

Wilmington City Council met on Thursday, September 5, 2013, with President Pro Tem Mark McKay presiding.

Call to Order

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

Chief Weyand was also present.

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

Pledge of Allegiance

Council gave the Pledge of Allegiance to the flag.

President Pro Tem of Council -

A motion was made by Wells and seconded by Stuckert to approve the minutes of the last special meeting, August 13, as presented.

Motion passed.

Minutes approved as presented.

A motion was made by Wells and seconded by Stuckert to approve the minutes of the last regular meeting, August 15, as presented.

Motion passed.

Minutes approved as presented.

President Pro Tem McKay opened the public hearing on the City of Wilmington Transit Programs for 2014. He introduced Phil Floyd, Director of Transit.

Phil Floyd explained the requirements in order to continuing operating a public transit system for the citizens of Wilmington and the surrounding area. One of the requirements is to hold a public hearing explaining the process and the plans for 2014. The grant application includes a budget proposal and operating procedures plus certification and assurance documents that indicate that we can and will meet all federal and state requirements to operate a system that will provide the public with safe, reliable, efficient public transportation. Also it assures that we will spend funds in a responsible and prudent way, and the city will make available within its General Fund a percentage of the total of the operating and capital budget presented. We have been extremely fortunate here in Wilmington to have the support and backing of our mayor and council, past and present, to be able to provide this service now in its 29th year. During that time, we have raised fares only once. Our goal is to keep the fares the same through 2014. Through the first half of 2013, we are on a pace to provide over 135,000 rides, which will be a one-year record for the Wilmington Transit System. While last year we saw a very slight decrease in ridership, so far this year we're up about 6% from our 2012 ridership numbers. We will continue to work very hard to provide safe, reliable transportation for our citizens to medical appointments, employment opportunities, education, shopping, and all other necessary transportation needs. We continue to experience a very tight budget given the continued economic conditions we see nationwide, at the state level, and, of course, locally. Unfortunately, compared to all other states, Ohio allocates one of the lowest percentages of its overall budget to public transportation. With the economic downturn, the State of Ohio general revenue funding for the public transit in Ohio has decreased 75% since the year 2000 – from 44.32 million dollars per year to 7.2 million in 2013. This funding is spread over 59 local transit systems across Ohio. While the typical state in the nation contributes 23% of the operating funds for transit from the state budget, Ohio contributes less than 3%. Keeping that in mind, we have worked diligently to keep expenses down and, most importantly, we will strive to keep Wilmington's required matching funds as low as possible. We've worked very hard to maintain a high level of service and keep fares low. One unfortunate result of our belt-tightening is longer wait times for our citizens. There are times when riders must wait over an hour for a vehicle, and for this we apologize. We

hope that everyone will understand and be patient as we try to place priority on medical appointments, transportation to work, and those waiting with groceries. It has been particularly more difficult this year, as we have lost some very good, long-term drivers to retirement and/or illness. We will miss these dedicated and valued employees dearly. We have several new drivers on board now and know that they will provide the same level of service that our community has come to expect. We have the greatest group of drivers and support staff anywhere. I would like to publicly thank them for their hard work and dedication through this difficult time. As I have said before and will say again, our employees are our greatest asset. Our hope that in the near future, all Wilmington Transit Employees and all other City of Wilmington employees will be rewarded for their dedication and sacrifices during the last five years. As mentioned by our Water Department superintendent several meetings ago, we are losing some of our most talented employees because of our inability to reward them for their dedicated service. Wilmington Transit recently lost our in-house mechanic due to the frustration of stagnant wages.

Phil Floyd - Now, on with the numbers presented to ODOT in our grant proposal. For 2014, we are requesting \$958,775 in grant assistance. That's compared to \$973,994 last year, which we were approved for and are using. We have been told by ODOT that they have fewer funds available for 2014, so we have cut our overall operating and capital expenditure budget from \$1,568,157.58 this year to \$1,525,710.83 for 2014. Within that budget, we are requesting capital funds to replace one large LTM (light, narrow-body transit vehicle) wheelchair-accessible van and three standard minivans. Also in our capital request, we are seeking \$27,880 to purchase a computer system and software to finally update our dispatch system. We are still operating totally on a manual handwritten log system. With that many rides, that's hard work. While Wilmington is responsible for only 20% of these expenditures on paper, on actuality the amount that the city will be required to make available in the General Fund as matching grant funds for 2014 will only be 14.5% of the total operating and capital budget, or \$220,969. That's what we've presented to the state. These are the amounts that we're requesting for 2014. This may or may not be approved by ODOT, depending on how much is requested by all other systems and how much is available. With the decrease in our overall budget, we gamble every single day – the fuel prices stay stable and the major repairs to vehicles and facilities are minimal. We hope we are approved for the requested funds so that we can continue to provide Wilmington with this invaluable public service. Those of us at Wilmington Transit System will continue to work very hard to provide the transportation service the citizens of Wilmington have come to expect. Thank you. Are there any questions?

Councilman Mead asked, with regards to the hour wait, if citizens can still make appointments and get their cab on time. Phil Floyd answered that they can still make appointments, but they have had to limit those appointments because of the volume needed for medical appointments or jobs, rather than to go to Wal-Mart.

Phil Floyd asked everyone at the meeting to sign-in on the attendance sheet before they leave.

President Pro Tem McKay closed the public hearing for the Wilmington Transit system.

Mayor - Mayor Riley performed the swearing in ceremony for Tyler Binkley, new police officer in the Wilmington Police Department. Chief Weyand introduced Tyler Binkley and his family to council.

Mayor Riley noted that earlier in the week, he had the honor of presenting a proclamation to the DAR (Daughters of the American Revolution) for Constitution Week, which is September 17-23.

Mayor Riley announced that the City will have a 9/11 Remembrance Service on Wednesday, September 11, at 7:30 a.m. in the back parking lot.

Mayor Riley announced proceeds from the annual Mayor's Tournament on Sunday, September 15, at 1:00 p.m. will go to support the Wilmington City Parks Department.

Mayor Riley asked for an update on the JETT jobs tracking from Councilman Jaehnig. Councilman Jaehnig announced that the new jobs number had increased from 314 to 422, an increase of 108 jobs. The businesses adding jobs were CMH, Timbertech, Polaris, Austin's Eatery, American Home Health, which is a new business on Nelson Road, and Cole Taylor. Mayor Riley thanked everyone for the efforts to promote the City of Wilmington as a great place to do business, work, and live.

Auditor - Auditor David Hollingsworth had no report.

Asset, Acquisition and Use. - Chairperson Bob Mead introduced legislation to annex certain territory into the city. He asked everyone to give their opinion and hoped that all would vote in a way to move the city ahead.

A motion was made by Mead and seconded by Siebenaller to give the first reading only on the ordinance Authorizing Annexation of Certain Territory Pursuant to Ohio Revised Code §§709.022 and 709.192, and Declaring an Emergency.

President Pro Tem called for vote.

Motion passed.

Director of Law read ordinance by title only.

Councilman Mead asked for discussion from each council member.

Councilman Jaehnig said he felt the annexation agreement was a fair proposal and believed that each annexation that is presented needs to be considered on its own merit. He said he thought it was a good deal for the city. He said that the road was going to cause some expenditure, but the long-term benefit would out-weigh the expense.

Councilman Wells said he was okay with the agreement as presented. He said he thought we would recoup over time anything we had to spend.

Councilman Stuckert said that he was agreement with the annexation. He said when we were in negotiations, there were references to previous agreements that had been made. In the course of looking into it, those were not relevant. There is a rule that a legislative body cannot bind future legislatures. His concern was that with the 15-year spread, the city is taking on a potentially significant new financial responsibility. At this time, the tax receipts will not offset the additional cost of maintaining Airborne Road. In addition, the revenue for fire protection will go down. He said that he heard that if we maintain the roads properly, they should be repaved on a cycle of seven years. By extending the agreement to 15 years, he is afraid they are going to be looking at potentially several hundred dollars plus that we will incur before there is significant development. He said he would like the agreement to say 100% for 10 years.

Councilman Wallace said he is good with the agreement and is in favor of it.

Councilman Mead said he has a basic problem with good men in good faith made good agreements and are now not able to honor them – in terms of the 10 years. He said the annexation appears to be a good thing overall. He said that the township will receive about twice what they would under the state suggested terms.

Councilman Siebenaller said the timeline presented by the ORC for 12 years is better for Wilmington than what is in the annexation agreement. He believes the annexation is a good thing, though, and he is not going to stand in the way.

Councilman McKay said he was in agreement with the proposal as presented. He believes everyone has worked in good faith toward this. It is something that is needed sooner rather than later. He said it was a good compromise for the city, the county and the township overall.

Councilman Stuckert verified that they were voting on a 15-year annexation agreement.

Councilman Mead pointed out that it was the 15-year agreement and the agreement now states that the levy monies will not include the fire levies.

Mayor Riley said that each annexation will be unique in its character. He said he is confident there will be economic development in that area because of the annexation. He said the only fiscal amounts that we can be sure of are the ones involving McMahan's Trailer Park. He said it was a little over \$600 a year. When McMahan's comes into the city, they will generate additional earnings tax. Additionally they will bring in sewer bills and trash departments. If you figure about \$40/month extra for household, that brings in about \$33,600 a year in new revenue.

Councilman Mead said the park would only be one bill. Mayor Riley said that it be based upon usage for the entire park. In addition, Jeff Linkous estimated that for snow removal, they spend about \$1300/mile for snow removal. For mowing, they spend about \$750/mile. He clarified that is both sides of the road. He said it would be about \$6150 year for maintenance of those roads. He said that would be around \$92,000 after fifteen years. The projected revenue from the utilities would be around \$500,000, so the city will be able to make money. He said he was absolutely in favor of the agreement and applauded the township trustees for coming up what he felt was a very reasonable compromise.

Councilman Stuckert asked if the \$500,000 was going into the Enterprise Fund or the General Fund. Mayor answered General Fund. Councilman Stuckert pointed out that the maintenance costs would be coming out of the General Fund. He said he didn't want us to be kicking ourselves down the road if we still have the maintenance costs down the road for repaving and we're still paying the annexation agreement for 15 years. He said he was not opposed to the annexation, just opposed to a 15-year agreement.

Paul Hunter said that he thought water and sewer will be a wash because they currently pay a higher rate for out-of-town service. Service Director Reinsmith said that it should be about a 25% gain.

Councilman Wells said he thought that the 15-year was easier for him because the last five years were not at 100%.

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

Roll call: Jaehnig, yes; Wells, yes; Stuckert, no; Wallace, yes; Mead, yes; Siebenaller, yes; McKay, yes.

Director of Law read the ordinance by title only.

A motion was made by Mead and seconded by Siebenaller 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. 5106 passed as read.

Finance Committee - Chairperson Mead introduced the third reading on legislation declaring it necessary to light streets and alleys.

A motion was made by Mead and seconded by Jaehnig to give the third reading only on a resolution Declaring it Necessary to Light the Streets, Lanes, Alleys, Lands, Squares and Public Places in the City of Wilmington, Ohio, with Electric Lights and for Special Assessments to be Levied to Pay for the Cost Thereof for the Year 2014. .

President Pro Tem called for vote.

Motion passed. All yeas.

Director of Law read resolution by title only.

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

President Pro Tem called for vote.

Motion passed. All yeas.

President Pro Tem of Council declared Res. No. 2333 passed as read.

Councilman Mead introduced the third reading on legislation approving liens for utility delinquencies, mowing and debris removal.

A motion was made by Mead and seconded by Siebenaller to give the third reading only on a resolution Approving Liens Pursuant to §§729.49, 743.04 of the Ohio Revised Code and §§923.09, 929.03 and 1729.03 of the Codified Ordinances of the City of Wilmington.

President Pro Tem called for vote.

Motion passed.

Director of Law read resolution by title only.

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

President Pro Tem called for vote.

Motion passed. All yeas.

President Pro Tem of Council declared Res. No. 2334 passed as read.

Councilman Mead asked Auditor David Hollingsworth to explain legislation asking for supplemental appropriations.

Auditor David Hollingsworth explained that the supplemental appropriation has to do with direct deductions, the administrative cost that we are charged by the county on any money that they handle, like our levy monies, inheritance tax, and local government funds. They charge an administrative fee for handling that money on our behalf. This is what we think will carry us through to the remainder of the year. When we budget for it, we never know how much it will be as it fluctuates with revenue.

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

President Pro Tem called for 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: 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. 5107 passed as read.

Water Committee - Chairperson Wallace had no report.

Streets Committee - Chairperson McKay said they have been looking at the Denver School parking situation and they will be coming back with another streets meeting on Wednesday, September 11, at 5:30

Solid Waste/Recycling - Chairperson Wells had no report.

Wastewater/Sewer Committee - Chairperson Stuckert had no report.

Judiciary Committee - Chairperson Siebenaller introduced the second reading on legislation converting the UDAG program into an updated revolving loan fund.

A motion was made by Siebenaller and seconded by Mead to give the second reading only on a resolution Adopting a City of Wilmington Revolving Loan Fund (RLF) Plan.

President Pro Tem asked for discussion.

Seeing none, President Pro Tem called for vote.

Motion passed. All yeas.

Director of Law read resolution by title only.

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

Councilman Siebenaller introduced the second reading on legislation updating obligations of owner/developers of subdivisions.

A motion was made by Siebenaller and seconded by Mead to give the second reading only on the ordinance Amending Section 1123.02 of the Codified Ordinances of the City of Wilmington, Obligations of Owner/Developer.

President Pro Tem asked for discussion.

Seeing none, President Pro Tem 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.

Councilman Siebenaller introduced legislation authorizing the submittal of a proposal by the Wilmington Transit to the ODOT.

A motion was made by Siebenaller and seconded by Stuckert to give the first reading only on a resolution Authorizing the Submittal of a Proposal with the Ohio Department of Transportation for a Grant Through the U.S. DOT Federal Transit Administration (FTA), As Authorized Under Federal Transit Law, As Codified, 49 USC Section 5311, Financial Assistance for Other Than Urbanized Areas and Funds Available From the Ohio Public Transportation Grant Program and Executing a Contract with the Ohio Department of Transportation Upon Grant Proposal Acceptance, and Declaring an Emergency.

President Pro Tem called for vote.

Motion passed.

Director of Law read resolution by title only.

A motion was made by Siebenaller 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 Siebenaller 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. 2335 passed as read.

Councilman Siebenaller introduced legislation allowing the mayor to enter in a contract with ODOT for elderly and disabled transit fare assistance.

A motion was made by Siebenaller and seconded by Stuckert to give the first reading only on a resolution Authorizing the Mayor to Enter into a Contract with the Ohio Department of Transportation for the 2014 Elderly and Disabled Transit Fare Assistance Program, and Declaring an Emergency.

President Pro Tem called for vote.

Motion passed.

Director of Law read resolution by title only.

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

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 Siebenaller and seconded by Stuckert 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 Pro Tem of Council declared Res. No. 2336 passed as read.

Safety Committee - Chairperson Wells welcomed Officer Binkley to the Wilmington Police Force. He introduced legislation declaring two police vehicles as surplus property and authorizing their sale through internet auction.

Chief Weyand said that the cars were being replaced.

A motion was made by Wells and seconded by Jaehnig to give the first reading only on a resolution Declaring Surplus Property, To Wit: Police Department Vehicle Valued at More than \$1000, and Authorizing the Sale of Said Vehicles, and Declaring an Emergency.

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. 2337 passed as read.

Downtown Revitalization Committee - Chairperson McKay announced that Austin's eatery is open on S. South Street.

Parks and Recreation Committee – Chairperson Jaehnig had no report.

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

Service Director - Service Director Reinsmith said they completed the bid projected for the paving projects in the various subdivisions. The engineer's estimate was around \$129,000. Cox Paving came in at around \$127,000 and were awarded the contract. The city received a notice from ODOT regarding House Bill 59. This will increase speed limits on some interstates and allows for an increase in speed on our bypass. ODOT is proposing to raise the speed limit to 65. Finally, the bridge on 68 should be opened on September 15. They paved the approaches and would like to open it sooner if they can get the appropriate barricades in place. They have been on liquidated damages since August 15, so it is costing them \$2000 a day for it to remain closed.

Paul Hunter asked if they are going to repave Randolph since they had worn it out.

Service Director Reinsmith said that before they do a project, they videotape all of the streets.

Councilman Jaehnig asked about how you go about adding a streetlight. Service Director Reinsmith said a request can be sent to his office. Councilman Jaehnig said he would like to add one on S. South Street between Sugartree and Main. Mayor Riley said the street lighting was inadequate all the way from Locust to Sugartree. Service Director Reinsmith said we had no poles to put lights on, which makes it difficult, but they can look into it.

Safety Director – In the absence of Safety Director Russ Burton, there was no report.

Reports

A motion was made by Wells and seconded by Stuckert that the Income Tax Report – August 13, be accepted as presented.

Motion passed.

Reports accepted as presented.

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

Mayor Riley recognized the Honor Our Military Everyday exhibit that was in the lobby of the Municipal Building the previous Saturday. They will try to bring the program back again.

Mayor Riley said that the junkyard out on Columbus Street was now cleaned up. Chief Weyand said that they met in March with the owner of the junkyard and his attorney and gave them a deadline. He said that he kept following up and in August, they started cleaning up the property. Mayor Riley thanked Chief Weyand and the Police Department for their follow-up.

Paul Hunter asked if there were any EPA issues that they have to comply with. Mayor Riley said that from the city standpoint, they just needed to get rid of the junk vehicles. If he ever sells the property, it may be an environmental issue.

Paul Fear said that the Corn Festival starts on the upcoming weekend. Mayor Riley said that there is a new whistle, which will be sounded at the grand opening of the Corn Festival at noon on September 6. Paul Fear also announced the Kiwanis Soccer Classic at the College, with two games Friday night and two games Saturday night.

Paul Hunter said that Lowe's recognized retirees and active duty troops with a 10% discount on all purchases.

Marian Miller said we should keep Wilmington College in our thoughts and prayers for the young girl, Jenna Parlette, who passed. Councilman Jaehnig added there was a nice memorial service held today.

Chief Weyand said the parade is 10:00 a.m. on Saturday for the Corn Festival, so expect gridlock in terms of traffic. The Farmers Market will be in the Mural Parking lot.

Councilman Jaehnig said that Holidazzle applications are available for parade entrees. They have an 80-participant limit.

Chief Weyand announced that they would not be testing the tornado sirens this Saturday because of the Corn Festival parade.

President Pro Tem McKay asked if anyone else 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.

A motion was made by Jaehnig to adjourn.
President Pro Tem declared the meeting adjourned. .
Council adjourned.

ATTEST:

President of Council

Clerk