

MINUTES
WYOMING CITY COUNCIL
May 16, 2016

The Wyoming City Council met in regular session on May 16, 2016 at 7:30 p.m. in the Council Chambers of the Wyoming Municipal Building. Mayor Porter called the meeting to order. In attendance were:

Council Members:

Barry Porter, Mayor
Al Delgado, Vice Mayor
Keith Desserich
Jennifer Eismeier
Pamela Kamm
Jenni McCauley
Jim O'Reilly

Others:

Lynn Tetley, City Manager
Emily Supinger, City Solicitor

MINUTES:

Ms. McCauley moved to approve the minutes of the April 18, 2016 Regular City Council meeting as written. Mr. O'Reilly seconded the motion. There being no discussion, the motion to approve the minutes of the April 18, 2016 Regular City Council meeting as written, carried with all voting yes.

Ms. Kamm moved to approve the minutes of the April 25, 2016 Committee of the Whole meeting as written. Ms. Eismeier seconded the motion. There being no discussion, the motion to approve the minutes of the April 25, 2016 Committee of the Whole meeting as written, carried with all voting yes.

COMMITTEE REPORTS:

Mayor Porter asked for any Committee reports not otherwise on the agenda. None were received.

CITIZEN PARTICIPATION:

Mayor Porter asked if there were any citizens present that would like to address City Council. No comments were received.

REPORT FROM THE CITY MANAGER:

Ms. Tetley reported that May Fete is Friday, May 20 and will again be held on the Village Green and the surrounding streets. Street closures will occur and all pertinent information has been provided by the PSA on their website. All area residents were notified by postcard of the street closures and detours.

BUSINESS:

- A. 2015 Annual Report from the Urban Forestry and Beautification Commission: Mr. Jansen Litter, Chair of the Urban Forestry and Beautification Commission addressed City Council. Mr. Litter presented a PowerPoint presentation outlining the Commission's accomplishments over the past year.

The Urban Forestry & Beautification Commission (UFBC) is comprised of ten members, one City Council representative, and one staff representative forming a diverse, energetic, and experienced group. Citizen members include: Gail Bason, Corrie Carswell, Andrew Heckaman, John Kutney, Jansen Litter, Ethan Pagliaro, Bobbi Strangfeld, Alex Teass, Tim Timberman, and Todd Wales. The staff representative is Mike Lippert and the Council representative is Al Delgado.

Mission:

To serve in an advisory capacity to Council regarding enhancement of public properties and rights of way, beautification efforts, and revitalization efforts within the City of Wyoming. Establish programs, approve regulations and plans, and promote forestry and advise Council on Urban Forestry issues. Acquire and administer green areas within the City. The Commission sponsors initiatives through the City that promote trees and educates residents about the importance of a healthy urban forest.

2015 Accomplishments

- Urban Forestry
 - Approximately 13 different events conducted throughout 2015.

Key Accomplishments Include

- Tree City USA
 - 21st Annual Award for the city plus the first Growth Award in City history received April 17, 2015.
 - Southwest Ohio Awards Program held at Wyoming Civic Center
- Arbor Day
 - Celebration held April 24, 2015 at Wyoming Middle School
 - 50 attendees in addition to presentation of student projects
- Johnny Appleseed Awards
 - Modeled after Taking Room Campaign award; 10 Wyoming residents honored on April 24, 2015
- Tree and Shrub Sale
 - Seven species offered in September 2015, 97 deliveries
- Fall Festival Tree Planting Demo, October 2015
- Make a Difference Day Tree Planting October 2015
 - Joint ESC/UFBC Effort

2015 Accomplishments

- Business Areas
- District and Welcome-to-Wyoming signs, flower selection and bed designs
- Beautification Awards, Urban Forestry, Architecture, Landscaping
- A total of 18 nominations
- Five Urban Forestry nominations – three awards presented
- Four Architecture nominations – one award presentation
- Nine Landscaping nominations – two awards presented

2015 Additional Accomplishments

- Ground level street tree pruning conducted by two commissioners
- Street tree planting recommendations and site evaluation conducted and submitted to the City.

2016 Look Ahead - Goals/Objective

- Be a partner to the City of Wyoming in areas of Urban Forestry and Beautification
- Support the City as needed in an advisory capacity for areas concerning community outreach, plantings, and maintenance of trees and green spaces.
- Foster an environment of community outreach to promote education in areas of Urban Forestry and Beautification.
- Engage and utilize local experts in areas of Urban Forestry and Beautification, strengthening the Commission's knowledge and community outreach efforts.
- Become a recognized resource to the City of Wyoming and local community in areas of Urban Forestry and Beautification.

- Manage the annual Tree Awards, Beautification Awards, and Arbor Day Celebration.

Mr. O'Reilly commented that the Urban Forestry & Beautification Commission does a great job. Ms. Tetley thanked Mr. Litter and asked that he relay her appreciation to the members. Ms. Eismeier commented that Mr. Litter has been the chair for over a year and it doing a terrific job of leading the Commission. She added that our urban forest is so important and the City appreciates the support it receives from the Commission members. Mr. Delgado commented that he notices a high level of cross talk and interest from this Commission that sometimes is not seen in other boards and commissions.

Ms. Kamm moved to receive the report. Ms. Eismeier seconded the motion. There being no further comments, the motion to receive the 2015 Annual Report from the Urban Forestry and Beautification Commission carried with all voting yes.

- B. Resolution Adopting a Storm Water Management Plan for the City of Wyoming: Mr. Mike Lippert, Water Works Director, was present and addressed City Council. Mr. Lippert explained that the National Pollution Discharge Elimination System (NPDES) Phase II permit period of 2014-2015 requires an update of the City of Wyoming's Storm Water Management Plan originally adopted December 8, 2010. He then provided a PowerPoint presentation to Council.

National Pollutant Discharge Elimination System (NPDES) Program Overview

NPDES Municipal Storm Water Program

- Rules from the U.S. EPA designed to regulate the source of pollutants in order to protect the nation's natural waterways.

Implemented in Phases

- Targeting different source points
- Started with waste water treatment plants, then large communities and then smaller communities.

NPDES Timeline

- The City of Wyoming falls into the Phase II target level of suburbs with communities of populations less than 100,000 and are located partially or fully within urbanized areas.

Ohio EPA General Permit

The Ohio EPA administers the NPDES storm water program in Ohio

- General Permits that authorizes Phase II communities to discharge storm water from their Municipal Separate Storm Sewer System (MS4) to receiving waters of the state.

MS4

A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that are:

- Owned and operated by the City
- Designed or used for collecting or conveying solely storm water

Mr. Lippert explained that Wyoming has both separate sewers and combined sewers therefore what is currently regulated are the MS4 systems, strictly used for storm water which is represented in a peach color on a map in the PowerPoint presentation.

Ohio EPA General Permit Coverage

NPDES Permit No.: OHQ000003 (3rd generation permit)

- Effective – Sept. 11, 2014
- Expiration – Sept. 10, 2019
- Permit coverage issued to the City: Feb. 23, 2015

Storm Water Management Plan (SWMP)

SWMP – the overall goal of the plan is to protect water quality by reducing or preventing pollutants from mixing with storm water runoff and flowing into the City's MS4 and into waterways.

- Original SWMP completed in 2011 (When City withdrew from the Hamilton County Storm Water District)
- SWMP is required to be revised and submitted to the Ohio EPA by Dec. 31, 2016

Storm Water Management Plan (SWMP)

SWMP – Identifies goals and Best Management Practices (BMPs) that the City will implement over the permit period in addressing the six Minimum Control Measures (MCMs).

- MCM #1 – Public Education
- MCM #2 – Public Involvement/Participation
- MCM #3 – Illicit Discharge Detection & Elimination (IDDE)
- MCM #4 – Construction Site Storm Water Management
- MCM #5 – Post-Construction Storm Water Management
- MCM #6 – Municipal Operations & Activities Pollution Prevention

Mayor Porter asked if both sides of Springfield Pike are not regulated for storm water control. Mr. Lippert stated that is correct. Ms. Kamm asked Mr. Lippert to explain what the peach colored area of the map represents. Mr. Lippert stated that if the sewers in this area of the City are combined they will be treated by MSD. Mr.

O'Reilly praised both Mr. Huxel and Mr. Lippert for when he was on the County Storm Water Board, they helped him to see that the County was going in an expensive direction therefore the City formed its own direction. Wyoming was one of the first communities to do that and so he complimented Mr. Huxel and Mr. Lippert on the excellent work they did. Ms. Eismeier asked Mr. Lippert if he is anticipating any additional regulations in 2019. Mr. Lippert stated that he is anticipating changes at the County level as they are starting to talk about runoff from new construction sites.

Ms. McCauley moved to adopt the Resolution. Mr. O'Reilly seconded the motion. There being no further questions or comments the motion to adopt the Resolution adopting a Storm Water Management Plan for the City of Wyoming carried with all voting yes.

- C. Resolution Authorizing the City Manager of the City of Wyoming to Enter into a Contract for Network Coordination Services Between the Wyoming City School District and the City of Wyoming: Ms. Tetley reported that the City has been sharing IT staff with the School District for several years. This provides a cost savings to both entities, while providing a high level of service. This Resolution would authorize a three-year contract with the Wyoming City Schools. Mr. Desserich inquired if the contract includes the storage of data or if it is primarily maintenance. Ms. Tetley stated that it is maintenance only. She added that the previous contract was for a three year period and it has worked well for our capabilities. Essentially, the City is receiving a better product at a lower cost. Mr. Delgado moved to adopt the Resolution. Ms. Eismeier seconded the motion. There being no further comments, the motion to adopt the Resolution authorizing the City Manager of the City of Wyoming to enter into a contract for network coordination services between the Wyoming City School District and the City of Wyoming carried with all voting yes.

- D. Report from the Charter Review Commission: Ms. Emily Supinger, City Solicitor, provided the report to City Council.

The Charter Review Commission met on three separate occasions and has completed its review of the City Charter. In general, the Charter Review Commission felt that the Charter is in good shape, but could be improved in some key areas to provide the City with autonomy from state law provisions that are unclear, contradictory in nature, and/or are extensively governed by judicial decisions.

The Charter Review Commission reviewed the issue of whether or not the City of Wyoming should consider lengthening the term of office to four years as well as providing for staggered elections. This issue had also been considered by the Charter Review Commission in 2011. After a great deal of discussion and after receiving input from the Committee of the Whole, the Charter Review Commission determined that there was no sufficient reason to make any change in the current election process and accordingly, made no suggested changes for this procedure.

The two most substantial recommended changes to the Charter pertain to Section 3.07, Council Meetings, and Section 4.06, Purchases and Contracts. In both of these sections, the Commission felt that the City could clarify and simplify state law by adopting its own procedures to govern certain aspects of the Open Meetings Act as well as purchasing and competitive bidding requirements. With regard to the Open Meetings Act, the proposed language would allow Council and the various boards and commissions of the City to continue to adjourn into executive session to discuss those matters set forth in Section 121.22 (G) of the Ohio Revised Code, and additionally permits (but does not require) Council to adopt a comprehensive ordinance to govern when the City's public bodies may meet in private to discuss

matters that Council has determined require confidentiality, such as discussions with legal counsel or deliberations of its quasi-judicial bodies. This recommendation has been made after reviewing Charters from other municipalities and discussing the advantages that are gained when the City is able to craft its own version of the state law. One of the biggest advantages is that the case law interpreting the state law is constantly evolving, and much of the law on executive session is based on judicial decisions. By allowing the City to craft its own legislation, the City can incorporate the state statute, judicial decisions, and other local concerns into one document to provide City Council and the various City boards and commissions with clear guidance on public meeting requirements.

The proposed change to Section 4.06 Purchases and Contracts would allow Council to adopt a comprehensive policy on competitive bidding requirements under its Home Rule authority. State law competitive bidding requirements are found in various sections of the Ohio Revised Code and apply a “one size fits all” concept to cities and villages that have varying budgets and purchasing needs. By adopting its own comprehensive ordinance, the City can provide clear standards for the advertising and awarding of contracts for the City, and customize the procedure to more efficiently meet the needs of the City.

The following are the specific changes. In these we have shown a black line version of the suggested changes as well as an explanation for the changes.

Section 3.04 Mayor: Election, Term, Qualifications, and Powers

At the time of the organization of Council, Council shall choose by a majority vote one of its members as Mayor who shall assume office at the time of such selection and shall hold office until such successor is elected and qualified.

The Mayor shall be the presiding officer of the Council, in addition to such powers, rights and duties as a member of Council. In addition to the duties as the presiding officer of the Council, the Mayor shall act as the ceremonial head of the City, administer oaths, exercise all the judicial powers which are conferred upon Mayors by the laws of Ohio, including the authority to appoint a Mayor's Court magistrate at the discretion of the Mayor and with the approval of Council, and perform such other powers and duties as are elsewhere provided in this Charter or provided by the Council. The Mayor shall not have a veto power over matters considered by the Council, nor shall the Mayor interfere with the powers and duties of the City Manager in the supervision and conduct of the affairs of the administrative departments and divisions of the City.

Explanation: This sentence was added to clarify the Mayor's role in appointing a magistrate to preside over Mayor's Court.

Section 3.05 Vice Mayor

At the time of the organization of Council, Council shall choose by a majority vote one of its members as Vice Mayor, who shall assume office at the time of such selection and shall hold office until such successor is elected and qualified. The Vice Mayor shall act as the presiding officer of the Council in the absence or disability of the Mayor and shall exercise all the powers and duties granted the Mayor by this Charter during the absence or disability of the Mayor. In the event of a vacancy in the office of Mayor, the Vice Mayor shall become Mayor for the unexpired term, and Council shall elect a new Vice Mayor for the unexpired term.

Explanation: This sentence was added to address the issue of how vacancies in the position of Mayor must be filled.

Section 3.07 Council Meetings

Council shall hold not less than 12 regular meetings per year at such time and place as designated by ordinance. An organizational meeting shall be held December 1st each election year. Special meetings may be called by the Mayor or by any three (3) members on twenty-four (24) hours written notice served on each member personally, or left at the member's usual place of residence. The purpose of the special meeting shall be stated in the notice, and no other business shall be transacted at such meeting.

A majority of the members of Council shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time. The vote of at least a majority of the members present, except as otherwise prescribed in this Charter, shall be necessary for the passage of any measure, and all votes shall be taken by yeas and nays entered upon the journal.

All meetings of Council shall be open to the public, except as allowed by the laws of the State of Ohio and as Council may provide by ordinance for matters declared in such ordinance to require confidentiality.

Explanation: As discussed above, this addition of this sentence would permit (but not require) City Council to adopt an ordinance governing the use of executive session by Council and the various boards and commissions of the City. This would allow Council to modify many judicial decisions pertaining to public meetings and provide the City with flexibility and clarity in conducting its meetings.

Section 3.08 Removal and Vacancies

If any member persistently fails to abide by the rules of Council, or becomes disabled so as not to be able to perform the duties of a council person, such seat

may be declared vacant by resolution of Council, five (5) members concurring. Any member who shall cease to be a resident or qualified elector of the City of Wyoming, or shall cease to possess any of the qualifications set out in Section 3.02 of this Charter or is recalled shall forthwith forfeit such office, and Council shall by majority vote declare such seat vacant. The remaining members of Council shall, by majority vote, elect a successor to fill any vacancy however caused. The power of Council to fill the vacancy shall lapse after thirty (30) days, and the Mayor shall immediately fill the vacancy by appointment. Any appointee under this section shall qualify under the provisions of this Charter and shall hold office and serve for the unexpired term and until such successor is elected and qualified.

Explanation: The word "immediately" was stricken in order to give the Mayor sufficient time to interview and consider candidates who are interested in filling a vacant council seat in the event that Council does not fill the position within 30 days of the vacancy.

Section 4.06 Purchases and Contracts

The City Manager shall purchase all things required by the City and shall execute and deliver all contracts for the City except contracts for annual audits which shall be executed by the Mayor and except fiduciaries for public utility services.

Purchases may be made simultaneously with purchases by other governmental bodies and in cooperation with their officers. ~~No purchase or contract in an amount more than authorized by State law shall be made except after advertisement and the receipt of bids in writing, unless in case of emergency, and in such case the City Manager shall report the facts to Council at its next meeting. City Council shall have the right by ordinance to limit the amount of such purchases or contracts authorized by State law.~~

Council, by ordinance, shall establish a threshold amount, notice provisions, and other procedures for competitive bidding. When any contract for the construction of a public improvement or the purchase of equipment, supplies, or materials is estimated to exceed the threshold amount established by Council, the contract shall be competitively bid. Council shall award a contract to the lowest and best bidder, provided Council may reject any and all bids in whole or by items. No contract shall be divided to avoid the requirements of competitive bidding.

Waiver. By vote of not less than five (5) members, Council may waive the competitive bidding requirement if the statutory or common law of the State of Ohio does not require competitive bidding; if Council determines that an item is available and can be acquired only from a single source; or if Council determines that a waiver of the competitive bidding requirement is in the best interest of the City

Emergency. In the event of an emergency, the City Manager may enter into contract for the construction of a public improvement or the purchase of equipment, supplies, or materials that is estimated to exceed the threshold amount established by Council without competitive bidding. In such case, the City Manager shall report the facts to Council at its next meeting.

~~Professional services. Contracts for professional services shall not be subject to competitive bidding requirements of this Section and shall not require the authorization of Council if the current operating budget provides sufficient funding for the scope of services in any such contract.~~

~~Explanation: These changes will allow the City to exercise its Home Rule Authority under the Ohio Constitution and create a comprehensive contracting and~~

~~competitive bidding process for the City. This will provide guidance to City officials and clarify procedures for purchasing and contracts.~~

Section 8.02 Nominations

Nominations for members of Council shall be made only by petition, signed by qualified electors of the City and not less than fifty (50) in number. Such petition shall be filed with the Hamilton County Board of Elections not later than ninety (90) ~~seventy-five (75)~~ days before the date of the regular municipal election. An elector may sign only as many petitions for Council members as there are places to be filled.

Explanation: The revision is being proposed in order to make the deadline for filing a petition consistent with state law.

Mr. Delgado moved to adopt the Report. Ms. Kamm seconded the motion. Mr. O'Reilly stated that he disagrees with the subject of eliminating, or in some ways restraining, transparency of decisions made by Council. He would prefer that we not make the change but he understands reasons why the change might be relevant in some future cases. Therefore, he stated that he is going to abstain from the Charter changes because of his philosophical disagreement, while not saying that he has a specific disagreement with the change in this particular setting. There being no further comments, the motion to adopt the Report from the Charter Review Commission carried with all voting yes, and Mr. O'Reilly abstaining.

- E. Resolution Authorizing the Then and Now Certificate: Ms. Kamm moved to adopt the Resolution. Ms. Eismeier seconded the motion. There being no discussion, the motion to adopt the Resolution authorizing the Then and Now Certificate carried with all voting yes.

MISCELLANEOUS:

Ms. McCauley commented on the recently published Community Events list that was distributed to all households. She stated that she has noticed several people using it and said that it is a nice tool to use. She asked Ms. Tetley to thank the Promote Wyoming Commission members for organizing the publication.

Mr. O'Reilly commented that he has heard many rumors of Duke Energy installing a gas pipeline through Cincinnati. He stated that he has been assured that the pipeline will not be installed within the limits of the City of Wyoming.

Ms. Kamm inquired if there have been any feedback following the non-compliance letters some residents received regarding the yard waste spring clean-up. Ms. Tetley reported that all residents have cooperated with the exception of one. Mr. Huxel added that the majority of the feedback that was received consisted of residents apologizing for not complying with the requirements. The City tried to be as proactive as we could and by doing so, saved money. Mr. Huxel stated that he will provide a savings memo to Council at the next meeting. Ms. Tetley added that most of the feedback received from the residents were appreciative of the efforts that the City took to notify them of the requirements and at the same time were apologetic that they did not comply.

EXCUSAL OF ABSENT MEMBERS:

Mayor Porter reported that all members are present; there are none to excuse.

EXECUTIVE SESSION:

Mayor Porter reported that there will be no Executive Session this evening.

ADJOURN:

Mr. O'Reilly moved to adjourn the meeting. Ms. Kamm seconded the motion. There being no discussion, the motion to adjourn the meeting carried with all voting yes. The meeting adjourned at 8:15 p.m.

Respectfully submitted,

Debby Martin, Executive Assistant

APPROVED:

Barry S. Porter, Mayor

Clerk of Council