

**CITY OF UNION, KENTUCKY
REGULAR BUSINESS MEETING
MINUTES
Tuesday, July 10, 2012**

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

CALL TO ORDER:

Mayor Kirby called the Regular Business Meeting of the Union City Commission to order at 7:00 p.m. Tuesday, July 10, 2012.

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

ROLL CALL: The following members were present:

Mayor Don Kirby
Commissioner Bob Kelly
Commissioner John Adams
Commissioner Bryan Miller
City Clerk/Treasurer Kathy Porter
City Engineer Barry J. Burke, PE PLS
Attorney Greg D. Voss, Esq.

Commissioner John Mefford and City Events Coordinator Karen Franxman were not in attendance.

APPROVAL OF MINUTES:

All City Commissioners were provided a copy prior to tonight's meeting.

Commissioner Adams made a motion to accept the minutes, with possible changes questioning the estimated lower costs of \$22,000 versus \$220,000 for improving a sight distance problem at the US 42 and Rice Pike intersection from the June 4th, 2012 City Commission Meeting and the motion was seconded by Commissioner Miller. **Motion carried.**

ADMINISTRATIVE REPORTS:

City Clerk/Treasurer Kathy Porter: Commissioner Adams moved to accept the Treasurer's Report as of May 31, 2012, and Commissioner Miller seconded the motion. **Motion Carried.**

GUESTS WISHING TO SPEAK:

Mr. David Braun, who lives at 10198 Hempsteade Drive, came with his wife Pam to listen and discuss the emails that had been sent concerning the Cincinnati Bell "Fioptics" facility being constructed along Hempsteade Drive near Bayswater Drive across the street from his residence. The facility is meant to service the community, but he feels another location would have been more suitable. Mr. Braun brought and handed out some pictures of the facility under construction for the commission to observe.

Ms. Braun stated that Cincinnati Bell has been placing similar facilities around Northern Kentucky and Cincinnati and they did not look the same. Some had a single above ground cabinet; some has more than one; and, some are higher than others.

Mayor Kirby asked City Engineer Barry Burke, who has included this issue within his City Engineer's Monthly Report as Item number 16, to address this issue.

Mr. Burke referenced the Braun objections and concerns in emails regarding the visual impacts of the facility including masonry walls, two-(2), 4 or 5 foot high cabinet structures, the lack of resident notifications, etc. Further, no landscaping or other buffers are part of the plans. Regarding background, Mr. Burke stated that in April or May, he remembers an inquiry from city staff from a resident questioning surveyor stakes in their yard that he couldn't respond to. Later, a formal application was made regarding the city's Encroachment Permit process that Cincinnati Bell, Inc. had applied for and was processed in late May of 2012; and, later ratified at the city's meeting in June without discussion. A copy of the plans submitted to the city and its city engineer as a part of the

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Encroachment Permit application was reviewed. Mr. Burke advised that the application included plans for boring and jacking for conduit under Hempsteade Drive as well as plans for a Fioptics facility at the subject location. Mr. Burke advised that the plans did not indicate any height dimensions for the two-(2) cabinets as part of the facility. Mr. Burke stated that inspections were performed in accord with the Encroachment Permit, as approved. In addition, contacts with Cincinnati Bell officials revealed that the site was selected based upon servicing Hempsteade Drive residents from a maximum length of fiber cable; and, a Fioptics facility along Hempsteade Drive was necessary near the intersection with Bayswater Drive or within about 150 feet. Mr. Burke further advised that the existing public right-of-way width, as platted, is sixty (60) feet and no part of the pad or cabinet structures are located within the public right-of-way, rather totally within a non-exclusive easement on private property owned by the Clifton's residing at the corner of Hempsteade and Bayswater Drives. Mr. Burke advised that the city issued an Encroachment Permit for public access to the easement, which includes Cincinnati Bell, Inc., Duke Energy and others, and not the Fioptics facility itself, as it is exempt from any local permits, based upon legal advice as discussed with Attorney Voss. A non-exclusive easement was granted by the Drees Company in 1994, by recorded plat giving certain service facility rights to Cincinnati Bell and other utilities, etc. Mr. Burke stated he has been to the location several times and has spoken to the surrounding residents, the sub-contractor J Daniels, and Cincinnati Bell representatives by phone.

The work now is close to 98% complete. The remaining work is final restoration and landscaping of the facility. The landscaping is still in the process of being discussed. Mr. Burke stated that the latest discussions he had with Cincinnati Bell's, Regional Manager of all fiber optic systems within Ohio and Kentucky was Mr. Mike Wallace. Mr. Wallace stated he will meet with adjacent residents, discuss what is being done, including a special focus on the final landscaping for a buffer.

Mayor Kirby asked if Cincinnati Bell contacted any of the adjacent property owners prior to beginning this project. From what the residents have said, they just showed up one day and began working. Mr. Burke said the resident's inquiry about the survey stakes within their yards now makes sense, that the stakes preceded the formal access permit application. Mayor Kirby asked if Mr. Burke knew what the cabinets were going to look like prior to installation. Mr. Burke stated that there was not an elevation profile on the plans; and, in his later discussions with Bell representatives, the larger one was a Calix cabinet providing internet service through glass fiber cable. There was a detail on the plans that showed two (2) structures, but not the height of any of these structures.

Commissioner Miller asked if we got a copy of what these structures would look like or a detailed print of the plans. He did not remember seeing anything at a meeting. It was stated that the only item the city approved was granting an Encroachment Permit to access the easement where the cabinets were going to be placed per the application.

Commissioner Miller asked why Cincinnati Bell chose this particular location. Mr. Burke advised that the location was chosen by Cincinnati Bell's Site Planning Group which identifies the general locations of such structures so they are within about 3,500 feet of copper wiring including street wire crossing services. This facility is about 2,700 feet along the street from Mt. Zion Road. The siting position of Cincinnati Bell was they had to place the facility in the vicinity of the intersection of Hempstead Drive and Bayswater Drive. The first location they chose was too close to the intersection, and was declined due to safety and the closeness of vehicle traffic at the intersection. As Mr. Burke understood it, they moved to the current site because it is within 150 feet of the intersection in order to comply with the 3,500 feet limitation or standard.

Mr. Burke stated in further discussions with Bell officials that there will be two (2) facilities of this type within Union this year (2012). One additional facility is also planned along Hempsteade Drive near the pool at the entrance to the subdivision off Mt. Zion Road. This access permit application or any plans have not yet been submitted.

Commissioner Kelly asked if competitors of Cincinnati Bell Fioptics wanted to come into the area, would they use the same box or would they need to construct their own boxes. Mr. Burke stated that these Bell boxes would only service Bell customers.

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Mayor Kirby asked what Cincinnati Bell has agreed to do from an aesthetics standpoint for this site. Mr. Burke stated that Cincinnati Bell had indicated that they are willing to meet with the residents and the resident on whose property the facility is located because they will be the owner that will maintain the landscaping surrounding the site of the facility owned and maintained by Cincinnati Bell.

Mr. Clifton, the resident, that owns the property where the facility is located, addressed the commission. Mr. Clifton stated that this whole process has been poorly communicated to the residents. He was unaware of anything until someone showed up with a bulldozer to begin the work. The residents were told that the workers were going to put in a concrete pad that was two (2) feet wide and twelve (12) feet long and put a junction box in. Mr. Clifton was thinking this would be a surface thing, but they dug four (4) feet into the ground to do it. It turns out the structure is four (4) to six (6) feet wide. Mayor Kirby asked how tall the facility is. Mr. Clifton stated it is probably four and a half (4-½) to five (5) feet tall. And there are two (2) boxes instead of one.

Mr. Clifton stated that his concerns with the structure are as follows: First, there are no barriers, It is basically sitting about three (3) feet off the sidewalk and he was told by the Cincinnati Bell contractor that it was his responsibility to maintain the structure. Another concern he has is vandalism. The area is prone to all sorts of vandalism and this just sitting out there in the open would be a big target and Mr. Clifton does not know if he would be responsible for the structure or not.

Mayor Kirby apologized to the residents. The city did not know at the time the extent of the structure that was being built at the location. Mayor Kirby stated from here we should to move forward and determine the best solution to try and salvage what we have and make it the most aesthetically pleasing as possible. The city approved the Permit and Mayor Kirby stated he feels horrible about this. The city prides itself on working with its citizens on making the best decisions. One thing that needs to be done is to hold Cincinnati Bell to the highest level of landscaping possible for the area and a buffer the facility. Mr. Clifton stated that he has contacted a Landscape Architect to design something that will make the structure not as noticeable to his surrounding neighbors. Cincinnati Bell stated that landscaping the area is in the plans but there are limited resources. Mr. Clifton stated that the contractors also went onto his neighbor's property and destroyed their lawns, as well. Mr. Clifton thanked the commission for their time.

In response to the concerns about landscaping the facility, Mr. Burke stated that he spoke to Cincinnati Bell's Mr. Wallace concerning the extent of landscaping and was told they could not put a lot of shrubbery between the front of the structure and the sidewalk because of the ongoing needs to gain access to the cabinet doors fronting the structure.

Mayor Kirby then suggested to Mr. Clifton to come up with a design on what is most desirable, submit it to Cincinnati Bell and move on from there.

Ms. Braun said that they were told that the residents could put shrubs in front of the structure from both the subcontractor and a representative from Cincinnati Bell.

Mr. Clifton stated that while doing the digging for the structure, the contractor hit the roots of some trees and he was told by a landscaper that the trees would not survive. Mayor Kirby stated to take pictures of the trees and the city will work with him.

Mr. Braun mentioned the drainage from this structure crossing the sidewalk and causing a safety issue. Mayor Kirby said to please let the commission know if this becomes an issue.

Commissioner Kelly asked about what might happen in the future concerning the size of these type of facilities. If in the future the boxes get smaller will they replace the current cabinets? Mr. Burke stated he didn't know; but, what he thought about the future is more boxes or similar sized structures will be necessary for improved

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communications. Mayor Kirby asked if they had submitted any other permit applications yet Mr. Burke said to date, Cincinnati Bell or other utilities have not submitted any other applications.

Ms. Braun asked if the commission could find out why there are two-(2) structures. In other locations, there is just one (1). Mr. Burke said per information provided by Cincinnati Bell, the taller cabinet is the Calix Cabinet fiber optics system for internet television and the smaller one is an access box for cables operating the system. As Bell officials stated, the Fiopics system also has the ability to improve the speed on outdated land lines services. Mr. Burke said he was told that not all structures will be the same size or duplicated and the one up front near the pool might only be one (1) cabinet.

Ms. Braun stated the reason she was asking is because they were told the fiasco with the drilling underneath the street pavement, they decided to only drill for only one (1) conduit rather than several, as planned. Thus, maybe they only needed one (1) cabinet.

Mayor Kirby asked if Mr. & Mrs. Braun or Mr. Clifton has Cincinnati Bell service. Mr. Braun said they already have internet television through Cincinnati Bell and this box is not needed.

Another resident stated that in the future when plans are submitted they need to submit a landscaping plan and to contact each resident prior to receiving the permit.

The HOA was also not notified of this process.

Mr. Clifton asked if the structure was actually within the easement and not on his property. Mr. Burke stated that prior to this meeting, taped t measurements were taken. Mr. Burke stated that there is a full sixty (60) feet of public right-of-way; and, from the center of the street pavement to a point six (6) inches in front of the new concrete pad on which the structure sets is exactly thirty (30) feet, which is the public right-of-way. From that point to the rear of the masonry wall is eight feet - six inches (8'-6"). The width of the platted and recorded the easement is ten (10) feet. Therefore, the pad and Fiopics structures are fully located within the utility easement on private property.

Once the landscaping design has been completed, Mayor Kirby asked that it be brought to the Union City Building to City Clerk Kathy Porter, and she will forward it to Mr. Burke for a review and recommendation.

Mayor Kirby asked if there was anyone else in the audience wishing to address the commission. Mr. & Mrs. Ken and Joan Noakes, who live at 9009 Richmond Road, addressed the commission concerning boats being parked in driveways. Mayor Kirby stated that we have an ordinance for recreational vehicles which states that the vehicle must be on a concrete pad. Mr. Noakes asked if it was ok for the boat to be parked in someone's driveway. Mayor Kirby stated that the commission will look into the ordinance. Mr. Noakes stated that in his neighborhood there was a pontoon boat that was parked in a driveway and came out over the sidewalk. Mayor Kirby stated that the boat blocking the sidewalk was a violation. Normally besides being on a concrete pad for boats and recreational vehicles the restrictions would be handled by the homeowners association. Mr. Noakes stated the home with the pontoon boat is located on Cherbourg Drive. Mayor Kirby asked for the address, to contact the homeowners association.

Mr. Frank Beemon, a resident of Richmond Road, addressed the commission concerning his neighbors who had set fire in a drum which exploded. The fire department was called. Mr. Beemon also mentioned that the residents had an animal that was left outside without water all day. Mayor Kirby asked if the Animal Control had been called. Mr. Beemon had not called the Animal Control. Mayor Kirby asked if we had the contact information for the residents, in question. Attorney Voss stated that we had and would contact the property manager again.

Mr. Beemon asked the commission about potato guns. He was told by the police that they were legal. Mr. Beemon suggested making an ordinance that states if not manufactured by a reputable company, they should be illegal. He stated that his neighbors were setting off the potato gun after midnight. Mayor Kirby will do some more

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research on potato guns.

Mr. Beemon asked about the noise ordinance for fireworks that have been set off after midnight. There is a noise ordinance concerning construction workers. Mayor Kirby suggested for Mr. Beemon to contact the police to come out and stop the fireworks.

Mayor Kirby asked Mr. Beemon to contact the city building when issues arise and the owner will be contacted.

Mr. Beemon also mentioned the yard not being mowed.

EVENTS COORDINATOR:

City Events Coordinator Karen Franxman was not in attendance, Mayor Kirby summarized her report.

On Saturday, June 16th the Third Annual Beach Blast was held. The event went well. There was a lot of positive feedback from this event.

On Friday, June 29th the Second Annual Union Celebrates America fireworks was held. The parade was canceled due to bad weather that went through the area. Once the weather cleared it turned out to be a nice night.

The city concluded the movie nights during the month of June. Boone County Parks and Recreation sponsors this event.

Karen will be having a meeting with Dr. Erik Simms from Union Chiropractic to discuss the upcoming Fall for All Event which will be held in October.

The Union Community Theater featuring the Sound of Music opens at Ryle High School on July 12th, 13th and there will be two (2) shows on the 14th. Tickets can be ordered through the UCT website or purchase them the day of the show.

PUBLIC WORKS/UNION VISIONING COMMITTEE:

Commissioner Kelly addressed the commission concerning prior issues that have continued to be an issue. The oil that has leaked from the vehicles on Splendor Drive and Russwill Lane continue to be an issue and the city staff needs to know how to resolve these issues. We have sent a letter drafted by City Attorney Voss to the resident on Russwill Lane, but we do not have a valid address for the owner of the vehicle on Splendor Drive. Mayor Kirby asked if the vehicles are actually leaking or if they are changing the oil on the street. Commissioner Kelly stated the vehicles were actually leaking fluid. Attorney Voss has contacted the Boone County Sheriff's Department who has said they will handle the issue. Commissioner Miller asked if we had any continued complaints. City Clerk Kathy Porter stated that we had several complaints on the silver/grey van vehicle and the leakage is actually transmission fluid. Photos were taken for public record.

The car that was parking overnight on Russwill Lane is still an issue with a neighbor resident requesting more signs to prohibit overnight parking. Presently, any parking on a public street is permitted as long as you park in accord with the regulations set forth by the city's parking ordinance. Mr. Burke acknowledged that per this resident's request, the issue of prohibiting overnight parking along Russwill Lane cannot be justified by the existing traffic code, the Manual on Uniform Traffic Control Devices (MUTCD).

Commissioner Kelly mentioned an abandoned property at 10653 Mountain Laurel Way, within Lassing Green a resident has requested more information on Property Maintenance Codes within the city. Currently the city's ordinance requires grass to be mowed properly, but maintenance of the home is another issue. Attorney Voss stated that there is an Abandoned Property Maintenance Code that the city could adopt. This is a national code and he can obtain the commission copies if they would like.

Mayor Kirby asked if we had sent any notices to the bank that currently holds the mortgage. Currently, we have

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not.

Attorney Voss stated the city could adopt a “Code Enforcement Board” and a Nuisance Board. These could be combined into one (1) Board. Mayor Kirby asked where we could receive more information on this, and asked City Clerk Kathy Porter to obtain more information. Mayor Kirby asked what sort of things would be handled by these Boards. Attorney Voss states that any violation could be heard by the Board. Attorney Voss will obtain the information for the commission to review. Currently, the Boone County Code Enforcement Department handles all enforcement issues for the city.

Commissioner Kelly mentioned some other maintenance issues at the Community Building. After the events in June, we had a complaint that the parking berms or bumper blocks have moved and there is exposed rebar in the parking lot. Also in the men’s restroom, the partition in one of the stalls fell.

During the last fire department inspection, the city was required to replace two (2) ceiling tiles and a junction box cover in the closet. Commissioner Kelly asked if it was ok to have these repairs made. Mayor Kirby stated that we have to have the repairs made in order to be up to Code. Mayor Kirby stated this is an issue that he needs to speak with the City Events Coordinator about a better process to have the building adequately maintained.

It was stated that the partition in the men’s restroom will be fixed by the cleaning company. Commissioner Miller stated that with the exposed rebar we should go in and drive it into the ground for safety.

Commissioner Kelly mentioned the Lassing Green irrigation system. We have received two-(2) quotes for the repairs. One (1) was from the Spillman Companies, who actually went through the same company that the city had received another quote from. The lowest quote was approximately \$1,400. Commissioner Miller recommended that the city wait until spring to have the system repaired. City Clerk Kathy Porter asked about the content of city’s overall landscaping contract documents, since the city has paid extra work money into it for maintaining much of the city’s landscaping and its survival throughout the drought. Commissioner Miller stated that the entrance landscaping is still alive but does not look the greatest. Mayor Kirby asked how long it would take to repair the system. Mayor Kirby asked if we approved the repair of the system could the new landscaping be saved. Commissioner Miller advised that the city has a landscaping contract renewal coming up at the end of this year; and, we should incorporate a lot of things in terms of changes that Mr. Burke has already kept record of that we are presently paying the same contractor, as extra work. City Clerk Kathy Porter said she will forward a current copy of the landscaping documents to the commissioners of interest and Mr. Burke to incorporate recommended changes to these documents prior to next two- (2) year calendar year for 2013 and 2014.

A resident from Hampshire Subdivision stated the landscaper, named Excel Landscaping that maintains their subdivision, does a real good job.

Commissioner Kelly mentioned the snow removal bids. Perfection Landscaping was the low bidder and asked the commission if they were ready to move forward. Attorney Voss stated that he and City Clerk Kathy Porter had worked together to prepare a resolution and new contract if the commission was ready to move forward. Mayor Kirby stated he was impressed with Perfection Landscaping. He is ready to move forward when new business comes in the meeting.

Commissioner Kelly stated that residents need to be aware of vandalism within their neighborhoods. Mayor Kirby stated that coming home this past Saturday night he ran into Saran Wrap that is wrapped across the road. A person who is riding a motorcycle might not be able to avoid it. People are also painting stop signs. Mr. Kelly advised that if anyone sees anything regarding these issues, please contact city staff at the City Building.

Commissioner Miller mentioned the painting of the Lassing Green wood board fence, part of the fence is complete but not all. Commissioner Kelly mentioned that we already had the invoice for the fence. City Clerk Kathy Porter stated that when the invoice was dropped off for payment she was told that the fence was complete. Commissioner Miller stated that he looked this past Wednesday and it was not complete. He will double check and let City Clerk Kathy Porter know. Mayor Kirby said to hold the payment on the fence until we hear that the

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fence is complete.

PLANNING AND ZONING: There was nothing to report at this time.

CITY ENGINEER'S REPORT: Mr. Burke referenced his detailed City Engineering Report totaling 16 Items previously provided to the Mayor and City Commission and city staff.

Mr. Burke first introduced Ms. Amanda LeFevre, the Director of Business Development for IDE and, can provide any additional services regarding the proposed new highway for Relocated 536 and/or the Union Town Center, IDE is willing to provide such assistance.

Regarding Item number 2 - Storm Drainage Asset Transfers, Attorney Voss spoke to Jerry Dusing, Esq. the Attorney for SD1 concerning the Plats for the two (2) detention basins. The city would turn over ownerships and SD1 would assume all liability for them. Mayor Kirby asked if the city commission feels comfortable that SD1 will maintain these dry pond areas on a timely basis and was acknowledged.

Regarding Item number 5 - Mr. Burke stated that the leaking wet pond along US 42 at the end of Armistead Court was repaired by the state highway department, as required by their easement. The KYTC maintenance crew had to drain the pond down in order to make the repairs. A response to a concerned resident advised that only a lot of rain can refill it, over time.

Regarding Item number 6 the Gunpowder Greens Entrance Sign. The sign has been completed by Stone Centers of Ohio. The city previously forwarded them one-half of the cost and now they need the remaining amount prior to delivery of the sign. City Clerk Kathy Porter does not feel comfortable with full payment before delivery. Mayor Kirby asked if that was in the original agreement. Mr. Burke said he was told they needed fifty percent (50%) prior to the manufacture of the sign. Attorney Voss asked if Mr. Burke had seen the sign. Mr. Burke said he had seen a picture of the sign, but had not seen it personally. Mr. Burke stated he could inspect the sign at the company's site and deliver the final balance of \$1,325 in the form of a city check if it meets the minimum requirements, as specified, which the city acknowledged.

In addition, Mr. Burke has been trying to find the best option to fasten the sign onto the existing concrete base between the stone pillars. He has talked to Frank Kuhlman, a masonry contractor, who did similar work at the Lassing Green Subdivision. Mr. Kuhlman is willing to build brick around the sign for the cost of \$1,500. Mr. Burke thought this was excessive, exceeding the original budget. Mr. Burke recommends to fasten the sign to the existing pillars. Mr. Burke has also talked to Lonkard Construction, Inc., which was willing to work with us for a cost of about \$700. Mr. Burke then stated that the existing metal brackets could be re-used provided the city authorizes the purchase of a battery operated hammer drill. The drilling equipment and materials would cost less than \$200 dollars. He would simply drill four (4) holes through the brackets and the sign after the installation and place the stainless steel bolts, washers and nuts to complete the job. This shouldn't take a lot of time and the sign would be complete at the least costs to the city. Commissioner Miller stated he would be able to help Mr. Burke. The least costs and process were acknowledged by the city commission and to move forward.

Regarding Item number 7 - Whispering Trails Storm Drainage – Driveway / Culvert Cost Reimbursements. Since the last meeting, Mr. Burke talked to the two (2) property owners who have had their driveway/culverts repaired including Mr. and Mrs. Hodges and Mr. George Raybourne and the contractor. The bids originally came in at \$12,315 for Hodges and \$9,800 for Raybourne. Mr. Burke then spoke with the contractor, Spillman Companies, who justified as necessary all the extra work that was performed for the two (2) properties. Mr. Hodges stated that when Spillman Companies began their work one of the retaining walls actually fell over and had to be replaced. They were hoping that the retaining walls could be re-used. Another problem they had part of the footing had to be replaced. These issues could not have been determined by the original estimated bid price. In the Raybourne case, extra dense graded aggregate had to be used due to excessive water occurring over the winter season. Thus, Mr. Burke recommends that all the extra work was necessary. He recommends that the commission pay the fifteen percent (15%) of the higher invoice submitted for both projects. For Mr. George

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Raybourne the reimbursement amount would be increased to \$1,650; and, for Mr. & Mrs. Hodges, the reimbursement amount would be increased to \$3,047.25. Mayor Kirby asked for a motion to approve payment on both invoices for reimbursement. Commissioner Adams made the motion and Commissioner Kelly seconded the motion. Motion Carried.

Regarding Item number 7 (a) the Haven Manor (Whispering Trails) Storm Water Project. The City has applied for a loan through the NKADD from the state's KIA 2013 CWSRF Priority List for \$479,750 which is considered part of the estimated unfunded cost of \$809,750 for the project. Hopefully, SD#1 will fund the other portion of the costs needed. Currently, this project is rated eighty-fourth (84th) out of one-hundred-one (101) projects. Commissioner Adams asked if after SD1 completes their computer modeling contract, could the city move up on this list. Mr. Burke stated that yes they could, but each year if the project delayed, the city would need to reapply.

Regarding Item number 9 (g) Ms. Angela Combs who lives at 10017 Indian Hill Drive, her curb/driveway was lowered by shaving some concrete curbing down last fall, however, she still has problems when her vehicle enters or exits her driveway. Commissioner Miller asked if she just has a low car or if the curb actually the issue. City Engineer Barry Burke stated that the standard height for curbs is four (4) inches. Portions of Ms. Combs' curbing was measured at five and one-half inches (5.-1/2"). Mr. Burke had the city's curb and gutter contractor inspect the curb and provide a cost estimate. They measured it and stated that portions are still above the maximum four-inch standard. Mayor Kirby asked if this is a problem that affects more residents on this street. Mr. Burke stated there had not been any other complaints. Commissioner Miller stated that a lot of times it depends on the speed of the vehicle. Mr. Burke stated that in addition to the curb and gutter, a large portion of the driveway apron within the public right-of-way adjacent to the curb also needs to be replaced. The city's contractor estimated the total cost of the work to be in the range of \$2,500, the apron portion of the work was estimated to be about \$949. Previous discussions with Ms. Combs indicated that regarding the apron, she could only come up with \$100 to partner in costs with the city. Mayor Kirby stated that he would like to take a look at the apron himself. Ms. Combs again contacted the city on July 10th concerning this issue. Mayor Kirby asked Mr. Burke to contact her and let her know the commission will inspect and discuss the situation again at the August meeting, which Mr. Burke acknowledged.

Regarding Item 10 (a) The Harmony Estates Soaring Breezes at Evensong Drive traffic complaints, the residents have requested a speed study to be completed. Mr. Burke recommended to the residents that a speed study not be performed until school starts and a few more homes have been completed. Recently, the Boone County Sign Division has placed new Stop Signs and No Parking This Side of Street Signs on this street between Evensong Drive and Wilshire Court. Mayor Kirby asked how recently the emails were received from the resident asking for the speed studies. Mr. Burke stated that he had received them approximately three (3) weeks ago. Mayor Kirby recommended he contact the residents and tell them that a speed study will be completed but the city would like to make sure the conditions will be realistic since there are vacant lots and school is not in session. Commissioner Kelly stated that if the most accurate results will not be determined until spring that Mr. Burke needs to let the residents know.

Regarding Item 10 (d) a Braxton Road speed hump request, Mr. Burke stated that he had been contacted by Ms. Casey Behne who lives at 9053 Braxton Rd concerning excessive speeding. Ms. Behne stated excessive speed is common between the portion of the street between the Library, Sherman Court and Pickett Run. Mr. Burke advised her that the distance between intersections is less than 500 feet, which generally does not warrant a separate speed hump; however, the city will continue to monitor this section of street for excessive speeds and respond in the future, as required.

City Clerk Kathy Porter asked Mr. Burke about Item number 10 (b), within Harmony Estates along Serenity Court--stating City Clerk Action recommended. Mr. Burke stated that we should try to work with the HOA concerning the off-street parking spaces, to designate certain spots for the two (2) units who do not have a garage. Previously the city placed no parking signs on either side of the street on Serenity Court. This has since been changed to allow parking on one side of the street. However, when someone has a party or guests over that exceeds their two (2) car parking spaces, on occasion they also use the off-street parking spaces not allowing the residents

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who do not have any designated parking without a garage to park. Mr. Burke suggested calling to see if the HOA will put up signs for these residents.

Regarding Item 12 (a) the city had the public bid opening for the Full Asphalt Street Resurfacing including Wheel Chair Ramps for certain streets within Union Village including Braxton Road, Richmond Road, and Cavalry Drive; and Hempsteade Estates including a portion of Cedarwood Drive and Creekstone Court. The city received four (4) bids with Paul Michels and Sons being the lowest bid at \$93,840.50. The next lowest bid was from Len Riegler Blacktop, Inc. for \$104,407.50. The other two were Eaton Asphalt at \$116,070; and, Barrett Paving at \$118,292. Mr. Burke has checked the bid tabs and recommends Paul Michels and Sons be awarded a formal Contract, prepared by Attorney Voss. Mayor Kirby asked for a motion to approve the low bid, as recommended by Mr. Burke. Commissioner Miller made the motion and Commissioner Adams seconded the motion. Motion Carried.

Regarding Item 12 (b) - the Curb Edge Joint Sealing and Surface Patching / Sealing for streets within Union Village, Plantation Point, Hempsteade and Mt. Zion Heights. The city received two (2) non-public bid Quotes from two-(2) qualified contractors with Len Riegler Blacktop, Inc. Quoting as the lowest at \$12,635. A Paul Michels & Sons' Quote was higher at \$17,794.20. Mr. Burke recommends awarding this contract to Len Riegler Blacktop, Inc. for \$12,635. Mayor Kirby asked for a motion to approve the low bid. Commissioner Adams made the motion and Commissioner Kelly seconded it. Motion Carried.

Regarding Item 12 (c) Mr. Burke has contracted five (5) contractors who do pavement markings for quotes for paint line striping Old Union Road, Clarkston Lane, Churchill Drive and the streets around Kroger that we are currently resurfacing via the public bids, as submitted. He has not received anything as of yet, and will continue to make these contacts.

Regarding Item 12 (d) sidewalk settlement at 10198 & 10204 Hempsteade Drive. Mr. Burke advised this issue was discovered as part of the inspections regarding the Cincinnati Bell's Fioptrics system. The sidewalk has at least two (2) slab deviations at the joints that have settled and needs to be repaired. Mayor Kirby stated that this is a safety issue and needs to be repaired, as acknowledged.

Regarding Item 12 (e) the Hempsteade Street Pavement Collapse near the Lakeway Court intersection. Portions of the street pavement have buckled due to the extreme heat; concrete curb around the catch basins has collapsed, and a portion of a residential driveway apron has failed.. Two (2) years ago an under drain was installed to improve drainage under the pavement at the subgrade. Mr. Burke has received two estimates for the repairs. The first was from Paul Michels and Sons for \$6,540 and Len Riegler Blacktop, Inc. who will subcontract with Lonkard Construction, for \$5,800. Mr. Burke recommends awarding the contract to Len Riegler Blacktop, Inc. and Lonkard Construction. Mr. Burke stated that during inspections, he also noticed another area between Lakepoint Drive and Kingston Court that has developed a similar problem. Commissioner Kelly asked if the resurfacing of Hempsteade Drive had anything to do with the collapse. Mr. Burke stated that Bluegrass Paving was the contractor that resurfaced it. When they milled off the asphalt top and got down to bad concrete they had to take that area off, the city had to build the street back up. The peculiar issue here is that the original street was concrete and subject to expansion and contraction problems especially during times of excessive heat, which we have had recently. The new under drain crossing the full width pavement installed in 2010 was replaced with flexible asphalt and should have prevented this problem. Until the on-site repair work is exposed, I won't know the proper way to make the required repairs. Mr. Burke recommends first addressing the problem near Lakeway Court before proceeding toward Lakepoint Drive and Kingston Court. Mayor Kirby called for a motion to approve Len Riegler Blacktop's Quote. Commissioner Kelly made the motion to approve and Commissioner Adams seconded the motion. Motion Carried.

Regarding Item number 13 (b) the Relocated US 42 & Mt. Zion Road Street Lighting for Pedestrian Safety Plan. Mr. Burke received a revised proposal from KLH Engineers, in Ft. Thomas, KY concerning the lighting plan at this intersection. Commissioner Miller asked about the approval of the KY 536 highway plan, he understood that this intersection would become a cul-de-sac and spending \$25,000 or so, to improve the lighting would not be

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necessary. Mr. Burke stated that the intersection would actually become a right turn-in and right turn-out only intersection. Therefore, the new safety lighting would be permanent and still be necessary. Thus, this Proposal and the Plan working with Duke Energy could go a long way to improve pedestrian safety at this intersection in the future. As the Commission suggested last month, the Proposal includes a consultant's fee of \$6,000 for the subject intersection and additional scope of service to perform photometric studies of two (2) other intersections namely Whispering Trails and Frogtown / Double Eagle Road for an additional cost for \$4,000.

Commissioner Adams stated that via recent letter, the state highway department will be conducting a new speed study on U.S. 42. He asked if maybe the lower speed might help with improving safety and preventing fatalities. Attorney Voss stated that the speed might lower some, but there is still the need for extra lighting. The commission focused on the other intersections including Whispering Trails and Frogtown / Double Eagle Road that could pose other lighting safety problems along the state highway; and, agreed to include the added scope on only the Frogtown / Double Eagle intersection due to the close proximity of Ryle High School; and, suggested to Mr. Burke he work with KLH Engineers to reduce the fee and eliminate the cost for Whispering Trails at this time, which the commission acknowledged.

Mayor Kirby asked for a motion to approve KLH Engineers to perform the study for a cost of \$6,000; and the extra work per Mr. Burke & KHL Engineers negotiations. Commissioner Miller made the motion and Commissioner Adams seconded it. Motion Carried.

Regarding Item number 14 the City Parking – Comprehensive Ordinances, the city had asked Boone County Sign Division to give the city a quote on upgrading/replacing the signs that have some deficiencies. The cost estimate was \$476.00 to correct about 37 signs.

Attorney Voss stated that regardless of whether a new parking ordinance was passed or not the signs need to be updated. The city commission approved the costs for Boone County Sign Division to make the changes.

Attorney Voss stated the city needs an ordinance that sets forth what streets have which parking signs.

Commissioner Miller asked about the asphalt concrete pathway between Lassing Green Subdivision and the Boone County Schools. Mr. Burke stated that the Quote was approved and he would contact Paul Michels and Sons concerning the schedule for this pathway resurfacing project to begin.

OLD BUSINESS:

- ❑ The design the sign contest which Mayor Kirby and City Clerk Kathy Porter has discussed. Mayor Kirby stated that he would like to wait until school has started. He would like to have someone from the commission and someone from the community to sit and judge. Commissioner Miller asked if the contest is open to non- residents and was told that yes it would be.

NEW BUSINESS:

- ❑ **EXECUTIVE ORDER NO: 2012-001** – The Boone County Emergency Operations Plan (EOP) is officially approved and adopted as of the date of this Executive Order.
- ❑ **RESOLUTION NO: 2012-004** – A Resolution for the City of Union, KY to accept the bid from Perfection Landscaping and Design for snow plowing/removal services. Commissioner Adams made the motion to approve. Commissioner Kelly seconded the motion. Motion Carried.
- ❑ **First reading ORDINANCE NO: 2012-004** - An ORDINANCE RELATING TO THE UNION CITY COMMISSION REPEALING IN ITS ENTIRETY CHAPTER 72 OF THE CITY OF UNION, KENTUCKY CODE OF ORDINANCES AND ADOPTING A COMPREHENSIVE BODY OF ORDINANCES FOR VEHICLES STOPPED, PARKED OR LEFT STANDING ON OR OVER ANY CITY ROAD, STREET OR RIGHT OF WAY AND FOR VEHICLES STOPPED, PARKED OR LEFT STANDING ON OR OVER ANY CITY OWNED OR MAINTAINED PARKING LOT OR SPACE. Boone County has a parking board and under statute if the city approves the statute then they would either have a parking board or have an inter-

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local agreement with Boone County. Mayor Kirby suggested that how infrequent the board would be used it would be better to partner with Boone County. Mayor Kirby asked for a motion to table this ordinance until the August meeting. Commissioner Miller made the motion and Commissioner Adams seconded the motion. Motion Carried.

- **First reading ORDINANCE NO: 2012-005** - AN ORDINANCE CREATING A PARKING VIOLATION HEARING BOARD PURSUANT TO K.R.S. 82.600 – 82.640 FOR ENFORCEMENT OF CITY ORDINANCES FOR VEHICLES STOPPED, PARKED OR LEFT STANDING ON OR OVER ANY CITY ROAD, STREET OR RIGHT OF WAY AND FOR VEHICLES PARKED OR LEFT STANDING ON OR OVER ANY CITY OWNED OR MAINTAINED PARKING LOT OR SPACE. Mayor Kirby asked for a motion to table this ordinance until the August meeting. Commissioner Kelly made the motion and Commissioner Miller seconded. Motion Carried.

Commissioner Miller stated he read that forty (40) applications were sent out to perspective developers for the Union Town Plan. Commissioner Miller proposed that the city host a town hall meeting where people can get more information on the plan. The city has in done these in the past. Commissioner Miller suggested that the city advertise for this in the paper.

ANNOUNCEMENTS:

The next City Commission Meeting will be held on Monday, August 6th, 2012

ADJOURN:

No further business came before the Commission. Commissioner Adams moved to adjourn the meeting at 9:41 p.m. Commissioner Kelly seconded the motion. **Motion Carried.**

Signed this 6th day of August 2012

APPROVED:

Don Kirby, Mayor

ATTEST:

Kathy Porter, City Clerk/Treasurer