

RECORD OF PROCEEDINGS

MEETING OF COUNCIL

November 12, 2019

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

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

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 October 15, 2019 council meeting. There were no corrections so Mr. Bruns moved that the minutes be approved. Mr. Blackwell seconded the motion. All concurred and 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. Kathy Evans, a Union resident, said she had observed cars speeding on Applegate Road between Union Ridge and Martindale Road. She said they think the road is open to Sweet Potato Road and when they find it is not, they turn around and rush out. She said there was a "No Outlet" sign before. She said also cars were blowing through the stop sign on Applegate and Union Ridge, and Applegate and Hargrove. She said she was afraid there would be an accident. She asked if the Union police could check it out. She also thought that there should be a "No Outlet" sign and she was concerned and wanted to bring this to the city's attention. Mr. Applegate and Mayor O'Callaghan said they would look into that.

3. Public hearing on a change of zoning district from A-R, Agricultural-Residential to L-I, Light-Industrial for 158.448 acres on territory in the City of Union located south of Montgomery County Line Road, west of Dog Leg Road.

RECORD OF PROCEEDINGS

MEETING OF COUNCIL

November 12, 2019

People that wished to address the council were sworn in by Mr. Moore, the Law Director.

Mr. Bruns moved to open the public hearing. Mrs. Huggins seconded the motion. All concurred and the public hearing was open for discussion and questions.

Mayor O'Callaghan read the description of the topic of the public hearing and the public hearing was officially opened.

Mr. Applegate said this was acreage annexed by the City of Union. Annexed properties come in as Agricultural-Residential Zoning and they have sixty days to set up a public hearing and change the zoning to Light-Industrial. Mr. Applegate said all of the City of Union regulations and the Ohio Revised Code had been followed: a legal ad was published, letters were sent to surrounding property owners, and a file with all of the information had been available to the public. Mr. Applegate showed the council on the map where the property was located.

Shelly Miller from North Montgomery-County Line Road decided she would like to address the council so she was sworn in by the law director, Joe Moore. She said she was not against development but she was worried about the traffic going down the street, roughly one or two trucks a day. She said there was nowhere to go when they got to the cemetery and they would try to back out the way they came. She was hoping they could re-route the truck traffic by maybe putting up signs. Mr. Applegate said County Line Road was in Monroe Township, Miami County and was not the City of Union's road. Mr. Applegate explained that because of that, they would not be able to post signs, and if they did, the township would likely take them down. Ms. Miller added that no one was paying attention to the existing signs. Mr. Applegate said he would call Paul Huelskamp, the Miami County Engineer and see what could be done. When asked if the police could ticket someone in the area, Mr. Applegate said since the area is adjacent to their corporation line, they could issue tickets.

RECORD OF PROCEEDINGS

MEETING OF COUNCIL

November 12, 2019

There were no more comments from residents or council so Mr. Bruns moved that the public hearing be closed. Mr. Blackwell seconded the motion. All council members concurred and the public hearing was closed.

4. **ONE READING** – ORDINANCE 1704 - AN ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE ZONING ORDINANCE OF THE CITY OF UNION AS ENACTED BY ORDINANCE 314 AS SUBSEQUENTLY AMENDED AND DECLARING AN EMERGENCY.

Mr. Applegate said this action was concerning the change of zoning that was discussed in the public hearing. Mrs. Perkins asked why this needed to be passed as an emergency. Mr. Applegate said that they wanted to make the zoning change official and were working within the sixty days.

Mrs. Perkins said she didn't feel that was a compelling reason and that they would have time to have the matter go before the council at additional meetings in December and January. Mr. Bruns commented that for three readings, it would extend into 2020.

Mr. Applegate said the owners of the property were attending the meeting and wanted to put the land on the market for industrial development. Mr. Applegate said the property owners help promote the industrial park. He added that if someone was interested in the property and found that it wouldn't be rezoned until January the following year, they would not wait but would move on to another property that was already zoned for what they needed which is why Mr. Applegate was recommending that this be passed with one reading.

Mr. Bruns moved that Ordinance 1704 be declared an emergency for the reasons set forth in the ordinance. 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 emergency Ordinance 1704. Mr. Blackwell seconded the motion. All concurred and emergency ordinance 1704 was adopted on the first reading.

RECORD OF PROCEEDINGS

MEETING OF COUNCIL

November 12, 2019

5. **ONE READING** – RESOLUTION 19-12 - A RESOLUTION AUTHORIZING A TEN-YEAR PARTICIPATION AGREEMENT WITH THE MONTGOMERY COUNTY ECONOMIC DEVELOPMENT/GOVERNMENT EQUITY (ED/GE) PROGRAM.

Mr. Applegate said that this was a request from Montgomery County. The ED/GE agreement started in the early 1990's and the City of Union had been a member. Mr. Applegate said a large amount of information had been provided to the council. This contract would need to be in effect and in their office by January, 2020. Mr. Applegate said the ED/GE program was a very good program and been reviewed by the cities and townships. The staff recommended the adoption of this agreement to participate for another ten years. Mr. Applegate said they had benefitted in the past and probably had received roughly \$800,000.

Mr. Bruns moved to have the one and only reading and adopt Resolution 19-12. Mr. Blackwell seconded the motion. All concurred and the motion was passed.

6. **ONE READING** – RESOLUTION 19-13 - A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE LAW OFFICE OF THE MONTGOMERY COUNTY PUBLIC DEFENDER TO PROVIDE LEGAL SERVICES FOR INDIGENT PERSONS CHARGED WITH JAILABLE OFFENSES UNDER THE CITY'S LOCAL ORDINANCES.

Mr. Applegate said this is an annual housekeeping resolution done to provide a public defender for indigent persons in the City of Union. Mr. Applegate said the contract had been reviewed by Law Director, Joe Moore and the only change was an increase of \$3.82 in the compensation amount per case.

Mr. Moore added that this was a standard contract that states a lawyer has to be appointed to represent a resident. The contract also allows for the case of two defendants, both needing a public defender, and one public defender would be

RECORD OF PROCEEDINGS

MEETING OF COUNCIL

November 12, 2019

appointed for one person, and a different lawyer for the second defendant. This agreement provides for that potential conflict also.

Mr. Bruns moved that Resolution be adopted on the first reading. Mr. Blackwell seconded the motion. All concurred and Resolution 19-13 was adopted.

6. Open Agenda

Mayor O'Callaghan said he had attended a very nice event honoring veterans and armed forces as well, at the Englewood Legion in Englewood, Ohio.

He also thanked the voters for getting out and voting. He said there were twice the number that turned out for November than had voted in March. He said he was grateful that the income tax had passed.

The Mayor reminded everyone that the Tree Lighting in the City of Union would be held on Sunday, December 1, at the fire station, on the corner of Montgomery and West Martindale. Mayor O'Callaghan said that Santa would be arriving at 6:00 p.m. He said they would have cookies and hot chocolate for everyone. He added that he hoped that the weather would cooperate for the evening.

Mrs. Perkins commented that Thanksgiving was coming up and she reminded everyone to show gratitude. She said she was thankful for everyone that had attended the meeting, for the council, staff, and also their press representative.

Mr. Bruns thanked the Mayor and Councilmember Mr. Blackwell for attending the Veteran's ceremony that was mentioned earlier.

He also congratulated the Mayor, Mrs. Kyle, and Lynne Thomas-Roth for being re-elected as Mayor and council members.

Mr. Bruns asked if there was a need for a second meeting in November and Mr. Applegate said not at this time. Mr. Bruns then moved that the second

RECORD OF PROCEEDINGS

MEETING OF COUNCIL

November 12, 2019

meeting in November be cancelled. The next meeting will be on December 9, 2019. Mr. Blackwell seconded the motion and the motion was passed.

Mr. Applegate said the sewer line was done on Old Springfield Road and about 60 percent of the water line was completed. He said he hoped that the road would be open in a few days.

Mr. Applegate said they are working hard to get the trees trimmed and decorated.

Mr. Applegate said he was glad that the levy passed and they will start working to get the streets repaired.

Mr. Moore wanted to add to the earlier conversation about the public defender agreement. He said there were various levels of misdemeanors and residents could only get a public defender if they would have to serve jail time.

Mrs. Winemiller said that they were collecting non-perishable food items for the FISH organization and they had a donation box in the lobby of city hall and would also have one at the tree lighting.

7. Mayor O'Callaghan moved that the November 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 Monday, December 9, 2019.

Respectfully submitted,

Denise A. Winemiller,
Clerk of Council

John Bruns, Vice Mayor