

Wilmington City Council met in regular session on Thursday, January 5<sup>th</sup>, 2017, 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; Liermann, 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 J. McKay to approve the agenda as received.

Motion passed.

Agenda approved as received.

A motion was made by J. McKay and seconded by Stuckert to approve the December 14<sup>th</sup>, 2016 Special minutes as received.

Motion passed.

Minutes approved as received.

A motion was made by M. McKay and seconded by J. McKay to approve the December 15<sup>th</sup>, 2016 minutes as received.

Motion passed.

Minutes approved as received.

J. McKay introduced T.M. Gibbons Neff from the Washington Post who is writing an article about Wilmington.

**MAYOR**

Mayor- Mayor Stanforth thanked Joe Spicer for his 3 years serving on the Clinton County Visitor's Bureau board, and Stanforth introduced Lonnie Stuckert as his replacement. Stanforth said the department heads are currently working their way through job descriptions and they are close to finishing and getting the information back to the attorneys.

Stanforth stated Splash Park Bids will be published tomorrow and they will open on February 17<sup>th</sup>. Skate Park bids will start in the early summer. Stanforth stated there is a local corporation, that would like to remain anonymous, offering a matching grant to the Skate Park for a few thousand dollars. Stanforth stated fundraising is ongoing, and the more funds raised, the bigger the park they can build.

Mayor Stanforth stated the day before Christmas he got some great news from Marque Jones, who told him there is a 1 million dollar carry over. Stanforth thanked the Councilmembers, Brian Shidaker, Marian Miller, and the Supervisors for an amazing job.

**AUDITOR**

Auditor – Auditor Hollingsworth reviewed 2016, and stated the 1 million carryover amount that Marque Jones gave is actually the increase in income tax collections for 2016 over the prior year. Hollingsworth stated the projection on the original budget for the year end balance was about \$400,000, but the actual unencumbered carryover balance is \$1,981,000. Hollingsworth stated 2016 was unique because they collected 14 months of withholding tax instead of 12, and also collected 5 quarters of estimated tax

from businesses as opposed to 4. The income tax collections budgeted for 2017 were up \$757,000.

Hollingsworth stated he and Mary Kay Vance had met with Judge Daugherty to go over his budget, and he has done a great job. The court raised some of their fines and collected \$110,000 more than what they had budgeted. Additionally an increase in emergency ambulance revenues of around \$24,000 and miscellaneous revenues were up about \$38,000. Hollingsworth stated revenues in total were \$934,000 over what was budgeted for 2016. In expenditures, the Administrative salary and benefit costs were \$65,000 less than budgeted, transfers were \$413,000 below what was budgeted.

Hollingsworth introduced O-17-01, Establishing a new fund for the Unclaimed Funds.

A motion was made by M. McKay and seconded by Liermann to give the first reading only on Ordinance No. O-17-01, Establishing a new fund.

All yeas.

The Law Director read the Ordinance by title only.

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

Roll call.

Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Liermann, yes; M. McKay, yes.

A motion was made by M. McKay and seconded by Purkey to pass to Ordinance as read. Roll call.

Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Liermann, yes; M. McKay, yes; Purkey, yes.

President of Council declared O-17-01 passed as read

#### **COMMITTEE REPORTS AND ACTION**

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

Cemetery Committee – Chairperson J. McKay had no report, but stated they need to schedule a Cemetery meeting to accept the funds from the Clinton County Foundation. J. McKay thanked the Hale Family for the continued contribution.

Downtown Revitalization Committee – Convener M. McKay stated Phil Dirt and the Dozers will be at the Murphy Theatre on January 21<sup>st</sup> and tickets are on sale.

Finance Committee – Chairperson M. McKay had no report and stated he is very happy with the financial numbers that Auditor Hollingsworth provided. M. McKay thanked the citizens.

Judiciary Committee – Chairperson Purkey had no report.

Parks and Recreation Committee – Chairperson Liermann introduced Resolution No. R-17-03, accepting a grant agreement with the Ohio Department of Natural Resources for the Community Recreation Project Pass Through Grant.

A motion was made by Liermann and seconded by M. McKay to give the first reading only on Resolution No. R-17-03 - Authorizing the Director of Parks and Recreation to enter into a Community Recreation Project Pass Through Grant Agreement with the Ohio Department of Natural Resources (ODNR).

All yeas.

The Law Director read the Resolution by title only.

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

Roll call.

Stuckert, yes; J. McKay, yes; Swindler, yes; Liermann, yes; M. McKay, yes; Purkey, yes; Spicer, yes.

The Law Director read the Resolution by title only.

A motion was made by Liermann and seconded by M. McKay to pass the Resolution as read.

Roll call.

J. McKay, yes; Swindler, yes; Liermann, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes.

The Law Director read the Resolution by title only.

President of Council declared R-17-03 passed as read.

President Riley encouraged members of Council as well as their friends and families to consider making a donation to the Parks.

Chairperson Liermann reminded everyone the next Park Board meeting would be taking place on January 9<sup>th</sup> at 6pm.

Safety/ Transportation Committee – Chairperson Spicer stated there were two resolutions for grants for the Fire Department. The first is the “SAFER” grant, that will help with adequate staffing. The State will fund the first 2 years, and the 3<sup>rd</sup> year will be the city’s match. Spicer stated this will help get more people trained as more positions open up in the future.

A motion was made by Spicer and seconded by Purkey to give the first reading only on Resolution No. R-17-01 - Authorizing the filing of a grant application through the Staffing for Adequate Fire & Emergency Response Grant and acceptance of grant fund and declaring an emergency.

All yeas.

The Law Director read the Resolution by title only.

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

Roll call.

Swindler, yes; Liermann, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes.

The Law Director read the Resolution by title only.

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

Roll call.

Liermann, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes.

The Law Director read the Resolution by title only.

President of Council declared R-17-01 passed as read.

Spicer introduced the second item, authorizing the Fire Department to apply for a grant through the State Fire Marshal for bunker gear and helmets. Spicer stated this type of gear costs thousands of dollars and this is a great opportunity to save some money.

A motion was made by Spicer and seconded by Purkey to give the first reading only on Resolution No. R-17-02 - Authorizing the Filing of a Grant Application through the Division of State Fire Marshal and acceptance of grant funds therefrom and declaring an emergency.

All yeas.

The Law Director read the Resolution by title only.

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

Roll call.

M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Liermann, yes.

The Law Director read the Resolution by title only.

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

Roll call.

Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Liermann, yes; M. McKay, yes.

The Law Director read the Resolution by title only.

President of Council declared R-17-02 passed as read.

Solid Waste/Recycling – Chairperson Spicer had no report.

Streets Committee – Chairperson Spicer had no report.

Wastewater/Sewer Committee - Chairperson Stuckert stated they had a meeting tonight, but nothing new was discussed and another meeting would take place later in the month.

Water Committee - Chairperson Swindler reviewed previously dispersed fluoridation information reminding everyone it is available for review.

Swindler made a motion for 3<sup>rd</sup> reading, and asked for a clarification on Rules of Order. Law Director Rudduck stated tabling legislation is an option, Miller stated that previously a postponement of a reading was done each meeting. Swindler asked if it was a vote to postpone. Miller stated it is a motion to postpone. President Riley stated if they wanted to come back to the legislation in a few weeks, postponement sounded like the best option. Swindler withdrew her motion for the 3<sup>rd</sup> reading.

President Riley reiterated the fact that a lot of discussion about fluoridation has already taken place, referencing the panel of experts in favor of fluoridation from the Public Hearing, as well as the information against fluoride, provided by Stuckert. Riley stated they've heard the pros and cons several times with not a lot of new information. Riley said he appreciated Swindler providing the list of 142 organizations who are in support of fluoridation, and of that number only one organization, The American Kidney Foundation, has tentatively pulled their support. Riley stated if anyone has anything to add, that they keep their comments on the subject to 3-4 minutes.

Tom Brausch, of 220 N. Wood Street, said he didn't feel like 3-4 minutes was enough time for such an important topic. President Riley reminded Mr. Brausch this topic has been discussed for over a year, and this was not a short discussion. Mr. Brausch spoke about the history of Fluoride and reviewed cavity statistics. Mr. Brausch spoke at length about the cost of purchasing non-fluoridated water and also said he has spent about 100 hours on the internet researching fluoride. Riley thanked Mr. Brausch for his comments.

President Riley stated every Surgeon General for the past 20 years has strongly recommend community water fluoridation, and he has their statements available for anyone who wants to read them.

J. McKay asked about engineering updates. Director Shidaker stated he has entered into an agreement with Strand Engineering and all the requested documents have been provided to them. Strand will be coming to the plant on January 13<sup>th</sup> for the walk through inspection and the report should be available in about 30 days and will include recommendations as well as estimates on the implementation.

Stuckert asked about the reduced ph level of the water and the possibility of making it corrosive and in turn damaging the city pipes, some of which are made of lead. Stuckert stated it would be good for the director of the Water Plant to supply the ph levels of the water. Shidaker stated the engineers are involved and they will be looking into the different levels. President Riley stated there is city program that removed all the lead pipes, Shidaker clarified there are some houses who have lead in their service lines.

Swindler stated for the record that fluoride is the law in the State of Ohio and every community but a handful our size already fluoridate. Swindler said before we start throwing around terms like "lead" and "pipe corrosion", she would ask that Council does their due diligence.

Stuckert stated Swindler was right about fluoride in Ohio, but only 12 states in the country mandate fluoride and in Ohio communities were allowed to opt out. Swindler clarified that happened in 1969. Stuckert stated the people who voted on that decision are still here now.

Riley addressed the concern about the government putting medication in the drinking water, or tampering with the water. Riley stated if the government wasn't involved with mandating health care, we would still be suffering with polio & small pox. The nationwide mandate on vaccinations has saved untold numbers of life every year. Riley

stated if the government said to do it, it's not necessarily a bad thing because a lot of research has gone into the decision. Riley said he understands the concerns, but fluoridation has been administered successfully.

M. McKay asked if they would ask the engineer what adding fluoride would do to the pH level so they will have that information.

Swindler stated she has the maintenance cost projections available that were provided by Middletown and Jerry Rowlands if anyone wants them.

Mike Mandlestein of 1006 West Locust Street asked various questions about the impact of fluoridated water, stating he didn't need all the answers now, but in the days to come he would like them.

*General discussion about fluoride.*

A motion was made by Swindler and seconded by M. McKay to postpone the third reading on Ordinance No. Q-16-74 to the next regularly scheduled meeting.

All yeas.

Safety/Service Director – Director Shidaker began by reporting the compactor at the landfill has logged 18,000 hours, the life expectancy is usually 10,000, and the motor died two weeks ago. Shidaker stated this is an emergency due to the fact they have to have a compactor or they are not in compliance with OEPA. There is not enough time to go through the bidding process, since they need to purchase this as soon as possible.

A motion was made by Spicer and seconded by J. McKay to give the first reading only on Resolution No. R-17-04 Authorizing a contract to purchase landfill equipment without formal bidding advertising due to a real and present emergency, and declaring an emergency.

All yeas.

The Law Director read the Resolution by title only.

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

Roll call.

Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Liermann, yes; M. McKay, yes; Purkey, yes.

The Law Director read the Resolution by title only.

A motion was made by Spicer and seconded by M. McKay to pass the Resolution as read.

Roll call.

Stuckert, yes; J. McKay, yes; Swindler, yes; Liermann, yes; M. McKay, yes; Purkey, yes; Spicer, yes.

The Law Director read the Resolution by title only.

President of Council declared R-17-04 passed as read.

Shidaker stated the next item will give him authorization to enter into an agreement with the Ohio Department of Transportation, for the Urban Paving Project that will begin in June and last until November. This is one of the major paving projects for 2017.

A motion was made by Spicer and seconded by J. McKay to give the first reading only on Resolution No. R-17-05 – Adopting preliminary legislation for ODOT Urban Paving Project to Pave Portions of US 68 and SR 134 within the limits of the City of Wilmington; and declaring an emergency.

All yeas.

The Law Director read the Resolution by title only.

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

Roll call.

J. McKay, yes; Swindler, yes; Liermann, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes.

The Law Director read the Resolution by title only.

A motion was made by Spicer and seconded by J. McKay to pass the Resolution as read.  
Roll call.  
Swindler, yes; Liermann, yes; M. McKay, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes.

The Law Director read the Resolution by title only.

President of Council declared R-17-05 passed as read.

Director Shidaker spoke about his concerns about the cost associated with the recycling program. Shidaker stated he and Mayor Stanforth had attended the recent Solid Waste Management District meeting to ask for assistance and were disappointed to learn they are not willing to help financially or with manpower, and suggested the city raise the rates on the taxpayers. Shidaker stated the last thing he wants to do is go to the taxpayers. Shidaker asked that this issue be on the next Solid Waste Committee agenda so they can begin discussions. Miller stated there is another option, but it would require a strong arm.

Director Shidaker addressed the panhandling issue, stating there is a woman who stands near Kroger takes a cab service from Lebanon to Wilmington and pays \$48 for the round trip. Shidaker stated he just wants people to be aware of how they are donating their money.

Paul Hunter of 200 Randolph Street, summarized the cardboard recycling and frustrations with the Clinton County Solid Waste Management District.

**REPORTS TO COUNCIL**

A motion was made by J. McKay and seconded by Liermann to accept the Income Tax Report as presented.  
Motion passed.  
Report accepted as presented.

**OPEN TO PUBLIC**

Mike Mandelstein encouraged Miller to play hardball with the county.

Councilperson Spicer commented on the passing of Debbie Stamper and commended her hard work over the last 18 years.

**ADJOURNMENT**

A motion was made by M. McKay.  
President Riley declared meeting adjourned.  
Council adjourned at 8:56 p.m.

ATTEST:

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President of Council

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Clerk