

DIRECTORS' ORGANIZATIONAL MEETING

Monday, October 19, 2020

555 S. 10TH STREET

BILL LUXFORD STUDIO

I. MINUTES

1. Approval of Directors' Minutes from October 5, 2020

II. ADJUSTMENTS TO AGENDA

III. CITY CLERK

IV. MAYOR'S OFFICE

1. Fiscal Impact Statement - City Law/Human Rights
2. Fiscal Impact Statement - City Law

V. DIRECTORS CORRESPONDENCE

LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT

1. Public Health Update provided by Pat Lopez, Interim Director, Lincoln-Lancaster County Health Department

PLANNING DEPARTMENT

1. Annexation Map AN20004 - 70th & Yankee Hill Rd, Effective October 13, 2020
2. Administrative Approvals from October 6, 2020 through October 12, 2020
3. Action dated Wednesday, October 14, 2020

VI. BOARDS/COMMITTEES/COMMISSION REPORTS

1. Parks & Rec - Christensen (10.08.20)
2. BOH - Bowers (10.13.20)
3. MAC - Shobe (10.13.20)
4. PBC - Meginnis, Raybould (10.13.20)

VII. CONSTITUENT CORRESPONDENCE

1. Do not defund the police - Janet Bitner
2. Emerald Ash Borer - John Fischbach
3. Motion to Amend CZ20017 - Brad Marshall
4. Transitional Housing - Kacy Steiner
5. Transitional Living Facilities - Gregory Newport and Shelley Stall
6. Transitional Living Facilities - Country Club Neighborhood Association Board
7. City Contractor damaged my mailbox - William McFarland
8. The time to begin deliberations is now - Robert Way

VIII. ADJOURNMENT

FISCAL IMPACT STATEMENT

DEPARTMENT/DIVISION: City Law / Human Rights

DATE: 09/25/2020

<p>NEED</p> <p>This is a request to increase appropriations in HUD and EEOC Grants-in-Aid to accurately represent the actual grant award received and reconcile the grant project balances.</p>		
<p>FUTURE IMPACT:</p>	<p><input type="checkbox"/> Ongoing <input checked="" type="checkbox"/> Limited Projected Completion Date <u>08/31/2021</u></p>	
<p>REVENUES GENERATED</p>	<p>LEGISLATIVE CHANGES</p>	
<p>FY 20/21 HUD and EEOC Grant Awards higher than estimates available during the budget creation in February of 2020.</p>	<p>City Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> County Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> State Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	
<p>IMPACT</p>	<p>Current Fiscal Year</p>	<p>Next Fiscal Year Annualized</p>
<p>PERSONNEL (full time equivalents)</p>		
<p>PERSONNEL (cost) business unit: object code description</p>		
<p>02014.5020 Human Rights – Salaries</p>	<p>- \$28,000</p>	
<p>217001.5020 HUD Grant – Salaries</p>	<p>+ \$23,000</p>	
<p>217003.5020 EEOC Grant - Salaries</p>	<p>+ \$ 5,000</p>	
<p>217001.5080 HUD Grant - Fringe Benefits</p>	<p>+ \$ 9,000</p>	
<p>217003.5080 EEOC Grant – Fringe Benefits</p>	<p>+ \$ 3,000</p>	
<p>SUPPLIES business unit: object code description</p>		
<p>OTHER SERVICES & CHARGES business unit: Object Code: Description:</p>		
<p>EQUIPMENT business unit: object code description</p>		
<p>TOTAL EXPENDITURES</p>	<p>+ \$14,000</p>	
<p>SOURCE OF REVENUES FY 2020/2021 HUD and EEOC Grant Awards</p>		

DIRECTOR DATE 9-25-20

FINANCE DEPARTMENT COMMENTS

Availability of Appropriations: Yes No

BUDGET OFFICER

J. Belw Budget Analyst

PURCHASING AGENT _____

FINANCE DIRECTOR

[Signature]

DATE 10/1/20

APPROVED: Yes No

MAYOR

MAYOR

Garion Gaylor Baird

WHEN TO USE FISCAL IMPACT STATEMENT

1. Requesting transfer of operating appropriations.
2. Requesting increase in personnel (full time equivalents) appropriations.
3. Requesting transfer of capital improvement appropriations.
4. Requesting operational change not authorized during the budget process.
5. Requesting appropriations based on receipt of additional funds from outside sources.
6. Requesting use of Contingency funds.

HOW TO USE FISCAL IMPACT STATEMENT

NEED: There should be a detailed explanation of why a change to the previously approved budget is necessary. If the change will have any impact beyond the current fiscal year, it should also be noted.

FUTURE IMPACT: One of the boxes should be checked. An example of an item with ongoing impact would be a request for additional fte authorization that will also be requested in upcoming budgets. This would necessitate filling out the "Next Fiscal Year Annualized" column. An example of an item with limited impact would be asking for authorization to use salary savings for the one time purchase of equipment. If "Projected Completion Date" applies, please fill in.

REVENUES GENERATED: Please note if the request will affect current and future revenues.

LEGISLATIVE CHANGES: These boxes should be marked yes or no. Some of the actions this form is used for (transfer of capital improvement appropriations, Contingency Funds) require a City Council ordinance.

PERSONNEL (full time equivalents): Please note the number of fte's the request involves, if applicable.

PERSONNEL (cost), SUPPLIES, OTHER SERVICES AND CHARGES, EQUIPMENT: All entries in these boxes must have the business unit, object code, and object code description along with the dollar amount. Negative amounts must be indicated by brackets.

TOTAL EXPENDITURES: This box should contain the sum of the dollar amounts in the various expenditure categories.

SOURCE OF REVENUES: This box should contain the name of the fund the action is required for.

FISCAL IMPACT STATEMENT

DEPARTMENT/DIVISION: CITY LAW _____

DATE: 09/25/2020 _____

NEED

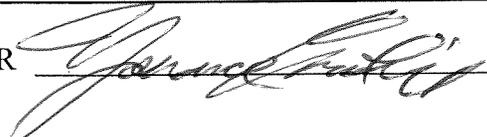
The Lincoln Commission on Human Rights (LCHR) received a Cooperative Agreement grant in the amount of \$125,000 from the Department of Housing and Urban Development. This grant will fund the Lincoln Fair Housing Initiative Project and provide funding for an Embedded Fair Housing Education Outreach Worker, and to expand the current Office Assistance position to full-time, to develop and implement an accessible, city-wide, fair housing educational program and provide fair housing services from with the community.

FUTURE IMPACT: Ongoing
 Limited Projected Completion 09/01/2021

REVENUES GENERATED	LEGISLATIVE CHANGES		
Revenue generated from HUD/FHIP Grant.	City	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
	County	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
	State	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

IMPACT	Current Fiscal Year	Next Fiscal Year Annualized
PERSONNEL (full time equivalents)	1.50 FTE	
PERSONNEL (cost) business unit: 217008 object code description 217008.5020 HUD/FHIP – Salaries 217009.5080 HUD/FHIP – Fringe Benefits	+ 64,103 + 21,154	
SUPPLIES business unit: object code description		
OTHER SERVICES & CHARGES business unit: 217008 object code description 217008.5621 – 217008.5999 HUD/FHIP–Other Services and Charges	+ 39,743	
EQUIPMENT business unit: object code description		
TOTAL EXPENDITURES	+\$125,000	

SOURCE OF REVENUES HUD

DIRECTOR  DATE 9-25-20

FINANCE DEPARTMENT COMMENTS	Availability of Appropriations: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> BUDGET OFFICER <u><i>J. Balw Budget Analyst.</i></u> <hr/> PURCHASING AGENT _____
FINANCE DIRECTOR <u><i>[Signature]</i></u>	DATE <u><i>10/1/20</i></u>

APPROVED: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	MAYOR MAYOR <u><i>Stevie Taylor Baird</i></u>
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WHEN TO USE FISCAL IMPACT STATEMENT

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2. Requesting increase in personnel (full time equivalents) appropriations.
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NEED: There should be a detailed explanation of why a change to the previously approved budget is necessary. If the change will have any impact beyond the current fiscal year, it should also be noted.

FUTURE IMPACT: One of the boxes should be checked. An example of an item with ongoing impact would be a request for additional fte authorization that will also be requested in upcoming budgets. This would necessitate filling out the "Next Fiscal Year Annualized" column. An example of an item with limited impact would be asking for authorization to use salary savings for the one time purchase of equipment. If "Projected Completion Date" applies, please fill in.

REVENUES GENERATED: Please note if the request will affect current and future revenues.

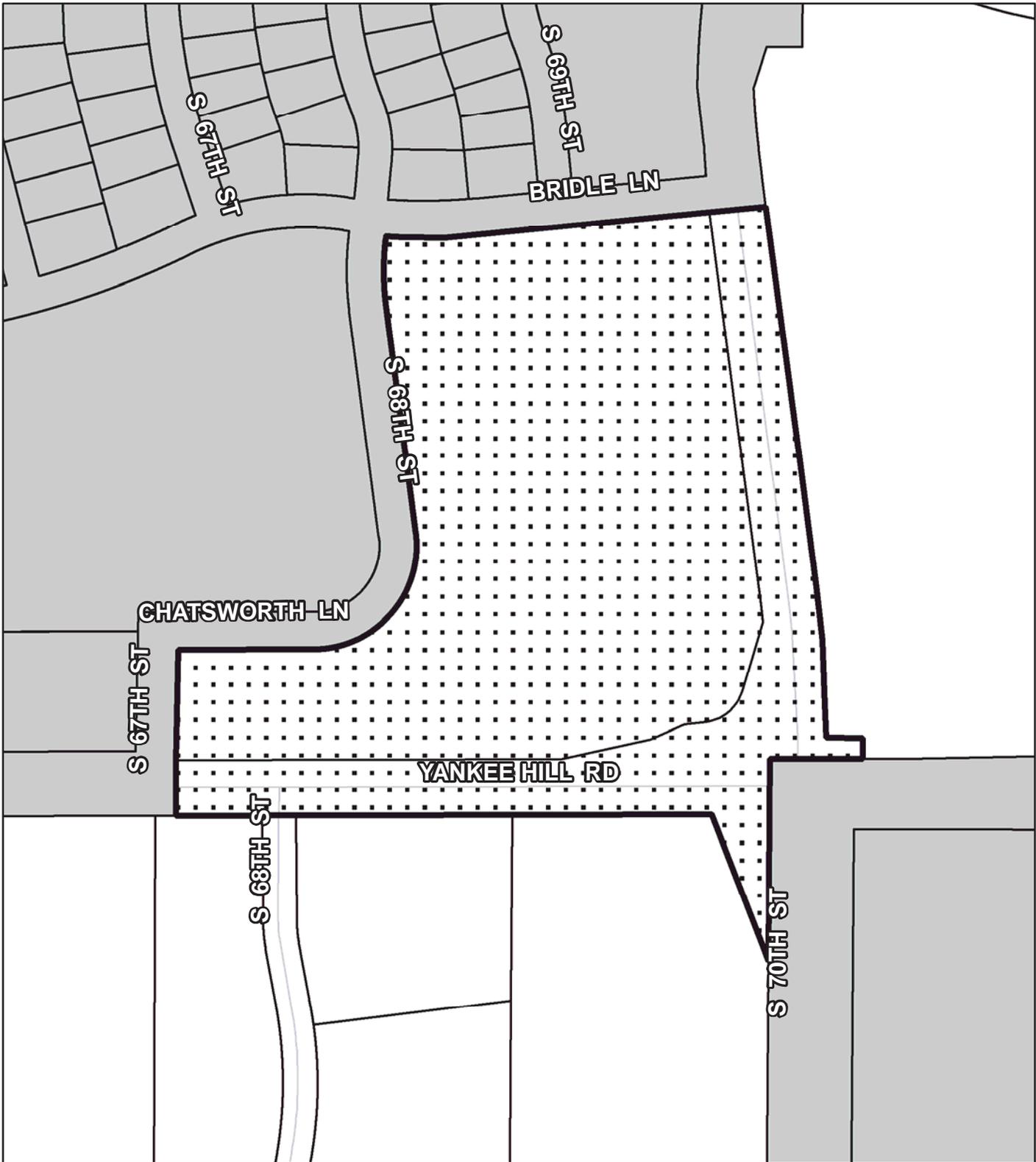
LEGISLATIVE CHANGES: These boxes should be marked yes or no. Some of the actions this form is used for (transfer of capital improvement appropriations, Contingency Funds) require a City Council ordinance.

PERSONNEL (full time equivalents): Please note the number of fte's the request involves, if applicable.

PERSONNEL (cost), SUPPLIES, OTHER SERVICES AND CHARGES, EQUIPMENT: All entries in these boxes must have the business unit, object code, and object code description along with the dollar amount. Negative amounts must be indicated by brackets.

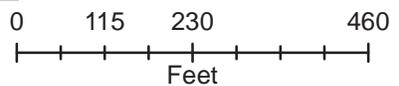
TOTAL EXPENDITURES: This box should contain the sum of the dollar amounts in the various expenditure categories.

SOURCE OF REVENUES: This box should contain the name of the fund the action is required for.



Annexation by Ordinance
S 70th St & Yankee Hill Rd
Effective: October 13, 2020

-  Area of Annexation
-  Tax Parcels
-  City Limits Before Annexation





Memorandum

Date: ♦ October 13, 2020
To: ♦ City Clerk
From: ♦ Rhonda Haas, Planning Dept.
Re: ♦ Administrative Approvals
cc: ♦ Geri Rorabaugh, Planning Dept.

This is a list of City administrative approvals by the Planning Director from October 6, 2020 through October 12, 2020:

Waiver No. 20005, Sun Valley Lanes and Games, approved by the Planning Director on October 8, 2020, to allow a waiver to the outdoor lighting standards for vertical foot candle trespass adjacent to a parking area, on property generally located at 321 West P Street.

****ACTION BY PLANNING COMMISSION****

NOTICE: The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, October 14, 2020, at 1:00 p.m. in Hearing Room 112 on the first floor of the County-City Building, 555 S. 10th St., Lincoln, Nebraska. For more information, call the Planning Department, (402) 441-7491.

****PLEASE NOTE:** The Planning Commission action is final action on any item with a notation of *FINAL ACTION*. Any aggrieved person may appeal Final Action of the Planning Commission to the City Council or County Board by filing a Notice of Appeal with the City Clerk or County Clerk within 14 days following the action of the Planning Commission.

The Planning Commission action on all other items is a recommendation to the City Council or County Board.

For the protection of all those involved, the Planning Commission will be allowing testimony on agenda items by videoconferencing. For those who wish to testify by video, you must register with the Planning Department Office to participate by calling 402-441-7491 or emailing Plan@lincoln.ne.gov by 10:00 a.m. the day of the meeting. You will be asked to provide your name, address, phone number and the agenda item(s) you wish to speak on, and your position on this item. On the day of the hearing, you will receive a link via email, which will be needed to join the hearing to provide your testimony.

AGENDA

WEDNESDAY, OCTOBER 14, 2020

[All Commissioners present.]

Approval of minutes of the regular meeting held September 30, 2020. ****APPROVED: 8-0****

**1. CONSENT AGENDA:
(Public Hearing and Administrative Action);**

COMPREHENSIVE PLAN CONFORMANCE:

- 1.1 COMPREHENSIVE PLAN CONFORMANCE 20014, to review as to conformance with the 2040 Lincoln Lancaster County Comprehensive Plan, a proposed amendment to the Lincoln Center Redevelopment Plan, to add the "Terminal Building Redevelopment Project", on property generally located at 947 O Street and 139 S. 10th Street.

**Staff recommendation: In Conformance with the Comprehensive Plan
Staff Planner: Andrew Thierolf, 402-441-6371, athierolf@lincoln.ne.gov**

The Planning Commission granted the request of the applicant for an additional 2-week deferral to the October 28, 2020, hearing.

CHANGE OF ZONE WITH RELATED ITEM:

1.2a CHANGE OF ZONE 20029, from R-3 (Residential District) to H-3 (Highway Commercial District), on property generally located west of North 33rd Street and Schworer Drive.

Staff recommendation: Approval

Staff Planner: Rachel Jones, 402-441-7603, rjones@lincoln.ne.gov

The Planning Commission granted the request of the applicant for an additional 2-week deferral to the October 28, 2020, hearing.

1.2b PRELIMINARY PLAT 20004, for a new preliminary plat consisting of two lots, on property generally located West of North 33rd Street and Schworer Drive. ***

FINAL ACTION ***

Staff recommendation: Conditional Approval

Staff Planner: Rachel Jones, 402-441-7603, rjones@lincoln.ne.gov

The Planning Commission granted the request of the applicant for an additional 2-week deferral to the October 28, 2020, hearing.

SPECIAL PERMIT:

1.3 SPECIAL PERMIT 20037, to allow for an ADU (Accessory Dwelling Unit), on property generally located at 11500 West Mill Road. *** **FINAL ACTION** ***

Staff recommendation: Conditional Approval

Staff Planner: Tom Cajka 402-441-5662, tcajka@lincoln.ne.gov

Planning Commission 'final action': CONDITIONAL APPROVAL, as set forth in the staff report dated October 6, 2020: 8-0. Resolution No. PC-01732.

2. **REQUESTS FOR DEFERRAL:** See Items 1.1, 1.2a, and 1.2b.

3. **ITEMS REMOVED FROM CONSENT AGENDA:** None.

4. **PUBLIC HEARING AND ADMINISTRATIVE ACTION:**

**FOR ANYONE WISHING TO SPEAK ON AN ITEM
NOT ON THE AGENDA, MAY DO SO**

Adjournment 1:08 p.m.

PENDING LIST: *None.*

Angela M. Birkett

From: Janet Bitner <jkbitner@live.com>
Sent: Monday, October 05, 2020 8:40 PM
To: Council Packet
Subject: Do not defund police!

Follow Up Flag: Follow up
Flag Status: Completed

[CAUTION] This email comes from a sender outside your organization.

I travel, shop and visit my state capitol often and I want to stay safe while being in Lincoln, please reconsider the plan to defund the police in our capital!

Thank you
Janet

Angela M. Birkett

From: John Fischbach <arborx1@aol.com>
Sent: Monday, October 05, 2020 8:43 PM
To: Council Packet
Subject: Emerald Ash Borer

Follow Up Flag: Follow up
Flag Status: Completed

[CAUTION] This email comes from a sender outside your organization.

As Lincoln prepares to have more and more ash trees injected with insecticides to protect the trees from infestation. Those privately owned trees may not get treated and die within years. The city council should make policy that those unsaveable ash trees should be forced to be removed at 60% damaged. This is prevent the spread of this insect to still healthy and valuable ash trees.

Removed trees must be debarked immediately to kill the larvae still feeding underneath the bark.

Did you know that a research paper done at MSU showed that the tree only be wounded once every 4-5 years. At the 5ml rate per injection site , could reduce treatment costs by 1/2 for city budgets. The Adopt An Ash program should reflect this fact.

If you need more information, please contact me 402-805-4233. I have been in business for nearly 36 years. I orgininally wanted to be become an Extension Educator while trying to get my M.S. degree at UNL. MY dad was a professor at Agriculture Engineering for the University of Nebraska. He grew up on a farm near Orleans, NE.

Sent from my iPhone

Angela M. Birkett

From: Brad Marshall <bmarshall@olsson.com>
Sent: Friday, October 09, 2020 2:20 PM
To: Soulinnee Phan
Cc: Angela M. Birkett; Brian Will; Tim S. Sieh
Subject: Motion to Amend CZ20017
Attachments: PC Motion to Amend CZ20017_2020-10-09.pdf; PC Motion to Amend CZ20017_2020-10-09.doc

Follow Up Flag: Follow up
Flag Status: Completed

[CAUTION] This email comes from a sender outside your organization.

Sony – please find a motion to amend for CZ20017.

Please let me know if you need any further information to forward to City Council.

Brad J. Marshall, PE, LEED AP

Team Leader / Civil

D 402.458.5672

C 402.202.8360

601 P Street, Suite 200

Lincoln, NE 68508

O 402.474.6311



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MOTION TO AMEND #1

I hereby move to amend the Conditions recommended by the Lincoln City/Lancaster County Planning Staff Report for Change of Zone #CZ20017, Wilderness Hills South PUD, to read as follows:

CONDITIONS OF APPROVAL:

Site Specific Conditions:

Add Condition 3.17:

- 3.17 Add Note 12 to the Planned Unit Development Notes on Cover Sheet:
12. Lot 8 can be developed with a single-family dwelling, a personal wireless facility, or uses generating 10 or less trips a day and no turn lane is required for right in-right out access. If the developer installs a right turn lane, there is no limit on trips and Lot 8 could be developed with right in-right out access and uses as per the B-2 zoning district and the PUD. If the PUD requires an amendment to change the allowed uses, the amendment to the PUD will require a development plan.

Reason: The PUD is being updated with the agreement from staff to acknowledge the driveway access to Lot 8 per the 2006 Settlement Agreement with the developer. The PUD is being updated to allow additional flexibility in the event that a change of zone is proposed for different uses in the future.

Introduced by:

Angela M. Birkett

From: Kacy Steiner <ksteiner454@yahoo.com>
Sent: Saturday, October 10, 2020 3:30 PM
To: Council Packet
Cc: Richard W. Meginnis; Roy A. Christensen; Sandra J. Washington; Bennie R. Shobe; sgeist@leg.ne.gov
Subject: Transitional Housing

[CAUTION] This email comes from a sender outside your organization.

City Council Members:

I wish to register my strong objection to the current plan to introduce unsupervised and unsupported transitional housing into residential neighborhoods in Lincoln. The plan introduces high and unnecessary risks for vulnerable populations. I agree entirely with the following letter written by the Colonial Hills Neighborhood Association. I ask that you deny the proposed zoning changes and carefully consider the suggestions below.

Thank you for your time and your service to our community,
Kacy Steiner

[Transitional housing step 2.](#) To Lincoln City Council Members: We are writing to strenuously object to the changes to zoning regulations for Alternatives to Imprisonment placements into single-family zoned neighborhoods in Lincoln. As discussed below, the changes proposed are highly irresponsible and contrary to the basics of community safety and quality of life in neighborhoods in Lincoln. If you are striving to keep Lincoln a safe place, and a place where people can live, work and raise their families in safety, peace and security, then the current proposal by the City Planning and Zoning Department (PZD) for zoning changes must be denied. Any request to open an Alternatives to Imprisonment (proposed to be called Transitional Living) in a single-family zoned neighborhood should be required to apply for a special permit with a public hearing as provided for under current zoning regulations. Many residents in Lincoln are deeply troubled by the changes being proposed zoning by the PZD entitled "Transitional Living Facilities" and have been seeking more information on why these changes are occurring. We can only assume that the PZD anticipates many of these requests for special permits and wants to avoid public input currently required for all such requests. Reasons we are Concerned: The information we have received from State Correctional authorities is that well over 3000 convicted offenders will be eligible for placement into these homes in Lincoln in a single year. There are currently no requirements for on-site monitoring, staffing, programming, or supervision of these individuals in what appears to be most of the planned placement locations. The plan as described by State authorities provides only for payment of bed space in most of these houses and allows for absent landlords to merely collect payment from the state without on-site check-in or supervision. In some cases, single-family homes are being bought in neighborhoods and placements of up to 3 offenders and then an application for a special permit to expand the amount of beds is being made to the PZD. The PZD is proposing that these special permits be granted by administrative process (thus removing public notice and hearing requirements) and then never being reviewed; in addition, they are proposing that the permitted zoning changes remain if the property is sold. In a recent conference call held with State Probation administrators, a Parole administrator, and the Inspector General for the Nebraska Correctional System, concerned community members were informed that these probationers/parolees would be considered HIGH RISK placements, yet there are no regulations in place for oversight beyond the parole/probation officer. We were additionally informed that a probation officer may have 500 cases assigned, with up to 30 high risk offenders, for which to provide "oversight". Any reasonable person would question the kind of oversight that could be provided to keep everyone safe, this includes both the residents of the neighborhoods and the users of the program. The complete lack of any monitoring under these

circumstances will only create failure on many levels. The PZD states in their proposal "Concerns about a lack of programming or supervision can be directed to the State or other entity overseeing the facility or operator." Probation and Parole authorities reported that they do not control or monitor the facilities/houses; they thought PZD would be responding to such concerns. The responsibility for the operation of these houses appears to rest with no one. In what world is this helpful for encouraging a successful correctional transition or peaceful co-existence in neighborhoods? The PZD already has a process in place to special permit these transitional facilities with public notice and a public hearing. So why is the Planning and Zoning Department bending over backwards to accommodate an easier process for these unregulated homes in single family neighborhoods and trying to avoid public notice and hearings? At its heart, this is not just a land use issue. This is a complex issue involving community safety and quality of life for property owners and community residents. What is being proposed sets Lincoln on a catastrophic course. Having so many unsupervised placements of high-risk offenders in our community in the middle of family-based neighborhoods, and in close proximity to schools, playgrounds, daycares, etc. is setting everyone up for serious problems. Aside from the grave disservice to law-abiding citizens of Lincoln, this whole ill-conceived plan does a grave disservice to offenders being placed. We foresee this as a disaster for everyone involved. As our representatives, you have the power and responsibility to study this further and insist upon reasonable measures to protect the citizens of Lincoln and to preserve the integrity of our community. This profoundly serious matter deserves much more scrutiny and public input so that thoughtfully designed regulations that speak to community safety and true rehabilitation efforts for offenders can be developed. We can do much better to help support successful re-entry and integration into our community while preserving community safety. In the meantime, we implore you to do what is right. We ask that you, as our representatives, do the following: 1. First and foremost, deny the currently proposed zoning changes. 2. Continue the moratorium on any permit applications for Alternatives to Imprisonment houses to provide for further study. 3. Appoint a community/citizen/state representative group to study and propose reasonable regulations that satisfy the community concerns with Alternative to Imprisonment Facilities. Allow representative community members appointed to propose reasonable regulations that will foster success for the Alternative to Imprisonment participants. Points presented by the Colonial Hills Neighborhood representatives to the Planning and Zoning Department at the 8-25-2020 public hearing on Alternatives to Imprisonment housing permits: ● The special permits and changes to zoning should have more restrictions than provided ● These houses should remain special permits with a public notice and a public hearing. ● The special permit zoning changes should be time restricted, with measurable metrics to be met for renewal annually. ● These permits should be revocable; this keeps facilities accountable to the community at-large. ● There needs to be a clear process of oversight and review for neighbors when problems inevitably arise. ● Stricter spacing requirements should be implemented, such as greater space between alternative to imprisonment housing, along with strict distance from parks, playgrounds, schools, daycares, school routes and other vulnerable populations. ● There should be licensing requirements for operators of alternative to imprisonment housing ● Permits must be non-transferable. Thank you for your support of a safe and well-served Lincoln. Signed Board of Directors of CHNA 09/25/2020 Scott Smathers President Ryana Rogers Vice President Wade Remmenga Treasurer Carrie Ludwig Secretary Carla Butler David Butler Crystal Boysen Jennifer Thomas Chris Rhynalds

[Sent from Yahoo Mail on Android](#)

Angela M. Birkett

From: Greg Newport <greg.newport@outlook.com>
Sent: Monday, October 12, 2020 12:58 PM
To: Council Packet
Cc: Steve S. Henrichsen; David R. Cary; Vish.Reddi@nearsouth.org.; Mayor
Subject: RE: Proposed Amendments to Title 27
Attachments: Letter to City Council 101220.pdf

[CAUTION] This email comes from a sender outside your organization.

To Lincoln City Council Members:

My wife, Shelley Stall, and I appreciate your time in looking into concerns we have regarding the zoning changes to Title 27 which are expressed in the attached letter. Whereas we appreciate the Planning Department and Planning Commission's attempts at hearing our concerns, we feel there are a few issues which, evidently, are beyond their purview and are now placed in the city council's hands to resolve. We plan on being at the upcoming council meeting to explain these concerns and offer suggestions on how to resolve them.

Thanks,

Greg

Gregory D Newport, AIA
1954 A Street
Lincoln, NE 68502
402-430-5631
greg.newport@outlook.com

October 12, 2020

Gregory D. Newport
Shelley K. Stall
1954 A Street
Lincoln, NE 68502

City Council Members
555 S. 10th Street
Lincoln, NE 68508

Subject: Proposed Amendments to Title 27

Dear Members of the Lincoln City Council:

This letter is to update you on our continued concerns regarding the Proposed Amendments to Title 27 with changes to the ordinance which defines Transitional Living Facilities, formerly Alternatives to Imprisonment. The Planning Commission's recent approval of the revised ordinance did not address several of our and other neighbor's concerns which were brought up at the hearing. Whereas we recognize the importance of getting this ordinance in place before the moratorium lapses in November, we feel the long-lasting negative impacts to ours and other neighborhoods will be permanent and this is the last opportunity to get it right.

Whereas we expressed these concerns at the Planning Commission hearing prior to their vote, the Commission made it clear that they were only concerned with the land-use side of the issue and not the long term effects of the influx of Transitional Living Facilities into our older, already overly dense neighborhoods. It should be acknowledged, though, that our goal is not to eliminate this type of facility but only to properly manage the locations and quantity of facilities added to our neighborhood and to encourage through legislation their development in line with the Comprehensive Plan—which we feel is not being done with the ordinance in spite of the Planning Department's claims.

A few of our concerns as they pertain to compliance with the Comprehensive Plan are:

- 1) As mentioned in the planning staff report submitted to the Planning Commission, the comprehensive plan states (from pg. 6.2) that "...Special needs housing should be encouraged to locate along arterials and within mixed use commercial centers where it could serve as a transitional use to less intensive residential development..." This ordinance does not encourage this to happen and instead leaves it open to the free market (within the distancing guidelines) to determine their locations.
- 2) Also, from the comprehensive plan (pg. 7.9), "...Retain existing predominately single-family blocks in some existing neighborhoods." Language in the ordinance does not address this protection, especially in neighborhoods already at some of the highest density levels in the city.

In general, the ordinance's revisions are lacking in sensitivity to already overly developed neighborhoods even with the 1000-foot separation requirement.

A few concerns from the staff report:

- 3) Item 10 on page 4, lists the following concerns with the ordinance brought up during an August 25, 2020 open house:
 - a. Spacing to parks, schools, and daycares
 - b. Changing the use from a 'special permit' to 'conditional'
 - c. Concerns about the operators and who to contact with complaints, public notification, and a preference to not allow approvals to run with the land but be tied to the specific operator

As for spacing to parks, schools, and daycares, we were told that “those facilities are regulated separately” and do not need to be included in the distancing provision of the ordinance. This issue is more than just a land-use concern. It is a public safety concern for our most vulnerable citizens—children.

As for the justification for changing from a special permit to a conditional-use permit, we were told that it was to make the process more predictable (for developers) and controlled (by planning). However, predictability and control should not be substitutes for removing the public input process.

As for approvals running with the land, we were told that conditional use permits—except for a few temporary permits e.g. for earth mining—stay with the land and do not expire when the property changes hands. This might make sense for most normally permitted uses, but since this is a conditional use situation, it should expire when the original developer no longer needs the property for its conditional use. This only encourages speculation by developers which is disruptive for the neighborhood’s long-term goals of stability and predictability of our personal investments in permanent homes.

These concerns were not answered by the planning department’s amendment language presumably because (as they stated at the hearing) these concerns were outside of ‘land use’ and “not zoning matters.” We disagree with that narrow definition.

Other concerns brought up at the Planning Commission hearing but not acted upon:

- 4) The language in the amendment does mention a revocation option that the Planning Department has for operators who do not adhere to the conditions of the ordinance. However, the ordinance does not go far enough. We feel there should be a process which includes a penalty clause written into the ordinance that clearly identifies that, if the permit for the facility is revoked, the property cannot operate as a Transitional Living Facility or other type of group home for a set period of time. We suggest one year. For responsible operators, this should not be an issue.
- 5) Assuming the Conditional Permitting approval process is implemented (taking away public input), the monitoring and oversight of where Transitional Living Facilities are located must be reinforced with accurate group home facility location information. Ideally, the mapping of these facilities would be made public and reviewable by neighborhood organizations. This would enable the neighborhoods to better monitor and assess the impacts of these facilities on their neighborhoods.
- 6) The ordinance places a great burden on neighborhoods to monitor the lack of compliance with the provisions of the ordinance on such things as parking, noise, occupancy limits and other infractions. It was stated by the planning department staff that “just like any other complaint” it was the responsibility of the complainer to notify the police department, health department or state agency of problems. The impracticality of that, though is not knowing who to contact for complaints that aren’t violations of the law. A list of contacts of facility representatives should be made available to neighborhoods so that direct lines of communication could be maintained between the neighborhoods and facility operators and monitoring agencies. Also, this list should be made available to the neighbors within 200 feet of a facility when a permit has been approved (as required in the new ordinance).
- 7) Regarding a concern expressed that the permit is being made ‘in perpetuity’, we feel that the permit should be term limited to a specific number of years at which time a re-application of the permit would have to be made. (This is the case in Kansas City, Missouri, who has a term of 2 years.) If the operator has no complaints against it, they would presumably be granted renewals as often as they wish. It was mentioned by staff that an operator who has invested significant amounts of money into a property would not be equally treated to other developers. We feel, however, that this is a special housing type that has potentially a significant impact to other single-family homeowners of the affected neighborhood and should not be treated the same as any typical housing property.

October 12, 2020

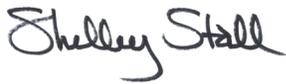
Finally, whereas this revised ordinance is indeed "better than nothing," as has been reiterated to us, it does not achieve the desired goals of our neighborhood for greater stability of property values, maintenance of existing density, or increase the marketability of our single and multiple family homes to future residents. We do recognize that diversity of housing can indeed improve a neighborhood, but it must be managed properly, and we feel the revisions in this ordinance come up short.

Sincerely,

Greg Newport



Shelley Stall



Cc: Vish Reddi, Near South Neighborhood, President
David Cary, Director, Lincoln City Planning Department
Steve Hendrichsen, Lincoln City Planning Department
Mayor Leirion Gaylor Baird

Angela M. Birkett

From: Geri K. Rorabaugh
Sent: Monday, October 12, 2020 3:14 PM
To: Council Packet
Subject: FW: InterLinc - Comment on PC Agenda Item

Geri Rorabaugh
Lincoln-Lancaster County Planning Department

From: WebForm <none@lincoln.ne.gov>
Sent: Monday, October 12, 2020 2:46 PM
To: Geri K. Rorabaugh <grorabaugh@lincoln.ne.gov>
Cc: Brenda J. Thomas <BThomas@lincoln.ne.gov>
Subject: InterLinc - Comment on PC Agenda Item

Planning Dept. - Comment on PC Agenda Item

Date : 10/12/2020 2:46:02 PM

Name Country Club Neighborhood Association Board

Email ccnalinc@gmail.com

Home Address -

Application Transitional Living Facilities

**Number or
Name**

Location -

Submittor's In Opposition

Position

Comments The board of the Country Club Neighborhood Association opposes the Transitional Living Facilities initiative until the interim study introduced by state Sens. Anna Wishart and Patty Pansing-Brooks is done, and a greater community consensus on this policy can be reached. In the meantime, we support an extension of the moratorium or use of special permits to establish transitional living facilities.

IP: 104.218.65.21

Form: <https://lincoln.ne.gov/city/plan/boards/pc/PubCommentForm.htm>

User Agent: Mozilla/5.0 (Windows NT 10.0; Win64; x64) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/85.0.4183.121 Safari/537.36

Angela M. Birkett

From: william mcfarland <williammcfarland726@gmail.com>
Sent: Wednesday, October 14, 2020 5:47 PM
To: Council Packet
Subject: city contractor damaged my mailbox my claim

[CAUTION] This email comes from a sender outside your organization.

My neighbor told me she saw a street repair vehicle back up over the curb up on the lawn and into my mailbox. I replaced it. I filed a claim with the city attorney and they wrote me telling me they are not recommending that i recieve any compensation. I really do not want to be treated unfairly. How can they justify this ? The council is going to decide on this at their meeting next week. Can I talk with anyone from the city council ? I have to work at the time of the meeting. Thank you William Mcfarland 402 325 6888

Angela M. Birkett

From: Robert Way <robertway11@yahoo.com>
Sent: Thursday, October 15, 2020 9:20 AM
To: Council Packet; Mayor
Subject: The time to begin deliberations is now

[CAUTION] This email comes from a sender outside your organization.

Dear Council Members,

Despite the best efforts of both council, the health department, and the mayor's office. The number of COVID-19 cases in our city looks to increase and put more pressure on our healthcare resources. It is true that treatments for symptoms of COVID-19 do seem improving, unfortunately many of those treatments require advanced medical care and medical equipment. And those resources cannot be quickly or easily increased.

What is the proper course of action to protect the health of general population? I do not know. It is matter of judgement, risk assessment, and public health. I am not an expert any of those subjects. But the council has access to many people smarter and better educated than me, and those people need to be consulted.

Some might ask, cannot the mayor continue to lead in the area? While I am sure the mayor will continue to lead, recent court rulings in other states show that courts are beginning to view executive directives pertaining to COVID-19 less favorably. It is time for the legislative body to legislate.

It is important to begin now, because it will be counter productive to have to pass new legislation quicker than normal order. I doubt many that many citizens care that much about normal order regarding council business. But whatever steps you take in this matter will be controversial, and while I trust the judgement of body not everyone will, so I think it better for citizens to feel time has been allotted for public comment.

I have in past spoken against increased compensation for elected officials, but I am probably open to hardship bonus for this years council. This has been tough, and I thank you each for your service.

Sincerely,
Robert Way
801 El Avado Ave
Lincoln