



Planning & Public Safety Committee

August 11, 2015

Summary and Motions

Chair Mossotti called the meeting to order at 1:02 p.m. Committee Members Scutchfield, Stinnett, Akers, Gibbs, Farmer, Bledsoe and Henson were in attendance. Committee Members Kay and Lamb were absent. Council Member F. Brown was also present.

I. June 9, 2015 Committee Summary

Mossotti spoke a few words for the late Council Member Ed Lane, noting his service to Lexington and his tenure on the Urban County Council.

A motion was made by Scutchfield to approve the June 9, 2015 Committee Summary, seconded by Henson. The motion passed without dissent.

II. Food Truck Fire Safety

Henson introduced the issue of Food Truck Fire Safety and Mike Farmer, Fire Marshall, gave a presentation.

Bledsoe inquired if there is a fee for the food trucks to acquire certification. M. Farmer stated that some businesses have “fallen through the cracks” and have not acquired proper licensing. He further noted that the Fire Department would need to allocate funds to locate those individuals. M. Farmer confirmed that there are no additional fees for the Fire Department’s safety inspection. Bledsoe inquired about fees for businesses found to be in violation of the fire code. M. Farmer stated that under the KRS legislation there are fees for each offense, and he noted that their desire is not to penalize those individuals but to ensure each food truck meets safety standards.

Henson noted it is required that the Health Department be made aware of where each food truck is located and suggested this as a method of locating trucks that are not within compliance.

Akers inquired if the inspections would be annual. M. Farmer stated they would be conducted when a business applies for a business license and yearly when they are renewed. Akers inquired if there will be a sticker or marker to show inspection. M. Farmer stated this is something they may work toward this in the future. Akers stated it may be possible for Revenue to issue the stickers which would allow the public to notify to Fire Department if they encounter a food truck without a visible sticker.

Gibbs inquired about the Kentucky Statue which references a 5 years requirement for propane tanks. M. Farmer stated this is a Department of Transportation regulation and noted that the Standards of Safety are adopted by the Council.

III. Armstrong Mill West Small Area Plan

F. Brown introduced the Armstrong Mill West Small Area Plan. Jim Duncan, from Planning, presented the Area Plan to Council.

Henson stated she is supportive of what small area plans can do for the community.

IV. Distribution of Unsolicited Advertising Supplements

Henson introduced the distribution of unsolicited advertising supplements.

There was public comment.

Bledsoe noted she has received a high number of calls about this issue. She inquired about the difference between community news and advertising supplements. Richard Morgan, from The Lexington Herald Leader, stated editorial content is the difference. Bledsoe inquired if the employees who distribute the publications are part-time workers. John Kim, from CIPS, stated the majority of carriers are contract-based and noted that a small percentage is full-time.

Stinnett noted they have stopped using USPS and inquired about the cost difference. Morgan stated the difference is not only in cost, but in the number of regulations imposed by the post office, including the length of the publication and guaranteed delivery dates.

Stinnett inquired if the drafted ordinance is similar to Louisville's and if it would apply to all types of distribution. Michael Cravens, from Law, stated the ordinance was based loosed on the legislation Louisville passed in 2009 and refers to any unsolicited written materials. Stinnett inquired about materials hanging on doors to which Cravens replied that there are 6 methods of distributing materials outlined in the ordinance. Cravens stated if the distribution is consistent with these methods the hanging materials would be permissible.

Stinnett inquired about enforcement, noting that it falls under two boards and inquired if this could be put under a single board. Cravens stated the workloads of the respective boards were factored into this decision. In response to a question from Stinnett, Cravens replied that a first offence is a civil citation and the next is a civil penalty. There was discussion about other penalty options. Stinnett inquired who would enforce these violations. Cravens stated that citation officers from Code Enforcement would enforce this.

Akers inquired about do-not-deliver requests and if the number given for cancellation goes to The Lexington Herald Leader. Morgan replied that it does. Akers noted this seems to be a problem. Akers inquired further about violations and Cravens outlined the process of

documentation and appeals.

Gibbs stated his concern about litter and noted his belief that if workers were better employed, supplements could be more efficiently distributed.

Farmer noted the view that this could infringe on free speech rights and Morgan emphasized they do not intend to censor their editorial content. Farmer stated past delivery of the supplements have been sloppy and echoed previous comments about storm water concerns.

Mossotti stated that response from the Herald Leader has been poor, noting that supplements reappear after calls to cancel have been made. Morgan stated this has been a learning process.

Henson noted her concern for residents who are unable to retrieve the supplements to properly recycle the, in addition to unclear information about cancellation

Stinnett inquired why the supplements could not be left on doorsteps. Morgan stated this would increase the cost of the publication. Morgan noted that the Herald Leader no longer offers door service without payment in Fayette County.

A motion was made by Henson to move the Distribution of Unsolicited Advertising Supplements to the full Council, seconded by Akers. The motion passed by a 9-1 vote. (Yay: Akers, Bledsoe, Gibbs, Henson, Lamb, Mossotti, Scutchfield, Stinnett, Moloney Nay: Farmer)

V. Items Referred

A motion was made by Henson to removing Ridesharing Regulations from Committee, seconded by Gibbs. The motion passed without dissent.

A motion was made by Stinnett to remove the Status of Small Area Plans from Committee, seconded by Farmer. The motion passed without dissent.

A motion was made by Henson to remove the Versailles Rd Corridor Study from Committee, seconded by Akers. The motion passed without dissent.

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

The meeting was adjourned at 2:20 p.m.

DS 8.13.2015