

Wilmington City Council met on Thursday, April 5, 2012, with President Scott Kirchner presiding.

Roll Call: Jaehnig, present; Wells, present; Stuckert, present; Wallace, absent; Mead, present; Siebenaller, present; McKay, present.

Acting Chief Duane Weyand was also present.

Council gave the Pledge of Allegiance to the flag.

A motion was made by McKay and seconded by Mead to excuse the absent member.

Motion passed.

Absent member excused.

President of Council: President Kirchner: The first item on the president's portion of the agenda tonight is to approve the meeting minutes for the March 15, 2012 meeting. What's your pleasure?

Councilman Wells: Mr. President. There is an error on the very first line on the minutes. It has your name wrong.

A motion was made by Mead and seconded by Wells to amend the minutes to correct the name to read "President Kirchner" on the first line of the minutes.

Motion passed.

Minutes amended.

A motion was made by Wells and seconded by Mead to approve the minutes of the last regular meeting, April 5, as amended.

Motion passed.

Minutes approved as amended.

President Kirchner: The second portion of our meeting tonight is dedicated to a public hearing/information system regarding electric aggregation and the potential for the city to be involved in it. Tonight, with us from the PUCO is Mr. James Drummond, Section Chief of the Ohio Public Utilities Commission, and he has a presentation to provide to go over the basics of aggregation.

James Drummond: Thank you, Scott. It's a pleasure to be here. A little bit about myself. I've been with the Commission since December 2008. I am the Section Chief in the Service Monitoring and Enforcement Department, Reliability and Services Analysis Division. What we do, is we managed the competitive part of the business – the electric and the gas side. So, we manage the certification process for suppliers, brokers, aggregators. We manage the clients with our rules, and we also manage the apples to apples chart that you can find on our website, both for electric and gas. Part of my coming to the commission, was I spent about 25 years as a energy utility facility manager for Abbott Laboratories and I was on the other side of the fence managing six seven million dollars worth of energy business on an annual basis. What I would like to do tonight is give you a little bit of background on what is governmental aggregation. There is a wealth of information on our website on our website. This presentation is a little bit of a summary of the information you'll find on our website under governmental aggregation, and hopefully will give you a better sense of what is involved with the process and why it might be an opportunity for you and your community and what needs to happen for that to go forward.

[Starts PowerPoint Presentation]

So, what is aggregation? Aggregation is just a group of customers joining together to a single larger customer for its members. So, in other words, we're taking everybody's gas from their individual homes and we're going to pool it into a bigger line of MCF's to go to a marketer and hopefully get a better price. And that's allowed by Ohio Law/Ohio

Statute and the rules of PUCO. I did look up the number, but I think somewhere upwards of 150 governmental aggregations and close to 100 in gas, so it's something that has been done for a number of years throughout the state in villages, townships, counties, cities, etc. So, again, you're allowed by law, by statute, and by the rules to do this. Per the law in the State of Ohio, all governmental aggregators buying electricity must be certified by the PUCO. Now there is a little bit different rule in gas in that there is a provision called Holt Rule in the gas side. In my three years with the commission, I have not seen come into play, but it is a little different. But in general, governmental aggregators are required to be certified by the PUCO. And, if you're going to do both, and there have been a number of communities I've been to that do both, there is actually a different certification process for gas and electric. So, it's very similar in nature, but there are a few different applications, they become two different cases in the documenting system of the PUCO. In order to do certification, you do have to be certified in the State of Ohio. In governmental aggregation, there are actually two types of programs: Opt-In and Opt-Out. Now, in my experience in the last three years, primarily they are opt-out. We'll talk about why that is. An opt-in aggregation is a program where the individual is permitted to sign up, but it is not automatic enrollment. It is very similar to being an electric choice customer in that you go out and you affirmatively make a decision to become a customer. And, it's a little different process – not quite as cumbersome in terms of the opt-out, but similar to the opt-out program, the plan, if it is something that is agreed to, there are still requirements to disclose the rates and terms and conditions that the customer would be under on the contract in an opt-in program. Most of them that I have been involved with that we see are opt-out programs. Under an opt-out program, everybody that is eligible (and I'll get into eligibility in a minute) – everybody that is eligible to be in the opt-out is automatically enrolled unless they affirmatively opt-out. There is a process that you have to go through if you elect to not want to become a customer of the supplier chosen for the aggregation. Now, in order to go through an opt-out aggregation, there are a number of steps that the city, township, village has to do to go forward. First off, you have to put it on the ballot. There has to be an ordinance passed. There has to be a majority of the constituents approve going forward with the opt-out aggregation. Once that's done, and as part of the process, I think there are two public meetings that have to occur, once the ordinance passes, the government must form a plan of operation and management. Typically, if you're working with the certified supplier/broker, they will assist you with that process. There are a number of things that have to go in there that talks about terms and conditions of the contract, the rate, and those kinds of things. But those are part of the process. All of these documents are in turn filed with the PUCO and we actually do get a chance to review them. Again, at least two public hearings must be held to allow customers to look at the proposed plan and voice their concerns. Once the plan is adopted, you get a notification if you're eligible. You will automatically be enrolled unless you elect not to participate. Part of the notification will include rate in terms of contract. One of the things you need to be careful for or be aware of and look at is whether or not there are any early termination fees if you decide you want to get out before the terms of the contract expire. Usually, the opt-out notice includes something you have to sign and return to the supplier indicating you elect to opt out. As part of the aggregation process, you must be allowed an opportunity to opt-out and actually this is incorrect and I thought I changed that, Scott, in all honesty. On gas, you need to be allowed an opportunity every two years; on electric, it's every three years. So, you have to be given a chance every three to opt out of the program without penalty. Typically, contracts include an early termination fee if you elect to opt-out early. Eligibility. There are a number of factors that determine if you are on the list as eligible, but a couple of key things that are applicable for most people. First of all, if you are on a low-income/percentage of income payment plan, what we call PIP, you will not be on the list. The other key individual that is not eligible, if you are already a shopper, if you're already a choice customer on electric, you are also not on the list and you will not get an opt-out notice. That's a key thing to understand, that anybody within the confines of the aggregation that has already signed up with a supplier, is not eligible and should not, under most circumstances, be sent an opt-out notice.

Councilman Jaehnig: Until their contract expires.

James Drummond: Bob, can you help me with that one? I'm not sure. Once a contract expires, they don't automatically get one, do they? Unless it's in the renewal period. Is it?

Terry Leach: I can answer that question. If a customer's contract expires, they go back to the utility company until the next time that you do an opt-out. Whether it's at a three-year interval or whether it's according to however you set up, they will then be eligible to join the program then.

James Drummond: So, just because their contract may expire.

Councilman Jaehnig: So, it's whatever we set up with whoever comes in as a city.

President Kirchner: The question, I think, and I have the same one. If someone is contracted at the time aggregation goes in, but their contract expires before opt-out...

James Drummond: They will not automatically be given the option to enroll in the aggregation.

President Kirchner: Would they be given the opportunity to choose to enroll at the time of the expiration.

James Drummond: I think that gets into something we call opt-in.

Terry Leach: Right. They could opt-in.

James Drummond: They could opt-in, but they would essentially be a choice customer. They would not be subject to the terms and conditions of the opt-out. You could...and I've seen that done in certain communities, where it is sort of parallel to the opt-out. They have an opt-in so that when a customer's contract expires, they can at least get the same deal. Go ahead.

Terry Leach: Actually, the way it happens is, is that if you're under contract with another supplier, you're not going to be a part of the list that is produced to a part of the opt-out aggregation, if you do an opt-out aggregation. If you want to come into the same, if you will, terms and conditions of the opt-out program, you first of all, if the contract hasn't expired, you can get out of your current supplier, but you are going to have to pay a penalty – because there are penalties. But, technically, if you come into the program other than through the opt-out, you're what is considered an endorsement customer and you're not actually a part of the aggregation. You actually belong to the supplier who is supplying the group. So, if you will, it's almost like you become a new choice customer for that supplier. But most of the suppliers will honor the same terms and conditions as the aggregation. That is something that will have to be negotiated at the time you go to find a supplier.

Councilman Jaehnig: Well, the question I have then is, if, at the beginning of the year, a person misses the opt-out because they've already signed up – and many of us already have – and ours won't expire – if we go forward and the voters decide to go forward come January 1. When is the next time that those of us who have already taken advantage of something like this, that we're going to be part of the process?

Terry Leach: Well once again, it depends on what supplier you will negotiate with and what they are willing to do. If you're under contract, you're not going to be eligible until either you terminate your existing contract or your contract expires. You're not going to be eligible for an opt-out until another opt-out program is run, which as this gentleman said earlier, will only have to be done every three years. But, a lot of times, you can negotiate with a supplier that they'll do opt-outs to get eligible people who become eligible in that midterm time every x amount of time and that's part of what would be negotiated with whoever supplier that you choose.

Councilman Jaehnig: So, if we want something like that in our contract every six months, we can negotiate...

Terry Leach: You negotiate that with your supplier...

Councilman Jaehnig: That's not something the state...

James Drummond: The rule only says it has to be done at least a minimum of every three years. It doesn't say it can't be more than that.

Councilman Jaehnig: Thank you.

President Kirchner: Jim, if I could, for the record, Mr. Terry Leach, from American Municipal Power, Inc. He is the Vice-President of Risk Control for them. I just wanted to make sure that everyone knew who it was that was speaking. Please continue.

James Drummond: So, in general, that's mostly where the eligibility issues come into play. There are some other things within the rule of people who are in eligible, but they're rather specific circumstances and we don't need to get into that in terms of the general nature of what we're trying to talk about here. Again, customers will not appear on the list that is sent to the supplier – who is going to be sent the opt-out. We kind of went through that. The second point, if you recently switched to a supplier and your company aggregates, it's possible you might get one just because of the switching process and that type of thing. If you want to be with the aggregation, you need to make sure you send it back.

Unknown Speaker: What about customers that are past due on their bill? I noticed that a lot in the other territories. That they're not eligible if they are past due on the bill.

James Drummond: Unfortunately, I'm not as familiar with all of the nuances.

Terry Leach: If you're past due on the bill, you're not eligible. You will not receive.

Unknown Speaker: That's what I just wanted to make sure.

Terry Leach: That's the third key group you might run into when you do your list process: The choice people, pick program, and the past due.

Councilman Jaehnig: Past due on the date the list is run or for a different period of time.

Terry Leach: It would be when they provide the list. When Dayton Power and Light would run your list, if you're past due and they receivable when they provide that list, you will not be included.

Councilman Jaehnig: So, if you're past due on that specific day, you're...

Terry Leach: That's right. Not if you were past due a year ago or something.

Councilman Jaehnig: No...I'm just saying, if you're past due one day and it happens to be the day that they pull that list, you're out. Correct?

Terry Leach: The rule says if you're past due, you're not eligible.

James Drummond: A couple of things to consider, whether you want to join an opt-out or whether you want to become a choice customer. What's the goal? Is the goal price? Is it different sources of electricity? There is some movement in going green and those types of things. Are their additional services you want to find from the supplier? Do you want price security? It wasn't too long ago that we were looking at a gas at a \$1.43 in Columbia Gas' territory. This past month, the new price is 37 cents. So, I used to tell my bosses years ago if I could forecast the price of gas, I wouldn't be talking to you. It's a commodity. You're kind of looking for – you got to decide what you're looking for: The lowest price, the price will carry you. That's a couple of things you need to consider. How big is the group? There are aggregations that are villages or townships. There are some that are county-wide. We talked about length of the contract. Do you want to have

more opportunity to opt-out than the three years that is required? Terms and conditions: one of the things that we see all the time is that people don't really read the terms and conditions. One of the things you've got to look at is what is the early termination fee if you want to opt out sooner than the opt out length of the contract. We find that all of the time – "I didn't know." So, make sure you understand the terms and conditions of the contract. What's the price? How long is it? You know, we see offers right now on the Apples to Apples: some are percent off the price to compare. In fact, that's one of the things that I haven't gotten into since I brought it up. But, for electric, on your bill, you should see something that says what your price to compare is. And that's really the benchmark of what you're looking at. Remember on your electric bill, your supplier charges are only about half your bill – forty to sixty percent is the numbers I recall hearing – and that's the generation portion. You'll still continue to pay transmission and distribution costs to the utility – DP&L. So, that's one thing to remember. Let's say the offer is 10% off the price to compare – well that's 10% off half your bill in round numbers. So, those are the kinds of things to remember. But, on electric, it's pretty easy to compare. If your bill says your current price to compare is 7.5 cents and you've got an offer better than that, there's an opportunity there. That was the extent of my prepared stuff. There is a lot of information on the website – the handouts I brought are pulled right from the website. You can also call our helpline or call center at 1-800-866-PUCO and ask them questions and they can send you information on Apples to Apples and that type of thing. With that, I'll entertain questions.

President Kirchner: This is a public informational hearing, and we will encourage the public if they have questions, to step up to the podium and state their name and address for record and ask your question. You are welcome to ask any questions to Mr. Drummond that you have. I do want to state, for the purpose of this hearing, that council has been looking at the concept of electric aggregation only at this point and has been looking at it for the purpose of trying to find a way to bring benefit to the households of all of our residents. So, we very much would like to see public inputs to all of their elected officials if they can.

James Drummond: One thing that just came to mind that you and I talked about – going forward with the process of becoming certified to form an aggregation, doesn't hold you to moving forward with a plan and a program. But, if you're not certified, you can't move forward, so you can't take that opportunity. So, that's one thing you might want to consider if this gets on the ballot. There are a number of aggregations throughout the state that do not have an active plan, but if you're not certified, you've got to go through this process, which takes some time. So, it might be one of the things you want to consider.

Service Director Reinsmith: Does the election process – is it only required for the opt-out?

James Drummond: Yes.

Service Director Reinsmith: So, if you want to run an opt-in, you could do it without going through that process.

James Drummond: Yes.

Paul Hunter: Would this prevent an AEP type of bill surge like they had down in Highland County if you're under a contract.

James Drummond: I'm going to qualify my answer by saying, maybe yes, maybe no. Remember that going with an alternate supplier is only going to impact the generation side of your bill. What happened with AEP and I was not involved with that rate case – that's another department of the PUCO – but much of that was on the still-regulated side in distribution and transmission and tariffs and riders and that type of stuff. So, I think in terms of what it might do from a generation standpoint, it certainly allows you to shop. I'll talk a little bit about what has happened in the last 18 months. We didn't really have an electric Apples to Apples 18 months ago. When we did, we had two or three offers. Probably in the last six to eight months, we've seen a pretty significant up-tip in the

number of offers. In fact, I think we posted the first offer in AEP's territory sometime last year. So, there is movement. There are certainly opportunities out there to take a look at alternate suppliers. But, some of the stuff you're going to see from the utilities, you still have to have the electric company and what we call the EDU – the Electric Distribution company. They're still the people who supply the power to your house. Across the lines, down the street, and into your home. So, they're transporting the generated power from another supplier, but they are still charging you for the transmission and distribution of that power to your home.

Tom _____, Buckeye Energy: You mentioned on the website you have the opt-out form for the city to fill out for certification. Do you have an opt-in...

James Drummond: Not that I'm aware of. Again, with my limited experience that I've seen. The one or two times I've run into an opt-in, it was really in conjunction with an opt-out and it is sort of along the lines that was asked about for customers that we're not eligible at the time. I don't know if – Chuck Stockhousen – who is my staff member who handles the electric side of the business – we sort of consider it no different than a choice customer. It's sort of an endorsement. The city of Wilmington says this is a good deal – it's with a supplier, it's no different than signing up for a choice offer that you would find on our website. So, to answer your question, I don't think there is, but I'm going to go back and find out. I'm not aware of any.

Bruce McKee: One of my concerns about this, of course, the Hillsboro situation got so much notoriety that those people got screwed, and we've been screwed enough in this community. So, everything that happens, a lot of those, we're just kind of saying, "Okay now, what are we doing?" So, how does this compare to the Hillsboro situation.

James Drummond: I'm going to be honest, I'm not familiar with Hillsboro.

Paul Hunter: Double billing down there.

Bruce McKee: Yeah – double billing was rampant everywhere. Everyone who knew somebody from Hillsboro knew that they was being screwed by the utility companies and now we're talking about the same issue. I'm not really too sure, so that's why I'm coming and asking these questions.

James Drummond: Let me see if I can elaborate what I tried to answer before. When you go into an aggregation, you're shopping for the generation portion of your bill, which is, in round numbers, about half of your bill. That's not going to prevent if the electric distribution company says they have to raise their rates, they submit them to the commission, the commission approves them, there is not much you can do about that. But, by having the opportunity with an aggregation to shop your generation side, there is a chance you could mitigate what the EDU might be charging as a default generation charge. I don't know if that makes sense. You're not going to be able avoid what the utility might do on the distribution and transmission side of the bill because that's regulated and they have to file with the PUCO. The PUCO does the analysis and either approves or, as they ended up doing with AEP, they at least kicked it back and sort of hit the reset button and said, "Let's take another look at that."

Paul Hunter: But you will be protected from the generation...

James Drummond: You will have an opportunity to shop and see if there is a better deal. And to me, one of the things...

Paul Hunter: Wait a minute. If I'm paying...say I have a deal in aggregation of 6 cents/kilowatt hour...for three years. That can't change, can it not?

James Drummond: It depends on the terms of your contract.

Paul Hunter: Normally? What's normal?

James Drummond: If the contract was written for a fixed price for three years, it shouldn't change.

Paul Hunter: No matter. They don't have to go to PUCO or anything else involved in that portion of your bill.

James Drummond: That's correct.

Paul Hunter: So you are protected in that sense.

James Drummond: Yes.

Mayor Riley: But if the prices go down, as you described with natural gas, you're still paying the higher rate.

James Drummond: You signed a contract.

Mayor Riley: Right.

James Drummond: I think that's part of the negotiated process. And maybe that's where you look at maybe you should take a look at this every year. Again, the rules require an opt out only once every three years. That doesn't mean there can't be more opportunities than that.

Bill Limbacher, Resident: Does this apply only to residents like households or can it also be applied to businesses too?

James Drummond: I believe, and Terry, correct me if I'm wrong, small commercial can be involved, but not large commercial or industrial.

Terry Leach: What's considered for commercial under aggregation if 700,000 kilowatt/hours per year or less. I don't pretend to know what kind of businesses you have here. If you have a pizza shop a few doors down, which I'm sure you do, more than likely they will be eligible. If you have a manufacturing plant out on 68 that manufactures vehicles, they are not going to be eligible. So, it's residential and small commercial. Now, there is one exception tonight, now if you have a national chain like a McDonald's or a Wendy's or whatever, they are eligible to be part of the aggregation, but they have to affirmatively join it. They can't get an opt-out, but they can say they want to be a part of it and then they are eligible.

Councilman Jaehnig: Even if they are using more than 700,000 kilowatts? Why would a national chain get a benefit that a local person can't?

Terry Leach: Most of the McDonald's and the Wendy's and stuff like that are generally owned by a local franchisee – not McDonald's per se. It's a small business that exceeds that threshold, so they have the opportunity to say they can come in.

President Kirchner: To clarify on the point about business though, it is correct that businesses using over 700,000 kilowatts have the ability to negotiate themselves with different suppliers so they. So they already have that ability because of the volume of use they have.

Terry Leach: Yes.

James Drummond: Part of that, and I think the thought process is, because that's what I did for twenty five years, is that certain large industrials probably already have somebody doing it, but to speak to Terry's point about why it's an opt-in. When the whole opt-out process came and I was representing or company with the industrial energy users of Ohio, one of my issues is, if that opt-out notice gets sent to where my bill gets sent, well my bill gets sent to Chicago accounts payable. It's likely I will not get it in time to opt-out because some clerk is sitting on it. If it's routed through their accounts payable, it gets sent in the bucket down to the local accounts payable, I don't

get it within 7 days. That's partly why that is in place so that industrial customers are not automatically included without their ability to opt-out.

David Hockaday, resident of the city: To Rob's question, I just need some clarification. Is all DP&L billing now through DP&L source, or does DP&L still have customers that they buy on open market or whatever you call it in New York. Because, if you lose your contract, it doesn't necessarily go back to Dayton Power & Light choice, it goes back to the parent company who is still providing you electricity, which is the highest rate you can have. I just want to make that clarification, there is a little subtlety there that you don't automatically go back to the non-regulated source of utility if you're not buying from that non-regulated source now. If you play the margin, there's not a whole lot of difference over the residential usage in the long term, but if you get First Energy or you get somebody else, that's another issue if you've already gone out _____ (drophaz) and bought a contract. If that contract expires and you're not buying from the subsidiary, you're going to go back to DP&L, the parent company. I believe that's correct. That's just a little subtlety, Rob. When he says "source" he's talking about sourcing out, not DP&L energy source. Just so we have clarification.

President Kirchner: Just so we make it clear, that is in the current situation where customers individually are selecting. That would not be associated with our aggregation program, which would constantly review its offer.

David Hockaday: That is correct. To Rob's question about it. If you, as I have, have already exercised a discount program and we expire in the middle of your opt-out/opt-in option, I don't go back to DP&L source, I go back to DP&L, which is buying on the open market, I believe.

Councilman Jaehnig: No, you would have an opportunity to renew your contract...

David Hockaday: Yes, I understand that. I can renew my contract.

Councilman Jaehnig: Which would mean that you would miss the next opt-in also.

David Hockaday: That's why I was trying to clarify what he says....

Councilman Jaehnig: That's why I was trying to figure out how somebody who has already signed a contract has an opportunity to participate in aggregation.

President Kirchner: During the pause, let the record reflect that Councilman Wallace has now arrived at the meeting (8:05 p.m.)

James Drummond: One thing that I just thought of that we should mention because it has been brought up and we have gotten some calls about it, at least, and I'm not sure if it applies to aggregation, but on the electric side, if you become a choice or an aggregation customer and you're on budget billing with the utility, you won't be eligible for the budget billing on the generation side of the bill. So, you know, it's going to impact if you set up a budget billing process, all the utility can still budget bill you on is the transmission and distribution. They can't budget bill you on the generation side. So, that will impact your ability to budget bill.

Paul Hunter: I hadn't said that before, but the city's obligation, there's no cost to the city if I understand it. They don't become managers of our utility.

James Drummond: No.

Paul Hunter: They just do the administrative to get it started then they're done.

James Drummond: Typically they work with a certified supplier or broker.

Paul Hunter: Once all of the ballot issue and all of that is taken care of, then they are out of the picture. They don't have to keep managing it.

James Drummond: Correct.

Lee Curtis: My name is Lee Curtis and I live in the city of Wilmington. It seems to me like everything you're saying there's nothing concrete. You're not sure about this – I mean – whether the rates are going to be fixed, variable or how often they might change. Like you say, how they could fluctuate, and once you go into signing a contract, it seems like once you sign that contract, it should be fixed at whatever rate you opt-in at.

James Drummond: It will be.

Lee Curtis: But, I'm listening to you say, "I'm not sure about this or that."

James Drummond: Somebody said this to me the other day, if I gave you an option to buy gasoline for the next three years at \$4.50, would you do it?

Lee Curtis: Not at \$4.50.

James Drummond: Would you at \$4.00? It's sort of the same thing. Now, that also depends on what you negotiate with your supplier. Again, there are ways to do this and there are offers on our Apples to Apples right now. There is a percent off or cents off the price to compare.

Lee Curtis: So, you're saying what I would negotiate, so everybody has the same negotiable rights?

James Drummond: No, it would be under the confines of the city's program.

Councilman Jaehnig: The types of programs that could be reviewed in this process could be a single-fixed rate, it could be a percentage off of whatever the going rate is, or it could be a dollar amount or cents off of the going rate. So, there are different options that could be pursued, but it would have to be reviewed at the time as to which one would be the most appropriate for our community. There are kind of two questions. Do we want to look into aggregation and get prepared so we are allowed to do it by getting certified, and then when once we're certified, then we have to work out what is the best deal for our community. So, we've kind of got two different things that we need to do. One to be allowed to even do the other. We can talk about the rates and everything now, but until we're certified, it's kind of a mute point because we don't know what it's going to be when we get to the point of actually negotiating rates.

Unknown speaker: Correct me if I'm wrong, but once we get to the point, say we get certified and we go ahead and we negotiate something, there's got to be two public hearings once we get something ready to go after we're certified. So, there would still be at least two more public hearings after this.

President Kirchner: Many of the options that he has spoken of that you could change in the contract or allow to exist in the contract, have to do with the choices that the council would make on the type of contract they would pursue. They could pursue fixed rate only for a period of time – that period of time maximum would be three years for the opt-out or it could be less. The question of protection against the drop in electricity and the ability to lower that could be something that would enter into the negotiations. So, the reason he is covering all of those different possibilities is because there has been no concrete approach to aggregation considered by council. We are simply learning about the process at this point to see if we can provide protection, benefit and positive economic impact to the households here in the city.

James Drummond: I think that's a good point. As Scott and I traded some emails over the last couple of days in terms of what was the intent of the meeting, and you're early in the process. You don't even know if you're going to put this on the ballot. Again, to reiterate what I said earlier, to me there's nothing. It gives you the option. If there is opportunity out there. If you don't vote and approve going forward with an aggregation process, you can't do that. So, there are two steps. You have to pass an ordinance, you've got to get certified, then you can go out and solicit terms and offers and work with suppliers and see if there is a definite benefit. Maybe there is and maybe there isn't,

but until you go through the process of approving that the city of Wilmington wants to have an aggregation, you can't even...you can do it, but it doesn't mean anything. You would have to do it as an opt-in.

President Kirchner: To clarify that point, if an opt-out program was placed on the ballot and passed by the voters and the city council worked to negotiate a deal but could not find better deals than exist on the Apples to Apples comparison the citizens can get on their own, the city is not obligated to go forward with an aggregation contract or implementation. It simply would enable council to be able to use that bargaining power of the entire residential base and small business base below 700,000 kilowatts to see if we could negotiate a better situation for all involved. But, it does not obligate us to move forward. It simply enables us to, if there is value there.

Paul Hunter: I want to give you a real-life situation. I have been offered 7 cent per kilowatt area from various First Energy and others. I use Greenfield and Courthouse examples that I would be able to get it for 6.5 cents. They are both aggregated cities. So, that is available at this time. I'm not saying that's what will but, but at this time, there is a half-cent difference between individuals and aggregated offers.

Councilman Jaehnig: Well, the interesting thing that I found was as soon as we started talking about this publically, my mailbox got flooded with electric aggregation as individual offers. It was kind of amazing. I hadn't received maybe one or two in a year and I got four in less than week.

James Drummond: Some of that is I think activity is stepping up. We are aware of a couple of suppliers that are sending out pretty big mailings. It's hard to say what drives that.

Brad: My name is Brad. I live in Cincinnati and I have been a broker with several different suppliers. Just to kind of maybe put some things at rest with this, I think a lot of depends on your utility as well. I live in Duke territory. With Duke, you can still have the budget billing and it is for all of it. Another thing is, at the end of a contract, you don't necessarily go back to the utility. You either renew it for the same term or you go month to month at a potential variable rate. And all of the stuff is, like you said, in the terms and conditions, so you make sure everybody understands that. That's what I'm seeing in Cincinnati.

Unknown Speaker: Both of my parents are still alive and they're seniors. Fixed income is how they live. So, that's why, when you bring that up, it alarms them. They said, "What do you know about it." I said, "Well, I'm going to go tonight and I'll be able to tell you more." If you don't have that fixed income for your seniors, then things that look good are not necessarily always good. So, you're saying that you can negotiate that. Right?

James Drummond: Partly what the city would do is look at different suppliers and talk about, what can you do for us. What kind of offer. What kind of rate. What kind of term. You negotiate it so it can be looked at every year or whatever. That's part of the negotiation process between the city and the supplier. There's no definite answer in terms of what it might be. One of the things that I would strongly suggest everyone do. When I was in my other past life, I have actually given some presentations about understanding your bill. Do you really know how your bill is calculated? Do you know how much you use on an annual basis? Go to your utility's website. Most of them have pretty good primers on understanding your bill.

TRANSCRIPTION INTERRUPTED – END OF TAPE

James Drummond: We encourage competition.

Unknown Speaker: Does the PUCO know when other players will be getting into the game other than First Energy, AEP, DP&L, and Duke – the retail sources. Direct Energy, Dominion...

James Drummond: In terms of other certified suppliers.

Unknown Speaker: Yeah. In the DP&L territory. Because that's when we really saw the significant.

James Drummond: I'm going to clarify that with yes we do in that what my staff does is we have to review all the certification applications. Part of that indicates what territory they intend to be marketing. We don't necessarily track that. I was talking to Tom Harley earlier, I bet we process between about 70 applications, which is a pretty significant uptick in the last year or year and a half. So, there is a lot of activity.

Someone said that ones that are in the market all have a cancel fee, but larger ones, like Direct Energy and Dominion don't.

James Drummond said you need to look at three things on the contract: Price, how long it is and whether or not there is early termination fee. He said if you go down this path, look at your mail. He said that many people call because they say they never got the notice. It will usually say important information about your utility service on the envelope. If you don't want to belong, you've got to send back in the opt-out notice. That is your responsibility.

Unknown Speaker: ...said his meter went haywire and he was charged a lot on his DP&L bill. He said he called but because DP&L has a monopoly they made him pay.

[Discussion of meter ownership and responsibility]

James Drummond asked the gentleman for his name and said he would check into the issue.

Unknown Speaker: Will the notice come with the bill or will it be separate?

James Drummond: It would be separate.

Unknown Speaker: Will there be indication or notice in the newspaper to expect the notice and deadline dates?

James Drummond: That is not a requirement, but it may be something the city wishes to do.

President Kirchner: I would guarantee you that this council and administration would make every effort to broadcast it as loudly as we can through the News Journal and any other method on our website. We will try very hard to make sure that all individuals know if a program like that is moving forward. Again, to get the point, you would have to get to a point of approving legislation. We would have to hold multiple public hearings. There would be a number of opportunities for folks to know when that period was coming and we would work very hard to make sure it is as broadcast as it could be.

Terry Leach: One thing that I want to point out that addresses part of your question. It mentions here that you actually have two bites at the outcome. When the opt-out comes to your home, you have 21 days to either do nothing to become part of the program or to opt-out. If you do nothing within 21 days, the utility, in this case DP&L, are required to send to you a letter on a resend notification that says they have received information and if you want to switch to whoever the supplier might be...is that true...you have seven days to tell us that you didn't make the decision and you won't get switched. You have two opportunities before that switch takes place. If you miss both of those, then you're going to get switched. One other thing, DP&L territory is not set up to do budget billing on the generation side. I don't want anyone to think that maybe that could happen, because Tom can probably attest that people like him and us have been trying to make that happen for many years, as well as the commission. That will not happen in this particular program. Also, which council president pointed out, the city council's obligation to work with whomever they decide to work with to bring the best deal of the residents. I can tell you for sure, what you are doing here by making an aggregation is

your taking the load of all the participants and putting them into one group and what that does is entice the suppliers to give you a better deal than you are going to get individually switching. If you can't negotiate a better deal than the choice offer, there is definitely something wrong. That's the value of this. Although right now, you don't know what that's going to be. One last comment, everyone of those supply contracts is going to have an out-clause in it, because they're in business for money. If you negotiated a deal that was 10% off of the price to compare and for some reason Dayton Power & Light goes to the commission, the regulated side, and does a rate case. Let's use hypothetical numbers. If the price to compare is 20 cents. They go to the commission in two years and the price to compare goes down to 8 cents and your supplier, which was compared to 20 is giving it to you for 15, which would have been a great deal, then they are going to have an out in that contract saying I can't give you an automatic percentage off anymore because I can't do better than what the utility did. These are all things that you will learn through this process. The thing you really need to focus on first and foremost is do you want to have a program. All of these other details will fall in place.

Paul Hunter: The opt in period prior to the election, council decides we're going to do it and we're going to get it on the ballot – say they did it in June – the broker is going to offer an opt-in to cover the period from council's decision until the ballot issue takes place on the next calendar year.

President Kirchner: Paul, that would be a detail that would have to be determined later if council.

Paul Hunter: I just want to know if that is an option.

President Kirchner: It could be, but nothing is set in stone that that will be done.

James Drummond: You've got to watch your timing. Once again, an opt-in program is essentially to choice customers. They have a contract term in there too. So, in order for that to really work and you be eligible for the opt-out, is your contract would have to expire exactly at the point that the opt-out goes out. Otherwise...

Paul Hunter: That was mentioned that you can opt-in until... Is that no longer valid.

President Kirchner: That was a potential talked about by a specific broker. We have not investigated the details of any of those claims and have not determined any broker specifically to work with. So, what you heard is correct. It was talked about. It has not been pursued specifically with that broker and may not be available with all brokers.

Paul Hunter: That was my question. It is an option that can be obtained.

President Kirchner: We don't know.

Paul Hunter: Well, it's an option, obviously, because we received that option. Thank you.

Terry Leach: I actually would like to address that. Until you have a ballot issue, until you get certified, there is no such thing as a governmental aggregation in the City of Wilmington. So, nobody, and I don't know who's told anybody what here, but nobody can opt-in to an aggregation that does not exist. What you can do, and anybody can do even now or even after you have the aggregation program, is they can use the Ohio Choice program and they can choose to put themselves into anybody's offer anywhere. But, I'm going to sit here and tell you that you can't opt-in to an aggregation program prior to you having the ballot issue and having the certification and becoming aggregated. That's not possible.

President Kirchner: That is one of the reasons that I made it clear that we have not pursued or verified any of those options. Thank you, Terry.

Tom: To add on to that, I think on slide four you talked about opt-in aggregation. Could you address more of the option of opt-in aggregation.

James Drummond: Tom, I'll be honest with you, because I have so limited experience, I don't know a whole lot about it. I don't mean to cop-out, but I don't. I just don't have any experience.

Tom: Okay. But it is on slide four.

James Drummond: I got the information off of our website. But, I think to elaborate on what Terry says, I think maybe I misspoke, correct me if I'm wrong, but there is a way that a community can have what has been referred to as an endorsement program. You are saying supplier XYZ came to us and we think it's a good deal. We have a choice program, it's not an opt-in program.

Terry Leach: You're 100% correct, but it's not an aggregation. If this city council or the city of Wilmington wants to endorse a supplier and say "We love these guys. You should get in on their offer." Individuals will be getting into that offer as individuals and they are using the Ohio Choice Program. That is not an aggregation. The City actually does not even have the ability what that offer is going to be because you're not a governmental aggregator. You have to be a governmental aggregator before you can start negotiating supply prices on behalf of your constituents. Now, his slide four about opt-in. You can run an opt-in aggregation program and you can have an opt-out aggregation program. When you go to the ballot, you have to specify which program it is that you are wanting to do. That's the different. The slide is correct. You can have either a opt-in or and opt-out, but that has to be identified on the ballot issue. I'm going to tell you right now, my opinion is you don't want to do an opt-in program because that means that everyone is going to have to take their own initiative to get into the aggregation and that kind of defeats the purpose of what you're trying to do. You want to have an opt-out because that way people don't have to do anything to get into the program and they only have to do something if they don't want to be a part of it. You will also negotiate better deals with your suppliers if you do an opt-out program versus an opt-in program. Because quite frankly, I'm just using arbitrary numbers, an opt-in program will generally only generate probably less than 10%. People will take that affirmative action. Versus an opt-out program, the numbers will probably be somewhere around the 50-60 percent level at least. You can do it, just like that slide said, but I'm not aware of a single opt-in aggregation program in the state right now.

James Drummond: I'm not either.

President Kirchner: Do we have any other public input or questions or from council? One clarification that I would like to make about the opt-out period. During the opt-out period, there is no charge for any citizen to opt-out if that would be the type of aggregation that we would move forward with. There is no charge to opt-out during the opt-out period. So, residents would be able to choose whether they participate or not if the city moved forward with that without cost to themselves during that period of time. I wanted to make sure we talked a lot about cancellation fees and things of that nature. An aggregation program would have a period during which the citizens can choose without cost. Seeing no other input from the office or council, Mr. Drummond, I want to thank you for coming this evening from the PUCO. He brought hard copies of this presentation which are over on the table. A piece of information from the website, I would encourage all residents of Wilmington to educate themselves on aggregation and their options currently on the Apples to Apples to website. They can put PUCO into a search engine and will be directed to the PUCO website link. It is www.puco.ohio.gov. We encourage folks to find out more about it.

James Drummond: Just one final comment – become educated about this. If you want to go forward, look at your bill. What do you spend? What do you use? How is calculated? To me, you've got to become an educated consumer in order to make an educated decision.

President Kirchner: Thank you, Mr. Drummond. I appreciate you attending tonight.

President Kirchner asked Gary to turn off the projector.

President Kirchner asked everyone to put their cell phones on silent mode.

President Kirchner closed the public hearing on energy aggregation.

President Kirchner: As the end of my official portion of the agenda, I would offer that there are a couple of things that I would like to note. In my packet I received a couple of things. They mayor will cover those. The one thing I want to say is, thank God baseball is back. Go Reds. Mr. Mayor?

Mayor – Mayor Randy Riley: I want to thank all of these gentlemen for showing up today. Jim, Terry, Brad, Tom, everyone that came in to help. This is a very complex issue and I think one of the points that was made early on that can't be emphasized enough is that all of us, myself included, need to go home and get their bill and go online and find out what your bill means and how to read the bill. That's pretty complex. That knowledge will help make decisions later on as we get into the aggregation. A couple of issues that come in the past few weeks that bear mention or repeating. I publically want to congratulate Sgt. Ron Cravens and Lt. Ed Meyers for the recognition they received from the American Red Cross this past week for the Red Cross Emergency Services Heroes Award. Those gentlemen pretty much exemplify what we expect from our police officers and firefighters and they are a good example of a lot of good people that we have. But, thanks to Ron and Ed for all of the work that they have done. Also, a big thank you for American Legion Post 49, the Sons of American Legion Post Squadron and PESSO, the Emergency Room Physician's group for the donations they have made to our K-9 unit. I know it brought a big smile to Bill Russell's face and Hank wagged his tail. We certainly appreciate that. That was very generous of them, and we thank them for that. Also, I received in the mail today a letter from the Community Blood Center. They have recognized the City of Wilmington as a Gold Partner in their Lifesavers Ambassador Club. We hosted 12 blood drives last year and collected 678 units of blood. That's huge and that's due in large part to making the community room available and hosting them and doing everything we can. I'm very proud of that. That's good stuff. Also, I would like to give some kudos directly to Phil Floyd and our Wilmington Transit System. I received a letter this week from Sadie Hunter. Sadie is the Executive Director of People First of Ohio, it's a self advocacy organization ran by people with developmental disabilities. For the last several years, they have had their conference out at the Roberts Centre. She was so impressed with Wilmington Transit, WILTRAN, our cab company. The work that they have done to help these folks that are attending this convention, people with significant disabilities get to and from the convention site, the hotels and other venues, she said it would be almost impossible to do without the complete cooperation of Phil Floyd, the drivers and all of the folks from WILTRAN. We really do appreciate that and I want to acknowledge publically Phil and his staff for the great work that they have done. Also, Scott, has a flyer on this with a button. I don't know if you have all seen these buttons, but next Wednesday is "Wear Blue to Work Day." It is National Child Abuse Prevention Month and wearing blue to work helps bring awareness to the problem that we have not just in the community not just in Ohio but throughout the nation of child abuse. It is a horrible situation. We need not only to be aware of it, but we need as a community to support those people, particularly out at Job and Family Services to work with people who have been abused and adults who have possibly been abusers to help break this cycle of child abuse. So, next Wednesday, April 11, is the awareness day. I am encouraging everyone in the city to wear blue. Blue jeans, blue shirts, wear a blue hat, wear a blue scarf, blue suede shoes, whatever you want, but wear blue to work on the 11th to bring awareness to this situation. Also, it is kind of a way to thank all of the good folks out at Job & Family Services for the great job they do with child abuse and protecting our children. Lastly, on April 14, I believe this is a week from Saturday, they are having a fundraising event for Cpl. Josh Sams at the Roberts Centre. AS you know, Cpl. Sams was severely wounded in Afghanistan. He lost both legs and is still in the hospital. We as a community have wrapped our arms around him and his family and we want to continue to do so. There are several things going on to help raise money for Cpl. Sams. His rehabilitation is going to go well beyond what he is getting at the hospital in Washington. It's going to be a lifetime of change for him and his family. We want to support this young man and his family and attending the event, there are also yard sales and collection jars throughout the community. But, he is a local

hero, and we can't do enough to thank him for what he has done. That's my report.
Thank you.

President Kirchner: One other thing that I would add is that for all of our heroes, and I think we all owe them a debt of gratitude, but Operation Thank You is a program for thanking all of the local heroes across the country and veterans that have served and sacrificed defending freedom. I would like to encourage everyone in the community to come out and support our local hero and also consider supporting the Operation Thank You Program. Thank you, Mr. Mayor. We will start committee reports at this point.
Thank you. Asset Acquisition and Use?

Assets Acquisition and Use: Chairperson Bob Mead: No report, this evening, Mr. President.

Auditor – In the absence of Auditor David Hollingsworth, there was no report.

Finance Committee – Chairperson Bob Mead: Mr. President, we have four items this evening. The first item is three readings on an ordinance making supplemental appropriations.

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

Motion passed.

President of Council asked for discussion.

Director of Law read ordinance by title only.

A motion was made by Mead 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; Stuckert, yes; Wallace, yes; Mead, yes; Siebenaller, yes; McKay, yes.

Director of Law read the ordinance by title only.

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

Roll call: Wells, yes; Stuckert, yes; Wallace, yes; Mead, yes; Siebenaller yes; McKay, yes; Jaehnig, yes;

Motion passed.

President of Council declared Ord. No. 5018 passed as read.

Councilman Mead: The next item, Mr. President is very similar. In fact, it is the reverse appropriations. This is three readings on an ordinance making supplemental appropriations.

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

Motion passed

President of Council asked for discussion.

Director of Law read ordinance by title only.

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

Roll call: Stuckert, yes; Wallace, yes; Mead, yes; Siebenaller, yes; McKay, yes; Jaehnig, yes; Wells, yes;

Director of Law read the ordinance by title only.

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

Roll call: Wallace, yes; Mead, yes; Siebenaller yes; McKay, yes; Jaehnig, yes; Wells, yes; Stuckert, yes;

Motion passed.

President of Council declared Ord. No. 5019 passed as read.

Councilman Mead: The third item is three readings on an ordinance making miscellaneous transfers.

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

Motion passed

President of Council asked for discussion.

Director of Law read ordinance by title only.

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

Roll call: Mead, yes; Siebenaller, yes; McKay, yes; Jaehnig, yes; Wells, yes; Stuckert, yes; Wallace, yes.

Director of Law read the ordinance by title only.

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

Roll call: Siebenaller yes; McKay, yes; Jaehnig, yes; Wells, yes; Stuckert, yes; Wallace, yes; Mead, yes.

Motion passed.

President of Council declared Ord. No. 5020 passed as read.

Councilman Mead: The fourth item on the list this evening, is three readings on a resolution authorizing payment of the expenses incurred in a prior fiscal year.

A motion was made by Mead and seconded by McKay to give the first reading only on a resolution Authorizing Payment of Expenses Incurred in Prior Fiscal Year.

Motion passed

President of Council asked for discussion.

Director of Law read resolution by title only.

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

Roll call: McKay, yes; Jaehnig, yes; Wells, yes; Stuckert, yes; Wallace, yes; Mead, yes; Siebenaller, yes.

Director of Law read the resolution by title only.

A motion was made by Mead and seconded by Wallace to pass the resolution as read.

Roll call: Jaehnig, yes; Wells, yes; Stuckert, yes; Wallace, yes; Mead, yes; Siebenaller, yes; McKay, yes.

Motion passed.

President of Council declared Res. No. 2279 passed as read.

Councilman Mead: That is all the Finance Committee has this evening, Mr. President.

Water Committee – Chairperson Mike Wallace: Mr. President, we have nothing for this evening. We would like to request that we get a meeting set for next week some time. We need a committee meeting.

Streets Committee – Chairperson McKay: We have no report, Mr. President.

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

Wastewater/Sewer Committee: Chairperson Loren Stuckert: No report, Mr. President.

Judiciary Committee: Chairperson Rob Jaehnig: We have two items tonight, Mr. President. The first will be a second and third reading on a moratorium on any new businesses in regards to games of skill or adult gaming in the City of Wilmington. Again, this moratorium is being put into place while the council studies the situation to determine which direction the citizens would like to move – whether they would like to ban it, whether they would like to have it in a certain part of the city only, and how best to handle this as we move forward. As a reminder, next week on the 12th will be a public hearing to discuss some of these issues in regards to skilled gaming. So, while we are moving forward with the moratorium, this is not a statement in either direction, it just allows us the time before we get inundated with businesses in our community and gives us the time to actually thoroughly look through this and review this. Are there any questions in regards to this ordinance?

President Kirchner: Rob, I would offer that also it gives the state time to potentially complete state-wide legislation. That is one of the other purposes of the moratorium.

Councilman Jaehnig: Correct.

A motion was made by Jaehnig and seconded by Stuckert to suspend the rules and give the second and third reading on the ordinance Imposing a Moratorium for a Period of Six (6) Months (180 Days) on the Granting of any New Application or Permits Allowing the Operation of Any Adult Gaming Parlor, Internet Café, Sweepstakes Café, or any other Facility Containing Sweepstakes Terminal Devices, and Declaring an Emergency.

Roll call: Wells, yes; Stuckert, yes; Wallace, yes; Mead, yes; Siebenaller, yes; McKay, yes; Jaehnig, yes.

Director of Law read the ordinance by title only.

A motion was made by Jaehnig and seconded by Stuckert to pass the ordinance as read.

Roll call: Stuckert, yes; Wallace, yes; Mead, yes; Siebenaller yes; McKay, yes; Jaehnig, yes; Wells, yes.

Motion passed.

President of Council declared Ord. No. 5021 passed as read.

Councilman Jaehnig: The second item we have on the agenda tonight is the second reading rescinding and then replacing our off-street parking ordinance. Just for council's edification, we did have some grammatical corrections that needed to be made in the text. That is why you are seeing this as marked amended. You have the current corrected version in your packet.

A motion was made by Jaehnig and seconded by McKay to give the second reading only on the ordinance Rescinding Codified Ordinances §1165 and Adopting New Codified Ordinances in Chapter 1165 Regarding Off-Street Parking, As Amended.

Motion passed

Director of Law read ordinance by title only.

Jaehnig requested that the third reading be on the Agenda for the next meeting.

Councilman Jaehnig: One additional item, Mr. President. The Judiciary Committee is now starting work also on reviewing the city's comprehensive sign ordinances and where we will be going through that line by line, we have some ordinances that need to be updated. We have some ordinances that probably need to be eliminated and maybe even added, so we are going to be looking at that. The first item on our agenda will be yard arm signs, which will mainly affect the downtown Main Street. But, our interest is hearing from any business that has issues in regards to signage that they would like to bring to our attention so we can look at it as we start to address this. We do expect to be taking this one bite at a time and dealing with each individual issue as we work through it instead of trying to redo the entire ordinance all at once. So, you will see many changes coming, but it may take us six to eight months to get through the entire process. One of the items, though, after talking with the mayor, that we will not be changing, so I please ask the citizens now to respect this particular ordinance, signs are not allowed to be placed in the right-of-way. So, the tree lines, as an example, we see a lot of signage being placed in that area, whether they be political signs, whether they be signs for businesses. What we've really seen are a lot of signs from outside of our community promoting furniture stores in Mt. Orab and things of that nature. We will be beginning to enforce that, so signage in the right-of-way will be being picked up and removed and not returned. That's all I have. Thank you, Mr. President.

President Kirchner: Thank you, Rob. I do know the committee is tackling an awful lot with the code reviews there, and I appreciate all the work that you and the committee are doing, so thank you very much for the effort.

Safety Committee- Chairperson Don Wells: Mr. President, we have three items this evening accepting gifts, which the mayor spoke about earlier. We are very grateful to receive these gifts. The first item is three readings on a resolution accepting a gift from the American Legion for the K-9 unit in the amount of \$1500.00.

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

Motion passed

President of Council asked for discussion.

Director of Law read resolution by title only.

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

Roll call: Wallace, yes; Mead, yes; Siebenaller, yes; McKay, yes; Jaehnig, yes; Wells, yes; Stuckert, yes.

Director of Law read the resolution by title only.

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

Roll call: Mead, yes; Siebenaller, yes; McKay, yes; Jaehnig, yes; Wells, yes; Stuckert, yes; Wallace, yes.

Motion passed.

President of Council declared Res. No. 2280 passed as read.

Councilman Wells: The second item tonight is three readings on a resolution accepting a gift from the Sons of American Legion for the K-9 unit in the amount of \$500.

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

Motion passed

President of Council asked for discussion.

Director of Law read resolution by title only.

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

Roll call: Siebenaller, yes; McKay, yes; Jaehnig, yes; Wells, yes; Stuckert, yes; Wallace, yes; Mead, yes.

Director of Law read the resolution by title only.

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

Roll call: McKay, yes; Jaehnig, yes; Wells, yes; Stuckert, yes; Wallace, yes; Mead, yes; Siebenaller, yes.

Motion passed.

President of Council declared Res. No. 2281 passed as read.

Councilman Wells: The third item is three readings on a resolution accepting a gift from PESSO for the K-9 unit in the amount of \$250.

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

Motion passed

President of Council asked for discussion.

Director of Law read resolution by title only.

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

Roll call: Jaehnig, yes; Wells, yes; Stuckert, yes; Wallace, yes; Mead, yes; Siebenaller, yes; McKay, yes.

Director of Law read the resolution by title only.

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

Roll call: Wells, yes; Stuckert, yes; Wallace, yes; Mead, yes; Siebenaller, yes; McKay, yes; Jaehnig, yes.

Motion passed.

President of Council declared Res. No. 2282 passed as read.

Councilman Wells: That's all I have tonight, Mr. President.

Councilman Wallace: Mr. President.

President Kirchner: Councilman Wallace.

Councilman Wallace: Don, could you tell me what percentage of the expenses that are K-9 Unit has this would help cover.

Councilman Wells: I cannot tell you that.

Acting Chief Duane Weyand: This is the first year, so we are kind of in a start-up costs, so it probably is going to be around \$4000. One of the biggest expenses we have had as a

startup is that we had a K-9 program that ended in 2009 and the car that we had it in, we traded the stuff in. When we started it back up, we were able to get hodge-podge of pieces of equipment to put back into a car from other agencies. This money here will help fund a fan that will go back of the car that will draw air in that will cool the back of the car where the dog is at, because it is actually a metal container that's back there to protect him. We have training that we fund out of it. There is also some other equipment, like leads. The dog is a tracking dog, so you're going to have harnesses and leads and stuff of that nature. Then, there is a national certification that we have to do. I believe it's biannual, so this money will help to pay for that. We also just have the normal vet care and maintenance of the dog itself. The vet care will probably run about \$700 and then food just depends on...we've been pretty fortunate. We priced it at Buckley's, but we got the best price actually out of PetSmart. They were able to give us a much lower rate to buy food from then, so we were able to get food at a cheaper cost. The dog is a hundred pound lab, so it is a big dog. Also, as part of the vet care, because we do take the dogs into houses. We've done probably 10 drug search warrants over each year, it pays for heartworm all year, as well we do flea and tick all year because there are a lot of houses that we go in that have fleas throughout the winter, so we treat the dog. Heartworm and fleas are involved in the cost.

TRANSCRIPTION INTERRUPTED – END OF TAPE

Mayor Riley: ...Safety Director some years ago, we had Murdock, which wasn't a tracking a dog, but he was an attack dog and a drug dog. If I'm not mistaken, I think Murdock cost us \$8000 just for the purchase of the dog. Of course, he was trained before we got him, and then you've got these ongoing costs as Duane described. So, getting these donations from the community is a huge benefit in helping us to maintain these animals the way they need to be maintained. Honestly, I would like to have every office to have a dog. They are a huge benefit to the officer.

Acting Chief Weyand: One of the things, hopefully as time progresses, because we are in a startup situation, but as the dog generates forfeiture money and stuff like that, usually you are looking at a year down the road before you realize some of that gain. Hopefully, at some point, we will be able that money to be able to put back into the program. But, so far this year, we'll probably be in access of 30 arrests, just from the dog alone. Last week and he came in...we had someone who came up from Dayton who was stopped down by Buckley's – 10 grams of heroin – you know at one in the morning. I mean, if we hadn't had the dog, we never would have had that. So, there is constant volume to the arrests that it will generate. We're not just using it locally, the Highway Patrol is changing their methodology of what they are doing statewide. They are trying to move away from just forcing just straight speeding but branching out. We have been out on the interstate for a handful of times up there wanting the dog when he has been working. It's not just a win-win for Wilmington, but it's a win-win for the county as well.

Mayor Riley: It's a huge asset to the P.D. I also have to compliment Officer Russell. The dog becomes part of this family while he is there. And, if you didn't love the dog and care of the dog, it would be a pain. But, he really gets along well with the dog. He and the dog are partners. I have to hand it to Bill for all the work that he is doing in taking care of that dog. He is really going above and beyond for us.

Councilman Wallace: How long will he work before he goes into retirement.

Acting Chief Weyand: The difference between this dog and our last one is that the work life of this dog will probably be a little bit longer. It all depends on how, but you're probably looking at at least six years, maybe as much eight years.

Downtown Revitalization Committee - Convener Mark McKay: We don't have any legislation, but I would like to point out a couple of things that were in our packet. I'm not sure if they are available out in the community yet. There is a great little marketing piece for Saturday, May 5, in the downtown area. I'm not really sure how to explain what this is, but it is small town day-tripping. It's either for fun girlfriends or for fun, girlfriends, but grab your girlfriend and drive on over to downtown Wilmington. It starts

at 7 a.m. at South Street Coffee House. And there are many businesses now that are open in the downtown area on Saturday, which is a really big deal. And, then you end your evening with your girlfriends or your best girl at the Kiss Tribute Band, Mr. Steve, at the Murphy Theatre at 7:30.

President Kirchner: Can you distinguish that again? It was...

Councilman McKay: It's either for fun girlfriends or for fun, girlfriends.

Mayor Riley: It's the latter. It's for fun, girlfriends. I want to give my appreciation for the Main Street Wilmington for putting that together – Steve Brown and Christine Krisa – that's a neat thing for them to do.

Councilman McKay: It's a great marketing piece, and we will get it distributed. Also, not in the downtown, but the Tree Commission is having a Tree Walk on May 15. For those of you who enjoy that kind of stuff, it will be a great opportunity. It is going to be out on the college campus. As I said, on May 15, Rick Stanforth and Chris Hodgson will be doing that. That's another cool thing happening in our community also. The Wine Walk is sold out, and that is...I think it is next Friday.

[Banter about Wine Walk]

Councilman McKay: There are just a lot of very cool things. You saw the ribbon cutting that happened in our newest business – the Crave – over on Main Street last Saturday. We're getting there.

President Kirchner: It was very exciting too. I was finally able to attend one because it was on a Saturday. It's a great place and I encourage folks to get out to it. It's great to have a new business opening.

Mayor Riley: These are the types of things that make Wilmington a great community to live in. I appreciate everyone who puts these things together.

Service Director Reinsmith: Mark, a little side note on your Kiss band. They were recently in a worldwide competition. It was a couple of weeks ago – and they were voted the best tribute band in the world. So, they do a great show.

Councilman McKay: Let's sell some tickets.

Councilman McKay: That is all I have.

Parks and Recreation Committee - Convener Rob Jaehnig: I just wanted to let everybody know there will be a Parks Board meeting this next Monday at 6:00 p.m. Thank you, Mr. President.

Service Director- Service Director Larry Reinsmith: No report, Mr. President.

Safety Director – Safety Director Russ Burton: No report, Mr. President.

Reports:

A motion was made by Wells and seconded by Mead to approve the Income Tax Report – March 2012, as received.

Motion passed.

Reports accepted as received.

President Kirchner: At this point, I would like to open the meeting up to the general public and/or members of council to address council while in session.

Treasurer Paul Fear: I just wanted to make a comment about the Tax Report. We have mandatory filing. There will be an article in the newspaper coming out next week to remind the people that the 17th of the month is the day that it's due, because that's the

date that was moved back from the 15th. There will be an article in the newspaper for the mandatory filing of income taxes.

President Kirchner: I would offer one more encouragement for folks to plan on attending the benefit for Cpl. Josh Sams on the 14th out at Roberts Arena. I know one of the bands that will be playing out there this evening is Wreaking Havoc, with our own Chris Brannon who is excited to support the event. I encourage everybody who can to get out there.

[Discussion of locale of event]

Consensus among members that the Cpl. Sams event would be held at the Roberts Centre.

President Kirchner: The special meeting of council will occur next Thursday at 7 p.m. here in council chambers. The only topic that will be covered in that is the question of games of skill and the community's input to that issue. I do want to encourage folks to come out and let council know what their desires are with that issue.

President Kirchner again asked if anybody else from the public or the council wished to address council while in session.

Seeing no one else who wished to speak, President Kirchner asked for a motion to adjourn.

A motion was made by McKay and seconded by Jaehnig to adjourn.
Motion passed.
Council adjourned.

ATTEST:

President of Council

Clerk