

MINUTES

Wilmington City Council

May 4, 2023

Wilmington City Council met in regular session on Thursday, May 4, 2023, at 7:33 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

J McKay moved to accept the agenda as presented. M Purkey seconded the motion.

Discussion: none.

Voice vote: Motion passed unanimously.

Agenda accepted as presented.

M Purkey moved to approve the minutes of the April 20, 2023, regular City Council Meeting. B Liermann seconded the motion.

Voice vote. Motion passed unanimously.

April 20, 2023, regular City Council minutes approved.

President McKay provided bullet points of the guidelines as follows:

Please do the following:

- *Sign up to speak.*
- *Speak only from the podium.*
- *Direct remarks to City Council as a whole.*
- *Address elected officials and staff by their titles.*
- *Keep your comments to 3 minutes or less.*
- *Present any handouts for council members to the Clerk of Council.*
- *Maintain an attitude of civility to elected officials, staff, and others in attendance.*

Please do not do the following:

- *Speak out of turn from your seat.*
- *Speak without being recognized by the President of Council.*
- *Use profanity.*
- *Talk over others.*
- *Badger elected officials, staff members, guest speakers, or other attendees.*
- *Use speech that is demeaning or insulting to others.*
- *Yell, shout, cheer, boo, hiss, etc.*
- *Engage in disruptive behavior*

President McKay provided a statement regarding his concerns about the manner in which some members of the public have been behaving at council meetings. He noted that the behavior has slowly escalated in the past few months to the point where people in attendance at council meetings do not feel safe. President McKay pointed out that council members want to hear from the public, both the positive and negative, but the behavior of late goes beyond that. He said that the actions of some seem to be for the purpose of gaining social media prominence. He continued that behavior matters, and City Council meetings should be for everyone. President McKay pointed out that sometimes young children, students, boy scouts, and girl scouts attend meetings. Everyone in attendance has the right to feel safe and comfortable. McKay said that Council cannot stand aside while a loud, angry few infringe upon the rights and sensibilities of the majority of our citizens. We cannot allow a government meeting to become a room where you would not feel comfortable bringing young people to learn about civics in their community.

President McKay brought forward for discussion with council the following ideas for public participation:

MINUTES

1. Along with the current rules for public comment, restricting comments to only items on the meeting's agenda. If your item has nothing to do with the business of that evening's council meeting, the council meeting is not the correct forum to bring it forward.
2. People wishing to make public comments must sign up prior to the meeting.
3. If you have other concerns having to do with council, please take those directly to your representative or you can email the Clerk of Council clerk@wilmingtonoh.org. If you include your address, the clerk can get your comment or concern to the members at large and to your council ward member for review.
4. You can also call 937-382-6509 if you do not have access to email.
5. You can use Text My Gov at 937-884-1588 to get a message to the city.
6. We may explore other avenues for citizen engagement (on a trial basis) such as town hall type forums or regular business hours for council members.

B Liermann agreed with the President, noting that it was important to bring back civility to public meetings. M Purkey noted that the schools board and commissioners have similar rules. He also said he was in favor of the idea of a town hall meeting. M Snarr said he liked the town hall idea and noted there is no place for people to have open communications. He said that it would alleviate the rumor train. J McKay said he hated that things had to come to this point. He said he wanted people to be able to bring their concerns to their elected officials and supported the idea of a town hall meeting. B Osborn said that he agreed that Council might be at the point that it needs to limit the discussion to only items on the agenda but that it was important to have some forum for more open discussion. M Allbright said that limiting items to the agenda and that a public forum would be good.

N Eveland talked about the difficult public discussions at the time city hall was being built. He said it was a learning experience about how to listen to citizens. He said he was in favor of town hall meetings. He said that the public needs to also remember that Council is a legislative body and is limited in jurisdiction. He added that also there are times that council members cannot give comments back to the public because they have filed litigation against the city. Town Halls need to be in the evening and open to the public.

President McKay summarized that the group was in agreement to limit discussion to agenda items moving forward. He said that Council will try to notify public of changes as soon as possible and that Town Hall meetings will be considered.

J McKay asked if the City had received a copy of the new bylaws from the Convention and Visitors Bureau. The mayor said that he had not received a copy.

Brett Rudduck addressed a public concern from a previous meeting that the City had violated Sunshine Laws through Facebook activity. He gave an overview of the public meetings act. He explained that the social meeting occurrence described at the last meeting did not constitute a violation of the Sunshine Laws.

MAYOR

Mayor John Stanforth presented a proclamation to Alex Beres, Economic Director of the Clinton County Port Authority celebrating Economic Development Week.

Mayor Stanforth announced 2023 Wilmington Peace Officers Memorial Service and told the story of the Patrolman Emery McCreight and Marshal John Van Doren. He said the service will be on Monday, May 15, at 1:00 p.m.

M Stanforth provided a list of upcoming events in the community. He noted the Clinton County Farmers Market will be starting soon.

M Stanforth said the spotlighted department for the city this month is the Water Department. He noted there are 90 miles of water mains in the city, 4 water towers, 3 pump stations, 16 miles of raw water line, 2 reservoirs, a dam, and a treatment plant. He also said that we are rehabilitating the inside of the water tower at the airpark.

He said 335 residents took advantage of the tire and hazardous waste recycling event.

He recognized the following employees for their long service: Sherri Lewis, Terri Credit, Kenneth Ison, Josh Gibson, Mark Romohr, and Josh Schnell.

MINUTES

The mayor showed before and after pictures of 502 Valley Street and held it as an example of the good work done by the Code Enforcement department. He announced the next Clean Up Wilmington event. The mayor also addressed a recent request to terminate the Code Enforcement Officer. He stated he would not be doing this as the Code Enforcement Department serves the community well.

AUDITOR

Auditor Mary Kay Vance had no report.

SERVICE AND SAFETY DIRECTOR

Service and Safety Director Brian Shidaker recognized Alex Beres for his recent help in acquiring \$1.4 million in 629 Funding for the Davids Drive Phase II project.

Service and Safety Director Brian Shidaker introduced Resolution R-23-19 Accepting a gift from Sterling Associates for the City of Wilmington Code Enforcement Department and Declaring an emergency.

Public Works Director Rick Schaffer explained that Sterling Associates is a consulting firm out of the Cleveland area with whom he participated in a survey about lead service lines. As a thank you, they wished to make a donation to the city, so he asked them to direct it to the Code Enforcement Department.

M Purkey moved to have the first reading on Resolution R-23-19 by title only. J McKay seconded the motion.

Discussion: None.

Voice vote. Motion passed unanimously.

Director of Law read Resolution R-23-19 by title only.

M Purkey moved to suspend the rules and regulations and have the second and third readings on Resolution R-23-19 by title only. J McKay seconded the motion.

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

Director of Law read Resolution R-23-19 by title only.

M Purkey moved for passage of Resolution R-23-19. J McKay seconded the motion.

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

Resolution R-23-19 passed as presented.

Service Director Shidaker provided a presentation on remaining construction issues on the Rombach Avenue project as well as the Downtown Wilmington intersection project. He emphasized that all projects are reviewed and can be changed both during and after construction.

Paul Goodhue, City Consulting Engineer, discussed the issues with signal timing issues on Rombach and said that it would be a few weeks before they are able to get the controllers running as expected. He also noted the project was designed based on 2018 traffic conditions. He said a lot has changed on Rombach in the past five years. As soon as the project is up and running, the traffic will be reevaluated and signal timings will be changed accordingly. Goodhue explained issues with the "No Right Turn" signals at the intersection of Lowes and Rombach. In terms of the downtown pedestrian project, the signals currently give priority to pedestrians. He explained that as soon as the project is completed, they will be reevaluating the signal timings. He said they would also be removing the large freeway size signs and smaller route signs will be placed instead. He also explained that the solar panels have been turned to face south.

Goodhue went on to explain that the city needs to put the final course on Mulberry and the school signs on Airborne need to be replaced because they do not match specifications.

Shidaker explained the bidding process surrounding the Landfill Phase 8 project. He said that there was no one to disqualify the low bidder based upon their attendance at the preconstruction meeting. B Osborn said he appreciated the memorandum from Shidaker the day after the complaint was raised at council.

MINUTES

Cody Romohr reported that the landfill phase 8 was starting construction.

B Shidaker provided an overview of the Wilmington Parks to Davids Drive Connector project. He explained the Wilmington Parks to Davids Drive project was funded through the Legacy Fund.

Shidaker introduced Resolution R-23-21 Authorizing advertising for bids for the Wilmington Parks to Davids Drive Path Connector; Authorizing the Director of Public Service to enter into contract with the lowest and best bidder; Authorizing expenditure of funds for same; and Declaring an emergency

M Purkey moved to have the first reading on Resolution R-23-21 by title only. B Osborn seconded the motion.

Discussion: None.

Voice vote. Motion passed unanimously.

Director of Law read Resolution R-23-21 by title only

M Purkey moved to suspend the rules and regulations and have the second and third readings on Resolution R-23-21 by title only. B Osborn 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-23-21 by title only.

M Purkey moved for passage of Resolution R-23-21. B Osborn seconded the motion.

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

Resolution R-23-21 passed as presented.

Goodhue provided an explanation of the trail project. Stanforth pointed out that the first part of the trail was provided by Larry Roberts when he put in sewer line through that portion of city land and agreed to lay the base so it could be used as a trail.

Goodhue provided an overview of the Wilmington Crossing Project which consists of seven pedestrian improvements throughout the city.

Shidaker introduced Resolution R-23-20 Authorizing advertising for bids for the CLI Wilmington Crossings FY23 Project, ODOT PID 117146; Authorizing the Director of Public Service to enter into contract with the lowest and best bidder; Authorizing expenditure of funds for same; and Declaring an emergency

M Purkey moved to have the first reading on Resolution R-23-20 by title only. B Liermann seconded the motion.

Discussion: None.

Voice vote. Motion passed unanimously.

Director of Law read Resolution R-23-20 by title only

M Purkey moved to suspend the rules and regulations and have the second and third readings on Resolution R-23-20 by title only. B Liermann 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 Resolution R-23-20 by title only.

M Purkey moved for passage of Resolution R-23-20. J McKay seconded the motion.

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

Resolution R-23-20 passed as presented.

Service Director Shidaker presented the Annual Report of Utility Billing Rates. The summary of the report recommended adjustment in rates for the Sanitation and Wastewater Departments and no adjustment in fee for the Stormwater Department and no adjustment in rates for the Water Department.

Shidaker explained the rates changes for the Sanitation Department are needed to bring the City's tipping fees more in line with surrounding landfills. The landfill is filling up very quickly in part due to the amount of outside commercial waste being brought into the facility. J McKay asked what the expected life of the landfill. Shidaker said it was

MINUTES

approximately 50 years. Cody Romohr explained one of the challenges for the landfill is having enough dirt for cover.

Shidaker said that the city needs to take a look at the recycling program. This program charges 0.01/month and is very expensive to run. The program processes approximately 319 tons per year, compared to 50,000 tons that go into the landfill. He said the other problem is within that 319 tons, is it is not recycled by Rumpke if it is contaminated by trash, and our recyclables are very contaminated. He said the cost annually of taking the recyclables to Rumpke is \$12,418 to dump, \$16,000 in gas, \$4800 in tires, \$5200 in servicing, and \$10,000 in truck parts. He emphasized that council needs to have a discussion of whether to continue to absorb the costs, charge a recycling fee, or do away with the program.

Osborn asked if it was initially part of a grant. Shidaker said parts of the program have been supported through grant funding.

Public Works Director Rick Schaffer explained that he recommends keeping next year's rate increase on water to ensure debt coverage but after that the department should not need any rate increases because of the Fayette County water sale. Schaeffer said the rates for the sewer are driven by the wastewater treatment plant project. The loan is 1.03% percentage. Schaffer stated the city will need have 4.5% annual increases from 2025 to 2034. There is a 2.5% increase on the books for next year and that will not change.

Schaffer reported there are issues with the stormwater collection system because it is 100 years old, but no adjustment in the stormwater fee if recommended at this time.

COUNCIL COMMITTEE REPORTS AND ACTION

CITY REVITALIZATION COMMITTEE

J McKay had no report but noted the Hotel Lodging Tax report is in this week's packet.

CITY SERVICES COMMITTEE

N Eveland reported that they had a very informative City Services meeting. He thanked Paul for all of the information and said that there was a lot more detail at the committee meeting. He said that at Holiday Drive, they will be looking to determine if a light is warranted at that intersection.

B Liermann said there was a misconception about left hand turns out of Holiday, and Paul talked about restriping it.

N Eveland said that Paul did some preliminary studies of the accident rates, and the accident rates are down. Goodhue reported that prior to the construction, in 2018, there was an average of 48 crashes per year. In 2022, the total was down to 38. We were at 14 injury crashes per year before the construction, and we are now down to 6 in 2022. It is trending in the right direction. In comparison to other corridors that look like Rombach in the state, we are now performing better than average.

N Eveland also recognized that it is International Firefighters Day.

FINANCE COMMITTEE

M Allbright introduced Ordinance O-23-19 Making Supplemental Appropriations.

M Allbright moved to have the first reading on Ordinance O-23-19 by title only. B Osborn seconded the motion.

Discussion:

- a) From the available excess funds of the General Fund to 110.122.5411 "Code Enforcement Incidentals" the sum of \$800.00.
- b) From the available excess funds of the Fire/Emergency Ambulance Fund to 535.214.5225 "Lease Payment" the sum of \$60,783.98
- c) From the available excess funds of the Water Fund to 605.350.5214 "Sludge Disposal" the sum of \$35,000.00
- d) From the available excess funds of the General Fund to 110.132.5290 "Income Tax Refunds" the sum of \$50,000.00

MINUTES

- e) From the OEPA/WSRLA-WTR Plant Improv Fund to 258.350.5910
"OEPA/WSRLA-WTR Plant Improv Loan Expense" the sum of \$1.0000

Voice vote. Motion passed unanimously.

Director of Law read Ordinance O-23-19 by title only.

M Allbright moved to suspend the rules and regulations and have the second and third readings on Ordinance O-23-19 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 Ordinance O-23-19 by title only.

M Allbright moved for passage of Ordinance O-23-19. B Osborn seconded the motion.

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

Ordinance O-23-19 passed as presented.

JUDICIARY COMMITTEE

M Purkey had no report.

PUBLIC WORKS COMMITTEE

M Snarr had no report.

REPORTS TO COUNCIL

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

Voice vote. Motion passed unanimously.

Reports accepted as presented.

OPEN TO PUBLIC

Jason Stoops – Apology for social media site.

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]. J McKay seconded the motion.

Discussion: It was noted there would be action following the Executive Session.

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

Council entered executive session at 9:12 p.m.

Council returned to regular session at 9:18 p.m.

Liermann moved to formally accept the signed separation agreement between the City of Wilmington and Scott Baker. Allbright seconded the motion.

Discussion: None.

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

Separation agreement approved.

M Purkey moved to enter Executive Session pursuant to 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].

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

Council entered executive session at 9:21 p.m.

Council returned to regular session at 9:25 p.m.

M Purkey moved to enter Executive Session pursuant to Section 121.22(G)(4)

[Preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment.]

MINUTES

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

Council entered executive session at 9:26 p.m.

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

ADJOURNMENT

M Purkey moved to adjourn the meeting.

President M McKay declared the meeting adjourned at 9:40 p.m.

ATTEST:



President of Council



Clerk