

**CITY OF UNION, KENTUCKY  
SPECIAL BUSINESS MEETING  
MINUTES  
Tuesday, July 9<sup>th</sup>, 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, July 9th, 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 Bryan Miller  
Commissioner Deanna Kline  
Commissioner Donna Fryman  
Commissioner Ken Heil  
City Engineer Barry J. Burke, PE PLS  
City Clerk Kathy Porter  
City Attorney Greg D. Voss, Esq.

City Events Coordinator Karen Franxman 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 Kline made a motion to accept the minutes and the motion was seconded by Commissioner Miller. All voted in favor of motion. **Motion carried.**

Commissioner Miller made a motion to approve the minutes of the public hearing and Commissioner Kline seconded the motion. All voted in favor of the motion. **Motion Carried.**

**ADMINISTRATIVE REPORTS:**

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

**Bills for Payment:**

City Clerk/Treasurer Kathy Porter presented a copy of bills for payment. City Clerk/Treasurer Kathy Porter asked the commission and Mayor Kirby if this is something they would like to continue. Mayor Kirby state he thought it would be beneficial for the commission to see where the city's money is being spent. Commissioner Miller asked if by waiting to pay the invoices if it will make payments late. City Clerk/Treasurer Kathy Porter stated that some of these invoices were past due, due to the meeting date being changed. Mayor Kirby suggested that there could be a threshold set.

Commissioner Fryman asked if the commission voted on the expenditures. Mayor Kirby stated that this comes out of the events budget.

Commissioner Fryman asked about the snow removal and if the commission would be voting on it prior to moving forward with the season. Mayor Kirby asked City Clerk/Treasurer Kathy Porter to forward the contract to each of the commissioners for them to review prior to the next meeting.

Commissioner Kline made the motion to move forward with payment of payables and Commissioner Fryman seconded the motion. All voted in favor. **Motion Carried.**

Mayor Kirby at this time moved two (2) resolutions from New Business. The resolutions are for the re-appointment of Terrill Kidwell and Pamela Sayers to the Union Board of Adjustments. City Clerk/Treasurer Kathy Porter mentioned that these are for four (4) year terms. Normally the terms are staggered in order for the city to have at least two (2) representatives on the board at all times. In this incident, the expiration dates fall at the same time. This is an opportunity for the city to correct this. She suggested that the term for Ms. Sayers be for two (2) years and then come up for re-appointment again. Mayor Kirby asked Ms. Sayers if she would be ok with this and she stated that she would be.

Mayor Kirby asked if everyone was familiar with the Board of Adjustments. Commissioner Fryman stated she would like a brief explanation of what the board is. Attorney Greg Voss stated that when a resident goes to planning and zoning to get a variation on something, the board of adjustments that reviews the application and rules on whether to approve or not. Mr. Burke stated that beyond his specific present duties, that any variation to the area and height regulations of the city's zoning code, such as distances on building structures or decks or side yard dimensions; and, approving conditional uses such as churches are a function of the city's board of adjustments. Ms. Sayers agreed that these were examples what she was involved with, although not very frequent in her most recent term.

- ❑ **RESOLUTION NO. 2013-013:** A RESOLUTION REAPPOINTING Terrill L. Kidwell TO THE CITY OF UNION BOARD OF ADJUSTMENTS. Commissioner Fryman made the motion to approve and Commissioner Kline seconded the motion. All voted in favor. **Motion Carried.**
- ❑ **RESOLUTION NO. 2013-014:** A RESOLUTION REAPPOINTING Pamela K. Sayers TO THE CITY OF UNION BOARD OF ADJUSTMENTS. Commissioner Miller made the motion to approve and Commissioner Fryman seconded the motion. All voted in favor. **Motion Carried.**

Mayor Kirby administered the oath of office to Terrill L. Kidwell and Pamela K. Sayers.

**Union Cares Program:** For the month of July is for RA Jones Middle School. Their special request is hygiene products. All donations can be dropped off at the Union City Building.

#### **CITIZENS WISHING TO BE HEARD:**

Mayor Kirby asked if anyone in the audience would like to address the commission.

**CITY ENGINEER'S REPORT:** Mr. Burke referenced his detailed City Engineering Report totaling 14 Items with five (5) attachments. Mr. Burke stated that there are eight (8) 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. (c), Old Union Road at Royal Oak Lane, the seasonal sight distance impacted by tree growth. Mr. Burke has been in discussions with the developer of Villas of Fowler Creek Mr. Randy Bacome and the City's landscape contractor A&A Landscaping LLC. A&A has submitted a quote for the portion of the tree or trees that are within the limits of the public right-of-way. In the absence of any shared costs with the developer, who did not further coordinate this issue, The quote received from A&A Landscaping was \$950.00.

Commissioner Miller made the motion to move forward with improving the city's sight distance problem at Old Union Road and Royal Oak Lane. Commissioner Heil seconded the motion. All voted in favor. Motion Carried.

Regarding Item 1 (e), the pavement brick pavers at Wetherington and Appomattox Drive. The brick pavers at the cross walk are in need of repair. Mr. Burke stated he received a request from a Florence resident for repairs. In 2011, a small portion of brick pavers on the street within Union was included as a line item by the city for contractor repairs. Commissioner Miller stated that he and City Clerk/Treasurer Kathy Porter had checked into this; and, it was determined that the brick pavers were the responsibility of the homeowners association (HOA). Thus, Mr. Burke stated that the resident would be informed of the jurisdictional repairs change.

Regarding Item 3 (a), at the June meeting Len Riegler Blacktop, Inc. was awarded two-(2) projects for deteriorated pavements and curb and gutter repair; and, joint sealing for about 29 streets within the city. This project was broken down into two (2) phases. Phase 1, which is the pavements and curb and gutter repair has been completed. While completing Phase 2 regarding the joint sealing, the contractor noticed that after sealing

two (2) of the streets they had used a lot more quantity of sealant than quoted.. The contractor contacted Mr. Burke and he met with Mr. Riegler and the construction superintendant on the job. It was determined that the contractor had sealed the cracks on Cherbourg Drive, a total of about 4,600 lf and the bid specifications was for only 950 lf. The contractor also did more crack sealing on Braxton Drive as well. Mr. Burke stated that the contract clearly stated that the contractor was to contact the City Engineer to work out the specific locations and extent of the project. Mr. Burke stated that the lengths in the quote were segments of street and not lengths of joint seal, which were not measured. Attorney Voss stated that since the work has been completed on behalf of the city, then the contractor should be paid for the work.

Mr. Ryan Riegler spoke in behalf of the Len Riegler, Blacktop, Inc. Mr. Riegler stated that they had completed contracts for many cities and Boone County; and, he had never seen a bid specification sheet like this one. An estimator would read the bid sheet thinking that it would be for the linear feet of cracks not the section of street. Mr. Riegler has a solution that he offered to the problem, he stated that they could mimic what they do for Boone County which is to charge \$1.51 per pound, if they do it this way they have completed approximately \$3,500 of work and by bidding this per linear foot they have completed \$6,500 of work. Mr. Riegler stated that they could submit daily poundage reports. Mr. Burke advised that some of the work not completed within Phase 1 could be transferred to Phase II, still less than the \$20,000 dollar amount required for a public bid. In addition, Mr. Burke did not have a problem with the poundage versus the lineal footage cost change suggested by Mr. Riegler, if most the project could be completed. Mr. Burke stated that when the costs approach about \$19,000 that he should be contacted. Any extra costs would have to be approved by the city commission at a future meeting. Since the streets targeted for sealing are in alphabetical order, hopefully, the majority of these streets could be completed this year. Otherwise, certain streets would have to wait until next year, based upon the public works budget. Mr. Burke stated that Riegler Blacktop is an excellent contractor; and, he has no problem continuing to work with this quality contractor.

Commissioner Miller suggested that in the future that each road work project should come out of the municipal road aid fund.

Commissioner Fryman made a motion to move to the poundage method (price per pound, \$1.51/lb.) as opposed to the linear foot per method. Commissioner Kline seconded the motion. All voted in favor. Motion Carried.

Mr. Burke summarized Item 3. (b), and on June 26<sup>th</sup>, a bid opening for full resurfacing of approximately 2,075 lf of Bayswater Drive including nineteen (19) ADA ramps was held at the city building with Public Works Commissioner Miller and Assistant City Clerk attending. A total of five (5) bids were opened ranging from \$75,120 to \$91,162.50. Mr. Burke has reviewed the bid tabs and the low bidder was Len Riegler Blacktop, Inc.; and, Mr. Burke recommends that the commission move forward with awarding the 2013 Street Repairs lowest and best bid to Len Riegler Blacktop, Inc. into a formal contract prepared by the city attorney, subject to review of the surety and insurance documents.

Commissioner Miller made the motion to accept the low bid from Len Riegler Blacktop, Inc. of \$75,120. Commissioner Fryman seconded the motion. All voted in favor. Motion Carried.

Mr. Burke discussed Item 5. (a), involving the Mt. Zion Road / KY 536 future highway project and the street lighting options per a KYTC request. The final highway design includes approximately 2,000 feet of highway between the two (2) roundabouts (generally east and west of the city building) that will have concrete pathways/sidewalks that are ten (10) feet wide. The KYTC has agreed that, in addition to lighting the roundabouts for safety, the KYTC will also pay for a Duke Energy standard lighting system between the roundabouts. Recent discussions with the KYTC's consultant (i.e., GRW Engineers) advised that the KYTC is opposed to the location of light poles within the concrete pathways/sidewalks (an example would be the lights on 12th Street in Covington), unless otherwise permitted by the statutes, applicable to cities. In general, the lighting design remaining would include lights and poles both outside of the pathways / sidewalks as well as within the center medians for adequate safety. Mr. Burke advised that the city must decide whether ownership and maintenance of the lighting system will be Duke Energy of Kentucky via their standard agreement using one (1) of two (2) light and pole standards (i.e., Cobra Head or Shoe Box, etc.) at no additional cost to the city except for the energy usage. The other option is for the city to select its own lighting system (e.g., Hadco lights used along 12th Street, etc.). In this option, the city would be in the lighting business responsible for installation and permanent ownership and maintenance including energy usage costs. Mr. Burke advised that if any light was burned out, damaged or

knocked down, the city would be responsible for the parts, re-installation, etc., on a long-term and permanent bases. Commissioner Kline stated that if such damages did occur on a city owned system that the insurance company of the owner of vehicle doing the damage could be held responsible. Mr. Burke cautioned that if the city chooses to install, maintain and own their own lighting system, the costs to the city would be significantly higher than if Duke Energy was involved Mayor Kirby stated that he does not feel at this time the city can make an informed decision on the lights without a more detailed itemized costs comparing these options.

Mayor Kirby also asked why the state would not pay the amount of the standard light and the city pay the difference if they chose to do so. Mayor Kirby suggested inviting the state highway to a future meeting. Mr. Burke stated the city would only be responsible for the difference in costs; and, he would contact the KYTC and/or its consultant (GRW Engineers) for more details regarding the specific costs of the options for the city to make their decision.

Mr. Burke referred to Item 8 (b), the Burleigh Lane No-Parking Signage problem. A new resident has questioned the No-Parking Signs located on both sides of the street. Regarding background, the street is a part of two-(2) subdivisions; the first four (4) lots north of Bayswater Drive are part of Hempesteade constructed 15 years ago; and, the remaining lots are within Hampshire, recently completed. For some reason, the public water main crosses the street; therefore there are fire hydrants and fire lanes on both sides prohibiting any on-street parking with the existing signage, as posted.

Mr. Burke, recommends changing two (2) signs, the first sign at 9915 Burleigh Lane as follows: a) change the sign from: "No Parking This Side" to No Parking This Side to Address 9927; and, b) the second sign at 9926 Burleigh Lane from: No Parking Fire Lane to No Parking This Side Here to Bayswater Drive. Mr. Burke advised that while there are more expensive options, his intent is to remedy the problem permitting parking along one (1) side of two-(2) portions at the street at the least possible cost. The city clerk questioned whether the county sign division could rename these signs to comply with the code. Mr. Burke advised that in his discussions with the sign division, they could re-paint any signs to resolve the problem.

Mayor Kirby suggested a sign that says No Parking within 15 feet of fire hydrant. Mayor Kirby suggested keeping everything consistent with other streets in the city. Mr. Solomon, formerly with the Hampshire HOA, agreed that a signage could be posted allowing certain on-street parking, except near the fire hydrants. Mr. Burke advised that any such restricted signage may impact fire equipment used by the fire department within a longer fire lane, as required by the fire department along each side of the street.

No action was taken. Mayor Kirby will call the fire department to see what they suggest.

Mr. Burke discussed Item 13. Regards to updating the Storm Water Pollution Prevention Plan (SWPPP), From a SD1 request, Mr. Burke has agreed to meet with SD1 Darren Martin on July 16th at the Sanitation District office who would like to discuss changes and/or status of the update to the 2013 SWPPP. Commissioner Miller indicated he would also attend this meeting.

Regarding certain ongoing concerns, Mr. Burke has prepared and submitted a Draft Text of the functions of the city engineer per the engineer's code of ethics including his current duties, responsibilities and requirements of the firm IDE to City Clerk Kathy Porter, and others for the commission to review. Mr. Burke stated that his employer IDE has agreed to hold the 2011 Rate Fee Schedule. Mr. Burke stated that he welcomed any input toward certain changes and a renewed legal contract and a resolution re-appointing IDE, as the City Engineer.

Commissioner Fryman stated that she feels that the city needs to have a closed door meeting to discuss the duties and responsibilities.

**PUBLIC WORKS:**

Commissioner Bryan Miller stated that he had received a complaint concerning a camper on Russwill Lane, the camper has been moved, but it is stuck on the front lawn. The camper was sitting on the lawn before the city passed the ordinance that reads it must be on pavement. Attorney Voss stated that we need to get Boone County Code Enforcement involved.

Commissioner Miller stated that he had received a picture of a sign for Bill's Carpets. City Clerk Kathy Porter

stated this had already been handled by the Boone County Codes Enforcement.

Commissioner Miller asked about the parking ordinance. Attorney Voss stated that the city will repeal their ordinance and Boone County is in the process to amend their ordinance to take the City's streets. The city will also have an ordinance to use the Boone County Parking Board.

Commissioner Miller mentioned the sprinkler system at the entrance to the Lassing Green Subdivision. Last year, the city had to replace shrubbery due to the system not working. Mr. Miller received a quote from A&A Landscaping for \$720 to look at it.

Mayor Kirby asked for a motion to move forward with the quote from A&A. Commissioner Heil made the motion to move forward, Commissioner Miller seconded the motion. All voted in favor. Motion Carried.

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

Commissioner Kline stated at the last meeting Carol Callan Ramler attended to give an update on the Mt. Zion Road project, it is moving along wonderfully. The acquisition process has begun. Kevin Costello and Commissioner Kline will be at the Union Fire Department on Saturday with slides from her presentation of the roundabouts.

At the July meeting, it was discussed to use the open houses to be a communication tool. This is a way to start to get communication out to the public.

There have been some updates to the Union Towne Plan website. They will have a question of the month to get feedback from residents. The first question is: What would you like to see within the town center?

It was also discussed that any time a new business has applied for a permit, Commissioner Kline will be told so she can forward to the commission. As of right now, Flip Daddy's is currently working on renovating the old Blockbuster store and hopes to be open in September and Pizza Hut is going to be where Papa Murphy's was.

The next EDC meeting is August 13<sup>th</sup>, 2013.

**OKI (Ohio-Kentucky-Indiana) REGIONAL COUNCIL OF GOVERNMENTS BOARD OF TRUSTEES:**

Commissioner Fryman stated that at this time she did not have anything to report. The next scheduled meeting is Thursday July 11.

**CITY EVENTS COORDINATOR:**

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

The movie nights for this year went well.

The fourth annual Beach Blast was held on June 15<sup>th</sup> from 6:00 – 10:00 pm at the Union Community Building. Conch Republic headlined this event again. Everyone had a great time.

On Thursday, June 27<sup>th</sup>, 2013 City of Union night at the Florence Freedom Ballpark was held. This was a fundraiser for the Ella Reid Mason Foundation. The city sold 284 tickets between online sales and actual ticket sales. \$868.00 was raised for the family.

Union Celebrates America was held on Friday, June 28<sup>th</sup>. There was an estimate of 1,500 to 2,000 people in attendance.

The adopt-a-unit shipped sixteen (16) boxes to our soldiers on June 18<sup>th</sup>.

The Union Community Theater completed five (5) performances of the all youth play the "Seussical", on June 6<sup>th</sup> – 9<sup>th</sup>. Three of the five shows were sold out. The next play is It's a Wonderful Life which will be held in December.

**PLANNING AND ZONING REPORT:** Mayor Kirby stated that there are no items on the agenda that affect the City of Union.

**OLD BUSINESS:**

- ❑ **Second 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 Kline made motion to approve, Commissioner Heil seconded the motion. Commissioners Kline and Heil and Mayor Kirby voted in favor of the motion. Commissioners Fryman and Miller voted against. Motion Carried by a vote of 3-2.

At this time Mr. Kurt Lowe who was in the audience asked to address the commission. Mr. Lowe who lives at 1953 Arbor Springs asked if he had rights to address the commission concerning suggestions he had. Mayor Kirby stated that anyone was welcome to bring forth suggestions.

Mr. Lowe stated that in his subdivision many cars run the stop signs, they called the sheriff's department with no response. Commissioner Fryman stated that she would contact the Sherriff's department.

- ❑ **Second Reading ORDINANCE NO. – 2013-004:** – AN ORDINANCE ADOPTING AN AMENDED ANNUAL BUDGET FOR THE FISCAL YEAR JULY 1, 2012 THROUGH JUNE 30, 2013 BY ESTIMATING REVENUES AND RESOURCES AND APPROPRIATING FUNDS FOR THE OPERATION OF CITY GOVERNMENT FOR THE CITY OF UNION, KENTUCKY. Commissioner Miller made motion to approve, Commissioner Fryman seconded the motion. All voted in favor of the motion. Motion Carried.
- ❑ **Second Reading ORDINANCE NO. 2013-005:** – AN ORDINANCE ADOPTING AN ANNUAL BUDGET FOR THE FISCAL YEAR JULY 1, 2013 THROUGH JUNE 30, 2014 BY ESTIMATING REVENUES AND RESOURCES AND APPROPRIATING FUNDS FOR THE OPERATION OF CITY GOVERNMENT FOR THE CITY OF UNION, KENTUCKY. Commissioner Kline made motion to approve, Commissioner Fryman seconded the motion. All voted in favor of the motion. Motion Carried.
- ❑ **Second Reading ORDINANCE NO. 2013-006:** – AN ORDINANCE SETTING THE COMPENSATION FOR THE UNION KENTUCKY CITY CLERK/TREASURER. Commissioner Miller made motion to approve, Commissioner Fryman seconded the motion. All voted in favor of the motion. Motion Carried.
- ❑ **Second Reading ORDINANCE NO. 2013-007:** – AN ORDINANCE SETTING THE COMPENSATION FOR THE UNION KENTUCKY OFFICE ASSISTANT. Commissioner Miller made motion to approve, Commissioner Kline seconded the motion. All voted in favor of the motion. Motion Carried.
- ❑ **Tabled RESOLUTION NO. 2013-012:** Regarding City Engineering Services – Agreement and Resolution

**NEW BUSINESS:**

- ❑ **First Reading ORDINANCE NO. 2013-003:** - AN ORDINANCE OF THE CITY OF UNION, KENTUCKY ESTABLISHING A NON-EXCLUSIVE FRANCHISE FOR THE USE OF THE PUBLIC STREETS, ALLEYS AND OTHER PUBLIC GROUNDS OF THE CITY FOR THE TRANSMISSION OF EITHER OR BOTH NATURAL **GAS AND ELECTRICITY** THROUGH AND FOR CONSUMPTION WITHIN THE CITY; AND PROVIDING THE TERMS THEREOF. Commissioner Miller made motion to approve, Commissioner Kline seconded the motion. All voted in favor of the motion. Motion Carried.
- ❑ **First reading of ORDINANCE NO.2013-008** – AN ORDINANCE ACCEPTING THE BID OF RUMPKE OF KENTUCKY, INC. FOR WASTE COLLECTION IN THE CITY OF UNION, KENTUCKY COMMENCING ON JULY 1, 2013 THROUGH JUNE 30, 2015 AND AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH RUMPKE OF KENTUCKY, INC. IN SUPPORT OF SAID BID.

Commissioner Kline made a motion to approve and Commissioner Fryman seconded the motion. Commissioners Kline, Fryman, and Miller and Mayor Kirby voted in favor of the motion. Commissioner Heil voted against the motion. Motion carried by a vote of 4-1.

- ❑ **First reading of ORDINANCE NO.2013-009** – AN ORDINANCE OF THE UNION CITY COMMISSION REPEALING IN ITS ENTIRETY ORDINANCE 2000-009 WHICH WAS PASSED ON DECEMBER 11, 2000 AND CODIFIED AS CHAPTER 72 OF THE CITY OF UNION, KENTUCKY CODE OF ORDINANCES. Commissioner Miller made a motion to approve and Commissioner Fryman seconded the motion. All voted in favor of the motion. Motion Carried.
- ❑ **First reading of ORDINANCE NO.2013-010** – AN ORDINANCE APPROVING THE USE OF THE BOONE COUNTY PARKING VIOLATION HEARING BOARD FOR ALL PARKING CITATIONS ISSUED WITHIN THE BOUNDARIES OF THE CITY OF UNION, KENTUCKY. Commissioner Kline made the motion to approve and Commissioner Miller seconded the motion. All voted in favor. Motion Carried.

**ANNOUNCEMENTS:**

The next regular business meeting is scheduled for Monday, August 5, 2013 at 7:00 PM.

**ADJOURN:**

With no further business coming before the Commission, Commissioner Kline moved to adjourn the meeting at 9:11 p.m. Commissioner Fryman seconded the motion. All voted in favor. **Motion Carried.**

Signed this 13th day of August 2013

**APPROVED:**

**ATTEST:**

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

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