

President Steve Henderson called the meeting to order at 7:30pm on February 6, 2017 at 701 Parlette Court with the following members present: Jim Neumeier, Bonnie Wurst, Chad Doll, Randy Fisher, Rachel Barber and Dan Graf. Service Director Chad Scott and Mayor Tom Stinebaugh were also present. There were 7 visitors present. Daniel E. Lee and Law Director Dennis Faller were absent.

Received Income Tax Summary Report for Month Ending 01-31-2017.

Mr. Graf asked that two corrections be made to the January 16, 2017 Council Meeting minutes: under Tourism Commission, sentence should read "Motion by Lee, second by Neumeier to approve the request of \$3000 by the swimming pool for new chairs" and under Service Director Report, sentence should read "Mr. Fisher added, in reference to Ordinance 2017-02, that if administration goes over-budget, Council will then need to approve a supplemental ordinance."

Motion by Doll, second by Graf to approve the minutes of the January 16, 2017 Council Meeting as corrected. Vote – 6 yeas, 0 nays. Motion passed.

Lands and Buildings Committee – a meeting was held on 01-31-2017 and the following was discussed: The group conducted an extensive discussion about the CDBG grant for Downtown Revitalization (which would be submitted through the county, with a deadline in June), and whether the requirement for a Design Review Ordinance was feasible for our community.

Barber had spoken by telephone to Paul Tecpanecatl of Poggemeyer Design Group about the requirement, and he indicated that the grant reviewers would likely be satisfied with a five-year limitation, with possible sunset by the legislative authority after that time. He also indicated that the Secretary of the Interior's *Standards for Rehabilitation* and the accompany (material-specific) *Guidelines* would provide the most flexible yet comprehensive basis for the specific implementation of the ordinance. (Barber distributed copies of the Standards to those in attendance.) The question therefore is whether downtown building owners, all of whom would be affected by a design review ordinance, not just those receiving grant funds, would be agreeable to operating under these circumstances for the duration of a grant.

Ultimately the group decided that Siesel would identify other communities that have received this grant and solicit comments about their experiences, while Doll and Graf would contact several downtown building owners for their input. If the response is positive, the next step would be a public meeting as soon as possible.

The committee then revived discussion about garage sales and prevention of the "perennial" garage sale and other nuisance issues. Doll provided language from the City of Troy:

From Chapter 11: Planning & Zoning

1151.08 TEMPORARY USES - AUTHORIZATION.

Temporary uses are permitted in each zoning district subject to the applicable regulations of the district in which the use is permitted. A zoning or occupancy certificate shall be obtained pursuant to the provisions of this Zoning Code. The following temporary uses are permitted, subject to the limitations indicated:

- (h) Garage sales, including patio, basement, yard, or block sales, subject to the following requirements:
- (1) Hours of Operation. Garage sales may be held from 8:00 a.m. to 8:00 p.m. Items associated with such sales shall not remain outside an enclosed building before or after such sale hours.
 - (2) Length of Sales. No garage sale may extend for more than three (3) consecutive days (or portion thereof).
 - (3) Number of Sales. No more than two (2) garage sales per dwelling unit may be held on any such zoning lot in any calendar year.
 - (4) On-Premise Sign. One (1) non-illuminated sign not exceeding four (4) square feet in size, or more than three (3) feet in height above grade may be displayed on the property where the sale is being held.
 - (5) Off-Premises Signs. A maximum of two (2) off-premises directional-type signs may be used in conjunction with such garage sale providing they do not exceed two (2) square feet per sign, are limited in number to not more than one (1) such directional sign per collector or arterial type roadway, and are not located in the public right-of-way. All signs shall be removed within twenty-four (24) hours following the conclusion of the garage sale.

- (6) Attention-Getting Devices. Balloons, streamers, special lighting, noise making devices or other similar advertising displays or notices shall not be used to call attention to the garage sale.
- (7) No permit is required for garage sales.

1159.99 PENALTY.

A violation of the requirements of this Zoning Code shall constitute a misdemeanor of the fourth degree, punishable as provided in Section 501.99 of the Codified Ordinances of the City of Troy, Ohio and each day such violation is continued shall constitute a separate offense. If the offender has previously been convicted of a violation of this Zoning Code, then a subsequent violation shall constitute a misdemeanor of the third degree, punishable as provided in Section 501.99 of the Codified Ordinances of the City of Troy, Ohio and each day such violation is continued shall constitute a separate offense.

501.99 PENALTIES FOR MISDEMEANORS.

(2) Fines. A fine in the following amount:

- A. For a misdemeanor of the first degree, not more than one thousand dollars (\$1,000);
- B. For a misdemeanor of the second degree, not more than seven hundred fifty dollars (\$750.00);
- C. For a misdemeanor of the third degree, not more than five hundred dollars (\$500.00);
- D. For a misdemeanor of the fourth degree, not more than two hundred fifty dollars (\$250.00);
- E. For a minor misdemeanor, not more than one hundred fifty dollars (\$150.00).

The committee reviewed the Troy language but did not make a recommendation.

The group then briefly discussed Downtown Redevelopment Districts and their possible application to our community. (<http://www.ohioeda.com/resources/Pictures/Weds%20100%20Dublin.pdf>. Graf indicated that he wants the numbers crunched to determine whether a DRD would be useful here.

Doll had no update on the CSX property at Willipie and Benton.

In the absence of representation from City Administration, the group was unable to discuss the Mayor and Service Director's desire to/plans to improve enforcement of legislation for building maintenance.

Graf reported that he had inquired with the Law Director about the lease for 404 West Auglaize Street, and the issue has moved to the "top of the stack."

The committee then discussed the current issue that 3/4 or 6 of 7 council votes are needed to override a recommendation from the Planning Commission. According to Ohio Revised Code, a minimum of 2/3 or 5 of 7 votes are needed. No recommendation is yet forthcoming from the group about aligning our legislation with that of ORC on this issue. Graf reiterated his desire that council receive timely reports from the Planning Commission about matters under its consideration. Doll could find no reference to the number of votes needed to override a decision of the Board of Zoning Appeals.

Graf asked that a future matter for discussion be the number of parking spaces mandated for businesses downtown. If too many are required per site, development will be deterred. (For example, should another restaurant wish to locate downtown.)

Graf made a motion, seconded by Doll, to accept the September 21, 2016, minutes as presented. The motion passed unanimously. Doll made a motion, seconded by Graf, to accept the November 28, 2016, minutes as presented. The motion passed unanimously.

Guest Petitions –

Mrs. Ashley Doty of 15751 Hengstler Road addressed Council regarding the changes in Ohio Revised Code pertaining to the operation of utility vehicles on public roadways, and asked if the City's codified ordinances are in line with these changes. President Henderson put the matter to the Health and Safety Committee, and stated that he would also like Law Director Faller to review same. Mrs. Doty stated that she is investigating same with the Sheriff's Department.

Mr. Jim Elshire of 314 Dogwood addressed Council regarding an ongoing flooding issue at the front of his property. Mr. Elshire stated that this is the third time he has notified the City about the matter, and though they attempted to fix the problem, the flooding continues during heavy rains. Mr. Neumeier asked how long it takes for the water to recede. Mr. Elshire answered, about 1.5 hours. President Henderson put the matter to City Administration and Service Director Scott agreed to investigate the issue.

Unfinished Business-

Ms. Barber stated that Council did not receive any lodging tax applications, meeting minutes or other supportive documents regarding the Tourism Commission within their packets. President Henderson asked Clerk McDonald to request same from Mr. Lee.

President Henderson asked Clerk to read Ord 2017-01R for the second time re: AN ORDINANCE AMENDING SECTION 1046.05 OF THE CODIFIED ORDINANCES OF THE CITY OF WAPAKONETA, OHIO, REGARDING THE ELECTRIC RATE SCHEDULES AND DECLARING AN EMERGENCY. Motion by Fisher, second by Doll to suspend the rules for Ord 2017-01R. Vote – 6 yeas, 0 nays. Motion passed.

Motion by Fisher, second by Doll to adopt Ord 2017-01R. Vote – 6 yeas, 0 nays. Motion passed.

President Henderson asked Clerk to read Ord 2017-02 for the second time re: AN ORDINANCE AUTHORIZING THE DIRECTOR OF SAFETY AND SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACTS FOR CERTAIN MATERIALS, SERVICES, AND EQUIPMENT RENTAL REQUIRED FOR THE OPERATION OF THE VARIOUS DEPARTMENTS OF THE CITY OF WAPAKONETA.

President Henderson asked Clerk to read Ord 2017-03R for the second time re: AN ORDINANCE AUTHORIZING THE DIRECTOR OF SAFETY AND SERVICE TO EXECUTE AN AGREEMENT WITH THE DUCHOUQUET TOWNSHIP TRUSTEES FOR FURNISHING OF FIRE PROTECTION AND AMBULANCE SERVICE.

Mr. Neumeier asked if the amounts listed on Ord 2017-03R are the same as last year. Service Director Scott stated he could not answer this at the moment.

President Henderson asked Clerk to read Ord 2017-04 for the first time re: AN ORDINANCE CREATING THE CITY OF WAPAKONETA BUILDING DEPARTMENT AND AUTHORIZING A REQUEST TO THE OHIO BOARD OF BUILDING STANDARDS FOR CERTIFICATION AS A SUB-DEPARTMENT OF AUGLAIZE COUNTY BUILDING DEPARTMENT FOR ENFORCEMENT OF THE OHIO STATE BUILDING CODES AND DECLARING AN EMERGENCY.

Mayor Stinebaugh advised Council that this Ordinance is required by the State prior to having Miami County conduct the inspections, and there are no further changes regarding the matter. Ms. Barber asked if this is for commercial inspections only. Mayor Stinebaugh replied, yes. Mrs. Wurst asked for clarification on the term 'Building Department'. Mayor Stinebaugh stated that no employees will be added, and the term is for paperwork purposes only. Mrs. Wurst pointed out a misspelling in section two. Clerk McDonald will correct this. Mr. Graf asked how callers will be directed when they have questions. Mayor Stinebaugh stated that they will be referred to Miami County. Mayor Stinebaugh added that the builder pays fees to Miami County directly. Ms. Barber asked if all other political subdivisions have passed this. Mayor Stinebaugh stated that there were no objections. Ms. Barber asked why Miami County was selected rather than another county. Mayor Stinebaugh answered that they are the only local county that offers this to the surrounding counties. Ms. Barber asked what the 'backup building official' and 'backup plans examiner' are responsible for. Mayor Stinebaugh answered that the positions are most likely assistants. Ms. Barber asked whom a person could appeal to if they had issues with Miami County. Mayor Stinebaugh answered, most likely the State. Ms. Barber asked why the word "commercial" is not within the second 'Whereas' paragraph on Ordinance 2017-04. Mayor Stinebaugh answered, because it states "as specified in section dealing with commercial inspections."

Motion by Fisher, second by Wurst to suspend the rules for Ord 2017-04. Vote – 6 yeas, 0 nays. Motion passed.

Motion by Doll, second by Wurst to adopt Ord 2017-04. Vote – 6 yeas, 0 nays. Motion passed.

President Henderson asked Clerk to read Ord 2017-05 for the first time re: ANNUAL APPROPRIATION ORDINANCE REPLACES ORDINANCE 2016-45R FOR FISCAL YEAR ENDING DECEMBER 31, 2017 AND DECLARING AN EMERGENCY.

Mr. Graf pointed out a handwritten note upon the document attached to the ordinance does not have initials to indicate who wrote it. Auditor Wells replied that he was the person who wrote the "carryover to 2017" notation.

The Mayor gave the following report:

Mayor Stinebaugh stated that he did prepare a Mayor's Report. Clerk McDonald will locate said report and supply it to Council.

There will be a Riverscape Meeting on February 16th at 3:00pm at City Hall.

Ms. Barber asked for an update on the Waste Minimization Committee. Mayor Stinebaugh stated that he still needs to hear back from some Council members about their appointments.

Ms. Barber asked if a campaign committee had been established. Mayor Stinebaugh advised that he and Mr. Neumeier are on said committee.

The Service Director gave the following report:

Mr. Scott stated that he feels the minutes ought to reflect that the City has agreed to pay up to \$15,000 to the DWP Façade Improvement program. Mrs. Wurst stated that this ought to be within Finance Committee minutes, and that she will try to locate same.

Work has been done at Optimist Park, but it will not be ready for soccer playing until fall of 2017. Some work still needs done on the restroom. The restroom at the Gazebo was recently vandalized again. Mr. Neumeier asked if the doors to the restroom are locked at night. Mr. Scott replied, yes, but that vandals have kicked the door hard enough to bend the deadbolt.

Mr. Neumeier asked about the Buchanan Street contract. Mr. Scott advised that the bid came in \$120,000 below estimate.

Mrs. Wurst advised that a citizen is asking for reserved parking on public streets, and stated that this has already been done in the past. Mrs. Wurst could not locate any reserved parking on public streets.

SCHEDULING OF MEETINGS:

Lands & Buildings Committee will meet at City Hall on February 8th at 3:30pm.

Streets & Alleys Committee will meet at City Hall on February 7th at 3:30pm.

Finance Committee will meet at City Hall on February 8th at 7:30pm.

Motion by Doll, second by Graf to adjourn at 8:26pm. Vote – 6 yeas, 0 nays.

President

Clerk of Council