

**RESOLUTION NO. R-23-40**

**AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT FOR BUILDING CODE ENFORCEMENT WITH WARREN COUNTY BOARD OF COMMISSIONERS; AND DECLARING AN EMERGENCY**

WHEREAS, upon unexpected retirement of the Chief Building Official, the City of Wilmington requires Building Code Enforcement services.

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

Section 1. That the Director of Public Service is authorized to enter into an agreement with Warren County Board of Commissioners, attached hereto and incorporated herein by reference as "Exhibit A," for the provision of Building Code Enforcement services.

Section 2. It is found that all formal actions of this Council concerning and relating to the adoption of this Resolution 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 of the City and its inhabitants due to the unexpected retirement of the Chief Building Official, and accordingly, shall be in full force and effect immediately upon its passage.

Passed this 21<sup>st</sup> day of September 2023.

\_\_\_\_\_  
President of Council

ATTEST:

\_\_\_\_\_  
Clerk of Council

Approved by me this 21<sup>st</sup> day of September 2023.

\_\_\_\_\_  
Mayor



**Professional Services Contract for Building Code Enforcement  
between the  
City of Wilmington, Ohio, and Warren County Board of Commissioners**

---

This Professional Services Contract (the Agreement) is made by and between the CITY OF WILMINGTON, an Ohio municipal corporation, whose mailing address is 65 n. South Street, Ohio 45177 (the "CITY") and the WARREN COUNTY BOARD OF COMMISSIONERS, an Ohio county and political subdivision, whose mailing address is 406 Justice Drive, Lebanon, Ohio 45036 (the "COUNTY"):

1. **Professional Services:** The COUNTY agrees to perform professional services as outlined in Appendix A (Scope of Services) attached hereto and made a part hereof.
2. **Terms:** The performance of professional services by the COUNTY shall commence upon execution of this Agreement by both parties. All terms of the Agreement shall remain in force and effect unless and until such time that either party terminates the Agreement as provided in Section 6 hereinafter.
3. **Compensation:** The CITY agrees to compensate COUNTY in accordance with the terms and conditions set forth in Appendix B (Compensation).
4. **Responsibilities of the CITY:** If the services performed by the COUNTY are dependent upon the CITY furnishing data or other information to the COUNTY, all such data, information, reports, and other material as are existing, available, and necessary for the carrying out of the work shall be furnished to the COUNTY without charge by the CITY, and the CITY shall cooperate with the COUNTY in every way possible in carrying out the professional services.
5. **Personnel:** The COUNTY represents that it currently employs all personnel required in performing the services under the Agreement. Such personnel shall not be deemed employees of, or have any personal contractual or agency relationship with, the CITY.
6. **Insurance:** The CITY shall provide COUNTY with a Certificate of Insurance (or other documentation satisfactory to the COUNTY) that the CITY has in effect, without interruption, during the term of this Agreement, a policy of general commercial liability insurance or the equivalent thereof that names the County and its elected officials and employees as additional insureds relating to the scope of services of this Agreement. The Certificate of Insurance shall further require the COUNTY be given advance notice at the address in the introductory paragraph in the event of termination of such policy during the term of this Agreement. The CITY'S insurance coverage shall be the primary liability coverage and the COUNTY's self-insured pooled coverage shall be secondary. The COUNTY is self-insured for Worker's Compensation and its employees shall be covered under the COUNTY'S worker's compensation coverage.
7. **Termination of Contract:** The Agreement may be terminated by either party, without cause, which shall be evidenced by receipt of a thirty (30) day prior written notice from the other party of its intent to terminate, and upon expiration of the thirty (30) days the Agreement shall be terminated.
8. **Waivers or Revisions:** To be valid, any waiver, amendment, or revision of any portion of this Agreement shall be in writing and shall not take effect until signed by the duly authorized representatives of both the CITY and the COUNTY.
9. **Computerized Records:** Upon request, and to the extent the COUNTY's software program can generate such reports, the COUNTY shall furnish the CITY such reports as requested pertaining to

the services undertaken pursuant to this Agreement. All records produced for the purpose provided herein will remain a part of the COUNTY archives, subject to the COUNTY's records retention schedule, and shall be considered public records unless an express exception or exemption provided by state or federal law applies.

**10. Authority:** The City and the County have each authorized and directed their undersigned representative to enter into this Agreement, and any addendums thereto, by and through their respective legislative authorities in accordance with Ordinance/Resolution No. \_\_\_\_\_ adopted by the Wilmington City Council on \_\_\_\_\_, 20\_\_, and Resolution No. \_\_\_\_\_ adopted by the Warren County Board of Commissioners on \_\_\_\_\_, 20\_\_.

**11. Governing Law and Venue.** This Agreement shall be construed under the laws of the State of Ohio regardless of choice of law rules. The parties irrevocably agree to the venue for any and all claims, disputes, interpretations, and litigation of any kind arising out of this Agreement or related thereto being exclusively in the Warren County, Ohio Court of Common Pleas (unless both parties mutually agree in writing to private mediation), and each party waives any right to bring or remove such matters in or to any other state or federal court. In the event any party breaches this provision, the non-breaching party shall be entitled to recover its costs and expenses, including reasonable attorney fees, to remove an action to the Warren County, Ohio Court of Common Pleas.

**12. SEVERABILITY.** In the event that any provision of this Agreement is declared or determined to be unlawful, invalid, or otherwise unenforceable, such declaration shall not affect, in any manner, the legality of the remaining provisions and each provision of the Agreement will be and is deemed to be separate and severable from each other provision.

**IN EXECUTION THEREOF**, the parties have caused this Agreement to be duly executed by their duly authorized representatives, all as of the day and year written herein as the date of execution.

**City of Wilmington**

**Warren County Board of Commissioners**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
Solicitor/Law Director

\_\_\_\_\_  
Assistant Warren County Prosecutor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

---

**APPENDIX A: SCOPE OF SERVICES**

---

The COUNTY shall, per the attached Agreement, perform the following professional services for the CITY:

**DESCRIPTION OF SERVICES**

---

**APPENDIX B: COMPENSATION**

---

The compensation for the services rendered in the attached Agreement, shall be as follows:

## EXHIBIT A

1. City agrees that Contractor shall exercise enforcement authority for inspections and make inspections on behalf of the City of Wilmington, Ohio and shall review plans and specifications. Such authority conveyed to Contractor by this agreement shall be no more than the authority conveyed to the City of Wilmington, Ohio by its Building Codes and by the Ohio Revised Code Sections 3781.10 (E) (1) and (E) (2).
2. Contractor agrees to exercise enforcement authority for inspections and plan review within the City of Wilmington Ohio and to make inspections and plan review on behalf of the City of Wilmington, Ohio. No waiver of code requirements shall be issued by Contractor. Inspections shall be performed on a daily basis during regular business hours except for inspections that must be performed during hours of darkness or during commercial "Shut-down" conditions. Plan review shall routinely be performed within 72 hours of receipt of plans, for 1, 2, and 3 family dwellings. Plans to be reviewed under the requirements of the Ohio building Code will routinely be reviewed within 7 to 10 business days from receipt of plans but never longer than 30 days as required by code. Failure to render services in compliance with the Ohio Building Code will result in non-payment to Contractor. Plans are to be submitted to the City of Wilmington Building and Zoning Office at its address as identified above.
3. Contractor agrees that inspectors will be available by telephone to respond to citizen queries between 7am and 8am Monday through Friday. All inspectors and plan reviewers will maintain the relevant state certification as required by law.
4. City has established a statutory building permit fee schedule, as enumerated in the ordinances of the City of Wilmington, Ohio. The fee schedule may be changed upon approval by the City of Wilmington Council members. A substantial reduction in building permit fees may be cause for Contractor to terminate the agreement. Contractor agrees to submit any dispute regarding the City of Wilmington, Ohio Building code to the duly appointed Appeals Board for final decision and to accept such decision.
5. Contractor agrees to furnish the following specific services to the City of Wilmington, Ohio:
  - a. Examine plans and specifications for proposed work, as required by the City of Wilmington, Ohio Building Code, the Ohio Residential Code and the Ohio Building Code. Such examination and plan approval pertains only in general to technical, accessibility, fire and energy code compliance. Any part which may be in violation will not be considered as being approved. Site plan and related zoning permit fees shall be reviewed and retained by the City of Wilmington, Ohio. Contractor will not knowingly issue any building permit until a zoning certificate has been approved.
  - a. City shall process all building permits and appropriate fees at their location and shall pay Contractor based upon the agreed-upon fee as outlined in this agreement on a monthly basis.
  - b. Upon request, Contractor will advise applicants on Code Requirements, but shall not perform design services for the completion of inadequate applications.
  - c. Perform job inspections of all work described on the application and plans, including the installation of equipment. Such services shall be provided promptly in the order received or scheduled without regard to type or extent of work, but within normal scheduling.

- d. Upon request of the City, make itself reasonably available for and shall testify in any judicial proceeding or any formal or informal dispute resolution proceeding involving issues arising from the performance of the services herein described. After the first appearance on a specific case, Contractor shall be paid \$100 per hour for the time any of its employees or principals shall take to fulfill the requirement as set forth in this section.
- e. Provide emergency inspections after normal working hours at a rate of \$50 per hour for residential and \$100.00 per hour for commercial inspections.
- f. All documents including applications, plan review, job progress reports and inspections reports shall remain the property of the City of Wilmington, Ohio.
- g. Service as the Building Official for the City of Wilmington, Ohio. Responsibilities will include pre-permit submittal reviews and project evaluations for proposed projects as requested by City of Wilmington, Ohio at a rate of \$100.00 per hour commercial and \$50.00 per hour residential.



**RESOLUTION NO. R-23-41**

**A RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED; AND DECLARING AN EMERGENCY**

WHEARAS, the State Capital Improvement Program and the Local Transportation Improvement Program both provide financial assistance to political subdivisions for capital improvements to public infrastructure, and

WHEREAS, the City of Wilmington intends to construct Phase 3 of the Davids Drive Reconstruction project, and

WHEREAS, the infrastructure improvement herein above described is considered to be a priority need for the community and is a qualified project under the OPWC programs,

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

Section 1. That the Director of Public Service is hereby authorized to apply to the OPWC for funds as described above

Section 2. That the Director of Public Service is authorized to execute documents and take other actions in support of said application and to obtain and administer said funding if granted to the City of Wilmington.

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 to meet application deadline, and shall be in full force and effect immediately upon its passage.

Passed this 21<sup>st</sup> day of September 2023.

\_\_\_\_\_  
President of Council

ATTEST:

\_\_\_\_\_  
Clerk of Council

Approved by me this 21<sup>st</sup> day of September 2023.

\_\_\_\_\_  
Mayor



## **RESOLUTION NO. R-23-42**

### **ADOPTING PRELIMINARY LEGISLATION FOR RESURFACING PORTIONS OF SR 134 WITHIN THE CITY OF WILMINGTON, CLINTON COUNTY-PID 100643; AND DECLARING AN EMERGENCY**

WHEREAS, the City of Wilmington (hereinafter referred to as the Local Public Agency (LPA)) has identified the need for the project described in Section I.

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

#### **SECTION I — Project Description**

The LPA/STATE has identified the need for the following described project:

*Resurfacing of portions of SR 134 in Clinton County-PID 100643.*

#### **SECTION II – Consent Statement**

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project as detailed in the LPA-ODOT-Let Agreement entered into between the parties, if applicable.

#### **SECTION III – Cooperation Statement**

The LPA shall cooperate with the Director of Transportation in the development and construction of the above-described project and shall enter into an LPA Federal ODOT Let Project Agreement, if applicable, as well as any other agreements necessary to develop and construct the Project.

*The State shall assume and bear 100% of all of the costs of the improvement.*

*The LPA agrees to pay 100% of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.*

#### **SECTION IV – Authority to Sign**

The LPA hereby authorizes the Service Director of said City of Wilmington to enter into and execute contracts with the Director of Transportation which are necessary to develop plans for and to complete the above-described project; and to execute contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Project.

Upon request of ODOT, the Service Director is also empowered to execute any appropriate documents to affect the assignment of all rights, title, and interests of the City of Wilmington to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

#### **SECTION V – Utilities and Right-of-Way Statement**

The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.

The LPA agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

#### **SECTION VI – Maintenance**

Upon completion of the Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the Project in accordance with all applicable State and Federal law,

including, but not limited to, Title 23, U.S.C., Section 116; (2) provide ample financial provisions, as necessary, for the maintenance of the Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public purposes.

The LPA agrees to inspect and maintain all raised pavement markers installed with this project inside their corporation limit. The LPA understands ODOT will not inspect or maintain these raised pavement markers after the completion of the project.

**SECTION VII – Emergency Resolution**

This Resolution is hereby declared to be an emergency measure to expedite the highway project and to promote highway safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed this 21<sup>st</sup> day of September 2023.

\_\_\_\_\_  
President of Council

ATTEST:

\_\_\_\_\_  
Clerk of Council

Approved by me this 21<sup>st</sup> day of September 2023.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Service Director

**CERTIFICATE OF COPY  
STATE OF OHIO**

City of Wilmington of Clinton County, Ohio  
(LPA)

I, Andrea Tacoronte, as Clerk of the City of Wilmington (LPA) of Clinton County, Ohio, do hereby certify that the foregoing is a true and correct copy of Resolution R-23-42 adopted by the legislative authority of the said City of Wilmington on the 21<sup>st</sup> day of September 2023.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable,  
this \_\_\_\_\_ day of September 2023.

\_\_\_\_\_  
**SEAL** (Clerk)

City of Wilmington of Clinton County, Ohio (LPA)

(If the LPA is designated as a City then the "City Seal" is required. If no Seal, then a letter stating "No Seal is required to accompany the executed legislation.")



**ORDINANCE NO. O-23-36**

**AN ORDINANCE AUTHORIZING A MUNICIPAL SPACE LEASE AGREEMENT BETWEEN THE CITY OF WILMINGTON, OHIO, AND THE CLINTON COUNTY REGIONAL PLANNING COMMISSION**

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

Section 1. That the Mayor be, and hereby is, authorized on behalf of the city to enter into the certain City of Wilmington Municipal Space Lease Agreement attached hereto as “**Exhibit A**” with the Clinton County Regional Planning Commission concerning lease of office space in the Municipal Building located at 69 N. South Street, Wilmington, 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 ordinance shall be effective from the earliest period allowed by law.

Passed this 21<sup>st</sup> day of September 2023

\_\_\_\_\_  
President of Council

ATTEST:

\_\_\_\_\_  
Clerk of Council

Approved by me this 21<sup>st</sup> day of September 2023

\_\_\_\_\_  
Mayor





**CITY OF WILMINGTON MUNICIPAL SPACE LEASE AGREEMENT**

This Office Space Lease (Lease) is entered into between the City of Wilmington, acting pursuant to Ordinance No. \_\_\_\_, duly adopted by Council of the City of Wilmington (“City”) on July 20, 2023, and the Clinton County Regional Planning Commission (“CCRPC”), acting pursuant to Section 713.21 of the Revised Code of Ohio and a resolution duly adopted by it on July 20, 2023,

Section 1. The City of Wilmington hereby agrees to lease to the CCRPC a total of seven hundred and seventy-five (775) square feet of space, including two private offices, in the northeastern most corner of the second floor of the City's Municipal Building located at 69 North South Street, Wilmington, Ohio (“City Building”) under the following terms and conditions as described in the following sections.

Section 2. Term; Renewals. The basic terms of the Lease is for a period of five (5) years starting on **August 1, 2023** and terminating on **July 31, 2028**, unless terminated pursuant to violations of any Lease Provisions provided hereinbelow. The CCRPC shall have the right and option to renew this Lease for one additional term of five (5) years upon the conditions that the CCRPC (i) shall not be in default under any of the terms and conditions of this Lease at any time during the term of the original lease duration and (ii) shall provide the City of Wilmington written notice of the intent to renew no less than 60 days prior to the termination date of said lease agreement.

Section 3. Rent. During the term, the Commission shall pay the City of Wilmington one dollar and other good and valuable consideration to the City of Wilmington as rent.

Section 4. Use and Occupancy. During the initial and any renewal term of this Lease, the CCRPC shall use the Premises only as its office in a manner consistent with other office spaces within the City Building. The CCRPC, at its sole expense, shall comply with the requirements of law and with all ordinances, statutes, and regulations of general application, including (without implied limitation) City ordinances applicable to the conduct of persons within the Building, and all directives, orders, or other lawful pronouncements of any federal or state authority affecting the

Premises and of any insurance company insuring the Building or Premises or insuring the City or the Commission against liability for accident or injury in or upon the Premises and shall hold the City of Wilmington in all respects harmless therefrom.

Section 5. Quiet Enjoyment. City covenants that CCRPC shall and may peacefully and exclusively have, hold and enjoy the Premises free from hindrance by City or any person claiming by, through or under City but subject to the other terms hereof, provided that CCRPC pays the rent and performs all of CCRPC's covenants and agreements herein contained.

IN WITNESS WHEREOF, the parties have executed this LEASE CONTRACT at Clinton County, Ohio, on the \_\_\_\_\_ day of \_\_\_\_\_, 2023

\_\_\_\_\_  
Lessor: City of Wilmington  
By, \_\_\_\_\_, its  
\_\_\_\_\_

\_\_\_\_\_  
Lessee: CCRPC  
By, \_\_\_\_\_, its  
\_\_\_\_\_

**RESOLUTION NO. R-23-43**

AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE CLI WILMINGTON CROSSINGS PROJECT, PID 117146, AND AUTHORIZING EXPENDITURE OF FUNDS FOR SAME, AND DECLARING AN EMERGENCY

WHEREAS, the City of Wilmington desires to construct pedestrian improvements in seven (7) locations throughout the city; and

WHEREAS, the project has been competitively bid in accordance to ORC §735.05.

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

Section 2. That the Director of Public Service is hereby authorized to enter into contract with the lowest and best bidder for the Wilmington Crossings Project, PID 117146.

Section 1. That the Wilmington City Council authorizes the expenditures of funds in support of construction of the Wilmington Crossings Project, PID 117146 in accordance with specifications promulgated therefore and within the appropriations therefore, the total cost estimated to exceed the sum of \$50,000.

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 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 21<sup>st</sup> day of September 2023.

\_\_\_\_\_  
President of Council

ATTEST:

\_\_\_\_\_  
Clerk of Council

Approved by me this 21<sup>st</sup> day of September 2023.

\_\_\_\_\_  
Mayor



**ORDINANCE NO. O-23-34**

**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 available excess funds of the General Fund to 110.120.5236 “Admin Direct Deductions” the sum of \$61,000.00
- b) From the available excess funds of the Sewer Fund to 635.360.5416 “Sewer Rehab” the sum of \$164,164.40
- c) From the available excess funds of the Water Fund to 605.350.5214 “Sludge Disposal” the sum of \$405,000.00
- d) From the available excess funds of the Retained Hotel Lodging Tax Fund to 292.110.5269 “CRC Grant Program Expense” the sum of \$30,725.00
- e) From the available excess funds of the UDAG Revolving Loan Fund to 242.740.5961 “Workforce Program” the sum of \$15,000.00

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 21<sup>st</sup> day of September 2023.

\_\_\_\_\_  
President of Council

ATTEST:

\_\_\_\_\_  
Clerk of Council

Approved by me this 21<sup>st</sup> day of September 2023.

\_\_\_\_\_  
Mayor



**RESOLUTION NO. R-23-45**

**AUTHORIZING PAYMENT OF EXPENSES INCURRED IN PRIOR FISCAL YEAR**

WHEREAS, expenses in excess of Three Thousand Dollars (\$3,000.00) for certain services and/or contracts were incurred in FY 2022 (“22 Expenses”) and appropriations were made for said ’22 Expenses in FY 2022 and

WHEREAS, billing statements and/or requests for payment of said ’22 Expenses have been received after the close of FY 2022 and

WHEREAS, payment of said ’22 Expenses must now be made from current fiscal year appropriations; and

WHEREAS, both at the time the contract for the ’22 Expenses was made or the purchase order issued, the amount of the order or contract was lawfully appropriated for the purpose of the order or contract and that the appropriation remains unencumbered and that the resources to pay the obligation when it came due were on hand or in the process of collection to the credit of an appropriate fund; and

WHEREAS, pursuant to R.C. 5705.41 (D)(1), Council must specifically recognize payment of the ’22 Expenses.

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

Section 1. That payment of the ’22 Expenses set forth below is hereby reported.

ACCOUNT NUMBER	ACCOUNT NAME	AMOUNT
580.500.5272	CEMETERY MAINTENANCE EQUIPMENT	4,617.24

Section 2. That this resolution is hereby declared to be an emergency measure necessary to the preservation of the community’s health, safety, and welfare, such emergency arising out of the necessity to pay such expenses in a timely manner shall be in full force and effect immediately upon its passage.

Passed the 21<sup>st</sup> of September 2023.

\_\_\_\_\_  
President of Council

ATTEST:

\_\_\_\_\_  
Clerk of Council

Approved by me this 21<sup>st</sup> day of September 2023.

\_\_\_\_\_  
Mayor





**ORDINANCE NO. O-23-35**

**CHANGING THE ZONING OF REAL PROPERTY LOCATED ON EAST SUGARTREE STREET IN THE CITY OF WILMINGTON, OHIO**

WHEREAS, a certain petition has been filed by or on behalf of Rigoberto and Crystal Perez to change the zoning of 0.457 acres (more or less) more commonly known as 144 and 145 E. Sugartree Street Parcel ID Numbers 290240301A11400, 290240301B11400, 290240301A12700, and 290240301B12700 from LI (Light Industrial) to DT (Downtown Transition); and

WHEREAS, the City Planning Commission has reviewed said Petition on Tuesday, July 11, 2023, and has recommended that it be approved by City Council; and

WHEREAS, City Council held a public hearing on said Petition on September 7, 2023, at 7:30 p.m. after due publication of legal notice regarding the same, and upon hearing, it appears that said change ought to be made.

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

Section 1. That the real property described and set forth in the map and legal description attached hereto as **Exhibit A**, Parcel Numbers 290240301A11400, 290240301B11400, 290240301A12700, and 290240301B12700, is currently zoned LI (Light Industrial), and that the same hereby is changed and rezoned from its current designation to DT (Downtown Transition).

Section 2. That the zoning map of the City of Wilmington is hereby amended accordingly.

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 in full force and effect at the earliest period allowed by law.

Passed this 21<sup>st</sup> day of September 2023.

\_\_\_\_\_  
President of Council

ATTEST:

\_\_\_\_\_  
Clerk of Council

Approved by me this 21<sup>st</sup> day of September 2023.

\_\_\_\_\_  
Mayor



NOTICE OF PUBLIC HEARING ON  
PETITION FOR REZONING

Notice is hereby given of a public hearing on a Petition for Rezoning of 0.457 acres (more or less) more commonly known as 144 and 146 E Sugartree Street and being Parcel ID Numbers 290240301A11400, 290240301B11400, 290240301A12700, and 290240301B12700, and as filed with the City of Wilmington and approved by the Wilmington Planning Commission on July 11, 2023. The request is to change the zoning from LI (Light Industrial) to DT (Downtown Transition). Petitioners are Rigoberto and Crystal Perez.

A plat and report of the Wilmington (Ohio) Planning Commission are on file with the Clerk of the Wilmington City Council, Municipal Building, 69 N. South Street, Wilmington, Ohio, and are available to the public for inspection.

Notice is further given that the Public Hearing upon said proposed rezoning and proposed ordinance will be held before the Council of Wilmington, Ohio, on the 7<sup>th</sup> of September 2023 at 7:30 p.m. in the Council Chambers, Municipal Building, 69 N. South Street, Wilmington, Ohio, at which time and place any interested person may appear and be heard.

ANDREA TACORONTE  
CLERK OF CITY COUNCIL  
WILMINGTON, OHIO

PUBLISH ONE TIME on  
Wednesday, July 19, 2023

**OVERVIEW - 144/146 E SUGARTREE REZONING  
FORMER WARING OFFICE SUPPLY**



46 S SOUTH ST  
43 S WALNUT ST

101 COMPTON LN

58 1/2 S WALNUT ST  
58 S WALNUT ST

141 E SUGARTREE ST

100 E SUGARTREE ST  
111 E SUGARTREE ST

46 E SUGARTREE ST

102 E SUGARTREE ST

114 S Walnut St

180 E SUGARTREE ST  
180 E SUGARTREE ST

206 E SUGARTREE ST

114 S WALNUT ST

15 S WALNUT ST

46 LINTON AVE

104 S Walnut St

135 Owens Ave

148 S WALNUT ST

156 S WALNUT ST

125 Owens Ave

151 OWENS AVE

160 OWENS AVE

154 S SOUTH ST

63 S WALNUT ST

172 S SOUTH ST

179 S WALNUT ST

188 S SOUTH ST

187 S WALNUT ST

180 S WALNUT ST

144 OWENS AVE

186 S WALNUT ST

120 Owens Ave

189 S WALNUT ST

**LEGAL DESCRIPTION**

**144 E Sugartree**

**Rezoning Request from LI – Light Industrial to DT – Downtown Transition**

**PARCEL I:** Situate in the City of Wilmington, Clinton County, Ohio, and being parts of Lot No. 114 and Lot No. 127 as said lots are known and designated on the recorded Original Town Plat of said City and bounded and described as follows: Beginning at an iron pin in the Southerly margin of Sugartree Street at the Northeasterly corner of the aforesaid Lot No. 127; Running thence, from said point of beginning, with the Easterly line of said Lot No. 127, S. 0 deg. 07' 30" E. 173.25 feet to an iron pin; thence, with the Southerly line of said Lot No. 127, with the Southerly line of aforesaid Lot No. 114 and with the Northerly line of an alley, S. 89 deg. 52' 30" W. 102.60 feet to an iron pin; thence, with the herein Grantor's Westerly line, N. 8 deg. 09' 00" W. 148.47 feet to an iron pin; thence, with the Southerly right-of-way line of the Pennsylvania Railroad, N. 74 deg. 25' 25" E. 98.46 feet to a spike; thence, with the Southerly margin of Sugartree Street, N. 89 deg. 52' 30" E. 28.43 feet to the point of beginning, containing Four Hundred Twenty-Seven Thousandths (0.427) of an acre, more or less.

**PARCEL II:** Situated in the County of Clinton in the State of Ohio and in the City of Wilmington and being parts of Lots No. 114 and No. 127 as said lots are known and designated on the Original Town Plat of said city and described as follows: Beginning at a spike (found) in the Southerly margin of Sugartree Street at the Easterly corner of a 0.260 Acre Tract as recorded in Volume 17, Plat No. 258 of the Clinton County Engineer's Record of Land Division: Running thence, from said point of beginning, with the southerly line of said 0.260 Acre Tract, S. 78 deg. 36' 18" W. 98.46 feet to a 5/8" iron pin (found); thence, by a new division line, N. 3 deg. 58' 07" W. 26.49 feet to a point; thence, with the Southerly margin of Sugartree Street and with a Northerly line of said 0.260 Acre Tract, S. 85 deg. 56' 37" E. 98.60 feet to the point of beginning, containing Thirty Thousandths (0.030) of an Acre, more or less.

Prior Deed Reference: Volume 297, Page 64, Official Records of County, Ohio.

**APPROVED FOR ACCURACY**

Clinton County Engineers Map Dept.

Date: 8/19/99 Survey Map: \_\_\_\_\_ Page: \_\_\_\_\_

Per: [Signature]

**TRANSFERRED**

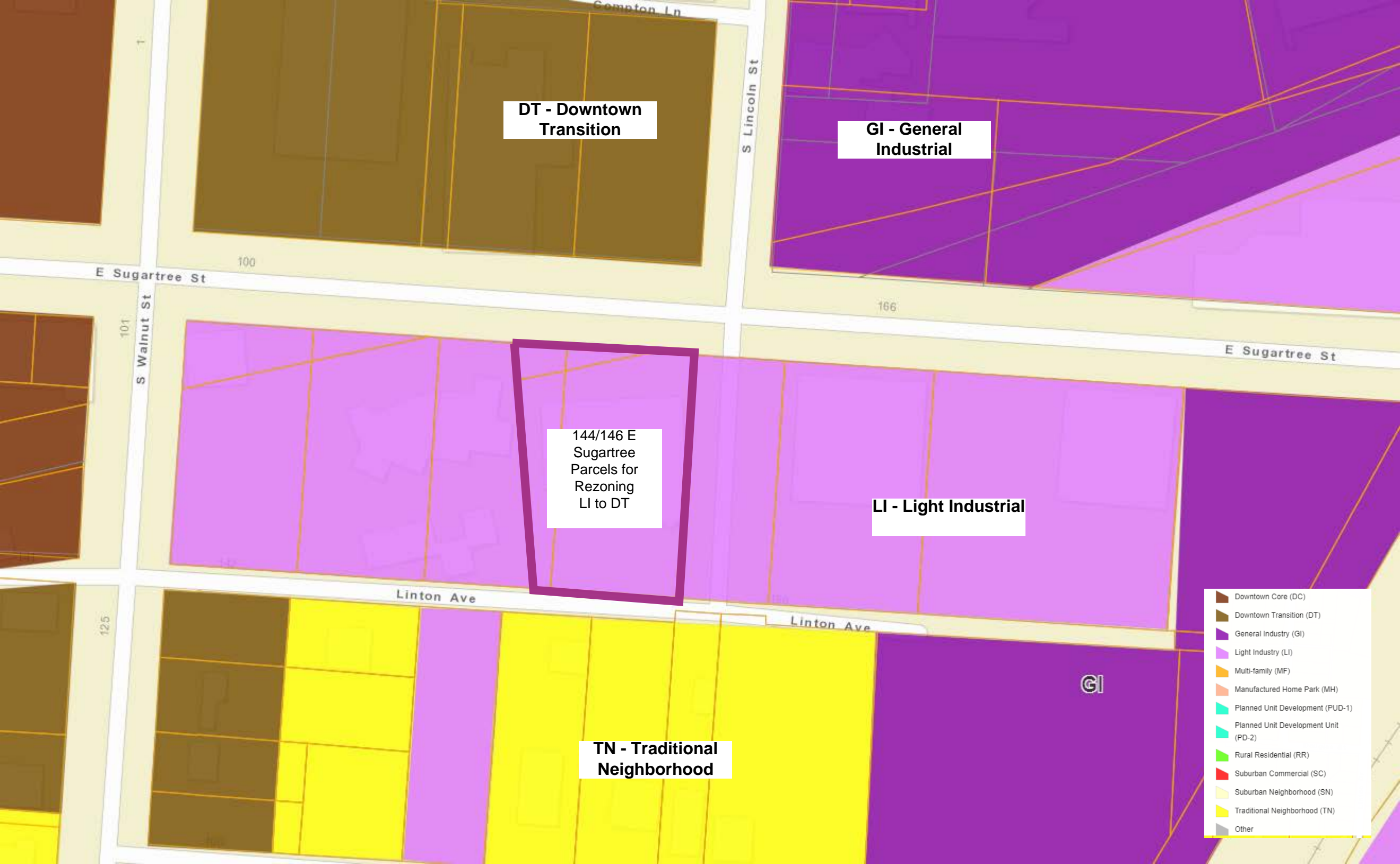
INSTRUMENT HAS BEEN EXAMINED  
E GRANTEE HAS COMPLIED WITH  
FEE REQUIREMENTS OF THE REVENUE CODE.

Recorder: M

Assistant County Auditor: [Signature]

Fee: 50 Date: 8-27-99

KH



**DT - Downtown  
Transition**

**GI - General  
Industrial**

144/146 E  
Sugartree  
Parcels for  
Rezoning  
LI to DT

**LI - Light Industrial**

**TN - Traditional  
Neighborhood**

- Downtown Core (DC)
- Downtown Transition (DT)
- General Industry (GI)
- Light Industry (LI)
- Multi-family (MF)
- Manufactured Home Park (MH)
- Planned Unit Development (PUD-1)
- Planned Unit Development Unit (PD-2)
- Rural Residential (RR)
- Suburban Commercial (SC)
- Suburban Neighborhood (SN)
- Traditional Neighborhood (TN)
- Other

**RESOLUTION NO. R-23-46**

**AUTHORIZING THE PUBLIC WORKS DIRECTOR TO ACCEPT GRANT FUNDS FROM THE OHIO BUREAU OF WORKERS COMPENSATION SAFETY INTERVENTION GRANT PROGRAM**

WHEREAS, grant funds from the Ohio Bureau of Workers Compensation Safety Intervention Program for a 24” Hydraulic Belly Saw for the Wilmington Water Department have been awarded to the City; and

WHEREAS, The City of Wilmington is prioritizing safety by providing proper safety equipment to protect City employees during emergency and non-emergency water main repair.

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

Section 1. That the Mayor be, and he hereby is, authorized and directed on behalf of the City to accept the grant in the amount of \$3,820.50 from the Safety Intervention Program, Ohio Bureau of Workers Compensation for use by the Wilmington Water, for Water Main Repair.

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 shall be in full force and effect at the earliest period allowed by law.

Passed this 21<sup>st</sup> day of September 2023.

\_\_\_\_\_  
President of Council

ATTEST:

\_\_\_\_\_  
Clerk of Council

Approved by me this 21<sup>st</sup> day of September 2023.

\_\_\_\_\_  
Mayor