

RECORD OF PROCEEDINGS

MEETING OF COUNCIL

September 12, 2016

Mayor O'Callaghan called the City of Union council meeting to order on Monday, September 12, 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, Mrs. Kyle, and Ms. Tremain.

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 asked for a special moment of silence in memory of the 9/11 victims and their families.

1. Mayor O'Callaghan asked if there were any additions, corrections, or deletions for the minutes of the August 22, 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 August 22, 2016 meeting were accepted as prepared.

2. Citizen's and Visitor's Comments

There were three citizens present that wished to address the council: Mrs. Jackson from Old Springfield Road, Mrs. Geisler from North County Line Road, and Mr. Piercey from Old Springfield Road.

Mayor O'Callaghan called upon Mr. Piercey and he deferred to Mrs. Geisler. Mrs. Geisler said that she wanted to address the council and that Mr. Piercey and Mrs. Jackson were present as her supporters.

Mrs. Geisler said that she had approached the council on behalf of several property owners on March 9, 2015, regarding the double taxation. She said in July

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2015, they all met with Representative Henne and then in August, 2015, he submitted an amendment to House Bill 302. Mrs. Geisler said in January, 2016, Mr. Applegate, the Mayor, Mr. Piercey, and she and her husband went to Columbus to testify. Mrs. Geisler added that as September 12, a year and six months later, they are continuing to be assessed for double taxation from the City of Union and Butler Township. She said she has not received any resolution from the state house, Union, and Butler Township so she wanted to make another plea for help.

Mrs. Geisler provided a statement to the council members and asked that the City of Union and Butler Township begin a discussion on who will relinquish the tax billing for their properties. Their second option was that the City of Union relinquish charging property taxes for the affected property owners.

Mrs. Geisler said that the Butler Township lacked professionalism and had other problems and that Union had their act together and had been more than fair to the property owners but they are asking that Union relinquish collecting their property taxes as she said the amount is mounting and a burden on them. She said they tried the logical route and that it was not working. Mrs. Geisler said the issue had died in the state house in Columbus. She said the citizens are in distress and she would not let this matter go. She asked the Union council for help.

Mr. Applegate said he had spoken with Mr. Henne again on July 4 and the issue was falling on deaf ears at the state house. Mr. Applegate said he did not have an immediate answer to Mrs. Geisler's questions. He said he did not know what Union could legally do and he would get with the city's law director.

Mr. Applegate said they would consider filing a law suit. He said that other cities were pushing also but there was just no movement on the issue. Mr. Applegate said he would try to report back at the next meeting and get some answers to some of Mrs. Geisler's questions. He said that Miamisburg might possibly join them with the law suit.

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Mrs. Jackson said she agreed with Mrs. Geisler on what was said. She was not able to vote on the issues in Butler Township though she was having to pay taxes there and that was “taxation without representation”. Butler Township had recently given them the right to vote. She said it was a very difficult burden to pay the double taxes and she didn’t know how long she would be able to keep this up. Mrs. Jackson added that they knew that Mr. Applegate had done everything he could do but that Butler Township was not listening.

Mr. Applegate said, “We will do what we can.”

Mr. Piercey said that they had not been allowed to vote for the township fire or police levies for nine years but now since they are pursuing the double taxation, the township changed it so they can vote.

Mr. Applegate said he would have to check with a higher authority and could not give them an answer at this time.

3. **ONE READING** – RESOLUTION 16-11 – 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 an annual housekeeping agreement on taxes that the county will collect. Mr. Applegate said they are currently negotiating with the county auditor over something that they have uncovered and has now been corrected. Mr. Applegate said it was a potential legal matter and they would discuss it further at the next council meeting.

Mr. Bruns moved that they have the one and only reading and adopt Resolution 16-11. Mr. Blackwell seconded the motion. All concurred and Resolution 16-11 was adopted.

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4. **ONE READING** – RESOLUTION 16-12 - A RESOLUTION AUTHORIZING AN AGREEMENT WITH MONTGOMERY COUNTY BOARD OF COMMISSIONERS TO PROVIDE CRIME LAB SERVICES IN THE MIAMI VALLEY CRIME LABORATORY AS OPERATED BY THE MONTGOMERY COUNTY CORONER.

Mr. Applegate said Resolution 16-12 concerns a new agreement with the Montgomery County Crime Lab. He said the Mayors and Managers were working to determine the true cost of the services. Mr. Applegate said they were paying close to \$6,000.00 and that a lot of the people were leaving the crime lab and not using their services. He said they now have a handle on what the services cost and it is closer to \$1,700 to \$1,800. He said he would prefer not to leave the crime laboratory and they are working on having everyone pay their fair share. Mr. Applegate said this contract would start on January 1 and be good for one year. They will look at this again and decide later if they will want to renew or not.

Mr. Bruns moved that they have the one and only reading and adopt Resolution 16-12. Mr. Blackwell seconded the motion. All concurred and Resolution 16-12 was adopted.

5. **ONE READING** – RESOLUTION 16-13 - A RESOLUTION OPPOSING AND OBJECTING TO THE SUBSEQUENT ANNEXATION OF APPROXIMATELY 33.531 ACRES BY THE CITY OF DAYTON TO THE DAYTON INTERNATIONAL AIRPORT.

Mayor O’Callaghan commented that the next six resolutions were all similar.

Mr. Applegate that was correct. He said everyone was aware that Union had filed two annexations at the county that concerned property in Butler Township. Mr. Applegate said that Dayton had filed one annexation and legal counsel had issues with the legality of what was being done so Union had objected to it. Now

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Dayton has filed for some annexations that Union has already filed for minus the people that had signed to come into Union. They are trying to annex the same ground and Mr. Applegate said since Union was the first to submit the annexations and they had lots of momentum going, they would appreciate the council adopting these resolutions opposing Dayton's actions. Mr. Applegate said they felt what was being done by Dayton was illegal because the annexation was not for the benefit of the airport.

All of the resolutions have the same wording and Union has already filed on most of these properties. Mayor O'Callaghan asked if this was similar to what the council had adopted at the last meeting and Mr. Applegate said it was.

Mr. Bruns moved to have the one and only reading and adopt Resolution 16-13. Mr. Blackwell seconded the motion. All concurred and Resolution 16-13 was adopted.

6. **ONE READING** – RESOLUTION 16-14 - A RESOLUTION OPPOSING AND OBJECTING TO THE SUBSEQUENT ANNEXATION OF APPROXIMATELY 409.972 ACRES BY THE CITY OF DAYTON TO THE DAYTON INTERNATIONAL AIRPORT.

Mr. Bruns moved to have the one and only reading and adopt Resolution 16-14. Mr. Blackwell seconded the motion. All concurred and Resolution 16-14 was adopted.

7. **ONE READING** – RESOLUTION 16-15 - A RESOLUTION OPPOSING AND OBJECTING TO THE SUBSEQUENT ANNEXATION OF APPROXIMATELY 9.719 ACRES BY THE CITY OF DAYTON TO THE DAYTON INTERNATIONAL AIRPORT.

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Mr. Bruns moved that they have the one and only reading of Resolution 16-15. Mr. Blackwell seconded the motion. All concurred and Resolution 16-15 was adopted.

8. **ONE READING** – RESOLUTION 16-16 - A RESOLUTION OPPOSING AND OBJECTING TO THE SUBSEQUENT ANNEXATION OF APPROXIMATELY 7.165 ACRES BY THE CITY OF DAYTON TO THE DAYTON INTERNATIONAL AIRPORT.

Mr. Bruns moved to have the one and only reading and adopt Resolution 16-16. Mrs. Oberer seconded the motion. All concurred and the motion was passed. Resolution 16-16 was adopted.

9. **ONE READING** – RESOLUTION 16-17 - A RESOLUTION OPPOSING AND OBJECTING TO THE SUBSEQUENT ANNEXATION OF APPROXIMATELY 6.888 ACRES BY THE CITY OF DAYTON TO THE DAYTON INTERNATIONAL AIRPORT.

Mr. Bruns moved to have the one and only reading and adopt Resolution 16-17. Mr. Blackwell seconded the motion. All concurred and the motion passed. Resolution 16-17 was adopted.

10. **ONE READING** – RESOLUTION 16-18 - A RESOLUTION OPPOSING AND OBJECTING TO THE SUBSEQUENT ANNEXATION OF APPROXIMATELY 5.711 ACRES BY THE CITY OF DAYTON TO THE DAYTON INTERNATIONAL AIRPORT.

Mr. Bruns moved that they have the one and only reading and adopt Resolution 16-18. Mr. Blackwell seconded the motion. All concurred and Resolution 16-18 was adopted.

11. Motion for Disposal of Assets

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Mr. Applegate passed out sheets with a list of the assets. Mr. Applegate said this was a list of very old equipment and were items sold through Gov Deals. Items consisted of old trucks, and old water tank, salt spreader, old snow plow, etc. They received roughly 6,000 dollars for selling these items. He was asked what funds received the money for the sale and Mr. Applegate said it was the same fund that the money came out of originally, like the street, water, general fund, etc.

Mr. Bruns moved that the council approve the disposal of assets. Mr. Blackwell seconded the motion. All concurred and the motion passed.

12. Open Agenda

Mayor O'Callaghan thanked Mrs. Geisler and her supporters for coming to the meeting and expressing their concerns.

The Mayor also suggested that if the council had not checked it already, they should go see the Union Pond. He said it was all cleaned up and the algae had been removed.

Mr. Applegate said they were looking where they could place some of the picnic tables. He said they wanted to clear about 200 feet around the pond and were still working on that. He said people were there not only fishing but catching fish. He said it would take probably two years to complete what needs to be done.

Mr. Bruns asked if there was a need to have a second meeting in September. Since there was no pressing matter, he moved to cancel the September 26, 2016 meeting. Mr. Blackwell seconded the motion. All concurred and the motion was passed. Mr. Bruns added that the next council meeting would be on Tuesday, October 11, due to the Columbus Day holiday.

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Mr. Moore said that if they would see the agenda for the Butler Township meeting, they would see legislation for Butler Township supporting Dayton and objecting to Union. Mr. Moore said this was not a case for “tit for tat” but because they have legislative reasons.

13. 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 Tuesday, October 11, 2016.

Respectfully submitted,

Denise A. Winemiller,
Clerk of Council

John Bruns, Vice Mayor