

Wilmington City Council met in regular session on Thursday, August 4th, 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, present; Stuckert, present; J. McKay, present; Swindler, present; Milburn, absent; M. McKay, present.

Chief Weyand was absent, Sargent Fithen was present.

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

PLEDGE OF ALLEGIANCE

Council gave the Pledge of Allegiance to the flag.

MOMENT OF SILENCE

PRESIDENT OF COUNCIL

President of Council-

Due to the addition of an Ad Hoc item, as well as items 12b and 12c under the Judiciary Committee, Council was presented with an amended agenda.

A motion was made by M. McKay and seconded by Swindler to approve the amended agenda as received.

Motion passed.

Amended agenda approved as presented.

A motion was made by J. McKay and seconded by Stuckert to approve the minutes as received.

Motion passed.

Minutes approved as received.

MAYOR

Mayor – Mayor Stanforth informed the council National Night Out was a success, and thanked the Wilmington Police and Fire Departments. Stanforth stated there would be a few more weeks to complete the cemetery bridges before they could be operational and they have been restoring the section signs. Stanforth recognized Brian Shidaker. Stanforth also stated Truesdell was almost complete and was expected to be completed by the next day, August 5th. Stanforth told council the Cuba Road connector was making progress and tomorrow they would receive their report grading the streets and will let the city know what needs to be repaired.

Mayor Stanforth introduced Spencer Gross and Jamie Barker from the Treasurer's Office who provided an overview of the OhioCheckbook.com website. Gross stated all costs of implementing the website would be absorbed by the Treasurer's Office and the website could be implemented quickly.

AUDITOR

Auditor – Auditor Hollingsworth was absent. Council proceeded to the action and committee reports.

COMMITTEE REPORTS AND ACTION

Ad Hoc – Chairperson Riley stated that there had been a brief meeting in which they discussed the appointment of two new Design Review Board members Karli Harris, who owns Everyday Chic Boutique and Sheri Rolston who owns South Street Wine Cellar. A motion was made by Riley and seconded by Spicer to appoint Karli Harris and Sheri Rolston to the Design Review Board.

Motion passed.

Asset, Acquisition and Use – Chairperson Purkey thanked Levi Luttrell, a Clinton County Fellow, for his hard work in the municipal building helping with the city owned property list. Purkey stated in March of 2014 Council had passed Ordinance 5140 that referenced the County Auditor’s website for parcel numbers and the ordinance was passed. Purkey explained some of the parcel numbers were incorrectly listed on the county website, and this ordinance would amend the previous one so that the correct parcel numbers would be listed.

A motion was made by Purkey and seconded by Swindler to give the first reading by title only on Ordinance O-16-52, Amending Ordinance No. 5140, declaring parcels, commonly known as 481 Columbus Street and adjacent property in Wilmington, Ohio to be surplus property.

Motion passed.

Director of Law read the ordinance by title only.

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

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

Motion passed.

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

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

Motion passed.

President of Council declared Ordinance No. O-16-52 passed as read

Cemetery Committee – Chairperson J. McKay had no official report but reviewed everything Mayor Stanforth had reported earlier. J. McKay also stated several citizens have reported overturned urns and they had them repaired.

Downtown Revitalization Committee – Convener M. McKay listed the events happening downtown including Jeep Jam on August 19th, a new restaurant Fiesta Veracruz, the continuation of farmer's markets on Sundays, a tribute to Paul McCartney, and a new location for Strength and Dignity. J. McKay reminded council about Dancing with the Stars on September 17th.

Finance Committee - Chairperson M. McKay stated the first item on their agenda was a transfer, from “Salary Acting Clerk” to “Salary Acting Judge” the sum of \$3,000.00. M. McKay presented Ordinance O-16-50, Making miscellaneous transfers.

A motion was made by M. McKay and seconded by Purkey to give the first reading only on the ordinance.

President called for a vote. All yeas.

Motion passed.

Director of Law read the ordinance by title only.

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

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

Motion passed.

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: J. McKay, yes; Swindler, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes.

President of Council declared Ordinance No. O-16-50 passed as read.

Chairperson M. McKay stated the second item on their agenda was Ordinance O-16-51, Making supplemental appropriations. M. McKay stated the appropriations are from Community Corrections. From the Community Corrections Fund “Salaries” the sum of \$4,013.00. From the Community Corrections Fund to “Pensions” the sum of \$561.79. From the Community Corrections Fund to “Workers Comp” the sum of \$467.39. From the Community Corrections Fund to “Benefit Insurance” the sum of \$8,677.44. From the Community Corrections Fund to “Medicare” the sum of \$58.19. From the Community Corrections Fund to “Operating Exp” the sum of \$1,442.00. From the Community Corrections Fund to “Program” the sum of \$13,493.51. From the Community Corrections Fund to “Equipment” the sum of \$6,400.00. From the General Fund to “Accounting & Auditing” the sum of \$10,000.00.

A motion was made by M. McKay and seconded by Purkey to give the first reading only on the ordinance.

President called for a vote. All yeas.

Motion passed.

Director of Law read the ordinance by title only.

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

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

Motion passed.

Director of Law read the ordinance by title only.

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

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

President of Council declared Ordinance No. O-16-51 passed as read.

Judiciary Committee – Chairperson R. Milburn absent. K. Swindler stated the first item on their agenda was the second reading on ordinance O-16-40, Amending section 14 and 15 of the City of Wilmington Lodging Excise Tax Code of Regulations.

A motion was made by Swindler and seconded by Purkey to give the second reading by title only.

President of Council opened the floor for discussion.

Rob Jaehnig, 606 Oakridge Avenue, voiced his concern over the legislation, stating that he was not happy to be at council. Jaehnig stated that the ordinance needed to be tabled because there were more than enough things to be figured out. Jaehnig addressed President Riley and asked how much money was budgeted for economic development and advertising. President Riley deferred to the Mayor and Executive Assistant, and stated those were figures that he didn't have. Miller stated that virtually nothing was budgeted for either economic development or advertising. Jaehnig stated he was concerned that the only entity promoting the city was the CVB and the city has made zero effort to budget for this or put together projects for that. Jaehnig stated questions need to be answered and he is concerned there is not a plan for the funds and the funds will go to the general fund where they would be "eaten up". Jaehnig also had concerns about the distribution of the funds, stating that you can't just give out funds. It needs to be competitive. Jaehnig cited the success of the General Denver Hotel is a direct recipient of the CVB efforts. Jaehnig then stated Purkey cannot cast a vote for this legislation, citing a conflict of interest.

Purkey clarified, stating there isn't an ethics issue. Purkey said the General Denver Hotel pays the tax to the CVB, and he doesn't feel the need to recuse himself from the vote. Jaehnig stated that Purkey benefits from the CVB and legally he needs to recuse himself. If he doesn't, it's morally and ethically wrong.

Law Director Rudduck clarified the ethical issues of the legislation and stated that he would look into it further.

Jaehnig stated the work hasn't been done on this legislation, and council needs to table this ordinance and go back to the drawing board. Jaehnig further stated if council was not going to be upfront about what they will be using the CVB funds for, he would not be voting for the income tax because he can't be sure what Council will use those funds for either.

Purkey clarified the intent of the ordinance and stated there was also the intent to have oversight by Council and it was never done. Purkey stated it is not the job of the Judiciary Committee to designate where the money will ultimately go. It's the Finance Committee. Purkey stated that in the ongoing transparency, the excise tax money will be moved to its own line, so that it does not mix into the general fund. Purkey stated this is not a vendetta. It is Council exercising the oversight it always should have.

Law Director Rudduck again clarified the ethical issue pertaining to Purkey and stated that while there may be some grey area, it was not specifically unethical.

Jaehnig, addressing Purkey, stated that Republicans aren't supposed to stand for bigger government.

Spicer made comments in opposition to the legislation. Spicer stated that requiring the CVB to present a budget quarterly was too frequent, but they would do it if they were required to. Spicer also referenced the mentioned the missing legislation. Spicer also stated that the CVB does live within the budget and that is more than he can say about Council, because currently they all should be worrying about the city budget. Spicer stated we can fix this, but we don't need to take the CVB's money.

Swindler commented the legislation is an existing layer of oversight for the CVB and she agreed with Spicer, stating that it was also Council's failure to require the CVB reports.

Rob Jaehnig stated the legislation is illegal because council has not introduced a procedure in which to authorize the funds. Jaehnig stated Council does not have the ability to just give money away.

Paul Hunter stated the CVB has enough money and it's will not hurt the mission if the legislation passes because the economy will continue to grow.

Don Wells, 930 Hickory Trail, stated his concern is there isn't a clear process for the funds. Wells stated even if the grants are done through the CVB it would be better than Council handing the funds. Wells agreed with Spicer and Jaehnig's previous statements.

J. McKay spoke about the legislation and thanked the Mayor's office staff for the information they provided in regards to the original 1997 CVB legislation.

David Hockaday, 348 West Main Street, gave a brief summary of the original legislation, stating at the time, 90% was to go to the CVB to promote Wilmington and 10% for the city administrative fee.

Mary Kay Vance, Deputy Auditor, gave a clarification about the 10% administrative fee with regards to the CVB legislation, and clarified in the 1997 Code of Regulations in 14c, it stated Council shall determine what percentage should be paid to the hotel Lodging Excise Tax. Vance stated council is provided quarterly with a Hotel Lodging Excise Tax Report which is approved by council. Vance stated the amount going to the CVB could always be changed by Council, either when the quarterly report is given, or when the budget appropriations are made for the next calendar year.

M. McKay stated he wants to have clarification about granting money. M. McKay also stated Council needs to make sure they are following the rules going forward.

Begin transcription:

President Riley- I would just add, and I have been remarkably quiet I think, because I have opinions about everything, but I know that we have granted money before, because Wilmington Succeeds which Rob was a part of that program, we granted money to new homeowners a few times. So the city has been in a position before where we have granted money and the money was donated to the city, but it was designated for certain uses and then we granted money. We had meetings and a group of people sat down and looked at applications. Basically that group, whether it's Finance or Judiciary or an Ad Hoc group, that group sat down and granted money. So we have done that before. I would also take the CVB has been here for 19 years and we have had a lot of really good things happening in Clinton County since then. But we've had a whole lot of good things happening before that. The CVB cannot take responsibility for every dime of visitor

money that is spent in Wilmington. Because at Cowan Lake for example, they do pay into with the cabins and there for a good long time, I know my parents visited there in the 60's,70's, and 80's. So Cowan Lake is one of those draws that is going to bring people in regardless if anyone advertises for them or not. And I was on the CVB board for 7 years when I was a County Commissioner and attended all of their meetings and I was instrumental when Robert's Arena started to expand and when Robert's Center started to expand. When the Eukanuba Hall was opened at the Robert's Center, I was on the board and County Commissioner to help celebrate that. To give the CVB responsibility for Eukaunba Hall is disingenuous. They supported that, but that's not the reason Eukaunba Hall came to the Robert's Center. To give the CVB credit for every dime of visitor spending that happens and for every event is kind of like the rooster getting credit for the sunrise. It happens. Good things are happening, but no one person can take credit for that. Rob, if it had not been for you, and your involvement with East Coast Timers Association and Miami Valley Sports Car and the other events out at there, it might not have happened had it not been for you. You weren't working for the CVB at that time. There have been a lot of people who have done a lot of good work for this community and help makes the community great. And to say the city doesn't spend any money on marketing is also not correct. We have an excellent website. Debbie and I do a lot of traveling and before we go to a city to spend time, we look at their website. Quite honestly, I don't think I have ever gone to [trails off] well we were just not too long ago in Mackinaw City. I looked a Mackinaw City's website before we went. A lot of good stuff on there, just like ours. But I didn't look at their convention visitors bureau website. I looked at the city website. And then we decided where we were going to go and what we were going to do based on that. Our website, quite honestly I think, is just as good a Mackinaw City's website. We don't have that great big bridge. We don't have that island there but I don't think you can give the convention visitor's bureau all of that credit for everything that has happened. Like I said, I served on their board for 7 years. They do marvelous work. Their website is excellent. Their brochures are fine. But I don't think we can give them credit for the sunrise every day. But you know, that's my two cents worth. Anyone else?

End transcription.

Law Director read the ordinance by title only.

President called for vote.

Motion passed. 5 yeas. 1 opposed. (Spicer)

Swindler requested the third reading be placed on the agenda for August 18th.

Swindler stated the second item on their agenda was the three readings on ordinance O-16-54, An ordinance amending section 1167.07 E3 of the City of Wilmington Codified Ordinances prefacing ordinance O-50-36 passed July 5th, 2012 and declaring an emergency.

Swindler clarified this is the "sandwich board" legislation, and it would specify the signs needed to look "finished" and removing the language about the types of material that could be used.

A motion was made by Swindler and seconded by Purkey to give the first reading by title only.

President called for a vote. All yeas.

Motion passed.

Director of Law read the ordinance by title only.

A motion was made by Swindler and seconded by Purkey to suspend the rules and give the second and third reading by title only.

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

Motion passed.

Director of Law read the ordinance by title only.

A motion was made by Swindler and seconded by Purkey to pass the ordinance.

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

Motion passed.

President of Council declared Ordinance No. O-16-54 passed as read.

Swindler stated the third item on their agenda was the first reading on resolution R-16-38. Authorizing the Mayor to enter into a contractual agreement with recipients of the Revolving Loan Fund financed by the City of Wilmington and declaring an emergency.

General discussion about escrow and details of the RLF.

A motion was made by Swindler and seconded by Purkey to give the first reading by title only.

President called for a vote. All yeas.

Motion passed.

Director of Law read the resolution by title only.

A motion was made by Swindler and seconded by Purkey to suspend the rules and regulations and give the second and third reading by title only.

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

Motion passed.

Director of Law read the resolution by title only.

A motion was made by Swindler and seconded by Purkey to pass the ordinance.

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

Motion passed.

President of Council declared Resolution No. R-16-38 passed as read.

Parks and Recreation Committee - Committee had no report.

Safety/ Transportation Committee – Chairperson Spicer had no report.

Solid Waste/Recycling –Chairperson Spicer stated the only item on their agenda was the first reading on resolution R-16-35 A resolution authorizing and directing the Director of Public Service to enter into contract with the lowest and best bidder for the east vertical expansion phase 5 construction at the Wilmington Sanitary Landfill and authorizing expenditure of funds for same, and declaring an emergency.

A motion was made by Spicer and seconded by J. McKay to give the first reading by title only.

President called for a vote. All yeas.

Motion passed.

Director of Law read the resolution by title only

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

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

Motion passed.

Director of Law read the resolution by title only.

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

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

Motion passed.

President of Council declared Resolution No. R-16-35 passed as read.

Streets Committee – Chairperson Spicer stated the only item on their agenda was the first reading on ordinance O-16-53, An ordinance amending the traffic control map and the traffic control file to create a no parking zone on Howard Street.

A motion was made by Spicer and seconded by J. McKay to give the first reading by title only.

President called for a vote. All yeas.

Motion passed.

Spicer requested the second and third reading be placed on the agenda for August 18th.

Wastewater/Sewer Committee - Chairperson Stuckert had no action but stated the EPA did an audit and he had made arrangements to get details and would have information at the next meeting. Stuckert also stated based on the audit the Wastewater/Sewer Committee have a lot of work to do.

Water Committee - Chairperson Swindler stated the first item on their agenda was the first reading on resolution R-16-33, A resolution declaring surplus property, to wit: Approximately 225 brass meters and water meter connectors valued at more than \$1000, and authorizing the sale of said property.

A motion was made by Swindler and seconded by M. McKay to give the first reading by title only.

President called for a vote.

Motion passed. All yeas.

Director of Law read the resolution by title only.

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

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

Motion passed.

Director of Law read the resolution by title only.

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

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

Motion passed.

President of Council declared Resolution No. R-16-33 passed as read.

Chairperson Swindler stated the second item on their agenda was the first reading on resolution R-16-36, Directing Clinton County Board of Elections to place an advisory election question on the November 8, 2016 election ballot, and declaring an emergency.

A motion was made by Swindler and seconded by J. McKay to give the first reading by title only on the resolution.

President called for a vote.

Motion passed. All yeas.

Director of Law read the resolution by title only.

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

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

Motion passed.

Director of Law read the resolution by title only.

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

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

Motion passed.

President of Council declared Resolution R-16-36 passed as read.

Safety/Service Director – Director had no report.

REPORTS TO COUNCIL

A motion was made by Spicer and seconded by J. McKay to accept the Income/Hotel Lodging Tax Report as presented.

Motion passed.

Reports accepted as presented.

OPEN TO PUBLIC

Paul Hunter, 200 Randolph Street, stated leasing the 474 S. Nelson Avenue property was not reviewed by the Law Director. Hunter stated that one of the notary's was also a signer of the lease and no bidding was done for the property. Hunter also had some

concerns that the building was being sublet. Hunter's opinion is that the whole process should be started over from A to Z and asked any questions could be addressed to him.

M. McKay informed council his absence at the previous council meeting was due to his 50 year anniversary with his wife.

ADJOURNMENT

A motion was made by M. McKay.

President Riley declared meeting adjourned.

Council adjourned at 9:11 p.m.

ATTEST:

President of Council

Clerk