

Wilmington City Council met in regular session on Thursday, November 19, 2015, at 7:30 p.m. with President Pro Tem Mark McKay presiding.

Call to Order

Roll Call: Jaehnig, present; Spicer, present; Stuckert, present; Councilmember 1<sup>st</sup> Ward – Vacant\*; Miller, present; Milburn, present; McKay, present.

\*Councilman Jonathan McKay sworn in during this meeting

Chief Detective Josh Riley was also present.

Pledge of Allegiance

Council gave the Pledge of Allegiance to the flag.

Moment of silence observed

President Pro Tem of Council

A motion was made by Milburn and seconded by Stuckert to approve the minutes of the last regular meeting, November 5, as presented.

Motion passed.

Minutes approved as presented.

President Pro Tem McKay presented new committee assignments.

A motion was made by Spicer and seconded by Stuckert to approve the new council committee assignments.

Motion passed.

Committee Assignments approved.

Mayor - Mayor Riley:

Mayor Riley swore-in Councilman First Ward Jonathan McKay at 7:35 p.m.

Mayor Riley presented a proclamation proclaiming the week of November 15-21 as Geographic Information Services Week.

Mayor Riley recognized that Neal Musselman, former Streets Department Supervisor, passed away earlier in the week.

Mayor Riley introduced John Schum to speak on behalf of the Wilmington Arts Collaborative.

John Schum – Wilmington Arts Collaborative – gave a presentation on the Inside Out Project in Wilmington, Ohio. This is a series of photographic portraits of children and adults from the City displayed throughout the city with the theme “Grit.” The goal is to complete the project in April 2016.

[Discussion of Inside Out Project]

Mary Beth Thorngren stated that information on the Inside Out Program can be found online.

Mayor Riley announced that the City of Wilmington received a score of 495 out of 500 from Miami Valley Risk Management Association on the SPEC (Safety Performance Evaluation Checklist) program. He commended the supervisors and the employees on the achievement. The only item that was less than perfect was the sidewalk inspection and replacement program. The City of Wilmington sidewalk program is complaint driven.

Mayor Riley announced that the Clinton County Free Clinic, located on Sugartree Street next to the Fire Department, will be closing their doors because of lack of clientele due to increased insurance coverage. A women's clinic run by Highland County Community Action also operates in that building and will continue to offer services. The Clinton County Free Clinic will be hosting a farewell reception on December 4 at 5 p.m.

Mayor Riley introduced legislation authorizing a lease agreement with Runway Logistics to lease city property at 474 S. Nelson Avenue. He explained that he had been working with the Law Director on the lease but had failed to receive council approval prior to entering into the agreement.

Councilman Spicer requested clarification on details of contract.

[Discussion of the Details of the Contract]

Law Director Shidaker stated that discrepancies in effective dates written into the contract would be amended and the utilities billing schedule could be more thoroughly described.

Brett Dixon, Economic Development Director for Clinton County, spoke in favor of the contract.

Councilman Jaehnig stated that he would abstain from the approval process because he works for the parent company.

A motion was made by Spicer and seconded by Miller to give the first reading only on the ordinance Authorizing a Lease Agreement with Runway Logistics, LLC. For Building #2 at 474 S. Nelson Avenue, Wilmington, Ohio.

President Pro Tem called for vote.

Motion passed. Jaehnig abstained. All others voted yea.

Director of Law read ordinance by title only.

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

Roll call: Jaehnig, abstain; Spicer, yes; Stuckert, yes; J. McKay, yes; Miller, yes; Milburn, yes; M. McKay, yes.

Director of Law read the ordinance by title only.

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

Roll call: Spicer, yes; Stuckert, yes; J. McKay, yes; Miller, yes; Milburn, yes; M. McKay, yes; Jaehnig, abstain.

Motion passed.

President Pro Tem of Council declared Ord. No. 5267 passed as read.

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

Asset, Acquisition and Use. - Chairperson Milburn had no report.

Water Committee - Chairperson McKay had no report.

Streets Committee - Chairperson McKay introduced legislation authorizing a Jobs and Commerce Development Agreement for the Ahresty Connector Project.

Service Director Reinsmith gave an overview of the Ahresty Connector project. Because of some sight-line problems on Cuba Road, the funding for the project is going to fall short by about a half a million dollars. The city has committed \$185,000, and the Jobs and Commerce Development funds from ODOT are an additional \$343,000. The total project cost now is \$1.9 million.

A motion was made by M. McKay and seconded by Spicer to give the first reading only on a resolution Authorizing the Mayor to Enter Into a Jobs and Commerce Economic Development Agreement with the State of Ohio Department of Transportation; and Declaring an Emergency.

President Pro Tem called for vote.

Motion passed. All yeas.

Director of Law read resolution by title only.

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

Roll call: Stuckert, yes; J. McKay, yes; Miller, yes; Milburn, yes; M. McKay, yes; Jaehnig, yes; Spicer, yes.

Director of Law read the resolution by title only.

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

Roll call: J. McKay, yes; Miller yes; Milburn, yes; M. McKay, yes; Jaehnig, yes; Spicer, yes; Stuckert, yes.

Motion passed.

President Pro Tem of Council declared Res. No. 2440 passed as read.

Solid Waste/Recycling - Chairperson Jaehnig had no report.

Wastewater/Sewer Committee - Chairperson Milburn had no report.

Judiciary Committee - Chairperson Jaehnig presented legislation to create a Community Reinvestment Area. This legislation was postponed at the last council meeting in order to give time for the administration to hold an informational meeting with the local schools. That meeting went well and all the schools' questions were answered to their satisfaction.

Councilman Spicer he recently talked to the County Auditor who expressed concerns regarding the cost outweighing the benefit in certain situations. The application fee may not even cover the cost of the abatement in some cases. Councilman Spicer also relayed that the County Auditor felt like the schools do not have a clear understanding of the impact of the legislation.

Mayor Riley stated that the County Auditor had attended the meeting with the school officials. At that time, he expressed concerns but did not state there were any roadblocks.

Councilman Spicer stated he had heard hearsay that there was a concern at the meeting. If the evaluation amount was not enough, we could deny the application. There is nothing written in here to justify denying the application.

Councilman Jaehnig said it was logic. If the amount they are going to save on the CRA is less than the application fee, why would they apply?

Councilman Jaehnig explained that this first step is just to apply to the state for the right to have the CRA. The application includes a general outline, but the final details and approval by council will occur at a later date. The rules can be made more strict later but we cannot make it less strict than what the state approves.

Councilman J. McKay asked what the timeframe for approval by the state would be. Councilman Jaehnig answered that they hoped to have it done by the end of the year so that everything would be in place by January.

[Discussion of the Community Reinvestment Area]

Councilman Spicer stated that he did not want another situation similar to the G1 legislation. He stated that he was in favor of the CRA but thought that council should move more slowly.

Brett Dixon spoke to some regulations that could be put into place in the next phase and stated that he would be happy to help with the program.

[Further discussion of the Community Reinvestment Area and taxing rates]

Councilwoman Milburn stated that it was important to incentivize living in the city of Wilmington.

Mike Mandelstein expressed concern over the CRA and its effect on the City Schools.

Councilman Stuckert asked what could be done about having a public meeting to explain the program further.

Councilman Spicer suggested postponing the reading for one more week because of the unanswered questions. He suggested they wait until the School Board and the County Auditor could be present.

Mayor Riley stated that they County Auditor and the School Administration knew that the meeting was taking place and was invited to the council meeting if they had comments or suggestions. They did not come in opposition or indicate they had any problem.

A motion was made by Jaehnig and seconded by J. McKay to give the third reading only on the ordinance Implementing Sections 3735.65 Through 3735.70 of the Ohio Revised Code, Establishing and Describing the Boundaries of Community Reinvestment Area in the City of Wilmington, Designating a Housing Officer to Administer the Program, and Creating a Community Reinvestment Housing council and a Tax Incentive Review Council.

President Pro Tem called for vote.

Motion passed. Spicer voted no. All others voted yea.

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 Pro Tem called for vote.

Motion passed. Spicer voted no. All others voted yea.

President Pro Tem of Council declared Ord. No. 5268 passed as read.

Councilman Jaehnig presented legislation updating the income tax ordinance, previously discussed at the November 5 Council Meeting.

A motion was made by Jaehnig and seconded by Miller to give the second reading only on the ordinance Adding Chapter 172, Income Tax Effective January 1, 2016, to the Codified Ordinances of the City of Wilmington, Ohio and Declaring an Emergency.

President Pro Tem called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

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

Safety Committee - Chairperson Spicer presented legislation to authorize an agreement with Adams Township to provide fire and EMS services, previously reviewed at the November 5 council meeting.

A motion was made by Spicer and seconded by Miller to give the second reading only on a resolution Authorizing the Mayor to Enter Into an Agreement with the Board of Trustees of Adams Township for the Provision of Fire and Emergency Ambulance Service for 2016-2017.

President Pro Tem called for vote.

Motion passed. All yeas.

Director of Law read resolution by title only.

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

Finance Committee - Chairperson Miller presented the second reading on the budget and asked Clerk Woods to speak on an update.

Clerk Woods stated that each councilmember received a packet of information from Judge Daugherty requesting amendments to next year's Municipal Court budget. She stated that if changes were made to the current budget legislation, the process would

need to start over. Law Director Shidaker further stated that if the proposed changes were accepted, council would have to go back to the first reading.

Mayor Riley – My understanding is that the increase in the budget would be offset by increased funding through the courts. This is something that could be taken care of next year with amendments to the budget.

Mike Daugherty gave an overview of the proposed changes to the Municipal Court budget for 2016. The courts will be raising court costs in order to offset the previous years' deficit and to offset a raise in salaries for his staff and cover needed IT upgrades. The staff has seen one raise in eight years and did not get step raises.

Councilwoman Miller suggested they would be able to make the changes at the beginning of the year rather than changing the budget as it exists in its current form.

A motion was made by Miller and seconded by Milburn to give the second reading only on the ordinance Making Appropriations for Current Expenses and Other Expenses and Other Expenditures of the City of Wilmington, Ohio.

President Pro Tem called for vote.

Motion passed. Stuckert voted no. All others voted yea.

Director of Law read ordinance by title only.

Miller requested that the third reading be on the agenda for the next meeting.

Miller presented legislation making supplemental appropriations: Insurance Fund to Insurance Tax Payment - \$4,330.00; Anthem Fund to Insurance Tax Payments - \$4,330.00; Income Tax Fund to Credit Card Fees - \$600.00; General Fund to Transfer to Hotel Lodging Tax - \$14,623.73; Hotel Lodging Tax Fund to Convention and Visitors Bureau - \$14,623.73.

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

President Pro Tem called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

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

Roll call: Miller, yes; Milburn, yes; M. McKay, yes; Jaehnig, yes; Spicer, yes; Stuckert, yes; J. McKay, yes.

Director of Law read the ordinance by title only.

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

Roll call: Milburn, yes; M. McKay, yes; Jaehnig, yes; Spicer, yes; Stuckert, yes; J.

McKay, yes; Miller, yes;

Motion passed.

President Pro Tem of Council declared Ord. No. 5269 passed as read.

Councilwoman Miller presented legislation making miscellaneous transfers: Transit Vehicle Fuel to Benefit Insurance - \$8,200.00; Waste Salaries to Benefit Insurance - \$39,700.00; Sewer Taxes to Benefit Insurance - \$5,500.00; Water Contractual Services to Benefit Insurance - \$5,500.00; M&R Salaries to Benefit Insurance - \$3,100.00; and Landfill Vehicle Fuel to Incidentals - \$1,500.00.

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

President Pro Tem called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

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

Roll call: M. McKay, yes; Jaehnig, yes; Spicer, yes; Stuckert, yes; J. McKay, yes;

Miller, yes; Milburn, yes.

Director of Law read the ordinance by title only.

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

Motion passed.

President Pro Tem of Council declared Ord. No. 5270 passed as read.

Councilwoman Miller introduced legislation creating the ODOT Grant Fund.

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

President Pro Tem called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

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

Roll call: Spicer, yes; Stuckert, yes; J. McKay, yes; Miller, yes; Milburn, yes; M. McKay, yes; Jaehnig, yes.

Director of Law read the ordinance by title only.

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

Roll call: Stuckert, yes; J. McKay, yes; Miller, yes; Milburn, yes; M. McKay, yes; Jaehnig, yes; Spicer, yes.

Motion passed.

President Pro Tem of Council declared Ord. No. 5271 passed as read.

Cemetery Committee – Chairperson Spicer had no report.

Downtown Revitalization Committee – Convener McKay turned the report over to Councilman Jaehnig.

Councilman Jaehnig gave an update on the HoliDazzle event to be held the Saturday after Thanksgiving.

Parks and Recreation Committee – Councilwoman Milburn had no report.

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 J. McKay that the Auditor-Treasurer Report – October 2015 and the Hotel Lodging Tax – 3<sup>rd</sup> Quarter 2015 - be accepted as presented.

Motion passed.

Reports accepted as presented.

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

Vince Holmes – 77 Fulton Street – asked council to repeal the G1 Gateway ordinance.

Mike Mandelstein – 1006 W. Locust Street – Stated that he thought the Community Reinvestment Area legislation should not have gone forward without more review. He also suggested that citizens will be less likely to vote in favor of income tax or property tax increases if the council continues to pursue form-based zoning.

Jennifer Cooper – 481 Walnut Glen – Asked where the city stands in terms of purchasing the property at 196 Mulberry adjacent to and affected by the sinkhole. They expect to be offered fair market value for the house and were only offered appraisal value. Additionally, there are other culverts under the properties in the city that could have the same problem and this is a safety concern.

[Discussion of 196 Mulberry and sinkhole]

Mayor Riley stated that the owners purchased the property for \$16,000. The city is willing to give them \$20,000 for the property. The current appraisal value of the house with the hazards would actually be zero.

Jennifer Cooper said that the offer was rejected because the investment in the house is more than the amount offered. The owners are a small business who are buying dilapidated houses and fixing them up. It will be financially difficult for them to not receive fair market value for the house.

Service Director Reinsmith said he had spoken to the owner and told him if he wished he could come up with an engineering plan to support the property. Mayor Riley asked that Jennifer Cooper set up a time to further discuss the situation.

Steve Sawsin – 43 Fulton Street – Stated that tax abatement is almost automatically given to companies. If you could provide citizens or homeowners tax abatement for five years would be good.

Councilman Jaehnig explained business CRA will no longer exist with this legislation and that the CRA would directly benefit the resident who is living in the property.

Scott Kirchner – 245 S. Mulberry St. – Paid his respects to the service of Councilman Bob Mead. It was an honor to serve with him. He brought wisdom and dignity to true public service. I think the citizens have lost a great man.

President Pro Tem McKay asked if anyone else wished to address council while in session.

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

A motion was made by J. McKay to adjourn.  
President Pro Tem declared the meeting adjourned.  
Council adjourned.

ATTEST:

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President of Council

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Clerk