

Wilmington City Council met on Thursday, May 3, 2012, at 7:30 p.m. with President Pro Tem Mark McKay presiding.

Roll Call: Jaehnig, present; Wells, present; Stuckert, present; Wallace, present; Mead, present; Siebenaller, present; McKay, present.

Acting Chief Duane Weyand was also present.

A motion was made by Jaehnig and seconded by McKay to excuse the absent President of Council.

Motion passed.

Absent member excused.

Council gave the Pledge of Allegiance to the flag.

President

A motion was made by Wells and seconded by Mead to approve the minutes of the last regular meeting, April 19, as received.

Motion passed.

Minutes approved as received.

President Pro Tem McKay: That completes my portion. Mr. Mayor?

Mayor – Mayor Randy Riley: Thank you, sir. We have actually several things that have happened in the past week that I want to go over. One of the things that I want to highlight is several of us actually just were at the Murphy Theatre. They were having their preview for their shows this year. I encourage you all to support the Murphy Theatre. It's a historic theatre and it's just a marvelous place. They have some great shows lined up this year, so I encourage you all to support the Murphy. Also, we just received this today from the Health Department. Car seats are great. We need to make sure that are kids are in car seats, but the car seats need to be put in properly. The Health Department now has three people that are certified to do car seat inspections. This is not just for the parents, but all of us grandparents also who drive kids around. Make sure that your car seats are installed properly. You can stop out at the Health Department and it's a free inspection. We also have that on our website, but I wanted to encourage everyone to please participate in that. With other children or older children, this is a program that I worked with when I was a commissioner the last few years, but TANF stands for Temporary And Needy Families. We have a summer employment program for teenagers. So, if you know of any teens that are looking for some summer employment, you can get a hold of Job and Family Services and we do have some state funds actually that we can use to make sure that some of the teens who are low and moderate income can get some employment. So, if you're a business owner or if you know of somebody that could use some teen help, call Job and Family Services. One of the other things that has happened in the past week or so...actually...it was last weekend, was the East Coast Timing Association race. It was absolutely phenomenal. Sean and I drove out there. I saw a motorcycle go by at 199-something miles per hour. My thought is, once you're over a hundred, the rest of it is gravy. And some young lady went by at 234 miles an hour. Amazing what we had going on here. I received an email today that actually came in this afternoon that I would like to read. It came to the mayor's office.

Dear Sir,

I would like to take to opportunity to tell you about my wonderful experience in your town last weekend. As you may have guessed from the title, I am part of the East Coast Timing association group. I run in several different types of race series, so I get an opportunity to visit quite a few towns on the east coast as well as some out west. I have never been to a race location that was more accommodating and welcoming as your town. We had quite a few local citizens come out to watch our timing event at the airport and many thanked us for coming to

Wilmington. Many of the merchants had signs in their businesses and on their outside sign welcoming us. It was noted that the hotel rates were not increased to take advantage of the visitors. Our small race team of 3 members brought along an additional eight people with us, due to the close proximity to our home in Pennsylvania, and they all said that they would be coming back with us again. In closing I would like to thank you and your town for hosting our event and I am looking forward to returning several more times this year.

*Regards,
Dave Gray
Carlisle, PA
Team # 3611*

That is wonderful. These people had a great time. Wilmington, as we do, we open our doors and our hearts. I publicly want to thank Rob Jaehnig for all the work he did to make this possible. There's an email telling you what a great job you did last weekend. Thank you, sir.

[Applause]

Councilman Jaehnig: If I could just say something...while I appreciate your words, Debbie Stamper from the Convention and Visitors Bureau, it couldn't have been done without her help. And obviously, the Port was trying very hard to make sure this happened. They literally were working up to meet FAA regulations and guidelines as of Wednesday. They were still working to meet those. So, they worked very, very hard and they really went the extra mile to make sure that this happened also. So, they deserve a great deal of the credit also. So, I'll accept on behalf of all of them.

Mayor Riley: Absolutely. Thank you. Also, we have been going back and forth with ODOT a little bit over signage on the 73 bypass. I sent them a letter on March 9 concerning the signs. As you come into town from the west getting near Mitchell Road, I wanted a sign that said 'Wilmington Next 3 Exits.' They said that there is no way that they could do that and cited the Ohio Manual and Uniform Traffic Control Devices that it wasn't going to fly and they were not going to put up any more signage at all. So, I went about browbeating them as low-key as I could. We are going to get a sign at Mitchell Road that says Wilmington. They are also going to change the mileage sign as you get off of on 68 from three miles, when you can actually see the city, to one mile. So, we are getting some concessions from them, but we will have a sign before you get to Mitchell Road saying Wilmington Exit. So, we are making some inroads. We're getting some things done. I appreciate Steve Mary, who is the Deputy Director of District 8, for listening to us and helping us out with this. So, that's a good thing that I wanted to share with you.

President Pro Tem McKay: Mr. Mayor, that's been a lot on all of our plates since the bypass opened, and I applaud you for doing that. It's very important to our town.

Mayor Riley: Thank you. So, in the middle of the night if somebody goes out with a little bit of white paint and puts Wilmington Next Three Exits...

[Laughter]

Mayor Riley: The other thing, and I'm going to ask our Law Director Brian Shidaker, to go into this in a little bit more detail, but we've had citizen complaints and concerns over the junkyard out on East Columbus Street. We've been working on that throughout the year. As Brian had mentioned, that is one of his top priorities. Brian, I will turn it over to you to talk about some of the progress that we've made just recently.

Law Director Shidaker: This has been a long process. Anytime you're dealing with the court system, it takes a long time to get to the result that you are wanting. This actually predates my office. It began back in July of last year. Our city went to the junkyard. I'm sure you're aware of it over on East Columbus Street, indicating to stop operating it as a

junkyard. They are prohibited in the City of Wilmington. Mr. Bingham, who has been operating the junkyard, appealed that to the Board of Zoning Appeals. The Board of Zoning Appeals upheld the city's decision to prohibit him from using it as a junkyard. Then he appealed it again to the Common Pleas Court here in Clinton County. That was sitting over in the Common Pleas Court for some time. Mr. Reinsmith and I had an opportunity on April 20 to present oral arguments to the Common Pleas judge of Clinton County, and on May 1, 2012, I am happy to announce that we have received an order from the Common Pleas Court of Clinton County indicating that Mr. Bingham must cease and desist in using that property as a junkyard in the City of Wilmington. So, even though this has been a slow process, we've had a lot of complaints about why aren't you doing anything? Why won't you go in and take action? To be perfectly honest with you, there was a stay of any enforcement during this entire period up until May 1, 2012. There is no longer a stay of enforcement on that particular property and things will be happening very quickly, now that we have a court order signed by the judge of this county. If there are any questions, I would be happy to try to answer any that I can. But, this is pretty good news and I am very pleased that we finally received a court order with that result.

[Applause]

Mayor Riley: Thank you, Brian.

Law Director Shidaker: You're welcome.

Councilman Jaehnig: I'm sorry, Brian. What does the stay actually mean? Does he have a certain amount of time to correct things?

Law Director Shidaker: The stay was actually prior to May 1. You know, everybody was asking us to take action on it and we couldn't because while he was appealing the decision of the Board of Zoning Appeals to the Common Pleas Court, there was an agreement with the prior administration and Mr. Bingham's attorney that we would not enforce the ordinance while that was being appealed. Once the decision was made on May 1 from the Common Pleas Court, we are now able to move on that quickly.

Councilman Jaehnig: Does he have a certain amount of time to come into compliance?

Law Director Shidaker: No he does not. He has to come into compliance immediately. We're going to take action very quickly.

Councilman Jaehnig: Thank you.

Law Director Shidaker: You're welcome.

Mayor Riley: Thank you, Brian. I know that was a high priority for you. It always frustrates me when people are saying, "Are you doing anything? Can we do anything?" And I keep saying, "We're in the process," and the process worked. It has now been determined that that is not a legal junkyard and it has to stop and we have ways of making that happen.

Law Director Shidaker: And it's a public record, the entry, and anyone who wants a copy of it, I would be happy to make a copy. But he even went a step further and said that was never a legal junkyard. He was never operating that within our city legally. So, I would be happy to make a copy if anyone is interested.

Paul Hunter: I have a question. Can he no longer operate or is he going to clean it out?

Law Director Shidaker: He has to stop operating as a salvage/junkyard immediately.

Paul Hunter: But he can leave whatever is there, there?

Law Director Shidaker: No. It's got to be cleaned up.

Service Director Reinsmith: Brian, he has, what, 28 days to appeal?

Law Director Shidaker: He does have 30 days to appeal to the Court of Appeals.

Service Director Reinsmith: But Rudduck wouldn't give him another stay right now...

Law Director Shidaker: Well, I'm not the judge. In my experience, a judge usually will not stay their own decision. Once they make a decision, they like to stand by their decision. I couldn't foresee the court staying this any further since he has made a decision. But, yes, he does have 30 days to appeal to the Court of Appeals, but it is the Common Pleas judge who decides whether or not he will stay the enforcement. Like I said, judges typically like to stand by their decisions, and I don't foresee that happening.

Mayor Riley: Thank you, Brian.

Law Director Shidaker: You're welcome.

Mayor Riley: If I may, I would like to step down front for a moment. I've got a long history with the police force here, having been Safety Director for five years, my son is a police officer, my son-in-law-to-be is a police officer. I have so much respect for what safety services in general has done. Having been an EMT and a firefighter, my heart is in my throat sometimes as I hear these guys going out on some of the calls that they have. But, Duane Weyand, if you would come up here with me. Every year, we have our Police Week. And it is an absolute honor for me as mayor to proclaim for the first time as mayor this proclamation.

WHEREAS, Since the day this city was founded, law enforcement officers have played an important role in safeguarding the rights and freedoms which are guaranteed us by our Constitution and the ordinances of this city; and

WHEREAS, The City of Wilmington has lost two officers in the line of duty in the past 200 years, Officer John Van Doren and Officer Emery McCreight; and,

WHEREAS, It is fitting and proper that we express our gratitude for the dedicated service and courageous deeds of law enforcement officers and for the contributions they have made to the security and well-being of all our citizens; and

WHEREAS, It is important that our citizens know and understand the problems, duties, and responsibilities of our police officers and the necessity of working with them and cooperating with them in maintaining law and order; and

WHEREAS, For nearly 50 years, May 15 of each year has been recognized as Peace Officers Memorial Day and the calendar week during which May 15 occurs as Police Week

*NOW, THEREFORE, I, RANDY RILEY, Mayor of the City of Wilmington do hereby designate that May 15th of each year be designated as **PEACE OFFICERS MEMORIAL DAY** and the week of May 15th as*

POLICE WEEK

And further recognize the service given by the men and women who, night and day, protect us through enforcement of our laws, and in honor of those brave men and women who have been injured or have given their lives in the performance of their duties.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND CAUSED THIS SEAL OF THE CITY OF WILMINGTON, OHIO, TO BE AFFIXED THIS 3rd DAY OF MAY IN THE YEAR OF OUR LORD TWO THOUSAND AND TWELVE.

Mayor Riley: I want to thank you publicly for all you and all the other folks do.

Acting Chief Duane Weyand: Well, we thank you. We appreciate your support and appreciate the support of council. On behalf of the officers that were here who had to split out of here a little bit of go, it's a nice thought for them. Thanks for your support.

Mayor Riley: The timing couldn't be better. Actually, when you're talking about safety services and you're talking about what our folks do and the tone drops and guys have to leave and they're off and running. It's 24 hours a day/7 days a week. Thank you, buddy.

[Applause]

Mayor Riley: Duane, since you're destined to be our chief probably in just a couple of weeks here (we're going to have a swearing in ceremony probably within the next few weeks for our new chief), if we don't have a dispatch week, we're going to make one up. What the dispatchers do is absolutely phenomenal. God Bless you and all the folks who work down in dispatch for all of your service too. And with that, Mr. President Pro Tem, I'm going to take a seat.

President Pro Tem McKay: You said you had about an hour's worth of stuff. You didn't miss it by much. I think the agenda is slightly out of order. I believe our Auditor is our next Agenda item.

Auditor – Auditor David Hollingsworth: I just have a couple of things. First of all, I wanted to give you kind of an update, a quick snapshot of where we are at General Fund wise, year to date, and where we were at this time last year. This time last year, we had an unencumbered balance in the General Fund of roughly 3.7 – 3.8 million dollars. This year, as of April 30, we were at 2.1 million. I had Mary Kay pull out, without really digging down into it to see if there was anything out of ordinary. At the end of the year, we finished with 2.5. So between May 1 and December 31 last year, we spent approximately 1.2 million dollars more than what we brought in during that last eight months of the year. If that would remain the same, then we would be down close to a million dollars in our General Fund balance as a carryover for next year. I will be putting together some information now that we're through April 30. I always like to wait to see where income tax dollars are going to be because the first four months gives us a pretty good gauge of what we are going to collect for the year. One other item, and Mr. Kirchner is not here tonight, but he asked at our work session. For those of you who weren't here, we had about an hour of information on our health insurance from Liz Fortney, who is kind of our go-to person in negotiating for our insurance contracts. The question was raised...because we're self-insured here at the city...how we fund the insurance pool is based on our prior history and what kind of claims we paid. It pretty much determines in kind of a nutshell, it's pretty simplistic, but there is a little bit more to it than that, but that is what drives our premium payments for our single and our family rates for the next year. Right now, through the end of March, we had a positive fund balance in our insurance fund, which is where we put our premiums to pay claims out of, of about \$396,000. Based on what we are paying in for family and single rates right now for the remainder of the year, we will pay in another \$653,000 into that insurance fund. Claims based on what we've paid year to date, and this is the moving target because this can change at any time, but based on our current history of claims being paid out of that fund, we would expect to pay about \$431,000 for the remainder of the year, which in theory would leave us with about \$600,000 left in that insurance fund. The only thing, and that's the number that Liz threw out the other night, but the only thing that will adjust that is based on what we're paying into the insurance fund right now, and this is just the way the insurance falls when we negotiate a new contract, but it's based on the old rates, what we're paying in now, so based on the current rates, we would have to supplement that by about \$317,000. So, if that was the case, we would be left with about \$300,000 to the good in that insurance fund. Now the question was raised, what do you do with that? Does it go back in the general fund? I don't know if legally we can take it out of that insurance fund. That's something that would have to be looked into. At the same time, that can change at any time. Since we are self-insured and we've been fortunate over the last year to have a relatively stable year. No claims. 2010 was kind of disaster. We had five or six major claims that kind of kicked our premium rates up. So, just to kind of clarify that from the other night at our work session. It looks like best case scenario, we might end up with about \$300,000 left in that fund.

Mayor Riley: Which is about half.

Auditor David Hollingsworth: It's about half. That's all I have.

President Pro Tem McKay: Thank you very much, David. I'll not try to steal Bob's thunder, but it's good for us to mention to everybody that our next Finance Meeting is

May 10, so that's coming right up. We'll be discussing some of the same things. Maybe David might have that even nailed down a little better by that time. Thank you for your report.

Assets Acquisition and Use: Chairperson Bob Mead had no report.

Finance Committee – Chairperson Bob Mead: Mr. President Pro Tem, we have three items on the agenda this evening. The first item is three readings on an ordinance making supplemental appropriations. You all should have supporting data in your folders.

A motion was made by Mead and seconded by Siebenaller to give the first reading only on the ordinance Making Supplemental Appropriations.

President Pro Tem asked for discussion.

Seeing none, President Pro Tem called for a vote.

Motion passed

Director of Law read ordinance by title only.

A motion was made by Mead and seconded by Stuckert to suspend the rules and give the second and third reading on the ordinance by title only.

Roll call: Jaehnig, yes; Wells, yes; Stuckert, yes; Wallace, yes; Mead, yes; Siebenaller, yes; McKay, yes.

Director of Law read the ordinance by title only.

Councilman Wallace: I have a question. Part C in this. I was in the committee meeting, and did we vote to pass this on? There was a lot of discussion about C. I guess maybe I'm confused. Is this something to do with that issue that they're trying to table?

Mayor Riley: No, I think that was the cruiser. That was \$25,000.

[Discussion of committee results]

Councilman Mead: I think the questions that were asked and the discussions were carried out to the end. I believe everyone was satisfied.

A motion was made by Mead and seconded by Stuckert to pass the ordinance as read.

Roll call: Wells, yes; Stuckert, yes; Wallace, yes; Mead, yes; Siebenaller yes; McKay, yes; Jaehnig, yes.

Motion passed.

President Pro Tem of Council declared Ord. No. 5024 passed as read.

Councilman Mead: The next item is three readings on an ordinance making miscellaneous transfers. Again, you have supporting data in your folders.

A motion was made by Mead and seconded by Stuckert to give the first reading only on the ordinance Making Miscellaneous Transfers.

Motion passed

Director of Law read ordinance by title only.

A motion was made by Mead and seconded by Stuckert to suspend the rules and give the second and third reading on the ordinance by title only.

President Pro Tem asked for discussion.

Seeing none, President Pro Tem called for a roll call vote.

Roll call: Stuckert, yes; Wallace, yes; Mead, yes; Siebenaller, yes; McKay, yes; Jaehnig, yes; Wells, yes.

Director of Law read the ordinance by title only.

A motion was made by Mead and seconded by Stuckert to pass the ordinance as read.

Roll call: Wallace, yes; Mead, yes; Siebenaller yes; McKay, yes; Jaehnig, yes; Wells, yes; Stuckert, yes.

Motion passed.

President Pro Tem of Council declared Ord. No. 5025 passed as read.

Councilman Mead: The third item is three readings on a resolution authorizing payment of expenses incurred in a prior fiscal year.

A motion was made by Mead and seconded by Stuckert to give the first reading only on a resolution Authorizing Payment of Expenses Incurred in Prior Fiscal Year.

Motion passed

Director of Law read resolution by title only.

A motion was made by Mead and seconded by Stuckert to suspend the rules and give the second and third reading on the resolution by title only.

Roll call: Mead, yes; Siebenaller, yes; McKay, yes; Jaehnig, yes; Wells, yes; Stuckert, yes; Wallace, yes.

Director of Law read the resolution by title only.

A motion was made by Mead and seconded by Stuckert to pass the resolution as read.

Roll call: Siebenaller, yes; McKay, yes; Jaehnig, yes; Wells, yes; Stuckert, yes; Wallace, yes; Mead, yes.

Motion passed.

President Pro Tem of Council declared Res. No. 2284 passed as read.

Water Committee – Chairperson Mike Wallace had no report.

Streets Committee – President Pro Tem McKay: The next item is an item under Streets Committee, of which I am chair. It basically is information (also we have sent letters to residents of Gallup Street) indicating that we are proposing to change the parking structure on that street so that parking is only going to be allowed on the west side of the street. It will obviously be easier to get up and down the street, but the bigger reason is the safety equipment being able to more easily get up and down the street. At this time, are there any residents of that street or anyone that would like to discuss that? Come forward and give you your name and address, and we'll allow approximately five minutes if you would like.

Glen Brewer: 205 Berlin Road, Wilmington, Ohio. I volunteer at the Homeless Shelter. It's the right thing to make that one-sided parking. It is a problem. But I would beseech the council to consider two 15-minute spots in front of the shelter for people dropping off donations. I realize there is a parking lot behind, but not a lot of folks are aware of that. Without that 15-minute parking, they probably won't stop and make donations that are very much needed there in the way of clothing, food and personal items for the residents. I don't know what the cost on that would be. I talked to Mr. Wells the other day. I will pay for the signs if you'll put them in.

Councilman McKay: Well, we had actually discussed that in committee and went back and forth with it. You know...is it necessary? I understand your point, so thank you.

Glen Brewer: Thank you for letting me speak.

Councilman McKay: Is there someone else?

Nancy Breuleux: I live on Sugartree Street, but right at that corner of Gallup and Sugartree. I got the notice and wasn't aware of the reasoning for the parking ordinance. My concerns are living there and owning property where I do is that there will be overflow parking in front of my house and across the street from my house. There has already been a lot of problems with that just since the Homeless Shelter has been there and as long as I have been living there. So, I want to just say that the neighborhood is concerned about that. We get a lot of people sitting there for whatever reason, I don't understand, from the homeless shelter, where they get dropped off and then they come from the homeless shelter and get picked up and then they hang out there. They do a lot of smoking around the corner because, of course, they are not allowed to smoke in front of the residence. So, that is my concern. I guess that's just about it. I was not understanding the full reasoning. Now that I've come to this, I understand that is important to have the emergency vehicle access.

Councilman McKay: In fact, they even have difficulty plowing snow because of the cars.

Nancy Breuleux: Well, I have personal problems with that also. They plow onto my property and take out a lot of my plantings from there.

Mayor Riley: If I could point one thing out. When I was Safety Director years ago, we actually talked about this seven or eight years ago, but we identified that if you banned parking, people will put their cars somewhere. So, it has actually been very fortunate for us that they now have a parking lot back there. What is odd is I have been there a few times, and there's not that many cars that are parking in that parking lot. So, if we don't have the parking, they'll go around and park there. Because there's about eight or ten...

Nancy Breuleux: Well, hopefully, as long as I have recourse.

Mayor Riley: Well, if you would do us the favor and kind of keep an eye on that for us. If there are any problems, let us know if this should pass. I think we have more than enough parking in the back now. Particularly now that we have that building on Main Street. But I do appreciate your concerns.

Nancy Breuleux: I understand your concern for the dropping off, but I think I see the signs. I've noticed the signs about the new parking. My concern about a sign being involved with that would be the fact that walk is pretty narrow as it is. I don't know how the signs would go up, but if it hinders any more of that sidewalk, it would be pretty bad for pedestrians.

President Pro Tem McKay: Thank you both for your comments. Yes, Ma'am?

Sarah Hapner: 81 Columbus Street. My concern is that there are many more houses on the east side of Gallup than there are on the west side. It's understandably a very narrow street and I can understand wanting to have more flow of traffic, but it impacts the property owners on the east side more than it does on the west. I would also take exception to encouraging people to use the parking lot, because the easement to get to the parking lot is not for the owners of the Gallup Street parcel. It was granted only for ingress and egress to the owners of the West Main Street parcel.

Mayor Riley: We will have residents from the homeless shelter, anyone who is working for the homeless shelter, we will encourage them to use that parking space.

Sarah Hapner: How will they get to it?

Mayor Riley: They will have to get to it from Main Street.

Sarah Hapner: It's a private drive. To get to that parking lot is a private drive. It's part of my parcel.

President Pro Tem McKay: You're saying that folks cannot use that driveway...?

Sarah Hapner: If they're trying to access the West Main property, yes. That's why the easement was granted.

Mayor Riley: We appreciate the heads-up.

President Pro Tem McKay: Thank you. We will be scheduling a committee meeting soon to talk about this further. If anybody else knows of folks that have comments, please refer them to the mayor's office.

Solid Waste/Recycling Committee: Chairperson Don Wells: Mr. President Pro Tem, tonight I would like to have the second and third reading on a resolution authorizing for bids for a standard steel bed truck scale for the Sanitation Department. Are there any questions?

A motion was made by Wells and seconded by Jaehnig to suspend the rules and give the second and third reading on the resolution Authorizing for Bids for a Standard Steel Deck Truck Scale for the Sanitation Department.

President Pro Tem of Council asked for discussion.

Seeing none, President Pro Tem Council called for a roll call vote.

Roll call: McKay, yes; Jaehnig, yes; Wells, yes; Stuckert, yes; Wallace, yes; Mead, yes; Siebenaller, yes.

Director of Law read the resolution by title only.

A motion was made by Wells and seconded by Jaehnig to pass the resolution as read.

Roll call: Jaehnig, yes; Wells, yes; Stuckert, yes; Wallace, yes; Mead, yes; Siebenaller, yes; McKay, yes.

Motion passed.

President of Council declared Res. No. 2285 passed as read.

Wastewater/Sewer Committee: Chairperson Loren Stuckert had no report.

Judiciary Committee: Chairperson Rob Jaehnig: We have one item on the agenda. In fact, I am quite pleased to say that we have our first piece of sign legislation that we will be doing our first reading on tonight. As I have mentioned in the past, we are slowly working our way through the entire sign ordinance that is in desperate need of being updated. The first item we are tackling is what is termed as yard arm signs or projecting signs. The main effect for this will be in the downtown area, but it will affect some other areas in town. Currently, a yard arm sign, and for those of you who don't understand what a yard arm sign is, a yard arm sign is usually on a post with one arm sticking out and it hangs below it. For example, going up South Street, the dentist's office and Effie's place have yard arm signs. A projecting sign, then, would be something that sticks straight out 90 degrees from a building. Those currently in the city have been actually forbidden. While we have some around, some of them were in place before the change in sign regulations originally, but a lot of them are in place, basically, illegally. There really isn't a good reason for us not to have these types of signs available to our local business. But more importantly, Downtown Main Street America and then Heritage Ohio have actually written us up on an audit a couple of years in a row now for not having these signs available to our business because it does have a major effect on their ability to be seen. Unless you're lucky enough to get stopped at a stop light, those signs flat up against the building quite often are not seen. We want to give any chance we can for them to be successful in their business, and this will take that first step in allowing them to do so. I won't go through every specific detail of the ordinance. On the yard arm signs, the top of the sign itself will be limited to five feet in height. Then projecting signs will be a maximum of six feet from the front of the building that they can go out over the sidewalk. While it doesn't get back to the old days, if you see some of the old pictures. The Service Director brought in a wonderful photo of downtown in which there was the war to see who could get furthest and farthest out over the street with their signs that caused us to have to clean this up in the first place, and then we went too far in the other direction. So, hopefully, this is a happy medium that will allow the business to really get out there and advertise, yet still maintain the look that we are looking for in terms of our community and the safety. As I said, this is the first piece of legislation. We will following it up with others each council meeting if things run smoothly. Are there any questions from Council on this legislation?

Councilman Mead: Councilman Jaehnig, you mentioned previously you couldn't have a sign sticking out. According to the Planning and Zoning Ordinance, you could have it sticking out two feet.

Councilman Jaehnig: I'm sorry. You are correct.

Councilman Mead: The other thing is, is it in there or not that it cannot extend over the right-of-way?

Councilman Jaehnig: Well, actually, it can extend over the right-of-way. The sidewalk is considered right-of-way. So, a projecting sign can extend over the sidewalk.

Councilman Mead: No, a yard arm sign.

Councilman Jaehnig: A yard arm sign cannot go over a right-of-way. Only a projecting sign.

Councilman Mead: So, you just changed it from two feet to six feet.

Councilman Jaehnig: Correct. Are there any more questions about this piece of legislation?

A motion was made by Jaehnig and seconded by Stuckert to give the first reading only on the ordinance Amending Chapter 1167.04 to the Codified Ordinances of the City of Wilmington Wall and Projecting Signs.

Motion passed

Director of Law read ordinance by title only.

Jaehnig requested that the second and third reading be on the Agenda for the next meeting.

Safety Committee- Chairperson Don Wells: Mr. President Pro Tem, tonight I have three readings on a resolution regarding a retiring officer's service weapon and badge, providing for a release of claims, and honoring said officer with the presentation of the same, and declaring an emergency. This is for Officer Pam Whalen, who will retire on June 1, 2012, after 25 years of service to the City of Wilmington as a police officer. This the right thing to do, and I think we're all in agreement on that. Are there any questions?

A motion was made by Wells and seconded by Mead to give the first reading only on a resolution Regarding a Retiring Officer's Service Weapon and Badge, Providing for a Release of Claims, and Honoring Said Officer with the Presentation of the Same, and Declaring an Emergency.

President Pro Tem asked for discussion.

Seeing none, President Pro Tem called for vote.

Motion passed.

Director of Law read resolution by title only.

A motion was made by Wells and seconded by Jaehnig to suspend the rules and give the second and third reading on the resolution by title only.

Roll call: Wells, yes; Stuckert, yes; Wallace, yes; Mead, yes; Siebenaller, yes; McKay, yes; Jaehnig, yes.

Director of Law read the resolution by title only.

A motion was made by Wells and seconded by Jaehnig to pass the resolution as read.

Roll call: Stuckert, yes; Wallace, yes; Mead, yes; Siebenaller, yes; McKay, yes; Jaehnig, yes; Wells, yes.

Motion passed.

President Pro Tem of Council declared Res. No. 2286 passed as read.

Acting Chief Weyand thanked council for passing the resolution and announced that the Retirement Party of Officer Pam Whalen would be on June 2.

Mayor Riley: I would point out, also, that in the 200-year history of the City of Wilmington, we have had five female officers, I believe. Pam will be the first female officer who has served the city to retirement. She has done a wonderful job at it, so we will definitely miss Pam.

[TRANSCRIPTION INTERRUPTED – END OF TAPE]

Downtown Revitalization Committee - Convener Mark McKay – ...Third Friday Events. There is a loft tour event coming up right away, which is going to showcase the second floors of several downtown locations, some of which are occupied, some of which need to be occupied. That is going to be a really neat thing. There may be still reservations available for that. There's just a lot going on. That's all I have under revitalization.

Parks and Recreation Committee - Convener Rob Jaehnig: We have no legislation tonight, but I do have a report from the new Parks Director. We met this afternoon. Some beautification things that are going on that you should be able to see over the next few weeks. The long fence along Rombach that is currently rusting terribly is going to be removed. That fence was originally installed because there was no home-run fence. The field below has a home-run fence now. There really is no longer a need for that

fence on Rombach. So, instead of paying money to have it painted again, we are going to go ahead and remove it and kind of try to open up the park a little bit more. Also, there is some fencing along Fife that is of a similar nature that they will be removing. Then, the fencing around the memorial walls will be removed. In regards to the memorial, the next Park's Board Meeting is this coming Monday evening. They will be bringing in some vets and have a discussion about possibly relocating the memorials into a more accessible and more prominent place in the park. So, if you have an interest, I would highly suggest that you attend that meeting. I believe it's at 6:00. Also, they will be relocating the flag pole. They are open to suggestions and comments in regards to that. They are asking if there is an individual or a business that would be willing to donate a new American Flag, a large one, to fly on the flagpole. They would greatly appreciate that. They are currently conducting a field review and action plan of all of the fields out at Denver Williams Park to see what needs to be done with each of the baseball diamonds and develop a plan of action on how to attack and improve each one of those diamonds. The first tournament of the year is this weekend. It's a boys fast-pitch baseball tournament. We have 25 teams coming in for this tournament, so again, more people coming from outside of our community bringing funds into our community, so it's a great thing. Also, they are very pleased to announced that the vending at the parks this summer is going to be handled by Peppermint Patties, the local ice cream shop, which I think is a great addition to the parks out there. They'd also like to publicly thank Dori Sabino and Dave Cox who have been working very hard on mulching the beds and laying out mulch. They also said they have plenty of mulch that needs to be laid, so if anybody is bored and would like to come out, they would gladly take your help in spreading mulch. Dave Cox from Mulch America did them very right by basically giving them the cost of mulch at wholesale, so they are very pleased and proud to accept that volunteer help. That's it for parks. Thank you.

Mayor Riley: We had a brief meeting with the Auditor and the Mayor, and since we are both wearing Josh Sams bracelets, we will buy a flag in honor of Josh personally. We'll go halves on that.

Service Director- Service Director Larry Reinsmith: I just want to add something with the parks. With Randy being Mayor and Brenda took a tour of the Randall Company, the one thing that we noticed now that we own the property, it might be more accessible to put a walkway from one parking lot into the Warren Luther Peace Trail. Over the last week or so, with labor from the Wastewater Plant, they built a handicapped ramp with railings and everything. It will be on the southwest corner of the parking lot at Randall-Textron. We will have ample parking. We'll probably eliminate the other parking lot across street, so we won't have to cross Nelson Road, which is kind of dangerous. So, I think it's going to work out best for everybody.

Councilman Jaehnig: They did a beautiful job.

Service Director Reinsmith: It's not quite done, but they've done a nice job.

Mayor Riley: I received several comments in my first month or so about how dangerous it was to walk across Nelson and sometimes to drive down Nelson. People have those ear buds in and are getting ready to walk and they weren't always looking for traffic. With us owning that area, it seemed like the logical thing to do. I talked to Harry McVey and said, "You guys have got big equipment. You've got the ability. Can you just handle that?" I swear, boom! It was done. My hat's off to Harry McVey and all of the folks that work in Wastewater and Water Department. I think also some of the landfill people may have helped. They just made it happen. It's wonderful.

Service Director Reinsmith: The only other thing I have is that ODOT has started some paving and milling of Old SR 73, Wayne Road, and they are out on the west end of town right now. They will be coming down towards the intersection of 22 and 73. That was really a bad area out there. They really needed it bad. This is all preparation, once they get it all completed and repaired, they will dedicate it back to the city and county. On the east side of town, they're going to go with that intersection of 22 all the way to New Vienna. So, there will be a lot of paving there. So, we will just have to cope with the delays and the detours. They're doing a good job on it.

Safety Director – Russ Burton had no report.

Reports:

A motion was made by Wells and seconded by Mead to approve the Income Tax Report – April 2012, as received.

Motion passed.

Reports accepted as received.

President Pro Tem McKay opened the meeting up to the general public and/or members of council to address council while in session.

Paul Hunter: A serious problem that I want to address tonight has existed for several years in the Solid Waste/Landfill Department. Since the failure of six months worth of public and nonpublic negotiations has failed to resolve the situation, I, along with the President of Council and the Solid Waste Committee Chairman felt that it was time to place the problem in the public record. I've shared my concerns about this issue with both the former and current mayors as well as council. Most, if not all, have shared and supported my approach. The following brief history of the situation may prove helpful in understanding the problem. Three years ago this month, the Solid Waste Department requested and received, you'll note the ordinance on the handout that I've given you, a fee increase. The amendment includes a substantial increase in residential collection charges. I think it was a 21% increase. During the discussion of the amendment, it was publicly revealed for the first time, at least to my knowledge, was selling space to outside city haulers, also called tippers. This information rendered moot Mr. Wells' plea to "save our landfill" and converted it to "sell our landfill." Information led me to believe that the fees being charged to commercial...okay...Mr. Wells...okay...move on here. Finally, in October of 2011, I was informed by landfill personnel that in-city commercial tippers were being charged \$10.28 per yard and outside companies were charged \$13.42 per yard. The correct charge should have been \$11.78 and \$17.50 for outside the city. It appeared the Service Director had inadvertently missed the increase in Ohio EPA and County Solid Waste fees and had not adjusted the fees as authorized by the ordinance. Not wanting to cause a public stir over what I considered human error, I requested an October meeting with the Mayor, Mr. Wells, the Service Director, and the landfill superintendent. As a result of the meeting, the Service Director agreed to send a letter to all commercial haulers informing them that the corrected fees would be in effect as of January 2012. I later obtained a copy of the letter only to discover that they fees were \$3 per ton lower than the ordinance mandated charged. In January, the new Mayor invited me to meet with him concerning the fee structure, and he agreed that action would have to be taken to correct the situation that he called a real mess. In February, a Solid Waste Committee meeting was called to discuss the landfill situation. At that meeting, it was announced that prior to the January letter, outside tippers had been charged the same as inside city tippers. This rate was \$7.22 per ton lower than the ordained fees. It is not known how long that this undercharge had been in effect. Discussions at this meeting included the claim that due to the new fee schedule, many outside city and outside county haulers were taking their business to other landfills. A request was made to allow the Service Director to reduce the fees in order to regain these customers and keep the cash flow up. As I recall the discussion, the legality of the fee setting by an entity other than council was to be cleared by the Law Director prior to implementation. My understand is that the Law Director gave both an oral and written opinion that only council can set base rates and fees. The claim that higher January rates drove away commercial haulers may be true, but that is good news. Cash flow was up over \$3,000 from the previous month due to increased fee collections, even though those fees were still \$3 per ton lower than mandated. Just as important as a \$3000 increase in cash flow, was we saved valuable air space. We dumped less for more dollars. As a reluctant last resort, I discussed with the Law Director the possibility of obtaining a writ from the court requiring city official to obey the city ordinance relating to this matter. In conclusion, the city's residents are paying the increased fee while commercial users of the landfill have been getting bargain rates in what appears to be a mistaken attempt to gain revenue. Please see the back of your handout for a suggested ordinance amendment. Thanks for the opportunity.

President Pro Tem McKay: Thank you, Paul.

President Pro Tem McKay again asked if anybody else from the public or the council wished to address council while in session.

Kay Frances Brewer: 229 S. Mulberry Street. I actually came tonight because I thought we were going to have an update regarding something that had occurred at the last meeting. This is the first city council meeting that I have ever attended, so I can't be accused of being a media hound here. I really felt compelled to come to this particular meeting. I'm speaking for a lot of people, and I actually discouraged people from coming tonight. I said, "Let's give folks a chance." I look around here, and I know most of you guys on a very personal level. One of the reasons I have not come to a city council meeting is because I feel like the city is in pretty good hands. I keep up with the updates in the paper and everything seems to be going okay. You guys have huge things in front of you, and I do realize that. But, I will quote Gandhi who said, "A mark of a country (and I will say a town's) character, is how they treat their most vulnerable populations." Obviously, it goes without saying, people would agree, we should not abuse our elderly, we should not abuse children, and I would take that further. We should not abuse animals. And to take it even further, animals that have particular protections, such as companion animals, specifically cats and dogs. Domestic animals. And as much as people want to vilify cats, they are a domestic, free-roaming companion animal. That is their status. People will try to use the term feral, stray, wild, as if that somehow discounts their status as a free-roaming domestic companion animal. I can't say this enough, and I do believe the law is on my side on this. So, the idea...that also... what occurred this last meeting, when someone blatantly admitted to trapping and killing animals...and I will go on record as saying, I do disagree and vehemently oppose the word "euthanize" because that word implies that the killing is done because the animal or the person is either sick or seriously injured. I don't see how this person is qualified to determine that by viewing an animal in a trap. Nor do I think that this person is qualified to determine if this is someone's pet, someone's indoor pet, or someone's outdoor cat. I happen to have a couple of outdoor cats that I feed on a regular basis. I have trapped and spayed four cats. To me, the situation of overpopulation...there are two issues here. One is the issue of animal cruelty. It doesn't justify the...supposed...wanting to take care of...I'm getting pretty emotional here, if you might notice. I know, I'm usually the funny lady, but this has really, really cut me deep to the core, and it has a lot of people. But I stand here as myself, just telling you how I feel. I've done a little bit of research. I'm not an expert. I'm not an attorney. My gut tells me, even if this were legal, it isn't right. My father always said, "Just because something is legal, doesn't make it right." So, my understanding was that there was going to be an update on this subject this evening. I am aware that the wheels of justice turn slowly. You guys have got a lot, it's got to be worked into the agenda, blah, blah, blah. Believe me, this meeting has been riveting. I can't tell you how interesting all of the subjects you've discussed have been [laughing]...and all important, I'm sure. So, I've made my comment. My question is, is this going to be addressed? How is it going to be addressed? Should this be worked into the agenda for the next meeting?

Mayor Riley: Okay, I'm going to defer to Chief Weyand in just a second. We have had some activity. Before we do that, I want to apologize to everyone for what seemed like callous laughter up here at the last meeting. It was not. Just as when you first got up here and you gave us "this," and everybody laughed. We were surprised. A natural response to being startled or surprised...is laughter. As soon as we realized, "Oh my God, he's serious," the laughter really did go away. Several of us have talked about this in the past two weeks. We did not mean any offense at all with that laughter.

Kay Frances Brewer: I'm a professional humorist. I understand laughter. Nowhere on my Facebook or anything have I taken any of you to task for that. Because there are very many reasons for laughter. There's shock, there's tension...and some folks were pretty outraged about that. I came to the defense of the council and said, "That's not really the issue for me."

Mayor Riley: Well, we explained that to people, and everybody seemed to understand what had happened. I apologize. It was not funny. It was not meant as a ha-ha kind of laugh. Duane...

Chief Weyand: It seemed like it started having a snowballing effect. By the time I walked out the door, I think it was by Monday, I had people saying, "Well he's doing this; he's doing that." So, I went over and met with the guy personally. We had a long discussion about certain things. Some of the things I'm still waiting on. When I left on Monday, the traps were put up. So, there should be no more issues. And there were concerns with him supposedly poisoning animals. I saw no evidence of that. I talked to him, though, and he said that has never been issue. There's never been anything like that. That's kind of where it's at. It was addressed on Friday.

Glen Brewer: Did you say the traps are gone?

Chief Weyand: Yes.

Kay Frances Brewer: Will they not come back out?

Chief Weyand: There's a chipmunk trap over there.

Kay Frances Brewer: There's a what?

Chief Weyand: A chipmunk trap.

Kay Frances Brewer: A chipmunk...[laughs]

Chief Weyand: So, I think there's a snowball effect, and it's being taken care of.

Mayor Riley: See, when you heard chipmunk trap, you laughed a little bit.

Kay Frances Brewer: That just sounded silly to me.

[Laughter and banter]

Mayor Riley: I knew we were going to be getting calls after that meeting two weeks ago and knew Duane was going to be looking into it, which makes it an investigation. And we cannot make comments about ongoing investigations of any kind. So, that's why there really hasn't been any comment from our office until tonight.

Brian Shidaker: Randy, can I say just say two things. It is absolutely illegal to kill animals in the City of Wilmington. The second thing is we prosecute animal cruelty cases as well. We have them in our court system. It's up to police investigation. Any animal cruelty cases that are brought to my office, we'll prosecute them.

Kay Frances Brewer: Well, would this be a county issue since the killing took place outside the city?

Brian Shidaker: Well, that would be up to the county prosecutor's office to determine that. But, I do know in the city there are codified ordinances against killing animals within the city limits. So, like I said, if they bring a report to my office indicating that it is going on the city, we will prosecute it.

Glen Brewer: 205 Berlin Road. I pay city income tax, so that's why I'm here. It irritates me, but the city needs the money. Can I use the city dumpsters? I'm just asking. I'm paying for Rumpke, I'm not going to pay your taxes. You know, I have irritations in the country. You know, I can't paint a little sapling tree because a deer wants to chew on it. My sister has photographic evidence of a deer eating cat food. What an irritation. And when I go to play golf, these geese, they do their droppings right where my ball is. Raccoons are mean. I can't grow tomatoes because groundhogs eat them. Possums are just nasty. Squirrels and rabbits actually come on my property and do their business.

President Pro Tem McKay: I can tell who you're related to.

Glen Brewer: Taught her everything she knows. The point is this, they're God's creatures, and I wouldn't for a second kill any of them.

President Pro Tem McKay again asked if anybody else from the public or the council wished to address council while in session.

Seeing no one else who wished to speak, President Pro Tem McKay asked for a motion to adjourn.

Council agreed by consensus to adjourn.

Motion passed.

Council adjourned.

ATTEST:

President of Council

Clerk