

**WILMINGTON CITY COUNCIL – REGULAR MEETING
DRAFT AGENDA**

September 19th, 2024

7:00 P.M. – COUNCIL CHAMBERS

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PLEDGE OF ALLEGIANCE**
- 4. MOMENT OF SILENCE**
- 5. PRESIDENT OF COUNCIL – M. PURKEY**
 - a. Review and approval of the agenda
 - b. Review and approval of the September 5th, 2024 regular council meeting minutes
- 6. MAYOR- P. HALEY**
- 7. AUDITOR – M. VANCE**
- 8. LAW DIRECTOR- J. DICKMAN**
- 9. SERVICE DIRECTOR – M. CROWE**
 - a. Three readings on Resolution R-24-50 A Resolution authorizing the Director of Public Service to prepare and submit an application to participate in the Ohio Public Works Commission State Capital Improvement and/or Local Transportation Improvement Program(s) and to execute contract as require; and declaring an emergency
- 10. SAFETY DIRECTOR- N. EVELAND**
- 11. COUNCIL COMMITTEE REPORTS AND ACTION**
 - a. **CITY SERVICES COMMITTEE – D. WELLS**
 - b. **FINANCE COMMITTEE– B. OSBORN**
 - i. Three readings on Ordinance O-24-46 Making supplemental appropriations
 - ii. Three readings on Resolution R-24-49 Declaring surplus equipment, to wit: M & R Department vehicles and equipment valued at more than \$1000, and authorizing the sale of said property
 - iii. Three readings on Resolution R-24-51 A Resolution authorizing the release of a certain mortgage encumbering certain real property in the City of Wilmington Ohio; and declaring an emergency
 - c. **JUDICIARY COMMITTEE – J. SCHLABACH**
 - i. Second reading on Ordinance O-24-45 Repealing Ordinance No. 3587 of 1995 and No. 5111 of 2013 being title One Subdivision Regulations and replacing with Sections 1111.01 to 1127.06 pursuant to Ohio Revised Code 711.01, Et Seq. and 713.01 Et Seq. and establishing Subdivision Regulation for the City of Wilmington, Ohio
 - d. **PUBLIC WORKS/ENTERPRISE COMMITTEE – M SNARR**
- 12. REPORTS TO COUNCIL**
 - a. Auditor Report- August 2024
- 13. COMMENTS FROM MEMBERS OF THE PUBLIC**
- 14. ADJOURNMENT**

RESOLUTION NO. R-24-50

A RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED; AND DECLARING AN EMERGENCY

WHEARAS, the State Capital Improvement Program and the Local Transportation Improvement Program both provide financial assistance to political subdivisions for capital improvements to public infrastructure, and

WHEREAS, the City of Wilmington is planning to make capital waterline improvements to Doan, Walnut, and Short Streets, and

WHEREAS, the infrastructure improvement herein above described is considered to be a priority need for the community and is a qualified project under the OPWC programs,

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILMINGTON, STATE OF OHIO:

Section 1. That the Director of Public Service is hereby authorized to apply to the OPWC for funds as described above

Section 2. That the Director of Public Service is authorized to execute documents and take other actions in support of said application and to obtain and administer said funding if granted to the City of Wilmington.

Section 3. That this resolution is hereby declared to be an emergency measure necessary to the immediate preservation of the public health, safety and welfare, and to meet application deadline, and shall be in full force and effect immediately upon its passage.

Passed this 19th day of September 2024.

President of Council

ATTEST:

Clerk of Council

Approved by me this 19th day of September 2024.

Mayor

ORDINANCE NO. O-24-46

MAKING SUPPLEMENTAL APPROPRIATIONS

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILMINGTON,
STATE OF OHIO:

Section 1. That in addition to the sums heretofore appropriated, certain sums be and the same hereby are, appropriated as follows:

- a. From the Water Fund to 605.350.5275 "Water Tower Maintenance" the sum of \$76,100.00
- b. From the General Fund to 110.120.5212 "Admin Utilities" the sum of \$60,000.00
- c. From the General Fund to 110.120.5211 "Postage and Supplies" the sum of \$8,000.00
- d. From the 535 Fire Emergency Ambulance Fund to 535.214.5512 "Capital Equipment" the sum of \$31,500.00
- e. From the Transit Fund to 211.390.5123 "Benefit Insurance" the sum of \$52,000.00
- f. From the General Fund to 110.120.5235 "Consultant Services" the sum of \$40,000.00
- g. From the General Fund to 110.120.5236 "Admin Direct Deductions" the sum of \$12,350.00
- h. From the Sugartree Cemetery Fund to 580.500.5236 "Direct Deductions" the sum of \$2,900.00
- i. From the General Fund to 110.134.5235 "Human Resources Benefit Contractual Services" the sum of \$18,250.00
- j. From the Water System Fund to 605.350.5122 "Workers Compensation" the sum of \$3,171.00

Section 2. That this ordinance is hereby declared to be an emergency measure necessary to the immediate preservation of the public health, safety and welfare, and accordingly, shall be in full force and effect immediately upon approval of the amended certificate by the Clinton County Budget Commission.

Passed this 19th day of September, 2024.

President of Council

ATTEST:

Clerk of Council

Approved by me this 19th day of September, 2024.

Mayor

RESOLUTION NO. R-24-49

**DECLARING SURPLUS PROPERTY, TO WIT: M&R DEPARTMENT
VEHICLES AND EQUIPMENT VALUED AT MORE THAN \$1000, AND
AUTHORIZING THE SALE OF SAID PROPERTY**

WHEREAS, Council has determined that the following described personal property, to wit:

1993 International 4900 Dump Truck	VIN: 1HTSDPPR9PH493508
1995 Chevrolet 350HD	VIN: 1GBKC34F4SJ114729
2001 Wildcat Spray Patcher	VIN: 1W9FP142X1F167135
John Deere 1508 Rotary Cutter	Serial: W01508F024285
Woods MD106-5 3-Point Rotary Cutter	Serial:4040-1

is obsolete, unneeded, or unfit for municipal purposes and that it is in the best interests of the City to dispose of said property on conditions set forth hereinafter:

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, STATE OF OHIO:

Section 1. That the aforementioned property declared surplus is obsolete, unneeded, or unfit for municipal purposes.

Section 2. That the Director of Public Service or designee is hereby authorized to dispose of or sell the aforementioned property to the highest and best bidder as is permitted pursuant to O.R.C. §721.15; and

Section 3. That this Resolution shall be in full force and effect from and after the earliest period allowed by law.

Passed this 19th day of September, 2024.

President of Council

ATTEST:

Clerk of Council

Approved by me this 19th day of September, 2024

Mayor

RESOLUTION NO. R-24-51

A RESOLUTION AUTHORIZING THE RELEASE OF A CERTAIN MORTGAGE ENCUMBERING CERTAIN REAL PROPERTY IN THE CITY OF WILMINGTON, OHIO; AND DECLARING AN EMERGENCY

WHEREAS, the City Of Wilmington currently holds an outstanding mortgage on certain real property located in the City of Wilmington, generally known as 258 Doan Street; and

WHEREAS, the terms of the mortgage has been satisfied; and

WHEREAS, the City of Wilmington, desires and is required to release said mortgage; and

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, OHIO:

Section 1. That the Mayor or authorized agent or law director for the City of Wilmington is hereby authorized to execute any document, waiver, judgment entry, agreement or otherwise, necessary to effectuate the release of the attached mortgage (“**Exhibit A,**” incorporated herein by reference) for the property located at 258 Doan Street, Wilmington, Ohio 45177.

Section 2. That it is found that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3. That this ordinance is hereby declared to be an emergency measure necessary to the immediate preservation of the public safety and welfare, and accordingly, shall be in full force and effect immediately upon its passage.

Passed this 19th day of September, 2024.

President of Council

ATTEST:

Clerk of Council

Approved by me this 19th day of September, 2024.

Mayor

RELEASE OF MORTGAGE

KNOW ALL MEN BY THESE PRESENTS

That the City of Wilmington, Ohio of Wilmington, Ohio, does hereby certify that the following mortgage recorded in the Mortgage Records of Clinton County, Ohio has been released, and the Clinton County Recorder is authorized to the release the same of record.

Mortgagor	Date of Mortgage	Volume/Page
Angela Smith	May 16, 2006	Volume OR-655, Page 19

CITY OF WILMINGTON
Wilmington, Ohio

By: _____
Patrick Haley, Mayor and
Authorized Agent

STATE OF OHIO, COUNTY OF CLINTON: SS

The foregoing instrument as acknowledged before me this _____ day of September, 2024, by Patrick Haley, Mayor and Authorized Agent, as resolved Wilmington City Council, of the City of Wilmington, Wilmington, Ohio. No oath or affirmation was administered to said signer. This is an acknowledgement certificate.

-Notary Public

*This instrument was prepared by Attorney Justin Dickman
City of Wilmington, Ohio, Director of Law
69 N. South Street, Wilmington, Ohio 45177*

ORDINANCE NO. O-24-45

REPEALING ORDINANCE NO. 3587 of 1995 AND NO. 5111 OF 2013 BEING TITLED ONE SUBDIVISION REGULATIONS AND REPLACING WITH SECTIONS 1111.01 TO 1127.06 PURSUANT TO OHIO REVISED CODE 711.01, ET SEQ. AND 713.01 ET SEQ. AND ESTABLISHING SUBDIVISION REGULATIONS FOR THE CITY OF WILMINGTON, OHIO

WHEREAS, the Council of the City of Wilmington (hereinafter "Council") desires to repeal existing Subdivision Regulations establish new Subdivision Regulations, pursuant to R.C. 711.01 et seq and 713.01 et seq; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF WILMINGTON, CLINTON COUNTY, OHIO, THAT:

Section 1: That the City of Wilmington adopted Subdivision Regulations pursuant to Ohio R.C. 711.01 et seq. and 713.01 et seq previously in Section 1111.01 to 1127.06 pursuant to Wilmington City Ordinances No. 3587 of 1995 and Ordinance No. 5111 of 2013.

Section 2: That Council repeal Wilmington City Ordinances No. 3587 of 1995 and Ordinance No. 5111 of 2013 and replace with the Subdivision Regulations attached in **Exhibit A**, creating newly modified Sections of Wilmington Municipal Code Sections 1111.01 to 1127.06.

Section 3: That it is found that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4: This Ordinance is effective as earliest permitted by law.

Passed this ____ day of _____, 2024

President of Council

ATTEST:

Clerk of Council

Approved by me this ____ day of _____, 2024.

Mayor