

Wilmington City Council met in regular session on Thursday, July 7th, 2016, at 7:30 p.m. with President Randy Riley presiding.

CALL TO ORDER

President of Council called the meeting to order at 7:30 p.m.

ROLL CALL

Roll Call: Purkey, present; Spicer, absent; Stuckert, present; J. McKay, present; Swindler, present; Milburn, present; M. McKay, present.

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

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

PRESIDENT OF COUNCIL

President of Council-

A motion was made by Swindler and seconded by J. McKay to approve the June 16th minutes.

Motion passed. All yeas.

Minutes approved as presented.

Milburn stated item 12a under the Judiciary Committee needs to be removed from the agenda, pending further discussion.

A motion was made by J. McKay and seconded by Purkey to approve the amended agenda as presented.

Motion passed. All yeas.

Amended agenda approved as presented.

President Riley read a Notice to Legislative Authority, for a new liquor license for CVS, noting the document would be on file in the Clerk's office.

Riley thanked everyone for supporting Honor Flight, noting they have raised enough to begin an additional flight. He also stated on July 14th State Representative Cliff Rosenberger would be at the American Legion for a presentation and everyone is encouraged to attend.

MAYOR

Mayor – Mayor Stanforth stated the County Fair starts Saturday. Stanforth spoke about Tony Morris, Director of the Transportation Department and congratulated him on their new contract with Job and Family Services to transport their clients to work.

Mayor Stanforth stated vandalism had recently taken place at the park, and even though those responsible would not come forward, if you see something, say something.

Stanforth briefly noted the passing of Bill Hidy. Stanforth mentioned Bible Baptist Church and thanked them for the great fireworks show they put on for the 4th.

Mayor Stanforth stated on the Code Violation front, the first batch of violations have moved onto the Prosecutor's office and will be followed up on while we slowly clean up the town. Stanforth gave a shout out to Maintenance and Repair who are currently doing the curb painting, and stated they would be starting the cemetery bridge repair as soon as the weather cooperated. Stanforth mentioned that on Friday July 15th Wilmington Savings Bank would be putting on a Senior Scam Program and cookout with the Ohio Attorney General.

AUDITOR

Auditor – Auditor Hollingsworth had no official report but wanted to report to council he has been in discussion with Marque Jones working to put together a comprehensive report that would be ready at the first meeting in August.

COMMITTEE REPORTS AND ACTION

Asset, Acquisition and Use – Chairperson Purkey had no report but stated the Comprehensive Property Audit for the city had begun and Levi Luttrell, a Clinton County Fellow, had been assisting them on locating city properties and assessing value.

Cemetery Committee – Chairperson J. McKay had no official report but noted the Civil War Soldier monument was to be repaired today, but due to weather it would be postponed until next week. It was also noted the County Commissioners would be paying for the repair.

Downtown Revitalization Committee – Convener M. McKay also noted the second Third Friday of the season would be taking place on July 15th in the Mural Parking lot and wine and beer will be served.

Bill Limbacher inquired about the new mural going up, Director Shidaker stated it's currently on hold, because it has to go through the permit process and also probably through the Board of Zoning Appeals who will decide if they can grant a variance.

Finance Committee - Chairperson M. McKay stated the first item introduced was O-16-41 and wanted to amend it to be passed as an emergency.

A motion was made by Chairperson M. McKay and seconded by Purkey to give the third reading only on Amended Ordinance O-16-41 – Authorizing the Imposition of an additional one-half percent (0.50%) Municipal Income Tax and amending Section 172.03 (Imposition of Tax) of the Codified Ordinances of the City of Wilmington and declaring an emergency.

President called for vote.

Motion passed. All yeas.

Director of Law read the ordinance by title only.

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

Roll call: Purkey, yes; Stuckert, yes, J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes.

Motion passed.

President of Council declared Ordinance No. O-16-41 passed as read.

A motion was made by Chairperson M. McKay and seconded by Purkey to give the third reading only on Amended Resolution R-16-27 – Determining to proceed with placing a one-half percent (0.50%) Supplemental Income Tax on the November 8th, 2016 ballot and certifying the same to the Board of Elections and declaring an emergency.

President called for vote.

Motion passed. All yeas.

Director of Law read the resolution by title only.

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

Roll call: Stuckert, yes, J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes.

Motion passed.

President of Council declared Resolution No. R-16-27 passed as read.

M. McKay stated the following miscellaneous transfers were from Landfill Vehicle Fuel to Education and Training, Consultant Services to Update Codified Ordinances, and from Municipal Court Incidentals to Municipal Court Property/Casualty.

A motion was made by Chairperson M. McKay and seconded by Milburn to give the first reading only on Ordinance O-16-45- Making miscellaneous transfers.

President called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

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

Roll call: Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes.

Director of Law read the ordinance by title only.

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

Roll call: J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Stuckert, yes.

Motion passed.

President of Council declared Ordinance No. O-16-45 passed as read.

The last item, making supplemental appropriations for the Water Fund to Taxes, the General Fund to Tech Grant Expense, and Court Special Projects Fund to Municipal Special Projects Salaries.

A motion was made by Chairperson M. McKay and seconded by Milburn to give the first reading only on Ordinance O-16-46- Making supplemental appropriations.

President called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

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

Roll call: Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes, Stuckert, yes; J. McKay, yes.

Director of Law read the ordinance by title only.

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

Roll call: Milburn, yes; M. McKay, yes; Purkey, yes; Stuckert, yes, J. McKay, yes; Swindler, yes.

Motion passed.

President of Council declared Ordinance No. O-16-46 passed as read.

Judiciary Committee – Chairperson Milburn had no report, but Committee member Purkey requested the floor and read the following statement regarding the CVB.

Begin transcription.

Purkey- While we are not discussing any legislation tonight regarding the CVB, it is scheduled to come before council at our next scheduled meeting on 7/21/16. In my discussions with local business owners and town residents, I have learned that the CVB director has issued a letter to a varied group of business and organizations around Wilmington. This letter contains incendiary language and a call to action to save local tourism, but it doesn't seem to represent the full scope of the legislation that council is pursuing. I have also read some comments and quotes in the local newspaper from some other elected officials that seems to have missed the point of what we are trying to accomplish here in council. My intention tonight is to spell out in clear and certain terms what it is that the Judiciary committee is sending to council in two weeks. Since there seem to be varied opinions about our intentions, I'd like to set the record straight.

The original version of the City of Wilmington Hotel Lodging Excise Tax Code of Regulations was enacted in August of 1997. It is a rather terse document that defines and outlines how the tax is to be assessed, collected, and distributed. It states that the amounts allocated herein and hereby to the CVB will be appropriated by City Council in its annual appropriations ordinance and may be amended as requested by the appropriate authority and approved by City Council. It also states that the CVB shall present quarterly financial and performance reports, as well as an annual operations report showing its use for the funds that council has appropriated.

When the Judiciary committee first began to discuss the CVB, we learned that the current working agreement between the City of Wilmington and the CVB was as follows: 90% of excise tax collected in the city would go to the CVB. The remaining 10% would go to the

city as a “maintenance fee” for collecting and administering the “bed tax” moneys. Investigation has shown that there is no legislation to support this arrangement, and frankly, I believe that a 10% administration fee is too high. That money is just being absorbed into the General Fund. It didn’t appear that the original legislation was being followed, and quarterly updates were not being given to Council, this was just a “working agreement” between the two entities.

At our second Judiciary meeting discussing this issue, the CVB and its Board of Directors presented a proposal to Judiciary Committee wherein they “conceded” another ten percent of their budget, making the split of city collected “bed tax” 80% CVB and 20% City. The CVB did request to stipulate that the additional 10% be spent attracting and supporting baseball tournaments in the local parks.

The Judiciary Committee discussed and the question we came to was this: What was wrong with the original legislation? Although it wasn’t being followed, it still may be the best solution for how to handle the “bed tax” money being collected. We used the original legislation to frame our ideas, and plan to amend that to be more clear and specific in language. Here is the gist of our legislation:

1. “Bed Tax” collected by the City will be split as per the Ohio Revised Code – 50% will be guaranteed to the CVB, and 50% will be retained by the City. City will place 49%, which will be minus a 1% admin fee, into a new budget line tentatively called “Tourism Development”, we’re also calling it “Retained Hotel Lodging Tax”, the names are subject to change on that account but it will be a line item on the budget.
2. CVB will present quarterly financial and performance reports, and will submit a budget request for appropriations in the fall to coincide with City Council’s annual budget process. When CVB submits their budget, they can request additional money to be spent on tourism related projects. Finance Committee would evaluate and allocate accordingly. We would presume that future quarterly presentations would include updates as to how the additional funds were being used to grow tourism, specifically in the City of Wilmington.
3. Other entities would be eligible to submit requests for funds from the “tourism development” line. Finance Committee would consider all proposals during its annual budget development, and appropriate as it deemed necessary.
4. Should there be a remaining, unallocated balance in the “tourism development” line, the intent is that it would be appropriated by the Finance Committee towards any project that beautifies, enhances, develops our city to attract tourism, as approved by City Council.

There is an added layer of oversight to the CVB under our proposed legislation, however it was oversight that was always intended to be in place. I am generally against adding layers to government, but in this case, I believe it is warranted and necessary to ensure judicious use of the moneys being collected.

And that is it. Get back to the original intent of the law. While City Council will have final say over the money in the “tourism development” line, it is not to be spent on “pet projects” or to pad the General Fund. It is fully expected to be spent making our town more attractive to guests, businesses, and developers that want to settle and grow in Wilmington as well as making for a richer quality of life for our citizens.

I hope this serves to help inform, and I invite any interested parties to attend our Council meeting on Thursday July 21, 2016 at 7:30 PM for more discussion, thank you for your time.
End transcription.

Paul Hunter commented that the CVB should state their carryover in their budget, because it’s not something that they include, there is no “fund balance” and they have no way to know what it is.

President Riley said it’s important to have the quarterly presentations and discussions to answer these questions.

Mayor Stanforth thanked Purkey for his comments.

Parks and Recreation Committee – Chairperson Milburn stated there was no official report but she wanted to thank the Corn Festival and the Antique Power Club who have

donated \$5,000 to the Skate and Splash Park. Milburn also reported there will be a Kickball Tournament on July 30th, the money raised will sponsor the Skate and Splash Park. The tournament for ages 10 and up, requires 8 players and a maximum of 10 on each team with the entry fee at \$100 per team, contact Jody Drake at the park athletic directors office for more information.

Safety/ Transportation Committee – In Chairperson Spicer’s absence, Purkey introduced R-16-32. Chief Weyand explained the Cincinnati Golden Retriever Club participated in dog shows at the Robert’s Center and have had success. They are giving back to the community by donating \$1000 to the Police Canine Program.

A motion was made by Chairperson Purkey and seconded by J. McKay to give the first reading only on Resolution R-16-32- Accepting a gift from Greater Cincinnati Golden Retriever Club for the City of Wilmington Police Department.

President called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

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

Roll call: M. McKay, yes; Purkey, yes, Stuckert, yes; J. McKay, yes, Swindler, yes; Milburn, yes.

Director of Law read the ordinance by title only.

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

Roll call: Purkey, yes; Stuckert, yes, J. McKay, yes; Swindler, yes, Milburn, yes; M. McKay, yes.

Motion passed.

President of Council declared Resolution No. R-16-32 passed as read.

Solid Waste/Recycling –Due to Chairperson Spicer’s absence, Purkey stated there was no report.

Streets Committee – Due to Chairperson Spicer’s absence, J. McKay stated there was no report.

Wastewater/Sewer Committee - Chairperson Stuckert one item to present, a Resolution allowing the Service Director to apply for grants for two different projects. The first project is the replacement of the outdated sewer pipelines, which is a 70/30 funding match, and the second is replacement of the UV Sanitation System, which is also outdated.

Mayor Stanforth commented that Harry McVey is doing a great job keeping things running and taking the initiative to apply for the grants.

Paul Hunter inquired how many yards or miles will be replaced during this project, Director Shidaker stated it would be 1,500 feet.

A motion was made by Chairperson Stuckert and seconded by Purkey to give the first reading only on Resolution R-16-31- Authorizing the Director of Public Service to apply to the Ohio Works Commission funding for various Wastewater Projects 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 Stuckert and seconded by Purkey to suspend the rules and give the second and third reading on the ordinance by title only.

Roll call: Purkey, yes; Stuckert, yes, J. McKay, yes; Swindler, yes, Milburn, yes; M. McKay, yes.

Director of Law read the ordinance by title only.

A motion was made by Stuckert and seconded by Purkey to pass the ordinance as read.

Roll call: Stuckert, yes; J. McKay, yes, Swindler, yes; Milburn, yes, M. McKay, yes; Purkey, yes.

Motion passed.

President of Council declared Resolution No. R-16-31 passed as read.

Water Committee - Chairperson Swindler had no report.

Safety/Service Director – Safety/Service Director Shidaker elaborated on the contract with Job and Family Services and explained the bidding was extremely competitive. Last year's contract was \$70,000 and the estimate for this year's contract is \$80,000.

Shidaker also spoke about the Cooperative Salt Purchasing Agreement, last year the price was \$66.80/ton and this year after entering the purchasing agreement, the price will be just \$54.43/ton, which is a savings of \$15,000 for next year.

Shidaker also commented the State Route 73 water leak's repair was estimated at \$6,000, but the city workers were able to repair it in-house instead. Shidaker also stated the bid opening for the Phase 5 landfill expansion today, and they will have a week to analyze those bids. Shidaker remarked it currently looks as though they will be below budget looking at the 8 bids that were received. Shidaker also commended Braden Dunham the landfill Supervisor did a great job advertising and bringing in contractors to tour the landfill before the bids came in.

Shidaker stated the Civil War monument in need of repair in the cemetery would be paid for by the County Commissioners.

M. McKay inquired about the other types of transportation services that had bid on the Job and Family Services contract, and Shidaker stated that it was a closed bidding process but he believed there were some transportation services from Highland County, among others.

Paul Hunter asked about the traffic light on Oak Street, because he has recently seen a back up of traffic. His concern was that the demand function had failed and it was operating on default. Shidaker stated it was the first he had heard, but he would look into it.

REPORTS TO COUNCIL

A motion was made by Purkey and seconded by Stuckert to accept the Income Tax Report as presented.

Motion passed.

Reports accepted as presented.

OPEN TO PUBLIC

Paul Hunter- 200 Randolph Street, spoke about the cardboard recycling. He is picking some up from the Mediterranean, Prosecutor's Office, and the Court House and planned on weighing 4 days worth to do a cardboard recycling test. Hunter went on to speak about the income tax and the CIC.

Begin transcription.

In 1970 Wilmington city council created the Community Improvement Corporation (CIC). One of the purposes of the CIC was to act as the agency for the City's commercial development. Over the years the CIC has, mainly through the sale of Air Park property, amassed a two to three million dollar nest egg in the form of land holdings and investments, 1% CDs.

We could ask the CIC to repay the sponsor of their existence by making a \$1 million dollar gift as an investment in the city's infrastructure and services that would enhance the city's ability to attract new commercial and industrial development. This is in lieu of, if we have a failed income tax, this is back up, a spare tire if you will.

One would hope that the three former Mayors and the current Mayor who are officers or members of the CIC board of directors along with a former long time member of council, would be interested in preventing the city from being added to State Auditor's list of cities in fiscal emergency status.

We can hope that the voters will reward the city fathers and mothers for doing their utmost to keep the city operating on bare bones revenue. But just in case, the CIC is the only agency of the city that has a significant fiscal surplus.

There is a caveat, I'm not sure of the membership that exists today my information on that is minimal. Thank you for listening..

End transcription.

David Hockaday had a clarification that the CIC is not an official organization of the city unless they're doing specific business for the city.

Rita Heard- 6280 State Route 62, had concerns about the water bills at her rental property. She stated when a tenant moves out, it becomes the landlord's responsibility to pay it before someone else can turn it on. She stated she didn't think it was fair to the homeowners.

Swindler addressed Ms. Heard and stated they have been talking about this issue at the Water Committee meeting and stated the next meeting is August 4th at 6pm. They will be getting an update from the Utility Billing Department during that time.

James Heard- 6280 State Route 62, had concerns about the notification for courts. He stated he didn't get his notification and a warrant was issued for his arrest.

President Riley asked Mr. Heard if they could contact the Court and the Prosecutor's office on his behalf and was given verbal permission.

ADJOURNMENT

A motion was made by M. McKay.

President Riley declared meeting adjourned.

Council adjourned at 8:26 p.m.

ATTEST:

President of Council

Clerk