



Planning and Public Safety Committee Meeting
February 10, 2015
Summary and Motions

Chair Mossotti called the meeting to order 1:00 p.m. All Committee Members were present. Council Members Evans, Brown and Ford were also in attendance.

1. January 13, 2015 Committee Summary

A motion to Approve January 13, 2015 Committee Summary was made by Scutchfield, seconded by Henson. Motion passed without dissent.

2. Committee Structure & Organization

Paul Schoninger, Council Research Analyst, gave an overview of Robert's Rules of Order. Schoninger stated that Robert's Rules "give order and function while allowing for healthy debate and full participation."

3. Design Excellence Ordinance

Vice Mayor Kay gave a presentation of the Design Excellence Ordinance. Farmer stated the importance of having incentives to make this work, and questioned the addition of two positions. Kay stated having additional staff to help guide applicants through the process would be considered a significant incentive that will save time and money. Kay stated the Task Force considered cash incentives, but instead decided to have TIF (Tax Increment Financing) application fees to be absorbed by the city. Kay stated the conditions are open to review and modification.

Kay stated the Infill & Redevelopment Committee has been working in parallel on some of the same issues. Kay reported they have reinstated the Vacant Lot Commission, among other changes, improving the way the city regulates development. Kay believes these changes will convince developers that the city is committed to simplifying the process, and is continuing to work on those types of incentives.

Farmer inquired if either of the two proposed positions, Project Facilitator or Design Excellence Officer, were more expedient to the implementation of the Ordinance. Kay stated the application of the guidelines would be extremely difficult without staff to manage them. Kay also noted the Project Facilitator would be of assistance to other departments during slow development periods.

In response to a question from Akers, Kay stated there has been significant turnover of membership on the Task Force Board, and the current draft was agreed upon by the current members. Akers inquired if the Project Facilitator would review applications for upcoming TIF projects. Kay stated that he envisions TIF applications going through the review process, with the assistance of the Design Officer. Akers inquired if there was a mechanism in place to determine the Ordinance's effect on downtown development. Kay stated this would be difficult if not impossible to measure, because development involves too many variables. Akers stated she would like more information about incentives.

Stinnett inquired about the status of the Task Force. Kay stated the proposal is their final recommendation and they are currently on hiatus. In response to Stinnett, Kay stated that government projects that fall within the project boundaries would not be required to adhere to the standards; Kay offered that if Council has interest in holding local government to these standards, this could be stipulated at a later time.

In response to a question from Stinnett about the role of the Downtown Development Authority (DDA), Kay stated the new Board would replace the Courthouse Overlay Board, and would have greater jurisdiction. Stinnett asked if the DDA could take on this role, as they had performed aspect of it in the past. Kay stated this is a possibility but feels that the DDA has a different mission.

Stinnett emphasized the importance of keeping the urban service boundary intact, stating that density is an important factor to be considered in the success of the proposal and that incentives to develop downtown should be considered.

Mossotti also inquired about incentives and asked when this part of the proposal would be finalized. Kay noted their dependence on the budget, which will be finalized in June, and the parking garage decision, which is due within 6-8 months. Mossotti stated she would like to hear input from the development committee. Kay stated that those who have been involved feel this is a positive effort and should go forward.

Lamb asked about the Downtown Development District (DDD) and how it related to the Design Excellence Ordinance. Kay stated it is a related effort that is consistent with the aims of Design Excellence but that does not intersect. Lamb asked if there could be collaboration between the two for incentives. Kay stated there was room for debate about the way in which resources are used to move towards a common goal.

Stinnett asked how many active projects there are downtown and how many would be impacted by this proposal. Kay stated he does not have data for this but stated there would be no shortage of work for those individuals. Farmer stated Council should collect some of their own data before approving this proposal. Stinnett would like to see more discussion about incentives

Akers questioned if the Infill & Redevelopment Committee should be included in this discussion for Council. Kay stated Infill & Redevelopment will not meet again until March, and that incentives are not on the agenda. Kay stated he would circulate the request to Committee. Gibbs stated his support for the proposal. Stinnett requested a list of the incentives that were discussed. Kay said he would send this information to Council members.

Bill Justice, Downtown Property Owner, voiced his concerns about incentives adding extra cost to taxpayers.

A motion to keep Design Excellence Ordinance in Committee was made by Farmer, seconded by Akers. Motion was passed without dissent.

4. Fire Code Amendments

Fire Marshall Farmer presented the need to update the Fire Code Amendments. Farmer stated the changes were overdue, as some of the ordinances have not been updated since 1946. Farmer explained the need to change some of the verbiage to align with the State Fire Marshall's Code.

A motion to move the Fire Code Amendments to Council was made by Farmer, seconded by Henson. Motion passed without dissent.

5. Taxi Cab Ordinance

Henson read over the proposed changes to the Taxi Cab Ordinance. Rick Curtis from Public Safety stated he has spoken with managers of the taxi cab companies. Henson stated she wanted to be sure that doing away with the 24/7 requirement would not hurt patrons without electronic devices. Lamb stated she would like to hear from the companies who would be affected and inquired if the companies had seen a copy of the drafted ordinance. Curtis stated they had not. Lamb stated this is a bad business practice and that affected parties should have the opportunity to review the material, and be allowed the opportunity to speak to the Committee.

Gibbs inquired how customers without a smart phone would find a cab. Curtis stated that a dispatcher would still be available; the requirement would only change that they would not have to operate from a central location.

Henson stated that reducing the number of taxis seemed fair as it would allow the companies and drivers to be more competitive. Akers agreed this would reduce regulations. In response to a question from Stinnett, Glenda George from Law stated that the single taxi cab company with one car would be grandfathered into the new ordinance. Stinnett also asked if meters are inspected on a regular basis, to which Curtis replied they are not.

Curtis explained that the apps are globally positioned to calculate for time stopped, etc. Stinnett stated his concern about the reliability of the applications and asked how often vehicles are currently inspected. Curtis stated the inspections are conducted randomly.

Ned Shehey, General Manager of Yellow Cab, stated there is no magic number of cabs that make a sustainable company. He also aired concern that for some customers not seeing a meter seems suspect, and he warned against changing the ordinances too fast. Shehey stated there is an electronic manifest available upon request and that the paper copy is not currently available in the cars. He also informed Yellow Cab is not ready at this time to move their local dispatch to Louisville, but projects they could be there within 5 years. Akers inquired about his reservations for the new ordinance and he stated that the industry would suffer if too many changes were made too quickly.

Don Daughtery, General Manager of Bluegrass Cab stated his company was on board with reducing the number of cabs requirement. Mr. Daughtery questioned why there are two different ordinances that regulate the ridesharing industry and the taxicab industries. He stated that all meters are sealed and locked upon installation and if they are not sealed they can be tampered with. Daughtery stated the apps allow for drivers to adjust the time, because they are not connected to the vehicle. He also noted the apps would be much harder to regulate than meters, and he is opposed to getting rid of meters. He also stated the paper manifest is a redundancy. In addition to random inspections, Daughtery stated the city has two service inspections every 6 months by an independent certified mechanic and he would like to see this continue. He stated that Lyft and Uber do not fall under this regulation and will not be inspected by someone the city regulates.

Lamb asked for clarification about the inspections to which Curtis replied that the mechanical inspections require a certified mechanic and the presence of a police officer to hold an inspection. Daughtery informed there are 4 mechanics in the city that also provide cab maintenance. Lamb

stated that if the numbers of cars are lowered, there will be a need for more inspections. Curtis stated this is correct and that he would like to see a time frame extension for compliance to the proposed ordinance.

A motion to move Taxi Cab Ordinance to Council was made by Henson, seconded by Akers. Motion passed by a 7:2 vote. (Yay: Akers, Bledsoe, Gibbs, Henson, Kay, Mossotti, Scutchfield. Nay: Lamb, Stinnett)

6. Building Inspection Civil Expenses

Gibbs stated this item is for Zoning Violation Ordinance Fines, rather than Building Inspection Civil Fines, as the agenda states. Craig Bencz, Council Research Analyst presented his research findings to the Committee. Scutchfield asked how many fines from each category occurred. Bencz stated that only 36 of the cases resulted in fines. Scutchfield asked if the cities researched were merged governments. Bencz said some of the cities are merged governments.

Gibbs said he was more interested in compliance than fines and commented that Lexington's fines are a bit lower than comparable cities. Gibbs stated he would not like to see the fines raised. Akers voiced her agreement with Gibbs.

Kay asked Commissioner Paulson about the geography of the violations. Paulson stated he could send a map to Committee if requested. Kay stated there had been more enforcement and a higher level of compliance. Paulson said they had been stricter about conditional uses and that those permits are inspected once a year. Stinnet stated this responsibility used to belong to Building Inspection and was enforced by criminal penalties. He stated that approach was not efficient and that Planning had been doing a great job with this issue.

A motion to remove Zoning Violation Ordinance Fines from Committee was made by Gibbs, seconded by Henson. Motion passed without dissent.

7. Items Referred

There was no discussion on this item.

A motion to adjourn was made by Lamb, seconded by Akers. Motion passed without dissent.

Meeting adjourned at 2:53 PM.