

Wilmington City Council met in regular session on Thursday, March 5, 2015, 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.

Moment of silence observed

President of Council

President Peterson introduced legislation rezoning property in the City of Wilmington to the G1 Gateway zoning designation.

A motion was made by Jaehnig and seconded by Miller to give the first reading only on the ordinance Changing the Zoning of Real Property Located in the City of Wilmington (G1 Gateway District)

President called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

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

President Peterson opened the public hearing on a rezoning request from LT Land Development to Rezone 2.996 +/- acres of real property located at 333 Clinton Street from R-3, Multi-Family Residential to B-3 Roadside Business.

President Peterson mentioned that the legislation was proposed as a rezoning from R-3 to B-2; however, the rezoning is actually to B-3 Roadside Business. Generally, the B-2 designation is in the downtown area.

Service Director Reinsmith explained that the property on Clinton Street was originally built as a single-family residence and then sold and was rezoned to B2. It should not have been zoned as B2 because B2 designation was originally set up for downtown where all the building are built on the right-of-way lines and there are no setbacks. Then it was purchased again and rezoned to R3.

Councilman Jaehnig noted that in that neighborhood, B2 wouldn't stand to form, so it needs to be changed to B3. Councilwoman Miller noted that the property is completely encompassed by residential area.

Councilman Mead asked if there had been conversations about the intended use for the property.

Bill Peelle – I'm not sure if there have been any public conversations. There have been some in committee. At the present time, it probably will be a daycare center run by a person who already has one in the city.

Service Director Reinsmith – That property has been an eyesore in the city for a long time. After this last purchase, the owner has cleared out the ditch line. In his future plan, he has already submitted plans to the Service Department to install a culvert across the property to fill all that in and clean all that up. It is going to be an improvement to the neighborhood.

Councilwoman Miller – Are there restrictions of what kind of business operate in a B3? I don't want a Taco Bell or a Dollar Tree there. Is a daycare or something like that the only thing that would be covered under a B3?

Councilwoman Milburn – Do they have restrictions with signage under B3?

Service Director Reinsmith – It's probably 25 square feet per business.

Councilman Spicer – Has there been any feedback or opposition from neighbors?

Service Director Reinsmith – The first time through when they went to R3 there was a concern about the number of units they were going to put on that lot. Since then and with this change, no one has said anything.

Councilman Jaehnig – During the process of Planning Commission, notices are sent out to the surrounding landowners.

Seeing no other questions or comments, President Peterson closed the public hearing.

President Peterson asked for a motion to amend the legislation to B3.

A motion was made by Jaehnig and seconded by McKay to amend the legislation to change the zoning to B3.

Motion passed. All yeas.

A motion was made by Jaehnig and seconded by Stuckert to give the first reading only on the ordinance Changing the Zoning of Real Property in the City of Wilmington, Ohio, and Declaring an Emergency, As Amended (2.996 +/- acres located on Clinton Street and commonly known as 333 Clinton Street)

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 Milburn 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 Jaehnig and seconded by Milburn 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. 5213 passed as read.

President Peterson announced a Notice to Legislative Authority from the Ohio Department of Liquor Control for a Transfer of Ownership from Number One China Buffet and Patio to Legend Family Inc., DBA Number 1 China Buffet and Patio.

Mayor - Mayor Riley – One of the most extraordinary things that has happened in our community over the past several years was when John Limbert, as the President of the Port Authority, negotiated with DHL to get the Port Authority back in public hands. I was a County Commissioner when this happened. I was so impressed by John Limbert's negotiating skills, I actually gave him a bottle of whiskey. I think, John, what you have done for us will last us many years. John Limbert is retiring as National Bank & Trust transitions to Peoples Bank. What you have done for this community is terrific. The leadership you provided during the port transition served the community well. That property belongs to this community because of your hard work.

He presented the Mayor's Award to John Limbert with a Key to the City.

Mayor Riley presented a proclamation to Jeff Rhein from Mental Health Recovery Services of Warren and Clinton County proclaiming the week of February 23 through March 1 as United Against Opiate Abuse and Heroin Week for the City of Wilmington.

Auditor – In the absence of Auditor David Hollingsworth, there was no report.

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

Water Committee - Chairperson McKay introduced legislation to provide water access to land on SR 730 per a request from LT Land Development.

A motion was made by McKay and seconded by Miller to give the first reading only on a resolution Approving Access and Water Service to a Property Outside of the City.

President called for vote.

Motion passed. All yeas.

Director of Law read resolution 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 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 McKay 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. 2401 passed as read.

Streets Committee - Chairperson McKay – I have been getting some inquiries from citizens about potential funding available to be used for street paving. Some of those things are like the ODOT Small Cities Program, NSIB, State Infrastructure Bank, Ohio Public Works Commission, and LTIP Local Transportation Improvement, and State Capital Improvement programs. I am not familiar with these. Larry, could you help explain these programs?

Service Director Reinsmith – We use some of these. Ohio Public Works is in its 29th year. Presently we have three projects being funded by Ohio Public Works. The first project is the aerator project for the water towers. It is a \$149,000 project and we are getting a grant for \$117,000 for it. We are doing the Fife Avenue water line replacement. That is a \$450,000 project and we are getting \$355,000 in grant money. Our third project was the Ahresty Connector Road project, which is \$1.3 million. We are getting a grant of \$810,000 for that project. Clinton County this year has received \$1.9 million from Ohio Public Works for projects in Clinton County. The City of Wilmington got \$1.3 million of that money...we got 67% of the money. This money is competitive and we have to put matching funds in there. You have to remember that we have \$1.9 million worth of projects, but there is \$669,000 of matching money that is coming from JobsOhio and the Water Department. There are other sources that are going in on these projects. You need to remember, Ohio Public Works does not pay for street repaving. It will pay for street reconstruction, which means you are replacing curb/gutter, storm sewers, and waterlines and sewers in it, but they won't pay just for overlay. That is one drawback for us. Now, the ODOT Urban Paving Project that you mentioned, we have one project right now, and I think you are going to address a \$30,000 line in your finance ordinance that is going to pay for the engineering of the project. That is a project that goes out Truesdell from Mulberry to the corporation line. We are doing that with ODOT and there is an 80/20 match. The problem is the engineering is 100% the city's responsibility as well as any features such as full-depth pavement repair. ODOT did a preliminary calculation and said the total project is going to be about \$498,000. With all of their estimates on depth repair, they said the city's responsibility could be \$226,000, depending on how much repair we have to do. That puts us at more of a 50/50 split. When you ask about this grant money, none of it is free. Some of it has to come out of our pocket, and we only have so much money. Now, they also have a small cities project. You can get a million dollars every four years with that program. It is an 80/20 split as well. The problem is no local streets are eligible to be used under that program. They are only streets that are eligible are 68 or 22. The deadline for that each year is March 1. They also have the SCIP program, which is a grant/loan program used for roads, bridges, water supply, wastewater and stormwater and solid waste disposal. The

two water projects are SCIP projects that are approved this year. Both OPWC and ODOT have loan programs. They are low-interest loans that can go anywhere from 10 to 20 years. I don't think that we need to borrow more money to do our roadways. We have two projects right now on which we owe \$330,000 on that we can pay on. I think if you are going to do a lot of roadwork, we need to look at some long-term bond financing or something like that.

Councilman McKay – I think the point is we have reviewed all of these programs and are using them as much as we can.

Solid Waste/Recycling - Chairperson Jaehnig had no report.

Wastewater/Sewer Committee - Chairperson Milburn had no report.

Judiciary Committee - Chairperson Jaehnig introduced the third reading on legislation authorizing participation in the ODOT Cooperative Purchasing Program.

A motion was made by Jaehnig and seconded by Milburn to give the third 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.

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

President called for vote.

Motion passed.

President of Council declared Res. No. 2402 passed as read.

Safety Committee - Chairperson Spicer introduced legislation authorizing an agreement to board prisoners.

Chief Weyand explained that the contract covers nine beds per day and is renewed every two years.

A motion was made by Spicer and seconded by Mead to give the first reading only on a resolution Authorizing an Agreement for the Boarding of Prisoners at the Clinton County Jail.

President called for vote.

Motion passed. All yeas.

Director of Law read resolution by title only.

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

Councilman Spicer introduced legislation declaring vehicles surplus for the Police Department.

Chief Weyand explained that these are seized vehicles.

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 Vehicle, 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: 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 Spicer and seconded by Jaehnig 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. 2403 passed as read.

Councilman Spicer introduced legislation accepting gifts for the K-9 Program for the Police Department.

A motion was made by Spicer and seconded by McKay to give the first reading only on a resolution Accepting Various Gifts.

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: 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 Spicer and seconded by McKay 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 of Council declared Res. No. 2404 passed as read.

Finance Committee - Chairperson Miller introduced the second reading on a supplemental appropriation for \$500,000 for street paving in the City.

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

President called for a roll call vote.

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

Motion passed.

Director of Law read ordinance by title only.

Miller requested that the third reading be on the Agenda for the next meeting.

Councilwoman Miller introduced legislation making supplemental appropriations: General Fund to EMS Billing Refunds; \$804.86; General Fund to Service Director Incidentals, \$2,918.00.

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: 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 Mead 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. 5210 passed as read.

Councilwoman Miller introduced legislation making supplemental appropriations contingent upon approval by the budget commission: General Fund to Transfer to Police Fund, \$68,000.00; Police Fund to Motor Vehicles, \$68,000.00; and EMS Fund to Squad Medical Supplies/Incidentals, \$6,500.00

A motion was made by Miller and seconded by McKay 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.

Councilwoman Miller said that Chief Weyand provided good information on the expense to operate a car over five years. The five-year-old car costs eight cents per mile, whereas a new cruiser cost to operate is one cent per mile.

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: Miller, yes; Milburn, yes; McKay, yes; Jaehnig, yes; Spicer, yes; Stuckert, yes; Mead, yes.
Director of Law read the ordinance by title only.

Councilwoman Miller explained that the third item was a grant for the EMS.

Chief Mason explained that the Ohio Division of EMS gives the department a grant each year. It is a reimbursement grant so the money is put in line ahead of time.

A motion was made by Miller and seconded by McKay 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. 5211 passed as read.

Councilwoman Miller introduced legislation making miscellaneous transfers: From Street Improvements to Architectural Engineering, \$30,000; and from Ohio Board of Building Standards Payment to Board of Building Standards Incidentals, \$87.54.

A motion was made by Miller and seconded by Mead to give the first reading only on the ordinance Making Miscellaneous Transfers.
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: McKay, yes; Jaehnig, yes; Spicer, yes; Stuckert, yes; Mead, yes; Miller, yes; Milburn, 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: Jaehnig, yes; Spicer, yes; Stuckert, yes; Mead, yes; Miller, yes; Milburn, yes; McKay, yes.
Motion passed.
President of Council declared Ord. No. 5212 passed as read.

Councilwoman Miller introduced Then and Now legislation.

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.
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: 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 McKay 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 of Council declared Res. No. 2405 passed as read.

Cemetery Committee – Chairperson Mead had no report.

Downtown Revitalization Committee – Convener McKay – We had lots of people in the downtown area last Tuesday. We did a good job showing what downtown Wilmington is all about.

Councilman Jaehnig – Our Streets crew did a great job cleaning up the downtown after the snow to get ready for the event.

Councilman McKay – We appreciate the work of the safety personnel. There is a question about why we can't do that kind of snow removal on a regular basis. It is just not practical from a financial standpoint.

Mayor Riley – It is like when you get have company coming over and you sweep and dust. We had some very influential company coming and Denny and the guys did a great job of making the downtown sparkle. Everyone I spoke to was very positive about downtown Wilmington and positive about the experience. It worked out well for the businesses as well. We left a good impression with all of the state representatives and senators.

Parks and Recreation Committee – Convener Stuckert asked Councilwoman Miller to report on the recent Park Board meeting.

Councilwoman Miller – As always, the Park is incredibly busy and inspiring. They have a new board member who is part of the Skate Park Association. The Parks Survey is still out and they are awaiting your feedback. There is \$300,000-plus in grant money that they are moving toward the David Williams Completion Project for the park. It is near the wooden playground. They are having a public hearing on Thursday, March 12, at 6 p.m. Their goal is to take the Kroger field and have one part as a concrete skate park and the other half a splash park. They are getting a lot of very good feedback. I encourage everyone to attend the public hearing. There is also an Easter Egg hunt coming up at the end of March.

[Discussion of skate park and splash park]

Service Director - Service Director Reinsmith had no report.

Safety Director – Safety Director Russ Burton had no report.

Mayor Riley – I would point out that K-9 Karson is home and is now in school. Karson has done extremely well. As soon as he got back into Jerry's care, he was back on commands and doing everything he needed to do. One of the concerns if we go to court based on his work, we want to make sure that the case unassailable.

Reports

A motion was made by Jaehnig and seconded by McKay that the Income Tax Report – February 2015 be accepted as presented.

Motion passed.

Reports accepted as presented.

President Peterson – There is a special council meeting scheduled for March 24 at 6 p.m. The only item on the agenda is the discussion of the Comprehensive Plan.

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

Paul Hunter spoke on the need for a cardboard recycling program. He cited two main reasons: There are finite amounts of resources on the earth, and we are passing this earth along to future generations. Also, adding 132 tons of cardboard into the landfill on top of

whatever we are already putting there will shorten the life of the landfill. He expressed hope that we can extend the life of the landfill expansion sufficiently to allow the debt to be retired and then fund the eventual closure of the facility. After the landfill is closed, it could be converted to its ultimate purpose, a west side city park connected by trails to the other parks. He suggested that the County Solid Waste or the OEPA could assist the city in purchasing a baler. The landfill could then become a drop-off site for cardboard.

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.
President of Council declared the meeting adjourned.
Council adjourned.

ATTEST:

President of Council

Clerk