

Wilmington City Council met in regular session on Thursday, October 2, 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.

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

Motion passed. All yeas.

Absent member excused.

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, October 2, as presented.

Motion passed. All yeas.

Minutes approved as presented.

Mayor - Mayor Riley – October is Breast Cancer Awareness Month. Please be aware of these health concerns.

Mayor Riley announced that he would do a swearing in later in the meeting for Police Sergeant Neil Rager.

Auditor - Auditor David Hollingsworth – Mary Kay and Brenda have started entering the numbers into the budget.

Councilwoman Miller asked if he knew when it would be completed, and Auditor David Hollingsworth answered that he did not.

Mayor Riley – As in last year, we will be also looking at a capital budget in addition to the operating budget.

Asset, Acquisition and Use. - Chairperson Mead introduced legislation authorizing the mayor to enter into an annexation agreement for property on Rombach Avenue.

A motion was made by Mead and seconded by McKay to give the third 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.

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

President called for a vote.

Motion passed. All yeas.

President of Council declared Ord. No. 5184 passed as read.

Councilman Mead introduced legislation granting an easement to Larry Sewell as part of the Sugartree Corridor Project.

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

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

President called for a vote.

Motion passed. All yeas.

President of Council declared Ord. No. 5185 passed as read.

Councilman Mead introduced legislation granting an easement to Jason Besser, et al. as part of the Sugartree Corridor Project.

A motion was made by Mead and seconded by McKay to give the third 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.

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

President called for a vote.

Motion passed. All yeas.

President of Council declared Ord. No. 5186 passed as read.

Councilman Mead introduced legislation accepting an easement from Jason Besser as part of the Sugartree Corridor Project.

A motion was made by Mead and seconded by Jaehnig to give the third reading only on the ordinance Authorizing the Acceptance of a Certain Non-Exclusive Bike Path Easement from 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.

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

President called for a vote.

Motion passed. All yeas.

President of Council declared Ord. No. 5187 passed as read.

Water Committee - Chairperson McKay had no report.

Streets Committee - Chairperson McKay – The street paving is going very well.

Solid Waste/Recycling - Chairperson Jaehnig had no report.

Wastewater/Sewer Committee - Chairperson Milburn had no report.

Judiciary Committee - Chairperson Jaehnig introduced legislation adding a lien on the tax duplicate for property located at 142 N. Mulberry Street that was demolished earlier in the year. The demolition was funded, in part, using CDBG funds and the state requires a tax lien to be placed on the property. In committee, there was a discussion over the concern of putting a large debt on an empty piece of property and the likelihood that the property will ever be purchased and the debt paid off and development occurring. The administration and the law director are looking into options for these types of properties. At what point do we start seizing these properties and then selling them for whatever we can get out of them and then putting them back on the market? When you have a piece of property that has a land value of \$10,000 and \$3000 of past taxes and you add \$20,000 for tearing down the home. The purchase price on the property become exorbitant.

Councilman McKay asked if there was a reason it had to be done right now.

Councilman Jaehnig – We have asked for an extension from the Auditor to put the lien in. It is a requirement of CDBG that it is done.

[Discussion of lien]

Councilwoman Miller asked where the money goes if it is recouped – back to the state or to the city.

Councilman Jaehnig explained that the money would be held by the city for future CDBG projects.

Paul Hunter added that it was not only demolition, but delinquent taxes, city has legal right to take the property.

[Discussion of foreclosures of property and delinquent taxes]

A motion was made by Jaehnig and seconded by Milburn to give the first reading only on a resolution Authorizing the Clerk of council to Certify the total Cost of Nuisance Abatement at 142 N. Mulberry Street, Parcel No. 29024010B0400, to the Clinton County Auditor for Assessment, 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 Jaehnig and seconded by Miller 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 Jaehnig 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. 2383 passed as read.

Councilman Jaehnig introduced legislation granting a UDAG loan to James Bisig for his automotive shop out on S. South Street. He stated that the city would be holding a second place mortgage after NB&T. In the revolving loan fund, as of the end of August, we have \$383,177.34.

A motion was made by Jaehnig and seconded by Milburn to give the first reading only on A Resolution Authorizing a Revolving Loan fund (UDAG) to James Bisig and Bisig Automotive, LLC. 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 Jaehnig and seconded by McKay 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 Jaehnig and seconded by McKay 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. 2384 passed as read.

President Peterson asked the Law Director to speak to the next agenda item.

Law Director Shidaker – We received an application from the Masonic Temple Company. Councilman Mead is the president of that board. As a member of a council and being the president of the board applying for the UDAG grant, as a legal advisor, I advise you to abstain from voting. This also puts us at a number that we will not be able to pass this in three readings tonight.

President Peterson pointed out that other council members may be Masons.

Law Director Shidaker - My understanding is there is a division between the Masonic Company who owns the building and members who may be Masons. Councilmembers who may be Masons would not be connected with the Masonic Company.

Councilman Mead verified that it is a separate company from the Masons that is asking for the loan. The Masonic Company is a freestanding Ohio corporation with six board members. The only connection they have with the Masonic bodies is that they happen to be Masons.

Law Director Shidaker – Based on that information, I don't believe anybody who is a member of the Masons would have a conflict in voting on this legislation, except for Councilman Mead, who is the President of that Board.

Councilman Jaehnig introduced legislation granting a UDAG loan to the Wilmington Masonic Temple Company, Inc. for the installation of a boiler. The boiler that heats the building has been completely rehabbed once and is on its second dying breath. It is functioning for the moment, but they are not sure how much longer it will last. They are asking for a loan to cover a portion of the cost to replace the heating and cooling system in the building. The objective is to be able to rent out the space again that Books 'N' More currently occupies. With the business plan of the renting the space and with the city holding a first position mortgage, the likelihood of the city recouping the funds is very high. Our understanding is there are no current plans to sell the building. They are asking for \$50,000. Because of its non-profit nature, we are asking for zero percent interest.

A motion was made by Jaehnig and seconded by Miller to give the first reading only on a resolution Authorizing a Revolving Loan Fund (UDAG) to Wilmington Masonic Temple Company, Inc. 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 Jaehnig and seconded by Miller to table the resolution to the next meeting when more voting members are available.

President called for a vote.

Motion passed. All yeas.

Councilman McKay noted that you could only table things until the end of the meeting, but if you postpone it, it can be revisited at the next meeting.

Law Director Shidaker verified that it would need to be revisited at the end of the meeting and then ask to be postponed.

President Peterson asked for the Mayor to perform the swearing-in ceremony.

Mayor Riley performed a swearing-in ceremony for Sergeant Neil Rager.

Safety Committee - Chairperson Spicer introduced legislation to declare a police car as surplus.

A motion was made by Spicer and seconded by Milburn to give the first reading only on a resolution Declaring Surplus Property, to Wit: Police Department Vehicle Valued at More Than \$1000, and Authorizing the Sale of Said Vehicle, 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 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 Spicer and seconded by Jaehnig 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. 2385 passed as read.

Finance Committee - Chairperson Miller introduced legislation accepting the local government assistance formula as provided by the county.

Auditor David Hollingsworth explained that the dollar amount issued to the city is substantially less than what we used to get because of the reduction of funds from the state. The city used to get over \$400,000.

A motion was made by Miller and seconded by Mead to give the first reading only on a resolution Accepting Local Government Assistance Formula as Provided by the Clinton 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 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 Miller and seconded by McKay 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. 2386 passed as read.

Downtown Revitalization Committee – Convener McKay – The mural on the Bosworth building is about three-fourths completed. Clinton County Dancing with the Stars will be on November 7 at 7:30. Many Clinton County notables will be dancing. This is a fundraiser for the Murphy Theatre. Whoever raises the most money wins. Each dollar equals a vote.

[Discussion of Dancing with the Stars promotion]

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

President Peterson asked for the Judiciary committee to complete its business.

A motion was made by Jaehnig and seconded by Miller to postpone the second and third readings on the Masonic Temple RLF loan until the next regular council meeting.

Motion passed. All yeas.

Service Director - Service Director Reinsmith – The City has almost completed its paving projects.

Safety Director – Safety Director Russ Burton had no report.

Reports

A motion was made by Jaehnig and seconded by McKay that the Income Tax Report – September 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.

Councilwoman Miller announced that there will be no Finance Committee meeting next week.

Paul Fear announced that the Park Board meeting was Monday at six.

Bob Irwin spoke to the council regarding the recent Motorcycle Training Programs. We had two classes. We had 14 students involved – nine men and five women. Of the fourteen, twelve passed. Ages ranged 20 to 75. Everyone was pleased. We are within budget. Special thank you to the Chief and Anna for helping with the paperwork of the grant. He read a letter from one of the students.

Councilwoman Miller asked where the classes are advertised. Chief Weyand answered that they can be found on the Ohio Department of Public Safety’s website.

Paul Hunter, 200 Randolph Street – At the Port Authority meeting, I asked if the JUMP hangar employment of 259 was on track. They now have 148 new employees at the JUMP hangar. I have not heard anyone looking for the 130 million gallons of missing water yet. Also, we are still not collecting the sewer money from McMahan’s to make up for the loss of revenue. They are having trouble out there as I understand.

Service Director Reinsmith – They were almost done and they put the pipe in the wrong location. They have to move it.

Mayor Riley – If you want to call me about the water, I will be glad to talk to you about that.

Councilman McKay announced the passing of Mayor Chad Hollon of Blanchester.

Mayor Riley said the funeral is Saturday morning at 10 o’clock at the Grace United Methodist Church in Blanchester. Visitation will be the evening before at Tufts.

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 to adjourn.

Motion passed.

Council adjourned.

ATTEST:

President of Council

Clerk