

Wilmington City Council met on Thursday, May 1, 2014, at 7:30 p.m. with President Cindy Peterson presiding.

Call to Order

Roll Call: Jaehnig, present; Spicer, present; Stuckert, present; Mead, present; Miller, present; Milburn, present; McKay, present.

Chief Weyand was also present.

Pledge of Allegiance

Council gave the Pledge of Allegiance to the flag.

President of Council - President Peterson:

A motion was made by McKay and seconded by Miller to approve the minutes of the last regular meeting, April 17, as presented.

Motion passed.

Minutes approved as presented.

Mayor - Mayor Riley – Today is National Day of Prayer and events have been held throughout the day starting at 8 o'clock in the morning. I am pleased to proclaim today as the City of Wilmington's Day of Prayer.

Mayor Riley presented a proclamation in support of Issue 1. It is a bipartisan issue and will be on the ballot to renew the program. The capital bonds that will be issued will provide funds for Clinton County for roads and bridges.

Mayor Riley – I appreciate what happened with the public hearing on the landfill. The room was full of people willing to participate in the government process. We heard things from that meeting that were vital to the decision-making process. We should commit ourselves to listening to the citizens. We will continue to deal with this issue on an open and honest basis. One of the new options that came out of discussions after the meeting was the concept of a zero-waste community. I researched the topic and contacted Pam Allen, who heads up all landfills in the state for the Ohio EPA. She assured me that it truly is a good idea and sent me a lot of information about these type of communities. When I told her that I was going to include it as a fifth option, she was delighted. Several cities throughout the nation have declared their intent to move toward becoming zero-waste communities, and there are five counties in southeast Ohio (near the Athens area) who have also made commitments toward this. It would almost eliminate the need for small landfills. Whatever we decide to do, we need to do in an open honest way, working with the citizens. I thought the last council meeting was government at work, and I really appreciated it.

Auditor - Auditor David Hollingsworth had no report.

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

Finance Committee - Chairperson Miller presented legislation making supplemental appropriations for the fire department: a new roof and exhaust system for the fire station and lights and sirens repair for a truck that was damaged in an accident.

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

Seeing no further discussion, President called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

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

Roll call: Jaehnig, yes; Spicer, yes; Stuckert, yes; Mead, yes; Miller, yes; Milburn, yes; McKay, yes.

Director of Law read the ordinance by title only.

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

Roll call: Spicer, yes; Stuckert, yes; Mead, yes; Miller, yes; Milburn, yes; McKay, yes; Jaehnig, yes.

Motion passed.

President of Council declared Ord. No. 5151 passed as read.

Councilwoman Miller introduced legislation making miscellaneous transfers to update software in the tax department.

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

Seeing no more discussion, President called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

A motion was made by Miller 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; Mead, yes; Miller, yes; Milburn, yes; McKay, yes; Jaehnig, yes; Spicer, yes.

Director of Law read the ordinance by title only.

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

Roll call: Mead, yes; Miller, yes; Milburn, yes; McKay, yes; Jaehnig, yes; Spicer, yes; Stuckert, yes.

Motion passed.

President of Council declared Ord. No. 5152 passed as read.

Councilwoman Miller introduced legislation authorizing then and now expenses.

Auditor David Hollingsworth explained notification requirements of then and now expenses.

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

Seeing no further discussion, President called for vote.

Motion passed. All yeas.

Director of Law read resolution by title only.

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

Roll call: Miller, yes; Milburn, yes; McKay, yes; Jaehnig, yes; Spicer, yes; Stuckert, yes; Mead, yes.

Director of Law read the resolution by title only.

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

Roll call: Milburn, yes; McKay, yes; Jaehnig, yes; Spicer, yes; Stuckert, yes; Mead, yes; Miller yes.

Motion passed.

President of Council declared Res. No. 2359 passed as read.

Water Committee - Chairperson McKay had no report.

Streets Committee - Chairperson McKay – We had a streets committee meeting last night. A couple of citizens attended and discussed their concerns about speed going out on Xenia Ave out of town. Also concerns were raised regarding trucks using Florence Ave. We had a very good discussion involving the Chief of Police and the Streets Superintendent to come up with good ideas about solving these problems. We are moving forward on both fronts.

Solid Waste/Recycling - Chairperson Jaehnig – I was thrilled to see the attendance at the public hearing and felt like quite a bit was accomplished. A second public hearing will be held. This probably will happen in June after our next Solid Waste Committee meeting. We will provide dates as soon as they are available. Goals for that meeting are to make sure that we answer all unanswered questions from the first meeting. The reason

for the delay is to give the administration time to look into the fifth option of a zero-waste community.

Wastewater/Sewer Committee - Chairperson Milburn had no report.

Judiciary Committee - Chairperson Jaehnig presented legislation regarding the new tree regulations. The administration has informed us that the appeals process will be handled by the Board of Control, which is comprised of the mayor, service director and safety director.

Mayor Riley said the Board of Control will use the Law Director as a resource should any appeal come before them.

A motion was made by Jaehnig and seconded by Milburn to give the third reading only on the ordinance Amending Certain Sections of Chapter 909, Rescinding §909.10, and Adopting New Sections in Chapter 909 of the Codified Ordinances, Regarding Downtown Historic District Trees.

Seeing no further discussion, President called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

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

Motion passed. All yeas.

President of Council declared Ord. No. 5153 passed as read.

Councilman Jaehnig presented the second piece of legislation regarding tree and shrub regulations.

A motion was made by Jaehnig and seconded by Stuckert to give the third reading only on the ordinance Rescinding Chapter 547, Trees, Shrubs and Weeds, of the Codified Ordinances and Adopting a New Chapter 547, Trees and Shrubs, of the Codified Ordinances.

Seeing no further discussion, President called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

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

Motion passed. All yeas.

President of Council declared Ord. No. 5154 passed as read.

Tammy McKay thanked council on behalf of the Tree Commission.

Councilman Jaehnig said that they planted a beautiful tree out at the parks near the volleyball courts to celebrate Arbor Day.

Councilman Jaehnig introduced legislation creating a license requirement for skilled gaming facilities.

A motion was made by Jaehnig and seconded by Milburn to give the third reading only on An Ordinance Establishing a License Requirement for the Ownership, Installation, Maintenance and Operation of Certain Gaming Machines/ "Games of Skill".

Seeing no further discussion, President called for roll call vote.

Roll call: McKay, yes; Jaehnig, yes; Spicer, yes; Stuckert, no; Mead, no; Miller, yes; Milburn, yes.

Director of Law read ordinance by title only.

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

Motion passed. Stuckert and Mead voted no. All others votes yea.

President of Council declared Ord. No. 5155 passed as read.

Councilman Jaehnig introduced legislation restricting skilled gaming facilities to the B3 (Roadside Business) zone. He explained that the ordinance will require an amendment to remove the term "gambling hall," as they are illegal in the State of Ohio. This will not change the intent of the ordinance.

Law Director Brian Shidaker asked that council use the term “strike out” in the motion to amend.

A motion was made by Jaehnig and seconded by Stuckert to amend the ordinance and strike out the words “gambling hall.”

Motion passed. All yeas.

Ordinance amended.

A motion was made by Jaehnig and seconded by Stuckert to give the third reading only on the ordinance Amending Section 1155.043 of the Codified Ordinances of the City of Wilmington B-3 Roadside Business, As Amended.

Seeing no further discussion, President called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

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

Motion passed. All yeas.

President of Council declared Ord. No. 5156 passed as read.

Councilman Jaehnig said that they would be presenting legislation in the future to add definitions to the zoning code regarding the games of skill. We will also have a discussion at the next council meeting about whether or not we want to pursue a moratorium.

Councilman Jaehnig introduced legislation creating a partnership with the county for the CHIP grant funds.

Paul Hunter asked if the city would get about 25% of the funds. Mayor Riley said that he did not know the specifics, but he would assume it would be about that much.

Councilwoman Miller asked if the city needed to match grant funds. It was answered that it was not a matching grant.

A motion was made by Jaehnig and seconded by Milburn to give the first reading only on A Resolution Authorizing the Formation of a Partnership with Clinton County to Act as the Official Grantee for the FY 2014 Community Housing Impact and Preservation Program, and Declaring an Emergency.

Seeing no more discussion, President called for vote.

Motion passed. All yeas.

Director of Law read resolution by title only.

Jaehnig requested that the second and third reading be on the Agenda for the next meeting.

Safety Committee - Chairperson Spicer introduced legislation declaring police cruisers as surplus so they may be sold on GovDeals.

A motion was made by Spicer and seconded by Jaehnig to give the first reading only on a resolution Declaring Surplus Property, To Wit: Police Department Vehicle Valued at More Than \$1000, and Authorizing the Sale of Said Vehicles, and Declaring an Emergency.

Seeing no further discussion, President called for vote.

Motion passed. All yeas.

Director of Law read resolution by title only.

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

Roll call: Jaehnig, yes; Spicer, yes; Stuckert, yes; Mead, yes; Miller, yes; Milburn, yes; McKay, yes.

Director of Law read the resolution by title only.

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

Roll call: Spicer, yes; Stuckert, yes; Mead, yes; Miller yes; Milburn, yes; McKay, yes; Jaehnig, yes.

Motion passed.

President of Council declared Res. No. 2360 passed as read.

Councilman Stuckert introduced legislation for the mayor to enter into an agreement with the City of Cincinnati.

Chief Weyand – We have patrol cars that have license plate readers on them. As the cars patrol, they can read a license plate per second. They GPS tag the license plate and it goes to the Ohio Department of Motor Vehicles. If the car is stolen or if the registered owner is wanted for anything, it will alert the officer for follow-up. We got the systems under a grant. At the end of the three-year cycle, we had to have a maintenance agreement with the southwestern Ohio area that maintains the system. The maintenance agreement will cover the cost of the servers, maintenance and upkeep on them. It is a consortium of the users in the southwest Ohio area. The upkeep on the system will be about \$750 per year per unit.

Councilman McKay asked if the software had been productive. Chief Weyand answered that they had received good hits from the use of the readers. Councilman Mead asked what the cost was for the system. Chief Weyand explained that the initial grant was \$50,000, which covered the cost of the two units. Now it will be \$750 per unit per year for two units.

A motion was made by Spicer and seconded by Mead to give the first reading only on a resolution Authorizing the Mayor to Enter Into an Agreement with the City of Cincinnati for License Plate Recognition, and Declaring an Emergency.

Seeing no further discussion, President called for vote.

Motion passed. All yeas.

Director of Law read resolution by title only.

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

Roll call: Stuckert, yes; Mead, yes; Miller, yes; Milburn, yes; McKay, yes; Jaehnig, yes; Spicer, yes.

Director of Law read the resolution by title only.

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

Roll call: Mead, yes; Miller, yes; Milburn, yes; McKay, yes; Jaehnig, yes; Spicer, yes; Stuckert, yes.

Motion passed.

President of Council declared Res. No. 2361 passed as read.

Downtown Revitalization Committee – Convener McKay had no report.

Parks and Recreation Committee – Convener Stuckert had no report.

Service Director – In the absence of Service Director Reinsmith, there was no report.

Safety Director – Safety Director Russ Burton had no report.

Reports

A motion was made by Jaehnig and seconded by Stuckert that the Income Tax Report – April 2014, be accepted as presented.

Motion passed.

Reports accepted as presented.

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

Councilman Stuckert said he promised some people that he would mention an item in council. He said that he got a lot of positive feedback from people regarding the meeting. There were several people who had a couple of concerns. The one has to do with the reading of a letter to the editor with some criticism. They thought that it would discourage people's willingness to write letters to the editor because it would be mentioned in the public. The second one had to do with the amount of time the public got to speak versus the amount of time that was taken by council members. Some people felt like we should have listened more.

Mayor Riley said he thought those were excellent observations and he appreciated the input.

President Peterson – The next meeting will ideally not be a council meeting and will be a separate meeting.

Paul Hunter – 200 Randolph Street – I echo Councilman Stuckert that people might be less willing to write a letter to the editor if they think it will be talked about in a public forum. Regarding the data I used at the last meeting, I was conservative about the time remaining in this new cell. In the permit the EPA issued to us in February, it says 14 ½ years. Based on the history, the current cell should last 14 ½ years. At the last meeting, I quoted over ten. That number was countered with six or seven.

Councilman Spicer said that according to the figures discussed in the last committee meeting, even though the EPA permitted based on 2013 average, we are doing a little more than that now, so it is not going be 14 years. Councilwoman Miller gave a summary of the specific numbers that had been presented at the Solid Waste Committee meeting.

[Discussion of various landfill statistics]

Councilwoman Miller told Paul Hunter that she valued the information he had given.

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

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

A motion was made by Jaehnig to adjourn.
Motion passed.
Council adjourned.

ATTEST:

President of Council

Clerk