

Wilmington City Council met in regular session on Thursday, September 6th, 2018, at 7:30 p.m. with President Mark McKay presiding.

CALL TO ORDER

President of Council called the meeting to order at 7:30 p.m.

ROLL CALL

Roll Call: J. McKay, present; Albright, present; Fickert, present; Purkey, absent; Liermann, present; Swindler, present; Williams, present.

Motion by J. McKay and second by K. Fickert to excuse absent members. (M. Purkey)
Absent member excused.

Chief Weyand was present as Sergeant at Arms.

Council participated in the Pledge of Allegiance and moment of silence reflecting on the incident in Cincinnati and the recent fire that took place at Bennett Reality.

PRESIDENT OF COUNCIL

President M. McKay asked if there were any changes to the agenda. There were none.

Motion by K. Swindler and seconded by B. Liermann to approve the agenda as presented.
Motion passed.
Agenda approved as presented.

Motion by K. Swindler and seconded J. McKay by to approve to minutes the August 16th minutes as presented.
Motion passed.
Minutes approved as presented.

President M. McKay notified council of an upcoming Public Hearing regarding a rezoning request for David’s Drive. The public hearing will be October 18th in Council Chambers.

President M. McKay opened the public hearing for the 2019 Transit Grant at 7:35pm.

M. McKay introduced Transit Director Tony Morris who explained the grant, highlighting the need for new vans. T. Morris stated this is their standard annual grant.

General discussion about the Transit Department operation and grant.

President M. McKay declared the hearing closed at 7:42pm.

MAYOR

Mayor Stanforth stated the 41st Corn Festival would be opening on Friday and the parade would take place at 10am on Saturday morning. Stanforth also stated that the Farmer’s Market would be moved to the Municipal Parking lot on Saturday, due to the parade. Mayor Stanforth noted that the 9/11 Ceremony would be taking place on Tuesday at 7:30am in the Municipal Parking lot. He also thanked the Fire Department and Police Officers for their work fighting the fire at the Bennett Reality. Stanforth stated that fire is the worst they have seen in a long time and it was a blessing that no one was hurt.

Stanforth stated the fall paving and curb work in the Southridge area will be starting soon. Stanforth also noted that Operation Cherrybend will be held on Saturday the 15th at the Murphy Theatre and Cardboard City will take place in the County Court House parking lot at 6pm.

AUDITOR

Auditor – Auditor Hollingsworth was present and had no report.

SERVICE AND SAFETY DIRECTOR

Safety/Service Director– Director Shidaker updated Council on the Army Corps of Engineers upcoming meeting on October 22nd at Caesars Creek. B. Shidaker stated the fall paving would start at the end of the month and the Nelson Avenue Culvert Project Bids went well and they will move forward with the lowest bidder to the Board of Control for acceptance.

COMMITTEE REPORTS AND ACTION

Asset, Acquisition and Use– In M. Purkey’s absence, Councilperson B. Liermann had two pieces of legislation, both for a third reading, accepting easements for the Nelson culvert project.

B. Liermann introduced the first Ordinance, an easement from Xenia Pike Farm LLC for a third reading.

Motion by B. Liermann and seconded by K. Fickert to give the third reading on Ordinance No. O-18-47 Authorizing the acceptance of an Easement for drainage purposes from Xenia Pike Farm, LLC, as part of the Nelson Avenue Culvert Project.

All yeas.

Motion passes.

The Law Director read the Ordinance by title only.

Motion by B. Liermann and seconded by J. McKay to pass the Ordinance as read.

All yeas.

Motion passes.

President of Council declared Ordinance No. O-18-47 passed as read.

B. Liermann introduced the second piece of legislation, an easement for the same project, from Dennis and Cheryl Gherman.

Motion by B. Liermann and seconded by K. Fickert to give the third reading on Ordinance No. O-18-48 Authorizing the acceptance of an Easement for drainage purposes from Dennis E. and Cheryl L. Gherman, as part of the Nelson Avenue Culvert Project.

All yeas.

Motion passes.

The Law Director read the Ordinance by title only.

Motion by B. Liermann and seconded by K. Fickert to pass the Ordinance as read.

All yeas.

Motion passes.

President of Council declared Ordinance No. O-18-48 passed as read.

Cemetery Committee – Chairperson J. McKay had no report.

City Revitalization Committee – Councilperson J. McKay gave a brief update about the Corn Festival and Dancing with the Stars at the Murphy Theatre.

Finance Committee – Chairperson K. Swindler had 7 pieces of legislation, and thanked Administrative Assistant Annen Vance and Clerk M. Miller for their work revising and modernizing R-18-28 to allow her to sign the legislation as “Ms.” Swindler.

K. Swindler introduced R-18-27 for special assessments for lighting for 2019 for a second and third reading

Motion by K. Swindler and seconded by T. Williams to give the third reading on Resolution R-18-27 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 the cost hereof for the year 2019; and declaring an emergency.

All yeas.

Roll Call; 6 yeas, 1 absent. (M. Purkey) Motion passes.

The Law Director read the Resolution by title only.

Motion by K. Swindler and seconded by T. Williams to pass the Resolution as read.
Roll Call; 6 yeas, 1 absent. (M. Purkey)
Motion passes.

President of Council declared Resolution No. R-18-27 passed as read.

K. Swindler introduced O-18-49 to establish a new fund for the Castle Park Project for a second and third reading.

Motion by K. Swindler and seconded by K. Fickert to suspend the rules and regulations and give a second and third reading on Ordinance O-18-49 Establishing a New Fund (HB 529 (Castle Park) Fund).

All yeas.

Roll Call; 6 yeas, 1 absent. (M. Purkey)

Motion passes.

The Law Director read the Ordinance by title only.

Motion by K. Swindler and seconded by K. Fickert to pass the Ordinance as read.

Roll Call; 6 yeas, 1 absent. (M. Purkey)

Motion passes.

President of Council declared Ordinance No. O-18-49 passed as read.

K. Swindler introduced R-18-28, authorizing and certifying the tax levies to the Clinton County Auditor, stating it is an annual resolution.

Motion by K. Swindler and seconded by M. Allbright to give a first reading only on Resolution No. R-18-28 Resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor.

Motion passes.

The Law Director read the Resolution by title only.

Motion by K. Swindler and seconded by M. Allbright to suspend the rules and regulations and give a second and third reading on Resolution No. R-18-28 Resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor

Roll Call; 6 yeas, 1 absent. (M. Purkey)

Motion passes.

The Law Director read the Resolution by title only.

Motion by K. Swindler and seconded by M. Allbright to pass the Resolution as read.

Roll Call; 6 yeas, 1 absent. (M. Purkey)

Motion passes.

President of Council declared Resolution No. R-18-28 passed as read.

K. Swindler introduced R-18-30, the annual resolution accepting local government assistance formulas provided by the Clinton County Auditor.

Motion by K. Swindler and seconded by T. Williams to give a first reading only on Resolution No. R-18-30 Accepting local government assistance formulas provided by the Clinton County Auditor.

Motion passes.

The Law Director read the Resolution by title only.

Motion by K. Swindler and seconded by T. Williams to suspend the rules and regulations and give a second and third reading on Resolution No. R-18-30 Accepting local government assistance formulas provided by the Clinton County Auditor.

Roll Call; 6 yeas, 1 absent. (M. Purkey)

Motion passes.

The Law Director read the Resolution by title only.

Motion by K. Swindler and seconded by J. McKay to pass the Resolution as read.

Roll Call; 6 yeas, 1 absent. (M. Purkey)
Motion passes.

President of Council declared Resolution No. R-18-30 passed as read.

K. Swindler introduced R-18-31, approving the annual special assessments for Utility Billing and Code Enforcement departments.

Motion by K. Swindler and seconded by M. Allbright to give a first reading only on Resolution No. R-18-31 Approving Special Assessments pursuant to Chapters 923.09, 929.03, 1701.10, and 1729.03 of the Codified Ordinance of the City of Wilmington, and declaring an emergency.

Motion passes.

The Law Director read the Resolution by title only.

Motion by K. Swindler and seconded by M. Allbright to suspend the rules and regulations and give a second and third reading on Resolution No. R-18-31 Approving Special Assessments pursuant to Chapters 923.09, 929.03, 1701.10, and 1729.03 of the Codified Ordinance of the City of Wilmington, and declaring an emergency.

Roll Call; 6 yeas, 1 absent. (M. Purkey)

Motion passes.

The Law Director read the Resolution by title only.

Motion by K. Swindler and seconded by M. Allbright to pass the Resolution as read.

Roll Call; 6 yeas, 1 absent. (M. Purkey)

Motion passes.

President of Council declared Resolution No. R-18-31 passed as read.

K. Swindler introduced O-18-50 making miscellaneous transfers from "Probation Non-Capital Equipment" to "Probation Capital Equipment" the sum of \$9,000.00, from "Probation Incidentals" to "Probation Capital Equipment" the sum of \$3,750.00, from "Utilities" to "Vehicle Expense" the sum of \$9,000.00, from "Salt" to "Salt Shed" the sum of \$6,650.00 and from "Squad Salaries" to "Squad Capital" the sum of \$37,637.00.

Motion by K. Swindler and seconded by T. Williams to give the first reading only on Ordinance No. O-18-50 Making miscellaneous transfers.

All yeas.

Motion passes.

The Law Director read the Ordinance by title only.

Motion by K. Swindler and seconded by T. Williams to suspend the rules and regulations and give the second and third readings on the Ordinance.

Roll Call; 6 yeas, 1 absent. (M. Purkey)

Motion passes.

The Law Director read the Ordinance by title only.

Motion by K. Swindler and seconded by T. Williams to pass the Ordinance as read.

Roll Call; 6 yeas, 1 absent. (M. Purkey)

Motion passes.

President of Council declared Ordinance No. O-18-50 passed as read.

K. Swindler introduced O-18-53 making supplemental appropriations from the "Sewer Fund" to "Direct Deductions" the sum of \$26.00, from the "Water Fund" to "Direct Deductions" the sum of \$60.00, and from the "General Fund" to "Admin Direct Deductions" the sum of \$2,500.00.

Motion by K. Swindler and seconded by J. McKay to give the first reading only on Ordinance No. O-18-53 Making supplemental appropriations.

All yeas.

Motion passes.

The Law Director read the Ordinance by title only.

Motion by K. Swindler and seconded by J. McKay to suspend the rules and regulations and give the second and third readings on the Ordinance.

Roll Call; 6 yeas, 1 absent. (M. Purkey)

Motion passes.

The Law Director read the Ordinance by title only.

Motion by K. Swindler and seconded by J. McKay to pass the Ordinance as read.

Roll Call; 6 yeas, 1 absent. (M. Purkey)

Motion passes.

President of Council declared Ordinance No. O-18-53 passed as read.

Judiciary Committee – Chairperson M. Purkey was absent and B. Liermann had no report.

Parks and Recreation Committee – Chairperson Liermann had one item, a grant agreement with ODNR for a third reading.

Motion by B. Liermann and seconded by K. Fickert to give a third reading on Resolution No. R-18-26 Authorizing the Director of Parks and Recreation to enter into a Community Recreation Project Pass through Grant Agreement with the Ohio Department of Natural Resources.

All yeas.

Motion passes.

The Law Director read the Ordinance by title only.

Motion by B. Liermann and seconded by K. Fickert to pass the Resolution as read.

Roll Call; 6 yeas, 1 absent. (M. Purkey)

Motion passes.

President of Council declared Resolution No. R-18-26 passed as read.

Safety/ Transportation Committee – Chairperson Liermann had one piece of legislation, three readings on the annual Transit Grant.

Motion by B. Liermann and seconded by J. McKay to give a first reading only on Resolution No. R-18-29 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.

All yeas.

Motion passes.

The Law Director read the Resolution by title only.

Motion by B. Liermann and seconded by J. McKay to suspend the rules and regulations and give a second and third reading on Resolution No. R-18-29 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.

All yeas.

Roll Call; 6 yeas, 1 absent. (M. Purkey)

Motion passes.

The Law Director read the Resolution by title only.

Motion by B. Liermann and seconded by J. McKay to pass the Resolution as read.

Roll Call; 6 yeas, 1 absent. (M. Purkey)

Motion passes.

President of Council declared Resolution No. R-18-29 passed as read.

B. Liermann thanked the safety services response to the Bennett Realty fire.

Solid Waste/Recycling – Committee person J. McKay had no report.

Streets Committee – Chairperson T. Williams had no report.

Wastewater/Sewer Committee - Chairperson Fickert introduced O-18-45, regarding bringing Sewer Regulations into compliance with the EPA requirements, for a third reading.

Motion by K. Fickert and seconded by B. Liermann to give the third reading on Ordinance No. O-18-45 Amending Chapter 922 Sewer Regulation of the Codified Ordinances.

All yeas.

Motion passes.

The Law Director read the Ordinance by title only.

Motion by K. Fickert and seconded by B. Liermann to pass the Ordinance as read.

All yeas.

Motion passes.

President of Council declared Ordinance No. O-18-45 passed as read.

Water Committee – Chairperson Swindler had three pieces of legislation.

K. Swindler introduced O-18-51 Making supplemental appropriations from the “Water System Revenue Fund” to “Water Distribution Maintenance” the sum of \$29,000.00.

Motion by K. Swindler and seconded by T. Williams to give the first reading only on Ordinance No. O-18-51 Making supplemental appropriations.

All yeas.

Motion passes.

The Law Director read the Ordinance by title only.

Motion by K. Swindler and seconded by T. Williams to suspend the rules and regulations and give the second and third readings on the Ordinance

Roll Call; 6 yeas, 1 absent. (M. Purkey)

Motion passes.

The Law Director read the Ordinance by title only.

Motion by K. Swindler and seconded by T. Williams to pass the Ordinance as read.

Roll Call; 6 yeas, 1 absent. (M. Purkey)

Motion passes.

President of Council declared Ordinance No. O-18-51 passed as read.

K. Swindler introduced O-18-52 Making miscellaneous transfers from “Architectural & Engineering” to “Equipment Maintenance” the sum of \$6,690.00 and from “Architectural & Engineering” to “Contractual Services” the sum of \$5,374.00.

Motion by K. Swindler and seconded by T. Williams to give the first reading only on Ordinance No. O-18-52 Making miscellaneous transfers.

All yeas.

Motion passes.

The Law Director read the Ordinance by title only.

Motion by K. Swindler and seconded by T. Williams to suspend the rules and regulations and give the second and third readings on the Ordinance

Roll Call; 6 yeas, 1 absent. (M. Purkey)

Motion passes.

The Law Director read the Ordinance by title only.

Motion by K. Swindler and seconded by T. Williams to pass the Ordinance as read.

Roll Call; 6 yeas, 1 absent. (M. Purkey)

Motion passes.

President of Council declared Ordinance No. O-18-52 passed as read.

K. Swindler introduced R-18-32 authorizing the Director B. Shidaker to submit an application to the OPWC for State Capital Improvement and/or Local Transportation Improvement Programs.

Motion by K. Swindler and seconded by K. Fickert to give a first reading only on Resolution No. R-18-32 A Resolution authorizing the Director of Public Service to prepare and submit an application to participate in the Ohio Public Works Commission State Capital Improvement and/or Local Transportation Improvement Program(s) and to execute contracts as require.

All yeas.

Motion passes.

The Law Director read the Resolution by title only.

Motion by K. Swindler and seconded by K. Fickert to suspend the rules and regulations and give a second and third reading on Resolution No. R-18-32 A Resolution authorizing the Director of Public Service to prepare and submit an application to participate in the Ohio Public Works Commission State Capital Improvement and/or Local Transportation Improvement Program(s) and to execute contracts as require.

All yeas.

Roll Call; 6 yeas, 1 absent. (M. Purkey)

Motion passes.

The Law Director read the Resolution by title only.

Motion by K. Swindler and seconded by K. Fickert to pass the Resolution as read.

Roll Call; 6 yeas, 1 absent. (M. Purkey)

Motion passes.

President of Council declared Resolution No. R-18-32 passed as read.

K. Swindler commended Superintendent R. Schaffer for his amount of work put towards the meeting with Army Corp of Engineers and reviewing eleven years' worth of data to prepare for the meeting. K. Swindler also prepared council for an upcoming finance request, noting the computer system is original to the plant and needs replaced. If it fails the plant would need to be run manually, like the previous issue at the sewer plant. She also commended the efforts to the continued commitment to providing clean drinking water.

REPORTS TO COUNCIL

A motion was made by J. McKay and seconded by B. Liermann to accept the Income Tax Report.

Motion passed.

Report accepted as presented.

OPEN TO PUBLIC

B. Shidaker noted the water tower on Lowe's Drive was recently painted and restored and now is blue.

David Keys of Fife Avenue had concerns about noise on the city streets. Mr. Keys wants to know what is being done to regulate it. Chief Weyand noted they have patrolled the area but they haven't heard it and in order to cite a violation, they must hear the violation. Mr. Keys then asked about the noise ordinance for residential areas.

General discussion on noise ordinances in the City limits.


ADJOURNMENT

A motion was made by B. Liermann.

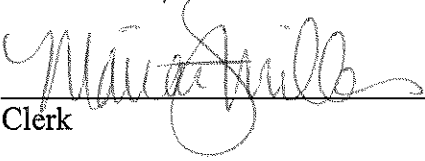
President M. McKay declared meeting adjourned.

Council adjourned at 8:31 p.m.

ATTEST:



President of Council



Clerk