

CITY OF UNION, KENTUCKY
BUSINESS MEETING MINUTES
Monday, January 5, 2015

CALL TO ORDER REGULAR BUSINESS MEETING.

Mayor Larry Solomon called the Monthly Business Meeting of the Union City Commission to order at 7:00 p.m. Monday, January 5th, 2015.

LOCATION.

The Warren S. Moore Union City Building, 1843 Mt. Zion Road, Union, KY 41091

ROLL CALL.

A quorum was present:

- Mayor Larry Solomon (New)
- Commissioner Bryan Miller (Incumbent)
- Commissioner Ken Heil (Incumbent)
- Commissioner John Mefford (New)
- Commissioner Jeremy Ramage (New)

Also present were:

City Engineer - Barry J. Burke, PE PLS

City Attorney - Greg Voss, Esq.

City Clerk/Treasurer – Kathy Porter

Office Assistant – Misty Ezell

PLEDGE OF ALLEGIANCE.

Mayor Solomon led the audience in the Pledge of Allegiance to the flag.

APPROVAL OF MINUTES.

Prior to meeting, City Commissioners were provided a copy of the minutes of the Regular Business Meeting from December 1st, 2014. Initial draft mistakenly stated comments from Commissioner Fryman who was not in attendance. These comments were corrected coming out of the initial draft. Commissioner Miller requested the Minutes properly reflect that former Mayor swore in the newly elected officials and Attorney Voss gave their Oath of Offices. Commissioner Miller made a motion to dispense with the reading of the Regular Business Meeting Minutes. The motion was seconded by Commissioner Mefford. **Motion carried by 4-0 vote.**

TREASURER REPORT.

Commissioner Mefford moved to accept the Treasurer's Balance Summary Report as of January 5th, 2015. Commissioner Heil seconded the motion. **Motion carried by 4-0 vote.**

BILLS FOR PAYMENT.

Commissioner Miller made the motion to pay the bills, as received. Commissioner Heil seconded the motion. **Motion carried by 4-0 vote.**

NEW PROTOCOL.

Mayor Larry Solomon briefly described the new prodigal for meeting attendees to address the newly elected Commission. It is requested that meeting attendees address the Commission from the newly installed podium. Under the "Persons Wishing to Speak" part of the agenda, those wishing to address the Commission are requested to keep questions to a specific issue/question and keep their comments to 3 minutes or less. Additionally if questions could be submitted to the City Clerk in writing before the meeting, it is possible for the Commission to have answers prepared in response to submitted questions.

It is requested audience members not interrupt Commissioners while discussing meeting issues. At the end of Commissioners discussing issues, audience members having a question should raise their hands and when recognized go to the podium to ask their question. This will help to keep the discussion on track and make the meeting more efficient.

PERSONS WISHING TO SPEAK.

Mayor Solomon opened the floor at this time to anyone who would like to address the commission. No one stepped forward.

OLD BUSINESS.

Ordinance No.2014-020...Second Reading.

At Mayor Solomon's request, Attorney Voss gave the second reading of Ordinance Number 2014-020 Alcoholic Beverage Control in its entirety.

- In response to Commissioner Miller question, Attorney Voss stated that the fees within this Ordinance are in line with what those being charged by Boone County.
- Commissioner Mefford asked if the businesses would have to pay both the city and county for these fees. Attorney Voss explained that previously the city relied on the county to enforce the fees since the city does not have a police department. The law recently changed that said cities of a certain population are mandated to collect the fees.
- Attorney Voss stated the city would need to set the hours in which alcohol can be sold.
 - Commissioner Mefford asked if there were hours set by Boone County. Attorney Voss stated selling hours approved by Boone County are...6:00 am to 1:00 am daily except Sunday and from 11:00 am to midnight on Sunday for Distilled Spirits package licensed. 6:00 am to 2:30 am daily except Sunday and from 1:00 pm to midnight on Sunday for Distilled Spirits drink license. The retail Malt Beverage drink license during the period of 6:00 am to 2:30 am daily except for Sunday and from 11:00 am to midnight on Sunday.
 - Mayor Solomon stated the city should be consistent with what Boone County's hours are. All Commissioners agreed.
- Mr. Denny Mathis a member of the audience asked if this ordinance would replace what the county was doing for the city. Attorney Voss explained that when the city became a fourth class city they could have had their own Alcoholic Beverage Control Administrator, but since there was

only a few establishments and the county police were enforcing the laws, Boone County was providing that service for us.

- With the new law change it is mandated that the city have their own. This is new revenue the city will be bringing in as opposed to the county.

Commissioner Heil made a motion to accept the second reading of the ordinance. Commissioner Ramage seconded the motion. **Motion carried by 4-0 vote.**

NEW BUSINESS.

Ordinance No. 2015-001...Revision First Reading.

The previous City Commission appointed the newly elected Mayor and City Commissioners as a committee to hire a new City Administrative Officer (CAO). As part of hiring process, the hiring committee thought it best to revise the existing CAO job description (**Ordinance #2014-009**) then hire against it. Attorney Voss stated it was more efficient to replace over revising the existing job description. During December the Hiring Committee drafted the new CAO job description. Key elements of the new CAO job description were...

- The position remain a part-time position, i.e., the CAO can only work up to 99 hours monthly on average and, as a part time employee, would receive no benefits from working for the city.
- There would be a greater emphasis on Special Projects and Five Year Fiscal Planning.
- The CAO will report directly to the Mayor. The Mayor will give supervise in conjunction with the City Commission.
- Administrative staff reporting to the CAO will be the Office Assistant, currently vacant Special Events Coordinator, and the City Engineer position/function.

Commissioner Mefford made the motion for the ordinance creating the Office of City Administrative Officer for the City of Union, Kentucky and Specifying the Powers and Duties of the office and compensation and repealing all ordinances and parts of ordinances in conflict herewith. Commissioner Miller seconded the motion. **Motion carried by 4-0 vote.**

Status of CAO Hiring.

Mayor Solomon stated that during the month of December the hiring committee reviewed over 65 submitted resumes, then committee members independently narrowed down these resumes down to their top candidates. Collectively, five candidates were selected and asked to come in to be interviewed by the entire hiring committee. On December 30 and 31, the hiring committee conducted hour long interviews of each top candidate. After January 1, the hiring committee agreed upon one candidate.

Mayor Solomon asked for a motion to hire David S. Martin as the new CAO. Commissioner Miller made the motion and Commissioner Ramage seconded the motion. **Motion carried by 4-0 vote.** Mr. Martin thanked the Mayor and Commissioners for entrusting him in this important role. His number one goal is to work with the city staff and residents to make the city the best it can be.

2015 Committee Assignments.

Mayor Solomon covered 2015 Commissioner Committee/Function assignments. Commissioner Committee/Function assignments are important to better help divide project work among the team. Additionally, some Committee/Functions are assigned more than one Commissioner/Administrative Staff person based on committee/function importance.

- BCPC and Planning & Zoning Advisory. Representative Jim Longano key contacts are Commissioner John Mefford and Mayor Larry Solomon.
- Economic Development Committee (EDC). Mayor Solomon and Commissioner Ramage will be the contacts and, in the interim, lead this committee.
- Mayor Pro Tem. Attorney Voss advised that only one Commissioner can be listed as Mayor Pro Tem. While Commissioner Miller will be listed, Mayor Solomon stated, that out of deep respect for the two Commissioners with the most experience being on the Commission, both Commissioner Mefford and Commissioner Miller will functionally be Co-Mayor Pro Tem.
- Five-Year Fiscal Planning. Commissioner Miller and Mayor Solomon will coordinate this function along with the CAO. Commissioner Miller will focus more on current year spending, while Mayor Solomon will focus on five year fiscal strategic planning.
- Public Works/Engineering. Commissioner Heil, the CAO and City Engineer Barry Burke will be responsible for this function.
- Community Building/Theater Group. This committee will be responsible for Community Building long term planning, immediate building maintenance and usage, and working with the City Of Union Theatre Group that uses the building for ongoing play and theater productions. Commissioner Mefford and Commissioner Ramage will be responsible for this committee.
- Union Cares. Mayor Solomon will coordinate this group. He asked resident Denny Mathis to help with this group.
- ABC Licensing. City Clerk / Treasurer Kathy Porter will manage this function for the city.
- OKI Board Member. Commissioner Bryan Miller will be the City Of Union representative on this board.

REPORTS.

BCPC (Jim Longano)/Board of Adjustment (Terry Kidwell).

BCPC.

- CareSprings Healthcare Management is requesting a zone change in unincorporated Union...a nine (9) acre parcel of land located between US 42, Whispering Trails, St. Timothy Church and the Resurrection Cemetery. The entire parcel is fourteen (14) acres but the request is only for nine (9) acres, the eastern most part closer to cemetery.
 - Owners previously requested this facility be built within the City Of Union near Harmony.
 - The building of this facility should have the interest of the City Of Union for any water retention/runoff issues.
 - The public hearing on this zone change will be Wednesday, January 7th.
 - Mr. Longano read to the commission the request from Carespring.
 - Mayor Solomon asked Mr. Longano to keep the commission informed on the outcome of the meeting/public hearing.

- An additional Union representative on the BCPC is warranted. Mayor Solomon stated that beyond Mr. Longano there should at least one other Union representative on this Commission. He will work to get greater representation.
- A cost to review and improve the Union Town Plan is needed to move forward on this objective. Commissioner Heil request Kevin Costello provide said request. Mayor Solomon asked that this request be provided through the Economic Development Committee (EDC).

Board of Adjustment

Mayor Solomon asked Mr. Terry Kidwell if there is anything to report from the Union Board of Adjustments. Mr. Kidwell stated there is nothing to report. Unless there is a variance there will not be a report.

Economic Development Committee (EDC).

Mayor Solomon requested that **Ordinance 2009-012** that created the EDC be revised to stagger Committee member terms. He requested that every two years only three-of-the-six committee members have their terms expire. He then requested...

- Expired term Committee members Steve Harper come back for a four year term and Bryan Turner return for a two year term.
- Two new members be added to the Committee. Matt Apke for a four term and Brent Gross for a two year term. After requesting interest to community, these two volunteers had core competencies that best complemented existing Committee members. Mr. Apke's marketing background and Mr. Gross' financial background would truly complement core competencies of existing Committee members.

As a result of this request, this committee would have three member terms expire in 12-31-2016 (existing member Karen Franxman, Bryan Turner and Brent Gross). At that time, their terms would renew for four years expiring in 2020. This committee would also have three member terms expire 12-31-2018 (existing member Garrick Staub, Steve Harper, and Matt Apke). At that time, their terms would renew for four years expiring in 2022. See Ordinance section where Commissioners approved by a 4-0 vote this request under new **Ordinance 2015-003**.

Public Works/Engineer Report.

Permit from the Kentucky Highway Department for street lighting at the intersection of US 42 and Frogtown Road / Double Eagle Drive.

City Engineer Burke spoke to Duke Energy and was told the revised plans were submitted to the highway department on December 29th, 2014. The Permit stalled for approximately 16-months because the highway department did not want to place new pole lighting on both sides of the highway. They have since changed their original position. New lighting poles with new LED lighting will be placed on the southwest corner by Ryle High School and northeast corner by St. Timothy's Church. The agreement with Duke Energy for the costs and maintenance of equipment and energy supply has been signed.

Commissioner Miller wanted to know if the city had incurred any additional cost while waiting for the permit. Mr. Burke stated that since the city had already signed the original agreement which did not have any new poles, Duke Energy waived the cost of the poles

Invoice from Paul Michels & Sons, Inc.

Repair work has been ongoing since mid-year 2014 and included manholes that needed to be raised and damage to some resident yards due to cars moving around in the narrow public alleyways. A total of the three (3) invoices were forwarded to City Clerk/Treasurer Kathy Porter and Commissioner Heil was for \$51,704.50; and, that he recommended payment be made in full less \$1,000.00 for the yard restoration work in Harmony, weather permitting. Commissioner Mefford asked if the restoration will be completed after the spring thaw. Mr. Burke stated it may be completed earlier but the money should be held until the city is satisfied with the uncompleted work.

Commissioner Mefford made a motion to pay Michels Construction for the Street Repairs work in 2014 less the \$1,000 held for the delayed restoration in Harmony Estates. Commissioner Miller seconded the motion. **Motion carried by 4-0 vote.**

Old Union Road and Clarkson Lane.

As a result of an accident occurring at this intersection damaging guardrail and pavement, it was recommended that repairs be made immediately after asphalt plants open in early spring. It was further recommended that the Commission approve the 2014 quote submitted by Michels Construction Company which was considered very reasonable. If the Commission pursues a 2015 quote or agreement, existing prices will not be locked in and there will be no guarantees that work done in early spring.

Commissioner Heil asked if there is a reason why we don't include this in the capital improvement that will be reviewed in March. Commissioner Miller stated that this is a different project because it was from an accident.

Attorney Voss stated that the city had already received reimbursement proceeds from the insurance company. Commissioner Miller stated that road improvements are usually for resealing and resurfacing. The first quote was about \$11,350 was received last year. Commissioner Heil asked if there is a reason why we can't put this with the other projects. Commissioner Miller stated that currently the intersection does not meet KDOT or other standards. Mr. Burke stated that there is money in the budget for Fiscal Year 2014/2015 if it is completed prior to June 30th.

Commissioner Miller asked if the commission had agreed to lock in the amount of about \$11,350 for the full intersection repair at Old Union Road and Clarkston Lane. Commissioner Heil made a motion to lock in the \$11,350 for the repairs. Commissioner Heil's motion failed for lack of a second.

Mr. Burke stated that he needed to get revised quote and get an additional quote from another competitor. Mayor Solomon asked Mr. Burke to get the quotes and present them at the February meeting at which time the Commission will decide this issue.

Whispering Trails Culverts.

SD1 has previously presented the results of a study that would permanently repair/alleviate Whispering Trail water drainage and that they would split the costs (50:50) with the City Of Union. Their study provided a couple options for this repair...

1. Upgrade the culverts... burden would be the City of Union.
2. Put a new storm sewer system under the pavement at Whispering Trails...preferred because SD1 would then take over permanent ownership and maintenance services. With larger sewers there will be faster water flows...as a result, there will need to be a study for more detention basins downstream to offset the flooding.

Currently the city has allocated \$50,000 in the FY 2014-2015 budget to work on this project. Mr. Burke stated that this is a long term project. He asked the commission if they wished him to move forward with talking to Sean Blake with SD1 to get more information. Mayor Solomon asked these discussions continue. He also would like to pursue potential discussions with Boone County for a more comprehensive solution that would include SD1, Boone County, CareSprings management, and Whispering Trail residents. Jim Longano suggested the city speak to Boone County Planning and Zoning directly.

Commissioner Mefford asked where the planned detention pond is located that would handle the extra water. Mr. Burke stated that it is on Mr. Collett's property north of the first driveway on the left after entering Whispering Trails approximately 200-300 feet north of Whispering Trails and east of US 42.

Mayor Solomon suggested Mr. Burke, Commissioner Heil and CAO David Martin meet and work out the details and include Boone County in the discussions. Commissioner Heil recommended that he and Barry, since Mr. Martin does not start until January 26th, meet with SD1 and start the process and report at the February meeting, if possible.

Mr. Jim Longano stated that the public hearing on Wednesday for the Carespring, it will be followed by at least one (1) zone change committee meeting in which they will hammer out details such as storm water runoff. Mr. Longano suggested Commissioner Heil should attend this meeting. Commissioner Heil said he would.

Community Building/Theatre.

Commissioner Heil stated there were over 100 children that attended the Breakfast with Santa event in December.

Commissioner Mefford and Commissioner Ramage are in charge of taking care of maintenance of building. Commissioner Mefford stated that the first thing they will be working on is the sprinkler system on second floor in order to use it for storage. Commissioner Heil stated that in his opinion the pest control situation should be first priority. Commissioner Mefford stated they will be working on these issues simultaneously.

Union Cares.

Mayor Solomon stated at this time there is nothing to report.

Other Issues.

Social Events.

Commissioner Heil asked if the city had talked to Boone County Parks about the Union Celebrates America Event. City Clerk/Treasurer Kathy Porter stated that she had already talked to them David Whitehouse and was told that the Dragoons have been reserved.

City Engineer Position.

Commissioner Heil stated that during the February meeting the City Commission also will need to start talking about the City Engineer position. The existing contract expires at the end of March. Mayor Solomon stated that this will be one of the CAO's first projects.

Trailer Parked In Driveway.

Commissioner Miller stated that there is a resident whose home caught on fire. She asked for permission to move into a trailer on her driveway for two (2) weeks while her home is being repaired. While there is an ordinance preventing not allowing trailers to be parked in the driveways, the Commission considered this an emergency. Mayor Solomon said to perhaps the city could grant it for two (2) weeks.

Waste Collection and Landscaping Contracts.

Mayor Solomon mentioned the waste collection and recycling contract ends at the end of the fiscal year ending June 30th. Commissioner Miller stated that there is an option to renew. Mayor Solomon also stated the landscaping contract expires. These will need to be discussed at a future meeting.

2015 ORDINANCES.

Ordinance No. 2015-001.

See New Business.

Ordinance No. 2015-002.

An Ordinance of the City Of Union, Kentucky **Amending Chapter 31** "City Officials" of The City of Union, Kentucky Code of Ordinances. Commissioner Mefford made the motion to approve the Ordinance and Commissioner Heil seconded the motion. **Motion carried by 4-0 vote.**

Ordinance No. 2015-003.

An Ordinance **Amending Ordinance 2009-012.** Codified As Chapter 36, Specifically Section 36.30 and Section 36.31 of The City of Union, Kentucky Code of Ordinances. See EDC Report for details. Commissioner Mefford made the motion to approve the Ordinance and Commissioner Miller seconded the motion. All voted in favor of Ordinance. **Motion carried by 4-0 vote.**

Ordinance No. 2015-004.

An Ordinance of the City of Union, Kentucky Approving the Adoption of a **Series of Zoning Text Amendments** to the Boone County Zoning Regulations. Commissioner Heil made a motion to approve the Ordinance and Commissioner Miller seconded the motion. **Motion carried by 4-0 vote.**

2015 MUNICIPAL ORDERS.

Municipal Order No. 2015-001.

A Resolution of The City of Union, KY Appointing **Bryan Miller** As The City of Union, Kentucky **Mayor Pro Tem**. Commissioner Mefford made the motion to approve the Municipal Order and Commissioner Heil seconded the motion. **Motion Carried by 4-0 vote.**

Municipal Order No. 2015-002.

A Municipal Order of The City of Union, KY Appointing **Ken Heil** as The Commissioner of **Public Works/Engineering** for The City of Union, Kentucky. Commissioner Miller made the motion to approve the Municipal Order and Commissioner Mefford seconded the motion. **Motion carried by 4-0 vote.**

Municipal Order No. 2015-003.

A Municipal Order of The City Of Union, KY Appointing **Bryan Miller** as The Commissioner of **Fiscal Planning** For The City Of Union, Kentucky. Commissioner Heil made the motion to approve the Municipal Order and Commissioner Ramage seconded the motion. **Motion carried by 4-0 vote.**

Municipal Order No. 2015-004.

A Municipal Order of The City of Union, KY Appointing **Bryan Miller** To Serve as The Representative on the Ohio, Kentucky, and Indiana (**OKI**) Regional Council of Governments Board Of Directors. Commissioner Heil made the motion to approve the Municipal Order and Commissioner Mefford seconded the motion. **Motion carried by 4-0 vote.**

Municipal Order No. 2015-005.

A Municipal Order Appointing **Kathy Porter** as the City **Alcohol Beverage Control Administrator** for the City of Union, Kentucky. Commissioner Miller made motion to approve the Municipal Order and Commissioner Heil seconded the motion. **Motion carried by 4-0 vote.**

Municipal Order No. 2015-006.

A Municipal Order Appointing **David Martin** to the Position of Part-Time **City Administrative Officer** for the City Of Union, Kentucky. The Municipal Order was passed and approved by five (5) members of the commission.

2015 RESOLUTIONS.

Resolution No. 2015-001.

A Resolution of the City of Union, Kentucky Approving and Authorizing the City Clerk/Treasurer to Use a **Signature Stamp** on City Checks with a Threshold Amount of One Thousand Dollars or less. Commissioner Miller asked if the city could legally do this. City Clerk/Treasurer Kathy Porter stated that once the stamp has been used she would make copy of the check and the Mayor would need to sign off on it. Commissioner Mefford made the motion to approve the Resolution and Commissioner Ramage seconded the motion. **Motion carried by 4-0 vote.**

Resolution No. 2015-002.

A Resolution of the City of Union, Kentucky for Municipality Authorization. Commissioner Miller made the motion to approve the resolution and Commissioner Heil seconded the motion. **Motion carried by 4-0 vote.**

EXECUTIVE SESSION:

None needed.

ANNOUNCEMENTS:

The next regular city business meeting is scheduled for Monday, February 2nd, 2015.

ADJOURN:

With no further business coming before the Commission, Commissioner Miller moved to adjourn the meeting at 8:43 p.m. Commissioner Ramage seconded the motion. **Motion carried by 4-0 vote.**

Signed this 2nd day of February, 2015

APPROVED:

ATTEST:

Larry Solomon, Mayor

Kathy Porter, City Clerk/Treasurer