

MINUTES

Wilmington City Council

May 2nd, 2024

Wilmington City Council met in regular session on Thursday, May 2nd, 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 7:00 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.

Sergeant Wages 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 for May 2nd

Clerk Vance stated the agenda had been amended for section 11c- O-24-28 has the section numbers in the legislation updated.

J Knowles moved to approve the agenda as amended, K Tolliver seconded the motion.

Discussion: None

Voice vote: Motion passed unanimously.

Agenda accepted as amended.

President Purkey presented the minutes from the April 18th regular meeting.

K Tolliver moved to approve the minutes of the April 18th regular council meeting, as presented, D Wells seconded the motion.

Discussion: None.

Voice vote: Motion passed unanimously.

April 18th, 2024 regular City Council minutes approved as presented.

President Purkey announced a Public Forum for the Davids Drive Pedestrian Connector Project that would be held at the Council Meeting on May 16th at 7:00 p.m.

MAYOR

Mayor Haley presented a proclamation to Shelby Boatman, Executive Director of the Clinton County History Center in honor of Historic Preservation Month. Mayor Haley also announced a “Spring Cleaning” initiative for the city and thanked Clerk Vance for her work with the Clean-Up Wilmington program and the 78 volunteers who attended the April clean-up dates.

AUDITOR

Auditor Vance had no report.

LAW DIRECTOR

Law Director Dickman read a letter he had written to Attorney General Yost regarding the passing of Casey Pitzer:

Dear Attorney General Yost:

In March 2013 an investigation was conducted by the City of Wilmington Police Department regarding the death of Wilmington resident, Casey Pitzer. At the conclusion of the investigation, her death was determined to be a non-suspicious drowning. No criminal charges were filed.

While I stand behind the Wilmington Police Department, the family questions the integrity of this investigation. The family has requested an independent review and investigation of the matter. As such, I am bringing this matter to your attention.

Thank you for your consideration.

Very respectfully,

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*Justin D. Dickman
Director of Law
City of Wilmington*

J Dickman read the response his letter had received from William Jones, Special Agent Supervisor of the BCI:

Dear Director Dickman,

Our office is in receipt of and has reviewed the request for investigation your office previously submitted to the Ohio Attorney General's Bureau of Criminal Investigation (BCI). Consideration was given to the type and level of the alleged offense, available evidence, solvability factors and prosecution concerns, conflicts of interests and limitations. As we previously discussed during electronic conversation, our assistance in this matter cannot be provided. Because every request for assistance is evaluated on a case-by-case basis, this denial will have no effect on any future requests received from your agency. You are encouraged to contact BCI if any future needs arise or additional information becomes available regarding the present request which you feel may alter our decision.

Thank you for considering the skills and expertise of BCI in helping you resolve this important matter. I appreciate your concerns in handling this matter in a way that promotes the public trust. Should you have any questions, please feel free to contact me directly on my cell 614-315-7491.

Respectfully,

*SAS William Jones
Special Agent Supervisor - Major Crimes, Special Investigations
Bureau of Criminal Investigation
Office of Ohio Attorney General Dave Yost*

Special Assistant M Cluxton also stated that the administration had requested assistance in this matter from three other agencies, two of the departments responded that they would not look at the case and the third did not respond at all.

SERVICE DIRECTOR

Service Director Michael Crowe had no report.

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 and introduced Ordinance O-24-25 Making supplemental appropriations.

B Osborn moved to have the first reading on Ordinance O-24-25 by title only. K Tolliver seconded the motion.

Discussion:

From the State Highway Fund to 201.330.5345 "South Street Improvements Project" the sum of \$100,000.00

From the Permissive Tax Fund to 210.330.5345 "South Street Improvements Project" the sum of \$200,000.00

From the General Fund to 110.120.5932 "CDBG Match" the sum of \$75,000.00

From the General Fund to 110.132.5290 "Income Tax Refunds" the sum of \$75,000.00

Voice vote: Motion passed unanimously.

The Law Director read Ordinance O-24-25 by title only.

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B Osborn moved to suspend the rules and regulations and have the second and third readings on Ordinance O-24-25 by title only. K Tolliver 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-24-25 by title only.

B Osborn moved for passage of Ordinance O-24-25. K Tolliver seconded the motion.

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

Ordinance O-24-25 passed as presented.

B Osborn introduced Resolution R-24-20 Declaring surplus property, to wit: Cemetery equipment valued at more than \$1000, and authorizing sale of said property.

B Osborn moved to have the first reading on Resolution R-24-20 by title only. J Knowles seconded the motion.

Discussion: None

Voice vote: Motion passed unanimously.

The Law Director read Resolution R-24-20 by title only.

B Osborn moved to suspend the rules and regulations and have the second and third readings on Resolution R-24-20 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 Resolution R-24-20 by title only.

B Osborn moved for passage of Resolution R-24-20. J Knowles seconded the motion.

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

Resolution R-24-20 passed as presented.

JUDICIARY COMMITTEE

J Schlabach had four pieces of legislation to present.

J Schlabach introduced Resolution R-24-21 Accepting the petition for the annexation of certain territory into the City pursuant to O.R.C. §§709.022 & 709.04.

J Schlabach moved to have first reading by title only of Resolution R-24-21. M Snarr seconded the motion.

Discussion: None

Voice vote: Motion passed unanimously.

The Law Director read Resolution R-24-21 by title only.

J Schlabach moved to suspend the rules and regulations and have second and third readings on Resolution R-24-21 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-24-21 by title only.

J Schlabach moved for passage of Resolution R-24-21. 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-24-21 passed as presented.

J Schlabach introduced Ordinance O-24-26 Declaring parcel 290150426000000, more commonly known as 184 N Mulberry Street, Wilmington, Ohio, to be surplus property, authorizing the Mayor authority to enter into a purchase agreement and other closing documents pursuant to RC. 721.03; and declaring an emergency.

J Schlabach moved to have first reading by title only of Ordinance O-24-26. J Knowles seconded the motion.

Discussion: None

Voice vote: Motion passed unanimously.

The Law Director read Ordinance O-24-26 by title only.

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J Schlabach moved to suspend the rules and regulations and have second and third readings on Ordinance O-24-26 by title only. J Knowles seconded the motion.

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

The Law Director read Ordinance O-24-26 by title only.

J Schlabach moved for passage of Ordinance O-24-26. J Knowles seconded the motion.

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

Ordinance O-24-26 passed as presented.

J Schlabach introduced Ordinance O-24-27 An Ordinance to amend Section 935.04 and 935.05 of the Code of Ordinance for the City of Wilmington, Ohio, regarding the Cemetery Rules and Regulations.

J Schlabach moved to have first reading by title only of Ordinance O-24-27. K Tolliver seconded the motion.

Discussion: *President Purkey reiterated the changes and summarized the clean up date information that was presented in the Public Workshop.*

Voice vote: Motion passed unanimously.

The Law Director read Ordinance O-24-27 by title only.

J Schlabach asked that a second reading be placed on the May 16 meeting agenda.

J Schlabach introduced Ordinance O-24-28 An Ordinance revising the Wilmington Codified Ordinance by enacting Chapter 940- Reimbursement of Third Party and City Expert Expenses and Professional Services.

J Schlabach moved to have first reading by title only of Ordinance O-24-28. J Knowles seconded the motion.

Discussion: None

Voice vote: Motion passed unanimously.

The Law Director read Ordinance O-24-28 by title only.

J Schlabach moved to suspend the rules and regulations and have second and third readings on Ordinance O-24-28 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 Ordinance O-24-28 by title only.

J Schlabach moved for passage of Ordinance O-24-28. J Knowles seconded the motion.

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

Ordinance O-24-28 passed as presented.

PUBLIC WORKS COMMITTEE

M Snarr had no report.

REPORTS TO COUNCIL

D Wells moved to accept the Income Tax Report- March 2024. B Osborn seconded the motion.

Discussion: *None*

Voice vote: Motion passed unanimously.

Report accepted as presented.

OPEN TO PUBLIC

No speakers were present.

ADJOURNMENT

D Wells moved to adjourn the meeting.

President Purkey declared the meeting adjourned at 7:28 p.m.

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ATTEST:

President of Council

Clerk