

# RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

## ORDINANCE CM-22-33

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

### AN ORDINANCE TO AMEND THE "OFFICIAL ZONING MAP OF WEST MILTON" AS ADOPTED BY CHAPTER 150.006 OF THE WEST MILTON CODE OF ORDINANCES

**WHEREAS**, the West Milton Planning Board received a petition to modify the zoning district boundary of parcels of real estate located on Cemetery Drive in the Municipality of West Milton, Ohio, known as Parcel Number L39-002375 (approximately 0.736 acres) from A-1 Agricultural to R-1 Residential, and

**WHEREAS**, Council has received an affirmative recommendation from the West Milton Planning Board to amend the "Official Zoning Map of West Milton" by changing the zoning district boundaries of the parcel of real estate being described as Parcel Number L39-002375 from A-1 Agricultural District to R-1 Residential, and

**WHEREAS**, Section 150.319 (C) requires Council to modify zoning boundaries by ordinance as prescribed by West Milton Charter Section 4.14.

**NOW, THEREFORE, BE** it Ordained by the Council of West Milton, Ohio that:

**SECTION I:** Council accepts the recommendation of the West Milton Planning Board to modify the zoning district boundary of the parcel of real estate described as Parcel Number L39-002375 (approximately 0.736 acres) from A-1 Agricultural District to R-1 Residential. (See Exhibit 1, attached).

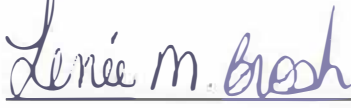
**SECTION II:** This Ordinance shall take effect ten days after the second reading and approval by Council.

Passed this 9<sup>th</sup> day of August 2022

  
\_\_\_\_\_  
Anthony Miller, Mayor

ATTEST:

  
\_\_\_\_\_  
Laura Wright  
Clerk of Council

  
\_\_\_\_\_  
Lenee' Brosh  
Director of Law

# RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

## RESOLUTION CM-22-39

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_\_

### A RESOLUTION TO PURCHASE A NEW HOOK LIFT TRUCK.

**WHEREAS**, it is necessary to purchase a truck that can haul recycling dumpsters, and provide an additional truck to West Milton's service fleet; and

**WHEREAS**, this truck will be a multi-purpose vehicle that can haul roll off dumpsters, construction materials, plow snow and salt streets; and

**WHEREAS**, this truck chassis will come complete with the hook lift equipment and cover tarp already installed and included in the price;

**WHEREAS**, the 2022 operating budget capitol improvements allows for this purchase; and

**WHEREAS**, the Municipal Manager is requesting that Council waive the formal bidding process for this purchase by an affirmative vote of five Council members pursuant to Section 33.18(9) of the West Milton Codified Ordinances based on there being no benefit to the municipality to undertake formal bidding and it being in the best interest of the municipality to waive the formal bidding process due to the special nature of this truck as a result of the drastically diminished supply of these trucks in the country, and the Director of Service finding this rare item after searching for over six months.

**NOW, THEREFORE**, be it Resolved by the Council of the Municipality of West Milton, Ohio that:

**SECTION I:** Council hereby waives the formal bidding requirement by an affirmative vote of five Council members pursuant to Section 33.18(9) of the West Milton Codified Ordinances.

**SECTION II:** Council approves the purchase of a 2023 Ford Diesel F650 Truck with a Stellar Slider20 Hook Lift and Donovan Quickflip Auto Tarp with all fees to total \$140,145 dollars and zero cents. Payable to Quality Truck & Equipment of Clare, MI 48617.

**SECTION III:** The Municipal Manager hereby authorizes the Director of Service to execute all the proper documents and required to complete said purchase.

**SECTION IV:** This Resolution shall take effect and be in force from and after its passage.

Passed this 9<sup>th</sup> day of August 2022



Anthony Miller, Mayor

# RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_\_

ATTEST:

Laura J. Wright

Laura J. Wright  
Clerk of Council

APPROVED AS TO FORM:

Lenee M. Brosh

Lenee' Brosh  
Law Director

# RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

## RESOLUTION CM-22-40

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_\_

### **A RESOLUTION TO CERTIFY DELINQUENT WATER, SEWER, AND REFUSE ACCOUNTS, AND COSTS ASSOCIATED WITH REMOVAL OF GRASS, WEEDS, LITTER, AND TREES TO THE MIAMI COUNTY AUDITOR FOR COLLECTION**

**WHEREAS**, Chapter 743.04 of the Ohio Revised Code and Sections 51.27, 52.134, and 53.31 of the West Milton Code of Ordinances provides that water, sewer, and refuse charges that are not paid when due and payable shall be certified to the Auditor of Miami County who shall place the charges on the tax duplicate as a tax lien or assessment against the parcel or lot for collection as other taxes; and

**WHEREAS**, Chapter 93.45 of the West Milton Code of Ordinances provides that costs incurred for the removal of weeds, litter, and grasses shall be certified to the Auditor of Miami County who shall place the charges on the tax duplicate as a tax lien or assessment against the parcel or lot for collection as other taxes; and

**WHEREAS**, Chapter 93.56 of the West Milton Code of Ordinances provides that costs incurred for the removal of trees shall be certified to the Auditor of Miami County who shall place the charges on the tax duplicate as a tax lien or assessment against the parcel or lot for collection as other taxes; and

**WHEREAS**, the Municipality has been notified by the Miami County Auditor's Office that this year's deadline for the filing of such items certified for collection is September 12, 2022;

**NOW THEREFORE**, Be It Resolved by the Council of the Municipality of West Milton, Ohio that:

**SECTION I:** The water, sewer and refuse accounts, plus properties for which the Municipality has removed weeds, litter, grasses, and trees listed herewith as Appendix A, and incorporated herein by reference as if fully rewritten, shall be certified to the Miami County Auditor as tax liens in accordance with Sections 51.27, 52.134, 93.45, and 93.56 of the West Milton Code of Ordinances.

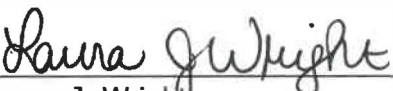
**SECTION II:** The total charges against each lot and parcel shall be payable to the Director of Finance of the Municipality of West Milton, Ohio by September 8, 2022 and if not paid shall thereafter be certified to the Miami County Auditor in the full amount shown, including a five percent (5%) service charge levied by the Auditor's office for covering the expense of the collection, for placement on the tax duplicate as a tax lien against said property and said charges shall be collected at the same time and manner as other taxes as provided by law.


**SECTION III:** This Resolution shall take effect and be in force from and after the earliest date allowed by law.

Passed this 9th day of August 2022.

  
\_\_\_\_\_  
Anthony Miller, Mayor

ATTEST:

  
\_\_\_\_\_  
Laura J. Wright  
Clerk of Council

  
\_\_\_\_\_  
Lenee' Brosh  
Director of Law

## 2022 Water, Sewer & Refuse Assessments

Last Name	Address	Acct. #	Water	Sewer	Refuse	Total
BAKER	1137 S MAIN ST	563*1	\$592.94	\$88.60	\$315.71	<b>\$997.25</b>
BEAN	360 W FRED GAR RD	1927*1	\$439.22	\$0.00	\$217.56	<b>\$656.78</b>
BRANDT	41 TERI DR	1381*20	\$359.57	\$102.01	\$148.27	<b>\$609.85</b>
EDSY BEVONNE / DAVID MU	131 BEVONNE CT, APT A	1735*37	\$216.20	\$37.20	\$0.00	<b>\$253.40</b>
KELLY	471 PARK AVE	376.10	\$230.21	\$43.55	\$77.12	<b>\$350.88</b>
KENDALL	223 N MIAMI ST	2187*7	\$764.45	\$111.81	\$0.00	<b>\$876.26</b>
KENDALL	225 N MIAMI ST	243.14	\$764.45	\$111.81	\$0.00	<b>\$876.26</b>
MAGTON PROPERTIES	428 1/2 S MIAMI ST	73*27	\$66.90	\$63.00	\$0.00	<b>\$129.90</b>
MASTRINO	166 W HAMILTON ST	1520*2	\$421.75	\$67.66	\$51.06	<b>\$540.47</b>
OLDE RED BARN LLC	870 S MIAMI ST	915*2	\$694.68	\$89.28	\$0.00	<b>\$783.96</b>
OLLINGER	545 S MIAMI ST	41*2	\$296.74	\$51.40	\$183.16	<b>\$531.30</b>
ROBISON	21 TERI DR	1377*22	\$182.58	\$105.29	\$53.02	<b>\$340.89</b>
SCHENCH	30 S MIAMI ST	113*19	\$281.43	\$515.30	\$122.10	<b>\$918.83</b>
YOUNG	322 N MAIN ST	1285*13	\$43.10	\$34.88	\$24.10	<b>\$102.08</b>
						<b>\$7,968.11</b>

## 2022 Lawn Cutting Assessments

Name	Address	Amount
GOULD	223 PARK AVE	\$2,925.00
SHERIDAN MGT LLC	303 N MIAMI ST	\$2,275.00
LOWE	420 W FREDERICK GARLAND RD	\$1,675.00
MARTEL	471 PARK AVE	\$975.00
WEST MILTON LG INC	965 S MIAMI ST	\$550.00
		<b>\$8,400.00</b>

## 2022 Curb & Gutter (CM-22-30)

Name	Address	Amount
FLOHR	195 EMERICK RD	\$1,622.50
VARNEY	606 DEBRON RD	\$1,182.50
		<b>\$2,805.00</b>

**Total Assessments \$19,173.11**

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## RESOLUTION CM-22-41

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_\_

### A RESOLUTION APPOINTING MEMBERS OF THE BOARD OF TRUSTEES OF THE STILLWATER CROSSINGS NEW COMMUNITY AUTHORITY

**WHEREAS**, on October 24, 2017, by its Resolution CM-17-30, the Council of the Village of West Milton, Ohio (the "Village") approved a Petition for Establishment of the Stillwater Crossings New Community Authority under Chapter 349 of the Ohio Revised Code (the "Petition"); and

**WHEREAS**, this Council has previously appointed individuals to serve as a citizen representative on the Board of Trustees (the "Board") of the Stillwater Crossing New Community Authority (the "Authority") with a term that will end on October 24, 2022; and

**WHEREAS**, this Council desires to formally appoint individuals to serve the citizen representatives terms that will begin on October 24, 2022 and end on October 24, 2024;

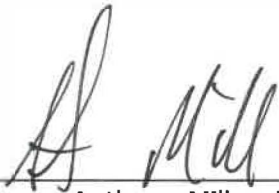
**NOW THEREFORE**, Be It Resolved by the Council of the Municipality of West Milton, Ohio that:

**SECTION I:** Appointment of Citizen Members for Terms Ending October 24, 2024. As provided in the Petition, this Council hereby appoints each of Mr. Anthony Miller and Mr. Scott Hurst to serve as a citizen representative members of the Board of the Authority for the term beginning on October 24, 2022 and ending on October 24, 2024.

**SECTION II:** Open Meetings. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Resolution were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including R.C. Section 121.22.

**SECTION III:** This Resolution shall be effective from and after the earliest time provided by law.

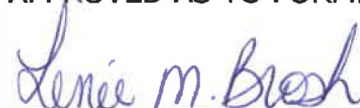
Passed this 9<sup>th</sup> day of August 2022.

  
\_\_\_\_\_  
Anthony Miller, Mayor

ATTEST:

  
\_\_\_\_\_  
Laura J. Wright  
Clerk of Council

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Lenee M. Brosh  
Director of Law



# RECORD OF ORDINANCES

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## RESOLUTION CM-22-42

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_\_

### **A RESOLUTION AUTHORIZING THE MUNICIPAL MANAGER TO CONTRACT WITH ANTHEM FOR EMPLOYEE HEALTH INSURANCE**

**WHEREAS**, the Municipality of West Milton has consistently provided health insurance benefits to its full-time employees, and desires to continue to provide such benefits, and

**WHEREAS**, the current health insurance contract ends August 31, 2022.

**NOW THEREFORE**, be it resolved by the Council of the Municipality of West Milton, Ohio that:

**SECTION I:** The Council authorizes the Municipal Manager to execute the proper contractual documents with Anthem for a policy term of one (1) year, from September 1, 2022 through August 31, 2023, at the various rates as provided by McGohan Brabender, Dayton, Ohio.

**SECTION II:** The Council further authorizes the Finance Director to make necessary deposits into the proper employee Health Savings Accounts not to exceed 50% of the deductible of the plan they choose. Such deposits shall be made in increments, with 50% in September of 2022 and the remaining balance equally split in January and May of 2023.

**SECTION III:** This Resolution shall take effect immediately upon its passage.

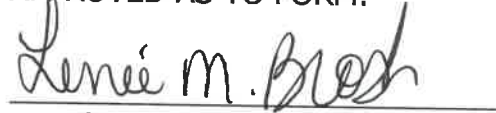
Passed this 9<sup>th</sup> day of August 2022

  
\_\_\_\_\_  
Anthony Miller, Mayor

ATTEST:

  
\_\_\_\_\_  
Laura J. Wright  
Clerk of Council

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Leneé M. Brosh  
Law Director

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## RESOLUTION CM-22-43

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_\_

### A RESOLUTION AUTHORIZING THE MUNICIPAL MANAGER TO ACCEPT CONTRACT CHANGE ORDER NUMBER FIVE (5) FROM VTF EXCAVATION, LLC OF CELINA, OHIO FOR THE CONSTRUCTION OF THE LUDLOW FALLS SANITARY SEWER PROJECT

**WHEREAS**, on August 11, 2020, Council passed Resolution CM-20-24 authorizing the Municipal Manager to enter into a contract with VTF Excavation, LLC for the construction of the Ludlow Falls sanitary sewer project in the amount of \$2,693,037.79; and

**WHEREAS**, Council previously passed Resolution CM-21-15, Resolution CM-21-34 and Resolution CM-21-46 approving four contract change orders that increased the contract by \$211,963.46; and

**WHEREAS**, the Municipality has a received a fifth contract change order in the amount of \$30,917.26 which reflects several items as stated in Exhibit A, attached hereto; and


**WHEREAS**, Council believes these were necessary changes in order to continue with the construction of the Ludlow Falls sanitary sewer project.

**NOW THEREFORE**, Be it resolved by the Council of the Municipality of West Milton, Ohio that:

**SECTION I:** The Municipal Manager is hereby authorized and directed to accept contract change order number five (5) from VTF Excavation, LLC from July 12, 2022 in the amount of \$30,917.26, which brings the adjusted contract amount to \$2,935,918.51.

**SECTION II:** This Resolution shall take effect and be in full force from and after its passage.


Passed this 9<sup>th</sup> day of August 2022

  
\_\_\_\_\_  
Anthony Miller, Mayor

ATTEST:

  
\_\_\_\_\_  
Laura J. Wright  
Clerk of Council

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Lenee' Brosh  
Law Director