

Wilmington City Council met in regular session on Thursday, September 18, 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.

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

Motion passed. All yeas.

Absent member excused.

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 Miller and seconded by Spicer to approve the minutes of the last regular meeting, September 4, as presented.

Motion passed. All yeas.

Minutes approved as presented.

President Peterson opened the public hearing for the Wilmington Transit Programs for 2015.

Wilmington Transit Director Phil Floyd – The public hearing is one of the final requirements of the 2015 Rural Transit Grant Proposal process. This process includes three readings of a resolution authorizing the submittal of grant applications, along with our proposed budget and the official certifications and assurance documents stating that we, the Wilmington Transit System and the City of Wilmington, will follow all federal and state guidelines and regulations in providing our community with a public transportation system using state, federal and local funds. The primary purpose of any rural transit public system is to ensure that individuals living in a non-urbanized area have the necessary transportation to access healthcare, shopping, education, employment, public services and recreation. Often people can be isolated in their communities and even in their homes, unable to access the necessary services to maintain even the basic quality of life. The Wilmington Transit System provides life-sustaining connection between Wilmington area residents and basic life services. This year, 2014, we're celebrating our thirtieth year of providing this valuable service. Even through the recent difficult economic years, due to the hard work and dedication of our six full-time and fifty part-time employees, we're very pleased to have been able to maintain our service hours and not have to increase our fares. This year alone, Wilmington Transit will provide a projected 147,000 rides. This will be an increase of seven percent over last year's total and an all-time record number of rides. We provided all of these rides with a fleet of seventeen vehicles, which includes five larger LTN vans with electric wheelchair lifts, five modified minivans, some with wheelchair ramps, some without. We also have seven standard minivans. Because of cost restraints, we have not been able to expand our fleet, which we desperately need to do. Each year, we continue to see an increase in ridership, which stretches our ability to provide the quality of service the community has come to expect. We have continued to see reductions in available federal and state funds over the last several years, while, at the same time, endeavoring to keep our local contribution as low as possible. The one area that we found to be most challenging and unfortunate is longer wait times. We apologize to the community for this and ask for your patience and understanding until we can see an increase in federal, state and local funding so that we can expand services to better cope with the ever-increasing demand. For fiscal year 2015, we have applied for a total of

\$990,980 in federal and state grants. Along with these federal and state grant funds, plus locally generated fares, contract revenues, sales of vehicles we will be replacing, fuel tax rebate, and city matching funds, we will be working with total budget of \$1,666,178.60. The amount required to be made available in the General Fund as local matching funds for operating, just for operations, will be \$270,970.00, plus \$72,023.00 in capital funds for vehicle replacement – for a total of \$342,992.00. That will equal twenty percent of the total operating and capital budget. Our plan is to replace five vehicles in 2015, four modified minivans and one larger LTN van with an electric wheelchair lift. Our continued goal will be to provide Wilmington and the surrounding area with the safe the efficient transportation services that we have had for the last thirty years. We thank Mayor Riley and all of the Councilmembers for their continued support and especially for recognizing the hard work and dedication of all city employees.

Councilman McKay – Do you see trend continuing downward for funding from the federal and state and do you know the reason?

Phil Floyd – Unfortunately, Ohio is like the bottom five states in the nation that totally underfunds public transportation. They have one of the lowest percentages of monies made available for public transportation. Ten years ago, they were providing \$40 million within the total transportation budget for public transit – spread out over the fifty-three systems throughout Ohio. This year, it is \$7.2 million. Why Ohio is lacking in the understanding of how important public transportation is and is becoming more and more so, I don't have an answer for. But it has decreased. We have new people in ODOT in the Transit Department. They have lost people. They have gone from thirty employees down to eleven in the last three years. The people that are there making the decisions don't know us any differently than all of the other systems. We had people before who knew that we had something special here, being in the top three systems as far as efficiency and performance numbers. So, it's been more and more difficult. It used to be that we would request funds and they would approve without question. In the last two years, with new people, they tell us how much they are giving us before we even start the process – here are the funds we're allotting to Wilmington Transit. I then go back and make a case – last year I drove to Columbus and met with them – to why we need more funds. Last year, we were reasonably successful. This year, we were mildly successful in getting our funds upped somewhat. Operating funds – they didn't budget. It's the same as last year, which was lower than the year before. They did increase our capital maintenance funds because of the cost of maintaining vehicles that have over 250,000 miles – because one year we had to skip replacing vehicles because of our budget situation. So, we're trying to catch up with that. I don't know when and if or at what point they will be able to increase transportation funds.

Councilman McKay – I know you don't have a crystal ball, I just wanted to hear your overview of it.

Phil Floyd – We are doing our best to just maintain service without raising fares until things get better. We need to expand service desperately because when we're moving 147,000 people in a year's time, obviously expense go up, but we're trying to be as fiscally responsible as we can be and I feel that we have been and will continue to be so until something forces us to make decisions to change.

Auditor David Hollingsworth – A general comment, it's like any other source of revenue that local municipalities have been getting from the state – I think Governor Kasich has made a concentrated effort to cut the individual tax rates. He has even made some pretty substantial cuts in effective tax rates to small businesses, especially pass-through entities. Last year was the first year that if you were a partnership or a subchapter S-Corporation where the shareholders or the partners pay the tax on the income, they could get a state deduction for up to \$125,000. I think what their philosophy is, which I think we have to take into consideration in the city as a whole, is they are making concessions to the individual taxpayers at the state level, but forcing municipalities such as ourselves to generate their own revenues to support their own systems and services.

Paul Fear – And schools and counties. The whole thing is coming down from a balanced budget at the state – balance that budget and starve the communities is basically what it is.

Councilman Jaehnig – The increases – is there a specific demographic that you are seeing the increase in ridership in?

Phil Floyd – Yes. We have seen more seniors and those that require assistance, which means we provide the card that allows for the reduction in fares. We are reimbursed for that through one portion of the grant.

Councilman Jaehnig – Those are the ones that we worry about the most being able to get to healthcare and food and things of that nature.

Councilwoman Miller – Do you take demographics as you enter the fare or is this just an observation?

Phil Floyd – We do try to track demographics as a whole. That helps us when we apply for the grants.

Councilwoman Miller – How do you track that demographic?

Councilwoman Milburn – Do you track it through the cards?

Phil Floyd – Partly. There are statistics available on multiple websites through the state or federal to help you see what the demographics are for your areas.

President Peterson – I think they are referring to our ridership demographics – like the percentage that have discount cards.

Phil Floyd – Fifty percent.

President Peterson – Has that stayed consistent over the years?

Phil Floyd – No. It's growing.

Councilman McKay – If you can think of anything we can do to help, we would certainly be on board.

Phil Floyd – We certainly can write our legislators and seek their backing to try to get public transportation increased.

Councilman McKay – We have some pretty good local ones now, so we all should bend their ears.

Jonathan McKay - How does Wilmington Transportation stack up against receiving grants and that type of thing compared to other states – like Indiana and Illinois – with other rural counties?

Phil Floyd – Ohio has one of the lowest percentages of their total budget allotted to public transit, so they have a certain amount of money and they lay out the applications of fifty-three systems and make determinations based on several factors. One is performance. That is one area that we excel. Our performance numbers are very high. We have done a really good job of being efficient with the monies we have been given – obviously, because we have not had to raise fares or lower service with less money. They see that, so they take that into consideration. Still, when you have new people at the helm, you are less likely to see maybe some slight favoritism because of your efforts. We see a whole new group up there and it's just a little bit more difficult to work with them to get the funds raised. But we were successful in getting a little bit more than they initially proposed.

President Peterson – Are there any more questions?

Phil Floyd – I would ask that everyone in attendance as they leave sign an attendance sheet.

President Peterson closed the public hearing on Wilmington Transportation.

Mayor – In the absence of Mayor Riley, there was no report.

Auditor - Auditor David Hollingsworth – I met with Mary Kay and we talked about the budget. Most of the departments have their budgets in. We'll start compiling the information and put together what we have. We are making progress.

Asset, Acquisition and Use. - Chairperson Mead introduced legislation authorizing an annexation. At the last meeting, for some reason, I overlooked the two hundred-plus acres. I thought we were doing the sliver first and the two hundred later. As it turned out, it was all in the ordinance. We will be doing the second reading on the two hundred acres that are being annexed plus the sliver of land.

A motion was made by Mead and seconded by Miller to give the second 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.

Paul Hunter asked who negotiated the annexation agreement between the city and the township.

Law Director Shidaker explained that the agreement was modeled after the previous annexation and both parties agreed on the terms.

Paul Hunter – The terms are more detrimental because it is closed-in property and the values are going to skyrocket. If you just did one Wal-Mart, one Damon's and a few houses, you're talking about astronomical value to that property. If we do this and the value triples or quadruples in the next five years, so will our contribution to the county. I would be quite happy to see a present value 10-year flat rate. That is more than generous. It would replace whatever they are losing in the near term.

Councilwoman Miller – I view it as a compromise. We could bully them but that doesn't breed good relationships in my opinion. I understand your concern, but it's not like I have to go to the General Fund and get \$10,000 and pay Union Township. We're receiving taxes and they are getting the tax money that we received. We're getting money and we're giving it back to them as an agreement for a short period of time – not for perpetuity like the last time. They have built a budget around that income and they have given it to us for the possibility of development and we're weaning them.

[Discussion of Annexation]

Director of Law read ordinance by title only.

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

Councilman Mead introduced legislation to grant easement to Larry Sewell.

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

President called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

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

Councilman Mead introduced legislation authorizing granting a parking easement to Besser.

A motion was made by Mead and seconded by Miller 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 called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

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

Councilman Mead introduced legislation accepting a bike trail easement from Besser.

A motion was made by Mead and seconded by Miller 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 called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

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

Water Committee - Chairperson McKay introduced legislation to rescind a previous resolution and authorize the mayor to apply to OPWC in the amount of \$117,274.00 for aerator and mixer installation at airpark and fairground water towers. This will help to reduce trihalomethanes.

Service Director Reinsmith explained the rating system for OPWC applications and explained that the changes were needed to strengthen the applications. The aerator project ended up being the number one rated application in the county. The Ahresty application also is good.

A motion was made by McKay and seconded by Jaehnig to give the first reading only on a resolution Rescinding Resolution No. 2365 and Authorizing the Mayor to Apply to the Ohio Public Works Commission (OPWC) Funding for \$117,274.00 for the Airpark and Fairground Water Tower Aerator and Mixer Installation Project and Declaring an Emergency.

President called for vote.

Motion passed. All yeas.

Director of Law read resolution by title only.

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

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

Director of Law read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2373 passed as read.

Councilman McKay introduced legislation replacement of water line on Fife Avenue. Hopefully it will reduce some of the water loss we are having.

Councilman Jaehnig – Is this the same area we are looking at for street paving?

Service Director Reinsmith – No. The paving starts right there where the triangle is at the bank and goes to Lawnview. The water project begins at Lawnview and goes to the Airpark.

A motion was made by McKay and seconded by Mead to give the first reading only on a resolution Rescinding Resolution No. 2366 and Authorizing the Mayor to Apply to the

Ohio Public Works Commission (OPWC) Funding for \$355,034.00 for the Fife Avenue Water Main Replacement Project and Declaring an Emergency.

President called for vote.

Motion passed. All yeas.

Director of Law read resolution by title only.

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

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

Director of Law read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2374 passed as read.

Streets Committee - Chairperson McKay introduced legislation authorizing OPWC application for the Airborne Connector at the area near Ahresty.

Councilman Jaehnig – Whose land are we building the road on?

Director of Clinton County Regional Planning Chris Schock – The road will be partially on Ahresty property and partially on property south of Ahresty, which is a land trust.

Councilman Jaehnig – They are interested in a new road, so we will not have to pay for it?

Chris Schock – That is correct. This is whole new road that will connect with the existing intersection at Praxair Drive and then move eastward through that parcel south of the water tower and then move onto part of Ahresty's property and meet Cuba Road. That will be the first phase. The second phase will continue eastward from Cuba to Airborne Road.

President Peterson – If I recall from the Committee meeting, that will help Ahresty because if there is a train, no one can exit the property currently.

Chris Schock – It has been a long-term issue that the city has examined multiple times over the years. Ahresty's main entrance to the facility is an un-gated, uncontrolled driveway across the rail line. So it is quite unsafe by any standard. As Ahresty expands and continues to expand, they have more and more traffic going across that and especially a lot more semi traffic as their operations have accelerated. It is especially timely to build this entrance. This new intersection will then be the driveway essentially for Ahresty as well. They will abandon their existing driveway and have their frontage off this new connector. It will also involve the construction of a turning lane southbound on US 68, so you will be able to stack traffic before turning in safely.

Councilman McKay asked Chris Schock to speak about the funding.

Chris Schock – The opportunity is before us as a city because we have been able to secure a major grant from Jobs Ohio tied to Ahresty's expansion and work. It is an opportunity to get the project built with essentially no city money involved in the project. It would be JobsOhio, potentially OPWC (if we can get the funding from this source), and Ahresty is committing \$30,000 worth of local resources to the project as well.

A motion was made by McKay and seconded by Jaehnig to give the first reading only on a resolution Rescinding Resolution No. 2368 and Authorizing the Mayor to Apply to the Ohio Public Works Commission (OPWC) Funding for \$810,536.00 for the Airborne Connector Project and Declaring an Emergency.

President called for vote.

Motion passed. All yeas.

Director of Law read resolution by title only.

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

Roll call: Miller, yes; Milburn, yes; McKay, yes; Jaehnig, yes; Spicer, yes; Mead, yes.  
Director of Law read the resolution by title only.  
A motion was made by McKay and seconded by Milburn to pass the resolution as read.  
Roll call: Milburn, yes; McKay, yes; Jaehnig, yes; Spicer, yes; Mead, yes; Miller yes.  
Motion passed.  
President of Council declared Res. No. 2375 passed as read.

Solid Waste/Recycling - Chairperson Jaehnig had no report.

Wastewater/Sewer Committee - Chairperson Milburn had no report.

Judiciary Committee - Chairperson Jaehnig introduced legislation adopting regulations for secondhand stores.

A motion was made by Jaehnig and seconded by Spicer to give the third 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. All yeas.  
Director of Law read ordinance by title only.  
A motion was made by Jaehnig and seconded by Milburn to pass the ordinance as read.  
President called for vote.  
Motion passed. All yeas.  
President of Council declared Ord. No. 5181 passed as read.

Councilman Jaehnig introduced legislation regarding authorizing to apply for grants for the Wilmington Transit System.

A motion was made by Jaehnig and seconded by Spicer to give the third 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.  
A motion was made by Jaehnig and seconded by Miller to pass the resolution as read.  
President called for vote.  
Motion passed. All yeas.  
President of Council declared Res. No. 2376 passed as read.

A motion was made by Jaehnig and seconded by Spicer to give the third 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.  
A motion was made by Jaehnig and seconded by Milburn to pass the resolution as read.  
President called for vote.  
Motion passed. All yeas.  
President of Council declared Res. No. 2377 passed as read.

Safety Committee - Chairperson Spicer explained that Detective Kratzer was retiring from the Police Department on September 19 and introduced legislation providing the officer with his sidearm and badge.

Duane Weyand explained that Detective Brian Kratzer has been with the department for 23 years and worked 6 years with the Clinton County Sheriff's Office.

A motion was made by Spicer and seconded by McKay to give the first reading only on a resolution Regarding a Retiring Officer's Service Weapon and Badge, Providing for Release of Claims, and Honoring Said Officer with the Presentation of the Same, and Declaring an Emergency.

President called for vote.

Motion passed. All yeas.

Director of Law read resolution by title only.

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

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

Director of Law read the resolution by title only.

A motion was made by Spicer and seconded by Milburn to pass the resolution as read.

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

Motion passed.

President of Council declared Res. No. 2378 passed as read.

Councilman Spicer – Tuesday morning at 8:00 a.m. there will be a Safety Committee meeting.

Finance Committee - Chairperson Miller introduced legislation making supplemental appropriations for fuel for the Streets Department, mowing equipment, street paving, and a new car for probation.

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.

Councilman Mead asked where the \$130,000 from Permissive Tax fit into the supplementals.

Auditor David Hollingsworth explained that this amount being appropriated was in addition to monies already appropriated for Permissive Tax.

Councilwoman Miller asked for verification: Overall, \$250,000 is coming from the General Fund and the \$100,000 is coming from the Permissive Tax. \$80,000 is already in line and another \$20,000 needs to be appropriated. Auditor David Hollingsworth said that was correct.

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

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

Motion passed.

President of Council declared Ord. No. 5182 passed as read.

Councilwoman Miller introduced legislation for a miscellaneous transfer for the Solid Waste Department for hydraulic oil.

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

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: 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 Miller and seconded by McKay to pass the ordinance as read.



Roll call: Miller, yes; Milburn, yes; McKay, yes; Jaehnig, yes; Spicer, yes; Mead, yes.  
Motion passed.  
President of Council declared Ord. No. 5183 passed as read.

Councilwoman Miller introduced legislation accepting the tax amounts provided by the county auditor. It is a foundation for the budget.

Auditor David Hollingsworth explained that it is approximately \$25,000 less than what we were issued in previous years.

A motion was made by Miller and seconded by McKay to give the first reading only on a resolution Accepting the Amounts and Rates as Determined by the Budget Commission and Authorizing the Necessary Tax Levies and Certifying Them to the County Auditor.

President called for vote.

Motion passed. All yeas.

Director of Law read resolution by title only.

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

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

Director of Law read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2379 passed as read.

Downtown Revitalization Committee – Convener McKay – The mural is taking shape on the Bosworth building. David Wright wrote a stupendous column in the news journal regarding sharing the truth, good or bad. In it, he talks about Wilmington in general and the aftermath of the DHL crisis.

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

Cemetery Committee – Councilman Mead had no report.

President Peterson suggested that the committee report be removed from the agenda until the committee becomes active.

Service Director - Service Director Reinsmith had no report.

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 Auditor Treasurer 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.

Councilman Jaehnig – Have we decided on which roads we're moving forward on for paving?

Service Director Reinsmith – We are working on that. We are signing contracts on Monday and hopefully starting on Tuesday. I've been driving the streets to determine what will be on the cut list.

Paul Hunter said that while we are looking at increasing water revenues, we also should look at information on leakage in the water system. He presented statistics suggesting that 130 million gallons of water has gone missing. He suggested the information be

confirmed and action be taken if it is true. The city is wasting both water and treatment chemicals. Hopefully the Fife Avenue work will help reduce the loss, but the system needs to be evaluated.

Councilwoman Miller said the audit found that we do have a high rate of leakage and encouraged that work be done to remedy this.

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