

Wilmington City Council met in regular session on Thursday, September 4, 2014, at 7:30 p.m. with President Cindy Peterson presiding.

Call to Order

Roll Call: Jaehnig, present; Spicer, present; Stuckert, absent; Mead, present; Miller, present; Milburn, present; McKay, present.

Chief Weyand was also present.

Pledge of Allegiance

Council gave the Pledge of Allegiance to the flag.

Moment of Silence Observed

President of Council

A motion was made by Mead and seconded by Miller to excuse the absent member (Stuckert).

Motion passed. All yeas.

Absent member excused.

A motion was made by Miller and seconded by Mead to approve the minutes of the last special meeting, August 18, as presented.

Motion passed. All yeas.

Minutes approved as presented.

A motion was made by McKay and seconded by Jaehnig to approve the minutes of the last regular meeting, August 21, as presented.

Motion passed. All yeas.

Minutes approved as presented.

Mayor - Mayor Riley – Sometime this week they will be starting the new mural at the Fife-Bosworth building. It will be dedicated to our heritage county farmers. Jason Morgan is the artist. Also, our annual Corn Festival starts tomorrow at noon.

Auditor - Auditor David Hollingsworth had no report.

Asset, Acquisition and Use. - Chairperson Mead introduced legislation rescinding Ordinance No. 5145 and authorizing the extinguishment and vacation of an easement on Compton Lane. This is the same legislation completed before, but there were some changes that needed to be made in the ordinance to satisfy the legal people at CVS.

A motion was made by Mead and seconded by McKay to give the first reading only on the ordinance Rescinding Ordinance No. 5145 and Authorizing Extinguishment and Vacation of Certain Easement on Compton Lane, and Declaring an Emergency.

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 Milburn to suspend the rules and give the second and third reading on the ordinance by title only.

Roll call: Jaehnig, yes; Spicer, yes; Mead, yes; Miller, yes; Milburn, yes; McKay, yes.

Director of Law read the ordinance by title only.

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

Roll call: Spicer, yes; Mead, yes; Miller, yes; Milburn, yes; McKay, yes; Jaehnig, yes.

Motion passed.

President of Council declared Ord. No. 5178 passed as read.

Councilman Mead introduced legislation annexing territory on Rombach Avenue. He explained that a small sliver of land near this area that needs to be annexed into the city

so that when the next annexation takes place, it will be contiguous with the rest of City property. It is very small – 0.58 acres.

A motion was made by Mead and seconded by Milburn to give the first reading only on the ordinance Authorizing Annexation of Certain Territory Pursuant to Ohio Revised Code §§709.022 and 709.192.

President called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

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

Councilman Mead explained that that the next three items all had to do with the walking path/bike path. There are easements back and forth to allow the City of Wilmington to put their path in a certain area. The first one is to Larry Sewell.

A motion was made by Mead and seconded by Miller to give the first reading only on the ordinance Authorizing the Granting of an Easement to Larry Sewell as Part of the Sugartree Corridor Development Project.

President asked for discussion.

Mayor Riley explained that there are storage locks and apartments near this area owned by Larry Sewell. Our land is going to crowd him in terms of access. We are just going to give him an easement so he can build a fence about two feet into our property, which will allow his traffic to get in and out. It will in no way impede the path.

Seeing no more discussion, President called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

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

Mead introduced legislation granting a non-exclusive parking easement to Jason Besser, et al., as part of the Sugartree Corridor development project.

A motion was made by Mead and seconded by Milburn to give the first reading only on the ordinance Authorizing the Granting of a Non-Exclusive Parking Easement to Jason Besser, Et Al as Part of the Sugartree Corridor Development Project.

President asked for discussion.

Mayor Riley explained that there is a portion of city property to the south of his building that is not needed for the bike path. We do need some of Jason's property to the north side. This is basically a swap of those two pieces of property so we can build the bike trail. It will be coming close to the apartment building, but we need to angle it over the creek.

Councilman Jaehnig verified that the city will give Besser an easement for parking on our land and he is going to give an easement for the bike path on his land.

Seeing no further discussion, President called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

Mead requested that the second reading be on the agenda for the next meeting.

Mead introduced legislation accepting an easement from Besser for the bike path.

A motion was made by Mead and seconded by McKay to give the first reading only on the ordinance Authorizing the Acceptance of a Certain Non-Exclusive Bike Path Easement from Besser, Et Al., as Part of the Sugartree Corridor Development Project.

President asked for discussion.

Seeing none, President called for vote.

Motion passed. All yeas.  
Director of Law read ordinance by title only.

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

Bill Peelle asked if the two hundred acres was included in the annexation legislation.

Brian Shidaker said that it was, but it was not mentioned.

Councilwoman Miller asked for clarification.

Clerk Woods explained that Councilman Mead only mentioned the small city-owned portion that was being annexed. In addition to that, there is a 200-acre tract.

Councilman Jaehnig asked if it was being challenged in any way by Union Township.

Bill Peelle said that Union Township has already signed off.

Paul Hunter asked if the compensation would be 1.2 mil.

Bill Peelle said that it was similar to the last annexation and Union Township had agreed to it.

Water Committee - Chairperson McKay introduced legislation to increase the water rates by \$1.00 per 1000 gallons usage plus a \$5 per user charge. This is not to de-incentivize or cause undue hardship to residents. It is because it has been ten years since we last had an increase and we must increase revenues to maintain our water service in a professional manner. We must have an increase in revenues to maintain the bond coverage. I am asking for three readings and an emergency because of the bond coverage.

Paul Hunter asked if the increase would raise a million dollars.

Councilman McKay said it would raise a little over \$700,000.

[Discussion]

Councilman Mead – We did look at what was originally recommended, which was \$10, and we looked at the increases each coming year to keep the water rates high enough to pay the bills, and we decided that compromise is the best solution in this case to make it more fair to the low water users, \$5 instead of \$10, and the gallon charge, to get about the same amount of money either way. We picked \$5 because it is easier on the low volume user.

President Peterson – This will continue to remain under review. I believe the commitment was January.

Councilman McKay – We have it on the agenda for the January meeting, if I am still chairman. I feel very strongly about this. Previous councils that I have been a part of have decided not to do anything about this for the past ten years. It's past time.

A motion was made by McKay and seconded by Mead to give the first reading only on the ordinance Amending Chapter 929 of the Codified Ordinances of the City of Wilmington In Order to Provide for an Increase in Water Rates, Repealing Any and All Legislation Inconsistent Herewith, and Declaring an Emergency.

President called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

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

Roll call: Mead, yes; Miller, yes; Milburn, yes; McKay, yes; Jaehnig, yes; Spicer, yes.

Director of Law read the ordinance by title only.

A motion was made by McKay and seconded by Milburn to pass the ordinance as read. Roll call: Mead, yes; Miller, yes; Milburn, yes; McKay, yes; Jaehnig, yes; Spicer, yes. Motion passed.

President of Council declared Ord. No. 5179 passed as read.

Councilman McKay – Our Superintendent Jerry Rowlands will be very relieved. Even after passing this, it will be very difficult for us to make our bond coverage. We will just have to deal with that when the time comes.

Streets Committee - Chairperson McKay had no report.

Service Director Reinsmith said that they needed to set up a streets committee meeting because they had a bid opening regarding the street paving. Also, Denny has another issue.

Councilman McKay said they would try to set up something in the next week.

Solid Waste/Recycling - Chairperson Jaehnig had no report.

Wastewater/Sewer Committee - Chairperson Milburn said that Wastewater Committee had met to review the Wastewater rates. This issue is still under review at this time.

Judiciary Committee - Chairperson Jaehnig introduced the second reading on legislation on secondhand stores. This is to help track stolen merchandise being sold in secondhand stores. It is to increase communication between the secondhand stores/swap shops and the Police Department.

A motion was made by Jaehnig and seconded by Miller to give the second reading only on the ordinance Adopting a New Chapter 715 Regarding Secondhand Stores to the Codified Ordinances of the City of Wilmington.

President called for vote.

Motion passed

Director of Law read ordinance by title only.

Jaehnig requested that the third reading be on the Agenda for the next meeting.

Jaehnig introduced two pieces of legislation for applications for grants for the Taxi service. These are done each year.

Councilwoman Miller asked if there was a match to these grants. Councilman Jaehnig explained that it is not a percentage match, but the grant does not usually cover the full cost of running the department.

A motion was made by Jaehnig and seconded by Milburn to give the second reading only on a resolution Authorizing the Submittal of a Proposal with the Ohio Department of Transportation for a Grant Through the U.S. DOT Federal Transit Administration (FTA), as Authorized Under Federal Transit Law, As Codified, 49 USC Section 5311, Financial Assistance for Other than Urbanized Areas and Funds Available From the Ohio Public Transportation Grant Program and Executing a Contract with the Ohio Department of Transportation Upon Grant Proposal Acceptance.

President called for vote.

Motion passed. All yeas.

Director of Law read resolution by title only.

Jaehnig requested that the third reading be on the Agenda for the next meeting.

A motion was made by Jaehnig and seconded by Spicer to give the second reading only on a resolution Authorizing the Mayor to Enter into a Contract with the Ohio Department of Transportation for the 2015 Elderly and Disabled Transit Fare Assistance Program.

President called for vote.

Motion passed. All yeas.

Director of Law read resolution by title only.

Jaehnig requested that the third reading be on the Agenda for the next meeting.

Safety Committee - Chairperson Spicer had no report.

Finance Committee - Chairperson Miller introduced legislation making supplemental appropriations.

Harry McVey explained the requests for supplemental appropriations for the Sewer Fund for sewer rehab, purchase of equipment, a roof for the administration building, and equipment maintenance.

Auditor David Hollingsworth explained the income tax credit card billing supplemental.

Chief Weyand explained the need for additional money in vehicle maintenance and fuel. The supplemental for the communications department is toward a radio system to communicate with the schools.

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

President called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

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

Roll call: Miller, yes; Milburn, yes; McKay, yes; Jaehnig, yes; Spicer, yes; Mead, yes.

Director of Law read the ordinance by title only.

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

Roll call: Milburn, yes; McKay, yes; Jaehnig, yes; Spicer, yes; Mead, yes; Miller, yes.

Motion passed.

President of Council declared Ord. No. 5180 passed as read.

Councilwoman Miller – Most of the budget information is in from the departments.

Downtown Revitalization Committee – Convener McKay – Books ‘N’ More has started the process of closing. The deli will still be open. We need to find something to go into that store space. If anyone knows of anything suitable, please let us know.

Parks and Recreation Committee – In the absence of Convener Stuckert, Councilwoman Miller had no report.

Cemetery Committee - Chairman Mead said there has been no change.

Service Director - Service Director Reinsmith – The CVS project is moving on. We have received all of their engineered site plans and building plans. They have been communicating with the landfill. The railroad is about ready to start the repair of the crossing on Sugartree.

Councilman Jaehnig asked about Rombach. Service Director Reinsmith explained that they would work on that in the spring. They own the railroad, but CSX owns the land.

Paul Hunter asked if bids for the street paving had come in. Service Director Reinsmith said the bids were larger than expected and they would be bringing them back to council for discussion.

[Discussion of streets]

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

Reports

A motion was made by Jaehnig and seconded by McKay that the Income Tax Report – August 2014, be accepted as presented.  
Motion passed.  
Reports accepted as presented.

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

Mayor Riley – On Thursday, September 11, at 7:30 a.m. the City will be holding a ceremony in the back parking lot to remember those who died on September 11, 2001.

Councilman McKay – This coming Monday at 4:00 p.m., at the Presbyterian Church, there will be a community meeting organized by the Wilmington Ministerial Association brought on some of the racial tensions in St. Louis and much closer in Beavercreek. It is planned to be a non-confrontational meeting to look at where we are in this community.

Paul Hunter – 200 Randolph – In regard to the sewer line being run to McMahan’s trailer park. We lost the income from the higher water rates of them being outside the city once they were annexed. We were supposed to cancel out that loss from gaining sewer, but we’re not gaining the sewer yet. The lining of the sewer lines and other things done in that department have saved the city \$7.4 million. There is some confusion about who is paying the utility bill for the Streets Department. They are not paying their DP&L bill, so we have to assume the Wastewater is picking that up. We haven’t heard anything about that since the arrangement was made. Wastewater is paying for the Street’s DP&L bill because of the metering situation.

Harry McVey explained that the Sewer Department is getting reimbursed for the utilities. He explained that he bills that department for that.

[Discussion of utility billing in Streets and Wastewater Departments]

President Peterson asked if anyone else wished to address council while in session.

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

A motion was made by Jaehnig and seconded by Miller to adjourn.  
Motion passed.  
Council adjourned.

ATTEST:

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President of Council

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Clerk