



**CAUCUS/COMMISSION MEETING
NOVEMBER 18, 2024 – 6:00 PM
1843 BRISTOW DRIVE
UNION, KY 41091**

CALL TO ORDER

Mayor Solomon called the meeting to order at 6:00 PM.

PLEDGE OF ALLEGIANCE

Mayor Solomon led all attendees in the Pledge of Allegiance.

ROLL CALL

A quorum was present, and a roll call was taken. Mayor Larry Solomon, Commissioner John Mefford, Commissioner Jeremy Ramage, Commissioner Brian Garner, and Commissioner Doug Bine.

DISCUSSION

Boone County Zoning Regulations for Cannabis Businesses

City Administrator Amy Safran explained medical cannabis was put on the ballot for the November 5, 2024, election, and passed by fifty-two percent. Boone County Planning Commission (BCPC) previously sent recommended zoning regulations to the city for the Commission to review. Kevin Costello, Executive Director and Michael Schwartz, Director of BCPC will be explaining recommendations in the event a license is issued for the City of Union.

Kevin Costello, Executive Director BCPC explained two of the three cities in Boone County passed a referendum to allow medical cannabis City of Florence and City of Union. He stated the City of Union needs to be prepared in case a license is issued to allow a cannabis dispensary.

Michael Schwartz, Director BCPC explained medical cannabis was passed through the State Legislature in 2023 and will go into effect January 1, 2025. There are five types of cannabis businesses, cultivators, processors, producers, these three are the growers and manufacturing component. The lottery for these was already held by the state which none were issued in the three Northern Kentucky counties. The BCPC is recommending definitions be added that follow the state statute. The fourth business is safety compliance facilities where the product is tested

for safety before being put into the market. There is no lottery for these facilities, the state will issue licenses on a as needed basis. The last business type is the dispensary, which is the retail function. The lottery will be held on November 25, 2024.

The state has been divided into regions; the Northern Kentucky region follows the Northern Kentucky Area Development District (NKADD) boundaries. Our region will receive four dispensaries with each county receiving no more than one.

Mr. Schwartz explained recommendation for dispensaries that were made during a BCPC public hearing in July 2024. The recommendation is to add dispensaries as permitted uses. He discussed zoning districts that the city has options. There is a state mandate in which none of the cannabis businesses can be located within one thousand feet of a school or day care center. The BCPC has written and recommending a 500-foot distance from a religious facility, a sexual oriented business, a public park, or playground, and one thousand feet from any other dispensary.

The BCPC is recommending a dispensary be added as a permitted use in the C-2 zone, Union Commercial zone, and Union Town Center zone. Also, as a conditional use in the Public Facility zone.

Mr. Schwartz mentioned since the state rules go into effect January 1, 2025, the city needs to act quickly on the recommendations being made by BCPC. If the city does not have zoning regulations in place and a dispensary is given a license in the city, it could go anywhere regardless of zoning. The dispensary will function like a pharmacy; however, with considerably more regulations. There are restrictions for hours of operation.

CAO Safran mentioned cities can set time restrictions and add business fees.

Mr. Schwartz explained the City of Florence added dispensaries as a conditional use in all their zoning districts so that every request will need to go in front of the Board of Adjustment. The City of Union could do the same. The city could also add wording that if a dispensary is in a Planned Development (PD) overlay it would go through the public hearing process, before going back to the Commission for final action, approval, or denial.

Mayor Solomon asked the Commissioners their opinions on adding extra zoning regulations like the City of Florence.

Commissioner Garner mentioned there are many restrictions already in place, and there are limited places where a dispensary could locate in Union. The city does not restrict other facilities that dispense medications and if they make it more difficult for a dispensary it would be undermining the vote of residents. He mentioned if a dispensary fits within the zones of C-2,

Union Town Center, or Union Commercial it should not have to go in front of the Board of Adjustment.

Commissioner Ramage even though not for medical cannabis, stated the restrictions are what they are. The residents voted, but the city should put limitations in place and if a business can find a fit then they will come, and if they cannot that is okay as well.

Commissioner Bine also agrees there are zoning restrictions in place and the residents voted to allow a cannabis business.

Commissioner Mefford stated the residents voted and there should not be further restrictions than what is already in place by BCPC.

The Commission agrees to keep the same recommendations as the BCPC without adding extra regulations.

CAO Safran gave examples of license fees other cities are charging cannabis businesses.

Commissioner Bine does not feel the city should add an extra fee on a business wanting to open in Union.

Mayor Solomon recommends charging the same as the City of Florence to keep it equal so a business can equally choose where to locate.

The Commission will give further consideration to possible license fees.

Election

Attorney Greg Voss discussed the election that took place on November 5, 2024, for city commissioners. The County Clerk is obligated to file an action with the Circuit Court if someone brings an issue forward that there has been an irregularity. That has already occurred. The question is not a recount of the ballots; the question is the validity of the ballots. The court has denied that petition but has left open the ability for an election contest to move forward in that case.

The election was certified on November 15, 2024, by the County Clerk. The court has the authority to void the election results. If the court voided the election there would be no Commissioners to be sworn in. Mayor Solomon would be the only elected official seated.

Commissioner Garner confirmed with Attorney Voss that if a judge voids the election, then on December 31, 2024, the terms will end, and on January 1, 2025, there would no Commissioners other than the Mayor. He also confirmed that only a judge can void the election.

Commissioner Bine explained that he and Commissioner Garner were both informed of discrepancies with the election. He has retained an attorney to help figure out the situation, get clarification and decide what the next steps would be.

Commissioner Garner questioned staff on the amount of phone calls and emails received from City of Union residents stating they were not able to vote. CAO Safran explained two e-mails were received from an unincorporated Boone County resident and one phone call from a City of Union resident.

Commissioner Ramage asked if the city has a comment or statement they have released. CAO Safran explained it is her understanding the city is not involved in the election process and city staff has been instructed to refer all calls to the Boone County Clerk's office or the Board of Elections directly.

Commissioner Bine stated he feels hundreds of residents were disenfranchised by the election. As residents and a collected voice, the Commission should demand it be corrected.

Commissioner Ramage stated informed voters brought the issue to the forefront. I stayed and waited for a resolve and others may have left. There is no way to know if voters who left came back later in the day.

Commissioner Bine stated that whether it is one, two hundred or a thousand it is wrong and it should be fixed. He feels the County Clerk should be held responsible to correct the issue.

Commissioner Mefford stated that doing nothing would disrespect the democratic process.

Commissioner Bine feels that the election needs to be fair, and the voters of Union need to have their voice, and it is a fact that some did not. If having a new election is what it takes, then that is what needs to happen.

Photo Contest Winners

Commissioner Mefford mentioned the city recently finished the fourth annual photo contest on October 31, 2024. The winners are as follows:

- Janie Waltz First Place – Sunset Highlights.
- Penny Shaver Second Place – Pond Lilly.
- Kathy Kuhn Third Place – End of the Day.

Commissioner Mefford wanted to thank local businesses Strong's Pizza, and Boomtown Biscuits and Whiskey for donating the prizes for the winners. He also thanked everyone who participated in the contest.

Small Business Saturday

Commissioner Bine mentioned the City of Union has prepared a proclamation to recognize Union businesses for Small Business Saturday on November 30, 2024.

Mayor Solomon asked for an approval to designate November 30, 2024, as Small Business Saturday.

Commissioner Bine made the motion and Commissioner Ramage seconded that motion.

Motion approved 5-0

Mayor Solomon mentioned Braxton Brewery will be having a ribbon cutting on November 25, 2024, and their grand opening on November 27, 2024. The City of Union has a proclamation to recognize Braxton Brewery as a new business in Union.

Mayor Solomon asked for approval to provide Braxton Brewery with a proclamation.

Commissioner Bine made a motion and Commissioner Mefford seconded that motion.

Motion approved 5-0

Union Promenade Applications

CAO Safran mentioned the city received two applications from Drees Homes. One is a final plat review for lot 21, and the second one is a site plan review for lot 14. Lot 21 will be divided into four lots 21 A, B, C, and D. Lot 14 is designated for the Reserve condominiums. The city also received two sign permits for monument signs on lot 4, and lot 5. After the documents are signed, they will be submitted to the Boone County Planning Commission to complete the formal process of review.

Mayor Solomon asked for approval to sign the site plan review applications. Commissioner Mefford made a motion and Commissioner Bine seconded that motion. **Motion approved 5-0**

Lassing Pointe Golf Course Alcohol Beverage Control License

CAO Safran mentioned Lassing Pointe Golf Course is asking the city for a waiver of their Alcohol Beverage and Liquor (ABC) license renewal fee for 2025. Mayor Solomon asked for approval to waive the fee the ABC license renewal fee. Commissioner Ramage made a motion and Commissioner Bine seconded that motion. **Motion approved 5-0**

Larry A. Ryle High School PTA

CAO Safran mentioned Larry A. Ryle High School Parent Teacher Association (PTA) is requesting permission to display a banner outside of the city building at the corner of Bristow Drive and US Highway 42. The banner is to advertise the Larry A. Ryle High School PTA craft show. The Commission approved to allow the banner.

Payment Gateway

CAO Safran discussed the ongoing process of getting a new payment gateway that will allow residents and businesses to pay city property taxes online. The city has reached out to Muncipay to provide this service. Pontem is the software the city uses to process property tax

payments; they will need to be integrated with Muncipay. The cost for Pontem to integrate with Muncipay or any other payment gateway is a one-time fee of \$1,800. Muncipay does not have an additional charge to the city. The customer pays a processing fee. Mayor Solomon made a motion to pay a one-time fee of \$1,800 to Pontem Commissioner Ramage seconded that motion. **Motion approved 5-0**

Sidewalk Repair Review

Public Works Director Paul Kremer discussed sidewalk repair options. He explained three options with option number three being recommended by staff.

- Option 1 – no change; start enforcement of current ordinance 2025.
- Option 2 – Approve maximum of \$10,000/year to repair sidewalks.
- Option 3 – Approve maximum of \$10,000/year for city repairs; start enforcement in 2025.

He explained when a resident brings sidewalk issues to the city's attention he will evaluate and make recommendations to the Commissioners for repairs. If the sidewalk is decorative or in the driveway area, the homeowner would be responsible.

Most issues occur in the driveway area of sidewalks. Recommendations are that the city does not repair sidewalks in the driveway area due to challenges of the repair. He also mentioned the city should not repair decorative sidewalks and non-standard concrete or extensions. Staff is recommending repairs be made to sidewalks with excessive cracking and sidewalks with utility infrastructure.

Recommendation is to allow the homeowner or Homeowner Association ninety-days to make remedial action, provide name of company and a start date to city. Repairs should be made within six months from the original notice from the city.

Staff is also recommending the city add multi-purpose path definition to the current ordinance.

Commissioner Garner made a motion to except option three the approved max of \$10,000 a year for city repairs; start enforcement in 2025. **Motion approved 5-0**

Union Town Square Updates

CAO Safran mentioned the design development stage deadline was November 15, 2024. Summit Engineering +Architects sent a digital copy for review. Any comments from staff or Commissioners need to be sent back to Summit by November 22, 2024.

CAO Safran discussed the placement of windows in the Commission room of the new building. The current renderings of windows will prohibit the placement of a monitor.

Commissioner Ramage suggested removing the middle window to allow for additional wall space for a monitor.

Commissioner Garner suggested removing the middle window and making the two existing windows wider.

Both Commissioner Bine and Mefford recommended removing the middle window to allow for a monitor.

CAO Safran mentioned based on Commissioners request from the last meeting the East bathroom will have one men's room, one women's room and two-family rooms. The smaller facility on the West side of the park will have two family restrooms.

The Commissioners agreed the outside of the city building will say City of Union with a logo.

The Commissioners agreed to color option two for the playground surfacing, with green earth tones.

MKSK will present park phase options at the December 2, 2024, Commission meeting.

Brilliance Avenue Extension

PWD Kremer discussed options for expanding Brilliance Avenue Extension. He mentioned the estimated cost is \$452,000 and will be paid for with Municipal Road Aid (MRA), and Public Works budget funds. If the Commission decides to move forward with this project Summit Engineering + Architects will need a contract addendum. The city will need to sign a formal document to move forward. The Commissioners agreed to move forward with the extension of Brilliance Avenue West.

CAO Safran mentioned she spoke to Kentucky Transportation Cabinet (KYTC) regarding the intersection of Brilliance Avenue and US Highway 42. She updated KYTC of the City's project and was informed that a traffic light would most likely not be required. KYTC is requesting a traffic memo from Summit Engineering + Architects stating the project plans, and anticipated trips. The traffic light request that is already in place is directly tied to the development on the other side of US Highway 42 and Brilliance Avenue. If that development does not move forward KYTC would request a letter from the developer stating the project is not moving forward and a letter from the city stating the Commission no longer supports the need for a traffic light.

LEGISLATION/ATTORNEY'S REPORT

Attorney Greg Voss informed the Commission one of the newly elected Commissioners is requesting the Commission meeting time be moved to 7:00 PM starting in January 2025, due to a work schedule conflict.

After discussion, the Commission agreed to change the Commission meetings to 6:30 PM starting in January 2025. Attorney Voss will prepare legislation.

Ordinances

ORDINANCE NO. 2024-16 AN ORDINANCE AMENDING § 32.21 OF THE CITY OF UNION CODE OF ORDINANCES ESTABLISHING A CHANGE IN THE CITY COMMISSION AND CAUCUS MEETINGS DUE TO HOLIDAYS FOR THE CITY OF UNION, KENTUCKY (Second Reading)

No motion - Ordinance Failed.

ORDINANCE NO. 2024-17 AN ORDINANCE OF THE UNION CITY COMMISSION REPEALING IN ITS ENTIRETY ORDINANCE 2024-10 PROHIBITING CANNABIS BUSINESSES OPERATING IN THE CITY OF UNION, KENTUCKY (First Reading)

ANNOUNCEMENTS

Mayor Solomon announced there will be a Regular Commission meeting Monday December 2, 2024, at 6:00 PM. Mayor Solomon also stated the next Caucus/Commission meeting will be held on Monday December 16, 2024, 6:00 PM both meetings will be at the city building 1843 Bristow Drive Union, Kentucky.

ADJOURN

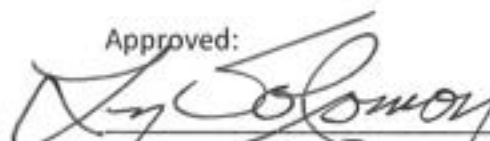
Mayor Solomon asked for a motion to adjourn. Commissioner Mefford made a motion and Commissioner Ramage seconded that motion. The meeting adjourned at 8:10 PM.

Motion approved 5-0

Attest:


Tammy Wilhoite, City Clerk

Approved:


Hon. Larry Solomon, Mayor