

RECORD OF ORDINANCES

Ordinance No. **ORDINANCE CM-23-27**

Passed June 13, 2023

AN ORDINANCE AMENDING SECTION 91.01 OPEN BURNING 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 91.01 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 91.01, of the West Milton Codified Ordinances to read as follows:

§ 91.01. OPEN BURNING, RECREATIONAL FIRES AND PORTABLE OUTDOOR FIREPLACES.

~~It shall be unlawful to undertake or permit any open burning except under the following conditions:~~

~~(A) It shall be lawful to do outside cooking in appropriate grills or barbecue pits constructed for that purpose.~~

~~(B) It shall be lawful to kindle or maintain any outdoor bonfire or rubbish fire in place provided therefor.~~

*(A) **General.** A person shall not kindle or maintain or authorize to be kindled or maintained any open burning unless conducted and approved in accordance with paragraphs A to E of this rule.*

*(1) **Prohibited open burning.** Open burning shall be prohibited when atmospheric conditions or local circumstances make such fires hazardous.*

***Exception:** Setting a back fire for the purpose of reducing the impact of wildland fire as set forth in sections 1503.11 and 1503.22 of the Revised Code or from any prescribed burn operations authorized under division (c) of section 1503.18 of the Revised Code.*

*(2) **Ban on open burning, recreational fires, and portable outdoor fireplaces.** The state fire marshal, in the sole discretion of the state fire marshal, may issue a ban on open burning, recreational fires, or the use of portable outdoor fireplaces at any time when the state fire marshal determines that atmospheric or drought or other environmental conditions necessitate such a ban. The ban may be issued state-wide or may be tailored to a specific area, region or county of the state as conditions warrant.*

(a) No open burning or recreational fires shall occur and no portable outdoor fireplaces shall be used in any area where a ban is in effect or at any time during a period when the state fire marshal has issued a ban.

RECORD OF ORDINANCES

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 30043

Ordinance No. _____

Passed _____, 20____

(b) No permit authorizing open burning, recreational fires or the use of portable outdoor fireplaces shall be issued during any time or in any area where a ban has been issued by the state fire marshal.

Exception: *A permit authorizing open burning, recreational fires, or the use of portable outdoor fireplaces may be issued for any area, if any, that is not subject to the ban.*

(c) Nothing in this paragraph shall prohibit a local fire code official with authority to do so from issuing a local ban on open burning, recreational fires, or the use of portable outdoor fireplaces at any time when conditions warrant, including during times when the state fire marshal has issued a ban as long as the local ban does not contradict the ban issued by the state fire marshal.

(B) Permit required. *A permit shall be obtained from the fire code official in accordance with rule 1301:7-7-01 of the Administrative Code prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or a bonfire. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled.*

(1) Authorization. *Where required by state or local law or regulations, open burning shall only be permitted with prior approval from the state or local air and water quality management authority, provided that all conditions specified in the authorization are followed.*

(C) Extinguishment authority. *Where open burning creates or adds to a hazardous situation, or a required permit for open burning has not been obtained, the fire chief is authorized to order the extinguishment of the open burning operation.*

(D) Location. *The location for open burning shall not be less than 50 feet (15.24 M) from any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet (15.24 M) of any structure.*

Exceptions:

1. *Fires in approved containers that are not less than 15 feet (4.572 M) from a structure.*

2. *The minimum required distance from a structure shall be 25 feet (7.62 M) where the pile size is 3 feet (0.914 M) or less in diameter and 2 feet (0.61 M) or less in height.*

(1) Bonfires. *A bonfire shall not be conducted within 50 feet (15.24 M) of a structure or combustible material unless the fire is contained in a barbecue pit. Conditions that could cause a fire to spread within 50 feet (15.24 M) of a structure shall be eliminated prior to ignition.*

(2) Recreational fires. *Recreational fires shall not be conducted within 25 feet (7.62 M) of a structure or combustible material. Conditions that could cause a fire to spread within 25 feet (7.62 M) of a structure shall be eliminated prior to ignition.*

RECORD OF ORDINANCES

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 80043

Ordinance No. _____

Passed _____, 20____


*(a) **Fire pits.** Recreational fires conducted in gas-fired recreational pits shall not be conducted within 15 feet (4.572 M) of a structure or combustible materials.*

*(3) **Portable outdoor fireplaces.** Portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within 15 feet (4.572 M) of a structure or combustible material.*

*(E) **Attendance.** Open burning, bonfires, recreational fires and use of portable outdoor fireplaces shall be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher complying with paragraph (F)(906) of rule 1301:7-7-09 of the Administrative Code with a minimum 4-A rating or other approved on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.*

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

Passed this 13th day of June, 2023



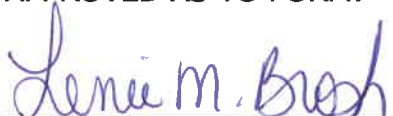
Anthony Miller, Mayor

ATTEST:



Jason Stevens, Clerk of Council - Acting

APPROVED AS TO FORM:



Lenee' M. Brosh, Law Director

RECORD OF RESOLUTIONS

Government Forms and Supplies (844) 224-3338 FORM NO. 30045

RESOLUTION CM-23-31

Resolution No. _____

Passed

June 13, 2023

A RESOLUTION AUTHORIZING AND APPROVING THE SUBMISSION OF AN ALTERNATIVE TAX DOCUMENT FOR THE FISCAL YEAR 2024

WHEREAS, Section 5705.281 of the Ohio Revised Code authorizes and empowers a county budget commission, by an affirmative vote of a majority of its members, including an affirmative vote by the auditor of the county, to waive the requirement that a taxing authority of a subdivision or other taxing unit adopt a tax budget, as is provided under Section 5705.28 of the Ohio revised Code, and require such taxing authority to provide such information as may be required by the commission to perform its duties under Chapter 5705 of the Ohio revised Code, including dividing the rates of each of the subdivision's or taxing unit's tax levies as provided under Section 5705.04 of the Ohio Revised Code; and

WHEREAS, pursuant to the terms and provisions of Section 5705.281 of the Ohio Revised Code, the Miami County Budget Commission, by an affirmative vote of a majority of its members, including an affirmative vote by the Auditor of Miami County, Ohio, has authorized and permits the taxing authority of a subdivision or other taxing unit within Miami County, Ohio, to refrain from adopting a tax budget, and has designated the information which the said Budget Commission requires of each taxing authority of a subdivision or other taxing unit to permit the Budget Commission to perform its duties under Chapter 5705 of the Ohio Revised Code; and

WHEREAS, it is the desire and intention of the Council of the Municipality of West Milton, Ohio as the taxing authority of West Milton, to elect to refrain from adopting a tax budget for the fiscal year 2024, and, in the alternative, to submit to the Budget Commission the information and documents which it has indicated will be necessary in the absence of such adoption; and

WHEREAS, previously by its enactment of Resolution Number CM-23-23 the Council of West Milton, Ohio declared its said desire and intention, and authorized and directed the Chief Fiscal Officer of the Municipality to prepare and to submit to the Miami County Budget Commission such information and documents as are necessary incident to said process and submission, and to take such other actions as may be reasonably necessary incident thereto; and,

WHEREAS, the members of the Council have examined such information and documents and approve of the same;

NOW THEREFORE, BE IT RESOLVED by the Council of the Municipality of West Milton, Ohio, that:

SECTION I:

Council does hereby declare that the members of said body have examined the contents of the information and documents which have been prepared by the Chief Fiscal Officer of the Municipality of West Milton for submission to the Miami County Budget Commission under the alternative tax document format provided by Section 5705.281 of the Ohio Revised Code for the fiscal year 2024, and that the Council of the Municipality of West Milton hereby approved the same.

RECORD OF RESOLUTIONS

Government Forms and Supplies (844) 224-3338 FORM NO. 30045

RESOLUTION CM-23-31

PAGE 2

Resolution No. _____ Passed _____, 20____

SECTION II: The Council does hereby authorize and direct the Chief Fiscal Officer of the Municipality of West Milton to submit such information and documents to the Miami County Budget Commission, and to take such other actions as may be reasonably necessary incident to said submission.

SECTION III: The Council does hereby find and determine that all deliberations and actions related to the foregoing were effected in open and public session and in full compliance with Section 121.22 of the Ohio Revised Code, and otherwise as is provided by law; and

SECTION IV: This Resolution shall take full force and effect upon its passage.

Passed this 13th day of June 2023.



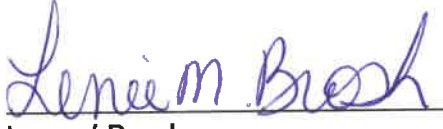
Anthony Miller, Mayor

ATTEST:



JASON STEVENS
Clerk of Council - ACTING

APPROVED AS TO FORM ONLY:



Lenee Brosh
Director of Law

RECORD OF RESOLUTIONS

Government Forms and Supplies (844) 224-3338 FORM NO. 30045

Resolution No. **RESOLUTION CM-23-32**

Passed June 13, 2023

A RESOLUTION TO MAKE NECESSARY IMPROVEMENTS TO THE SOUTH WATER TOWER

WHEREAS, maintaining the Municipal water towers is of the utmost importance; and

WHEREAS, the water tower at the south end of the municipality needs immediate repairs; and

WHEREAS, formal bidding took place in accordance with Section 33.18(A) of the West Milton Code of Ordinances; and

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

SECTION I: Council hereby authorizes all repairs, items 1-5 of the sealed bid document, to be made by Pittsburg Tank Maintenance Company, Inc. of Henderson, KY in the amount of \$49,755.00.

SECTION II: Council hereby authorizes the Municipal Manager and/or the Director of Service to execute all the proper documents.

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


Passed this 13th day of June 2023


Anthony Miller, Mayor

ATTEST:


Jason Stevens
Clerk of Council - Acting

APPROVED AS TO FORM:


Lenee' M. Brosh
Law Director

RECORD OF RESOLUTIONS

Government Forms and Supplies (844) 224-3338 FORM NO. 30045

Resolution No. **RESOLUTION CM-23-33**

Passed June 13, 2023

A RESOLUTION AUTHORIZING PAYMENT TO TEAM EJP W. CARROLLTON, OHIO (AKA EJ PRESCOTT, INC.) FOR ANNUAL SERVICES FOR THE PERIOD OF JUNE 3, 2023 THROUGH JUNE 2, 2024

WHEREAS, the Municipality of West Milton receives services from Team EJP W. Carrollton, Ohio (aka EJ Prescott, Inc.) for upgrades to software and servers, server hosting and cloud storage and FCC licenses for the Municipality's radio and tower frequencies; and

WHEREAS, the Municipality pays an annual fee to Team EJP W. Carrollton, Ohio (aka EJ Prescott, Inc.) for these services; and

WHEREAS, the annual fee for June 3, 2023 through June 2, 2024 is above \$15,000.00, which requires Council approve pursuant to Section 33.18(A)(7) of the West Milton Codified Ordinances.

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

SECTION I: The Municipal Manager and the Director of Finance are hereby authorized to pay Team EJP W. Carrollton, Ohio (aka EJ Prescott, Inc.) the amount of \$15,839.00 for the annual fee for services for the time period of June 3, 2023 through June 2, 2024 as described in attached Exhibit "A."

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

Passed this 13th day of June 2023



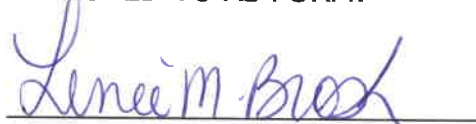
Anthony Miller, Mayor

ATTEST:



JASON STEVENS
Clerk of Council - Acting

APPROVED TO AS FORM:



Leneé M. Brosh
Director of Law

RECORD OF RESOLUTIONS

Government Forms and Supplies (844) 224-3338 FORM NO. 30045

RESOLUTION CM-23-34

Resolution No. _____

Passed _____

June 13, 2023

A RESOLUTION TO APPROVE THE PURCHASE OF A WATER LEAK NOISE CORRELATOR

WHEREAS, it is necessary to correlate or "pinpoint" underground water leaks that need repairs; and

WHEREAS, ; the Director of Service applied for and received award of a grant from the Ohio EPA to aid the municipality with this purchase, and

WHEREAS, the project will be funded out of the 2023 Operating Budget - Capital Projects Water Fund.

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

SECTION I:

The Council approves the purchase of a SubSurface LC-5000 Quatro Correlator from our authorized dealer; SubSurface Locators Inc., Incline Village, NV 89450. The total cost for this purchase will be \$24,775.00, \$10,000 of which will be reimbursed though a grant.

SECTION II:

The Municipal Manager and / or Director of Service is hereby authorized to execute all the proper documents required to complete said purchase.

SECTION III:

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

Passed this 13th day of June 2023



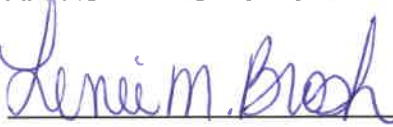
Anthony Miller, Mayor

ATTEST:



Jason Stevens
Clerk of Council -ACTING

APPROVED AS TO FORM:



Lenee' Brosh
Law Director

RECORD OF RESOLUTIONS

Government Forms and Supplies (844) 224-3338 FORM NO. 30045

Resolution No. **RESOLUTION CM-23-35** Passed June 13, 2023

A RESOLUTION AUTHORIZING JEFF SHERIDAN, VILLAGE MANAGER TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED

WHEREAS, the State Capital Improvement Program and the Local Transportation Improvement Program both provide financial assistance to political subdivisions for capital improvements to public infrastructure, and

WHEREAS, the Village of West Milton is planning to make capital improvements to Stillwater Water Main Crossing, and

WHEREAS, the infrastructure improvement herein above described is considered to be a priority need for the community and is a qualified project under the OPWC programs,

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

SECTION I: The Village Manager, is hereby authorized to apply to the OPWC for funds as described above.

SECTION II: The Village Manager, is authorized to enter into any agreements as may be necessary and appropriate for obtaining this financial assistance.

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

Passed this 13^m day of June 2023



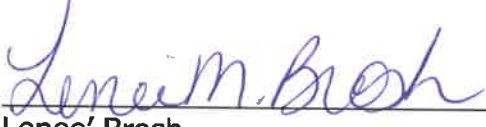
Anthony Miller, Mayor

ATTEST:



Jason Stevens
Clerk of Council - Acting

APPROVED AS TO FORM:



Lenee Brosh
Law Director

RECORD OF RESOLUTIONS

Government Forms and Supplies (844) 224-3338 FORM NO. 30045

Resolution No. **RESOLUTION CM-23-36**

Passed

June 13, 2023

A RESOLUTION AUTHORIZING THE MUNICIPAL MANAGER TO EXECUTE AN AMENDED CONTRACT FOR COMPREHENSIVE PLANNING SERVICES WITH CALLABO PLANNING

WHEREAS, Council authorized the Municipal Manager to enter into a contract with Callabo Planning for Comprehensive Planning services in April 12, 2022; and

WHEREAS, it is now necessary to expand the scope of the original contract to include additional services/chapters at an additional cost of \$58,100.00; and

WHEREAS, Council believes that these additional services are in the Municipality's best interest in order to enhance the community.

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

SECTION I:

The Council hereby authorizes the Municipal Manager to execute an Amended Agreement for Comprehensive Planning Services with Callabo Planning with payments not to exceed at total cost of \$110,100.

SECTION II:

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

Passed this 13th day of June 2023



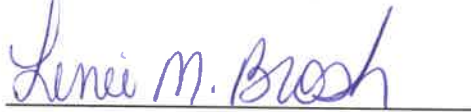
Anthony Miller, Mayor

ATTEST:



Jason Stevens, Clerk of Council - Acting

APPROVED AS TO FORM:



Leneé M. Brosh
Law Director

RECORD OF RESOLUTIONS

Government Forms and Supplies (844) 224-3338 FORM NO. 30045

Resolution No. **RESOLUTION CM-23-37**

Passed June 13, 2023

A RESOLUTION AUTHORIZING THE MUNICIPAL MANAGER TO ENTER INTO A CONTRACT WITH FISHBECK TO CONDUCT A WATER SYSTEM CAPITAL IMPROVEMENTS EVALUATION

WHEREAS, the Municipality previously entered into a contract with Fishbeck to complete a hydraulic modeling evaluation for the Municipality and to develop and calibrate the current iteration of the hydraulic model pursuant to Resolution CM-19-01; and

WHEREAS, the Municipality has completed installation of the East Tipp Pike Booster Pumping Station and is planning the installation of approximately 3,500 lineal feet of 12-inch water main along Miami Street which will allow for better service to the Municipality and the Stillwater Crossings development; and

WHEREAS, the Municipality is now considering additional development within the water service area and would like Fishbeck to utilize the hydraulic model to evaluate improvement needs to serve planned development over the next 20 years.

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

SECTION I: Council hereby authorizes the Municipal Manager to enter into a contract with Fishbeck to conduct a water system capital improvements evaluation in an amount not to exceed \$38,800.00. Said contract is attached hereto as Exhibit A and incorporated herein as if fully rewritten.

SECTION II: This Resolution shall take effect and be in full force upon final passage or as soon as authorized by the State of Ohio Revised Code.

Passed this 13th day of June, 2023.

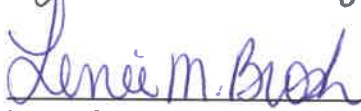


Anthony Miller, Mayor

Attest:



Jason Stevens
Clerk of Council - Acting



Lenee M. Brosh
Law Director

RECORD OF RESOLUTIONS

Government Forms and Supplies (844) 224-3338 FORM NO. 30045

Resolution No. **RESOLUTION CM-23-38**

Passed June 13, 2023

A RESOLUTION TENTATIVELY AWARDING A CONTRACT FOR THE CONSTRUCTION OF THE MIAMI STREET WATER MAIN REBID PROJECT

WHEREAS, the Main Street Water Main REBID Project for the Municipality of West Milton has been properly bid according to Chapter 33 of the Code of Ordinances; and

WHEREAS, the bidding process produced an acceptable contractor to perform said project; and

WHEREAS, the award of said project shall be tentative and subject to final approval of funding for said project to the lowest and best bidder. Outdoor Enterprise, LLC.

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

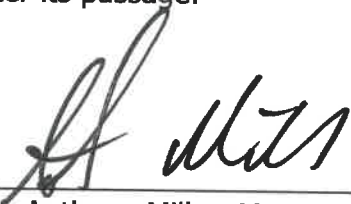
SECTION I:

The Council hereby tentatively awards a contract to Outdoor Enterprise, LLC, subject to final approval of funding for the Miami Street Water Main REBID project.

SECTION II:

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

Passed this 13th day of June 2023



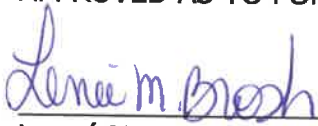
Anthony Miller, Mayor

ATTEST:



Jason Stevens, Clerk of Council - Acting

APPROVED AS TO FORM:



Leneé M. Brosh
Law Director

RECORD OF RESOLUTIONS

Government Forms and Supplies (844) 224-3338 FORM NO. 30045

Resolution No. **RESOLUTION CM-23-39**

Passed

June 13, 2023

A RESOLUTION TO CONTRACT WITH CHOICE ONE ENGINEERING FOR THE 2023 PARK WALL REPLACEMENT PROJECT

WHEREAS, it is necessary to replace the failing retaining wall at the top of the Municipal Park hill; and

WHEREAS, engineering services are needed for but not limited to the following: Topographic Survey, Site Design, and Construction Bidding Procedures; and

WHEREAS, the project will be funded out of the 2023 Operating Budget – Park Capitol Funds.

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

SECTION I: The Council authorizes the Municipal Manager and Director of Service to contract with Choice One Engineering, Sidney, Ohio for a price not to exceed \$17,000.

SECTION II: The Municipal Manager and Director of Service are 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 13th day of June 2023


Anthony Miller, Mayor

ATTEST:


JASON Stevens,
Clerk of Council - Acting

APPROVED AS TO FORM:


Lenee' Brosh
Law Director