

Wilmington City Council met on Thursday, March 21, 2013, with President Scott Kirchner presiding.

Call to Order

Roll Call: Jaehnig, present; Wells, present; Stuckert, present; Wallace, present; Mead, present; Siebenaller, present; McKay, present.

Chief Weyand was also present.

Pledge of Allegiance

Council gave the Pledge of Allegiance to the flag.

President of Council asked cell phones to be set to silent mode.

President of Council

A motion was made by Wells and seconded by Stuckert to approve the minutes of the last regular meeting, March 7, as presented.

Motion passed.

Minutes approved as presented.

President Kirchner introduced Samantha Ahrman from Dayton Power & Light.

Samantha Ahrman gave a presentation regarding the services and preventative maintenance provided by DP&L.

President Kirchner announced the public hearing on a rezoning petition of Kimberly Wilcox regarding 0.5386 acres of land, more or less, located at 397 West Locust Street in the City of Wilmington, Ohio, from B-1, Local Business, to B-1a, Neighborhood Business. The public hearing will be held on Thursday, April 18, 2013, at 7:30 p.m. in the Council Chambers, City Building 69 N. South Street, Wilmington, Ohio. For all rezonings, a plat and report of the Wilmington (Ohio) Planning Commission are on file with the Clerk of the Wilmington City Council, Municipal Building, 69 N. South Street, Wilmington, Ohio, and are available to the public for inspection.

President Kirchner presented a Notice to Legislative Authority of the expiration of all permits to sell alcoholic Beverages in the City of Wilmington on June 1, 2013, and the necessity of permit holders to file renewal application, permit renewal objections taken by the Division of Liquor Control.

President Kirchner announced that he was at the Open House for Jim Reynolds, the new President of Wilmington College and expressed his opinion of what a positive move this was for the community and the college. The inauguration ceremony is set for Friday.

Mayor - Mayor Riley agreed with President Kirchner on how good it was that Jim Reynolds was being sworn in officially as President of Wilmington College. He said that Wilmington College is a great neighbor and partner to the community.

Mayor Riley said that the American Legion Oratory Contest was held in the Council Chambers recently. He thanked Paul Butler, Jerry LeForge, Mike Sutton and all of the people at the American Legion for all they have done for the community. He introduced Paul Butler to speak about the event.

Paul Butler introduced himself as Chaplain and Americanism Chairman for Wilmington Veterans Post 49 as well as the Chaplain for the 4th District of Ohio. He said the American Legion has many youth programs. They have the Americanism and Government exam that is given to sophomores, juniors and seniors throughout the county. There is an excellent local Boys State Program, and the Buckeye Boys State program is one of the finest in the country. He went on to say that the oratorical contest provides scholarships to winners and the recent winner was Crystal Pennewitt. She will go on to compete in the districts. He thanked Mayor Randy Riley for all of his support. He expressed his personal appreciation to Executive Assistant to the Mayor Brenda

Woods for all of her outstanding support of the programs and presented her with a plaque of recognition and appreciation from American Legion Post 49. Mayor Riley congratulated all of the participants and the winner of the Oratorical Contest.

Mayor Riley announced that Wilmington would be host to a delegation of people from Ukraine – five of which are mayors. He explained that they would be spending the week in Cincinnati but wanted to spend one day in a more rural setting, so they have chosen Wilmington. He also announced that the JETT team had a new employment number and asked Councilman Jaehnig to speak.

Councilman Jaehnig said the new number is one hundred thirty-nine, which is up thirty-four from the last week. He said that Mac D's Pub, a longstanding business in Wilmington, has added three new employees since the beginning of the year. Ahresty is expanding, as was mentioned in the News Journal, and they have already hired twenty-one people. Councilman Jaehnig then turned the presentation over to Councilman McKay.

Councilman McKay said that when a business such as Ahresty expands, it has a ripple effect with all of their vendors. He then announced the opening of a new business in Wilmington, Station3 Hair Salon, which is located in front of Compton Metal. He said that proprietor Maria Compton will be adding one full-time and two part-time employees. The other new business is the new Subway restaurant, which is adding one full time and fourteen part-time positions.

The owner of the new Subway was present at the meeting and thanked the City for their support.

Holly Rausch said that she represented the JETT program at the Southwest Ohio Human Resources Association meeting recently. She explained that this organization is a good resource for networking for the committee.

Councilman Jaehnig said that the current rate of job growth is 1.74 jobs per day, which would be 635 jobs by the end of the year. Mayor Riley said that he felt sure that we would exceed his goal of 750 jobs. He said he had a conversation with a local company that already has several hundred employees who is looking to expand. He added that he gets a couple of calls each week that are looking to bring their businesses to Wilmington.

Mayor Riley said that the search continues for the body of Casey Pitzer in the retention pond on the east side of town. He said that the pond is over seven acres and the search has been difficult. He added that her friends and family are suffering, and the situation is wearing on the entire community as we enter day six of the search. He said that twenty years ago, he was a member of the Clinton County Dive Rescue Team, and it is difficult to explain the process to someone who has never been in dark water. He said that diving for a body is not easy in the best of conditions, and the conditions on this recovery are horrible. He said it is windy and cold. The divers cannot stay in the water over 20 minutes because the temperature of the water is between 35 and 38 degrees. He said the wind is making it that much worse. He said he wanted to thank Chief Detective Josh Riley for his work. He said also that Tim Carr has been on the site since Monday. Tim is the retired superintendent of parks for Caesar Creek and Cowan Lake and has a lot of experience on dive rescue teams. He said John O'Rourke is also on site, and he has more experience than most people in Ohio on dive rescues. Mr. O'Rourke used to teach search and recovery courses. Mayor Riley asked for prayers for the family and asked for a moment of silence.

[Moment of silence]

Mayor Riley said that Casey Pitzer was 32 years old and leaves a family. He said it was a horrible situation for her family and our prayers are with them. He thanked all of the those involved. He also said that there is a dive team coming from Kentucky who routinely dives in the Ohio River. He said Jurgensen Construction, who constructed the bypass and built the pond, are also on site and are helping in any way they can. He asked again to keep the family in prayers.

Eric Heeg said that he appreciated the Mayor's attention to the matter. He said that he has been out on site since Casey disappeared. He said the family has been very frustrated about the lack of communication and the lack of progress in the investigation and recovery of Casey Pitzer. Early in the week, the family received updates two or three times each day, but they had received no updates from the Wilmington Police Department for almost two whole days. He complained that the police had indicated that they would start draining the pond early on Wednesday if the body was not recovered on Tuesday night, but they did not begin pumping until late Wednesday night, which at the current rate would take a week and a half. He said several private parties have offered their pumps to speed the process, but they were not being used. He said that other drowning victims have been recovered in much larger bodies of water in much less time. Mr. Heeg went on to say that Casey's family genuinely appreciates the efforts of the Wilmington Police Department, Wilmington Fire Department, Task Force One, Bureau of Criminal Investigations, and the Ohio Division of Water Craft, but are tired of what they feel are excuses and empty promises. They are tired of trial and error recovery efforts and they want her brought home no matter what the cost. The family would also like to thank the endless generosity of this community as the donations and support have been priceless. They also would like to thank the Rice family for opening their Adventure Cove facilities to serve as our gathering place and makeshift home since the early hours of Sunday morning. He asked that they drain the pond as quickly as possible.

Mayor Riley said our prayers are with the entire family, and our prayers go out to the rescue people who are suffering also. The mayor said he had spoken to Greg Pitzer twice – yesterday and today. When he met with him this afternoon – he indicated that he is frustrated, just as everyone else is frustrated. The mayor told him to bring a lawn chair to the site and sit near the pond. He told him we are hunting as hard as we can, but we are not going to lose somebody else to that pond. We are going to be as careful as we can and we are going to be as diligent as we can to bring Casey home. We've invited Greg to come with us and see everything that is going on. The mayor thanked Mr. Heeg for his comments and asked him to please express our concern and our sorrow to the entire family and all of the friends.

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

Asset, Acquisition and Use. - Chairperson Bob Mead had no report.

Finance Committee - Chairperson Mead introduced legislation making supplemental appropriations for funds to upgrade the dispatch phone system so the technology will be compatible with the entire county. He explained that the entire system costs about \$70,000. The sheriff's department was putting in about \$21,000, and the chief was able to get a discount through Verizon so the total amount for the city would be around \$30,000. He added that they would be paying for it over five years, which means the supplemental appropriation needed at this time would be \$7,000.00. He said the committee thought that the chief did a good job of getting the cost down.

A motion was made by McKay and seconded by Mead to give the first reading only on the ordinance Making Supplemental Appropriations.
President asked for discussion.

President Kirchner said that he was not able to attend the Finance Committee meeting where this item was discussed but that he had followed up personally with Chief Weyand afterward since it was an unplanned event in the budget. He said the system should last ten or more years. He said that historically they have purchased items like this with government lease-to-own programs. He said that the lease-to-own program increases the cost of the program by about 50%. He said if it is purchased outright, it would decrease from \$30,000 to \$20,000. He added that the city was expecting \$143,000 of unanticipated funds through the inheritance tax. He said he thought they should do a one-time allocation of \$20,000 rather than the \$7000.00.

[Discussion of lease versus one time purchase]

President Kirchner said there would also be a service contract in addition to the cost of the phones. Councilman Jaehnig asked what the cost of the service contract would be. President Kirchner said that he believed it was \$150 a month.

Councilman McKay asked what time-frame was for purchasing the system. President Kirchner said the Chief had told him that there were rebates from the original equipment provider that expire at the end of the month. Clerk Woods clarified that the deadline was April 26.

Councilman Wallace asked if we could do the lease payment for one year to give time to decide what to do with the additional money from the inheritance tax. President Kirchner said that his understanding was one or the other – straight purchase or lease. President Kirchner said that he thought the annual cost would be slightly over than \$7000 on the lease contract. Councilman Wallace said that it was hard to make the decision when they haven't even looked at other ways of utilizing the inheritance tax that may save the city even more money.

[Further discussion of lease versus purchase]

Councilman McKay said he was uncomfortable moving forward in this meeting since there was some confusion about the exact amount of the lease and the amount of the service contract. He suggested a short meeting on Monday. President Kirchner said that the numbers were presented at the Finance Committee, but he was not at that meeting.

President Kirchner asked Deputy Auditor Mary Kay Vance if the supplemental appropriation for the outright purchase of the dispatch system included the service contract or if those payments would come from another source. She answered that the supplemental was for the equipment only and that she thought it was the Chief of Police's hope that the maintenance contract could be a shared expense that would come out of existing funds. She said that she could not guarantee that is the way it would happen, though, as it had not been thoroughly researched yet. She said that she thought it would be between \$4000 and \$6000 a year.

Councilman Jaehnig said that he thought the amount that the Chief of Police had quoted at \$7000 a year included the maintenance in the leasing contract. President Kirchner pointed out that the phone system is for the entire building and so the cost of maintenance could be shared. He further explained that the old system could have been used, but it would have required a patch in order to make it work with the new 9-1-1 system. This patch would have cost half as much as just buying new equipment, so he thought it was an effective use of funds.

[Further discussion of possible cost of the service contract]

Councilman Wallace asked the mayor if they were starting to make a list of other items that might be needed that were not in the original budget. The mayor answered that they have not, but he completely trusts Chief Weyand's opinion that this is a needed system. He said he did not have any plans for the inheritance tax money at this point.

President Kirchner said that council could vote against the legislation that is on the floor as written.

Councilman Wells asked if they could just amend the amount.

A motion was made by Siebenaller and seconded by Jaehnig to amend the supplemental appropriation from \$7000 to \$20,550.15.

Motion passed unanimously.

Supplemental appropriation is amended.

President Kirchner suggested that the motion for the first reading of the ordinance now needed to be voted down so they could start fresh.

President called for a vote on the original ordinance making supplemental appropriations (in the amount of \$7000).

All members voted nay.

Motion failed.

A motion was made by Mead and seconded by Stuckert to give the first reading only on the ordinance making supplemental appropriation, as amended.

President asked for discussion.

Seeing none, President called for vote.

Motion passed

Director of Law read ordinance by title only.

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

Roll call: Jaehnig, yes; Wells, yes; Stuckert, yes; Wallace, yes; Mead, yes; Siebenaller, yes; McKay, yes.

Director of Law read the ordinance by title only.

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

Roll call: Wells, yes; Stuckert, yes; Wallace, yes; Mead, yes; Siebenaller, yes; McKay, yes; Jaehnig, yes.

Motion passed.

President of Council declared Ord. No. 5079 passed as read.

Water Committee - Chairperson Wallace announced that there would be a Water Committee meeting on Tuesday night in the mayor's conference room.

Streets Committee - Chairperson McKay opened the public hearing to discuss vacating a portion of Davids Drive.

Councilman McKay explained that there currently exists an unopened portion of Davids Drive bounded by and adjoining the properties owned by John M. Stanforth, the Clinton County Port Authority and the Wilmington CIC. There was a little portion of property left exposed when the new Davids Drive went through. He said in Streets Committee they have decided they would like to move forward on vacating this section. He asked for discussion.

Chairperson McKay closed the public hearing on vacating a portion of Davids Drive right-of-way.

A motion was made by McKay and seconded by Mead to give the first reading only on An Ordinance to Vacate a Portion of Davids Drive Right-of-Way.

President asked for discussion.

Seeing none, President called for vote.

Motion passed

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 accepting the dedication of a street as identified on the Dedication Plat for Praxair Drive. He asked Service Director Reinsmith to explain.

Service Director Reinsmith explained that this is a portion of what is now known as American Way. He said the first portion was dedicated back in the mid 1990's. He said American Sales did an addition where they extended the roadway. He said it was built to city standards at the time and started the dedication process in 2005, but the process was not completed at that time.

A motion was made by McKay and seconded by Wallace to give the first reading only on the ordinance Accepting Dedication of a Certain Street, All Utilities, Utility Easement and Utility Hardware and Declaring an Emergency.

President asked for discussion.

Seeing none, President called for vote.

Motion passed

Director of Law read ordinance by title only.

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

Roll call: Stuckert, yes; Wallace, yes; Mead, yes; Siebenaller, yes; McKay, yes; Jaehnig, yes; Wells, yes.

Director of Law read the ordinance by title only.

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

Roll call: Wallace, yes; Mead, yes; Siebenaller, yes; McKay, yes; Jaehnig, yes; Wells, yes; Stuckert, yes.

Motion passed.

President of Council declared Ord. No. 5080 passed as read.

Councilman McKay explained that the next piece of legislation was to change the street name of American Way to Praxair Drive. He said that Meadow Brook Farms, LLC and JTT Properties LLC are requesting the name change.

President Kirchner asked about the emergency nature of the ordinance and asked if there were citizens with any concerns at the Planning Commission meeting concerning this.

Councilman Jaehnig said that no citizens were present at the Planning Commission meeting where this street was discussed.

A motion was made by McKay and seconded by Wallace to give the first reading only on the ordinance Changing the Street Name of American Way to Praxair Drive, and Declaring an Emergency.

President called for vote.

Motion passed

Director of Law read ordinance by title only.

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

Roll call: Mead, yes; Siebenaller, yes; McKay, yes; Jaehnig, yes; Wells, yes; Stuckert, yes; Wallace, yes.

Director of Law read the ordinance by title only.

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

Roll call: Siebenaller, yes; McKay, yes; Jaehnig, yes; Wells, yes; Stuckert, yes;

Wallace, yes; Mead, yes.

Motion passed.

President of Council declared Ord. No. 5081 passed as read.

Mayor Riley thanked council for passing the legislation and said he thought they would be hearing more about Praxair in the future.

Solid Waste/Recycling - Chairperson Wells said he is trying to get a Solid Waste/Recycling Committee meeting together. He asked Service Director Reinsmith if they had information together to change the ordinance, and Service Director Reinsmith said that he had received information from the landfill superintendent and they are working on it. Councilman Wells said that he also wanted to leave time for Steven Taylor from Santek to talk to the committee.

Wastewater/Sewer Committee - Chairperson Stuckert had no report.

Judiciary Committee - Chairperson Siebenaller announced the third reading on a resolution authorizing the adoption of a citizen participation plan for the city's CDBG program.

A motion was made by Siebenaller and seconded by Jaehnig to give the third reading only on a resolution Authorizing the Adoption of a Citizen Participation Plan for the Ohio Small Cities Community Development Block Grant (CDBG) Program.

President asked for discussion.

Seeing none, President called for vote.

Motion passed.

Director of Law read resolution by title only.

A motion was made by Siebenaller and seconded by Wallace to pass the resolution as read.

President called for vote.

Motion passed unanimously.

President of Council declared Res. No. 2321 passed as read.

Councilman Siebenaller introduced legislation to allow for annual updating of the codified ordinances.

A motion was made by Siebenaller and seconded by Stuckert to give the first reading only on An Ordinance Approving the Editing and Inclusion of Certain Ordinances as Parts of the Various Component Codes of the Codified Ordinances of Wilmington, Ohio; and Declaring an Emergency.

President asked for discussion.

Seeing none, President called for vote.

Motion passed

Director of Law read ordinance by title only.

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

Roll call: McKay, yes; Jaehnig, yes; Wells, yes; Stuckert, yes; Wallace, yes; Mead, yes; Siebenaller, yes.

Director of Law read the ordinance by title only.

A motion was made by Siebenaller and seconded by Wells to pass the ordinance as read.

Roll call: Jaehnig, yes; Wells, yes; Stuckert, yes; Wallace, yes; Mead, yes; Siebenaller, yes; McKay, yes.

Motion passed.

President of Council declared Ord. No. 5082 passed as read.

Councilman Siebenaller introduced legislation authorizing a UDAG loan to T. Elliot Enterprises, LLC the Escape Lounge as part of the economic development of the Sugartree Corridor. He explained that the application came back favorable from the loan agent and that the Law Director had also reviewed it.

Councilman Jaehnig said that he was happy to see someone willing to take the risk and step forward for economic development. Councilman McKay said that he had not seen anyone else more passionate about doing something for the Sugartree Corridor project for a long time. He hoped that it would kick off the development of that area. President Kirchner said it was exciting as this will clean up a neighborhood as well as create jobs.

A motion was made by Siebenaller and seconded by Stuckert to give the first reading only on A Resolution Authorizing a UDAG Loan to T. Elliott Enterprises, LLC DBA The Escape Lounge from the UDAG Project Income Revolving Loan Fund; and Declaring an Emergency.

President asked for discussion.

Seeing none, President called for vote.

Motion passed.

Director of Law read resolution by title only.

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

Roll call: Wells, yes; Stuckert, yes; Wallace, yes; Mead, yes; Siebenaller, yes; McKay, yes; Jaehnig, yes.

Director of Law read the resolution by title only.

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

Roll call: Stuckert, yes; Wallace, yes; Mead, yes; Siebenaller, yes; McKay, yes; Jaehnig, yes; Wells, yes.

Motion passed.

President of Council declared Res. No. 2321 passed as read.

Mark Elliott thanked council for approving the UDAG loan.

President Kirchner said that there is another finance item related to this legislation.

Finance Committee – Chairperson Mead introduced legislation for a supplemental appropriation in order fund the UDAG loan account for \$150,000.

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

President asked for discussion.

Seeing none, President called for vote.

Motion passed

Director of Law read ordinance by title only.

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

Roll call: Wallace, yes; Mead, yes; Siebenaller, yes; McKay, yes; Jaehnig, yes; Wells, yes; Stuckert, yes;

Director of Law read the ordinance by title only.

A motion was made by Mead and seconded by Jaehnig to pass the ordinance as read.

Roll call: Mead, yes; Siebenaller, yes; McKay, yes; Jaehnig, yes; Wells, yes; Stuckert, yes; Wallace, yes.

Motion passed.

President of Council declared Ord. No. 5083 passed as read.

Safety Committee - Chairperson Wells had no report.

Downtown Revitalization Committee - Chairperson McKay said the downtown business he wanted to highlight this week was Jen's Deli and Books 'N More. He said the deli has updated their coffee shop and they are now serving breakfast. He said Books 'N More has a great selection of books and can order anything you want that they might not have in stock. They also have a large selection of toys.

Parks and Recreation Committee – Chairperson Jaehnig announced that the Parks Department is looking for donations. They need a new American flag and a new State of Ohio flag.

Income and Levy Tax Committee – Chairperson Jaehnig 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 Wells and seconded by Stuckert that the Auditor-Treasurer Report – March 2013, be accepted as presented.

Motion passed.

Reports accepted as presented.

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

President Kirchner asked if anyone else wished to address council while in session.

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

A motion was made by Mark McKay to adjourn.

President Kirchner declared the meeting adjourned.

Council adjourned.

ATTEST:

President of Council

Clerk