

Wilmington City Council met on Thursday, November 21, 2013, with President Scott Kirchner presiding.

Call to Order

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

Chief Weyand was also present.

Pledge of Allegiance

Council gave the Pledge of Allegiance to the flag.

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

President of Council - President Kirchner:

A motion was made by Wells and seconded by Stuckert to approve the minutes of the last regular meeting, November 7, as presented.

Motion passed. All yeas.

Minutes approved as presented.

President Kirchner announced that on December 5 two public hearings will be held on the gas aggregation plan of operation. We will be finalizing times and getting the notices out.

Mayor - Mayor Riley said that Don Wells had an announcement.

Councilman Wells announced that this evening would be his last council meeting as he is resigning effective November 30. He said he has enjoyed serving the citizens of the Third Ward. He added that Joe Spicer would do a fine job for the citizens of the Third Ward.

Mayor Riley presented Councilman Wells with a recognition plaque and a Key to the City.

Adam Rapien presented a letter of appreciation to Councilman Wells from Congressman Steve Stivers. He also announced that their office is a Toys for Tots drop-off location. Donations should be made before December 13.

[Banter of thanks and congratulations to Councilman Wells]

Mayor Riley introduced Nathan Prather, an eight-year-old local student, who gave a presentation on environmental sustainability.

Councilman Jaehnig gave the new JETT jobs report. The number of new jobs is currently 618, an addition of 55 new jobs since the last meeting: 54 at Ahresty and one at Praxair. Mayor Riley said that as soon as the jobs that have been approved for job creation tax credits come through, the city should have over 1000 new jobs by springtime.

Mayor Riley said that he helped Mary Lou Holdren put her Disney display up, which is ready for visitors to visit. He recognized members of the fraternity Lambda Chi Alpha, one of the fraternities at Wilmington College, who showed up en masse, put in long hours, and helped get everything done.

Auditor – In the absence of Auditor David Hollingsworth, there was no report.

Ad Hoc – Chairman Kirchner introduced the second and third readings on legislation authorizing the mayor to enter into an agreement with Buckeye Energy Brokers to implement a natural gas aggregation program.

A motion was made by Jaehnig and seconded by McKay to suspend the rules and give the second and third reading on the resolution Authorizing the Mayor to Enter Into an Agreement for Natural Gas Aggregation Services With Buckeye Energy Brokers. President asked for discussion.

Councilman Wallace asked how Buckeye Energy Brokers were chosen?

President Kirchner explained they had originally educated council on the aggregation markets. There are not a lot of aggregation firms out there and the gas aggregation cannot be done through the same broker as the electric aggregation, which was done through the county.

Councilman Wallace - Is there any chance of different companies getting different prices to us?

President Kirchner explained that Buckeye Energy Brokers aren't actually a natural gas provider, but they will help the city obtain quotes from different companies and will put together the aggregation program. Gas aggregation is different than the electric aggregation as the county will not be included in it.

Paul Hunter added that the broker takes the money from the vendor and not the city, so it is no cost to the citizens.

Seeing no more discussion, President called for a vote.

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

Director of Law read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2339 passed as read.

Asset, Acquisition and Use. - Chairperson Bob Mead introduced the first reading on legislation to enter into a purchase and sale agreement for the Dupree property.

A motion was made by Mead and seconded by Siebenaller to give the first reading only on a resolution Authorizing the Mayor to Enter Into a Purchase and Sale Agreement for Real Property Owned by Glenn F. and Ruth Lee Dupree (.741 Acres More or Less) and Declaring an Emergency.

President asked for discussion.

Councilman Jaehnig asked what the land was being purchased for.

Mayor Riley explained that the three parcels being purchased connect Mulberry Street to South Street in the old rail bed. It will extend the Luther Warren Peace Path into downtown Wilmington and where the Xidas Park will be. The downtown urban bike path will be redirected to Sugartree Street. It is part of the development of the Sugartree Corridor.

Councilman McKay added that there is also a small building on the property at Mulberry Street, which the city will probably use for storage. Mayor Riley said that Main Street was interested in using the building.

Councilman Mead added that it will not require General Fund money; it will be grant money.

[Discussion of Dupree property]

It was noted that the sale contract was for \$79,000. Paul Hunter mentioned that the properties appraised out at \$57,600. Mayor Riley said that the price, after bargaining,

was negotiated to \$79,000. Councilman McKay explained that it was integral to the corridor project.

Seeing no more discussion, President called for vote.

Motion passed. All yeas.

Director of Law read resolution by title only.

Mead requested that the second and third reading be on the Agenda for the next meeting.

Finance Committee - Chairperson Mead introduced supplemental appropriations for the Hotel Lodging Excise Tax Fund in the amount of \$20,567.00.

Councilman Jaehnig asked if this was because we went above budget for the year. Mary Kay Vance answered that the city budgets off receipts from the previous year and we went beyond that last year. The local hotels have had a much better year than the previous year.

A motion was made by Mead and seconded by Wallace to give the first reading only on the ordinance Making Supplemental Appropriations.

President asked for discussion.

Seeing none, President called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

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

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

Director of Law read the ordinance by title only.

A motion was made by Mead and seconded by Stuckert to pass the ordinance as read.

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

Motion passed.

President of Council declared Ord. No. 5122 passed as read.

Councilman Mead introduced legislation making supplemental appropriations: From General Fund to EMS Billing, \$5000 – Mary Kay Vance explained that we had excess revenue in EMS billing so we needed to pay MBI more than we had anticipated. From Utility Billing Credit Card Fund to Credit Card Fees, \$1000 – Mary Kay Vance explained this did not have anything to do with the General Fund. More people have paid with credit card than expected, so we have to pay more in fees for that service.

Councilman Jaehnig asked if the credit card in utility billing has been helpful. Mary Kay Vance says that it is being used more each year.

From General Fund to the Law Library, \$6,000 – The court collects fees for the library fund. More money came in through the courts for the law library, so we have to pay more than was budgeted.

Law Director Shidaker asked if there was a reason it runs through the General Fund to the Law Library and not straight from the courts to the Law Library. Mary Kay Vance said that it is a Revised Code issue. She tried to change it in the past but was not able to.

[Discussion of funding stream for the Law Library]

From the Voluntary Recycling Fund to Program Expense, \$6,000.00 – Donnie Maher explained that we received our \$10,000 from Clinton County Solid Waste and we need the \$6,000.00 to finish buying equipment to streamline the recycling program.

[Discussion of recycling improvements]

A motion was made by Mead and seconded by Stuckert to give the first reading only on the ordinance Making Supplemental Appropriations.

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 Mead and seconded by Stuckert to suspend the rules and give the second and third reading on the ordinance by title only.

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

Director of Law read the ordinance by title only.

A motion was made by Mead and seconded by Stuckert to pass the ordinance as read.

Roll call: Siebenaller, yes; McKay, yes; Jaehnig, yes; Wells, yes; Stuckert, yes;

Wallace, yes; Mead, yes.

Motion passed.

President of Council declared Ord. No. 5123 passed as read.

Councilman Mead introduced legislation making miscellaneous transfers. Donnie Maher explained that they had taken a real hit on their tires this year and needed to move money in order to keep tires on the packers. He is moving money from Training and Travel and Utilities to pay for them.

Mary Kay Vance explained that the Income Tax Service needed to move more monies into Incidentals because of computer costs. They also need more money in their income tax salaries. Both of the transfers are coming out of their consultant services.

Councilman Wallace asked if this was the same consultant services as council had recently put money into. Mary Kay Vance answered that it was a different line. This was the line they use to take people to court to collect income taxes.

[Discussion of income tax transfers]

Landfill monitoring to landfill vehicle expense, \$5000 and from landfill monitoring to collection vehicle expense, \$5000 – Donnie Maher explained that the excavator needed repair, which is a landfill vehicle expense. A cable broke on one of the packers and had a cylinder repair that was needed.

A motion was made by Mead and seconded by McKay to give the first reading only on the ordinance Making Miscellaneous Transfers.

President asked for discussion.

Law Director Shidaker said since the city has been handling the income tax legal issues in-house instead of going outside counsel, we save approximately \$13,000 a year. The Treasurer's Department is happy with the work we're doing for them. Even though it is \$1000 in-house costs, we're saving quite a lot by doing it here.

Seeing no more discussion, President called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

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

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

Director of Law read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 5124 passed as read.

Water Committee - Chairperson Wallace had no report. He asked for a Water Committee meeting before the next council session.

Streets Committee - Chairperson McKay had no report. He asked for a Streets Committee meeting prior to the next council meeting to discuss the vacation of alleys in the college area near the Kettering Building. He asked that the meeting be held prior to the next council meeting. The item has already been through Planning Commission.

Solid Waste/Recycling - Chairperson Wells thanked Steve Taylor from Santech for coming to Wilmington and trying to help with the landfill.

Wastewater/Sewer Committee - Chairperson Stuckert had no report.

Judiciary Committee - Chairperson Siebenaller introduced legislation approving a UDAG loan to the Adam Bede company. This is for downtown renovation on apartment buildings.

Councilman Jaehnig asked which building was being renovated. Marcie Hawley replied that it was 59 W. Main where Kosta is located. The restoration is for the second floor.

A motion was made by Siebenaller and seconded by Wells to give the first reading only on a resolution Authorizing a UDAG Loan to Adam Bede Holding Company from the UDAG Project Income Revolving Loan Fund; and Declaring an Emergency.

President asked for discussion.

Seeing none, President called for vote.

Motion passed. All yeas.

Director of Law read resolution by title only.

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

Safety Committee - Chairperson Wells had no report.

Downtown Revitalization Committee - Chairperson McKay asked Councilman Jaehnig to speak.

Councilman Jaehnig provided information on the upcoming the Holidazzle parade on November 30. There is a new sound system in the downtown, so announcements and music should come across much better. They're also doing a program called Santa's Smartphone Flash Mob, which involves downloading an app from Wham City Lights that will allow all the cell phones to be synchronized into a lightshow to music. He thanked Steve Stivers' office and Frontier Communications for helping with the phone calls to the North Pole this year. There is a lot going on during the day, so come downtown early.

Parks and Recreation Committee – Chairperson Jaehnig had no report.

Income and Levy Tax Committee – Chairperson Jaehnig had no report.

Service Director - Service Director Reinsmith had no report but the bridge should be open tomorrow.

Paul Hunter asked how the leaf collection was going. Service Director Reinsmith said that they started earlier in the month and it was going okay.

Safety Director – In the absence Safety Director Russ Burton, there was no report.

Reports

A motion was made by Wells and seconded by Stuckert that the Auditor-Treasurer Report – October 2103, be accepted as presented.

Motion passed.

Reports accepted as presented.

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

President Kirchner thanked Councilman Wells for his ten years of service to the community. Councilman Stuckert thanked Councilman Wells for being a mentor and an inspiration to him. Councilman McKay commended Councilman Wells for his passion in advocating for the citizens of the Third Ward. Councilman Jaehnig said Councilman Wells' connection to his constituents has always stood out and he hoped to live up to his example.

John Schum – 81 W. Main Street. He said the Wilmington Arts Collaborative had been asked by Chris Schock if there was any interest in putting art in the lobby of the Municipal Building. The membership would love to do that and were discussing a method of suspending the art so the walls would not be damaged. Members of the collaborative are willing to pay for a suspension method, but they would like exclusive rights to hang art on it if they pay for it. That poses a problem since it is a public building and they would like guidance on resolving the issue.

President Kirchner said he would like to consult with the Law Director and asked John Schum if he could provide a cost estimate. John Schum agreed to put together an estimate.

Mayor Riley said that there were some pieces he would imagine could not hang in the city building even though some people might consider it art. Cincinnati went through some of this years and years ago. He said he would talk to Brian Shidaker to possibly put together a statement of standards that would prohibit art that was obscene or objectionable. I love the idea of hanging art and I love your concept of how to hang it.

Law Director Shidaker stated that it was a complex issue, but they could discuss it.

Councilman Jaehnig pointed out that there were five trees created by the Wilmington Arts Collaborative, in conjunction with the JETT team, hanging in the windows at the front of the Municipal Building. These pieces are absolutely stunning and there are more coming. Each tree tells a different story. We will be getting information on the artist for each tree, taking photos, and getting those into the paper. I truly see that this is something that can grow from here where we can see these Wilmington trees become a symbol that could hang in different buildings.

John Schum – They are trying to illustrate what it is like to live and thrive in Wilmington. That was the goal.

Mayor Riley said he would like to see them in other buildings in downtown Wilmington.

President Kirchner said that everyone got their initial budget worksheet and encouraged everyone to look at it. We will put together a schedule for budget meetings. I will send out an email asking you for your availability so we can set up special council meetings to discuss the budget.

President Kirchner asked if anyone else 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 Wells and seconded by Stuckert to adjourn.

Motion passed.

Council adjourned.

ATTEST:

President of Council

Clerk