

CITY OF UNION
Special Business Meeting
June 1, 2020

Regular Business

The meeting was called to order at 6:33 PM on June 1, 2020 by Mayor Larry Solomon. Due to the Coronavirus Pandemic, this meeting was conducted by Zoom Videoconferencing.

Pledge of Allegiance

Mayor Solomon led all attendees in the pledge to the flag.

Roll Call

A quorum was present and a roll call was taken: Commissioner John Mefford, Commissioner Jeremy Ramage, Commissioner Bryan Miller, and Mayor Larry Solomon. Commissioner Eric Dulaney was initially absent; he joined at 6:36 PM during the discussion of the approval of minutes.

Also present:

City Attorney-Greg Voss, Esq.; City Administrator-David Plummer; City Communications and Operations Director-Melissa Hinkle, City Clerk Christy Everman and City Engineer Barry Burke.

Approval of Minutes

Mayor Solomon asked for approval of the May 4 Meeting Minutes. Commissioner Miller moved to approve the minutes. Commissioner Mefford seconded that motion. **Motion approved 5-0 by Roll Call Vote, Dulaney-Aye; Miller-Aye; Mefford-Aye; Ramage-Aye; Solomon-Aye.**

Financial Reports

Commissioner Miller presented the financial report. He noted that the city should come in roughly \$250,000 under budget for the 2019-2020 fiscal year, but that one month of bills does remain.

Commissioner Ramage moved to approve the May expenditures and bills. Commissioner Mefford seconded that motion. **Motion approved 5-0 by Roll Call Vote, Dulaney-Aye; Miller-Aye; Mefford-Aye; Ramage-Aye; Solomon-Aye.**

Citizen Comments

There were no citizen comments.

Mayor Comments

Mayor Solomon had no report, other than work at the old Kroger buildings continues.

Economic Development

Commissioner Ramage had no updates to report. Director Hinkle noted that move in begins this week at StoryPoint, but that no public tours will be held until the pandemic is under control, as the population would be considered high risk. Commissioner Ramage noted that work is continuing on the Mt. Zion Corridor design plan from the Urban Forestry Commission, and he hoped to have more information on that at the July meeting of the EDC.

Public Works Report

Commissioner Dulaney noted that the work on the Churchill Bridge has been completed and is anticipated to be good for 75 years, and comes with a five-year guarantee. A final inspection report from KYTC is still pending, but once received, the weight restriction signs should be able to be removed from the bridge.

Mt. Zion work continues, where they are tying up loose ends on asphalt and concrete work. They are anticipating completion sometime in July. The city will, following final inspections and transfers, take over the maintenance of 62 LED lights along the roadway. The public works committee estimates a 12,000-24,000 per year cost to maintain and repair the lights as needed. A contractor is recommended to be employed to provide this service, and Administrator Plummer is researching available options for this service.

Engineer Burke reported on the 2020 Street Repair program bids. Currently it is approximately \$32,000 over budget, but he has done a review of the bids, and believes he can work with contractors in certain areas to help lower the costs by as much as \$9,000. The program would cost approximately \$216,000 after this savings.

City Administrator Report

Administrator Plummer noted that the work is done on the improvements to Whispering Trails and to the City Building Parking Lot. The channel rock for drainage was installed this week, and only the lighting installation remains. It is scheduled for sometime in the next two weeks.

Plummer updated on an issue regarding the ownership of a set of lots at Union Rice Cemetery. Cemetery Sexton Eddie Johnson is working with the involved parties to resolve the issue.

Plummer also updated that he had received the proposal from Duke Energy to perform an LED retrofit to the streetlights owned and managed by the city. The proposal would save approximately \$16,000 per month in costs once it was fully completed and paid for. He and Commissioner Miller are reviewing the proposal and will bring a recommendation to the commission at a later date.

Administrator Plummer also presented the letter of resignation for Andy Rosen from the Union Board of Adjustments. Mr. Rosen is moving out of Union and can no longer serve on the board. Commissioner Mefford moved to approve to accept Mr. Rosen's resignation. Commissioner Ramage seconded. **Motion approved 5-0 by Roll Call Vote, Dulaney-Aye; Miller-Aye; Mefford-Aye; Ramage-Aye; Solomon-Aye.**

Administrator Plummer also presented a grant application packet to OKI for construction of a sidewalk in front the Union Fire Protection District. Plummer reviewed the cost of the project, and anticipated a total cost to the city of approximately \$2-3,000 if the grant were approved. This item will be discussed later in legislation.

Finally, Plummer noted the development of the Corona Virus Relief Fund to aid small businesses in applying for Federal reimbursements for expenses related to the virus. The city would be eligible to apply, but the city expenses remain small enough not to warrant application at this time.

Communications/Office Operations Report

Director Hinkle informed the commission that there was a better than 85% probability that the Food Truck event set for July 8 would be cancelled. She is awaiting final confirmation from Boone County Parks before announcing the cancellation.

The Union Celebrates America fireworks celebration will be set for Friday, June 26 at 10 p.m. After two tests with Vito's Fireworks, the show will fire at 210 feet into the air and cover most of Union, although those in low-lying areas and people with restricted views may not be able to see the show. She is researching options to broadcast or stream the show live if possible, or to tape it for viewing on YouTube at a later date.

Hinkle also updated on the Healthy at Work mandate from the state. Hand sanitizer has been obtained by the city, along with a supply of purchased masks. In addition, the City received 1,500 masks from the Boone County Health Department, and those will be used by city staff, as well as distributed to people who may need them as they enter the city building. Thermometers have also been purchased for staff to monitor their temperatures, and a record of their health checks will be maintained by the city in accordance with the state guidelines.

City Attorney Report

Legislation: Ordinances/Municipal Orders/ Resolutions (prepared by Attorney Greg D. Voss)

Resolutions.

RESOLUTION NO. 2020-07--A RESOLUTION AUTHORIZING THE MAYOR FOR THE CITY OF UNION, KENTUCKY TO EXECUTE THE CONTRACT BETWEEN LEN RIEGLER BLACKTOP, INC. AND THE CITY OF UNION, KENTUCKY FOR THE 2020 RESURFACE OR RECONSTRUCTION OF PHASE A OF THE 2020 STREET REPAIR PROGRAM.

Commissioner Dulaney moved to accept Resolution 2020-07. Commissioner Miller seconded. **Motion approved 5-0 by Roll Call Vote, Dulaney-Aye; Mefford-Aye; Miller-Aye; Ramage-Aye; Solomon-Aye.**

RESOLUTION NO. 2020-08--A RESOLUTION AUTHORIZING THE MAYOR FOR THE CITY OF UNION, KENTUCKY TO EXECUTE THE CONTRACT BETWEEN HUMPHREY CONCRETE, INC. AND THE CITY OF UNION, KENTUCKY FOR THE 2020 STREET REPAIRS PHASE B CONCRETE CURB AND GUTTER AND SIDEWALK. Commissioner Dulaney moved to accept Resolution 2020-08. Commissioner Mefford seconded. **Motion approved 5-0 by Roll Call Vote, Dulaney-Aye; Mefford-Aye; Miller-Aye; Ramage-Aye; Solomon-Aye.**

RESOLUTION NO. 2020-09--A RESOLUTION AUTHORIZING THE MAYOR FOR THE CITY OF UNION, KENTUCKY TO EXECUTE THE CONTRACT BETWEEN TMS CONSTRUCTION, INC. AND THE CITY OF UNION, KENTUCKY FOR THE 2020 EDGE/SIDE DRAIN SYSTEM CONSTRUCTION OF PHASE C OF THE 2020 STREET REPAIR PROGRAM. Commissioner Miller moved to accept Resolution 2020-09. Commissioner Ramage seconded. **Motion approved 5-0 by Roll Call Vote, Dulaney-Aye; Mefford-Aye; Miller-Aye; Ramage-Aye; Solomon-Aye.**

Ordinances

ORDINANCE No. 2020-03—AN ORDINANCE ADOPTING AN ANNUAL BUDGET FOR THE FISCAL YEAR JULY 1, 2020 THROUGH JUNE 30, 2021 BY ESTIMATING REVENUES AND RESOURCES AND APPROPRIATING FUNDS FOR THE OPERATION OF CITY GOVERNMENT FOR THE CITY OF UNION, KENTUCKY. Commissioner Mefford moved to accept Ordinance 2020-03. Commissioner Dulaney seconded. **Motion approved 5-0 by Roll Call Vote, Dulaney-Aye; Mefford-Aye; Miller-Aye; Ramage-Aye; Solomon-Aye.**

Municipal Orders

MUNICIPAL ORDER 2020-06--A MUNICIPAL ORDER AUTHORIZING UNION CITY ADMINISTRATOR TO APPLY FOR FUNDING TO THE TRANSPORTATION ALTERNATIVES GRANT PROGRAM FOR THE COMPLETION OF THE SIDEWALK ON SWEET HARMONY LANE NEAR THE HARMONY SUBDIVISION AND THE UNION FIRE PROTECTION DISTRICT'S FIREHOUSE.

Commissioner Mefford questioned the spending of city funds to put in a sidewalk that was on the original plans for the construction of the firehouse, and where the construction was passed by the county building inspector without the construction of this sidewalk as required in the original plans. Attorney Voss advised that the original building inspector was now retired, and due to a citizen, who has a daughter with a disability, this sidewalk has become a city issue. Mefford wanted to know why the city could not put the requirement back on the county to force the construction of this sidewalk. Commissioner Dulaney also wanted to know why the city was having to take responsibility for this item, when the Fire District is a taxing entity in the city, and should be responsible. He wanted to know if recent changes in the KRS may give the city some leverage to hold tax increases in limbo for the Fire District until this work was completed. Attorney Voss was going to look further to see if the city had any ability to hold the Fire District responsible for the costs of construction. Commissioner Miller, who serves on the OKI board as a representative of the city, noted that this application was a long-shot, and was not likely to receive a grant, but was worth the effort to try.

Commissioner Ramage moved to accept Municipal Order 2020-06. Commissioner Miller seconded. **Motion approved 4-1 by Roll Call Vote, Dulaney-Aye; Mefford-Nay; Miller-Aye; Ramage-Aye; Solomon-Aye.**

MUNICIPAL ORDER 2020-07--A MUNICIPAL ORDER HIRING BARRY J. BURKE, PE PLS AS AN INDEPENDENT CONTRACTOR FOR CITY ENGINEERING SERVICES FOR THE CITY OF UNION, KENTUCKY.

Mayor Solomon outlined that the contract is for one year, with a one-year extension. It is a non-exclusive contract, working with Burke consulting with CAO Plummer on certain special projects (like the recently completed city building parking lot/lighting) and doing assigned projects (like the approved street repair projects Burke does annually and is a major part of the Public Works function). Non-exclusivity provides the city a succession plan, while honoring a long-term employee and valued member of the city team. Additionally, this moves the contract to a fiscal year basis, for better budgeting and aiding the staff in executing and renewing the contract in a timely manner. Next, it provides a clear chain of command where Burke reports administratively (as in the city table-of-organization) to CAO Plummer, and allows Burke to take direction on work/projects from the Public Works Committee (PWC), the PWC Commissioner, and staff members. Lastly, this contract has the support of City Engineer Barry Burke.

Commissioner Dulaney spoke saying “I can’t vote in favor of this contract in it’s current form.” Dulaney referenced Section Five under Services with numerous tasks squarely in the purview of the CAO, when it should be under the CAO/PWC Commissioner. Dulaney stated, “I will not vote for this contract in its current form.” Solomon noted that those noted that are CAO directed are administrative functions; those not purely administrative functions are done in consultation with the PWC.

Attorney Voss clarified that the reason for this change is that the old contract has a reporting system of the CAO/Mayor/PWC Commissioner, but in January of 2017, the Commission passed Municipal Order 2017-07 adopting the administrative staff organizational chart, which listed Burke as City Engineer to report to the CAO, who was at the time, Matthew Dowling. Unless that legislation is changed, the contract is correct.

Commissioner Dulaney voiced support for changing this Municipal Order. Mayor Solomon voiced he would not be in favor of this change. He noted this contract puts the CAO as the supervisor, but allows for the flexibility of the Engineer to work on projects and improve communication among staff, where the engineer can be requested to provide guidance as needed, and that flexibility is addressed in the contract.

Commissioner Dulaney stated “What I see is a thinly-veiled power grab by the Mayor over the Public Works department and I will not vote for it.” Commissioner Mefford noted that this cleans up the contract for the City Engineer and provides one supervisor for the position. He considered that one of the most important aspects of this revision and is the reason he supports the legislation as written.

Commissioner Ramage asked how does this contract change the way we do business today, this contract as currently written? Mayor Solomon responded that it doesn’t. It captures the current behavior of the position. He talked to Engineer Burke about that, and went through the contract with him. He said it does not change any of the day-to-day function. It allows the staff to work together better as a team and promotes communication between the CAO and City Engineer, to insure they are not working independently doing projects.

Attorney Voss stated that he cleaned the contract up, and that the Mayor did not ask him to make these changes. Attorney Voss also took out the Mayor's authority over Barry out of the contract in accordance with the legislation passed in 2017.

Commissioner Mefford moved to accept Municipal Order 2020-07. Commissioner Miller seconded. **Motion approved 3-2 by Roll Call Vote, Dulaney-Nay; Mefford-Aye; Miller-Aye; Ramage-Nay; Solomon-Aye.**

Announcements

The next meeting of the commission will be Monday, July 6, 2020 at 6:30 pm and is planned to be in-person at the City Building, unless otherwise mandated by state or health authorities.

The Municipal Road Aid and Coal and Mineral Fund Hearings are set for 3:15 p.m. on Monday, June 22 at the Union City Building. The public is invited to attend.

Adjournment

Motion to adjourn was made by Commissioner Miller and seconded by Commissioner Mefford. **Motion approved 5-0 by Roll Call Vote, Dulaney-Aye; Mefford-Aye; Miller-Aye; Ramage-Aye; Solomon-Aye.**

Meeting adjourned at 8:18 p.m.

APPROVED:

ATTEST:

Larry Solomon, Mayor

Christy Everman, City Clerk