



Planning and Public Safety Committee

October 18, 2022

Summary and Motions

Chair J. Brown called the meeting to order at 1:01 p.m. Committee Members Ellinger, McCurn, Lamb, Kloiber, Worley, Baxter, Bledsoe, Reynolds, and Plomin were in attendance. Council Members LeGris, Sheehan, F. Brown, and Vice Mayor Kay were also present as non-voting members.

I. Approval of June 21, 2022 Committee Summary

Motion by Plomin to approve the June 21, 2022 Committee Summary. Seconded by Baxter. Motion passed without dissent.

II. ADU Update

Chris Taylor, Administrative Officer in the Division of Planning, provided an update on Accessory Dwelling Units (ADU) since completion of the one year pilot program. He spoke about the detached structures that were prohibited by Council unless they were constructed by October 31, 2021 or an application for a building permit was on file before that date. After one year of actual permitting, there are 5 permitted ADUs completed or under construction - 4 of those are detached structures and 1 was previously permitted by BOA in 1995. He mentioned that they have had 15 completed pre-application meetings with the intention to go forward and 8 completed pre-application meetings but the regulations prevented them from moving forward. He spoke about applicant concerns with ADUs and he noted that a primary issue has been a lack of distinction between living quarters, ADU, and short term rentals. To meet the demand for ADUs, there needs to be greater education on ADUs as a housing option, an easier permitting process, and clarity on zoning regulations.

Worley asked how many people are looking to build a new structure for an ADU and not understanding this is not allowable under our current ordinance. Taylor estimates that about 3 out of 4 people want to build something outside of what is allowed. Worley feels it is inequitable that only those with existing structures should have the opportunity to take advantage of this. He sees this as a limitation on the program and he feels this could more successful if we allowed people to build new structures.

Lamb asked if they track the number of phone calls or requests from people who want to build a structure. Taylor said they do keep track of the calls with as much as detail as possible. He said it is very common that people want to build a detached structure which is not permitted. Lamb asked what the number of requests is at this time. Taylor does not have an exact number because he does not field every call, but he estimates that he has received about 30 calls from people wanting to build something that is not allowable.

Sheehan and Taylor confirmed that none of the ADUs that have been approved are being used as short term rentals because those would have to go to the board of adjustment. Two of the five are for loved ones in respite care and the other three did not state a specific use.

Baxter and Taylor discussed feedback from neighbors or others in the community. Taylor stated that he had received one call from someone who thought a neighbor was building an ADU, but they were not. The other calls have been from people with general questions about ADUs.

Plomin and Taylor confirmed there is no notification requirement for an ADU. By right, this is an accessory use. Taylor added that the permits for these are online and available to the public, but there has not been an issue.

J. Brown asked if Louisville was experiencing overlap between ADUs and short term rentals. Taylor stated that Louisville has invested in software for the enforcement of their short term rentals, but they have the same regulations we have for the uses of each. They regulate their short term rentals very differently than we do and there is not a good comparison at this point.

No further comment or action was taken on this item.

III. Overview of Short Term Rentals

Kendra Thompson, Research Analyst in the Council Office and Evan Thompson, Attorney in the Law Department, presented an update on short term rentals.

J. Brown announced that they would like to schedule a Special PPS Committee meeting on November 29th to allow for public comment on this issue, 5pm following work session. There were no objections to this request. Sheehan added that the plan is to have a draft ordinance released prior to the public hearing.

No further comment or action was taken on this item.

IV. Flock Camera Update

Commander Greathouse with the Lexington Police Department began with an overview of the Flock Camera program and said multiple police agencies in Kentucky are using the License Plate Readers (LPR). These cameras take 6-7 still images when a vehicle passes and can read the license plate and determine the color, make and type of vehicle which are all searchable. They are shared only with other law enforcement agencies. He spoke about the quarterly audit and said the first audit was completed in October 2022 which was the first quarter after full implementation. He reviewed data on apprehensions of multiple violent offenders since the cameras have been in place. He spoke about steps moving forward which would require a new agreement in place and locations will be updated on the LPD transparency page. He mentioned that some LPRs have been vandalized and stolen which adds to the concern of revealing LPR locations.

McCurn and Greathouse confirmed the photos taken capture the rear of the vehicle. McCurn spoke about a warrant out for the owner of the vehicle and asked if this is what would flag it in the system. Greathouse said it depends on whether it is entered in the NCIC system, but it may not hit if the individual is associated with multiple vehicles. He clarified that the system triggers solely off the license plate. McCurn asked if the LPRs in surrounding counties are Flock systems and if they communicate well with ours. Greathouse is not sure if other vendors are used, but he said they can share data as long as they are on the same network (Flock).

Plomin and Greathouse discussed purchasing these for neighborhoods who request them. Greathouse said private entities are allowed to purchase LPRs for their specific locations such as neighborhoods or businesses. Plomin asked if this is happening frequently. Greathouse can't speak to the frequency, but there are people using these in our community and others aren't going in certain locations because of these.

Kloiber spoke about the alerts on vehicles of interest and he asked how many man-hours, between dispatchers and officers, have been committed to following up on these alerts since the pilot program was implemented. Greathouse does not have the exact figure, but he said it depends on the initiative of the officer. It is a passive system so if units aren't available, they won't be dispatched. Kloiber asked if we have numbers on how many alerts have been received but have not resulted in action taken. Greathouse does not have these specific numbers and he said it would be difficult to aggregate.

Reynolds spoke about the 25 cameras in the pilot program and she asked how many would make this complete. Greathouse explained that currently, they are focused on the 25 in place and how those are helping the community. He cannot speak to how many the Chief would like to eventually have. Reynolds and Greathouse confirmed that the cameras only take photos when triggered and those photos are kept for 60 days.

Bledsoe spoke about the privately-used cameras and asked if they are automatically shared with law enforcement if they are on the same network. Greathouse said this does not happen automatically. If they wanted to share with law enforcement, they would have to go into the system and request to share. He clarified that this is a one-way street. Our Law Enforcement would be able to look at their data, but they would not be able to see ours. Bledsoe asked about the cost associated with the cameras being vandalized or stolen. Greathouse did not have the exact amount because the company has been taking care of these costs. Once we install these on our own, it would be whatever the prorated cost is for a camera.

Worley said this a valuable tool and the facts and numbers speak to the success. Worley asked about locating missing persons and asked if one of these could have been an abducted child. Greathouse said it has helped locate missing children. Worley said that the action we have been able to take with these in seizing firearms and recovering stolen vehicles and apprehending violent criminals speaks to how these cameras are deterring crime.

Sheehan spoke about the information posted on LPD's web site regarding the flock camera system. She asked if there is a way to provide a comparison that shows how these have benefited our community from year to year, such as with the recovery of stolen vehicles, to show that there has been an increase. Greathouse said this is something they have thought about, but they have only had all 25 cameras in place for just over 2 months. To get a true dataset and to have a good comparison, we would need to have enough data and information to compare. They are working on a plan to show how this looked before implementation and how it looks now, but they prefer to have at least 6 months of data to illustrate this.

Lamb and Greathouse confirmed that the one-year pilot would conclude in August 2023. Lamb spoke about neighborhoods wanting to install Flock cameras and asked if there is an agreement the neighborhoods would need to have in place if they want the city to share the data. Greathouse said there is no written agreement. They can share if they want to, but they do not have to. He clarified that this is done through the Flock system and Flock would control this. Lamb hopes to have more information before deciding how to move forward.

J. Brown spoke about equity and transparency with regard to this program and he asked if there is a race/residence location component to the audit. Greathouse clarified that this is not something we can look at with the audit. We can look at specific data on searches for people using the database and making sure it is used correctly. J. Brown and Greathouse confirmed that the audit focuses on how the LPD is using the cameras, but not the information obtained. J. Brown spoke about the decision to not disclose the locations of these cameras. Greathouse confirmed that we can share the locations under a new agreement with the understanding that these cameras could be moved to a new location based on data received. J. Brown and Greathouse confirmed that we have the ability to decide who we share information with. J. Brown is interested in having the Mayor's Commission on Justice and Equality review the policy for any recommendations or suggestions for improvement with regard to equity and transparency.

Ellinger and Greathouse confirmed that the 25 cameras have not been moved since they were installed. Greathouse said physically moving them is not labor intensive, but scheduling them to be moved does take additional time. Ellinger and Greathouse discussed how the location of cameras is determined. Greathouse said first cameras were located based on violent crime reported to the Police Department. Ellinger asked what happens if the vehicle does not have a license plate to be read. Greathouse said it takes a picture of the vehicle itself which is searchable by make, model, and color. He noted that, if a vehicle was listed as stolen, the license plate is what would trigger in the system. Vehicles with no license plate would be vehicles they are looking for as part of an investigation.

Baxter clarified that \$275,000 was included in the budget for 75 additional cameras and Council requested \$250,000 for ongoing expenses. She spoke about the pilot program and asked if each camera has its own one-year lease. Greathouse said it depends on when the last camera was installed. Baxter feels that if there were more cameras, they could be spread out to make it more equitable.

J. Brown said next steps would be for the administration to bring to full Council a date for implementation of the next phase of this program.

No further comment or action was taken on this item.

V. Items Referred to Committee

Motion by J. Brown to remove *Amend Council Rules to add a Section on Police Discipline Presented to Council and Report from Infill & Redevelopment Committee Regarding Issues Related to Language of Context Sensitivity in the Comprehensive Plan* from the list of committee referral items. Seconded by Ellinger. Motion passed without dissent.

Motion by Reynolds to remove *Police Discipline After Action Review Commission* from the list of committee referral items. Seconded by Ellinger. Motion passed without dissent.

Motion by McCurn to remove *Planned Unit Develop Zones* from the list of committee referral items. Seconded by Ellinger. Motion passed without dissent.

Motion by Lamb to adjourn at 2:20 p.m. Seconded by Plomin. Motion passed without dissent.