



Planning & Public Safety Committee

October 13, 2015

Summary and Motions

Vice Chair Scutchfield called the meeting to order at 1:00 p.m. Committee Members Akers, Bledsoe, Farmer, Gibbs, Henson, Kay, Lamb, Mossotti, Scutchfield and Stinnett were present. Council Members F. Brown, Hensley and Moloney were also in attendance. Chair Mossotti was absent.

I. September 8, 2015 Committee Summary

Farmer stated there are two corrections to be made to the summary on page 3. The first, that "Chief Famer" should be changed to "Chief Farmer" and the second that "Mike Scanner" should be changed to "Mike Sanner".

A motion was made by Farmer to approve corrections to the summary on page 3, seconded by Kay. The motion passed without dissent. Akers was absent for the vote.

A motion was made by Bledsoe to approve the September 8, 2015 Planning and Public Safety Committee Summary as amended, seconded by Farmer. The motion passed without dissent. Akers was absent for the vote.

II. Drones (Unmanned Aircraft Systems – UAS)

Moloney stated his desire for the Committee to discuss who is eligible to fly drones in Fayette County and who would be liable for damages occurred in drone related accidents. Moloney stated his concern for individuals using drones recklessly, noting specifically the areas around schools and airports.

CAO Sally Hamilton stated she will look into the legal ramifications of drones and email the findings to Council.

Mark Barnard, Chief of Police informed Council of their findings. Barnard noted the 5 mile radius around the airport is enforced by the FAA and that drone use in this area must be requested from and coordinated with the FAA. Barnard noted there are not many rules and regulations for the public regarding drones and that it is an evolving issue across the nation.

In response to questions from Moloney, Barnard stated there is a smaller perimeter around hospital helipads which is less than the 5 mile drone-free radius required around airports. He stated the FAA is stepping up their regulatory authority over drones and are easing into the issue. He noted there are KRS laws that apply to some situations and cautioned against drafting new legislation without a full understanding of the issue. It was noted that Traffic Engineering

has a drone which can be used to access traffic accidents and other events and that Police is looking into ways they will implement drones into their duty, also.

Moloney stated his concern for drones to fall into the wrong hands, and suggested the possibility of requiring registration and other safety measures.

Stinnett noted that there may not be drone specific regulations but there is still enforcement for using the drones irresponsibly. Chief Barnard stated this is correct. Stinnett stated citizens can report the wrongful use of a drone through the same channels they would report any criminal activity.

Stinnett inquired if there is any upcoming state legislation that will affect the Police Department's ability to use drones. Chief Barnard stated there is one which will consider the use of drones by law enforcement and other entities.

Hensley noted that this is a constantly evolving issue and that they should be cautious not to create legislation that attempts to regulate airspace, noting this is the purview of the federal government. Hensley noted he feels the best action the city could take would be to educate the public.

In response to a question from Moloney, Commissioner Janet Graham stated the Law Department would need to know specifically what the Council would like to do, and then could look into which government agency would be responsible. Graham stated she is happy to look into this.

III. Insurance for Fireworks Displays

Bledsoe gave an update of the Insurance for Firework Displays. Fire Chief Farmer gave an overview of the updates to the document, noting there were no significant changes aside from the insurance amounts. Bledsoe stated city sponsored event will now require \$5M; events on city property will require \$5M, as will events on public roadway. Private entities that have an event on private property will have a \$2M insurance requirement.

IV. Code Compliance Assistance

Jonathan Hollinger, from Planning, gave a presentation of the Code Compliance Assistance program.

Gibbs noted the number of estimates needed could be excessive. Hollinger stated they considered a housing abatement program and noted that doing work to a structure created legal concerns for the City. He further stated they have considered having homeowners submit a cost list for items such as painting and allow homeowners to complete work themselves.

Bledsoe inquired if the program would include renters, and Hollinger stated it would only apply to homeowners. Bledsoe stated she feels the income requirement may be too low. Hollinger

stated they can look at this, but noted it could be a wise policy decision to keep the amount tied to the poverty level. Bledsoe stated she would like to see what the amount would be if it were Lexington specific and stated she would like to see this item move forward.

Kay inquired if there are sufficient funds. Hollinger stated the proposal would have an effect on the amount of nuisance abatement that can be done. Kay stated he would not like to see the abatement funds depleted, as he feels this is an important fund. Kay further inquired about the number of civil penalties that are levied civil fines. Hollinger stated he would send this number to Kay. Kay inquired if the funds generated by these civil penalties could be used for this program. Hollinger stated he believes these funds currently roll back into the General Fund as revenue and that they could look into this possibility.

Henson inquired about the fund amount to which Hollinger replied that last year they spent slightly over \$100,000, which is the current year's budget allocation. Henson inquired if they would need to find additional funds for the nuisance abatement program. Hollinger stated they may need to find an alternative funding source. In response to a question from Henson, Hollinger stated the program will be for code violations that cannot be abated. Henson stated her concern for citizens who are disabled or elderly and cannot physically take care of their violations and she expressed her support for the program.

Akers noted research about funding options for similar programs in other cities. She inquired if individuals can lose their homes due to code violations. Hollinger replied that they can if they go unrepaired and become civil penalties and then to liens against the property. He noted that when those go unpaid the government can initiate a foreclosure of the property. Akers inquired if the nuisance abatement is income dependent and Hollinger replied that it is not. Akers inquired about people who could not afford the payment upfront. Hollinger stated that typically the reimbursements are given after the work is done, but they can look into other options. Hollinger stated they have a list of contractors who have agreed to use the same fee. Akers stated she would like to see them look at the poverty limits in other cities. Akers also noted the Vacant Property Commission will generate funds in the coming years and this program may be a good use for the funds.

Kay stated he would like the Committee to look at other issues related to code enforcement, and that he would like to have more information about homeowners and landlords and how often are penalties assessed. Kay further stated his concern about signs in medians.

Akers stated her agreement that they need to have more conversation about code enforcement and stated her desire to see the program move forward.

A motion was made by Akers to move forward with the pilot project as proposed, seconded by Henson. The motion passed without dissent.

F. Brown mentioned the 50% match program for sidewalk repairs and inquired about the dollar amount and its status. Hollinger stated it is at \$75,000 and is being exhausted. There was discussion about the process.

V. Items Referred

A motion was made by Akers to remove Assistance to Low Income Homeowners with Code Compliance from Committee, seconded by Farmer. The motion passed without dissent.

A motion was made by Henson to remove Merge DEM with Fire from Committee, seconded by Farmer. The motion passed without dissent.

A motion was made by Stinnett to remove Scrap Metal Dealers from Committee, seconded by Farmer. The motion passed without dissent.

A motion was made by Farmer to remove Armstrong Mill Small Area Plan from Committee, seconded by Akers. The motion passed without dissent.

A motion was made by Henson to remove Cardinal Valley Small Area Plan from Committee seconded by Farmer. The motion passed without dissent.

A motion was made by Bledsoe to remove Fireworks Display from Committee, seconded by Farmer. The motion passed without dissent.

A motion was made by Farmer to remove Drones from Committee, seconded by Akers. The motion passed without dissent.

A motion was made by Kay to add Code Enforcement to the Items Referred, seconded by Akers. The motion passed without dissent.

There was public comment on the issue of the Taxi Cab Ordinance.

A motion was made by Bledsoe to adjourn, seconded by Akers. The motion passed without dissent.

The meeting was adjourned at 2:12 p.m.

D.S. 10.22.2015