

**CITY OF UNION, KENTUCKY
REGULAR BUSINESS MEETING
MINUTES
Monday, December 3, 2012**

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

CALL TO ORDER:

Mayor Don Kirby called the Regular Business Meeting of the Union City Commission to order at 7:00 p.m. Monday, December 3, 2012.

ROLL CALL: The following members were present:

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

PLEDGE OF ALLEGIANCE: Mayor Don Kirby let the audience in saying the Pledge of Allegiance.

APPROVAL OF MINUTES:

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

ADMINISTRATIVE REPORTS:

City Clerk/Treasurer Kathy Porter: Commissioner Miller moved to accept the Treasurer's Report as of November 30, 2012, and Commissioner Kelly seconded the motion. All voted in favor of the motion. **Motion Carried.**

SPECIAL PRESENTATION TO OUR VOLUNTEERS:

Mayor Kirby stated how the city appreciates the volunteers and the time they have dedicated to allowing the city host events for our residents.

Ms. Franxman mentioned that many of the volunteers have dedicated more than 100 hours, since the city began hosting events and would like to honor them at this time. Ms. Franxman stated that in 2009, the city started the Union Cares Program. The program was designed to help those who are less fortunate within our community and county. The program was started with hopes that each neighborhood or community might start a collection amongst themselves. The Community of Lassing Green has started a program and it is headed up by Ms. Nancy Osmundson.

The events volunteers committee is small but mighty and the volunteers who have put in at least one hundred (100) hours of service are: Sarah Rodgers, Laura Gorman, Lana Heckman and John Pelz.

The Adopt-A-Unit program takes many hours of fundraising, collecting, and packing boxes. Those volunteers who have packed over three hundred (300) boxes will be honored this evening. Those volunteers are: Kathy Alexander, David Esposito, Kristin Geisey, Bob Mays, Kim Voss and Cindy Pollard.

The City would also like to present Governors Citations to two of our volunteers. Those receiving these awards are Mr. Jim Longano and Ms. Robbie McFerron.

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GUESTS WISHING TO SPEAK:

Mr. Ryan Smith, who lives at 1207 Lancashire Drive, commented about the speed hump that was placed on his street. He stated that since the speed hump was placed they have noticed a significant decrease in the speed of the vehicles along his street. There are a number of children who live and play along the street and the speed hump has increased the safety for them.

Mr. Bill Montour who lives at 1212 Lancashire Drive stated that he was here as a result of a conversation with City Engineer Barry Burke. They were told that the City Engineer report will reference a concern from another citizen along this street. Mr. Montour stated that most of the people that were in attendance for this meeting are focused on the fact that the speed hump works. He stated that it isn't perfect and there are people who feel that it is an inconvenience.

Mayor Kirby stated that the reason this is in the report is because there was an individual that complained. And there was conversation about it. Mr. Burke's recommendation is to leave the speed hump alone. Placing a speed hump is done objectively, a resident brings the request to the commission, the commission authorizes the city engineer to perform a speed study and he then brings his finding to the commission for approval. The speed humps are placed according to engineering specs.

Mayor Kirby asked if there was anyone in the audience who was opposed to the speed hump and would like to address the commission. No one voiced an opposition or came forward.

Mr. Matt Robinson who lives at 1215 Lancashire Drive stated he is a police officer and parks his cruiser in front of his home. Before the speed hump was put in place, drivers did not care; they never slowed down and even at times ran the stop signs. Since the speed hump has been installed, drivers have no choice than to slow down.

Mayor Kirby mentioned that from all the emails that has been received only one citizen has complained. This issue will be discussed further, as a part of Mr. Burke's City Engineer Report.

CITY EVENTS COORDINATOR:

City Events Coordinator Karen Franxman briefly summarized her report. On Saturday, December 15, 2012 from 8:30 – 10:30 a.m., the city will be hosting their third annual Pancake Breakfast with Santa.

Perfect North Discount vouchers have been received and will be on sale at the City Building during regular business hours.

Mayor Kirby asked Ms. Franxman about volunteer hours and if the city has a standing agreement with the schools to allow the student to get these or do they need to have each event approved. Ms. Franxman stated that it depends on what the student needs the hours for. Some organizations make them go through it otherwise the city will fill out the necessary paperwork for the student.

During the month of December, the Union Cares Program will be working with Boone County High School and will be collecting sweat pants. They are requesting adult sizes.

PUBLIC WORKS/UNION VISIONING COMMITTEE:

Outgoing Commissioner Bob Kelly first of all wanted to thank the citizens of Union for allowing him to serve them for the past seven (7) years.

ECONOMIC DEVELOPMENT COMMITTEE (EDC):

Outgoing Commissioner John Mefford also thanked the citizens of Union. The Economic Development Committee postponed their November meeting due to the fact they have some more meetings scheduled with some interested developers. The re-scheduled meeting is set to take place on December 11, 2012 at 5:30 p.m. here at city building. Commissioner Mefford stated there will be more to report during the January meeting. Mr. Mefford has volunteered to stay involved with the EDC committee.

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Outgoing Commissioner John Adams stated that he also would like to thank the residents of Union. He stated he would also like to stay on the Conservation Board as a representative for the City of Union.

Commissioner Bryan Miller stated he wanted to thank the outgoing commissioners and welcomed the newly elected commissioners.

PLANNING AND ZONING:

Mr. Jim Longano told the in-coming commissioners that he looked forward to working with them as the Union representative on the Boone County Planning and Zoning board.

CITY ENGINEER'S REPORT: Mr. Burke referenced his detailed City Engineering Report totaling 15 Items, nine (9) of which require city action. This report has been previously provided to the Mayor and City Commissioners, Legal Counsel and City Staff.

Regarding Item #1, the Storm Drainage Systems that were transferred to SD1 in June 2010. There are three (3) separate additional sites on lots that were transferred more recently. Mr. Burke stated that recent discussions with SD1's Sean Blake advised that if the city wanted more immediate and regular maintenance for these sites, then the city could have the maintenance performed by the city's landscape contractor and bill SD1 for the work to be reimbursed.

Commissioner Miller stated that the since these properties were transferred over to SD1, SD1 should be the ones to maintain it.

In response to Commissioner Miller, Mr. Burke stated that SD1 will assume the responsibility to own and maintain these sites but as an another option, if the city would like to see more immediate maintenance then the city could have the work done locally and invoice SD1 for a reimbursement.

Mayor Kirby asked what SD1's schedule was on maintenance. Mr. Burke stated he did not know, but the sanitation district maintains several hundred basins throughout the three (3) counties. The question would be the timing of SD1 action in response to citizen complaints.

Commissioner Mefford voiced his concerns that if the detention basins were not properly taken care of, that it would be the city that would field the complaints and not SD1.

Mayor Kirby suggested we could have an agreement with SD1, that the city could use its own contractor, on an as needed basis.

Commissioner Miller stated that a complete transfer of ownership and maintenance leaves the issues with SD1; and, avoids a conflict with the city and SD1 perhaps stating that the city's local price was too high. If the city is going to deed the property over to them, then they should take care of it.

Mayor Kirby suggested that the city should revisit this issue again, if an issue arises

Regarding Item 3 (d), Old Union Road at Royal Oak Lane, and a sight distance problem. As of right now, there is not a sight problem because the tree branches do not have any leaves. This will once again become an issue next spring or summer. Mr. Burke stated that he has tried unsuccessfully to contact the current landscaping contractor, Spillman Lawn Care. Mr. Burke suggested re-visiting this issue in the spring when the tree foliage again starts to come out. Mayor Kirby stated as long as it is not an issue currently, then the commission can revisit it in the spring.

Regarding Item 3 (e), the Lancashire Speed Hump, Mr. Burke adding to the residents comments in attendance made earlier, stated that the speed hump in terms of center height is at the high end of the range for speed

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humps for the city's 20 or so speed humps. The design plan was between 5" to 5 ½" at the crest and was previously observed to comply with the plan and ITE Guidelines. Mr. Burke stated that another personal observation made in his vehicle concluded that the existing hump is performing, as originally intended.

Mayor Kirby said that since the speed hump is doing its job, that the city should leave it as is; and, as constructed.

Commissioner Kelly asked about damage to vehicles as they cross over the speed humps; and, if the city could be held liable. Attorney Voss stated that as long as the speed hump is within the ITE Guidelines then the city should not have an issue.

Commissioner Mefford asked about the difference in the complainant's measurement and the city engineer's measurement of the speed hump. The complainant stated he measured the speed hump at 8.75" at the center and City Engineer Barry Burke stated that the speed hump measured approximately 5 - 1/2" at its edges near the curb. Mr. Burke stated that he did not perform any more detailed measurements with a laser device across the entire width of the speed hump Mr. Burke stated there may be portions of the speed hump that might be slightly higher or lower due the difficulty in forming hot asphalt during the construction, but doubted the 8.75" figure. If cars follow the listed speed limit, then it performs as the design intended.

Regarding Item number 6 (b), the Relocated US 42 & Mt. Zion Road Street Lighting Project for pedestrian safety. First, the City will have a new contact representative at Duke Energy of Kentucky as Ms. Sandy Connley will be working with another county after she finishes the present lighting project. Our new contact will be Mr. Brian Beecher. Mr. Burke will provide Mr. Beecher's contact information to city administration.

Regarding some new information provided by Duke Energy's Sandy Connley on this project, Mr. Burke met with Ms. Laurie Emery at KLH Engineers, Ms. Connley and Mr. Beecher concerning the locations of the two (2) existing lights, as an update, Mr. Burke advised the commission that there is an existing 250W street light west of Relocated US 42 on Mt. Zion Road that is not presently operable.. Duke Energy stated that the city is presently being billed for this light. Regarding the other existing light at the southeast corner to the city building, Duke Energy advised that this 400W light would not have to be relocated in the future by the KYTC widening plans, as the original KLH Engineers plan proposed. That plan included a total of three (3) or four (4) new lights at costs within an approximate range of \$18,000 - \$21,000. Now KLH Engineers advises that the city could no longer use the existing light as part of the original plan due to its location and the position of its angled arm. Thus, the new design plan now includes only one (1) new light with an angled arm on the northwest corner similar to and replicating the existing light fronting the city building on the southeast corner. KLH Engineers has assured the city engineer that the new design plan for a total of two (2) lights will adequately provide safe lighting to the entire intersection for pedestrians, but less than the original plan of three (3) or four (4) for the best or ideal lighting, Therefore, with a new revised plan, the city's costs for this project will be reduced from the original an range of \$18,000-\$21,000 to \$6,000-\$7,000, without seriously jeopardizing pedestrian safety. At the meeting, Duke Energy representatives also advised that due to some unknown reason, since 2005, the city has not been billed for energy usage for the existing 400W light at the southeast corner where the City Building exists.

Attorney Voss gave a brief update on why the city is looking into the new street lighting safety for the new commissioners.

Mr. Burke stated that KLH Engineers has finalized a revised design plan for the street lighting project, subject a final review. Once the revised plan is formally approved by Duke Energy, Duke will apply for the KYTC District 6 Permit; and the Duke Energy Outdoor Lighting Agreement is received, the city should select payment option in a lump sum and issue a check to Duke Energy to avoid another meeting with the possibility of the light being scheduled and installed in January 2013.

The city is also working with KLH Engineers on another lighting project along Relocated US 42 at Frogtown Road and Double Eagle Drive including the concerns regarding students at Ryle High School. This plan including calculations and photometrics will come to the city commission for a presentation at a later date for city action with

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possible construction, if approved in the Spring of 2013.

Based upon the foregoing, Mr. Burke recommended the city agree to move forward with the lights at Relocated US 42 and Mt. Zion Road, providing that the costs for the plan not exceed \$21,000; and, the costs for the revised plan would be significantly less, which was acknowledged by the commission

Regarding Item number 8, the landscaping specification documents for calendar years 2013-2014. There is debris clogging problems with Mapping Area M, the largest inlet culvert along Hempsteade Drive. This item needs some attention. City Clerk Kathy Porter agreed to contact Spillman Lawn Care to take care of this issue. Commissioner Miller stated that if there was a concern about the debris build-up and we cannot get the current landscaper to correct the issue, then the city might want to have next year's contractor, A&A Lawncare go in and correct the problem. Commissioner Miller stated that there are still some areas that still need mowing one final time. Attorney Voss asked if any money was being withheld from Spillman's recent Invoices for the items that have not been mowed. City Clerk Kathy Porter stated that she had one (1) Invoice to pay for November's contract work. Attorney Voss advised that if all the work within the contract for November wasn't complete, the city could withhold some costs to complete the debris problem.

Regarding Item number 11, the snow removal contract with Perfection Landscaping / Salt Pile / Union Pool Property. The city through SD1 has received a Storm Water Permit for the salt pile from KYDOW; and, coordinated additional permissions with the owner Boone County Fiscal Court to store the salt pile at the Union Pool for at least one (1) more year, when a new site will have to be located. Commissioner Miller stated the salt was already stored at the site. He stated that it is covered with a tarp, but the tarp and straps could be a little tighter. Mr. Burke advised that the city will need to perform some extra work in this spring to restore the vegetation that was damaged by the salt leachate down the hillside slope earlier during the winter of current 2012 calendar year.

Regarding Item number 13, the Storm Water Pollution Prevention Plan (SWPPP) and Good Housekeeping for Municipal Operations Training for Co-Permittees. One of the items that Union needs to comply with the city's Storm Water Pollution Prevention Plan (SWPPP) Permit is to repair the gutters and downspouts at the rear of the community building. Mayor Kirby said to go ahead and get quotes to have this work completed.

The city will also need to start looking for a new place to store the salt pile, as Boone County is planning an upgrade to the community pool parking area lot next year.

Regarding Item number 12, the Final Subdivision Plats of Record. Mr. Burke, Commissioner Miller and Attorney Voss met with the Boone County Planning Commission (BCPC) staff and Boone County Public Works (BCPW) Engineer Greg Sketch on November 20, 2012 to discuss the inspections and to improve procedures for final subdivision plats. Following this meeting, Mr. Burke stated that he received a total of nine (9) copies of all plats approved for record by the planning commission within the last 24 months. Moving forward, all future final plats including addresses will be forwarded electronically to the City Clerk, City Engineer and City Commissioner of Public Works by Shannon Spears of the (BCPC). They also discussed the existing and outdated 1997 inter-local agreements between Boone County and Union. New documents will revise the procedure for street inspections including reports, proper names of the surety and final plat signatures, if legally required. City Attorney Greg Voss and Greg Sketch of the BCPW will be working together to complete these items. Copies of any final plats can also be accessed from the Boone County Clerk's electronic plat data base. Mr. Burke's other concerns include the improved communications between the county and city regarding sureties and guarantees naming the city and/or fiscal court, the entity performing the actual inspections. Mr. Burke has also spoken with County Administrator Jeff Earlywine who suggested that the surety should include both the fiscal court and the city, respectively, since the streets are inspected by a fiscal court department (i.e., Public Works); and, when complete will become the city's responsibility.

Regarding Item number 15, the KYTC bridge inspection reports in Union, Kentucky. The inspections are done by the KYTC on those bridges that over twenty (20) feet or greater in length. The city currently has three (3) bridges that were inspected, including South Fork Gunpowder Creek at Churchill Drive, Fowlers Fork Creek at Clarkston

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Lane and Fowlers Fork Creek at Westbrook Blvd. The reports state that all three (3) bridges need some minor maintenance but nothing major. While the report states that the all three (3) Union bridges are deemed safe without weight limits or restrictions, the report further states that other bridges having weight limits of less than a 3 ton capacity must be barricaded; or, posted if 18 tons or less in capacity. Further, in order to qualify for future federal bridge and rehabilitation funds, all counties and cities and must return a Compliance Form provided by the KYTC including the mayor's signature Mayor Kirby stated he would sign the form and return it to City Clerk for return to the KYTC. Unlike other years where only counties required a response, these is the first year that the KYTC has requested that the mayor of cities sign and return the Compliance Form.

Commissioner Miller asked Mr. Burke about two (2) drains or catch basins on Double Eagle Drive that is currently being repaired. Mr. Burke advised that these are a few of several repairs throughout the city currently in process by TMS Construction, Inc.

Commissioner Miller asked about the lane markings on Old Union Road; and, the uncompleted cross-walks striping around Kroger on Braxton and Richmond Road. Mr. Burke stated that the striping was completed by a company named Aero-Mark with an Invoice pending; and, the thermoplastic cross walk materials have been ordered from Fleet Trading, Inc. and when they are shipped to the county, Boone County Public Works (BCPW) will apply to each cross walk, weather permitting.

OLD BUSINESS:

NEW BUSINESS:

- ❑ **RESOLUTION NO. 2012-006** – A RESOLUTION OF THE CITY OF UNION, KY TO ACCEPT THE BID FROM A&A LAWN CARE & LANDSCAPING, INC. FOR PROVIDING MOWING, TRIMMING, LANDSCAPING AND GENERAL MAINTENANCE. Commissioner Mefford made the motion to approve and Commissioner Miller Seconded the motion. **Motion Carried.**
- ❑ **RESOLUTION NO. 2012-007** – A RESOLUTION OF THE CITY OF UNION, KY ADOPTING THE NKADD REGIONAL HAZARD MITIGATION PLAN. Commissioner Adams made the motion to approve and Commissioner Mefford Seconded the motion. **Motion Carried.**
- ❑ First Reading of **ORDINANCE NO. 2012-009** - AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES OF THE CITY OF UNION, KENTUCKY. Commissioner Miller made the motion to approve and Commissioner Adams Seconded the motion. **Motion Carried.**
- ❑ **OATH OF OFFICE to the Newly Elected Officials** for Years 2013 & 2014 (Donna Fryman, Bryan Miller, Ken Heil & Deanna Kline)

ANNOUNCEMENTS:

The city offices will be closed on December 24th and December 25th for the Christmas Holidays
The Union Community Theater will have an open house on Monday, December 10, 2012 at 7:00 p.m.
The next City Commission Meeting will be held on Monday, January 7, 2013 at 7:00 p.m.

ADJOURN:

With no further business coming before the Commission, Commissioner Miller moved to adjourn the meeting at 8:23 p.m. Commissioner Kelly seconded the motion. **Motion Carried.**

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Signed this 7th day of January 2013

APPROVED:

ATTEST:

Don Kirby, Mayor

Kathy Porter, City Clerk/Treasurer