

Wilmington City Council met in regular session on Thursday, June 18, 2015, at 7:30 p.m. with President Cindy Peterson presiding.

Call to Order

Roll Call: Jaehnig, present; Spicer, present; Stuckert, absent; Mead, present; Miller, present; Milburn, present; McKay, present.

Chief Weyand was also present.

A motion was made by McKay and seconded by Mead to excuse the absent member (Stuckert).

Motion passed. All yeas.

Absent member excused.

Pledge of Allegiance

Council gave the Pledge of Allegiance to the flag.

Moment of silence observed

President of Council

A motion was made by Milburn and seconded by McKay to approve the minutes of the last regular meeting, June 4, as presented.

Motion passed.

Minutes approved as presented.

President Peterson presented a Notice of Legislative Authority from the Ohio Department of Liquor Control for a Transfer from Ohio CVS Stores on Stroop Road in Kettering, Ohio, to 120 E. Main Street, Wilmington, Ohio. The notice will be on file at the office of the Clerk of Council.

President Peterson opened the Public Hearing for Rezoning of 260 W. Locust Street.

President Peterson – There is a public hearing scheduled for a rezoning request from The Love of Ink to rezone a certain tract or parcel of land located at 260 W. Locust Street from PO Professional Office to B1(a) Neighborhood Business. At this point, this request for rezoning has been withdrawn, so there is no need for a public hearing. A copy of the request is on file at the Clerk's office if anyone wants to review it.

Councilman Jaehnig – Mr. Walls has found a new location and is in the process of preparing and moving into a location on Main Street, approximately across from the Murphy and The Loft.

President Peterson closed the Public Hearing.

Mayor - Mayor Riley – Next week, I will make the presentation to the local Amateur Radio Association to proclaim June 23-28 to be Amateur Radio Week in Wilmington. These are radio enthusiasts who still send and receive Morse code. If there is a major disaster, quite often the only communications you get are through the amateur radio associations. The work they do is vital and can be lifesaving.

Auditor - Auditor David Hollingsworth – I am in the process of finishing a report for council to give an update of where we are through the end of May. It will be a comparison with the prior years. We also finished paying off the bonds that we refinanced on the 16th. We also finished up all the paperwork on the two notes that we are renewing for the landfill and Davids Drive that are coming up in July.

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

Water Committee - Chairperson McKay presented legislation declaring a Water Department vehicle as surplus property. It is a 1997 Ford Crown Victoria.

A motion was made by McKay and seconded by Mead to give the first reading only on a resolution Declaring Surplus Property to Wit: Water 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 McKay and seconded by Mead to suspend the rules and give the second and third reading on the resolution by title only.

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

Director of Law read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2417 passed as read.

Streets Committee - Councilman McKay introduced the second and third readings on legislation amending the traffic control map to reflect changes in downtown parking: Remove nine spaces near the Little Giant Diner; remove three parking spaces near the old News Journal building; and increase time-limit for eight street-side parking spaces on West Main Street to provide better opportunity for business.

A motion was made by McKay and seconded by Spicer to suspend the rules and give the second and third reading on the ordinance Amending the Traffic Control Map and the Traffic Control File to Adopt a Revised Downtown Parking Plan.

Roll call: 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 McKay and seconded by Spicer to pass the ordinance as read.

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

Motion passed.

President of Council declared Ord. No. 5232 passed as read.

Solid Waste/Recycling - Chairperson Jaehnig – We had a second meeting this week and reviewed the proposed business plan for the landfill. Braden has done an exceptional job of providing a game plan to allow us to operate the landfill and innovative ways to bring in revenues, with the addition of cardboard recycling, new methods of having trash picked up, and expansion of services. Many of the ideas can be implemented separately, so Braden and the administration are identifying and prioritizing where they want to start. With this plan, I can officially say that the leasing or selling of the landfill is off the table.

Councilman McKay – I was out at the landfill today and Braden showed me the new recycling truck. It is exciting stuff that he is doing and he is doing a great job.

Councilman Jaehnig –The new unit that Mark is talking about will allow us in July to start accepting multi-unit recycling and small business recycling and expand that. It gives us flexibility to take a step forward and expand our recycling at the same time. If you are a business, call the landfill and ask about getting set up.

Wastewater/Sewer Committee - Chairperson Milburn had no report.

Judiciary Committee - Chairperson Jaehnig presented legislation extending terms of a UDAG loan to DWCIC. They originally used it to acquire the Quali-Tee building. The DWCIC helps with development. Upon the sale of the building, the loan will be payable in full. This extension was written into the original contract.

A motion was made by Jaehnig and seconded by Milburn to give the third reading only on a resolution Authorizing the Extension of Terms of a Certain UDAG Loan to the

Downtown Wilmington Community Improvement Corporation (DWCIC) 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 Jaehnig and seconded by Milburn to pass the resolution as read.

President called for vote.

Motion passed. All yeas.

President of Council declared Res. No. 2418 passed as read.

Councilman Jaehnig – The next item sets up an indigent burial policy. The State of Ohio has laws in place that require a governmental entity to provide indigent burial services. We have never really had a policy or guidelines. This helps with people knowing what they qualify for and what is covered. It helps the funeral homes know how to help people get the help they need in circumstances like this. Thanks to Brenda for identifying the need and helping get this on the books and put this together.

A motion was made by Jaehnig and seconded by Milburn to give the first reading only on the ordinance Adopting Chapter 937 of the Codified Ordinances in the City of Wilmington, Relative to Adoption of an Indigent Burial Policy.

President called for vote.

Motion passed. All yeas.

Director of Law read ordinance by title only.

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

President Peterson – I know we had the gateway legislation that passed some time ago and then we had the map that passed and it is now on the ballot. During the discussion as the legislation was passed for the map, there were many comments from citizens about some changes that needed to be made to the original legislation. Is that on the committee's radar?

Councilman Jaehnig – I believe we were waiting to hear about the referendum that was to filed.

Auditor David Hollingsworth – The process has finished and it will be on the ballot.

Councilman Jaehnig –My understanding is that council has different approaches that they can take now that it is on the ballot. We can sit and wait and see what happens with the referendum. We can go back and take a look at the original legislation and start a discussion about whether we want to make adjustments or changes. I personally wanted to do that before we passed the map. If council goes down the path and decides they want to make a change and a change is made, then my understanding is the referendum is a moot point and can be pulled off the ballot.

Law Director Shidaker – It could be, but as we sit here right now, it is not.

Councilman Jaehnig –If the legislation changes, the legislation that was in question is no longer the same legislation, so the referendum does not specifically apply to that legislation any more.

President Peterson – The legislation in question on the referendum is the map...not the gateway.

Councilman Spicer- But without the map, we have no gateway.

Councilman Jaehnig – And visa versa. If the Gateway changes, then it may change how the map is looked at, because one option is it wouldn't be a replacement zone; it would be an overlay. Obviously there may be options out there that are unidentified at this time. The map would have to change because it is not a replacement zone. By changing the

actual ordinance itself, it nullifies the map because the map would no longer be backed up by an ordinance.

Councilwoman Miller – We can always go back and change some of the recommendations that the citizens had, like the hours of operation and time.

President Peterson – Months are going to go by between now and the election. G1 is not perfect. Even though it is an orphan zone right now, it is imperfect. Why not use this time to take a look at it?

Councilman Jaehnig – Personally, I would like to see it come back to Judiciary and have a discussion.

Councilwoman Miller – I second that.

President Peterson – Does anyone on council have any objections to reopening that?

Councilman Spicer – I don't have any problem reopening it. We can look at some things. I'm not much for voting to change anything. I still feel confident on the G1 zone and once citizens here the whole story, I feel like it will pass.

President Peterson – Even if it passes, I think everyone agrees there were things that need to be tweaked. We could be addressing that for the next few months.

Councilwoman Milburn – It doesn't hurt to look at it again.

Councilman Jaehnig – We will put it on our next meeting.

Clerk Woods – I will let you know that I have one individual who has asked prior notification any time that you talk about G1. He happens to be in the audience tonight, so we are okay, but had he not, I would have had to stop you until I notified him. If you want to bring it up, we just need to make sure he is notified first.

President Peterson – I didn't know that was in place, so I apologize.

Vince Holmes, 77 Fulton Street – What you need to do with the original ordinance is repeal it. Do it tonight. You were wrong when you done it. You did not notify us. It was sneaky. The more people who are hearing about it are figuring this out. You're going to wait until the election. The chances of us losing this are very great. If I was in your chairs, I would just stall. We are not going to be able to get ahold of everybody. We are just a small group that are trying to let people know. What would it take to repeal the actual law, Mr. Law Director?

Law Director Shidaker – They would have to go to council, it would have three readings repealing whatever that ordinance would be.

President Peterson – What they just agreed to do is reopen it in committee before they even know the results because council feels there are some items.

Vince Holmes, 77 Fulton Street – I understood what was said, but I'm telling you that you are going to go back and do two or three things and then you are going to run this again. If it is voted down in November, you are going to monkey with it and you're going to start it up again. You folks are wrong. That's all there is to it. You're just wrong about this. You wouldn't listen to any reason or logic that was presented to you by very able speakers. I don't understand what is going on. What is so important about this and who is behind it? Is it just you folks or is there somebody else who is driving this hard?

President Peterson thanked Mr. Holmes for his comments.

Safety Committee - Chairperson Spicer presented legislation accepting grants for the Police Department: \$500 from United Way for the Skate Park; \$20,049 from the Ohio Department of Public Safety for the motorcycle program; \$2000 from HFC Safety

Council for the “Drive to Survive Campaign” for high school drivers; and \$4000 from the Ohio Department of Justice for bulletproof vests.

A motion was made by Spicer and seconded by Miller to suspend the rules and give the second and third reading on the resolution Accepting Grant Proceeds for the Police Department from the United Way, Ohio Department of Public Safety, HFC Safety Council, and the Ohio Department of Justice.

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

President of Council declared Res. No. 2419 passed as read.

Councilwoman Miller asked for clarification on the total amount of the motorcycle safety program and Chief Weyand responded.

Councilman Spicer presented legislation declaring a Police Department vehicle as surplus property.

A motion was made by Spicer and seconded by Miller to suspend the rules and give the second and third reading on the 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.

Roll call: McKay, yes; Jaehnig, yes; Spicer, 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 Jaehnig to pass the resolution as read.

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

President of Council declared Res. No. 2420 passed as read.

Councilman Spicer presented legislation authorizing the mayor to enter into a donation agreement for MARCS radios.

Clerk Brenda Woods – That resolution is amended because after the original ordinance was prepared, we found out that the license agreement is for all of the radios, not just the Police Department. We changed the wording to reflect that.

A motion was by Spicer and seconded by McKay to amend the wording of the resolution.

Motion passed. All yeas.

Resolution amended.

A motion was made by Spicer and seconded by Jaehnig to suspend the rules and give the second and third reading on the resolution Authorizing the Mayor to Enter Into a MARCS Radios Donation Agreement, and Declaring an Emergency, as Amended.

Roll call: Spicer, 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 Spicer and seconded by McKay to pass the resolution as read.

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

President of Council declared Res. No. 2421 passed as read.

Finance Committee - Chairperson Miller presented legislation making miscellaneous transfers.

A motion was made by Miller and seconded by Mead to suspend the rules and give the second and third reading on the ordinance Making Miscellaneous Transfers.

Roll call: 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: Miller, yes; Milburn, yes; McKay, yes; Jaehnig, yes; Spicer, yes; Mead, yes.
Motion passed.
President of Council declared Ord. No. 5233 passed as read.

Councilwoman Miller presented legislation making supplemental appropriations:
Motorcycle safety program and income tax refunds.

A motion was made by Miller and seconded by Mead to suspend the rules and give the second and third reading on the ordinance Making Supplemental Appropriations.
Roll call: Milburn, yes; McKay, yes; Jaehnig, yes; Spicer, 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; Mead, yes; Miller, yes; Milburn, yes.
Motion passed.
President of Council declared Ord. No. 5234 passed as read.

Councilwoman Miller presented legislation making miscellaneous transfers: Corrections Department purchases of equipment and a vehicle.

A motion was made by Miller and seconded by McKay 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 McKay to suspend the rules and give the second and third reading on the ordinance by title only.
Roll call: Jaehnig, yes; Spicer, yes; Mead, yes; Miller, yes; Milburn, yes; McKay, 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: Spicer, yes; Mead, yes; Miller, yes; Milburn, yes; McKay, yes; Jaehnig, yes.
Motion passed.
President of Council declared Ord. No. 5235 passed as read.

Councilwoman Miller presented legislation making supplemental appropriations:
Indigent burials.

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.
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: 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.
Motion passed.
President of Council declared Ord. No. 5236 passed as read.

Councilwoman Miller presented legislation making supplemental appropriations contingent upon Budget Commission approval: JUMP hangar TIF payments, grant money for the motorcycle awareness program.

A motion was made by Miller and seconded by Mead to give the first reading only on the ordinance Making Supplemental Appropriations.
President called for vote.
Motion passed. All yeas.
Director of Law read ordinance by title only.
A motion was made by Miller and seconded by Mead to suspend the rules and give the second and third reading on the ordinance by title only.
Roll call: Miller, yes; Milburn, yes; McKay, yes; Jaehnig, yes; Spicer, yes; Mead, yes.

Director of Law read the ordinance by title only.

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

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

Motion passed.

President of Council declared Ord. No. 5237 passed as read.

Councilwoman Miller presented legislation regarding estimating inactive monies and setting a date of meeting for designation of depositories.

A motion was made by Miller and seconded by McKay to give the first reading only on a resolution Estimating Amount of Inactive Monies and Date of Meeting for Designation of Depositories.

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

Director of Law read the resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2422 passed as read.

Cemetery Committee – Chairperson Mead had no report.

Downtown Revitalization Committee – Convener McKay – The Farmers Market is in full swing on Saturday mornings on Mulberry Street. There is a yard sale at the Friends Church in the parking lot of the Municipal building this Saturday. The farm mural is being worked on by Jason Morgan on the Fife-Bosworth building. Last Saturday there was a grand opening of the South Street Wine Shop. The Third Friday event that was scheduled for tomorrow has been scheduled for next week. It will be on the Fourth Friday this month.

Councilman Jaehnig – Downtown has two business that are about to open: Strength and Dignity, a clothing store; and Christopher Walls is opening his tattoo shop next door to Strength and Dignity.

Christopher Walls – We will be opening on July 1 and will have our Grand Opening Ribbon Cutting on July 11. We will have door prizes from The Crave, One Stop Adventure Shop, and others. We will have face-painting and catered sandwiches from Jen's Deli.

Parks and Recreation Committee – Convener Milburn – June 27 is the Relay for Life at Denver Williams Park. The Banana Split Festival was this previous weekend and was a great success. The Dog Park has opened.

Service Director - Service Director Reinsmith had no report.

Safety Director – Safety Director Russ Burton had no report.

Reports

A motion was made by McKay and seconded by Spicer that the Auditor-Treasurer Report – May 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.

Stephen Sawzin – 43 Fulton Street, Wilmington. In the discussion you had about the zoning, I heard some troubling comments. One was you think you could change the law that would override the citizens voting on it.

President Peterson – We were concerned that action we take might do that, but we were assured by the Law Director that it would not. We did not want it to go in that direction.

Vincent Holmes, 77 Fulton Street – Mr. Mayor, I listened to a graduation where you spoke and I listened to you when the police dog was found. Mayor, you have done an outstanding job. You are a wonderful spokesperson for the City of Wilmington. I have told people how fortunate we are to have you as a mayor. Whoever is going to be the next mayor is going to have a hard time filling your shoes.

Mayor Riley – Thank you. Just for the record, I have met with John Stanforth, who is going to be the nominee for the Republican Party in the General Election. We have met three times and we both committed, starting in July, we will be having at least two-hour weekly meetings. I am going to be setting up appointments with John Stanforth with every city elected official and city superintendents. My commitment to John was that come January he is going to be ready to hit the ground running. John is extremely committed to this City.

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 McKay and seconded by Miller to adjourn.
President of Council declared the meeting adjourned.
Council adjourned.

ATTEST:

President of Council

Clerk