

**CITY OF UNION, KENTUCKY
REGULAR BUSINESS MEETING
MINUTES
Monday, December 5, 2011**

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

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

ROLL CALL: The following members were present:

Mayor Don Kirby
Public Works Commissioner Bob Kelly
Commissioner John Adams
Commissioner Bryan Miller
Commissioner John Mefford
City Engineer Barry J. Burke, PE PLS
City Events Coordinator Karen Franxman
Attorney Greg D. Voss, Esq.
City Clerk Kathy Porter

CALL TO ORDER:

Mayor Kirby called the Regular Business Meeting of the Union City Commission to order at 7:00 p.m. Monday, December 5, 2011.

APPROVAL OF MINUTES:

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

Commissioner Adams made a motion to accept the minutes from the November 7, 2011 Commission Meeting and the motion was seconded by Commissioner Mefford. **Motion carried.**

ADMINISTRATIVE REPORTS:

City Clerk/Treasurer Kathy Porter: Commissioner Mefford moved to accept the Treasurer's Report as of November 30, 2011, and Commissioner Kelly seconded the motion. **Motion Carried.**

GUEST WISHING TO SPEAK:

Dr. Bryan Turner, the head of the Economic Development Committee introduced guest speaker Mr. James E. Parsons, from Taft Stettinius & Hollister LLP, who will present a summary of the Economic Incentives Report for the Union Town Plan. Boone County Planning Commission's Kevin Costello was also present for questions regarding the relationship to the Comprehensive Plan. Copies of the Report were distributed to the city commission.

Mr. Parsons briefly discussed the legal bases for incentives. The Kentucky Constitution mandates that public tax dollars must be expended for "public purpose". There have been court cases that determined that economic development is a "public purpose". Traditionally, incentives have been for new and expanded manufacturing and office projects. Today, they have been expanded to other projects. Banks are financing less. Developers are looking to governments to make up the cost differences. Incremental increases in tax revenue by the development creates the benefit.

For the KFC-YUM Center in Louisville, the State pledged 80% of incremental revenues from real property taxes, sales taxes, and employee withholding taxes, for a total of \$265M that will be recovered over a 20 year period. The city of Louisville pledged a minimum \$206M on the project. This is a good example of a State funded TIF Project.

The Ovation Project in Newport, The Ark Encounter in Grant County and Williamstown are other examples of successful State TIF Projects.

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The Union Town Plan is covers about 1,850 acres within the City of Union and unincorporated Boone County. The Plan for a town center surrounding the city building calls for a mixed-use development with housing, office, retail, service and public uses. The city could designate the area as a TIF district and create the incentive based upon increased tax revenue.

Mr. Parsons stated that the city is eligible for Community Development Block Grants (CDBG), but higher per capita income in Union may limit the incentive. The city could receive a grant from the State and then the city could turn and loan the money to new businesses. The dollar increase in incremental tax revenue money that is repaid to the city can then be utilized to fund other projects.

Mr. Parsons also mentioned Direct State or other agency funding regarding construction of public water & sewer infrastructure. Mr. Parsons suggested that the city could prepare a wish list of projects that can be submitted to the KY General Assembly.

Industrial Revenue Bonds (IRBs) include State financing on private projects that contribute to economic development and tourism that are developed in a private forum, for a “public purpose”. Bonds are issued by the city, pledging a percentage of the incremental revenues for a period of years, and the city is not responsible for payment of the debt. This is an indirect way to exempt a project from property taxation. This is the only type of exemption that a much smaller school tax state rate can still come into play.

Mayor Kirby asked if the payment in lieu of taxes would hurt the schools SEEK Calculations. Mr. Parsons said this would not affect the calculations much, if at all.

Mr. Miller asked about the city’s liability on the Bonds. Mr. Parsons stated that the city has no liability for private finances in a public format.. Mr. Parsons also discussed local revenue eligibility to be pledged in a TIF; State Participation Programs where the Union Town Plan would only qualify as a local development area; the Kentucky Business Investment Program (KBI) including taxing examples, local impacts, considerations and pitfalls and the next steps. After a few more questions for Mr. Parsons and Mr. Costello, The commission thanked Mr. Parsons for the Report and would continue its contact in the future.

EVENTS COORDINATOR:

City Events Coordinator Karen Franxman, Ms. Franxman briefly summarized her report.

The “Open House & Tree Lighting” Event was held at the City Building on Saturday December 3, 2011. There were approximately fifty (50) citizens in attendance. Union Kroger’s was the Open House sponsor and Progressive Dance Studio was the activity sponsor.

The last event for the year will be held on December 10, 2011, this event is the Pancake Breakfast with Santa. It will be held at the Union Community Building from 8:30 a.m. until- 10:30 p.m. Children will eat free and the adults will be \$4.00. We will be taking pictures with Santa.

The city will be selling discounted tickets to Perfect North Slopes again this year. The Vouchers are available for sale at the City Building. No opening dates have been set. Please check the Perfect North website to view the opening dates.

The 2012 Events Calendar has been completed and event sponsor packets will be going out to businesses this week. These events will be posted on the City’s website.

Commissioner Miller asked if we publish the partnership opportunities in the paper. Ms. Franxman stated that the list is not published, but interested parties are directed to view the city’s website. Mayor Kirby stated that items are put in the What’s Happening publication and other articles in the papers concerning events throughout the year. There will be a sponsors meeting on January 6, 2012.

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Union Cares for December is the **H.U.G.S.** (hats, underwear, gloves, & socks) program. Any size for children or adults are needed. Also, there is a need for gently used winter coats.

The Union Community Theater had their last performance of the year on November 10th – 12th.

ECONOMIC DEVELOPMENT COMMITTEE:

Commissioner Mefford mentioned the committee as a whole would like to make a recommendation that the city pursue the incentives that were detailed for the city. Mr. Mefford recommends that the city work with Kevin Costello and Boone County to submit RFP's to developers.

Mayor Kirby stated that the city has taken the steps with this report and the next steps would get the ideas from developers and move from there.

Mr. Mefford said that knowing what the incentives offer, most developers also know what incentives can help with the assistance.

Mr. Miller suggested in the spring we should have a town hall meeting to get the input from the residents of Union regarding the Plan. Mayor Kirby stated the Plan has been in place for several years and that he would have no problem with having a meeting as long as it is not a free for all.

Commissioner Kelly stated that the city needs to have a contact person who will be in contact with the developers and the city. He suggested maybe hiring Mr. Parsons as that contact person. Commissioner Mefford agreed that we need a contact person and that Mr. Parsons would be someone that would be beneficial.

PUBLIC WORKS/UNION VISIONING COMMITTEE:

Commissioner Kelly stated that at the mayor's request an afterhour's message will be put on the city phone directing residents to contact Greg Spillman Lawncare for any snow related emergencies. Commissioner Kelly asked if the information can also be placed on the city's website (www.cityofunionky.org).

Commissioner Kelly stated that the city received a noise complaint on Golden Pond Drive. A resident was racing the engine motor on a race car. A letter was sent to the resident with a copy of the noise ordinance.

Commissioner Kelly received a request from a resident on Hathaway Road about possibly lowering the speed limit on Hathaway Road due to an auto accident. As this is a state roadway, there was a suggestion to refer this to the state highway department.

PLANNING AND ZONING: Mr. Jim Longano was not present and had no report for the City of Union this month.

CITY ENGINEER REPORT: Mr. Burke referenced his detailed City Engineering Report totaling 21 Items. Mr. Burke stated that the commission has previously received the Report, and if there were any questions, he could respond. Mr. Burke provided an overview with an emphasis on the City Action Items to follow. Mr. Burke began with making some corrections regarding height of weeds, landscaping contract years and an addition for no-parking signs within Harmony Estates to his report that was provided to the commission prior to the meeting.

Regarding Item #1 (d) The Consultant for and the KYTC are concerned about the extent of land uses without public sanitary sewers along the newly proposed SR 536 Highway. Mr. Burke stated that in the city near the highway within Gunpowder Greens there are about 35, on Mt. Zion Road (SR 536) there are

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about 20 and along on Hathaway Road there are about 7. Currently about 98% of the land uses in Union are served by public sewers.. Commissioner Miller asked what city action is required. Mayor Kirby said that at this time for Mr. Burke not to study the sewers issues, which was acknowledged.

Regarding item #3 (e), per the city's request, Mr. Burke has completed the AM & PM Spot Speed Studies within Plantation Pointe along Lancashire and Cherbourg Drives. The city worked with Boone County Public Works Sign Division to have stop signs posted at two (2) three-way intersections including Lancashire and Cherbourg; and Cherbourg & Abbington. This signage was in accord with the industry's Traffic Manual posted prior to the completion of the speed studies. In addition, pedestrian warning signs were posted along Lancashire Drive near the neighbor park, and extra stop signs were placed at the four-way intersection along Cherbourg and Wilshire. The results of the studies showed that 85% of the peak hour traffic, as spot tested, exceeded 25 MPH, the ITE guideline qualifying for an additional traffic control measure. Mr. Burke advised that the new signage is working. A stop sign at Capri Lane is not needed; but, anew speed hump should be constructed between Capri Court and the curve and median in the roadway along Lancashire Drive, where the speed studies warrant one. Currently, the time to construct a speed hump has passed due to the winter season. Construction in the spring is recommended. Mayor Kirby stated to proceed, but also stated that in the meantime we should watch the area for safety.

Regarding Item #9. (c), The Union Village HOA disagrees with the city regarding the HOA's responsibility to remove the non-functional gas light poles within the commercial area that are not within the boundaries of the Comprehensive Report. Attorney Voss asked if these lights were within the subdivision, as platted. Mr. Burke responded that they were, but were excluded within the agreement. The HOA has previous advised that their contractor can remove the two (2) or three (3) remaining poles for about \$150-\$200 per pole. The agreement between the city and HOA was for the twenty (20) lights within the subdivision beyond the commercial area. Mayor Kirby first felt that these lights should be converted to electric. Mr. Burke advised that this would be very expensive, separate from the original agreement. Further, other lighting within the commercial area seemed to be adequate. Mayor Kirby then said that we should have the remaining light poles removed. The area is within a commercial area, already lighted. Thus, these lights can be removed and not replaced. The city's cost, as estimated will be between \$300-\$600, depending upon the actual number of light poles.. Mr. Burke will observe the site for the exact number. If the HOA won't remove them, the city will pursue the best option.

Mr. Burke was advised by the clerk's office that the city is in receipt of 100% pre-payments from twenty-four (24) of the 149 HOA residents. These pre-paid owners should be removed from the Special Assessments list.

Regarding Item #10 (d) (2), the edge/side drain project previous completed, Mr. Jon Caldwell (9979) of Cedarwood Drive advised that there is evidence of some additional excessive surface water overtopping his sidewalk/driveway that may need to have an additional edge drains. A recent observation, not observed before the original construction, revealed that this may be a new problem. This may require another side drain connection by both the city and the homeowner. Mr. Burke stated that he will contact the homeowner, resident David Hanner, for input regarding a sump pump discharge that isn't totally enclosed; and, if more public work is required, it would need to be completed in the spring of 2012.

Mr. Mefford asked if we had given any further consideration to have the contractors tie-in their roof leaders into edge drains, the subject of several projects installed during 2011 for increased safety.. Attorney Voss said this should be addressed in the subdivision regulations. Mr. Burke will look into the options, coordinate the issues with the planning commission's Kevin Costello and others and provide a report and recommendations at the next meeting.

Regarding Item # 10 (e) (3), Harmony Estates, as stated previously, Mr. Burke is working with Boone County Public Works Sign Division to have No-Parking signs posted along streets including Splendor,

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Sapphire and Evensong Drives toward the rear of the development. In addition, a copy of an unsigned final plat forwarded to him indicates there are eighteen (18) new lots ready for building development along Soaring Breezes Drive north of Wilshire Court. The final plat has not been signed off at the Boone County level, and Mr. Burke feels that the plat also needs to be signed off at the city level. Attorney Voss agreed that this is not a new issue and should be pursued. Mr., Burke will follow this up with a better process.

Regarding Item #14 (b) Storm Water Program Co-Permittee Contact Sheet. SD1 has requested that all Co-Permittees including Union update the city's contacts information regarding the Program. Mr. Burke advised that he could continue to assume the role of being the primary contact for the Storm Water Control Program. Mayor Kirby, Public Works Commissioner Kelly and the City Clerk are also listed on the Sheet. Mayor Kirby acknowledged the listing was acceptable and asked Mr. Burke that the commission stay in the loop with all storm water items that are being studied or planned within Union. Mr. Burke stated that he would keep the commission apprised in his monthly reports, but if there becomes some more urgency he would inform the contacts regarding the issue between regular meetings.

Regarding Item #21 KYTC Request – Relocated KY 536 – Union Resolution 2010-006. Mr. Burke advised that the city received another letter on 11/16/2011 regarding the status of plans for the re-design of KY SR 536 (Mt. Zion Road). Mr. Burke advised that the KYTC is addressing some new items, some of which were previously addressed in the first Resolution, approved in early 2011. Now, the KYTC has included a draft of a second resolution, as recommended to be prepared following some new guidelines that the state has set forth. Commissioner Miller, who was at the early 2011 meeting in district offices with Mayor Kirby and Mr. Burke, asked if maybe someone from the state highway can come to the next commission meeting to discuss the current status of the project, the letters and resolutions regarding the new proposed highway. Mayor Kirby stated that we should ask Mike Bezold to come to the January meeting. Mr. Burke stated he would contact Mr. Bezold and invite him the next meeting.

Mr. Burke had a few other comments in his Reports. The city's Street Inventory is now being updated for FY21012-2017 for accounting and budgetary purposes, specifically for FY 2012-2013. Preliminarily, the city's public street system is comprised of a total of 100 street names measuring about 21.9 miles. There are about five (5) or so streets that Mr. Burke feels is in need of full resurfacing & maintenance during next fiscal year. Mr. Burke also stated that he was in contact with Boone County GIS for correcting some inaccuracies within their Street Index, such as Raiders Run as private not maintained by the city; and, the portion of Old Union Road is the city's by deed even though ½ exists within the unincorporated area. Attorney Voss indicated the entire roadway was transferred by the KYTC by the deed. Mr. Mefford asked if Double Eagle Drive is city maintained. Mr. Burke stated that it was his understanding that this street is partially in the city and partially in the county.

Mr. Burke also advised that in the KYTC's letter to the city regarding the SR 536 plans, the highway department has implied that the department is not maintaining anything beyond the outside of the curbs. This may mean that the KYTC will no longer be maintaining sidewalks along Relocated US/SR 42, subject of a pending pot hole repair near a catch basin opposite the Racon condo development. Mr. Burke stated he will seek a confirmation from the KYTC on this issue.

In regards to the complaint received for cars that are parked along the paper street right-of-way extending from Sycamore Drive, abutting resident Mr. Bedel, would like to have that paper street vacated and/or a No Parking signs be placed. Mr. Burke stated he had discussed the issue with Mr. Bedel, the city already installed a fence along the rear of his property; and, couldn't recommend vacating the right-of-way, since it serves Becknell's three (3) lots. In other discussions, Mr. Kidwell advised that with his Christmas decorations, the cars were relocated to the paper street, would be only temporary. Mr. Burke advised both Mr. Bedel and Mr. Kidwell that a brief overview of the city's zoning code required all parking to be on hard surface pavement; and, after the holidays if cars remain to be parked along the un-improved paper street

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are not removed No Parking signs will be recommended to be posted. However, these new measures would not affect the existing paved street, as stubbed, currently used by Mr. Becknell for several years now.

Commissioner Miller asked what is going on with Clarkston Drive. Mr. Burked stated that the commission had approved having the large rock placed along the both sides of the road for increased safety. He also has received some estimates bids on having the narrow roadway widened to a minimum standard, but will not happen until spring and only if the city commission approves the additional work .

Resident John Bell from Whispering Trails asked the city commission if the 15% cost sharing offer from the City of Union for assisting in the driveway/culvert repairs for financing if the residents cannot get the work completed until spring, due the winter season. Mayor Kirby stated that the offer will still be on the table.

Resident Jon Campbell asked about the status of plans for the KYTC's SR 536, if it is public. Mr. Burke stated that the plans are nearly complete; and, that he has a copy for public viewing. Mayor Kirby said it is available after the meeting and the route alignment is final.

Commissioner Miller mentioned that at the last meeting he had brought up the idea for landscaping the 2.8 acres of land at the north entrance to the city. This parcel is often referred to as the North Gateway Parcel. Mr. Miller advised that he had some discussions for having the Ryle High School Agricultural Department to participate in a landscaping design for the city. Mr. Miller spoke with Mr. Joshua Tubbs and he was excited about the opportunity. He will work on some designs and will present them to the city commission.

Commissioner Miller stated that the Lassing Green Entrance is nearly complete. Commissioner Mefford stated he had given Kathy Porter the final lighting document. The only thing that is left is the irrigation system. The commission needs to make sure that it is still operational.

Commissioner Miller inquired about the term of Mr. Jim Longano which expires on December 31, 2011. He asked if the commission is at liberty to pick someone from the city of Union to represent the commission at the Planning & Zoning Meetings. Mayor Kirby stated that if there are people that if the commission feels they know who would like to be considered they need to bring the names to the next commission meeting.

Commissioner Miller asked if there is anything new on the IGA Express. Commissioner Mefford stated that right now it is all financial.

Old BUSINESS:

- **Second reading ORDINANCE NO. 2011-008** – AN ORDINANCE ADOPTING THE PROCEDURE AND NECESSARY TERMS REQUIRED BY K.R.S. 91A.260 PURSUANT TO THE UNION CITY COMMISSION'S DECISION AND DETERMINATION TO PROCEED BY SPECIAL ASSESSMENT WITH THE CONSTRUCTION OF THE UNION VILLAGE STREETLIGHT PROJECT LOCATED IN THE CITY OF UNION, KENTUCKY. Commissioner Adams moved to approve and Commissioner Miller seconded the motion. **Motion Carried.**

ANNOUNCEMENTS:

Next City Commission Meeting: Tuesday, January 3, 2012

City of Union's Pancake Breakfast with Santa on December 10, 2011 from 8:30 – 10:30 at the Union Community Building.

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No further business came before the Commission. Commissioner Miller moved to adjourn the meeting at 8:50 p.m. Commissioner Adams seconded the motion. **Motion Carried.**

Signed this 3rd day of January 2012

APPROVED:

ATTEST:

Don Kirby, Mayor

Kathy Porter, City Clerk/Treasurer