



Public Safety Committee

February 5th, 2013

Summary and Motions

Chair Peggy Henson called the meeting to order at 1:01pm. Council Members Jennifer Mossotti, Harry Clarke, Peggy Henson, Kevin Stinnett, Chris Ford, Shevawn Akers, Diane Lawless, Ed Lane and Bill Farmer Jr. were present. Chuck Ellinger was absent.

1. Approval of Summary

Motion by Farmer to approve the summary. Seconded by Akers. Motion passed without dissent.

2. Nuisance Abatement Forms Update

David Jarvis from the Division of Code Enforcement came to the podium to speak. He presented the updated 24 Hour Notice to Abate form.

Clarke said that there were sections of the form that were unclear to him. He had concerns about the first sentence, which reads 'you are hereby given notice to abate this emergency nuisance violation within 24 hours or appeal this notice within ten (10) days.' Jarvis said that the violator could appeal the actual notice, not the abatement. Jarvis went on to say that any owner who is issued two or more notices on the same property within twelve (12) months could be assessed civil penalties. Clarke asked why anyone would be able to appeal the violation. Jarvis said that it could be that a landlord wants to appeal the violation because it was their tenant who placed an illegal item outside and thus they were cited.

Mossotti asked how frequently they have to give the 24 Hour Notice to Abate. Jarvis said that it is cyclical. They have had anywhere from 10-50 per year. He said that most of the violations are around the University of Kentucky campus. Many of the properties are landlord-tenant situations.

Jarvis said that they did add the section that denotes when they attempted to contact the property owner. Jarvis said that most property owners are responsive. He hopes the updated form will be even more effective.

Akers asked Jarvis to explain the process if a property owner is not responsive. Jarvis said that they usually place a lien on the property and if enough time passes the property can be foreclosed on.

Farmer asked Jarvis how the form differs from the form they currently use. Jarvis said that this is a form specific to an emergency abatement and it does provide clarity on certain issues. Jarvis said that he would like to make the notice a bright color as well.

Lawless reminded Council Members that Code Enforcement did not have a different form to use for a 24 Hour Abatement Notice. Lawless said that she is also pleased that the Council voted to increase the fines a few years ago. Lawless said that many times the violation is a public safety issue and abatement is necessary for safety.

Lane asked Jarvis what method they use to give notice. Jarvis said they post it on the property, they call or they send letters. Jarvis said that the property owner has 10 days to appeal.

Jarvis said that a violation is an emergency if it is a public safety issue, impediment to traffic flow and/or a public health issue (food or diapers).

Akers noted that she is not satisfied with the use of the word 'or.' She said that it is misleading and confusing.

Clarke said that the first sentence has dangerous wording. He said that it implies you can abate the nuisance or appeal. Jarvis said that they want to revise the document by moving the bolded statement from the sixth paragraph to the first paragraph.

Myers asked Jarvis to change the first sentence to inform the violator that they must abate or they will be billed for the abatement. Jarvis agreed with this suggestion.

Mossotti asked Jarvis if he has the staff to enforce this. Jarvis said yes, they are fully staffed.

Henson asked Jarvis to make the recommended changes and bring the revised document back to the March 2013 meeting.

3. Hazardous Materials Ordinance

Mason said that the draft will clean up the current ordinance. Hazmat was previously under Emergency Management, but it is now managed by the Division of Fire.

Greg Bayer, from the Division of Fire, came to the podium and presented the draft.

Lane asked Bayer if the changes they made meet best practices for the handling of hazardous materials. Bayer answered yes.

Motion by Lawless to move the Hazardous Materials Ordinance to the full Council for a vote. Seconded by Lane. Motion passed without dissent.

4. Public Nuisance Ordinance

Leah Boggs, Legislative Aide to Council Member Steve Kay presented the draft ordinance. Boggs said that the proposed changes to the ordinance include the following:

- Applies to all property, not just residential
- Adds assaults, sexual offenses, weapons and any felony
- Excludes crimes in which the owner or occupant is the victim of the crime and had no control over the criminal act

Lane asked Boggs what would happen if the owner was not a victim but had no control over the criminal act. Boggs said that those circumstances would be included under the current ordinance.

Lane asked about sidewalks. Lane asked if criminal activity that takes place on the sidewalk in front of the property would count as a violation. The representative from the Division of Police said that these situations are dealt with on an individual basis. She said that the property owners usually work with the Division of Police in these instances.

Lawless spoke in favor of the ordinance. She thanked everyone for their work on it.

Clarke asked for clarification on the revisions. He asked Boggs if the only changes were those listed in her presentation. Boggs said that those were the only changes and reminded Clarke that everything else will stay the same.

Clarke asked why the Public Nuisance Ordinance is listed under Chapter 12-Housing. Mike Sanner from the Law Department said that this chapter applies to all structures in Fayette County. The appeal rights are the same as those of code enforcement.

Myers asked Ronnie Bastin, the Chief of Police, if the ordinance is one that they need to do their jobs more effectively. Bastin said yes. He said that they are not trying to issue more citations, but they need a tool to provide an incentive for citizens to meet with them to resolve problems.

Myers also asked if the Housing Authority properties would be included. A representative from the Division of Police responded yes, the current ordinance covers those properties.

Henson thanked everyone who worked on the draft.

Stephen Marshall and Craig Hardin, members of the public, spoke on the issue. They had concerns about the draft.

Motion by Akers to move the draft Public Nuisance Ordinance forward to the full Council for a vote. Seconded by Lawless. Motion passed without dissent.

5. Items Referred to Committee

Motion by Farmer to adjourn. Seconded by Akers. Motion passed without dissent.

Submitted by Jenifer Benningfield, Council Administrative Specialist