

**CITY OF UNION, KENTUCKY
SPECIAL BUSINESS MEETING
MINUTES
Tuesday, August 12th, 2014**

CALL TO ORDER SPECIAL BUSINESS MEETING: Mayor Don Kirby called the Special Business Meeting of the Union City Commission to order at 7:00 pm Tuesday, August 12th, 2014.

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

ROLL CALL: A quorum was present:

Mayor – Don Kirby

Commissioner - Bryan Miller

Commissioner - Deanna Kline

Commissioner - Ken Heil

Commissioner – Donna Fryman

Also present was the following:

City Engineer - Barry Burke, PE PLS

City Attorney - Greg Voss, Esq.

City Clerk – Kathy Porter

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

APPROVAL OF MINUTES:

All City Commissioners were provided a copy of the minutes of the Public Hearing and Regular Business Meeting from July 7th, 2014, prior to tonight's meeting. Commissioner Miller made a motion to dispense with the reading of the Public Hearing Minutes from July 7th, 2014, and the motion was seconded by Commissioner Heil. **Motion carried.** Commissioner Kline made a motion to dispense with the reading of the Regular Business Minutes for July 7th, 2014 Meeting, and the motion was seconded by Commissioner Heil. **Motion carried.**

ADMINISTRATIVE REPORTS:

City Clerk/Treasurer Kathy Porter: Commissioner Miller moved to accept the Treasurer's Balance Summary Report as of August 12th, 2014, and Commissioner Kline seconded the motion. **Motion carried.**

BILLS FOR PAYMENT:

Commissioner Fryman asked a question concerning a refund that is being issued to a resident. City Clerk Kathy Porter stated the resident may have applied for the Homestead exemption late and due a refund.

Commissioner Fryman made the motion to pay the bills, as received. Commissioner Miller seconded the motion.

Motion carried.

CORRESPONDENCE:

Letter received from Boone County Planning Commission, Executive Director, Kevin Costello provided the city with a notice that Union Board of Adjustment member Andrew Rosen's term expired on June 30th, 2014. Mr. Rosen has agreed to continue representing the city on the Board of Adjustments. Mr. Rosen was advised to stop in the city office to be administered the Oath of Office. A Resolution appointing him will be read later in the meeting.

PLANNING AND ZONING REPORT: Mr. Jim Longano stated there are no items on the agenda regarding the city of Union at this time.

UNION COMMUNITY BUILDING/FUTURE EVENTS:

City Clerk Kathy Porter mentioned that the city had a building rental several weeks ago, and the renter had left the oven on from Saturday night until she was able to inspect on Monday. The renter was notified that it had been left on.

Ms. Stephanie Fuller introduced to the commission Ms. Jennifer Borchert who works at the Union Pet Clinic who has offered to help with planning the 5K Soldier Run and the Union Fall for All events.

Stephanie stated that she has already received several sponsors for the 5K Soldier Run. The sponsors include: Union GNC, Voss Law Office, and the Union Pet Clinic.

Ms. Stephanie Fuller stated the sponsors for the Union Fall for All include: Union Pediatric Dentistry and Union Skyline.

Ms. Stephanie Fuller stated that the road will be closed to general traffic beginning at 3:00 pm. The festival will begin with the 5K Soldier Run. The race route will be changed for this year's race in order not interfere with businesses along Old Union Road.

For the Fall for All event vendors will start at 3:00 pm. We will still be having the hayrides up to Farm Haven. Mr. Stuart Ferguson has said there can be set times for the wagon to be at the Community Building in order for people to know when to expect the rides, approximately every one-half hour until 6:15 pm, which will be the last trip. There will also be an art contest for children, a costume contest, and a pumpkin pie bake off. Stephanie is working on getting crafters for the vendor booths.

Mayor Kirby asked if part of the event will be a fund raiser for the Adopt-A-Unit. Stephanie stated that the 5K Soldier Run is a fundraiser for the Adopt-A-Unit. The Adopt-A-Unit will also have a silent auction during the Fall for All.

Stephanie still needs to contact the food vendors to see who is interested.

The date for the Fall for All is October 18th, 2014.

At approximately 7:30 pm, there will be a family friendly Halloween movie, that is, weather permitting.

Mayor Kirby stated that with the city no longer having an Events Coordinator, Ms. Fuller stated that she would be interested and willing to plan for this event.

ECONOMIC DEVELOPMENT COMMITTEE REPORT (EDC):

The August EDC meeting was held on August 12th, 2014, prior to the Special Business Meeting. Commissioner Kline stated the KY 536/Mt. Zion Road Project is moving along as planned. The state is still working on their numbers, and they have purchased 77% of the 176 total properties, as required.

As a follow-up on the city's Developer Day held in May, the Boone County Planning Commission is still receiving some increased interests. They have an office/retail composition that is interested in the Union Town Plan, and they are currently looking for the right parcel.

Commissioner Kline advised that Mr. Kevin Costello, from Boone County Planning and Zoning Commission, will be attending a South Banks Partners Developers' Day, at the Northern KY Convention Center on August 28th, 2014. This is a one (1) day conference. The goal in attending the conference would be to see what the Planning Commission and EDC could do for the city of Union in the same respects of a developer and creating a Developer Day here. Mayor Kirby asked Commissioner Kline to check with Mr. Costello to see if there is an opportunity for another commissioner to attend this conference as well. Commissioner Kline stated that anyone can register and the cost for the conference is \$100. Commissioner Kline asked for authorization to attend the conference.

Commissioner Kline stated that there is an open position on the Economic Development Committee (EDC). She said that Karen Franxman has asked to be appointed to the EDC. Mayor Kirby stated that the appointment could be placed on the agenda for the September meeting for discussion.

Commissioner Kline stated that the web page for the Union Town Plan is continually being updated.

COMMISSIONER OF PUBLIC WORKS:

Commissioner Bryan Miller stated that it has been relatively quiet with just a few complaints concerning grass that needs to be mowed. Also a complaint was received concerning a resident that abandoned their property leaving

items at the home both inside and outside the premises. He is currently working on this. Commissioner Miller received an email from a Union Village resident concerning the HOA's hiring of a contractor to paint house numbers on the curbs in front of the homes. The contractor started the job by painting the white blocks, but never came back to paint the numbers on the curb within the blocks. As understood, the HOA paid the contractor an amount up front. The resident is asking if there is anything the city could do. Commissioner Miller told her that the situation would be between the HOA and the contractor. However, the resident stated that it was not actually a notable contractor, rather a random person that came in and the HOA board hired him without consulting the residents. She would like to have them held accountable. Mayor Kirby stated that this is a private issue beyond the city's responsibility.

Commissioner Miller received an email concerning the road or driveway that leads to the Union Pool and numerous potholes that has formed on it. The driveway is under Boone County maintenance jurisdiction and City Clerk Kathy Porter will be contacting the public works department suggesting to have the holes patched.

Commissioner Miller stated that snow removal bid is almost complete and should be ready to put out to bid within the next week. City Clerk Kathy Porter stated the bids will be opened on September 24th, 2014 and results can be discussed at the October business meeting.

Commissioner Miller stated that the city does not have a formal contract for the heating and air conditioning system within the city building. City Clerk Kathy Porter received a quote from a company for \$690 per year. Following some discussion that the dollar amount quote may also include the community building, Commissioner Miller asked City Clerk Kathy Porter if she could get another quote for comparison.

CITY ENGINEER'S REPORT: Mr. Burke referenced his detailed City Engineering Report totaling eight (8) items, requiring city actions.

Mr. Burke first mentioned the 2014 Street Repairs program including street repairs for Lakepoint Court and Indian Hill Drive. Mr. Burke has observed the street repairs and the quality looks very good. He has received three (3) calls or complaints on Indian Hill Drive. The first call was from the resident at 10045 Indian Hill Drive (Turner) concerning the street curb in front of their residence. Mr. Burke stated the contractor filled a small broken area near a join with asphalt and it is acceptable.

The second call received was concerned the amount of resurfacing within street curb and gutters. Curb heights of the original construction were about five (5) inches, historically causing some low vehicles to scrape. With the new repairs, curb heights have been reduced to about 3-3 1/2 inches or less. However, the other problem with the reduced curb height is that it takes away some of the capacity for storm water within the gutter, and overtopping especially for certain residents with driveways lower than the streets. Ms. Susan Stringer (10115) is one (1) who lives at a low point on the street. Based upon an on-site observation with the resurfacing within the gutter, a curb height of about one-(1) inch is not enough to prevent storm water from entering her driveway toward the garage and home. Mr. Burke stated he is working with the contractor to provide an acceptable remedy to this problem.

The third call came from Mr. Osborne (10049 Indian Hill Drive), concerning the possibility of relocating the re-installed speed hump in front of his home due to excessive noise and other concerns. Mr. Burke stated the speed hump was installed in the Year 2008 based upon a detailed traffic study and ITE guidelines and is working and functional to keep the posted speed limit under control at this location. Mr. Burke stated that Mr. Osborne was not happy with the device in front of his home and indicated that he may submit resident petitions at this meeting to remove the speed hump. Mr. Burke then stated Mr. Osborne was not present at the meeting to address the commission. Mr. Burke stated he does not recommend relocation or removing the speed hump. Since the street has only one (1) such device, Mr. Burke also stated to Mr. Osborne that the city could authorize another study for additional devices, if local speeds remain an issue. No further action was taken.

Mr. Burke stated that Lakepoint Court is complete, complies with the contract, and the quality looks very good. The contractor did some significant roll curb saw cutting prior to resurfacing the street. Mayor Kirby asked why the contractor took so much gutter when they completed the resurfacing. Mr. Burke stated the milling operation is a grinding machine that removes about two (2) inches of concrete for the resurfacing. Thus, the majority of the original gutter is covered but a smaller curb is exposed Mr. Burke has noticed with all new street repairs they are going a little bit further into the curb with the resurfacing. You have more asphalt and better pavement, but it takes away some capacity from the storm water gutter. Mayor Kirby asked if it causes issues with the storm water flowing into

street. Mr. Burke stated the high point of the street is in the center for the water to run into the gutter. Commissioner Heil also had some questions regarding the contractor's practices to cover the gutter and curb. Mr. Burke agreed, but also acknowledged that the original uneven curb and gutter constructed many years ago also contributed to this problem.

Regarding Item 1(a), along both sides of 9775 Cherbourg Drive, the No-Parking signs have been placed; and, an ordinance is listed on the agenda to amend the city's No-Parking Ordinance.

Regarding Item 1(b), the Union Village Pond Remediation, Due to more details involving permits, costs, draining ponds, wetlands, etc. regarding the Kentucky Environmental Regulations, by email Mr. Andrew Gray thanked the city for their previous help and will not bring the issue back to the city in the future. Mr. Burke recommends the city end any future involvement or efforts to remediate a private pond.

Regarding Item 1(d). Bayswater Drive at Farmcrest Drive, the city in July agreed to place "No-Parking Either Side of Street from Here to Corner" signs at this entrance. However, the signs have not yet been posted by the BCPW Sign Division. An amended ordinance will also be needed for enforcement.

Regarding Item 1(e), Excessive Vegetation/Trees – Old Union Road. There is a federal regulation where Indiana Bats are listed as an endangered species and a qualified consultant has stated that the species was in fact spotted within western Boone County. Mr. Burke made reference to Dr. Lee Otte, P.H.D.P.G. at a recently attended NKC/KSPE work shop, who presented an update to the Environmental Regulations. Thus, there are serious concerns for just moving forward tearing down brush and trees that are at least five (5) inches in diameter or greater. Any citizen or the public can call the Kentucky Fish and Wildlife or the Corps of Engineers to inspect, and there could be considerable fines, if the proper regulatory permit process is not followed.

Mr. Burke's recommendation for the removal of the trees and brush is to: 1.) limit the area to less than one (1) acre. Any area one (1) acre or larger would require a permit from SD1; 2.) wait until after October 15th, when any possible roosting habitat of the Indiana Bat will be over; 3.) the contractor agrees to inform the city when encountering trees with diameters of five (5) inches or larger; and, 4) the contractor has agreed to hold the quoted lowest cost. In addition, regarding several larger dead trees outside the city's public rights-of-way, discussions with a representative of the Villas' at Fowler Creed advised that the Villas would like to work with the city's contractor for partnering for the lowest costs.

Regarding the 2014 Street Repair program, Paul Michels and Sons, Inc. has received the formal two (2) contracts for Joint Sealing and Curb and Gutter repairs. The plan is to begin work at the end of August or first of September.

Regarding Item 1 (f), a request from the United States Postal Service (USPS) concerning the damaged curb and gutter along Braxton Road. The USPS is having issues delivering mail via their carrier vehicles. Mr. Burke has observed the entire street and stated there were about three (3) addresses along the street that are a part of the original curb and gutter replacement contract that was awarded to Paul Michels and Sons, Inc. However, based upon the USPS request, there are about another six (6) addresses or about 20 two-foot sections of deteriorated curb at the joints that also needs to be replaced. Mr. Burke stated that the cost for this work based on the original unit price quote will be about \$4,200 and will be added as a Change-Order.

Mayor Kirby asked for a motion to approve the Change-Order for additional curb and gutter work along Braxton Drive. Commissioner Miller made the motion to approve and Commissioner Kline seconded the motion. All voted in favor. **Motion Carried.**

Regarding Item 3 (c), Pedestrian safety at Sweet Harmony Lane crossing Relocated US 42 – near the Union Fire Department facility. Commissioner Kline brought this Item to the attention of commission at the July meeting for a KYTC response. Mr. Burke stated that he spoke to KYTC District 6 Office Traffic Engineering Supervisor James Minckley. Mr. Minckley stated that if the city would make a formal request, the state would perform a traffic study at no cost to the city. The study could result in a crosswalk at that intersection. However, a flashing warning beacon, would be subject to approval from the Frankfort office. If both devices are approved, the KYTC would perform the installations at no cost to the city except the city would be responsible for the Duke Energy costs for the electric use of the warning beacon.

However, it should be noted that Mr. Minckley advised Mr. Burke that sometimes after putting in certain crosswalk devices, accidents at these locations often increase since same could become an attractive nuisance without other necessary safety provisions implemented.

Commissioner Fryman asked if a new crosswalk is placed, will the state reduce the speed. Mr. Burke stated that the KYTC would probably not make a change to the posted speed limit of 45 mph, unless specific warrants are studied more carefully. Mr. Burke stated that he would state in the city's formal request to evaluate the existing speed limit along this section of the arterial roadway.

Mayor Kirby asked for a motion to proceed with a traffic engineering study by the state of Kentucky. Commissioner Kline made the motion and Commissioner Fryman seconded the motion. All voted in favor. **Motion Carried.**

Regarding Item 7 the SD1 Defective Lateral ID Program. The city received a letter from SD1 that stated previously the SD1 had eliminated the Lateral ID program, which not only located and provided funding for repairs of damaged and settled laterals primarily under the public streets. However, due to the lack of an actual identification and location program in a later year the SD1 has re-allocated the funds back into the budget for the FY 2014. In summary, any upon a request, SD1 will provide the underground detection services including TV data for the city to follow-up with the resident or business to repair these problems. Mr. Burke advised that the city engineer would separate the costs between public and private repairs as a part of the city's annual street repair programs; and, where the private party is responsible, these costs would target the resident or business as a refund back to city. The city acknowledged Mr. Burke's recommendation described in more detail within his written report.

Regarding Item 8, Mr. Burke has reviewed the 2014 Snow Removal Specification Draft and has submitted some edits, changes and suggestions to City Clerk Kathy Porter. Commissioner Miller thanked Mr. Burke for his comments and stated the contract will be for two (2) years rather than One (1) year with an option for renewal.

EXECUTIVE SESSION:

Attorney Voss stated the commission will be entering Executive Session pursuant to KRS 61.8101f to discuss the possible appointment of the City Administrative Officer.

Commissioner Kline made a motion at 8:00 pm to enter into Executive Session and Commissioner Miller seconded the motion. All voted in favor. **Motion Carried.**

Mayor Kirby asked for a motion to reconvene the meeting at 8:26 p.m. Commissioner Heil made the motion and Commissioner Fryman seconded. All voted in favor. **Motion Carried.**

Attorney Voss stated that during Executive Session there was a discussion concerning the timing of the appointment of an Administrative Office. And the majority thought with election coming that it would be inappropriate at this time, considering there will be a new mayor and possibly a new commission, to appoint someone to the office of City Administrative Officer. They have decided to table any determination until after the election.

Mayor Kirby thanked Mr. David Elmer for his time and hoped that when the new commission and Mayor are ready to move forward that he might still be available.

ITEMS FOR CONSIDERATION:

OLD BUSINESS:

Ordinance No. 2014-011
(Second Reading)

AN ORDINANCE SETTING THE COMPENSATION FOR THE UNION, KENTUCKY CITY CLERK/TREASURER. Commissioner Miller made the motion to approve the ordinance and Commissioner Heil seconded the motion. The commission voted as follows: Commissioner Miller – Yes, Commissioner Fryman – Yes, Commissioner Heil – Yes, Commissioner Kline – No, and Mayor Kirby – Yes. Motion Passed by a margin of 4-1.

Ordinance No. 2014-012
(Second Reading)

AN ORDINANCE SETTING THE COMPENSATION FOR THE UNION, KENTUCKY OFFICE ASSISTANT. Commissioner Heil made the motion to approve the ordinance and Commissioner Fryman seconded. All voted in favor. **Motion Carried.**

Ordinance No. 2014-013
(Second Reading)

AN ORDINANCE SETTING THE COMPENSATION FOR THE CEMETERY SEXTON FOR THE CITY OF UNION, KENTUCKY. Commissioner Miller made the motion to approve the ordinance and Commissioner Fryman seconded the motion. All voted in favor. **Motion Carried.**

NEW BUSINESS:

Ordinance No. 2014-014
(First Reading)

AN ORDINANCE LEVYING AND FIXING THE TAX RATES OF THE CITY OF UNION, KENTUCKY, FOR THE FISCAL YEAR 2014/2015; 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. Mayor Kirby stated the current rate is .216 for personal property and .188 for tangible property. Attorney Voss stated the city could also have an additional tax for Motor Vehicles and Boats. Commissioner Kline made a motion to go with the current rate of .216 for personal property and .188 for tangible property. Commissioner Fryman seconded the motion. All voted in favor. **Motion Carried.**

Ordinance No. 2014-015
(First Reading)

AN ORDINANCE OF THE CITY OF UNION, KENTUCKY AMENDING CHAPTER 72A REGARDING THE REGULATION OF PARKING ON THE CITY'S PUBLIC STREETS OR WAYS WITHIN THE CITY OF UNION, KENTUCKY. Commissioner Heil made the motion to approve the ordinance (for two (2) locations as stated within the city engineer's report) and Commissioner Miller seconded the motion. All voted in favor. **Motion Carried.**

Resolution No. 2014-010

AN RESOLUTION APPOINTING ANDREW ROSEN TO THE BOARD OF ADJUSTMENTS FOR THE CITY OF UNION, KENTUCKY. Commissioner Kline made the motion to approve the resolution and Commissioner Heil seconded the motion. All voted in favor. **Motion Carried.**

Municipal Order 2014-003

A MUNICIPAL ORDER REGARDING THE INCREASE IN RESIDENTIAL UNITS FOR WASTE COLLECTION IN THE CITY OF UNION, KENTUCKY. Commissioner Heil made the motion to approve the Municipal Order and Commissioner Miller seconded the motion. All voted in favor. **Motion Carried.**

Municipal Order 2014-004

A MUNICIPAL ORDER APPOINTING DAVID W. ELMER TO THE POSITION OF PART-TIME CITY ADMINISTRATIVE OFFICER FOR THE CITY OF UNION, KENTUCKY. This has been tabled until after the election.

ANNOUNCEMENTS:

The next regular city business meeting is scheduled for Monday, September 1st, 2014. This date falls on the Labor Day Holiday. Mayor Kirby will be out of town the week of September 1st. Commissioner Miller proposed the meeting date be rescheduled for September 9th, 2014 at 7:00 PM, as accepted.

ADJOURN:

With no further business coming before the Commission, Commissioner Heil moved to adjourn the meeting at 8:44 PM. Commissioner Fryman seconded the motion. All voted aye. **Motion carried.**

Signed this 9th day of September, 2014

APPROVED:

ATTEST:

Don Kirby, Mayor
Bryan Miller, Mayor Pro Tem

Kathy Porter, City Clerk/Treasurer