

RECORD OF PROCEEDINGS

MEETING OF COUNCIL

December 13, 2021

Mayor O'Callaghan called the City of Union council meeting to order on Monday, December 13, 2021 at 7:30 p.m.

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

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

1. Mayor O'Callaghan asked if there were any additions, deletions or corrections for the minutes of the November 8, 2021 council meeting. There were no corrections so Mr. Bruns moved that the minutes be accepted as prepared. Mrs. Oberer seconded the motion. All concurred and the minutes were accepted as prepared.

Mayor O'Callaghan said that Mr. Blackwell was unable to attend the meeting due to his work schedule so he moved that his absence be excused. Mr. Bruns seconded the motion. All concurred and the motion was passed and his absence was excused.

Mayor O'Callaghan then told the council that Mrs. Kyle had a recent death in the family and was not able to attend the meeting. He moved that her absence be excused. Mr. Bruns seconded the motion. All concurred and Mrs. Kyle's absence was excused.

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2. Citizen's and Visitor's Comments

There were no comments from any citizens or visitors in the audience.

3. Swearing in of two new council members and one returning council member.

Jay Niemann
Kenneth Prunier
Helen Oberer

Mr. Huelsman conducted the swearing in of the three elected Union residents for serving a new term on the City of Union council.

The Mayor and others congratulated Mr. Niemann and Mr. Prunier for starting a new council term, beginning January 1, 2022 and congratulated Mrs. Oberer for starting another term.

4. ONE READING – ORDINANCE 1733 – AN ORDINANCE AMENDING SECTION 123.01(A) OF THE UNION CODE RELATING TO POSTING OF NOTICES AND DECLARING AN EMERGENCY.

Mr. Applegate explained that this ordinance was relating to the posting of the ordinances and resolutions and there was a minor change in locations. He said that the staff recommends the approval of this ordinance.

Mrs. Thomas Roth moved that Ordinance 1733 be declared an emergency for the reasons set forth in the ordinance. Mr. Bruns seconded the motion. All concurred and the motion was passed.

Mrs. Thomas Roth then moved to have the one and only reading and adopt emergency ordinance 1733. Mr. Bruns seconded the motion. All concurred and the motion was passed and emergency ordinance 1733 was adopted.

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5. ONE READING – ORDINANCE 1734 – AN ORDINANCE AMENDING THE ANNUAL APPROPRIATIONS ORDINANCE FOR 2021 AND DECLARING AN EMERGENCY.

Mr. Applegate said this was a yearly ordinance where they would modify the appropriations ordinance for 2021 and adjust the accounts with increases for some and decreases for others. This ordinance needs to be adopted before the new year so it needs to be declared as an emergency ordinance.

Mr. Bruns moved that Ordinance 1734 be declared an emergency for the reasons set forth in the ordinance. Mrs. Oberer seconded the motion. All concurred and the motion passed.

Mr. Bruns then moved that the council have the one and only reading and adopt emergency Ordinance 1734. Mrs. Oberer seconded the motion. All concurred and emergency Ordinance 1734 was adopted on the first reading.

6. ONE READING – ORDINANCE 1735 – ANNUAL APPROPRIATION ORDINANCE FOR FISCAL YEAR 2022 AND DECLARING AN EMERGENCY.

Mr. Applegate said the budget committee had met the week before and had thoroughly reviewed the budget and recommended the adoption of this appropriation ordinance for fiscal year 2022.

Mr. Bruns noted that the money amount had seemed high both coming in and going out. He said that was because the city was receiving grant money for various projects and spending it on those things. Mr. Applegate said the money for the water line to Aullwood would be a forgivable loan from the Ohio EPA and the TID (Transportation Improvement District), from Montgomery County was providing the city with development fees for certain things which the city was then spending the funds for the purpose intended.

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Mr. Applegate said since there was money going in and out they had separated the funds to both the “TIF” fund and the capital water fund to show both the projects that had received money and that the money was spent as planned.

Mr. Bruns moved that Ordinance No. 1735 be declared an emergency for the reasons set forth in the ordinance. Mrs. Oberer seconded the motion. All concurred and the motion was passed and Ordinance 1735 was declared an emergency.

Mr. Bruns then moved to have the one and only reading and adopt emergency ordinance 1735. Mrs. Oberer seconded the motion. All concurred and emergency ordinance 1735 was adopted on the first reading.

Mr. Moore, the law director arrived at the council meeting.

7. ONE READING – ORDINANCE 1736 - AN ORDINANCE ESTABLISHING A REGULAR PAY TABLE, ASSIGNING PAY GRADES, STEPS/SALARIES AND MAXIMUM NUMBER OF FULL-TIME, REGULAR PART-TIME, PART-TIME (SEASONAL) AND AUXILIARY POSITIONS WITHIN THE CITY OF UNION FOR 2022 AND DECLARING AN EMERGENCY.

Mr. Applegate said this is an additional yearly ordinance that establishes pay rates and needs to be in place and adopted before the new year. He said the budget committee had met and gone over it and recommended going forward.

Mr. Bruns moved to declare Ordinance 1736 as an emergency for the reasons set forth in the ordinance. Mrs. Oberer seconded the motion. All concurred and the motion was passed.

Mr. Bruns moved to have the one and only reading and adopt emergency Ordinance 1736. Mrs. Oberer seconded the motion. All concurred and emergency Ordinance 1736 was adopted.

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8. Executive session to discuss legal matters.

Mayor O'Callaghan moved to adjourn and go into Executive Session to include the Council, the City Manager, Assistant City Manager and Law Director for a conference concerning a dispute that is a pending Court action. He added that final action by Council in regard to this Court action may be taken that night after the completion of the Executive Session and Council resumes its regular meeting.

Mr. Bruns seconded the motion. All concurred and the council, city manager, finance director and law director all joined in the executive session.

Mayor O'Callaghan and others returned to the council meeting. He moved that the council meeting reconvene. Mr. Bruns seconded the motion. All concurred and the motion was passed.

Mayor O'Callaghan moved that they amend the agenda to add Ordinance 1737. Mr. Bruns seconded the motion. All concurred and the agenda was amended.

9. **ONE READING** – **ORDINANCE 1737 - AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO THE MUTUAL SETTLEMENT AGREEMENT AND RELEASE OF ALL CLAIMS WITH THE CITY OF DAYTON ATTACHED HERETO AND MADE PART HEREOF AUTHORIZING THE CITY MANAGER TO EXECUTE THE MUTUAL SETTLEMENT AGREEMENT AND RELEASE OF ALL CLAIMS AND AUTHORIZING THE LAW DIRECTOR TO EXECUTE AN AGREED ENTRY OF DISMISSAL WHICH SHALL DISMISS ANY AND ALL CLAIMS THAT THE CITY OF UNION AND THE CITY OF DAYTON HAVE PENDING IN CASE NUMBER 2019CV03131 AND DECLARING AN EMERGENCY.**

Mr. Bruns read the title of the Ordinance 1737 and then moved that Ordinance 1737 be declared as an emergency for the reasons set forth in the ordinance. Mrs. Oberer seconded the motion. All concurred and the motion was passed.

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Mr. Bruns then moved to have the one and only reading and adopt emergency Ordinance 1737. Mrs. Oberer seconded the motion. All concurred and emergency Ordinance 1737 was adopted.

The Mayor read the title of Ordinance 1737 into the record of the minutes.

10. Open Agenda

The Mayor discussed that they would be looking at the holiday lighting the evening of December 14 to choose the best holiday lighting decorations in Union. He said Carolyn Bruns from the Park Board would be assisting him.

Mayor O'Callaghan said his prayers were going to Kentucky and Illinois and others due to the recent tornado damage.

Mrs. Perkins, (her last meeting as council member), said it had been a wonderful fourteen years, and the city was growing and changing and so different from when she first started. She thanked the council and staff for working with her.

Mrs. Thomas-Roth thanked Mrs. Perkins and said it had been nice working with her. She wished everyone a merry Christmas. She also said she had noticed a police presence on River Road and at the park and she appreciated that.

Mrs. Oberer wished Mrs. Perkins good luck and said she would enjoy retirement. She also commented that she loved seeing the holiday lights along Main Street.

Mr. Bruns said that Mrs. Perkins had served fourteen years and that Mr. Blackwell, who was also retiring from the council, had served thirteen years. He said time flies and it had been a pleasure working with Mrs. Perkins and he appreciated all of Mr. Blackwell's work for the city. He also congratulated the two new council members, Mr. Niemann and Mr. Prunier for their terms starting in January 2022 and Mrs. Oberer for starting another term.

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Mr. Bruns asked if there was a need for a second meeting December. Mr. Applegate said not at this time. Mr. Bruns then moved to cancel the second meeting in December. Mrs. Oberer seconded the motion. Mrs. Perkins voted against the motion which the council all enjoyed but the motion still passed and the second meeting in December was canceled.

Mr. Bruns moved that they adopt the council meeting dates as proposed in the memorandum provided to the council. Mrs. Oberer seconded the motion. All concurred and the council dates for 2022 were adopted.

Mr. Bruns also wished everyone a great holiday.

Mr. Applegate said the water hook up for Aullwood was going well. The Ohio EPA was allowing them to extend the line at Meeker/Frederick and Mr. Applegate thought it would be done by Friday, and then they would be getting the area cleaned up and the signs down.

Mr. Applegate noted that they were also providing a new water connection to Polk Grove church.

Mr. Applegate thanked Mrs. Perkins for all of her work, especially on the budget committee.

He said he wanted to congratulate everyone on a job well done. He said the city had accomplished a lot with his staff, the Law Director, Mrs. Winemiller, and said they had a very good work force and had done a great job. He said it had been a great year for the city and he was very happy with all the action taken. Mr. Applegate wished everyone a Merry Christmas and happy holiday.

Mr. Moore said he had a few things to say. He said this is the first time he had come to a Union council meeting without wearing a tie!

He said it had always been a pleasure to work for the council and Mr. Applegate and Mrs. Winemiller. He said it was remarkable to see what has happened

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for the city this year and they had all done a remarkable job. He wished everyone a merry Christmas.

Mrs. Winemiller wished everyone a merry Christmas and thanked Mrs. Perkins for her help throughout the year and on all the projects they had done.

10. 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 January 10, 2022.

Respectfully submitted,

Denise A. Winemiller,
Clerk of Council

John Bruns, Vice Mayor