



## Planning and Public Safety Committee Meeting

February 5, 2019

### Summary and Motions

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Chair Mossotti called the meeting to order at 1:02 p.m. Committee Members J. Brown, Ellinger, McCurn, Gibbs, Worley, Bledsoe, Reynolds, Plomin were present. Committee Member Lamb was absent. VM Kay and CM F. Brown were also present as non-voting members.

#### **I. Approval of December 4, 2018 Committee Summary**

A motion was made by CM Plomin to approve the December 4, 2018 Planning and Public Safety Committee Summary, seconded by CM J. Brown, the motion passed without dissent.

#### **II. Update on Overview of PDR Program and Internal Audit Report-out**

Beth Overman, Director of PDR, presented the item. She provided a brief synopsis of the PDR program, reviewing the application process and the benefits to having a farm in the program. She spoke about the federal matching program and explained what qualifies for that. She spoke about the easements and using only LFUCG monies in certain circumstances. She continued by reviewing each step in the process. Overman explained that the item being discussed is a compilation of 4 simultaneous efforts. She reviewed the recommendations and the timeline during which these were developed.

CM Bledsoe asked about recommendation #4 regarding payment over time. Overman said originally the recommendation was to eliminate it, but it will be amended to add a line.

CM Mossotti asked for clarification on #4 that we do not want to take action. Overman confirmed. Overman reviewed #5 regarding appraisals. She said this will eliminate the required option of counter appraisals which are prohibited by the federal match program.

A motion was made by CM Plomin to approve recommendation #1, Changes to Section 26-1 (7) Development Right - eliminating this definition and Section 26-8(2)(d) - eliminate language "and must have at least one development right as defined in Section 26-1(7)", seconded by CM Ellinger, the motion passed without dissent.

A motion was made by CM Bledsoe to approve recommendation #2, Changes to Section 26-3 Updating or eliminating the names of stakeholder organizations in section 26-3(2)(g); section 26-3(2)(i); and Section 26-3(3)(b) , seconded by CM J. Brown, the motion passed without dissent.

A motion was made by CM Bledsoe to approve recommendation #3, Changes to Section 26-7, Creating section 26-7(2) by adding the following language: "No member of the Board shall submit an application offering to sell a Conservation Easement in eligible land while a member of the Board or within one (1) year of serving on the Board", seconded by CM Plomin, the motion passed without dissent.

A motion was made by CM Bledsoe to approve recommendation #5, Changes to Section 26-13, Eliminating Section 26-13(2)(c): "Advise that he or it is securing an independent appraisal at his expense within the next thirty (30) days", seconded by CM Reynolds, the motion passed without dissent.

CM Bledsoe expressed appreciation for the Rural Land Management Board's (RLMB) approval of these recommended changes.

A motion was made by CM J. Brown to approve recommendations brought forward by the Subcommittee on Boards and Commissions (1) add two voting members to the Rural Land Management Board per the addition of Section 26-3(2)(j): "Two (2) members from a list of names submitted by the urban county council, with each council member submitting no more than one name, provided that each nominee be a leader and meet the qualifications specified in Section 26-3(2), and (2) add one ex-officio member to the Rural Land Management Board per section 26-3(c): "One (1) member of the Lexington Fayette Urban County Council", seconded by CM Plomin, the motion passed without dissent.

Overman reviewed the next steps which include the election of Gloria Martin as the new chair of RLMB. She said Martin has reviewed the audit and scheduled a workshop in February to discuss remaining audit items requiring process, policy, or ordinance changes. She said the staff will report back to Council any proposed resolutions.

Gloria Martin, newly elected chair of RLMB, addressed the committee and briefly spoke on the item.

### **III. University of Kentucky Enforcement of Student Conduct**

CM Gibbs provided a brief background to explain how this item came to committee. He introduced members of the UK Administration including Tom Harris, Vice President of University Relations; Dominick Williams, Director of Student Conduct; and Nick Kehrwald, Dean of Students who were the presenters for this item. Harris explained this comes in light of issues surrounding UK with off-campus student conduct. Kehrwald began the presentation by saying that the student conduct process has changed and there is a new database system in use. Williams reviewed the student conduct process in more detail and said this was passed in 2016 making it easier to understand. He discussed how to engage students and reviewed data collection from 2017-2018. Kehrwald concluded the presentation by discussing constraints and opportunities.

CM Bledsoe asked about statistics and whether they were provided by police or through open records requests (ORR). Kehrwald said there has been a relationship between UK and Lexington and there have been concerns about the release of information. Bledsoe asked for police to comment on how communication is handled on their end. Shawn Coleman from Lexington Police, said that it is difficult to know who is a UK student and who is not. He said the best procedure to ensure we meet legal standards is to stick with open records. He said when UK and police are on the scene it works well. CM Bledsoe said it is important for people to know there is a balance between private rights and public rights in confidentiality. She commented on the inconsistency of the numbers provided and asked why the numbers do not match. Williams explained that of the 445 reports, those reports may not have all been university code of student conduct reports. He said there are other administrative reasons for why those numbers would fall out and those cases would not be managed. He explained there are complications in the student conduct process and what is being shown is everyone who was charged and went through the process of that reported number.

CM Plomin commented on how students become familiar with code and asked if it is a reactive basis or if there is orientation. Kehrwald said there are different ways including orientation. He said students typically do not read through all policies so they make sure they provide the most important information students need at the beginning of the semester. Williams added that studies have shown students read the code when they receive the letter from UK or when they are engaged by someone and confronted. Plomin asked about the UAB and Williams explained the appeals board which handles university violations cases and in the code of conduct when a violation meets the criteria of a suspension, expulsion, or social suspension - they have the ability to appeal to the University Appeals Board.

CM Gibbs said there has been one suspension and no expulsions and asked how bad the violation has to be for a suspension. Kehrwald said they look at the severity of each violation and go through an investigation. He said the University takes safety seriously and there are cases where the individual might be expelled but that is rare.

CM Mossotti asked where sexual assault and rape fits into the data. Kehrwald said the system in place is a broad database and there is a specific office that handles those cases. Mossotti expressed concern about the number of students who do not come forward for the fear that they will not be heard or will be reprimanded. She asked if Council could be kept informed of the statistics and indications that this is on the rise to show that there is an increase in victims coming forward. Kehrwald said he could not speak to trends or specific numbers but he said there is confidential reporting available which encourages students to come forward.

No further comment or action was taken on this item.

#### **IV. Items Referred to Committee**

A motion was made by CM Plomin to amend the *Special Event Permitting in Rural Areas* to read *Special Event Permitting*, seconded by CM J. Brown, the motion passed without dissent.

A motion was made by CM Gibbs to remove the *University Of Kentucky Enforcement Of Student Conduct* item from committee, seconded by CM Plomin, the motion passed without dissent.

A motion was made by CM Bledsoe to remove the *Overview of PDR Program* item from committee, seconded by CM Worley, the motion passed without dissent

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

The meeting was adjourned at 2:32 p.m.  
KT 2.5.2019