

**REGULAR BUSINESS MEETING MINUTES OF THE UNION CITY COMMISSION**  
**November 1, 2010**  
**7:00 PM**

**LOCATION:** Warren S. Moore Union City Building, 1843 Mt. Zion Road, Union, KY 41091

**CALL TO ORDER:** Mayor Kirby called the meeting to order at 7:00 PM.

**ROLL CALL:** The following members were present:

Mayor Don Kirby  
Commissioner Bob Kelly  
Commissioner John Adams  
Commissioner Todd Sayers  
Commissioner John Mefford  
City Engineer Barry Burke  
City Attorney Greg Voss  
City Clerk Kathy Porter

**APPROVAL OF MINUTES:**

**All City Commissioners were provided a copy prior to tonight's meeting**

Commissioner Sayers made a motion to accept the minutes of the October 4, 2010 Commission Meeting and the motion was seconded by Commissioner Mefford. **Motion carried.**

Commissioner Kelly made a motion to accept the minutes of the September 27, 2010 Public Hearing and the motion was seconded by Commissioner Adams. **Motion Carried.**

Commissioner Kelly made a motion to accept the minutes of the September 29, 2010 Special Meeting and the motion was seconded by Commissioner Sayers. **Motion Carried.**

**ADMINISTRATIVE REPORTS:**

**City Clerk/Treasurer Kathy Porter:** Commissioner Adams moved to accept the Treasurer's Report as of October 31, 2010, and Commissioner Sayers seconded the motion. **Motion Carried.**

**UNION CARES PROGRAM:** The City of Union will be collecting for the HUGS Program for the month of November. The HUGS Program consists of Hats, Underwear, Gloves, and Socks. The City will also accept gently used coats and scarves.

**PLANNING AND ZONING:** Mr. Jim Longano had no report for the City of Union this month.

**CITY ENGINEER REPORT:** Mr. Burke referenced his detailed City Engineering Report totaling 11 Items. Regarding Item #1 the Sanitary Sewer Systems, Phase C has been completed. Mr. Burke stated that under Item #1(a) (6) Mr. Isler at 10077 Russwill Drive, a surveyor's iron pin near the NW corner of Mr. Isler's property had been destroyed by the city's contractor. A new survey was completed and the destroyed pin was reset by the city engineer's firm. The city will deduct the \$600.00 charge from a future G&T Invoice or the retainage fees in accord with the Contract Documents.

Regarding Item #1 (b) Phase A&B, under sub item (2), the Volpenhein Sewer, delays have been occurred, but hopefully within the next thirty (30) days the entire Phase A&B will be 100 percent complete.

Regarding Item #1 (4) (c) the entrance pipe at the front of the City Building. Mr. Burke has received several bids to install about 40 feet of pipe & headwalls per the KYTC Permit, issued with conditions. The lowest bid of four (4) was received was from R.E.B.T. Construction Inc. for \$5,700.00, Mr. Burke is waiting for some written paperwork from them in order to authorize the start of work.

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There are about five (5) or six (6) tap-in violations that Attorney Voss has been working on per a draft enforcement letter to send to the applicable residents and other benefited commercial users.

Regarding Item #2 the Hempsteade Drive Street Improvements regarding total joint sealing, Mr. Burke inspected the three (3) streets Lakeway, Lakepoint and Kingston Courts. Two (2) of the three (3) have been asphalt joint sealed. Hopefully, within the next couple of days the remaining street for Lakepoint will also be completed, pending approval of an Invoice for \$2,975 from Michels Construction, as previously authorized.

Regarding Item #2 (c) the Cedarwood Drive Street Improvement, the project has been completed Mr. Burke had recommended previously that the contractor Michels Construction be paid the \$49,121.00, as Invoice, about \$1,400 less than the original bid price awarded.

Regarding Item #3 (a) under other Spot Speed Studies, traffic control devices along Arbor Springs Blvd, Braxton Road, and Indian Hill Drive. These streets will have speed humps installed by Len Riegler Paving, Inc. for a cost of \$1,850 each. Riegler will be installing these humps in conjunction with the Pembroke Drive street pavement settlement repair project, previously authorized.

Regarding Item #7 (b) the dead tree removal at Villa's of Fowler's Creek. The Villa's have questioned whether the tree was on their property. Mr. Burke advised that GIS mapping and filed check indicated the tree may actually be on the City of Union's right of way via Old Union Road. Attorney Voss will check this and respond to Kathy Porter, the City Clerk, as to whether the city is responsible.

Regarding Item #10 Street Signs Visibility, Mr. Burke referred to a recent article in USA Today, regarding FHWA regulations, which stated that communities have until Year 2015 to improve the night time visibility of their road signs. The signs must include more reflective capital and lower case letters, especially for older drivers. This article did state that communities will also be allowed to change street signs as they wear out.

Regarding Item #11, the KYTC Bridge Inspection Report, and Mr. Burke received a report regarding the Clarkston Lane Bridge. Mr. Burke has requested a copy of the report for another bridge within Gunpowder Greens at the entrance along Churchill Drive, which may have been omitted.

Regarding item #1 (a) (5), Mr. Frost at 10123 Russwill Drive, was in attendance to address the commission. Mr. Frost spoke to the commission concerning the unsatisfactory yard restorations that have been made by G&T Excavations, Inc. Mr. Frost stated that he had asked Mr. Burke previously about the conditions of his land; and stated that Mr. Burke advised him that 10% of the fees would be held back. He stated that Mr. Burke assured him that his land would be taken care of. Mayor Kirby asked if Mr. Burke had an estimate on what it would cost to repair Mr. Frost's land. Mr. Burke stated that restoration for this phase of the project was previously completed in the fall of 2009. Another inspection was conducted in May 2010 with Mr. Frost and G&T without the need for any re-grading. Subsequently, 100% of the retainage fees were paid to G&T for the work completed with Phase C. Mr. Burke didn't have an estimate for any new work involved. Mr. Frost shared with the commission some pictures that had been taken of his property showing no grass growing and some settlement. Mayor Kirby asked Mr. Burke to meet with Commissioner Kelly and Mr. Frost and view the property again.

**PUBLIC WORKS/UNION VISIONING COMMITTEE:** Mr. Kelly mentioned that the four dead trees on Old Union Road that were on the City's property have now been removed. Mr. Kelly mentioned the dead trees on Villa's of Fowler's creek; the city has received a quote of \$400.00 to have this tree removed. Mayor Kirby asked if any of the trees that are located in the medians of US 42 were

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classified as dead. Mr. Kelly said that some are, but most of the trees have had water bags. Mayor Kirby asked Mr. Kelly to look at the trees and get a number of how many are dead and need to be replaced.

Mr. Kelly mentioned a letter addressed to the Mt. Zion Road Project, the state is making its final preparations, and they would like us to draft a resolution giving them permission to work in the right-of-way.

Mr. Kelly received a request during the fall event; the request is for a sign to list the businesses on Old Union Road. Attorney Voss said that first we would need to check with the state.

Mr. Kelly mentioned seven (7) street lights at Union Point. The street lights were installed in April 2007. The lights were not billed at that time, but the city has now received a bill. Duke Energy said that they have a signed document from City Administrator Warren Moore, stating the city will pay the installation and the maintenance. Attorney Voss stated that he would like to view the document.

**EVENTS COORDINATOR:** Ms. Franxman was not in attendance, but Mayor Kirby highlighted a few points from her report.

On October 23, 2010, the city hosted a Fall for All events. This was a great event and everyone had a good time. The next planned event will be Friday, December 3, 2010 here at the City Building. This event is the Open House and Tree Lighting ceremony. This event is sponsored by Turner Family Dentistry. On Saturday December 11, 2010 from 7:30 – 10:30 at the Community Building, the city will be having a pancake breakfast with Santa.

The Adopt-A-Unit, the city has started putting pictures and correspondence from the unit on the website.

**NEW BUSINESS:** Mayor Kirby opened the floor to any person wishing to speak. A resident asked about painting the line on Old Union Road. City Clerk Kathy Porter said she is getting bids to have this completed. She received one on the day of the meeting, but is still awaiting others.

Mr. Erpenbeck asked about the status of the street lights from them meeting in October concerning the street lights at Union Village Subdivision. Mr. Erpenbeck also mentioned some street signs that have been stolen. Mayor Kirby said that Mr. Kelly will work with the HOA to come up with some options to consider. Mayor Kirby mentioned the street lights outside of the neighborhood. Mayor Kirby mentioned getting with maybe Kroger to see if they may want to take these on.

Attorney Voss stated that he went through the records at Planning and Zoning. He could not find any formal agreements; the understanding is that it was a verbal agreement between the developer and Mr. Moore concerning the implementation of the gas street lights.

Mr. Kelly will set a meeting with Mr. Erpenbeck to go over the streetlights and the signs for Union Village.

**OLD BUSINESS:**

- Second reading of ORDINANCE NO. 2010-003** – AN ORDINANCE OF THE CITY OF UNION, KENTUCKY ESTABLISHING REGULATIONS FOR UNINVITED SOLICITATIONS OF CONTRIBUTIONS, SALES OF GOODS AND SERVICES, AND PLEDGES, SUBSCRIPTIONS, ORDERS AND OFFERS FOR THEM AND ESTABLISHING PENALTIES

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FOR THE VIOLATIONS THEREOF. Commissioner Kelly made a motion to accept, Commissioner Mefford seconded. **Motion Carried.**

Commissioner Kelly asked if the time is 10:00 – 7:00.

Someone from the audience asked if the ordinance required that the solicitors have a license. The new ordinance does require a license.

Mr. Miller proposed that the time be changed from 10:00 to 7:00 to 10:00 to 6:00 which will be eight hours like all other workers. Mr. Miller also asked if the ordinance allowed solicitation on Sunday. Mayor Kirby stated that as we enact the ordinance there may be things that need to be changed or added. At this time the ordinance does not limit the days of the week for solicitation.

City Clerk Kathy Porter mentioned that the City Building has been having problems with the AC units. When the city purchased an extended warranty, but Carrier stated that they only offer warranties for residential units. Currently we are working with Morris Heating and Air, but it may come down to them reimbursing us for the amount of the extended warranty and we would be responsible for maintenance.

**ANNOUNCEMENTS:**

Don't forget to vote on November 2, 2010

Next City Commission Meeting: Monday December 6, 2010 @ 7:00 p.m.

No further business came before the Commission. Commissioner Sayers moved to adjourn the meeting at 7:55 p.m. Commissioner Mefford seconded the motion. **Motion carried.**

Signed this 6th day of December 2010

**APPROVED:**

**ATTEST:**

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Don Kirby, Mayor

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Kathy Porter, City Clerk/Treasurer