

Wilmington City Council met on Thursday, April 18, 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, April 4, as presented.

Motion passed.

Minutes approved as presented.

President Kirchner opened the public hearing for a rezoning request from Kimberly Wilcox to rezone 0.5386 acres of real property located at 397 W. Locust Street from B-1, Local Business to B-1a, Neighborhood Business

President Kirchner asked if anyone from the audience wished to speak on the matter.

Jeff Honnerlaw: Honnerlaw Real Estate Services, 94 N. South St., Wilmington, OH. The property is the old Brenz property down on Locust Street. It is currently zoned business. There is a family who is interested in buying the property. They want to rezone to B-1a, which will permit single-family usage. They plan on using it at this time as a single-family residence.

President Kirchner asked if there are any questions from council.

Councilman Jaehnig commented that he considers the property a gateway home and is thrilled that someone wants to turn it back into a family home and preserve it. Preservation of gateway homes is important to ensure that we do not lose the fabric of our community. Mayor Riley said it was a beautiful home, and President Kirchner stated his support of a family moving into this historic gateway home.

President Kirchner asked if anyone else wanted to speak.

Seeing none, he closed the public hearing.

President Kirchner introduced legislation rezoning the home located at 397 W. Locust Street.

A motion was made by McKay and seconded by Jaehnig to give the first reading only on the ordinance Changing the Zoning of Real Property Located in the City of Wilmington, Ohio, and Declaring an Emergency (0.5386 +/- acres located on Locust Street and commonly known as 397 West Locust Street)

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 Jaehnig 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 McKay and seconded by Jaehnig 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. 5086 passed as read.

Mayor - Mayor Riley stated that there had been a police resignation recently, which left an opening on the force. He explained that during recent interviews for a prior opening, one police officer in particular was a good candidate and now, due to this resignation, the city is able to offer him a position.

Chief Duane Weyand introduced Kyle Brown and his family.

Mayor Riley swore in Kyle Brown as Patrol Officer for the City of Wilmington.

Mayor Riley announced that the Dayton Daily News did an article regarding jobs in Wilmington last week. He said the day after the article ran, an AP photographer came to the office, which sparked another story that ran in papers throughout the nation.

Councilman Jaehnig said that the new JETT jobs number was at 193, an increase of 47 from the last council meeting. The count comes from 23 additional employees from Ahresty, for a total of 44 for the year; 23 additional employees from Ferno; and one additional from a new business that just opened up their doors called Inspired Creations. Angela Smith is a local photographer who has just opened up her first shop and is in the downtown area on Mulberry, right across from Get Fit. He said that is an average of 12.5 jobs per week and are on schedule right now to hit 627 jobs if we continue at the pace we are.

Mayor Riley said they received an invitation from American Legion Post 49 on June 25 at 7:30 p.m. They will be having a program recognizing young men who have completed Buckeye Boys State. On the Saturday, April 27, from 10 a.m. to 2 p.m., Clinton County Safety Day will be held at three different locations – the Boyd Cancer Center, Sabina Health Center, and Blanchester Medical Services Building. They will be checking blood pressure and early childhood screenings. On April 29, from 3 p.m. to 5 p.m., State Representative Cliff Rosenberger will be having a Business Roundtable at Ferno-Washington. They are inviting the Clinton County Chamber members, which the City of Wilmington is a member. The mayor went on to say that we are still stunned and recovering from the shock of what happened in Boston over the weekend at the end of the Marathon. While working at the hospital, part of my job was disaster preparedness and dealing with emergencies and getting prepared for these types of things. Truth be known, you never prepare for these types of things completely. When terrorists do something like this, their motivation is usually to stun you or scare you into changing the way we live. Bottom line, if we change the way we live, we let them win, and we just can't do that. We have several races in Clinton County every year. Since this attack happened on Patriot's Day, I would encourage every race organizer to put the name "patriot" in the name of their race so that every race will have the name Patriot in it – whether it is the Corn Festival 5K Patriot Race or what. We cannot let them win by changing the way we do things. Our prayers are with the families who have lost loved ones or who have injured loved ones and with the safety services people.

Councilman Wells wanted to assure the public that the tornado siren system is working and is doing okay. Mayor Riley noted that the sirens are tested each week on Saturday, except if college graduation is being held on the first Saturday of the month. Chief Weyand added that they do not test the sirens during inclement weather either. Mayor Riley said a weather radio is a good investment. People need to stay alert and take care of themselves and take care of their neighbors. Sirens are intended to alert people who are outside – not people who are inside.

Auditor - Auditor David Hollingsworth had no report.

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

Finance Committee - Chairperson Mead introduced legislation for supplemental appropriations.

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

President Kirchner said that most of these were generated from a bill from the Worker's Compensation.

Councilman Mead explained that the Worker's Compensation bill ended up being more than anticipated, that the bill was spread out between many different funds, and it was something that needed to be paid.

Seeing no more discussion, President called for vote.

Motion passed

Director of Law read ordinance by title only.

A motion was made by Mead and seconded by McKay 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 Mead and seconded by McKay 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. 5087 passed as read.

Councilman Mead introduced legislation on the authorizing payment of expenses incurred in prior fiscal year.

A motion was made by Mead and seconded by Siebenaller to give the first reading only on a resolution Authorizing Payment of Expenses Incurred in Prior Fiscal Year.

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 Mead and seconded by Siebenaller to suspend the rules and give the second and third reading on the resolution by title only.

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

Director of Law read the resolution by title only.

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

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

Wallace, yes; Mead, yes.

Motion passed.

President of Council declared Res. No. 2322 passed as read.

Councilman Mead introduced legislation making miscellaneous transfers.

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

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 Siebenaller 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 Mead and seconded by Siebenaller 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. 5088 passed as read.

Water Committee - Chairperson Wallace had no report.

Streets Committee - Chairperson McKay had no report.

Solid Waste/Recycling - Chairperson Wells introduced legislation amending the refuse collection chapter of the codified ordinances. He said the latest version of the ordinance is at council places. He said that after doing personal observation at the landfill and after having discussions with Donnie Maher and Braden Dunham, it became obvious that using tonnage across the scale was not going to work to help the landfill. He said that the committee came up with an ordinance that would give them the freedom to increase revenue and maintain control over this for the future of the citizens of Wilmington. He urged everyone to approve it.

A motion was made by Wells and seconded by Mead to give the first reading only on the ordinance Amending Chapter 925, Refuse Collection, of the Codified Ordinances.
President asked for discussion.

Councilman Jaehnig clarified that the changes in fees had to do with the tipping fees with the landfill and has zero effect on a resident's cost to have their trash picked up.

Councilman Wells said the only items that might be different would be picking up appliances with Freon and the wording for the mattresses and box springs, limb pickup, and setout pickup for eviction clean-outs.

Paul Hunter asked if the amendment was made to include the EPA fees. Councilman Jaehnig said the new version has that.

Councilman McKay offered his support for the legislation. He commended Councilman Wells on the way he went through the process, receiving input from many different sources before going ahead with the legislation.

Councilman Wells thanked him and said that he had input from the mayor, Larry and the landfill supervisor. Also, Brenda and Andrea helped a lot in getting the ordinance formatted to include everything that was talked about.

President Kirchner expressed that he was encouraged by the process and is happy with the idea that with this fee schedule they will begin building reserves for long-term monitoring and infrastructure expansion – capping of the current cell and expansion of additional cells as needed. He said he thought the city had protected the citizens with this approach as well.

Councilman Wells said that during this process he learned a lot about the landfill and also about when the time comes to open a new cell. He said also if the decision was ever made to close the landfill, it is not that simple, because we have long-term monitoring to do for at least thirty years to fulfill the EPA obligation. This is a good way to maintain the landfill and look out for our futures.

Seeing no more discussion, President called for vote.

Motion passed

Director of Law read ordinance by title only.

Wells requested that the second and third readings be on the Agenda for the next meeting.

Wastewater/Sewer Committee - Chairperson Stuckert had no report.

Judiciary Committee - Chairperson Siebenaller introduced an ordinance that rescinds an ordinance from a few years back that adjusts council pay along with appointed officials pays to match requirements from OPERS. Basically, going into the next year, that would have effectively doubled council pay. The Judiciary Committee felt with what we are asking the city employees to do, that is not something we can do right now; it would be entirely unacceptable and inappropriate.

A motion was made by Siebenaller and seconded by Stuckert to give the first reading only on the ordinance Rescinding Ordinance 4576 Setting Salaries of City Council Members and Appointed Salaried Officials to at Least Meet the Minimum Amount Required by the Ohio Public Employees Retirement System (OPERS) to Obtain One Year of Credit for One Year of Service.
President asked for discussion.

President Kirchner explained that he was on council at the time the original ordinance was passed. At the time, council salaries were \$350 per month. He said at the time, the expectation was that OPERS would raise the salary requirements by small increments and this ordinance would allow the salaries to keep up with the incremental changes. He said this was a significant jump by OPERS, and he thanked the Judiciary Committee for their support in rescinding the ordinance. He explained that the council members would now be issued a prorated amount of service credit. A salary of \$600 per month would be required to receive a full year of service credit. He said the only people affected would be the council members and the President of Council.

Paul Hunter asked if they would still be able to get their health insurance. President Kirchner explained that council members have never been eligible for health insurance.

Seeing no more discussion, President called for vote.
Motion passed
Director of Law read ordinance by title only.

Siebenaller requested that the second reading be on the Agenda for the next meeting.

Safety Committee - Chairperson Wells congratulated Officer Brown. President Kirchner also expressed congratulations and thanked Chief Weyand and Safety Director Burton for their service.

Downtown Revitalization Committee - Chairperson McKay talked about the downtown loft apartments that are being constructed. He said there are two apartments available above The Crave. He said that they are for a reasonable rent and would be appropriate for a single person.

[Discussion of the downtown apartments]

Parks and Recreation Committee – Chairperson Jaehnig introduced legislation to authorize the Parks Department to apply for a NatureWorks grant. He explained that the amount of the total project costs for the grant was going to be more than what was discussed in committee. This is because it was figured out that an opportunity would be left on the table. Chris Schock of Regional Planning pointed out that there would be unused grant funds and that the Parks could also apply for those. The scope of the project includes two basketball courts at Denver Williams Park, signs that indicate it is a NatureWorks project, and benches near the pond. He said this would cause the match to be \$2670. The entire project is a little over \$10,680.00. He thanked Lori Williams and Chris Schock for recognizing that there would be unused funds. He asked for questions and explained that Lori Williams was available to speak if necessary.

Councilman McKay asked how many benches. Lori Williams replied that there would be three and they were working on the style.

Councilman McKay said that he was in support of the grant, even though there would be an expense to the General Fund. He said it was important to continue to keep our parks in as nice of shape as we can. It is a great opportunity and a good leveraging of the

money. Councilman Jaehnig explained the basketball courts are in bad shape and need repair badly. He said they are heavily used courts.

Councilman Wells asked how the duck population is doing. Lori Williams explained that we have mostly mallards, which come and go, and two domestic ducks. The other domestic ducks and geese have been relocated. It was noted that although the benches could be a nice place to sit and feed the ducks and geese, the city does not encourage feeding the birds at the pond.

Lori Williams explained that they are also applying for another grant, and they have tentatively gotten funding to stock the pond.

Councilman Siebenaller pointed out that there is an error in the ordinance and that the total project amount should read as \$10,680.00

A motion was made by Jaehnig and seconded by Siebenaller to amend the resolution to change the total project amount authorized from \$8010.00 to \$10,680.00.

Motion carried.

Resolution Amended.

A motion was made by Jaehnig and seconded by Siebenaller to give the first reading only on a resolution Authorization and Support for the Submittal of an Application for the NatureWorks 20th Round Grant Application and Declaring an Emergency, As Amended.

President asked for discussion.

President Kirchner said that Lori Williams had brought her concerns about moving forward on the resolutions because of the timing of the grant. He said that council was not able to schedule a budget work session to discuss all of the park's financial needs, but he had encouraged her to bring it forward and told her he would support it. He went on to say that with the unexpected income that the city received from the inheritance tax, we do have some money available, although we are still watching the budget. The basketball courts are a safety issue and he completely supports her effort to try to maximize every dollar through this approach.

Seeing no further discussion, President called for vote.

Motion passed.

Director of Law read resolution by title only.

A motion was made by Jaehnig and seconded by Siebenaller 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 Jaehnig and seconded by McKay 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. 2323 passed as read.

Councilman Jaehnig also announced that the parks have a couple of work days planned coming. If anyone is interested in helping out, they will be doing sanding, painting and landscaping prep this Friday and also Saturday, April 27, from 12:30 to 3:30. They will also be staging some material at the park. The Southeast Park drinking fountain will be arriving in a couple of weeks for installation. They plan on getting started on electrical work, so the project out there is moving ahead nicely.

Income and Levy Tax Committee – Chairperson Jaehnig had no report.

Service Director - Service Director Reinsmith had no report.

Safety Director – Safety Director Russ Burton had 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 asked the Auditor if the city is tracking to its expected income for the year at this point based on where we ended in March. Auditor David Hollingsworth said he had not looked at that.

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

Mayor Randy Riley announced that there were volunteers from the Hilti Company and they are working on the bridge. Lori Williams explained that it was a group of regional sales managers from Hilti Corporation, a large power tool corporation. They brought their equipment and sanded and prepared for painting the pond bridge. They are painting it bright red. She said that they then moved on to the Southeast Neighborhood Park where the columns are now painted bright John Deere green. She said the Southeast Neighborhood Park project is great and it is going to be a great place.

Councilman Jaehnig announced that the Wilmington High School athletic department is having their annual sports extravaganza. Tickets are still available. Also, racing returns to Wilmington next weekend with ECTA land speed racing.

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 Wells to adjourn.

President of Council declared the meeting adjourned.

Council adjourned.

ATTEST:

President of Council

Clerk

