

Wilmington City Council met in regular session on Thursday, August 18th, 2016, at 7:30 p.m. with President Randy Riley presiding.

**CALL TO ORDER**

President of Council called the meeting to order at 7:30 p.m.

**ROLL CALL**

Roll Call: Purkey, present; Spicer, present; Stuckert, present; J. McKay, present; Swindler, present; Milburn, present; M. McKay, present.

Chief Weyand was also present.

**PLEDGE OF ALLEGIANCE**

Council gave the Pledge of Allegiance to the flag.

**MOMENT OF SILENCE**

**PRESIDENT OF COUNCIL**

President of Council-

A motion was made by M. McKay and seconded by Milburn to approve the agenda as received.

Motion passed.

Amended agenda approved as presented.

A motion was made by Stuckert and seconded by J. McKay to approve the minutes as received.

Motion passed.

Minutes approved as received.

President of Council opened the public hearing for a zoning request from LT Land Development, LLC to rezone approximately 165 acres on Rombach Avenue, being the entire remainder of Parcel No. 290190601000000 SAVE and EXCEPT Lots 1-8 of the Williams Farm Subdivision, Section One, as shown on the preliminary plat as filed with the City of Wilmington and approved by the Wilmington Planning Commission on March 24, 2015, from County 1-2 Industrial to City B3-Roadside Business.

Andrew McCoy, Peele Law, on behalf of LT Land Development summarized the request for rezoning. McCoy also explained County I-2 vs B3 zoning classifications. McCoy stated this reclassification would allow for more responsible structured development, and these changes would benefit both the city and the developer.

Mayor Stanforth addressed McCoy with a question pertaining to the parcel map, which Attorney McCoy clarified. M. McKay inquired about residential housing to which Attorney McCoy stated to his knowledge it would be apartments.

President Riley asked for questions or comments from the public. Hearing none, Riley declared the public hearing to be closed.

A motion was made by M. McKay and seconded by Milburn to give the first reading by title only on the ordinance O-16-56: Changing the zoning of real property located in the City of Wilmington, Ohio and declaring an emergency (165 +/- acres located on Rombach Avenue).  
President called for a vote  
Motion passed.

Director of Law read the ordinance by title only.

A motion was made by M. McKay and seconded by Milburn to suspend the rules and regulations and give the second and third reading by title only.

Roll call: Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes

Motion passed.

Director of Law read the ordinance by title only.

A motion was made by M. McKay and seconded by Milburn to pass the Ordinance O-16-56 as read.

Roll call: Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes.

Motion passed.

President of Council declared ordinance O-16-56 passed as read.

A motion was made by M. McKay and seconded by J. McKay to give the first reading by title only on the resolution R-16-41: Authorizing the Mayor to enter into a contract with Natural Gas Aggregation.

President called for a vote

Motion passed.

Director of Law read the resolution by title only.

A motion was made by M. McKay and seconded by J. McKay to suspend the rules and regulations and give the second and third reading by title only.

Roll call: Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes.

Motion passed.

Director of Law read the resolution by title only.

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

Roll call: J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes.

Motion passed.

President of Council declared resolution R-16-41 passed as read.

## **MAYOR**

Mayor – Mayor Stanforth stated one of the cemetery bridges is finished and operational. Stanforth recognized Jerry Runk and his maintenance crew for quickly cleaning up debris in the cemetery. Stanforth reminded Council about Jeep Jam this weekend and Blues and Barbecue tomorrow. Stanforth also recognized Bible Baptist Church for sponsoring the fireworks at the park for the past two years and stated the city is now

looking for a new sponsor for 2017, and requested if anyone had any ideas, please share them.

## **AUDITOR**

Auditor – Auditor Hollingsworth presented a packet of information on the income tax and review the information. Hollingsworth stated he has spoken with Marque Jones about the income tax collections for this year. Hollingsworth reviewed the balance sheet and also summarized the budget numbers from the income tax revenue. The collections for the remainder of the year have been changed to reflect 5 million dollars projected for collections Hollingsworth explained further the requirements for employers' collections had changed, and this has in turn, artificially inflated the collected amount by approximately 2 months' worth of income. Hollingsworth also noted the original budget would have projected \$245,000 left in the General Fund, with the revision there \$843,000. Hollingsworth clarified the \$400,000 increase is a one-time deal because of the extra 2 months collection.

## **COMMITTEE REPORTS AND ACTION**

Asset, Acquisition and Use – Chairperson Purkey had no official report.

Cemetery Committee – Chairperson J. McKay had no official report. J. McKay restated Mayor Stanforth's update on the bridges adding work on the second bridge could now begin. J. McKay also stated the section markers are being restored currently and they look very nice.

President Riley personally thanked Mayor Stanforth for his work and guidance on the bridge repair.

Downtown Revitalization Committee – Convener M. McKay reminded council about Jeep Jam and the Party at the Mural this weekend. McKay also had a reminder about Clinton County Dancing with the Stars taking place on September 17<sup>th</sup>, in which Randi Milburn and Brett Rudduck would be competing this year. M. McKay also stated Main Street Wilmington is currently looking for a new interim director. The current director, Bekah Muchmore, has stepped down to pursue her Master's Degree.

Finance Committee - Chairperson M. McKay stated the first item on their agenda was the resolution for special assessments having to do with the Utility Billing Department and property clean up. Utility Billing has reported several delinquent and uncollectable charges to be submitted to the County Auditor, water charges \$14,755. Also, there are reported lot clean up charges in the amount of \$11,648 which will also be submitted.

M. McKay introduced resolution R-16-34: Approving special assessments pursuant to Chapters 923.09, 929.03, 1701.10 and 1729.03 of the codified ordinances of the City of Wilmington, and declaring an emergency.

A motion was made by M. McKay and seconded by Milburn to give the first reading by title only.

President called for a vote.

Motion passed.

Director of Law read the resolution by title only.

A motion was made by M. McKay and seconded by Milburn to suspend the rules and regulations and give the second and third reading by title only.

Roll call: Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes, J. McKay, yes.

Motion passed.

Director of Law read the resolution by title only.

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

Roll call: Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes, J. McKay, yes; Swindler, yes.

Motion passed.

President of Council declared resolution R-16-34 passed as read.

Chairperson M. McKay stated the second item on their agenda was resolution R-16-37:

Declaring it necessary to light the streets, lanes, alleys, lands, squares, and public places in the City of Wilmington, Ohio, with electric lights, and for special assessments to be levied to pay the cost thereof for the year 2017, and declaring an emergency.

A motion was made by M. McKay and seconded by J. McKay to give the first reading by title only.

President called for a vote.

Motion passed.

Director of Law read the resolution by title only.

A motion was made by M. McKay and seconded by J. McKay to suspend the rules and regulations and give the second and third reading by title only.

Roll call: M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes, J. McKay, yes; Swindler, yes; Milburn, yes.

Motion passed.

Director of Law read the resolution by title only.

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

Roll call: Purkey, yes; Spicer, yes; Stuckert, yes, J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes.

Motion passed.

President of Council declared resolution R-16-37 passed as read.

M. McKay stated for the third item addresses the city's portion of the local government funds which is 29.5%, or approximately \$284,831.00.

Chairperson M. McKay introduced resolution R-16-40: Accepting Local Government Assistance Formula as provided by the Clinton County Auditor.

A motion was made by M. McKay and seconded by Milburn to give the first reading by title only on the resolution.

President called for a vote.

Motion passed.

Director of Law read the resolution by title only.

A motion was made by M. McKay and seconded by Milburn to suspend the rules and regulations and give the second and third reading only on the resolution.

Roll call: Spicer, yes; Stuckert, yes, J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes.

Motion passed.

Director of Law read the resolution by title only.

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

Roll call: Stuckert, yes, J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes.

Motion passed.

President of Council declared resolution R-16-40 passed as read.

M. McKay stated the following were supplemental appropriations From the Sugar Grove Cemetery Fund to “Grounds Maintenance” the sum of \$7,500.00 for general maintenance and repair. From the 1<sup>st</sup> Mortgage Water Works Revenue Bond Fund to “Transfers” the sum of \$150.00, which is housekeeping. From the Water Fund to “Direct Deductions” the sum of \$29.20. From the Sewer Fund to “Direct Deductions” the sum of \$1.47. From the Fire Fund to “Workers Comp” the sum of \$1,339.76 which is the September payment. From the General Fund to “Workers Comp” the sum of 267.74, which is the September payment.

Chairperson M. McKay stated the fourth item on their agenda was ordinance O-16-57:

Making supplemental appropriations.

A motion was made by M. McKay and seconded by Milburn to give the first reading by title only.

President called for a vote.

Motion passed.

Director of Law read the ordinance by title only.

A motion was made by M. McKay and seconded by Milburn to suspend the rules and regulations and give the second and third reading by title only.

Roll call: J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes.

Motion passed.

Director of Law read the ordinance by title only.

A motion was made by M. McKay and seconded by Milburn to pass the ordinance as read.

Roll Call: Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes.

Motion passed.

President of Council declared ordinance O-16-57 passed as read.

M. McKay stated the last item, making miscellaneous transfers in the Water department, “Consulting Services” to “Capital Equipment” the sum of \$10,000.00 and “Contractual Services” to “Refunds” the sum of \$3,000.00, these are available funds which only need to be

transferred.

Chairperson M. McKay introduced the final item on their agenda, ordinance O-16-58: Making miscellaneous transfers.

A motion was made by M. McKay and seconded by Swindler to give the first reading by title only.

President called for a vote.

Motion passed.

Director of Law read the ordinance by title only.

A motion was made by M. McKay and seconded by Swindler to suspend the rules and regulations and give the second and third reading by title only.

Roll call: Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes.

Motion passed.

Director of Law read the ordinance by title only.

A motion was made by M. McKay and seconded by Purkey to pass the ordinance as read.

Roll call: M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes.

Motion passed.

President declared ordinance O-16-58 passed as read.

Judiciary Committee – Chairperson R. Milburn stated the only item on their agenda was the third reading of ordinance O-16-40: Amending section 14 and 15 of the City of Wilmington Lodging Excise Tax Code of Regulations.

Spicer inquired if there were going to be discussions, to which President Riley stated there would be discussion.

A motion was made by Milburn and seconded by Swindler to give the third reading by title only.

President of Council opened the discussion:

Spicer stated he's not going to beat this to death, but said at the last two readings people who had benefitted from the CVB stated this is a bad idea. Spicer stated council had also heard from experts who spoke about how important tourism is to the county. Spicer stated after all the people have spoken, he doesn't feel like there is a reason to change the legislation. Spicer stated a plan hasn't been presented about what is going to be done with the funds and nothing has been public. Spicer stated if this is about oversight, the CVB has lived within their budget and are audited every 2 years and seemed to satisfy everyone. Spicer stated the CVB board is the same as the Main Street Board and the Parks Board, but Council doesn't seem to be calling for any oversight on them. Spicer went on to say he doesn't have any problem with the reporting, but the ordinance doesn't need to be changed because the "tourism works". Spicer addressed President Riley's comments from the previous meeting where he stated the CVB cannot take credit for bringing in all of the tourism dollars, stating President Riley was right and it does take a

lot of people. Spicer stated the CVB advertises all across Ohio, and nothing makes him prouder than when he's in a hotel in Cleveland and sees one of the Clinton County brochures. Spicer stated there is going to be an impact, and then it will be too late, and asked Council to reconsider. Spicer also inquired if Council was only going to "pick on" the CVB, or were they going to do the same thing to other boards.

Millburn clarified there is not an actual change to the reporting, the CVB was required to report quarterly. Spicer stated he was the representative and if you wanted the CVB to report 4 times a year he would make sure they did, but to pass this [legislation] and take away 50% of the funding is going to have an impact. Spicer stated he knows she [Debbie Stamper] can apply for the funds but she won't get it all back. Spicer stated he didn't know why we are heading down this trail but it is wrong. Spicer said if Council isn't going to listen to the people who this will impacted, then Council is not providing the oversight.

Purkey stated this is the third meeting where this has been discussed and he is aware of the feeling of mistrust, however, Council is exercising its responsibility to manage and oversee every dollar passing through. Purkey stated the process going forward is the CVB will be guaranteed 50% of the collected funds the current code regulations allot. The city will retain an administrative fee of 1% for maintenance fee and the remaining 49% will be diverted into a new line item, ensuring the funding does not "disappear". Purkey stated the CVB would have to submit a budget and request for appropriations and that is all. Purkey stated he doesn't think the CVB intends to request funds, and asked Spicer if there was an intention of the board submitting a budget. Spicer stated they have an upcoming board meeting and he is sure they would. Purkey stated if it is the case, he continues to hear about "taking their money" [CVB] but they haven't even had appropriations submitted yet. Purkey stated this oversight was put into place 19 years ago, but had not been followed. This is a move towards transparency, since this money is being parked in a place where it will be useful and it can't be used in the General Fund. Purkey stated this is a no brainer, and since Council is facing such a huge deficit, they need to be accounting for every dollar.

Spicer stated the only thing CVB hasn't been doing is reporting quarterly, and the budget gets approved as was intended.

Purkey stated is true and shame on us [Council] for not requiring the reporting, however from now on, it is going to be corrected. Purkey stated Council has a responsibility to make sure the money is being spent judiciously.

Spicer stated if the money isn't being spent on tourism, then the people paying the money are being lied to and misled because it's being collected for tourism. Spicer also stated the CVB was specifically designed to promote tourism and the other agencies just wanted to duplicate something the CVB has already paid to have done. Spicer said there is public oversight. Spicer reiterated again, if this is being done to the CVB, the other boards such as Main Street and the Park should also be looked at.

Purkey stated the other boards do not have a Code of Regulations stipulating how money is collected and dispersed to their organizations. Spicer stated those are taxpayer dollars, so if Council is "going to be judicious" then they need to be judicious over all the boards.

Paul Hunter stated in the coming year there wouldn't be a restriction on the budget, they will be able to grow their budget even though they are losing 40%.

M. McKay clarified the CVB isn't losing 40%, they will just have to apply for the funds.

Spicer said in reality the CVB is now in competition with other agencies who will apply for those funds, even though the money was never intended to go to them.

Purkey stated the opposition he had heard council was making a money grab and the city was trying to fix its budget on the back of the CVB. Purkey clarified this is not the intention of the legislation.

Spicer stated all the comments he has gotten about the legislation have unfavorable and there is public distrust.

Purkey stated the intent of parking the money in its own line and not in the general fund is for more transparency. This will not let the money hide in the general fund nor will it go to pet projects. Purkey stated it will be in a specified fund for tourism.

Spicer argued the money is going into a fund where anyone can apply for it.

Purkey stated when budgets are submitted it will be very clear where the funds are going.

Milburn stated there will be 7 Councilmembers overseeing the distribution of the funds.

Swindler agreed, stating the requests would be aired in a public forum.

Molly Dullea, owner of the General Denver, stated she knows a lot about the lodging tax because she collects and pays the funds.

Spicer interrupted, stating that Mrs. Dullea's customers pay the Lodging Tax, not her personally, she merely collects the money.

Dullea agreed with Spicer and went on to state she feels a personal connection to the tax because she has been paying it for 13 years. Dullea apologized for missing the 2 previous meetings where the legislation was discussed, but stated that she is totally in favor of this legislation, 100%. Dullea stated in the time that she has been paying the tax, the amount has gone up, and inquired at what point does an entity receive enough funds? When does the funding get capped? Dullea stated she wants Council to oversee the funds, because every other tax paid has oversight. Dullea stated this is the right thing to do and she is proud of Council for doing it.

Spicer stated that makes two of you.

Purkey clarified an issue from the previous meeting, involving allegations that he had profited from the General Denver, specifically associated with the Downtown Third Friday. Purkey stated the General Denver is not associated with Third Friday, they just happen to be next door to the Mural Parking Lot.

Director of Law read the ordinance by title only.

Roll call: Spicer, no; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M.

McKay, yes, Purkey, yes.

Motion passed.

A motion was made by Milburn and seconded by Swindler to pass the ordinance as read.

Motion passed.

President of Council declared ordinance O-16-40 passed as read.

Parks and Recreation Committee - Chairperson Milburn stated the first item on their agenda was the first reading on resolution R-16-39: Declaring surplus property, to wit: Fencing valued at more than \$1000, and authorizing the sale of said fencing.

A motion was made by Milburn and seconded by Purkey to give the first reading by title only.

President called for a vote.

Motion passed.

Director of Law read the resolution by title only.

A motion was made by Milburn and seconded by Purkey to suspend the rules and regulations and give the second and third reading only.

Roll call: Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes.

Motion passed.

Director of Law read the resolution by title only.

A motion was made by Milburn and seconded by Purkey to pass the resolution as read.

Roll call: J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes.

Motion passed.

President of Council declared resolution R-16-39 passed as read,

Safety/ Transportation Committee – Chairperson Spicer had no official report.

Solid Waste/Recycling – Chairperson Spicer introduced Superintendent Braden Dunham from the sanitation department who gave a brief overview of the Route Automation program that will begin on October 3<sup>rd</sup>. Spicer also stated during their committee meeting they had discussed legislation dealing with rate changes. Superintendent Dunham gave a presentation highlighting the upcoming changes and stated households will begin receiving their new trash totes in September. Dunham reiterated the rules of the program and stated current household trash days will remain the same. Spicer thanked Dunham for all his hard work.

Streets Committee – Chairperson Spicer stated the only item on their agenda was the second and third reading on ordinance O-16-53: Amending the Traffic Control Map and the Traffic Control File to create a no parking zone on Howard Street.

A motion was made by Spicer and seconded by Purkey to suspend the rules and give the second and third reading by title only.

Roll call: Swindler, yes; Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes.

Motion passed.

Director of Law read the ordinance by title only.

A motion was made by Spicer and seconded by Purkey to pass the ordinance as read.

Roll call: Milburn, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes.

Motion passed.

President of Council declared ordinance O-16-53 passed as read.

Wastewater/Sewer Committee - Chairperson Stuckert had no official report.

Water Committee - Chairperson Swindler stated the first item on their report was the first reading on ordinance O-16-55: Making miscellaneous transfers.

Moving from “Consulting Services” to Capital Equipment, the sum of \$10,000.00.

A motion was made by Swindler and seconded by Purkey to give the first reading by title only.

President called for a vote.

Motion passed.

Director of Law read the ordinance by title only.

A motion was made by Swindler and seconded by Purkey to suspend the rules and regulations and give the second and third reading by title only.

Roll call: M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes.

Motion passed.

Director read the ordinance by title only.

A motion was made by Swindler and seconded by Purkey to pass the ordinance as read.

Roll call: Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Milburn, yes; M. McKay, yes.

Motion passed.

President of Council declared ordinance O-16-55 passed as read.

Chairperson Swindler also stated the Secretary of State informed them the advisory election opinion for fluoride has been approved and will be on the November ballot.

Safety/Service Director – Director Shidaker spoke about the curbside recycling and encouraged council to speak with the citizens about continuing the program. Shidaker suggested the rates should be increased due to the cost to the landfill, and begin charging approximately \$2.25 per household instead of \$0.01. Shidaker stated it costs the landfill approximately \$103,000 yearly to operate the recycling program, and suggested it may have to be suspended in order to save the money. Shidaker stated if the citizens want the

program to continue, Council needs to address increasing the fee and they should begin discussing with their constituents.

Swindler asked for clarification on the amount, inquiring if the \$2.25 fee would be monthly per household. Shidaker stated the fee of \$2.25 would have the city break even on the cost.

Paul Hunter stated even if they do away with the recycling program, the city will still have to pay \$12.25 for every ton.

Don Wells stated when the city started the recycling program, the \$0.01 was symbolic, and the cost was built into the \$14.84 they were paying for trash service. Wells stated if you charge citizens to recycle, they probably won't. Even if you make it mandatory, they still won't recycle and they will get another garbage can. Wells said the recycling program was started because it was the right thing to do, but you can't make people recycle.

J. McKay stated that they are at 53% participation, to which Braden Dunham stated it was actually 52%.

Swindler wanted to clarify the discussion was about money being lost from an enterprise fund, and not money from the general fund.

Shidaker stated the program can't be sustained with these losses year after year on the program.

Samantha Ahrman asked if the fee would apply to participating recyclers or would all residents pay the fee. Shidaker stated it would be a mandatory fee for all citizens.

David Hockaday stated when recycling was started; he believed the cost was included in the cost for waste. He asked if the rate needed to go up because the cost of doing business had gone up.

Shidaker stated he didn't think the cost was originally included and in the effort of transparency, he stated the costs should be listed separately.

Tammy McKay stated she would be willing to pay for recycling, and she hopes no one would come out against paying for it, since she feels it is doing a service for the environment.

President Riley stated this had come up in the Solid Waste/Recycling Committee, which also has legislation relating to the route automation. Riley they would be discussing this in the coming weeks.

Spicer commented that the misconception is that the city makes money off of the recycling, which is not the case.

## **REPORTS TO COUNCIL**

A motion was made by Swindler and seconded by Milburn to accept the Auditor's Report as presented.

Motion passed.

Report accepted as presented.

## **OPEN TO PUBLIC**

## **ADJOURNMENT**

A motion was made by M. McKay.

President Riley declared meeting adjourned.

Council adjourned at 8:58 p.m.

ATTEST:

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President of Council

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Clerk