



Public Safety Committee

December 4th, 2012

Summary and Motions

Chair Diane Lawless called the meeting to order at 1:11pm. Committee members Chuck Ellinger, Chris Ford, Bill Farmer, Kevin Stinnett, KC Crosbie, and Jay McChord were present. Council Members Steve Kay and Tom Blues were also in attendance.

1. Approval of Summary

Motion by CM Crosbie to approve the November 13, 2012 meeting summary. Seconded by CM Ellinger. Motion passed without dissent.

2. Infill and Redevelopment Steering Committee Recommendations

CM Kay presented this item. CM Kay told Council Members that the mission of the steering committee is to recognize and improve an effective, efficient, and rational process that allows the Infill and Redevelopment Program to address the infill and redevelopment challenges that face Lexington. CM Kay emphasized the importance of effective and efficient Code Enforcement. He presented the following recommendations for Code Enforcement:

- I. Analyze current fine structure to determine if changes should be made regarding increased fines for subsequent offenses on the same property.
- II. Review Code to determine if certain provisions are too restrictive.
- III. Update the Standard Operating Procedures (SOPs) and have them approved by Council.
- IV. Post a link to the International Property Maintenance Code (IPMC) on the website.
- V. Post a copy of the SOPs on the website.
- VI. Post a copy of the field inspection form on the website.
- VII. Make the appropriate portions of the Code Enforcement database available to the public.
- VIII. Redraft the notice and letters sent to violators to make them more informative and user friendly while including all legal requirements.
- IX. Request funds in the next budget cycle to hire an administrative position to file the Code Enforcement liens, draft and monitor abatement plans, and staff the Vacant Property Review Board.
- X. Monitor the officers' files to determine if timeframe and paperwork standards are being met and are consistent.
- XI. Follow the procedure outlined in the SOPs for Comprehensive Inspections.

CM Kay presented the following recommendations for the Legal Department:

- I. Rewrite Sec. 12-1 (b) to make it easier to read.

- II. Change “reasonable time” to “30 days or in compliance with approved plan,” require that reasons be listed for any plan that is extended past 90 days, require officers to list reasons for deviation from plan and reasons for extensions in report, require civil penalties to be imposed after 6 months, and provide that transfer of property does not automatically restart time frame.
- III. Request funds in the next budget cycle to hire a paralegal devoted solely to filing and managing foreclosure actions.
- IV. Request funds in the next budget cycle to contract with a hearing officer to handle Code Enforcement cases.

CM Kay presented the following recommendations for the Council:

- I. Request a report to the Public Safety Committee in six (6) months from Code Enforcement and the Legal Department regarding the implementation of these recommendations.
- II. Adopt recommended changes to the ordinance when they are developed by the Law Department.
- III. Adopt recommended changes to the SOPs when they are developed by Code Enforcement.
- IV. Recommend to the Administration to increase the budget for the Legal Department during the next budget cycle by \$80,000. (\$10,000 in filing fees; \$55,000 for a paralegal; \$15,000 for a hearing officer.)
- V. Recommend to the Administration to increase the budget of Code Enforcement by \$46,000 during the next budget cycle to hire an administrative position to file the Code Enforcement liens and staff the Vacant Property Review Commission.

CM Crosbie asked CM Kay who serves on the steering committee and CM Kay answered that it is a mix of developers, property owners, Council Members and planning staff. CM Crosbie also asked if they had met with division directors whom would be directly impacted by the changes. CM Kay said they had and the directors were in agreement with the funding items but not all of the other recommendations.

CM Kay told the committee that they can adopt the IPMC and then vary from it if necessary for Fayette County.

CM Farmer asked CM Kay about the second bullet point under the Legal Department subsection. CM Kay said that currently, individual inspectors use their discretion and determine what is ‘reasonable.’ CM Kay told CM Farmer that there is no consistency.

CM Farmer went on to express that he was uncomfortable with the six month clause requiring civil penalties. CM Kay agreed that the language may need to be revised and told CM Farmer that the six month clause applies only when the property owner does not have an approved extension.

Motion by CM Crosbie to request a report to the Public Safety Committee in six months from Code Enforcement and the Legal Department on the Infill and Redevelopment Steering Committee’s recommendations. Seconded by CM Farmer. Motion passed without dissent.

3. Towing Ordinance

Clay Mason presented on the item. He told Council Members that the Division of Police had initiated the Ordinance with the Law Department to address some of the loopholes that existed that allowed more complaints than necessary from constituents who have had their vehicle towed. They are trying to create consistency and better regulations. He said that all towing companies based in Fayette County are on board with the proposed changes.

Mason said that the definitions were tightened up. Mason went on to say that Sec. 14-87 (3) will hold the private impound tow truck service license holder ultimately responsible for all actions of the impound tow truck service.

Mason moved on to Sec. 14-88. He said that the language has been revised so that if a vehicle has been physically raised to a normal transport height, the tow truck operator may charge a fee not to exceed one-half of the maximum towing fee posted at the storage yard before releasing the vehicle.

Mason said that Sec 14-89.1 requires that the private impound tow truck license holder attempt to notify the registered owner. A copy of the letter must be kept for a period not less than one year.

Section 14-90 discusses the maximum charge for a vehicle based on its weight. Sec. 14-92 requires that the private impound tow truck service operators keep a current and accurate log containing information on the vehicle towed.

CM Stinnett asked for more detail on the conversations that took place with the towing companies. Mason said that Sergeant Richmond had regular conversations with the towing companies. Mason said if a citizen calls a towing company not based in Lexington, they will not be protected by this language.

Motion by CM Stinnett to approve the towing ordinance changes (Sec 14-85-14-95). Seconded by Ellinger. Motion passed without dissent.

4. Items Referred to Committee

Motion by CM Farmer to remove the proposed towing ordinance changes from the items referred list. Seconded by CM Stinnett. Motion passed without dissent.

Motion by CM Ellinger to remove the nuisance abatement process examination and add it to the Infill and Redevelopment Steering Committee recommendations item. Seconded by CM Stinnett. Motion passed without dissent.

Motion by CM Crosbie to adjourn. Seconded by CM Ellinger. Motion passed without dissent.

Submitted by Jenifer Benningfield, Council Administrative Specialist