

Wilmington City Council met in regular session on Thursday, April 2, 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 Peterson asked the mayor to do his portion next in the meeting.

Mayor - Mayor Riley brought forward members in the audience from Community Action. He recognized the accomplishments of Eli Yovich as both a council member and the 19 years he served with Community Action.

Dean Knapp recognized the board members of Community Action and shared the good works done by the organization, including senior housing and Head Start. He mentioned that the Senior Center also has a fitness center.

Mayor Riley presented a proclamation on behalf of the citizens of Wilmington to the Clinton County Community Action Month.

***WHEREAS**, The Clinton County Community Action Program, a private, non-profit organization, was established in April of 1965 and has provided exceptional services to senior citizens, adults and children for 50 years; and*

***WHEREAS**, By focusing on their primary mission, which is to work toward the elimination of poverty in Clinton County, Community Action has helped improve the lives of thousands of Wilmington and Clinton County citizens over the past five-decades; and*

***WHEREAS**, Our children have benefited from their Head Start Program, families have benefited from weatherization and heating assistance programs and housing opportunities and senior citizens have had their lives improved by the Senior Citizens Center, the food pantry, and home-delivered meals;*

***NOW, THEREFORE, I, RANDY RILEY**, Mayor of the City of Wilmington, Ohio, hereby designate the entire month of April to be **CLINTON COUNTY COMMUNITY ACTION MONTH** throughout the City of Wilmington. I also encourage all citizens to visit the Community Action offices and congratulate the staff and board members on 50 years of outstanding service to our community.*

Mayor Riley asked Angela Mitchell, the President of Main Street Wilmington to come forward.

Angela Mitchell – We are pleased to welcome Bekah Muchmore as the new Executive Director. We are looking forward to new and better things with Main Street Wilmington in terms of economic and community development.

Bekah Muchmore – I am a recent graduate from Wilmington College. I have a degree in Communications, with an emphasis in Public Relations and Journalism. I am from Clarksville, Ohio. I am a very community-oriented person. I am excited to be working with Main Street Wilmington.

Mayor Riley – We want to emphasize our downtown. We want to fill the storefronts with businesses that will succeed in a downtown environment.

Mayor Riley – We have parking enforcement again in the downtown. This week we just have placed notices, but we will be ticketing people. Denny and his crew are busy working on potholes. The worst one is the pothole at the railroad tracks on Locust Street. The railroad has assured us they will work on those crossings this spring.

Mayor Riley asked Landfill Superintendent Braden Dunham to come forward to speak on cardboard recycling.

Braden Dunham – I spoke with Jeff Walls at the Clinton County Solid Waste District to discuss what has happened with the recycling outlets for our community. Recently there was a company by the name of HICO. They pulled out of the community and they were taking most of the cardboard from the commercial businesses as well as the county drop-off site on W. Main Street. They went out of business and there was some misunderstanding about where the cardboard was going at that point. The businesses that HICO was servicing found other outlets for their cardboard. The material did not go into the landfill. There is not an influx of material going into the landfill. The city is working actively to possibly get cardboard recycling in the Sanitation Department. We would like to have a collection route and start servicing the businesses of the community.

Mayor Riley – We have the possibility of getting a compactor or bailer. Lowes and places like that have clean cardboard, which has the best fiber. Rumpke works with them to pick up the cardboard.

Braden Dunham – The larger businesses in the community have big companies that have brokers to get rid of the cardboard. That has not changed. The only thing that has changed is HICO picking up the cardboard from the drop off site on West Main Street. There were about two dozen businesses in the county that they were servicing as well. It made up about one-tenth of one percent of the cardboard within the recycling efforts of the county. It is a very small number.

Jeff Walls – Braden is correct. Last year, we recycled collectively as a county 117,135 tons of cardboard. The amount HICO represented was 130 tons of that. Of the two dozen businesses that they serviced, we have been able to reach out to most of them and find another outlet for getting rid of their cardboard. HICO provided a valuable service with the West Main Street cardboard. It is very expensive to find other alternatives for that cardboard. Braden and I are going to work together to get something started at the landfill.

Mayor Riley – Braden tells me that there is no more cardboard going into the landfill than there was before HICO left.

Paul Hunter – The cardboard is going into the landfill...where else would it go? Mine is piling up waiting for a solution.

Braden Dunham – We haven't noticed an increase in tonnage on our city collection trucks.

Mayor Riley – Hopefully we will get a bailer before your basement overflows.

Paul Hunter – Wright Patt has three bidders for their cardboard. One is out of Xenia. There is a market.

President of Council

A motion was made by Miller and seconded by Stuckert to approve the minutes of the last regular meeting, March 19, as presented.

Motion passed.

Minutes approved as presented.

A motion was made by Stuckert and seconded by Spicer to approve the minutes of the last special meeting, March 24, as presented.

Motion passed.

Minutes approved as presented.

President Peterson introduced legislation changing the zoning of property to the G1 Gateway District. She asked that citizens come forward to state their opinion. At the end of the discussion, I would entertain one of two motions – either to move for the second reading or entertain the motion to suspend the rules and regulations and move for the second and third reading.

Councilman McKay – A third option would be to postpone.

President Peterson – We cannot suspend it indefinitely.

Mayor Riley – Am I correct that if we postpone it, we would have to start over?

Law Director Shidaker – Yes. Because you already postponed it once.

President Peterson opened the meeting to members of the community.

Mike Mandelstein – 1006 West Locust – I have lived in the community for over 40 years. A broad brush or giant rubber stamp should not be used to implement zoning that would benefit a small minority at the expense of many. Truthful discourse with impartiality, objectivity, and a very small level of emotion and labeling needs to go forward, as well as a lot of patience on the part of both sides of this issue. There seems to be a lot of emergency ordinances. A family member put out a lot of money to help a young man move his business, and he got bad advice and now is in a difficult situation. On the other side of this are some families that have lived in this community a long time and they just want to finish out their living in their neighborhoods without finding out one day anyone can move in and do anything they want next to you. We don't have to tell you. If you are going to move a business into a residential area, there is a procedure for that. It's not a giant rubber stamp known as G1. Just because the law didn't require 373 letters to be mailed, that doesn't mean there shouldn't have been better communication besides "We put the word in the newspaper." We had meetings and no one showed up. There needs to be community discourse and dialogue. If you have to postpone this to make sure you get it right, that's what you need to do. If there is anyone here who has problems with city hall, you can change it. There is a republican primary in a little over a month. You can't do anything to circulate petitions now, but if you are a registered voter and possibly an unaffiliated register voter, you have until 4 p.m. on May 4 to draw a petition at the courthouse and run against the current slate. Maybe you're worried about bait and switch on the part of the party. If you don't like the way things are run, don't reach out on Facebook, do something about it.

Christy Sider – 38 Midway Drive – For some people, reaching out on social media is totally okay. That's my right. If this legislation has been brought this far already, it's probably something that some pretty intelligent people thought was a good thing to do. The way that all of the anger has come about really seems nothing more than discrimination because of the way it has played out on social media...not just from one side. Postponing is going to make people in this community not be able to move forward with their livelihood. For The Love of Ink, and Chris Walls specifically, have helped a lot of people. That's why people are heated. We are not heated because we're tattooed and we think we should be able to live wherever we want. We are heated because he is a man who believes in Wilmington, who wants to stay here, and now we're told it's not against you, it's this whole G1 zoning that we might not have thought through all the way. That doesn't seem right.

Herb Baker, Jr. – Wilmington resident in the past – G1 allows for many more uses at sale or transfer that actually do not downgrade a property but increases it. G1 is an overlying ordinance with an added level of review for any property located within in this zone, protecting the integrity of our historic rich downtown area, while current use of the properties would have no effective changes. It is a protection for our future. I support the

G1. It should have been an emergency. This should have all been thought of before 1860. If you live in town and you want to extend your downtown, it's going to move out into the neighborhoods. It's improvement. It's growing.

Sharon Frost – I wrote a letter to the editor a few months ago in support of the local tattoo shop. I believe it was before I went on my trip to Africa. When I came back I heard a bunch of stuff about it. If a doctor's office was going in there, would that be okay? There used to be a dentist's office there. Did anyone complain about that? In fact, I believe that person is in prison. I found the shop to be very clean and the people very courteous. I have been in other businesses in town where I haven't gone back because of the way I was treated.

Jason Merkle – 366 S. South Street. I am biased towards Chris because I have known him five years now. Where I live, I watched a Victorian home get torn down. I don't know the inside conditions, but the outside looked fine. I watched it get torn down so someone could extend their yard. If this is to preserve a community, don't you think we should do some review before a house is torn down to extend a yard? That house remaining standing would help the community more than someone having a little more yard to mow. When I went to Chris, I was wary of tattoo shops. I work as a firefighter/EMS and I am sleeved out. It's not just convicts and inmates, heroin users and drug dealers that have tattoos. I know doctors and nurses with tattoos also.

Chris Walls –First off, this should not be about me. This should be about zoning and what is best for the city of Wilmington. The G1 Gateway overlay brings in not only protection to the integrity of the properties coming into the downtown, but it also allows multiuse for small businesses, home-based businesses to come into these areas so that we can expand the growth of Wilmington to right outside the downtown area. A lot of people can't afford to go to the plaza and pay three to five thousand dollars per month for a building. Since this has started, this was supposed to be about the G1 Gateway overlay. It was not supposed to be about Christopher Walls. It was not supposed to be about For the Love of Ink. My name has been dragged through the mud. I have been called a drug dealer. I was told that if I went to school to become a dentist, a neighbor would mow my grass for a year. I don't want to be a dentist. I'm a tattoo artist. I am a former alcoholic and drug addict. I have been clean and sober for sixteen years, and I've devoted my entire life to helping others, mostly in this community. The fact that this has been made about me and business is ridiculous. What our council needs to focus on is the G1 overlay and how it can improve the city. Obviously, Taylor has worked very, very hard on this. The entire Planning Commission has worked hard on this. It is proven to be good. I believe it has actually worked in other cities. Hasn't it?

Taylor Stuckert – Yes.

Chris Walls – Are we trying to stay in 1950 or are we trying to move into 2015? The Gateway does not change a person's right to tear down a property. They can still do that, but they need to go through a few more hoops. It's being said that anybody can move any type of business in. That is completely untrue. There are noise restrictions. You cannot have any kind of audible noise from outside the property. If you look at the everything as a whole, I think the benefits outweigh everything else. Council followed the law for noticing. They put it in the paper. They announced the public hearings. They announced the readings. People say they didn't know. They did know. As a matter of fact, after the initial rezoning meeting where I was told that if I proved adequate parking I could go back. Before I went back, I was advised, just wait for the Gateway...they'll let you in anyways. It probably will be quicker. This should not be about me. It should be about what benefits the city. We went to move things into our shop, the morning the moving truck came, within five to ten minutes, zoning started getting calls from neighbors. These people did not show to any zoning meeting...any G1 meeting. I've been at the meetings. None of these people showed up. The morning I started moving in furniture, Zoning gets a call. The next day, somebody calls the President of Council. At the next meeting, G1 gets tabled. Everyone in this room has a higher education than me, but I can figure this stuff out. If council goes back to the drawing table, they are not doing their job.

Vicki Davis – lives in Centerville, used to live in Wilmington and is moving back. Centerville is very crowded. They did not have any kind of zoning and now all of their downtown businesses have drive-through businesses. They tore down a building to put up a Costco. Then they tore down another house to put up a sign that points to the Costco. Parking in Wilmington is nothing compared to parking in Centerville. A woman stopped me on the street to tell me how awful the G1 zoning was because of the tattoo shop. When I asked her about the benefits of the G1 zone, she knew nothing about it. All she knew was that it would bring in a tattoo shop. There's a lot more to this. Yes, there is a vacant building right now. Someone wants to move into it and fix it up. It's not about a tattoo shop, it's about keeping huge signs out of your back yard.

Patrick Long – Lives in Washington Court House – Previously lived in Wilmington. A lot of people are making this about the shop because they don't like tattoo shops. Tattoos are not a bad thing. People get tattoos to remember people who have left them. They get tattoos that mean something to them. Businesses put people back to work. It's good for the economy.

Mike Mandelstein read the portion of the G1 ordinance listing the permitted uses. He said one of the other problems is off-street parking.

Chad Terrell – 316 Charles Street – Local businesses are good. I think the problem is people are being labeled. I think this is trying to stop a local business owner from continuing his business in this town. I saw this building before he moved into it. I believe he put new hardwood floors in. He made the building look better. I don't think a tattoo shop should be the focus. I am for G1. I saw what happened with the tearing down of the BP station. That's another concern. My water has been brown since they started digging over there.

Larry Reinsmith provided a history of the definition of a professional office and how it has changed from 1955 through now. Depending on when the dentist started operating out of that building, he could have been permitted under prior definitions.

Debbie Burton – Lives and works in Wilmington – Best of friends with Chris Walls. I know the city is always trying to help build businesses. Chris has been operating out of a building that needs work. In the meantime, he has found a place that is really nice. Now, since he has put a lot of work into it and a lot of people have helped out, he can't get in there because of the zoning issues. I don't know anything about zoning, but at Domino's across the street, there is a lot of craziness that goes on there. If people are concerned about people hanging out, they might want to look across the street on the corner. What are we going to do to help Chris Walls and continue to work and support his family? Everyone wants to knock it down and postpone it. The building is nice. You can't see in the building. There would be three tattoo artists in there. You can only serve one person at a time. I don't see what the parking problem is. The bottom line here is we are trying to keep businesses local. If Chris Walls has to pull out and find someplace else, then those of who do enjoy getting tattoos from his business are going to have to drive somewhere else to get them. When we drive somewhere else, we are going to have dinner and we are probably going to go shopping. You are dragging business out of town if you don't let this man who has helped this community and helped me as a person have his business. He just wants to do his job and support his family. That's it. There's nothing wrong with that.

President Peterson asked for comments from Council.

Councilman Jaehnig - The original purpose of G1 was to protect the fabric of our community – to protect our homes and buildings that are of historical value to make sure they do not lose boundaries between downtown and the commercial zones, like Centerville and Mason has. We do not want to allow that in our community. The last thing we want is Rombach Avenue moving into the downtown. When we started, that was the purpose. There was zero discussion that I remember about businesses. It wasn't about businesses. It was about if somebody took the time, the care, patience, and love to save a home in this area, they needed to be protected. We want people to invest and bring back some of these beautiful homes. It is hard to convince people to invest if their

investment is not protected. In protecting their investment we need to make sure what is going in around them will match the fabric of what is there so we don't have a house torn down a sign put up. So we don't have a house torn down and a Radio Shack put in with parking in front or something of that nature. Those were the discussions at the time. This process has been going on for years. It is nothing new for any of us. In the process, I heard the term overlay used many times. It is what we talked about at the time. It was not about changing where businesses were allowed to be. That discussion was never had. It was not what we were looking to change. I know personally, the overlay made sense to me. What we ended up instead, and if it's not what we want, shame on us for getting this far before figuring it out, is not an overlay. Gateway as it is currently written is not an overlay. It is a replacement zone. All of the protections that currently exist are thrown out the window and the Gateway Zone requirements are replacing it. That is my concern. It is very unfortunate that Mr. Walls has ended up in the situation he has. But, the problem that I have is as of right now, if we pass the Gateway Zone, tomorrow somebody can come in, whether they use the existing building, we could have a convenient store move in across from the library. We can have a restaurant move next door to your son's house. We can have businesses moving into places we never intended them to move because we are affecting not just the PO, but we are affecting R1, R1 sparse residential homes. We are opening up uses for businesses. We are not just affecting the PO zone. We got a legal opinion about whether a tattoo shop could operate in a PO zone. We did not get an opinion about whether the PO as it is currently written is a solid zone. I have an issue with the fact that we are going to change all of these residential areas. We also have a medical zone that is going to be thrown out the window and replaced. A Walgreens wanted to go in next to the Cancer Center. That couldn't happen because of the current zoning restrictions. If we change the zoning, that would all of a sudden be legal.

Chris Walls – Isn't it completely the opposite? From what I read on the Gateway, it would completely not allow you to build any structure like that within the Gateway Zone. According to the way the zoning is written now, couldn't you do that? Ask Taylor.

Taylor Stuckert – There is a max of ten parking spaces. I don't think a Walgreens is going to build a site with ten parking places. I'm also saying there are no medical zones in the G1. There is one parcel that is R1 and that is Fred Ertel's farm. The rest are R3. There are a lot of business zones currently in the area of the G1. The idea of having mixed-use operations like business is more reflective of businesses like the Kava Haus or the Pattery or For a Song and a Story. There are plenty of examples of businesses in the city operating in residential units. Frankly, I think from a planning perspective, it is viewed as appropriate. In some cases, it adds vibrancy and activity to a neighborhood. As long as it fits that form and as long as it maintains that fabric, that's the focus of the concern. I agree with the concern with bringing Rombach to the downtown. I think that is part of the Gateway proposal. You mention areas that are vulnerable, east of this location, where the Murphy house is with the serpentine wall. All of that area at Wood down to Mulberry is B2. The CVS could have leveled all of the properties and built the CVS there. There are plenty of examples of areas that already have zoning in place that would be detrimental to that neighborhood fabric. The PO is, by definition, a mixed use. You can have professional businesses in those houses.

Councilman Jaehnig – I am not arguing with you about that. There are savings with the G1. My concern is in a broad brush we are going to change all of these. I don't know what we have all looked at it and taken a hard look at it and said "This is good to go." Personally, I'm still in favor of the overlay. Protect what we currently have but add the restrictions. I also have to admit that while we may have been legal in what we did in regard to notification, it is not necessarily the right thing. I ask council to send it back to Judiciary to look at it again.

Councilman Spicer – I'm not sure where to start. Right off the top, my vote is not to vote just so a tattoo place has to go in, nor is my vote to keep a tattoo place out. This G1 zone came along long before the tattoo shop thought about moving. It was done because some of the same things that you are criticizing about now, came from criticism from the folks because we need to protect older homes. We are trying to respond to the citizens. This is not about the tattoo shop. It is about moving Wilmington forward. I have gotten a lot of

letters. Like Mike says, if you don't like what we're doing, vote us out. My decision is not based on the letters that I receive that say, "If you don't vote my way, I'm going to vote you out." I'm don't care. I'm a lifelong resident of this city. I got on council to try to help improve our town and move it forward. That is what I'm going to do. I preferred the overlay zone. I am not a zoning expert. I spent some time talking to Taylor about it. While the overlay is nice, there are some complications that make things harder in the different zone with setbacks and things. It's just makes more hoops for people to jump through. I got some really nice letters from both sides and I appreciate those. If you don't like the decision I make, run against me. I will not be drawn into the battle of the tattoo shop. I grew up in an area where you run across two yards and there is the neighborhood grocery store. That doesn't bother me. You talk about the tattoo shop bringing unsavory people. It might. On the other hand, I've been to a lot of towns that have tattoo shops. They blend in with the neighborhoods. If it does go through, that is Mr. Wall's challenge to prove that he can be a good neighbor. I'm not a tattoo person. Don't have any. Don't want anything. I have a daughter. She's 50 years old now. She was 40 before I realized she had one. I've heard people say "those kind of people." But she's three classes away from her third degree. She works at the University of Cincinnati Hospital. She has an excellent job. I'm sorry, I don't judge "those kind of people." I'm prepared to move forward. I just want to see Wilmington grow. I love this town.

Councilman Stuckert – I had a narrative I wanted to talk about, but I can't top that. I will say this, I don't want us to leave any possibility of anyone thinking that this was, as described earlier, a rubber stamp, rushed deal.

Councilman Jaehnig – It's at least two years old.

Councilman Stuckert – Councilman Jaehnig started it and then I became chairman of the Judiciary Committee in 2014. We had it all in 2014 and then we are back with it now. Every meeting we had on it was public noticed. We looked at this very in-depth. Of all of the time I've been on council, I don't think there has been an issue that has gotten more attention than the G1. We're human beings. As far as I was concerned, we passed this in February 2014. Whether I ever knew it or not, I had no idea that we had this item that had to be passed called the map. I since have been told that there was a gap in the G1 that left a little bit of area between the G1 and the historic district. Other than that, G1 includes everything that was included originally. Nothing has been added. I think that through all the stuff that I have heard, there are a lot of things that have been raised that I think we should be concerned about in terms of Wood Street – the traffic and congestion. These things are going to be there whether there is a tattoo shop, people living there or a vacant house. I don't think this business is going to add to those issues. I also think that the idea of going back and starting over is very dangerous. As far as I am concerned, it would be the end of G1. This nation, prior to where we are now, had cottage industry. They were operated in homes and neighborhoods. I am old enough to remember a barber shop next to people's houses. I think the G1 is good. I don't want to lose it. It should pass. I understand the concern about passing it as an emergency measure. I stand with the G1.

Councilman Mead – I think I know less now than when I came in here. I have nothing to add.

Councilwoman Miller – I have borderline harassed Taylor regarding this Gateway zoning. I have done research about what this type of zoning does. It decreases crime. It is very smart. It restricts the type of business by restricting the number of spaces. I'm surprised people didn't know it was a zoning change. It went through Judiciary and Council. As a council, it's embarrassing to the idea that we would pass a law and not understand it. That is alarming. I don't know if you didn't know, but I sit every night before council and highlight. I read everything page by page. I think that's our obligation to the voters. Mike, you hit on my soft spot about transparency. I would never want anyone to think that something happened in the shadows. I feel like the public and homeowners were notified. I'm very sorry that your perception of how it was handled is negative.

Mike Mandelstein – I don't want you to be sorry...I want you to be better. Just because the letter of the law says you don't have to do it, does not mean you can't go above the letter of the law.

Councilwoman Milburn – I have been flip-flopping on this issue more than I ever do. This is one of the most unfortunate things that I have ever seen. I knew that this was not an overlay; I knew this was a replacement. I am not going to hide behind anything. I knew. I don't think we rushed it. I think it's a debate whether or not it is a mistake. The needs of the many outweigh the needs of the few. I am pro-business. I have been receiving many calls both supporting the G1 and against the G1. My job is to represent all of you. Even though I am pro-business, I have to represent the residents as well. I am still on the fence. I am against passing it as an emergency. I appreciate everyone coming out.

Councilman McKay – I am not against Chris Walls having a tattoo parlor. In fact, my niece is a very good tattoo artist in Chicago. I am going to have to follow the track of Councilman Jaehnig. We all believe in the intent of this ordinance. We may not have understood completely. I'm sorry if we did not understand what the repercussions may be. I am absolutely in favor of the intent. Unfortunately, we are finding that for this 379 parcels, this could have far-reaching, unintended results. These results might be not at all what we expect. I like the concept of neighborhood business. This is tough. For that reason, even though it sounds like we've done a lot of talking about this, I don't think we've talked about the cruxes of it as fully as we should. I believe we should take it back and quickly work back through it and make sure it does what we intend it to do.

Mayor Riley – I truly want to thank everyone for coming out. This is the way government should work. Having debate and disagreement for the betterment of the community is the way it is supposed to work. I have no problem with Chris Wall's shop. I see it as a professional service. It is just the tattoo stigma. I detest discrimination in any way. I don't have any tattoos. It bothers me that it has become about your shop. If you ran a barbershop, you would be in there cutting hair today and no one would have said a word about it. Across the street there is a Domino's. You have a florist shop across the street. Cattycornered you have a vacuum cleaner repair shop. This should not be an issue. Unfortunately it is. I consider Chris a professional and a high-class guy. This is the ugly part of city council and making ordinance. We will get through this. I just want to say publicly, hang in there, buddy.

Dustin Hicks – 348 Baird Place Apartment C. Why does council have to learn about it in the meeting? Council doesn't take time other than in the meeting? Three years is enough time to learn about something. If you haven't taken the time in three years to learn about an ordinance, what are you really doing?

Councilman Jaehnig – I knew the ordinance. I was the one that started the process in the first place. It started in my committee. Loren finished it and passed it through when he was on Judiciary. The City Planning commission approved the map and that is how we ended up here. What we did not have during that entire time is a group like this sitting right here. Because the citizens rarely get interested in what we do and rarely come to a council meeting. I post them on my Facebook page every single day. What is going on...what we're meeting about...what we're talking about...because I am desperate to hear back. Without input, it is difficult to see every aspect of a piece of legislation and the impact it can have. The more people that are involved, the more likely we are going to get it right the first time. The reason it has taken so long is because we knew it was an important piece of legislation and there was no reason to rush it. We have had a council switch and president switch during the process and the legislation has continued. Now we have all of the interest and different viewpoints that maybe the seven of us and our advisor had not thought of. Whatever happens tonight, the important thing is the involvement. People's lives are very busy...there is so much in life...what we are talking about is boring and no one shows up until it meets critical mass. That's how we get to this point and it looks like not everything has been thought of.

Councilwoman Miller – To piggyback off of that, there are Sunshine Laws. We are not allowed to talk about it unless we are on the record in public. We could not sit at the

General Denver and have this conversation. Sometimes the kinks of working out the details are in public because we can't have this conversation anywhere else. You see us working through it in front of you.

Councilman Jaehnig – Before Sunshine Laws existed, all over the United States, backroom deals were going on.

President Peterson – I try to remain impartial. As we were working this legislation through, I postponed the final readings a couple of weeks ago. Frankly, I had not had any phone calls until then. I had done a little bit of fact-finding and was concerned because this was substantive legislation and I wanted to give a chance for more discussion. I appreciate this feedback. I think we all feel more confident.

Councilman Spicer – The bulk of my phone calls also came after the postponement. But we have had two weeks now to go through and research this. That is why I sought out Taylor to get more information. He had good explanations, and he is the expert. That is who we have to defer to. I think we've had enough time. What are we going to discuss when we go back?

President Peterson – I will entertain a motion.

A motion was made by Spicer and seconded by Miller to give the second reading only on the Ordinance Changing the Zoning of Real Property Located in the City of Wilmington, Ohio (G1 Gateway District).

President called for a roll call vote.

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

Director of Law read the ordinance by title only.

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

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

Asset, Acquisition and Use. - Chairperson Mead – Most of you probably know that the cemetery is changing hands from a private organization to the city. The reason it's doing so is because the private organization could not bring in enough money to maintain the cemetery, so they decided the best thing to do was disband the cemetery and turn it over to the City. The Ohio Revised Code states that if any of cemetery group gives up or has to give up the cemetery, the entity in which it resides has to take it over. This means that the cemetery board could not continue, so Wilmington City is required to take it over. We will have discussion after I make a motion for the first reading.

A motion was made by Mead and seconded by Stuckert to give the first reading only on a resolution Accepting the Transfer and Assignment of Real and Person Property of the Sugar Grove Cemetery Association to the City of Wilmington and Declaring an Emergency.

President called for vote.

Motion passed. All yeas.

Councilwoman Milburn asked why it was an emergency.

Councilman Mead – The board has already disbanded and someone has to take care of the cemetery. As Randy has stated, it's the city job and we have to get it as soon as possible so we can pay people and bury people.

Mayor Riley – This is not a kneejerk reaction. It started well over a year ago. In fact, our plan was to accept the cemetery in July of last year. However, we worked with the cemetery board trying to keep them solvent. We thought there was a possibility of money they could have found so they could continue to operate. Unfortunately, none of that worked out and their back was to the wall. The deed you have in your packet is dated March 31, 2015, so they just recently have signed these documents. Bob, you're absolutely right. It's not that we have an option. We will, by law, be required to assume

responsibility of the cemetery. The Ohio Revised Code is very clear that the Director of Public Service will supervise the cemetery with a clerk and other people as needed. Larry has been working diligently on this for quite a few months. Randi, to answer your question, the cemetery has a lot of work to be ready by Memorial Day, so the sooner it's ours, the sooner we can start working on it.

Director of Law read resolution by title only.

A motion was made by Mead and seconded by Jaehnig 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 Mead and seconded by Stuckert 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. 2407 passed as read.

Water Committee - Chairperson McKay – We recently had a Water Committee and we will soon be looking at refinancing some water bonds to get a better rate. That should be happening quickly with the Auditor's guidance.

Streets Committee - Chairperson McKay asked Service Director Reinsmith for an update on paving.

Service Director Reinsmith – Our street superintendent is working on the specs of that project and hopefully we will be able to bid it out soon.

Mayor Riley – My goal is that by the next council meeting the specs would be ready to go out.

Councilman Stuckert – Do we need to have a resolution authorizing bids and entering into contracts.

Mayor Riley – After the specs are done.

Service Director Reinsmith – I think you passed that ordinance.

Councilman Stuckert – It did not include the bids.

Councilman McKay – We will take a look at it.

Solid Waste/Recycling - Chairperson Jaehnig – We have coming up on April 25 is Tire Amnesty Day. 9-12:00 at the Clinton County Engineer's Office on Fife Avenue. There is a limit of eight tires.

Mayor Riley – Townships are permitted to take an unlimited amount.

Wastewater/Sewer Committee - Chairperson Milburn – We have a meeting on Tuesday, April 7, at 6 p.m.

Judiciary Committee - Chairperson Jaehnig had no report.

Safety Committee - Chairperson Spicer introduced legislation declaring surplus property in the Police Department.

A motion was made by Spicer and seconded by McKay 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: 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 Spicer and seconded by McKay 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. 2408 passed as read.

Finance Committee - Chairperson Miller presented legislation making miscellaneous transfers: \$6000 from Police Salary to Police Incidentals.

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

Motion passed.

President of Council declared Ord. No. 5216 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: 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 Miller 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. 2409 passed as read.

Cemetery Committee – Chairperson Mead introduced legislation creating rules and regulations for the cemetery.

A motion was made by Mead and seconded by McKay to give the first reading only on the ordinance Adding Chapter 935 to the Codified Ordinances of the City of Wilmington Cemetery Rules and Regulations and Declaring an Emergency.

President called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

Paul Fear asked about the timing allowed for artificial and real flowers on the graves.

[Discussion of artificial flowers]

Councilman Jaehnig asked if markers previously installed would be grandfathered in as complying with city standards. Service Director Reinsmith said that they would.

Mayor Riley explained that the rules and regulations were taken from best practices from other cemeteries plus what is mandated by the ORC. If issues come up in the future, changes can be made.

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

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

Director of Law read the ordinance by title only.

A motion was made by Mead 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. 5217 passed as read.

Downtown Revitalization Committee – Convener McKay said he thought Bekah Muchmore would do a great job as the Main Street Wilmington Director. Please reach out to her if you have ideas or suggestions. Bee Hive Framing and Art will be moving to the recently vacated space of Mom's Friendly Game Shop. Debbie Hook will have her art studio in the back of the space. Murphy Theatre is turning the space made vacant by Downtown Hair to a reception space and boardroom. It will be available for small receptions and meetings. It will be called Fifty-Six.

Councilman Spicer – The upstairs of the Murphy Theatre has been turned into artists' studios.

Parks and Recreation Committee – Convener Stuckert – There is a lot of exciting information about the possibility of a Water Skate Park. There are signups for activities. The parks are busy and alive.

Lori Williams clarified that there are two different projects – a splash park and a skate park. We are fundraising actively.

Service Director - Service Director Reinsmith had no report.

Safety Director – In the absence of Safety Director Russ Burton, Mayor Riley – We had a fire early last month by the walking trailing on Mulberry Street. Apparently with the winds there is a part of the roof that has partially caved in and has blown into the street. We will be addressing those safety issues as soon as we can. I just found out about this tonight.

Reports

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

Motion passed.

Reports accepted as presented.

Councilman Stuckert noted that numbers are up this month.

Councilman Jaehnig – If we are lucky enough to maintain a 5.2-percent increase over last year, that would mean an additional \$234,000. Hopefully we can pick up the pace a little bit to cover the streets.

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

Mike Mandelstein – Hoped that the dialogue would continue to help the administration do their jobs. Reading the fine print gives you an education. Ignoring the fine print gives you experience.

Andrea Tacoronte – 1564 Nicely Road – Employee in the City of Wilmington Mayor’s office. Spoke her concern over the tone of recent political campaign literature and the manner in which it characterized the lifting of the employee wage freeze in 2014. She emphasized the need for council, administration and employees to work as a team.

Councilman Stuckert said that his name was on the literature. The wage figures he received from the City didn’t include context and he just distributed what was given to him. Complained that council was not informed adequately about the impact of releasing the freeze on wages before they voted to approve the labor agreements. He expressed concern that there has been talk of asking the taxpayers to consider an earnings tax to pave streets.

Councilwoman Milburn thanked the Police for their recent work involving a dangerous situation in the City with a high-speed chase and shooting.

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

A motion was made by McKay to adjourn.
President declared the meeting adjourned.
Council adjourned.

ATTEST:

President of Council

Clerk