

RESOLUTION NO. R-23-04

EXPRESSING INTENT TO SELL CITY SURPLUS ITEMS TO THE PUBLIC THROUGH AN ON-LINE AUCTION SERVICE AND DECLARING AN EMERGENCY

WHEREAS, the City of Wilmington would like to sell personal property that is surplus, obsolete or unfit for City service using auction services available via the internet, as is permitted pursuant to O.R.C. 721.15(D); and

WHEREAS, the City of Wilmington would like to offer to the public the convenience of bidding on said City surplus items through an online auction service offered by GovDeals.com.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, STATE OF OHIO:

Section 1. That the City of Wilmington intends to sell surplus and obsolete personal property or personal property that is unfit for City service (hereinafter "surplus property") by internet auction in calendar year 2023.

Section 2. That the items will be sold through the online auction service offered by GovDeals, Inc. A description of the manner of the internet auctions to be held is set forth in the city's current agreement with GovDeals, Inc. and by other rules as posted on the GovDeals, Inc. website pertaining to said auctions.

Section 3. That the general terms of said internet auction sales shall include the following:

- 1) All City surplus property is purchased AS IS, WHERE IS. The City is not providing a warranty of merchantability or any other warranty regarding any auctioned item;
- 2) Auctions of City surplus property will be conducted at various times throughout the year as the surplus property becomes available for auction. The minimum number of days that an auction will be held for any item of City surplus property shall be fifteen (15) days, including Saturdays, Sundays and legal holidays.
- 3) At the close of bidding, the winning bidder will pay for the surplus item by credit card to GovDeals, Inc. as directed of the website (www.govdeals.com);
- 4) Buyers are responsible for all costs of picking up, shipping or otherwise transporting the surplus property from its location in the City. Buyers shall remove the purchased item from City property within thirty (30) days (unless otherwise agreed by the City) or the buyer shall forfeit his or her right to purchase the property, will receive a refund of the purchase price, and the item will be re-auctioned. If a buyer who failed to pick up an item purchased from the online auction fails to do so a second time, the purchase price for the second or subsequent items not picked up will NOT be refunded.
- 5) City personnel will make up to two (2) scheduled appointments for pick-up and if the buyer does not show at the scheduled time and place for the second appointment, the buyer loses all rights to purchase said surplus property, the purchase price will be refunded, and the City will re-auction the item;
- 6) For any vehicle or property requiring a title, the City will provide a title for any vehicle purchases as soon as practicable after said purchase.

Section 4. The contact information of the GovDeals, Inc. representative is set forth in the current agreement with GovDeals, Inc., and, if it changes, the new contact information shall be available through the Mayor's office or the Chief of Police.

Section 5. That this resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the citizens of Wilmington, Ohio.

Passed this 19th day of January 2023.

President of Council

ATTEST:

Clerk of Council

Approved by me this 19th day of January 2023.

Mayor

RESOLUTION NO. R-23-05

**GIVING CONSENT OF THE CITY OF WILMINGTON FOR THE OHIO
DEPARTMENT OF TRANSPORTATION TO REMOVE SNOW AND ICE AND USE
SNOW AND ICE CONTROL MATERIAL ON STATE HIGHWAYS INSIDE THE
CITY CORPORATE LIMITS**

WHEREAS, the Director of Transportation, under Section 5501.41, Revised Code of Ohio, may, upon consent of the legislative authority of the City, remove snow and ice and use snow and ice control material on State Highways within the corporate limits of a City pursuant to a written agreement to be entered into between the City and the Department of Transportation of the State of Ohio; and

WHEREAS, State Highway 73 By-Pass including the Ramps at US 22 lie within the City of Wilmington, Clinton County; and

WHEREAS, the work proposed to be authorized under this ordinance/resolution shall be restricted to, if an Agreement is entered into, the removal of snow and ice and the use of snow and ice control material on State Highways within the corporate limits of the City but shall not include the removal of snow and ice and the use of snow and ice control material on driveways, parking areas, and intersecting roads and streets; and

WHEREAS, this ordinance/resolution shall not relieve or discharge the City from any claim or claims of any nature arising from, or growing out of, the work by the Department of Transportation of the State of Ohio on said highways in the City, and the City shall save the State of Ohio harmless from any and all such claims; and

WHEREAS, this ordinance/resolution is not intended to and shall not supersede any section of the Ohio Revised Code pertaining to the responsibilities of the City and the Department of Transportation regarding any other maintenance and repair.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, OHIO.

Section 1. It is hereby declared to be in the public interest that the consent of said City be, and such consent is hereby given to the Department of Transportation of the State of Ohio if an agreement is entered into, for said Department to remove snow and ice and use snow and ice control material on any State Highways listed in the agreement in accordance with the standard practices of the Ohio Department of Transportation.

Section 2. That the Director of Public Service is authorized to enter into the Agreement Between the State of Ohio, Department of Transportation and the City of Wilmington, Ohio for the Removal and Control of Snow and Ice (**“Exhibit A”**).

Section 3. That the Clerk of Council is hereby directed to furnish the Director of Transportation with a certified copy of this Resolution upon execution.

Section 4. That it is found that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 5. That this Resolution shall take effect and be in force at the earliest time allowed by law.

Passed this 16th day of February 2023.

President of Council

ATTEST:

Clerk of Council

Approved by me this 16th day of February 2023.

Mayor

ODOT AGREEMENT NO. 36011
City Consent Ordinance/Resolution No. _____

**AGREEMENT
BETWEEN THE STATE OF OHIO,
DEPARTMENT OF TRANSPORTATION
AND THE CITY OF WILMINGTON, OHIO
FOR THE REMOVAL AND CONTROL OF SNOW AND ICE**

This Agreement is made by and between the State of Ohio, Department of Transportation, 1980 West Broad Street, Columbus, Ohio 43223, acting by and through its Director, hereinafter referred to as the “ODOT” and the City of Wilmington, 69 N. South Street, Wilmington, Ohio 45177, hereinafter referred to as the “CITY” and shall be referred to singularly as “party” and collectively as “parties”.

WHEREAS, pursuant to Ohio Revised Code 5501.41, the Director of the Department of Transportation may remove snow and ice from state highways within cities, but before doing so, the Director must obtain the consent of the legislative authority of such city; and

WHEREAS, the legislative authority of the CITY has granted its consent to the Director to remove snow and ice and to use snow and ice control material on the state highways within the its corporate limit; and

WHEREAS, it is in the interest and safety of the traveling public and it serves to manage public resources of ODOT and CITY in an efficient manner that ODOT perform snow and ice removal and control on State Route 73 By-Pass including the ramps to US 22 within the CITY.

WHEREAS, due to Ohio Revised Code Section 9.27 prohibiting automatic renewals, the Parties agree to rescind the previous agreement.

NOW THEREFORE, it is agreed by the parties as follows:

1. OBLIGATIONS OF ODOT

- 1.1 ODOT will remove snow and ice and apply snow and ice control material on State Route 73 By-pass, both sides of road including the ramps at US Route 22 within the CITY’s corporate limits during the normal course of removing snow and ice and applying snow and ice control material on roads within ODOT’s responsibility. ODOT shall not perform this work more frequently nor alter the schedule of when this work is to be performed and such work shall not include the removal of snow and ice from and the use of snow and ice control material on driveways, parking areas, and intersecting city roads and streets.

2. OBLIGATIONS OF THE CITY

- 2.1 The CITY grants ODOT the right to use and occupy the right-of-way in and abutting the section of State Route 73 By-pass and the ramps to US 22 herein described for the purposes of performing snow and ice removal and control operations.
- 2.2 The CITY is responsible to fix, at its own expense, any damage to the road surface, such as potholes, caused by ODOT's removal of snow and ice and/or application of any snow and ice control material.

3. INSPECTIONS

- 3.1 Periodic inspections may be performed jointly by representatives of the parties to determine the level of service being provided on the state highway system during a snow and ice event.

4. TERM OF AGREEMENT

- 4.1 This Agreement shall commence on July 01, 2023, and shall expire on June 30, 2025, and in no case shall this Agreement extend beyond the biennium. This Agreement may be renewed upon written agreement by the parties.
- 4.2 This Agreement may be terminated by either party giving sixty (60) days written notice to the other party.

5. GENERAL PROVISIONS

- 5.1 This Agreement shall be to the benefit of and be binding upon the respective parties herein, their successors and assigns. Nothing in this Agreement shall inure to the benefit of any third parties. Nothing stated in this Agreement shall act as a waiver of any immunities or defenses available to either party, either by statute or common law.
- 5.2 Either party may, at any time during the term of the agreement, request amendments or modifications which includes assignment. Requests for amendments or modifications shall be in writing and shall specify the requested changes and the justifications for such changes. Should the parties consent to modifications of the contract, then an amendment shall be drawn, approved and executed in the same manner as the original agreement.
- 5.3 This Agreement shall be governed, construed and interpreted in accordance with the laws of the State of Ohio. To the extent that the ODOT is a party to any litigation arising out of or relating in any way to this agreement or the performance there under, such an action shall be brought only in a court of competent jurisdiction in Franklin County, Ohio.
- 5.4 The State of Ohio and ODOT are self-insured.
- 5.5 ODOT is hereby released from any and all liability for damage or injury received by the CITY, its employees, agents or subcontractors while performing tasks, duties, work or responsibilities as set forth in this Agreement.

- 5.7 If the CITY breaches or defaults any of the terms or conditions of this Agreement, and if that breach is not remedied within thirty (30) days after written notification by ODOT of that breach or default, ODOT may terminate this Agreement.
- 5.8 ODOT and CITY agree to make a good faith effort to resolve any disputes which may arise between them concerning interpretation of, or performance pursuant to, this agreement. In the event a dispute arises regarding this Agreement, notification of the dispute shall be sent to the other party within ninety (90) days of discovery of such dispute. Within the notification, the disputing party shall present such evidence as may support their position. Within a reasonable time, the ODOT District Deputy Director and a designated representative from the CITY shall review the facts and circumstances surrounding the dispute for the purpose of determination. Said dispute shall be resolved within a reasonable period of time. The parties agree that any dispute that cannot be resolved shall be resolved solely and finally by the Director of ODOT.
- 5.9 Ohio Ethics Law: The CITY and ODOT, by signing this document, each certify: (1) it has reviewed and understands the Ohio Ethics law and conflict of interest laws as provided by Chapters 102 and 2921 of the Ohio Revised Code, and (2) will take no action inconsistent with those laws.
- 5.10 In carrying out this Agreement the parties shall comply with all applicable federal, state and local laws in the conduct of all work including, but not limited to non-discrimination, equal employment opportunity and drug free workplace.
- 5.11 In no case shall the CITY or any of its personnel be considered agents, servants or employees of ODOT or the State of Ohio. Each party shall be responsible for the full payment of all taxes including without limitation, unemployment compensation premiums, income tax deductions, payroll deductions.

6. NOTICE

- 6.1 Notices under this agreement shall be directed as follows:

CITY of Wilmington
69 N. South Street
Wilmington, OH 45177

Ohio Department of Transportation
District 08
505 South State Route 741
Lebanon, OH 45036

7. SIGNATURES

- 7.1 Any person executing this agreement in a representative capacity hereby warrants that he/she has been duly authorized by his/her principal to execute this agreement on such principal's behalf.

7.2 Any party hereto may deliver a copy of its counterpart signature page to this Agreement via fax or email. Each party hereto shall be entitled to rely upon a facsimile or electronic signature of any other party delivered in such a manner as if such signature were an original.

The Parties hereunto have caused this agreement to be executed by officials thereunto duly authorized as of the day and year last written below.

CITY OF WILMINGTON

By: _____

Printed Name: _____

Title: _____

Date: _____

STATE OF OHIO

Department of Transportation

By: _____

Jack Marchbanks, Director

Date: _____

ORDINANCE NO. O-23-02

MAKING SUPPLEMENTAL APPROPRIATIONS

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILMINGTON,
STATE OF OHIO:

Section 1. That in addition to the sums heretofore appropriated, certain sums be
and the same hereby are, appropriated as follows:

- a) From the excess funds of the Sewer System Fund to 635.360.5416 “Sewer Rehab”
the sum of \$4,000.00.
- b) From the excess funds of the Stormwater System Fund to 640.365.5416
“Stormwater Rehab” the sum of \$4,000.00
- c) From the excess funds of the Water System Fund to 605.350.5273 “Water
Distribution Maintenance” the sum of \$4,000.00

Section 2. That this ordinance is hereby declared to be an emergency measure
necessary to the immediate preservation of the public health, safety and welfare, and
accordingly, shall be in full force and effect immediately upon approval of the amended
certificate by the Clinton County Budget Commission.

Passed this 19th day of January 2023.

President of Council

ATTEST:

Clerk of Council

Approved by me this 19th day of February 2023.

Mayor

ORDINANCE No. O-22-65

**AUTHORIZING THE GRANTING OF ACCESS EASEMENT IN THE
SOUTHWIND SUBDIVISION**

WHEREAS, the City of Wilmington (GRANTOR) is the Owner of a portion of unimproved dedicated right-of-way which provides road right-of-way and access to the public for the public roadway commonly referred to as Morris Avenue in the Southwind Subdivision; and

WHEREAS, Reece Alan Cosler and Sarah Lindsey Cosler (GRANTEES) are the owners of Parcel # 290260101000000 and do not currently have access to put in a driveway to said premises; and

WHEREAS, the City Council of the City of Wilmington has determined it is in the best interest of the City to grant a right twenty- (20-) foot-wide access easement within the unimproved dedicated right-of-way for construction of a residential driveway.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILMINGTON, STATE OF OHIO:

Section 1. That the City does hereby grant to the GRANTEE the right to access on that portion of city-owned real estate particularly described and identified in the Easement document, attached hereto and incorporated herein as “**Exhibit A.**”

Section 2. That the Mayor be and hereby is authorized on the behalf of the City to execute the Easement document, in substantially similar form as the agreement attached hereto and incorporated herein as “**Exhibit A.**”

Section 4. That this ordinance shall be in full force and effect from and after the earliest period allowed by law.

Passed this 5th day of January 2022.

President of Council

ATTEST:

Clerk of Council

Approved by me this 5th day of January 2022.

Mayor

EXHIBIT A

20 ft easement
aligned with 30 ft
existing pavement



EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That, Whereas, **City of Wilmington, Ohio**, whose address is 69 N. South Street, Wilmington, Ohio 45177, hereinafter are called “the **Grantor**”, is the owner of the following described real estate:

Situate in the City of Wilmington, Clinton County, Ohio and being part of Military Surveys 1338 and 2471 and more particularly described as follows:

Being known as the unimproved northern most one hundred fifty (150) feet at the end of the City of Wilmington’s right-of-way on Morris Avenue of Southwind Subdivision, Phase One, as recorded in Plat Book 7, Envelope 94A, 94B, and 95A of the official plat records of Clinton County, Ohio

PROPERTY ADDRESS: Being a 50’ Dedicated Right-of-Way Morris Avenue Wilmington, Ohio 45177

The above-described real estate is portion of unimproved dedicated right-of-way which provides road right-of-way and access to the public for the public roadway commonly referred to as Morris Avenue, Wilmington, Ohio and is not a parcel on the Clinton County, Ohio Tax Map Parcels.

WHEREAS, **Reece Alan Cosler and Sarah Lindsey Cosler**, husband and wife, hereinafter called “**Grantees**,” are the owners of the following described real estate:

Situate in the City of Wilmington, County of Clinton and State of Ohio, being a part of V.M.S. No. 2471 and V.M.S. No. 1338 and containing all that remains of an original 15.000 acres “Parcel One” (being 11.397 acres) and all that remains of an original 19.751 acres “Parcel Three” (being 10.802 acres) as conveyed to Holiday Homes, Inc. and recorded in Official Record 320, Page 96 of the Clinton County Recorder’s Office and being further bounded and described as follows:

Beginning at a 5/8" iron pin (set) marking the southwesterly corner of the westerly terminus of Taylor Drive, said iron pin being in the northerly line of Lot No. 36 of South Wind Subdivision, Phase One as recorded in Plat Book 7, Pages 94A through 95A of the Clinton County Recorder's Office and as conveyed to Frank W. Kendall and Mary Alice Kendall (O.R. 529, Page 470); thence with the northerly line of Lot No. 36 S 76° 45' 29" W a distance of 19.20 feet to a 5/8" iron pin (set); thence with the westerly line of Lot No. 36 S 13° 14' 31" E a distance of 90.15 feet to a 5/8" iron pin (set), said iron pin being in the northerly line of an original 80.13 acres "Parcel II" as conveyed to Meadow Brook Farms, LLC (O.R. 677, Page 53); thence with the northerly line of Meadow Brook Farms, LLC S 71° 55' 56" W a distance of 457.41 feet to a 1/2" iron pin (found), said iron pin being in the line between V.M.S. No. 2471 and V.M.S. No. 1338; thence continuing with a northerly line of Meadow Brook Farms, LLC N 88° 39' 19" W a distance of 846.92 feet to a 1/2" iron pin (found), said iron pin being a corner to an original 484.21 acres tract as conveyed to Raymond Cosler and June Cosler (D.B. 248, Page 357); thence with Cosler's line N 06° 00' 56" W, passing a 1/2" iron pin (found) marking a corner to the tracts of which this description is a part at 344.84 feet, a total distance of 828.27 feet to a 5/8" iron pin (found); thence continuing with Cosler's line N 85° 29' 43" E a distance of 851.72 feet to a 5/8" iron pin (set), said iron pin being the northwesterly corner of Lot No. 40 of the aforementioned South Wind Subdivision, Phase One; thence with a line of Lot No. 40 for the next four calls: (1) S 04° 30' 17" E a distance of 98.06 feet to a 5/8" iron pin (set); (2) S 40° 57' 24" W a distance of 130.84 feet to a 5/8" iron pin (set); (3) with a curve to the right having a radius of 175.03 feet, an arc length of 150.88 feet, and a chord which bears S 24° 20' 49" E a distance of 146.26 feet to a 5/8" iron pin (set); (4) N 76° 45' 29" E a distance of 431.42 feet to a 5/8" iron pin (set), said iron pin being the northwesterly corner of Lot No. 39 of South Wind Subdivision, Phase One as conveyed to Theresa L. Shelton (O.R. 403, Page 458); thence with the westerly line of Lot No. 39 S 13° 14' 31" E, passing a 5/8" iron pin (set) at 120.00 feet marking the northwesterly corner of the westerly terminus of Allison Avenue and continuing with the westerly terminus of Allison Avenue, a distance total of 170.00 feet to a 5/8" iron pin (set); thence with the southerly margin of Allison Avenue N 76° 45' 29" E a distance of 10.00 feet to a 5/8" iron pin (set), said iron pin being the northwesterly corner of Lot No. 38 of South Wind Subdivision, Phase One, as conveyed to Roger W. Doughman, Jr. (O.R. 435, Page 716); thence with the westerly line of Lot No. 38 S 13° 14' 31" E, passing a 5/8" iron pin (set) marking the southwesterly corner thereof at 120.00 feet and continuing with the westerly line of Lot No. 37 as conveyed to Robert N. Allen and Barbara E. Allen (O.R. 680, Page 59) and passing a 5/8" iron pin (set) marking the southwesterly corner thereof at 240.00 feet and continuing with the westerly terminus of the aforementioned Taylor Drive, a total distance of 290.00 feet to the beginning, containing 22.199 acres of land of which 5.923 acres are contained within V.M.S. No. 2471 and 16.276 acres are contained within V.M.S. No. 1338.

Subject to all legal easements and rights-of-way of record.

Bearings are based upon the record bearing (S 75° 45' 29" W) of the northerly line of the 15.000 acres tract as found in Official Record 320, Page 96.

Land surveyed in April, 2000, under the direction of Thomas E. Purtell, Registered Professional Surveyor No. 6519, the survey plat of which is referred to as Project No. S13-143 on file in the office of McCarty Associates, LLC, Hillsboro, Ohio.

PROPERTY ADDRESS: US 68, Wilmington, Ohio 45177

PARCEL NUMBER: 290260101000000

PRIOR RECORDING: Document Number 2022-00000079, Clinton County, Ohio Recorder's Office

WHEREAS, Grantor provides a twenty (20) foot wide easement for constructed residential driveway access purposes within the Grantors current dedicated fifty-foot (50) road right-of-way on the unimproved northern most one hundred fifty (150) feet stretch of Morris Avenue described above to provide access to Grantees real property described above further described in Exhibit A.

Whereas, the said Grantee, currently do not have access to put in driveway to said Grantee's Premises. Said Grantee desires a twenty (20) foot wide easement for constructed driveway access over said existing unimproved northern most one hundred fifty (150) feet section of Grantor's dedicated right-of-way providing access to Grantee's property along with another easement to be recorded simultaneously with this instrument.

Now, therefore, in consideration of the sum of One Dollar (\$1.00) and other valuable considerations paid by the Grantees to the Grantor, receipt of which is hereby acknowledged, Grantor hereby grants to Grantee an easement for use of the existing dedicated right-of-way access controlled by Grantor for an easement for Grantee to place an easement for residential driveway access on real property. Said Grantee shall be responsible for the construction, maintenance, repair and replacement of the driveway for access. Said driveway access shall be of a solid, concrete, or asphalt surface and shall not be the permanent access with grass, dirt, gravel, or aggregate surface.

Grantor shall not be responsible for any repairs for said easement of infrastructure that is currently in place or may be in place. Grantor may, at Grantor's option utilize easement for any purposes currently provided by law or other recorded instrument. Grantees, their successors, heirs, and assigns may only utilize easement for driveway access.

The Grantor further grant to Grantee an easement to enter upon that portion of the above-described real estate owned by the Grantor as is necessary to conduct any repairs or maintenance to the driveway right-of-way located upon the Grantor's above-described real estate. Any cost of repair or damage to Grantor's above-described real property to repair or install driveway shall be paid by Grantee and should provide reasonable notification prior to repair or installation of new driveway, with the permission of the Grantor's or Grantor's successors in interest. Should a new driveway no longer be necessary, Grantees shall remove said driveway at Grantees or Grantees'

successors cost. However, the Grantor may waive said removal in writing for removal of said driveway on the Grantor's above-described real property.

By their acceptance and recording of this easement, the said Grantor and Grantees agree that Grantees shall be solely responsible for the cost of maintenance, repair and replacement of the existing or new driveway.

By their acceptance and recording of this easement, the said Grantee agrees to provide reasonable notice to Grantors prior to conducting any maintenance, repair, and replacement of the existing driveway located on the above-described Grantors' real estate.

Whereas, the terms and conditions of said easement shall run with the land for the above-described parcel.

Whereas, the said Grantees desire to utilize a right-of-way easement at the unimproved northern most one hundred fifty (150) feet of the dedicated road right-of-way of Morris Avenue, Wilmington, Ohio 45177 for the Grantor's real estate approximately twenty (20) feet to construct and maintain a driveway for access to Grantees' above described real estate and is illustrated in the attached "Exhibit A".

Whereas, the said Grantor states that the above reference right-of-way easement shall automatically terminate in the event that the City of Wilmington, its successors or assigns makes improvements to the aforementioned right-of-way.

To have and to hold said easement unto the said Grantees, for their personal use only, and this easement shall terminate if the driveway is no longer being utilized by Grantees for a period exceeding one year.

Whereas, the terms and conditions of said easement shall run with the land for both above-described parcels.

EXECUTED by the said **GRANTOR, City of Wilmington, Ohio**, by Mayor and authorized agent John Stanforth, as authorized agent, by the Wilmington City Council by resolution R-2022-_____ passed the _____ day of _____, 2022, hereinafter signed this _____ day of _____, 2022.

CITY OF WILMINGTON, OHIO

By: _____
John Stanforth, Mayor and Authorized Agent

STATE OF OHIO, COUNTY OF CLINTON, SS.

Before me, a Notary Public, in and for said County and State, personally came **City of Wilmington, Ohio**, by John Stanforth, Mayor and Authorized Agent, the **GRANTOR**, who acknowledged that he did sign the foregoing instrument and that the same is his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Wilmington, Ohio, this _____ day of _____, 2022.

NOTARY PUBLIC

This instrument prepared by: PEELLE McCOY LAW OFFICES CO., L.P.A., Attorneys at Law,
Wilmington, OH 45177 (JDD)
No title search was request or performed

ORDINANCE NO. O-23-01

**AMENDING ORDINANCE NO. O-22-08 TO INCREASE WAGES UNDER THE
EMPLOYEE PAY PLAN FOR CALENDAR YEAR 2023, AND DECLARING AN
EMERGENCY**

WHEREAS, in March 2022 an additional 2% cost-of-living increase was implemented for the remainder of the year 2022 in ordinance number O-22-08.

WHEREAS, due to unexpected job-market wage growth, recruitment competition, improving economic conditions and a general appreciation for the outstanding service provided by the non-bargaining employees, the City of Wilmington desires to provide a 2% cost-of-living increase to all non-bargaining employees for the City of Wilmington for calendar year 2023.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
WILMINGTON, STATE OF OHIO

Section 1. That Ordinance No. O-22-08 be, and the same hereby is, amended with respect to the non-bargaining employees pay plan therein provided, by generally increasing the hourly and annual wages paid under steps A, B, C, D, E, E+1 through E+10 therein provided in each of the various ranges, by the amount of two percent (2%), effective the first day of the pay period following the passage of this ordinance.

Section 2. That all actual adjustments and corrections are set forth on Exhibit A, which is attached hereto and incorporated herein by reference.

Section 3. That it is found that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4. That this Ordinance is hereby declared to be an emergency measure necessary to the immediate preservation of the public health, safety and welfare of the City and its inhabitants due the desire to adhere to deadlines, and accordingly, shall be in full force and effect immediately upon its passage.

Passed: February 2, 2023

President of Council

Attest:

Clerk of Council

Approved: February 2, 2023

Mayor

Exhibit A
Ordinance O-23-01

2023 PAY PLAN	A	B	C	D	E	E+1	E+2	E+3	E+4	E+5	E+6	E+7	E+8	E+9	E+10
RANGE 1	12.79	13.43	14.10	14.81	15.55	15.63	15.70	15.78	15.86	15.94	16.02	16.10	16.18	16.26	16.34
RANGE 2	13.43	14.10	14.81	15.55	16.32	16.41	16.49	16.57	16.65	16.74	16.82	16.90	16.99	17.07	17.16
RANGE 3	14.10	14.81	15.55	16.32	17.14	17.23	17.31	17.40	17.49	17.57	17.66	17.75	17.84	17.93	18.02
RANGE 4	14.81	15.55	16.32	17.14	18.00	18.09	18.18	18.27	18.36	18.45	18.54	18.64	18.73	18.82	18.92
RANGE 5	15.55	16.32	17.14	18.00	18.90	18.99	19.09	19.18	19.28	19.38	19.47	19.57	19.67	19.77	19.86
RANGE 6	16.32	17.14	18.00	18.90	19.84	19.94	20.04	20.14	20.24	20.34	20.45	20.55	20.65	20.75	20.86
RANGE 7	17.14	18.00	18.90	19.84	20.83	20.94	21.04	21.15	21.25	21.36	21.47	21.58	21.68	21.79	21.90
RANGE 8	18.00	18.90	19.84	20.83	21.88	21.99	22.10	22.21	22.32	22.43	22.54	22.65	22.77	22.88	23.00
RANGE 9	18.90	19.84	20.83	21.88	22.97	23.09	23.20	23.32	23.43	23.55	23.67	23.79	23.91	24.03	24.15
RANGE 10	19.84	20.83	21.88	22.97	24.12	24.24	24.36	24.48	24.60	24.73	24.85	24.98	25.10	25.23	25.35
RANGE 11	20.83	21.88	22.97	24.12	25.32	25.45	25.58	25.71	25.84	25.96	26.09	26.22	26.36	26.49	26.62
RANGE 12	21.88	22.97	24.12	25.32	26.59	26.72	26.86	26.99	27.13	27.26	27.40	27.54	27.67	27.81	27.95
RANGE 13	22.97	24.12	25.32	26.59	27.92	28.06	28.20	28.34	28.48	28.63	28.77	28.91	29.06	29.20	29.35
RANGE 14	24.12	25.32	26.59	27.92	29.32	29.46	29.61	29.76	29.91	30.06	30.21	30.36	30.51	30.66	30.82
RANGE 15	25.32	26.59	27.92	29.32	30.78	30.94	31.09	31.25	31.40	31.56	31.72	31.88	32.04	32.20	32.36
RANGE 16	26.59	27.92	29.32	30.78	32.32	32.48	32.65	32.81	32.97	33.14	33.30	33.47	33.64	33.81	33.97
RANGE 17	27.92	29.32	30.78	32.32	33.94	34.11	34.28	34.45	34.62	34.79	34.97	35.14	35.32	35.50	35.67
RANGE 18	29.32	30.78	32.32	33.94	35.63	35.81	35.99	36.17	36.35	36.53	36.72	36.90	37.09	37.27	37.46
RANGE 19	30.78	32.32	33.94	35.63	37.42	37.60	37.79	37.98	38.17	38.36	38.55	38.75	38.94	39.13	39.33
RANGE 20	32.32	33.94	35.63	37.42	39.29	39.48	39.68	39.88	40.08	40.28	40.48	40.68	40.89	41.09	41.30
RANGE 21	33.94	35.63	37.42	39.29	41.25	41.46	41.67	41.87	42.08	42.29	42.50	42.72	42.93	43.15	43.36
RANGE 22	35.63	37.42	39.29	41.25	43.31	43.53	43.75	43.97	44.19	44.41	44.63	44.85	45.08	45.30	45.53
RANGE 23	37.42	39.29	41.25	43.31	45.48	45.71	45.94	46.17	46.40	46.63	46.86	47.10	47.33	47.57	47.81
RANGE 24	39.29	41.25	43.31	45.48	47.75	47.99	48.23	48.47	48.72	48.96	49.20	49.45	49.70	49.95	50.20
RANGE 25	41.25	43.31	45.48	47.75	50.14	50.39	50.64	50.90	51.15	51.41	51.66	51.92	52.18	52.44	52.71
RANGE 26	43.31	45.48	47.75	50.14	52.65	52.91	53.18	53.44	53.71	53.98	54.25	54.52	54.79	55.07	55.34
RANGE 27	45.48	47.75	50.14	52.65	55.28	55.56	55.84	56.11	56.40	56.68	56.96	57.25	57.53	57.82	58.11
RANGE 28	47.75	50.14	52.65	55.28	58.05	58.34	58.63	58.92	59.21	59.51	59.81	60.11	60.41	60.71	61.01
RANGE 29	50.14	52.65	55.28	58.05	60.95	61.25	61.56	61.87	62.18	62.49	62.80	63.11	63.43	63.75	64.06
RANGE 30	52.65	55.28	58.05	60.95	63.99	64.31	64.64	64.96	65.28	65.61	65.94	66.27	66.60	66.93	67.27

POLICE PROBATIONARY RATES – 2023

Rate of \$24.00/hour per WSA Agreement

January 1, 2023 – December 31, 2025

FIRE PROBATIONARY RATES – 2023

Rates for 2023

<u>Step A</u>	<u>Step B</u>	<u>Step C</u>
\$16.19/hour	\$17.04/hour	\$17.94/hour

Steps based on new employee's certifications and experience.

DISPATCH PROBATIONARY RATES – 2023

Rate of \$19.13/hour per FOP Agreement

January 1, 2022 – December 31, 2024

RESOLUTION NO. R-23-02

ADOPTING A REVISED CITY OF WILMINGTON PUBLIC RECORDS POLICY

WHEREAS, the City of Wilmington Public Records Policy provides a framework through which the City complies with the letter and spirit of Ohio's Public Records Act; and

WHEREAS, City Council last adopted a Public Records Policy by Resolution 2049 on September 20, 2007.

WHEREAS, Council wishes to adopt a revised City of Wilmington Public Records Policy, attached hereto and incorporated herein as **"Exhibit A."**

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, STATE OF OHIO:

Section 1. That the City of Wilmington Public Records Policy attached hereto as **"Exhibit A,"** is hereby adopted.

Section 2. That it is found that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 2. That this ordinance shall be effective from the earliest period allowed by law.

Passed this 2nd day of February 2023.

President of Council

ATTEST:

Clerk of Council

Approved by me this 2nd day of February 2023.

Mayor

City of Wilmington
Public Records Policy

Adopted: January 5, 2023
Resolution R-22-02

The City of Wilmington is committed to openness as a foundation for a better-informed citizenry, which leads to better government and better public policy. Consistent with the premise that government at all levels exists first and foremost to serve the interests of the people, it is the mission and intent of the City of Wilmington to at all times fully comply with and abide by both the spirit and the letter of Ohio's Public Records Act.

A copy of the most recent edition of the Ohio Sunshine Laws manual is available via the [Attorney General's website](#) for the purpose of keeping employees of the office and the public educated as to the office's obligations under the Ohio Public Records Act, Open Meetings Act, records retention laws, and Personal Information Systems Act. The Public Records Release Policy of the City of Wilmington does not supersede the Ohio Sunshine Laws and will always resort to following the laws first and foremost.

MANAGING RECORDS

All City of Wilmington records are subject to records retention schedules, which are updated regularly. The current retention schedules are available at City Hall, at a location readily available to the public, as required by §149.43(B)(2), Ohio Revised Code.

For a copy of our Public Records Policy please contact the Mayor's office. This schedule lists generally the types of records that are stored on a fixed medium (paper, computer, film, etc.) that are created, received, or sent under the jurisdiction of the City and document the organization, functions, policies, decisions, procedures, operations, or other activities of the City. The records maintained by the city and the ability to access them are means to provide trust between the public and the City.

1. Custodian of Public Records; When available

The Human Resources Director or designee is the official Public Records Custodian of all records which are centrally maintained by the City.

Department heads are the official custodians of all records maintained within their departments. Public records requests may be made directly to Department heads or through the Public Records Custodian.

Requests for records from the police department may be made directly to the police records clerk on the first floor of the City Building.

Public records requests will be accommodated during regular business hours when offices maintaining said records are open for business. Public records requests will not be accepted on weekends or holidays.

Section 1. Public records

Public records include the following: Any document – paper, electronic (including, but not limited to, e-mail), or other format – that is created or received by or comes under the jurisdiction of a public office that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office. All records of the City of Wilmington are public unless they are specifically exempt from disclosure under the Ohio Revised Code or Federal law.

Section 1.1

It is the policy of the City of Wilmington that records will be organized and maintained so that they are readily available for inspection and copying.

Section 2. Record requests

Each request for public records should be evaluated for a response using the following guidelines:

Section 2.1

Although no specific language is required to make a request, the requester must at least identify the records requested with sufficient clarity to allow the public office to identify, retrieve, and review the records. If it is not clear what records are being sought, the Public Records Custodian must contact the requester for clarification, and should assist the requestor in revising the request by informing the requestor of the manner in which the office keeps its records.

Section 2.2

The Public Records Custodian may ask the requester to put a verbal request in writing, may ask for the requester to give identifying information, or may inquire

about the intended use of the information; but a written request is not mandatory, identifying information is not required and the intended use does not have to be disclosed. However, providing such information would benefit the requester by enhancing the ability of the Public Records Custodian to identify, locate and deliver the public records requested. Some Departments have forms that the requester has the option of using in making the request.

Public records can be accessed by one of the following methods: a request to view public records in person; a request for copies of public records that the requester will personally pick up from the Public Records Custodian; or a request for copies of public records that the requester wants to have mailed or otherwise transmitted to the requester.

Public records must be made available for inspection promptly. Copies of public records must be made available within a reasonable period of time. “Prompt” and “reasonable” consider the volume of records requested; the proximity of the location where the records are stored; and the necessity for any legal review of the records requested.

1. Request to view public records. The requester may make a request to view public records. The Public Records Custodian shall prepare the public records for inspection “promptly,” as required by the Ohio Revised Code. The actual time required to comply with the request may depend on the circumstances (such as the location of the records, the manner kept, or the volume of records requested).
2. Copies of public records. The requester may make a request to the Public Records Custodian to have copies of public records made.
3. Transmitting copies of public records. A requester may request that copies of public records be transmitted to him or her by U.S. Mail or by any other means of transmission that is available and is conducive to transmitting the public records. The cost of transmission must be paid by the requester before the public records will be provided. While the City is under no obligation to provide records in electronic format, it is the policy of the City to provide information to the public in the most practical and convenient manner, considering all of the circumstances. Therefore, if the City receives a request for information to be made available in an electronic format, such request will be forwarded to the Public Records Custodian for a

determination as to whether such information will be generated and released in an electronic format.

Section 2.3

Each request should be evaluated for an estimated length of time required to gather the records. Routine requests for records should be satisfied immediately if feasible to do so. Routine requests include, but are not limited to, meeting minutes (both in draft and final form), budgets, salary information, forms and applications, personnel rosters, etc. If fewer than 20 pages of copies are requested or if the records are readily available in an electronic format that can be e-mailed or downloaded easily, these should be made as quickly as the equipment allows.

Section 2.4

All requests for public records will be acknowledged by the public office within three business days following the office's receipt of the request if there is contact information provided. Copies will be made available by the Public Records Custodian or Alternate "within a reasonable time," as required by the Ohio Revised Code. The time for compliance will depend upon the availability of records and the volume of records requested. If a request is deemed significantly beyond "routine," such as the volume of records requested; the proximity of the location where the records are stored; and the necessity for any legal review of the records requested, the acknowledgement will include the applicable cause for the extended fulfillment time.

Section 2.5

Any denial of public records requested must include an explanation, including legal authority. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the rest released. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority.

Section 3. Fees and Payment

Those seeking public records will be charged only the actual cost of making copies or printing pictures and shall also pay the market cost (e.g. postage) of delivery and other supplies used in mailing, delivery or transmission of the public record. Payment for public records requests may be required prior to the actual copying or printing of records.

Copies made on letter or legal-size paper are \$0.05 per page. If the Public

Records Custodian uses an outside copying service to make the copies, the requester will be required to pay the cost of the entire copying job, as billed by the copying service. Copies that are requested in some format other than normal letter or legal paper will be “at cost,” without considering employee time spent preparing the copies. (For example, public records in electronic format placed on a CD will be assessed the cost of the CD, plus the cost, if any, of creating the electronic copies.)

Public records will only be copied by the Public Records Custodian or other authorized officers, employees, or representatives. The Public Records Custodian may use an outside copying service to make the copies, at the Public Records Custodian’s discretion. Under no circumstances will the requester be permitted to make the copies himself or herself. The manner of copying is at the discretion of the Public Records Custodian. Requests to copy a certain number of public records on a given page, by “reducing” copy size or otherwise, may be met at the discretion of the Public Records Custodian.

Individual departments may adopt a policy that if fewer than 10 pages of copies are requested, no fee will be charged. All requests exceeding 10 pages will be charged a fee of \$0.05 per page for all pages copied. No receipt will be required to be issued for payments received of less than \$1.00.

Ohio law may provide for specific fees to be charged for certain records (e.g. police accident reports \$4.00 each, with photographs at an additional cost, pursuant to R.C. §5502.12).

Section 4. Denial of a Public Records Request

Under certain circumstances, records are not defined as “public records” under Ohio law or are exempt from disclosure under federal law. In these situations, the public record request will be denied on that basis. The Ohio Revised Code requires that any denial be supported by legal authority. A denial that is responding to a written public records request will also be given in writing. Written reasons for denial will not be required for verbal public records requests. Any denial of public records requested must include an explanation, including legal authority. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the rest released. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority, unless federal or state law authorized or requires the redaction.

The Ohio Revised Code regards certain actions as being “denials” of public record requests. These situations are handled as follows:

1. Redaction. The Ohio Revised Code defines a “redaction” as “obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a ‘record’ in section 149.011 of the Revised Code.” Examples of redaction are “blacking out” or “whiting out” or “cutting out” portions of a document.

When a public record contains information that is not within the definition of a “public record” as defined by law, or is exempt by law, the Public Records Custodian will make available that portion of the public record that does meet the definition of a “public record.” The Public Records Custodian shall make a copy of the public record, perform the redaction, then make a copy of that sheet and make the second copy available to the requester. The requester will not be charged for the first copy made. If practical, the first copy will be retained by the Public Records Custodian.

2. Requests that are ambiguous, overly broad, or are difficult to identify the public records requested. At times, a requester may make a public records request from which the Public Records Custodian cannot determine which public records are being sought. In such circumstances, the Public Records Custodian will inform the requester that the public records request is denied but will give the requester an opportunity to more accurately describe the public records sought. If the requester is seeking public records organized in a certain way, but the public records are not organized in that way, the Public Records Custodian will inform the requester of the manner that the public records of the office under discussion are maintained and accessed. The requester may then submit a public records request that more accurately reflects the actual organization of the public records sought.

Section 5. Compliance

The Public Records Custodian reserves the right to consult with legal counsel prior to the release of any public records. This is to allow the City to comply with laws regarding the release of certain records.

Section 6. Failure to respond to a public records request

The City of Wilmington recognizes the legal and non-legal consequences of failure to properly respond to a public records request. A public office’s failure to

comply with a request may result in remedies and damages according to R.C. 149.43.

END OF POLICY

ORDINANCE NO. O-23-03

AN ORDINANCE AMENDING SECTION 111.10, RULES OF COUNCIL

WHEREAS, the City of Wilmington has the exclusive authority to adopt, modify or amend the rules of Council; and

WHEREAS, the City of Wilmington, by and through its legislative council hereby desires to modify and amend Section 111.10 of the Codified Ordinances of the City of Wilmington, OH.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILMINGTON, STATE OF OHIO

Section 1. That Rule 14 of Section 111.10 of the Wilmington Codified Ordinances is hereby removed in its entirety and replaced with the following:

Rule 14. Order of Business: At the first regular meeting of a newly elected City Council, or at any other time during the term when City Council determines the need to amend the Order of Business, the President of Council shall request a motion outlining the Order of Business that will be used therefrom for the remainder of the council term.

However, if no motion is made or said motion is defeated, the rules of council shall be administered as follows:

- A. Roll Call**
- B. Excuse of Absent Members**
- C. Reading of minutes to be dispensed with when such minutes have been mailed to all members of Council and the President prior to the regular meeting nights. In all other cases, minutes will be read.**
- D. Reports of Standing Committees**
- E. Acceptance of Financial Reports**
- F. Public Comment**
- G. Adjournment**

Section 2. That it is found that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3. That this ordinance shall be effective from the earliest period allowed by law.

Passed this 19th day of January 2023

President of Council

ATTEST:

Clerk of Council

Approved by me this 19th day of January 2023.

Mayor

ORDINANCE NO. O-23-04

AMENDING CERTAIN SECTIONS OF CHAPTER 133 - EMPLOYMENT PROVISIONS OF THE WILMINGTON CODIFIED ORDINANCES

WHEREAS, the City of Wilmington Water Plant is staffed 24 hours a day; and

WHEREAS, staffing the night shift at the plant has become increasingly difficult; and

WHEREAS, City Council desires to amend Section 133.20 SHIFT DIFFERENTIAL COMPENSATION of the Wilmington Codified Ordinances, in order to provide more time between the issuance of a utility bill and its due date.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILMINGTON, STATE OF OHIO:

[Additions to the CODIFIED ORDINANCES are in **bold** and deletions are lined through or noted below]:

Section 1. That Section 133.20 SHIFT DIFFERENTIAL COMPENSATION be, and hereby is, amended to read in full as follows:

Section 131.20 SHIFT DIFFERENTIAL COMPENSATION

(a) Shift differential compensation shall be paid to all (full-time or part-time) non-bargaining, non-exempt unit employees whose departments operate on a 24-hour period schedule.

(b) No employee shall be entitled to shift differential compensation unless he/she has worked not less than eight hours in each regularly scheduled shift period for which shift differential compensation is sought.

(c) Shift differential compensation shall be paid only for actual time worked on the differential shift at the following rate:

(1) ~~Eighty cents per hour~~ **A ten percent (10%) hourly premium over the employee's regular rate** for any shift worked as a regularly scheduled shift by a non-exempt employee after 6:00 p.m.

(2) ~~Eighty cents per hour~~ **A ten percent (10%) hourly premium over the employee's regular rate** for any shift (consisting of at least five hours or more) worked as an additionally scheduled shift by a non-exempt employee after 6:00 p.m.

(d) Shift differential compensation shall not be paid for sick leave, disability leave, vacation, personal leave, holiday time off or compensation time off.

(e) Eligible shifts are designated shifts scheduled for hours after 6:00 p.m.

(f) Team members called to duty for special or emergency assignments will receive their regular pay unless overtime rules apply per the City of Wilmington Employee Handbook..

Section 2. That each and every section of Chapter 133, Employment Provisions, of the Codified Ordinances, except those sections identified and amended in Section 1 of this ordinance, are hereby ratified and republished and incorporated herein by reference as though fully rewritten herein.

Section 3. That it is found that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4. That this ordinance shall be effective from the earliest period allowed by law.

Passed this 2nd day of February 2023.

ATTEST:

President of Council

Clerk of Council

Approved by me this 2nd day of February 2023.

Mayor

ORDINANCE NO. O-23-05

**AMENDING CERTAIN SECTIONS OF CHAPTER 929 WATER RATES OF THE
WILMINGTON CODIFIED ORDINANCES**

WHEREAS, the U.S. Postal Service's change in delivery standards has resulted in residents receiving City utility bills only a few days before the due date.

WHEREAS, the City's new water metering system allows for greater flexibility in the processing of utility bills.

WHEREAS, City Council desires to amend Section 929.03. BILLING, PAYMENT AND ASSESSMENT OF CHARGES of the Wilmington Codified Ordinances, in order to provide more time between the issuance of a utility bill and its due date.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILMINGTON, STATE OF OHIO:

[Additions to the CODIFIED ORDINANCES are in **bold** and deletions are lined through or noted below]:

Section 1. That Section 929.03. BILLING, PAYMENT AND ASSESSMENT OF CHARGES be, and hereby is, amended to read in full as follows:

Section 929.03. BILLING, PAYMENT AND ASSESSMENT OF CHARGES

Charges for water service furnished to the City and its inhabitants and other users by the waterworks system shall be rendered monthly. The bill for any service rendered by the waterworks system shall be paid within ~~45~~ **21** days of the rendition of the bill and such due date shall be noted thereon. If the water bill is not paid within that time a penalty of ten percent shall be added thereto and identified as the gross amount due and payable. If such water bill, together with penalties, ~~is not paid within 45 days after the rendition of the bill~~ **becomes 2 months delinquent**, then and in that event, the water service shall be discontinued and shall be resumed only upon payment of all fees and penalties described in Section 927.09. If such bill is not paid within 60 days from its original due date, the Director of Public Service is authorized and directed to certify the delinquent bill to the County Auditor for collection as and at the same time that other taxes and assessments are collected.

Section 2. That each and every section of Chapter 929, Water Rates, of the Codified Ordinances, except those sections identified and amended in Section 1 of this ordinance, are hereby ratified and republished and incorporated herein by reference as though fully rewritten herein.

Section 3. That it is found that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4. That this ordinance shall be effective from the earliest period allowed by law.

Passed this 19th day of January 2023.

President of Council

ATTEST:

Clerk of Council

Approved by me this 19th day of January 2023.

Mayor

RESOLUTION NO. R-23-06

AUTHORIZING THE ADVERTISING FOR BIDS FOR CONSTRUCTION OF THE PHASE 8 EXPANSION AT THE WILMINGTON SANITARY LANDFILL; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE LOWEST AND BEST BIDDER FOR SAME; AND DECLARING AN EMERGENCY

WHEREAS, the City of Wilmington desires to commence construction of the Phase 8 Expansion at the Sanitary Landfill; and

WHEREAS, the project is ready for the advertising for bids for these improvements and for beginning construction of the same.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, STATE OF OHIO:

Section 1. That the Director of Public Service be, and he hereby is, authorized to advertise for bids for the Phase 8 Sanitary Landfill Expansion Project.

Section 2. That the Wilmington City Council authorizes the expenditures of funds in accordance with specifications to be promulgated therefor and within the appropriations therefor, the total cost estimated to exceed the sum of \$50,000.

Section 3. That the Director of Public Service is hereby authorized, upon approval of the Board of Control, to contract for the construction of the Phase 8 Sanitary Landfill Expansion Project with the lowest and best bidder thereof after advertisement for such bids for not less than two consecutive weeks in the Wilmington News Journal, a newspaper of general circulation within the City.

Section 4. That it is found that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 5. That this Resolution is hereby declared to be an emergency measure necessary to the immediate preservation of the public health, safety and welfare of the City and its inhabitants due to the necessity to adhere to project timelines, and accordingly, shall be in full force and effect immediately upon its passage.

Passed this 19th day of January 2023.

President of Council

ATTEST:

Clerk of Council

Approved by me this 19th day of January 2023.

Mayor

RESOLUTION NO. R-23-07

AUTHORIZING THE PUBLIC SERVICE/SAFETY DIRECTOR TO ACCEPT AND ENTER INTO AN H2OHIO GRANT AGREEMENT FROM THE OHIO EPA ON BEHALF OF THE CITY OF WILMINGTON FOR WATER DISTRIBUTION SYSTEM MAINTENANCE EQUIPMENT; AND DECLARING AN EMERGENCY

WHEREAS, the City of Wilmington continually strives to improve the maintenance of its Water Distribution System; and

WHEREAS, the City of Wilmington, through its Water Department, has applied for and been awarded funding from the Ohio EPA Division of Drinking and Ground Waters (DDAGW) for maintenance equipment; and

WHEREAS, the City Council deems it is in the best interest of the citizens of Wilmington, Ohio, to accept and enter into the H2Ohio Grant Agreement.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, STATE OF OHIO:

Section 1. That the Public Service/Safety Director be and is hereby authorized to sign all documents for and enter into an H2Ohio Grant Agreement with the Ohio Environmental Protection Agency for the implementation of a lead service line inventory and mapping program on behalf of the City of Wilmington, State of Ohio.

Section 2. That it is found that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3. That this resolution is hereby declared to be an emergency measure necessary to the immediate preservation of the public health, safety, and welfare, and accordingly, shall be in full force and effect immediately upon its passage.

Passed this 19th day of January 2023

President of Council

ATTEST:

Clerk of Council

Approved by me this 19th day of January 2023

Mayor

RESOLUTION NO R-23-08

A RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO APPLY FOR, ACCEPT, AND ENTER INTO A WATER SUPPLY REVOLVING LOAN ACCOUNT (WSRLA) AGREEMENT ON BEHALF OF THE CITY OF WILMINGTON FOR A PFAS PLANNING STUDY; AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN

WHEREAS, a top priority of the City of Wilmington is to supply citizens with safe drinking water; and

WHEREAS, PFAS compounds have been found in source water supplies across the country, including in Wilmington, and

WHEREAS, the City of Wilmington intends to apply for Water Supply Revolving Loan Account (WSRLA) funding for the planning of the water facilities to remove PFAS compounds from the water; and

WHEREAS, the Water Supply Revolving Loan Account (WSRLA) requires the government authority to pass legislation for application of a loan and the execution of an agreement as well as designating a dedicated repayment source.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, OHIO:

Section 1. That the Director of Public Service be and is hereby authorized to apply for a WSRLA loan, sign all documents for and enter into a Water Supply Revolving Loan Account (WSRLA) with the Ohio Environmental Protection Agency and the Ohio Water Development Authority for construction of water facilities on behalf of the City of Wilmington Ohio.

Section 2. That the dedicated source of repayment will be user fees.

Section 3. That it is found that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4. That this resolution is hereby declared to be an emergency measure necessary to the immediate preservation of the public health, safety, and welfare, and accordingly, shall be in full force and effect immediately upon its passage..

Passed this 19th day of January 2023

President of Council

ATTEST

Clerk of Council

Approved by me this 19th day of January 2023

Mayor