

RECORD OF PROCEEDINGS

Minutes of City Council

Held February 23, 2023

Regular Meeting Call to Order

Regular Meeting Call to Order at 6:00 PM

Roll Call

Teri Murphy	Mayor	Present
Donald Burchett	At-Large	Present
Ora Allen	At-Large	Present
Randy Daugherty	Ward 1	Present
Dave Miller	Ward 2	Present
Shirley Whitt	Ward 3	Present
Jeanette Marcus	Ward 4	Absent

Staff Members Present:

City Manager Michael Davis	Law Director Martina Dillon
Deputy Police Chief Jason Neubauer	Fire Chief Dave Cooper
Finance Director Don Buczek	Street Superintendent Chris Dunn
B & Z Administrator Tony Wenzler	Public Information Officer Aaron Vietor
Community Dev. Director Matt Eisenbraun	Clerk of Council Amy Brown
Parks and Recreation Director Brent Shane	

Mrs. Allen made a motion to excuse Ms. Marcus from tonight's meeting.

RESULT: Passed, *(Yes 6, No 0, Abstained 0)*
MOVER: Ora Allen
AYES: Teri Murphy, Donald Burchett, Ora Allen, Randy Daugherty, Dave Miller, Shirley Whitt
NAYS: None

Pledge of Allegiance

Mayor Murphy led the Pledge of Allegiance.

Approval of Minutes

Regular Council Meeting Minutes - February 9, 2023

Mayor Murphy asked if there were any changes or corrections to the February 9, 2023 Regular Council meeting minutes. Hearing none, the minutes were approved as submitted.

Special Presentations

Palmer Energy - Electric Aggregation Presentation

Jay Weiskircher, Executive Director of Miami Valley Communications Council (MVCC), and Phil Dysard, Account Manager with Palmer Energy Company, were present this evening to speak about electric aggregation.

Mr. Weiskircher noted that MVCC interviewed several energy firms that do aggregation work, and they chose Palmer Energy out of the Toledo area. He stated they have about ten cities that are already committed to this program, and about five others they are working with. He reported almost all of the communities are currently interested in the opt-out choice, which means the residents are automatically in the program unless they decide to opt out.

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Mr. Dysard explained that by Ohio law, aggregation is the ability of townships, cities, village, or counties to come together and form aggregating purchasing power. He noted they are currently looking at several cities coming together under the MVCC umbrella, and added this would be one of the larger groups in the state. He stated the more households you have, the better purchase power you have, and with the MVCC program, there would be approximately 61,000 residential households and about 5,000 small businesses. He commented a letter would go out to all eligible participants that states the energy supplier, the term, and the fixed price. He noted if a resident wanted to be in the program, they would have to do nothing, and if they would like to get out, they can fill out a form with no termination fee.

Mrs. Whitt stated she would rather see a program where you have to opt-in, because they have a lot of elderly residents, and they don't always understand that.

Mr. Dysard responded, there are a lot of elderly residents, but this would be the City's program, so you would know exactly what you are getting into. He added this program has been vetted by the MVCC and the cities.

Mrs. Whitt replied she would rather see a program where she would have to do something to get into it instead of having to do something to get out of it.

Mr. Daugherty commented he would be afraid that some of the elderly residents may not be able to get into the program if they're not helped along the way.

Mr. Dysard added there is no fee to the residents or the City.

Mr. Davis asked what the next steps would be for the City if they move forward.

Mr. Dysard responded if they decide to move forward, they need to have two public hearings to go over the governance plan. He noted the City has already passed the ballot initiative for the opt-out. He commented once the public hearings are completed, then a Resolution would be needed for the City to join the MVCC buying program.

Reports from the Following

Finance Committee

No report.

Finance Director

No report.

Committee of the Whole

Mr. Daugherty reported there would be a Committee of the Whole meeting this evening, and added items on tonight's agenda are from the February 9, 2023 Committee of the Whole meeting.

City Manager

City Manager Report - February 23, 2023

No report.

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Law Director

Ms. Dillon requested the agenda be amended to add Resolution 7920-23, which is a Resolution authorizing the City Manager to enter into a site access agreement with South Dayton Dump PRP Group.

Mrs. Allen made a motion to add Resolution 7920-23 to tonight's agenda.

RESULT: Passed, *(Yes 6, No 0, Abstained 0)*
MOVER: Ora Allen
AYES: Teri Murphy, Donald Burchett, Ora Allen, Randy Daugherty, Dave Miller, Shirley Whitt
NAYS: None

Mayor

Mayor's Court Monthly - January 2023

Mayor Murphy reported for the month of February 2023, Mayor’s Court received \$21,970.00. She noted after various expenses and disbursements, a total of \$16,416.00 was deposited into the General Fund.

Guest Speakers - None

Business

Ordinances

An Ordinance certifying unpaid charges for grass mowing and weed cutting to the Montgomery County Auditor for collections with real estate taxes in the amount of \$3,988.87.

Mrs. Allen reported this Ordinance certifies unpaid charges for grass mowing and weed cutting to the Montgomery County Auditor and allows for collections with real estate taxes. She noted this was on for a first reading and the second reading and final adoption would be at the March 9, 2023 Regular meeting.

Resolutions

A Resolution authorizing the Ohio Department of Transportation to remove and replace guardrails within the city limits of the City of Moraine (PID No. 113767).

Mrs. Whitt noted this Resolution allows the Ohio Department of Transportation to complete guardrail repairs on State Route 741 at no cost to the City.

RESULT: Passed, *(Yes 6, No 0, Abstained 0)*
MOVER: Shirley Whitt
AYES: Teri Murphy, Donald Burchett, Ora Allen, Randy Daugherty, Dave Miller, Shirley Whitt
NAYS: None

A Resolution authorizing the City Manager to enter into a delinquent debt collection agreement with the Ohio Attorney General for collection of delinquent municipal income

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taxes.

Mr. Miller stated this Resolution approves an agreement between the City and the Ohio Attorney General for the purpose of collecting delinquent municipal income taxes at no cost to the City.

RESULT: Passed, *(Yes 6, No 0, Abstained 0)*
MOVER: Dave Miller
AYES: Teri Murphy, Donald Burchett, Ora Allen, Randy Daugherty, Dave Miller, Shirley Whitt
NAYS: None

A Resolution authorizing the City Manager to enter into a site access agreement with South Dayton Dump PRP Group. (To Be Added By Law Director)

Ms. Dillon stated the City received a request for this site access agreement by South Dayton PRP, and after conversations with the City Manager, they engaged the services of Mr. Walker, who is an environmental attorney to review this and assist with negotiating some of the terms of that agreement. She noted he has contacted the PRP Council over the past few weeks, and successfully negotiated some of the terms. She reported he was here this evening if Council had any general questions.

Mr. Burchett remarked this Resolution would allow the approval of a Site Access Agreement between the City and South Dayton Dump PRP Group.

RESULT: Passed, *(Yes 6, No 0, Abstained 0)*
MOVER: Donald Burchett
AYES: Teri Murphy, Donald Burchett, Ora Allen, Randy Daugherty, Dave Miller, Shirley Whitt
NAYS: None

Persons Appearing Before Council - None

Any Other Business

Fire Department - No report.

Police Department - No report.

Mr. Shane stated he received a quote from Pyrotechnico for \$24,950 for the July 4 fireworks, but they can't lock it in until they get two additional quotes. He noted there is a problem getting those quotes because there aren't many companies that offer these services. He reported he reached out to three different companies, and hasn't received anything back yet. He remarked they ran into this problem last year, and asked if there was some solution they could come up with so they didn't keep running into this. He explained Pyrotechnico gave him a deadline of March 3 to lock in the price, and he would really like to do that.

Mr. Davis responded there MCO standards that they have to abide by. He noted the only way would be a discussion on raising the threshold of the City Manger spending limit. He stated there has been some discussion with Council regarding that and they will continue. He remarked as long as they get documentation, and Mr. Shane has shown in written response that he hasn't received any other quotes, they can move forward. He added it is under the City Manager's threshold of \$25,000, so Council doesn't need to take any action on the fireworks.

Mr. Shane stated he understood there is a policy in place, but there just aren't many companies.

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He noted they have had a relationship with Pyrotechnico for 10 years, and added he doesn't want to go through this every year.

Mrs. Whitt asked Ms. Dillon if there was any way they could do a contract for several years.

Ms. Dillon replied, they could, and added she could speak with the City Manager about this, and they could bring something back to Council to attempt to modify the MCO language, which would require an Ordinance. She stated they could bring Council some various suggestions that Council could agree to, and that would address not only the fireworks, but some of the other contracts that come up in some of the other departments. She remarked the price of everything has gone up, and the threshold isn't as big of a threshold as it once was.

Mr. Davis reported they had a general discussion on this before, but it could also impact purchasing equipment or vehicles. He noted it could eliminate the one-month legislative process, which sometimes delays the ability to acquire certain pieces of equipment.

Mr. Daugherty commented they have had some discussion about raising the threshold and it is very important they follow through on this, because costs have gone up so much.

Mr. Shane reported the Easter Egg Hunt will be on April 1 at 10:00 AM at the Payne Rec Center, and added the Easter bunny will be set up indoors for pictures.

Street Department - No report.

Community Development - No report.

Building and Zoning - No report.

Mr. Davis asked Mr. Shane to describe this year's Easter Egg Hunt process.

Mr. Shane stated the last couple of years, they did shifts. He noted this year, there will be a one-time air horn start at 10:00 AM and it will be sectioned off per age group.

Law Director - No report.

Mr. Buczek reminded everyone it is tax season, and encouraged everyone to file as soon as they can. He noted the deadline is April 18, and added they can file online, or in-person.

Clerk of Council - No report.

COUNCIL REPORTS

Mrs. Allen - No report.

Mrs. Whitt extended condolences to Louise Hicks on the death of her brother. She sent condolences out to Tim and Tammy Ferguson on the passing of Tim's mother.

Mr. Miller - No report.

Mr. Daugherty - No report.

Mr. Burchett - No report.

Mayor Murphy thanked the Miami Valley Communications Council for broadcasting this meeting live as well as any future rebroadcasts.

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Executive Session - None

Adjournment

Adjournment at 6:39 PM



Mayor Teri Murphy



ATTEST: Clerk of Council Amy Brown