

Planning and Public Works Committee Meeting
November 11, 2014
Summary and Motions

Chair Bill Farmer Jr. called the meeting to order at 1:32 p.m. Committee members Mossotti, Gorton, Ellinger, Kay, Ford, Lawless, Beard, Clarke, and Henson were in attendance. CMs Akers, Stinnett, and Myers were also in attendance.

1. October 14, 2014 Committee Summary

Motion by CM Ellinger to amend the October 14, 2014 committee summary to show the motion to remove the “MAP Fund Usage Policies” referral item was made by CM Ellinger rather than CM Stinnett. Seconded by CM Henson, and passed without dissent.

Motion by CM Beard, second CM Clarke to approve the October 14, 2014 committee summary. Motion passed unanimously.

2. H-1 Notification Process

CM Myers introduced the item, and stated that he had met with Chris King recently to discuss this issue. He recommended that Mr. King make a presentation to the Council and community regarding this issue during a future Work Session meeting.

CM Myers agreed to provide an outline for future action regarding this item, per CM Farmer’s recommendation.

Vice Mayor Gorton stated that Council typically does not hear presentations during Work Session that do not result in Council actions, due to time constraints. She recommended that informational presentations remain in committees.

CM Mossotti stated that the presentation should be made during Work Session to allow for viewing by the public.

CM Myers reiterated that the full Council should hear this presentation due to the importance of the issue and the need to provide information and clarification.

3. Electrical Inspection Fees

CM Farmer provided introductory comments, and invited public comment.

Steven Vicroy, the contractor’s attorney, stated that he had provided additional information in the committee packets regarding Commonwealth Inspection Bureau, Inc.’s (“contractor’s”) financials. He reviewed the provided information pertaining to residential and commercial inspections, and stated agreement with Commissioner Paulsen’s proposal for the committee to

review electrical inspection fees annually. Mr. Vicroy asked the committee to approve the fee increases as proposed.

In response to a question from CM Farmer, Mr. Vicroy stated that apartment inspection fees are increased in the updated fee increase request. CM Farmer noted that some of the proposed fees will result in significant fee increases for inspections.

Vice Mayor Gorton referred to the contractor's current versus proposed income information, as well as information regarding expenses. She noted that the proposed fees would generate more than the difference in expected expenses. Mr. Vicroy stated that the analysis assumed that only one additional inspector would be hired.

Vice Mayor Gorton asked if the contractor keeps records of time spent on inspections, and if this information was used to create the fee increase request. Mr. Vicroy stated that the contractor does not keep records of time spent on inspections. In response to a follow up question from Vice Mayor Gorton, Mr. Vicroy stated that the proposed increase in final inspection fees and apartment inspection fees are the two highest priority items for the contractor.

CM Kay asked for clarification regarding the time demands created by the new Code. Mr. Jones, the contractor, responded that the changes in the Code, in addition to anticipated increase in the number of inspections, will create the need to hire an additional employee. CM Kay noted that an increase in the number of inspections should be offset by the fees charged for those inspections.

CM Kay asked for additional information regarding Mr. Jones' salary supplement referred to in the packet. Mr. Vicroy stated that this information is shown as profit in the information provided to the committee. In response to follow up questions from CM Kay, Mr. Vicroy stated that depreciation is not shown in the contractor's financials, and profit is frequently reinvested as a capital expenditure.

In response to a question from CM Stinnett, Commissioner Paulsen stated that the contractor is in the second year of the current contract. He stated that there were no other bidders during the last contract award process. CM Stinnett stated concern that fees are being based on the current contractor's opinions. In response to additional questions from Mr. Stinnett, Commissioner Paulsen stated that he has received positive feedback regarding the responsiveness of the contractor, although commercial contractors are concerned about the proposed fee increases.

In response to a question from CM Stinnett, Mr. Vicroy responded that the financial information provided to the committee was generated by the contractor based on information contained in tax returns. He referred to electrical inspection fee schedules for other communities that were provided to the committee.

Commissioner Paulsen reminded the committee that staff is recommending an annual or biannual review of inspections and fees to identify necessary changes to the fee structure.

In response to a question from CM Henson, Commissioner Paulsen stated that the LFUCG has not conducted its own electrical inspections in the past. He stated that Code changes occur on a regular basis.

Motion by Vice Mayor Gorton to conduct an annual review of the fee structure and schedule of electrical inspection fees. Seconded by CM Henson, and approved unanimously.

Vice Mayor Gorton stated that increases in fees will affect housing costs, which will be passed onto consumers. She stated that an annual review of the fee structure will be helpful in the future. She asked for the contractor to identify a particular inspection type where current fees are not consistent with the time required for inspection. Mr. Jones confirmed that final inspections will take a significant amount of time, as well as inspections of apartments.

CM Kay stated that there are inconsistencies in the information provided, and that the fees cannot be raised based on the information available to the committee.

CM Farmer reviewed the information provided, and stated that this item may remain in committee without current action. CM Henson recommended that the item remain in committee until more detailed information is submitted by the contractor.

CM Farmer confirmed that this item will remain in committee until additional information is provided.

4. Code Enforcement Fines; Assistance for Code Enforcement Compliance

CM Lawless stated that she expected information regarding proposed fine increases, which isn't reflected in the presentation.

Jonathan Hollinger presented a review of Code Enforcement operating procedures, assistance programs, technology improvements, and fines. He stated that the Department of Planning is not recommending an increase in Code Enforcement fines at this time, and is addressing compliance through improvements to operating procedures and implementation of improved technology. He stated that increases in fines would not improve effectiveness at this time.

CM Mossotti asked for a synopsis of Code violations, compliance, and Division operations in a future meeting.

CM Lawless provided examples of the effectiveness of escalating fines, and stated the need to reexamine the implementation of an escalating fine schedule. Mr. Hollinger stated that staff will implement any changes that Council adopts.

CM Farmer asked CM Lawless for proposed language for Council consideration.

5. Building Inspection Civil Offenses

Jonathan Hollinger presented this item, and provided information regarding enforcement challenges and recommendations.

CM Lawless stated that the intention in amending building inspection penalties from criminal to civil was to allow Code Enforcement action, including fines, abatement, and placing liens when necessary to ensure compliance. She stated the importance of utilizing escalating fines for compliance. CM Lawless stated that Code Enforcement should enforce these issues, rather than Zoning.

In response to a question from CM Henson, Mr. Hollinger stated that construction within a sight triangle but outside of the road right-of-way would be an example of an abatement item. Illegal sign structures would also be examples of items that could be abated. He stated that a civil penalty would be applied to the cost of abatement. CM Henson asked if the creation of an Enforcement Division is being considered; Mr. Hollinger stated that this is being evaluated for potential implementation in the future.

CM Kay suggested that Planning draft language to amend Resolution 343-2012 to include zoning enforcement activities in addition to nuisance abatement. He also suggested that Council staff draft options for increasing civil penalties. He stated that the Infill Redevelopment Committee has been addressing these issues as well.

Motion by CM Kay, seconded by CM Lawless, to amend Resolution 343-2012 to include zoning enforcement activities in addition to nuisance abatement. Motion passed unanimously.

CM Lawless stated that issues such as gravel and off-site signage should be enforced by Code Enforcement rather than Zoning. She requested a list of civil penalties that were previously addressed by Building Inspection that are now enforced by Zoning for examination of items that may be enforced by Code Enforcement.

6. Zoning Text Amendments for Food Trucks in the P-1 and AU Zones

CM Kay provided background information on this item, and brought forth an option on CM Akers' behalf. This option would affect four areas: the Paragon Centre; Perimeter Office Park; Corporate Drive; and Southcreek Park.

Motion by CM Kay, seconded by CM Mossotti, to allow Mobile Food Unit Vendors as accessory uses if located 500 feet or greater from a property zoned residential. Motion approved unanimously.

Vice Mayor Gorton stated that she previously recommended the subject motion, with the addition of language stating that Mobile Food Unit Vendors must be located within a designated Professional Office Project. In response to a question from Vice Mayor Gorton, Chris King stated that the motion would affect any site zoned Professional Office (P-1). He stated that Law would need to research the possibility of restricting application for variance from the 500 feet requirement.

Vice Mayor Gorton stated that letters of support from this item came from tenants or owners of Professional Office Projects.

Motion by Vice Mayor Gorton, seconded by CM Mossotti , to amend the motion to initiate a text amendment for the Planning Commission's consideration that combines Alternate 2 and Alternate 4 as indicated on page 96 of the committee packet. Motion approved unanimously.

In response to a question from CM Kay, Mr. King confirmed that an applicant could apply for a variance from the 500 feet requirement. CM Kay clarified that the amended motion requires designation as a Professional Office Project. Mr. King stated that Professional Office Projects are defined by Code, and are designated as such as part of the development review process.

Meeting adjourned at 3:05 PM.