

RECORD OF PROCEEDINGS

MEETING OF COUNCIL

October 25, 2010

Mayor Goudy called the City of Union council meeting to order on October 25, 2010 at 7:30 p.m. on Monday.

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

Other city staff members attending the meeting were John P. Applegate, City Manager, Denise Winemiller, Clerk of Council, and Joe Moore, Law Director.

Mayor Goudy called for a moment of silence.

Mayor Goudy moved to excuse Mrs. Perkins who was out of town on a business trip. Mr. O'Callaghan seconded the motion. All concurred and Mrs. Perkins' absence was excused.

Mayor Goudy then moved to excuse Mrs. Kyle from attending the council meeting due to illness. Mr. Bruns seconded the motion. All concurred and Mrs. Kyle's absence was excused.

Mr. Bruns commented that they had tabled a matter at the last meeting concerning Mr. O'Callaghan's absence. He said Mr. O'Callaghan had informed Mrs. Winemiller and several other council members that he would not be able to attend the meeting so he moved to excuse Mr. O'Callaghan from attending the October 12, 2010 City of Union council meeting. Mrs. Oberer seconded the motion. Mayor Goudy and Mr. O'Callaghan abstained and the other council members voted in favor of the motion. With only three votes on the motion, they checked with Mr. Moore. He said that according to Rules of Council, this motion was passed and Mr. O'Callaghan's absence was excused.

1. Mayor Goudy asked if there were any additions or corrections from the minutes from October 12, 2010. There were no corrections so Mr. Bruns moved that the minutes be accepted as prepared. Mrs. Oberer seconded the motion. Mayor Goudy and Mr. O'Callaghan abstained and the other council

members voted in favor of the motion. The motion passed and the October 12, 2010 council minutes were accepted as prepared.

2. Citizens' and Visitors' Comments

There were no citizens and visitors comments.

3. Public hearing on proposed zoning text change in Agricultural-Residential Zoning, (A-1) under conditional uses, to allow concrete ready-mix plants.

Mayor Goudy reminded everyone that if they wished to comment during the public hearing portion of the meeting, they would need to fill out a form.

Mayor Goudy opened the public hearing.

Mayor Goudy then asked that anyone who wished to address the council stand and be sworn in.

Mr. Moore then had everyone that wished to speak sworn in.

Mayor Goudy recognized Mr. Smyers. Mr. Smyers said he did not have any comments regarding the zoning text change.

Mr. Applegate said that this was a zoning text amendment that had been brought forth by the city staff and the planning commission. The notice of the public hearing had been advertised on September 22 and September 29.

The proposed zoning text change concerns a conditional use addition which was spelled out in a memorandum to the council. The code currently reads: 1145.01 A-1 Agricultural Residential District, (d) Conditional Uses, (7) Extraction of sand, gravel, and other minerals, but not including concrete mixing plants, subject to provisions of Section 1153.04.

The proposed text amendment would read: (7) Extraction of sand, gravel, and other minerals and including concrete ready-mix plants, subject to the provisions of Section 1153.04.

Mr. Applegate explained the situation that the Miller Brothers Gravel Company had been in business since the 1950's and was annexed into the City of Union in 1994. The business came into the city as a pre-existing use. After Mr. Miller passed away, the property was sold and the new owners in obtaining

financing, noticed that in the code, ready mix plants were not permitted. Mr. Applegate said that they had not had any problems with the new company, Phillips, and it was a well run operation and the city was glad that the facility was purchased.

The staff and planning commission recommended the change in the zoning text so the land could continue to be used for that purpose in the future, yet have the business remain under the conditional use classification so the city could add additional requirements if needed. Mr. Applegate said the staff and planning commission recommended the adoption of this zoning text change.

Mr. Bruns, as a member of the planning commission, said that the board was in favor of this. The business was already in operation and nothing would need to be changed, but by the business being under a conditional use, it would allow the planning commission to make additional requirements or restrictions if necessary.

There were no comments from anyone else on the proposed zoning text change.

Mayor Goudy closed the public hearing.

Mr. Applegate said since there was no opposition to the change in the zoning text, in the past, the council would waive the three readings so the ordinance could go into effect within thirty days.

Mr. Bruns moved to amend the agenda regarding item # 4 to be changed from having three readings to waive three readings. Mr. O'Callaghan seconded the motion. All concurred and the motion passed. The agenda was amended.

4. ONE READING - ORDINANCE 1500 - AN ORDINANCE AMENDING SECTION 1145.01 (D) (7) OF THE CITY OF UNION CODE, RELATING TO CONDITIONAL USES IN A-1, AGRICULTURAL RESIDENTIAL DISTRICT ALLOWING CONCRETE READY MIX PLANTS. (waive three readings)

Mr. Bruns moved to suspend the charter requirement of three separate readings on three separate days in regard to Ordinance 1500. Mr. O'Callaghan seconded the motion. All concurred and the motion was passed.

Mr. Bruns then moved to have the one and only reading and adopt Ordinance 1500. Mr. O'Callaghan seconded the motion. All concurred and Ordinance 1500 was adopted.

5. ONE READING - ORDINANCE 1504 - AN ORDINANCE AMENDING THE ANNUAL APPROPRIATIONS ORDINANCE FOR 2010 AND DECLARING AN EMERGENCY.

Mr. Applegate said that this was an Issue II grant/loan and they would be replacing the existing aeration system at the waste water treatment plant. He said that they hoped to have the project started and completed yet this year.

Mr. O'Callaghan moved that Ordinance 1504 be declared an emergency for the reasons set forth in the ordinance. Mr. Bruns seconded the motion. All concurred and the motion was passed.

Mr. O'Callaghan then moved to have the one and only reading and adopt Emergency Ordinance 1504. Mr. Bruns seconded the motion. All concurred and Ordinance 1504 was adopted.

6. Open Agenda

Mayor Goudy informed the council that once again, the City of Union was collecting food items to be donated to Northmont FISH.

Mr. O'Callaghan reminded everyone to vote next Tuesday, November 2. He said that they would have a street levy on the ballot and he asked that the public vote for the street levy.

Mr. Applegate added that with the street levy, there would be no increase of taxes.

Mr. O'Callaghan asked how the leaf pick up program was going. Mr. Applegate said it was going fine. He said that next year, they might consider the moving the start date of the pickup program because there has not been many leaves out – only a few small piles. Delaying one week would save on fuel because the truck stills go through town, down every street.

Mr. O'Callaghan also reminded everyone that Beggar's Night was on Saturday, October 30, between 6:00 p.m. and 8:00 p.m.

Mr. Applegate said that the city crews were clearing the storm water ditches and were about half way through the job. He said that they were using the new brush cutter and it was working very well. He said it was doing a lot of work in not a lot of time.

7. Mr. O'Callaghan moved that the council meeting be adjourned. Mr. Bruns seconded the motion. All concurred and the council meeting was adjourned.

Respectfully submitted,

Denise A. Winemiller,
Clerk of Council

Michael O'Callaghan, Vice Mayor