

MINUTES

Wilmington City Council

March 2, 2023

Wilmington City Council met in regular session on Thursday, March 2, 2023, at 7:30 p.m. at 69 N. South St. Wilmington, Ohio, with President Mark McKay presiding.

CALL TO ORDER

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

ROLL CALL

Roll Call: J McKay, present; M Snarr, present; B Liermann, present; B Osborn, present; M Allbright, present; N Eveland, present; M Purkey, present.

Chief Fithen was present as Sergeant at Arms.

Council participated in the Pledge of Allegiance and moment of silence.

PRESIDENT OF COUNCIL

M Purkey moved to amend the agenda to remove Item 16 Executive Session and accept the agenda as amended. J McKay seconded the motion.

Voice vote. Motion passed unanimously.

Agenda accepted as amended.

M Purkey moved to approve the minutes of the February 16, 2023, regular City Council Meeting. B Osborn seconded the motion.

Voice vote. Motion passed unanimously.

February 16, 2023, regular City Council minutes approved.

President McKay welcomed Beth Huber from the Clinton County Port Authority.

Beth Huber introduced T. Alex Beres as the new Executive Director of the Clinton County Port Authority. Beres provided a few comments of his background and said he was looking forward to working with the City.

President McKay opened a public hearing at 7:36 p.m. on a Petition for a Planned Unit Development (PUD) of 28.60 acres (more or less) more commonly known as 1057 N. Lincoln Street.

M Purkey gave a brief overview, stating that the public hearing is for a preliminary Planned Unit Development Plan at the site of the drive-in. Clerk Tacoronte explained that DDC Management had contacted the city over a year ago regarding the development of the drive-in movie theatre property on North Lincoln.

Kirk Ridder spoke on behalf of the applicant and explained DDC Management was based in Miamisburg. They have projects in the Ohio, North Carolina and Florida. The subdivision was originally designed through straight zoning with 50-foot lots. After conversations with builders, they wanted projects that could fit on a 40-foot lot. He explained that DDC has been working with City staff and the design has gone through multiple iterations. He added that the latest development addresses drainage in the southwest corner of the development. CESO (their engineer) has added a drainage swale south of Lot 92 that will run into a catch basin to provide stormwater relief in that area.

There was a discussion of the stormwater issues in the area. David Rupp, an adjacent homeowner, expressed concern as he was under the impression that a catch basin would be installed at the edge of his property. The developer said they would put in another catch basin if necessary. Tacoronte provided an email from the engineer stating that the swale design would satisfy the intent but would have to look at the stormwater calculations prior to final approval. It was noted that all stormwater measures will have to be reviewed and approved by engineering to ensure that the current water retainage issues in the southwest corner are addressed.

Ridder explained that the subdivision would not connect with Kentucky at the City's request. Kentucky Avenue was not designed to handle the increased traffic, but right-of-way would be held in case the city wished to establish that connectivity in the future. Pedestrian traffic will be maintained at this location.

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There was a discussion of the sidewalk connectivity on Lincoln. It was noted that the Planning Commission asked for sidewalks to be constructed here.

Public Comment portion of the Public Hearing

Amy Johnson – Adjacent property owner. 954 N South Street. Asked about setbacks, lot width, lot size, lot coverage, building height, and whether a traffic study had been completed.

It was explained that the PUD calls for a minimum 41' lot width, with a 4000 sf minimum lot area. If there are not exceptions called out in the plan, then the underlying TN zoning restrictions apply (such as lot coverage and building height). Tacoronte said she would send a copy of the traffic study to Johnson.

David Rupp - 963 N South Street. Mr. Rupp commented on the small lot sizes and felt like they were trying to shoehorn too many houses into the area. He also had concerns about the drainage on his property and the bridge not being placed, saying that any job worth doing is worth doing right. He thanked the city and developer for meeting with him about his concerns. He noted that zoning is supposed to protect the character of the neighborhood.

Jamie Knowles – 550 Brooke Blvd. Stated concerns about the size of the houses and the size of the lots. He said he is worried about property values in his neighborhood suffering from the new subdivision.

Jason Stoops – 118 S Mulberry. Asked if the smaller lots were for the benefit of the developer or the city and asked if there would need to be a sewer upgrade. Schaffer explained there was a lift station to handle the sewer and the capacity should be fine.

Jane Johns – 3537 Beechgrove. Stated concerns about the setbacks and thought the 10 feet apart might be the minimum for fire code and that having houses that close together could create a hazard.

There was discussion about how setbacks work on residential properties and placement of fences. Tacoronte explained that 5' setbacks were typical in most residential areas.

Eveland stated he had a number of concerns. They included:

- The 4-inch input into the manhole with 8-inch outlets on Kentucky will surcharge the pipe. Schaffer stated this will be reviewed.
- Will the lift station have telemetry? Schaffer stated it would. Eveland asked for it to be shown on the drawings.
- Will the utilities be accepted by the City? John Bills (DDC Management) stated that they would be built to city specifications and accepted by the City.
- Who will maintain the stormwater ponds? Bills explained there would be a Home Owners Associations (HOA). Eveland asked if that would be noted on the plat. Bills explained they do not typically list the HOA information on the plat, but there would be no lot sales until the HOA documents have been recorded.
- The upper section without connection of the bridge is a safety concern because there will be 63 homes with only one way in. Tacoronte said the layout had been reviewed from a safety standpoint. Eveland asked to hear from Chief Mason that he is not worried about the upper section of the subdivision.
- The width of the lots and the width of the street will cause parking and traffic issues. Eveland said the home would have to be very narrow to accommodate a garage and driveway, and the driveway in front of a 40-foot lot does not allow for much parking area. Bills explained the layout of the homes is such that the garage is not separate but instead integrated into the footprint of the house. Each home will have space for four cars (two in garage; two in driveway). The houses are deep and usually have bedrooms above the garage. Eveland asked for pictures of the types of homes being put in and Bills said he would have some for the next meeting.
- The width of the street will not allow comfortable parking on both sides of the street. It only leaves 9 feet for a car to get through if there are cars parked on both sides. Bills explained that the city would need to decide if they would allow parking on both sides and that they were using the city's typical residential section.

Bills offered that the houses would probably sell in the \$200,000 to \$300,000 range, so surrounding home valued should not be affected. He said that there was a lot of discussion about lot width with Planning Commission. From a city standpoint, density is good because

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it reduced the amount of maintenance costs because there is less infrastructure. He offered examples of the types of homes being built as Bridgewater Subdivision in Springfield and Hamilton Gardens in Florida.

Eveland noted the city needs more housing, but many questions need to be asked to make sure it is done correctly.

J McKay asked about the mailboxes. Bills explained the post office does not allow individual mailboxes on houses, so there will be mailbox banks throughout the subdivision.

Knowles questioned if there were subdivisions like this in other rural communities such as Hillsboro or Washington Court House. Bills explained that DDC has not looked into building in those markets because they do not have the same job growth that is projected in Wilmington. He added that he is excited to partner with the City of Wilmington on the project.

M McKay closed the public hearing at 8:34 p.m.

MAYOR

Mayor Stanforth stated that the EV charging stations are nearing completion. He mentioned the groundbreaking of the Honda battery plant in Fayette County and that construction was commencing on Davids Drive. He gave a rundown of the Murphy Theatre schedule and other community events.

The mayor offered his congratulations to Ashley Rose on receiving the Yvonne Lesicko Perseverance Price for her work with the Clinton, Fayette, Green and Warren County Farm Bureaus.

The mayor reminded the public about the Clean-Up Wilmington event on Saturday, March 21, at 9:30 a.m. and recycling events on April 29.

Mayor Stanforth related a story about Judge Mike Daugherty having a home plate at his feet on the bench as a reminder that the court is a place where everyone should have equal treatment. He said he received a thank you letter from the family for the plaque dedicating the courtroom in Judge Daugherty's honor. He thanked Brian Kratzer for all of his work on arranging for that to happen.

J McKay asked who represented the city at the Honda Plant groundbreaking. The mayor explained there was no one from the city there; they had not received an invitation.

AUDITOR

Mary Kay Vance announced that there would be an audit from the State Auditor's office on how we report to OPERS. This has been completed. Council would have received notification, so she wanted to offer explanation.

SERVICE AND SAFETY DIRECTOR

Public Works Director Rick Schaeffer introduced Resolution R-23-13 Authorizing the Mayor or designee to prepare and execute an application for Safe Routes to School (SRTS) School Travel Plan development and to submit same to the Ohio Department of Transportation; and Declaring an emergency. He explained the last study was done approximately 13 years ago and needed to be updated to allow the city to apply for funding in the future. There should be no cost to the city for the study.

J McKay moved to have the first reading on Resolution R-23-13 by title only. B Liermann seconded the motion.

Discussion: None.

Voice vote. Motion passed unanimously.

Director of Law read Resolution R-23-13 by title only.

J McKay moved to suspend the rules and regulations and have the second and third readings on Resolution R-23-13 by title only. B Liermann seconded the motion.

Roll call vote: McKay, aye; Snarr, aye; Liermann, aye; Osborn, aye; Albright, aye; Eveland, aye; Purkey, aye. Motion passed.

Director of Law read Resolution R-23-13 by title only.

J McKay moved for passage of Resolution R-23-13. B Liermann seconded the motion.

Roll call vote: Snarr, aye; Liermann, aye; Osborn, aye; Albright, aye; Eveland, aye; Purkey, aye; McKay, aye. Motion passed.

Resolution R-23-13 passed as presented.

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Schaffer introduced Resolution R-23-14 Accepting a gift from Joseph Hardin for the City of Wilmington Code Enforcement Department; and Declaring an emergency.

J McKay moved to have the first reading on Resolution R-23-14 by title only. B Liermann seconded the motion.

Discussion: None.

Voice vote. Motion passed unanimously.

Director of Law read Resolution R-23-14 by title only

J McKay moved to suspend the rules and regulations and have the second and third readings on Resolution R-23-14 by title only. B Liermann seconded the motion.

Roll call vote: Liermann, aye; Osborn, aye; Albright, aye; Eveland, aye; Purkey, aye; McKay, aye; Snarr, aye. Motion passed.

Director of Law read Resolution R-23-14 by title only.

J McKay moved for passage of Resolution R-23-14. B Liermann seconded the motion.

Roll call vote: Osborn, aye; Albright, aye; Eveland, aye; Purkey, aye; McKay, aye; Snarr, aye; Liermann, aye. Motion passed.

Resolution R-23-14 passed as presented.

Mayor Stanforth said that Joe Hardin has a business on Langdon Avenue and was grateful for the work that Annen had done cleaning up the area near his property. To show that appreciation, he provides the city with an annual donation in support of the clean-up efforts. The mayor offered his thanks to Joe Hardin for the donation.

COUNCIL COMMITTEE REPORTS AND ACTION

CITY REVITALIZATION COMMITTEE

J McKay had no report.

CITY SERVICES COMMITTEE

N Eveland had no report.

FINANCE COMMITTEE

M Albright introduced Ordinance O-23-13 Making Supplemental Appropriations.

M Albright moved to have the first reading on Ordinance O-23-13 by title only. B Osborn seconded the motion.

Discussion:

- a) From the excess funds of the Indigent Driver Alcohol Treatment Fund to 283.213.5269 "Misc. Services – Indigent Driver Alcohol" the sum of \$5,000.00.
- b) From the excess funds of the General Fund to 110.120.5917 "M&R Fund Transfer" the sum of \$252,000.00
- c) From the excess funds of the Maintenance Repair Fund to 200.330.5512 "Capital Equipment" the sum of \$252,000.00

Voice vote. Motion passed unanimously.

Director of Law read Ordinance O-23-13 by title only.

M Albright moved to suspend the rules and regulations and have the second and third readings on Ordinance O-23-13 by title only. B Osborn seconded the motion.

Roll call vote: Albright, aye; Eveland, aye; Purkey, aye; McKay, aye; Snarr, aye; Liermann, aye; Osborn, aye. Motion passed.

Director of Law read Ordinance O-23-13 by title only.

M Albright moved for passage of Ordinance O-23-13. B Osborn seconded the motion.

Roll call vote: Eveland, aye; Purkey, aye; McKay, aye; Snarr, aye; Liermann, aye; Osborn, aye; Albright, aye. Motion passed.

Ordinance O-23-13 passed as presented.

M Albright introduced R-23-16 Authorizing payment of expenses incurred in prior fiscal year.

M Albright moved to have the first reading on Resolution R-23-16 by title only. B Osborn seconded the motion.

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Discussion:

Account Number	Description	Amount
110.132.5237	License, Support & Maintenance	11,448.97
211.390.5234	Professional and Tech Services	4,950.00
211.390.5274	WTS Vehicle Contracts & Services	5,040.30
211.390.5274	WTS Vehicle Contracts & Services	14,057.55
292.110.5410	Retained Hotel Lodging Tax Incidentals	4,000.00
510.211.5237	Data Processing Services	28,196.00
510.211.5237	Data Processing Services	8,176.00
510.211.5317	Vehicle Fuel	3,496.66
605.350.5271	Water Facility Maintenance	3,004.76
635.360.5272	Sewer Equipment Maintenance	4,505.51
636.360.5910	Project Expense	6,720.00

Voice vote. Motion passed unanimously.

Director of Law read Resolution R-23-16 by title only.

M Allbright moved to suspend the rules and regulations and have the second and third readings on Resolution R-23-16 by title only. B Osborn seconded the motion.

Roll call vote: Purkey, aye; McKay, aye; Snarr, aye; Liermann, aye; Osborn, aye; Allbright, aye; Eveland, aye. Motion passed.

Director of Law read Resolution R-23-16 by title only.

M Allbright moved for passage of Resolution R-23-16. B Osborn seconded the motion.

Roll call vote: McKay, aye; Snarr, aye; Liermann, aye; Osborn, aye; Allbright, aye; Eveland, aye; Purkey, aye. Motion passed.

Resolution R-23-16 passed as presented.

JUDICIARY COMMITTEE

M Purkey presented O-23-09 Amending certain sections and adding certain sections to Chapter 505 Animals and Fowl of the City of Wilmington Codified Ordinances. He explained the ordinance defines an animal welfare program such as a feline Trap/Neuter/Return initiative. This will allow that program to move forward if the city chooses. He also explained that it also removed inconsistent language.

M Purkey moved to have the second reading on Ordinance O-23-09 by title only. M Allbright seconded the motion.

Discussion: None.

Voice vote. Motion passed unanimously.

Director of Law read Ordinance O-23-09 by title only.

M Purkey requested the third reading be placed on the agenda for the next regular council meeting.

M Purkey presented Ordinance O-23-11 An Ordinance to amend the codified ordinances of the City of Wilmington, Ohio, to provide amendments to certain sections of Part Three – Traffic Code; To provide for codification; To provide for supplementation; To provide for penalties; To provide for severability; To provide for the repeal of conflicting ordinances; To provide an effective date; and For other purposes. He explained this legislation adapts the Wilmington Codified Ordinances to be in line with changes to the Traffic Code in the Ohio Revised Code.

M Purkey moved to suspend the rules and regulations and have the second and third readings on Ordinance O-23-11 by title only. J McKay seconded the motion.

Discussion: None.

Roll call vote: Snarr, aye; Liermann, aye; Osborn, aye; Allbright, aye; Eveland, aye; Purkey, aye; McKay, aye. Motion passed.

Director of Law read Ordinance O-23-11 by title only.

M Purkey moved for passage of Ordinance O-23-11. J McKay seconded the motion.

Roll call vote: Liermann, aye; Osborn, aye; Allbright, aye; Eveland, aye; Purkey, aye; McKay, aye; Snarr, aye. Motion passed.

Ordinance O-23-11 passed as presented.

M Purkey presented Ordinance O-23-12 An Ordinance to amend the codified ordinances of the City of Wilmington, Ohio, to provide amendments, deletions and repeal to certain

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sections of Part Five – General Offenses Code; To provide for codification; To provide for supplementation; To provide for penalties; To provide for severability; To provide for the repeal of conflicting ordinances; To provide an effective date; and For other purposes. He explained this legislation brings the Wilmington Codified Ordinances in line with changes to the General Offenses Code in the Ohio Revised Code.

M Purkey moved to suspend the rules and regulations and have the second and third readings on Ordinance O-23-12 by title only. M Albright seconded the motion. Roll call vote: Osborn, aye; Albright, aye; Eveland, aye; Purkey, aye; McKay, aye; Snarr, aye; Liermann, aye. Motion passed.

Director of Law read Ordinance O-23-12 by title only.

M Purkey moved for passage of Ordinance O-23-12. M Albright seconded the motion. Roll call vote: Albright, aye; Eveland, aye; Purkey, aye; McKay, aye; Snarr, aye; Liermann, aye; Osborn, aye. Motion passed.

Ordinance O-23-12 passed as presented.

M Purkey introduced Ordinance O-23-14 Approving the Preliminary Planned Unit Development Plan for DDC Management, LLC; and Amending the zoning map by changing the zoning of real property to include a PUD (Planned Unit Development) overlay on TN (Traditional Neighborhood) parcels located on Lincoln Street in the City of Wilmington, Ohio. He said he understood there were some issues with the legislation and that changes may need to be made. He further stated that he prefers to move forward with the readings even though there will be amendments, while others might prefer to not have the readings until the legislation has been amended.

J McKay clarified that there would be three separate readings on three different reading dates. M Purkey verified that was correct.

B Liermann stated he was not comfortable with the legislation. M Purkey said that we had to either strike it from the agenda or make changes to be entered into the record.

Eveland was pleased with the response from the developer and their willingness to work on it. He explained the process of three readings and said that a “yes” vote on the readings does not mean that you necessarily will vote “yes” for passage.

Tacoronte clarified the PUD approval process. She explained that this preliminary Planned Unit Development Plan had gone through Planning Commission and comments were been provided. The revised preliminary PUD plan then comes before council for approval. Council can add their stipulations into their legislation. The final approval of the PUD will be made by Planning Commission and will integrate council’s stipulations. She further explained that this approval is not for the construction plans, which will be approved by engineering, but only of the concept, layout, and zoning overlay of the subdivision.

M Purkey moved to have the first reading on Ordinance O-23-14 by title only. B Osborn seconded the motion.

Discussion: None.

Roll call vote: Eveland, aye; Purkey, aye; McKay, aye; Snarr, aye; Liermann, no; Osborn, aye; Albright, aye. Motion passed.

Director of Law read Ordinance O-23-14 by title only.

M Purkey asked that the second reading be placed on the agenda for the next regular council meeting.

M Purkey introduced Resolution R-23-15 Authorizing a reduction or waiver of active open space in Timber Glen Phase VI Subdivision. He explained how subdivisions have a set amount of green space as well as unplanned green space.

Tacoronte explained that when a developer makes a subdivision, they are required to plat off a minimum of 5% of the land as open space. Of that 5%, at least 25% must be designated as active open space, like a trail or a playground. The developer has the option to petition council for a waiver or reduction of the active space component.

Etta Reed from Bayer Becker spoke on behalf of the developer. She explained they were providing 16% over space. She showed that she is required to provide a little under an acre

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for open space. She showed the playground and explained there would be a landscape buffer between it and the homes. She said that the remaining open space will be used as retention ponds and is very wooded. She stated the developer would like to retain the buffer and the trees and the topography. She added there would be sidewalks throughout the neighborhood and there is a nearby school with amenities.

M Purkey said he thought council needed to be mindful that they would be setting precedent as this was the first time going through the process since the new zoning code was implemented.

Snarr asked if all the residents have access to Holmes School playground. It was noted the playground is fenced, but there is a sign stating that it is open until dark.

Ms. Reed provided details on the waiver request. Code requires of the whole development (74 acres) that they provide a minimum of 5% as open space (3.7 acres). Of that 3.7 acres, the developer has to set aside 25% or 0.92 acres for active open space. The developer is asking for 0.3 acres for the playground and waive the rest.

M Purkey moved to have the first reading on Resolution R-23-15 by title only. M Allbright seconded the motion.

Discussion: None.

Voice vote. Motion passed unanimously.

Director of Law read Resolution R-23-15 by title only.

M Purkey asked that the second reading be placed on the agenda for the next regular council meeting.

PUBLIC WORKS COMMITTEE

M Snarr had no report.

REPORTS TO COUNCIL

J McKay moved to accept the Income Tax Report – February 2023, as presented. B Liermann seconded the motion.

Voice vote. Motion passed unanimously.

Reports accepted as presented.

OPEN TO PUBLIC

M Purkey stated he would like to look into a harm reduction (needle exchange) program in the City. He, in collaboration with Leah Lorenz and Jason Stoops, spoke to a representative of the Harm Reduction Collaborative in Southwestern Ohio. One effective way to get needles off the street is to implement a needle exchange program. It was very productive discussion. He stated he would like to bring the Harm Reduction Collaborative representative to council to discuss the program.

Judy Gano – 2239 Gano Road. Candidate for Municipal Court Judge.

Pat Haley – 1447 Meadow Ridge Circle. Candidate for Mayor.

Jane Johns. 3537 S. Beechgrove Road. Subject: Tent Camps.

Darrell Petrey told the clerk he wanted to change the order of speakers. When President of Council denied the request and asked him to be seated, Petrey told him to be quiet, called him a name, and was escorted from the meeting by police.

Chief Fithen reminded the audience that name-calling and disrespect of the council members would not be tolerated and would lead to removal from the meeting. There was a back-and-forth discussion between the Chief Fithen and members of the audience.

Tony Thomas. 204 Fisher Street. Subject: Public records. Mr. Thomas asked if he could use the screen in the room in the future to put up pictures from Casey Pitzer's autopsy. He was advised that all members of the public may not be comfortable with those images.

Greg Pitzer. 116 Commons Lane. Subject: Death of Casey Pitzer.

Dustin Pearce. 276 W Locust. Malfunctioning lighted left turn sign on Rombach Avenue. Tacoronte explained the Rombach project is not complete, and the light should function once they finish fixing the controller settings.

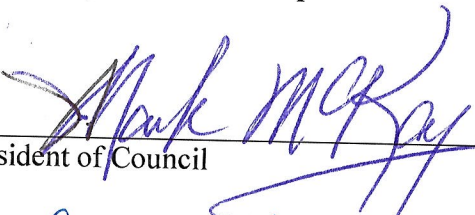
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ADJOURNMENT

B Liermann moved to adjourn the meeting.

President M McKay declared the meeting adjourned at 9:49 p.m.

ATTEST:



President of Council



Clerk