

FROM: DOWNTOWN LEADERSHIP COUNCIL
TO: MAYOR TREECE AND CITY COUNCIL
RE: B262-16 – The Proposed Public Inconvenience Fee (PIF)
DATE: November 28, 2016

Dear Mayor and Members of the Council:

Thank you for asking the DLC to hold a public hearing and provide our recommendations regarding the proposed Public Inconvenience Fee (PIF) for future development or projects which block city streets and sidewalks.

The DLC agreed with most of the public comments which felt that initially, at least, the PIF should only include the downtown/proposed M-DT given the increased density, severe space and parking constraints, and much higher pedestrian and auto traffic downtown.

First and foremost, the DLC believes that public safety is the greatest concern, particularly with regard to the navigation of sidewalks downtown, such that the ordinance should state the priority is for every proposed closure to leave the sidewalk access open, or to provide a safe route for pedestrians. Only if that is shown to be impossible should a sidewalk be allowed to be closed. For that reason, the DLC recommends a 100% reduction of the fee for keeping sidewalks open through use of a covered sidewalk.

It should be noted that all of those who provided public comment supported the PIF, the main concerns of the extent of the fees as compared to other cities. However, the DLC recognizes that Columbia has had a much higher level development downtown than any other city of its size, which has caused severe problems with streets and sidewalks downtown. An audit of Kansas City's fees, for example, quoted a Missouri transportation expert who wrote, "Using lane rental gives contractors an incentive to complete jobs quickly; lane rental results in 30 to 50 percent less time of closure with only a 10% cost increase. It reduces motorist inconvenience while including this inconvenience as part of the construction contract."

We believe the fees should be high enough to incentivize completion of the projects as quickly as possible, rather than to simply be added into the costs.

In response to concerns related to smaller re-developments, maintenance, and historic preservation projects, the DLC does recommend the council include a graduated scale so that those projects incur less cost. The DLC recommends 50% reduction of the proposed PIF fees for the first 30 days (i.e. from day 8 through day 30).

The DLC voted unanimously to require a showing of due diligence that all adjacent and affected business owners have been notified in advance, and discussed that businesses on the opposite street and adjacent blocks could also likely be adversely affected. The DLC voted to increase the required notice period as follows:

- 3 day notice for closures under 7 days;
- 14 day notice for closures between 8 and 29 days; and
- 21 day notice for closures over 30 days.

The DLC discussed at length whether to allow an offset for the fees charged for parking metered spaces, but decided that the purpose of the PIF is separate and distinct from just the loss of revenue to the parking utility.

We also see no valid reason to allow for a 70% reduction in fees for keeping a sidewalk or lane open at night or weekends, as that is antithetical to the purpose of the fees. We also see no reason exempt anyone from the fees.

DLC does not see a need to delay implementation of the PIF on a graduated scale for any reason, nor to back date the effective date, which may be unenforceable.

The DLC believes the PIF revenue should be earmarked to help the businesses effected by sidewalk and street closures, and infrastructure for downtown streets and sidewalks. Finally, although no specific vote was taken on this topic, the DLC expressed agreement that part of the fees be coordinated through the Downtown CID for how to promote the businesses effected, and for the CID to help provide notice of the closures.

Thank you for the opportunity to provide input on this important topic.

Yours very truly,

Scott A. Wilson, Chair
Downtown Leadership Council