

**CITY OF UNION, KENTUCKY
PUBLIC HEARING / SPECIAL MEETING
MINUTES
UNION VILLAGE STREET LIGHT IMPROVEMENT PROJECT
7:00 p.m., Monday, October 24, 2011
UNION COMMUNITY BUILDING**

An attendance sign-in sheet is on file and available to be viewed at the Union City Building.

OTHERS PRESENT: Mayor Don Kirby, Commissioners Bob Kelly, John Adams, John Mefford and Bryan Miller, City Attorney Greg Voss, City Engineer Barry Burke and City Clerk Kathy Porter.

Mayor Kirby opened the **Public Hearing** at 7:00 p.m. and stated the purpose of the hearing was the Union Village Street Light Improvement Project.

Mayor Kirby then summarized the reasons a public hearing is taking place. The Union Village Home Owners Association (HOA) is requesting public assistance for replacing its natural gas lamps street lighting system along public streets with a Duke Energy city standard electric lighting system. The city of Union proposes to finance most of the project by Special Assessments for the total costs incurred equally distributed to the 149 benefitted property owners within the Union Village HOA. A Comprehensive Report may be examined at the Warren S. Moore Union City Building at 1843 Mt. Zion Road, Union, Kentucky 41091.

Mr. Barry Burke, City Engineer, gave a brief overview of the project. Mr. Burke stated that the HOA of Union Village has been in process to replace the existing gas lights with new electric lights for the last several of years. The HOA and Duke Energy have approved the new light layout that has been prepared. Duke Energy has staked out in the field the exact placements for the new lighting.

Public assistance has been requested for the funding on this project. The HOA has requested 100% funding including some added costs for city administration for this project.

This project is for the residents within Union Village, only, which were notified by letter, return receipts requested by the statutes. There are 149 benefitted residents. Twenty (20) new electric lights would be placed along streets named Richmond Road, Braxton Drive, Sherman Court, Pickett Run, Sumter Court, and Merrimac Court. The gas lights were constructed in 1995, reaching their normal life cycle. Currently, by previous agreement, the city is subsidizing or paying a portion of the total consumption costs that they would normally pay if the street lights were electric, a city standard. This is the only subdivision within the city that has gas lights.

The Home Owners Association will be responsible for notifying Duke Energy for having the gas lights turned off and having its own contractor remove the poles. The poles that are currently in the subdivision have several street signs attached to them. Duke Energy advises that the new electric poles that will be put in their place cannot be used for street signs; therefore, BCPW Sign Division will install separate signs on separate poles with a cost estimated to be less than \$500, as budgeted by the city. Mr. Burke is working with the Sign Division for coordination on this project.

By Agreement, Duke Energy has given the city several payment options. The Option that the city and the HOA felt was the best was to pay the lump sum of \$36,196.96 up-front. The city will borrow the money from its lender and assess the HOA residents annually, unless they choose to pay a 100% assessment prior to November 15 or another date to be determined. The up-front payment would be \$267.76 and the HOA resident would then be taken off the special assessment rolls. If the resident chooses not to pay up front then they would be placed on the special assessment roll and billed an annual assessment of \$33.15 per year for a period of ten (10)

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years. If during the assessment period a resident chooses to pay off the amount owed, they would then have to pay \$331.47 minus any amounts that have been paid in previous years.

Mr. Beemon (8872 Richmond Rd.) asked if the gas lights are being condemned and new electric lights are installed. Mr. Burke responded that the project is not a condemnation.

Mr. Serrano (9070 Braxton Road) asked if the residents would get a bill prior to the deadline of November 15th, 2011 for the \$33.15/year or the full payment of \$267.76. Mr. Burke said that it was his understanding that the HOA should contact the residents concerning the payment options. Mayor Kirby said the first year of assessment will be on the 2012 property tax billed in late 2012. Mr. Serrano asked if he would get notified prior to November 15th, so that they will have to make the choice. Mr. Burke said residents will not get a bill; rather the HOA should notify the residents.

Mr. Serrano also asked about the yard gas light that is in front of his home, the light that is on his private property. Will Duke Energy supply a contact to the resident if they choose to convert the private gas light to an electric light? Mr. Burke stated that Ms. Sandy Connelly would be the contact person and he could give Mr. Serrano her phone number after the meeting.

Mr. Tom Chambliss (8831 Richmond) asked if there was an estimate on what the cost to the HOA would be for the removal of the gas lights. Mr. Burke said that HOA President Mr. Eric Erpenbeck has stated the cost was in the \$3,000 to \$3,500 price range. HOA representatives Carol Morrow and Gary Arts were in the audience and stated that this was their understanding the \$3,500 was the last estimate that the HOA had received.

Mr. Burke stated that Duke Energy is ready to begin the work when they formally have received payment; and, that contract has been signed. Duke Energy stated that with weather permitting, they can work through the winter (without snow), but hopefully by spring or earlier of next year the subdivision can have electric lights, fully operational.

Mr. Roy Head (1811 Sumpter Court) asked if the HOA fees will be affected. The HOA representatives (i.e., Morrow & Arts) stated that the fees will drop by at least the \$33.15 and possibly more after the payment for the removal of the old gas lights.

Mr. Head asked if Duke Energy will be cutting the gas to the lights that are in the resident's yards. The HOA representatives stated that these lights belong to the property owner and the gas will continue to flow to them from the resident's meter rather than from the street, which serves the gas lights.

One resident asked if there has been a survey to ask if everyone in the subdivision would like to have street lights, since each resident already has their own yard light. Attorney Voss stated that by Ordinance through the subdivision regulations that have been adopted by the Planning and Zoning Commission for safety reasons there has to be lights in subdivisions.

Mayor Kirby stated there are a few older subdivisions that were grandfathered in that are not required to have lights; but, at a certain point all new subdivisions have to have lights according to certain safety specifications.

Mr. Serrano asked if the new lights would have a timer that they would shut off during the daylight hours and only come on when it becomes dark. Mayor Kirby said that they would shut off during the daylight hours.

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Brian Sullivan (9098 Braxton Road) asked what type of construction would go on between the sidewalk and street. Mr. Burke said the public right of way is a 50 feet wide space. The contract that Duke has states they will be working within three (3) feet only of the street curb. They have to deal with the existing pole boxes that may extend it beyond the three (3) feet on a case by case basis. The contractor will be required to restore (e.g., seed & mulch) what they disturb. To an original condition

Mayor Kirby said that more details can be provided when the construction draws nearer.

Mayor Kirby asked if there is anyone in attendance that would like to speak against the having the lights replaced from gas to electric.

Andrew Lautz (8964 Richmond) asked if the HOA fees would drop by the amount of the assessment and he was told yes they would drop a minimum of the assessment, as stated previously.

Mayor Kirby stated that moving forward the city would pay the energy consumption fees for the new electric lights and the HOA will be out of the gas lighting business.

Mr. Serrano asked if the homeowners that are behind on their dues to the HOA, do not pay their assessment amount, would the remaining homeowners have to pay it for them. Attorney Voss stated that at the city's direction, liens could be placed on the property for those in default or not choosing to pay the assessments over time.

Steve Aylor wanted to thank the city for assistance on the project, and asked if a person chose the special assessment of \$33.15 over time, would the amount increase or decrease? Attorney Voss stated that is a fixed amount for a full 10-year term construction loan.

The HOA's Ms. Carol Morrow wanted to let the commission know how much they appreciate the cooperation that they have received.

Mayor Kirby thanked the attendees for coming to the public hearing this evening. At this time Mayor Kirby closed the Public Hearing.

Mayor Kirby asked for a motion at 7:29 p.m. Commissioner Kelly made the motion. Commissioner Adams seconded the motion. **Motion carried.**

Signed this 7th day of November, 2011

APPROVED:

ATTEST:

Don Kirby, Mayor

Kathy Porter, City Clerk/Treasurer