



AGENDA – COUNCIL MEETING – October 26, 2020

MAYOR - Call to Order
Pledge of Allegiance

CLERK - Roll Call
Moment of Silence

1. Minutes of September 14, 2020
2. Citizen's and Visitor's Comments
3. ONE READING – ORDINANCE 1714 - AN ORDINANCE AMENDING THE ANNUAL APPROPRIATIONS ORDINANCE FOR 2020 AND DECLARING AN EMERGENCY.
4. ONE READING – ORDINANCE 1715 - AN ORDINANCE TO ADOPT PRELIMINARY LEGISLATION TO PARTICIPATE IN THE PROJECT KNOWN AS PID 106-424-MOT ST 48 25.12, IN THE ODOT DISTRICT 7 FISCAL YEAR 2022 WORK PLAN AND DECLARING AN EMERGENCY.

5. Open Agenda

Mayor
Council members
City Manager

6. Adjourn

RECORD OF PROCEEDINGS

MEETING OF COUNCIL

September 14, 2020

Mayor O'Callaghan called the City of Union council meeting to order on Monday, September 14, 2020 at 7:30 p.m.

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

Mayor O'Callaghan moved to amend the council agenda to add Item # 6, Resolution 20-06, a resolution to support the street levy. Mr. Bruns seconded the motion. All concurred and the motion was passed.

Mayor O'Callaghan said Mr. Blackwell was on vacation so he moved that Mr. Blackwell be excused from the meeting. Mr. Bruns seconded the motion. All concurred and the motion was passed.

1. Mayor O'Callaghan asked if there were any additions, deletions or corrections for the minutes of the August 10, 2020 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

There were no comments from the citizens and visitors in the audience.

3. Speakers from Northmont Kiwanis Club.

Three people were at the council meeting representing the Kiwanis club, Bill Pees, Kelly Faas, and George Doyle. They had a presentation provided information on the Kiwanis. They are hoping to start an organization in this area.

RECORD OF PROCEEDINGS

MEETING OF COUNCIL

September 14, 2020

Mr. Pees thanked the council for allowing them to come and said he enjoyed seeing the Sheets rifle mounted in the council room.

The Kiwanis organizations are in 80 countries worldwide and have clubs located in Brookville, Northridge, and Beaver creek. He said they concentrate on youth activities from kindergarten through college.

He asked for Kelly Faas to talk to the council about some of their activities. She said they have assisted with Habitat for Humanity in Clayton, and the Community Table food pantry in this area and also the Bolts Food Pantry, through the school. They have participated in a program to provide shoes and also one for safety locks, and they have provided scholarships for high school seniors.

Mr. Pees said they donate time and talent and want to help the youth in this area.

They are hoping to start a club in this area and Mr. Doyle lives in this area. They would like at least fifteen people to start a club.

They talked about \$100.00 for a corporate membership which he said was very reasonable.

4. ONE READING – ORDINANCE 1713 – AN ORDINANCE AMENDING THE ANNUAL APPROPRIATIONS ORDINANCE FOR 2020 AND DECLARING AN EMERGENCY.

Mrs. Thomas-Roth moved that Ordinance 1713 be declared an emergency for the reasons set forth in the Ordinance. Mayor O'Callaghan 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 1713. Mr. Bruns seconded the motion. All concurred and emergency Ordinance 1713 was adopted.

5. ONE READING – RESOLUTION 20-05 – A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.

Mr. Applegate said this is the annual housekeeping resolution and this is in line with what they have done every year, determining what amounts will be collected by the county for all of the tax levies.

RECORD OF PROCEEDINGS

MEETING OF COUNCIL

September 14, 2020

Mr. Bruns moved that they have the one and only reading and adopt Resolution 20-05. Mrs. Oberer seconded the motion. All concurred and Resolution 20-05 was adopted.

6. ONE READING – RESOLUTION 20-06 – A RESOLUTION SUPPORTING THE RENEWAL OF 3 MILLS OF AN EXISTING STREET LEVY FOR THE CITY OF UNION.

Mr. Applegate said this was a renewal of the street levy on the ballot. It was established in 1976 and is still the same millage. He said this will allow them to continue to go forward maintaining the streets.

Mr. Bruns re-stated that it was a renewal, not an increase.

Mr. Bruns moved to have the one and only reading and adopt Resolution 20-06. Mayor O'Callaghan seconded the motion. All concurred and the motion was passed.

7. Open Agenda

Mayor O'Callaghan said they had awarded the Spirit of Union to this year's recipient. The property owners are Terry and Dave McMenamin at 107 Peggy's Path in the Lindeman Commons subdivision. He said they have done an excellent job on their property and there are many colorful flowers in their yard.

Mayor O'Callaghan commented that they were working on the streets again. Mr. Applegate said the roads they are doing are Nordhoff, Skyles, Richard Court, Warner, and Lang Court and also a portion of Marrett Farm off of Phillipsburg-Union Road. Mr. Applegate said that \$500,000 was spent to do that work.

The Mayor said he wanted to remind people that if they were posting political signs in another person's yard, get their permission first and always keep the signs out of the road right-of-way.

RECORD OF PROCEEDINGS

MEETING OF COUNCIL

September 14, 2020

Mrs. Perkins asked if the city was having Trick or Treat this year? Mr. Applegate said some cities are and some have decided not to. They were going to discuss that at an upcoming conference call with the Mayor's and Manager's Association. Mr. Applegate said it might be down to the parents to make the decision on what they want their kids to do.

Mr. Bruns asked if there was any need for a second meeting in September and Mr. Applegate said not at this time. He moved that the September 28, 2020 meeting be cancelled. Mrs. Oberer seconded the motion. All concurred and the motion was passed. Mr. Bruns said the next meeting would be Tuesday, October 13, after the Columbus Day holiday on Monday.

Mr. Applegate said they were almost done with the back filling around the tanks at the wastewater treatment plant and things were going well.

The street resurfacing was also going well. Mr. Applegate said it was very important that the city get the street renewal levy passed. He said due to Covid-19, the funds coming into the city is down by 10 to 15 percent, since the reduction revenue from the gas tax, etc. He said when they tried to get a 1 percent increase on the income tax, it was for a ten year program to resurface all streets. That failed in getting that voted in but they were able to get a ½ percent income increase, which extended the street project from 10 years to 20 years to be completed. He added that if the city lost this renewal, they would not be able to take care of the streets. The passage of this street renewal levy means a lot to the city.

Mr. Applegate said they will start doing some decorating in October and also start the leaf pick up program, on October 19, after the Columbus Day holiday.

Mr. Moore cautioned everyone to watch their speed. He said if people were caught going more than 10 miles per hour, it would be much more than a ten dollar court cost fee. He said there are a few trials going on. He recently attended one that was a non-jury trial, with three parties. He and one attorney were six feet apart and the third attorney was in his office and it was all done remotely, possibly a sign of how things will be done in the future.

RECORD OF PROCEEDINGS

MEETING OF COUNCIL

September 14, 2020

8. 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 Tuesday, October 13, 2020, due to the Columbus Day holiday.

Respectfully submitted,

Denise A. Winemiller,
Clerk of Council

John Bruns, Vice Mayor

ORDINANCE 1714

Passed _____

AN ORDINANCE AMENDING THE ANNUAL APPROPRIATIONS ORDINANCE FOR 2020 AND DECLARING AN EMERGENCY.

WHEREAS, the annual appropriations ordinance for FY/2020 as enacted by Ordinance No. 1706, was passed by the Council of the City of Union on December 9, 2019, amended September 14, 2020 by Ordinance 1713, be amended for the addition of grant funds received by the city, and

WHEREAS, the Council of the City of Union has determined and does hereby determine that adjustments should be made in the annual appropriations ordinance, to administer the allocation of Cares Act funding in 2020, and

WHEREAS, this Ordinance is for the immediate preservation of the public property, health and safety for the reason that said amendment is necessary to begin administering grant projects.

SECTION I:

That the annual appropriations ordinance for FY/2020 as enacted by Ordinance 1706 be further amended as follows:

1. GRANTS (950)

INCREASE	TOTAL APPROPRIATIONS	247,385.13
INCREASE	CLASS 210 PERSONAL SERVICES	20,000.00
INCREASE	CLASS 240 SUPPLIES & MATERIALS	10,000.00
INCREASE	CLASS 250 CAPITAL OUTLAY	217,385.13
	CLASS 260 DEBT SERVICE	0.00
	CLASS 270 TRANSFERS & REIM.	0.00
	TOTAL GRANT FUND	247,385.13

SECTION II:

That the adjustments made hereby increase the annual appropriations ordinance by \$247,385.13 All other adjustments by class do not increase or decrease any fund but adjusts line items within said funds.

ORDINANCE 1714

Passed _____

SECTION III:

For the reasons stated in the preamble hereof, which is made a part hereof, this Ordinance is declared to be an emergency measure and shall take and be in force from the date of passage.

PASSED THIS _____ DAY OF _____, 2020.

ATTEST:

Michael O'Callaghan, Mayor

John Bruns, Vice-Mayor

Denise Winemiller,
Clerk of Council

ORDINANCE 1715

Passed _____

AN ORDINANCE TO ADOPT PRELIMINARY LEGISLATION TO PARTICIPATE IN THE PROJECT KNOWN AS PID 106-424-MOT ST 48 25.12, IN THE ODOT DISTRICT 7 FISCAL YEAR 2022 WORK PLAN AND DECLARING AN EMERGENCY.

The following is an Ordinance enacted by the City of Union of Montgomery County, Ohio, hereinafter referred to as the Local Public Agency (LPA).

SECTION I: Project Description

WHEREAS, the City of Union (LPA), Ohio has determined the need for the described project:

Place a two inch asphalt overlay on Old Springfield Road to the Miami County Line, Straight Line Mile 25.12 to 26.25, more or less, in the City of Union; and

WHEREAS, there are timetables and deadlines for the project; and

WHEREAS, this legislation need to effective as soon as possible.

NOW THEREFORE, be it ordained by the City of Union (LPA) of Montgomery County, Ohio.

SECTION II: Consent Statement

Being in the public interest, the City of Union (LPA) gives consent to the Director of Transportation to complete the above described project.

SECTION III: Cooperation Statement

The City of Union (LPA) shall cooperate with the Director of Transportation in the above described project as follows:

The City of Union agrees to participate in the cost of the project.

ORDINANCE 1715

Passed _____

The City of Union further agrees to pay 100% of the cost of those features requested by the City of Union which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

The City of Union further agrees that change orders and extra work contracts required to fulfill the construction contracts shall be processed as needed. The State shall not approve a change order or extra work contract until it first gives notice, in writing, to the LPA. The LPA shall contribute its share of the cost of these items in accordance with other sections herein.

The City of Union further agrees to pay 100% of the cost to install and/or repair curb ramps at all necessary intersections to ensure compliance with the Americans with Disabilities Act.

SECTION IV: Utilities and Right-of-Way Statement

The City of Union agrees to acquire and/or make available to ODOT, in accordance with current State and Federal regulations, all necessary right-of-way required for the described Project. The LPA also understands that right-of-way includes eligible utility costs.

The City of Union agrees to be responsible for all utility accommodation, relocation and reimbursement and agrees that such accommodation, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION V: Maintenance

Upon completion of the Project, and unless otherwise agreed, the LPA shall:

- (1) provide adequate maintenance for the Project in accordance with all applicable State and Federal law, including, but not limited to, Title 23, U.S.C., Section 116;
- (2) provide ample financial provisions, as necessary, for the maintenance of the Project;
- (3) maintain the right-of-way, keeping it free of obstructions; and
- (4) hold said right-of-way inviolate for public highway purposes.

ORDINANCE 1715

Passed _____

SECTION VI: Authority to Sign

The City Manager of said City of Union is hereby empowered on behalf of the City of Union (LPA) to enter into contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Project and to enter into contracts with the Director of Transportation which is necessary to complete the above described project.

Upon request of ODOT, the City of Union through its City Manager is also empowered to assign all rights, title, and interests of the City of Union to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

SECTION VII: Emergency Measure

This Ordinance is hereby declared to be an emergency measure because it is necessary to expedite the highway project and to promote highway safety. This Ordinance shall take effect and be in force immediately upon its passage and approval.

PASSED THIS _____ DAY OF _____, 2020.

Michael O'Callaghan, Mayor

Denise A. Winemiller
Clerk of Council

John Bruns, Vice-Mayor