

**CITY OF UNION, KENTUCKY  
REGULAR BUSINESS MEETING  
MINUTES  
Monday, November 4th, 2013**

**CALL TO ORDER:**

Mayor Pro-Tem Bryan Miller called the Regular Business Meeting of the Union City Commission to order at 7:00 pm Monday, November 4th, 2013.

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

**ROLL CALL:** The following city officials were present:

Mayor Pro-Tem Bryan Miller  
Commissioner Deanna Kline  
Commissioner Ken Heil  
Commissioner Donna Fryman  
City Engineer Barry J. Burke, PE PLS  
City Clerk Kathy Porter  
City Attorney Greg D. Voss, Esq.

Mayor Don Kirby and City Events Coordinator Karen Franxman were not in attendance.

**PLEDGE OF ALLEGIANCE:** Mayor Pro-Tem Bryan Miller led the audience in the Pledge of Allegiance to the Flag.

**APPROVAL OF MINUTES:**

All City Commissioners were provided a copy prior to tonight's meeting. Commissioner Heil made a motion to accept the minutes and the motion was seconded by Commissioner Kline. All voted in favor of motion. **Motion carried.**

**ADMINISTRATIVE REPORTS:**

**City Clerk/Treasurer Kathy Porter:** Commissioner Kline moved to accept the Treasurer's Balance Summary Report as of November 4th, 2013, and Commissioner Heil seconded the motion. All voted in favor of the motion. **Motion Carried.**

**BILLS FOR PAYMENT:**

Commissioner Fryman had a question concerning the salary for the City Events Coordinator; she thought her salary was \$1,000 per month. City Clerk/Treasurer Kathy Porter stated that her contract is for \$15,000 per year.

Commissioner Heil made the motion to pay bills as received. Commissioner Fryman seconded the motion. All voted in favor. **Motion Carried.**

**GUESTS WISHING TO SPEAK:**

Mr. & Mrs. Tim and Debbie Perkins who live at 1917 Camelot Court in the Westbrook Subdivision addressed the commission concerning a construction equipment and repository that has accumulated next to their house.

Mayor Pro-Tem Miller stated that he had visited the Perkins' neighborhood; and, what they are concerned about is that there is a semi-trailer, a business trailer and a concrete washout that is located next to their home. This has become a stock pile for the building that is going on in the subdivision. It is all located on the Developer/Builder Arlinghaus' property. Mayor Pro-Tem Miller asked City Engineer Barry Burke if there are any regulations on home builders as to where they are to store items such as this. He asked if the city would be able to approach the builder and ask if they might move the items. City Engineer Barry Burke stated that the city has a good relationship with the builders including Joe Arlinghaus and Bob Schroeder and that there may be specific zoning regulations or codes such as, where vehicles can or cannot be stored, and where concrete washouts may be permitted. He suggested the city could contact the Boone County Planning and Zoning and/or Enforcement's Brad Horn to work with the property owner in talks with the builder to help resolve these matters. As discussed

earlier with Commissioner Miller, Mr. Burke will first contact Bob Schroeder with Arlinghaus Builders to discuss the issues prior to any formal enforcement process.

Mr. Perkins stated that the concrete mixer is located not far from his home and he has severe 'apnea' and is finding it hard to sleep through the frequent noise during many hours of the day. Mr. Burke verified the Perkins' address and acknowledged that he will share his phone call with Mr. Schroeder with the Perkins'

Mr. Frank Beemon who lives on Richmond Road addressed the commission concerning removing stop signs at Sumpter Court and Richmond Road, since many vehicles are not stopping at this intersection.

Commissioner Fryman asked what the specifications are of actually needing a stop sign in a location. Mr. Burke stated that the city of Union had deferred the placement of all stop signs to the Boone County Fiscal Court's Sign Division. These signs were posted several years ago. The Boone County Sign Division uses a national code (i.e., Manual on Uniform Traffic Control Devices) to determine the need for stop signs. There is no specific formula or number of lots served requiring stop signs. Mr. Burke further stated that he will call the Boone County Sign Division to ask them to review the request and see if the stop sign or signs at Richmond Road and Sumpter Court are still up to the code. If it does not comply, then the city could simply remove the signs. However, it is Mr. Burke's opinion that these signs comply with the code and were placed there for an obvious reason. The question of enforcement seems to be the problem.

Next, Mr. Beemon mentioned the proposed Kroger Store. He stated that he was opposed to Kroger's relocating to a new site. He stated that the time when the Target Store approached the commission concerning their desire to build in Union. The residents stated that they would not like to see a big box store come in to the area just past the library.

Commissioner Fryman stated that the proposal does not directly affect her, but would like to hear the opinion of the residents. Ms. Fryman advised and stated her email address; and, she would welcome all opinions on the new Kroger Store proposal.

Ms. Noreene Morgan, who lives at the Villas of Fowler Creek, addressed the commission concerning the proposed new Kroger Store along US 42. She stated that at the October meeting there were several residents from her community in attendance who came to voice their disapproval of the proposed new Kroger Store. The residents have been busy getting signatures on a petition against the zoning change. She found out today (November 4<sup>th</sup>, 2013) that Kroger's had filed for zoning change on Friday, November 1<sup>st</sup>, 2013. She stated that she had spoken with county staff Mr. Todd Morgan concerning the public meeting for the zone change; she had thought the meeting would be held on December 4<sup>th</sup>, but Mr. Morgan stated that it may not happen on that date because they are expecting some other businesses to file for a zone change as well. She stated that she will know within a week when the residents will be able to discuss the issue with Boone County Planning and Zoning Commission.

This past weekend Ms. Morgan and another resident visited the businesses around the current Kroger store and all of them except for one are concerned, if Kroger moves it will hurt their business. They all stated that they could put petitions for signatures in their business.

At this time Attorney Greg Voss stated that the city commission needed to limit the discussions on this issue for the simple reason that the commission has the final say on this proposal. At this time we do not know what Boone County Planning and Zoning Commission will do, but the city needs to first let them make their decision. The Union City Commission needs to remain unbiased.

Ms. Morgan stated that at the last meeting they asked the commission to consider the possibility of having a Town Hall meeting to address this issue. This would give the residents of Union the ability to come and tell the commission their thoughts on the proposal. Attorney Voss stated that the appropriate time for a Town Hall meeting would be after the proposal is acted upon through the planning and zoning commission.

Mr. Pat Muldoon who lives at 10134 Old Union Road stated that he was recently in negotiations with the Kentucky Department of Transportation District Office 6 concerning the proposed widening of Relocated US 42 and the bypass of Mt. Zion Road at a new major intersection. Mr. Muldoon was on the original Union Town Plan

Committee in the year 2000 when the original Town Plan began. At the time they were told by the state highway department that no median islands would be placed on the new highway, except for a few small ones. However, regarding a new design plan, there are large median islands located from the bypass going south, which will be a big detriment to the Union Town Center without a turning lane. Mr. Muldoon recently spoke to Ms. Carol Callan-Ramler, Project Manager with the Kentucky Transportation Cabinet, District Office 6 and they had more discussions concerning these islands. He was told that the state might not put the islands in. Mr. Muldoon stated that Ms. Callan-Ramler was advised by Boone County Judge Executive Gary Moore to make the highway more pedestrian friendly. Commissioner Miller advised that Mr. Muldoon has shared his concerns with the city and the city also supports the best plan.

Another resident asked if an anchor store would be going in somewhere within the Union Town Center. Mayor Pro-Tem Miller stated, at present, that he was not aware of one.

Mr. Beemon asked about his interest in attending the focus groups meetings that he read about in the paper. Mr. Larry Solomon stated that the focus groups for the meetings scheduled for November 5<sup>th</sup> and November 12<sup>th</sup> had been already filled by the independent contractor. Mr. Beemon stated that the newspaper made it sound like they were open to the public contrary to the plan approved by the city commission.

#### **ECONOMIC DEVELOPMENT COMMITTEE REPORT (EDC):**

Commissioner Kline stated at the last meeting Ms. Tina Tkach was appointed to the EDC Committee. The November meeting has been postponed due to the focus groups that will be meeting in the Union City Building. Commissioner Kline received word from Kathy Porter, City Clerk/Treasurer that Mr. Pat Muldoon is interested in filling the remaining vacancy on the EDC. Commissioner Kline asked him to send a letter of intent and resume to Mayor Kirby.

#### **CITY EVENTS COORDINATOR REPORT:**

City Events Coordinator Karen Franxman was not in attendance, Mayor Pro-Tem Bryan Miller briefly summarized her report.

The 4<sup>th</sup> Annual Fall for All Event was held on October 19<sup>th</sup>, 2013.

On Saturday, December 7<sup>th</sup>, 2013 the city will host an Open House and Tree Lighting event at the Warren S. Moore City Building. The event will run from 5:00 to 7:00 pm.

The 4<sup>th</sup> Annual "Pancake Breakfast with Santa" will be held on Saturday, December 14<sup>th</sup>, 2013 from 8:30 to 10:30 am. Volunteers are still needed for this event.

Perfect North Slope discount tickets will be available at the Union City Building beginning the week of November 18<sup>th</sup>, 2013.

**Union Cares Program:** For the month of November the city will be collecting for Kelley and New Haven Elementary Schools. Their special request is for underwear and shoes. All youth sizes and genders are needed.

The Union Community Theatre winter production is "It's a Wonderful Life". The show dates are December 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup>. Tickets cost is \$10 dollars for adults and \$8 dollars for children under 18 and senior citizens.

Commissioner Heil stated that Karen Franxman had asked for permission from the commission to send out the 2014 event sponsorship packet to local businesses. Commissioner Heil made the motion to give Ms. Franxman permission to move forward with sending the sponsorship packet out. Commissioner Kline seconded the motion. All commissioners voted in favor. **Motion Carried.**

**CITY ENGINEER'S REPORT:** Mr. Burke referenced his detailed City Engineering Report totaling nine (9) Items. Regarding Item Number 1, (h), Arbor Springs Blvd between Relocated US 42 and Richmond Road, the city received a request from resident Mr. Dan Maher (1920 Arbor Springs Blvd) regarding excessive speed violations along Arbor Springs Blvd.. Mr. Burke stated he was working with the former sign division manager who is no longer with the county. Since that time, Boone County Administration authorized the Sheriff's Department to place a speed monitoring device along Arbor Springs Blvd. These mobile monitoring devices simply record and identify

actual vehicle speeds. There is no data collector. These devices basically serve as a symbol to drivers to slow down. In addition, the Sheriff's Department had deputies at the location periodically to do few more recordings. However, when drivers see a deputies car they obviously slow down. Thus, this recorded data received is not real accurate. Mr. Burke stated that after the October meeting, he was authorized to perform more detailed spot speed studies during the peak hours in the early morning (am) and in the evening (pm). The spot speed studies results in accord with the Institute of Traffic Engineer (ITE) guidelines show that the evening (pm) traffic along the westbound lane indicated that 85<sup>th</sup> percentile was 29.6 mph (miles per hour). The higher speed for westbound traffic is partially due to the descending grade approaching Fort Henry Drive. The guidelines state that when the 85<sup>th</sup> percentile is 5.0 miles per hour or greater than the posted speed limit of 20 mph, then some type of traffic control device is warranted. However, the ITE guidelines also state that speed humps should not be placed in an area where the intersections are closer than five hundred (500) feet, as is the case between Fort Henry Drive and Richmond Road. While the studies revealed that eastbound traffic was slightly less than 25 mph, Mr. Burke recommended placing two (2) stop signs along Arbor Springs Blvd. at the intersection with Fort Henry Drive for both eastbound and westbound traffic for consistency

Commissioner Heil asked for clarification on the percentages or percentiles along Arbor Springs Blvd. Mr. Burke stated the posted speed limit along Arbor Springs is 20 mph. Commissioner Heil asked if the speed limit of 20 mph is standard. Attorney Voss stated that by city ordinance the city previously determined that within the city limits the standard speed limit would be 20 mph. After some further discussions regarding some percentile terminology, Attorney Voss clarified this issue. Mayor Pro-tem Miller asked for a motion to move forward with placing two (2) stop signs at the intersection of Arbor Springs Blvd. and Fort Henry Drive. Commissioner Kline made the motion and Commissioner Heil seconded the motion. All voted in favor. Motion Carried. Mr. Burke will contact the county sign division to post the signs.

Regarding Item Number 4 (b), the city has received an 'Offer-to-Purchase' a permanent right-of-way taking and temporary construction easement for the Union Rice Cemetery. This will affect and eliminate a total of 211 grave plots or lots. Based upon an appraisal, the Highway Department's offer-is \$17,100.for the area they plan to purchase and the temporary easement. Mayor Pro-Tem Miller asked further about the proposal, and he read that the Offer includes the cost for replacing the fence, signs, and landscaping once the roadway is complete. Attorney Voss stated that due to loss of 211 lots, which the city's sale value is \$500 each, he would contact another commercial appraiser to give another estimate. Mr. Voss would then contact the KYTC for more discussions.

Regarding Item Number 7, the Storm Water Pollution Prevention Plan (SWPPP) facilitated by SD1, Commissioner Miller attended the mandatory training session in October in Mr. Burke's absence. Mr. Burke stated that he had received more forms from SD1, if any changes were required. Mr. Burke then stated in his recent discussions with Commissioner Miller, the city had previously addressed and updated the annual 2013 SWPPP. ; And, it has been submitted without any further updates.

Regarding the Addendum to the monthly Report included repeated concerns about the brick pavers at Plantation Point/Attebellum along Appomattox Drive. For some background, the brick pavers at the intersection have deteriorated and are in need of repair. In 2011, the city resurfaced Appomattox Drive. The 185 feet portion of street and the brick pavers are within the city limits. The city was later approached by a Florence resident concerning the deterioration of the brick pavers, not specifically addressed earlier with the repaving. In 2011, the city only resurfaced the asphalt portion of the streets. At an earlier meeting, the city advised its city engineer that it was determined that the HOA was responsible for the brick pavers. However, now based upon further discussions with the resident, the HOA and the city engineer, the HOA does not feel they are responsible for maintaining the brick pavers.

Attorney Voss stated in his opinion that the city would have the responsibility of the brick pavers as a part of the street. If the city does not want to maintain them, then they should be pulled out and the area can be re-paved with asphalt. Thus, if it is a public street, it would be the city's responsibility.

Mr. Burke made reference to KRS 100.277 (4), which states that "any street built in accord with specific standards and dedicated to public use shall be accepted for maintenance by a legislative body after it has been approved by the planning commission".

Mr. Burke stated that the only specific standards that are set forth in the Boone County Subdivision Regulations are asphalt and concrete streets. Attorney Voss stated that the KRS does not specifically mention brick pavers; therefore, the city commission needs to decide if they want to keep the brick pavers and maintain them or have them removed and have the street re-paved. City Engineer Barry Burke stated that it may be less expensive for the city to repair the brick pavers as opposed to tearing them out and repaving the full area at the intersection. However, the city should seek the costs for performing any future work.

Mayor Pro-Tem Miller asked City Engineer Barry Burke to get quotes for the repair of the pavers; and/or, to remove them; and/or re-pave that section of the street. Mr. Burke acknowledged that he would have these costs at the next meeting.

#### **PUBLIC WORKS:**

Commissioner Bryan Miller stated that the trees along Sycamore Drive still have not been trimmed. A&A Lawncare will be contacted to perform this extra work for the quote previously submitted.

Commissioner Miller also handled a problem on Pickett Run concerning raccoons that have built a home in a SD1 sewer drain. Commissioner Miller had advised the resident to contact SD1 concerning the issue.

Commissioner Miller received a call concerning a lawn at 10071 Golden Pond. The lawn had not been mowed all year. He stated that the front yard had been maintained, but not the back yard. Mayor Pro-Tem Miller personally visited the residents who were not very receptive to his visit.

Commissioner Miller also mentioned the camper that is located on Mr. Long's property along Mt. Zion Road. Mr. Miller also referenced the boat that has been located along Richmond Road. Letters have been mailed previously to these owners of the subject properties.

Attorney Voss asked City Clerk Kathy Porter to provide him the names and addresses of the owners and he will follow-up from a legal standpoint.

**PLANNING AND ZONING REPORT:** Mr. Jim Longano was not in attendance.

#### **OLD BUSINESS:**

- **Deanna Kline** – At the meeting in October, Commissioner Kline had brought a Proposal by the NKADD to help the city with the search for a new City Administrator. At that meeting Commissioner Heil had asked for more time to research this topic. Commissioner Kline states that she feels that the city has to have someone to run the city on a day-to-day basis.

Commissioner Fryman asked City Clerk/Treasurer Kathy Porter to please give her job descriptions of each current employee of the city to help her with the justification process of actually needing a new City Administrator.

Mayor Pro-Tem Miller stated that his position is that at this time the city does not need a City Administrator at this time.

Commissioner Kline stated that she had worked for many smaller cities that have a City Administrator. She feels that the city needs to be run as a business. A developer needs someone who they can contact and speak to on a daily basis. Not someone who they leave a message for and have to wait for them to contact them.

Commissioner Heil asked what the salary range for a City Manager would be. Commissioner Kline stated that in talking with the NKADD she was told that the range should be between \$60,000 and \$70,000 per year. Commissioner Heil asked if this included the benefit. Commissioner Kline stated that she did not ask that.

Commissioner Fryman asked if this would eliminate a portion of the city engineering services work. And if so, would the applicant need to be a licensed professional engineer. After several of these questions

couldn't be resolved at the meeting, Mayor Pro-Tem Miller asked to table this discussion until Mayor Kirby is in attendance.

- **Tabled First Reading of ORDINANCE NO. 2013-012** - AN ORDINANCE ESTABLISHING THE DAY AND TIME OF THE MONTHLY CITY COMMISSIONERS MEETING FOR THE CITY OF UNION, KENTUCKY. This item was tabled. Attorney Voss stated that the statute states that the city must have a meeting once a month at such times and dates that are fixed by Ordinance. Commissioner Kline stated that we could draft the dates for 2014. **This Ordinance was tabled.**
  
- **Second Reading of ORDINANCE NO. 2013-013** - AN ORDINANCE OF THE UNION CITY COMMISSION CREATING CHAPTER 72A REGARDING THE REGULATION OF PARKING ON THE CITY'S PUBLIC STREETS OR WAYS WITHIN THE CITY OF UNION, KENTUCKY. Commissioner Kline made motion to approve the Ordinance. Commissioner Heil seconded the motion. All voted in favor. **Motion Carried.**

**NEW BUSINESS:** None presented.

**ANNOUNCEMENTS:**

The next regular business meeting is scheduled for Monday, December 2nd, 2013 at 7:00 pm.

**ADJOURN:** With no further business coming before the Commission, Commissioner Kline moved to adjourn the meeting at 8:35 pm. Commissioner Heil seconded the motion. All voted in favor. **Motion Carried.**

Signed this 2nd day of December, 2013

**APPROVED:**

**ATTEST:**

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Don Kirby, Mayor

\_\_\_\_\_  
Kathy Porter, City Clerk/Treasurer