

Wilmington City Council met in regular session on Thursday, January 7, 2016, at 7:30 p.m. with President Randy Riley presiding.

**CALL TO ORDER**

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

**ROLL CALL**

Roll Call: Fourth Ward, vacant; Spicer, present; Stuckert, present; J. McKay, present; Swindler, present; Milburn, present; M. McKay, present.

Officer Fithen was also present.

**PLEDGE OF ALLEGIANCE**

Council gave the Pledge of Allegiance to the flag.

**MOMENT OF SILENCE OBSERVED**

**PRESIDENT OF COUNCIL**

President Riley gave an overview of conduct expected at meetings according to Roberts Rules: Only one speaker at a time. If you wish to make comment, please wait for the person speaking to yield the floor or for the President of Council to recognize you. If you wish to make comment at the public portion of the meeting, please remember to keep it brief.

The following amendments were proposed to the agenda:

- Item 5b – Currently reads December 18; Change to read: Review and Approval of December 17, 2015 regular meeting minutes.
- Item 8.d.i. – First Reading on a Resolution Amending the City of Wilmington Hotel Lodging Excise Tax Code of Regulations – Remove from agenda and send the item back to Committee. This will postpone item until council members have an opportunity to meet with the Convention and Visitors Bureau (CVB).

A motion was made by M. McKay and seconded by Spicer to postpone the first reading of the hotel lodging tax resolution until there is an opportunity to meet with the CVB.

It was noted that the postponement will be for no longer than three months.

A motion was made by M. McKay and seconded by Milburn to approve the agenda as amended.

Motion passed. All yeas.

Agenda approved as amended.

The following amendments were proposed to the December 18 minutes:

- Bill Liermann’s address should be listed as 1069 Linhof rather than 1006 Linhof.
- Scott Holmer’s comments should read that the allocation to the CVB was proposed to be 75% rather than 25%.

A motion was made by J. McKay and seconded by Swindler to approve the minutes of the last regular meeting, December 28, as amended.

Motion passed. All yeas.

Minutes approved as amended.

The following amendment was proposed to the December 29, 2015 minutes:

- Thursday, December 29, should be changed to Tuesday, December 29.

A motion was made by Milburn and seconded by McKay to approve the minutes of the last special meeting, December 29, 2015, as amended.

Motion passed. All yeas.

Minutes approved as amended.

President Riley presented committee assignments for 2016. He also announced that the Republican Central Committee will be meeting on Monday, January 11, to vote to fill the vacant seat of Councilmember 4<sup>th</sup> Ward. That person will automatically be assigned to slots designated as 4<sup>th</sup> Ward Councilmember in the Committee Assignments.

A motion was made by J. McKay and seconded by Stuckert to approve the committee assignments.

Motion passed. All yeas.

Committee assignments approved.

A motion was made by J. McKay and seconded by Swindler to give the first reading only on a resolution Appointing the President Pro Tempore of Council 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 J. McKay to suspend the rules and give the second and third reading on the resolution by title only.

Roll call: Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, abstain.

Director of Law read the resolution by title only.

A motion was made by Spicer and seconded by Milburn to pass the resolution as read.

Roll call: Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, abstain; Spicer, yes.

Motion passed.

President of Council declared Res. No. R-16-01 passed as read.

A motion was made by J. McKay and seconded by Milburn to give the first reading only on a resolution Appointing the Clerk of Council of the City of Wilmington 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 J. McKay to suspend the rules and give the second and third reading on the resolution by title only.

Roll call: Milburn, yes; M. McKay, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes.

Director of Law read the resolution by title only.

A motion was made by Spicer and seconded by Milburn to pass the resolution as read.

Roll call: M. McKay, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes.

Motion passed.

President of Council declared Res. No. R-16-02 passed as read.

A motion was made by Milburn and seconded by Spicer to confirm the appointment of Laura Gibson as Assistant Director of Law.

Motion passed. All yeas.

Appointment confirmed.

President Riley introduced a letter of support the Parks Department for their application to gain funding through the State capital appropriations bill. When approved, the letter will be signed by all members of Council.

A motion was made by M. McKay and seconded by J. McKay to sign the letter of support for the Parks Department.

Motion passed. All yeas.

Letter of support approved.

## **MAYOR**

Mayor - Mayor Stanforth welcomed all of the new councilmembers and said he was looking forward to working with them.

Mayor Stanforth presented recognition plaques to Rob Jaehnig and Loren Stuckert for their past service to the City through their seats on City Council.

Mayor Stanforth relayed a story about receiving a call regarding a bike lying in the creek near the bike trail. After checking with other city departments to determine whose responsibility it would be, he called the Parks Department, and within two hours, he received a phone call from the citizen thanking him for getting it taken care of. The City will be posting for the positions of Transportation Director and Superintendent of the Streets Department. A decision will be after the end of January. The mayor's office will also be providing a letter of support to the Parks as they attempt to secure funding through the appropriations bill. There will be a match required for the funding, which will be achieved through in-kind services. Mayor Stanforth also stated that there is a rumor that he is planning to close the Fire Department. In comments addressed directly to Chief Andy Mason, he stated that he has no intention of closing the Fire Department.

President Riley recognized former Safety Director Russ Burton in the audience and thanked him for his past service.

### **AUDITOR**

Auditor - Auditor David Hollingsworth presented a report giving the financial status of the city as of the end of 2015 and looking toward the 2016 budget.

- Budgeted income tax revenue - \$4.3 million; Actual income tax revenue - \$4.5 million. Income tax refunds also increased \$70,000.
- In terms of Fire/EMS contracts, Union Township five-year payments ended in 2015. Fire department contract collections will reduce by \$130,000 in 2016.
- The EMS billing revenue was \$50,000 less than budgeted for 2015, probably due to a combination of a gap resulting from changing our billing service provider and a higher percentage of Medicare runs, which pay at a lower reimbursement rate.
- Total revenues in 2015 compared to 2014 were up about \$100,000. Projected 2016 revenues are \$150,000-\$160,000 less than 2015.
- Combining the spreadsheet provided previously with the current document will give council members a picture of the transfers into the special revenue funds - Police, Fire, and Emergency Ambulance. Pension Funds are heavily supported by the General Fund. There is over \$4 million that is transferred out of the General Fund to make up for the shortfalls in those special revenue funds.
- We started the year in 2015 with almost \$2.7 million dollars in the General Fund in reserve. In 2015, we spent \$925,000 more than we took in in revenues in the current year. The biggest chunk of that was the money that was supplemented at the beginning of the year to do street paving, which was greatly needed. We ended the year with \$1.771 million in the carryover in the General Fund. For 2016, we have a budget that shows a deficit in the current year of \$1.3-\$1.4 million. In 2015, we anticipated a budget deficit of \$1.7 million, but it ended up being only \$925,000. There is always some flexibility in the budget, so I wouldn't necessarily anticipate spending that full \$1.3 million, but it could happen. If that is the case, then we finish 2016 with a carryover of \$416,000. That doesn't leave any cushion going into 2017.
- The financial situation could have a negative effect on our bond rating with Moody's. They are going to ask pointed questions regarding the city's plan to rectify the carryover balance being depleted, I don't have an answer for them. I think it is a challenge for you as council. My job is to present you the information. It is not my decision to decide what is to be done to rectify the problem.
- The pay increases as a result of contract negotiations with the two bargaining units at the end of the year are not reflected in the budget. Those increases in pay are above the \$1.3 million deficit going into 2016.
- Even if you can come to a zero deficit budget, it still doesn't give you money to do anything as far as street paving or any other type of capital improvements that would be funded by the General Fund.

Councilman Mark McKay – As head of the Finance Chair, we do take this very seriously and this is number one on our agenda. We will be working closely with the administration to try to determine what our direction will be. Thank you for the statistics.

President Riley – It is not for lack of effort. We spent less than what we had budgeted for in 2015, but it still has gotten worse. I am counting on council and all the department heads to help us get this under control.

### **COMMITTEE REPORTS AND ACTION**

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

Cemetery Committee – Chairperson J. McKay stated he would like to schedule a Cemetery Committee meeting in the near future.

Downtown Revitalization Committee – Convener M. McKay – Phil Dirt and the Dozers will be at the Murphy Theatre on Saturday night at 7:30 p.m.

Finance Committee - Chairperson M. McKay presented legislation authorizing the request for advance payment of settlement from the County.

A motion was made by J. McKay and seconded by Milburn to give the first reading only on the resolution Authorizing Request for Advance Payment of Settlement from the County 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 M. McKay and seconded by Milburn to suspend the rules and give the second and third reading on the resolution by title only.

Roll call: J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Spicer, yes; Stuckert, yes.

Director of Law read the resolution by title only.

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

Roll call: Swindler, yes; Milburn, yes; M. McKay, yes; Spicer, yes; Stuckert, yes; J. McKay, yes.

Motion passed.

President of Council declared Res. No. R-16-03 passed as read.

Councilman Mark McKay presented legislation making reverse appropriations to the 2015 budget appropriations: From Anthem Fund to Deductible Transfers – (\$28,1929.52). Auditor David Hollingsworth explained that Anthem did not give the city our final settlement from December until the day after the Special Council meeting, so the department had to guess on what the reverse appropriations would be.

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

Roll call: M. McKay, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes.

Director of Law read the ordinance by title only.

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

Roll call: Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes.

Motion passed.

President of Council declared Ord. No. O-16-01 passed as read.

Councilman Mark McKay introduced legislation accepting a \$1000 gift from Davita Dialysis to the Wilmington Transit Department.

A motion was made by M. McKay and seconded by Milburn to give the first reading only on a resolution Accepting a Gift from Davita for the City of Wilmington Transit Department.

President called for vote.

Motion passed. All yeas.

Director of Law read resolution by title only.

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

Roll call: Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Spicer, yes.

Director of Law read the resolution by title only.

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

Roll call: J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Spicer, yes; Stuckert, yes.

Motion passed.

President of Council declared Res. No. R-16-04 passed as read.

Councilman Mark McKay – Finance Committee meetings will be scheduled on the Thursday of Council at 6:30 p.m.

Judiciary Committee - Chairperson Milburn – There will be a Judiciary Committee meeting next Wednesday at 5:30 p.m.

Parks and Recreation Committee – Chairperson Milburn had no report.

Safety Committee - Chairperson Spicer introduced legislation accepting a gift from the Max and Pauline Shrine estate to the Wilmington Fire/EMS Department in the amount of \$5,399.55.

Chief Mason explained that the department had received a gift from the Shine Estate in the amount of \$54,000 a couple of years ago. Now the estate is completely settled, so this is the final installment of the gift.

A motion was made by Spicer and seconded by M. McKay to give the first reading only on a resolution Accepting a Gift from the Shine Estate for the City of Wilmington Fire/EMS Department.

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 Swindler to suspend the rules and give the second and third reading on the resolution by title only.

Roll call: Swindler, yes; Milburn, yes; M. McKay, yes; Spicer, yes; Stuckert, yes; J. McKay, yes.

Director of Law read the resolution by title only.

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

Roll call: Milburn, yes; M. McKay, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes.

Motion passed.

President of Council declared Res. No. R-16-05 passed as read.

Councilman Spicer – I will be setting up meetings for all three of my committees.

Solid Waste/Recycling - Chairperson Spicer had no report.

Streets Committee - Chairperson Spicer presented legislation authorizing the Service Director to advertise for bids and enter into contract for the Airborne Connector project, previously reviewed at the December 29 special council meeting.

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

Roll call: M. McKay, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes.

Director of Law read the ordinance by title only.

A motion was made by Spicer and seconded by J. McKay to pass the ordinance as read.

Roll call: Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes.

Motion passed.

President of Council declared Ord. No. O-16-02 passed as read.

Wastewater/Sewer Committee - Chairperson Stuckert had no report.

Water Committee - Chairperson Swindler had no report.

Safety/Service Director – Safety/Service Director Brian Shidaker – We are excited about bidding out the Airborne Road Connector project. The goal is to get the road constructed by the end of the year. From the Safety side, the Police and Fire have been very busy with the heroin epidemic. More people die from drug overdoses than traffic accidents in this country every year. Awareness is important. I want the community to be aware of what the men and women of law enforcement are seeing and dealing with on a daily basis and the effect it has on families in our community. Keep them in your thoughts and prayers.

### **REPORTS TO COUNCIL**

A motion was made by M. McKay and seconded by Stuckert that the Income Tax Report – December 2015 and Income Tax Annual Report 2015 and 2016 Projections - be accepted as presented.

Motion passed.

Reports accepted as presented.

### **OPEN TO PUBLIC**

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

President Riley pointed out that there were several county commissioner candidates in the audience.

Jim Fife – 1900 Wayne Road, Wilmington - presented information on his candidacy for Clinton County Commissioner.

Stephen Sawzin – 43 Fulton Street, Wilmington – Stated that he would like the mayor to encourage city council to repeal G1 zoning ordinance.

President Riley stated that council could not discuss the topic because there were prior notification requirements.

Paul Hunter – 200 Randolph Street, Wilmington – presented an alternative proposal to the City’s Hotel Lodging Tax Resolution. This proposal would reduce the take-away from the bureau from 15 to 10%. The amount provided to the Parks could be increased to 19% by reducing the Auditor’s fee from 10% to 1% and instead funnel the 9% into the Parks. In addition, certain items need to be cleaned up. The current quarterly reports link the name of the facilities to the amount of tax paid, which is inappropriate.

Councilman Spicer said that he would review Mr. Hunter’s proposal. They would be meeting with the Convention Board to discuss the matter. Mr. Hunter suggested that council needs to hear from the Parks.

Mike McCarty – 1110 Hiatt Road, Clarksville – Presented information on his candidacy for Clinton County Commissioner.

Scott Holmer – 520 N. Walnut Street, Wilmington - Presented information on his candidacy for Clinton County Commissioner.

Mike Mandelstein – 1006 W. Locust Street, Wilmington – Asked Auditor David Hollingsworth what effect the previous downgrade in bond rating from Moody’s had on the city. How would a further downgrade effect. What would be the minimum carryover preferred by Moody’s in the event we would ask for bond support for a road construction project such as the Airborne Connector?

Auditor David Hollingsworth – The 25% that was established was suggested a long time ago when we used Seasongood and Mayer. It was the amount suggested the city keeps in reserve in case there was an emergency to help you weather the storm for a while. A downgrade in rating could affect the interest rate that the City will be able to obtain if it goes out on the open market. Moody’s does its homework on the community before making a determination. They will know exactly what the situation is in the City.

Mike Mandelstein – Where does the money come from for the Airborne Connector Road project?

Brian Shidaker – It is roughly a \$1.9 million project. The City portion is approximately \$160,000. It will be funded through JobsOhio, ODOT and OPWC. It has already been budgeted.

Mike Mandelstein stated that he did not wish for the G1 legislation to be resurrected.

Stephen Sawzin asked about the process of purchasing Municipal Bonds. Is that something the average citizen can do? Auditor David Hollingsworth explained that purchase of municipal bonds would have to be done through the underwriter. Going directly to the public is not something that has been done in the 28 years he has been Auditor.

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

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

**ADJOURNMENT**

A motion was made by M. McKay to adjourn.  
President Riley declared meeting adjourned.  
Council adjourned at 8:44 p.m.

ATTEST:

\_\_\_\_\_  
President of Council

\_\_\_\_\_  
Clerk

**COUNCIL**

**January 21, 2016**

Wilmington City Council met in regular session on Thursday, January 21, 2016, with President Randy Riley presiding.

**CALL TO ORDER**

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

**ROLL CALL**

Roll Call: Fourth Ward, vacant\*; Spicer, present; Stuckert, present; J. McKay, present; Swindler, present; Milburn, present; M. McKay, present.

[\*The vacancy was filled by Matthew Purkey during the course of the meeting]

Chief Weyand was also present.

**PLEDGE OF ALLEGIANCE**

Council gave the Pledge of Allegiance to the flag.

**MOMENT OF SILENCE OBSERVED**

**PRESIDENT OF COUNCIL**

Mayor John Stanforth swore in Council Member, Fourth Ward, Matthew Purkey.

President Riley noted that a full council now exists as Matthew Purkey took his seat as Council Member, Fourth Ward.

A motion was made by J. McKay and seconded by M. McKay to approve the agenda as presented.

Motion passed. All yeas.

Agenda approved as presented.

President Riley noted that the minutes from the January 7 meeting erroneously state that Chief Weyand was present. Sergeant Fithen was present instead.

A motion was made by Stuckert and seconded by Spicer to approve the minutes of the last regular meeting, January 7, as amended.

Motion passed. All yeas.

Minutes approved as amended.

President Riley presented amended committee assignments. He noted that in addition to assuming the positions slated for the vacant seat on the previous committee assignments, Councilman Purkey would be chairing the Asset, Acquisition and Use Committee.

A motion was made by M. McKay and seconded by Milburn to approve the committee assignments as presented.

Motion passed. All yeas.

Council Committee Assignments approved.

President Riley presented the schedule for council meetings for the year 2016. Meetings will be held on first and third Thursdays of the each month at 7:30 p.m. in Council Chambers.

A motion was made by M. McKay and seconded by J. McKay to approve the Date and Time for City Council Meetings.

Motion passed. All yeas.

Date and Time for City Council Meetings approved.

**MAYOR**

Mayor - Mayor Stanforth announced the appointment of Ginny Shoemaker as Human Resources Director for the City. She has been with the City for 27 years and they are very glad that she has agreed to step into the position.

Mayor Stanforth` introduced Bekah Muchmore, Executive Director of Main Street Wilmington.

Bekah Muchmore gave a report on Main Street's recent Annual Meeting. She summarized 2015 and gave an overview of upcoming projects in 2016. These included the Wilmington College Connector, an initiative designed to bring honors program students from the college to the downtown. This would include providing living space, internships and community service opportunities in the downtown area to honors students from the college. Also, Main Street will be working on a Traffic and Pedestrian Safety Plan. The plan will be implemented in three phases. During the first phase, better signage will be brought to the existing crosswalk in front of People's Bank on South Street. The second phase will involve Wilmington College students and a UC DAP student working to provide a case study of the traffic and pedestrian safety needs in our community. This will make it easier to apply for grants. The third phase will be the implementation of the program. Also in 2016, there will a three-day Arts Festival in June on the courthouse lawn. The event will be held June 17 through the June 19, in conjunction with the Third Friday event. Other events include a Share the Love Event for downtown businesses in February and a new Main Street Wilmington video

Councilman McKay thanked Commissioner Pat Haley for use of the Courthouse Lawn for the Arts Festival Event.

Paul Hunter asked if a crosswalk is being considered from the courthouse to Austin's. Ms. Muchmore stated that through the sidewalk study, they will be receiving input from citizens regarding where they think sidewalks will be and asked for people to contact her with suggestions.

Bekah Muchmore thanked Council for their support and said that she would be providing updates quarterly.

Councilman J. McKay stated that the Chamber of Commerce was very happy to be sharing office space with Main Street Wilmington.

Bekah Muchmore introduced Angela Mitchell, President of the Main Street Wilmington Board.

#### **AUDITOR**

Auditor - Auditor David Hollingsworth encouraged council to feel free to ask questions about finance legislation and about any of the financial documents provided to them.

#### **COMMITTEE REPORTS AND ACTION**

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

Cemetery Committee – Chairperson J. McKay said that now the committee is complete, he would like to get a meeting scheduled.

Downtown Revitalization Committee – Chairperson M. McKay – The Arcadia Group in the Wilmington Friends Meetinghouse is having 20% returned to them from Generations Pizza every Tuesday. Some of the businesses may have changed their hours since the first of the year, so be aware of that. Rome Jewelers and Everyday Chic are going to be moving the Samuel Walker Building.

Finance Committee - Chairperson M. McKay presented legislation making supplemental appropriations: From Sugar Grove Cemetery Fund to Property Casualty - \$550.00; From Sugar Grove Cemetery Fund to Incidentals - \$1,000.00; From General Fund to Income Tax Refunds - \$50,000.

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

Roll call: Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes.

Director of Law read the ordinance by title only.

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

Roll call: Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes.

Motion passed.

President of Council declared Ord. No. O-16-03 passed as read.

Councilman Mark McKay introduced legislation making supplemental appropriations for 2015 from the 1<sup>st</sup> Mortgage Waterworks Revenue Bond Fund to Interest to Bondholders - \$190,808.75. Auditor David Hollingsworth explained that this was to undo a reverse appropriation. A statement was received after the final meeting in December showing that interest payments had been made, so this bookkeeping measure is necessary.

A motion was made by M. McKay and seconded by Swindler 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 M. McKay and seconded by Purkey to suspend the rules and give the second and third reading on the ordinance by title only.

Roll call: Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes.

Director of Law read the ordinance by title only.

A motion was made by M. McKay and seconded by J. McKay to pass the ordinance as read.

Roll call: J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes.

Motion passed.

President of Council declared Ord. No. O-16-04 passed as read.

Councilman McKay introduced legislation making miscellaneous transfers for the Community Corrections Program: Programs Expenses to Corrections Operating Expense - \$4,000.00; Programs Expense to Salaries - \$6,453.00; Programs Expense to Pensions - \$903.45; Programs Expense to Workers Compensation - \$199.40; Programs Expense to Benefit Insurance - \$2,409.84; Programs Expense to Medicare - \$93.57.

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

Roll call: Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes.

Director of Law read the ordinance by title only.

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

Roll call: Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes.

Motion passed.

President of Council declared Ord. No. O-16-05 passed as read.

Councilman Mark McKay – In Finance last night we talked a little bit about the fiscal situation the city is in and the fact that we are obviously eating into our carryover

substantially. We talked about revenue ideas. We talked about cutting expenses. Once again, it was a first blush for the committee to look at the situation. We plan on having more in-depth discussions with the administration. Finance will be meeting again in two weeks. Hopefully we can put a plan together that can make sense for the city because we can't continue on this course.

Judiciary Committee - Chairperson Milburn introduced legislation authorizing a revolving loan fund agreement with Ohio Development Services Agency. This is a housekeeping measure for the CDBG (Community Development Block Grant) program.

A motion was made by Milburn and seconded by Purkey to give the first reading only on A Resolution Authorizing the Revolving Loan Fund Agreement with the Ohio Development Services Agency.

President called for vote.

Motion passed. All yeas.

Director of Law read resolution by title only.

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

Roll call: M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes.

Director of Law read the resolution by title only.

A motion was made by Milburn and seconded by Purkey to pass the resolution as read.

Roll call: Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes;

Milburn, yes; M. McKay, yes.

Motion passed.

President of Council declared Res. No. R-16-06 passed as read.

Parks and Recreation Committee – Chairperson Milburn had no report.

Safety Committee - Chairperson Spicer introduced two pieces of legislation accepting gifts for the Police Department. The first are donations to the Police Explorer Program from: Antique Power Club - \$300.00; David Lieurance - \$150.00; Shane Lieurance - \$100.00. The second was a donation to the Police Department from the United Way in the amount of \$500.00.

Chief Weyand gave an overview of the Police Explorer's Program. He explained that the donation from the United Way was to support Police Skate Night at the skate park.

A motion was made by Spicer and seconded by M. McKay to give the first reading only on a resolution Accepting Gifts in Support of the City of Wilmington Police Explorer Program.

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 M. McKay to suspend the rules and give the second and third reading on the resolution by title only.

Roll call: Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes.

Director of Law read the resolution by title only.

A motion was made by Spicer and seconded by Purkey to pass the resolution as read.

Roll call: Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes;

Purkey, yes; Spicer, yes.

Motion passed.

President of Council declared Res. No. R-16-07 passed as read.

A motion was made by Spicer and seconded by J. McKay to give the first reading only on a resolution Accepting a Gift from the United Way for the City of Wilmington Police Department.

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 J. McKay to suspend the rules and give the second and third reading on the resolution by title only.

Roll call: Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes.

Director of Law read the resolution by title only.

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

Roll call: Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes.

Motion passed.

President of Council declared Res. No. R-16-08 passed as read.

Councilman Spicer said that a Safety Committee meeting would be scheduled soon.

Solid Waste/Recycling - Chairperson Spicer stated that a committee meeting is being planned.

Streets Committee - Chairperson Spicer stated that the Streets Committee met last week with Main Street Wilmington to hear their thoughts on the pedestrian crossings.

Wastewater/Sewer Committee - Chairperson Stuckert had no report.

Water Committee - Chairperson Swindler introduced three pieces of legislation. Two are to advertise for bids for sludge removal and chemicals, which are regular items. The third item is allowing the advertising for bids for the Air Park and fairground water aerator and mixer installation project. This will help reduce the byproducts of chlorination. We have had issues with too much trihalomethane, and this will help reduce that. It is an Ohio Public Works Project.

A motion was made by Swindler and seconded by Stuckert to give the first reading only on the ordinance Authorizing the Advertisement and Contract for Hauling of Lime Sludge from Water Treatment Plan 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 Swindler and seconded by J. McKay to suspend the rules and give the second and third reading on the ordinance by title only.

Roll call: Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes.

Director of Law read the ordinance by title only.

A motion was made by Swindler and seconded by J. McKay to pass the ordinance as read.

Roll call: M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes.

Motion passed.

President of Council declared Ord. No. O-16-06 passed as read.

A motion was made by Swindler and seconded by M. McKay to give the first reading only on a resolution Authorizing the Advertising for Bids and Purchase of Chemicals for the Water Department 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 Swindler and seconded by M. McKay to suspend the rules and give the second and third reading on the resolution by title only.

Roll call: Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes.

Director of Law read the resolution by title only.

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

Roll call: Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes.

Motion passed.

President of Council declared Res. No. R-16-10 passed as read.

A motion was made by Swindler and seconded by Stuckert to give the first reading only on a resolution Authorizing the Advertising for Bids for the Construction of the Airpark and Fairground Water Tower Aerator and Mixer Installation Project and for Contracting for Same, 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 Swindler and seconded by M. McKay to suspend the rules and give the second and third reading on the resolution by title only.

Roll call: Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes.

Director of Law read the resolution by title only.

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

Roll call: J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes.

Motion passed.

President of Council declared Res. No. R-16-10 passed as read.

Safety/Service Director – Safety/Service Director Brian Shidaker reported there are four new 2016 Grand Caravans in the Transit Department, which were received through grant programs and did not cost the city anything. Also, the City has 400 tons of salt in our Streets Department. He stated that in a visit to the Streets Department, he noticed we have beet juice that has been sitting for three or four years and is not being used. Being proactive on the streets is better than reactive for snow and ice. The beet juice lowers the temperature, so we will have the beet juice ready to use on the trucks and will be using it when appropriate. Mr. Shidaker stated that he has been working with the county. They are exploring the use of another pretreatment solution and the city is also investigating those options. We are starting to work together, and it could save us money. If the City gets ahead of the ice and snow, it will reduce costs, as opposed to waiting until the ice starts to form.

Safety/Service Director Brian Shidaker stated he recently took a tour of the Wastewater Treatment Plant. Harry McVey has been there for 41 years and has an impressive operation. He encouraged members of council to tour the facility. He further stated that, weather permitting, he and the mayor would be going underground on Monday to inspect bridges and culverts with the county engineers. A report will be provided on that. Mr. Shidaker stated that it was important to open discussions regarding the landfill again. He has asked Braden Dunham to develop a plan. A discussion needs to happen on whether the City is going to expand the landfill, close the landfill, or sell the landfill. The City cannot stand silent on this issue. It is something that the public needs to have input on. There is a process regardless of what is decided, which will take a long time, so the City needs to start now.

Safety Service Director Brian Shidaker stated that regarding water, we have an agreement in which we are required to purchase seven million gallons a day of water from Caesars Creek. That is a top priority for him because we are not using that much. The City is looking and negotiating actively to try to find consumers to purchase the water. The city uses about two million gallons a day on average. Mr. Shidaker stated that Jerry Rowlands has been working very hard on this issue.

Safety Service Director Brian Shidaker spoke regarding the drug Narcan. This drug is used to bring someone back to life when they experience a heroin overdose. The cost is about \$37 every time we use a dose. The City is looking at reimbursement through a grant. There have been times we have used 10-12 doses on one individual, and there is a \$6 rebate for every dose of Narcan through the state. To wrap things up from the Safety perspective, Mr. Shidaker stated there recently was a story regarding a rape case with a child victim. Although he typically would not publicly commend a law enforcement official in a case for doing his job, after eight and a half years prosecuting felony cases, he can tell you, child rape cases are by far the hardest cases to put together. Detective Wilson with the Police Department worked this case and went way beyond the call of

duty to prove this case and to speak for a child victim in court. Mr. Shidaker publicly commended Detective Wilson for his work on this case. This perpetrator is looking at a minimum of 25 years and he will be 73 years before he is eligible for parole. It takes more than just doing your job to put a case like that together. Mr. Shidaker stated that streets and getting the snow removed is important, the landfill is important, but getting a child rapist off the street for a significant amount of time...he doesn't know if it gets more important than that. Detective Wilson did a great job and we are proud of the work he did.

Councilman Spicer asked if users could be billed for their use of Narcan. Chief Weyand stated that there is nothing to charge them with once revived. Safety Director Brian Shidaker stated that there is nothing to bill unless the person is transported by ambulance. They often refuse medical treatment once revived.

Steve Sawzin stated that the new taxi equipment was a result of the hard work of the previous Transportation Director that no longer has a job and that council should send him a letter thanking him for his hard work.

Service/Safety Director Brian Shidaker agreed that it was the due to the work of the previous Director of Transit and thanked Mr. Sawzin for his comments.

Mike Mandelstein asked if something could be done at the state level to require financial responsibility for Narcan at the time you are issued a state ID. Brian Shidaker replied it would take work by the part of the legislature at the state level. Paul Fear said he saw a news article where pharmacies can dispense Narcan for free. President Riley noted that this was only specific pharmacies. Service/Safety Director Brian Shidaker said he would look into it.

Randy Riley pointed out that beet juice was tried several years ago. The downside is if you have a rain event that turns to snow, it does not work. Brian Shidaker agreed that the application is limited, but he wanted the Streets Department to try it.

#### **REPORTS TO COUNCIL**

A motion was made by M. McKay and seconded by Milburn that the Auditor-Treasurer Report – December 2015, Statement of Interest Earned – Second Six Months 2015 and Twelve Months 2016, and Treasurer Annual Report 2015 and Investment Summary 2015; and Municipal Court Report - be accepted as presented.

Motion passed. All yeas.

Reports accepted as presented.

#### **OPEN TO PUBLIC**

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

Councilman Spicer – In terms of the proposal regarding the Convention and Visitors Bureau and the Parks, Debbie Stamper is doing well and should return back to work in two weeks. After she returns, we can get a meeting together with the appropriate people.

Councilman McKay said that the proposal is in Finance Committee right now. As soon as Debbie Stamper is available, a meeting will be scheduled.

Councilman McKay – The permanent meeting time for Finance is 5:30 p.m., the Wednesday prior to council.

Councilwoman Milburn – The permanent meeting time for Judiciary is following Finance at 6:00 p.m. the Wednesday prior to council.

President Riley recognized that Commissioner Pat Haley was in the audience. Pat Haley said that there are mutual issues with the City and County, so it is good to have open channels of communication.

Mike Mandelstein asked what happens to the starting time of Judiciary Committee meeting if Finance runs late. Councilwoman Milburn and Councilman McKay explained that the Judiciary Committee meeting would then start late.

Terry Habermehl – County Auditor – presented information on his candidacy for the Clinton County Commissioner open seat.

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

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

**ADJOURNMENT**

A motion was made by M. McKay to adjourn.

President Riley declared meeting adjourned.

Council adjourned at 8:30 p.m.

ATTEST:

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President of Council

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Clerk

**COUNCIL**

**February 4, 2016**

Wilmington City Council met in regular session on Thursday, February 4, 2016, at 7:30 p.m. with President Randy Riley presiding.

**CALL TO ORDER**

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

**ROLL CALL**

Roll Call: Purkey, present; Spicer, present; Stuckert, present; J. McKay, present; Swindler, present; Milburn, present; M. McKay, present.

Chief Detective Josh Riley was also present.

**PLEDGE OF ALLEGIANCE**

Council gave the Pledge of Allegiance to the flag.

**MOMENT OF SILENCE OBSERVED**

**PRESIDENT OF COUNCIL**

President of Council - President Riley presented the agenda for approval.

A motion was made by Spicer and seconded by J. McKay to approve the agenda as received.

Motion passed. All yeas.

Agenda approved as received.

A motion was made by M. McKay and seconded by Purkey to approve the minutes of the last regular meeting, January 21, as presented.

Motion passed. All yeas.

Minutes approved as presented.

President Riley announced the Lenten Lunch program at the United Methodist Church.

President Riley welcomed Pat Haley, Terry Habermehl, and boy scouts to the meeting.

**MAYOR**

Mayor - Mayor Stanforth introduced Ray Souder, Director of Clinton County Veterans Services Office.

Ray Souders presented information on a volksmarch event to be held on Saturday, March 28. He explained the volksmarch concept. It is usually a 5K walk, noncompetitive and not timed. Participants pay a small amount to join the walk. There are stations throughout the walk where participants can have their ticket stamped. Stations can be as simple as an individual stamping your ticket or as elaborate as a food tent with beverages and snacks. He explained that the check-in stations are social gatherings and people often stay for up to half an hour. The registration for the event will be from 8 am to noon at the Park. After participants register, they will be shuttled to the starting point of the walk at the trailhead for the Luther Warren Peace Path on Nelson Avenue. The Veterans Services program will be responsible for shuttling people. Participants will walk on the Luther Warren Peace Path, through the urban trail, and across the 4-C Bicentennial Trail to end up at the parks where their cars are located. Because it is noncompetitive, many people go as groups, bring their pets, and it is a very social event. If they have their ticket stamped by all check-in stations, they receive an incentive gift of a mug. All proceeds of the volksmarch will go to a veterans' support group called All Day Every Day whose main focus is veterans with posttraumatic stress disorder. He asked for Council support for the event and introduced Joseph Watson, founder of All Day, Every Day. Ray Souders asked council for their support of the project and emphasized that it would not cost the city any money.

Joseph Watson - Founder of Veteran's Support All Day, Every Day gave an overview of the types of programs he would like to start for veterans with posttraumatic stress disorder.

Councilwoman Milburn expressed her support for the attention to the issue and for the fundraiser.

Ray Souder pointed out that they are not only helping veterans, they would be exposing more people to the trails systems in Wilmington.

A motion was made by Milburn and seconded by M. McKay to support the Veterans Services Volksmarch Event on March 28.

Motion passed. All yeas.

Mayor Stanforth introduced boy scouts DJ Young and Lucas Burrows and had a picture taken with them.

Mayor Stanforth presented his State of the City address.

*December 15, 2015, then-Mayor Randy Riley wrote an editorial in the Wilmington News Journal, as he often did. It was quite telling and presented a familiar metaphor for that moment and for the job ahead. At that time, he spoke of a water stain in his kitchen. He quoted the words I spoke to him years ago in that kitchen. I had just smashed a hole in that ceiling with my hammer to reveal the source of the problem. It was shocking and unpleasant at first, but the result, a few months down the road, provided him and his wife a great deal of satisfaction—and solved the leaking-pipe problem. "You can't fix a problem if you don't know where it is," I said to him at that time. Armed with a hammer, a flashlight, and a tape measure I have approached problems of all kinds this way in the past 4 or more decades. I must say, that the method produces very good results. I am not, I assure you, going to take a hammer to the city. But I will be carrying my flashlight with me, just in case we need to take a look.*

*My passion runs deep for this community. My 5<sup>th</sup> great-grandfather, Tom Gaddis, was a colonel in the Revolutionary War and is buried on the land on Prairie Road he once owned. My daughter and her husband are the 6<sup>th</sup> generation to live on the family farm. Wilmington is the place I want my children, grandchildren, and great grandchildren call their home. It is important that they are able to stay here and have good jobs. I want them to be able to raise their children in the same prosperous community where I grew up, married, and raised children, and had a successful business.*

*I have traveled all over the United States and Canada on my motorcycle and in my automobile. The towns that get my attention are the ones that put forth a "pretty" face. These are towns that have an abundance of trees. They are towns that have flowers. Their gateways are welcoming and landscaped. The streets are clean. The storefronts are well maintained. I always compare where I am traveling to what is at home. Wilmington does a very good job of all of this. We need to continue and add a little "polish" where necessary. I want Wilmington to be as pretty a town as anyone will ever see as they travel through or live here.*

*I want to give back by serving the community I so dearly love. My goals as mayor are very simple.*

- *I want our spending to match our revenue.*
- *I want to maintain our services in the most efficient manner possible.*
- *I want to repair our streets.*

*To accomplish these goals, I need your support.*

## **AUDITOR**

Auditor - Auditor David Hollingsworth had no report.

## **COMMITTEE REPORTS AND ACTION**

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

Cemetery Committee – Chairperson J. McKay said they had a good meeting recently, with the main topics of discussion including the bridge situation and the columbarium. The bridges are a top priority for the cemetery.

Downtown Revitalization Committee – Convener M. McKay encouraged people to check out Main Street Wilmington on Facebook. He read the promotional literature put out by Main Street encouraging residents to stay in Wilmington to celebrate Valentine’s Day at local establishments.

Finance Committee - Chairperson M. McKay presented legislation making miscellaneous transfers: From Miscellaneous Services to Salaries - \$19,500.00.

Councilwoman Swindler asked if this was different than the one that was passed at the last meeting. Clerk Miller explained that the previous one was for community corrections funded by the grant and this one is not.

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

Roll call: Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes.

Director of Law read the ordinance by title only.

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

Roll call: Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes.

Motion passed.

President of Council declared Ord. No. O-16-07 passed as read.

Judiciary Committee - Chairperson Milburn presented legislation modifying Chapter 119 of the Codified Ordinances to include the provision that the appointment of the Assistant Director of Law/Municipal Prosecutor shall be subject to council approval.

A motion was made by Milburn and seconded by Purkey to give the first reading only on the ordinance Amending Section 119.02(a) of the Codified Ordinances of the City of Wilmington Related to the Assistant Director of Law/Municipal Prosecutor.

President called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

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

Roll call: Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes.

Director of Law read the ordinance by title only.

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

Roll call: Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes.

Motion passed.

President of Council declared Ord. No. O-16-08 passed as read.

Parks and Recreation Committee – Chairperson Milburn presented legislation regarding surplus vehicles for the Parks.

A motion was made by Milburn and seconded by Swindler to give the first reading only on a resolution Declaring Surplus Property, To Wit: Vehicles Valued at More Than \$1000, and Authorizing the Sale of Said Vehicles, 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 Milburn and seconded by Purkey to suspend the rules and give the second and third reading on the resolution by title only.

Roll call: Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes.

Director of Law read the resolution by title only.

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

Roll call: Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes.

Motion passed.

President of Council declared Res. No. R-16-11 passed as read.

Safety Committee - Chairperson Spicer had no report but asked for a meeting to be scheduled.

Solid Waste/Recycling - Chairperson Spicer gave a report of the last committee meeting. The committee discussed options for the future of the landfill. Closing the landfill is a 30-year process and bears an expense. Expanding the landfill will also be expensive. Braden Dunham is still collecting data. It is unlikely that the city will sell the landfill. It seems like it may be possible to continue to keep the landfill as a small operation. The City currently has a great relationship with the EPA. Regular committee meetings of the Solid Waste/Recycling Committee will be held on the 3<sup>rd</sup> Thursday of each month at 6:00 p.m., and citizen input is welcome.

Paul Hunter pointed out that the City of Wilmington may have the only municipally owned landfill in Ohio.

Councilman Spicer pointed out that it was an issue that he wished to address immediately and that it also was a priority for Service Director Shidaker and Landfill Superintendent Braden Dunham.

Streets Committee - Chairperson Spicer presented final legislation for the ODOT Urban Paving project on SR 730. This has a deadline of March 9 to return the legislation to ODOT.

A motion was made by Spicer and seconded by M. McKay to give the first reading only on A Final Resolution Authorizing an Urban Paving Project (CLI SR730 – 10.08 PID 94260) to Plane and Resurface a Portion of SR 730 in the City of Wilmington; and Declaring an Emergency

President called for vote.

Motion passed. All yeas.

Director of Law read resolution by title only.

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

Councilman McKay asked if the paving was planned to reach the corporation limit. Service Director Shidaker verified that it goes to the flashing light at Holmes Elementary.

Wastewater/Sewer Committee - Chairperson Stuckert had no report.

Water Committee - Chairperson Swindler had no report.

Safety/Service Director – Safety/Service Director Brian Shidaker reported that after State inspection, two bridges in the cemetery have been closed for safety reasons. We have received several reports of people moving the barricades and driving over them. He asked that people do not remove the signs and barricades blocking off the bridges. When the weather breaks, we will do repairs, but they are closed for a reason. Because of the warmer weather, the streets crew has been able to repair many potholes. We have repaired Truesdell, Rombach, Cuba Road, Lincoln Street, Davids Drive, Fife Avenue, Quaker Way, and Birdsall. The goal by the end of the week is to get all of the potholes in the main streets. Afterwards, the city will be divided into quadrants to work on smaller roads. The Service Department has submitted 13 streetlight outages to Miami Valley lighting this week. Citizens can report their streetlight outages either online or by calling the Service Director.

### **REPORTS TO COUNCIL**

A motion was made by M. McKay and seconded by Purkey that the Hotel Lodging Tax and Income Tax Summary Reports - be accepted as presented.

Motion passed.

Reports accepted as presented.

### **OPEN TO PUBLIC**

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

Terry Habermehl, 806 Crestview Avenue, County Auditor presented a check to the city in the amount of slightly over \$9,259.00. This is money not required to complete appraisal services, so he is able to refund it to the local political subdivisions.

Paul Hunter announced expressed concern about the streets item being brought before council without a meeting. Councilman Spicer explained that preliminary legislation had already been passed by council for the 730 project and this was final legislation. He also noted that he put the item on for only one reading in order to provide his committee the opportunity to meet and discuss further if there were questions.

Councilman McKay stated that he will not be at the next council meeting or the next Finance meeting. Councilwoman Swindler stated that she will also be absent. Councilman McKay pointed out that a special council may need to be scheduled in order to get legislation passed if necessary.

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

President Riley asked for a motion to go into executive session.

A motion was made by M. McKay and seconded by Stuckert to council to enter Executive Session per ORC 121.22(G)(1) – To consider compensation of a public employee or official.

Roll call: Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes.

Motion passed.

The Law Director and legal counsel were invited by President Riley to attend the executive session.

Council entered executive session at 8:14 p.m.

A motion was made by M. McKay and seconded by J. McKay to return to regular session.

Roll call: Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes.

Motion passed.

Council returned to regular session at 9:02 p.m.

President Riley announced that there was no action to be taken as a result of the executive session.

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

**ADJOURNMENT**

A motion was made by J. McKay to adjourn.

President Riley declared meeting adjourned.

Council adjourned at 9:03 p.m.

ATTEST:

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President of Council

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Clerk

## **COUNCIL**

**February 18, 2016**

Wilmington City Council met in regular session on Thursday, February 18, 2016, at 7:30 p.m. with President Randy Riley presiding.

### **CALL TO ORDER**

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

### **ROLL CALL**

Roll Call: Purkey, present; Spicer, present; Stuckert, present; J. McKay, present; Swindler, absent; Milburn, present; M. McKay, absent.

Chief Weyand was also present.

A motion was made by J. McKay and seconded by Stuckert to excuse the absent members (Swindler and M. McKay).

Motion passed. All yeas.

Absent members excused.

### **PLEDGE OF ALLEGIANCE**

Council gave the Pledge of Allegiance to the flag.

President Riley noted the passing of Justice Antonin Scalia.

### **MOMENT OF SILENCE OBSERVED**

### **PRESIDENT OF COUNCIL**

President of Council

President Riley presented legislation regarding the Board of Control to council. He described the composition of the Board of Control (Mayor, Safety Director, and Service Director). Many cities combine safety and service, so only two people make up the board of control. The board of control approves contracts and bids. We are wanting to enter into a contract for building inspection, and the Service/Safety Director has a conflict. That leaves it with one person. For transparency, we would like the mayor to sign it of his own free will. There were three contracts received, and the mayor would like to review them and make the decision. I am presenting to you a resolution authorizing the mayor to review proposals and enter into an agreement for certified building inspection services and declare an emergency. This would be just a first reading of the resolution.

A motion was made by Milburn and seconded by J. McKay to give the first reading only on a resolution Authorizing the mayor to Review Proposals and Enter into an Agreement for Certified Building Inspection Services; and Declaring an Emergency.

President called for vote.

Motion passed. All yeas.

Director of Law read resolution by title only.

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

President Riley said he had spoken to the Mayor and the Service Director and there was someone currently doing the inspections, so there is not a great hurry.

A motion was made by J. McKay and seconded by Purkey to approve the agenda as amended.

Motion passed. All yeas.

Agenda approved as amended.

A motion was made by Stuckert and seconded by Spicer to approve the minutes of the last regular meeting, February 4, as presented.

Motion passed. All yeas.

Minutes approved as presented.

**MAYOR**

Mayor - Mayor Stanforth recognized Richard Pauley from Leadership Clinton.

**AUDITOR**

Auditor – In the absence of Auditor David Hollingsworth, there was no report.

**COMMITTEE REPORTS AND ACTION**

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

Cemetery Committee – Chairperson J. McKay announced concrete barriers are now in place to prevent passage over the bridges that need repair. The signs that were previously put in place had been thrown into the creek. Additionally, after speaking with Jan Blohm from the Clinton County Foundation, a cemetery committee meeting will be held to discuss accepting the Nathan Hale money of \$15,819.05 for 2016. The City will be accepting the 2015 funds as well. Also to be discussed is a future columbarium.

Downtown Revitalization Committee – In the absence of Convener M. McKay, there was no report.

Finance Committee – In the absence of Chairperson M. McKay, Councilwoman Milburn presented Ordinance No. O-16-09, Making Miscellaneous Transfers: From Salary Bailiff to Salary PT Bailiff - \$5,000.00.

A motion was made by Milburn and seconded by J. McKay to give the first reading only on Ordinance O-16-09 – Making Miscellaneous Transfers.

President called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

Milburn requested the second and third readings be on the Agenda for the next meeting.

Councilwoman Milburn introduced Ordinance O-16-10 – Making Supplemental Appropriations: General Fund to Flexbank Fees - \$3,000.00; Waste Fund to Bureau of Empl. Serv. - \$8,372.00.

A motion was made by Milburn and seconded by J. McKay to give the first reading only on Ordinance O-16-10 – Making Supplemental Appropriations.

President called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

Milburn requested the second and third readings be on the Agenda for the next meeting.

Judiciary Committee - Chairperson Milburn – A meeting will be held March 16 at 6 p.m. in Council Chambers to discuss Gateway Zoning.

Parks and Recreation Committee – Chairperson Milburn – Lori Williams presented a great speech at the Lions Club meeting regarding upcoming parks projects and requesting community involvement and financial support for the parks.

Safety Committee - Chairperson Spicer asked Safety Director Shidaker if the Police or Fire Departments had mentioned a capital campaign grant through the Ohio Fire Marshall. The deadline is in March.

Chief Weyand added that there is a grant that is being worked on with the Parks for Community Initiatives in the amount of \$30,000.

Councilman Purkey clarified that it is a Local Government Safety Capital Grant with a deadline of March 21.

Safety Director Shidaker said he would check with the police and fire on the funding.

Solid Waste/Recycling - Chairperson Spicer – There will be a meeting March 3 at 6 p.m. The Service Director and Sanitation Superintendent have a plan to present.

Streets Committee - Chairperson Spicer presented Resolution R-16-12 for the ODOT repaving project on Truesdell/SR 730, previously reviewed at the February 2 meeting.

Councilman Purkey asked for clarification that the \$186,472 is the revised amount of the city's responsibility.

Service Director Shidaker explained that the amount had been amended from \$170,000 for that portion. The total estimated cost is about a quarter of a million for the city match, which is somewhat higher than what was estimated. The money for the project was appropriated last year.

A motion was made by Spicer and seconded by J. McKay to give the second reading only on Resolution R-16-12 – A Final Resolution Authorizing An Urban Paving Project (CLI SR730-10.08 PID 94260) to Plane and Resurface a Portion of SR 730 in the City of Wilmington; and Declaring an Emergency.

President called for vote.

Motion passed. All yeas.

Director of Law read resolution by title only.

Spicer asked for the third reading to be on the Agenda for the next meeting.

Wastewater/Sewer Committee - Chairperson Stuckert – I spoke on WAHL radio regarding the Wastewater Department. After speaking to Harry McVey, we plan to schedule a Wastewater Committee meeting in the future.

Councilman J. McKay – The morning radio program is from 8:00 to 9:00 and they encourage council members to stop in and speak on the program. It is 106.7 FM.

Councilman Spicer – We will be having a Streets Committee meeting on Monday at 4 p.m. to discuss the truck traffic through the residential areas, especially in terms of Timbertech.

[Discussion of Timbertech traffic]

Water Committee - In the absence of Chairperson Swindler, Councilman Stuckert reported that there is a Water Committee meeting scheduled for March 8 at 5:30 in the mayor's conference room.

Safety/Service Director – Safety/Service Director Brian Shidaker – Our relationship with the OEPA is very good right now. Braden Dunham and I met with the EPA a couple of weeks ago. They are here to help us as far as the landfill is concerned. We had a recent inspection. No violations. We are working very well together.

Safety/Service Director Shidaker presented information a report regarding the issue of lead and how it pertains to Wilmington drinking water. Lead does not come from the water plant or the main lines. Lead comes from the service lines running from the main line in the street to the home. It comes from the plumbing inside the home. Lead services are typically only present in older homes. If you have an older home in the city of Wilmington, you should contact a certified plumber to find out if you have lead pipes. If you do have lead pipes, you should have your water tested. We will point you in the right direction to find testing. How the city of Wilmington is different from Flint – we test our corrosiveness, our stability, of our water on a weekly schedule and we adjust the treatment as needed to assure our water is stable and noncorrosive. The EPA does regular monitoring of our water. We have passed all of those tests. Our next lead testing is scheduled for June 1, 2016. We have always successfully passed all testing.

Paul Hunter asked if there was a delay in getting the easements needed for the Safe Routes to Schools project – Truesdell sidewalks.

Service Director Shidaker said that the mayor has taken it upon himself to discuss the easements with property owners.

Paul Hunter asked if it was going to happen in the spring.

Mayor Stanforth said that he could not speak for the State's timing, but it would happen soon.

Paul Hunter added that he knows concrete people who will provide samples of pervious cement as a sample. He added that he did not want to lose those contacts. They will pour the pervious cement for the same price as regular.

Mayor Stanforth said that he is very familiar with the process and as long as they will not charge extra to do it, he has no problem with it at all.

Nathan Kraatz asked when lead pipes stopped being used.

Service Director Shidaker said he was not sure, but he has been told that anything built after 1980 does not have any lead.

Mayor Stanforth – The only place you are going to find lead pipe in a residential home is where they tied the water supply into the main – but that was at the turn of the last century. After the World War II, that almost completely phased out. Now all supply lines are plastic. Most of it has been replaced because the lead pipe would have fastened to a galvanized pipe, and those usually only have a 50-60 year life span. So, the odds of you having lead in your water in Wilmington are very slim. I was a certified lead inspector, and I know it comes from standing water. So whenever I draw my coffee water, I do it at night because the water lines have been used and I don't want to draw that coffee water first thing in the morning.

David Hockaday – We did an inspection of every residential property about 15 years ago based on the same criteria of lead in the water. Those properties that showed lead were advised on how to take care of it. Since then, I do not think we have had a lead problem in the city of Wilmington.

President Riley pointed out that apparently the Ohio EPA has a different relationship with jurisdictions than the EPA in Michigan as they would not have let something like this go through.

#### **REPORTS TO COUNCIL**

A motion was made by Milburn and seconded by Purkey that the Auditor/Treasurer Report - be accepted as presented.

Motion passed.

Reports accepted as presented.

#### **OPEN TO PUBLIC**

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

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

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

#### **ADJOURNMENT**

A motion was made by Milburn and seconded by Purkey to adjourn.

President Riley declared meeting adjourned.

Council adjourned at 8:02 p.m.

ATTEST:

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President of Council

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Clerk

Wilmington City Council met in regular session on Thursday, March 3, 2016, at 7:30 p.m. with President Randy Riley presiding.

**CALL TO ORDER**

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

**ROLL CALL**

Roll Call: Purkey, present; Spicer, present; Stuckert, present; J. McKay, present; Swindler, present; Milburn, present; M. McKay, present.

Chief Weyand was also present.

**PLEDGE OF ALLEGIANCE**

Council gave the Pledge of Allegiance to the flag.

**MOMENT OF SILENCE OBSERVED**

**PRESIDENT OF COUNCIL**

President of Council

A motion was made by M. McKay and seconded by J. McKay to approve the agenda as presented.

Motion passed. All yeas.

Agenda approved as presented.

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

Motion passed. All yeas.

Minutes approved as presented.

President Riley presented legislation authorizing the mayor to choose from qualified applicants and enter into an agreement for building inspection services for the City. The legislation was previously reviewed at the February 18 council meeting.

A motion was made by M. McKay and seconded by Purkey to suspend the rules and give the second and third reading on the resolution authorizing the Mayor to review proposals and enter into an agreement for certified building inspection services; and declaring an emergency.

Roll call: Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes.

Director of Law read the resolution by title only.

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

Roll call: Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes.

Motion passed.

President of Council declared Res. No. R-16-13 passed as read.

**MAYOR**

Mayor - Mayor Stanforth introduced Debbie Stamper from the Clinton County Convention and Visitors Bureau.

Debbie Stamper presented the Annual Marketing Report and Budget for the Clinton County Convention and Visitors Bureau (CCCVB). She gave an overview of the process by which potential visitors decide to visit the area and how the CCCVB is working to market Clinton County.

Mayor Stanforth related a story about a visitor to Wilmington whose car broke down while in the area. He was impressed by the Transit Service. The man's name was John

Weber and he is a disc jockey in Nashville, TN. He wanted to interview taxi personnel and put them on the air.

Mayor Stanforth reported that the Safe Routes to School project will be going from Randolph to Nelson in 2017 and he is personally speaking with property owners to seek donations of land for the sidewalk project.

Mayor Stanforth also reported that the city's health insurance program was up for renewal and it appears that the city will be able to save around \$70,000. He also reported that he reached out to State Representative Cliff Rosenberger to see if there were any grants available to remove dead ash trees. No grants are currently available, but the response from Rosenberger's office was very prompt.

Mayor Stanforth reported that Councilman Spicer was helping with the sound in Council Chambers. He would appreciate if audience members provided feedback on whether or not they can hear well.

## **AUDITOR**

Auditor – In the absence of Auditor David Hollingsworth, there was no report.

## **COMMITTEE REPORTS AND ACTION**

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

Cemetery Committee – Chairperson J. McKay – We met and requested the Nathan Hale funds from the Clinton County Foundation. Brian Shidaker will be requesting the funds. We also are going to send the guard between the cannons out for repair. We are pursuing the bridges and make sure they will be in working order by the end of the summer.

Downtown Revitalization Committee – Convener M. McKay had no report.

Finance Committee - Chairperson M. McKay presented the second reading on the ordinance O-16-09 Making Miscellaneous Transfers, previously presented at the February 18 council meeting.

A motion was made by M. McKay and seconded by Milburn to suspend the rules and give the second and third reading on the ordinance Making Miscellaneous Transfers.

Roll call: Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes.

Director of Law read the ordinance by title only.

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

Roll call: Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes.

Motion passed.

President of Council declared Ord. No. O-16-09 passed as read.

Councilman Mark McKay presented ordinance O-16-10 making supplemental appropriations, previously presented at the February 18 meeting.

A motion was made by M. McKay and seconded by Milburn to suspend the rules and give the second and third reading on the ordinance Making Supplemental Appropriations.

Roll call: Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes.

Director of Law read the ordinance by title only.

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

Roll call: Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes.

Motion passed.

President of Council declared Ord. No. O-16-10 passed as read.

Judiciary Committee - Chairperson Milburn announced that there would a meeting on March 16. The Convention and Visitors Bureau and the Gateway legislation will be discussed.

Parks and Recreation Committee – Chairperson Milburn announced there will be a meeting on March 7 in conjunction with the Park Board. We will be discussing the NatureWorks Grant and Xidas Parks updates.

Safety Committee - Chairperson Spicer had no report.

Solid Waste/Recycling - Chairperson Spicer – We had a meeting discussing the landfill. We have gotten good information regarding what we can do from the EPA. We are calling for a public hearing for the next council meeting so we can discuss what our options are and what our plans are and what we need and hope to do.

Streets Committee - Chairperson Spicer presented legislation authorizing the paving of Truesdell Street. This is an ODOT project, and the legislation was previously presented at the February 5 and February 18 council meetings.

A motion was made by Spicer and seconded by M. McKay to give the first reading only on a resolution authorizing an urban paving project (CLI SR730-10.08 PID 94260) to plane and resurface a portion of SR 730 in the City of Wilmington; 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 Purkey to pass the resolution as read.

Roll call: Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes;

Milburn, yes; M. McKay, yes.

Motion passed.

President of Council declared Res. No.R-16-12 passed as read.

Councilman Spicer – We had a meeting to discuss the truck traffic on Florence. We met with Timbertech. They are working on their end to try to get some things taken care of it. Brian is getting with the Street Department. We are talking about putting a couple of signs up to redirect truck traffic, moving a couple of signs to a more strategic location. If folks will bear with us, hopefully here in a few weeks we can put a dent in that problem.

Wastewater/Sewer Committee - Chairperson Stuckert – We are working toward scheduling a meeting at the end of the month.

Water Committee - Chairperson Swindler – We have no action tonight, but we have a scheduled meeting for Tuesday, March 8, at 5:30 p.m. in the mayor's conference room. I will make it my practice to share the agenda of the meeting here in council so if you do have an interest in any of the agenda items, you will be welcome to attend the committee meeting. We are looking at some things that the water department has requested – purchasing rakes, relocating water lines and things of that nature. We will have a continuing discussion on the splash park project. We will be looking at bulk water rates, something that is not currently codified. We will be looking at water fluoridation and also utility bill agreements between renters and landlords.

Safety/Service Director – Safety/Service Director Brian Shidaker – We are currently investigating repair of the railroad crossing on Doan Street. We are not allowed to repair railroad crossings. History has shown that it is very difficult to repair them because you have to get the railroad involved. We are working on the Ahresty Airborne Connector project and there is a rail crossing there. So, when I had the State of Ohio Railroad Commission as well as the railroad company in the room, I brought up the fact that I had received several complaints about the Doan Street crossing. It was not due for an inspection until 2020. So, bottom line is we have entered into a memorandum of agreement whereby the Doan Street is going to undergo a diagnostic test on March 31 of this year. Our streets department and myself will be there. Essentially, we could get up to \$250,000 in improvements at the crossing. I am being told it will require safety gates.

All they are asking from us is to provide the asphalt, which is about \$2000 to \$3000. We have moved up from the 2020 inspection to the crossing being fixed by the end of the year. We are also looking at a diagnostic test at the Hawley avenue crossing as well and whether or not that crossing is necessary and what options we have at that crossing.

Councilman McKay asked about the Main and Locust Street crossings.

Service Director Shidaker said he is first concentrating on the Doan and Hawley. We will build the relationship and then we will bring those up at a later date.

[Discussion of railroad crossings]

Service Director Shidaker announced that the City is transitioning from blue vans to white vans at the transit department because they no longer make blue vans for the same price.

Service Director Brian Shidaker – We have done a cost analysis to send the crews out to treat the roads. It costs between \$2000 and \$3000 for an 8-hour shift during the day. That includes salt, wages, and fuel. There are many variables. We figure there is approximately 1.6 tons of salt being dropped on the streets and roads per hour. When you add it all up, it's about \$855/shift. You have a little over a thousand dollar in wages. When you add in the fuel costs and all of that, it ends up to be two to three thousand dollars. That's not counting the overtime at night. We are looking at alternatives. Salt is expensive. We have spent \$70,000 this year on salt. We are working with the county and the state to see what is the cheapest and best alternative because you're really just throwing money out the back of the truck and you're damaging your roads at the same time.

[Discussion of road treatment.]

#### **REPORTS TO COUNCIL**

A motion was made by J. McKay and seconded by Stuckert that the Income Tax Receipt Summary - be accepted as presented.

Motion passed.

Reports accepted as presented.

#### **OPEN TO PUBLIC**

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

Paul Hunter – 200 Randolph Street – raised a question regarding the tipping fees charged to out of county haulers. He said the amount of tipping has increased drastically in the last year, which might indicate that the fees are below market. If the fees have changes, I have not seen them in the newspaper or before council. He asked Councilman Spicer how the rates were changed.

[Discussion of fee structure]

Councilman Spicer said he was checking into whether the rates had been codified or not. He said they would find out what the situation is and follow up accordingly.

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

Seeing no one else who wished to speak, President Riley asked the Law Director to address the executive session.

A motion was made by Swindler and seconded by Stuckert to enter executive session per “121.22 (G)(1) To consider compensation of a public employee or official.”

President of Council called for a vote.

Roll call: Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes.

Motion passed.

Executive session entered at 8:26 p.m.

A motion was made by M. McKay and seconded by Purkey to enter regular session.

President of Council called for a roll call vote.

Roll call: Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes;

Milburn, yes; M. McKay, yes.

Motion passed.

Regular session resumed at 8:48 p.m.

President Riley confirmed that a roll call was called on Item C under the President's portion, the resolution authorizing the mayor to review the building inspection services.

Clerk Miller confirmed that a roll call was done.

**ADJOURNMENT**

A motion was made by Purkey and seconded by J. McKay to adjourn.

President Riley declared meeting adjourned.

Council adjourned at 8:44 p.m.

ATTEST:

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President of Council

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Clerk

## **COUNCIL**

**March 17, 2016**

Wilmington City Council met in regular session on Thursday, March 17, 2016, at 7:30 p.m. with President Randy Riley presiding.

### **CALL TO ORDER**

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

### **ROLL CALL**

Roll Call: Purkey, present; Spicer, present; Stuckert, present; J. McKay, present; Swindler, present; Milburn, present; M. McKay, present.

Chief Weyand was also present.

### **PLEDGE OF ALLEGIANCE**

Council gave the Pledge of Allegiance to the flag.

President Riley noted the unexpected passing of former firefighter for the City of Wilmington, Kate Muchmore Earley. She was 39 years old.

### **MOMENT OF SILENCE OBSERVED**

### **PRESIDENT OF COUNCIL**

#### President of Council

A motion was made by M. McKay and seconded by J. McKay to approve the agenda as presented.

Motion passed. All yeas.

Agenda approved as presented.

A motion was made by Swindler and seconded by Milburn to approve the minutes of the last regular meeting, March 3, as presented.

Motion passed. All yeas.

Minutes approved as presented.

### **MAYOR**

Mayor - Mayor Stanforth announced the annual Easter Egg Hunt at the Public Library on March 19 from 9 a.m. – 1 p.m. He congratulated Lori Williams on a successful salamander hunt. The next event is bird banding. Clinton Memorial Hospital is having a health fair. The Health Alliance is holding a 5K race Saturday, April 2, from 9 a.m. to 2 p.m. CMH also provided thousands of orange towels for the high school basketball games. He congratulated the City of Wilmington basketball team on their success. Mayor Stanforth also announced the tire amnesty event on Saturday April 30<sup>th</sup> from 9 a.m. to noon at the Clinton County Highway Engineer's Office.

Mayor Stanforth introduced Kim Law to discuss the grit project.

Kim Law presented information on Project Grit. At Denver Place Elementary School, Principal Karen Long began her school year talking to teachers and staff about the role grit (passion, perseverance, hard work) plays in the overall success of students. Students were tasked with creating grit goals. In order to celebrate the students' grit, they decided to do a project modeled off of the Inside Out project, which is a people's participatory art project. In the Inside Out project, the artist JR does large prints of people displaying their passions. It began with honoring 25 kids at Denver Elementary. Then it expanded to the Middle School. They then decided to include people from through all of Wilmington to feature members of the community that represent grit in their actions and character.

Kim Law presented PowerPoint presentation regarding the program. The action statement for the project is: "Project Grit: The key to succeeding in life for us in Wilmington is passion, perseverance, resilience and stamina for long-term goals. Grit:

Wilmington's got grit." She presented a video. The project will go up in August. It is all funded by grants and corporate funding.

#### **AUDITOR**

Auditor – In the absence of Auditor David Hollingsworth, there was no report.

#### **COMMITTEE REPORTS AND ACTION**

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

Cemetery Committee – Chairperson J. McKay said there were checks coming from the Clinton County Foundation Hale Fund to help with the cemetery.

Downtown Revitalization Committee – Convener M. McKay – Drowsy Lads will be at the Murphy Theatre. The Wine Walk is coming up in May.

Finance Committee - Chairperson M. McKay introduced Ordinance O-16-11 Making Supplemental Appropriations. \$1000 from General Fund to Temporary Services for the Law Director.

A motion was made by M. McKay and seconded by Milburn to give the first reading only on Ordinance O-16-11 Making Supplemental Appropriations.

President called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

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

Roll call: Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes;

Milburn, yes; M. McKay, yes.

Director of Law read the ordinance by title only.

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

Roll call: Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes.

Motion passed.

President of Council declared Ord. No. O-16-11 passed as read.

Chairperson McKay announced that budget discussions will begin at the next Finance Meeting, which will be the first Wednesday in April. We will be looking at what the administration proposes to help with the million and a half dollar shortfall. We will also be looking at revenue sources from levies to earnings tax ideas.

Judiciary Committee - Chairperson Milburn – The committee met and had good discussions on zoning. We will be having an educational meeting regarding current zoning in the future.

Parks and Recreation Committee – Chairperson Milburn introduced resolution R-16-14 to authorize submittal of a NatureWorks Grant to complete the southeast neighborhood park.

President Riley asked if there was a match. Milburn stated that it is a 25% match but she already has it. Swindler added that the match monies are in the Southeast neighborhood park fund. Milburn went on to say that restrooms were considered at that park, but at this point it is too costly, so they will be just finishing up the play features.

Mayor Stanforth added that the reason the southeast neighborhood park fund has extra money is that he brought in volunteers for the shelter work, so it did not cost as much to build as budgeted. He encouraged people to volunteer for the City.

A motion was made by Milburn and seconded by M. McKay to give the first reading only on Resolution R-16-14 Authorizing the Submittal of an Application for the Natureworks 23<sup>rd</sup> Round Grant Application 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 Milburn and seconded by Stuckert to suspend the rules and give the second and third reading on the resolution by title only.

Roll call: Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes.

Director of Law read the resolution by title only.

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

Roll call: J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes.

Motion passed.

President of Council declared Res. No. R-16-14 passed as read.

Safety Committee - Chairperson Spicer asked if Fire Chief Mason was still on leave. Mr. Shidaker stated that he is. Spicer said that when the Chief gets back, we will get a safety meeting scheduled.

Solid Waste/Recycling - Chairperson Spicer stated that we had previously stated there would be a public hearing regarding the landfill. Due to some technicalities, there will be no official public hearing. There will be a public forum so people are free to speak about the landfill.

Paul Hunter – 200 Randolph: Mr. Hunter presented an analysis for the options for the landfill. He stated it will be difficult to predict the cost of transferring trash to a commercial haul to an outside landfill because the pricing can change. He stated that according to the 2014 OEPA report, and based upon 2013 fill rates, the end date for the landfill should be around 2024. If we fill it faster, it will reach capacity sooner. The real issue is as follows: The city is going to expand westward. Will that expansion be hindered with a garbage dump in the center of the area between Wayne and Truesdell behind the city operations? It will take some of the park land if we expand as expected. There is also a potential trail route through that area. My preference is to shut it down, cap it off, build the park, close her up.

Braden Dunham – We do have a little bit of time to prepare for what is going to happen with the landfill. Right now we have about five years of life left. There are a few different options that we need to present to the city to handle this landfill topic. I am going to read from a report:

*The Wilmington landfill has undergone several alterations and expansions throughout the last twenty years. The old landfill was completely filled by the late 90's and planning began for the construction of the newly designed, fully lined landfill that was off to the west side of it. This was our first phase with the rubber liner underneath the landfill. During that same time, the city actually solicited some engineering and started some future planning for the final west expansion. It was conducted through the engineering firm Hull and Associates to design a new separate landfill for the Stuckey Farm land that was obtained by the city for landfill expansion, which is to the west of the current landfill. The west expansion started and that idea was abandoned because of a new idea that came up called a vertical expansion. That means we placed waste on top of the existing old landfill and it bought us some time to prepare for everything else. Backing up to the proposed west expansion that we have the drawings for, the facility was completed with a 45-55 year lifespan. It was complete with a new facility and education center, a scale house, a maintenance building, and it was located off of Park Drive. The west expansion plans were submitted to the EPA for review and then they were returned to the city with their response. At that time, the EPA had some siting and design questions that required some in-depth engineering and financial commitment. A new, more cost effective, idea then emerged called the vertical expansion. The vertical expansion essentially created five smaller phases or cell on top of that old existing landfill. It was more cost effective for Wilmington to go that option than expand west at that time with a separate landfill. In 2007, the vertical expansion started and currently we are filling the fourth phase. Construction will need to begin in the fall of this year for final phase five. It is expected by the end of the year, 2021, give or take, the permitted*

*Wilmington landfill will be at full capacity. The city has recently discussed many options for this. I presented some figures this late January to my committee with information on what we thought to be the worst case scenario...the full cap and closure of the current landfill and then build another separate landfill to the west. That scenario has since been altered, much to our relief. Our engineer, Mo Finey, with the group Terracon, presented an idea to the city that very well could save the whole operation for indefinite expansion. The new proposal is to allow the landfill to expand westward without capping and closing the old landfill. By doing that, we are able to build a connector cell, which is highlighted in blue on the map. It attaches the new west expansion to the old landfill, keeping it one unit, and eliminating the closure costs. Originally the closure costs for closing the current landfill was about \$1.9 million. Then we also have to have a commitment of about \$2.5 million of what they call a post-closure monitoring program. It's a 30-year program. It's a huge commitment. Now, with keeping it one unit, that cap and closure is no more. The new cell westward is going to cost roughly around \$2 million. That system entails lots of work that is involved with ultimate west expansion. There is a lot of infrastructure design work and a lot of drainage control, new sump stations, relocation of sedimentation ponds and all kinds of siting things that need to happen for that small connector phase. That is why it is going to cost so much initially. After we get that done, it is about a five-six year life span in the connector cell. Then we can move on westward with the large rectangular west expansion landfill. That is roughly a 45-year lifespan after that. The new design will save the city approximately \$4.4 million in closure costs. It keeps the site open and the waste rates low for Wilmington residents and commercial businesses. The preliminary figures for the west connector cell are looking to be, as I stated, around \$2 million for a five-year life. These figures also include a tremendous amount of preparation for the groundwater and infrastructure work for the final 50-year west expansion. I have worked on some financial figures based on the early cost analysis for this expansion. These figures, in my opinion, will need to be generated through rate adjustments to the organizations collection services, the residential rates and commercial. There have been no rate increases for this department since 2009. The increase is basically essential to complete this next phase five construction as well as construct landfilling to the west.*

Paul Hunter asked if there would be savings in the Wastewater end of this. He asked if it would still need to be pumped. Braden Dunham answered that there would be another sump pit connected to the force main, which very fortunately is connected with the wastewater treatment plant. We are very fortunate to have the Wastewater Treatment plant next to the landfill. It is a cost savings.

Councilman Spicer said that the City does not need to increase tipping to 200-300 ton a day to make this happen. He added that selling or leasing to another company was not an option in his opinion. Mr. Dunham answered that there was a big misconception for a while that the city was going to sell or lease and a huge influx of waste was going to come into the facility. We are only permitted to take 195 tons per day. We take in about 80 per day. I think we should bring in a little more – around 150 tons per day.

Mr. Limbacher asked if increased recycling would extend the life of the landfill. Mr. Dunham replied that recycling helps, but it is only a small volume.

[Discussion of physical characteristics of the expansion]

Paul Hunter asked what the cost would be to the residents. Braden Dunham answered that his preliminary figures show \$17.00 per month, which is an increase of a little over \$2.00. That is with a penny per month recycling fee.

Councilman Spicer added that the city is looking at raising the cost to recycle to more than a penny because that is not a very realistic charge for the service. Don Wells stated that the one penny it was symbolic. It was a way to go from a voluntary to a paid program.

Steve Sawzin said that if he had to pay more than a penny, he would not recycle. Why should he pay someone to give them free raw material that they can sell to someone else.

Mr. Dunham gave a historical cost analysis of recycling fees. He explained that the City does not make money on recycling. Effective April 1 of this year, they are incurring a \$20/ton fee to tip recyclables. Mr. Sawzin asked if the city could sort so they could take metal to Wilmington Iron & Metal. Mr. Dunham stated that one thing discussed with upcoming grants is investing in a recycling sort center.

Councilwoman Swindler asked if an additional recycling fee was included in the \$3.00 increase. Mr. Dunham answered that a recycling fee would be extra.

[Discussion of recycling systems]

Chris Walls stated that in Shelby County they use inmates to work in the recycling center. President Riley spoke about Wright Patterson Air Force Base's recycling system. Samantha Ahrman gave input on the cost of trash hauling in Greene County. She stated that she pays over \$20/month.

Councilman Spicer stated that no one can do the job like hometown people. We have good employees and good people. If we can keep our landfill, meet EPA requirements, and keep the cost good for our citizens. I think we should do it.

Paul Hunter said that we can close the landfill but still truck the city waste to another landfill. Dunham said the closest, most economical situation would be going to Georgetown, Ohio. The tipping fee would be close to \$40 for direct haul; and you have the mileage. The rate increase would still have to happen.

Councilman J. McKay stated that creating a plan was preventative maintenance. Kicking the can down the road is what we are trying to stop.

Matt Purkey asked for information regarding commercial rates.

Braden Dunham – We would need roughly a \$4/cubic yard increase on commercial businesses and we would still be on the low-to-medium side of comparable pricing. What is good about the commercial businesses in Wilmington is they can control their waste bill because it is pay-as-you-throw. You are only charged for the volume of waste in your dumpster. On a four-cubic yard dumpster, it would be a \$4 increase. We also rent and supply dumpsters. The most expensive one we have is \$17/month, which is very cheap. We have not bumped the rates on those since 2009, so I am considering a \$2 per month rental increase.

Streets Committee - Chairperson Spicer – We have a meeting set up on next Thursday at 4:30 p.m.

Wastewater/Sewer Committee - Chairperson Stuckert – We have scheduled a meeting on March 23 at 6:30 p.m.

Water Committee - Chairperson Swindler announced the next Water Committee meeting is Thursday, March 24, at 5:30 p.m. We will probably meet in Council Chambers. We will continue to the discussion on Water fluoridation as well as water billing for landlords and property owners. We will also talk about bulk water rates and the splash park.

Steve Sawzin asked what the recommended amount of addition that would be proposed for fluoridation. Swindler answered that optimum is 0.7 ppm or a maximum of 1.0 ppm. More details will be provided at the Water Committee meeting.

Safety/Service Director – Safety/Service Director Brian Shidaker had no report.

## **REPORTS TO COUNCIL**

A motion was made by J. McKay and seconded by Stuckert that the Auditor-Treasurer Report - be accepted as presented.

Motion passed.

Reports accepted as presented.

**OPEN TO PUBLIC**

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

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

**ADJOURNMENT**

A motion was made by Milburn and seconded by Swindler to adjourn.

President Riley declared meeting adjourned.

Council adjourned at 8:50 p.m.

ATTEST:

\_\_\_\_\_  
President of Council

\_\_\_\_\_  
Clerk

Wilmington City Council met in regular session on Thursday, April 7, 2016, at 7:30 p.m. with President Randy Riley presiding.

**CALL TO ORDER**

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

**ROLL CALL**

Roll Call: Purkey, present; Spicer, present; Stuckert, present; J. McKay, present; Swindler, present; Milburn, present; M. McKay, present.

Chief Weyand was also present.

**PLEDGE OF ALLEGIANCE**

Council gave the Pledge of Allegiance to the flag.

**MOMENT OF SILENCE**

**PRESIDENT OF COUNCIL**

President of Council

A motion was made by M. McKay and seconded by J. McKay to approve the agenda as presented.

Motion passed. All yeas.

Agenda approved as presented.

A motion was made by Swindler and seconded by M. McKay to approve the minutes of the last regular meeting, March 17, as presented.

Motion passed. All yeas.

Minutes approved as presented.

Reminder from Riley that the Homeless Shelter Soup Luncheon and raffle will be taking place April 15.

**MAYOR**

Mayor – Mayor Stanforth introduced Kim Law who gave an update on the Tree Commission. Appointed by the Mayor, the commission exists entirely on donations. Law stated that they are currently looking for new volunteers to help with their ongoing work. Recently they have been doing a citywide tree risk assessment and removed 30 trees that posed serious risks and they still have more trees that need to be removed. The Commission, to date, has planted 65 Tribute trees and is working on an Urban Site Index that has helped to develop a Comprehensive Tree Planting Plan for the city. Law spoke about the removal of the crab apple trees located downtown and replacing with trees requiring less maintenance. The Spring Flowering Tree Photography Contest deadline is April 29 and the contest winner will be announced in May for amateur photography taken within the city limits. Fundraising for this year will be \$10 trees for purchase from the Commission. The applications will be distributed in city water bills.

Councilman Purkey inquired if there would be a limit on the number of \$10 trees per household. The question was address by a member of the Tree Commission who said it would probably be 1 per household.

Mike Mandelstein asked a question regarding the choice of native trees and the estimated costs of removal of the trees. Chris Hopkins from the Tree Commission addressed his question. In summary, they arrived at the selection based on the site and soil analysis. Kim Law stated that the city is responsible for the cost of removal of the trees and there is not yet an estimate.

Mayor Stanforth introduced Andrew McCoy, head coach of the Wilmington Youth Wrestling Program, who recognized for Josiah Puller who won 2 Grade School State Championships in back to back weekends. His record was 38-0 overall. Mayor Stanforth recognized Josiah and designated Thursday, April 7 as Josiah Puller Day.

Mayor Stanforth recognized Emma Geggie for her accomplishments as a gymnast and student. She won State Champion in Balance Beam and designated Friday, April 8 as Emma Geggie Day.

Mayor Stanforth introduced the new Director of Transportation Tony Morris.

## **AUDITOR**

Auditor – In the absence of Auditor David Hollingsworth, there was no report.

## **COMMITTEE REPORTS AND ACTION**

Asset, Acquisition and Use. – Chairperson Purkey explained the city used to codify easements but has stopped recently. The committee intends to begin codifying easements moving forward.

A motion was made by Chairperson Purkey and seconded by J. McKay to give the first reading only on Ordinance O-16-12 Authorizing the Acceptance of an Easement for Waterline Purposes from Robert Alexander Raizk, Janet Emmaline Fassler NKA Janet Emmaline Barnes, Paul Dennis Pusateri, and Mark August Pusateri as Part of the Airborne Connector Road Phase I Project 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 Purkey and seconded by M. McKay to suspend the rules and give the second and third reading on the ordinance by title only.

Roll call: Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes.

Director of Law read the ordinance by title only.

A motion was made by Purkey and seconded by M. McKay to pass the ordinance as read.

Roll call: Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes.

Motion passed.

President of Council declared Ord. No. O-16-12 passed as read.

A motion was made by Chairperson Purkey and seconded by Milburn to give the first reading only on Ordinance O-16-13 Authorizing the Granting of Right of Way and Easement to the Dayton Power and Light Company as Part of the Airborne Connector Road Phase I Project 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 Purkey and seconded by Milburn to suspend the rules and give the second and third reading on the ordinance by title only.

Roll call: Stuckert, yes; J. McKay yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes.

Director of Law read the ordinance by title only.

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

Roll call: J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes.

Motion passed.

President of Council declared Ord. No. O-16-13 passed as read.

A motion was made by Chairperson Purkey and seconded by J. McKay to give the first reading only on Ordinance O-16-14 Authorizing the Acceptance of an Easement for Waterline Purposes from Ahresty Wilmington Corporation as Part of the Airborne Connector Road Phase I Project 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 Purkey and seconded by J. McKay to suspend the rules and give the second and third reading on the ordinance by title only.

Roll call: M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes.

Director of Law read the ordinance by title only.

A motion was made by Purkey and seconded by J. McKay to pass the ordinance as read.

Roll call: Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes.

Motion passed.

President of Council declared Ord. No. O-16-14 passed as read.

A motion was made by Chairperson Purkey and seconded by Milburn to give the first reading only on Ordinance O-16-15 Authorizing the Acceptance of an Easement for Roadway and Utility Purposes from Meadow Brook Farms, LLC as Part of the Airborne Connector Road Phase I Project 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 Purkey and seconded by M. McKay to suspend the rules and give the second and third reading on the ordinance by title only.

Roll call: Spicer, yes; Stuckert, yes; J. McKay yes; Swindler, yes; Millburn, yes; M. McKay, yes; Purkey, yes.

Director of Law read the ordinance by title only.

A motion was made by Purkey and seconded by Spicer to pass the ordinance as read.

Roll call: Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes. Spicer, yes;

Motion passed.

President of Council declared Ord. No. O-16-15 passed as read.

A motion was made by Chairperson Purkey and seconded by ; J. McKay to give the first reading only on Ordinance O-16-16 Authorizing the Acceptance of an Easement for Storm Sewer Purposes from Meadow Brook Farms, LLC as part of the Airborne Connector Road Phase I Project 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 Purkey and seconded by J. McKay to suspend the rules and give the second and third reading on the ordinance by title only.

Roll call: J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes.

Director of Law read the ordinance by title only.

A motion was made by Purkey and seconded by; J. McKay to pass the ordinance as read.

Roll call: Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes.

Motion passed.

President of Council declared Ord. No. O-16-16 passed as read.

A motion was made by Chairperson Purkey and seconded by ; J. McKay to give the first reading only on Ordinance O-16-17 Authorizing the Acceptance of an Easement for roadway and utility purposes from Praxair Distribution, Inc. as part of the Airborne Connector Road Phase I Project 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 Purkey and seconded by Spicer to suspend the rules and give the second and third reading on the ordinance by title only.

Roll call: Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes.

Director of Law read the ordinance by title only.

A motion was made by Purkey and seconded by; J. McKay to pass the ordinance as read.

Roll call: M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes. Motion passed.

President of Council declared Ord. No. O-16-17 passed as read.

Cemetery Committee – Chairperson J. McKay said there was no official report, but he gave an update. Cemetery 1<sup>st</sup> Quarter- 14 burials and 20 gravesite sales. There was wind damage. There was a fallen tree as well as stone damage. Milburn asked if there is a plan for removing damaged trees. Chairperson J. McKay said there is. Shidaker stated that

they are under contract and that should start next week and 22 trees will be removed. Milburn also inquired about who would be responsible for the damage to headstones. Mayor Stanforth stated the city would be taking care of it. Council President Riley also stated that the Tree Commission is willing to help with the planting of additional trees.

Downtown Revitalization Committee – Convener M. McKay – Israeli Folk Band will be at the Murphy Theatre on April 9. Merchants Rome Jewelers and Everyday Chic are moving into the Samuel Walker building this month.

Finance Committee - Chairperson M. McKay introduced Ordinance O-16-18 Making Supplemental Appropriations. From Water Fund \$65,000, which \$45,000 is for the raw water line that needs to be moved because it's in the right of way on State Route 73. and \$20,000 for moving the raw water line on Cuba Road in conjunction with the Ahresty Project, but that amount will be reimbursed; General Fund to Education and Training- \$1600; General Fund to Temp Services- \$2600; M&R Fund to Traffic Lights- \$15,000.

A motion was made by M. McKay and seconded by Milburn to give the first reading only on Ordinance O-16-18 Making Supplemental Appropriations.

President called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

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

Roll call: Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes.

Director of Law read the ordinance by title only.

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

Roll call: Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes.

Motion passed.

President of Council declared Ord. No. O-16-18 passed as read.

Chairperson M. McKay introduced O-16-19, concerning Police Incidentals to Unemployment Services- \$375; Municipal Court Incidentals to Jury and Witness Fees- \$600.

A motion was made by M. McKay and seconded by J. McKay to give the first reading only on Ordinance O-16-19 Making Miscellaneous Transfers.

President called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

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

Roll call: Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes.

Director of Law read the ordinance by title only.

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

Roll call: J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes.

Motion passed.

President of Council declared Ord. No. O-16-19 passed as read.

Chairperson McKay stated there were two additional Resolutions concerning the County Auditor to give certification of what a 1 Mill and 2 Mill tax levy would provide if it were to be put on the ballot. The City is required to pass a Resolution to be provided with that information for further discussion when revenue planning. Estimate only.

A motion was made by M. McKay and seconded by J. McKay to give the first reading only on Ordinance R-16-12 (1 Mill) Tax Levy Certification Resolution and Declaring and Emergency.

President called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

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

Roll call: Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes.

Director of Law read the ordinance by title only.

A motion was made by M. McKay and seconded by J. McKay to pass the ordinance as read.

Roll call: Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes.

Motion passed.

President of Council declared Ord. No. R-16-12 passed as read.

A motion was made by M. McKay and seconded by Milburn to give the first reading only on Ordinance R-16-13 (2 Mill) Tax Levy Certification Resolution and Declaring and Emergency.

President called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

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

Roll call: M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes.

Director of Law read the ordinance by title only.

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

Roll call: Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes.

Motion passed.

President of Council declared Ord. No. R-16-13 passed as read.

Judiciary Committee - Chairperson Milburn introduced Ordinance O-16-20 Repealing Chapter 1152 G1 Gateway District Regulations of the codified ordinance of the City of Wilmington. Due to the concern about this Ordinance, the Judiciary Committee would like to repeal it and start from scratch, as well as form a task force and coming up with a better fit for the citizens of Wilmington.

Purkey remarked that he was fine with repealing the Ordinance, as long as they continue to work on a solution. Giving it three readings would give them time to get something in place. Milburn stated it was their goal to work with the citizens more to figure out what the best way is.

Stuckert stated he believed it was a hasty decision because not enough time has been given to counteract the misinformation. Stuckert further stated that he believed they were moving too fast on this and not enough time has been given for further discussion.

Mike Mandelstein asked if the Task Force would only be elected officials, or would there also be citizens included. Milburn stated that it would have some citizens as well; it will not be all City Council, County Commissioners, and Planning Commission.

Mike Mandelstein then addressed Stuckert, stating that the voting results of last fall were enough indication that the G1 should be repealed and he would be inclined to disagree with his earlier statement that the decision was hasty. Stuckert replied that no one had tried to counteract the misinformation that was put out, and in turn, the decisions were made off the misinformation that was presented.

Mayor Stanforth stated that the city's zoning over the years has been pieced together, and he would like to see a group who looks at the city as a whole and works together to start over. Milburn stated that they had addressed this issue at the previous meeting and Taylor Stuckert will be putting together a presentation specifically about zoning and help everyone understand it better before they even begin the action process, first learning and then taking the steps forward.

Spicer stated he agreed with Stuckert. He knew the flaws were there and he wants to make it right. He stated that first getting the task force together and then then come back and look at the G1 without first repealing it. Milburn stated that citizens can still apply to be zoned as G1. Swindler stated since they currently do not have the map, they cannot enact anything, but that is something they are working on.

Spicer then reiterated that he agreed with Stuckert about the misinformation due to some of the phone calls he received, and he did not feel that they had mounted a campaign to counteract the misinformation. Spicer hopes that the task force will be a diverse group and not biased in one way so they have people who are for, against, and neutral to the G1. Purkey stated that his takeaway from the Judiciary meeting was this is centered on a map that does not exist. We are at a stalemate with the G1 and the best thing to do would be to start from scratch. President Riley pointed out that there are currently no G1 properties in the city and by repealing this; you would not change the zoning of even one parcel of land. President Riley said he was not against a “do over” where the G1 is concerned, so we can restart the process.

J. McKay wanted to clarify that council would be unable to “mount a campaign” for anything that goes on the ballot for or against it, because as council members, they are unable to participate or be involved in that process. President Riley stated that he and Taylor Stuckert had written and Op-ed for informational purposes for the paper, and the G1 still failed on the ballot.

Swindler stated during the campaign process, she was speaking with citizens and the G1 would come up. There was a deep misunderstanding from both sides. Her concern is that now the community is not on the same page and the willingness to work together is not there. That is discouraging as well as the erosion of public trust. Swindler said going forward we need to work together because there is so much to do. M. McKay also agreed with Swindler because it is important to “put this to bed” (G1), because of the attached stigma. The template will still be there, and ongoing there are parts of it that can be used, but it is important to quickly move forward with similar legislation.

Shidaker had an additional clarification, he stated that time is of the essence because if the Public Service office receives an application for the G1, it will go to Planning Commission because it is on the books. Then if that G1 application is approved, it would take at super majority of council to reject that G1 recommendation. The G1 on that parcel will be grandfathered in as gateway.

President Riley commended the council members on the discussion.

A motion was made by Milburn and seconded by Purkey to give the first reading only on Ordinance O-16-20 Repealing Chapter 1152 G1 Gateway District Regulations of the Codified Ordinance of the City of Wilmington.

President called for vote.

Motion passed. 5 yeas. 2 nays. Nays were Spicer and Stuckert.

Law Director read the ordinance by title only.

Milburn requested that a second reading of O-16-20 be on the Agenda for the next meeting.

Parks and Recreation Committee – Chairperson Milburn spoke about Splash/Skate Park Fundraising that began. Has goal of \$450,000 goal but has made significant progress. If you are interested in donating, contact the Lori at the Parks.

Milburn mentioned April 24 the Wilmington College Sponsored 11<sup>th</sup> Annual Dog Walk will be taking place. The walk starts at 2pm registration is from 1-2pm. There is a Pre-Registration fee of \$12 per owner/dog team and you get a t-shirt. Onsite registration is \$15 and if shirts are still available, they will be first come first serve. To register email-[kfortkamp@wilmington.edu](mailto:kfortkamp@wilmington.edu). The first 50 teams will receive goodie bags.

Safety Committee - Chairperson Spicer introduced Resolution R-16-14 mentioning it was a housekeeping resolution to sell equipment that the city no longer needs through Govdeals.

A motion was made by Spicer and seconded by M. McKay to give the first reading only on Resolution R-16-14 Expressing Intent to Sell City Surplus Items to the Public Through an On-line Auction Service and Declaring an Emergency.  
President called for vote.  
Motion passed. All yeas.  
Law Director read the resolution by title only.  
Spicer requested that a second and third reading of R-16-14 be on the Agenda for the next meeting.

Spicer introduced Resolution R-16-15 in reference to vehicles that are no longer cost effective for use by the Police Department, and would like to place them online to sell the surplus.  
A motion was made by Spicer and seconded by M. McKay to give the first reading only on Resolution R-16-15 Declaring Surplus Property, to Wit: Police Vehicles Valued at More than \$1000, and Authorizing the Sale of Said Vehicle.  
President called for vote.  
Motion passed. All yeas.  
Law Director read the resolution by title only.

Spicer requested that a second reading of R-16-15 be on the Agenda for the next meeting.

Spicer introduced Resolution R-16-16 and is the updated version of the Emergency Management Plan that was approved by the state and federal government, and is awaiting local approval.  
A motion was made by Spicer and seconded by J. McKay to give the first reading only on Resolution R-16-16 Authorizing Acceptance of the Updated Clinton County Emergency Management Hazardous Mitigation Plan  
President called for vote.  
Motion passed. All yeas.  
Law Director read the resolution by title only.

Spicer requested that a second and third reading of R-16-16 be on the Agenda for the next meeting.

Spicer introduced Resolution R-16-17 for the participation in the Drug Task Force, updating the mutual agreement by the parties to renew the ongoing contract.  
A motion was made by Spicer and seconded by J. McKay to give the first reading only on Resolution R-16-17 Authorizing the Director of Public Safety to Sign an Agreement with the Warren-Clinton Drug Task Force for Mutual Aid and Declaring an Emergency.  
President called for vote.  
Motion passed. All yeas.  
Law Director read the resolution by title only.

Spicer requested that a second and third reading of R-16-17 be on the Agenda for the next meeting.

Solid Waste/Recycling - Chairperson Spicer had no report. Next meeting on April 21 at 6pm and will address Route Automation. Braden Dunham will update the committee on the information and cost figures of implementing Route Automation.

Streets Committee - Chairperson Spicer had no report. Next meeting has not been scheduled.

Wastewater/Sewer Committee - Chairperson Stuckert had no official report but mentioned the Wastewater meeting on March 24. During the meeting, a storm water fee was discussed and ultimately this would help relieve the sewer fund. No action was taken but discussions were introduced. Stuckert added he was concerned about the rate increase discussions across the board. He noted there was action last year that called for rate increases and now this year. There have also been discussions of tax increases this year. Stuckert hopes council can work together with the Mayor to figure some way to make the size of community operations match the current local economy. Regular meetings for the Wastewater/Sewer Committee will be scheduled starting in May.

Water Committee - Chairperson Swindler presented Ordinance O-16-21

Swindler wants to clarify that a formal decision has not been made regarding renter and landlord utility billing. While doing research the committee found that the current ordinance does allow for the city to collect a deposit, although the city never has and at this time, council is not suggesting that we start. In the ordinance, it states that a deposit can be collected at any time but that is actually in violation of the Ohio Revised Code where it states you can only collect a deposit in the first 30 days. Swindler continued that to have any law in opposition is deemed unlawful and you could rescind your right to collect water rents by acting on this. This Ordinance is housekeeping to make sure the City Ordinance matches the Ohio Revised Code and in no way ties the Water Committee's hands going forward.

Mike Mandelstein asked if once it is repealed where or how will there be any deposit collected from any potential water customer. Swindler stated that the city does not currently collect a deposit. Mike Mandelstein then asked if the city would now collect a deposit. Swindler clarified that she was not determining what the committee would decide in ongoing council, this is not to say the council will collect deposits, it is saying that we have the right collect a deposit in the correct way.

#### *General discussion and clarification*

President Riley, speaking to Mike Mandelstein, stated that the city has never used it and there is no plan on implementing it, this is just matching the how the state says it can be collected.

Mike Mandelstein asked if there was a possibility that a deposit could be collected by the city before the water can be turned on. Swindler answered that she recommends that Mike Mandelstein come to the Water Committee meeting because that is exactly what has been going on. It is an ongoing discussion.

A motion was made by Swindler and seconded by Purkey to give the first reading only on Ordinance O-16-21 amending section 927.05 of the Codified Ordinance of the City of Wilmington and Modifying the Time Period in Which the City May Require Deposit by a Consumer for Water Services 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 Swindler and seconded by Purkey to suspend the rules and give the second and third reading on the ordinance by title only.

Roll call: Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes.

Director of Law read the ordinance by title only.

A motion was made by Swindler and seconded by Purkey to pass the ordinance as read.

Roll call: Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes.

Motion passed.

President of Council declared Ord. No. O-16-21 passed as read.

Swindler stated she had made a public correction at the Water Committee Meeting but wanted to provide to full council. Swindler had previously stated that the optimum PPM for the Fluoride was .7PPM with a maximum 1.0PPM. At that time, we were not aware that the State of Ohio had not yet amended the Ohio Revised Code to match the US Department of Health. The current PPM levels to be safe and effective are a minimum of .8PPM maximum of 1.3PPM.

Safety/Service Director – Safety/Service Director Brian Shidaker discussed zoning and notice requirements. Shidaker said the requirements and the law are vague. The notice requirements don't kick in until it (*zoning request*) goes to full Council. Shidaker sends notice before then for contiguous property owners. Any request for zoning changes are sent to the Planning Commission. If approved there it will go to council and then the notice is mandatory. The debate and discussion is when a large zone affects more than 10 properties, by law, the newspaper will suffice for notice requirements and the law says we are not required to send individual property owner letters at that time. If less than 10 properties are affected a letter is required. Shidaker stated if there a major zoning overhaul, the Safety and Service department wants to make the extra effort and notify the individuals in addition to the newspaper.

J. McKay inquired about the notices, in the interest of saving cost, can they go into a utility bill or do those have to be mailed separately. Shidaker replied that he was not sure if there was a requirement but stated that he would look into it and confirm with Law Director Rudduck.

Airborne Connector Project Bid was awarded. There is a Pre-Construction meeting next week, and the groundbreaking will be happening by the end of April. That will continue through the summer with an expected completion date of November 15, 2016.

Shidaker continued with the testing of the tornado sirens. Chief Weyand stated that the Wilmington Police Communications have been responsible for setting off the sirens countywide since the inception of the program. There are 26 countywide and 13 of those are located in the city. All except one on North Nelson were operational when tested on March 23. The siren has been repaired.

Paul Hunter asked if Ahresty was helping at all financially with the Airborne Road Connection. Shidaker replied that Ahresty had donated 30,000.

J. McKay inquired about the railroad meeting. Shidaker replied that it went well and Locust and Main will have crossings repaired by the end of the year. Shidaker said they are currently discussing Hawley and he has a meeting on Monday to finalize funding, and there may be additional funds available to the city. The Doan Street crossing will have major repairs; there will be warning devices and gates installed, at no expense to the city. A lot of railroad work will be taking place this year.

Paul Fear asked when the paving of Truesdell would begin; Shidaker stated that would be in the beginning of May.

#### **REPORTS TO COUNCIL**

A motion was made by Purkey and seconded by J. McKay that Income Tax Report - be accepted as presented.

Motion passed.

Reports accepted as presented.

#### **OPEN TO PUBLIC**

President Riley reported that there was a meeting at 5:30 at the high school about the Heroine Epidemic, law enforcement, rehab, and community members were present, there were 20 speakers. Riley stated that it is good to know that there are those that are working on it and looking at it from several different angles.

J. McKay wanted to recognize Jerry Runk and his crew for fixing potholes. They're doing a great job. Jerry Runk mentioned crosswalk lights have a short on Locust and South and are not currently working. They are working on finding the short in the wiring to get it repaired.

James Dixon of 1049 Peggy Lane wanted to ask a few questions. He attended a meeting at Community Action where they stated there were 500 jobs they cannot fill. What are the jobs? J. McKay, who is on the Chamber of Commerce board, stated that these are countywide.

*General Discussion regarding job openings and locations.*

James Dixon then inquired about how many jobs Amazon would bring to the county. Purkey clarify this is unknown.

James Dixon presented extensive information regarding Employer Tax Credits and Employer Bonding.

*General Discussion regarding hiring felons, tax credits, and employee bonding opportunities. Input provided by Milburn, who serves as Judiciary Committee and HR Manager.*

Mike Mandelstein of 1006 Locust Street. Stated if you want Fluoride to buy toothpaste; expressed financial concern. Concern expressed over water rate raises and landlords. He clarified his concern over Gateway notification.

Swindler had a clarification. That it would be a tap fee, not a raising water rate. Swindler also mentioned that Water is an Enterprise Fund and operates on its own. The General Fund problem is not impacted by the Water Fund.

Mike Mandelstein commented he hopes funds are found to give raises to other departments/entities to match the raises that have been recently been handed out. Swindler stated we could never use the Water money to improve the Streets.

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

**ADJOURNMENT**

A motion was made by M. McKay. President Riley declared meeting adjourned. Council adjourned at 9:36 p.m.

ATTEST:

\_\_\_\_\_  
President of Council

\_\_\_\_\_  
Clerk

Wilmington City Council met in regular session on Thursday, April 7, 2016, at 7:30 p.m. with President Randy Riley presiding.

**CALL TO ORDER**

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

**ROLL CALL**

Roll Call: Purkey, present; Spicer, present; Stuckert, present; J. McKay, present; Swindler, present; Milburn, present; M. McKay, present.

Chief Weyand was also present.

**PLEDGE OF ALLEGIANCE**

Council gave the Pledge of Allegiance to the flag.

**MOMENT OF SILENCE**

**PRESIDENT OF COUNCIL**

President of Council

A motion was made by M. McKay and seconded by J. McKay to approve the agenda as presented.

Motion passed. All yeas.

Agenda approved as presented.

A motion was made by Swindler and seconded by M. McKay to approve the minutes of the last regular meeting, March 17, as presented.

Motion passed. All yeas.

Minutes approved as presented.

Reminder from Riley that the Homeless Shelter Soup Luncheon and raffle will be taking place April 15.

**MAYOR**

Mayor – Mayor Stanforth introduced Kim Law who gave an update on the Tree Commission. Appointed by the Mayor, the commission exists entirely on donations. Law stated that they are currently looking for new volunteers to help with their ongoing work. Recently they have been doing a citywide tree risk assessment and removed 30 trees that posed serious risks and they still have more trees that need to be removed. The Commission, to date, has planted 65 Tribute trees and is working on an Urban Site Index that has helped to develop a Comprehensive Tree Planting Plan for the city. Law spoke about the removal of the crab apple trees located downtown and replacing with trees requiring less maintenance. The Spring Flowering Tree Photography Contest deadline is April 29 and the contest winner will be announced in May for amateur photography taken within the city limits. Fundraising for this year will be \$10 trees for purchase from the Commission. The applications will be distributed in city water bills.

Councilman Purkey inquired if there would be a limit on the number of \$10 trees per household. The question was address by a member of the Tree Commission who said it would probably be 1 per household.

Mike Mandelstein asked a question regarding the choice of native trees and the estimated costs of removal of the trees. Chris Hopkins from the Tree Commission addressed his question. In summary, they arrived at the selection based on the site and soil analysis. Kim Law stated that the city is responsible for the cost of removal of the trees and there is not yet an estimate.

Mayor Stanforth introduced Andrew McCoy, head coach of the Wilmington Youth Wrestling Program, who recognized for Josiah Puller who won 2 Grade School State Championships in back to back weekends. His record was 38-0 overall. Mayor Stanforth recognized Josiah and designated Thursday, April 7 as Josiah Puller Day.

Mayor Stanforth recognized Emma Geggie for her accomplishments as a gymnast and student. She won State Champion in Balance Beam and designated Friday, April 8 as Emma Geggie Day.

Mayor Stanforth introduced the new Director of Transportation Tony Morris.

## **AUDITOR**

Auditor – In the absence of Auditor David Hollingsworth, there was no report.

## **COMMITTEE REPORTS AND ACTION**

Asset, Acquisition and Use. – Chairperson Purkey explained the city used to codify easements but has stopped recently. The committee intends to begin codifying easements moving forward.

A motion was made by Chairperson Purkey and seconded by J. McKay to give the first reading only on Ordinance O-16-12 Authorizing the Acceptance of an Easement for Waterline Purposes from Robert Alexander Raizk, Janet Emmaline Fassler NKA Janet Emmaline Barnes, Paul Dennis Pusateri, and Mark August Pusateri as Part of the Airborne Connector Road Phase I Project 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 Purkey and seconded by M. McKay to suspend the rules and give the second and third reading on the ordinance by title only.

Roll call: Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes.

Director of Law read the ordinance by title only.

A motion was made by Purkey and seconded by M. McKay to pass the ordinance as read.

Roll call: Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes.

Motion passed.

President of Council declared Ord. No. O-16-12 passed as read.

A motion was made by Chairperson Purkey and seconded by Milburn to give the first reading only on Ordinance O-16-13 Authorizing the Granting of Right of Way and Easement to the Dayton Power and Light Company as Part of the Airborne Connector Road Phase I Project 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 Purkey and seconded by Milburn to suspend the rules and give the second and third reading on the ordinance by title only.

Roll call: Stuckert, yes; J. McKay yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes.

Director of Law read the ordinance by title only.

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

Roll call: J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes.

Motion passed.

President of Council declared Ord. No. O-16-13 passed as read.

A motion was made by Chairperson Purkey and seconded by J. McKay to give the first reading only on Ordinance O-16-14 Authorizing the Acceptance of an Easement for Waterline Purposes from Ahresty Wilmington Corporation as Part of the Airborne Connector Road Phase I Project 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 Purkey and seconded by J. McKay to suspend the rules and give the second and third reading on the ordinance by title only.

Roll call: M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes.

Director of Law read the ordinance by title only.

A motion was made by Purkey and seconded by J. McKay to pass the ordinance as read.

Roll call: Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes.

Motion passed.

President of Council declared Ord. No. O-16-14 passed as read.

A motion was made by Chairperson Purkey and seconded by Milburn to give the first reading only on Ordinance O-16-15 Authorizing the Acceptance of an Easement for Roadway and Utility Purposes from Meadow Brook Farms, LLC as Part of the Airborne Connector Road Phase I Project 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 Purkey and seconded by M. McKay to suspend the rules and give the second and third reading on the ordinance by title only.

Roll call: Spicer, yes; Stuckert, yes; J. McKay yes; Swindler, yes; Millburn, yes; M. McKay, yes; Purkey, yes.

Director of Law read the ordinance by title only.

A motion was made by Purkey and seconded by Spicer to pass the ordinance as read.

Roll call: Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes. Spicer, yes;

Motion passed.

President of Council declared Ord. No. O-16-15 passed as read.

A motion was made by Chairperson Purkey and seconded by ; J. McKay to give the first reading only on Ordinance O-16-16 Authorizing the Acceptance of an Easement for Storm Sewer Purposes from Meadow Brook Farms, LLC as part of the Airborne Connector Road Phase I Project 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 Purkey and seconded by J. McKay to suspend the rules and give the second and third reading on the ordinance by title only.

Roll call: J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes.

Director of Law read the ordinance by title only.

A motion was made by Purkey and seconded by; J. McKay to pass the ordinance as read.

Roll call: Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes.

Motion passed.

President of Council declared Ord. No. O-16-16 passed as read.

A motion was made by Chairperson Purkey and seconded by ; J. McKay to give the first reading only on Ordinance O-16-17 Authorizing the Acceptance of an Easement for roadway and utility purposes from Praxair Distribution, Inc. as part of the Airborne Connector Road Phase I Project 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 Purkey and seconded by Spicer to suspend the rules and give the second and third reading on the ordinance by title only.

Roll call: Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes.

Director of Law read the ordinance by title only.

A motion was made by Purkey and seconded by; J. McKay to pass the ordinance as read.

Roll call: M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes. Motion passed.

President of Council declared Ord. No. O-16-17 passed as read.

Cemetery Committee – Chairperson J. McKay said there was no official report, but he gave an update. Cemetery 1<sup>st</sup> Quarter- 14 burials and 20 gravesite sales. There was wind damage. There was a fallen tree as well as stone damage. Milburn asked if there is a plan for removing damaged trees. Chairperson J. McKay said there is. Shidaker stated that

they are under contract and that should start next week and 22 trees will be removed. Milburn also inquired about who would be responsible for the damage to headstones. Mayor Stanforth stated the city would be taking care of it. Council President Riley also stated that the Tree Commission is willing to help with the planting of additional trees.

Downtown Revitalization Committee – Convener M. McKay – Israeli Folk Band will be at the Murphy Theatre on April 9. Merchants Rome Jewelers and Everyday Chic are moving into the Samuel Walker building this month.

Finance Committee - Chairperson M. McKay introduced Ordinance O-16-18 Making Supplemental Appropriations. From Water Fund \$65,000, which \$45,000 is for the raw water line that needs to be moved because it's in the right of way on State Route 73. and \$20,000 for moving the raw water line on Cuba Road in conjunction with the Ahresty Project, but that amount will be reimbursed; General Fund to Education and Training- \$1600; General Fund to Temp Services- \$2600; M&R Fund to Traffic Lights- \$15,000.

A motion was made by M. McKay and seconded by Milburn to give the first reading only on Ordinance O-16-18 Making Supplemental Appropriations.

President called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

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

Roll call: Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes.

Director of Law read the ordinance by title only.

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

Roll call: Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes.

Motion passed.

President of Council declared Ord. No. O-16-18 passed as read.

Chairperson M. McKay introduced O-16-19, concerning Police Incidentals to Unemployment Services- \$375; Municipal Court Incidentals to Jury and Witness Fees- \$600.

A motion was made by M. McKay and seconded by J. McKay to give the first reading only on Ordinance O-16-19 Making Miscellaneous Transfers.

President called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

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

Roll call: Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes.

Director of Law read the ordinance by title only.

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

Roll call: J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes.

Motion passed.

President of Council declared Ord. No. O-16-19 passed as read.

Chairperson McKay stated there were two additional Resolutions concerning the County Auditor to give certification of what a 1 Mill and 2 Mill tax levy would provide if it were to be put on the ballot. The City is required to pass a Resolution to be provided with that information for further discussion when revenue planning. Estimate only.

A motion was made by M. McKay and seconded by J. McKay to give the first reading only on Ordinance R-16-12 (1 Mill) Tax Levy Certification Resolution and Declaring and Emergency.

President called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

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

Roll call: Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes.

Director of Law read the ordinance by title only.

A motion was made by M. McKay and seconded by J. McKay to pass the ordinance as read.

Roll call: Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes.

Motion passed.

President of Council declared Ord. No. R-16-12 passed as read.

A motion was made by M. McKay and seconded by Milburn to give the first reading only on Ordinance R-16-13 (2 Mill) Tax Levy Certification Resolution and Declaring and Emergency.

President called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

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

Roll call: M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes.

Director of Law read the ordinance by title only.

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

Roll call: Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes.

Motion passed.

President of Council declared Ord. No. R-16-13 passed as read.

Judiciary Committee - Chairperson Milburn introduced Ordinance O-16-20 Repealing Chapter 1152 G1 Gateway District Regulations of the codified ordinance of the City of Wilmington. Due to the concern about this Ordinance, the Judiciary Committee would like to repeal it and start from scratch, as well as form a task force and coming up with a better fit for the citizens of Wilmington.

Purkey remarked that he was fine with repealing the Ordinance, as long as they continue to work on a solution. Giving it three readings would give them time to get something in place. Milburn stated it was their goal to work with the citizens more to figure out what the best way is.

Stuckert stated he believed it was a hasty decision because not enough time has been given to counteract the misinformation. Stuckert further stated that he believed they were moving too fast on this and not enough time has been given for further discussion.

Mike Mandelstein asked if the Task Force would only be elected officials, or would there also be citizens included. Milburn stated that it would have some citizens as well; it will not be all City Council, County Commissioners, and Planning Commission.

Mike Mandelstein then addressed Stuckert, stating that the voting results of last fall were enough indication that the G1 should be repealed and he would be inclined to disagree with his earlier statement that the decision was hasty. Stuckert replied that no one had tried to counteract the misinformation that was put out, and in turn, the decisions were made off the misinformation that was presented.

Mayor Stanforth stated that the city's zoning over the years has been pieced together, and he would like to see a group who looks at the city as a whole and works together to start over. Milburn stated that they had addressed this issue at the previous meeting and Taylor Stuckert will be putting together a presentation specifically about zoning and help everyone understand it better before they even begin the action process, first learning and then taking the steps forward.

Spicer stated he agreed with Stuckert. He knew the flaws were there and he wants to make it right. He stated that first getting the task force together and then then come back and look at the G1 without first repealing it. Milburn stated that citizens can still apply to be zoned as G1. Swindler stated since they currently do not have the map, they cannot enact anything, but that is something they are working on.

Spicer then reiterated that he agreed with Stuckert about the misinformation due to some of the phone calls he received, and he did not feel that they had mounted a campaign to counteract the misinformation. Spicer hopes that the task force will be a diverse group and not biased in one way so they have people who are for, against, and neutral to the G1. Purkey stated that his takeaway from the Judiciary meeting was this is centered on a map that does not exist. We are at a stalemate with the G1 and the best thing to do would be to start from scratch. President Riley pointed out that there are currently no G1 properties in the city and by repealing this; you would not change the zoning of even one parcel of land. President Riley said he was not against a “do over” where the G1 is concerned, so we can restart the process.

J. McKay wanted to clarify that council would be unable to “mount a campaign” for anything that goes on the ballot for or against it, because as council members, they are unable to participate or be involved in that process. President Riley stated that he and Taylor Stuckert had written and Op-ed for informational purposes for the paper, and the G1 still failed on the ballot.

Swindler stated during the campaign process, she was speaking with citizens and the G1 would come up. There was a deep misunderstanding from both sides. Her concern is that now the community is not on the same page and the willingness to work together is not there. That is discouraging as well as the erosion of public trust. Swindler said going forward we need to work together because there is so much to do. M. McKay also agreed with Swindler because it is important to “put this to bed” (G1), because of the attached stigma. The template will still be there, and ongoing there are parts of it that can be used, but it is important to quickly move forward with similar legislation.

Shidaker had an additional clarification, he stated that time is of the essence because if the Public Service office receives an application for the G1, it will go to Planning Commission because it is on the books. Then if that G1 application is approved, it would take at super majority of council to reject that G1 recommendation. The G1 on that parcel will be grandfathered in as gateway.

President Riley commended the council members on the discussion.

A motion was made by Milburn and seconded by Purkey to give the first reading only on Ordinance O-16-20 Repealing Chapter 1152 G1 Gateway District Regulations of the Codified Ordinance of the City of Wilmington.

President called for vote.

Motion passed. 5 yeas. 2 nays. Nays were Spicer and Stuckert.

Law Director read the ordinance by title only.

Milburn requested that a second reading of O-16-20 be on the Agenda for the next meeting.

Parks and Recreation Committee – Chairperson Milburn spoke about Splash/Skate Park Fundraising that began. Has goal of \$450,000 goal but has made significant progress. If you are interested in donating, contact the Lori at the Parks.

Milburn mentioned April 24 the Wilmington College Sponsored 11<sup>th</sup> Annual Dog Walk will be taking place. The walk starts at 2pm registration is from 1-2pm. There is a Pre-Registration fee of \$12 per owner/dog team and you get a t-shirt. Onsite registration is \$15 and if shirts are still available, they will be first come first serve. To register email-[kfortkamp@wilmington.edu](mailto:kfortkamp@wilmington.edu). The first 50 teams will receive goodie bags.

Safety Committee - Chairperson Spicer introduced Resolution R-16-14 mentioning it was a housekeeping resolution to sell equipment that the city no longer needs through Govdeals.

A motion was made by Spicer and seconded by M. McKay to give the first reading only on Resolution R-16-14 Expressing Intent to Sell City Surplus Items to the Public Through an On-line Auction Service and Declaring an Emergency.  
President called for vote.  
Motion passed. All yeas.  
Law Director read the resolution by title only.  
Spicer requested that a second and third reading of R-16-14 be on the Agenda for the next meeting.

Spicer introduced Resolution R-16-15 in reference to vehicles that are no longer cost effective for use by the Police Department, and would like to place them online to sell the surplus.  
A motion was made by Spicer and seconded by M. McKay to give the first reading only on Resolution R-16-15 Declaring Surplus Property, to Wit: Police Vehicles Valued at More than \$1000, and Authorizing the Sale of Said Vehicle.  
President called for vote.  
Motion passed. All yeas.  
Law Director read the resolution by title only.

Spicer requested that a second reading of R-16-15 be on the Agenda for the next meeting.

Spicer introduced Resolution R-16-16 and is the updated version of the Emergency Management Plan that was approved by the state and federal government, and is awaiting local approval.  
A motion was made by Spicer and seconded by J. McKay to give the first reading only on Resolution R-16-16 Authorizing Acceptance of the Updated Clinton County Emergency Management Hazardous Mitigation Plan  
President called for vote.  
Motion passed. All yeas.  
Law Director read the resolution by title only.

Spicer requested that a second and third reading of R-16-16 be on the Agenda for the next meeting.

Spicer introduced Resolution R-16-17 for the participation in the Drug Task Force, updating the mutual agreement by the parties to renew the ongoing contract.  
A motion was made by Spicer and seconded by J. McKay to give the first reading only on Resolution R-16-17 Authorizing the Director of Public Safety to Sign an Agreement with the Warren-Clinton Drug Task Force for Mutual Aid and Declaring an Emergency.  
President called for vote.  
Motion passed. All yeas.  
Law Director read the resolution by title only.

Spicer requested that a second and third reading of R-16-17 be on the Agenda for the next meeting.

Solid Waste/Recycling - Chairperson Spicer had no report. Next meeting on April 21 at 6pm and will address Route Automation. Braden Dunham will update the committee on the information and cost figures of implementing Route Automation.

Streets Committee - Chairperson Spicer had no report. Next meeting has not been scheduled.

Wastewater/Sewer Committee - Chairperson Stuckert had no official report but mentioned the Wastewater meeting on March 24. During the meeting, a storm water fee was discussed and ultimately this would help relieve the sewer fund. No action was taken but discussions were introduced. Stuckert added he was concerned about the rate increase discussions across the board. He noted there was action last year that called for rate increases and now this year. There have also been discussions of tax increases this year. Stuckert hopes council can work together with the Mayor to figure some way to make the size of community operations match the current local economy. Regular meetings for the Wastewater/Sewer Committee will be scheduled starting in May.

Water Committee - Chairperson Swindler presented Ordinance O-16-21

Swindler wants to clarify that a formal decision has not been made regarding renter and landlord utility billing. While doing research the committee found that the current ordinance does allow for the city to collect a deposit, although the city never has and at this time, council is not suggesting that we start. In the ordinance, it states that a deposit can be collected at any time but that is actually in violation of the Ohio Revised Code where it states you can only collect a deposit in the first 30 days. Swindler continued that to have any law in opposition is deemed unlawful and you could rescind your right to collect water rents by acting on this. This Ordinance is housekeeping to make sure the City Ordinance matches the Ohio Revised Code and in no way ties the Water Committee's hands going forward.

Mike Mandelstein asked if once it is repealed where or how will there be any deposit collected from any potential water customer. Swindler stated that the city does not currently collect a deposit. Mike Mandelstein then asked if the city would now collect a deposit. Swindler clarified that she was not determining what the committee would decide in ongoing council, this is not to say the council will collect deposits, it is saying that we have the right collect a deposit in the correct way.

#### *General discussion and clarification*

President Riley, speaking to Mike Mandelstein, stated that the city has never used it and there is no plan on implementing it, this is just matching the how the state says it can be collected.

Mike Mandelstein asked if there was a possibility that a deposit could be collected by the city before the water can be turned on. Swindler answered that she recommends that Mike Mandelstein come to the Water Committee meeting because that is exactly what has been going on. It is an ongoing discussion.

A motion was made by Swindler and seconded by Purkey to give the first reading only on Ordinance O-16-21 amending section 927.05 of the Codified Ordinance of the City of Wilmington and Modifying the Time Period in Which the City May Require Deposit by a Consumer for Water Services 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 Swindler and seconded by Purkey to suspend the rules and give the second and third reading on the ordinance by title only.

Roll call: Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes.

Director of Law read the ordinance by title only.

A motion was made by Swindler and seconded by Purkey to pass the ordinance as read.

Roll call: Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes.

Motion passed.

President of Council declared Ord. No. O-16-21 passed as read.

Swindler stated she had made a public correction at the Water Committee Meeting but wanted to provide to full council. Swindler had previously stated that the optimum PPM for the Fluoride was .7PPM with a maximum 1.0PPM. At that time, we were not aware that the State of Ohio had not yet amended the Ohio Revised Code to match the US Department of Health. The current PPM levels to be safe and effective are a minimum of .8PPM maximum of 1.3PPM.

Safety/Service Director – Safety/Service Director Brian Shidaker discussed zoning and notice requirements. Shidaker said the requirements and the law are vague. The notice requirements don't kick in until it (*zoning request*) goes to full Council. Shidaker sends notice before then for contiguous property owners. Any request for zoning changes are sent to the Planning Commission. If approved there it will go to council and then the notice is mandatory. The debate and discussion is when a large zone affects more than 10 properties, by law, the newspaper will suffice for notice requirements and the law says we are not required to send individual property owner letters at that time. If less than 10 properties are affected a letter is required. Shidaker stated if there a major zoning overhaul, the Safety and Service department wants to make the extra effort and notify the individuals in addition to the newspaper.

J. McKay inquired about the notices, in the interest of saving cost, can they go into a utility bill or do those have to be mailed separately. Shidaker replied that he was not sure if there was a requirement but stated that he would look into it and confirm with Law Director Rudduck.

Airborne Connector Project Bid was awarded. There is a Pre-Construction meeting next week, and the groundbreaking will be happening by the end of April. That will continue through the summer with an expected completion date of November 15, 2016.

Shidaker continued with the testing of the tornado sirens. Chief Weyand stated that the Wilmington Police Communications have been responsible for setting off the sirens countywide since the inception of the program. There are 26 countywide and 13 of those are located in the city. All except one on North Nelson were operational when tested on March 23. The siren has been repaired.

Paul Hunter asked if Ahresty was helping at all financially with the Airborne Road Connection. Shidaker replied that Ahresty had donated 30,000.

J. McKay inquired about the railroad meeting. Shidaker replied that it went well and Locust and Main will have crossings repaired by the end of the year. Shidaker said they are currently discussing Hawley and he has a meeting on Monday to finalize funding, and there may be additional funds available to the city. The Doan Street crossing will have major repairs; there will be warning devices and gates installed, at no expense to the city. A lot of railroad work will be taking place this year.

Paul Fear asked when the paving of Truesdell would begin; Shidaker stated that would be in the beginning of May.

#### **REPORTS TO COUNCIL**

A motion was made by Purkey and seconded by J. McKay that Income Tax Report - be accepted as presented.

Motion passed.

Reports accepted as presented.

#### **OPEN TO PUBLIC**

President Riley reported that there was a meeting at 5:30 at the high school about the Heroine Epidemic, law enforcement, rehab, and community members were present, there were 20 speakers. Riley stated that it is good to know that there are those that are working on it and looking at it from several different angles.

J. McKay wanted to recognize Jerry Runk and his crew for fixing potholes. They're doing a great job. Jerry Runk mentioned crosswalk lights have a short on Locust and South and are not currently working. They are working on finding the short in the wiring to get it repaired.

James Dixon of 1049 Peggy Lane wanted to ask a few questions. He attended a meeting at Community Action where they stated there were 500 jobs they cannot fill. What are the jobs? J. McKay, who is on the Chamber of Commerce board, stated that these are countywide.

*General Discussion regarding job openings and locations.*

James Dixon then inquired about how many jobs Amazon would bring to the county. Purkey clarified this is unknown.

James Dixon presented extensive information regarding Employer Tax Credits and Employer Bonding.

*General Discussion regarding hiring felons, tax credits, and employee bonding opportunities. Input provided by Milburn, who serves as Judiciary Committee and HR Manager.*

Mike Mandelstein of 1006 Locust Street. Stated if you want Fluoride to buy toothpaste; expressed financial concern. Concern expressed over water rate raises and landlords. He clarified his concern over Gateway notification.

Swindler had a clarification. That it would be a tap fee, not a raising water rate. Swindler also mentioned that Water is an Enterprise Fund and operates on its own. The General Fund problem is not impacted by the Water Fund.

Mike Mandelstein commented he hopes funds are found to give raises to other departments/entities to match the raises that have been recently been handed out. Swindler stated we could never use the Water money to improve the Streets.

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

**ADJOURNMENT**

A motion was made by M. McKay. President Riley declared meeting adjourned. Council adjourned at 9:36 p.m.

ATTEST:

\_\_\_\_\_  
President of Council

\_\_\_\_\_  
Clerk

Wilmington City Council met in regular session on Thursday, April 7, 2016, at 7:30 p.m. with President Randy Riley presiding.

**CALL TO ORDER**

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

**ROLL CALL**

Roll Call: Purkey, present; Spicer, present; Stuckert, present; J. McKay, present; Swindler, present; Milburn, present; M. McKay, present.

Chief Weyand was also present.

**PLEDGE OF ALLEGIANCE**

Council gave the Pledge of Allegiance to the flag.

**MOMENT OF SILENCE**

**PRESIDENT OF COUNCIL**

President of Council

A motion was made by M. McKay and seconded by J. McKay to approve the agenda as presented.

Motion passed. All yeas.

Agenda approved as presented.

A motion was made by Swindler and seconded by M. McKay to approve the minutes of the last regular meeting, March 17, as presented.

Motion passed. All yeas.

Minutes approved as presented.

Reminder from Riley that the Homeless Shelter Soup Luncheon and raffle will be taking place April 15.

**MAYOR**

Mayor – Mayor Stanforth introduced Kim Law who gave an update on the Tree Commission. Appointed by the Mayor, the commission exists entirely on donations. Law stated that they are currently looking for new volunteers to help with their ongoing work. Recently they have been doing a citywide tree risk assessment and removed 30 trees that posed serious risks and they still have more trees that need to be removed. The Commission, to date, has planted 65 Tribute trees and is working on an Urban Site Index that has helped to develop a Comprehensive Tree Planting Plan for the city. Law spoke about the removal of the crab apple trees located downtown and replacing with trees requiring less maintenance. The Spring Flowering Tree Photography Contest deadline is April 29 and the contest winner will be announced in May for amateur photography taken within the city limits. Fundraising for this year will be \$10 trees for purchase from the Commission. The applications will be distributed in city water bills.

Councilman Purkey inquired if there would be a limit on the number of \$10 trees per household. The question was address by a member of the Tree Commission who said it would probably be 1 per household.

Mike Mandelstein asked a question regarding the choice of native trees and the estimated costs of removal of the trees. Chris Hopkins from the Tree Commission addressed his question. In summary, they arrived at the selection based on the site and soil analysis. Kim Law stated that the city is responsible for the cost of removal of the trees and there is not yet an estimate.

Mayor Stanforth introduced Andrew McCoy, head coach of the Wilmington Youth Wrestling Program, who recognized for Josiah Puller who won 2 Grade School State Championships in back to back weekends. His record was 38-0 overall. Mayor Stanforth recognized Josiah and designated Thursday, April 7 as Josiah Puller Day.

Mayor Stanforth recognized Emma Geggie for her accomplishments as a gymnast and student. She won State Champion in Balance Beam and designated Friday, April 8 as Emma Geggie Day.

Mayor Stanforth introduced the new Director of Transportation Tony Morris.

## **AUDITOR**

Auditor – In the absence of Auditor David Hollingsworth, there was no report.

## **COMMITTEE REPORTS AND ACTION**

Asset, Acquisition and Use. – Chairperson Purkey explained the city used to codify easements but has stopped recently. The committee intends to begin codifying easements moving forward.

A motion was made by Chairperson Purkey and seconded by J. McKay to give the first reading only on Ordinance O-16-12 Authorizing the Acceptance of an Easement for Waterline Purposes from Robert Alexander Raizk, Janet Emmaline Fassler NKA Janet Emmaline Barnes, Paul Dennis Pusateri, and Mark August Pusateri as Part of the Airborne Connector Road Phase I Project 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 Purkey and seconded by M. McKay to suspend the rules and give the second and third reading on the ordinance by title only.

Roll call: Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes.

Director of Law read the ordinance by title only.

A motion was made by Purkey and seconded by M. McKay to pass the ordinance as read.

Roll call: Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes.

Motion passed.

President of Council declared Ord. No. O-16-12 passed as read.

A motion was made by Chairperson Purkey and seconded by Milburn to give the first reading only on Ordinance O-16-13 Authorizing the Granting of Right of Way and Easement to the Dayton Power and Light Company as Part of the Airborne Connector Road Phase I Project 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 Purkey and seconded by Milburn to suspend the rules and give the second and third reading on the ordinance by title only.

Roll call: Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes.

Director of Law read the ordinance by title only.

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

Roll call: J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes.

Motion passed.

President of Council declared Ord. No. O-16-13 passed as read.

A motion was made by Chairperson Purkey and seconded by J. McKay to give the first reading only on Ordinance O-16-14 Authorizing the Acceptance of an Easement for Waterline Purposes from Ahresty Wilmington Corporation as Part of the Airborne Connector Road Phase I Project 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 Purkey and seconded by J. McKay to suspend the rules and give the second and third reading on the ordinance by title only.

Roll call: M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes.

Director of Law read the ordinance by title only.

A motion was made by Purkey and seconded by J. McKay to pass the ordinance as read.

Roll call: Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes.

Motion passed.

President of Council declared Ord. No. O-16-14 passed as read.

A motion was made by Chairperson Purkey and seconded by Milburn to give the first reading only on Ordinance O-16-15 Authorizing the Acceptance of an Easement for Roadway and Utility Purposes from Meadow Brook Farms, LLC as Part of the Airborne Connector Road Phase I Project 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 Purkey and seconded by M. McKay to suspend the rules and give the second and third reading on the ordinance by title only.

Roll call: Spicer, yes; Stuckert, yes; J. McKay yes; Swindler, yes; Millburn, yes; M. McKay, yes; Purkey, yes.

Director of Law read the ordinance by title only.

A motion was made by Purkey and seconded by Spicer to pass the ordinance as read.

Roll call: Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes. Spicer, yes;

Motion passed.

President of Council declared Ord. No. O-16-15 passed as read.

A motion was made by Chairperson Purkey and seconded by ; J. McKay to give the first reading only on Ordinance O-16-16 Authorizing the Acceptance of an Easement for Storm Sewer Purposes from Meadow Brook Farms, LLC as part of the Airborne Connector Road Phase I Project 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 Purkey and seconded by J. McKay to suspend the rules and give the second and third reading on the ordinance by title only.

Roll call: J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes.

Director of Law read the ordinance by title only.

A motion was made by Purkey and seconded by; J. McKay to pass the ordinance as read.

Roll call: Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes.

Motion passed.

President of Council declared Ord. No. O-16-16 passed as read.

A motion was made by Chairperson Purkey and seconded by ; J. McKay to give the first reading only on Ordinance O-16-17 Authorizing the Acceptance of an Easement for roadway and utility purposes from Praxair Distribution, Inc. as part of the Airborne Connector Road Phase I Project 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 Purkey and seconded by Spicer to suspend the rules and give the second and third reading on the ordinance by title only.

Roll call: Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes.

Director of Law read the ordinance by title only.

A motion was made by Purkey and seconded by; J. McKay to pass the ordinance as read.

Roll call: M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes. Motion passed.

President of Council declared Ord. No. O-16-17 passed as read.

Cemetery Committee – Chairperson J. McKay said there was no official report, but he gave an update. Cemetery 1<sup>st</sup> Quarter- 14 burials and 20 gravesite sales. There was wind damage. There was a fallen tree as well as stone damage. Milburn asked if there is a plan for removing damaged trees. Chairperson J. McKay said there is. Shidaker stated that

they are under contract and that should start next week and 22 trees will be removed. Milburn also inquired about who would be responsible for the damage to headstones. Mayor Stanforth stated the city would be taking care of it. Council President Riley also stated that the Tree Commission is willing to help with the planting of additional trees.

Downtown Revitalization Committee – Convener M. McKay – Israeli Folk Band will be at the Murphy Theatre on April 9. Merchants Rome Jewelers and Everyday Chic are moving into the Samuel Walker building this month.

Finance Committee - Chairperson M. McKay introduced Ordinance O-16-18 Making Supplemental Appropriations. From Water Fund \$65,000, which \$45,000 is for the raw water line that needs to be moved because it's in the right of way on State Route 73. and \$20,000 for moving the raw water line on Cuba Road in conjunction with the Ahresty Project, but that amount will be reimbursed; General Fund to Education and Training- \$1600; General Fund to Temp Services- \$2600; M&R Fund to Traffic Lights- \$15,000.

A motion was made by M. McKay and seconded by Milburn to give the first reading only on Ordinance O-16-18 Making Supplemental Appropriations.

President called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

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

Roll call: Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes.

Director of Law read the ordinance by title only.

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

Roll call: Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes.

Motion passed.

President of Council declared Ord. No. O-16-18 passed as read.

Chairperson M. McKay introduced O-16-19, concerning Police Incidentals to Unemployment Services- \$375; Municipal Court Incidentals to Jury and Witness Fees- \$600.

A motion was made by M. McKay and seconded by J. McKay to give the first reading only on Ordinance O-16-19 Making Miscellaneous Transfers.

President called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

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

Roll call: Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes.

Director of Law read the ordinance by title only.

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

Roll call: J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes.

Motion passed.

President of Council declared Ord. No. O-16-19 passed as read.

Chairperson McKay stated there were two additional Resolutions concerning the County Auditor to give certification of what a 1 Mill and 2 Mill tax levy would provide if it were to be put on the ballot. The City is required to pass a Resolution to be provided with that information for further discussion when revenue planning. Estimate only.

A motion was made by M. McKay and seconded by J. McKay to give the first reading only on Ordinance R-16-12 (1 Mill) Tax Levy Certification Resolution and Declaring and Emergency.

President called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

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

Roll call: Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes.

Director of Law read the ordinance by title only.

A motion was made by M. McKay and seconded by J. McKay to pass the ordinance as read.

Roll call: Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes.

Motion passed.

President of Council declared Ord. No. R-16-12 passed as read.

A motion was made by M. McKay and seconded by Milburn to give the first reading only on Ordinance R-16-13 (2 Mill) Tax Levy Certification Resolution and Declaring and Emergency.

President called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

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

Roll call: M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes.

Director of Law read the ordinance by title only.

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

Roll call: Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes.

Motion passed.

President of Council declared Ord. No. R-16-13 passed as read.

Judiciary Committee - Chairperson Milburn introduced Ordinance O-16-20 Repealing Chapter 1152 G1 Gateway District Regulations of the codified ordinance of the City of Wilmington. Due to the concern about this Ordinance, the Judiciary Committee would like to repeal it and start from scratch, as well as form a task force and coming up with a better fit for the citizens of Wilmington.

Purkey remarked that he was fine with repealing the Ordinance, as long as they continue to work on a solution. Giving it three readings would give them time to get something in place. Milburn stated it was their goal to work with the citizens more to figure out what the best way is.

Stuckert stated he believed it was a hasty decision because not enough time has been given to counteract the misinformation. Stuckert further stated that he believed they were moving too fast on this and not enough time has been given for further discussion.

Mike Mandelstein asked if the Task Force would only be elected officials, or would there also be citizens included. Milburn stated that it would have some citizens as well; it will not be all City Council, County Commissioners, and Planning Commission.

Mike Mandelstein then addressed Stuckert, stating that the voting results of last fall were enough indication that the G1 should be repealed and he would be inclined to disagree with his earlier statement that the decision was hasty. Stuckert replied that no one had tried to counteract the misinformation that was put out, and in turn, the decisions were made off the misinformation that was presented.

Mayor Stanforth stated that the city's zoning over the years has been pieced together, and he would like to see a group who looks at the city as a whole and works together to start over. Milburn stated that they had addressed this issue at the previous meeting and Taylor Stuckert will be putting together a presentation specifically about zoning and help everyone understand it better before they even begin the action process, first learning and then taking the steps forward.

Spicer stated he agreed with Stuckert. He knew the flaws were there and he wants to make it right. He stated that first getting the task force together and then then come back and look at the G1 without first repealing it. Milburn stated that citizens can still apply to be zoned as G1. Swindler stated since they currently do not have the map, they cannot enact anything, but that is something they are working on.

Spicer then reiterated that he agreed with Stuckert about the misinformation due to some of the phone calls he received, and he did not feel that they had mounted a campaign to counteract the misinformation. Spicer hopes that the task force will be a diverse group and not biased in one way so they have people who are for, against, and neutral to the G1. Purkey stated that his takeaway from the Judiciary meeting was this is centered on a map that does not exist. We are at a stalemate with the G1 and the best thing to do would be to start from scratch. President Riley pointed out that there are currently no G1 properties in the city and by repealing this; you would not change the zoning of even one parcel of land. President Riley said he was not against a "do over" where the G1 is concerned, so we can restart the process.

J. McKay wanted to clarify that council would be unable to "mount a campaign" for anything that goes on the ballot for or against it, because as council members, they are unable to participate or be involved in that process. President Riley stated that he and Taylor Stuckert had written and Op-ed for informational purposes for the paper, and the G1 still failed on the ballot.

Swindler stated during the campaign process, she was speaking with citizens and the G1 would come up. There was a deep misunderstanding from both sides. Her concern is that now the community is not on the same page and the willingness to work together is not there. That is discouraging as well as the erosion of public trust. Swindler said going forward we need to work together because there is so much to do. M. McKay also agreed with Swindler because it is important to "put this to bed" (G1), because of the attached stigma. The template will still be there, and ongoing there are parts of it that can be used, but it is important to quickly move forward with similar legislation.

Shidaker had an additional clarification, he stated that time is of the essence because if the Public Service office receives an application for the G1, it will go to Planning Commission because it is on the books. Then if that G1 application is approved, it would take at super majority of council to reject that G1 recommendation. The G1 on that parcel will be grandfathered in as gateway.

President Riley commended the council members on the discussion.

A motion was made by Milburn and seconded by Purkey to give the first reading only on Ordinance O-16-20 Repealing Chapter 1152 G1 Gateway District Regulations of the Codified Ordinance of the City of Wilmington.

President called for vote.

Motion passed. 5 yeas. 2 nays. Nays were Spicer and Stuckert.

Law Director read the ordinance by title only.

Milburn requested that a second reading of O-16-20 be on the Agenda for the next meeting.

Parks and Recreation Committee – Chairperson Milburn spoke about Splash/Skate Park Fundraising that began. Has goal of \$450,000 goal but has made significant progress. If you are interested in donating, contact the Lori at the Parks.

Milburn mentioned April 24 the Wilmington College Sponsored 11<sup>th</sup> Annual Dog Walk will be taking place. The walk starts at 2pm registration is from 1-2pm. There is a Pre-Registration fee of \$12 per owner/dog team and you get a t-shirt. Onsite registration is \$15 and if shirts are still available, they will be first come first serve. To register email-[kfortkamp@wilmington.edu](mailto:kfortkamp@wilmington.edu). The first 50 teams will receive goodie bags.

Safety Committee - Chairperson Spicer introduced Resolution R-16-14 mentioning it was a housekeeping resolution to sell equipment that the city no longer needs through Govdeals.

A motion was made by Spicer and seconded by M. McKay to give the first reading only on Resolution R-16-14 Expressing Intent to Sell City Surplus Items to the Public Through an On-line Auction Service and Declaring an Emergency.

President called for vote.

Motion passed. All yeas.

Law Director read the resolution by title only.

Spicer requested that a second and third reading of R-16-14 be on the Agenda for the next meeting.

Spicer introduced Resolution R-16-15 in reference to vehicles that are no longer cost effective for use by the Police Department, and would like to place them online to sell the surplus.

A motion was made by Spicer and seconded by M. McKay to give the first reading only on Resolution R-16-15 Declaring Surplus Property, to Wit: Police Vehicles Valued at More than \$1000, and Authorizing the Sale of Said Vehicle.

President called for vote.

Motion passed. All yeas.

Law Director read the resolution by title only.

Spicer requested that a second reading of R-16-15 be on the Agenda for the next meeting.

Spicer introduced Resolution R-16-16 and is the updated version of the Emergency Management Plan that was approved by the state and federal government, and is awaiting local approval.

A motion was made by Spicer and seconded by J. McKay to give the first reading only on Resolution R-16-16 Authorizing Acceptance of the Updated Clinton County Emergency Management Hazardous Mitigation Plan

President called for vote.

Motion passed. All yeas.

Law Director read the resolution by title only.

Spicer requested that a second and third reading of R-16-16 be on the Agenda for the next meeting.

Spicer introduced Resolution R-16-17 for the participation in the Drug Task Force, updating the mutual agreement by the parties to renew the ongoing contract.

A motion was made by Spicer and seconded by J. McKay to give the first reading only on Resolution R-16-17 Authorizing the Director of Public Safety to Sign an Agreement with the Warren-Clinton Drug Task Force for Mutual Aid and Declaring an Emergency.

President called for vote.

Motion passed. All yeas.

Law Director read the resolution by title only.

Spicer requested that a second and third reading of R-16-17 be on the Agenda for the next meeting.

Solid Waste/Recycling - Chairperson Spicer had no report. Next meeting on April 21 at 6pm and will address Route Automation. Braden Dunham will update the committee on the information and cost figures of implementing Route Automation.

Streets Committee - Chairperson Spicer had no report. Next meeting has not been scheduled.

Wastewater/Sewer Committee - Chairperson Stuckert had no official report but mentioned the Wastewater meeting on March 24. During the meeting, a storm water fee was discussed and ultimately this would help relieve the sewer fund. No action was taken but discussions were introduced. Stuckert added he was concerned about the rate increase discussions across the board. He noted there was action last year that called for rate increases and now this year. There have also been discussions of tax increases this year. Stuckert hopes council can work together with the Mayor to figure some way to make the size of community operations match the current local economy. Regular meetings for the Wastewater/Sewer Committee will be scheduled starting in May.

Water Committee - Chairperson Swindler presented Ordinance O-16-21

Swindler wants to clarify that a formal decision has not been made regarding renter and landlord utility billing. While doing research the committee found that the current ordinance does allow for the city to collect a deposit, although the city never has and at this time, council is not suggesting that we start. In the ordinance, it states that a deposit can be collected at any time but that is actually in violation of the Ohio Revised Code where it states you can only collect a deposit in the first 30 days. Swindler continued that to have any law in opposition is deemed unlawful and you could rescind your right to collect water rents by acting on this. This Ordinance is housekeeping to make sure the City Ordinance matches the Ohio Revised Code and in no way ties the Water Committee's hands going forward.

Mike Mandelstein asked if once it is repealed where or how will there be any deposit collected from any potential water customer. Swindler stated that the city does not currently collect a deposit. Mike Mandelstein then asked if the city would now collect a deposit. Swindler clarified that she was not determining what the committee would decide in ongoing council, this is not to say the council will collect deposits, it is saying that we have the right collect a deposit in the correct way.

#### *General discussion and clarification*

President Riley, speaking to Mike Mandelstein, stated that the city has never used it and there is no plan on implementing it, this is just matching the how the state says it can be collected.

Mike Mandelstein asked if there was a possibility that a deposit could be collected by the city before the water can be turned on. Swindler answered that she recommends that Mike Mandelstein come to the Water Committee meeting because that is exactly what has been going on. It is an ongoing discussion.

A motion was made by Swindler and seconded by Purkey to give the first reading only on Ordinance O-16-21 amending section 927.05 of the Codified Ordinance of the City of Wilmington and Modifying the Time Period in Which the City May Require Deposit by a Consumer for Water Services 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 Swindler and seconded by Purkey to suspend the rules and give the second and third reading on the ordinance by title only.

Roll call: Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes.

Director of Law read the ordinance by title only.

A motion was made by Swindler and seconded by Purkey to pass the ordinance as read.

Roll call: Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes.

Motion passed.

President of Council declared Ord. No. O-16-21 passed as read.

Swindler stated she had made a public correction at the Water Committee Meeting but wanted to provide to full council. Swindler had previously stated that the optimum PPM for the Fluoride was .7PPM with a maximum 1.0PPM. At that time, we were not aware that the State of Ohio had not yet amended the Ohio Revised Code to match the US Department of Health. The current PPM levels to be safe and effective are a minimum of .8PPM maximum of 1.3PPM.

Safety/Service Director – Safety/Service Director Brian Shidaker discussed zoning and notice requirements. Shidaker said the requirements and the law are vague. The notice requirements don't kick in until it (*zoning request*) goes to full Council. Shidaker sends notice before then for contiguous property owners. Any request for zoning changes are sent to the Planning Commission. If approved there it will go to council and then the notice is mandatory. The debate and discussion is when a large zone affects more than 10 properties, by law, the newspaper will suffice for notice requirements and the law says we are not required to send individual property owner letters at that time. If less than 10 properties are affected a letter is required. Shidaker stated if there a major zoning overhaul, the Safety and Service department wants to make the extra effort and notify the individuals in addition to the newspaper.

J. McKay inquired about the notices, in the interest of saving cost, can they go into a utility bill or do those have to be mailed separately. Shidaker replied that he was not sure if there was a requirement but stated that he would look into it and confirm with Law Director Rudduck.

Airborne Connector Project Bid was awarded. There is a Pre-Construction meeting next week, and the groundbreaking will be happening by the end of April. That will continue through the summer with an expected completion date of November 15, 2016.

Shidaker continued with the testing of the tornado sirens. Chief Weyand stated that the Wilmington Police Communications have been responsible for setting off the sirens countywide since the inception of the program. There are 26 countywide and 13 of those are located in the city. All except one on North Nelson were operational when tested on March 23. The siren has been repaired.

Paul Hunter asked if Ahresty was helping at all financially with the Airborne Road Connection. Shidaker replied that Ahresty had donated 30,000.

J. McKay inquired about the railroad meeting. Shidaker replied that it went well and Locust and Main will have crossings repaired by the end of the year. Shidaker said they are currently discussing Hawley and he has a meeting on Monday to finalize funding, and there may be additional funds available to the city. The Doan Street crossing will have major repairs; there will be warning devices and gates installed, at no expense to the city. A lot of railroad work will be taking place this year.

Paul Fear asked when the paving of Truesdell would begin; Shidaker stated that would be in the beginning of May.

#### **REPORTS TO COUNCIL**

A motion was made by Purkey and seconded by J. McKay that Income Tax Report - be accepted as presented.

Motion passed.

Reports accepted as presented.

#### **OPEN TO PUBLIC**

President Riley reported that there was a meeting at 5:30 at the high school about the Heroine Epidemic, law enforcement, rehab, and community members were present, there were 20 speakers. Riley stated that it is good to know that there are those that are working on it and looking at it from several different angles.

J. McKay wanted to recognize Jerry Runk and his crew for fixing potholes. They're doing a great job. Jerry Runk mentioned crosswalk lights have a short on Locust and South and are not currently working. They are working on finding the short in the wiring to get it repaired.

James Dixon of 1049 Peggy Lane wanted to ask a few questions. He attended a meeting at Community Action where they stated there were 500 jobs they cannot fill. What are the jobs? J. McKay, who is on the Chamber of Commerce board, stated that these are countywide.

*General Discussion regarding job openings and locations.*

James Dixon then inquired about how many jobs Amazon would bring to the county. Purkey clarify this is unknown.

James Dixon presented extensive information regarding Employer Tax Credits and Employer Bonding.

*General Discussion regarding hiring felons, tax credits, and employee bonding opportunities. Input provided by Milburn, who serves as Judiciary Committee and HR Manager.*

Mike Mandelstein of 1006 Locust Street. Stated if you want Fluoride to buy toothpaste; expressed financial concern. Concern expressed over water rate raises and landlords. He clarified his concern over Gateway notification.

Swindler had a clarification. That it <sup>was</sup> would be a tap fee, not a raising water rate. Swindler also mentioned that Water is an Enterprise Fund and operates on its own. The General Fund problem is not impacted by the Water Fund.

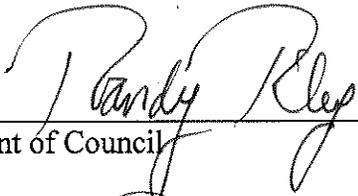
Mike Mandelstein commented he hopes funds are found to give raises to other departments/entities to match the raises that have been recently been handed out. Swindler stated we could never use the Water money to improve the Streets.

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

**ADJOURNMENT**

A motion was made by M. McKay. President Riley declared meeting adjourned. Council adjourned at 9:36 p.m.

ATTEST:

  
\_\_\_\_\_  
President of Council

  
\_\_\_\_\_  
Clerk

Wilmington City Council met in regular session on Thursday, April 21, 2016, at 7:30 p.m. with President Randy Riley presiding.

**CALL TO ORDER**

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

**ROLL CALL**

Roll Call: Purkey, present; Spicer, present; Stuckert, present; J. McKay, present; Swindler, present; Milburn, present; M. McKay, present.

Chief Weyand was also present.  
Mayor Stanforth was absent.

**PLEDGE OF ALLEGIANCE**

Council gave the Pledge of Allegiance to the flag.

**MOMENT OF SILENCE**

**PRESIDENT OF COUNCIL**

President of Council

Due to the addition of an Ordinance O-16-28 under the Finance Committee, a revised agenda was presented to council.

A motion was made by Purkey and seconded by J. McKay to approve the amended agenda as presented.

Motion passed. All yeas.

Amended agenda approved as presented.

Swindler had one minor correction to the April 7 minutes in the final paragraph it should state that it “was” a tap fee, not it “would be”. It was a tap fee last year.

A motion was made by J. McKay and seconded by Stuckert to approve the amended minutes of the last regular meeting, April 7, as amended.

Motion passed. All yeas.

Minutes approved as presented.

President Riley introduced Joann Leach and Cindy Secrest who were present to talk about Angel House, a maternity home for homeless, single, pregnant women. Angel house is a non-profit 501(c)(3) organization and will provide housing for the duration of the pregnancy and for up to 3 months after the baby is born. Milburn asked they were also housing women who were considering adoption. Joann Leach explained that they do work with an adoption agency if that is the mother’s choice. Angel House provided of non-monetary items they are still in need of, and they hope to be open by the end of May. They will be able to accommodate three mothers to begin with, and hope accommodate as many as five as they go forward.

**MAYOR**

Mayor – In the absence of Mayor John Stanforth, there was no report.

**AUDITOR**

Auditor – Auditor Hollingsworth gave an update on the cash balance of the general fund, more information will be available in May and June. Hollingsworth stated that he didn’t get to see the income tax report from the last month, but he understood that the income tax revenues were up fairly substantially. The general fund balance for the end March of 2015 was approximately \$2,494,000 and for March of 2016 the balance \$2,138,000 approximately. Hollingsworth stated even though the revenues appear to have gone up, the fund balance has gone down. He would like council to keep that in the back of their mind. He spoke about the tax levy information from the County Auditor that had been presented during the Financial committee meeting on April 20, and asked council to look at all avenues of raising revenues, and not strictly just a property tax, with the deficit that we have currently.

Paul Hunter asked if the school income tax would have to be split out during the first of June from the Jump Hanger Fund.

*Begin transcription.*

Hollingsworth- We've already done that, as a matter of fact, you'll see on the agenda tonight there is actually a supplemental. We'll have our first payment come due in May on that obligation and we already know what our income tax revenues were specific to the Jump Hanger for 2015, which was right around \$27,000.

Paul Hunter- It's indicated on there, right?

Hollingsworth- Well that's the property tax revenue that second fund on there 115,000, that's the real estate taxes we've collected on the first half.

Paul Hunter- You had to pay the mortgage with that.

Hollingsworth- Right. The key to our payment to the schools is really based on when, we've got 10 days, correct me Mary Kay, after we receive payment from the County with the real estate tax settlement. You'll see on the agenda tonight, we will have a supplemental getting prepared for what we're going to pay out this year, we went over this the other night in Finance, we're probably going to be, do you want me to kinda go through that quickly?

M. McKay- Sure. Might as well.

Hollingsworth- You've asked the question Paul, we collected roughly \$27,000 from income tax associate with the Jump Hanger in 2015.

Paul Hunter- Income or property?

Hollingsworth- Income tax. The property tax based on the evaluation, that piece of property, that Jump Hanger was valued at a little over \$13 million dollars, the property tax that we're going to collect off that is around \$230,000. Our first two payments on that Jump Hanger project are a little over \$113,000.

Paul Hunter- To the service fund?

Hollingsworth- Correct. So we have, after those two payments are made, we're going to end up being short based on the income tax collection that we received for 2015. Now they were only at 202 employees at that time. It's our understanding they're up to the full 259 now. I think even the 202 probably in 2015 didn't reflect a full year of employment for those 202.

Paul Hunter- Yes there were 144 starting that year.

Hollingsworth- So we'll see the full impact probably of the income tax or have a feel for what we're going to collect in the 2016 tax year but we have the right to offset if we're short on what our payment is to the state on that obligation. We have the right to take that short fall out of the income tax dollars that are due to the Joint Vocational School and the Wilmington City Schools.

*End transcription.*

## **COMMITTEE REPORTS AND ACTION**

Asset, Acquisition and Use. – Chairperson Purkey had no report.

Cemetery Committee – Chairperson J. McKay said there was no official report, but the cemetery now has a Facebook page called “Friends of Sugar Grove Cemetery” that you can join. J. McKay gave a summary of the mystery that surrounded the plaques at the cemetery entrance. The plaque that reads 1857 was when the association started. The 1931 plaque marks the year that purchased land was dedicated to the cemetery and the date the iron fence was erected around the cemetery. Concerning the painting of the fence, Service and Safety Director Shidaker is looking for volunteers to organize. Weather permitting, the dead tree removal will start next week. The two bridges will likely be repaired at the end May. There are some fallen headstones that need estimates on how much the repair will cost. Paul Hunter asked about the cemetery perpetual care fund. Treasurer Fear stated that there is \$459,000 in the account currently.

Downtown Revitalization Committee – Convener M. McKay – Wine walk tickets go on sale Friday evening at 6 p.m. and they are only available online.

Finance Committee - Chairperson M. McKay introduced Ordinance O-16-22 Making Supplemental Appropriations. From General Fund to Income Tax Refunds \$100,000, From the General Fund to “Transfer to Jump Hanger Fund” the sum of \$13,294.36. From the Jump Hanger Fund to “Loan Payments” the sum of \$93,186.68. From the Water Fund to “Capital Equipment” the sum of \$46,000.00. From the Water Fund to “Transfer to Bond Retirement” the sum of \$370,000.00, From the Fife Ave Water Main Replacement Fund to “Project Expenses” the sum of \$355,034.00. From the Sewer Fund to “Capital Equipment” the sum of \$8,000.00.

A motion was made by M. McKay and seconded by Milburn to give the first reading only on Ordinance O-16-22 Making Supplemental Appropriations.

President called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

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

Roll call: Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes;

Milburn, yes; M. McKay, yes.

Director of Law read the ordinance by title only.

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

Roll call: Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes.

Motion passed.

President of Council declared Ord. No. O-16-22 passed as read.

Chairperson M. McKay introduced O-16-23, concerning Making Miscellaneous Transfers.

From "Police Salaries" to "Education and Training" the sum of \$ 5,000.00.

From "Service Payments" to "Loan Payments" the sum of \$ 132,993.64.

From "Service Payments" to "Transfer to Jump Hanger Fund" the sum of \$15,000.00.

A motion was made by M. McKay and seconded by Purkey to give the first reading only on Ordinance O-16-23 Making Miscellaneous Transfers.

President called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

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

Roll call: Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes;

Stuckert, yes; J. McKay, yes.

Director of Law read the ordinance by title only.

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

Roll call: Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J.

McKay, yes; Swindler, yes;.

Motion passed.

President of Council declared Ord. No. O-16-23 passed as read.

A motion was made by M. McKay and seconded by Milburn to give the first reading only on Ordinance O-16-24 Establishing a new fund.

President called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

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

Roll call: M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes,

Swindler, yes; Milburn, yes.

Director of Law read the ordinance by title only.

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

Roll call: Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes;

Milburn, yes; M. McKay, yes.

Motion passed.

President of Council declared Ord. No. O-16-24 passed as read.

M. McKay requested that Auditor Hollingsworth give a summary of the next four ordinances that contain issuance and sale of notes, and explain what each one contains.

*Begin transcription:*

Auditor Hollingsworth- We also have in the audience Scott Stubbins, our bond underwriter, and I'll probably ask Scott to close but I'll run through these four with you. The first two are existing notes that are outstanding on the landfill and Davids Drive. In

the 2016 budget, council approved payment of \$100,000 on the landfill note and \$50,000 on the Davids Drive note. Those were also the two notes that the city bought as one of their own investments, so those were held currently by the city and our intent would be on the new note to also buy those and hold those in our investment portfolio. The third piece, item F, if you'll recall, we refunded some outstanding some water bonds about a year ago and those notes are up for renewal. Those bonds that we refunded, were/had, I don't know, what was the top unit on those? We were discussing that last night. Scott, was it somewhere between 3.5 and 4, the longer bonds were a little over 4?

Scott Stubbins- I would say 4.25.

Auditor Hollingsworth- Right, but we were able to issue notes at a little over 1% to save the city quite a bit in interest cost, and the intent is we have another issue coming due in 2017 is to roll those notes, hopefully into one bond issue. Both to save money so we don't have issuance cost on two different bond issues. So the intent would be on those water notes, and it was recommended by Scott, that we go ahead and make a principal payment, and that's what you just approved, the \$370,000. The same principal we would have paid had the bonds still been in existence. That way, going both Moody's, our bond rating agency, it would show them that we still had the intent, even though we issued notes, we still had the intent of paying those bonds down. So that's what the \$370,000 that you just approved through a supplemental was for. Item g, that you had that was added to the agenda, is a half a million dollar note that we're going to issue for Phase V at the landfill. We got with Braden, as we mentioned, in Finance last night and got an estimate of what he is going to need, what he thinks he'll need to complete that project and it looks like it was going to be around a half a million dollars. So we decided to go ahead and issue the notes now since it's going to be a fairly short period of time in which he will need that cash to do that expansion is to go ahead and do that now. Scott, do you want to add anything?

Scott Stubbins- No. I think it makes sense to do the second landfill note now to combine it with that water note so we can sell it as one issue to the public. It saves on issuance costs and fees and that makes it easier for the buyers and that again would just roll another year and both of them would come due in June 2017.

M. McKay- Both of those stay separated now and they'll be rolled together?

Auditor Hollingsworth- Well, you'll have another piece of legislation that will allow us to roll those together into one.

Scott Stubbins- And then you should clarify that there is a 2007 that's refundable in June next year and the intention was always, when we refunded the 2005 issue, to roll it twice until we got to 2017 and then combine those two water issue and by doing so and refunding them, essentially all the bonds will be taken out and we completely rewrite the water indenture. Which has some funds that are trapped in surplus, so we can kind of modernize it and write the way we want to write it instead of the old archaic way it has been written. That will be kind of coming up next year and this roll just us to that 2017 date.

*End Transcription.*

Auditor Hollingsworth commended Scott Stubbins and Margaret Combs from Moody's for their invaluable service to the city over the last 28 years.

Paul Hunter asked when we had committed to expanding the Landfill or is this just preparing in case. He said as far as he knew, a decision hadn't been made to expand or close. Mary Kay Vance clarified that this is the Phase V of the vertical expansion, the final phase, and the \$500,000 is what we have already committed to the previous expansion project.

A motion was made by M. McKay and seconded by Milburn to give the first reading only on Ordinance O-16-25 Providing for the Issuance and Sale of noted in the aggregate principal amount of \$300,000 in anticipation of the issuance of bonds for the purpose of discharging at maturity, together with other lawfully available funds, note heretofore issued to pay part of the cost of constructing additional vertical expansion to the city's landfill facility, and paying related lawful costs 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 M. McKay and seconded by Milburn to suspend the rules and give the second and third reading on the ordinance by title only.

Roll call: Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes, M. McKay, yes; Purkey, yes.

Director of Law read the ordinance by title only.

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

Roll call: Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes.

Motion passed.

President of Council declared Ord. No. O-16-25 passed as read.

A motion was made by M. McKay and seconded by J. McKay to give the first reading only on Ordinance O-16-26 Providing for the Issuance and Sale of noted in the aggregate principal amount of \$187,000, In anticipation of the issuance of bonds, for the purpose of discharging at maturity, together with other lawfully available funds, notes heretofore issued to pay part of the costs of constructing improvements to Davids Drive, and paying related lawful costs, 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 M. McKay and seconded by J. McKay to suspend the rules and give the second and third reading on the ordinance by title only.

Roll call: J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes.

Director of Law read the ordinance by title only.

A motion was made by M. McKay and seconded by J. McKay to pass the ordinance as read.

Roll call: Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes.

Motion passed.

President of Council declared Ord. No. O-16-26 passed as read.

A motion was made by M. McKay and seconded by Spicer to give the first reading only on Ordinance O-16-27 Providing for the Issuance and Sale of noted in the aggregate principal amount of \$2,120,000 in anticipation of the issuance of bonds for the purpose paying at maturity bond anticipation notes issued in 2015 to refund at a lower interest cost to the city certain first mortgage waterworks system revenue bonds 205 series, of the city, theretofore issued to pay part of the costs of refunding the city's then outstanding first mortgage Waterworks system revenue bonds, dated July 1, 1996, and paying related lawful costs; authorizing a purchase agreement and registrar agreement; 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 M. McKay and seconded by Spicer to suspend the rules and give the second and third reading on the ordinance by title only.

Roll call: Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes.

Director of Law read the ordinance by title only.

A motion was made by M. McKay and seconded by Spicer to pass the ordinance as read.

Roll call: M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes.

Motion passed.

President of Council declared Ord. No. O-16-27 passed as read.

A motion was made by M. McKay and seconded by J. McKay to give the first reading only on Ordinance O-16-28 Providing for the Issuance and Sale of noted in the aggregate principal amount of \$500,000 in anticipation of the issuance of bonds for the purpose of paying part of the cost of constructing additional vertical expansion (Phase V) of the city's landfill facility, together with all necessary appurtenances thereto, and paying related lawful costs; authorizing a purchase agreement and a registrar agreement; 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 M. McKay and seconded by J. McKay to suspend the rules and give the second and third reading on the ordinance by title only.

Roll call: Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes.

Director of Law read the ordinance by title only.

A motion was made by M. McKay and seconded by J. McKay to pass the ordinance as read.

Roll call: Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes.

Motion passed.

President of Council declared Ord. No. O-16-28 passed as read.

Auditor Hollingsworth discussed the Moody's update. [Moody] asked if we had a formal policy on where we keep our General Fund balance and if we were taking action to "stop the bleeding." This will be something Moody will continue to watch. Scott Stubbins clarified that Moody's does credit rating work, looking at credit quality. During the recent annual rating call with Moody's, concern had been expressed about trend in the expense levels and the revenue levels that have started in a direction that they were increasingly less comfortable with. No alarm bells were going off but there is concern. M. McKay stated he was confident that in the next committee meeting that they would be seriously discussing those concerns.

Judiciary Committee - Chairperson Milburn introduced O-16-20 for the second reading.

A motion was made by Milburn and seconded by M. McKay to give the second reading only on Ordinance O-16-20 Repealing Chapter 1152 G1 Gateway District Regulations of the Codified Ordinance of the City of Wilmington.

President called for vote.

Motion passed. 5 yeas. 2 nays. Nays were Spicer and Stuckert.

Law Director read the ordinance by title only.

Milburn requested that a third reading of O-16-20 be on the Agenda for the next meeting.

Milburn also wanted to remind everyone that the Zoning Task Force is still in the works.

Milburn introduced R-16-18, the CHIP Program, with a partnership with Clinton County consisting of grants for homeowner repair, rehabilitation, new construction and tenant based rental assistance. The CHIP funds for 2016 when partnered with Clinton County will be \$800k total, made up of \$350k for the City and \$450K for the County. Time is of the essence, so it Milburn requested the resolution be done in three readings.

A motion was made by Milburn and seconded by Purkey to give the first reading only on Resolution R-16-18 Authorizing the Formation of a partnership with Clinton County to act as the official grantee for the FY 2016 Community Housing Impact and Preservation Program 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 Milburn and seconded by Purkey to suspend the rules and give the second and third reading on the ordinance by title only.

Roll call: Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes.

Director of Law read the ordinance by title only.

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

Roll call: J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes.

President of Council declared Ord. No. R-16-28 passed as read

Parks and Recreation Committee – Chairperson Milburn had no report.

Safety Committee - Chairperson Spicer stated that there were four items carried forward from last meeting.

A motion was made by Spicer and seconded by J. McKay to suspend the rules and give the second and third reading only on Resolution R-16-14 Expressing Intent to Sell City Surplus Items to the Public through an On-line Auction Service and Declaring an Emergency.

Roll call: Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes.

Law Director read the resolution by title only.

A motion was made by Spicer and seconded by J. McKay to pass the ordinance as read.

Roll call: Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes.

Motion passed.

President of Council declared Ord. No. R-16-14 passed as read.

A motion was made by Spicer and seconded by M. McKay to give the second reading only on Resolution R-16-15 Declaring Surplus Property, to Wit: Police Vehicles Valued at More than \$1000, and Authorizing the Sale of Said Vehicle.

President called for vote.

Motion passed. All yeas.

Law Director read the resolution by title only.

Spicer requested that a third reading of R-16-15 be on the Agenda for the next meeting.

A motion was made by Spicer and seconded by M. McKay to suspend the rules and give the second and third reading on Resolution R-16-16 Authorizing Acceptance of the Updated Clinton County Emergency Management Hazardous Mitigation Plan

Roll call: M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes;.

Law Director read the resolution by title only.

A motion was made by Spicer and seconded by J. McKay to pass the ordinance as read.

Roll call: Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes.

Motion passed.

President of Council declared Ord. No. R-16-16 passed as read.

A motion was made by Spicer and seconded by Purkey to give the second and third reading only on Resolution R-16-17 Authorizing the Director of Public Safety to Sign an Agreement with the Warren-Clinton Drug Task Force for Mutual Aid and Declaring an Emergency.

Roll call: Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes.

Law Director read the resolution by title only.

A motion was made by Spicer and seconded by Purkey to pass the ordinance as read.

Roll call: Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes.

Motion passed.

President of Council declared Ord. No. R-16-17 passed as read

Solid Waste/Recycling - Chairperson Spicer stated a committee meeting had taken place prior to the Council Meeting. Discussion included implementing route automation that would lower labor costs, due to an automatic trash truck doing the work of two employees. Per Braden Dunham, there is a truck that will need to be replaced this year, and this is a good opportunity for the city to start moving towards augmentation and cost reduction.

Paul Hunter inquired if they would be getting new trash containers to fit the lift. Spicer replied yes, and that the trash containers would be provided by the city. There will be two different sizes, the first can would be provided for free but a second tote would probably have to be done at cost.

The committee also discussed changing the tipping fee back to a tonnage. Spicer stated the scales had been a good idea, but they have cost the city a lot of money. The EPA is more concerned about volume than they are tonnage. This would bring a more productive revenue flow for the sanitation department.

Paul Hunter asked if they would be going back to 3 yards per ton. Spicer said that was what the conversion factor was. They will be moving forward with the changes and forwarding that on to full council.

Steve Sawzin expressed concerns about how much money will actually save and are we saving money, or spending it elsewhere.

Streets Committee - Chairperson Spicer had no report.

Wastewater/Sewer Committee - Chairperson Stuckert had no report.

Water Committee - Chairperson Swindler said the next committee meeting is May 5 at 6:00 pm and ongoing meetings will be the first Thursday of the month before council. On May 5<sup>th</sup> there will also be a public forum on Fluoridation during the regularly scheduled council meeting. Swindler also noted that during the committee meeting, they will still be discussing the landlord renter and utility billing issue due to the low turnout at the previous meeting.

Steve Sawzin stated it would be a good idea to bring experts who are knowledgeable about Fluoridation at the meeting. Swindler replied that they would be present at the forum.

Safety/Service Director – Safety/Service Director Brian Shidaker had one item to discuss regarding the railroad crossing on Locust Street. The good news is that it is going to be repaired, but for that to happen they will need to close Locust at the crossing three to five days. The railroad is paying for the repairs, and there will be no cost to the city. There will be detours and the newspaper will be provided with a press release with the information regarding the closure.

J. McKay asked what the city was doing about Fire and Ambulance service to that area. Chief Weyand stated there have been discussions about the closure and they do have a plan in place and they've spoken to the hospital as well. President Riley stated that it is a good idea to contact Sabina and New Vienna so they know they can't get through town that way. Chief Weyand stated they had been reaching out various agencies and commercial businesses regarding the closing.

M. McKay inquired about the crossing on Main Street. Director Shidaker stated that would come at a later date, they are currently looking at Doan, Main, and Hawley Avenue for repairs and solutions.

#### **REPORTS TO COUNCIL**

A motion was made by Swindler and seconded by Purkey that Auditor Treasurer Report to be accepted as presented.

Motion passed.

Reports accepted as presented.

#### **OPEN TO PUBLIC**

Paul Hunter from 200 Randolph Street had concerns about the landfill charges and the amount of tipping fees that a currently being charged. Concerns were also expressed about the city ordinance lacking the tipping fee prices and this unofficial fee setting is a serious violation and should be a concern for council's attention. Paul Hunter also recommended that more cardboard recycling take place in the city.

Director Shidaker responded to Paul Hunter's concerns and stated that during the Solid Waste Committee meeting that they have been discussing the tipping fees and working on a separate rate for haulers bringing in an excess of 200 cubic yards per month.

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

#### **ADJOURNMENT**

A motion was made by Spicer and seconded by  
Stuckert. President Riley declared meeting adjourned.  
Council adjourned at 8:55 p.m.

ATTEST:

\_\_\_\_\_  
President of Council

\_\_\_\_\_  
Clerk

Wilmington City Council met in regular session on Thursday, May 5<sup>th</sup>, 2016, at 7:30 p.m. with President Randy Riley presiding.

**CALL TO ORDER**

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

**ROLL CALL**

Roll Call: Purkey, present; Spicer, absent; Stuckert, present; J. McKay, present; Swindler, present; Milburn, present; M. McKay, present.

A motion was made by M. McKay and seconded by J. McKay to excuse the absent member (Spicer).

Motion passed. All yeas.

Absent member excused.

Chief Weyand was also present.

**PLEDGE OF ALLEGIANCE**

Council gave the Pledge of Allegiance to the flag.

**MOMENT OF SILENCE**

President Riley remarked on the National Day of Prayer that had taken place at the Court Houses and City buildings across the nation today and encouraged anyone who would like to pray during the moment of silence to do so.

**PRESIDENT OF COUNCIL**

President of Council-

Due to the absence of a Councilmember Spicer, Braden Dunham (Landfill Superintendent) requested that item 15(a) the first reading *on O-16-30 Amending Chapter 925, Refuse Collection, of the Codified Ordinances* on the Agenda be postponed.

A motion was made by McKay and seconded by Stuckert to approve the amended agenda as presented.

Motion passed. All yeas.

Amended agenda approved as presented.

A motion was made by J. McKay and seconded by M. McKay to approve April 21 minutes as presented.

Public Hearing on Fluoridation called to order by President Riley, led by Water Committee Chair Swindler. Swindler explained the history of fluoridation beginning in 1969 when the State of Ohio mandated that public water systems provide fluoride if they had over 5,000 people. At that time, cities could “opt out” if they passed a referendum within a year, and Wilmington was one city that did opt out via special election in 1970 after a primary election. Wilmington, at that time, was 1 of 30 cities that opted out of fluoridation and we are currently 1 of 22, since 8 other cities have reversed the referendums. Many of these were reversed by council action, but one city [Middletown] reversed theirs through a ballot measure. The committee has discussed a ballot measure going forward, but at this time, the option is open to the committee.

Swindler stated going forward the proposal is to fluoridate Wilmington’s water to 0.8PPM. The goal tonight is not a decision making forum, but to gather input from citizens. The committee’s goal is to hear as much from the community and a number of local experts are in attendance for specific questions. Experts in attendance are Dr. Shawn Swick (internal medicine provider), Dr. Ruth Dooley (pediatrician), Dr. Terry Holton (Medical Director of CC Health Dept.), and Dr. Levi Hamilton (dentist).

Joe Gigandet of 105 Kentucky Avenue expressed gratitude to council for holding the hearing, but also expressed concerns to the council about fluoridation. Joe stated that the less fluoride in the water the better and leaving it up to the medical professionals to diagnose individuals who need fluoride, instead of prescribing fluoride as a one size fits all solution would be the best solution. Joe’s additional concerns with fluoridation were

health issues, such as Fluorosis, adding an additional expense to the city to purchase fluoride, and the offering of a nonspecific prescription to an entire population.

Dr. Levi Hamilton, who practices at 819 West Main Street, defined fluorosis as a condition when you have an excess fluoride. He stated that you see it more skeletally than you would see showing up in the teeth, but it can actually cause the natural network of bone to be disrupted. In regards to fluorosis on teeth, you would see white and dark spots. Dr. Hamilton stated that originally, in the west, they began fluoridating water due to dark brown stains on the teeth. Through public health research, it was found that the water had natural fluoride at a high level, and that in turn, caused them to have fluorosis. At that point, more research was used to find what the safe levels of fluoride would be, ranging 0.7-0.8PPM, and even though fluoride can be found in water naturally, people are not getting their recommended level. The ADA and the American Academy of Pediatric Dentists have recently recommended that children under the age of 3 begin using fluoride toothpaste as soon as the first teeth are in a baby's mouth, and even if they're swallowing some of it, which was a main concern, they're not getting near enough fluoride. Dr. Hamilton stated that many people might be fearful of fluoride in the water, but the level at which it will be added is not a high level. The range in which is recommended (0.7-0.8PPM) is equivalent to 1 penny in \$1,400, 1 inch in 23 miles, or 1 minute in 1000 days and these are very low levels of fluoride. Price wise, Dr. Hamilton said the cost to the city would be about .50-\$3.00/person, and as someone who has been working with the underserved population, the saving will be a lot more if the water is fluoridated, rather than having fillings for cavities through state run insurances.

Councilmember McKay asked Dr. Hamilton at what level would fluoride start to be considered toxic. Dr. Hamilton stated that at 1.4PPM you are starting to get closer to toxicity, but also wanted to remind everyone that everything has a toxic dose. M. McKay also asked if boiling the water would have any effect on the level of fluoride or its effectiveness. Dr. Hamilton stated that boiling or cooking with the water would not reduce the levels.

Councilmember Milburn inquired if there are any skin allergies or other types of problems associated with fluoride. Dr. Hamilton stated as far as the ADA has found, there have been no documented cases of skin allergies with public water fluoridation. There have been claims, but none of these have been proven.

Milburn also wanted to know if someone was not regularly brushing their teeth, would the amount of fluoride in the water be enough to prevent tooth decay. Dr. Hamilton stated that the right amount of fluoride would cause them to see a 20-30% decrease in the amount of tooth decay, and that it does make a big difference.

Councilmember J. McKay asked Dr. Hamilton if area dentists are here or not here because of fluoridation in the water. Dr. Hamilton replied that he did not feel like dentists were moving places specifically because there is not fluoride in the water, but this area does have an excessive amount of dentists, who are all needed, because there is so much decay here.

Councilmember Stuckert asked if someone brushed and used fluoride mouthwash if that would be enough not to require water fluoridation. Dr. Hamilton explained the differences between topical fluoride and fluoride you would get in the water; whereas to see the benefits, you would need to have fluoride in your system and only brushing and rinsing with fluoride will not provide the same benefits. Ongoing, supplying the therapeutic recommended level of fluoride is the goal.

Brian Gallagher asked if there were fluoride supplements that would be an option, and Dr. Hamilton explained that supplements are much more expensive than putting fluoride in the water. He also explained that with underserved children that he sees, having to pay for supplements would be throwing another cost on to people that can't afford it. He went on to explain that going that route and saying that the tax dollars should pay for it, instead of being .50-\$3.00 per person, a supplement would cost more in taxes that are coming out of everyone's pocket, and be much more expensive. With supplements, there would also be less compliance among the parents who will be giving them.

Laura Struve of 685 Timber Lane stated, on the advice of her dentist, she has been giving her children ingestible drops. The price is about 10.99 per bottle and a bottle lasts about two months. She has one for each child and ends up spending over \$100 per year to keep them healthy. She stated it is also another hassle to administer the drops to the children. She mentioned when she is showing potential faculty members around town, she never mentions the fact that we do not fluoridate our water. Anyone who comes from a metropolitan area would assume that there would be fluoridated water.

Councilmember Milburn asked what the difference for someone who has well water and doesn't have fluoride. Dr. Hamilton stated that you could have fluoride in well water, some wells have an excess of fluoride. Milburn wanted to know if there is a way to get well water tested, and Dr. Hamilton stated that you should be able to take a sample to the Health Department for testing.

*Ongoing discussion about molecular structure of fluoride.*

Benson Larson of 260 West Main Street asked Councilmember Swindler if there are studies that show dental cavities in non-fluoridated communities vs. fluoridated communities with evidence that it's helping. Benson Larson also stated that the CDC reports say that most of the benefits of fluoride are topical and addressed Dr. Hamilton and asked why does ingesting the fluoride help. Addressing councilmember Swindler, he asked if the fluoride that will be added was going to be "drug grade" or would this be the type of fluoride that is a byproduct of fertilizer, and if the fluoride would be approved by the FDA. Swindler responded that the EPA, not the FDA regulates fluoride, which is actually a mineral, and is naturally occurring. On point of clarification, Swindler stated that it is not a drug, and this is why the FDA does regulate fluoride.

Dr. Shawn Swick, who practices at 222 West Main Street, addressed Benson Larson, and stated that byproducts of fertilizer are not being used to make fluoride, but after fluoride is extracted from the rock, the byproduct of that is phosphorus. Dr. Swick stated that the process actually goes the other way and fertilizer is a byproduct of fluoride when extracted.

Answering Benson Larson, Dr. Hamilton also stated that there have been studies focusing on decay in non-fluoridated communities vs. fluoridated communities and there 25-30% decrease in decay once communities start fluoridating their water.

Joe Rea, Chief Operator at the Water Plant, clarified that anything that is added to the water has to be NSF approved, so they would be using the same fluoride as other communities and it is a highly controlled mineral substance.

Bill Limbacher of 394 Derbyshire Drive wanted to know why Wilmington opted out of fluoridation in 1970. Swindler stated that during their research that probably one of the main reasons was at that time fluoridation had only been in practice for 15-20 years and concerns about safety of fluoride would have been a factor. There were also fears of government conspiracy, and concerns that fluoridation was a part of that. Most of this information was gathered from News Journal articles, and they are available to the public.

Libby Rea had more questions about fluorosis for Dr. Hamilton.

Terry Holton from the Clinton County Health Department addressed Dr. Hamilton and asked how often do you see fluorosis on the teeth vs how often you see cavities. Dr. Hamilton stated that you very rarely see fluorosis, and that he currently has three patients that have it, and they are all from Europe, and Europe has a much higher natural fluoride level. Dr. Hamilton also stated that the health effects of dental fluorosis are mostly just staining of the teeth, specked with white or brown, and other there are no health problems associated with dental Fluorosis.

Dr. Terry Holton spoke in regards to studies of skeletal fluorosis, which she stated was much less common than dental fluorosis. In those studies, fluoride levels of 2 to 4mg/liter were present. Dr. Holton also stated that because skeletal fluorosis is so rare, that it is hard to study and gather data on the condition.

David Hockaday of 348 West Main Street had concerns regarding the how fluoride might affect those with thyroid conditions.

Dr. Ruth Dooley who works as a pediatrician at 1150 Locust St. spoke in regards to the different types of misinformation and poorly executed studies that have not been proven regarding fluoride and the thyroid.

Angela Early of 545 North South Street had general questions about the safe level of fluoride in the 1970's.

*General discussion on the safe range of fluoride.*

Cheryl Ford of 112 Oak Street spoke about her experience with fluorosis in the Waynesville area and had concerns about fluoride and its effect on the thyroid. She also voiced concerns about the EPA safe levels, that were addressed by Councilmember Swindler who assured everyone that the only way to be out of compliance is if the levels were to go above 1.3 in the State of Ohio.

Councilmember Milburn asked Swindler what the cost would be for fluoridating the water. Swindler stated that they have a cost proposal that was brought forward at a previous committee meeting, and there are also grants through the Ohio Department of Health that would cover the first year of startup costs, as well as the first year of the chemical. For the maintenance chemical costs going forward (at the very earliest in 2018), would be around 8,000/year and that would come out of the Enterprise fund. Swindler also clarified the difference between funds from the Enterprise fund and the General fund. Water money must stay within the water department and left in the Water fund.

Vince Holmes inquired about the fluoridated water in Yellow Springs, stating that they had discontinued its use in 2011 by a vote of council. Swindler addressed his question and said that currently fluoridation is mandated by the state of Ohio, and even if Yellow Springs had voted to stop fluoridation, she was not sure if it is legal for them at this point. Vince Holmes also inquired of President Riley if moving forward fluoridation would be a ballot issue. President Riley deferred to Swindler who stated that there are two different options that cities use, one is a council action and one is a ballot measure. Swindler stated that in every committee meeting she had recommended the ballot measure, and further stated that if community members want input on how they move forward, to attend a water committee meeting.

Benson Larson inquired about the consequences of not following the Ohio Revised Code, which President Riley stated that the Law Director would look into. Swindler explained that the Ohio Revised Code is the law that binds us in the state of Ohio, and water is something that is highly regulated. Swindler stated that not being in compliance with the code could cause the city not to be able to collect water rent, which could be catastrophic. Benson Larson inquired if that was the driving force behind bringing fluoridation to Wilmington, to which Swindler replied that it was not the driving force and that community members had brought forward this issue. Mr. Larson asked if there had been a spike in dental decay in the area that drove this issue, and Swindler stated that after talking to local pediatricians in the area that they see a lot of dental decay and that confirmed that there is an issue after speaking with area dentists, pediatricians, and primary care doctors.

Councilmember Purkey addressed Dr. Hamilton about therapeutic use, and the safe amount of fluoride for "heavy users" who drink a lot of water. Dr. Hamilton addressed him, stating there is a range and even at 0.7-0.8, you would have to drink a lot more water to be out of the therapeutic range.

Dr. Swick spoke about fluoride in bottle feeding infants.

Dr. Dooley asked Dr. Hamilton how much filling a cavity costs. Dr. Hamilton stated it would be around \$120 normal fee, but those on state run insurances it would be about \$60. Dr. Hamilton reiterated that fluoride, on the high end, would be about \$3/person, and that is way less than we're going to spend on filling the cavities.

Councilmember Swindler stated that if any extra handout resources were needed, they can be provided.

*General discussion on fluoride.*

President Riley declared the Public Hearing closed.

**MAYOR**

Mayor – Introduced Amanda Harrison, the Executive Director of the United Way of Clinton County.

Amanda Harrison thanked the City and their 100% participation and stated that with the city’s help, the United Way serves over 20,000 people in the community every year. Amanda Harrison presented the city with a Cooperate Partner Award for displaying a passion to help those in our community who need it the most. President Riley clarified that the 100% participation was directly from City Council members, and thanked them for setting an example.

Mayor Stanforth also announced that the Bike Rodeo will be at Denver Park on Saturday May 21<sup>st</sup> from 10am- 12pm. The event is sponsored by the Clinton County Health Department, Wilmington Kiwanis, Wilmington Bicycle Club, Clinton Massie, East Clinton and Wilmington Key Clubs, and the Aktion Club. There will be bike stations, certificates for participants, and free bike helmets while supplies last.

**AUDITOR**

Auditor – Auditor Hollingsworth spoke about the income tax report that will be reviewed at the end of council. The income tax collection amount up by \$401,000 through the end of the first quarter, and clarified that because of the changes in the way that the money is collected and deposited by employers. This time last year the General fund was at 2.9 million dollars at the end of April, and this year it is at 2.4. Auditor Hollingsworth clarified that even though the collections were up \$400,000, our actual General Fund balance is down a half a million dollars from where it was the year before.

**COMMITTEE REPORTS AND ACTION**

Asset, Acquisition and Use –

A motion was made by Chairperson Purkey and seconded by Milburn to give the first reading only on Ordinance O-16-31 Authorizing the granting of an easement for ingress and egress to Ahresty Wilmington Corporation as part of the Airborne Connector Road Phase I Project 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 Purkey and seconded by Milburn to suspend the rules and give the second and third reading on the ordinance by title only.

Roll call: Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes, Purkey, yes.

Director of Law read the ordinance by title only.

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

Roll call: Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes, Purkey, yes.

Motion passed.

President of Council declared Ord. No. O-16-31 passed as read.

A motion was made by Chairperson Purkey and seconded by J.Mckay to give the first reading only on Ordinance O-16-32 Authorizing the Acceptance of an Easement for Ingress and Egress from Robert Alexander Raizk, Janet Emmaline Fassler NKA Janet Emmaline Barnes, Paul Dennis Pusateri, and Mark August Pusateri as Part of the Airborne Connector Road Phase I Project 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 Purkey and seconded by J. McKay to suspend the rules and give the second and third reading on the ordinance by title only.

Roll call: Swindler, yes; Milburn, yes; M. McKay, yes, Purkey, yes; Stuckert, yes; J. McKay, yes.

Director of Law read the ordinance by title only.

A motion was made by Purkey and seconded by J. McKay to pass the ordinance as read.

Roll call: Milburn, yes; M. McKay, yes, Purkey, yes; Stuckert, yes; J. McKay, yes; Swindler, yes.

Motion passed.

President of Council declared Ord. No. O-16-32 passed as read.

A motion was made by Chairperson Purkey and seconded by J. McKay to give the first reading only on Ordinance O-16-33 Authorizing the acceptance of an easement for ingress and egress from the Dayton Power and Light Company at property locate adjacent to 481 Columbus Street.

President called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

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

Roll call: Purkey, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn yes; M. McKay, yes.

Director of Law read the ordinance by title only.

A motion was made by Purkey and seconded by J. McKay to pass the ordinance as read.

Roll call: Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes, Purkey, yes.

Motion passed.

President of Council declared Ord. No. O-16-33 passed as read.

Cemetery Committee – Chairperson J. McKay introduced Jim Cook and Brian Gallagher who are part of American Legion Post 49. Jim Cook spoke about an anonymous donation from a veteran which will be used to aid in bridge repair for the cemetery. He stated his hope was that the bridges will be open by Memorial Day.

Mayor Stanforth clarified that work on the bridges will be “weather permitting”, and that if the rain continues, the bridges would probably not be open in time for the parade.

A motion was made by Chairperson J. McKay and seconded by Purkey to give the first reading only on Resolution R-16-24 Accepting a Gift from the American Legion Post 49 for the Sugar Grove Cemetery

President called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

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

Roll call: J. McKay, yes; Swindler, yes; Milburn yes; M. McKay, yes; Purkey, yes; Stuckert, yes.

Director of Law read the ordinance by title only.

A motion was made by J. McKay and seconded by Purkey to pass the ordinance as read.

Roll call: Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Stuckert, yes; J. McKay, yes.

Motion passed.

President of Council declared Res. No. R-16-24 passed as read.

Chairperson J. McKay also stated that the Cemetery is always looking for volunteers to help with various projects.

Downtown Revitalization Committee – Convener M. McKay spoke about Rome Jewelers and Everyday Chic Boutique’s recent relocation to the Samuel Walker Building and encouraged everyone to stop in and see the renovations.

M. McKay also stated that the Wine Walk tickets sold out in 30 minutes. That will take place on May 20<sup>th</sup> and 300 people will be downtown during the event.

Finance Committee - Chairperson M. McKay introduced Ordinance O-16-29.

Auditor Hollingsworth clarified that this legislation will allow the city to consolidate the note issues into one, rather than presenting them in separate issues.

A motion was made by Chairperson Purkey and seconded by J. McKay to give the first reading only on Ordinance O-16-29 An Ordinance Providing for the Issuance and Sale of a Consolidated issue of various purpose notes in the aggregate principal amount of \$2,620,000, in anticipation of the issuance of bonds, for the purposes of (I) Paying part of the cost of constructing additional vertical expansion (Phase V) of the city's landfill facility, together with all necessary Appurtenances Thereto, and (II) Paying at maturity the city's waterworks system refunding general obligation (limited tax) bond anticipation notes, series 2015, and (III) Paying relate lawful costs; authorizing a purchase agreement and a registrar agreement; 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 M. McKay and seconded by Purkey to suspend the rules and give the second and third reading on the ordinance by title only.

Roll call: M. McKay, yes; Purkey, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn yes.

Director of Law read the ordinance by title only.

A motion was made by M. McKay and seconded by Purkey to pass the ordinance as read.

Roll call: Purkey, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes.

Motion passed.

President of Council declared Ord. No. O-16-29 passed as read.

M. McKay announced a Budget Work session would take place on Thursday May 12 at 6:30pm in Council Chambers.

Judiciary Committee – Chairperson Milburn had three items on the agenda, the first of which is the third reading of O-16-20.

Mayor Stanforth spoke about repealing the ordinance, citing that his concern is there won't be an incentive to get busy and get a committee together to redo the zoning.

Councilmember M. McKay also remarked that he is very dedicated at looking at the big picture and attempting to do it right, and agreed with Mayor Stanforth that this needs to be done quickly and correctly.

Councilmember Swindler stated that she had been contacted by a community member who has already worked up a presentation of certain zoning issues and research that he has done. Swindler stated that community members have reached out to her and this is something that can't be put off.

A motion was made by Milburn and seconded by Purkey to give the third reading on Ordinance O-16-20 repealing Chapter 1152 G1 Gateway District Regulation of the codified ordinance of the City of Wilmington.

Director of Law read the ordinance by title only.

Roll Call: Stuckert, no; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes.

Motion passed.

President of Council declared Ord. No. O-16-20 passed as read.

A motion was made by Chairperson Milburn and seconded by M. McKay to give the first reading only on Resolution R-16-23 Authorizing City of Wilmington to participate in the State of Ohio Cooperative Purchasing Program and Ohio's Joint Purchasing Programs.

President called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

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

Roll call: Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn yes; M. McKay, yes; Purkey, yes.

Director of Law read the ordinance by title only.

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

Roll call: J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Stuckert, yes.

Motion passed.

President of Council declared Res. No. R-16-23 passed as read.

The second item, O-16-24, will change the Codified Ordinance, shortening the time from 20 days to 5 days that a person has to comply with litter removal after being served a citation.

A motion was made by Chairperson Milburn and seconded by Purkey to give the first reading only on Ordinance O-16-24 Amending Sections 1729.02(B)(1)(a) of the codified ordinance of the City of Wilmington modifying the period of time extended for compliance after official notice of 1729.02.

President called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

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

Roll call: Purkey, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn yes; M. McKay, yes.

Director of Law read the ordinance by title only.

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

Roll call: Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes.

Motion passed.

President of Council declared Ord. No. O-16-24 passed as read.

Parks and Recreation Committee – Chairperson Milburn had no report.

Safety Committee – Due to Chairperson Spicer's absence, co-chair Purkey introduced Resolution R-16-15.

A motion was made by Purkey and seconded by J. McKay to give the third reading on Resolution R-16-15 Declaring surplus property, to wit: Police vehicles valued at more than \$1000, and authorizing the sale of said vehicle.

President called for vote.

Motion passed. All yeas.

Director of Law read the ordinance by title only.

A motion was made by Purkey and seconded by J. McKay to pass the ordinance as read.

Roll Call: Purkey, yes; Stuckert, no; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes.

Motion passed.

President of Council declared Res. No. R-16-15 passed as read.

Chief Weyand spoke about the bulletproof vest grant, stating that every few years the department applies for a grant that allows them to get 50% reimbursement on the vests that are bought. Each year ¼ of the officer's vests need replaced. Each vest lasts between 3-7 years, depending on the wear and the manufacturer.

A motion was made by Chairperson Purkey and seconded by M. McKay to give the first reading only on Resolution R-16-19 Authorizing acceptance of a grant from the Department of Justice for Bullet Proof Vest Partnership

President called for vote.

Motion passed. All yeas.  
Director of Law read ordinance by title only.

A motion was made by Purkey and seconded by M. McKay to suspend the rules and give the second and third reading on the ordinance by title only.  
Roll call: Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn yes; M. McKay, yes; Purkey, yes.

Director of Law read the ordinance by title only.  
A motion was made by Purkey and seconded by M. McKay to pass the ordinance as read.  
Roll call: J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Stuckert, yes.  
Motion passed.  
President of Council declared Res. No. R-16-19 passed as read.

A motion was made by Purkey and seconded by J. McKay to give the first reading only on Resolution R-16-20 Authorizing the Director of Public Safety to enter into an agreement with the Board of Trustees of Union Township for the Provision of Fire and Emergency Medical services for the period of July 1, 2016- June 30, 2021.

President called for vote.  
Motion passed. All yeas.  
Director of Law read ordinance by title only.

A motion was made by Purkey and seconded by J. McKay to suspend the rules and give the second and third reading on the ordinance by title only.  
Roll call: Milburn, yes; M. McKay, yes; Purkey, yes; Stuckert, yes; J. McKay, yes; Swindler, yes.

Director of Law read the ordinance by title only.  
A motion was made by Purkey and seconded by J. McKay to pass the ordinance as read.  
Roll call: M. McKay, yes; Purkey, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes.  
Motion passed.  
President of Council declared Res. No. R-16-20 passed as read.

Councilmember Purkey explained that the resolution R-16-21 is authorizing the filing of a grant application for a grain bin rescue tube device for firefighters. This grant covers the cost of the device and the training. This is a 0 cost grant to the city, not a matching grant, and it is considered an emergency due to the filing deadline of May 31<sup>st</sup>.

A motion was made by Purkey and seconded by J. McKay to give the first reading only on Resolution R-16-21 Authorizing the filing of a grant application through Nationwide Insurance and acceptance of grant fund therefrom 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 Purkey and seconded by J. McKay to suspend the rules and give the second and third reading on the ordinance by title only.  
Roll call: Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes.

Director of Law read the ordinance by title only.  
A motion was made by Purkey and seconded by J. McKay to pass the ordinance as read.  
Roll call: Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes.  
Motion passed.  
President of Council declared Res. No. R-16-21 passed as read.

Councilmember Purkey introduced R-16-22, for rope rescue equipment. This is an all year grant, but the earlier that you file, the better your chances of being accepted. This is also a no match grant, so it will be 0 cost to the city.

A motion was made by Purkey and seconded by M. McKay to give the first reading only on Resolution R-16-22 Authorizing the filing of a grant application through Walmart and acceptance of grant funds therefrom 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 Purkey and seconded by M. McKay to suspend the rules and give the second and third reading on the ordinance by title only.

Roll call: Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Stuckert, yes; J. McKay, yes.

Director of Law read the ordinance by title only.

A motion was made by Purkey and seconded by M. McKay to pass the ordinance as read.

Roll call: Milburn, yes; M. McKay, yes; Purkey, yes; Stuckert, yes; J. McKay, yes; Swindler, yes.

Motion passed.

President of Council declared Res. No. R-16-22 passed as read.

Solid Waste/Recycling – Due to Chairperson Spicer’s absence, item 15a. is postponed until the 5/19 council meeting.

Streets Committee – Due to Chairperson Spicer’s absence there was no report.

Wastewater/Sewer Committee - Chairperson Stuckert had no report.

Water Committee - Chairperson Swindler announced a reminder for June, the committee meeting will be the first Thursday before Council.

Safety/Service Director – Safety/Service Director Brian Shidaker stated that the Locust street crossing was repaired and thanked everyone for their patience. Ongoing, the Main Street and Doan Street repairs will happen later in the summer, and a decision will need to be made on Hawley Avenue.

Councilmember M.McKay inquired about the crossing on 134 that he stated was deteriorating. Director Shidaker stated that he would look into it but that may be county property. Shidaker also reported that 730/Truesdell road construction would be ongoing from Nelson to Mulberry beginning on Monday, May 9<sup>th</sup>. He stated that there will be lane closures and flaggers. This project will last into late July.

The last item is a clarification about the yard waste bags. The city will only pick up bags that are purchased at one of three locations, the Landfill, the City Building, and at ACE Hardware. Lawn bags are sold for \$1.50. Curbside yard waste pick up, bags bought from another retailer will not be picked up. M. McKay inquired why a specific bag needs to be used, to which Shidaker replied that the purchase of the bags is what funds the program. M. McKay also inquired what the price would be if a citizen took their own yard waste to the landfill. Shidaker stated currently he believed that there is no cost, but it is something that is being discussed in committee and will be subject to change.

Paul Fear inquired about the bridge repair on 68, also stating that a lot of people came down the one way section of Randolph street to get around it. He also stated that the same thing is going to happen when the work is being done on Truesdell, and he wanted the police department to take note and patrol that area.

## **REPORTS TO COUNCIL**

A motion was made by M. McKay and seconded by Milburn that the Income Tax Report to be accepted as presented.

Motion passed.

Reports accepted as presented.

## **OPEN TO PUBLIC**

**ADJOURNMENT**

A motion was made by M. McKay.

President Riley declared meeting adjourned.

Council adjourned at 9:27 p.m.

ATTEST:

\_\_\_\_\_  
President of Council

\_\_\_\_\_  
Clerk

Wilmington City Council met in regular session on Thursday, May 19<sup>th</sup>, 2016, at 7:30 p.m. with President Randy Riley presiding.

**CALL TO ORDER**

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

**ROLL CALL**

Roll Call: Spicer, present; Stuckert, present; J. McKay, present; Swindler, present; Milburn, present; M. McKay, present; Purkey, present.

Chief Weyand was also present.

**PLEDGE OF ALLEGIANCE**

Council gave the Pledge of Allegiance to the flag.

**MOMENT OF SILENCE**

**PRESIDENT OF COUNCIL**

President of Council-

Due to the addition of item 11d., under the Finance Committee, council was presented with an amended agenda.

A motion was made by M. McKay and seconded by Stuckert to approve the amended agenda as presented.

Motion passed. All yeas.

Amended agenda approved as presented.

Swindler had a correction on the minutes in the fourth paragraph after "President of Council" the last word in the paragraph should read "committee" not "community".

A motion was made by Purkey and seconded by J. McKay to approve the May 5th amended minutes as presented.

President Riley read the Letter of Support for Heritage Ohio in support of Main Street Wilmington, and asked for unanimous support. M. McKay made a motion in support, seconded by J. McKay. President Riley called for a vote, all yeas.

President Riley read a Notice to Legislative Authority, transferring a liquor license. Riley stated the document will be on file in the Clerk's office.

President Riley spoke briefly about Police Week the ceremony held in the Cemetery honoring fallen officers, and encouraged citizens to thank an officer.

**MAYOR**

Mayor – Introduced Bekah Muchmore, director of Main Street Wilmington who spoke about membership, ongoing projects, current board members, and downtown beautification and improvement through grants. Muchmore stated that she had applied for a Cornerstone Foundation grant that would help with benches, recycling cans, and trashcans for the downtown area. Main Street Wilmington has also been proactive in reaching out of the county, providing their press releases to magazines and online sources, as well as strengthening and continuing their relationship with Heritage Ohio. Main Street Wilmington is also improving their connection with Wilmington College by using an app to encourage students to interact more with the downtown area. Muchmore also spoke about survey feedback, and how going forward, she will be using that information to make improvements. Ongoing goals for the downtown area from survey include pedestrian safety, benches, and trashcans. The upcoming 3<sup>rd</sup> Friday parties this summer will include Main Street members who will be able to set up tables and advertise during the event. Muchmore also spoke briefly about the 325 attendees of the Wine Walk scheduled on Friday; she also stated that the tickets sold out in 15 minutes. Other topics touched upon were the addition of family activities and better overall communication from Main Street to the public.

Mayor Stanforth introduced Tracy Hopkins, counselor and co-owner at Transformative Wellness, LLC. The team is made up of up Sharon Yockey, Monica Hill, and Tracy Hopkins who have a combined 26 years of experience in the mental heal field. Transformative Wellness is located a 815 S. South Street, and as a team are experienced in treating addiction, mental health, trauma, and also specialize in individual, family, and veterans counseling.

Mayor Stanforth honored the Wilmington High School Boys' Basketball team with a Proclamation, celebrating their achievement competing in the Final 4 D1 State Championship for the first time ever in school history. The Hurricanes completed the 2016 season as SCOL Champions, Sectional Champs, District Champs, History Champs, Regional Champs, and the City of Wilmington Champs. Mayor Stanforth declared May 19, 2016 Wilmington High School Boys' Basketball Day.

Mayor Stanforth also had complimented Jerry Runk and Marian Miller on their efforts to coordinate the cleanup of Sugar Grove Cemetery before Memorial Day. 70 Volunteers will also be on hand between 8:30am-3pm on Monday to finish the work.

#### **AUDITOR**

Auditor – Auditor Hollingsworth had no report.

#### **COMMITTEE REPORTS AND ACTION**

Asset, Acquisition and Use – Chairperson Purkey had no report.

Cemetery Committee – Chairperson J. McKay had no official report but also complimented Jerry Runk and his crew on their hard work. The bridge effort is currently on hold due to the weather hindering the repair. J. McKay apologized that the bridges would not be open for Memorial Day.

Downtown Revitalization Committee – Convener M. McKay had a reminder about the upcoming wine walk, stating that Bekah Muchmore had already spoken earlier about the details.

Finance Committee - Chairperson M. McKay had four items to introduce.

The first is O-16-37 Making supplemental appropriations; for Programs Expenses- \$2,788.00, Cruiser Cam Project- \$17,287.00, Police Equipment Parts and Supplies- \$2,400.00, and Police Skate Night Expenses- \$500.00.

A motion was made by Chairperson M. McKay and seconded by Milburn to give the first reading only on Ordinance O-16-37- Making supplemental appropriations.

President called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

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

Roll call: Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn yes, M. McKay, yes.

Director of Law read the ordinance by title only.

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

Roll call: Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes.

Motion passed.

President of Council declared Ord. No. O-16-37 passed as read.

A motion was made by Chairperson M. McKay and seconded by Milburn to give the first reading only on Ordinance O-16-38- Making miscellaneous transfers.

President called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

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

Roll call: Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn yes; M. McKay, yes; Purkey, yes; Spicer, yes.

Director of Law read the ordinance by title only.

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

Roll call: J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes.

Motion passed.

President of Council declared Ord. No. O-16-38 passed as read.

M. McKay introduced O-16-39 Establishing a new fund, "Williams Park State Capital Improvement Fund", in order to receive capital improvement money from the state.

A motion was made by Chairperson M. McKay and seconded by Milburn to give the first reading only on Ordinance O-16-39- Establishing a new fund.

President called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

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

Roll call: Swindler, yes; Milburn yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes.

Director of Law read the ordinance by title only.

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

Roll call: Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes.

Motion passed.

President of Council declared Ord. No. O-16-39 passed as read.

Chairperson M. McKay stated that he would like to have more discussion on R-16-27 Determining to Proceed with Earnings Tax and certifying same to the Board of Elections, but preferred to begin that after motion was made.

A motion was made by Chairperson M. McKay and seconded by Purkey to give the first reading only on R-16-27- Determining to Proceed with Earnings Tax and certifying same to the Board of Elections.

President called for a discussion.

*Discussion:*

*Begin Transcription*

M. McKay- I have a few remarks. I just think that we need to set the stage for this even though we have been talking about it for a long time. I think it's necessary to pull everything together for us tonight before we move forward on this. It was approved at our Finance Committee Meeting by a 3-0 vote last night to move forward to council the resolution to place on the fall ballot at .05% increase in the city earnings tax. The tax would be effective January 1, 2017 and continue for a period of 5 years, to expire December 31, 2021. As you all know, we've been very fortunate to have the carry over that we've had from the days that DHL employees were contributing to our revenue. Unfortunately, Council tried to treat these funds as excess, and not operating funds. To compound the problem, the State, to balance its budget, has made some pretty drastic cuts to our local government fund. The inheritance tax was repealed. License taxes were reduced by a large amount. We've now reached a juncture that in 2017 our normal needed expenses in our general fund would exceed our carryover. Council really has been wrestling with this problem for several years but no one, including me, wants a tax increase so the problem was left unresolved. After much discussion in council with the auditor, administration, citizen groups, we have arrived at the above decision, which I outlined. We need to be clear that this Resolution would place the measure on the fall ballot for the citizens of Wilmington to vote on. This is their decision, not City Council's not the Mayor's, but for all of us, for the good of the community, to decide. I will say that I'm pretty biased and certainly hope that we move unanimously forward to present our citizen with an effective, reasonable, affordable way to keep our city moving in the direction we have become accustomed to. A city which we are all proud of, a city which

we feel safe, a city which we not only have vital services, but one in which we are able to exceed expectations. One which will keep our young people here and continue to attract new employment. Chief Weyand spoke at our work session about the current needs of the city to have the deferred things like parks, trails, trees, and certainly streets. He spoke of our city as being like a business, where we deal in customer service. If we don't provide good customer service people will shop elsewhere. In closing, I believe we should all move forward on this resolution with knowledge that the citizens of Wilmington have always supported which they understood the need for. I see no reason why they should not support us now. So, those are my comments, and I certainly would welcome comments from other council members before we vote.

Purkey- I want to echo what Mark was saying a little bit. I know that I'm new to this role as well and some of us that are up here have been put between a rock and a hard place because the city is at a point where we need taxes. We have to have this revenue measure in order to continue to operate the services in the things at the level we have now. I know there are some people who don't want those taxes. I know it's a tough decision, but I hope that everyone moves forward unanimously and comes to the same agreement and does what's best for the city overall.

M. McKay- Anyone else?

Spicer- As everyone knows I've been pretty much anti-tax. After struggling with this the last few months, seeing what's going to happen if we don't get some additional revenue, I think it's pretty obvious that we're going to lose vital services, plus not getting the streets repaved, which are in terrible, terrible shape. With that said, reluctantly, I'm going to support that we take this to the voters. On the other hand, I still feel strongly that we're still spending a million and a half dollars more than we're bringing in. I think that we've got to right size our city so that we can live within our income. Along with this I would hope that citizens can trust us that not only are we asking for their help, to do this, we're also going to see where we're going to streamline our processes and cut more where we can cut and get our city back so that we can live within our income.

Stuckert- I want to say that I agree with Joe on right sizing the community operations to the size of the revenue we bring in- and I do not feel like this is a good decision because we discussed one option and that is raising taxes, a tax increase. I don't feel like there were enough options presented for the people to choose from, and I don't think this is the best idea moving forward.

M. McKay- Would you tell us what your options would be?

Swindler- What other options would you suggest?

Stuckert- See, I'm new on council, so I haven't had a chance to look at the finances the way that other people on council have been looking at finances have. I think that if you want to look at the best reflection of income and revenue you look at the 2015 budget and you can do that. I know that's uncomfortable, I know that would require us cutting a lot. It the most direct reflection of the revenue that we're receiving right now.

Swindler- I would have to argue against that only because we had a very thorough presentation of this at our workshop and when you look at the way city finances are spent right now, I don't see where the cuts can be made without drastically reducing city services. We're one person above minimum staffing on the Police and it's our chief. I don't feel comfortable, when we look at the entire city administration, \$600,000 for personally for the entire city, even if we cut every single person, we would only be halfway there. I mean, that's astounding. That's the size of 1.3 million. This is essential. I don't see other options, there is no paper cutting the budget to get to 1.3 million.

Stuckert- There are other options. The options are uncomfortable. There are options to contract work out. There are options to, there are plenty of options. They haven't been discussed yet. We've discussed one option. Raising taxes. There's nothing else that's been discussed. Everything that you've mentioned has been very vague.

Swindler- It's not uncomfortable. It's wrong. I mean, those are things I just don't feel is right. It's not protecting the city of Wilmington to cut into vital city services. I feel strongly that it's our duty and our responsibility as a council to look out for the kinds of

services that we are responsible for providing to the city of Wilmington. I don't think we can do that without additional revenue.

Stuckert- I think that we need to consider the people who have lost purchasing power and consider the fact that the people employed by the city haven't lost any purchasing power at all. They've gained purchasing power while the citizens have lost it.

Swindler- And those without purchasing power would be most impacted by loss of city services, as we heard at the Budget Workshop when {cut off mid-sentence}...

Stuckert- Well they would certainly be impacted by increased taxes.

Purkey- I tend to echo a little bit of what Kelsey said. I don't believe that we can operate with outsourcing departments or operating with less police force but I believe that Joe hit it right on the head when he said, let's trim everything that can be trimmed. But we trimmed most of it out. We really have. I mean, there are still places where we can still trim something, yes. Let's turn over every stone to make sure we got through the budget, cut as much as we can, but we have to have a revenue measure. We can't get it done any other way.

J. McKay- I've been coming to council a long time. I graduated college in 2009 and rarely have missed a meeting. I've seen department heads through budget after budget, trim and cut and do everything they can do to get everything right sized, and they can't do it any longer. Like Kelsey just said, our police force, they are one up from what their contract calls for. That shows you where we are at and this is a historical moment, I think for the city. I think that we are in a moment of time where this measure is going to be looked at for a long time to come, just as it was in the '90's when this was last done. We've gone a long time without tax increases, a long time without hindering the citizens with any burden. We've given them more services than most communities our size because we could. We need to continue to do that because it is the right thing to do. We are in the middle of a heroin epidemic. We don't need to be cutting police force or fire or anything of that nature. We need to give the citizens good streets. We need to give them every service that they have come to expect from us, I feel. That's why we have arrived at this moment and we're doing the right thing here I think, by going to the citizens and that's why I'm supporting this.

M. McKay- Kelsey, did you have anything else to say?

Swindler- I strongly support this measure and I commend it. I know there was a lot of discussion and a lot of moving forward to a compromise, and a measure that I think the majority of us can support. That's my feeling from the budget workshop and I commend everyone for coming into the middle on this.

Purkey- I think that no one begrudges us collecting tax. It is that we spend it judiciously and that we're accountable for what it is that we're spending the money on. I think that's what we need to relay to the taxpayers, that we want to continue to operate the level that we have, just currently we have to have this increase just do that. As we start trying to take on new projects and budget for streets and all of the other things that we want to continue to do for the town, we have to generate revenue to do that. In short of thousands and thousands of jobs showing up next year, which hopefully there is some development in that front too, but short of that happening, we have to do a tax now.

Milburn- The first thing I want to mention is everybody knew we were talking about taxes today. I am so deeply disappointed that every one of these chairs aren't filled, because we're talking about your taxes. This is it. I'm hoping that maybe some coverage in the newspaper will spark some more interest and that more people will show up. But that kind of disappoints me that interaction isn't happening a bit more. I just want to say that first of all. Second of all the one thing I want to caution going forward, I do not respond to bully campaigning First and foremost nobody is going to tell me what I have to do what I promised to do, anything like that. That stuff needs to stop. Just kind of putting that out there right now. I think that Joe said it best last night when we were talking about this during our workshop. Come at the voters with a common sense approach, not a bully campaign. That stuff's go to stop. That's why we're losing trust with voters. That's why politician in general are losing trust with voters. With that being said, I continually am reminded of my no tax promise that I said during campaign, and I

do not want taxes. But what I did say was that I feel like we need to budget and plan responsibly and that is what I'm still sticking to. Do I want a tax? Nope. Not at all, I don't how I'm even going to vote for it in the polls, but I'm going to hand it over to you guys. Tell me what you want and I'll be fine with it.

Spicer- One final thing for me too Randy. The thing that did it for me, I've been staunch. Paul and I bantered back and forth a little bit about it, that I have been staunch, "no taxes". I really get tired of politicians. I wasn't in office 30 days and the first thing that pops up is "lets raise taxes". So it leaves a bad taste in my mouth. But what really done it is, this could happen now. If this tax doesn't pass, then we've got to cut a million and a half dollars, so we're going to be down. We're going to lose half our people. If we lose fire department people they may as well close down, because we don't have adequate staffing down there now. We're going to lose other vital services. The bottom line is, if we cut that million and a half dollars we still can't fix our streets. We still can't do any improvements anywhere. We still can't do anything, and as bad of a taste as it leaves in my mouth to have to go along with this, I think, as I said last week I'm a realist. I think we have to do something or at least go to the public. If they vote it down, at least they know what was coming, as long as we don't give it to them in a threatening manner.

Milburn- To just kind of piggy back off that and to kind of what Lonnie was saying as well, I've been in business. I've been in HR for 12 years now. Crazy that it's been that long, and I've been a part of a business not doing well and having to make cuts, and to be honest you, we keep talking we have to cut police. We're talking people. I feel like that's one of the bully techniques that we're using. "We're going to cut people if we don't do that". No. We're going to cut services too. That's going to be streets, taxi. those are services. You actually start with those before you get to people. The people does go into it but it's not just "We're going to lose people." We're going to lose stuff.

Purkey- The problem is people are the biggest part of the General fund. That's the reality.

Milburn- It is, but you cut more than just people.

J.McKay- I might add this as well. I was going to mention the Taxi service, but also, this deals with our bond rating. And that's extremely important to the citizens and to the city. We need to maintain a decent bond rating so we can get good interest rates, because if we can't have that then we'll be in a world of hurt. So I think that's important to keep in mind. It's not just personnel. It's just not services. It's a bond rating, and to maintain services, we need to have a good bond rating in case we need to levy something.

M. McKay- Lonnie, I guess the only thing I can say, and I certainly respect your opinion, and we're going to be friends when we leave council, but I guess I wonder why you didn't bring that up Thursday.

Stuckert- I did. I did in a way. It was shot down immediately.

M. McKay- I didn't hear the same thing.

Stuckert- What I was saying is I wanted more discussion. I mentioned a contingency plan. The only response that I got to a contingency plan was the pie chart that shows how the general fund is divided. We can be more creative about it. There are more ideas out there then simply increasing taxes.

M. McKay- Well we're certainly willing to listen to anybody's idea and sorry if we cut you off, because that was not my intent. We wanted to hear everybody's opinion and some of your ideas, I'm certain, are good.

Stuckert- I didn't feel like it was cut off. I am certainly the minority in this whole topic, but I just kind of shocked that there wasn't more creativity. It was just raising taxes and that's all we're going to discuss.

Milburn- Well you're not completely the minority. I'm on the same page as you. I don't want it, but I'm leaving it in their very capable hands at this point. I don't know what else to do.

Stuckert- Going to the people would be a nice thing to have. More decisions to make than a simple "yes" or "no" on tax increase.

Purkey- Lonnie, do you think there could be something put together? This is a first reading. So in two weeks we're going to get together to have further reading, so if you have something put together then, imbibe a possible plan?

Stuckert- I think so. I would have to talk to the right people because I have limited knowledge in finances.

Purkey- If there is something else out there, I don't have to speak for everyone else, but would love to.

Stuckert- I've heard side talk here and there about ideas that at least could be presented. There's a lot of different things that you can do to trim money other than making these horrifying cuts.

Purkey- True.

Stuckert- If I talk to the right people, I can.

Purkey- I don't mean to put you on the spot, but I would love to at least have a picture if it's possible. You know what I mean. My feeling right now, from what I have seen, especially after last Thursday, was that it just, we're going to have to start cutting essential services that I'm uncomfortable cutting. So, if there is something else, then I would really be interested. I don't know if there's accommodation of some type or what it will be but...

Stuckert- I don't know either, but I'm open to other ideas too.

Milburn- Like I said, this is a first reading, I've tried and tried and I've got nothing. If you can find something then I would gladly change my vote, happily. I don't know if it's possible.

M. McKay- I know and thank you all. I know your thoughts are heartfelt and I appreciate everyone's responses. I know Paul had his hand up.

*End transcription*

Paul Hunter of 200 Randolph Street stated that he thought the levy would be "too big of a bite" and suggested instead raising property taxes to increase revenue, reiterating that his worry was that it wouldn't pass, and then there would be big trouble. Paul Hunter also stated that the college would have been happy to do a survey to see which one the people would prefer, how much, but that option has been ignored.

President Riley stated that four years ago Angela Mitchell and Steve Stovall from Wilmington College had gotten together and made some recommendation to get the city back on its feet. It was called "The Blue Ribbon Panel", and their recommendation at that time was 1.5% earnings tax. Riley stated that legislation is following that recommendation.

M. McKay also addressed Paul Hunter in response to his concerns about the levy, and he stated that what he would be hearing from the public with a property tax would be from the portion of the population on a fixed income.

Sam Stratman, a Wilmington resident, stated that he strongly supports council's decision to give the voters the opportunity to decide the issue. Mr. Stratman further stated that there are a lot of people who work in the city but live in other counties, who enjoy the services that the city provides. Since the city is a public corporation, under state law, an earnings tax would best capture the benefits that are given to those who live outside the city but benefit from the creation of this economic structure. The only issue for Mr. Stratman was that it would not be permanent, but he stated the five year proposal is a strong one. He stated that Lonnie Stuckert and Loren Stuckert have been discussing the issue of outsourcing services for years. Addressing Lonnie, Mr. Stratman said that it is the responsibility also to be creative and tell us what your proposal is in terms of

alternatives, and if Lonnie Stuckerts' plan is to outsource the entire Streets Department, then he needs to show that. Mr. Stratman said that it feels like a dodge, and that is Lonnie Stuckert's right, but the entities that will be hurt by this increase are places like Hillsboro. He stated that Hillsboro's earnings tax is currently 1.5% and has been for almost 20 years, and the citizen of Hillsboro that work here are now going to be paying those taxes into Wilmington where they work. Stratman said it is our responsibility to take care of Wilmington, and he strongly urged a "yes" vote to bring this to the people. He also challenged Spicer and Milburn to present some proposals on how to streamline the budgets so that more funds can be invested in street, sewer, and infrastructure repair to make Wilmington a thriving public corporation.

Loren Stuckert of 187 S. Walnut Street spoke of previous salary increases to contracted city employees and non-contracted employees the previous year. Loren Stuckert stated at this less than a year ago, previous Council had asked if they had the money, and they were told "yes". Mr. Stuckert asked if a year ago there was money for those increases, an excess of ½ a million dollars, but now, without new taxes, the city will go "belly up". Mr. Stuckert said that even next year the budget will increase over what is being spent now, because of contracts that have already been signed. Mr. Stuckert also stated that it will come down to what to do with the employees and how they are going to be compensated. He stated people in other professions go several years without an increase and are just glad to have a job. He encouraged council to do the numbers.

President Riley replied to Loren Stuckert stating that all of these things have been discussed in council meetings and committee meetings, to great length, including the raises that have been given and those that will need to be given in the future. President Riley stated that the city has to honor union contracts. They do not have a choice. He further stated that city employees went 6 years without a pay increase and they did catch them up. President Riley stated that he does not apologize for that and he appreciates the comments.

President Riley then commended Council and the citizens that were present, due to this not being an easy decision, and this vote is giving citizens the choice. President Riley reiterated that this is a first reading only, and also stated that at a previous meeting that he and Mayor Stanforth had attended, Mark Rembert had given an informative presentation about the economics of the city and he would be presenting that again at the June 2<sup>nd</sup> Council meeting.

President Riley also noted that there was a possible typo that needed to be corrected and Law Director Rudduck confirmed that it was in fact supposed to read "December 31, 2021, not December 21, 2021."

Mayor Stanforth stated that he has seen the pie chart and he stated that if council wants him to cut a million and a half he can do it. However, that would mean, going forward, contracts get violated, interest rates go up, and the city will lose its bond rating. Mayor Stanforth stated that he doesn't want a tax increase but he is unable to undo what was done in the past. He can only pay the bills today. Mayor Stanforth stated that this pie chart is where the money goes. If you cut the police department and dispatch, the budget is balanced, but then you have to answer to your citizens when the police officer doesn't show up timely. Mayor Stanforth further stated that he can outsource workers to plow the roads and fix potholes but that still requires money. He said that if the council is not united, the citizens will think that we are hiding something, and encouraged them to think about that going forward, because when services disappear, you will be answering to the citizens on this issue.

Bill Leierman of 1069 Linhoff Road stated he remembered, in 1992, the last tax increase that the city passed. He also spoke about other communities whose tax rates that are between 2-2.5%, sometimes even 3%. Mr. Leierman also spoke about his experience on the board of education and cutting the budget and passing levies. He also suggested an Oversight Committee of citizens from the city. He commended Mayor Stanforth and the hiring freeze and not spending any more than what you have. Mr. Leierman also stated that the future looks bright down the road and he is willing to get behind the temporary increase, and he hoped others will as well.

Before the reading two corrections were addressed. First was changing the date in the second section from "December 21, 2017" to "December 31, 2017," a second correction

was clarified by Law Director Rudduck, in Section 1 the “individual residences in the city” should only say “individuals in the city”, having the residence portion removed.

A motion was made by Chairperson M. McKay and seconded by J. McKay to amend R-16-27 Determining to Proceed with Earnings Tax and certifying same to the Board of Elections.

President called for vote.

Motion passed. 6 yeas. 1 nay, Stuckert.

A motion was made by Chairperson M. McKay and seconded by Purkey to give the first reading only on Ordinance R-16-27 Determining to Proceed with Earnings Tax and certifying same to the Board of Elections.

Director of Law read ordinance by title only.

President called for roll call: M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, no; J. McKay, yes; Swindler, yes; Milburn yes.

M. McKay requested that the second reading be on the agenda for the June 2<sup>nd</sup> council meeting.

Judiciary Committee – Chairperson Milburn had no report.

Parks and Recreation Committee – Chairperson Milburn had no report.

Safety Committee – Chairperson Spicer had no report.

Solid Waste/Recycling – Chairperson Spicer introduced O-16-30 a change in rates, deferring to Director Shidaker for an explanation.

Safety and Service Director Shidaker explained that Superintendent Dunham had researched commercial trash trucks and compactors, concluding that they should be charging \$36/ton and not charging per cubic yard. This change is what is reflected on the amended ordinance.

Chairperson Spicer stated that there was an additional change to the yard waste. Residents who are dropping off yard waste will now be charged for that. Director Shidaker confirmed that change and clarified that this was also a change for commercial and non-commercial haulers. Previously they were charged separate rates. They now plan on charging a flat rate of \$5/cubic yard, regardless if you are a business or a resident. Other changes were made in Section 2, changing “All roofing and hard fill, and any other non compactable materials” was changed to “Construction and Demolition materials” and a clarification for “Commercial Compactors” and “Commercial trash trucks” because they are the same thing.

Swindler asked for a clarification in Section I, referring to the 20 refuse containers per dwelling unit per week, and a \$13.93 per dwelling unit charge, inquiring if the resident allowed up to 20 containers for that price. Director Shidaker stated that was something that they will need to look into. Spicer stated that it might be a carry over, and they are referring to 20 trash bags, not trash cans.

A motion was made by Chairperson Spicer and seconded by M. McKay to give the first reading only on Ordinance O-16-30 Amending Chapter 925, Refuse Collection, of the Codified Ordinances.

President called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

Chairperson Spicer requested that a second and third reading of O-16-30 be on the Agenda for June 2<sup>nd</sup>.

Streets Committee – Chairperson Spicer stated that there were three items to introduce. Spicer introduced R-16-25 Authorizing Participation in the ODOT Winter Contract (018-17) for road salt; and declaring an emergency.

A motion was made by Chairperson Spicer and seconded by Purkey to give the first reading only on Resolution R-16-25 Authorizing Participation in the ODOT Winter Contract (018-17) for road salt; 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 Spicer and seconded by Purkey to suspend the rules and give the second and third reading on the ordinance by title only.

Roll call: Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn yes; M. McKay, yes.

Director of Law read the ordinance by title only.

A motion was made by Spicer and seconded by Purkey to pass the ordinance as read.

Roll call: Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes.

Motion passed.

President of Council declared Res. No. R-16-25 passed as read.

Chairperson Spicer asked Director Shidaker to clarify the parking Ordinances on the agenda. Director Shidaker spoke first about O-16-35, pertaining to Spring Street parking, and stated that the main problem occurs when cars are parked on both sides of the street, preventing the trash trucks from navigating. The proposal that can be seen on the map is that one side of the street will be a designated "No Parking" area to allow the trucks to get down the street. He added that if they move to the automated trash pick-up this will help prevent future problems. Shidaker added that there were some concerns in the committee meeting about the homeowners and people residing on that street, but he was able to meet face to face with both property owners. One stated that they were in favor of the measure and the other had no objection.

A motion was made by Chairperson Spicer and seconded by J. McKay to give the first reading only on Ordinance O-16-35 Amending the Traffic Control Map and the Traffic Control File to create a No Parking Zone on South Spring Street.

President called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

Spicer requested that the second and third reading of R-16-35 be on the June 2<sup>nd</sup> agenda.

Director Shidaker clarified the reason for this change is due to the Semi trucks traveling both directions in and out of town on Xenia Avenue and North South Street are not able to safely navigate the turn because of vehicles parked on North South Street. Shidaker stated that there was only one residence that would be affected. He made several attempts to contact the homeowners but was unable speak with them but did leave a letter.

A motion was made by Chairperson Spicer and seconded by J. McKay to give the first reading only on Ordinance O-16-36 Amending the Traffic Control Map and the Traffic Control File to create a No Parking Zone on North South Street.

President called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

Spicer requested that the second and third reading of R-16-36 be on the June 2<sup>nd</sup> agenda.

Wastewater/Sewer Committee - Chairperson Stuckert had no report.

Water Committee - Chairperson Swindler announced a reminder for June, the committee meeting will be on June 2<sup>nd</sup> at 6:00pm and will concern how to move forward, or not, with fluoride.

Safety/Service Director – Safety/Service Director Brian Shidaker introduced R-16-26 and clarified that this resolution concerns street right of way permits. Vectren is in the

process of replacing all of the city gas lines. This will be an ongoing, five year project. Vectren will be starting the first phase in the next month but the permit fees the city currently charges are outdated. Director Shidaker stated he was able to negotiate a new agreement with Vectren. With Vectren agreeing to pay \$50/address and \$50/opening to do this project, instead of the \$2 per permit. Shidaker also clarified this would be easier than filling out a permit every time that Vectren need to make a hole and would instead cut down on the paperwork. The end cost to Vectren will be \$10,150 in permit fees, which would be \$9,744 more than with just permit fees under the current ordinance.

Shidaker also stated there would be more legislation looking at the current permit fees that he would discuss at a later date with Law Director Rudduck, but due to the time constraints, there wasn't time to amend before going forward with the Resolution.

Spicer inquired about where the cutting would take place, expressing concerns about Truesdell Street. Shidaker stated that they did not have plans to work on that street. Shidaker stated that in 2017 they will be getting into the downtown area, but that information will be presented closer to that time.

Paul Hunter inquired where the permit money will go once collected. Shidaker stated that it would go into the General Fund.

M. McKay inquired about plans to replace all the gas lines in the city. Shidaker stated that would take place over the next five years. In this phase, Vectren will be working on 181 residences for Phase I and they plan to do two phases per year. Shidaker stated that there will be a press release forthcoming. Ongoing, Vectren plans to put almost 9 million dollars into the infrastructure of Wilmington.

A motion was made by Spicer and seconded by Milburn to give the first reading only on Resolution R-16-26 Authorizing the Director of Public Service to enter into an agreement with Vectren Energy Delivery regarding street and right-of-way opening permits, 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 Spicer and seconded by Milburn to suspend the rules and give the second and third reading on the ordinance by title only.

Roll call: Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn yes; M. McKay, yes; Purkey, yes; Spicer, yes.

Director of Law read the ordinance by title only.

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

Roll call: J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes.

Motion passed.

President of Council declared Res. No. R-16-26 passed as read.

Director Shidaker also spoke to the council, stating that since he has been in the position he has asked his department heads and his superintendents to submit their bills to him. He would be happy to sit down with members of council and show them where the money is going. If they wanted to work on a plan to cut the money without cutting personnel, he would like to make himself an available resource for those wanting to look at his departments.

J. McKay inquired if the city would be entering into the Open Checkbook program. Marian stated that they still need a follow up with the Auditor's office. One meeting has taken place, but the auditor was absent and they need to still have them present for a meeting.

#### **REPORTS TO COUNCIL**

A motion was made by J. McKay and seconded by Purkey that the Auditor/Treasurer Report be accepted as presented.

Motion passed.

Reports accepted as presented.

**OPEN TO PUBLIC**

Paul Fear introduced the Honor Flight, sponsored by the American Legion, and informed the public about opportunities to donate.

**ADJOURNMENT**

A motion was made by M. McKay.  
President Riley declared meeting adjourned.  
Council adjourned at 9:12 p.m.

ATTEST:

  
\_\_\_\_\_  
President of Council

  
\_\_\_\_\_  
Clerk

ORDINANCE NO. O-16-35

AN ORDINANCE AMENDING THE TRAFFIC CONTROL MAP AND THE TRAFFIC CONTROL FILE TO CREATE A NO PARKING ZONE ON SOUTH SPRING STREET

WHEREAS, for the health, safety and welfare of the citizens of the City of Wilmington, the Council finds that the Traffic Control Map and the Traffic Control File should be amended.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILMINGTON, STATE OF OHIO:

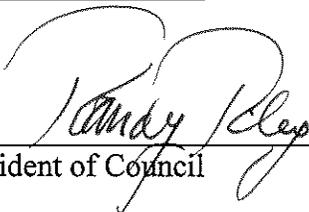
Section 1. That the traffic Control Map and the Traffic Control File for the City of Wilmington be, and the same hereby are, amended to provide as follows:

(A) That a no parking zone be created on the west side of South Spring Street from the intersection of Sugartree Street and South Spring Street, continuing in a southerly direction and terminating at the intersection of Sparta Avenue and South Spring Street, represented and identified in the map attached hereto and made a part hereof as "**Exhibit A.**"

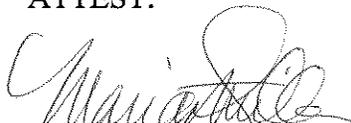
Section 2. That the Traffic Control Map and the Traffic Control File for the City of Wilmington be, and the same hereby are, ratified and republished except as herein expressly amended.

Section 3. That this ordinance shall be in full force and effect from and after the earliest period allowed by law.

Passed this 2nd day of June, 2016.

  
\_\_\_\_\_  
President of Council

ATTEST:

  
\_\_\_\_\_  
Clerk of Council

Approved by me this 2nd day of June, 2016.

  
\_\_\_\_\_  
Mayor

Wilmington City Council met in regular session on Thursday, June 2<sup>nd</sup>, 2016, at 7:30 p.m. with President Randy Riley presiding.

**CALL TO ORDER**

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

**ROLL CALL**

Roll Call: Purkey, present; Spicer, present; Stuckert, present; J. McKay, present; Swindler, present; Milburn, present; M. McKay, present.

Chief Weyand was also present.

**PLEDGE OF ALLEGIANCE**

Council gave the Pledge of Allegiance to the flag.

**MOMENT OF SILENCE**

**PRESIDENT OF COUNCIL**

President of Council-

President Riley stated that there were some changes to the agenda. The Honor Flight presentation would be given by Jack Powell and was moved to the item 5a under President of Council. The presentation by Mark Rembert would be moved to item 5b due to the length of the presentations. The second change in the agenda, item 11c- "Authorizing an earnings tax" was added under Finance Committee and the order of the items was changed to 11c, 11a, and 11b at the request of Chairperson M. McKay.

There was also change in the committee assignments. The Safety Committee is now the Safety/Transportation Committee, allowing the Director of the Transportation to come forward with any future issues or needs.

A motion was made by M. McKay and seconded by Purkey to approve the amended committee assignments.

A motion was made by Swindler and seconded by J. McKay to approve the amended agenda as presented.

Motion passed. All yeas.

Amended agenda approved as presented.

President Riley introduced Jack Powell, substituting for Jen Woodland, who spoke about Honor Flight. Jack Powell explained that Honor Flight is an opportunity to honor veterans by taking them to visit their war memorials in Washington D.C. The program hopes to financially support 75 Clinton County veterans to travel to Washington D.C. in October. Current sponsors are AM and Noon Rotary, and individual sponsors are welcome to donate.

President Riley introduced Mark Rembert who presented an Economic Update to council. Mr. Rembert spoke and displayed graphed information about the post-DHL economy, the local workforce, and commuting and labor market dynamics.

President Riley noted that there was not a section to approve the last meeting minutes listed on the agenda. He did have one correction at the top of page 6 that Joe Spicer was referring to "Randi", not "Randy" in his statement.

A motion was made by J. McKay and seconded by Milburn to approve the amended May 19th minutes.

Motion passed. All yeas.

Amended minutes approved as presented.

President Riley also wanted to congratulate Leadership Clinton participants Jonathan McKay, Randi Milburn, and Braden Dunham who had recently graduated the program.

## **MAYOR**

### Mayor –

Mayor Stanforth reported that the Volksmarch was a great event with a lot of positive feedback. Mayor Stanforth also stated that he was very proud of how great the Cemetery looked for Memorial Day and thanked Maintenance and Repair for all their hard work. Mayor Stanforth reminded everyone that Relay for Life's Paint the Town Purple window display contest would begin judging next week and the winner will be announced at Relay for Life in on June 25<sup>th</sup>. The Mayor also noted he had attended a ribbon cutting for Solid Craft Boats who had recently moved their pontoon boat business to Wilmington. He reminded everyone the Banana Split Festival would be taking place next weekend June 10-11.

## **AUDITOR**

Auditor – Auditor Hollingsworth gave an update on the bond notes passed on May 5th and the bids that had been awarded.

## **COMMITTEE REPORTS AND ACTION**

Asset, Acquisition and Use – Chairperson Purkey had no report.

Cemetery Committee – Chairperson J. McKay had no official report but also wanted to thank everyone who had helped prepare the Cemetery for Memorial Day. Mayor Stanforth also added that he wanted to thank Laurel Oaks and their volunteers for a great job.

Downtown Revitalization Committee – Convener M. McKay had a reminder about the upcoming 3<sup>rd</sup> Friday event on June 17<sup>th</sup> in the Mural Parking Lot.

Finance Committee - Chairperson M. McKay had three items, beginning with item 11c. due to the amended agenda.

Swindler had a question referring to the earnings tax. Swindler stated that the wording on page 1 states that “tax is levied at a uniform rate on all persons residing in or earning; or receiving income”, and on page 7 it goes on to define “residence”. Swindler wanted to be clear that this is an earnings tax only. Law Director Rudduck stated that this was a template taken from the ORC and this is an earning tax only and for the city's purposes it means the same thing. Swindler stated she still had concerns, and Milburn agreed on that point. M. McKay assured council that it is an earnings tax, but there will be time to revise and go through this again before the final reading. Swindler stated that she feels like the Resolution and Ordinance for the tax should match to be clear on what type of tax will be collected.

Chairperson M. McKay stated that there needed to be some revisions done before the next reading and it would be beneficial to have other eyes to look over the Ordinance. President Riley asked Law Director Rudduck to have a tax attorney look at the ordinance before the final reading. President Riley noted for clarification that this is an additional 0.5% tax and he encouraged Treasurer Fear and Auditor Hollingsworth both to check through the Ordinance to make modifications.

Law Director Rudduck stated that the reason they are not modifying the previous legislation to reflect a 1.5% earnings tax is because if that ballot measure were to fail, then the city would not have a tax ordinance at all, and if it were to succeed in 5 years they would have to write new tax legislation.

Councilmember Stuckert commented that in the previous meeting he stated that he would meet with Director Shidaker and Councilmember Purkey to discuss the budget and do a comparison from years 2015 and 2016. After looking both budgets over Stuckert stated it is very apparent the city is hurting financially. Stuckert said that the wage system is the problem hurting the city finances. Stuckert suggested going forward the current wages system be reformed, and stated in the previous Judicial Committee meeting the members agreed to look at the current legislation. Stuckert stated council is moving in the right direction with the wage system. Now that he knows this is something on the radar, he is more comfortable with the proposed tax legislation. He also stated this will help the voters know action is being taken to fix the finances, especially since this is a temporary tax. Stuckert

stated that in addition, when it expires, the city will not have to ask for more money from the taxpayers. Stuckert said he hopes what the council is going for is genuine reform of the current wage system and that would be beneficial to the voters.

M. McKay confirmed the wage system is something being discussed in the Judiciary Committee.

Milburn said wage reform has been on the radar since the beginning of the year. She stated it will be a long process with no quick fix but it is something they are working on.

M. McKay also complimented Stuckert on digging into and taking the time to talk to Director Shidaker.

Stuckert stated that he hopes everyone on council can also look into the budget and see what he saw in regards to the wage system.

A motion was made by Chairperson M. McKay and seconded by Purkey to give the first reading only on Ordinance O-16-41- An Ordinance placing the City of Wilmington proposed .5% earnings tax issue on the November 2016 ballot.

President called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

A motion was made by M. McKay and seconded by Purkey to suspend the rules and give the second on the ordinance by title only.

Roll call: Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes.

Director of Law read the ordinance by title only.

A motion was made by M. McKay and seconded by Purkey to give the second reading on the ordinance by title only. .

Roll call: Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes.

Motion Passed.

President Riley stated that the third reading would be on the Agenda for the next meeting.

A motion was made by Chairperson M. McKay and seconded by Swindler to give the second reading only on Resolution R-16-27 - A Resolution determining to proceed with a supplemental earnings tax and certifying same to the Board of Elections.

President called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

M. McKay asked that the third reading be put on the Agenda for the next meeting.

A motion was made by Chairperson M. McKay and seconded by Purkey to give the first reading only on Resolution R-16-28- Authorizing payment of expenses incurred in prior fiscal year.

President called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

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

Roll call: Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes.

Director of Law read the ordinance by title only.

A motion was made by M. McKay and seconded by Swindler to pass the ordinance as read.

Roll call: J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes.

Motion passed.

President of Council declared Resolution. No. R-16-28 passed as read.

Judiciary Committee – Chairperson Milburn had no report.

Parks and Recreation Committee – Chairperson Milburn had no official report but stated that the Little Free Library located in Denver Park is in need of books.

Safety Committee – Chairperson Spicer had no report.

Solid Waste/Recycling – Chairperson Spicer had one carryover item from last meeting.

A motion was made by Spicer and seconded by J. McKay to suspend the rules and give second and third reading on Ordinance O-16-30 Amending Chapter 925, Refuse Collection, of the Codified Ordinances.

Roll call: Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes.

Director of Law read ordinance by title only.

A motion was made by Spicer and seconded by J. McKay to pass the ordinance as read.

Roll call: Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J.

McKay, yes; Swindler, yes.

Motion passed.

President of Council declared Ordinance No. O-16-30 passed as read.

Streets Committee – Chairperson Spicer stated that they had two carryover items from the last meeting. Spicer asked if there was any other feedback from those that would be affected by the changes.

Director Shidaker stated that as of the last meeting he had made contact with 2 of the property owners on Spring Street, but still has not made face-to-face contact with the owner on South Street. He stated he did leave a letter at the residence.

A motion was made by Chairperson Spicer and seconded by J. McKay to suspend the rules give the second and third reading only on Ordinance O-16-35 Amending the Traffic Control Map and the Traffic Control File to create a No Parking Zone on South Spring Street.

Roll call: M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes.

Director of Law read ordinance by title only.

A motion was made by Spicer and seconded by J. McKay to pass the ordinance as read.

Roll call: Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes;

Milburn, yes; M. McKay, yes.

Motion passed.

President of Council declared Ordinance No. O-16-35 passed as read.

Treasurer Fear inquired if the residences on N. South Street had been contacted. Spicer clarified that there was one residence contacted because the no parking zone directly affect them.

A motion was made by Chairperson Spicer and seconded by M. McKay to suspend the rules give the second and third reading only on Ordinance O-16-36 Amending the Traffic Control Map and the Traffic Control File to create a No Parking Zone on North South Street.

Roll call: Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes.

Director of Law read ordinance by title only.

A motion was made by Spicer and seconded by M. McKay to pass the ordinance as read.

Roll call: Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes;

Purkey, yes; Spicer, yes.

Motion passed.

President of Council declared Ordinance No. O-16-36 passed as read.

Wastewater/Sewer Committee - Chairperson Stuckert had no report.

Water Committee - Chairperson Swindler had no report.

Safety/Service Director – Safety/Service had no report.

**REPORTS TO COUNCIL**

A motion was made by Milburn and seconded by M. McKay that the Income Tax Report be accepted as presented.

Motion passed.

Reports accepted as presented.

**OPEN TO PUBLIC**

**ADJOURNMENT**

A motion was made by M. McKay.

President Riley declared meeting adjourned.

Council adjourned at 8:53 p.m.

ATTEST:

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President of Council

\_\_\_\_\_  
Clerk

Wilmington City Council met in regular session on Thursday, July 7<sup>th</sup>, 2016, at 7:30 p.m. with President Randy Riley presiding.

**CALL TO ORDER**

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

**ROLL CALL**

Roll Call: Purkey, present; Spicer, absent; Stuckert, present; J. McKay, present; Swindler, present; Milburn, present; M. McKay, present.

A motion was made by M. McKay and seconded by Stuckert to excuse the absent member (Spicer).

Motion passed. All yeas.

Absent member excused.

Chief Weyand was also present.

**PLEDGE OF ALLEGIANCE**

Council gave the Pledge of Allegiance to the flag.

**MOMENT OF SILENCE**

**PRESIDENT OF COUNCIL**

President of Council-

A motion was made by Swindler and seconded by J. McKay to approve the June 16<sup>th</sup> minutes.

Motion passed. All yeas.

Minutes approved as presented.

Milburn stated item 12a under the Judiciary Committee needs to be removed from the agenda, pending further discussion.

A motion was made by J. McKay and seconded by Purkey to approve the amended agenda as presented.

Motion passed. All yeas.

Amended agenda approved as presented.

President Riley read a Notice to Legislative Authority, for a new liquor license for CVS, noting the document would be on file in the Clerk's office.

Riley thanked everyone for supporting Honor Flight, noting they have raised enough to begin an additional flight. He also stated on July 14<sup>th</sup> State Representative Cliff Rosenberger would be at the American Legion for a presentation and everyone is encouraged to attend.

**MAYOR**

Mayor – Mayor Stanforth stated the County Fair starts Saturday. Stanforth spoke about Tony Morris, Director of the Transportation Department and congratulated him on their new contract with Job and Family Services to transport their clients to work.

Mayor Stanforth stated vandalism had recently taken place at the park, and even though those responsible would not come forward, if you see something, say something.

Stanforth briefly noted the passing of Bill Hidy. Stanforth mentioned Bible Baptist Church and thanked them for the great fireworks show they put on for the 4<sup>th</sup>.

Mayor Stanforth stated on the Code Violation front, the first batch of violations have moved onto the Prosecutor's office and will be followed up on while we slowly clean up the town. Stanforth gave a shout out to Maintenance and Repair who are currently doing the curb painting, and stated they would be starting the cemetery bridge repair as soon as the weather cooperated. Stanforth mentioned that on Friday July 15<sup>th</sup> Wilmington Savings Bank would be putting on a Senior Scam Program and cookout with the Ohio Attorney General.

## **AUDITOR**

Auditor – Auditor Hollingsworth had no official report but wanted to report to council he has been in discussion with Marque Jones working to put together a comprehensive report that would be ready at the first meeting in August.

## **COMMITTEE REPORTS AND ACTION**

Asset, Acquisition and Use – Chairperson Purkey had no report but stated the Comprehensive Property Audit for the city had begun and Levi Luttrell, a Clinton County Fellow, had been assisting them on locating city properties and assessing value.

Cemetery Committee – Chairperson J. McKay had no official report but noted the Civil War Soldier monument was to be repaired today, but due to weather it would be postponed until next week. It was also noted the County Commissioners would be paying for the repair.

Downtown Revitalization Committee – Convener M. McKay also noted the second Third Friday of the season would be taking place on July 15<sup>th</sup> in the Mural Parking lot and wine and beer will be served.

Bill Limbacher inquired about the new mural going up, Director Shidaker stated it's currently on hold, because it has to go through the permit process and also probably through the Board of Zoning Appeals who will decide if they can grant a variance.

Finance Committee - Chairperson M. McKay stated the first item introduced was O-16-41 and wanted to amend it to be passed as an emergency.

A motion was made by Chairperson M. McKay and seconded by Purkey to give the third reading only on Amended Ordinance O-16-41 – Authorizing the Imposition of an additional one-half percent (0.50%) Municipal Income Tax and amending Section 172.03 (Imposition of Tax) of the Codified Ordinances of the City of Wilmington and declaring an emergency.

President called for vote.

Motion passed. All yeas.

Director of Law read the ordinance by title only.

A motion was made by M. McKay and seconded by Purkey to pass the ordinance as read.

Roll call: Purkey, yes; Stuckert, yes, J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes.

Motion passed.

President of Council declared Ordinance No. O-16-41 passed as read.

A motion was made by Chairperson M. McKay and seconded by Purkey to give the third reading only on Amended Resolution R-16-27 – Determining to proceed with placing a one-half percent (0.50%) Supplemental Income Tax on the November 8<sup>th</sup>, 2016 ballot and certifying the same to the Board of Elections and declaring an emergency.

President called for vote.

Motion passed. All yeas.

Director of Law read the resolution by title only.

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

Roll call: Stuckert, yes, J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes.

Motion passed.

President of Council declared Resolution No. R-16-27 passed as read.

M. McKay stated the following miscellaneous transfers were from Landfill Vehicle Fuel to Education and Training, Consultant Services to Update Codified Ordinances, and from Municipal Court Incidentals to Municipal Court Property/Casualty.

A motion was made by Chairperson M. McKay and seconded by Milburn to give the first reading only on Ordinance O-16-45- Making miscellaneous transfers.

President called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

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

Roll call: Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes.

Director of Law read the ordinance by title only.

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

Roll call: J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Stuckert, yes.

Motion passed.

President of Council declared Ordinance No. O-16-45 passed as read.

The last item, making supplemental appropriations for the Water Fund to Taxes, the General Fund to Tech Grant Expense, and Court Special Projects Fund to Municipal Special Projects Salaries.

A motion was made by Chairperson M. McKay and seconded by Milburn to give the first reading only on Ordinance O-16-46- Making supplemental appropriations.

President called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

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

Roll call: Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes, Stuckert, yes; J. McKay, yes.

Director of Law read the ordinance by title only.

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

Roll call: Milburn, yes; M. McKay, yes; Purkey, yes; Stuckert, yes, J. McKay, yes; Swindler, yes.

Motion passed.

President of Council declared Ordinance No. O-16-46 passed as read.

Judiciary Committee – Chairperson Milburn had no report, but Committee member Purkey requested the floor and read the following statement regarding the CVB.

*Begin transcription.*

Purkey- While we are not discussing any legislation tonight regarding the CVB, it is scheduled to come before council at our next scheduled meeting on 7/21/16. In my discussions with local business owners and town residents, I have learned that the CVB director has issued a letter to a varied group of business and organizations around Wilmington. This letter contains incendiary language and a call to action to save local tourism, but it doesn't seem to represent the full scope of the legislation that council is pursuing. I have also read some comments and quotes in the local newspaper from some other elected officials that seems to have missed the point of what we are trying to accomplish here in council. My intention tonight is to spell out in clear and certain terms what it is that the Judiciary committee is sending to council in two weeks. Since there seem to be varied opinions about our intentions, I'd like to set the record straight.

The original version of the City of Wilmington Hotel Lodging Excise Tax Code of Regulations was enacted in August of 1997. It is a rather terse document that defines and outlines how the tax is to be assessed, collected, and distributed. It states that the amounts allocated herein and hereby to the CVB will be appropriated by City Council in its annual appropriations ordinance and may be amended as requested by the appropriate authority and approved by City Council. It also states that the CVB shall present quarterly financial and performance reports, as well as an annual operations report showing its use for the funds that council has appropriated.

When the Judiciary committee first began to discuss the CVB, we learned that the current working agreement between the City of Wilmington and the CVB was as follows: 90% of excise tax collected in the city would go to the CVB. The remaining 10% would go to the

city as a “maintenance fee” for collecting and administering the “bed tax” moneys. Investigation has shown that there is no legislation to support this arrangement, and frankly, I believe that a 10% administration fee is too high. That money is just being absorbed into the General Fund. It didn’t appear that the original legislation was being followed, and quarterly updates were not being given to Council, this was just a “working agreement” between the two entities.

At our second Judiciary meeting discussing this issue, the CVB and its Board of Directors presented a proposal to Judiciary Committee wherein they “conceded” another ten percent of their budget, making the split of city collected “bed tax” 80% CVB and 20% City. The CVB did request to stipulate that the additional 10% be spent attracting and supporting baseball tournaments in the local parks.

The Judiciary Committee discussed and the question we came to was this: What was wrong with the original legislation? Although it wasn’t being followed, it still may be the best solution for how to handle the “bed tax” money being collected. We used the original legislation to frame our ideas, and plan to amend that to be more clear and specific in language. Here is the gist of our legislation:

1. “Bed Tax” collected by the City will be split as per the Ohio Revised Code – 50% will be guaranteed to the CVB, and 50% will be retained by the City. City will place 49%, which will be minus a 1% admin fee, into a new budget line tentatively called “Tourism Development”, we’re also calling it “Retained Hotel Lodging Tax”, the names are subject to change on that account but it will be a line item on the budget.
2. CVB will present quarterly financial and performance reports, and will submit a budget request for appropriations in the fall to coincide with City Council’s annual budget process. When CVB submits their budget, they can request additional money to be spent on tourism related projects. Finance Committee would evaluate and allocate accordingly. We would presume that future quarterly presentations would include updates as to how the additional funds were being used to grow tourism, specifically in the City of Wilmington.
3. Other entities would be eligible to submit requests for funds from the “tourism development” line. Finance Committee would consider all proposals during its annual budget development, and appropriate as it deemed necessary.
4. Should there be a remaining, unallocated balance in the “tourism development” line, the intent is that it would be appropriated by the Finance Committee towards any project that beautifies, enhances, develops our city to attract tourism, as approved by City Council.

There is an added layer of oversight to the CVB under our proposed legislation, however it was oversight that was always intended to be in place. I am generally against adding layers to government, but in this case, I believe it is warranted and necessary to ensure judicious use of the moneys being collected.

And that is it. Get back to the original intent of the law. While City Council will have final say over the money in the “tourism development” line, it is not to be spent on “pet projects” or to pad the General Fund. It is fully expected to be spent making our town more attractive to guests, businesses, and developers that want to settle and grow in Wilmington as well as making for a richer quality of life for our citizens.

I hope this serves to help inform, and I invite any interested parties to attend our Council meeting on Thursday July 21, 2016 at 7:30 PM for more discussion, thank you for your time.  
*End transcription.*

Paul Hunter commented that the CVB should state their carryover in their budget, because it’s not something that they include, there is no “fund balance” and they have no way to know what it is.

President Riley said it’s important to have the quarterly presentations and discussions to answer these questions.

Mayor Stanforth thanked Purkey for his comments.

Parks and Recreation Committee – Chairperson Milburn stated there was no official report but she wanted to thank the Corn Festival and the Antique Power Club who have

donated \$5,000 to the Skate and Splash Park. Milburn also reported there will be a Kickball Tournament on July 30<sup>th</sup>, the money raised will sponsor the Skate and Splash Park. The tournament for ages 10 and up, requires 8 players and a maximum of 10 on each team with the entry fee at \$100 per team, contact Jody Drake at the park athletic directors office for more information.

Safety/ Transportation Committee – In Chairperson Spicer’s absence, Purkey introduced R-16-32. Chief Weyand explained the Cincinnati Golden Retriever Club participated in dog shows at the Robert’s Center and have had success. They are giving back to the community by donating \$1000 to the Police Canine Program.

A motion was made by Chairperson Purkey and seconded by J. McKay to give the first reading only on Resolution R-16-32- Accepting a gift from Greater Cincinnati Golden Retriever Club for the City of Wilmington Police Department.

President called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

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

Roll call: M. McKay, yes; Purkey, yes, Stuckert, yes; J. McKay, yes, Swindler, yes; Milburn, yes.

Director of Law read the ordinance by title only.

A motion was made by Purkey and seconded by J. McKay to pass the ordinance as read.

Roll call: Purkey, yes; Stuckert, yes, J. McKay, yes; Swindler, yes, Milburn, yes; M. McKay, yes.

Motion passed.

President of Council declared Resolution No. R-16-32 passed as read.

Solid Waste/Recycling –Due to Chairperson Spicer’s absence, Purkey stated there was no report.

Streets Committee – Due to Chairperson Spicer’s absence, J. McKay stated there was no report.

Wastewater/Sewer Committee - Chairperson Stuckert one item to present, a Resolution allowing the Service Director to apply for grants for two different projects. The first project is the replacement of the outdated sewer pipelines, which is a 70/30 funding match, and the second is replacement of the UV Sanitation System, which is also outdated.

Mayor Stanforth commented that Harry McVey is doing a great job keeping things running and taking the initiative to apply for the grants.

Paul Hunter inquired how many yards or miles will be replaced during this project, Director Shidaker stated it would be 1,500 feet.

A motion was made by Chairperson Stuckert and seconded by Purkey to give the first reading only on Resolution R-16-31- Authorizing the Director of Public Service to apply to the Ohio Works Commission funding for various Wastewater Projects 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 Stuckert and seconded by Purkey to suspend the rules and give the second and third reading on the ordinance by title only.

Roll call: Purkey, yes; Stuckert, yes, J. McKay, yes; Swindler, yes, Milburn, yes; M. McKay, yes.

Director of Law read the ordinance by title only.

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

Roll call: Stuckert, yes; J. McKay, yes, Swindler, yes; Milburn, yes, M. McKay, yes; Purkey, yes.

Motion passed.

President of Council declared Resolution No. R-16-31 passed as read.

Water Committee - Chairperson Swindler had no report.

Safety/Service Director – Safety/Service Director Shidaker elaborated on the contract with Job and Family Services and explained the bidding was extremely competitive. Last year's contract was \$70,000 and the estimate for this year's contract is \$80,000.

Shidaker also spoke about the Cooperative Salt Purchasing Agreement, last year the price was \$66.80/ton and this year after entering the purchasing agreement, the price will be just \$54.43/ton, which is a savings of \$15,000 for next year.

Shidaker also commented the State Route 73 water leak's repair was estimated at \$6,000, but the city workers were able to repair it in-house instead. Shidaker also stated the bid opening for the Phase 5 landfill expansion today, and they will have a week to analyze those bids. Shidaker remarked it currently looks as though they will be below budget looking at the 8 bids that were received. Shidaker also commended Braden Dunham the landfill Supervisor did a great job advertising and bringing in contractors to tour the landfill before the bids came in.

Shidaker stated the Civil War monument in need of repair in the cemetery would be paid for by the County Commissioners.

M. McKay inquired about the other types of transportation services that had bid on the Job and Family Services contract, and Shidaker stated that it was a closed bidding process but he believed there were some transportation services from Highland County, among others.

Paul Hunter asked about the traffic light on Oak Street, because he has recently seen a back up of traffic. His concern was that the demand function had failed and it was operating on default. Shidaker stated it was the first he had heard, but he would look into it.

#### **REPORTS TO COUNCIL**

A motion was made by Purkey and seconded by Stuckert to accept the Income Tax Report as presented.

Motion passed.

Reports accepted as presented.

#### **OPEN TO PUBLIC**

Paul Hunter- 200 Randolph Street, spoke about the cardboard recycling. He is picking some up from the Mediterranean, Prosecutor's Office, and the Court House and planned on weighing 4 days worth to do a cardboard recycling test. Hunter went on to speak about the income tax and the CIC.

*Begin transcription.*

In 1970 Wilmington city council created the Community Improvement Corporation (CIC). One of the purposes of the CIC was to act as the agency for the City's commercial development. Over the years the CIC has, mainly through the sale of Air Park property, amassed a two to three million dollar nest egg in the form of land holdings and investments, 1% CDs.

We could ask the CIC to repay the sponsor of their existence by making a \$1 million dollar gift as an investment in the city's infrastructure and services that would enhance the city's ability to attract new commercial and industrial development. This is in lieu of, if we have a failed income tax, this is back up, a spare tire if you will.

One would hope that the three former Mayors and the current Mayor who are officers or members of the CIC board of directors along with a former long time member of council, would be interested in preventing the city from being added to State Auditor's list of cities in fiscal emergency status.

We can hope that the voters will reward the city fathers and mothers for doing their utmost to keep the city operating on bare bones revenue. But just in case, the CIC is the only agency of the city that has a significant fiscal surplus.

There is a caveat, I'm not sure of the membership that exists today my information on that is minimal. Thank you for listening..

*End transcription.*

David Hockaday had a clarification that the CIC is not an official organization of the city unless they're doing specific business for the city.

Rita Heard- 6280 State Route 62, had concerns about the water bills at her rental property. She stated when a tenant moves out, it becomes the landlord's responsibility to pay it before someone else can turn it on. She stated she didn't think it was fair to the homeowners.

Swindler addressed Ms. Heard and stated they have been talking about this issue at the Water Committee meeting and stated the next meeting is August 4<sup>th</sup> at 6pm. They will be getting an update from the Utility Billing Department during that time.

James Heard- 6280 State Route 62, had concerns about the notification for courts. He stated he didn't get his notification and a warrant was issued for his arrest.

President Riley asked Mr. Heard if they could contact the Court and the Prosecutor's office on his behalf and was given verbal permission.

**ADJOURNMENT**

A motion was made by M. McKay.

President Riley declared meeting adjourned.

Council adjourned at 8:26 p.m.

ATTEST:

\_\_\_\_\_  
President of Council

\_\_\_\_\_  
Clerk

Wilmington City Council met in regular session on Thursday, July 21<sup>st</sup>, 2016, at 7:30 p.m. with President Randy Riley presiding.

**CALL TO ORDER**

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

**ROLL CALL**

Roll Call: Purkey, present; Spicer, present; Stuckert, present; J. McKay, present; Swindler, present; Milburn, present; M. McKay, absent.

A motion was made by J. McKay and seconded by Milburn to excuse the absent member (M. McKay).

Motion passed. All yeas.

Absent member excused.

Chief Weyand was also present.

**PLEDGE OF ALLEGIANCE**

Council gave the Pledge of Allegiance to the flag.

**MOMENT OF SILENCE**

**PRESIDENT OF COUNCIL**

President of Council-

A motion was made by Purkey and seconded by J. McKay to approve the minutes as received.

Motion passes. All yeas.

Minutes approved as presented.

There was one item to be removed from the agenda per Chairman Spicer from the Street Committee section, item 16a.

A motion was made by J. McKay and seconded by Stuckert to approve the amended agenda as presented.

Motion passed. All yeas.

Agenda approved as presented.

President Riley read a Notice to Legislative Authority, for a notice from the Ohio Division of Liquor Control for a new permit for the Murphy Theatre Community Center, noting the document would be on file in the Clerk's office.

Riley requested Chief Weyand summarize the "National Night Out". Weyand explained it is an event for the police and community to build a relationship between both parties. It will be held August 2nd at Denver Williams Park and those invited include the police department, fire department, county sheriff, Highway Patrol, and members of the community.

**MAYOR**

Mayor – Mayor Stanforth read the proclamation for Feed Ohio Program, a statewide interfaith effort to raise money and collect food products for food pantry, and designated September as Feed Ohio Month in the City of Wilmington. Stanforth then recognized Transit Director Tony Morris for improving the wait time for the Wilmington Transit Service from over an hour to twenty minutes.

Mayor Stanforth stated he attended a meeting on Saturday with the Leadership Ohio group, and there will be an art project unveiled at Denver Park on July 22<sup>nd</sup> at 2pm of a mural painted on the remodeled maintenance facility.

Stanforth also stated the cemetery bridge project was underway and concrete had been poured. Stanforth recognized Jerry Runk and Joe Hopkins for their help on the cemetery bridge project. Stanforth also recognized Phil Teboe's retirement from the Wastewater Department.

**AUDITOR**

Auditor – Auditor Hollingsworth was absent. Council proceeded to the action and committee reports.

**COMMITTEE REPORTS AND ACTION**

Asset, Acquisition and Use – Chairperson Purkey had no report.

Cemetery Committee – Chairperson J. McKay had no official report but noted the first bridge repair had taken place, as stated previously by Mayor Stanforth. McKay stated the soldier received a new hat and had repairs on his satchel. He thanked the County Commissioners who had funded the repairs. J. McKay also recognized Jerry Runk and Joe Hopkins and the American Legion Post for their donation of \$5,000 for the repairs. McKay also stated the possible repairing of the section markers. Service Director Shidaker explained the repairs.

Downtown Revitalization Committee – Convener M. McKay was absent. No official report was presented. Spicer stated the Murphy Theatre documentary series is beginning next week. J. McKay commented that Dancing with the Stars on September 17<sup>th</sup>.

Finance Committee - Chairperson M. McKay was absent. Committee Member Swindler stated the first item introduced was O-16-49 and wanted to amend it to be passed as an emergency.

The appropriations of the Ordinance; from the Water (Amended to Waste) Fund to 670.370.5213 “Note-NBT/Honeywell” the sum of \$1,053.50, from the General Fund to 110.120.5253 “Update Codified Ord” the sum of \$0.10, and from the State Forfeited Fund to 519.211.5211 “Program Expenses” the sum of \$13,500.00.

A motion was made by Chairperson K. Swindler and seconded by J. McKay to give the first reading only on Amended Ordinance O-16-49 – Making supplemental appropriations.

President called for vote.  
Motion passed. All yeas.  
Director of Law read the ordinance by title only.

A motion was made by Swindler and seconded by Spicer to suspend the rules and give O-16-49 the second and third reading by title only.

Roll call: Purkey, yes; Spicer, yes; Stuckert, yes, J. McKay, yes; Swindler, yes; Milburn, yes

A motion was made by Swindler and seconded by Spicer to pass the ordinance as read.

Roll call: Spicer, yes; Purkey, yes; Stuckert, yes, J. McKay, yes; Swindler, yes; Milburn, yes  
Motion passed.

President of Council declared Ordinance No. O-16-49 passed as read.

Judiciary Committee – Chairperson Milburn stated first reading on O-16-40, amending section 14 and 15 of the City of Lodging Excise Tax Code of Regulations. Milburn briefly summarized the intent of amending the ordinance where 50% of the tax would go to the CVB and 50% would go to the City. Of the city’s 50%, a 1% administrative fee would be taken. The CVB as well as other entities can request funding, and all of these requests would go through the Finance Committee.

A motion was made by Milburn and seconded by Purkey to give the first reading only on the ordinance.

Motion passed.  
Director of Law read the ordinance by title only.

President of Council opened the floor for discussion.

Debbie Stamper, of 505 Brooke Blvd, Director of the Clinton County CVB read letter from Ohio Travel Association Executive Director in support of the CVB retaining their

funding.

Judy Gano, of 2239 Gano Road stated she loves her community and that Debbie Stamper tries. She stated Council shouldn't take money away from a good organization to give to another organization, and if anything they should be giving the CVB more funds.

Ray Storer of Grandpa's Pottery, 3558 OH-73, praised Debbie Stamper for her business advice, and asked council to give this serious considerations before taking any funding.

Russell Hoffer, spoke in favor of the CVB retaining the funding.

Randy Sarvis of 1017 Hickory Trail, who serves on the CVB board, stated he is dedicated to the mission and stated the CVB pulled Wilmington out of the downward direction. Sarvis said the city deserves professionals to bring in tourism.

Steve Picklesheimer, of 2017 SR 134 N, states his concerns about CVB losing money. Mr. Picklesheimer is the General Manager of the Hampton Inn, Area Manager for the Holiday Inn Express, and is also Vice President of the CVB Board. Mr. Picklesheimer stated travelers to his hotels bring in a lot of money to the area and those customers represent 87% of the tax collected.

Jim Gumley, of 466 North Walnut Street explained his business history. Gumley stated if you want to make money you have to spend money and spoke of his history with the CVB and their event promotion skills.

Keri Jaehnig, of 606 Oakridge Drive, who has a degree in tourism, inquired about what types of research the council did on the CVB. Jaehnig also questioned why the Council would take away their funding. Jaehnig stated the decision to take the funding is a lazy decision.

Stephanie Stokes, of 2822 Center Road who is also a member of the CVB Board, spoke on behalf of the agro tourism, stating her farm has thousands of people come to pick berries. Mrs. Stokes also stated she and her staff send a lot of tourists in to the city to spend their money and she hopes council will consider this legislation.

Phillip Craig, of 41 South High Street, Columbus, Ohio, thanks the City of Wilmington council for allowing him to speak. Mr. Craig, who is the Executive Director of the Ohio Association of Visitor and Convention Bureau, stated Debbie Stamper and the CVB have done an outstanding job and should be proud of their progress. He urged the council to reconsider their decision.

Paul Hunter, of 200 Randolph Street stated he supports the ordinance and spoke briefly about the current revenue, expenditure, and budget of the CVB.

Debbie Stamper added she must have a 3-6 month reserve on hand of around \$75,000 and those are funds they are not able to use.

Bonnie Mecurry, of 9371 Strout Road, Clarksville, Ohio, who along with her husband own Bonny Brook Farms, stated Debbie is the best executive director in Ohio.

Joe Spicer first apologized for his statement during committee when he had said "pretty dumb council members" that was reported in the News Journal. Spicer clarified that he did not think that any councilperson is dumb. Secondly, Spicer spoke in opposition of the proposed ordinance, stating just because council can change it does not mean they should, Spicer also said that Council was not holding up their end of the agreement by becoming lax in requiring the CVB to present reports.

Swindler agreed with Spicer about council not having oversight over the public funds, stating they need to hold up their end of the agreement by managing the CVB and requiring them to have quarterly reports to Council.

J. McKay also agreed with Swindler.

Purkey summarized what prompted the request for additional oversight in the CVB funding, stating they have an obligation to spend more responsibly and judicially.

Purkey also stated he had tried 2 other times to meet with Debbie and the CVB Board but due to scheduling conflicts, they were unable to get together.

Debbie Stamper stated he should have just called her up and asked her if he had questions.

Paul Hunter said he wanted to add that their office space that costs \$26,000 per year is expensive for 2-3 people. Spicer stated they have been looking for other options, but they are currently leasing the space and can't break the lease.

Purkey again spoke to Debbie Stamper and inquired how much of the budget would have to be cut and where. Mrs. Stamper stated she had not brought the budget with her because she had brought it to a previous meeting. Spicer read some line items that would have to be cut.

*General discussion about budget cuts and funding.*

President Riley stated they were getting into too many details, and if there is further discussion, that would need to be done at a Judiciary Committee meeting on August 3<sup>rd</sup>.

President called for vote.

Motion passed. 5 yeas. 1 opposed. (Spicer)

Milburn requested the 2<sup>nd</sup> reading be placed on the agenda for August 4<sup>th</sup>.

Parks and Recreation Committee - No report other than to ask everyone to take an online survey about the proposed park bike track. It is available on their Facebook page.

Safety/ Transportation Committee – Chairperson Spicer had no report.

Solid Waste/Recycling –Chairperson Spicer had no report other than mentioning Braden Dunham, the Landfill Supervisor, would be in attendance at the next council to speak about the route automation.

Streets Committee – Chairperson Spicer stated the committee had a meeting that evening about issues stop sign issues on Lorish Avenue and North Walnut Street and parking issues on Howard Street. Spicer stated concerns about visibility and people pulling out on Prairie Avenue and Jenny Lane. Spicer recognized Jerry and the streets department for their quick action. Spicer also said they were looking at a request for a traffic study on Wayne and Nelson Road, but they will still be gathering information.

Wastewater/Sewer Committee - Chairperson Stuckert had no report.

Water Committee - Chairperson Swindler stated legislation for fluoridation was not ready yet and would be at the next council meeting.

Safety/Service Director – Safety/Service Director Shidaker stated on Tuesday the Truesdell paving begins. Shidaker also stated that due to the proposed tax increase, he is going to be working on a comprehensive plan for the repair of the streets of Wilmington so that the citizen will know how they plan to spend the money if the tax passes.

## **REPORTS TO COUNCIL**

A motion was made by Milburn and seconded by J. McKay to accept the Auditor Report/Interest Earned as presented.

Motion passed.

Reports accepted as presented.

## **OPEN TO PUBLIC**

Ron Young, of 423 Howard Street read a letter about his experience on July 6<sup>th</sup>, 2016 in the Mayor's Office with the Mayor's assistant, Ms. Miller.

Bill Leirmann, board member of the Leadership Clinton program, reminded those in attendance about the Dinner in the Fields fundraiser.

James Heard of 6280 SR 68 South questioned the follow-up on the previous council for the warrant for his arrest.

J. McKay gave thanks the police department in their assistance with recovering stolen property.

**ADJOURNMENT**

A motion was made by Milburn.

President Riley declared meeting adjourned.

Council adjourned at 9:33 p.m.

ATTEST:

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President of Council

\_\_\_\_\_  
Clerk

Wilmington City Council met in regular session on Thursday, August 4th, 2016, at 7:30 p.m. with President Randy Riley presiding.

**CALL TO ORDER**

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

**ROLL CALL**

Roll Call: Purkey, present; Spicer, present; Stuckert, present; J. McKay, present; Swindler, present; Milburn, absent; M. McKay, present.

Chief Weyand was absent, Sargent Fithen was present.

A motion was made by J. McKay and seconded by M. McKay to excuse the absent member. (Milburn)

**PLEDGE OF ALLEGIANCE**

Council gave the Pledge of Allegiance to the flag.

**MOMENT OF SILENCE**

**PRESIDENT OF COUNCIL**

President of Council-

Due to the addition of an Ad Hoc item, as well as items 12b and 12c under the Judiciary Committee, Council was presented with an amended agenda.

A motion was made by M. McKay and seconded by Swindler to approve the amended agenda as received.

Motion passed.

Amended agenda approved as presented.

A motion was made by J. McKay and seconded by Stuckert to approve the minutes as received.

Motion passed.

Minutes approved as received.

**MAYOR**

Mayor – Mayor Stanforth informed the council National Night Out was a success, and thanked the Wilmington Police and Fire Departments. Stanforth stated there would be a few more weeks to complete the cemetery bridges before they could be operational and they have been restoring the section signs. Stanforth recognized Brian Shidaker. Stanforth also stated Truesdell was almost complete and was expected to be completed by the next day, August 5th. Stanforth told council the Cuba Road connector was making progress and tomorrow they would receive their report grading the streets and will let the city know what needs to be repaired.

Mayor Stanforth introduced Spencer Gross and Jamie Barker from the Treasurer's Office who provided an overview of the OhioCheckbook.com website. Gross stated all costs of implementing the website would be absorbed by the Treasurer's Office and the website could be implemented quickly.

## **AUDITOR**

Auditor – Auditor Hollingsworth was absent. Council proceeded to the action and committee reports.

## **COMMITTEE REPORTS AND ACTION**

Ad Hoc – Chairperson Riley stated that there had been a brief meeting in which they discussed the appointment of two new Design Review Board members Karli Harris, who owns Everyday Chic Boutique and Sheri Rolston who owns South Street Wine Cellar. A motion was made by Riley and seconded by Spicer to appoint Karli Harris and Sheri Rolston to the Design Review Board.

Motion passed.

Asset, Acquisition and Use – Chairperson Purkey thanked Levi Luttrell, a Clinton County Fellow, for his hard work in the municipal building helping with the city owned property list. Purkey stated in March of 2014 Council had passed Ordinance 5140 that referenced the County Auditor’s website for parcel numbers and the ordinance was passed. Purkey explained some of the parcel numbers were incorrectly listed on the county website, and this ordinance would amend the previous one so that the correct parcel numbers would be listed.

A motion was made by Purkey and seconded by Swindler to give the first reading by title only on Ordinance O-16-52, Amending Ordinance No. 5140, declaring parcels, commonly known as 481 Columbus Street and adjacent property in Wilmington, Ohio to be surplus property.

Motion passed.

Director of Law read the ordinance by title only.

A motion was made by Purkey and seconded by Swindler to suspend the rules and give the ordinance a second and third reading by title only.

Roll call: Purkey, yes; Spicer, yes; Stuckert, yes, J. McKay, yes; Swindler, yes; M. McKay, yes.

Motion passed.

A motion was made by Purkey and seconded by M. McKay to pass the ordinance as read.

Roll call: Spicer, yes; Stuckert, yes, J. McKay, yes; Swindler, yes; M. McKay, yes; Purkey, yes

Motion passed.

President of Council declared Ordinance No. O-16-52 passed as read

Cemetery Committee – Chairperson J. McKay had no official report but reviewed everything Mayor Stanforth had reported earlier. J. McKay also stated several citizens have reported overturned urns and they had them repaired.

Downtown Revitalization Committee – Convener M. McKay listed the events happening downtown including Jeep Jam on August 19th, a new restaurant Fiesta Veracruz, the continuation of farmer's markets on Sundays, a tribute to Paul McCartney, and a new location for Strength and Dignity. J. McKay reminded council about Dancing with the Stars on September 17th.

Finance Committee - Chairperson M. McKay stated the first item on their agenda was a transfer, from “Salary Acting Clerk” to “Salary Acting Judge” the sum of \$3,000.00. M. McKay presented Ordinance O-16-50, Making miscellaneous transfers.

A motion was made by M. McKay and seconded by Purkey to give the first reading only on the ordinance.

President called for a vote. All yeas.

Motion passed.

Director of Law read the ordinance by title only.

A motion was made by M. McKay and seconded by Purkey to suspend the rules and give the second and third reading by title only.

Roll call: Stuckert, yes; J. McKay, yes; Swindler, yes; M. McKay, yes; Purkey, yes; Spicer, yes.

Motion passed.

Director of Law read the ordinance by title only.

A motion was made by M. McKay and seconded by Purkey to pass the ordinance as read.

Roll call: J. McKay, yes; Swindler, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes.

President of Council declared Ordinance No. O-16-50 passed as read.

Chairperson M. McKay stated the second item on their agenda was Ordinance O-16-51, Making supplemental appropriations. M. McKay stated the appropriations are from Community Corrections. From the Community Corrections Fund “Salaries” the sum of \$4,013.00. From the Community Corrections Fund to “Pensions” the sum of \$561.79. From the Community Corrections Fund to “Workers Comp” the sum of \$467.39. From the Community Corrections Fund to “Benefit Insurance” the sum of \$8,677.44. From the Community Corrections Fund to “Medicare” the sum of \$58.19. From the Community Corrections Fund to “Operating Exp” the sum of \$1,442.00. From the Community Corrections Fund to “Program” the sum of \$13,493.51. From the Community Corrections Fund to “Equipment” the sum of \$6,400.00. From the General Fund to “Accounting & Auditing” the sum of \$10,000.00.

A motion was made by M. McKay and seconded by Purkey to give the first reading only on the ordinance.

President called for a vote. All yeas.

Motion passed.

Director of Law read the ordinance by title only.

A motion was made by M. McKay and seconded by Purkey to suspend the rules and give the ordinance a second and third reading by title only.

Roll call: Swindler, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes.

Motion passed.

Director of Law read the ordinance by title only.

A motion was made by M. McKay and seconded by Purkey to pass the ordinance.

Roll call: M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes.

President of Council declared Ordinance No. O-16-51 passed as read.

Judiciary Committee – Chairperson R. Milburn absent. K. Swindler stated the first item on their agenda was the second reading on ordinance O-16-40, Amending section 14 and 15 of the City of Wilmington Lodging Excise Tax Code of Regulations.

A motion was made by Swindler and seconded by Purkey to give the second reading by title only.

President of Council opened the floor for discussion.

Rob Jaehnig, 606 Oakridge Avenue, voiced his concern over the legislation, stating that he was not happy to be at council. Jaehnig stated that the ordinance needed to be tabled because there were more than enough things to be figured out. Jaehnig addressed President Riley and asked how much money was budgeted for economic development and advertising. President Riley deferred to the Mayor and Executive Assistant, and stated those were figures that he didn't have. Miller stated that virtually nothing was budgeted for either economic development or advertising. Jaehnig stated he was concerned that the only entity promoting the city was the CVB and the city has made zero effort to budget for this or put together projects for that. Jaehnig stated questions need to be answered and he is concerned there is not a plan for the funds and the funds will go to the general fund where they would be "eaten up". Jaehnig also had concerns about the distribution of the funds, stating that you can't just give out funds. It needs to be competitive. Jaehnig cited the success of the General Denver Hotel is a direct recipient of the CVB efforts. Jaehnig then stated Purkey cannot cast a vote for this legislation, citing a conflict of interest.

Purkey clarified, stating there isn't an ethics issue. Purkey said the General Denver Hotel pays the tax to the CVB, and he doesn't feel the need to recuse himself from the vote. Jaehnig stated that Purkey benefits from the CVB and legally he needs to recuse himself. If he doesn't, it's morally and ethically wrong.

Law Director Rudduck clarified the ethical issues of the legislation and stated that he would look into it further.

Jaehnig stated the work hasn't been done on this legislation, and council needs to table this ordinance and go back to the drawing board. Jaehnig further stated if council was not going to be upfront about what they will be using the CVB funds for, he would not be voting for the income tax because he can't be sure what Council will use those funds for either.

Purkey clarified the intent of the ordinance and stated there was also the intent to have oversight by Council and it was never done. Purkey stated it is not the job of the Judiciary Committee to designate where the money will ultimately go. It's the Finance Committee. Purkey stated that in the ongoing transparency, the excise tax money will be moved to its own line, so that it does not mix into the general fund. Purkey stated this is not a vendetta. It is Council exercising the oversight it always should have.

Law Director Rudduck again clarified the ethical issue pertaining to Purkey and stated that while there may be some grey area, it was not specifically unethical.

Jaehnig, addressing Purkey, stated that Republicans aren't supposed to stand for bigger government.

Spicer made comments in opposition to the legislation. Spicer stated that requiring the CVB to present a budget quarterly was too frequent, but they would do it if they were required to. Spicer also referenced the mentioned the missing legislation. Spicer also stated that the CVB does live within the budget and that is more than he can say about Council, because currently they all should be worrying about the city budget. Spicer stated we can fix this, but we don't need to take the CVB's money.

Swindler commented the legislation is an existing layer of oversight for the CVB and she agreed with Spicer, stating that it was also Council's failure to require the CVB reports.

Rob Jaehnig stated the legislation is illegal because council has not introduced a procedure in which to authorize the funds. Jaehnig stated Council does not have the ability to just give money away.

Paul Hunter stated the CVB has enough money and it's will not hurt the mission if the legislation passes because the economy will continue to grow.

Don Wells, 930 Hickory Trail, stated his concern is there isn't a clear process for the funds. Wells stated even if the grants are done through the CVB it would be better than Council handing the funds. Wells agreed with Spicer and Jaehnig's previous statements.

J. McKay spoke about the legislation and thanked the Mayor's office staff for the information they provided in regards to the original 1997 CVB legislation.

David Hockaday, 348 West Main Street, gave a brief summary of the original legislation, stating at the time, 90% was to go to the CVB to promote Wilmington and 10% for the city administrative fee.

Mary Kay Vance, Deputy Auditor, gave a clarification about the 10% administrative fee with regards to the CVB legislation, and clarified in the 1997 Code of Regulations in 14c, it stated Council shall determine what percentage should be paid to the hotel Lodging Excise Tax. Vance stated council is provided quarterly with a Hotel Lodging Excise Tax Report which is approved by council. Vance stated the amount going to the CVB could always be changed by Council, either when the quarterly report is given, or when the budget appropriations are made for the next calendar year.

M. McKay stated he wants to have clarification about granting money. M. McKay also stated Council needs to make sure they are following the rules going forward.

*Begin transcription:*

President Riley- I would just add, and I have been remarkably quiet I think, because I have opinions about everything, but I know that we have granted money before, because Wilmington Succeeds which Rob was a part of that program, we granted money to new homeowners a few times. So the city has been in a position before where we have granted money and the money was donated to the city, but it was designated for certain uses and then we granted money. We had meetings and a group of people sat down and looked at applications. Basically that group, whether it's Finance or Judiciary or an Ad Hoc group, that group sat down and granted money. So we have done that before. I would also take the CVB has been here for 19 years and we have had a lot of really good things happening in Clinton County since then. But we've had a whole lot of good things happening before that. The CVB cannot take responsibility for every dime of visitor

money that is spent in Wilmington. Because at Cowan Lake for example, they do pay into with the cabins and there for a good long time, I know my parents visited there in the 60's,70's, and 80's. So Cowan Lake is one of those draws that is going to bring people in regardless if anyone advertises for them or not. And I was on the CVB board for 7 years when I was a County Commissioner and attended all of their meetings and I was instrumental when Robert's Arena started to expand and when Robert's Center started to expand. When the Eukanuba Hall was opened at the Robert's Center, I was on the board and County Commissioner to help celebrate that. To give the CVB responsibility for Eukaunba Hall is disingenuous. They supported that, but that's not the reason Eukaunba Hall came to the Robert's Center. To give the CVB credit for every dime of visitor spending that happens and for every event is kind of like the rooster getting credit for the sunrise. It happens. Good things are happening, but no one person can take credit for that. Rob, if it had not been for you, and your involvement with East Coast Timers Association and Miami Valley Sports Car and the other events out at there, it might not have happened had it not been for you. You weren't working for the CVB at that time. There have been a lot of people who have done a lot of good work for this community and help makes the community great. And to say the city doesn't spend any money on marketing is also not correct. We have an excellent website. Debbie and I do a lot of traveling and before we go to a city to spend time, we look at their website. Quite honestly, I don't think I have ever gone to [trails off] well we were just not too long ago in Mackinaw City. I looked a Mackinaw City's website before we went. A lot of good stuff on there, just like ours. But I didn't look at their convention visitors bureau website. I looked at the city website. And then we decided where we were going to go and what we were going to do based on that. Our website, quite honestly I think, is just as good a Mackinaw City's website. We don't have that great big bridge. We don't have that island there but I don't think you can give the convention visitor's bureau all of that credit for everything that has happened. Like I said, I served on their board for 7 years. They do marvelous work. Their website is excellent. Their brochures are fine. But I don't think we can give them credit for the sunrise every day. But you know, that's my two cents worth. Anyone else?

*End transcription.*

Law Director read the ordinance by title only.

President called for vote.

Motion passed. 5 yeas. 1 opposed. (Spicer)

Swindler requested the third reading be placed on the agenda for August 18<sup>th</sup>.

Swindler stated the second item on their agenda was the three readings on ordinance O-16-54, An ordinance amending section 1167.07 E3 of the City of Wilmington Codified Ordinances prefacing ordinance O-50-36 passed July 5th, 2012 and declaring an emergency.

Swindler clarified this is the "sandwich board" legislation, and it would specify the signs needed to look "finished" and removing the language about the types of material that could be used.

A motion was made by Swindler and seconded by Purkey to give the first reading by title only.

President called for a vote. All yeas.

Motion passed.

Director of Law read the ordinance by title only.

A motion was made by Swindler and seconded by Purkey to suspend the rules and give the second and third reading by title only.

Roll call: M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes.

Motion passed.

Director of Law read the ordinance by title only.

A motion was made by Swindler and seconded by Purkey to pass the ordinance.

Roll call: Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; M. McKay, yes.

Motion passed.

President of Council declared Ordinance No. O-16-54 passed as read.

Swindler stated the third item on their agenda was the first reading on resolution R-16-38. Authorizing the Mayor to enter into a contractual agreement with recipients of the Revolving Loan Fund financed by the City of Wilmington and declaring an emergency.

*General discussion about escrow and details of the RLF.*

A motion was made by Swindler and seconded by Purkey to give the first reading by title only.

President called for a vote. All yeas.

Motion passed.

Director of Law read the resolution by title only.

A motion was made by Swindler and seconded by Purkey to suspend the rules and regulations and give the second and third reading by title only.

Roll call: Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; M. McKay, yes; Purkey, yes.

Motion passed.

Director of Law read the resolution by title only.

A motion was made by Swindler and seconded by Purkey to pass the ordinance.

Roll call: Stuckert, yes; J. McKay, yes; Swindler, yes; M. McKay, yes; Purkey, yes; Spicer, yes.

Motion passed.

President of Council declared Resolution No. R-16-38 passed as read.

Parks and Recreation Committee - Committee had no report.

Safety/ Transportation Committee – Chairperson Spicer had no report.

Solid Waste/Recycling –Chairperson Spicer stated the only item on their agenda was the first reading on resolution R-16-35 A resolution authorizing and directing the Director of Public Service to enter into contract with the lowest and best bidder for the east vertical expansion phase 5 construction at the Wilmington Sanitary Landfill and authorizing expenditure of funds for same, and declaring an emergency.

A motion was made by Spicer and seconded by J. McKay to give the first reading by title only.

President called for a vote. All yeas.

Motion passed.

Director of Law read the resolution by title only

A motion was made by Spicer and seconded by J. McKay to suspend the rules and regulations and give the second and third reading by title only.

Roll call: J. McKay, yes; Swindler, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes.

Motion passed.

Director of Law read the resolution by title only.

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

Roll call: Swindler, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes.

Motion passed.

President of Council declared Resolution No. R-16-35 passed as read.

Streets Committee – Chairperson Spicer stated the only item on their agenda was the first reading on ordinance O-16-53, An ordinance amending the traffic control map and the traffic control file to create a no parking zone on Howard Street.

A motion was made by Spicer and seconded by J. McKay to give the first reading by title only.

President called for a vote. All yeas.

Motion passed.

Spicer requested the second and third reading be placed on the agenda for August 18th.

Wastewater/Sewer Committee - Chairperson Stuckert had no action but stated the EPA did an audit and he had made arrangements to get details and would have information at the next meeting. Stuckert also stated based on the audit the Wastewater/Sewer Committee have a lot of work to do.

Water Committee - Chairperson Swindler stated the first item on their agenda was the first reading on resolution R-16-33, A resolution declaring surplus property, to wit: Approximately 225 brass meters and water meter connectors valued at more than \$1000, and authorizing the sale of said property.

A motion was made by Swindler and seconded by M. McKay to give the first reading by title only.

President called for a vote.

Motion passed. All yeas.

Director of Law read the resolution by title only.

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

Roll call: M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes.

Motion passed.

Director of Law read the resolution by title only.

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

Roll call: M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes.

Motion passed.

President of Council declared Resolution No. R-16-33 passed as read.

Chairperson Swindler stated the second item on their agenda was the first reading on resolution R-16-36, Directing Clinton County Board of Elections to place an advisory election question on the November 8, 2016 election ballot, and declaring an emergency.

A motion was made by Swindler and seconded by J. McKay to give the first reading by title only on the resolution.

President called for a vote.

Motion passed. All yeas.

Director of Law read the resolution by title only.

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

Roll call: Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; M. McKay, yes.

Motion passed.

Director of Law read the resolution by title only.

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

Roll call: Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; M. McKay, yes; Purkey, yes.

Motion passed.

President of Council declared Resolution R-16-36 passed as read.

Safety/Service Director – Director had no report.

#### **REPORTS TO COUNCIL**

A motion was made by Spicer and seconded by J. McKay to accept the Income/Hotel Lodging Tax Report as presented.

Motion passed.

Reports accepted as presented.

#### **OPEN TO PUBLIC**

Paul Hunter, 200 Randolph Street, stated leasing the 474 S. Nelson Avenue property was not reviewed by the Law Director. Hunter stated that one of the notary's was also a signer of the lease and no bidding was done for the property. Hunter also had some

concerns that the building was being sublet. Hunter's opinion is that the whole process should be started over from A to Z and asked any questions could be addressed to him.

M. McKay informed council his absence at the previous council meeting was due to his 50 year anniversary with his wife.

**ADJOURNMENT**

A motion was made by M. McKay.

President Riley declared meeting adjourned.

Council adjourned at 9:11 p.m.

ATTEST:

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President of Council

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Clerk

Wilmington City Council met in regular session on Thursday, August 4th, 2016, at 7:30 p.m. with President Randy Riley presiding.

**CALL TO ORDER**

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

**ROLL CALL**

Roll Call: Purkey, present; Spicer, present; Stuckert, present; J. McKay, present; Swindler, present; Milburn, absent; M. McKay, present.

Chief Weyand was absent, Sargent Fithen was present.

A motion was made by J. McKay and seconded by M. McKay to excuse the absent member. (Milburn)

**PLEDGE OF ALLEGIANCE**

Council gave the Pledge of Allegiance to the flag.

**MOMENT OF SILENCE**

**PRESIDENT OF COUNCIL**

President of Council-

Due to the addition of an Ad Hoc item, as well as items 12b and 12c under the Judiciary Committee, Council was presented with an amended agenda.

A motion was made by M. McKay and seconded by Swindler to approve the amended agenda as received.

Motion passed.

Amended agenda approved as presented.

A motion was made by J. McKay and seconded by Stuckert to approve the minutes as received.

Motion passed.

Minutes approved as received.

**MAYOR**

Mayor – Mayor Stanforth informed the council National Night Out was a success, and thanked the Wilmington Police and Fire Departments. Stanforth stated there would be a few more weeks to complete the cemetery bridges before they could be operational and they have been restoring the section signs. Stanforth recognized Brian Shidaker. Stanforth also stated Truesdell was almost complete and was expected to be completed by the next day, August 5th. Stanforth told council the Cuba Road connector was making progress and tomorrow they would receive their report grading the streets and will let the city know what needs to be repaired.

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## **AUDITOR**

Auditor – Auditor Hollingsworth was absent. Council proceeded to the action and committee reports.

## **COMMITTEE REPORTS AND ACTION**

Ad Hoc – Chairperson Riley stated that there had been a brief meeting in which they discussed the appointment of two new Design Review Board members Karli Harris, who owns Everyday Chic Boutique and Sheri Rolston who owns South Street Wine Cellar. A motion was made by Riley and seconded by Spicer to appoint Karli Harris and Sheri Rolston to the Design Review Board.

Motion passed.

Asset, Acquisition and Use – Chairperson Purkey thanked Levi Luttrell, a Clinton County Fellow, for his hard work in the municipal building helping with the city owned property list. Purkey stated in March of 2014 Council had passed Ordinance 5140 that referenced the County Auditor’s website for parcel numbers and the ordinance was passed. Purkey explained some of the parcel numbers were incorrectly listed on the county website, and this ordinance would amend the previous one so that the correct parcel numbers would be listed.

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Motion passed.

Director of Law read the ordinance by title only.

A motion was made by Purkey and seconded by Swindler to suspend the rules and give the ordinance a second and third reading by title only.

Roll call: Purkey, yes; Spicer, yes; Stuckert, yes, J. McKay, yes; Swindler, yes; M. McKay, yes.

Motion passed.

A motion was made by Purkey and seconded by M. McKay to pass the ordinance as read.

Roll call: Spicer, yes; Stuckert, yes, J. McKay, yes; Swindler, yes; M. McKay, yes; Purkey, yes

Motion passed.

President of Council declared Ordinance No. O-16-52 passed as read

Cemetery Committee – Chairperson J. McKay had no official report but reviewed everything Mayor Stanforth had reported earlier. J. McKay also stated several citizens have reported overturned urns and they had them repaired.

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A motion was made by M. McKay and seconded by Purkey to give the first reading only on the ordinance.

President called for a vote. All yeas.

Motion passed.

Director of Law read the ordinance by title only.

A motion was made by M. McKay and seconded by Purkey to suspend the rules and give the second and third reading by title only.

Roll call: Stuckert, yes; J. McKay, yes; Swindler, yes; M. McKay, yes; Purkey, yes; Spicer, yes.

Motion passed.

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President called for a vote. All yeas.

Motion passed.

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Roll call: Swindler, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes.

Motion passed.

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President of Council declared Ordinance No. O-16-51 passed as read.

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Purkey clarified, stating there isn't an ethics issue. Purkey said the General Denver Hotel pays the tax to the CVB, and he doesn't feel the need to recuse himself from the vote. Jaehnig stated that Purkey benefits from the CVB and legally he needs to recuse himself. If he doesn't, it's morally and ethically wrong.

Law Director Rudduck clarified the ethical issues of the legislation and stated that he would look into it further.

Jaehnig stated the work hasn't been done on this legislation, and council needs to table this ordinance and go back to the drawing board. Jaehnig further stated if council was not going to be upfront about what they will be using the CVB funds for, he would not be voting for the income tax because he can't be sure what Council will use those funds for either.

Purkey clarified the intent of the ordinance and stated there was also the intent to have oversight by Council and it was never done. Purkey stated it is not the job of the Judiciary Committee to designate where the money will ultimately go. It's the Finance Committee. Purkey stated that in the ongoing transparency, the excise tax money will be moved to its own line, so that it does not mix into the general fund. Purkey stated this is not a vendetta. It is Council exercising the oversight it always should have.

Law Director Rudduck again clarified the ethical issue pertaining to Purkey and stated that while there may be some grey area, it was not specifically unethical.

Jaehnig, addressing Purkey, stated that Republicans aren't supposed to stand for bigger government.

Spicer made comments in opposition to the legislation. Spicer stated that requiring the CVB to present a budget quarterly was too frequent, but they would do it if they were required to. Spicer also referenced the mentioned the missing legislation. Spicer also stated that the CVB does live within the budget and that is more than he can say about Council, because currently they all should be worrying about the city budget. Spicer stated we can fix this, but we don't need to take the CVB's money.

Swindler commented the legislation is an existing layer of oversight for the CVB and she agreed with Spicer, stating that it was also Council's failure to require the CVB reports.

Rob Jaehnig stated the legislation is illegal because council has not introduced a procedure in which to authorize the funds. Jaehnig stated Council does not have the ability to just give money away.

Paul Hunter stated the CVB has enough money and it's will not hurt the mission if the legislation passes because the economy will continue to grow.

Don Wells, 930 Hickory Trail, stated his concern is there isn't a clear process for the funds. Wells stated even if the grants are done through the CVB it would be better than Council handing the funds. Wells agreed with Spicer and Jaehnig's previous statements.

J. McKay spoke about the legislation and thanked the Mayor's office staff for the information they provided in regards to the original 1997 CVB legislation.

David Hockaday, 348 West Main Street, gave a brief summary of the original legislation, stating at the time, 90% was to go to the CVB to promote Wilmington and 10% for the city administrative fee.

Mary Kay Vance, Deputy Auditor, gave a clarification about the 10% administrative fee with regards to the CVB legislation, and clarified in the 1997 Code of Regulations in 14c, it stated Council shall determine what percentage should be paid to the hotel Lodging Excise Tax. Vance stated council is provided quarterly with a Hotel Lodging Excise Tax Report which is approved by council. Vance stated the amount going to the CVB could always be changed by Council, either when the quarterly report is given, or when the budget appropriations are made for the next calendar year.

M. McKay stated he wants to have clarification about granting money. M. McKay also stated Council needs to make sure they are following the rules going forward.

*Begin transcription:*

President Riley- I would just add, and I have been remarkably quiet I think, because I have opinions about everything, but I know that we have granted money before, because Wilmington Succeeds which Rob was a part of that program, we granted money to new homeowners a few times. So the city has been in a position before where we have granted money and the money was donated to the city, but it was designated for certain uses and then we granted money. We had meetings and a group of people sat down and looked at applications. Basically that group, whether it's Finance or Judiciary or an Ad Hoc group, that group sat down and granted money. So we have done that before. I would also take the CVB has been here for 19 years and we have had a lot of really good things happening in Clinton County since then. But we've had a whole lot of good things happening before that. The CVB cannot take responsibility for every dime of visitor

money that is spent in Wilmington. Because at Cowan Lake for example, they do pay into with the cabins and there for a good long time, I know my parents visited there in the 60's,70's, and 80's. So Cowan Lake is one of those draws that is going to bring people in regardless if anyone advertises for them or not. And I was on the CVB board for 7 years when I was a County Commissioner and attended all of their meetings and I was instrumental when Robert's Arena started to expand and when Robert's Center started to expand. When the Eukanuba Hall was opened at the Robert's Center, I was on the board and County Commissioner to help celebrate that. To give the CVB responsibility for Eukaunba Hall is disingenuous. They supported that, but that's not the reason Eukaunba Hall came to the Robert's Center. To give the CVB credit for every dime of visitor spending that happens and for every event is kind of like the rooster getting credit for the sunrise. It happens. Good things are happening, but no one person can take credit for that. Rob, if it had not been for you, and your involvement with East Coast Timers Association and Miami Valley Sports Car and the other events out at there, it might not have happened had it not been for you. You weren't working for the CVB at that time. There have been a lot of people who have done a lot of good work for this community and help makes the community great. And to say the city doesn't spend any money on marketing is also not correct. We have an excellent website. Debbie and I do a lot of traveling and before we go to a city to spend time, we look at their website. Quite honestly, I don't think I have ever gone to [trails off] well we were just not too long ago in Mackinaw City. I looked a Mackinaw City's website before we went. A lot of good stuff on there, just like ours. But I didn't look at their convention visitors bureau website. I looked at the city website. And then we decided where we were going to go and what we were going to do based on that. Our website, quite honestly I think, is just as good a Mackinaw City's website. We don't have that great big bridge. We don't have that island there but I don't think you can give the convention visitor's bureau all of that credit for everything that has happened. Like I said, I served on their board for 7 years. They do marvelous work. Their website is excellent. Their brochures are fine. But I don't think we can give them credit for the sunrise every day. But you know, that's my two cents worth. Anyone else?

*End transcription.*

Law Director read the ordinance by title only.

President called for vote.

Motion passed. 5 yeas. 1 opposed. (Spicer)

Swindler requested the third reading be placed on the agenda for August 18<sup>th</sup>.

Swindler stated the second item on their agenda was the three readings on ordinance O-16-54, An ordinance amending section 1167.07 E3 of the City of Wilmington Codified Ordinances prefacing ordinance O-50-36 passed July 5th, 2012 and declaring an emergency.

Swindler clarified this is the "sandwich board" legislation, and it would specify the signs needed to look "finished" and removing the language about the types of material that could be used.

A motion was made by Swindler and seconded by Purkey to give the first reading by title only.

President called for a vote. All yeas.

Motion passed.

Director of Law read the ordinance by title only.

A motion was made by Swindler and seconded by Purkey to suspend the rules and give the second and third reading by title only.

Roll call: M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes.

Motion passed.

Director of Law read the ordinance by title only.

A motion was made by Swindler and seconded by Purkey to pass the ordinance.

Roll call: Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; M. McKay, yes.

Motion passed.

President of Council declared Ordinance No. O-16-54 passed as read.

Swindler stated the third item on their agenda was the first reading on resolution R-16-38. Authorizing the Mayor to enter into a contractual agreement with recipients of the Revolving Loan Fund financed by the City of Wilmington and declaring an emergency.

*General discussion about escrow and details of the RLF.*

A motion was made by Swindler and seconded by Purkey to give the first reading by title only.

President called for a vote. All yeas.

Motion passed.

Director of Law read the resolution by title only.

A motion was made by Swindler and seconded by Purkey to suspend the rules and regulations and give the second and third reading by title only.

Roll call: Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; M. McKay, yes; Purkey, yes.

Motion passed.

Director of Law read the resolution by title only.

A motion was made by Swindler and seconded by Purkey to pass the ordinance.

Roll call: Stuckert, yes; J. McKay, yes; Swindler, yes; M. McKay, yes; Purkey, yes; Spicer, yes.

Motion passed.

President of Council declared Resolution No. R-16-38 passed as read.

Parks and Recreation Committee - Committee had no report.

Safety/ Transportation Committee – Chairperson Spicer had no report.

Solid Waste/Recycling –Chairperson Spicer stated the only item on their agenda was the first reading on resolution R-16-35 A resolution authorizing and directing the Director of Public Service to enter into contract with the lowest and best bidder for the east vertical expansion phase 5 construction at the Wilmington Sanitary Landfill and authorizing expenditure of funds for same, and declaring an emergency.

A motion was made by Spicer and seconded by J. McKay to give the first reading by title only.

President called for a vote. All yeas.

Motion passed.

Director of Law read the resolution by title only

A motion was made by Spicer and seconded by J. McKay to suspend the rules and regulations and give the second and third reading by title only.

Roll call: J. McKay, yes; Swindler, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes.

Motion passed.

Director of Law read the resolution by title only.

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

Roll call: Swindler, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes.

Motion passed.

President of Council declared Resolution No. R-16-35 passed as read.

Streets Committee – Chairperson Spicer stated the only item on their agenda was the first reading on ordinance O-16-53, An ordinance amending the traffic control map and the traffic control file to create a no parking zone on Howard Street.

A motion was made by Spicer and seconded by J. McKay to give the first reading by title only.

President called for a vote. All yeas.

Motion passed.

Spicer requested the second and third reading be placed on the agenda for August 18th.

Wastewater/Sewer Committee - Chairperson Stuckert had no action but stated the EPA did an audit and he had made arrangements to get details and would have information at the next meeting. Stuckert also stated based on the audit the Wastewater/Sewer Committee have a lot of work to do.

Water Committee - Chairperson Swindler stated the first item on their agenda was the first reading on resolution R-16-33, A resolution declaring surplus property, to wit: Approximately 225 brass meters and water meter connectors valued at more than \$1000, and authorizing the sale of said property.

A motion was made by Swindler and seconded by M. McKay to give the first reading by title only.

President called for a vote.

Motion passed. All yeas.

Director of Law read the resolution by title only.

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

Roll call: M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes.

Motion passed.

Director of Law read the resolution by title only.

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

Roll call: M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes.

Motion passed.

President of Council declared Resolution No. R-16-33 passed as read.

Chairperson Swindler stated the second item on their agenda was the first reading on resolution R-16-36, Directing Clinton County Board of Elections to place an advisory election question on the November 8, 2016 election ballot, and declaring an emergency.

A motion was made by Swindler and seconded by J. McKay to give the first reading by title only on the resolution.

President called for a vote.

Motion passed. All yeas.

Director of Law read the resolution by title only.

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

Roll call: Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; M. McKay, yes.

Motion passed.

Director of Law read the resolution by title only.

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

Roll call: Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; M. McKay, yes; Purkey, yes.

Motion passed.

President of Council declared Resolution R-16-36 passed as read.

Safety/Service Director – Director had no report.

#### **REPORTS TO COUNCIL**

A motion was made by Spicer and seconded by J. McKay to accept the Income/Hotel Lodging Tax Report as presented.

Motion passed.

Reports accepted as presented.

#### **OPEN TO PUBLIC**

Paul Hunter, 200 Randolph Street, stated leasing the 474 S. Nelson Avenue property was not reviewed by the Law Director. Hunter stated that one of the notary's was also a signer of the lease and no bidding was done for the property. Hunter also had some

concerns that the building was being sublet. Hunter's opinion is that the whole process should be started over from A to Z and asked any questions could be addressed to him.

M. McKay informed council his absence at the previous council meeting was due to his 50 year anniversary with his wife.

**ADJOURNMENT**

A motion was made by M. McKay.

President Riley declared meeting adjourned.

Council adjourned at 9:11 p.m.

ATTEST:

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President of Council

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Clerk

Wilmington City Council met in regular session on Thursday, August 18th, 2016, at 7:30 p.m. with President Randy Riley presiding.

**CALL TO ORDER**

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

**ROLL CALL**

Roll Call: Purkey, present; Spicer, present; Stuckert, present; J. McKay, present; Swindler, present; Milburn, present; M. McKay, present.

Chief Weyand was also present.

**PLEDGE OF ALLEGIANCE**

Council gave the Pledge of Allegiance to the flag.

**MOMENT OF SILENCE**

**PRESIDENT OF COUNCIL**

President of Council-

A motion was made by M. McKay and seconded by Milburn to approve the agenda as received.

Motion passed.

Amended agenda approved as presented.

A motion was made by Stuckert and seconded by J. McKay to approve the minutes as received.

Motion passed.

Minutes approved as received.

President of Council opened the public hearing for a zoning request from LT Land Development, LLC to rezone approximately 165 acres on Rombach Avenue, being the entire remainder of Parcel No. 290190601000000 SAVE and EXCEPT Lots 1-8 of the Williams Farm Subdivision, Section One, as shown on the preliminary plat as filed with the City of Wilmington and approved by the Wilmington Planning Commission on March 24, 2015, from County 1-2 Industrial to City B3-Roadside Business.

Andrew McCoy, Peele Law, on behalf of LT Land Development summarized the request for rezoning. McCoy also explained County I-2 vs B3 zoning classifications. McCoy stated this reclassification would allow for more responsible structured development, and these changes would benefit both the city and the developer.

Mayor Stanforth addressed McCoy with a question pertaining to the parcel map, which Attorney McCoy clarified. M. McKay inquired about residential housing to which Attorney McCoy stated to his knowledge it would be apartments.

President Riley asked for questions or comments from the public. Hearing none, Riley declared the public hearing to be closed.

A motion was made by M. McKay and seconded by Milburn to give the first reading by title only on the ordinance O-16-56: Changing the zoning of real property located in the City of Wilmington, Ohio and declaring an emergency (165 +/- acres located on Rombach Avenue).  
President called for a vote  
Motion passed.

Director of Law read the ordinance by title only.

A motion was made by M. McKay and seconded by Milburn to suspend the rules and regulations and give the second and third reading by title only.

Roll call: Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes

Motion passed.

Director of Law read the ordinance by title only.

A motion was made by M. McKay and seconded by Milburn to pass the Ordinance O-16-56 as read.

Roll call: Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes.

Motion passed.

President of Council declared ordinance O-16-56 passed as read.

A motion was made by M. McKay and seconded by J. McKay to give the first reading by title only on the resolution R-16-41: Authorizing the Mayor to enter into a contract with Natural Gas Aggregation.

President called for a vote

Motion passed.

Director of Law read the resolution by title only.

A motion was made by M. McKay and seconded by J. McKay to suspend the rules and regulations and give the second and third reading by title only.

Roll call: Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes.

Motion passed.

Director of Law read the resolution by title only.

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

Roll call: J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes.

Motion passed.

President of Council declared resolution R-16-41 passed as read.

## **MAYOR**

Mayor – Mayor Stanforth stated one of the cemetery bridges is finished and operational. Stanforth recognized Jerry Runk and his maintenance crew for quickly cleaning up debris in the cemetery. Stanforth reminded Council about Jeep Jam this weekend and Blues and Barbecue tomorrow. Stanforth also recognized Bible Baptist Church for sponsoring the fireworks at the park for the past two years and stated the city is now

looking for a new sponsor for 2017, and requested if anyone had any ideas, please share them.

## **AUDITOR**

Auditor – Auditor Hollingsworth presented a packet of information on the income tax and review the information. Hollingsworth stated he has spoken with Marque Jones about the income tax collections for this year. Hollingsworth reviewed the balance sheet and also summarized the budget numbers from the income tax revenue. The collections for the remainder of the year have been changed to reflect 5 million dollars projected for collections Hollingsworth explained further the requirements for employers' collections had changed, and this has in turn, artificially inflated the collected amount by approximately 2 months' worth of income. Hollingsworth also noted the original budget would have projected \$245,000 left in the General Fund, with the revision there \$843,000. Hollingsworth clarified the \$400,000 increase is a one-time deal because of the extra 2 months collection.

## **COMMITTEE REPORTS AND ACTION**

Asset, Acquisition and Use – Chairperson Purkey had no official report.

Cemetery Committee – Chairperson J. McKay had no official report. J. McKay restated Mayor Stanforth's update on the bridges adding work on the second bridge could now begin. J. McKay also stated the section markers are being restored currently and they look very nice.

President Riley personally thanked Mayor Stanforth for his work and guidance on the bridge repair.

Downtown Revitalization Committee – Convener M. McKay reminded council about Jeep Jam and the Party at the Mural this weekend. McKay also had a reminder about Clinton County Dancing with the Stars taking place on September 17<sup>th</sup>, in which Randi Milburn and Brett Rudduck would be competing this year. M. McKay also stated Main Street Wilmington is currently looking for a new interim director. The current director, Bekah Muchmore, has stepped down to pursue her Master's Degree.

Finance Committee - Chairperson M. McKay stated the first item on their agenda was the resolution for special assessments having to do with the Utility Billing Department and property clean up. Utility Billing has reported several delinquent and uncollectable charges to be submitted to the County Auditor, water charges \$14,755. Also, there are reported lot clean up charges in the amount of \$11,648 which will also be submitted.

M. McKay introduced resolution R-16-34: Approving special assessments pursuant to Chapters 923.09, 929.03, 1701.10 and 1729.03 of the codified ordinances of the City of Wilmington, and declaring an emergency.

A motion was made by M. McKay and seconded by Milburn to give the first reading by title only.

President called for a vote.

Motion passed.

Director of Law read the resolution by title only.

A motion was made by M. McKay and seconded by Milburn to suspend the rules and regulations and give the second and third reading by title only.

Roll call: Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes, J. McKay, yes.

Motion passed.

Director of Law read the resolution by title only.

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

Roll call: Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes, J. McKay, yes; Swindler, yes.

Motion passed.

President of Council declared resolution R-16-34 passed as read.

Chairperson M. McKay stated the second item on their agenda was resolution R-16-37:

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 thereof for the year 2017, and declaring an emergency.

A motion was made by M. McKay and seconded by J. McKay to give the first reading by title only.

President called for a vote.

Motion passed.

Director of Law read the resolution by title only.

A motion was made by M. McKay and seconded by J. McKay to suspend the rules and regulations and give the second and third reading by title only.

Roll call: M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes, J. McKay, yes; Swindler, yes; Milburn, yes.

Motion passed.

Director of Law read the resolution by title only.

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

Roll call: Purkey, yes; Spicer, yes; Stuckert, yes, J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes.

Motion passed.

President of Council declared resolution R-16-37 passed as read.

M. McKay stated for the third item addresses the city's portion of the local government funds which is 29.5%, or approximately \$284,831.00.

Chairperson M. McKay introduced resolution R-16-40: Accepting Local Government Assistance Formula as provided by the Clinton County Auditor.

A motion was made by M. McKay and seconded by Milburn to give the first reading by title only on the resolution.

President called for a vote.

Motion passed.

Director of Law read the resolution by title only.

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

Roll call: Spicer, yes; Stuckert, yes, J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes.

Motion passed.

Director of Law read the resolution by title only.

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

Roll call: Stuckert, yes, J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes.

Motion passed.

President of Council declared resolution R-16-40 passed as read.

M. McKay stated the following were supplemental appropriations From the Sugar Grove Cemetery Fund to "Grounds Maintenance" the sum of \$7,500.00 for general maintenance and repair. From the 1<sup>st</sup> Mortgage Water Works Revenue Bond Fund to "Transfers" the sum of \$150.00, which is housekeeping. From the Water Fund to "Direct Deductions" the sum of \$29.20. From the Sewer Fund to "Direct Deductions" the sum of \$1.47. From the Fire Fund to "Workers Comp" the sum of \$1,339.76 which is the September payment. From the General Fund to "Workers Comp" the sum of 267.74, which is the September payment.

Chairperson M. McKay stated the fourth item on their agenda was ordinance O-16-57:

Making supplemental appropriations.

A motion was made by M. McKay and seconded by Milburn to give the first reading by title only.

President called for a vote.

Motion passed.

Director of Law read the ordinance by title only.

A motion was made by M. McKay and seconded by Milburn to suspend the rules and regulations and give the second and third reading by title only.

Roll call: J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes.

Motion passed.

Director of Law read the ordinance by title only.

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

Roll Call: Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes.

Motion passed.

President of Council declared ordinance O-16-57 passed as read.

M. McKay stated the last item, making miscellaneous transfers in the Water department, "Consulting Services" to "Capital Equipment" the sum of \$10,000.00 and "Contractual Services" to "Refunds" the sum of \$3,000.00, these are available funds which only need to be

transferred.

Chairperson M. McKay introduced the final item on their agenda, ordinance O-16-58: Making miscellaneous transfers.

A motion was made by M. McKay and seconded by Swindler to give the first reading by title only.

President called for a vote.

Motion passed.

Director of Law read the ordinance by title only.

A motion was made by M. McKay and seconded by Swindler to suspend the rules and regulations and give the second and third reading by title only.

Roll call: Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes.

Motion passed.

Director of Law read the ordinance by title only.

A motion was made by M. McKay and seconded by Purkey to pass the ordinance as read.

Roll call: M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes.

Motion passed.

President declared ordinance O-16-58 passed as read.

Judiciary Committee – Chairperson R. Milburn stated the only item on their agenda was the third reading of ordinance O-16-40: Amending section 14 and 15 of the City of Wilmington Lodging Excise Tax Code of Regulations.

Spicer inquired if there were going to be discussions, to which President Riley stated there would be discussion.

A motion was made by Milburn and seconded by Swindler to give the third reading by title only.

President of Council opened the discussion:

Spicer stated he's not going to beat this to death, but said at the last two readings people who had benefitted from the CVB stated this is a bad idea. Spicer stated council had also heard from experts who spoke about how important tourism is to the county. Spicer stated after all the people have spoken, he doesn't feel like there is a reason to change the legislation. Spicer stated a plan hasn't been presented about what is going to be done with the funds and nothing has been public. Spicer stated if this is about oversight, the CVB has lived within their budget and are audited every 2 years and seemed to satisfy everyone. Spicer stated the CVB board is the same as the Main Street Board and the Parks Board, but Council doesn't seem to be calling for any oversight on them. Spicer went on to say he doesn't have any problem with the reporting, but the ordinance doesn't need to be changed because the "tourism works". Spicer addressed President Riley's comments from the previous meeting where he stated the CVB cannot take credit for bringing in all of the tourism dollars, stating President Riley was right and it does take a

lot of people. Spicer stated the CVB advertises all across Ohio, and nothing makes him prouder than when he's in a hotel in Cleveland and sees one of the Clinton County brochures. Spicer stated there is going to be an impact, and then it will be too late, and asked Council to reconsider. Spicer also inquired if Council was only going to "pick on" the CVB, or were they going to do the same thing to other boards.

Millburn clarified there is not an actual change to the reporting, the CVB was required to report quarterly. Spicer stated he was the representative and if you wanted the CVB to report 4 times a year he would make sure they did, but to pass this [legislation] and take away 50% of the funding is going to have an impact. Spicer stated he knows she [Debbie Stamper] can apply for the funds but she won't get it all back. Spicer stated he didn't know why we are heading down this trail but it is wrong. Spicer said if Council isn't going to listen to the people who this will impacted, then Council is not providing the oversight.

Purkey stated this is the third meeting where this has been discussed and he is aware of the feeling of mistrust, however, Council is exercising its responsibility to manage and oversee every dollar passing through. Purkey stated the process going forward is the CVB will be guaranteed 50% of the collected funds the current code regulations allot. The city will retain an administrative fee of 1% for maintenance fee and the remaining 49% will be diverted into a new line item, ensuring the funding does not "disappear". Purkey stated the CVB would have to submit a budget and request for appropriations and that is all. Purkey stated he doesn't think the CVB intends to request funds, and asked Spicer if there was an intention of the board submitting a budget. Spicer stated they have an upcoming board meeting and he is sure they would. Purkey stated if it is the case, he continues to hear about "taking their money" [CVB] but they haven't even had appropriations submitted yet. Purkey stated this oversight was put into place 19 years ago, but had not been followed. This is a move towards transparency, since this money is being parked in a place where it will be useful and it can't be used in the General Fund. Purkey stated this is a no brainer, and since Council is facing such a huge deficit, they need to be accounting for every dollar.

Spicer stated the only thing CVB hasn't been doing is reporting quarterly, and the budget gets approved as was intended.

Purkey stated is true and shame on us [Council] for not requiring the reporting, however from now on, it is going to be corrected. Purkey stated Council has a responsibility to make sure the money is being spent judiciously.

Spicer stated if the money isn't being spent on tourism, then the people paying the money are being lied to and misled because it's being collected for tourism. Spicer also stated the CVB was specifically designed to promote tourism and the other agencies just wanted to duplicate something the CVB has already paid to have done. Spicer said there is public oversight. Spicer reiterated again, if this is being done to the CVB, the other boards such as Main Street and the Park should also be looked at.

Purkey stated the other boards do not have a Code of Regulations stipulating how money is collected and dispersed to their organizations. Spicer stated those are taxpayer dollars, so if Council is "going to be judicious" then they need to be judicious over all the boards.

Paul Hunter stated in the coming year there wouldn't be a restriction on the budget, they will be able to grow their budget even though they are losing 40%.

M. McKay clarified the CVB isn't losing 40%, they will just have to apply for the funds.

Spicer said in reality the CVB is now in competition with other agencies who will apply for those funds, even though the money was never intended to go to them.

Purkey stated the opposition he had heard council was making a money grab and the city was trying to fix its budget on the back of the CVB. Purkey clarified this is not the intention of the legislation.

Spicer stated all the comments he has gotten about the legislation have unfavorable and there is public distrust.

Purkey stated the intent of parking the money in its own line and not in the general fund is for more transparency. This will not let the money hide in the general fund nor will it go to pet projects. Purkey stated it will be in a specified fund for tourism.

Spicer argued the money is going into a fund where anyone can apply for it.

Purkey stated when budgets are submitted it will be very clear where the funds are going.

Milburn stated there will be 7 Councilmembers overseeing the distribution of the funds.

Swindler agreed, stating the requests would be aired in a public forum.

Molly Dullea, owner of the General Denver, stated she knows a lot about the lodging tax because she collects and pays the funds.

Spicer interrupted, stating that Mrs. Dullea's customers pay the Lodging Tax, not her personally, she merely collects the money.

Dullea agreed with Spicer and went on to state she feels a personal connection to the tax because she has been paying it for 13 years. Dullea apologized for missing the 2 previous meetings where the legislation was discussed, but stated that she is totally in favor of this legislation, 100%. Dullea stated in the time that she has been paying the tax, the amount has gone up, and inquired at what point does an entity receive enough funds? When does the funding get capped? Dullea stated she wants Council to oversee the funds, because every other tax paid has oversight. Dullea stated this is the right thing to do and she is proud of Council for doing it.

Spicer stated that makes two of you.

Purkey clarified an issue from the previous meeting, involving allegations that he had profited from the General Denver, specifically associated with the Downtown Third Friday. Purkey stated the General Denver is not associated with Third Friday, they just happen to be next door to the Mural Parking Lot.

Director of Law read the ordinance by title only.

Roll call: Spicer, no; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M.

McKay, yes, Purkey, yes.

Motion passed.

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

Motion passed.

President of Council declared ordinance O-16-40 passed as read.

Parks and Recreation Committee - Chairperson Milburn stated the first item on their agenda was the first reading on resolution R-16-39: Declaring surplus property, to wit: Fencing valued at more than \$1000, and authorizing the sale of said fencing.

A motion was made by Milburn and seconded by Purkey to give the first reading by title only.

President called for a vote.

Motion passed.

Director of Law read the resolution by title only.

A motion was made by Milburn and seconded by Purkey to suspend the rules and regulations and give the second and third reading only.

Roll call: Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes.

Motion passed.

Director of Law read the resolution by title only.

A motion was made by Milburn and seconded by Purkey to pass the resolution as read.

Roll call: J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes.

Motion passed.

President of Council declared resolution R-16-39 passed as read,

Safety/ Transportation Committee – Chairperson Spicer had no official report.

Solid Waste/Recycling – Chairperson Spicer introduced Superintendent Braden Dunham from the sanitation department who gave a brief overview of the Route Automation program that will begin on October 3<sup>rd</sup>. Spicer also stated during their committee meeting they had discussed legislation dealing with rate changes. Superintendent Dunham gave a presentation highlighting the upcoming changes and stated households will begin receiving their new trash totes in September. Dunham reiterated the rules of the program and stated current household trash days will remain the same. Spicer thanked Dunham for all his hard work.

Streets Committee – Chairperson Spicer stated the only item on their agenda was the second and third reading on ordinance O-16-53: Amending the Traffic Control Map and the Traffic Control File to create a no parking zone on Howard Street.

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

Roll call: Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes.

Motion passed.

Director of Law read the ordinance by title only.

A motion was made by Spicer and seconded by Purkey to pass the ordinance as read.

Roll call: Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes.

Motion passed.

President of Council declared ordinance O-16-53 passed as read.

Wastewater/Sewer Committee - Chairperson Stuckert had no official report.

Water Committee - Chairperson Swindler stated the first item on their report was the first reading on ordinance O-16-55: Making miscellaneous transfers.

Moving from “Consulting Services” to Capital Equipment, the sum of \$10,000.00.

A motion was made by Swindler and seconded by Purkey to give the first reading by title only.

President called for a vote.

Motion passed.

Director of Law read the ordinance by title only.

A motion was made by Swindler and seconded by Purkey to suspend the rules and regulations and give the second and third reading by title only.

Roll call: M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes.

Motion passed.

Director read the ordinance by title only.

A motion was made by Swindler and seconded by Purkey to pass the ordinance as read.

Roll call: Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes.

Motion passed.

President of Council declared ordinance O-16-55 passed as read.

Chairperson Swindler also stated the Secretary of State informed them the advisory election opinion for fluoride has been approved and will be on the November ballot.

Safety/Service Director – Director Shidaker spoke about the curbside recycling and encouraged council to speak with the citizens about continuing the program. Shidaker suggested the rates should be increased due to the cost to the landfill, and begin charging approximately \$2.25 per household instead of \$0.01. Shidaker stated it costs the landfill approximately \$103,000 yearly to operate the recycling program, and suggested it may have to be suspended in order to save the money. Shidaker stated if the citizens want the

program to continue, Council needs to address increasing the fee and they should begin discussing with their constituents.

Swindler asked for clarification on the amount, inquiring if the \$2.25 fee would be monthly per household. Shidaker stated the fee of \$2.25 would have the city break even on the cost.

Paul Hunter stated even if they do away with the recycling program, the city will still have to pay \$12.25 for every ton.

Don Wells stated when the city started the recycling program, the \$0.01 was symbolic, and the cost was built into the \$14.84 they were paying for trash service. Wells stated if you charge citizens to recycle, they probably won't. Even if you make it mandatory, they still won't recycle and they will get another garbage can. Wells said the recycling program was started because it was the right thing to do, but you can't make people recycle.

J. McKay stated that they are at 53% participation, to which Braden Dunham stated it was actually 52%.

Swindler wanted to clarify the discussion was about money being lost from an enterprise fund, and not money from the general fund.

Shidaker stated the program can't be sustained with these losses year after year on the program.

Samantha Ahrman asked if the fee would apply to participating recyclers or would all residents pay the fee. Shidaker stated it would be a mandatory fee for all citizens.

David Hockaday stated when recycling was started; he believed the cost was included in the cost for waste. He asked if the rate needed to go up because the cost of doing business had gone up.

Shidaker stated he didn't think the cost was originally included and in the effort of transparency, he stated the costs should be listed separately.

Tammy McKay stated she would be willing to pay for recycling, and she hopes no one would come out against paying for it, since she feels it is doing a service for the environment.

President Riley stated this had come up in the Solid Waste/Recycling Committee, which also has legislation relating to the route automation. Riley they would be discussing this in the coming weeks.

Spicer commented that the misconception is that the city makes money off of the recycling, which is not the case.

## **REPORTS TO COUNCIL**

A motion was made by Swindler and seconded by Milburn to accept the Auditor's Report as presented.

Motion passed.

Report accepted as presented.

## **OPEN TO PUBLIC**

## **ADJOURNMENT**

A motion was made by M. McKay.

President Riley declared meeting adjourned.

Council adjourned at 8:58 p.m.

ATTEST:

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President of Council

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Clerk

Wilmington City Council met in regular session on Thursday, August 18th, 2016, at 7:30 p.m. with President Randy Riley presiding.

**CALL TO ORDER**

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

**ROLL CALL**

Roll Call: Purkey, present; Spicer, present; Stuckert, present; J. McKay, present; Swindler, present; Milburn, present; M. McKay, present.

Chief Weyand was also present.

**PLEDGE OF ALLEGIANCE**

Council gave the Pledge of Allegiance to the flag.

**MOMENT OF SILENCE**

**PRESIDENT OF COUNCIL**

President of Council-

A motion was made by M. McKay and seconded by Milburn to approve the agenda as received.

Motion passed.

Amended agenda approved as presented.

A motion was made by Stuckert and seconded by J. McKay to approve the minutes as received.

Motion passed.

Minutes approved as received.

President of Council opened the public hearing for a zoning request from LT Land Development, LLC to rezone approximately 165 acres on Rombach Avenue, being the entire remainder of Parcel No. 290190601000000 SAVE and EXCEPT Lots 1-8 of the Williams Farm Subdivision, Section One, as shown on the preliminary plat as filed with the City of Wilmington and approved by the Wilmington Planning Commission on March 24, 2015, from County 1-2 Industrial to City B3-Roadside Business.

Andrew McCoy, Peele Law, on behalf of LT Land Development summarized the request for rezoning. McCoy also explained County I-2 vs B3 zoning classifications. McCoy stated this reclassification would allow for more responsible structured development, and these changes would benefit both the city and the developer.

Mayor Stanforth addressed McCoy with a question pertaining to the parcel map, which Attorney McCoy clarified. M. McKay inquired about residential housing to which Attorney McCoy stated to his knowledge it would be apartments.

President Riley asked for questions or comments from the public. Hearing none, Riley declared the public hearing to be closed.

A motion was made by M. McKay and seconded by Milburn to give the first reading by title only on the ordinance O-16-56: Changing the zoning of real property located in the City of Wilmington, Ohio and declaring an emergency (165 +/- acres located on Rombach Avenue).  
President called for a vote  
Motion passed.

Director of Law read the ordinance by title only.

A motion was made by M. McKay and seconded by Milburn to suspend the rules and regulations and give the second and third reading by title only.

Roll call: Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes

Motion passed.

Director of Law read the ordinance by title only.

A motion was made by M. McKay and seconded by Milburn to pass the Ordinance O-16-56 as read.

Roll call: Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes.

Motion passed.

President of Council declared ordinance O-16-56 passed as read.

A motion was made by M. McKay and seconded by J. McKay to give the first reading by title only on the resolution R-16-41: Authorizing the Mayor to enter into a contract with Natural Gas Aggregation.

President called for a vote

Motion passed.

Director of Law read the resolution by title only.

A motion was made by M. McKay and seconded by J. McKay to suspend the rules and regulations and give the second and third reading by title only.

Roll call: Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes.

Motion passed.

Director of Law read the resolution by title only.

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

Roll call: J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes.

Motion passed.

President of Council declared resolution R-16-41 passed as read.

## **MAYOR**

Mayor – Mayor Stanforth stated one of the cemetery bridges is finished and operational. Stanforth recognized Jerry Runk and his maintenance crew for quickly cleaning up debris in the cemetery. Stanforth reminded Council about Jeep Jam this weekend and Blues and Barbecue tomorrow. Stanforth also recognized Bible Baptist Church for sponsoring the fireworks at the park for the past two years and stated the city is now

looking for a new sponsor for 2017, and requested if anyone had any ideas, please share them.

## **AUDITOR**

Auditor – Auditor Hollingsworth presented a packet of information on the income tax and review the information. Hollingsworth stated he has spoken with Marque Jones about the income tax collections for this year. Hollingsworth reviewed the balance sheet and also summarized the budget numbers from the income tax revenue. The collections for the remainder of the year have been changed to reflect 5 million dollars projected for collections Hollingsworth explained further the requirements for employers' collections had changed, and this has in turn, artificially inflated the collected amount by approximately 2 months' worth of income. Hollingsworth also noted the original budget would have projected \$245,000 left in the General Fund, with the revision there \$843,000. Hollingsworth clarified the \$400,000 increase is a one-time deal because of the extra 2 months collection.

## **COMMITTEE REPORTS AND ACTION**

Asset, Acquisition and Use – Chairperson Purkey had no official report.

Cemetery Committee – Chairperson J. McKay had no official report. J. McKay restated Mayor Stanforth's update on the bridges adding work on the second bridge could now begin. J. McKay also stated the section markers are being restored currently and they look very nice.

President Riley personally thanked Mayor Stanforth for his work and guidance on the bridge repair.

Downtown Revitalization Committee – Convener M. McKay reminded council about Jeep Jam and the Party at the Mural this weekend. McKay also had a reminder about Clinton County Dancing with the Stars taking place on September 17<sup>th</sup>, in which Randi Milburn and Brett Rudduck would be competing this year. M. McKay also stated Main Street Wilmington is currently looking for a new interim director. The current director, Bekah Muchmore, has stepped down to peruse her Master's Degree.

Finance Committee - Chairperson M. McKay stated the first item on their agenda was the resolution for special assessments having to do with the Utility Billing Department and property clean up. Utility Billing has reported several delinquent and uncollectable charges to be submitted to the County Auditor, water charges \$14,755. Also, there are reported lot clean up charges in the amount of \$11,648 which will also be submitted.

M. McKay introduced resolution R-16-34: Approving special assessments pursuant to Chapters 923.09, 929.03, 1701.10 and 1729.03 of the codified ordinances of the City of Wilmington, and declaring an emergency.

A motion was made by M. McKay and seconded by Milburn to give the first reading by title only.

President called for a vote.

Motion passed.

Director of Law read the resolution by title only.

A motion was made by M. McKay and seconded by Milburn to suspend the rules and regulations and give the second and third reading by title only.

Roll call: Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes, J. McKay, yes.

Motion passed.

Director of Law read the resolution by title only.

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

Roll call: Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes, J. McKay, yes; Swindler, yes.

Motion passed.

President of Council declared resolution R-16-34 passed as read.

Chairperson M. McKay stated the second item on their agenda was resolution R-16-37:

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 thereof for the year 2017, and declaring an emergency.

A motion was made by M. McKay and seconded by J. McKay to give the first reading by title only.

President called for a vote.

Motion passed.

Director of Law read the resolution by title only.

A motion was made by M. McKay and seconded by J. McKay to suspend the rules and regulations and give the second and third reading by title only.

Roll call: M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes, J. McKay, yes; Swindler, yes; Milburn, yes.

Motion passed.

Director of Law read the resolution by title only.

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

Roll call: Purkey, yes; Spicer, yes; Stuckert, yes, J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes.

Motion passed.

President of Council declared resolution R-16-37 passed as read.

M. McKay stated for the third item addresses the city's portion of the local government funds which is 29.5%, or approximately \$284,831.00.

Chairperson M. McKay introduced resolution R-16-40: Accepting Local Government Assistance Formula as provided by the Clinton County Auditor.

A motion was made by M. McKay and seconded by Milburn to give the first reading by title only on the resolution.

President called for a vote.

Motion passed.

Director of Law read the resolution by title only.

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

Roll call: Spicer, yes; Stuckert, yes, J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes.

Motion passed.

Director of Law read the resolution by title only.

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

Roll call: Stuckert, yes, J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes.

Motion passed.

President of Council declared resolution R-16-40 passed as read.

M. McKay stated the following were supplemental appropriations From the Sugar Grove Cemetery Fund to "Grounds Maintenance" the sum of \$7,500.00 for general maintenance and repair. From the 1<sup>st</sup> Mortgage Water Works Revenue Bond Fund to "Transfers" the sum of \$150.00, which is housekeeping. From the Water Fund to "Direct Deductions" the sum of \$29.20. From the Sewer Fund to "Direct Deductions" the sum of \$1.47. From the Fire Fund to "Workers Comp" the sum of \$1,339.76 which is the September payment. From the General Fund to "Workers Comp" the sum of 267.74, which is the September payment.

Chairperson M. McKay stated the fourth item on their agenda was ordinance O-16-57:

Making supplemental appropriations.

A motion was made by M. McKay and seconded by Milburn to give the first reading by title only.

President called for a vote.

Motion passed.

Director of Law read the ordinance by title only.

A motion was made by M. McKay and seconded by Milburn to suspend the rules and regulations and give the second and third reading by title only.

Roll call: J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes.

Motion passed.

Director of Law read the ordinance by title only.

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

Roll Call: Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes.

Motion passed.

President of Council declared ordinance O-16-57 passed as read.

M. McKay stated the last item, making miscellaneous transfers in the Water department, "Consulting Services" to "Capital Equipment" the sum of \$10,000.00 and "Contractual Services" to "Refunds" the sum of \$3,000.00, these are available funds which only need to be

transferred.

Chairperson M. McKay introduced the final item on their agenda, ordinance O-16-58: Making miscellaneous transfers.

A motion was made by M. McKay and seconded by Swindler to give the first reading by title only.

President called for a vote.

Motion passed.

Director of Law read the ordinance by title only.

A motion was made by M. McKay and seconded by Swindler to suspend the rules and regulations and give the second and third reading by title only.

Roll call: Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes.

Motion passed.

Director of Law read the ordinance by title only.

A motion was made by M. McKay and seconded by Purkey to pass the ordinance as read.

Roll call: M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes.

Motion passed.

President declared ordinance O-16-58 passed as read.

Judiciary Committee – Chairperson R. Milburn stated the only item on their agenda was the third reading of ordinance O-16-40: Amending section 14 and 15 of the City of Wilmington Lodging Excise Tax Code of Regulations.

Spicer inquired if there were going to be discussions, to which President Riley stated there would be discussion.

A motion was made by Milburn and seconded by Swindler to give the third reading by title only.

President of Council opened the discussion:

Spicer stated he's not going to beat this to death, but said at the last two readings people who had benefitted from the CVB stated this is a bad idea. Spicer stated council had also heard from experts who spoke about how important tourism is to the county. Spicer stated after all the people have spoken, he doesn't feel like there is a reason to change the legislation. Spicer stated a plan hasn't been presented about what is going to be done with the funds and nothing has been public. Spicer stated if this is about oversight, the CVB has lived within their budget and are audited every 2 years and seemed to satisfy everyone. Spicer stated the CVB board is the same as the Main Street Board and the Parks Board, but Council doesn't seem to be calling for any oversight on them. Spicer went on to say he doesn't have any problem with the reporting, but the ordinance doesn't need to be changed because the "tourism works". Spicer addressed President Riley's comments from the previous meeting where he stated the CVB cannot take credit for bringing in all of the tourism dollars, stating President Riley was right and it does take a

lot of people. Spicer stated the CVB advertises all across Ohio, and nothing makes him prouder than when he's in a hotel in Cleveland and sees one of the Clinton County brochures. Spicer stated there is going to be an impact, and then it will be too late, and asked Council to reconsider. Spicer also inquired if Council was only going to "pick on" the CVB, or were they going to do the same thing to other boards.

Millburn clarified there is not an actual change to the reporting, the CVB was required to report quarterly. Spicer stated he was the representative and if you wanted the CVB to report 4 times a year he would make sure they did, but to pass this [legislation] and take away 50% of the funding is going to have an impact. Spicer stated he knows she [Debbie Stamper] can apply for the funds but she won't get it all back. Spicer stated he didn't know why we are heading down this trail but it is wrong. Spicer said if Council isn't going to listen to the people who this will impacted, then Council is not providing the oversight.

Purkey stated this is the third meeting where this has been discussed and he is aware of the feeling of mistrust, however, Council is exercising its responsibility to manage and oversee every dollar passing through. Purkey stated the process going forward is the CVB will be guaranteed 50% of the collected funds the current code regulations allot. The city will retain an administrative fee of 1% for maintenance fee and the remaining 49% will be diverted into a new line item, ensuring the funding does not "disappear". Purkey stated the CVB would have to submit a budget and request for appropriations and that is all. Purkey stated he doesn't think the CVB intends to request funds, and asked Spicer if there was an intention of the board submitting a budget. Spicer stated they have an upcoming board meeting and he is sure they would. Purkey stated if it is the case, he continues to hear about "taking their money" [CVB] but they haven't even had appropriations submitted yet. Purkey stated this oversight was put into place 19 years ago, but had not been followed. This is a move towards transparency, since this money is being parked in a place where it will be useful and it can't be used in the General Fund. Purkey stated this is a no brainer, and since Council is facing such a huge deficit, they need to be accounting for every dollar.

Spicer stated the only thing CVB hasn't been doing is reporting quarterly, and the budget gets approved as was intended.

Purkey stated is true and shame on us [Council] for not requiring the reporting, however from now on, it is going to be corrected. Purkey stated Council has a responsibility to make sure the money is being spent judiciously.

Spicer stated if the money isn't being spent on tourism, then the people paying the money are being lied to and misled because it's being collected for tourism. Spicer also stated the CVB was specifically designed to promote tourism and the other agencies just wanted to duplicate something the CVB has already paid to have done. Spicer said there is public oversight. Spicer reiterated again, if this is being done to the CVB, the other boards such as Main Street and the Park should also be looked at.

Purkey stated the other boards do not have a Code of Regulations stipulating how money is collected and dispersed to their organizations. Spicer stated those are taxpayer dollars, so if Council is "going to be judicious" then they need to be judicious over all the boards.

Paul Hunter stated in the coming year there wouldn't be a restriction on the budget, they will be able to grow their budget even though they are losing 40%.

M. McKay clarified the CVB isn't losing 40%, they will just have to apply for the funds.

Spicer said in reality the CVB is now in competition with other agencies who will apply for those funds, even though the money was never intended to go to them.

Purkey stated the opposition he had heard council was making a money grab and the city was trying to fix its budget on the back of the CVB. Purkey clarified this is not the intention of the legislation.

Spicer stated all the comments he has gotten about the legislation have unfavorable and there is public distrust.

Purkey stated the intent of parking the money in its own line and not in the general fund is for more transparency. This will not let the money hide in the general fund nor will it go to pet projects. Purkey stated it will be in a specified fund for tourism.

Spicer argued the money is going into a fund where anyone can apply for it.

Purkey stated when budgets are submitted it will be very clear where the funds are going.

Milburn stated there will be 7 Councilmembers overseeing the distribution of the funds.

Swindler agreed, stating the requests would be aired in a public forum.

Molly Dullea, owner of the General Denver, stated she knows a lot about the lodging tax because she collects and pays the funds.

Spicer interrupted, stating that Mrs. Dullea's customers pay the Lodging Tax, not her personally, she merely collects the money.

Dullea agreed with Spicer and went on to state she feels a personal connection to the tax because she has been paying it for 13 years. Dullea apologized for missing the 2 previous meetings where the legislation was discussed, but stated that she is totally in favor of this legislation, 100%. Dullea stated in the time that she has been paying the tax, the amount has gone up, and inquired at what point does an entity receive enough funds? When does the funding get capped? Dullea stated she wants Council to oversee the funds, because every other tax paid has oversight. Dullea stated this is the right thing to do and she is proud of Council for doing it.

Spicer stated that makes two of you.

Purkey clarified an issue from the previous meeting, involving allegations that he had profited from the General Denver, specifically associated with the Downtown Third Friday. Purkey stated the General Denver is not associated with Third Friday, they just happen to be next door to the Mural Parking Lot.

Director of Law read the ordinance by title only.

Roll call: Spicer, no; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes, Purkey, yes.

Motion passed.

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

Motion passed.

President of Council declared ordinance O-16-40 passed as read.

Parks and Recreation Committee - Chairperson Milburn stated the first item on their agenda was the first reading on resolution R-16-39: Declaring surplus property, to wit: Fencing valued at more than \$1000, and authorizing the sale of said fencing.

A motion was made by Milburn and seconded by Purkey to give the first reading by title only.

President called for a vote.

Motion passed.

Director of Law read the resolution by title only.

A motion was made by Milburn and seconded by Purkey to suspend the rules and regulations and give the second and third reading only.

Roll call: Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes.

Motion passed.

Director of Law read the resolution by title only.

A motion was made by Milburn and seconded by Purkey to pass the resolution as read.

Roll call: J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes.

Motion passed.

President of Council declared resolution R-16-39 passed as read,

Safety/ Transportation Committee – Chairperson Spicer had no official report.

Solid Waste/Recycling – Chairperson Spicer introduced Superintendent Braden Dunham from the sanitation department who gave a brief overview of the Route Automation program that will begin on October 3<sup>rd</sup>. Spicer also stated during their committee meeting they had discussed legislation dealing with rate changes. Superintendent Dunham gave a presentation highlighting the upcoming changes and stated households will begin receiving their new trash totes in September. Dunham reiterated the rules of the program and stated current household trash days will remain the same. Spicer thanked Dunham for all his hard work.

Streets Committee – Chairperson Spicer stated the only item on their agenda was the second and third reading on ordinance O-16-53: Amending the Traffic Control Map and the Traffic Control File to create a no parking zone on Howard Street.

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

Roll call: Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes.

Motion passed.

Director of Law read the ordinance by title only.

A motion was made by Spicer and seconded by Purkey to pass the ordinance as read.

Roll call: Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes.

Motion passed.

President of Council declared ordinance O-16-53 passed as read.

Wastewater/Sewer Committee - Chairperson Stuckert had no official report.

Water Committee - Chairperson Swindler stated the first item on their report was the first reading on ordinance O-16-55: Making miscellaneous transfers.

Moving from “Consulting Services” to Capital Equipment, the sum of \$10,000.00.

A motion was made by Swindler and seconded by Purkey to give the first reading by title only.

President called for a vote.

Motion passed.

Director of Law read the ordinance by title only.

A motion was made by Swindler and seconded by Purkey to suspend the rules and regulations and give the second and third reading by title only.

Roll call: M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes.

Motion passed.

Director read the ordinance by title only.

A motion was made by Swindler and seconded by Purkey to pass the ordinance as read.

Roll call: Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes.

Motion passed.

President of Council declared ordinance O-16-55 passed as read.

Chairperson Swindler also stated the Secretary of State informed them the advisory election opinion for fluoride has been approved and will be on the November ballot.

Safety/Service Director – Director Shidaker spoke about the curbside recycling and encouraged council to speak with the citizens about continuing the program. Shidaker suggested the rates should be increased due to the cost to the landfill, and begin charging approximately \$2.25 per household instead of \$0.01. Shidaker stated it costs the landfill approximately \$103,000 yearly to operate the recycling program, and suggested it may have to be suspended in order to save the money. Shidaker stated if the citizens want the

program to continue, Council needs to address increasing the fee and they should begin discussing with their constituents.

Swindler asked for clarification on the amount, inquiring if the \$2.25 fee would be monthly per household. Shidaker stated the fee of \$2.25 would have the city break even on the cost.

Paul Hunter stated even if they do away with the recycling program, the city will still have to pay \$12.25 for every ton.

Don Wells stated when the city started the recycling program, the \$0.01 was symbolic, and the cost was built into the \$14.84 they were paying for trash service. Wells stated if you charge citizens to recycle, they probably won't. Even if you make it mandatory, they still won't recycle and they will get another garbage can. Wells said the recycling program was started because it was the right thing to do, but you can't make people recycle.

J. McKay stated that they are at 53% participation, to which Braden Dunham stated it was actually 52%.

Swindler wanted to clarify the discussion was about money being lost from an enterprise fund, and not money from the general fund.

Shidaker stated the program can't be sustained with these losses year after year on the program.

Samantha Ahrman asked if the fee would apply to participating recyclers or would all residents pay the fee. Shidaker stated it would be a mandatory fee for all citizens.

David Hockaday stated when recycling was started; he believed the cost was included in the cost for waste. He asked if the rate needed to go up because the cost of doing business had gone up.

Shidaker stated he didn't think the cost was originally included and in the effort of transparency, he stated the costs should be listed separately.

Tammy McKay stated she would be willing to pay for recycling, and she hopes no one would come out against paying for it, since she feels it is doing a service for the environment.

President Riley stated this had come up in the Solid Waste/Recycling Committee, which also has legislation relating to the route automation. Riley they would be discussing this in the coming weeks.

Spicer commented that the misconception is that the city makes money off of the recycling, which is not the case.

## **REPORTS TO COUNCIL**

A motion was made by Swindler and seconded by Milburn to accept the Auditor's Report as presented.

Motion passed.

Report accepted as presented.

## **OPEN TO PUBLIC**

## **ADJOURNMENT**

A motion was made by M. McKay.

President Riley declared meeting adjourned.

Council adjourned at 8:58 p.m.

ATTEST:

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President of Council

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Clerk

Wilmington City Council met in regular session on Thursday, September 1st, 2016, at 7:30 p.m. with President Randy Riley presiding.

**CALL TO ORDER**

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

**ROLL CALL**

Roll Call: Purkey, present; Spicer, present; Stuckert, present; J. McKay, present; Swindler, present; Milburn, present; M. McKay, present.

Chief Weyand was also present.

**PLEDGE OF ALLEGIANCE**

Council gave the Pledge of Allegiance to the flag.

**MOMENT OF SILENCE**

**PRESIDENT OF COUNCIL**

President of Council-

Milburn had one small correction for the agenda, the Judiciary item 12a., changing the word “Section”, in the title of the Ordinance, to “Chapter”.

A motion was made by J. McKay and seconded by Stuckert to approve the amended agenda as received.

Motion passed.

Amended agenda approved as presented.

Swindler stated that there is one small correction in the minutes, changing the word “perused” to “pursue”.

A motion was made by Purkey and seconded by Swindler to approve the amended minutes as received.

Motion passed.

Minutes approved as received.

**MAYOR**

Mayor – Mayor Stanforth was absent, President Riley made a few announcements on his behalf, beginning with the 9/11 ceremony, commemorating the 15<sup>th</sup> anniversary of the attacks. Riley stated the city will hold its ceremony on Friday, September 9<sup>th</sup> at 7:30am in the Municipal Parking lot. Riley encouraged everyone to attend.

Riley also noted that there will be a second 9/11 ceremony on Sunday, September 11<sup>th</sup> at the American Legion. It will take place at 9:00am and breakfast will be provided.

**AUDITOR**

Auditor – Auditor Hollingsworth had no report

**COMMITTEE REPORTS AND ACTION**

Asset, Acquisition and Use – Chairperson Purkey had no official report.

Cemetery Committee – Chairperson J. McKay had no official report, but stated some restoration will be taking place for some of the stones in the front area of the cemetery.

Downtown Revitalization Committee – Convener M. McKay reminded council about Bekah Muchmore’s resignation from Main Street Wilmington, and they have been interviewing candidates for the interim director position, with some success.

M. McKay stated that on September 16<sup>th</sup> from 1-3pm there is an “Open Doors” program taking place at the Murphy Theatre in conjunction with Ohio History Connection. The evening of September 16<sup>th</sup> the “End of Summer Bash” will be taking place at the Mural Parking lot, and Dancing with the Clinton County Stars will be taking place the following day, Saturday September 17<sup>th</sup> at 7:30pm at the Murphy Theatre.

Paul Hunter inquired if the \$25,000 that the city sends to Main Street was the bulk of the salary for the Director position, and M. McKay stated that the actual salary is less. Hunter asked if it was considered a part time position, to which M. McKay stated that the next few months it would be and then the position and funding would be reevaluated.

M. McKay also added that the Corn Festival would be the 9<sup>th</sup>-11<sup>th</sup> and the parade would be going through downtown on Saturday the 10<sup>th</sup> at around 10am.

Finance Committee - Chairperson M. McKay stated there is one item on the agenda, three readings on Ordinance No. O-16-61- Making miscellaneous transfers. This item pertains to the Police Department, who are moving \$2,000 from “Vehicle Fuel” to “Investigative Fees”. M. McKay clarified that because the Police department has arrested a record number of people this year who are driving under the influence of drugs and alcohol; they are out of funds for urine and blood testing.

Swindler inquired if the \$2,000 that is being moved is the amount required for the remainder of the year, Chief Weyand stated that is correct. Brian Shidaker stated that with traffic cases, they do not get reimbursed for the drug and alcohol testing. Shidaker stated they currently are talking with Representative Rosenberger and trying to change that law to include traffic cases. Chief Weyand reiterated currently they are only reimbursed for the lab fees when they drug test in a criminal case.

Swindler asked if the police department do their testing in-house. Chief Weyand stated they do not and the department uses the Highway Patrol lab because the lab at the State of Ohio does not test for OVI, and they have to outsource.

A motion was made by M. McKay and seconded by J. McKay to give the first reading only on Ordinance No. O-16-61- Making miscellaneous transfers.

President called for a vote.

All yeas.

The Law Director read the Ordinance by title only.

A motion was made by M. McKay and seconded by J. McKay to suspend the rules and give a second and third reading only on the Ordinance.

Roll Call: Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes.

Director of Law read the Ordinance by title only.

A motion was made by M. McKay and seconded by Milburn to pass the Ordinance as read.

Roll Call: Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes.

Motion passes.

President Riley declared O-16-61 passed as read.

Judiciary Committee – Chairperson R. Milburn stated the only item on their agenda was three readings on Ordinance O-16-59 Enacting New Chapter 714 Solicitation and Distribution and repealing Chapter 713 Transient Vendors of the Codified Ordinance of the City of Wilmington. Milburn stated that this ordinance would be defining and

limiting solicitation, including aggressive solicitation, solicitation in the Right-of-Way, and protecting ATM privacy.

Chief Weyand added this ordinance is geared towards preventing panhandling or selling in the Right-of-Way. There is a separate ordinance that defines door to door solicitation, and a permit is still needed for that.

Brian Shidaker stated this change would pertain to any situation where you are stopped pumping gas and someone came up to you and asked if you wanted your car washed, which is still allowed. With the changes to this ordinance an individual would not be allowed to approach your car while you are sitting at a traffic light or stoplight. Shidaker stated the only thing that would prevent an individual from soliciting you while not in the Right-of-Way, like a parking lot, would be if the property owner stopped the solicitor or told them they were not allowed on the property. Shidaker also stated that they have also included an ATM policy that states that the user must be given 3 feet of space for their privacy while the ATM is in use.

A motion was made by Milburn and seconded by Purkey to give the first reading only on Ordinance No. O-16-59 - Enacting New Chapter 714 Solicitation and Distribution and repealing Chapter 713 Transient Vendors of the Codified Ordinance of the City of Wilmington.

President called for a vote.

All yeas.

The Law Director read the Ordinance by title only.

A motion was made by Milburn and seconded by Purkey to suspend the rules and give a second and third reading only on the Ordinance.

Roll Call: Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes.

Director of Law read the Ordinance by title only.

A motion was made by M. McKay and seconded by Milburn to pass the Ordinance as read.

Roll Call: J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes.

Motion passes.

President Riley declared O-16-59 passed as read.

Parks and Recreation Committee - Chairperson Milburn had no report.

Safety/ Transportation Committee – Chairperson Spicer they had no information under safety, but there will be a Public Hearing on the Transportation Grant at the September 15<sup>th</sup> meeting. Spicer stated there will be legislation for the grant that will need to be passed in 3 readings during that meeting.

Solid Waste/Recycling –Chairperson Spicer stated he had one item, a change in the Refuse Collection ordinance dealing with rates for additional totes, when required, for the automated trash program, as well as changes in rates for yard waste being taken by residents to the landfill.

A motion was made by Spicer and seconded by Purkey to give the first reading only on Ordinance No. O-16-60 – Amending Chapter 925, Refuse Collection of the Codified Ordinances.

President called for a vote.

All yeas.

The Law Director read the Ordinance by title only.

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

Streets Committee – Chairperson Spicer had no report.

Wastewater/Sewer Committee - Chairperson Stuckert had no report.

Water Committee - Chairperson Swindler had no report.

Safety/Service Director – Director Shidaker stated they will be doing some headstone restoration at Sugar Grove Cemetery and there are 42 headstones that need attention. Shidaker gave a presentation to the County Commissioners and they have approved \$12,600 to get the headstones cleaned with approved techniques and they will be leveled and placed on concrete bases. Shidaker remarked the restorations should be finished by the end of the year. By law the county is obligated to pay for the veteran’s memorial, but Director Shidaker stated he was happy that the City and County were able to work together.

M. McKay inquired about a light that had been broken, stating he saw a bucket truck in the cemetery previously working. Shidaker stated it is an electrical issue and the light will be repaired and replaced with an LED bulb. Shidaker stated that in the near future he would like to start a Restoration/Preservation Project for headstones where citizens can give money to the cemetery fund. Shidaker stated he is currently looking into the legalities of starting the project. Shidaker also thanked J. McKay for all of his hard work. J. McKay added that when they begin restoring the stones, he has information about what was written on the original stones in case it was needed in the process.

President Riley stated previously when he was on the Board of Commissioners, they received a bill from the trustees Chester Township for some work done on their cemetery, and were confused by it. After checking into it, they found that there is a law that mandates the Board of County Commissioners be financially responsible for maintenance and repair to the veteran’s portion of any cemetery.

Paul Hunter inquired if the graves being restored were for those who died in the war, or if they were for veterans. Shidaker stated they are the graves of Civil War Veterans. Shidaker added that they were lifting up a 100 year old headstone the other day, and underneath it was a 2<sup>nd</sup> stone buried in the dirt. It was found to be a child’s marker that went with the headstone on top they were restoring.

J. McKay asked if they could have a Cemetery Committee meeting soon so they could be briefed on upcoming changes and things that were going on in the cemetery.

## **REPORTS TO COUNCIL**

A motion was made by Swindler and seconded by Milburn to accept the Income Tax Report as presented.

Motion passed.

Report accepted as presented.

## **OPEN TO PUBLIC**

President Riley noted that it was a big day for Wilmington, as Donald Trump, Steve Stivers, and Cliff Rosenberger were all in town today. Riley also congratulated Chief Weyand and the Police Department for their recent work capturing a bank robber.

Paul Hunter 200 Randolph Street- Mr. Hunter asked council if they remembered signing the TIF agreement with the airpark pertaining to the Jump Hanger and the 259 jobs the City revenue hinged on. Hunter stated that currently the City is the only party that has an interest in it the jobs. Hunter stated that it costs the city \$36,000 a year to make up to the schools in taxes. Hunter stated that they need to fill up those jobs, but no one else has any interest in whether they are filled or not.

President Riley addressed Mr. Hunter stating that the airpark does care and they are trying to fill the jobs, but they’re having difficulty finding qualified people to work on the airplanes. Riley stated that AMES is currently working with Southern State and also trying to find qualified people who have been in the Air Force to fill the positions.

Mr. Hunter stated he's speaking of the loaner who loaned the money to the Port to buy the hanger. He stated it needs to be paid back. In that agreement 259 jobs were mentioned, but he said the State doesn't care. Hunter stated the only way the City is going to get the money to pay the schools is from the Jump Hanger's new hires revenues. Hunter stated right now they have 59 jobs filled and 200 jobs to go, and the city needs to start thinking about that.

**ADJOURNMENT**

A motion was made by Milburn.

President Riley declared meeting adjourned.

Council adjourned at 8:04 p.m.

ATTEST:

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President of Council

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Clerk

Wilmington City Council met in regular session on Thursday, September 15<sup>th</sup>, 2016, at 7:30 p.m. with President Randy Riley presiding.

**CALL TO ORDER**

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

**ROLL CALL**

Roll Call: Purkey, present; Spicer, present; Stuckert, present; J. McKay, present; Swindler, present; Milburn, present; M. McKay, present.

Chief Weyand was also present.

**PLEDGE OF ALLEGIANCE**

Council gave the Pledge of Allegiance to the flag.

**MOMENT OF SILENCE**

**PRESIDENT OF COUNCIL**

President of Council-

A motion was made by M. McKay and seconded by J. McKay to approve the amended agenda as received.

Motion passed.

Amended agenda approved as presented.

A motion was made by J. McKay and seconded by Milburn to approve the minutes as received.

Motion passed.

Minutes approved as received.

President Riley introduced Lisa Parlette, founder of the Jenna Parlette Foundation. Lisa Parlette goal of the foundation would be to benefit the community with a Sports Center with an indoor track which would be a state of the art 80,000 square foot facility. Angela Mitchell, from Wilmington College, gave an overview about the economic impact of having an indoor track in Wilmington, as well as partnering information with area schools. The next steps will be gathering numbers and expenses.

Resident Paul Hunter inquired whether the schools would be able to use the track if it was built. Angela Mitchell stated it would be like the arrangement with Wilmington High School in regards to the shared use of the college football field a few years prior.

President Riley asked if council would like to make a motion of support for the Jenna Parlette project. The motion was made by M. McKay and seconded by Purkey. All yeas.

President Riley introduced Tony Morris to present his Public Hearing for the Transit Department. Mr. Morris stated all the guidelines and requirements are the same but the funding allocations from the state are reduced this year.

Paul Hunter inquired if the transit service could be expanded to go county wide. President Riley stated when he was a County Commissioner they had looked into the funding for

expanding the transit system and, after looking at routes and numbers, the program would not have been fiscally responsible. President Riley stated it would however be worth another look and encouraged Mr. Hunter to crunch the numbers.

Director Morris further stated raising fares is really not an option and they are looking at other ways to increase revenue.

President Riley stated there were two Letters to the Legislative Authority from the Ohio Division of Liquor Control. The first a transfer from “WERE JAMMIN INC DBA BUFFALO WILD WIINGS to WILMINGTON WING COMPANY LLC” and a new license for “D. DONATS INC, BDA DONATOS PIZZA”. Riley stated both notices would be available for viewing in the Mayor’s Office by contacting the Clerk of Council.

## **MAYOR**

Mayor – Mayor Stanforth gave an update on the sidewalk cutouts were being worked on for the tree relocation on South and Main Streets, and thanked Judge Daugherty for providing the court workers who helped to get the project finished.

Friday night will be the last party at the Mural Lot and Mayor Stanforth also encouraged everyone to support the high school football team in their game against Greenfield.

Mayor Stanforth reminded everyone the route automation is moving along, and residents wanting to select the smaller 65 gallon toter need to fill out the form and send them back in. Stanforth stated the Ahresty Connector Road Project is winding down and the Service and Safety Director would address the progress. Stanforth also stated Doan Street would be closed from September 23-30 for railroad crossing repair.

Mayor Stanforth stated upcoming events are Cardboard City and Clinton County’s Dancing with the Stars. Stanforth stated Thursday the 22<sup>nd</sup> would be the Tax Forum at the Murphy Theatre and Wilmington’s Oktoberfest would be taking place the weekend following on the 23<sup>rd</sup> and 24<sup>th</sup>.

Mayor Stanforth said currently our Code Enforcement department is slowly through complaints. Stanforth stated next week he would be meeting with all department heads to go through their budgets for 2017. Stanforth also gave a shout out to his wife Nancy Stanforth on her birthday.

## **AUDITOR**

Auditor – Auditor Hollingsworth had no report.

## **COMMITTEE REPORTS AND ACTION**

Asset, Acquisition and Use – Chairperson Purkey had no report.

Cemetery Committee – Chairperson J. McKay had no official report, but stated he was at the cemetery and the headstone restoration continues.

Downtown Revitalization Committee – Convener M. McKay stated the Mayor had mentioned several of the things going on downtown, but also the Murphy Theatre Open Doors program would be taking place on Friday, September 16. M. McKay reminded everyone the final party at the Mural would be Friday the 16<sup>th</sup>. Dancing with the Stars

will take place on Saturday the 17<sup>th</sup> with participants Brett Rudduck, Randi Milburn, and emcee Jonathan McKay. M. McKay also reminded everyone the Tax Forum will be taking place on the 22<sup>nd</sup>, and a few of the people on the committee may speak later. M. McKay also stated they had hired two interim directors for Main Street Wilmington, Julie Bolton and Darcy Reynolds, who would attend the next council meeting to be introduced.

Finance Committee - Chairperson M. McKay stated first item is three readings on R-16-42 accepting amounts and rates as determined by the Budget Commission and is something that is done each year.

A motion was made by M. McKay and seconded by Milburn to give the first reading only on Resolution No. R-16-42- Accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor.

President called for a vote.

All yeas.

The Law Director read the Ordinance by title only.

A motion was made by M. McKay and seconded by Milburn to suspend the rules and give a second and third reading only on the Ordinance.

Roll Call: Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes.

Director of Law read the Ordinance by title only.

A motion was made by M. McKay and seconded by Milburn to pass the Ordinance as read.

Roll Call: Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes.

Motion passes.

President Riley declared R-16-42 passed as read.

M. McKay introduced the second item, O-16-62, and stated the appropriations are from the General Fund to “Indigent Burials” the sum of \$3,000.00 and from the Fire Fund to “Equipment Maintenance” the sum of \$2,500.00.

A motion was made by M. McKay and seconded by Milburn to give the first reading only on Ordinance No. O-16-62- Making supplemental appropriations.

President called for a vote.

All yeas.

The Law Director read the Ordinance by title only.

A motion was made by M. McKay and seconded by Milburn to suspend the rules and give a second and third reading only on the Ordinance.

Roll Call: Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes, Purkey, yes; Spicer, yes.

Director of Law read the Ordinance by title only.

A motion was made by M. McKay and seconded by Milburn to pass the Ordinance as read.

Roll Call: J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes, Spicer, yes; Stuckert, yes.

Motion passes.

President Riley declared O-16-62 passed as read.

Judiciary Committee – Chairperson R. Milburn introduced O-16-63, Amending section of Chapter 505 Animals and Fowl and Chapter 549 Weapons and Explosives of the Codified Ordinance of the City of Wilmington and declaring an emergency, and asked Dan Evers from the Port Authority to summarize.

Dan Evers stated this Ordinance will allow the Port Authority to conduct wildlife mitigation programs in and around the Airport property. Mr. Evers outlined the need for these amendments due to ODWL, ODF, and AFF requirement for wildlife mitigation that stipulate they keep active airspace and landing zones clear of any wildlife that may impede the aircraft. Mr. Evers stated this mostly applies to water fowl, but not exclusively. Mr. Evers stated there is a wildlife mitigation plan and it has been in use for several years that is a multitier effort to harass and disperse and use non-lethal techniques to keep wildlife away from the active airport areas. He stated sometimes it is necessary to take lethal action specifically to shoot any potential interlopers. Lethal action would be a last resort, but would sometimes be necessary. Mr. Evers said this is a safety issue more than anything else.

A motion was made by Milburn and seconded by J. McKay to give the first reading only on Ordinance No. O-16-63- Amending section of Chapter 505 Animals and Fowl and Chapter 549 Weapons and Explosives of the Codified Ordinance of the City of Wilmington and declaring an emergency  
President called for a vote.  
All yeas.

The Law Director read the Ordinance by title only.

Milburn asked that the second and third reading be on the agenda for the next meeting.

President Riley reiterated how important it is ordinance is and that water fowl is a real problem, referencing Flight 1549 that crash landed in the Hudson due to interference by wildlife during takeoff.

Parks and Recreation Committee - Chairperson Milburn stated that on September 24<sup>th</sup> there would be “Mutts and Mimosas” where for \$40 you will submit a photo of your pet and a talented artist would paint it. The proceeds will benefit the Park and the Dog Park.

President Riley praised the Park Department on this year’s Soccer Program.

Safety/ Transportation Committee – Chairperson Spicer introduced item 14a., Resolution No. R-16-43, and stated all three readings needed to be done because there is a tight deadline.

A motion was made by Spicer and seconded by Purkey to give the first reading only on Resolution No. R-16-43 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 for the Ohio Public Transportation Grant Program and executing contract with the Ohio Department of Transportation upon grant proposal acceptance and declaring an emergency.  
President called for a vote.  
All yeas.  
The Law Director read the Ordinance by title only.

A motion was made by Spicer and seconded by Purkey to suspend the rules and give a second and third reading only on the Resolution.

Roll Call: Swindler, yes; Milburn, yes; M. McKay, yes, Purkey, yes; Spicer, yes, Stuckert, yes; J. McKay, yes.  
Director of Law read the Resolution by title only.

A motion was made by Spicer and seconded by Purkey to pass the Resolution as read.

Roll Call: Milburn, yes; M. McKay, yes; Purkey, yes, Spicer, yes; Stuckert, yes, J. McKay, yes; Swindler, yes.  
Motion passes.

President Riley declared R-16-43 passed as read.

Solid Waste/Recycling –Chairperson Spicer stated the only item is the second and third reading on Ordinance No. O-16-60.

A motion was made by Spicer and seconded by Purkey to suspend the rules and give a second and third reading only on Ordinance No. R-16-60- Amending chapter 925, refuse collection, of the Codified Ordinances

Roll Call: M. McKay, yes, Purkey, yes; Spicer, yes, Stuckert, yes; J. McKay, yes, Swindler, yes; Milburn, yes.

Director of Law read the Resolution by title only.

A motion was made by Spicer and seconded by Purkey to pass the Ordinance as read.

Roll Call: Purkey, yes, Spicer, yes; Stuckert, yes, J. McKay, yes; Swindler, yes, Milburn, yes; M. McKay, yes.

Motion passes.

President Riley declared O-16-60 passed as read.

Spicer had a correction for the fliers sent out about the Route Automation, the Mayor's phone number is listed incorrectly, it should be 382-5458, not 5454. Spicer also stated if you were requesting the smaller 65 gallon toter, you need to make sure that you returned the slip of paper from the flier.

Streets Committee – Chairperson Spicer had no report.

Wastewater/Sewer Committee - Chairperson Stuckert had no report.

Water Committee - Chairperson Swindler had no report, but stated the next committee meeting would be on October 6<sup>th</sup> at 6:00pm.

Safety/Service Director – Director Shidaker stated the only update he had was the Doan Street railroad crossing would be closed for a week to do surface repair. There will be new warning devices, but they will not be in until the first of the year. Shidaker stated it would be about \$300,000 in repairs and upgrades to the crossing the city does not have to pay for.

M. McKay asked about the progress of the Ahresty Road Connector. Shidaker stated they were going to be working on that railroad crossing on Monday, and the completion date is in November 15<sup>th</sup>, but they are currently ahead of schedule.

Mike Mandlestain had concerns about the wear patterns and types of repairs done on the Sugartree and Main/Locust rail road crossings, which were addressed by Shidaker.

## **REPORTS TO COUNCIL**

A motion was made by Swindler and seconded by Stuckert to accept the Auditor's Report as presented.

Motion passed.

Report accepted as presented.

## **OPEN TO PUBLIC**

Paul Hunter of 200 Randolph Street stated he wanted to correct a statement he had made at the previous Council meeting when he stated that the city is the only one who will lose out if 259 people are not employed at the jump hanger. He stated the City doesn't care. It's the school that has a vested interest in the 259 new hires and the state doesn't care.

Mr. Hunter stated that at the last meeting Director Shidaker had challenged Council and the community to come up with ideas for the curbside recycling program. Mr. Hunter offered some thoughts and ideas to continue the program.

Tyler Williams of 142 Garden Circle, stated he is the Co-Chair for the Campaign for Wilmington's Future and they are holding a public forum at the Murphy Theatre on Thursday at 7:00 pm to discuss the proposed Income Tax. Williams stated that questions to be answered at the forum can be e-mailed prior to the forum.

Paul Hunter stated that Dean Hawk, Mayor of Sabina, had made a presentation where he talked about revenue return, because people don't file their taxes until April. Hunter stated that the 3 million dollars will not be available on January 1<sup>st</sup> even if the tax passes.

Paul Fear stated he had spoken to Marque Jones, Tax Commissioner, about the delayed revenue, stating the City would not have the same issue because the funds are already being withheld from the employees, and the City receives the revenue monthly.

Joe Spicer had some concerns about the letter to Council members about the Chain of Command that was in their folders.

Mike Mandelstein had a question about the incorrect phone number on the flier for the Automated Waste brochure and also had concerns about future costs for recycling.

**ADJOURNMENT**

A motion was made by M. McKay.

President Riley declared meeting adjourned.

Council adjourned at 8:54 p.m.

ATTEST:

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President of Council

\_\_\_\_\_  
Clerk

Wilmington City Council met in regular session on Thursday, October 6th, 2016, at 7:30 p.m. with Acting President Mark McKay presiding.

**CALL TO ORDER**

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

**ROLL CALL**

Roll Call: Purkey, present; Spicer, absent; Stuckert, present; J. McKay, present; Swindler, present; Milburn, absent; M. McKay, present.

A motion was made by Swindler and seconded by Stuckert to excuse the absent members. Motion passed.

Absent members President Riley, Spicer, and Milburn were excused.

Chief Weyand was also present.

**PLEDGE OF ALLEGIANCE**

Council gave the Pledge of Allegiance to the flag.

**MOMENT OF SILENCE**

**PRESIDENT OF COUNCIL**

President of Council-

A motion was made by Swindler and seconded by J. McKay to approve the agenda as received.

Motion passed.

Agenda approved as presented.

A motion was made by Swindler and seconded by Purkey to approve the September 15<sup>th</sup> minutes as received.

Motion passed.

Minutes approved as received.

Acting President M. McKay introduced Jeff Ryan and Ken Houghtaling from Mental Health Recovery Services of Warren and Clinton County who represent Citizens for Mental Health. Mr. Ryan explained that a 5 year renewal for the Mental Health Levy is on the ballot this November and this particular levy will not raise taxes. The services include addiction and recovery services, counseling, school counseling, and a 24-helpline.

M. McKay introduced the two new Interim Directors of Main Street Wilmington, Julie Bolton and Darcy Reynolds, who spoke briefly about their qualifications and experience.

M. McKay read the Notice to Legislative Authority regarding Nirmal LLC. Xenia Ave Market 659 Xenia Ave 1<sup>st</sup> Fl Wilmington, Ohio 45177 who are requesting a change of LLC and stated it would be on file and available by request in the Mayor's office.

**MAYOR**

Mayor- Mayor Stanforth thanked Bible Baptist Church for painting the fence at the cemetery, stating they had a great group of volunteers. Stanforth also stated the workers restoring the headstones were doing an incredible job.

Mayor Stanforth reported the Doan Street rail road crossing is now paved. The crossing guards are not up yet, but will be soon. Stanforth stated they are in the process of removing some of the downtown trees and patching concrete. Main Street may look a little bare. They have made new cut outs to make room for new trees and those would be planted soon.

Mayor Stanforth gave a shout out to Honor Flight, commenting on how wonderful and emotional it was for everyone involved.

Stanforth stated homecoming was taking place on Friday, and Wilmington would be beating Washington C.H. Mayor Stanforth stated the city had also recently given out 2 grants for the Wilmington Succeeds Program. Stanforth explained the grants are given to college graduates who are homeowners living in Wilmington. The grant funds are used to make improvements on their homes.

## **AUDITOR**

Auditor – Auditor Hollingsworth stated the annual audit was completed and for the 2<sup>nd</sup> year in a row they received the Auditor of State award. Hollingsworth stated this means that the city had a clean audit report and the excellent record keeping earned them the award. Hollingsworth explained the award is given to local governments and school districts upon completion of a financial audit and those receiving the award meet certain criteria within the audit. Hollingsworth stated the credit needs to go to his staff who do a great job.

## **COMMITTEE REPORTS AND ACTION**

Asset, Acquisition and Use – Chairperson Purkey had no official report, but Purkey stated that one of the Clinton County Fellows, Levi Luttrell, had done some work over the summer on creating a database for city owned property. Purkey stated in light of the current budget situation, he would be spending some time identifying properties that could be sold, traded, or liquidated.

Mayor Stanforth commented that in the past there have been some problems regarding public contracts, and that would not happen on his watch.

Cemetery Committee – Chairperson J. McKay had no official report, but he stated that a committee meeting was held the day before where they discussed, among other things, a columbarium, headstone restoration, and the budget. J. McKay stated soldiers' point is about halfway finished with the headstone restoration project, and he wanted to thank the Commissioners, who are paying for the project.

Downtown Revitalization Committee – M. McKay stated that the Interim Directors had gone over future events and asked if anyone had more to add. Purkey stated that a fundraiser concert for Operation Cherrybend would take place on Saturday at the Murphy Theatre and will feature the band Lonestar. Purkey stated tickets are still available.

Finance Committee - Swindler introduced the first item, O-16-64, Making miscellaneous transfers. From "Collection Vehicle Fuel" "Collection Vehicle Expense" the sum of \$10,000.00, due to the break down of the Recycling Truck and the need to replenish the Collection Vehicle Expense. The funds will be used to attach hydraulic lifts to the existing trucks for toter collection. From "Consultant Services" to "Consultant Services- Bldg Inspect" the sum of \$3,000.00, additional funds to pay for October Code Enforcement expenses, and from "Program Expense" to "Operating Expense" the sum of \$8,000.00, this is just changing an incorrect line item that was previously transferred.

A motion was made by Swindler and seconded by Purkey to give the first reading only on Ordinance No. O-16-64- Making miscellaneous transfers.

President called for a vote.

All yeas.

The Law Director read the Ordinance by title only.

Swindler requested that the second and third readings of O-16-64 be on the next agenda.

Judiciary Committee – A motion was made by Swindler and seconded by Purkey to give the second reading only on Ordinance No. O-16-63- Amending section of Chapter 505 Animals and Fowl and Chapter 549 Weapons and Explosives of the Codified Ordinance of the City of Wilmington and declaring an emergency

President called for a vote.

All yeas.

The Law Director read the Ordinance by title only.

Swindler requested the third reading be on the agenda for the next meeting.

A motion was made by Swindler and seconded by Purkey to give the first reading only on Resolution No. R-16-44 Authorizing loan assistance through the Revolving Loan Fund to Rowseworks LLC.

President called for a vote.

All yeas.

The Law Director read the Ordinance by title only.

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

Parks and Recreation Committee – No report.

Safety/ Transportation Committee – No report.

Solid Waste/Recycling – Councilperson Purkey stated there is no official report, but mentioned the new toters were up and running, and referred anyone with questions to call. Swindler stated that Braden Dunham had received praise from the community for all his hard work. J. McKay also commented praising the entire staff is doing a great job.

Streets Committee –No report.

Wastewater/Sewer Committee - Chairperson Stuckert had no report, but stated they had a meeting before council where they went over the 2017 budget.

Water Committee - Chairperson Swindler praised Jerry Rowlands for his work on the budget, and also stated that the 2016 revenue had increased from 2015, not because of rate increases, but because of more accurate meter reading. Swindler stated they may be moving away from the coin operated bulk water machine, and encouraged anyone who had concerns to let the committee know. Swindler stated it is an inefficient system that results in a lot of water loss.

Safety/Service Director – Director Shidaker had no report

#### **REPORTS TO COUNCIL**

Auditor Hollingsworth clarified the increase in tax collections is largely in part because of the monthly tax payments no required by the State of Ohio. The city will have received an additional two months of revenue due to the fact that payments are no longer made quarterly.

A motion was made by Purkey and seconded by Swindler to accept the Income Tax Report as presented.  
Motion passed.  
Report accepted as presented.

#### **OPEN TO PUBLIC**

Paul Hunter of 200 Randolph Street, expressed concern about how income tax money will be spent and stated caution should be exercised.

Bill Lierman of 1069 Linhoff Road stated he utilizes the Doan Street crossing and stated it looks great. Lierman also stated it has been 24 years since the city has had an income tax increase. Lierman also stated he is for the proposed earnings tax, highlighting all the services that the city provides that could be lost if it doesn't pass.

Mike Mendelstein had a question about how the Splash Park is progressing, M. McKay stated they are still collecting donations and they are scheduled to start taking bids in January of 2017.

#### **ADJOURNMENT**

A motion was made by Swindler.  
Acting President M. McKay declared meeting adjourned.  
Council adjourned at 8:17 p.m.

ATTEST:

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President of Council

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Clerk

Wilmington City Council met in regular session on Thursday, November 3<sup>rd</sup>, 2016, at 7:30 p.m. with President Randy Riley presiding.

**CALL TO ORDER**

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

**ROLL CALL**

Roll Call: Purkey, present; Spicer, absent; Stuckert, present; J. McKay, present; Swindler, present; Milburn, present; M. McKay, present.

A motion was made by M. McKay and seconded by Stuckert to excuse the absent member. (Spicer)

Motion passed.

Absent member was excused.

Chief Weyand was also present.

**PLEDGE OF ALLEGIANCE**

Council gave the Pledge of Allegiance to the flag.

**MOMENT OF SILENCE**

**PRESIDENT OF COUNCIL**

President of Council-

A motion was made by J. McKay and seconded by Purkey to approve the agenda as received.

Motion passed.

Agenda approved as presented.

A motion was made by Swindler and seconded by J. McKay to approve the October 20<sup>th</sup> minutes as received.

Motion passed.

Minutes approved as received.

**MAYOR**

Mayor- Mayor Stanforth began by swearing in James C. Hadley, Firefighter/EMT with the City's Fire Department. Mayor Stanforth reported that the cemetery work at Soldier's Point was being completed and that the work looks great. Stanforth also thanked the Clinton County Commissioners for funding the restoration.

The Mayor reminded everyone to vote in the upcoming election. Stanforth stated the budget is on hold, pending the results of Tuesday's election and outcome of the tax levy.

Mayor Stanforth thanked the deputy auditor Mary Kay Vance for her work in providing them with accurate figures. Stanforth stated that the new pump track at the park was completed, and thanked Councilmembers M. McKay and Swindler, as well as the volunteers that showed up. Stanforth stated the Veterans program would be taking place on Friday at the Courthouse, and also stated the Xidas park ribbon cutting had been moved to this Saturday.

**AUDITOR**

Auditor – Auditor Hollingsworth had no report.

**COMMITTEE REPORTS AND ACTION**

Asset, Acquisition and Use – Chairperson Purkey had no report.

Cemetery Committee – Chairperson J. McKay had no official report but stated soldier's point was not quite complete, they will be putting GAR markers on the graves with new flags from the Veteran's Commission.

Downtown Revitalization Committee – M. McKay reported that the CMH Holiday Gift Shop open house would be taking place on November 9 from 7am-4pm. M. McKay also stated that the downtown window decorating contest would take place from 11/20-11/26.

The Wilmington Public Library is hosting Holidazzle Crafts from 1-4 on Saturday the 26<sup>th</sup> and South Street Wine Cellar's ornament decorating event from 4-7pm. The United Way wreath decorating contest and silent auction will take place at 4pm and Merry Tuba Christmas sponsored by For a Song and a Story will be at the Murphy Theatre at 5pm. The Holidazzle Parade begins at 7pm.

Finance Committee – Chairperson M. McKay introduced O-16-67, making supplemental appropriations from the General Fund to “Engineering Contracts” the sum of \$4,784.82, from the Cemetery Fund to “Ground Maintenance” the sum of \$15,000.00, and from the UDAG Fund to “Roseworks LLC” the sum of \$50,000.00

Director Shidaker clarified the money from the General Fund to “Engineering Contracts” is a reimbursement from the developer to the Service Department that was put into the General Fund. That money has to be moved from that fund to pay for the city's developers and engineers. Shidaker also clarified that the money from the Cemetery Fund was received from the Commissioners and also has to be moved in order to pay for the restoration of the veterans memorial.

A motion was made by M. McKay and seconded by Milburn to give the first reading only on Ordinance No. O-16-67 - Making supplemental appropriations.

All yeas.

The Law Director read the Ordinance by title only.

A motion was made by M. McKay and seconded by Milburn to suspend the rules and regulations and give the second and third reading on the Ordinance.

Roll call.

Purkey, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes.

A motion was made by M. McKay and seconded by Milburn to pass to Ordinance as read.

Roll call.

Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes.

President of Council declared O-16-67 passed as read.

M. McKay introduced Ordinance No. O-16-68, making miscellaneous transfers, For Municipal Court, from “Payroll” to “Incidentals” the sum of \$750.00, from “Part-time Bailiff” to “Assistant Bailiff” the sum of \$1,000.00, from “Part-time Bailiff” to “Assistant Bailiff” the sum of \$4,000.00, From “Deputy Clerk” to “Acting Judge” the sum of \$3,000.00, from “Bailiff Salary” to “Clerk Salary” the sum of \$2,800.00, from “Deputy Clerk” to “Assistant Bailiff” the sum of \$1,000.00. For the Police Department transfers from “Jail and Workhouse” to “Maintenance Contract” the sum of \$5,000.00 and from “Dispatch Salary” to “Maintenance Contract” the sum of \$1,000.00.

Paul Hunter inquired about the location of the Workhouse, to which Chief Weyand stated it referred to the County Jail, it is just an old title from many years ago.

A motion was made by M. McKay and seconded by Milburn to give the first reading only on Ordinance No. O-16-68 - Making miscellaneous transfers.

All yeas.

The Law Director read the Ordinance by title only.

A motion was made by M. McKay and seconded by Milburn to suspend the rules and regulations and give the second and third reading only on Ordinance No. O-16-68 - Making miscellaneous transfers.

Roll call.

Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes.

The Law Director read the Ordinance by title only.

A motion was made by M. McKay and seconded by Milburn to pass the Ordinance as read.

Roll call.

J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Stuckert, yes.

President of Council declared O-16-68 passed as read.

M. McKay added that in the Finance committee they approved the form for the retained hotel lodging tax distribution and that form is available to apply for funds for 2017.

Judiciary Committee – Chairperson Milburn had no report.

Parks and Recreation Committee – Chairperson Milburn had no report, but congratulated Director Lori Williams on receiving a \$15,826 NatureWorks Grant for next year.

Safety/ Transportation Committee – Chairperson Spicer was absent, no report.

Solid Waste/Recycling – Chairperson Spicer was absent, no report.

Streets Committee – Chairperson Spicer was absent, no report.

Wastewater/Sewer Committee - Chairperson Stuckert had no report.

Water Committee - Chairperson Swindler had no report

Safety/Service Director – Director Shidaker had one piece of legislation to allow ODOT to inspect the local bridges.

A motion was made by Milburn and seconded by Swindler to give the first reading only on Resolution No. R-16-46 – Adopting Preliminary Legislation for ODOT Bridge inspection Program Services, PID#102554, and declaring an emergency.

All yeas.

The Law Director read the Resolution by title only.

A motion was made by Milburn and seconded by Swindler to suspend the rules and regulations and give R-16-46 a second and third reading by title only.

All yeas.

The Law Director read the Resolution by title only.

Roll call.

Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Stuckert, yes; J. McKay, yes.

A motion was made by Milburn and seconded by M. McKay to pass to Resolution as read.

The Law Director read the Resolution by title only.

Roll call.

Milburn, yes; M. McKay, yes; Purkey, yes; Stuckert, yes; J. McKay, yes; Swindler, yes.

President of Council declared R-16-46 passed as read.

Shidaker summarized the improvement projects that the city wants to pursue in the coming years and most of those would require the City putting up 20% of the cost while the State puts up 80%. Shidaker highlighted the fact that in order to proceed with the projects, the city would have to have the funds to put up and reiterated that the income tax levy on the ballot on Tuesday would determine if the city would be able to participate in these projects in the future.

Paul Hunter asked if they could use permissive tax funds to make the matches. Shidaker stated that depends, because they've used some of that tax money on the new Airborne Connector Road. Shidaker stated after looking at the projected numbers, the permissive tax alone would not be enough to fund the future projects, and they will require General Fund monies.

Paul Hunter inquired about the debt still owed on Lowe's Drive and when it would be paid off. Auditor Hollingsworth stated that Lowe's Drive was paid for, but in regards to Davids Drive, \$187,000 is still owed.

M. McKay added that the Airborne Road Connector is now open and operating, Shidaker stated all they need is a traffic light that will be installed in the next 2 to 3 weeks, and then it will be fully operational.

**REPORTS TO COUNCIL**

A motion was made by M. McKay and seconded by J. McKay to accept the Income Tax Report as presented.  
Motion passed.  
Report accepted as presented.

**OPEN TO PUBLIC**

J. McKay stated that Brett Fox and Josh Sams from Leadership Clinton were in attendance.

President Riley stated that he was glad to see Pat and Brenda Haley were also in attendance.

Mayor Stanforth mentioned Donald Trump would be visiting Friday. President Riley stated the gates will open at 1 and the presentation will open at 4. Paul Fear stated to get tickets you need to go online to [www.donaldtrump.com](http://www.donaldtrump.com).

Bill Liermann gave an update regarding Wilmington Auto Sales recent acquisition of the Chrysler, Dodge, Jeep and Ram car and truck franchise.

**ADJOURNMENT**

A motion was made by M. McKay.  
President Riley declared meeting adjourned.  
Council adjourned at 8:02 p.m.

ATTEST:

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President of Council

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Clerk

Wilmington City Council met in regular session on Thursday, November 17<sup>th</sup>, 2016, at 7:30 p.m. with President Randy Riley presiding.

**CALL TO ORDER**

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

**ROLL CALL**

Roll Call: Purkey, present; Spicer, present; Stuckert, present; J. McKay, present; Swindler, present; M. McKay, present.

Chief Weyand was also present.

**PLEDGE OF ALLEGIANCE**

Council gave the Pledge of Allegiance to the flag.

**MOMENT OF SILENCE**

**PRESIDENT OF COUNCIL**

President of Council-

A motion was made by Swindler and seconded by M. McKay to approve the agenda as received.

Motion passed.

Agenda approved as presented.

A mistake was noted by Spicer in the November 3<sup>rd</sup> minutes on page 3 where it listed, Spicer as making a motion but Spicer was absent. Spicer asked that a correction be made.

A motion was made by Spicer and seconded by Swindler to approve the November 3<sup>rd</sup> amended minutes as received.

Motion passed.

Amended minutes approved as received.

President Riley thanked former councilperson Randi Milburn for her service and noted that the Republican Central Committee would be holding a meeting on Monday at 7pm. Ongoing, Riley stated Purkey would be appointed as head of the Judiciary Committee. Once a new councilperson is appointed, they may shuffle around the committees.

A motion was made by Swindler and was seconded by J. McKay to accept Purkey as chair of the Judiciary Committee.

All yeas.

Motion passes.

**MAYOR**

Mayor- Mayor Stanforth began by thanking Randi Milburn for her service, noting that she will be missed. Stanforth also thanked Tyler Williams and Dana Dunn for their work on passing the income tax levy. M. McKay noted there were several others who also worked very hard on passage

Stanforth stated the Homeless Shelter would be hosting their annual soup luncheon fundraiser in the Community Room at the Municipal Building on Friday from 11am-1pm. Mayor Stanforth congratulated ORION on their performance "Off to See the Wizard". He and his wife Nancy attended and had a great time. Mayor Stanforth wished everyone a Happy Thanksgiving and encouraged anyone traveling to drive safely.

**AUDITOR**

Auditor – Auditor Hollingsworth presented the updated spreadsheet stating he had worked on it more and changed some numbers around and will tighten it up more in December.

**COMMITTEE REPORTS AND ACTION**

Asset, Acquisition and Use – Chairperson Purkey had no report.

Cemetery Committee – Chairperson J. McKay had no report but stated Soldier’s Point is complete. J. McKay also stated they had received a lighting donation.

Downtown Revitalization Committee – Convener M. McKay reminded everyone about the Holidazzle Parade on the Saturday after Thanksgiving and Merry Tuba Christmas will take place that same day at the Murphy Theatre.

Finance Committee – Chairperson M. McKay introduced O-16-69, making supplemental appropriations; from the General Fund to “Law Library” the sum of \$6,000.00, from the General Fund to “Transfer to Hotel Lodging Tax Fund the sum of \$28,469.05, from the Hotel Lodging Tax Fund to “Convention & Visitors Bureau the sum of \$28,468.05, and from the EMS Fund to “Squad Vehicle Mtn” the sum of \$11,818.00.

A motion was made by M. McKay and seconded by J. McKay to give the first reading only on Ordinance No. O-16-69 - Making supplemental appropriations.

All yeas.

The Law Director read the Ordinance by title only.

A motion was made by M. McKay and seconded by J. McKay to suspend the rules and regulations and give the second and third reading on the Ordinance.

Roll call.

Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; M. McKay, yes.

A motion was made by M. McKay and seconded by J. McKay to pass to Ordinance as read.

Roll call.

Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; M. McKay, yes; Purkey, yes.

President of Council declared O-16-69 passed as read.

M. McKay introduced Ordinance No. O-16-70, making miscellaneous transfers; from “Squad Ed & Training” to “Squad Vehicle Maintenance” the sum of \$4,000.00, from “Squad Veh Fuel” to “Squad Vehicle Maintenance” the sum of \$8,000.00, from “Squad Equipment Mtn” to “Squad Vehicle Maintenance” the sum of \$1,500.00, from “Fire Ed & Training” to “Fire Utilities” the sum of \$6,000.00, from “Fire Radio Mtn” to “Fire Utilities” the sum of \$2,000.00, from “Fire Incidentals” to “Fire Uniforms” the sum of \$2,500.00, from “Workers Comp” to “Police Salary” the sum of \$11,800.00, from “Vehicle Fuel” to “Police Salary” the sum of \$20,000.00, and from “Auditor Data Processing” to “Accounting & Auditing” the sum of 547.70.

A motion was made by M. McKay and seconded by Swindler to give the first reading only on Ordinance No. O-16-70 - Making miscellaneous transfers.

All yeas.

The Law Director read the Ordinance by title only.

A motion was made by M. McKay and seconded by Swindler to suspend the rules and regulations and give the second and third reading only.

Roll call.

Stuckert, yes; J. McKay, yes; Swindler, yes; M. McKay, yes; Purkey, yes; Spicer, yes.

The Law Director read the Ordinance by title only.

A motion was made by M. McKay and seconded by Swindler to pass the Ordinance as read.

Roll call.

J. McKay, yes; Swindler, yes; M. McKay, yes, Purkey, yes; Spicer, yes; Stuckert, yes.

President of Council declared O-16-70 passed as read.

Auditor Hollingsworth updated Council on a meeting he and Mary Kay Vance had with Judge Daugherty about his budget. Hollingsworth stated the meeting went very well and the Judge was very receptive.

Judiciary Committee – Chairperson Purkey had no report.

Parks and Recreation Committee – Councilperson Swindler introduced Resolution No. R-16-49.

A motion was made by Swindler and seconded by M. McKay to give the first reading only on introduced Resolution No. R-16-49- Authorizing the advertising for bids for the construction of a Splash Park at David Williams Memorial park in Wilmington, Ohio. All yeas.  
The Law Director read the Ordinance by title only.

A motion was made by Swindler and seconded by M. McKay to suspend the rules and regulations and give the second and third reading on the Resolution.  
Roll call.  
Swindler, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes.

A motion was made by Swindler and seconded by M. McKay to pass to Resolution as read.  
Roll call.  
M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes.  
President of Council declared R-16-49 passed as read.

M. McKay mentioned the parks are still looking for funds and are in need of \$35,000 by the end of the year. If anyone has any ideas, they are encouraged to contact the Parks staff.

Safety/ Transportation Committee – Chairperson Spicer introduced Resolution No. R-16-48, which will help the Fire Chief apply for a 5% matching grant for 2017. This grant is for air packs and this is essential equipment for the department. Spicer asked why they had waited so long to apply for this grant and so close to the end of the year. Shidaker stated they were originally told not to apply because the department had received the grant in 2009 and you couldn't be awarded the grant twice. After calling, Shidaker stated there was still funding available and they were told they could apply this year.

A motion was made by Spicer and seconded by Purkey to give the first reading only on introduced Resolution No. R-16-48- Authorizing the filing of a grant application through the Assistance to Firefighter Grant and acceptance of grant funds therefrom and declaring an emergency.  
All yeas.  
The Law Director read the Ordinance by title only.

A motion was made by Spicer and seconded by Purkey to suspend the rules and regulations and give the second and third reading on the Resolution.  
Roll call.  
M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes.

A motion was made by Spicer and seconded by M. Purkey to pass to Resolution as read.  
Roll call.  
Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; M. McKay, yes.

President of Council declared R-16-48 passed as read.

Solid Waste/Recycling – Chairperson Spicer introduced O-16-71 Making supplemental appropriations from the Waste Fund to “Architectural/Engineering” the sum of \$90,000.00 and from the Waste Fund to “State and Local Fees” the sum of \$35,000.00. The funds for Architectural/Engineering are to proceed with the Phase 5 Vertical Expansion’s engineering clause. The second appropriation, “State and Local Fees”, is needed because the tonnage is up for the landfill, and in turn fees have also gone up.

A motion was made by Spicer and seconded by J. McKay to give the first reading only on Ordinance No. O-16-71 - Making supplemental appropriations  
All yeas.  
The Law Director read the Ordinance by title only.

A motion was made by Spicer and seconded by J. McKay to suspend the rules and regulations and give the second and third reading only.  
Roll call.  
Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; M. McKay, yes; Purkey, yes.  
The Law Director read the Ordinance by title only.

A motion was made by Spicer and seconded by J. McKay to pass the Ordinance as read.  
Roll call.

Stuckert, yes; J. McKay, yes; Swindler, yes; M. McKay, yes, Purkey, yes; Spicer, yes.

President of Council declared O-16-71 passed as read.

Streets Committee – Chairperson Spicer had no report, but would like to have a Streets Committee meeting before the next Council Meeting.

Auditor Hollingsworth stated that the last street parking spot near the Municipal Lot poses a danger when a large vehicle is parked there. When you try to turn out of the alley, you can't see oncoming traffic. Spicer stated they would bring it up in the next Streets meeting.

Wastewater/Sewer Committee - Chairperson Stuckert had no report, but noted the next committee meeting would be December 1<sup>st</sup>.

Water Committee - Chairperson Swindler had no report but stated the next meeting would be on December 1<sup>st</sup> at 6pm. Swindler also stated the results of the advisory election favored the addition of fluoride to the water supply gaining 58% of the vote, and it would be on the next committee agenda.

Safety/Service Director – Director Shidaker had one piece of legislation, stating the department applied for this in July of last year for the Fife Avenue Project, but unfortunately the city didn't make the cut. This year there was money left over from the projects last year and the city was awarded the funds. This is already in the budget and the city is receiving \$355,000 in grant money, and the entire project is \$449,000. Shidaker stated this Resolution would allow him to advertise for bids.

A motion was made by M. McKay and seconded by Spicer to give the first reading only on Resolution No. R-16-47 – Authorizing the advertising for bids for the construction for the Fife Avenue Water Main Replacement Project and for contracting for same, and declaring an emergency.

All yeas.

The Law Director read the Resolution by title only.

A motion was made by M. McKay and seconded by Spicer to suspend the rules and regulations and give the Resolution a second and third reading by title only.

All yeas.

The Law Director read the Resolution by title only.

Roll call.

J. McKay, yes; Swindler, yes; M. McKay, yes; Purkey, yes; Stuckert, yes.

A motion was made by M. McKay and seconded by Spicer to pass to Resolution as read.  
The Law Director read the Resolution by title only.

Roll call.

Swindler, yes; M. McKay, yes; Purkey, yes; Stuckert, yes; J. McKay, yes.

President of Council declared R-16-47 passed as read.

Shidaker spoke briefly about the Ohio Public Works Committee (OPWC) meeting that took place the night before. The city was awarded \$705,200, Shidaker was pleased with the amount.

## **REPORTS TO COUNCIL**

A motion was made by Swindler and seconded by M. McKay to accept the Auditor/Treasurer Report and the Hotel Lodging Tax as presented.

Motion passed.

Report accepted as presented.

## **OPEN TO PUBLIC**

J. McKay spoke briefly about speeding cars on Prairie Avenue posing a risk to residents.  
*General discussion on speed limit on Prairie Avenue.*

Bill Limbacher of 294 Darbyshire Dr. expressed concern about the faded crosswalks. M. McKay addressed the issue and stated that those are things Main Street and Taylor Stuckert are working on improving.

Paul Hunter of 299 Randolph St stated he wanted the podium to be moved back into Council Chambers. Marian Miller explained that the podium is currently being used for events in the Community Room and the faulty wheels make it very hard to move back and forth.

**ADJOURNMENT**

A motion was made by M. McKay.

President Riley declared meeting adjourned.

Council adjourned at 8:11 p.m.

ATTEST:

\_\_\_\_\_  
President of Council

\_\_\_\_\_  
Clerk

Wilmington City Council met in regular session on Thursday, December 1<sup>st</sup>, 2016, at 7:30 p.m. with President Randy Riley presiding.

**CALL TO ORDER**

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

**ROLL CALL**

Roll Call: Purkey, present; Spicer, present; Stuckert, present; J. McKay, present; Swindler, present; M. McKay, present.

Chief Weyand was also present.

**PLEDGE OF ALLEGIANCE**

Council gave the Pledge of Allegiance to the flag.

**MOMENT OF SILENCE**

**PRESIDENT OF COUNCIL**

President of Council-

M. McKay and President Riley decided to move the 2017 Budget Discussion to the end of the meeting, amending the presented agenda.

A motion was made by Swindler and seconded by J. McKay to approve the amended agenda as received.

Motion passed.

Agenda approved as amended.

A motion was made by J. McKay and seconded by Stuckert to approve the November 17th minutes as received.

Motion passed.

Minutes approved as received.

President Riley introduced Darcy Reynolds, Co-Executive Director of Main Street Wilmington who updated council on their ongoing projects. Reynolds stated they are at the end stages of their strategic plan, and will be ready to present. Reynolds thanked City Council for continuing to include Main Street in their budget.

**MAYOR**

Mayor- Mayor Stanforth spoke about the budget and stating it will be about the same as the previous year with the exception of the increase in funding for street repair. Stanforth stated the street repair would not have been possible without the passage of the tax increase. Stanforth thanked the taxpayers and stated they are going to reinvest in the city with the funds. Stanforth attended the Economic Alliance that morning and thanked CMH for being such a great hospital.

Stanforth spoke about the Skate Park planning meeting and the ongoing project at the park.

Mayor Stanforth introduced David Wagonseller, president of the Murphy Theatre board, who gave updates on behalf of the Theatre. Wagonseller began by outlining their 3 phase plan, stating the Murphy has been awarded a million dollars from the state, and they are currently going over plans that will give them the “most bang for their buck”. Phase 1 is replacing the falling terracotta. The estimated cost is \$600,000 for restorative repair, which is too expensive and would take up to 24 months to complete. Other options for repair are molded fiberglass and a capping system made of metal, but will have the same molded cosmetic look. Wagonseller stated that just repairing the front of the building would take about \$300,000-\$350,000, which is a large portion of their funds.

Wagonseller stated that the timeline is a capping system, masonry work, and depending on what type of winter we have, the scaffolding will be coming down in early spring. Wagonseller spoke briefly about some indoor cosmetic work that needs to be done in the lobby area, but that will come after the outside work has been completed.

M. McKay inquired about the roofing repair. Wagonseller stated that the roofing system was complete and there are currently no leaks. President Riley inquired about the sidewalk and Wagonseller stated the sidewalk is being held up by some support beams- and there are some leaks repair is on the list, but it's not on the top 5 list. Paul Fear spoke about some of the previous repairs that have been done at the Murphy. Wagonseller stated they will be publishing a year-end financial report to present for added transparency for the projects.

## **AUDITOR**

Auditor – Auditor Hollingsworth had no report.

## **COMMITTEE REPORTS AND ACTION**

Asset, Acquisition and Use – Chairperson Purkey had no report.

Cemetery Committee – Chairperson J. McKay had no report.

Downtown Revitalization Committee – Convener M. McKay had no report.

Finance Committee – Chairperson M. McKay introduced O-16-72, making supplemental appropriations that included; from the Bond Retirement Fund to “B.A.N. Expense” the sum of \$344.00 for Davids Drive bond anticipation note. From the Waste Fund to “Consultant Services” the sum of \$1,736.00 to pay legal services for note issuance.

A motion was made by M. McKay and seconded by Swindler to give the first reading only on Ordinance No. O-16-72 - Making supplemental appropriations.

All yeas.

The Law Director read the Ordinance by title only.

A motion was made by M. McKay and seconded by Swindler to suspend the rules and regulations and give the second and third reading on the Ordinance.

Roll call.

Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; M. McKay, yes.

A motion was made by M. McKay and seconded by Swindler to pass to Ordinance as read.

Roll call.

Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; M. McKay, yes; Purkey, yes.

President of Council declared O-16-72 passed as read.

M. McKay introduced Ordinance No. O-16-73, making miscellaneous transfers; from “Community Corrections Workers Comp” to “Community Corrections Pensions” the sum of \$1,200.00, from “Community Corrections Benefit Insurance” to “Community Corrections Salaries” the sum of \$2,500.00, from “Administrative Salaries” to “Dir. Of Law Salaries” the sum of \$17,160.00, from “Vehicle Fuel” to “Driver Salaries” the sum of \$5,000.00, from “Vehicle Fuel” to “Other Materials” the sum of \$5,000.00, from “Administrative Salaries” to “Building Consultant Salaries” the sum of \$10,440.96, from “Vehicle Maintenance” to “Pensions” the sum of \$1,750.00, and from “Auditor Data Processing” to “Auditor Incidentals” the sum of \$5,000.00.

A motion was made by M. McKay and seconded by Swindler to give the first reading only on Ordinance No. O-16-73 - Making miscellaneous transfers.

All yeas.

The Law Director read the Ordinance by title only.

A motion was made by M. McKay and seconded by Swindler to suspend the rules and regulations and give the second and third reading only.

Roll call.

Stuckert, yes; J. McKay, yes; Swindler, yes; M. McKay, yes; Purkey, yes; Spicer, yes.

The Law Director read the Ordinance by title only.

A motion was made by M. McKay and seconded by Swindler to pass the Ordinance as read.

Roll call.

J. McKay, yes; Swindler, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes.

President of Council declared O-16-73 passed as read.

Judiciary Committee – Chairperson Purkey had no report.

Parks and Recreation Committee – Councilperson Swindler had no report but introduced Park Director Lori Williams who spoke about the new birdwatching area enclosure that is a boy scout project. Steven Taylor, one of the boy scouts, was able to obtain wood from the Elizabeth Williams barn that was torn down and repurposed some beams for this project. Director Williams said it is a great way to honor the original Williams family.

Safety/ Transportation Committee – Chairperson Spicer had no report.

Solid Waste/Recycling – Chairperson Spicer had no report, but stated in their committee meeting they had discussed the 2017 budget.

Streets Committee – Chairperson Spicer stated there was a committee meeting and the topics they talked about were the speed limit on Prairie Avenue, faded curbs, the Nelson Avenue intersection, College Street crosswalks, and East End and Applegate Street. Spicer stated nothing final has been decided, but they are following up. They are also currently talking about upcoming paving projects.

Wastewater/Sewer Committee - Chairperson Stuckert stated he had no report, but they did have a committee meeting to discuss the Annual EPA Inspection.

Water Committee - Chairperson Swindler introduced Ordinance No. O-16-74, an Ordinance mandating the fluoridation of public water supplies controlled by the City of Wilmington, stating the issue was on the November 8<sup>th</sup> ballot as a special advisory election item. Swindler stated it is not a legally binding ballot measure, but its aim was to gauge the sentiment of the community. The measure received 58% of the vote in favor of fluoridation.

President Riley opened the floor for discussion.

Councilperson Stuckert read a statement against fluoridation.

*Begin transcription.*

Don't simply take my word for the statements written below. I strongly encourage you to ask the administrative assistant for some of the peer reviewed publication and references I send to her. It must be known that current levels of fluoride found in products we consume did not exist when water fluoridation was originally mandated by the state. So why aren't we questioning rationale used for mandating it and why are we willing giving up for status of being exempt from it? In recent years, research data has caused a lot of push-back in the science community regarding the effectiveness of water fluoridation and its harmful effects to the human body. Think about it, fluoridation has been mandated since 1945, and since 1969 in Ohio. This means that for over 50 years, fluoridated water has been used in manufacturing plants as part of the processing of everything we consume daily.

Don't assume that some experts know more about this topic than other experts who have consistently generated alarming data on fluoridation of water, specifically the use of Hydrofluorosilicic Acid (HSFA). I do not believe water fluoridation is safe, and I would oppose it even if it was effectively reducing cavities because of the immorality of forcing all citizens to partake in the ingestion of a medical substance; including the thousands who pay for the city's water and do not want it fluoridated. If experts found that trace amounts of lead (Pb) had profound health benefits so the human body, nobody would advocate for trace amounts of it to be injected into the public water supply. It's a scientific fact that fluoride is more toxic than lead; so why are we blindly accepting it as a water treatment procedure? Fluoride is poisonous. Relatively low concentrations have been shown, conclusively, to have detrimental effects on human and animal development. Fluoridation of water has not been shown to reduce the incidence of cavities. Ultimately, the link between ingestion of fluoride and reduction of cavities is questionable in many studies. Topical fluoride (e.g., toothpastes and mouth rinses) has been shown to work effectively. Ingestion of fluoride has not. Data shows that cavities have decreased in areas using water fluoridation; however, data also shows that cavities have decreased in areas not using water fluoridation. Topical fluoride is effective at accumulation in areas of damaged tooth enamel. So why would we assume that it

doesn't accumulate in our soft and bone tissues? Studies already show a link between brittle bones in elderly and high concentration of fluoride-saturated skeletal tissue. Fluoridation has been shown to slow the emerging of teeth in children, which is a known indicator of damage that is experienced during tooth development. ADA and CDC have both recently urged parents to not use fluoridated water in their infant's formula mixtures which indicates a severe lack of knowledge on how effective it truly is. Fluoride doesn't magically disappear from water once it has been added. Fluoride injected into the water today will still be in the water tomorrow and for years to come. Presence and accumulation of fluoride in nature has shown to cause harmful effects for aquatic and terrestrial ecosystems. Controlling the dosage of fluoride consumed daily by an individual is impossible. People drink different amounts of water, so a fluoride dose cannot be regulated. Forcing medication onto people is unethical. It's wrong even if there is a slight chance that citizens could be getting overmedicated with fluoride. Over 1,800 people voted against this treatment process and that should be enough to end any progress on implementing water fluoridation. They also represent thousands more who did not vote.

*End transcription.*

Swindler discussed the program expense and engineering costs, which are grant eligible, and also discussed capital costs. Swindler stated before they pay engineers to come and make plans, she wants to make sure this is a project they are going forward on. Swindler said she's only asking for one reading, and it's important that they proceed slowly and have time to discuss the issues.

Purkey asked if the city can get a cost estimate. Director Shidaker stated he can't do the estimate. They will need to get an engineer to look at the plant and evaluate it with any capital improvements if necessary.

Swindler mentioned there are 7 other communities who have mandated fluoride and have been really helpful in this process. Purkey stated his concern is transparency, and not losing credibility with spending so soon after passing a tax levy. Spicer spoke about his concern to pass this legislation before the cost is known, and asked what waiting a couple more weeks before trying to pass it through would hurt.

Swindler stated she feels the vote on one reading will show the voters that they are listening, and showing their commitment to moving forward is important.

Shidaker stated if council really wants to move forward with this, they will need to consult with an engineer. If the majority says "yes" tonight, Shidaker said he will move forward with hiring an engineer to obtain an estimate. Swindler stated Jerry Rowlands did a really great overview of the project that is available to council and the community.

Stuckert stated he has tips and tricks for fluoride filtering for those who do not want fluoride in their body because it will accumulate over time.

Paul Hunter, addressing Stuckert, stated Stuckert had voted yes for the advisory election, but now, even though the people in Ward 2 had voted in favor of fluoride with a 17% margin. Hunter asked if he was now representing himself or the people. Stuckert stated he represented the more than 1,800 people who voted against it, as well as those who didn't vote. Hunter stated by using that logic, the city wouldn't have passed the income tax because so many people voted against it. Stuckert stated he is supporting the people who voted against it, to which Hunter inquired if he was no longer supporting his ward's opinion. Stuckert stated he was not going to represent people who have been misled under the illusion that fluoride is effective.

A motion was made by Swindler and seconded by M. McKay to give the first reading only on Ordinance No. O-16-74 – An Ordinance mandating the fluoridation of public water supplies controlled by the City of Wilmington.

The Law Director read the Ordinance by title only.

Roll call.

Swindler, yes; M. McKay, yes, Purkey, yes; Spicer, no; Stuckert, no; J. McKay, yes.

President of Council declared the first reading of O-16-74 passed as read.

President Riley stated there would be more discussion, information and voting and thanked Councilperson Swindler for her work.

Safety/Service Director – Director Shidaker had no report.

### **REPORTS TO COUNCIL**

A motion was made by Purkey and seconded by M. McKay to accept the Income Tax Report as presented.

Motion passed.

Report accepted as presented.

### **OPEN TO PUBLIC**

Samantha Armon from DP&L summarized the Gift of Power program which helps people who are not eligible for the current assistance programs, but have extenuating circumstances who need financial assistance with their electric bills.

Lee Hendee from WALH Radio spoke about the new technology, RDS or Radio Data System, at the local radio station which can show road closures, weather advisories, and emergencies. Hendee also stated they are collecting goods for the Tennessee Fire survivors to be delivered later in the week. Any donations can be delivered to the radio station.

Kelsey Swindler thanked the Wilmington Police Department for their quick action on removing hate speech graffiti that was brought to her attention. President Riley added that at no time or for any reason will hate speech of any kind be tolerated in our community. Swindler thanked Chief Weyand for his quick action and stated if you see something, say something.

### **BUDGET DISCUSSION**

M. McKay summarized the intent of the budget process and reminded council there is only one more regular meeting before the end of the year, stating they may want to have a Special Meeting due to the time constraints.

President Riley proposed that Council decides on a day before December 15<sup>th</sup> for a Special Council Meeting. Riley also mentioned the Republican Central Committee will be appointing a new Council Member to replace Randi Milburn on December 5<sup>th</sup>.

J. McKay inquired if the new Council Person would be sworn in at that special meeting, President Riley stated they would need to be sworn in prior so they could take part in the ongoing budget discussion.

Director Shidaker encouraged Council members to review the budget and direct any questions to Marian so they are prepared to discuss it at the special meeting.

M. McKay asked Director Shidaker to explain more about the street paving projects that are included the budget. Director Shidaker summarized the street paving projects, beginning with a major project with ODOT that is referred to as the South South Street Project. The project runs from South 68, into town, stopping at Locust Street, picking up again on Lorish Avenue and continuing all the way past the drive in theatre to the edge of the city limits. Shidaker stated the city's match is 80/20 and the estimate for the city's match is \$626,620. Shidaker stated between now and March he will be trying to find ways to reduce the city's match by finding grant funding. Purkey inquired if this is the only paving project for 2017. Shidaker stated he wants to do more. He feels like the people have spoken and they want these repairs and improvements. Shidaker stated he knows this is a large number, but he will probably be coming back next year asking for more funds to continue to fix the streets. Shidaker stated he didn't want to put a million dollars or a million five. He wanted to have an estimate from the state on a specific project, plus the \$30,000 for the Safe Routes to School match.

M. McKay asked Shidaker to remind them of the Safe Routes to School Project. Shidaker summarized the project that includes constructing sidewalk from Holmes Elementary along Randolph and Nelson Streets. This project is a \$350,000 project and the city's match is only \$30,000.

Shidaker stated they will be implementing ongoing programs for maintenance and repair of other existing streets. Stanforth stated it's cheaper to maintain and preserve streets. It's \$1 a foot to maintain a street, but it's \$12 a foot to repave. Ongoing they will be focusing on streets in need of repair and streets that are really bad will be last to repair. We need to prepare people for that. Stanforth stated they are hiring an engineering firm

to oversee their plan for street repair. Shidaker mentioned that you will be able to see in the budget an increase in engineering contract, up to \$70,000. Shidaker stated they worked with a firm this year to score the streets but they do not yet have a playbook to work from. It will take an engineering firm in cooperation with the Streets Department to create a game plan. Once they have established a game plan, they will be able to look 5-10 years in the future and they will have a specific number for the repairs and not just an arbitrary number. Shidaker stated over the next five years you will see significant improvement.

President Riley stated council should be looking through the budget, making notes, and be back for the Special meeting on December 14<sup>th</sup>.

**ADJOURNMENT**

A motion was made by M. McKay.

President Riley declared meeting adjourned.

Council adjourned at 8:57 p.m.

ATTEST:

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President of Council

\_\_\_\_\_  
Clerk

Wilmington City Council met in special session on Thursday, December 14<sup>th</sup>, 2016, at 6:30 p.m. with President Randy Riley presiding.

**CALL TO ORDER**

President of Council called the meeting to order at 6:30 p.m.

**ROLL CALL**

Roll Call: Purkey, present; Spicer, present; Stuckert, present; J. McKay, present; Swindler, present; M. McKay, present.

Chief Weyand was not present.

**PLEDGE OF ALLEGIANCE**

Council gave the Pledge of Allegiance to the flag.

**MOMENT OF SILENCE**

**PRESIDENT OF COUNCIL**

President of Council-

President Riley introduced Bill Liermann who spoke briefly about his previous experience on City Council.

Judge Daugherty swore in Council Member, At Large, M. William Liermann.

A motion was made by J. McKay and seconded M. McKay by to approve the special agenda as received.

Motion passed.

Special agenda approved as received.

**MAYOR**

Mayor- Mayor Stanforth stated the budget is a little higher than he would like, but the citizens of Wilmington passed the tax increase with expectations of judicious spending. Stanforth stated very few items were increased, with the exception of Streets, whose budget is higher because of badly needed street repairs and paving projects.

J. McKay thanked Mayor Stanforth on behalf of the Chamber of Commerce for his words at the grand opening of the Hospice Center.

President Riley spoke briefly recognizing former Councilmember Randi Milburn for all of her dedication and work.

**AUDITOR**

Auditor – Auditor Hollingsworth was not present.

**COMMITTEE REPORTS AND ACTION**

Finance Committee – Chairperson M. McKay introduced O-16-75, and asked Clerk of Council Marian Miller to summarize the changes from the 2016 budget. Miller stated the increases overall in Administration that impact the tax revenue are Municipal Court, which breaks even, Engineering Contracts under General Administration for the engineering obligation for street construction, and significant increases in Data Processing due to some expired software in the building department that will need to be replaced. It is obsolete and no longer supported by the manufacturer. Miller also explained the City's website's need for updates due to more people accessing the city site using mobile devices, as well as new federal regulations stating the site needs to be ADA compliant.

M. McKay asked if there were any questions about Municipal Court, since the Judge was present at the meeting. Swindler inquired about the "Scram Fund". Judge Daugherty stated a "scram" is a monitoring device that will measure if the wearer has ingested alcohol. Swindler asked about the additional lines under "Special Projects". Daugherty stated the fund was created in 2010 and is supplemented through court costs. Some courts use it to pay for new facilities, buy equipment, and in this case it's being used for additional partial salaries

for Data Entry and Community Corrections. Judge Daugherty stated the Special Project fund keeps them from needing to get appropriations from the General Fund.

President Riley thanked Judge Daugherty for his time.

M. McKay asked Miller to explain the Retained Hotel Lodging Tax portion of the budget under General Administration. Miller stated there were some applications for the Retained Hotel Lodging Tax but with the timing this year, the form not being approved until after the deadline had passed, the date of the election, Council will be giving the obligated 50% of the estimated revenue to the CVB, following Ohio Revised Code. The submitted applications will be reviewed in January or February in committee. Council's intent is to make the CVB whole in their budget but there was an unexpected increase of \$40,000. The decision by Chairperson M. McKay and Administration was to see if that was a request that could be fulfilled. It will require a supplemental appropriation to move the funds. M. McKay stated they are looking at the 50% and Miller stated there is still 1% for the administrative fee that hasn't been taken out as well.

J. McKay inquired about the increase in facility maintenance. M. McKay stated that the Municipal Building was in need of a new boiler, since the previous one is 24 years old and they needed to plan for that expense.

M. McKay stated the largest increase is in the Streets for the paving projects for \$309,000 and Service and Safety Director Shidaker had gone over the projects and their expenses in previous committee and council meetings.

Spicer inquired if this budget included the tax increase of the half percent and expressed concern about how the increase in money would be applied. Miller stated the tax is included in the budget and portions of the money went to the street projects and some went to "fill holes in the sinking ship" since the city has been deficit spending for four years.

Spicer stated he was concerned the city is spending more than it is bringing in and Deputy Auditor Vance assured Spicer the 2017 budget is not. Spicer stated he wants to make sure the tax funds to go towards, Streets, Police, and carryover. Miller stated the Police fund is being maintained and the Streets funding has been increased. Mayor Stanforth stated they are still going to go over each street and get the most bang for their buck for maintenance and repair.

M. McKay stated if you look throughout the budget, there have been a lot of cuts and increases only when they absolutely necessary. Spicer stated he could see the cuts, and his only question was about the Taxi Department he noticed there is a 19% increase on dispatch and salaries. Miller explained the dispatch department must have people who have been trained and there was no safety net for the employees in the current position. Two part timers were trained to be able to do the job to provide that safety net, and that accounts for the increase.

President Riley asked M. McKay to lead Council through the budget discussion line by line and if there is a question about a portion of the budget, Councilmembers can ask their questions at that time.

M. McKay began budget discussion-

- Safety- Miller explained this includes dispatch and is under the General Fund. No questions.
- Jump Hanger Fund- M. McKay stated while it is confusing this fund helps future economic development. There is an increase of \$92,743 in the loan payments. Deputy Auditor Vance stated last years budget was a guess, and this year's is the absolute number for the loan payments and it would be accurate going forward.
- Maintenance and Repair- Miller stated the reduction in salaries is due to the street sweeper being moved from the M & R Department to the Sewer Department which is an Enterprise Fund. The largest increase you will see is the \$70,000 for the Salt Shed that has been touched on in several committee meetings. M. McKay asked why there was a reduction in the Salt, and Miller stated they had competitively bid this year and were able to get it at a much cheaper rate.
- Permissive Tax- Miller stated there is an increase under Street Improvements which is carryover from the Ahresty Project. Miller explained the tax money comes from license renewals and must be spent on Streets. Shidaker clarified that some of the money in this fund is encumbered from previous projects that have anticipated

invoices and there are still some payments that need to be made.

- Public Transit/Taxi- M. McKay went over the new numbers, showing a decrease from last year. No questions.
- Street Lighting- M. McKay stated this is something they have to pay. Miller stated this is taken care of with a special assessment that Deputy Auditor Vance takes care of and the line of the fund does have carryover.
- Insurance Fund- M. McKay stated it stayed the same, but Miller stated the amount could actually change in April, due to the bids going out in January. M. McKay is the council liaison and will keep everyone updated in case the amount changes.

M. McKay asked Miller to go over existing accounts. Miller stated these are restricted on what they can be spent on and many involve grants and went over the UDAG or Revolving Loan, OPWC- Airborne Connector/Ahresty, Fife, and UV Lighting, and the CHIP Program.

M. McKay continuing with the budget discussion-

- Municipal Court- M. McKay went over Municipal Court Computerization, Probation Services, and Magistrates Fund. J. McKay inquired about the increase in Travel, Transportation, and Education that has gone up \$25,000. Judge Daugherty stated the magistrate wasn't getting the required training he needed and his hours were also changed. Judge Daugherty stated there will also be some updating of the security in the courtrooms, but none of the funds are coming from taxpayers, they are special assessments from court costs.
- Parks Improvement- M. McKay stated it is \$120,000 less than the previous year.
- Police Fund- M. McKay asked for specific questions, Purkey asked if the \$90,000 increase in salaries was just the negotiated amount. Liermann stated that is the obligation through contract.
- Fire- M. McKay stated there is a decrease in the salary line, Miller stated there is an assistant fire chief position that is not being filled currently. Miller stated the biggest change you will see is for Equipment Maintenance for air packs and Station Repair for magna grip, both of which are essential for health and safety of the firefighters. Miller stated they had applied for grants for the magna grip, but it was not awarded to the city.
- Recreation Fund- M. McKay stated this does not draw and money from the General Fund. M. McKay thanked Lori Williams for her hard work and ability to obtain grants and contributions. Treasurer Paul Fear inquired about the salary increase, Miller stated it was due to another female employee being paid below their legislated salary amount.
- Cemetery Fund- M. McKay stated it is still under the General Fund but has its own pool of money. Miller stated this fund was extensively reviewed in committee. J. McKay stated he will be meeting with the Clinton County Foundation to receive the Hale Fund money in the coming week. The fund has increased so the payment will be significantly higher.
- Water Fund- Miller stated the increases reflect a higher bond payment and the purchase of a water truck for Capital Equipment.
- Sewer Fund- Miller stated there were some Capital Improvements and Equipment increases included and they were discussed in committee.
- Waste/Trash Fund- Miller stated the most significant increase is in the Lease Purchase, this is for the robotic truck for route automation which will be paid off in 3 years. Miller stated for extra clarity there was an extra cost savings in salary by going robotic and two full time employees were moved to other departments. Miller stated that all three Enterprise Funds make contributions to the Utility Billing Department. The Waste Department was unable to make any contributions. Now, with the cost savings of two fewer employees, they can now afford to make the contributions to Utility Billing. Miller stated the savings are noticeable, and in the next 3 years you will be able to see additional cost savings.
- Galvin Park Fund- Miller stated that Director Williams has no intention of spending those funds. She plans to let them grow.

M. McKay asked if there were additional questions. President Riley inquired if they need to ask any department heads to be present at the next meeting who wouldn't normally attend. Council had no recommendations.

Swindler thanked Miller for her help in explaining the budget to individual council members.

Miller thanked Deputy Auditor Vance for all her help in the preparation of the budget. President Riley also thanked Miller and Shidaker for their work.

A motion was made by M. McKay and seconded by Purkey to give the first reading only on Ordinance No. O-16-75- Making appropriations for current expenses and other expenses and other expenditures for the city of Wilmington, Ohio during the fiscal year ending December 31, 2017.

All yeas.

The Law Director read the Ordinance by title only.

Safety/Service Director – Director Shidaker had no report, but thanked Council for all their hard work.

#### **REPORTS TO COUNCIL**

No reports.

#### **OPEN TO PUBLIC**

No questions or comments.

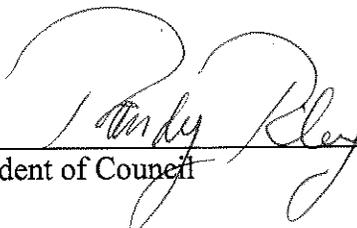
#### **ADJOURNMENT**

A motion was made by Liermann.

President Riley declared meeting adjourned.

Council adjourned at 7:46 p.m.

ATTEST:

  
\_\_\_\_\_  
President of Council

  
\_\_\_\_\_  
Clerk

Wilmington City Council met in regular session on Thursday, December 15<sup>th</sup>, 2016, at 7:30 p.m. with President Randy Riley presiding.

**CALL TO ORDER**

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

**ROLL CALL**

Roll Call: Purkey, present; Spicer, present; Stuckert, present; J. McKay, present; Swindler, present; Liermann, present; M. McKay, present.

Chief Weyand was also present.

**PLEDGE OF ALLEGIANCE**

Council gave the Pledge of Allegiance to the flag.

**MOMENT OF SILENCE**

**PRESIDENT OF COUNCIL**

President of Council-

A motion was made by M. McKay and seconded by Stuckert to approve the agenda as received.

Motion passed.

Agenda approved as received.

A motion was made by J. McKay and seconded by Purkey to approve the December 1<sup>st</sup> minutes as received.

Motion passed.

Minutes approved as received.

President Riley went over new Committee appointments for acceptance by Council, noting that Bill Leirmann would chair the Parks and Recreation Committee and would also take Randi Milburn's place on AAU, Finance, Judiciary, and Wastewater/Sewer. A motion to accept the Council Committee assignments as presented was made by M. McKay and seconded by J. McKay. Motion passed.

President Riley read a notice from the Ohio Department of Liquor Control to Legislative Authority from GC Inc. Quick Stop Drive Thru 520 W. Truesdell, Wilmington Ohio 45177, noting that it would be on file in the Mayor's office for review.

**MAYOR**

Mayor- Mayor Stanforth gave a brief overview of the Wilmington Succeeds program noting the recent recipients of the grant were Sara DiStefano and Tyler Williams. Stanforth also congratulated Parks Director Lori Williams on receiving a donation from Orange Frazer Press. Mayor Stanforth stated the city is in the process of taking over Hunter Glen. Paul Hunter inquired what the results of the previous meeting were. Mayor Stanforth stated it was very positive and he graciously thanked Paul Hunter for everything he has done for the community.

Mayor Stanforth announced Devin Henson from Boy Scout Troop 154 would be gaining the rank of Eagle Scout on Saturday at the United Methodist Church. Stanforth spoke about the Transit Departments new hours and explained instead of increasing their funding, the decision was made to reduce their hours.

Mayor Stanforth thanked Council for their work on the 2017 budget, noting it has been 12 years since Council passed a unanimous budget. Stanforth thanked Brian Shidaker and Marian Miller for their hard work. President Riley thanked the Auditor's Office for their contributions.

**AUDITOR**

Auditor- Auditor Hollingsworth had no report.

## **COMMITTEE REPORTS AND ACTION**

Asset, Acquisition and Use – Chairperson Purkey had no report.

Cemetery Committee – Chairperson J. McKay had no report, but stated the cemetery will be receiving the Hale Fund money soon from the Clinton County Foundation. Paul Hunter asked if J. McKay could provide a number and J. McKay stated he wouldn't give a number yet because it is still fluctuating.

Downtown Revitalization Committee – Convener M. McKay encouraged everyone to Shop Downtown for their Christmas needs. Spicer stated the Fayetteville Film Festival was taking place featuring students and their original films.

Finance Committee – Chairperson M. McKay introduced O-16-76, Establishing a new fund. M. McKay stated this fund is being created for the OPWC Sewer Line replacement project.

A motion was made by M. McKay and seconded by Swindler to give the first reading only on Ordinance No. O-16-76 Establishing a new fund.

All yeas.

The Law Director read the Ordinance by title only.

A motion was made by M. McKay and seconded by Liermann to suspend the rules and regulations and give the second and third reading on the Ordinance.

Roll call.

Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Liermann, yes; M. McKay, yes.

A motion was made by M. McKay and seconded by Swindler to pass to Ordinance as read.

Roll call.

Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Liermann, yes; M. McKay, yes; Purkey, yes.

President of Council declared O-16-76 passed as read.

M. McKay introduced Ordinance No. O-16-77, Establishing a new fund. M. McKay stated this fund is being created for the OPWC UV Lighting for the sewer project.

A motion was made by M. McKay and seconded by Swindler to give the first reading only on Ordinance No. O-16-77 - Establishing a new fund.

All yeas.

The Law Director read the Ordinance by title only.

A motion was made by M. McKay and seconded by Swindler to suspend the rules and regulations and give the second and third reading only.

Roll call.

Stuckert, yes; J. McKay, yes; Swindler, yes; Liermann, yes; M. McKay, yes; Purkey, yes; Spicer, yes.

The Law Director read the Ordinance by title only.

A motion was made by M. McKay and seconded by Swindler to pass the Ordinance as read.

Roll call.

J. McKay, yes; Swindler, yes; Liermann, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes.

President of Council declared O-16-77 passed as read.

M. McKay introduced Ordinance No. O-16-78, Making miscellaneous transfers. M. McKay stated a transfer from "Mayor's Incidentals" to "Admin Vehicle Expense" the sum of \$600.00 for new tires and gas gage. From "Capital Construction" to "Architectural and Engineering" the sum of \$8,300.00 for Landfill Phase V.

A motion was made by M. McKay and seconded by Liermann to give the first reading only on Ordinance No. O-16-78 -. Making miscellaneous transfers.

All yeas.

The Law Director read the Ordinance by title only.

A motion was made by M. McKay and seconded by Liermann to suspend the rules and regulations and give the second and third reading only.

Roll call.

Swindler, yes; Liermann, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes.

The Law Director read the Ordinance by title only.

A motion was made by M. McKay and seconded by Swindler to pass the Ordinance as read.

Roll call.

Liermann, yes; M. McKay, yes, Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes.

President of Council declared O-16-78 passed as read.

M. McKay introduced Ordinance No. O-16-79, Making supplemental appropriations.

M. McKay stated the appropriations were from the Economic Development Fund to “Business Development” the sum of \$6.43, from the Water Fund to “Principal to Bondholders” the sum of \$7,500.00 and from the Sugar Grove Cemetery Fund to “Medicare” the sum of \$25.00.

A motion was made by M. McKay and seconded Swindler by to give the first reading only on Ordinance No. O-16-79- Making supplemental appropriations.

All yeas.

The Law Director read the Ordinance by title only.

A motion was made by M. McKay and seconded by Liermann to suspend the rules and regulations and give the second and third reading only.

Roll call.

M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Liermann, yes.

The Law Director read the Ordinance by title only.

A motion was made by M. McKay and seconded by Swindler to pass the Ordinance as read.

Roll call.

Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Liermann, yes; M. McKay, yes.

President of Council declared O-16-79 passed as read.

M. McKay introduced Ordinance No. O-16-75, Making appropriations for current expenses and other expenses and other expenditures of the City of Wilmington, Ohio during the fiscal year ending December 31, 2017. M. McKay asked if there was any discussion or comments, which there were none.

A motion was made by M. McKay and seconded by Purkey to suspend the rules and regulations and give the second and third reading only.

Roll call.

Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Liermann, yes; M. McKay, yes; Purkey, yes.

The Law Director read the Ordinance by title only.

A motion was made by M. McKay and seconded by Purkey to pass the Ordinance as read.

Roll call.

Stuckert, yes; J. McKay, yes; Swindler, yes; Liermann, yes; M. McKay, yes; Purkey, yes; Spicer, yes.

President of Council declared O-16-75 passed as read.

M. McKay thanked everyone for their help on this budget. M. McKay stated there have been several questions on the income of the budget and the carryover. Auditor Hollingsworth stated the General Fund balance is a little below 2 million dollars

currently. Hollingsworth explained there is another payroll and some departments are finishing paying their bills for the year. An exact number will be available after December. M. McKay stated there will be carryover for 2016 and then with the new budget there will be a higher projected carryover for 2017. Paul Hunter asked if it is known what the projected carryover will be into 2018. Hollingsworth stated his estimate would be about 2 million dollars. M. McKay stated they will continue to build up the carryover and will be doing projects as well.

Judiciary Committee – Chairperson Purkey introduced Ordinance O-16-82, Amending Chapter 509, Disorderly Conduct and Peace Disturbance, of the Codified Ordinances. Purkey explained amending the Ordinance is housekeeping, and will allow the to be enforced and the minor can be charged as an unruly child. Swindler asked what level of a misdemeanor, Shidaker stated it is a minor misdemeanor.

Swindler stated she wants to be transparent, and expressed discomfort with the idea. Swindler stated it isn't out of disrespect for the curfew laws, but the idea of someone who is already in violation of another law could have a second charge stacked on top of that doesn't feel right.

A motion was made by Purkey and seconded by J. McKay to give the first reading only on Ordinance No. O-16-82- Amending Chapter 509, Disorderly Conduct and Peace Disturbance, of the Codified Ordinances.

6 yeas.

1 nay (Swindler).

The Law Director read the Ordinance by title only.

A motion was made by Purkey and seconded by J. McKay to suspend the rules and regulations and give the second and third reading only.

Roll call.

J. McKay, yes; Swindler, no; Liermann, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes;

The Law Director read the Ordinance by title only.

A motion was made by Purkey and seconded by J. McKay to pass the Ordinance as read.

Roll call.

Swindler, no; Liermann, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes.

President of Council declared O-16-82 passed as read.

Parks and Recreation Committee – Councilperson Liermann introduced Resolution No. R-16-50- Authorizing the advertising for bids for the construction of a skate park at David Williams Memorial Park in Wilmington, Ohio.

President Riley opened the floor for discussion.

Chris Walls expressed concern about the size of the proposed skatepark and stated he didn't think it was right to bid on a project that doesn't have the support of the community. Walls said they were wasting 150,000 on a project that is too small. Mayor Stanforth addressed Walls and stated the city just doesn't have the funds to build a big skatepark and that is the bottom line. Walls asked if additional fundraising could be done, and Stanforth stated if funds were raised the plans can be changed. Clerk Miller went over the current budget for Phase 1 and Phase 2 of the Skatepark plans, noting there is currently only enough funding for Phase 1 and most of that money is in the form of a grant that is on a timeline stipulating that funds be spent by November. Miller said right now, Director Williams has to build a park based on the funds she has. Williams has enough money for a \$150,000 park, a lot of which is tied into grants. Mayor Stanforth added the plan is to open Memorial Day weekend and to get the ball rolling now on the project they have to accept bids. Miller stated the legislation is being done in three readings so that construction can begin in March or April depending on the weather.

President Riley stated he also would love to see the entire project built at once, but there are just not the funds available. Riley also stated when it comes to building and contracting there is no one he trusts more than John Stanforth.

Chris Walls stated he is a businessman and his he is opposed to wasting money on this project. Wall said if it is built too small, no one will use it. Walls stated his kids and others in the community are being let down. Mayor Stanforth clarified the temporary skatepark on the tennis court is not being taken away. They will also have that to skate on. Walls stated he understood, but the new park is something that will not be used and they are wasting the city's money. M. McKay asked if Walls had attended the skatepark meeting with the builders where the skaters had input into the project and made changes they wanted to see. Miller said there were 20 attendees who gave input into the redesigning of the park, and although it is smaller, in no way did the designer say it would be dangerous. Miller stated skaters may be required to wait to use some of the features, adding Director Williams has been accommodating with their requests and has made huge compromises. Miller said at the end of the day a small park is better than no park, especially when there is potential and opportunity to build a second phase. M. McKay stated a lot of work has gone into this, and he doesn't like the generalization that no one will use the park. M. McKay said if they build it, the kids will use it. Walls stated that some kids will use it, but it will not bring in people from out of town.

A motion was made by Liermann and seconded by Swindler to give the first reading only on Resolution No. R-16-50- Authorizing the advertising for bids for the construction of a skate park at David Williams Memorial Park in Wilmington, Ohio.

All yeas.

The Law Director read the Resolution by title only.

A motion was made by Liermann and seconded by Stuckert to suspend the rules and regulations and give the second and third reading only.

Roll call.

Liermann, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes.

The Law Director read the Resolution by title only.

A motion was made by Liermann and seconded by M. McKay to pass the Resolution as read.

Roll call.

M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Liermann, yes.

The Law Director read the Resolution by title only.

President of Council declared R-16-50 passed as read.

Mayor Stanforth clarified the Memorial Day weekend date for the opening isn't written in stone, and could change due to the project being weather dependent.

M. McKay invited Chris Walls to attend the park meetings stating if Walls wants to make comments, he should be informed.

Councilperson Liermann noted he wanted to show some leadership, and will donate his Council salary for the month of December to the Parks Department. Liermann recommended all Council members donate a months salary or a portion of it in the spirit of giving.

Safety/ Transportation Committee – Chairperson Spicer had no report but said he had just recently found out the Taxi hours will be reduced. and he was disappointed to find this out from the public and not from the city. Spicer further stated a lot of people depend on this service and inquired if changing the hours is something that has to be approved by ODOT. Miller stated it is not required and doesn't affect funding. Spicer stated he was upset this wasn't brought up in committee. J. McKay inquired what the new hours would be.

Miller diverted to the Transit Director Tony Morris, who stated they were notified on August 31<sup>st</sup> about the reduction in funding for 2017. Morris stated the hours being cut are ones that have 2-3 riders, and they don't justify him staying open with such a small number. Morris said the priority was staying open on Sunday, and the new hours are 9am-3pm. Morris said the reduction of hours is necessary to make ends meet. Spicer stated he understood they had lost money, but his concern is this is being sprung on the public without their input and it leaves a bad taste in his mouth. Spicer said he hates to see the early morning hours change because he knows folks are trying to get to work.

Morris stated they have kept the early morning hours, Miller said only the weekend hours have been changed by one hour. Spicer inquired if the Council sets the hours for transit. Miller stated she looked through ordinances and didn't find the requirement stating they set the hours. Director Morris stated he had thoroughly researched changing the hours before the decision was made and that he wouldn't have made changes that could jeopardize the grand funds.

Steve Swazin asked what the difference in cost reduction is if you reduce the number of cabs instead of changing the hours. Director Morris said that would dramatically increase the wait time. Spicer praised Morris on getting the wait times down and stated people have appreciated it. Purkey inquired if the grant funding was tied to the wait times. Morris stated it is not. Miller stated there is a maximum wait time. J. McKay asked what the average wait time. Morris stated the first of the month is usually a longer wait time closer to 45 minutes, but the averages from 5-15 minutes.

Solid Waste/Recycling – Chairperson Spicer had no report.

Streets Committee – Chairperson Spicer had no official report but stated he knew they have had some complaints about the speed on Prairie Avenue. J. McKay stated he received a letter from Russell and Joann Allen who live on Prairie and reside in his ward. The Allen's are against any increase in the speed limit, citing concerns for safety.

Tom Braush, Wood Street, spoke about Prairie Avenue speed and cited information from ODOT concerning speed limits. Director Shidaker said he met with engineers about Prairie Avenue and at the next Street meeting they will be coming forth with a recommendation of raising the speed limit to 35. Shidaker explained the reason it was originally set at 25 was because the stretch was less than a mile, but when the annexation for the bypass took place, the road was extended past the one mile mark. Shidaker stated it will all be in writing at the committee meeting.

Wastewater/Sewer Committee - Chairperson Stuckert had no report.

Water Committee - Chairperson Swindler asked to move for the second reading only on the legislation for fluoridation.

A motion was made by Swindler and seconded by M. McKay to give the second reading only on Ordinance No. O-16-74 – An Ordinance mandating the fluoridation of public water supplies controlled by the City of Wilmington.

President Riley asked for any discussion.

Councilmember Lonnie Stuckert wanted to clarify statements he made at the previous meeting concerning the toxicity of fluoride. Stuckert stated someone had questioned the information he presented, and stated he had sources to back up everything he said. Stuckert passed out a graph showing fluoride was more toxic than lead and almost as toxic as arsenic. M. McKay questioned the graph and asked if it is a true one-to-one and stated anyone can make statistics. Stuckert cited several sources concerning the toxicity of fluoride. Stuckert said he has information sources available if people have questions concerning the negative effects of fluoride. Stuckert stated he is in favor of tabling the issue while the facts he is presenting are looked into, citing that both sides have credible sources.

J. McKay inquired of Director Shidaker if any research has yet been done on what it will cost. Shidaker stated going forward he wanted to make sure everything is being done absolutely correctly, and they are by no means just dumping fluoride into the water. Shidaker stated they are in the process of contracting with an engineering firm, and it will be presented at a Board of Control meeting. Shidaker stated they will start with a site evaluation, and essentially they will develop three alternatives to incorporate the new fluoride process. Shidaker stated the study will cost around \$13,000 and will take about 45 days. Shidaker stated this study is absolutely necessary and it will not take Council approval to get the study done since the people have spoken.

Swindler stated these are standard operation procedures, and moving forward the project will be eligible to be reimbursed with grant money. Swindler stated Jerry Rowlands has put together a very thorough proposal of what the ongoing costs would be. Swindler thanked Shidaker for acting quickly.

J. McKay asked Law Director Rudduck if they can postpone the third reading of the Ordinance and if there was a timeline if they decide to. Rudduck stated it isn't being passed as an emergency and clarified that J. McKay was asking if there could be a lull between the 2<sup>nd</sup> and 3<sup>rd</sup> readings. Miller clarified if they wanted to postpone the reading, there would need to be a motion and legally it will be moved to the next meeting.

Purkey asked if J. McKay if he is concerned about the cost. J. McKay stated he wondered if they should finish the second reading and postpone the third reading until the details were worked out. Shidaker stated this has been budgeted for. Swindler said for clarity, there is a line for engineering consultant and it's in the budget every year. Those funds would be reimbursed if they move forward with fluoridation and as grant money is available. Swindler said she has been in contact with ODH who asked that they stay in direct contact so they can time their funding with the city's process. Swindler stated she was reassured to hear that the engineering consultant that Shidaker has been in contact with is familiar with working with ODH on that timeline.

Paul Hunter asked if he could address some of Councilperson Stuckert's concerns, and stated the CDC, the Dental Association, and NIH all approve of the optimal .7 level of fluoride and he has to rely on that evidence, although Stuckert has his points. Stuckert stated he has to rely on both sides, because the other side has their points too.

Spicer stated he also has concerns about the people this is affecting who have health problems. Swindler stated this did come up in the public forum, and Dr. Hamilton had stated that a person who currently has health issues and should not consume any fluoride should not be drinking the city's water. Spicer asked why they would want to compound the issue and make it harder on people who have health problems from the toxicity of fluoride and also cause them added expense.

Purkey inquired if these people are currently filtering their water since there are .2PPM in the water now. Swindler stated if there are concerns she encouraged Spicer to call the doctors and inquire about the occurrences of fluorosis in the community. Paul Hunter stated the thing to consider at all levels of legislation is the greater good, you can't protect everyone from everything but you can protect the majority of people by certain actions. Stuckert stated the misconception is fluoride a vitamin, and it's actually a toxin and it's a form of medication.

The Law Director read the Ordinance by title only.

Roll call.

Purkey, yes; Spicer, no; Stuckert, no; J. McKay, yes; Swindler, yes; Liermann, no; M. McKay, yes.

President of Council declared the second reading of O-16-74 passed as read.

M. McKay asked Swindler if Jerry Rowlands had looked into the program costs, and Swindler stated they had looked into two different types of costs, capital improvements and maintenance costs. Swindler reminded everyone that there are folders of information pertaining to fluoride in the Mayor's Office and the Jerry Rowlands projections for the maintenance costs are included.

Miller asked for clarification for how Council would like to move forward on the legislation, inquiring if Swindler wanted to postpone the third reading until after the engineering evaluation. Swindler asked to postpone the third reading, and there was brief discussion inquiring if a motion for postponement was needed. President Riley asked Law Director Rudduck to research and clarify if there is a need for a motion for postponement by the next meeting. Miller stated she would go ahead and put the legislation on the next agenda, noting it can be changed once there is clarification.

Swindler introduced the Ordinance O-16-80 and explained it will codify the bulk water rates.

A motion was made by Swindler and seconded by M. McKay to give the first reading only on Ordinance No. O-16-80- Amending Chapter 929, Water Rates of the Codified Ordinances.

All yeas.

The Law Director read the Ordinance by title only.

A motion was made by Swindler and seconded by Stuckert to suspend the rules and regulations and give the second and third reading only.

Roll call.

Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Liermann, yes; M. McKay, yes; Purkey, yes.

The Law Director read the Ordinance by title only.

A motion was made by Swindler and seconded by M. McKay to pass the Ordinance as read.

Roll call.

Stuckert, yes; J. McKay, yes; Swindler, yes; Liermann, yes; M. McKay, yes; Purkey, yes; Spicer, yes.

President of Council declared O-16-80 passed as read.

Swindler stated this codifies the bulk water at the current rate which is also tied to the residential water rate. If new equipment needs to be purchased at a later date, reevaluating the rates may need to be explored.

Paul Hunter asked why the bulk water rate doesn't stand alone and is tied to the residential rate. Swindler stated it involves the cost of delivering water and Jerry Rowlands and the Water Committee decided to tie any potential rate increase to an investment in that service.

Swindler introduced Ordinance O-16-81 dealing with terminating water service.

Swindler stated this topic had come up at the beginning of the year when property owners were frustrated when they are stuck with bills that were unpaid by their tenants.

A motion was made by Swindler and seconded by M. McKay to give the first reading only on Ordinance No. O-16-81- Amending sections of Chapter 923 Sewer Charges, Chapter 927 Water Rules and Regulations, and Chapter 929 Water Rates of the Codified Ordinances of the City of Wilmington.

All yeas.

The Law Director read the Ordinance by title only.

A motion was made by Swindler and seconded by M. McKay to suspend the rules and regulations and give the second and third reading only.

Roll call.

J. McKay, yes; Swindler, yes; Liermann, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes.

The Law Director read the Ordinance by title only.

A motion was made by Swindler and seconded by M. McKay to pass the Ordinance as read.

Roll call.

Swindler, yes; Liermann, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes.

President of Council declared O-16-81 passed as read.

Safety/Service Director – Director Shidaker had no report.

### **REPORTS TO COUNCIL**

A motion was made by M. McKay and seconded by J. McKay to accept the Auditor Treasurer Report as presented.

Motion passed.

Report accepted as presented.

### **OPEN TO PUBLIC**

Tim Braush of 220 N. Wood Street spoke about concerns about safety with East End Elementary and Applegate Street and offered several suggestions including a stop sign at the end of Columbus and Applegate St. President Riley thanked Mr. Braush for his input stating they are actively looking for solutions and asked Director Shidaker to look into the stop sign issue. Riley also recommended Chief Weyand have Pat Black, the resource officer, meet with the principal of East End to work on some of the safety concerns until there is a permanent solution.

Chris Walls of 372 W. Locust Street asked for clarification on the funding goal for the larger skate park and inquired if \$35,000 was what is needed for the larger skatepark. Miller stated that number is what is needed to complete the Splash and Skate Park Phase 1. Miller stated Phase 2 would be an additional \$50,000. M. McKay recommended Chris talk to Lori Williams for further clarification on funding.

**ADJOURNMENT**

A motion was made by M. McKay.  
President Riley declared meeting adjourned.  
Council adjourned at 9:15 p.m.

ATTEST:

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President of Council

\_\_\_\_\_  
Clerk