

**CITY OF UNION, KENTUCKY
PUBLIC HEARING (2012 TAX RATES)
AND
REGULAR BUSINESS MEETING
MINUTES
Tuesday, September 4, 2012**

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

CALL TO ORDER:

Mayor Kirby called the Public Hearing to Order at 7:00 p.m. Tuesday September 4, 2012.

ROLL CALL: The following members were present:

Mayor Don Kirby
Commissioner Bob Kelly
Commissioner John Adams
Commissioner John Mefford
Commissioner Bryan Miller
City Engineer Barry J. Burke, PE PLS
City Clerk Kathy Porter
Attorney Greg D. Voss, Esq.
City Events Coordinator Karen Franxman

Mayor Kirby opened the **Public Hearing** and stated the purpose of the Public Hearing was to discuss the proposed tax rates for 2012. Mayor Kirby asked if the commission had any questions or concerns concerning the proposed. Mayor Kirby stated the proposed rates are 0.216 per \$100.00 of assessed value for real property and 0.188 per \$100.00 of assessed value for tangible property. These rates remained unchanged from the 2011 tax year. Mayor Kirby asked for a motion to approve the rates. Commissioner Mefford made the motion and Commissioner Miller seconded the motion. **Motion Carried.**

Commissioner Kelly made the motion to adjourn. Commissioner Adams seconded the motion. **Motion carried.**

CALL TO ORDER:

Mayor Kirby called the Regular Business Meeting of the Union City Commission to order at 7:00 p.m. Tuesday, September 4, 2012.

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

APPROVAL OF MINUTES:

All City Commissioners were provided a copy prior to tonight's meeting. In regards to the Cincinnati Bell Fiopics Facility project within Hempsteade Estates. City Engineer Barry Burke made a few clarifications to the meeting minutes from the August meeting. City Attorney Greg Voss advised that unless these clarifications were specifically discussed at the August Meeting, such clarifications should be included as a part of the September minutes, which Mr. Burke acknowledged in a separate document to be forwarded to the City Clerk and attached to the September minutes. Commissioner Mefford made a motion to accept the minutes and the motion was seconded by Commissioner Miller. **Motion carried.**

ADMINISTRATIVE REPORTS:

City Clerk/Treasurer Kathy Porter: Commissioner Adams moved to accept the Treasurer's Report as of August 31, 2012, and Commissioner Kelly seconded the motion. **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. Mr. Beemon stated that things have improved with his neighbors and would like to thank the commission for their efforts. Attorney Voss told him to keep the commission updated.

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EVENTS COORDINATOR:

City Events Coordinator Karen Franxman briefly summarized her report. Currently she is working on the October 20th Fall-For-All event. The event has expanded this year at the request of business owners in this area. The event will start at 10:30 a.m. and continue until 8:00 p.m. It will also include a 5k race that will begin at 9:30 a.m. Old Union Road (the section from Mt. Zion Road to the Union Pool area) will be closed beginning at 8:00 a.m. for the event.

Karen stated that there will be a car show in the parking lot of Union Chiropractic, The smokehouse will be provided by the Union Fire Dept. Karen is waiting to hear from the Union Library concerning the Book Mobile. There will be music and many different events for people to enjoy.

The people who sign up to run the 5k will have an opportunity to run with the soldiers who will be deployed this November. The run will be called the 5k Soldier Run.

Karen stated that many volunteers are needed. Mr. Mefford asked if the committee had spoken to the Principal at Ryle High School concerning possibly putting up signs for volunteer hours.

The Adopt-A-Unit will be having a raffle/auction at the Union Community Building. They are selling raffle tickets for a quilt. Tickets may be purchased on day of event or at the Union City Building.

The Events Committee will have their next meeting on Wednesday, September 12, 2012 at 6:30 p.m. in Porter Hall at the Community Building. Anyone interested in volunteering is invited to attend.

On Saturday, August 25th, 2012, Karen and two other members of the Adopt-A-Unit Committee (Bob Maize and Karen Berheit) drove to Ft. Campbell, KY to deliver a Christmas tree, ornaments and some non-perishable items that they were told the Unit could pack with their shipment to take with them in November.

On Saturday, September 8th the Adopt-A-Unit will be having a cook-out fundraiser at the Union Kroger. The cook-out will be held from 11:00 a.m. – 3:00 p.m. Donation lists will be available for items to be sent to the soldiers. Also the people who come will be able to fill out a note or a Christmas card. They will also have a camera set up for anyone wishing to send a video message. The first shipment to the soldiers will be sent in November as soon as we get an address.

The next Adopt-A-Unit meeting will be held on Wednesday, September 19th, at 6:00 p.m. in Porter Hall of the Union Community Building.

Karen stated that she was approached by a group of senior citizens who are looking for a facility to do yoga exercises. The group asked if there was possibility that the city could waive the requirement of providing a liability insurance possibility. Attorney Voss stated that the only way that it could be done is if the city sponsored the yoga group. Karen will find out more information.

The Union Community Theater will be having auditions on Friday, September 7th from 6:00 to 8:00 p.m. and Saturday, September 8th from 2:00 – 5:00 p.m. for the winter show "It's A Wonderful Life". Information is available on their website at www.unionct.net.

The Union Cares Program will be partnering with Ockerman Elementary School. They are requesting gym shoes, and they will take any donations.

PUBLIC WORKS/UNION VISIONING COMMITTEE:

Commissioner Kelly addressed the commission concerning a request that was received to remove weeds and grass from the sidewalk cracks along Relocated U.S. 42. Our city landscaper went and cut the weeds within the sidewalks. Commissioner Miller asked if all of the sidewalks had been completed. Commissioner Kelly said that

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the landscaper had stated that the weeds had been removed and had started to grow back again. Commissioner Kelly will contact him and let him know the commission was dissatisfied with the work.

Commissioner Kelly stated that the city still has to send letters to residents concerning the mowing of lawns, deemed to be a nuisance. Mayor Kirby asked how many homes the city is currently mowing. City Clerk Kathy Porter stated that there have been six (6) or seven (7). Commissioner Mefford stated that there is one (1) lawn within his subdivision that is also in need of mowing. The home is at the corner of Mt. Laurel Way and Bayberry Lane.

Commissioner Kelly mentioned the City Mowing and Landscaping Contract for calendar years 2013 and 2014 that is scheduled to be bid out this year. Tentatively, the bid packets should be ready to be picked up as of October 4, 2012 and the bid opening will be on November 1, 2012. Commissioner Miller stated that there have been some suggested changes for the bid packet and asked if they had been incorporated into the packet that will be picked up. City Engineer Barry Burke stated that he would compile all the suggestions made and will forward a copy of the new bid packet to Commissioner Kelly, the city clerk, etc. prior to the October 4, 2012 or another pick-up date.

ECONOMIC DEVELOPMENT COMMITTEE (EDC): Commissioner John Mefford stated that there is no new news that was not discussed at the July meeting. The committee will have another meeting concerning the Request for Qualifications (RFQ) on September 19th, 2012.

CITY ENGINEER'S REPORT: Mr. Burke referenced his detailed City Engineering Report totaling 11 Items previously provided to the Mayor and City Commission and City Staff.

Prior to Mr. Burke beginning his report, Attorney Voss mentioned the paved pedestrian pathway leading from Lassing Green Subdivision to the Ryle High School Campus and the concerns raised that the pathway is being used by 4-wheeled vehicles. Attorney Voss spoke to Jerry Dusing, Attorney for the Boone County School District, concerning possibly placing a sign at the school entrance to the pathway and was told that the city could not place signage on the school's property. However, Mr. Dusing will speak to the school board about them placing the signs. Attorney Voss asked if the broken fence and/or posts had been replaced. Mr. Burke stated that the original fence and/or post repairs have been replaced.

Regarding Item number 8 (b), the Relocated US 42 & SR 536 (Mt. Zion Road) street lighting. Ms. Laurie Emery with KLH Engineers was in attendance for the meeting. Mr. Burke distributed some copies of the KLH lighting plan for this intersection to the commissioners. Ms. Emery spoke to the commission concerning the lighting plan that has been designed. Ms. Emery stated that by adding four (4) fixtures they will be able to better illuminate the intersection. Ms. Emery stated that she had worked with Duke Energy before with streetscape designs and she is familiar with the products they provide. Her plan includes a 35-foot mounting pole with 400 watt high pressure sodium vapor luminaires and cut-off optics. The poles will be wooden rather than aluminum breakaways, as originally proposed, due to existing overhead wiring power source. The new mounting poles will be placed where they will need to be when the Relocated US 42 / SR 536 (Mt. Zion Road) intersection is reconstructed as part of the new highway improvements. Therefore these new lights will not need to be relocated in the future.

Ms. Emery stated that from the lighting standpoint, they review RPA (Recommended Practices), a design guide that is put out by the engineering society that makes recommendations depending on roadway classifications. For this case, it is classified as Major to Local. Major because of Relocated US 42 being a 55 mph roadway and local because of Mt. Zion Road (KY SR 536). The calculations are made based on average candle luminance, what light is actually going to be hitting the pavement.

Mayor Kirby asked how much of the lighting would possibly hit any homes. Ms. Emery stated that the extent of light should not go into the private properties. However, individual house side shields could be provided on the lights to further ensure against this problem. Most people do not notice these types of lights.

Mayor Kirby asked what makes this intersection unique that this type of lighting is necessary and not at other

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intersections and if there is nothing unique then why doesn't the state make it a requirement for all intersections. Attorney Voss stated that Ms. Emery probably does not know the legal standpoints. Attorney Voss stated that legally the city has the burden to make the intersections safe.

Mr. Burke stated that based upon pre-existing practices as well as in 2004 when Relocated US 42 was constructed, the KYTC other than interstate highways, has no responsibilities for lighting their highways. Regarding SR 536 of Mt. Zion Road, when Duke Energy relocated their major transmission system, Duke placed or replaced certain lights along Mt. Zion Road in the vicinity of the city building, and the City pays for the electric energy usage.

Attorney Voss stated the city will also need to look at the lighting for Double Eagle Drive and Frogtown Road, another part of the existing contract with KLH Engineers. With a new business and a school being at that intersection lighting will be a necessity.

Commissioner Kelly asked how current the existing light fixture is at the corner of Relocated US 42 and Mt. Zion Road. Ms. Emery stated she did not know the age, but this is a standard model that is used.

Mayor Kirby asked what the time frame is for the installation of this light. Mr. Burke stated that he is hoping that an Encroachment Permit will be secured from the KYTC followed by an Outdoor Lighting Agreement submitted by Duke Energy including the lump sum payment with construction to begin within the next couple of months.

Commissioner Adams asked if once the poles are placed and the residents complained could they place house side shields. Ms. Emery stated that once the pole is placed you could not place the house side shields. Ms. Emery stated that the shields will affect the lighting, by pushing the light forward. Ms. Emery will check the lighting shields and cost and report back to the city engineer or commission.

Larry Solomon, a resident asked about the lighting plan for Union. He asked about whether these new lights would be consistent with the lights that will be put in when KY 536 is relocated for a unique look. Ms. Emery stated that these lights are different than what is going to be placed along the relocated KY 536. And it is not because they would not like for them to be consistent but it becomes an ownership issue. She explained that streetscape products are purchased and installed under a contract directly with that community. That community then owns that product and has to maintain it. The city currently does not have the means to maintain nor do they own any streetlights. Mr. Solomon asked if the city could at least maintain this look at other intersections to keep the look of consistency. This is a standard Duke Energy lighting fixture.

Mr. Burke stated that certain innovative upgraded more attractive lighting has been discussed along the proposed SR 536, where the city will pay for the upgrade and own and maintain these lights. However, the safety lighting at the current intersection in question will be standard safety lighting installed and owned by Duke Energy. In both cases the city will be responsible for the electric energy usage.

Regarding Item number 13, the applications received from Cincinnati Bell concerning the Fioptics Installation Upgrade. Four (4) additional encroachment permits were received from Cincinnati Bell. Two of the encroachment permits are for the open holes along Hempsteade Drive. After the holes were brought to the attention of the city, Mr. Burke inspected them and came to the conclusion that some of them were within the public right-of-way. Mr. Wallace with Cincinnati Bell filed these applications after the fact. Mr. Burke has since inspected and the holes were filled and the area has had final restoration. The permits, which Mr. Burke has reviewed and prepared a written recommendation and forwarded to the City Clerk and Mayor Kirby for consideration, have not yet been formally released to Cincinnati Bell. Mayor Kirby spoke with Bell's Mr. Wallace invited him to a meeting and he declined to attend a public meeting. Mayor Kirby stated that he informed Mr. Wallace that each time Cincinnati Bell plans to do work in a private yard then the resident must be notified prior. Mr. Wallace agreed to the request by Mayor Kirby.

Mr. Burke stated that Cincinnati Bell submitted new encroachment permits to further clarify what Cincinnati Bell is

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proposing for 1004 Bayswater Drive and 10198 Hempsteade Drive. Mrs. Braun stated that another new vertical pole was placed at this location fronting 1004 Bayswater Drive.

Mrs. Braun (10198) stated that a crew was working in her yard and she called Mr. Wallace who stated that Cincinnati Bell is removing the existing vault in her yard and will restore. Mr. Burke stated that he would contact with Mr. Wallace and find out what is being done to move the project forward.

Mr. Burke stated that Cincinnati Bell had not conformed to part of encroachment permit regulations. The system, as constructed that was placed has the potential to impact drainage and sidewalk safety. Mr. Burke's stated that he has added new restrictions or conditions in the more recent encroachment permit application process.

Mr. Burke stated that there is about two (2) feet of masonry wall that is within public right-of-way. This construction is in violation of the city's original permit issued in June. Thus, this construction can be forced to be removed and relocated. Mr. Burke stated that there is also a drainage pipes that have been placed and discharge onto the public right-of-way and sidewalk. The pipes should be cut-off and/or capped-off or placed under ground. Mr. Burke stated he also recommended within the encroachment permit to require landscaping within and around the easement that Cincinnati Bell is building within.

Mr. Kelly asked if a landscaping design has been received yet. Mr. Burke stated no plan has been submitted

Mr. Burke suggested a meeting with Mr. Wallace and Mr. & Mrs. Braun to discuss these issues.

Mrs. Braun stated that the boxes are loud with noise. It is a constant hum.

Mayor Kirby advised that the encroachment permits will be held until at least until another meeting to resolve certain issues.

Regarding Item 1, The storm drainage system, Attorney Voss has forwarded the transfers agreements to SD1.

Regarding Item 5. (a) Mr. Burke received another request a speed study at Soaring Breezes. The speed study was approve in March of 2012, but it was determined that they should wait until all of the homes were complete. There has been an increased concern from the residents on this street and no new development. Mayor Kirby gave Mr. Burke permission to move forward with the speed study.

Regarding Item 6 (a). Union Village (near Kroger's) / Hempsteade Street Resurfacing Projects. Paul Michels and Sons was awarded the project to complete the asphalt streets including full resurfacing and wheelchair ramps. The streets have been milled and the resurfacing project is set to begin on September 4, 2012 following tonight's meeting. Tru-Line Striping will place the final line striping, as another subcontract for the estimate provided. The handicapped ramps have all been reconstructed according to ADA standards. One area along Braxton Road is in need of a sidewalk extension to allow access to the Kroger parking lot rather than along the unsafe access drive. Michels Construction Company stated the extra work would add \$1,985 to the cost of the project. Mr. Burke stated he is still waiting for Kroger to grant permission for about half of the walk on Kroger property.

Commissioner Mefford stated that this work needs to be completed for a safety issue. Mayor Kirby asked for a motion to approve the extra work of \$1,985 for an extra wheel chair ramp. Commissioner Mefford made the motion and Commissioner Adams seconded the motion. Motion Approved

Regarding Item 6 (b) the Curb Edge Joint Sealing and Surfacing Patching work. There is an area at Russwill Drive that has been needed to be repaired for several years now. In addition, the intersection with Mt. Zion Road has a problem area where drainage is causing issues. Reigler can repair this for \$3,050. Russwill Lane is a street that needs some extra patching work but not full resurfacing to date. Mr. Burke recommends allowing Len Reigler to repair the intersection and the cracks with some extra milling and surfacing for another 900 sf. Mayor Kirby asked for a motion to approve the additional work on Russwill Lane. Commissioner Kelly made motion to

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approve and Commissioner Mefford seconded. Motion Carried.

Regarding item 6 (c), Traffic Control striping and speed hump striping. Mr. Burke stated that Tru-Line LLC. Quoted they could stripe all needed areas except for Old Union Road; (they do not have trucks available). The Quote from Tru-line for the speed humps, Union Village, Clarkston Lane and Churchill Drive is \$7,883.00. Mayor Kirby asked for a motion to approve the bid. Commissioner Adams made the motion and Commissioner Mefford seconded. Motion Carried.

Regarding Item 6 (d), the Sidewalk settlement at 10198 and 10204 Hempsteade Drive. Len Reigler gave a bid of \$650 to repair this area. Mayor Kirby gave his approval to move forward.

Regarding Item 6 (e), Street Pavement Collapse from 10085 and 10080 Hempsteade and between Lakepoint and Kingston Court. The area on at Hempsteade was approved for repair in the July meeting for \$5,800 by Len Reigler Blacktop and Lonkard Construction. Len Riegler gave another Quote of \$2,800 to repair the area at Lakepoint and Kingston Court for \$2,800. Mayor Kirby asked for a motion to approve the quote by Len Riegler LLC. Commissioner Miller made the motion and Commissioner Kelly seconded it. Motion carried.

Regarding Item 6 (f), Double Eagle Drive – Curb & Gutter Buckling at three (3) Catch Basins. TMS Construction gave a bid of \$4,920 to repair curb and catch basins. Since these older catch basins were constructed of masonry block, they will need to be replaced at some point in the future but not at the present time. Mayor Kirby asked for a motion to approve the bid from TMS Construction for the repairs. Commissioner Mefford made the motion and Commissioner Adams Seconded it. Motion Carried.

Regarding Item 6 (g), Various Unplanned/Unbudgeted Street Repairs. An on-site investigation brought forward some areas that weren't previously thought to be in need of repair. The streets that are in need of repair is Arbor Springs, Lewis Lane, Waterside Court, Bayswater Drive, Pembroke Drive, Whispering Trails, Golden Pond, Mt. Laurel Way, and Aspen Place. The total for these additional street repairs amount to a total of about \$12,823. Delays to these repairs will result in greater expense to the city in the future. Mayor Kirby asked for a motion to approve. Commissioner Adams made the motion and Commissioner Miller seconded. Motion Carried.

Regarding the street stub on Sycamore Drive, a resident has been parking a car during the holidays on the area that is not paved. Mayor Kirby asked Mr. Burke to check with sign department to see what type of sign would be best in this area to have vehicles park only on the paved area.

Mr. Steven Conrad the treasurer of the Boone County Historical Society addressed the commission concerning their proposal to place a Bronze historical marker for General John Hunt Morgan's escape through Boone County. The place that it is proposed to put is along US 42. The Historical Society would like the City's agreement to place the sign.

Mayor Kirby asked Commissioner Miller to work with the Historical Society on the location.

There will be a dedication ceremony and the city would be invited to attend. They requested a letter stating the city would be willing to work with Historical Society.

OLD BUSINESS:

- **Second 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 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. This Ordinance was tabled at this meeting. Attorney Voss stated that he is working with the county attorney's office and was told that if the city repealed their ordinance they would not have anything in place.

- **Second 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. This Ordinance was tabled at this meeting.
- **Second 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. Commissioner Miller made the motion to approve and Commissioner Mefford Seconded the motion. Motion Carried.

NEW BUSINESS:

- A PROCLAMATIONG SETTING SEPTEMBER, 2012 AS NATIONAL PREPAREDNESS MONTH IN THE CITY OF UNION, KENTUCKY.

ANNOUNCEMENTS:

The next City Commission Meeting will be held on Monday, October 1st, 2012

ADJOURN:

No further business came before the Commission. Commissioner Adams moved to adjourn the meeting at 9:20 p.m. Commissioner Miller seconded the motion. **Motion Carried.**

Signed this 1st day of October 2012

APPROVED:

ATTEST:

Don Kirby, Mayor

Kathy Porter, City Clerk/Treasurer