

Mossotti, Chair
Scutchfield, Vice Chair
Kay
Stinnett
Akers
Gibbs
Lamb
Farmer
Bledsoe
Henson

A G E N D A

Planning & Public Safety Committee

November 10, 2015

1:00 P.M.

1. **October 13, 2015 Committee Summary** (1-4)
2. **Taxi Cab Ordinance** – Henson (5-9)
3. **Snow Removal on Sidewalks** – Gibbs (n/a)
4. **Body Cameras** – Mossotti (10-19)
5. **Items Referred** (20)

“Planning and public safety committee, to which shall be referred matters relating to the division of planning and including, but not limited to, matters relating to housing, infill and redevelopment, purchase of development rights and historic preservation, and any related partner agencies and to which shall be referred matters relating to the department of public safety and its related divisions.”

- Council Rules & Procedures, Section 2.102 (1) Effective January 1, 2015. adopted by Urban County Council September 25, 2014

2015 Meeting Schedule

January 13	February 10
April 14	May 12
June 9	August 11
September 8	October 13
November 10	December 8



Planning & Public Safety Committee

October 13, 2015

Summary and Motions

Vice Chair Scutchfield called the meeting to order at 1:00 p.m. Committee Members Akers, Bledsoe, Farmer, Gibbs, Henson, Kay, Lamb, Mossotti, Scutchfield and Stinnett were present. Council Members F. Brown, Hensley and Moloney were also in attendance. Chair Mossotti was absent.

I. September 8, 2015 Committee Summary

Farmer stated there are two corrections to be made to the summary on page 3. The first, that "Chief Famer" should be changed to "Chief Farmer" and the second that "Mike Scanner" should be changed to "Mike Sanner".

A motion was made by Farmer to approve corrections to the summary on page 3, seconded by Kay. The motion passed without dissent. Akers was absent for the vote.

A motion was made by Bledsoe to approve the September 8, 2015 Planning and Public Safety Committee Summary as amended, seconded by Farmer. The motion passed without dissent. Akers was absent for the vote.

II. Drones (Unmanned Aircraft Systems – UAS)

Moloney stated his desire for the Committee to discuss who is eligible to fly drones in Fayette County and who would be liable for damages occurred in drone related accidents. Moloney stated his concern for individuals using drones recklessly, noting specifically the areas around schools and airports.

CAO Sally Hamilton stated she will look into the legal ramifications of drones and email the findings to Council.

Mark Barnard, Chief of Police informed Council of their findings. Barnard noted the 5 mile radius around the airport is enforced by the FAA and that drone use in this area must be requested from and coordinated with the FAA. Barnard noted there are not many rules and regulations for the public regarding drones and that it is an evolving issue across the nation.

In response to questions from Moloney, Barnard stated there is a smaller perimeter around hospital helipads which is less than the 5 mile drone-free radius required around airports. He stated the FAA is stepping up their regulatory authority over drones and are easing into the issue. He noted there are KRS laws that apply to some situations and cautioned against drafting new legislation without a full understanding of the issue. It was noted that Traffic Engineering

has a drone which can be used to access traffic accidents and other events and that Police is looking into ways they will implement drones into their duty, also.

Moloney stated his concern for drones to fall into the wrong hands, and suggested the possibility of requiring registration and other safety measures.

Stinnett noted that there may not be drone specific regulations but there is still enforcement for using the drones irresponsibly. Chief Barnard stated this is correct. Stinnett stated citizens can report the wrongful use of a drone through the same channels they would report any criminal activity.

Stinnett inquired if there is any upcoming state legislation that will affect the Police Department's ability to use drones. Chief Barnard stated there is one which will consider the use of drones by law enforcement and other entities.

Hensley noted that this is a constantly evolving issue and that they should be cautious not to create legislation that attempts to regulate airspace, noting this is the purview of the federal government. Hensley noted he feels the best action the city could take would be to educate the public.

In response to a question from Moloney, Commissioner Janet Graham stated the Law Department would need to know specifically what the Council would like to do, and then could look into which government agency would be responsible. Graham stated she is happy to look into this.

III. Insurance for Fireworks Displays

Bledsoe gave an update of the Insurance for Firework Displays. Fire Chief Farmer gave an overview of the updates to the document, noting there were no significant changes aside from the insurance amounts. Bledsoe stated city sponsored event will now require \$5M; events on city property will require \$5M, as will events on public roadway. Private entities that have an event on private property will have a \$2M insurance requirement.

IV. Code Compliance Assistance

Jonathan Hollinger, from Planning, gave a presentation of the Code Compliance Assistance program.

Gibbs noted the number of estimates needed could be excessive. Hollinger stated they considered a housing abatement program and noted that doing work to a structure created legal concerns for the City. He further stated they have considered having homeowners submit a cost list for items such as painting and allow homeowners to complete work themselves.

Bledsoe inquired if the program would include renters, and Hollinger stated it would only apply to homeowners. Bledsoe stated she feels the income requirement may be too low. Hollinger

stated they can look at this, but noted it could be a wise policy decision to keep the amount tied to the poverty level. Bledsoe stated she would like to see what the amount would be if it were Lexington specific and stated she would like to see this item move forward.

Kay inquired if there are sufficient funds. Hollinger stated the proposal would have an effect on the amount of nuisance abatement that can be done. Kay stated he would not like to see the abatement funds depleted, as he feels this is an important fund. Kay further inquired about the number of civil penalties that are levied civil fines. Hollinger stated he would send this number to Kay. Kay inquired if the funds generated by these civil penalties could be used for this program. Hollinger stated he believes these funds currently roll back into the General Fund as revenue and that they could look into this possibility.

Henson inquired about the fund amount to which Hollinger replied that last year they spent slightly over \$100,000, which is the current year's budget allocation. Henson inquired if they would need to find additional funds for the nuisance abatement program. Hollinger stated they may need to find an alternative funding source. In response to a question from Henson, Hollinger stated the program will be for code violations that cannot be abated. Henson stated her concern for citizens who are disabled or elderly and cannot physically take care of their violations and she expressed her support for the program.

Akers noted research about funding options for similar programs in other cities. She inquired if individuals can lose their homes due to code violations. Hollinger replied that they can if they go unrepaired and become civil penalties and then to liens against the property. He noted that when those go unpaid the government can initiate a foreclosure of the property. Akers inquired if the nuisance abatement is income dependent and Hollinger replied that it is not. Akers inquired about people who could not afford the payment upfront. Hollinger stated that typically the reimbursements are given after the work is done, but they can look into other options. Hollinger stated they have a list of contractors who have agreed to use the same fee. Akers stated she would like to see them look at the poverty limits in other cities. Akers also noted the Vacant Property Commission will generate funds in the coming years and this program may be a good use for the funds.

Kay stated he would like the Committee to look at other issues related to code enforcement, and that he would like to have more information about homeowners and landlords and how often are penalties assessed. Kay further stated his concern about signs in medians.

Akers stated her agreement that they need to have more conversation about code enforcement and stated her desire to see the program move forward.

A motion was made by Akers to move forward with the pilot project as proposed, seconded by Henson. The motion passed without dissent.

F. Brown mentioned the 50% match program for sidewalk repairs and inquired about the dollar amount and its status. Hollinger stated it is at \$75,000 and is being exhausted. There was discussion about the process.

V. Items Referred

A motion was made by Akers to remove Assistance to Low Income Homeowners with Code Compliance from Committee, seconded by Farmer. The motion passed without dissent.

A motion was made by Henson to remove Merge DEM with Fire from Committee, seconded by Farmer. The motion passed without dissent.

A motion was made by Stinnett to remove Scrap Metal Dealers from Committee, seconded by Farmer. The motion passed without dissent.

A motion was made by Farmer to remove Armstrong Mill Small Area Plan from Committee, seconded by Akers. The motion passed without dissent.

A motion was made by Henson to remove Cardinal Valley Small Area Plan from Committee seconded by Farmer. The motion passed without dissent.

A motion was made by Bledsoe to remove Fireworks Display from Committee, seconded by Farmer. The motion passed without dissent.

A motion was made by Farmer to remove Drones from Committee, seconded by Akers. The motion passed without dissent.

A motion was made by Kay to add Code Enforcement to the Items Referred, seconded by Akers. The motion passed without dissent.

There was public comment on the issue of the Taxi Cab Ordinance.

A motion was made by Bledsoe to adjourn, seconded by Akers. The motion passed without dissent.

The meeting was adjourned at 2:12 p.m.

D.S. 10.22.2015



Lexington-Fayette Urban County Government
DEPARTMENT OF LAW

Jim Gray
Mayor

Janet M. Graham
Commissioner

TO: Members, Public Safety Committee

FROM: Department of Law

DATE: November 4, 2015

RE: Lexington-Fayette Taxi Ordinance and KRS Chapter 281 Amendments

This memorandum is provided to explain the impact of the amendments to KRS Chapter 281 on the Lexington-Fayette County Taxi Ordinance, Chapter 18A of the Code of Ordinances. The amendments to KRS Chapter 281 took effect on June 24, 2015.

Background

As you may recall, in late April and early May of 2014, two national "ride share" companies, Lyft and Uber, began operating in Lexington. Based on the novelty of the business model used by both Lyft and Uber, regulation of these companies became a local, state, and national concern. Representatives from taxicab companies as well as taxicab drivers attended several meetings to complain about the lack of regulation relating to these companies and requested that they be regulated.

In response to Uber and Lyft's presence throughout the state, the Kentucky Transportation Cabinet convened several meetings to discuss issues relating to ride-share regulations. Many of these issues centered around public safety concerns, i.e. insurance coverage, criminal background checks, and vehicle inspections.

This Department opined in September 2014, that ride-share companies would fall under our local taxicab ordinance and based on Uber and Lyft's business model, amendments would be necessary to allow them to operate within the Urban County Government.

In October of 2014, this Department was notified that the State through the Department of Vehicle Regulation planned to provide emergency regulations that would govern the supervisory and regulatory control of ride-share companies. Based on this

information, it was determined that the Urban County Government would not make any changes to our local ordinance, until the Government received more direction from the State.

Because of the delay in the issuance of any guidance from the state, this Committee requested that the Law Department provide suggested draft amendments to Chapter 18A that would provide clear and concise regulation regarding ride-share companies and even the playing field between ride-share companies and taxicabs. In our response to the Committee dated November 26, 2014, this Department identified many sections that would require amendments. Though not an exhaustive list the main sections included the following:

1. Section 18A-1 – Definitions – differentiating ride-share companies and services from traditional taxicabs and taxicab services;
2. Section 18A-3 – Local Taxicab Permit – Amending or eliminating the minimum vehicle number required to obtain a local permit;
3. Sections 18A-8 and 18A-10 – Requiring and amending the application and investigation process to include ride-share company drivers.
4. Section 18A-15 – Vehicle Inspections and Identification – Requiring periodic safety inspections for ride-share companies as well as uniform vehicle identification for ride-share vehicles.

In December, Governor Beshear signed emergency regulation 601 KAR 1:112E. This emergency regulation established requirements for the safe operation of ride-share companies or Transportation Network Companies ("TNCs"). The emergency regulation **did not** provide for local regulatory authority over TNCs.

In January of this year, Councilmember Henson requested 4 sections of 18A to be amended with hopes to level the market for taxicab companies and their drivers, in relation to TNC competitors. The following proposed amendments were presented to this Committee in February for their consideration:

1. 18A-3 – Reduce Minimum Number of Vehicles from 25 to 10 to apply for taxicab permit
2. 18A-16 – Eliminate the Taximeter Requirement, if the taxicab company has an Electronic Alternative
3. 18A-21 – Eliminate Requirement to maintain a 24 hour/7 day a week Central Dispatch Center.
4. 18A-22 – Eliminate the Paper manifest requirement, if the taxicab company has an Electronic Alternative.
5. Adding an incentive for taxicab companies that provided wheelchair accessible vehicles.

The proposed amendments were presented to the full Council in March and

subsequently tabled until August, until Senate Bill 153 was addressed during the 2015 General Legislative Session. Senate Bill 153 was an omnibus revision of KRS 281 – Motor Carriers.

The entire Chapter of KRS 281, include the new amendments, became effective on June 24, 2015. The revisions repealed KRS 281.910 which granted Lexington and Louisville the authority to locally regulate taxicabs. Because our local authority has been taken away, both taxicab companies and transportation network companies will be regulated by the state. The statute gives us “concurrent jurisdiction” to regulate taxicabs but no authority to regulate transportation network companies. In order to treat both taxicab companies and transportation network companies equally in Fayette County, it is the recommendation of the Department of Law that Chapter 18A be repealed in its entirety.

KRS 281 in Operation

The revisions to KRS Chapter 281 were enacted to equally regulate taxicabs and TNCs. KRS 281.590 states that this law represents the public policy of the Commonwealth “to provide for fair and impartial regulation of all transportation ... as to recognize and preserve the inherent advantages of each type of motor transportation ... and to promote safe, adequate, and economical service”.

This legislation also provides a uniform state-wide system to which all taxicabs must now adhere in order to operate anywhere within the Commonwealth of Kentucky. The Department of Vehicle Regulation in Frankfort, Kentucky is now the central administrator for all taxicab certificates.

A summary of the state statute is set forth below:

1. All transportation network companies and taxicab companies must obtain either a taxicab certificate or a transportation network company certificate for one or more vehicles from the Department of Vehicle Regulation to operate in the Commonwealth of Kentucky.

Beginning in January of 2016, all taxicab companies that were issued a local taxicab permit from the LFUCG will be required to apply for a certificate from the Department of Vehicle Regulation. Taxicab companies are no longer required to obtain a local taxicab permit to operate in Fayette County.

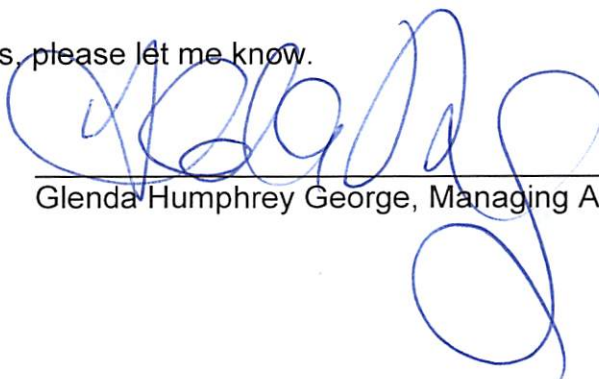
2. In order to be issued a certification, both taxicab companies and transportation network companies must do the following:
 - a. Pay the \$250 application fee;

- b. Obtain approval/license to operate vehicles and pay the fee of \$30 per vehicle;
 - c. Provide an indemnity bond/insurance policy (with the following minimum amounts of insurance on each vehicle: \$100,000 death of or injury to any person; \$300,000 in total liability for death or injury to any person, and \$50,000 property damage);
 - d. Obtain and retain for at least three years a nationwide criminal background check for each owner, official, employee, independent contractor or agent operating a vehicle. Certificate holders are restricted from employing Class A and B felons, sex offenders, those convicted of leaving the scene of an accident, and anyone committing a felony while operating a motor vehicle or anyone who has caused a fatality while negligently operating a motor vehicle;
3. State issued certificates and licenses must be renewed annually;
4. Complaints can be filed with the Department of Vehicle Regulation concerning rates or for services that are unsafe, inadequate, inconvenient or in violation of the law or an administrative regulation

Conclusion

It is a well settled rule of law that state laws supersede all local laws. The changes made to KRS 281 would trump all regulations and authority established within Chapter 18A of the Code of Ordinances. It is the opinion of the Department of Law that Chapter 18A of the Code of Ordinances should be repealed in its entirety. KRS 281 provides all necessary regulation and oversight for taxicab companies. Repealing Chapter 18A would provide for a clear and concise regulatory scheme for all taxicab drivers to follow, which is the state law. It is this Department's opinion that it is not necessary to provide duplicative regulation for these vehicles.

If you have any questions, please let me know.



Glenda Humphrey George, Managing Attorney

Attachment
00508164

ORDINANCE NO. _____ - 2015

AN ORDINANCE REPEALING CHAPTER 18A OF THE CODE OF ORDINANCES
RELATING TO VEHICLES FOR HIRE.

BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN
COUNTY GOVERNMENT:

Section 1 - That Chapter 18A of the Lexington-Fayette Urban County
Government Code of Ordinances, be and hereby is repealed. :

Section 2 – That this Ordinance shall become effective on the date of its
passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

Lexington Police Department



Body Camera Project



Purpose of Body Worn Cameras

The purpose of body worn cameras is to protect the citizens of Lexington and the police officers who serve the community. They provide an unbiased audio and video record of contacts and interactions with citizens, suspects, and others in a wide variety of situations. They additionally provide documentary evidence for criminal investigations, and internal or administrative investigations.

**It is important to note, they provide a limited view of the situation that is not necessarily what the officer observed during the incident, based upon the differences between what a camera can capture and the ability of the officer to perceive what occurred.*



Management

- Bandwidth to move data
- Detailed search capability
- Open Records
- Public records/access
- Robust metadata input solution
- Audit trail
- Security of video
- Court access

Camera

- Redaction
- Video identification
- Multiple videos/incident
- Policy
- Officer access
- Privacy
- Retention Schedules

Storage



History

- Explored body cameras in late 2013
- Purchased four Pro-Vision body cameras in April 2014
 - Tested cameras in every sector
 - Internal storage solution
- Tested a second and third vendor in early 2015
 - One with cloud storage and complete administrative capability
 - One with agency storage and some administrative capability



Early Cost Projections

Vendor 2

- 400 cameras (800 if 2/officer)
- \$240,000 for cameras (\$480,000 if 2 cameras/officer)
- Agency cost for internal storage solution and management software is uncertain
- Secure storage backed up alone is loosely estimated at \$360,000 for first year (~180 TB of data in Year 1)
- ~\$150,000 for the next couple of years – internal storage not backed up, but with redundancy
- Storage needs would gradually increase for first few years before leveling off – retention requirements



Early Cost Projections

Vendor 3

- 400 cameras (800 if 2/officer)
- ~\$500,000 per year for five years
- Cameras included with no cost replacement for hardware over life of contract
- Total management solution
- Cloud based storage



Early Cost Projections

Vendor 4

- 400 cameras (800 if 2/officer)
- ~\$240,000 for cameras initially (\$480,000 if 2 cameras/officer)
- 100% replacement cost camera/control unit estimated to be every two years.
- Conservative estimate of \$100,000/year for cloud-based storage
- Independent management software options for needs of large agencies are limited with un-projected cost



Current Activity

- Committee formulating policy based on best practices and model policies
 - Police, Department of Law, Commonwealth Attorney, County Attorney, ACLU, NAACP, and other community leaders
- Purchased Axon cameras for field test with new storage vendor
 - TBD testing environment
- To be deployed in every sector
- Preparing for testing video upload and administrative management of files for Vendor 3



Other Considerations

- Hardware needs – fiber to all police roll calls, switches, docking stations
- Personnel to manage and maintain cameras and other hardware – a system administrator
- Personnel for Open Records
- Off-line storage equipment



Questions?

Planning & Public Safety Committee Referrals

Referral Item	Referred By	Date Referred	Status	File ID
H-1 Notification Process	Farmer	1.19.13	Fall 2015-Winter 2016	
Greenway Manual & Plan	Mossotti	10.8.13	June 2015	
Downtown Traffic Study	Farmer	4.13.12	May 2015	
Sky Lanterns	Farmer	6.24.14	Spring 2016	
Distribution of Unsolicited Advertising Supplements	Henson	4.21.15	Spring 2015	
Community and Market Gardens	Kay	8.18.15	Fall 2015-Winter 2016	
Design Excellence ZOTA	Kay	8.18.15	September 2015	
Design Excellence Standards & Guidelines	Kay	8.18.15	September 2015	
Taxi Cab Ordinance	Henson	8.27.15	November 2015	1389-15
Snow Removal on Sidewalks Enforcement	Gibbs	8.18.15	November 2015	1390-15
Officer Turnover in Community Corrections	Evans	9.1.15	Fall 2015-Winter 2016	
Review Nuisance Ordinances	Gibbs	9.1.15	Spring 2016	
Fire & EMS Vehicle Replacement Plan	F.Brown	9.8.15	Spring 2016	
Body Cameras	Mossotti	9.22.15	November 2015	1391-15
Code Enforcement Policies, Guidelines and Resources	Kay	10.13.15	Winter 2016	
Helicopter Landing Frequency -- Business & Industrial Zones	Hensley	10.22.15	Winter 2016	
Electronic Billboard Signage	Farmer	11.3.15	Winter 2016	

PAS November 2015