

President Chad Doll called the meeting to order at 7:30pm on February 5, 2024 at 701 Parlette Court with the following members present: Alex Stinebaugh, Jessica Muhlenkamp, Brandon Miller, Alex Greve, John Shepline, Terry Campbell and Chad Dunlap. Mayor Dan Lee, Law Director Grant Neal and Safety Service Director Michael Brillhart were also present. There were 8 visitors present.

Motion by Miller, second by Campbell to approve the minutes of the January 15, 2024 Council meeting as submitted. Vote – 7 yeas, 0 nays. Motion passed.

Received Income Tax Summary Report for Month Ending 01-31-2024.

Health & Safety Committee— a meeting was held on 01-18-2024 and the following was discussed:

Items for discussion: Recreational marijuana dispensaries in Wapakoneta

Previous meeting minutes – None

New meeting minutes – The purpose of the meeting was to discuss if the city should limit recreational marijuana dispensaries within city limits. The discussion started with reviewing legislation from three communities in the surrounding area that have recently changed their laws to prohibit marijuana dispensaries. The City of St. Mary's, Village of Botkins, and City of Findlay were the three. Their legislation was reviewed by our law director, and attendees at the meeting, to simply familiarize ourselves with how a piece of legislation like this reads. The next item on the agenda was to discuss the financial opportunities. Mr. Brillhart researched this prior to the meeting. He explained there is a 10% tax collected that will go to the state and be put into an "adult use account". From there, the percentages go into a creation of a committee that deals with training and specific dollars that have been affected by cannabis. Then there is a 36% tax that goes into a local fund account. Mr. Brillhart explained it is not clear if that 36% goes directly to the community where it's collected, or if it's like others where it goes into a large local government fund and the state makes the determination where it goes. Mr. Brillhart said there needs to be more research done on the legislation to get a firm answer to that. During this time, it was discovered by Mrs. Muhlenkamp in the packet that Mr. Brillhart provided, that existing medical dispensaries within city limits have the right to receive a license to sell recreational marijuana. Municipals do not have the power to limit them. Since Wapak already has 1 medical dispensary, this changed the scope to – limiting Wapak to only 1 dispensary, a few, or having no limitation at all. At this point, we began having an open discussion for the entire group to talk about pros and cons of recreational dispensaries in Wapak. Election results, financial benefits, accessibility, public image, children safety and exposure, personal beliefs (for and against) are just a few of many opinions that were discussed. As discussion wrapped up, there was a motion by Dunlap to create an ordinance that would –"Prohibit the opening of non-currently existing dispensaries, recreational or medical in the city of Wapakoneta." In addition to that – "No currently existing dispensaries shall be impacted in anyway with this legislation." The motion was 2nd by Greve. This language would protect the rights of the one existing medical dispensary in Wapakoneta to sell recreational, but at the same time protects Wapakoneta from being saturated with any additional dispensaries coming into the community.

Mr. Neal will draft an ordinance to present to council.

Mr. Miller asked if any additional research had been done regarding tax revenues. Service Director Brillhart answered that the Department of Development is still working on the requirements and determining how the Department of Taxation will distribute it. The legislature will work on this during the upcoming year's budget process, which should be adopted by June 2024.

Joint Parks & Finance Committee – a meeting was held on 01-18-2024 and the following was discussed:

Items for discussion:

Harmon Park All Abilities Playground

First on the Moon, Inc. had followed up with additional questions about the site and project about trees and signage. It was confirmed that two ash trees adjacent to the site were recommended for removal but were not considered dangerous therefore there was no current date in place for removal. Jack Hayzlett confirmed that the "Coming Soon" sign was still at the site. Councilor Muhlenkamp reminded the City

officials present that the project needed to be completed before June 1st to ensure grant funds were spent before T-Mobile's deadline.

Solar Eclipse

Chief Schneider spoke about concerns for Parks during the Solar Eclipse weekend. There was an emphasis on welcoming visitors who were respectful and not abusing City facilities. Concerns about the need to clean up after campers were discussed as well as the need for additional fencing/barricades to protect grass especially at Veterans Park and Breakfast Optimist Park. The current signs along Pine Street seem to have made an impact on keeping cars off the grass.

Michael Brillhart reported that 30 porta johns were currently reserved for use in the City from Mike's Sanitation with an expectation of at least 8 of those being placed at Veterans' Park. There was some discussion on whether bathrooms should be locked at Park facilities to limit staff needed to maintain them if enough porta johns were available.

Finances Line 207-Waterpark

Michael Brillhart confirmed that there was no reason that the Pool Manager position could not be paid over a 12 month cycle. Jack Hayzlett repeated his request for an increase in the Pool Manager's pay when there is both money available in the new proposed budget as well as to make it in line with the other 30% increases in staff payment.

The new proposed budget for the Waterpark is approximately \$400,000 including \$50,000 in pool improvements. Jessica Muhlenkamp expressed concern that some line items were not budgeted to reflect previous actual expenses and that contingency dollars were being put into the operations line when expenses like Insurance were being under budgeted.

Finances Line 205-Recreation

There was some discussion about the low amount in Nonsupervisory Salaries. An additional \$25,000 is paid out of the Seasonal Labor fund from the Electric (620) department for mowing but that still does not meet last year's actual expenses. Hayzlett asked how his department was going to be able to complete all the needed work "what other budget is being asked to cut 25%." Budgeted amounts in Insurance, Operations, and Electric were also lower than last year's expenses and the Supervisory Salary was not included in the current budget from the Auditor. Hayzlett reported that he has never seen an electric bill and does not have any idea where that expenses is accrued.

Finance Chair Miller stated the Auditor stated that "we need to find additional revenue streams for 205 and 207." This led to some discussion to the reluctance of using Hauss Helms funds and whether the community would support a levy increase. The current levy is only ¼% but those funds cannot be used towards the Waterpark.

There was some discussion about comparisons between Wapakoneta and other communities. Brandon Miller planned to research what other communities have both as a General Fund Contingency and as a Parks & Recreation Budget as several members felt that neither number provided by the Auditor was working.

2024 Wapakoneta Waterpark Proposal

A proposal for the operations of the Waterpark were provided by Hayzlett. This included new hours, admission rates, and membership rates as well as a Pool Manager salary increase. Jessica Muhlenkamp confirmed that this included all pool management including paperwork such as payroll. Hayzlett provided a detailed explanation of items with comparisons to other local pools and last year's gate income. Eliminating Family Passes ensured there was no longer difficulty in who could be added to someone's pass (Grandchildren, neighbors, etc.) while lowering gate prices was in hope to increase the number of times a family would attend per season.

With lowered gate prices there was some talk of the ability to solicit community donations with ideas including offering fence panels and free pool parties to certain donor levels.

\$50,000 was budgeted for improvements including 3 new umbrellas, kids chairs, and some replacement splash animals.

Brandon Miller made a motion to support the written plan provided with a second by John Sheipline. It was approved.

Mrs. Muhlenkamp noted that since the committee meeting was held, it was learned that salary increases must happen by ordinance.

Lodging Tax Committee— a meeting was held on 01-30-2024 and the following was discussed:

Eric Ireland joined briefly by phone. A cell phone contact list was discussed as preferred method of communication.

Wapakoneta I-75 Flag

Project calls for a 25'x40' US Flag for the SE Corner of I-75 and "First on the Moon" Way. Dave Christiansen, representative of Flags of Freedom Foundation, Inc. spoke with members Jessica Muhlenkamp and Mayor Lee previously about the project. Stating that it will attract people to stop at Exit 111 because it can be seen from every direction and it could also be used as a marketing tool for local businesses. Businesses could encourage people to stop at the "Big Flag" to find their location. Proposal calls for \$5000 investment now as well as an additional \$5000 later in the year. Jessica Muhlenkamp mentioned that we already have a similar example with the "moon on I-75." It was noted that the project stated it has already raised \$10,000 for the flag but not where those dollars had been donated from. The rubric was used and the project received an average grade of 19.67 among the three members present.

Dan Lee made a motion to recommend a donation of \$5000 toward the project, with a second from John Rausch. It was approved unanimously.

Wapakoneta Sister Cities

The Sister Cities group is looking for assistance with the adult trip planned in 2024. There was some discussion on whether or not Sister Cities would be considered tourism. It was decided to table the application and ask for additional information and a more complete application from Sister Cities before discussion further.

Mayor Lee noted that the available lodging tax funds to be used this year total approximately \$84,000. Mrs. Muhlenkamp stated that the current rubric system does not grade for tourism, but rather focuses on categories such as sporting events, beautification, or arts and entertainment. Mrs. Muhlenkamp supplied a visual rendering of the flag project for Council to view.

Motion by Muhlenkamp, second by Campbell to approve \$5000 of funding for the Wapakoneta I-75 Flag project. Vote – 7 yeas, 0 nays. Motion passed.

Communications -

Clerk McDonald noted a letter received from Mr. Stan Arnold of 510 Murray Street, suggesting traffic pattern changes at the Walmart access drive. Mr. Campbell explained that the right-of-way is not wide enough to accommodate an additional turn lane here.

Clerk McDonald provided an Ohio Ethics Commission financial disclosure filing reminder to elected officials. Deadline to complete this is May 15, 2024.

Clerk McDonald completed the Ohio Ethics Law and the Mount Vernon Project e-courses as suggested by President Doll. She noted that the online Ohio Sunshine Laws course is being updated by the state at this time and will need to be done later in the year.

Guest Petitions -

Ms. Lynne Skaggs of 20244 Easley Road and representing 'First Fridays' requested Council's permission to hold said downtown events during the first Friday of each month for February through November 2024. Ms. Skaggs provided Council with the dates and event themes being offered, as well as the City resources that will be needed. Motion by Dunlap, second by Greve to approve the request. Vote – 4 yeas, 0 nays, 3 abstentions (Muhlenkamp, Miller, Stinebaugh).

Auditor Wilbur Wells approached Council, explaining that he recently finished the work needed for Ordinance 2024-12 and requested it to be brought to the floor for first reading. Title has been updated to include 'inter fund transfers' due to State Auditor requirements. Two supplemental ordinances were included within Council packet materials, as they are needed for specific fund transfers and unappropriated monies. Due to overspending in recreation, engineering costs and the recent purchase of the Stahler property, the carryover amounts within the general fund were lowered. The general fund contingency is approximately \$300,000 for this year and all expenses will need to be carefully considered. Mr. Campbell asked if items such as construction projects have a built-in contingency. Auditor Wells replied, yes, ten percent. Mr. Miller pointed out an amount of \$86,000 in the 'Pool Improvement' fund that might be transferred to Fund 207.

Unfinished Business –

President Doll gave a reminder that members are still needed to participate on the Parks Board.

New Business -

Motion by Miller, second by Campbell to bring Ordinance 2024-12 to the floor for first reading. Vote – 7 yeas, 0 nays. Motion passed.

Mayor Lee summarized the status of a rezoning request from Wapak Storage LLC for a property along Ashland Avenue from R-3 to M-2, noting that a public hearing needs to be held for same. Motion by Campbell, second by Dunlap to proceed with scheduling said public hearing.

Service Director Brillhart stated that the Wapakoneta Police Department requested Council to review whether the April 8, 2024 Solar Eclipse weekend shall be designated as a 'special event' with solicitation permit fees waived or not. After much discussion, Council did not wish to waive any fees for vendors during the solar eclipse event and further suggested that there be a deadline for vendors to apply.

President Doll asked Clerk to read Ord 2024-01 for the third time re: AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC 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.

Motion by Campbell, second by Muhlenkamp to adopt Ord 2024-01. Vote – 7 yeas, 0 nays. Motion passed.

President Doll asked Clerk to read Ord 2024-02 for the third time re: AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY AND SERVICE TO EXECUTE AN AGREEMENT WITH THE DUCHOUQUET TOWNSHIP TRUSTEES FOR FURNISHING OF FIRE PROTECTION AND AMBULANCE SERVICE.

Motion by Dunlap, second by Stinebaugh to adopt Ord 2024-02. Vote – 7 yeas, 0 nays. Motion passed.

President Doll asked Clerk to read Ord 2024-03 for the third time re: AN ORDINANCE AMENDING ADOPTED ORDINANCE 2023-42 AUTHORIZING THE APPROPRIATION OF AMERICAN RESCUE PLAN ACT FUNDS FOR INVESTMENTS IN INFRASTRUCTURE AND OPERATIONS FOR YEARS 2023 AND 2024.

Motion by Sheipline, second by Dunlap to adopt Ord 2024-03. Vote – 7 yeas, 0 nays. Motion passed.

President Doll asked Clerk to read Ord 2024-05 for the first time re: AN ORDINANCE AUTHORIZING THE DIRECTOR OF SAFETY AND SERVICE TO EXECUTE AN AGREEMENT WITH THE MOULTON TOWNSHIP TRUSTEES FOR FURNISHING EMERGENCY MEDICAL SERVICE.

Mrs. Muhlenkamp asked if the fee mentioned covers the actual cost of runs made. Service Director Brillhart answered, yes.

President Doll asked Clerk to read Ord 2024-06 for the first time re: AN ORDINANCE MAKING SUPPLEMENTAL APPROPRIATIONS AND DECLARING AN EMERGENCY.

President Doll asked Clerk to read Ord 2024-07 for the first time re: AN ORDINANCE MAKING SUPPLEMENTAL APPROPRIATIONS AND DECLARING AN EMERGENCY.

President Doll asked Clerk to read Res 2024-08 for the first time re: A RESOLUTION ESTABLISHING A ROAD CLOSURE FOR PERRY STREET BETWEEN MAIN STREET AND MECHANIC STREET DURING THE CONSTRUCTION OF AN ADJACENT FIRE DEPARTMENT BUILDING EXPANSION.

Mr. Campbell asked for the time length of road closure. Service Director Brillhart answered, a portion of Perry Street will be closed for one year.

President Doll asked Clerk to read Res 2024-09 for the first time re: A RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF WAPAKONETA AND REVELLE LTD.

President Doll asked Clerk to read Res 2024-10 for the first time re: A RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY TO ENTER INTO A CONTRACT WITH SCHAUB EXCAVATING FOR DEMOLITION SERVICES SPECIFIC TO THE ENGINEERING DEPARTMENT BUILDING AT 102 PERRY STREET AND DECLARING AN EMERGENCY.

Mr. Campbell asked for the time needed for the Engineering Department staff to relocate to a rented office space in 'The Plaza'. SSD Brillhart answered, two weeks. Mr. Miller asked if the \$50,000 listed is included within the \$330,000 that Auditor Wells has appropriated for engineering costs. SSD Brillhart stated this is additional and will come out of general funds. Mr. Miller pointed out that renting office space for the Engineering Department will cost the City approximately \$18,000 per year. SSD Brillhart explained that the house on the Stahler property is too small for office space, is not ADA compliant and is currently being inspected to determine if it is structurally sound. Additionally, the State of Ohio will be reimbursing the City approximately \$700,000 for the April 1, 2023 tornado cleanup costs. Mr. Miller asked which fund this will be deposited into. SSD Brillhart answered that the majority will return to the Electric Department fund.

Motion by Campbell, second by Dunlap to suspend the rules for Res 2024-10. Vote – 7 yeas, 0 nays. Motion passed.

Motion by Shepline, second by Campbell to adopt Res 2024-10. Vote – 7 yeas, 0 nays. Motion passed.

President Doll asked Clerk to read Ord 2024-11 for the first time re: AN ORDINANCE PROHIBITING THE ESTABLISHMENT OF RETAIL AND MEDICAL MARIJUANA DISPENSARIES NOT CURRENTLY IN EXISTENCE IN THE CITY OF WAPAKONETA.

Mr. Shepline asked Law Director Neal if the City can legally declare that the current marijuana dispensary, Verilife, can be the only dispensary within the City of Wapakoneta. Mr. Neal responded that while there are certainly federal laws prohibiting a monopoly, he doesn't feel that federal anti-trust litigation would apply to this scenario. Mr. Miller expressed a concern with naming Verilife as the only permitted dispensary, in the case that they might relocate or close, and suggested Council consider this future possibility and adjust the language to allow only one dispensary license within Wapakoneta. Mr. Neal stated this could be amended later should that scenario arise. Mrs. Muhlenkamp noted that the ordinance also does not consider the possibility that Verilife could choose not to sell recreational marijuana at all. Mrs. Muhlenkamp further pointed out that sections within Ord 2024-11 appear to contradict each other in so much as the State has not yet provided for existing medical dispensaries to apply for their recreational permit, and perhaps Ord 2024-11 language will therefore prohibit Verilife from doing so once the timeframe and details are known. Mr. Neal replied that in stating within the Ordinance that a medical marijuana dispensary already exists within the City of Wapakoneta, it is acknowledging this dispensary has the right to apply for a recreational license. Mr. Stinebaugh stated, regarding the concern of over-saturation of dispensary locations, a proposed draft document from the State currently contains language that clarifies that no proposed dispensary can be within a one-mile radius of an existing dispensary or another proposed site. Mrs. Muhlenkamp asked if Ord 2024-11 would need to be repealed once the State determines licensing procedures. Mr. Neal answered it would depend upon the language and parameters of the State law, and should recreational marijuana sales become regulated in a similar way to the Division of Liquor Control for alcohol, the City's Ord 2024-11 would then become outdated. A motion was then made by Campbell, seconded by Greve to suspend the rules for Ord 2024-11. Mr. Neal stated that though the ordinance does not contain emergency language, Council can still choose to immediately adopt it. Mr. Dunlap asked why Council would not want to do three readings to encourage more input. Mr. Greve listed the committee meetings that have already occurred on this topic, and stated that Michigan articles he read warned if communities do not act quickly, dispensary companies will purchase or lease available properties and hold onto them until they obtain permits. Mr. Greve added he felt the City of Wapakoneta does not need more than one marijuana dispensary. Mr. Stinebaugh encouraged Council to first read the proposed draft document of legislation from the State of Ohio before coming to a conclusion. Mrs. Muhlenkamp added that she does not feel it to be the role of City Council to decide how many marijuana dispensaries, liquor establishments, clothing shops, cigarette, vape shops or otherwise be allowed within the City. Mr. Miller again asked if the language of 'Issue 2' allows municipalities to control the number of dispensaries within City limits. Law Director Neal replied, yes. Vote to suspend the rules for Ord 2024-11 – 6 yeas, 0 nays, 1 abstain (Stinebaugh).

Motion by Miller, second by Campbell to adopt Ord 2024-11. Vote – 4 yeas, 2 nays (Sheipline, Muhlenkamp), 1 abstain (Stinebaugh). Motion passed.

President Doll asked Clerk to read Ord 2024-12 for the first time re: ANNUAL APPROPRIATION ORDINANCE / INTER FUND TRANSFERS FOR FISCAL YEAR ENDING DECEMBER 31, 2024 AND DECLARING AN EMERGENCY.

Mayor's report:

Club Meetings Attended
Rotary
Lions Club
Wapakoneta Service Club
Board meeting
Neil Armstrong Board
Committee Meetings
Tree Commission
Records Commission
Lodging Tax Committee
Planning Commission
Waste Minimization Committee
Outreach
Solar Event conversation with Lowes, Walmart, Grandview Plaza
Chamber Valu Class
Downtown Partnership Frist Friday
Matter of Balance
Ohioans in Space Art instillation
Dave Crissman Mayor Of Bellefontaine
Baby Box addition to fire station
American Legion 330
Proclamation in honor of the Four Chaplains Memorial Service
Auglaize County Homeless Coalition

Mrs. Muhlenkamp thanked Mayor Lee for participating the 'First Fridays' theme night.

Service Director report:

Ohio EPA is asking the City to resubmit nomination for the southeast waterline loop and water tower project.
Veterans Park water line loop being installed now.
Childrens Hometown Holiday thanked the City for their work and efforts for this event.

Law Director report:

Met with Mayor Lee.
Attended Health & Safety Committee meeting.

Scheduling Committee Meetings:

Communications & Rules Committee meeting will occur on February 19th at 6:30pm at City Hall.
Parks Committee meeting will occur on February 12th at 5pm at City Hall.
Finance Committee will meet on February 8th at 1pm at City Hall.
Adhoc Committee will meet on February 20th at 4pm at City Hall.

Motion by Campbell, second by Miller to adjourn the meeting at 9:08pm. Vote – 7 yeas, 0 nays. Motion passed.

President

Clerk of Council

