

Moloney
James
Gray
Blues
DeCamp
Beard
Stinnett
Crosbie
Myers
Blevins

INTER-GOVERNMENTAL COMMITTEE

October 9 2007

1:00 P.M.

A G E N D A

- | | |
|--|--------|
| Employee Compensation System - Gorton | (1-6) |
| Hazardous Street Tree Ordinance - Stevens | (7-12) |
| Update on Committee Items | (13) |

"Inter-Governmental Committee, to which should be referred matters relating to wages and classification, personnel, government organization, employee relations, government buildings and property maintenance."

Council Rules & Procedures, Section 2.102(2)

LFUCG

Competitive Compensation
Program

September 2007

Objective

**Create, Implement and Maintain
a Compensation Program that is:**

- Externally competitive
- Internally equitable
- Aligned with business objectives
- Affordable & Fundable
- Legally defensible
- Dynamic to long term changes
in the marketplace

Current Program Issues

- Ignores marketplace
- Does not attract or motivate best talent
- Not funded
- Not aligned with current business objectives
- No pay for performance
- FLSA classifications (exempt / non-exempt)
- Onerous process
- Inconsistent application
- Difficult to communicate
- Lacks employee confidence
- Career stagnation

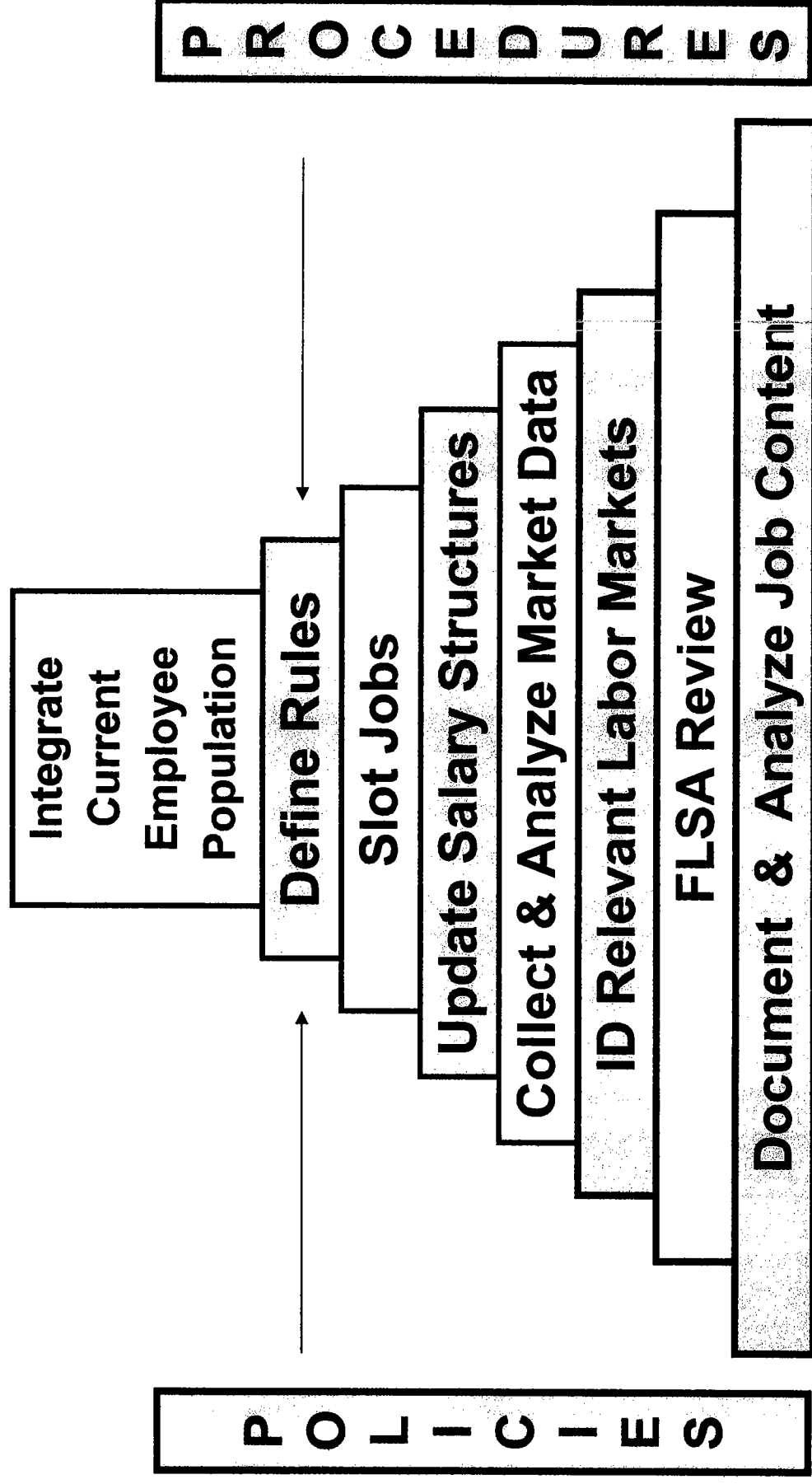
Proposed Solutions

- **Update current salary structures based on pay policy (lead, lag or lead/lag)**
- **Assign job grades based on current market rates**
- **Integrate current LFUCG employees into new compensation program**
- **Aggregate cost or savings**
- **Devise and implement method for conversion to new program (time table)**
- **Communicate, Communicate, Communicate**

Proposed Solutions

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Methodology





Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Department of Law

TO: David Stevens, Councilmember
Fifth District

FROM: Department of Law

DATE: July 18, 2007

RE: Hazardous Street Trees
Log No. 06-CC1448

On September 26, 2006, on a motion by Councilmember Farmer, the Council asked the Tree Board to proceed in pursuing an ordinance amendment to make dead, hazardous street trees a nuisance which could be abated by the urban county government, and thereafter be subject to our nuisance abatement lien provisions. Since Mr. Farmer is no longer here, I am forwarding the attached draft ordinance to you because in the past you have expressed your interest in this area, especially as demonstrated by your participation with the Corridors Committee. Therefore, the Tree Board expressed the hope that you would be willing to take this proposed ordinance change to the Council or to the appropriate committee for consideration.

The Department of Law considered several options for obtaining the desired result in enforcing our ordinances addressing street trees. After much consideration, the conclusion was reached that the Infrastructure Hearing Board would be the appropriate entity to hear appeals of these citations.

I would note that to my knowledge no funding has yet been provided with respect to the removal of dead, hazardous street trees to abate the threat to public safety that they create. It would be difficult to implement these enforcement measures without the funding to abate the nuisance.

HORSE CAPITAL OF THE WORLD

Please contact me if you have any questions.


Rochelle E. Boland
Corporate Counsel

Attachment

cc: Jim Newberry, Mayor
Council Office
Don Kelly, Commissioner
Department of Public Works & Development
Leo McMillen, Director
Division of Streets, Roads, and Forestry
Tim Queary, Urban Forester
Division of Streets, Roads, and Forestry
Edward Gardner, Attorney Senior

REB/00119098

ORDINANCE NO. _____-2007

AN ORDINANCE CREATING SECTION 17B-13 OF THE CODE OF ORDINANCES TO CREATE CIVIL PENALTIES FOR ANY VIOLATION OF CHAPTER 17B REGULATING STREET TREES, TO ALLOW APPEAL OF CITATIONS TO THE INFRASTRUCTURE HEARING BOARD, AND TO ALLOW ABATEMENT OF VIOLATIONS; AMENDING SECTION 14-10(6) TO REFLECT A CHANGE IN THE DIVISION FOR THE URBAN FORESTER; AND AMENDING SECTION 16-76 TO GRANT JURISDICTION TO THE INFRASTRUCTURE HEARING BOARD OVER ENFORCEMENT OF ORDINANCES BY THE DIVISION OF STREETS, ROADS, AND FORESTRY.

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

Section 1 – That Section 17B-13 of the Code of Ordinances, Lexington-Fayette Urban County Government, be and hereby is created to read as follows:

Any violation of this chapter may be enforced through the issuance of a civil citation. Such civil citations shall be construed to provide an additional or supplemental means of obtaining compliance with this chapter. All citations issued pursuant to this chapter shall be issued by the citation officers authorized to issue such citations by Section 14-10 of the Code of Ordinances and shall be referred to the Infrastructure Hearing Board with the citations and the civil process to conform to Sections 16-76 through 16-83 of the Code of Ordinances.

- (a) Prior to the issuance of the first civil citation for a violation of a section of this chapter, the Urban County Government shall issue a notice of violation, which shall specify a time period of at least twenty-four (24) hours for the correction of the violation. The time period specified shall not impose unrealistic requirements under prevailing weather and site conditions. If the violation is not corrected as specified in the written notice, the Urban County Government may issue a civil citation. A notice of violation shall precede the issuance of the first civil citation for such offense unless the violation is deemed to be a serious threat to the public health, safety and welfare; or, if in the absence of immediate action, the effects of the continuation of the violation would be irreparable or irreversible. No notice of violation shall be required prior to the issuance of a citation for any offense which occurs after the first citation is issued to a person or entity.
- (b) Appeal of the civil citation may be made to the Infrastructure Hearing Board, as provided in Section 16-79 of the Code of Ordinances.
- (c) For violations of this chapter, the civil fines associated with the issuance of a civil citation are as follows:
 - (1) Upon issuance of the first citation within any 12-month period the civil fine shall be a maximum of two hundred dollars (\$200.00), but shall be seventy-five dollars (\$75.00) if the person committing the offense does not appeal the citation in accordance with Section 16-79 of the Code of Ordinances.
 - (2) The civil fine imposed upon the issuance of the second citation for violation of the same section of this chapter within any 12-month period shall be a maximum of three

- hundred dollars (\$300.00), but shall be one hundred fifty dollars (\$150.00) if the person committing the offense does not appeal the citation in accordance with Section 16-79 of the Code of Ordinances.
- (3) The civil fine imposed upon issuance of the third citation for violation of the same section of this chapter within any 12-month period shall be a maximum of four hundred fifty dollars (\$450.00), but shall be two hundred twenty-five dollars (\$225.00) if the person committing the offense does not appeal the citation in accordance with Section 16-79 of the Code of Ordinances.
- (4) The civil fine imposed upon issuance of the fourth or more citation for violation of the same section of this chapter within any 12-month period shall be a maximum fine of five hundred dollars (\$500.00), but shall be three hundred dollars (\$300.00) if the person committing the offense does not appeal the citation in accordance with Section 16-79 of the Code of Ordinances.
- (d) When there is reason to believe that the violation poses a serious threat to the public health, safety or welfare; or in situations where continuation of the violation would be irreparable or irreversible, the government may, without further notice, proceed to abate the conditions. In such cases, the government may, in addition to any fine imposed herein, charge the responsible person, persons or entities with the cost of the abatement, including equipment expense, disposal fee, if any, and an administrative fee of seventy-five dollars (\$75.00). The Urban County Government may file a lien for such abatement, in accordance with Section 16-81 of the Code of Ordinances and KRS 65.8835. Citations, if issued, shall not preclude the government from abating the conditions and billing the responsible person, persons or entities for the cost of abatement.
- (e) Nothing contained herein shall prohibit the Urban County Government from enforcement of this chapter by any means authorized by law.

Section 2 - That Section 14-10(6) of the Code of Ordinances, Lexington-Fayette

Urban County Government, be and hereby is amended to read as follows:

- (6) Urban forester employed in the Code of Ordinances
division of streets, roads and forestry, Chapter 17B
arborist employed in the division of
streets, roads and forestry

Section 3 – That Section 16-76 of the Code of Ordinances, Lexington-Fayette

Urban County Government, be and hereby is amended to read as follows:

Two (2) hearing boards are hereby created pursuant to KRS 65.8801 through 65.8839, one (1) to be known and referred to as the infrastructure hearing board and one (1) to be known and referred to as the environmental hearing board. The infrastructure hearing board shall hear matters regarding enforcement of ordinances by the divisions of engineering, sanitary sewers, planning, traffic engineering, and streets, roads and forestry, as specified in applicable code sections, and those portions of the zoning ordinance and subdivision regulations subject to enforcement through civil citations. The environmental hearing board shall hear matters regarding enforcement of ordinances by

**Lexington
Fayette
Urban
County
Tree Board**



March 13, 2006

Councilmember Bill Farmer, Jr.
Lexington-Fayette Urban County Government
Council Office
200 East Main Street
Lexington, KY 40507

RE: Nuisance Abatement Process

Dear Councilmember Farmer:

The Tree Board voted unanimously on February 15 to initiate a text amendment to the Code of Ordinances, Chapter 17B, "Street Tree Ordinance" to establish a process to abate a hazardous street tree or "nuisance tree" on private property that can affect the public right-of-way easement.

In order to create this level of service for the public, funding will need to be budgeted to pay a private contractor to remove the nuisance tree from private property if the property owner fails to comply with the ordinance within a reasonable amount of time. The cost is estimated at \$300,000 annually at 300 trees/year with an average cost of \$1,000 for each tree. A lien could then be placed on the property until the property owner pays for the cost to correct the problem. We suggest this enforcement process not only be used for street trees, but for any nuisance tree on private property that can inadvertently affect public safety.

This problem appears to be more prevalent in Lexington and we request your assistance to bring the issue to the attention of the Urban County Council.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Lempke", is written over the typed name and title.

Jim Lempke
Chairperson

cc. Jay Whitehead, Commissioner Public Works

**Lexington
Fayette
Urban
County
Tree Board**



September 20, 2006

Councilmember Bill Farmer, Jr.
Lexington-Fayette Urban County Government
Council Office
200 East Main Street
Lexington, KY 40507

RE: Text Amendment to Chapter 17B

Dear Councilmember Farmer:

The Tree Board recently voted to initiate a text amendment to the Code of Ordinances, Chapter 17B, to establish a process to abate a hazardous street tree or "nuisance tree" on private property that can affect the public right-of-way easement. In order to create this level of service for the public, a text amendment will need to be drafted by the Law Department to give the Urban County Government the authority to cite a property owner for a nuisance tree on private property. If the property owner fails to comply with the ordinance within a reasonable amount of time, the Urban County Government would have the authority to take the necessary steps to correct the problem and place a lien on the real estate to cover the costs incurred. We are also requesting that the text amendment include provisions to assist low income property owners in abating hazardous or nuisance trees on their property.

We suggest this enforcement process be used not only for street trees but for any nuisance tree on private property that can affect public safety. This problem appears to be becoming more prevalent in Lexington and we request your assistance to bring the issue to the attention of the Urban County Council.

Sincerely,

Judy Worth,
Chairperson

Intergovernmental Committee Items-Pending

10/3/2007

<u>Item</u>	<u>Referred By</u>	<u>Date Referred</u>
Hazardous Tree Ordinance	Stevens	9-18-07
Boards & Commissions That Adhere to Ethics Commission	Myers	8-14-07
Party Affiliation for Boards/Commissions	Gorton	8-14-07
Review Current Boards & Commissions	Myers	6-12-07
Composition, Utilization & Accountability of Boards/Commissions	Myers	1/16/07
Council Standing Committees	Myers	1/16/07
Renaming Whitney Young Park Shelter the Charles Quillen Park Shelter	Lane	2/21/06
High Risk Pay Supplement	Gorton	2/14/06
Proposed New Compensation System	Gorton	1/15/05