

MINUTES

**Wilmington City Council**

**April 4<sup>th</sup>, 2024**

Wilmington City Council met in regular session on Thursday, April 4<sup>th</sup>, 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 7:04 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 due to a typo in Section 12a. It should read “Income Tax Report- March 2024” instead of February.

D Nanstad moved to approve the agenda as amended, J Knowles seconded the motion.

Discussion: None

Voice vote: Motion passed unanimously.

**Agenda accepted as amended.**

President Purkey presented the minutes from the March 21<sup>st</sup> regular meeting.

K Tolliver moved to approve the minutes of the March 21<sup>st</sup> regular council meeting, as presented, J Schlabach seconded the motion.

Discussion: None.

Voice vote: Motion passed unanimously.

**March 21<sup>st</sup>, 2024 regular City Council minutes approved as presented.**

**MAYOR**

Mayor Haley reported that Transit ridership is up for March. He also stated the cemetery staff had an unfortunate incident involving removal of grave decorations, but stated the procedure of notifying families of the spring cleaning is being amended, and he sends his regrets for what occurred.

**AUDITOR**

Auditor Vance had no report but was thanked by President Purkey for her presentation during the Council Workshop.

**LAW DIRECTOR**

Law Director Dickman gave the most recent numbers from the Municipal Court Prosecutor’s Office from February 1<sup>st</sup> to March 21<sup>st</sup> of 2024:

Vehicular Manslaughter: 1

Domestic Violence: 5

Inducing Panic: 1

Child Endangering: 2

Assault: 4

Violation of Protection Order: 2

Driving Under OVI Suspension: 1

Operating Vehicle while Impaired (OVI): 5

Physical Control of Vehicle while Impaired: 4

Criminal Damaging: 1

Drug para.: 6

Trespassing: 7

Possession of Drug Abuse Instruments: 7

Theft: 14

Disorderly Conduct: 3

Obstructing Official Business: 3

Failure to Disclose: 1

Resisting Arrest: 1

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### **SERVICE DIRECTOR**

Service Director Michael Crowe spoke briefly about future legislation he will be requesting from the Law Director regarding expenses for third party consultants and reimbursement of city for expert expenses. He stated this would help mitigate the costs of legal notices, postage, and other expenses when working with contractors and utility companies.

Director Crowe introduced Mike Fritchie from Peterson Construction who gave an update on the new Wastewater Plant. Mr. Fritchie gave a power point presentation and provided updates on the current construction. He stated the project is on track to be online by November of 2025 and will be completed by July of 2026. He also stated there was a cost savings of approximately 1.7 million due to the decision to use the M&R Building for administrative purposes.

### **SAFETY DIRECTOR**

Safety Director Joseph Spicer had no report.

## **COUNCIL COMMITTEE REPORTS AND ACTION**

### **CITY SERVICES COMMITTEE**

D Wells had no report.

### **FINANCE COMMITTEE**

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

B Osborn moved to have the first reading on Ordinance O-24-21 by title only. M Snarr seconded the motion.

Discussion: *From the General Fund 110.120.5267 "Murphy Theatre" the sum of \$50,200.00.*

*Additional discussion regarding the funds in the supplement for the Murphy Theatre. J Schlabach inquired about alternative solutions for the roof repair. B Osborn stated though he has struggled with this supplemental, the theatre is a "driver of downtown" and there are puddles on the stage.*

Roll call vote: Schlabach, aye; Snarr, aye; Wells, no; Osborn, aye; Knowles, no; Nanstad, no; Tolliver, no. Motion defeated 3 "ayes" to 4 "no's".

**Motion was defeated, Ordinance was not read.**

B Osborn introduced Resolution R-24-16 Accepting a donation from the Ohio Department of Public Service (ODPS) for the City of Wilmington Police Department; and declaring an emergency.

B Osborn moved to have the first reading on Resolution R-24-16 by title only. J Knowles seconded the motion.

Discussion: *This donation to the WPD was for 30 cloth chairs for the Safety Center.*

Voice vote: Motion passed unanimously.

**The Law Director read Resolution R-24-16 by title only.**

B Osborn moved to suspend the rules and regulations and have the second and third readings on Resolution R-24-16 by title only. J Knowles seconded the motion.

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

**The Law Director read Resolution R-24-16 by title only.**

B Osborn moved for passage of Resolution R-24-16. D Wells seconded the motion.

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

**Resolution R-24-16 passed as presented.**

### **JUDICIARY COMMITTEE**

J Schlabach had three 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

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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 third reading only on Ordinance O-24-16 by title only. K Tolliver n seconded the motion.

Discussion: *None*

Voice vote: Motion passed unanimously.

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

J Schlabach moved for passage of Ordinance O-24-16 by title only. M Snarr seconded the motion.

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

**Ordinance O-24-16 passed as presented.**

J Schlabach introduced Ordinance O-24-22 An Ordinance to amend the Code of Ordinances, City of Wilmington, Ohio to provide amendments to General Offenses Wilmington City Code Sections 501.01, 501.99, 509.04, 509.05, 509.06, 509.07, 513.01, 513.03, 513.04, 513.12, 513.121, 517.08, 525.05, 525.15, 533.01, 533.06, 537.06, 537.07, 537.15, 537.16, 545.05, 549.02, 549.04, 549.09, 549.10; to provide for penalties; to provide for codification; to provide for severability; to repeal conflicting Ordinances; to provide an effective date; and for other purposes.

J Schlabach moved to have the first reading on Ordinance O-24-22 by title only. J Knowles seconded the motion.

Discussion: *President Purkey stated these updates are provided yearly by Municode, our online ordinance hosting service, and they keep the city in compliance with the State of Ohio. Mayor Haley remarked that he would prefer one reading for both O-24-22 and O-24-23 so that administration has a chance to read the changes.*

Voice vote: Motion passed unanimously.

**The Law Director read Ordinance O-24-22 by title only.**

J Schlabach asked that a second and third reading be on the April 18<sup>th</sup> agenda.

J Schlabach introduced Ordinance O-24-23 An Ordinance to amend the Code of Ordinances, City of Wilmington, Ohio to provide amendments to Traffic Wilmington City Code Sections 301.35, 301.52, 331.35, 331.38, 331.44, 333.01, 333.03, 333.11, 337.10, 337.16, 337.22, 337.22, 337.26, 341.01, 341.04, 341.05, 351.04 to provide for penalties; to provide for codification; to provide for severability; to repeal conflicting Ordinances; to provide an effective date; and for other purposes.

J Schlabach moved to have the first reading on Ordinance O-24-23 by title only. J Knowles seconded the motion.

Discussion: *None*

Voice vote: Motion passed unanimously.

**The Law Director read Ordinance O-24-23 by title only.**

J Schlabach asked that a second and third reading be on the April 18<sup>th</sup> agenda.

## **PUBLIC WORKS COMMITTEE**

M Snarr had no report.

## **REPORTS TO COUNCIL**

B Osborn moved to accept the Income Tax Report- March 2024. J Knowles seconded the motion.

Discussion: *None*

Voice vote: Motion passed unanimously.

**Report accepted as presented.**

## **OPEN TO PUBLIC**

Jack Garreta of 1304 Peggy Lane stated he would like to that the Street Maintenance Department for the excellent job they've been doing.

## **EXECUTIVE SESSION**

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D Wells made a motion to enter Executive Session at 7:49 p.m. concerning Section 121.22(G)(3) – Conferences with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action. B Osborn seconded the motion.

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

B Osborn made a motion to exit Executive Session at 8:10 p.m., K Tolliver seconded the motion.

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

**ADJOURNMENT**

D Wells moved to adjourn the meeting.

**President Purkey declared the meeting adjourned at 8:10 p.m.**

ATTEST:

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President of Council

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Clerk