

RECORD OF PROCEEDINGS

MEETING OF COUNCIL

May 14, 2018

Mayor O'Callaghan called the City of Union council meeting to order on Monday, May 14, 2018 at 7:30 p.m.

Attendance was taken and the following council members were present: Mayor O'Callaghan, 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.

Mayor O'Callaghan said that Mrs. Oberer had called in and was ill. He moved that she be excused from attending the council meeting. Mr. Bruns seconded the motion. All concurred and the motion was passed. Mrs. Oberer's absence was excused.

Mayor O'Callaghan said that Mrs. Kyle had called in and said she was tired. He moved that she be excused from attending the council meeting. Mr. Bruns seconded the motion. Mayor O'Callaghan voted against the motion and the other council members voted in favor of the motion. Mrs. Kyle's absence was excused.

1. Mayor O'Callaghan asked if there were any additions, corrections, or deletions for the minutes of the April 9, 2018 council meeting.

There were no corrections so Mr. Bruns moved that the minutes be accepted as prepared. Mr. Blackwell seconded the motion. All concurred and the minutes of the April 9, 2018 council meeting were accepted as prepared.

2. Citizen's and Visitor's Comments

There were no comments from anyone attending the council meeting.

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3. ONE READING – ORDINANCE 1677 - AN ORDINANCE OF THE CITY OF UNION TO DESIGNATE CERTAIN AREAS AS STRICTLY FOR UNDERGROUND OR BURIED UTILITIES AND DECLARING AN EMERGENCY.

Mr. Applegate said this was one of two ordinances that would need to be passed as an emergency. He said that this is regarding House Bill 478 that will go into effect within 90 days. The city had to prepare a map to declare certain areas for cellular wireless towers. This map has outlined where the cables can be buried and where they cannot. Mr. Applegate added that decorative poles are exempt. Union requires all utilities to be buried and that has been in effect for roughly 20 years. He said some utilities are in the right of way, some in easements, and some in the rear yard. Those areas are shown in yellow on the map. The blue on the maps indicates buried utilities mostly in the right of way and in the easements in front. There are other poles that are wood and have overhead electric lines. The state law now says what needs to go in can be installed anywhere except that they must meet Union's standards. Even though decorative poles are exempt, they still need to meet certain standards to withstand wind so Mr. Applegate said requirements may change in the future and this ordinance could be amended later but at least, the city is taking this first step. Without taking this action, utility companies can come into the city and put their lines anywhere they want.

Mr. Bruns moved that Ordinance 1677 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 No. 1677. Mr. Blackwell seconded the motion. All concurred and emergency Ordinance No. 1677 was adopted.

4. ONE READING – ORDINANCE 1678 – AN ORDINANCE AMENDING CHAPTER 960 OF THE CODIFIED ORDINANCES OF THE CITY OF UNION RELATING TO SMALL CELL FACILITIES AND WIRELESS SUPPORT STRUCTURES AND DECLARING AN EMERGENCY.

Mr. Applegate said this is the second part of dealing with this issue and this ordinance would also need to be passed as an emergency. This ordinance provides

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detailed specifications on the support structures for wireless cell communications. Kettering and several other cities got together and modified regulations that had been passed by the City of Cincinnati. These modifications are also being adopted by other cities throughout Montgomery County. Most of the information is the same, and is part of Union's Chapter 945. These regulations may need to be modified later but for now, they want to have this legislation into effect because regulations need to be established by July 11, 2018. Since this is being passed as an emergency, it will go into effect immediately and any plans submitted will have to meet these standards.

Mr. Bruns moved that Ordinance 1678 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 No. 1678. Mr. Blackwell seconded the motion. All concurred and emergency Ordinance No. 1678 was adopted.

5. **ONE READING** – ORDINANCE 1679 – AN ORDINANCE AMENDING CODE SECTION 941, STORMWATER MANAGEMENT AND FINANCE OF THE CITY OF UNION AS ENACTED BY ORDINANCE NO. 794 AND ORDINANCE NO. 1284 AND DECLARING AN EMERGENCY.

Mr. Applegate said this is part of the NPDES renewal which is enforced under Ohio EPA law. Mr. Applegate said the city's engineers thought that Union should tighten up some of the penalty codes and citation issues under the City of Union code instead of someone else's code. Mr. Applegate said that Mr. Moore assisted in this ordinance and that this ordinance needed to be passed as an emergency.

Mr. Bruns moved that Ordinance 1679 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 No. 1679. Mr. Blackwell seconded the motion. All concurred and emergency Ordinance No. 1679 was adopted.

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6. ONE READING - RESOLUTION 18-10 - A RESOLUTION ADOPTING A CAPITAL ASSET POLICY FOR THE CITY OF UNION.

Regarding this resolution, Mr. Applegate said as the council could read in the memorandum attached to the resolution, this matter came up with their state audit. He said that the city has been doing this already but not in a formal matter so this policy will establish that the capital asset policy would be approved by the city council

Mr. Bruns moved to have the one and only reading of Resolution 18-10. Mr. Blackwell seconded the motion. All concurred and the motion was passed. Resolution 18-10 was adopted on the first reading.

7. Open Agenda

Mayor O'Callaghan thanked the citizens for their support of the fire/EMS levy and also commented that the police levy unfortunately did not pass.

The Mayor also read a thank you from a resident commending the Fire/EMS and Police Departments for an emergency that required both city services. He said both departments are outstanding. Mayor O'Callaghan said they appreciate the thank you letters that they receive and Mr. Applegate said, "Yes, we do."

Mr. Bruns asked if there was any reason to have a second meeting in May. Since there was nothing pending, he moved that the second council meeting in May be cancelled. Mr. Blackwell seconded the motion. All concurred and the motion was passed. The next meeting will be held on June 11.

Mr. Applegate said that he hated that the police levy went down, but it was not by many votes. He said they will go through the budget and will talk with the budget committee to see if they will put the levy back on the ballot. Mrs. Winemiller offered to confirm with the Board of Elections on the deadline to put the Police levy back on the ballot.

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Mr. Applegate said they received a \$132,000.00 grant for the Belevin Corporation that was buying the old TE-CO building at 109 Quinter Farm. He said that Mrs. Winemiller did a great job of obtaining the grant. When asked, Mr. Applegate said that they had asked for \$150,000.00 and received \$132,000.00. He said this company does pole barns and want to keep all the components on site. He said they will have about 20 employees in the next 3 years and do a 2.2 million dollar business. They also have a small business in Darke County. Mr. Applegate said it would be putting a vacant building to good use.

Mr. Applegate said they were continuing to work on the last storm ditch on Phillipsburg-Union Road. This area took in water from Clayton, through Irongate Estates. He said it ended in a wooded area and further on downstream but they didn't have permission to go through the wooded area. He said they had done a lot of work on the storm water system and he thought the cleared out area would do a much better job with the drainage in heavy rains.

Mr. Moore said he was following a court decision concerning the 4th amendment concerning reasonable search and seizure when someone was driving a rental car and if the property inside was protected. He said he would let them know more when the information is available.

Mrs. Winemiller said the water rate surveys done by Oakwood every year were in their packets. Mrs. Winemiller said that Union was the second lowest in 63 communities.

Mayor O'Callaghan asked about the increase in sewer rates and Mr. Applegate said this survey did contain the 2018 increase.

Mrs. Winemiller said the April Fund Balance Sheet had been provided to the council. She said they had received the first half of the property taxes.

Mr. Winemiller said they have received a recycling grant for a shelter to be added to the Wellfield Park. It would be a two tiered octagon shelter and would

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take about six to eight weeks to receive. It would need to be completed by October 1, as part of the grant requirements. Mayor O'Callaghan asked to see some pictures and Mrs. Winemiller said she would provide those to the council.

8. Mr. Bruns moved that the May 14, 2018 council meeting be adjourned. Mr. Blackwell seconded the motion. All concurred and the meeting was adjourned.

The next council meeting will be June 11, 2018.

Respectfully submitted,

Denise A. Winemiller,
Clerk of Council

John Bruns, Vice Mayor