

Wilmington City Council met in regular session on Thursday, November 20, 2008, with President Fred Ertel presiding.

President of Council – Fred Ertel: I would like to call the Thursday, November 20, meeting of Wilmington City Council to order, please.

The Pledge of Allegiance was given.

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

Assistant Chief Weyand was also present.

A motion was made by Wells and seconded by Jaehnig to approve the minutes of the council meeting of November 6 as received.

Motion passed.

Minutes approved as received.

President Ertel: The second items is the second and third reading on an 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. Are there any questions on that?

Councilman McKay: Mr. President, I can speak to this ordinance. We are going to have a very small amendment to that because it did not address someone who is working on their private vehicle in an enclosed structure. That is not in the original ordinance so we are going to add those two words to the second paragraph of 1131.31 and it will go on to say as you already see it on your ordinance at your place for motor vehicle dealership, residential property. So that is the amendment.

President Ertel: Okay, very good, can I have that in a form of a motion?

A motion was made by McKay and seconded by Popp to amend the ordinance accordingly.

Motion passed.

Councilmember Peterson: I do have one question. Do we have to have both readings tonight or can we just have the second reading? Is there a time limit?

Councilmember McKay: There is no hard and fast need for the third reading.

Mayor Raizk: Okay, well the only thing is if you want this to take affect by the end of the year so that it would be in effect next year because this is not an emergency so you would need the 30 days.

Councilperson Peterson: When does our moratorium begin?

Our moratorium was indefinite.

Councilman McKay: Do you have a problem with giving it a second and third?

Councilmember Peterson: I would prefer to just give it a second, but if the moratorium is indefinite . . .

A motion was made by McKay and seconded by Peterson to give the second reading only on An Ordinance Amending Parts of Chapters 1131.31, 1157.013, 1157.023, 1163.04, 1165.02 of the Codified Ordinance Relating to Junk Yards, Junk Motor Vehicles, Towing Yards and Towing Operations, As Amended.

Motion passed.

Director of Law read ordinance by title only.

President Ertel requested that the third reading be on the agenda for the next meeting.

Okay at this point I would like to have Asst. Chief Weyand. Please come forward for a presentation; I love these kinds of things.

Asst. Chief Weyand: Chief Detective Josh Riley will give you a brief overview of what lead up to this situation.

Chief Detective Josh Riley: This stems from September 2, 2007, involving a suspect that was wanted for a sex crime involving a minor. He was under indictment. Officer Sean Earley attempted to effect arrest of this suspect at which time the male removed a straight razor knife from his pocket and he did two slices on his throat. Officer Earley was able to take control of him, got the knife away and immediately began to provide emergency aid to him. There was heavy blood loss at the scene. Based on Officer Earley's actions and his attempt to stop the flow of blood from the injuries from this man's neck, the suspect ultimately survived. It was based off this arrest that the information was forwarded on to the assistant chief. It has been just over a year. We wanted this case to make its way through the courts. It is over now and the information was forwarded on and I will give it back to the assistant chief as to what happened next.

Assistant Chief Weyand: Pretty much after that, we submitted the stuff to the American Police Hall of Fame and they looked at this case based upon the merits and awarded Sean the award for saving a life. Just goes to show that every life here is valuable, good or bad, no matter what you have done, you know we value everyone equally. So Sean if you would come on up. Congratulations, Sean. (Applause.)

It is nice to see an officer do great things (a few words could not be understood for transcription). We appreciate the opportunity to present this here tonight.

President Ertel: Well, certainly. Thank you. We look forward to seeing you next week with another one. (Laughter) It is wonderful also too see all the police in the audience and thank you all for your service. Thank you so much for your service.

Asst. Chief Weyand: No problem.

President Ertel: Okay, for those who would like to go ahead and shoot on out go right ahead. The rest of the meeting I think a lot of you have seen before.

President Ertel: I would also like to announce about a retirement reception of Joanne Chamberlin in honor of her 47 years of public service as Court Recorder and Clerk of Courts. Are you that old?

Laura: She has been working my entire life. That is as long as I can remember.

President Ertel: It will be held on Thursday December 18 from 12-4 p.m. with a program at 2 p.m. in Clinton County Common Pleas Court Room, 3<sup>rd</sup> floor of the Clinton County Courthouse here in Wilmington. It is going to be hosted by Clerk-elect Cindy Bailey and certainly, our Laura Curliss so you are all invited to that. At this point, that finishes my portion of my agenda. Mr. Mayor?

Mayor David Raizk: Thank you Mr. President. In the realm of good news, I certainly want to say congratulations to Sean and it is important to recognize achievements and what these folks do on a daily basis and get a good pat on the back for them and certainly, these kinds of awards do that. Today in fact this afternoon Senator Sherrod Brown announced that we have been the recipients we finally got, I told you on numerous occasions we were in the process of our National Emergency Grant application. They have awarded at least the beginning of the grant with \$3.87 million dollars for worker retraining and worker assistance. This is very important because those folks can start going to get some training and get these dollars. This will not be the end of it. This grant will be amended several times as more lay offs occur in the future, but getting this over the hump has been and I need to publicly thank Senator Brown, Senator Voinovich, Congressman Turner and all the Ohio Delegation. They really lead the fight to make sure that this happened. We were unique in our situation here in that normally these things come very, very, very much after the fact. But we started this process before any of the layoffs ever began so that we would make sure that things would be in place for misplaced workers and they have straightened out all the logjams

that occurred. At that level things can happen and they have worked very diligently especially over the last few weeks. I want to thank them and this is a great help for our community and the times we are facing.

I also want to congratulate the folks with the Veterans Memorial. This is an outstanding addition to our Community. If you had an opportunity to go on Veterans Day, it was quite a moving experience. We were lucky the Governor came down. The Governor had another place to be. He needed to be in Chillicothe at 1 o'clock and as soon as he spoke, his aids came over to him and said Governor we have to go and he said I am not leaving. He was so moved by the memorial and the folks there he was one of the last people to leave. We finally had to kind of shoo him out of there. He was visibly moved by the memorial and talked to individual folks and talked about their individual stories and it was quite a moving experience. I thank our community and Randy if you would please carry that back to the Veterans Commission and all the folks on the memorial committee and I know they are too numerous to name but so many good people did so many good things there. You know it is something you would see in Washington D.C.; it is just such a first class deal. If you have not been or haven't been at night, go at night. As Coach Waddell relayed the story at the memorial about the little boy that went with his grandfather to the memorial and asked, "Is this a whispering place, Grandpa?" It is indeed a whispering place so I did want to note that and I appreciate everyone's help with that and that is all I have.

Asset, Acquisition and Use: Committee Chair Mongold: No report.

President Ertel: Okay. Thank you so much. No auditor, no report.

Finance Committee: Committee Chair Mongold: No report.

Water Committee: Committee Chair Wallace: No report.

Street Committee: Committee Chair Peterson: No report.

#### Solid Waste Recycling

Committee Chair Wells: Mr. President, there is one item on the agenda tonight however; I ask that it be postponed until we are fully prepared to present it.

President Ertel: Okay, can we look at that for our next meeting for that?

Committee Chair Wells: Yes.

#### Waste Water/ Sewer

Committee Chair McKay: Yes, Mr. President, we have two items. The first item is the resolution authorizing the Director of Public Service to enter into various contracts having to do with the smoke and dye testing and things they discovered. If there are questions about that there are like five different contracts that have to be let on that. Larry can certainly answer any questions you might have. It was discussed fully in our committee meeting.

A motion was made by McKay and seconded by Popp to give the first reading only on the Resolution Authorizing the Director of Public Service to Enter into Contracts for Services to the Wastewater Treatment System After Competitive Bid and Declaring an Emergency.

Motion passed.

Director of Law read resolution by title only.

Committee Chair McKay mentioned that time was of the essence.

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

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

Director of Law read resolution by title only.

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

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

Motion passed.

President of Council declared Res. No. 2109 passed as read.

Committee Chair McKay: Our second item is authorizing the lease of the garage space on Main Street that the Wastewater Sewer Department has been leasing for the last year. It is just a one-year extension. Any questions?

Councilwoman Peterson asked for clarification on recalling that they had to park their equipment outside prior to leasing this facility.

Committee Chair McKay: Yes, very versatile, very nice building with many amenities that we would not have elsewhere. This is for one year.

A motion was made by McKay and seconded by Peterson to give the first reading only on A Resolution Authorizing a Lease of Garage and Office Space Between the City of Wilmington Ohio and West End Auto for 2009.

Motion passed.

Director of Law read resolution by title only.

Committee Chair McKay: We don't have to pass this as an emergency, but we do need to do this before the end of the year.

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

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

Director of Law read resolution by title only.

A motion was made by McKay and seconded by Popp to pass the resolution as read.

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

Motion passed.

President of Council declared Res. No. 2110 passed as read.

#### Judiciary

Committee Chair McKay: Under Judiciary, we do have the ordinance regarding ward boundaries of the city due to annexation and we would like to have a third reading on that ordinance tonight.

A motion was made by McKay and seconded by Peterson to give the third reading only on An Ordinance Amending Codified Ordinance §§103.02, .03, .04 ad .05 Establishing Ward Boundaries in the City of Wilmington.

Motion passed.

Director of Law read ordinance by title only.

A motion was made by McKay and seconded by Peterson that the ordinance be passed as read.

Motion passed.

President of Council declared Ord. No. 4810 passed as read.

Safety Committee: Committee Chair Don Wells: No Report, Mr. President.

#### Downtown Revitalization

Convener Sandy Mongold: Just a reminder that next Saturday Night is HoliDazzle. The festivities start at 2 o'clock in the afternoon and the parade starts at 7 p.m. and that Friday and Saturday also is open house for all the downtown businesses. If you are downtown Friday or Saturday of next week, please stop in and see what's downtown.

Also under Finance, I failed to remind you that Tuesday evening at 5:30 is the Finance Work Session.

Parks & Recreation – Convener Mike Wallace – No report, Mr. President.

Service Director – Larry Reinsmith – No report.

President Ertel: Are we going to use any salt tonight?

Larry Reinsmith: No.

Safety Director - Nick Babb – No report.

President Ertel: You have before you the Third Quarter Hotel Lodging Tax Report. What is your pleasure, please?

A motion was made by Wells and seconded by Jaehnig to accept the Third Quarter Hotel Lodging Tax Report.

Motion passed.

Report accepted as presented.

President Ertel: At this time, I would like to open it up to the general public for anyone to address council while in session. If you would, please come to the microphone, state your name and address for the record. I see no takers. Do I have a motion?

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

Motion passed.

Council adjourned.

ATTEST:

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President of Council

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Clerk