



Planning and Public Safety Committee Meeting

December 4, 2018

Summary and Motions

Chair Mossotti called the meeting to order at 1:02 p.m. Committee Members J. Brown, Kay, Bledsoe, Gibbs, Henson, Plomin, Lamb, Smith, and Worley were present. Council Members Farmer, Stinnett, F. Brown, and Evans were also present as non-voting members.

I. Approval of October 16, 2018 Committee Summary

A motion was made by CM Bledsoe to approve the October 16, 2018 Planning and Public Safety Committee Summary, seconded by CM Lamb, the motion passed without dissent.

II. Buildingeye Overview

Kevin Wentz, Administrative Officer in Planning, Preservation and Development, presented the item. He walked through a demonstration of the software. He presented the map and showed how it can be filtered and how people can sign up for alerts. He said you can search all applications or individual records. He said they have received positive input from the public. Wentz said since Buildingeye was launched, there have been 1,200 visits, 20,000 searches, and about 400 people per week searching the site.

CM Lamb asked if there has been any outreach. Wentz said there was an official meeting at the Senior Center; there have been announcements on social media; and there is talk about an instructional video on YouTube. CM Evans asked if there was an educational piece. Wentz explained how to navigate the system navigation to find a tutorial. CM Plomin asked if this can be presented at the neighborhood association meetings. She said the Fayette County Neighborhood Association is always looking for presentations and this would be ideal.

CM J. Brown asked what other functions this could potentially be used for. Wentz said it is dependent on what the constituency wants to see. It could be configured with Sales Force implementation that Code Enforcement uses. He named several divisions involved in this and said Building Inspection and Planning are the record types that most people are interested in. J. Brown asked for examples of signing up to receive email alerts. Wentz explained the process for signing into your account, and setting alerts to receive an email for permits you are interested in. Chair Mossotti expressed concern about individuals who might use this just to get neighbors in trouble and misuse the system. Wentz said he doesn't see a way to circumvent that. He said we will reap more benefit by having the information available to the public. He added that it could be helpful for LFUCG to receive alerts from these constituents when someone is building without a permit. Mossotti said she is concerned that there is no appeals process with Code Enforcement. Paulsen said you can appeal Code Enforcement citations, but not permit violations.

VM Kay asked if a complaint that has been filed is a public record. Paulsen said it can be public record if you go to Code Enforcement and ask about it. He said it is a struggle between transparency and whether it can be used in a negative way against people. Kay said if it is public record, he could go to the office and get it and he asked what is preventing us from making this easily accessible as opposed to just a public record. Paulsen said it is a good question to ask the government with regard to transparency because we do not have a consistent policy. Kay asked if we can expect this in the near future and Paulsen said yes, but we want to make sure it works properly before releasing it to the public. CM Bledsoe said there is tension to be managed about what you can find online and how transparent you want to be. She said the key on the neighborhood side is that Buildingeye provides information about construction going on without having to call someone and ask about it. She said the complaint side isn't as easily accessible as the citation part, but once action has been taken it should be publicly accessible. She said she would like to see on the Buildingeye software that someone has been fined or a complaint has been made. Paulsen said he is very supportive of transparency, but we have to be careful and determine what we want to put out and at what stage. He said when it comes through as a complaint we don't know if code enforcement

has investigated. He said sometimes people are just bad neighbors and this is a daily thing we deal with because people call in all of the time wanting to report their neighbor for code enforcement complaints or building issues that may not be valid. He said he understands having this available to the public, but we should make sure it is a valid citation first. CM Gibbs asked for more information as far as drilling down on complaints to see the progress and eventual outcome. Paulsen said it can be done, but Council will need to determine what information to make available and how easily accessible it should be for the public.

CM Evans said she would rather see resources going toward staff being more proactive. Paulsen said it is complaint driven and this is a large city to go out and proactively patrol for code enforcement violations without adequate staff. He said it used to be a pen and paper system, but now it is easier in terms of follow-up times and it is more efficient than it was in the past. Evans said we need to move away from complaint-driven and be more proactive. CM Henson added that there are some areas with more violations than others and Code Enforcement could set up a proactive approach for those areas with a significant number of code violations. Paulsen explained a pilot project in District 3 where Code Enforcement and Solid Waste patrol the area for violations. Henson said there are other areas that could benefit. Paulsen said to be more proactive, you have to consider staffing implications because staff also needs to respond to calls.

No further comment or action was taken on this item.

I. Update on Overview of PDR Program

Tracy Jones, Attorney with Law Department, began the presentation by speaking on the background of the PDR program. She explained the red-lined ordinance draft which includes the (5) changes the Rural Land Management Board (RLMB) has considered and will be part of today's presentation. She said this does not include all recommended changes they are considering, but it includes everything they are comfortable moving forward with. She said this reflects the (5) changes recommended by RLMB and the (2) changes this committee approved in October. CM F. Brown asked if this was a follow-up to the internal audit of the PDR program. Jones said the changes brought forward by the PDR board do dovetail with the items in the internal audit.

Derek Paulsen, Commissioner of Planning, Preservation and Development, presented the item. He explained this item was scheduled before the Audit presentation and the RLMB recommendations dovetail well with the findings of the audit. He said the changes have now all been fully vetted by the Rural Land Management Board (RLMB). He spoke on the 5 changes the RLMB is recommending which include changes to definitions, clean-up language regarding board membership, potential conflicts of interest, application procedures, payment options and the removal of a second appraisal. Paulsen reviewed the (2) funding mechanisms - federal and local (NRCS and LFUCG). He said they are updating the farm bill again and should be finalized in the near future. He said it has been a policy to use federal match when we can.

CM Bledsoe said it does not matter where the money comes from but we should not commit future councils to pay for it over time regardless of where the money is coming from. Paulsen explained how this recommendation came from discussions with Commissioner O'Mara about whether we can pay gradually. He said at this point we should pay it in a lump sum, but it is a question of how we can come up with another viable option. CM Lamb commented on state funds and asked if they required a match when we used them. Paulsen said the flexibility is much greater with local money in all projects, but he cannot confirm if there was a match with the state funds. Lamb said we need to maintain our policy so we have the flexibility to use general funds instead of tying us up to where we have to meet the federal guidelines. Lamb commented on donations and asked if the ordinance change would eliminate anyone who wanted to donate a farm less than 20 acres that might be contiguous to existing PDR property. Overman said there is a section on donations; it does not specify what size, but in the past people have donated land that was less than 20 acres. She said right now you technically need 80 acres to apply to the PDR program and we are trying to correct this by reverting back to the beginning of the program where you needed 20 acres, but this will not prohibit someone from being able to donate less than 20 acres. Lamb asked if someone wanting to donate would have to go through the application process. Overman said they do apply but they do not

have to go through the ranking process; there is a specific RLMB policy pertaining to donations. Lamb said with these changes, she wants to make sure we are not excluding donations.

CM Stinnett commented on the 20 acres and asked what that protects us from. Paulsen said it is a development right you are giving up, so we had to set a minimum. He said 20 acres was the original intent with the development rights. In response to Stinnett's request for clarification that these recommendations were made before the internal audit was finalized, Paulsen confirmed. He commented on recommendation regarding board membership which was also recommended in the audit, but the recommendation in the audit is that no one should serve on the PDR board if they have received money because they enforce the PDR program and future changes. He asked why the board didn't go with this same recommendation instead of the 1-year recommendation. Paulsen said if you are recruiting and trying to convince someone to sell the development rights to their family's farm, one of the biggest selling points is being able to say you put your farm in as well and describing the impact and experience. Stinnett asked if RLMB can vote on something that affects their land and could get financial benefits such as a bed and breakfast. Paulsen said things like the bed and breakfast are often driven by the cooperative agreement with NRCS or land use regulations. Stinnett asked about the attendance policy. Paulsen said it was not discussed but it is something that should be addressed. CM Plomin emphasized that RLMB is made up of folks who have land in the rural area. She said if you are trying to get potential applicants for the PDR program, it would only make sense if your farm is also in the program so you can be a representative.

No further comment or action was taken on this item.

II. PDR Audit Report-out

CM Lamb said the intent was to leave this in committee and continue to follow this over the next year and not for the purpose of solving every problem today. She said she intends for this to be left in committee so we can have regular reports. CM F. Brown said we review the findings of the Internal Audit to see if they have been addressed and we will need to keep this in committee and we will look at this in the Internal Audit Board meetings to monitor the progress.

Derek Paulsen, Commissioner of Planning, presented the item. He pointed out the key items and reviewed the findings. He said the ordinance updates need to align with original language as the process was developed as the program was implemented. He said they have drafted additional changes that need to be presented to the RLMB. He reviewed the natural "B" areas. He reviewed the ordinance inconsistencies, CAO policies and process changes. He said there are 4 things they want to continue to monitor. He reviewed the Action Steps and the implementation of changes. He said there are draft changes coming forward as well as policy recommendations and how to address certain issues.

In response to CM Lamb's request for confirmation that the intent is not for our ordinance to align with the federal cooperative agreement, Paulsen said that is correct. Lamb also asked why PDR grants are singled out when we have a Grants Division who could manage this. Paulsen said these are specific grants and our Division of Grants and Special Programs has no experience with this, but the one who understands the federal cooperative agreement best is the PDR Director so it is best to have this managed by PDR. Sally Hamilton said the CAO policy conflicts with this and it has been changed so it will no longer conflict. She said our Division of Grants and Special Programs will not normally work on grants that are board-administered and working with the board to administer a grant of this magnitude; they disburse and track the money. She said this is more of a program administration. Lamb commented on the last Planning and Public Safety Committee meeting where we recommended adding 3 new board members to RLMB and she asked if that has been brought to the RLMB for a discussion. Paulsen said it has not been discussed yet.

CM Worley commented on the concern of conflict of interest and asked if that was addressed in the audit. He asked what policies are in place to handle these issues. Paulsen said finding #6 addresses the need to have parameters and it is a good discussion point for the board to continue on, but we have not had the chance to discuss these yet.

CM Evans asked who the Executive Director reports to and Paulsen said it is the Commissioner of Planning, Preservation, and Development. She said the board is unique and has a different dynamic and we spend a lot of time discussing this to make sure the RLMB is happy. She said we need to do our legislative duty and make changes so the program is where it needs to be. Paulsen said the Executive Director (Chair) of the board does not report to anyone, but we meet and work together. Paulsen clarified that Overman is the director and is a merit employee hired directly and reports to Commissioner. She asked if the director position is addressed in Chapter 26. Sally Hamilton said the staff of the board is civil service employees and their responsibility is to weigh the difference between the city's priorities and what the board wants and the Commissioner is the one who mediates this.

CM Stinnett commented on the annual inspections and asked if we have hired someone to take care of that. Paulsen said we are contracting with someone now. Stinnett asked who they report to and how often. Overman said this person is Charlie Farmer formerly with NRCS and he also helped form the PDR program. She said as he completes the reports, they are sent to NRCS and she is copied on those. She said he addresses any concerns with Overman. Stinnett asked if the inspections are public knowledge and if they are posted on the web site or reported during board members. Overman said we provide them with an annual report with easement monitoring and they are the ones that approved the contract with Mr. Farmer. Stinnett said for reinforcement of the program, sharing these documents is a good idea and it sends a good message that the program is working. Stinnett said we need to look at how we can fund this long-term and make it sustainable.

CM Lamb said we should wait to see what other draft ordinance changes come forward and she would like to see this all together before we act on anything. Lamb asked Bruce Sahli, Director of Internal Audit, if it is fair to say that we can check on this in two months to see how things are progressing. Sahli said we can put together a management action plan progress review and after a year, we will review how things have progressed and if the findings continue to be addressed. CM J Brown said Council has been very engaged in this program and with new councilmembers coming in we could take a step back. He said he is interested in knowing what the RLMB has to say considering the new memberships we added at the last committee meeting. Chair Mossotti said we will leave this in committee to review all of the recommendations including the changes brought forward at our last committee meeting so we can look at this all at once and provide RLMB with time to review this as well. She said we need to look at sustainable funding for this program because we do not know what will happen on a federal level. CM Worley asked if the intention is to pick this up in February as this needs to move along. Mossotti said it will depend on who is the chair, but she believes that is the intent.

No further comment or action was taken on this item.

III. Items Referred to Committee

No further comment or action was taken on this item.

A motion was made by CM Lamb to adjourn, seconded by CM Plomin, the motion passed without dissent.

The meeting was adjourned at 2:52 p.m.

KT 12.26.18