

URBAN COUNTY COUNCIL

Inter-Governmental Committee

SEPTEMBER 16, 2008

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

I. Temporary Structures

Dr. Stevens gave some background information on this issue.

Bill Salle, Division of Planning, went over the proposed draft amendment to the Zoning Ordinance that addresses the concerns raised about temporary structures (see attached). He stated he met with representatives from Historic Preservation, Building Inspections and Law to discuss current regulations of temporary structures. He stated there is no mention currently in the zoning ordinance of temporary structures. However, there is a reference to that in the Ky. Building Code. He stated the Ky. Building Code references a 180 day period of time a temporary structure can be up. Mr. Salle stated in talking to Building Inspection they believe that if a temporary structure is removed today it can be replaced in the same spot within a one day period of time. He stated once they met they thought it was reasonable to restrict the temporary structure also the period of time under the zoning ordinance. He stated the proposed draft amendment would not affect the alteration to current practice for a temporary structure that is up less than a couple of months. He stated they felt that if it should be desired to be up for a longer period than two months but up to six months that building code would allow then that would probably rise to level of where Board of Adjustment would need to review that situation. Mr. Salle stated the draft amendment would be on a calendar year. He stated they also discussed the different zoning categories.

Several committee members asked questions regarding certificate of occupancy, how many permits have been issued for temporary structures, and H-1 overlay zones.

Bettie Kerr, Historic Preservation, stated they did discuss county wide zones and specifically H-1 overlay. She stated so much of this is a zoning use issue and H-1 overlay is an overlay to the land use zoning. She stated with that in mind the thought of putting 60 day limit in calendar year for temporary structures if something meets that definition of no more than 60 days total through year then it would not be reviewed by the Board of Architectural Review. If it goes to the Board of Adjustment for a longer period the public would have an opportunity to

have their thoughts and comments known. Ms. Kerr stated if the applicant wants and the BOA grants that it can be there for the whole 180 day window that is fine and would have forum. If someone wants something beyond that in an H-1 overlay zone then they have to get a building permit for a non temporary structure. She stated when it needs a building permit then it comes back to the standard process. Ms. Kerr stated another aspect of the problem coming to the design review process (H-1 overlay) is that the guidelines that are the mechanisms that all applications are reviewed by are based on things being appropriately scaled, appropriately placed on site, and being of compatible materials of the character of the area that it is being placed. There is a conflict with the nature of tents. She stated they will be asking the H-1 process to grant approval to something that is contradictory to the intent of its guideline. She stated this mechanism being put forward will accomplish two things – have the temporary being more limited and not being able to be removed after a day and secondly, it will assure a public forum for temporary structures that will be there for some period of time.

CM Blues asked if this ordinance were in affect now and someone applied for 180 day period that would carry over into 2009 then can they apply for another 180 day period in 2009.

Mr. Crowe stated that is correct.

CM DeCamp asked if there has been an attempt to describe what makes up a temporary structure.

Mr. Crowe stated the Ky. Building Code addresses a time period but not what constitutes a temporary structure.

CM Stinnett asked in the draft where do they get the six months being the maximum.

Mr. Sallee stated 180 days is the current limitation under the building code so they felt they had to respect that existing definition.

CM Stinnett stated someone could get a permit for a temporary structure in December for 180 days and then come back in June and ask for another 180 days. So they could still do it a year round.

Mr. Sallee stated that is why "calendar year" is important so all of 2009 would be reviewed. He stated if this text amendment was adopted and it was to be up more than 60 days then there would be a review by BOA.

CM Stinnett asked since building inspectors can already use discretion on temporary structures why they aren't being monitored closer.

Mr. Crowe stated currently local ordinances do not address temporary structures. He stated the Ky. Building Code states a temporary structure can be in place up to 180 days at a time. He stated that is what they have to utilize.

CM Stinnett stated state law gives permission to terminate at any time.

Mr. Crowe stated with cause such as life safety.

CM Stinnett asked where the need to change this is.

Mr. Crowe stated they can operate with it the way it is but his understanding is there have been concern by neighborhoods and other individuals with temporary structures. He stated they record all complaints.

CM Stinnett asked if they can enforce the proposed changes in the ordinance.

Mr. Crowe stated he does not see any additional burden on the department.

Rochelle Boland, Law Department, stated there is not mechanism right now to let them legally determine if having a temporary structure for longer than 60 days creates a problem for neighboring properties.

CM Crosbie asked about emergency temporary structures.

Mr. Sallee stated it is not addressed.

CM Crosbie asked about Applebee's Park.

Mr. Sallee stated it is in a B-3 zone so it would be governed by this.

Ms. Wiseman spoke on behalf of her client. She stated this ordinance is specifically applied to the greenhouse facility at the Carrick house.

Allison Lundigren Grimes spoke on behalf of the Carrick house.

John Morgan spoke regarding this issue of temporary structures.

Jessica Case, attorney, spoke on behalf of the neighbors across from the Carrick house property. She addressed a letter that was sent on July 7th to 312 N. Limestone St.

CM James requested the letter be entered into the record (see letter attached).

A motion by CM Crosbie for Building Inspection to provide a list of businesses' affected by this change and also notify businesses that have received a

temporary structure occupancy use permit within the last 3 years for public input at the November Intergovernmental meeting, seconded by CM Stinnett, passed.

CM James asked where the information would come from.

Mr. Crowe stated they have that information in their records.

CM James asked who would write the letter

Mr. Crowe stated his office will write the letter.

CM Myers asked if Mr. Crowe had seen the letter that was entered into the record.

Mr. Crowe stated he was not aware of the letter but he knew there was a delay in issuing certificate of occupancy or approvals for specific uses at this location. He stated he does know the tent now has certificate of occupancy. Mr. Crowe stated this does not mean they did not approve it for its use there were specific changes that had requested they address in the structure that delayed its issuance. He stated certificate of occupancy is at the request of the property owner.

CM Myers asked how someone can occupy a temporary structure or any business without a certificate of occupancy.

Mr. Crowe stated the certificate of occupancy is their approval the use is correct. He stated they had approval to start.

II. Grievance Process

CM James gave an introduction to this issue.

Leslie Jarvis, Human Resources, went over the draft Grievance Procedure Survey (See attached).

CM James passed the chair to CM DeCamp.

CM James asked for some modifications to the survey. She stated the ultimate goal and purpose should be stated on the form.

Ms. Jarvis stated it would be important to understand as an organization what the purpose and goal of the grievance procedure is. She stated we need to find out if employees are aware of the grievance procedure.

CM James suggested adding the questions - how employee became aware of the grievance process; why have you not used the grievance process; and do

you believe improvements and changes need to be made to the grievance process.

CM DeCamp passed the chair to CM James.

CM Crosbie mentioned it may be a good idea to have a third party involved with this.

CM James stated the surveys will have numbers on them so employees will not be identified unless they put their name on it. She asked how they will be distributed.

Ms. Jarvis stated they will go with paychecks.

CM James asked Ms. Jarvis to take the suggested changes and make those changes. Then after seeing the changes have occurred CM James will bring the survey to the full council.

III. Employee Compensation Plan

Wally Barker, Human Resources gave an update of the Employee Compensation Plan.

CM Gorton asked if the IT reorganization will occur along with everything else next summer.

Mr. Barker stated everything will step up at the same time.

CM Gorton stated within a job there should be some similarity of what is being done. She asked if they will be getting updates.

Mr. Barker stated he will be bringing updates.

CM Blevins asked if positions will be tied to authorized strength.

Mr. Barker stated yes.

CM Blevins asked if pay for performance is part of this process.

Mr. Barker stated it is a part of this project but needs to be coordinated between compensation and other areas in Human Resources.

CM Blevins asked when will we see pay for performance.

Mr. Barker stated fiscal year 2010.

CM Blevins asked if they are looking at a policy so that LFUCG is uniform across government in how comp time is handled.

Mr. Barker stated not that he knew but it can be added to the list.

CM Beard asked if there is any reason why we can't do bonuses for performance.

Commissioner Koch stated they will have the Law Department to look into it.

IV. Update on Committee Items

No motions came from this item.

The meeting adjourned at 3:00 p.m.