

## MINUTES OF ST. MARYS CITY COUNCIL

PRESIDING OFFICER:  
Robert Fitzgerald  
President Pro Tem

December 30, 2014  
5:00 P.M.  
Council Chambers

**ROLL CALL:** Bubp, Koverman, Freewalt, Willoughby, Fleagle, Uhlenhake, Fitzgerald  
Moved by Mr. Koverman, seconded by Ms. Willoughby to accept the Minutes of the December 8, 2014, meeting. Motion carried.

### **PETITIONS & COMMUNICATIONS:**

A large group of residents against the recently passed Pitbull ordinance (Ordinance No. 2014-37) were in attendance. Spokesperson Katherine Smith spoke on behalf of the group asking Council to reconsider. They believed the ordinance is targeting a specific breed and said we should enforce the basic leash law and responsible ownership of any breed of dog. She also stated they have a petition with over 1,000 signatures. Steffen Baldwin, President of the Ohio Animal Cruelty Task Force of Union County also spoke asking Council to give the community a chance to come up with alternative recommendations. A statistical handout was given to Council members by Jessica Godley of Delphos, Ohio.

The residents were informed nothing would be decided regarding the ordinance at this time. This would be referred back to the Streets and Sidewalks Committee and they were welcome to attend the meeting when it is scheduled and that we would contact Katherine Smith of the date.

Kraig Noble commented that it is frustrating for elected officials when something comes before Council and it has been discussed numerous times and no one shows up in support of or in opposition.

### **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.

### **Water/Wastewater**

Mr. Freewalt reported the water fund is declining. The committee has recommended the City hire consultants to do a study on our water rates, a new well, and a new water treatment plant. Mr. Freewalt also stated even with the latest increases, our water is cheaper than others in the area.

### **Finance**

Mr. Fitzgerald reported the committee met and continued to review the 2015 budget. There was a lot of discussion which included potential retirements and the Parks Supervisor position.

### **ORDINANCES & RESOLUTIONS:**

Ordinance No. 2014-39 was presented to Council for a third reading.

**ORDINANCE NO. 2014-39** – An Ordinance Amending Section 189.99 of the Codified Ordinances Relating to Penalties for Failure to File a Municipal Income Tax Return

Moved by Mr. Uhlenhake, seconded by Mr. Bubp to read Ordinance No. 2014-39 *as an emergency*. Motion carried.

Mr. Foxhoven explained the biggest change in this ordinance is the citation to an unclassified misdemeanor as opposed to a first degree misdemeanor. We never really want to lock anybody up. Mr. Noble stated this change was suggested by the municipal court judge. It provides flexibility in sentencing and could save administrative costs. The whole point of this is to get people to file their tax return. There is still the potential of fines, but most people comply and receive a suspended sentence.

Moved by Mr. Freewalt, seconded by Mr. Koverman to pass Ordinance No. 2014-39 *as an emergency*. Motion carried.

Resolution No. 2014-21 was presented to Council for a third reading.

**RESOLUTION NO. 2014-21** – An Emergency Resolution Authorizing the Mayor of the City of St. Marys to Enter Into a Revolving Loan Fund Administration Agreement for Certain Community Development Block Grant Program Funds With the Ohio Department of Development

Moved by Ms. Willoughby, seconded by Mr. Fleagle to read Resolution No. 2014-21 *as an emergency*. Motion carried.

Mr. Noble explained we have not received the agreement from the state yet. This resolution just gives authority to sign the agreement when we receive it if we choose to do so.

Moved by Mr. Fleagle, seconded by Mr. Bulp to pass Resolution No. 2014-21 *as an emergency*. Motion carried.

Ordinance No. 2014-43 was presented to Council for a second reading.

**ORDINANCE NO. 2014-43** – 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, 2015

Moved by Mr. Koverman, seconded by Mr. Uhlenhake to read Ordinance No. 2014-43 *as an amendment*. Motion carried.

Mr. Foxhoven highlighted the twelve (12) changes in the ordinance that were made at the recommendation of the Finance Committee and the City Auditor. He noted funds appropriated for Issue I is grant money. This money will not be spent, but because it is a grant we have to have it in the appropriations. He also clarified a line item discussed during the Finance Committee meeting for the Fire Department is stated cell phone. This is actually an air card used in the rescue squad to transmit images to the hospital. Some water improvement funds will be used from the 309 accounts instead of 612 accounts for automated meter readings. Power cost was lowered to meet the Auditor's projected revenue. It has been discussed to possibly secure a low interest loan to do some of the electric system upgrades. Another significant change is the village taxes. This was increased because we are taking in more money from the villages we serve. This is good news. This money comes in and is then transferred back out. The overall appropriations are at \$41.7 million for the 2015 budget.

Moved by Mr. Fleagle, seconded by Ms. Willoughby to amend Ordinance No. 2014-43. Motion carried.

Ordinance No. 2014-44 was presented to Council for a second reading.

**ORDINANCE NO. 2014-44** – An Emergency Ordinance Authorizing the Purchase of Various Materials, Equipment, and Services for the Departments for the City of St. Marys, Ohio

Moved by Mr. Freewalt, seconded by Ms. Willoughby to read Ordinance No. 2014-44 a second time. Motion carried.

Ordinance No. 2014-45 was presented to Council for a first reading.

**ORDINANCE NO. 2014-45** – An Emergency Ordinance to Appropriate Monies for Deficiencies and to Make Other Adjustments in the Original Ordinance No. 2014-43 and Any Other Appropriation Ordinances for the Fiscal Year 2014, for the City of St. Marys

Moved by Mr. Bulp, seconded by Mr. Koverman to suspend the rules for Ordinance No. 2014-45. Motion carried.

Mr. Foxhoven explained this ordinance is to balance the books, to make sure we have funds where we need them, and that we do not have carry over funds where we shouldn't. He noted that funds were decreased in the tax transfer. The City also collects funds for the Villa Nova, Southeast, and Sandy Beach Sewer Districts for the County. We invoice, collect, and disburse the money back to the County. We try to project what we might collect in these funds.

These funds need zeroed out at the end of the year. The kilowatt hour tax consumption was more than anticipated and needs transferred. Funds are needed to cover the Police and Fire Pension due to overtime. When we take in the money for the villages we have to transfer it back out. Two additional villages were obtained during the year.

Moved by Mr. Freewalt, seconded by Mr. Bubp to pass Ordinance No. 2014-45 as an emergency. Motion carried.

Resolution No. 2014-23 was presented to Council for a first reading.

**RESOLUTION NO. 2014-23** – A Resolution Approving Changes to the Classification Plan of the City of St. Marys

Moved by Mr. Bubp, seconded by Ms. Willoughby to read Resolution No. 2014-23. Motion carried.

Mr. Foxhoven explained this allows us to add the job description for the previously approved position by Council.

Resolution No. 2014-24 was presented to Council for a first reading.

**RESOLUTION NO. 2014-24** – An Emergency Resolution Authorizing the Disposition of City Property Through Internet Bidding

Moved by Ms. Willoughby, seconded by Mr. Uhlenhake to read Resolution No. 2014-24. Motion carried.

Mr. Foxhoven stated we have had great success with this. We have sold 83 items for a total of \$77,789.96. Mr. Noble noted that state law requires us to authorize this on a yearly basis.

Moved by Mr. Uhlenhake, seconded by Mr. Fleagle to suspend the rules for Resolution No. 2014-24. Motion carried.

Moved by Mr. Freewalt, seconded by Mr. Fleagle to pass Resolution No. 2014-24 as an emergency. Motion carried.

Resolution No. 2014-25 was presented to Council for a first reading.

**RESOLUTION NO. 2014-25** – An Emergency Resolution Specifying May 5, 2015 as the Date for Submitting to the Electors of the City of St. Marys (Auglaize County), Ohio, for Their Approval the Levying of an Additional Tax on Income at the Rate of One-Half of One Percent in Addition to the One Percent Currently Being Levied and Collected; and Directing the Board of Elections of Auglaize County, Ohio to Conduct the Election

Moved by Ms. Willoughby, seconded by Mr. Fleagle to read Resolution No. 2014-25. Motion carried.

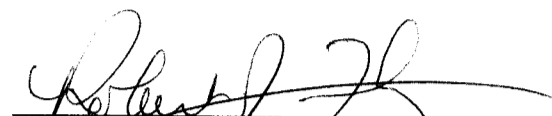
Mr. Noble explained the first half percent was passed in 1985; it was renewed in 1995 and again in 2005. We will be asking for a renewal again in 2015 for our voted tax capital improvements such as fire and police vehicles, safety facilities, equipment vehicles, street projects, and parks and recreational facilities. Mr. Freewalt noted there is usually a ten-year plan to show where the money will be put to use. Mr. Freewalt also noted in the past a campaign committee has been put together using outside funds to help pass the levy. Mr. Noble commented the City of St. Marys is proud of its street program that is done with this voted tax. The future Spring Street reconstruction and our share of the bridge would come out of this money. Mr. Foxhoven noted the parks benefit from this as well.

**MISCELLANEOUS BUSINESS:**

There was no miscellaneous business.

Moved by Mr. Bulp, seconded by Mr. Koverman to adjourn the meeting. Motion carried.  
Council adjourned at 5:50 p.m.

  
Debra Kable, Clerk of Council

  
Robert Fitzgerald  
President Pro Tem