



## **Planning & Public Safety Committee**

September 8, 2015

Summary and Motions

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Chair Mossotti called the meeting to order at 1:00 p.m. All Committee Members were present. Council Members Moloney and F. Brown were also in attendance.

### **I. Approval of August 11, 2015 Planning & Public Safety Committee**

A motion was made by Henson to approve the August 13, 2015 Planning & Public Safety Committee Summary and Motions, seconded by Scutchfield. The motion passed without dissent.

### **II. Design Excellence Standards/Guidelines & Design Excellence Zoning Ordinance Text Amendment**

Vice Mayor Kay gave a history of the Design Excellence Standards and Guidelines and voiced his desire to see the item move forward.

Akers asked to hear any specific changes that have been made following input from previous meetings. Kay noted there was a change to the appeals process from a one year window granted for response to 90 days.

Mossotti inquired if half of a million dollars in the incentive fund is enough to attract new development. King stated it is not an insignificant amount, adding that the request they receive most often is for assistance in providing parking downtown. King noted this money could be used to work with the Parking Authority and others for that end. Mossotti inquired if the parking situation has been resolved enough to satisfy future applicants. King stated he feels this is evolving.

Henson inquired if King feels the guidelines are complex. King stated he does not and they are cleaner than the current Courthouse Area Design Review Board and those of some other cities. Henson stated that some feel the standards would impede developers and stated her desire for all voices to be heard. Henson suggested a forum similar to a zone change where input could be used to make changes.

Lamb inquired about the appeals process, and if the only option is to go to the Fayette Circuit Court. King affirmed, stating the recommendation is intended to prevent added layers to the appeals process. Lamb further inquired if there is a reference to the design standards and guidelines in the zoning ordinance. King stated they are referred to both as what you refer to in evaluating proposals and it refers to the body who adopts them. Lamb inquired if approving the

proposed amendments to Article 27 would allow Planning to move forward with the proposed positions. King replied that Council already authorized the creation of one position which they are in process of hiring. King stated if they enact the ordinance, the ordinance would need the guidelines and standards, and Council could make the effective date when adopting the standards.

There was public comment.

A motion was made by Farmer to extend Mr. Scanlon's time by three minutes, seconded by Henson. The motion passed without dissent.

Gibbs stated his support of the guidelines and feels they are not particularly onerous; he feels they take a holistic view of various needs, including parking, pedestrians, bicycles, and concerns beyond those of the building owners.

Kay related that he feels the feedback received does not give specifics for change. He further stated he believes there has been enough time to vet the issue and hopes it will move forward.

Henson states the downtown belongs to everyone and that the decisions made need to be inclusive. She further stated she was unsure how to move forward, given the amount of concerns.

Moloney stated he does not want to deter development downtown, noting the lessons learned from Center Pointe. Moloney stated he feels there needs to be collaboration with developers, and noted he has not seen any developers support the Design Excellence guidelines.

Akers stated her agreement that it would be helpful to hear from developers and the rest of Council to make changes to the document.

Bledsoe stated she agrees with the spirit of the guidelines, but is hesitant to add any restrictions on developers. Bledsoe stated she is also unsure of the most appropriate way to move forward.

Kay suggested the item should be left in Committee, and a special Committee of the Whole be called, where members of Council can bring forward specific recommendations at that time.

Bledsoe clarified she feels a focus group should include developers and the DDA, not just Council.

Stinnett stated he feels the document needs to come back in a different form for discussion. He suggested the Vice Mayor set up a sub-committee including the DDA, Fayette Alliance and others to be representative of the development community and return to the committee with a revised document.

Kay stated he will appoint a committee and will come back to the Committee at a later date.

Mossotti cautioned there would not be room on the agenda for the item until after the new year.

### **III. Insurance for Firework Displays**

Bledsoe introduced the item and proposed a discussion of the insurance premium requirements for fireworks permits. Patrick Johnson, Director of Risk Management, provided an explanation of firework insurance policies.

Farmer stated his frustration regarding the lack of notice given to Council prior to the recent changes in the insurance premium amount. Chief Farmer, Fire Marshall, Division of Fire, stated there could have been better communication and would like to make sure Council has input in future policy changes.

Lamb inquired about the process to apply for a permit, and Chief Farmer provided an explanation. Lamb inquired if it would be possible to find more information about private settlement amounts for damages incurred by fireworks lawsuits. Mike Scanner, from Law, stated this would be hard to find because the private claims are not made available for review. Lamb stated she would like to a compromise.

Akers inquired how the city would be responsible for damages incurred during a fireworks disaster. Johnson stated the city should be named as an "additional insured", because the Fire Marshall inspects the firework displays, it holds the city harmless from a lawsuit. Akers inquired if every business who receives a permit or inspection from the Fire Marshall's office needs a high liability insurance policy. Chief Farmer stated fireworks fall under special events and he is not sure if other permit seekers would need high policies.

Stinnett inquired if the Fire Marshall inspects every firework display and remains on the premise for the duration of the display, which Chief Farmer affirmed. Stinnett inquired about Louisville's recent raise in their policy amount and Johnson replied the increase went from \$1M to \$2M. Stinnett stated he would like to see justification for the amount of \$5M. Johnson stated they feel \$5 million is a good mid-range to cover possible damages. He further noted the ordinance is 20 years old and costs have become much higher. He feels a raise of the rate is necessary. Additionally, Johnson stated the city needs higher amounts for part-time fireworks companies because they are a riskier investment.

Mossotti requested a return to the Committee with more information. Chief Farmer stated he was willing to provide the Council with relevant paperwork and any additional training on the permitting process.

Bledsoe stated she believes their insurance requirements should be consistent with Louisville. Bledsoe voiced concern that the higher premium could make it difficult for smaller entities to

afford the fireworks, prompting more uninsured and unpermitted displays. Bledsoe stated her preference to raise the limit to \$5M for city events and \$2M for other groups seeking permits.

Akers stated her preference for Louisville's amount of \$2M and inquired if the KRS Statute dictates the minimum amount. Chief Farmer stated the amount given in the Statute is \$1M. Akers suggested the Fire Marshall's office provide information about potential risk and liability to permit seekers. Chief Farmer advised that applicants arrive at this his office at a late point in the process and his office may not be the most appropriate to provide that education. Akers noted the proposed changes may lead to multiple HOA's coming together to host fireworks displays.

Bledsoe inquired if the Administration has any comment. CAO Hamilton stated if they want to start at a \$2 million limit for now and look into more research they would support that.

A motion was made by Bledsoe to approve the Administration's return to Committee with a recommended policy for the best pricing of insurance for firework displays, seconded Henson. The motion passed without dissent.

#### **IV. Items Referred**

A motion was made by Farmer to adjourn, seconded by Henson. The motion passed without dissent.

The meeting was adjourned at 2:58 p.m.

D.S. 9-8-2015