



Planning & Public Safety Committee

December 8, 2015

Summary and Motions

Chair Mossotti called the meeting to order at 1:00 p.m. All Committee Members were in attendance. Council Members F. Brown and Hensley were also in attendance.

I. Approval of November 10, 2015 Planning & Public Safety Committee Summary

A motion was made by Henson to approve the November 10, 2015 Planning & Public Safety Committee Summary, seconded by Lamb. The motion passed without dissent.

II. Community & Market Gardens

Jim Duncan, from Planning, gave an introduction of the proposal for community and market gardens. Traci Wade, a representative from Planning, presented the details of the proposal.

Farmer inquired if approval of the proposal would drop regulations, allowing Council to approve new ones. Wade stated this is correct and that Law is currently drafting that legislation.

Gibbs inquired if someone has a market garden on an R-1 property if they would require a conditional use permit, which Wade affirmed and stated that this would only be required if the goods were being sold onsite and would not apply to property whose produce is sold offsite.

Mossotti noted she did not see parks included in the proposal. Wade stated that parks are public property and that the Parks Department is exempt from zoning for market gardens.

Lamb inquired about the mention of fowl and if they have considered pre-existing ordinances regarding fowl. Wade stated they would look into this.

A motion was made by Farmer for the Law Department to draft language for community and market gardens to return to Committee, seconded by Henson. The motion passed without dissent.

III. Taxicab Ordinance

Henson introduced the item. Glenda George, from Law, gave an update of the current Taxi Cab Ordinance.

Farmer inquired about the need to take action today and there was discussion.

Akers noted she does not agree with regulating taxi companies at all.

In response to a question from Henson, Rick Curtis, from Public Safety, stated that any ordinance can be a Public Safety issue. Curtis noted that TNC companies are a complex issue

and it would be difficult to enforce all vehicles for hire. Henson stated she feels it would be better to pass an appeal than to leave the issue hanging.

Hensley stated he feels that repealing the ordinance is the right thing to do. He stated it would save the city in operating costs and level the playing field for commercial operators.

Lamb inquired if they appeal, rather than approve, the ordinance if each individual taxi driver would have to apply for a business license. Rusty Cook, Director of Revenue, stated this is correct. Lamb stated if this is repealed she would like to see language included in the ordinance that would require TNC companies to send their information to the city.

Bledsoe inquired if the ordinance is amended to remove the \$30 filing fee, if this would level the playing field between both types of company. George stated this is both true and false because TNC's are still not required to provide the city with their information and the taxi cab companies would still have other requirements. Bledsoe stated she is still in favor of repealing the ordinance.

Kay inquired what would the affect be if they leave the ordinance as is. George stated they need to remove the parts they no longer have the authority to require.

A motion was made by Lamb to approve the Taxi Cab Ordinance as currently outlined in the packet, seconded by Kay. The motion failed by a 3-7 vote. (Aye: Farmer, Gibbs, Lamb Nay: Akers, Bledsoe, Henson, Kay, Mossotti, Scutchfield, Stinnett)

A motion was made by Kay to repeal the entire Taxi Cab Ordinance, seconded by Akers. The motion passed by a 7-3 vote. (Yay: Akers, Bledsoe, Henson, Kay, Mossotti, Scutchfield, Stinnett Nay: Farmer, Gibbs, Lamb)

IV. Frequency of Helicopter Landings

Hensley introduced the item. Chet Lott stated he is a private pilot and businessman Bill Dougherty also spoke.

Stinnett inquired how the Fire or Police Departments would be notified when planes land, if they need to define this and who would keep a log of these flights. Hensley stated currently call the 911 non-emergency line it seems unnecessary. Stinnett stated they may need to change this because he is unsure how they would track these. Commissioner Ronnie Bastin stated he would prefer a nonemergency line if they choose a notification procedure. Bastin stated that Public Safety has not had an issue with the current protocol. Stinnett inquired about enforcement of the ordinance.

In response to a question from Stinnett, Hensley stated they could provide notice to pilots through the Notes to Airmen sent out by each helipad. Stinnett inquired if the same rules apply to field landings. Hensley responded that it does not. Stinnett stated he would like clarification about what type of notification should be in place in the ordinance.

Gibbs inquired about what type of permit is needed to create a helipad. Bastin stated he does not know. Gibbs inquired why planes can land in fields without any regulation, while helipads are regulated. He stated he would like to see these regulated. He also stated his concern for air traffic, and his concern for the disruption to residents. Hensley stated the State controls helipads and air space is controlled by the FAA. There was discussion about the process of creating helipads.

Bledsoe requested clarification about which zones are currently allowable for helicopters to land. She further stated that removing the three times a month rule would encourage pilots to land in regulated helipads which would be safer, which Hensley confirmed.

Kay inquired if they could not regulate where conditional uses are permitted within the business and industrial zones. Kay stated he would not be in favor of increasing the number of landing times per month until they know what rights to regulate they may have and stated he would like to see further research.

Akers stated she would like to hear input from Planning, and that she has more questions about the topic. Akers inquired how pilots know that a helipad is not already in use. Hensley replied that there is a FAA guidance there is a prior approval and you would call a number for the helipad. Akers stated she believes there should be better communication between Police and Fire about these landings and she would like these concerns to be addressed in a future meeting.

Mr. Lott and Mr. Dougherty also spoke about the issue.

Lamb inquired if Public Safety communicated with the FAA tower. Bastin stated they can but usually do not need to communicate with them.

Kay requested clarification of language in the ordinance. He also inquired if this change would not mandate that all air traffic would use a helipad, although it could encourage it. Hensley stated this was correct and Kay inquired what the incentive would be to use a helipad over a field. Hensley stated that business that would like to put in a helipad are discouraged by the current ordinance.

Hensley stated he would like to open this up so that helipads could be constructed, and noted that under the current ordinance St. Joseph and Central Baptist are operating their helipads illegally. Kay stated as it is written it appears that the only change would be from 3 landing a month to 30.

Stinnett inquired if other cities require pilots to call Police and Fire. Lott stated they do not as they are in contact with the FAA during the flight. Stinnett stated he felt it would be redundant to leave the notification piece of the ordinance.

Akers inquired how Planning handles helipad issues. Jim Duncan stated this is not an issue that comes up often. Duncan stated helipads are a conditional use in several zones and is approved through the Board of Adjustment, not the Planning Commission.

Gibbs inquired if a property owner can give permission for a landing in a residential zone. Duncan stated that does not sound reasonable and confirmed that it would not be an accessory for a conditional use permit.

Melissa Murphy, a representative from Law, stated the ordinance stated landings are not permitted in residential areas.

Henson suggested exempting medical helicopters from this ordinance. Murphy stated they could do additional research into this.

Hensley stated there is a lot of regulation around this already in place. Hensley stated UK Hospital is the only hospital in Lexington who is currently exempted in the ordinance.

A motion was made by Stinnett to report out the Frequency of Helicopter Landings at today's Work Session for consideration by the full Council, seconded by Scutchfield. The motion tied by a 5-5 vote. (Yay: Akers, Bledsoe, Farmer, Scutchfield, Stinnett Nay: Gibbs, Henson, Kay, Lamb, Mossotti)

V. Items Referred

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

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

The meeting was adjourned at 2:33 p.m.
D.S. 12-15-2015