

President Pro Tem Chad Doll called the meeting to order at 7:30pm on December 6, 2021 at 701 Parlette Court with the following members present: Ross Kantner, Daniel E. Lee, Brandon Miller, Chad Doll, John Shepline, Terry Campbell and Chad Dunlap. Law Director Grant Neal and Safety Service Director Michael Brillhart were present. Interim Mayor Steve Henderson was absent. There were 28 visitors also present.

Received Income Tax Summary Report for Month Ending 11-30-2021.

Motion by Lee, second by Shepline to approve the minutes of the November 15, 2021 Council meeting as submitted. Vote – 7 yeas, 0 nays. Motion passed.

Streets & Alleys Committee Meeting – a meeting was held on 11-18-2021 and the following was discussed:

A request was made by Pratt Industries to have no parking signs installed on the south side of Leon Pratt Dr and along a portion of the north side. There is also a request to have speed limit signs along Leon Pratt Dr. (We are currently unsure of what the speed limit should be). A stop sign installation is requested at the current east end of Leon Pratt Dr., where the trucks turn to enter the guard shack. Lastly, a request to install street lighting at the intersection of 25A and Leon Pratt Dr. as well as along Leon Pratt Drive was also requested. After some discussion this request was tabled by Dan Lee and seconded by Dunlap, until more information can be gathered to make an informed decision. A list of the additional information is as follows:

- Can we install no parking signs along the south side of the street with the understanding that if you're sitting in your vehicle, you are not technically parked when you are simply waiting to have your truck unloaded?
- Who currently owns the land on the south side of Leon Pratt Drive?
- Who decides what the posted speed limit should be?
- What is the process when a request is made to have additional streetlights installed?

Ross Kantner attended the meeting to thank the committee for understanding the need to follow the process on having new stop signs installed.

Lastly, Dan Lee suggested having the stop signs removed and pedestrian crosswalk signs installed at the current crosswalk on Auglaize Street where the new parking lot is installed. These signs would be installed down the centerline of the street. This can be something that we can have our new safety service director look into once he is settled into his new position.

Streets & Alleys Committee Meeting – a meeting was held on 11-29-2021 and the following was discussed:

Mr. Stiger appeared before the streets and alleys committee, presenting observations as to the need for stop signs at the Stoneybrook/Carnation intersection and rendered his opinion as to the legal authority of council to place a stop sign immediately. A discussion took place between our Law Director and Mr. Stiger about the legality of placing a stop sign at Stoneybrook immediately. Law Director Neal provided his opinion that the processes of the Ohio manual prevented the immediate placement of the stop sign. Mr. Wilson provided his opinion that an engineering study should be conducted before the stop sign could be placed. Dan Lee stated that he wants to make the safety of our citizens a priority, as he thinks everyone does. Lee stated a traffic study needs to take place as soon as possible within the criteria of the guidelines currently in place and move forward with those results. Lee also stated that we need clarity as to whether a Safety Service Director has the authority to just place a stop sign, which was responded by Mr. Neal with a clear no. It was requested that we have a committee of the whole to allow everyone to be able to voice their opinions on this topic.

Mr. Campbell asked whom from Pratt Industries made the request. Mr. Dunlap will obtain this information.

Mr. Kantner noted that the November 29th Streets & Alleys Committee minutes do not reflect the fact that he and Mr. Campbell were not allowed to speak or participate in the meeting. Law Director Neal stated that he inquired with the Ohio Attorney General's office and was told that it is not a rule that

councilpersons may not speak at a committee meeting. Mr. Dunlap stated that the new Safety Service Director ought to have ample time to review the stop-sign placement topic before a Committee of the Whole meeting is scheduled. Mr. Kantner asked for a timeline on receiving traffic study results. Mr. Kantner noted that had he & Mr. Campbell been allowed to speak at the November 29th Streets & Alleys Committee meeting, the committee would have been informed that the Police Chief is working on purchasing a new traffic speed trailer that will collect the data needed. Mr. Doll then summarized that the Police Chief is aware of the matter, the Committee of the Whole meeting would be scheduled at a later time, and the Safety Service Director will be reviewing all pertinent information regarding the matter of stop-sign placement.

Health & Safety Committee Meeting – a meeting was held on 11-23-2021 and the following was discussed:

The committee met to continue discussions on the proposed changes from the previous meeting on food truck regulations, in particular agenda items were on two major topics:

1. Discussions with the Law Director on Proposed changes to Ch. 864 of codified ordinances, and whether he had any reservations or further suggests before changes were made, and
2. Layout of the Solicitor form that we will be developing for city use.

There were not many concerns from the Law Director, but major points discussed below:

- Amend the same ordinance as we have today rather than writing new ordinance for food trucks only. We felt that there wouldn't be any merchant types largely negatively impacted by these changes.
- Discussion continued whether to have a daily pass or just yearly. Thought is still that a \$50 fee is not prohibitive (\$150 for alcohol), even for a day. Goal is to keep process simple. Miller to reach out to Chamber and confirm that daily pass isn't used much.
- Law Director confirmed that we should say that the Designee of the Mayor reviews these forms, as the mayor is the head administrative head of the city.
- Insurance provision was discussed extensively. Law director agreed with Finkelmeier that the City of Wapakoneta should be listed as additional insured on food truck insurance policies to prevent liability to the city in the future.
- Per Law Director, we do not need to include the new solicitor form within the ordinance itself. Law Director stated that the form is the administrative tool to enforce the ordinance.
- Per Law Director, we do not need to change language of the ordinance on what is required on the form, as the ordinance is vague and allows us to develop a form that we feel is sufficient for this purpose or if changes need made to the form in the future.
- Committee determined our favorite layout for a form among the various examples provided by Dan Lee. Miller to draft proposed form to work in conjunction with ordinance amendments. Chamber and Auglaize County Health Department should be given the draft form for their input.
- On new solicitor form, Law Director stated that we should have a check box for whether the vehicle/operation will be operated by the owner or a third party. This is for insurance and liability reasons.
- We discussed potential for a google form style of solicitor form once the paper form is agreed upon. This would allow solicitors to fill out the form online.

Councilor Miller and Law Director Neal will meet this coming week to draft legislation to amend Ch. 864 per committee recommendations and language to repeal ordinance 660.15 per committee recommendation

Guest Petitions –

Mr. Aaron Stiger of 802 Stoneybrook Road addressed Council again regarding his request to have stop signs installed at the intersection of Stoneybrook and Carnation Drive. Mr. Stiger provided Council with presentation documents that included applicable sections of the Ohio Revised Code, Ohio Manual of Uniform Traffic Control Devices (OMUTCD) and Wapakoneta Codified Ordinances. Mr. Stiger requested Council's permission to have 20 minutes of speaking time to present his case and documentation. Motion by Campbell, second by Miller to approve the request. Vote – 5 yeas, 2 nays (Kantner, Doll). Motion passed. Mr. Stiger then provided his presentation to Council of his research regarding proper procedure for stop-sign placement, noting in particular within his documentation, quote, "...it appears 406.02 may

need amended or removed from Wapakoneta's Codified Ordinances as the OMUTCD is not intended to specifically address municipal roads (ORC 5511.01) and is not a legal requirement for any implementation of traffic controls (OMUTCD 1A.09.02). An Ordinance with legal precedence addressing municipal standards for traffic controls is needed. Until that point, traffic controls must be legally implemented in accordance with the Wapakoneta Codified Ordinance 406.01", end quote.

Mr. Kantner asked what Mr. Stiger's training and certifications were with regards to traffic laws. Mr. Stiger replied that he has no training in the topic, but is interpreting what Wapakoneta Code 406.01 states.

Mr. Kantner reiterated that completing a traffic study is part of proper procedure in determining if the stop signs are warranted. Mr. Stiger replied that he supports a traffic study being done, but noted that the Ohio Manual of Uniform Traffic Control Devices is not applicable to said intersection and ought not be the basis of the study. Mr. Kantner added that many of the comments on Mr. Stiger's neighborhood petition state concern for pedestrians in said area, but no mention was made for the need of sidewalks to be installed. Mr. Stiger replied that sidewalk installation was not the matter at hand, adding that his feeling was that the stop sign installation would be a lessor endeavor to remedy the problem. Mr. Miller requested a joint meeting between Streets & Alleys Committee and the Health & Safety Committee about the matter.

Mr. Miller asked Law Director Neal if Wapakoneta Code 406.02 is at conflict with the Ohio Manual of Uniform Traffic Control Devices. Law Director Neal answered that Wapakoneta Code 406.02 is enforceable, and that the OMUTCD is manual of recommendations and not legal requirements. Mr. Neal added that the OMUTCD does not impose requirements unilaterally across the State of Ohio. Mr. Stiger again asked, if a traffic study is to be done, what standards will be utilized to do so. Mr. Doll and Mr. Campbell again requested time for the new Safety Service Director to look into the matter and review the regulations. Mr. Stiger expressed his confusion on how the City can have an ordinance that is in conflict with ORC 5511.01. Law Director Neal answered that Wapakoneta Codified Ordinances are not in conflict with ORC 5511.01. Mr. Stiger again pointed out that the OMUTCD 2B.07 is for state highway matters, not municipal roadways. Mr. Doll asked Mr. Stiger to give Service Director Brillhart time to review these points.

The following guest petitioners declined to speak: Shawn Stiger, Tiffany Kohler, Connie Turner and Joe Turner.

Unfinished Business -

In order to avoid creating more sewer line work than is necessary, Mr. Campbell advised the Law Director to change City-owned property over to the CIC with the stipulation that the City could change the sewer line after seeing the site plan. Law Director Neal agreed.

Mr. Dunlap stated that the purpose of having a Committee of the Whole meeting regarding stop-sign placement has already been fulfilled and is not needed now.

President Pro Tem Doll asked Clerk to read Ord 2021-46 for the third time re: AN ORDINANCE MAKING SUPPLEMENTAL APPROPRIATIONS AND DECLARING AN EMERGENCY.

Motion by Lee, second by Campbell to adopt Ord 2021-46. Vote – 7 yeas, 0 nays. Motion passed.

President Pro Tem Doll asked Clerk to read Res 2021-47R for the third time re: A RESOLUTION DECLARING THE NECESSITY OF RENEWING THE LEVY OF AN ADDITIONAL TAX ON INCOME AT THE RATE OF ONE-HALF PERCENT IN ADDITION TO THE ONE PERCENT CURRENTLY BEING LEVIED AND COLLECTED AND SUBMITTING SAME TO THE ELECTORS OF THE CITY OF WAPAKONETA, OHIO, AND DECLARING AN EMERGENCY.

Motion by Campbell, second by Kantner to adopt Res 2021-47R. Vote – 7 yeas, 0 nays. Motion passed.

Mr. Miller noted that the ordinance is worded incorrectly on the 12-6-2021 Council Agenda.

President Pro Tem Doll asked Clerk to read Ord 2021-49 for the second time re: ANNUAL APPROPRIATION ORDINANCE FOR FISCAL YEAR ENDING DECEMBER 31ST, 2022 AND DECLARING AN EMERGENCY.

Clerk McDonald announced the public hearing for said ordinance will be held on December 20th at 7:15pm at City Hall.

President Pro Tem Doll asked Clerk to read Ord 2021-50 for the second time re: AN ORDINANCE INCREASING THE SALARY FOR THE POSITION OF CITY LAW DIRECTOR.

President Pro Tem Doll asked Clerk to read Ord 2021-52 for the first time re: AN ORDINANCE MAKING SUPPLEMENTAL APPROPRIATIONS AND DECLARING AN EMERGENCY.

Mr. Doll noted that Auditor Wells would like the ordinance passed by the end of the year.

President Pro Tem Doll asked Clerk to read Ord 2021-53 for the first time re: AN ORDINANCE AMENDING SECTION 1060.06 OF THE CODIFIED ORDINANCES OF THE CITY OF WAPAKONETA, OHIO REGARDING RATES & CHARGES.

Mayor report: (Provided by Interim Mayor Henderson prior to the Council Meeting)

Met with Nick Kennedy regarding CRA tax abatements for FlexArm expansion

Met with Aaron Rex, Mike Watt and Logan O'Neill regarding two CRA tax abatements for FlexArm expansion as well as Ohio Greenhouse expansion

Attended Chamber of commerce annual awards banquet

Attended a Back the Blue charity event

Met with Jack Hayzlett, Jay Sweede and Ross Kantner regarding possible pool agreement with our YMCA

Met with Jack Hayzlett, Jay Sweede, Ross Kantner, Terry Campbell, Deb Zwez (YMCA board president) and Josh Little (YMCA CE9) to discuss options for a pool agreement in 2022 for our waterpark management

Had dinner with Lian Niu CEO of EITRI Foundry and his project manager Christopher McCabe to discuss solar project

Did an on camera interview at EITRI solar field

Had a phone conference Zack Sadowski of EITRI...they were able to go online by the December 1st deadline resulting in a tax credit of \$700,000 for the city

Had a teleconference with urban forester Stephanie Miller regarding Wapakoneta's Tree City USA re-certification

Met with Robin Townsend regarding future gas aggregation programs

Met with Elaine Poppe regarding Children's Hometown Holiday celebration Conference calls with Michael Bierne...OMEA board of directors

Met with Justin Waid regarding final contract numbers for our new wastewater treatment plant

Welcomed our new safety service director Michael Brillhart to our team, his first day was December 1st and he has hit the ground running

Finally, ordered a new camera/sound system for council chambers...obviously a much needed upgrade

Service Director report:

The City of Wapakoneta has received a portion of American Recovery Plan Act funds and will be advised on permissible ways of spending the dollars.

Two committees need to be established for the Community Reinvestment Area to move forward.

Law Director report:

No report.

Mr. Kantner asked if the November 29th Streets & Alleys Committee meeting was considered to be an "open meeting". Clerk McDonald stated that the November 29th Streets & Alleys meeting met the necessary requirements under the Open Meetings Act. Mr. Kantner asked for further clarification on the matter of the committee allowing guests to speak but not permitting himself or Mr. Campbell to participate. Law Director Neal answered that he spoke to the Ohio Attorney General's office about the complaint, and by the strict definition it was an 'open meeting', however it was an error for the committee to open the floor to commentary to some but not to others. Mr. Lee stated that his interpretation is that the meeting would not have been properly identified due to a quorum of councilpersons present. Mr. Lee felt that the presence of additional councilpersons created a 'Committee of the Whole' rather than a 'Committee Meeting' and thus could result in a Sunshine Law violation. Mr. Kantner then verified if any recourse could be made on the error, he would have to pursue it himself. Law Director Neal answered, correct.

Scheduling Committee Meetings:

Lodging Tax Committee will meet on December 20th at 6:15pm at City Hall.

Motion by Campbell, second by Lee to adjourn. Vote 0 yeas, 7 nays. Motion did not pass.

Miscellaneous Business:

Motion by Lee, second by Campbell to enter executive session at 8:35pm for the purpose of preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment and inviting Service Director Brillhart, Law Director Neal and Mr. Pat Hire. Vote – 7 yeas, 0 nays. Motion passed.

Motion by Lee, second by Campbell to come out of executive session at 8:45pm. Vote – 7 yeas, 0 nays. Motion passed.

Motion by Lee, second by Campbell to approve the tentative agreement with the dispatchers' contract as provided to Council. Vote – 7 yeas, 0 nays. Motion passed.

Motion by Miller, second by Shepline to adjourn the meeting at 8:46pm. Vote – 7 yeas, 0 nays. Motion passed.

President Pro Tem

Clerk of Council