

# **RECORD OF PROCEEDINGS**

## **MEETING OF COUNCIL**

**August 12, 2019**

Mayor O'Callaghan called the City of Union council meeting to order on Monday, August 12, 2019 at 7:30 p.m.

Attendance was taken and the following council members were present: Mayor O'Callaghan, Mrs. Oberer, Mrs. Kyle, Mrs. Huggins, Mr. Blackwell, Mrs. Perkins, and Mr. Bruns.

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.

1. Mayor O'Callaghan asked if there were any additions, deletions or corrections for the minutes of the July 8, 2019 council meeting. There were no corrections so Mr. Bruns moved that the minutes be approved. Mr. Blackwell seconded the motion. Mrs. Oberer abstained and everyone else voted in favor of the motion. The minutes were accepted as prepared.

2. Citizen's and Visitor's Comments

Mayor O'Callaghan asked if there were any citizens or visitors that wished to address the council. There were none.

3. ONE READING – ORDINANCE 1699 - AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH COATE CONSTRUCTION LLC TO COMPLETE THE WATER MAIN REPLACEMENT ON EAST MARTINDALE ROAD KNOWN AS THE EAST MARTINDALE ROAD WATER MAIN REPLACEMENT PROJECT, PHASE IV, BASED ON THE CONTRACTOR'S ORIGINAL BID PRICES AWARDED FOR THE SECOND PHASE OF THE WEST MARTINDALE ROAD WATER MAIN REPLACEMENT PROJECT. (waive three readings)

Mr. Applegate said this was an Issue II project that was approved last year for 2019. It is the East Martindale Water Main Improvement Project Phase IV, and

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will go from Main Street, down East Martindale to River Road. They anticipate starting the project in September, after the Labor Day holiday.

Mr. Bruns moved to suspend the charter requirement of three separate readings on three separate days in regard to Ordinance 1699. Mr. Blackwell seconded the motion. All concurred and the motion was passed.

Mr. Bruns then moved to have the one and only reading and adopt Ordinance 1699. Mr. Blackwell seconded the motion. All concurred and the motion was passed. Ordinance 1699 was adopted.

4. ONE READING – ORDINANCE 1700 - AN ORDINANCE PROVIDING FOR THE EXECUTION OF A WASTE DELIVERY AND DISPOSAL AGREEMENT WITH THE COUNTY OF MONTGOMERY, OHIO. (waive three readings)

Mr. Applegate said that this was an update for the Montgomery County Solid Waste District agreement. He said it has been under review and required by state law and having worked on for the last year, it was submitted back to the state and is now being sent out to all the Solid Waste District members, of which the City of Union is a member. Mr. Applegate said he was part of the review committee and in response to a question from the Mayor, said the original agreement was done in 1985 so there have been updates, amendments, additions, etc. to the original agreement.

Mr. Bruns moved to suspend the charter requirement of three separate readings on three separate days in regard to Ordinance 1700. Mr. Blackwell seconded the motion. All concurred and the motion was passed.

Mr. Bruns then moved to have the one and only reading and adopt Ordinance 1700. Mr. Blackwell seconded the motion. All concurred and the motion was passed. Ordinance 1700 was adopted.

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5. **ONE READING** – ORDINANCE 1701 - AN ORDINANCE ACCEPTING THE ANNEXATION OF 158.448 ACRES IN BUTLER TOWNSHIP, MONTGOMERY COUNTY, OHIO TO THE CITY OF UNION, OHIO AND DECLARING AN EMERGENCY.

Mr. Applegate said this ordinance completes the annexation of the Thies/Mote farm, 158.448 acres and Mr. Applegate pointed it out on a map. They have held it for the 60 days as required by the Ohio Revised Code and now the ordinance would need to be passed as an emergency to meet the requirements with the Ohio Revised Code.

Mr. Bruns moved that Ordinance 1701 be declared an emergency for the reasons set forth in the Ordinance. Mr. Blackwell seconded the motion. All concurred and the motion passed.

Mr. Bruns moved to have the one and only reading and adopt emergency Ordinance 1701. Mr. Blackwell seconded the motion. All concurred and emergency Ordinance 1701 was adopted.

6. **ONE READING** – ORDINANCE 1702 - AN ORDINANCE AUTHORIZING THE FILING OF A PETITION WITH THE BOARD OF COUNTY COMMISSIONERS OF MONTGOMERY COUNTY, OHIO TO CHANGE THE BUTLER TOWNSHIP LINES OF 158.448 ACRES LOCATED IN BUTLER TOWNSHIP AND THE CITY OF UNION IN ORDER TO REMOVE THE TERRITORY FROM BUTLER TOWNSHIP AND MAKE THE TOWNSHIP LINES IDENTICAL, IN PART, WITH THE LIMITS OF THE CITY OF UNION, OHIO, AND DECLARING AN EMERGENCY.

Mr. Applegate said this ordinance withdraws the 158.448 acres annexed into the City of Union from Butler Township. Mr. Bruns asked if this would negate the double taxation issue. Mr. Applegate said this was a type one annexation with a public hearing and not the type two annexation that they have been doing so the dual taxation was not involved in this, however, this does allow the City of Union to collect the inside millage on the property.

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Mr. Bruns moved that Ordinance 1702 be declared an emergency for the reasons set forth in the Ordinance. Mr. Blackwell seconded the motion. All concurred and the motion passed.

Mr. Bruns moved to have the one and only reading and adopt emergency Ordinance 1702. Mr. Blackwell seconded the motion. All concurred and emergency Ordinance 1702 was adopted.

7. **ONE READING** – RESOLUTION 19-06 - A RESOLUTION AUTHORIZING THE CITY OF UNION TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED.

Mr. Applegate said this is for Round 34 of an Issue II application process for funding and this would authorize him to submit an application from the falls at State Route 48 and Philipsburg-Union Road to the Hartman creek area, concerning the potential flooding due to heavy rains. All the work they had done in the recent past had helped but during the last extreme rain, the bank was about six inches short of overflowing. Mr. Applegate explained some of the improvements, such as putting a new 42 inch storm sewer pipe on the north side of Phillipsburg Road and the existing 60 inch pipe is on the south side. This new 42 inch pipe along with the existing 60 inch pipe will match what is underneath State Route 48. This will go a long way to solving any future problems. The cost of the project will be \$425,892.00 and they will be getting a 50 percent grant and fifty percent loan. The loan will be for zero interest for thirty years. It will cost the stormwater fund about \$7,200.00 per year. As a council member noted, “You can’t beat zero percent”. Mr. Applegate said the application is due by August 21. This would be for a project in 2021.

Mr. Bruns moved to have the one and only reading and adopt Resolution 19-06. Mr. Blackwell seconded the motion. All concurred and Resolution 19-06 was adopted.

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### 8. Open Agenda

Mayor O'Callaghan announced that the Spirit of Union award would be going to Michael and Linda Hardman, at 109 Irongate Drive. He said they had done a fantastic job and they have beautiful flowers and potted hanging plants. He suggested that the council members drive by their property.

The Mayor said it has been a rough summer, with being very rainy and then having extreme wind, then dry and hot, and then the tragedy of the shootings in the Oregon District. He said his thoughts were with the families that had lost someone.

Mrs. Perkins said that many of the businesses were raising funds for the families if people wanted to give their support. She also said she now had an official City of Union email address and had received some calls and emails on suggestions for a new strategic plan and that she would like to receive more information from the citizens.

Mr. Bruns asked if there was a need for a second meeting in August and Mr. Applegate said not at this time. Mr. Bruns then moved that the second meeting in August be cancelled and the next meeting be held on September 9, 2019. Mr. Blackwell seconded the motion and the motion was passed.

Mr. Applegate said work at the plant was going very well and that the major concrete pouring was almost done.

He said they are getting the streets ready for the chip and seal and will be starting on August 26. He said everything in the city was moving along quite nicely.

Mr. Applegate said the city had filed a response to the lawsuit on the Knoop Prairie. He said he would send a copy to the council.

Mr. Applegate said he would like to commend Mr. Moore and the other attorneys and said that the council would enjoy reading their response.

Mr. Moore said that Dayton had initially filed the complaint. Union had responded and then filed a counter complaint. He said after Dayton was served,

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they would have 28 days to respond. He added that when people were served, it was now electronically, by email. He said all of this is public knowledge and could be looked up on the Montgomery County web site, Dayton vs Union, a 2019 case complaint and counter complaint.

Mr. Applegate informed the council that a company called MetroNet, would be starting fiber optics in the community starting in September. They are currently in Englewood now. This would be in competition with Spectrum. Mr. Applegate said he had met with the construction crew and told them some of their current concerns, like having a timely repair for cable lines in customer's yards. He said MetroNet had been very good to work with so far and were meeting all the requirements. He said this will provide competition with Spectrum and will help give residents the best services available.

Mrs. Winemiller said for the record, she had distributed the fund balance sheets from March to July and if anyone had questions, let her know.

Mrs. Winemiller also said they were working on a recycling grant the city received for the park on West Martindale Road, to resurface the area around the shelters and the fountain. She said she hoped to complete the project by the end of September.

9. Mayor O'Callaghan moved that the August 12, 2019 council meeting be adjourned. Mr. Blackwell seconded the motion. All concurred and the council meeting was adjourned.

The next City of Union Council meeting will be held on September 9, 2019.

Respectfully submitted,

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Denise A. Winemiller,  
Clerk of Council

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John Bruns, Vice Mayor