

RECORD OF PROCEEDINGS

MEETING OF COUNCIL

October 11, 2016

Mayor O'Callaghan called the City of Union council meeting to order on Tuesday, October 11, 2016 at 7:30 p.m.

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

Other city staff members attending the meeting were John P. 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 Ms. Tremain had called in and had a prior commitment so she was not able to attend the meeting. He moved that her absence be excused. Mrs. Oberer seconded the motion. All concurred and Ms. Tremain's absence was excused.

1. Mayor O'Callaghan asked if there were any additions, corrections, or deletions for the minutes of the September 12, 2016 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 council members voted in favor of the motion. The minutes of the September 12, 2016 meeting were accepted as prepared.

2. Citizen's and Visitor's Comments

There were two people attending the meeting that indicated that they wanted to address the council.

Mrs. Geisler asked if there was any further developments on the double taxation issue that she had brought up at the last council meeting. Mr. Applegate said there was an executive session on the agenda to discuss legal matters and that

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was one of the items that would be discussed. Mrs. Geisler said she wanted to check with Union first and see if she needed to talk to Butler Township.

Mr. Thrush was present to ask about the parking for 105 West Martindale Road. Mayor O'Callaghan acknowledged that he had received a phone call from Mr. Thrush and had tried to call him back several times but had not been able to reach him.

Mr. Thrush said he was trying to sell the property at 105 W. Martindale and had a buyer if they could park on the south side of West Martindale. He said that the YMCA had rented the building from him for four years and he thought parking had been allowed. He said he would not be able to sell the property to this person that wanted to have a clothing shop. He said that he had also offered to sell the building back to the city and he asked the council if Mr. Applegate had informed them of that.

Mr. Applegate said they did discuss the matter at their budget committee meeting.

Mr. Applegate said even when the city had the building as their village hall, there had never been parking allowed on the south side because of the close proximity to the intersection of State Route 48 and West Martindale. Mr. Applegate said he didn't remember seeing parking on the street when the YMCA was using the building and if there were vehicles parked on the street, they would be ticketed. He said when the building was the Union village city hall, they had parked on the north side of the street and had worked out an agreement with Hine's Hardware to use part of their lot. He said that the parking issue had not changed over the years and had never been allowed on the south side.

Mr. Thrush said that in 2010, Mrs. Winemiller had told him that parking was allowed on the north side of the street from the entrance to Union Tire to the first bay of the fire station and now the city had painted the curb yellow to not allow parking and was only allowing about three spaces. Mr. Applegate said it had always been that way, but people were parking by Union Tire and creating a safety

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hazard so they had painted the curb yellow. He said parking had to be further west on the north side.

Mr. Thrush asked them to work something out, like allow parking from 8 to 5:00. He also questioned the location of the center line on Martindale Road.

Mr. Applegate said that everything was done on the recommendation of their traffic engineer. Mr. Thrush kept insisting that something be done and Mayor O'Callaghan asked if Mr. Applegate could have the traffic engineer look at it again and said if they could work something out, they would and if they can't, they can't. Mr. Thrush asked when Mr. Applegate would be speaking with the traffic engineer and Mr. Applegate said he would give him a call.

3. **ONE READING** – ORDINANCE 1639 – AN ORDINANCE APPROVING AND RATIFYING A CITY OF DAYTON-CITY OF UNION AGREEMENT SETTLING CONTROVERSIES RELATING TO MULTIPLE ANNEXATIONS AROUND THE DAYTON INTERNATIONAL AIRPORT, SOME OF WHICH CONTAIN ALL OR PART OF THE SAME TERRITORY, AND DECLARING AN EMERGENCY.

Mr. Applegate asked that this ordinance be approved by the council. It is an agreement between the Mr. Applegate, the City Manager of Union and Shelley Dickstein, the City Manager of Dayton, resolving the issues on annexations. Mr. Applegate said there had been many discussions in who was right and wrong. Mr. Applegate said he met with Dayton's City Manager several times and they had worked out an agreement that protected the airport for future expansion. He said they had come to an agreement that satisfied both cities. He said Union's economic development could go forward. If they had not come to an agreement, Mr. Applegate said it could have been litigations going on for quite some time.

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Mrs. Perkins asked if Union got enough land to satisfy their needs and if the people that had signed up to be annexed were happy with the outcome. Mr. Applegate said yes.

Mr. Applegate explained that both the 73 acre and 448 acre annexations filed by Union were approved by the Montgomery County Commissioners. Per the agreement with the City of Dayton a portion of the 448 acre annexation, after being officially accepted into Union, would then go through a legal process of detachment. The City of Dayton and Union have agreed to this boundary adjustment. Mr. Applegate referred to the map provided to the Council and said this would concern the land that had been cross-hatched on their map.

Mr. Bruns asked if the ordinances to provide services to the area would need to be amended. Mr. Applegate said no, the service resolution would remain intact to all of the areas annexed in the city. When the land is detached and not in Union, the services would go away.

Mr. Applegate said the time line would be 60 days to accept the annexations until December 12. There will be three ordinances at the December meeting; one to approve the 73 acres, one to accept the 448 acres and one to authorize to prepare the boundary for the detachment adjustment process. Between December 13 and December 23, they would record everything. Mr. Applegate said they do not want two things going through the same time because it would be difficult to get it corrected. The detachment would go to the Montgomery County Commissioners after the first of the year and then will go on the record as being detached.

When asked about surveying the area for the deed work, Mr. Applegate said that Dayton had already had the perimeter work done so they would be doing that which would save Union money.

Mr. Bruns moved that Ordinance 1639 be declared an emergency for the reasons set forth in the ordinance. Mr. Blackwell 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 1639. Mr. Blackwell seconded the motion. All concurred and Ordinance 1639 was adopted on the first reading.

4. Open Agenda

Mayor O'Callaghan said they had a new Spirit of Union recipient and it was Gary and Linda Sonner at 32 Laurelgrove Drive. Mayor O'Callaghan said the front yard was very nice but their back yard was amazing. He said this award was very much deserved.

The Mayor also reminded everyone that Beggar's Night would be on Monday, October 31, from 6:00 pm to 8:00 pm.

Mayor O'Callaghan also reminded everyone to vote on November 8th.

Mr. Bruns asked if there was anything pressing for a second meeting in October. Since there was nothing Mr. Bruns moved that the second meeting be cancelled. Mr. Blackwell seconded the motion. All concurred and the motion was passed. The next council meeting will be on November 14.

Mr. Bruns said that if the council had not looked at Union's Wellfield Park recently, they should go take a look and see the pond, picnic tables, and benches. He acknowledged it was a work in progress but said it was a very nice project.

Mr. Applegate introduced Todd Garrett from Pioneer Electric who was just visiting the city. Mr. Applegate said that Mr. Garrett's company has been excellent to work with and that they do an excellent job.

Mr. Applegate said the leaf pickup program will start next week, on Monday, October 17, 2016.

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Mrs. Winemiller said the council members should receive their newsletters by the end of the month and they will start collecting email addresses for people that want to receive their utility bills by email. She said they would start getting people to sign up and would start with the December utility bill.

Mayor O'Callaghan moved that council recess for an execution session and he asked that the council attend along with Mr. Applegate, Mrs. Winemiller, and Mr. Moore. Mr. Bruns seconded the motion. All concurred and the motion was passed.

Mr. Bruns moved that they reconvene the council meeting. Mr. Blackwell seconded the motion. All concurred and the motion was passed.

Mr. Moore said that they would need a motion from the council to take legal actions necessary to determine what is enforceable and constitutional for action towards the double taxation in the City of Union and also others in the state. Mr. Moore said they would have to take these steps to go through legal proceedings.

Mr. Bruns moved to go forward with what Mr. Moore had explained. Mr. Blackwell seconded the motion. All concurred and the motion was passed.

5. Mr. Bruns moved that the council meeting be adjourned. Mr. Blackwell seconded the motion. All concurred and the council meeting was adjourned. The next meeting will be on Monday, November 14, 2016.

Respectfully submitted,

Denise A. Winemiller,
Clerk of Council

John Bruns, Vice Mayor