

ORDINANCE NO. O-23-45

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 Insurance Fund to 231.110.5213 "Insurance Deductible/Claims Payment" the sum of \$600,000.00
- b) From the UMR Fund to 233.231.5911 "Deductible Transfers" the sum of \$600,000.00
- c) From the Taxi Fund to 211.390.5515 "Reserve Fund Capital Expense" the sum of \$106,808.15
- d) From the General Fund to 110.134.5235 "HR Benefit Contractual Services" the sum of \$28,500.00
- e) From the General Fund to 110.134.5140 "HR Incidentals" the sum of \$400.00
- f) From the Water System Fund to 605.350.5442 "Water Right of Way Restoration" the sum of \$8,000.00

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 16th day of November 2023.

President of Council

ATTEST:

Clerk of Council

Approved by me this 16th day of November 2023.

Mayor

ORDINANCE NO. O-23-46

MAKING MISCELLANEOUS TRANSFERS:

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

Section 1. That from the sum heretofore appropriated, the following sums be, and the same hereby are, transferred for the Fiscal Year 2023 expenses and other expenditures as follows:

- a) From 605.350.5512 "Water Capital Equipment" to 605.350.5410 "Water Incidentals" the sum of \$6,000.00
- b) From 605.35.5512 "Water Capital Equipment" to 605.350.5274 "Water Vehicle Maintenance" the sum of \$5,000.00
- c) From 605.350.5512 "Water Capital Equipment" to 605.350.5272 "Water Equipment Maintenance" the sum of \$19,000.00
- d) From 580.500.5235 "Cemetery Consultant Services" to 580.500.5111 "Salaries-Cemetery" the sum of \$10,000.00
- e) From 580.500.5237 "Cemetery Data Processing Services" to 580.500.5111 "Salaries- Cemetery" the sum of \$6,500.00
- f) From 580.500.5513 "Cemetery Capital Improvements" to 580.500.5111 "Salaries-Cemetery" the sum of \$9,999.00
- g) From 580.500.5271 "Cemetery Facility Maintenance" to 580.500.5111 "Salaries-Cemetery" the sum of \$2,500.00
- h) From 635.360.5512 "Sewer Capital Equipment" to 635.360.5342 "Sewer Uniforms" the sum of \$2,000.00

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 passage.

Passed this 16th day of November 2023

President of Council

ATTEST:

Clerk of Council

Approved by me the 16th day of November 2023

Mayor

ORDINANCE NO. O-23-48

MAKING APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENSES AND OTHER EXPENDITURES AND CREATING NECESSARY FUNDS FOR SAID APPROPRIATIONS OF THE CITY OF WILMINGTON, OHIO DURING THE FISCAL YEAR ENDING DECEMBER 31, 2024

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

Section 1. That to provide for the current expenses and other expenditures of the City of Wilmington, Ohio during the fiscal year ending December 31, 2024, the following sums be and they are hereby set aside as "Exhibit A," attached hereto and incorporated herein.

Section 2. That all expenditures of the City of Wilmington within the fiscal year ending December 31, 2024, shall be made within the annual appropriations of this Ordinance. The City Auditor is authorized to transfer budgeted amounts within each fund, so long as the total amount appropriated for each individual fund or department is not exceeded. These intra-fund appropriation transfers amend spending authority from one appropriation account to another account by the same amount within the same fund without changing the total amount appropriated for each department or fund.

Section 3. That the City Auditor will present to Council monthly reports identifying any intra-fund transfers made in the month prior to the report.

Section 4. That in addition to the funds heretofore created for the purpose of administering and accounting for the finances of the City, Council establishes and accepts the new funds included and created in the aforementioned "Exhibit A."

Section 5. That the titles of the funds heretofore created for the purpose of administering and accounting for the finances of the City, be, and hereby are, amended to the titles of funds presented in "Exhibit A."

Section 6. 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 7. 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 its passage.

Passed this ____ day of December 2023.

President of Council

ATTEST:

Clerk of Council

Approved by me this ____ day of December 2023.

Mayor

ORDINANCE NO. O-23-42

APPROVING THE CONCEPT PLANNED UNIT DEVELOPMENT PLAN FOR J.A. DEVELOPMENT; ON A PARCEL LOCATED ON W. TRUESDELL STREET IN THE CITY OF WILMINGTON, OHIO

WHEREAS, a certain petition has been filed by J.A Development for a Planned Unit Development (PUD) concerning the a property on W. Truesdell Street, Parcel ID Number 2090230901000000 owned by Larry and Freda Britain; and

WHEREAS, said Planned Unit Development provides 28 attached Single-Family Homes on 3.095 acres; and

WHEREAS, after public hearing and discussion on September 5, 2023, the Wilmington City Planning Commission voted to recommend approval by City Council of the Concept PUD Plan; and

WHEREAS, following approval of the Concept PUD Plan by City Council, the applicant will submit an application for a preliminary PUD plan review in accordance with Section 1135.02 (Common review requirements) and Section 1135.10(i) (PUD application requirements of the Wilmington Codified Ordinances. The Planning Commission shall approve or deny the preliminary PUD Plan; and

WHEREAS, City Council held a public hearing on said Petition on October 19, 2023 at 7:30 p.m. after due publication of legal notice regarding the same, and upon hearing, it appears that approval of the Concept PUD Plan ought to be given.

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

Section 1. That Wilmington City Council accepts the recommendation of the Wilmington Planning Commission and approves the Concept PUD Plan, attached hereto as “**Exhibit A,**” as presented.

Section 2. That the real property described and set forth in the map and legal description, attached hereto as “**Exhibit B,**”

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 ____ day of _____ 2023

President of Council

ATTEST:

Clerk of Council

Approved by me this ____ day of _____ 2023

ORDINANCE NO. O-23-43

AMENDING CERTAIN SECTIONS IN PART 13 BUILDING CODE TO PROVIDE FOR A REVISION IN THE BUILDING PERMIT FEE SCHEDULE; AND REPEALING ANY AND ALL LEGISLATION INCONSISTENT HEREWITH

WHEREAS, the City amended ordinances defining building permit fees in August 1997; and

WHEREAS, City Council desires to amend certain sections of Part 13 Building Code to bring ordinances in line with surrounding jurisdictions.

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

[Additions to the CODIFIED ORDINANCES are in **bold** and deletions are lined through or noted below]:

Section 1. That Section Chapter 1309.01 Permit Fees be, and hereby is, rescinded, and a new Chapter 1309.01 Permit Fees is added to read in full as follows:

Sec. 1309.01. Schedule of fees.

The schedule of fees, for both residential and commercial permits, under the City Building Code is hereby established and adopted.

- ~~(1) Fees for residential living area and attached garages based on square footage.~~
 - ~~a. Basic fee \$25.00 plus \$9.10 per 100 square feet.~~
 - ~~b. Fees for unfinished basements shall be calculated at the same rate as living area of home.~~
 - ~~c. Fees for all other construction subject to the City Building Code shall be calculated at the rate of \$25.00 per required inspection.~~
 - ~~d. Unattached accessory buildings of less than 150 square feet, and not permanently anchored, require no permit.~~
 - ~~e. Fireplace:~~
 - ~~Add to existing home: \$40.00~~
 - ~~In new construction: 30.00~~
- ~~(2) Permit expiration. Any permit issued shall expire after six months date issued if the work has not commenced during this time or if the work is suspended for a period of one year. Permits that expire for either of the aforementioned reasons shall be reapplied for and reissued with all fees paid for before work can commence or continue.~~
- ~~(3) Heating and air conditioning permits.~~
 - ~~Basic fees \$ 20.00~~
 - ~~Addition to or replacement of unit 10.00 each~~
 - ~~Woodburning or coal burning stove 20.00 each~~
- ~~(4) Residential electric fees.~~
 - ~~New homes and room additions \$60.00 plus \$1.50 per 100 square feet~~
 - ~~Temporary electric service 25.00~~
 - ~~Electric service upgrade 40.00~~
 - ~~Electric service upgrade with added wiring 70.00~~
- ~~(5) Commercial permits. The fee for the inspection of plans relating to the work and equipment under consideration for approval under the requirements of the Ohio Basic Building Code shall be based on the gross area of each floor level.~~

~~EXCEPTION: Fees for alteration or change of use as determined by the Building Official shall based on the actual area affected by the alteration or change of use which may extend beyond the limits of construction.~~

~~PLANS EXAMINATION AND INSPECTION FEES:~~

~~General and mechanical \$150.00 plus \$4.50 per 100 sq. ft.~~

~~Electrical \$150.00 plus \$2.50 per 100 sq. ft.~~

~~Fire protection systems \$150.00 plus \$3.20 per 100 sq. ft.~~

~~Industrialized unit \$150.00 plus \$1.30 per 100 sq. ft.~~

~~Minor alteration \$75.00 per each type of permit~~

~~Building _____ Electric _____ HVAC _____ Fire Prot _____~~

~~Signs under 30 square feet:~~

~~Structural \$75.00~~

~~Electric 75.00~~

~~Signs over 30 square feet:~~

~~Structural 150.00~~

~~Electric 150.00~~

~~Certificate of use and occupancy 50.00~~

~~The fee for preliminary plan evaluation or special evaluation of products and materials for the purpose of determining conditions of acceptability for compliance with the provisions of the OBBC shall be \$75.00 per hour.~~

~~The fee for special inspections, other than those required by subsection (5) hereof, shall be \$100.00 per inspection. Request for special inspections shall be in writing to the City Building Department and the fee shall be paid prior to the inspection.~~

~~(6) Demolition fees:~~

~~Flat fee \$25.00~~

~~(7) Reinspection fees. If reinspection is required to verify correction of code violations a fee will be charged:~~

~~Residential reinspection fee \$25.00~~

~~Commercial reinspection fee 50.00~~

~~(Ord. No. 3790, 8-21-97)~~

BUILDING FEES- RESIDENTIAL	
Processing Fee	\$ 50.00
Building (Base Fee)	\$100.00
\$3.00/\$1,000 valuation	
Electric (Base Fee)	\$100.00
\$1.00/100 Sq. Ft	
HVAC (Base Fee)	\$100.00
\$1.00/100 Sq. Ft	
Move a House (Base Fee)	\$100.00
\$3.00/\$1,000 valuation	
Industrialized Unit (Base Fee)	\$100.00
\$3.00/\$1,000 valuation	
Temporary Service Release	\$50.00
Service Release Upgrade	\$50.00
Temporary Pole	\$50.00

Generator	\$50.00
Car Charger	\$100.00
Satellite Antennas/Dishes	\$50.00
Solar Panels	\$200.00
Radio Towers/Wind Turbine	\$50.00
Fireplace Insert/Heat Stove	\$50.00
Private Pool (above ground)	\$100.00
Private Pool (in-ground)	\$150.00
Temporary Signs (each- all sizes-blade/feather, banner, portable)	\$25.00
Fire Damage	-
Demolition	\$50.00
Extra Inspections	\$50.00
Plan Revision	\$50.00
Reactivate Permits	After 1 year must re-apply
Certificate of Occupancy	\$100.00
Certificate of Completion	-
Temporary Certificate of Occupancy	\$100.00

BUILDING FEES- COMMERCIAL	
Processing Fee	\$200.00
Building (Base Fee) \$7.50/\$100 Sq. Ft	\$200.00
Electric (Base Fee) \$4.50/\$100 Sq. Ft	\$200.00
HVAC (Base Fee) \$4.50/\$100 Sq. Ft	\$200.00
Industrialized Unit (Base Fee) \$7.50/\$100 Sq. Ft	\$200.00
Sprinkler Fees: \$4.50/\$100 Sq. Ft	\$200.00
Fire Alarm Fees: \$4.50/\$100 Sq. Ft	\$200.00
Hoods with Suppression	\$400.00
Hoods without Suppression	\$200.00
Bridges/Fountains	\$200.00
Signs with Electric (each) under 30 sq. ft.	\$200.00
Signs with Electric (each) over 30 sq. ft.	\$300.00
Signs without Electric (each)	\$200.00
Temporary Signs (each- all sizes-blade/feather, banner, portable)	\$25.00
Awnings	\$200.00
Tents	\$200.00
Wind Turbines	\$400.00
Public Pools	\$400.00
Solar Panels (Roof Mount) Base: \$4.50/100 Sq. Ft	\$400.00
Solar (array)	\$100.00/acre
Retaining Walls/Entry Walls	\$400.00
Water Towers	\$400.00
Cellular Towers	\$400.00

Sales Trailer	\$400.00
Fire Damage	-
Demolition	\$200.00
Plan Revision	\$200.00
Extra Inspection	\$200.00
Car Charger	\$400.00
Starting Work Without a Permit	Fees are Doubled
Reactivate Permit	After 1 year must re-apply.
Certificate of Occupancy	\$200.00
Certificate of Completion	
Temporary Certificate of Occupancy (30 day)	\$200.00

Section 2. That each and every section of Chapter 1309.01, Permit Fees, of the Codified Ordinances, except those sections identified and amended in Section 1 of this ordinance, are hereby ratified and republished and incorporated herein by reference as though fully rewritten herein.

Section 3. That all ordinances and parts of any ordinances which are in conflict herewith be, and the same hereby are, repealed to the extent of such conflict.

Section 4. 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 5. That this ordinance shall be effective from the earliest period allowed by law.

Passed this ____ day of _____ 2023.

President of Council

ATTEST:

Clerk of Council

Approved by me this ____ day of _____ 2023.

Mayor

RESOLUTION NO. R-23-52

AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE THORNE AVENUE DRAINAGE IMPROVEMENT PROJECT, AND AUTHORIZING EXPENDITURE OF FUNDS FOR SAME, AND DECLARING AN EMERGENCY

WHEREAS, the City of Wilmington desires to improve stormwater facilities on Thorne Avenue to divert stormwater from the wastewater collection system; and

WHEREAS, the project will be 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 1. That the Director of Public Service is hereby authorized to enter into contract with the lowest and best bidder for the Thorne Avenue Drainage Improvement Project.

Section 2. That the Wilmington City Council authorizes the expenditures of funds in support of construction of the Thorne Avenue Drainage Improvement Project in accordance with specifications promulgated therefore and within the appropriations therefore, the total cost estimated to exceed the sum of \$75,000.

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 ___ day of November 2023.

President of Council

ATTEST:

Clerk of Council

Approved by me this ___ day of November 2023.

Mayor

ORDINANCE NO. O-23-47

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 924 STORMWATER UTILITY

WHEREAS, City Council created a stormwater utility fee in 2020 with the intent of the fee being assessed to all properties within that City that have impervious surface; and

WHEREAS, since its inception, the City has been assessing the fee based on this intent; and

WHEREAS, certain wording of Chapter 924 needs amending to ensure the consistent application of the fee.

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

[Additions to the CODIFIED ORDINANCES are in bold and deletions are lined through or noted below]:

Section 1. That the Stormwater System definition within Section 924.02 DEFINITIONS be, and hereby is, amended to read in full as follows:

Stormwater system means all man-made facilities, **and** structures, **owned by the City of Wilmington** ~~and along with any~~ natural watercourses ~~owned by the City of Wilmington~~, used for collection and conducting stormwater to, through, and from drainage areas to the points of final outlet, including, but not limited to, any and all of the following: conduits and appurtenant features, canals, creeks, catch basins, ditches, streams, gulches, gullies, flumes, culverts, siphons, streets, curbs, gutters, dams, floodwalls, levees, and pumping stations.

Section 2. That Section 924.05 RATE STRUCTURE be, and hereby is, amended to read in full as follows:

- (a) A stormwater service charge shall be billed to the owner of each and every lot and parcel of land within the City that contains impervious area ~~and contributes directly or indirectly to the stormwater system of the City~~. This charge is necessary to pay for the repair, replacement, planning, improvement, operation, regulation and maintenance of the existing and future City stormwater system. This charge is not related to water and/or sanitary sewer service and applies whether or not the premises are occupied.
- (b) All properties having impervious area within the City of Wilmington shall be individually measured to determine the impervious area in square feet. Initial measurement shall be made through a professional consulting contractor, using aerial data and other information. Areas used for public transportation, including dedicated roadways, railroads and airport runways and taxiways, shall be exempt from the calculation and therefore not subject to the stormwater service charge.
- (c) The stormwater charge shall be based on the amount of impervious area contained within each parcel's boundaries and calculated at a rate of \$0.0271 per square foot per year, billed monthly along with other City-operated utilities.
- (d) The collection of the stormwater shall commence with all billings issued by the Utility Billing Office on or after July 1, 2021.

Section 3. That each and every section of Chapter 924, STORMWATER UTILITY, of the Codified Ordinances, except those sections identified and amended in Sections 1 and 2 of this ordinance, are hereby ratified and republished and incorporated herein by reference as though fully rewritten herein.

Section 4. 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 5. That this ordinance shall be effective from the earliest period allowed by law.

Passed this ___ day of December 2023

President of Council

ATTEST:

Clerk of Council

Approved by me this ____ day of December 2023

Mayor