



Planning & Public Safety Committee

June 13, 2017

Summary and Motions

Chair Scutchfield called the meeting to order at 1:00 p.m. Council Members Mossotti, Kay, Smith, Gibbs, Lamb, Bledsoe, Henson, and Plomin were in attendance. Council Members Stinnett, Evans, Moloney, and F. Brown were also in attendance as non-voting members. Council Member J. Brown was absent.

I. Approval of May 9, 2017 Committee Summary

A motion was made by CM Plomin to approve the May 9, 2017 Planning & Public Safety Committee Summary, seconded by CM Bledsoe. The motion passed without dissent.

A motion was made by CM Mossotti to move item 6 to item number 3 on the agenda, seconded by VM Kay. The motion passed without dissent.

II. Fayette County Public Schools Development Plan

Myron Thompson with Fayette County Public Schools presented the item. He discussed the development priorities for Fayette County Public Schools. He reviewed the number of pre-schools, elementary schools, middle schools, high schools and technical centers in Fayette County. Thompson also discussed the construction plan process including a local planning committee that develops the plan.

CM Gibbs expressed concern about energy efficiencies. Thompson said they have solar heating and solar energy; and they have photovoltaics generating small amounts of electrical power. He said it can be retrofitted where there are opportunities for solar energy.

CM Plomin commented on the Fayette County Public Schools plan in Hamburg and asked where that would be and what the progress on that is. Thompson said they identify a general area, but they do not zero in until they are ready to issue bonds. He said they keep discussions close to the vest when working with developers because they do not want prices to escalate. He said the committee looks at growth patterns to project where growth is for the next four years.

CM Evans asked about the autonomy a school system has in choosing the location. She said they should consider having full discussions with Planning to make sure it is the best location for the city. She asked that they consider the impact a new school, such as Douglas High School, will have on neighborhoods and traffic. Thompson said the discussion for that high school pre-dates him. He said they have coordinated with the State Highway Department to facilitate traffic flow.

CM Moloney expressed concern that we have building code experts doing this work and Lexington is the only city that doesn't charge to do plans. He said looking at the square feet and the time we will spend on these projects, we should charge a fee or work out a deal with Fayette County Public Schools to use their fields or facilities in trade for the work we do. He said

looking at this material it shows that we will have a lot of people working on this and not getting paid for it.

CM Gibbs expressed concern about the zone change in the Squires Road, Peninsula area and asked if this is where a new middle school will be built. Thompson said it is a priority area and they are in discussions with Kentucky American for that site and those discussions are ongoing.

CM Plomin commented on the secure vestibule listed in the new construction items. She asked what changes will be made allowing them to be secure. Thompson said when you look at school design for security purposes, many of the older schools do not have a reception area where a visitor will sign in before getting access to rest of the building. He said rather than waiting until renovation to add that feature, they have looked at bundling those projects together and do them as a group. He said it has to be on the list before they can spend restricted funds through the state and that is why it is on the list.

Chair Scutchfield commented on the newer schools and the planned schools for her district and asked if they would have stakeholder meetings to alleviate fears or talk them through the process. Thompson said there is a committee and they want input. He said they make better decisions with more input. He said they will gather information and share this with parents and others who are interested. Chair Scutchfield asked what the best way is for them to get the information. Thompson said they are looking at a zoning committee, but contacting them directly at headquarters is the best way. Chair Scutchfield asked about the thought process for how to determine size and capacity of schools that are going in where development of the surrounding area isn't built up yet. Thompson said there are guidelines for optimal size of schools and he said with growth they have had to accommodate by using portable classrooms. Chair Scutchfield recommended that they provide meeting dates from Central Office for the schools to disseminate to parents in newsletters.

CM Mossotti asked about the long range plan for charter schools. Thompson said there are some federal changes that could have an impact, but the demand they have for the plan on the table will not be affected by that. He added that they are watching this.

No further action or discussion on this item.

III. Zoning MAP Amendment Pre-meeting with Affected Neighborhoods

CM Mossotti introduced the item giving a background on how this came to committee. Jim Duncan with Division of Planning presented the item. He discussed the benefits for neighborhood pre-meetings and he addressed concerns. He also discussed KRS100.2111 and changes to that. Cliff Ashburner, attorney specializing in zone law in Louisville, spoke on the item as well. He said since neighborhood meetings have gone into effect, there have not been many issues. He said it is helpful in controversial cases or in cases where you are not aware of issues.

CM Mossotti commented on safety and non-attendance at these meetings and asked if these are all burdens or is this something they can deal with. Ashburner said you can deal with them

and he has done hundreds of these meetings, but has never felt unsafe. He said he has had temper and people getting angry with him, but he felt okay walking out of the meeting. He said people come to these meetings to speak their mind on issues pertaining to the development. CM Mossotti asked, based on his experience, if this has been a plus or minus. Ashburner said his interest is getting his clients to the point where they are able to develop what they want and to that end, it has been a plus. Because the more he knows earlier in the process, the better he can address issues that may be obstacles for his clients' projects.

CM Lamb commented on the importance of transparency for the public to be able to find information when an application has been filed. She asked if the letter sent out notifying about the public hearing is paid for by the petitioner. Duncan said it is paid by the applicant. CM Lamb asked if the current letter says where the neighbor or neighborhood can locate the application and information. Duncan said they do not have that information at this time, but the letter provides the location, date and time of the public hearing and describes the action being requested. CM Lamb asked at what point the public can go to the Planning web site in Accela to review the application and its attachments. Duncan said once the application has been fully submitted, then through the citizen portal, an individual can go in and view applications on file. CM Lamb said it is important to educate the neighborhoods, neighborhood associations and the public on this process. She has concerns about 2 letters being sent. She asked who would mediate if it is a controversial zone change. Duncan said this would be a meeting between the applicant and the neighborhood; there would be no third party to observe or referee and it would not be appropriate for a Planning Commissioner or Council Member to participate. CM Lamb asked if there would be a conflict in speaking to neighbors if the onus is on the Council Member or an aggrieved party because we are not supposed to be talking to neighborhoods about zoning issues until they come before Council at a public hearing. Tracy Jones said the citizen can write a letter asking for a hearing and she does not think this would be a conflict. Chair Scutchfield added that CM Lamb's concern is a separate issue because the item in discussion now is regarding meetings with constituents before Planning Commission.

CM Stinnett asked if staff would be present at pre-neighborhood meetings. Duncan said no. CM Stinnett said there are 4 opportunities for constituents to offer testimony, listen and voice their opinion on zone changes. He said they have one opportunity at the Planning Commission; one at Council Work Session; twice at Council meetings. Duncan said there are actually 5 opportunities because they can also address the Planning Commission Zoning Committee. Stinnett said this meeting would add a 6th opportunity to be heard and Duncan said that is correct. Stinnett asked why Louisville passed this in 2003 and what was the big issue that led to this. Ashburner said there has been a push for neighborhood involvement. He does not recall a specific issue. CM Stinnett asked if Louisville has a city-wide neighborhood association and asked if there was a collective group. Ashburner said not that he knows of; he said each neighborhood has its own neighborhood association. CM Stinnett asked how many developers do not have a pre-meeting. Ashburner said most developers were already doing it before the law was passed. Ashburner added that with regards to the content of the meeting, they are required to report that out and it becomes part of the Planning Commission record. CM Stinnett asked Duncan for an example of a simple zone change in our community. Duncan said

some zone changes are simply proposed to change signage requirement that likely would not generate a concern from neighborhoods. CM Stinnett asked if this was something we could look at and if it is a main land use change, we could have the hearings and if it is something simple not have the hearings. Duncan said they discussed the possibility of a threshold, but the recommendation was to include everything at this time.

CM Bledsoe said she values the intent of this presentation. She said the challenge is that neighborhoods may say they agree with the plan but then speak against it at a Planning Commission meeting. CM Bledsoe thinks the effect of this may not be good. She asked Ashburner if he would do this if it were not mandated. He said in 90% of the cases he would. He said if there was a more efficient way to share information and avoid making a decision at 10 p.m. in a hearing room, he would support it.

CM Moloney said he has sat through many zone changes and he admires that the developers have always met with neighborhood associations first. He said to his knowledge he remembers one time where a developer did not meet with the neighborhood association and it passed Planning Commission, but did not pass Council because neighborhoods testified. He said he has concerns with making it mandatory. He said he puts the burden of this on the developer because they need to sell the idea to the neighborhoods. He said he thinks that making this mandatory makes it less meaningful. He added that he thinks the current system works and he is against this proposed policy.

CM Plomin asked if the neighborhood meeting comes after the pre-application. Duncan said yes, under the new proposal, the applicant would still meet with the staff first and then the neighborhood. CM Plomin said the current process would be pre-application, application, and then meet with the neighborhood. She said from a timetable standpoint for the developer and the neighborhood, it would be a better process to at least listen. She said since the meeting will not be at Council Chambers, it will be less intimidating. She said she thinks it is a healthier process to get input and feedback at an earlier stage.

VM Kay asked where the neighborhood meeting falls in the timeline in Louisville. Ashburner said the neighborhood meeting and pre-application meeting are days apart and the neighborhood meeting comes before the application filing. VM Kay asked if this requirement can be moved down the timeline and modified. He said perhaps we can meet after the zoning committee meeting and maybe meet with neighborhoods if there is an issue or opposition. Duncan said when application is filed, the clock starts running for Planning Commission action; he said to add a non-mandatory requirement to the process could short change the 90 day requirement from application to public hearing. He said that is why the pre-application that takes place now and the proposed neighborhood meeting would take place outside of that timeclock. VM Kay commented that there are a number of zone changes that are heard without a hearing which he assumes means there were no objections. He asked if that was a fair statement. Duncan said generally if the Planning Commission is unanimous, they would not go to a second public hearing. VM Kay suggested the possibility of sorting these so the requirement does not include zone changes that will not be controversial. He expressed concern for having this requirement for every single zone change.

CM Lamb asked about the model Fayette County Neighborhood Council is working on. She believes the education and outreach to the neighbors and neighborhood associations will be more effective overall because it allows the neighbors and neighborhood associations to become educated. She expressed concern regarding the possibility of a conflictual meeting. CM Lamb would like to have the opportunity to educate the neighborhood and neighborhood associations about the process. Additionally she said she would like to add information to the notification letter that lets the public know where they can go to find the application because it is all about leading people to where they can get information if they choose and providing options to the public. CM Lamb suggested that Council wait to see how the Fayette County Neighborhood Council model works out before changing our policy.

CM Henson agrees with CM Lamb said she has seen zone changes that were very difficult. She said she is in favor of education and communication. She said the Fayette County Neighborhood Council could play a major role in helping to educate the neighborhoods. She expressed interest in finding another remedy to the situation, but not this type of meeting. She said if it is a public meeting, they are more likely to be respectful.

CM Mossotti said she knows there are several developers who meet with neighborhoods, but her concern is with the ones who do not. She said she wants to make sure there is transparency and there are meetings and communication. She said whether you are doing this now or not, everyone needs to meet because it is about consistency and uniformity. She mentioned a zone change hearing that was long and very contentious because the developer did not meet with the neighborhood. She said she feels like it is very important to meet with the affected people so they know the information is correct and it is not listed on social media incorrectly. CM Mossotti asked Ashburner to reiterate what he has been saying and how this process has been helpful. Ashburner said he does not see much need for mediation as he typically runs the meeting and takes down questions to address issues. He said this process has been a net positive for his clients because the very best thing for a developer is to go before the Planning Commission without opposition and understand all of the issues that are in play and be able to address all of those issues. He said his goal is to eliminate controversy as much as possible between the time the application is filed and a decision is made.

CM Gibbs commented that he would like to see as much citizen involvement as possible and this should be done early. He commented on CM Stinnett's point from earlier saying that yes, people have opportunities to speak several times throughout the process, but the effectiveness gets lost in those later meetings and that is why it should be done at an early level. He said he is not sure this proposal is the right way to get this done. He expressed concern about the Fayette County Neighborhood Council and asked Chair Scutchfield if Walt Gaffield could say a few words. Chair Scutchfield said it would be inappropriate since he did not sign up to speak and she has others who did sign up to speak. Gibbs closed by saying that he feels there is a better way to do this.

VM Kay requested that those who did sign up be given the opportunity to speak.

CM Stinnett suggested that the second part of this presentation pertaining to KRS 100.2111 be presented at the next Planning and Public Safety committee meeting. Chair Scutchfield agreed.

Dick Murphy (from public) spoke on this item. He said he thinks this is a good concept, but this type of meeting is the least effective type of meeting to reach a consensus. He said he has been to many of these meetings and people speak "at" each other rather than "to". He said he likes to find out where the neighborhood association is and talk with the executive committee to discuss the issues. He said if we are going to do this, it will have to be done in a way that will work.

Todd Johnson with the Building Industry Association, formerly the Home Builders Association, said most of the developers in this city who are involved in zone changes are doing this on a voluntary basis. He said the results are not much different in this being mandated or voluntary.

No further action or discussion on this item.

IV. Officer Turnover in Corrections

CM Evans gave a background on how this came to committee. Steve Haney, Director of Community Corrections, began the presentation by stating the highpoints that would be discussed by Deputy Director Carter. Those highpoints include the vacancies, communication, treatment of female staff, criticism of senior management, lack of consistency and favoritism. Haney said they were in a difficult position by having 58 vacancies and they had to find ways to streamline the process to get to where we are. Haney introduced Deputy Director Jeff Carter who said May 9, 2017 we had zero vacancies. He also reviewed some of the effects on staffing levels including officer safety, staff morale, and fatigue/mental alertness. Major Stephanie Morgerson discussed the female focus group.

CM Bledsoe expressed thanks for the presentation and for their service. She said she appreciates the time and effort that was into the measurements that were included in the study.

CM Lamb expressed appreciation and requested officers to stand and be recognized. She said with the new uniforms, they will get respect just as the fire fighters and police do.

CM Stinnett expressed appreciation for the update and the changes that have been implemented.

CM Evans expressed appreciation and said we need to keep these numbers going in the right direction and Council is happy to help with that.

Director Haney commented on female promotions that Deputy Director Carter spoke about in the presentation. He said he wanted to point out that they were promoted because they are highly qualified and were right for the job. He said he wanted it to be understood that the administration is willing to promote females, but because they are highly skilled and earn the promotion.

CM Mossotti commented on the difficult job these officers are assigned and she expressed appreciation for the work they do.

No further action or discussion on this item.

V. Code Enforcement Update

Presentation and discussion of this item was postponed to the next meeting due to time constraints.

VI. Street Access for Fire Safety

Presentation and discussion of this item was postponed to the next meeting due to time constraints.

VII. Items Referred to Committee

No further action or discussion on this item.

A motion was made by CM Plomin to adjourn, seconded by CM Mossotti. The motion passed without dissent.

The meeting was adjourned at 3:00 p.m.

KT 7.26.17