

URBAN COUNTY COUNCIL
Inter-Governmental Committee

October 9, 2007

CM James chaired the meeting, calling it to order at 1:00 pm. All members were present except CM Moloney, Vice Mayor Gray, and CM Stinnett. CM James recognized Dr. Stevens for a quorum. CM Gorton was present as well.

I. Employee Compensation System

Michael Allen, Director of Human Resources, gave background information as to why this issue is in committee. He stated Human Resources began doing analysis and looking at solution so that the issue of pay equity did not happen again. He stated the first thing they did was form a committee of all interested individuals from all divisions. Then they hired an individual Compensation Manager to spearhead this process. Mr. Allen introduced Wally Barker.

Wally Barker introduced himself to the committee. Mr. Barker went over the Competitive Compensation Program. (Attached to summary).

Dr. Stevens asked how the benefits besides salary are evaluated and how much reliability is placed on the number of applicants for an open position.

Mr. Barker stated they look at the total rewards package when looking at the market rate. He stated the first thing he is beginning to look at right now is the turnover rate of employees. He stated typically one of the indicators that there is an issue with compensation is high turnover rate.

CM DeCamp asked how long will this process take.

Mr. Barker stated there are several factors that come into play. He stated they are looking at a year or a little more.

Mr. Allen stated that half of the employees right now are under collective bargaining.

CM Beard asked how they get a market comparison for the specialized jobs in government.

Mr. Barker stated currently they participate in a number of surveys that represent municipalities in the geographical area. He stated they may need to look at a market outside such as Cincinnati or Nashville.

CM Beard asked about the employees under collective bargaining.

Mr. Allen stated they will always look at market value and total compensation when making comparisons in collective bargaining. He stated as far as this system it will not have a direct effect on it.

CM Blevins asked when they may be ready to talk about the turnover data that they analyzed from year 2000 on.

Mr. Barker stated once he has the information it shouldn't take too long.

CM Blevins requested the council be given a report or presentation as to what he finds from the analysis of the turnover rate.

CM James turned chair over to CM Myers.

CM James asked if compensation is just the hourly rate or everything included.

Mr. Barker stated it is the total package.

CM Myers turned chair over to CM James.

II. Hazardous Street Tree Ordinance

Tim Queary, Urban Forester, made presentation to committee. (Presentation attached).

CM DeCamp asked if there are trees on private property with hanging limbs in the right of way, or blocking stop signs then is that a code enforcement issue.

Mr. Queary stated yes that is a code enforcement issue. He stated currently the way the ordinance is written code enforcement can enforce that.

Rochelle Boland, Law Department, stated currently if a tree hazard on private property does not interfere with public right of way then it is considered a private issue between adjoining properties. She stated if a tree on private property does not fall under Chapter 17B then there are provisions in the code enforcement ordinances that can address private property trees that extend out over the right of way that could be a public hazard. This portion is not being changed.

CM DeCamp stated tree roots begin destroying sidewalks and curbs.

Mr. Queary stated there are now regulations to minimum width within utility strips. He stated the Tree Board has sent a recommendation to the Planning Commission suggesting only a minimum width of 7 ft constructed by developers.

He stated they normally see minimum of 5 ½ ft utility strip that only a small to medium tree can be planted in.

CM DeCamp asked if there is any money in the hazardous tree program.

Mr. Queary stated there was 36K budgeted this year. He stated there is about 13K left at this time. He stated it is eligible to any single family property owner. This is a match pay. There is a low income assistance where it is all paid for.

CM Beard asked how trees are taken out with no replacements.

Mr. Queary stated they have to prioritize things. He stated they send notices to property owners who have not replaced their trees.

Dr. Stevens stated the Tree Board has reviewed the ordinance and endorsed it.

CM Blues asked about the fine mechanism.

Ms. Boland stated this is the way it was set up for code enforcement. She stated she thinks it is set up as a motivation to get people to decide to fix the problem instead of going through the process.

CM Blevins asked if a notice is given before a citation is issued.

Ms. Boland stated that is correct unless the person has had numerous citations.

A motion by Dr. Stevens that Intergovernmental Committee approve the ordinance and recommend it be placed on the docket, seconded by CM Myers, passed without dissent.

III. Items In Committee

No motions came out of this item.

The meeting adjourned at 2:13 p.m.

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

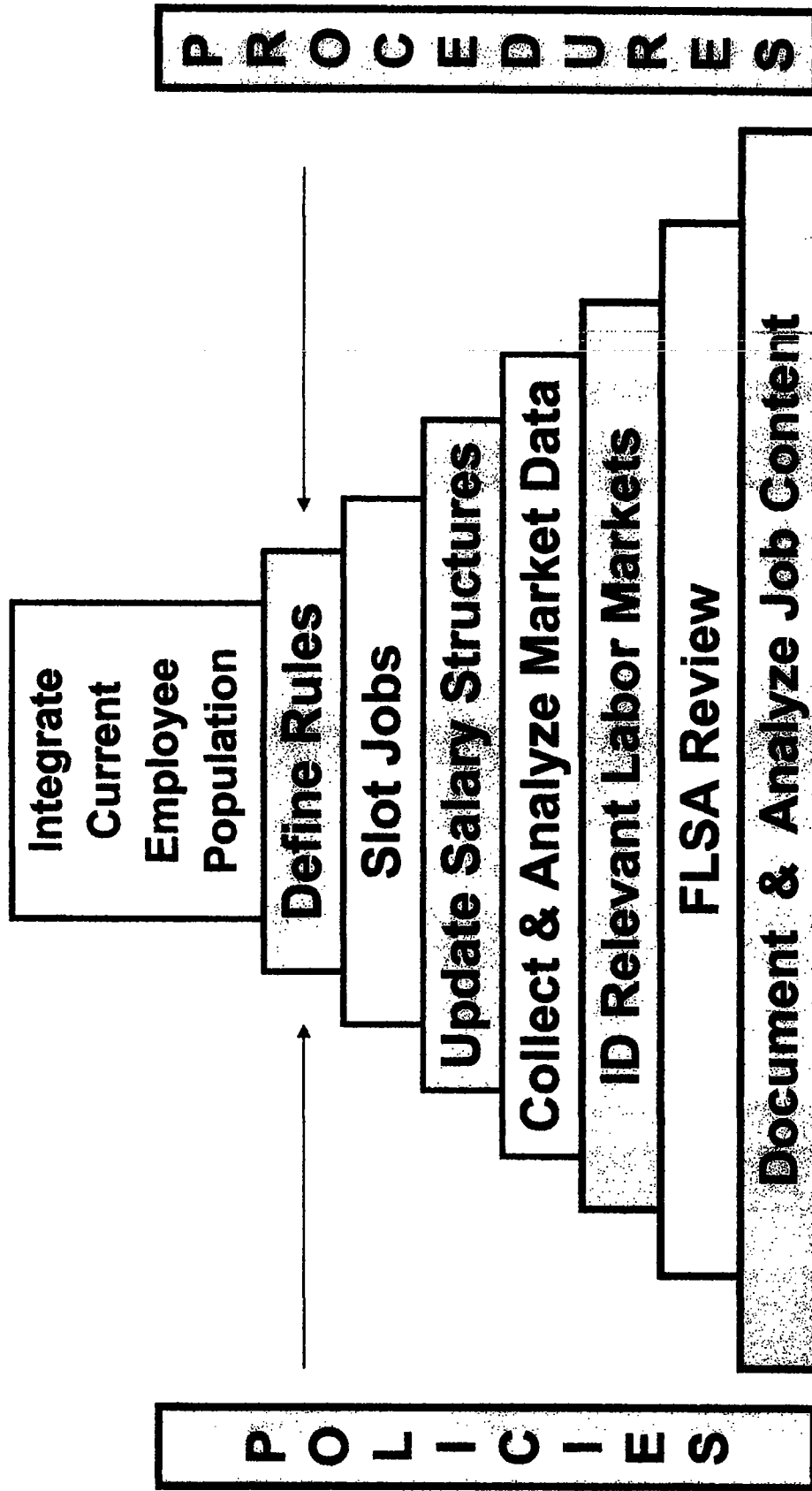
Current Program Issues

- 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**

Methodology



	Lexington's Street Trees
	Tim R. Quary, CA Urban Forester Division of Streets, Roads and Forestry October 9, 2007 Inter-Governmental Committee

	Lexington's Street Trees
	♦ A street tree is defined as a tree located in the public right-of-way easement or a designated tree planting easement on private property. ♦ Street trees are required by developers in all new residential developments pursuant to Article 6-10, Land Subdivision Regulations. ♦ Property owners are responsible for maintaining street trees pursuant to Chapter 17B, Code of Ordinances. ♦ Urban Forester and his designated Arborists are responsible for enforcement. ♦ 51,000 + Street trees in the Urban Services Area (2005). ♦ Predominant species include, pin oak, callery pear, sugar maple, red maple and white ash. 2





	Problems associated with Street Trees
	■ Enforcement Issues: Low hanging limbs over sidewalks and streets.





Problems associated with Street Trees

■ Enforcement Issues:

Conflicts with street signs, utilities and sidewalks.

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In Conclusion

- ❖ Chapter 17B needs to be revised to include a lien process in order to abate hazardous street trees.
- ❖ Need to increase the number of inspections annually.
- ❖ Need to increase the budget for the Hazard Street Tree (Cost-Share) Program.

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 the divisions of environmental and emergency management and

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solid waste.

Section 4 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

PUBLISHED:

REB/00118978