

MINUTES

Wilmington City Council

March 21st, 2024

Wilmington City Council met in regular session on Thursday, March 21st, 2024, at 7:00 p.m. at 69 N. South St. Wilmington, Ohio, with President Matt Purkey presiding.

CALL TO ORDER

President of Council called the meeting to order at 7:07 p.m.

ROLL CALL

Roll Call: J Schlabach, present; M Snarr, present; D Wells, present; B Osborn, present; J Knowles, present; D Nanstad, present; K Tolliver, present.

Chief Wilson was present as Sergeant at Arms.

J Dickman was present as Law Director.

Council participated in the Pledge of Allegiance and moment of silence.

PRESIDENT OF COUNCIL

President Purkey presented the agenda and requested that it be amended to include the remainder of the Murphy Theatre presentation from the prior Public Workshop Meeting that was paused due to time.

J Schlabach moved to approve the agenda as amended, D Wells seconded the motion.

Discussion: None

Voice vote: Motion passed unanimously.

Agenda accepted as amended.

President Purkey presented the minutes from the March 7th regular meeting.

K Tolliver moved to approve the minutes of the March 7th regular council meeting, as presented, J Schlabach seconded the motion.

Discussion: None.

Voice vote: Motion passed unanimously.

March 7th, 2024, regular City Council minutes approved as presented.

President Purkey reintroduced representatives from the Murphy Theatre to continue the roof repair funding request. Director Steve Burnett and Staff Member Amanda Martin continued their discussion, President Purkey stated there was no legislation to be presented this evening, but a decision will need to be made regarding the funding request. Mr. Burnett stated there is a timing issue due to the weather. Auditor Vance stated that a request for a supplemental could be presented at the April 4th meeting if so desired by the Council and that would be an addition to the current budget, not a carryover from the previous year's budget.

MAYOR

Mayor Haley thanked Council for their continued support of the new administration and stated that the ongoing updates, changes, and funding requests are the exception to the rule, but there are still circumstances where they are necessary. He stated the WPD will begin to implement Community Policing measures and improve visibility on city streets and in community areas. Mayor Haley also asked for support for the WFD as they continued to staff their department to accomplish more goals for safety.

Mayor Haley introduced Special Assistant to the Mayor, Michael Cluxton, who gave an update on how the administration is handling follow-ups with Public Comment speakers and Mr. Cluxton also thanked Council for their continued support.

AUDITOR

Auditor Vance had no report but to be put on the Public Workshop agenda for the April 4th meeting to give a presentation for Council to help them understand more of the procedures her office oversees. Auditor Vance also noted that the County had recently implemented a new fraud prevention initiative called "Positive Pay" that was highlighted in the Wilmington News Journal, but the city has also been using this system since September of 2023 to be proactive in fraud protection.

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LAW DIRECTOR

Law Director Dickman gave an update on the new part time staffing of the Prosecutor's Office and stated that John Kasbar, a Warren County Magistrate and former co-worker, would be joining his office and he brings a "plethora of experience" to the position.

SERVICE DIRECTOR

Service Director Michael Crowe had one item to present, regarding a contract with the Warren County Board of Commissioners for Building Inspection. Mr. Crowe stated that he had negotiated with Warren County who previously asked for a three-year agreement. They have settled on a one-year agreement at this time. D Wells inquired why the city has not hired a replacement for the previous Building Inspector. Mr. Crowe stated the administration has been trying to fill this contracted position, however the applicants who interviewed must be a Master Electrician, and unfortunately, they have been unable to find someone with those specific qualifications.

B Osborn moved to have the first reading on Ordinance O-24-20 Authorizing the Director of Public Service to enter a Professional Service Contract for Building Code Enforcement with Warren County Board of Commissioners; and declaring an emergency, by title only. D Nanstad seconded the motion.

Discussion: None

Voice vote: Motion passed unanimously.

The Law Director read Ordinance O-24-20 by title only.

B Osborn moved to suspend the rules and regulations and have the second and third readings on Ordinance No. O-24-20 by title only. J Knowles seconded the motion.

Roll call vote: Schlabach, aye; Snarr, aye; Wells, aye; Osborn, aye; Knowles, aye; Nanstad, aye; Tolliver, aye. Motion passed.

The Law Director read Ordinance O-24-20 by title only.

B Osborn moved for passage of Ordinance No. O-24-20. D Nanstad seconded the motion.

Roll call vote: Snarr, aye; Wells, aye; Osborn, aye; Knowles, aye; Nanstad, aye; Tolliver, aye; Schlabach, aye. Motion passed.

Ordinance O-24-20 passed as presented.

Mr. Crowe introduced Stormwater Administrator Eric Green who gave an update of the Clinton County Solid Waste Recycling partnership and the upcoming tire and hazardous waste event that is taking place April 27 at the County Engineer's Office.

SAFETY DIRECTOR

Safety Director Joseph Spicer had no legislation but gave an update on the staffing of both the Police and Fire Department.

COUNCIL COMMITTEE REPORTS AND ACTION

CITY SERVICES COMMITTEE

D Wells had no report.

FINANCE COMMITTEE

B Osborn had three items to present. The first was an Ordinance making supplemental appropriations.

B Osborn moved to have the first reading on Ordinance O-24-19 by title only. J Knowles seconded the motion.

Discussion:

- a. *From the Stormwater Utility Fund to 640.365.5416 "Storm Sewer Rehab" the sum of \$300,000.00*
- b. *From the Fire Fund to 520.221.5272 "Fire Equipment Maintenance" the sum of \$10,000.00*
- c. *From the General Fund 110.120.5919 "Police Pension Transfer" the sum of \$13,000.00*
- d. *From the Police Pension Fund to 515.211.5121 "Police Pension" the sum of \$13,000.00*
- e. *From the Police Fund to 510.211.5111 "Police Salaries" the sum of \$66,602.00*
- f. *From the Police Fund to 510.211.5123 "Benefit Insurance" the sum of \$31,056.00*

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- g. *From the Police Fund to 510.211.5124 "Medicare" the sum of \$966.00*
- h. *From the General Fund to 110.120.5111 "Admin Salaries" the sum of \$12,500.00*
- i. *From the Rombach Av Comm Cor Mun Imp TIF to 113.110.236 "Direct Deductions" the sum of \$8,000.00*
- j. *From the Downtown Wilm Mun Publ Imp TIF to 114.110.5236 "Direct Deductions" the sum of \$5,000.00*
- k. *From the Cemetery Fund to 580.500.5512 "Capital Equipment- Cemetery" the sum of \$3,000.00*
- l. *From the TIF-Wilm Inc Dist – IMUNPUBLIMP Fund to 116.110.5236 "Direct Deductions" the sum of \$5,000.00*
- m. *From the Sewer Fund to 635.360.5517 "Federal Earmark Comm Grant Expense" the sum of \$400,000.00*

Voice vote: Motion passed unanimously.

The Law Director read Ordinance O-24-19 by title only.

B Osborn moved to suspend the rules and regulations and have the second and third readings on Ordinance No. O-24-19 by title only. J Knowles seconded the motion.

Roll call vote: Wells, aye; Osborn, aye; Knowles, aye; Nanstad, aye; Tolliver, aye; Schlabach, aye; Snarr, aye. Motion passed.

The Law Director read Ordinance O-24-19 by title only.

B Osborn moved for passage of Ordinance No. O-24-19. J Knowles seconded the motion.

Roll call vote: Osborn, aye; Knowles, aye; Nanstad, aye; Tolliver, aye; Schlabach, aye; Snarr, aye; Wells, aye. Motion passes.

Ordinance O-24-19 passed as presented.

B Osborn introduced Resolution R-24-14 Declaring surplus property, to wit: Sanitation, Water, and M & R Department vehicles and equipment valued at more than \$1000, and authorizing the sale of said property.

B Osborn moved to have the first reading on Resolution R-24-14 by title only. M Snarr seconded the motion.

Discussion: *Service Director Crow stated that these departments have been going through their fleet inventories and identifying vehicles that are no longer in service and need to be removed.*

Voice vote: Motion passed unanimously.

The Law Director read Resolution R-24-14 by title only.

B Osborn moved to suspend the rules and regulations and have the second and third readings on Resolution R-24-14 by title only. M Snarr seconded the motion.

Roll call vote: Knowles, aye; Nanstad, aye; Tolliver, aye; Schlabach, aye; Snarr, aye; Wells, aye; Osborn, aye. Motion passed.

The Law Director read Resolution R-24-14 by title only.

B Osborn moved for passage of Resolution R-24-14. M Snarr seconded the motion.

Roll call vote: Nanstad, aye; Tolliver, aye; Schlabach, aye; Snarr, aye; Wells, aye; Osborn, aye; Knowles, aye. Motion passed.

Resolution R-24-14 passed as presented.

B Osborn introduced Resolution R-24-15 Accepting a grant from the Ohio Department of Commerce, Division of State Fire Marshal for the Wilmington Fire Department; and declaring an emergency. Chief Andy Mason state this grant will fund their "jaws of life" for the department.

B Osborn moved to have the first reading on Resolution R-24-15 by title only. J Knowles seconded the motion.

Discussion: None

Voice vote: Motion passed unanimously.

The Law Director read Resolution R-24-15 by title only.

B Osborn moved to suspend the rules and regulations and have the second and third readings on Resolution R-24-15 by title only. J Knowles seconded the motion.

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Roll call vote: Tolliver, aye; Schlabach, aye; Snarr, aye; Wells, aye; Osborn, aye; Knowles, aye; Nanstad, aye. Motion passed.

The Law Director read Resolution R-24-15 by title only.

B Osborn moved for passage of Resolution R-24-15. J Knowles seconded the motion.

Roll call vote: Schlabach, aye; Snarr, aye; Wells, aye; Osborn, aye; Knowles, aye; Nanstad, aye; Tolliver, aye. Motion passed.

Resolution R-24-15 passed as presented.

JUDICIARY COMMITTEE

J Schlabach had two pieces of legislation to present.

J Schlabach introduced Ordinance O-24-16 An Ordinance revising the Wilmington Codified Ordinances by enacting Section 1151.06 to address the provision of recently passed State Issue 2 (Chapter 3780 of the Ohio Revised Code) regarding adult use of cannabis and cultivation facilities, pursuant to the authority set forth in Ohio Revised Code Section 3780.25 (Local Authority Regarding Adult Use Operators) and declaring an emergency.

J Schlabach moved to have the second reading only on Ordinance O-24-16 by title only. B Osborn seconded the motion.

Discussion: *None*

Roll call vote: Snarr, aye; Wells, aye; Osborn, aye; Knowles, aye; Nanstad, aye; Tolliver, aye; Schlabach, aye. Motion passed.

The Law Director read Ordinance O-24-16 by title only.

J Schlabach asked to have the third reading on the April 4th Council Agenda.

J Schlabach introduced Ordinance O-24-18 An Ordinance to amend Section 123.02 of the Code of Ordinances for the City of Wilmington, Ohio, regarding the composition of the Police Force. This would update the total number of officers to 30.

J Schlabach moved to have the first reading on Ordinance O-24-18 by title only. J Knowles seconded the motion.

Discussion: *None*

Voice vote: Motion passed unanimously.

The Law Director read Ordinance O-24-18 by title only.

J Schlabach moved to suspend the rules and regulations and have the second and third readings on Ordinance No. O-24-18 by title only. J Knowles seconded the motion.

Roll call vote: Wells, aye; Osborn, aye; Knowles, aye; Nanstad, aye; Tolliver, aye; Schlabach, aye; Snarr, aye. Motion passed.

The Law Director read Ordinance O-24-18 by title only.

J Schlabach moved for passage of Ordinance No. O-24-18. J Knowles seconded the motion.

Roll call vote: Osborn, aye; Knowles, aye; Nanstad, aye; Tolliver, aye; Schlabach, aye; Snarr, aye; Wells, aye. Motion passed.

Ordinance O-24-18 passed as presented.

PUBLIC WORKS COMMITTEE

M Snarr had no report but requested a Public Works Committee Meeting for the following week.

REPORTS TO COUNCIL

D Wells moved to accept the Auditor Report- February 2024. K Tolliver seconded the motion.

Discussion: *None*

Voice vote: Motion passed unanimously.

Report accepted as presented.

OPEN TO PUBLIC

Eric Westerbury of 2519 Prairie Road spoke about implantation of a student mentoring program, The Federal Government, The Constitution, the assembly of a local militia.

Dustin Pearce of 276 W. Locust Street spoke regarding a contract with the city for a website he had designed. Mayor Haley stated that attorneys were involved in this matter, and he

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could not publicly respond. Law Director Dickman also stated this matter could not be discussed publicly at this time. Mr. Pearce stated he would be unpublishing the site.

Greg Pitzer of 116 Commons Lane thanked Mayor Haley, Law Director Dickman, President Purkey, and City Prosecutor McMahon for their help and support, stating this administration has given him their word that they will help connect him with resources as he continues his investigation into the 2013 death of his daughter Casey Pitzer.

Darrell Petry of 5514 SR 350 echoed Mr. Pitzer's statement and stated he is optimistic for the future of the investigation into Casey Pitzer's death.

Mayor Haley extended his condolences for the Pitzer family.

ADJOURNMENT

D Wells moved to adjourn the meeting.

President Purkey declared the meeting adjourned at 8:44 p.m.

ATTEST:

President of Council

Clerk