



## Planning and Public Safety Committee Meeting

November 12, 2019

Summary and Motions

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Chair Mossotti called the meeting to order at 1:00 p.m. Committee Members Chuck Ellinger, James Brown, Josh McCurn, Jake Gibbs, Susan Lamb, Preston Worley, Amanda Bledsoe, Jennifer Reynolds, and Kathy Plomin were present. Vice-Mayor Steve Kay and Council Members Richard Moloney, Bill Farmer, Jr., and Angela Evans were also present as non-voting members.

### **I. Approval of October 8, 2019 Committee Summary**

A motion was made by CM Plomin to approve the October 8, 2019 Planning and Public Safety Committee Summary, seconded by CM Bledsoe, the motion passed without dissent.

### **II. Update on Overview of PDR and Internal Audit**

Beth Overman, Director of PDR, presented the item and introduced Gloria Martin, chair of Rural Land Management Board (RLMB) who was also in attendance. Overman provided a brief history of the item since it was placed in this committee in 2017. She said today's presentation is a follow-up to one that was provided to the committee earlier this year. Overman reviewed the 5 ordinance changes that were adopted in March, 2019 to address audit findings. She also discussed the remaining audit findings that are in process. She continued the presentation by explaining the next steps which include monthly meetings with the Ordinance Review Committee to complete their work. She said if the committee sticks to this schedule, they should be able to present their findings to the RLMB in February or March, 2020. If those recommendations are accepted by the RLMB, Overman can provide a report-out to the Planning & Public Safety Committee next spring.

Mossotti asked Chair Martin to speak about the new Farm Bill and Martin said they are meeting with the federal partners to discuss in detail. She said the good thing is that there is more money than there used to be. If property owners donate an easement, that can be used as part of the match funding which would be a positive thing. She said the federal partners at NRCS are very happy with our program and it is used as an example of good programming.

No further comment or action was taken on this item.

### **III. Five-year Public Safety Plan, Fire**

Kristin Chilton, Chief of the Division of Fire, presented the Five-year Public Safety Plan for this division. She reviewed the key responsibilities and metrics including the authorized personnel of 597 and 24 fire stations. She said year to date there has been an increase in incidents and she explained the factors that have contributed to those increases. She spoke about the lengthy hiring process and the steps involved to complete. She described the staffing challenges including retirements, disability, and military leave. She spoke about the facilities and reviewed the upgrades and remodels for those in the next 5 years. She explained the IT/Radio concerns and replacement of that system as well as software maintenance fees. She discussed the personnel requests necessary in the next 5 years including Firefighters, Vehicle Maintenance, IT/Communications, Sworn Support Staff, and Administrative Support Staff.

Worley commented on a recent tour he took of the maintenance facility at Station 1 and he said the way things have had to be moved around to adapt and adjust, made it very visible that additional room is

needed. He said he was really impressed with how things were operating and the efficiency with which things are being done with what is available.

Plomin commented on the increase in population and incidents and asked if that was typical. Chilton said with the increase in population, there are more incidents. Plomin asked if the 12 firefighters was per firetruck and Chilton said it is 12 total for all 3 shifts, but 4 per shift. Chilton said anytime they open a new station and add an engine or an EC unit, it adds 12 firefighters.

Lamb asked about the 2 vacant civilian positions and if there is a plan to fill them. Chilton said the heavy equipment technician that this vacancy created just went to the last recruit class which just started. She said the advertisement has just closed for that position and it will be filled. The staff assistant became vacant when the administrative specialist was promoted and we will either fill that spot or convert it to a parts specialist. Lamb said she likes to see the decrease in EMS incidents and she is looking forward to seeing how the para-medicine program will help alleviate trips to certain populations.

Moloney said there has been a need for a station on the south side (4th and 9th districts). He asked how they continue to drop down the list and why these are not a priority. Chilton said it would be great to have one in that area, but there is no land available.

J. Brown commented on the link's discussion of budget priorities and asked if the five year plan was something the division had already been doing or if this was something new and beneficial. Chilton said a lot of this was already in place with fleet replacement schedules and capital projects which have to be budgeted in advance. J. Brown commented on land acquisitions when looking to build a new station and asked if a new fire station is outside the five year timespan. Chilton said building the new station and having it ready would take longer than five years. J. Brown commented on response times and asked if anyone is looking at potential road connections that could enhance response times. Chilton said the responses are done by GPS so they track what the closest route is. J. Brown said rather than increase fire trucks, fire stations and staff, we could look at improving routes and connect-ability that would make the city safer and potentially cost less. He suggested having something in place that will trigger the need for a new fire station based on growth in a particular area. Chilton said the division would love to have a seat at the table with those discussions.

Bledsoe asked what the biggest challenge is in the next few years and Chilton responded that it is retirements. Bledsoe asked when retirements are not predicted, if they will start over-hires or think about expanding the base entry and Chilton said they did in the last class. Bledsoe asked if they would continue this trend and Chilton said it depends on the budget. She said recruits are not out until February and retirements take effect in January, but this will be a lot less lapse to replace some of those positions that leave in January. Bledsoe asked if the decrease in overtime is a trend in budgeting with overtime costs not being what they used to be. Chilton said it depends on when we hire.

Lamb asked what is required with an EMS unit and what happens if they cannot take the quickest routes. Chilton said the quickest route to get to the hospital is what is typically used. She said sometimes using the shortcut coming in the back way from Tates Creek is much quicker than getting on Nicholasville Road and coming all the way around. Lamb said she has tried to explain this to constituents, but for those who live along the route, it is not always appreciated unless they or their family are the ones needing to be transported quickly.

Mossotti commented on a consultant from a few years ago who spoke about consolidating fire stations and asked if that was incorporated in this plan. Chilton said it is not part of the five year plan, but was part of the PSSI study. Chilton reviewed some of the recommendations from that consultant, but said you have to consider land in the area and the cost involved in closing stations down and moving stations a short distance to determine if it is worth it. She said another challenge is finding land that is available and affordable. Mossotti commented on the consultant and asked if we utilize any of those recommendations. Chilton said all of our improvements have come from that study. They went to every station and made assessments to determine what needed repair or replacement.

No further comment or action was taken on this item.

#### **IV. Party Plan Ordinance Amendments**

Thomas Curtsinger, Police Commander, provided a presentation on the amendments to the Party Plan Ordinance which was originally passed in 2001. He said the focus was on properties where 2 or more enforcement actions or citations had been issued, after which, the property was designated as a party house. If further disturbances occurred at that property, the property owner would receive a criminal citation and be subjected to fines. He said in the past, many of the enforcement actions were dismissed and there needs to be landlord accountability. By making these civil fines, we can move forward with our enforcement efforts. He concluded by saying this is not targeted at parties, but it is targeted at the disruptive behavior that results from these parties that is the issue.

Reynolds asked how we would measure disruption with this ordinance and what constitutes disruption. Curtsinger said officer discretion is a key factor in enforcement. He said if it crosses a property line and it can be heard from the sidewalk that will be sufficient for taking enforcement action. It relies on the officers' observations and crossing property boundaries. Curtsinger confirmed that this is a city-wide ordinance which will be applied to every area.

Lamb commented on language included in the lease agreement and asked how this would be approached with landlords. Curtsinger said part of that reference was from our crime-free multi-housing seminar which teaches how to be better landlords, get better tenants, and learn how to enforce desired behavior on a property. He said part of that seminar, which is a national model, is to build in language in leases that specifically states behavior standards and stipulates that if the terms in the lease agreement are not followed, the tenant can be evicted. Lamb said this appears to be geared toward landlords, but she knows of this taking place in owner-occupied homes as well. She asked how to get this information out to property owners in addition to landlords and Curtsinger recommended social media and Council newsletters.

McCurn asked if this is something that follows the tenant or if it stays with the location. Curtsinger said it stays with the property, not the tenant. McCurn asked if landowner appeals to the Commissioner to have this resolved and Curtsinger confirmed and said regardless of whether the tenant stays there or moves, the designation would still be on the property unless it gets appealed to the Commissioner's office and the landlord will have 7 days to appeal. McCurn asked if people were to walk away from a party and get a disorderly conduct charge if that would cause it to be disruptive house or if that would make 2 separate circumstances. Curtsinger said if this occurs on a sidewalk or street in front of the property, it would not fall under this ordinance because this only pertains to dwellings.

Ellinger commented on the difficulty with enforcing this because it is difficult to have someone evicted.

The landlord will have to deal with this and the fines will keep piling up, even if they want to evict the tenant. Gibbs responded he has sympathy for the landlords, but more sympathy for the nearby residents. Ellinger said we have to look at this from both perspectives and said landlords might have to raise the rent to recoup the cost.

Evans said it sounds like this did not work the first time because it was not enforced. She said 3 criminal charges and a violation is plenty to stop the activity that is going on. Gibbs said the problem is that there were no convictions and it was just going to court. Evans said there will still be the same issue, whether there is an eviction or it goes through the court system with a civil fine. She said there needs to be communication with the landlords. It is not right to punish the landlord for this when they can't evict someone for 30 days. She expressed concern about how this will be enforced because it is in the discretion of the officer. She said this can be used for all types of reasons in all types of neighborhoods which creates other concerns.

Kay said he understands concerns about the landlords and spoke about his experience with regulations for nuisance properties. He said if there have been criminal citations at a property repeatedly, a property owner is put on notice that their property is subject to be closed. He said in his experience, there are very few landlords who create this problem. He said what is being proposed here is aimed at the few landlords whose attention you cannot get, except through penalty. He said given the way this is written, there have to be 2 offenses, there has to be a notice of designation sent to property owner, and an additional offense. He said at each level, there is an opportunity for appeal. If the problem for landlords is that the eviction process is slow, Kay feels there is sufficient protection for landlords who are trying to do the right thing.

Worley said he supports the idea of having civil penalties rather than criminal activity against a landlord. He commented on the continuing fine and the Code Enforcement hearing process and asked if the hearing officer would have the ability to suspend a fine if someone was working toward resolving the issue. Armstrong said they can dismiss, uphold, or reduce the fine. He added that the property owner can also appeal a citation providing proof that they are attempting to evict the individual without suffering additional fines. Worley said this is very much targeted at the college-age student and if we are going to have a disruptive premises plan, we should make it county-wide. He asked the Law Department look at due process issues related to the landlords' property rights to make sure we are doing this correctly.

Lamb commented on the original ordinance (14-96) and asked if the new section (12-68) repeals and replaces the original ordinance. Armstrong said the old plan will be removed and this will be added to Chapter 12 in the Code of Ordinances. Armstrong said Chapter 12 is what mostly Code Enforcement works from and it is also where the nuisance ordinance is.

A motion was made by Gibbs to repeal the current *Lexington Area Party Plan Ordinance* and approve the new *Disruptive Premises Ordinance* and send it to the full council. Seconded by Plomin, the motion passed without dissent.

A motion was made by Gibbs to report-out his motion to repeal the *Lexington Area Party Plan* and approve the new *Disruptive Premises Ordinance* at work session today, November 12, 2019. Seconded by Plomin, the motion passed without dissent.

A motion was made by Gibbs to remove the *Party Plan Ordinance* item from the list of committee referrals seconded by Plomin. The motion passed without dissent.

#### **IV. Items Referred to Committee**

A motion was made by Kay to remove the *Zoning Ordinance - Articles 9 and 15* item from the list of committee referrals, seconded by Plomin. The motion passed without dissent.

A motion was made by Plomin to remove the *Illegal Yard Signs* item from the list of committee referrals seconded by Ellinger. The motion passed without dissent.

A motion was made by Ellinger to remove the *Pedestrian and Traffic Safety Update* item from the list of committee referrals seconded by McCurn. The motion passed without dissent.

A motion was made by J. Brown to remove the *Sidewalk Assistance Program* item from the list of committee referrals seconded by Plomin. The motion passed without dissent.

A motion was made by Mossotti to remove the *Five-Year Public Safety Plan, Fire* item from the list of committee referrals seconded by Ellinger. The motion passed without dissent.

A motion was made by Mossotti to remove the *Five-Year Public Safety Plan, E-911* item from the list of committee referrals seconded by Plomin. The motion passed without dissent.

A motion was made by Gibbs to rescind his previous motion requesting to report out the *Party Plan Ordinance* at work session today, November 12, 2019, seconded by Plomin. The motion passed without dissent.

A motion was made by Mossotti to remove the *PDR Review* item from the list of committee referrals seconded by Plomin. The motion passed without dissent.

A motion was made by Bledsoe to adjourn, seconded by Plomin, the motion passed without dissent.

The meeting was adjourned at 2:46 p.m.

KT 11.15.2019