

Wilmington City Council met on Thursday, May 2, 2013, with President Scott Kirchner presiding.

Call to Order

Roll Call: Jaehnig, present; Wells, present; Stuckert, present; Wallace, present; Mead, absent (arrived at 7:38 p.m.); Siebenaller, present; McKay, present.

Chief Weyand was also present.

A motion was made by McKay and seconded by Siebenaller to excuse the absent member.

Motion passed.

Absent member excused.

Pledge of Allegiance

Council gave the Pledge of Allegiance to the flag.

President of Council asked cell phones to be set to silent mode.

President of Council - President Kirchner:

A motion was made by Wells and seconded by Stuckert to approve the minutes of the last regular meeting, April 18, as presented.

Motion passed.

Minutes approved as presented.

Mayor - Mayor Riley announced that the Wilmington Tree Commission had been doing great work in the City. They recognized Arbor Day on April 26 with the planting of more trees. Haskell Combs of ABATE was in the office, and the mayor presented a proclamation to him regarding Motorcycle Safety Awareness Week. ABATE does a wonderful job of education and providing toys for the kids around Christmas time. Today is the National Day of Prayer, which is observed throughout the nation. In Wilmington there is still a prayer rally going on in the Courthouse Square until 8 p.m. He said he appreciated all of the work of the people in town who promote the National Day of Prayer. The mayor explained that he has had a couple of meetings with young professionals, trying to determine what they want in the City of Wilmington and to elicit them as the new leadership and new core of people in the community. He appreciates Leadership Clinton, Chris Schock, and Taylor and Mark from ECC. Yesterday he had the adventure of walking under Wilmington. There are tunnels and rivers running throughout Wilmington, many of which are underground. Every place they go under a street is technically a bridge, and the county does bridge inspection for us every year. He is amazed at what makes the town work behind the scenes with the folks from the Street, Sewer, Water, and Sanitation Departments. The mowing season is upon us. You don't want the city to mow your lawn, because we're very expensive and do a lousy job. If the lawn gets to be 10 inches or more, we will send a letter to the property owner and we will follow it up with another contact. Usually by the time we are able to get around to mowing it, the lawn is going to be around 15-20 inches tall. The mayor encouraged everyone to mow.

Councilman Wells said he already has had several people in Timber Glen ask him about who is going to mow all of the vacant lots. Mayor Riley said the city will take some responsibility depending on the ownership of the property and where it is located, but obviously we encourage volunteers and other people to do it. The city mows on a case-by-case basis. Councilman Wells said when the grass gets waist deep, for safety reasons, we don't want snakes and things like that in the neighborhood. Mayor Riley said a similar situation happened last year with Cross Creek. Councilman Wells said that the bank mowed it last year, but they said they would not be doing it this year.

Mayor Riley asked Councilman Jaehnig to report on the JETT team.

Councilman Jaehnig said the current number of new jobs was 219.5. He said they reduced the number by ten due to the closing of Buckaroos, but added 26 jobs at Ahresty, 7 new jobs at Ferno, Aldi's added one employee, Smith Feike Minton has added one part-time person. We also have a new business in the downtown that added two new jobs. We are currently adding 12.22 jobs per week. That will bring us at the end of the year 635 new jobs. This is not counting any of the Polaris, Praxair, Timbertech or Custom Molded Products jobs at this point.

Councilman McKay announced there is a new business in the downtown. It is called Mom's Friendly Game Shop, located between Jen's Deli/Books 'N More, and The Crave. The proprietors are Jane, Andrew & Lee and are in the audience. Councilman McKay explained that in the past Lee was a computer person in a huge Wastewater Sewer Facility in New Jersey and had to leave that for medical reasons. He is a ham radio operator and came to the HamFest in Dayton. They liked the area around here, so they decided to relocate to this area. He said they looked at all the surrounding areas and chose Wilmington because it was friendly and uplifting. Councilman McKay said they are starting a new business called Mom's Friendly Game Shop. It's a family owned facility and has nothing to do with video games. It is all board games and gaming tables, and open five days a week. It will be a quality place. It would be a place to take a family.

Andrew, owner of Mom's Friendly Game Shop, said that they wanted to have a more family-focused store than a dungeon/comic book-type store. The store will include children's games, family games, strategy games, war games, and role-playing games. It will include card games as well: Pokémon, Magic-the-Gathering, Rook. They will also have play spaces – two tables that can sit up to twelve people, and two more in a stretch. They will be hosting gaming events there – non-gambling, non-video-game related. They will be open 5-7 days a week. They have two full-time employees and two part-time employees.

Councilman McKay welcomed them to the downtown.

[Applause]

Mayor Riley said we continue to work on the economic development front and continue to pull in jobs. We've had a lot of successes. He said that he and Brett Dixon spent the entire day, a week ago Friday, at an Ohio Economic Development Alliance meeting in the Dayton area. Wilmington is part of the Dayton Development Coalition portion of JobsOhio. We work directly with the DDC on development, and we have a good working relationship with them.

Auditor - Auditor David Hollingsworth had no report.

Asset, Acquisition and Use. - Chairperson Bob Mead had no report.

Finance Committee - Chairperson Mead had no report.

Water Committee - Chairperson Wallace had no report.

Streets Committee - Chairperson McKay had no report.

Solid Waste/Recycling - Chairperson Wells introduced the second and third readings on an ordinance amending Chapter 925, Refuse Collection.

A motion was made by Wells and seconded by Jaehnig to suspend the rules and give the second and third reading on the ordinance Amending Chapter 925, Refuse Collection, of the Codified Ordinances.

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.

A motion was made by Wells and seconded by Jaehnig 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 of Council declared Ord. No. 5089 passed as read.

President Kirchner said that he is excited about the legislation, with the mayor, the Service Director, and the landfill superintendent committing that we will be able to store up the funds for long-term monitoring, expansion and capping.

Wastewater/Sewer Committee - Chairperson Stuckert had no report.

Judiciary Committee - Chairperson Siebenaller introduced the second reading on the ordinance to pull-back the mandate that council salaries match OPERS requirements.

A motion was made by Siebenaller and seconded by Mead to give the first reading only on the ordinance Rescinding Ordinance 4576 Setting Salaries of City Council Members and Appointed Salaried Officials to at Least Meet the Minimum Amount Required by the Ohio Public Employees Retirement System (OPERS) to Obtain One Year of Credit for One Year of Service.

President asked for discussion.

Seeing none, President called for vote.

Motion passed

Director of Law read ordinance by title only.

Siebenaller requested that the third reading be on the Agenda for the next meeting.

Safety Committee - Chairperson Wells introduced legislation authorizing the mayor to enter into an agreement with Adams Township Trustees for the provision of fire and emergency ambulance services.

A motion was made by Wells and seconded by McKay to give the first reading only on a resolution Authorizing the Mayor to Enter into an Agreement with the Board of Trustees of Adams Township for the Provision of Fire and Emergency Ambulance Service for 2014-2015.

Motion passed.

Mayor Riley mentioned that it was a continuation of a contract that the city has had for many years.

Director of Law read resolution by title only.

Wells requested that the second reading be on the Agenda for the next meeting.

Councilman Wells introduced legislation allowing the city to sell surplus items through internet auction.

A motion was made by Wells and seconded by Mead to give the first reading only on a resolution Expressing Intent to Sell City Surplus Items to the Public Through an On-Line Auction Service and Declaring an Emergency.

President asked for discussion.

Seeing none, President called for vote.

Motion passed.

Director of Law read resolution by title only.

Wells requested that the second and third reading be on the agenda for the next meeting.

Councilman Wallace commented that he would like to know how much was made through the internet auction. He said we are taking business away from local auctioneers when we do this online. He would like to see the numbers to see if the increase in revenue from the on-line auction warrants taking that business away from local auctioneers.

Councilman Jaehnig said that Chief Weyand did a year-by-year study that showed the GovDeals was a significant increase.

Safety Director Russ Burton said he would get with the Chiefs and have them provide the numbers for council's information.

Councilman Wells introduced the third reading on legislation authorizing a dispatching agreement with Blanchester-Marion Township Joint Fire District.

A motion was made by Wells and seconded by Mead to give the first reading only on a resolution Authorizing the Mayor to Enter into a Dispatching Agreement with the Blanchester-Marion Township Joint Fire District and Declaring an Emergency. President asked for discussion.

Councilman Siebenaller asked if this was also a continuation of a previous contract.

Mayor Riley explained the contracts and said that the city has been dispatching for both of them for years.

Seeing no more discussion, President called for vote.

Motion passed.

Director of Law read resolution by title only.

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

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

Director of Law read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2324 passed as read.

Councilman Wells introduced legislation authorizing an agreement to provide dispatching services for the SRWW Joint Fire District.

A motion was made by Wells and seconded by Mead to give the first reading only on a resolution Authorizing the Mayor to Enter Into a Dispatching Agreement with the SRWW Joint Fire District and Declaring an Emergency.

President asked for discussion.

Seeing none, President called for vote.

Motion passed.

Director of Law read resolution by title only.

A motion was made by Wells and seconded by Mead 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 Wells and seconded by Mead 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 of Council declared Res. No. 2325 passed as read.

Downtown Revitalization Committee - Chairperson McKay mentioned that the Wine Walk was coming up on the 17th. Tickets are still available. It's on a Friday evening.

Parks and Recreation Committee – Chairperson Jaehnig said he was asked by the Park Board about their request for funding and when the council might be discussing it.

President Kirchner said they would have to get together a budget work session. He said he tried to schedule one previously but the Clerk of Council was not available and he

had not heard any updates on other available dates. He said they would look at the schedule and see what they could get coming up.

Councilman Jaehnig said that they were running into crunch time on some projects.

Income and Levy Tax Committee – Chairperson Jaehnig had no report.

Service Director – In the absence of the Service Director Reinsmith, Mayor Riley said the only update was that he had been crawling around under the city, much to the amusement of the service department employees.

Safety Director – Safety Director Russ Burton had no report.

Reports

A motion was made by Wells and seconded by Jaehnig that the Income Tax Report – April 2013, be accepted as presented.

Motion passed.

Reports accepted as presented.

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

Paul Hunter asked the mayor what was going to be done about the situation at the old Bob & Carl's parking lot. He said there were many holes out there and believed that the owners of the property need to make the repairs, in the same manner in which homeowners who let their grass grow are required to mow their lawns. Mayor Riley said he had a conversation with a gentleman today who are actually in litigation to rent the property. If it is rented, the parking lot will be fixed by the property owner.

Paul Hunter said the potholes have extended now into the thoroughfare as you enter the area. Mayor Riley said that they are working to get the property rented and it has been a long process. Paul Hunter said this has been going on for years. Mayor Riley responded that there are numerous properties that are dilapidated throughout the city that they are trying to attend to. Paul Hunter asked what happened with the demolition plans through the county money. Mayor Riley said that we are still in the process of applying for that money.

Paul Hunter said there was a property on Locust that is looking very bad. Mayor Riley said that he had been informed that the property owner was wishing to fix that property up.

Councilman Stuckert asked the mayor what are the legal options for the city in terms of properties that do not get rented and continue to deteriorate. Mayor Riley said we have to go through the courts to have it vacated and to try to get permission from the property owner to tear it down. Every case is different. We have a gentleman who died in his property a year ago. His only surviving heir is a brother who lives in California who doesn't seem to care but also doesn't seem to want it torn down. So, we're in the process of working through that. We have the big house on Locust that Paul is referencing. A couple of young men were working on rehabbing it; there was a person in town that was going to buy it and rehab it, but that didn't work out. Now these two young men are working to rehab it again. We basically have to be patient and wait for the property owner to take care of it.

Paul Hunter said we have ordinances with violations. He believes \$2000 to fill up the potholes is not so much to ask if the building is rented or not. They are in violation of our laws.

Councilman Stuckert asked about the railroad crossing on Sugartree. Denny Gherman said the railroad agreed to fix it last fall but it has not been done. Councilman Stuckert asked if we could do the repairs ourselves and then bill them. Mayor Riley explained that we cannot do anything on the railroads. Treasurer Paul Fear said that it was interesting to note that we had sent them their money to use their right-of-ways.

Scott Kirchner asked if the payments for right-of-way fees could be held in escrow until they fix the crossing. Law Director Shidaker said that he did not know it had not been fixed yet. He said he thought it was time to send another letter.

Councilman Wells thanked Harry McVey. He called him about a safety problem in Timber Glen, and he came out immediately and repaired it. It was a cement drain culvert that was not covered. He asked the mayor about the status of Total Baking Solutions. Mayor Riley said he would have to check with Harry as he has the most contact with them. He said he assumed things are progressing well as he had not heard otherwise. Councilman Wells said he had not seen any activity over there.

Councilman Jaehnig noted that the Income Tax report showed an increase of about \$25,000 in taxes received – just over last year and asked how that compares to our projections for this year.

Treasurer Paul Fear said that it was encouraging because it was for individuals and withholding. He said the business is still down. It meets and exceeds our projections. We increased it from \$4,000,000 to \$4,050,000. He said we have a shot of hitting \$4.1 million or so. We're tracking ahead now.

Paul Hunter said in 2011, it was 92,613 in April, which is higher than what we have now, I believe. We're still going down a little from previous years, but better than last year.

[Discussion of first and second quarter comparisons]

President Kirchner asked if anyone else wished to address council while in session.

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

A motion was made by McKay to adjourn.
President declared council adjourned.
Council adjourned.

ATTEST:

President of Council

Clerk