

Wilmington City Council met in regular session on Thursday, April 16, 2015, at 7:30 p.m. with President Cindy Peterson presiding.

Call to Order

Roll Call: Jaehnig, present; Spicer, present; Stuckert, present; Mead, present; Miller, present; Milburn, present; McKay, present.

Chief Weyand was also present.

Pledge of Allegiance

Council gave the Pledge of Allegiance to the flag.

President Peterson announced that today is National Holocaust Remembrance Day.

Mayor Riley – The flags are at half-staff by order of the President of the United States. It was 150 years ago that President Lincoln was assassinated. I have told them to keep the flags at half-staff in memory of Arnie Lansing, a former Fire Chief of the City of Wilmington, who died very unexpectedly this past week. He was with the Department from the mid-70s until he retired in 1995.

Moment of silence observed

President Peterson announced that she was moving the Mayor’s portion of the agenda ahead.

Mayor - Mayor Riley:

Mayor Riley performed a swearing-in ceremony for Patrol Officer Codey A. Juillerat for the Wilmington Police Department.

Mayor Riley presented a proclamation recognizing Safety Telecommunications Week.

WHEREAS, professional emergency dispatchers perform a critical function when an emergency occurs requiring police, fire, ambulance or highway safety personnel; and

WHEREAS, dedicated emergency dispatchers are always on duty, serve the citizens of Wilmington and Clinton County by answering their calls for police, fire and emergency medical services by dispatching the appropriate assistance as quickly as possible; and

WHEREAS, professional dispatcher personnel are not visible like the men and women who arrive on the scene of emergencies, yet they provide the critical link to public safety services as part of the first responder team.

NOW THEREFORE, I, RANDY RILEY, by the power vested in me as Mayor of the City of Wilmington, Ohio, do hereby applaud the important work done by our emergency telecommunication dispatchers in Wilmington and Clinton County and do hereby proclaim the week of April 12-18, 2015, as PUBLIC SAFETY TELECOMMUNICATIONS WEEK in Wilmington, Ohio, and our neighboring communities.

Mayor Riley - We have a project that has been in the works for a couple of years, at least, with the Lions Club. When you come into the City of Wilmington, you see signs about our athletic performers. You don’t see the old signs that we used to have that welcomed you to Wilmington and had all the service organizations and churches. We want to do that again. It is quite expensive. The Lions Club came to us and offered to be a sponsor for the project. Our Streets Department will put them up. Our goal is to have a sign at each of the main state routes coming into town. We want to open it up to nonprofit organizations, fraternal organizations and the churches. The sign will say “Welcome Home.”

Representatives from the Lions Club showed a sample of the sign and presented a check to the city in the amount of \$7500.00 toward the project. Mayor Riley said construction is planned to start within the next 30 days.

Mayor Riley – The Rozzi Fireworks family has scheduled a shooter’s school out at the fairgrounds for Saturday, April 25. It goes all day teaching people how to do fireworks. At night they will have a demonstration. If you want to see a free Rozzi fireworks show, come out to the west side of town. They will be done at about 10 p.m.

Kim Law – The Wilmington Tree Commission – Ms. Law gave an overview of the history and purpose of the Tree Commission. The Wilmington Tree Commission was reestablished in April 2010 and is appointed by the mayor. It exists entirely on donations and members are volunteers. The purpose of the Tree Commission is to provide for the preservation, protection and enhancement of trees within the urban forest of the City of Wilmington. Among other tasks, the Wilmington Tree Commission has put together a detailed urban plan index for the City of Wilmington which outlines all of the tree lawns within the city. They have also put together a planting plan for the next five to ten years in the City of Wilmington.

Ms. Law spoke about the aesthetic value of the urban forest. Trees are good for the economy and for health. The city recoups environmental value from their urban forest, and the trees planted become part of the infrastructure. The Tree Commission uses I-Tree software to manage this urban forest, which generates a total dollar value for a tree over its lifetime. This amount is based on the value of stormwater assistance, air quality improvement, reduction of atmospheric carbon dioxide, summer energy savings, and winter energy savings. For the Arbor Day campaign, the Tree Commission placed tags on each of the trees letting people know how much the trees have given back in environmental value.

President of Council

A motion was made by Milburn and seconded by McKay to approve the minutes of the last regular meeting, April 2, as presented.

Motion passed.

Minutes approved as presented.

President Peterson announced a Notice of Legislative Authority from the Ohio Department of Liquor Control, a Transfer of Ownership from Ohio CVS Stores LLC on Rombach Avenue to 120 E. Main Street. The notice will be on file at the clerk’s office.

President Peterson introduced the third reading of legislation changing zoning in the City of Wilmington and asked for public comment.

Stephen Sawzin – 43 Fulton Street – Mr. Sawzin stated his objections to the Gateway legislation. The legislation does not address grandfathering of existing property. Property owners should have been individually notified of the proposed zoning change rather than through a newspaper notice. While the legislation addresses demolition of properties built prior to 1940, it does not mention anything about structures built after 1940. How does the legislation apply to condemned buildings? Mr. Sawzin also mentioned contradictions in the legislation concerning minimum lot widths and said there was no mention of combining lots and resurveying. Also, the legislation does mention vacant lots or currently condemned buildings. He asked why the stipulation of five employees was tied into use of an accessory building. He said it also would be impossible to rebuild a house to what it used to be without the documentation of how the house was originally built. These things make the zoning ordinance unenforceable. Mr. Sawzin also said he was not aware of any place where a new owner could get the information regarding the zoning on their lot. That information should be publicly available. He said he would like to see all of the houses remain R1 and not have the hodgepodge that is allowed in the Gateway ordinance. The ordinance is poorly written and should be tabled until it is reworked.

Charlie Hargrave – 229 Mays Drive, Sabina, and owns a rental in the area. I agree that the newspaper was not the best way to advertise the rezoning. A notice in the utility bills would have been better. I stand in support of the G1 Gateway zoning. It would be good for economic development. Having been mayor of Sabina, I understand that zoning is very difficult. Unless you are starting a new city from scratch, it's never going to be a hundred percent correct. The intent of the Gateway is what people should look at. It will help bring business in and will keep older properties intact. I am familiar with the one property that is causing the struggle. Chris Walls has done a lot of work on the property to make it better and the city should do what they can to let him move forward. Also, Mr. Walls donates back to the town quite a bit. Council will do what is right and will be able to control what goes in there.

Councilman Jaehnig – If government got to choose which businesses open in our community, it would be a beautiful thing. I don't know that we would have as many pizza places or subways or dollar stores if government got to choose what businesses open in our community. To be honest, they shouldn't get to choose.

Charlie Hargrave – But, no one will be able to put hazardous chemicals or anything dangerous in there. The people up there have common sense and are not going to let anything terrible happen. Everybody should do government one time in their life. Then you would have a whole different opinion. It's a different beast.

Vincent Holmes – The nine most terrifying words from the English language, "I'm here from the government. We're here to help." I'm a small business owner, and I live here in the city. There are several problems with the original ordinance, and there are even more with the amendment that lists the locations of the new zoning. No provisions are made for hours of operation. Therefore, I can have a bakery open up next to my home with hours of operation that start at 3:00 a.m. or even stay open 24/7. This is unacceptable. The present zoning protects us from that. There are no provisions for compensation by the city for the disruption of the peace of my home and loss of my property value because of this bakery. This also is unacceptable. My present zoning protects me from this bakery being established. The G1 zoning ordinance needs to be stopped by council and started over, and that is easily done here tonight. Nobody was aware of the G1 rezoning because the city followed the letter of the law by posting a notice in the newspaper. The spirit of the law is to make sure that reasonable and sufficient notice be given, especially to those that it will affect. Many people do not get the newspaper. Those that do, do not necessarily read the classified section. Please do not take a haughty and dismissive position and tell us it is our own fault that we are not informed. Should council not do all within their power to protect us? Did you not wonder why there was so little interest and concern by the citizens? We didn't know. There is still much confusion and many questions. Council claims to represent the people. If that is true, then stop this tonight, back it up, and go the extra mile. Send letters to the 379 property owners. Take it upon yourself to exercise the spirit of the law. Two of the honorable council, Mr. McKay and Mr. Jaehnig, who is the chair of the committee, stepped up and voted to stop this. They are cautious and do not want to make a mistake. Council, leave our zoning alone. It is not broke. Quit trying to fix it. This is not a small thing and much hangs in the balance. Your names will be attached to it forever and many will suffer and pay from the decision you may make here in just a few moments. If the ordinance and the amendment are worthy of their salt, they will withstand real sunshine, and you will be able to make your vote with more knowledge and confidence than you possess now. Please don't rush this through just because you can or because you are weary with it or you personally want it or deals or promises were made or you just want to get it over. Are you not servants willing to do anything and everything possible for all of the people, which is the city? G1 zoning should be stopped because it is the right thing to do.

Teresa Rembert – 39 N. Wood Street – This matter is very important to myself and my husband, Ron. We think the intent of the G1 to protect beautiful homes and the aesthetic characteristics of the community through regulation is an important effort. We are in disagreement with some of you about the zoning changes that the G1 will bring. We appeal to your wisdom, your goodness, and your integrity in making our case. Two years ago, you created a zone. Tonight you are making a zoning change that pulls that zone onto over 350 properties. Once you put that zone on this map, all those properties can be

used for over six or seven different categories of business and government uses. Most of these property owners do not know what you are doing because you weren't required to notify them in writing. Mr. Stuckert, last night at a public forum, you were running on a platform of providing clear, accurate and thorough information. You don't want the city to withhold information from you. We are asking the same from you. We want you to stop moving forward until you have provided all 350-plus property owners with a copy of the ordinance and a clear and precise explanation about how the G1 will affect them. Mr. Mead and Mr. Spicer and Mr. Stuckert, you are wise enough to know that people in this community consider their personal property sacred and they expect this city to preserve the zoning of that property. Please, from a place of wisdom, vote no to the G1 so these 350 property owners can have real due process and an active voice in any changes that are made to their zoning. Ms. Miller, last night you talked about protecting your family and your neighborhood. I'm asking you tonight, and Mrs. Milburn as well, to vote no on the G1 out of a place of love for other neighborhoods on South Street, Main Street, and Locust Street. They deserve the same protection and preservation that you want for your own neighborhood. When you change the zoning of a neighborhood, you change the character of the neighborhood and place property values in the jeopardy, therefore putting citizens at risk. Stop what you're doing. Take this project out of the confusion where it appears to have flown under the radar. Bring it to the light of day. Provide thorough, complete, accurate, factual information to all the property owners involved. If this is a project good for the community, it will survive the light of day and we will all be better for it. If you proceed tonight in confusion, it will continue to ferment fear and confusion, neighbor against neighbor, city against citizen, community against government, and we will all be worse for that.

Christopher Walls –The G1 is a good thing for Wilmington. It protects the historical integrity of the properties that are in it. Everybody is talking about how it is going to allow this business or that business in. I think Councilwoman Miller at the last meeting explained that the parking rules will restrict the types of businesses. I'm not trying to attack anyone. I am sure these are good people. People with tattoos are good people and do not deserve to be labeled. That's what this is about. The people who have stepped up here against G1 have not been to a G1 meeting. They left the initial public hearing on the G1 after my business was denied its rezoning. I don't regret the business decision to move into that property. It's a great location and has a neighborhood with great people in it. They care about their neighborhood. I would like to make a promise, when we do get in this property, we will be the best neighbors you've ever had. We have no issue with you people, and we don't want an issue. We just want to do what God gave us the gift of doing, and that is creating artwork.

Teresa Rembert – I am a therapist. I have many clients with tattoos. I have friends and relatives with tattoos. I love every one of them. I am not prejudiced against you because you have a tattoo parlor. I am not prejudiced against people with tattoos.

John McCalister – 557 N. South Street – I was not informed of this. I've known about it for about two days and don't really know what all you're trying to do. It sounds like your heart and your intention is right. I've lived in my home for 30 years. I try to keep my house up. I bought the house next door and remodeled it to keep the neighborhood up. I think this law is just too open. A few years ago, Wilmington Discount Tire bought the home two doors down for me and now stores tires in the old barn in the back. It's a fire hazard. You are going to open us up to the possibility of god knows what. I feel sorry for Mr. Wall and your situation, but I think each individual thing should be handled by its own merit. I think we should address his issue as his issue. I don't think you should pass a law concerning my property in a very nice residential neighborhood. I don't want a business next door to me. We've got plenty of places uptown and around here that are open. Let's get somebody in those places.

Eric Gherman – 901 N. South Street – I've been around Christopher's business. There is nothing wrong with a tattoo business. Chris donates to the city. If this goes through, he wants to put in flower beds and spruce up the outside of the place. It will be a nice establishment. On the corner of Michigan Avenue just down from where I live on South Street, there is a condemned home that was built in the 1940s. No one can do anything about it because it's in the G1. It is a hazard to everyone in the neighborhood. Why not have the owner of that property demolish that house? It's about to cave in on itself. What

are you going to do if my kids and the neighbor kids go into that building and it collapses on them? Who's responsible? Is the city going to be responsible because if G1 passes, you know, you can't demolish a historical home even though it's a health hazard. You have to really consider what you are trying to do. Just because you are trying to prevent one business from moving isn't the right thing.

Angela Earley – 545 N. South Street – I live in what could potentially become Gateway zoning. I own three other properties, so I own four total in what could become Gateway zoning. I talked to our councilperson about this and it was kind of played down, which I am very disappointed about. This appears to be something you want to force upon 379 properties all because of one issue. Why can't that one issue with one property be dealt with as such? I live in what I consider a residential neighborhood and have great neighbors. We've lived there a long time, and we keep our houses presentable. We care about it remaining a residential neighborhood. I just can't see doing this to everyone to solve the problem of one person. Let that person comply with whatever zoning their property has right now and let us keep what we have.

Herb Baker, Jr – I have stood here and listened to all of you, and half of you have no clue what is going on. Some of you think it has to do with the one certain business. It has nothing to do with it. This is to preserve your neighborhoods. It is to keep CVS from moving in and tearing buildings down like they did right down here. It has nothing to do with one business like most of you are pointing out. You need to actually read it and take the time to understand it before you get up here and criticize it. It has nothing to do with Chris Walls' business; it has to do with the historic homes in this town. It is to protect from having a bunch of heroin addicts in abandoned homes next door to your house that you are so worried about. That is what you need to think. Let someone bring a business in and keep that house looking like a house, not a business like CVS or a Dollar General. It's to keep your home looking like a home, not to bring in a box business.

Steve Sawzin – The ordinance does not protect homes because it doesn't speak to homes built after 1940. If the assumption is if someone does create a business that the building is supposed to look like a home, it doesn't specifically state that in here. If the intent is to protect homes, my home is protected right now under the zoning. I think, again, this is a poorly written regulation. I prefer you throw it in the wastebasket and leave us alone.

Connie Holmes – 71 Library Avenue – I moved here in the late 1950s. This town was really a nice little town. It's grown immensely since then. It was a beautiful town. You had the businesses here and the residences here. They didn't mix. I can't tell you who is going to come into his tattoo parlor. He can't tell you who is going to come into his tattoo parlor. Hopefully you can keep it like you've got it, but nobody can read anybody else's mind so you don't really know what we're thinking. You can't guarantee that your business will stay that way. I'm not saying that people are bad because they have tattoos. I've got makeup tattoos. When I got married, we moved over on Spring Street. My husband loved classic cars. He had one sitting in the driveway with no license and no motor. It sat there a while and we had a policeman come to the door one day and enforced the fact that we had to move that because it didn't look nice. We had to keep our property up. We did whatever we needed to do. You really need to think about what you are doing in this magnitude. You want your grandchildren and great grandchildren to live here and have nice places. All of these loopholes have been brought up. It would be a good idea to work on it a little bit longer. You don't want to jump into something that you can't undo. It's easier to get in than get out. If the citizens aren't happy, nobody's happy.

Herb Baker, Jr. asked what happens with the G1 Gateway if the zoning map does not pass.

Councilman Jaehnig – If the map doesn't pass, then the G1 is not placed on any properties. The G1, like any ordinance, can be changed by council's approval at any time. I would assume if the G1 does not pass, then the decision will have to be made by council or the administration of whether they want to fade off into the sunset, be sent back to committee to be worked on and brought back as something that may be passable. The G1 could be on the books, but if it is not attached to any properties, it doesn't really do anything.

Herb Baker, Jr. – This was all passed unanimously until the last meeting and then two of you changed your minds. I don't know and don't care why you changed your mind. If the map does pass, nothing is written in stone. Can't you amend things once this has passed? Can't you go back and fix it?

Councilman Jaehnig – No. The reason I say that is because it is a replacement zone, some of the items in it, we cannot go back and fix. If it was a lay-over zone instead of a replacement, we could fix about anything.

Taylor Stuckert – You can amend zones.

Councilman Jaehnig – But once the zone is put in place, any action that takes place between the time that it has passed and an amendment happens, is grandfathered in to any changes. So, no, you can't change anything that happens during that time period.

Taylor Stuckert – Certainly, but it is still an amendment.

Councilwoman Miller – He asked if you can make an amendment, and the answer is yes.

Councilman Jaehnig – There are changes that could be made during that time period that would not be affected.

Herb Baker, Jr. – How long does it take to amend something usually?

Councilman Jaehnig – It would be shocking if it was done in less than a month. More realistically, a minimum of six weeks to three or four months.

Herb Baker, Jr. – So you figure all of this passes, because you're not going to make everybody happy. What you need to think is what you think is better for the economy of the town and the people in this town to make this town grow – to keep this town thriving. So, if this does pass, you can go in and amend it to make it even more people happy. Nothing is written in stone that you can't fix it once it's passed. To me, it's pretty simple. I'm not very smart when it comes to things, but there's nothing that can't be fixed.

Vince Holmes asked if residents could change their zoning back to R1 after the G1 passes.

Councilman Jaehnig explained that they could apply to Planning Commission but they would run into a problem if every property adjacent is zoned G1. The City does not traditionally allow spot zones.

[Discussion of spot zoning]

Councilwoman Miller – You would be surprised how many people do not know what the zoning of their property currently is.

Service Director Reinsmith – Go to the City of Wilmington website and there is a map on the website with all of the parcels on there. You can also go to our office and we have the minutes of all of the Board of Zoning Appeals Meetings, which would show when there was a variance granted on each parcel.

Vince Holmes asked for an explanation of the process of rezoning a property.

Service Director Reinsmith – Explained that an application is picked up at the office, filled out, and submitted to the office. With the application, you list all of the adjoining property owners. The City then sends notification out by mail and it is run in the newspaper. The petition is heard at the Planning Commission and neighbors have an opportunity to voice opposition. The Planning Commission does not rezone the property; they only made a recommendation to council. If they make the recommendation, it takes a simple majority of council to pass the rezoning. Should the Planning Commission turn it down, they petitioner can still take their rezoning to council, but it will take a super

majority to pass. With the Wilmington Council, it would take six votes to overturn the Planning Commission recommendations.

Seeing as no one else from the public wished to comment, President Peterson asked for input from the council members.

Councilman Jaehnig – I am responsible for this getting started. I believe the city was in jeopardy of losing many of its historical buildings. With the incident involving the Family Dollar moving in and tearing down a home simply to put up a sign and the outcry that occurred from that, I started looking into how we can protect our gateway areas and maintain the fabric of our community and protect our historical homes. A prime example of a home that concerned me at times was what used to be Brenz Salon, which has been converted back to a single-family home. I couldn't be happier about that. The purpose for me going forward was protecting our future. It is very difficult to get people to invest in a home, especially one that is older that needs a lot of upkeep and a lot of care to make it look beautiful, when there is a great deal of concern that a box is going to move in next door; a parking lot is going to be put in without review; or the house next door is going to get torn down and all you have to do is pay a \$50 permitting fee to tear that house down. These are things that need to be dealt with. When the legislation finished, it did not have everything that I wanted and it allowed some things that I didn't intend to allow. One of the things that the gateway zone doesn't do that we had hoped it would do was if you have a house that is 75 years old or older and you don't live in the gateway zone, we had hoped that at the request of the property owner, the property could be protected under Gateway Zoning. I work every day on economic development. I was one of the first ones to talk about allowing digital signs to give businesses the opportunity to do business with modern technology. We were concerned about the bleed from Rombach Avenue coming all the way down to Main Street and that there wouldn't be a buffer between the two zones. My intention was never to open up every home to someday turn into a business. I want those single-family homes. To be honest, for all of you who own multiple properties and multiple rentals, I definitely want to convince you to sell to a family and get it out of rentals. Our community is 52% rentals. That is not healthy for a community. That is part of the problem in our community. DHL was the cause of that. I want to make sure that the people are going to be willing to buy these houses, invest in them, and know that they are going to have a neighborhood. Where I went wrong, I am still questioning myself, but I think it's hubris to pretend like you never make a mistake and that you went a direction that you didn't intend. Taylor and Chris Schock and Regional Planning did an incredible job in working on this piece of legislation. I know they want to absolutely kill me because I was the one started pushing it forward. Personally, I would like to take this back, work on it some more, and make it an overlay so we can use it wherever we need to in the city. We have so many open properties that are already zoned properly. In all due respect, Mr. Walls, I understand your situation and it has nothing to do with your situation, but when you start talking about what people say to you and their being honest, you called me before you ever purchased that property and asked me what I thought of it. The response I gave you, I'm not really sure, but whatever you do, make sure that property is zoned properly so you can operate that business in it before you buy it. You didn't do that. You went ahead and bought it before you knew you could operate in it.

Chris Walls – That is not true. I talked to Larry Reinsmith. He said there should not be any reason that I shouldn't get a rezone.

Service Director Reinsmith – No. You came to me and you said, "What do you think about my chances? I said, "Chris, I wouldn't buy the property right now." I said, "You are going to take this in front of seven people in Planning Commission and you don't know what they are going to think."

Chris Walls – You said you thought it would be a good move for us.

Service Director Reinsmith – No I did not. Then I said you are going to go to council with another seven heads that are going to decide. You said, "Listen, we are getting this at such a good deal; we're buying it for \$30,000. If we can't use it for a tattoo shop, we'll sell it and flip it and make money for something else."

Chris Walls – I didn't say I would flip it. I don't own the property. My sister does.

Service Director Reinsmith – I know.

Chris Walls – Why was I denied zoning?

Service Director Reinsmith – It wasn't because you had a tattoo shop.

Chris Walls – You said parking. You said if I prove parking, I could come back. Mayor Riley was right there. He agreed with you.

Service Director Reinsmith – And you never came back.

Chris Walls – Because the Gateway could get me in quicker.

Service Director Reinsmith – That was your choice; not mine.

Chris Walls – Okay.

Vince Holmes – Professional office zoning is what that whole side of the street is zoned. One of the stipulations of professional office zoning is that a certain type business has to have normal hours of operation and it specifies Monday through Friday. Mr. Mayor, a couple of weeks ago you made a comment and you said something to the effect that if he was a barbershop, he would be in there already. Mr. Mayor, do you get your hair cut on midnight on Saturday night?

[Arguing about the hours of operation]

Councilman Jaehnig – I just ask that council send it back and let us rework the legislation.

Councilman Spicer – We have had two more weeks to discuss things. One of the comments was to work with this guy. It has never been about this guy. This started long before this guy ever bought this house. This is about trying to improve Wilmington. A large part of these properties in this zone, while there are some residential, are already zoned business or professional office. They are already mixed-use properties. The one lady commented about how nice it was in 1956. It was. In 1956, I used to get up in the morning and run over to Morton's Grocery Store in a residential district to buy milk for breakfast for my mother. If they were out, I would run on over to another grocery store to buy milk or on down to Miller's market. The people on the north side were able to go up to Spring Street to Haywood Market. I don't know how many other neighborhood businesses there were. You are absolutely right. It was a beautiful community. That's why I stayed here all my life. That is why I continue to stay here because it is a beautiful community. We don't always agree, but I think we have had time to do our homework. There are a lot of emotions involved in this. I am not getting involved in the emotions. I am looking out for what I think is good for Wilmington. Is it 100% perfect? No. Every ordinance is approximately the same thing. If this ordinance is worded wrong, we've probably got every ordinance in our books wrong. When we went to Y2K, everyone thought the sky was going to fall. Everybody thinks that suddenly every house in town is going to have a business in it. That's not going to be the case. I had a lady call me the other night who was concerned and has questions. She lives on North South Street and has a house that she wants to put a business in. She is already zoned business, and she can do that. But she lives in a historic home and she is worried about us changing it so she wouldn't be able to do her home-based business. What she didn't know that the area she is in is in B1. She doesn't want a filling station across from her, but too bad. She could get a filling station right now. If the gateway goes through, she won't get the filling station. The other thing that won't happen is someone buying her historic home and tearing it down and put a box up. She'll be able to preserve her historic home and she will still have the home-based business in there that she wanted. I'll bet there is not a person here that wouldn't be thrilled to death to see her open that business and participate in it. I don't think that you are going to have the concerns that you think there will be – that every other house is going to turn into a tattoo shop and we have throngs of people out there waiting to get in the neighborhood and open a business. For you

homeowners that own the homes that are worried about it, put it in your real contract so they can't run a business there. You can still keep it as a home if you want. But it will protect your home if you do have a historic home. Nothing says you can't tear down a condemned house. You can, but you have to go through some hurdles. The house on Locust Street that is condemned will probably have to come down. What's nice about it is when it goes back up, it is going to have to be built on the same footprint and it is going to fit in with the residential neighborhood. It may not be a historic home, but it will look like it fits. We have to get the emotions out of it. We have to get the businesses out of it. I am not voting for or against anybody. My heart tells me that this is what we need to move forward. I think it will help us grow. I don't think it is going to destroy the neighborhoods. If I would see that trend coming that way, I would jump on the bandwagon and put a stop to it. I don't have an ego. I don't have a problem saying it is wrong. I don't think change is wrong. I think it is wrong when you make a change and it doesn't work but you let it continue on just because you voted to make a change. I have broad shoulders. If it doesn't work, I'll be the first to stand up and say I was wrong. If it does work, would you guys stand up and say we were wrong? I'm voting according to my beliefs. It is not rushed. I would prefer the overlay, but there are problems with that. This is a letter I got from someone: "Would you have little to no concern for random patrons coming and going throughout the evening and early morning, parking in front of your property, throwing trash on your lawn and being generally destructive?" I go through it every night in a residential neighborhood. I went to bed at ten minutes until one last night and at 1:30 the guy working on the truck across the street was banging the doors and revving his motor. I put up with this several times a week. I live on a corner lot and every day I go and pick up trash in my yard. Not a bit of difference. For me, I'm not trying to offend anybody. I believe it is good thing for Wilmington. We have taken time to study. I think it is obvious that no one is rubber-stamping it. I have done research on the different zones. It is not going to be that bad. It really isn't.

Sawzin – If the intent is to replace what is torn down with a single-family residence, why not just make a simple law that says that on all these properties there can only be a house?

Councilman Spicer – I'm not the zoning expert. That's why I consulted with the zoning expert. That is what we pay him for. I trust his judgement.

Taylor Stuckert – The point of the zone is to address the form of the neighborhood. It is not about saying to build the exact house that was there before.

Sawzin – I understand, not the exact house.

Taylor Stuckert – You have to build a structure that fits the physical form of the neighborhood. That could look many different ways. It goes before Planning Commission for review.

Councilman Stuckert – I can't go along with Councilman Jaehnig because I don't believe we made a mistake. I have heard a lot of information tonight. It's not a matter of information being withheld. It's a matter of misinformation. I agree with everything that Joe said. We worked very hard on this. We have representative government and we want to represent. If there are flaws, we can consider amendments to the zoning law. It is based on study and a lot of time spent over the last two years studying this stuff. I don't believe it is in the best interest to try to undo the whole thing and go back and start over. You're going to have to trust me. If you don't, I don't really know what to say. My vote is to put it in place. I invite everyone who has concerns to put them down. If the concern is legitimate, we will start an amending process.

Councilman Mead – I agree with the last two speakers. As far as I'm concerned, the vote on this was never about any business. Never.

Councilwoman Miller – I have learned so much about zoning. I actually wasn't here for the very first reading; I was on maternity leave. I read the minutes and voted in full support on the second reading. After all of this happened, I got the CD made and I listened to the audio the other day just to make sure I wasn't missing anything. I understand the value of your home and stand by protecting the home value. In my heart

of hearts, this is of value to the city. Form-based zoning is an emphasis on what the area looks like and it does pull away the emphasis of what the land use is. I know there is concern about property rights, but at the same time, I think it almost enhances property rights in the sense that you can use for what you do while at the same time protecting my property right as your neighbor to have something that meets to form and the heritage of the area. I own my vote. I know it is unpopular with some of the attendees today. I stand by it and I'm asking for you to trust me. If you have any questions, I will answer them. If it is in need of tweaks, I will own it and I will help you get it tweaked to something that you are even more comfortable with. One clarification, and this is for Vince Holmes. I was not going to make is specific, but I did want you to know that one of your concerns was about sound. There is sound protection.

Vince Holmes – No. Right now you can only have a business that works during only normal business hours – Monday through Friday. That is very important to me and anyone else that is zoned PO that is coming under. My comment to the mayor was if it was a barber shop, he would have been in here already. It is not true. A barber is not allowed to be open at midnight on Saturday night.

Councilwoman Miller – On your second item on your first presentation, your concern was the business hours and also the sound. I'm just letting you know that there was a sound ordinance added to it. I wrote that down.

Vince Holmes – I think you mixed up me with someone else.

Councilwoman Milburn – I don't even know where to start. I think there is a whole lot of confusion about this. It is concerning to me. The thing that it reminds me of is when I was a child, we played a game of telephone. Nine times out of ten, what you hear at the very end is not what you heard at the beginning. I feel like that is happening. I feel like there has been a lot of talk in the community – I have even heard the potential of something like a Lion's Den moving in next to you. That is not what this is about. It is just getting out of control. As I was sitting up here listening, it went through my head, do we need to pull back? Do we need to meet again? Do we need to educate more? I think the ordinance is black and white. In my opinion, it is not to downgrade, it is to protect property value. I think it will. I think it will not be as bad as people think. Change is hard. I think this is a big change. I think it could be a step in the right direction. I think it is progress. The intent of this is to keep the historic look of downtown Wilmington, and we want that. There have been a lot of good points here. Joe, that was a great speech. I mirror everything he said. The last time I spoke, I mentioned that I was flip-flopping a lot. At the end of the day, I feel confident in the G1. I feel confident that it is not going to hurt anyone. And if it does, nothing is permanent – ever. We will go back. We will fix it. We promise you. If anything starts happening, come right back into this room and let us know.

Connie Holmes – You said it can't be amended.

Councilman Jaehnig – It can be amended. The only thing that cannot be undone is once the map is placed, anything that occurs between the time it is passed and an amendment passes will be grandfathered in. Just like anything that is currently in place that does not conform with G1, moving forward would be grandfathered in.

Councilman McKay – I think it is fairly obvious how council is going to vote on this. I still need to reiterate how I feel about it. I think we all believe in the intent of the ordinance. I'm reading from the minutes of what I said last night. I don't think we understood completely what the repercussions of the ordinance may be. Unfortunately we are finding for these 379 parcels, this really could have a far-reaching and unintended result. These results might not at all be what we expect. I like the concept of neighborhood business. For that reason, even though it sounds like we've done all the talking about this, I don't think we've really talked about the ramifications as fully as we should. I believe we should take it back and quickly look at it again. There were nine people that I counted that spoke tonight. Four spoke for it. Five spoke against it. The four spoke for it were all tattoo parlor related. Those who spoke against it were, for the most part, had the bigger concept of what the whole picture is about. We are losing, if we pass this tonight, some degree of safety for their property.

A motion was made by Miller and seconded by Mead to give the third reading only on the ordinance Changing the Zoning of Real Property Located in the City of Wilmington, Ohio (G1 Gateway District).

President called for roll call vote.

Roll call: Jaehnig, no; Spicer, yes; Stuckert, yes; Mead, yes; Miller, yes; Milburn, yes; McKay, no.

Motion passed.

Director of Law read ordinance by title only.

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

Roll call: Jaehnig, no; Spicer, yes; Stuckert, yes; Mead, yes; Miller, yes; Milburn, yes; McKay, no.

Motion passed.

President of Council declared Ord. No. 5218 passed as read.

President Peterson presented notice of a public hearing on the rezoning petition of John and Michelle Adkins regarding Lot 173 of the Lakewood Subdivision located at 15 Regal Drive from R1 to R3(a). The public hearing will be Thursday, May 21, 2015, in council chambers.

Auditor - Auditor David Hollingsworth had no report.

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

Water Committee - Chairperson McKay had no report.

Streets Committee - Chairperson McKay asked for a paving update.

Service Director Reinsmith – Denny just finished the specs and sent them to the office for review. We will be moving forward soon.

Solid Waste/Recycling - Chairperson Jaehnig had no report.

Wastewater/Sewer Committee - Chairperson Milburn had no report.

Judiciary Committee - Chairperson Jaehnig presented legislation for updating of the Codified Ordinances of Wilmington, Ohio. This includes accepting changes in state ordinances that affect the Wilmington Ordinances.

A motion was made by Jaehnig and seconded by Stuckert to give the first reading only on the ordinance Approving the Editing and Inclusion of Certain Ordinances as Parts of the Various Component Codes of the Codified Ordinances of Wilmington, Ohio; and Declaring an Emergency.

President called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

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

Roll call: Spicer, yes; Stuckert, yes; Mead, yes; Miller, yes; Milburn, yes; McKay, yes; Jaehnig, yes.

Director of Law read the ordinance by title only.

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

Roll call: Stuckert, yes; Mead, yes; Miller, yes; Milburn, yes; McKay, yes; Jaehnig, yes; Spicer, yes.

Motion passed.

President of Council declared Ord. No. 5219 passed as read.

Councilman Jaehnig presented legislation accepting the Wilmington Comprehensive Plan. I would like to point out something that Mr. Walls had pointed out in the earlier discussion. At a Planning Commission meeting, once a certain topic was over, all the audience members left. The interesting thing is the real excitement for the evening is really this comprehensive plan. The G1 is important, but this is really a work of beauty. Taylor did a wonderful job on it. This is a plan to point the city in a direction so we have

a guideline and timetable for the future of Wilmington. We have not had a comprehensive plan since the 1970s. They usually get updated every 5 years. It's unfortunate that so many people left because this is important information.

A motion was made by Jaehnig and seconded by Milburn to give the first reading only on a resolution Adopting the Wilmington Comprehensive Plan.

President called for vote.

Motion passed. All yeas.

Director of Law read resolution by title only.

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

Safety Committee - Chairperson Spicer presented legislation authorizing to submit a safety intervention grant for a cot and a stair chair. One of the most common injuries for a firefighter/EMT is a back injury. This lets them move up and down the stairs with the cot so they don't actually have to lift them.

President Peterson asked about the emergency clause on the legislation.

A motion was made by Spicer and seconded by McKay to give the first reading only on a resolution Authorizing the Mayor to Submit an Application for a Safety Intervention Grant of Up to \$40,000.00 for a Cot and Stair Chair from the Ohio Bureau of Workers Compensation and Declaring an Emergency.

President called for vote.

Motion passed. All yeas.

Director of Law read resolution by title only.

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

Clerk Brenda Woods clarified that the legislation was supposed to be done in three separate readings but passed as an emergency. That way it would be done by the end of May, with the grant due in June.

Spicer withdrew his motion to suspend the rules and regulations.

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

Finance Committee - Chairperson Miller introduced legislation requesting miscellaneous transfers: From Law Director Supplies – Grant to Training – Grant, \$382.69; From Municipal Court Judge Salary to Municipal Court Acting Judge Salary, \$18,000.00.

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

President called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

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

Roll call: Mead, yes; Miller, yes; Milburn, yes; McKay, yes; Jaehnig, yes; Spicer, yes; Stuckert, yes.

Director of Law read the ordinance by title only.

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

Roll call: Miller, yes; Milburn, yes; McKay, yes; Jaehnig, yes; Spicer, yes; Stuckert, yes; Mead, yes.

Motion passed.

President of Council declared Ord. No. 5220 passed as read.

Councilwoman Miller introduced legislation making supplemental appropriations: Sewer Fund to Capital Equipment, \$168,000.00, to replace a concrete truck; Sewer fund to Laboratory Equipment, \$5,500.00. These are to replace a concrete truck, buy a lateral push camera, a mini-excavator, phosphorus monitoring equipment, and a water distillation system.

Councilwoman Milburn explained that the department is transitioning to a distilling process so there is no organic material left in it.

Councilwoman Miller – The department’s current balance is at around \$2 million dollars.

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

President called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

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

Roll call: Milburn, yes; McKay, yes; Jaehnig, yes; Spicer, yes; Stuckert, yes; Mead, yes; Miller, yes.

Director of Law read the ordinance by title only.

A motion was made by Miller and seconded by Milburn to pass the ordinance as read.

Roll call: McKay, yes ; Jaehnig, yes; Spicer, yes; Stuckert, yes; Mead, yes; Miller, yes; Milburn, yes.

Motion passed.

President of Council declared Ord. No. 5221 passed as read.

Cemetery Committee – Chairperson Mead had no report.

Councilman Spicer – I went through the cemetery tonight. Larry, you are doing a tremendous job. The cemetery already looks five hundred percent better. Most of the trees are cleaned up and it looks a lot better.

Downtown Revitalization Committee – Convener McKay – The Wine Walk sold out in a matter of days. The Kersey event at the Murphy this week was great. There is a Frank Sinatra tribute by Eddie Gentile this weekend. There is a lot going on in the downtown.

Parks and Recreation Committee – Convener Stuckert – Good news as usual from Parks and Recreation. I have legislation for two grants for funding for the splash park.

Lori Williams – It is called the David R. Williams Memorial Park Completion Project. It will include both a splash park and a skate park. We will be repurposing one of the baseball fields in the back that we don’t use very often. We have an opportunity to submit a grant that is due May 1. It would be for a significant amount toward this project. The project, as it is scoped right now, will be for \$330,000. We will be able to match it for more than 30%. We have done a lot of work. The Commissioners made a commitment to the project, HealthFirst and others.

A motion was made by Stuckert and seconded by Jaehnig to give the first reading only on a resolution for Authorization and Support for the Submittal of an Application for the Land and Water Conservation Fund FY 2015 Grant Program and Declaring an Emergency.

President called for vote.

Motion passed. All yeas.

Director of Law read resolution by title only.

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

Roll call: Jaehnig, yes; Spicer, yes; Stuckert, yes; Mead, yes; Miller, yes; Milburn, yes; McKay, yes.

Director of Law read the resolution by title only.

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

Roll call: Spicer, yes; Stuckert, yes; Mead, yes; Miller yes; Milburn, yes; McKay, yes; Jaehnig, yes.

Motion passed.

President of Council declared Res. No. 2410 passed as read.

A motion was made by Stuckert and seconded by Spicer to give the first reading only on a resolution for Authorization and Support for the Submittal of an Application for the NatureWorks Grant Program and Declaring an Emergency.

President called for vote.

Motion passed. All yeas.

Director of Law read resolution by title only.

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

Roll call: Stuckert, yes; Mead, yes; Miller, yes; Milburn, yes; McKay, yes; Jaehnig, yes; Spicer, yes.

Director of Law read the resolution by title only.

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

Roll call: Mead, yes; Miller yes; Milburn, yes; McKay, yes; Jaehnig, yes; Spicer, yes; Stuckert, yes.

Motion passed.

President of Council declared Res. No. 2411 passed as read.

Councilman McKay praised Lori Williams for being so creative in her funding for the park.

Service Director - Service Director Reinsmith – Lori Williams gets a lot done. I will say, Lori, you're worth every penny that you get paid.

Councilman Stuckert – Amen.

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

Reports

No reports were presented.

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

Seeing no one wished to speak, President Peterson asked for a motion to adjourn.

A motion was made by Jaehnig to adjourn.

President of Council declared the meeting adjourned.

Council adjourned.

ATTEST:

President of Council

Clerk