



## **Planning & Public Safety Committee**

November 10, 2015

Summary and Motions

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Chair Mossotti 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 and Hensley were also in attendance.

### **I. October 13, 2015 Committee Summary**

A motion was made by Kay to approve the October 13, 2015 Planning and Public Safety Committee summary, seconded by Henson. The motion passed without dissent.

### **II. Taxi Cab Ordinance**

Henson gave a brief history of the item. Glenda George, a representative from Law, spoke about the proposed ordinance.

Stinnett inquired if Council could create a more stringent ordinance with greater regulations than the State. George stated they met with representatives from the Transportation Cabinet and were advised not to do that. Stinnett stated he would like more information about their recommendation. George stated they could create legislation that is consistent with the State but noted they would not have authority to regulate transportation network companies (TNC). There was further discussion about the current state-level annual registration requirements for both types of companies.

Lamb inquired if they have calculated the effect on the City's revenue. Rusty Cook, from Revenue, stated they would stand to lose a \$25 fee, but that each driver would still need to register as an independent contractor, as they do now, but other fees associated with this would be affected. Lamb stated she would like to see these numbers and Cook stated he will provide this information. Lamb inquired if they have received lists of drivers from the State. Rick Curtis, from Public Safety, stated they have the name of the company itself and their drivers but no contact information is provided. George stated the state statute does not require local governments to receive any information about TNC companies because they are not regulated locally. Lamb inquired of Curtis how much revenue is received from these companies and he stated it is just over \$30,000 a year. Curtis noted they would lose a portion of this money, which he estimated to be about a \$20,000 loss of revenue.

Bledsoe asked if the \$250 application fee is for both TNC and cab companies and if it is a one-time cost per company or per car. George stated it is for both types of companies and that they pay \$250 annually and then \$30 per car. Bledsoe inquired if the \$100 business fee is collected for every car regardless of who they work for. Jeff Lewis, a representative from Revenue,

stated this is an annual fee for every car and each individual. Bledsoe inquired if they would still receive the 2.5% net profit and Lewis replied they would. Lewis confirmed that drivers are independent, self-employed contractors.

In response to a question from Henson, George stated TNC companies would not be exempt from a \$100 license fee and affirmed that without a list of drivers their contact information it is difficult to enforce.

Mossotti stated she feels the biggest challenge is in the enforcement of these fees. There was public comment.

Bledsoe asked for clarification about rates. George stated they have never regulated the amount but do request rates for informational purposes. George stated there are annual inspections that must be provided to the State that would keep older, unsafe cars off the road.

Akers stated she would like to see more research of how other cities regulate taxis.

Stinnett inquired if the City checked to ensure TNC companies are paying their payroll and net profit taxes. Cook stated they are not able to search for individual driver compliance. In response to a question from Stinnett, George affirmed that the current taxi cab ordinance is repealed the City would not have access to a list of taxi cab drivers.

Hensley stated he would be supportive of removing all regulations from the taxi cab companies.

Kay inquired about how enforcement and Cook stated they search for unregistered businesses and they also receive tips.

Lamb noted sub-section 17 which covers rates of fare and stated it seems to say they do have oversight of taxi cab rates. George stated the ordinance does not set the rate, but requires companies to notify the city of their rates. Lamb stated she feels some of the provisions in the ordinance are important to monitor taxi cabs.

Akers inquired if Yellow Cab issues 1099 tax forms to their drivers. Cook stated he does not believe that they do and that the City receives their tax returns. Akers stated she would like to see the item remain in committee and to return with more research.

Bledsoe inquired if action needed to be taken today. George stated if they do nothing they will run into an issue on January 1<sup>st</sup> 2016, because the ordinance still requires that companies have a local taxi cab permit and pay a fee that the City no longer has the authority to charge per the new state statute.

Henson stated they can take this issue up again in December and that she feels it is critical that they take action on this before January. George inquired if the Council would consider passing a Resolution that would allow Law to suspend enforcement of Chapter 18a until they get the

issue worked out. George noted that if the committee comes back in December it would not allow enough time before the tax in January. There was further discussion about the next course of action.

In response to a question from Scutchfield, George stated the new statue was passed on June 24<sup>th</sup>. Scutchfield stated she feels there are parts of the Ordinance that are beneficial to Lexington and she is not supportive of repealing the entire thing. There was discussion about the history of the ordinance.

Kay clarified his motion and stated that any regulation of taxi companies would make them unequal.

Stinnett stated his agreement with Lamb and that he would like to see this remain in committee and draft an ordinance that would benefit Lexington.

A motion was made by Akers to leave the Taxi Cab Ordinance in committee, seconded by Lamb. The motion was withdrawn.

A motion was made by Henson to repeal Section 18a of the Code of Ordinances related to vehicles for hire, seconded by Akers. The motion tied. (Aye: Akers, Bledsoe, Gibbs, Henson, Kay Nay: Farmer, Lamb, Mossotti, Scutchfield, Stinnett)

A motion was made by Kay to approve suspending the enforcement of Section 18a of the Code of Ordinances until the ordinance is updated, seconded by Henson. The motion passed without dissent.

A motion was made by Henson to approve the chair reporting out this item at today's Work Session, seconded by Kay. The motion passed without dissent.

### **III. Snow Removal on Sidewalks**

Gibbs provided an introduction of the item and stated he hopes to bring a proposal forth at the next Committee meeting. There was no discussion on the item.

### **IV. Body Cameras**

Chief Holman, a representative from Police, gave a presentation of the item.

Bledsoe inquired if the proposal factors in the cost of data storage and Holman provided that information. In response to a comment from Bledsoe about the lack of Wi-Fi in officer's vehicles, he stated they are working toward this goal.

Stinnett stated he feels body cameras are an important step towards officer and citizen safety and inquired about officer training. Holman stated subject matter experts will be taught by the vendor to internal trainers, who will administer the training to officers. In response to Stinnett,

Holman stated they are developing internal policies with input from community stake holders. Stinnett inquired if this will have any impact on their collective bargaining agreement, which Holman affirmed that it probably will. Holman stated they hope to have cameras on officers before FY 2017.

Scutchfield stated there are still a lot of unanswered questions and noted her concern for extra jobs that would be created, via open records requests and potential prosecution. She inquired if they have an idea of what those costs will be. Holman stated they will sit down with Commissioner Bastin and the Mayor to discuss staffing needs, but they do not have that at this time.

Lamb inquired if the video would be referred to as evidence at all times? Holman stated there would be evidence and non-evidence that would fall within state retention guides for normal evidence. He noted this is an ongoing conversation. Lamb inquired about oversight for technology problems. Holman stated they anticipate having at least one Administrator. He stated the RFP request will place a large part of the burden for technological support on the vendor.

Lamb inquired how many officers are on duty at a time, and Holman stated they want to put the cameras on uniformed officers including Bureau of Patrol and Bureau of Special Operations and gave estimates of those divisions.

In response to a question from Akers, Holman stated the committee has been meeting for about 6 months. There was further discussion about fiber cable. Akers inquired how often officers will have their cameras turned on, and Holman stated they have determined that cameras will be on during all "law enforcement contact" which includes traffic stops, helping motorists or taking reports and will turn off their cameras at the end of the contact. He further stated they would be saved for 30 days if the event is tagged as a "record".

Hensley noted the estimated cost for the data storage is very high by industry standards, and stated he would like to see these numbers dug into during the RFP process. He further stated that fiber cable may be unnecessary if each officer has two cameras and one is being docked while the other is uploading. Hensley noted he does not want to see the push for fiber delay the process. Holman stated fiber is something that would make things more efficient down the road. Hensley stated they may be able to change to a symmetrical circuit through Time Warner, their current provider, and get the same results as fiber without the added cost.

Mossotti inquired if detectives will be wearing the cameras. Holman stated they will need to make that decision in the future and that they have not yet settled on that.

## **V. Items Referred**

A motion was made by Kevin Stinnett to adjourn, seconded by Jennifer Scutchfield. The motion passed without dissent.

The meeting was adjourned at 2:50 p.m.

D.S. 11.10.2015