

MEETING MINUTES OF ST. MARYS CITY COUNCIL

PRESIDING OFFICER:
James J. Harris
Council President

January 13, 2025
6:30 p.m.
Council Chambers

ROLL CALL: Bubp, Lunz, Christman, Childrey, Fitzgerald, Uhlenhake, Aquaro

Law Director, Zach Ferrall, administered the Oath of Office to new members Second Ward Councilor, David Lunz and 4th Ward Councilor, Arienne Childrey.

Moved by Mr. Bubp, seconded by Mr. Christman, to accept the Minutes of the December 26, 2024, meeting. By show of hands, motion passed unanimously.

Moved by Mr. Aquaro, seconded by Mr. Uhlenhake, to accept the Minutes of the December 27, 2024, meeting. By show of hands, motion passed unanimously.

Moved by Mr. Fitzgerald, seconded by Mr. Christman, to accept the Minutes of the December 30, 2024, meeting. By show of hands, motion passed unanimously.

Moved by Mr. Bubp, seconded by Mr. Lunz, to accept the Minutes of the December 31, 2024, meeting. By show of hands, motion passed unanimously.

PETITIONS & COMMUNICATIONS:

Council President, James Harris read Notice of Public Hearing to be held on January 27, 2025, at 6:15 p.m. with respect to the proposed issuance by the City of securities in one or more series as part of a plan of finance in the maximum principal amount of \$1,650,000 pursuant to the Ohio Revised Code.

Former Council member and Mayor, Mr. Greg Freewalt, addressed Council pertaining to Ordinance 2025-04 on the rules of public speaking to City Council. He stated City Council is an open public meeting; it is not a meeting for the public. He noted during his terms there were two outstanding presidents of Council, Mike Kleinhenz and Dan Hoelscher. He said we have to have some rules and regulations for the public to speak. Previous presidents had their own policies and that was you had to only speak on related topics to the City. You could also not criticize another individual or bring an individual up personally or they would cut the person off. If redundancy began, they would cut it off. The general rule for speaking was five (5) minutes which he believed was fine. He said they did an outstanding job of being very productive and running smooth meetings. Mr. Freewalt said the ordinance before Council says about the same thing these people stood for. He said this ordinance probably should have come forward many years ago and he is in support of this ordinance. Council has taken this through committee, it's been debated, and they have come up with a plan and commented that he hopes every Council member is behind this with no question.

Former Council member and Mayor, Mr. Patrick McGowan, also addressed Council pertaining to Ordinance 2025-04. He said Mr. Freewalt did a nice job summarizing his feelings on the situation that some rules must be put in place. People in the past during his administration came to Council, abused the rules as well as Council members. This legislation in no way inhibits anyone's right to speak. There is a way to come to Council and conduct yourselves and present your argument. He said he is in full support of this legislation.

Mr. McGowan said he had previously asked Mr. Harris if he could speak on another topic. He addressed Ms. Robin Willoughby. He commented on the fine person and good member of this community she is and her many contributions. He was proud to work with her for 14 years in City government.

REPORTS OF CITY OFFICIALS COMMITTEES ETC.:

Mayor's Report
Tax Commissioner's Report
Director of Public Service and Safety's Report

Mr. Foxhoven added there was 108 hours overtime for snow removal over the past weekend.

Mr. Fitzgerald asked if there was any update on the Friendship Center building. Mr. Foxhoven said there has not at this time, but they are going to get more active in trying to market that property. He just recently met with Sister City representatives about moving some of their artifacts here in the new building.

Mr. Uhlenhake asked if there was anything to share from a virtual meeting with ODNR regarding the Miami Erie Canal. Mayor Hurlburt said they have had several meetings with ODNR. This one was with the Army Corps of Engineers as well. He said we have our work cut out. We have laid everything out that we would like to see done with the Miami Erie Canal. We are asking ODNR to dredge the canal, but it is at a standstill. We found out that ODNR does not budget any money at all to work on their canals. They also have a canal very similar to ours on the eastern side of the state they do not budget anything for. Over the years the canal has filled up with silt. We still keep knocking on their door, we are not giving up. Mr. Foxhoven added that we are trying to help them with their asset. You would think they wouldn't make it this difficult on us. We've tried to convince them that it is their asset and it does run through the heart of our City. Mayor McGowan started this back in 2012 trying to get the process going. It has been an uphill battle every step of the way. We keep plugging away.

COMMITTEE REPORTS

There were no committee meetings to report.

ORDINANCES & RESOLUTIONS:

Moved by Mr. Fitzgerald, seconded by Mr. Aquaro, to bring Amended Ordinance No. 2024-27 from the *Table*. By show of hands, motion passed unanimously.

Amended Ordinance No. 2024-27 was presented to Council for a third reading.

Amended Ordinance No. 2024-27 – An Emergency Ordinance to Make Appropriation for Current Expenses and Expenditures of the City of St. Marys, State of Ohio During the Fiscal Year Ending December 31, 2025

Moved by Mr. Christman, seconded by Mr. Bulp to Amend Ordinance 2024-27 again. By show of hands, motion passed unanimously.

Moved by Mr. Uhlenhake, seconded by Mr. Christman, to pass Amended Ordinance No. 2024-27 as an emergency. By show of hands, motion passed unanimously.

Ordinance No. 2025-01 was presented to Council for a first reading.

ORDINANCE NO. 2025-01 – An Emergency Ordinance Setting Forth the Rates of Pay and Providing for Certain Fringe Benefits for the Police Officers of the City of St. Marys Police Department Represented by the Ohio Patrolmen's Benevolent Association

Moved by Mr. Bulp, seconded by Mr. Lunz, to read Ordinance No. 2025-01. By show of hands, motion passed unanimously.

Mr. Foxhoven reminded Council they met in executive session on December 26th to talk about this contract as well as the contract for our utility workers. He noted there have been no changes to these agreements. Council voted to accept the tentative agreements and the Unions have voted and have ratified the agreements. He asked that Council pass these Ordinances under suspension of the rules after the review as the agreements took effect January 1st.

Personnel Director, Ms. Sue Backs, reviewed some the changes in the new agreements. President's Day was added as a holiday, we've added an additional two (2) days of vacation for employees of 20 years or more of service, we now offer dental and vision coverage effective January 1, 2025. We also increased the sick leave payout upon retirement. The agreement is now a two (2) year agreement, and wages were also increased.

Moved by Mr. Bulp, seconded by Mr. Aquaro, to suspend the rules for Ordinance No. 2025-01. By show of hands, motion passed unanimously.

Mr. Harris explained the suspension of the rules for the new members. We are normally required to give legislation three (3) readings. When we suspend the rules, the three readings are suspended so the legislation can be passed the same night. Mr. Bulp added that it is usually due to a time factor.

Moved by Ms. Childrey, seconded by Mr. Christman, to pass Ordinance No. 2025-01 as an emergency. By show of hands, motion passed unanimously.

Ordinance No. 2025-02 was presented to Council for a first reading.

ORDINANCE NO. 2025-02 – An Emergency Ordinance Establishing Classifications, Pay Rates, Fringe Benefits and Other Terms and Conditions of Employment Relative to Employees of the City Represented by the Utility Workers Union of America, Local 552, as Approved by the State Employment Relations Board

Moved by Mr. Fitzgerald, seconded by Mr. Uhlenhake, to read Ordinance No. 2025-02. By show of hands, motion passed unanimously.

Ms. Backs reviewed some of the changes. Call-in pay was increased from a minimum of two (2) hours to three (3) hours, the standby duty pay was increased to two (2) hours from the previous one (1) hour, we also increased our reimbursement for taking advancement classes in Water and Wastewater and also to our Mechanics. We now pay for the cost of two (2) tests instead of one (1), offer of dental and vision coverage, we increased the sick leave payout upon retirement, added Columbus Day as a holiday, and added an additional three (3) days vacation for employees with 25 years of service or more. We also added language concerning commercial drivers license requirements. Employees will now be required to reimburse the City for the cost of their CDL training if they leave our employment within five (5) years. Wages were increased as well for this group.

Mr. Foxhoven commented this is our biggest union, which is the water, sewer, solid waste, electric, engineering, general services, and tax and utility clerks. He added the patrolman ordinance covers ten (10) officers. We currently have nine (9) and we are looking to hire a tenth one. He thanked Chief Christoher for being here to support that contract.

Moved by Mr. Christman, seconded by Mr. Uhlenhake, to suspend the rules for Ordinance No. 2025-02. By show of hands, motion passed unanimously.

Moved by Mr. Aquaro, seconded by Mr. Fitzgerald, to pass Ordinance No. 2025-02 as an emergency. By show of hands, motion passed unanimously.

Ordinance No. 2025-03 was presented to Council for a first reading.

ORDINANCE NO. 2025-03 – An Emergency Ordinance Authorizing the Execution of a Fire Protection Contract With Noble Township for a Period of Five (5) Years Commencing February 1, 2025

Moved by Mr. Christman, seconded by Mr. Fitzgerald, to read Ordinance No. 2025-03. By show of hands, motion passed unanimously.

Fire Chief Doug Ayers explained this five-year contract is a renewal. There are no changes. There will be a one percent increase each year for the next five years. He said he spoke with a trustee of Noble Township and there are no issues with this. Mr. Foxhoven commented that the contract takes effect on February 1st and requested the ordinance be passed under suspension of the rules.

Moved by Mr. Bubp, seconded by Mr. Christman, to suspend the rules for Ordinance No. 2025-03. By show of hands, motion passed unanimously.

Moved by Mr. Uhlenhake, seconded by Mr. Lunz, to pass Ordinance No. 2025-03 as an emergency. By show of hands, motion passed unanimously.

Ordinance No. 2025-04 was presented to Council for a first reading.

ORDINANCE NO. 2025-04 – An Emergency Ordinance Amending Section 121.01 of the Codified Ordinances

Moved by Mr. Uhlenhake, seconded by Mr. Aquaro, to read Ordinance No. 2025-04. By show of hands, motion passed unanimously.

Mr. Harris noted this is the section regarding public participation at City Council meetings or any meetings by members of City Council.

The ordinance will be back for a second reading.

Ordinance No. 2025-05 was presented to Council for a first reading.

ORDINANCE NO. 2025-05 – An Emergency Ordinance Authorizing Sale of Certain Property to the St. Marys City Board of Education

Moved by Mr. Aquaro, seconded by Mr. Fitzgerald, to read Ordinance No. 2025-05. By show of hands, motion passed unanimously.

Mr. Foxhoven explained this legislation has the legal description and map of the property attached. He recapped that in 2021 we talked to the school about the Doseck land. This property is located east of the high school complex. It straddles Shipman Road. We purchased the entire Doseck land with the purpose of selling the land on the south side of the road to the School Board of Education. We are going to retain all of the property on the north side of Shipman Road. The first parcel was sold to the Board of Education in August 2021, the second parcel was sold to the school in May 2024. This will be the third and final piece of land that we sell to the school. This parcel was the actual Doseck homestead including the house, outbuildings and silos. Mr. Burkholder was able to secure a grant to raze the outbuildings and the silos. We had a renter on the property and didn't want to make them leave until they were comfortable in finding other suitable housing. Once they did, the agreement we had with the school is that we would raze the house and they would pay for the disposal cost, which has been done. It is now bare ground. The school is ready to move forward with this last purchase for the agreed upon price of \$16,500 per acre. It is a little over two (2) acres for the price is \$33,000. He said it was his understanding the School Board will be meeting this week and would like to move forward on this if Council would pass this under suspension of the rules.

Moved by Mr. Fitzgerald, seconded by Mr. Christman, to suspend the rules for Ordinance No. 2025-05. By show of hands, motion passed unanimously.

Moved by Mr. Uhlenhake, seconded by Mr. Aquaro, to pass Ordinance No. 2025-05 as an emergency. By show of hands, motion passed unanimously.

Ordinance No. 2025-06 was presented to Council for a first reading.

FISCAL OFFICER'S CERTIFICATE

ORDINANCE NO. 2025-06 – An Ordinance Providing for the Issuance and Sale of Notes in the Maximum Principal Amount of \$1,650,000, in Anticipation of the Issuance of Bonds, for the Purpose of Paying the Costs of the Acquisition, Construction, Renovation, Equipping and Installation of a Municipal Building, Including the Costs of Design and Engineering for the Municipal Building, Demolition of Existing Structures and the Acquisition of Real Property, Together With All Necessary Appurtenances Thereto, and Declaring an Emergency

Moved by Mr. Fitzgerald, seconded by Mr. Aquaro to read the **Fiscal Officer's Certificate**. By show of hands, motion passed unanimously.

Mr. Harris read the certificate.

Moved by Mr. Uhlenhake, seconded by Mr. Christman, to read Ordinance No. 2025-06. By show of hands, motion passed unanimously.

Mr. Foxhoven reminded Council the City borrowed money when we bought the three properties where this building sits now. We bought the properties, demoed the properties, and had to start payments for the architect to design the building. We have been able to pay down a significant amount of that money. We have a balance of \$723,150. We are not ready and cannot afford to pay that off yet. At our meeting on December 31st, through legislation were given the authority to move up to \$910,000 from the general fund to the new building fund. That was to build out the second floor, storage fees, and change orders. This building was funded through tax exempt bonds.

Our bond counsel has recommended instead of moving money from the general fund, we borrow that money and put that money back in the general fund, which is better for us. It is a recommendation that the Auditor supports. What we owe right now is the \$723,150 and we would like to borrow an additional \$926,850 for a total of \$1,650,000. This can be read a second time at our next meeting after the public hearing.

The ordinance will be back for a second reading.

Resolution No. 2025-01 was presented to Council for a first reading.

RESOLUTION NO. 2025-01 – An Emergency Resolution Authorizing the Disposition of City Property Through Internet Bidding

Moved by Mr. Christman, seconded by Ms. Childrey, to read Resolution No. 2025-01. By show of hands, motion passed unanimously.

Mr. Foxhoven stated this is annual legislation. This is our tenth year we have been involved with the GovDeals program. It is an excellent program. It is a wonderful way for us to get rid of unneeded City equipment and vehicles, etc. All together, we have been able to make over \$600,000 through this process. We are required to do this legislation annually and there are certain publications we have to meet. We have some items we would like to get on the site; therefore, requested this be passed under suspension of the rules.

Moved by Mr. Bubp, seconded by Mr. Christman, to suspend the rules for Resolution No. 2025-01. By show of hands, motion passed unanimously.

Moved by Ms. Childrey, seconded by Mr. Aquaro, to pass Resolution No. 2025-01, as an emergency. By show of hands, motion passed unanimously.

Resolution No. 2025-02 was presented to Council for a first reading.

RESOLUTION NO. 2025-02 – An Emergency Resolution Approving Additions and Deletions to the Classification Plan of the City of St. Marys

Moved by Mr. Uhlenhake, seconded by Mr. Aquaro, to read Resolution No. 2025-02. By show of hands, motion passed unanimously.

Ms. Backs explained the Classification Plan is a book of descriptions of the positions within the City. We try to keep it updated at all times. During the negotiations with the UWUA there were some changes that we made with the non-bargaining personnel. We have eight (8) deletions we want to be removed from the classification plan and we also have two new positions. One is a GIS Technician and Geographic Information Systems position in the Engineering Department, and the other new position is a Supervisor of Solid Waste Operations. Doug Metz is due to retire at the end of February. His job is currently Superintendent. This job will be changed to a Supervisor and will report to General Services.

Mr. Foxhoven added that we are currently taking internal applications for this position and are confident we will find someone currently in our work force that will take this job and requested this ordinance be passed under suspension of the rules so we can keep moving forward.

Moved by Mr. Uhlenhake, seconded by Mr. Lunz, to suspend the rules for Resolution No. 2025-02. By show of hands, motion passed unanimously.

Moved by Mr. Christman, seconded by Mr. Aquaro, to pass Resolution No. 2025-02, as an emergency. By show of hands, motion passed unanimously.

MISCELLANEOUS BUSINESS:

A Finance Committee meeting was scheduled for January 20, 2025, at 5:15 p.m. to discuss ambulance rates.

Mr. Harris noted to Council members they have new contact information and committee listings for their review.

Moved by Mr. Bubp, seconded by Mr. Christman, to adjourn the meeting. By show of hands, motion passed unanimously.

Council adjourned at 7:08 p.m.



Debra Kable, Clerk of Council

James J. Harris, President of Council