

MEETING MINUTES OF ST. MARYS CITY COUNCIL

PRESIDING OFFICER:
James J. Harris
Council President

April 25, 2022
6:30 p.m.
Council Chambers

ROLL CALL: Bubp, Randolph, Christman, Willoughby, Fitzgerald, Uhlenhake, Fleagle

Moved by Mr. Bubp, seconded by Ms. Willoughby, to accept the Minutes of the April 11, 2022, meeting. Motion passed unanimously.

PETITIONS & COMMUNICATIONS:

Council President, James Harris, gave each individual in the audience the opportunity to address Council.

Jerry Ruppert, 835 Beech Street, encouraged Council to reconsider the development of Sleepy Hollow. He also addressed the passing of ordinances as an emergency. He felt it is a failure of Council's duties to habitually use the emergency ordinance to pass ordinances when it's not an emergency. Mr. Harris stated he would be glad to explain why they use this later.

Roy McGinnis noted he is against the Sleepy Hollow project.

Nate Carmean stating he owns a house on Coventry Green by Sleepy Hollow. As a follow up from the last meeting, he addressed Mr. Foxhoven that at the last meeting he was told the EPA permits, etc. were not ready according to Mr. Foxhoven and was told he should check with the Engineering Department. Nate said he did check with Engineering and was told they do have the EPA permits, etc. Mr. Foxhoven said it was his mistake.

Nate also commented that he talked with the Liette family and they do have 72 acres that is available and willing to sell and there are utilities on three sides of that farm. Nate said he had their permission to inform Council of this. He said everybody says there is nowhere to go; we do have somewhere else to go rather than Sleepy Hollow.

Nate then talked about neighbors receiving letters when there is a variance request such as for putting up a fence and asked why the City doesn't send out letters to all of the neighbors in the Sleepy Hollow area when they are going to destroy acreage behind them. Mr. Foxhoven responded that they are not going to destroy anything. Nate pointed out that people are paying attention to this.

Nate asked since the EPA permits have been done if that changes the time span on this. Mr. Foxhoven responded they plan to bid the extension of Keel Drive this fall. It will be put in with the 2022 Street Program. We hope to make an award this fall and his guess is construction would start at the end of spring or early summer of next year. They stop making asphalt in late fall so the hope would be to have it finished by November of next year. Nate asked if the bids are put in the newspaper and Mr. Foxhoven said yes as well as on the City's website.

Michael Schmitmeyer who lives on Miami-Erie Circle asked what is the driving factor on why the City wanted to develop lots in the Sleepy Hollow area when there are lots in Canal View Estates near him still available. He said he is more worried about the safety side of things. He asked if the Keel Drive development is a done deal or if there is anything that anybody can do to change their mind. Mr. Foxhoven said we plan to develop it. We started the process in 2016-2017 and the land was purchased in December 2020. Housing is an issue we deal with on a regular basis and this area of just less than 15 acres is available. If it is developed, the road needs to be there. Mr. Schmitmeyer asked about Coventry Green looping to Hillcrest. That would be two access points. Mr. Foxhoven said part of it is getting people in and out of the Kroger and Miami-Erie Circle area. With houses back there, it is better to have another way in and out. Keel Drive would be tied into Hillcrest then slope to the south. Mr. Schmitmeyer stated he doesn't know what the reasoning is to connect Keel Drive to Miami-Erie Circle. He said there are a ton of kids and elderly people walking back on Miami-Erie Circle and there are no sidewalks. They would be asking for something bad to happen. He believed traffic will be flying through the area. Michael commented the City is trying to attract families to town. What is the attraction to building 16 lots in the Sleepy Hollow area versus the 20 plus lots that are setting empty in his area? He believes it would be better to look at areas where the City can continue to grow, not pop houses in small areas here and there. We could continue to grow and bring people back.

Mr. Fleagle stated some of the comments he has heard since 2015-2016 is that people typically do not want to spend the money to build a very nice house and then have to drive by Kohls and Krogers. Connecting Hillcrest and Coventry Green would provide flow where they would not necessarily have to go past these businesses.

Mr. Harris said he has heard that we do not have lots at a price for starter homes. Michael asked what was going to determine the price of the proposed 16 lots, the City or a developer. It was noted the lots would be for public auction. With questions on the type of housing Zach Ferrall said it is zoned R1 which has to be single-family residence. Michael stated the difference in the cost of the proposed lots and those on Miami-Erie Circle is not that great when building a house. He also commented that in the previous meeting it was said that housing in his area would cost \$500,000. He believed this not to be true as his new home was well under that. The main thing he is concerned about is the safety issue and that it would be an escape route for crime. Right now, there is one exit point. They could be stopped. If the streets are connected, it will be a lot harder to stop somebody not knowing where they are going. Even if the Sleepy Hollow area is developed, he doesn't think they should connect Keel Drive; that it would be a speedway. He said this is important and there are plenty of other areas to try and develop. He said he didn't know if this is already a done deal or how big a petition would have to be, but why don't we rethink this.

Mr. Uhlenhake said they are not ignoring a safety issue; it's a good point. But, on the other side of that is more inlets and outlets are good for fire and rescue if something happened. Michael said he has heard that as a reason, but he has had to call 911 for an ambulance and they were there in no time. He said it would be a good question for police and fire as to the number of times they have gotten calls in this area and were not able to get there because there is one access point. He does not see that as a reason we have to build an extra exit/entry point.

Sandy Weng, 670 Hillcrest Drive, addressed Council first by thanking Council members for their service to our City. She said she does not want the Sleepy Hollow area to be developed. She said she was born and raised in St. Marys and comes from a family that are hunters and very conscientious about our land and animals. It is very dear to her heart that we take care of our land that we are living on. This land has taken care of us. We are coming upon a big anniversary date for our City and we have to remember what brought us here to this City hundreds of years ago. The land and rivers that are here and fed the wildlife for the people that developed it. She said the City needs to step back and think about that and the future. Walking through Sleepy Hollows gives a feeling of peace and healing to the mind and spirit, and the healing it brings to the animals and the land. It is not just something pretty to look at. It is life giving to the animals. The trees and grass are filters to clean the air. When do we say enough is enough? She asks that the City rethink this development. The animals don't have many places to go. The decisions that are made today are going to affect people 20 years from now and you can't bring that back.

Roy McGinnis, River Road, said we have destroyed some fabulous things on ground that we own. Sprays being used are destroying things and once we take away the property that we have, it's gone forever. We have to take a serious look at what we are doing. The landfill was a wetlands and that has been changed.

Mr. Harris addressed Mr. Ruppert's comment regarding emergency language. According to State law, an ordinance needs three separate readings. Upon passage, the ordinance goes into effect in 30 days. Mr. Harris also noted that the same people that make those rules will have us do something when applying for money or for other State mandates, and when they give it to us we have a week to react. Then we have to suspend the rules so we do not have to do the three readings and the emergency language eliminates the 30 days. We also do that for contractual agreements. The Union has approved it, so we approve it. The reason for emergency language is to eliminate time constraints. A lot of it is not by our choosing. Mr. Ruppert said he understands that, but in looking at the night's agenda, there are six or seven emergency ordinances. It appears to him that somebody is not doing their job if everything has to be passed by emergency. He believed it is a dereliction of duty of Council and Administration if they are having to pass these by emergency.

REPORTS OF CITY OFFICIALS COMMITTEES ETC.:

The Auditor's Report was presented.
The Treasurer's Report was presented.
The Director of Public Service and Safety's Report was presented

COMMITTEE REPORTS

Mr. Fleagle said the Water/Wastewater Committee met on April 18, 2022, with our water/wastewater consultant from Arcadis in attendance.

Jeff Thompson, Superintendent of Water/Wastewater, explained at the meeting the wastewater rate increase is necessary due to unfunded mandates by the Ohio EPA. A total of \$6.8 million dollars will be borrowed from a low interest Water Pollution Control (WPCF) State loan program from the Ohio EPA. The improvements include upgrades to the existing Wastewater Plant for dewatering systems, pump station upgrades, and UV system replacement.

Kelly Jutte, Water and Wastewater Plants Superintendent, also explained at the committee meeting the proposed wastewater rate increase is five percent (5%) each year for five years with three percent (3%) thereafter. The increased cost to the normal household with a five percent increase will be approximately \$1.00-\$2.00 per month. The rate increase will be implemented to the customers in their June billing. The City will continue to look at all possible grant sources for the project.

Todd said this rate increase is due to unfunded mandates by the EPA to meet the Clean Water Act and will probably continue until they meet the ultimate goal. This could have been much worse. The City negotiated the price down to where it is reasonable.

ORDINANCES & RESOLUTIONS:

Resolution No. 2022-07 was presented to Council for a third reading.

RESOLUTION NO. 2022-07 – A Resolution Clarifying the Name of Edwards Street in the City of St. Marys

Moved by Mr. Uhlenhake, seconded by Mr. Christman, to pass Resolution No. 2022-07. Motion passed unanimously.

Ordinance No. 2022-18 was presented to Council for a second reading.

ORDINANCE NO. 2022-18 – An Emergency Ordinance Modifying Power Cost Adjustment in Electric Rates for the Municipal Electric System

The ordinance will be back for a third reading.

Ordinance No. 2022-19 was presented to Council for a first reading.

ORDINANCE NO. 2022-19 – An Ordinance Approving the Editing and Inclusion of Certain Ordinances as Parts of the Various Component Codes of the Codified Ordinances of the City of St. Marys

Moved by Ms. Willoughby, seconded by Ms. Randolph, to read Ordinance No. 2022-19. Motion passed unanimously.

Mr. Harris noted this is an annual ordinance. Mr. Foxhoven said this affects four areas; administrative code, traffic code, general offense code and fire prevention code. Anytime there are changes made by the Ohio General Assembly that affects or has an impact on our legislation, we need to update it and this does that.

The ordinance will be back for a second reading.

Ordinance No. 2022-20 was presented to Council for a first reading.

ORDINANCE NO. 2022-20 – An Emergency Ordinance Providing for Wages and Benefits for the City of St. Marys Supervisory Personnel and Non-Represented Employees

Moved by Mr. Christman, seconded by Mr. Fitzgerald, to read Ordinance No. 2022-20. Motion passed unanimously.

Mr. Foxhoven explained this ordinance will allow us to extend benefits to our supervisors and non-bargaining employees. The contract was ratified with our big union earlier this year and was approved by Council. We would like to extend the same benefits and wages to our supervisors and non-bargaining employees. This affects 22 employees and the swimming pool and seasonal employees. He said the contract has been ratified and requested this be passed under suspension of the rules.

Moved by Mr. Fleagle, seconded by Mr. Fitzgerald, to suspend the rules for Ordinance No. 2022-20. Motion passed unanimously.

Moved by Ms. Willoughby, seconded by Ms. Randolph, to pass Ordinance No. 2022-20 as an emergency. Motion passed unanimously.

Ordinance No. 2022-21 was presented to Council for a first reading.

ORDINANCE NO. 2022-21 – An Emergency Ordinance Setting Forth the Wages and Benefits for the Chief of Police and Other Police Department Employees Not Represented by a Collective Bargaining Agreement

Moved by Ms. Randolph, seconded by Mr. Christman, to read Ordinance No. 2022-21. Motion passed unanimously.

Mr. Foxhoven said this ordinance involves our Police Chief, Records Custodian, Code Enforcement Officer, and Crossing Guards. The contract with the patrolman was ratified with the Ohio Patrolman's Benevolent Association earlier this year. Council also passed legislation of approval. We would like to extend the same benefits to these individuals and requested this be passed under suspension of the rules.

Moved by Mr. Uhlenhake, seconded by Mr. Bubp, to suspend the rules for Ordinance No. 2022-21. Motion passed unanimously.

Moved by Mr. Fleagle, seconded by Mr. Christman, to pass Ordinance No. 2022-21 as an emergency. Motion passed unanimously.

Ordinance No. 2022-22 was presented to Council for a first reading.

ORDINANCE NO. 2022-22 – An Emergency Ordinance Setting Forth the Wages and Benefits for the Fire Chief and Other Fire Department Employees Not Represented by a Collective Bargaining Agreement

Moved by Ms. Willoughby, seconded by Ms. Randolph, to read Ordinance No. 2022-22. Motion passed unanimously.

Mr. Foxhoven explained this ordinance applies only to the Fire Chief. Negotiations with the firefighters will happen later this year. We would like to keep all of the supervisors on the same cycle of every three years and requested this be passed under suspension of the rules.

Moved by Mr. Christman, seconded by Ms. Randolph, to suspend the rules for Ordinance No. 2022-22. Motion passed unanimously.

Moved by Mr. Bubp, seconded by Mr. Fleagle, to pass Ordinance No. 2022-22 as an emergency. Motion passed unanimously.

Ordinance No. 2022-23 was presented to Council for a first reading.

ORDINANCE NO. 2022-23 – An Emergency Ordinance to Appropriate Monies to SART, Inc. to Support Their TNR (Trap Neuter Release) Program

Moved by Ms. Willoughby, seconded by Mr. Fleagle, to read Ordinance No. 2022-23. Motion passed unanimously.

Mr. Foxhoven explained this ordinance would allow the City to make a one-time donation to the non-profit SART group for \$5,000. SART is Sue's Animal Rescue Team. They provide a service for us. We began working closely with SART regarding the feral cat population. The service they provide is a tremendous asset to our community. The Trap Neuter Release program is effective in dealing

with the feral cat population. SART does a wonderful job and they have a group of volunteers, but they need money. We feel this is an appropriate donation of one-time \$5,000 so they can continue their efforts. Mr. Foxhoven requested this be passed under suspension of the rules.

Mr. Harris commented their efforts have seemed to keep the feral cat problem down. Mr. Fleagle said he likes the one-time for a non-profit. He doesn't want to get into an issue where we are always doing this. What Sue does is good. If we had to deal with it through the County, it would probably end up costing more money. He said he just doesn't want every non-profit group coming and asking for donations. This one potentially saves us money. Mr. Fleagle also commented the reason for the emergency is due to lack of funds for the group. Mr. Foxhoven agreed saying cost of services such as food and vet fees continues to go up and donations have slowed with the economy.

Moved by Mr. Fleagle, seconded by Ms. Randolph, to suspend the rules for Ordinance No. 2022-23. Motion passed unanimously.

Moved by Ms. Willoughby, seconded by Mr. Christman, to pass Ordinance No. 2022-23 as an emergency. Motion passed unanimously.

Resolution No. 2022-10 was presented to Council for a first reading.

RESOLUTION NO. 2022-10 – An Emergency Resolution Tentatively Awarding the Construction Contract for the Wastewater Treatment Plant Upgrades Project Subject to Final Approval of Funding for the Wastewater Treatment Plant Project From the Ohio EPA

Moved by Mr. Christman, seconded by Mr. Uhlenhake, to read Resolution No. 2022-10. Motion passed unanimously.

Ms. Kelly Jutte explained this ordinance is essentially due to the unfunded mandates. As part of our new permit modification, we are forced to initiate construction by August 1st. We are also forced to complete construction by January 1st of 2024. The faster we can begin this project, the better off we will be. With the economy and difficulty getting parts, it is very difficult at this time and with the contractor as well. It was requested this be passed so we can at least get into an agreement with the company so they can start by June 1st. Mr. Foxhoven added we only received one bid for the project a couple of weeks ago from international contractor, Peterson Construction. He also noted that Jeff Swartz of Arcadis, the design firm, was zoomed into this meeting if anyone had any questions.

Moved by Mr. Bulp, seconded by Mr. Uhlenhake, to suspend the rules for Resolution No. 2022-10. Motion passed unanimously.

Moved by Ms. Willoughby, seconded by Mr. Fleagle, to pass Resolution No. 2022-10, as an emergency. Motion passed unanimously.

Resolution No. 2022-11 was presented to Council for a first reading.

RESOLUTION NO. 2022-11 – An Emergency Resolution Authorizing Participation in the ODOT Road Salt Contracts Awarded in 2022

Moved by Mr. Uhlenhake, seconded by Mr. Bulp, to read Resolution No. 2022-11. Motion passed unanimously.

Mr. Foxhoven explained ODOT reached out to us last week and have allowed us to join this program. If we join the program, we have an opportunity to save approximately \$10 per ton. We average about 400 ton per season. We will still go out for bid in case there would be a shortage issue as has been experienced before. The price is good and they want to know by this coming Friday if we are in or out. With this opportunity to save money, he requested this be passed under suspension of the rules.

Moved by Mr. Fitzgerald, seconded by Ms. Randolph, to suspend the rules for Resolution No. 2022-11. Motion passed unanimously.

Moved by Mr. Christman, seconded by Ms. Randolph, to pass Resolution No. 2022-11 as an emergency. Motion passed unanimously.

Resolution No. 2022-12 was presented to Council for a first reading.

RESOLUTION NO. 2022-12 – An Emergency Resolution Creating the Position of Temporary Resident Project Representative at a Rate of \$40.00 per Hour

Moved by Ms. Willoughby, seconded by Mr. Christman, to read Resolution No. 2022-12. Motion passed unanimously.

Mr. Foxhoven said this would allow us to hire Dave Sprague. Dave retired from the City with 30 plus years of service with the Water and Sewer Departments. We hired him to be our onsite project manager when we did the new Water Treatment Plant. We would like to hire him again for the upgrades at the Wastewater Treatment Plant. Several years ago, Stan Davis was hired to oversee the Wastewater Treatment Plant upgrades. It will be an estimated 25 hours per week. Arcadis offers this service, but it is a lot more costly. Dave Sprague is intimately familiar with our system and did a wonderful job for us on the Water Treatment Plant. We know he will do a good job for us here.

Mr. Uhlenhake asked if this was just straight wage with no benefits. He was informed it was.

The resolution will be back for a second reading.


MISCELLANEOUS BUSINESS:

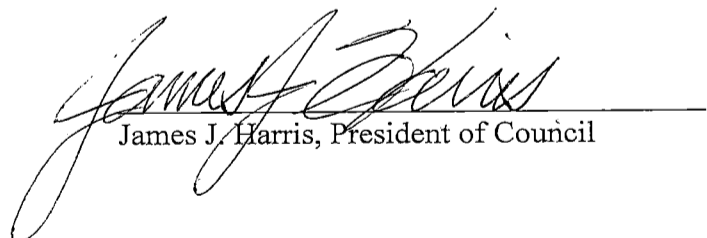
A Parks and Playgrounds Committee Meeting was scheduled for May 2, 2022, at 5:15 p.m. to discuss youth football.

Mr. Bulp said a Zoning Board member approached him about variances for fencing. Typically, we have a 48-inch high fence rule. Every time we get a request, it is for a 6-foot fence, which needs a variance. The individual would like us to entertain the thought of changing the code to a 6 foot (or less if wanted) so there are not so many variances. Zach Ferrall commented this was changed from 36 inches to 48 inches just a year or two ago. At that time, a standard chain link fence was 48 inches. It would be up to Council to approve to change the code. Mr. Fleagle suggesting waiting a year or so to see the impact of the previous change. He believed the big difference is between the 4 feet and 6 feet. If there is going to be a controversy, it should go through the variance process unless we continue to see everyone wants the 6 feet and there are not any issues. It was clarified the zoning code was 42 inches before it was changed to 48 inches. Mr. Fleagle commented if it is changed you take away the opportunity for dispute and suggested we hold off. Mr. Bulp said maybe they could track the requests and see how it goes.

Moved by Mr. Bulp, seconded by Mr. Uhlenhake, to adjourn the meeting. Motion passed unanimously.

Council adjourned at 7:27 p.m.


Debra Kable, Clerk of Council


James J. Harris, President of Council