

Bill Farmer, Chair

Chuck Ellinger, Vice Chair

Linda Gorton

Steve Kay

Chris Ford

Tom Blues

Diane Lawless

Julian Beard

Doug Martin

Peggy Henson

Staff:

Jenifer Benningfield

AGENDA
PLANNING AND PUBLIC WORKS
COMMITTEE
December 11th, 2012
1:00pm

- | | | |
|---|------------------|--------|
| 1. November 20 th , 2012 Summary | | (1-6) |
| 2. Re-Paving Program Update | (Driskell/Wente) | |
| 3. Erecting Large Utility Poles in the ROW | (Martin) | (7-29) |
| 4. Items Referred to Committee | | (30) |

Future Committee Meetings

TBD

“Planning and Public Works Committee, to which should be referred matters relating to the Division of Planning and including, but not limited to, matters related to housing, infill and redevelopment, purchase of development rights and historic preservation, and any related partner agencies and the Department of Public Works and its related divisions, including capital improvement projects and any related partner agencies.”



Planning and Public Works Committee
November 20th, 2012
Summary and Motions

CM Bill Farmer chaired the meeting and called it to order at 1:02pm. Committee members CM Chuck Ellinger, VM Linda Gorton, CM Steve Kay, CM Chris Ford, CM Tom Blues, and CM Peggy Henson were in attendance. CM Stinnett attended the meeting as a non-voting member.

Chair Farmer called the meeting to order at 1:02pm.

1. October 16th, 2012 Summary

CM Ellinger made a motion to approve the summary. CM Kay seconded the motion. The motion passed without dissent.

2. Review of Street Tree and Street Tree Protection Ordinances

David Leonard came to the podium to present on the street tree ordinances. He said that it is recommended that a city have 40% canopy cover and that Lexington has between 7-20%. He said that healthy forests have environmental, social and economic benefits. Trees are carbon storage units so they have a large impact on air quality. Leonard said that healthy urban forests decrease storm water run off as well.

Leonard cited a report that stated people come to cities that have significant tree cover. They also stay longer and spend more money in those communities. He said that trees increase the value of homes and makes them easier to sell. Three trees properly planted around a home can also decrease energy bills.

Leonard spoke about the challenges that our urban forest faces. He showed photos of trees that had been topped, hit with lawnmowers and infected with root rot and insects. Leonard expressed concern about the placement and the maintenance of street trees. He also mentioned a lack of tree diversity.

Leonard continued his presentation by reporting to the committee members that Lexington is the oldest tree city in the state. He said that Lexington has been a tree city

for 24 years. Leonard said that Lexington does not have the staff in place to enforce our current ordinances.

Leonard reported the recommendations of the tree board to committee members. He suggested reviewing and revising Chapter 17B of the Code of Ordinances and Article 6-10 of Subdivision Regulations, Article 18 and Article 26 of the Zoning Ordinance. Leonard said that they need to optimize planting conditions for street trees with adequate space and suitable soil and promote placing the right trees in the right places.

Leonard said that there should be an emphasis on strong public outreach and education for residential properties. He also suggested creating an authority to compel removal of hazardous trees on private property that are a safety hazard.

For commercial properties, Leonard recommended adequate inspection resources (a landscape examiner) to proactively enforce landscaping requirements and the promotion of the installation of green infrastructure. Leonard also suggested that the city and the business community work to resolve conflicts between street trees and commercial signage.

Leonard said that the process is currently complaint driven. He said that we have lost hundreds of trees that have not been replaced.

CM Stinnett asked Leonard to explain any negatives that accompany tree planting. He asked Leonard about leaves entering the storm sewers and homeowners removing trees. Stinnett said that we are requiring developers to plant street trees and then after 15 years they have to remove them because they were not properly cared for. Stinnett asked Leonard if they have discussed changing the requirement for the placement of street trees.

Leonard said that the Tree Board thinks it would be better to move them inside the sidewalk. There would be less heaving of the sidewalks and less overhang over the sidewalk. Stinnett asked Leonard who inspects the trees when they are planted. Tim Queary said that his office is responsible for that inspection. They work with contractors to place door hangers at each residence.

CM Blues said that the Council and the Administration need to deal with these issues. CM Blues also said that he appreciated Leonard mentioning the economic development impact of trees for communities. CM Blues said that he thinks the issue is a serious challenge for the LFUCG.

CM Kay said that there are two parts to the equation. The policies can be dealt with by the LFUCG but the impact of the health of the trees is another issue. CM Kay said that he would like to know if it is better to work with the trees that are already in existence

or to remove them. Leonard said that the evidence is there to work to save the trees. Leonard said that he would provide that information to Council Members.

CM Farmer said that he would like to keep the issue in committee. He suggested that the Tree Board put in a request during the budget process. CM Farmer also suggested that the Tree Board make recommendations for changes to the Code of Ordinances to the Planning and Public Works Committee.

Karen Angelucci, a member of the Tree Board, said that she sees one solution regarding tree planting. She recommended allowing the tree to be planted five feet inside the sidewalk. The trees will then be away from the utilities.

3. Working with FCPS to Sustain Road Salt Services

Kevin Wenthe said that he had a meeting with various entities to discussion preparation. Wenthe said that he is concerned about requests made outside of the LFUCG's snow plan. Wenthe said that FCPS would be interested in partnering with the LFUCG when salt is purchased each year.

Wenthe said that he worked with Pat Tatum regarding calls to LexCall that are actually authorized calls for snow removal.

VM Gorton asked Wenthe about the list of authorized requesters. Wenthe said that he will be provided that list this year. Sam Williams said that he has worked with John Kiser in the past. He said that the plan that Wenthe has worked out will be better for the LFUCG. VM Gorton asked Wenthe to elaborate on the snow removal plan that was discussed with FCPS. Wenthe said that FCPS does ask the LFUCG to look at additional streets such as Armstrong Mill and Trent Boulevard.

Wenthe went on to say that FCPS would be interested in working with the LFUCG to order more salt to lower their costs. CM Farmer said that if the LFUCG is doing something to get the students to school, we need to figure out what that is worth.

CM Stinnett asked about the ranking of roads around schools. Wenthe said the rankings can differ. CM Stinnett said that there are roads around schools that they may not get to anyway.

4. Vacuum Leaf Collection

Rob Allen came to the podium to present on vacuum leaf collection. All citizens in the Urban Service Area who receive Urban County Government waste collection services have this service available to them. This is approximately 90,000 residential addresses.

The leaf collection will start Monday, November 26, 2012. It will be completed by the end of the year. The service area is divided into 4 separate zones and a downtown zone.

Allen reminded citizens not to rake their leaves into the street. They can be issued a citation for doing so. Citizens can also use the Lennys, paper yard waste bags, mulch their leaves, compost their leaves, take the leaves directly to Haley Pike Landfill or utilize private collection.

Allen said that the leaf collection information is communicated various ways, including GTV3, the LFUCG website, local media, through Council Members, LexCall and the WasteNot newsletter.

CM Stinnett asked if less people are using the service. Allen said yes. CM Stinnett said that overtime they may not need to offer the leaf collection service all over town.

Allen said that Streets and Roads is the division now in charge of the program. Street sweeping is going to be suspended during leaf collection. However, the downtown and UK areas will continue to have street sweeping through the month of December.

Allen said that there are two managers, three supervisors, twenty full-time employees, two administrative staffers and thirty-five temporary workers. He said that they use eleven leaf vacuums, six dump trucks, five rear-end load garbage trucks, and at least two street sweepers.

Allen said that the primary function of Streets and Roads is snow removal so if there is a snow situation, leaf collection will be delayed.

CM Blues asked how much the LFUCG spends on leaf bags. Allen said that he would have to ask Waste Management. CM Blues said that he thinks it is around \$300,000/year.

CM Henson said that she has concerns about the impact of the leaves on the storm water system. She said that she is not supportive of the program.

VM Gorton asked for clarification on Angelucci's comments. She told committee members that she asked Wente about the easement extending five feet within the sidewalk. Allen said it is dedicated planning easement where the developer would choose to put the street behind the sidewalk. Allen said that it is a designation, not a true easement. The tree planted there would be regulated like a street tree. Gorton asked if Wente could still follow-up on her question.

5. Design Excellence Task Force Update

CM Blues presented the committee members an interim report on the progress of the Design Excellence Task Force. He said that sub-committees have worked all summer on specific issues and they also added three members to the Task Force.

CM Blues spoke about the downtown inventory. Brandi Berryman came to the podium to present. She said that her group met nine times over a fourteen week period. Berryman said that they walked through the streets and they inventoried different parcels. She said they then identified sub-districts. She said that their recommendations are available in a lengthy document and they will be used when drafting the design guidelines.

CM Blues said that another sub-committee did a review and analysis of the current Courthouse Area Design guidelines. Jeff Fugate led the sub-committee and they found that the guidelines are working very well for rehab projects. The guidelines are less reliable for large new 'from the ground up' projects.

CM Blues said that they have worked towards the selection of a consultant. He said that they released the RFQ and it is included in the packet. The consultant will advise, assist and collaborate with the Task Force.

CM Blues said that the purpose of the project is to synthesize current community goals and previous downtown efforts and policies; provide a clear guide and predictable framework for both developers and citizens; and serve as a powerful graphic tool for visualizing preferred downtown rehabilitation, infill and redevelopment. CM Blues said that the respondent will exhibit the capacity to provide professional consultation to the LFUCG and LDDA design staff.

The Task Force will serve as the project steering committee. CM Blues said that this decision was based on three key factors:

1. The budget
2. Vast number of previous studies that can be used for reference going forward
3. The expertise of LFUCG, DDA and Task Force membership

CM Blues said the deadline for responses in November 28th, 2012. He is anticipating the receipt of competitive submissions.

CM Farmer said that if a consultant is selected by the December Planning and Public Works Committee meeting, CM Blues is welcome to report it at that time.

6. Items Referred to Committee

VM Gorton made a motion to refer the Amendment of Article 5-1 (a) Right-of-Entry back into the Planning and Public Works Committee. CM Kay seconded the motion. The motion passed without dissent.

VM Gorton made a motion to adjourn. CM Henson seconded the motion. The motion passed without dissent.

Submitted by Jenifer Benningfield, Council Administrative Specialist

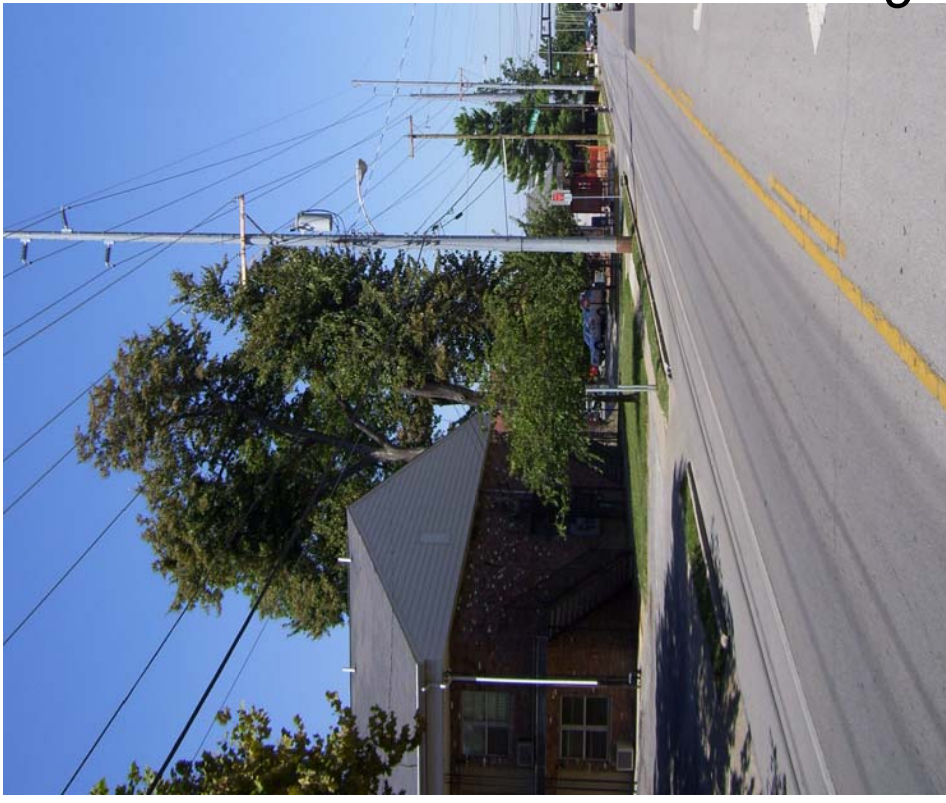
Utility Poles in the Right-of-Way

December 11, 2012

Utility Poles in the Right-of-Way

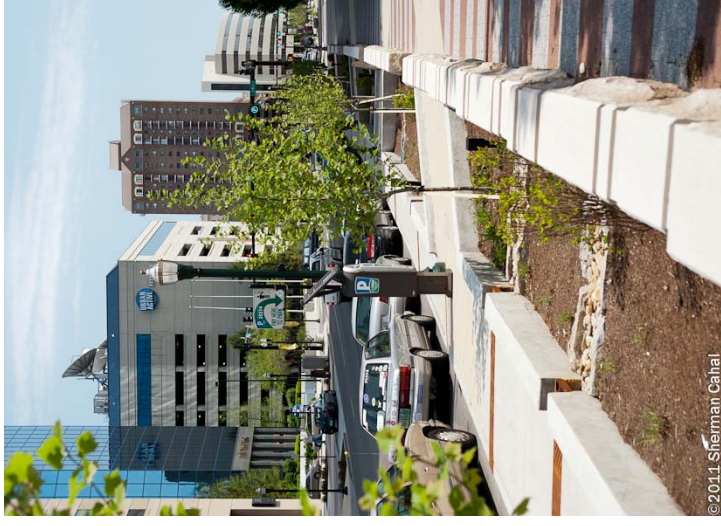
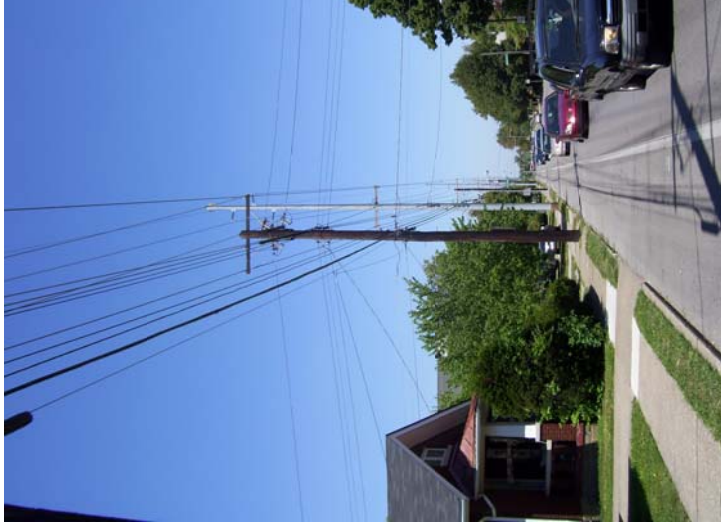


Utility Poles in the Right-of-Way



Summary of Presentation

- ❑ Current LFUCG Policies on Utility Poles
- ❑ Policies in Other Cities
- ❑ Ordinance Changes and Aesthetic Guidelines



Code of Ordinances

Chapter 17C-3: Annual General Permit

- 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. 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;
 2. 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.

Code of Ordinances

Chapter 17C-19: Criteria for Denying Installation or Surface Cut Permit

- 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:
 1. 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;
 2. 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;
 3. 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;

Code of Ordinances

Chapter 17C-20: Utility Poles

1. To the extent possible, registrants shall use existing poles and conduit existing at the time of permitting in installing their facilities.
2. All poles or wire holding structures are subject to any applicable, duly adopted regulations regarding location, height, type, or other pertinent aspect.
3. 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.

Subdivision Regulations

Article 6-5(a)

1. All distribution lines or cables for utilities shall be installed below ground within the subdivision. Major facilities such as high-voltage electric transmission lines, distribution feeder circuits of 200 amps or greater or major cable/facilities to provide utilities such as telephone, and cable television to the area as a whole may be located above ground.
2. Underground utilities...shall not conflict with designated tree preservation areas, areas where future multipurpose trails are planned, area designated for future right-of-way, or construction easements.

Zoning Ordinance

Office, Industry and Research Park (P-2)

1. No site utilities shall be permitted to be above ground, with the exception of major electric and telephone distribution lines (which shall generally be located on lot perimeters), pad mounted transformers, and similar facilities. Service connections of such utilities to individual buildings shall be required to be underground. Any utilities to be located above ground shall be shown on required final development plans. All such overhead utilities shall be designed, located, and, where appropriate, screened, so as to preclude visibility from adjoining arterial roadways and public open space and/or greenway areas to the greatest extent feasible.

Policies in Comparable Cities

Boulder, Colorado

- ❑ All new, replacement, and relocated utilities must be installed underground.
- ❑ No permits are issued for above ground utility structures.



Policies in Comparable Cities

Ann Arbor, Michigan

- ❑ Council can create underground utility districts by resolution.
- ❑ Public hearing and notification of affected property owners is required prior to establishment.
- ❑ Utility companies are responsible for installing underground service.
- ❑ Property owners are responsible for converting individual service drops.
- ❑ Does not apply to transmission lines in excess of 34,500 volts.

Policies in Comparable Cities

Madison, Wisconsin

- ❑ No new overhead entrance facilities for buildings in the downtown area or on specified corridors.
- ❑ Replacement entrance facilities must be installed underground when the cost of remodeling exceeds 50% or more of the assessed value of the building.
- ❑ The requirement is waived if the cost of new entrance facilities exceeds 5% of the total remodeling cost.
- ❑ The ordinance recognizes that local utility companies have adopted policies for conversion from overhead to underground facilities.

Policies in Comparable Cities

Nashville, Tennessee

- ❑ All new residential developments must have underground utilities.
- ❑ Any residential plot greater than 40,000 square feet in size is exempt.
- ❑ Distribution lines on major streets, and transmission lines are exempt.
- ❑ The property owner/developer is responsible for costs of undergrounding.



Policies in Comparable Cities

Raleigh, North Carolina

- ❑ All utilities that serve a subdivision of land must be installed underground within the entire development.
- ❑ Ground mounted transformers cannot be in the public right-of-way within subdivisions of land.



Policy Options

- Require more stringent review of proposed overhead utility structures by amending Chapter 17C.
- Require notification of property owners upon application to install major utility infrastructure.
- Establish aesthetic guidelines already referenced in Chapter 17C.

Ordinance Changes

Chapter 17C-3: Annual General Permit

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 - 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;

Aesthetic Guidelines Components

□ **Location Based Restrictions**

1. Ban specific types of utilities by street classification.
2. Ban specific types of utilities by geographic area.

□ **Requirements to Examine Alternate Paths**

1. Require applicants to examine utility paths not visible from major roads.
2. Require applicants to examine utility paths that require purchase of private easements in less visible areas.

□ **Cost Threshold Requirements**

1. Overhead utilities can only be constructed when the cost to place the infrastructure underground is greater than a specified percentage more than the cost to place them overhead.
2. Underground utilities required when cost of undergrounding is below a specified threshold as a percentage of total project cost.

Aesthetic Guidelines Components

□ **Priority Installation Areas**

1. Establish priority list of land use types (industrial, commercial, residential).
2. Establish priority list of street classifications (expressway, arterial, collector).

□ **Size, Material, and Landscaping Requirements**

1. Define height and/or diameter standards for utility poles.
2. Define standards for materials.
3. Define landscaping and screening requirements.



Regulating Utilities

- ❑ PSC regulated utility companies can ask for a rate increase based on a local policy that causes them to incur additional costs.



Moving Forward

1. **Committee discussion of aesthetic guidelines components and ordinance changes.**
2. Draft guidelines and corresponding changes to code of ordinances based on committee suggestions.
3. Engage stakeholders (utility companies, business community, neighborhoods, etc.)
4. Move recommendations forward to full Council.



Questions?

Planning and Public Works Committee Referrals

Item	Referred by	Date	Status
Oliver Lewis Way Project	Blues	04/09/2009	Quarterly Update
Todds Road Widening Phase II	Stinnett	04/15/2010	Quarterly Update
Erecting Large Utility Poles in ROW	Martin	03/12/2010	12/11/2012
Re-Paving Program	Martin	04/13/2011	08/14/2012, 10/16/2012, 12/11/2012
Working with FCPS to sustain Road Salt Services	EQ Link	06/19/2011	11/20/2012
Downtown Traffic Study			Quarterly Update
Review Street Tree and Tree Protection Ordinances	Martin	09/27/2011	11/20/2012
Article 16 Zoning Ord: Off Parking Requirements/StormWater Management	Lawless	11/22/2011	
Building Permit Extensions in ND-1 and H-1	Lawless	02/21/2012	
Emergency Preparedness	PS Link	05/17/2012	
Possible Revision of Sign Ordinance	Farmer	06/12/2012	
Design Excellence Update	Blues		11/20/2012
Exploring the Use of Alternative Fuel Resources for Fayette County	Farmer	07/10/2012	08/14/2012
Adult Day Care Centers	Kay	10/11/2012	09/18/2012
Amendment of Article 5-1(a) Right-of-Entry	Gorton	08/18/2011	