

Wilmington City Council met on Thursday, September 19, 2013, with President Pro Tem Mark McKay 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 Pro Tem of Council asked cell phones to be set to silent mode.

President Pro Tem of Council - President Pro Tem McKay:

A motion was made by Wells and seconded by Stuckert to approve the minutes of the last regular meeting, September 5, as presented.

Motion passed.

Minutes approved as presented.

Mayor - Mayor Riley announced that President Kirchner's mother had passed away and asked for a moment of silence in honor of Judy Kirchner Davis.

Steven Berk from the Clinton County Farm Bureau gave a presentation about the Farm Bureau. He presented a history of farm bureau and description of the services they provide. They are a lobbying organization, not a government organization. They have 185,000 statewide and are the fourth largest Farm Bureau in the entire country. Every state, including Puerto Rico has a Farm Bureau. It is a very member driven – grass roots organization. If you are a member of the Clinton County Farm Bureau, you also become a member of the state and the federal bureaus. There are 87 Farm Bureaus in the state. They work with strongly Nationwide Insurance, who is the largest insurer of agribusiness. The political action group for Farm Bureau is called AGGPAC (Agriculture for Good Government Political Action Committee). AGGPAC is designed to endorse state and national congressional candidates based on voting records and seek to push legislation they find important. Ohio is number one in Swiss cheese production, number two in eggs, number three in tomatoes, number six in soybeans and corn, and number eleven in dairy production. There are about 75,000 farms in the Ohio and about 460 farmers markets.

Berk - The Clinton County Farm Bureau has 1370 members, and dues are \$60 a year. They contribute back to the community in the form of scholarships, farmers' markets, 4-H and other programs. He presented a slide show of pictures. There are 790 farms in Clinton County, the average size being 288 acres. A little over a quarter million acres are in production in Clinton County. Clinton County is number 6 in the state in corn, 23<sup>rd</sup> in the state in soybeans, 28<sup>th</sup> in swine, and 49<sup>th</sup> in wheat production. The average age of farmer in Clinton County is 53.9 years old, which tells us that we do not have successful succession planning on farms. We do not have young adults finding value in returning to the farm. Certainly, we have a lot of attrition and consolidation of farmers. Just because there are 790 farms in Clinton County doesn't mean there are 790 farmers. You can probably know of instances where one farmer farms several family farms.

Berk - Looking ahead, consumer confidence in food is at an all-time low. We're worried about where our food comes from and how it's raised. Is there growth hormone in my milk making my children go through puberty quicker? Is GMO healthy and right? What about what Europe is doing? What's the longevity of agriculture? Where are we moving to? How are we going to coalesce what we need from agriculture with what the environment can take? One of the biggest concerns right now is water quality and the role phosphorus from agricultural runoff plays in areas such as Grand Lake St. Marys and Lake Erie. We also have a massive rural to urban migration – in general. We see a

lot of people moving away from rural communities into more urban ones. There are also concerns regarding public health and the way we feed ourselves. Berk provided contact information: (740) 505-2026 and sberk@ofbf.org

Paul Hunter asked if there was any blowback from the Farm Bureau's SB5 endorsement. Steven Berk answered that a lot of farmer's are married to teachers and it did make some people upset.

Mayor Riley said that he was impressed with the way the Farm Bureau takes member input on what they should take a stand on and the type of stand they should take. You've done a wonderful job on your public policy side.

Steven Berk thanked everyone.

Mayor Riley mentioned that Ahresty had just been recognized for their six years in the Adopt-a-Highway program. Tomorrow is their 25-year celebration in Wilmington. He noted that Sgt. Bob Houghton retired last week. One of the things we're working on in collaboration with the Air Park is UAS (unmanned aerial systems). We had a great meeting on the 8<sup>th</sup> with Sinclair Community College and WPAFB. They are partnering with Wilmington College, SSCC, and with the Port Authority as a training site for the UAS technology. It is evolving. On October 28 at 9 a.m. there will be a Small business Resource Forum in the community room downstairs. There will be new details coming. Cliff Rosenberger's office is putting together the program, helping small businesses find out what is out there that can help them be successful. The Murphy Theatre is starting their new season this month. They are going to be having a special program on October 24 at 7 p.m. featuring Kori Ciocca. She was the subject of an award-winning documentary. She was the victim of sexual assault while she was in the military, and she has taken a stand. This film has been endorsed by politicians and people in the military. Also, we had the mayor's golf tournament at the Elks. I chose Wilmington Parks and Recreation and over \$600 was raised by the tournament. Special thanks to Tim Hill and staff at the Elks golf course. We continue to meet with people and talk to people about job opportunities and job growth. I just received a phone call on a lead this afternoon that came because one of the police officers heard of someone looking for a place to relocate. Keep your eyes and ears open.

Councilman Jaehnig said our JETT numbers have increased by 15 to 437. Experiential Academy and CMH have added jobs. We are expecting some announcements coming in the next week. Councilman Jaehnig said that some leads have come from City of Wilmington employees. The employees are going above and beyond to seek out economic development opportunities to try to help and grow the community. It's something that we all can do. Also, the General Denver is now in production of their new salad dressing.

President Pro Tem McKay thanked the mayor for his report and Councilman Jaehnig for his comments regarding job growth.

Auditor - Auditor David Hollingsworth had no report.

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

Finance Committee - Chairperson Mead introduced legislation making supplemental appropriations and read each of the items. He asked for questions on any of the items.

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

President Pro Tem asked for discussion.

Seeing none, President Pro Tem 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: 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 Siebenaller 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 Pro Tem of Council declared Ord. No. 5108 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 Pro Tem asked for discussion.

Councilman Wallace asked for an explanation of the transfer from Consultant Services to Income Tax Incidentals, commenting that we had put money into consultant services recently.

[Discussion of transfer from Consultant Services to Income Tax Incidentals]

Service Director Reinsmith said he believed the money was being used for computers.

Councilman Jaehnig said that the extra money in the income tax line consultant services was because Law Director Shidaker had done so much of the work that they did not need to hire outside council.

Seeing no more discussion, President Pro Tem 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: 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 Siebenaller 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 Pro Tem of Council declared Ord. No. 5109 passed as read.

Water Committee - Chairperson Wallace had no report.

Streets Committee - Chairperson McKay introduced legislation amending the traffic control map to provide a no-parking zone on the east side of Virginia Circle. He explained that there were problems with traffic congestion around Denver School during school hours. They met with the school officials and went on site to review the problem. Several ideas were considered, and the committee decided to start with the least costly solution and go from there.

Mayor Riley – They spent a morning and an afternoon watching the drop-off and pick-up. It is very busy out there, but one of the main concerns was having parking on both sides of the street leaves a very narrow gap in the middle, which is being used as a pedestrian walkway at times. There are kids walking up and down Virginia Circle. If the parking is eliminated on the east side it will give a clearer path for pedestrians.

Councilman McKay added that the school officials are looking at things they can do on their property that would also alleviate the situation. It is partnership to try to help solve the situation.

Mayor Riley said they took time to ask the parents if they had any ideas, and that seemed to be one idea that no one had great objection to.

Councilman Wallace said one of the suggestions he heard was to make that one or two-block area one-way. He said he personally thought that was the best suggestion, even though it would take adaptation by the people in the neighborhood. He said at least they would have cars moving in one direction, which would help with pedestrian traffic as well. If you go down there on a rainy day, the traffic congestion is doubled. I will vote for what is recommended here, because it is a step in the right direction, but I think more action should be taken.

Service Director Reinsmith pointed out that the no parking zone is just 8 a.m. to 5 p.m., Monday through Friday. The residents will be able to park on their street during other hours.

Mayor Riley said that there would be also stepped-up enforcement. He said this was a first step to see if it helps. If it does not work, something more involved will be considered.

[Discussion of Virginia Circle traffic patterns]

A motion was made by McKay and seconded by Stuckert to give the first reading only on the ordinance Amending the Traffic Control Map and the Traffic Control file to Provide for a “No Parking” Zone on the East Side of Virginia Circle, and Declaring an Emergency.

President Pro Tem asked for discussion.

Seeing none, President Pro Tem called for vote.

Motion passed

Director of Law read ordinance by title only.

A motion was made by McKay and seconded by Stuckert 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 Stuckert 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 Pro Tem of Council declared Ord. No. 5110 passed as read.

Councilman McKay explained that they had a request from the Eagles to put two handicapped spaces on Sugartree on the north side of the street. Typically, we would not be in favor of two handicapped spaces together, but that street, as everyone agreed, does not have a lot of parking on it. As was explained to us, the members are getting older and this would be very helpful to them. They are putting three additional spaces in their own parking lot. They have two already to help accommodate events. He asked for discussion.

Councilman Jaehnig asked how many street parking spaces there are in that area. Service Director Reinsmith said there are three spaces there, which are four-hour, and they would want to take two for handicapped. There may be four total. He said the parking lot on the west side does not belong to the Eagles.

Councilman Wallace said that it was brought to Streets Committee a few years ago to bring a handicapped spot in front of Champion Bridge and we denied it. At that time, we said we felt we had enough handicapped parking in that area.

Service Director Reinsmith said that it really beyond the enforceable area. Councilman Wallace said it makes us look inconsistent.

Councilman Jaehnig said the parking lot to the east of the building is posted as tow-away. If their lot is private and then we are going to give them two additional handicapped spots in front of their building, I would like to see a little bit of flexibility in terms of the tow-away zones. There are other businesses across the street from that. There are times that the license bureau is full. He did not like the idea of giving them

two extra spots yet maintaining their entire lot as a tow-away zone. Have we reached out to the other tenants in the area regarding how it will affect them?

Service Director Reinsmith said he counted the spaces and they have 40 spaces in that lot. They have two handicapped spaces already. They are going to add three more and they say they have a lot of handicapped people as they are getting older. For the most part, the lot is empty all day long. It only gets busy during Eagle special events. To take the two out there and lock them out, you put them out of service all day long.

Councilman Jaehnig – If it is currently a 4-hour spot and you make it handicapped, it becomes an 8-hour spot.

Councilman McKay – I work right across the street from there. I can count on one hand the number of times I see people park on that side of the street. It is an anomaly. It is an area that does not require very much parking. I agree that we want to be judicious about handing out parking and we could continue to look at this, but the committee felt that it was reasonable to honor this request.

Councilman Stuckert said he also lives in the area and agrees that those parking places are never used. He would agree to canvass the businesses.

Service Director Reinsmith said that there is nothing that says that a handicapped person cannot park there. If you park there with a handicapped sticker, you can get eight hours out of the space.

A motion was made by McKay and seconded by Stuckert to give the first reading only on the ordinance Amending the Traffic Control map and the Traffic Control File to Create Handicapped Parking Spaces on the North Side of Sugartree Street.

President Pro Tem asked for further discussion.

Seeing none, President called for a roll call vote.

Roll call: McKay, yes; Jaehnig, no; Wells, no; Stuckert, yes; Wallace, no; Mead, no; Siebenaller, no.

Motion failed.

President Pro Tem said we would have to go back to the legislation and decide how to move forward.

Solid Waste/Recycling - Chairperson Wells had no report.

Wastewater/Sewer Committee - Chairperson Stuckert had no report.

Judiciary Committee - Chairperson Siebenaller introduced the third reading on legislation adopting a revolving loan plan.

A motion was made by Siebenaller and seconded by Mead to give the third reading only on a resolution Adopting a City of Wilmington Revolving Loan Fund (RLF) Plan.

President Pro Tem asked for discussion.

Seeing none, President Pro Tem called for vote.

Motion passed. All yeas.

Director of Law read resolution by title only.

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

President Pro Tem called for a vote.

Motion passed. All yeas.

President Pro Tem of Council declared Res. No. 2338 passed as read.

Councilman Siebenaller introduced the third reading on an ordinance defining the obligations of developers in terms of bonding.

A motion was made by Siebenaller and seconded by Mead to give the first reading only on the ordinance Amending Section 1123.02 of the Codified Ordinances of the City of Wilmington, Obligations of Owner/Developer.

President Pro Tem asked for discussion.

Seeing none, President Pro Tem called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

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

President Pro Tem called for vote.

Motion passed. All yeas.

President Pro Tem of Council declared Ord. No. 5111 passed as read.

Safety Committee - Chairperson Wells had no report.

Downtown Revitalization Committee - Chairperson McKay said the new restaurant on S. South Street is doing well. Pay them a visit, but don't forget about the other ones.

Parks and Recreation Committee – Chairperson Jaehnig had no report.

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

Service Director - Service Director Reinsmith had no report.

Councilman McKay asked if there was any headway made on the concerns regarding the bridge approach.

Service Director Reinsmith said that ODOT was in the process of working on it. The sidewalk is not done and there was someone in the street in a wheelchair going through there. New rules require that each subcontractor has to be qualified to do each type of contract and the previous sidewalk contractor has not yet gotten his certification.

Mayor Riley said they talked to Jeff Linkous, County Engineer, who realizes that it was not a job well done. Going south on 68, kids riding the bus leave their seats on the second bump.

Safety Director – In the absence of Safety Director Russ Burton, there was no report.

#### Reports

A motion was made by Wells and seconded by Jaehnig that the Auditor-Treasurer Report, August 2013, be accepted as presented.

Motion passed.

Reports accepted as presented.

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

Paul Hunter, 200 Randolph Street – The annexation is done and over with, but for the record and for future annexations, I want to clear something up. I erred last week in saying that it was a wash between the sewer gain and the water bill loss. We gain the sewer and only lose a quarter of the water. On the other hand, I didn't include the cost of the sewage treatment. Factoring that in, we lose \$62 per 100,000 gallon. It is a wash in the end. It costs us to treat that new sewage, but the water fee loss brings us down to even.

Paul Hunter - I want to address something that Phil Floyd said about losing his mechanic to another job. He indicated it was because of no raise. I'll put a face and a name to that guy. It is Corey Tolliver. He has worked there 20 for years, with no raises in the past five or six years. He left. That could be a trend. As our economy recovers, people aren't going to stay here at this very reduced wage scale we have. I know we don't have a revenue problem; we have a spending problem – I've heard that for the past couple of years. We *do have* a revenue problem – the state has taken away tens of thousands if not hundreds of thousands of dollars. So, we do have a revenue problem. We can increase the revenue by a token property tax increase, rather than having people start wandering away from our place here. We will end up with a big turnover and lower quality workers if we're not careful. Young people are not so enthused about a career in civil service as

some of us are. Corey was vested, but yet he walked because he was too good for the pay he was getting. I know the guy, and he was really sharp.

Joe Sodini – 739 Todds Ridge Rd. I haven't spent a lot of time on this, but I know that there is a problem in the city here dealing with deer harvesting. I know it has been breached over the years, but I would like the council members to look at putting together an ordinance to allow some limited access to harvesting deer out of the city limits. I think when people think about this, they think we will be hunting next to houses, but there is quite a bit of property inside the city limits that are used for farming. Deer do a lot of damage to the farm crops. Again, as a farm community, I think it would make a lot of sense to look at that. ODNR states that deer need to be harvested to keep a healthy environment – not only to limit disease, but to help with problems such as crop damage. In Timber Glen, residents are protecting their trees and flowers with fences because of the deer problem. Some of the people that I've talked to out there, who I thought would be adverse to harvesting, would actually support removing some of these animals. Sympathy with being an agriculture community makes a lot of sense. There is the danger of unbalanced nature. There are some areas that are in the city limits where we are finding people going in and hunting anyway. Because there are no rules, people aren't thinking from a hunting standpoint and things are going on that shouldn't be going on in the city. These things don't happen in the country where we have rules set by the state. This is not about a hunting experience for us; we think there is a harvesting problem in the city. There is no money involved; there is no cost associated. A harvesting agreement is something that would benefit the community. I would be open to talk to people about it – limit the acreage, bow hunting only, no guns in the city. My personal opinion, I don't think there is a danger. If someone was shot with a bow due to hunting or harvesting, I think they should go straight to jail. There is no excuse, if you are an avid hunter, for that kind of accident to happen. We suggest we could donate the meat that was harvested in the city to Your Father's Kitchen or church or people in need.

Councilman Wells – The last time we talked about this, I did some research. I think it's more than just a city problem. I think it is a state problem. The reason being, if we harvest the deer inside the city of Wilmington, other deer are going to come in, more deer. There are deer all over the state. From what I have read, the areas that it works the best is where it is a fenced in, like some of these big city parks and areas like that, because the outside deer won't come in.

Sodini – I still have the property on 68 where Praxair is. They are hunting between the corporation limit and that spot. What happens in the gun season, the deer run into the sanctuary. When gun season happens, they move into the city, which protects the deer and makes it that much worse. I see the opposite effect happening.

Councilman Wells – I see the statistics that the state publishes. There are thousands of deer taken every year. They're not taking enough deer to reduce the population. They just keep coming back.

Sodini – that's ODNR's job to figure that out. There are still too many deer everywhere. I do suggest that if you would consider that, the rules and regulations be set up by ODNR and we follow those guidelines.

Councilman Jaehnig – ODNR was suggesting bow also. One of the questions they were not able to answer – with it being bow, all of the literature and everything that I could find, show that 50% of the deer when hunted by bow do not go down immediately. They will die but they can go off anywhere from 100 to 500 yards before dropping. Less than 50% of the time, they are dropped where they are hit with a bow. The thing that we asked was, if we take a look at an overlay of the city, where is it we can hunt and a deer takes off and then isn't going to end up in someone's back yard dying from the bow hunt or in the parks or on the bike trail, or God forbid, it's been shot, running across a busy intersection. That was one of the questions we had and no one was able to provide us with solid answers that it wasn't an issue. We really don't need a deer ending up in someone's sandbox in their backyard dying.

Sodini – I guess that it possible. I'm not saying it would never happen. I've got a place in Hillsboro where we hunt. There are houses all down there. I've been hunting for 20 years. I'm not saying it doesn't happen, but I don't know a story where a deer has run into someone's yard and died. I'm sure that happens, but it's one out of 10,000 deer. They typically, and in every case I've ever seen in deer hunting, situations that I've been involved with, deer take cover. They don't come in the open, they go to the deepest spot when they're injured, shot or harvested.

Councilman Wells – Years ago, I witnessed, with my own eyes, a deer right downtown Wilmington with an arrow in his hindquarter running around there by the National Bank. I would assume it was one of those poachers that you were talking about, because it wasn't deer hunting season.

Sodini – I've seen arrows in deer also. that is something that happens every once in while. Every once in a while someone makes a lousy shot. If we focus on those bad things, it doesn't allow something that needs to be done. A deer can run in front of a car or a motorcycle tomorrow and it could be so much worse. I don't want to use scare tactics.

Councilman Jaehnig – We had the chief look at statistics regarding deer accidents in the city, and the last time we had this discussion we had seen a decrease.

Sodini – What they are doing to the crops and the underbrush of the city is the issue. I think we need to focus on that to do it for the agriculture side. If we focus on the accidents, that is not what the real problem. It is causing problems on our farms and it is causing problems in our neighborhoods.

Paul Hunter – we just had a thousand acres of rural land brought into the city limits, so we need to look at that.

Councilman Siebenaller – Any discussion would probably need to go through the Judiciary Committee, so I would be happy to get your number afterwards so we can have a further discussion.

Mayor Riley – I will get a hold of ODNR, Game, Fish and Wildlife, and talk to them and see what other communities are doing. Maybe you and I can get together and have a cup of coffee and chat about it. Bob Thobaben, who is a staunch environmentalist, came to this council before I was here with the same concern. Someone had counted the deer and it was a huge population.

Councilman Wells – If we take a hundred deer, will there not be any deer coming back? It would be an ongoing thing.

Sodini – It will be an ongoing thing.

Councilman Jaehnig – One of the problems that we have is we're surrounded by Union Township and there are a lot of people who will not allow hunting to happen. If they're not going to allow hunting to happen in their areas, then our immediately surrounding area will feed right back in. I'm not opposed to harvesting. I would prefer to know that if we are going to harvest we are going to take that deer down and out. I'd rather send policeman out to the landfill where we know we have hundreds.

Sodini- I have seen some horrific things happen to deer in nature. Watching a deer harvested by a bow is a hundred times easier than watching a pack of coyotes take one down or one that is maimed from being hit by a car. It's a lot more humane. I think it's something we need to do and I'll be glad to help.

Councilman Jaehnig took a moment to recognize Judy Kirchner Davis. She was one of the founding members of Holidazzle and we greatly appreciate everything she added to the program and to the community. She will be sorely missed.



President Pro Tem McKay asked if anyone else wished to address council while in session.

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

A motion was made by Wells to adjourn.  
President Pro Tem declared the meeting adjourned.  
Council adjourned.

ATTEST:

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President of Council

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Clerk