

President Chad Doll called the meeting to order at 7:30pm on December 4, 2023 at 701 Parlette Court with the following members present: Ross Kantner, Daniel E. Lee, Brandon Miller, Alex Greve, John Shepline, Terry Campbell and Chad Dunlap. Law Director Grant Neal and Safety Service Director Michael Brillhart were also present. There were 5 visitors present. Mayor Steve Henderson was absent.

Received Income Tax Summary Report for Month Ending 11-30-2023.

Motion by Dunlap, second by Lee to approve the minutes of the November 20, 2023 Council meeting as submitted. Vote – 7 yeas, 0 nays. Motion passed.

**Finance Committee**— a meeting was held on 11-27-2023 and the following was discussed:

The committee began by reviewing notes on the budget meetings that occurred on November 21st. The notes from the auditor on specific budget items will be attached to the packet from the clerk. The committee spoke about a few items on the budget specifically, but each member of the committee will review it in more detail for a future discussion. A few initial budget takeaways that stood out were as follows:

The transfer from the general fund to the pool fund was reduced from \$300,000 to \$10,000. This was concerning to the committee, as additional funds will still need to be transferred to fund increased labor rates for lifeguards as well as rising chemical costs.

Refuse and recycling project was not included in the budget. The chairman wished for at least a line item to be started to build up to this project coming to fruition.

The general fund contingency is reduced from \$1.4MM to \$1MM in the 2024 budget even with the \$300,000 pool transfer removed. This is a net change of \$700,000. The committee will review budgeted items to determine why this is the case.

The committee also expressed to Mayor-Elect Lee the hope that the committee will receive monthly budget reports during his administration. It was noted that the committee has repeatedly asked for such reports and has never been given them by the auditor or his staff. It was also noted by Councilor Kantner that another community he has spoken to receives such reports in their finance committee. A discussion was also raised as to the ultimate power of appropriations between the auditor and council. The chairman will speak to the law director regarding Ohio Revised Code provisions that clear up the relationship between council and the auditor with regards to appropriations.

The committee discussed its frustration that City Council has not yet received the financial audit that we have been expecting for months. We had hoped that we would receive the audit in time for budget discussions, but that is unfortunately not the case due to delays with the auditing firm. The committee will review the audit in full once it arrives.

Mr. Shepline expressed concerns regarding the real estate agreement that was signed by the Mayor for the purchase of 208 E. Harrison St. by the city for \$380,000. The concern is that the signing of the agreement was completed before city council has approved the appropriation of funds for the purchase. A citizen of Wapakoneta contacted Mr. Shepline regarding the potential ethical fault involved and expressed that they are researching independently the legalities of the situation. The committee agreed that the process here was done poorly, and the chairman will reach out to the law director regarding paths forward. Mr. Shepline stated that, depending upon the results of the law director's inquiry, he may hold an ethics committee meeting to discuss this issue.

The committee then heard from Parks Director Jack Hayzlett regarding his concerns with funding for both the parks department and the waterpark for 2024. He expressed that the funding that is in the current version of the 2024 budget is woefully low given the projects that he expects to complete in 2024. He noted that, with the budget he was given by the auditor, he would only be able to fund the salaries and benefits of his current employees and nothing more. A conversation then commenced regarding whether the levy funds for recreation are adequate to fund the parks department at our current city size. The committee agreed that the current budget for parks is too low and will be working with the mayor-elect and auditor to determine a path forward to increase funding for the parks department.

Lastly, the committee spoke about the funding for the waterpark. The city will be running the pool in 2024, and Mr. Hayzlett has concerns that the budget given by the auditor will not allow the pool to be open every day. The committee shared this concern, and noted that at least a portion of the usual transfer from

general fund to the pool fund during the YMCA management be continued to fund higher lifeguard wages and other expenses.

Law Director Neal then recommended that Council table Ordinance 2023-62 regarding the purchase of 208 E. Harrison Street. Mr. Neal stated that Council authority needs to be given before an expenditure can take place or a contract is executed for the property. Mr. Neal added that a secondary concern was raised about Mayor Henderson participating in the contract if a separate fiduciary relationship exists with the property owner. Mr. Dunlap asked why Council should table the Ordinance if the eventual outcome will be the same. Mr. Neal answered that he recommends Council to table the ordinance due to the process being followed incorrectly and a possible ethics issue being raised.

**Health & Safety Committee**— a meeting was held on 11-27-2023 and the following was discussed:

Items for discussion:

1. Preparation of legalization of marijuana (Issue 2 in most recent Ohio election)

New meeting minutes:

The committee met to begin initial discussions of how the city should prepare for the recent passage of issue 2, legalization of marijuana. Many questions were brought up by members of the committee and police chief; including what authority the city will have with the law, what resources will the police department need to accurately and efficiently enforce any violations, what requirements and/or limitations will dispensaries have, and how we should handle the new law as a city.

Law director, Grant Neal, explained to the group that we will know much more by December 7th. The law is currently in front of the State of Ohio being reviewed and discussed. After the December 7th date, we hopefully will be given direction on what authority our city will be given.

It was recommended by Dan Lee that we have a Committee of the Whole meeting after that information has been provided. Chad Dunlap suggested having law enforcement included in that meeting.

**Ad-Hoc Committee**— a meeting was held on 11-30-2023 and the following was discussed:

The committee began by approving previous meeting minutes unanimously.

The committee then reviewed the RFP responses for the city strategic plan. City staff developed a rubric that was used to grade the respondents on multiple dimensions. After a discussion regarding the thoughts of staff and of the members of the committee, it was determined that we favor two firms over the rest: Envision and Reveille. Mr. Doll stated that he will call references for the two companies to see if other communities have had a good experience with each firm. Also, he will ask Envision a price that they would likely charge for this service. Reveille stated in their RFP response that their price is \$73,000 for the project.

The committee then spoke about financing the project and agreed that multiple funding options should exist. Discussion revolved around splitting the cost between several departments and also the potential for community partners to be involved.

The committee noted that it needs to begin to think about a person to chair the steering committee for this endeavor, similar to the process that was done 15 years ago. The committee asks council to think about who may be a good person for this responsibility.

Finally, the committee heard from Mayor-Elect Lee regarding his ideas for potentially changing the city flag as a part of this process. Mr. Lee noted that he believes we could better represent Wapakoneta with a different design, as the current flag is simply the city seal on a white background. He showed the committee some ideas, and the committee was open to future conversations.

Mr. Lee added that he has reached out to Wapakoneta City Schools regarding the City flag design.

**Lodging Tax Committee**— a meeting was held on 12-04-2023 and the following was discussed:

Mr. Lee stated that the lodging tax unencumbered funds balance is \$4370.00. The committee does not know what the budget will be for 2024. Total budget for 2023 was \$94,910.96. The disc golf course funded with lodging tax dollars is now open to the public and located in the nature preserve behind the high school. The Parks Department submitted an application for funding in the amount of \$1500 to replace lights and provide further electrical needs for the Christmas decorations behind town. Motion by Lee, second by Dunlap to grant the \$1500 funding request from the Parks Department for the upkeep of holiday lights. Vote – 7 yeas, 0 nays. Motion passed.

### **Communications -**

Clerk McDonald noted the 2022 Financial Audit exit conference will occur on December 18, 2023 at 6:45pm. Julian & Grube Inc. letter was provided to City Council and the Mayor listing the reasons for their time extensions.

Due to the New Year holiday, the regularly scheduled Council meetings for January 2024 will occur on January 2<sup>nd</sup> and January 15<sup>th</sup>, 7:30pm at City Hall.

A public hearing is scheduled for December 18, 2023 at 7:30pm in Council chambers for any interested citizen wishing to comment on Ordinance 2023-66, annual appropriation ordinance for fiscal year ending December 31, 2024 and declaring an emergency. Regular Council meeting to follow the public hearing.

### **Unfinished Business -**

President Doll provided Council with suggested updates to City Council rules. These updates state that the President of Council will keep commissions and board members' lists up-to-date, provide communications addressed to City Council and provide the City IT personnel with dates and times of committee meetings for public posting.

Motion by Sheipline, second by Campbell to approve said updates to Council rules. Vote – 7 yeas, 0 nays. Motion passed.

President Doll asked Law Director Neal for an update on the Downtown Wapakoneta Partnership carryover funds request from last Council meeting. Mr. Neal will prepare legislation for this item.

President Doll asked Clerk to read Ord 2023-56R for the third time re: AN ORDINANCE AMENDING SECTION 1042.05 ENTITLED "SCHEDULE OF CHARGES" OF CHAPTER 1042 SEWER CHARGES OF THE CODIFIED ORDINANCES OF THE CITY OF WAPAKONETA, OHIO, REGARDING THE RATES AND CHARGES FOR THE PRODUCTS AND SERVICES OF THE MUNICIPAL WASTE WATER SYSTEM.

Motion by Campbell, second by Miller to adopt Ord 2023-56R. Vote – 7 yeas, 0 nays. Motion passed.

President Doll asked Clerk to read Ord 2023-57 for the third time re: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$4,060,000 FOR A FIRE STATION BUILDING EXTENSION FOR PERSONNEL, STORAGE, NEW FIRE BAYS AND RELATED IMPROVEMENTS AND AUTHORIZING CERTAIN ACTIONS RELATED TO THE ISSUANCE OF THOSE BONDS.

Mr. Miller noted the loan only accepts a term up to 15 years and suggested the Auditor look into bonds with a 20 year bond term to reduce the payment needed. Mr. Miller further noted there would be no penalty for paying it off early and it could be refinanced as needed.

Motion by Miller, second by Campbell to table Ord 2023-57. Vote – 7 yeas, 0 nays. Motion passed.

President Doll asked Clerk to read Ord 2023-59 for the third time re: AN ORDINANCE ESTABLISHING A CERTAIN PARKING PROHIBITION WITHIN THE CITY LIMITS AND AMENDING SECTION 452.98(A) "SCHEDULE I: PARKING PROHIBITED" OF THE CITY OF WAPAKONETA CODE OF ORDINANCES AUTHORIZING THE ERECTION OF SIGNS FOR THE ENFORCEMENT OF THE SAME.

Motion by Campbell, second by Greve to adopt Ord 2023-59. Mr. Campbell requested the temporary sign be removed and the curb be painted, weather permitting. Vote – 7 yeas, 0 nays. Motion passed.

President Doll asked Clerk to read Ord 2023-60R for the second time re: AN ORDINANCE ESTABLISHING JOB TITLES AND PAY RANGES FOR NON-COLLECTIVE BARGAINING UNIT EMPLOYEES OF THE CITY OF WAPAKONETA IN COMPLIANCE WITH CHAPTER 260 OF THE CODIFIED ORDINANCES OF WAPAKONETA, OHIO.

President Doll asked Clerk to read Ord 2023-61 for the second time re: AN ORDINANCE AMENDING SECTION 1040.27(B)(14) ENTITLED "GENERAL DISCHARGE PROHIBITIONS" OF CHAPTER 1040 SEWER SYSTEM REGULATIONS OF THE CODIFIED ORDINANCES OF THE CITY OF WAPAKONETA, OHIO, AFFECTING THE PUBLIC SANITARY SEWER SYSTEM.

President Doll asked Clerk to read Ord 2023-62 for the second time re: AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY LOCATED AT 208 E. HARRISON STREET IN THE CITY OF WAPAKONETA.

Motion by Shepline, second by Miller to table Ord 2023-62. Mr. Kantner asked how to remedy the fact that documents had been signed prior to Council's authorization. Law Director Neal stated that Council can ultimately choose to vote 'no' on the ordinance. Vote – 7 yeas, 0 nays. Motion to table passed.

President Doll asked Clerk to read Res 2023-63 for the second time re: A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE NECESSARY PAPERWORK TO HAVE THE CITY OF WAPAKONETA, OHIO JOIN THE WESTERN OHIO RURAL PLANNING ORGANIZATION.

President Doll asked Clerk to read Ord 2023-65 for the second time re: AN ORDINANCE AUTHORIZING THE EXECUTION OF THE 2023 OMEG POWER POOL PARTICIPANT SCHEDULE WITH AMERICAN MUNICIPAL POWER, INC.

President Doll asked Clerk to read Ord 2023-66 for the first time re: ANNUAL APPROPRIATION ORDINANCE FOR FISCAL YEAR ENDING DECEMBER 31<sup>ST</sup>, 2024 AND DECLARING AN EMERGENCY.

Clerk McDonald noted a public hearing for Ord 2023-66 is scheduled for December 18<sup>th</sup> at 7:30pm.

Mr. Miller pointed out the following concerns within Ord 2023-66, including: the Zoning and Planning Commission budget was increased by \$133,000, the income tax revenue estimate appears to be inaccurate, the bond payment amount listed for the fire station expansion is too high, and salaries for certain positions were increased by almost 10 percent. Mr. Miller added that the Recreation transfer from the general fund was reduced from \$400,000 to \$10,000 and the City cannot run the pool effectively at this fund level. Mr. Miller further suggested that reducing the bond payment for the fire station expansion and reconsidering the extra funding within the Zoning and Planning Commission would help with the contingency as well as adequately fund the pool. Mr. Dunlap stated that Council cannot move forward without more information from Auditor Wells on these items. Mr. Greve asked if there would be a consequence should Council not pass the Annual Appropriations Ordinance by the end of the year. This question could not be answered by those present. Mr. Campbell pointed out that the budget process is completed annually and asked why it was started so late this year. Mr. Kantner pointed out that part of the audit concerns were regarding fund transfers and Council should use caution in accepting a budget that will immediately result in more transfers. Council thanked Mr. Miller for his thorough work in reviewing Ord 2023-66.

President Doll asked Clerk to read Ord 2023-67 for the first time re: AN ORDINANCE AUTHORIZING THE DIRECTOR OF SAFETY AND SERVICE TO EXECUTE AN AGREEMENT WITH THE AUGLAIZE COUNTY SOLID WASTE MANAGEMENT BOARD FOR OPERATION AND MANAGEMENT OF THE WAPAKONETA "YARD WASTE" DISPOSAL FACILITY.

Mr. Kantner asked why there would be a decrease in cost for the second year. SSD Brillhart explained the first year was done in consideration of the tornado that occurred on April 1, 2023.

**Service Director report:**

The 2022 Financial Audit exit conference will occur on December 18<sup>th</sup> at 6:45pm via Zoom Conference for Council.

Regarding the 'behind the meter' policy consideration, the Utilities Committee can have time to discuss the item or an ordinance can be supplied to Council at the next meeting.

The State adopted House Bill 33, the capital budget, which included changes in municipal income tax mostly regarding 'remote workers'. Council should expect legislation on same at the next Council meeting.

Mr. Kantner questioned when the income tax summary of net receipts by month would be corrected. SSD Brillhart stated that July and August will be adjusted with data still being received from the Ohio Business Gateway.

**Law Director report:**

The State proposed changes today regarding the recent passage of the legalization of marijuana and plans to vote on said changes this week. Mr. Dunlap recommended communication efforts with the public about the matter.

**Scheduling Committee Meetings:**

President Doll noted that the Committee of the Whole regarding the solar eclipse event will be determined at a later time.

Finance Committee will meet on December 12<sup>th</sup> at 6pm at City Hall.

Streets & Alleys Committee will meet on December 20<sup>th</sup> at 1pm at City Hall.

**Miscellaneous Business –**

Mr. Kantner read a recent Facebook post by the Wapakoneta Chamber of Commerce thanking the Parks Department for the beautiful holiday light display behind town.

Mr. Lee announced that he will be sworn-in as Mayor for the City of Wapakoneta on December 30<sup>th</sup> at 4pm at City Hall, and invited all who wish to attend.

Mr. Lee stated that a job posting for the position of Safety Service Director has been listed. Mr. Lee thanked SSD Brillhart for his service to the City of Wapakoneta.

Law Director Neal announced that he had to depart the meeting at this time.

Motion by Miller, second by Campbell to enter executive session at 8:30pm to consider confidential information related to economic development and inviting City Administration, Mike Burton and Bob Hager. Vote – 7 yeas, 0 nays. Motion passed.

Motion by Miller, second by Dunlap to exit executive session at 9:01pm. Vote – 7 yeas, 0 nays. Motion passed.

Motion by Lee, second by Campbell to adjourn the meeting at 9:01pm. Vote – 7 yeas, 0 nays. Motion passed.

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President

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Clerk of Council