

Council Clerk Terry McDonald called the meeting to order at 7:30pm on September 19, 2022 at 701 Parlette Court with the following members present: Ross Kantner, Daniel E. Lee, Brandon Miller, John Shepline, Terry Campbell and Chad Dunlap. Law Director Grant Neal, Interim Mayor Steve Henderson and Safety Service Director Michael Brillhart were also present. President Pro Tem Chad Doll was absent. There were 8 visitors present.

Motion by Campbell, second by Miller to appoint Councilman Lee to preside as Temporary Chairman in President Pro Tem Doll's absence. Vote – 6 yeas, 0 nays. Motion passed.

Motion by Miller, second by Campbell to approve the minutes of the September 12, 2022 Council meeting as submitted. Vote – 6 yeas, 0 nays. Motion passed.

**Lodging Tax Committee** – Mr. Lee summarized a meeting held on 09-19-2022, noting three applications for funding were received. Lunar Landing Disc Golf Association of Wapakoneta is requesting funding to install an 18-hole disc golf course in the 'Ferald Ritchie Nature Preserve' near the Wapakoneta High School. Estimate provided to develop this project was \$35,850. Future maintenance of the course and fundraising efforts will be provided by a disc golf committee. Parks Director Jack Hayzlett of 109 Hamilton Road suggested that Council appoint someone from the City's Recreation Department to said disc golf committee. Motion by Campbell, second by Dunlap to approve funding in the amount of \$20,000 for said disc golf course project as submitted. Vote – 6 yeas, 0 nays. Motion passed.

Roots & Shoots garden club is requesting \$12,000 to purchase a 16-foot box trailer for storage and transportation of floral arrangements. Motion by Miller, second by Campbell to approve this request as submitted. Vote – 6 yeas, 0 nays. Motion passed.

Riverside Art Center requested \$1700 in funding to furnish carriage rides to those participating in the 'Children's Hometown Holiday' this year. After discussion, Lodging Tax Committee agreed to recommend funding in the amount of \$850 for the carriage rides, in hopes that Riverside Art Center can secure the additional dollars elsewhere. Mr. Kantner asked if the \$850 will be used to rent a horse & carriage for the event. Mr. Lee replied, yes. Mr. Kantner asked if participants will be charged for carriage rides at the event. Mr. Lee replied, no. Motion by Dunlap, second by Miller to approve \$850 of the request submitted by Riverside Art Center. Vote – 6 yeas, 0 nays. Motion passed.

**Parks Committee** – a meeting was held on 09-15-2022 and the following was discussed:

Review/Discussion/Updates M. Brillhart provided a list of potential projects the city could apply for funds through the Auglaize Development Funds. The list included:

Brick paver walkway between Parkway and Heritage Park along Heritage Drive.

Permanent community event/venue stage at Heritage Park.

Splash pad installation at Veteran's Park.

Dilapidated recreational play equipment replacement at WaterPark zero-entry pool

Veteran's Park water line enhancement project

New Business:

Rachel Barber, First on the Moon committee, informed the Parks Committee that First on the Moon is in the process of applying for a grant to get space themed playground equipment. The grant is through T Mobile, and is for communities such as ours. The playground equipment Rachel is applying for would be "all abilities" equipment. She has requested the city's support. If they get the grant for the equipment, they would like the city to install it at Harmon Park.

Rachel requested a letter from the city expressing support, and acknowledge a site.

Michael Brillhart, SSD will provide letter to Rachel/First on the Moon committee.

Rachel also stated she is in the process of getting space/moon themed bike racks made by students at Apollo Career Center to be placed in the city.

Other:

Brandon Miller requested M. Brillhart, SSD to consider future ARP Funding to be used for "all abilities" playground/surface within our parks system.

**Finance Committee** – a meeting was held on 09-15-2022 and the following was discussed:

Brillhart gave updates on ARPA funds projects. Broadband infrastructure improvements work continues along with creating additional downtown security camera locations. Water & sewer projects may seek other funding sources. The city will have approximately \$500,000 of ARPA funds to allocate. Ideas are still being generated and the committee brainstormed several recreation improvements that might come from these monies.

Administration is also working on applications for ARPA funds to come from the county. Projects being submitted include brick & paver work in the parkway, the proposed event stage in Heritage Park, waterline upgrades and splash pad installation in Veteran's Park, and some Water Park play equipment replacement.

Brillhart shared an updated draft of a five year capital improvement plan. Council input will be sought in the near future with the hope of having a resolution of approval before the end of 2022. Part of the plan includes several capital building needs such as expansion of the fire department building (to house a new ladder truck), a new location for engineering, some storage constructs, and WaterPark filtration & chlorine pump systems upgrades. Funding sources would need to be determined for these projects.

Brillhart shared with the committee information about a program run by the state Attorney General's office that helps local agencies with debt collections. There is no added cost to the city for use of the program. Estimates are of tens of thousands in various debt accounts around the city that the AG office may be able to help collect. The committee approved using the program by a 3-0 vote.

The committee then discussed the Downtown Wapakoneta Partnership request for increased funding from the city in the Facade Improvement program cooperative program. Committee felt there is a long history of cooperation in this public-private venture with many examples of success and return on investment. The committee voted 3-0 to recommend approval of the DWP request for \$30,000 per year for the next three years with continuing the same stipulations for matching funds from DWP and restricted use of city dollars to facade work (not for internal, roof, etc.) as has been the case in the past. (Beginning January 1, 2023)

The committee then discussed the WAEDC request for increased funding. By a 3-0 vote, the committee voted to recommend approval of the WAEDC request for \$85,000 per year for five years. (Beginning January 1, 2023). WAEDC is also encouraging the city to update Wapakoneta's Comprehensive Plan in order to, among other reasons, give its organization a more clear direction into what the community wishes to be in the next twenty years. A very rough estimate is that this would cost around \$200,000 and take 18 months to two years to complete.

Mr. Campbell asked for a target date on obtaining a ladder truck. Service Director Brillhart stated Chief Sammetinger is working with a grant writer and FEMA to determine if it can be funded.

Mr. Campbell asked if vandalism problems were still occurring in the downtown area. SSD Brillhart answered yes, but it has lessened with the installation of security cameras.

#### **Guest Petitions –**

Ms. Liz Davis of Wapakoneta Family YMCA 1100 Defiance Street requested road closures for a 'Gary Herman Memorial Halloween Dash 5K' on October 25<sup>th</sup> from 4:45pm-7:30pm. Ms. Davis provided Council with a map of the race route and proposed road closures, and stated she has already contacted the Wapak Police Department and provided proof of insurance for the event. Motion by Campbell, second by Kantner to approve the request. Vote – 6 yeas, 0 nays. Motion passed.

Ms. Tamie Wilson of 18 N. Sandusky Street, Delaware, Ohio introduced herself to City Council as a candidate for U.S. Congress and highlighted the issues she would focus her efforts on if elected.

Mr. Kyle Binkley of 1104 Timber Trail addressed Council regarding a property on Madison Place that he and a business partner had been interested in purchasing in November 2021. Mr. Binkley stated that he was told his name would be placed on a list, but later discovered that the property had sold and wanted to ask how the selling process for said property transpired. Mr. Campbell answered that the Madison Place property was part of the Community Investment Corporation (C.I.C.) Mr. Binkley then asked who oversees the C.I.C. Mayor Henderson answered, Mark Jarvis serves as the President of C.I.C. Mr. Binkley stated that the public should have been notified for bid submissions on said property sale. Law

Director Grant Neal stated he would research the specific requirements for bidding properties out regarding C.I.C.

Chairman Lee asked Clerk to read Ord 2022-50 for the third time re: AN ORDINANCE AMENDING SECTION 258.02 OF THE CODIFIED ORDINANCES OF THE CITY OF WAPAKONETA SPECIFIC TO THE COMBINED OFFICE MANAGER AND INCOME TAX ADMINISTRATOR POSITION.

Motion by Campbell, second by Miller to adopt Ord 2022-50. Vote – 6 yeas, 0 nays. Motion passed.

Chairman Lee asked Clerk to read Ord 2022-51 for the third time re: AN ORDINANCE ENACTING THE TAX ADMINISTRATOR POSITION AND CREATING THE ACCOMPANYING JOB DESCRIPTION FOR THE CITY OF WAPAKONETA.

Motion by Miller, second by Dunlap to adopt Ord 2022-51. Vote – 6 yeas, 0 nays. Motion passed.

Chairman Lee asked Clerk to read Ord 2022-52 for the third time re: AN ORDINANCE AMENDING JOB TITLES AND PAY RANGES SPECIFIC TO THE OFFICE MANAGER AND TAX ADMINISTRATOR POSITIONS FOR NON-COLLECTIVE BARGAINING UNIT EMPLOYEES OF THE CITY OF WAPAKONETA IN COMPLIANCE WITH CHAPTER 260 OF THE CODIFIED ORDINANCES OF WAPAKONETA, OHIO.

Motion by Dunlap, second by Miller to adopt Ord 2022-52. Vote – 6 yeas, 0 nays. Motion passed.

Chairman Lee asked Clerk to read Res 2022-53 for the third time re: A RESOLUTION AUTHORIZING THE SUPERINTENDENT OF ENGINEERING TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION (O.P.W.C.) 2022 STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED.

Mr. Kantner asked who the Superintendent of Engineering was. Service Director Brillhart answered that the Interim Superintendent of Engineering is Andy Beane. Motion by Dunlap, second by Miller to adopt Res 2022-53. Vote – 6 yeas, 0 nays. Motion passed.

Chairman Lee asked Clerk to read Ord 2022-55 for the second time re: AN ORDINANCE AMENDING SECTION 1044.06(b) OF THE CODIFIED ORDINANCES OF THE CITY OF WAPAKONETA REGARDING THE RATES AND CHARGES FOR METERED WATER SUPPLIED BY THE UTILITY TO PREMISES LOCATED OUTSIDE THE CORPORATE LIMITS OF THE CITY.

Chairman Lee asked Clerk to read Ord 2022-56 for the second time re: AN ORDINANCE APPROVING A CHANGE OF ZONING CLASSIFICATION FROM “B-3” (CENTRAL BUSINESS) TO “M-2” (INDUSTRIAL DISTRICT) FOR PROPERTY PETITIONED BY 555 PARK STREET LLC.

Clerk McDonald noted a public hearing is scheduled for October 17<sup>th</sup> at 7:15pm at City Hall regarding Ord 2022-56.

Chairman Lee asked Clerk to read Ord 2022-57 for the second time re: AN ORDINANCE AUTHORIZING THE EXECUTION OF A JOB CREATION TAX CREDIT GRANT AGREEMENT WITH CHEESEMAN LLC.

Service Director Brillhart noted that the applicant is requesting Council consider suspending the third reading of Ord 2022-57 to keep the project moving ahead of the winter season.

Motion by Miller, second by Kantner to suspend the rules for Ord 2022-57. Vote – 6 yeas, 0 nays. Motion passed.

Motion by Miller, second by Dunlap to adopt Ord 2022-57. Vote – 6 yeas, 0 nays. Motion passed.

Chairman Lee asked Clerk to read Ord 2022-58R for the second time re: AN ORDINANCE AMENDING SECTION 612.08 OF THE CODIFIED ORDINANCES OF THE CITY OF WAPAKONETA, OHIO.

Mr. Miller noted that business owners have expressed their concern about permitted serving times for liquor and suggested Council consider suspending the rules for said Ordinance. Motion by Miller, second by Campbell to suspend the rules for Ord 2022-58R. Vote – 6 yeas, 0 nays. Motion passed.

Motion by Miller, second by Campbell to adopt Ord 2022-58R. Vote – 6 yeas, 0 nays. Motion passed.

Chairman Lee asked Clerk to read Ord 2022-59 for the first time re: AN ORDINANCE APPROVING THE APPLICATION PROPOUNDED UPON THE COUNCIL FOR THE EXPANSION OF THE REVITALIZATION DISTRICT PURSUANT TO O.R.C. 4301.81.

Clerk McDonald noted a public hearing is scheduled for October 17<sup>th</sup> at 7:00pm at City Hall regarding Ord 2022-59.

**Mayor report:**

Meeting with Efficiency Smart next week. Meeting with Department Heads tomorrow at 8am, with main topic being citizen notifications about City projects and construction. Met with Nick Hoenbrink regarding the construction issues on Silver Street discussed at last Council meeting. Will meet with Shelly Construction about Warren Drive.

Mr. Campbell asked for an update on the 25A construction. SSD Brillhart answered that it should be completed in October.

Mr. Miller asked about the Parkplatz Committee's beautification timeline. Mayor Henderson answered that quotes are being obtained for plantings this October.

**Service Director report:**

Shelly Construction will begin Warren Drive mill and pave work this Wednesday.

Silver Street construction project is progressing and the City is working to help with traffic flow in this area.

Mr. Miller asked for an update on Haynes Street. SSD Brillhart stated the final coat of asphalt will be applied this week.

Mr. Dunlap asked for the status of moving the 24hour recycling drop off location from Harrison Street. SSD Brillhart answered that costs have dramatically increased for base stabilization materials needed to move it to another location as previously discussed. The City is still discussing a plan for the 24hour recycle-drop off, including creating a sound barrier rather than moving the location.

Mr. Campbell asked if the Rostopher property on Franklin Street has been inspected. SSD Brillhart stated that Miami County has the authority to enter and inspect commercial properties, not residential.

**Law Director Report:**

Regarding the request of use of the City's seal for a children's book, it has been recommended that the City license the seal rather than grant a blanket permission for use.

Mr. Neal will also be researching any prohibitions of political figures utilizing time under 'Guest Petitions' at Council meetings.

Mr. Kantner then referenced a picture he forwarded to Law Director Neal of the duties of the City Auditor in regards to bids and asked for his input. Mr. Neal replied that he would need to have more time to review it.

**Scheduling Committee Meetings:**

Lodging Tax Committee will meet on October 17<sup>th</sup> at 6:15pm at City Hall if needed.

Streets & Alleys Committee will meet on September 26<sup>th</sup> at 3:15pm at City Hall.

**Miscellaneous Business:**

Mr. Kantner then read a statement to address several items he felt were outstanding issues from previous Council meetings. The first matter pertains to the language and legislation for street repair projects, in particular to the term "enhancement" and inclusion of sidewalks. Mr. Kantner cited Resolution 2022-18, and asked if the phrase "using tax levy monies" meant using the one-half percent street tax levy that was just renewed. Law Director Neal answered that he would have to look at the language of the ordinance to determine the intent. Mr. Kantner requested clarification on this language.

Mr. Kantner also pointed out that he requested an electronic accounting file from the City Auditor five weeks ago and has still not received it. Mr. Campbell stated that Auditor Wells is aware of the request but has been training two new City employees.

Mr. Kantner then noted a meeting he had with SSD Brillhart and Law Director Neal on July 11<sup>th</sup>, 2022, in which they discussed a City Councilor crossing a line from legislative functions to administrative functions.

Mr. Kantner asked if this matter was addressed with said Councilman. SSD Brillhart and Law Director Neal answered, no. Mr. Kantner then suggested that each year a 'Committee of the Whole' or training session be held for Council members in order to: discuss Councilors' duties, committee assignments, mail

pickup, and access to reports, as well as to hold an Ohio Ethics Commission presentation and have a more structured orientation and information exchange for Wapakoneta City Council.

Mr. Kantner added that another item that was discussed during his July 11<sup>th</sup>, 2022 meeting with City Administration was the Woodlawn / Rosewood sidewalk and his concern for how it was being funded. Mr. Kantner then read a text message exchange that occurred between himself and SSD Brillhart that week about sidewalk funding for this area. Mr. Kantner stated he then met with Law Director Neal about his concerns for the potential of misappropriation of funds. Thereafter, Mr. Kantner and Law Director Neal scheduled a meeting for July 11<sup>th</sup>, 2022 to address these concerns with SSD Brillhart. Mr. Kantner summarized that he never received a follow-up from City Administration about the meeting on July 11<sup>th</sup> and no further information has been provided. Mr. Kantner stated he feels Council Rules have been broken and requested more transparency on these matters, then made a motion to adjourn. Mr. Miller interjected, stating that Council Rules had not been broken and he felt the Streets & Alleys Committee and City Administration did address the issues Mr. Kantner has mentioned and provided a comprehensive report to Council of same. Law Director Neal also pointed out that Auditor Wells attended a City Council meeting and provided all of the line item details requested by Council, therefore he also felt the matter was complete. Mr. Kantner asked how Oak Street got a sidewalk installed. Mayor Henderson stated that Mary Ruck of the Engineering Department already answered that this was a part of the sidewalk program and a matter of connectivity. Mr. Kantner asked for the financial reports to reflect how the Oak Street sidewalks were paid for. Mr. Campbell then interjected, stating that the answer Mr. Kantner seeks lies with Auditor Wells.

Mr. Lee stated that he received a complaint about impeding traffic flow during 5K races in the City and asked that Council consider this for future event requests.

Motion by Miller, second by Campbell to adjourn the meeting at 8:45pm. Vote – 6 yeas, 0 nays. Motion passed.

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President Pro Tem

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Clerk of Council