

**CITY OF UNION, KENTUCKY
SPECIAL BUSINESS MEETING
MINUTES
Tuesday, September 3, 2013**

CALL TO ORDER:

Mayor Don Kirby called the Special Business Meeting of the Union City Commission to order at 7:00 p.m. Tuesday, September 3rd, 2013.

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 Donna Fryman
Commissioner Bryan Miller
City Engineer Barry J. Burke, PE PLS
City Clerk Kathy Porter
City Attorney Greg D. Voss, Esq.
City Events Coordinator Karen Franxman

Commissioner Ken Heil was not in attendance.

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

APPROVAL OF MINUTES:

All City Commissioners were provided a copy prior to tonight's meeting. Commissioner Miller had a couple of corrections that he would like to have made to the meeting minutes. Commissioner Miller would like to have the statements from Mr. Kurt Lowe to be amended. Commissioner Kline made a motion to accept the minutes with adjustments and the motion was seconded by Commissioner Miller. All voted in favor of motion. **Motion carried.**

ADMINISTRATIVE REPORTS:

City Clerk/Treasurer Kathy Porter: Commissioner Miller moved to accept the Treasurer's Balance Summary Report as of September 1, 2013, and Commissioner Kline seconded the motion. All voted in favor of the motion. **Motion Carried.**

PUBLIC WORKS:

Commissioner Bryan Miller asked about a request from the Boone County Board of Education about some trees that need to be trimmed along Sycamore Drive that are causing sight problems for the bus drivers. City Engineer Barry Burke stated that we had received an estimate and the work could be completed but to be later discussed for action in his report.

Commissioner Miller asked about a letter that was sent out by Boone County Planning and Zoning concerning a boat that is parked beside a home on Richmond Road. Mr. Miller inspected the site on September 3rd, and the boat had not been moved. Commissioner Miller and City Clerk Kathy Porter contacted Planning and Zoning who will be sending a certified letter to the resident.

Another letter was sent to Mr. McCarthy's residence on Russwill Drive. The resident has had a motor home sitting in his driveway. The motor home has now been moved.

A letter was also sent to Mr. Long who lives on Mt. Zion Road, concerning a motor home that is sitting behind his home.

Commissioner Miller asked about a letter that was sent by a resident Mr. Curtis Rath concerning, water that flows down his driveway. City Engineer Barry Burke stated the city should contact the state highway department

concerning the side ditching along the state's highway. The city will send a letter to Mr. Rath letting him know that the city has contacted the state highway department.

Commissioner Miller asked about a noise complaint that was received concerning a resident that had a bar in his back yard. City Clerk Kathy Porter stated that this has been turned over to the Boone County Planning and Zoning for follow-up.

PLANNING AND ZONING REPORT: Mr. Jim Longano addressed the commission concerning temporary signs that have been posted within the city limits. Mr. Longano has taken pictures of signs along the right of ways. These signs are illegal, and Mr. Longano has spoken to Kentucky Transportation Cabinet (KTC) District 6 permitting and enforcement. The signs have to be permitted and the small signs will not be permitted. However, KTC District 6 does not have the funding to enforce it.

Mayor Kirby stated that he has contacted them as well to receive permission for members of the city to pull the signs if the state does not have the manpower or funding to do so.

Mr. Longano spoke with Ms. Laura Mitchell from KTC District 6 who told him that the state is ok with municipalities taking down the signs. Ms. Mitchell stated that she would not recommend a resident to take down signs.

Commissioner Kline asked what happens to the signs. KTC District 6 asks that the signs be brought to their office and be placed beside the dumpsters and the business has a week to pick them up, if not they will be thrown away.

City Engineer Barry Burke stated that the county and city through the zoning code also have additional regulations concerning temporary signs.

Commissioner Miller suggested sending a letter to the home builders concerning the placement of the signs. Attorney Voss stated that he could put a letter together for the home builders.

Mayor Kirby asked Mr. Longano to please get in writing stating that the signs can be pulled by a city official. Mr. Longano stated that he feels it should be someone from the city to contact the state. Mayor Kirby asked Mr. Longano to please give Laura Mitchell's contact information to City Clerk Kathy Porter.

ECONOMIC DEVELOPMENT COMMITTEE REPORT (EDC):

Commissioner Kline stated the last meeting was held prior to the last commissioner meeting. Commissioner Kline stated that John Mefford had resigned from the EDC, this will leave two (2) open positions. Commissioner Kline will give City Clerk Kathy Porter information about what the committee is looking for and the city will post it on the website and in the Boone County Recorder.

Commissioner Kline stated that the St. Timothy's Church Octoberfest is coming up the weekend of September 20-22. The EDC would like to have an informational booth. The event is a widely attended event within the city. Commissioner Kline would like to have volunteers to work the booth. The booth rental fee is \$100. Commissioner Kline would like permission from the Commission to spend the \$100 for the rental.

Commissioner Miller made the motion to rent booth space the St. Timothy's Octoberfest for \$100 and Commissioner Kline seconded the motion. All voted in favor. Motion Carried.

Commissioner Kline will put a schedule together for volunteers.

Commissioner Kline stated that Kevin Costello with Boone County Planning and Zoning recently put an update for the Union Town Center in the What's Happening publication.

CITY EVENTS COORDINATOR REPORT:

City Events Coordinator Karen Franxman briefly summarized her report.

The next scheduled city event is the 4th Annual Fall for All Event, which will be held on October 19th, 2013 and will run from 12:00 pm to 8:00 pm. At 8:00 am there will be a 5k Soldier Run which is a fundraiser for the city's Adopt-

A-Unit.

There will be a "Cruise In" car show at the "Fall for All". Registration for the car show will be the day of the event and the cost will be \$3 per car.

Kinman Farms will be donating 300 pumpkins for the children's pumpkin patch this year.

Some of the organizations that will be attending this year are the Boone County Emergency Response Team, VA Mobile Health Unit, Honor Flight, Canine Companions, Union Emergency Services, and Boone County Sheriff's Department.

Perfect North Slopes will be once again be partnering with the city to sell discounted vouchers for our residents.

The Adopt-A-Unit is working on getting donations for the "Fall for All Event". The next scheduled meeting is Thursday, September 19th at 7pm at the Community Building.

The events volunteer committee will be meeting Thursday, September 5 to discuss the "Fall for All Event" and ways to get more citizens involved in the city events.

Union Cares Program: The Union Cares Program will be collecting gym/tennis shoes for Ockerman Elementary School.

Union Community Theatre just completed their auditions for the winter production of "It's a Wonderful Life". The show dates are December 5th, 6th, 7th and 8th.

Mayor Kirby asked Mr. Larry Solomon to discuss focus groups that had been discussed for the Union Town Plan. Mr. Solomon stated that it was discussed to conduct focus groups with businesses, HOA's and individual residents (a group would be six sessions depending on the length of residency). The individual sessions would be held at the Union City Building in the middle of October. The sessions would be in the evening and last between an hour to an hour and a half. There would be an incentive for the residents to attend the sessions. Mr. Solomon requested that members of the commission and the EDC to attend the sessions. A discussion guide will be developed to cover awareness of the plan, and present the plan to the attendees and understand what the residents perceptions are after the plan has been presented. The key of the focus groups is to get inward communication, understand it and then develop strategy later to send out.

Commissioner Kline stated the goal is not to debate the town plan but to gain information about the plan and various other city operations. Mayor Kirby stated that one of the things he liked about the groups is to first ask questions and see what the residents know.

Mr. Solomon stated that he needs to first determine what dates the city would like to have the sessions and then start the recruiting process. Commissioner Kline stated that she felt the last week of October or the first two (2) weeks of November would be the best, because she feels the city should not rush the process. Commissioner Kline is not fully behind this process and wants to make sure that the city is fully prepared.

Mayor Kirby recommended the fourth week of October on a Tuesday, Wednesday, and Thursday, October 22nd, 23rd, and 24th.

CITY ENGINEER'S REPORT: Mr. Burke referenced his detailed City Engineering Report totaling 12 items with five (5) attachments. Mr. Burke stated that there are six (6) items that require formal City Commission Action in his CE Report and any others, as noted in his Report from discussions, which may require same.

Regarding Item Number 1(a), the speed humps on Burleigh Lane between Wyndham Way and Bayswater Drive, Mr. Burke had observed on-site that they were not high enough. Michel's Construction Company was notified and they went and measured both humps and it was determined they were about 1- inch short of the minimum height shown on the plan. They will go back and add more asphalt with restriping.

Regarding Item Number 1(c)(2), a request from Mr. Pete Freeman, who lives on Sonata Drive, for another speed hump with Harmony Estates. A previous field study was completed and it was determined that the streets would need another traffic control device once the housing along this street was completed. Michels Construction submitted a cost estimate for constructing a speed hump at that location of \$2,075.00.

Commissioner Miller made a motion to move forward with the construction of a speed hump on Sonata Drive and Commissioner Kline seconded the motion. All voted in favor. Motion Carried.

Regarding Item Number 1(f), the Clarkston Lane sight distance problem, a bus driver advised that tree limb growth is impairing their line of sight. A&A Landscaping (the city's current landscaping contractor) was notified to inspect the area and submit a cost estimate. It was determined several trees that have limbs within the right of way. A&A determined it would take fourteen (14) hours to trim the tree limbs. The total cost would be \$490.

Commissioner Miller asked if the trees were on private property. Mr. Burke stated that the trees were, but the limbs were on public property and the city can trim them for safety reasons. Mayor Kirby stated that even if the city had authority to trim the limbs that the owner needs to be notified before work begins. Mr. Burke stated that he instructed Andrew Wesselman with A&A Landscaping to notify the homeowner.

Commissioner Kline made the motion approve trimming the trees and Commissioner Fryman seconded the motion. All voted in favor. Motion Carried.

Regarding Item 1(g), the sight distance problem at Sycamore Drive. Sycamore Drive is a narrow one-way street and a bus driver has a line of sight issue at 1578 and 1667 Sycamore Drive. Mr. Burke contacted A&A Landscaping for a cost estimate. The estimate submitted was \$210. Mayor Kirby asked if the trees were in public right-of-way. Mr. Burke stated that the limbs would be within the public right-of-way. Mayor Kirby suggested sending a letter to the home owners giving them the option of trimming the trees themselves or the city doing it and then sending a bill to the homeowner. Attorney Voss said to give him the information. Commissioner Miller stated that each day the limbs are allowed to remain in right-of-way it jeopardizes public safety. Mayor Kirby asked if the city should move forward and then try to recover the amount after the fact. Attorney Voss stated the city could not cut the tree then bill the homeowner without notifying them first. Commissioner Miller stated that a city representative could visit with the homeowners. Mr. Burke stated that he was leaving town on vacation, but if Mr. Miller would like to visit the owners the addresses City Clerk Kathy Porter could give him the names. Mayor Kirby stated depending on the outcome of the meeting with the homeowners, a vote would not be needed to approve spending the \$210 for the trimming of the tree.

Regarding Item Number 2, the full asphalt street resurfacing project near Kroger's at Braxton Road and Richmond Road, including wheel chair ramps, this work has been completed, but Mr. Burke was hoping to extend a sidewalk into the Kroger Parking Lot from Braxton Road for increased ADA safety. Mayor Kirby at the last meeting stated he would contact someone from Kroger's to discuss the sidewalk. Mayor Kirby stated he has talked to someone who was supposed to get him a name of someone, but had not been contacted as of yet.

Regarding item number 3, the Union Budget FY 2013-2014, Public Works items, Mr. Burke is receiving daily reports from Len Riegler Blacktop, Inc. the company who was contracted to complete the 2013 joint sealing work. As of Friday, August 30, 2013, they have completed joint sealing totaling \$13,778.75, and the project should be completed within the next two (2) weeks.

Mr. Burke referred to Item 8 (b), the Burleigh Lane No-Parking Signage problem. Mr. Burke referred to a proposal from the Boone County Public Works Sign Division. The problem can be solved by taking two(2) signs down and replacing them with new signs at 9915 Burleigh Lane that will say "No Parking Corner to Here" and the other sign at 9926 Burleigh Lane will say "No Parking Here to Corner". Mayor Kirby and Commissioner Kline both questioned why the signs are slightly different. Mr. Burke will contact the Sign Division for more clarification.

Mr. Burke discussed Item 11, in regards to updating the Storm Water Pollution Prevention Plan (SWPPP). Mr. Burke requested permission to forward the update for the 2013 SWPPP to SD1, which was granted.

Regarding the issue for the streetlights along the newly re-designed KY 536, Duke Energy is working with GRW Engineers who has stated that if the city would like to use the Duke Energy Lights, the cost to the city would only

be for the electric usage by an agreement. However, if the city chooses an upgraded lighting system, the estimated cost to the city would be generally between \$83,650 and \$100,000. In this option, the city would also be responsible for the ownership and maintenance of the lights and energy usage by agreement.

Mayor Kirby said in his discussions with the KYTC, there is not an immediate time frame for making the decision. The city might have time to apply for some grants. Mayor Kirby will call Ms. Carol Callan-Ramlar to see when the latest date to make a final decision.

BILLS FOR PAYMENT:

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

OLD BUSINESS:

- ❑ **Second Reading of ORDINANCE NO. 2013-011** - AN ORDINANCE LEVYING AND FIXING THE TAX RATES OF THE CITY OF UNION, KENTUCKY, FOR THE FISCAL YEAR 2013/2014; LEVYING SAID TAX UPON REAL AND TANGIBLE PROPERTY; FIXING THE DATE OF PAYMENT, DISCOUNT PAYMENT, DELINQUENCY AND INTEREST CHARGES; FIXING THE PURPOSE THEREFORE; AND SETTING FORTH THE PROCEDURE FOR COLLECTION OF TAXES. Commissioner Miller made the motion to accept the Real tax rate at .0216 and for Tangible at .0188 and Commissioner Fryman seconded the motion. All voted in favor. Motion Carried

- ❑ Discussion of the winter road contract for snow removal. Mayor Kirby asked if anyone had a chance to check with other municipalities on the amount of salt that is used per lane mile. Mayor Kirby stated that Commissioner Heil who was not in attendance had spoken to Boone County and they use 250-500 lbs per lane mile. Commissioner Fryman stated that she had talked with the City of Walton and they said they use between 400-600 lbs per lane mile. Commissioner Fryman stated that she had spoken to a resident (Mr. Monty Hodges) who lives in her neighborhood who stated that he had pits in his driveway from the salt. Mayor Kirby asked Commissioner Fryman how much salt the state uses and she said they use approximately 500 lbs per two (2) lanes. Mayor Kirby stated that if the city was to put out a bid package we would have some information they would need to go by. Commissioner Miller asked why the city would want to bid out the snow removal out again, when the city can extend the contract another year. Commissioner Miller stated that the city received only one (1) bid last year. Commissioner Miller stated that we could meet with the contractor and let them know that the city wishes to reduce the amount of salt used. If the city puts the bid out again the cost could go up. Mayor Kirby stated that the city could reduce the amount of salt applied and then re-visit after the first snow event. Commissioner Miller made a motion to extend the current contract with Perfection Landscaping. Commissioner Miller will talk to them. Commissioner Kline seconded the motion. Commissioners Miller and Kline and Mayor Kirby voted in favor of the motion and Commissioner Fryman voted against. Commissioner Heil was not in attendance. Motion Carried.

- ❑ City Engineer Barry Burke mentioned that another request was received from a Dan Maher along Arbor Springs Blvd. who stated stop signs or other traffic control devices had not been placed in his neighborhood. Mr. Burke advised he would coordinate this request with Boone County Public Works Sign Division.

NEW BUSINESS:

- ❑ **First Reading of ORDINANCE NO. 2013- 012** - AN ORDINANCE ESTABLISHING THE DAY AND TIME OF THE MONTHLY CITY COMMISSIONERS MEETING FOR THE CITY OF UNION, KENTUCKY. Commissioner Kline made a motion to table the ordinance. Commissioner Miller seconded the motion. All voted in favor. Motion carried.

- **RESOLUTION NO. 2013-015** - A RESOLUTION AUTHORIZING THE MAYOR FOR THE CITY OF UNION, KENTUCKY TO EXECUTE THE AGREEMENT FOR ENGINEERING SERVICES BETWEEN THE CITY OF UNION, KENTUCKY AND INFRASTRUCTURE & DEVELOPMENT ENGINEERING, INC. Commissioner Fryman would like to put together a bid package together, and Commissioner Kline agreed. Mayor Kirby asked City Clerk to put together a bid package. Mayor Kirby asked for a motion to table the resolution. Commissioner Fryman made the motion and Commissioner Kline seconded the motion. Commissioners Fryman and Kline voted for motion. Mayor Kirby voted in favor of motion. Commissioner Miller voted against motion. Motion Carried.

ANNOUNCEMENTS:

The next regular business meeting is scheduled for Monday, October 7, 2013 at 7:00 PM.

ADJOURN: With no further business coming before the Commission, Commissioner Kline moved to adjourn the meeting at 9:00 p.m. Commissioner Fryman seconded the motion. All voted in favor. **Motion Carried.**

Signed this 7th day of October 2013

APPROVED:

ATTEST:

Don Kirby, Mayor

Kathy Porter, City Clerk/Treasurer