

Mayor
Kathy Huner

City Council
Shane Chamberlin
Sarah Heising
Steve Schneider
Harold Stickley
Scott Stiriz
Brandon Tijerina



230 Clinton Street • Wauseon, Ohio 43567

Director of Law
Thomas A. McWatters III

Director of Finance
Jamie L. Giguere

Director of Public Service
Keith C. Torbet

Police Chief
Kevin Chittenden

Fire Chief
Phil Kessler

September 29, 2023

Wauseon City Council
230 Clinton Street
Wauseon, Ohio 43567

RE: Council Meeting of October 2, 2023

Dear Council Members:

At the outset of the meeting, several individuals have asked to address Council regarding the application to change the zoning designation on the old Elm Street School property from R-3 to B-4.

The Safety & Code Committee will present a report and recommend that the Codified Ordinances be amended to make the driving of golf carts legal in the City, subject to certain specified restrictions.

There is no legislation for first reading.

There will be a second reading on Ordinance 2023-3 (emergency), which would amend the zoning ordinance to change the zoning of the old Elm Street School property from R3 to B4.

There is no legislation for third reading.

In new business, a motion will be necessary to accept the proceeds from the Local Government Fund.

These are the only issues I am aware of to come before Council. Should any member of Council have any questions or comments, you are strongly encouraged to contact the appropriate Department Head prior to the meeting.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "T.A. McWatters III", is written over a horizontal line.

Thomas A. McWatters III
City Law Director

TAM:knp
cc: Kathy Huner, Mayor
Korin Miller, Clerk of Council
Jamie Giguere, Finance Director
The Blade
Phone 419-335-9022 • Office Fax 419-335-3866
www.cityofwauseon.com

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WAUSEON CITY COUNCIL AGENDA

October 2, 2023

5:00 pm

Order of Business

- Call meeting to order
- Pledge of Allegiance
- Moment of Silence
- Roll Call
 - a) Councilor Chamberlin
 - b) Councilor Heising
 - c) Councilor Schneider
 - d) Councilor Stickley
 - e) Council President Stiriz
 - f) Councilor Tijerina
- Approval of prior meeting minutes:
 - a) Council Meeting: September 18, 2023
 - b) Committee of the Whole: September 28, 2023
- Motion to approve the prior meeting minutes moved by _____ and seconded by _____.
All in favor:
- Individuals Wishing to Address Council
 - a) Rory Strugalski: Elm Street zoning change
 - b) Sandra Barber: Elm Street zoning change
 - c) Bob Krumm: Elm Street zoning change
 - d) Tyler Schwanz: Elm Street zoning change
 - e) Sue Morgan: Elm Street zoning change
- Department Head Reports
 - a) Chief Kessler, Fire Chief
 - b) Kevin Chittenden, Police Chief
 - c) Keith Torbet, Director of Public Service
 - d) Jamie Giguere, Director of Finance
 - e) Thomas McWatters III, Law Director
- Committee Reports
 - a) Safety and Code: September 20, 2023
 - Recommendation that the Codified Ordinances be amended to make the driving of golf carts legal in the City, subject to certain specified restrictions moved by _____ and seconded by _____.

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- Vote: ____ Yeas ____ Nays
- First Reading of Legislation or Emergency
- Second Reading of Legislation or Emergency
 - a) Ordinance 2023-3: An Ordinance Amending Codified Ordinance Chapter 1117 – Establishment Of Districts And Maps, And Amending The Official Zoning Map; And Declaring An Emergency
 - Motion to place Ordinance 2023-3 on emergency reading moved by _____ and seconded by _____.
 - Vote: ____ Yeas ____ Nays
 - Motion to place Ordinance 2023-3 on final reading and the final reading be passed moved by _____ and seconded by _____.
 - Vote: ____ Yeas ____ Nays
- Third Reading of Legislation or Emergency
- New Business
 - a) Motion to accept local government funds moved by _____ and seconded by _____.
 - Vote: ____ Yeas ____ Nays
- Old Business
- Approval of the Bills
 - a) Motion to approve and pay the bills as presented moved by _____ and seconded by _____.
 - Vote: ____ Yeas ____ Nays
- Adjournment
 - a) Motion to adjourn moved by _____ and seconded by _____.
 - All in favor:

Korin Miller
Clerk of Council

Council reserves the right to adjourn into Executive Session at any time it deems appropriate. The distribution of this Agenda does not obligate Council to take action on the items set forth herein, nor does it limit Council from taking action on other items not on the Agenda. The items listed on the Agenda are subject to change. If additional items are added, Council will use its best effort to notify all interested parties of changes prior to the meeting.

**WAUSEON CITY COUNCIL
COUNCIL MEETING
Monday, September 18, 2023**

Council President Stiriz called this meeting of the Wauseon City Council to order at 5:00 p.m. in the Council Chambers. He led the Pledge of Allegiance which was followed by a moment of silence.

ROLL CALL

Roll was taken by the Clerk of Council. Present were Council President Stiriz, Councilors Schneider, Tijerina, Chamberlin, Heising, and Stickley to constitute a quorum for the transaction of city business. Mayor Huner was absent.

MINUTES

Council President Stiriz asked for a motion to approve the prior meeting minutes. Councilor Stickley moved and was seconded by Councilor Heising to approve the minutes as printed.

All in favor: Motion Passed Unanimously

PUBLIC HEARING

Motion to enter into a Public Hearing moved by Councilor Stickley and seconded by Councilor Heising.

Vote: 6 Yeas 0 Nays Motion Carries

A public hearing was held by request for the rezoning of the Old Elm Street School property from R-3 to B-4.

Multiple members of the public were there to address the potential property purchasers. The potential buyers of the property are looking to build a Quonset Hut to place their chiropractic business in. Within the structure they would also like to have a coffee shop. With the remainder of the property the potential owners would like to have a dog park and pickle ball courts. Blueprints were presented to the public along with visuals of the Quonset hut.

Multiple residents expressed concerns. Some of those concerns being light pollution, traffic, and dislike of the Quonset hut concept. The potential buyers responded to these concerns and answered multiple questions.

The zoning change request was asked to be put on emergency by the potential buyers. After listening to the many concerns from the public, council decided it would be best to take Ordinance 2023-3 off of emergency, to give themselves and the public more time to consider things.

Motion to exit the Public Hearing moved by Councilor Heising and seconded by Councilor Tijerina.

Vote: 6 Yeas 0 Nays Motion Carries

Council exited the Public Hearing at 6:07 p.m.

DEPARTMENT REPORTS

Chief Kessler gave a report for his department. The fair went well, they dealt with some heat related issues but they worked through that. He is working with Tom McWatters on contract issues. The EMS Levy is starting to be talked about. Fire Prevention month will be in October.

Chief Chittenden gave a report for his department. He said they are receiving applications for the Lateral Transfer Police Officer position. They will be setting up interviews soon. The entire department will be attending a stop stick training. He explained he has been working with Tom McWatters on potential golf cart restrictions, they will discuss that at the next Safety and Code meeting.

Ketih Torbet gave a report for his department. The first draft for the Becan Hybrid bid packet has been submitted to the state. The Oak Street refinishing project bid will be put out in April 2024. The grant packages have been put in for the OPWC grants for Chestnut and Vine Street along with the Enterprise Avenue sanitary sewer.

Councilor Schnieder asked about the Chestnut house that has a lean. Keith Torbet said they are waiting on the county prosecutor to get the paperwork done so the owners can sign it.

Jamie Giguere gave a report for her department. She said the auditors are still working on the audit. She reminded council that they need to complete the Fraud Risk Assessment. She stated that the income tax revenue is still up 30%.

Councilor Chamberlin asked Jamie Giguere why she thinks things are doing so well. She explained that some local businesses are doing well, so that positively affects the income tax revenue.

Councilor Stickley asked for clarification on the covid payments. Jamie Giguere clarified that there was a formula used to disperse the payments to employees.

Tom McWatters gave a report for his department. He has been working with the Fire Department on the property on Fulton Street. He has been participating in the EMS Levy conversations. He will be at the Safety and Code meeting to discuss the golf carts.

COMMITTEE REPORTS

Council President Stiriz gave a report from the September 12, 2023, Park Board Meeting. Park Board met at Homecoming Park to look at the pickleball courts and the new playground. He stated that everything is looking great. The Native Grasslands may have to be replanted due to lack of rain after the initial planting.

The committee has no recommendations currently.

FIRST READING OF LEGISLATION

Ordinance 2023-3: An Ordinance Amending Codified Ordinance Chapter 1117 – Establishment of Districts and Maps, And Amending the Official Zoning Map; And Declaring an Emergency

Motion to place Ordinance 2023-3 on first reading moved by Councilor Chamberlin and seconded by Councilor Tijerina.

Vote: 5 Yeas 1 Nays (Council President Stiriz)
Motion Carries

THERE WAS NO LEGISLATION FOR SECOND OR THIRD READING

OLD BUSINESS

Councilor Stickley mentioned that the electronic sign outside the front of the building isn't working correctly.

APPROVAL OF BILLS

Motion to approve and pay the bills as presented moved by Councilor Schneider and seconded by Councilor Stickley.

Vote: 6 Yeas 0 Nays Motion Carries

ADJOURNMENT

There being no further business, Councilor Tijerina moved and seconded by Councilor Stickley to adjourn this meeting at 6:31 p.m.

All in favor: *Motion Passed Unanimously*

Korin Miller, Clerk of Council

Scott Stiriz, President of Council

**WAUSEON CITY COUNCIL
COMMITTEE OF THE WHOLE
THURSDAY, September 28, 2023**

Council President Stiriz called this meeting to order at 7:30 a.m. in Council Chambers. Present were Councilors, Stickley, Schneider, Tijerina, Chamberlin, and Heising.

The committee discussed the upcoming Council Meeting and the previous Council Meeting. The topic of discussion was regarding the Public Hearing that took place at the September 18, 2023, Council Meeting. The council members and department heads expressed their opinions regarding the topic.

DEPARTMENT HEAD REPORTS

Chief Kessler gave a report for his department. They are getting ready for fire prevention month in October. He is working on the Fulton Street property. The Fire Department and Police Department have been working together on switching over to a new software system.

Chief Chittenden gave a report for his department. He explained to council the new software system. They have been working on it for a year and a half. He said there will be a lot of benefits to the new system. They haven't had a system update in about 15 years. He stated that he is still not in favor of the legalization of golf carts driving on city streets. However, he does think the proposed changes to the Ordinances are okay. He is still receiving applications for the lateral transfer police officer position. He is not rushing the process and wants to find the best fit for Wauseon.

Director Giguere gave a report for her department. She is requesting a Utility Committee meeting, to raise the water deposit on rented properties. Jamie Giguere reminded council to complete the Fraud Risk Assessment the auditors need them to do. The auditors have requested her to make a couple of changes. One of the changes being that council needs to acknowledge that they saw the month end report. This will be added to the council agenda in the future so it can be reflected in the council minutes. She also said the investment statements will need to be acknowledged by the Finance Committee in the future. Her department is working on fixing the electronic sign. She also informed council there will be a vacancy in the HR position.

Council President Stiriz went over the proposed agenda for the upcoming Council Meeting.

INDIVIDUALS WISHING TO ADDRESS COUNCIL

Rory Strugalski: Elm Street zoning change
Sandra Barber: Elm Street zoning change
Bob Krumm: Elm Street zoning change
Tyler Schwanz: Elm Street zoning change

COMMITTEE REPORTS

Safety and Code: September 20, 2023

Recommendation that the Codified Ordinances be amended to make the driving of golf carts legal in the City, subject to certain specified restrictions.

THERE WILL BE NO LEGISLATION FOR FIRST READING

SECOND READING OF LEGISLATION OR EMERGENCY

Ordinance 2023-3: An Ordinance Amending Codified Ordinance Chapter 1117 – Establishment Of Districts And Maps, And Amending The Official Zoning Map; And Declaring An Emergency

THERE WILL BE NO LEGISLATION FOR THIRD READING

NEW BUSINESS

Motion to accept local government funds.

ADJOURNMENT

There being no further business, this meeting adjourned at 8:20 a.m.

Korin Miller, Clerk of Council

Scott Stiriz, Council President

**SAFETY & CODE COMMITTEE
COUNCIL CHAMBERS
Wednesday, September 20, 2023
7:00 AM**

COMMITTEE MEMBERS: Brandon Tijerina (Chair), Steve Schneider, Council President Stiriz

STAFF: Korin Miller, Tom McWatters, Chief Chittenden, Keith Torbet, Chief Kessler, Chief Hartsock

MATTER: Legalizing golf carts driving on city streets

Councilor Tijerina called the meeting to order at 7:00 a.m. on September 20, 2023.

Tom McWatters presented the proposed changes to the Ordinances allowing golf carts to legally drive on city streets. Chief Chittenden has been part of making those changes.

The committee agreed with the proposed changes. They will be presenting a recommendation to council at the next council meeting on October 2, 2023.

Motion to recommend that the Codified Ordinances be amended to make the driving of golf carts legal in the City, subject to certain specified restrictions moved by Councilor Schneider seconded by Council Tijerina.

All in Favor, Motion Carries.

There being no further business, this Safety & Code Committee meeting adjourned at 7:37 p.m.

Attached to these minutes are the recommended changes to the Ordinances.

Respectfully submitted,

Korin Miller
Clerk of Council

Proposed Amendment to Codified Ordinance 377.03

377.03 OPERATION

(a) Any person operating a utility vehicle, low speed vehicle, under-speed vehicle, or mini-truck on the streets or highways within the City shall comply with all laws pertaining to motor vehicles.

(b) No person shall operate a utility vehicle or mini-truck upon any street or highway in the City with an established speed limit of greater than 35 miles per hour. Nothing contained herein shall prohibit a person operating a utility vehicle or mini-truck from proceeding across an intersection of a street or highway having a speed limit greater than thirty-five miles per hour.

(c) No person shall operate a low speed vehicle or under speed vehicle upon any street or highway in the City with an established speed limit of greater than 25 miles per hour. Nothing contained herein shall prohibit a person operating a low speed vehicle or under-speed vehicle from proceeding across an intersection of a street or highway having a speed limit greater than twenty-five miles per hour.

(d) No person, except City employees acting in the scope of their duties, shall operate a utility vehicle, low speed vehicle, under-speed vehicle, or mini-truck upon any sidewalk, bike trail, or walking trail within the City.

(e) Lap belts shall be properly installed and available with respect to each seating position on a utility vehicle, low speed vehicle, under-speed vehicle, or mini-truck. There shall be no more than two seating positions in any row of seating on any utility vehicle, low speed vehicle, under-speed vehicle, or mini-truck.

(f) No person being the operator of a utility vehicle, low speed vehicle, under-speed vehicle, or mini-truck on the streets or highways of the City shall fail to wear all available elements of a properly adjusted lap belt that is affixed to the vehicle.

(g) No person being a passenger of a utility vehicle, low speed vehicle, under-speed vehicle, or mini-truck on the streets or highways of the City shall fail to wear all available elements of a properly adjusted lap belt that is affixed to the vehicle.

(h) No person shall operate a utility vehicle, low speed vehicle, under-speed vehicle, or mini-truck on the streets or highways of the City without first ensuring all occupants are securely seated in a fixed seat wearing all available elements of a properly adjusted safety belt that is affixed to the vehicle.

(i) No person being the operator of a utility vehicle, low speed vehicle, under-speed vehicle, or mini-truck on the streets or highways of the City shall permit a child who falls under the child restraint criteria set under Ohio R.C. 4511.81 from riding in the vehicle.

(j) Any person operating a utility vehicle, low speed vehicle, under-speed vehicle, or mini-truck on the streets or highways within the City shall have the headlights turned on at all times.

377.04 INSPECTION REQUIREMENTS.

(a) No person shall operate a low-speed vehicle, an under-speed vehicle, a utility vehicle, or a mini-truck upon any street or highway unless the vehicle has passed an inspection conducted by the Wauseon Police Department that complies with inspection requirements established by the Ohio Department of Public Safety under section 4513.02 of the Revised Code.

(b) The vehicle inspection shall be prearranged with the Chief of Police or his designee.

(c) Any person desiring to have a low-speed vehicle, an under-speed vehicle, a utility vehicle, or a mini-truck inspected shall pay a one-time inspection fee of ~~fifty twenty-~~dollars (\$520.00). Each reinspection fee for a vehicle that fails the initial and subsequent inspections shall be fifty \$50 for such inspection. Inspection fees ~~This inspection fee shall be deposited into the City's General Fund.~~

(d) If the Chief of Police or his designee determines that an inspected vehicle complies with the inspection requirements established under section 4513.02 of the Revised Code, the Chief of Police or his designee shall issue a Certificate of Compliance for the vehicle entitling the owner to register and title the vehicle in accordance with Section 377.05 of this chapter. The owner/operator of the vehicle must show the Chief of Police or his designee a valid motor vehicle driver's or commercial driver's license, or a valid, current driver's license issued by another jurisdiction, and proof of financial responsibility for such vehicle before the Certificate of Compliance is issued.

(d) If a low-speed vehicle, an under-speed vehicle, a utility vehicle, or a mini-truck has been inspected, registered and titled, prior to the effective date of this chapter or is brought into the City of Wauseon after the effective date of this chapter, but previously having had such vehicle inspected by an authorized inspection program, in order to legally operate the vehicle in the City of Wauseon, the owner/operator must still provide evidence of an inspection in compliance with Ohio statutory requirements.

(e) Vehicles that have been inspected pursuant to this section shall display a sticker that will be provided by the Wauseon Police Department on the rear of the vehicle in a conspicuous location. Stickers shall be valid through February 28th of each year, and shall be renewed annually. A fee of \$50 shall be charged for each renewal. Officers may stop any low-speed vehicle, an under-speed vehicle, a utility vehicle, or a mini-truck operated on a street or highway of the City for the purpose of inspecting the vehicle.

Formatted: Superscript

377.09 PENALTY.

(a) Whoever violates this chapter is guilty of a minor misdemeanor on a first offense; on a second offense the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense after the second offense the person is guilty of a misdemeanor of the third degree. Upon the third violation of this chapter within a twelve (12) month period, the Chief of Police may terminate the Certificate of Compliance of the owner/operator's low speed vehicle, under-speed vehicle, utility vehicle, or mini-truck.

(b) The City may impound any vehicle that is not in compliance with this chapter, or any slow speed vehicle operated by a person who does not have a valid driver license, or any low-speed, under-speed, utility, or mini-truck vehicle for which the operator fails to show proof of financial responsibility. A vehicle that is impounded pursuant to this ordinance may be forfeited.

	Yes	No
Emergency	_____	_____
First Reading	_____	_____
Second Reading	_____	_____
Third Reading	_____	_____
Suspension	_____	_____

ORDINANCE 2023-3

AN ORDINANCE AMENDING CODIFIED ORDINANCE CHAPTER 1117 – ESTABLISHMENT OF DISTRICTS AND MAPS, AND AMENDING THE OFFICIAL ZONING MAP; AND DECLARING AN EMERGENCY

WHEREAS, the Planning Commission of the City of Wauseon has recommended the amendment of the Official Zoning Map and Zoning Ordinance (Chapter 1117); and

WHEREAS, a public hearing has been held pursuant to the procedure for amendment to zoning ordinances as set forth in the Charter of the City of Wauseon; and

WHEREAS, Council now wishes to accept the recommendations of the Planning Commission as being in the best interest of the community's development, and statutorily authorize the rezoning; and

WHEREAS, this Ordinance should be declared an emergency measure necessary for the immediate preservation of the health, safety, and public welfare of the City because the parties desire to close immediately on the purchase/sale of the subject property which is subject to the zoning change;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Wauseon, Fulton County, Ohio as follows:

Section 1

That the Official Zoning Map of the City of Wauseon as established in Chapter 1117 of the Codified Ordinances of the City of Wauseon be amended to reflect that Fulton County Parcel Nos. 06-017016-00.000, 06-016852-00.000, 06-016853-00.000 and 06-016856-00.000, located on East Elm and Marshall Streets, be rezoned from their present zoning of R-3 to B-4. The legal description of the land to be rezoned is marked as Exhibit A, attached hereto, and incorporated herein by reference.

Section 2.

That this Ordinance be, and hereby is, declared to be an emergency measure, necessary for the immediate preservation of health, safety, and public welfare of the citizens of the City of Wauseon, and shall be in full force and effect from and immediately after its passage.

Passed:

Kathy Huner, Mayor

Scott Stiriz, President of Council

Attest: _____
Korin Miller
Clerk of Council

Approved as to form:

Thomas A. McWatters III
City Law Director