

Wilmington City Council met in regular session on Thursday, March 19, 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 requested the mayor present his portion of the agenda.

Mayor - Mayor Riley performed a swearing in ceremony for Police Officer Tyler Johnson.

Mayor Riley welcomed Boy Scout Troop 154 led by Scoutmaster Bob Henson.

President of Council

A motion was made by Jaehnig and seconded by Spicer to approve the minutes of the last regular meeting, February 19, as presented.

Motion passed.

Minutes approved as presented.

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

Motion passed.

Minutes approved as presented.

President Peterson - At the last council meeting I asked that the second and third readings for the G1 legislation be on tonight's agenda. There is some information that I was not confident everyone had. There previously was a request to change the zoning of a parcel from PO to B1. That zoning change was turned down, but would be allowed if the G1 legislation is passed. I met with the Law Director, the Mayor, and the Chairman of the Judiciary Committee. We looked at the definition of the PO Professional Office. There was a dental office in there previously. In consultation with the Law Director, I asked him to get an opinion from the zoning attorney so we clearly understand what can go into a PO. After we have the discussion tonight, if everyone is agreeable, we can put the second and third reading on the special council meeting on Tuesday. That is my suggestion before you vote.

Law Director Shidaker said he would have the opinion by the beginning of the week. President Peterson offered that, if council wished, second and third readings could be put on the agenda for the Special Council on Tuesday night.

Councilwoman Miller asked what the definition had to do with the actual legislation.

Law Director Shidaker – What I can tell you is, if it goes to G1, it will be permitted in a G1 district. The question was, as it stands currently, is it permitted?

Councilwoman Miller – How does that question piggyback into the G1 in general?

President Peterson – Here is my thought process. Because, if it is allowed in a PO today, it seems like a natural path that there is not going to be that much disruption with the G1. If it is not allowed today, there would be some concerns.

Councilwoman Milburn – Are there business that are currently there that may not be permissible?

President Peterson – If you read the definition of PO, it used to be a dental office there. As I read that definition of PO, I'm not even sure that the dental office should have been there. That's my non-legal opinion. It has not been there for a couple of years. I felt it was important that you have that bit of information.

Councilman Jaehnig – The special council meeting on Tuesday is specifically about the Wilmington Comprehensive Plan. There is a great deal of material to go over on that already. I would hate to shortchange either discussion by adding this to the special council meeting. There was a reason that was set up as a special council meeting because Taylor Stuckert from Regional Planning has a great deal of information to go over. We have two separate issues that have merged into one. I would like to make sure we know what we have currently before we make a decision to change it. We may decide that G1 needs to have another look at it and we need to take it back and reconsider how it is applied. It may be a situation where the intent of G1 fits very nicely, but we don't want to lose what we currently have and we may want to reconsider having it be an overlay rather than a replacement zone. Then we pick up the protection of the old buildings and the historical buildings that we originally looked for. We can maintain some of the form type of thought processes. The way the gateway is currently written, it specifically references permitted uses. It is written as a replacement zone.

Councilwoman Miller – So keep the current zoning on with buildings that are already there and then overlay?

Councilman Jaehnig – That's one potential option. I don't think we can make those decisions until we know exactly what we have now. If the PO zone is not a legal zone the way it is written in there, there are conflicting issues in how it is currently written. We have set a precedent by allowing the dentist's office to be in there. It appears to have clear conflict with that zone as it is currently written. The zone calls for any professional office that has equipment that you would find in any normal home. Well, a dentist's office does not meet that requirement. Secondly, it talks about not having gases in a business. I would hate to move forward until we understand what we are doing now. We may not fix anything until we fully understand. We have been working on this now for two years when the zone was created, and the mapping for a year. I would hate to rush in replace it and do it wrong then to go back and get the opinions and then take another look at it and then move forward at that point. I would like to table it until we get the opinion back.

Councilwoman Milburn – I agree.

Councilman Spicer – I think it needs more study. I'm a big proponent of the G1. In committee, we thought the zoning would stay and then it would have the G1 tag to it. I don't want to pass legislation that specifically allows a business or specifically restricts a business. I don't think that was ever our intent. If there is a question about whether we are or are not doing that, then I think we need to go back and study it and get what we intended. The G1 designation is a boost for the city. I think it is going to make our city look better and will preserve historic structures that we are losing too many of. We did not intend the G1 to be a specific zoning. I think properties should retain their current zoning with the G1 designation attached to it.

Councilman Jaehnig – I'm not positive that can be done, but I think it should be considered.

Councilwoman Miller – Taylor, have you ever seen anything like that?

Taylor Stuckert – Yes. We have discussed this. Typically, overlays are about heightening specific standards for a specific zone. I think the challenge with the Gateway District, as I have mentioned before, you have such a diversity of zones preexisting along those corridors. It presents challenges because you have different setback requirements, different uses, different intensities to simply overlay and say

you're going to restrict setbacks and restrict parking and things that the G1 does. We can look at it. I'm not sure if an overlay is the answer, but we can look at options.

Councilman Jaehnig – One of the original reasons the G1 was started in the first place was two avenues. One was that we had buildings that were being torn down and there was no review. You pay your \$50 fee for a building permit and then you could tear the building down. For many buildings, that is perfectly fine. They need to come down. Under the G1, the idea is that if it is 75 years of age or older, there should be at least a review. The City Planning Commission would be the committee to review it. The other issue was when the Family Dollar moved in. People got upset when a house was torn down to put a sign up. The form-based aspect of the G1 makes us have to take a look at it. If you are going to tear a building down, what you are replacing it with should be reviewed.

Councilwoman Miller – When is the legal opinion supposed to be back?

President Peterson – Early next week.

Councilwoman Miller – Is there a chance we can hear about it on Tuesday? I know you want the comprehensive plan. It is time-sensitive for some people in the community.

Law Director Shidaker – I might have it to you tomorrow or Monday at the latest.

Councilwoman Miller – I am not comfortable tabling it indefinitely.

Law Director Shidaker – You can't. The latest it can go is the next regular meeting.

Councilwoman Milburn – I would rather see it at the regular council meeting because it will take up a lot of time.

President Peterson – Do I have a motion to put the second reading on the next regular council meeting agenda?

A motion was made by Jaehnig and seconded by Miller to put the second reading on the agenda for the April 2 council meeting.

Motion passed. All yeas.

Auditor - Auditor David Hollingsworth provided an update on refunding the 2005 Water Bonds.

Auditor David Hollingsworth - We had hoped to have legislation in front of council tonight to act on the refunding. We slowed that process down a little bit and I want to explain why. Once we got into the indenture, back when that was taken out originally in 2005, there was a debt reserve requirement in that indenture that would require us to put in a reserve by the maximum annual maturity within the bond issue and set that aside. Back in 1995, one way to get around having to actually physically put the cash into a reserve account was to go out and buy a surety bond and leave the cash in the operating fund and not restrict it. That is what we optioned to do. That was the wise and smart thing to do at the time. A surety bond basically assures the bondholders that there is money set aside to meet the maximum debt service in any one year should something happen to the city financially. The cost at the time to do that was about two to three percent of the annual maturity that you had to set into the reserve fund. Now that we are going to refund that issue, that surety bond goes away. So that would require us to establish a reserve fund, which, with the remaining maturities on that issue, would be about a half a million dollars that would have to be set aside. It also affects the 2007 issue that will come up in another year that we will have the option of refunding. The cost savings is still there, we just have to look at how we are going to restructure that bond issue. One thing that we are looking at is a brand new issue subordinate to that 2005 issue and then using those proceeds to retire the 2005 issue and the subordinated debt kind of defaults to the senior debt at that point. If there are excess monies in the water fund, we may want to pay down some of the debt that is there right now, which would help lessen the burden of meeting our debt service coverage each year. Right

now, we are fine. We are at about 1.3. We are required to maintain a 1.1 debt service coverage. The most recent rate increase has made that cushion a little more comfortable. We are looking at how to properly restructure this refunding. You might ask why we don't just go out and get another surety bond. That is not as easy to do now. If you recall, in 1995, there were bond insurers in existence called Ambac and MBIA. I think Ambac is the one we went to. They no longer exist. They went out of business as a result of the 2008 financial crisis. It is a possibility, but it is not as easy to do now as when we took this issue out originally. If we did go the route of establishing the actual reserve fund, that money is still ours; it's just restricted into a reserve fund for a period of six years. This bond issue will still mature in 2021. We aren't lengthening it any; we are just refunding what is left on that bond issue. I will bring you up to speed as we go along. I am going to come to the next Water Committee meeting on Wednesday.

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

Water Committee - Chairperson McKay – There will be a Water Committee meeting next Wednesday at 6:00 p.m. to continue the bond discussion.

Streets Committee - Chairperson McKay had no report.

Solid Waste/Recycling - Chairperson Jaehnig – We did have a discussion tonight that involved solid waste that should be noted to the public. We are having an issue with some individuals that have decided to tear open trash bags looking for things to recycling or something like that. Our solid waste crews are doing a nice job of cleaning it up, but trash is not protected. If you open a trash bag and leave a big mess behind, that is littering. Please stop. We do not want to start ticketing people for this, but we will.

Wastewater/Sewer Committee - Chairperson Milburn had no report.

Judiciary Committee - Chairperson Jaehnig had no report.

Safety Committee - Chairperson Spicer introduced legislation authorizing an agreement for the boarding of prisoners at the Clinton County jail.

A motion was made by Spicer and seconded by Milburn to suspend the rules and give the second and third reading on the resolution Authorizing an Agreement for the Boarding of Prisoners at the Clinton County Jail.

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. 2406 passed as read.

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

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

President called for vote.

Motion passed. All yeas.

President of Council declared Ord. No. 5214 passed as read.

Councilwoman Miller introduced legislation making supplemental appropriations:
General Fund to Professional Services-Indigent Burial - \$1,075.00; General Fund to Transfer to Recreation Fund - \$7,000.00; Recreation Fund to Improvements - \$7,000.00.

She explained that the \$7,000.00 in recreation improvements was to repair a bridge on the trail.

Councilman Jaehnig - The bridge in question was in a utility corridor used by Wastewater and the Water Departments, I do not like the fact that we are pulling money from the General Fund for this. I think the costs should be split between the Wastewater Department and the Water Department.

Councilwoman Miller – I agreed with that. Lori said that she had pursued that avenue and it was not viable. It is not a primary utility corridor; it is secondary. Wastewater is participating with planks because it was their truck that went through. They are doing a majority of the labor. I feel at a minimum the Wastewater has stepped up in terms of minimum. I can't get Water to pay. Lori has pursued this.

Mayor Riley – I agree with what Lori has done. I think it is a very good use of city funds. I think it would be stretching things to state that it is a mandatory corridor. They certainly use it and you are right that the truck that fell through the planks is a city vehicle.

Councilwoman Miller – I feel like they reached a good compromise, specifically with the Wastewater stepping up with the labor and paying for the wood. It's a big project. Being over water gives other challenges. I would love for Water to pay for the other half, but I don't think we can justify it.

Councilman Stuckert – Is there painting going on?

Councilwoman Miller – Yes. Sealing, painting, priming. The one bridge is being fully replaced and then the covered bridge is getting planks as needed.

Mayor Riley – I talked to the hospital about adopting the trail since they have one of the connectors. Those conversations are ongoing.

[Discussion of the trail]

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 Stuckert 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. 5215 passed as read.

Cemetery Committee – Chairperson Mead had no report.

Mayor Riley asked that Chairperson Mead convene a Cemetery Committee meeting sometime in the next week because there is new information to share with the committee.

Downtown Revitalization Committee – Convener McKay – I have been asked by Chamber President Jonathan McKay to announce that the annual Chamber meeting will be April 14 from 11:30 – 1:00 at the Roberts Centre. The keynote speaker is Jenson Dell who is the Director Creative Operations for the Cincinnati Reds.

Parks and Recreation Committee – Convener Stuckert announced the Easter Egg hunt by the library on March 28. Our understanding they are doing it in phases.

Service Director - Service Director Reinsmith had no report.

Safety Director – In the absence of Safety Director Russ Burton, Mayor Riley had no report.

Reports

A motion was made by Jaehnig and seconded by Miller that the Auditor-Treasurer Report, February 2015, 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.

Judy Gano presented a campaign speech for the position of Municipal Court Judge.

Paul Hunter – 200 Randolph Street – Presented his concerns regarding the amount of cardboard that is being tipped into the landfill and the charges that we pay the OEPA and County Solid Waste. He emphasized that each ton of tipped cardboard uses 9 cubic yards of landfill space. The fees the city pays to OEPA and the County equal \$12.25 per ton. If the city could bale and dispose of the cardboard for less than \$12.25 then there would be no loss and it would save the landfill. He expressed disappointment that council had not yet addressed the issue of cardboard recycling. He said that was emphasizing the need to recycle because there is no longer a drop-off point in the county. Also, he offered a correction from last fall when he quoted an inaccurate source. He had previously reported that the new employee count at the AMES hangar was 148, but the total of new hires as of the first of the year is 84.

[Discussion of cardboard recycling]

Councilman Mead said that one of the issues is that they are told that no one will buy the cardboard for recycling. Council needs clarification before a decision can be made either way.

Bob Henson – I might be able to provide some information on this subject. The Boy Scouts of America recently established a sustained building merit badge, which directly relates to this. The majority of cardboard in this country in the past five years is being containerized and shipped to China for processing. Small processing, which requires hand-sorting, has been restricted. There have been seven companies that have handled small hand-sorting cardboard that have gone out of business. Lowes and the large corporations bale and bundle, which is then containerized and shipped overseas. So, while I'm not saying it is impossible to find a business that would handle that, it has become much more difficult with the worldwide economic situation. It has to be pressurized and bundled, which allows them to ship compressed. Hand sorting like the people did down in Hillsboro is no longer an economic viability, so the disposal of reprocessing recyclable material is much more restricted.

Paul Hunter – We had an offer of a donation of a baler. The intent is to bale this. Not loose sort it. I envision people dropping it off at some location, flat, commercial and residential and have it baled. The cost of putting it on the baler will have to be factored in. If we can do all of that for \$12.25 a ton, we will break even and we will save the landfill.

[Discussion of cardboard recycling]

President Peterson – I want to thank you. I think we will have to do a little more research.

Councilman Mead – I want to thank Denny and his crew for all the patching they have been doing on the streets. Also, we just did the third reading on the money for the streets. I would like to get it moving as soon as we can.

Bob Henson – I would like to speak on behalf of Troop 154. The young men you see tonight are here for a particular purpose. They are achieving a requirement that is required for Citizenship in the Community or Communications. I am here for another purpose. Ladies and Gentlemen, your potential constituents are sitting in front of you. These young men have chosen scouting. The purpose of scouting is fun with a purpose. The purpose is to create the leaders of the next generation. For me, this is a selfish purpose. These young men will take care of us and our community when we are no longer sitting and I am no longer standing before you. These young men will be serving the community at the Easter Egg hunt. We will be there at 8:30 hiding those eggs for those young folks and cleaning up afterwards. Part of scouting is service. They came here tonight to see you doing service for all of us, and we thank you for that.

Mayor Riley – One of my great privileges is being able to come to the Eagle Ceremonies. I am glad citizenship is mandatory for the Eagle Award.

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 Peterson declared the meeting adjourned.
Council adjourned.

ATTEST:

President of Council

Clerk