

TO: Michael C. Van Milligen, City Manager
FROM: Marie L. Ware, Leisure Services Manager
SUBJECT: Title 10, Chapter 5 and Chapter 7 Ordinance Amendments
DATE: May 10, 2017

INTRODUCTION

The purpose of this memo is to request City council consideration of ordinance amendments to address the addition of the Bee Branch Creek Greenway as it's opening nears.

BACKGROUND

Title 10 is the ordinance related to Public Ways. Chapter 10 relates to Parks and Recreation specifically. Title 10, Chapter 7 relates to Boats, Boating and Waterfront Structures. Each of these chapters needed updates specific for Bee Branch.

The monthly tours with citizens show the variety of spaces and uses of the new addition to the parks system. Bee Branch is a unique area as it serves a main purpose of storm water management yet its second purpose is park land, trail connection, creek and a greenway. This means it affects many edits to the current ordinances.

City staff from Legal, Engineering, Public Information and Leisure Services met several times to discuss ordinance changes and recommendations as well as policy decisions to be made prior to Bee Branch opening.

DISCUSSION

The topics of naming, fishing, parking area length of time, alcohol, pets and park hours were identified as topics that needed to be addressed by ordinance. Staff reviewed each topic area and discussed what made the most sense based upon the usage predicted in Bee Branch.

The first topic was park naming. The area has been commonly referred to as Bee Branch from the beginning. The project has been about daylighting Bee Branch Creek.

The term “park” although appropriate did not encapsulate the full function of the area. In parks systems throughout the country “greenway” has been used for linear parks and trails in urbanized areas. All together the name of Bee Branch Creek Greenway is recommended to be adopted as the formal name and thus used throughout the ordinance.

This would be the established name unless at some time a donor came forward that as a part of a significant donation the park would be renamed for. The most recent example was the redevelopment and renaming of AY McDonald Park. This would be presented to the City Council for approval of renaming should a donation be contemplated by a donor.

Below is a summary of the ordinance addition recommendations related to Bee Branch Creek Greenway.

- A. Alcohol would be allowed. There are five different spaces that will be reservable – the overlook at 16th, overlook at 24th, amphitheater, and two smaller spaces below the 24th outfall area. It is anticipated that these will be sites for small weddings, renewal ceremonies or special occasion celebration and event spaces. Champagnes and wines are typical to have at some of these events. All other pavilions and rental spaces in the Leisure Services system allow alcohol. Additionally, the 16th Street Detention Basin will be recommended for fishing and the similar fishing pond at Bergfeld Recreation Area allows alcohol.
- B. Fishing would be allowed in the creek and detention basin at 16th Street. Many improvements to both have established these areas as good fisheries.
- C. Non-motorized skateboards, bicycles, scooters and hoverboards are allowed and must comply with 9-7-321.275A.
- D. The parking lots associated with Bee Branch Creek Greenway would have 24-hour parking limits.
- E. Bee Branch Creek Greenway would be open for use 24 hours a day. Several years ago, most trails were added for 24 hour a day use. This request came from the public trail users for exercise later in the evening or very early morning. There were others using the trails as their transportation way as they commuted by bike.
- F. Swimming and wading would be prohibited. The 16th Street detention Basin is brown water with limited visibility. The depth varies and certain areas have a current that isn't always seen. The Creek itself although clear water, will vary greatly in its depth of water as that will change based on rain patterns. There are fishing structures and cobbles built into the creek for fish and habitat. There is a drop-off from the limestone blocks to the creek level that does not make entry for wading or swimming easy or safe.

- G. Pets on leashes would be allowed in the Bee Branch Creek Greenway. The Heritage Trail as well as most other trails in the city were added to the areas allowing pets several years ago. At that time, AY McDonald and Pyatigorsk Parks were added because the Jaycee Trail started at AY McDonald and went through Pyatigorsk. The Bee Branch has similar characteristics. The Heritage Trail continues into the Bee Branch Creek Greenway and will have connecting segments from 24th to 16th and along the basin at 16th. This connected trail segment traverses the Greenway and both sides of the Creek channel. These additions have gone over well for pet owners and have not created issues.
- H. Canoeing and kayaking are allowed in the 16th Street Detention Basin. Standup paddle boards would also be allowed there.

The ordinance update also adds descriptions in 10-5C-1 for several parks that have had recent additions of acres to a current park, recent addition of a park or were originally missed in the listing.

The above changes and additions were presented to the Bee Branch Citizens Advisory Committee. Two of representatives then shared the recommendations at the North End and Point Neighborhood meetings. The topic receiving the most conversation at these meetings was the topic of allowing alcohol. At the end of those discussions it was felt allowing it would be acceptable with the understanding that if there were problems the ordinances could be recommended for a change.

The Park and Recreation Commission reviewed the ordinance recommendations and voted 6-1 in favor of approving the recommended ordinance attached to the City Council. Their only change was to make sure the wording was clear that stand-up paddleboard (SUP's) are acceptable. This was done as a part of the attachments.

RECOMMENDATION

I respectfully request City Council approval of ordinance amendments to Title 10, Chapter 5 and 7 as attached.

MLW:et
attachments

cc Crenna Brumwell, City Attorney
Steve Fehsal, Park Division Manager
Kristin Hill, Communications Specialist
Deron Muehring, Civil Engineer
Steve Brown, Project Manager