

**CITY OF UNION, KENTUCKY  
REGULAR BUSINESS MEETING  
MINUTES  
Monday, February 3rd, 2014**

**CALL TO ORDER:**

Mayor Don Kirby called the Regular Business Meeting of the Union City Commission to order at 7:00 pm Monday, February 3rd, 2014.

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

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

Mayor – Don Kirby  
Commissioner - Bryan Miller  
Commissioner - Deanna Kline  
Commissioner - Ken Heil  
City Engineer - Barry Burke, PE PLS  
City Clerk/Treasurer - Kathy Porter  
City Attorney - Greg Voss, Esq.  
Events Coordinator – Karen Franxman

Commissioner - Donna Fryman was absent.

**PLEDGE OF ALLEGIANCE:** Mayor Kirby 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 Miller made a motion to dispense with the reading of the minutes from the January 6th, 2014, Commission Meeting with his and other changes addressed by City Engineer Barry Burke and the motion was seconded by Commissioner Kline. **Motion carried.**

**ADMINISTRATIVE REPORTS:**

**City Clerk/Treasurer Kathy Porter:** Commissioner Kline moved to accept the Treasurer's Balance Summary Report as of February 3rd, 2014, and Commissioner Heil seconded the motion. All voted in favor of the motion. **Motion carried.**

**BILLS FOR PAYMENT:**

Commissioner Miller made the motion to pay the bills, as received. Commissioner Heil seconded the motion. All voted in favor. **Motion carried**

**CORRESPONDENCE RECEIVED:**

None Presented. Mayor Kirby stated that the city acknowledges and continues to receive information concerning the proposed Kroger development and the Boonesprings Care facility.

**PRESENTATIONS/GUESTS WISHING TO SPEAK:**

Mr. Larry Solomon, Strategic Resources, Inc., presented the information gathered from the research study about the awareness of and reaction to the proposed Union Town Plan that came from the Focus Group sessions that were held in October/November 2013.

Mr. Solomon stated that the purpose of the focus groups was to hear from a cross-section of residents and businesses to assess the awareness and reaction of same have on the Union Town Plan. The purpose was to develop a communication strategy to better target residents and businesses through segmentation. Mr. Solomon stated that the groups were broken down into various segments. The segments were further broken down into HOA presidents and board members, those residents who have lived here less than two (2) years, those who have lived here between two (2) and ten (10) years, those who have lived here more than ten (10) years and business managers and owners within the city.

What was learned from the focus groups was that their behaviors were not necessarily broken down by how long a person had lived within the city, but why they had moved into the city? These three (3) groups were categorized as “Unique Haven Seekers”, “Country/City Residents”, and “Traditionalists”

The “Unique Haven Seeker” moved into Union because it was a unique haven different from Florence and other cities. They moved into the area because of the Town Plan and they want to be active in the changes and the development thereof.

The “Country/City Residents” moved into Union because there is still a lot of country and little city.

The “Traditionalists” like the City of Union and never want it to change it, but this group realized that it has to change.

Most people in the focus groups had previously heard of the Union Town Plan, but had not heard anything about it lately, and generally agreed with the Plan. The groups would like to see movement toward implementing the Plan. Some concerns that were raised were that if the city grew too fast and that there would be a lot of empty stores. Some would like to see an anchor store, such as moving the proposed Kroger development into the Town Plan. In addition, adequate parking was also an important issue and concern.

In addition, Mr. Solomon also specifically recommended the City hire a City Administrator/City Manager. This hire can be a part-time position until the city grows then they can move forward to a full-time position. He also recommended that the mayor and city commissioners be paid a salary based upon other comparables within the region. Mr. Solomon stated that the City Engineer should have some general supervision from a designated official. These issues were Mr. Solomon’s personal opinions. Thus, the focus group’s participants were not asked about these specific topics.

Ms. Noreene Morgan asked how many people attended the focus groups. Mr. Solomon stated six (6) to eight (8) people attended each group and there were five (5) groups. Approximately forty people total made up the groups.

An audience member asked if they tracked where the residents were moving from. Mr. Solomon stated that all that was asked was how long they had lived within city. Mayor Kirby stated that this issue was not tracked but in some cases it came up in discussion.

Mayor Kirby commented briefly on the January meeting. He stated during the meeting that he had made a comment about how shocked he was that the commissioners had not spoken up for City Events Coordinator Karen Franxman when he felt she was being attacked. He has since spoken with the commissioners who all expressed that at the time they were also shocked and did not know how to react at the time. He offered his apologies to Commissioners Miller, Heil and Kline for the comments he had made.

Mr. Frank Beemon stated that the city streets were taking care of better this year than in the past.

**CITY ENGINEER’S REPORT:** Mr. Burke referenced his detailed City Engineering Report totaling eight (8) Items with two (2) requiring a formal city commission action.

One non-action item that did not make agenda was the affidavit relative to Peggy Wolverton vs. Christina Tolson. It was understood that the City of Union is a third party defendant in this case. Attorney Voss indicated that there was another law firm that had Mr. Burke fill out an affidavit indicating that all the piping system for the water that was generated onto the sidewalks was, in fact, on private property and not generated from city property.

Regarding Item 1 (d) the brick pavers repair along Appomattox Drive at Wetherington Blvd. for the Plantation Point Antebellum Subdivision. Mr. Burke had assumed incorrectly after talking with the chairman of the HOA that the HOA would be able to share in the cost in an amount of \$3,000 towards the total cost of actually replacing the deteriorated brick pavers with colored and stamped concrete. However, when the HOA board met recently they decided they were not interested in cost sharing on this project. When the proposal was originally brought to the commission there were four (4) possible options presented. The first was to remove and replace only the damaged portion of the existing brick pavers. Mr. Burke stated that this would be a Band-Aid approach to the

problem and would not last. He would not recommend the city spend \$6,875 on this option.

The second option would be to remove all the existing brick pavers and replace with full depth Asphalt Bituminous Concrete. Mr. Burke received one (1) quote from Michels Construction for \$10,000.

Mr. Burke has been in discussion with the HOA and they preferred to replace the brick pavers with something aesthetically similar. He had discussed some of the options with them and one of the options (Option 3) was stamped and colored concrete. The cost for this option from Tri-State Bominite, Inc. was \$14,254. Commissioner Miller asked if this hadn't been discussed in a previous meeting and the decision was to move forward with this option. Mr. Burke stated that it was approved only with the written provision or condition that the HOA pay the cost share of \$3,000.

Mayor Kirby stated that though this section of the street was technically within the city limits, the residents in Florence were not paying city taxes and he suggested removing the brick pavers and simply bituminous asphaltting the area. Mr. Burke stated that he could get another quote from Len Reigler Blacktop, Inc. to compare to the Michels Quote.

Mayor Kirby asked for a motion to approve to replace the brick pavers with bituminous asphalt pending the lowest and best Quote. Commissioner Kline made the motion to approve and Commissioner Miller seconded the motion. All voted in favor. **Motion carried.**

Regarding Item 7 (e) the Whispering Trails Storm Water Problem including Culverts and Driveway Repairs, SD1 Sean Blake at the January meeting and again in discussions with Mr. Burke stated the SD1 Board is putting together a special committee together to discuss their regional cost share funding policy for these types of storm water projects. If the SD1 keeps or reduces the 50/50 percent shared funding the, city would still have a large amount that the city or residents would have to pay. At this time, Mr. Burke stated there is nothing further for the city commission to discuss until the committee finalizes its task. Mr. Burke advised he would report back when the SD1 modifies and/or keeps the same policy. In addition, he will keep the city aware of any other grants or loans from various state departments that may help resolve the long term storm flooding for the residents of Whispering Trails.

Attorney Voss made some comments concerning Item 6 (b) in the City Engineer's Report.in regards to future widening of Mt. Zion Road specific to the Union Rice Cemetery (parcel 70) and the "offer-to-purchase" received from the Kentucky Transportation Cabinet KYTC). In November, the KYTC made the "offer-to-purchase" in the amount of \$17,100 for the portion of the cemetery impacting about 211 cemetery plots that will be affected by the KY 536/Mt Zion Road project. At that time Attorney Voss stated he would take the offer to another local appraiser. Attorney Voss spoke with local appraiser Mr. Jack Nickerson who had just received the offer and some engineering specs. Mr. Nickerson advised that he may need more information from the KYTC and also indicated that he might need to speak with City Engineer Barry Burke to get some input before he would be able to give the city his own appraisal.

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

Commissioner Kline stated that the committee has been reviewing the Ordinance that created the Economic Development Committee. The committee was formed in 2010 by Ordinance No. 2009-012. The Ordinance provides each member a four-(4) year term and at this time all are due for re-appointment from the original committee. At the next meeting, Commissioner Kline stated she will discuss this opportunity with some of the original members to see if they would like to be re-appointed. Commissioner Kline also asked for a motion to appoint Mr. Garrick Straub to the Economic Development Committee. Mr. Straub submitted his resume and attended the last EDC meeting and they feel he would be a good fit on the committee.

Commissioner Kline made the motion to appoint Garrick Straub to the EDC Committee and Commissioner Heil seconded the motion. All voted in favor. **Motion carried.**

Commissioner Kline made a motion to authorize Mayor Kirby to sign a Municipal Order appointing Garrick Straub to the EDC. Commissioner Heil seconded the motion. All voted in favor. **Motion carried.**

Commissioner Kline stated that there is still two (2) open positions available on the EDC.

At the last EDC meeting on January 21<sup>st</sup>, the EDC discussed putting together a Developer Day. This would be a day to bring developers in and provide information on why they should re-locate here. They were looking at a day in May for this Day to occur.

The EDC has been given an update on the Mt. Zion Road/KY 536 highway project. The procurements or land acquisitions are going well, but the rumor is that there is no state funding budgeted for the construction this year.

Commissioner Kline stated she would like to re-visit the possibility of hiring a City Administrator/City Manager. She would like for the city to go forward with the proposal by NKADD for searching for the City Administrator at a cost of \$1,800. The City Commissioners would have input on job description and the hours the City Administrator would work. Commissioner Heil stated he may be in agreement as long as the commissioners have input in hiring process

Commissioner Miller asked what the Mayor felt about the decision. Mayor Kirby stated that the City Administrator would be a face to the citizens on a day today basis.

Commissioner Miller stated that he would like to see it as a part-time job.

Commissioner Kline made a motion to contact the NKADD to search for a City Administrator at a cost of \$1,800. Commissioner Heil seconded the motion. All voted in favor. **Motion carried.**

Commissioner Kline suggested about the increase of pay for commission and mayor and the classification of the City.

Commissioner Miller proposed the raise of the mayor and commissioner salary from \$45 to \$200 per month. This would not affect this current commission; but, would become effective for the next elected officials. Mayor Kirby was asked to further review this issue.

A resident asked how a resident would know about the opening on the EDC Committee. Commissioner Kline stated that they would basically hear through the meeting minutes or by word of mouth.

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

City Events Coordinator Karen Franxman briefly summarized her report.

The first event for 2014 will be the 5<sup>th</sup> Annual Pancake Breakfast and Easter Egg Hunt on Saturday April 12<sup>th</sup>. The city has already has three (3) sponsors for this event. Boy Scout Troop 805 will be picking up the empty eggs and candy to fill-in on February 21<sup>st</sup>. There will be approximately 3000 eggs. There will also be coupons from Union Skyline and Snappy Tomato in Richwood.

A 2014 Event Partnership opportunity meeting will be held on Monday, February 17<sup>th</sup>. This will give businesses an opportunity to learn more about the events.

The summer 2014 Events flyer is complete and Mayor Kirby will put it on Facebook.

The movie nights for 2014 are June 13<sup>th</sup>, with the showing of Despicable Me II and June 20<sup>th</sup> with the showing of Cloudy with a Chance of Meatballs II.

Karen has already met with the Boone County Sheriff's Dept. to discuss the 2014 events.

Boone County Park's David Whitehouse proposed a "Union Night" at the pool. It would be from 6:00 to 9:00 pm on a Friday or Saturday night in July.

Karen received a quote for Hamilton Electric to update the electricity in Porter Hall. Currently we have received only one (1) quote.

Commissioner Miller also suggested having the sprinkler system in the upstairs in order to use it as storage.

Karen also mention the large grill that is at the Community Building. The grill is not used and is taking up space. Karen suggested that the city either sell or donate it. The Boy Scouts would be interested in it.

The Events Volunteer Committee will meet on Monday, January 13, 2014.

**Union Cares Program:** For the month of February, the city will be collecting for A.M. Yealey Elementary School Resource Center. Their special request is cleaning supplies and toiletries.

**PLANNING AND ZONING REPORT:** The proposed zone change for the new Kroger store should be coming to the city soon and Boonesprings Transitional Care has asked for a delay.

The next meeting is Wednesday, February 5th, 2014 at 7:00 pm. If the Planning and Zoning votes on the issue, the city can then decide what actions they would like to take. Following a question, one (1) basis for the recommendation made for denial for the Kroger's store is that it is not consistent the Union Town Plan.

**PUBLIC WORKS:**

Commissioner Bryan Miller stated that the city is spending a lot of money on salt and snow removal. The city had budgeted \$132,000 and to-date has used \$109,533.65. This is 82% of the budget. However, this has been an abnormal winter season; and, unfortunately salt will not melt the snow completely at these extremely low temperatures.

**CEMETERY SEXTON:**

Mr. Eddie Johnson addressed the commission concerning an exclusive contract with our grave digger Mr. Everett Partin Jr. This is a personal service contract. Commissioner Miller made the motion to have an exclusive contract and Commissioner Kline seconded the motion. All voted in favor. Motion Carried.

Mr. Paul Parmele at this time introduced Boy Scout Troop 702 who are working on their Community Merit Badges. Those welcomed in attendance were Jadin Moorman, Kyle Shumate, Paul Deis, Kade Hagren and Thomas Lykins.

**ITEMS FOR CONSIDERATION:**

Commissioner Heil put together a Draft Proposal for the Union Community Theater (UCT) for their spring production of "Tommy". The Proposal allows the UCT to continue to use the building with no rental or deposit fees required. Commissioner Heil made the motion and Commissioner Miller seconded the motion. All voted in favor.

**Motion carried.**

Commissioner Heil also drafted a Temporary Use Policy for the Union Community Building. The Temporary Use Policy states that all current reservations will be honored and the rental fees will be refunded within thirty (30) days and the deposits will be refunded per agreement. It also states that for future reservations (until June 1<sup>st</sup>, 2014) all rental fees will be waived, with the current deposit requirements to stay in effect. The custodial service contractor will inspect the building the day after each rental and perform necessary work to return the building to a reasonable rental condition (the inspections will cost \$10 and the work will be done at \$35/hour with a maximum of 4 hours.). Any custodial fee will be deducted from the rental deposit. The UCT will be exempt from the inspection. All reservations will include both Porter Hall and Kirby Hall. The Policy states that all rentals until June 1<sup>st</sup>, 2014, must be sponsored by a property owner within the City of Union 21 years of age or older or sponsored by a Union resident 21 years or older. Reservations will not be accepted for dates past June 1<sup>st</sup>, 2014 until further notice. The Policy states that a City Commissioner or the Mayor will inspect the building once per month to confirm the condition of the building. The City Clerk will maintain the reservation calendar and the keys at the City Building.

Attendee Ms. Martha Kirby stated that if the building is being rented, that there should not be a need for this Temporary Use Policy.

Commissioner Kline stated that she disagreed with the June 1<sup>st</sup> date. The city should make it April 1<sup>st</sup> or the end of the spring production.

A member of the UCT stated that when they were using the Ryle High School Auditorium that they offered a scholarship to a Ryle High School student in lieu of payment for rental. The UCT even though they are not using the facility still offers the scholarship.

Commissioner Heil made a motion to close the calendar for the Union Community Building for all rentals (with the exemption of current contracts) until April 6<sup>th</sup>. Commissioner Miller seconded the motion. All voted in favor. **Motion carried.**

It was also mentioned that the city needs to put out a bid for snow removal services for next year.

**OLD BUSINESS:**

- None presented.

**NEW BUSINESS:**

- **First Reading Ordinance No. 2014 - 001** - AN ORDINANCE AN ORDINANCE RELATING TO THE ADOPTION AND APPROVAL OF ZONING REGULATIONS, INCLUDING TEXT AND ZONING MAP, AS PART OF THE UPDATE, REVIEW AND AMENDMENT OF THE CURRENT BOONE COUNTY ZONING REGULATIONS APPLICABLE TO THE CITY OF UNION, KENTUCKY. Commissioner Kline made a motion to approve the ordinance and Commissioner Miller seconded the motion. All voted in favor of the motion. **Motion carried.**
- **First Reading of Resolution No. 2014 – 001** - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR CITY ATTORNEY. Commissioner Kline made the motion to approve the resolution and Commissioner Heil seconded the Motion. All voted in favor. **Motion carried.**
- **PROCLAMATION:** A PROCLAMATION SETTING BRAIN INJURY AWARENESS DAY FOR THE CITY OF UNION, KENTUCKY

Mr. Miller stated that we had received calls asking who is responsible for snow removal from sidewalks. We have something in our code of ordinances, but do not have an ordinance to back it up.

City Clerk Kathy Porter will contact American Legal to find out why it is in the code of ordinances. Common Law states that snow and ice is an act of God, when you attempt to clean it and do not do a good job it will make you more liable if an injury occurs.

It was mentioned that the April meeting falls during Spring Break and Commissioner Kline will be unable to attend.

Mr. Jim Longano asked the commission to consider changing from the Mayor/Commission form of government to the Mayor/Council form. The commission would need to vote on this prior to August in order to get it to the county clerk to get on the ballot for the November election.

Mr. Longano also proposed the city having a caucus meeting during the month. This would allow them to discuss items and be prepared to take action during the monthly business meeting.

**ANNOUNCEMENTS:**

The next regular business meeting is scheduled for Monday, March 3rd, 2014 at 7:00 pm.

**ADJOURN:** With no further business coming before the Commission, Commissioner Kline moved to adjourn the meeting at 9:56 pm. Commissioner Miller seconded the motion. All voted in favor. **Motion carried.**

Signed this 3rd day of March, 2014

**APPROVED:**

**ATTEST:**

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**Don Kirby, Mayor**

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**Kathy Porter, City Clerk/Treasurer**