

## Regular Council Meeting of May 3, 2021

- A. Mayor Duane Pouder opened the meeting at 6:00 P.M.
- B. The Lord's Prayer was recited.
- C. The Pledge of Allegiance was recited.
- D. Roll call was taken with Michael Coning, David Champ, Eric Rust, Chiane Tedrow, Brad Horsley and Nicole Whitesel was present.
- E. **Consent Agenda:**
  - 1. Approval of the Agenda
  - 2. Department Head Reports
  - 3. Accounts Payable with "now and then" April 1-30, 2021
  - 4. Statement of Balances May 1, 2021
  - 5. May 1, 2021 Municipal Income Tax Report
  - 6. May 1, 2021 Debt Report
  - 7. General Fund and Payroll Bank Statements
  - 8. Village Council Minutes April 5, 2021

Councilman David Champ motioned to consent of agenda and Councilwoman Nicole Whitesel. The voice vote passed unanimously.

### F. **Village Citizens:**

Gary Elliott, Whitestone Computers spoke to Mayor/Council and Citizens. Councilman Brad Horsley commented the website looks good and he did a good job for the Village of Union City. Gary Elliott stated Jim Bretz is the owner of the Village's prior website and when goggled, the prior website is still coming up. I have asked him to remove the website so searches will pull in our website but he wants compensated to remove his. My suggestion is to compensate him to remove his website. In time, this will change and pull the Village's website up, but it may take time. Mayor Duane Pouder stated he will contact Mr. Jim Bretz and talk to him. In Council's handouts, there is an itemized breakdown of what it would have cost to build this website of approximately \$4,500.00; Gary Elliott is not charging the Village for his services. A proposal to maintain the website at \$225.00 month is included. Councilman Eric Rust motioned to approve Gary Elliott/Whitestone Computer to maintain the website for a monthly fee of \$225.00 and Councilman Brad Horsley seconded. The voice vote passed unanimously.

Chelsea Stewart, 602-604 E. Main Street asked if a decision had been made concerning her request to move the no parking sign on Division Street. Mayor Duane Pouder stated he had talked to both Chief Mark Ater and property owner John Hanna, no decision has been made. Mayor Duane Pouder to follow up with Police Chief Mark Ater.

Ashley Austerman, Mississinawa Valley School Art Teacher provided Mayor/Council with handouts of what is proposed for the project at the via-duct. She discussed placement of the art work, a sponsor wall and an area for the Mississinawa Valley Home of the Blackhawks. They have raised \$8,500.00 toward this project and the goal is to send the template off for printing. Once installed, she would like to have the road closed so the community could view up close. It was also discussed recognizing the students who worked hard and contributed to this project. Councilman Eric Rust suggested installation one day and another day recognize the students. Invite the Darke County Welcome Center to create a video, interview community members and students and invite food trucks in for the celebration. This should be scheduled on a Saturday giving the opportunity for everyone to attend. Ashley Austerman asked if the Public Service Department could assist with the installation on the via-duct. Utility Supervisor Rick Reichard agreed they could help with the installation.

Staci Caixba, 701 Lynwood Court asked if the Village had an Ordinance that requires dogs being on a leash when not confined to their own property. She stated they had an issue which required them to call 911. The dog at 704 Lynwood had her husband cornered on the top of his vehicle. She stated she has no objection to pit bulls; the previous year had been knocked down. The dog also has been chasing residents in the community. Officer Barker responded to the 911 call, the "owner" of the dog took possession of the dog, Officer Barker spoke with her and issued a citation, On the 17<sup>th</sup> of April, she called, the dog was growling on her porch at 2:00 A.M. and the owner came and got the dog. The owner of the dog stated there are people coming and going constantly and the dog slips out the door. Staci Caixba stated she has health issues and she stated she is afraid to go outside. I don't want to live scared in my own home. Councilman Eric Rust asked if the dog was licensed. Could she involve the Darke County Dog Warden? Mayor Duane Pouder will contact Chief Mark Ater. Another issue was brought up is the trash from the Knollwood apartments dumpster. They do not use trash bags and the trash blows out and gathers at the retention pond fence and is an eye sore to the residents on Lynwood. Councilman Eric Rust asked if we had an Ordinance that covers this issue. Zoning Chairman Homer Stammen stated he couldn't find anything in the Zoning rules but it would probably be covered under Ordinance 2020-14, property maintenance. He will review and get back to council Councilman Eric Rust asked that if nothing address this issue in zoning, could we add the requirement a fence is required for multi unit complexes around the trash container. A zoning committee meeting will be scheduled for May 25, 2021 at 5:30 P.M. in the council chambers.

#### **G. Project:**

Mike Bruns from Mote and Associates presented the bids the county received for the Detention Pond Pipe Outlet Replacement Project. The total funds for use is \$320,000.00. Bids ranged from \$247,853.00 to \$306,809.00 with 6 companies submitting bids. The lowest bidder was Tom's Construction, Inc. with the bid of \$247,853.00 with alternates totaling \$14,425.00. Motes recommend including alternates 1 and 3 in the project. Councilman Brad Horsley motioned to recommend to the Darke County Commissioners to award the project to Tom's Construction, Inc. and Councilman Eric Rust seconded.

The voice vote passed unanimously. Mike Bruns informed council he will be bring recommendations of what street repairs the Village should begin with to the next meeting. The Village's application for funding, we should hear something by the end of May.

**H. Administrative Reports:**

Mayor Duane Pouder announced to Council the Park Spring Clean Up is scheduled for May 8, 2021 beginning at 8:00 A.M. starting at Eastside Park. The Park Advisory Board is requesting Council to approve the date of July 24 and 25, 2021 for a truck show at Railroad Park. Councilman Brad Horsley motioned to approve the dates of July 24 and 25, 2021 for the truck show at Railroad Park and Councilman David Champ seconded. The voice vote passed unanimously. Trick or Trunk at Railroad Park is scheduled for October 23 2021, council also needs to approve. Councilman Brad Horsley motioned to approve October 23, 2021 for Trick or Trunk in Railroad Park and Councilman David Champ seconded. The voice vote passed unanimously.

The Village of Union City received notification from the Department of Commerce, liquor license in Union City will expire July 1, 2021 and the Village has the opportunity to register an objection for a renewal of a license. Council concurred they have had no objections. Mayor Duane Pouder provided council an updated copy of the Introduction to Council.

Village Administration/Fiscal Officer informed Mayor/Council the American Rescue Plan entitles the Village of Union City \$310,000.00 to use as outlined by the plan. This money provides funding for infrastructure to water and sewer departments. When VA/Fiscal Officer obtains the criteria for use of these funds, council can make decisions on how they want to spend. Since funds can be spent to upgrade water systems, if the Village can meet the timeline of December 31, 2024 to spend, this may allow the Village to borrow less to build our new water plant.

**I. Committee Reports:**

Zoning and Park Advisory Committee reports are in council's packet.

**J. Ordinances and Resolutions:**

Resolution 2021-05-Emergency Reading-"A RESOLUTION APPROVING THE NECESSITY OF EXPENDITURES UNDER THE CORONAVIRUS RELIEF FUND (CRF)" and declaring an emergency. Councilman Brad Horsley motioned to declare an emergency, suspend the rules and advance by title only and Councilwoman Nicole Whitesel seconded. The voice vote passed unanimously.

Resolution 2021-05-Second Reading-"A RESOLUTION APPROVING THE NECESSITY OF EXPENDITURES UNDER THE CORONAVIRUS RELIEF FUND (CRF)" and declaring an emergency.

Resolution 2021-05-Third Reading-"A RESOLUTION APPROVING THE NECESSITY OF EXPENDITURES UNDER THE CORONAVIRUS RELIEF FUND (CRF)"and

declaring an emergency. Councilman Brad Horsley motioned to pass Resolution 2021-05 as an emergency and Councilman David Champ seconded. The voice vote passed unanimously.

Ordinance 2021-10-Emergency Reading-“AN ORDINANCE ASSIGNING THE ROLES FOR THE VILLAGE OF UNION CITY OHIO WEBSITE”, and declaring an emergency. Councilman David Champ motioned to declare an emergency, suspend the rules and advance by title only and Councilman Eric Rust seconded. The voice vote passed unanimously.

Ordinance 2021-10-Second Reading-“AN ORDINANCE ASSIGNING THE ROLES FOR THE VILLAGE OF UNION CITY OHIO WEBSITE”, and declaring an emergency.

Ordinance 2021-10-Third Reading-“AN ORDINANCE ASSIGNING THE ROLES FOR THE VILLAGE OF UNION CITY OHIO WEBSITE”, and declaring an emergency. Councilman Brad Horsley motioned to pass Ordinance 2021-10 as an emergency and Councilman Eric Rust seconded. The voice vote passed unanimously.

Ordinance 2021-11-Emergency Reading-“AN ORDINANCE AUTHORIZING THE MAYOR AND FISCAL OFFICER OF THE CORPORATION OF UNION CITY, OHIO TO ENTER INTO A CONTRACT WITH CORRPRO FOR WATER TOWER MAINTENANCE”, and declaring an emergency. Councilman Brad Horsley motioned to declare an emergency, suspend the rules and advance by title only and Councilman Eric Rust seconded. The voice vote passed unanimously.

Ordinance 2021-11-Second Reading-“AN ORDINANCE AUTHORIZING THE MAYOR AND FISCAL OFFICER OF THE CORPORATION OF UNION CITY, OHIO TO ENTER INTO A CONTRACT WITH CORRPRO FOR WATER TOWER MAINTENANCE”, and declaring an emergency.

Ordinance 2021-11-Third Reading-“AN ORDINANCE AUTHORIZING THE MAYOR AND FISCAL OFFICER OF THE CORPORATION OF UNION CITY, OHIO TO ENTER INTO A CONTRACT WITH CORRPRO FOR WATER TOWER MAINTENANCE”, and declaring an emergency. Councilman David Champ motioned to pass Ordinance 2021-11 as an emergency and Councilman Eric Rust seconded. The voice vote passed unanimously.

Resolution 2021-06-Emergency Reading-‘A RESOLUTION OF SUPPORT TO DARKE COUNTY PARKS FOR ITS 2021 COMMUNITY PARKS IMPROVEMENT GRANT PROGRAM”, and declaring an emergency. Councilman Brad Horsley motioned to declare an emergency, suspend the rules and advance by title only and Councilman Eric Rust seconded. The voice vote passed unanimously.

Resolution 2021-06-Second Reading-‘A RESOLUTION OF SUPPORT TO DARKE COUNTY PARKS FOR ITS 2021 COMMUNITY PARKS IMPROVEMENT GRANT PROGRAM’, and declaring an emergency.

Resolution 2021-06-Third Reading-‘A RESOLUTION OF SUPPORT TO DARKE COUNTY PARKS FOR ITS 2021 COMMUNITY PARKS IMPROVEMENT GRANT PROGRAM’, and declaring an emergency. Councilman Eric Rust motioned to pass Resolution 2021-06 as an emergency and Councilwoman Nicole Whitesel seconded. The voice vote passed unanimously.

**K. Old Business:**

1. Update-Overpopulation of cats in Village. Councilwoman Chiane Tedrow stated she has no updates to present to council.

2. Community Flag-Mayor Duane Pouder stated the City of Union City started a community flag project about the time former Mayor John Fields passed away. Having a community flag would allow the City/Village or both legally lower the flag to honor a local resident. Several flag choices were presented for both Ohio and Indiana residents to vote on. Union City Indiana adopted the winning choice and Mayor Duane Pouder is asking council to adopt, bring both sides of town together as a community.

Resolution 2021-07-Emergency Reading-“A RESOLUTION ADOPTING THE OFFICIAL FLAG FOR THE VILLAGE OF UNION CITY, OHIO”, and declaring an emergency. Councilman Brad Horsley motioned to declare an emergency, suspend the rules and advance by title only and Councilman Michael Coning seconded. The voice vote passed unanimously.

Resolution 2021-07-Emergency Reading-“A RESOLUTION ADOPTING THE OFFICIAL FLAG FOR THE VILLAGE OF UNION CITY, OHIO”, and declaring an emergency.

Resolution 2021-07-Emergency Reading-“A RESOLUTION ADOPTING THE OFFICIAL FLAG FOR THE VILLAGE OF UNION CITY, OHIO”, and declaring an emergency. Councilman Michael Coning motioned to pass Resolution 2021-07 as an emergency and Councilman Brad Horsley seconded. The voice vote passed unanimously.

3. Park grant update-Councilwoman Chiane Tedrow stated the Park Advisory Committee is finishing up completing the grant papers for the grant award through the Darke County Park District. The committee is focusing on East Side Park, asking for park equipment that is constructed of quality materials and safe for the community.

**L. New Business:**

1. Recommendation of Zoning Committee to rezone the 3.66aAc parcel on Melvin Eley Avenue from R-1 to R-2. Councilman Brad Horsley stated there are half truths being posted on Facebook, rumor is the 3.661Ac is being purchased by a Greenville developer, this is not true. The investor is a local Union City person who

owns multiple rentals in the Village and is very selective who he rents to. The current owner of the 366.1Ac was at the meeting but is not the developer. He also stated the newest barn belongs to me; the other two barns belong to adjacent property owners. The posting also implied that building multi unit family housing would depreciate the value of existing property in the Village. Currently the property owner pays \$54.00 a year in property taxes; the property is on CAUV as he cultivates hay from the property. The same type of homes are sitting in Arcanum, if you check out the tax base, each unit will bring in \$1,200.00 per year in property taxes. If you do the math, four multi-family units would be about \$9,600.00, most would go to the taxing school district, but the Village would also benefit from the property taxes. People wanting to move to our Village often check out Facebook, with the negative comments being posted, this does not look good for the Village. Council concurred that we need to move quickly on rezoning the parcel. A Public Hearing will be scheduled and notification will be sent out.

2. Property Maintenance-grass cutting-how does council want to handle. In the past, the Village Police Department sent notice to the property owner, with the new property maintenance Ordinance, the responsibility falls to the Mayor. Council discussed and wants to amend the property maintenance ordinance to reflect the complaint be signed by both the Police Department and Mayor, continue to mail complaints to property owners to the taxing address and once the initial complaint is mailed, no further notification will be sent, Village will continue to mow the property if the property owner does nothing and the expense of the mowing will be assessed to the property's taxes.

3. Public Service has in their budget to replace the ¾ ton pick-up & plow. Rick has some recommendations. Utility Supervisor Rick Reichard is requesting to trade the 2007 Dodge Pickup instead of the ¾ ton truck and plow. Keeping the ¾ ton truck would allow the Public Service Department to drop the ¾ truck and plow off at the Fire/Rescue Department when it snows so they could use to keep the front of the building cleared off. Utility Supervisor Rick Reichard stated he has talked to Assistant Fire Chief Greg Miller and that would work for them. SVG Chevrolet is willing to give the Village \$7,000.00 trade in value for the 2007 Dodge Pickup. Council discussed, Councilman Eric Rust motioned to declare the 2007 Dodge Pickup surplus and advertise for seal bids with a minimum \$7,000.00 bid and Councilman Brad Horsley seconded. The voice vote passed unanimously.

4. Purchase Order Requests:  
Public Service-CF Poepelman, Inc.-\$2,652.12-Councilman Brad Horsley motioned to issue purchase order in the amount of \$2,652.12 to CF Poepelman, Inc. and Councilwoman Nicole Whitesel seconded. The voice vote passed unanimously.  
General-Smith General Contracting-\$5,243.00-Councilman Eric Rust motioned to issue purchase order in the amount of \$5,243.00 to Smith General Contracting and Councilman Michael Coning seconded. The voice vote passed unanimously.  
Fire/Rescue-All American (BWC Grant)-\$5,880.00-Councilman Eric Rust motioned to issue purchase order in the amount of \$5,880.00 to All American and Councilman David Champ seconded. The voice vote passed unanimously.  
Fire/Rescue-All American (BWC Grant)-\$4,566.13-Councilman Brad Horsley motioned to issue purchase order in the amount of \$4,566.13 to All American and Councilman David Champ seconded. The voice vote passed unanimously.

Public Service-USA Bluebook-\$8,280.23-Councilman Brad Horsley motioned to issue purchase order to USA Bluebook in the amount of \$8,280.23 and Councilwoman Nicole Whitesel seconded. The voice vote passed unanimously.

Public Service-Route 47 Auto Sales-\$825.95-Councilman Brad Horsley motioned to issue purchase order to Route 47 Auto Sales in the amount of \$825.95 and Councilwoman Nicole Whitesel seconded. Councilman Michael Coning, Councilman Eric /Rust, Councilwoman Chiane Tedrow, Councilman Brad Horsley and Councilwoman Nicole Whitesel, yea, Councilman David Champ, abstain, motion carried.

Public Service-Lower 48-\$1,948.00-Councilman Brad Horsley motioned to issue purchase order to Lower 48 in the amount of \$1,948.00 and Councilwoman Nicole Whitesel seconded. The voice vote passed unanimously.

General-Shockney Electric-\$9,692.76-Councilman Brad Horsley motioned to issue purchase order to Shockney Electric in the amount of \$9,692.76 and Councilwoman Nicole Whitesel seconded. The voice vote passed unanimously.

Council entered into a discussion about the parking situation on Division Street, Mayor Duane Pouder will speak with Chief Ater and property owner John Hanna. A traffic journal will have to be presented to Council to change the parking requirement.

**M. Emergency Business/Ordinances:** None

**N. Call of Council:**

Councilman Brad Horsley stated getting back to the Facebook post stating there is a movement to rid any council member not in agreement with what is being done at the park. I stand with what I said, before I agree to install faulty equipment I would rather see it locked up. If you want to remove council members pull the Village Officers Handbook, Chapter 2 it outlines how to remove any council member.

**O. Communications and Announcements:**

**P. Executive Session:**

Councilman Eric Rust motioned to go into executive session for “personnel matters” and Councilman Michael Coning seconded. The voice vote passed unanimously. Council convened to executive session at 8:00 P.M.

Council returned to regular session at 8:30 P.M.

Councilman Michael Coning motioned to discontinue Facebook recordings until alternate arrangements can be made and Councilwoman Chiane Tedrow seconded. The voice vote passed unanimously.

**Q. Adjournment or Recess:**

Councilwoman Nicole Whitesel motioned to adjourn, and Councilman David Champ seconded. The voice vote passed unanimously. Council adjourned at 8:33 P.M.

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Duane Pouder, Mayor

Karen Stubbs, VA/Fiscal Officer