

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

**CALL TO ORDER:**

Mayor Don Kirby called the Regular Business Meeting of the Union City Commission to order at 7:00 pm Monday, March 3, 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 - Deanna Kline  
Commissioner - Ken Heil  
Commissioner Donna Fryman  
City Engineer - Barry Burke, PE PLS  
City Clerk/Treasurer - Kathy Porter  
City Attorney - Greg Voss, Esq.  
Events Coordinator – Karen Franxman

Commissioner – Bryan Miller 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 Kline made a motion to dispense with the reading of the minutes from the February 3rd, 2014 meeting, and the motion was seconded by Commissioner Heil. **Motion carried.**

**ADMINISTRATIVE REPORTS:**

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

**City Clerk/Treasurer Kathy Porter** made a request to transfer funds in the amount of **\$179,596.15** from Municipal Road Aid Account to City Business Checking Account to pay snow removal invoices from November 1, 2013 through March 3, 2014. Commissioner Kline made a motion to approve the transfer of funds and Commissioner Heil seconded the motion. All voted in favor. **Motion carried.**

**BILLS FOR PAYMENT:**

City Clerk/Treasurer Kathy Porter stated that in addition to the bills for payment listed she had received an invoice from the City of Villa Hills for road salt that was recently purchased in the amount of \$1,676.71. Commissioner Heil made the motion to pay the bills, as received. Commissioner Kline seconded the motion. All voted in favor. **Motion carried**

**CORRESPONDENCE RECEIVED:**

The city received a special event application from Northern Kentucky Young Life (NKYL) to host a 5K race on May 10<sup>th</sup>, 2014 along Old Union Road. They have made arrangements with the Boone County Sheriff's Department for approval for the road closure and everything is in order. Mayor Kirby asked if the contract that they signed requires them to contact business owners or would the city do this. City Clerk/Treasurer Kathy Porter stated that they (NKYL) would contact the owners.

**PLANNING AND ZONING REPORT:** Mr. Jim Logano sent the commission a copy of his Report prior to the meeting. Mr. Logano had a couple of items that he would like to mention. The first item is the Kroger/Arlinghaus zone change request. There is no official result on this request until the minutes of the last meeting have been approved. This will be done on Wednesday, March 5<sup>th</sup>.

The Drees/Boonespring zoning change request will be heard on March 19<sup>th</sup> for this project.

Attorney Voss stated that he had asked Mitch Light to attend the meeting in case anyone had any questions concerning update on the city's proposed zoning regulations and/or zoning ordinance changes. Mr. Light said most of the changes were just clarifications.

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

Commissioner Kline stated that the committee met on February 21<sup>st</sup>, 2014. They discussed the Development Day that is planned for the second week in May. The actual date has not yet been set, as they are still trying to confirm the speakers. Commissioner Kline attended the Northern KY Legislative Caucus and lobbied in support of the SR 536/Mt. Zion Road project to be included in the budget. Mr. Steve Harper also went to Frankfort to lobby for this funding.

Commissioner Kline introduced Ms. Megan Sandfoss who was in attendance to speak to the commission concerning the search for a new City Administrator.

Ms. Sandfoss asked the commission if the city would look to hire someone full time or part time. There will be a different pool for each. Ms. Sandfoss stated that there is a job description included in her information that each commissioner received. The main job duties would not change based on a full time or part time employee. However, the peripheral duties and responsibilities would be affected. Based upon the city's CERS retirement program, if applicable, the city would be limited on how much time (i.e, 100 hrs/month) a part-time employee could work, and the city would have to pay a larger salary for a part time employee. A full time employee would allow for the city building to be open longer hours to serve the city's residents. Also, if the city chose to hire a part-time person initially and then chose in a couple of years to move the person to full-time, then they would have to double the salary. Commissioner Heil asked if there is a reason that Ms. Sandfoss was saying that the salary would have to be doubled. Ms. Sandfoss stated that if the city decided to double the amount of hours a person works, then they would want their pay doubled as well. Commissioner Heil stated that neither the hours nor the salary would have to be doubled. Mayor Kirby stated that his position on this issue would be that this hire would be new for the city, and looking at this as a part-time position is where the city should begin. He does not feel that hiring a full-time person and then finding out that full time position is not needed would be the best for the city. Commissioner Heil stated that he is interested more now than last year after hearing from the auditor state about certain segregation of duties within the city and the continuing growth of the city. However, it is now his opinion is that until we get a better visibility on the completion of KY SR 536 and where budgetary things stand with it, that a part-time administrator would be a better fit.

Commissioner Kline disagreed with both Mayor Kirby and Commissioner Heil thinking we should move forward with hiring a full time administrator and have this person lobby on the city's behalf with the state. The commissioners may all have either full or part time jobs that do not allow them to go to Frankfort to lobby for the city. A full-time administrator would be able to do that.

Mayor Kirby stated that one of the reasons that the city does not hire full time employees is that the retirement system has led many municipalities to have undesirable financial issues.

Commissioner Fryman stated that maybe down the road the city would need a full time administrator, but at this time she does not feel at this time it would be necessary.

Commissioner Heil asked what the time frame would be for acting upon the job description and returning it to Ms. Sandfoss and then start the search.

Commissioner Heil stated he would like to get through this process quickly. He feels that the commission should decide at a meeting whether they want to go full or part-time to begin the process. She asked Ms. Sandfoss how long the job search would last and how long the advertisement would be posted. Ms. Sandfoss stated that normally it would be posted for about two (2) weeks and after that take a couple of days to put together a list of candidates, then turn the list over to the city. She feels that with interviews and everything else, the city should be able to get through the process in about six (6) weeks. In general, the goal would be an eight (8) to twelve week process. Commissioner Heil asked when it is posted, would she need a salary range. Ms. Sandfoss stated that typically they

do not post the salary range but the city would still need an idea of the range in mind. Mayor Kirby asked if a date could be set to provide information as requested, and possibly discuss it at next meeting, as agreed to by the commission.

**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>, from 8:30 – 10:30 am. Volunteers are still needed. Karen has a packet for each event that would tell what volunteers are needed.

There will be a pre-event meeting for everyone who volunteers for the Pancake Breakfast and Easter egg hunt on Monday, March 31<sup>st</sup> at 7:00 pm. They will discuss what their duties will be for the event.

Troop #805 filled all the Easter eggs and delivered them back.

An event partnership meeting was held on Monday, February 17<sup>th</sup>. There was two (2) meetings, the first from 11:00 a.m. to 1:00 pm where we had three (3) businesses stop by and two (2) signed up for sponsorships. There were also some residents that stopped in to sign up for the volunteer committee.

The Good Friday Fish Fry will be held on April 18<sup>th</sup>, Karen is working with Cari Holley, Matt Grimes and Steve Zahn for this event and will have more details at the April meeting.

Karen met with Commissioner Heil at the Community Building to discuss an electric quote that was submitted from Hamilton Electric Company. Commissioner Heil stated that the electric needs to be looked at more closely. He feels that getting the proper electric repaired for the events is critical. Commissioner Heil made the motion to approve the quote from Hamilton Electric to have repairs done within the Community Building. Commissioner Kline seconded the motion. All voted in favor. Motion carried.

Karen also met with Kevin Costello and will be working with the EDC on their upcoming Developer Day.

**Union Cares Program:** For the month of March, the city will be collecting for the Boone County Family Resource Center Community Baby Shower. Their special request is baby supplies and items such as diapers (any size), wipes, educational toys and etc.

The Union Adopt-a-Unit Program, the Unit will be deployed at some point this year.

The Union Community Theater will host “The Who’s, Tommy” on March 27<sup>th</sup>, 28<sup>th</sup>, 29<sup>th</sup>, and 30<sup>th</sup>. Also, on April 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, and 5<sup>th</sup>. All shows are at 8:00 p.m. except the two (2) shows on Sunday which will be matinees. The performance will be held at the Union Community Building.

**CITY ENGINEER’S REPORT:**

Mr. Burke referenced his detailed City Engineering Report totaling twelve (12) Items with three (3) Items requiring a formal city commission action.

We have had a couple of issues that the city has already handled with the recent snow. Working with City Clerk Kathy, we have had a couple of pot holes at Golden Pond, Hempsteade and Old Union Road that formed. By request, the county has filled those in with temporary cold patches. Also, a resident’s water main meter lid on Kingston was damaged during the snow removal operations. Boone County Water Commission has been made aware of the issue and will replace or reset the lid. By an earlier request, Mr. Burke also updated the listing of public streets that are needed for snow removal by the city’s contractor, including streets publically dedicated but not yet accepted that have at least one (1) permitted occupant that the city needs to remove the snow.

Regarding Item 12., based upon a recent drive-through involving about 20 of the 99 city’s public streets, Mr. Burke has provided a partial listing of those streets and certain specific repairs that need to be made during this and/or the next fiscal year budgets. He asked the public and/or commissioners if they felt any other repairs on streets needed to be added to the list, to please let him know. Commissioner Kline asked if he would like them emailed to

him. Mr. Burke stated that he would first base the repairs on the city's five (5) year plan; but that any other additional input via emails, etc. would be fine.

Regarding the brick pavers replacement with asphalt Appomattox Drive, since the last meeting Mr. Burke has received another quote from Reigler Blacktop Paving, Inc. The first quote was from Michels Construction, Co. for \$10,000. The new quote provides the costs for two (2) separate depths of asphalt, one (1) for a 10" depth the cost would be \$5,600; and, another for a 12" depth, when the cost would be \$6,200. Mr. Burke asked for approval to move forward with the quotes from Reigler Blacktop. Commissioner Heil made the motion to approve the lower Riegler quotes and Commissioner Fryman seconded the motion. All voted in favor. **Motion carried.**

#### **PUBLIC WORKS:**

Commissioner Bryan Miller was not in attendance, but Mayor Kirby wanted to mention that the city has spent approximately \$180,000 on snow removal this year. He stated that it is on the high end, however, this was not a typical winter season. City Clerk Kathy Porter stated that not included in those totals were road salt that the city purchased from the City of Villa Hills and salt that was just ordered for the next impending snow.

#### **RESIDENTS WISHING TO SPEAK:**

Mr. Larry Solomon asked Commissioner Kline what the probability was of getting funding for KY SR 536/Mt Zion Road this year. Commissioner Kline stated that she did not know. Commissioner Kline advised that at the meeting she recently attended, state legislator Ms. Katie Stein was upset that the funding had not been allocated. Mr. Solomon asked if there is anything the citizens can do. Commissioner Kline stated that the residents could contact the state representatives by calling them.

Mr. Jim Logano asked if there had been any more talk among the commission about changing the form of government from a council to a commission or vice versa. Attorney Voss stated that there is legislation right now to change cities classification system from six (6) classes to two (2) classes. Once this has been finalized, then the city could move forward.

Ms. Noreene Morgan asked what the status of the Kroger Marketplace was as far as the city commission is concerned. Mayor Kirby state that it was turned down by the Boone County Planning Commission. The city has ninety (90) days to either let the County decision become final or address it. The ninety (90) day clock began on February 5th, 2014. There was discussions among two commissioners about either simply accepting the recommendation to deny the zone change without a public hearing based upon the planning commission's basis; or as another commissioner has heard to the contrary addressing it and having a separate public hearing so the residents can come and voice their own opinions. This decision including a time and date would be confirmed within the next couple of weeks.

#### **ITEMS FOR CONSIDERATION:**

##### **Municipal Order No. 2014 - 001**

**MUNICIPAL ORDER** APPOINTING GARRICK STRAUB TO THE ECONOMIC DEVELOPMENT COMMITTEE FOR THE CITY OF UNION, KENTUCKY. Commissioner Kline made a motion to accept the appointment and Commissioner Heil seconded. All voted in favor. **Motion carried.**

##### **Municipal Order No. 2014 - 002**

**MUNICIPAL ORDER** OF THE CITY OF UNION, KENTUCKY DECLARING A CERTAIN CUSTOM MADE CHARCOAL GRILL AND TRAILER OWNED BY THE CITY TO BE SURPLUS AND AVAILABLE FOR SALE. Commissioner Heil made a motion to accept the declaration and Commissioner Fryman seconded the motion. All voted in favor. **Motion Carried**

##### **Resolution No. 2014 – 002**

**RESOLUTION** AUTHORIZING THE MAYOR FOR THE CITY OF UNION, KENTUCKY TO EXECUTE THE CONTRACT BETWEEN THE CITY OF UNION, KENTUCKY AND EVERETT PARTIN JR. Commissioner Kline made a motion to accept the contract and

Commissioner Fryman seconded the motion. All voted in favor. **Motion Carried.**

**Ordinance No. 2014 – 001**  
(Second Reading)

**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 Heil made a motion to accept the zoning regulations and Commissioner Kline seconded the motion. All voted in favor. **Motion carried.**

**Ordinance No. 2014 – 002**  
(First Reading) **tabled**

**AN ORDINANCE** OF THE UNION CITY COMMISSION REPEALING SECTION 91.33 OF CHAPTER 91 OF THE CITY OF UNION, KENTUCKY CODE OF ORDINANCES WHICH WERE ADOPTED IN 1997 WHEN THE CITY ADOPTED THE KENTUCKY BASIC CODE. Following some discussions regarding enforcement of cleaning sidewalks of snow by the abutting property owners, Commissioner Heil made a motion to **table** the ordinance until the April meeting. Commissioner Fryman seconded the motion. All voted in favor. **Motion carried.**

**Ordinance No. 2014 – 003**  
(First Reading)

**AN ORDINANCE** SETTING THE COMPENSATION FOR MAYOR AND CITY COMMISSIONERS FOR THE CITY OF UNION, KENTUCKY. Commissioner Kline made the motion to approve setting a new compensation at \$200 per month for city officials. Commissioner Heil seconded the motion. All voted in Favor. **Motion Carried.**

Mayor Kirby stated at this time the commission needs to set a couple of dates, one for the public hearing and one for the next commission meeting which falls during spring break for the schools. City Clerk Kathy Porter stated that there will not be enough commissioners available for a quorum at the city's next regular meeting on April 7<sup>th</sup>. Mayor Kirby stated that he would be available on Thursday, April 3<sup>rd</sup> and he would be available on Tuesday, April 15<sup>th</sup>. Mayor Kirby stated that the city could also have the public hearing on the same date as well. Commissioner Kline stated that she would be available on either date. Commissioner Kline then made a motion to not have public hearing and let the Boone County Planning Commission's decision become final. Attorney Voss stated that if the city does not do anything then the decision rides. Mayor Kirby stated that there was some support from the commissioners to get feedback from the public. Commissioner Kline stated from her prospective is that the city pays the Boone County Planning Commission on their behalf and many residents have spoken. Mayor Kirby stated the city has the option to allow the decision to stand or to have a separate public hearing and vote on the request. Attorney Voss stated that the city could also vote without having a public hearing. Commissioner Kline stated that she feels the city should either let the decision stand or vote without a public hearing. She feels that the planning commission made a very educated decision.

Mr. John Mefford stated that as a former commissioner they had a public hearing and spoke to the citizens who explicitly stated that they did not want a zone change, not that they don't want Kroger to grow just not that zone change.

Commissioner Kline agreed with Mr. Mefford and she feels that as commissioners the commission should have already educated themselves in the fact that a C-2 zone change is not in the best interest of the city.

City Clerk Kathy Porter stated that there is a motion on the floor by Commissioner Kline to accept the decision by the Boone County Planning Commission without further discussion. Mayor Kirby asked for a second and there was none. Mayor Kirby stated that Commissioner Miller had stated he would like to have the opportunity to address the decision publicly. Commissioner Heil stated that the residents of the city should have the right to

address their opinion, whether for or against the zone change. Mayor Kirby asked if everyone is ok to have a public hearing and Commission meeting on April 15<sup>th</sup>. Commissioner Fryman stated that April 3<sup>rd</sup> would work better for her. Mayor Kirby asked to keep the regular business agenda light. The public hearing will begin at 6:00 p.m. and the regular meeting would begin at 8:00 p.m. Mayor Kirby asked for a motion to have the public hearing and regular business meeting on April 3<sup>rd</sup>. Commissioner Heil made the motion and Commissioner Kline seconded the motion. All voted in favor. **Motion carried.**

City Clerk Kathy Porter will contact various locations to find a place for the hearing/meeting. Mr. Mefford asked if there would be any restrictions on those wishing to speak as to whether they are city residents or not. Mayor Kirby stated that the city could not exclude people but would ask for their addresses.

**EXECUTIVE SESSION:**

Attorney Voss stated that the commission needed to go into executive session per KRS 61.810B concerning the Wolverton litigation. Mayor Kirby asked for a motion to go into executive session. Commissioner Heil made the motion and Commissioner Kline seconded the motion at 8:29 p.m. All voted in favor. **Motion Carried.**

Mayor Kirby asked for a motion to reconvene the regular business meeting. Commissioner Kline made the motion and Commissioner Fryman seconded the motion. All voted in favor. **Motion carried.**

**ANNOUNCEMENTS:**

The next regular "special" business meeting is scheduled for Thursday, April 3<sup>rd</sup>, 2014 at 8:00 p.m. immediately following the Public Hearing regarding the request of **Anne F. McBride, FAICP, McBride Dale Clarion (applicant)** for **Arlinghaus I LLC (successor by merger with Arlinghaus Builders Inc) (owner)** for a Zoning Map Amendment from Rural Suburban Estates/Union Town Overlay (RSE/UTO) and Union Neighborhood Office (UNO) to Commercial Two/Planned Development (C-2/PD) for a 35.25 acre site located on the south/east side of U.S. 42, to the west and southwest of the Boone County Library Scheben Branch at 8899 US 42, to the west of Union Village Subdivision, and across U.S. 42 from the Old Union Road/US 42 and Fowlers Lane/U.S. 42 intersections, Union, Kentucky. The request is for a zone change to allow commercial, office, and elderly housing facility uses.

**ADJOURN:**

With no further business coming before the Commission, Commissioner Kline moved to adjourn the meeting at 8:46 pm. Commissioner Fryman seconded the motion. All voted in favor. **Motion carried.**

Signed this 3<sup>rd</sup> day of April, 2014

**APPROVED:**

**ATTEST:**

\_\_\_\_\_  
**Don Kirby, Mayor**

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