

COUNCIL

April 19, 2012

Wilmington City Council met on Thursday, April 19, 2012, with President Scott Kirchner presiding.

Roll Call: Jaehnig, present; Wells, present; Stuckert, present; Wallace, present; Mead, present; Siebenaller, absent; McKay, present.

Assistant Chief Duane Weyand was also present.

A motion was made by McKay and seconded by Mead to excuse the absent member.
Motion passed.

Absent member excused.

President Kirchner announced that he had received a call from Councilman Siebenaller indicating that he had most likely would not be able to make the council meeting because of prior commitments.

Council gave the Pledge of Allegiance to the flag.

President of Council asked cell phones to be set to silent mode.

President of Council

A motion was made by Wells and seconded by Mead to approve the minutes of the last regular meeting, April 5, as received.

Motion passed.

Minutes approved as received.

President Kirchner asked for approval of the meeting minutes of the April 12, 2012, special meeting. He noted that the word “commonize” was spelled “communize” and would like that changed. He also added that he was not able to find the spelling of the word “commonize” on the web.

[Banter regarding the spelling of the word “commonize.”]

A motion was made by Mead and seconded by McKay to amend the minutes of the last special meeting, April 12, to change the word “communize” to “commonize.”

[More banter]

A motion was made by Wallace and seconded by Stuckert to accept the minutes as amended.

Motion passed.

Minutes accepted, as amended.

Mayor – Mayor Riley stated that there would be an announcement from the Park Board. He asked Maria Butcher to come forward for the presentation.

Maria Butcher announced that the Parks Board had a meeting earlier in the evening and made the decision to hire Lori Williams as the new Parks Director.

[Applause and General Comments of Congratulations]

Asset, Acquisition and Use – Chairperson Bob Mead had no report.

Auditor – Auditor David Hollingsworth had no report.

Finance Committee – Chairperson Bob Mead had no report.

Water Committee – Chairperson Mike Wallace introduced legislation to provide access and water service to the proposed site of the Little Hearts/Big Smiles just outside of the city limits on Fife Avenue.

A motion was made by Wallace and seconded by Mead to give the first reading only on a resolution Approving Access and Water Service to a Property Outside the City. President asked for discussion.

Mayor Riley stated that the Little Hearts/Big Smiles project would rank among the best projects ever done in our area. He said he thought that the City and County, along with the local and county Park Boards, should work together to do anything they can to help Little Hearts Big Smiles with their dream of having a playground where children with disabilities can play with their brothers and sisters who do not have a disability. He said he was proud to endorse the project.

President Kirchner agreed with Mayor Riley. He said that he was familiar with the work of the families involved with the project and found it exciting to see it come to fruition. He added that he hoped council would support the project.

President called for vote.

Motion passed.

Director of Law read resolution by title only.

A motion was made by Wallace and seconded by Stuckert to suspend the rules and give the second and third reading on the resolution by title only.

Roll call: Jaehnig, yes; Wells, yes; Stuckert, yes; Wallace, yes; Mead, yes; McKay, yes. Director of Law read the resolution by title only.

A motion was made by Wallace and seconded by Stuckert to pass the resolution as read.

Roll call: Wells, yes; Stuckert, yes; Wallace, yes; Mead, yes; McKay, yes; Jaehnig, yes.

Motion passed.

President of Council declared Res. No. 2283 passed as read.

Streets Committee – Chairperson Mark McKay said that they had no legislation, but he wanted to cover some of the items that were discussed in the recent streets meeting. He said that there were several topics discussed. The first was parking on Gallup Street. He explained that it was a narrow street, which created issues with regular traffic and created difficulties with safety equipment. He said that it had been reviewed a couple of years ago by Councilwoman Peterson, but at that time, there wasn't sufficient off-street parking. Now, since the Homeless Shelter has built a parking lot that added about 10 spaces, the issue can be revisited. He said that they are considering eliminating parking on the east side of the street, the Homeless Shelter side, and that adjacent property owners would need to be notified and given an opportunity to talk about it. He added that they are also looking at the expanding the parking ban at the corner of Sugartree. Fire and Police would be looking into that issue.

Service Director Reinsmith said that the letters to the adjacent property owners went out yesterday. Residents will have an opportunity to address their opinions/concerns about change in parking on Gallup at the May 3 council meeting.

Councilman McKay said the second item was a proposal to gain more parking in the downtown. He said that one way that they considered doing it was to change the parking on the Main Street side of the courthouse to angle parking rather than the way it is now. They said that ODOT discussed this issue with the Mayor and Service Director.

Councilman McKay explained that even though they would gain some spaces, it would not be a good idea because there is heavy traffic from time to time on that street and it would cause problems if a person were trying to back out from the angled space onto that street. He said it could cause accidents. For that reason the committee decided to let it fall for lack of a motion. They will continue to look for ways to increase parking in the downtown. He asked for questions.

Councilman McKay said the third item discussed was semi traffic in the downtown. He said that the issue was truck traffic coming into the downtown on Locust Street and attempting to make a right turn on 68 North. He noted that sometimes trucks tend to get

hung up on that corner. He said that they hoped that now that we have a bypass that allows the truck traffic to go around, maybe a ban could be put in place restricting the right turn off of Locust onto 68 North. Again, ODOT weighed in on that in order to ban the right turn, the city needs to have an alternate route in place that does not involve putting the semi trucks in residential areas. Since this alternate route does not exist, banning the turn is not a good option. Councilman McKay said the committee was approached by residents who want the city to abandon a portion of East Fulton Street. This land is owned by the city but is not being used as a thoroughfare. He explained that Fulton Street runs from North South Street left just before you make the turn to go out of town. He said that if you continued across South Street to East Fulton Street, there's a house there and it has already been abandoned to that homeowner. He said if you continue eastward, there is an area that the city still owns and it crosses Walnut Street and then comes out on Lincoln Street. The residents asked that that this portion be abandoned to them since the city really was not going to extend Fulton Street from 68 across to the east. Councilman McKay said the Streets Committee agreed that it probably should be done and it will be forwarded to Planning Commission to notify residents who may be affected by the change.

Councilman Jaehnig asked if these were roads that were never developed.

Councilman McKay said that was correct. He explained that these were areas in people's yards. He said there is an alley that does extend to the east of part of the Fulton Street area, which will remain an alley that runs from Lincoln Street around and out on Vine Street. He said that the last thing they talked about was that we need signage on the 73 bypass telling folks where Wilmington is. He said there are numerous instances where people, if they were looking for Wilmington, could not find it. He explained that they are pursuing rules that ODOT has in place to try to get better signage rather than the one at Mitchell Road that just reads fairgrounds. Councilman McKay stated that with the current signage, people traveling on 73 trying to find Wilmington could end up in New Vienna or Hillsboro.

Solid Waste/Recycling Committee: Chairperson Don Wells said they had nothing on the agenda; however, he pointed out that there is a resolution in their folder that they would be talking about. He introduced legislation authorizing the advertising for bids for a standard steel deck truck scale for the Sanitation Department.

A motion was made by Wells and seconded by Jaehnig to give the first reading only on the resolution Authorizing the Advertising for Bids for a Standard Steel Deck Truck Scale for the Sanitation Department.

President of Council asked for discussion.

President Kirchner said that the reason the legislation was not on the agenda was his error. He said that he thought that the motion had been made in committee to create the RFP and return it to committee for approval. After listening to the tape of the meeting, it was clear that the motion was to send it to council, not to return it to committee. He apologized to council for the error.

Councilman Wallace said that he did not remember an item like this being presented in the budgetary process for this year. He said that he had difficulties with approving this item, given the current budget concerns, and wondered where the money was going to come from.

Councilman McKay said that he also asked that question to the superintendent. He said that the idea was just to get an idea of how much it would cost and then it could be decided later if what it accomplishes makes it worth the money. He said he agreed with Councilman Wallace.

Councilman Wallace said that he did not approve of going forward with something like this.

Councilman Jaehnig stated that this was just a request for proposal and that it was not the approval of a contract.

Councilman Wells said that they were trying to get accurate data. He said that right now they just guess the weight of loads brought into the landfill based on a formula converting cubic yards to tons. He said that most of the landfills have scales. Councilman Wells stated further that the landfill superintendent was hopeful that this will make the landfill more efficient for the taxpayers. He went on to say that they were not voting to put the scales in; they were only voting to get pricing on scales.

President Kirchner spoke to the issue of spending additional money in a deficit budget. He pointed out that the landfill fund is an enterprise fund and is not part of the deficit situation.

President of Council called for a vote.

Motion passed.

Director of Law read resolution by title only.

Wells requested that the second and third readings be on the Agenda for the next meeting.

Wastewater/Sewer Committee: Chairperson Loren Stuckert had no report.

Judiciary Committee: Chairperson Rob Jaehnig announced that he had two items of legislation. He said that the second item would require a little bit of explanation as it had not gone through the Judiciary Committee before coming before council. He said the first item is the third reading on the new off-street parking ordinance. He asked for additional questions or comments.

Service Director Reinsmith said that today he had a realtor call him and talk to him about one of the shopping centers that is in a PUD. He said that the realtor had a 10,000 square foot store that wanted to come in and locate in front of one of the shopping centers. He said that one of the issues was the amount of parking that was required for him to locate there. Service Director Reinsmith said that he was able to tell the realtor that our parking regulations were in the process of being changed and this would make it possible for the store to locate there.

Councilman Jaehnig said that when he brought this forward, he was hoping that it would make a difference when things started to pick up a year or so from now, so he was very pleased that an immediate result might be seen. He asked for additional questions.

A motion was made by Jaehnig and seconded by McKay to give the third reading only on the ordinance Rescinding Codified Ordinances §1165 and Adopting New Codified Ordinances in Chapter 1165 Regarding Off-Street Parking.

Mead voted nay. All other members voted yea.

Motion passed

Director of Law read ordinance by title only.

A motion was made by Jaehnig and seconded by McKay to pass the ordinance as read.

President of Council requested a roll call vote.

Roll call: Stuckert, yes; Wallace, yes; Mead, no; McKay, yes; Jaehnig, yes; Wells, yes.
Motion passed.

President of Council declared Ord. No. 5022 passed as read.

Councilman Jaehnig said that the second item on the agenda involved updating the written and on-line versions of the codified ordinances and was something that was done each year. He said that the company who updates the codified ordinances is Walter Drane and explained that they take all legislation passed in the previous year and put it into the codified ordinance book and then also add those changes into the city's on-line ordinances. Councilman Jaehnig stated that the other half of what they do is take anything that has been changed or added on the state level that would affect our community and move those items into our codified ordinances and on-line version so that everything is current. Each year when this is done, the city must approve or accept the new codified ordinances. He said that there was no time to put it through Judiciary Committee because Walter Drane just sent the city notification that they had already

made the on-line changes. He said that it is important to accept these immediately because the police officers are using the new on-line version as a reference, and in order to make those entries legal, council needs to accept the state's rules. He said it was important to move forward in order to not cause any potential problems with future prosecutions. He asked for questions.

A motion was made by Jaehnig and seconded by McKay to give the first reading only on the ordinance Approving the Editing and Inclusion of Certain Ordinances as Parts of the Various Component Codes of the Codified Ordinances of the City of Wilmington, Ohio, and Declaring an Emergency.

President asked for discussion.

Seeing none, President called for vote.

Motion passed

Director of Law read ordinance by title only.

A motion was made by Jaehnig and seconded by McKay to suspend the rules and give the second and third reading on the ordinance by title only.

Roll call: Wallace, yes; Mead, yes; McKay, yes; Jaehnig, yes; Wells, yes; Stuckert, yes.

Director of Law read the ordinance by title only.

A motion was made by Jaehnig and seconded by McKay to pass the ordinance as read.

Roll call: Mead, yes; McKay, yes; Jaehnig, yes; Wells, yes; Stuckert, yes; Wallace, yes.

Motion passed.

President of Council declared Ord. No. 5023 passed as read.

Councilman Jaehnig said that they would be scheduling a Judiciary Committee in the future to go discuss yard arm signage and gaming legislation. He said they would send out notification when that meeting is scheduled.

Safety Committee- Chairperson Don Wells said he had nothing on the agenda. He announced that Safety Director Russ Burton has informed him that all tornado sirens are fully functional.

Downtown Revitalization Committee - Convener Mark McKay said there is a lot going on downtown. He reminded everyone that the Wine Walk was happening on the upcoming weekend. He said further that the Third Friday events were going to begin in June and there were going to be several cruise-ins this year. Councilman McKay said that we have more flexibility in closing the streets since the bypass and that will help with downtown programming. He also said the Farmer's Market would be in full swing soon in the mural parking lot.

Paul Hunter announced that the Earth Day Dinner would be on April 28 and reservations could be obtained at the hotel.

Parks and Recreation Committee - Convener Rob Jaehnig said there was no official report, but the committee would like to welcome Lori Williams as the Park Director. He said they look forward to working with her.

Service Director- Service Director Larry Reinsmith said he had no report.

Councilman Jaehnig asked about the status of the work on SR 73. He asked if they were just repaving sections or if they were going to repave it all.

Service Director Reinsmith said they are doing a full-depth repair. He said they were out on Progress Way today and the milling machine broke down at the intersection. He said they were going to repave from Mitchell Road to the fairgrounds. Service Director Reinsmith said they also would be starting at the intersection of 22 and Progress Road and work all the way to New Vienna. He said once they get it all finished they want to turn the city areas over to the City and the county areas out to the County.

Mayor Riley said that he has been questioned about the timing of the lights. He said that we all remember a time when you could cruise all the way through town at 35 miles an hour and hit all of the lights green. He said that the milling work has created problems with the timing because some of the sensors are in the blacktop and they mill them out to

complete the work. He says that he has been assured that it can be fixed as soon as the blacktop project is done.

Service Director Reinsmith said the problem with that theory is that the speed limit in the downtown area is 25 miles per hour, so that would mean that you are speeding when you come through.

[Laughter]

Lee Curtis asked Service Director Reinsmith what the policy is for abandoned vehicles that are on a property. He mentioned a property at 950 Southridge Ave and said that the tags on the vehicles there have been expired for 19 years and 22 years.

Service Director Reinsmith asked if they were on the roadway.

Lee Curtis said that they were not, but he stated that he had been ticketed in the past for license plates being expired on a car in his driveway. He complained that this is a nuisance. He said that he had asked the city workers about the cars and they said that they had reported it to the Service Director.

Mayor Riley asked him to repeat the address of the vehicles.

Service Director Reinsmith said they would look into the situation.

Councilman Jaehnig asked if it was business or residential.

Lee Curtis said that the rumor in the neighborhood is that the person who lives there is actually deceased but they are still collecting social security checks in her name. He said that he would appreciate it being looked into.

President Kirchner said it sounded like the Chief of Police is on top of the situation and will act on it. He went on to say that he had a citizen who lived on Piedmont ask about street lighting. He said they live toward Warren Drive, between Warren and Ridge Road. He said they asked if it was possible for them to have more street lighting in that area. He wondered if we only light the intersections in residential neighborhoods like that or if there was a spacing situation.

Service Director Reinsmith said that normally the city lights all intersections and curves. He said usually they do not light too much more, unless it's very, very dark. He explained that some of the trees in that area may be blocking the illumination as it falls, and said if he could have an address, he could investigate it further.

[Discussion of street lighting in that area]

Safety Director – Safety Director Russ Burton said he had no official report. He said that Wilmington College graduation is on the 5th of May this year, and they have asked that we do not set off the sirens in the middle of graduation. He asked Gary to put it in the paper that there would not be any siren testing on that date.

President Kirchner asked if there would be an alternative date.

Safety Director Russ Burton said that since sirens had been checked recently in the state-wide testing, they would just wait until the next regularly scheduled test.

Mayor Riley noted that in news reports he had heard after the Tuscaloosa tornados, one of the comments on television was a citizen saying that the sirens had gone off so often that they didn't even pay attention to them anymore. He suggested that if we schedule an alternative testing date, then people may start to become desensitized to the sound of the siren.

Reports:

A motion was made by Jaehnig and seconded by Wallace to approve the Auditor-Treasurer Report – March 2012, as received.

Motion passed.

Reports accepted as received.

President Kirchner announced the special council meeting on Thursday, April 26, starting at 6 p.m. for the purpose of the budget work session to discuss the 2012 remaining budget and beginning to prepare for the 2013 budget cycle.

Service Director Reinsmith said he had a superintendent express concern that they had not been notified that they needed to provide anything to prepare for the budget workshop. Service Director Reinsmith explained that if council needed information from the departments to in order to prepare for the work session, then the administration needed to be contacted so they could let the supervisors know.

President Kirchner said that he had had discussions with the Finance chair about the agenda and the details were being worked out. He said the best thing that he could say is for them to bring in their ideas.

Councilman McKay asked if we would be limiting discussions to primarily council and other employees.

President Kirchner said the purpose of the meeting was to discuss the budget and not much thought had been given as to whether there would be a lot of opportunity for public input.

Councilman McKay said that they had discussed it and thought it would be good if council members could have the discussion without audience input initially. He offered that perhaps there could be an open comment portion toward the end of the meeting.

Paul Hunter said he would not be there, so it probably would be okay.

[Laughter and Banter]

President Kirchner said that the meeting could be set up so that there was a portion at the end reserved for public comment.

President Kirchner opened the meeting to the general public and/or members of council to address council while in session.

Franklin Wall wanted to know if City Council could make an ordinance to make people license their cats because there are a lot of stray cats. He said that he had caught several cats in his life and had trapped and euthanized them. He asked if they could come up with something where people would have to license cats.

Acting Chief Duane Weyand said that there is not much that can be done because the ODNR does not list them as a domesticated animals. He said that they are considered free-roaming.

TRANSCRIPTION INTERRUPTED – END OF TAPE.

Acting Chief Duane Weyand said that the state classifies them the same as raccoons and opossums and things like that. He said he did not think anything can be done by council.

Service Director Reinsmith said there is an ordinance on the books that says that you can't kill any animal within the city limits.

Mr. Wall said he did not kill them in Wilmington but he takes them out into the country.

[Laughter and Banter]

President Kirchner said that based on the information, they would confer with the Law Director, but it sounded like the council would not be able to require licensure on cats.

President Kirchner again asked if anybody else from the public or the council wished to address council while in session.

Seeing no one else who wished to speak, President Kirchner asked for a motion to adjourn.

A motion was made by Jaehnig and seconded by Wells to adjourn.

Motion passed.

Council adjourned.

ATTEST:

President of Council

Clerk