

MINUTES

Wilmington City Council

May 16th, 2024

Wilmington City Council met in regular session on Thursday, May 16th, 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.

Interim 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 for May 16th, 2024.

Clerk Vance asked that the agenda be amended to move section 7 for Mayor Haley's swearing in of the Wilmington Fire Department members ahead of section 6, the Public Forum for the Davids Drive Connector Path in interest of time.

J Knowles 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 May 2nd regular meeting.

D Wells moved to approve the minutes of the May 2nd regular council meeting, as presented, K Tolliver seconded the motion.

Discussion: None.

Voice vote: Motion passed unanimously.

May 2nd, 2024 regular City Council minutes approved as presented.

President Purkey introduced Resolution R-24-22 Appointing Robert Wilson as the City's representative to the Clinton County Family and Children First Council. Chief Wilson's term will commence on July 1st, 2024.

B Osborn moved to have the first reading on Resolution R-24-22 by title only. J Knowles seconded the motion.

Discussion: None

Voice vote: Motion passed unanimously.

The Law Director read Resolution R-24-22 by title only.

B Osborn moved to suspend the rules and regulations and have the second and third readings on Resolution R-24-22 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 Resolution R-24-22 by title only.

B Osborn moved for passage of Resolution R-24-22. J Knowles seconded the motion.

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

Resolution R-24-22 passed as presented.

MAYOR

Mayor Haley swore in Firefighters James Lawton and Jason "Cody" Thomas.

PUBLIC FORUM FOR THE DAVIDS DRIVE PEDESTRIAN CONNECTOR PROJECT

President Purkey opened the Public Forum at 7:10 p.m. and gave an overview of the forum and of the project.

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Service Director Crowe explained the scope and expense of the project stating that the city will need to front up to 1 million. M Crowe stated current estimate from Paul Goodhue for the city's portion of the funding will be around \$244,000.00 if there are not unexpected expenses. M Crowe also outlined other issues with trail construction, highlighting the Rombach trail flooding issues and the Ogden trail off Nelson Avenue hindering progress at the City Landfill.

J Knowles asked questioning regarding the flooding and draining issues on the Rombach Avenue trail.

B Osborn inquired regarding issues of inflation, the fiscal year funding, and if there was a deadline for completion of the project. He also inquired if there was a project schedule.

President Purkey stated the project has been "green lit" and funded by the previous Council and had been budgeted for the 2024 fiscal year. He stated there will need to be expenses submitted for reimbursement, and he clarified that the reason for the forum is to decide if this is the best use of the money.

M Crowe stated he's gotten more complaints about the condition of the streets and the lack of Police and Firefighters than he's gotten about the lack of city trails and bikepaths.

President Purkey stated the main goal of the forum is for Council to give a "thumbs up" or "thumbs down" vote for the project.

D Wells inquired if the City had asked the County Commissioners for funding assistance.

President Purkey stated that is a good question for the Commissioners, but to his knowledge they have not helped with a project like this.

Mayor Haley asked Council if they would like the help of the Administration in making the inquiries to the Commissioners. D Wells stated that would be the proper way to do it.

President Purkey and M Crowe spoke regarding the funding and the issues of the reimbursement for the project, and stated they need to defer to Auditor Vance, who was absent, for additional clarification.

Tara Short, 14 Peterson Place, spoke on behalf of Dustin Williams who is employed by Alkermes, and spoke in favor of the project.

Emilia Knisley, 175 Richardson Place, spoke in favor of the project and stated connecting the County Administration Building to the existing trails would create a safe way to get there on foot.

Bruce Saunders, 657 Timberlane Dr, spoke on behalf of the Clinton County Trails Coalition and stated that the trails are a great amenity to our community and urged Council to consider supporting the project. D Wells inquired if Mr. Saunders and the CCTC would be able to help financially. Mr. Saunders stated it was a possibility.

Jay Sewel, 370 Davids Drive, spoke on behalf of his company Sewell Motor Express, stating he had safety concerns about a trail being close to his facility with the semi-truck traffic. He also expressed concern for the need for the trail, as well as possible drainage issues.

Kirstin Walls, 590 N. Walnut Street, spoke on behalf of AMSAR where she has been employed for 7 years stating that she and her co-workers exercise during their workday and the trail would be beneficial. She stated the safety risk for those walking Davids Drive without a trail is greater than if the new trail is constructed. Evan McCurdy, also employed at AMSAR, (addressing M Crowe) asked if there are issues with previous trail construction, was the city following up on the contractual recourse to have these companies come back and repair those issues?

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M Crowe stated the administration is working on that.

Nick Day, 1215 Old State Road, stated he is a county resident who works at Alkermes and is in support of the trail in this industrial area.

Jack Garrett, 1307 Peggy Lane, spoke in support of the trail stated this is an opportunity to enlarge the trails and the community may not get another chance.

Dianne Garrett, 1307 Peggy Lane, spoke in support of the trail and read a statement regarding how walking enhances communities, families, friends, and has health benefits.

Mike Hoggatt, 272 Orchard Road, spoke in support of the trail and spoke regarding using alternative solutions to manage and reduce costs that will be associated with the construction of the trail. He also spoke regarding those who do not drive that still need to access facilities.

Taylor Stuckert, 59 ½ W. Main Street, spoke in support of the trail, stating that these projects are budgeted for in advance and the city has 1 million dollars of funding for this specific project, and also spoke to the Rombach Avenue project and the drainage.

Service Director Crowe reiterated his issues with the trail near the Landfill and the issues with homeless people who frequent it using the trails. He also stated while he has heard Alkermes mentioned several times, they are not annexed into the city limits and do not provide tax dollars to the city.

Law Director Dickman made a point of order at 8:04 p.m. due to audience members asking questions of M Crowe and reminded them that audience participation in Council discussions is not permitted.

Council discussed various issues regarding rain events, engineering and construction help, accepting donations, and other funding assistance.

Mayor Haley stated the administration had met with ODOT regarding several inherited projects and had decided to amend some that were not in the best interest of the community.

J Schlabach asked a clarifying question regarding the width of the trail. M Purkey stated it is proposed to be 11 feet wide.

President Purkey stated that there was no further discussion at this time and after the Public Comment section he would ask Council take a vote.

President Purkey declared the Public Forum closed at 8:14 p.m.

AUDITOR

Auditor Vance was absent

LAW DIRECTOR

Law Director Dickman had no report.

SERVICE DIRECTOR

Service Director Michael Crowe had no report.

SAFETY DIRECTOR

Safety Director Joseph Spicer had no report but stated the Wilmington Police Department has instituted a “zero tolerance” policy on those speeding through the city. He stated this was a public warning to “slow down”.

COUNCIL COMMITTEE REPORTS AND ACTION

CITY SERVICES COMMITTEE

D Wells had no report.

FINANCE COMMITTEE

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B Osborn had three items to present and introduced Resolution R-24-23 Authorizing the submittal of an application for the NatureWorks 30th round grant application.

B Osborn moved to have the first reading on Resolution R-24-23 by title only. J Knowles seconded the motion.

Discussion: *Ivy Ortman, Parks and Recreation Director, spoke regarding this grant and stated it is from ODNR and there is a 25% match. They could be awarded up to \$105,000.00. She gave a brief overview of new projects at Galvin and Denver Williams Parks. One item she included was the addition of handicap parking signs, President Purkey stated that the city does have a sign shop and may be able to assist on making signs for the park as well.*

Voice vote: Motion passed unanimously.

The Law Director read Resolution R-24-23 by title only.

B Osborn moved to suspend the rules and regulations and have the second and third readings on Resolution R-24-23 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-24-23 by title only.

B Osborn moved for passage of Resolution R-24-23. 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-24-23 passed as presented.

B Osborn introduced R-24-24 Declaring surplus property, to wit: Transit 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-24-24 by title only. D Wells seconded the motion.

Discussion: None

Voice vote: Motion passed unanimously.

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

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

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

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

Resolution R-24-24 passed as presented.

B Osborn introduced R-24-25 Declaring surplus property, to wit: Police 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-24-25 by title only. M Snarr seconded the motion.

Discussion: None

Voice vote: Motion passed unanimously.

The Law Director read Resolution R-24-25 by title only.

B Osborn moved to suspend the rules and regulations and have the second and third readings on Resolution R-24-25 by title only. M Snarr seconded the motion. 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 Resolution R-24-25 by title only.

B Osborn moved for passage of Resolution R-24-25. M Snarr seconded the motion.

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

Resolution R-24-25 passed as presented.

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JUDICIARY COMMITTEE

J Schlabach had once piece of legislation to present.

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 for a second reading.

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

Discussion: None

Voice vote: Motion passed unanimously.

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

J Schlabach asked that a third reading be placed on the June 6 meeting agenda.

PUBLIC WORKS COMMITTEE

M Snarr had no report.

REPORTS TO COUNCIL

D Wells moved to accept the Hotel Lodging First Quarter 2024 report. B Osborn seconded the motion.

Discussion: *None*

Voice vote: Motion passed unanimously.

Report accepted as presented.

OPEN TO PUBLIC

Greg Pitzer spoke asking the City Administration to keep their word regarding the death investigation of his daughter Casey Pitzer. Mayor Haley stated that the city had not broken their word and have sent the information to several agencies who have declined to take the case.

Darrell Petry spoke stating both he and Mr. Pitzer had dropped off information that had been refused by the Prosecutor's Office and was upset about lack of transparency and advocacy for the case.

President Purkey verified there were no other comments regarding the Davids Drive Connector Project from the public and asked if Council had any additional comments. He stated at this time, one of the main concerns brought to him by Paul Goodhue was the ramifications and long-term issues of turning down ODOT grant funding.

Mayor Haley addressed the issue of ODOT funding and stated that "we can't be held hostage as a community" because of what ODOT wants. He also spoke to the other issues he's found with current ODOT projects citing the placement of crosswalks, bump outs, and traffic concerns.

B Osborn asked if the Council can postpone the vote to have more time to look into the financial aspects of the project and possibly find support from the Commissioners Office.

D Nanstad was in agreement with B Osborn.

President Purkey stated if the wish was not to move forward with a vote, it will be postponed to the June 6th meeting.

EXECUTIVE SESSION

J Knowles made a motion to enter into Executive Session regarding 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. K Tolliver seconded the motion.

Roll call vote: Snarr, aye; Wells, aye; Osborn, aye; Knowles, aye; Nanstad, aye;

Tolliver, aye; Schlabach, aye. Motion passed.

Executive Session was entered into at 8:51 p.m.

K Tolliver made a motion to exit Executive Session. J Schlabach seconded the motion.

Roll call vote: Wells, aye; Osborn, aye; Knowles, aye; Nanstad, aye; Tolliver, aye;

Schlabach, aye; Snarr, aye. Motion passed.

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Executive Session was adjourned at 9:25 p.m.

There was no action following executive session.

ADJOURNMENT

D Wells moved to adjourn the meeting. Second by K Tolliver.

President Purkey declared the meeting adjourned at 9:26 p.m.

ATTEST:

President of Council

Clerk