

**CITY OF UNION, KENTUCKY
REGULAR BUSINESS MEETING
MINUTES
Monday, May 6, 2013**

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, May 6th, 2013.

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

ROLL CALL: The following city officials were present:

Mayor Don Kirby
Commissioner Bryan Miller
Commissioner Deanna Kline
Commissioner Donna Fryman
Commissioner Ken Heil
Attorney Greg D. Voss, Esq.
City Engineer Barry J. Burke, PE PLS
City Clerk Kathy Porter

City Events Coordinator Karen Franxman was not in attendance.

APPROVAL OF MINUTES:

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

ADMINISTRATIVE REPORTS:

City Clerk/Treasurer Kathy Porter: Commissioner Heil moved to accept the Treasurer's Report as of April 30, 2013, and Commissioner Miller seconded the motion. All voted in favor of the motion. **Motion Carried.**

City Clerk Kathy Porter requested authorization to pay the Union Village Street Lights loan. Mayor Kirby asked for a motion to approve paying off the loan amount of \$21,710.67. Commissioner Miller made the motion to pay off the loan and Commissioner Kline seconded the motion. All voted in favor of the motion. **Motion Carried.**

Guests Wishing to Speak:

Mr. Jim Parsons stated that he was in attendance for the renewal of the Time Warner Franchise agreement. Attorney Greg Voss had asked Mr. Parsons to attend in case the commission or residents had any questions. Mr. Parsons introduced Ms. Pam McDonald, who is the governmental affairs representative from Time Warner. The new franchise allows for a fifteen year cable franchise for Union. This is up for renewal and the city has an Ordinance for this.

Pam McDonald, stated that there had been a change in the in the franchise agreement. In the past the agreement had a designated agency agreement in the contract which required the cable company to provide complimentary services to schools and municipalities, and the Time Warner Company will continue to provide these services, but they will do it in the future as a donation.

Commissioner Miller asked how long it will be before the change occurs. Ms. McDonald stated that it would be about another twelve months. Commissioner Heil asked if there will be a time when the emails will be forwarded from the Insight email address to the Time Warner email. Ms. McDonald did not know these details at this time.

Travis and Amy Schraffenberger addressed the commission concerning excessive traffic speeds along Evensong Drive within the Harmony Subdivision. Mr. Schraffenberger stated that they live on a fairly straight stretch of road

close to the clubhouse and has noticed vehicles driving extremely fast in both directions. Himself and his neighbors both have young children and are concerned for their safety.

Mayor Kirby asked if City Engineer Barry Burke would like to address this situation. Mr. Burke stated that similar studies have been previously performed. However, there are some future building lots along the north side of Evensong that have not yet been developed. He stated that there had been some concern in the past year or two about the speeding especially on the long straight streets within the Harmony development. The city had has posted speed limit signs of 20 m.p.h. The city in the past has completed spot speed studies within the Harmony development to see if certain areas would qualify for the need to have traffic control devices put in place. The city uses the Institute of Traffic Engineers (ITE) guidelines. The City had directed Mr. Burke to complete certain speed studies within the Harmony community. To date, there has been a total of three (3) speed humps placed within Harmony. Two (2) speed humps along Melody Drive; and, one (1) along Soaring Breezes. Mr. Burke stated that prior to home construction it is hard to place speed humps on a street because you do not know where a driveway will be placed. Mr. Burke stated that there are a lot of small children in this area, and with the clubhouse and neighborhood park, he feels that there may be a need for more speed humps along Evensong Drive. After a site review, Mr. Burke recommends the city install a concrete speed table just west of Melody Drive along Evensong Drive. Mr. Burke stated that a speed table is different than a speed hump, as it is made out of concrete and has a flat top on it. The top can be striped and also be used as a crosswalk. He also recommended an asphalt speed hump be placed along Evensong Drive at the midpoint between Soaring Breezes and Splendor Drive. Mr. Burke has left a message for one (1) of the homeowners in that area that the speed humps will be installed to contact him for information.

Mayor Kirby stated the city looked at this area before the city decided against placing traffic control devices because the build out on certain streets was not there. Mayor Kirby asked if a recent speed study has been completed at these locations.

Mr. Burke stated that a speed studies had been completed on Melody Drive and Soaring Breezes, but they had extremely low peak hour traffic counts. Mr. Burke stated that another speed study could be completed on Evensong, but it too would get low peak hour traffic counts. But, the observations made conclude that majority of vehicles are going over the posted speed limit and there is the issue of the amount of small children in the area, a major safety concern.

A member of the audience stated that fire hydrants have been placed and usually they are along the driveways.

Commissioner Miller also suggested putting stop signs in the area to further slow traffic down. After some more discussions, it was concluded that there is another intersection to the west with a future street stub, which would serve another 26 units, which could be the place where two (2) new stop signs could be located.

Mayor Kirby suggested that Mr. Burke complete his design plan and get cost estimates for the speed hump and speed table. The city will have the Boone County Sign Division have stop signs placed at the future street intersection.

Mr. Jerry Peterson who lives in the Harmony Subdivision addressed the commission concerning a 5K race that was held in April. Mr. Peterson stated that around 8:45 on Saturday morning April 20, 2013, there was loud noise and music.

Mayor Kirby stated that the 5K was sponsored by the Young Life Club at Ryle High School. In 2012, the organizers went through the proper channels to make sure the race was approved. However, there is a new sponsor this year and the previous channels were not followed. Mayor Kirby apologized for the noise issue that Mr. Peterson had. The city has changed procedures and has spoken to Boone County Sheriff's Department to make sure that the city will be notified prior to any event.

Mr. Kevin Costello with the Boone County Planning and Zoning Department addressed the commission concerning the Union Town Plan. Mr. Costello first introduced Ms. Kris Lovett who is a member on the Union Economic Development Committee (EDC). Mr. John Mefford, Mr. Steve Harper and Dr. Bryan Turner are also members of the committee. Mr. Costello gave a brief summary of what has been happening with the Union Town Plan. First of all the acquisitions for the right-of-ways for the widening of KY 536 (Mt. Zion Rd.) have started.

There are 172 properties total that will be affected, and the state highway department of transportation has already made 41 offers and 13 purchases have been completed.

The Economic Development Committee is currently working with two (2) landowners for the first phase of development for the Union Town Center. The owners are the Colletts' and the Grammas'.

There are also a number of local developers who have shown interest in these properties.

St. Elizabeth is currently looking at the old Natorp site for a medical office.

Mr. Costello suggested reviewing the Union Town Center website as they will be continually updating it as progress moves forward.

Commissioner Miller asked Mr. Costello concerning the properties that are being considered for development and the shape of the properties on photo slide across from the city building. Mr. Costello stated that this area questioned is not owned by the Grammas' and will not be considered.

Mayor Kirby asked about possibly sending post cards to the residents concerning the planned development. Commissioner Miller stated that he liked the idea of having a community focus group meeting. Mayor Kirby stated that Mr. Larry Solomon will be on the agenda for the June meeting to discuss the opportunity of having a focus group meeting.

Mr. Kenneth Shell, whose home is going to be purchased by the state highway department regarding the widening of SR 536 (Mt. Zion Road) stated that he had a piece of property that will not be used by the state; and, is not large enough to rebuilt upon. He stated that he has worked out a deal with the state District 6 office when they are finished with the highway, the remnant property will be deeded over to the city for a child's playground or a small park. Mr. Shell's only request is that the playground be named after his granddaughter who lost her battle with cancer a few years ago. Mayor Kirby asked what the child's name was and Mr. Shell stated that it was Hannah Patterson. The property is located at 10007 Russwill Lane.

Mayor Kirby stated that he understands that it will be a while before it will be available, but the city would be glad to take the property per Mr. Shell's request.

Mayor Kirby asked if anyone else in the audience would wish to speak.

At this time the city opened the bids for the Waste Collection Contract. The city received two (2) bids from Bestway Disposal and Rumpke.

The Bid form Bestway Disposal for Option one (1) which includes waste collection only is \$173,722.32. Bestway did not bid on Option two (2) which is recycling only. The bid for Option three (3) which is for both waste collection and recycling is \$238,374.00.

The bid from Rumpke for Option one (1) is \$208,141.20. Their bid for Option two (2) is \$54,651.60. Their bid for Option three (3) is \$262,792.80.

Ms. Karen Raverty with Bestway Disposal addressed the commission concerning their reason for not bidding the recycling only portion. She stated that with the way they operate they would rather do either all solid waste or combined a recycling and solid waste pickup. Ms. Raverty stated they had also given an alternative bid for the automated pickup. This would give everyone in the community a recycling cart. This would also give the residents a once a week pick up and a twice a month recycling pickup. By giving the residents the 65-gallon cart or container, they would not fill up as often.

Mayor Kirby asked about the extra fee to the residents for the trash cans. Ms. Raverty stated that this is if they would like a large container for the original bid.

Commissioner Miller asked when the new contract would begin. Attorney Voss stated that it would be July 1st for the new contract.

If the city chooses to move forward with the Automated Option then we will need to give Rumpke the Option to bid on this as well.

The City Commissioners will review the numbers and make a decision at their June 3rd, 2013 meeting.

Commissioner Miller asked if the commission is looking to recycle. Commissioner Fryman and Commissioner Kline both agreed they wish to recycle. Commissioner Heil stated that he feels recycling is an expense of about \$90,000 on the budget and that is a lot of money.

CITY EVENTS COORDINATOR:

City Events Coordinator Karen Franxman was not in attendance for the meeting. Mayor Kirby briefly summarized her report.

Two (2) movie nights will be held in June hosted by Boone County Parks and Recreation. The movie nights will be June 14th and 21st.

The fourth annual Beach Blast will be held on June 15th at the Union Community Building. Conch Republic will be headlining this event again.

On Thursday, June 27th, 2013 it will be City of Union night at the Florence Freedom Ballpark. This is a fundraiser and all proceeds will go to the Ella Reid Mason Foundation. Ella Reid was a six year old student at Mann Elementary School who recently lost her battle with cancer. Mayor Kirby's band "Underpaid" will be playing after the game.

Union Celebrates America will be on June 28th. The annual parade will be at 7:00 p.m. Fireworks will be around 10:00 p.m.

Event sponsorship packets are on the city's website for any business that would like to sponsor an event.

The Union Community Theater will be hosting five (5) performances of the all youth play the "Seussical", on June 6th – 9th. The performance will be held at the Union Community Building.

Parade application forms are now available for the Union Celebrates America event on the city's website.

PUBLIC WORKS:

Commissioner Bryan Miller stated that there have been a number of complaints concerning lawns that have not been mowed. Many of the homes are vacant.

Commissioner Miller stated he had a complaint on Whispering Trail concerning a tree that had been cut down. The owner has now picked up the wood and piled it up.

Commissioner Miller stated that he had received a complaint about a mailbox that has been strapped to a streetlight. Mr. Miller visited the property and tried to explain to the resident that the mailbox needs to be placed on a post. He will continue to follow up on the mailbox problem.

Commissioner Miller stated that he had received a complaint concerning graffiti on a stop sign in Union Village on Braxton Drive. Commissioner Miller stated at this time he would not do anything but would look at the problem again.

Commissioner Miller received a complaint from Mr. Terry Dwelly (10109 Russwill Lane); currently there are 20 MPH signs posted on his street. He is requesting to have the sign nearest the corner along Mt. Zion Road relocated so that people will see it more visibly as they enter the street from turns.

Commissioner Miller met with the Building Inspector concerning getting approval of using the upstairs of the Community Center Building for storage. The Building Inspector stated that possibly could get approval if the city places six (6) sprinklers in the location. Mayor Kirby stated that the city could look into this if it will improve the storage capacity. Mayor Kirby suggested getting some quotes for this work.

Commissioner Miller asked about the salt storage location at the Union Community Pool. Mayor Kirby stated that the salt was stored there as a convenience for our contractors. Mayor Kirby asked if the city necessarily needs to store the salt. Commissioner Heil suggested asking the current contractor where they store salt for other customers. Commissioner Miller will follow up with the contractor.

June 9th is the John Hunt Morgan Historical marker dedication ceremony, at 3:00 p.m.

Commissioner Miller mentioned that the planned Relocated SR 536 Kentucky State Highway Department Appraiser stopped into the Office concerning the Union Rice Cemetery. The appraiser stopped in and looked at the map of the cemetery and was surprised at the value of the lots that will be taken. The city is currently waiting for the appraisal estimate.

Commissioner Miller asked if the city is ready to approve the sterile soil repairs near the Union Community Pool, due to the salt damage. Mayor Kirby stated that it is in the City Engineer's Report and will be discussed.

PLANNING AND ZONING REPORT: Mayor Kirby stated that there are not items on the agenda that affect the City of Union.

ECONOMIC DEVELOPMENT COMMITTEE REPORT (EDC):

Commissioner Kline stated there was nothing more to report other than the presentation for Mr. Costello at the beginning of the meeting.

CITY ENGINEER'S REPORT: Mr. Burke referenced his detailed City Engineering Report totaling 17 Items. Mr. Burke stated that there are seven (7) items that require formal City Commission Action in his CE Report.

In July 2012, the city authorized Mr. Burke to do a spot speed study along Burleigh Lane after the remaining homes on the street are complete. Both the spot speed studies recently completed in the a.m. and p.m. peak hours showed that 85% of the cars were going more than five (5) MPH faster than the posted speed limit of 20 MPH. The last two (2) homes in this location are nearly complete. Mr. Burke spoke to all the residents where two (2) speed humps are proposed to be placed and they were ok with the speed humps. Mr. Burke recommended to the commission to authorize to move forward with inviting and receiving Quotes for placing two (2) speed humps along Burleigh Lane at the locations as specified as noted at the bottom of results of the speed studies.

Commissioner Miller asked about how he established the peak hour time in the morning. Mr. Burke stated that it was the time generally between 6 & 7 a.m. that he could be at the location, when the majority of traffic is on their way to work. One (1) resident of Burleigh Lane in attendance stated that it does not matter what time people drive fast. They drive fast ... "all the time".

Mayor Kirby approved allowing Mr. Burke to move forward with the project for getting the Quotes.

Regarding Item Number 4, the Union Budget for FY 2013-2014, Mr. Burke stated that several years ago, an updated Street Inventory Listings was created. (This has changed some as new streets were added) and placed a time frame on when and to what extent they will need to be repaired. This has been used as the City's five (5) Year Plan. For the next fiscal year beginning July 1st, Mr. Burke stated that many of the streets on the plan for the new budget only need incidental repairs including joint sealing repairs covering approximately twenty-nine streets. Separate Quotes will be invited and received without a publically advertised bidding process if the Quotes for the work are less than \$20,000. On the other hand, Bayswater Drive will need a full resurfacing with the publically advertised bidding process. Referring to a suggested budget worksheet for FY 2013-2014, Mr. Burke stated that these are preliminary numbers and could change with more commissioner input. Regarding more or less specific work tasks, as approved by the commission

Regarding Item Number 10, the salt storage pile located near the Union Pool site and the soil damage caused by the salt leaching. At the April meeting, the city was provided a very low quote to use Gypsum (Calcium Sulfate) as an Option to remove and replace soil possibly remedies the situation at significant cost. Mr. Burke researched the product and was advised by the manufacturer's representative if it was placed on a hillside, it may not work as

well. Further, this product is less effective on site damaged over a longer period of time. It has been noted that this problem was created by the city's previous contractor over 1 to 1-1/2 years ago. The city received quotes to actually remove the dead or sterile soil and bring in new topsoil and seed and straw from the city's current landscaping contractor and another Quote from the city's snow removal contractor. The quote from the snow removal contractor (Perfection Landscaping) was the lower of the two bids at a cost of \$4,500. The use of the Gypsum product was not recommended due to its unreliability and delayed timing to remedy the soil. Further, the growing is upon us. We need to move forward ASAP.

Commissioner Heil made the motion to accept the bid from Perfection Landscaping and Commissioner Miller seconded the motion regarding the lowest Quote. Motion Carried.

Regarding Item 13 (d) complaints from residents concerning the sinking of their yards around sewer surface inlets on private property. Mr. Burke cautioned the commission that once the city starts using public money to repair items on private property, it may set an undesirable precedent. Attorney Voss stated he will talk further to the City Engineer Mr. Burke concerning this issue.

Regarding Item 13 (e), Mr. Burke stated that he was advised by Commissioner Miller that Mr. Kerin Mehendale of 9792 Soaring Breezes has a discharge pipe that is exiting on his property coming from his neighbor's home and yard. Mr. Burke has observed the issue and suggested to Mr. Mehendale that he work with his neighbors to hire a plumber and tap into the SD1 storm sewer crossing his property with the necessary permit to be issued by SD1. This problem is on private property, where the city has no or limited responsibilities.

Commissioner Heil asked about the Flood Insurance Quote. City Clerk Kathy Porter stated that she is still working with the Quotes.

OLD BUSINESS:

NEW BUSINESS:

- ❑ **First Reading Ordinance No. 2013-001** - AN ORDINANCE ADOPTING THE INTERNATIONAL CODE COUNCIL, INC., INTERNATIONAL PROPERTY MAINTENANCE CODE, 2012 EDITION, AND SUBSEQUENT AMENDMENTS AND FUTURE EDITIONS THERETO, SUBJECT TO THE CHANGES, DELETIONS, AND AMENDMENTS CONTAINED HEREIN, TO BE CODIFIED AS CHAPTER 155 OF THE CITY OF UNION, KENTUCKY CODE OF ORDINANCES. Commissioner Heil made the motion to table this ordinance and Commissioner Miller seconded the motion. All voted in favor. **Ordinance was tabled.**
- ❑ **First Reading Ordinance No. 2013-002** - AN ORDINANCE OF THE CITY OF UNION, KENTUCKY GRANTING RENEWAL OF A FRANCHISE TO INSIGHT KENTUCKY PARTNERS II, LP TO OPERATE A CABLE COMMUNICATION SYSTEM WITHIN THE TERRITORIAL LIMITS OF THE CITY; AND AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF UNION, KENTUCKY TO EXECUTE A FRANCHISE AGREEMENT TO OPERATE A CABLE COMMUNICATION SYSTEM BETWEEN THE CITY OF UNION, KENTUCKY AND INSIGHT KENTUCKY PARTNERS II, LP. Commissioner Heil made a motion to accept the Ordinance and Commissioner Kline seconded the motion. All voted in favor of the motion. Motion Carried.
- ❑ **Resolution No. 2013-011** – A RESOLUTION AUTHORIZING THE MAYOR FOR THE CITY OF UNION, KENTUCKY TO EXECUTE THE FRANCHISE AGREEMENT BETWEEN THE CITY OF UNION, KENTUCKY AND INSIGHT KENTUCKY PARTNERS II, LP DATED JUNE 1, 2013. Commissioner Kline made the motion to accept the withdrawal of this Resolution and Commissioner Miller seconded the motion. All voted in favor of the motion. Motion Carried.
- ❑ **Municipal Order No. 2013-001** – A MUNICIPAL ORDER FOR THE ADOPTION OF SPECIAL EVENT GUIDELINES FOR THE CITY OF UNION, KENTUCKY. Commissioner Kline made the motion to table the Municipal Order at this time and Commissioner Fryman seconded the motion. All voted in favor of the motion. **Municipal Order was tabled.**

Commissioner Miller asked about the request from Boone County Planning and Zoning to increase the budgeted amount by \$1,000.00. He suggested the city approve the proposed budget and no one opposed. It will be added to new budget that will be approved later.

Mayor Kirby announced the commission will go into executive session at this time. Based on KRS-61-8101f.

Commissioner Kline made the motion to go into executive session and Commissioner Fryman seconded the motion at 9:30 p.m. All approved.

Commissioner Kline made the motion to reconvene from executive session and Commissioner Fryman seconded the motion. All approved.

Mayor Kirby stated that bills for payment will be added to the agenda beginning in June 2013.

ANNOUNCEMENTS:

The next regular business meeting will be held on Monday, June 3, 2013 at 7:00 PM.

The City Administrative Offices will be closed on Monday, May 27, 2013 in observance of Memorial Day.

ADJOURN:

With no further business coming before the Commission, Commissioner Kline moved to adjourn the meeting at 10:04 p.m. Commissioner Heil seconded the motion. **Motion Carried.**

Signed this 3rd day of June 2013

APPROVED:

ATTEST:

Don Kirby, Mayor

Kathy Porter, City Clerk/Treasurer