

Board of Control Minutes

April 4, 2024 @ 11:00 AM

Present: Joe Spicer, Mike Crowe, Paul Fear, Adam Simpson, Jonathan McKay, Kirby Keltner, Eric Green, Alex Beres, Beth Huber, Taylor Lewis, and Pat Haley

Patrick Haley called the meeting to order at 11:00 AM.

1. Review Minutes (03/20/24)

- Motion by Spicer and seconded by Crowe to approve the minutes as presented. All ayes.

2. Stormwater – Eric Green

- Green presented the appeal from the port authority regarding the stormwater fee, as outlined by the current policy. According to this policy, if an appeal is submitted and the initial receiver cannot resolve it, it is then forwarded to the board of controls. Green mentioned having resubmitted the appeal to the board of controls, noting that it had been previously submitted but was sidelined due to administrative priorities and other activities last year. Green emphasized that the matter was now back in the hands of the present attendees for further consideration and action. Crowe clarified Green's authority in reviewing appeals and stated he didn't feel that the Board of Control should make a decision on the appeal and that the Council should decide.

Haley asked Beres if he wanted to speak on the appeal. Beres discussed the basis of their appeal against the stormwater utility ordinance, highlighting that it was grounded in the original formulation of the ordinance. The appeal was filed around October 10 or 11 of the previous year, just before the last council meeting of the old administration. Beres pointed out that Resolution O-23-47 altered the stormwater utility ordinance, particularly concerning the language in section 2a pertaining to direct or indirect contributions to the city's stormwater system. Beres emphasized that their appeal was centered on the fact that they do not contribute directly to the city's stormwater system, as they maintain their own NPDES-regulated stormwater system and take measures to manage stormwater runoff from their properties. Beres advised that after the appeal was submitted, the ordinance was amended, which raised questions regarding the validity of the charges levied against the port authority from 2021 to the end of 2023.

Beres questioned whether the port authority had been incorrectly charged during this period based on the appeal they had lodged. When asked about the annual fees paid by the port authority, Beres disclosed that the amount exceeded \$80,000. Beres also clarified that the port authority was not opposed to contributing to the city's utility revenues and recognized the importance of robust infrastructure, including stormwater management. Beres stated the appeal was more about rectifying what they perceived as an erroneous charge based on the original ordinance language. Beres expressed a willingness to collaborate with the City of

Wilmington, despite the complex situation regarding the stormwater utility's initial and amended definitions.

Haley acknowledged the ongoing discussions within the council regarding the stormwater tax, highlighting that the topic had been addressed in a council meeting approximately two weeks prior. Haley noted that further meetings were scheduled to delve deeply into the matter, encompassing the policies, procedures, and future directions. Haley also mentioned the nationwide debate over whether stormwater charges should be considered a tax or a fee, citing varied rulings across different states and anticipating a possible definitive resolution from the Supreme Court.

Haley proposed a motion to temporarily suspend the port authority's obligation to pay the stormwater fee. He stated the suspension would remain in effect until the city council could thoroughly review the stormwater fee policy and procedures. Haley said the aim of this review would be to ensure a fair and effective allocation of the tax burden and to address any concerns arising from the current implementation practices. Haley formally motioned to suspend the stormwater fee, and Crowe seconded. All ayes.

3. Transit – Jonathan McKay

- McKay addressed the outdated car wash facility at the transit department and explained that the current car wash, installed two to three decades ago, was no longer functional due to worn-out parts and general disrepair. McKay advised he discovered the car wash had been out of service since October 2023, and a repair company was found that managed to make the car wash partially operational, although it could only dispense soap and water under a makeshift setup. McKay then mentioned he obtained a quote from Jim Coleman Company for installing a new car wash system, amounting to \$12,850. He explained the expenditure is within the budget and deemed essential for transit operations. McKay also noted that the facility is utilized by the Wilmington Police Department and the MNR department, and its use is extended to other city departments as well. McKay then highlighted the potential for reimbursement from the Ohio Department of Transportation (ODOT) but noted the necessity of first gaining approval from the city's board of control. There was a discussion about the Jim Coleman Company and their ability to complete the job. Spicer noted a discrepancy in the figures, with the subtotal listed as \$12,850 but the grand total presented as \$11,850 without explicitly mentioning a discount being applied. McKay confirmed that a discount had indeed been applied to the original quote, which accounted for the \$1,000 reduction in the grand total, bringing it down to \$11,850. Spicer motioned to approve, and Haley seconded. All ayes.
- McKay introduced a unique situation regarding grant funding that Transit had received in the past for various projects. This funding initially included provisions for a utility vehicle, which was later changed to a truck. McKay stated that the service department identified a use for the oversized truck and purchased it from the transit department, leading to a reimbursement of \$61,000 to transit. He explained residual funds are now from an OPT 2 grant, which was initially

earmarked for a side-by-side vehicle intended for snow plowing and grounds maintenance. McKay explained that the grant funds must be utilized promptly to avoid forfeiture. In pursuit of the best use of these funds, McKay researched potential vendors, including Clinton County Motorsports, and received quotes for side-by-side vehicles equipped with necessary accessories for maintenance tasks, such as a plow, dry spreader, and an enclosed cab.

McKay emphasized that acquiring this vehicle would come at no additional cost since the purchase would be entirely covered by the pre-existing grant funds. The intention behind presenting this information was to solicit feedback and thoughts on proceeding with the purchase to ensure the grant funds are used effectively and not lost. There was further discussion about the use of the vehicle and who could use it. Spicer motioned to approve, and Crowe seconded. All ayes.

4. Cemetery – Kirby Keltner

- Keltner reported on obtaining quotes for office restoration and noted the office currently requires remediation due to mold. Three quotes were provided for consideration: Duggins quote on mold remediation, Joe Holdren's quote for comprehensive restoration, and a State Grant application that Keltner explained is being pursued by Brian Shidaker on behalf of the cemetery. Keltner stated the grant's specifics were not fully clear but the application encompasses a range of enhancements, including an addition to the back of the building to facilitate indoor services. The total cost for all proposed projects is slightly over \$102,000. Keltner said the proposal is contingent on grant funding: if the grant is secured, all projects would proceed. Without the grant, only the essential mold remediation and building restoration would be undertaken. There was a discussion about the security of the grant and the necessary funds to move forward. Crowe motioned to table, and Spicer seconded. All ayes.

5. Water – Adam Simpson

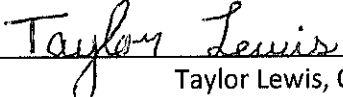
- Simpson presented two chemical bills for pebbled lime from Greer and a chemical bill from USALCO for liquid aluminum sulfate for the water treatment plant. Crowe motioned to approve, and Spicer seconded. All ayes.

6. Utility Billing – Mike Crowe

- Crowe presented the End-of-Month Summary on behalf of Utility Billing. Crowe motioned to approve, and Spicer seconded. All Ayes

Crowe made a motion to adjourn at 11:45 AM.

I certify this is a true and accurate copy of the proceedings of the Board of Control meeting held on April 4, 2024, at 11:00 AM at 69 N. South Street, Wilmington, Ohio.


Taylor Lewis, Clerk