

Wilmington City Council met in regular session on Thursday, November 6, 2008, with President Fred Ertel presiding.

President of Council – Fred Ertel: I would like to call the Thursday, November 6, meeting of Wilmington City Council to order, please.

The Pledge of Allegiance was given.

Roll Call: Jaehnig, present; Wells, present; Peterson, absent; Wallace, present; Popp, present; Mongold, present; McKay, present.

Assistant Chief Weyand was also present.

A motion was made by McKay and seconded by Jaehnig to excuse the absent member. Motion passed.
Councilmember Peterson excused.

A motion was made by Wells and seconded by Jaehnig to approve the minutes of the council meeting of October 16, as received. Motion passed.
Minutes approved as received.

President Ertel: President Ertel opened a public hearing on zoning ordinances regulating junk yards, junk motor vehicles, towing operations, and towing yards. Is there any discussion at this point? Seeing no discussion at this point, I would like to close the public hearing. I would like to ask for a first reading of the ordinance please.

A motion was made by McKay and seconded by Jaehnig to give the first reading only on the ordinance Amending Parts of Chapters 1131.31, 1157.013, 1157.023, 1163.04 and 1165.02 of the Codified Ordinances Relating to Junk Yards, Junk Motor Vehicles, Towing Yards and Towing Operations. Motion passed.
In the absence of Director of Law Kathryn Hapner, Jason Besser read the ordinance by title only.

President Ertel: Very good, we will have then the second and third reading possibly in the next meeting if that is good. I don't see. Is there a time limit on this Laura, or can we just have the second reading?

Clerk of Council- Laura Curliss: I don't think so, I'll double check.

President Ertel: Second reading for sure.

President Ertel: Okay, that completes my portion of the agenda, Mr. Mayor.

Mayor Raizk: Thank you, Mr. President, just a couple of items and I think most everybody knows, but the ceremony honoring and opening the new Veterans Memorial will be at 11:00 am 11-11. Just as the Armistice was and Veterans Day so it will be, that is Tuesday at 11:00 am and we are looking forward to that. Those of you that have been following that it is beautiful and getting more beautiful as the day goes on. I think it is outstanding for our community and hope to see as many folks there as can be. I know it is a tough time but we will try to do that. You have a couple of items in your packet, I think most of them are self-explanatory. One is from FEMA. FEMA is redoing flood maps all over and I think that you have all talked about this in various committees. They are having a community official meeting Monday, November 17 from 1:00 pm to 3:00 pm in the County Annex Building on Nelson. As part of that, they have to have the public community official meeting for the GIS staff. I just wanted to bring that to your attention. That is all I have for tonight.

President Ertel: Thank you, Mr. Mayor, moving into committee reports, Asset, Acquisition and Use.

Asset, Acquisition and Use - Chairperson Mongold: No report, Mr. President.

President Ertel: Thank you, Mr. Auditor.

Auditor- David Hollingsworth: I have nothing, Mr. President.

Finance Committee- Chairperson Mongold: We have several items, the first being an ordinance making supplemental appropriations. You received a list, are there any questions?

A motion was made by Mongold and seconded by Popp to give the first reading only on the ordinance Making Supplemental Appropriations.

Motion passed.

Jason Besser read ordinance by title only.

A motion was made by Mongold and seconded by McKay to suspend the rules and give the second and third reading on the ordinance by title only.

Roll call: Jaehnig, yes; Wells, yes; Wallace, yes; Popp, yes; Mongold, yes; McKay, yes.

Jason Besser read the ordinance by title only.

A motion was made by Mongold and seconded by McKay to pass the ordinance as read.

Roll call: Jaehnig, yes; Wells, yes; Wallace, yes; Popp, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Ordinance No. 4808 passed as read.

Chairperson Mongold: We also have an ordinance making miscellaneous transfers, are there any questions?

A motion was made by Mongold and seconded by McKay to give the first reading only on the ordinance Making Miscellaneous Transfers.

Motion passed.

Jason Besser read ordinance by title only.

A motion was made Mongold and seconded by McKay to suspend the rules and give the second and third reading on the ordinance by title only.

Roll call: Jaehnig, yes; Wells, yes; Wallace, yes; Popp, yes; Mongold yes; McKay, yes.

Jason Besser read ordinance by title only.

A motion was made by Mongold and seconded by Popp to pass the ordinance as read.

Roll call: Jaehnig, yes; Wells, yes; Wallace, yes; Popp, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Ordinance No. 4809 passed as read.

President Ertel: Is there anything else?

Finance Committee –Chairperson Mongold: No, that is all I have this evening.

President Ertel: I see all the budget meetings are coming up.

Councilmember Mongold: Yes, we need to confirm the work sessions for 5:30 pm.

Clerk of Council- Laura Curliss: If you say yes, then we are yes. You are the last one I needed to talk to.

Councilmember Mongold: I'm actually not, but I told her any time I could so they were going to go ahead and start it.

Clerk of Council- Laura Curliss: Okay. If it is okay with everybody, I believe it is, it will be Tuesday, November 25 at 5:30 pm in the Community Room.

Councilmember Mongold: I won't be there until 6:00 pm but they can go ahead and get started. That's all, thank you.

President Ertel: Very good, thank you. Water Committee.

Water Committee- Chairperson Mike Wallace: No report, Mr. President.

President Ertel: Streets Committee.

Street Committee- Committee member Mike Wallace: No report, Mr. President.

President Ertel: Solid Waste/Recycling.

Solid Waste/Recycling - Chairperson Wells: No report, Mr. President.

President Ertel: Okay, thank you.

Wastewater/Sewer- Chairperson McKay: No report.

President Ertel: Judiciary Committee.

Judiciary Committee- Chairperson McKay: We have one item on the agenda, but we are still looking at some wording and should have something ready for presentation for the third reading at the next meeting. I would ask that we postpone the reading tonight.

President Ertel: Safety Committee.

Safety Committee - Chairperson Wells: Mr. President, I have three readings on a resolution accepting a gift from the Fort Dodge Animal Health. They have donated \$507.30 to the City of Wilmington for the Wilmington Police Department Canine Unit. Are there any questions?

A motion was made by Wells and seconded by Jaehnig to give the first reading only on the resolution Accepting a Gift.

Motion passed.

Jason Besser read resolution by title only.

A motion was made by Wells and seconded by Jaehnig to suspend the rules and give the second and third reading on the resolution by title only.

Roll call: Jaehnig, yes; Wells, yes; Wallace, yes; Popp, yes; Mongold, yes; McKay, yes.

Jason Besser read resolution by title only.

A motion was made by Wells and seconded by Jaehnig to pass the resolution as read.

Roll call: Jaehnig, yes; Wells, yes; Wallace, yes; Popp, yes; Mongold, yes; McKay, yes.

Motion passed.

President of Council declared Resolution No. 2108 passed as read.

Chairperson Wells - I would just like to say thank you to Fort Dodge for this generous donation for our Canine Unit.

President Ertel: Thank you so much. Downtown Revitalization Committee.

Downtown Revitalization Committee - Convener Sandy Mongold: No report tonight.

President Ertel: Thanks you, Parks and Recreation.

Parks and Recreation Committee-Mike Wallace, Convener: No report.

President Ertel: Service Director.

Mayor Raizk: The Service Director is recovering from surgery.

President Ertel: Safety Director.

Safety Director- Nick Babb: No report, Mr. President.

President Ertel: You have before you the Income Tax report for October 2008, what is your pleasure please?

A motion was made by Wells and seconded by McKay to accept the Income Tax Receipt Report for October 2008.

Motion passed.

Report accepted as presented.

President Ertel: At this point, we would like to open the meeting up to any members of the public or member of council to address council while in session. If you would please approach the podium, state your name and address for the record.

Councilmember McKay: Mr. President, while we are waiting to see if anyone else wants to speak. As a public service announcement talking about the Veterans Memorial and Veterans weekend, we are going to be having our annual Veterans Day show at the Murphy Theatre at 2:00 pm on Sunday. We certainly would like everybody to come. It is going to be a nice show. We certainly appreciate your support.

President Ertel: Also, I would like to echo the words of the Mayor in regards to the Memorial which is built down on the corner. I was down there earlier this evening and it is something very, very special. You feel something when you walk into the circle, you truly do. The lighting is perfect, everything is perfect and there were probably twenty people there, which just really amazed me. It is really something special. I think it is best seen at night. It is just perfect.

President Ertel: Yes, Rob.

Councilmember Jaehnig: We are in November so now I am allowed to legally push Holidazzle without my wife divorcing me. Holidazzle is just coming up on 29 November and we are gearing up very heavily. We expect to have between 70 and 90 entries in the parade. It is going to be bigger and better than ever. There are still some openings for the parade. If you have a group, an organization, a business, your neighborhood, your church, anybody that is interested please give us a call and contact us cause we would love to add you to the list of events. But we are going to be a little strapped on the bands this years with some school issues have cut some of our bands out on the funding. You all know about the gas prices and so forth but we are still looking very strong with all the local bands. We are very excited about that. We have some great entertainment going on in downtown and we will be starting a lot earlier this year to get off at 2:00 pm with the parade finalizing the night to cap things off. There will be a big addition this year is the schools are going to be competing. We have confirmation from East Clinton, Blanchester and Wilmington. We are waiting for confirmation from Clinton Massie. But we have had a sponsor come forward to do a mini Holidazzle float contest inside the schools. So they are going to do a little red wagon size floats inside the schools, light them up just like if they were in the parade and the schools will pick there top ten from each school, put them in the parade and Collett Propane has been nice enough to say will judge the ones that end up in the parade so the top ten from each school. The judges will go through and they will chose one as the overall winner and Collett Propane is going to then rebuild that float life size for next years parade. That is a major financial commitment on their part, probably well over \$5,000 in costs to recreate the float for the following year. There is a business really stepping up to improve, but we have a lot of new entries. We are very excited and next week the nomination forms go out for our parade marshals. Again, those are the kids that are community involved, community related, whether it be their school community, local community, their church community and now would be the time to nominate your child to be a parade marshal for this year. The last thing just because I love a big show, the Sedexho at Wilmington College is shooting to get into the world record book, Guinness World Records by helping to collect, nationwide, 400,000 pounds of canned goods. The 11th of September they will be collecting canned goods- December, I'm sorry November. They will be collecting canned goods in hopes of getting into the world record for the most.

President Ertel: Where can we drop them off at?

Councilmember Jaehnig: At the college at the Pyle Center and Kroger will be collecting and they are hoping that since Sedexho also does Wilmington City Schools food that they will be able to collect at the schools too but that has not been confirmed. It is on the website for the newspaper.

Councilmember McKay: I know in theme with the Holidazzle parade, I have it on good authority that the Holiday Hunks are going to enter another float this year. You'll all be looking forward to that. New theme, new, different, and very exciting.

Mayor Raizk: The parade is the 29th and we have another council meeting prior to that, I am hopeful that, Mr. President what committee can I propose legislation, an ordinance to prevent that from happening:

President Ertel: I certainly think we can.

Mayor Raizk: I definitely think we can declare that an emergency.

President Ertel: It could be Judicial or it could be Safety.

Mayor Raizk: I think Safety might be the one.

(Bantering.)

Councilmember Wells: Since Gary is here, I received a call from a lady, as her councilperson, that she had a complaint, she was very distressed about the News Journal changing their delivery policy. She wanted me to do something about it. I am going to tell you there are people in the Third Ward that are not happy about that.

President Ertel: Any other comments or discussions?

Unidentified audience member: I got a question, what is going to be done about all the junk vehicles and trash in the yards around town?

President Ertel: Good point, discussion.

Mayor Raizk: Something specific.

Unidentified audience member: A certain place beside us has a lot of junk vehicles and trash in the yard. We've called and complained several times and we was wondering what's going to be done?

Mayor Raizk: One of the ordinances that we are passing tonight, that is in the process, that is addressing some of that. That is why I was asking.

Unidentified audience member: How long is that going to take?

Mayor Raizk: Well it will probably be, because we gave it a first reading tonight, it can't be passed as an emergency so from the time it actually takes effect, we'll probably have at our next meeting the second and third reading and then it takes effect 30 days after that. That is just by law, nothing we can do about that.

Unidentified audience member: I have one question, Ernie Blankenship told us that they would have 72 hours to clean up their mess, then what do they get a fine?

Mayor Raizk: There is a process that we have to do and go through. We have had some and some times, we can remove it. But we have to go through court to get a court order to do it now. We tried to do it one way and frankly, we were almost thrown in jail on the deal. But we are proceeding with those and doing what we can. As soon as we get, once they get cited and so forth we are trying to press those.

Unidentified audience member: Okay, then you are not sure what happens in 72 hours.

Mayor Raizk: In 72 hours, it has to be removed and we can remove it.

Unidentified audience member: So if they don't, you will?

Mayor Raizk: Yes, but again there is a process for us to that, if they are not doing it we have to go and get, and we're working out trying how do we get on the property, because essentially it's coming on to your property, or their property.

Councilmember Jaehnig: When it is on the street, it is another issue.

Mayor Raizk: When it is on the street, it is another issue, because it is in the right-of-way and so forth.

Councilmember McKay: Seventy-two hours the process starts.

Mayor Raizk: Yes, if it is on the street. The other we do that.

Unidentified audience member: Also, junk vehicle in the neighborhoods parked in the yards, and back yards and no tags or they tag them and they don't run. It is more than one.

Mayor Raizk: Some of the things that are in this ordinance are addressing those, that's why we revised the ordinances. You heard the first reading of that tonight.

President Ertel: Okay, any other questions or comments? Seeing none do I hear a motion.

A motion was made by Jaehnig and seconded by Wells to adjourn.

Motion passed.

Council adjourned.

ATTEST:

President of Council

Clerk