

DRAFT



WEST MILTON COUNCIL MEETING

February 14th, 2023

7:30 p.m.

1. Pledge of Allegiance
2. Invocation by Mike Schmidt, Resident
3. Call to Order by Mayor, Anthony Miller
4. Roll Call
5. Excuse any members absent from the previous month's meetings
6. Approval of Minutes

January 10th, 2023 Regular Council Meeting

January 24th, 2023 Council Workshop

7. Correspondence to Council
8. Comments from citizens regarding tonight's legislation
9. Ordinances/Resolutions

- CM-22-55** An Ordinance Amending Section 137.09 Pointing and Discharging Firearms And Other Weapons Of The West Milton Codified Ordinances
- CM-23-01** A Resolution Adopting a Cell Phone Use Policy for The Employees Of The Village Of West Milton, Ohio
- CM-23-02** An Ordinance Amending Section 53.05 Regarding Collection of Recyclables Of The Code Of Ordinances For The Municipality Of West Milton, Ohio
- CM-23-05** A Resolution to Award a Contract for The 2023 Municipality of West Milton Annual Paving Program
- CM-23-06** A Resolution to Purchase a New Police Vehicle For Use In The Police Division
- CM-23-07** An Ordinance Amending Section 51.23 Sewer Tap Fees And Special Line Assessments Of The West Milton Code Of Ordinances
- CM-23-08** A Resolution Authorizing Advances From The General Fund Into The Water Capital Fund For Purposes Of Keeping The Water Capital Fund Balanced Until Revenues Can Be Collected Through The Year
- CM-23-09** A Resolution to Authorize The Municipal Manager To Enter Into A Contract For The Purchase Of Portable Radios For The West Milton Fire Department
- CM-23-10** An Ordinance Ratifying The Approval By Council of Ordinances By Council From June 28, 2022 Through January 10, 2023

10. Municipal Manager's Report by D. Jeffrey Sheridan
11. Old Business
12. New Business
13. Comments by Citizens
14. Adjournment

DRAFT

COUNCIL MEETING

January 10, 2023

Mayor Miller led council and the public in the Pledge of Allegiance.

The invocation was given by Pastor Chris Horn, West Milton Baptist Church.

Mayor Miller called the meeting to order.

Present were: Mayor Miller; **Council members:** Scott Hurst, Kasey Metz, Sarah Copp, Don Dohrman, Chris Horn; **Also present were:** Manager Jeff Sheridan, Law Director Brosh. **Absent:** Greg Tracy.

EXCUSE FROM MEETING

Don Dohrman made a motion, seconded by Chris Horn, to excuse Greg Tracy from the January 10, 2023, Council Meeting. After a roll call vote, the motion passed unanimously. **Abstain:** None **Absent:** Greg Tracy.

MINUTES

Scott Hurst made a motion, seconded by Sarah Copp, to adopt the December 13, 2022, regular council meeting minutes. After a roll call vote, the motion passed unanimously. **Abstain:** None. **Absent:** Greg Tracy. **Minutes adopted.**

CORRESPONDENCE TO COUNCIL

There is no correspondence to the council at this time.

COMMENTS FROM CITIZENS

There were no comments from citizens at this time.

ORDINANCES AND RESOLUTIONS

Ordinance CM-22-57

Ordinance CM-22-57 was introduced by council and read by title only by Law Director Brosh. AN ORDINANCE AMENDING SECTION 150.333(C) CERTIFICATE OF ZONING COMPLIANCE OF THE WEST MILTON CODE OF ORDINANCES. Manager Sheridan stated this was the first step in the implementation of the Downtown Master Plan to encourage business growth in this area. This will modify and waive fees for continued growth and development in the downtown area. A motion was made by Chris Horn and seconded by Don Dohrman to adopt *Ordinance CM-22-57*. After a roll call vote, the motion passed. **Abstain:** Sarah Copp. **No:** Scott Hurst; **Absent:** Greg Tracy.

Resolution CM-23-01

Resolution CM-23-01 A RESOLUTION ADOPTING A CELL PHONE USE POLICY FOR THE EMPLOYEES OF THE VILLAGE OF WEST MILTON, OHIO. This item was tabled until discussion could be had at the January 24, 2023, Workshop.

Ordinance CM-23-02

Ordinance CM-23-02 was introduced by council and read in full by Law Director Brosh. AN ORDINANCE AMENDING SECTION 53.05 REGARDING COLLECTION OF RECYCLABLES OF THE CODE OF ORDINANCES FOR THE MUNICIPALITY OF WEST MILTON, OHIO. Ben Herron said this was being done due to having the recycling containers now. There have been minimal issues at the present, but would like to have this in place in case it becomes a bigger issue in the future. Ben said he wants to make sure that things are being done the best way for the community. This will be voted on after the second reading of the ordinance.

Resolution CM-23-03

Resolution CM-23-03. A RESOLUTION IN SUPPORT OF AND AUTHORIZING THE DIRECTOR OF SERVICE TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO ENVIRONMENTAL PROTECTION AGENCY GRANT PROGRAM FOR EQUIPMENT PURCHASES IN THE WEST MILTON WATER DISTRIBUTION DEPARTMENT. Ben Herron stated this was being done to help purchase a piece of equipment known as a correlator that will help pinpoint water leaks. This grant is for \$10,000.00 and the correlator costs \$24,000.00. A motion was made by Scott Hurst and seconded by Don Dohrman to adopt *Resolution CM-23-03*. After a roll call vote, the motion passed unanimously. **Abstain:** None; **Absent:** Greg Tracy.

MUNICIPAL MANAGER

Manager Sheridan stated that there have been 3 waterline breaks during the Christmas holiday season. They are seeing more breaks and this is another reason purchasing the correlator is important for the village. They have received \$22,000.00 back from Metronet for reimbursement of water from a leak earlier in the year.

OLD BUSINESSStillwater Crossings

Don Dohrman asked about the development and when the businesses and medical facility would be being built. Manager Sheridan said that he would be meeting with the developer next week and would provide an update at the next meeting.

NEW BUSINESS

Sarah Copp said that there would be a Sip and Shop event in the downtown area on February 11, 2023, from 10:00 a.m. to 4:00 p.m. All the stores will have a special drink and there will be a local baker offering baked goods.

She also inquired as to whether there would be any community service that the high school students could participate in. Manager Sheridan said they could contact him and he would find some projects for them to work on.

COMMENTS FROM CITIZENS

Joy Beetley of S. Miami Street said that she was a member of the Fourth of July committee. She said that the committee is working on doing fundraisers and taking donations for the upcoming fireworks. She asked that if the Village was able to make a donation this year that it be made in February so that it can be used toward the down payment for these fireworks. They cost about \$18,000.00.

ADJOURNMENT

Chris Horn made a motion, seconded by Scott Hurst, to adjourn the meeting at 8:03 p.m.. The motion passed.

Laura J. Wright
Clerk of Council

Anthony Miller
Mayor

WORKSHOP MEETING*January 24, 2023*

The meeting was called to order by Mayor Miller at 7:30 p.m..

Present were: Councilmembers: Chris Horn, Kasey Metz, Don Dohrman, Sarah Copp, Greg Tracy, Scott Hurst and Mayor Miller. *Also present:* Manager Sheridan, Law Director Brosh.

PROPOSED 2023 PARK IMPROVEMENTS

A copy of the map for the master plan of the Village was presented. It is hoped that improvements to the park will begin this summer. These improvements will include dredging the pond, demolishing the concession stand, construction of nature trails and the serpentine wall. It is also a possibility to take out the baseball diamond. The Village is considering the placement of one at a different location. It is hoped to have a Resolution for this at the first meeting in February.

DOWNTOWN LIGHTING PROJECT UPDATE

Manager Sheridan brought a sample of the lights that Trimlight Indian Lake, LLC, is proposing be used in the downtown project. The quote is for one strand of lights (would like 4 to 5 strands) and also includes our staff doing part of the work. It was for \$4,177.45. He was going to look at other possibilities and try and get more quotes.

PROPOSED CELL PHONE POLICY

Ben Herron stated that there used to be a stipend for using their personal cell phone for Village business if they chose not to carry a Village phone. He has proposed that this be \$35.00 a month stipend. Most everyone would rather use their personal cell phone rather than carry 2 phones. He was going to modify the policy so that it included the fact that their business calls/texts would become a part of public records.

STILLWATER CROSSINGS NORTH PROJECT

Manager Sheridan presented some zoning options for this new development. He said that Mr. Shuman would hopefully be available at the February council meeting. He asked for council members to look over these options and see what they would like to see in the new development so that a plan can be developed for this subdivision. After the February meeting it might also be a good idea to hire a consultant to make sure that we aren't missing anything that might be necessary.

PROPOSED ORDINANCE CM-22-55 DISCHARGE OF A WEAPON

Council discussed the most recent changes made to this ordinance and made a couple additional changes. This will be read at the February Regular Meeting.

PROPOSED SANITARY SEWER TAP FEE INCREASE

Ben Herron presented the updated water tap fees. In Ohio, the tap fees are based on the size of the waterline. Ben did a comparison between other towns near West Milton.

PROPOSED PURCHASE OF VEHICLE FOR THE POLICE DEPARTMENT FLEET

Chief Wright presented on Resolution CM-23-05 for the purchase of a Dodge Durango police car. He said it would cost \$41,082.00 for this vehicle. The Ford Interceptor would cost \$42,995 which is why he went with the Dodge. After discussion, the council asked for Chief Wright to get estimates for a Ford gas vehicle as well as the hybrid model.

PROPOSED EMERGENCY NOTIFICATION SYSTEM SOFTWARE

Chief Wright presented on the Everbridge program. It is a software program that will allow the Village to send out messages to all residents who sign up for the service. It can be done through text, phone call, landline or e-mail. The choice is up to the resident as to how they would like to receive their message. This could be used to send out emergency messages as well as reminder messages for events that will be taking place within the Village. There is also a feature that will allow a message to go out to the Village staff rather than sending it through e-mail. The total cost of this program will be \$3,008.49 for 3 years..

CONSIDERATION OF TIMING FOR DONATION FOR THE 4TH OF JULY FIREWORKS

Scott Hurst spoke about the 4th of July fireworks. He said that the fireworks are funded by donations from the community. They need to make a deposit to make sure that they secure the fireworks for this year. Last year the Village donated \$6,000.00. It was suggested that this year it be raised to \$10,000.00. There will be a Resolution at the February Regular meeting.

OLD BUSINESS

Downtown Improvements

Manager Sheridan stated that new construction is planned for downtown. They are adding to an existing building and adding 2 more spaces for new businesses. He wanted to make sure that the amount of money being spent on this development matched with the abatement length. This will be on the agenda for the February 14 Regular Council meeting.

NEW BUSINESS

Miami Valley Today Progress Edition

Manager Sheridan shared an article that had been sent in to the Miami Valley Today about the progress of West Milton.

2022 Ordinances

Manager Sheridan said that it had come to his attention that the Ordinances had not been published in the newspaper for 2022. He said that in order to fix this we could reintroduce all the ordinances, pass them and then publish each one. Law Director Brosh said she could create a new ordinance including all these ordinances in it and that would ratify all the ordinances.

Regular Council Session

A Motion was made by Scott Hurst and seconded by Chris Horn, to go into Regular Session of the Council. After a roll call vote, the Motion passed unanimously. **Abstain:** None. **Absent:** None.

Resolution CM-23-04

Resolution CM-23-04 A RESOLUTION TO PURCHASE A NEW PICKUP TRUCK FOR USE IN THE SERVICE DEPARTMENT. Ben Herron stated this was the purchase of a new pickup truck that was being held for him. If he is able to purchase it, it will save the Village \$14,000.00 off the budgeted amount. A motion was made by Don Dohrman and seconded by Scott Hurst to adopt *Resolution CM-23-04*. After a roll call vote, the motion passed unanimously. **Abstain:** None; **Absent:** None.

ADJOURNMENT

Scott Hurst made a motion, seconded by Chris, to adjourn the Regular Council Session meeting. The motion passed. The meeting adjourned.

Motion to go back to Workshop Session

Scott Hurst made a motion, seconded by Don Dohrman to go back into the Workshop Session of the meeting. After a voice vote, the motion passed unanimously.

ADJOURNMENT

Greg Tracy made a motion, seconded by Chris Horn, to adjourn the meeting. The motion passed. The meeting adjourned.

Laura J. Wright
Clerk of Council

Anthony Miller
Mayor

ORDINANCE CM-22-55

AN ORDINANCE AMENDING SECTION 137.09 POINTING AND DISCHARGING FIREARMS AND OTHER WEAPONS OF THE WEST MILTON CODIFIED ORDINANCES

WHEREAS, the Council for the Municipality of West Milton, Ohio believes it is in the best interest of the Municipality to update Section 137.09 of the West Milton Codified Ordinances in order to protect the health and safety of the residents of the Municipality;

NOW, THEREFORE, Be it Ordained by the Council for the Municipality of West Milton, Ohio, that:

SECTION I: Council hereby amends Section 137.09, of the West Milton Codified Ordinances to read as follows:

§ 137.09 POINTING AND DISCHARGING FIREARMS AND OTHER WEAPONS.

(A) *No person shall discharge any firearm within the corporate limits of the Municipality.* ~~Discharge of firearms on or near prohibited premises. No person shall do any of the following:~~

~~(1) Without permission from the proper officials and subject to division (B)(1) of this section, discharge a firearm upon or over a cemetery or within 100 yards of a cemetery;~~

~~(2) Subject to division (B)(2) of this section, discharge of a firearm on a lawn, park, pleasure ground, orchard, or other ground appurtenant to a schoolhouse, church, or inhabited dwelling, the property of another, or a charitable institution;~~

~~(3) Discharge a firearm upon or over a public road or highway.~~

(B) *This section does not apply when firearms are used in self-defense, in the discharge of official duty or when otherwise lawfully authorized.* ~~Application of division (A):~~

~~(1) Division (A)(1) of this section does not apply to a person who while on the person's own land, discharges a firearm.~~

~~(2) Division (A)(2) of this section does not apply to a person who owns any type of property described in that division and who, while on the person's own enclosure, discharges a firearm.~~

(C) ~~Penalty for violation of division (A). A violation of division (A)(1) or (A)(2) of this section is a misdemeanor of the fourth degree, *with the exception of the following:* A violation of division (A)(3) shall be punished as follows:~~

~~(1) *If the discharge of a firearm occurs on a lawn, park, pleasure ground, orchard, or other ground appurtenant to a schoolhouse, church, or inhabited dwelling, the property of another, or a charitable institution, the violation shall be* Except as otherwise provided in division (C)(2) of this section, a violation of division (A)(3) of this section is a misdemeanor of the first degree.~~

- (2) If the violation created a substantial risk of physical harm to any person, caused serious physical harm to property, caused physical harm to any person, or caused serious physical harm to any person, a violation of division (A) is a felony to be prosecuted under appropriate state law.

- (D) ~~Hunting near township park.~~
 - (1) *A person may hunt game within the vicinity of that person's property, or another person's property with the owner's permission, as sanctioned by the Ohio Division of Wildlife or the Ohio Division of Natural Resources. However, no person shall hunt, shoot, or kill game within two hundred (200) feet one-half mile of a residential structure unless the Board of Township Park Commissioners has granted permission to kill game not desired within the limits prohibited by this division.*
~~(R.C. § 3773.06)~~

 - (2) Whoever violates division (D)(1) of this section is guilty of a misdemeanor of the *first* ~~fourth~~ degree.
~~(R.C. § 3773.99(A))~~

- (E) Unlawful discharge. No person shall discharge any BB gun, air gun, ~~or firearm~~, or make use of any sling, bow and arrow, or crossbow, within the corporate limits of the municipality.

- (F) Unlawful pointing or aiming. No person shall, intentionally and without malice, point or aim any BB gun, air gun, or firearm, or any sling, bow and arrow, or crossbow at or toward another.

- (G) Penalty for violations of division (E) or (F). Whoever violates division (E) or (F) of this section is guilty of a misdemeanor of the fourth degree.

- (H) Exceptions. This section shall not prohibit the firing of a military salute or the firing of weapons by persons of the nation's armed forces acting under military authority, and shall not apply to law enforcement officials or other government officials in the proper enforcement of the law, *to include training at a shooting range authorized by the Municipality*, or to any person in the proper exercise of the right of self-defense, or to any person otherwise lawfully permitted by proper federal, state or local authorities to discharge a firearm in a manner contrary to the provisions of this section. Division (E) of this section does not extend to cases in which BB guns, air guns, ~~or firearms~~, or slings, bows and arrows, or crossbows are used in the confines of structures or used within the confines of a person's own property, provided such use is under adult supervision and ~~is approved by the municipality~~.

SECTION II: This Ordinance shall be effective on and after the earliest date permitted by law.

Passed this _____ day of _____, 2023

Anthony Miller, Mayor

DRAFT

ATTEST:

Laura J. Wright, Clerk of Council

APPROVED AS TO FORM:

Lenee' Brosh, Law Director

DRAFT

RESOLUTION CM-23-05

A RESOLUTION TO AWARD A CONTRACT FOR THE 2023 MUNICIPALITY OF WEST MILTON ANNUAL PAVING PROGRAM

WHEREAS, it is necessary to maintain our streets and service areas within the municipality; and

WHEREAS, this project has been properly bid according to Chapter 33 of the Code of Ordinances; and

WHEREAS, the project will be funded out of the 2023 Operating Budget – Street Levy and Street Construction and Maintenance Funds.

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

SECTION I: The Council awards a contract to Wagner Paving, INC of Laura, Ohio in the amount of \$165,976.80 for Street Resurfacing.

SECTION II: The Municipal Manager is hereby authorized to execute all the proper documents and contracts required to complete said program.

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

Passed this _____ day of _____ 2023

Anthony Miller, Mayor

ATTEST:

Laura Wright
Clerk of Council

APPROVED AS TO FORM:

Lenee' Brosh
Law Director

RESOLUTION CM-23-06

A RESOLUTION TO PURCHASE A NEW POLICE VEHICLE FOR USE IN THE POLICE DIVISION

WHEREAS the Municipality sees a need for a new police vehicle to replace an aging vehicle in the police division fleet; and

WHEREAS, the 2023 operating budget, capital improvements allow for this purchase; and

WHEREAS, Council by Resolution CM-23-?? authorizes the Municipality to participate in the Ohio State Bid Purchasing Program and it is the opinion of the Municipal Manager that this is in the best interest of the Municipality which follows West Milton Administrative Code; and

WHEREAS, the new police vehicle will be a hybrid type for gas conservation and go green participation.

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 purchase a 2023 Ford Interceptor Hybrid police package in the amount of \$43,529.00 from Chapman Ford (State Bid Dealer) located at 1255 Columbus Avenue, Marysville, Ohio 43040 and to execute all documents and agreements necessary to complete the transaction of this purchase.

SECTION II: The Municipal Manager is hereby authorized to have the vehicle properly outfitted with the necessary police equipment from various vendors in an amount not to exceed \$24,000.

Passed this _____ day of _____ 2023

Anthony Miller, Mayor

ATTEST:

Laura J. Wright
Clerk of Council

APPROVED AS TO FORM:

Lenee' Brosh
Law Director

ORDINANCE CM-23-07

AN ORDINANCE AMENDING SECTION 51.23 SEWER TAP FEES AND SPECIAL LINE ASSESSMENTS OF THE WEST MILTON CODE OF ORDINANCES

WHEREAS, it has been several years since the tap fees to the sewer system have been updated; and

WHEREAS, Council has reviewed the current fee schedule and feels it is necessary to update these fees to be in line with other surrounding communities.

NOW, THEREFORE, Be it ordained by the Council for the Village of West Milton, Ohio as follows:

SECTION I: The language contained in the existing Section 51.23 of the West Milton Code of Ordinances is hereby amended as follows.

51.23 SEWER TAP FEES AND SPECIAL LINE ASSESSMENTS

(A) For any lot, land, building or premises for which connection is hereafter made with the Municipal Sanitary Sewer System or which begins to discharge sewage, industrial waste or water into the village sanitary system, either directly or indirectly, there shall be levied a sewer tap fee as follows:

- (1) For each single-family residence, a fee of ~~\$600~~ ***\$1,000.00***.
- (2) For each multi-family residence unit and other residence units occupied by more than a single family, a fee of ~~\$600~~ ***\$1000.00*** for each separate tap.
- (3) For connections 3/4 inch or smaller, a tap fee of ~~\$600~~ ***\$1000.00*** shall be charged; for connections larger than 3/4 inch, the sewer tap-in fee shall be based on the size of the water meter service installed at the following rates:

Service Connection	Fee
1 inch	\$1,000 <i>\$1,500.00</i>
1-1/2 inch	\$1,500 <i>\$2,000.00</i>
2 inch	\$3,000
<i>3 inch</i>	<i>\$5,000.00</i>
4 inch	\$5,000 <i>\$8,000.00</i>
<i>6 inch</i>	<i>\$15,000.00</i>
<i>8 inch</i>	<i>\$24,000.00</i>
<i>10 inch</i>	<i>\$30,000.00</i>

~~(4) All meter installations in excess of a four-inch connection shall be charged a connection fee at the rate of \$1,000 for each additional inch meter installed. Installation fees for connections between listed sizes shall be prorated.~~

(B) The above sewer tap fees shall be due and payable by the applicant and collected by the municipality at the time the building or zoning permit is issued to the applicant. Should any person or firm request an increase in the size of his or her water service, he or she shall be subject to a sewer connection fee which shall be the difference in the charges provided in division (A)(3) above for the meter of increased size and the size of the meter it replaces.

(C) For any lot, land, building or premises for which connection is hereafter made with the municipal sanitary sewer system or which begins to discharge sewage, industrial waste or water into the village sanitary system, either directly or indirectly, into a sanitary main that has been designated by Council by legislation as a special assessment sanitary line, there shall be levied a "Special Line Assessment" (SLA) in accordance with the contract negotiated.

(D) For any lot, land, building or premise for which connection is hereinafter made with the municipal sanitary sewer system south of Jones Run, which begins to discharge sewage, industrial waste, or water into the village sanitary sewer system, either directly or indirectly, there shall be levied a one time S.L.A. fee above and beyond the tap fee as noted in division (A) above:

(1) For each single family residential unit and each multi-family residential unit a fee of ~~\$1,000~~ ***\$1,500.00*** per residential unit.

(2) For all other types of construction (non-residential) the fee shall be based upon the size of the water meter service installed at the following rates.

Service Connection	Fee
3/4" or smaller	\$1,000 <i>\$1,500.00</i>
1"	\$2,500 <i>\$3,000.00</i>
1-1/2"	\$5,000 <i>\$5,500.00</i>
2"	\$10,000
4"	\$25,000 <i>\$28,000.00</i>
6"	\$50,000 <i>\$57,000.00</i>
8"	80,000 <i>\$95,000.00</i>
<i>10"</i>	<i>\$115,000.00</i>

(3) All provisions of division (B) above shall apply and be applicable.

(4) Fifty percent of this S.L.A. fee shall be deposited in the Sewer Capital Improvements Fund to repay the previous expenses of the sanitary sewer construction. Fifty percent shall be deposited in the South Sewer Capital Improvements Fund to be used for repair, replacement or other new sanitary construction south of Jones Run, and the construction of a new interceptor from Jones Run north to the terminus of the 15 inch gravity sewer adjacent to Cedar Drive.

SECTION II: The penalty for a violation of Section 51.23, as amended, shall remain as written in Section 51.99 of the West Milton Codified Ordinances;

SECTION III: This Ordinance shall become effective from and after the earliest date permitted by law.

DRAFT

Passed this _____ day of _____ 2023

Anthony Miller, Mayor

ATTEST:

Laura Wright
Clerk of Council

APPROVED TO AS FORM:

Leneé M. Brosh, Director of Law

RESOLUTION CM-23-08

A RESOLUTION AUTHORIZING ADVANCES FROM THE GENERAL FUND INTO THE WATER CAPITAL FUND FOR PURPOSES OF KEEPING THE WATER CAPITAL FUND BALANCED UNTIL REVENUES CAN BE COLLECTED THROUGH THE YEAR

WHEREAS, the Municipality has not generated enough anticipated revenues at this early point in the year to sustain the Water Capital Fund’s expenditures; and

WHEREAS, the Water Capital Fund is, therefore, in need of an advance to keep the fund balanced until revenues can be collected throughout the year; and

WHEREAS, it is necessary to advance funds from the General Fund into the Water Capital Fund in an amount not to exceed \$1,859,700, with funds being disbursed into the Water Capital Fund on an as-needed basis; and

WHEREAS, the Water Capital Fund shall reimburse the General Fund on or before December 31, 2023.

NOW THEREFORE BE IT RESOLVED BY the Council of the Village of West Milton, West Milton, Ohio that:

SECTION I: Council authorizes the Director of Finance to advance funds from the General Fund into the Water Capital Fund in an amount not to exceed \$1,859,700, to be disbursed on an as-needed basis in order to keep the Water Capital Fund balanced until revenues can be collected throughout the year, with the understanding that the General Fund shall be reimbursed on or before December 31, 2023.

SECTION II: This Resolution shall take effect and be in full force upon passage.

Passed this _____ day of February, 2023.

Anthony Miller, Mayor

Attest:

Laura Wright, Clerk of Council

Lenee’ M. Brosh,
Law Director

RESOLUTION CM-23-09

**A RESOLUTION TO AUTHORIZE THE MUNICIPAL
MANAGER TO ENTER INTO A CONTRACT FOR THE PURCHASE
OF PORTABLE RADIOS FOR THE WEST MILTON FIRE DEPARTMENT**

WHEREAS, the Municipality's fire department is in need of new radios in order for the department to efficiently perform its job duties; and

WHEREAS, the Fire Chief has negotiated in good faith for the purchase of six (6) portable radios, along with the necessary equipment and services, for use by the West Milton Fire Department; and

WHEREAS, the Municipal Manager believes it is in the Municipality's best interest to enter into a contract with Motorola Solutions for the purchase of six (6) portable radios, along with the necessary equipment and services, at the price of Thirty-Seven Thousand One Hundred Sixty-Six Dollars and twenty-eight cents (\$37,166.28).

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 unique market for emergency radios, the fact that the Motorola radio is used and preferred by the Miami County Communication Center and is compatible with other jurisdictions, unlike the current radios used by the West Milton Fire Department which are not compatible with other nearby jurisdictions.

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: The Fire Chief has negotiated in good faith for the purchase of six (6) portable radios, along with the necessary equipment and services.

SECTION III: The Municipal Manager is hereby authorized to execute a contract for the purchase of six (6) portable radios, along with the necessary equipment and services, at the price of Thirty-Seven Thousand One Hundred Sixty-Six Dollars and twenty-eight cents (\$37,166.28). Said contract is attached hereto and incorporated herein as if fully rewritten.

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

Passed this _____ day of _____, 2023.

Anthony Miller, Mayor

DRAFT

Attest:

Laura Wright, Clerk of Council

APPROVED AS TO FORM:

Lenee' M. Brosh, Law Director

ORDINANCE CM-23-10

**AN ORDINANCE RATIFYING THE APPROVAL BY COUNCIL
OF ORDINANCES PASSED BY COUNCIL FROM
JUNE 28, 2022 THROUGH JANUARY 10, 2023**

WHEREAS, it was recently discovered that certain Ordinances that were passed by Council from June 28, 2022 through January 10, 2023 were not published prior to passage pursuant to Section 4.14(B)(2) of the West Milton Charter; and

WHEREAS, Council, having been made aware of this matter and finding it to be a "housekeeping issue", finds it to be in the best interests of the health, safety and welfare of the citizens of West Milton to ratify the approval of all the Ordinances that were passed during this time period and to have a copy of these Ordinances published prior to the adoption of this Ordinance by Council.

NOW, THEREFORE, Be it ordained by the Council for the Village of West Milton, Ohio as follows:

SECTION I: Council hereby ratifies the passage and approval of the following Ordinances:

- CM-22-19 An Ordinance Amending Section 91.11 Possession, Sale and Use of Fireworks of the West Milton Code of Ordinances for the Purpose of Addressing the Provisions of Amended Substitute HB 172 Concerning the Right of Municipalities to Retain the Regulations and Prohibitions of the Discharge, Ignition and Exploding of Fireworks That Existed Prior to the Enactment of Amended Substitute HB 172
Passed - 6/28/2022
- CM-22-27 An Ordinance to Amend the "Official Zoning Map of West Milton" As Adopted By Chapter 150.006 of the West Milton Code of Ordinances
Passed - 6/28/2022
- CM-22-28 An Ordinance Amending Section 51.22(B) Sewer Rate Schedule of the Code of Ordinances for the Municipality of West Milton, Ohio
Passed - 7/12/2022
- CM-22-29 An Ordinance to Amend Chapter 52 – Water Rules and Regulations and to Specifically Amend Section 52.116 of the West Milton Municipal Code Titled Water Rates and Municipality
Passed - 7/12/2022
- CM-22-33 An Ordinance to Amend the "Official Zoning Map of West Milton" As Adopted By Chapter 150.006 of the West Milton Code of Ordinances
Passed - 8/09/2022
- CM-22-37 An Ordinance Amending Section 50.15 Obstruction of Gutters Forbidden of the West Milton Codified Ordinances
Passed - 11/08/2022

- CM-22-38 An Ordinance Amending Chapter 50 Streets and Sidewalks, Section 50.99(A) Penalty of the West Milton Codified Ordinances
Passed - 11/08/2022
- CM-22-44 An Ordinance Amending Section 150.333 Certificate of Zoning Compliance of the West Milton Code of Ordinances
Passed - 10/11/2022
- CM-22-45 An Ordinance Amending Section 151.998(0) Fees, Charges and Expenses for Subdivisions of the West Milton Code of Ordinances
Passed - 10/11/2022
- CM-22-48 An Ordinance Amending Section 50.01 Application for Excavation Permit, Streets and Sidewalks of the West Milton Code of Ordinances
Passed - 11/08/2022
- CM-22-51 An Ordinance Amending Section 91.11 Possession, Sale and Use of Fireworks of the West Milton Code of Ordinances
Passed - 11/08/2022
- CM-22-53 An Ordinance to Appropriate Funds Necessary for the Various Departments and Offices of the Municipality of West Milton, Ohio for the Year 2023
Passed - 12/13/2022
- CM-22-54 An Ordinance Amending Chapter 53 Garbage, Refuse, and Recyclables of the Code of Ordinances for the Municipality of West Milton, Ohio
Passed - 12/13/2022
- CM-22-58 An Ordinance to Amend the 2022 Appropriations and Declaring an Emergency
Passed - 12/13/2022
- CM-22-57 An Ordinance Amending Section 150.333(C) Certificate of Zoning Compliance of the West Milton Code of Ordinances
Passed - 1/10/2023

SECTION II: Council hereby directs the Municipal Manager to publish a full copy of the Ordinances listed in Section I in a newspaper of general circulation within the Municipality of West Milton, along with this Ordinance, at least five (5) days prior to the time advertised for the second reading of this Ordinance.

SECTION III: This Ordinance shall become effective from and after the earliest date permitted by law.

Passed this _____ day of _____ 2023

DRAFT

Anthony Miller, Mayor

ATTEST:

Laura Wright
Clerk of Council

APPROVED TO AS FORM:

Leneé M. Brosh, Director of Law