwithstanding the foregoing, the director may waive said time period for good cause shown. The division must approve, deny, or conditionally approve a permit application within five (5) business days of the receipt of the application and in the case of a conditional approval or denial, state in writing the basis for such determination and what conditions must be met by the applicant in order to

obtain a permit. Any work performed without proper notification shall constitute work being done without a permit, and as such subject to the levy of fines.

- (3) A permit issued pursuant to an emergency shall be applied for no later than five (5) business days after the discovery of the emergency.
- (4) All applications for permits shall contain the following information:
 - a. The identity and legal status of the applicant (the party to whom the permit is issued).
 - b. The name, address and telephone number of the officer, agent or employee requesting the permit.
 - c. A description of all activities covered by the permit, and in the case of an installation permit or a surface cut permit the locations and estimated dates and times of commencement and completion thereof.
 - d. The number of all surface cuts covered by the surface cut permit, and the number of square feet of right-of-way surface to be removed; or the number of linear feet included in the installation.
- (5) A single permit may be issued for multiple surface cuts or installations; provided that no such surface cut or installation covered in a single permit shall be more than three hundred (300) feet apart. Notwithstanding the foregoing, the director may grant a single permit for multiple surface cuts or installations that are more than three hundred (300) feet upon a showing by the permit applicant that such an expansion of activity shall not significantly affect the division's ability to efficiently administer this chapter.
- (6) *Notification of inspections.* If the division knows at the time of the issuance of the permit that it shall require an inspection(s), it will notify the permittee that such an inspection(s) is required.
- (7) *Denial or revocation.* The director, in his reasonable discretion, may deny or revoke a permit for failure to satisfy the material requirements and conditions of this chapter, including but not limited to the criteria contained in section 17C-19, or if the denial is otherwise necessary to protect the health, safety, and welfare of the citizens of Fayette County. In addition, the director may issue a permit that is contingent upon the applicant performing certain requirements that shall be specified in the permit.
- (8) *Exceptions.* Permits are not required to be obtained pursuant to this chapter if the facilities involved are of the following nature. However, the party responsible for such facilities is required to comply with all remaining provisions of this chapter as well as any other chapter that may apply, unless otherwise exempted.
 - a. Newspaper stands;
 - b. Signage;
 - c. Facilities associated with sidewalk cafes or the sale of goods or merchandise;
 - d. Facilities owned by the Commonwealth of Kentucky, including the University of Kentucky;
 - e. Facilities installed to provide new development with connections to utility service and for which the government is provided performance and warranty surety protection under its land development regulations;
 - f. Facilities installed by the government that are not used to provide competitive utility services to customers in Fayette County, provided that such facilities are not used at any future time for the provision of competitive utility services. The government's division of sanitary sewers is not exempt from having to obtain permits or from complying with the remaining provisions of this chapter, unless otherwise exempted.

(Ord. No. 166-2002, § 1, 7-11-02; Ord. No. 134-2005, § 6, 6-9-05)

I Sec. 17C-22. - Permit fees; credits; display.

- (a) Every registrant shall pay the fees associated with permitting under this chapter annually based upon the provisions of this chapter so as to equitably assess the impact of the activities performed in the rights-of-way by all registrants and permittees. Franchisees may elect to pay these fees as either a portion of their franchise fees, or in addition to their franchise fees, as so allowed by their franchise agreement and consistent with state laws.
- (b) *Annual general permit.* Unless otherwise prohibited by law, or otherwise exempted, each registrant that occupies the right-of-way shall obtain an annual general permit. The type of annual general permit that the registrant shall be required to obtain shall be based upon the level of both documented and undocumented maintenance and repair activities the registrant would be anticipated to perform within the rights-of-way; and, as a corollary for such, the extent to which the registrant's facilities occupied the rights-of-way as it existed at the end of the preceding calendar year. The extent of occupation of the registrant's facilities shall be determined by measuring the enclosed surface of the registrant's existing service area as defined by mapping provided annually by the registrant. Registrants with facilities occupying eighteen thousand two hundred seventy-six and three-tenths (18,276.30) acres, the equivalent of ten (10) percent of the area of Fayette County, or less shall pay

(Ord. No. 166-2002, § 1, 7-11-02)

| Sec. 17C-25. - Inspection.

- * (a) *Site inspection.* Any party issued a permit pursuant to this chapter shall make the work-site available to the division and to all others as authorized by law for inspection at all reasonable times during the execution of and upon completion of the work. No excavation shall be covered until it has been inspected and approved by the division, if the division has given that party notice of its intent to inspect the excavation. The permittee shall provide the division with advance notice of at least one (1) day when the appropriate portion of the activity is ready for inspection, and if the division fails to inspect after being provided such notice, the permittee may continue to perform the permitted activity. Any excavation that has been covered without a required approval or inspection shall be uncovered for inspection at that party's expense, upon request of the division. If the construction or restoration does not meet the standards under this chapter, the division may order corrective measures.
- (b) *Authority of the director and the division.*
- (1) At the time of inspection the division may order the immediate cessation of any work that it in good faith believes poses a serious threat to the life, health, safety or well-being of the public.
 - (2) The director may issue an order to the permittee for any work that does not conform to the terms of the permit or other applicable ordinance, resolution, regulation, standard, condition, or code. The order shall state that failure to correct the violation will be cause for revocation of the permit. The permittee shall proceed with the corrective work before undertaking any additional work under the permit. Within ten (10) days after issuance of the order, the permittee shall present proof to the director that the violation has been corrected. If such proof has not been presented within the required time, the director may revoke the permit, or for good cause shown, extend the period of time allowed for the corrective work to be completed.

(Ord. No. 166-2002, § 1, 7-11-02)

| Sec. 17C-26. - Appeal.

Any party that:

- (1) Has been denied registration after the reconsideration process provided for in section 17C-12;
- (2) Has been denied a permit or has been issued a conditional permit for which the party disagrees with certain of the conditions(s) imposed;
- (3) Is aggrieved by a decision pertaining to installation, relocation, or removal of a facility pursuant to section 17C-19;
- (4) Has had a permit revoked; or
- (5) Believes that the fees imposed are invalid;

may have such action reviewed, upon written request, by the government's chief administrative officer ("CAO"), or his designee, who shall act within a period of ten (10) days from the receipt of the written request. The appealing party shall be afforded the opportunity to be heard and present relevant evidence to the CAO should it desire to do so, and the decision by the CAO, which shall be the final administrative decision on the request subject to appeal to court, shall be in writing and provide the basis for the decision.

(Ord. No. 166-2002, § 1, 7-11-02)

| Sec. 17C-27. - Right-of-way maintenance fund.

- * (a) There is hereby established the right-of-way maintenance fund as a non-reverting operating fund of the government.
- (b) The revenues received by the division from all registration fees, permit fees, and the portion of any franchise fee attributable to permitting shall be deposited into the right-of-way maintenance fund to be used exclusively for the repair and resurfacing (but not new construction or reconstruction) of streets, roads and other rights-of-way within the urban county, the employment of such administrative and inspection personnel necessary to enable the division to carry out its responsibilities under this chapter, and the administrative costs of implementing this chapter.
- (c) Amounts shall be paid from such fund only pursuant to appropriations authorized by the council.

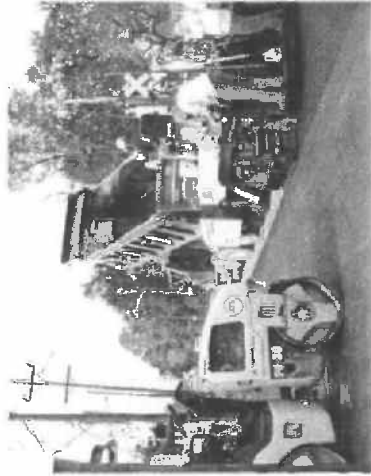
(Ord. No. 166-2002, § 1, 7-11-02; Ord. No. 134-2005, § 9, 6-9-05)

| Sec. 17C-28. - Right-of-way vacation.

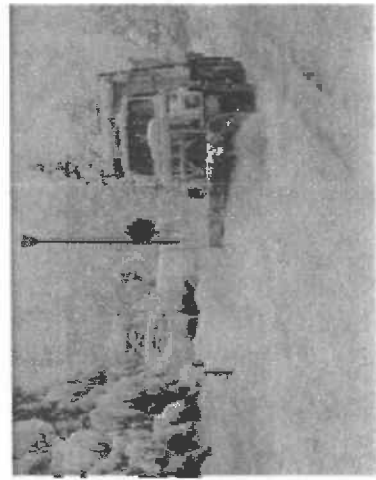
- (a) If the government vacates a right-of-way which contains the facilities of a registrant and if the vacation does not require the relocation of registrant's facilities, the government shall reserve, to and for itself and all registrants having facilities in the vacated right-of-way, the right to install, maintain and operate any facilities in the vacated right-of-way and to enter upon such right-of-way at any time for

Talking Points:

- Pavement Management System & Road Resurfacing



- 2010/2011 Snow Plan



Pavement Management System & Road Resurfacing

Step 1 – Road Assessment and Data Collection

-Division of Engineering



COMPLETED

Step 2 – Pavement Management System updated

-Division of Engineering



COMPLETED

***Currently working to restore
Pavement System with the GIS**

Step 3 – Annually determine the total linear footage of pavement maintained by LFUCG in the Urban Service Area.

-Division of Streets, Roads & Forestry



In Progress

Road Resurfacing Fund Allocation

Step 4 – Determine from the collected data, the total linear footage of pavement rated 65 or less within the Urban Service Area.

-Division of Streets, Roads & Forestry

District	Length (ft)
1	45720
2	66196
3	31131
4	53612
5	82534
6	76853
7	70324
8	33731
9	50271
10	87086
11	48813
12	39322
TOTAL	685593

COMPLETE

Step 5 – From the calculated total linear footage, determine the percentage of pavement (rated 65 or less) within each Council District.

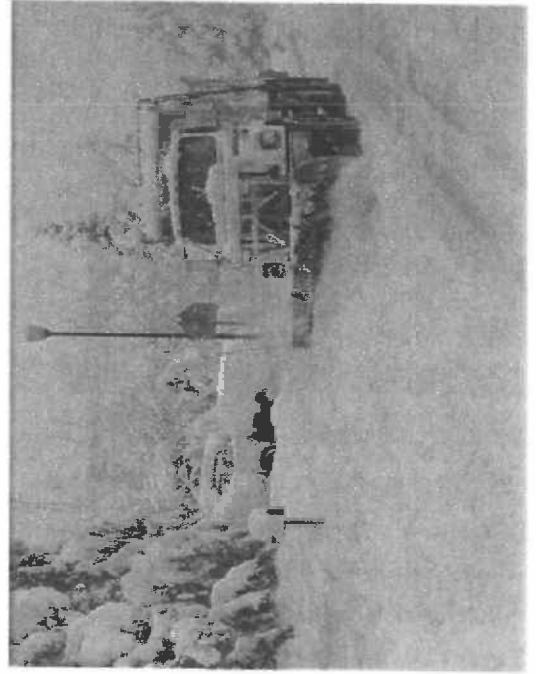
-Division of Streets, Roads & Forestry

In Progress

2010/2011 Snow Plan

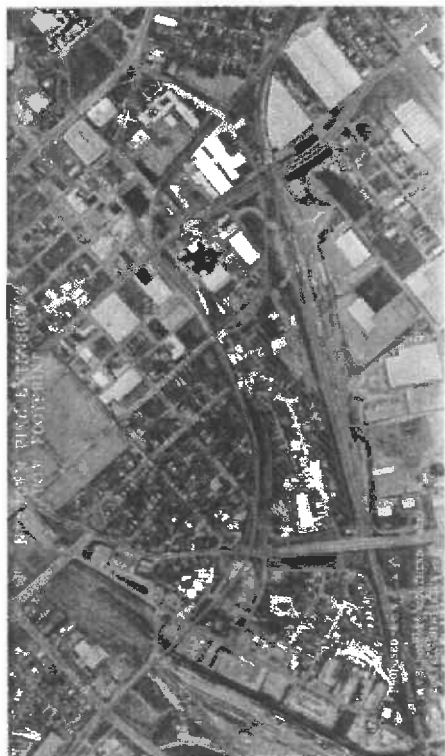
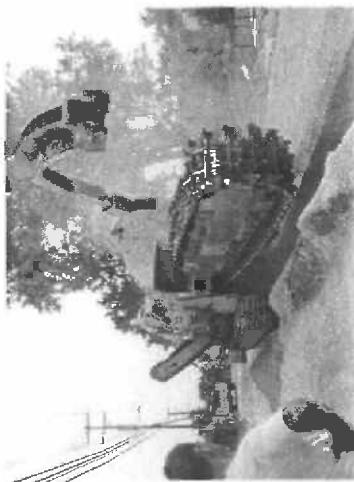
-Internal LFUCG meeting April 2010

- Snow Emergency Routes
- Cul de sacs
- Signage
- Edits to area maps
- Web updates
- Reverse call notification
- UK message distribution

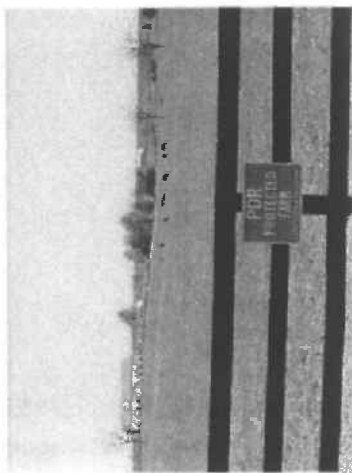
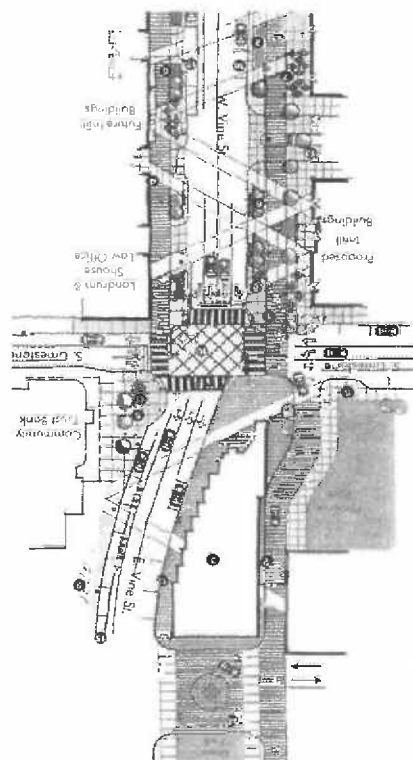


-External meeting with State/FCPS (TBA)

- Review updates (April meeting)
- Signage will be in place where necessary
- Edits to area maps will be complete
- Contact information updated
- Trucks will be outfitted beginning 10/15



THANK YOU



Services Committee 7-6-2010 Summary

Council member Ellinger chaired the meeting calling it to order at 1:00. All council members present except CM Lawless, CM Feigel, CM Crosbie, CM McChord and CM Lane. CM James and CM Blues were recognized for a quorum. CM Stinnett present as non voting member.

Street Re-Paving List Priority Plan

Kevin Wentz, Dept of Public Works & Development, did a power point overview of road resurfacing fund allocation.

CM Beard asked about re striping of areas such as Nicholasville Rd before the World Equestrian Games. Commissioner Webb stated the paving of Nicholasville Rd is still responsibility of the state. He will call the state to see if it is on schedule to be done before the games. Commissioner Webb stated Council Members can call Traffic Engineering if they have a striping need in their district. CM Beard stated median/islands are a problem as well.

CM Beard asked about the county/road fund. Commissioner Webb stated the county/road fund is separate from the resurfacing fund.

CM Blues stated his concern is the extent of the ratings being up to date and accurate. Mr. Wentz stated the full county assessment should be completed by the third week of August. He stated they can re evaluate a specific street if needed.

CM Blues asked how much we can get done with the funding that is available this season.

Sam Williams, Director of Streets, Roads, & Forestry, stated they are getting the final schedule of streets to pave within the next week and starting on those that are approved for FY10.

CM Ellinger asked for a list of the council districts and each districts allocation.

CM James stated when looking at the entire list the whole range seems to be off. She stated it seems inaccurate. Commissioner Webb stated some of the information provided may be 1 or 2 years old due to the process. He stated in August it should be more accurate.

CM James asked how do they count an intersection and can they just do an intersection. Commissioner Webb stated he believes it is possible to just do an intersection. He stated an intersection is counted depending on the way it is put in. He stated when Council Members get their list they can sit down with Street & Roads and go over those sections.

* CM James asked if a whole in a street would count in the rating. Commissioner Webb stated he will have someone from Engineering answer that question. Mr. Williams stated a base failure should not come from these allocations.

CM James asked if the cost of asphalt varies year to year. Mr. Williams stated there are ways the price is adjusted. The base bid this year was the same as last fiscal year.

* CM Henson stated the amount the districts receive is just not enough when you look at the linear footage. She asked what is the cost of all the streets that are rated 65 or less. Commissioner Webb stated they were able to pave approximately 20% of the list with the \$1.7 million. She asked if we are falling behind because there is not enough money to pave the lower rated streets. Commissioner Webb stated with the new data they will provide council members the total cost for doing all streets that are rated 65 and under.

* CM Henson stated one district may have more streets that are rated very low than another district may have. She stated those districts with much lower ratings should be addressed first. CM Henson asked for a report of the streets that are rated 40 or less and the cost to re pave those. Commissioner Webb stated he can provide that to Council and provide a weighing factor as well.

* Commissioner Webb stated this was the first year Council Members were provided a list of their entire district that showed what their paving was. CM Stinnett stated they did get lists and have that data. He stated this list was missing the date it was last paved.

CM Ellinger stated keep this issue in committee.

Street Cleaning on Street Parking Restrictions

Gary Means, Lexpark, gave an overview of this issue and suggestions that came out of some meetings.

CM Ellinger asked Mr. Means to keep the committee informed as things progress with this issue.

CM Ellinger stated to keep this issue in committee.

Items in Committee

Special Service committee meeting scheduled for August 31st at 9:00 a.m.

Meeting adjourned at 2:03 p.m.

CD	Street	Begin	Length	wi	End	RATING	Asphalt (Tons)	Milling (Tons)	TOTAL \$	CD \$
5	07/22/2010	CASSIDY	HART	890	27 PROVIDENCE	48	217.80	54.45	25,591.50	
5	07/22/2010	COURTNEY	APPLETREE	310	27 EMERY	48	76.73	19.18	9,015.19	
5	07/20/2010	DELAWARE	DALLAS	850	26 LAGONDA	40	154.92	38.73	18,202.71	
5	07/20/2010	DELAWARE	LAGONDA	720	26 SPARKS	46	171.60	42.90	20,163.00	
5	08/16/2010	DOVE RUN	TATES CREEK	280	36 MERRICK PLAY	53	92.40	23.10	10,857.00	
5	08/16/2010	DOVE RUN	MERRICK PLACE	900	36 MONTAVESTA	55	297.00	74.25	34,897.50	
5	07/22/2010	FONTAINE	FONTAINE	440	38 LAKESHORE	53	145.20	36.30	17,061.00	
5	07/22/2010	HENRY CLAY	LIBERTY	430	35 CLAYTON	53	137.96	34.49	16,210.10	
5	07/20/2010	LAGONDA	DELAWARE	660	27 SPARKS	53	148.50	37.13	17,448.75	
5		ROMANY	INDIAN MOUND	370	27 LAKEWOOD	55	91.58	22.89	10,760.06	
									180,206.81	\$178,500

Paving Status as of August 16, 2010

CD	Street	Begin	Length	wi	End	RATING	Asphalt (Tons)	Milling (Tons)	TOTAL \$	CD \$
6	07/15/2010	BRYNELL	510		34 ANNISTON	50	158.95	39.74	18,676.63	
6	07/15/2010	CHELMSFORD	360		27 CRICKLEWOOD	63	89.10	22.28	10,469.25	
6	07/14/2010	CIRCLE	430		20 FREEMAN	60	78.83	19.71	9,262.92	
6	07/14/2010	CIRCLE	470		20 PARKSIDE	65	86.17	21.54	10,124.58	
6	07/15/2010	CRICKLEWOOD	1210		24 CHELMSFORD	53	266.20	66.55	31,278.50	
6	07/15/2010	KINGTREE	340		24 IVY	61	74.80	18.70	8,789.00	
6	07/15/2010	KINGTREE	340		24 LOMBARDY	61	74.80	18.70	8,789.00	
6	07/14/2010	NORTH-SIDE	890		29 WAYLAND	31	236.59	59.15	27,799.52	
6	07/14/2010	NORTH-SIDE	1170		24 BRYNELL	50	257.40	64.35	30,244.50	
6	07/14/2010	ST ANTHONY	795		40 WAYLAND	38	291.50	72.88	34,251.25	
6	07/14/2010	ST ANTHONY	480		40 BRYNELL	43	542.67	135.67	63,763.33	
6	07/15/2010	WANSTEAD	1135		30 HARROGATE	96	312.13	78.03	36,674.69	
									290,123.17	\$290,000

CD	Street	Begin	Length	wi	End	RATING	Asphalt (Tons)	Milling (Tons)	TOTAL \$	CD \$
7	07/23/2010	CHELSEA WOODS TODDS	130		30 CHELSEA WOODS	50	35.75	8.94	4,200.63	
7	07/28/2010	FARM VIEW	520		32 EDGEBROOK	46	152.53	38.13	17,922.67	
7	07/28/2010	FARM VIEW	315		32 OAKRIDGE	60	92.40	23.10	10,857.00	
7	07/23/2010	GINGER MILL	970		27 BURNING TREE	65	240.08	60.02	28,208.81	
7	07/23/2010	GLEN ABBEY	250		30 WINTER HILL	66	71.50	17.88	8,401.25	
7	07/23/2010	BEAVER CREEK	315		35 HIDDEN POINT	58	101.06	25.27	11,874.84	
7	07/22/2010	CODELL	300		40 ELDERBERRY	61	110.00	27.50	12,925.00	
7	07/22/2010	CODELL	560		40 MIRAHILL	64	205.33	51.33	24,126.67	
7	2009	HUNTING HILLS	425		28 CUL-DE-SAC	38	109.08	27.27	12,817.29	
7	2009	HUNTING HILLS	270		27 HUNTMASER	51	66.83	16.71	7,851.94	
7	2009	HUNTING HILLS	700		27 MASTERS	48	173.25	43.31	20,356.88	
7	2009	FEATHERSTON	432		30 CUL-DE-SAC	58	118.80	29.70	13,959.00	
									173,501.97	\$178,500

CD	Street	Begin	Length	wi	End	RATING	Asphalt (Tons)	Milling (Tons)	TOTAL \$	CD \$
8	08/13/2010	ACCORD	420		30 CUL-DE-SAC	53	115.50	28.88	13,571.25	
8	08/13/2010	ACCORD	570		30 MILL CREEK	58	156.75	39.19	18,418.13	
8	08/13/2010	ACCORD	130		30 END	63	35.75	8.94	4,200.63	
8	08/13/2010	BASS	350		27 CUL-DE-SAC	56	86.63	21.66	10,178.44	
8	07/28/2010	BERINGER	205		30 GAMAY	62	56.38	14.09	6,624.06	
8	07/28/2010	BERINGER	280		30 CROSSEN	62	71.50	17.88	8,401.25	
8	07/17/2010	CHADWICK	790		30 WINDY KNOLL	48	217.25	54.31	25,526.88	
8	07/28/2010	FIELDMOOR	360		27 CUL-DE-SAC	58	94.05	23.51	11,050.88	
8	07/27/2010	FIELDS	300		27 CUL-DE-SAC	52	74.25	18.56	8,724.38	
8	07/28/2010	MILDARA	230		21 CUL-DE-SAC	61	44.28	11.07	5,202.31	
									111,898.19	\$110,500

CD	Street	Begin	Length	wi	End	RATING	Asphalt (Tons)	Milling (Tons)	TOTAL \$	CD \$
9	FT HARRODS	HARRODSBURG	650		36 LAPPIN	65	214.50	53.63	25,203.75	
9	FT HARRODS	LAPPIN	720		36 COMANCHE	65	237.60	59.40	27,918.00	
9	FT HARRODS	COMANCHE	460		36 WELLINGTON	88	151.80	37.95	17,836.50	
9	HOLWYN	KEITHSHIRE	340		30 WORCESTER	80	93.50	23.38	10,986.25	
9	HOLWYN	WORCESTER DR	380		30 MONTICELLO	65	104.50	26.13	12,278.75	
9	WINTHROP	MERRIBROOK	420		36 MANO-WAR	64	138.60	34.65	16,285.50	
9	KEDGEWICK	CROMWELL	380		27 CUL-DE-SAC	62	89.10	22.28	10,469.25	
9	CLAYS MILL	KEITHSHIRE	620		27 MONTICELLO	53	75.00	-	8,250.00	\$127,500
									129,228.00	

CD	Street	Begin	Length	wi	End	RATING	Asphalt (Tons)	Milling (Tons)	TOTAL \$	CD \$
10	CYPRESS	TAMARACK	272		27 LARKSPUR	50	67.32	16.83	7,910.10	
10	DERBY	REGENCY	188		27 RAMBLER	53	46.53	11.63	5,467.28	
10	NEAL	ASHLEY	460		27 CECIL	45	113.85	28.46	13,377.38	
10	NEAL	ASHLEY	135		27 END	63	33.41	8.35	3,925.97	
10	PALOMAR	SHANNAWOOD	315		39 SHANNAWOOD	58	112.61	28.15	13,231.97	
10	PALOMAR	SWEETBERRY	120		39 SWEETLEAF	60	42.90	10.73	5,040.75	
10	PALOMAR	SWEETLEAF	475		40 PEPPERTREE	80	174.17	43.54	20,464.58	
10	PALOMAR	PEPPERTREE	735		39 SHANNAWOOD	60	262.76	65.69	30,874.59	
10	PALOMAR	C MARRON	405		40 SANTEE	62	148.50	37.13	17,448.75	
10	PALOMAR	SHANNAWOOD	445		39 AMBERWOOD	63	159.09	39.77	18,692.78	
10	PALOMAR	AMBERWOOD	560		40 PALMETTO	63	205.33	51.33	24,126.67	
10	PALOMAR	SANTEE	340		40 SYRINGA	63	124.67	31.17	14,648.33	
10	PALOMAR	PALMETTO	310		40 C MARRON	65	113.67	28.42	13,355.83	
10	RAINBOW	SOUTHLAND	697		27 REGAL	58	172.51	43.13	20,269.63	
10	RAINBOW	REGAL	780		27 CUL-DE-SAC	58	193.05	48.26	22,683.38	
10	SOUTHVIEW	HILL-N-DALE	488		36 PASADENA	48	161.04	40.26	18,922.20	
10	WACO	WACO CT	480		36 DARDANELLES	48	158.40	39.60	18,612.00	
10	WACO	PASADENA	385		36 PORTLAND	50	127.05	31.76	14,928.38	
10	WACO	SEATTLE	383		36 NAKOMI	58	126.39	31.60	14,850.83	
									298,831.39	\$297,500

CD	Street	Begin	Length	wi	End	RATING	Asphalt (Tons)	Milling (Tons)	TOTAL \$	CD \$
11	BEACON HILL	HOLLY SPRINGS	200		18 END OF MED	53	33.00	8.25	3,877.50	
11	BEACON HILL	MAYWICK	565		18 HOLLY SPRING	53	93.23	23.31	10,953.94	
11	BEACON HILL	SUMMERVILLE	870		27 WOLF RUN	58	215.33	53.83	25,300.69	
11	BEACON HILL	LYNN	314		36 FURLONG	58	103.62	25.91	12,175.35	
11	BEACON HILL	MASON HEADLEY	360		35 CELIA	54	115.50	28.88	13,571.25	
11	HAMILTON	VERSAILLES	1505		30 END	63	413.88	103.47	48,630.31	
11	DELLA	YORKTOWN	385		35 GETTYSBURG	58	117.10	29.28	13,759.74	
11	DELLA	GETTYSBURG	385		35 BLUE LICK	58	123.52	30.88	14,513.70	
									142,782.48	\$136,000

CD	Street	Begin	Length	wi	End	RATING	Asphalt (Tons)	Milling (Tons)	TOTAL \$	CD \$
12	BAHAMA	MARQUESAS	690		36 ANTILLES	61	227.70	56.93	26,754.75	
12	BARBADOS	BAHAMA	575		27 CUL-DE-SAC	60	142.31	35.58	16,721.72	
12	07/26/2010 CHARWOOD	CHARWOOD	350		28 CUL-DE-SAC	58	89.83	22.46	10,555.42	
12	07/26/2010 STOWBRIDGE	IRONBRIDGE	790		30 CUL-DE-SAC	53	217.25	54.31	25,526.88	
									79,558.76	\$76,500
									1,726,318.55	1,701,000.00

Emergency Snow Plan - James

James explained issues surrounding emergency snow plans, such as signage, communication, towing and citing policies, adding the need for improvement on internal communications. However after meeting with the administration she said the process was followed and was justified. Ellinger asked Comm. Webb to speak to the recommendations included in today's packet such as: University of KY notification system, additional signage, etc. Ellinger also asked for comments from Public Safety, Traffic section. An officer told the committee the citation and towing citation policy is being reviewed and changed to allow only towing (not citations) during an emergency snow plan. Lawless was told the tow agency was Bluegrass Towing which has a contact with LFUCG. She asked about the cost for towing and was told the min. is \$90.00. Webb pointed out a map of areas where cars were towed. James talked about having some type notification system to allow residents a chance to move cars. Webb said the ordinance calls for approval from the Kentucky Secretary of Transportation before declaring a snow emergency adding this effects timing and forecasting an emergency too early might also be a downside. Lane asked if the LFUCG web site contains the snow plan and maps of the area affected. Lawless called for a need for early warnings. Ellinger asked about towing and was told attempts were made to go door to door. He then asked how Webb intends to address the recommendations in today's committee packet. James said this is an administrative policy but would like to see a procedure that gets council more involved. Re: maps and streets involved etc. Ellinger asked Webb about coming back before committee with more information. Webb said there is a meeting in August to prepare for winter and meet with Fayette Co. schools. He felt August would be a better time for an update. Since we need to know the amount of additional signage required and if funds are budgeted, adding there are 80 miles of snow emergency routes.

Yard Sale Regulations - Henson

LFUCG Bldg. Inspection does not have the technology to track yard sales and frequency. Henson asked Crowe to comment, he said there is no ordinance, only a policy which was created from a need to address yard sales. This policy gives just a guideline on how to determine if someone is operating a business. They respond by complaint and have no way to be proactive, they track and document from time of the first complaint, however there are no recent records of citing for yard sales and there are problems with enforcement. Lane said several neighborhood associations have expressed that permitting for yard sales is too much bureaucracy. Beard asked about yard signs and yard sale signs.

Items in Committee

Peddler Ordinance – Blues if this issue could go back on the next meeting agenda, Chair Ellinger agreed.

Emergency Snow Plan – August 2010 discussed as tentative date to update the committee on recommendations (Webb).

Services Committee Items

08.25.2010

<u>Item</u>	<u>Referred By</u>	<u>Date Referred</u>	<u>Status</u>
Erecting Large Utility Poles on ROW	Martin	6-29-10	Aug 31
Golf Operations Enterprise Fund	McChord	6-22-10	Fall
Street Cleaning On Street Parking Restrictions	Lawless	6-15-10	
Gypsy Taxicabs	Myers	6-13-10	
Re-Paving List	Lawless	4-6-10	Aug 31
Emergency Snow Plan	James	2-23-10	Aug 31
Graffiti Removal	Feigel	1-19-10	Task Force to be Formed
Snow Plan	Myers	1-12-10	Aug 31
Review Leaf Collection Program	Henson	1-12-10	May-June Meeting
West Main/Vine Street Pedestrian Safety	Lawless	9-29-09	
Loading & Unloading Zones in Downtown	James	8-18-09	Nov 09
Private Solid Waste Providers	Gorton	2-13-09	Working Group Formed

May Committee Meeting

Horse Cruelty Item (cont.)	Beard Referred By	8-6-09 Date Referred	Status
Employee Automobile Usage and Reimbursement	Blues	5-13-08	General Services Update