

**CITY OF UNION, KENTUCKY
REGULAR BUSINESS MEETING
MINUTES
Monday, December 2nd, 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, December 2nd, 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 Burke, PE PLS
City Clerk/Treasurer - Kathy Porter
City Attorney - Greg Voss, Esq.

Mayor Don Kirby – Absent
Events Coordinator - Karen Franxman Absent.

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

APPROVAL OF MINUTES:

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

BILLS FOR PAYMENT:

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

ADMINISTRATIVE REPORTS:

City Clerk/Treasurer Kathy Porter: Commissioner Kline moved to accept the Treasurer's Balance Summary Report as of December 2nd, 2013, and Commissioner Fryman seconded the motion. All voted in favor of the motion. **Motion Carried.**

GUESTS WISHING TO SPEAK:

Mr. Jim Logsdon who lives at 10642 Aspen Place addressed the commission concerning a focus group meeting that he attended in regards to the City of Union Town Center or Plan. He had asked at the focus group meeting who the developer would be and at that time was told by Planning Commission's Executive Director Mr. Kevin Costello that the developer did not want to be disclosed at this time. Commissioner Kline stated that a developer had contacted the Boone County Planning Commission with interest of certain parcels, but nothing has been officially submitted to Boone County as of yet. Mr. Logsdon stated that he was made to believe that there was a developer already. Mr. Logsdon also asked who owns the Town Center buildings. Commissioner Kline stated that the properties are owned by individual property owners. Mr. Logsdon then asked who will own the buildings as the Town Plan is developed. Commissioner Kline stated at this time the city does not have any plans to purchase the properties. Mr. Logsdon stated that one of the questions they was asked if the property owners would be willing to pay more in taxes. Commissioner Kline stated that this question was just a general question of how residents felt about taxes currently being paid on their property. Mr. Logsdon stated that he noticed on the plan schematics that there would be four (4) lakes to be built and a tunnel under US 42. Commissioner Kline stated that nothing was set in stone and that the plan is just in schematics right now.

Mr. Logsdon asked about the possibility of crematoriums being permitted to be built in the city. Commissioner Kline stated that if it was what was adopted in 2000, it would be part of the list.

Mr. Logsdon also mentioned the big box stores. Commissioner Kline stated the Town Plan has a limit on the size for the building therefore, a big large building would not be permitted.

Mr. Logsdon stated the Town Center would be an improvement for the residents of Union and asked if the city would receive benefits from the Town Center other than just the tax payments.

Mr. Logsdon also mentioned concerns regarding traffic at US 42 and Rice Pike. Commissioner Miller stated that moneys have been approved to make Rice Pike much safer. This will allow for a turn lane. This construction will start in 2014. Mr. Logsdon stated his concern is for the residents or school buses that are turning left from Rice Pike onto US 42. Commissioner Miller stated that it is being addressed by the KYTC.

Commissioner Kline stated that if Mr. Logsdon had any more concerns or questions concerning the Union Town Plan, he could contact Mr. Kevin Costello at the Boone County Planning Commission.

Ms. Laura Fagin and Mr. Shawn Fagin addressed the commission concerning the possibility of St. Timothy's building a new K-8 school. Mr. Fagin stated that the church started a preschool and kindergarten and currently they have 171 children enrolled. A committee was formed within the last 12-15 months to study the idea of having a K-8 school. The hope is to build a school that will house approximately 450 students on the existing property. The church owns approximately 20 acres of land. The Diocese of Covington owns another contiguous 30 acres, but they do not plan to use that land. To date, they have received approval from the Diocese of Covington to move forward with the capital campaign to try to raise the money to build the new school. The campaign's goal is to raise between 6-10 million dollars. Once they raise about half the amount needed, they will be able to move forward with the architect's drawings followed by construction. They are currently early in the process unless they receive a large donation. Once they start construction, they should have a new school up and running within a year.

Commissioner Miller asked if the state would provide any funding for the school. Mr. Fagin stated that the construction would be provided by only private funds. He is not aware of any public funds available for the parochial school.

Mr. Paul Parmele, a resident in Hempesteade Estates, stated he was in attendance with a group of boy scouts who are working on receiving their citizenship in the community merit badge. One of the requirements for receiving the badge is to attend a public meeting and to take notes.

The scouts in attendance were: Dillon Wright, Scott Tursic, Noah Richardson, and Joshua Rogers.

Mr. Parmele also asked a question concerning the focus groups. The newspaper article did not make it clear as to who was invited and what it was. He asked if they were commissioned by the city. Commissioner Kline stated that resident Mr. Larry Solomon, who does marketing and focus groups, volunteered his time and an independent company called the residents and business owners to get a sampling to attend the groups. Mr. Parmele asked if this was brought to the city by an individual or if the city wanted it. Commissioner Kline stated that the city requested it and a full report will hopefully be ready by the January meeting.

Mr. Frank Beemon asked about the sampling and how they were chosen. Commissioner Kline stated that it was done by an independent company. She stated that it was based on five (5) groups, including business owners, and those residents who have lived within the city less than two (2) years, those who have lived within the city between two (2) and ten (10) years, those who have lived here over ten (10) years as well as HOA presidents and board members. Mr. Beemon asked if the choices had anything to do with age or income. Commissioner Kline said that income did not play a factor in the process, but age might have been a factor. Mr. Beemon stated that it was at the Union City Building and behind closed doors and the City paid for the focus groups, but the residents weren't invited, that he feels there is a thin line that the city might have crossed. Attorney Voss stated that the city did not violate the open meetings act since there were never more than two members of the commission present and no decisions were made.

Mr. Beemon also asked about the possibility of a city manager and if it would be budgeted through the taxes and if taxes would increase because of it. Commissioner Kline stated that the city would need to look at the budget once it makes a decision on what they would like to do in the regards to hiring a city manager.

ECONOMIC DEVELOPMENT COMMITTEE REPORT (EDC):

Commissioner Kline stated the EDC Committee did not have a November meeting as it was postponed due to the research study focus group meetings. Commissioner Kline stated that all the focus groups went well.

CITY EVENTS COORDINATOR REPORT:

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

On Saturday, December 7th, 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 pm to 7:00 pm.

The 4th Annual "Pancake Breakfast with Santa" will be held on Saturday, December 14th, 2013 from 8:30 am to 10:30 am. Santa will arrive around 9:00 am and will be there until 10:30 am.

Union Cares Program: For the month of December the city will be collecting for Boone County High School. Their special request is for sweatpants. Adult sizes medium, large and extra-large are preferred.

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

CITY ENGINEER'S REPORT: Mr. Burke referenced his detailed City Engineering Report totaling eighteen (18) items, with only four (4) requiring city commission attention and action.

Regarding Item Number 1, (b) (2), a proposed new development at the northeast corner of Relocated US 42 and Brilliance Avenue. The new development is named Boonespring Transitional Care. Boone County Planning and Zoning staff asked Mr. Burke to review the plans for the development and advise on the transportation portion. Mr. Burke asked the commission if they would like him to put his findings and recommendations in writing. Mr. Burke's concerns from a traffic standpoint are that they propose to break the medians to allow for turning in close proximity to US 42. He is also concerned about the peak traffic flows for the area. In a meeting, Mr. Burke advised the developer and engineer that the City of Union's final action is dependent upon and after the formal recommendation is made by the Boone County Planning Commission from the public hearing process. Commissioner Heil suggested to allow Mr. Burke put the information received from the meeting directed to the Boone County Planning Commission and any concerns regarding the transportation aspects and the traffic in writing for when the proposal is brought to the commission for action..

Regarding Item Number 1 (h), Mr. Burke received an email from Mr. Richard Allen, who had concerns concerning traffic controls along Burleigh Lane between Whittlesey Drive and Brandsteade Court. Mr. Allen's concern is that after the cars go through the area on Burleigh Lane that already has speed humps and reach Whittlesey Drive they speed up and go through the stop sign at Brandsteade Court. Mr. Burke stated that he explained the process of performing speed studies before placing any speed humps; and, Mr. Allen seemed satisfied with his explanation. Another resident who lives in the area commented that the speed humps have made a serious and positive dent in the amount of speeding throughout that neighborhood. The resident stated that the reality is if the drivers obey the stop signs, then there is no issue, but not all do.

Commissioner Fryman asked if the city pays the Boone County Sheriff Dept. for such traffic enforcement, City Clerk/Treasurer Kathy Porter stated that the city pays via an Inter-local agreement with the Boone County Sheriff Dept. Mr. Burke stated he welcomed the input from Mr. Allen, and recommended that this section of street be monitored on a more regular basis; and, if the problem becomes worse, he will bring the issue back to the city for more discussion and action.

In response to Commissioner's Miller's comment regarding an email received, Regarding Item 1 (I), Mr. Andrew Garner was hit while crossing the street along Wetherington Blvd., within the city of Florence. Mr. Burke stated he personally observed the cross walk, though not within the city of Union, and the line striping and cross walk was

clearly marked. Mr. Garner would like to have more signage. Mr. Burke stated the Boone County and Florence would be involved in this jurisdictional matter.

Regarding Item 1 (j), the brick pavers at Appomattox Drive within the Plantation Pointe/Antebellum Subdivision, at the last meeting Mr. Burke was directed to get some quotes for upgrading or replacing the brick pavers, which have deteriorated at the entrance on Appomattox Drive, a public street within the city of Union. Mr. Burke advised the commission of four (4) separate options. Option 1 is the remove and replace, only the damaged portions of the existing pavers. However, Mr. Burke feels that this is not the most aesthetically pleasing solution and would cause future maintenance problems. However, this is the least costly option. Option 2 is to remove all the brick pavers and replace with full depth asphalt for the crosswalk. This is the least preferred option for the HOA. Option 3 is to remove and replace the brick pavers with concrete that is stamped and colored. The HOA representative stated that this might be an acceptable option if an attractive concrete pattern is approved. Option 4 is to remove all the existing brick pavers and replace them with new brick pavers. The quotes for the Options are: Option 1 - \$6,875; Option 2 - \$10,000; Option 3 - \$15,000 from Michels Construction; and, Option 4 - \$19,000. Mr. Kim Bunker who is the HOA president for Antebellum stated that the HOA would be willing to pay a maximum of \$3,000 toward the cost, if the city chooses to move forward with either Option three (3) or four (4). Mr. Burke also called Tri-State Bomanite to get another quote for the stamped concrete. Tri-State Bomanite's lowest quote is contingent on being able to close the full intersection down for about five (5) days. Commissioner Kline asked if there was another entrance. Mr. Burke stated that he thought there was. If the city could close the intersection, then the cost is \$11,854. If the city cannot close the intersection, it would cost an additional \$2,400. If the full intersection cannot be closed the contractor would have to do half the cross walk then let it cure and maintain traffic on the other side and then come back to do the other half. The pattern would not be exactly the same. If the HOA approves the cost share of \$3,000, as discussed, the city's cost would be \$8,854., if the intersection is completely closed. Commissioner Kline stated that before the city moves forward with agreeing to fix the cross walk for the \$11,854 quote that the HOA should give the city in writing that they are willing to pay the \$3,000. Commissioner Heil asked if the city could make a motion contingent on the HOA to give the city the \$3,000. Commissioner Heil made the motion to authorize the city and Tri-State Bomanite to move forward with Option 3 for the stamped concrete contingent on receiving a written authorization from the HOA stating they will provide \$3,000 and the intersection will be closed for five (5) days. Commissioner Kline seconded the motion. All voted in favor. **Motion Carried.**

Regarding Item Number 5, Mr. Burke was forwarded a cost reimbursement request from resident Jon Campbell who lives on Whispering Trails. Mr. Campbell lives at 1834 Whispering Trails. In 2010, Mr. Burke prepared the Haven Manor Whispering Trails Storm Drainage Report. This was sent to SD1 in hope they will take this major project on and repair numerous drainage issues involving many undersized culverts under driveways. In 2011, the City Commission agreed to advertise for quotes to repair seven (7) of the most critical culverts. After resident Ms. Molt opted out, six (6) residential culverts remained. Two (2) of the residents (i.e., Raybourne and Hodge) took and received the 15% proposed reimbursement that the city offered to pay for upgrading their culverts and driveways with their own contractors. After Mr. Burke questioned the time period elapsed from 2010 to Mr. Campbell's request in 2013, Commissioner Kline made a motion to pay the same 15% cost share to Mr. Campbell that was offered to the other residents. This 15% amount was \$1,834.70, which closely matched the original bids in 2010. Commissioner Heil seconded the motion. All voted in favor. **Motion Carried.**

Commissioner Heil then made a motion to send a letter to the remaining three (3) residents (i.e., Haynes, Bell and Vice) and put a maximum time frame on the 15% reimbursement for one (1) year. Mayor Pro-Tem Miller stated that he had mixed emotions on it. City Clerk Kathy Porter stated that it was a set dollar amount based on the original bids. The amount will not increase even if the future bid does. Commissioner Kline stated that she would feel more comfortable if they went to about two (2) years. Commissioner Heil then amended his motion to draft a letter to the three (3) remaining residents stating the option of 15% reimbursement will be good only until December 31, 2015. Commissioner Fryman seconded the motion. All voted in favor. **Motion Carried.**

PUBLIC WORKS:

Commissioner Bryan Miller stated that the overhanging trees along Sycamore Drive have now been trimmed. Mr. Burke referred to his monthly report regarding this and other Invoices received for payment, which City Clerk Kathy Porter acknowledged. Commissioner Miller also mentioned the camper that is located on Mr. Long's property along Mt. Zion Road. Mr. Miller received word that the camper is not in violation of any ordinances. A letter was drafted to send to Mr. Rath along with the ordinances that allow for the camper. The boat on Richmond

Road has also been moved.

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

OLD BUSINESS:

- ❑ **Tabled at November Meeting - 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. Attorney Voss suggested tabling the ordinance permanently. Commissioner Kline made the motion to table the ordinance permanently, and Commissioner Heil seconded the motion. All voted in favor. **Motion Carried.**

NEW BUSINESS:

- ❑ **EXECUTIVE ORDER: 2013-01** – The Boone County Emergency Operations Plan (EOP) is officially approved and adopted as of the date of this Executive Order. Commissioner Kline made the motion to approve the Executive Order. Commissioner Heil seconded the motion. **Motion Carried.**
- ❑ Discussion by Attorney Voss concerning the creation of a “Code Enforcement Board”. Attorney Voss stated that during the last couple of months there were some things that the city sent to Boone County to handle, and that were slow in processing. He contacted them and was told that they were understaffed and had stack of cases they were working on. He suggested that it is possibly time for the city to form a “Code Enforcement Board” to deal with city related issues. The city could still use Brad Horn from Boone County as their code enforcement officer.
- ❑ Attorney Voss stated that on Wednesday, December 4th, 2013 at 7:30 pm there is a public hearing at Boone County Planning Commission concerning the zone change for the new Kroger’s store, as proposed and asked the commission if they would like to have him attend the meeting on the city’s behalf. Commissioner Kline made a motion to send Attorney Voss to the public hearing on the city’s behalf. Commissioner Heil seconded the motion. **Motion Carried.**
- ❑ Commissioner Donna Fryman asked if the commission could go into executive session to discuss a matter concerning the City Events Coordinator, Karen Franxman. Per Attorney Voss and the KRS, an independent contractor is not considered an employee and does not allow for executive session. Commissioner Fryman asked City Clerk/Treasurer Kathy Porter for a job description for the City Events Coordinator. After reviewing the contract, she feels that not all aspects are being fulfilled. Commissioner Fryman also mentioned the Union Community Theater (UCT) and the use of the Union Community Building. Ms. Franxman is listed as an officer of the UCT. After researching the KY Secretary of State website, Commissioner Fryman discovered that the UCT was incorporated with Karen Franxman listed as the registered agent. Commissioner Fryman asked for the suspension of Ms. Franxman pending an investigation by Frankfort. After further discussion Attorney Voss stated that he would need to review the information before he can give an official opinion on the issues. Commissioner Fryman asked if we could have a special meeting on this situation. Attorney Voss stated that he would contact both Mayor Kirby and Ms. Franxman.

ANNOUNCEMENTS:

The next regular business meeting is scheduled for Monday, January 6th, 2014 at 7:00 pm.

ADJOURN: With no further business coming before the Commission, Commissioner Kline moved to adjourn the meeting at 8:40 pm. Commissioner Fryman seconded the motion. All voted in favor. **Motion Carried.**

Signed this 6th day of January, 2014

APPROVED:

ATTEST:

Don Kirby, Mayor

Kathy Porter, City Clerk/Treasurer