

RECORD OF PROCEEDINGS

MEETING OF COUNCIL

April 11, 2022

Mayor O'Callaghan called the City of Union council meeting to order on Monday, April 11, 2022 at 7:30 p.m.

Attendance was taken and the following council members were present: Mayor O'Callaghan, Mr. Bruns, Mr. Niemann, Mr. Prunier, and Mrs. Thomas-Roth.

Other city staff members attending the meeting were John Applegate, City Manager, Denise Winemiller, Clerk of Council, and Joe Moore, Law Director.

Mayor O'Callaghan called for a moment of silence.

Mayor O'Callaghan said that Mrs. Oberer had called and she was not feeling well. He moved that her absence be excused. Mr. Bruns seconded the motion. All concurred and her absence was excused.

1. Mayor O'Callaghan asked if there were any additions, deletions or corrections for the minutes of the March 14, 2022 council meeting. There were no corrections so Mr. Bruns moved that the minutes be accepted as prepared. Mrs. Thomas-Roth seconded the motion. All concurred and the minutes were accepted as prepared.

2. Citizen's and Visitor's Comments

Bryson Jackson from Kershner Road wanted to ask questions regarding development in the industrial district on Old Springfield. He said he and some of the other people attending were Butler Township residents from the northern quadrant of Butler Township. He said he was requesting that the city hear from some of the township residents regarding the problems with the factories in the industrial park. He referred to Chapter 7 of the City of Union Comprehensive Plan. He introduced Angela Adams, a Butler Township resident.

Ms. Adams read portions of Chapter 7 of Union's comprehensive plan out loud. Ms. Adams and Mr. Jackson were asking that the safeguards provided to the Union residents, minimizing the impact of industrial development, could also be provided to Butler Township residents. They wanted the council and city to be made aware of their experience and a brief snap shot of what they are experiencing.

RECORD OF PROCEEDINGS

MEETING OF COUNCIL

April 11, 2022

She read various items from the comprehensive plan. She said if the comprehensive plan was good enough for Union, it was good enough for the township. She asked what they were going to do to buffer the neighborhood.

Mr. Applegate mentioned that he had talked to Ms. Adams several times. He said Chapter 7 of the comprehensive plan covered Union residents inside the community and it did not cover the area outside of the community and in addition, he would have no authority over Butler Township. Mr. Applegate said the industrial park had been going on for twenty years. The airport was there which is an economic engine in its own right. He said that they were requiring landscaping mounds and commented that there was always noise when something was being built and that there will be changes and changes always have an effect. Mr. Applegate said that because of the P & G plant they had constructed a five lane road, and made improvements to Dog Leg Road and Old Springfield Road. Ms. Adams said it was better for the trucks, not the residents. She asked that they be given a mound. Mr. Applegate said when the land next to her is sold they would begin the process to see the plans and the city would be proactive, dispersing truck traffic. He said that people like the new Union Airpark Blvd. and it is a quick way to get around. He said the industrial development was all about getting more jobs in the area.

Mr. Jackson said he wanted the council members to be aware of the situation, and wants them to do what is in the best interest of residents, and protect those that are “in the way” of progress. They want to stay in their homes, and want to cohabit with what is going on there. One of the people attending said that Mr. Applegate said that this had started twenty years ago but they had lived in their house for thirty years.

There was a discussion regarding the mounds around the P & G plant. Ms. Adams said that she had talked with residents near the mound and they said that a ten to twelve foot mound does not block anything. Mr. Applegate said the people mentioned by Ms. Adams had asked for a twelve foot wall and that is what the city had been able to get for them. He said he had talked to Ms. Adams before and would talk to her again when developers start building near her property. Mr. Applegate said he had been in the city for 78 years and he said they always listen to residents and things have been working. He said he would return calls and they try to be good neighbors.

RECORD OF PROCEEDINGS

MEETING OF COUNCIL

April 11, 2022

Ms. Adams named several residents that had been contacted regarding right of way and she had received a list from Mr. Moore of what had been annexed and a list of the property owners. She stated that out of all the property owners, only two had signed documents but the right of way had all been annexed into the city. She asked why it only took two people to sign to get all of the right of way areas. Mr. Applegate explained that in the country, on older properties, the right of way went from the center of the road and back into the property. In a subdivision, where lots have been platted out, the right of way does not go to the middle of the road. The two people that needed to sign had a deed that went to the center of the road, which is why they needed to sign over the right of way. The reason that Union is taking in the right of way is so they can maintain the road along that area instead of Montgomery County.

Ms. Adams asked about council minutes posted on the website and said for 2022, January was the only meeting showing. Mrs. Winemiller said that they would see that February's minutes were posted but the March minutes would not be posted until approved by the council, which had just happened this evening.

Someone asked about the cost to tap into the city's water and Mr. Applegate said the city had run the lines to the right of way, and if people came into the city, there would not be tap in fees charged but they would have to have an expansion tank, abandon their well, and a few other things required by the Montgomery County Health Department and the City of Union's regulations. He said that by the city running the utility lines to the right of way, it would save people three to four thousand dollars.

There was a comment about semi trucks running through and knocking down the stop sign. Mr. Applegate said that had started when Emery was there and it was not Union's responsibility but they were frequently responding and setting the sign back up.

Mayor O'Callaghan thanked everyone for their comments and said they understood their concerns.

3. SECOND READING - ORDINANCE 1739 – AN ORDINANCE AMENDING CODIFIED SECTION NUMBER 921.20. (three readings)

RECORD OF PROCEEDINGS

MEETING OF COUNCIL

April 11, 2022

Mrs. Thomas-Roth moved to have the second reading on Ordinance 1739. Mr. Bruns seconded the motion. All concurred and Ordinance 1739 was passed to the third reading.

4. **SECOND READING** – ORDINANCE 1740 – AN ORDINANCE AMENDING CODIFIED SECTION NUMBER 931.02. **(three readings)**

Mrs. Thomas-Roth moved to have the second reading of Ordinance 1740. Mr. Bruns seconded the motion. All concurred and Ordinance 1740 was passed to the third reading.

5. **ONE READING** – ORDINANCE 1743 – AN ORDINANCE AMENDING CODE SECTION 921.30 OF THE CITY OF UNION CODE OF ORDINANCES AND DECLARING AN EMERGENCY.

Mr. Moore said that there were two different violations and in looking at this part of the code, there were penalties for misdemeanors, 1st to 4th degree and minor. He said for instance, the range was for a 1st degree misdemeanor, it was 180 days in jail and a \$1,000 fine, and a 2nd degree misdemeanor was a fine of \$750.00 and 90 day in jail, etc. He said in this code, there was conflicting penalties for the same violation and this ordinance has corrected that. Mr. Moore also stated that these were the parameters but people usually do not receive the full penalty, but it encourages them to get into compliance right away.

Mr. Bruns moved that Ordinance 1743 be declared an emergency for the reasons set forth in the ordinance. Mrs. Thomas-Roth seconded the motion. All concurred and Ordinance 1743 was declared an emergency.

Mr. Bruns then moved that they have the one and only reading and adopt emergency Ordinance 1743. Mr. Thomas Roth seconded the motion. All concurred and emergency ordinance 1743 was adopted.

6. Open Agenda

RECORD OF PROCEEDINGS

MEETING OF COUNCIL

April 11, 2022

Mayor O'Callaghan said that they would be having the City of Union egg hunt this Saturday, April 16, at the community park on Phillipsburg-Union Road. He asked that everyone be there at 10:00 am and the egg hunt would be held at 10:30 am. He said that they would be having an Easter Bunny there and he thought kids would enjoy that. He said that he had 4,000 candy filled eggs stored in his living room. He also thanked Madeline Winemiller and her friend Paul for filling the eggs with candy and making the signs.

The Mayor also said his thoughts and prayers are with the people in Ukraine.

Mr. Niemann thanked Mr. Applegate for the tour of the Union facilities. He said it was very enlightening and enjoyable and he commented on how much Union has grown.

Mr. Prunier seconded those comments. He said he was impressed with the staff, and the high quality operation of the wastewater treatment plant. He said it had been a very interesting afternoon.

Mrs. Thomas-Roth said she would third that regarding the comments on the tour and she thanked Mr. Applegate for doing that.

Mr. Bruns thanked the City Manager and Mayor for how they handled the Butler Township residents that were attending the meeting. He said with the Rules of Council, public comments were limited to five minutes with a three minute extension if needed and that people were supposed to sign up to speak. He said the mayor and city manager went above and beyond with the people attending the meeting and said they did not have to do that.

Mr. Applegate said the restrictions are so they do not have twenty or thirty people asking the same questions and saying the same things for hours.

Mr. Bruns moved to have a second meeting in April on April 25, 2022. Mrs. Oberer seconded the motion. All concurred and the motion was passed. There will be a public hearing at the April 25, 2022 meeting.

RECORD OF PROCEEDINGS

MEETING OF COUNCIL

April 11, 2022

Mr. Applegate said they actually spent four hours on the tour of all the facilities. He wanted to show them what is being done and thanked them for their comments and said he would pass that on to the employees. He said Hazen Sawyer Engineering that had designed and assisted them, was doing a presentation on Union's wastewater treatment plant at the State conference. He said everything was working very well and he thanked the council members for their time.

Mr. Applegate said the state's contractor should be starting on State Route 48 in two weeks, depending on the weather. There would be about two weeks of grinding it down, then chip and seal applied, and then another two weeks before the final finish. He said they would be going by ODOT rules.

He said that Montgomery County Commissioners had some Union annexations on their agenda to be approved on the right of ways.

Mr. Moore explained that a minor misdemeanor was no jail time and a \$150.00 fine, and was used for violations in speeding, running a stop sign or other minor infractions.

Mrs. Winemiller said she hoped that the weather would be nice for the egg hunt on Saturday.

7. Adjourn

Mr. Bruns moved that the council meeting be adjourned. Mrs. Oberer seconded the motion. All concurred and the council meeting was adjourned. The next council meeting will be on April 25, 2022.

Respectfully submitted,

Denise A. Winemiller,
Clerk of Council

John Bruns, Vice Mayor