

Wilmington City Council met in regular session on Thursday, April 20<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, absent.

A motion was made by J. McKay and seconded by Liermann to excuse the absent member.  
Motion passes.  
Absent member excused.

Chief Weyand was not present.

**PLEDGE OF ALLEGIANCE**

**MOMENT OF SILENCE**

**PRESIDENT OF COUNCIL**

A motion was made by Swindler and seconded by Liermann to approve the agenda as received.  
Motion passed.  
Agenda approved as received.

A motion was made by Spicer and seconded by Stuckert to approve the April 4<sup>th</sup> minutes as received  
Motion passed.  
Minutes approved as received.

President Riley opened the Public Hearing regarding amending the hours of operation for the Transit Department.

Superintendent of Transit Tony Morris reviewed the cost comparison of the hour reduction and highlighted the savings associated with the reduction. Morris also noted ridership is up approximately 200 riders this year to date from last year. Morris stated there have only been two complaints and addressed both. Council agreed with the hours and savings.

Mayor Stanforth read a complementary letter from a citizen regarding the service they had received from the Transit Service.

Steve Swanzin, of 43 Fulton Street, thanked the drivers for being so kind to his elderly neighbor who relies entirely on the cab service.

President Riley declared the Public Hearing closed at 7:40pm.

**MAYOR**

Mayor Stanforth began by stating Jay Mitchell had passed away, and asked everyone to keep Linda in their prayers. Stanforth addressed the Washington Township negotiations and corrected the numbers given in the paper, clarifying the amount as significantly less than quoted in the paper. Stanforth stated work on the parking lot sealing and striping had begun as well as the excavation on the Splash Park. Stanforth had discovered an error in the excavation and the contractor will be back to fix it. It may impact the Memorial Day opening, but Lori [Williams] is still optimistic it will be completed on time. Stanforth stated the patching and sealing of a few of the city lots will be taking place soon. Stanforth gave an update on the gateway signs.

Stanforth stated the Landfill is in the process of constructing a catch basin which will keep the area from flooding near the cardboard recycling area. They plan on getting serious on cardboard recycling, and the area needs to be upgraded.

Stanforth presented a Proclamation for Donate Life Month.

Stanforth introduced Health Commissioner Pam Bauer and Fiscal Officer Tammy Milburn. Bauer spoke on behalf of the Health District Levy Renewal, and who asked for support on the upcoming vote, and highlighted their services.

Tyler Williams read a brief introduction and an open letter to the voters of Wilmington from Paul Hunter.

*Begin Transcription.*

Open letter to the voters of Wilmington. For over 25 years I have participated in and observed many versions of our city's government. In my considered opinion the present team is the best of the bunch. The people who are making change happen are too modest to toot their own horn so I will do it for them.

Starting with Chief Weyand, a true professional and certainly the best we have ever had. I have little operational knowledge of Fire, EMS and Treasury operations and so will not speak to them. A standout on this team has been Lori Williams and she is darned near irreplaceable.

In Brian Shidaker we have a mission centered public service director dedicated to serving the public needs. In his short time in the position he has been the driver in updating the street repair schedule among other accomplishments. One, by this summer South St. will be drivable again. Two, the new road access for one of our major employers, Ahresty, is also to his credit. Three, personnel changes have created a more mission centered supervisory staff in the service departments. Four, the previously mismanaged and delayed sidewalk and bridge connection from Southridge- Highland to Holmes school has been put back on track by Brian with the Mayor's help. Five, after years of empty rhetoric, actual cooperation with the county is gaining ground. The County Commissioners and the city are investigating ways to lower landfill tipping fees with his participation. Six, curbside recycling will be augmented by adding a revamped cardboard component. Seven, positive action to eliminate wasting treated water due to over-flushing. Eight, there was an early stumble on zoning enforcement but that is now up to speed.

Marian Miller, council clerk and assistant to the Mayor is the key to the day to day operations of the city and the functioning of the city council. From job interviews to answering questions from the public. Some would say that she is the most important person in city government and I agree. Marian typifies the better way of governance. No secrets and no hoarding of information.

The organizing principals and staff selection of the Mayor has set the city on a course for success. He had the humility to realize that a new, younger less politically encumbered group of council people are in place and that he would work with them to meet goals he had set. If he drifts off course Marian is there to provide a nudge.

A "better way" City Council has provided leadership in all areas of government. Rather than set back and rubber stamp handed down legislation, as was past practice, this group has proposed solutions to long avoided problems. One, along with the Mayor the 2017 budget was the smoothest operation for many years and required no special meetings to pass the legislation. Two, did not invoke the emergency clause to limit public and council input on important issues. Three, after open debate and with the help of a proactive civilian committee, council faced up to the need for new revenue if the city was going to survive as community. (See streets). The voters responded yes. Four, after several years of misallocation of the so called bed tax revenue, council held several public hearings, weighed the facts then voted to divert a portion of the revenue to deserving entities without affecting the Visitor's Bureau's mission. Five, council tackled the very contentious issue of water fluoridation by first placing a non-binding resolution on the fall ballot. The voters supported the concept by good margin. Public hearings were held and thanks to Council President Riley, near unending public comments were allowed during council meetings. After taking in

information from all sides of the issue council decided that the preponderance of evidence indicated that the greater good would be served by adding fluoride to our drinking water. Quite a year and a half for a "better way" council and administration.

Thanks  
Paul Hunter

*End Transcription.*

#### **AUDITOR**

Auditor – Auditor Hollingsworth addressed a letter he had received from Loren Stuckert Sr., candidate for City Council President. He was concerned about the information being presented and wanted to clarify comments directed towards his office and the misinformation included in the letter. Hollingsworth stated the letter alludes to mismanagement of funds by the administration and that is inaccurate. Hollingsworth also stated that in the letter, Stuckert does not differentiate between Enterprise Funds and General Funds and eluded to the recent .5% tax increase funds being misused. Hollingsworth stated it's important for someone running for this city office and who has been previously on City Council, to know the difference between the General Fund and the Water Fund, and know that funds are not shared between them.

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

Asset, Acquisition and Use – Chairperson Purkey had no action items.

Cemetery Committee – Chairperson J. McKay had no action items

Downtown Revitalization Committee – Convener M. McKay was absent. Council person Spicer stated the Richard Lynch Band would be at the Murphy the coming weekend and next weekend there would be Le Vent Du Nord. Purkey reminded everyone that the Strut Your Mutt Parade was cancelled.

Finance Committee – Chairperson M. McKay was absent. Swindler introduced Ordinance No. O-17-15, Making supplemental appropriations. From the Cemetery Fund to "Refunds" the sum of \$5,000.00, and from the Waste Fund to "Landfill Vehicle Expense" the sum of \$18,330.00 for warranty repair which must be paid, but will be refunded.

A motion was made by Swindler and seconded Liermann by to give the first reading only on Ordinance No. O-17-15- Making supplemental appropriations.

All yeas.

The Law Director read the Ordinance by title only.

A motion was made by Swindler and seconded by Liermann 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.

The Law Director read the Ordinance by title only.

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

Roll call.

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

President of Council declared O-17-15 passed as read

Swindler introduced the second piece of legislation, making miscellaneous transfers from "Insurance Deductibles" to "Contractual Services" the sum of \$33,600.00 for the payment to the insurance broker.

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

All yeas.

The Law Director read the Ordinance by title only.

A motion was made by Swindler and seconded by Liermann to suspend the rules and regulations and give the second and third reading on the Ordinance.

Roll call.

Stuckert, yes; J. McKay, yes; Swindler, yes; Liermann, yes; Purkey, yes; Spicer, yes.  
The Law Director read the Ordinance by title only.

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

Roll call.

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

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

Judiciary Committee – Chairperson Purkey introduced Ordinance O-17-13 for a second reading, which would allow the Director of Public Service and Safety to evaluate the utility rates each year for Water, Wastewater, and Sanitation and would advise Council if they need to be raised, maintained, or lowered for ongoing transparency.

A motion was made by Purkey and seconded Spicer by to give the second reading only on Ordinance No. O-17-13 an Ordinance requesting the Director of Public Service to present an annual report of utility billing rates to the legislative authority.

Roll Call

Swindler, yes; Liermann, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes.  
The Law Director read the Ordinance by title only.

Purkey asked that a third reading be placed on the agenda for the next Council meeting.

Purkey introduced Resolution No. R-17-20, Authorizing the Director of Public Service to enter into an Electricity Purchase Contract on behalf of the city, which would provide contracted lower electric rates for municipal owned buildings.

A motion was made by Purkey and seconded by Swindler to give the first reading only on Resolution No. R-17-20, Authorizing the Director of Public Service to enter into an Electricity Purchase Contract with Interstate Gas Supply, INC. Regarding receiving an energy cost discount for qualifying city accounts.

All yeas.

The Law Director read the Resolution by title only.

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

Roll call.

Liermann, yes; Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes.  
The Law Director read the Resolution by title only.

A motion was made by Purkey and seconded by Swindler to pass the Resolution as read.  
Roll call.

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

President of Council declared R-17-20 passed as read

Purkey introduced Resolution No. R-17-21, Purkey stated that Council, in the past, has not adopted it each year. Purkey stated that Council will be doing their due diligence to adopt the recommendations going forward.

A motion was made by Purkey and seconded by J. McKay to give the first reading only on Resolution No. R-17-21, Enacting Tax Incentive Review Council Recommendation

All yeas.

The Law Director read the Resolution by title only.

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

Roll call.

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 Purkey and seconded by Swindler to pass the Resolution as read.  
Roll call.

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

President of Council declared R-17-21 passed as read

Parks and Recreation Committee – Chairperson Liermann had no action items.

Safety/ Transportation Committee – Chairperson Spicer had two pieces of legislation, the first R-17-19 regarding the results of the Public Hearing and amending the Hours of the Transit Service from Monday thru Friday 6:30 a.m. to 9:00 p.m., Saturday & Sunday 8:00 a.m. to 5:00 p.m. to Monday thru Friday 6:30 a.m. to 7:30 p.m., Saturday & Sunday 9:00 a.m. to 3:00 p.m.

A motion was made by Spicer and seconded by Purkey to give the first reading only on Resolution No. R-17-19, A Resolution permanently amending the City of Wilmington Transit System's Hours of Operation.

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 on the Resolution.

Roll call.

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

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

President of Council declared R-17-19 passed as read.

Spicer introduced R-17-18, accepting a gift in the amount of \$250 from the Clermont Kennel Club for the K-9 Program.

A motion was made by Spicer and seconded by Purkey to give the first reading only on Resolution No. R-17-18, Accepting a gift from the Clermont County Kennel Club for the City of Wilmington Police Department.

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 on the Resolution.

Roll call.

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

President of Council declared R-17-18 passed as read

Solid Waste/Recycling – Chairperson Spicer had one item, regarding the Landfill bond issuance. Margaret Comey, the city's legal counsel for bond and note issuance, and Scott Stubbins, the city's bond and note broker, were present and explained in more detail the Bond Ordinance. Council had general discussion regarding process. This bond was for the completion of Phase V.

A motion was made by Spicer and seconded by J. McKay to give the first reading only on Ordinance No. O-17-14, An Ordinance providing for the issuance and sale of notes in the aggregate principal amount of \$500,000, in anticipation of the issuance of bonds, for the purpose of discharging the city's series 2016B Landfill Facility (Phase V) improvement notes at maturity, and paying related lawful costs; authorizing a purchase agreement and a registrar agreement; and declaring an emergency.

All yeas.

The Law Director read the Ordinance 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 on the Ordinance.

Roll call.

Purkey, yes; Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Liermann, yes.  
The Law Director read the Ordinance by title only.

A motion was made by Spicer and seconded by J. McKay to pass the Ordinance as read.  
Roll call.

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

President of Council declared O-17-14 passed as read.

Streets Committee – Chairperson Spicer had two action items, the first Ordinance No. O-17-21 regarding the addition of crosswalks on Elm Street and College Street and restricting parking in various campus locations.

A motion was made by Spicer and seconded by J. McKay to give the first reading only on Ordinance No. O-17-20, An Ordinance amending the traffic control map and the traffic control file to include adding two (2) crosswalks at the intersection of Elm Street and College Street and various no parking sections.

All yeas.

The Law Director read the Ordinance by title only.

Spicer requested that a second reading of O-17-20 placed on the agenda for the next Council meeting.

Spicer introduced Ordinance No. O-17-16 An Ordinance amending the traffic control map. This was to address safety concerns on Applegate Street. Mayor Stanforth confirmed he'd contacted all the property owners and they didn't have a problem with the change.

A motion was made by Spicer and seconded by J. McKay to give the first reading only on Ordinance No. O-17-16, An Ordinance amending the traffic control map and the traffic control file making Applegate Street a One-Way street from Columbus Street to Rombach Avenue.

All yeas.

The Law Director read the Ordinance by title only.

Spicer requested that a second reading of O-17-16 be placed on the agenda for the next Council meeting.

Wastewater/Sewer Committee - Chairperson Stuckert had no action items.

Water Committee - Chairperson Swindler had two items to present, both relating to bond issuance. Margaret Comey, the city's legal counsel for bond and note issuance, and Scott Stubbins, the city's bond and note broker, summarized the Waterworks revenue bond legislation. The new issuance will remove antiquated requirements on reserves and funds and provide a lower interest and more flexibility.

A motion was made by Swindler and seconded by J. McKay to give the first reading only on Ordinance No. O-17-18, An Ordinance providing for the of revenue obligations from time to time for the purpose of paying the costs of improving the city's municipal waterworks system or refunding obligations issued by the city for that purpose and authorizing the execution and delivery of a master trust agreement providing for the rights of the holders of the obligations, creating certain funds and pledging certain revenues and funds to secure those obligations, and declaring an emergency.

All yeas.

The Law Director read the Ordinance by title only.

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

Roll call.

Spicer, yes; Stuckert, yes; J. McKay, yes; Swindler, yes; Liermann, yes; Purkey, yes.  
The Law Director read the Ordinance by title only.

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

Roll call.

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

President of Council declared O-17-18 passed as read

A motion was made by Swindler and seconded by J. McKay to give the first reading only on Ordinance No. O-17-19, An Ordinance authorizing the issuance and sale of waterworks system refunding revenue bonds, series 2017, of the City of Wilmington, Ohio under article XVIII of the Ohio Constitution, in the maximum principal amount of \$12,350,000 for the purpose of paying the cost of refunding certain outstanding obligations heretofore issued to refund prior obligations or to improve the utility; authorizing the execution and delivery of a first supplemental trust agreement and a bond purchase agreement; authorizing and approving certain offering documents relating to the original issuance of the Series 2017 bonds, authorizing a continuing disclosure agreement; authorizing the call for optional redemption of bonds to be refunded, and declaring an emergency.

All yeas.

The Law Director read the Ordinance by title only.

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

Roll call.

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

The Law Director read the Ordinance by title only.

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

Roll call.

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

President of Council declared O-17-19 passed as read

Safety/Service Director – Director Shidaker gave an update on salt, stating the next Council meeting will have a piece of legislation for the salt contract. Shidaker also had one piece of legislation, and introduced Resolution R-17-22 for the final legislation for the State Route 68 paving project.

A motion was made by Spicer and seconded by J. McKay to give the first reading only on Resolution No. R-17-22, Adopting final legislation for ODOT Urban Paving Project 68 and State Route 134 in the City of Wilmington.

5 yeas. 1 abstain (Swindler).

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 on the Resolution.

Roll call.

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

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.

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

President of Council declared R-17-22 passed as read

Shidaker stated they .5% tax had passed with the intention of fixing the streets. Shidaker stated there will be more maintenance and repair done, and the comprehensive capital improvement plan is being worked on. Shidaker stated there isn't a lot of work going on currently, but once they have the plan completed, the work will be swift.

## **REPORTS TO COUNCIL**

A motion was made by Swindler and seconded by J. McKay to accept the Auditor Treasurer Report as presented.

Motion passed.

Reports accepted as presented.

## OPEN TO PUBLIC


Lonnie Stuckert spoke on behalf of his father, Loren Stuckert Sr, stating the flier referenced by Auditor Hollingsworth was not meant to mislead anyone and was intended for the voters. Stuckert stated the general public didn't know the difference between the General fund and an Enterprise Fund, and Loren Stuckert Sr. was referring to the difference in operational funding and capital funds. Auditor Hollingsworth stated he respectfully disagreed, because the flier was, in fact, misleading to the public.

Steve Sawzin of 43 Fulton Street, expressed concerns about the safety of Xenia Avenue turn on the way out of town towards US 68 and recommended adding a center line.

## ADJOURNMENT

A motion was made by Liermann.  
President Riley declared meeting adjourned.  
Council adjourned at 9:23 p.m.

ATTEST:

  
\_\_\_\_\_  
President of Council

  
\_\_\_\_\_  
Clerk