



Public Safety Committee May 7th, 2013 Summary and Motions

Chair Peggy Henson called the meeting to order at 1:05pm. Committee Members Kevin Stinnett, Chuck Ellinger, Shevawn Akers, Diane Lawless, Bill Farmer, George Myers, Jennifer Mossotti, Harry Clarke, and Ed Lane were present. Council Member Steve Kay attended as a non-voting member.

1. Approval of Summary

Motion by Ellinger to approve the summary. Seconded by Myers. Motion passed without dissent.

2. Report from the Divisions of Code Enforcement and Law: Infill and Redevelopment Steering Committee Recommendations

Kay introduced the item. Kay said that the Infill and Redevelopment Steering Committee felt that there has been a lack of consistency and that constituents have the perception that the Division of Code Enforcement often favors landlords. He said that three changes were needed:

- I. Clear and adequate policies and procedures for complaints and citations
- II. Adequate record keeping system
- III. Transparency of all of these sets of information to the public

David Barberie came to the podium to present the Law Departments responses to the Infill and Redevelopment Committee's recommendations. Barberie said that the first recommendation was to rewrite Sec. 12-1(b) to make it easier to read. Barberie said that the Law Department has provided an initial draft that was included in the packet but recommends obtaining input from the new Planning Commissioner prior to finalizing. Barberie also said that the Council may want to consider reviewing the most recent International Property Maintenance Code (IPMC) and using that as the basis for this section of the Code. Barberie said that they may want to consider a task force or working group to look at the IPMC like the Council had years ago.

Barberie said that the second recommendation was to change "reasonable time" to "30 days or in compliance with approved plan," require that reasons be listed for any plan that is extended past 90 days, require officers to list reasons for deviation from the plan and reasons for extensions in report, require civil penalties to be imposed after six months, and provide that a transfer of property does not automatically restart the time frame. Barberie responded that he recommends that these be part of an amended set of guidelines or administrative policies instead of revising the Code.

Barberie said that the third recommendation was to request funds in the next budget cycle to hire a paralegal devoted solely to filing and managing foreclosure actions. Barberie said that the Department of Law currently has a paralegal that spends 80% of more or her time on foreclosures and most of the foreclosures she works on involve code liens.

Barberie said that the fourth and final recommendation directed at the Department of Law was to request funds in the next budget cycle to contract with a hearing officer to handle Code Enforcement cases.

Barberie said that the LFUCG has never paid hearing officers and there could be an appearance of bias. If the Council ultimately moves in that direction, Barberie feels it would be more appropriately budgeted from Code Enforcement.

Myers asked Barberie about the hiring of a hearing officer. Barberie said that the Department of Law would not have that as a position in their budget. Myers also asked what the next steps are. Barberie said that the Council needs to determine what they would like to do with Sec. 12-1(b).

Kay asked about the hiring of the paralegal. Barberie said that the Department of Law is in good shape right now, but it also depends on what role the Law Department will play in LexServe collections. He said that they may need to come back to the Council in the future and need more resources. They are comfortable with their current staffing.

Barberie said that he is willing to meet with Council Members quarterly to discuss Code Enforcement issues.

Barberie told Kay there might be a resource issue on David Jarvis' end. Barberie said that the Division of Code Enforcement may need more resources to streamline the process.

Lawless said that there is a perception that the hearing officers are not neutral. Secondly, she said that when a property gets placed on the Master Commissioner list, it often moves a property owner to pay their fines and fix their property. Lawless said that they have to do something with the fines for multiple violations.

Henson asked Barberie if they were at the mercy of the court in many of the cases. Barberie said yes, there is often a delay with the Master Commissioner. Barberie said that once the property owner is served, it is usually six months before the property is foreclosed on.

Barberie said that there has not been a comprehensive review on this section of the Code in 15 to 20 years. He said the Council may want to consider a review. He said that if the Council only wants to tweak it, they can probably just slightly revise what the Department of Law has included in the packet.

David Jarvis came to the podium to present the Division of Code Enforcement's report.

Jarvis responded to the recommendation to analyze the current fine structure to determine if changes should be made to increase fines for subsequent offenses. He said that they doubled the fines in 2010. He said that four chronic properties were recently sold and new development is now underway (Pennington Place, Cove Lake, W. Third Street, and W. Second Street).

Jarvis responded to the recommendation to review the Code to determine if certain provisions are too restrictive. He said that this was completed in 2011 and they revised sidewalk regulations to allow more repairs versus replacement. He went on to say that he had met with the Department of Law seven times to review and approve codes and guidelines for housing and nuisance violations. He also reminded the Council that the 24-hour emergency forms were reviewed and approved by Council in March 2013.

Jarvis responded to the recommendation to update the standard operating procedures (SOPs) and have them approved by Council. Jarvis said that the update is complete and it has been revised by the Commissioner of Public Safety. He went on to say that the administrative guidelines are outlined in Chapter 12 and codify the hearing procedures.

Jarvis said that he was recently given approval by the Webmaster to post a link to the International Code Council (ICC) website. ICC has committed to allowing the posting of the 1998 Property Maintenance Code on the LFUCG website.

Jarvis said that they are in the process of posting a copy of the SOPs on our website. He said that he will work with his Commissioner to pick and chose which SOPs will be posted.

Jarvis said that the Field Inspection form has been posted to the website.

Jarvis said that they do not have the ability to make the appropriate portions of the code database available to the public. The system is not web-based. He said that they are working to release data in the next stage of the Open Data initiative. He reminded the Council Members that they can track properties through LexCall.

Jarvis said that they are currently using a 30, 60, 90 day system for the issuance of civil penalties.

Jarvis said that he did request funds in the next budget cycle to hire an administrative person (paralegal) to file liens and staff the Vacant Property Review Board. However, it was determined that the position was better suited in Social Services to help citizens avoid fines. The position was not funded.

Jarvis said that they are monitoring the officer's files to determine if timeframes and paperwork are consistent. He said that he is now meeting monthly with the Law Department to discuss problem properties. All actions by inspectors are reviewed and approved by a Supervisor.

Jarvis said that they notify neighborhood organizations and attend their meetings, and respond to Council Member requests for "sweeps."

Lawless asked about the IPMC. Jarvis said they put out a new version of the code every two to four years. The LFUCG uses the Property Maintenance Code. Jarvis said that there are new versions of that code, but Jarvis uses 1998 because it deals with overcrowding.

Lawless mentioned an ND1 property in her district with numerous code violations. Lawless said that she thinks five violations is a lot. She would like to increase the fine on the chronic properties. She asked if there might be something in the new code that the LFUCG might be missing.

Jarvis said that the LFUCG is very aggressive with code enforcement and is one of the only cities with a \$10,000 per parcel fine.

Mossotti asked how much time they give a property owner to abate a nuisance. Jarvis said that a nuisance abatement is 14 days, but housing issues are 30 days.

Mossotti asked if neighbors should mow the lawns of their neighbors. Jarvis said that he would not recommend it. He told Mossotti to encourage them to call LexCall.

Akers asked Jarvis what happens if a lawn needs to be mowed more than three times. Jarvis said that if it is a hazard, they will mow it more than three times, but they do not like to get in the habit of mowing more than three times.

Myers asked Jarvis about street trees. Jarvis said that they are usually handled by Streets and Roads. Jarvis said that they do cut bushes that are obstructing the sidewalk. Jarvis said that the Urban Forester takes care of the trees that are obstructing the sidewalk.

Myers asked Jarvis what the Division of Social Services could provide to decrease code violations. Jarvis said that a social worker could assist constituents with questions. Jarvis said that Commissioner Beth Mills is supportive of creating this position.

Myers asked Jarvis about the two vacant positions in the Division of Code Enforcement. Jarvis said that they have one vacant housing Code Enforcement Officer and one vacant Nuisance Control Officer. Jarvis said that the positions are budgeted but he thinks that he can hold off on hiring for three weeks or until the links process is over. He went on to say that there are also hiring changes coming up within the Human Resources Department. Myers asked why they have not been filed. Jarvis said that it is just logistics.

Myers asked Jarvis for a copy of the SOPs that have been updated. Myers asked how things are tracked. Jarvis said they check the file each time there is an inspection. The supervisor has to approve the work. Jarvis said that they are part of a paper file. Jarvis said that they should issue a civil penalty or close it out within 90 days.

Lawless said that she had concerns about the potential position in the Division of Social Services and vacant properties. Jarvis said that he thinks that the Vacant Property Review Commission is housed in the Division of Planning.

Paulsen said that for those truly in need, he wants to be able to help get them assistance. The Social Worker could link them up to non-profit organizations that could assist them.

Lawless said that we need to amp up the system on the chronic offenders.

Paulsen said that the Vacant Property Review Commission has not actually met. Paulsen said that he is working on appointments to the Commission now.

Kay told Jarvis that he reads his responses to the recommendations differently than Jarvis does. Kay walked Jarvis back through the presentation.

Jarvis said that he and the Law Department believe the fine structure is adequate. Jarvis said that the SOPs that outline when a property gets an inspection, how to route a complaint, etc. can be posted on the website.

Jarvis said that he is not sure how friendly the violation letters should be since they are notifying a property owner about a potential foreclosure.

Akers said that she wanted to echo what Lawless said about social workers assisting with code violators. She said that she does think, however, that there are constituents that could use resources that the Division of Social Services provides.

Akers asked if they keep electronic files. Jarvis said that because of open records requests, they keep paper copies of the files.

Jarvis said his inspectors are running ragged right now.

Stinnett asked Jarvis about the vacant positions. Stinnett reminded Jarvis that three years ago he was pushing for an extra position. Jarvis said that two are funded and he is ready to fill the positions. Jarvis did give up one position. Stinnett said that he wants to know who made the call to get rid of the position.

Mason said that during the budget preparation process, Jarvis offered to give up the vacant positions. The other two positions will or will not be filled as the budget process proceeds.

Jarvis said they are waiting until the state law changes in June 2013. He said that he can make do for 45 days.

Myers asked who directed Jarvis to offer up a position. Myers asked who has held up with the hiring of the two positions. Jarvis said that he would take responsibility for the decision.

Motion by Myers to fill the vacant positions within the Division of Code Enforcement immediately. Seconded by Akers. Motion passed without dissent.

Myers asked Jarvis if he can use the system that is used by Building Inspection. Jarvis said that they cannot. Myers asked Jarvis to look into using the Liberty system. Myers asked for copies of all the documents that Jarvis referenced in his presentation.

Lawless suggested that the Division of Code Enforcement use iPads to record their work. Jarvis said that a system like that may come to realization once they move under the Division of Planning.

Lawless asked Mason why the position was cut within the Division of Code Enforcement. He said that throughout the budget process he went back to all Directors to find ways to cut costs. Mason went on to say that they were having a hard time finding qualified applicants for the Nuisance Officer position.

Jarvis said the Nuisance Officer position has been vacant approximately two months.

CAO Sally Hamilton came to the podium to give her version of the story. She read an email from Melissa Leuker to Stinnett in response to an email from Stinnett on the issue. Hamilton said that she never told them to cut the position. Hamilton said that during the Mayor's budget hearings, Jarvis said that one of the vacant code positions could be eliminated, that the Division could operate without the position.

Paulsen said they are looking into using paperless forms. Paulsen said that he does have software that they could test. Paulsen said that they are looking to release Code Enforcement data during the next open data release. Paulsen said that they will look to put the Code Enforcement data into Accella in the future.

Akers told Jarvis that he cannot choose to manage on barebones and then complain about it. Jarvis said that, logistically, they can do their job. Akers said that from constituents' perspectives, they are not getting the job done. Akers wants the positions filled now and would like the Council Members to consider reinstating the third position as well.

Kay asked what criteria are followed to make exceptions to the 30, 60, and 90 day notices. He gave numerous examples of inconsistency with civil penalties given by the Division of Code Enforcement.

Kay said that there is much more work to be done and wants to keep the item in Committee until reorganization has occurred. At that time, the issue can be referred to the Planning and Public Works Committee.

3. Division of Police Home Fleet Policy

Stinnett introduced the item. Stinnett said that he wanted an update of the Home Fleet Policy to see if the LFUCG was saving the money they hoped to save.

Mason said that the update was put together by several entities at the LFUCG. He said that the new policy has been in effect for seven months.

There has been a 9.57% reduction in mileage driven and an 8.4% reduction in fuel consumption. Mason said that the estimated cost savings for FY13 is \$335,000. They have also received revenue of \$60,000 from off-duty employment. There has also been a \$268,000 in insurance savings and \$119,000 in depreciation savings.

Mason said that there has been a slight decrease in Part 1 Crimes. There were 17,893 in 2011-2012 and 16,806 in 2012-2013. He said that there has not been a dramatic change in any one direction.

There are 167 Officers who reside outside of Fayette County, with 137 Officers participating in the Out-of-County take home fleet program. Mason said that the Out-of-County payment monthly average is est. \$9,000. The off-duty payment average monthly est. is \$5,000.

Mason finished by telling the Council Members that there are three entities tracking LFUCG funds: The Chief's Office (Internal Affairs), BOA (Division of Fleet Management) and the Division of Fleet and Facilities.

Stinnett asked how they are measuring the fuel consumption, insurance, and depreciation savings. Mason said that the insurance and depreciation savings were measured by the former Budget Director. Stinnett asked how they are tracking it. Mason said that they have discussed it with Risk Management and it is a cost avoidance situation. Stinnett told Mason that they will not be able to measure the real savings until the end of the fiscal year.

Baradaran said that he receives monthly reports from the Division of Police as to which vehicles are take-home vehicles. He said that he looks at fuel consumption on those vehicles. Since it is only seven months of data, they cannot track trends. He wants to see at least 24 months of data.

Stinnett asked Chief Ronnie Bastin about the crime statistics. Stinnett asked what reported crime is. He also asked if property crimes are up. Bastin said that the methodology the FBI uses has changed, but overall crime statistics are down. Auto larceny is up slightly.

Myers asked how they will calculate the opportunity costs of not having officers available to respond off-duty. Mason said that they have not had many instances where people are waiting for help and they have not had complaints from constituents. Mason said that the lack of visibility is not translating into more crime.

4. Items Referred to Committee

Motion by Stinnett to remove the Division of Police Home Fleet Policy from the items referred list. Seconded by Myers. Motion passed without dissent.

Motion by Akers to adjourn. Seconded by Clarke. Motion passed without dissent.

Submitted by Jenifer Benningfield, Council Administrative Specialist