

MINUTES

Wilmington City Council

April 6, 2023

Wilmington City Council met in regular session on Thursday, April 6, 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, absent; M Allbright, present; N Eveland, present; M Purkey, present.

J McKay moved to excuse the absent member (Osborn). B Liermann seconded the motion.

Voice vote. Motion passed unanimously.

Absent member excused.

Chief Fithen was present as Sergeant at Arms.

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

PRESIDENT OF COUNCIL

J McKay moved to accept the agenda as presented. B Liermann seconded the motion.

Voice vote. Motion passed unanimously.

Agenda accepted as presented.

M Purkey moved to approve the minutes of the March 16, 2023, regular City Council Meeting. M Allbright seconded the motion.

Voice vote. Motion passed unanimously.

March 16, 2023, regular City Council minutes approved.

President McKay read the following statement regarding maintaining order at public meetings:

City Council has recently received comments from citizens attending council meetings, guest speakers, and other public officials expressing concern over the chaotic nature of council meetings and disrespect shown to council members, public officials, and attendees of City Council meetings.

The Open Meetings Act requires that the public be able to attend and observe meetings. There is no stated requirement that citizens have the right to speak. However, the City of Wilmington, in the spirit of encouraging public discourse and participation, has tried to allow all voices to be heard by providing the option for public comment at our meetings.

We have provided Guidelines for Citizen Participation, with the hopes that if the rules were clearly stated then all who attend council meetings would follow them.

This has not happened. We have had continual issues with people speaking out of turn, not waiting to be recognized by President of Council, badgering public officials or presenters at the council meeting, and speaking over others.

This stops now.

Ohio Revised Code 2917.12 states the following:

Section 2917.12 | Disturbing a lawful meeting.

(A) No person, with purpose to prevent or disrupt a lawful meeting, procession, or gathering, shall do either of the following:

(1) Do any act which obstructs or interferes with the due conduct of such meeting, procession, or gathering;

(2) Make any utterance, gesture, or display which outrages the sensibilities of the group.

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(B) Whoever violates this section is guilty of disturbing a lawful meeting. Except as otherwise provided in this division, disturbing a lawful meeting is a misdemeanor of the fourth degree.

It is our responsibility to make sure that City Council meetings are conducted in a way to allow public business to continue efficiently and that they remain a safe venue for all citizens.

Therefore, the President of Council of the City of Wilmington is prepared to instruct the authorities to immediately remove and have arrested any member of the public, elected official, or staff member who violates Ohio Revised Code 2917.12.

President McKay further expressed the importance of maintaining decorum and civility in council meetings. Noting that some people seem not to know how to conduct themselves at a public meeting. He added if the president feels that what is being said is inappropriate or inflammatory for this setting or if the person has been disruptive in any manner that it disturbing to the meeting, the President will gavel the offender for an initial warning. If the warning is not heeded, the person will be escorted from the council chambers by the Sergeant of Arms and charged appropriately for the violation of ORC 2917.12.

MAYOR

The mayor discussed being invited to a scouting function and spoke about the qualities of the scouting program. He announced public events including the Republican Women of Clinton County Chili Cookoff and upcoming recycling events.

Mayor Stanforth reported that the landfill received a favorable report from the EPA, who found no deficiencies, and thanked Cody Romohr and his staff for doing a great job.

The mayor explained that a pole has been obtained for the traffic signal at Grant and Main Street, so the traffic signal should be replaced soon. He said that two M&R employees were on site when a shopper at the Family Dollar suffered a heart attack. David Ross performed CPR on the gentleman while Scott Shumaker directed traffic until the EMS services arrived. The man survived the incident.

Mayor Stanforth recognized the many volunteers and partners that help the city at the parks and at the clean-up events. He recognized Ruth Brindle receiving a Bob Ady Scholarship. Hope House in Wilmington is having a fundraiser. They have a \$5000 match donation challenge.

The mayor also provided statistics on the projects executed by the city since 2016. Since 2016, the city has completed or is in the planning phases of over \$94,000,000 in projects. We have received over \$28,000,000 in grants and a little over \$48,000,000 in zero-percent loans. There has also been a donation for \$93,000.

Chief Fithen gave a report that violent crime is down in the city. Property crime has risen some.

Taylor Stuckert gave a presentation on the work of the Clinton County Land Bank.

AUDITOR

Auditor Mary Kay Vance announced that the City sold the \$1,150,000 landfill notes last week at a rate of 4.75%, with an actual yield of 3.55%.

SERVICE AND SAFETY DIRECTOR

Service and Safety Director Brian Shidaker announced that the Landfill Phase 8 Expansion project sold last week. The winning bid was a little under a million dollars, with construction beginning in May and ending in July.

COUNCIL COMMITTEE REPORTS AND ACTION

CITY REVITALIZATION COMMITTEE

J McKay had no report.

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CITY SERVICES COMMITTEE

N Eveland reported the committee met and discussed the new police cruisers. Also, Jessica from the Transit service came and gave a presentation on the new vans and computerized dispatch system. There was discussion of an area of traffic concern at the far end of Locust Street at 22/3. McKay added that the city was in the process of putting in some additional striping to make this intersection safer. Eveland also reported that they had a lengthy discussion about the drive-in project on Lincoln Street.

FINANCE COMMITTEE

M Allbright introduced Ordinance O-23-17 Making Supplemental Appropriations.

M Allbright moved to have the first reading on Ordinance O-23-17 by title only. M Purkey seconded the motion.

Discussion:

- a. From the anticipated funds of the CLI Wilmington Crossings FY 23 Grant Fund to 267.110.5910 "Project Expense" the sum of \$402,360.00.
- b. From the anticipated funds of the Rombach/Elizabeth Ln Traffic Syg Project Grant to 268.110.5910 "Project Expense" the sum of \$45,000.00
- c. From the anticipated funds of the PFAS Plan Study – AIMS #9698 Wilmington Fund to 608.350.5910 "Project Expense" the sum of \$1,063,972.00
- d. From the available excess funds in the General Fund to 110.134.5218 "Human Resources Prof Services" the amount of \$10,500
- e. From the anticipated funds of the Airborne Roadwork Dev Grant Fund to 266.110.5910 the sum of \$110,898.20
- f. From the available excess funds in the General Fund to 110.120.5926 Airborne Roadwork Fund Transfer the sum of \$49,033.04

Voice vote. Motion passed unanimously.

Director of Law read Ordinance O-23-17 by title only.

M Allbright moved to suspend the rules and regulations and have the second and third readings on Ordinance O-23-17 by title only. M Purkey seconded the motion.

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

Director of Law read Ordinance O-23-17 by title only.

M Allbright moved for passage of Ordinance O-23-17. M Purkey seconded the motion.

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

Ordinance O-23-17 passed as presented.

JUDICIARY COMMITTEE

M Purkey presented 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, as amended.

M Purkey moved to have the third reading on Ordinance O-23-14 by title only. J McKay seconded the motion.

Discussion: M Purkey expressed gratitude for the number of people in attendance. President McKay reminded attendees to raise their hand and wait to be recognized before speaking.

Sherry McIntosh, President of the Board of Realtors, spoke in support of the subdivision, noting the extreme shortage of housing in the City of Wilmington. She said that there are currently 17 listings in Wilmington and only 45 in the entire county. For a balanced market, they need to have approximately 150-200 homes listed. The lack of housing is driving the price of homes up.

M Purkey stated council received a letter from the Clinton County Port Authority supporting increasing the amount of housing of all kinds in Wilmington. M Purkey added that Clerk Tacoronte had sent out an email comparing the PUD and a Traditional Neighborhood Zoning area. He noted that the side yard setbacks for the PUD are 5 feet, while they are only 3 feet in a Traditional Neighborhood Zoning. Also, only five lots fall under the 5000 minimum for TN.

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M Purkey asked Clerk Tacoronte about the next steps in the process. Tacoronte stated it would go back to the Planning Commission for further discussion and final approval. Council was voting on approval of the preliminary PUD plan. The final PUD is approved through Planning Commission. M Purkey also noted the city plans on updating subdivision regulations later in the year.

Nick Eveland presented a slideshow on similar housing developments in other areas, pointing out the narrow streets and limited space between houses. He noted this was the second time Council had visited the zoning of this area. It was rezoned from Suburban Neighborhood to Traditional Neighborhood, which took the required minimum lot size from 7200 to 5000 square feet and frontage from 60 feet to 45 feet. He noted the city has tried to work with the developer. The PUD is now asking for 4000-square-foot lots and 41 feet frontage. Eveland also stated the developer has worked very well with the city on the drainage issues on the southwest corner, adding it is a difficult balance between the need for housing and what we want to see in the neighborhood. Eveland verified that the streets would be dedicated to the city. He also pointed out that this probably would not be affordable housing as they may sell for over \$250,000.

M Purkey noted this is a two-phase project. If the second phase does not get built, does the city want to own another bridge that it has to maintain. Eveland noted it would be cheaper for the developer to put the bridge in rather than the city.

Liermann stated he was concerned about long-term effects and the number of units being proposed to be put in. McKay thanked Eveland for his legwork in providing photos of similar developments. Purkey noted that the builder has not been chosen for this project yet, so these houses may not look exactly like the photos.

Jamie Knowles spoke about the need for many different kinds of homes and said he heard concerns from citizens about out-of-town developers.

David Rupp expressed concern about the quality of the subdivision. He also said the developer should finish the trail and build the bridge. Mr. Rupp added that the zoning laws should protect the residents.

Randy Gray expressed concerns about the sewer. Public Works Director Rick Schaffer stated that it was designed to handle the flow. Clerk Tacoronte noted that stipulations in the approval legislation state that the project needs to conform to city standards for approval and this would include the sewer design.

J McKay asked when Planning Commission meets. Tacoronte stated it normally meets the first Tuesday of each month at 4:30 p.m.

Richard Pollard lives at the end of Michigan Avenue and shared an experience of how a subdivision coming in raised the cost of his sewer rates in a previous place he lived.

M Purkey asked representatives from DDC Development if requiring a bridge would be a deal-killer. The developer said they probably would not be able to build the development if it included a bridge.

Roll call vote: Liermann, no; Allbright, aye; Eveland, no; Purkey, aye; McKay, aye; Snarr, aye. Motion passed 4-2.

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

M Purkey moved for passage of Ordinance O-23-14. J McKay seconded the motion. Roll call vote: Allbright, aye; Eveland, no; Purkey, aye; McKay, aye; Snarr, aye; Liermann, no. Motion passed 4-2.

Ordinance O-23-14 passed as amended.

M Purkey presented Resolution R-23-15 Authorizing a reduction or waiver of active open space in Timber Glen Phase VI Subdivision.

M Purkey moved to have the third reading on Resolution R-23-15 by title only. J McKay seconded the motion.

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

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

M Purkey moved for passage of Resolution R-23-15. J McKay seconded the motion.

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

Resolution R-23-15 passed as presented.

PUBLIC WORKS COMMITTEE

M Snarr provided an update on the sewer plant. The price will be just shy of \$50,000,000. He everyone for their cost-savings efforts. The City has received \$11.6 million in grants. We are waiting to hear about the terms of the EPA loan. Snarr added that the committee received a brief update on the raw water line on SR 73. He also said the landfill project was discussed in committee.

M Purkey pointed out that the landfill expansion will be a cash sale. Because of annualized rate reviews and proactive rate increases, Council has not had to make any large rate increases to pay for this infrastructure.

REPORTS TO COUNCIL

J McKay moved to accept the Income Tax – March 2023, as presented. M Albright seconded the motion.

Voice vote. Motion passed unanimously.

Reports accepted as presented.

OPEN TO PUBLIC

M McKay repeated the guidelines established to maintain order.

Tony Thomas – 204 Fisher Street – Free speech and the concerns about the rules to maintain order.

Jane Johns - 3537 S. Beechgrove Rd – Acknowledged city clean-up efforts.

EXECUTIVE SESSION

M Purkey moved to enter Executive Session pursuant to Ohio Revised Code Section 121.22(G)(1) [To consider the employment, dismissal, discipline, demotion, or compensation of a public employee or official, or the investigation of charges or complaints against a public employee, official, licensee, or regulated individual, unless the public employee, official, licensee, or regulated individual requests a public hearing] and Section 121.22(G)(3) [Conferences with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action]. Liermann seconded the motion.

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

Council entered executive session at 9:14 p.m.

Council returned to regular session at 9:39 p.m.

ADJOURNMENT


B Liermann moved to adjourn the meeting.

President M McKay declared the meeting adjourned at 9:39 p.m.

ATTEST:



President of Council



Clerk