

**CITY OF UNION, KENTUCKY  
REGULAR BUSINESS MEETING  
MINUTES  
Monday, February 6th, 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. Monday, February 6, 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  
Commissioner John Mefford  
City Clerk/Treasurer Kathy Porter  
City Engineer Barry J. Burke, PE PLS  
City Events Coordinator Karen Franxman  
Attorney Greg D. Voss, Esq.

**APPROVAL OF MINUTES:**

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

Commissioner Adams made a motion to accept the minutes from the January 3rd, 2012 City Commission Meeting and the motion was seconded by Commissioner Mefford. **Motion carried.**

**ADMINISTRATIVE REPORTS:**

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

**GUEST WISHING TO SPEAK:**

Mr. Matt Gains of 1144 Bayswater Drive addressed the commission concerning some drainage issues that he is experiencing. Mr. Gains stated upon completion of his home, the builder stated because of the make-up of the soil (it had large amounts of clay) they had to place a large drainage system underneath their house. About two (2) years later, Mr. Gains contacted City Engineer Mr. Burke, who worked with The Drees Company (the builder) to place a drain at the sidewalk in an attempt to break up the water flow that was coming from underneath the house. After this system was put in he hadn't had any major problems, however, this past year he started noticing some excessive drainage again over the sidewalk and into the street. Mr. Gains contacted Mr. Burke who explained to him what has been happening throughout his subdivision and he felt this request would help solve his drainage problems as well as those around him.

Mayor Kirby asked Mr. Burke if this is something that will need to be addressed at the meeting. Mr. Burke answered yes and said that this is Item #10 in his City Engineer's Report, the first of three (3) issues, which require city action. Mr. Burke stated that this issue was first addressed about seven (7) years ago. Mr. Gains had brought this issue to the commission at that time. Around 2003 or 2004, due to a single resident problem; and as an inexpensive fix, the city had put in a small box drain in the public sidewalk and two (2) small pipes that exited the curb into the gutter. These pipes helped but were not adequate to handle the amount of excessive water that is being transported to them. In 2006, the city passed an Ordinance that required other property owners to tie-in to a more detailed edge/side drain system. Mr. Burke stated that at present, there have been several other similar problems fronting other properties in the neighborhoods. If approved, Mr. Burke estimates the total cost at around \$7,800 for an edge/side system connecting to the nearest catch basin about 350 feet away near Farmcrest Drive. Mayor Kirby asked if Mr. Burke had been in contact with the other property owners. Mr. Burke stated he had not,

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but will draft a letter to the property owners impacted for an inspection and their responsibilities. Mayor Kirby stated that the city would pay to have the pipe laid at the edge of the street and under the sidewalk; and, it would be the property owner's responsibility to tie-in to the pipe at the right-of-way line.

Mr. Kelly asked what the amount of participation is required from the residents to have the city work performed. Mr. Burke said that in general, the 2006 Ordinance calls for at least four (4) property owners to connect to the edge/side drain system along the street. The intent is that the city's cost should not exceed four (4) times the cost of the resident's cost combined. The purpose is to extend the life cycle of the street, delay major costly repairs thereby saving the taxpayer's money.

Mayor Kirby stated he would have Mr. Burke follow-up with the process and to keep Mr. Gains in the loop as to what is going on.

Pastor Robert Rhodes from The First Church of Christ from Burlington addressed the commission. Pastor Rhodes stated that the church has out grown its campus in Burlington and has decided to add a church in Union. They have discussed having meetings at Ryle High School and have talked to Matt Turner and submitted the appropriate documents to apply for occupancy. Pastor Rhodes has met with Karen Franxman, the City of Union Event's Coordinator, about possibly helping out with community events and outreaches.

Greg Marksbury from The First Church of Christ also addressed the commission. The First Church of Christ was started in Florence in 1964. There are about 500 people that attend the church in Burlington that are from the Union area.

Someone asked about the statement of occupying Ryle High School. Mr. Marksbury stated that an organization can apply to rent out the school auditorium during non-school hours for a period of ninety (90) days. After that initial term they would need to reapply for continuance.

Mr. Kevin Costello from the Boone County Planning Commission addressed the commission concerning the fireworks zoning issues. Mr. Costello stated that about a year ago House Bill 333 was passed that changed the way businesses sell fireworks in the Commonwealth of Kentucky. In the past, they were only allowed to sell them on a temporary basis. The Boone County Zoning Code allowed for vendors to get a permit and sell fireworks temporarily. Those permits are called Temporary Commercial Display Permits. When House Bill 333 was passed it was signed by the Governor per emergency legislation, which means that it took effect immediately. During last summer and the fourth of July there was some talk about the House Bill which allowed for fireworks companies to sell on a permanent basis. Indiana and Tennessee already allowed the sales on a permanent basis. HB 333 allowed for sales on both a permanent basis and a temporary basis. There is a provision in the bill that allows for local governments to regulate the sales or prohibit the sales all together. Some communities have prohibited the sales of fireworks. Boone County and the City of Florence voted to allow the sales on a permanent basis. If the city of Union chooses to allow the sales of fireworks on a permanent basis, a person or business can come in and buy a building or have a building built for the sales of fireworks.

Mayor Kirby asked if there is special zoning for this type of sales. Mr. Costello stated that it would only be allowed in certain zoning districts. One example is a C-3 zoning district; or the C-2 zoning district in Union for the retail shopping center including Krogers along US 42.

The other option that the city could choose is to allow the sales of fireworks on a temporary basis only. The City of Florence chose to prohibit the sales of fireworks on a temporary basis. The City of Florence asked the Boone County Planning and Zoning to redefine the Temporary Commercial Display Permits to state they have to lease space in a center to sell on a temporary basis.

Commissioner Miller asked why the City of Florence wanted to ban the temporary sales. Mr. Costello stated they felt that over the span of three (3) years they have too many temporary displays and it is difficult to enforce. The City of Florence will still allow temporary sales as long as it is associated with a business.

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Commissioner Kelly asked if the county will be doing anything with the temporary sales. Mr. Costello said that the county has not done anything with the temporary sales. They have adopted the permanent sales, but are studying the implications for the temporary sales.

Commissioner Miller asked if there will be a permanent store in the city of Florence. Mr. Costello said that they have received permits from Phantom Fireworks who will be moving into the old Circuit City Building. He said there may be more but Phantom Fireworks is the only one he knew of right now.

Someone asked when the county will be making their decision on the ordinance. Mr. Costello said the County had first reading on the ordinance and by the end of February the second reading should be completed.

Commissioner Miller asked if the city does not do anything as far as banning temporary sales then both temporary and permanent sales would be allowed. Mr. Costello said yes that would be the case. Mr. Costello suggested the city change the verbiage to allow for the new provisions set forth by the state if the city would like to allow temporary sales.

Mayor Kirby suggested Mr. Costello send the paperwork to the commission and they could review and make a decision at the next meeting.

Attorney Voss asked Mr. Costello about ongoing conversations about the widening and relocation of KY 536. He asked Mr. Costello if he had met with someone from the state department. Mr. Costello said they had met with Ms. Carol Callan-Ramler to discuss how changes will affect the Union Town Plan. Mayor Kirby stated that maybe a separate meeting should be held to discuss changes and then brought forward to a meeting in the future. Attorney Voss said he would work with Mr. Costello to arrange a meeting.

Mayor Kirby asked if there was anyone else that would like to speak. Karen Franxman, City Events Coordinator, stated she had asked Mr. Calvin Devareaux to come to the meeting to discuss an upcoming Hempsteade HOA Neighborhood Watch meeting that will be held at the Community Building on February 23, 2012.

Mr. Devareaux stated the meeting will give the HOA information on how to start a neighborhood watch program. The meeting was originally designed for the Hempsteade neighborhood but it is an open invitation to any other community that would like to attend. Karen asked if he would like to have the flyer sent out to our residents who are on our email list. Mr. Devareaux said he would like that. The mayor said he would put information on the website as well.

**EVENTS COORDINATOR:**

City Events Coordinator Karen Franxman, Ms. Franxman briefly summarized her report.

The first event for 2012 will be held on Saturday, March 31<sup>st</sup> this is the Pancake Breakfast and Easter Egg Hunt. There is also a 5K run that is being held on that day. Therefore, the time may be adjusted to allow for this event. New times will be posted on the flyer as everything is finalized.

The Perfect North Vouchers are still on sale through the month of February. The end of the season Carnival is scheduled for March 4<sup>th</sup>. Karen recommends that everyone check their website for verification if they are open.

Karen is working on the events opportunities for partnership opportunities. She will be speaking at the Union Small Business Association on Wednesday, February 15<sup>th</sup> to answer any questions that business owners might have. Currently we have commitment forms from Union Skyline Chili, Union Kroger, Littlest Angels Learning Center, Turner Family Dentistry, PNC Bank, Union Pediatric Dentistry, and All State Insurance (Bob Kelly – Agent).

The Volunteer Committee will be meeting on Thursday March 8<sup>th</sup> at 6:00 pm.

Karen is still waiting on confirmation from Chief Morgan at the Union Fire Department for the Fish Fry that will be

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held on April 6, 2012, to confirm that they will be participating this year.

Boy Scout Troop 805 will be helping stuff the Easter eggs. This is the same troop that helped last year.

Karen thanked Mr. Dave Geohegan for helping her take down the Christmas lights at the City Building and delivering donated items to New Haven Elementary.

Karen thanked Nancy Osmundson from Lassing Green Subdivision who headed a drive to collect clothing and coats for the Union Cares. Karen would like to continue donating items to the schools throughout the school year. During the summer months the City would work with other outside agencies. Commissioner Mefford asked if the other subdivisions had a point person who would help. At this time we only have a point person in the Lassing Green Subdivision. A suggestion was made to have some flyers made to take to the Hempsteade Subdivision Neighborhood Watch Informational Meeting.

At this time Karen does not have any information on the Adopt-A-Unit that the city is sponsoring. She will forward information as soon as information is available.

The Union Community Theater announced their shows for 2012. The summer show will be "The Sound of Music" and the winter show will be "It's a Wonderful Life." No dates have been set for the shows. Once dates are set then the auditions will be posted.

**PLANNING AND ZONING REPORT:** Mr. Jim Longano stated that he does not have anything to report for the City of Union at this time. Mr. Longano stated that if anyone had any questions or would like to discuss anything to please contact him.

Someone in the audience mentioned Bill's Carpet that burned down. The county is working with the owner about their wishes for the property.

**PUBLIC WORKS/UNION VISIONING COMMITTEE:**

Commissioner Kelly stated that we have had five (5) incidents where the snow covered city streets have been salted. The budget for the year is \$132,000 and to date the city has spent \$47,358. Mayor Kirby commented that he was surprised the total was as high as it was due to the mild winter. Commissioner Kelly stated that what is happening is that snow removal crews are treating some streets at night and again in the morning. Commissioner Kelly stated that he did not disagree with the totals. Mayor Kirby asked Commissioner Kelly to coordinate this with the city's contractor, Greg Spillman to see an itemization of times the salt was applied.

Commissioner Kelly had a recommendation for a home-to-home Christmas tree pick-up. Currently Boone County offers this program to their residents, but the residents of Union have to take their trees to be recycled at Ryle High School or dispose of them on their own. Commissioner Kelly is in discussions with the County to see if they can possibly include Union in their pick up schedule. Commissioner Kelly will follow up and report back to the commission.

The City Events Coordinator had requested to have a pull-in service for trash collection at the Union Community Building. This service has now been set up.

Commissioner Kelly mentioned a funding concern about the KY 536/Mt. Zion Road roadway project. Per the KYTC District 6 Office Staff from the last meeting, currently the state is asking the state legislature for \$20 million dollars to acquire the property for the project. Commissioner Kelly sent an email to State Representative Sal Santoro, since the funding, as documented that was approved was for a lower sum of over \$5 million; but, the KYTC needed \$20 million. Mr. Kevin Costello stated that one critical thing that had to change in the Governor's Six-Year Road Plan was re-designating the fund that the Roadway Projects would come out of. The funding used to come out of STP funds and the plan was re-designated to come out of SP1, which means that the project will likely get funded, which is a good thing. However, there was not enough funding put into the SP1 fund to fully

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fund the project. The problem we now may have is unless more money is funded by the legislature then the option would be to break the project down into segments. This would be undesirable. Commissioner Kelly asked if the \$5 or so million has been fully appropriated and Mr. Costello stated it has not been signed off on yet.

**ECONOMIC DEVELOPMENT COMMITTEE REPORT:** Commissioner Mefford stated that the EDC had their monthly meeting last month and Mr. Costello met with Jim Parsons to discuss the next steps for the Union Town Plan. It was Mr. Parsons recommendation that the EDC, led by Dr. Bryan Turner, to address the commission concerning these steps.

Dr. Bryan Turner stated that the EDC has done a lot of research over the past several years to determine what is needed to get the Union Town Plan started. Dr. Turner stated that the EDC needs to move forward with a document to prospective developers stating how the city would like this done and what is being offered, and, that we have landowners on board with this project. An RFP (Request for Proposal) ties all these items together. There are multiple steps to issuing an RFP. According to Mr. Parsons, the EDC will need a consensus from the commission that if the right project is brought forward and if it makes sense for the city, that the commission is willing to move forward. This would be the first step for an RFP. Then they could move forward with landowner meetings.

Kevin Costello stated that the EDC would like to be the group that would like to continue to report on the development to the commission and they have been doing a wonderful job. He stated that since the last census report we have had two developers interested in the incentives. A concern the EDC has is that the developers have contacted Jim Parsons directly concerning the incentives and Mr. Parsons wants to represent the city's interest. The initial idea was to approach the property owners and explain the potential opportunities that we have and the idea of the RFP. Mr. Parsons wanted to present the idea to the commission prior to meeting with the landowners. There will be a meeting with the property owners as committee moves forward.

Mayor Kirby stated his opinion is one of the reasons the EDC was put together was to bring things to the commission. He feels the approach of the EDC working with the Boone County Planning Commission as developers come forward and working on RFP and bringing back to the commission is why the EDC was put together. Mayor Kirby complimented the committee on the work that is being put into realizing the Union Town Plan.

Commissioner Miller asked if Mr. Costello felt that the KY 536 project must be completed before the Union Town Center can begin. Mr. Costello said not necessarily. That will be one of the things that will be examined as they move forward. Many developers know how the road is scheduled to run and they can build around that.

Commissioner Mefford asked if anyone on the commission has any questions concerning the moving forward with meetings with landowners and the RFP process. No questions were asked.

**CITY ENGINEER'S REPORT:** Mr. Burke referenced his detailed City Engineering Report totaling 17 Items. Mr. Burke stated since the date of the Report we have had several complaints in the Arbor Springs area. Mr. Burke has responded to the complaints from Ms. Carlson and Mr. Lowe at the request of Mayor Kirby. Many of these issues have been scheduled for repairs, but due to the weather, have not yet been completed.

Mr. Burke has two (2) other action items in his report that have not been discussed earlier in the meeting. The first item is Item #3 (a) (3) on his Report, Lassing Green – 10639 Aspen Place at Bayberry Lane – Sidewalk/Curb Safety. Mr. Burke submitted to the commissioners photos of Aspen Place and Bayberry Lane. At four (4) locations within the intersection, the portion of sidewalk has separated from the curb at the street curb turning radii. A couple of years ago, the city placed asphalt joint filler within these 3-inch to 4-inch gaps as a temporary fix. At present, due to pedestrian safety, these gaps need to be repaired again.

Mr. Burke advised of a federal government mandate for municipalities to improve all street intersections to ADA handicapped accessibility. As stated this is an unfunded and long outdated mandate. Estimated costs for ADA

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accessibility would approximate \$870- \$1000 per ramp. There are four (4) at the intersection of Aspen Place and Bayberry Lane and four (4) others at two (2) other intersections within Lassing Green along Mountain Laurel drive. Mr. Burke advised that there is another less expensive option for filling the gaps.

Mayor Kirby said he would wait until we do the major roadwork within the subdivision to add the handicapped ramps. At this time the city should just fill the gaps at Aspen Place and Bayberry Lane and Mountain Laurel Drive for a cost of \$300-\$500.

Mr. Burke referenced the other city action in item #11 (d) on his City Engineer Report, No-Parking Signs along both sides of Evensong Drive between Melody Drive and Peaceful Alley. Mr. Burke was contacted by Mr. Rylan Bender, a Harmony resident regarding this request. Mr. Burke stated that it is somewhat difficult to meander around construction trucks and vans as they are parked along one (1) side of the street near the neighborhood playground. The construction traffic is temporary. There are several homes that are currently under construction and when the construction is complete then the amount of vehicles parked on the side of the street will lessen. After consulting with BC Public Works Sign Division, Mr. Burke's recommendation is to deny the request at this time. Mayor Kirby agreed with Mr. Burke's request to deny the No-Parking signs.

In response to a question, Mr. Costello mentioned that the county is about ready to adopt a comprehensive parking ordinance which will solve some major parking issues. They have completed a detailed analysis of all parking complaints that have been received in the past three years and to make some new changes. Mayor Kirby said the city will look forward to reviewing these changes.

Commissioner Miller asked about the complaints that were received in Arbor Springs. He had reviewed the complaint about the road deteriorations and the Christmas Lights. Mr. Miller suggested that some of these issues need to be handled by the homeowners association, as there is no ordinance in the City of Union to enforce taking down Christmas Lights. Mayor Kirby stated that he and City Engineer Barry Burke have been in contact with the complainants via emails, but asked Commissioner Miller to respond to the original complainant and copy Mr. Kurt Lowe and discuss the city's research and let them know the city will be addressing the items that is within its ability, as weather permits. Commissioner Miller made a comment that one of the road issues was in a newer section of Arbor Springs Blvd. that has not yet been given the final surface by the developer nor accepted by the city. Mr. Burke confirmed this but there are some other street repairs targeted including joint sealing and curb replacement that will be repaired according the FY2012-2013 City Street Inventory.

Commissioner Miller asked about a statement on Mr. Burke's report that stated that he recommended that any costs under \$500 be authorized by the City Clerk without formal city commission approval at a regular meeting. Commissioner Miller feels that only the city commission should approve any of these expenditures. Mayor Kirby agreed that City Clerk Kathy Porter can get in touch with himself or another designated commissioner thereby authorizing any such costs between meetings.

**Old Business:**

None reported.

**New Business:**

Mr. Longano thanked the commission for the opportunity to serve on the Boone County Planning Commission as the City of Union representative. He would like to serve another term.

Mayor Kirby asked if everyone was ok with Mr. Longano serving another term on the board. No one objected.

- **RESOLUTION NO 2012-002 –A RESOLUTION REAPPOINTING JIM LONGANO TO SERVE ON THE BOONE COUNTY PLANNING AND ZONING COMMISSION ON BEHALF OF THE CITIZENS OF THE CITY OF UNION, KENTUCKY.** Commissioner Adams moved to approve and Commissioner Mefford seconded the motion. **Motion Carried.**

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Mayor Kirby asked for discussions concerning the amount that has been collected for the Union Village Street Light Improvement Project. We originally requested a loan from PNC Bank in the amount of \$38,896.96 to install the electric street lights. We have collected from the residents to date a total of \$16,213.37. Of the total collected \$14,224.43 was collected prior to the deadline on December 31, 2011 and \$1,988.94 was collected after the deadline. Mr. Burke recommends the amount of the loan requested should be the amount of need, as updated or reduced to \$19,983.59 plus administrative costs of \$3,500, which includes costs for engineering and legal, decorative street signs and some incidental for final restoration regarding some minor soil disturbance around the newly installed light poles and electric boxes; and closing costs of \$200. Therefore, total cost needed, as updated, is \$23,683.09. Mayor Kirby asked for a motion to approve the new loan amount of \$23, 683.09 as compared to the original loan amount of \$38,896.96. Attorney Voss advised that the commission originally amended the agreement for a cost “up to” the original amount. Commissioner Miller made the motion to approve the amount, and Commissioner Mefford seconded the motion. **Motion Carried.**

Mayor Kirby asked if there was any other new business. Commissioner Miller stated that in the paper there was an ad in the paper to hire someone to be the office assistant. The city had over seventy (70) people apply for this position. Kathy narrowed the field down to four people who were interviewed this week. A recommendation will be made at the March meeting.

City Clerk Kathy Porter recommended that maybe the commission might try to go paperless. Any hard copies could be printed as requested. Mayor Kirby suggested sending the entire packet prior to the meeting. Commissioner Mefford said he would not have any issues with this. No commissioner had any questions or concerns.

City Clerk Kathy Porter also mentioned the City's parking ordinances and possibly making them easier to understand. Mayor Kirby suggested we put them on the agenda and discuss.

Karen Franxman a resident of Whispering Trails mentioned that there is a lot of litter at the end of her street and alongside Old Union Road. She asked what avenue the city might use to clean this litter up. City Clerk Kathy Porter said that the jail inmates could come through and pick up the garbage they just need to be contacted.

City Clerk Kathy Porter mentioned the Tulley's Tavern sign that has been damaged and blocks the views of oncoming traffic at US 42. Kathy has emailed Mitch Light with Boone County. Mayor Kirby asked if the sign can be moved and Kathy said it could.

**ANNOUNCEMENTS:**

City Offices are closed on Monday, February 20, 2012 in observance of President's Day.  
Next City Commission Meeting: Monday, March 5, 2012

No further business came before the Commission. Commissioner Mefford moved to adjourn the meeting at 8:28 p.m. Commissioner Adams seconded the motion. **Motion Carried.**

Signed this 5th day of March 2012

**APPROVED:**

**ATTEST:**

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

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