

MINUTES

Wilmington City Council

May 18, 2023

Wilmington City Council met in regular session on Thursday, May 18, 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, absent; B Liermann, present; B Osborn, present; M Allbright, present; N Eveland, present; M Purkey, present.

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

Voice vote: Motion passed unanimously.

Absent member (Snarr) excused.

Chief Fithen was present as Sergeant at Arms.

Council participated in the Pledge of Allegiance.

President McKay recognized the passing of Gary Vance, husband of Auditor Mary Kay Vance.

Council held a moment of silence.

PRESIDENT OF COUNCIL

M Purkey requested the agenda be amended to remove Item "C" (Peterson Place bidding) from the Safety/Service Director's portion of the agenda.

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

Discussion: none.

Voice vote: Motion passed unanimously.

Agenda accepted as presented.

M Purkey moved to approve the minutes of the May 4, 2023, regular City Council Meeting.

B Liermann seconded the motion.

Voice vote: Motion passed unanimously.

May 4, 2023, regular City Council minutes approved.

President McKay opened a discussion on the current policy for public comment and asked M Purkey to take lead.

M Purkey explained that he had discussions with members of the public, Clerk of Council, President of Council, and the Law Director. He said he thought it was a good idea to contact outside counsel to help update the policy.

N Eveland said that he did not think the public comment should be limited to agenda items only. He agreed that an outside perspective on the rules would be good.

M Purkey noted that he is still in favor of the town hall approach as an additional way to engage. He said he was not sure that City Council was ready to limit comments to only agenda items.

Law Director Rudduck said he was in favor going to outside counsel for advice. He explained that City Council wishes to provide a public comment portion at their meetings and that it is important for people to be able to air grievances. He added that City Council had been usurped in the past five months and it has been difficult to conduct business efficiently.

B Liermann stated that they all were on council to serve the people and everyone has the right to address council. He said he is not a politician and has also worked on the other side as the media. He said it was important for the public to stay civil with their comments.

M Purkey noted there was a meeting coming up with an attorney and he would keep everyone informed.

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N Eveland explained that City Council passes the budget, makes ordinances, and decides what programs are offered in the city. Council does not control the administration. He said that statutory cities operate differently from charter cities. He added that the Mayor and the President of Council are separately elected officials, elected directly by the people. Council does not hold power over other elected officials.

J McKay asked for the Law Director to reiterate his stance on violation of Sunshine Laws as it pertains to recent Facebook activity. Law Director Rudduck explained that being tagged and even commenting on a Facebook post does not constitute an open meeting and there were no violations of Sunshine Law.

MAYOR

Mayor Stanforth provided a list of upcoming events including the Clinton County Farmer Market, Clean-Up Wilmington, Splash Pad Opening, Murphy Theatre Events, Memorial Day Parade. He also noted that the EV charging stations at all sites in the downtown are up and running as of today.

The Mayor announced Clinton County Regional Planning Director Taylor Stuckert was leaving his position and expressed his appreciation to Taylor for all he had done for the city.

AUDITOR

In the absence of Auditor Mary Kay Vance, there was no report.

SERVICE AND SAFETY DIRECTOR

Service and Safety Director Brian Shidaker provided an update of Rombach Avenue, Downtown Pedestrian, Mulberry Street, and Airborne Road projects.

Service and Safety Director Brian Shidaker introduced Resolution R-23-22 Authorizing advertising for bids for the Davids Drive Reconstruction - Phase II Project; 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.

Shidaker provided an overview of the Davids Drive Project, explaining that Phase I was currently under construction and was completely funded through the Ohio Public Works Commission and a Small Cities grant from the Ohio Department of Transportation. It cost approximately 3.1 million. He went on to say that Phase II will cost approximately 2.4 million. So far, the city believes it will get 629 Funds in the amount of \$1.4 million and use \$1 million in local funds.

J McKay moved to have the first reading on Resolution R-23-22 by title only. B Liermann seconded the motion.

Discussion: None.

Voice vote. Motion passed unanimously.

Director of Law read Resolution R-23-22 by title only.

J McKay moved to suspend the rules and regulations and have the second and third readings on Resolution R-23-22 by title only. B Liermann seconded the motion.

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

Director of Law read Resolution R-23-22 by title only.

J McKay moved for passage of Resolution R-23-22. B Liermann seconded the motion.

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

Resolution R-23-22 passed as presented.

Shidaker further explained that the city hopes to move quickly with the bidding process so the project can be completed by the end of the year.

Shidaker introduced Ordinance O-23-20 An Ordinance authorizing the mayor to enter into a Partnership Agreement with the Clinton County Commissioners for the administration of the PY2023 Community Housing Impact and Preservation (CHIP) Grant Program (if funded); and Declaring an emergency.

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Shidaker explained this program will allow the city to participate in the CHIP program. Clerk Tacoronte provided an overview of the program, explaining that the CHIP program helps income-eligible homeowners make repairs to their homes as well as provides down-payment assistance to first-time homebuyers. The program is administered by Clinton County, but the City gets a portion of the funds for its residents.

J McKay moved to have the first reading on Ordinance O-23-20 by title only. M Allbright seconded the motion.

Discussion: None.

Voice vote. Motion passed unanimously.

Director of Law read Ordinance O-23-20 by title only.

J McKay moved to suspend the rules and regulations and have the second and third readings on Ordinance O-23-20 by title only. M Allbright seconded the motion.

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

Director of Law read Ordinance O-23-20 by title only.

J McKay moved for passage of Ordinance O-23-20. M Allbright seconded the motion.

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

Ordinance O-23-20 passed as presented.

COUNCIL COMMITTEE REPORTS AND ACTION

CITY REVITALIZATION COMMITTEE

J McKay had no report but asked Brad Reynolds to provide information on the new application for the City Revitalization Grant Program. Reynolds reported that the application has been updated to make it more user-friendly. Reynolds said that meetings of the City Revitalization Grant Review Committee will be held on a regular basis on the 2nd Thursday of March, June, and September at 10 a.m.

CITY SERVICES COMMITTEE

N Eveland reported that the City has a problem with recruitment and staffing of the emergency dispatch department. He said that this is also a problem in the county. He explained that when a citizen calls 9-1-1, they need someone that is very competent. The city currently has only five dispatchers covering 7-days/week, 24-hours/day shifts. The starting wage is 19.30 an hour. Although there are other benefits in working for the city, we cannot compete with other wages in the labor market. The dispatchers have a union contract. The city would like to enter into a memorandum of understanding with the union, which would allow the wages to be amended without reopening the entire contract negotiations. If we approve the recommendation, the Union contract will extend until the end of 2024 rather than the end of 2023.

N Eveland asked for authorization for the mayor to enter into the Memorandum of Understanding between the City of Wilmington and Fraternal Order of Police Ohio Labor Council that represents the dispatchers.

N Eveland noted that it may actually be a zero net gain/loss because we are paying fewer employees currently, but we are paying a lot of overtime right now. The projection is that it might cost the City \$40,000.

N Eveland moved to authorize the mayor to enter into the Memorandum of Understanding between the City of Wilmington FOP Ohio Labor Council. B Liermann seconded the motion.

Voice vote: Motion passed unanimously.

Authorization to enter MOU approved.

FINANCE COMMITTEE

M Allbright introduced Ordinance O-23-21 Establishing New Funds.

M Allbright moved to have the first reading on Ordinance O-23-21 by title only. B Osborn seconded the motion.

Discussion:

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a. #269 "DAVIDS DRIVE PHASE II"

b. #638 "DOD – WWTP"

Voice vote. Motion passed unanimously.

Director of Law read Ordinance O-23-21 by title only.

M Allbright moved to suspend the rules and regulations and have the second and third readings on Ordinance O-23-21 by title only. B Osborn seconded the motion.

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

Director of Law read Ordinance O-23-21 by title only.

M Allbright moved for passage of Ordinance O-23-21. B Osborn seconded the motion.

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

Ordinance O-23-21 passed as presented.

M Allbright introduced Ordinance O-23-22 Making Supplemental Appropriations.

Allbright moved to have the first reading on Ordinance O-23-22 by title only. B Osborn seconded the motion.

Discussion:

a) From the available excess funds of the Water System Fund to 605.350.5410 "Water Incidentals" the sum of \$1395.00.

b) From the available excess funds of the Community Corrections Fund – ISP #408 to 287.150.5414 "Operating Expense" the sum of \$3,000.00

Voice vote. Motion passed unanimously.

Director of Law read Ordinance O-23-22 by title only.

M Allbright moved to suspend the rules and regulations and have the second and third readings on Ordinance O-23-22 by title only. B Osborn seconded the motion.

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

Director of Law read Ordinance O-23-22 by title only.

M Allbright moved for passage of Ordinance O-23-22. B Osborn seconded the motion.

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

Ordinance O-23-22 passed as presented.

JUDICIARY COMMITTEE

M Purkey introduced Ordinance O-23-23 Amending Ordinance No. O-22-42 Establishing Classification and Salary Ranges for Certain City Employees, Repealing ordinances and parts of ordinances in conflict herewith. He explained that the city was interested in creating the position of Property Room Officer.

Chief Fithen explained that the property room is currently managed by an Administrative Assistant who provides administrative support for both the Police Department and the Detective Department. They currently spend about 3-4 hours a day on evidence management. The department recently underwent an evidence audit and it was recommended that they need a full-time person for evidence management in order to maintain compliance. Fithen explained it was a temporary position to help them get things caught up.

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

Discussion: None.

Voice vote. Motion passed unanimously.

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

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

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PUBLIC WORKS COMMITTEE

M Purkey introduced Resolution R-23-24 Accepting grant funds from the Clinton Streamkeepers from the Sture Fredrik Anliot Fund for the City of Wilmington Source Water Protection Program; and Declaring an emergency.

M Purkey moved to have the first reading on Resolution R-23-24 by title only. M Allbright seconded the motion.

Discussion: None.

Voice vote. Motion passed unanimously.

Director of Law read Resolution R-23-24 by title only

M Purkey moved to suspend the rules and regulations and have the second and third readings on Resolution R-23-24 by title only. M Allbright seconded the motion.

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

Director of Law read Resolution R-23-24 by title only.

M Purkey moved for passage of Resolution R-23-24. M Allbright seconded the motion.

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

Resolution R-23-24 passed as presented.

REPORTS TO COUNCIL

There were no reports.

OPEN TO PUBLIC

- Chris Hicks – 444 Woodwick Ct. Cincinnati, OH – First Amendment Rights
- Greg Pitzer – 116 Commons Lane, Wilmington, OH – Public comment policy and Casey Pitzer death investigation
- Jamie Knowles – 550 Brooke Blvd., Wilmington, OH - Dispatchers

Council member Liermann recognized David Lieurance for his work on the Peace Officers Memorial Day program. He noted people working at the Police Department put their lives on the line every day for us. He went on to say he had heard reports of unruly behavior at the Republic Theatres, which is causing issues for patrons at the cinema, and he wondered if there could be an increased police presence there.

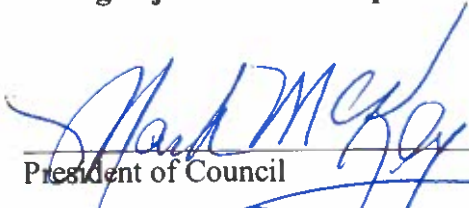
J McKay announced the flag replacement at the Sugar Grove Cemetery will be next Sunday morning at 8 a.m.

ADJOURNMENT


B Liermann moved to adjourn the meeting.

President M McKay declared the meeting adjourned at 8:29 p.m.

ATTEST:



 President of Council



 Clerk