

Wilmington City Council met in regular session on Thursday, September 17, 2015, at 7:30 p.m. with President Cindy Peterson presiding.

Call to Order

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

Chief Weyand was also present.

A motion was made by McKay and seconded by Miller to excuse the absent members (Milburn and Mead).

Motion passed. All yeas.

Absent members 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 Jaehnig and seconded by McKay to approve the minutes of the last regular meeting, September 17, as presented.

Motion passed. All yeas.

Minutes approved as presented.

Mayor - Mayor Riley announced the Fire Department Open House at the Sugartree Street location on October 10 as a celebration of their 175th birthday for the Wilmington Fire Department. The Mayor's Golf Tournament will be held on September 20, and all proceeds will go to the American Childhood Cancer Organization. There will be a Hope Over Heroin event on October 9 and 10 at the south end of town. Cardboard City will be at the Courthouse on September 19. They will be doing a Hands Around the Courthouse event and a Canstruction event. All proceeds of that event go toward the Homeless Shelter.

Mayor Riley presented a Proclamation announcing Adult Literacy Week as September 21-26.

Auditor - Auditor David Hollingsworth had no report.

Asset, Acquisition and Use – In the absence of Chairperson Mead, there was no report.

Water Committee - Chairperson McKay had no report.

Streets Committee - Chairperson McKay introduced legislation authorizing a dedication agreement for property located on the proposed site of the Phase 1 Airborne Connector.

Service Director Reinsmith explained the details of the land agreement for property located at the site of the proposed Airborne Connector. The four owners of the property are donating the land to the city. In return, the city will extend utilities to the south side of the road in the event of development in the future. ODOT needs to see the agreement quickly as we are going back to them for additional funding.

Councilwoman Miller asked how many existing utility lines there are. The Exhibit A map does not show the utilities.

Service Director Reinsmith said it would affect electric, water and sewer. Electric is already on the property. We have a manhole north of the roadway. The water line is a 12-inch line that comes from Cuba Road, so it is already on the property, it is just on the north side of the proposed road.

Mayor Riley – The entrance to Ahresty is offset; it does not line up with American Way. Ahresty will have an entrance to their property off of the connector. There will be signalization at the railway crossing. It is also a step to the connector that goes all the way to Airborne Road.

Service Director Reinsmith – The crossing will have gates and lights. At the same time there will be a traffic signal. There are a couple of thousand people go over.

Councilwoman Miller reiterated that the pre-existing utilities are not shown per the agreement on Exhibit A and council should know where those currently are.

[Discussion of connector road agreement]

Councilman Jaehnig pointed out that a facility the size of Ahresty would not be able to be built with a single entrance now. It is a great opportunity for funding to make these changes.

A motion was made by McKay and seconded by Jaehnig to give the first reading only on the ordinance Authorizing the Mayor to Enter Into Airborne Connector Road Phase 1 Dedication Agreement; and Declaring an Emergency.

President called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

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

Councilman McKay introduced legislation creating a no parking zone on South Walnut near Sugartree Street. When trucks try to turn left from Sugartree Street onto Walnut it causes a problem.

A motion was made by McKay and seconded by Spicer to give the first reading only on the ordinance Amending the Traffic Control Map and the Traffic Control File to Create a No Parking Zone South Walnut Street.

President called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

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

Councilman McKay introduced legislation creating a four-way stop at Walnut and Short Streets.

A motion was made by McKay and seconded by Miller to give the first reading only on the ordinance Amending the Traffic Control Map and the Traffic Control File to Create a Four-Way Stop at the Intersection of South Walnut Street and East Short Street.

President called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

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

Councilman McKay introduced legislation authorizing an Urban Paving Project on SR 730.

Service Director Reinsmith explained the ODOT project parameters, with paving extending from South Street to the corporation line at Nelson Road on State Route 730. There is quite a bit of full-depth repair on the project, and that part is paid at 100% by

the City. It has been engineered and sells in March. There will be final legislation once ODOT bids it out and has final numbers.

A motion was made by McKay and seconded by Miller to give the first reading only on a resolution For an Urban Paving Project to Plane and Resurface a Portion of SR 730 in the City of Wilmington and Declaring an Emergency.

President called for vote.

Motion passed. All yeas.

Director of Law read resolution by title only.

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

President Peterson asked that there be maps attached to the legislation when we amend the traffic control maps of the actual areas. I too cannot see the utility lines on the Dedication Plat. I would encourage the Law Director and administration to review that.

Solid Waste/Recycling - Chairperson Jaehnig had no report.

Paul Hunter asked if there was an update on cardboard recycling. He also asked if quarterly recycling reports could be given. Councilman Jaehnig said he thought that would be a good idea.

Wastewater/Sewer Committee – In the absence of Chairperson Milburn, there was no report.

Judiciary Committee - Chairperson Jaehnig had no report.

Safety Committee - Chairperson Spicer had no report.

Finance Committee - Chairperson Miller introduced the third readings on legislation previously reviewed on August 20 and September 3.

A motion was made by Miller and seconded by Spicer to give the third 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 pass the ordinance as read.

President called for vote.

Motion passed. All yeas.

President of Council declared Ord. No. 5249 passed as read.

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

President called for vote.

Motion passed. All yeas.

President of Council declared Ord. No. 5250 passed as read.

A motion was made by Miller and seconded by Stuckert to give the third reading only on a resolution Authorizing Payment of Expenses Incurred in Prior Fiscal Year.

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 pass the resolution as read.

President called for vote.

Motion passed. All yeas.

President of Council declared Res. No. 2429 passed as read.

A motion was made by Miller and seconded by Stuckert to give the third 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 Stuckert to pass the resolution as read.

President called for vote.

Motion passed. All yeas.

President of Council declared Res. No. 2430 passed as read.

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

President called for vote.

Motion passed. All yeas.

President of Council declared Res. No. 2431 passed as read.

A motion was made by Miller and seconded by Stuckert to give the third reading only on a resolution Declaring it Necessary to Light the Streets, Lanes, Alleys, Lands, Squares and Public Places in the City of Wilmington, Ohio, with Electric Lights, and for Special Assessments to be Levied to Pay the Cost Thereof for the Year 2016.

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 pass the resolution as read.

President called for vote.

Motion passed. All yeas.

President of Council declared Res. No. 2432 passed as read.

A motion was made by Miller and seconded by Stuckert to give the third reading only on a resolution Approving Liens Pursuant to §§729.49, 743.04 of the Ohio Revised Code and §§923.09, 929.03 and 1729.03 of the Codified Ordinances of the City of Wilmington, and Declaring an Emergency (Utility delinquencies and mowing/debris removal fees).

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 Stuckert to pass the resolution as read.

President called for vote.

Motion passed. All yeas.

President of Council declared Res. No. 2433 passed as read.

A motion was made by Miller and seconded by McKay to give the third reading only on the ordinance Establishing a New Fund.

President called for roll call vote.

Roll call: Jaehnig, no; Spicer, yes; Stuckert, yes; Miller, yes; McKay, yes.

Director of Law read ordinance by title only.

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

President called for roll call vote.

Roll call: Spicer, yes; Stuckert, yes; Miller, yes; McKay, yes; Jaehnig, no.

Motion passed. All yeas.

President of Council declared Ord. No. 5251 passed as read.

Councilwoman Miller introduced finance legislation previously presented at the September 5 council meeting.

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

President called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

Miller requested the third reading be on the Agenda for the next council meeting.

A motion was made by Miller and seconded by Stuckert to give the second reading only on a resolution Accepting Various Gifts.

President called for vote.

Motion passed. All yeas.

Director of Law read resolution by title only.

Miller requested the third reading be on the Agenda for the next council meeting.

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

President called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

Miller requested the third reading be on the Agenda for the next council meeting.

Councilwoman Miller introduced legislation making Supplemental Appropriations: From Federal Forfeited Fund to Program Expense - \$4,000.00; From State Forfeited Fund to Program Expense - \$2,400.00; from General Fund to Indigent Burial - \$750.00; from General Fund to Legal Advertising - \$7,000.00.

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.

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

Councilwoman Miller introduced legislation making miscellaneous transfers: From Police Motor Vehicle to Education and Training - \$1,200.00; from Jail and Workhouse to Police Incidentals - \$1,500.00; from Street Improvements to Architectural and Engineering - \$6,241.00; from Principal Payment to Interest Payments - \$35,522.00; from Income Tax Salaries to Income Tax Incidentals - \$1,000.00.

A motion was made by Miller and seconded by McKay 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.

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

Councilwoman Miller introduced legislation raising the compensation rate for the positions of Auditor and Treasurer to allow them to maintain eligibility for service credit. Councilwoman Miller asked the Law Director if the ordinance reads that it would be adjusted upward in perpetuity to meet OPERS requirements for service credit, as that was not her intention. Law Director said that an ordinance already exists. An ordinance already is on the books that says that these salaries will increase.

Auditor David Hollingsworth said that Ohio Municipal League published what the Auditor received as compensation in cities of our size. We are the lowest or next to the lowest of any municipality in this group. The position has not received an increase in 15 years. There is risk involved in the job and responsibilities of the job of Auditor. A \$1500 increase keeps us in line since the state has changed its minimum requirements for service credit. It's to the city's benefit to be able to attract someone with an accounting background into this situation.

Councilman Jaehnig expressed that a review should be done to make sure that we are currently following regulations.

Councilwoman Miller suggested that be reviewed in Judiciary. Councilman Jaehnig said that was a possibility. Probably all of the elected official positions should be reviewed as part of the budget moving forward.

Law Director –Salaries cannot be increased or decreased mid-term. None of this is going to in effect until the beginning of the year for anyone, and the Treasurer will not go into effect until 2018.

Councilman Jaehnig – If you remember, though, the legislation that was done in which we bypassed the automated increase occurred in the middle of the term.

Law Director – And I'm getting to the second point. On our codified ordinances 133.23 has on the books where it is supposed to be automatic. In 2013, that automatic increase was repealed. So, what is online right now has been repealed and needs to be fixed. However, I think what you are doing right now, puts it back into play.

Councilwoman Miller – That is what I am saying, it puts it back into play for the Treasurer and the Auditor. I'm trying to ask council if that is what we meant to do. We repealed the automatic OPERS catch-up, and now with this, in section 7, we're bringing it back for the Treasurer and Auditor. When I discussed it, I had not intended to do it. If that is what we want to do that is fine, but it was not my intention.

Councilman McKay – My opinion is we leave it in there because this is going to happen down the road. If these salaries increase dramatically because of some OPERS requirement, I guess we could address it at that point, but I don't see an issue with it now. If they go up \$500 or a \$1000, it is probably worthwhile for those two positions.

Auditor David Hollingsworth – Like I said, it has been 15 years since any change was made by the State because there has been no increase.

Councilman McKay verified that automatic increases had been repealed for all elected officials in the past and that this legislation would bring them back for only the Auditor and Treasurer. Law director Shidaker verified this.

[Discussion of part time officials' compensation]

Law Director – Have you considered or discussed why some part-time elected officials get health insurance and all of the part-time elected officials do not?

Councilwoman Miller – I have discussed that inconsistency. Knowing how fiscally conservative I am, most people would probably not be in favor in what I wanted to do, which would be to eliminate health insurance for part-time elected officials because it is not fair that we would provide health insurance to part-time elected officials and not our part-time not-elected. It feels like a double-standard.

Auditor David Hollingsworth – My view on that, whatever the two-cents is worth... This position, when I first took office, paid \$1800. I mean, honestly, my name is out there floating on probably about ten or eleven million dollars' worth of debt, if not more, that I, as an individual, technically am personally responsible for.

Councilwoman Miller – That is one of the things that I had discussed. I know that both of the mayor’s (the mayor elect and the mayor currently) were happy to voluntarily rescind. They both don’t use it. I haven’t talked to anybody else. I know the Law Director does not currently draw it. It wouldn’t be a decision that I wouldn’t even present to council

Auditor David Hollingsworth – I just look at it as being part of the compensation, which is still not, in my view, what somebody in this position would earn even in the public sector, even as a part-time position.

Councilwoman Miller – I have not had the discussion in committee. I have had conversations with the mayor and mayor elect. I am in a paradox where I tend to agree with David’s very valid point on his position specifically. I’m not excluding the Law Director or the Mayor’s value, but yours specifically with yours is a payment as well. It will be a point of discussion, because when I did review the salary, I did read that it was a bit of double standard and to have an elected official have a benefit that a non-elected official. Whether valid or not, it is a double-standard.

Councilman Jaehnig – So, my understanding of the automated increase is it was needed in order for an elected official to qualify for retirements and has nothing to do with the current medical benefits.

Auditor David Hollingsworth – That is correct.

Councilman Jaehnig – My bigger question is, what we have effectively done over the last few years, besides offering health insurance currently for certain elected officials, we have also taken away for any retirement medical benefits from the majority of elected officials that are currently seated or will be seated in the future. It just seems if somebody puts in ten, fifteen or twenty years, I think it is more than fair compensation, particularly if you take out running for an elected seat, between all the different events and things you required to attend, my salary goes right back out the window. I think working toward having a medical benefit in the end is useful. If we are going to do this, I think we need to take a look at the rest of it too and fix it for the future as with other departments and other things we just push things down the road.

Councilwoman Miller – Let’s do the reading and then if Brenda could bring that topic up at our next finance meeting as one of the additional items, I would be happy to look at it.

A motion was made by Miller and seconded by McKay to give the first reading only on the ordinance Establishing Compensation of Certain Elected Officials of the City of Wilmington, Ohio, and Repealing Ordinances in Conflict Herewith.

President called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

Miller requested the second reading be on the Agenda for the next meeting.

President Peterson – Before we close out finance, some of these items are time-sensitive, so we do need to have a special council meetings next week. Special Council Meetings were set for Tuesday, September 22, and Thursday, September 24, at 6 p.m.

President Peterson asked if any of the streets items need to be on the agenda for the special meeting.

Councilman McKay asked that items A and D be placed on the special council agenda.

Cemetery Committee – In the absence of Chairperson Mead, there was no report.

Mayor Riley – I met with the Clinton County Foundation. There is a fund in the Clinton County Foundation established by the Hales that was initially to benefit the Clinton Memorial Foundation, which dissolved after Clinton Memorial Hospital. In their trust, they established a caveat that it would then go to Clinton County Foundation to benefit

the cemetery. I hand-carried a proposal to them on Tuesday for \$151,000 to begin construction of a columbarium at the cemetery. We discussed that in cemetery meetings in the past. I wanted to strike while the iron is hot. They need to check a few things out on the trust, so it is not a slam-dunk. Hopefully we will be able to do something to establish a way of putting cremains in the cemetery without having to buy plots or bury them but still provide perpetual care.

Downtown Revitalization Committee – Convener McKay – there is a Third Friday event at the mural in conjunction with Wilmington College Students. Main Street Chamber will be having an open house at 6 p.m. I do not have the date of the Chocolate Walk yet.

Parks and Recreation Committee – In the absence of Convener Milburn, there was no report.

Service Director - Service Director Reinsmith had no report.

Safety Director – Safety Director Russ Burton had no report.

Reports

A motion was made by Jaehnig and seconded by Miller that the Auditor-Treasurer Report – August 2015, 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 – While we are in limbo, I would suggest the addition of an additional member to the Finance Committee so that they have three members that are able to meet, especially since we are moving into budget season.

President Peterson – I will work on committee reassignments.

Paul Hunter gave a presentation on fluoridation of the City’s water. The water does not currently provide extra fluoride in the water, and it is time for this to change. Also, the City of Wilmington also does not have a bulk water price in the ordinances. The price should be higher for bulk water. In addition, he resents the administration requirement that he go through the public records administrator for simple information requests. It makes it hard to obtain information from departments and makes it difficult to develop analyses.

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 McKay and seconded by Miller to adjourn.

President of Council declared the meeting adjourned.

Council adjourned.

ATTEST:

President of Council

Clerk