

Wilmington City Council met in regular session on Thursday, August 21, 2014, at 7:30 p.m. with President Pro Tem McKay 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.

Moment of Silence observed

President Pro Tem of Council

Councilwoman Miller pointed out that the Auditor's section did not read correctly on page 2. The word "possible" should be replaced with the word "impossible" in regard to being able to meet the debt coverage this year.

A motion was made by Jaehnig and seconded by Marian to amend the minutes of the August 7 meeting to reflect that Auditor David Hollingsworth stated that it was impossible to meet the debt coverage this year.

Motion passed. All yeas.

Minutes amended.

A motion was made by Jaehnig and seconded by Miller to approve the minutes of the last regular meeting, August 7, as amended.

Motion passed. All yeas.

Minutes approved as amended.

Mayor - Mayor Riley introduced Debbie Stamper from the Clinton County Convention and Visitors' Bureau.

Debbie Stamper presented the Economic Impact Study for Tourism for Wilmington and Clinton County 2014.

Councilman Mead asked how the numbers in the report are calculated.

Debbie Stamper - There is a model that is followed to estimate the figures and to compare our county with those with like amounts of lodging tax. They also survey travelers and add it into the model. The people that do the study do not necessarily interview local businesses to determine the economic impact of an event.

Councilman Jaehnig pointed out that reports are generated after the racing events because the Port Authority wishes to have the information. Debbie Stamper verified that she does generate reports after each racing event.

Paul Hunter – Have you ever calculated how much the Parks & Recreation & Trails contribute to the total? Debbie Stamper said they did not have an exact figure. It is actually smaller than what they used to think because most of the events at the park are from Cincinnati, Columbus and Dayton and so a lot of those are driving in and out.

Paul Hunter – But the restaurants and gas stations benefit.

Debbie Stamper – Sure, but the best indicator for us is through lodging tax. The biggest event is the Heat it Up softball tournament. They were going to leave last year, so we gave them a grant to keep them. There is a lot of competition with neighboring counties.

Mayor Riley - On Tuesday, August 19, this room was full of elected representatives from the State of Ohio for the *Law Enforcement Perspectives on the Drug Epidemic and its Impact on Families*. We were the first of four studies that will be done in four locations. In fact, the next one will be in North Canton, Ohio. The same people will be talking to their law enforcement people and hear testimony. The reason that this State House of Representatives is doing this started because of what we did the police in Wilmington did here in the summer. We indicted 72 people for drug-related problems.

Mayor Riley presented an email from Todd Thatcher, Legislative Aide to State Representative Dorothy Pelanda from the 86th District. The email thanked all the committee members and staff.

Mayor Riley - Wilmington is making a statewide impact. Wilmington City Schools are back in session this week. Wilmington College is also back in session.

Auditor - Auditor David Hollingsworth: The Audit Report for the City of Wilmington for the year-ending December 2013 is available on the State Auditor's website. We also have copies in the office.

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

Water Committee - Chairperson McKay – We had a special meeting a few days ago and elected to have a regular Water Committee meeting soon with the goal of coming up with legislation. We will be meeting next Thursday at 6:30 p.m. We will have some proposed legislation at that time from the administration.

Mayor Riley – Since the last meeting, we have been working on crunching numbers. I put together on one spreadsheet all of the numbers that really needed to be looked at. I had Mark look at them and we will email them to council tomorrow.

Streets Committee - Chairperson McKay had no report.

Solid Waste/Recycling - Chairperson Jaehnig had no report.

Wastewater/Sewer Committee - Chairperson Milburn – We will be meeting on Monday at 6:00 p.m. We will be reviewing rates and where we stand with the Wastewater Sewer.

Judiciary Committee - Chairperson Jaehnig introduced legislation regarding secondhand stores. The police have brought to our attention problems with swap shops. These stores have no reporting requirements as to where the merchandise comes from. This legislation asks these stores to do some paperwork and hold merchandise for 72 hours before dispersing, selling or destroying it so the police can do a proper check against stolen property records. People are driving up here from other locations because they know they can offload stolen merchandise into the shops in Wilmington and not be identified.

Councilwoman Milburn – How long will the Police Department keep the records?

Chief Weyand – We will follow our public records retention schedule – so probably around two years. We do a lot of networking with other communities, so we will be able to share information with them and it will be a good investigative tool for both us and them.

Councilman Jaehnig emphasized that the city is not interested in records pertaining to sales from clothing or Goodwill.

A motion was made by Jaehnig and seconded by Mead to give the first reading only on the ordinance Adopting a New Chapter 715 Regarding Secondhand Stores to the Codified Ordinances of the City of Wilmington.

Seeing no more discussion, President Pro Tem called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

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

Councilman Jaehnig introduced two pieces of legislation associated with obtaining grants for the Wilmington Transit System (taxi).

A motion was made by Jaehnig and seconded by Milburn to give the first reading only on a resolution Authorizing the Submittal of a Proposal with the Ohio Department of Transportation for a Grant Through the U.S. DOT Federal Transit Administration (FTA), as Authorized Under Federal Transit Law, As Codified, 49 USC Section 5311, Financial Assistant for Other Than Urbanized Areas and Funds Available from the Ohio Public Transportation Grant Program and Executing a Contract with the Ohio Department of Transportation Upon Grant Acceptance.

President Pro Tem called for vote.

Motion passed. All yeas.

Director of Law read resolution by title only.

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

A motion was made by Jaehnig and seconded by Stuckert to give the first reading only on a resolution Authorizing the Mayor to Enter Into a Contract with the Ohio Department of Transportation for the 2015 Elderly and Disabled Transit Fare Assistance Program.

President Pro Tem called for vote.

Motion passed. All yeas.

Director of Law read resolution by title only.

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

Safety Committee - Chairperson Spicer introduced legislation authorizing the re-roofing project for the Wilmington Fire Department. The fire department building is in very bad shape. He expressed that it should be done in three readings because of the time schedule for the project.

Service Director Reinsmith – Because of the state bidding process, this saved the City around \$40,000 going through this process.

[Discussion of type of roof and specifics of construction]

A motion was made by Spicer and seconded by Miller to give the first reading only on a resolution Authorizing the Mayor to Enter into an Agreement with the Garland Company's Service Arm Design-Build Solutions, Inc. for Fire Department Re-Roof Project, and Declaring an Emergency.

Seeing no discussion, President Pro Tem called for vote.

Motion passed.

Director of Law read resolution by title only.

A motion was made by Spicer and seconded by Milburn 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 Milburn 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 Pro Tem of Council declared Res. No. 2369 passed as read.

Finance Committee - Chairperson Miller introduce legislation for supplemental appropriations for additional monies into Consultant Services, a Motorcycle Safety Education program and worker's compensation.

Chief Weyand and Mayor Riley gave an overview of the Motorcycle Safety Education class at the Safety Center on Rombach. The program will be paid for from a grant and expenses are reimbursed.

Auditor David Hollingsworth said that Governor Kasich announced that they are going to refund 60% of the premiums that were paid from July 2012 through July 2013. Worker's Compensation has more than they think they need to pay claims so they are refunding money.

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

President 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 Miller and seconded by Mead 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 Milburn 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 Pro Tem of Council declared Ord. No. 5175 passed as read.

Councilwoman Miller introduced legislation making miscellaneous transfers for the police department and the treasurer's office and income tax departments.

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

President 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 Miller and seconded by Mead to suspend the rules and give the second and third reading on the ordinance by title only.

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

Director of Law read the ordinance by title only.

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

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

Motion passed.

President Pro Tem of Council declared Ord. No. 5176 passed as read.

Councilwoman Miller brought forward legislation authorizing special assessments for street lighting in the city.

A motion was made by Miller and seconded by Mead to suspend the rules and give the second and third reading on the resolution Declaring it Necessary to Light the Streets, Lanes, Alleys, Lands, Squares, and Public Places in the City of Wilmington, Ohio, with Electric Lights, and for Special Assessments to be Levied to Pay the Cost Thereof for the Year 2015.

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

Director of Law read the resolution by title only.

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

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

Motion passed.

President Pro Tem of Council declared Res. No. 2370 passed as read.

Councilwoman Miller brought forward legislation to place special assessments for delinquent utility and property maintenance charges.

A motion was made by Miller and seconded by Spicer to suspend the rules and give the second and third reading on the resolution Approving Liens Pursuant to §§729.49, 743.04 of the Ohio Revised Code and §§923.09, 929.03 and 1729.03 of the Codified Ordinances of the City of Wilmington, and Declaring an Emergency (Utility delinquencies and mowing/debris removal fees).

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

Director of Law read the resolution by title only.

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

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

Motion passed.

President Pro Tem of Council declared Res. No. 2371 passed as read.

Councilwoman Miller – The mayor has had his meeting regarding the budget and has put in a tighter timeline than I expected. The numbers are due back September 1. We are excited to work together and get a budget passed.

Downtown Revitalization Committee – Convener McKay – This Saturday is downtown night for the college. Make sure you welcome the college students if you see them.

Parks and Recreation Committee – Convener Stuckert introduced legislation authorizing application for a NatureWorks grant for the Parks Department.

Lori Williams explained the grant is a 25% grant. The grant will be used to resurface two tennis courts at Denver Williams Park. We will also purchase fencing for the dog park and removing hazardous trees and try to replace them with new trees. All of the match has come from donations.

Councilman Stuckert stated that this was another example of the way the parks has been able to fund projects without asking for assistance from council.

A motion was made by Stuckert and seconded by Miller to give the first reading only on a resolution Authorization and Support for the Submittal of an Application for the NatureWorks 21st Round Grant Application and Declaring an Emergency.

President Pro Tem McKay asked for clarification of the location of the tennis courts.

Seeing no further discussion, President Pro Tem called for vote.

Motion passed. All yeas.

Director of Law read resolution by title only.

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

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

Director of Law read the resolution by title only.

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

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

Motion passed.

President Pro Tem of Council declared Res. No. 2372 passed as read.

Cemetery Committee – Chairman Mead had no report.

Mayor Riley – There was a meeting with many members of the Cemetery Board and the Clinton County Foundation to determine how much money might be available to them. That was yesterday at noon, and I have not heard what the outcome is.

Service Director - Service Director Reinsmith had no report.

Safety Director – Safety Director Russ Burton had no report.

Reports

A motion was made by Jaehnig and seconded by Stuckert that the Auditor-Treasurer Report – July 2014 and Hotel Lodging Tax 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 asked when the sewer project the McMahan Trailer would be completed.

Service Director Reinsmith said he was not sure of the timeline. Mayor Riley said that he thought they were working on some of the infrastructure at the trailer park. Paul Hunter stated that it did not seem as if the expedited annexation process had been necessary after all since it was taking so long to get the work completed.

[Discussion of annexation]

Law Director Shidaker requested a roll call vote to go into executive session pursuant to O.R.C. 121.22(G)(4) to discuss collective bargaining agreement with the council.

A motion was made by Jaehnig and seconded by Miller to enter into executive session pursuant to O.R.C. 121.22(G)(4).

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

Council entered executive session at 8:31 p.m.

A motion was made by Jaehnig and seconded by Mead to return to regular session.

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

Council returned to regular session at 9:13 p.m.

Law Director Shidaker – There are three bargaining units in the city. Earlier this year, we entered into an agreement dealing with wages only, with the Sergeant's union. That was dealing with a 2% increase and steps. The other two unions did not accept that proposal. The counter proposal we negotiated and we accepted was step increases plus 4%. That has been discussed with the council, and we have those proposals with the fire and patrol officers to present to council to do step increases, retroactive to June 29, 2014, plus 4%. Plus there will be a reopener next year. The contract does expire next year, so the entire contract will be negotiated next year as well. But there is a reopener for wages only in April 2015.

Law Director Shidaker asked for authorization for the mayor to enter into the proposal with the patrol officers and the fire safety.

A motion was made by Jaehnig and seconded by Mead authorizing the mayor to enter into an agreement with the patrol officers and the fire employees as presented.

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

Motion passed.

Law Director Shidaker said that in order to reflect the 4% increase for all employees, an additional piece of legislation needed to be passed.

A motion was made by Jaehnig and seconded by Miller to give the first reading only on the ordinance Amending Ordinance No. 5161 to Increase Wages under the Employee Pay Plan for Calendar Year 2014, and Declaring an Emergency.

Seeing no discussion, President called for vote.

Motion passed. Stuckert, nay; All others, yea.

Director of Law read ordinance by title only.

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

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

Director of Law read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 5177 passed as read.

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 Jaehnig and seconded by Miller to adjourn.

Motion passed.

Council adjourned.

ATTEST:

President of Council

Clerk