



5th District Newsletter

News and announcements from
around our community



148th Edition

Details for the District

July 11, 2014

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Bullet Points of Interest

- Congratulations to all three of Ecton Park's Eastern Little League team age levels! They have advanced to the state championships and you can read more from the *Chevy Chaser* by clicking [here](#).
- Speaking of Ecton Park, several requests for lighting in the park to be restored have been sent to the 5th District Office. As of yesterday, as per communication with Kentucky Utilities, "KU had a technician there last week and he had problems with some of the circuit locates. They are going to schedule a time to meet back there next week. The technician just happens to be on vacation this week. The feeder locates should be finished next week."

The crews that perform this task do get tied up when we have electrical storms, which June and July are notorious for. We've got you on track to get this resolved...not really on the back burner, just interrupted by several things."

Public Safety Is Front and Center

Dear Neighbor,
This edition of the e-newsletter will be a keeper. We are at high tide for various updates that will be of interest to some more than others but all will still be valuable information.

First, I need to congratulate the Mayor for stepping into the leadership vacuum and via executive order allowing police cruisers to "be used for personal errands by police officers within Fayette county at no cost to the officers." That is the best answer for a safety-conscious public.

Second, I need to compliment Councilmember Kevin Stinnett for placing this item into the Public Safety Committee of the Council—over a year ago. Unfortunately the rest of this may just be my rant about what took so long and why. Herein lies the beginning of the rub.

Public Safety is an important committee of the Council, and it oversees the Divisions of Police, Fire and Community Corrections. Seemingly the esoteric nature of what you and I would consider as a conversation leading to an accommodation became and is a collective bargaining carousel to which the Council is not privy. The issue has been reported on twice in the committee setting but never with specificity or resolution. Granted the committee schedule over the past few months hasn't been regular but our meeting this past Tuesday, I believe, set the stage for today's executive order.

The committee update finally revealed some negotiating detail about off duty vehicle use by the Division of Police. There was a potential deal and the Fraternal Order of Police, Lodge #4 was indeed voting on what I guess would be an amendment to the current agreement. During the meeting, the Mayor's staff made comments not to

the FOP's liking. All of this on the last day of meetings before summer recess. Afterward the FOP turned more fickle than fraternal and suspended the voting process thus stopping progress on the policy change, all of which was news to the Council and in the paper and local media on Wednesday.

The Mayor's action today solved that impasse on behalf of making our city safer but does beg the question: Why not do this sooner or even was there a way to convey any of this negotiation to the Council so that we would not end up bargaining with ourselves as was evidenced during the meeting Tuesday?

There are times when I get bit prickly over my perceived obviating treatment of the Council but on this fine summer day I'm just going to pack all that up and be happy that starting today we can all rest a little safer.

We are going to have a couple of recess editions for you but not another full issue until we return. I hope you will continue to enjoy the summer.

My best,
Bill



Have you had a chance to see the Helix Garage's public art project? It's completely finished and lighting the night. Check it out when you're downtown!

The Community Inn Remains In Limbo

The Community Inn, located at 824 Winchester Road, has long been a topic of conversation and a source of concern for surrounding neighbors from the avenues of Dallas, Delaware, Dayton and Detroit, Liberty Road and as far as Henry Clay Boulevard. Sex offenders use the address as a landing ground, as is evidenced by the information we've provided on page 3. President Ed Clark of the Delaware Neighborhood Association recently requested an update regarding the legality of the issue, and we received the response below from the Department of Law.

“Councilmember Farmer, please allow me to update you on the myriad legal actions involving the Community Inn. As you may recall, this case has involved two separate state court actions filed by Community Inn and an ongoing federal fair housing complaint that has now been amended.

The first state court action involved an open meetings complaint relating to actions that occurred at a public meeting. That was resolved in favor of LFUCG. The second state court action that is currently pending is the Community Inn's appeal of the Board of Adjustment's revocation of its conditional use permit. This action has now been fully briefed to the Fayette Circuit Court (as of June 11, 2014), and we are awaiting a decision from the Court. As you may be aware, there is no mandated timeframe for state court judges to render decisions in civil actions.

Additionally, with respect to the federal Fair Housing Complaint, the Community Inn initially filed this complaint alleging that the LFUCG is engaging in disability discrimination regarding its actions relating to the Community Inn. The LFUCG denies this allegation and has provided legal precedent to the HUD investigator on this point. Since that initial complaint, the Community Inn has amended the Fair Housing complaint to also allege that LFUCG's Adult Day Shelter ordinance is discriminatory in nature. Once a fair housing complaint is filed with HUD, the agency encourages the parties to engage in “conciliation” in order to determine if the matter can be resolved. LFUCG and the Community Inn have been engaged in this process since that time but have not been able to

come to a resolution that would encompass the Community Inn's operations in a manner that would be in compliance with LFUCG's zoning laws. With respect to the Adult Day Shelter issue, the Office of Homelessness is currently examining the Adult Day Shelter Ordinance to determine if there are any improvements that might be suggested to the ordinance.

LFUCG continues to vigorously litigate these proceedings through the various courts and federal agencies in which they are currently pending. Please be aware however, that unfortunately, LFUCG cannot control the pace of federal agency review, nor can we predict when judicial decisions will be made.”

We will continue to update you on this sensitive issue as information becomes available. Please see below for additional information regarding timelines. We hope that an agreement is soon made that benefits both the residents of the Community Inn and their surrounding neighbors.

The Community Inn Judicial Process in a Nutshell

This case was taken as an appeal by Community Inn from the Board of Adjustment's (BOA) decision to revoke the facility's Conditional Use Permit in 2012. There were numerous efforts on the part of the Lexington-Fayette Urban County Government (LFUCG) to work with Community Inn, which allowed for a delay in a briefing schedule. However, since those were unsuccessful, the BOA directed the Department of Law to seek a briefing schedule so that LFUCG could submit it to the judge for a decision. The briefs were fully submitted to the court “a couple of months ago.” The judge did not order an oral argument. There is no deadline for the judge to make her decision. The judge is Pamela Goodwine, who also happened to be the judge on the open meetings appeal (see main article, paragraph two of the response from the Department of Law), which was ruled in LFUCG's favor. LFUCG's lead attorney for the case stated, “I hope that would speed things up but I cannot guarantee a date certain for a decision. This does not include the pending HUD action, which is separate.”

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Details for the District

Address in the 5th District Will No Longer Be Available As “Legal” Residence for Sex Offenders

As of June 25th, 2014 the Catholic Action Center (CAC) informed the Department of Corrections (DOC) and the Federal Probation and Parole (FPP) along with Sheriff Kathy Witt, that as of that date no one else may register 824 Winchester Road as their address for the Sex Offender Registry; those who had previously registered at the Community Inn will have until August 1st, 2014 to find a new legal residence.

Since earlier this year, the Community Inn has been the only homeless shelter in the state of Kentucky that has accepted sex offenders. This has been the case since 2011 when there were four shelters in various parts of the state. Due to the fact that the Community Inn was the last shelter standing in the state, the CAC felt they would “ultimately be ‘importing’ men and women with no connection to our community in order for them to have a ‘legal’ address,” stated Ginny Ramsey.

The CAC has been meeting with the DOC and FPP since last November to address the situation. In their search for a new location for the Community Inn, they made the decision that they would not be accepting the sex offenders at a new location, “mainly due to the limits that puts on our options. With no solution coming, we made the decision to discontinue allowing the registration now,” Ramsey said.

Executive Order Reinstates Personal Use of Police Cruisers

Mayor Jim Gray today, vowing he would “not let the cost of a tank of gas get in the way of public safety,” signed an executive order that will temporarily allow police officers to drive their cruisers for personal use at no cost to the officers—until the Mayor can verify that the seasonal increase in violence has subsided.

“When I said I was dedicating all available resources to fighting violence, I meant it, and that includes making sure we maximize police presence, across the city,” Gray said. “The public doesn’t appreciate the stand the police union has taken especially now, when violence has intensified. I’m not going to play games with public safety. I’m getting the cruisers on the streets.”

The city has been negotiating with the union for six months to revise the personal use benefit, which allows officers to drive their cruisers on personal errands within Fayette County. The benefit was suspended in a contract the city signed in 2012 with the union.

“In 2012, we were cutting costs across government to live within our means during the great recession,” Gray said. “During the negotiations, police union negotiators were given several cost-cutting options. One of the options they chose was the personal use benefit.”

Six months ago the city and the union reopened negotiations on the benefit change. “The police union asked us to reconsider, and the benefit was not as costly as we originally estimated, so we worked together on a plan that would require officers to just cover the cost of gas,” Gray said.

Earlier this month, union leadership agreed to a \$50 monthly charge for officers who want the benefit, pending a vote by union members. That vote, scheduled this week, was suspended by union leaders on Wednesday.

The personal use benefit requires officers to be armed and to have their radios on when using their cruisers on a personal errand. If an off-duty police officer driving his or her cruiser witnesses a crime in progress or sees a citizen in need of police assistance (for example, someone stranded on the road), they must stop. In addition, the personal use benefit requires off-duty officers to respond to radio calls concerning nearby “Priority 1” crimes, crimes in progress where a life is threatened.

“Police officers have repeatedly said the personal use policy enhances public safety,” Gray said. “In a time when violence is on everyone’s mind, union officials will need to explain to the public why they would delay a vote to reinstitute the policy in a responsible way. There’s too much at stake.”

The 5th District Newsletter is distributed via e-mail to any Lexington resident. I encourage leaders of the 31 active neighborhood associations in the 5th District to provide input for the newsletter and to distribute the newsletter to their members. Anyone wishing to receive the newsletter may contact the 5th District Council office via e-mail at bfarmer@lexingtonky.gov. If you wish to unsubscribe to the newsletter, e-mail jgies@lexingtonky.gov.