

Wilmington City Council met in regular session on Thursday, February 19, 2015, at 7:30 p.m. with President Pro Tem Mark 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

A motion was made by Milburn and seconded by Miller to approve the minutes of the last regular meeting, February 5, as presented.

Motion passed. All yeas.

Minutes approved as presented.

A motion was made by Milburn and seconded by Miller to approve the minutes of the last special meeting, February 12, as presented.

Motion passed. All yeas.

Minutes approved as presented.

President Pro Tem McKay announced the Notice to Legislative Authority for a new Permit from South Street Wine Cellar LLC, 41 N. South Street.

President Pro Tem opened the public hearing for a Rezoning Request to Rezone Multiple Parcels of Land Located within the City of Wilmington from Various Zonings to G1 Gateway.

Taylor Stuckert explained the purpose of the Gateway Zone. It will encompass the entrance corridors of the city. Primarily the Gateway is designed to preserve the form and integrity of the neighborhoods. Typically zoning is based on use. The Gateway is not strictly form-based but it has some elements. It looks at coverage and setbacks and how it relates to a block that is already developed. Key changes include:

- 1) For structures older than 75 years, a demolition permit would be reviewed by the City Planning Commission. In order to demolish a property, it would have to be over 80% structurally obsolete or damaged. If not obsolete, then a replacement structure must be proposed. The new structure must be within a 10-percent variation of the same size, coverage and bulk of the demolished structure.
- 2) Single-family homes can be located on a lot below the minimum lot width (50 ft.) if the lot historically was planned for a residential unit (or had one before)
- 3) Front yard setbacks are to be approximate to adjacent development when more than 25 percent of the block is developed.
- 4) Maximum of 10 parking spaces.
- 5) Lots cannot be used solely for parking – there must be a primary structure.
- 6) Public parking areas must be located behind the primary structure, accessible by drive or alley.
- 7) Signs will have a maximum size of 16 square feet per side, no more than 2 sides, and not illuminated internally.

Councilman Jaehnig thanked Taylor Stuckert and the staff in the mayor's office for the work put in to compile the extensive list of parcels. The legislation is not yet ready so will not be presented at this evening's council meeting.

President Pro Tem McKay closed the public hearing on the G1 Rezoning.

Mayor - Mayor Riley introduced Lori Williams to give a presentation of the Lytle Creek Audio Tour.

Lori Williams gave an overview of the Lytle Creek Audio Tour, a 20-station self-guided audio nature tour. The station markers are bluebird house style boxes along the Luther Warren Peace Path, the 4-C Bicentennial Trail and the Lytle Creek nature Preserve Trail. The program was put together by John Deignan, a member of the Lytle Creek League of Conservators.

John Deignan gave a presentation outlining the inspiration and development of the Lytle Creek Audio Tour.

Mayor Riley presented John Deignan with the Mayor's Award.

Auditor - Auditor David Hollingsworth had no report.

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

Water Committee - Chairperson McKay introduced legislation to authorize purchasing chemicals for the Water Department.

A motion was made by McKay and seconded by Milburn to suspend the rules and give the second and third reading on the resolution Authorizing the Advertising for Bids, and Purchase of Chemicals for the Water Department, and Declaring an Emergency.

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 McKay and seconded by Jaehnig 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. 2398 passed as read.

Streets Committee - Chairperson McKay had no report.

Solid Waste/Recycling - Chairperson Jaehnig had no report.

Wastewater/Sewer Committee - Chairperson Milburn had no report.

Judiciary Committee - Chairperson Jaehnig introduced the second reading on legislation authorizing participation in the Ohio Department of Transportation Cooperative Purchasing Program for the Transit Department.

A motion was made by Jaehnig and seconded by Stuckert to give the second reading only on a resolution Authorizing Participation in the Ohio Department of Transportation Cooperative Purchasing Program.

President called for vote.

Motion passed. All yeas.

Director of Law read resolution by title only.

Jaehnig requested that the third reading be on the agenda for the next council meeting.

Safety Committee - Chairperson Spicer introduced legislation authorizing the city to sell surplus items on the GovDeals online auction site.

A motion was made by Spicer and seconded by Mead to give the first reading only on a resolution Expressing Intent to Sell City Surplus Items to the Public Through an On-Line Auction Service and Declaring an Emergency.

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 Jaehnig 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 Milburn 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. 2399 passed as read.

Finance Committee - Chairperson Miller introduced legislation making supplemental appropriations. General Fund to Director of Law Court Costs, \$500; General Fund to Director of Law Education and Training Fees, \$1000.00; 1st Mortgage Waterworks System Revenue Fund to Transfers, \$20.00; Water Fund to Taxes, \$2000.00; Sewer Fund to Taxes, \$67.00; General Fund to EMS Billing Refunds, \$540.75; Anthem Fund to Insurance Tax Payments, \$25,000.00; General Fund to Property Taxes, \$2500.00.

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

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 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 Mead 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 of Council declared Ord. No. 5208 passed as read.

Councilwoman Miller introduced legislation to appropriate \$500,000 from the General Fund to Street Paving.

President Pro Tem McKay – We have had very good discussions about this. We are trying to get our arms around the fact that we do not have the funds to pave all of the streets in the time we would like to do it. This measure would lock down the money until we use it. I wonder if we could rethink this but accomplish the same thing by doing something like a resolution of intent – something that says that council will review the projects and intends to spend up to \$500,000 after the proper information is presented. We typically do not lock down the money until we have reviewed the streets and then gotten quotes. Everyone on council wants to get this done, but this measure of setting it aside seems out of place.

Councilwoman Miller – What information do you feel you are missing?

President Pro Tem McKay – Typically, we do not put the money into place until we know how much money we need. We have a list of streets that we want to look at for paving, but we need to get quotes and bids.

Councilwoman Miller – Last year's project did not include that. We moved the money and then we had the estimates, then the streets were done and the numbers were presented afterwards. The numbers were different. I remember asking and we had found cost savings. You came back with the bid after it was done. I don't necessarily argue with you, but that is not what we did last year.

Service Director Reinsmith – Historically, we start out with a number. Mary Kay and the Streets Committee might say it looks like you are going to have about \$300,000 for streets. That is how we plan to hit that target. We start putting the streets together and

prices, and usually, we get to the end, we bid it out, and then we scramble to try to get a few more dollars to cover that bid. We can take this list of 17 streets and bid it out. Last year, we bid out each street individually. Then, once we realized exactly how much we wanted to spend, we cut to meet that limit. We can do it the same this year.

Councilman McKay – I don't think we passed a supplemental last year prior to bidding.

Councilman Mead – We had a supplemental that said we would pay up to so many dollars.

Councilwoman Miller – This is exactly what we did last year. The special committee and stuff was different, but last year we moved the money and then they did the bids and spent it.

Service Director Reinsmith – We did not do it all out of the General Fund, we did some out of Permissive Tax.

Councilwoman Miller- But the money was moved from the General Fund before you did the bid because you knew how much money you had, then you got the bids, and you spent what you were approved, and you cut off the top. We're saying the same thing.

Councilwoman Milburn – I'm open to hearing all ideas. I hear "historically." That's my biggest pet peeve is to hear "We've always done it this way." Does that mean it's right? I like having a budget in mind for what we're doing. It would be nice to know what we're doing and what streets we're going to hit with this \$500,000.

Mayor Riley – In working with Denny and Larry this past couple of years, we had close to a million dollars on those projects. We could easily spend \$500,000 paving everything except Davids Drive this year. My concern isn't how much to spend on streets, my concern is which streets do we get to pave and how much money do we have. Bob, or maybe Loren, originally mentioned a million dollars. If we have a million dollars available for repaving streets, we would repave a million dollars' worth of streets. Denny came up with the a list of streets that really needed some work. Some we can do ourselves, but there are more than just those 18 that need paving. From the administration's point of view, cut us loose and let us pave them. The supplemental and how to move the money, that's what makes council so relevant. Once the money is there, we are good to start the projects. We will go through the whole bidding process and take them through Board of Control. You just decide how much.

Councilwoman Milburn – What is the soonest we can start paving?

Councilman McKay – Probably July.

Mayor Riley – Denny, what's the earliest season for spreading asphalt?

Denny Gherman – Usually they open at the end of April.

Mayor Riley – End of April/May...in that area. That gives us some time to get bids out.

Councilwoman Miller – What is the timeline for bidding them out?

Service Director Reinsmith- About a month.

Councilwoman Miller – So, we are saying that it is the end of February. Paving season starts in April. We have to have it out for thirty days.

Service Director Reinsmith – You want it to be nice and warm, though. It gives you a better job. That asphalt lays down a lot better when it's warm.

Councilwoman Miller – In theory, we could begin the process.

Service Director Reinsmith – Another thought is when we generated a list last year and we cut “x” amount of dollars out, it would be nice to know our target. It’s fine if you want to trim, but when you put these bids out to these contractors, they are also cutting deals with milling machine companies to gauge their bidding, so it’s good if they know how much work to expect. Another thought this year is oil prices are down so asphalt should be cheaper.

Mayor Riley – If they know they can move into a community and start street repair and continue and not have to pull out their equipment and come back later, we get a better bang for our buck usually also. Paving season lasts through end of October and November. Larry is right on. The best time to do it is in the heat of the summer when everything sets a little bit easier. Really, being mid-February, this is a perfect time to start this process. Timing is great right now.

Councilwoman Miller – Moving the \$500,000 tells you how much you can spend. That is telling you how exactly what has been budgeted. I don’t know what the difference, as long as we are not breaking any rules or code.

Councilman McKay – We certainly can do it. Once again, I feel like it may be a little out of order.

Councilman Mead – We jumped through all the hoops. We’ve gone through all the committees. We’ve talked to council. We had a special council meeting. The committee at the last one agreed to do the thing that is on the agenda for tonight. I think, even though the amount of money, which is half a million, is in the budget, it’s not going to go anywhere. It is still going to be sitting right there on that piece of paper until it’s spent. If the city doesn’t spend it, it goes back into the General Fund, so it’s not like we are going to lose money by passing the ordinance. I would ask that you would go ahead and pass it as it is.

Councilman McKay – Have you all talked to the Auditor to determine if they feel that they are comfortable with it?

Councilwoman Miller – I think that the lingering comment was they don’t like funding something when we don’t have a long-term resolution, but that doesn’t change the fact that the house is on fire, just because I’m worried about the well.

Councilman McKay – This is certainly a short-term, possibly necessary thing to do. I certainly am in favor of doing something, but I feel like we are a little cart before the horse.

Councilman Jaehnig – Bob and I are usually completely reversed from where we are tonight, so I am not used to this. I am ready to spend \$500,000 or a \$1,000,000 on streets. I’m perfectly fine with it. My concern falls in two categories. One is, I sat quietly in the Finance Committee meeting and I heard two statements that seemed to contradict each other. The comment was made that the goal in mind would be that the 2016 budget be budgeted to revenue. Yet, in that same meeting, it was stated that we have carryover...what’s the point of having the citizen’s money in carryover if we’re not willing to spend it on the citizens. My concern is that if we don’t have a long-term plan or if we spend the funds before we know that we are generally going to have them, and the intent then at the end of the year is that council to stick to the 25% carryover or take an even stricter stance of budgeting to revenue, then we are going to be cutting services and laying off people. I would love to spend the money. I’m ready to spend the money tonight, but I would like to see some sort of, even if it is just a verbal promise to the citizens, that whatever we decide to spend on streets, that same amount of money is deducted from the figuring of the percentages at the end of the year for the 25% carryover. So, if we spend \$500,000, then when it comes time to figure the carryover at the end of the year on the budget, if we are off by \$500,000 or less to that 25%, that we are all going to be okay with that.

Councilwoman Miller – We passed a budget last year that didn't have a 25% after we did the numbers because we did it based on a \$3 million carryover and we had a \$2.6 million carryover. I don't know what the carryover will be.

Councilman Mead – The carryover changes all year long. It changes from the time you set the budget.

Councilwoman Miller – That is one of the reasons that I am not comfortable with a million, because my target number at the end of the year is too far away. There are too many moving variables to go that deep. I can't tell you what percentage carryover I'm comfortable with, but I can tell you that I'm just going off of my gut on the sense that how deep into my current carryover I'm comfortable going versus my optimism for the increased income.

Councilman Jaehnig – I really appreciate the positive.

Councilwoman Miller – I'm usually more conservative as well. You are usually optimistic, and I'm usually going, "No, no, no." But that is where I feel like the \$500,000 is a safe compromise where optimism and logic meet. I don't know what the percentage is for the carryover. I'm nervous about it, but I'm holding onto the hope. I can't tell you the percentage that it is going to be.

Councilman Jaehnig – I don't expect you tell me the percentage it is going to be. My concern is that we are going to get to the end of the year. If 25%, which is what the current instructions have been to the administration to come back to a budget on, if we are off by \$500,000 because we've spent it on streets, which again, I'm more than willing to do right now, then all of sudden council decides to take a hard stance because we've spent the \$500,000. To make administration then cut \$500,000 out of their budget to make up for a decision that we made, I have a problem with that and I would currently vote no.

Councilman Stuckert – We have never, ever, in the all the time I've been on council, at the end of the year, told the administration that they have to make cuts because we're not going to make the 25% or any carryover amount. Everybody realizes that with everything that we spend throughout the year, we don't know what the revenue is going to look like. There is really no reason to sit here and say that we are automatically going to deduct \$500,000 from the 25%. We all know what we want to do. We need to fix the streets. We need to do what we can do this year. We don't know what is going to be available going forward. I don't see the connection. I certainly am not sitting here saying, "Boy, you better have that 25% or I am going to start telling you to start laying policeman or fireman." That is the furthest thing...we would go through a lot of hoops trying to make up that problem before we would say anything like that. It has never even been close.

Councilman Jaehnig – With all due respect, we've not had a budget that was going below that before. And, to be honest, you've never voted for a budget positively. You have always voted no. I'm not sure what you are saying in regards to there being a disconnect.

Councilman Stuckert – What I am saying is, number one, there has only been one balanced budget in 2011, 2012, 2013, up until whatever we ended up with this time, there has been one balanced budget. We have had budgets that have not been balanced to revenue. They ended up with us having less carryover. I certainly don't want to spend the time explaining once again my votes on the budget. That's not even fair because I'm not going to go there. But the thing is, I did not say with my "no" votes that you have to start making cuts. It has never been mentioned.

Councilman McKay – We are talking from a little bit of conjecture. I'm wondering...Mary Kay, can you give us an idea of what the percentage carryover might be if we loaded that \$500,000 in right now?

Mary Kay – Based on where we stand right now today, with the appropriations and the revenue stream, if you put in \$500,000 from the General Fund and nothing else changes to the end of the year, you will be at a 16% carryover.

Councilman McKay – So at least we have an empirical number that we can work with.

Councilwoman Miller – But that is not including even the projection of increase revenue. My optimism is, if we tighten our belt on the General Fund spending that isn't in the budget for 2015's past budget, then we don't have to make a compromise even yet for having that 25% carryover. Because we're on the right trajectory if we all tighten our belts. You made a perfect comment. We're spending it as fast as we are getting it. But, all the expenses were justified. The server needed to be purchased. But we're just going to have to be stricter.

Councilman McKay – I'm just saying, I'd rather not see it as a supplemental.

Councilwoman Miller – Okay. I'm just going to go ahead and make a motion for a first reading.

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

President called for a vote.

Motion passed. Jaehnig and McKay, nay. All others, aye.

Director of Law read ordinance by title only.

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

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

Motion failed.

Director of Law indicated that because the motion to suspend failed, the entire process needed to start over from the beginning.

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

President called for roll call vote.

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

Motion passed.

Director of Law read ordinance by title only.

Miller requested that the second reading be on the agenda for the next meeting.

Councilwoman Miller introduced legislation establishing a new fund for the Nature Works Grant #21.

A motion was made by Miller and seconded by Spicer to give the first reading only on the ordinance Establishing a New Fund.

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

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

Director of Law read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 5209 passed as read.

Councilwoman Miller introduced “Then and Now” legislation.

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

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 Mead 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 Miller and seconded by Mead 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 of Council declared Res. No. 2400 passed as read.

Cemetery Committee – Chairperson Mead had no report.

Downtown Revitalization Committee – Convener McKay – There is a lot going on downtown with the Chief Executive Officer of the State coming into Wilmington on Tuesday.

Mayor Riley – It is going to be a real highlight for Wilmington. Clinton County and Wilmington that day will be the center for government for the State of Ohio. The State of Assembly will be held here at the Roberts Centre. There will be things going on from early morning to the evening when the Governor is finished with his State of the State address. We are going to block Main Street off from Mulberry to South Street and also Mulberry in front of the General Denver. If someone happens to be parked there at the time, they can leave, but no other traffic will be able to come onto those streets. We want it to be a large pedestrian area where members can wander without worrying about traffic as much. When the governor was here running four or five years ago, he stopped at Your Fathers Kitchen and Buckley Bros. He had a town hall meeting. He visited Your Father’s Kitchen, he talked about the whole DHL issue and what had happened. He was very impressed during the question-answer period with our resolve and our determination that this is just a bump in the road and we are going to work through this. We continue to grow and progress despite of the DHL, recession and anything else that has been flung at us. We have continued to steadfastly grow and advance. That has impressed him. I think that is why he is coming here. I am very proud of the fact that he is coming here. It is great for the City and great for the community.

Councilman McKay – So, we have a lot going on in the next week or so.

Parks and Recreation Committee – Councilwoman Miller reported that she had gone to the Park Board Meeting. They have a survey out. If any of you haven’t finished it or completed. Their goal is to align their projects with feedback that they get from people who use the parks. They can’t do it if people don’t reply to the survey. You will find it in the newspaper, on Facebook, on their website.

Lori Williams – We have almost gotten 200.

Councilwoman Miller - They have really, really interesting projects and they just need to know the trajectory that we want. The numbers were getting ready to be presented to Parks Meeting for the covered bridge project,. There is going to be an Easter Egg Hunt in March, the dog park is opening the first weekend in June. They are exceptionally busy.

Councilman Jaehnig – I think the great thing is the Easter Egg Hunt is coming down to Galvin Park.

Lori Williams – The library is actually spearheading it. It has been a good collaboration.

Service Director - Service Director Reinsmith – I was really impressed with the bluebird houses and the QR readers. In the back of my mind I was thinking we would be acquiring the cemetery really soon. Fred gives a good tour and people are always asking questions about things in there.

Mayor Riley – Whether it is the cemetery, the trails, the downtown walking tour that we have a brochure on, that technology fits perfectly with that type of thing. I easily see people taking out their phones, scanning the QR code and finding out about the Fife-Bosworth building. I think it’s great.

Safety Director – Safety Director Russ Burton had no report.

Reports

A motion was made by Milburn and seconded by Jaehnig that the Auditor Treasurer Report – January 2015, and the 4th Quarter Hotel Lodging Tax Report 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.

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

Councilman Jaehnig – One of the companies out near the airpark, PC Connections, is moving locations to Building 11. This moves them from outside the city to inside the city. It retains the jobs in the community and expands our tax base. One of the things that we are most proud of is it is business that is in our community, has been here for a great deal of time, and the city was able to retain and keep them here. That speaks volumes for the workforce and the community as a whole.

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

A motion was made by Miller to adjourn.

President Pro Tem McKay declared the meeting adjourned.

Council adjourned.

ATTEST:

President of Council

Clerk