

**CITY OF UNION, KENTUCKY
REGULAR BUSINESS MEETING
MINUTES
Monday, August 6, 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, August 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 Bryan Miller
Commissioner John Mefford
City Clerk/Treasurer Kathy Porter
City Engineer Barry J. Burke, PE PLS
Attorney Greg D. Voss, Esq.

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

ADMINISTRATIVE REPORTS:

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

APPROVAL OF MINUTES:

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

Commissioner Mefford made a motion to accept the minutes and the motion was seconded by Commissioner Kelly. **Motion carried.**

GUESTS WISHING TO SPEAK:

Mr. Frank Beemon, who lives at 8872 Richmond Road, addressed the commission concerning his neighbors who live at 10042 Braxton Drive. The neighbors recently set fire to a traffic cone and set bottle rockets off toward their house one of which hit his window. Mr. Beemon contacted the Sheriff's Department who stated that couldn't do anything about it, since there were no damages. Mr. Beemon stated that once the Sheriff's Department is called on the neighbor they will slow down for a couple of days.

Mr. Beemon stated he will file criminal charges against the residents for setting the bottle rockets toward his home when the police report is received.

Mr. Dave Stadtmiller who lives at 10050 Braxton Drive also addressed the commission concerning the residents at 10042 Braxton Drive. Mr. Stadtmiller stated that there are three (3) couples leasing the home and have been there for four (4) or five (5) months. The home is a single family dwelling as stated in the Union Village HOA charter. They have called the police and nothing has been done. The family has items stacked on their porch (e.g., king size bed and mattress) and on the side yard they have items from a scrapping business that they recently started. This past week, in the early morning hours, they started removing items from their vehicle and took a sledge hammer to them to bust them up and sort out. They were also setting off fireworks. The neighbors also shoot off a potato gun. The residents also took oil and dumped it onto Mr. Stadtmiller's property. The oil was in boxes with the actual property owners name on them.

Mayor Kirby asked if the homeowner's covenants would help the resident. Mr. Stadtmiller stated that the HOA had been unable to help them with other properties within the subdivision. He has issues with multiple tenants that are living within the home and he also feels threatened. Mr. Stadtmiller stated that most of the neighbors are

UNION CITY COMMISSION
MINUTES – Monday, August 6, 2012
PAGE 2 of 9

afraid to say something because of retaliation.

Mr. Stadtmiller stated that he has called the police, the fire department, and the city attorney has issued a letter to the residents.

Commissioner Kelly asked if the residents had contacted the landlord. Attorney Voss stated that he would write another letter to the owner.

Attorney Voss stated that if the city had its own property maintenance code and enforcement board, these may help.

Mayor Kirby asked if there is anything that the county ordinance could do to help the residents. Attorney Voss stated that the city has ordinances, but must rely on the county code enforcement to enforce them.

Mr. Stadtmiller stated that he contacted Boone County Planning and Zoning who came out and inspected the property without any resolution.

Mayor Kirby asked what types of fires are being started. Mr. Beemon stated that they were burning trash in a fire pit. Mr. Stadtmiller stated that they have lit fires to tires and they shoot firecrackers off from the garage.

EVENTS COORDINATOR:

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

Our Fall-For-All Event is coming up in October. Karen is working with the businesses on Old Union Road to expand the event.

The Adopt-A-Unit Volunteer Committee will meet on August 15th at 6:30pm at the Union Community Building.

The Union Community Theater featuring the Sound of Music opened at Ryle High School on July 12th, 13th and 14th. This was their fifth production and they had over 1,000 people attend the four (4) shows.

They will be having auditions starting in September for the winter show. This Show will be "It's A Wonderful Life". Information is available on their website at www.unionct@gmail.com.

The Union Cares Program will be partnering with the family resource center in the school system. A list of articles needed will be published in the Recorder and available on the city's website.

PUBLIC WORKS/UNION VISIONING COMMITTEE:

Commissioner Kelly addressed the commission concerning mowing, trimming, and landscaping contract which is set to expire on December 31, 2012. He asked for discussions concerning additions to the contract that is now classified as extra work. City Engineer Barry Burke and Commissioner Bryan Miller are reviewing the existing documents used for the contract. Commissioner Kelly gave a few examples of items currently classified as extra work that he feels should be included in the new contract. These items include right-of-way mowing, filling tree bags, spraying sidewalks for weeds, and mulching the trees along U.S. 42.

Commissioner Miller stated that he went through and made some changes to the bid documents and would like to see the extra costs for certain in the Appendix. He would like to see the work done up front and not just have it in the contract and pay them the contract amount even if the work is not completed. Commissioner Miller stated that he made some changes to the bidding documents and forwarded copies to Commissioner Kelly, City Engineer Barry Burke, and City Clerk Kathy Porter. He would like for them to discuss the changes and get a final draft of the bidding documents for the commission to approve.

Commissioner Kelly mentioned a large tree that has fallen into Fowlers Fork Creek behind 9936 Old Union Road.

UNION CITY COMMISSION
MINUTES – Monday, August 6, 2012
PAGE 3 of 9

This is behind the Groomingdales retail business. Commissioner Kelly asked the City Attorney if tree removal is the property owner's responsibility. The property is owned by M & K Apartments. Attorney Voss stated he will draft a letter to send to the property owners to have the tree removed; and, if they do not respond then the city can have the tree removed and bill the property owner.

Mayor Kirby asked if the tree is blocking the flow of the water. Commissioner Kelly stated that he had not been there to see the tree personally. Attorney Voss asked if the city had an easement for the creek. City Engineer Barry Burke stated that it is private property and the city does not have an easement. Attorney Voss stated that he needed to get an address for the property owner and he would send them a letter.

Commissioner Kelly addressed the commission concerning a vote by OKI concerning funding for reconstruction of Rice Pike and US 42. The actual construction is scheduled to be finished in FY2015.

Commissioner Miller asked if possible since construction will not be complete until 2015 if a flashing street sign could be installed at that intersection. This would be an increased alert. Commissioner Miller suggested maybe petitioning the state highway. City Engineer Barry Burke stated he would call the KYTC District Office 6 to see if he could get one installed.

Commissioner Kelly stated that this has been a bad summer for Stop Sign vandalism. We have also had water bags stolen from our trees.

Commissioner Kelly asked if we have had any response concerning the oil stain in the street letter that was sent to the resident in Harmony Estates on Splendor Drive. Attorney Voss stated that he had not had heard anything from his letter, but City Clerk Kathy Porter stated that the van or silver SUV is now being pulled into the garage. Commissioner Miller stated that he had driven by on several occasions and not seen a van parked there.

ECONOMIC DEVELOPMENT COMMITTEE: Commissioner John Mefford stated that at the June Economic Development Committee (EDC) meeting they made the final touches on the Request for Qualifications (RFQ) to send out to developers. They were sent out with a thirty (30) day timeline for responses to show interest in working with the city. At the July meeting, they were told that they had some nibbles from developers, but have not yet had any bites. The primary reasons that were given by developers concerning interest were number one-- the current state of the economy. There are still a lot of risks for developers to start a project of this magnitude. The Mt. Zion Road project is still a concern since the project has not been started. However, they are encouraged that money has been allocated for the initial phases, for the right-of-way acquisition. The developers also mentioned concerns about some high asking prices on some of the properties. Commissioner Mefford stated that this would just take some negotiation and should not be a big issue when it comes that time.

The recommendation from the EDC is to continue to contact these developers as the economy improves and to keep working with Boone County to continue to move this forward.

Commissioner Miller mentioned a town hall meeting that was discussed in the July meeting to get the residents input on the Union Town Plan. Commissioner Miller stated that this would be a chance for the residents to voice their concerns or ask any questions concerning the Town Pan. Mayor Kirby stated that we could hold a such meeting around the same time that the state holds their meeting to discuss the KY 536 Project.

CITY ENGINEER'S REPORT: Mr. Burke referenced his detailed City Engineering Report totaling 12 Items previously provided to the Mayor and City Commission and City Staff.

Mr. Burke stated that he recognized the Braun's presence at tonight's meeting, and since he was not aware of any significant changes the Engineer's Report sent to the Commissioners, etc. does not include the Cincinnati Bell Fiber Optics project that is located on Hempsteade Drive at Bayswater Drive. By an emailed photo, he became aware of another elevated pole type structure that has been added to existing site. He stated he contacted Cincinnati Bell concerning some additional excavations that have taken place near the entrance to the

UNION CITY COMMISSION
MINUTES – Monday, August 6, 2012
PAGE 4 of 9

subdivision. Cincinnati Bell stated that they were feeding the glass fiber from the entrance to the facility underground through the existing conduit. He also found out a second facility that is planned but not yet been "permitted", will be located on the pool side of the entrance, and not on the opposite side as you enter Hempsteade Drive.

To answer a further question, a copy of the recorded Final Plat for the subdivision, consummated in 1994, was forwarded to the mayor, public works commissioner and city clerk for record. This Plat gave Cincinnati Bell and other utilities the exclusive right to do whatever is necessary in terms of their service facilities within the easement, except for non-service facilities (they cannot build a garage or building there without a zoning permit). Mr. Burke explained that in his discussions with City Attorney Voss, the city issued only an encroachment permit for Cincinnati Bell to access their easement from the city's public right-of-way. Any damage to the city's infrastructure has been conditioned in the Permit. Mr. Burke stated in his non-attorney opinion that the city would lose if the city refused to grant such encroachment permit. Further, the city's hands are tied as to what Cincinnati Bell can do on their easement on private property.

Mayor Kirby asked if there is any more information on the landscaping plan or anything like that. Mr. Burke stated that he has not heard anything more from Mr. Clifton, who had stated that he or his landscape architect was going to submit something to City Clerk Kathy Porter for his review. Mr. Burke has given Cinti Bell's Regional Manager, Mr. Mike Wallace', the phone number for Mayor Kirby and to Mr. & Mrs. Braun. Mr. Burke advised that in phone discussion, Mr. Wallace was going to set up a meeting with the residents to answer any questions that they might have concerning the purposes of this facility and questions on landscaping which have not been determined yet.

Commissioner Kelly stated that they are continuing to dig farther down Hempsteade Drive; therefore he doesn't feel that they are to the point where they can think about landscaping.

Mrs. Braun stated that she had pictures of the continuing construction process. She had a picture where the contractors had placed the third structure and dumped all concrete removed on Mr. Clifton's property. She stated that it had been a real busy month with all the construction activity.

Ms. Braun had questions concerning the brick wall that was built behind the structure. She obtained a copy of the encroachment permit that Cincinnati Bell had applied for and the brick wall was not mentioned. She also stated that they were in violation of a couple of the conditions that were set in the permit such as distance from the sidewalk. Ms. Braun stated she had a landscaper come out to look at the structure and wasn't given much hope for being able to beautify the structure.

Ms. Braun stated that Cincinnati Bell throughout the month of July had extensive construction work throughout Hempsteade. She stated the construction workers were not being cautious of resident's landscaping or trees that might be planted in the area in which they are working. Commissioner Mefford asked if they were making an effort to restore or if they had a plan to restore once the project is complete. Commissioner Kelly stated that this is an ongoing project and it might depend on how much more they need to do.

Mayor Kirby asked City Engineer about the holes that are being dug and if they were permitted. He asked how far the holes are to be spaced. Mr. Burke stated that he is not aware of the spacing of any holes, other than what he has in the Permit and the Plan for the structures that will be placed on both sides of Hempsteade Drive. Mr. Burke stated that the initial holes for the subject structures were dug about four (4) feet into the ground and only the Fioptics structure is a maximum of are fifty-four inches (54") above ground on the Clifton property within the easement.

Mr. Burke said that Cincinnati Bell has advised him that the entire facility would not be functioning for at least eight (8) months because they had additional work that needed to be done. The original conduits in which Cincinnati Bell is feeding the fiber optics were put into place when the subdivision was built. Mr. Burke stated that the additional holes or incidental excavations along Hempsteade Drive may be because of the contractors are

**UNION CITY COMMISSION
MINUTES – Monday, August 6, 2012
PAGE 5 of 9**

running into obstructions and having to dig down to the conduits to clear or replace that section.

Mr. Burke stated that he would follow-up with an on-site inspection and Cincinnati Bell to find if they are digging within the public right-of-way, or within their easement on private property. Mr. Burke also stated he needs to make sure that all disturbances will be restored to the same manner that they were before any such construction started.

Mayor Kirby asked that Mr. Burke get a copy of their plans as well. The city only permitted the use at the one place not for the entire street. He also asked City Clerk Kathy Porter to contact Mr. Wallace to invite him to the September meeting to discuss this project in person.

Mrs. Braun advised the commission how this process actually came forth. In March, the residents began seeing stakes in their yards, they called the City Building and no one knew anything about them. And in June, the construction process began. The residents found that in May an easement permit was granted for Cincinnati Bell. The residents came to the July meeting, but no one seemed to know about the project. Mayor Kirby stated there are things that get permitted all the time and if they seem like they are routine the commission will not discuss it in detail. However, this project turned into a major thing that the commission and Mr. Burke later learned to expect. Normally, if there is an existing easement and the city engineer grants a permit to them, the Commission may not be made aware of if it is something beyond the standard process.

Mrs. Braun stated that she is still having a hard time accepting the construction. Mayor Kirby stated that he understands the resident's concerns. Mayor Kirby stated that Cincinnati Bell had been granted the easement at the time of the construction of the subdivision. In reality and upon advice from our legal counsel, there is nothing the city could have done to stop the construction.

Mrs. Braun stated that she had a copy of a Plat that she acquired from the Boone County Clerk which did not show anything about service rights to Cincinnati Bell. She asked for someone to send her a copy of the Plat that granted them the easement. Mr. Burke stated that he would forward her a copy of a representative Plat with the utility acknowledgements, as stated on the Plat.

Mrs. Braun stated that if the construction was for a necessary upgrade from the company as opposed to just allowing them the capability to compete with Insight Communications, it would be a little easier to handle. She stated that this is a for profit venture by Cincinnati Bell. Mr. Braun stated that it was not necessary service. It is an optional service that they are using in their neighborhood; and, it is not throughout the entire county. It was his understanding that when Insight placed their boxes and placed the cables they had a series of public meetings and had meetings with affected homeowners so that everyone knew what was going on. That process ran much smoother. Mr. Braun stated the biggest failure of this project has been lack of communication. He feels that maybe they tried to pull the wool over Mr. Burke's eyes by submitting something that seemed simple and then it turns out to be major.

Mr. Braun stated that he knows Mr. Burke's company deals with permitting issues all the time and hopes that Cincinnati Bell isn't under contract with Mr. Burke's company to allow this type of thing to happen. He feels that something needs to be done and he's glad that the city is going to ask Mr. Wallace (with Cincinnati Bell) to attend the next meeting because he feels what happened was a travesty, such as a private company being allowed to come in and make decisions like this without notifying the city commission and the affected residents.

Commissioner Miller stated that the structure doesn't look good, but asked Mr. & Mrs. Braun if they felt that if Cincinnati Bell would enclose the structure if they would like it better. The Braun's both stated that it would not make it any better.

Mrs. Braun stated that the wall is the biggest issue; it is not level from one side to the other. The materials that it is constructed with, is not found in any other location within the community. Mr. Braun stated that it might be found in industrial parks, but not within a subdivision.

UNION CITY COMMISSION
MINUTES – Monday, August 6, 2012
PAGE 6 of 9

Mayor Kirby stated that there may not be full plan because they are encountering obstacles as they progress. Mr. Burke stated that the Cincinnati Bell's full plan for what is being done now within Bell's entire region. The plan along Hempsteade is for what they submitted when asking for access to the public right-of-way. Beyond that within the easement granted by Drees Company the application included a footprint of the structures, but no heights were shown. They may have purposefully left the height of the structures and the wall off the request.

Mr. Burke stated he has asked Mr. Wallace to attend to tonight's meeting but he declined. Mr. Wallace stated to Mr. Burke that a structure similar to the one (1) in Hempsteade is going to be placed in his own subdivision close to his property line and he has no control over it. Mr. Wallace stated to Mr. Burke that he expected the residents to contact the HOA rather than Cincinnati Bell.

Mayor Kirby asked based on what was permitted, what additional work they could do or will they have to come back to the city for more permits. Mr. Burke stated that if Cincinnati Bell does any work within the public right-of-way then the city can shut them down, if they fail to apply for an encroachment permit. This does not include the same work that they will be doing within their easement.

Mrs. Braun asked if the city could have shut the operation down in July when they had digging equipment in her yard. The equipment stayed there for three (3) days. Mr. Burke stated that if the equipment was beyond the limits of the easement on private property, this would be a civil matter between Cincinnati Bell and the property owner.

Mrs. Braun stated that a couple of the holes that have been dug out appear to her to be within the city's right-of-way. Mr. Burke stated that it depends on how far the holes are from the edge of the curb. Mayor Kirby asked how large the public right-of-way and easement is. Mr. Burke stated the public right-of-way is 60-feet wide. For this 28-foot wide street, from the back of the curb, the measurement is 16-feet. If any holes or excavation pits are within the 16-foot back of the curb, the public right-of-way is impacted, and they will need another permit. Beyond the 16-foot measurement they must be within the 10-foot utility easement. The utility easement is 10-feet beyond the 16-feet of public-right-of way. Mayor Kirby asked if the structure could have been placed farther back onto the property. Mr. Burke stated that any Cincinnati Bell structure must be located within the 10 foot easement.

Mrs. Braun stated that she was told by a construction worker that the structure was initially supposed to be placed in her yard or her next door neighbor's yard. Mr. Burke stated that his understanding from Cincinnati Bell was as long as they stayed within their 10-foot wide easement and within an approximate 150' targeted space, they would have been able to adjust the location from one (1) lot to another.

Mayor Kirby asked to invite Mr. Wallace to the next meeting and he will follow-up with a phone call.

Mrs. Braun asked Attorney Voss about whether Cincinnati Bell is a utility or for-profit organization. She was told by a representative that it is a common misconception that they are a utility. Attorney Voss stated that every entity under the eyes of the law charges a fee is a for-profit company but Cincinnati Bell is a utility. Unless they are a utility operated by a municipality is for-profit.

Commissioner Mefford asked if the easement only allows them to repair or they can install. Attorney Voss stated that the city could not restrict the utility company access to their easement.

Mr. Burke stated that the conditions within the encroachment permit states that if the company does any damage to roads, sidewalks, or other landscaping, etc. within the right-of-way, they must put it back the same way they found it before the start of construction.

On an unrelated item, Mr. Braun asked the commission about the sidewalks, which have settled in front of his home. Mayor Kirby responded that this issue was discussed at the last meeting. The city authorized the repair of these sidewalks. Mr. Burke stated that this individual project would be repaired collectively with other similar projects to keep the costs down.

UNION CITY COMMISSION
MINUTES – Monday, August 6, 2012
PAGE 7 of 9

Referring back to the written monthly CE Report, Regarding Item number 1. the storm drainage detention systems that are to be transferred to SD1. Attorney Voss stated that there are actually three (3), By record, Boone County is maintaining one of the three (3). The three (3) drainage detention (dry) systems are within Union Bluffs, Hempsteade, and Hampshire. The City of Union currently owns all three (3, but one (1) by deed is maintained by Boone County. Mr. Burke stated that he was aware of only the two (2) in public fee simple ownership covered by the existing mowing and landscaping contract not three (3). Mayor Kirby advised Mr. Burke to perform a little more research and coordinate his findings with Attorney Voss.

Regarding Item number 4. The Gunpowder Greens Entrance Sign. The sign has been installed and fixed in-placed within the budget and the residents are pleased. Reference was made to the email from John and Sue Lambert thanking the city commission for participating in this effort.

Commissioner Mefford asked about Item number 3 the Lassing Green Pathway. Michel's Construction, Inc. will be fully resurfacing the pathway and Commissioner Mefford asked that if possible when they are complete to re-install the posts that will prevent a vehicle from driving onto the pathway. Commissioner Mefford stated that the post has rotted away and needs to be replaced. Mr. Burke will ask Michel's Construction to look at this issue as a small amount of extra work.

Regarding Item number 6. (c) the Indian Hill Drive – Curb/Driveway Vehicle Scraping. Ms. Angela Combs who lives at 10017 Indian Hill Drive previously asked the city to lower the curb at her driveway because her vehicle scraped each time she pulled in or out. Mr. Burke went and investigated and determined that the driveway was around five and one-half inches (5-½") high, the standard for a curb is four (4") inches. Ms. Combs stated the earlier curb shaving helped but didn't completely eliminate the problem. Later, the city's contractor who the city asked to give a quote to lower other heights of the curb by replacing twenty-eight (28) linear feet of curb and replace two hundred (200) square feet of apron gave the city a quote for \$2,500. Ms. Combs stated that she was only able to pay \$100 of the entire cost.

Commissioner Miller stated he looked at the drive-way in question and drove farther down the street and saw other homes with the same issues. Mayor Kirby also stated that he had noticed some others also. Commissioner Miller stated once we start lowering curb heights for one we might have many others request the same thing, an undesirable precedent at a significant cost.

Mr. Burke stated that he felt that once we originally shaved a portion of the curb at a much lower cost, the hope was that it might resolve the issue. Mayor Kirby stated that there are a number of driveways that have the same issue. Mayor Kirby suggested putting this curb on a list and when it comes time to do full resurfacing and/or repair work and have the repairs completed then.

Mr. Burke stated that on one (1) side of the driveway there is approximately three (3) feet of curb that needs replaced, not the entire twenty-eight (28) feet. Ms. Combs will be contacted regarding the decision of the city commission.

Regarding Item 7. (a) The Harmony Estates Soaring Breezes at Evensong Drive traffic complaints. The residents have requested a speed study to be completed. Mr. Burke made them aware that the city will conduct a spot speed study once the remaining lots are completed. He also told them that the speed study will be completed when school is in session to ensure accurate data is received.

Regarding Item 7. (b) Mr. Burke received another request for a speed hump on Burleigh Lane between Wyndham Way and Bayswater Drive. Mr. Chris Cash requested this speed hump and stated that there are two- (2) lots that have not been developed. Mr. Burke recommended that a spot speed study be completed after the completion of the lots. Mayor Kirby stated that after the lots are completed a speed study can be performed. Mr. Burke will contact Mr. Cash and let him know the city will perform the speed study when the lots are occupied and school is in session for more accurate counts per the ITE Guidelines.

UNION CITY COMMISSION
MINUTES – Monday, August 6, 2012
PAGE 8 of 9

Regarding Item 8. Union Village (near Krogers) / Hempsteade Street Resurfacing Projects. Paul Michels and Sons was awarded the project to complete the asphalt streets including full resurfacing and wheelchair ramps. Attorney Voss has completed the city's Ordinance and a Resolution leaving only a contract to be finalized to forward to Michels and Mayor Kirby to sign. Due to the traffic around Krogers, this work may have to be done in the early morning or late night hours. Mayor Kirby stated before this work starts to have the contractor inform the businesses and residents so they can make alternate arrangements for their travel.

Mr. Burke has inspected the traffic Quadra pole loop sensors that were recently installed by Bluegrass Electrical Consultants, Inc. along Braxton Roan in advance of the above full milling and resurfacing project. This work has been completed and recommended payment of the \$3,760 Invoice to Bluegrass Electrical Consultants, Inc.

Regarding Item 8. (f), three (3) catch basins along the north side of Double Eagle Drive. Digital photos of the problems were shared with the commission. Due to extreme heat the concrete curb and gutter adjacent to the catch basins have failed. Mr. Burke feels that part of this street is located within unincorporated Boone County. Conversely, the county's street list on GIS indicates that all of Double Eagle Drive is within the City of Union. Mayor Kirby asked what the chances that GIS might be inaccurate. Mr. Burke stated that there is a good chance that GIS may be not being detailed enough. City Clerk Kathy Porter will check the Ordinance for the annexation of this area. Mayor Kirby suggested having any pot holes filled temporarily while the city is investigating this issue. Mr. Burke will address the issues ASAP with school due to open soon.

Regarding Item 9. (b) Mr. Burke met with KLH Engineers concerning the lighting design plans and the poles at the intersection of Mt. Zion Road and Relocated US42. KLH Engineers will also do photometrics lighting calculations at the Frogtown Road / Double Eagle Drive intersection. Mayor Kirby asked when we anticipate receiving a report back from KLH Engineers concerning the lighting plan. Mr. Burke stated he asked for it as soon as possible, but does not feel that it will be that soon so he will contact KHL Engineers for a schedule. Once the design plan is complete, the city will need to get a permit from the highway department followed by Duke Energy's Outdoor Lighting Agreement before construction can start.

Regarding Item 11, the landscaping Specification Documents, Mr. Burke is in receipt of Mr. Miller's suggestions and will work with him and Mr. Kelly to draft revisions to the existing documents prior to the next biennial public bidding for calendar years 2013-2014.

Regarding Item number 12. the 2012 KSA Annual Conference that will be held on August 8-10, 2012. The Kentucky Stormwater Association will be holding its conference in Florence Kentucky. One (1) free registration has been granted to the city, as a co-permittee. Representing the city, Mr. Burke stated he will like to attend some of the workshops or sessions, estimated to be about ½ day. Mayor asked if any other commissioner would like to attend. There being none, the commission agreed to have Mr. Burke attend the meeting. as necessary for better communications regarding city stormwater issues.

Regarding additional street repairs, Commissioner Miller stated that there is a pothole on Mountain Laurel Way in the cul-de-sac.

Commissioner Mefford also stated that there is pothole in the cul-de-sac on the south end of Aspen Place that needs to be repaired as well. Mr. Burke stated he will inspect and have these pot holes listed for repairs

Per an earlier request from Ms. Noreen Morgan in attendance from the Villas at Fowler Creek, Mr. Burke stated that there may be a sight problem on Old Union Road from Royal Oak Lane due to excessive tree branch growth that needs some attention from a landscaping contractor. This issue will be observed for further action.

OLD BUSINESS:

- **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

UNION CITY COMMISSION
MINUTES – Monday, August 6, 2012
PAGE 9 of 9

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. Attorney Voss stated that we need an inter-local agreement with the county. Commissioner Kelly made motion to approve the ordinance and Commissioner Miller seconded. **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. Commissioner Mefford made motion to approve and Commissioner Kelly seconded the motion. **Motion Carried.**

NEW BUSINESS:

- ❑ **First reading of ORDINANCE NO. 2012-008** - AN ORDINANCE LEVYING AND FIXING THE TAX RATES OF THE CITY OF UNION, KENTUCKY, FOR THE FISCAL YEAR 2012/2013; 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.
- ❑ **Resolution No. 2012-005** – A RESOLUTION FOR THE CITY OF UNION, KENTUCKY TO ACCEPT THE BID FROM PAUL MICHELS AND SONS, INC. TO PROVIDE STREET REPAIRS TO UNION VILLAGE AND HEMPSTEAD ESTATES. Commissioner Miller made motion to approve and Commissioner Mefford seconded. **Motion Carried.**

ANNOUNCEMENTS:

The next City Commission Meeting will be held on Tuesday, September 4th, 2012

ADJOURN:

No further business came before the Commission. Commissioner Mefford moved to adjourn the meeting at 9:11 p.m. Commissioner Kelly seconded the motion. **Motion Carried.**

Signed this 4th day of September 2012

APPROVED:

ATTEST:

Don Kirby, Mayor

Kathy Porter, City Clerk/Treasurer