

Wilmington City Council met in regular session on Thursday, May 4th, 2017, 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; Liermann, present; M. McKay, present.

Chief Weyand was present at 7:41pm.

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

PRESIDENT OF COUNCIL

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

Motion passed.

Agenda approved as received.

A motion was made by Swindler and seconded by Purkey to approve the April 20th minutes as received

Motion passed.

Minutes approved as received.

MAYOR

Mayor Stanforth introduced the 2nd Annual Volksmarch, taking place on Saturday May 20th. Proceeds will go to the American Legion's Honor Guard bus fund. Stanforth gave an update on the Park's new restroom. Stanforth and Director Williams had a meeting with the designer and stated the Skatepark Project is moving forward. Stanforth stated the National Day of Prayer took place at the Courthouse and is an event he always enjoys. Stanforth stated the Economic Alliance would meet next month at the Courthouse. Stanforth said the 26th Mile Club had a good weekend at the park; the group is elementary school children who run a mile a day for 25 days and then finish their "marathon" 26th mile at a park celebration.

Stanforth said the Wine Walk sold out for Friday. Stanforth stated they are working on securing the vacant housing and code enforcement. Stanforth reminded everyone that there are Code Enforcement notification rules that do need to be followed and asked that the public be patient.

Stanforth thanked the Water Department for their hard work fixing the recent water main break. Stanforth stated they will be getting a new Vac Truck for the Wastewater Sewer Department. The current truck is 13 years old and has a significant amount of hours. Stanforth said work is going forward on the Cemetery, planting flowers and getting it ready for Memorial Day.

Stanforth stated the old body shop on Mulberry across from the Luther Warrant Peace Trail is in the process of being demolished. Stanforth also stated the house on Locust Street will hopefully have some progress made on its repair after he had recently spoken to the contractor working on it. If progress is not made, Stanforth stated the city would have it demolished.

AUDITOR

Auditor – Auditor Hollingsworth had no report.

COMMITTEE REPORTS AND ACTION

Asset, Acquisition and Use – Chairperson Purkey had no action items.

Cemetery Committee – Chairperson J. McKay had no action items but requested a Cemetery meeting to discuss the upcoming season.

Downtown Revitalization Committee – Convener M. McKay spoke briefly about the upcoming Wine Walk on Friday that will feature a trolley this year. The Comedy Show for adult audiences at the Murphy on Saturday. Spicer stated Elvis impersonator Mike Albert and the Big E Band would be at the Murphy Theatre on Saturday the 13th.

Finance Committee – Chairperson M. McKay had two items to present. M. McKay introduced Ordinance No. O-17-23, Making supplemental appropriations, from the General Fund to “Income tax refund” the sum of \$35,000.00, from the General Fund to “Transfer to Taxi Fund” the sum of \$4,200.00, from the Public Transit Fund to “Capital Vehicle” the sum of \$4,200.00, from the Police Fund to “Motor Vehicle” the sum of \$25,600.00, and from the State Forfeited Funds Fund to “Program Expenses” the sum of \$33,758.49.

A motion was made by M. McKay and seconded Swindler by to give the first reading only on Ordinance No. O-17-23- Making supplemental appropriations.

All yeas.

The Law Director read the Ordinance by title only.

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

Roll call.

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

The Law Director read the Ordinance by title only.

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

Roll call.

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

President of Council declared O-17-23 passed as read

M. McKay introduced the second piece of legislation O-17-25, making miscellaneous transfers from “Incidentals” to “Jury & Witness Fees” the sum of \$1,000.00

A motion was made by M. McKay and seconded Swindler by to give the first reading only on Ordinance No. O-17-25 Making miscellaneous transfers.

All yeas.

The Law Director read the Ordinance by title only.

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

Roll call.

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

The Law Director read the Ordinance by title only.

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

Roll call.

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

President of Council declared O-17-25 passed as read.

Judiciary Committee – Chairperson Purkey introduced Ordinance O-17-13 for a third reading, which would allow the Director of Public Service and Safety to evaluate the utility rates each year for Water, Wastewater, and Sanitation and would advise Council if they need to be raised, maintained, or lowered for ongoing transparency.

A motion was made by Purkey and seconded J. McKay by to give the third reading only on Ordinance No. O-17-13 an Ordinance requesting the Director of Public Service to present an annual report of utility billing rates to the legislative authority.

All yeas.

The Law Director read the Ordinance by title only.

Roll Call

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

President of Council declared O-17-13 passed as read.

Purkey introduced Ordinance No. O-17-24, an Ordinance repealing section 133.125 of the Wilmington Codified Ordinance in its entirety, this is referring to the payment in lieu of health insurance, which they are no longer allowed to do.

A motion was made by Purkey and seconded by Liermann to give the first reading only on Ordinance No. O-17-24. An Ordinance repealing section 133.125 of the Wilmington Codified Ordinance in its entirety.

All yeas.

The Law Director read the Ordinance by title only.

Purkey requested the second reading of the Ordinance be placed on the agenda for the next meeting.

Purkey introduced Ordinance No. O-17-22, regarding the City's Indigent Burial Policy. Purkey stated this legislation will move the responsibility of handling the Indigent Burial requests from the Mayor's Office to the Service Director's Office. Since the office also manages the Cemetery, this makes sense they should be handling the indigent cases.

A motion was made by Purkey and seconded by J. McKay to give the first reading only on Ordinance No. O-17-22, Amending Chapter 937 of the Codified Ordinance of the City of Wilmington, Ohio, relative to the indigent Burial Policy, repealing Ordinance and parts of Ordinance in conflict herewith.

All yeas.

The Law Director read the Ordinance by title only.

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

Roll call.

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

The Law Director read the Ordinance by title only.

A motion was made by Purkey and seconded by Liermann to pass the Ordinance as read.

Roll call.

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

President of Council declared O-17-22 passed as read

Parks and Recreation Committee – Chairperson Liermann stated the Park has the parking lot striping finished and there are now designated handicapped spaces. Liermann also stated Opening Day for the kids' t-ball, baseball, and softball will take place on May 13th with a rain date of May 20th. Director Williams was also present and introduced Brandon Williams from Wilmington College who has been interning with the Parks Department. Director Williams stated he has been a great help. Director Williams also stated that the July 4th fireworks will take place, and they are seeking volunteers to help with cleanup.

Safety/ Transportation Committee – Chairperson Spicer had no report.

Solid Waste/Recycling – Chairperson Spicer had one item regarding a grant from the Ohio Environmental Protection Agency for the curbside recycling program in the amount of \$250,000. Spicer stated there was a match involved with the grant. Shidaker

stated he is applying for an additional grant that would shrink their share. Shidaker also stated he is working with the County Commissioners for more funding for the recycling program. Shidaker stated that currently \$125,000 is their share.

A motion was made by Spicer and seconded by Purkey to give the first reading only on Resolution No. R-17-26, Accepting a grant from the Ohio Environmental Protection Agency, Community Development Grant; and declaring an emergency.

All yeas.

The Law Director read the Resolution by title only.

A motion was made by Spicer and seconded by Purkey to suspend the rules and regulations and give the second and third reading on the Resolution.

Roll call.

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

The Law Director read the Resolution by title only.

A motion was made by Spicer and seconded by Purkey to pass the Resolution as read.

Roll call.

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

President of Council declared R-17-26 passed as read.

Streets Committee – Chairperson Spicer had three action items, a second reading on Ordinance No. O-17-20 regarding the addition of crosswalks on Elm Street and College Street and restricting parking in various campus locations, a second reading on O-17-16 amending the traffic control map to make Applegate Street a one-way, and three readings on O-17-21 regarding Bond Note Issuance for Davids Drive.

A motion was made by Spicer and seconded by J. McKay to give the second reading only on Ordinance No. O-17-20, An Ordinance amending the traffic control map and the traffic control file to include adding two (2) crosswalks at the intersection of Elm Street and College Street and various no parking sections.

All yeas.

The Law Director read the Ordinance by title only.

Spicer requested that a third reading of O-17-20 placed on the agenda for the next Council meeting.

A motion was made by Spicer and seconded by J. McKay to give the second reading only on Ordinance No. O-17-16, An Ordinance amending the traffic control map and the traffic control file making Applegate Street a One-Way street from Columbus Street to Rombach Avenue.

All yeas.

The Law Director read the Ordinance by title only.

Spicer requested that a third reading of O-17-16 be placed on the agenda for the next Council meeting.

Spicer introduced O-17-21, concerning bond note issuance for Davids Drive, Spicer stated this year they will renew the note, and hopefully next year they will be ready to pay it off.

A motion was made by Spicer and seconded by J. McKay to give the first reading only on Ordinance No. O-17-21, Providing for the issuance and sale of notes in the aggregate principal amount of \$137,000. In anticipation of the issuance of bonds, for the purpose of discharging at maturity, together with other lawfully available funds, notes heretofore issued to pay part of the costs of construction improvements to Davids Drive, and paying related lawful costs, and declaring an emergency.

All yeas.

The Law Director read the Ordinance 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 on the Ordinance.

Roll call.

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

The Law Director read the Ordinance by title only.

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

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

President of Council declared O-17-21 passed as read.

Wastewater/Sewer Committee - Chairperson Stuckert had two action items, allowing for the advertising for bids for both the Wastewater Treatment Plant's UV Disinfection System Replacement Project and for the North South Street Sanitary Sewer Replacement Project.

A motion was made by Stuckert and seconded by J. McKay to give the first reading only on Resolution No. R-17-24, Authorizing the advertising for bids for the WWTP-UV Disinfection System Replacement Project and for contracting for same.

All yeas.

The Law Director read the Resolution by title only.

A motion was made by Stuckert and seconded by J. McKay to suspend the rules and regulations and give the second and third reading on the Resolution.

Roll call.

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

The Law Director read the Resolution by title only.

A motion was made by Stuckert and seconded by J. McKay to pass the Resolution as read.

Roll call.

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

President of Council declared R-17-24 passed as read

Stuckert introduced R-17-25 to open the North South Street Sanitary Sewer Project to bids. Swindler asked how far the project would extend. M. Miller stated it will avoid the area where the new road has been paved.

A motion was made by Stuckert and seconded by Swindler to give the first reading only on Resolution No. R-17-25, Authorizing the advertising for bids for the North South Street Sanitary Sewer Replacement Project and for contracting for same.

All yeas.

The Law Director read the Resolution by title only.

A motion was made by Stuckert and seconded by Swindler to suspend the rules and regulations and give the second and third reading on the Resolution.

Roll call.

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

The Law Director read the Resolution by title only.

A motion was made by Stuckert and seconded by Swindler to pass the Resolution as read.

Roll call.

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

President of Council declared R-17-25 passed as read

Water Committee - Chairperson Swindler had no action items but summarized what had been discussed at the Water Committee meeting. Swindler spoke about the debt obligation and bond reissuance. Swindler stated that by choosing to pay down debt with

our own cash from the Enterprise Fund to back up the debt obligation, the city would save money each year in the debt payments. It will also increase the debt service coverage. Swindler stated this will help delay the need for a rate increases.

Safety/Service Director – Director Shidaker had one piece of legislation, and introduced Resolution R-17-23 for the annual road salt purchasing contract. Shidaker stated there is a deadline, and this is the same legislation they passed last year. Shidaker stated this season there will be room to store more salt, and the price is excellent for the 600 tons and they currently have 1,200 tons in storage. Stanforth stated they can house 2,400 tons in the new salt shed. Stanforth gave an update on the shed, stating that's it will be ready to be put up soon.

A motion was made by Spicer and seconded by Purkey to give the first reading only on Resolution No. R-17-23, A Resolution Authorizing participation in the ODOT Winter Contract (018-18) for road salt; and declaring an emergency.

All yeas.

The Law Director read the Resolution by title only.

A motion was made by Spicer and seconded by Purkey to suspend the rules and regulations and give the second and third reading on the Resolution.

Roll call.

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

The Law Director read the Resolution by title only.

A motion was made by Spicer and seconded by Purkey to pass the Resolution as read.

Roll call.

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

President of Council declared R-17-23 passed as read

Shidaker stated

REPORTS TO COUNCIL

A motion was made by Purkey and seconded by Swindler to accept the Income Tax Report and the Hotel Lodging Tax Report for the First Quarter of 2017 as presented.

Motion passed.

Reports accepted as presented.

OPEN TO PUBLIC

Frankie Cropper, of 131 Columbus Street, was present to speak about her family's experience with a dog attack near Prairie Avenue. Mrs. Cropper stated her dog was attacked unprovoked by 2 dogs while her husband and their 2 year old daughter were present. A neighbor who heard their calls for help and arrived to assist subduing the dog with Mr. Cropper, Mrs. Cropper stated their dog required medical attention and Mr. Cropper required a rabies vaccine due to a wound he received during the attack. After the incident and speaking with neighbors, the Croppers found that this is not the first time the dogs have been out and attacked other animals. Mrs. Cropper stated the Dog Warden has issued the owner a ticket, but within the law, his hands are tied and he cannot remove the vicious animals. Mrs. Cropper's main concern is this could happen again to another person's pet or child.

President Riley apologized to Mrs. Cropper and directed Mrs. Cropper to contact Law Director Rudduck and Chief Weyand.

Jeremiah Vetter, of 255 Prairie Avenue, was present at the time of the attack and assisted Mr. and Mrs. Cropper. Mr. Vetter stated there have been at least 3 other occasion that the dogs have gotten loose. Mr. Vetter stated last fall one of the dogs had lunged at his son. Mr. Vetter stated the owner acts like it is an inconvenience to her when her dogs escape the house.

Swindler stated this really brings to light a gap in the law.

Sarah Hawley asked if you are allowed to shoot a vicious dog in your yard.

Purkey summarized the ORC that allows you to shoot the dog, but it is a long drawn out definition, but yes you are. Purkey stated he wants to get a better law in line with the city law and find out the best way to go forward.

Isabell Crickmore detailed an incident where her dog was attacked in Dayton.

President Riley stated the parties involved should give their contact information to Clerk Miller and invited the citizens to attend a Judiciary Committee meeting.

ADJOURNMENT TO EXECUTIVE SESSION

A motion was made by Liermann and seconded by Swindler to adjourn to Executive Session at 8:37 p.m.
Motion passed.

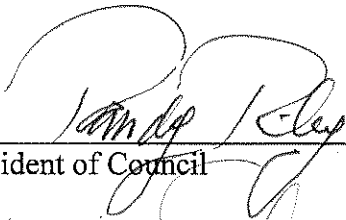
ADJOURNMENT FROM EXECUTIVE SESSION

A motion was made by Liermann and seconded by Purkey to adjourn from Executive Session at 9:22 p.m.
Roll Call.
Swindler, yes; Liermann, yes; M. McKay, Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes.
Motion passed.

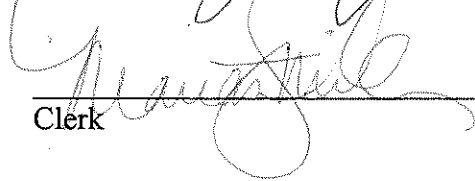
ADJOURNMENT

A motion was made by M. McKay.
President Riley declared meeting adjourned.
Council adjourned at 9:22 p.m.

ATTEST:



President of Council



Clerk