

COUNCIL

October 5th, 2017

Wilmington City Council met in regular session on Thursday, October 5th, 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, absent; Spicer, present; Stuckert, present; J. McKay, present; Swindler, present; Liermann, present; M. McKay, present.

A motion was made by M. McKay and seconded by J. McKay to excuse the absent member. Motion passed.

Absent member excused. (Purkey)

Chief Weyand was present.

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

PRESIDENT OF COUNCIL

A motion was made by M. McKay and seconded by J. McKay to approve the agenda as presented.

Motion passed.

Agenda approved as presented.

A motion was made by M. McKay and seconded by Spicer to approve the September 21st minutes as presented.

Motion passed.

Minutes approved as presented.

Stuckert asked that the September 27th Special Meeting minutes be revised to include his statements on the emergency legislation.

A motion was made by M. McKay and seconded by Spicer to approve the special September 27th minutes as amended.

Motion passed.

Minutes approved as amended.

MAYOR

Mayor Stanforth introduced Don Spurling and Dr. Audrey McGowin from Clinton County Stream Keepers. Mr. Spurling provided a summary of the history of the Stream Keepers and Dr. McGowin outlined the Lytle Cree and Indian Run Sediment and Water Pollution Assessment, discussed the results, and recommended future actions in dealing with harmful runoff.

Director Shidaker discussed the Storm water Management Program, EPA requirements, outreach, enforcement, and storm water utility fees. Shidaker stated this needs to be discussed further and address the issues as well as the possibility of a fee. Swindler stated in the meantime these findings are concerning and she would recommend a public notice to inform people of what is in the stream water.

Steve Swazin asked if there is a map of the creeks in town and was referred to the county map office.

Councilperson Stuckert asked about the normal PH level would be for the streams. Dr. McGowin stated 7 to 8 would be the normal level.

Taylor Stuckert noted there would be a press release forthcoming and he wanted to inform Council before running the information in the paper.

Stanforth commended the Auditor's office on receiving an award.

AUDITOR

Auditor – Auditor Hollingsworth was absent.

COMMITTEE REPORTS AND ACTION

Asset, Acquisition and Use – Chairperson Purkey was absent and Councilperson Liermann had two pieces of legislation and introduced Taylor Stuckert who explained the two items. Stuckert stated the two pieces are connected; the donated land and the grant will help the city acquire other green spaces in the future. Liermann clarified that these items were discussed at the previous Park Board meeting as well as the AAU committee meeting.

A motion was made by Liermann and seconded by J. McKay to give the first reading only on Resolution No. R-17-41, Authorizing the submittal of an application for the Ohio Public Works Commission Clean Ohio Funds Green Space Conservation grant application; and declaring an emergency.

All yeas.

Motion passes.

The Law Director read the Resolution by title only.

A motion was made by Liermann and seconded J. McKay by to suspend the rules and regulation and give a second and third reading on the Resolution.

Roll call.

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

Motion passes.

The Law Director read the Resolution by title only.

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

Roll Call.

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

Motion passes.

President of Council declared Resolution No. R-17-41 passed as read.

A motion was made by Liermann and seconded by J. McKay to give the first reading only on Resolution No. R-17-42, A Resolution accepting a donation of 10.689 acres, more or less, of property located on Rombach Avenue by LT Land Development to the City of Wilmington, Ohio; and declaring an emergency.

All yeas.

Motion passes.

The Law Director read the Resolution by title only.

A motion was made by Liermann and seconded J. McKay by to suspend the rules and regulation and give a second and third reading on the Resolution.

Roll call.

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

Motion passes.

The Law Director read the Resolution by title only.

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

Roll Call.

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

Motion passes.

President of Council declared Resolution No. R-17-42 passed as read.

Cemetery Committee – Chairperson J. McKay had no action items.

Downtown Revitalization Committee – Convener M. McKay stated Night Fever would be at the Murphy Theatre on October 14th and the 23rd the Parks and Recreation and Main Street Wilmington would be hosting a Trunk or Treat event at Denver Park. Trick or treat night will be Tuesday, October 31st from 6-8pm.

Finance Committee – Chairperson M. McKay had 3 pieces of finance legislation to introduce. Ordinance O-17-57 from “Sewer Rehab” to “Capital Equipment” the sum of \$29,000.00, from “Communications Salaries” to “Communications Capital Equipment” the sum of \$11,000.00, from “Collection Vehicle Expense” to “Incidentals” the sum of \$2051.80, from “Architectural and Engineering” to “State/Local Fees” the sum of \$50,000.00, from “Collection Vehicle Expense” to “Landfill Vehicle Gas Expense” the sum of \$2,000.00, from “Collection Vehicle Gas Expense” to “Landfill Vehicle Gas Expense” the sum of \$2,000.00, and from “Landfill Vehicle Expense” to “Landfill Vehicle Gas Expense” the sum of \$3,500.00.

A motion was made by M. McKay and seconded by Swindler to give the first reading only on Ordinance No. O-17-57- Making miscellaneous transfers.

All yeas.

Motion passes.

The Law Director read the Ordinance by title only.

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

Roll call.

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

Motion passes.

The Law Director read the Ordinance by title only.

A motion was made by and seconded by to pass the Ordinance as read.

Roll Call.

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

Motion passes.

President of Council declared Ordinance No. O-17-57 passed as read.

M. McKay introduced O-17-58 making supplemental appropriations from the General Fund to “Consultant Services” the sum of \$6,000.00, and from the General Fund to “Engineering Contracts” the sum of \$47,000.00.

A motion was made by M. McKay and seconded by Swindler to give the first reading only on Ordinance No. O-17-58- Making supplemental appropriations.

All yeas.

Motion passes.

The Law Director read the Ordinance by title only.

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

Roll call.

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

Motion passes.

The Law Director read the Ordinance by title only.

A motion was made by M. McKay and seconded by Swindler to pass the Ordinance as read.

Roll Call.

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

Motion passes.

President of Council declared Ordinance No. O-17-58 passed as read.

M. McKay introduced O-17-56, creating a new fund for the land donation “NRAC Grant”.

A motion was made by M. McKay and seconded by Swindler to give the first reading only on Ordinance No. O-17-56- Creating a new fund.

All yeas.

Motion passes.

The Law Director read the Ordinance by title only.

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

Roll call.

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

Motion passes.

The Law Director read the Ordinance by title only.

A motion was made by M. McKay and seconded by Swindler to pass the Ordinance as read.

Roll Call.

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

Motion passes.

President of Council declared Ordinance No. O-17-56 passed as read.

M. McKay stated the committee is setting up the budget reviews and they hope to do a 1st reading on the budget by November 2nd meeting.

Judiciary Committee – Chairperson Purkey was absent and there were no action items.

Parks and Recreation Committee – Chairperson Liermann had no action items but stated the Skate Park was moving along quickly.

Safety/ Transportation Committee – Chairperson Spicer had two pieces of legislation and introduced R-17-39 for a second and third reading.

A motion was made by Spicer and seconded by J. McKay to give the second reading only on Resolution No. R-17-39 Accepting a gift from Main Street Wilmington for the City of Wilmington Police Department

All yeas.

Motion passes.

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 give a third reading on the Resolution.

Roll call.

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

Motion passes.

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; Spicer, yes; Stuckert, yes; J. McKay, yes.

Motion passes.

President of Council declared Resolution No. R-17-39 passed as read.

A motion was made by Spicer and seconded by M. McKay to give the first reading only on Resolution No. R-17-40, Authorizing the submittal of a proposal with the Ohio Department of Transportation for a grant through the U.S. Dot Federal Transit Administration (FTA), as authorized under Federal Transit Law, as Codified, 49 USC Section 5311, Financial assistance for other than urbanized areas and funds available from the Ohio Public Transportation Grant Program and executing a contract with the Ohio Department of Transportation upon grant proposal acceptance.

All yeas.

Motion passes.

The Law Director read the Resolution by title only.

A motion was made by Spicer and seconded M. McKay by to suspend the rules and regulation and give a second and third reading on the Resolution.

Roll call.

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

Motion passes.

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.

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

Motion passes.

President of Council declared Resolution No. R-17-40 passed as read.

Solid Waste/Recycling – Chairperson Spicer introduced two piece of legislation for a first reading and stated it pertains to the revenue corrections on two ordinances. The changes on O-17-54 will clear up some of the language.

A motion was made by Spicer and seconded by J. McKay to give the first reading only on Ordinance No. O-17-54 Amending Sections 925.24 of Chapter 925 Refuse Collection, of the Codified Ordinances.

All yeas.

Motion passes.

The Law Director read the Ordinance by title only.

Spicer requested a second and third reading be on the next Council agenda.

Spicer stated O-17-55 has some changes for the bulk item pick up, due to the fact that people are overfilling their containers and stacking trash on top and by the containers. Spicer stated residents will still get 3 bulk items picked up for free per year, but the pick-ups need to be scheduled through the sanitation department. More than 3 items a year will be charged.

A motion was made by Spicer and seconded by Swindler to give the first reading only on Ordinance No. O-17-55 Amending Sections 925.04 and 925.03 of Chapter 925 Refuse Collection, of the Codified Ordinances.

All yeas.

Motion passes.

The Law Director read the Ordinance by title only.

Spicer requested a second and third reading be on the next Council agenda.

Streets Committee – Chairperson Spicer stated there were no action items but gave an update on the paving projects.

Wastewater/Sewer Committee - Chairperson Stuckert had no action items, but stated he would like to schedule a meeting to discuss the rates and the budget.

Water Committee – Chairperson Swindler had two items, the first a miscellaneous transfer from “Utilities” to “Incidentals” the sum of \$7,388.16 to cover fees.

A motion was made by Swindler and seconded by J. McKay to give the first reading only on Ordinance No. O-17-59 Making miscellaneous transfers.

All yeas.

Motion passes.

The Law Director read the Ordinance by title only.

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

Roll call.

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

Motion passes.

The Law Director read the Ordinance by title only.

A motion was made by Swindler and seconded by Stuckert to pass the Ordinance as read.

Roll Call.

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

Motion passes.

President of Council declared Ordinance No. O-17-59 passed as read.

Swindler introduced O-17-60 making supplemental appropriation from the Water System Revenue Fund to “Match-OPWC” the sum of \$120,000.00.

A motion was made by Swindler and seconded by M. McKay to give the first reading only on Ordinance No. O-17-60 Making supplemental appropriations.

All yeas.

Motion passes.

The Law Director read the Ordinance by title only.

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

Roll call.

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

Motion passes.

The Law Director read the Ordinance by title only.

A motion was made by Swindler and seconded by M. McKay to pass the Ordinance as read.

Roll Call.

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

Motion passes.

President of Council declared Ordinance No. O-17-60 passed as read.

Swindler spoke briefly about the algae bloom and stated the crew has been wonderful at problem solving and repairing some of the issues. Swindler praised Water Department members Adam Simpson, Chris Reilly, Josh Snell, Josh Smith, and Larry Fisher.

Safety/Service Director – Director Shidaker had two pieces of legislation and introduced R-17-43 to give permission to ODOT to do crack sealing repair on the bypass that will not cost the city any money.

A motion was made by Spicer and seconded by M. McKay to give the first reading only on Resolution No. R-17-43, Adopting preliminary legislation for crack sealing portions of State Route 73 in the City of Wilmington, ODOT PID 94237, CLI/WAR GCS FY2018; and declaring an emergency.

All yeas.

Motion passes.

The Law Director read the Resolution by title only.

A motion was made by Spicer and seconded M. McKay by to suspend the rules and regulation and give a second and third reading on the Resolution.

Roll call.

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

Motion passes.

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.

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

Motion passes.

President of Council declared Resolution No. R-17-43 passed as read.

Shidaker introduced the second piece of legislation that pertains to the closing of the Hawley Avenue railroad crossing. Shidaker stated this isn't the final legislation for the project, but this allows him to enter into an agreement with the property owner. Shidaker stated there is available federal money to close the crossing, but the first step is acquiring the easement. Shidaker explained that before the street is closed, there will be a public forum to discuss it.

A motion was made by Spicer and seconded by J. McKay to give the first reading only on Ordinance No. O-17-61 Authorizing the acceptance of an easement for access and

utility purposes from David L. Hartley as part of the Hawley Avenue Rail Crossing Closure Project
All yeas.
Motion passes.
The Law Director read the Ordinance by title only.

Spicer requested that a second and third reading be on the next Council Agenda.

Spicer asked about the addition of warning devices at Doan Street crossing, and Shidaker stated they are part of the plan and they first need to address the Hawley Avenue closure. Spicer also expressed concerns about the Fire Department being able to navigate if the crossing is closed. Shidaker stated he has spoken with the Fire Department as well as the schools to update them on the plan to close the crossing.

REPORTS TO COUNCIL

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

OPEN TO PUBLIC

Councilmember M. McKay complemented a young member of the audience who had accompanied his mother to the meeting and had been well behaved for the duration.

Sheilah Krabacher of 1287 W. Main Street had a property complaint about a roach infestation at the neighboring home. Krabacher stated this issue has caused her to have to exterminate for roaches.

Chasity Davenport who lives in the property on the opposite side stated that she has spent \$2,600.00 on exterminating the roaches.

Krabacher stated she has contacted the Health Department, but the property continues to be rented and infested. Spicer stated that he did have information to share and he would speak with her after the meeting. Mayor Stanforth stated he had been to the property and already contacted the property owner. Stanforth stated steps are being taken through the Code Enforcement department to correct the issues. President Riley encouraged both citizens to attend another meeting and give an update on the progress.

ADJOURNMENT

A motion was made by Liermann.
President Riley declared meeting adjourned.
Council adjourned at 9:07 p.m.

ATTEST:

President of Council

Clerk